

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Spartanburg County

R. Ferrell Cothran, Circuit Court Judge

ANDREW BRENT SCOTT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001569

APPENDIX

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2 COUNTY OF SPARTANBURG } COURT OF GENERAL SESSIONS
3
4 STATE OF SOUTH CAROLINA, }
5 PLAINTIFF, }
6 VS. }
7 ANDREW BRENT SCOTT, } 2010-GS-42-06835 - 6837
8 DEFENDANT. }

10
11 April 24th - 26th, 2012
12 Spartanburg, South Carolina
13

14 B E F O R E:

15 THE HONORABLE ROGER L. COUCH, Judge, and a jury.

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P R O C E E D I N G S

(WHEREUPON, the following takes place outside the presence of the entire jury panel.)

THE COURT: Mr. Ellis, you may call your case.

SOLICITOR ELLIS: Thank you, Your Honor.

Please the Court.

State calls Andrew Brent Scott. Indictment 2010-GS-42-6835. True billed indictment for assault and battery first degree.

Indictment 2010-GS-42-6836, a true billed indictment for kidnapping.

Indictment 2010-GS-42-6837, Count One of that indictment, true billed indictment, for armed robbery, and Count Two is possession of a weapon during commission of a violent crime.

THE COURT: Pass it up please.

Ms. Jones, I would assume your client has been arraigned on the charges, is that correct?

MS. JONES: Yes, sir. Well, hold one moment. Let me confer briefly with my client.

THE COURT: Sure.

(Pause.)

MS. JONES: Your Honor, I think the only one that actually requires arraignment would be the Count Two, which

1 on Indictment 10-6837, the weapons charges. Others were
2 indicted as they were charged on the warrant.

3 THE COURT: Okay. Has he been -- so, he's not been
4 arraigned on the weapons charge?

5 MS. JONES: Not since I represented him. I can't---

6 THE COURT: Okay. Let's just go ahead and take care of
7 that at this point in time.

8 Please swear the defendant for me.

9 (WHEREUPON, the Defendant was placed under oath at this
10 time.)

11 THE COURT: All right, sir. Your name is Andrew Brent
12 Scott, is that correct?

13 DEFENDANT: Yes, sir.

14 THE COURT: Mr. Scott, I have in front of me an
15 indictment. The indictment is in case 2010-GS-42-6837.
16 Count Two of that indictment is possession of a weapon
17 during the commission of a violent crime.

18 I'm going to go over the indictment with you, and then,
19 once I finish that, I will give you an opportunity to either
20 plead guilty or not guilty to the charge, and will be asking
21 you how you wish to be tried in this matter.

22 All right. Count Two is for possession of a weapon
23 during the commission of a violent crime. It states that
24 Andrew Brent Scott did, in Spartanburg County, on or about
25 September 28th of 2010, possess or visibly display a

1 firearm and/or visibly display a knife and/or visibly
2 display what appeared to be a firearm during the commission
3 of a violent crime, to wit, armed robbery, in violation of
4 Code Section 16-23-490 of the Code of Laws of South
5 Carolina, 1976 as amended, against the peace and dignity of
6 the State and contrary to the statute in such case made and
7 provided.

8 Now, Mr. Scott, did you understand the indictment that
9 I just read?

10 DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions about that
12 indictment?

13 DEFENDANT: No, sir.

14 THE COURT: All right. You have the right to plead
15 either guilt or not guilty to that charge.

16 How do you plead?

17 DEFENDANT: Not guilty.

18 THE COURT: And how do you wish to be tried, sir?

19 DEFENDANT: By God and my country, sir.

20 THE COURT: All right. Well, God grant you a speedy
21 delivery. We'll convene a jury trial on that charge.

22 Any matters that the State wants me to go over before
23 we begin jury selection?

24 SOLICITOR ELLIS: No, sir, Your Honor.

25 THE COURT: Any the defense wants to go over?

1 MS. JONES: Not prior to jury selection.

2 THE COURT: All right.

3 SOLICITOR ELLIS: Your Honor, I have reviewed the
4 defense's proposed questions for the jury. I have no
5 objection.

6 THE COURT: All right. And any -- I believe the State
7 has submitted voir dire.

8 Is there any objection to the State's voir dire?

9 MS. JONES: No, sir, Your Honor.

10 THE COURT: All right.

11 (Pause.)

12 THE COURT: All right. Let's bring the jury panel in
13 please.

14 By the way, before we do that, we are missing four
15 members of the panel.

16 Do you have the numbers, Charlena, of those that have
17 not appeared?

18 CLERK: No, I haven't been given that yet.

19 THE COURT: Did you get those jury, jurors numbers for
20 me so that the attorneys can be aware of which ones are not
21 in the panel.

22 Thank you.

23 MS. JONES: Your Honor, may I inquire, I was actually
24 in here yesterday when you began a discussion about Number
25 46, Mrs. Foster, who had a criminal history, but didn't,

1 might not have acknowledged it to Judge Hayes.

2 Is she now been excused?

3 THE COURT: She's not been excused. She was excused
4 from that trial because of her familiarity with people that
5 were involved in the case.

6 MS. JONES: Okay.

7 THE COURT: I don't know if -- Mr. Bulsa had asked that
8 I re-inquire of her concerning that. My position, at that
9 time, was that I would do so by the court reporter. The
10 lady is sworn on one occasion that that was not her and she
11 does not have a felony conviction.

12 MS. JONES: Yes, sir, I was present for that with Judge
13 Hayes.

14 THE COURT: But I will, I will inquire of her again
15 because the solicitor insists that she, in fact, does have
16 such a conviction.

17 Are you aware of that juror?

18 SOLICITOR ELLIS: I was unaware of the number, Your
19 Honor, but---

20 THE COURT: Number 46, Mrs. Foster, is her name.

21 SOLICITOR ELLIS: Yes, sir.

22 THE COURT: So, if she's not excused for other reasons,
23 I intend to call her forward and ask her that again. If
24 she -- I remind her that she's under oath, and if she,
25 again, informs me that that is not her, and she has no such

1 record, I will probably have to leave her on the panel, and,
2 of course, the State has the right to use a strike if they
3 like to for that person.

4 SOLICITOR ELLIS: Yes, sir.

5 MS. JONES: Thank you.

6 THE COURT: Do you have those numbers?

7 CLERK: Yes, sir.

8 THE COURT: I am informed that Number 10 has been
9 excused. 170, 90, and 174 are not present. Number 10 was
10 excused. She has a baby and lost her baby-sitter.

11 MS. JONES: And that was 170, 90, and 174?

12 THE COURT: Right.

13 MS. JONES: Okay. Thank you.

14 THE COURT: Number 10 was excused.

15 (WHEREUPON, the following takes place within the
16 presence of the jury.)

17 THE COURT: Good afternoon, ladies and gentlemen.

18 We're about to begin the trial of the State of South
19 Carolina versus Andrew Brent Scott.

20 As I did yesterday, before we go into my questioning in
21 this case, I'm going to go over with you the indictments
22 that have been presented to the Court in this case. Again,
23 the indictments inform this Court of the charges to be tried
24 and they inform the defendant of the charges that have been
25 lodged against the defendant.

1 The first indictment that I will go over with you is
2 Case Number 10-GS-42-6835. This indictment is for the
3 offense of assault and battery in the first degree.

4 The indictment states that Andrew Brent Scott did, in
5 Spartanburg County, on or about September 28th of 2010,
6 commit an act causing an unlawful injury to Bridgette
7 Jackson, and the act either, one, involved nonconsensual
8 touching of the private parts of an adult with a lewd and a
9 lascivious intent, or, two, occurred during the commission
10 of a robbery, burglary, kidnapping, or theft, or, three,
11 involves an offer or attempt to injure another person with
12 the presentability to do so and the act is accomplished by
13 means likely to produce death or great bodily injury or
14 occurred during the commission of a robbery, burglary,
15 kidnapping, or theft. All in violation of Section 16-3-600
16 of the Code of Laws of South Carolina, 1976 as amended,
17 against the peace and dignity of the State and contrary to
18 the statute in such case made and provided.

19 The next indictment is in Case Number 2010-GS-42-6836.
20 This indictment is for the offense of kidnapping.

21 The indictment states that the defendant, Andrew Brent
22 Scott, did, in Spartanburg County, on or about
23 September 28th of 2010, unlawfully seize, confine,
24 inveigle, decoy, kidnap, abduct, or carry away the victim,
25 Bridgette Jackson, without authority of law all in violation

1 of Code Section 16-3-910 of the Code of Laws of South
2 Carolina, 1976 as amended, against the peace and dignity of
3 the State and contrary to the statute in such case made and
4 provided.

5 The final indictment in this case is Case Number
6 2010-GS-42-6837. This indictment has two counts or two
7 charges within the same indictment.

8 Count One is for the offense of armed robbery. The
9 indictment states that Andrew Brent Scott did, in
10 Spartanburg County, on or about September 28th, 2010,
11 while armed with one or more deadly weapons, to wit, a knife
12 and/or a firearm, feloniously take property and/or currency
13 from the person or presence of Bridgette Jackson, to wit,
14 U.S. Currency from the Money Tree, by means of force
15 violence and/or intimidation with the intent to deprive the
16 owner permanently of such property in violation of Code
17 Section 16-11-330 of the Code of Laws of South Carolina,
18 1976 as amended.

19 The second count of this indictment is for the
20 possession of a weapon during the commission of a violent
21 crime. This portion of the indictment states that Andrew
22 Brent Scott did, in Spartanburg County, on or about
23 September 28th of 2010, possess or visibly display a
24 firearm and/or visibly display a knife and/or visibly
25 displayed what appeared to be a firearm during the

1 commission of a violent crime, to wit, armed robbery, in
2 violation of Code Section 16-23-490 of the Code of Laws of
3 South Carolina, 1976 as amended, against the peace and
4 dignity of the State and contrary to the statute in such
5 case made and provided.

6 Those are the indictments that are before the Court in
7 this case. I've gone over with the, gone over them with you
8 for the purpose of giving you some information from which
9 you might more fully answer the questions that I'm about to
10 ask.

11 Before I begin to ask the questions, I'm going to ask
12 that the attorneys that are involved in this case introduce
13 themselves.

14 In the case of the State, I would ask that they also
15 introduce the alleged victim.

16 In the case of the defense, I'd ask that that attorney
17 introduce the defendant.

18 First of all, for the State.

19 SOLICITOR ELLIS: Thank you, Your Honor.

20 Please the Court?

21 THE COURT: Yes, sir.

22 SOLICITOR ELLIS: Good afternoon.

23 My name is Zach Ellis. I represent the people of the
24 State of South Carolina. With me today is Ms. Bridgette
25 Jackson.

1 Please stand up and face the jury.

2 (Ms. Jackson complies.)

3 THE COURT: Thank you, ma'am. You can be seated.

4 (Ms. Jackson complies.)

5 THE COURT: Yes, for the defense.

6 MS. JONES: Thank you, Your Honor.

7 My name is Beverly Jones. I'm a public defender with
8 Spartanburg County, and this is my client, Andrew Brent
9 Scott.

10 (Defendant stands.)

11 THE COURT: Thank you. You can be seated.

12 Now, ladies and gentlemen, as always it's important
13 that the information that you're about to give me is
14 truthful, honest, and complete information. For that reason
15 it's necessary that you must be sworn concerning the
16 truthfulness of the statements that you're about to make.

17 Madam Clerk, please swear the prospective jury panel.

18 (WHEREUPON, the jury panel was placed under oath at
19 this time.)

20 THE COURT: Now, if any member of this jury panel
21 either failed or refused to take the oath that was just
22 administered by the clerk, I'd ask that you now please
23 stand.

24 (No response.)

25 THE COURT: All right. The record of the Court will

1 reveal then that all jurors have been sworn for purposes of
2 my questioning this afternoon.

3 My first question, has any member of this jury panel
4 ever been related by marriage or are you related by blood or
5 have you had a close personal or social relationship with
6 either the defendant, Andrew Brent Scott, or the alleged
7 victim, Bridgette Jackson, if that's true, please stand.

8 (Juror responds.)

9 THE COURT: Yes, ma'am, your name and number please.

10 THE JUROR: Barbara Jones, Juror Number 78.

11 THE COURT: Yes, sir.

12 THE JUROR: I know Bridgette and her family very well.

13 THE COURT: And when you say very well, are they social
14 acquaintances of yours?

15 THE JUROR: Just friends.

16 THE COURT: Just friends.

17 So, you know them from the community in some fashion?

18 THE JUROR: Yes.

19 THE COURT: Now, ma'am, is that relationship so close
20 that if you were selected to serve on the jury that somehow
21 it would affect your ability to be fair and impartial in
22 this case?

23 THE JUROR: I would say yes.

24 THE COURT: All right, ma'am. Then I'm gonna excuse
25 you from the trial of the matter. You can remain seated.

1 You no longer have to answer my questions.

2 Anyone else?

3 (No response.)

4 THE COURT: Now, my next question, I don't think I'd
5 quite gotten there, but does anyone else have a close
6 personal or a social relationship with either the defendant
7 or the alleged victim, if that's true, please stand.

8 (No response.)

9 THE COURT: Now, as to the attorneys that are involved
10 in this case, has any member of the jury panel ever been
11 represented by either of the attorneys involved in this case
12 or by members of the Seventh Solicitor's Office or the
13 Spartanburg County Public Defender's Office or the
14 Seventh Circuit Solicitors, Public Defender's Office, have
15 you ever been represented by anyone in those offices or have
16 they ever appeared on the other side of a legal matter from
17 you, if that's true, please stand.

18 (No response.)

19 THE COURT: Has any member of the jury panel ever been
20 related either by blood or marriage or have you had a close
21 personal or a social relationship with either of the
22 attorneys involved in this case or any attorney who works in
23 either office, that is the Solicitor's Office or the Public
24 Defender's Office, if that's true, please stand.

25 (Juror responds.)

1 THE COURT: Yes, ma'am, name and number.

2 THE JUROR: Saralynn Postma, Number 128.

3 THE COURT: Yes, ma'am.

4 THE JUROR: I'm friends of Zach Ellis' parents.

5 THE COURT: All right. Would that relationship be so
6 close that it would affect your ability to be fair and
7 impartial in the case?

8 THE JUROR: I don't think so.

9 THE COURT: Well, I have to know for sure.

10 THE JUROR: Oh no.

11 THE COURT: Would it affect---

12 THE JUROR: I could -- I can---

13 THE COURT: ---your impartiality?

14 THE JUROR: I can---

15 THE COURT: You can be impartial?

16 THE JUROR: I can.

17 THE COURT: Thank you, ma'am. You can be seated.
18 Anyone else?

19 (No response.)

20 THE COURT: I'm going to go over a list of individuals
21 that have been identified to me as witnesses in this matter.
22 If they are present in the courtroom, I would ask that they
23 stand and face the jury panel so that we can place a name
24 with, I mean a face with the names that I've called.

25 First of all, I've already called the alleged victim's

1 name, Bridgette Jackson.

2 Next is Trace Johnson from Spartanburg.

3 Tony Crawford from Chesnee.

4 Verdia, it's V-E-R-D-I-A, May Copeland from Chesnee.

5 (Witness stands.)

6 THE COURT: Ma'am, if you'll face the jury panel for
7 me.

8 (Witness complies.)

9 THE COURT: Thank you.

10 Ian Stowell, S-T-O-W-E-L-L, from Chesnee, South
11 Carolina.

12 Sergeant Kip Teal with the Chesnee Police Department.

13 (Witness stands.)

14 THE COURT: Thank you, sir.

15 Sergeant Jeffrey DeYoung with the Chesnee Police
16 Department.

17 Officer Stephanie Lovell with the Chesnee Police
18 Department.

19 (Witness stands.)

20 THE COURT: Thank you.

21 Officer Paul Scott Smith with the Camden Police
22 Department.

23 Deputy Lathier Graham with the Spartanburg County
24 Sheriff's Office.

25 Deputy Ted Saar with the Spartanburg County Sheriff's

1 Office.

2 Deputy Brandon Howard with the Spartanburg County
3 Sheriff's Office.

4 Deputy Anita Mullinax with the Spartanburg County
5 Sheriff's Office.

6 Deputy, Deputy Deanna Burgess with the Spartanburg
7 County Sheriff's Office.

8 Crystal Thompson with the Spartanburg County Detention
9 Center.

10 Selena Kinard with the South Carolina Law Enforcement
11 Division.

12 Jan Bryson with the South Carolina Law Enforcement
13 Division.

14 MaryAnn Boehm, B-O-E-H-M, with the South Carolina Law
15 Enforcement Division.

16 Tammy Landrie of Spartanburg, South Carolina.

17 Now, as to the individuals that I've identified as
18 potential witnesses in this case, is there any member of the
19 jury panel whose ever been related by blood, I mean marriage
20 or have you ever, are you related by blood or have you had a
21 close personal or a social relationship with any of the
22 individuals that I've named as potential witnesses, if
23 that's true, please stand.

24 (Juror responds.)

25 THE COURT: Yes, sir, name and number.

1 THE JUROR: Michael Stevens, 158.

2 THE COURT: Yes, sir.

3 THE JUROR: Ian Stowell, as you mentioned, I know him.
4 I'm from Chesnee, but I just know him, you know.

5 THE COURT: Okay. So, if he were to testify in a case
6 and you were on the jury, would that affect your ability to
7 be fair and impartial?

8 THE JUROR: No, sir, I don't think so.

9 THE COURT: All right.

10 THE JUROR: No, sir.

11 THE COURT: All right. Thank you, sir. You can be
12 seated.

13 Anyone else?

14 (No response.)

15 THE COURT: Has any member of the jury panel or a
16 member of your immediate family ever been investigated
17 either by a state or federal law enforcement agency, if
18 that's true, please stand.

19 (No response.)

20 THE COURT: Does anyone on the jury panel have a bias
21 either for or against law enforcement officers, if that's
22 true, please stand.

23 (No response.)

24 THE COURT: Has any member of the jury panel ever been
25 prosecuted by the Seventh Circuit Solicitor's Office for any

1 offense, if that's true, please stand.

2 (No response.)

3 THE COURT: Is there any member of the jury panel who
4 could not follow or would not follow the laws of the State
5 of South Carolina or of the United States concerning their
6 jury service, if that's true, please stand.

7 (No response.)

8 THE COURT: Has any member of the jury panel been a
9 supporter, either politically or financially, of the
10 solicitor, Mr. Barry Barnette, if that's true, please stand.

11 (No response.)

12 THE COURT: Is there any member of the jury panel who
13 is either related by blood or marriage or do you have a
14 close social or personal, personal relationship with any
15 Court officials involved in this trial, if that's true,
16 please stand.

17 (No response.)

18 THE COURT: Has any member of the jury panel or a
19 member of your immediate family ever been the victim of a
20 violent crime, if that's true, please stand.

21 (No response.)

22 THE COURT: Has any member of the jury panel ever
23 served as a jury member in a criminal trial before, I will
24 say before this week, let's put it that way, if that's true,
25 please stand.

1 (Juror responds.)
2 THE COURT: Yes, ma'am, name and number.
3 THE JUROR: Leslie Algood, Number 8.
4 THE COURT: Yes, ma'am, you were in a jury before?
5 THE JUROR: Yes, in Los Angeles.
6 THE COURT: Los Angeles, California.
7 All right.
8 THE JUROR: About 20 years ago.
9 THE COURT: That's been sometime ago I would think?
10 THE JUROR: Yes.
11 THE COURT: Now, ma'am, would that affect your ability
12 to be fair and impartial in this case?
13 THE JUROR: No.
14 THE COURT: Okay. Thank you, ma'am.
15 Anyone else?
16 (No response.)
17 THE COURT: Does any member of the jury panel have
18 anything about previous experiences which would cause you to
19 feel some allegiance in favor of or against either the
20 prosecution or the defense in this case, if that's true,
21 please stand.
22 (No response.)
23 THE COURT: Has any member of this jury panel gathered
24 any information concerning the events that are alleged in
25 these indictments such that it would cause you to express or

1 form an opinion concerning those matters, if that's true,
2 please stand.

3 (No response.)

4 THE COURT: Is there any member of the jury panel who
5 is a member of or a contributor to any group which has as
6 its primary concern the promotion of law enforcement or
7 victim's rights?

8 These groups would include, but not be limited to, such
9 groups as Mothers Against Drunk Driving, Students Against
10 Drunk Driving, Citizens Against Violent Crime, the South
11 Carolina Troopers Association, or the South Carolina
12 Sheriff's Association.

13 If that's true, please stand.

14 (Juror responds.)

15 THE COURT: Name and number please, sir.

16 THE JUROR: Phil Radford, 130. I donate---

17 THE COURT: And -- go ahead.

18 THE JUROR: I donate to the State Trooper Association.

19 THE COURT: All right. Would that affect your
20 impartiality in this trial, sir?

21 THE JUROR: No, sir.

22 THE COURT: Thank you. You can be seated.

23 Anyone else?

24 (No response.)

25 THE COURT: Is there any member of this jury panel who

1 may have served as a member of the Spartanburg County Grand
2 Jury that may have issued the indictments in this case.

3 The indictments were issued on November the 24th of
4 2010.

5 If that's true, please stand.

6 (No response.)

7 THE COURT: Does any member of the jury panel know of
8 any reason whatsoever why he or she should not serve as a
9 juror in this case with particular emphasis being placed
10 upon your ability to be both fair and impartial to both the
11 State and the defense, if that's true, please stand.

12 (No response.)

13 THE COURT: I want to ask Juror Number 46, Mrs. Foster,
14 would you stand please?

15 (Juror complies.)

16 THE COURT: If you'll come and meet me at the court
17 reporter.

18 (WHEREUPON, the following takes place outside the
19 hearing of the remaining jurors.)

20 THE COURT: Mrs. Foster, the State has been asking
21 about a prior conviction which you might have.

22 THE JUROR: I don't have a prior conviction.

23 THE COURT: So, you've never been convicted---

24 THE JUROR: No, sir.

25 THE COURT: ---of any courtroom -- I remind you you're

1 under oath at this time.

2 THE JUROR: I know that.

3 THE COURT: Well, you've never been convicted---

4 THE JUROR: No, sir, I have not.

5 THE COURT: ---of any crime?

6 THE JUROR: No.

7 THE COURT: Okay. Thank you.

8 MS. JONES: Did Your Honor inquire about law
9 enforcement connection yet?

10 THE COURT: I will.

11 (WHEREUPON, the following takes place within the
12 hearing of all jurors.)

13 THE COURT: Has any member of the jury panel or a
14 member of your immediate family or a close personal friend
15 of yours ever been involved in law enforcement or worked for
16 or served in a law enforcement agency of any kind, please
17 stand.

18 (Jurors respond.)

19 THE COURT: Name and number please, ma'am.

20 THE JUROR: Cynthia Friarson, 48.

21 THE COURT: Yes, ma'am.

22 THE JUROR: My husband works for the South Carolina
23 Department of Corrections.

24 THE COURT: All right. Would that affect your ability
25 to be fair and impartial in this matter, ma'am?

1 THE JUROR: No.

2 THE COURT: Thank you.

3 Name and number please, ma'am.

4 THE JUROR: Dia Simmons, 151. I was a former detention
5 officer here in Spartanburg, and I'm also a major with
6 master arms with the military.

7 THE COURT: All right. Would that affect your
8 impartiality in this matter, ma'am?

9 THE JUROR: No, sir.

10 THE COURT: Thank you.

11 Yes, ma'am.

12 THE JUROR: Linda Stevens, 157. I had a cousin that
13 was in law enforcement, but I learned yesterday he's longer
14 in law enforcement.

15 THE COURT: All right. Would that affect your
16 impartiality in this case?

17 THE JUROR: No, sir.

18 THE COURT: Thank you.

19 Anyone else?

20 (No response.)

21 THE COURT: Any additional questions from the State at
22 this time?

23 SOLICITOR ELLIS: No, sir, Your Honor.

24 THE COURT: Any from the defense?

25 MS. JONES: No, sir, Your Honor.

1 THE COURT: All right. Then I'll declare that the
2 remaining members of the jury panel are qualified to serve
3 in this case.

4 As we did yesterday, I'll have the clerk prepare a list
5 of potential jurors. We have a random computer program that
6 randomizes your names and picks them out.

7 We'll call the names in the order in which they appear
8 on that list. When your name is called, be sure to pick up
9 any personal belongings that you have. You'll be coming
10 forward where the bailiff is standing, turn and face the
11 rear doors of the courtroom, and at that point in time the
12 attorneys will be in a position to exercise their strikes.

13 In this case, the strikes will be five and ten. The --
14 we'll pick one alternate. The strikes will be one and two.

15 All right. Madam Clerk, you can begin the jury
16 selection process.

17 CLERK: Yes, sir.

18 (WHEREUPON, a jury panel was selected at this time.)

19 THE COURT: We're now selecting the alternate.

20 (WHEREUPON, an alternate juror was selected at this
21 time.)

22 THE COURT: Are there any objections to the jury
23 selection process from the State?

24 SOLICITOR ELLIS: Not from the State, Your Honor.

25 THE COURT: Any from the defense?

1 MS. JONES: None from the defense.

2 (Pause.)

3 THE COURT: Ladies and gentlemen, you've been selected
4 as jurors in this case, and I'm going to ask that you step
5 back to the jury room for just a few minutes. There's some
6 matters I do have to take up with the attorneys before we
7 actually begin the trial.

8 I will caution you, before you leave the courtroom, and
9 you'll get tired of hearing me say this as the trial goes
10 along, you've been selected as fair and open minded jurors
11 that do not have an opinion concerning this case. I'm going
12 to ask you, every time you leave the courtroom, not to
13 discuss anything about this case even among yourselves, and
14 I'll ask you not to begin any discussions about it until
15 such time as you've heard all the arguments that, that the
16 counsel are gonna make and all the evidence that's presented
17 from the witnesses and I've charged you concerning the law.
18 Only then would I ask you to begin to discuss this matter
19 because only then will you have the information that you'll
20 need in order to begin an intelligent discussion.

21 So, again, don't discuss even what the charges are
22 about or the people that might be involved or anything of
23 that nature. Just talk about the weather and how cold it
24 got last night or your favorite ball team or whatever else
25 you'd like to talk about. But don't talk about this, this

1 case until I've asked you to do so, and I will remind you of
2 that every time you leave the courtroom. I want you to keep
3 that open mind until you have all the information that you
4 need to make a proper decision in this case.

5 The bailiffs will show you back to the jury room. We
6 should be in a position to start shortly.

7 Thank you very much.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. Anything from the State before
11 we begin the trial?

12 SOLICITOR ELLIS: Your Honor, the State will bring to
13 the Court's attention, I filed a motion October 10th,
14 2011. I will present it to the Court. It's been provided
15 to Ms. Jones and also to the defendant. Just to exclude any
16 reference of third party guilt by the defendant, of course,
17 unless, of course, applicable standards.

18 Would you like me to pass up a copy of it?

19 THE COURT: Please do.

20 Ms. Jones, any, any response or comment to the motion?

21 MS. JONES: Your Honor, it was not my intention to
22 proceed in my defense in a way that would be volitive of
23 that---

24 THE COURT: All right.

25 MS. JONES: ---issue.

1 THE COURT: Well, I'll ask that the State be mindful of
2 the fact that the motion is pending and continues throughout
3 the trial. If you feel that the defense is, is moving into
4 those types of areas, then the Court will make the proper
5 inquiry to see if they have sufficient proof to do so.

6 SOLICITOR ELLIS: Thank you, Your Honor.

7 THE COURT: Now, does the defense wish to take up
8 anything with the Court before we swear the jury?

9 MS. JONES: Yes, sir, Your Honor.

10 We had a brief discussion with Your Honor in chambers
11 where we touched on the issue of there is some discovery,
12 specifically I'm referring to criminal histories of
13 potential witnesses. I've not been provided those. Also,
14 in this particular case, as the facts will develop, it will
15 become known that Mr. Scott was a former employee of the
16 business he is now accused of robbing and---

17 THE COURT: That being the Money Tree I believe is what
18 it's called.

19 MS. JONES: Yes, sir.

20 THE COURT: Yes, ma'am.

21 MS. JONES: And Mr. Ellis and I had several discussions
22 about this attempt to sanitize that situation so as to
23 eliminating prejudice and also eliminate any inadvertent or
24 resulting discussion of potential other bad acts.

25 As Your Honor is now aware from our chambers

1 conference, I'll just put on the record, that Mr. Scott was
2 terminated 18 days prior to the, the event alleged in the
3 allegation, in the indictment. Excuse me, Your Honor. And
4 there were various reasons given for that. At least one of
5 which involved a sexual advance or an improper advance made
6 to a minor who at least called, if not filed a report with
7 the Chesnee Police Department about it, alleging a, an
8 inappropriate sexual comment or suggestion, and, Your Honor,
9 it would be our belief that that probably rises to
10 inadmissible evidence of other acts that, that is not
11 probative in anyway and extremely prejudicial to Mr. Scott.

12 The State has agreed not to go into the specifics and
13 merely, as I stated, and sanitize the issue and instruct the
14 witnesses to refer to him as having been fired or terminated
15 and just leave it at that.

16 THE COURT: Well, my understanding, Mr. Ellis, that's
17 the state's contention, is that correct?

18 SOLICITOR ELLIS: Yes, sir, it is.

19 THE COURT: I would agree with the defense's position
20 that to bring in any of the reasons for that termination
21 would run the risk of becoming Lyle evidence or evidence of
22 prior bad acts, and obviously those would need to be
23 discussed with the Court before you try to present them
24 before a jury.

25 So, I'll take you at your representation, Mr. Ellis.

1 The State will not go there.

2 Of course, the defense reserves the right to object at
3 any time during the trial to, should that come in.

4 Anything else?

5 MS. JONES: Your Honor, there was also a lineup
6 presented and a lineup procedure undertaken by one of the
7 Chesnee Police Department members with the alleged victim,
8 Ms. Bridgette Jackson. I think it's appropriate, whenever
9 Your Honor deems it, the time appropriate, I think we need
10 to have an inquiry in camera with regard to the, the
11 reliability and---

12 THE COURT: All right.

13 MS. JONES: ---suggestiveness of that procedure.

14 THE COURT: You intend to present her early in the case
15 or when do you intend to present that witness?

16 SOLICITOR ELLIS: Yes, sir, I intended to present her
17 most likely first in the case, and then the officer who
18 presented the lineup also.

19 THE COURT: Well, why don't we go through the lineup
20 issue at this point in time. Then that way we will get that
21 out of the way.

22 SOLICITOR ELLIS: Yes, sir.

23 But prior to that would you like me to show the rap
24 sheets to Ms. Jones?

25 THE COURT: Yes, please do.

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 That's of the witnesses?

2 SOLICITOR ELLIS: Yes, sir, that's correct.

3 THE COURT: All right.

4 MS. JONES: Your Honor, Mr. Ellis indicates he will
5 give me an actual copy of it myself. Neither of these
6 witnesses will be called today. So, we can accomplish that
7 in the morning.

8 THE COURT: All right. If you have any problem in that
9 regard if you'll let me know in the morning.

10 MS. JONES: Thank you.

11 THE COURT: Yes, ma'am.

12 SOLICITOR ELLIS: I believe we're prepared for the
13 testimony.

14 THE COURT: You want to call, call her.

15 Ms. Jackson, if you'll come up please, ma'am.

16 Ms. Jackson, come forward please. If you'll come over
17 to my left and we'll swear you.

18 BRIDGETTE JACKSON, being first duly
19 sworn, testified as follows:

20 THE COURT: Have a seat please, ma'am. And once you're
21 seated, I'll ask that you state your name please.

22 WITNESS: Bridgette Jackson.

23 THE COURT: Thank you.

24 Mr. Ellis, your witness.

25 SOLICITOR ELLIS: Thank you, Your Honor.

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1 DIRECT EXAMINATION

2 BY SOLICITOR ELLIS:

3 Q Good afternoon, Ms. Jackson.

4 Where were you employed in September of 2010?

5 A Money Tree.

6 Q And, and what Money Tree?

7 They're several stores for Money Tree, correct?

8 A Uh-huh. (Affirmative).

9 Q Which one did you work at?

10 A Money Tree in Chesnee.

11 Q Is that located on South Alabama Street in downtown
12 Chesnee?

13 A Yes.

14 Q Okay. That's in the city limits of Chesnee, correct?

15 A Yes.

16 Q Okay. Were you working on September 28th, 2010?

17 A Yes.

18 Q And what shift did you work?

19 A Second.

20 Q What are the hours of second shift of that store?

21 A 2:00 to 7:00 if I'm correct.

22 Q All right. So, you came on at around two o'clock and
23 stayed until 7:00.

24 Is that when it closed?

25 A Yes.

Bridgette Jackson - Direct examination
By Solicitor Ellis

- 1 Q Was anyone else working with you during those hours?
- 2 A No.
- 3 Q So, you were in the store alone during that time?
- 4 A Yes.
- 5 Q At some point in your closing did someone come into the
- 6 store?
- 7 A Yes.
- 8 Q And did you first see that person when they came in the
- 9 store or did you see them prior to coming into the store?
- 10 A I seen them prior to coming into the store.
- 11 Q Now, if you would, please just describe what you
- 12 noticed about them first.
- 13 A The man that came into the store, I first noticed him
- 14 when I was taking the trash out from the day on a patio. He
- 15 was -- it's a road that comes behind Money Tree. He was on
- 16 a bicycle. I was on the phone with my mother at the time.
- 17 Beside Money Tree, if, the way I was standing to the right
- 18 there was a bank drive through and teller machine and I was
- 19 kind of laughing cause he looked like he could barely make
- 20 it up the hill. Then the gentleman came to the front of the
- 21 store and came in.
- 22 Q Do you recall what he was wearing?
- 23 A All black.
- 24 Q Okay. When you say all black, black shirt and what
- 25 else?

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By Solicitor Ellis

- 1 A Black shirt, black pants, and a black hat.
2 Q Any glasses or anything?
3 A Sunglasses.
4 Q Were they black also?
5 A Yes.
6 Q Where did he leave his bike?
7 Did you notice?
8 A He left his bike in front of the store.
9 Q Okay. And then you said he came in?
10 A He came in.
11 Q Was there anyone, anyone else in the store when he came
12 in other than you?
13 A No.
14 Q And what were you doing at that time?
15 A At that time I was counting lottery tickets.
16 Q Do you recall roughly what time of day that was?
17 A It probably was about 6:00, between 6:00, 15 to 7:00,
18 6:45 till 6:50. Somewhere along in there.
19 Q Right around ten or quarter till 7:00PM?
20 A Yes.
21 Q Okay. And when he came in, what did he -- what did you
22 notice him do first?
23 A When he first came in, he went towards the lottery
24 stand where you fill out for the, the Mega Million, that
25 Lottery stand, not the particular scratch-offs. He headed

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 towards that direction.

2 Q okay. Let me backtrack for one moment.

3 In the Money Tree in Chesnee where you worked, is it,
4 is it correct there's basically a wall that separates the
5 employee area from the customer lobby, is that correct?

6 A Yes, and it's protected by bulletproof glass.

7 Q okay. So, there -- is it a large window, small window?

8 Tell me about the window.

9 A The window is fairly large. You have two cash
10 registers there. It covers -- well, in the wall, it covers
11 at least half.

12 Q okay. Runs about half the length of the wall?

13 A Yes.

14 Q And is there also a door that, that separates the two
15 areas, the lobby and the customer, and the employee area
16 rather?

17 A Yes, in-between that big window and the door there is a
18 display window.

19 Q okay. And can you see through that also?

20 A Yes.

21 Q Now -- so, he came -- the customer first came to the
22 lottery stand, is that right?

23 A Yes.

24 Q And where were you at that time?

25 A I was standing at -- well, at the cash register near

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By Solicitor Ellis

1 the lottery tickets, the scratch-offs.

2 Q And is that basically behind the large window you
3 described?

4 A Yes.

5 Q So, you could see at that point, is that correct?

6 A When he first walked into the store he walked to the
7 lottery stand, and I didn't see him anymore. That's what
8 made me look for him cause I didn't know if he was gonna buy
9 lottery tickets.

10 Q Just, just to be clear, you did see him come into the
11 store, correct?

12 A Yes, I seen him come in the store.

13 Q Okay. And then -- when he approached the lottery
14 stand, then you lost track of him?

15 A I lost track of him.

16 Q Okay. What did you do after you lost sight of him?

17 A After I lost sight of him I began to move to my right
18 towards the display window to see if he was still at the
19 lottery stand. Through the display window you can see who's
20 at the lottery stand. I noticed that he wasn't nowhere
21 along the display window or at the lottery stand.

22 Q And then what happened next?

23 A After that I was looking for him and I was slowly
24 walking to my right towards the door. As I approached the
25 door I seen the door creeping open and like someone was

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1 trying to sneak through the door.

2 Q Was that door typically locked?

3 A Yes.

4 Q But it was opening?

5 A It was opening.

6 Q And who did you see coming through the door?

7 A When I seen the door crack open I seen the gentleman
8 with all black from where I was standing, but I was trying
9 to close the door so I can lock it again to press the
10 emergency button. So, it was the gentleman in all black
11 trying to come through the door. As he was pushing me on
12 the other side of the door he had a knife in his hand. I
13 guess it would be with his right-hand from the position he
14 was standing trying to come I guess to stab me or scare me
15 through that door.

16 Q All right. And you could see the knife?

17 A Yes.

18 Q About how close to you was the knife?

19 A I was at least maybe six inches away from it from where
20 I was. I was pushing more towards the handle so that I
21 could lock it real quick and run and press the emergency
22 button.

23 Q okay. Could you see him very well at that point?

24 A At that point I just seen the side of his face and he
25 was saying vulgar words to me.

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By Solicitor Ellis

1 Q Such as?

2 A You want me to say the words?

3 Q Yes, please.

4 A Okay. Like bitch, open the door. That's what he said.

5 Q Okay. And you could see part of his face at that
6 point?

7 A Yeah, I could see the side, the side of his face. I
8 had got a glimpse at the side of his face.

9 Q Okay. Was there anything -- well, first, first of all,
10 you mentioned earlier you saw the man on the bike earlier
11 and he was wearing glasses.

12 Was he was still wearing glasses at this point or no?

13 A Yes.

14 Q Was there anything else covering his face?

15 A No.

16 Q And describe, if you would, at this point the, the
17 lighting of the store.

18 Is it well lit?

19 A Yes.

20 Q Are there any real obstructions to your view inside the
21 lobby when you're looking out the window?

22 A When I see him walk in the store?

23 Q Uh-huh. (Affirmative).

24 A There are nothing to block my view totally from him,
25 no.

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By Solicitor Ellis

1 Q And then can you also see out in the sidewalk and the
2 street through the front of the store?

3 A Yes.

4 Q Is there windows there also?

5 A They're two fairly large windows and a glass double
6 doors.

7 Q Okay. All right. So, as you're at the door and he's
8 at the door and he's trying to come in and he has the knife,
9 tell the Court what happened next please.

10 A When he was trying to push the door open I was trying
11 to push the door closed and lock the door back. He was
12 obviously bigger than me. So, he pushed the door open and
13 at that time I was screaming for my boyfriend cause at the
14 stores in Spartanburg he would come by when I would close to
15 make sure I got home safe.

16 So, we struggled and tugged (phonetic). I remember
17 hitting his face. What I was trying to do was block him
18 from stabbing me. The knife left his hand. I was trying to
19 get the knife before he did to stab him, and that's when he
20 pulled a weapon on me.

21 Q Okay. Now, when you mentioned struggling and kind of
22 trying to keep the knife away from him, at this point had he
23 already forced his way through the door?

24 A Yes.

25 Q So, at that point you're both in the employee area, is

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 that right?

2 A We're both in the employee area.

3 Q Okay. And, so, you're basically locked in a
4 hand-to-hand kind of a fight with him, is that right?

5 A Yes.

6 Q About how far away from him then are you at that point?
7 Just a couple of feet I guess?

8 A During the struggle we were probably about maybe six or
9 seven inches apart.

10 Q Okay.

11 A Cause during that time I was trying to hold his hand
12 from stabbing me. So, we was -- we were fairly close.

13 Q Did it appear that he was trying to stab you?

14 A Yes, it did.

15 Q And that's when you stuck him in the face?

16 A Yes.

17 Q Just one time or more than once?

18 A I know I struck him one good time, but I can't remember
19 the other actions. But I hit him more than once.

20 Q Okay. And at some point the knife came loose and you
21 tried to get to it?

22 A Yes.

23 Q You mentioned that he then pulled a weapon.
24 What -- describe that weapon.

25 A The weapon he pulled was -- I seen him fiddling with

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 his pants. At that time I didn't know what he was about to
2 do. So, then he pulled out a small handgun. I'm not very
3 familiar with guns, but I know it was not a, like a
4 9-millimeter clip gun or anything. It was more like a, an
5 old fashioned small handgun.

6 Q Okay. Do you recall what color it was?

7 A The barrel was, was black.

8 Q All right.

9 A Yeah.

10 Q You say old fashion, it's not a clip gun, did it have a
11 wheel on it?

12 A Like a barrel.

13 Q Well, a round barrel.

14 Do you recall -- was it a revolver or anything like
15 that or do you not know?

16 A I don't know.

17 Q Don't know.

18 Okay. Was a small black gun?

19 A Yes.

20 Q Kind of like old fashioned?

21 A Yes.

22 Q Okay. And what happened after he pulled the gun on
23 you?

24 A After he pulled the gun I told him I give up.

25 Q And let me ask, ask you this question.

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By Solicitor Ellis

1 Where was he pointing the gun?

2 A At me.

3 Q Okay. Did he say anything at that point?

4 A At that point, when I told him I would give up, he was
5 kind of getting his breath. After he pulled his weapon
6 on -- when he pulled his weapon on me I made sure that I was
7 looking at him because I wanted to see if his facial
8 expression changed to indicate he was gonna pull the trigger
9 or anything. After he pulled his weapon on me, he
10 grabbed -- I had my hair in a ponytail. I had longer hair
11 then. He told me bitch, come here. He snatched me by my
12 ponytail and then took me to the safe in the back of the
13 store.

14 He kept, you know, calling me bitch all the way up to
15 the store. He pushed me to the ground. He had his knee in
16 my back. I was -- at that time I was telling him, asking
17 him why is he doing this, you know, just let me go. That's
18 what I was asking him at that time.

19 Q Did he let you go?

20 A No.

21 Q What did he do instead?

22 A Instead, after he removed the items from the safe,
23 he---

24 Q When you say the items, what were the items in the
25 safe?

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By Solicitor Ellis

1 Do you know?

2 A Money.

3 Q Okay.

4 A After he removed the, the money from the safe, he took
5 me down a short hallway to the last room on the left, which
6 is the back of the store. He took me to that room and at
7 the entry of that doorway he hit me in the back of my head
8 with the barrel of his gun. I knew it was not his hand
9 because it was hit harder than his hand. I kind of tumbled
10 to the floor at the same time turning myself over.

11 I noticed that he were -- the door he put me in and the
12 door to the bathroom are very close. I noticed that he was
13 doing something leaning towards the bathroom. At that
14 particular time I pushed the door shut with my foot, locked
15 it, and ran out the back-door of Money Tree.

16 Q All right. When you ran out, where did you run?

17 A I ran to the police station.

18 Q Is it fairly close by?

19 A It's one street over. It was closed or nobody was
20 there, and then I ran into the City Hall building.

21 Q Did you find any -- did you find someone there?

22 A Yes.

23 Q Okay. Now, going back to the, basically when you first
24 saw the man, you said he was riding on a bicycle while you
25 were standing on the porch and thought it was kind of funny

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 watching him ride the bike.

2 A Yes.

3 Q About how long do you think you might of been watching
4 him then?

5 A I watched him for a good maybe about four or five
6 minutes.

7 Q okay.

8 A As I was -- from where he -- I could see in the
9 distance he was coming, and then where he peddled to. It
10 was about that long because during that time I was on the
11 phone with my mom and I was smoking, my smoke break.

12 Q Smoking a cigarette?

13 A Yes.

14 Q Okay. And then when he went inside the store, from the
15 moment you saw him, you know, parked his bike and come in
16 until all the way through everything you just described
17 until you left out the back, about how long do you think
18 that lasted?

19 A Probably maybe ten to fifteen minutes.

20 Q Okay. Did you know who the man was at that point?
21 Had you met him before?

22 A No.

23 Q Was there anything about the way he looked that stood
24 out in your mind?

25 A Yes.

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By Solicitor Ellis

1 Q such as?

2 A such as the color of his skin. He had fairly large
3 cheeks and like a, a pudgy nose, full lips, and when he
4 was -- at that particular time, when he was speaking with
5 me, I noticed there were some teeth missing. I can't
6 remember if it was top or bottom, but I looked at him for a
7 good, probably throughout the incident, my best glimpse at
8 him was when he had his gun at me because I was staring
9 straight in his face to see if his facial expression
10 changed.

11 Q That was right after you got the knife loose and went
12 to go get it?

13 A Yes.

14 Q About how long do you think you were looking at him at
15 that point?

16 A At that point I probably looked at him for a solid
17 minute --

18 Q Okay.

19 A -- or so.

20 Q All right. And were you, were you frightened during
21 this?

22 A Yeah.

23 Q Were you, were you trying to pay attention to what was
24 happening?

25 A I was trying to save my life is what I was trying to

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 do. I was trying to get home to my little, my daughter. I
2 just told her I was on my way home to help her with her
3 homework, and that's what I was trying to do is get home. I
4 was scared, but I knew I had to save my life is, at the same
5 time.

6 Q Okay. Does, does this event still stand out in your
7 mind vividly?

8 A Yes.

9 Q Is that because of what, everything you were going
10 through and what you just described a moment ago?

11 A Yes.

12 Q And, so, they're a lot of details about this that you
13 remember very clearly?

14 A Yes.

15 Q Does that include what the man, the man who attacked
16 you looked like?

17 A Yes.

18 Q Now, after you ran and got help, at some point after
19 that did a police officer come to you and show you a photo
20 lineup?

21 A Yes, when I was at Mary Black Hospital.

22 Q Okay. So, so, you'd gone there for, for treatment, is
23 that right?

24 A Yes, they told me just to go to get my, my head checked
25 out.

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 Q And while you were there, that's when the officer came
2 and saw you?

3 A Yes.

4 Q You spoke to some other officers prior to that,
5 correct?

6 A Yes..

7 Q But they did not show you a lineup at that time?

8 A No.

9 Q Okay. Do you recall which officer came to see you?

10 A Yes.

11 Q And who was it?

12 A Stephanie.

13 Q Stephanie?

14 A The lady officer.

15 Q Right here?

16 A Yes.

17 Q Stephanie Lovell?

18 A Stephanie Lovell.

19 SOLICITOR ELLIS: Okay. Your Honor, I don't believe we
20 have gotten these premarked yet. I had given her several
21 exhibits to do. I think I bogged her down.

22 THE COURT: All right.

23 (WHEREUPON, State's Exhibit Nos. 1 through 38 were
24 marked for identification purposes only at this time.)

25 Q Ms. Jackson, I show you what's been premarked as

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 Exhibits, State's Exhibit No. 37 and 38. I've shown these
2 to the defense.

3 If you would, take a few moments just to review those
4 for me please.

5 A (Witness complies.)

6 Q Have you seen State's Exhibit 38 also?

7 Now, what is, what is State's Exhibit 37.

8 A State's 37 is the lineup Stephanie presented to me at
9 the hospital to see if I seen, could, was the defendant on
10 this page.

11 Q Okay. Now, is that the lineup that she showed you
12 then?

13 That one right there?

14 A Yes.

15 Q And is there anything on there, any kind of writing or
16 anything else, that tells you that's the one that you saw?

17 A My hand, hand signature.

18 Q Okay. Now, when Officer Lovell brought you the lineup,
19 what did she tell you?

20 A She asked me is the, the man who done it or I think
21 done it on this paper or favor someone on this paper.

22 Q All right. Did she tell you that, whether the person
23 was definitely on the paper or not?

24 A No.

25 Q Did she tell you that you needed to pick anyone in

Bridgette Jackson - Direct examination
By Solicitor Ellis

- 1 particular?
- 2 A No.
- 3 Q Did she point at anyone?
- 4 A No.
- 5 Q Did she do anything to suggest that you should pick one
- 6 picture over another?
- 7 A No.
- 8 Q When she was holding the lineup or when she showed you
- 9 the lineup, did she just give it to you or was she still
- 10 holding on to it?
- 11 A We were in -- by the time she got there I was in the
- 12 nurses, where they take you back to check your blood
- 13 pressure. She presented the lineup, the lineup to me. I
- 14 held it a brief second to get a closer look at it and then I
- 15 gave it back to her.
- 16 Q Okay. Did you indicate whether you thought you saw the
- 17 person who attacked you in that lineup?
- 18 A I did.
- 19 Q And, and which, which person did you see on there?
- 20 A Number five.
- 21 Q The person listed as number five on the lineup?
- 22 A Yes.
- 23 Q And that's the man who attacked you?
- 24 A Yes.
- 25 Q How long did you need to look at that lineup to, to

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 decide that was the man who did it?

2 A I think I looked at it for about two minutes --

3 Q Okay.

4 A -- to be very careful.

5 Q You're being very careful you said?

6 A Yes.

7 Q And were you sure that is the man who attacked you?

8 A Yes.

9 Q Looking at it today, are you still sure that's the man
10 who attacked you?

11 A Yes.

12 Q And what about that particular photograph helps you
13 realize that?

14 A His, his fat cheeks, and his, his nose structure. At
15 the particular time I didn't know if he was bald. He had a
16 hat on and his -- everything except the eyes. So, his cheek
17 structure and his nose and the color of his skin is what --

18 Q Okay. And, again, you're sure that's him?

19 A Yes.

20 Q Now, looking at State's Exhibit No. 38 for
21 identification, did you or were you asked by Officer Lovell
22 to indicate basically who you picked?

23 A Yes.

24 Q Okay. And, and who did you pick on State's Exhibit 38?

25 A On 38?

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 Q Does it list a number or a name on there anywhere of
2 who you picked?

3 A Number five.

4 Q And, again, number five's the person listed on the
5 lineup, on No. 37 as well, is that right?

6 A Yes.

7 Q All right. Now, with regards to, again, State's
8 Exhibit 38, did you sign your name on here basically saying
9 that that was who you picked?

10 A I did sign my name.

11 Q Okay. And at some point was that name -- well, first
12 of all, let me ask you this. Let me reask that question.

13 Where did you first sign your name?

14 A I first signed my name as the subject.

15 Q And were you -- were you later corrected on that?

16 A Yes, I was.

17 Q Okay. And what, what was done at that point?

18 A At that point my name was crossed out, Stephanie's name
19 was crossed out, and then my name was wrote to the side.

20 Q Okay. Your name was written to the side of what line?

21 A It's affiant.

22 Q Affiant?

23 A Affiant.

24 Q Okay. And, again, that's -- so, that is, that is your
25 signature indicating that you picked number five in the

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 lineup?

2 A Yes.

3 Q All right. What date was listed on No., State's
4 Exhibit 38?

5 A 9/27/10.

6 Q Okay. Did you write this or did Officer Lovell write
7 that?

8 A Officer Lovell wrote that.

9 Q Okay. Of course, this happened on September 28th,
10 2010, correct?

11 A Yes.

12 Q Okay. So, that date actually is incorrect, is that
13 right?

14 A Correct.

15 Q All right. But that is your signature indicating that
16 the man listed as the subject number five in State's Exhibit
17 37 is the man who attacked you in the store?

18 A Yes.

19 Q All right. Now, Ms. Jackson, you indicated again, of
20 course, that you had several minutes to see the defendant
21 during the actual incident at close range and then also
22 picking him out of a lineup.

23 Do you see him seated in the courtroom today?

24 A Yes.

25 Q And where is he?

Bridgette Jackson - Direct examination
By Solicitor Ellis

1 Could you point him out please?

2 A He's sitting right, right there with the blue shirt,
3 golden tie, and glasses.

4 SOLICITOR ELLIS: Your Honor, the State would ask for
5 the record, the record to indicate that the victim has
6 identified the defendant, Andrew Brent Scott.

7 THE COURT: The record will indicate that she did that.
8 You may proceed.

9 SOLICITOR ELLIS: Beg the Court's indulgence one moment
10 please.

11 THE COURT: Yes, sir.

12 (Pause.)

13 SOLICITOR ELLIS: Your Honor, I don't have anything
14 further for this witness.

15 Please answer any questions Ms. Jones may have.

16 THE COURT: Ms. Jones, your witness.

17 MS. JONES: Thank you.

18 Your Honor, I'm looking for a photograph.

19 THE COURT: Okay.

20 (Pause.)

21 CROSS-EXAMINATION

22 BY MS. JONES:

23 Q Ms. Jackson, in describing this event and the view you
24 had from the employees inner portion of the building to the
25 outside lobby, you indicated you had a pretty clear view?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 A Yes.

2 Q Okay. I'm gonna hand you a photographs that's marked
3 as State's Exhibit No. 4, and ask you if you recognize that
4 as the Chesnee store.

5 A That is the Chesnee store.

6 Q Okay. Do you see, from where the operator, the clerk
7 would be standing back behind the window at the register,
8 isn't there a great deal of obstruction because of all that
9 stuff that's stacked there on the counter?

10 A They're lottery tickets and cigarettes. When the
11 defendant first came in the store, I had, I stuck my head
12 that way to see what he was doing cause I was standing here
13 at the lottery tickets not too far from the window to see
14 where he, he went or was, if he was coming to the window --

15 Q Okay.

16 A -- so I would be present at the window when he came to
17 it, if he came to the window.

18 Q So -- and actually -- what, what you're referring to is
19 the window is kind of like the bank teller window.

20 There's a little shoot, isn't there --

21 A Yes.

22 Q -- where the checks can be passed through and pens and
23 so forth?

24 But other than that area of maybe a foot and a half,
25 all the rest of this is blocked by lottery tickets,

Bridgette Jackson - Cross-examination
by MS. Jones

1 cigarettes, lighter?

2 I don't even know what all that is. That looks like a
3 printer actually and a---

4 A It's a cash register.

5 Q ---a lot of stickers on the walls, correct?

6 A Yes.

7 Q Okay. So, the view is not clear?

8 It's actually quite obstructed there, isn't it, except
9 for the very end of it?

10 A At particular points that you can stand in the store,
11 behind that wall you can still get a clear view. Everything
12 on the wall is not close together. It's -- so, there are
13 separate spaces. Looking at the picture, it does not look
14 like a separate space, but between the lottery and the
15 cigarette there is a separate space of. The stickers is not
16 all in one place to block my view from seeing anyone that
17 came into the lobby.

18 Q Okay. When you testified, you said originally you were
19 standing at the register, but you didn't see him anymore,
20 you lost sight of him.

21 So, there is obstruction?

22 A That were right here. I, I lost sight of him because,
23 when he walked in, as you can see, our lottery stand is
24 here. So, when I noticed he didn't come to the window, he
25 was going towards the lottery stand, that's the only

Bridgette Jackson - Cross-examination
by Ms. Jones

1 place -- the lottery stopped at 7:00. Sometimes we did have
2 people come in at 6:55, 6:58 trying to get their lottery
3 numbers. So, as he moved to this way, I couldn't -- I
4 thought he was filling out lottery tickets at first.

5 Q Okay.

6 A As time progressed, I knew that -- I noticed I
7 didn't -- I moved to the window where it was a display
8 window between this lottery stand and the door. I moved to
9 that to see if I seen any part of his body at the lottery
10 stand, and that's when I noticed the door opening.

11 Q Okay. Now, you indicated, at, at some point in this
12 struggle you had during the assault, that you were -- you
13 said you were trying to hit the emergency button, right?

14 A I was trying to close the door to run and hit the
15 emergency button.

16 Q Okay. And where is the emergency button?

17 A The emergency button was located where the, up under
18 this cash register.

19 Q Which cash register?

20 A It's two cash registers. Actually right between these
21 two windows, I think it was under there somewhere. I had
22 never had to use the button. So, I did know it was located
23 under there and it was red.

24 Q Okay. Is it visible in this one, No. 12?

25 A No.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Q where, where is it actually?

2 Up under this counter?

3 A Yes, it's up under the counter.

4 Q Okay. So, during this struggle you indicated you
5 moved -- you made your way to the door as it was opening and
6 continued to move closer to the door instead of towards the
7 emergency buzzer?

8 A Where I was standing looking for him I was going slowly
9 to my right trying to see if he was anywhere in the lobby.
10 I had made it to the door when I seen it open. It would
11 have -- I reacted to the door first because, from the door
12 to the emergency button, was some distance. I needed time
13 to get from the door to the emergency button. That's why my
14 first instinct was to try to close the door back and lock
15 it. So I could run or hit the button in enough time.

16 Q Okay.

17 A If I would of hit the button before then he would have,
18 as I seen the door opening, it would of gave too much time.

19 Q And does that -- do you recollect if that door swings
20 in or out to open?

21 Do you remember that?

22 A If you're on the outside it pushes in.

23 Q Okay. So, from your vantage point, is it coming in?

24 A Yes, I was pushing it with my, pushing it back closed.

25 Q Okay. Which way is it hinged?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 If, if you're standing there looking at the door from
2 the inside area where the, where the clerks were, how does
3 that door swing?

4 Does it swing toward the left or swing toward the
5 right?

6 A It swings toward the right.

7 Q Okay. And you indicated that in the -- well, what part
8 of the inner employee area were you actually in when you
9 remember striking this individual in the face?

10 A We were probably somewhere in front of the display
11 window. That's where most of the struggle took place at.
12 My glasses -- I wear glasses. My glasses were knocked off.
13 We had a, a blanket, a Halloween decor up, it was knocked
14 down.

15 Q Where was that originally?

16 A The Halloween decor was in front of, below the, at the
17 display window.

18 Q Was it in, on one of the shelves?

19 A No, it was hanging. We had---

20 Q Okay.

21 A ---hung that to block the view of our safe being
22 opened. That's why it was hung.

23 Q Okay. So, then that's a, that's a further obstruction
24 of the view cause the display window is clear, is it not?

25 It's glass?

Bridgette Jackson - Cross-examination
by Ms. Jones

- 1 A Uh-huh. (Affirmative).
- 2 Q How many shelves are in it?
- 3 A I think about maybe six. I am not for sure. We, we
- 4 never stocked it or I never had to touch it.
- 5 Q Okay. And the -- how many of the shelves did the
- 6 Halloween hanging block?
- 7 A Maybe the bottom two or three. It was not hung high.
- 8 Q Okay.
- 9 A It was hung low.
- 10 Q And it was still hanging blocking the view out into the
- 11 lobby until whoever the assailant got inside and y'all
- 12 struggled inside the doorway?
- 13 A It did not block my view.
- 14 Q Okay.
- 15 A It hung below my, my head.
- 16 Q Well, then how is it blocking the view of the safe from
- 17 the lobby?
- 18 A If you stand at a certain -- the store had mirrors. It
- 19 use to be a clothing store. So, you could see the
- 20 reflection of the door opened. At the time it was the
- 21 manager's idea to hang the blanket where she thought they
- 22 couldn't see that the door was opened. You couldn't
- 23 actually see the safe inside, but from an angle you could
- 24 see that the safe door was opened from the mirrors we had in
- 25 the back.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Q Okay. And you indicated that where -- the position you
2 were when you struck the individual in the face, placing you
3 in arms distance away from him or closer, is what part of
4 the store?

5 A Where were we at?

6 Q Uh-huh. (Affirmative).

7 A Right there between the cigarettes and the -- well, the
8 display, right where the display window was in that area.

9 Q Okay. And then what was the method or, excuse me, how
10 did you get from that point over to the safe?

11 A He pulled me to the safe. The safe was at the back of
12 the store.

13 Q Okay. How many rooms are within -- how many rooms is
14 this business divided up into?

15 A One, two, three, four, five.

16 Q Okay. The safe is visible from the lobby?

17 Is it in -- is it the second room back?

18 A The second room -- the first room is the lobby. The
19 second room is where we're located. It's actually divided
20 by cigarette. It don't cover the whole wall. It's just
21 basically in the middle of where we kept stock of the
22 cigarettes.

23 So, that big room is kind of divided in two to also
24 block the -- you can't see the little stage we had back
25 there. So, he -- the back of the store where we were at

Bridgette Jackson - Cross-examination
by Ms. Jones

1 were actually not -- they left the same. So, the cigarettes
2 kind of blocked -- the cigarette wall that you see here on
3 the picture was kind of what separated that room in half.

4 Q Indicate -- I'm sorry?

5 A The cigarette wall right here. You can go around this,
6 this way to the back of the store or you can go to the left
7 to the back of the store.

8 Q Which way did you go that day to the back of the store?

9 A He took me to the left.

10 Q Okay. And how big is the opening you went in through?

11 A It's bigger than the doorway.

12 Q Okay. Ms. Jackson, do you remember telling, referring
13 to this individual by the name of Scott when talking to Kip
14 Teal that night?

15 A I don't remember the -- by the time I seen Officer Teal
16 I was, I had been running. If I did mention his name it's
17 because of something I had heard earlier from a previous --
18 well, at that time she was an employee at Money Tree. So,
19 if I did speak his name was it -- I can't remember. I was
20 in such a state of panic that I just ran to the store.

21 Q And the previous employee you're referring to, is that
22 individual's name Regina?

23 A Yes.

24 Q And pardon me a minute and I'll give you her last name.
25 Regina Jones.

Bridgette Jackson - Cross-examination
by MS. Jones

1 When did you see Regina Jones that night?

2 A That night I seen her when she came to verify what was
3 missing from the store. I had seen Regina at two o'clock
4 shift change.

5 Q Okay. And you -- were you back at Money Tree at some
6 point when she came back to verify, do I guess a till count
7 so to speak?

8 A No.

9 Q Okay. Where did you run into Ms. Jones at?

10 A I ran into Ms. Jones when she came to the police
11 station.

12 Q Okay. And what were you -- was that your first trip to
13 the police station that night?

14 A Well, we were still in some -- not the police station.
15 We were still in City Hall. They had moved me---

16 Q Well---

17 A ---to the back of City Hall because they didn't know
18 if, whoever, if the defendant would go by and see me and try
19 to come into City Hall. So, I think it was their city judge
20 at that time had me moved to the back of the store. I mean
21 not the store, back of City Hall, so that I could be out of
22 sight from, if the person that robbed me, the defendant, was
23 looking for me.

24 Q Okay. Do you know, at the time -- by the time you
25 spoke to Regina Jones, had Officer Graham with Sheriff's

Bridgette Jackson - Cross-examination
by MS. Jones

1 office taken photographs of you by then?

2 A Yes.

3 Q Has any -- had anyone taken your clothes by then?

4 A Yes.

5 Q Okay. And was Regina Jones the first person to give
6 you the name of Andrew Scott that night?

7 A No.

8 Q Who was the first person to give you the name of Andrew
9 Scott that night?

10 A That night the first person to -- he didn't give me the
11 name. She said his name. She didn't give me the exact
12 name. As I clarified to Sergeant Teal what had happened,
13 the person, what he was wearing, he indicated I know -- he
14 said I know who you're talking about, he use to work there,
15 I just passed and waved at him.

16 Q Okay. Did he refer to him by name?

17 A I don't, I don't -- I can't remember.

18 Q Okay. Did -- but at some point later on Regina Jones
19 did refer to him as Andrew Scott?

20 A They referred to him as just Mr. Scott.

21 Q Mr. Scott.

22 And what -- did you know at that point that Mr. Scott
23 had been an employee at the store?

24 A Yes.

25 Q Okay. Had you ever met Mr. Scott before?

Bridgette Jackson - Cross-examination
by MS. Jones

1 A No.

2 Q How long had you been employed at the store at that
3 point?

4 A I started in May, 2010.

5 Q Okay. And this was --?

6 A September.

7 Q September. I'm sorry. I was thinking August.

8 A The only thing I knew about Mr. Scott was his name and
9 I had spoke with him once on the phone when I was employed
10 at the Money Tree at Boiling Springs because we had a person
11 from North Carolina trying to cash a check at the Boiling
12 Springs store. It was against company policy to cash a
13 check within so many miles of the state line.

14 I knew the Chesnee store was near the North Carolina
15 line. I spoke to Mr. Scott then on the phone to see if he
16 could cash the check. I had verified the check and
17 everything. When he spoke to me, you know, he was -- that
18 day he was telling me he -- I guess he thought I was trying
19 to scam him cause he was like I've never had a check come
20 back on me, and I was like, you know, I'm just sending a guy
21 up there to cash a check.

22 So, I had only spoke of him and I had only heard his
23 name from employees there referring to him.

24 Q Okay. So, prior to the procedure that we've heard
25 explained or you've explained that took place at Mary Black

Bridgette Jackson - Cross-examination
by Ms. Jones

1 with the Officer Lovell or Lovell, Lovell, prior to that,
2 there had been suggestion made to you by two different
3 people that the person who assaulted you was Mr. Scott,
4 correct?

5 A Regina did not tell me the person that assaulted me was
6 Mr. Scott.

7 Q But you discussed Mr. Scott with Regina, did you not?

8 A Before the incident, yes.

9 Q Okay. Did you not say a moment ago that when Regina
10 came to the City Hall after they put you in the back to
11 protect you y'all talked about this being Scott?

12 A Yes.

13 Q Okay.

14 A When Regina came in the store that night she told me I
15 had not said---

16 Q Let me stop you. Came in -- when she came in the store
17 or---

18 A City Hall.

19 Q ---she came in City Hall?

20 A When she came in City Hall that night I was there with
21 my mother. I was sitting in front of the sheriff's desk.

22 She came in the door saying I can't believe he did this.

23 So, I was, I was taking that she knew who had done it.

24 Q And how would she -- why did you believe she would know
25 that?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 She wasn't present, was she?

2 A She -- I believe she would know that because, prior to
3 me being robbed that day, she had told me, while we were at
4 work, she was going home, I was coming to work, she said it
5 in a joking manner, but I asked, I asked her was she
6 serious. She said how about Mr. Scott is telling people
7 he's gonna rob the store, and I asked her are you serious,
8 and she was like yeah, but I don't think he's gonna do
9 nothing. She didn't report it to Trace or anyone else that
10 someone had told her Mr. Scott was gonna rob the store.

11 Q Okay. So, at two o'clock on the day of the robbery,
12 Regina already thinks there's gonna be a robbery?

13 A No, this happened probably about maybe two weeks before
14 the robbery.

15 Q Okay. And she never told the owner of the company
16 this?

17 A No.

18 THE COURT: Are we gonna talk about her---

19 MS. JONES: Yes.

20 THE COURT: ---identification of the individual?

21 MS. JONES: Yes, sir.

22 THE COURT: Let's get to that.

23 MS. JONES: Thank you.

24 Q So, prior to the identification, Ms. Jones reminded
25 you, in some way, of a discussion about Mr. Scott, correct?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 A Correct. But at the time of the discussion, if he
2 would of walked up, before being robbed, as I say when I
3 seen him on the bicycle coming in the store, I did not know
4 who he was.

5 Q Okay. And was there any conversation during this
6 assault?

7 A No friendly conversation.

8 Q Well, any conversation?

9 A Yeah, he was telling me bitch, get on the floor. I was
10 asking him why is he doing this.

11 Q And did that voice sound familiar to you as the person
12 who had challenged you a little bit about conning him with
13 the check when you called the Boiling Springs store?

14 A The voice that was in the store that day was a little
15 bit more harsh kind of than on the phone. When I spoke with
16 him on the phone he was kind of aggressive, yelling a little
17 bit. But that day at the store it was kind of more of a, a
18 deeper threatening voice used on me.

19 Q Okay. Deeper threatening, not aggressive?

20 A Well, not like the one I heard on the phone.

21 Q Okay. The lineup procedure where the officer presented
22 the affidavit to you, or excuse me, the lineup, she said --
23 she told you to pick -- to do what with it?

24 What were her instructions?

25 A She told me to look at the lineup and pick out the

Bridgette Jackson - Cross-examination
by MS. Jones

1 person that I thought done the robbery. Then she asked me
2 do any of these gentlemen look like the man who robbed you.
3 Q Okay. So, earlier you said is, is the man who done it
4 or may have done it in the pictures.

5 Is that -- which way did she ask you?

6 A The man who done it or you think done it in the
7 picture.

8 Q Okay. And did she say, say it that way as opposed to
9 the way you just said it?

10 A Yes, she didn't indicate that the man on these lineups
11 was in this picture.

12 Q Okay. Did she ask you if any of those people looked
13 familiar?

14 A As like if I know him personally?

15 Q No.

16 Did she, did she ask you the question do any of these
17 people look familiar?

18 A Yes.

19 Q Okay. And what was your reply?

20 A After looking at it for about two minutes I looked at
21 number five. I told her it was number five because of the,
22 the fat cheek bones, the fatty cheeks, the structure of his
23 pudgy nose, and, as I say, I don't -- at the time I couldn't
24 say he was bald cause he had a hat on. But I do remember
25 everything from like the eyes down because he had on shades

Bridgette Jackson - Cross-examination
by MS. Jones

1 at the time.

2 Q Okay. Did she ask you to go through that analysis or
3 did she just say is the person in this and which number is
4 it?

5 A No, she didn't say that.

6 Q Okay. Did you, did you go through with her yeah, I
7 think it's him because his cheeks are pudgy, whatever you
8 said about the teeth, the full nose?

9 Did you tell her all that or did you just say I think
10 it's number five?

11 A I'm gonna say at the time I don't quite remember what I
12 told her cause it was -- like I say, when she presented me,
13 I was getting my blood pressure checked. They were doing
14 several things to me in the nurse's chair. That's why I
15 looked at the picture. I didn't just tell her. After
16 looking at it for a while I said it's number five. I didn't
17 say -- she didn't tell me to directly point to number five,
18 but I told her number five.

19 Q Okay. And you said you were very careful, you looked
20 at it a while, and you looked at it for at least two minutes
21 --

22 A Uh-huh. (Affirmative).

23 Q -- before you ever said who, anything about who it
24 might be?

25 A Yes.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Q Okay. Did she ask you---

2 A Number two, as I say, two and three were ruled out
3 because of their skin color and six. Number one was too
4 dark, I knew that, and number four he had the pudgy nose,
5 but he didn't have fat cheeks. Number -- yeah, number four.

6 Q Okay. So, are you saying that the person at number
7 five is the person on the lineup that's got a combination of
8 a bulbous nose and pudgy cheeks and nobody else has that
9 combination?

10 A It's other people that have that combination, but
11 number five was the person that had that combination that
12 night in the store on me --

13 Q Okay.

14 A -- and I have never seen a picture of him before
15 either.

16 Q Okay.

17 A Like they didn't show me a prior picture.

18 MS. JONES: That's all.

19 THE COURT: Anything further, Mr. Ellis?

20 SOLICITOR ELLIS: Just very briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY SOLICITOR ELLIS:

23 Q You never met Mr. Scott before that, that incident,
24 correct?

25 A Correct.

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 Q You've spoken to him once on the phone, but the voice
2 is not register or sounding the same as the man in this
3 incident, correct?

4 A Correct.

5 Q So, basically did you identify him then from that
6 photograph, from the photograph in State's Exhibit 37?

7 The photo lineup, is that how you identified him?

8 A Yes, that's how I identified him.

9 Q And you, you did not know the man in that number five
10 in State's Exhibit 37?

11 You did not know that man's name was Scott prior to you
12 picking him out of a lineup, did you?

13 A No.

14 Q Did you have any idea who he was?

15 A No.

16 Q And, again, are you sure that that is the man who
17 robbed you?

18 A Yes.

19 Q Based on the factors you described to the Court?

20 A Yes.

21 Q Thank you.

22 THE COURT: Anything further?

23 MS. JONES: No, sir.

24 THE COURT: Ma'am, you may step down.

25 Any further evidence from the State on this

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 identification?

2 SOLICITOR ELLIS: Your Honor, just briefly.

3 state would call officer Stephanie Lovell.

4 THE COURT: Come forward, ma'am, to be.

5 STEPHANIE LOVELL, being first duly
6 sworn, testified as follows:

7 THE COURT: Have a seat please, ma'am. Once you're
8 seated, state your name.

9 WITNESS: Stephanie Lovell.

10 THE COURT: Your witness, Mr. Ellis.

11 SOLICITOR ELLIS: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY SOLICITOR ELLIS:

14 Q Officer Lovell, where are you employed?

15 A Chesnee Police Department.

16 Q In what capacity?

17 A I'm a reserve officer.

18 Q And what are some of your duties just briefly?

19 A I -- basically I help out. I patrol and assist when
20 needed, assist with the full-time officer's duties, and
21 sometimes I patrol alone and, you know, help cover the town.

22 Q Okay. And you were doing that job also in September of
23 2010?

24 A Yes, sir.

25 Q Were you working the night of September 28th, 2010?

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 A Yes, sir.

2 Q Did you respond to the reported robbery at the Money
3 Tree located at South Alabama Street in downtown Chesnee?

4 A I didn't response to the Money Tree. I -- actually,
5 when the call came out, other officer -- Sergeant Teal went
6 to the Money Tree and we had a description of the suspect
7 and I was actually out at the time looking around trying to
8 find the suspect.

9 Q Okay. Do you recall briefly what that description was?

10 A Black male dressed in all black on a bicycle with
11 sunglasses.

12 Q All right. At some point were you asked to, to show a
13 photo lineup to the victim, Ms. Jackson?

14 A Yes, sir.

15 Q And where did you obtain the photos, the six photos in
16 the lineup from?

17 A Spartanburg County.

18 Q All right. Once you had the photographs, did you meet
19 Ms. Jackson anywhere?

20 A I met her at Mary Black Hospital.

21 Q Thank you.

22 When you, when you arrived there, what was she, what
23 was she doing?

24 A She was getting checked out by the nurses in the
25 nurse's office.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Q And did you present her the lineup at that time?

2 A I did.

3 Q If I can direct your attention briefly to State's
4 Exhibit No. 37. Get this out of your way.

5 Have you had a chance to review that?

6 A Yeah.

7 Q Okay. Is that, is that the photo lineup you showed Ms.
8 Jackson that day?

9 A Yes, sir.

10 Q And, if you would, please describe for the Court
11 basically the manner or the way in which you presented it to
12 her, what, what you, how you gave it to her, what you told
13 her to do, that kind of thing?

14 A Basically I handed it to her. I told her to take her
15 time, see if she believed the person that robbed and
16 attacked her was in the picture, and at that time I
17 presented it to her.

18 Q Okay.

19 A Told her to take her time, as much time as she needed,
20 and it took her about a minute and a half to two minutes to
21 identify subject number five.

22 Q At any point did you point out any of the pictures to
23 her?

24 A No, sir.

25 Q Did you mention any names around her?

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 A No, sir.
- 2 Q Did you mention any, any numbers such as the ones on
3 that exhibit to her?
- 4 A No, sir.
- 5 Q Pointed at any picture or do anything to indicate who
6 she should pick?
- 7 A No, sir.
- 8 Q Did you tell her that the person who robbed her would
9 even be necessarily in that?
- 10 A No, sir.
- 11 Q All right. And you -- again, you handed it to her, she
12 looked at it for a minute and a half; two minutes, something
13 like that?
- 14 A Yes, sir.
- 15 Q who did she select?
- 16 A She selected subject number five.
- 17 Q And how did she do that?
- 18 A She, she pointed him out, and I can not remember if I
19 circled or if she circled it cause this was my first time
20 actually doing this. So, I called Sergeant Teal trying to
21 figure out everything, what to do. I do remember, as she
22 pointed it out, she did sign her name to the subject. But
23 like I said, as far as who circled it, I, I can't remember
24 that.
- 25 Q okay. But she pointed out number five, is that

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 correct?

2 A She did, yes, sir.

3 Q And then one of you circled it?

4 A Uh-huh. (Affirmative).

5 Q And then she signed her name?

6 A She did.

7 Q Okay. That was to indicate that was the subject?

8 A Yes, sir.

9 Q All right. Did she seem to be sure in her
10 identification?

11 A She, she did. She seemed to be very sure.

12 Q Okay. She never expressed any doubts to you that she,
13 it could be someone else?

14 A No, sir.

15 Q All right. Also showing you State's Exhibit 38, review
16 that briefly for me please.

17 A Uh-huh. (Affirmative).

18 Q And is that basically the, the form you used to also
19 have her indicate who she was picking in the lineup, is that
20 correct?

21 A Yes, sir.

22 Q And where did she first sign her name?

23 A She first signed her name for the subject, and we ended
24 up getting it all confused and everything. So, I had to
25 cross out where she had written her name as the subject, and

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 I wrote my name as the affiant and then we corrected that.
- 2 Q Okay. So, you crossed out where you both had written
- 3 your names in the wrong line, is that right?
- 4 A Yes, sir.
- 5 Q What did you write down about the subject's name after
- 6 that?
- 7 A Where did I write the subject's name?
- 8 Q Well, did you, did you write down anything by the
- 9 subject's name after you crossed that out?
- 10 A I didn't -- I actually did not -- I did not know the
- 11 subject's name at the time. Sergeant Teal had wrote that in
- 12 right there.
- 13 Q Was he there at the time of the lineup?
- 14 A No, sir.
- 15 Q Okay. So, that happened later?
- 16 A Uh-huh. (Affirmative).
- 17 Q All right. What name is listed by the subject name?
- 18 A Alexander Brent Scott.
- 19 Q All right. All right. And is there a, is there a
- 20 number listed on that form that indicates which photo Ms.
- 21 Jackson selected?
- 22 A It does. It says number five.
- 23 Q All right. And then, again, did she sign her name
- 24 again as the affiant to indicate that she had been, picked
- 25 number five?

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 A She did.
- 2 Q And you signed your name also?
- 3 A Yes, sir.
- 4 Q What day is listed on there?
- 5 A 9/27 of '10.
- 6 Q All right. This happened on September 28th, 2010,
- 7 correct?
- 8 A Yes, sir.
- 9 Q So, that date would be incorrect?
- 10 A Yes, sir, I got mixed up with the wrong date on there.
- 11 Q Okay. Is, is it possible that she picked anybody other
- 12 than number five, however, on the lineup?
- 13 A No, sir, she didn't.
- 14 Q And was she definitely sure that's who it was?
- 15 A Yes, sir, she remembered, remembered him specifically
- 16 by what she called his jowls. Basically his fat cheeks.
- 17 But she remembered his facial features is what she, you
- 18 know, mostly identified him by.
- 19 Q Did she describe those to you at any detail?
- 20 You just mentioned his jowls.
- 21 Did she say anything about what stood out in her mind?
- 22 A At this point I can not remember. I just remember the
- 23 jowls being very specific.
- 24 Q Okay. So, she definitely said that?
- 25 A Yes, sir.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Q All right. Please answer any questions Ms. Jones may
2 have.

3 THE COURT: Your witness, Ms. Jones.

4 MS. JONES: Thank you.

5 CROSS-EXAMINATION

6 BY MS. JONES:

7 Q The lineup -- on the lineup itself, No. 38, 37, sorry,
8 there are numbers one through six on it.

9 Did you number those?

10 A Yes, ma'am.

11 Q When did you number those?

12 A When I got to the, to Mary Black Hospital.

13 Q Okay. And you had what, picked this up at the
14 Sheriff's Office or where?

15 A I picked it up at the Spartanburg County Jail.

16 Q Okay. And how did you order that?

17 Did you call them and say I need so and so put in a
18 lineup or how did you do that?

19 A Oh, when I got to the jail I just told them I needed a
20 photo lineup with a person, with Brent Scott in it.

21 Q Okay. And who had provided you the name Brent Scott?

22 A The detention center did.

23 Q No.

24 A Oh, I'm sorry.

25 Q Who provided you the name?

Stephanie Lovell - Cross-examination
by Ms. Jones

- 1 Not the lineup.
- 2 A I apologize.
- 3 Q I'm sorry.
- 4 A Sergeant---
- 5 Q That's all right.
- 6 A Sergeant Kip Teal.
- 7 Q Okay. So, you came by, picked up that lineup, and when
- 8 you got to Mary Black you numbered it cause you, you felt
- 9 like there needed to be a number reference on it?
- 10 A I asked Sergeant Teal what I needed to do and he told
- 11 me to make sure to align each one of these with a number.
- 12 Q Okay. And did you do that in her presence?
- 13 A I did, yes.
- 14 Q Okay. And then you presented it to her, and as best,
- 15 best you can recollect, tell me exactly what you told her to
- 16 do with it.
- 17 A I told her to take her time, look at it carefully, and
- 18 tell me, you know, see if she believed the person that
- 19 robbed her and attacked her was in it, in the lineup.
- 20 Q Okay. And who was present with her when you were, the
- 21 two of you were doing that?
- 22 A Her mother.
- 23 Q Okay. Was there anybody else there?
- 24 A Not that I can recall.
- 25 Q Okay. And did you watch her as she examined it?

Stephanie Lovell - Cross-examination
by Ms. Jones

1 A I, I didn't. I wasn't really paying too much
2 attention. I let her, you know, take her own time, you
3 know, as much time as she needed to, you know, look at it.

4 Q Okay. And once she had it, did you see her speak to
5 her mom at all or anybody while she's holding this docket
6 looking at it?

7 A No, ma'am.

8 Q And you -- but you didn't watch her to see if she was
9 studying it, one versus, one picture more than the others?

10 A Well, I mean I wasn't really -- I was trying to let her
11 take her time, but I mean I wasn't really like, you know,
12 trying to get her -- I mean, I don't know. I was just
13 letting her take her own time, you know, not paying too much
14 attention. So --.

15 Q Not paying too much attention to what?

16 Her and what she was doing with it?

17 A Well, I was basically -- basically -- I guess what I'm
18 trying to get at is I was letting her, you know, letting her
19 take her time, look at it, you know, let her see if she
20 could figure it out, if the subject that attacked her was in
21 the lineup.

22 Q Okay. Now, is this the very first time you handed
23 anybody a lineup?

24 A Yes, ma'am.

25 Q So, you don't even have any frame of reference as to

Stephanie Lovell - Cross-examination
by Ms. Jones

1 whether it was a quick ID, a long ID, or whether she
2 struggled, or any of that cause you've never done it before?

3 A Correct.

4 Q Okay. How do you know how long it was?

5 A Cause it didn't -- it did not take her long. She sat
6 there. She looked at it for a minute and a half, two
7 minutes, and it did not take her long to pick him out.

8 Q Okay. And during the minute and a half to two minutes
9 you were just watching her?

10 A Yes.

11 Q Okay. Now, on the other document, the form, did she
12 fill in her name after the word I?

13 Is that her handwriting?

14 A Yes, it is.

15 Q Okay. Did she fill in the number?

16 A She did.

17 Q Okay. And you went on and let her sign it and that's
18 when it kind of got mixed up?

19 A Yes, ma'am.

20 Q You just picked the first line and signed her name?

21 A Uh-huh. (Affirmative).

22 Q Right.

23 When did you go back and correct all these signatures?

24 A While I was at -- while I was at the -- while I was
25 still at the hospital with her.

Stephanie Lovell - Cross-examination
by Ms. Jones

1 Q Oh, so---

2 A I realized that I made -- I realized that I made a
3 mistake and that's when I ended up crossing it out and
4 correcting that.

5 Q Okay. So, at that point the first line is just a bunch
6 of swirls. When you leave Mary Black, it's a bunch of
7 swirls.

8 She had signed her name after affiant, and you signed
9 your own name and that, then put the date down on it?

10 A I did.

11 MS. JONES: Okay. That's all I have, Your Honor.

12 THE COURT: Mr. Ellis, anything further?

13 SOLICITOR ELLIS: No, sir, Your Honor.

14 THE COURT: Ma'am, you may step down.

15 Anything further from the State?

16 SOLICITOR ELLIS: No, sir, no other witnesses, Your
17 Honor.

18 THE COURT: No other witnesses?

19 SOLICITOR ELLIS: No, sir.

20 THE COURT: Defense wish to present any evidence?

21 MS. JONES: No, sir, Your Honor.

22 THE COURT: All right. I'll hear from you, Ms. Jones.

23 MS. JONES: Your Honor, for the record, I would say
24 that the, the suggestion by a co-worker prior to the lineup
25 of, suggestion as to who the suspect is by a co-worker could

1 have impacted Ms. Jackson's identification, Your Honor. So,
2 I think that at, at the point she was presented the lineup
3 it, it was suggestive because of that prior information.

4 THE COURT: Mr. Ellis.

5 SOLICITOR ELLIS: Your Honor, we would argue that that
6 had no bearing in this particular case. She had never met
7 the man who she was told was Scott. She never met him or
8 seen him before. She testified she had heard his voice one
9 before, but she also testified today it did not sound like
10 the voice that she heard from the man in the store during
11 the actual robbery itself.

12 Therefore, Your Honor, I don't -- I think it would be a
13 little bit incredible to believe that perhaps she would of
14 somehow realized that was the photo of a man named Scott in
15 picking him out because of that. She did testify that she
16 was within very close proximity to him for a number of
17 minutes and had the opportunity to view him for a number of
18 minutes prior to, to that when he was on the bike and when
19 he was coming into the lobby, for instance, and that she was
20 also within just a few inches of him, of his face for a, for
21 a good bit of the actual incident itself in a well lit area
22 and with a lot of attention being paid to detail due to her
23 being frightened and, and basically what was going on with
24 the incident.

25 She further testified that she picked him out of the

1 lineup, and based on physical features that she recalled of
2 his face during the incident such as kind of a bulbous nose,
3 fat checks, or jowls, structures of the nose, skin color,
4 things of that nature, Your Honor. And she again mentioned
5 that she saw those same characteristics in the lineup as
6 well as when she identified him here in Court today, and she
7 again said that she was very sure that it was him. There
8 was no doubt mentioned by her or by Officer Lovell. We
9 would argue that this is a good identification.

10 THE COURT: All right. After reviewing the testimony,
11 it's my finding that the witness had ample opportunity to
12 view the person who perpetrated the act at the time of the
13 crime. I also find that obviously she gave her full
14 attention to that person, and, therefore, I find that she
15 had a high degree of attention to the situation. It does
16 appear that she was able to identify numerous features on
17 the perpetrator's face and gave an accurate description of
18 those features. She appears to have a high level of
19 certainty at the time that she identified the individual in
20 the lineup.

21 There was not an extended period of time between the
22 time of the event and the, the lineup showing. So, I don't
23 find that that would of affected her recollection.

24 I also do not find that the fact that a name may have
25 been mentioned to her previously without any description of

1 that individual or photograph would have, in anyway,
2 affected her identification of someone who was unnamed and
3 not identified by name at the time of her identification.
4 Therefore, I will allow the identification to go forward.

5 Anything further from the defense before we swear the
6 jury?

7 MS. JONES: No, sir.

8 THE COURT: All right. We'll take a short break, about
9 five minutes, and then we'll get started.

10 Court's in recess for about five minutes. I'll stay on
11 the, the bench.

12 SOLICITOR ELLIS: Your Honor, we still have a few
13 exhibits I believe we still need to number. Do you want to
14 go ahead and take care of that during the recess or if the
15 court reporter wanted a break also?

16 THE COURT: I'm sure she'll want a short break. But as
17 soon as she comes back you can identify or number some
18 evidence. That will be fine.

19 SOLICITOR ELLIS: Yes, sir, thank you.

20 THE COURT: Thank you.

21 (WHEREUPON, a short recess was taken at this time.)

22 (WHEREUPON, State's Exhibit Nos. 39 through 44 were
23 marked for identification purposes only at this time.)

24 THE COURT: State ready to proceed?

25 SOLICITOR ELLIS: Yes, sir, Your Honor.

1 THE COURT: Defense ready to proceed?

2 MS. JONES: Yes, sir.

3 THE COURT: Bring the jury in.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, I want to thank you for your patience. We've been
8 taking care of some matters that hopefully will make the
9 trial move along a little quicker once we get started and
10 more smoothly.

11 At this point in time I'm going to ask that the clerk
12 swear you concerning your responsibilities as jurors in this
13 matter.

14 Madam Clerk, you may proceed.

15 CLERK: Yes, sir.

16 (WHEREUPON, the jury was placed under oath at this
17 time.)

18 THE COURT: If any member of the jury panel either
19 failed or refused to take the oath that the clerk just
20 administered, please stand.

21 (No response.)

22 THE COURT: The record will reflect that all jurors
23 have been sworn for purposes of this trial.

24 Now, ladies and gentlemen, at this point in time I'm
25 going to go over some matters that hopefully will explain

1 the duties and responsibilities that each of us has in the
2 trial of this case. I see a couple of people, maybe three
3 or so, that were on the jury that I've already had this
4 discussion with, but for those of you who are new on this
5 jury, I want to go over some matters with you that perhaps
6 will define for you the responsibilities and duties that you
7 have, that I have, the attorneys, and the participants in
8 this case have in the trial of this case.

9 Probably, for some of you, this is the first time that
10 you've served on a jury in the trial of the case in an
11 actual court of law, and for those of you for whom this is
12 your first experience, probably most of what you know about
13 the jury process you would of learned from television shows
14 that you've watched or movies that you've seen, perhaps
15 books that you've read.

16 while those sources of information are full of
17 interesting story lines and plots and twists and turns, I
18 hope you realize that those particular forms of information
19 are intended primarily for your entertainment. In the case
20 of television, they're designed to hold your attention while
21 they show you some commercials. Obviously they take license
22 with what goes on in a courtroom since they can have a, an
23 event occur, a trial take place, and the whole matter be
24 resolved in an hour and they still have time to stop, stop
25 for those commercial breaks.

1 So, as you've learned today, things don't move quite
2 that fast in an actual court of law. Mainly because I hope
3 what you're, what you understood is that you're engaged in a
4 search for the truth. This is an honest and a sincere
5 effort to see that justice is done between the parties that
6 are before the Court. In this case, the State of South
7 Carolina, who has brought a criminal charge against one of
8 its citizens.

9 What you're engaged in is a fundamental part of our
10 democracy. In most of the countries of this world, the
11 nations of this world, citizens are not allowed to come
12 forward or participate directly in the decision making
13 process that goes on in the judicial systems of those
14 countries. Our country is different. We -- we live in a
15 jury system where citizens, such as yourselves, are taken
16 from your day-to-day walks of life, you're brought into a
17 courtroom, you've been placed in an official capacity in an
18 important decision making position in the courtroom.

19 Our system is based on a tradition that's almost 800
20 years old, and I hope it's a right that we never lose in
21 this country. That is the right to have a trial by a jury
22 of your peers.

23 I've indicated that what we're engaged in is a search
24 for the truth, and if I ask you how you would expect a
25 search for the truth to proceed, I would think that you

1 would think that it would, it should go slow, that it should
2 sometimes be repetitive, that it should be a deliberate
3 process, and that's the process that we're engaged, engaged
4 in.

5 This courtroom is a place of honor, and it's dedicated
6 to the preservation of citizen's rights under the
7 Constitution, the Bill of Rights, and the laws of both this
8 state and of the United States.

9 Now, the attorneys that are going to be appearing in
10 this case are here to represent their client's interest.
11 I'm sure they'll do an excellent job in presenting their
12 cases to you during this trial.

13 I hope you realize, however, that those attorneys,
14 first and foremost, are also officers of this Court. At
15 some point in time they appeared before this Court or some
16 other Court in this state, they took a prescribed attorney's
17 oath, and part of that oath is that they will assist you in
18 your search for the truth in this matter.

19 For that reason, they are expected, and I'm sure they
20 will, behave in an ethical and a reasonable and a
21 professional manner in the presentation of those cases to
22 you during the trial. I'm going to remind you too that
23 you've come before this Court now. You've taken an oath to
24 decide this case solely based upon the law and the evidence.

25 You too are now expected to act in a reasonable,

1 professional, and an ethical manner in the discharge of your
2 duties as jurors during this trial. I've said it several
3 times, I'll say it again, I want to thank you very much for
4 your willingness to serve on a jury. It's my personal
5 belief that service on a jury panel is the second highest
6 service a citizen can render to your government. The first
7 of which, of course, being service in the military, and
8 while we don't ask anyone to carry a weapon or risk their
9 lives, it's an important service that you're rendering at
10 this time, and I want to thank you very much for your
11 willingness to come forward and serve on the jury this week.

12 Now, I've gone over with you the indictments in the
13 case. I'm not going to read those to you again. Later on,
14 during my charge on the law, I will go over those
15 indictments with you again so that I'm sure you understand
16 the charges that are before the Court.

17 I will tell you that the indictments are simply the
18 documents that bring this case into this Court. An
19 indictment can not be used by a jury in any fashion in
20 determining the guilt or the innocence of a defendant
21 charged in the indictment. For you see, to those
22 indictments, the defendant has pled not guilty.

23 Under the law and Constitution then the burden of proof
24 rests solely with the State in this case. That burden of
25 proof that rests on the State is to prove the allegations

1 that are contained in the indictment by proof beyond a
2 reasonable doubt. It is your solemn responsibility, at the
3 close of this trial, to determine whether or not the State
4 has met that burden of proving as it relates to the charges
5 that are before the Court.

6 Your purpose, as jurors, therefore, is to find and
7 determine the facts in the case. I will tell you it will be
8 my responsibility to preside over the trial. I will have
9 the obligation of ruling on motions that might be made or
10 evidence that might be offered for presentation to the Court
11 or questions that might be asked during the trial.

12 I will tell you now that you shouldn't take from
13 anything that I do in the discharge of my duties as the
14 presiding officer of this trial to somehow indicate to you
15 that I have an opinion, one way or the other, as to how you
16 determine the facts in this case. For you see, the law
17 makes you the sole judges of the facts in this case. I'm
18 not allowed an opinion concerning the facts in this matter,
19 and I can assure you I have no opinion as to how you
20 determine the facts in this case.

21 You are the sole and exclusive judges of the facts.
22 However, the same law that makes you the sole and exclusive
23 judge of the facts makes me the sole and exclusive judge of
24 the law to be applied in this case. If you came into the
25 courtroom with a notion as to what the law is or what it

1 ought to be, leave those notions outside of the jury room
2 before you begin your deliberations because, under your oath
3 as jurors, it's your obligation to take the law exactly as I
4 give it to you at the close of the trial. You should then
5 apply it to the facts as you find the facts to be. That
6 should put you in a position to render a just and a true
7 verdict between the parties involved in this case.

8 Now, until I advise you to begin deliberations, I've
9 already told you I'm going to ask you not to discuss this
10 matter with anyone. Also I'm going to caution you. Your
11 oath is to decide this case based upon the evidence, and I
12 will tell you the only evidence that will be presented in
13 this case will be presented in this courtroom. It will be
14 presented by witnesses who have been sworn to tell the
15 truth. They'll testify from this witness stand, and
16 whatever other evidence comes into the record through that
17 testimony, be it documents, be it objects, be it other
18 things that come in and testify, into the record, that is
19 the evidence in this case. There is no evidence in this
20 case outside of this courtroom.

21 So, again, don't discuss the case with anyone during
22 the trial. I will caution you, don't attempt to gather any
23 information on your own from any source outside of this
24 courtroom. Be that on the Internet or any other source
25 because those items of information, I can assure you, will

1 contain information that's not admissible under the rules
2 that govern the admissibility of evidence during a trial.
3 Those rules have been developed over many years of jury
4 trials, and it would be improper for you to consider any
5 information such as that in reaching your verdict because,
6 again, your oath -- you're sworn to decide the case based
7 solely upon the evidence, and that evidence will be
8 presented in this courtroom from that witness stand during
9 this trial.

10 Also, I will point out to you that you've been selected
11 as fair and impartial jurors with an open mind concerning
12 this case. I want you to keep that open mind until you've
13 heard all the arguments, you've heard all the evidence, then
14 I've charged you concerning the law, and only then would you
15 have all of the information that you need to begin
16 intelligent discussions concerning this issues that are to
17 be placed before you.

18 So, again, don't begin any discussions until I've asked
19 you to do so because even the most innocent conversation you
20 might have among yourselves, that could begin to color your
21 ultimate decision in the case, and you'll be doing that with
22 only partial information available to you. So, don't
23 discuss it until I've asked you to do that, and that will be
24 when I ask you to begin your deliberations once you have
25 the, the information that you need to decide the case.

1 In a few minutes I'm going to give the attorneys the
2 right to begin the case with an opening statement. Opening
3 statements made by lawyers will serve to tell you what the
4 case is about.

5 I will caution you that statements made by lawyers do
6 not constitute evidence in this case. That information can
7 not be used directly by you in determining the guilt or the
8 innocence of a defendant. Again, we allow those statements
9 so that you'll know something about the case or what perhaps
10 is expected to be proven from the attorneys at the
11 beginning. At the close of the trial we allow the attorneys
12 to sum up the evidence that you've heard and give you their
13 client's position regarding how you should view that
14 evidence during your deliberations. But, again, statements
15 made by lawyers do not constitute evidence, and, again,
16 can't be used directly by you in reaching a verdict in this
17 case.

18 Also, during the trial, there may be, from time to
19 time, issues that come up that I believe will involve a
20 discussion of matters that is, that are potentially not
21 admissible under the rules that allow evidence to come into
22 the record. If it's my belief that the discussion between
23 myself and the attorneys will go in that direction, I will
24 ask you to leave the courtroom while I have that discussion
25 with the attorneys.

1 Don't take, again, from the fact that I've asked you to
2 leave the courtroom that I have an opinion as to how you
3 should determine the facts in this case. You see it's my
4 job to see to it that only properly admissible evidence is
5 presented to you for your consideration in reaching a
6 verdict and those rules are governed by the rules of
7 evidence in the State of South Carolina.

8 So, I'll have those discussions. If it involves
9 matters that are not admissible into evidence or something
10 that shouldn't be admitted under the rules, you will not
11 have heard those matters. I'll bring you back into the
12 courtroom once, once I make a ruling and we'll proceed with
13 a trial. But, again, don't take from the fact that I've
14 done that that I have an opinion concerning the facts. I
15 can assure you I have no opinion on that subject. It's just
16 me doing my job to see that only properly admitted evidence
17 is considered by you in reaching a verdict in this matter.

18 Now, I've told you that you're the sole judges of the
19 facts. That means you are going to be the sole judges of
20 the credibility or the believability of the testimony that
21 you hear during this trial. That's what credibility means.
22 It means believability.

23 In determining what the credibility of a witness is, I
24 will ask you to use your good common sense in making those
25 determinations. Every single day you listen to things on TV

1 or you talk to people in the public, you make decisions as
2 to what you choose to believe and what you choose not to
3 believe.

4 Today and tomorrow, as this trial moves forward, will
5 be no different than any other day in your life. Use your
6 good common sense in determining questions of the
7 credibility or believability of the, what you hear during
8 this trial.

9 In determining the credibility of a witness, you can
10 use your common sense and such factors as whether or not you
11 believe a witness has a stake in the outcome of the trial,
12 whether or not you think a witness might be biased or
13 prejudiced one way or the other, whether or not a witness
14 has the ability to actually know the things about which the
15 witness testifies. We always put the witness stand directly
16 in front of the jury box because that gives you an
17 opportunity to observe the witnesses as they speak, how they
18 testify. Take all those factors into consideration, using
19 your good common sense and such manner as you wish to do
20 that, make a determination as to the credibility or
21 believability of the testimony that you hear.

22 As the sole judges of the facts, you can believe all of
23 what a witness tells you, part of what a witness tells you,
24 or none of what a witness tells you. You can believe one
25 witness against all the others that might testify. You have

1 the right to believe all the others against one. You're the
2 sole judges of the credibility of the witnesses. Therefore,
3 you're the sole judges of the weight you choose to assign to
4 the testimony that you hear.

5 Try not to let your thoughts wander. Listen carefully
6 to what goes on in the courtroom. That will put you in a
7 position to be able to discuss with your fellow jurors the
8 testimony that you've heard, and your, your positions
9 concerning the issues that are involved in the case when
10 you're called upon to enter into your deliberations.

11 Now, ladies and gentlemen, I do not appoint a
12 foreperson of the jury until I charge you concerning the
13 law. That will be at the end of the case. I do that, one
14 of the reasons, is because I want to emphasize to you that
15 when I do give this case to you, to decide it, your verdict
16 has to be unanimous. All of you must agree upon the verdict
17 before it is the verdict of the jury. Therefore, no juror
18 is more important than any other juror. All of you have an
19 equal say in the outcome of the case.

20 So, I appoint the foreperson at the end because that
21 person is only responsible to preside over deliberations,
22 communicate with the Court if questions are necessary. That
23 person also writes the verdict on the form I provide at the
24 close of the trial. So, I'll appoint the foreperson at the
25 end of the trial. Until that time, I think all of you

1 should be aware that all of you are equally important in the
2 decision of the case, and, therefore, should pay close
3 attention to what goes on in the trial, in the trial and be
4 in a position to discuss those matters with your fellow
5 jurors at the close of the case.

6 I want to be sure I haven't violated any of the
7 parties' rights in what I've mentioned to you already, is
8 there any objection to my opening comments from the State?

9 SOLICITOR ELLIS: No, sir, Your Honor.

10 THE COURT: Any from the defense?

11 MS. JONES: No, sir, Your Honor.

12 THE COURT: Now, I've told you that the plea in this
13 case is not guilty, that the burden of proof is on the State
14 to prove the case beyond a reasonable doubt. For that
15 reason we let the State go first in making arguments
16 followed by the defense. Also, when we begin to present
17 evidence, we allow the State to go first, and we'll -- that
18 will be followed by any evidence that the State, the defense
19 wishes to put in.

20 Once all the evidence is presented to you, I'll allow
21 the attorneys to make a closing statement or argument.
22 After that's been done, I'll charge you concerning the law.
23 Once I complete my charge on the law, the case will be
24 turned over to you for jury deliberations.

25 So, that's the process that we'll follow in the

1 procedure that we'll go through as the case moves along.

2 At this time the State may proceed with its opening
3 comments.

4 Mr. Ellis, you may proceed.

5 SOLICITOR ELLIS: Thank you, Your Honor.

6 May it please the court?

7 THE COURT: Yes, sir.

8 SOLICITOR ELLIS: On September 28th, 2010, Bridgette
9 Jackson was getting ready to close her store, the Money Tree
10 in downtown Chesnee on Alabama Avenue. She doesn't own the
11 store. She's just an employee there. Basically working
12 there by herself doing basically a kind of a clerical job
13 probably like a lot of us have done at some point in our
14 lives or may still do now.

15 She was there working that night when a man came into
16 the store. It's near closing time. She was thinking about
17 what she might have for dinner later, helping her daughter
18 with her homework when she got home, any number of other
19 things that a lot of us probably kind of think about or
20 daydream about as the day's winding down.

21 She noticed she couldn't see the man anymore in the
22 lobby of the store. She lost sight of him for a second. As
23 she tried to find him again through the glass window that
24 separates the employee area from the customer lobby at the
25 Money Tree there, she heard a sound. She saw the door that

1 leads back to her area slowly beginning to open as that man
2 began to try to creep in to the area where she was, and this
3 man, much larger than she was, she threw herself against the
4 door to try to push it shut to protect herself and protect
5 the store, and the man had a knife, and began trying to cut
6 her with it and stab her with it.

7 She fought with him over this door. He eventually over
8 powered her, pushed the door back, and they began to
9 struggle hand-to-hand in close contact. They fought for
10 this knife as this man tried to hurt her. She actually
11 managed to get the knife away from him and to knock it on,
12 on the ground as she struck him in the head and about the
13 body trying to get away from him.

14 As she went to get the knife to defend herself, she
15 turned and realized that now he had a gun pointed at her.
16 At that point she said I give up.

17 Well, he didn't just let her go. He went over to her
18 and grabbed her and he forced her to the back of the store
19 where he threw her on the ground, and he robbed the Money
20 Tree of the money that was in its safe. He picked her back
21 up, jerked her toward the back of the store, forced her into
22 a back room, and threw her on the ground and continued to
23 point the gun at her threatening to hurt her, threatening to
24 kill her.

25 Then he got distracted for just one moment. She

1 managed to kick the door shut and separated the two of them
2 and escape out the back of the store and be on her way.

3 That was what happened the night of September 28th,
4 2010, and although she did not know it at that time, the man
5 who came in that store, the man who tried to stab her with a
6 knife and tried to, pointed the gun at her, who robbed the
7 store, was that man, the defendant, Andrew Brent Scott.

8 Ladies and gentlemen, you're gonna be able to hear her
9 testimony and see evidence from various witnesses throughout
10 the course of this trial. You're going to be presented with
11 some, with photographs, some other kinds of evidence,
12 physical evidence that was found at the scene, witness
13 statements. Various kinds of evidence will be put before
14 you as, of course, the course of this trial.

15 All I'm gonna ask that you do is evaluate all that
16 evidence using your good common sense that all of you have.
17 Judge Couch earlier mentioned that this is truly a wonderful
18 justice system that we have because citizens get to take
19 part in it, and the reason that it is so good, the reason
20 why it's so, so fair to everyone, does such a good job, is
21 because you, people like you are able to come in here, use
22 your common sense, and apply your everyday experiences that
23 you've had throughout your life to what you see, what you
24 hear, what's put before you today, and as this case goes by
25 in the next day or two in Court.

1 Ask that you listen carefully, and really weigh that
2 evidence. Really listen to what the people on the stand
3 have to say. I believe, if you do that, at the end of this
4 trial, you're going to agree that that man, Andrew Brent
5 Scott, the defendant, is guilty of each of these crimes.

6 Thank you.

7 THE COURT: For the defense, Ms. Jones, you may
8 proceed.

9 MS. JONES: Thank you, Your Honor.

10 Ladies and gentlemen of the jury, I represent
11 Mr. Scott. He's 51 years of age. Today and tomorrow are
12 the most important days of his life. You are, for the next
13 two days, the most important people in his life.

14 His Honor has given you a snapshot photograph,
15 description of the justice system and the rules by which
16 this trial will be conducted and the rules that govern your
17 conduct as jurors. Mr. Ellis is come before you and told
18 you a story, and he's basically given you a Christmas wish
19 list or a checklist of what he hopes he will prove through
20 his case, and the witnesses and the evidence that will come
21 into the record over the next day or so.

22 My job, in this system, is to advocate Mr. Scott's and
23 remind you, through this argument and through closing and
24 through the trial, of the duties and the oath that you have
25 undertaken with regard to the trial of the case. His

1 Honor's already told you that the fundamental right in this
2 country to request a jury trial. To say, when you are
3 accused of a crime or crimes, I am not guilty and I want the
4 system that is been in place here in our country for
5 hundreds of years, and I want this system to work and I want
6 to use the system, and I'm coming, and I am coming into the
7 courtroom, just as Mr. Scott comes into the courtroom, as an
8 accused person who is exercising his right to a jury trial,
9 and that's exactly where you come in.

10 You have taken an oath now that you can not convict
11 Mr. Scott of anything, one two, or three, unless the State,
12 through Mr. Ellis and his witnesses, completely removes the
13 doubt of innocence in this case. The -- you can not assume
14 any facts. You can not assume any circumstances and make no
15 assumptions or presumptions and accept nothing without proof
16 beyond a reasonable doubt, and at the end of the case, when
17 you adjourn to your jury room, taking your common sense, the
18 testimony as you've head it, the evidence that's been
19 offered, and you began to consider the separate charges and
20 each and every element that His Honor all explain to you the
21 State must prove beyond a reasonable doubt as you labor
22 through that process and encounter facts and circumstances
23 that are not consistent and do not point to the guilt of
24 Mr. Scott you will have to acquit him.

25 Thank you.

1 THE COURT: Ladies and gentlemen of the jury, in
2 discussing the matters with counsel, my understanding is
3 that the victim will probably be testifying first, and that
4 testimony I think will take a fairly long period of time.
5 Rather than break it up over the evening, I'm going to go
6 ahead and retire at this time. We'll start at nine o'clock
7 in the morning with that testimony.

8 I'm going to caution you, as you leave the courthouse,
9 again, not to attempt to gather any information on your own
10 about this matter. Don't listen to, watch, or read media
11 reports. If any were to come on, please disregard those.
12 Don't listen to them, watch them, or read them. Don't
13 discuss the case with anyone. Don't allow anyone to discuss
14 the case with you.

15 Another important matter is if anyone attempts to
16 contact you concerning your service on this jury, I want to
17 point out to you that jury tampering is a felony in this
18 state, and if that were to occur, occur, I take that very
19 seriously, and I'd see that the appropriate investigation
20 were begun. So, if anyone tries to contact you concerning
21 your service on this jury, please report that to the Court,
22 and I'll see to it that the proper action is taken should
23 someone attempt to do that.

24 We'll start at nine o'clock in the morning and as I
25 indicated. When we start in the morning I'll be asking you

1 if you've been able to follow my instructions during your
2 absence from the Court. So, please be in a position to
3 respond to me on that question.

4 The bailiffs will show you where my jury room is in use
5 for this case. Report to that room. Don't go back to the
6 assembly room. Come to the jury room that's in use for this
7 trial when you return to the courthouse in the morning.

8 I trust everyone's going to have a good evening. At
9 this time the bailiffs will check you out. You're free to
10 go.

11 Thank you very much.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: All right. Ms. Jones, I believe the
15 defendant has been in custody up until this in point in
16 time, is that correct?

17 MS. JONES: That is correct, Your Honor.

18 THE COURT: He'll remain in custody during the trial.
19 Court's in recess until nine o'clock. Thank you very
20 much.

21 SOLICITOR ELLIS: Thank you, Your Honor.

22

23 (WHEREUPON, Court was in recess for the evening.)

24

25

1 Wednesday, April 25th, 2012

2
3 THE COURT: State ready to proceed?

4 SOLICITOR ELLIS: Yes, sir, just one moment.

5 THE COURT: Okay.

6 (Pause.)

7 THE COURT: Ms. Jones, is the defense ready?

8 MS. JONES: Yes, sir, Your Honor.

9 THE COURT: All right. Let me know when you're ready,
10 Mr. Ellis.

11 SOLICITOR ELLIS: Yes, sir, we're ready now I think..

12 THE COURT: Okay. Let's bring the jury in.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE COURT: All right. The record will reflect that
16 all jurors have returned to the courtroom.

17 I trust everyone had a good evening. I appreciate you
18 being here this morning.

19 Did anyone have any difficulty in following my
20 instructions of yesterday afternoon?

21 If anyone had a, any difficulty in complying with my
22 instructions, please stand.

23 (No response.)

24 THE COURT: It appears that all jurors have been able
25 to comply with the court's instructions.

1 I told you that, upon your return, we'd be in a
2 position to begin to receive evidence in this case. At this
3 time the State may call its first witness.

4 SOLICITOR ELLIS: Thank you, Your Honor.
5 Please the Court.

6 The State calls Ms. Bridgette Jackson.

7 THE COURT: Ma'am, come forward to my left and be sworn
8 please.

9 BRIDGETTE JACKSON, being first duly
10 sworn, testified as follows:

11 THE COURT: Have a seat please, ma'am. Once you're
12 seated, I'd ask that you state your name.

13 WITNESS: Bridgette Jackson.

14 THE COURT: All right. Ms. Jackson, be sure to speak
15 up clearly and get close to the microphone. You don't have
16 to put your mouth right on it.

17 WITNESS: Okay.

18 THE COURT: Mr. Ellis, you may proceed.

19 SOLICITOR ELLIS: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY SOLICITOR ELLIS:

22 Q Good morning, Ms. Jackson.

23 A Morning.

24 Q Would you please tell, tell the jury where, where
25 you're from?

Bridgette Jackson - Direct examination
by Solicitor Ellis

- 1 A I am from Campobello, South Carolina.
- 2 Q And did you graduate from high school?
- 3 A Yes.
- 4 Q Where?
- 5 A Chapman High.
- 6 Q Chapman High?
- 7 A 1998.
- 8 Q Okay. Where have you worked since then?
- 9 A Since high school I have mostly held clerical jobs as a
- 10 bank teller, office receptionist, and in college I worked as
- 11 a computer lab assistant.
- 12 Q And where are you employed now?
- 13 A Now I'm employed with Account Temps, which is a
- 14 temporary service in a clerical position.
- 15 Q Do you have any children?
- 16 A Yes, I have one daughter.
- 17 Q How old is she?
- 18 A She's ten.
- 19 Q Now, where were you working back in September of 2010?
- 20 A I was working at, for Money Tree Incorporation at the
- 21 Chesnee store.
- 22 Q How long, how long did you work for the Money Tree at
- 23 that point?
- 24 A I started May 24th, 2010.
- 25 Q And at that time what store were you based out of?

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 A At that time I was based out of different stores. I
2 was hired as a floater, rotation person because the store I
3 was hired for, Boiling Springs, couldn't guarantee me 40
4 hours. So, I would go to basically the Boiling Springs
5 store and the one on Reidville Road to complete my forty
6 hours.

7 Q What were some of the duties that you did at the Money
8 Tree?

9 A My duties were to cash payroll checks for people who
10 don't have bank accounts or missed a bank. We basically
11 cash checks and sold tobacco products, Western Union money
12 transfer, and sold phone cards.

13 Q At some point you mentioned earlier that you were
14 working in Chesnee Money Tree in September.

15 About, about when were you transferred up there?

16 A I was transferred to the Chesnee store probably around,
17 I can't quite remember, but I think it was around the, maybe
18 first of September because I was going to leave Money Tree
19 company because my daughter needed me home in the evenings
20 to help her with her homework. So, when I told Trace, the
21 owner, I was leaving, he transferred me to the Chesnee
22 store.

23 Q And you said you told Trace.

24 Is that Trace Johnson?

25 A Yes.

Bridgette Jackson - Direct examination
by Solicitor Ellis

- 1 Q So, sometime around the beginning of September you, you
2 went to the Chesnee store, is that right?
- 3 A Yes, somewhere along in there.
- 4 Q Who else was employed at the Chesnee store while you
5 were there?
- 6 A Regina.
- 7 Q Anyone else while you were there?
- 8 A No.
- 9 Q Now, when you got there, were your duties and your job
10 pretty similar to what you had been doing before?
- 11 A Yes, at the Chesnee store I worked second shift. I
12 would go in at 2:00, from 2:00 to 7:00 Tuesday, Wednesday,
13 and Thursday. We closed -- Tuesday Wednesday -- on
14 Thursdays and Fridays we closed at 8:00. Every other
15 Saturday and every other Monday all day.
- 16 Q You said you worked second shift, and that started
17 around 2:00?
- 18 A Yes.
- 19 Q Who worked the first shift?
- 20 A Regina.
- 21 Q And at two o'clock you'd come on, is that right?
- 22 A Yes.
- 23 Q Did she stay around at that point or did she leave?
- 24 A Most of the time she left.
- 25 Q So, typically you were basically alone during your

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 shift there?

2 A Yes.

3 Q All right. Was the Chesnee store very busy?

4 A No.

5 Q Typically just a lot of standing around?

6 A Yes, we may have, at the most, ten people within, from
7 2:00 to 7:00.

8 Q Okay. And do you recall everything that happened on
9 September 28th, 2010?

10 A I recall the majority of what happened September 28th,
11 2010.

12 Q All right. Do you recall what was happening as you
13 were kind of getting toward closing time in the store?

14 A Yes.

15 Q And can, can you tell the jury please what you were
16 doing as you were starting to shut down the store?

17 A As I was starting to shut down the store, first thing I
18 always did was empty the trash cans first if they needed to
19 be emptied. I had not turned off the lights yet in all of
20 the store. Just basically the back so, because we were
21 still opened. So, I had the lights on where I was standing
22 and in the front.

23 So, I basically was getting my paperwork ready to do
24 end of day closing, lottery numbers, and money order
25 transactions and things like that.

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 Q Okay. And you mentioned that you have to take out the
2 trash sometimes.

3 Where do you take the trash when you take it out?

4 A The trash is behind the store. We had a patio. It was
5 a trash -- two -- a trash can on the side, and basically we
6 would drop the trash in there, and then on trash day pull it
7 to the street, a little street that was located behind Money
8 Tree.

9 Q Did you have to take the trash out on September 28th?

10 A I did.

11 Q About what time do you think that was roughly?

12 A I took the trash out probably about maybe 6:40.

13 Q 6:40PM?

14 A Yeah, 6:40PM?

15 Q Okay. And while you were out there did you notice
16 anything?

17 A Yes, while I was out there that day I was on the phone
18 with my mom as I was getting ready to close, and I noticed a
19 man on a bicycle. He was wearing all black. Where I was
20 standing, he was coming from my left. He rode past the
21 Money Tree, and to the right of us was a bank drive through.
22 He -- and it had a slight incline.

23 So, I noticed he was kind of struggling to get up the
24 incline. So, I was giggling at him trying to go up the
25 incline, and I, I think I might of told my mom I'm looking

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 at this man, you know, trying to climb the hill on his
2 bicycle.

3 Q Okay. What did you first notice?

4 Was he close to you already or not?

5 A At that particular time he was not close to me. He was
6 a few feet away from me. Couldn't get a real -- he didn't
7 look directly at me. Basically he had his head straight.
8 So, I didn't get a good look at his face at that moment.

9 Q What did the man on the bike look like?

10 A When I first saw the man he was a black male, kind of
11 heavy set with a stocking cap on, and like a black sweater
12 and black pants. He didn't look, seem to be very tall.

13 Q Okay. Did he have anything on his face?

14 A Sunglasses.

15 Q What color were those?

16 A Black.

17 Q Okay. So, you said he was coming from left to right or
18 from your vantage point on the bike?

19 A Yes, he was coming from my left, passed me, and then
20 passed the store and then continue to cut through Arthur
21 State Bank drive through.

22 Q Okay. What did you do after you saw him, you know,
23 kind of pass on?

24 A After I saw him pass on I went back into the store. I
25 turned off the light in the back room where I was at because

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 I knew I would not be back there no more cause the trash was
2 already out. I proceeded to walk -- if you're in the store,
3 where the employee area is at is kind of separated into by a
4 cigarette case, a very long cigarette case. When I came
5 into the store, I came to the left of that cigarette case
6 over by the money machines and the bill pay machines to get
7 ready to turn those off, and then I seen the gentleman
8 coming, park his bike outside the store.

9 Q What, what street is Money Tree located on in Chesnee?

10 A South Alabama Street.

11 Q Okay. And is that the City of Chesnee?

12 A Yes.

13 Q Is that also in Spartanburg County?

14 A Yes.

15 Q Okay. You said you could see him park his bike.

16 How could you see him?

17 A We have a large glass window that we're behind, and the
18 front of the store is basically glass. We have a, two glass
19 double doors and we have -- on the right and left of those
20 doors are glass windows with some decals in them about
21 lottery and reports and maybe some low price cigarettes.

22 Q Okay. After he parked his bike there, what did he --
23 what did the man do?

24 A After he parked his bike, he came into the store. I
25 made myself visible, you know. At the time when he came

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 into the store I was doing lottery, writing the end of the
2 lottery tickets at what number we stopped at. So, when he
3 came into the store, I made myself visible at the window
4 cause I didn't know if he was coming to purchase cigarettes
5 or lottery. But he went towards the lottery stand, like the
6 Mega Million, Big Buck stand, on the outside. That's where
7 it seemed that he had went.

8 Q Now, you mentioned you were behind a window earlier.

9 could you sort of just describe briefly the jury, kind
10 of the layout of the lobby in a little bit more detail?

11 A The lobby is kind of a large area. It has a few -- we
12 had a soda machine and a vending machine. There was a shelf
13 with candles and then on the right-hand side I think it was
14 a shelf with some things like In Neutral, Win A Getaway
15 Trip, and things like that. So, very open space.

16 Q Is the lobby separate from the employee area?

17 A Yes.

18 Q And how, how is it separated?

19 A It is separated by a wall with the bulletproof glass
20 and a door that is to remain locked while we are in the
21 employee area.

22 Q How many windows are, are glass do you have in the wall
23 there?

24 A We have two windows. A window that we stood at that
25 has the little scoop that you can slide the money in and out

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by Solicitor Ellis

1 of, and we also had a display window that displayed the
2 prepaid cell phones and body jewelry.

3 Q Okay.

4 SOLICITOR ELLIS: May I approach the witness, Your
5 Honor?

6 THE COURT: You may.

7 Q Ms. Jackson, I'm showing you what's been premarked for
8 identification as State's Exhibit 1, 2, 3, 4, and 5.

9 A Uh-huh. (Affirmative).

10 Q If you please take a moment to review those.

11 A (Witness complies.)

12 Q What are those exhibits?

13 Basically can you describe what they are?

14 A They are pictures of the Money Tree sign and the lobby.

15 Q Are they basically then pictures of the Money Tree
16 store where you worked?

17 A Yes.

18 Q And are those fair and accurate representations of the
19 way the store looked at, at the time around September
20 28th, 2010?

21 A Yes.

22 SOLICITOR ELLIS: Your Honor, permission to admit these
23 into evidence as State's Exhibits 1 through 5.

24 THE COURT: Any objection?

25 MS. JONES: No, sir, Your Honor.

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1 THE COURT: Without objections they'll be admitted into
2 evidence.

3 (WHEREUPON, State's Exhibit Nos. 1 through 5 were
4 received into evidence at this time.)

5 THE COURT: Do you wish to publish them?

6 SOLICITOR ELLIS: Yes, sir.

7 THE COURT: You may do so.

8 By publish them, what that means, that's courtroom talk
9 for we'll show them to the jury so you'll get to see them.

10 Do you need the lights lowered or do you want us to
11 leave them up?

12 SOLICITOR ELLIS: I believe we're fine right now, Your
13 Honor.

14 THE COURT: All right. We'll leave them alone.

15 Q All right. Ms. Jackson, I'm showing you right now
16 what's been marked as State's Exhibit No. 1.

17 Would you please just tell the jury what this is?

18 A That is the sign above the double doors for Money Tree
19 on South Alabama Street.

20 Q Okay. So, that's basically kind of what everybody sees
21 from the street?

22 A Yes.

23 Q I'm showing you what's been marked as State's Exhibit
24 No. 2.

25 Can you please tell the jury what we see here?

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1 A That is a half, a layout of half the lobby.

2 Q Okay. And what do we see in this area here?

3 A That area you see an ATM machine. You see the soda
4 cooler, the candle shelf, and a case that's stating the free
5 getaways, candy machine, and part of the window that we
6 stand behind.

7 Q All right. Again, you mentioned the window you stand
8 behind.

9 Is that what we're looking at here?

10 A Yes.

11 Q There are several things that appear to be in the
12 windows here, is that right?

13 A Yes.

14 Q Could you still see out of the window?

15 A Yes.

16 Q All right. And did you, did you have a good view of
17 the lobby?

18 A Yes.

19 Q And, so, you would of been standing behind this window
20 and any customers would of been out in this area here, is
21 that correct?

22 A Yes, but when -- that day, when the defendant entered
23 the store, he kind of walked to the side. I seen him enter
24 the store. I knew he had the sunglasses on. Then he kind
25 of walked to the side. You know, he was in my peripheral,

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1 but I couldn't see fully his facial features then---

2 Q Okay.

3 A ---where he went to the lottery stand.

4 Q All right. I guess this is the man on the bike you're
5 referring, correct?

6 A Yes.

7 Q And he was still dressed the same way when you saw him
8 on the bike?

9 A Yes.

10 Q Okay. By the side you mean he came to this side or he
11 went to the other side?

12 A He went to the other side.

13 Q Okay. I'm showing you what's been marked as State's
14 Exhibit No. 3.

15 what, what are we looking at there?

16 A Those are the, the double glass doors to enter the
17 Money Tree. To the left is where the man on the bike parked
18 his bike when he came to Money Tree.

19 Q And are these windows here we see on the side of the
20 doors also?

21 A Yes.

22 Q Okay. I'm showing you State's Exhibit No. 4.

23 Is that also the lobby again?

24 A Yes, that's mainly show part of -- as I said, it was a
25 large lobby. It showed part of the middle section. You see

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1 the cigarette shoot for those who bought cartons of
2 cigarettes or things that we could not put under the window.

3 A---

4 Q Would that be this here?

5 A Yes, and you see the lottery stand.

6 Q And is that the area where the man from the bike
7 walked?

8 A Yes, he walked towards that green display of the South
9 Carolina Lottery.

10 Q Okay. This is State's Exhibit No. 5.

11 Is this also the lobby?

12 A Yes, that's the other half of the store. Still has the
13 lottery stand that is the display window with the prepaid
14 phones, the earrings, and that is the door in which remained
15 locked while we were in the employee area.

16 Q Okay. Could you see out of that window too or were
17 there things blocking your view there?

18 A I could see out of that window too.

19 Q All right. Were there any shelves or anything there?

20 A Yes, there are shelves. One, two, three, four, five,
21 maybe six shelves. They have very little -- little, little
22 body piercings and cell phones that lay flat. Nothing was
23 standing up and could block, blocking my view.

24 Q All right. And this here on the left side of the
25 photo, this is the door you said that remains locked?

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by Solicitor Ellis

1 A Yes.

2 Q Is that locked from your side I suppose or from the
3 lobby side?

4 A It locks from my side.

5 Q Okay.

6 A The employee side.

7 Q That's the way you get to and from the lobby if you're
8 in the back area, isn't it, and the employee area?

9 A Yes, and you have the -- if you go into the lobby area
10 you have your keys so that you can get back. In case
11 someone knocks you out in the lobby, they still can't get
12 back to the back. So --.

13 Q Okay. So, the man walked into the lobby and he walked
14 over toward the lottery area of the lobby, is that right?

15 A Yes.

16 Q What did you do then?

17 A Then I kind of stood where in the second picture you
18 see the scratch-offs.

19 Q Uh-huh. (Affirmative).

20 A I was kind of standing there. I was, didn't continue
21 to write numbers because I thought that he would buy lottery
22 tickets considering he went towards that way, and it was not
23 7:00. So, we were really not allowed to set, shut the
24 lottery machine down until maybe five till or if anybody was
25 in the store we would shut it down at 7:00. But I was

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1 standing where the, the lottery scratch-offs was.

2 I noticed, after some time, that I no longer seen the
3 gentleman and I didn't hear him. Normally if somebody's
4 filling in numbers for the lottery they gonna ask, you know,
5 had they did the drawing or something, but I noticed I no
6 longer seen his presence.

7 So, on the employee side of the, where I was at, I was
8 moving towards the display window to see if I could see his
9 body at the lottery stand where I thought he was, where I
10 thought he was, or because where the window is. I knew he
11 was not at that case because I didn't see him. So, I was
12 trying to go to the corner right there. If you stand right
13 there to the, from where we're looking to the left, you can
14 kind of see the body if somebody is at that stand.

15 Q Okay.

16 A I didn't see his body.

17 Q So, as you came basically on the other side of this
18 wall down toward this window, you still didn't see him at
19 that point?

20 A I did not see him.

21 Q What happened next?

22 A I continued to move towards the door on the employee
23 side of the wall. As I was approaching the door, I can't
24 remember what, which was first, I heard or seen, but either
25 way the door that only employees could come through was

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1 opening.

2 Q And, again, the door is suppose to be locked, is that
3 right?

4 A It was locked.

5 Q It was locked?

6 A Yes.

7 Q But it was opening?

8 A It was opening.

9 Q How would you describe it opening?

10 A It was opening very slowly like somebody trying to
11 sneak in. When I seen the -- that's what allowed me time to
12 get to the door cause of how slow he was trying to sneak in.

13 Q Could you see who was coming in the door?

14 A At that time, no, but only one person was in the store
15 that was the man in black.

16 Q Okay. You saw them, the door opening and you did what?

17 A When I seen the door opening, I guess you could say I
18 panicked because a door that employees suppose to get
19 through was being entered by someone else. I ran to the
20 door to try to shut the door closed so that I could run and
21 press the panic button that was under the counter where the
22 window, the big large display window was because I was maybe
23 about three feet from that button. So, I was trying to --
24 by the door only being cracked, I was hoping to push the
25 door closed to lock it to give me time to run and press that

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1 button.

2 Q Okay. When you got to the door what did you do?

3 A When I got to the door I leaned against the door with
4 my right shoulder and tried to bare all my weight on it to
5 lock the door. As I was doing that, the gentleman on the
6 other side had a, a knife out through the door. He was
7 saying vulgar things to me.

8 Q What kind of vulgar things?

9 A He was saying -- like when he was coming through the
10 door, I'm gonna get you, bitch.

11 Q You said you saw the knife.

12 What was he doing with the knife?

13 A He was trying to, I guess, maybe he was hoping I was
14 close enough to where he could maybe swipe me with the knife
15 as I was trying to close the door or maybe puncture me with
16 it. But he had, I want to say -- I don't know what side he
17 was pushing from on his side, but the knife was in the door
18 and swinging like, you know, he was trying to, to get me
19 from the other side.

20 Q Okay. Now, in this door we see here in State's Exhibit
21 5 --

22 A Uh-huh. (Affirmative).

23 Q -- does this open in towards the employee area or out
24 toward the lobby?

25 A It opens in toward the employee area.

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by Solicitor Ellis

- 1 Q Okay. So, you're trying to push the door shut?
- 2 A I'm trying to push it shut.
- 3 Q And looking at the picture here, the door would then
- 4 sort of swing outward sort of to the left to this vantage
- 5 point toward this side left wall, is that right?
- 6 A On the employee side it pushes to the wall.
- 7 Q Okay. Did he ever cut you with the knife?
- 8 A No.
- 9 Q Did he seem to be trying to?
- 10 A He was trying.
- 11 Q What happened next?
- 12 A Next he forced his way through the door. We struggled
- 13 because when he come through the door I was no where near
- 14 the panic button, and, of course, by him pushing his way
- 15 through the door, didn't really give me much of a lead
- 16 advantage. So, we struggled because I was trying to, at
- 17 first, keep him from stabbing me, and then I, when we
- 18 struggled, my thing was if he drop that knife I'm gonna stab
- 19 him before he stab me.
- 20 Q While you were struggling, were you -- I guess you were
- 21 in contact with him at that point?
- 22 A Yes.
- 23 Q About how close were you to him at that point?
- 24 A We were probably about no farther than maybe six inches
- 25 apart.

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1 Q And what was, what was he doing with the knife at that
2 point, if anything?

3 A He was trying to stab me. I was trying to apply
4 pressure to keep from him stabbing me. So, we kind of had
5 this going on and me screaming and him cursing.

6 Q Do you recall anything else he was saying at that
7 point?

8 A He just kept saying I'm gonna get you, bitch, come
9 here, bitch, things like that.

10 Q So, you had one hand kind of holding the knife away
11 from you?

12 A Yes.

13 Q What were you doing with the other hand?

14 A When we were first struggling, some kind of way I was
15 trying to push him away from me. I can't remember quite the
16 details. But I do remember hitting him with my hand trying
17 to get him off of me, get the knife away from him. I wasn't
18 in particular to, you know, wasn't trying to hit him
19 particularly in the eye or nothing. But I do remember
20 hitting maybe his, my hand hitting something hard on his
21 face, which probably indicated I hit his nose bone. But I
22 was just swinging.

23 Q How many times do you think you swung at him?

24 A Probably about ten maybe. I wasn't really counting.

25 Q So, you were screaming too.

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by Solicitor Ellis

1 What were you screaming?

2 A At first I was screaming for my, my boyfriend because
3 when I worked at the Boiling Springs store and at the
4 Spartanburg store he would come by at night to make sure I
5 got home safe because he knew the risk of me being alone at
6 night with all that money. So, I was screaming for him
7 don't, to come get me or to just walk in that store at that
8 time. But he never did -- when I got transferred to
9 Chesnee, it was kind of too far for him to come every night.
10 So, it was just in my memory that he would come in case, in
11 case that ever happened at nighttime.

12 Q Did anybody come help you?

13 A No, the store, as I say, was very slow. The only
14 person probably -- everything on that line was probably
15 closed. I think the lady next door -- it was a clothing
16 store. She may have been in the store. She's the owner,
17 but nobody came to help me.

18 Q So, as you're struggling over the knife and you're
19 hitting him, what happened after that?

20 A As we're struggling, you know, I -- my glasses were
21 knocked off. He drops the knife. I try to go and retrieve
22 the knife cause, as I say, I was gonna stab him before he
23 stabbed me, and as I went to kind of retrieve it I seen him
24 messing with his pants. I didn't know what he was about to
25 do.

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1 At that time he pulled out a small handgun and I raised
2 my hands and said I give up, I can't fight no more. After I
3 told him that, he was kind of, you know, taking a minute or
4 so to get his breath. I was looking at him to see if his
5 facial expression would change to indicate that he was gonna
6 pull that trigger or do anything. But instead he grabbed me
7 by my hair, which was much longer at the time. I had it in
8 a ponytail.

9 Q What did the gun look like that he pointed at you?

10 A The gun was a small handgun. It didn't look like, like
11 a nine meter -- it was not a clip gun. I know that. I
12 don't know the caliber and all that. I don't -- I'm not
13 really familiar with guns. I've never handled a gun, but I
14 do remember it was small, and the part the bullet come out
15 of was black.

16 Q Was it a black barrel?

17 A Black barrel.

18 Q Okay. While he was catching his breath, were you
19 holding the knife or did you not have the knife at that
20 point?

21 A Oh, while he was catching his breath I did have the
22 knife because my hands -- I was kind of like in -- I did my
23 hands like (indicating) and I surrender cause I didn't want
24 him to see me with that knife and be threatened and shoot
25 me. So, I didn't pick that knife up because that might of

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by Solicitor Ellis

1 gave him more motive to pull the trigger sooner.

2 Q Okay. How long do you think you stood there looking at
3 each other?

4 A I stood there looking at him probably for about a
5 minute or so as he did this cause, as I say, he seemed to be
6 kind of tired from the struggle we had put up, and it took
7 him -- the gun was located somewhere within his waist. So,
8 it took him a second to get the gun from his pants. I
9 really thought he was about to rape me at that moment
10 because he kept fiddling with his pants, and I was like no,
11 what is you doing. So, I looked at him for about a minute
12 as he was getting his breath and trying to get that gun out
13 of his, his, his pants.

14 Q Okay. About how far away do you think you were from
15 him?

16 A I was no more than, no more than three feet from him.

17 Q And you said at that point the lights in the back of
18 the store had somewhat been turned off, but the ones in the
19 front were still on or were they off?

20 A The ones where we were struggling in the employee area
21 was still on. The only light that was out was the lights --
22 the store use to be an old clothing store. So, it had like
23 a, maybe a break room with an old refrigerator that led to
24 the outside. That light was off. And the light in the back
25 room was out, and the light in the room next to the last was

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1 out. That one actually looked like it was a, a dressing
2 room. But we had more storage, like Christmas trees, and a
3 bunch of junk in there.

4 Q While, while you were standing there facing him, and
5 he's kind of catching his breath, what were you noticing?

6 A I was noticing that he was tired. Like I say, I was
7 noticing his face to see if he was to make -- most of the
8 time if someone gonna pull a trigger on you, they gonna make
9 some kind of facial expression to indicate that they're
10 about to do it. So, basically I was sitting there noticing
11 what his face was, his facial expressions and praying that
12 he didn't pull that trigger. At that time, within that
13 minute, I just asked God to get me home to my daughter to
14 help with, with her homework.

15 Q What stood out to you about his face about, if
16 anything?

17 A He had very big cheeks, fat cheeks. He had a pudgy
18 nose. I couldn't see his eyes cause he had on shades. From
19 where we were at, I guess from him yelling and stuff, his
20 lips looked, seemed to be full from I guess where saliva or
21 something had got on his, his lips from yelling and all of
22 that, and he seemed to have -- his skin was not smooth.

23 Q Did you notice anything, anything about the color of
24 his skin at all?

25 A He was dark skinned.

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by Solicitor Ellis

1 Q Okay.

2 A He wasn't -- he wasn't black. He wasn't light skinned,
3 but he was, he was dark skinned.

4 Q Okay. Could you tell what kind of haircut he had?

5 A At that particular time I did not know because he had a
6 black hat on.

7 Q Okay.

8 A A stocking -- a black -- like a stocking cap.

9 SOLICITOR ELLIS: Permission to approach, Your Honor?

10 THE COURT: You may.

11 Q Ms. Jackson, I'm showing you what's been premarked for
12 identification as State's Exhibit 6, 7, 8, 9, 10, 11, and
13 12.

14 Could you please review those for a few moments?

15 A (Witness complies.)

16 Q What, what are those items?

17 A These items are areas of where the struggle took place.
18 Also is the pen I had in my hand that I was using to write
19 down the lottery ending numbers.

20 Q So, those are photographs then of more parts of the
21 store basically and some things in the store?

22 A Yes, it's basically the employee's side of the store
23 right at the door area and with the display window.

24 Q And are those true and accurate representations of the
25 way the store looked at that time?

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by Solicitor Ellis

1 A Yes.

2 SOLICITOR ELLIS: Your Honor, permission to admit these
3 into evidence as State's Exhibit 6 through 12.

4 THE COURT: Any objections?

5 MS. JONES: No, sir, Your Honor.

6 THE COURT: Without objections they'll be admitted as
7 marked.

8 (WHEREUPON, State's Exhibit Nos. 6 through 12 were
9 received into evidence at this time.)

10 THE COURT: You may publish them.

11 SOLICITOR ELLIS: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 Q Ms. Jackson, I'm showing you what's been marked as
14 State's Exhibit No. 6.

15 What do we -- what are we looking at here?

16 A That is the pen that I used, I had in my hand to write
17 down, that I was writing down the ending lottery numbers and
18 my end of day numbers.

19 Q And was that in your hand as you were moving toward the
20 door?

21 A Yes.

22 Q What area of the store are you looking at here in this
23 picture?

24 A You're looking at probably the, the employee area right
25 at the door.

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by Solicitor Ellis

1 Q This is basically your side of the door area?

2 A Yes.

3 Q Now showing you State's Exhibit No. 7, and what is in
4 this photograph?

5 A The pen broke. Look like it's been stepped on.

6 Q So, that's just a closer shot of the pen?

7 A Closer shot of the pen.

8 Q And it appears to be broken?

9 A Yes.

10 Q I'm showing you State's Exhibit 8.

11 What do you see in this photograph?

12 A That is, if you're standing in the door, while it's
13 opened, that is leading you into the employee area. You see
14 the sodas that we restock for the cooler and you see my
15 glasses that was knocked off my face.

16 Q Are these the glasses?

17 A Yes.

18 Q Those are the ones you were wearing at the time?

19 A Yes.

20 Q I believe you mentioned they were knocked off in the
21 struggle over the knife, is that right?

22 A Yes.

23 Q What is this item?

24 A That is the blanket that we had hanging over at the
25 bottom of the display window so that customers that came

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by Solicitor Ellis

- 1 into the store could not see the reflection of our safe
2 opened, which basically stayed opened while we were open.
3 Q Was there a mirror or something that showed the safe?
4 A Yes.
5 Q Okay. And basically that, that was used to block the
6 customer's view of that?
7 A Yes.
8 Q All right. And, again, where was this hanging?
9 A It was hanging towards the bottom of the shelf of the
10 display window.
11 Q I go back briefly to State's Exhibit 5.
12 Is this the -- is -- this kind of thinner taller
13 window, is that the display window you're talking about?
14 A Yes.
15 Q And about how much of that window would of been covered
16 by the, the tablecloth or the blanket, whatever it was?
17 A Probably right there would be -- you see the square
18 white paper?
19 Q Uh-huh. (Affirmative).
20 A Probably a little bit above there.
21 Q Right about here?
22 A Go up a little bit more.
23 Q (Solicitor complies.)
24 A Yeah, probably right there.
25 Q okay.

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by Solicitor Ellis

1 A I did not, I did not hang the blanket. The blanket was
2 hung by my manager, Regina.

3 Q All right. But you could still see out of that window?

4 A Yes.

5 Q Going back again to State's Exhibit No. 8, what, what
6 is in this direction of the store?

7 A That direction of the store is the, leading towards the
8 employee area. You see the, the mirrors because it was, as
9 I stated, a clothing store. So, it looks like a little
10 stage back there where, I guess, if they tried on their
11 clothes they could see a better vision of the front of
12 themselves and the back of themselves, and it also leads to
13 the safe and it's a table behind that cigarette case and
14 that's what that area leads to.

15 Q Okay. With the main employee area where the big window
16 is where you were standing initially while you were doing
17 your transactions and things, was it in this direction or
18 was it kind of more toward, you know---

19 A It's to the---

20 Q ---bottom?

21 A If you're standing right there it's gonna be to your
22 right.

23 Q Okay. State's Exhibit No. 9, what do we see in this
24 photograph?

25 A That is the Halloween blanket that was hanging in the

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by Solicitor Ellis

1 display window to cover the safe that was knocked down
2 during our struggle.

3 Q And this is State's Exhibit 10.

4 what do we see here?

5 A You still see the blanket, but now you also see the
6 little packets that we kept body piercings in.

7 Q Now, where were those normally?

8 A They really had no particular place, but normally they
9 were kind on, just so the shelf wouldn't look empty, we
10 might of had like the first, from the bottom -- nothing was
11 on the bottom shelf, I can't recall, but about the second
12 and third maybe fourth shelf we had a couple body piercings
13 and a few cell phones.

14 Q So, basically all items are items that would of been
15 around that display window?

16 A Yes.

17 Q Were they looking, they looking like this before the
18 incident?

19 A No.

20 Q Now State's Exhibit No. 11.

21 what is this?

22 A That's a closer view of the body piercings. As you can
23 see, the store had had them for quite a while. So, we had
24 marked them down to like 50 cent and 95 cent cause we wasn't
25 busy enough to really sell them.

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by Solicitor Ellis

1 Q Okay. And then State's Exhibit 12, what are we looking
2 at here?

3 A That is the area in which most of the transactions took
4 place. The chair right there is located in front of the
5 computer that we entered our nightly reports. You see three
6 computers. One is for Duke Power, one was for AT&T to pay
7 your water bill and things, and I think one -- the other one
8 was to print phone cards.

9 Q You mentioned earlier that there's, there's a wall that
10 doesn't go the entire length of the store, but it basically
11 separates the employee lobby, the employee area into sort
12 of, sort of two different rooms, is that right?

13 A That cigarette wall you see right there.

14 Q Right here on the left?

15 A Yes.

16 Q Okay. Can you go around that, that cigarette wall?

17 A Yes.

18 Q On one side or both sides?

19 A Both.

20 Q And is, is this the front window where you were looking
21 out initially?

22 A Yes, the -- as you -- he -- I was -- when I came back
23 from taking the trash, I came through that way, which is
24 the, the big window, opening window. So, as he was walking
25 in the store, I was, at that time, at the window going to

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by Solicitor Ellis

1 the lottery numbers.

2 Q Okay. And anywhere in this photograph do you see kind
3 of any of the area where the struggle was going on or
4 anything like that?

5 A That is -- where you see that purple basket, that is
6 still the display window kind of.

7 Q Here?

8 A Yes, kind of happened right in there.

9 Q Okay. So, basically right in front of this area?

10 A Yeah. Not -- I don't think we quite made it to the rug
11 --

12 Q Okay.

13 A -- to the mat.

14 Q All right. After you told him that you'd give up, you
15 can't fight bullets, what did he do?

16 A After I told him I give up, I can't fight no bullets,
17 he grabbed me by my ponytail. He led me to the safe. He
18 was behind me pushing me -- if -- the cigarette case you
19 just seen, we were going down the left side. He was pushing
20 me, still calling me bitch, and all of this. I was asking
21 him why are you doing this, you know, to let me go, anything
22 to see if he would just get what he wanted and leave.

23 Q How was he pushing you?

24 I mean was it gentle or what?

25 A No, it was more of a very aggressive hard push from

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 behind.

2 Q okay. Did you know if he still had any weapons?

3 A At that point, like I say, I don't -- he didn't have
4 the knife, but he still had his gun.

5 Q okay. And you said he took you back toward the area
6 where the safe is?

7 A Yes.

8 Q All right.

9 A Once we got to that area he forced me to the ground, he
10 put his knee in my back, and he took a while at the, at the
11 safe because we was at the safe for maybe about, about a
12 minute cause I remember, you know, when I was on the ground
13 I was still asking him why is he doing this, if he will let
14 me go. And, so, he kept telling me -- when I was saying
15 that, he told me to shut up, bitch, and I didn't shut up. I
16 was still just asking him why is, why is he doing this.

17 Q I think you said earlier that the safe was normally
18 left open, is that right?

19 A Yes, we normally left the safe opened during business
20 hours because you never knew how much money you would be
21 needed. So that if you ran short on 20's or one hundreds,
22 you didn't have to worry about keep opening the safe. That
23 was a practice that was used when I got to the store.
24 That's not something I did personally. But normally every
25 Money Tree that I had rotated to kept their safe opened

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by Solicitor Ellis

1 during business hours.

2 Q Okay. What was in the safe?

3 A That day it was I think \$2,000 worth of fives.

4 Q Okay.

5 A That was all.

6 Q That's about \$2,000 in cash?

7 A Yeah.

8 Q And, and when you got to the safe and you were on the
9 ground, could you tell what he was doing?

10 A Not really because I had my, my face towards the
11 ground. He had his knee in my back. Even though there was
12 glass where my, my face was at, I was still -- the safe was
13 still kind of blocking me. I wasn't able to turn around
14 like that cause, as I said, he told me to, kept telling me
15 to shut up and pushed my head. So, I knew that he was going
16 through the safe.

17 Q Okay. What happened after that?

18 A After that I thought he would leave, but he didn't
19 leave. He jerked me up.

20 Q How did he jerk you up?

21 A By my hair. Kind of pulled me up. At that moment I, I
22 really didn't know what was gonna happen because I noticed
23 he was not leaving. As we headed down the hallway I was
24 hoping maybe he just -- there was no way he could lock me in
25 a room back there cause none of the doors locked from the

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1 outside. They locked from the inside. But we proceeded
2 down a very short hallway and he took me to the back room of
3 the store where there was a old refrigerator and a broke
4 down bike.

5 Q When you got to that room, what happened?

6 A When we got to that room, he told me, as he was -- he
7 pushed me and kind of hit the right side of my head with the
8 barrel of his gun because it was too hard to be a fist, and
9 he said bitch, I'm about to kill your mother fucking ass.
10 At that moment I was terrified cause nobody was coming in
11 the store. I didn't know -- I was just praying that maybe
12 if he shot one time it wouldn't kill me, somebody would find
13 me bleeding, and at that time I thought maybe that -- I was
14 under the assumption that the security cameras worked in the
15 store. I had, like I say, I hadn't been up there that long.
16 I didn't know much about the store.

17 So, at that time I just was praying that if he did
18 shoot me, he maybe would shoot once and I would still live.

19 Q You said he hit you with the gun you thought.

20 Where exactly did he hit you?

21 A He hit me kind of where my ear is at right here where
22 that, the bone of your skull is.

23 Q Right side of your head?

24 A Right side of my head. As I said, it was, it was too
25 hard to be a fist.

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by Solicitor Ellis

1 Q You said he pushed you down and then what happened?

2 A As I was going to the ground, some kind of way I
3 happened to turn over. I don't know. I turned over.

4 Q So, you were laying on which side at that point?

5 A I turned -- I'm going through the door this way. I
6 tumbled and I'm turning to my right. As I'm turning to my
7 right I see the man in black with the black hat and black
8 shades leaning towards the bathroom. Within that moment I
9 kicked the door shut with my leg, I locked it from the
10 inside, and I proceeded out of the back-door of the Money
11 Tree to run.

12 I knew the police station was located behind the Money
13 Tree. So, I proceeded to run to the Money Tree, I mean to
14 the police station. When I got there, it was closed.

15 Around the time this was happening the City of Chesnee
16 was kind of, where we were at, was kind of quiet. But it so
17 happened I think the judge was still in City Hall, and I ran
18 into the City Hall building.

19 SOLICITOR ELLIS: Okay. Permission to approach the
20 witness, Your Honor?

21 THE COURT: You may.

22 Q Ms. Jackson, I'm gonna show you what's been premarked
23 for identification as State's Exhibit 13, 14, 15, 16, and
24 17, 18, and 19.

25 If you'd take a few moments to review those please.

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 A (Witness complies.)

2 Q Do you recognize those, those items?

3 A Yes.

4 Q What are they photographs of?

5 A They're photographs of the safe area, and they're
6 photographs of the door that I pushed shut, and they're
7 photographs of the door leading to the back which I ran out
8 of.

9 SOLICITOR ELLIS: Your Honor, permission to admit these
10 exhibits into evidence as State's Exhibits 13 through 19.

11 THE COURT: Any objections?

12 MS. JONES: No, sir, Your Honor.

13 THE COURT: Without objections they'll be admitted into
14 the record as marked.

15 (WHEREUPON, State's Exhibit Nos. 13 through 19 were
16 received into evidence at this time.)

17 THE COURT: You may proceed and publish them.

18 SOLICITOR ELLIS: Thank you, Your Honor.

19 Q Ms. Jackson, I'm showing you State's Exhibit 13.

20 What do you see in this photograph?

21 A That photograph you can see the corner of the dinette
22 table that we have. You can also---

23 Q That would be up here?

24 A Yes.

25 Q Okay.

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by Solicitor Ellis

1 A You can also see the safe, which is opened.

2 Q This?

3 A Yes.

4 Q Okay.

5 A And the microwave and stuff like that.

6 Q And the safe is only left kind of in that state during
7 business hours?

8 A Yes.

9 Q Whereabouts did he take you when he took you to the
10 safe?

11 A He took me right in front of the door. My body was, as
12 I say, my face was not extended past the safe. It was kind
13 of right there. The door, he didn't swing it completely
14 opened. He just pushed it opened enough to, to go through
15 it. So, my face was kind of maybe, maybe about an inch or
16 so from the end, and that's where he had me on the ground.

17 Q Okay. I'm showing you State's Exhibit 14.

18 What is this a photograph of?

19 A That is a photograph of the keypad to enter the code
20 that is also the object to the right is where you would have
21 to place a key to be inserted to unlock the safe. If the
22 key was not in there, it would not -- the safe would not
23 open.

24 Q And, again, the key was in there and the safe was
25 opened, correct?

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by Solicitor Ellis

- 1 A Yes, mainly the key stayed in there all day.
- 2 Q Okay. And State's Exhibit 15, is this just a
- 3 photograph, a close photograph of the key in the safe?
- 4 A Yes, that's the key that, the key in the safe.
- 5 Q I'm showing you State's Exhibits 16.
- 6 what is this a photograph of?
- 7 A That is a photograph of the door in which I shut as the
- 8 man in black was leaning in the bathroom.
- 9 Q So, is this the door to the back room where he took
- 10 you?
- 11 A Yes.
- 12 Q And he pushed you into the, into that room on the
- 13 floor?
- 14 A Yes, he pushed me into that room, which, at the time,
- 15 he pushed me. As I say, the lights were, were out. At that
- 16 time I can't quite remember, I want to say as he was pushing
- 17 me the -- he may have flipped the light switch on because I
- 18 don't re -- I can't recall. It happened so fast. But I'm
- 19 remembering that maybe the lights were on when he pushed,
- 20 after he pushed me in the room.
- 21 Q So, you could still see him?
- 22 A Yes.
- 23 Q Where is the bathroom you said he got distracted by or
- 24 looked into?
- 25 A The bathroom -- you see the fire hydrant?

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by Solicitor Ellis

- 1 Q Right here?
- 2 A Yes.
- 3 Q Okay.
- 4 A And that right there is the outside molding of the
- 5 bathroom door.
- 6 Q This here on the right side of the photograph is the
- 7 bathroom door?
- 8 A Yes.
- 9 Q Okay. And you're in this room here?
- 10 A I was pushed into that room there.
- 11 Q Which way does this door open?
- 12 Does it open kind of out in this hallway or does it
- 13 open into the room where you were?
- 14 A It opens into the room where I was.
- 15 Q So, again, once you're on the floor, he looked in the
- 16 bathroom, you did what?
- 17 A I kicked the door shut with my foot. I jumped up real
- 18 fast, locked that door, removed a barrier that blocked the
- 19 back-door in case somebody wanted to break-in through the
- 20 back way. I removed that barrier that was blocking that
- 21 door and ran out of the room.
- 22 Q I'm showing you State's Exhibit 17.
- 23 Is this also a photograph of that back-door to the room
- 24 where you were?
- 25 A Yes.

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by Solicitor Ellis

- 1 Q And is the door opened in this one then?
- 2 A It's opened in that photograph.
- 3 Q Okay. What do you notice about the door frame here?
- 4 A It's, it's kicked in.
- 5 Q Was it that way before the incident?
- 6 A No.
- 7 Q Was it that way when you shut the door?
- 8 A No.
- 9 Q So, you shut and locked the door and the door frame did
10 not look like that?
- 11 A No.
- 12 Q Do you know how it got that way?
- 13 A No.
- 14 Q What is this, the background of the photo kind of
15 through this doorway?
- 16 A That is the door which I ran out of.
- 17 Q Is that -- that's the door out the back of the store?
- 18 A Yes.
- 19 Q I'm showing you State's Exhibit 18.
20 What is this a photograph of?
- 21 A That is the door opened that I ran out of. To the left
22 of the door is the barrier that was placed over the door so
23 no one could kick the door in from the back porch.
- 24 Q So, normally this barrier would of gone across the
25 doorway?

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 A Yes.

2 Q That's what you removed so you could get out?

3 A Yes.

4 Q And now I'm showing you State's Exhibit 19.

5 What is this a photograph of?

6 A That is the back of the store, the back patio in the
7 stairs in which I ran down to the Chesnee Police Department.

8 Q Now, again, when you ran, was the police department
9 opened at that time?

10 A No.

11 Q And, so, you went where?

12 A I went to City Hall. I think it was the judge and his
13 clerk was still there. I ran inside. I remember saying
14 he's trying to, he's trying to rob me, I been robbed, he's
15 robbing me. During that time, I can't remember everything I
16 said because my adrenaline was very high from running trying
17 to -- I didn't know if he had time to chase me or not. I
18 didn't look behind me. I just kept running forward.

19 So, I ran to City Hall. I ran in there. Oh, at that
20 time I was panting. I remember telling them I had been
21 robbed. The lady inside kept -- she was saying calm down,
22 what did you say, and I said I been robbed, and she was
23 like, asked me where, and---

24 MS. JONES: Your Honor, I'd object. That's hearsay.

25 THE COURT: Sustain the objection. Ask you not to

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by Solicitor Ellis

1 quote what anyone may of told you unless they're a party to
2 the action. Your attorney can ask you the appropriate
3 questions.

4 You may proceed.

5 SOLICITOR ELLIS: Thank you, Your Honor.

6 A So -- well, I went inside.

7 THE COURT: Let him ask another question and then
8 start. Thank you.

9 Q Once, once you got into the City Hall and you told him
10 you had been robbed, did the police arrive at some point?

11 A Yes.

12 Q Do you recall who arrived?

13 A Sergeant Teal was the first one to arrive.

14 Q He was with the Chesnee Police Department?

15 A Yes.

16 Q Did you tell him what happened?

17 A Yes.

18 Q And how did you describe the man?

19 A I described the man in all black on a bicycle.

20 Q Okay. Did you get anymore description about the way he
21 looked physically or anything like that or basically just
22 all black on a bicycle?

23 A I didn't give him any facial descriptions because I was
24 hoping that he might have seen a man in all black on a
25 bicycle.

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by Solicitor Ellis

1 Q Okay.

2 A As you know, Chesnee's a small town.

3 Q Right.

4 After that, did the other officers arrive?

5 A Yes.

6 Q And did they take some photographs of you and your
7 clothing?

8 A Yes.

9 SOLICITOR ELLIS: Permission to approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 Q Ms. Jackson, I'm showing you what's been premarked for
13 identification as State's Exhibits 20, 21, 22, 23, 24, 25,
14 26, 27, 28, 29, 30, and 31. Take a moment to review those
15 please.

16 A (Witness complies.)

17 Q Ms. Jackson, what are those photographs of?

18 A These photographs of, are of pictures taken of, of me
19 after the robbery.

20 Q And are those true and accurate representations of the
21 way you looked after the robbery?

22 A Yes.

23 SOLICITOR ELLIS: Your Honor, permission, permission to
24 admit these exhibits into evidence as State's Exhibits 20
25 through 31.

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by Solicitor Ellis

1 THE COURT: Any objections?

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

3 THE COURT: Without objection they'll be received into
4 the record as marked.

5 (WHEREUPON, State's Exhibit Nos. 20 through 31 were
6 received into evidence at this time.)

7 THE COURT: You may publish them.

8 SOLICITOR ELLIS: Thank you, Your Honor.

9 Q Ms. Jackson, I'm showing you State's Exhibit No. 20.
10 What is this a picture of?

11 A That is a picture of the right side of my, of the back
12 of my head while I was struck.

13 SOLICITOR ELLIS: Turn the lights down for me please.
14 And what do you notice about the side of your head?
15 Is there anything different than normal?

16 A It's red. Like bruised.

17 Q Where?

18 A Right here behind my ear and on my ear is, it looked
19 bruised and red.

20 Q Now I'm showing you State's Exhibit 21.
21 What do you see in this photograph?

22 A That is a closer shot of the, my right ear.

23 Q And, again, does anything look different than normal?

24 A My ear is red right there in front of the -- I guess
25 that would be the lobe is red and the red bruised marks

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by Solicitor Ellis

1 behind my ear.

2 Q All right. Is that the general area where you were hit
3 with a gun?

4 A Yes.

5 Q I'm showing you State's Exhibit 22.
6 what is that a picture of?

7 A That is a picture of my right-hand.

8 Q Is there anything different about your hand?

9 A It's, it's cut. It's injured.

10 Q There on your knuckle?

11 A Right there on my knuckle and my ring finger.

12 Q I'm showing you State's Exhibit 23.
13 what is this a photograph of?

14 A That is a photograph of the palm of my right-hand.

15 Q Anything different about that from usual?

16 A The scar right there near my wrist.

17 Q Right here?

18 A Yes.

19 Q Showing you State's Exhibit 24.

20 what is this a photograph of?

21 A That is a photograph of the clothing I was wearing that
22 evening to work.

23 Q Okay. So, that's how you looked that day?

24 A When I got to work the blood wasn't on the pants.

25 Q Okay. So, that's a photograph of you and the clothing

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by Solicitor Ellis

1 you were wearing?

2 A Yes.

3 Q But you said there's something different about the
4 clothes there than when you first got to work that day?

5 A Yes.

6 Q And what is different again?

7 A The blood on my clothing.

8 Q Okay. State's Exhibit 25, this is also a photograph of
9 you?

10 A That is a photograph of my back.

11 Q And is there anything different that we see here?

12 A It's a, on my left shoulder, there is a blood spot that
13 was not there.

14 Q Be right there?

15 A Yes.

16 Q Showing you State's Exhibit 26.

17 Is this also a photograph of you?

18 A Yes, that is the right side of my arm.

19 Q Is there anything different about your clothing there?

20 A The blood spec on the sleeve of the shirt.

21 Q Right there?

22 A Yes.

23 Q I'm sorry.

24 What?

25 A Yes.

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- 1 Q okay. Showing you State's Exhibit 27.
2 what is this a photograph of?
3 A Those are a photograph of my pants I was wearing that
4 evening.
5 Q And have they changed in anyway?
6 A Yes, they have blood splatters on them.
7 Q And just one or more than one?
8 A More than one.
9 Q Showing you State's Exhibit 28.
10 what is this a photograph of?
11 A That's a photograph of a closer picture of my pants.
12 Q Okay. And, and what do you see there on your pants?
13 A Smear of blood.
14 Q Showing you State's Exhibit 29.
15 what is this a photograph of?
16 A My shirt.
17 Q Is there anything different about the shirt there?
18 A The blood spec under boys.
19 Q Right here?
20 A Yes.
21 Q State's Exhibit 30.
22 what is this?
23 A A picture of my bra.
24 Q Do you notice anything different there?
25 A The blood on, at the direction we're looking on the

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by Solicitor Ellis

1 left cup.

2 Q This area?

3 A Yes.

4 Q State's Exhibit 31.

5 what is this?

6 A My bra.

7 Q And do you still see the blood there?

8 A Yes.

9 SOLICITOR ELLIS: Permission to approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 Q Ms. Jackson, I'm showing you what's been premarked for
13 identification as State's Exhibit No. 34.

14 Would you please look inside this bag and tell me if
15 you recognize the contents?

16 A Those are the clothes I was wearing that evening.

17 SOLICITOR ELLIS: Your Honor -- they still appear to be
18 in the same condition as when you left them as far as you
19 can tell right now?

20 A Yes.

21 SOLICITOR ELLIS: Your Honor, permission to admit this
22 into evidence as State's Exhibit 34.

23 THE COURT: Objections?

24 MS. JONES: Your Honor, I think the officer who
25 received those ought to be the proper officer to --.

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by Solicitor Ellis

1 THE COURT: All right. Well, I'll allow them to be
2 admitted for identification, excuse me, marked for
3 identification at this time, and then you'll need to lay an
4 additional foundation for their admission.

5 SOLICITOR ELLIS: Yes, sir.

6 THE COURT: They're marked and you may proceed.

7 SOLICITOR ELLIS: Thank you, Your Honor.

8 Q Ms. Jackson, I'm showing you one item from inside
9 State's Exhibit 34 for identification.

10 Do you recognize this item?

11 A Yes.

12 Q And what is it?

13 A My Sagitarrius shirt.

14 Q Is that the shirt you were wearing that night?

15 A Yes.

16 Q You see anything on the back of it?

17 A Yes.

18 Q What do you see?

19 A Blood stains.

20 Q And where about on the shirt?

21 Can you point at it?

22 A Right there.

23 Q Do you see anything on the right sleeve?

24 A Yes.

25 Q What do you think it is?

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by Solicitor Ellis

- 1 A It's a blood stain.
- 2 Q Can you point that out also please?
- 3 A (Witness points.)
- 4 Q And was there anything different about the front of the
5 shirt when you left it?
- 6 A No. Well, it's cut.
- 7 Q It's cut?
- 8 A Yeah.
- 9 Q Okay. That was not in that condition when you, when
10 you had the shirt on?
- 11 A No.
- 12 Q Okay. Showing you another from inside State's Exhibit
13 34.
- 14 Do you know what this is?
- 15 A That's my bra, my bra.
- 16 Q Okay. Is there anything different about this then when
17 you left it?
- 18 A Yes.
- 19 Q And what is it?
- 20 A It's cut.
- 21 Q What was in that area of the bra?
- 22 A Blood.
- 23 Q Now I'm showing you a third item from inside State's
24 Exhibit 34 for identification.
- 25 What is this item?

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by Solicitor Ellis

1 A My pants.

2 Q These are the pants you were wearing that night?

3 A Yes.

4 Q And do you still -- do you see anything on the pants
5 that was, that was not there when you first put them on that
6 day for work?

7 A When I first put them on it didn't have no blood on it,
8 and it didn't have a big hole right there in the seam.

9 Q A big hole in the seam right there?

10 A Yes.

11 Q Okay. How about the back of the pants?

12 Do you see anything different about the back?

13 A Yes.

14 Q What?

15 A Still see scattered blood and another big hole.

16 Q Okay. Besides the holes, is this basically how you
17 left them when you took them off that day?

18 A Yes.

19 Q So, on each of these items, except for the, the cuts
20 that have been made in the clothing, do these still appear
21 to be in the same shape they were in when you got to the,
22 got to the City Hall?

23 A Yes.

24 Q Ms. Jackson, from -- when you were out on the porch --
25 when you saw the man on the back porch before all the

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by Solicitor Ellis

1 robbery happened, you saw the man on the bicycle, how long
2 do you think you watched him out there?

3 A I watched him for maybe four or five minutes.

4 Q Did he have a ways to go when you first saw him?

5 A When I first saw him I didn't know where he was going,
6 but I knew it was about four or five minutes because I'm a
7 smoker, and I was smoking, and that's normally how long it
8 takes me to smoke or I allow myself for a smoke break so
9 that I won't be out of the store too long. So, I watched
10 him for about four, from the time I first seen him as he
11 rode by and then as he kind of peddled slow going up that
12 incline, it's about four, about four minutes.

13 Q Okay.

14 A So---

15 Q And, so, you were watching him a pretty fair bit at
16 that time then?

17 A Yeah.

18 Q And, again, what did he look like?

19 A He was just a black male in all black, short, and
20 stout.

21 Q It's not---

22 A Not tall a bit. A man on a bicycle.

23 Q When he first came in the lobby, how long do you think
24 you got to see him while he was still just in the lobby?

25 A While he was in the lobby, he kind of walked -- as I

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1 said, he walked straight to, towards the lottery stand. It
2 was basically just a glimpse, as I said, to make myself seen
3 so, you know, the customer don't have to say excuse me, and
4 he basically kept his head to the side and walked to the
5 lottery stand.

6 Q when you were at the door struggling with the man at
7 the door, could you see him at all then?

8 A I could just see the side of, kind of the side of his
9 face cause, as I say, we were -- I was trying to -- I was
10 close to the, to the knob so in case I did shut that door I
11 could lock it. I guess he was in the same position on the
12 other side. So, where I was pushing like this, we could,
13 kind of, in my vision right here, see the side of his face a
14 little bit.

15 Q Okay. And about how far away do you think you were
16 from him right then?

17 A Right there, if you consider the circumference or the
18 circle, we were probably maybe five or six inches apart.

19 Q Okay. And it was, was well lit in that area?

20 A Yes.

21 Q What did you notice about him at that time?

22 A At that time I was pushing the door I noticed his, his
23 lips and his cheeks. He, as I say, was a big cheek, fat
24 cheek, and then -- it wasn't smooth. Like he didn't have
25 smooth skin.

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by Solicitor Ellis

1 Q Okay. Once he came through the door and you were
2 struggling, about how close were you, were you to him at
3 that point?

4 A We was, we were struggling, we were---

5 MS. JONES: Your Honor, we've, we've been through all
6 these questions. They've been asked and answered before. I
7 think it's repetitious.

8 THE COURT: Is this new material of some kind?

9 SOLICITOR ELLIS: Your Honor, I think somewhat it is,
10 but I can move on if I need to.

11 THE COURT: Let's try to move along.

12 SOLICITOR ELLIS: Yes, sir.

13 You said you got a good look at him?

14 A I got a good look at him once, when I surrendered.

15 Q Had you ever met the man before?

16 A Nope.

17 Q Ever seen him before as you know?

18 A Nope.

19 Q Ever spoken to him?

20 A Uh---

21 Q At that point did you know if you'd spoken to him?

22 A No.

23 Q And from the beginning of the time where he walked into
24 the lobby until the time where you kicked the back-door shut
25 and ran out the back of the store, about how long do you

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by Solicitor Ellis

1 think that incident lasted?

2 A It may have lasted about 15 minutes I guess or so. It
3 wasn't long, but it felt like forever. So, I guess around
4 that time.

5 Q After you were done talking to the police by City Hall
6 and the police station, did you go to Mary Black Hospital at
7 some point?

8 A Yes, I did.

9 Q And why did you go there?

10 A I went there to get the injury to my ear checked out.

11 Q And while you were there did an officer come visit you
12 there?

13 A Yes.

14 Q Do you recall who that officer was?

15 A At the time, Officer Stephanie.

16 Q Stephanie Lovell?

17 A Yes.

18 Q Is she seated here?

19 A Yes.

20 Q And what did she come to the hospital for?

21 A She came to the hospital for me to see if I seen the
22 man who done it or thought done it in a lineup of pictures.

23 Q So, she came to show you a, a lineup?

24 A Yes.

25 SOLICITOR ELLIS: All right. Permission to approach

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 the witness, Your Honor?

2 THE COURT: You may.

3 Q Ms. Jackson, I'm showing you what's been premarked for
4 identification as State's Exhibits 37 and 38.

5 Can you please review those?

6 A (Witness complies.)

7 Q Do you recognize those items?

8 A Yes.

9 Q And what are they?

10 A They're the lineup she presented and then the papers
11 she presented saying that I participated in the lineup and
12 chose who I thought that---

13 Q And those, those are the papers that you were given
14 that night then?

15 A Yes, at Mary Black.

16 SOLICITOR ELLIS: Your Honor, permission to admit these
17 into evidence as State's Exhibits 37 and 38.

18 THE COURT: Any objections?

19 MS. JONES: No, sir.

20 THE COURT: They'll be admitted as marked.

21 (WHEREUPON, State's Exhibit Nos. 37 and 38 were
22 received into evidence at this time.)

23 THE COURT: Permission to publish, Your Honor?

24 THE COURT: You may publish.

25 Q Ms. Jackson, I'm first showing you State's Exhibit 37.

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 What is this?

2 A That is a copy of a lineup Ms. Stephanie presented to
3 me with six individuals for me to choose if the man that I
4 thought done it was on that paper.

5 Q All right. When she gave you the, the lineup, how did
6 she give it to you?

7 A She presented the lineup to me. At the time we was in
8 the nursing station. So, it was well, well lit cause that's
9 where they get your blood pressure and your temperature.
10 She presented the paper to me by handing it to me. Before I
11 received the paper in my hand, she explained what I needed
12 to do, and then I took the paper, I viewed the paper, I took
13 my time viewing the paper, and then I made a decision.

14 Q Okay. You said she explained to you what to do.
15 What did you tell she?

16 A She told me basically do the man -- I can't recall
17 word-for-word. But to sum it up, is the man that I think
18 did it in the photo -- is anyone in these photos the man you
19 think robbed the Money Tree.

20 Q Did she ever tell you that one of these men definitely
21 was the person who robbed the Money Tree?

22 A No.

23 Q Did she do anything to point out to you who you should
24 pick?

25 A No.

Bridgette Jackson - Direct examination
by Solicitor Ellis

- 1 Q Did she tell you who you should pick?
- 2 A No.
- 3 Q Pointed at any pictures or numbers or anything like
- 4 that?
- 5 A No.
- 6 Q Did she hold the lineup when you looked at it or did
- 7 you hold it?
- 8 A I held it.
- 9 Q Okay. And about how long did you look at it?
- 10 A I looked at it for about two minutes or so.
- 11 Q Do you have a, do you have a rough estimate as to maybe
- 12 how long after the incident happened you got the first look
- 13 at this lineup?
- 14 A It was over an hour.
- 15 Q An hour or so later?
- 16 A Yes.
- 17 Q Okay. And do -- you said you looked at it for a minute
- 18 or two?
- 19 A Yes.
- 20 Q Did you look at it carefully?
- 21 A Yes.
- 22 Q And did you think -- did you see the man who robbed you
- 23 in that lineup?
- 24 A I did.
- 25 Q Do you see him there now up on the screen on the

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 overhead?

2 A Yes, the one I circled.

3 Q would that be number five?

4 A Number five.

5 Q And there's a circle around him.

6 Did you do that?

7 A I don't know. I know I signed it.

8 Q Okay. So, this is your signature here?

9 A Yes.

10 Q Okay. So, you picked him out?

11 A Yes, it may, may be my circle because I have a habit of
12 not connecting my circles like that, just like that.

13 Q But you definitely signed it?

14 A Yeah, I definitely signed it.

15 Q Okay. And the circle wasn't there when you obviously
16 got the lineup?

17 A No.

18 Q Okay. How sure were you that that was the man who
19 robbed you?

20 A I was very sure.

21 Q And what about that photograph tells you that's the
22 man?

23 A His cheeks are large or fatty cheeks, the stubby nose,
24 nose, and the, the full bottom lip.

25 Q Okay.

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 A The skin color of the man, and if you can look at the
2 picture you can see basically that his skin probably was not
3 smooth.

4 Q All right. Showing -- also showing you State's Exhibit
5 38.

6 Is this basically just a form or -- it's an affidavit
7 for photo lineup.

8 Is this basically the form you were given after you
9 made your selection?

10 A Yes.

11 Q And could you just basically read this sentence here
12 for me at the top?

13 A I, Bridgette Jackson, have viewed the lineup provided
14 by the Chesnee Police Department.

15 Q And what does it say after that?

16 A Oh. And have positively identified the subject in
17 question as number five.

18 Q Did, did you write your name there?

19 A Yes.

20 Q And who wrote the number five there?

21 A I did.

22 Q Okay. And did you, did you also sign the form?

23 A I did.

24 Q Where did sign it first?

25 A At first I signed it in the subject and then Stephanie

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 signed it as the affiant. Then Stephanie explained to me it
2 was her first time doing that and marked through it. I
3 think we initialed it and then I signed in the correct stop
4 and then she signed.

5 Q Initialing in there and there?

6 A Yes.

7 Q Okay. So, basically you signed on the line for the
8 subject you picked out, is that correct?

9 A Yes.

10 Q And basically you signed on the wrong line?

11 A I signed on the wrong line.

12 Q Okay. So, then did you sign it again here by affiant?

13 A Yes.

14 Q And did Officer Lovell also sign it here under the name
15 witness?

16 A Yes.

17 Q What, what date is listed there?

18 A 9/27/10.

19 Q Okay. This incident occurred September 28th, 2010,
20 correct?

21 A Yes.

22 Q So, this actually -- the date's actually incorrect, is
23 that right?

24 A That's correct.

25 Q But is the man shown in picture number five, here again

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 in State's Exhibit 37, is that the man that robbed you?

2 A Yes.

3 Q You have any doubt in your mind about that?

4 A I didn't have any doubt.

5 Q Ms. Jackson, do you see the man who robbed you here
6 today?

7 A Yes.

8 Q Where is he seated?

9 A He is seated to my right behind the table wearing
10 glasses.

11 Q Could you point him out and describe him a bit more
12 than that please?

13 A He's right there. He has puffy cheeks, stubby nose,
14 and he's bald, which at the time of the robbery I didn't
15 know he was bald, and he's fairly dark skinned.

16 SOLICITOR ELLIS: Your Honor, may the record reflect
17 that the victim has identified the defendant as the subject
18 who robbed her?

19 THE COURT: Any objection?

20 MS. JONES: Pardon me?

21 THE COURT: He's asking to designate that she's
22 identified the---

23 MS. JONES: Yes, sir, that is what she's done.

24 THE COURT: All right. I'll, I'll let the record so
25 reflect.

Bridgette Jackson - Direct examination
by Solicitor Ellis

1 Q And as you see him sitting there today, are you sure
2 he's the man that robbed you?

3 A Yes.

4 Q Thank you. Please answer any questions Ms. Jones may
5 have for you.

6 A Okay.

7 THE COURT: I'm gonna take a short break before we
8 begin the cross-examination.

9 Ladies and gentlemen of the jury, I'll ask you to step
10 back to the jury room, and, as always, I'm going to ask you
11 not to begin any discussions about this matter till you've
12 heard all the evidence, all the arguments of counsel, and
13 I've charged you concerning the law.

14 At this time you can retire to the jury room. Thank
15 you very much.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Ms. Jackson, during the break you can step
19 off the witness stand. You can move about. I will caution
20 you, however, it would be improper for you to discuss your
21 testimony with anyone during the break.

22 Do you understand that, ma'am?

23 WITNESS: Yes.

24 THE COURT: All right. Court will be in recess for
25 about ten minutes.

Bridgette Jackson - Cross-examination
by MS. Jones

1 Thank you very much.

2 SOLICITOR ELLIS: Thank you, judge.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: Ms. Jackson, you can resume the stand. If
5 you'll come up here please.

6 (Witness complies.)

7 THE COURT: Thank you.

8 Is the State ready to go forward?

9 SOLICITOR ELLIS: Yes, sir.

10 THE COURT: Defense ready to go forward?

11 MS. JONES: Yes, sir.

12 THE COURT: Bring the jury in.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE COURT: The record will reflect the jury has
16 returned to the courtroom.

17 And when we broke, the State had completed its
18 examination of the witness. At this time the defense may
19 cross-examine.

20 Ms. Jones.

21 MS. JONES: Thank you, Your Honor.

22 THE COURT: You may proceed.

23 CROSS-EXAMINATION

24 BY MS. JONES:

25 Q Ms. Jackson, I have a few questions to ask you to

Bridgette Jackson - Cross-examination
by Ms. Jones

1 clarify some of the testimony you've given.

2 First of all, you indicated that you worked for Money
3 Tree at a couple of establishments before you actually came
4 down to work at the Chesnee store, is that correct?

5 A That is correct.

6 Q Okay. And you indicated the, basically, as I
7 understand it, the precipitating reason for you ending up at
8 Chesnee in September of 2010 is because you put in your
9 notice basically to the owner of the business?

10 A That is not particularly why. When the owner of the
11 business approached me about transferring---

12 Q Okay.

13 A ---I had put my notice in. He came to me and asked me
14 why. He asked me was it, was I leaving for more money. I
15 told him no. I was leaving for better hours, to be off in
16 the evenings. He -- at that time I was permanently at the
17 Boiling Springs store working from 2:00 to 10:00. He told
18 me, at that time, what, what would you say if I could offer
19 you better hours.

20 I couldn't think of too many stores -- most of them
21 stayed open till 10:00. So, I asked what was he was talking
22 about cause I know many of the employees didn't want to give
23 up their hours, but I know some of them may have wanted to
24 trade to get more hours. So, he said well, I'll let you
25 know something in about two weeks, and that's how that was

Bridgette Jackson - Cross-examination
by MS. Jones

1 offered to me.

2 Q Okay. So, after -- let he clarify then.

3 After you had given notice because you wanted a
4 different set of hours, you were, you were offered the
5 opportunity to go to the Chesnee store?

6 A I was offered the opportunity -- at the time when he
7 presented it to me he didn't tell me exactly what store.

8 Q Okay. But ultimately you end up at the Chesnee store?

9 A Ultimately, yeah, I ended up at the Chesnee store.

10 Q Okay. Do you remember the very first day you worked?

11 A Yes.

12 Q What date was that?

13 A The date I'm un, not certain about. I do know it was
14 after school because that's when I had got concerned with my
15 daughter's homework being -- well, not concerned that she
16 wasn't doing it. But she has a slight learning disability.
17 So, she needs a little bit more time and more help than the
18 average student does.

19 Q So, what, what do you mean when you say after school?

20 Do you mean after school hours in the day or after when
21 school had started back for the fall?

22 I'm not clear on what, what time frame you're referring
23 to.

24 A After school started the day. I think -- I can't
25 remember when school started, the date.

Bridgette Jackson - Cross-examination
by MS. Jones

1 Q Oh, so, you, you may mean late August, early
2 September---

3 A Yes.

4 Q ---is what you're getting at?

5 A Yes.

6 Q After school?

7 A After school.

8 Q Okay. And at the time you started you indicated it was
9 early September and the -- did you say the only other
10 employee of the store was Regina Jones?

11 A At the time that's what I knew.

12 Q Okay.

13 A From when I went to Boiling Springs I was told that I
14 was going to Chesnee. So, when I went to Chesnee, as you
15 say, employee hearsay she say.

16 Q Okay. Well, let's don't get into any hearsay she said.

17 A I knew I was going because the Chesnee store only had
18 two employees. One from -- open till 2:00, and then one
19 from 2:00 to 7:00.

20 Q Okay. And when you got there to work, your shift was
21 2:00 to 7:00?

22 A Yes, I was the second shift person.

23 Q Okay. And you indicated that you had various hours.
24 At least one night you stayed a little bit later, and then
25 you worked occasionally on the weekend as well?

Bridgette Jackson - Cross-examination
by MS. Jones

1 A On Thursday and Friday we were open till 8:00 because
2 Thursday and Fridays are peoples' pay days.

3 Q Okay.

4 A Every other Saturday I worked all day, which I think
5 was from 9:00 till 5:00 or 9:00 to 6:00. It wasn't till
6 8:00. And if I worked that Saturday I was off that Monday.

7 Q Okay. Now, you've indicated this store was not a busy
8 store, and tell me a little bit more about what you mean by
9 writing down the lottery numbers.

10 What, what is that process?

11 A The South Carolina lottery numbers, what it is, is at
12 the closing of the day you have to write down what number
13 you stopped so that the opening person can verify that that
14 number still exists so that no one can steal lottery
15 tickets.

16 Q Okay. And when you say lottery tickets, are you
17 talking about the, what I think you referred to as a
18 scratch-off or are you talking about the other ones?

19 A The scratch-off.

20 Q Okay. And those are in plastic cases and literally
21 roll out like adding machine tape, right?

22 A Yes.

23 Q So, you -- there's a process to verify this is the one
24 that's gonna be the first one for the next morning and you
25 make a note.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Is that the process you indicate that you had, were
2 engaging in when you came back from the trash can?

3 A That was my next, next process. As I say, I had come
4 up beside where you seen the computers for the phone card,
5 the AT&T machine, and the bill pay. So, only thing -- I had
6 set those screens up. The only thing I had to press was
7 enter. So, those reports, what they did was they printed on
8 the receipt paper that the customer would receive to say the
9 bill was paid. So, see, I could print all three of those at
10 the same time.

11 So, my way -- normally, as I say, the Chesnee store was
12 not busy. So, my next was to write the lottery numbers
13 down.

14 Q Okay.

15 A Scratch-offs. Sorry.

16 Q And you have indicated that, at the conclusion of this
17 event that you've described, you ran out the back-door, down
18 the hill, over to City Hall, the police station. Okay. You
19 talked to some folks there.

20 when did you give a written statement?

21 Was it before you went to Mary Black or afterwards?

22 A It was before.

23 Q Okay. And the items of clothing that you've described
24 having taken from you that night, were those taken from you
25 before you gave your written statement or after?

Bridgette Jackson - Cross-examination
by MS. Jones

- 1 A They were taken before.
- 2 Q Okay. And were -- the photographs of the clothing
- 3 obviously that were taken with you wearing them.
- 4 Were you present when the photos of the clothes that
- 5 were not worn they have been removed were taken?
- 6 Do you understand?
- 7 A No.
- 8 Q The officer ultimately took photographs of your
- 9 clothing and you've seen those---
- 10 A Uh-huh. (Affirmative).
- 11 Q ---and identified them.
- 12 A Yes.
- 13 Q Were you present when that happened?
- 14 A Yes.
- 15 Q Okay.
- 16 A The clothes that were on my body?
- 17 Q Right.
- 18 A Yes.
- 19 Q Okay. And do you remember, when you went to the
- 20 hospital, what you told them had happened to you?
- 21 A When I went to Mary Black I told them that I had been
- 22 robbed. I had told them that -- they ask me, asked me was
- 23 it going under workman's comp. I was advised that, told to
- 24 not pursue it under workman's comp, that Trace would pay out
- 25 of his pocket for my bill.

Bridgette Jackson - Cross-examination
by MS. Jones

1 Q Okay. So, you contend that you told them you were
2 robbed. Not that you told them you were assaulted.

3 A Well, I, I don't know the terminology.

4 Q Okay. So, you, you really honestly don't remember
5 whether you told them you were just, you were assaulted or
6 robbed?

7 A They asked me why I was there. I told them I was
8 getting checked out because I had been robbed and got a
9 bruise on the right side of my head.

10 Q Okay. Did they treat the mark you described as a cut
11 on your knuckle?

12 A It wasn't that punctured to be treated. It needed no
13 stitches or nothing.

14 Q Okay. Was the skin actually even broken---

15 A The skin was---

16 Q ---when it was cleaned?

17 A When the -- before the blood?

18 Q After it was cleaned, was the skin even broken?

19 A Yes.

20 Q Okay. But they didn't treat it?

21 A He didn't look at my, my hands when I went there. I
22 had no visible injuries. I didn't sustain any injuries
23 except for the marking on my head. When I described to the
24 doctor what had happened, he said that I probably will have
25 muscle strengths (sic) the next day, be very sore, and I was

Bridgette Jackson - Cross-examination
by MS. Jones

1 treated for that.

2 Q And how were you treated for that?

3 A I was treated with 10 milligrams of Flexeril. I was
4 treated with 5 milligrams of Lortabs.

5 Q Okay.

6 A Later I was treated for anxiety.

7 Q Okay. Briefly, Ms. Jackson, do you have a brother
8 named Ernest Jackson?

9 A No, I'm an only child.

10 Q Okay. The -- let's talk about the, when you were
11 outside.

12 About what time was this at, when you were outside
13 smoking talking on the phone to your mom?

14 A This was roughly probably about 15 to 7:00, somewhere
15 like that.

16 Q Okay. You were -- your shift was gonna end at 7:00,
17 but you were taking a break ahead of time?

18 A Taking out the -- basically taking out the trash. As
19 you can see in the photo of the window, the trash can right
20 there does not have a liner in it cause I had not proceeded
21 to the lobby to put a liner in it.

22 Q Okay. When you took the trash out, what did you do
23 with it?

24 A I put it in the trash can.

25 Q Okay. The -- and explain to me where physically out of

Bridgette Jackson - Cross-examination
by MS. Jones

1 the back of this business you were located when you spotted
2 the individual on a bicycle?

3 A I was located on the patio that---

4 Q The deck?

5 A The deck that you seen from the vision that we seen it.
6 If you're standing towards the door this way, I was standing
7 more towards the, the right-hand side, but at that time it
8 was my left-hand side.

9 Q Okay. Let's do it this way. Let's say you stepped out
10 the back of that door. That's the door that has the bar
11 over it---

12 A Yes.

13 Q ---that has to be removed before it can even be opened?

14 A Yes.

15 Q It's a big probably two feet wider than the width of
16 the door, isn't it, and it pulled out of the brackets and
17 dropped?

18 A Yes.

19 Q You -- if you're out there on the porch, are you
20 pointing toward the police department or are you pointing
21 toward the business when you saw him?

22 A I was pointed towards the police department.

23 Q Okay. Away from the door of the business?

24 A Not too far from the door.

25 Q Well, I mean in the opposite direction of the door?

Bridgette Jackson - Cross-examination
by MS. Jones

1 A Yes, in the opposite---

2 Q It's behind you?

3 A I was in the opposite direction when I went to the
4 back.

5 Q Okay. When you see this bicycle, explain what you're
6 seeing around you for anybody that might not know the back
7 of the store?

8 A What I'm seeing around me is kind of like a backyard,
9 and then you, to the right, you see the drive through for
10 State Arthur's Bank from where I was standing---

11 Q Your right?

12 A ---at that particular -- at my right at the time.

13 Q Okay. Is there a road between your patio where you are
14 and Arthur State Bank?

15 A No, it's just the, the drive through.

16 Q Okay. Go ahead.

17 A There's also like I would say a, maybe a secondary road
18 that goes behind the store. I guess the -- yeah, behind the
19 store that the trash truck could come on and pick the trash
20 up. It was not a busy road such as the road the police
21 department was on or South Alabama Street. But like a
22 secondary road back there for I guess people who worked in
23 the businesses if they wanted to come park behind the store
24 to keep from taking up spaces in the front.

25 Q Okay. So -- and it's a road that runs parallel to the

Bridgette Jackson - Cross-examination
by Ms. Jones

1 building, right?

2 A Yes, it runs parallel to the building.

3 Q Okay. And we're still standing on the patio looking
4 out into the yard you call it cause there's grass and then
5 there's this road.

6 The business to the left of Money Tree is a dress shop?

7 A Yes.

8 Q What is the business next over?

9 A I want to say it's a jewelry store. I never went to
10 it.

11 Q Okay. So, you're only aware that there's a dress shop
12 right next door to -- on the left-hand side if you're
13 standing on the back porch looking out, there's a dress
14 shop?

15 A Yes.

16 Q Okay. You don't know what the next business over is?

17 A It's not a dress shop. It's like a -- they fix
18 jewelry, sell jewelry, things of that nature.

19 Q Okay. So, where was the bicycle when you were on the
20 porch looking down the hill or down into the yard?

21 Sorry.

22 A When I was looking into the yard the bicycle was coming
23 from my left --

24 Q Okay.

25 A -- on the secondary road that runs parallel to the

Bridgette Jackson - Cross-examination
by MS. Jones

1 building.

2 Q Okay. Coming from that direction, what is the next
3 street over?

4 You got Alabama, is it, police station.

5 Do -- you don't know the name of the street that's on
6 the other side of the business you think fixes jewelry?

7 A It's, it's not a -- beside the jewelry place was I
8 think the -- where Money Tree is located on South Alabama
9 Street, it's more like Main Street setting. You have a
10 furniture shop. Then you have State Arthur Bank, then you
11 had State Arthur Bank's drive through, then the little
12 jewelry shop, then Money Tree, then dress, the dress shop.
13 There was no road cutting between the businesses except for
14 State, State Arthur's---

15 Q Drive through?

16 A ---drive through window.

17 Q Okay.

18 A I do not know the name of no other street in Chesnee.

19 Q Okay. Now, before you left to take the garbage out, do
20 you recollect whether you checked the front door to the
21 lobby to make sure it was locked?

22 A Yes.

23 Q You specifically remember that day checking to make
24 sure it was locked before you went out to take the trash?

25 A I always make sure that door is locked when I'm outside

Bridgette Jackson - Cross-examination
by Ms. Jones

1 because I don't know who would enter from the front of the
2 store. We were also told that the door, either when we're
3 behind there, is to remain locked. So, under no
4 circumstances is the only way the door could be unlocked and
5 opened was if I had the front double doors locked.

6 Q Okay. And that is -- do you know if that is because of
7 the safe is always open?

8 A That is because -- the door's locked because normally
9 we're working by ourselves with large sums of money to
10 prevent from anyone at any of the stores coming to the back.
11 But, as I say that I was a floater, but most of the other
12 Money Tree stores had a more secure bolted door.

13 Q Okay. That door had one lock only on it, correct?

14 A Yes.

15 Q What kind of lock was it?

16 A Just a regular key lock. It wasn't a bolt lock.

17 Q Not a dead bolt?

18 Just a little where you turn the little doohickey?

19 A Yeah, where you turned the little doohickey.

20 Q Okay. The -- what was the -- as you were outside with
21 the trash, what was the closest distance the bicycle person
22 ever got to you?

23 A He never got no farther than -- it was a few feet away
24 cause, as I say, I was just looking at him pedal the bike.

25 Q How -- when you say you never got any further, do you

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by MS. Jones

1 mean never got any closer?

2 A Yeah, he never got any closer. He stayed on the, the
3 parallel road.

4 Q How far away from you to a spot in here is that?

5 A Probably about -- if this is the porch, I'm gonna say
6 maybe the second to last bleacher or so. It's not -- it's
7 maybe about ten feet or so I guess.

8 Q So, you think, from yourself, to back here is ten feet?

9 A I---

10 Q Let me walk back here.

11 Is this where you're talking about right here?

12 A No, he was closer than that.

13 Q Okay.

14 A I don't, I don't know specifically the, the distance.

15 Q Well, tell me where. I'll keep moving.

16 A okay.

17 Q You can tell me when to stop.

18 A okay. stop.

19 Q Okay. So, you meant the second one back?

20 Not the second one from the end?

21 A I---

22 Q And you think that's ten feet?

23 A I'm considering that I was on a high rise deck. The
24 deck was up. The street was down. So, I'm trying to
25 measure the distance as if I was flat.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Q Right. I understand that.

2 A Instead of the incline. So, by me being on the deck, I
3 got -- I was higher. I could see a better view than if I
4 was standing flat.

5 Q Why do you think that?

6 A Because I was inclined higher. But, as I say, at that
7 particular time I was not -- I seen the man on the bicycle
8 wearing all black, but I was not paying attention to -- the
9 only thing I paid attention to was when he tried to go
10 through the drive through window like he was struggling to
11 make that incline.

12 Q Okay.

13 A I didn't stare at him. I just noticed it was a black
14 male on a bike wearing black.

15 Q Okay. Now -- and when you gave a statement later on,
16 did you tell them you had seen the person on the bicycle
17 behind the business?

18 A I did not. When I was given that statement paper, I
19 have never wrote a statement before. So, I thought that was
20 the only space I was allowed. So, I did paraphrase the most
21 highlighted points of the event. Instead of saying I first
22 seen him on the bike, he and stuff like that cause I thought
23 that was -- I didn't know if I needed additional paper it
24 would be provided until I was like near the end, and that's
25 when he said if you, if I needed more paper I could have it.

Bridgette Jackson - Cross-examination
by MS. Jones

1 So, I basically was paraphrasing the, most of the
2 important stuff.

3 Q Okay. So, at the end of giving this statement you said
4 Chief Scott told you you could have another page, but did
5 you ask for another page?

6 A I was near the end right there.

7 Q Okay. But he said you can have more paper.

8 Did it end at a page?

9 That's your reason for some of these details not being
10 in the statement?

11 A As I said, I have never wrote, written a statement
12 before. He told me to write down what happened. So, I
13 didn't think it was, at that time, important what happened
14 that I seen him on a bicycle. So, I basically described the
15 incident instead of when I first seen him and things of that
16 nature because when it first happened I didn't think the man
17 in all black was coming to Money Tree to rob it.

18 Q But by the time you gave the statement you've been
19 through what you described as 15 minutes sometimes
20 hand-to-hand contact with this person that you had already
21 seen.

22 Did you not think it was important at that time when
23 you're giving your statement?

24 A As I say, I've never wrote a statement before.

25 Q Okay.

Bridgette Jackson - Cross-examination
by Ms. Jones

1 A So, I didn't give the physical details. I was not told
2 to give a precise statement. So, that's why it's not
3 precise.

4 Also at the time I was writing the statement I was
5 talking to the chief. I was still a little bit shaken up.
6 So, he just told me to briefly jot down what happened.
7 That's why it's not in full detail of every aspect I
8 remember, everything that happened. It's just that I was
9 present when it happened.

10 Q Okay. You came back in -- you indicate you'd gone up
11 front. That's when you're working with the lottery tickets
12 cause you know you're closing. In a few minutes you're
13 gonna be leaving. There's your paperwork you got to do.

14 where did you see the, an individual park a bike in
15 front of the store?

16 A Where I was standing at he parked -- he rode by the
17 first glass window, rode by the double doors, and then
18 parked his bike in front of the second window.

19 Q Okay. And you -- where were you when you were watching
20 that?

21 A I was in the, in the glass front area.

22 Q Okay. You could see him.

23 So, you were visible to him from outside?

24 A If you, if you were from the outside looking into the
25 Money Tree, sometimes you could, I guess, see somebody

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by Ms. Jones

1 standing back there. It was no tint or anything on the
2 windows to make it seem like we were not back there or
3 anything like that.

4 Q Okay. Is there a bicycle stand outside the shop?

5 A No.

6 Q Is there anything on the sidewalk to which a bicycle
7 would be attached?

8 A I don't think so. I think it might have been some of
9 those, may have been like a stand where people put the
10 apartment finder or something. But there is, in front of
11 the window, there is like a little, outside a little, I
12 don't know what you would call it, but you can lean your
13 bicycle against the window, but I don't recall a stand or
14 anything.

15 Q Just leaning it out in the open up against the front of
16 the store?

17 A Yes.

18 Q Okay. Is there a curb parking there?

19 A Curb parking?

20 Q Yeah, parking for vehicles on the curb from the road.

21 A Yeah, you just pull straight into the parking lot.

22 Q You mean -- is there a parking lot or is it street
23 parking?

24 A It's street parking.

25 Q Okay. Do you recollection -- you say you saw the

Bridgette Jackson - Cross-examination
by Ms. Jones

1 vehicle, I mean the bicycle.

2 How many cars were parked out front?

3 A Not many. I didn't count the cars that was parked out
4 front, but I knew---

5 Q Do you even know if there were cars parked out front?

6 A I know my car was.

7 Q Okay. So, you drove to work?

8 A Yes.

9 Q Okay. Could you see where your vehicle was parked from
10 where the, when looking out the window to see the bicycle
11 being leaned up against the front of the building?

12 A Yes.

13 Q Okay. You're inside and did you see the individual
14 actually walk in through the double glass doors?

15 A Yes.

16 Q Which door?

17 A He came in -- if you're walking in, I think he came in
18 from the, the right door.

19 Q Do they both stay locked in working hours?

20 A No, basically we keep one of them locked. You can have
21 both of them unlocked. But basically we just unhinge, it
22 depends on who opens the store, the right one or the left
23 one. But it was the main one -- if you're standing from the
24 outside, it was mainly the right door that was opened. Very
25 seldom did both doors open at the same time.

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by Ms. Jones

1 Q Okay. So, you saw the individual come in the door
2 using the right door.

3 What did you see him do?

4 A I seen him walk towards the South Carolina -- well, no,
5 the, the lottery stand.

6 Q That's the green box---

7 A The green box.

8 Q ---that you can lean on and write on?

9 A That's the green box that you can get a lottery ticket
10 and fill out your own numbers or select Quick Pick.

11 Q What were you doing when you saw the person walk to
12 that lottery box?

13 A I was standing there looking at -- I was not fiddling
14 with the lottery numbers. I had already -- as I say, the
15 store was slow. So, I had already lined my tickets up just
16 so I can -- mostly the numbers is at the bottom of the
17 tickets. So, I had already pushed them back in to just
18 where the bottom ticket number was showing so I could just
19 write them down real quick.

20 So, basically I was standing there because, as I
21 indicated, most of the people that came in the store that
22 late was basically lottery people.

23 Q Okay. Do you know how many seconds it took the
24 individual to walk through the door and get over to where
25 you said he went out of view and you had to move to try to

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by Ms. Jones

1 see him?

2 A I don't recall how many seconds, but I knew it was
3 enough time to where he should have made himself present if
4 he was purchasing lottery.

5 Q Explain to me -- if he was gonna buy a lottery ticket,
6 would he go straight to the little green box and fill
7 something out first for a few minutes?

8 A It depends. Some people come in, walk straight to the
9 window, and say give me a Quick Pick. Some people have
10 lottery tickets that they get scanned over and over. They
11 play the same numbers. But some people walk to the green
12 box to fill out the numbers that is to play for the Mega
13 Million, the big lottery, I don't know the name of that one,
14 Pick Three and Pick Four.

15 Q Okay. So, how much time elapsed that you thought he
16 should of made himself visible?

17 If he's one of these picking his own numbers, could be
18 a few minutes, couldn't it?

19 A It could, but it had exceeded a few minutes. As I say,
20 normally if somebody's in there like that, they're either
21 gonna talk to you or something even from the -- where the
22 lottery stand is on the opposite side, if someone, you know,
23 talks, most of them, when they would fill out a lottery
24 ticket, would, you know, tease and tell you to pick out
25 three numbers or something. Like that if you talked loud

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by Ms. Jones

1 from the lottery stand, we could, could hear you, but we had
2 to kind of yell back.

3 The time had elapsed where I was like -- also I was
4 ready to close given that Money Tree only allows employees
5 15 minutes to close. Anything after that we were not paid
6 for. So, that's why all my stuff was lined up so that I
7 could run everything and write everything down and---

8 Q And get out by 7:15?

9 A ---and be done by 7:15.

10 Q Okay. So, when you indicated you lost view of him you
11 walked over to the display case I think is what you call it,
12 which is basically a glass cabinet that's built into the
13 wall with the back portion of the cabinet being opened to
14 your area.

15 There's glass shelves in there, correct?

16 A Yes.

17 Q The whole thing is glass except for the frame it sits
18 in, in the wall, correct?

19 A The frame it sits in and I think the glass that is in
20 front of it is this, is bullet proof.

21 Q The glass that fronts to the lobby then?

22 A Yes, the glass that fronts to the lobby.

23 Q But the shelves are clearly glass?

24 A Yeah, the shelves are glass.

25 Q Okay. And that's where any of these small items you

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by Ms. Jones

1 might be selling like the phones and the body piercings
2 things would be stacked up?

3 A Yeah, they were -- most of them wasn't stacked. As I
4 say, we didn't have many. They was just basically scattered
5 to make the shelf not look so empty. Nothing was, was
6 stacked on top of each other.

7 Q Okay. There, there are boxes on the, on that shelf
8 though, let me show you No. 12, that are stacked up.

9 That's not body piercing though, is it?

10 Do you see those boxes?

11 A That's a cell phone right there. That's probably like
12 the only stack right there, but I'm taller than the second
13 shelf.

14 Q Okay. How far up on these shelves was the Halloween
15 hanging?

16 A It was hanging from on that to that.

17 Q This shelf here?

18 A Probably somewhere along in here. It was not hung very
19 high because, as I say, I didn't hang the blanket, but I'm
20 taking the manager went to the lobby and tried to see how
21 low it need to be hung so you couldn't see that the safe was
22 opened. It was not hung above my waist.

23 Q Okay. You indicated, when you lost sight of the
24 person, you walked toward the door to look through the
25 window?

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by Ms. Jones

1 A To see if I seen his body.

2 Q Okay. Have you ever -- when you couldn't locate
3 somebody in the lobby, especially if you were in a hurry,
4 walked over to the little hole or the speaker hole and said
5 sir, you gonna buy those lottery tickets or something like
6 that rather than walking toward them?

7 A No one had ever come in the store and not indicated to
8 me that -- I never had to look -- at the Chesnee store, if
9 someone came in at 7:00, I never had -- they never came in
10 early and I had to look for them.

11 Q Okay.

12 A Either they were standing in front of the window
13 talking or somewhere near the window talking. They never
14 was silent and you didn't know what happened to them.

15 Q Where were you standing in relation to the door when
16 the door began to open?

17 A I was standing on the other side of probably about a
18 foot from the door because I was walking, and this is the
19 glass, I was walking more towards as an angle cause you will
20 look this way to see if you seen the -- I wanted to see if I
21 seen the body print of the man in the store, make sure he
22 hadn't fell out or something cause, as I say, I didn't hear
23 no noise. I didn't hear -- he didn't talk to me. So, I was
24 like okay, where is, where is he at.

25 Q Okay. And when the door opened, you said it opened

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by Ms. Jones

1 slowly?

2 A Very slowly.

3 Q And could you reach out and touch it at that point?

4 A At that point I don't recall reaching out and touching
5 it. All I seen---

6 Q No, the question was could you have.

7 Were you close enough, arm's length away, to do that?

8 A I can't remember.

9 Q So, you don't remember where you were when the door
10 opened?

11 A I was close to the door. It's -- precisely the
12 distance, me reaching my arm out closing it, I---

13 Q Did you think about reaching out and closing it when it
14 started opening?

15 A I did. That's how I was trying to, when I seen the
16 door open, I went to push the door and then I pushed my
17 weight to the door. So, I didn't just run and press against
18 the door at first when I seen it opening. It was not opened
19 very far. So, I did this and then pushed my weight, as I
20 said, to close the door to go press the button because it
21 was not opened very wide. It was creeping open when I seen
22 like very slowly. So, I went into a state of panic, pushed
23 and tried to push.

24 Q Okay. You didn't think about retreating?

25 A Retreating?

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by Ms. Jones

1 Q Going away in the opposite direction from what could be
2 potential harm?

3 A No.

4 Q Okay.

5 A Cause I didn't know, with that door opening, in my mind
6 at the time, Money Tree is a one way in, one way out. I
7 didn't think about running to the back-door or doing all of
8 that stuff.

9 Q Until you did it later on---

10 A Until I was---

11 Q ---and got out?

12 A Until I was forced into that back room.

13 Q Okay. And you went toward the door, and in your
14 description, you engage in a struggle with the door and the
15 person you indicate is trying to come in?

16 A Yes.

17 Q And there's a door.

18 Is it a wooden frame door?

19 A It's a wooden---

20 Q Well, I mean a wooden door. Not a metal door.

21 A I don't think it's a wooden door. It's white like a---

22 Q You don't know what the material is actually made out
23 of?

24 A No.

25 Q Okay. So, it's a solid door, no windows, and it's

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by Ms. Jones

- 1 swinging open, and you're on what side of it?
- 2 You know, it's got an arch in which it swings?
- 3 A Okay. If the paper's your door --
- 4 Q Yeah.
- 5 A -- it's swinging open. I'm pushing it closed.
- 6 Q So, you've come over here and gotten in the corner?
- 7 A Near the knob.
- 8 Q Okay. Are you behind the door?
- 9 A I am parallel to the door. I am -- well, not parallel.
- 10 I know my right side is I guess basically my stronger side
- 11 than my left side. So, I'm pushing -- as I pushed, see the
- 12 door and try to push it, that's when I lean up against the
- 13 door very close to the knob trying to lock the door---
- 14 Q Okay.
- 15 A ---close the door and lock it.
- 16 Q And while that's going on, there is a force of some
- 17 other strength coming from the other side of the door---
- 18 A Yes.
- 19 Q ---pushing backwards?
- 20 A Yes.
- 21 Q And at some point did you find yourself trapped between
- 22 the door and the wall?
- 23 A No.
- 24 Q So, you were overcoming the force to shut the door?
- 25 A At first it looked like I was, and then when the door

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by Ms. Jones

1 was pushed opened, I didn't go to the wall. I went towards
2 the center where the struggle was. I wasn't knocked off my
3 feet or anything like that and fell against the wall. When
4 the door was pushed open, I kind of went to the, the left
5 instead of to my right to be behind the door in-between the
6 wall.

7 Q Do -- you went to your left and ended up between the
8 door and the wall?

9 A No, I said I went to my left instead of my right where
10 I would have ended up between the door and the wall. So,
11 instead of -- when the door was pushed, instead of me
12 continuing, when I seen I was over, being overcome, my -- I
13 guess my arms had grew tired. So, I wasn't directly behind
14 the door to begin with. So, that's why I didn't get trapped
15 cause my body was not completely behind the door.

16 Q Okay. And during this time, could you -- you said that
17 was the point at which you only saw the side of the face of
18 the person?

19 A Yes.

20 Q How was that person pushing on the door?

21 A Very hard. Very forcefully.

22 Q Physically demonstrate how that person's pushing on the
23 door?

24 A He's pushing towards -- I'm closer to the door knob, as
25 I say, so I can, can have a quick reaction of blocking the

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by Ms. Jones

- 1 door. As he was pushing the door, I want to say maybe he
2 was close as well cause I seen the side of his face. He
3 must have been pushing with his left side because -- well, I
4 don't know if he -- because he was trying to---
- 5 Q well---
- 6 A ---bring the knife in.
- 7 Q Let's do this. Answer me as you remember seeing it.
8 Not as you reasoned through it.
- 9 A As I remember seeing it, he was pushing with his left
10 shoulder.
- 11 Q Okay.
- 12 A He wasn't pushing straight ahead.
- 13 Q Well, how was he pushing with his shoulder?
- 14 A He wasn't pushing like that with his hands. He was
15 pushing like this.
- 16 Q With the body?
- 17 A With the body.
- 18 Q Okay. And you retreated into the more center of the
19 room.
- 20 Is that when you yanked the Halloween hanging down?
- 21 A I do not remember the Halloween, yanking the Halloween
22 blanket down.
- 23 Q Well, I mean getting tangled up in it maybe and yanking
24 it down when you're moving?
- 25 A I don't recall being tangled up in the blanket. I

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by Ms. Jones

1 don't know---

2 Q Do you know how it got down on the floor?

3 A I don't.

4 Q Okay. And in this same general area there's a portable
5 table. One that's not attached to the wall that's got
6 various things stacked up on it.

7 Do you remember running into any of that in this
8 struggle and knocking it around, State's Exhibit No. 8?

9 A No.

10 Q Okay.

11 A I didn't hit that table.

12 Q Okay. So, all this material that's stacked up didn't
13 get knocked over?

14 The fan didn't get knocked over, the vacuum didn't get
15 hit, the cannisters of bubble gum didn't get knocked over?

16 A No.

17 Q Okay. And the little purple basket that's plastic
18 that's on the top shelf of the cabinet you're standing right
19 next to didn't even get knocked over, did it?

20 It's in the other photograph in front of you.

21 A No.

22 Q Okay. The -- do you remember where you were standing
23 in that room when you hit, when you say you hit somebody's,
24 hard on the face, hit the assailant on the face?

25 A We were standing kind of right, as I say, not at the

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by Ms. Jones

- 1 rug. I never remember getting to the rug. But we were
2 standing kind of in this area behind the shelf a little bit.
3 As I say, the employee area is, is fairly larger than what
4 the picture shows. So, we was -- it's a area that's not
5 shown here or here. It's kind of an open space we were at.
- 6 Q You said you struggled for the knife.
7 Where did the knife end up?
- 8 A On the floor.
- 9 Q Okay. You never picked it up?
- 10 A As I was going to pick up the knife, that's when he
11 started fiddling with his pants. So, no, I never picked it
12 up.
- 13 Q When you indicated the person fiddling with their
14 pants, demonstrate what you mean by that.
- 15 A He was -- look like he was trying to unbuckle his pants
16 or get something out of his pants.
- 17 Q Okay. And you're -- when you're just demonstrating
18 that, you're using both of your hands to do that.
- 19 Is that how this person did that?
- 20 A I'm gonna clearly say I don't remember if both hands
21 was used. I just remember he was fiddling with his pants
22 and I was thinking that he was gonna try to do something.
- 23 Q What did you do?
24 You still did not go out the back?
- 25 A At the time I was not thinking about the back-door. As

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by Ms. Jones

1 I said, I was thinking of getting out of the front door.
2 Not the back-door. Maybe it could be because I knew that if
3 I went to the back-door, even though when was forced back
4 there I did get out of the room pretty quickly. I guess
5 maybe I was thinking that, you know, if I ran, I wouldn't
6 get back there fast enough to pull that border away from the
7 door.

8 Q Okay. What did the knife look like?

9 A It looked like an old man pocketknife like maybe the,
10 the blade was maybe about three inches long. It was a, kind
11 of curved. I'm not in full details of everything. I don't
12 remember exactly how it looked at this point.

13 Q And it ended up on the ground of the store?

14 A It ended up on the floor.

15 Q And you were not able to get it while the individual
16 was fiddling with both hands with his pants?

17 A When we stopped scuffling, of course, I am not as
18 focused maybe you could say clumsy hand or whatnot. I am
19 some distance from the knife. The knife didn't fall beside
20 my feet. I'm some distance from it. So, I had to get to it
21 still watching to see what he was doing distracted by him
22 messing with his pants. Before I could get the knife,
23 that's when he retrieved his gun.

24 Q So, that the -- it didn't fall as a result of what you
25 demonstrated earlier to Mr. Ellis where y'all are struggling

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by Ms. Jones

1 with it?

2 A It, it didn't fall right beside his, our feet. It was
3 more as like slung a little bit, a little distance from us.
4 So, you know how somebody knocks something out of your hand
5 and it don't fall right beside you, it may fall to the back
6 of you or to the side or to the front. It was more like
7 that. It wasn't just a drop. It was more of a slinging
8 from his, from his hands, the way it, the knife was located.

9 Q Where were you located when you first saw the gun?

10 A I was located probably right within this area right
11 here more towards the cigarette case than the display
12 window.

13 Q So, you backed up into the room some?

14 A We had moved around scuffling and that's more of where
15 the knife had landed closest to. That's where I was trying
16 to go. So that's why I was more that way than towards the
17 case for the cell phones and body jewelry.

18 Q Okay. And you've indicated that you, the fiddling with
19 the pants at the waistband gave you a mistaken idea that
20 something else might be gonna happen.

21 Do you remember, when you gave your statement the night
22 that this happened, telling them that the gun came out of
23 his pocket?

24 You didn't say anything about his waistband or fiddling
25 with his britches like he was gonna rape you, did you?

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by Ms. Jones

1 A No, but that's what he was doing.

2 Q Okay. So, why didn't you tell Chief Smith that that
3 night?

4 Do you want me to show it to you so you can remember
5 what you wrote?

6 A Yes.

7 Q Do you see the part I'm referring to halfway down?

8 A Yes.

9 Q Okay. Can you read it and tell them what you wrote?
10 Is that your handwriting?

11 A Yes.

12 Q Okay. Read that sentence.

13 A He then grabbed a gun he had in his pocket.

14 Q Okay. And at that point you said in your statement
15 that he grabbed you by the hair?

16 A Yes.

17 Q Okay. And what did you tell them was contained in the
18 safe in your statement?

19 A \$2,200.

20 Q And you testified it was 2,000 today, correct?

21 A I knew it was 2,000. I wasn't specific. I knew it
22 wasn't 2,500. I think I said around 2,000.

23 Q Well, you, you wrote this.

24 You could of said around 2,000, couldn't you?

25 A At the time I wrote this statement I was given that

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by Ms. Jones

1 figure. I can't -- this, this statement was written
2 sometime afterward.

3 Q Okay. So---

4 A I can't remember what was---

5 Q Let me, let me stop you and clarify then.

6 When you said you, he took \$2,000 out of the safe,
7 that's not accurate?

8 You don't -- do you know how much money was taken out
9 of the safe?

10 A Now I do. 2,200.

11 Q Did you, at that time, know how much was taken out of
12 the safe?

13 A At that time I wrote the statement, yes.

14 Q Okay. No.

15 At the time the money was taken out of the safe on this
16 date, did you know how much money was in the safe?

17 A It's been a while. I can't recall that I do. I do
18 remember there was not a lot of money in the safe. Normally
19 we would have more money than that in the safe. But for
20 some reason that particular day the money was in the
21 register. I knew that we had no, no twenties, no one
22 hundreds, nothing like that that could contain -- the
23 twenties was wrapped in two thousands, and the -- I can't
24 remember what the hundreds was. But I knew it wasn't a lot
25 of money in the safe. I don't recall seeing like a stack of

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by Ms. Jones

1 ones and stuff like that.

2 Q Okay. Well, let, let me just boil it right down and
3 clarify.

4 When you said earlier that \$2,000 was taken out of the
5 safe, you don't know that that's true?

6 You just stated it and you, you don't know that is the
7 truth?

8 A When I said around \$2,000 was taken out of the safe, I
9 remember from the time I gave my statement the 2,000. I
10 don't remember -- you know, it's been over a year. So, I
11 don't recall keeping that figure in my head.

12 Q Okay. You've just, in a, in a long answer to a, what I
13 thought was a short question, told me that there was \$2,000
14 in twenties and a lot in tens all in the register too this
15 night.

16 A Uh-huh. (Affirmative).

17 Q Okay. So, there was a lot more money there than just
18 the big stack of fives that was in the safe?

19 A Yes.

20 Q Okay. Do you clearly recollect now that that was, in
21 fact, only fives or do you not even know that now?

22 A At this point, like I say, I don't remember the
23 denomination of it, the dimension, I don't recall what it
24 was. I know it wasn't any ones or \$100 bills or fifties.

25 Q Was it a big -- in physical size, was the stack big?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 A None of our stacks were too big. As I say, normally in
2 the safe Money Tree in Chesnee was---

3 Q Let's, let's -- okay. Let's confine our answer to this
4 night, this night. Not policy and normally.

5 I'm talking about September 28th, 6:45 to seven
6 o'clock, what was in the safe?

7 A I do recall \$5 bills being in the safe.

8 Q Demonstrate the size of the stacks and the number.

9 A And the number?

10 Q Number of stacks.

11 A Probably about this high maybe. I do recall maybe two
12 or three stacks. As I say, I don't quite remember that full
13 in detail because I had not counted the safe precisely then.

14 Q Okay. Did you get the money out of the safe or did the
15 individual get the money out of the safe?

16 A He got the money out of the safe.

17 Q Okay. When was the last time you had been in the safe
18 that night?

19 A I did not go to the -- I looked in the safe when I got
20 to work, and I did not need to go to the safe that evening
21 because most of the money that was received that day was put
22 into the register.

23 Q Okay. Now, after the incident at the safe, you
24 indicated you ended up in the back room, and how did that
25 happen?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 Describe physically how you got to the back room.

2 A Physically I was jerked up from -- the man in black got
3 up off my back, pulled, put, put his weight up which was
4 with his knee, jerked me up from the ground. As I say, I
5 was face down. He was behind me pushing me towards the
6 back.

7 Q Okay. Now, in your statement, again, if you would look
8 about halfway down, do you -- does your statement reflect
9 that you told Chief Scott that anyone ever knelt on your
10 back at the safe?

11 A No.

12 Q Okay. How did you write it in your statement?

13 A I did not indicate that in my statement.

14 Q Okay. How did you indicate in your statement that you
15 got to the safe?

16 A He then grabbed, grabbed me by my hair and led me to
17 the safe that contained \$2,200.

18 Q Okay.

19 A He told me to turn around and shut up.

20 Q Okay. And state the next line.

21 A He then drug me down the hall to the back room.

22 Q Okay. You told them he drug you down the hall to the
23 back room.

24 You didn't say he say pushed you, prodded you from the
25 back, correct?

Bridgette Jackson - Cross-examination
by Ms. Jones

1 A well, I was being led to the back room.

2 Q Okay. But you described it today as being pushed in
3 the back down the hall to the back room.

4 okay. The officer who retrieved your clothing, did he
5 do any other evidence retrieval with you --

6 A I---

7 Q -- like swabbing you in any place?

8 A I think he swabbed my, my nails. I'm not -- I'm gonna
9 say no. But he didn't swab, swab my mouth.

10 Q He didn't swab your mouth, but you think he swabbed
11 your nails?

12 A We looked under my nails to see if like anything, maybe
13 skin or something, was under it. So, I'm gonna say no,
14 he -- I don't think he swabbed my nails. When he was taking
15 the pictures and doing all of this, I was just basically
16 still shaken up. I can't still -- I can't recall what took
17 place in that room precisely other than we, he took pictures
18 of my clothes. I know he didn't like take a hair sample or
19 swab my mouth.

20 MS. JONES: Okay. That's all I have, Your Honor.

21 THE COURT: Redirect.

22 REDIRECT EXAMINATION

23 BY SOLICITOR ELLIS:

24 Q Ms. Jackson, Ms., Ms. Jones just asked you a lot of
25 questions about pretty much every single possible detail in

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 that store. She mentioned that you didn't, you never
2 mentioned in your written statement that the defendant was
3 on a bicycle, is that right?

4 A That is correct.

5 Q That you saw him riding at the back of the store?

6 A That is correct.

7 Q But did you see him riding the back, riding the back
8 behind the store?

9 A I did.

10 Q She mentioned that you never said that he put his knee
11 on you while you were back on the floor by the safe, is that
12 right?

13 A That is correct.

14 Q But did that happen?

15 A It did. During the time when they was asking me to
16 write the statement, that's when I told them to get the
17 video, they can see what he did to me, and that's when they
18 told me that the cameras did not work.

19 Q Okay. Was your -- what was your testimony earlier that
20 you basically wrote that, but you thought the highlights in
21 a written report that you gave, is that right?

22 A Yeah, basically wrote the highlights. As I say, I had
23 never written a voluntary statement. I basically just told
24 what had happened to me best as I can remember it. As you
25 can see how my handwriting looked, I was still shaking when

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 I wrote this. I also thought that this was my allowed
2 space. I don't see where I put he offered me another piece
3 of paper written on here. But I thought this was the only
4 space I was allowed to write in. That's why I did a lot of
5 paraphrasing.

6 Q Okay. So, in other words, basically what you're saying
7 is you did not write every single possible detail about the
8 store or about everything that happened in that, in that
9 little space you had there, is that right?

10 A No, I was---

11 Q And, for instance, the lights were on in the store too,
12 weren't they?

13 A Yes.

14 Q Where does it -- where in your statement does it say
15 the lights were on?

16 A It don't.

17 Q Why did you not write that down?

18 Were they not on?

19 A Cause mostly when the store opened the lights are on.

20 Q Okay. So, so -- but the fact that you didn't write
21 that in your statement, does that mean the lights were off?

22 A No.

23 Q The lights were, the lights were on then?

24 A Yes.

25 Q Okay. So, again, every single detail may not be on

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 those ten or twelve lines of writing?

2 A No.

3 Q Okay. And, again, you remember the, this incident
4 pretty well, right?

5 A Yes.

6 Q I think you just answered questions about every detail,
7 about purple boxes on the shelves, and everything else for a
8 while now?

9 A Yes.

10 Q Okay. I believe you've mentioned that you really
11 didn't have any, any significant visible injuries with the
12 exception of the bruising and whatnot around your ear on the
13 right side of your head, is that right?

14 A That is correct.

15 Q You did have a couple nicks I guess as a way of saying
16 it on your hand, is that right?

17 A Correct.

18 Q But the doctors did not feel like any major kind of
19 treatment was needed?

20 A No.

21 Q But they didn't think they needed to stitch you up or
22 do anything like that?

23 A No.

24 Q But basically those, those were injuries, but they were
25 not severe?

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 A Those were injuries. They were not severe. The --
2 after the incident was over, I don't know if you'd call it
3 an injury, but they were basically worried about my
4 psychological injuries.

5 Q Okay.

6 A You know, how it affected my life and things like that,
7 how I couldn't go back to work for a while cause I was
8 scared. People -- I -- everybody that walked up close to me
9 I thought was gonna do something. So, they was worried
10 about that.

11 Q Okay. Going back to the statement again, Ms. Jones
12 asked you several times about where, about him fiddling with
13 his pants and where he got the gun from, and, again, that's
14 not listed, but basically your statement says he got the gun
15 out of his pocket, is that correct?

16 A Correct.

17 Q Did he fiddle with his pants around the time he was
18 getting the gun out?

19 A He did. Cause when he was fiddling with his pants I
20 thought he was gonna rape me.

21 Q And he got the gun from somewhere in his pants,
22 correct?

23 A Somewhere in that area.

24 Q Whether it was waistline or his pocket, it came from
25 his pant area, right?

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 A Yes.

2 Q And you knew that there was money in the safe, is that
3 right?

4 A I did.

5 Q And, so, tell the jury again please, when, when did you
6 last counted (sic) the money in the safe that night?

7 A I looked at the safe when I got to work because, as I
8 said, most of the money -- the manager had been to the bank
9 that day and she put most of the money in the register.
10 There was no need for me to go to the safe, and I didn't
11 count the safe yet cause normally I counted the money as my
12 last thing.

13 Q So, basically you had no reason to pay a lot of
14 attention to what was in the safe during your working hours
15 that day?

16 A No.

17 Q And although you normally balanced your drawer, you had
18 not done that yet cause you were not closed out yet?

19 A I had not done that yet.

20 Q All right. But you know that there were several stacks
21 of at least \$5 bills that were in the safe?

22 A Yes.

23 Q And did you see him getting those, that money out?

24 A I seen -- I didn't actually see him getting the money.

25 As I say, I was face down where his knee was, and the way he

Bridgette Jackson - Redirect examination
by Solicitor Ellis

1 had pushed my head, you know, I didn't turn completely
2 around and, you know, stare at him as he got it cause he
3 turned my, you know, pushed my head back to the floor. So,
4 to say I actually seen him get it, no.

5 Q But obviously he was right there with you.

6 Did you perceive him taking the money out of the safe?

7 A I did.

8 Q You did not take the money out, did you?

9 A No.

10 Q Okay. And the reason why you couldn't see him doing it
11 is because he was holding you on the ground?

12 A He was holding me on the ground.

13 Q A moment ago, in answer to one or two questions from
14 Ms. Jones, you also, you described the robber, the attacker
15 as the man in black, is that right?

16 A Yes.

17 Q The man in black is that defendant right there, is that
18 right?

19 A Yes.

20 Q Thank you.

21 THE COURT: Recross.

22 MS. JONES: Briefly.

23 THE COURT: Yes, ma'am.

24 RE CROSS EXAMINATION

25 BY MS. JONES:

Bridgette Jackson - Recross examination
by MS. Jones

1 Q Again, back to the fiddling with the pants, you never
2 put in your statement that at the time he was trying to get
3 the gun out of his clothing that you thought you were gonna
4 be raped?

5 It's not in there is the question.

6 A At that time, as I stated before, I was just---

7 Q Well, I think---

8 THE COURT: I'm gonna let her explain her answer.

9 MS. JONES: Okay.

10 THE COURT: Don't cut her off.

11 MS. JONES: Okay.

12 A At that time I knew he grabbed a gun. I didn't think
13 it was important for me to say I thought he was gonna rape
14 me. That was not hard evidence I guess you could say. So,
15 I didn't say I see him fiddling with his pants cause I
16 thought he was gonna rape me. That was just something I was
17 thinking on the inside. So, I didn't write that I thought
18 he was gonna rape me.

19 Q And you did not write in your statement that you hit
20 the person in the face, did you?

21 A I stated I put up a fight.

22 Q Okay.

23 A I put up a fight to get him out to lock the door, but
24 he forced himself through.

25 Q Okay.

Bridgette Jackson - Recross examination
by Ms. Jones

1 A He dropped the knife and I was trying to get, get it to
2 stab him first. As I say, I did a lot of paraphrasing
3 because I did not know I was allowed more paper.

4 Q Did you know, by the time you gave this statement, that
5 the videotape in the store was not available for the
6 details?

7 A I can't remember when that question was asked. I do
8 remember telling them to look at the video, but it was a lot
9 of things going on in the Sheriff's Office at that time.
10 So, I can't remember the order of the question which was
11 asked, but I do remember he, him telling me that the cameras
12 did not work.

13 Q So, you do not know whether, at the time they took your
14 statement, the police were aware that they would not have
15 the videotape?

16 A At that time -- at this point, I'm un -- I don't -- I
17 knew that they know it's not a tape. I can't remember when
18 it was discussed.

19 Q Who determined there was not a tape?

20 A I can't -- the, the chief, I guess.

21 Q The chief who took your statement?

22 A Chief Paul Smith was the one that told me there was no
23 videotape.

24 Q And he is the one who took your statement?

25 A He is the one that I was in the room with when I wrote

Bridgette Jackson - Recross examination
by Ms. Jones

1 this statement.

2 Q Okay. Thank you. That's all.

3 THE COURT: Anything further?

4 SOLICITOR ELLIS: No, sir.

5 THE COURT: All right, ma'am. You may step down.

6 Thank you very much.

7 All right. Ladies and gentlemen of the jury, it's a
8 little 12:00. So, we're gonna break for lunch. I'll give
9 you the same instructions that I gave when you left the
10 courthouse yesterday and that is not to discuss the case
11 with anyone. Don't attempt to gather any information on
12 your own. Don't allow anyone to discuss the case with you.
13 Do not listen to, watch, or read media reports concerning
14 this matter. If anyone tries to contact you about your
15 service on the jury, please report that upon your return.

16 I'm going to ask you to be back in the jury room. I
17 usually give about an hour and 15 minutes. Let's say at 20
18 minutes after 1:00, and we should be in a position to start
19 shortly thereafter. I trust you'll have a good lunch. The
20 bailiffs will show you out.

21 Everyone remain seated while the jury retires.

22 Thank you.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: All right. Court's in recess. Defendant

1 remains in custody.

2 Thank you very much.

3 SOLICITOR ELLIS: Thank you, Your Honor.

4 (WHEREUPON, Court was in recess for the lunch break.)

5 MS. JONES: May we approach?

6 We were at your chamber door.

7 THE COURT: Oh, okay. No, I'm in here.

8 (WHEREUPON, a bench conference was held at this time.)

9 THE COURT: Mr. Ellis, you ready?

10 SOLICITOR ELLIS: Yes, sir, Your Honor.

11 THE COURT: Defense ready?

12 MS. JONES: Yes, sir.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the following takes place within the
15 presence of the jury.)

16 THE COURT: All right. The record will reflect the
17 jury has returned to the courtroom.

18 If there was any juror who had any difficulty in
19 complying with my instructions during your absence, please
20 stand.

21 (No response.)

22 THE COURT: It appears that all jurors have been able
23 to comply with the Court's instructions.

24 At this time the State may call its next witness.

25 SOLICITOR ELLIS: Thank you, Your Honor.

Kip Teal - Direct examination
by Solicitor Ellis

1 The State calls Sergeant Kip Teal.

2 THE COURT: Come forward, sir, to my left and be sworn.

3 KIP TEAL, being first duly sworn,
4 testified as follows:

5 THE COURT: Have a seat in the witness stand. Once
6 you're seated, state your name please.

7 WITNESS: Kip Teal.

8 THE COURT: Mr. Ellis, your witness.

9 SOLICITOR ELLIS: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY SOLICITOR ELLIS:

12 Q Sergeant Teal, where, where are you employed?

13 A Chesnee Police Department.

14 Q And what's your -- what capacity are you employed with
15 Chesnee?

16 A Sergeant.

17 Q What kind of duties do you have?

18 You know, responsibilities do you have while you're
19 there?

20 A I oversee six other officers and take care of all the,
21 the investigation.

22 Q How long have you been a police officer?

23 A Sixteen years.

24 Q And have you worked at other departments as well?

25 A Yes, sir.

Kip Teal - Direct examination
by Solicitor Ellis

- 1 Q which ones?
- 2 A Lyman and Duncan.
- 3 Q How long have you been with Chesnee?
- 4 A Five years.
- 5 Q Have you been a sergeant the entire time?
- 6 A No, sir.
- 7 Q When did you become sergeant?
- 8 A It's been three years ago.
- 9 Q Okay. Now -- so, in other words, you were basically a
- 10 sergeant in a supervisory role in September of 2010 then, is
- 11 that correct?
- 12 A Yes.
- 13 Q Do you recall the events of September 28th, 2010?
- 14 A Yes, sir.
- 15 Q And, and what were you doing that day?
- 16 A I was on regular patrol. I was working the streets
- 17 that day just riding around checking the neighborhoods and
- 18 answering calls that we received.
- 19 Q Is that fairly standard?
- 20 A Yes, sir.
- 21 Q And did anything happen at some point kind of around
- 22 late afternoon or a little bit after?
- 23 A Yes, sir, while on routine patrol I received a call to
- 24 respond to the Chesnee Police Department in reference to a
- 25 female who had just been robbed at gunpoint.

Kip Teal - Direct examination
by Solicitor Ellis

1 Q And did you go to the department at that time?

2 A Yes, sir.

3 Q Who did you find when you got there?

4 A When I arrived I went through the double glass doors
5 where the judge and all sits to the right. When I walked in
6 I observed a female sitting at the bench right inside the
7 door.

8 Q And who was that woman?

9 A It was Ms. Jackson. She's sitting in the courtroom
10 right here.

11 Q And, and basically what was her appearance like?
12 What was she doing?

13 A She was on -- you could tell that she was all shook up
14 and nervous, and she had on a light blue shirt and gray
15 jogging pants. And as I looked at her I could tell that --
16 I mean there was spots of blood, blood on her pants, a
17 couple spots on her shirt, and I asked her what happened.
18 She stated that she had been robbed, and she stated she
19 worked at the Money Tree, and that's whenever I stated
20 talking to her trying to find out what went on because she
21 was at the police department, and she stated that she worked
22 at the Money Tree. At that time started talking to her and
23 asking what, her what happened, and---

24 Q Did she tell -- did she tell you anything about the
25 person who robbed her?

Kip Teal - Direct examination
by Solicitor Ellis

1 A Yeah, she stated -- I asked her, I said could you give
2 me a description.

3 MS. JONES: Your Honor, I'm gonna object as this is
4 hearsay at this point. I think we need a lit bit more
5 foundation.

6 THE COURT: As to what?

7 MS. JONES: As to res gestae time frame.

8 THE COURT: Your objection is that this -- are you
9 offering this under the res gestae exception?

10 SOLICITOR ELLIS: Well, Your Honor, I can ask a few
11 more questions if I need to.

12 THE COURT: Well, rephrase your questions then.

13 SOLICITOR ELLIS: Yes, sir.

14 Sergeant Teal, about what time did you arrive at,
15 roughly at the---

16 A It was right at about 16:45 is when -- about 16:47. I
17 received a call at 16, at 18:45, which is briefly -- that's
18 military time. But regular time, that's 6:45.

19 Q Okay. That would be PM?

20 A Yes.

21 Q All right. And, so, you, you arrived at the station
22 around that time or you got the call around that time?

23 A I got the call at 6:45. I got there like two minutes
24 later.

25 Q So, you were at the station shortly thereafter?

Kip Teal - Direct examination
by Solicitor Ellis

1 A Yes.

2 Q Okay. So, a little bit before 7:00PM, is that right?

3 A Yes, sir.

4 Q And that's when you, you saw the victim sitting on the
5 bench wearing the clothes that you described?

6 A Yes, sir.

7 Q Okay. Now, did, did -- what description were you
8 given?

9 A Well, whenever I started asking her what happened, you
10 know, she told me that she was working at the Money Tree
11 which is located on South Alabama inside the city limits of
12 Chesnee, which is our, our jurisdiction.

13 Q Is that also in Spartanburg County?

14 A Yes, sir.

15 Q Okay.

16 A And she told me that she was inside the business
17 whenever she was robbed, and I asked her give me a
18 description so I can put out what we call a BOLO we put out
19 over the radio to let everybody know what to be looking for.
20 She stated that -- I asked who robbed her. She said it was
21 a black male on a bicycle wearing black clothes and black
22 sunglasses, dark sunglasses.

23 Q Okay. Did that ring any bells with you for any reason?

24 A Yes, sir.

25 Q And why is that?

Kip Teal - Direct examination
by Solicitor Ellis

1 A Whenever she gave me a description that it was a black
2 male on a bicycle with black clothes and black sunglasses, I
3 had just -- I -- not long before that I had just -- I was on
4 routine patrol on South Alabama, which is right in front of
5 the Money Tree inside the city limits and I observed a
6 subject matching the same description right in front of the
7 roadway that comes up to the ATM machine right beside Money
8 Tree, which is Arthur State Bank which is inside the city
9 limits, and I was going down there riding real slow because
10 the way the parking is you have to ride slow through there
11 cause people back up and they can't see when everybody's
12 parked beside them.

13 So, as I was riding down through there I observed a
14 subject matching that description on the sidewalk coming in
15 front of Arthur State Bank toward the Money Tree, and he
16 throwed his hand up, and I throwed mine back, and I went on
17 to Highway 11 and turned left to do my regular routine
18 patrol.

19 Q Okay. So, you said you saw a subject.

20 Can you give a little bit more description again just
21 about that person that you saw?

22 A The person that was on the bicycle was a black male.
23 He had on black clothes and black sunglasses. When I left
24 there I turned on Highway 11.

25 Q Let me stop you one second.

Kip Teal - Direct examination
by Solicitor Ellis

1 At that point did you know who that man was?

2 A I did.

3 Q And who was that?

4 A Andrew Scott.

5 Q Is that the defendant?

6 A Yes, sir.

7 Q How do you know him?

8 A From him working in Money Tree. That was our -- part
9 of our job was going inside all the businesses and checking
10 on everybody that works there and make sure everything's
11 okay. That was part of our job was going in all the stores
12 cause our city limits ain't but one square mile. So, you
13 got plenty of time to go inside all the businesses and check
14 on everybody so you get to know everybody because it's such
15 a small town.

16 Q And people are generally pretty, pretty friendly in
17 Chesnee to people they know?

18 A Yes, sir.

19 Q You said that when you passed him in the car lot, he
20 was on his bike, that he raised his hand at you, is that
21 right?

22 A Yes.

23 Q I think you said you waved back?

24 A Waved back.

25 Q Okay. Is there anything uncommon about that or is that

Kip Teal - Direct examination
by Solicitor Ellis

1 pretty standard?

2 A No, that's standard for the, the people in Chesnee. I
3 mean everybody around there -- I mean everybody has their
4 own problems, but I mean it's a very small town and
5 everybody's friendly and everybody knows everybody.

6 Q Okay. So, you said you kept on going toward Highway 11
7 and just kept on patrol, is that right?

8 A Kept on routine patrol going through the neighborhoods
9 checking on everything, and just a few minutes after that I
10 was going up Manning Street, which is inside the city
11 limits, and crossing over the railroad tracks I observed
12 Mr. Scott again passing me and turning on Lexington Street
13 across the railroad tracks.

14 Q Okay. Now, when you saw him the first time you were on
15 South Alabama and you were near Arthur State Bank.

16 was he headed sort of in the direction toward the Money
17 Tree or in a different direction?

18 A No, he was going toward the Money Tree.

19 Q Okay. About what time would you think that was
20 roughly?

21 A It happened -- I received a call about 16:40, about
22 18:45, which is 6:45. Probably ten, fifteen, maybe fifteen,
23 fifteen minutes later cause I had made the same stop when I
24 went by there I went straight through the neighborhoods
25 checking neighborhoods and coming up Manning Street.

Kip Teal - Direct examination
by Solicitor Ellis

1 Q Let me just try to clarify that exactly cause I got a
2 little confused by your answer.

3 You said you saw him -- you got the call about the
4 incident we're talking about today at 6:45PM, correct?

5 A Yes, sir.

6 Q Okay. Did you see -- you said something about fifteen
7 minutes.

8 Did you see him on the bike near the Money Tree fifteen
9 minutes before that or fifteen minutes after that?

10 A No, it was about the second time I seen him I'm
11 guessing somewhere---

12 Q I'm talking about the first time you saw him right now
13 by South Alabama.

14 Do you have any idea what time that was?

15 A No, I didn't look at my watch---

16 Q Okay.

17 A ---at what time I seen him going in front of Arthur
18 State Bank. I wasn't looking at my clock.

19 Q Okay. Then you continued on around and you saw him a
20 second time, is that right?

21 A A second time.

22 Q And, again, where was that?

23 A That was on West Main Street still inside the city
24 limites.

25 Q Was he still on the bike?

Kip Teal - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q Still dressed the same?
- 3 A Yes, sir.
- 4 Q And roughly what time was that?
- 5 A I received the call at 6:45, and it was like probably
- 6 two minutes after I seen him crossing the railroad tracks
- 7 when I received the call.
- 8 Q Okay. So, you probably -- so, you saw him the second
- 9 time very close to 6:45?
- 10 A Uh-huh. (Affirmative).
- 11 Q About how long a time may of elapsed you think between
- 12 the first time you saw him and the second time?
- 13 I know you don't know for sure, but if you can make an
- 14 estimation at all.
- 15 A Going riding through my neighborhoods on that side of
- 16 town, I'm gonna say it probably took me ten or fifteen --
- 17 maybe fifteen minutes.
- 18 Q Okay. Is it, is it a very far distance?
- 19 A No, sir.
- 20 Q Okay.
- 21 A Like I say, our city limits ain't but one square mile.
- 22 So, it don't take much to get around.
- 23 Q Okay. So, when you saw him the second time, did you
- 24 notice anything about him at that point?
- 25 A When I seen him the first time on the, on the sidewalk

Kip Teal - Direct examination
by Solicitor Ellis

1 from when I seen him at West Main Street, he was in a whole
2 lot faster pace then when I seen him on West Main Street
3 crossing the railroad tracks.

4 Q Did he wave at you the second time?

5 A No.

6 Q At that point you didn't know anything was wrong, did
7 you?

8 A No, sir, I didn't.

9 Q And you said it's about two minutes later you got the
10 call?

11 A Yes, sir.

12 Q All right. Is it, is it at that point you went to the
13 station and talked to Ms. Jackson?

14 A As soon as I got the call I went straight to the police
15 department.

16 Q All right. After she gave you the description of the
17 person who robbed her, what did you do next?

18 A I went -- after she gave me a description, I had
19 officer, Sergeant DeYoung, which is sergeant over the
20 reserves, I had him come to the police department and stand
21 by with Ms. Jackson after she had told me she was robbed at
22 Money Tree and I knew I had nobody. So, I went -- I had him
23 stand by with her and I went straight to Money Tree to
24 secure the crime scene.

25 Q And did you go in the store or do any investigation in

Kip Teal - Direct examination
by Solicitor Ellis

1 the store?

2 A I went in just for a short period of time just to make
3 sure there wasn't nobody in there and I was back out.

4 Q Okay. So, you did not alter anything in the store?

5 A No.

6 Q And did you find anyone in the store?

7 A No, sir.

8 Q After that you said you came back out?

9 A Come back out and called my dispatcher over the radio
10 and had her to contact Chief Smith to come to the scene.

11 Q All right. What happened after that?

12 A Chief Smith arrived on scene. Spartanburg County -- we
13 had called -- we don't do our own crime scene. We use
14 Spartanburg County Sheriff's Department to do our crime
15 scene. So, we contacted Spartanburg County Sheriff's
16 Department to come to the scene.

17 Q While you were standing up waiting outside the area of
18 the Money Tree, did you speak to anybody out that way?

19 A At that time I didn't. When Chief Smith arrived on the
20 scene and Spartanburg County got there, then I started doing
21 my regular investigation. I started going, talking to the
22 other business owners to see if anybody seen or heard
23 anything.

24 Q Did anyone tell you they seen anything?

25 A Right next door you've got the Harley's Dress Shop.

Kip Teal - Direct examination
by Solicitor Ellis

1 sells women's clothing. Then right beside it you got the BP
2 Gas Station. They was a gentleman working in there. They
3 was a couple people in the BP Gas Station. Went and spoke
4 to them. Spoke to the guy that was running the tire shop,
5 and asked him did he observe anything go on or hear
6 anything. He stated that he observed a black male on a---

7 MS. JONES: Objection, Your Honor. This is hearsay.

8 THE COURT: Sustained.

9 I'll ask you to ask another question.

10 SOLICITOR ELLIS: Yes, sir.

11 Q What was that gentleman's name?

12 A Ian Stowell.

13 Q Okay. And you spoke with him, is that correct?

14 A Yes, sir.

15 Q Okay. After you spoke with Mr. Stowell, where did you
16 go, where did you go next?

17 A After I spoke to Ian Stowell, then I immediately went
18 riding the way that I observed the suspect on the bicycle to
19 see if I could locate him to see which, which way he went on
20 it. I went riding the neighborhood.

21 Q When you went riding, what did you -- where did you go
22 basically?

23 What part of the---

24 A Down Lexington Street. Right there at the railroad
25 tracks where I seen him turn on Lexington Street. I went

Kip Teal - Direct examination
by Solicitor Ellis

1 down through there to see if I seen anybody working in their
2 yards to seen if they saw anything. Routine investigation.
3 Went on down. I observed -- got down on Richland Street,
4 observed some gentleman in the yard, and asked him did they
5 see anything, see a black male on a bicycle dressed in black
6 and they pointed the direction which way he went.

7 Q Okay. What address or what area did you go to next?

8 A [REDACTED] Lexington Street.

9 Q And whose residence is that?

10 A That is Mrs. Verdiana Copeland.

11 Q Okay. Again, just to be clear, so the man you saw up
12 on Alabama Street and also on Manning Street, the man in
13 black on the bicycle both those times, did you recognize
14 that person as Andrew Scott?

15 A I did.

16 Q Okay. When you went to [REDACTED] Lexington
17 Street, is that also in the limits of Chesnee?

18 A It's inside the limits of Chesnee.

19 Q Okay.

20 A Spartanburg County.

21 Q Okay. When you got there, what did you find at that
22 point?

23 A When I arrived on scene, I observed a bicycle on the,
24 on the front porch. At that time I contacted Sergeant
25 DeYoung because, in that situation, knowing that, with Ms.

Kip Teal - Direct examination
by Solicitor Ellis

1 Jackson telling me that he had a gun and all, I was not
2 going to approach it by myself. So, routine, for officer
3 safety, I went back, I got Officer, Sergeant DeYoung and we
4 went back to the residence.

5 Q And, again, this residence, it is the residence of
6 whom?

7 A Verdia Copeland.

8 Q Verdia Copeland.

9 Do you know if she has any relationship with the
10 defendant?

11 A As far as I know -- the work in the area and talking to
12 Ms. Copeland and talking to Mr. Scott and everything, I
13 thought was boyfriend/girlfriend.

14 Q Okay. When you got back there, was there anything you
15 noticed about the premises or anything was going on that you
16 noticed?

17 A When -- me and Sergeant DeYoung went to the trailer to
18 knock on the door. We did also contact Officer Lovell to
19 come out there too. That way we could have three people out
20 there securing each corner for officer safety. We knocked
21 on the door. We beat on the door. We could hear movement
22 going on inside the trailer. So, we knew somebody was
23 there.

24 At that time I even got on my PA and called his name,
25 tried to get him to come out, Mr. Scott. Tried to get him

Kip Teal - Direct examination
by Solicitor Ellis

- 1 to come out. Never could get anybody to come to the door.
2 The TV was very loud. After beating on the door for a
3 little while, and calling for his name, all of a sudden,
4 standing by the door, you could hear the TV volume go down.
5 So then we knew somebody was in there.
- 6 Q Okay. No one came to the door, is that right?
- 7 A Never could get nobody to come to the door.
- 8 Q At some point were you given -- I mean at some point
9 did someone speak to Ms. Copeland?
- 10 A At that time I did contact Chief Smith and advised him
11 what was going on and that we heard somebody inside the
12 trailer, and he stated that he was, talked to Mr. Copeland
13 and get a consent to search form signed so we could try to
14 get inside the trailer.
- 15 Q And at some point did Chief Smith indicate to you that
16 he had the form signed by Ms. Copeland?
- 17 A Chief Smith advised me on the phone that he did have it
18 signed by Ms. Copeland, and I sent Officer Lovell to Chief
19 Smith's location to pick it up and bring it back so we could
20 gain entry into the trailer.
- 21 Q Officer Lovell, I guess she left and then she came
22 back, is that true?
- 23 A Yes, sir.
- 24 Q When she came back, did she have this, any kind of a,
25 you know, a written consent from Ms. Copeland giving you

Kip Teal - Direct examination
by Solicitor Ellis

1 permission to go inside?

2 A Yes, sir, it was signed by Chief Smith and Ms.
3 Copeland.

4 Q Okay. And it said you could go into the home?

5 A Uh-huh. (Affirmative).

6 Q At that point what did you do?

7 A At that point we notified the fire department to come
8 out. When the fire department arrived, we, Officer DeYoung,
9 Sergeant DeYoung and myself, while standing at the
10 back-door, Sergeant DeYoung did take a bar and we gained
11 entry through the back-door.

12 Q Who went inside first?

13 A I did.

14 Q And did Sergeant DeYoung go in with you?

15 A He went -- he was behind me. He was watching behind me
16 when I was looking inside the doorway as for officer safety.

17 Q Was Officer Lovell in the area as well?

18 A She was.

19 Q Please tell the jury what you saw once you entered the
20 home.

21 A At that time, once we gained entry, I gained -- I
22 stepped in first and checked to the left and checked to my
23 right, and when I looked to the right I observed Mr. Scott
24 laying in the bed just inside the door. You turn to the
25 right and their bedroom was on the right and was laying in

Kip Teal - Direct examination
by Solicitor Ellis

1 the bed.

2 Q And, so, that was near the doorway?

3 A Yes, sir.

4 Q You mentioned earlier you had been beating or knocking
5 on the, on the door and whatnot for, for some amount of
6 time.

7 About how long do you think you were out there doing
8 that?

9 A We was probably out there every bit of 45 minutes. I'm
10 just guessing. You know, everything, what was going on, I'm
11 saying 45 minutes, you know. It could of been a little bit
12 longer. But---

13 Q Okay.

14 A ---the time frame trying to get him to come out. You
15 know, that's the main procedures we take. We get somebody
16 to come out, keep from going on, officer safety, and get the
17 consent form signed by Ms. Copeland, and getting in. I'm
18 gonna say 45 minutes to an hour.

19 Q Okay. Once you went in, you found him around that area
20 on the door, is that right?

21 A Yes, sir.

22 Q And what was he doing?

23 A He was laying on the bed whenever we gained entry, and
24 as I stepped in he, he jumped up.

25 Q You said he jumped up.

Kip Teal - Direct examination
by Solicitor Ellis

1 was it suddenly or did he just get up?

2 A He, he jumped up in a sudden move, and that's whenever
3 I drew down on him and told him to show me his hands, and
4 that's when he was laid across the bed and handcuffed.

5 Q Okay. He did not resist or anything at that point, did
6 he?

7 A No, he never resisted.

8 Q Okay. So, you never had to use physical force with
9 him?

10 A No, sir.

11 Q Was there anything noticed about -- well, first of all,
12 what was he wearing at that point?

13 A He was wearing a white t-shirt and the first thing I
14 observed is when I looked in the door and he sat up, I
15 observed him with a white t-shirt on and blood coming down
16 on his nose.

17 Q Did the blood appear to be running down his nose or no?

18 A It was fresh blood.

19 Q Okay. So, some kind of fresh cut on his nose then?

20 A Uh-huh. (Affirmative).

21 Q Just to clarify, you said he had fresh blood on his
22 nose.

23 was it running or down it or was it just a brief---

24 A It was like a little puddle of blood right here on his
25 nose.

Kip Teal - Direct examination
by Solicitor Ellis

1 SOLICITOR ELLIS: Okay. Permission to approach the
2 witness, Your Honor?

3 THE COURT: You may.

4 Q Sergeant Teal, I'm gonna show you what's been premarked
5 for identification as State's Exhibits 35 and 36.

6 Could you please review those?

7 A Okay.

8 Q And are you, are you familiar with those photos?

9 A Yes, sir, I am.

10 Q What are they photos of?

11 A The first photo is the photo of the address of the
12 residence he was in. The second photo is a photo I took of
13 Mr. Scott while in the living room of the trailer.

14 Q And are those true and accurate representations of how
15 both of those scenes looked at the time?

16 A Yes, sir, cause I'm the one that took the pictures.

17 SOLICITOR ELLIS: Your Honor, at this time, permission
18 to admit these into evidence as State's Exhibits 35 and 36.

19 THE COURT: Objections?

20 MS. JONES: No, sir.

21 THE COURT: Without objections they'll be admitted as
22 marked.

23 (WHEREUPON, State's Exhibit Nos. 35 and 36 were
24 received into evidence at this time.)

25 THE COURT: You may publish.

Kip Teal - Direct examination
by Solicitor Ellis

- 1 SOLICITOR ELLIS: Thank you, Your Honor.
2 Turn the lights down for a moment please. Thank you.
3 Sergeant Teal, first I'm showing you what's been marked
4 as State's Exhibit 35, and what is this a photograph of?
5 A It's a photograph of the address of the residence.
6 Q Okay. And, again, this -- it says [REDACTED], is
7 that right?
8 A Yes, sir.
9 Q And that's where you, that's where you, he was located?
10 A Yes, sir.
11 Q Also now showing you State's Exhibit No. 36.
12 What is this a photograph of?
13 A That's a photo of Mr. Scott.
14 Q Okay. What do you notice about his appearance in that
15 photograph?
16 A Appearance was he was sweating real bad, and the cut on
17 his, scratch or cut on his nose.
18 Q Okay. And, again, that's how he looked basically when
19 you, when you came in?
20 A Yes, sir.
21 Q Sometime following this, the location of Mr. Scott, in
22 the last month or so, were you asked to or, or did you need
23 to transport an item to SLED in relation to this case?
24 A Yes, sir.
25 Q And what was that item?

Kip Teal - Direct examination
by Solicitor Ellis

- 1 A It was, it was a -- the swabs, DNA, from Mr. Scott.
- 2 Q Okay. And by a swab, what kind of swab was it?
- 3 A It's for DNA.
- 4 Q It's a Buccal swab?
- 5 A Yes, sir.
- 6 Q Is that basically just like a saliva swab sort of?
- 7 A Yes, sir.
- 8 Q And which agency had, basically had, had custody of the
- 9 swab at that point?
- 10 A Spartanburg County Sheriff's Department.
- 11 Q Did they notify you to come get the swab?
- 12 A They, they contacted me and they had it in their
- 13 evidence room at the Sheriff's Office.
- 14 Q Do you recall what date you went to the Sheriff's
- 15 Office to pick it up?
- 16 A It was on March the 26th is whenever I went to the
- 17 Spartanburg County Sheriff's Department evidence room and
- 18 picked up the Buccal swabs.
- 19 Q March 26th of what year?
- 20 A 2012.
- 21 Q And does it say about what time you picked it up?
- 22 A 13:41, which would be 1:41 p.m.
- 23 Q All right. The place where you picked it up from, can
- 24 you describe that room?
- 25 Is it secured?

Kip Teal - Direct examination
by Solicitor Ellis

1 A It's a, it's a secured room that they keep all their
2 evidence in. They have evidence tech that works behind the
3 doors, and you have to sign forms which are called chain of
4 custody forms, and they release them to you.

5 Q Okay. Is that -- you basically secured, but does it
6 have a lock on it of any kind or anything like that?

7 A It's got locks where you can't go back there. You have
8 to stand at the doorway and they got a little door that
9 opens up, and they hand you -- you sign the forms and all
10 and they hand it to you, which, when they give it to you,
11 it's secured with what you call red evidence tape.

12 Q Okay. Tell me a bit more about this packaging of the
13 swab.

14 You mentioned it has red evidence tape on it.

15 How else it is packaged?

16 A It's packaged in a, in a yellow envelope and it will
17 have the department who actually done the swab, the chain of
18 custody, and it will be taped where it, when it closes, it's
19 taped up with evidence tape. That way can't nobody -- if
20 somebody does get in it, it shows it has been tampered with.

21 Q Now, when you were -- when you first saw the, the
22 package, the swab, was it still sealed and taped?

23 A Yes, sir.

24 Q Did it appear to have been opened or tampered with in
25 anyway?

Kip Teal - Direct examination
by Solicitor Ellis

- 1 A No, sir.
- 2 Q When, when you took it, did you go take it out to your
3 car I guess at that point?
- 4 A I took it in my vehicle.
- 5 Q Okay. And at that point it was also still unopened and
6 not tampered with?
- 7 A Yes, sir.
- 8 Q Where did you -- what did you do with it?
9 where did you go?
- 10 A Officer Lovell was working that day. I asked her could
11 she go to Columbia, which that's where all testing goes.
12 You have to take it to SLED in Columbia, and I had her to
13 meet me on 221 in the parking lot of Peach Valley Pharmacy,
14 and I handed it over to her, which she signed the form
15 saying it was released to her and she took it straight to
16 Columbia.
- 17 Q And about time did you give it to her?
- 18 A I don't have it. I can't recall exactly what time. I
19 don't have that paper on me that shows what time I released
20 it to her.
- 21 Q Okay. Was it a---
- 22 A It was in the same day.
- 23 Q The same day?
- 24 A I picked it up at 1:41 and it's somewhere, somewhere
25 around -- not long after that.

Kip Teal - Direct examination
by Solicitor Ellis

1 Q Okay.

2 A I don't have -- I hate, I hate to give you a time and
3 it not be right.

4 Q This is all on March 26th, is that right?

5 A Yes, sir.

6 Q And at any point -- at any point while -- after you
7 took custody over it at the Sheriff's Office, was it ever
8 out of your possession or anywhere else had an opportunity
9 to get to it or touch it or do anything with it?

10 A No, sir.

11 SOLICITOR ELLIS: Okay. May I approach, approach the
12 witness, Your Honor?

13 THE COURT: Yes, you may.

14 Q Sergeant Teal, I'm just -- I'm handing you a form
15 that's marked Chesnee Police Department evidence chain of
16 custody.

17 Is that, is that the form that you filled out?

18 A Yes, sir, it is. That's, that's our personal chain of
19 custody. Whenever you hand over items to another officer
20 they have to sign for it.

21 Q Could you just review that briefly and tell me when you
22 might have given the swabs to Officer Lovell?

23 A It was at 15:07.

24 Q Okay.

25 A That's 3:07.

Kip Teal - Direct examination
by Solicitor Ellis

1 Q And what time did you take custody of them from the
2 Sheriff's Office?

3 A It's 1:41.

4 Q Okay. So, approximately an hour and thirty minutes
5 later you gave it to Officer Lovell?

6 A Yes, sir.

7 Q Okay. And, again, at no point was it ever out of your
8 sight or out of your control?

9 No one else had control over it, is that right?

10 A Nobody had control over it.

11 Q Was it ever opened or tampered with or altered in
12 anyway?

13 A No, sir.

14 Q The tape, the evidence tape, everything was still
15 secure on it, is that correct?

16 A Yes, sir.

17 Q And you -- did you hand it directly to Officer Lovell?

18 A Yes, sir.

19 Q And what did -- where did she go after that?

20 Did she leave?

21 A She went to SLED, which is located in Columbia, that
22 does all of our analysis.

23 Q And is that the last time you saw the swab?

24 A That's the last time.

25 SOLICITOR ELLIS: Beg the Court's indulgence one moment

Kip Teal - Direct examination
by Solicitor Ellis

1 please, Your Honor.

2 THE COURT: Yes, sir.

3 (Pause.)

4 Q Sergeant Teal, going back to when you were at the, at
5 the residence, at [REDACTED] where you found the
6 defendant, did you, at any point, search for any weapons or
7 any money or anything?

8 A Yeah, since I was told by the victim that, that the
9 suspect had a knife and also had a gun, and had robbed them
10 and stolen some currency from the Money Tree, there was a
11 complete search of the residence to try to locate the items.

12 Q And did you find any of those items?

13 A Never located anything.

14 Q Okay. So, you did not find the gun?

15 A No, sir.

16 Q Did not find the knife?

17 A No, sir.

18 Q And did not find the money either?

19 A No, sir.

20 Q And, again, being familiar with the defendant,
21 Mr. Scott, is the man you found inside the home there, is
22 that the same man you saw riding the bicycle?

23 A Yes, sir.

24 Q Is that also the man we see sitting here at the defense
25 table today?

Kip Teal - Direct examination
by Solicitor Ellis

1 A Yes, sir.

2 Q Please answer any questions Ms. Jones may have for you.

3 THE COURT: Ms. Jones, your witness.

4 MS. JONES: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. JONES:

7 Q Sergeant Teal, the -- you indicated, once you got into
8 Ms. Copeland's home, that Mr. Scott I think you described as
9 he jumped up out of the bed.

10 Did he clear the bed?

11 A No, ma'am, it was -- if, if you're looking at -- if
12 you're standing at the foot of the bed and you're looking
13 toward the headboard, he come off the left side of the bed.
14 He jumped up to the left side.

15 Q Okay. Did he get to his---

16 A Or it was his right side.

17 Q Did he get to his feet?

18 A Yeah, he stood at his feet.

19 Q Okay. How far were you from the bed when that
20 happened?

21 A I was right at the doorway. I had just stepped in the
22 doorway.

23 Q Okay. And what was your reaction to that?

24 A My reaction is whenever he jumped up to the side of the
25 bed I drew down on him and told him to get, lay down on

Kip Teal - Cross-examination
by Ms. Jones

1 the bed.

2 Q Okay. You drew your service weapon on him?

3 A Yes, ma'am.

4 Q Did you put your hands on him to cuff him?

5 A Did I put my hands on him?

6 Q Uh-huh. (Affirmative).

7 A Yeah, I did.

8 Q Okay. So, you initially were, were startled or

9 bothered enough by him getting out of the bed that you drew
10 your weapon on him.

11 How did you get from that point to physically having
12 your hands on him?

13 A Can you, can you repeat that again to---

14 Q Okay. He got up quickly enough that it disturbed you.

15 So, you pulled your weapon, correct?

16 A Yes, ma'am.

17 Q Okay. Now, tell me step-by-step how you get from
18 drawing down, which is a two handed process, right---

19 A Yes, ma'am.

20 Q ---to cuffing him?

21 A Yes, ma'am. I walked straight -- whenever I got in the
22 door and I looked -- whenever I was securing the area I was
23 looking to the left, and when I looked to the right I
24 observed him in the bed and that's when he got up. I drew
25 down on him. At that time I told him to lay down on the

Kip Teal - Cross-examination
by Ms. Jones

1 bed, and I went to, around the front of the bed and I
2 handcuffed him and we walked to the living room.

3 Q Okay. So, are you saying he was completely compliant
4 after jumping out of the bed, and when you said lay down he
5 laid down?

6 A Yes. Yes, ma'am.

7 Q You deny hitting him or striking him to make him get on
8 the bed so you could cuff him?

9 A No, ma'am.

10 Q Okay. He was agitated enough to jump up, but then he
11 just immediately says okay, I'm gonna go down?

12 A Yes, ma'am.

13 Q Okay. Had you -- and you have him handcuffed and
14 that's when you noticed his nose was bleeding?

15 A No, I noticed his nose bleeding whenever I walked, when
16 I come in, when I looked to the right side and I seen him
17 sit up in the bed I noticed a cut on his nose---

18 Q Was that---

19 A ---and blood.

20 Q ---at the time he was jumping out of the bed---

21 A Yes, ma'am.

22 Q ---at you?

23 A Yes, ma'am, now he didn't jump at me.

24 Q Okay. Now, you indicated you got to -- well, let me
25 back up.

Kip Teal - Cross-examination
by Ms. Jones

1 The first time you saw him, the person you claim is
2 Mr. Scott on a bicycle, you specifically said you were
3 driving very slowly.

4 A Yes, ma'am.

5 Q And you said that was because there's a lot of traffic
6 on that Main Street and I got to be careful?

7 A It's not the traffic. It's the way our parking is in
8 downtown Chesnee. You have to park at an angle, and when
9 there's a car beside you, a lot of times you can't see. You
10 have to back out real slow so you don't get hit, and you --
11 not everybody does it, but if you've lived there long enough
12 or worked there, you know to drive slow because people are
13 backing out, they have to creep backwards to keep from
14 hitting anybody and I was going in a slow pace.

15 Q Okay. When you first saw the individual on the
16 bicycle, what location were they in, was that person in?

17 A Right there next to the ATM. Right coming in front of
18 the ATM machine at Arthur State Bank.

19 Q Okay. So, the person you say you saw on the bike had
20 not yet gotten on Alabama?

21 A No, he was on Alabama.

22 Q Okay. And---

23 A The, the front, the front of Arthur State Bank is on
24 South Alabama.

25 Q Okay. Is the ATM machine on South Alabama?

Kip Teal - Cross-examination
by Ms. Jones

1 A Yes, ma'am.

2 Q Okay. And where -- what business were you in front of
3 when you first saw that individual at the ATM?

4 A Whenever I come -- whenever I approached the ATM---

5 Q Okay.

6 A ---that's when I observed him.

7 Q Okay. Are you indicating you pulled directly beside
8 this person in a lane of travel and they're on the sidewalk?

9 A No, ma'am, the way, the way it, it, you got north and
10 southbound. You got two lanes of traffic, and then you got
11 the sidewalk, which is, goes in front of Arthur State Bank.
12 He was on the sidewalk. He wasn't in the lane of traffic.

13 Q Okay. And which lane were you in?

14 A I was in the northbound going toward Highway 11.

15 Q Okay. Is that -- does that mean you approached this
16 person face on or from behind?

17 A Face on.

18 Q Okay.

19 A He was going southbound. I was going northbound.

20 Q And you're watching the cars that are diagonally
21 parked. You're -- you say you're going slowly, but you
22 still are able to turn and look and see this individual?

23 A If you've ever been in law enforcement before you
24 observe everything around you to make sure ain't nothing
25 going on.

Kip Teal - Cross-examination
by Ms. Jones

1 Q okay. And you described this person as being a black
2 male on a bicycle wearing black clothes, is that correct?

3 A Say that again.

4 Q You described him, in your answer to Mr. Ellis, as a
5 black male wearing black clothes on a bicycle?

6 A Yes, ma'am, with black glasses, dark sunglasses.

7 Q okay. You did not say that in response to Mr. Ellis,
8 but now you say you---

9 A Yes, I did.

10 Q ---remember the person had sunglasses?

11 A I said that whenever he asked me a question---

12 Q Okay.

13 A ---about that.

14 Q And this is the point at which you've indicated you
15 waved to the individual?

16 A He waved to me first and I waved back.

17 Q okay. And you continued on to where you were going?

18 A Yes, ma'am.

19 Q And how long did that encounter, that moment of passing
20 this person take?

21 A Oh, just a second.

22 Q okay.

23 A Cause there was no cars in front of me.

24 Q okay. What's the distance between you and the bicycle?

25 A Me and the bicycle?

Kip Teal - Cross-examination
by Ms. Jones

1 Q Uh-huh. (Affirmative).

2 A I was in the furthest lane, then you got one lane, then
3 you got the parking lot for the cars, and then you got the
4 sidewalk.

5 Q Okay.

6 A Fifteen to twenty feet.

7 Q Do you recollect if there were cars packed up against
8 the curb?

9 A No, ma'am, they wasn't.

10 Q Okay. So, were there any cars coming in the opposite
11 lane of travel---

12 A No, ma'am.

13 Q ---passing between you and the bicycle?

14 A No, ma'am.

15 Q Okay. Now, how many minutes later was it that you saw
16 the, what you have testified is the same individual again in
17 a different place in town?

18 A On West Main Street. I'm just guessing for me,
19 patrolling through my city limits on that side of town, I'm
20 saying usually it takes me about fifteen minutes to get, get
21 through there.

22 Q Where did you go?

23 You're heading, headed out?

24 Tell me your route.

25 A My route was I went down Highway 11. I took a left at

Kip Teal - Cross-examination
by Ms. Jones

1 the red light, and took a left on Highway 11, went down,
2 took a left on Fairfield, which is on, still inside the city
3 limits. Went down -- went through that neighborhood and
4 come out on West Manning Street.

5 Q Okay. And at that moment of encounter how far away
6 were you from the bicycle when you saw it this time?

7 A It was right there going right up beside my car. I was
8 in my---

9 Q Traveling in the same direction?

10 A No, I was going the opposite direction. I was going
11 eastbound. He was going westbound.

12 Q Okay. Was the bicycle traveling in a lane of traffic
13 this time?

14 A Yes, ma'am.

15 Q Okay.

16 A Crossing over the railroad tracks.

17 Q Are there sidewalks in that area?

18 A No, ma'am.

19 Q Okay. Are there raised curbs in that area?

20 A No, ma'am.

21 Q Was there any other traffic in that area?

22 A No, ma'am.

23 Q Okay. And you made the comment that you thought the
24 person was traveling faster this time.

25 A He was in a bigger hurry than what he was going down.

Kip Teal - Cross-examination
by Ms. Jones

1 Q How did you judge that?

2 A Because when you sit there and you observe somebody
3 riding a bicycle you can tell if they're going faster than
4 they was the first time.

5 Q What speed were you going when you passed the bicycle?

6 A Probably two miles cause I was crossing the railroad
7 tracks. You can't go too fast going across the railroad
8 tracks unless you want to tear your car up.

9 Q But you indicated that the bicycle was going across the
10 railroad tracks.

11 A He was in a bigger hurry than what he was when he was
12 on, when I seen him on Alabama in front of Arthur State
13 Bank.

14 Q Okay. You responded to Ms. Copeland's home and you
15 indicated that when you went in you did a complete and
16 thorough or, excuse me, a thorough search of the inside of
17 the house?

18 A Yes, ma'am.

19 Q Okay. And you've indicated to Mr. Ellis you found no
20 money, correct?

21 A Yes, ma'am.

22 Q You found no gun?

23 A Correct.

24 Q You found no knife?

25 A Correct.

Kip Teal - Cross-examination
by Ms. Jones

- 1 Q Did you find any bloody clothing?
2 A No, ma'am.
3 Q Okay. Did you find any clothing at all that you
4 seized?
5 A No, ma'am.
6 Q Okay. If you had found black clothing in that home,
7 you would have seized it, wouldn't you?
8 A Yes. Yes, ma'am.
9 Q Okay. Did you observe, in the 45 minutes you said you
10 were outside trying to get into this home, any of the
11 vehicles that were under the carport at that residence?
12 A No, ma'am.
13 Q Okay. You didn't see a truck?
14 A No, ma'am.
15 Q Okay. And you indicated that when you first got there
16 you saw a bicycle?
17 A On the, on the front porch.
18 Q Okay. And did you take any photographs of that
19 bicycle?
20 A No, ma'am.
21 Q Okay. And why not?
22 A That's a mistake that I had made I guess.
23 Q Okay. The individual that you saw on the bicycle was
24 wearing now you say dark glasses?
25 A Yes, ma'am.

Kip Teal - Cross-examination
by Ms. Jones

1 Q When you came into Ms. Copeland's home, Mr. Scott was
2 not wearing any glasses, was he?

3 A I can't recall if he had any glasses on or not.

4 Q Well, you recall that he had a cut on his nose.

5 Don't you think you would remember glasses above the
6 cut?

7 A All I can do is just tell you right now, and I don't
8 recall any glasses being on his face.

9 Q And the photograph you took, State's Exhibit 36, wears
10 him, shows him wearing no glasses?

11 A Yes, ma'am.

12 Q Okay.

13 MS. JONES: Your Honor, that's all. Thank you.

14 THE COURT: Redirect.

15 SOLICITOR ELLIS: No, sir, Your Honor.

16 THE COURT: You may step down, sir.

17 WITNESS: Thank You, Your Honor.

18 THE COURT: Thank you very much.

19 State may call its next witness.

20 SOLICITOR ELLIS: Thank you, Your Honor.

21 State would call Sergeant Scott Smith.

22 THE COURT: Come forward, sir, and be sworn please,
23 sir.

24 SCOTT SMITH, being first duly sworn,
25 testified as follows:

Scott Smith - Direct examination
by Solicitor Ellis

1 THE COURT: Have a seat please, sir. Please state your
2 name once you're seated.

3 WITNESS: Scott Smith.

4 THE COURT: Your witness, Mr. Ellis.

5 SOLICITOR ELLIS: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY SOLICITOR ELLIS:

8 Q Sergeant Smith, where are you employed?

9 A I'm employed at the Camden Police Department in Kershaw
10 County.

11 Q And what are your responsibilities there?

12 A I'm a training sergeant and traffic safety officer for
13 that area, for that agency.

14 Q All right. How long have you been there?

15 A I've been back there this time since February the
16 14th, 2011.

17 Q Prior to that where did you work?

18 A I was the chief of police in Chesnee in Spartanburg
19 County, Chesnee, South Carolina.

20 Q During what time period?

21 A I became the chief there December, first of December of
22 2007, and remained there till I went back to Camden.

23 Q Okay. Did you have any other prior law enforcement
24 experience with any other agencies?

25 A Oh, I've been in law enforcement since 1988. worked at

Scott Smith - Direct examination
by Solicitor Ellis

1 various agencies. I started my career at the City of
2 Spartanburg, Wellford, Clover.

3 Q Okay. And have you been there, been doing some kind of
4 law enforcement continuously since then?

5 A Yes, sir.

6 Q Back when you were the chief of Chesnee, did Sergeant
7 Teal work underneath you?

8 A He did.

9 Q Did Officer Lovell also work for you?

10 A She did.

11 Q And you were chief obviously on September 28th, 2010,
12 is that right?

13 A That's correct.

14 Q And that surrounding timeframe?

15 A Yes, sir.

16 Q All right. Do you recall basically the incidents that
17 happened on September 28th, 2010?

18 A Yes, sir.

19 Q And would you just briefly, if you could tell the Court
20 basically how you first became involved in that?

21 A Well, I was at home and I had gotten off at about 5:00,
22 5:30, and I got a call back from the dispatch advising me
23 that we had had an armed robbery at the Money Tree, which I
24 then just responded. I think I had on a pair of shorts and
25 a t-shirt. I grabbed my gun and went to the Money Tree.

Scott Smith - Direct examination
by Solicitor Ellis

1 Q Once you arrived at the Money Tree, what did you find
2 there?

3 A Sergeant Teal was at the Money Tree, and he had kind of
4 filled me in on what was going on. But he had a, the victim
5 at the police department. He had some stuff going on. So,
6 I told him to go ahead and take care of what he had to take
7 care of, and I would stay there with the, with the, with the
8 store, and then we immediately called for Spartanburg County
9 ID to come out to process the scene because small -- I don't
10 think any small agencies is -- I know Chesnee, we didn't
11 process our own crime scene.

12 Q Okay. So, you called for Spartanburg County to come
13 out and assist and Sergeant Teal left, is that right?

14 A Yes.

15 Q And did you remain at the Money Tree at that time?

16 A I did.

17 Q Basically just securing the area?

18 A Yes, sir.

19 Q And at any point did you or anyone else go in the store
20 and alter it in anyway?

21 A No, sir, we never went inside.

22 Q Okay. No one else did either?

23 A No, sir, not till the ID guys came there.

24 Q Okay.

25 A I waited till they got there.

Scott Smith - Direct examination
by Solicitor Ellis

1 Q Okay. And then once they got there, basically what
2 were they doing?

3 A I just went in with them to make sure there was no one
4 in there, and then after they got in and took it over I got
5 out of there.

6 Q Okay. And what happened after that?

7 After you got back out in the street, at some point did
8 you learn about, you know, about what, they had any leads in
9 the case?

10 A Yes, sir, I think we were talking on the phone a couple
11 of times, and a Ms. Copeland came to where I was at, the
12 lady who owns the residence where Sergeant Teal was at.

13 Q And did you understand, at that point, that Sergeant
14 Teal believed he may have located the suspect?

15 A Yes, sir, I believe that -- yes, sir, I believe that --
16 I'm not a hundred percent sure, but I don't know if I talked
17 to him before or after I saw Ms. Copeland, but Ms. Copeland
18 was there and I was talking to her.

19 Q Okay. She came to where you were at the Money Tree on
20 South Alabama Avenue?

21 A Yes.

22 Q Okay. And once she got there, did you speak to her
23 about, about anything in particular, about whether you
24 can---

25 A Yeah, I, I -- I'm from Chesnee. So, I grew up there.

Scott Smith - Direct examination
by Solicitor Ellis

1 So, I just -- I told her what was going on and I explained
2 to her that Mr. Scott was a, was a suspect and we thought he
3 was in her house, and she said she didn't want to go back to
4 the house, and I said would you, would you give us consent.
5 I tried to talk her into going back to the house cause I
6 didn't want to damage her residence. So, I tried to talk
7 her into coming back. She didn't want to, and I understood
8 that.

9 I didn't -- so, she did sign a consent to search and I
10 think Sergeant Teal sent Lovell to where I was at. I gave
11 her the consent form where I had witnessed it and she took
12 it to Sergeant Teal.

13 Q Okay. So, Ms. Copeland signed her consent that, that
14 your agency could enter the, the house?

15 A Yes.

16 Q And you signed it also?

17 A I -- as a witness to her signature.

18 Q Okay. And you gave that form to Officer Lovell, is
19 that right?

20 A Correct.

21 Q Did you leave at that time too or did you still stay at
22 the Money Tree store?

23 A I stayed at the Money Tree for a little while for just
24 a few more minutes to make sure the deputy was secure, made
25 sure he didn't need anything, and then I went to the, to the

Scott Smith - Direct examination
by Solicitor Ellis

1 residence. At that time they had already made the or had
2 arrested Mr. Scott.

3 Q Okay. So, you were not there at the time of the
4 arrest?

5 A No.

6 Q Okay. Now, subsequent to, to all of that, at some
7 point were you -- well, first of all, were you aware that
8 Spartanburg County Sheriff's Office had basically collected
9 the clothing worn by Ms. Jackson after the, after the event
10 was over?

11 A Yes.

12 Q And that they had collected that basically for
13 processing to go to SLED?

14 A Yes.

15 Q Did you receive a phone call or some other kind of
16 notification at some point that those items needed to be
17 picked up and transported?

18 A Yes, Spartanburg County, once they get done doing what
19 they're gonna do, they call us cause they, they don't have,
20 they don't have the room to house anyone else's evidence.
21 So, we got the call. I went and picked up the evidence and
22 took it to SLED.

23 SOLICITOR ELLIS: All right. And beg the Court's
24 indulgence please, Your Honor.

25 THE COURT: Yes, sir.

Scott Smith - Direct examination
by Solicitor Ellis

1 (Pause.)

2 SOLICITOR ELLIS: Permission to approach the witness,
3 Your Honor?

4 THE COURT: You may.

5 Q Sergeant Smith, I'm showing you what's been premarked
6 for identification as State's Exhibit 34 and also 42. You
7 take just a moment to examine both of those items please.

8 A (Witness complies.)

9 Q Are you familiar with both of those?

10 A Yes, sir.

11 Q Are those, are those items that you took from the
12 Spartanburg County Sheriff's Office?

13 A Yes, sir, it is.

14 Q And as in relation to this case?

15 A Yes, sir.

16 Q And what did you do with them?

17 A I immediately took them to SLED.

18 Q Okay. When you received those items, what kind of
19 state were they in?

20 A They were packaged with the -- they've been opened now.
21 But the evidence tape was sealed and they were all sealed
22 up.

23 Q Okay. So, at that point they had the evidence tape on
24 them, is that right?

25 A Yes.

Scott Smith - Direct examination
by Solicitor Ellis

1 Q This particular item, Item No. 42, State's Exhibit No.
2 42 I should say, this, this bag here, the clear bag with the
3 white feel on it, was that on there at that time or would
4 that be put on by SLED?

5 A I'm assuming it got put on by SLED.

6 Q Okay. But did you pick up this manila looking envelope
7 that's inside that bag?

8 A Yes.

9 Q Okay. So, you had the envelope and also this brown bag
10 which is State's Exhibit No. 34?

11 A Yes, sir.

12 Q All right. And your, your testimony is that both of
13 those items were, were sealed and closed and had evidence
14 tape on them?

15 A Yes, they were.

16 Q Did they appear to have been opened or tampered with or
17 altered in anyway?

18 A No, they have not.

19 Q Did, at any point before you took possession of them,
20 were they out of your control or in anyone else's control,
21 excuse me---

22 A No.

23 Q ---before you took them to SLED?

24 A No, sir.

25 Q While you had them, did you ever open them or alter

Scott Smith - Direct examination
by Solicitor Ellis

1 them or tamper with them?

2 A No, sir.

3 Q And when you delivered them to SLED, were they still
4 then unopened, unaltered, and not tampered with?

5 A Yes, sir.

6 SOLICITOR ELLIS: Beg the Court's indulgence one moment
7 please, Your Honor?

8 THE COURT: Yes, sir.

9 (Pause.)

10 Q Agent Smith, did you recall offhand the day that you
11 took custody of those items from the Sheriff's Office?

12 A September 30th of 2011.

13 Q 2011 or 2010?

14 A 2010. I apologize. 2010.

15 Q Okay. September 30th, 2010?

16 A Yes, sir, September 30th, 2010.

17 Q Okay. And where you received them from, were they in a
18 secured area?

19 A They were in the evidence, the evidence area of the
20 Sheriff's Office.

21 Q And those -- basically is that shut off to the public?

22 A Yeah, nobody but law enforcement officers, outside of
23 the people working there, can't get in there.

24 Q Okay. When -- once you received them, how long did it
25 take you to take them to SLED?

Scott Smith - Direct examination
by Solicitor Ellis

1 Did you do it the same day or a different day?

2 A No, I took them the same day.

3 Q Okay.

4 A An hour and 45 minutes maybe, maybe two hours.

5 Q All right. So, again, those hour and 45 minutes, two
6 hours, nothing, nothing was altered in those items, is that
7 right?

8 A No, sir.

9 Q Please answer any questions that Ms. Jones may have.

10 THE COURT: Ms. Jones, your witness.

11 MS. JONES: Thank you.

12 CROSS-EXAMINATION

13 BY MS. JONES:

14 Q Officer Scott, do you -- I'm sorry. Smith.

15 Do you recollect being involved or do you recollect
16 exactly what time the, the discussion was you had with Ms.
17 Copeland about signing a consent form to go in her home took
18 place?

19 A I can't, I can't recall the exact time cause it was up,
20 everything was going on at that time.

21 Q Okay.

22 A It was -- it was already getting dark. It was after --
23 it was probably -- I hate to give you an exact 6:00 or 7:30,
24 7:30, maybe 7:30, 8:00.

25 Q Okay.

Scott Smith - Cross-examination
by Ms. Jones

1 A 6:00, 7:00.

2 Q And the form, after it was executed, do you -- you
3 testified you gave it to Officer Lovell?

4 A Yes, ma'am.

5 Q Okay. And were you also, in this case, involved in
6 taking a written statement from the victim in this case, Ms.
7 Jackson?

8 A At -- yes, sir. I mean -- I'm sorry. Yes, ma'am.

9 Q That's fine.

10 A I apologize. Yes, ma'am, I did. After the -- after
11 everything was done, I came back to try to see what I could
12 do to help Sergeant Teal out. And, so, I went back and the
13 victim was still there. So, what I did was I just had her
14 fill out if she was able to. We made sure she was fine.
15 She wanted to. So, she wrote a written statement and I was
16 there to get her to write that statement and I witnessed the
17 statement.

18 Q Okay. And did you give her any instructions with
19 regard to writing this statement?

20 A The statement form we use, it gives her, her rights in
21 a couple paragraphs, and I just explained to her, you know,
22 the different lines that she needed to fill out, the
23 information where it was, and just tell us what happened.

24 Q Okay. And did you give her any instructions as to how
25 detailed it should be or did you just hand her a form and

Scott Smith - Cross-examination
by Ms. Jones

1 leave her to her own devices?

2 A I explained to her that we needed to have all the
3 information in detail in the report, in her statement.

4 Q So, you, you told her be detailed?

5 A Ma'am?

6 Q Is that what you just said?

7 You told her---

8 A I told her that we need have---

9 Q ---that you need to have all the details?

10 A I said when we get, write a statement for me, we need
11 all the details of what happened in your statement. I
12 didn't tell her to be detailed. I said just write all the
13 details that happened.

14 Q Okay. Did you have any discussion with her at that
15 time of the statement about whether there was gonna be a
16 videotape available from the store surveillance camera?

17 A I don't recall cause I believe that video system is
18 been -- it was inoperable at the time for some reason. I, I
19 don't recall.

20 Q Did you know that at the time Ms. Jackson was giving
21 her statement?

22 A No, ma'am, I don't recall when that was. I just know,
23 at one time, we -- there was a couple times that Kip had
24 went in there, Sergeant Teal wanted to get some video on
25 some different things and was unable to.

Scott Smith - Cross-examination
by Ms. Jones

1 Q So, how long had you known the video system there did
2 not work?

3 A I, I don't recall.

4 Q Okay. As a police officer getting a statement from
5 someone about an event, what is the purpose of actually
6 taking a statement from a witness?

7 A The purpose of taking a statement from a witness is you
8 want to get the information that was fresh on her mind at
9 the time. She would give us all the information that she
10 could remember, and then, you know, sometimes they give you
11 statements and they remember something a few days later when
12 they come back and they can add to that statement. But we
13 try to get a statement from them at the time just to make
14 sure we get all the information so we make sure we know
15 exactly what's going on. That way if we have to make an
16 arrest or make a charge, we'll have all the information.
17 Try to get as much information as we can.

18 Q So, to get as much information it is important,
19 especially if you knew there was no surveillance recording
20 that would otherwise show the details, correct?

21 A At the time I can't recall if I knew that it was before
22 or after the fact about that it's been so long. It was a
23 couple years ago and I don't remember that.

24 Q Okay. Thank you.

25 THE COURT: Anything further, Mr. Ellis, from this

Scott Smith - Cross-examination
by Ms. Jones

1 witness?

2 SOLICITOR ELLIS: Just very briefly, Your Honor.

3 THE COURT: Yes, sir.

4 SOLICITOR ELLIS; Approach the witness, Your Honor?

5 THE COURT: Yes, sir, you may.

6 REDIRECT EXAMINATION

7 BY SOLICITOR ELLIS:

8 Q Sergeant Smith, just showing you a form that's marked
9 Chesnee Police Department consent to search.

10 If you'd review that for a moment and tell me if you
11 recognize that?

12 A Yes, sir, I recognize it.

13 Q And is that the form that you and Ms. Copeland signed
14 on the day of the incident?

15 A Yes, sir, it is.

16 Q And is that also the, basically the form where she gave
17 your department permission to enter, enter her home?

18 A Correct. Yes, sir. Yes, sir.

19 Q Okay. Is there a date and time listed on there?

20 A There is. It was signed on September the 28th at
21 8:10, ten minutes after 8:00PM. It says 20:10. Military
22 time, that's ten minutes after 8:00 civilian time.

23 Q So, 8:11PM is when she would of signed that?

24 A That's correct.

25 Q On the day of the incident?

Scott Smith - Redirect examination
by Solicitor Ellis

1 A That's correct.

2 Q Okay. And subsequent to that or after that Officer
3 Lovell would of come and got that from you and taken it away
4 from the scene?

5 A That's correct.

6 Q Thank you. Answer any questions that Ms. Jones may
7 have.

8 MS. JONES: Nothing further.

9 THE COURT: Recross.

10 Sir, you may step down.

11 WITNESS: Thank you.

12 SOLICITOR ELLIS: Your Honor, may this witness be
13 excused?

14 THE COURT: Any objection to this witness being
15 excused?

16 MS. JONES: No, sir, Your Honor.

17 THE COURT: Sir, you're free to go. Thank you for
18 coming today.

19 WITNESS: Thank you very much.

20 THE COURT: Yes, sir.

21 You may call your next witness.

22 SOLICITOR ELLIS: Thank you, Your Honor.

23 The State calls Officer Stephanie Lovell.

24 THE COURT: Come forward, ma'am, to my left and be
25 sworn.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 STEPHANIE LOVELL, being first duly
2 sworn, testified as follows:

3 THE COURT: Have a seat please.

4 (Witness complies.)

5 THE COURT: State your name.

6 WITNESS: Stephanie Lovell.

7 THE COURT: Your witness, counselor.

8 SOLICITOR ELLIS: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 DIRECT EXAMINATION

11 BY SOLICITOR ELLIS:

12 Q Afternoon, Officer Lovell.

13 Would you please tell the jury where, where is it that
14 you work?

15 A Chesnee Police Department.

16 Q In what capacity?

17 A I'm a reserve officer.

18 Q As a reserve officer, what are some, some of your
19 general duties?

20 A I assist the full-time officers with calls and cases,
21 stuff like that, and I also patrol and sometimes help cover
22 the town as well.

23 Q And how long have you been doing that?

24 A Since May of 2009.

25 Q Have you worked at any other law enforcement agencies

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 prior to that?

2 A I did work for a couple. I did -- I worked for Cowpens
3 for a little while, but I didn't pass the academy. So, I
4 ended up becoming a reserve officer instead.

5 Q Okay.

6 A So --.

7 Q Now, does that mean you're also I guess a reserve
8 officer for Chesnee Police Department on September 28th,
9 2010?

10 A Yes, sir.

11 Q And do you recall the events of that day?

12 A I do, yes, sir.

13 Q Were you on duty at that time?

14 A Yes, sir.

15 Q Basically just tell me what happened that first got you
16 involved with this incident.

17 A I was on patrol that day, and I was actually going to
18 pick up Sergeant DeYoung from the police department, and at
19 that time Sergeant Teal contacted me and stated that there
20 was a lady at the police department who had been robbed and
21 Sergeant DeYoung was gonna be out with her, and he gave me a
22 description of the suspect and he had me out in the area
23 looking for the suspect.

24 Q All right. And at that point did you try to find
25 someone that matched that description?

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q Did you personally locate someone matching that
3 description at that time?
- 4 A No, sir, I did not.
- 5 Q Did anyone in the department locate someone matching
6 that description?
- 7 A No, sir.
- 8 Q okay. Did Sergeant Teal or, contact you at some point
9 after that?
- 10 A He did, yes, sir.
- 11 Q And what did he ask you to do?
- 12 A He had got some information that the suspect would be
13 at [REDACTED] Lexington Street, and he had me stand
14 outside the residence while he was knocking on the door, him
15 and Sergeant DeYoung, trying to gain access.
- 16 Q All right. So, the three of you at [REDACTED]
17 [REDACTED]?
- 18 A Yes, sir.
- 19 Q Do you know whose home that is?
- 20 A Her name is Verdiana Copeland.
- 21 Q Ms. Copeland?
- 22 A Yes, Ms. Copeland.
- 23 Q okay.
- 24 A Yes.
- 25 Q Where, where were you positioned at the home?

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 A I was on the left side of the trailer, and I was
2 watching the side of the house and I also was able to see
3 the back-door too.

4 Q Did you see anyone inside the house or coming out of
5 the house at any point?

6 A No, sir.

7 Q Where was Sergeant, where was Sergeant DeYoung?

8 A Sergeant DeYoung, he was on the right side of the
9 house, of the trailer, and he was also watching that side
10 and the back-door.

11 Q And how about Sergeant Teal?

12 A He was at the front of the residence.

13 Q Were any of you trying to, to get anyone's attention
14 inside the home?

15 A We were.

16 Q And how were you doing that?

17 A As I recall, they were knocking on the door. I didn't
18 really do, I didn't really do any knocking that I can
19 recall. I just stood there on the side to see if anybody
20 was coming out the back-door.

21 Q Okay. But, again, no one came out, is that right?

22 A No, sir.

23 Q Did anyone ever, you know, approach the house, any
24 citizens come to the house?

25 A Not that I can recall, no, sir.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Q Okay. Could you hear anything inside the house or
2 notice anything inside the house?

3 A I could hear a little bit of noise. I didn't really
4 know what it was, but I could hear a little bit of noise
5 coming from where I was standing, the left side of the
6 trailer. Like some fumbling around maybe. So --.

7 Q Did it sound like someone moving in there then?

8 A Yes, sir.

9 Q Could you hear a TV?

10 A I couldn't hear a TV, no.

11 Q You -- but you thought you heard someone moving around
12 inside?

13 A Yes, sir.

14 Q How long do you think you were out there before, before
15 you had to leave and get the consent to search form?

16 A I'm not really sure about the time, but it, it seemed
17 like a very long time. It might of been, it might of been
18 an hour, maybe an hour and fifteen minutes.

19 Q So, a long time then?

20 A Yeah, it was a long time.

21 Q And, and were the other officers and/or you trying to
22 get people's attention inside the home the entire time?

23 A Yes.

24 Q At some point did you receive word you needed to go
25 meet, at that time, Chief Smith by the Money Tree?

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q And for what reason?
- 3 A To be, pick up the consent to search form at the house
- 4 at [REDACTED] Lexington Street.
- 5 Q And did you then go up and meet Chief Smith?
- 6 A Yes, sir.
- 7 Q When you arrived, was anyone there with him?
- 8 A Verdia, Verdia -- Ms. Copeland was there and Leroy was
- 9 also there.
- 10 Q Who is Leroy?
- 11 A Leroy is related to Ms. Copeland.
- 12 Q Okay. And obviously Chief Smith was there, correct?
- 13 A Yes, sir.
- 14 Q Did they, did they have a signed form, consent to
- 15 search form for you?
- 16 A Yes, sir.
- 17 Q And had Ms. Copeland and Chief Smith both signed it?
- 18 A Yes, sir.
- 19 Q Did you take possession of that form?
- 20 A I did.
- 21 Q And then return to [REDACTED] Lexington Street?
- 22 A Yes, sir.
- 23 Q Once you arrived there, what did you do?
- 24 A I handed over the form to Sergeant Kip Teal, and from
- 25 then they called the fire department out, and they went and

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 gained access to the back-door. I don't -- I think -- I
2 don't exactly remember where I was at. I know I did not
3 gain access with them. From what I can recall, I believe I
4 was at the front door while they were at the back-door.

5 Q Okay. But you knew that they were going in at that
6 point?

7 A Yes, sir.

8 Q At some point after they went -- did you go inside also
9 or have occasion to be around Mr. Scott?

10 A Yes, sir.

11 Q Was that inside the home or outside?

12 A It was inside the home.

13 Q Okay. Sometime after that were you asked to go, go
14 visit the victim --

15 A Yes, sir.

16 Q -- Ms. Jackson?

17 Was that at the Mary Black Hospital?

18 A It was.

19 Q What was the purpose of you going there?

20 A To take her a photo lineup.

21 Q All right. Officer Lovell, I'm showing you State's
22 Exhibit 37 and 38. If you could review those for me please.

23 A (Witness complies.)

24 Q And do you recognize those items?

25 A Yes, sir.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Q What are they?

2 A This is a photo lineup with the suspect in question,
3 and this is the affidavit for the photo lineup where she
4 identified him.

5 Q Okay. And those are the lineups and the affidavit
6 that, that you presented to Ms. Jackson that night, that
7 day?

8 A Yes, sir.

9 Q And you can tell that because both of you have written
10 on one or both of them, is that right?

11 A Yes, sir.

12 Q Okay. If you would please, just tell the jury, when
13 you came in, did you already have the lineup with you I
14 imagine or you brought the lineup with you, correct, to the
15 hospital?

16 A Yes, sir.

17 Q At that point were these -- you see numbers on here
18 above or below the photos respectively of one, two, three,
19 four, five, and six, is that right?

20 A Yes, sir.

21 Q Who wrote those numbers on there?

22 A I did.

23 Q And at what point did you do that?

24 A When I got to the hospital.

25 Q Okay. At that point was there a circle around any of

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 the photos or any of the writing on there?
- 2 A No, sir.
- 3 Q And when you presented this lineup to Ms. Jackson,
- 4 basically would you just tell the jury what you asked her to
- 5 do?
- 6 A When I presented, when I presented it to Ms. Jackson, I
- 7 told her to look at it carefully, take her time, and see if
- 8 she could identify the suspect that had robbed her in the
- 9 picture or she thought robbed her. I mean in the lineup.
- 10 Excuse me.
- 11 Q Okay. Did you tell her whether the person who was in
- 12 the incident with her at the Money Tree was definitely in
- 13 the lineup?
- 14 A No, sir.
- 15 Q Did you do anything to indicate who she should pick?
- 16 A No, sir.
- 17 Q Did you give her a name of anybody?
- 18 A No, sir.
- 19 Q Give her any numbers like we see here on the lineup?
- 20 Did you tell her any numbers she should pick?
- 21 A No, sir.
- 22 Q Point at any photo at all?
- 23 A No, sir.
- 24 Q Did you do anything to indicate who she should select?
- 25 A No, sir.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Q And did you hold the lineup when she was looking at it
2 or did she hold it?

3 A I handed it to her. She was holding it.

4 Q Okay. About how long did she look at it?

5 A Approximately a minute and a half to two minutes.

6 Q Did it appear that she was looking at it carefully?

7 A Yes, sir.

8 Q And did you speak to her at any point while she was
9 looking at it?

10 A No, sir.

11 Q After the minute and a half to two minutes had gone by,
12 did, did she choose anyone?

13 A Yes, sir, she did.

14 Q And which, which photograph did she select?

15 A Suspect -- I mean subject number five.

16 Q And would that be the defendant, Andrew Brent Scott?

17 A Yes, sir.

18 Q At that point, did, did she circle a photograph?

19 A I can not recall which one of us circled the
20 photograph, photograph. I know it was circled, but I can
21 not recall exactly who circled it.

22 Q Okay. After she made her selection, that's when the
23 photograph was circled?

24 A Yes, sir.

25 Q I see some, I see some writing here right inside the

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 circle, the top left area of it.

2 Is that Ms. Jackson's signature?

3 A It is.

4 Q And she wrote that obviously also?

5 A She did.

6 Q When she made her selection, did it seem -- did she
7 seem sure about it or not?

8 A She seemed very sure.

9 Q I'm also showing you State's Exhibit 38.

10 Is this the affidavit that went along with the photo
11 lineup?

12 A Yes, sir.

13 Q And who wrote Ms. Jackson's name there at the, on the
14 top line?

15 A Ms. Jackson did.

16 Q And who wrote the number five there at the end?

17 That's a question as to number -- it says number five.
18 Who wrote that?

19 A Ms. Jackson did.

20 Q And, again, is number five also the person we see in
21 State's Exhibit 37 as, as Andrew Brent Scott?

22 A Yes, sir.

23 Q Now, looking at the writing below that where it says
24 subject and affiant, what happened next after she, after she
25 printed her name on the front line and then wrote a number

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 five?

2 what did she write next?

3 A What happened was we, she signed her name in the, as a
4 subject by accident and I signed my name as affiant by
5 accident. But once I realized that we had made the mistake,
6 I crossed both of those out and initialed and she signed in
7 the correct spot as the affiant and I signed as the witness.

8 Q All right. And what date is listed on there?

9 A 9/27 of '10.

10 Q And, again, this incident happened on actually
11 September 28th, 2010, is that right?

12 A Yes, sir.

13 Q The lineup I imagine was shown to her after the
14 incident occurred, correct?

15 A Yes, sir.

16 Q So, is that date correct?

17 A No, sir, that date on there is not correct.

18 Q Okay. Now, there's also some writing above the subject
19 line there where you crossed out Ms. Jackson's name and
20 initialed it.

21 what's the writing we have right above that?

22 A That writing on there says Alexander Brent Scott.

23 Q Did Ms. Jackson write that?

24 A No, sir.

25 Q Did you?

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 A No, sir.
- 2 Q Do you know who wrote that?
- 3 A Sergeant Kip Teal.
- 4 Q And was he present when the lineup was done?
- 5 A He was not.
- 6 Q Who was in the room when you did the lineup?
- 7 A Myself, Ms. Jackson, and Ms. Jackson's mother.
- 8 Q And I imagine her mother also did not write anything on
- 9 there either, is that correct?
- 10 A She did not.
- 11 Q So that Alexander Brent Scott was written later on by
- 12 someone not Ms. Jackson and not you?
- 13 A Yes, sir.
- 14 Q So, Sergeant Teal, correct?
- 15 A Yes, sir.
- 16 Q Okay. And that was out of Ms. Jackson's presence?
- 17 A It was.
- 18 Q Officer Lovell, did you, last month or so, receive word
- 19 from Sergeant Teal about transporting a Buccal swab?
- 20 A I did.
- 21 Q And basically just tell me how that happened.
- 22 A I had actually gotten the call initially from Chief
- 23 Swofford, Chesnee Police Department. He asked me could I do
- 24 it and---
- 25 Q Just to clarify, is Chief Swofford the current chief of

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 Chesnee Police?

2 A He is, yes, sir.

3 Q And he took over after, after Chief Smith left, is that
4 right?

5 A Yes, sir.

6 Q Okay. Go ahead.

7 A He asked me could I do it. So, I told him I could and
8 I ended -- Sergeant Teal was coming back from Spartanburg.
9 So, I ended up meeting him on 221 at Peach Valley Pharmacy
10 and that's when I took the Buccal swabs into my custody.

11 Q Okay. How were the Buccal swabs packaged?

12 A In a yellow envelope with evidence tape on it.

13 Q Okay. Does the evidence tape, does it go all the way
14 around it, did it seal it?

15 A Yes, sir.

16 Q And did the tape or the envelope or anything like that
17 appear to be broken or opened or tampered with in anyway?

18 A No, sir.

19 Q Did it appear anyone had altered it in any fashion?

20 A No, sir.

21 Q Did Sergeant Teal hand you the envelope?

22 A Yes, sir.

23 Q And after he did that, what did you do?

24 A I signed the chain of custody form, and then I took it
25 to Columbia to SLED.

Stephanie Lovell - Direct examination
by Solicitor Ellis

- 1 Q Did you do that that same day after you got it?
- 2 A Yes, sir.
- 3 Q So, you drove straight to SLED down to Columbia at that
- 4 point?
- 5 A I did.
- 6 Q At that point did, did you have -- did anyone else have
- 7 any kind of possession or control of the, of the package?
- 8 A No, sir.
- 9 Q So, you were the only one who, who controlled it that
- 10 entire time?
- 11 A Yes, sir.
- 12 Q Was it ever out of your sight?
- 13 A No, sir.
- 14 Q Once you arrived down in Columbia or did you deliver
- 15 that package to SLED?
- 16 A Yes, sir.
- 17 Q And when you did that, was the, the package still
- 18 closed and sealed?
- 19 A Yes, sir.
- 20 Q Anybody altered it or changed it or tampered with it in
- 21 anyway?
- 22 A No, sir.
- 23 Q And once you handed it to SLED, did you -- have seen it
- 24 again since then?
- 25 A No, sir.

Stephanie Lovell - Direct examination
by Solicitor Ellis

1 SOLICITOR ELLIS: Beg the Court's indulgence please,
2 Your Honor.

3 THE COURT: Yes, sir.

4 (Pause.)

5 Q Officer Lovell, do you recall offhand on what, what
6 date you received that, that pack from Sergeant Teal and
7 took it to SLED?

8 A 3/26 of '12.

9 Q And, again, you delivered it that same day?

10 A Yes, sir.

11 Q Please answer any questions that Ms. Jones may have.

12 THE COURT: Ms. Jones, your witness.

13 MS. JONES: Thank you.

14 CROSS-EXAMINATION

15 BY MS. JONES:

16 Q Regarding the line, the photo lineup, the date, as you
17 indicated, is incorrect on here, right?

18 A Yes, ma'am.

19 Q Okay. And do you recollect how late in the evening
20 hours it was that you got to Mary Black to go through that
21 procedure with Ms. Jackson?

22 A I can not recall exactly, but I probably would --
23 sometime between maybe 9:30, ten o'clock.

24 Q Okay. Was it getting potentially getting on over
25 toward midnight even?

Stephanie Lovell - Cross-examination
by Ms. Jones

1 A Yeah, it was, it was getting pretty late.

2 Q Okay. And you didn't actually put a time on that.

3 So, you can't judge from that form whether it was still
4 on the 28th or even as late as the 29th, the next
5 morning, before that form was executed, right?

6 A That's correct.

7 Q Okay. Now, you indicated that you were the courier so
8 to speak of the form that Ms. Copeland had signed regarding
9 the consent of her home, the search of her home?

10 A Yes, ma'am.

11 Q And you indicated you had been standing outside earlier
12 when you brought the form back. You ultimately went into
13 the home.

14 Where, where was Mr. Scott when you got into the home?

15 A When I got into the home he was sitting on the couch in
16 the living room.

17 Q Okay. And was he in handcuffs?

18 A Yes, ma'am.

19 Q Okay. And were you involved, from that point forward,
20 in any search for evidence?

21 A No, ma'am.

22 Q And you, you had actually come in, you said, through
23 the front door yourself?

24 A Yes, ma'am.

25 Q But you didn't look around either outside the home or

Stephanie Lovell - Cross-examination
by Ms. Jones

1 anywhere in the home for any evidence?

2 A I did not. My purpose when I got in there was just to
3 watch the suspect.

4 Q Okay. And, so, you didn't look for any, you didn't
5 seize any, and you didn't photograph any?

6 A No, ma'am.

7 Q Okay. Thank you. That's all I have.

8 THE COURT: Anything further?

9 SOLICITOR ELLIS: No, sir, Your Honor.

10 THE COURT: All right, ma'am. You may step down.

11 Thank you very much.

12 SOLICITOR ELLIS: Your Honor, may she be excused?

13 THE COURT: Any objection to the witness being excused?

14 MS. JONES: No, sir, Your Honor.

15 THE COURT: All right, ma'am. You're free to go.

16 Thank you for coming today.

17 All right. Ladies and gentlemen of the jury, we're
18 gonna take a short break. As always, I'll caution you
19 against making any comments or discussing this case at all
20 among yourselves. The bailiffs will make you comfortable.
21 So, we'll be in a short recess.

22 You may retire to the jury room.

23 Thank you very much.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

1 THE COURT: Ask the attorneys to approach briefly.

2 (WHEREUPON, a bench conference was held at this time.)

3 THE COURT: Court's in recess.

4 Thank you very much.

5 SOLICITOR ELLIS: All right. Thank you, judge.

6 (WHEREUPON, a short recess was taken at this time.)

7 THE COURT: Mr. Ellis, is the State ready to proceed?

8 SOLICITOR ELLIS: Almost, Your Honor. Ms. Jones is
9 asking me about, to clarify an issue very quickly.

10 THE COURT: All right. I'll give you a moment. Let me
11 know when you're ready.

12 SOLICITOR ELLIS: Thank you, judge.

13 (Pause.)

14 SOLICITOR ELLIS: I don't know if I answered her
15 question, judge.

16 THE COURT: Beg your pardon?

17 SOLICITOR ELLIS: I still haven't answered her
18 question.

19 MS. JONES: Your Honor, it's regarding the criminal
20 history of a potential witness.

21 THE COURT: That's fine. Y'all, y'all -- I'll give
22 y'all a few minutes to straighten it out.

23 (Pause.)

24 SOLICITOR ELLIS: Your Honor, in, in relation to the
25 thing we're trying to work on, basically there's a witness

1 I'm gonna call, not next I don't think, but I think the one
2 after that, the second one, and his name is Tony Crawford.
3 Mr. Crawford's here right now.

4 He was charged I believe in 2006 or thereabouts with
5 CDVHAN. It showed a conviction on his record. It's unclear
6 of what it was for on his rap sheet. According to our
7 database that we have in our office, it appears he pled to a
8 lesser charge of CDV second offense. Basically got a time
9 served sentence from Judge Hayes in 2008, and I suppose --
10 our, our question we're trying to, to work out is, is
11 whether that is something, in 2008, CDV second would of
12 qualified as an impeachable offense or not.

13 MS. JONES: And the confusion is because, on the
14 clerk's website when I looked it up, it shows that what he
15 pled to in front of Judge Hayes April 2nd, 2008, is a CDV
16 high and aggravated. But the sentence -- I didn't copy the
17 sentence page, but I did copy---

18 THE COURT: Why don't you take a minute to step in the
19 Clerk's Office and look to see what the record shows?

20 MS. JONES: Okay.

21 THE COURT: Just quit looking at the database. She can
22 pull it up. It's probably right here.

23 (Pause.)

24 SOLICITOR ELLIS: Could I have one more moment please,
25 Your Honor?

1 I'm sorry.

2 (Pause.)

3 THE COURT: Are you gonna -- Charlena, are you gonna
4 have them pull it?

5 CLERK: Yes, sir.

6 THE COURT: You can go ahead and call the next witness
7 and we'll get all that straightened out before you put this
8 one on the stand?

9 SOLICITOR ELLIS: Yes, sir. That's my intention. My
10 understanding is they can't get it to us until tomorrow.
11 But I have approximately two to three other witnesses I can
12 call today, and I'll just call them instead and call him
13 tomorrow. At that point we should have the information.

14 THE COURT: All right. All right. Now are we, are we
15 ready to go?

16 Did you hear what we were saying?

17 MS. JONES: They're gonna -- the Clerk's Office is
18 gonna pull it for him, yes.

19 THE COURT: But it can't be pulled until tomorrow.

20 MS. JONES: Yes, sir.

21 THE COURT: So, we're gonna delay that witness until we
22 see the paperwork.

23 MS. JONES: Yes, sir. Thank you, judge.

24 THE COURT: Okay.

25 SOLICITOR ELLIS: And, judge, just for, just for the

1 Court's information, based on the timing here, we had
2 thought we were gonna do Mr. Crawford. I had built that
3 into my time for other witnesses. We have -- the next
4 witness is here. Two that will be called after him at this
5 point. They're both on the way. They're both having to
6 drive from not in Spartanburg. So, I'm hoping they will be
7 here and we can just continuously keep going until then.

8 THE COURT: All right. Do you have a witness you can
9 present now?

10 SOLICITOR ELLIS: I do, yes, sir.

11 THE COURT: Okay. Well, let's, let's go ahead and do
12 that.

13 SOLICITOR ELLIS: Yes, sir.

14 THE COURT: Call the jury in please.

15 (WHEREUPON, the following takes place within the
16 presence of the jury.)

17 THE COURT: All right. The record will reflect the
18 jury has returned to the courtroom.

19 State may call its next witness.

20 SOLICITOR ELLIS: Thank you, Your Honor.

21 The State calls Trace Johnson.

22 THE COURT: Sir, come forward to my left and be sworn.

23 TRACE JOHNSON, being first duly sworn,
24 testified as follows:

25 THE COURT: Have a seat please, sir. Once you're

Trace Johnson - Direct examination
by Solicitor Ellis

1 seated, state your name.

2 WITNESS: Trace Johnson.

3 THE COURT: Mr. Ellis, your witness.

4 SOLICITOR ELLIS: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY SOLICITOR ELLIS:

7 Q Mr. Johnson, what kind of business are you in?

8 A I own a chain of check cashing and wire transfer
9 locations.

10 Q And what, what is the name of that chain?

11 A Money Tree Check Cashing.

12 Q when did you open the chain?

13 A Approximately 20 years ago.

14 Q And when was the first store opened?

15 I'm sorry. Not when.

16 where was the first store opened?

17 I'm sorry.

18 A It was opened on North Church Street.

19 Q All right. Is that, is that Money Tree still opened
20 there today?

21 A It is.

22 Q How many stores total do you have at this point?

23 A I have six stores opened.

24 Q And where are they basically located?

25 A Pretty much in the Upstate as far away as Taylors to

Trace Johnson - Direct examination
by Solicitor Ellis

1 Chesnee.

2 Q You mentioned the Chesnee store.

3 About what time was the Chesnee store opened?

4 A Approximately 1997.

5 Q All right. And is that located on South Alabama Avenue
6 in downtown Chesnee?

7 A Yes, it is.

8 Q Now, where do you personally work?

9 Do you work at that store or one store in particular or
10 the other ones?

11 A My office is on the North Church Street location.

12 Q And, so, you would not of been present in the, in the
13 Chesnee store during this incident or really most of the
14 time generally, is that right?

15 A No, sir.

16 Q So, you don't have any independent recollection,
17 knowledge on your own really about what happened in this, in
18 this robbery, do you?

19 A No.

20 Q Okay. Now, at some point did the defendant, Andrew
21 Brent Scott, did he work for you?

22 A Yes, sir.

23 Q And do you recall about what time he worked for you?

24 A It was September of 2009 when or no, I'm sorry. We
25 hired him in October roughly of 2009.

Trace Johnson - Direct examination
by Solicitor Ellis

1 Q All right. And did he work in any store in particular?

2 A He worked in the Chesnee location.

3 Q And was that throughout his employment?

4 A Yes, sir.

5 Q At some point did he stop working for you?

6 A Yes.

7 Q And about when was that?

8 A September -- roughly -- probably about a week before
9 September 14th cause that was his last pay check was on
10 the 14th.

11 Q Okay. And that's September 14th of what year?

12 A Of 2010 or -- yeah, 2010.

13 Q Now, when he left the store, did he leave voluntarily
14 or was he terminated?

15 A He was terminated.

16 Q So, he was fired?

17 A Yes, sir.

18 Q Okay. And you still, I guess, paid him that last check
19 you mentioned on September 14th of 2010?

20 A Yes.

21 Q And after that your relationship, professional, was
22 over with him, is that correct?

23 A Yes.

24 Q After you fired him, did you -- well, were there any
25 belongings of the store or anything that belongs to you that

Trace Johnson - Direct examination
by Solicitor Ellis

1 you had to get back?

2 A The store keys and normally our procedure is we'll
3 change the front locks of any stores that we have an
4 employee that we've had to terminate. But we never received
5 the keys back. We do not, we do not change out the interior
6 locks. Just the exterior lock.

7 Q Okay. So, you did not get the keys back from the
8 defendant?

9 A No, sir.

10 Q About how long do you think you would of gone before
11 the locks on the front of the building would of been
12 changed?

13 A We try to do it immediately, but sometimes, based on
14 the locksmith, it could be a couple days at the very most.

15 Q Okay. But, but those locks would of been changed out
16 pretty quickly?

17 A Yes.

18 Q However, is it your testimony then that the locks to
19 the doors inside the building, the interior doors, those
20 were not changed?

21 A That's correct.

22 Q So, in other words, the keys that you did not receive
23 back when he was fired, they would of still opened those
24 doors?

25 A Correct.

Trace Johnson - Direct examination
by Solicitor Ellis

1 Q Do you have a video security system in your stores?

2 A Yes, we do.

3 Q And is there one in the Chesnee store in particular?

4 A Yes.

5 Q Do you recall whether it was operational on September
6 28th, 2010?

7 A At that time it was not.

8 Q Do you know if maintenance was gonna be done on it soon
9 or what the status of it was?

10 A It is. We always -- I mean there are times when the,
11 the systems go down. Either the DVR or something will occur
12 that -- so, it could be a period of until our IT guy gets
13 there to fix it. So, there are times when our systems are
14 down.

15 Q All right. And, again, the video system was down on,
16 on the day of the incident, September 28th, is that right?

17 A Correct.

18 Q As a result, no videotape or anything would exist?

19 A No, sir.

20 Q You're also aware that a robbery occurred at the store
21 on September 28th, is that right?

22 A Yes.

23 Q And, again, you don't have any independent knowledge
24 about it?

25 You just know that it happened, is that right?

Trace Johnson - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q Do you know which employee was working for you at the
3 store when it was robbed?
- 4 A Bridgette.
- 5 Q Bridgette Jackson?
- 6 A Yes.
- 7 Q All right. And during, during the incident was
8 anything taken from the store?
- 9 A Roughly right at \$2,200 in cash.
- 10 Q \$2,200 in cash?
- 11 A Correct.
- 12 Q That's what the store records reflect?
- 13 A We did a close-out and that's what the -- based on all
14 the, the information we had, that's what it showed that was
15 missing.
- 16 Q Do the records indicate whether Ms. Jackson had been
17 able to close out her drawer or the safe that day before the
18 incident occurred?
- 19 A The day before she was able to close it out, but she
20 was -- she did not close it out because of the incident.
- 21 Q So, on September 27th then, the day before the
22 incident, she closed out her drawer?
- 23 A Correct.
- 24 Q And that was standard, is that right?
- 25 A It is.

Trace Johnson - Direct examination
by Solicitor Ellis

1 Q But on September 28th, the day of the incident, had
2 she ever closed out the drawer?

3 A She wasn't able to close out that day.

4 Q Okay. And, so, at that point that's when the company
5 had to do, do the close-out?

6 A Correct.

7 Q And it reflected a loss of \$2,200?

8 A Yes, sir.

9 Q Have you ever recovered that money?

10 A No, sir.

11 Q Please answer any questions Ms. Jones may have.

12 THE COURT: Ms. Jones, your witness.

13 MS. JONES: Thank you.

14 CROSS-EXAMINATION

15 BY MS. JONES:

16 Q You indicated that we did a close-out.

17 Did you physically personally participate in the
18 close-out after this event?

19 A No.

20 Q Okay. So, you don't have independent knowledge of the
21 figure that you used, correct?

22 A No, we went by just the information on the tapes.

23 Q Okay. The -- and you indicated the day before, which
24 was a Monday, that Ms. Jackson was able to do a close-out.

25 Are you familiar with her actual work schedule?

Trace Johnson - Cross-examination
by Ms. Jones

1 Do you know if she worked the day before?

2 A No.

3 Q Okay. So, you don't know then, on Monday the 27th, if
4 Ms. Jackson did a close-out?

5 A Well, the close-out would of been by whoever worked
6 that particular day.

7 Q Okay.

8 A So, you're right. Correct.

9 Q Well, the question was---

10 A Yes.

11 Q ---did Ms. Jackson do a close-out.

12 A Yes.

13 Q Okay. How long was the video system down around the
14 time of this event?

15 A There was really no way for us to know exactly how long
16 it had been down because we don't check it on a regular
17 basis. It could of been a week or two.

18 Q When was it restored to service?

19 A I don't recall.

20 Q You don't keep those records?

21 A Not when it's back in service, no.

22 Q Well, do you pay an IT serviceman to service the
23 machines?

24 A Yes.

25 Q Okay. Did you check those records?

Trace Johnson - Cross-examination
by Ms. Jones

- 1 A Well, we would -- I would of been notified at that time
2 at some point that they, they were back up and running
3 again.
- 4 Q Okay. And you don't have those records?
- 5 A No.
- 6 Q So, you don't know how long---
- 7 A No, I don't.
- 8 Q Are you certain that this system was ever operable?
- 9 A Yes, cause I watched -- I go on-line sometimes and look
10 at the store from my office.
- 11 Q Okay.
- 12 A I have that capability from inside my main office.
- 13 Q Okay. Do you ever just randomly pick one of your
14 six -- you said six, right --
- 15 A Uh-huh. (Affirmative).
- 16 Q -- stores to make sure your machines are working?
- 17 A I do.
- 18 Q Since your IT people aren't apparently doing a very
19 good job of that for you.
- 20 A Right.
- 21 Q Do you check it behind them?
- 22 A Yes, I do, from time to time. I don't every single
23 time.
- 24 Q Okay. Now, with regard to the termination paperwork
25 involved in separating Mr. Scott from your business, were

Trace Johnson - Cross-examination
by Ms. Jones

1 you personally involved in that process?

2 A I don't recall.

3 Q Okay. So, you, you, once again, have no personal
4 involvement in the paperwork that closed out and whether
5 keys were turned in or not turned in?

6 A Well, as far as -- now, I would of been notified if the
7 keys were not turned in --

8 Q Okay.

9 A -- and they, they would of been returned back to me.

10 Q Do your records reflect who handled that actual
11 termination paperwork process?

12 A It would of been a combination between my supervisor
13 and myself.

14 Q Who, who is your supervisor?

15 A Tammy Landrie.

16 Q Landrie?

17 A Yes.

18 Q Okay. Now -- and you said it's your policy to change
19 the external locks after an employee leaves, right, no
20 matter what reason they leave?

21 A No.

22 Q No?

23 A It depends on the situation. If someone's, if
24 someone's fired, then we, we will change out the locks. If
25 they're not fired we don't always change out the locks.

Trace Johnson - Cross-examination
by Ms. Jones

1 Q Okay. And you indicated you don't change that internal
2 lock?

3 A Correct.

4 Q Are the exterior double glass doors, at least one of
5 them, opened the entire time your business is opened?

6 A Yes.

7 Q Okay. Doesn't that leave the employee inside kind of
8 vulnerable if the other door key is not locked---

9 A Apparently, yes.

10 Q ---changed?

11 Okay. Do you have a policy within your business about
12 whether the safe's in the individual stores are suppose to
13 be opened or closed or, during hours---

14 SOLICITOR ELLIS: Objection, Your Honor. That's
15 outside the scope.

16 THE COURT: I'm gonna ask the jury to step back to the
17 jury room. Don't begin any discussions until such time as
18 I've asked you to begin those discussions.

19 Thank you very much.

20 (WHEREUPON, the following takes place outside the
21 presence of the jury.)

22 THE COURT: Mr. Ellis, state your objection please.

23 SOLICITOR ELLIS: Thank you, Your Honor.

24 Essentially, Your Honor, that we did not discuss other
25 office policies in relation to anything other than basically

Trace Johnson - Cross-examination
by Ms. Jones

1 the key system and the video system. It seems to be
2 possibly just a fishing expedition to try and make them look
3 as if Money Tree, through this witness in particular, may
4 have some fault in this robbery since we've already had
5 certain questions along those lines. I'm just not really
6 sure where this is going since it's certainly outside the
7 scope of questions I believe that I asked on direct.

8 THE COURT: Ms. Jones, where, where are we going with
9 this---

10 MS. JONES: I was---

11 THE COURT: ---with this---

12 MS. JONES: I just---

13 THE COURT: ---safe being opened?

14 MS. JONES: I just wondered if they had a policy where
15 it should of closed.

16 THE COURT: Well, you're wondering. But the question's
17 whether or not that's relevant to the issues that are before
18 the Court. Where we are is this -- I don't know that
19 there's any law or rule that says a business has to keep
20 their cash under strict lock and key at all times. You
21 know, the question is whether or not someone has a right to
22 take that, those things and who did it.

23 MS. JONES: Yes, sir, I think the, the -- the State has
24 raised the issue though of the policy regarding turning in
25 the keys, whether they're complying with their own policies.

Trace Johnson - Cross-examination
by Ms. Jones

1 THE COURT: Well, that's relevant from the point of
2 view that this door was breached when there's been testimony
3 that it was locked. So then I see why that may be relevant
4 as to whether or not there were keys out and about in the
5 community for that door. But now whether or not the, the
6 company has a policy of locking a safe at all hours, I'm not
7 sure that that's relevant to whether or not the issue,
8 again, is that, was a crime committed and who committed the
9 crime. So, I---

10 MS. JONES: Yes, sir.

11 THE COURT: That's the reason I took the jury out. I
12 don't think we needed to have this discussion in front of
13 them.

14 MS. JONES: Yes, sir.

15 THE COURT: But in the interest of trying to stay on
16 the relevant issues, I thought we might need to have this
17 discussion. So, I'm gonna sustain the objection as to what
18 company policies might of existed as to whether or not the
19 safe should of been locked or not. It was -- the testimony
20 thus far is it was within a locked enclosure with an
21 employee that was suppose to be there, and it -- you know,
22 there is an issue as to whether or not the door was opened
23 or not opened or locked or not locked.

24 I'll let you ask questions about that all you like to.
25 But unless whether or not the safe is locked or not has some

Trace Johnson - Cross-examination
by Ms. Jones

1 relevance as to the issues before the Court, I don't see any
2 at this time. So, I'm gonna sustain the objection as to
3 that.

4 SOLICITOR ELLIS: Thank you, judge.

5 THE COURT: All right. Let's bring the jury back.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE COURT: All right. The jury has returned to the
9 courtroom.

10 I've sustained an objection by the State.

11 You may proceed with your cross-examination, Ms. Jones.

12 MS. JONES: Your Honor, I have nothing else.

13 THE COURT: Any further questions of the witness?

14 SOLICITOR ELLIS: Just very quickly, Your Honor.

15 THE COURT: Yes, sir.

16 REDIRECT EXAMINATION

17 BY SOLICITOR ELLIS:

18 Q Mr. Johnson, given the fact that, again, the keys were
19 not recovered and the exterior locks were changed out, those
20 keys no longer would of been able to access the exterior
21 door, is that right?

22 A Correct. And in, you know, hindsight, you know, it
23 would be great to change out the interior locks. But, you
24 know, our, our thought process was if we change out the
25 exterior locks, it keeps people from coming in at night

Trace Johnson - Redirect examination
by Solicitor Ellis

1 after the store's closed.

2 Q But, again, of course, since the store is opened, as it
3 was during this incident, the exterior doors would not be
4 locked and someone, anyone can come in and out of the store,
5 right?

6 A Correct.

7 Q But the interior door locks still should have stopped
8 someone unless they had a key?

9 A Correct.

10 Q Thank you.

11 THE COURT: Any other questions?

12 MS. JONES: No, sir.

13 THE COURT: All right, sir. You may step down.

14 SOLICITOR ELLIS: May this witness be excused, Your
15 Honor?

16 THE COURT: Any objections?

17 MS. JONES: I do not have any.

18 THE COURT: All right, sir. You're free to go at this
19 time. Thank you very much.

20 You may call your next witness, witness, Mr. Ellis.

21 SOLICITOR ELLIS: May we approach, Your Honor?

22 THE COURT: You certainly may.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: All right. Ladies and gentlemen of the

1 jury, there is a witness that's in transit coming to the
2 courthouse to testify. We would of thought that witness
3 would of been here by now. They have not yet arrived.

4 So, we'll take a short recess and determine the
5 whereabouts of the witness and what, if any, problems might
6 exist. So, I'm gonna ask you again. Don't begin any
7 discussions about the case until I've asked you to begin
8 your deliberations.

9 You may retire to the jury room.

10 Thank you very much.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: Mr. Ellis, you have any means of contacting
14 this witness?

15 SOLICITOR ELLIS: I do, judge. I can do that right
16 now.

17 THE COURT: All right. I'll just stay on the bench.
18 Let me know where we are.

19 SOLICITOR ELLIS: Yes, sir. Thank you.

20 (Pause.)

21 SOLICITOR ELLIS: Judge, one witness actually is
22 pulling into the parking lot basically now.

23 THE COURT: All right.

24 SOLICITOR ELLIS: The other's leaving Chesnee now.

25 THE COURT: Okay.

1 SOLICITOR ELLIS: He should be here shortly. I asked
2 him to hurry.

3 THE COURT: That ought to work out.
4 You can do this one first?

5 SOLICITOR ELLIS: Yes, sir.

6 THE COURT: This one is here?

7 SOLICITOR ELLIS: Yes, sir.

8 THE COURT: All right.

9 SOLICITOR ELLIS: Please the Court, I'll go try and
10 find him to make sure he gets to the right spot.

11 THE COURT: Get him in the right pew. That will fine.
12 (Pause.)

13 SOLICITOR ELLIS: Deputy Graham is here now.

14 THE COURT: Okay. Defense ready to proceed?

15 MS. JONES: Yes, sir, Your Honor.

16 THE COURT: Bring the jury in.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: All right. The court record will reflect
20 the jury has returned.

21 We've located the witness. He was out in the parking
22 lot parking his car.

23 So, State may call its next witness.

24 SOLICITOR ELLIS: Thank you, Your Honor.

25 The State calls Deputy Lathier Graham.

Lathier Graham - Direct examination
by Solicitor Ellis

1 THE COURT: Come forward, sir, to my left and be sworn.

2 LATHIER GRAHAM, being first duly
3 sworn, testified as follows:

4 THE COURT: Have a seat please, sir. Once you're
5 seated, state your name for me.

6 WITNESS: Deputy Lathier Graham.

7 THE COURT: Mr. Ellis, your witness.

8 SOLICITOR ELLIS: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY SOLICITOR ELLIS:

11 Q Deputy Graham, where are you employed?

12 A Spartanburg County Sheriff's Office.

13 Q And how long have you worked there?

14 A Seven years.

15 Q In what capacity?

16 A As a road deputy for three years and forensics officer
17 for the last four. Three. I'm sorry.

18 Q Do you have any kind of special training or anything
19 you go through to become a forensics officer?

20 A Yes, sir.

21 Q Such as?

22 A SLED certifications and South Carolina Criminal Justice
23 Academy certification such as fingerprint, collecting
24 evidence, and crime scene analysis, and crime scene
25 collection.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q Prior to the last seven years at the Sheriff's Office,
2 do you have any other law enforcement experience?

3 A Yes, sir.

4 Q And what is that?

5 A Three years with Gaffney City Police Department.

6 Q And what is your, what is your job at that point?

7 A Patrolling.

8 Q Any military experience?

9 A Yes, sir.

10 Q What would that be?

11 A Six years active duty Navy and the past 14 years as
12 United States Army reserved. Sorry.

13 Q Thank you.

14 Now, you were a forensics officer then with the
15 Sheriff's Office September 28th, 2010, is that right?

16 A Yes, sir.

17 Q And were you on duty that, that night?

18 A Yes, sir, I was.

19 Q Did you receive a call in reference to the Money Tree
20 store on South Alabama Avenue and Chesnee?

21 A Yes, sir.

22 Q And just basically what did that call state?

23 A To assist Chesnee Police Department with the robbery at
24 that Money Tree.

25 Q At that point did you drive to the Money Tree?

Lathier Graham - Direct examination
by Solicitor Ellis

- 1 A Yes, sir, I did.
- 2 Q When you arrived, who did you find there, if anybody?
- 3 A I can't remember his name there. The officer sitting
- 4 there.
- 5 Q Sitting right there, Sergeant Teal?
- 6 A Yes, sir.
- 7 Q With the Chesnee Police Department?
- 8 A With Chesnee Police Department. The chief of Chesnee
- 9 at the time, and the female officer sitting behind Sergeant
- 10 Teal.
- 11 Q Officer Lovell?
- 12 A Officer -- yes.
- 13 Q Okay.
- 14 A And along with the victim.
- 15 Q And when you got there -- first, did you first speak to
- 16 the victim or did you go to the store first?
- 17 A I went to the store and spoke with officers on scene
- 18 to, so they could advise me what I had.
- 19 Q At that point was the victim at the store or was she
- 20 somewhere else?
- 21 A She was at the store for a brief moment before they
- 22 took her to the police station.
- 23 Q Okay. Just briefly she was up there?
- 24 A Yes.
- 25 Q Okay. And then -- so, you stayed at the store at that

Lathier Graham - Direct examination
by Solicitor Ellis

1 time?

2 A Yes, I did.

3 Q What did you do?

4 A I began my initial, initial investigation photographing
5 the outside of the business before I entered the inside of
6 the business and photographed all the aspects of the store
7 from the front all the way to the back.

8 Q Okay. And when you do this, do you basically start
9 photographing from the outside of the building and work your
10 way forward essentially?

11 A Yes, sir.

12 Q Deputy Graham, I'm gonna show you what's been marked as
13 State's Exhibits 1 through 31. If you would look at those
14 please and just familiarize yourself with those.

15 A (Witness complies.)

16 Q Are those all photographs you took of the scene or of
17 the victim, Ms. Jackson?

18 A Yes, sir.

19 Q Okay. And those are accurate representations of how
20 everything appeared when you arrived?

21 A Yes, sir.

22 Q All right. I also wanted to show you -- well, excuse
23 me one moment.

24 Like to show you what's been premarked for
25 identification as State's Exhibits 32 and 33. If you'd view

Lathier Graham - Direct examination
by Solicitor Ellis

1 those for me please.

2 A (Witness complies.)

3 Q Did you take those photographs also in State's Exhibit
4 32 and 33?

5 A Yes, sir, I did.

6 Q And what are those photographs of?

7 A Of a tablecloth that was laying in the second room of
8 the business on the floor.

9 Q And you just found it on the floor there and took
10 photographs of it, is that right?

11 A Yes, sir.

12 Q Okay. Is that a true and accurate representation of
13 how the tablecloth looked?

14 A Yes, sir, it is.

15 SOLICITOR ELLIS: Your Honor, permission to admit
16 Exhibits 32 and 33 into evidence.

17 THE COURT: Any objections?

18 MS. JONES: No, sir.

19 THE COURT: Without objections they'll be admitted into
20 the record as marked.

21 You may proceed, Mr. Ellis.

22 (WHEREUPON, State's Exhibits 32 and 33 were received
23 into evidence at this time.)

24 THE COURT: You may publish if you wish to.

25 SOLICITOR ELLIS: Thank you, Your Honor.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q Detective Graham, if you would please describe what you
2 found inside the store when you arrived and basically what
3 actions you took.

4 A I first arrived on the scene. I -- like I said, I
5 observed the officers, Chesnee officers. They were, they
6 were there conducting their investigation as they would on
7 the first arrived on scene, and I began taking my photos of
8 the exterior of the store. Once I walked inside with the
9 chief at the time, I walked in with him. He began to show
10 me what we had as far as inside the store. I started
11 photographing.

12 The front of the store seemed to be normal. I haven't
13 been inside that store before. But it appeared to be
14 normal. Once I walked to the back, there was a lot of items
15 that were on the shelf in disarray on the floor. I started
16 photographing those. The safe was -- the safe was also
17 there. The door was open. The victim was there before she
18 went to the police department.

19 She had, had on a blue shirt and some jeans which
20 appeared to be blood on it. The tablecloth was there. As
21 soon as you walk into the door that go to the back, on the
22 floor to the right I observed what looked to be blood on it,
23 some red marks on it. The back-door to the business, the
24 frame was, was off the wall. It was kind of destroyed where
25 it looked to be a struggle. The back -- the actual

Lathier Graham - Direct examination
by Solicitor Ellis

1 back-door to the business was opened facing out to a field
2 behind the business.

3 Q All right. Thank you.

4 Now, is it true that the Money Tree there in Chesnee is
5 basically divided -- the front area is basically divided I
6 should say so there's sort of a customer lobby area, and
7 then there's a wall somewhere and there's an employee area
8 separated from it by that wall?

9 A Yes, sir.

10 Q Once you made entry through the door to the employee
11 area, showing you State's Exhibit No. 8 right now, is this
12 basically what you, what you saw there?

13 A Yes, sir, it is.

14 Q All right. And what do you see on the floor here?

15 A It appeared to be a pair of glasses or shades.

16 Q And how about over here sort of on the side?

17 A That would be the table cloth.

18 Q Showing you now State's Exhibit No. 9.

19 Is that also a picture of the tablecloth?

20 A Yes, sir, it is.

21 Q All right. And State's Exhibit No. 10, again, is that
22 a picture of the tablecloth and also some other items?

23 A Yes, sir, it is.

24 Q Those were all found on the floor, is that right?

25 A Say again.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q Those were all found on the floor kind of in the area
2 around that, that doorway into the employee area?

3 A Yes, sir.

4 Q Did you notice whether there seemed to be any kind of
5 substance on the tablecloth, any foreign substance?

6 A Just a red mark there.

7 Q Red marks?

8 A Yes, sir, little red droplets. At the time I couldn't
9 tell if it was fingernail polish or blood. So, I tested it
10 with the Quick Check that we use to test blood, human blood.

11 Q Okay. Showing you State's Exhibit No. 32 right now,
12 and, and what is this a photograph of?

13 A Of the tablecloth with a red spot on it.

14 Q Red spot, would that be right here in the center?

15 A Yes, sir, right behind the cat.

16 Q Now showing you State's Exhibit No. 33.

17 Is this also a photograph of the tablecloth?

18 A Yes, sir, it is.

19 Q And is there anything that appears to be on that
20 picture as well?

21 A The red swipe marks there, but just to the right side
22 of the back.

23 Q This area here?

24 A Yes, sir.

25 Q Okay. And you said at those times you just noticed

Lathier Graham - Direct examination
by Solicitor Ellis

1 that there was some kind of a red substance.

2 You didn't know what they were at that point, is that
3 right?

4 A Correct.

5 Q Well, what is the procedure for determining what that
6 is?

7 A Like I said, we have a -- in our forensics kit we have
8 a Quick Check. It's called a Quick Check. It's a substance
9 that we use to check for human blood.

10 Q And did you apply that?

11 A Yes, sir, I did.

12 Q How do you do that?

13 A We take it out of the box, take it out of the ziploc
14 bag that it's in. At that time it's a little ampule inside,
15 contains a chemical substance. We crush it and turn around
16 and we, correct terminology of it, drop, you know, dab it on
17 the Q-tip, and we wipe the substance. If it turns, turns
18 blue, it's human blood.

19 Q Did the substance that you checked, did it turn blue?

20 A Yes, sir, it did.

21 Q So, does that indicate to you it was likely blood?

22 A Yes, sir, it is.

23 Q What did you do with, with that, with that, with the
24 substance on the tablecloth next?

25 A Turned around and got a, what we call DNA swab. Take

Lathier Graham - Direct examination
by Solicitor Ellis

1 a -- we open up a pack of Q-tips. We use distilled water
2 and we collect the DNA off of that, the blood off of that,
3 put it in a small white box, close it up, seal it, put that
4 box into a envelope, seal it, and use it as a, place it into
5 evidence.

6 SOLICITOR ELLIS: Turn the lights back up for me.

7 Thank you.

8 Deputy Graham, I'm handing you what's been premarked
9 for identification as State's Exhibit No. 42, and do you
10 recognize what that is?

11 A Yes, sir, I do.

12 Q What is it?

13 A It's the blood swab from the tablecloth.

14 Q All right. And you mentioned a minute ago, once you
15 took the swabs, you boxed them up and then placed them into
16 a manila envelope, is that right?

17 A Correct.

18 Q Would that manila envelope be placed into it?

19 A Yes, sir, it is.

20 Q Now, has the condition of that item changed in some
21 way.

22 Is there anything that appears to be added to that
23 envelope at this point?

24 A Negative.

25 Q Is there any kind of a clear bag on it that you did not

Lathier Graham - Direct examination
by Solicitor Ellis

1 put on there?

2 A Again?

3 Q The, the clear bag that's inside, also we have a manila
4 envelope here, and that's inside of a clear bag, is that
5 correct?

6 A Correct.

7 Q How did the clear bag get on there?

8 Is that done by someone at SLED perhaps?

9 A Yes, sir, it's a SLED bag.

10 Q Okay. So, you did not do that?

11 A No, sir, I did not.

12 Q But you placed it -- you would of placed it, the Q-tip,
13 the swab, into the manila envelope, is that right?

14 A Correct.

15 Q And at that point would you have closed the envelope?

16 A I closed the envelope and sealed it with the blue and
17 white evidence tape that's on there.

18 Q Okay. Once that evidence tape is on there, is that
19 basically for the purpose of, of determining whether anyone
20 is tried to tamper with the item?

21 A Correct.

22 Q And what would -- what did you do with the swabs after
23 that?

24 A After I collected the evidence, I transported all the
25 evidence back to the Sheriff's Office, the forensics lab,

Lathier Graham - Direct examination
by Solicitor Ellis

1 placed it in the evidence room that we have there in the
2 lab. Once we conducted all our investigation on it, we
3 contacted Chesnee. They came to pick it up to take it to
4 SLED.

5 Q All right. After you were, you were finished going
6 through the scene and taking photographs and collecting the
7 swabs and doing the, the result of the blood tests on the,
8 on the tablecloth, what did you do next?

9 A I fingerprinted the items that were on the floor.

10 Q Okay. And to your knowledge do you know if any
11 fingerprints ever came back?

12 A I collected one to my recollection.

13 Q To your knowledge, was it ever matched to anyone?

14 A Once we -- we get a sheet from the A.F.U.S. personnel
15 that let's us know if there was a match. I can't, to this
16 day, remember if one came back or not.

17 Q There was no match ultimately, was there?

18 A Not that I'm aware of.

19 Q Okay. Following that did you go and speak with the
20 victim?

21 A I went to the police department where the victim was
22 and advised her that I would be collecting, photographing
23 her and her injuries and collecting her clothes.

24 Q Okay. And did you, at that point, go ahead and do all
25 that?

Lathier Graham - Direct examination
by Solicitor Ellis

1 A Yes, sir, I did.

2 Q Did you photograph her with her clothes on first?

3 A Yes, sir, I did.

4 Q All right. And those would be photographs that you
5 viewed a moment ago, Exhibits 20 through I think 29, is that
6 right?

7 A Yes, sir.

8 Q Okay. Did you notice any injuries to the victim?

9 A She had some injuries to her hands, her face, and the
10 back of her neck.

11 Q And did you also notice, was there any, appeared to be
12 any kind of substance on her clothing or anything like that?

13 A Yes, sir, there was, looked to be blood on her shirt or
14 on her, on her pants leg. And once I collected the
15 clothing, I found like some stains of blood or appeared to
16 be blood on her bra.

17 Q All right. Did you do any presumptive tests on those?

18 A Negative.

19 Q Did you collect the items?

20 A Yes, sir, I did.

21 Q What's been premarked for identification as State's
22 Exhibit No. 34. View that briefly.

23 A Yes, sir, these are items that I collected.

24 Q All right. Those would be the clothing items you
25 collected from the victim?

Lathier Graham - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q And what were those items again?
- 3 A A white bra, gray sweatpants, and a light blue t-shirt.
- 4 Q Okay. So, light blue t-shirt, gray sweatpants, and a
5 white bra, is that right?
- 6 A Yes, sir.
- 7 Q Are these the sweatpants that you collected, the gray
8 sweatpants?
- 9 A Yes, sir, it is.
- 10 Q Do these seem to be in approximately the same condition
11 as when you found them?
- 12 A Yes, sir, other than the hole there marked 31.
- 13 Q The hole right here?
- 14 A Yes, sir.
- 15 Q Okay. How about the backside, is there anything that
16 appears to be different about that?
- 17 A Yes, sir, the hole there marked 31 too.
- 18 Q That would be right there?
- 19 A Yes, sir.
- 20 Q Okay. But beyond that, these appear to be in the same
21 condition as when you acquired them from the victim, is that
22 right?
- 23 A That's correct.
- 24 Q Other than those cuttings, do they appear to have been
25 altered?

Lathier Graham - Direct examination
by Solicitor Ellis

- 1 A Negative.
- 2 Q And do you see any substances on the, on the pants
- 3 anywhere up front?
- 4 A The same spots that were on there the day I collected
- 5 them.
- 6 Q Those are also reflected in the photographs?
- 7 A Yes, sir, it is.
- 8 Q Is that similarly true of the back of the pants?
- 9 A Yes, sir.
- 10 Q And is this the bra you collected from the victim?
- 11 A Yes, sir, it is.
- 12 Q Does it appear to be roughly in the same condition as
- 13 when you collected it?
- 14 A Yes, sir.
- 15 Q Is there anything that is different about it?
- 16 A The cutout here marked four window, 4.1.
- 17 Q Right here?
- 18 A Yes, sir.
- 19 Q Okay. That was not there when you collected it?
- 20 A No, sir, it was not.
- 21 Q Is that where the red, the red substance is?
- 22 A Yes, sir, it was.
- 23 Q Aside from that, it appears, it appears to be in the
- 24 same condition as when you collected it from the victim?
- 25 A Yes, sir.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q Is this the light blue t-shirt you collected from the
2 victim?

3 A Yes, sir, it is.

4 Q Does it appear to be in the same condition as when you
5 collected it?

6 A Yes, sir.

7 Q Is there anything different about the front that you
8 noticed?

9 A The hole there marked 2.1.

10 Q Right there in the center?

11 A Yes, sir.

12 Q And that was not there when you collected it?

13 A No, sir, it was not.

14 Q All right. Do you notice anything on the, on the back
15 of the shirt that was reflected in your memory or on the
16 photographs you took of the shirt, any stains or anything?

17 A Just a few stains here on the back of the, back here in
18 the back of the neck and down here on the bottom or towards
19 the middle of the bottom.

20 Q Okay. How about the sleeve, do you see anything there?

21 A Yes, sir.

22 Q And where about?

23 A Right here.

24 Q Okay. What is -- any idea what that appears to be?

25 A Appears to be dried blood.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q So, aside from that cutting in the middle of the shirt,
2 does this also appear to be in the same condition as when
3 you took it from the victim, is that right?

4 A Yes, sir, it is.

5 Q Now, once you, once you collected these items, tell me
6 what you did with them to basically store them.

7 A We closed, closed the bag down. And once we get the
8 bag down to where they can't be opened, we put this blue
9 tape, blue and white evidence tape around it, we seal it in
10 place, and then we place it -- in this case, we -- I placed
11 it in the forensic lab evidence room.

12 Q All right. And once that tapes on there, again, is
13 that similar to the swabs you took or basically once the
14 tapes on there that's to let you know if anyone tries to
15 open it or tamper with it?

16 A Yes, sir, it is.

17 Q Once you collected the clothing items as well as the
18 swabs, do the items remain in your possession until you took
19 them to the evidence room?

20 A Yes, sir.

21 Q Did anyone else have access to them?

22 A Negative.

23 Q Did anyone else have the ability to change or alter or
24 tamper with them in someway?

25 A Negative.

Lathier Graham - Direct examination
by Solicitor Ellis

1 Q Was the evidence tape that you put around both the bag
2 containing the items in Exhibit 34 and also around the
3 manila envelope with the swabs from the tablecloth in
4 Exhibit 42, was that tape ever broken in anyway?

5 A Not when it was in my possession, no, sir.

6 Q All right. And when you take it back to the Sheriff's
7 Office evidence area, is there basically a certain area
8 where items go for other agencies who are gonna pick them up
9 when you're helping other agencies out?

10 A Yes, sir, in the forensics lab evidence room.

11 Q Is that room secured?

12 A Yes, sir.

13 Q How is it secured?

14 A It's secured by the lock mechanism on the door handle
15 and it's also secured on the outside with a padlock.

16 Q All right. So, basically people would not have access
17 to that area, true?

18 A That's true.

19 Q And the item that remain closed and sealed and taped
20 until such as the agency comes and picks it up and takes it
21 to SLED?

22 A Affirmative.

23 Q Mr. Graham, please answer any questions Ms. Jones may
24 have.

25 THE COURT: Ms. Jones, your witness.

Lathier Graham - Cross-examination
by Ms. Jones

1 MS. JONES: Thank you.

2 CROSS-EXAMINATION

3 BY MS. JONES:

4 Q Officer Graham, you indicated that when you first got
5 to the Money Tree that the victim was there, was present at
6 the Money Tree?

7 A Yes, ma'am, for a brief period of time.

8 Q Okay. Where were all those people in the store cause
9 you said there were three police officers and the victim
10 still in the store.

11 Where were they when you saw them?

12 A There were two officers standing outside the store.

13 Q Okay?

14 A And the chief and I went inside, and I think Ms., to my
15 recollection, I think Ms. Jackson was standing outside
16 giving her statement before she went to the police
17 department.

18 Q Okay. You and the chief went inside and you -- did you
19 photograph first before you did the processing you described
20 with the chemical on the Halloween tablecloth?

21 A Yes, ma'am, I did.

22 Q Okay. Now, let me ask you about that.

23 The item, the envelope, I think this is it, State's
24 Exhibit 42, appears to have a single box in it, and I think
25 that's what you testified to. There's two different spots,

Lathier Graham - Cross-examination
by Ms. Jones

1 in two different photographs showing the two different
2 spots.

3 Was there a swab for each spot?

4 A No, there was not.

5 Q Well, what -- you combined them?

6 A No, ma'am, I do not.

7 Q Okay. Well, how -- explain what you did then.

8 A The one -- excuse me. The one spot that had the most
9 concentration on it was the spot I swabbed. The other spot
10 I did not swab.

11 Q Okay. And do you know which, whether it was the cat
12 spot or the bat spot?

13 A The cat spot.

14 Q Okay. So, what do you do -- what did you do with the
15 bat swab?

16 A I didn't swab the bat swab.

17 Q You did not?

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

19 Q You presumptive tested it with the, what you call Quick
20 Test, but then you did not swab it?

21 A Yes.

22 Q Okay. Now, did you -- you saw and responded, in
23 reference to a question by Mr. Ellis, about the glasses and,
24 and a pen.

25 Did you not think it was necessary to take those items

Lathier Graham - Cross-examination
by Ms. Jones

1 into evidence, that the, the glasses you said might of been
2 glasses or shades.

3 Do you recollect those --

4 A Yes, ma'am, I do.

5 Q -- from the photograph?

6 You didn't think it was necessary to take those into
7 evidence?

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

9 Q Okay. Did you also see not only the bent pen cap that
10 was near the glasses, but a broken pen out in the lobby?

11 Do you recollect that or do you want me to show you a
12 photo?

13 A I remember taking a photo of it. I don't -- I didn't
14 collect it. I did not collect it at all.

15 Q Okay. So, the fact that there was a pen that, where
16 the front was crushed in, broken, you didn't think it was
17 necessary to take that into evidence?

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

19 Q And you didn't swab it or anything to if it---

20 A No, ma'am, I didn't.

21 Q ---what was on it?

22 Now, finally, let me ask you, you went over, once you
23 finished photographing everywhere, you went down to the City
24 Hall or the police department where you again encountered
25 Ms. Jackson and you photographed her wearing her clothing.

Lathier Graham - Cross-examination
by Ms. Jones

1 You photographed parts of her body as well.

2 Did you do any swabbing of her body?

3 A No, ma'am, I did not, and after I finished the initial
4 scene at the store is when I went to the police department.

5 Q Okay. I'm sorry. Yes, sir.

6 You photographed things on her hands and on her face or
7 you said her face, the side of her ear, back of her neck,
8 but you didn't swab any of that to see if that was blood?

9 A No, ma'am, it appeared to be physical, physical
10 injuries.

11 Q Okay. So, it's your testimony you didn't see any blood
12 on her hands?

13 A No, ma'am, just the, what appeared, appeared to be a
14 cut or a bruise.

15 Q Okay. And you took, after you photographed everything,
16 you took and actually retrieved her clothing from her?

17 She must of had something else to change into?

18 A Yes, ma'am, I think a family member met her up there
19 and brought her some clothing.

20 Q Okay. Do you remember what time that was?

21 It might be on the front of that bag that's in front of
22 you, No. 34.

23 A 20:45.

24 Q Say that again.

25 A 20:45.

Lathier Graham - Cross-examination
by Ms. Jones

- 1 Q Okay. And you're the military man.
2 That means 8:45, right?
- 3 A Yes, ma'am.
- 4 Q Okay.
- 5 A 8:45.
- 6 Q When you took those items, did you -- you said you
7 didn't do any swabbing of them, of the garments.
8 why did you not swab any?
- 9 A See how can I put it?
10 I didn't swab them when I took them back to the
11 Sheriff's office and photographed them and laid them out.
12 The swabbing and the testing of the clothing would of came
13 from SLED.
- 14 Q Did they tell you not to swab it or you just didn't?
- 15 A No, ma'am.
- 16 Q Okay. When you got them from her, did she physically
17 hand you her clothes after she changed?
- 18 A Yes, ma'am.
- 19 Q Okay. So, she was out of your presence for a while
20 changing clothes I assume?
- 21 A Yes, ma'am, for maybe three to four minutes.
- 22 Q Okay. And when she handed the clothing to you, how did
23 she hand it to you?
- 24 A Folded up.
- 25 Q Folded up.

Lathier Graham - Cross-examination
by Ms. Jones

1 okay. Did you notice whether the, the, the substance
2 on the clothing was still wet at that point?

3 A No, ma'am.

4 Q Okay. You left it folded?

5 A Until I get -- once I put it in the bag. Once she
6 handed it to me, I placed it in a bag and took it to the
7 Sheriff's office.

8 Q But did you change the fold in anyway?

9 You just folded it?

10 You took it from her and put it in the bag?

11 A Yes, ma'am.

12 MS. JONES: Okay. That's all I have.

13 THE COURT: Any other questions of this witness, Mr.
14 Ellis?

15 SOLICITOR ELLIS: No, sir, Your Honor.

16 THE COURT: You may step down, sir.

17 Wish to have this witness excused?

18 SOLICITOR ELLIS: Yes, sir, if you don't mind.

19 THE COURT: Any objections?

20 MS. JONES: None at all.

21 THE COURT: Sir, you're free to go. Thank you for
22 coming today.

23 WITNESS: Thank you, Your Honor.

24 THE COURT: Mr. Ellis, Ms. Jones, you want to approach?

25 (WHEREUPON, a bench conference was held out of the

1 hearing of the jury at this time.)

2 THE COURT: All right. Ladies and gentlemen, again, it
3 looks like we're gonna have to round up a witness, but they
4 should be close. So, I'll ask you to step back to the jury
5 room for just a minute.

6 Again, don't begin your discussions until I've asked
7 you to begin those discussions. You may retire to the jury
8 room.

9 Thank you very much.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. We'll be in recess briefly, and
13 I'll just stay on the bench.

14 Let me know when you find him, Mr. Ellis.

15 SOLICITOR ELLIS: Yes, sir. Thank you, judge.

16 THE COURT: Thank you.

17 (Pause.)

18 THE COURT: All right. Mr. Ellis, I take it your
19 witness has appeared?

20 SOLICITOR ELLIS: Yes, sir, he has.

21 THE COURT: Okay.

22 SOLICITOR ELLIS: Judge, just for the Court's
23 information, I believe, given where we stand with the
24 witness, Mr. Crawford, and also the, the other swabs we
25 mentioned before, and this would be the last witness for

1 today.

2 THE COURT: So, you have -- this will be the last one?

3 SOLICITOR ELLIS: Yes, sir.

4 THE COURT: Okay.

5 All right. You ready?

6 MS. JONES: Yes, sir, I am.

7 THE COURT: Ms. Jones.

8 MS. JONES: Thank you.

9 THE COURT: Bring the jury in.

10 (WHEREUPON, the following takes place within the
11 presence of the jury.)

12 THE COURT: The court record will reflect the jury has
13 returned to the courtroom.

14 At this time the State may call its next witness.

15 SOLICITOR ELLIS: Thank you, Your Honor.

16 The State calls Ian Stowell.

17 THE COURT: Come forward, sir. If you would, come to
18 my left and be sworn please.

19 IAN STOWELL, being first duly sworn,
20 testified as follows:

21 THE COURT: Have a seat. Once you're seated, state
22 your name for me.

23 WITNESS: Ian Stowell.

24 THE COURT: Mr. Ellis, your witness.

25 SOLICITOR ELLIS: Thank you, Your Honor.

Ian Stowell - Direct examination
by Solicitor Ellis

1 DIRECT EXAMINATION

2 BY SOLICITOR ELLIS:

3 Q Good afternoon, Mr. Stowell.

4 Where are you from?

5 A I live in Chesnee since 1980.

6 Q All right. And do you -- what do you do for work?

7 A I'm a -- I sell tires.

8 Q In what location?

9 A Well now I'm currently at, near the old Ford place in
10 Chesnee.

11 Q Okay. Is that your shop?

12 A Yeah.

13 Q Okay. And, so, you own that shop now?

14 A Yeah.

15 Q When did you open that?

16 A October, late October of -- be two years in this
17 October.

18 Q Okay. So, about, about a year and a half ago now?

19 A Year and a half ago.

20 Q Okay. Back in September of 2010 were you working there
21 or were you working somewhere else?

22 A I was operating out of a BP station on the corner of
23 Chesnee.

24 Q Okay. The corner of what?

25 A 221, which is Alabama, and I can't think of the name of

Ian Stowell - Direct examination
by solicitor Ellis

1 the side road there. But right at the corner in the heart
2 of Chesnee.

3 Q Okay. So, basically right downtown Chesnee---

4 A Downtown Chesnee, yeah.

5 Q ---on Alabama?

6 A At the light. At the red light.

7 Q Is that near the Money Tree in Chesnee?

8 A The Money Tree's, if you're coming out of the shop, is
9 I think the second business to the left of the BP. There's
10 a dress shop and I think there was a money shop next to
11 that.

12 Q Okay. So, if you come out of the BP and walk to
13 Alabama Street or Alabama Avenue, the Money Tree is what,
14 two doors down to the left?

15 A Yes, sir.

16 Q Okay. Were you familiar with that location?

17 A The location of the Money Tree?

18 Q Yes.

19 Q Yeah, I go in there everyday and get like a drink and a
20 pack of cigarettes.

21 Q Okay. And about how long had you worked at the BP as
22 of September of 2010?

23 A I went over there in April I think. March or April I
24 went over there and opened it up and was paying, splitting
25 rent with a guy.

Ian Stowell - Direct examination
by Solicitor Ellis

- 1 Q Okay. So, he's been with you for about half a year?
- 2 A Probably half a year.
- 3 Q Okay. And during that time you said you use to go to
- 4 the Money Tree pretty regularly?
- 5 A Pretty good bit.
- 6 Q And what did you get when you'd go there?
- 7 What would you do?
- 8 A I would buy a pack of smokes and a drink and talk to
- 9 the guy that worked in there every now and then when he was
- 10 working.
- 11 Q Any idea about how often you went down there per week?
- 12 A If it wasn't every day it was every other day.
- 13 Q And how many days did you work?
- 14 A Six days a week.
- 15 Q So, several times a week then you would be in the Money
- 16 tree?
- 17 A Yes.
- 18 Q Did you know the people who worked there?
- 19 A I just knew the, the guy and I knew another girl that
- 20 worked in there occasionally. They traded off I guess.
- 21 Q Do you remember the guy's name?
- 22 A Andrew.
- 23 Q Do you know his last name?
- 24 A I don't know his last name.
- 25 Q His first name is Andrew?

Ian Stowell - Direct examination
by Solicitor Ellis

- 1 A I'm pretty sure.
- 2 Q What, what did he look like?
- 3 A He was just a, kind of big guy.
- 4 Q White guy, black guy, or what?
- 5 A Black guy.
- 6 Q Black guy?
- 7 A Yes.
- 8 Q Okay. And did you -- were you on friendly terms with
- 9 him?
- 10 Did you speak to him?
- 11 A Yeah.
- 12 Q And did he speak back to you?
- 13 I mean when you'd see him out and about would he talk
- 14 to you?
- 15 A Yeah.
- 16 Q Kind of describe that for me, if you don't mind.
- 17 Just what would happen when you'd run into each other?
- 18 A Just he'd holler at me, you know, and throw his hand
- 19 up. Pretty much that's it. Just what's going on, what's
- 20 up, and that was about it.
- 21 Q Okay. So, you'd known him for roughly six months then
- 22 at that point as of September of 2010?
- 23 A Yeah.
- 24 Q Okay. Do you remember an incident at the Money Tree on
- 25 September 28th, 2010?

Ian Stowell - Direct examination
by Solicitor Ellis

1 Do you remember that happening?

2 A Yes.

3 Q Were you in the Money Tree at that, at that particular
4 time during that incident?

5 A No, sir.

6 Q Do you really even know what was happening inside the
7 Money Tree at that point?

8 A No.

9 Q Okay. What were you doing?

10 A I don't remember what I was doing, but I was in the lot
11 of the BP. I was either hauling tires out of the shop or I
12 was always back and forth. So, might of been straightening
13 up after the day or I'm not sure exactly what I was doing at
14 that moment.

15 Q All right. Okay. But you were working at the BP
16 during that time?

17 A I was there, yeah.

18 Q All right. And did you notice anybody come by around
19 that time?

20 A The only thing that caught my eye was a guy come around
21 on a bicycle and cut through the pumps and went to the
22 street on the corner and just kept going.

23 Q And, and how was that person dressed?

24 A Just -- if I can remember, they looked like they had on
25 like a sweatshirt, like a sweatshirt, maybe a, a cap of some

Ian Stowell - Direct examination
by Solicitor Ellis

1 sort.

2 Q Do you recall if they had anything on their face?

3 A I'm thinking it was maybe some glasses, some dark
4 glasses. I don't know if they were sunglasses or not.

5 Q They appeared to be dark though?

6 A Yeah, at the glimpse that I caught, yeah.

7 Q Okay. And, and what about the person there itself?
8 could you describe the person you saw?

9 A It was a black guy and he was kind of a stocky guy
10 coming around there.

11 Q About how far away were you from, from him as he went
12 through the parking lot?

13 A Probably, probably from here to the first bannister
14 right there at that point.

15 Q Right about, right about where I'm standing?

16 A Yeah, maybe a little further back.

17 Q A little further back maybe?

18 A Yeah.

19 Q Okay. And do you recall about what time of day it was
20 when you saw him?

21 A I know it was late. I don't know -- you know, it was
22 later on in the evening. I don't know if -- it was right
23 before dusk probably. Right in there, that time frame --

24 Q Okay.

25 A -- if I can remember correctly.

Ian Stowell - Direct examination
by Solicitor Ellis

1 Q So, a little bit before dusk in September?

2 A Yeah.

3 Q Okay. You didn't look at your watch at the time I
4 don't guess, did you?

5 A No, I didn't.

6 Q Okay. But it was a little before dusk though, is that
7 right?

8 A I'm wanting to think that it was.

9 Q But there was still -- was there still enough light out
10 for you to be able to see him?

11 A Well, slightly, yeah, there was.

12 Q Okay. Was he riding the bike right towards you or a
13 different angle, you know, in relation to where you were?

14 A When I caught the glimpse he was riding it like he
15 was -- instead of turning on the street, he come through and
16 cut through the pumps. There's a self, self-pumps right
17 beside the 221, and there's another set of, of pumps that
18 run down the other street.

19 Q Side street?

20 A Yeah. And this person come through and just cut
21 through the parking lot at an angle.

22 Q Okay. About how long do you think you were able to see
23 him?

24 A Three seconds probably. Three or four seconds.

25 Q All right. So, just a few seconds?

Ian Stowell - Direct examination
by Solicitor Ellis

1 A Yeah.

2 Q Do you think you -- do you think you know who that
3 person on the bike was?

4 A The person on the bike reminded me of Andrew, and I
5 thought it was odd because he usually would holler or
6 something like that, and I just -- but, you know, it's just
7 the character, the physique of the guy. I didn't think
8 anything about after it, you know.

9 Q But normally when he'd come by or you'd see him just
10 whenever, he, he'd wave at you or say hi or whatever?

11 A He was always a friendly guy.

12 Q But that day he didn't do that?

13 A The person on the bike didn't, no.

14 Q Right.

15 The person on the bike did not wave or say hi?

16 A No.

17 Q And you felt it was probably him?

18 A I won't say probably, but I thought it looked like,
19 looked like him.

20 Q okay. Again, you only had a few seconds to see him,
21 right?

22 A Yeah.

23 Q Right.

24 okay. Did you, did you think it was odd, if it was
25 Andrew, that he didn't say hi to you?

Ian Stowell - Direct examination
by Solicitor Ellis

1 A Yes, I did.

2 Q Did, did the person on the bike appear to be in a hurry
3 or just kind of leisurely pedaling along?

4 A Not really in a hurry. They were just, you know,
5 cruising on by like that. Not hustling or anything.

6 Just---

7 Q Okay. But, again, it was all right around dusk when
8 you saw him for a few seconds?

9 A Yeah.

10 Q Okay. And you thought at least it looked like Andrew?

11 A Yeah.

12 Q Thank you. Please answer any questions Ms. Jones has.

13 THE COURT: Ms. Jones, your witness.

14 MS. JONES: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. JONES:

17 Q Mr. Stowell, it's nice to see you again.

18 A Good to see you.

19 Q Did you get that day, in the three to four seconds
20 glimpse you've called it twice of this individual, did you
21 get a full face on look at that person?

22 A No, I didn't.

23 Q Okay. Is it correct to say you're hesitant to sit
24 there and commit that that individual on the bicycle was the
25 person you know as Andrew?

Ian Stowell - Cross-examination
by Ms. Jones

- 1 A Repeat that again.
- 2 Q okay. Are you gonna, under oath, absolutely swear
- 3 positively that the person you glimpsed that day was Andrew?
- 4 A I can't swear that it was, no, I can't.
- 5 Q okay. In addition to it being unusual that he didn't
- 6 speak to you, do you know whether the person you know as
- 7 Andrew has one or more vehicles?
- 8 A I knew of the girlfriend, lady friend of his had a
- 9 vehicle that he drove sometimes.
- 10 Q okay.
- 11 A He had a -- I thought he had a Dodge Dakota truck. I'm
- 12 not sure what color it was.
- 13 Q okay. You do vehicle work and you said---
- 14 A Yes.
- 15 Q ---specifically you sell tires.
- 16 Have you done some work on one or both of those
- 17 vehicles?
- 18 A Yeah.
- 19 Q okay. And the, the lady friend that you've referred
- 20 to, is that Ms. Copeland who's in the cream sweater set---
- 21 A Yeah.
- 22 Q ---sitting there on the front row?
- 23 A Yes.
- 24 Q okay. And you've known her for a number of years?
- 25 A I've known her for 20 something years probably.

Ian Stowell - Cross-examination
by Ms. Jones

1 Q Okay. Thank you. That's all I have.

2 A Okay.

3 THE COURT: Mr. Ellis, any other questions of the
4 witness?

5 SOLICITOR ELLIS: No, sir, Your Honor.

6 THE COURT: All right, sir. You may step down.

7 WITNESS: Thank you.

8 SOLICITOR ELLIS: May the witness be excused, Your
9 Honor?

10 THE COURT: Any objection to his being excused?

11 MS. JONES: Certainly.

12 THE COURT: Sir, you're free to go. Thank you very
13 much for coming today.

14 WITNESS: Thank you.

15 THE COURT: Ladies and gentlemen of the jury, my
16 understanding is the next witnesses or perhaps next couple
17 of witnesses will involve people who are involved with some
18 forensic testing. They're coming from Columbia. They
19 expect to be here tomorrow.

20 So, for that reason, we're going to go ahead -- and
21 we're already to 4:30. So, it's a good time for us to stop.
22 We've had a fairly long day.

23 Same instructions that I gave you yesterday when you
24 left the courthouse. That is, don't discuss the case with
25 anyone. Don't allow anyone to discuss it with you. Don't

1 attempt to gather information on your own. Don't listen to,
2 watch, or read any media reports concerning the case, and
3 should someone contact you about this matter, please report
4 that to the Court upon your return. I'll be inquiring about
5 those in the morning again.

6 We'll resume again in the morning at nine o'clock. Be
7 back in the jury room at that time, and we should be able to
8 begin shortly thereafter.

9 Hope you have a good evening, and at this time you're
10 free to go for the remainder of the evening.

11 Thank you very much.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: Court will be in recess until nine o'clock.
15 The defendant will remain in custody.

16 Thank you very much.

17 MS. JONES: Thank you, Your Honor.

18

19 (WHEREUPON, Court was in recess for the evening.)
20
21
22
23
24
25

1 Thursday, April 26th, 2012

2

3 THE COURT: Mr. Ellis, State ready to proceed?

4 SOLICITOR ELLIS: Yes, sir, Your Honor.

5 Before we do though, there's a preliminary matter. I'm
6 informed by the clerk of court that she was able to find the
7 sentencing sheet and conviction for Mr. Tony Crawford on
8 that---

9 THE COURT: Yes, sir.

10 SOLICITOR ELLIS: ---commission of the dispute. That
11 appears to be a CDV second, which, at that time, carried up
12 to 30 days in jail as a maximum penalty.

13 MS. JONES: Yes, sir, I, I -- Mrs. Tinsley showed it to
14 me this morning, and I have received the information I need.

15 THE COURT: So, you've confirmed that that is correct?

16 MS. JONES: Yes, sir, I have.

17 THE COURT: All right.

18 MS. JONES: It's the original sentencing sheet.

19 THE COURT: All right. I understand. That's all
20 right. Something needed to be checked into.

21 SOLICITOR ELLIS: Thank you, judge.

22 THE COURT: All right. Other than that, are you ready
23 to proceed?

24 SOLICITOR ELLIS: Yes, sir.

25 THE COURT: Are you ready to proceed?

1 MS. JONES: Yes, sir.

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

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: The record will reflect the jury's returned
6 to the courtroom.

7 If any juror had any difficulty in complying with my
8 instructions of yesterday afternoon I'd ask that you please
9 stand.

10 (No response.)

11 THE COURT: It appears that all jurors have been able
12 to comply with the Court's instructions.

13 When we ended the day yesterday we were in the process
14 of receiving testimony from the State's witnesses.

15 You may call your next witness.

16 SOLICITOR ELLIS: Thank you, Your Honor.

17 Please the Court.

18 State calls Jan Bryson.

19 THE COURT: Come forward, ma'am, to my left and be
20 sworn please.

21 JAN BRYSON, being first duly
22 sworn, testified as follows:

23 THE COURT: Have a seat please. Once you're seated,
24 state your name for me.

25 WITNESS: My name is Janice Bryson.

Jan Bryson - Direct examination
by Solicitor Ellis

1 THE COURT: Mr. Ellis, your witness.

2 SOLICITOR ELLIS: Thank you, Your Honor.

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION

5 BY SOLICITOR ELLIS:

6 Q Good Morning, Ms. Bryson.

7 A Good morning.

8 Q Where are you employed?

9 A I'm employed by the South Carolina Law Enforcement
10 Division.

11 Q In what capacity?

12 A I'm an evidence technician in that evidence processing
13 department.

14 Q And how long you been doing that?

15 A I've been at SLED for 23 years.

16 Q Have you been in that same department the entire time?

17 A No, sir, I've been in evidence processing for 16 years.

18 Q And what are the other departments have you worked in?

19 A I worked in the drug lab.

20 Q Now, as part of the evidence processing department,
21 what are some of your duties and responsibilities?

22 A Whenever larger items of evidence are submitted to the
23 lab with a request to look for hair, fiber, blood, or semen,
24 it's my responsibility to process the evidence and collect
25 the evidence and send it to the appropriate department.

Jan Bryson - Direct examination
by Solicitor Ellis

1 Q Do you have any specialized training or certifications
2 that help you with that?

3 A While at SLED I trained under the senior technician in
4 the evidence processing department, and I've also trained
5 under Court qualified forensic experts in the, in DNA,
6 trace, and serology, and SLED is nationally accredited by
7 the American Society of Crime Laboratories Directors, and
8 it's a requirement of ASCLAD that each analyst and
9 technician be certified and I have been certified in the
10 collection of hair, fiber, blood, and semen.

11 Q Thank you very much.

12 Now, at some point during your work at SLED in the last
13 several months, have you received some items in relation to
14 the case against Andrew Brent Scott?

15 A Yes, sir, I did.

16 Q And briefly, if you would, just tell the jury what
17 items you received.

18 A I received, received SLED Item Number 2, which is a
19 short sleeve t-shirt, Item Number 3 sweatpants, and Item 4
20 is a bra.

21 Q All right. And when you received those items, how did
22 you receive them?

23 A They were in a sealed container.

24 Q Let me show you what's been marked as State's Exhibit
25 No. 23 for identification.

Jan Bryson - Direct examination
by Solicitor Ellis

1 Please review that briefly.

2 A Yes, sir, these are my initials, the SLED lab number,
3 and the items inside the bag, the number of items.

4 Q So, that was the bag you received in relation to this,
5 this case?

6 A Yes, sir.

7 Q And that contained each of the items that you just
8 mentioned having analyzed, is that right?

9 A That's correct.

10 Q When you received that bag, was it closed and sealed?

11 A Yes, sir, it was. I broke the seal.

12 Q Okay. And how was it sealed?

13 A With the evidence tape.

14 Q And, so, when you had gotten it, the bag did not appear
15 to be opened or tampered with or altered in anyway?

16 A That's correct.

17 Q And not -- the contents inside the bag, likewise, had
18 not been altered or tampered with in anyway?

19 A No, sir.

20 Q So, when you, when you received the bag, you were the
21 first person who actually breaks the seal and opens the bag?

22 A That's correct.

23 Q All right. Now, when you looked inside again, you
24 found a, a light blue shirt, some gray sweatpants, and a
25 bra, is that correct?

Jan Bryson - Direct examination
by Solicitor Ellis

1 A That's correct.

2 Q And once you received those items, if you could
3 basically briefly tell the jury what process you go through
4 in analyzing those items.

5 A The request was made by the submitting law enforcement
6 agency to process for blood. So, I do a visual looking for
7 any stains on the clothing that appear to be blood, and if I
8 see an area I'll test it using a chemical test, and that
9 chemical test will allow me to see a color change if the
10 stain is potential blood. If I get a positive, I'll cut
11 that area out and send it to the DNA department for further
12 testing.

13 Q All right. So, in this case basically you tested it to
14 see if, in fact, there was, in fact, blood on the items?

15 A That's correct.

16 Q Your test do not indicate whose blood it is or anything
17 of that nature, is that right?

18 A No, sir, mine's a presumptive test.

19 Q All right. And, so, once you or if you determine
20 there, presumptively there is blood on the items, at that
21 point you submit items to SLED or to DNA rather?

22 A That's correct.

23 Q Thank you.

24 Looking in State's Exhibit No. 34, while I show you the
25 item which I believe is marked Item 2, light blue shirt, is

Jan Bryson - Direct examination
by Solicitor Ellis

1 that correct?

2 A That's correct.

3 Q And is this effectively in the same condition as when
4 you received it?

5 A Other than the cutting that I made.

6 Q Okay. If you would basically just point out that
7 cutting please to the jury. Just point at it if you will.

8 A These are my initials, the SLED lab number, and the
9 item number, and I did a visual looking for any possible
10 stains, and I tested one area there that came back positive
11 for the presumptive test of blood. So, I cut that area out.

12 Q All right. And, so, after you did the testing that,
13 that showed to be blood, that's when you did the cutting?

14 A That's correct.

15 Q And you were the person who actually cut the hole in
16 the shirt, is that right?

17 A That's right.

18 Q All right. And did that cutting basically I guess
19 obviously contain that entire blood sample area?

20 A That's correct.

21 Q All right. I'm showing you the gray sweatpants if I'm
22 not mistaken is Item Number 3 that you mentioned, is that
23 right?

24 A That's correct.

25 Q And are these effectively in the same condition as when

Jan Bryson - Direct examination
by Solicitor Ellis

1 you received that?

2 A Other than the cuttings I made.

3 Q All right. And, again, if you could just basically
4 point out the cuttings and, and tell us what you do with
5 those.

6 A I took two cuttings from the sweatpants. Again, I
7 tested for a presumptive test for blood. I took one cutting
8 on the right leg and there's a, should be a cutting on the
9 back. I don't know if you can see it. Yeah, right there.

10 Q Okay. There.

11 A Took another cutting that was positive---

12 Q This one here?

13 A ---of the presumptive test of blood, yes, sir.

14 Q Okay. Now, in this item in particular there seemed to
15 be several stains, is that right?

16 A That's correct.

17 Q How do you determine which stain to, to analyze or
18 which stains to analyze?

19 A I try to go for the most concentrate, concentrated
20 stain that will yield the best results.

21 Q Okay. And by best, do you mean most accurate or define
22 what you mean by best.

23 I'm sorry.

24 A Maybe enough stain there that would give the best
25 profile for the DNA analyst.

Jan Bryson - Direct examination
by Solicitor Ellis

1 Q Okay. I believe this is the last item, the bra, is
2 that correct?

3 A That's correct.

4 Q And this effectively is still in the same condition as
5 when you received it?

6 A Other than the cutting, yes, sir.

7 Q All right. And, again, would you point out that
8 cutting please?

9 A I took a cutting at the top of the bra that was
10 positive for the presumptive test of blood.

11 Q All right. And aside from that again is this in the
12 same condition, is that right?

13 A That's correct.

14 Q Okay. And, again, so this is, this is the one spot
15 where the blood had been, is that right?

16 A That's correct.

17 SOLICITOR ELLIS: Okay. Your Honor, permission to
18 admit these items into evidence as State's Exhibit 34.

19 THE COURT: Any objection?

20 MS. JONES: No, sir, Your Honor.

21 THE COURT: Without objection they've now admitted as
22 marked.

23 (WHEREUPON, State's Exhibit No. 34 was received into
24 evidence at this time.)

25 THE COURT: You may now proceed.

Jan Bryson - Direct examination
by Solicitor Ellis

1 SOLICITOR ELLIS: Thank you, Your Honor.

2 Permission to approach the witness, Your Honor?

3 THE COURT: You may do so.

4 Q Ms. Bryson, I'm handing you what's been marked for
5 identification as State's Exhibit 41.

6 Please examine that item and tell me what that is.

7 A After I take all the cuttings, I place the individual
8 cuttings in a gold coin envelope. I place all my cuttings
9 in a heat sealed pouch. These are -- that's my name, the
10 initials, the SLED lab number. Then I heat seal the side,
11 initial, and date it, and I send that to the DNA department
12 for further analysis.

13 Q All right. And how do you package the, the cuttings?

14 Do they all go in the same pouches, the manila
15 envelopes, the gold coin pouches, or separate ones?

16 A No, sir, each individual cutting that I make goes into
17 a separate heat, separate coin envelope.

18 Q And after that they're grouped together as you said and
19 placed into the heat sealed bag, is that right?

20 A That's correct.

21 Q At that point, are -- they're again then sealed until
22 the DNA analyst in the case is able to examine them, is that
23 right?

24 A That's correct.

25 Q If anyone were to open or tamper with it, I suppose

Jan Bryson - Direct examination
by Solicitor Ellis

1 that would be evident?

2 A Yes, sir, it would be.

3 Q All right. And while they were in your control, again,
4 no one opened, altered, or tampered with those cuttings in
5 any way, shape, or form, is that right?

6 A No, sir.

7 Q After you released the, the heat sealed bag containing
8 the gold coin envelopes with the cuttings to the DNA
9 department, is that basically the end of your involvement
10 in, in the matter?

11 A Yes, sir, that is.

12 SOLICITOR ELLIS: Okay. Your Honor, at this time
13 permission to admit State's Exhibit No. 41 into evidence.

14 THE COURT: Any objections?

15 MS. JONES: No, sir.

16 THE COURT: Without objections it will be received as
17 marked.

18 (WHEREUPON, State's Exhibit No. 41 was received into
19 evidence at this time.)

20 THE COURT: You may proceed.

21 SOLICITOR ELLIS: Thank you, Your Honor.

22 Please answer any questions Ms. Jones may have for you.

23 THE COURT: Ms. Jones, your witness.

24 MS. JONES: Thank you.

25 CROSS-EXAMINATION

Jan Bryson - Cross-examination
by Ms. Jones

1 BY MS. JONES:

2 Q Ms. Bryson, as part of your duties you generate a
3 couple of forms and do a, do sketches --

4 A That's correct.

5 Q -- for the explanation of where on the garment you're
6 cutting?

7 I'm sorry. Let me step over here so we can see each
8 other.

9 Where the cut, actual cuttings come from, and now let's
10 talk about when you receive an item, when you received these
11 items, let's talk about these specifically.

12 They were in a bag?

13 A That's correct.

14 Q All together in one bag?

15 A That's correct.

16 Q And each of the garments, even the bra, is big enough
17 that it couldn't go in flat?

18 It had to be folded, correct?

19 A That's correct.

20 Q Okay. And, so, you unfold it.

21 By the time you get the item and got them in this case,
22 the items -- any secretions or materials that at one time
23 had been wet were now dry, correct?

24 A When I receive the items they were dry.

25 Q Okay. In this particular case, do you remember if,

Jan Bryson - Cross-examination
by Ms. Jones

1 when you opened it, any of the spots that contained the
2 blood kind of were crusted together in anyway?

3 A No, ma'am, they weren't.

4 Q Okay. What would you do in a circumstance like that if
5 they, if they were actually stuck together?

6 A Pull it apart.

7 Q Okay. And when an item is folded, if the two parts
8 that are laid on top of each other or potentially the three
9 or four depending on how you fold something, all contain a
10 secretion or a wet spot, isn't there gonna be some kind of
11 potential mingling on top of the other cloth or the other
12 surfaces?

13 A There's always that potential, yes, ma'am.

14 Q Okay. And does that potential concern you when you get
15 an item that is an oversized garment let's say?

16 Just, you know, just an adult shirt or a pair of
17 sweatpants that have been folded up, does that concern you
18 at all about what the mingling might have been?

19 A When I receive the items, they're not necessarily
20 folded. They're just placed in a bag.

21 Q Okay. Well, by its nature, they're going to be -- with
22 these, these items, even the bra, is not -- it was not
23 capable for a pair of sweat -- it wasn't possible for a pair
24 of sweatpants and even that bra to lay in that bag flat?

25 Do you---

Jan Bryson - Cross-examination
by Ms. Jones

1 A That's correct.

2 Q ---concede that?

3 So, they're either laying on top of other surfaces of
4 that same garment or they may even be laying on top of
5 another garment, right?

6 A Yes, ma'am, that's correct. But I don't know, when I
7 receive the items, I don't know how the items, what happened
8 to the items before I receive them. All I know is that I
9 receive the items and they were dry.

10 Q Right and, and I agree with that.

11 And any mingling or bunching of the garment is
12 certainly not any fault of yours. You get the item, you
13 open it up, and, as you stated before, what you do is you
14 look for -- well, let me back up.

15 Do you do a presumptive test with the, I think it's
16 called phenylfaline, on all the spots that look like blood?

17 A No, ma'am, I don't test every spot.

18 Q Okay. And you indicated to Mr. Ellis you're looking
19 for the most concentrated spot because you want to set up
20 the possibility for when the analyst, the DNA analyst
21 actually does the DNA analysis, that it's a, you get the
22 best result---

23 A That's correct.

24 Q ---I believe is how you stated it, and we're getting
25 head of ourselves a little bit.

Jan Bryson - Cross-examination
by Ms. Jones

1 With DNA, if the sample is not concentrated, it, they
2 might not be able to make a profile, right?

3 A You'd have to ask the DNA analyst that question.

4 Q Okay. But you look at it and you say woah, that looks
5 like a thick spot, I'll take that one?

6 A I, I do a visual of the items that I receive, and I, I
7 do look for the most concentrated stain.

8 Q And you've indicated with State's 41, the heat sealed
9 pouch that contains all the, the coin envelopes is I believe
10 how you refer to them, they have each of the separate
11 cuttings that you made and I believe we found out you made
12 four total. One from the bra, two from the pants, and one
13 from the shirt.

14 why do you package them in separate coin pouches?

15 A Cause they're three separate items that I receive.

16 Q Okay. You're not concerned, at that point, with the
17 commingling or like if they've laid on top of each other,
18 are you?

19 A No, ma'am.

20 Q Okay. And why is that?

21 A When I, when I receive the item, Item Number 2 is a
22 short sleeve shirt. I -- when I take a cutting from that
23 item I label the cutting 2.1 and I note on the envelope that
24 it is a 2.1 and it's a cutting from the shirt that I made.
25 Item Number 2 is a pair of sweatpants, and I do the same

Jan Bryson - Cross-examination
by Ms. Jones

1 with that. Each individual cutting I give a separate item
2 number---

3 Q Just for---

4 A ---and place it into a separate gold coined envelope.

5 Q okay. To keep it, to keep it separate and keep it
6 organized?

7 A That's correct.

8 Q okay. And is it correct to say that you did not
9 prepare and submit all for DNA analysis every spot of these
10 garments that have what looked like blood on it?

11 A That's correct. I can't collect every area I see.

12 Q Is it not true that you don't collect it?

13 It's not you can't, you just don't collect it?

14 A That's true. I try to take a representative sample.

15 Q okay. Thank you.

16 THE COURT: Any other questions, Ms. Jones?

17 MS. JONES: No, sir.

18 THE COURT: Redirect.

19 MS. JONES: Thank you.

20 SOLICITOR ELLIS: Just very briefly, Your Honor.

21 THE COURT: Yes, sir.

22 REDIRECT EXAMINATION

23 BY SOLICITOR ELLIS:

24 Q Again, Ms. Bryson, when you received these items, the
25 stains that you saw on the items were, in fact, dry and not

Jan Bryson - Redirect examination
by Solicitor Ellis

1 wet, is that correct?

2 A That's correct.

3 Q And the items were not stuck together.

4 A No, sir, they were not.

5 Q Thank you very much.

6 THE COURT: Anything further, Ms. Jones?

7 MS. JONES: No, sir, thank you.

8 THE COURT: Ma'am, you may step down.

9 Do you wish to excuse the witness?

10 SOLICITOR ELLIS: Yes, sir, Your Honor.

11 THE COURT: Any objection?

12 MS. JONES: No, sir.

13 THE COURT: Ma'am, you're free to go if you'd like.

14 Thank you very much.

15 WITNESS: Thank you.

16 THE COURT: State may call its next witness.

17 SOLICITOR ELLIS: Thank you, Your Honor.

18 The State calls Tony Crawford.

19 THE COURT: Come forward please. Come forward to my

20 left, sir, and be sworn. Right over here.

21 TONY CRAWFORD, being first duly sworn,
22 testified as follows:

23 THE COURT: Sir, have a seat. Once you're seated,
24 state your name please, sir.

25 WITNESS: My name is Tony Crawford.

Tony Crawford - Direct examination
by Solicitor Ellis

1 THE COURT: Mr. Ellis, your witness.

2 SOLICITOR ELLIS: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY SOLICITOR ELLIS:

5 Q Mr. Crawford, let me get this out of your way real
6 briefly.

7 Now, Mr. Crawford, where do you live roughly?

8 Just what town do you live in?

9 A Chesnee.

10 Q And how long have you been there?

11 A Forty-seven years.

12 Q Do you work?

13 A Yes, sir.

14 Q Where, where are you employed?

15 A Briar River Pallets.

16 Q What do you do for them?

17 A I repair pallets.

18 Q All right. Been there for a while?

19 A Yes.

20 Q About how long?

21 A Thirteen years.

22 Q Okay. Now, do you know the defendant, Andrew Brent
23 Scott?

24 A Yes.

25 Q How do you know him?

Tony Crawford - Direct examination
by Solicitor Ellis

- 1 A From the Money Tree.
- 2 Q And how do you know him from the Money Tree?
- 3 A Cause I go in there every Thursday to buy cigarettes.
- 4 Q All right. Why every Thursday?
- 5 A Cause that day they're cheaper there.
- 6 Q Okay. And, so, you -- did you know him in his
7 employment there?
- 8 A Yeah.
- 9 Q When you would go in to buy cigarettes, I guess did you
10 speak to him?
- 11 A Yeah.
- 12 Q Did you consider yourself to be on friendly terms with
13 him or not?
- 14 A Yeah.
- 15 Q Okay. Did you know him very well though?
- 16 A No.
- 17 Q At some point, in September of 2010, did Mr. Scott
18 speak to you about a plan?
- 19 A Yes.
- 20 Q And what did he say?
- 21 A He told me that he had a job to do, that he wanted me
22 to help him do.
- 23 Q And what did he say that job was?
- 24 A To rob the Money Tree.
- 25 Q Did he describe how he wanted you to do that?

Tony Crawford - Direct examination
by Solicitor Ellis

1 A Well, he said Regina come from the bank with fifteen
2 grand and he's gonna hit her in the back of the head with
3 the gun.

4 Q Okay. Do you recall -- did he tell you that right at
5 the very very end of September, in the middle, beginning, or
6 when?

7 A I really don't recall, sir.

8 Q You're not sure?

9 A No, I'm not sure.

10 Q Okay. But sometime around that time is when he told
11 you that?

12 A Yeah.

13 Q Had the Money Tree had a robbery incident at that point
14 when he told you that?

15 A Not, not so.

16 Q Okay. And, so, again, he told you he wanted you to, to
17 do what with him, how---

18 A How the plan to happen.

19 Q How was the plan going to happen again?

20 A He said he was gonna hit her in the back of the head.

21 Q With what?

22 A With a gun.

23 Q Did you see a gun?

24 A Yes, sir.

25 Q And how did you see it?

Tony Crawford - Direct examination
by Solicitor Ellis

- 1 A Well, he had showed it to me at the Money Tree.
- 2 Q He showed you at the Money Tree?
- 3 A Yes, sir.
- 4 Q What did the gun look like?
- 5 A It was black with a brown handle.
- 6 Q Was it a large gun?
- 7 A I think about a .32 or .38. I'm not for sure.
- 8 Q Do you recall if it had a clip in it or was it a
- 9 revolver?
- 10 A A revolver.
- 11 Q And how much money did he think that he could get
- 12 again?
- 13 A Fifteen grand.
- 14 Q Now, when he asked you about this, this idea he had,
- 15 what did you say?
- 16 A I told him I had a job.
- 17 Q So, did you want to do this with him?
- 18 A No.
- 19 Q Did you take any part in any incident like that ever?
- 20 A No.
- 21 Q What did you do after he told you that?
- 22 A I went home and told my wife. And, so, she told me --
- 23 I do what I want to do. So, I told the manager up there.
- 24 Q And who was the manager?
- 25 A Regina.

Tony Crawford - Direct examination
by Solicitor Ellis

1 Q And do you recall if a lot of time passed before you
2 told Regina about or did you tell her the next day or
3 something?

4 A Well, I told her the next day I think.

5 Q Okay. After you told Regina, did you tell, and your
6 wife, did you tell anybody else?

7 A Nah. No, sir.

8 Q Why did you not tell the police at that point?

9 A Cause I was expecting Regina to tell the, to tell the
10 police.

11 Q At some point after Mr. Scott told you about this idea
12 and after you told Regina about it, did -- was there an
13 incident at the, at the Money Tree?

14 Did you hear about anything like that -- I mean did you
15 ever hear about an incident there?

16 A About the incident, yes, I heard about it.

17 Q Okay. Did you know anything about it personally?

18 I mean were you there?

19 Did you see anything?

20 A No, I didn't -- I wasn't there when it happened.

21 Q But you just were aware that there was a robbery there?

22 A Well, I had heard right after it had happened.

23 Q Okay. And after you heard about it, what did you do?

24 A I didn't do nothing.

25 Q About a couple days later, on October 1st, 2010, did

Tony Crawford - Direct examination
by Solicitor Ellis

1 you, did you speak to the police about it?

2 A Yes.

3 Q And why did you speak to them at that point?

4 A Cause they, they told me that I needed to come, go to
5 the police to give my statement on account of my name was
6 brung up.

7 Q And who told you?

8 A I don't know. That blonde hair lady who was working at
9 the time.

10 Q Okay. But, but you went and told the police what you
11 knew?

12 A Yes, sir.

13 Q Okay. And, again, you know Mr. Scott, again, from the
14 Money Tree, is that right?

15 A Yes, sir.

16 Q He's the one that told you about this plan that he had?

17 A Yes, sir.

18 Q Is that him seated over there at the defense table?

19 A Yes, sir.

20 Q Thank you very much. Please answer any questions Ms.
21 Jones may have.

22 THE COURT: Ms. Jones, your witness.

23 MS. JONES: Thank you.

24 THE COURT: Yes, ma'am.

25 CROSS-EXAMINATION

Tony Crawford - Cross-examination
by Ms. Jones

1 BY MS. JONES:

2 Q Now, Mr. Crawford, ultimately, once you went -- let me
3 move again. That bag's in the way. There we go.

4 Once you went to the police department after you found
5 out your name had been drug into this, you actually gave a
6 statement, a written statement to Sergeant Teal, didn't you?

7 A Yes, ma'am.

8 Q Okay. And on your statement it says Sergeant Teal is
9 writing this for Tony Crawford because he can't spell or
10 write good.

11 So, you trusted Sergeant Teal enough to write down what
12 you were telling him, is that right?

13 A Yes, ma'am.

14 Q Did, did you -- could you read it enough to okay it
15 when you were done?

16 A Yes, ma'am.

17 Q Okay. So, you did go through it. You just didn't
18 completely have to rely on him.

19 Do you remember, in the statement, telling Sergeant
20 Teal that this conversation that you say you had with
21 Mr. Scott took place at the house that Mr. Scott lives at?

22 A Yes, ma'am.

23 Q Okay. Didn't you just say that it happened at the
24 Money Tree?

25 A I -- that's where the robbery happened at.

Tony Crawford - Cross-examination
by Ms. Jones

- 1 Q Okay.
- 2 A That's where I---
- 3 Q Okay.
- 4 A ---met Mr. Scott, at the Money Tree.
- 5 Q Okay. Well, you indicated to Mr. Ellis that at some
- 6 point Mr. Scott, when talking to you about this, showed you
- 7 a gun, and you said that happened at the Money Tree, didn't
- 8 you?
- 9 A Yes, that's when I first seen his gun was the Money
- 10 Tree.
- 11 Q Okay. So, now you've -- y'all have had -- you've had
- 12 multiple discussions with him about this event?
- 13 A Well, he, he called me over to his house sometimes.
- 14 Q Okay. So, you've been over and visited it?
- 15 A Yes.
- 16 Q How many times have y'all actually talked about this
- 17 robbery?
- 18 A Well, once.
- 19 Q So, was that at the Money Tree or was that at the
- 20 house?
- 21 A That was at his house.
- 22 Q Okay. What was the reason for showing you the gun and
- 23 talking about the gun at the Money Tree?
- 24 A Cause we always go on and tease each other at the Money
- 25 Tree.

Tony Crawford - Cross-examination
by Ms. Jones

1 Q Okay. Did he show you the gun at the Money Tree before
2 you had been to the house and talked about the robbery?

3 A Yes, ma'am.

4 Q Okay. So, in, in the discussion of the robbery, you --
5 he didn't talk about the gun and show it to you?

6 A Run that by me again, ma'am.

7 Q At the house when you're talking about the robbery --

8 A Uh-huh. (Affirmative).

9 Q -- he didn't show you the gun, did he?

10 A No, cause his gun sometimes be laying on the table.

11 Q No, because it will be laying on the table.

12 Did you talk about it or not talk about it?

13 A Talk about --?

14 Q The robbery when he showed you the gun.

15 A Oh, when he showed me the gun he didn't talk -- well,
16 we had talked about the robbery.

17 Q Okay. So, he's just showing you a gun to show you a
18 gun. Not saying okay, Tony, this is the job I want you to
19 do. We're gonna rob the Money Tree. We're gonna use this
20 gun.

21 That's not how it happened, right?

22 A No, ma'am.

23 Q Okay. So, the conversation about the gun was totally
24 separate?

25 A Yes.

Tony Crawford - Cross-examination
by Ms. Jones

- 1 Q Didn't have anything to do with a robbery?
- 2 A Well---
- 3 Q Right?
- 4 A He say he was gonna hit her in the back of the head
- 5 with the gun.
- 6 Q Okay. But did he show you the gun at that time?
- 7 A No, ma'am.
- 8 Q Okay. And how many times do you say you talked to him
- 9 about this robbery?
- 10 A I think we talked once.
- 11 Q Okay. And you went home and told your wife?
- 12 A Yes.
- 13 Q And she told you to go to the police?
- 14 A No, not exactly. She told me to do, do what I think I
- 15 need to do.
- 16 Q Okay. And you didn't think you needed to go to the
- 17 police?
- 18 A No, I went and told Regina.
- 19 Q Okay. And Regina is who?
- 20 A She was the manager at the time.
- 21 Q Of what?
- 22 A Money Tree.
- 23 Q Okay. Did you take it seriously enough to go tell the
- 24 police?
- 25 A That's after it had happened. You see, I took it

Tony Crawford - Cross-examination
by Ms. Jones

1 serious enough to tell her and she should of told the police
2 I thought.

3 Q Shouldn't you have told the police if you really
4 believed there was gonna be a robbery and somebody was gonna
5 get hit with a gun?

6 A No, I, I told her.

7 Q So, you really didn't believe it?

8 You just wanted to say Regina, this is something that
9 I'm hearing about your store, you need to know as the
10 manager cause she's not a policeman, is she?

11 A No. No, ma'am.

12 Q So, you really didn't take it that seriously or you'd
13 of picked up the phone and called your friend, Sergeant
14 Teal, and told him about it, right?

15 A Yes, ma'am.

16 Q That's all.

17 THE COURT: Yes, Mr. Ellis, you may redirect.

18 SOLICITOR ELLIS: Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 REDIRECT EXAMINATION

21 BY SOLICITOR ELLIS:

22 Q Mr. Crawford, the first time you saw Mr. Scott's gun
23 was at the Money Tree, is that right?

24 A Yes, sir.

25 Q Okay. And, again, what did that gun look like?

Tony Crawford - Redirect examination
by Solicitor Ellis

1 A Oh, it was black with a brown handle.

2 Q Okay. Did you, at the Money Tree though, you're saying
3 now you did not discuss the robbery at that time, is that
4 right?

5 A No, ma'am. No, sir.

6 Q Did you see that same black gun with a brown handle at
7 Mr. Scott's house?

8 A Yes, sir.

9 Q Did you see it on the date you discussed the robbery?

10 A No, sir.

11 Q Okay. But you had seen it at the house before?

12 A Yes, sir.

13 Q Was it the same gun you'd seen at the Money Tree?

14 A Yes, sir.

15 Q So, at the house though, is that where Mr. Scott
16 discussed the robbery with you?

17 A Yes, sir.

18 Q And did he tell you that he was going to use the gun in
19 the robbery?

20 A Well, he just say he gonna hit her on the back of the
21 head with the gun to buy some time.

22 Q And you knew that he had the gun cause you'd seen it
23 already?

24 A Yes, sir.

25 Q Thank you very much.

Tony Crawford - Recross examination
by Ms. Jones

1 THE COURT: Recross.

2 MS. JONES: Yes, sir.

3 RE CROSS EXAMINATION

4 BY MS. JONES:

5 Q You, you said originally that you go, had gone into the
6 Money Tree every Thursday cause that's when the cigarettes
7 were cheaper.

8 A Yes, sir. Yes, ma'am.

9 Q And did you know there were cameras in there?

10 MS. JONES: Objection, Your Honor.

11 THE COURT: That's beyond the scope of the redirect I
12 believe.

13 MS. JONES: I was gonna ask him about the gun being
14 produced in the store even though there were cameras.

15 THE COURT: I'll allow you to ask that question.

16 MS. JONES: Thank you.

17 Q Did you, did you know there were cameras in the store?

18 A Yes, ma'am.

19 Q Okay. Where in the store was it that you say Mr. Scott
20 showed you the gun?

21 A Well, he was behind the counter.

22 Q Okay. Where were you?

23 A I was over behind the glass, in front of the glass.

24 Q In the lobby area?

25 A Yes.

Tony Crawford - Recross examination
by Ms. Jones

1 Q Okay. And you know there's cameras in the lobby?

2 A Yes, sir. Yes, ma'am.

3 Q Cameras in there watching, watching the window to the
4 lobby?

5 A Yes, ma'am.

6 Q Okay. But he pulled the gun out right there with the
7 cameras around?

8 A No, he just laid it out and put it on the counter.

9 Q Okay. In open sight though right there?

10 A Yes, ma'am.

11 Q Okay. Thank you.

12 That's all I have, Your Honor.

13 THE COURT: Anything further, Mr. Ellis?

14 SOLICITOR ELLIS: No, sir, Your Honor.

15 THE COURT: Sir, you may step down.

16 Do you wish to excuse the witness?

17 SOLICITOR ELLIS: Yes, sir, please.

18 THE COURT: Any objections?

19 MS. JONES: No, sir.

20 THE COURT: Sir, you're free to go if you'd like.

21 Thank you for coming today.

22 The State may call its next witness.

23 SOLICITOR ELLIS: Thank you, Your Honor.

24 The State calls Crystal Thompson.

25 THE COURT: Come forward please, ma'am, to my left and

Crystal Thompson - Direct examination
by Solicitor Ellis

1 be sworn.

2 CRYSTAL THOMPSON, being first duly
3 sworn, testified as follows:

4 THE COURT: Have a seat please, ma'am. Once you're
5 seated, state your name please.

6 WITNESS: Crystal Thompson.

7 THE COURT: Mr. Ellis, your witness.

8 SOLICITOR ELLIS: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 DIRECT EXAMINATION

11 BY SOLICITOR ELLIS:

12 Q Morning, Ms. Thompson.

13 A Morning.

14 Q Where are you employed?

15 A Spartanburg County.

16 Q And how long have you worked for the county?

17 A Six years.

18 Q In what capacity?

19 A I'm a licensed practical nurse.

20 Q And basically what are some of your duties as a
21 licensed practical nurse?

22 A We do assessments and vital signs and medications,
23 Insulins.

24 Q Do you have to go to school to become a licensed
25 practical nurse?

Crystal Thompson - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q And what kind of education did you get?
- 3 A Isothermal Community College. I got a diploma for
- 4 nursing.
- 5 Q Okay. And you've been a nurse for how long?
- 6 A Twelve years.
- 7 Q Where else have you worked as a nurse?
- 8 A Spartanburg Regional.
- 9 Q And I believe you said about six years ago you started
- 10 working for the county?
- 11 A Yes, sir.
- 12 Q Were you working for the, Spartanburg County in March
- 13 of 2012?
- 14 A Yes.
- 15 Q Basically last month, correct?
- 16 A Yes.
- 17 Q At that time were you asked to take a Buccal swab from
- 18 the defendant, Andrew Brent Scott?
- 19 A Yes, sir.
- 20 Q And who asked you to do that?
- 21 A Deputy Howard.
- 22 Q Deputy Brandon Howard?
- 23 A Yes.
- 24 Q Is he with the Sheriff's office?
- 25 A Yes.

Crystal Thompson - Direct examination
by Solicitor Ellis

- 1 Q And did you take that Buccal swab?
- 2 A Yes, sir.
- 3 Q If you would, please describe just what a Buccal swab
4 or Buccal swab is please.
- 5 A You take a sterile Q-tip and there's two in a pack, and
6 you take it into the jaw and you rub it two or three
7 seconds, and then put, place it in a cardboard box and
8 sealed it. Well, not seal it, but close it up and I handed
9 it to Deputy Howard.
- 10 Q So, it's not only a basic procedure like taking blood
11 or anything like that?
- 12 A No.
- 13 Q Basically is it just collecting saliva from the inside
14 of the mouth?
- 15 A Yes.
- 16 Q All right. And, so, you were asked to take these
17 Q-tips, these swabs and take that sample from this
18 defendant, is that right?
- 19 A Yes, sir.
- 20 Q And do you see the defendant seated at the, at the
21 defense table?
- 22 A Yes.
- 23 Q Is that the man you took the swabs from?
- 24 A Yes, sir.
- 25 Q Now, when you take the swabs, if you would, again,

Crystal Thompson - Direct examination
by Solicitor Ellis

1 basically just -- I know you just said what you basically do
2 to take them.

3 Once you've, once you've taken the swabs, what do you
4 do with them after that again?

5 A You -- they come with a little cardboard box, and we
6 stick it down into the box and close the box, and that's
7 when I handed it to Deputy Howard.

8 SOLICITOR ELLIS: All right. Approach the witness,
9 Your Honor?

10 THE COURT: Yes, sir.

11 Q Ma'am, I'm showing you what's been marked for
12 identification as State's Exhibit No. 43.

13 If you'd please examine this briefly?

14 A (Witness complies.)

15 A Now, once you hand the cardboard box or, first of all
16 just to make sure I'm clear, when you put the swabs or the
17 Q-tips into that cardboard box, do you close that cardboard
18 box?

19 A Yes.

20 Q Okay. After you do that, do you know where the
21 cardboard, where the, where the swabs go?

22 Do they go into any kind of container?

23 A Deputy Howard had this envelope in his hand.

24 Q That envelope right there?

25 A Yeah.

Crystal Thompson - Direct examination
by Solicitor Ellis

- 1 Q And did he -- did the two of you place that, the swabs
2 into the envelope?
- 3 A Yes.
- 4 Q Do you -- what was the envelope closed and sealed with
5 or was it closed with?
- 6 Did you see that?
- 7 A I did not see that.
- 8 Q Okay. But you put the -- you and Deputy Howard put the
9 swabs into that envelope?
- 10 A Yes.
- 11 Q And at no point after you, between the time where you
12 took the swabs from the defendant to the time you put them
13 in the box and the two of you put them in the envelope, at
14 no point during that time did anyone, including you or
15 anyone else, ever touch or tamper with those Q-tips in
16 anyway or alter them?
- 17 A No, sir.
- 18 Q Is that right?
- 19 A No, sir.
- 20 Q And, ma'am, do you recall taking that swab on I believe
21 it was March 23rd, 2012?
- 22 A Yes.
- 23 Q And that was approximately 3:27PM?
- 24 A Yes.
- 25 Q Thank you very much. Please answer any questions Ms.

Crystal Thompson - Cross-examination
by Ms. Jones

1 Jones may have for you.

2 THE COURT: Ms. Jones, your witness.

3 CROSS-EXAMINATION

4 BY MS. JONES:

5 Q Ms. Thompson, did you, in this case, let Mr. Scott swab
6 his own cheek?

7 A No, ma'am.

8 Q Okay. Do you ever do that?

9 A Do what?

10 Q Let them do the swabbing?

11 A No, I have not.

12 Q Why not?

13 A Cause we are suppose to do it. It's sterile. It's
14 suppose to be sterile.

15 Q Okay. Is it possible to hand someone an item if they
16 only, the Q-tip hold on it on a handle end, and they do it
17 and it's still sterile?

18 A Well, it is possible, yes.

19 Q Okay. In this case, specifically, however, you say you
20 swabbed?

21 A I swabbed.

22 Q Okay. You put it in the small box, this long skinny
23 white box, isn't it?

24 A Yes.

25 Q Do you write on that box anyway to indicate you're the

Crystal Thompson - Cross-examination
by Ms. Jones

1 one that did it?

2 A I did not, no.

3 Q Okay. And do you seal it before you drop it in -- did
4 you seal it before you dropped it in Howard's?

5 A I closed it.

6 Q Okay. So, it's just got boxes like, you know, regular
7 boxes?

8 A Yes.

9 Q And you dropped it into Deputy Howard's envelope?

10 A Envelope.

11 Q When he left with the envelope, was the envelope still
12 opened?

13 A No, he had closed it. I mean he had -- I was actually
14 signing where I got the swab and evidence---

15 Q Okay.

16 A ---paper, signing it.

17 Q Signing on the---

18 A Yeah.

19 Q ---on separate papers?

20 A Yes.

21 Q Okay.

22 A Stating that I had got it.

23 Q So, did you see him actually close the envelope?

24 A No.

25 Q Okay. That's all I have. Thank you, Ms. Thompson.

Crystal Thompson - Cross-examination
by Ms. Jones

1 THE COURT: Anything further, Mr. Ellis?

2 SOLICITOR ELLIS: No, sir, Your Honor.

3 May she be excused?

4 THE COURT: Yes.

5 Ma'am, you may step down.

6 Any objection?

7 MS. JONES: No, sir, none at all.

8 THE COURT: All right. You're free to go at this time.

9 Thank you very much.

10 WITNESS: Thank you.

11 THE COURT: You may call your next witness.

12 SOLICITOR ELLIS: Thank you, Your Honor.

13 The State calls Deputy Brandon Howard.

14 THE COURT: Come forward, sir, to my left and be sworn.

15 BRANDON HOWARD, being first duly

16 sworn, testified as follows:

17 THE COURT: Have a seat please, sir. And once you're
18 seated I'm gonna ask that you state your name.

19 WITNESS: Brandon Howard.

20 THE COURT: Mr. Ellis, your witness.

21 SOLICITOR ELLIS: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY SOLICITOR ELLIS:

24 Q Deputy Howard, what are you employed?

25 A Spartanburg County Sheriff's Office.

Brandon Howard - Direct examination
by Solicitor Ellis

1 Q And how long have you worked for the Sheriff's office?

2 A Since 2009.

3 Q And in what kind of capacity?

4 A I was a road deputy until 2010. 2010 I went to the
5 crime scene unit.

6 Q And do you -- you've already got extra training beyond
7 just the general academy to be in the crime scene unit?

8 A We were required to go through field training with
9 other crime scene officers.

10 Q All right. And you've been doing, working in that
11 function since 2010?

12 A Yes.

13 Q Were you contacted at some point and told to take a
14 Buccal swab or a Buccal swab from the defendant, Andrew
15 Brent Scott, in this case?

16 A I was.

17 Q And is that the defendant, Andrew Brent Scott, over at
18 the table over there?

19 A It is.

20 Q If you would please basically just describe what you
21 did as far as getting the swab taken.

22 A I went to Mr. Scott's location where I met with Nurse
23 Thompson. I provided her with a sterile swab and a swab
24 carton, and explained to her I had a Court order and I
25 needed her to conduct a Buccal on Mr. Scott. Nurse Thompson

Brandon Howard - Direct examination
by Solicitor Ellis

1 collected it and gave it to me where I transported it to the
2 Sheriff's Office, completed all the necessary paperwork,
3 sealed it in the envelope, and placed it into the evidence.

4 Q All right. So, you, you provided her with the swab,
5 which is basically just a Q-tip, is that right?

6 A Yes.

7 Q And as was as the box?

8 A Yes.

9 Q And once you took the swab, did she put the swab into
10 the box?

11 A Yes.

12 Q And close the box?

13 A Yes.

14 Q Did she -- and do you place the closed box into an
15 envelope?

16 A Yeah.

17 Q You have before you sitting here, State's Exhibit No.
18 43.

19 Could you please examine that briefly?

20 A (Witness complies.)

21 Q Do you recognize that item?

22 A Yes.

23 Q And how do you recognize it?

24 A That's the envelope that the swab was placed into and
25 sealed.

Brandon Howard - Direct examination
by Solicitor Ellis

- 1 Q And that's the envelope that you and Nurse Thompson put
2 the, the box and swab into, is that right?
- 3 A Yes.
- 4 Q Once you received that, that swab and the closed box,
5 did you also close the envelope?
- 6 A Yes.
- 7 Q Did you seal the envelope?
- 8 A After I got to the Sheriff's Office I did.
- 9 Q Okay. But it remained closed the entire time prior to
10 that?
- 11 A I had to fill out a form or I had to fill out a portion
12 of the carton box. So, I had to take the carton out and
13 fill it out and place it back and sealed it.
- 14 Q Okay. Did the carton box ever open?
- 15 A No.
- 16 Q So, the two of you together put the closed box, the
17 carton box into the envelope, and you had to remove the box
18 at one point just to write something on the box, is that
19 right?
- 20 A Yes, sir.
- 21 Q The box never opened?
- 22 A No.
- 23 Q No one ever tampered, tampered with the contents of the
24 box, which were the swabs, is that right?
- 25 A Right.

Brandon Howard - Direct examination
by Solicitor Ellis

1 Q And you -- neither you nor anyone else ever changed it
2 or altered it in anyway?

3 A No.

4 Q Once you are done writing on the box, did you put it
5 back into the envelope?

6 A Yes.

7 Q Close the envelope?

8 A Yes.

9 Q Did you seal it?

10 A I did.

11 Q And, again, how did you seal it?

12 A Used evidence tape to seal the top of it.

13 Q And is the purpose of that evidence tape to insure
14 that, that no one can open or tamper with it?

15 A Right.

16 Q Was -- after you were given the swabs or the Q-tips by
17 Nurse Thompson, at that point, until you basically deposited
18 the sealed envelope, was it -- were the swabs and the
19 envelope ever out of your sight or control?

20 A I had placed them, once I got to the Sheriff's office,
21 into the, our small crime scene evidence room, which is
22 locked and padlocked until the paperwork can be completed,
23 and once it's completed I took them out, sealed it, and
24 placed it into the evidence.

25 Q Okay. But at that point it was again in a locked

Brandon Howard - Direct examination
by Solicitor Ellis

1 controlled area, is that right?

2 A Correct.

3 Q Did anyone have access to it?

4 Did anyone access those items?

5 A The only people who have access to the room are our
6 crime scene officers, and it was still in the same condition
7 whenever I left it as when I returned to pick it up.

8 Q So, this item had not been disturbed?

9 A No.

10 Q Had not been opened or tampered with?

11 A No.

12 Q And a -- once you sealed it, would anyone have been
13 able to open it or tamper with it without that being---

14 A That would of had to break the seal.

15 Q Okay. And, so, again, basically once you took it from
16 Nurse Thompson, at that point it remained closed in that box
17 and unaltered, is that right?

18 A Correct.

19 Q All right. You put the sealed envelope into the, in
20 the, basically got the ID room, the evidence room?

21 A I'm sorry?

22 Q And when you were finished, did you leave that sealed
23 envelope---

24 A No, I placed it into evidence at the Sheriff's office.

25 Q In evidence.

Brandon Howard - Direct examination
by Solicitor Ellis

1 All right. And, again, is that area opened to the
2 public?

3 A No, it is only accessible for evidence personnel.

4 Q All right. And it was still sealed at that time?

5 A Yes.

6 Q Please answer any questions Ms. Jones may have.

7 THE COURT: Ms. Jones, your witness.

8 MS. JONES: Thank you.

9 CROSS-EXAMINATION

10 BY MS. JONES:

11 Q Officer Howard, did you actually witness Nurse Thompson
12 swabbing the, the inner cheek of Mr. Scott?

13 A I did not.

14 Q Okay. After you provided the sterile swab and the
15 empty box to begin with --

16 A Uh-huh. (Affirmative).

17 Q -- and when you received the swabs back from her, were
18 they already in the box?

19 A Yes.

20 Q Okay. And the box ends were closed?

21 A Yes.

22 Q Did she put them in the box in front of you?

23 A I don't recall watching her put them in there.

24 Q Okay. And briefly you indicated there was a time that
25 the, the closed box was in an envelope, but not yet sealed

Brandon Howard - Cross-examination
by Ms. Jones

1 with evidence tape in the forensic evidence room?

2 A Correct.

3 Q And you were waiting for apparently some paperwork to
4 go in, right?

5 A Well, I had to make sure the carton was filled out
6 correctly. So, I had to get some information to be able to
7 fill that out.

8 Q Right.

9 Some numbers probably?

10 A Right.

11 Q Okay. Now, do you know how long that time period was
12 that it was just in that little box with the plain ends in
13 an envelope?

14 A I'm not sure. It -- maybe an hour or so. I had it
15 turned in by the end of my shift, which ends at
16 seven o'clock. So, I'm not sure how long it sit in there in
17 the evidence room.

18 Q Okay. How many people have access to that room?

19 A Just crime scene personnel and I think there's a total
20 of maybe nine or ten. But not all of them work at the same
21 time.

22 Q Okay. Do you have any idea how many were on your
23 shift?

24 A I have one other person on my shift with me.

25 Q Okay. Thank you, deputy.

Brandon Howard - Redirect examination
by Solicitor Ellis

1 That's all I have.

2 THE COURT: Mr. Ellis, any other questions of the
3 witness?

4 REDIRECT EXAMINATION

5 BY SOLICITOR ELLIS:

6 Q Again, Deputy Howard, the, the sample was undisturbed
7 when you returned, is that right?

8 A To the evidence, yes.

9 Q Yes.

10 And, again, it's a locked area where, at that time you
11 indicate that basically you and possibly one other person
12 may have had even access to the room at all, is that right?

13 A That's correct.

14 Q When you returned, nothing had been moved or altered or
15 changed or anything of that nature?

16 A No, sir.

17 Q And when the sample was taken from the defendant,
18 what -- were you just outside the room?

19 A Yes, I was just outside the room.

20 Q So, basically as soon as the sample was taken was it
21 given to you?

22 A Yes, as soon as she notified me she had taken it, and
23 then I immediately took custody of it.

24 Q So, there was no real time lapse there at all?

25 A No.

Brandon Howard - Redirect examination
by Solicitor Ellis

1 Q So, immediately upon coming out of the room with the
2 defendant, the nurse, Nurse Thompson, gave you the sample?

3 A Yeah, as soon as Nurse Thompson said that she had the
4 sample, I immediately took possession of it from her.

5 Q Was there anyone else in the room with the defendant
6 and Nurse Thompson?

7 A No.

8 Q You were the only two people in the room?

9 A Yeah.

10 Q Thank you.

11 THE COURT: Yes, Ms. Jones.

12 MS. JONES: Briefly.

13 RE CROSS EXAMINATION

14 BY MS. JONES:

15 Q With regard to whether the box with the swabs in the
16 unsealed envelope was moved or disturbed in anyway, it --
17 isn't that the point of the tape?

18 You have to cut the tape to get into it?

19 At that point it was not yet sealed, correct?

20 A I'm not with you.

21 Q Okay.

22 A The, the point of the tape is, once it's put on there,
23 that it seals it up and it -- no one can access it without
24 cutting it opened.

25 Q And that, and that is very visible and very obvious,

Brandon Howard - Recross examination
by Ms. Jones

1 correct?

2 A Yes.

3 Q But at the point it was left for sometime period while
4 you gathered documents or information, it was not in a
5 sealed state?

6 A No.

7 Q Correct?

8 A That's correct.

9 Q So, touching it, moving it, disturbing it is not
10 obvious by a cut like on a piece of tape?

11 A That is correct.

12 Q Thank you.

13 THE COURT: Anything further, Mr. Ellis?

14 SOLICITOR ELLIS: No, sir, Your Honor.

15 THE COURT: You may step down.

16 Wish to excuse the witness?

17 SOLICITOR ELLIS: Yes, sir.

18 THE COURT: Any objections?

19 MS. JONES: No, sir, of course, not.

20 THE COURT: You're free to go. Thank you, sir.

21 State may call its next witness.

22 SOLICITOR ELLIS: Thank you, Your Honor.

23 The State calls MaryAnn Boehm.

24 THE COURT: Come forward to be sworn.

25 MARYANN BOEHM, being first duly sworn,

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 testified as follows:

2 THE COURT: Have a seat please, ma'am, and once seated,
3 state your name.

4 WITNESS: My name is MaryAnn Boehm.

5 THE COURT: Mr. Ellis, your witness.

6 SOLICITOR ELLIS: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY SOLICITOR ELLIS:

9 Q Good morning, Ms. Boehm.

10 A Good morning.

11 Q Were are you employed?

12 A I am employed at the South Carolina Law Enforcement
13 Division commonly known as SLED.

14 Q And how long have you worked there?

15 A Approximately six years.

16 Q In what capacity?

17 A I am assigned to the serology and DNA unit.

18 Q What is your educational background?

19 A I received a Bachelor of Science in Interrogated
20 Science and Technology with a concentration in biotechnology
21 from James Madison University, which is in Harrisonburg,
22 Virginia.

23 Q Do you have any prior professional experience working
24 in laboratories?

25 A I do. Upon graduation from James Madison University I

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 was employed by a private forensic DNA lab named Organ
2 Cellmark, that is in Germantown, Maryland, for about two and
3 a half years.

4 Q And what specialized training do you have, if any, in
5 the area of forensics?

6 A I have been trained by Court qualified analysts on the
7 proper procedures and, and techniques used in our
8 laboratory. I've also attended outside training on specific
9 instrumentation used.

10 Q Have you been qualified as an expert in the fields of
11 forensic serology and DNA analysis before?

12 A Yes, I have.

13 Q And how many times?

14 A Approximately 26 times.

15 SOLICITOR ELLIS: Your Honor, at this time we'd like to
16 offer this witness as an expert in the fields of forensic
17 serology and DNA analysis.

18 THE COURT: Any objection?

19 MS. JONES: No, sir.

20 THE COURT: Ladies and gentlemen, let me explain to you
21 the process that we're going through right now so perhaps
22 you'll understand what we're doing.

23 Generally, under the rules of evidence that govern the
24 admission of testimony and evidence during a trial, a lay
25 witness, someone who's not classified as an expert, they are

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 not required, they are not allowed to give their opinions
2 concerning subjects. They can testify concerning facts
3 within their knowledge, but can't give opinions concerning
4 matters.

5 An exception to that general rule is made for a witness
6 who is qualified as an expert by the Court. That's someone
7 who, because of their training or experience or knowledge in
8 a field, is allowed to give opinions within that field of
9 knowledge and to state the reasons for those opinions.

10 So, at this point in time this witness has been offered
11 as an expert within her field of, of expertise or knowledge
12 and I'm going to qualify her as such, and that would allow
13 her then to give opinions within that field of knowledge and
14 state the reasons for those opinions. Later on, during my
15 charge on the law, I will give you some further information
16 concerning how you can consider testimony given by an
17 expert, but at this time, without objection, I am going to
18 qualify this witness as an expert. That would allow her to
19 state opinions within her field of expertise, and state the
20 reasons for those opinions.

21 You may proceed, Mr. Ellis.

22 SOLICITOR ELLIS: Thank you, Your Honor.

23 Q Ms. Boehm, what is DNA?

24 A DNA stands for deoxyribonucleic acid. It is a chemical
25 found within our bodies in almost all of our cells. It is

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 responsible for giving us our physical feature like our hair
2 color and our eye color. It's also important for passing
3 traits from generation to generation. We get half of our
4 DNA from our mother and half from our father. With the
5 exception of identical twins, no two individuals have the
6 same DNA.

7 In forensic science, we are interested in the portions
8 of the DNA that differs between individuals, which has 15
9 different locations, and the compilation of those test
10 results make up what we call a DNA profile.

11 Q All right. Thank you.

12 And what is the field of forensic serology?

13 A Forensic serology is identification of biological body
14 fluid such as blood, semen, or saliva.

15 Q And did you receive evidence in this particular case
16 involving the defendant, Andrew Brent Scott?

17 A Yes, I did.

18 Q What did you receive?

19 A I received a cutting from a light blue t-shirt, two
20 cuttings from gray sweatpants, a cutting from a bra, as well
21 from a tablecloth, and Buccal swabs from Andrew Brent Scott.

22 Q And how are these items packaged when you received
23 them?

24 A They were all in a heat sealed pouch.

25 Q I'm just going to show you State's Exhibit No. 41.

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 Please review that.

2 A (Witness complies.)

3 Q Do you recognize that item?

4 A Yes, sir, this is the container that has the cuttings
5 of the light blue t-shirt, the gray sweatpants, and the bra
6 that were made by Jan Bryson and then forwarded to me for
7 analysis.

8 Q All right. And is that basically roughly the same
9 condition as when you received them?

10 A Yes.

11 Q Once you received those items, what do you do with
12 them?

13 A I first will test them for blood just to make sure that
14 I know what spot, what area on the cutting to take for DNA.
15 I identify blood or blood is indicated. So then I cut a
16 portion of that stain for DNA analysis. They're a series of
17 chemicals and instruments. The result is that DNA profile.

18 Q All right. Thank you.

19 And you analyzed each of those four cuttings, is that
20 right?

21 A Yes, I did, sir.

22 Q And, again, it's the shirt, the sweatpants, as well as
23 the bra?

24 A Yes, sir.

25 Q I'm showing you State's Exhibit No. 42. Please review

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 this item.

2 A This item is the swab from the tablecloth that I
3 received.

4 Q All right. And is that in roughly the same condition
5 as when you received it?

6 A Yes, sir.

7 Q And, again, when you received it, that, that item also
8 came to you in a sealed package, is that right?

9 A Yes.

10 Q And, again, what, what way would that of been sealed?

11 A It was sealed in this heat sealed pouch just across the
12 top. I made this cutting on the side and I sealed it when I
13 was done with it.

14 Q All right. Did it appear to have been altered with or
15 tampered with in anyway?

16 A No, sir.

17 SOLICITOR ELLIS: Your Honor, at this time we'd move to
18 admit into evidence State's Exhibit No. 42.

19 THE COURT: Any objection?

20 MS. JONES: No, sir.

21 THE COURT: All right. Without objections it will be
22 admitted as marked.

23 (WHEREUPON, State's Exhibit No. 42 was received into
24 evidence at this time.)

25 THE COURT: You may proceed.

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 SOLICITOR ELLIS: Thank you, Your Honor.

2 Now, when you're processing a swab as opposed to
3 cuttings, is there any difference in how you have to analyze
4 anything or get the sample or is it the same process?

5 A No, there's no difference. Again, with this cutting, I
6 tested -- there was a blood request on that as well. So, I
7 tested it to see if there was any sort of blood there. It
8 was positive. So, I took it for cutting for DNA.

9 Q And, again, that's the swab from the tablecloth, is
10 that right?

11 A Yes, sir, that's correct.

12 Q Now showing you State's Exhibit for, No. 43 for
13 identification. If you'd please review that.

14 A This is SLED's Item Number 7, which is the Buccal swab
15 from Andrew Brent Scott.

16 Q When you received that item, in what condition did it
17 arrive?

18 A It was in the sealed, heat sealed pouch and the
19 envelope, there was evidence tape that was sealed. Not
20 tampered, not tampered with at all.

21 Q Had it also not been tampered with in anyway?

22 A No, sir.

23 SOLICITOR ELLIS: Your Honor, at this time we'd move to
24 admit this exhibit into evidence as State's Exhibit 43.

25 THE COURT: Any objections?

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 MS. JONES: No, sir.

2 THE COURT: Without objection it will be admitted as
3 marked.

4 SOLICITOR ELLIS: Thank you, Your Honor.

5 (WHEREUPON, State's Exhibit No. 43 was received into
6 evidence at this time.)

7 Q Now, basically, if you would again, just basically how
8 do you do the, do the comparison in this case.

9 A Sure. First I perform DNA analysis on all the evidence
10 as well as the standards. I use -- the standards are
11 necessary to compare to the evidence. They're from a known
12 person. So, I generated a DNA profile from the evidence and
13 a profile from the standard and compared those profiles to
14 see if there was a match or not.

15 Q And in this case did you have a match?

16 A Yes, sir.

17 Q And what were your results?

18 A The DNA profile developed from Items 2.1, 3.1, 3.2, 4.1
19 and 5, which were the cuttings from the t-shirt, the
20 sweatpants, the bra, and the swab from the tablecloth,
21 matches the DNA profile of Andrew Brent Scott. The
22 probability of randomly selecting an unrelated individual
23 having a DNA profile matching these items is approximately
24 one in 540 quintillion.

25 Q 540 quintillion is like a big number?

MaryAnn Boehm - Direct examination
by Solicitor Ellis

- 1 A Yes, sir.
- 2 Q How many zeros are on that number?
- 3 A It's 540 with 18 zeros following it.
- 4 Q How many people are living in the world today
- 5 approximately?
- 6 A Approximately seven million.
- 7 Q So, what is, what is the relation between 540
- 8 quintillion to the people in the world right now?
- 9 A It's a trillion times more than the current population.
- 10 Q So, basically that means that that's his blood that we
- 11 see on those items?
- 12 A Yes, sir.
- 13 Q Now, was there any mingling of any kind that you saw in
- 14 any of these samples?
- 15 Anybody else's blood that was in there at all?
- 16 A No, sir, there was no mixture. Just one single source
- 17 profile.
- 18 Q You heard Ms. Jones earlier ask about samples being
- 19 pushed together and the way they were packaged and that kind
- 20 of thing and possibly commingling of blood.
- 21 Did you see anyone else's profile at all just to be
- 22 clear?
- 23 A No, sir.
- 24 Q All the blood is, belongs to the defendant, Andrew
- 25 Brent Scott, is that right?

MaryAnn Boehm - Direct examination
by Solicitor Ellis

1 A Yes, sir.

2 Q And, again, that includes the sample from the light
3 blue t-shirt, the victim's shirt?

4 A Yes.

5 Q It also includes the, the blood we find on the victim's
6 gray sweatpants?

7 A Yes, sir.

8 Q And is that, that both cuttings on the sweatpants?

9 A Yes, both cuttings.

10 Q And is that also the defendant's blood then on the
11 victim's bra?

12 A Yes, sir.

13 Q Is that the defendant's blood on the tablecloth?

14 A Yes, sir.

15 Q Thank you. Please answer any questions Ms. Jones may
16 have.

17 THE COURT: Ms. Jones, your witness.

18 MS. JONES: Thank you.

19 CROSS-EXAMINATION

20 BY MS. JONES:

21 Q Agent Boehm, in your report and your testimony you, you
22 state your conclusion as the probability of randomly
23 selecting an unrelated individual having a DNA profile
24 matching these items is approximately one in
25 500 quintillion.

MaryAnn Boehm - Cross-examination
by Ms. Jones

1 Why did you just not say this is Andrew Brent Scott's
2 blood on all these items?

3 A Once we make a match, we have to state how rare that
4 profile is within the population. Since we don't know
5 everybody's profile, we use a statistics based on the
6 frequencies of the DNA types occurring in the population,
7 and, in this case, I would expect to see that profile once
8 out of 540 quintillion individuals.

9 Q Well, again, why do you just not state this is Andrew
10 Brent Scott's blood?

11 A Well, I stated that it did match him. However, I do
12 have to give, put weight to that match.

13 Q By using a probability and numbers that are not even
14 logical in light of the current population of the world.

15 THE COURT: Is that a question or is that argument?

16 Q Correct?

17 THE COURT: Thank you.

18 A Rephrase the question please.

19 Q Well, you said you have to put a weight on the
20 conclusion I think or -- and you do that by using a
21 probability that is not even a logical probability given the
22 current population of the world.

23 A I don't know if logical is the right statement. It's
24 the frequency of that population or that DNA profile
25 occurring in the population. There is a possibility it

MaryAnn Boehm - Cross-examination
by Ms. Jones

1 could occur more frequently. But in this case, that profile
2 occurred only once in 540 quintillion individuals.

3 Q So, you just said there's a, there's a chance that that
4 profile could of occurred more frequently than the
5 statistical probability you gave?

6 A Right, there's ten fold up or down margin of that
7 frequency.

8 Q Okay. So, your probability that you'd given is not
9 even completely accurate?

10 A It's an approximate probability.

11 Q And it -- okay. Thank you.

12 That's all, Your Honor.

13 THE COURT: Mr. Ellis.

14 SOLICITOR ELLIS: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY SOLICITOR ELLIS:

17 Q Ms. Boehm, in your opinion, is that -- do each of
18 the -- do the blood on each of those items, do they match
19 the defendant, Andrew Brent Scott?

20 A Yes, they do.

21 Q Thank you.

22 MS. JONES: No, sir.

23 THE COURT: Ma'am, you may step down. Thank you very
24 much.

25 Do you wish to excuse the witness?

1 SOLICITOR ELLIS: Yes, sir, Your Honor.

2 THE COURT: Any objections?

3 MS. JONES: No, sir.

4 THE COURT: Ma'am, you're free to go. Thank you for
5 coming today.

6 WITNESS: Thank you.

7 THE COURT: Mr. Ellis, the State may call its next
8 witness.

9 SOLICITOR ELLIS: Your Honor, if I may have a brief
10 indulgence --

11 THE COURT: Yes, sir.

12 SOLICITOR ELLIS: -- to consult with the court
13 reporter.

14 THE COURT: That's fine.

15 (Pause.)

16 SOLICITOR ELLIS: All right. Your Honor, at this time
17 the State would rest.

18 THE COURT: All right. Ladies and gentlemen of the
19 jury, that completes the presentation of evidence by the
20 state in this case. At this time there are some matters
21 that I'm required to take up with the attorneys before we
22 proceed with the remainder of the trial. I'm going to ask
23 you to step back to the jury room again.

24 As in always, I'm going to ask you not to begin any
25 discussions concerning this case until such time as I advise

1 you to begin those discussions. At this time you can retire
2 to the jury room.

3 Thank you very much.

4 (WHEREUPON, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Any matters defense would like to take up
7 with the Court?

8 MS. JONES: Yes, sir, Your Honor.

9 At this time, as to all three indictments, it's --
10 defense would make a motion for directed verdict. The
11 defense contends, at this point, there's not been evidence
12 that supports all the elements of all three of the
13 indictments, Your Honor.

14 THE COURT: Court's aware of the motion that you made,
15 and my inquiry is whether or not there is sufficient
16 evidence to justify the case moving forward with the jury,
17 and I do find that there is sufficient evidence to justify
18 the case moving forward to the jury on all charges.
19 Therefore, the motion is denied.

20 At this time I would like to inquire of your client
21 concerning his right to testify in this case.

22 MS. JONES: Yes, sir.

23 THE COURT: Has the State made you aware of any
24 impeaching convictions that they may intend to use?

25 MS. JONES: I have been provided a rap that a, excuse

1 me, criminal history that the client and I have discussed
2 together. So -- and he is prepared for this inquiry.

3 THE COURT: All right. Very good.

4 Sir, if you'll stand and the clerk will swear you at
5 this time, Mr. Scott.

6 MS. JONES: If I may have just a brief moment.

7 THE COURT: Certainly.

8 (WHEREUPON, the defendant was placed under oath at this
9 time.)

10 THE COURT: Mr. Scott, you can be seated. Thank you.

11 Mr. Scott, at this time I'm going to explain to you
12 certain of your Constitutional rights. If you do not
13 understand what I explain to you at this time, when I
14 finish, I will give you an opportunity to ask questions and
15 I can assure you I'll make every effort to see that you do
16 understand this situation.

17 We've reached the stage of this trial where you have
18 the right to present your defense. In presenting your
19 defense you have the right to testify in this matter. You
20 also have the right to claim the protections which are given
21 to you under the Fifth Amendment to the United States
22 Constitution. That amendment states, in part, that no
23 person shall be compelled, in any criminal, criminal case,
24 to be a witness against himself.

25 What that means is that you can not be made or required

1 to testify in this case. As I've told you, you have the
2 right to testify in your own defense. However, no one can
3 make you testify. The right to remain silent is a personal
4 right, and no one can waive or give up that right to remain
5 silent except yourself.

6 I will advise you that should you decide to testify,
7 testify, your testimony will be governed by the same rules
8 that govern the testimony of any other witness. What that
9 means is that you would be examined by your lawyer and that
10 you would be cross-examined by the State's attorney, and I
11 will tell you that, during that cross-examination, should
12 you have convictions on your record that involve dishonesty
13 or false statements or for crimes which were punishable by
14 imprisonment for more than one year, that occurred within
15 the last ten years, and the Court determines that the
16 probative value of admitting this evidence outweighs its
17 prejudicial effect to you, then, in that case, the solicitor
18 would be able to introduce that criminal record in an effort
19 to attack your credibility.

20 Now, if you decide to testify, the decision on your
21 part must be made freely, voluntarily, and intelligently.
22 That means that you have knowledge of the protections given
23 to you by the Fifth Amendment and the consequences of your
24 decision to testify should you decide to do that.

25 I will tell you, if you decide not to testify, that I

1 will instruct the jury, during my charge, that they can not
2 give the fact that you did not testify any consideration
3 whatsoever in reaching a verdict in this case. In fact, I
4 would instruct them that they could not even discuss this
5 factor during their deliberations.

6 Now, the decision as to whether or not to testify is
7 left entirely up to you. You have the right to consult with
8 your lawyer, family, friends, anybody you'd like to discuss
9 that decision with. But the decision and the final analysis
10 is your decision and your decision alone.

11 Now, Mr. Scott, do you understand what I've explained
12 to you?

13 DEFENDANT: Yes, sir, I do.

14 THE COURT: Do you have any questions about what I've
15 said?

16 DEFENDANT: No, sir, I do not.

17 THE COURT: Have you had an opportunity to fully
18 discuss this question with whoever you'd like to discuss it
19 with?

20 DEFENDANT: Yes, sir, I have.

21 THE COURT: And have you decided as to whether or not
22 you will testify?

23 DEFENDANT: Yes, sir, I have.

24 THE COURT: Do you intend do testify in this case?

25 DEFENDANT: No, sir, I do not.

1 THE COURT: Thank you.

2 Now, does the defense have other witnesses that the
3 defense wishes to call?

4 MS. JONES: Yes, sir, we do.

5 THE COURT: Okay. All right. I'm gonna take about a
6 five minute break while we have the jury out, and then we'll
7 resume with the defense portion of the case once we've
8 completed that break.

9 Court's in recess.

10 SOLICITOR ELLIS: Thank you, Your Honor.

11 (WHEREUPON, a short recess was taken at this time.)

12 THE COURT: All right. Is the State ready to proceed
13 at this time?

14 SOLICITOR ELLIS: Yes, sir, Your Honor.

15 THE COURT: Defense ready to proceed?

16 MS. JONES: Yes, sir.

17 THE COURT: Bring the jury in.

18 (WHEREUPON, the following takes place within the
19 presence of the jury.)

20 THE COURT: The record will reflect the jury has
21 returned to the courtroom.

22 When we took our earlier break the State had just
23 rested or completed presenting its evidence. At this time
24 the defense has the right to call witnesses.

25 Ms. Jones.

1 MS. JONES: Thank you.

2 Verdia Copeland.

3 THE COURT: She stepped out. She I think she just --
4 she may be coming in the door now.

5 MS. JONES: I didn't even notice, Your Honor. I'm
6 sorry.

7 THE COURT: There she is.

8 Come forward please, ma'am, to my left and be sworn.

9 VERDIA COPELAND, being first duly
10 sworn, testified as follows:

11 THE COURT: Have a seat please. Once you're seated,
12 state your name.

13 WITNESS: Verdia Copeland.

14 MS. JONES: Okay.

15 THE COURT: Your witness, Ms. Jones.

16 MS. JONES: Thank you.

17 DIRECT EXAMINATION

18 BY MS. JONES:

19 Q Ms. Copeland, you're, you're very soft spoken. Make
20 sure you speak up so --

21 A Okay.

22 Q -- so that I can hear you and all the jurors can hear
23 you.

24 Tell us where you live, Ms. Copeland.

25 A I live in Chesnee at [REDACTED] Lexington Street.

Verdia Copeland - Direct examination
by Ms. Jones

1 Q Okay. And Ms. Copeland, do you know Mr. Scott?

2 A Yes, ma'am.

3 Q Okay. How long have you known Andrew Scott?

4 A I known him for about four years.

5 Q Okay. How did you first meet Mr. Scott?

6 A I met him when I was working at Turner's Restaurant in
7 Chesnee.

8 Q Okay. And what -- how did you meet him through the
9 Turner's Restaurant?

10 A He came in there asking for a job.

11 Q Okay. And did you and he work together at Turner's for
12 sometime?

13 A Yes, ma'am.

14 Q Okay. Once you met each other, started working
15 together, did you start seeing each other?

16 A Yes, ma'am, we did.

17 Q Okay. And do you remember how long it was after you
18 met before you started going out with each other?

19 A I'm trying -- I'm thinking it was about maybe a, maybe
20 a month or two months. Maybe somewhere in that
21 neighborhood.

22 Q Okay. Do you remember how, what you did when you first
23 started seeing each other and going out?

24 A We met at church. It was our anniversary. My
25 anniversary -- I sang on the gospel choir CME Church and we,

Verdia Copeland - Direct examination
by Ms. Jones

1 he came there and we started dating from then.

2 Q Okay. And sometime after that did you and Mr. Scott
3 begin to live together?

4 A Yes, ma'am, we did.

5 Q Okay. Let's back up.

6 When you first met him and you were working at
7 Turner's, what did you do at Turner's?

8 A I was a cook.

9 Q Okay. Did you live at [REDACTED] at that point?

10 A Yes, ma'am, I'd been there for about 30 years.

11 Q Thirty years?

12 A Yes, ma'am.

13 Q So, you owned that residence?

14 A Yes, ma'am.

15 Q Okay. And when you and Mr. Scott began living together
16 was at that home, your home---

17 A Yes, ma'am.

18 Q ---your home of 30 years?

19 A Yes, ma'am.

20 Q Okay. And if you will, Ms. Copeland, I'll focus you to
21 the day of September 28th, 2010, on -- that when the event
22 that Mr. Scott is now charged with allegedly occurred.

23 Okay. Now, do you remember what you were doing that
24 day?

25 A That day I was at Mary Black Hospital with my mother.

Verdia Copeland - Direct examination
by Ms. Jones

- 1 She was in ICU at that time.
- 2 Q Okay. And how old was your mother then?
- 3 A My mother was 95 years old.
- 4 Q Okay. Is she now deceased, Ms. Copeland?
- 5 A Yes, ma'am.
- 6 Q Okay. Tell me what you remember about that day.
- 7 What were you planning and what did you do that day?
- 8 A That day, I left that morning and went and picked up my
- 9 sister. Mr. Scott was laying in the bed cause I had took
- 10 him to the emergency room a week or so before that with some
- 11 pains. He had kidney problems and chest pains --
- 12 Q Okay.
- 13 A -- and I took him to Mary Black. And that morning---
- 14 Q Do you remember what time you left that morning?
- 15 A I left that morning between 6:30 and 7:00.
- 16 Q That's very early?
- 17 A Yes, ma'am, because I wanted to be at Mary Black before
- 18 the, when the visiting hours started at the ICU---
- 19 Q And---
- 20 A ---and I wanted to catch the doctors when they went
- 21 around.
- 22 Q Okay. So, you -- before you went up to Spartanburg
- 23 though at Mary Black you had to go see your sister, correct?
- 24 A I went and picked up my sister.
- 25 Q How old is your sister?

Verdia Copeland - Direct examination
by Ms. Jones

- 1 A She's 54 years old.
- 2 Q And did you pick her up to take her with you to the
3 hospital?
- 4 A Yes, ma'am.
- 5 Q Tell me a little bit about your sister.
6 Does she require a lot of care?
- 7 A Yes, ma'am, she do.
- 8 Q And why is that, Ms. Copeland?
- 9 A She's kind of -- I don't know how I would describe it.
10 Kind of handicapped. She have a lady's body, but she have a
11 child's mind. So, I have to take care of her.
- 12 Q Okay. So, you got up and you went to -- where did she
13 live at that point?
- 14 A She lived over at Country Creek Apartments where my
15 mother lived.
- 16 Q Okay. She was living in your mother's apartment?
- 17 A Yes, ma'am.
- 18 Q And---
- 19 A My mother was at the hospital. So, I had---
- 20 Q Okay. So, you got the sister, your sister and y'all
21 came up to Mary Black, and did you stay in Spartanburg
22 pretty much all day long?
- 23 A I stayed there all day long.
- 24 Q Okay. And at any point during the daytime did you talk
25 to Mr. Scott on the phone?

Verdia Copeland - Direct examination
by Ms. Jones

1 A I called him earlier that day, but that night I called
2 him when I left the hospital.

3 Q Okay. Did you stay all the way through to the close
4 of, of---

5 A Yes, ma'am.

6 Q ---the hospital or visiting hours?

7 A I stayed there all day.

8 Q Okay. Do you know what time it was when you started to
9 leave Mary Black to come back up to Chesnee?

10 A I -- it was after the visiting house at the ICU. I'm
11 thinking that was around 7:00 or maybe a little after 7:00.
12 I called Mr. Scott and asked him did I need to pick up
13 anything from the store, and he said no, just pick up me a
14 pack of cigarettes.

15 Q Okay. And how did you call him?

16 A I called him on my cell phone.

17 Q Okay. And you, you called him Mr. Scott.
18 what do you normally call him?

19 A I call him Andrew.

20 Q Okay. And you -- he asked you for some cigarettes.
21 Did he sound unusual---

22 A No.

23 Q ---you?

24 A He said he was laying down. He asked me did I want
25 something to eat. I told him no cause I probably wouldn't

Verdia Copeland - Direct examination
by Ms. Jones

1 want anything when I got home I said cause I was just tired.

2 I been at the hospital all day long with my mother.

3 Q Okay. And you indicated when you left he was in the
4 bed.

5 Was he still dressed for bed when you left?

6 A Well, he generally have on his t-shirt and some kind
7 of, you know, jogging, you know, sleeping pants.

8 Q Okay. And the sleeping pants, what are they?

9 Are they like flannel or what?

10 A Flannel like pajama, like pajama pants.

11 Q Pajama pants?

12 A Yes, ma'am.

13 Q Okay. The -- and on the way home to Chesnee did you
14 actually stop to get the cigarettes?

15 A I stopped at Li'L Cricket in Chesnee.

16 Q Okay. And at that point, once you got the cigarettes,
17 did you go on home to [REDACTED]?

18 A No, ma'am, I didn't go home. I was, I was -- I got a
19 call to come to Money Tree.

20 Q And do you remember who called you to come to Money
21 Tree?

22 A The -- Chief Scott I guess that was the chief at that
23 time.

24 Q Okay. Do you -- did you go to Money Tree?

25 A Yes, ma'am, I went.

Verdia Copeland - Direct examination
by Ms. Jones

1 Q And was one of your relatives there with the chief?

2 A Leroy.

3 Q Who is Leroy?

4 A That's my nephew.

5 Q Okay. And they asked you to go to Money Tree and you
6 went to Money Tree.

7 A Yes, ma'am.

8 Q You were---

9 A Yes, ma'am.

10 Q Were you close to it anyway?

11 A Well, just a little up the street just a little bit
12 from it.

13 Q Okay. And when you got there, did the chief talk to
14 you about wanting to go inside your house?

15 A Yes, ma'am, he did.

16 Q Okay. And did he tell you he needed you to sign a form
17 cause he didn't want to mess up your house?

18 A Yes, ma'am, he did.

19 Q Okay. And did he also try to get you to give him a
20 key?

21 A Yes, ma'am.

22 Q And did you give him a key?

23 A No, ma'am, I did not give him my key. I told him I
24 rather not give him my key, and he said well, give it to
25 Leroy and let Leroy take, go over there, and I said no, sir,

Verdia Copeland - Direct examination
by Ms. Jones

1 I'm not gonna do that. I said cause I have to go back to
2 the hospital.

3 Q Okay. Were you worried about getting your key back?

4 A Well, I didn't know where I would get it back or not
5 cause I had to go back to the hospital.

6 Q Okay. Now, did the -- and the chief gave you a form
7 and asked you to sign it and you signed it?

8 A Yes, ma'am.

9 Q Did -- and where did you go after you signed the form
10 for him?

11 A I went over to where my sister lived at Country Creek
12 Apartments. I went over there to be with my sister.

13 Q Okay. Had you taken her home earlier?

14 A My other sister had taken her home earlier.

15 Q Oh, so, another sister came.

16 Did she get her from Mary Black and bring her back?

17 A Yes, ma'am.

18 Q Okay.

19 A But we had been down there all day and I told her to go
20 home and rest and I was gonna stay there till visiting hours
21 were over at seven o'clock.

22 Q Okay. And you ultimately did not go back to your house
23 that night, did you?

24 A No, ma'am.

25 Q Okay. Why did you not go home with, go there knowing

Verdia Copeland - Direct examination
by Ms. Jones

1 the police were there?

2 A Well, I didn't want to go there and I didn't want to
3 see them bringing him out of there in handcuffs. I just, I
4 just -- I had so much going on with me I didn't want to see
5 that.

6 Q Okay. You just didn't -- could you -- did you think
7 your heart could take it?

8 A I just couldn't.

9 Q Okay. So, you went to your sister's, I mean your
10 mother's, stayed with your sister?

11 A Yes, ma'am.

12 Q Did you, in fact, go back to your house the next
13 morning?

14 A I went there that morning.

15 Q Okay. And did they -- they had mess up the door to get
16 in or had they?

17 A Just the back-door. They didn't really mess it up real
18 bad. Just the back-door.

19 Q Okay. Was it busted open a little bit?

20 A Just a little bit.

21 Q Okay. And you went in and did you look around---

22 A Yes, ma'am.

23 Q ---just out of curiosity to see---

24 A Yes, ma'am, I did.

25 Q Okay. And did you notice anything out of place?

Verdia Copeland - Direct examination
by Ms. Jones

- 1 A No, ma'am, wasn't anything out of place.
- 2 Q What did the bed look like that you and Mr., you and
- 3 Andrew shared?
- 4 Was it made or unmade?
- 5 A It was unmade cause he had been laying in the bed.
- 6 Q Okay.
- 7 A It was unmade.
- 8 Q Did you notice anything about any clothing around?
- 9 A No, ma'am.
- 10 Q Okay.
- 11 A Wasn't anything in the, in the clothes hamper. Wasn't
- 12 anything in the washing machine or the dryer.
- 13 Q Okay.
- 14 A I checked my house when I --.
- 15 Q Okay. And -- now, when you got back to your house that
- 16 morning, what car were you driving?
- 17 A I was driving my little gray car, Neon or whatever.
- 18 Q Neon?
- 19 A Yes, ma'am.
- 20 Q Okay. And do you have a carport at your house?
- 21 A Yes, ma'am.
- 22 Q And is that where you parked?
- 23 A Yes, ma'am.
- 24 Q Was there another vehicle?
- 25 A The truck.

Verdia Copeland - Direct examination
by Ms. Jones

- 1 Q okay. Did, did you and/or Andrew own a truck?
- 2 A Yeah, I owned -- I have a truck.
- 3 Q okay.
- 4 A Yes, ma'am.
- 5 Q Is that a Dodge truck?
- 6 A Yes, ma'am.
- 7 Q And now, Ms. Copeland, you were in here yesterday
- 8 afternoon. You saw Ian Stowell come in here. He's the
- 9 mechanic.
- 10 A Yes, ma'am.
- 11 Q Tire man from Chesnee.
- 12 A Yes, ma'am.
- 13 Q You've known Ian for a long time---
- 14 A Yes, ma'am.
- 15 Q ---since he was a little fellow?
- 16 A Yes, ma'am.
- 17 Q Okay. Has Ian, in fact, worked on both of your
- 18 vehicles---
- 19 A Yes, ma'am.
- 20 Q ---before?
- 21 Okay. The -- Ms. Copeland, you had indicated that
- 22 you've been involved with or have known Mr. Scott for four
- 23 years.
- 24 During that time, has he worn glasses or not?
- 25 A He wore glasses, yes, ma'am.

Verdia Copeland - Direct examination
by Ms. Jones

1 Q Okay. And does he wear prescription glasses?

2 A Yes, ma'am.

3 Q Does he -- and you lived -- he's been living with you
4 for two years, three years?

5 A We've been together for four years.

6 Q Okay. How long have you been living together?

7 A We been living together about two.

8 Q Two?

9 A Yes, ma'am.

10 Q Okay.

11 A Or three.

12 Q Two or three?

13 A Yes, ma'am, somewhere in there.

14 Q Okay. During the time that he has, has lived with you,
15 has he ever owned any dark prescription sunglasses?

16 A No, ma'am.

17 Q Okay. And can you tell, just from living with him,
18 observing him day-to-day, how well he can get around without
19 his glasses?

20 A Well, he can see, but, you know, in the house. But
21 when he got ready to go out he would have to have his
22 glasses on.

23 Q Okay. And after Mr. Scott was arrested and taken to
24 jail that night that you were not there, the first time --
25 well, you went to see him at the jail, correct?

Verdia Copeland - Direct examination
by Ms. Jones

1 A Yes, ma'am.

2 Q Okay. The first time you went to see him, did you have
3 to take his glasses to him --

4 A Yes, ma'am, I did.

5 Q -- cause he didn't have his glasses?

6 A No, ma'am.

7 Q Okay. And when -- did you find him in the house and
8 realize oh, gosh, Andrew doesn't have his glasses, I better
9 get them to him so he can see?

10 A Well, no, he, he called me and asked me would I bring
11 him his glasses.

12 Q Okay. He brought that to your attention?

13 A Yes, ma'am.

14 Q Okay. Now, also -- you mentioned briefly that, that
15 day when you left the hospital, Andrew was laying in the bed
16 not feeling good?

17 A Yes, ma'am.

18 Q Did he have any chronic problem like arthritis that you
19 were aware of?

20 A Well, he, he did because he went to Doctor Darrel Alec
21 in Cowpens. He passed here last, last, last Thursday. He
22 went to him for some back pains and things in his hip and
23 back.

24 Q Had you ever heard him complain about aching in his
25 back---

Verdia Copeland - Direct examination
by Ms. Jones

1 A Yes, ma'am---

2 Q ---and hip?

3 A ---I have.

4 Q Okay. Ms. Copeland, just one last thing.

5 Do you -- on this night when they called you about
6 coming to search your house and even now, do you, do y'all
7 have a dog?

8 A Yes, ma'am.

9 Q What kind of little dog is that?

10 A Little Chihuahua.

11 Q Okay. Thank you for answering my questions, Ms.
12 Copeland. Mr. Ellis is gonna answer you, gonna ask you
13 some. If you'll answer his too.

14 A All right. Thank you.

15 THE COURT: Mr. Ellis, your witness.

16 SOLICITOR ELLIS: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY SOLICITOR ELLIS:

20 Q God morning, Ms. Copeland.

21 A Good morning.

22 Q Ms. Copeland, you testified a few moments ago that,
23 that you had known the defendant, Mr. Scott, for several
24 years now, is that right?

25 A Yes, about four years.

Verdia Copeland - Cross-examination
by Solicitor Ellis

- 1 Q About four?
- 2 A Yes, sir.
- 3 Q And you've been in a relationship with him---
- 4 A Yes.
- 5 Q ---most of that time?
- 6 A Yes.
- 7 Q And that he's lived with you for two years or so?
- 8 A We been together -- we been living together for about
- 9 three years.
- 10 Q Safe to say you're very fond of him, is that right?
- 11 A Oh, yes.
- 12 Q Now, that morning of the, of the incident,
- 13 September 28th, 2010, you said that you left your home
- 14 very early to go to the hospital in Spartanburg, is that
- 15 right?
- 16 A Yes, sir.
- 17 Q And that you left around I think it was 6:30 or 7:00?
- 18 A Yes.
- 19 Q So, very early in the morning, is that right?
- 20 A Yes.
- 21 Q Between that time and really till the next day you did
- 22 not come back to your house, did you?
- 23 A No, sir, I didn't.
- 24 Q You did not see Mr. Scott at any point during that
- 25 time, did you?

Verdia Copeland - Cross-examination
by Solicitor Ellis

- 1 A No, I talked with him on the phone.
- 2 Q And about when did you talk to him on the phone?
- 3 It was after 7:00, wasn't it?
- 4 A Well, I talked with him earlier, but---
- 5 Q Earlier?
- 6 A ---on my way home I talked with him.
- 7 Q When you talked with him earlier, about what time was
- 8 it then?
- 9 A It's probably about 1:30 or two o'clock.
- 10 Q Early afternoon?
- 11 A Yes.
- 12 Q And the next time you talked to him was sometime after
- 13 7:00PM, is that right?
- 14 A It was around, around 7:00 because I had left the
- 15 hospital.
- 16 Q Okay. And you don't really know anything on, on your
- 17 own about this robbery, do you?
- 18 A No, sir.
- 19 Q You weren't there?
- 20 A No, sir.
- 21 Q You didn't see it?
- 22 A No, sir.
- 23 Q Okay. So, I imagine, at this point, you're aware that
- 24 something happened at the Money Tree that day, but you don't
- 25 really know anything other on your own, is that right?

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 A I didn't know that day. I know that night when Mr.,
2 when I got into Chesnee.

3 Q Right.

4 Okay. Now, you, you've heard people testify during
5 this trial, have you not, that this, this robbery occurred
6 before 7:00, is that right?

7 A Yes, sir.

8 Q Okay. Now, when you left Mr. Scott that morning, the
9 defendant, to go to the, so you could go to the hospital,
10 you said that he was still in the bed, is that right?

11 A Yes, sir.

12 Q You said that he had not been feeling too well, is that
13 correct?

14 A Correct.

15 Q Aside from not feeling very well, did he have any other
16 problems at that point, physical problems?

17 A No, he had those pains in his chest and his appendix or
18 whatever and he had arthritis. Other than that he was, you
19 know --

20 Q Uh-huh. (Affirmative).

21 Just some pains and things?

22 No, no injuries or anything like that?

23 A No.

24 Q Okay. Ms. Copeland, I'm showing you State's Exhibit
25 No. 36. Look at that for a moment please.

Verdia Copeland - Cross-examination
by Solicitor Ellis

- 1 A (Witness complies.)
2 I don't---
3 Q Do you know the man in that photograph?
4 A Oh, yes.
5 Q Who is that?
6 A Andrew.
7 Q That's the defendant, Andrew Brent Scott?
8 A Yes, sir.
9 Q Do you see, in looking at this photograph of Mr. Scott,
10 do you see any injury on his nose?
11 A Yes, sir, as I said we had a dog. He played with the
12 dog. I don't know.
13 Q Okay. But when you left that morning, was the injury
14 on his nose?
15 A No, sir.
16 Q So, when you left this, this cut here, this blood
17 that's running down his nose, that was not there?
18 A No, sir, cause he was laying in the bed, no, sir.
19 Q Okay. And, so, you don't really know of your own
20 knowledge how that got there, do you?
21 A No, sir, I don't.
22 Q But obviously in this picture he has, he does have a
23 cut on his nose?
24 A It could come from the dog. I have no idea.
25 Q Or it could of come from being punched in the face in a

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 robbery?

2 A I don't know, sir.

3 Q Right.

4 You don't really know, do you?

5 A No.

6 Q Okay.

7 A No.

8 Q Now, Ms. Copeland, you testified earlier that then
9 Chief Smith, you met him kind of by the Money Tree on the
10 night of the robbery, is that right?

11 A Yes, sir.

12 Q And at that point Chief Smith asked you, told you that,
13 that he and his officers wanted to go into your home to look
14 for Mr. Scott, is that correct?

15 A Yes, sir.

16 Q And you did agree to let them go into the home, right?

17 A Yes, sir.

18 Q Okay. And you also signed a form saying that they
19 could go in, is that correct?

20 A Yes, sir.

21 Q Okay. Now, after this, sometime around then or a
22 little after then did an officer ask you whether you owned a
23 gun?

24 A They did.

25 Q And what was your answer?

Verdia Copeland - Cross-examination
by Solicitor Ellis

- 1 A I told them my father give me a little gun.
2 Q Your father gave it to you?
3 A Yes.
4 Q And when did he give it to you?
5 A My father give it to me before he died. My father died
6 in November the 5th of '91.
7 Q Okay.
8 A I mean March the 5th of '91. Excuse me.
9 Q All right. 1991 your father died?
10 A Yes.
11 Q And you said he gave you the gun before that?
12 A He give me the gun before he died.
13 Q Okay. So, you had the gun for years at that point, is
14 that right?
15 A Yes.
16 Q Where did you keep it?
17 A I kept it at my nightstand. When my father died, he --
18 they give me his flag. I took the gun and I put it on top
19 of his flag, and I never thought anything about the gun. I
20 never discussed it with anyone.
21 Q Do you like guns?
22 A Oh, no, sir.
23 Q You -- do you fire guns?
24 Do you go shooting or anything?
25 A Oh, no, sir.

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 Q Since you put the gun in the flag in that drawer in
2 your nightstand, have you really done anything with it since
3 then?

4 A Oh, no, sir.

5 Q Ever taken it out?

6 A No, sir.

7 Q So, for the past almost 20 years I guess before this
8 incident that gun, as far as you know, had just been sitting
9 in the nightstand the entire time?

10 A Yes, sir.

11 Q Please tell the jury what the gun looks like.

12 A It was a little .22 with white handles.

13 Q What color was the barrel?

14 A It was kind of a blackish looking thing. I don't know.
15 My father had had it so long it was beginning to look, the
16 black beginning to wear off.

17 Q Okay. Was it a small black gun?

18 A Well, yeah, it was black, but it had white handles on
19 it.

20 Q Okay. But the metal of the gun was black, is that
21 right?

22 A Yes. Yeah, it was black with white handles.

23 Q Okay. And it was a handgun, is that right?

24 A Yeah, little handgun.

25 Q In other words, it wasn't a rifle or a shotgun or

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 anything?

2 A Oh, no.

3 Q All right. So, it's just a small pistol?

4 A Yes.

5 Q Black in color?

6 A Yeah, with white handles.

7 Q Okay. You've heard the description, people, the
8 description of the victim when she described the gun in this
9 case from the stand, haven't you?

10 A Yes.

11 Q Do you recall her saying it was a small black handgun
12 that was pointed at her?

13 MS. JONES: Your Honor, is this a question?

14 THE COURT: He asked if she recalled that. So, it is a
15 question.

16 MS. JONES: My further objection will be I---

17 THE COURT: You want to stand up, counsel.

18 MS. JONES: Yes, sir, I don't want this to be a pitting
19 of witnesses.

20 THE COURT: I don't think he's gotten to that point
21 yet.

22 MS. JONES: Okay. Thank you.

23 THE COURT: But I agree that that's not allowed by the
24 rules.

25 MS. JONES: Thank you.

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 THE COURT: So, I don't know where he's going. So,
2 I -- there's nothing for me to rule on right now.

3 Mr. Ellis.

4 SOLICITOR ELLIS: Thank you, Your Honor.

5 Ma'am, do you recall Ms. Jackson saying that there's a
6 small black handgun pointed at her?

7 A Yes.

8 Q Okay. And do you also recall Mr. Crawford testifying
9 today that Mr. Scott showed him a small black handgun?

10 A I heard him say showed him a gun, but he, he said -- he
11 didn't say it was small.

12 Q Okay. Do you recall him saying that he, Mr. Scott
13 showed Mr. Crawford a small, or sorry, a black gun?

14 A Yeah, I heard him say that.

15 Q Okay. When you returned to your home it was the next
16 day, is that right?

17 A Yes.

18 Q September 29th?

19 A Yes.

20 Q When you arrived there, was your gun in the nightstand
21 where you left it?

22 A No, sir, it wasn't there I don't think. I ain't -- I
23 haven't even looked.

24 Q You haven't looked for it in the last---

25 A No.

Verdia Copeland - Cross-examination
by Solicitor Ellis

1 Q ---year and a half?

2 A No.

3 Q Did you hear the, Sergeant Teal testify that they
4 searched for weapons and they could not find one?

5 A Yes.

6 Q Okay. You're not sure if it's in the nightstand
7 anymore or do you know if it's in the nightstand or you're
8 not sure?

9 A That's where, last time I seen it, after my father died
10 in November the, March the 5th of '91.

11 Q Uh-huh. (Affirmative).

12 A I put the gun there on top of his flag, and I never
13 thought anything else about the gun.

14 Q Okay.

15 A Cause I had a lot of things to get gone before that
16 time.

17 Q Okay. But you, you recall Sergeant Teal saying he
18 looked for a gun, among other things, and he could not find
19 one?

20 A Yes.

21 Q Is that right?

22 A Yes.

23 Q Thank you very much.

24 A Thank you.

25 THE COURT: Redirect.

Verdia Copeland - Redirect examination
by Ms. Jones

1 MS. JONES: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. JONES:

4 Q Ms. Copeland, the weapon, the small gun with the white
5 handles that your, your father gave you --

6 A Yes, ma'am.

7 Q -- when was the last time you saw it?

8 A I hadn't seen it since my father died in '91, and I put
9 it -- when they give me his flag I put it on top of his flag
10 in my little nightstand, and I hadn't seen the gun. He died
11 in '91. So --.

12 Q Been a long time?

13 A Yes.

14 Q Okay.

15 A Yes, ma'am.

16 Q Was there any point, since you've been seeing
17 Mr. Scott, that you told him about the gun?

18 A No, ma'am, he didn't even know nothing about no gun.
19 We never discussed no gun.

20 Q Okay.

21 A Either about his flag. I never talked to him about
22 anything.

23 Q Okay. Did -- and did you -- obviously if he didn't
24 know about the gun, you've never seen him handle that gun?

25 A No, ma'am.

Verdia Copeland - Redirect examination
by Ms. Jones

1 Q Okay. Thank you.

2 THE COURT: Mr. Ellis, anything further?

3 SOLICITOR ELLIS: Briefly, Your Honor.

4 THE COURT: Yes, sir.

5 RECROSS EXAMINATION

6 BY SOLICITOR ELLIS:

7 Q Ms. Copeland, you said that the defendant had lived in
8 your house about two years or so?

9 A Yes.

10 Q He stayed there, is that right?

11 A Yes.

12 Q And you had, you had put the gun in the nightstand by
13 your bed, is that right?

14 A Yes.

15 Q Isn't this a small house?

16 A Yes, it's a trailer.

17 Q In other words, it's fairly easy to get around?

18 There's not, there's not but so many places to put
19 things in there or whatnot, is that right?

20 A No, I mean if you put it somewhere that you think
21 nobody ain't got no business looking. So, I put it there
22 so -- where nobody wouldn't be looking for anything.

23 Q But---

24 A Cause I hadn't discussed it with him.

25 Q But he did live there and spend a great deal of time

Verdia Copeland - Recross examination
by Solicitor Ellis

1 there for two years, is that right?

2 A Oh, yes.

3 Q In many of those instances would a good bit of, some of
4 the time he was spending there, like the day of this robbery
5 happened, you were not necessarily there with him, were you?

6 A No, sir.

7 Q So, you don't know what he went through in the house,
8 do you?

9 A No, I don't, but I'm sure he didn't go through, through
10 my things. He never did that.

11 Q But when you were gone you had no idea what he was
12 going through?

13 A Well, I have no idea what he went through, no. But I'm
14 sure he didn't.

15 Q Okay. Thank you.

16 A Thank you.

17 THE COURT: Anything further?

18 MS. JONES: No, sir.

19 THE COURT: Ma'am, you may step down.

20 MS. JONES: Thank you.

21 WITNESS: Thank you.

22 THE COURT: You may call your next witness.

23 MS. JONES: Defense calls Tammy Landrie.

24 THE COURT: Come forward please to be sworn. Over
25 here, ma'am.

Tammy Landrie - Direct examination
by Ms. Jones

1 TAMMY LANDIRE, being first duly
2 sworn, testified as follows:

3 THE COURT: Have a seat please. Once seated, state
4 your name.

5 WITNESS: Tammy Landrie.

6 THE COURT: Ms. Jones, your witness.

7 MS. JONES: Thank you.

8 DIRECT EXAMINATION

9 BY MS. JONES:

10 Q Ms. Landrie, by whom are you employed?

11 A Upstate Services, Money Tree Check Cashing.

12 Q Okay. And, Ms. Landrie, do you know Andrew Scott?

13 A By employment, yes.

14 Q That's what I mean, yes, ma'am.

15 And you are aware, through your employment with Money
16 Tree, that Mr. Scott is a former employee of the Chesnee
17 branch of Money Tree?

18 A Correct.

19 Q Okay. And you know -- well, let me ask you this.
20 What is your actual position with Money Tree?

21 A Regional manager.

22 Q Okay. As the regional manager, what do you do?

23 A The employees from each of the branches phone me when
24 there's days off, trouble. I do paperwork, hire, fire.

25 Q Okay. So, it sounds like you are the person who

Tammy Landrie - Direct examination
by Ms. Jones

1 manages the employees of the branches of Money Tree
2 day-to-day?

3 A Pretty much. Unless there's something further up, then
4 I have to go to Trace Johnson.

5 Q Okay. Do you work directly below Mr. Johnson as far as
6 the change of command of the business?

7 A Yes.

8 Q Okay. And you are aware that Mr. Scott's employment
9 with Money Tree ended in September of 2010, is that correct?

10 A Yes.

11 Q Okay. Were you directly involved with the paperwork
12 aspect of the end of that employment?

13 A Yes.

14 Q Okay. And did you, as the designated regional manager
15 and personnel director I guess for Money Tree, was it your
16 responsibility to collect Mr. Scott's keys to the business
17 on the Chesnee branch of the Money Tree?

18 A Yes.

19 Q Did you, in fact, collect his keys---

20 A Yes.

21 Q ---when he ended his employment?

22 A Yes.

23 Q Okay. Thank you.

24 That's all I have, Your Honor.

25 THE COURT: Mr. Ellis, your witness.

Tammy Landrie - Cross-examination
by Solicitor Ellis

1 SOLICITOR ELLIS: One moment please, Your Honor.

2 THE COURT: Yes, sir.

3 (Pause.)

4 CROSS-EXAMINATION

5 BY SOLICITOR ELLIS:

6 Q Ms. Landrie, the defendant was, in fact, terminated
7 from employment in 2000, in September of 2010, is that
8 correct?

9 A Yes.

10 Q And was it your testimony a moment ago that you
11 collected at least some key from the defendant?

12 A Yes.

13 Q Do you know which door it was too?

14 A Both doors.

15 Q Both doors?

16 A You enter one door. You have to enter another door to
17 get to the back.

18 Q Are you sure that he could not have made a copy?

19 A I couldn't say.

20 Q Is it possible that he could have gone to any number of
21 the stores in the area and made a copy of the key?

22 A Yes.

23 Q Thank you.

24 THE COURT: Redirect.

25 REDIRECT EXAMINATION

Tammy Landrie - Redirect examination
by Ms. Jones

1 BY MS. JONES:

2 Q Ms. Landrie, does the business of Money Tree change the
3 locks?

4 A Yes.

5 Q Okay. And what is the, the -- in this particular
6 store---

7 A Uh-huh. (Affirmative).

8 Q ---was the lock changed?

9 A No.

10 Q Okay. And why was it not?

11 A That I don't know.

12 Q Okay. Should it have been?

13 A It -- like I say, it depends on the owner. When I
14 phone him and let them know that the person has been
15 terminated, I ask do -- I always change the alarm code. The
16 alarm code was changed. The locks were not.

17 Q Okay. You collected Mr. Scott's keys from both the
18 outer door, that's the double glass doors on the Alabama
19 Street?

20 A Correct.

21 Q And the inner door to the employee area?

22 A Correct.

23 Q Okay.

24 A He gave me a set of keys.

25 Q Okay. Thank you.

Tammy Landrie - Recross examination
by Solicitor Ellis

1 THE COURT: Anything further, Mr. Ellis?

2 SOLICITOR ELLIS: Yes, sir.

3 RECROSS EXAMINATION

4 BY SOLICITOR ELLIS:

5 Q Ms. Landrie, so the, the interior door locks at the
6 Money Tree in Chesnee were not changed, is that right?

7 A Correct.

8 Q So, the lock on that interior door was the same lock as
9 when Mr. Scott had worked there, correct?

10 A Correct.

11 Q At that point the keys that he had, when he was an
12 employee, would of opened that inner door, is that right?

13 A Yes.

14 Q So, if he'd made a copy of the key, he could of still
15 opened that interior door cause that lock was never changed?

16 A Yes.

17 Q Thank you.

18 THE COURT: Anything further, Ms. Jones?

19 MS. JONES: No, sir.

20 THE COURT: Ma'am, you step down.

21 Wish to have this witness excused?

22 MS. JONES: Yes, sir, please.

23 THE COURT: Any objections from the State?

24 SOLICITOR ELLIS: No, sir.

25 THE COURT: You're free to go, ma'am. Thank you.

1 WITNESS: Thank you.

2 THE COURT: Defense may call its next witness.

3 MS. JONES: Your Honor, at this point the defense rests
4 its case.

5 THE COURT: State wish to call any witnesses in
6 rebuttal?

7 SOLICITOR ELLIS: No, sir, Your Honor.

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, that completes the presentation of evidence in this
10 matter. At this time I'm going to have to take up some
11 matters again with the attorneys. It shouldn't be very
12 long. But we're gonna take a break.

13 And, as always, I'm going to ask you not to begin
14 discussions concerning this case until I've given you your
15 final instructions and instructed you to begin those
16 deliberations.

17 You may retire to the jury room.

18 (WHEREUPON, the following takes place outside the
19 presence of the jury.)

20 THE COURT: Any specific request for charge from the
21 State?

22 SOLICITOR ELLIS: No, sir, Your Honor.

23 THE COURT: Any from the defense?

24 MS. JONES: No, sir.

25 THE COURT: All right. Any motions from the State?

1 Anything you'd like for the Court to consider?

2 SOLICITOR ELLIS: Not at this time, Your Honor.

3 THE COURT: From the defense?

4 MS. JONES: Just to renew my previous motions.

5 THE COURT: Those motions, those motions are noted as
6 having been renewed and the Court would make the same
7 decision.

8 Obviously the defense has presented testimony.

9 Therefore, you wish for the State to open on the law and
10 then make two arguments or do you wish for them to make one?

11 MS. JONES: Just one, Your Honor.

12 THE COURT: All right.

13 MS. JONES: I won't require opening.

14 THE COURT: Okay. Now, just for Court's scheduling
15 purposes, I don't know how long you estimate your closing
16 arguments to take, if we're going to run past noon in
17 completing the charge, I'm gonna go ahead and take a lunch
18 order from the jury. If we aren't gonna run past noon, then
19 maybe I won't do that. Let them decide if they want a lunch
20 order or not.

21 SOLICITOR ELLIS: Well, Your Honor, I would not---

22 THE COURT: How long do you think you'll take, Mr.
23 Ellis?

24 SOLICITOR ELLIS: I would not think more than ten
25 minutes, fifteen minutes tops.

1 THE COURT: Might take a little more than that.

2 MS. JONES: I agree that we can probably conclude both
3 arguments by 12:00.

4 THE COURT: All right. And, and the charge?

5 MS. JONES: Your Honor charges about what, thirty,
6 thirty-five?

7 THE COURT: Between 20 to 30 minutes, somewhere in
8 there.

9 MS. JONES: We probably can get all that in. I don't
10 think there's any---

11 THE COURT: Okay. I'm gonna, I'm gonna let them make
12 the decision if they want a lunch order when we send them
13 out.

14 All right. Bring the jury in.

15 I don't believe that there's any problems with the
16 indictments going back to the jury. You want to take a look
17 and see if you have a problem. You can make me aware of it.
18 Since we have so many charges I think I'm sending them back
19 today.

20 MS. JONES: I don't see any problem.

21 THE COURT: I didn't see anything.

22 (WHEREUPON, the following takes place within the
23 presence of the jury.)

24 THE COURT: All right. The record will reflect that
25 the jury has returned to the courtroom.

1 I told you that once we had received all the evidence
2 in this case I would give the attorneys an opportunity to
3 make a final summary or closing argument to you, and at this
4 time the defense will proceed first.

5 Ms. Jones.

6 MS. JONES: Thank you, Your Honor.

7 Ladies and gentlemen of the jury, you've been very
8 attentive to the information and items that have been
9 presented and, and now offered into evidence before you on
10 behalf of Mr. Scott. I thank you for that attention.

11 As we go forward, we're reaching the final stages, the
12 point at which you become the main players in this event,
13 the main players, and I told you in opening, the most
14 important people in Mr. Scott's life.

15 You took an oath, at the beginning of, of this trial,
16 to follow the instructions of the Court and Judge Couch
17 will, at the conclusion of both my comments and Mr. Ellis,
18 he's gonna give you what probably will be about 20 or 25
19 minutes of a law lesson. Those are called the instructions,
20 and he will tell you about the charges and the elements of
21 the charges. Those are the -- all of his instructions are
22 important, but when he explains the separate charges and the
23 elements that the State's required to prove beyond a
24 reasonable doubt, you should pay special attention at that
25 point because that is the list you should, not physically,

1 but mentally go down as you deliberate in deciding do the
2 facts, as presented, the believable, credible facts
3 presented, and the evidence---

4 (WHEREUPON, a phone starts ringing at this time.)

5 THE COURT: Mr. Bailiff, take possession of that item
6 and let's get it out of the courtroom.

7 Thank you.

8 I'm sorry, Ms. Jones. You may proceed.

9 MS. JONES: Thank you, Your Honor.

10 Again, I was saying the instructions that the judge
11 will give you on the separate offenses are like a checklist
12 of the elements. As you deliberate, consider those,
13 consider the facts, the circumstances, and the evidence
14 presented, decide whether that evidence is credible, it's
15 believable, and it's consistent, and does all of it together
16 point to the proof of that element beyond a reasonable
17 doubt.

18 If, in that analysis, in your deliberation, the facts,
19 the circumstances, and the credible evidence fails to
20 support that element beyond a reasonable doubt, then that's
21 the point at which you have to strike through or put an X by
22 that part of the checklist and say no, the State has not met
23 their burden, because to go back to what His Honor said to
24 you in the opening and I said as well, Mr. Scott has nothing
25 to prove. Every burden is on the State, and His Honor's

1 going to fully explain to you that burden and that burden is
2 proof beyond a reasonable doubt.

3 He will define that concept and tell you that as if
4 you, in deliberating and deliberating on the elements and
5 the facts, some part of the proof just doesn't quite make it
6 for you, doesn't quite get there, then, and it causes you to
7 hesitate and gives you a concern, a nagging doubt, or a
8 reason to hesitate, then that, according to the instructions
9 the judge will give you, is what is called a reasonable
10 doubt. And that's when you have to stop and say oh, we
11 can't put a check by that one. They haven't done that one
12 because, under the law, under our Constitution in this
13 country, all doubt has to be resolved in favor of Mr. Scott.

14 Now, that's the legal explanation I'm gonna give you.
15 Now I'm gonna briefly talk to you about a concept I brought
16 up a couple minutes ago and said, I've said this word two or
17 three times now, credible evidence. Everything you've heard
18 from here, plus all the documents, the bags, the heat sealed
19 pouches, that's all evidence. But this is testimony and you
20 have to decide, and His Honor's gonna tell you, what is
21 credible, meaning believable, you have to look at in
22 assessing whether or all or part of a witness' testimony is
23 credible and believable, what their motive, what their bias,
24 what their reason might be to testify as they have.

25 What are they getting out of it?

1 okay. Also, in assessing credibility, while you're
2 assessing the witnesses of the credibility, of the
3 credibility of the witnesses, please also assess the
4 consistency and believability of what they said.

5 In looking at the whole situation, a thought struck me.
6 Why does a grown man ride a bicycle?

7 Well, other than if you're a mountain biker, you ride a
8 bike, if you don't have a driver's license, and you don't
9 have a car. You don't drive. Can't drive.

10 Why does a grown man ride a bicycle in broad daylight,
11 wave at a policeman, ride, park in the front of a store to
12 commit a robbery instead of hiding in the back?

13 In assessing the credibility of the witnesses in this
14 case, consider the bicycle theory.

15 Where did we hear about the bicycle?

16 Well, we know the victim, when she gave the chief her
17 statement down at City Hall at 7:30 to 8:30ish, didn't say a
18 thing about a bicycle.

19 Okay. Where did we first hear about the bicycle?

20 From Sergeant Teal.

21 Sergeant Teal arrives on the scene. There's -- to find
22 out there's been a robbery. Talks to a woman who is not
23 talking about a bicycle in her statement, and he says oh,
24 wait, I've solved this crime. I saw somebody on a bicycle.

25 In assessing the evidence, assess the credibility.

1 From there, the bicycle took a life of its own.

2 Also, in assessing the credibility of the witnesses as
3 to the identification issue, please do not forget Ian
4 Stowell. He's a nice young guy. He's lived in Chesnee for
5 26 years or longer I think he said. He's had various auto
6 shops. Had the one on the corner two doors down.

7 He was actually outside when the mysterious biker rides
8 by. Try as they might, the State couldn't get you, Sergeant
9 Teal couldn't, excuse me, get him, Sergeant Teal couldn't
10 get him to say yep, that Andrew. He testified he'd seen
11 Mr. Scott three times a week for months. He would come in,
12 buy his smokes he said, and his drink from right down the
13 street, saw him, talked to him, liked him, they waved,
14 they've talked.

15 He's outside in the closest proximity than anybody was
16 to that bicyclist who tried to identify him, and he honestly
17 said I can't tell you it was him. It was usual. He's got a
18 car. He's got a truck. I've worked on them. He didn't
19 wave at him. I didn't think it was him. I'm not gonna sit
20 here and tell you definitely that was him. I can't do that.

21 The mysterious biker who was wearing dark sunglasses.
22 His face was covered. His head was covered. He was wearing
23 black. Remember the various ways you've heard that clothing
24 described. Black sweater, black top, all in black. I think
25 one person said running suit. Somebody said jogging suit.

1 Was any of that found in Ms. Copeland and Mr. Scott's
2 house?

3 No.

4 Was any money found in Mr. Scott or Mr. Copeland's
5 house?

6 No.

7 Was a weapon found?

8 No.

9 Knife?

10 No gun.

11 And interestingly enough, in assessing the credibility
12 and recollection as much as credibility, recollection,
13 everybody got a little jumbled up yesterday afternoon. You
14 had, up, up until that point, the victim had only run out
15 the back, gone to the PD, it was locked, she went over to
16 City Hall.

17 Well, then Lathier Graham, the deputy who, who
18 photographed everything and took some things from her, he
19 first saw her back up at the Money Tree. She came back.
20 Then went back down. Contrary to that whole discussion,
21 explanation she gave that they were so fearful that the
22 bicyclist was coming back that they hid her in the back, and
23 there she was back up there right in the middle of
24 everything including the evidence.

25 The recollections as well as the credibility must be

1 assessed. Then think about some of the issues touched on
2 with regard to the evidence. You've got a DNA analyst that
3 gives you a conclusion that is not even logically possible
4 given the current population of the earth, and then says
5 well, but it could be more prevalent than that. I'm not
6 sure.

7 So, take that for what that's worth. Her conclusion
8 became much less solid the longer I asked her questions.

9 And you think, in assessing the credibility, the
10 consistency, the recollection, think also about some of the
11 procedures utilized. Police kind of picked and choose what
12 they decided to look at, test, swab, collect, and
13 photograph.

14 If that process and those sloppy processes give you
15 concern and cause you to hesitate, then that, ladies and
16 gentlemen, is a reasonable doubt as well.

17 You got clothes folded up on each other. The lady from
18 SLED said oh, I just pick one. I just pick a spot. Same
19 thing that Graham says. Oh, yeah, well, I saw the cat spot
20 and the bat spot, and that was the easiest way we referred
21 to it. I tested them. They both showed blood, but, you
22 know, I thought well, I'll go with the cat. I won't go with
23 the bat.

24 what was the bat?

25 If those kind of procedures and processes make you

1 hesitate to follow the conclusion the State wants you to
2 follow, then that is a reasonable doubt, ladies and
3 gentlemen of the jury. That is all Mr. Scott asked you to
4 do. That's all that your oath requires you to do.

5 Examine carefully the witnesses, their credibility,
6 their biases, their recollections, and the consistencies or,
7 I submit, the inconsistencies in this in determining each
8 and every element of each and every crime. That is your
9 duty. And if you have done that, then Mr. Scott thanks you
10 and I thank you.

11 THE COURT: Mr. Ellis, for the State.

12 SOLICITOR ELLIS: Thank you, Your Honor.

13 May it please the Court?

14 THE COURT: Yes, sir.

15 SOLICITOR ELLIS: Counsel.

16 Bridgette Jackson is just going about her life working
17 at the Money Tree on September 28th, 2010, doing her job,
18 waiting to go home, waiting to help her daughter do her
19 homework, and Andrew Brent Scott entered her life.

20 She didn't ask for it. She was just a normal person
21 doing normal days work winding up her day, and that man
22 chose to come into her store, Money Tree in Chesnee. She
23 was working alone, chose to enter that employee area where
24 she was, tried to cut and stab her with a knife, pointed a
25 gun at her, threatened her life, robbed the store, and took

1 her in the back to do who knows what, and it's by the grace
2 of God that she's still here today.

3 Ms. Jackson told you, from this witness stand, she kept
4 talking to Mr. Scott that day while this is all happening.
5 Kept saying why are you doing this. She's calling out for
6 her boyfriend, for anybody, to please help her. All she
7 wanted was for someone to help her.

8 Now, the judge, as Ms. Jones said, is gonna instruct
9 you a little while on the different elements of the law, and
10 he'll give probably a little more detail about some of this
11 than I will, but they're ultimately four charges that we're
12 dealing with today.

13 The first charge is armed robbery, and basically what
14 that boils down to is you using some kind of force or
15 intimidation, some kind of threat, along with a weapon, a
16 deadly weapon of some kind, like a knife or a gun, to take
17 something that's not yours from someone else. That's
18 basically what it is.

19 We're here today to talk about kidnapping. Kidnapping
20 essentially means to force someone to go to a certain area.
21 You won't let a person leave a certain area. They're not
22 allowed to come and go as they please. They're confined
23 against their will to some degree. They don't have -- they
24 don't have to be a little child locked in the trunk of a car
25 like you see on the TV usually when you hear about

1 kidnapping. Basically it's just not letting someone leave
2 an area, confining them, not letting them have free will
3 about where they go.

4 Assault and battery first degree. Basically that means
5 injuring someone or -- well, and it also can be injuring
6 someone during the commission, during the, of a robbery
7 among other things.

8 And, finally, possession of a weapon during commission
9 of a violent crime. Basically all that means is there's a
10 violent crime such as an armed robbery, and that person had
11 a weapon during that time and you believe they did, they're
12 guilty of that crime.

13 Now, you've been able to hear a lot of different
14 testimony, see a lot of exhibits. And as Ms. Jones already
15 said, the judge will say also, it is correct that in order
16 for you to find this defendant to be guilty of any and all
17 those charges, you must find him to be guilty beyond a
18 reasonable doubt. Now, it's important to remember and
19 realize that does not mean you have to find them to be
20 guilty beyond all possible doubt. Only beyond any
21 reasonable doubts.

22 I submit to you there are no -- there's no reason to
23 have a reasonable doubt here. Look at the incident, the
24 facts of the case we're dealing with here.

25 This case, again, we know that the victim, Ms. Jackson,

1 saw a man, black hat, black glasses, black shirt, on a bike,
2 large, heavy set African-American man riding a bike up
3 behind the store. He came in the store, got through the
4 door. Did not have to break that front door down in, in
5 order to go to the employee area. He didn't have to break
6 it down. He was able to somehow unlock it and open it
7 slowly trying to creep in.

8 As soon as she tried to stop him from coming in, he had
9 a knife that he tried to stab her with. They fought over
10 the knife. She hit him in the face and about the body.
11 She's not, she's not even sure how many times trying to
12 protect herself, and the knife fell. Sort of slung she
13 said. When she went to get it, before she could pick it up,
14 he pulled a pistol on her and pointed it at her, grabbed
15 her, forced her into the back, and threw her on the ground.
16 At one point he put his knee on her back and held her on
17 the, the ground so he could rob the money from the safe,
18 from the store that Ms. Jackson was there trying to protect.

19 When he was done with that she said she thought he
20 might leave. Maybe he had what he wanted. Maybe he'd leave
21 her alone now. He didn't do that either. He jerked her up
22 by her hair, forced her into the back room, threw her on the
23 ground and pointed the gun at her and said something along
24 the lines of bitch, I'm gonna kill you, and luckily, for
25 her, for all of us, she got distracted -- he got distracted,

1 I'm sorry, and she managed to shut that door and get out the
2 back.

3 Now, Ms. Jackson sat here and testified that she had
4 never met the defendant before that day. Never seen him
5 even as far as she's aware of, and no idea what he looked
6 like. Did not know who Andrew Brent Scott was. But she was
7 around him for several minutes that day. Often very very
8 close to him as they fought over that knife, as he held her
9 on the ground. She got a good look at him. And, so, when
10 she was shown a photo lineup by Officer Lovell at the
11 hospital, she knew that was him. Certain that was the man
12 who robbed her. Andrew Brent Scott was the man who robbed
13 her and attacked her.

14 We also know, from hearing from Trace Johnson, the
15 owner of the Money Tree, also from Tammy Landrie, who's one
16 of his employees, that Mr. Scott use to work at the Money
17 Tree there. So, he had knowledge of the store. He had
18 knowledge of the security procedures or the lack thereof
19 including the fact that the safe would of been opened. He
20 had access to a key that would let him in the back area of
21 the store, the area that should of been locked and secured.
22 Even when the front lock got changed, he could still get in
23 the back.

24 Not many people would of had that. Not many people
25 would of had that access. Particularly not a person who

1 happens to exactly match the description that the victim
2 gave of her attacker.

3 We know from Ian Stowell that even though he couldn't
4 say I'm a hundred percent sure I saw Andrew Scott on the
5 bike right around the time this incident happened, leaving
6 the Money Tree, Money Tree area, he couldn't be a hundred
7 percent on that. But he did tell you I'm pretty sure that
8 was my friend Andrew Scott on the bike, and I thought it was
9 weird. He was -- he didn't wave at me. He acted strange
10 and he left. Dressed exactly in the same way as the victim
11 described.

12 You heard Sergeant Teal say on patrol. He knows Andrew
13 Scott. It's a small town. He saw Andrew Scott dressed in
14 all black on a bike just like the victim said right before
15 the robbery, and Andrew Scott waved at him, and sergeant
16 Teal waved back. Didn't think anything of it at the time.
17 It was just people in Chesnee all being friendly to each
18 other.

19 And a little while later on, Sergeant Teal is making
20 his loop around town on patrol, he sees Andrew Scott again
21 and knows it's him. Still dressed in black. Still on the
22 bike. This time he's riding a little bit faster. This time
23 he doesn't wave at him and he keeps going. It's right after
24 that Sergeant Teal gets the call there's been a robbery.

25 You heard Sergeant Teal say that when he got to Verdia

1 Copeland's house to look for Mr. Scott he saw a bike in that
2 porch. There was one there.

3 You may not found the gun. He may not of found the
4 knife, he may not have found the knife, and Mr. Scott may
5 not of been wearing a black shirt anymore, but we also know
6 that Mr. Scott had that entire route on his bike to get back
7 over to where he was going, and he had 45 minutes to an
8 hour, even with the police outside knocking on his door, to
9 change clothes. It's not a hard thing to do.

10 Isn't it interesting that in a trailer, it's a regular
11 size trailer, three officers are there. At least two of
12 them are beating on the door, beating on the trailer,
13 calling out for the people inside to come out. Using their,
14 their speaker on their car asking whoever's inside to come
15 out, and he never got up and came to the, came to the door
16 in an hour.

17 I mean he's so close to the door that when Sergeant
18 Teal entered the house there was Mr. Scott right there on
19 the bed. Right next to the door pretty much acting like he
20 just didn't know people were trying to get his attention.

21 Also, knowing from what Sergeant Teal said and the
22 picture that he took, Andrew Scott had a cut on his nose and
23 it was a fresh cut and it still had some blood there on his
24 nose. The victim told us the man who attacked her, the man
25 in black, she fought him for her life, and she hit him and

1 she hit him in the face, and when she hit him she thought
2 she felt something kind of hard like a nose bone. Just like
3 this.

4 We know, from Tony Crawford, that this defendant had a
5 plan. For days he'd been formulating this plan. He knew he
6 was gonna go back to rob that Money Tree. Don't know why.
7 But he was gonna go rob it, and he tried to get somebody to
8 come help him.

9 We know, from what Mr. Crawford said, Mr. Scott had a
10 gun, and that gun was a black handgun, a pistol, and it's a
11 revolver.

12 Remember what the victim said about the gun?

13 She said I don't know guns very well. It was a black
14 gun, it's a pistol, and it wasn't a clip gun. It wasn't a
15 semiautomatic. The defendant had access to exactly that
16 same kind of gun.

17 We know, from what Ms. Copeland said, that Mr. Scott
18 lived with her for a couple years, and he had free reign of
19 that house during that time. Particularly when she wasn't
20 there like she wasn't there on the day of this robbery.
21 That's plenty of time to go through a house and see what's
22 there. It's plenty of time to go through the bedside table
23 next to the bed where you sleep and find a black pistol and
24 use it in a robbery if that's what you want to do.

25 We know that, again, this, this defendant, Mr. Scott,

1 he's got a bloody nose when he gets found very short, short
2 time after the robbery. Didn't take the police very long
3 sergeant Teal had seen him and he basically knew which
4 direction he was headed. They got there pretty fast. He
5 still has this fresh cut on his nose.

6 Anybody that's had a bloody nose knows that when you
7 have a bloody, have a busted nose, there's a lot of blood
8 that comes out of there most of the time. If you get hit
9 really hard with something in your nose, it's gonna bleed a
10 lot.

11 Think about the victim's clothes. Especially her
12 pants. Blood was streaked all over it. It's blood here on
13 the front of her shirt. It's blood on her sleeve. It's
14 even blood on the back of her shirt and the back of her
15 pants from where he was pushing her from behind forcing her
16 into the back room.

17 There's blood found in the store and on the victim.
18 The victim told you she didn't know this man. She'd never
19 met him before.

20 How did her (sic) blood get on her clothes, her clothes
21 that were clean when she went to work that day?

22 But after she got robbed, the blood all over it, and
23 it's his blood. The only way that could happen is because
24 he was the person she hit in the nose trying to defend
25 herself during this robbery, during this attack, during this

1 kidnapping.

2 You heard an expert witness, a DNA analyst from SLED,
3 testify here today, and she told you, in her expert opinion,
4 that the blood that she found on the victim's shirt, the
5 blood she had from the both places on the defendant, the
6 victim's pants, the blood from the victim's bra, and the
7 blood from the tablecloth, which is still lying in the store
8 that Deputy Graham found when he went to investigate the
9 scene, all of that blood, in her expert opinion, only
10 matched one person. The defendant.

11 There wasn't even a mingling where it was partially his
12 and partially somebody else's. It wasn't like some of it
13 was his and some of it was someone else's. Every single bit
14 of blood that she tested came back to the defendant. She
15 sat here and told you, between seven billion people roughly
16 in the world today, and it would take I believe it was a
17 trillion time for people than that just to have that
18 possibility exist where it could be somebody else, somebody
19 else's DNA. 540 quintillion to one that it's that man who
20 attacked her.

21 Ladies and gentlemen, Bridgette Jackson's asking for
22 help that day. Just wanted someone to help her, and today,
23 during this trial, she's still just asking for someone to
24 help her. Asking for justice.

25 So, I stand before you today and I'm asking you to find

1 that defendant, Andrew Brent Scott, guilty of armed robbery,
2 guilty of kidnapping, and guilty of assault and battery in
3 the first degree, and guilty of possession of a weapon
4 during a violent crime.

5 Thank you.

6 THE COURT: All right. Ladies and gentlemen, that
7 completes the closing arguments or statements made by
8 counsel. I told you that, when we reached this stage of the
9 trial, it would be my responsibility to charge you
10 concerning the law that you're to apply in this case.

11 Before I do that, I want to go over with you the
12 indictments in this matter. There are four different
13 charges. They're three indictments. One of the indictments
14 has two counts in the indictment. So, there are four
15 separate charges in this case.

16 The first indictment that I'll go over with you, and I
17 will take them in numerical order, is Case Number 2010-6835.
18 That indictment is for assault and battery in the first
19 degree. I read the indictment to you when we began the
20 trial. I'll do that again to you at this time, and I will
21 send these indictments back with you into the jury room for
22 your review.

23 That indictment states that Andrew Brent Scott did, in
24 Spartanburg County, on or about September 28th, 2010,
25 commit an act causing an unlawful injury to Bridgette

1 Jackson, and the act one, involved nonconsensual touching of
2 the private parts of an adult with a lewd and lascivious
3 intent, or occurred during the commission of a robbery,
4 burglary, kidnapping, or theft, or involves an offer or
5 attempt to injure another person with the presentability to
6 do so, and the act is accomplished by means likely to
7 produce death, great bodily injury or occurred during the
8 commission of a robbery, burglary, kidnapping, or theft.
9 All in violation of Code Section 16-3-600 of the Code of
10 Laws of South Carolina, 1976 as amended, against the peace
11 and dignity of the state and contrary to the statute in such
12 case made and provided.

13 That's the first indictment in the case.

14 The second indictment in the case is in, is for the
15 offense of kidnapping. That's Case Number 2010-6836.

16 That indictment states that the defendant, Andrew Brent
17 Scott, did, in Spartanburg County, on or about
18 September 28th of 2010 unlawfully seize, confine,
19 inveigle, decoy, decoy, kidnap, abduct, or carry away the
20 victim, Bridgette Jackson, without authority of law. All in
21 violation of Section 16-3-910 of the Code of Laws of South
22 Carolina, 1976 as amended, against the peace and dignity of
23 the State and contrary to the statute in such case made and
24 provided.

25 That's the second indictment.

1 The third and finally indictment containing two counts
2 is the Indictment 2010-6837. The first count is for armed
3 robbery.

4 That indictment states that Andrew Brent Scott did, in
5 Spartanburg County, on or about September 28th, 2010,
6 while armed with one or more deadly weapons, to wit, a
7 knife and/or firearm, felonious take property and/or
8 currently from the person and/or presence of Bridgette
9 Jackson, to wit, U.S. Currency from the Money Tree by means
10 of force, violence, and/or intimidation with the intent to
11 deprive the owner permanently of such property in violation
12 of Section 16-11-330(a) of the Code of Laws of South
13 Carolina, 1976 as amended.

14 Count Two is for the possession of a weapon during the
15 commission of violent crime. That indictment states that
16 Andrew Brent Scott did, in Spartanburg County, on or about
17 September 28th visibly display what appeared to be a
18 firearm, excuse me, possess or visibly display a firearm
19 and/or visibly display a knife and/or visibly display what
20 appeared to be a firearm during the commission of a violent
21 crime, to wit, armed robbery, in violation of Code Section
22 16-23-490 of the Code of Laws of South Carolina, 1876, as
23 amended, against the peace and dignity of the State, and
24 contrary to the statute in such case made and provided.

25 Those are the indictments that are before this Court.

1 I have told you and I'll remind you the fact that a
2 defendant has been arrested, charged, and indicted in this
3 case is not evidence in the case and can not be considered
4 by you, the jury, as evidence in this case nor does the fact
5 that an indictment has been issued create any presumption or
6 inference of guilt.

7 The documents that I've gone over with you are simply
8 the documents that bring the case before this Court. They
9 inform the defendant of the charges that have been lodged
10 against him. They inform this Court of the charges to be
11 tried and decided in this trial.

12 Now, the indictments in this case allege several
13 different offenses against the defendant. Each indictment
14 charges a separate and distinct offense. You, the jury,
15 will be called upon to decide each indictment separately on
16 the evidence presented during the trial and the law that's
17 applicable to that indictment Uninfluenced by your decision
18 as to the other indictments. Therefore, the defendant can
19 be convicted and/or acquitted on any or all of the
20 indictments that are before you, and you will be asked to
21 write a separate verdict of either guilty or not guilty as
22 to each indictment, and each charge contained within the
23 indictments that I have gone over with you in this case.

24 I told you at the beginning of the trial the defendant
25 has pled not guilty to the indictments. That plea, under

1 the law and Constitution of this state, places the burden
2 upon the State to prove the defendant's guilt.

3 A person charged with the commission of a criminal
4 offense, no matter what the seriousness of that crime might
5 be, is never required to prove himself innocent. I charge
6 you that it's an important rule of law that a defendant, in
7 a criminal case or trial, is always presumed to be innocent
8 of the crime for which the indictment has been issued until
9 and unless it has been proven to you, the jury, his guilt
10 has been proven to you by evidence that satisfies you of
11 that guilt beyond a reasonable doubt. The presumption of
12 innocence does not end when you begin your deliberations.
13 It accompanies the defendant throughout the proceedings,
14 throughout the trial, and into your deliberations.

15 Some people describe the presumption of innocence
16 somewhat like the robe that I wear into the courtroom. That
17 robe or that presumption of innocence remains about the
18 defendant's shoulders throughout the trial. It accompanies
19 the defendant into your deliberations. It remains about the
20 defendant's shoulders, that presumption of innocence, until
21 such time as it is been removed from the defendant or
22 stripped from the defendant by proof that satisfies you of
23 the defendant's guilt beyond a reasonable doubt.

24 Now, the presumption of innocence is not a mere legal
25 theory. It's not a mere legal phrase. It's a substantial

1 right that every defendant is entitled to until you, the
2 jury, are satisfied, from the evidence of the defendant's
3 guilt, excuse me, the defendant's guilt beyond a reasonable
4 doubt.

5 Now, you've heard me mention proof beyond a reasonable
6 doubt about three times already in my charge on the law, and
7 you may be asking yourself well, what do you mean by a
8 reasonable doubt or what is a reasonable doubt, and I will
9 tell you that a reasonable doubt has been defined legally as
10 that kind of doubt that would cause a reasonable person to
11 hesitate to act. The State has the burden of proving the
12 defendant guilty beyond a reasonable doubt.

13 Now, I know some of you may have been involved in civil
14 cases before and let me explain to you there's different
15 standards of proof required in courts of law depending on
16 the nature of the matter being tried. In a civil case,
17 that's a case where someone's seeking monetary damages.
18 That can be because of a personal injury. It can be because
19 of a breach of a contract. It can be because of a failure
20 to pay a debt. Things of that nature where someone's
21 seeking monetary damages.

22 In those kinds of cases the standard of proof is proof
23 by the greater weight or the preponderance of the evidence.
24 That's been described as the scales of justice and every,
25 all of you have seen a picture of Lady Justice holding the

1 scales of justice. It's been described as those scales
2 tilting ever so slightly either in favor of a plaintiff or
3 in favor of a defendant, of a defendant, and that tilt of
4 the scales one way or the other decides, determines the
5 outcome of a civil case.

6 Now, the standard of proof in a criminal case is proof
7 beyond a reasonable doubt. The standard of proof,
8 therefore, is more powerful than that standard of proof in a
9 civil case. I will tell you that proof beyond a reasonable
10 doubt is that kind of proof that would leave you firmly
11 convinced of the defendant's guilt.

12 Now, I also am going to tell you there's very few
13 things that go on in this world in our lives that anyone
14 could prove beyond any doubt whatsoever, and that's not the
15 standard of proof that the State's held to. The State does
16 not have to prove, present proof that overcomes every
17 possible doubt.

18 I will tell you that if, after your consideration of
19 the evidence, if you are firmly convinced of the defendant's
20 guilt beyond a reasonable doubt, then you must find the
21 defendant not guilty. However, on the other hand, if you
22 think there's a real possibility that the defendant is not
23 guilty, then you must give the defendant the benefit of that
24 doubt and find the defendant not guilty.

25 I remind you that I went over with you, at the

1 beginning of the trial, that you and I have different jobs
2 and different functions during this trial. It's been my
3 responsibility to preside over the trial of the case and
4 rule on questions of evidence or the appropriate of, of,
5 appropriateness of questions that have been asked, and we
6 had very few of those issues come up, but some did.

7 And, again, I'm going to caution you, don't take from
8 anything that I say either during this trial or even now
9 during my charge to indicate to you one way or the other
10 that I have an opinion as to how you determine the facts in
11 this case. I will tell you now that I don't have an opinion
12 in this case because the law doesn't allow me an opinion in
13 this matter. You're the sole judges of the facts in this
14 matter.

15 It's your duty to take the, the testimony that has been
16 placed into the record, and if there was anything that I
17 ruled out of the record or anything that I ruled to be
18 inappropriate, you should not consider those matters at all
19 in reaching your verdict. Only the evidence that's been
20 placed into the record of the case. That is testimony that
21 was admitted or evidence that was admitted into the record
22 should be considered by you in reaching a verdict, and if
23 there was anything excluded, you should disregard those
24 matters in reaching your verdict in this case.

25 I have the additional duty of charging you concerning

1 the law that's applicable in this case, and I told you, at
2 the beginning of the trial, as the presiding judge, I am the
3 sole judge of the law to be applied in this case. Again, if
4 you have any idea or notion as to what the law is or what it
5 ought to be, leave those notions outside of the jury room
6 because, under your oath as jurors, you're required to apply
7 the law as I give it to you to the facts as you determine
8 them to be. That should put you in a position to render a
9 just a true and a fair verdict in this case.

10 Now, in every case you are the sole and exclusive
11 judges of the facts. And, again, I can not make any kind of
12 comment or intimate in anyway that I have an opinion one way
13 or the other as to how you determine the facts in this case.
14 You are the sole judges of the facts in this case, and it's
15 your duty, as jurors, to examine the weight, the value, and
16 the truth of the evidence that you've heard and been
17 presented during this trial.

18 Now, in deciding what evidence or how you weigh the
19 evidence that you wish to consider, I'll tell you there's
20 two types of evidence that you have a right to consider in
21 reaching a verdict in your case, and you may say well, what
22 do you mean by types of evidence?

23 What I mean by that is the law classifies evidence into
24 one or, of two types. Either direct evidence or
25 circumstantial evidence.

1 Direct evidence is testimony by a witness who claims to
2 have direct knowledge of the facts about which that person
3 testifies. Someone who was actually an eye witness to the
4 events or experienced the things about which that person
5 testifies. That's someone who is a direct, is offering
6 direct testimony or direct evidence on the matter to be
7 proven.

8 The other type of evidence that you have the right to
9 consider is what we call circumstantial evidence. Now,
10 circumstantial evidence is proof of a chain of facts or
11 circumstances that indicate the existence of some other
12 fact. It's been described by the law as proof of collateral
13 facts from which a main fact can be inferred. Now, those
14 are, collateral, and those things are big words and I use a
15 very simple example to, to give you an example of what is
16 meant by proof of a fact by circumstantial evidence.

17 Let's say last night when you went to bed you looked
18 outside the window at your home. The stars were shining.
19 It was a beautiful night out. In fact, it was. And you
20 went to bed, you slept well all night, didn't wake up at
21 all. You woke up the next morning, looked out that same
22 window. Now, the sun might be out when you got up the next
23 morning, but there's water dripping from all the trees.
24 The, the driveway in front of your house is wet. There's
25 puddles standing in the low spots.

1 Now, during the night, you slept well. You didn't hear
2 it rain. You didn't see it rain. But from the, from the
3 collateral facts that you know to be true, you could
4 reasonably infer that at sometime during the night it, in
5 fact, rained. Now, that's what we mean by proof of a fact
6 from a chain of facts or circumstances or proof of a fact by
7 inference.

8 Now, circumstantial evidence is proof of a chain of
9 facts and circumstances indicating the existence of another
10 fact. It's evidence which immediately establishes
11 collateral facts from which a main fact can be inferred.
12 Circumstantial evidence, therefore, is based upon inference
13 and not upon personal knowledge or observation.

14 Now, the law makes no distinction between the weight or
15 value that you, the jury, can assign to either direct
16 evidence or circumstantial evidence. Nor does the law
17 require a greater degree of certainty for circumstantial
18 evidence than that of direct. I will tell you that, as a
19 jury, you should weigh all of the evidence in the case.

20 After weighing all of the evidence, if you are not
21 convinced of the defendant's guilt beyond a reasonable
22 doubt, you must find the defendant not guilty. However, on
23 the other hand, if you are firmly convinced of the
24 defendant's guilt beyond a reasonable doubt, you must find
25 the defendant guilty.

1 In making -- in doing your job of weighing the
2 evidence, it's going to be necessary for you to determine
3 the credibility or the believability of the testimony that
4 you've heard. That's what credibility means. It means
5 believability, and it will be your duty to analyze what
6 you've heard from that prospective.

7 In determining credibility or believability in the
8 witnesses, in this case, you can believe all of what a
9 witness told you, part of what a witness told you, or none
10 of what a witness told you. You can believe one against all
11 the others or all the others against one. You're the sole
12 judges of the facts and that makes you the sole judge of the
13 credibility or the believability of what you've heard.

14 You have the right to consider whether or not a witness
15 has a stake in the outcome of a case, whether a witness
16 might show some bias or prejudice in favor or against one
17 side or the other, whether or not the witness had the actual
18 ability to know the things about which the witness
19 testified, and you've observed the witnesses as they
20 testify, how they spoke.

21 Take all of those factors into consideration in
22 whatever proportion you wish to take them into
23 consideration. Again, using common sense, make a
24 determination as to the credibility or the believability of
25 what you've heard from the witnesses.

1 Now, we had one witness who was, who is classified or
2 designated as an expert witness, and I told you that I would
3 talk to you a little more about that when I charged you
4 concerning the law, and I told you then that the rules of
5 evidence that govern our Courts ordinarily do not allow
6 witnesses to testify concerning opinions or conclusions that
7 they have drawn from the evidence that they present. An
8 exception to that general rule is made for witnesses who are
9 determined or who have been designated as expert witnesses.

10 Now, an expert witness is somebody, because, who,
11 because of their education or experience, has become an
12 expert in some art, science, profession, or calling, and
13 when someone is classified as an expert within those fields,
14 they are allowed to state an opinion on any relevant,
15 relevant matter or material that, involved in this case and
16 they also have the right to state the reasons for their
17 opinion.

18 I'm going to tell you, as a juror, however, you have
19 the right to consider any expert's opinion received in this
20 case like any other evidence that's come into the case. You
21 give it the weight that you think it deserves. If you
22 decide that an expert's opinion is not based on sufficient
23 education or experience or if you conclude that the reasons
24 the expert gave for having the opinion are not valid or not
25 sound, then, or the opinion is outweighed by other evidence,

1 you, the jury, have the right to disregard an expert's
2 opinion in its entirety if you choose to do that.

3 An expert witness' testimony is to be given no greater
4 weight than that of other witnesses simply because we've
5 designated them as an expert. In other words, it's your job
6 to evaluate that testimony, determine whether it convinces
7 you of its truth.

8 You are not required to accept an expert's opinion even
9 though it may not be contradicted by other testimony. In
10 other words, you're the sole judges of the facts, and you
11 give it the weight you think it deserves.

12 Now, I'm going to instruct you and I'm going to
13 emphasize to you that the fact that the defendant did not
14 testify in this case is not a factor to be considered by you
15 in anyway in your consideration of the guilt or the
16 innocence of the defendant. It must not be considered by
17 you in any manner whatsoever.

18 That's because a defendant has the Constitutional right
19 to remain silent. The assertion of a Constitutional right,
20 that right to remain silent, should, is not a matter to be
21 considered by you whatsoever in reaching your verdict. I
22 repeat to you that, under your oath, you are to draw no
23 conclusion whatsoever from the fact that a defendant did not
24 testify in the case. The fact that the defendant did not
25 testify should not even be discussed with, by you in your

1 deliberations in this case.

2 The burden of proof in a criminal case, I've told you,
3 is solely upon the State. The defendant is not required to
4 prove himself innocent in this matter. The burden of proof
5 remains upon the State, and that burden is to prove the
6 defendant guilty beyond a reasonable doubt.

7 Now, an issue in this case has been identification of
8 the defendant as the person who committed the crime, and the
9 State has the burden of proving identity beyond a reasonable
10 doubt. You must be satisfied, beyond a reasonable doubt, of
11 the accuracy of the identification of the defendant before
12 you may convict the defendant.

13 Identification testimony is an expression of belief or
14 an impression by a witness. You must determine the accuracy
15 of the identification of the defendant. You must consider
16 the believability of the identification witnesses the same
17 as you determine the believability of every other witness.
18 You may consider whether the witness had an adequate
19 opportunity to observe the offender at the time of the
20 offense.

21 This will be affected by such things as how long or
22 short the time was that was available for the
23 identification, how far or close was the witness from the
24 individual, the lighting conditions, whether or not the
25 witness had a chance to see or know the person in the past.

1 Once again, I instruct you, the burden of proof is upon the
2 State. It extends to every element of the crime charged.
3 This specifically includes the burden of proving, beyond a
4 reasonable doubt, the identity of the defendant as the
5 person who committed the crime.

6 I will tell you, as I've told you a couple of times,
7 if, after examining the testimony, if you have a reasonable
8 doubt as to the accuracy of the identification, then you
9 must find the defendant not guilty.

10 Now, I'm going to go over the charges that have been
11 made in this case, the law in the charges. The first one
12 I'll go over with you is armed robbery.

13 The defendant is charged with armed robbery, and in
14 order to prove this offense, the State must prove, beyond a
15 reasonable doubt, that the defendant took personal property
16 from the person or the presence of another person. Property
17 is in the presence of a person if it's within the person's
18 reach, inspection, observation, or control so that the
19 person could not, could, if not overcome by violence or
20 fear, have prevented the taking of the property.

21 The State must also prove, beyond a reasonable doubt,
22 that the defendant carried the property away intending to
23 permanently deprive the owner of the property and keep the
24 property for the defendant's own use. I will tell you the
25 slightest removal of property or the complete possession of

1 the property, even if, for an instant by a defendant, is
2 the, sufficient to show a taking and carrying away of the
3 property. The taking and the carrying away of the property
4 must have been done either with violence or by putting the
5 owner of the property in fear of violence.

6 Finally, for armed robbery, the State must prove,
7 beyond a reasonable doubt, that the defendant was armed with
8 a deadly weapon during the robbery. A deadly weapon is any
9 article or instrument or substance which is likely to cause
10 death or great bodily harm. Now, whether any instrument is
11 been used as a deadly weapon depends upon the facts and
12 circumstances of each case.

13 I will tell you that the following are examples of
14 things which have been found to be deadly weapons. A
15 pistol, a shotgun, a rifle, a dirk, a dagger, a knife, a
16 slingshot, metal knuckles, a razor, gasoline, fire bomb or
17 Molotov cocktail, and lighter fluid, and I will tell you a
18 gun may be a deadly weapon even if it is not operating.

19 The second charge I'll go over with you is the charge
20 of kidnapping. The defendant is charged with kidnapping and
21 the state must prove, beyond a reasonable doubt, that the
22 defendant did knowingly and unlawfully seize, confine,
23 inveigle, decoy, kidnap, abduct, or carry away a person
24 without the authority of law. To do a thing unlawfully is
25 to do it willfully against the law.

1 knowingly means knowledge, with knowledge, consciously,
2 not accidentally.

3 Seize means to take hold of suddenly or forcefully.

4 Confine means to limit, restrict, or enclose within
5 bounds or to imprison or shut or keep someone in.

6 Inveigle means to lure, entice, lead astray by false
7 representations, promises, or other deceitful means.

8 Decoy also means to lure by or by decoy. A decoy is
9 something to entice a person into a trap.

10 Kidnap is to remove a person against his or her will by
11 unlawful force or by fraud.

12 Abduct means to carry off secretly or by force for an
13 illegal purpose.

14 Carry away means to remove.

15 Now, the State does not have to prove that the
16 defendant did all of these things. Instead if you find,
17 beyond a reasonable doubt, that the defendant did any of
18 these things, then you may find the defendant guilty of
19 kidnapping. Something done without authority of law is
20 something which the law does not sanction, permit, condone,
21 allow, or provide justification for. The kidnapping does
22 not have to be for any personal or monetary gain for any
23 illegal purpose, but be, may be for any reason whatsoever.

24 Now, the next charge I'm going to go over with you is
25 assault and battery in the first degree, and first of all,

1 I'm going to define for you what the law means by an assault
2 and what the law means by a battery.

3 Now, an assault occurs when a person attempts or offers
4 to commit, offers to commit a violent injury upon another
5 and has the presentability to carry that out. Let me
6 explain to you in simple words what that means.

7 If I had met you out in the hallway of this courthouse
8 this morning, and if I had walked up to within arm's length
9 of you, and I drew back my fist as if, if to hit you, and
10 you were in fear then of, of receiving some type of injury,
11 that would be an assault because I have, would have
12 attempted or offered to commit a violent injury, and I would
13 of had the presentability to carry it out. In other words,
14 I was within arm's length. As long as I brought my arm
15 forward, I could of hit you. So, that's an assault.

16 Now, a battery is the unlawful touching of another
17 person by someone who's committed an assault. An unlawful
18 touching can be caused by any part of the accused body or
19 any object put in motion by the accused. A battery is the
20 completion of an assault by using or applying force to
21 another person and it can be in a slight, rude manner, or
22 angry manner, or resentful manner. In other words, it's
23 done without legal justification.

24 So, using my earlier example, if I had met you in the
25 hallway, I had walked up within arms lengths of you, drew

1 back my fist as if to hit you, and then brought that fist
2 forward, and touched you in a rude, angry, or resentful
3 manner, I would of completed both an assault and a battery
4 under the law. So, that's what is meant by an assault and
5 battery.

6 Now, in this case the assault and battery is in the
7 first degree, and the law states that a person commits the
8 offense of assault and battery in the first degree if the
9 person unlawfully injures another person and the act
10 either, now there's some things under the law that may not
11 apply here, but these are, are choices, involves
12 nonconsensual touching of the private parts of an adult
13 either under or above the clothing with a, with a lewd and
14 lascivious intent, or a person injures another person, and
15 the act occurred during the commission of a robbery,
16 burglary, kidnapping, or theft.

17 A person may also commit the offense of assault and
18 battery in the first, in the first degree if a person offers
19 or attempts to injure another person with the presentability
20 to do so and the act either is accomplished by means likely
21 to produce death or great bodily injury or occurred during
22 the commission of a robbery, burglary, kidnapping or theft.

23 Great bodily injury means bodily injury which causes a
24 substantial risk of death or which causes serious permanent
25 disfigurement or protracted loss or losses of an organ.

1 Now, that charge is assault and battery in the first
2 degree.

3 The final charge that I'll go over with you is the
4 possession of a weapon during the commission of violent
5 crime. The defendant is charged with that, and in order to
6 prove criminal responsibility under this Code Section,
7 that's Code Section 16-23-490, the State has the burden of
8 proving, beyond a reasonable doubt, that the defendant,
9 first of all, committed a violent crime. Secondly, must
10 prove that the defendant was in possession of a weapon
11 during the commission of a violent crime.

12 Now, violent crimes are defined in the Code of Laws of
13 South Carolina, and I will charge you that armed robbery,
14 under Code Section 16-1-60, is defined as a violent crime.

15 Now, Mr. Reid, if you'll raise your hand please.

16 (Juror complies.)

17 THE COURT: You're going to be the foreperson of the
18 jury. That means you will be the person who will be
19 responsible to conduct the discussions of the jury.

20 Now, if, during your deliberations, the jury has some
21 question, I'll ask you to put that question in writing on a
22 piece of paper. They'll be provided in the jury room.
23 Submit that to the bailiff who will be seated right outside
24 of the door. The bailiff will bring the question to me, and
25 I'll determine how I should best answer the question.

1 I'll caution you or just tell you that I can not answer
2 every question you may have in your deliberations. I've
3 already told you I can't get involved in your decisions
4 concerning the facts. I can respond to such questions as
5 whether you have a question about the procedure followed,
6 certain questions about the evidence that may have been
7 presented, and also questions concerning the law that I've
8 charged you.

9 But I'm not going to ask you to, to edit any question
10 at all. You write down whatever question the jury has, and
11 I'll determine the appropriate response and give the
12 appropriate response to those questions should they be
13 presented.

14 Also, Mr. Reid, it will be your responsibility to
15 record the verdict in this case. In a few minutes I'm going
16 to provide you with a form for you to fill out that will
17 take care of your writing the verdict and you would sign
18 that once it's been completed.

19 Now, it's going to have several questions on there
20 because they're several charges, and you've got to make a
21 decision on each separate charge. So, the verdict of the
22 jury will not be completed until you've completed responding
23 to all of the questions.

24 Now, your verdicts on each question must be unanimous.
25 That means each and every one of you must agree upon the

1 verdict before it's the verdict of the jury, and that
2 verdict must be unanimous, Mr. Reid, before you can record
3 it on the document and then submit it.

4 Now, once verdicts have been reached on all questions
5 presented to you, if you'll knock on the door, inform the
6 bailiff that a verdict's been reached. Then we'll bring you
7 back into the courtroom to receive your verdicts.

8 Now, I've gone over a lot of things with you, and
9 there's a good bit of evidence here. So, we've got some
10 housecleaning matters to take care of because this evidence
11 goes back into the jury room with you, and we have to be
12 sure that only the properly admitted evidence goes back
13 there, and there's some matters I have to go over with the
14 lawyers before I can ask you to begin your deliberations in
15 this case.

16 So, at this point in time I'm going to ask you, on one
17 more occasion, to step back to the jury room.

18 Mr. Reid, do not allow any discussions about the case
19 to begin until I've brought you back to the courtroom for
20 final instructions.

21 You may retire to the jury room.

22 Thank you very much.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: Any objections to the charge from the