

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Paul M. Burch, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN KENNETH MASSEY, JR.,

APPELLANT

APPELLATE CASE NO. 2015-002563

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MARK FARTHING
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit
1675-1A York Highway
Moss Justice Center
York, SC 29745
(803) 628-3020

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
DEFENDANT'S EXHIBIT # 3 (PHOTOGRAPH); COURT'S EXHIBIT # 2 (CD OF
HATTIE'S RECORDS)**

State of South Carolina.,)	In the General Sessions
)	Court of York
)	
)	Case No. 2013-GS-46-03508
County of York.)	2013-GS-46-03509

State of South Carolina.,)	
)	
Plaintiff.,)	
)	Transcript of Record
)	
John Kenneth Massey.,)	
Junior.,)	
)	
<u>Defendant.</u>)	

October 30, 2015
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III, judge.

Mr. Matthew Hogge
Assistant Solicitor
Sixteenth Judicial Circuit
Union and York Counties
Moss Justice Center
1675 1-A York Hwy.
York, South Carolina 29475
For the Plaintiff

Mr. Phil Smith
Sixteenth Circuit Public Defender's Office
Union and York Counties
PO Box 691
York, South Carolina 29745-0691
For the Defendant

Wanda S. Nelson, CVR-M
Official Court Reporter
Sixteenth Judicial Circuit
To the Honorable John C. Hayes, III

1 (COURT IN SESSION AT 10:47 AM.)

2 SOLICITOR HOGGE: May it please the Court.

3 THE COURT: Yes, sir.

4 SOLICITOR HOGGE: Before you is John Massey. He's
5 with his attorney Phil Smith. He was before your Honor on
6 a jury trial back in March and on March the 31st, 2015 he
7 was convicted of shoplifting enhanced. You sentenced him
8 to three years. He is now completed that three years and
9 is back here in the York Detention Center awaiting trial
10 for burglary in the first degree on 2014-GS-46-781;
11 criminal conspiracy, 780; grand larceny, 782 and another
12 incident 2013-GS-46-3508 for grand larceny enhanced and
13 3509 for malicious injury to personal property enhanced.

14 And its my understanding he has an attorney matter
15 that he would like to take up with your Honor.

16 THE COURT: Your name again? Your client's name?

17 MR. SMITH: John Massey, your Honor.

18 THE COURT: Massey. Okay. Mr. Smith, what do you
19 know about your client?

20 MR. SMITH: Your Honor, I represented him since 2013
21 on various charges and it's not unusual for him to make
22 complaints and I sort of stayed and continued presenting
23 him through that but the volume of complaints and where
24 they're coming have been increasing and when I speak with
25 him and think we have some sort of understanding within

1 that weeks there's a letter either to one of the judges
2 here, the Supreme Court, the Disciplinary Council, the
3 Clerk of Court and I just think he's got some frustration
4 with my assessment of some of his motions and cases and
5 wishes to address the Court concerning those matters.

6 THE COURT: All right. Mr. Massey, you're welcome to
7 speak but keeping in mind that what you say is recorded and
8 it could be used against you if this case goes -- if any of
9 these cases go to trial. Do you understand that?

10 MR. MASSEY: Yes, sir.

11 THE COURT: All right.

12 MR. MASSEY: At this time, your Honor, I'd like to
13 state that I have a complaint against Phil Smith. SCDC
14 records I been incarcerated since December 30th, 2013. One
15 of the pending cases that he spoke of is over two and a
16 half years old. I was indicted October 17th, 2013. The
17 other case is like two years old. I been incarcerated here
18 or incarcerated the whole time. My main assessment is I
19 haven't been issued a bond or a bond hearing. I think it's
20 within my rights - constitutional rights to have been
21 provided a bond hearing or a means to get out.

22 I'm not charged with a capital offense. I been
23 intimated to my attorney Phil Smith that I would like for
24 him to put in for a motion for a fast and speedy trial
25 because these cases are way over due. When we went before

1 you in trial March 31st that was the later cases that I
2 previous. Mr. Hogge decided to try the shoplifting case
3 instead of the other two cases since I been back here
4 incarcerated at York County Detention Center since August
5 26th. The fiscal year is coming up for court terms and
6 there's not many left. I haven't been able to contact my
7 family or I have issues with the phone cause anything I --
8 Like as you say anything I say inside this facility is
9 monitored. Even if I call my mom and speak to about my
10 kids he wants to use it in some child - in trial as
11 evidence in chief.

12 I've also had issues with Mr. Hogge about Rule Five
13 and Six violations of giving Phil Smith evidence in this
14 case and this motion of Discovery and evidence in this
15 motion of this case. I'm not gonna allow him to take
16 evidence and work that out. If you got evidence in this
17 case it's not gonna -- You know he can't use it in this
18 case. He's trying to use it; that's issues of court.

19 Buy my main issue is having a bond hearing and have my
20 attorney file a motion for fast and speedy trial so that
21 this can be resolved and speak about it.

22 THE COURT: What are you asking? What is your request
23 at this point?

24 MR. MASSEY: At this point if I may have a bond set.
25 As he said I was charged first degree burglary. That

1 charge was quashed by Judge Griffith on January 26. It is
2 no longer over my head. At that point that is a change of
3 circumstance where I can be issued a bond on the remaining
4 charges of grand larceny and conspiracy. But -- And I'd
5 also like Mr. Smith to file a fast and speedy -- motion for
6 a fast and speedy trial on all charges.

7 THE COURT: Mr. Smith.

8 MR. SMITH: Your Honor, with regard to and it's one of
9 the areas that we have a differing view on the law. Judge
10 Griffith's ruling was that the State could go forward on
11 the burglary second. They chose to appeal that ruling;
12 they made a motion to reconsider that ruling as well and
13 the State is just waiting on a signed order from Judge
14 Griffith about that so I don't think that they delayed in
15 going forward. They called the case and attempted to try
16 the case so I don't think there is a basis for a motion for
17 a fast and speedy trial on that.

18 MR. MASSEY: If I may add, your Honor? He did give
19 me the order on the judge's ruling from Judge Griffith.
20 Judge Griffith had quashed the charge finally. He appealed
21 it to Attorney General of South Carolina.

22 THE COURT: Well, no, that doesn't sound like it and
23 that's not the way it usually works. As I understand it
24 the State has appealed -- not appealed but requested Judge
25 Griffith to change his mind under what's called a Request

1 for Reconsideration. So the balls in Judge Griffith's
2 court and until that is resolved then whether or not it's a
3 first or second degree burglary is still kind of up in the
4 air from a legal standpoint.

5 Is that assessment correct, Mr. Hogge?

6 SOLICITOR HOGGE: Yes, your Honor, we attempted --
7 Whenever he was first arrested in 2013 the grand larceny, I
8 was preparing to try him for that and while I was preparing
9 for that he was rearrested for this burglary in the first
10 degree. And as I attempted to -- Well I did call that case
11 to trial and he quashed or -- I can only go forward on the
12 burglary in the second degree indictment and I have filed a
13 motion to reconsider that. I believe that -- Well I'll
14 speak to Judge Griffith. We're waiting for Judge
15 Griffith's Motion to Reconsider to be decided so your
16 assessment is correct, your Honor.

17 THE COURT: All right. Well what I'm going to do is
18 I'll figure out the posture, I'm gonna require -- I'm gonna
19 ask, I can't require, Mr. Smith to make a motion for a
20 speedy trial before the court which cannot be heard until
21 at least we hear from Judge Griffith.

22 Now, if the State is not happy with that ruling I
23 guess the State could appeal that at this point. But
24 whether they can or cannot I'm going to require the State
25 to set a bond hearing withing thirty days of receipt of

1 Judge Griffith's order.

2 And ask your attorney immediately upon receiving the
3 ruling from Judge Griffith regardless of which way it goes
4 to make a motion for a speedy trial.

5 MR. MASSEY: If I may add, your Honor?

6 THE COURT: Yes, sir.

7 MR. MASSEY: First week of October Mr. Smith did bring
8 me an order signed by Judge Griffith about that charge
9 dated October 9th.

10 THE COURT: All right.

11 MR. MASSEY: I have it here but I don't have it on my
12 possession at this time.

13 THE COURT: But that's the one being reviewed.

14 SOLICITOR HOGGE: Well it's a little complicated.
15 Judge Griffith issued an oral order in court saying that
16 these facts do not arise to burglary in the first degree
17 and that has been appealed. After that --

18 THE COURT: Appealed or reconsideration?

19 SOLICITOR HOGGE: That has been appealed. Upon
20 speaking with the Attorney General's Office they ask me to
21 file a post-trial motion to take up the issue of the
22 procedural nature of a motion to quash in that setting and
23 we are awaiting for him to make -- to issue a ruling on
24 that so that the AG's office can tackle that issue. And I
25 repeatedly emailed Judge Griffith and I sent him proposed

1 orders for his signature to deny my motion and so we're
2 awaiting that.

3 THE COURT: Let's do this. I don't want to leave Mr.
4 Massey hanging by virtue of procedural knock down drag out
5 between the Attorney General, Judge Griffith and the
6 Solicitor and his counsel. I'm going to change my -- Well
7 the problem, Mr. Massey, is we can't -- the State cannot
8 provide a fast and speedy trial until that matter is
9 resolved whether or not you're facing first or second
10 degree burglary with finality. So that the fast and speedy
11 trial -- but the bond issue can be visited before that.

12 So I'm going to change my ruling a little bit but
13 still would like to know what Judge Griffith says cause
14 that might help in regard to the bond matter. And still
15 regardless of whether the State intends to appeal or does
16 appeal or what happens to supposedly the appeal that's in
17 limbo now that withing thirty days after Judge Griffith
18 issues his -- I call it the followup that a bond hearing be
19 set.

20 MR. SMITH: There is another set of charges that I
21 believe his bond was revoked due to his other arrest which
22 I know they've attempted to call at trial but there have
23 been some issues over the past couple of terms about
24 getting to do that.

25 THE COURT: Well it's very confusing but all I can do

-11-

1 at this point is accommodate Mr. Massey to see that he does
2 have a bond hearing. And I understand why it hadn't been.
3 The issues may be Mr. Massey, that if you get a bond even
4 if it's a dollar if you got other charges that don't have a
5 bond on them you have to move -- You haven't made any
6 movement forward. But I think you are -- I know you are
7 correct in that you have a right to have even though you're
8 in on a revoked bond on another charge you have a right to
9 have a bond set on this. And also you're certainly to have
10 -- make a motion for a speedy trial. I just think that at
11 this point I feel until you get some clarification as to
12 what you're charge is then the matter is in the judge's
13 hand that the State -- Let me back up a little bit.

14 What at issue now is your motion to quash.

15 MR. MASSEY: Uh-huh.

16 THE COURT: So if there's any holdup I not gonna say
17 its based on your conduct but what -- put it on a motion
18 for something you did and so based on my understanding of
19 what the Supreme Court has said a fast and speedy trial.
20 I'm not saying you did this intentionally but if the holdup
21 is based on conduct of the defendant then the State doesn't
22 have to comply with a fast and speedy trial. So I'm trying
23 to help everybody work through all this so I know I'm
24 repeating myself. But bond hearing in thirty days after
25 Judge Griffith rules.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) SIXTEENTH JUDICIAL CIRCUIT
 COUNTY OF YORK) CASE NO.: 2013-GS-46-3508
 03509

STATE OF SOUTH CAROLINA)
)
) TRANSCRIPT OF RECORD
)
 VS) (DAY 1 - VOLUME I)
)
 JOHN KENNETH MASSEY) (PAGES 1 - 83)

NOVEMBER 30, 2015
 YORK, SOUTH CAROLINA

BEFORE THE HONORABLE PAUL BURCH

APPEARANCES:

MATTHEW HOGGE, ASSISTANT SOLICITOR
 YORK, SOUTH CAROLINA

AUSTIN NEWMAN, ASSISTANT SOLICITOR
 YORK, SOUTH CAROLINA

ATTORNEYS FOR THE STATE

PHIL SMITH, ASSISTANT PUBLIC DEFENDER
 YORK, SOUTH CAROLINA

ATTORNEY FOR THE DEFENDANT

SHIRLEY BROOM
 16TH Circuit Court Reporter

1 MR. HOGGE - Your Honor, the next case before the
2 bar is the State vs. John Kenneth Massey, Jr., Indictment
3 Number 2013-GS-46-3508 will be for grand larceny two to ten
4 thousand dollars and enhanced as a third or subsequent
5 property crime and the ten-year felony, and also before
6 this Court is Indictment 2013-GS-46-3509 for malicious
7 injury to personal property also being enhanced as a ten-
8 year felony for a third or subsequent property crime. It's
9 my understanding that the defendant wishes to plead not
10 guilty and proceed on with a trial. We have called this
11 case to trial on -- just for the record -- last term in
12 front of Judge Dan Hall. Judge Dan Hall had to recuse
13 himself, because he's listed as a potential witness in a
14 federal lawsuit that the defendant has filed against the
15 sheriff's department, and I believe he also knows the
16 victim in this case and has represented Mr. Massey in the
17 past, and for that recusal we have now scheduled it for
18 trial here today in this court.

19 THE COURT - All right. Anything for the record,
20 Mr. Smith?

21 MR. SMITH - No, Your Honor, that's -- it's
22 correct, Mr. Massey pleads not guilty and requests a jury
23 trial.

24 THE COURT - All right.

1 MR. HOGGE - The State has no pre-trial. I know
2 that the defense has some motions, that the State's
3 prepared to have a Denno hearing at the appropriate time
4 and to qualify an expert at the appropriate time to hear
5 today.

6 THE COURT - We need to go ahead and do that if
7 that's what y'all desire, because it looks like as far as
8 getting a hold of the jury, it may be later this afternoon,
9 and it may work out that we probably just will need to wait
10 til in the morning, but we'll do what we can.

11 MR. SMITH - Yes, Your Honor.

12 THE COURT - All right.

13 MR. HOGGE - We'll call -- for our Denno hearing,
14 the State would call Bobby Ferrell to the stand.

15 THE COURT - Come around and be sworn, please.

16 BOBBY FERRELL, AFTER BEING FIRST DULY SWORN,
17 TESTIFIES AS FOLLOWS -

18 MR. HOGGE - And just for planning purposes, I
19 plan on calling three witnesses for the Denno hearing.

20 DIRECT EXAMINATION

21 BY MR. HOGGE -

22 Q Good morning, Mr. Ferrell. Can you give us your name
23 for the record?

24 A It's Bobby Ferrell.

25 Q And where do you currently work?

BOBBY FERRELL - DIRECT BY MR. HOGGE

7

1 A I'm retired from the York County Sheriff's Office. I
2 retired October the 31st, ---

3 Q Did you work ---

4 A -- this year.

5 Q I'm sorry. Go ahead. I didn't mean to cut you off.

6 A I retired this year, October the 31st.

7 Q And were you working for the sheriff's office back on
8 July of 2013?

9 A Yes, sir.

10 Q And what were you doing for the sheriff's office?

11 A I worked for the civil process, process server.

12 Q Okay. Can -- can you tell us about the events on
13 July, 2013 (sic) and how you happened upon Mr. Massey?

14 A Yes. On July 17th, 2015th (sic) it was about -- I
15 signed on for work and I was ---

16 Q Let me pause you there. You said 2015.

17 A I'm sorry, 2013.

18 Q All right. Continue.

19 A I had signed on for work and I was heading towards the
20 Moss Justice Center, um ---

21 Q Where were you driving from?

22 A My residence.

23 Q And where is that?

24 A It's in Lowrys.

25 Q And where's Lowrys?

1 A Chester County.

2 Q Okay.

3 A It's just outside of York County.

4 Q Okay, so you're driving from Chester County to work
5 here at the Moss Justice Center. Tell us about that drive.

6 A Okay. When I -- I was on Brattonsville Road, when I
7 made a turn on to Mobley Store Road, I traveled about 200
8 yards and I came upon John Massey standing in the middle of
9 the road.

10 Q Okay. What time of the day is it right now?

11 A This was 5:19 in the morning.

12 Q Okay. And so was it still dark at this hour?

13 A It was pretty dark.

14 Q Okay, tell us about what you saw about Mr. Massey and
15 everything there on the road.

16 A Okay. At -- well, about the time I spotted John
17 Massey in the road, I spotted a four-wheeler in the ditch.

18 Q How far away was that four-wheeler from Mr. Massey?

19 A It was probably about 15 to 20 yards.

20 Q Okay. Can you describe for us Mr. Massey's
21 appearance?

22 A Mr. Massey appearance uh -- as I -- when I patted him
23 down I noticed he had mud on his pants; he was sweaty.

24 Q Okay. Was that area muddy, ---

25 A I ---

1 Q --- the area where you were at Mobley Store Road?

2 A I'm not sure.

3 Q Had it been raining that day, do you know?

4 A I'm not sure.

5 Q Okay.

6 A I don't recall.

7 Q And what was your first conversation with Mr. Massey?

8 What did y'all first start talking about?

9 A I asked -- when I got out with Mr. Massey I asked him
10 -- I was going to pat him down for my safety for any
11 weapons. He raised both arms up; I patted him down; he
12 turned around, I patted him down. I asked Mr. Massey was
13 everything okay, and he said that he was in a argument with
14 his girlfriend somewhere in -- I believe he said Lowrys,
15 which is Chester County, and he was walking home and trying
16 to call him a ride.

17 Q Okay. What all kind of questions did you ask him?

18 A I asked him -- when he got through talking, you know,
19 telling me that, I asked him about the four-wheeler in the
20 ditch. I said, you know, what's up with that four-wheeler
21 in the ditch, and Mr. Massey said, what four-wheeler, and I
22 had to use my flashlight to shine on the four-wheeler and
23 he said, I didn't see that.

24 Q Okay. Now, as to that statement that he told you, was
25 he under arrest at that time?

1 A No, sir.

2 Q Did he ever ask to leave while you were talking to
3 him?

4 A He -- at -- toward the end uh ---

5 Q Tell us about towards the end.

6 A Okay, uh, Mr. Massey had made a -- was trying to get
7 him a ride on his phone and he had called somebody and they
8 -- they come to pick him up, and when his ride showed up,
9 you know, I had them to go on down, turn around, park
10 behind my car and then that's when Mr. Massey asked if he
11 could have his driver license back so he could leave, and I
12 told him no, he wouldn't be able to leave at that time,
13 he'd have to stay and talk to the patrol deputies, they
14 want to come out and talk to him about the four-wheeler.

15 Q At that time had you already made contact through
16 dispatch for other deputies to come out?

17 A That's correct.

18 Q And is this your normal thing that you do for the
19 sheriff's department or did at that time?

20 A No. No, sir.

21 Q Tell us about what you did through dispatch.

22 A Through dispatch I called and checked to see if we
23 have any active warrants on Mr. Massey and Deputy Shealey
24 came on the radio and said, hey, you know, I'm in route;

1 I'm going to come out and talk to Mr. Massey about the
2 four-wheeler, you know, to keep him there, and ---

3 Q Okay. So is that why you kept him there, ---

4 A Yes.

5 Q --- when he asked to leave?

6 A Yes, sir.

7 Q Okay. And as to that statement -- again, what time
8 was this that you were speaking with him?

9 A This was around 5:19 in the morning.

10 Q Okay. And who all was present when you were speaking
11 with him?

12 A Nobody, just me.

13 Q Just y'all two?

14 A That's correct.

15 Q And did the defendant appear to be under the influence
16 to the extent that would impair his ability to understand
17 you?

18 A No, sir.

19 Q Did he seem to be suffering from any physical or
20 mental disability at that time?

21 A No, sir.

22 Q And how long did you keep him there on the side of the
23 road before Deputy Shealey showed up?

24 A I'm going to guess about may 20 minutes.

1 Q Okay. Was he denied access to a telephone, bathroom,
2 food or drink?

3 A No, sir.

4 Q Did you ever threaten him or promise him in anyway
5 while you were speaking with him?

6 A No, sir.

7 Q Was he under arrest at that time?

8 A No, sir.

9 Q What would you say he was?

10 A He -- at -- toward the end he was detained because,
11 you know, he was wanting to leave.

12 Q Okay.

13 MR. HOGGE - All right, thank you, Mr. Ferrell. I
14 have no further questions for you at this time.

15 MR. SMITH - May it please the Court, Your Honor.

16 THE COURT - Yes, sir.

17 CROSS EXAMINATION

18 BY MR. SMITH -

19 Q Former Deputy Ferrell, you arrived about 5:19. Is
20 that what dispatch says?

21 A That's correct.

22 Q Okay. And did you first drive past Mr. Massey, or did
23 you approach him? Were you going the same direction as he
24 was?

1 A When I spotted Mr. Massey, it appears he had his back
2 to me and walking back to Rock Hill.

3 Q And you indicated that he was in the road at that
4 point?

5 A That's correct.

6 Q And -- middle of the road, the lane of the road?

7 A It was middle of the road.

8 Q Okay. And did you stop in the road, and where'd you
9 stop your vehicle?

10 A I kind of pulled -- I passed the four-wheeler, went on
11 down a little ways and pull off kind of the shoulder of the
12 road a little bit.

13 Q On the same side that the four-wheeler was on?

14 A That's correct.

15 Q And did he walk on up toward your vehicle?

16 A Yeah, we kind of walked up with each other.

17 Q Oh, you got out of your vehicle right away?

18 A That's correct.

19 Q And at that point in time you had just seen Mr. Massey
20 walking and you had seen a four-wheeler in a ditch. Is
21 that correct?

22 A That's correct.

23 Q And you got out and asked him could you pat him down?

24 A That's correct.

1 Q Now, does your vehicle have a camera in it, or did
2 your vehicle at that time have a camera?

3 A That's -- I did.

4 Q And would it have been activated?

5 A It should've been activated by the blue-lights.

6 Q And along with the video-recording capability it
7 records audio as well. Is that correct?

8 A No, the audio device I had was not working.

9 Q Now, when you approached Mr. Massey was he free to
10 leave?

11 A He never asked if he could leave. You know, I didn't
12 tell him you have to stay there or anything like that. We
13 just -- we was just talking back and forth.

14 Q But what would've happened if you had walked off?

15 A I would've detained him.

16 Q Okay. And you mentioned that he told you that he had
17 had some difficulty with a girlfriend and was walking back
18 toward home and trying to get a ride?

19 A That's correct.

20 Q And during the time you were there, did he use his
21 cell phone?

22 A Yes, sir.

23 Q And someone showed up to take him, to transport him?

24 A That's correct.

25 Q And he was not allowed to leave at that point.

BOBBY FERRELL - CROSS BY MR. SMITH

15,

1 A Not at that point.

2 Q Did you have any other involvement with the case?

3 A That -- that was pretty much it. Shortly after when I
4 detained Mr. Massey, Deputy Shealey showed up, and from
5 that point on I'm not sure what they did and what happened.

6 Q Did you call out any specific officers, or you just
7 simply call out to dispatch and other people responded?

8 A That's correct.

9 MR. SMITH - No further questions, Your Honor.

10 MR. HOGGE - Nothing further from the State. It
11 might be best if I just went to my next witness, we handle
12 all the Denno legal arguments towards the end.

13 State calls Travis Shealey.

14 TRAVIS SHEALEY, AFTER BEING FIRST DULY SWORN,

15 TESTIFIES AS FOLLOWS -

16 MR. SMITH - I didn't realize we had people in --
17 I'd move to sequester witnesses if we could.

18 MR. HOGGE - Step back out ---

19 THE COURT - That take care of it?

20 MR. HOGGE - It does, Your Honor. Or do you want
21 Detective Ferrell to step out too?

22 MR. SMITH - Oh, I thought he was your case agent.
23 I'm sorry.

24 MR. HOGGE - No. You can go on and step back.

25 DIRECT EXAMINATION

1 BY MR. HOGGE -

2 Q Deputy Shealey, am I pronouncing that right?

3 A Yes, sir.

4 Q And what do you do, Deputy Shealey?

5 A I'm a patrol deputy with the sheriff's office.

6 Q How long have you done that?

7 A For five years now, sir.

8 Q Okay. Do you recall the incidents of July of 2013?

9 A Yes, sir.

10 Q Can you just talk to us today about the statements

11 that Mr. Massey made to you? Tell us about when you

12 arrived and your conversation with Mr. Massey.

13 A That morning I had went to that scene, Deputy Ferrell

14 was coming into work. He was running a subject's name on

15 our secondary channel; I overheard that name. I started --

16 I was on my way home actually from getting off shift. I

17 arrived on the scene with Mr. Ferrell, got out with Mr.

18 Ferrell to see what the situation was. That's when he

19 advised me about the four-wheeler and the subject he saw

20 walking down the road. That is when I went to talk to that

21 subject who identified his self as John Massey.

22 Q And you said you overheard his name on dispatch. Are

23 you familiar with John Massey?

24 A Yes.

25 Q How are you familiar with John Massey?

1 A From a prior incident involving him with a larceny of
2 a four-wheeler.

3 Q When you say larceny of a four-wheeler, which four-
4 wheeler was that concerning?

5 A It was actually that specific four-wheeler that ---

6 Q The same exact four-wheeler that was stolen in July?

7 A That's correct.

8 Q Okay. Tell us about your conversation with Mr. Massey
9 when you go out there and you encounter him? What time is
10 it now?

11 A It's between -- it's getting close to 5:30 I'd
12 imagine, because I was still coming out of Rock Hill. I
13 try to leave a few minutes early to try to get home on
14 time, so it's probably 5:30 or so I'd imagine.

15 Q Okay. Tell us about your conversation with Mr.
16 Massey.

17 A I didn't go in too much depth with him talking about
18 it, basically asked him where was he coming from. He
19 stated he was coming from Chester. I don't recall what
20 specific place in Chester, just the general area of Chester
21 though.

22 Q Okay. How long after you arrived did you tell Mr.
23 Massey of his Miranda Rights?

1 A It wasn't (sic) shortly after that, because I arrived
2 on scene, and me knowing the whole scope of everything we
3 possibly had, I mirandized him.

4 MR. HOGGE - Madam Court Reporter, if you could
5 mark this as Court's Exhibit 1.

6 (WHEREUPON, DOCUMENT MARKED AS COURT'S EXHIBIT
7 NUMBER 1.)

8 Q I'm going to hand you what has been previously marked
9 as Court's Exhibit Number 1. Can you tell us what that is?

10 A That would be the front and back of my Miranda card
11 that I keep on my person.

12 Q And what other notations are there ---

13 A That a -- the date and the time that this was read and
14 to who it was read to.

15 Q And what do those notes indicate?

16 A On July the -- it's just wrote down July 17th, 2013,
17 John Massey was wrote directly up under that; out to the
18 right of that is mirandized at 05:39 hours, and my name is
19 printed and signed at the bottom of it.

20 MR. HOGGE - All right, Your Honor, at this time
21 we'd like to make this Court's Exhibit as part of the
22 record.

23 MR. SMITH - No objection.

24 THE COURT - In without objection.

TRAVIS SHEALEY - DIRECT BY MR. HOGGE

19

1 (WHEREUPON, COURT'S EXHIBIT NUMBER 1 ENTERED
2 WITHOUT OBJECTION.)

3 Q Um, and so we've talked about the date that that
4 statement was made, the time that it was made. When you
5 actually got there and was speaking to John, who all was
6 present there at the scene?

7 A It was only myself and Deputy Bobby Ferrell on scene
8 at that time.

9 Q At some point did another vehicle pull up that was
10 going to be a ride for Mr. Massey?

11 A It did, yes, sir.

12 Q About how long after you got there did that vehicle
13 show up, or did it show up before you?

14 A I can't recall specifically it was before or after,
15 but it was a red Chevrolet Avalanche is what it was, was
16 the type of vehicle it was.

17 Q And -- so again what specifically did -- what specific
18 statements did Mr. Massey make to you?

19 A He said that it was -- and -- there was either an
20 altercation or if it was some kind of thing going on in
21 Chester. He didn't say -- I can't recall what specifically
22 where he was coming from in Chester. He stated he was
23 coming from Chester. I asked him what route he had took,
24 and he described the route to me. The route that he gave

1 was a little bit off but I took it -- where we were at was
2 real close to the Chester County line to begin with so.

3 Q Okay. If -- about how close to the Chester County
4 line was it? If someone were to walk it, the line, and
5 then walk up to Mobley Store Road where you were, how long
6 of a walk would that be?

7 A From which county line, because there's two different
8 places where you can be and -- the closest county line I'm
9 assuming?

10 Q I guess from Brattonsville Road, um ---

11 A Yes. If you're coming off Brattonsville out of
12 Chester County, you're looking at a good two miles, two and
13 a half miles, probably pushing three I'd say; at least two.

14 Q And where did he say he was going?

15 A He -- where he was going specifically?

16 Q Right, Mr. Massey.

17 A He didn't say specifically where. He said he was just
18 -- he was just walking at that point.

19 Q Okay. Did you ever threaten him in any way while you
20 spoke with him?

21 A No, sir.

22 Q Did you hold out any promises to him?

23 A No, sir.

24 Q Did you have your gun on you?

25 A Yes, I was -- I was on duty at that time still.

1 Q Did you unholster it at any time?

2 A No.

3 Q Did you place Mr. Massey in hand-cuffs?

4 A Yes, I did.

5 Q Okay. And when you spoke to Mr. Massey, was he under
6 arrest at the time?

7 A No, he was being detained.

8 Q Okay. And was Mr. Massey advised the nature of the
9 investigation that night?

10 A That's correct.

11 Q And was he advised of those Miranda rights that's on
12 that form?

13 A Yes, he was, of these, yes.

14 Q Did you go from memory or did you read it off of that
15 card?

16 A No, pull it -- I actually keep it on me and I actually
17 read from the card.

18 Q Okay. And how did you make that copy there? Is that
19 after-the-fact that you had that copy ---

20 A Yes, sir. Yes, sir.

21 Q Okay. Did Mr. Massey appear to have any trouble
22 understanding his rights?

23 A No, he understood them.

24 Q Did his answers appear to be rationale and responsive
25 to what you were asking him?

1 A As far as -- did he ---

2 Q Did it seem like he was so emotional that he couldn't
3 talk?

4 A Oh, no, no, no; he -- yes, he could talk, yes.

5 Q Okay. Did you or anyone in your presence threaten or
6 coerce the defendant in any fashion?

7 A No.

8 Q Did he respond that he wanted to speak to an attorney
9 before he spoke to you?

10 A I don't recall that, no. I can't say yes or no. I
11 don't recall.

12 Q Okay. If the defendant had agreed to talk with his
13 attorney, would you have kept talking to him anyway?

14 A No, I would've just stopped.

15 Q Okay. And did -- was it you who transported Mr.
16 Massey ---

17 A I did not.

18 Q --- to the jail?

19 A I did not.

20 Q Okay. About how many deputies arrived on scene after
21 you did?

22 A Probably anywhere from five to seven, because it was
23 right there at shift change, so we had a lot of the -- I
24 think it was two other officers that was on their way home;
25 they arrived, and like I said, the day-shift people that

TRAVIS SHEALEY - CROSS BY MR. SMITH

23

1 were coming on the shift came out there as well, so it was
2 probably five to six of us out there total, probably a
3 little bit more than that.

4 MR. HOGGE - All right, I have no further
5 questions for you at this time.

6 MR. SMITH - May it please the Court, Your Honor.

7 CROSS EXAMINATION

8 BY MR. SMITH -

9 Q Deputy Shealey, now you obviously weren't the first
10 officer to arrive on the scene. Is that right?

11 A That's correct.

12 Q And you weren't the supervisor or an assigned
13 detective or ---

14 A No, sir.

15 Q --- you didn't have any other responsibility in this.

16 A No, sir.

17 Q You just heard Mr. Massey's name ---

18 A (Indicating yes)

19 Q --- and then responded to that location. Is that
20 right?

21 A That's right, because I was on my way home as well.

22 Q Okay. And that location's near a friend of your's,
23 Benji Fairfax. Right?

24 A That's correct.

25 Q And, in fact, it's his four-wheeler. Is that right?

1 A That's correct.

2 Q Okay. Now, did you cuff Mr. Massey?

3 A Yes.

4 Q Okay. And did you notice his physical condition?

5 A Yes, sir.

6 Q Okay. Did he have some post-surgery scar or bandages
7 on?

8 A Now that I do not know. None were visible what I
9 could see, no.

10 Q Did he mention recently having an operation or a
11 procedure or surgery?

12 A Yes.

13 Q Okay. And what did he say about that?

14 A Says it was on his buttocks area.

15 Q Okay. Do you remember if he said he had his right
16 buttock removed due to cancer?

17 A Yes, it was -- Yes, it was something on his buttocks
18 area, yes.

19 Q And did you look to verify if that was accurate?

20 A No, sir.

21 Q Did he indicate he'd been given instructions
22 concerning lifting weights or anything, restrictions of
23 movement that he had?

24 A Now that I can't recall.

1 Q Okay. As far as what he did say, do you have
2 recollection of it, or you don't really remember?

3 A As far as him, from where he said he'd come from or
4 what -- for his actions?

5 Q Any of those items.

6 A Other than he say he was coming from Chester. That's
7 -- it's been two years ago. That's -- that's what I can
8 remember the most, he say he was coming from Chester.

9 Q Okay. And is your vehicle equipped with recording
10 device?

11 A It is.

12 Q And it has video and audio. Is that right?

13 A It is.

14 Q Was it activated on that morning?

15 A Yes, it was.

16 Q Do you know where that video is?

17 A That is on our server.

18 MR. SMITH - No further questions of this witness,
19 Your Honor.

20 MR. HOGGE - Briefly, Judge.

21 RE-DIRECT EXAMINATION

22 BY MR. HOGGE -

23 Q Mr. Smith brought up the video on the server. Have
24 you checked to look to see if this video still exists on the
25 sheriff's office server?

1 A As far as I know it's not there; after a certain
2 period of time it erases itself if it's not assigned to
3 anything.

4 Q Okay. And just so we're clear, what all do you recall
5 John Massey telling you that day?

6 A That he was on -- trying -- I can't -- if he was
7 trying to get to Rock Hill, get a ride, but that he was
8 coming from Chester, don't know if it a altercation that
9 took place or whatnot in Chester, just specifically that he
10 was walking from Chester is why he was on that road where
11 he was at.

12 Q Do you recall -- you said he had -- might've had an
13 argument in Chester; do you recall who that involved?

14 A That I don't know.

15 Q Okay.

16 A Girlfriend, I can't recall specifically.

17 Q And you recall him talking about his surgery?

18 A Yes.

19 Q Okay. You recall him saying anything else that day?

20 A None that stands out, no.

21 MR. HOGGE - Okay. All right, no further
22 questions.

23 MR. SMITH - Nothing further, Your Honor.

24 THE COURT - You can step down. Thank you.

NICK SCHIFFERLE - DIRECT BY MR. HOGGE

27

1 MR. HOGGE - We ask that he be excused for the
2 rest of the day.

3 MR. SMITH - No objection.

4 THE COURT - The witness is excused.

5 MR. HOGGE - The State would call Nick Schifferle.
6 We ask to also excuse Deputy Ferrell for the rest of today.

7 MR. SMITH - No objection.

8 MR. HOGGE - Tell Mr. Ferrell that's he also
9 excuse for the rest of the day.

10 MR. SHEALEY - All right.

11 NICK SCHIFFERLE, AFTER BEING FIRST DULY SWORN,

12 TESTIFIES AS FOLLOWS

13 DIRECT EXAMINATION

14 BY MR. HOGGE -

15 Q Good afternoon, Detective; if you could give us your
16 name for the record.

17 A Nicholas Edward Schifferle.

18 Q And where do you work?

19 A I work for the York County Sheriff's office.

20 Q And how long have you worked there?

21 A Over ten years.

22 Q Do you recall a statement that was given to you by
23 John Kenneth Massey in 2013, July, 2013?

24 A Yes, sir.

25 Q What date was that statement made to you?

1 A It was on July 17th, 2023 -- I'm sorry -- 2013. Sorry.

2 Q And where did he make a statement to you?

3 A It was inside the booking area of the York County
4 Detention Center.

5 Q Did you respond on scene on Mobley Store Road that
6 night?

7 A I did not.

8 Q Okay. In a nutshell what was your involvement in this
9 case?

10 A Basically I was called by some of the shift
11 individuals saying that they apprehended an individual in
12 connection with a four-wheeler being stolen; they told me
13 who the individual was, told me that, you know, they were
14 taking him to the jail, so I agreed to meet them over in
15 the jail. I then, you know, left my residence and then
16 went to the jail to meet up with them.

17 Q Okay. And when you spoke with him, who else was
18 present in the room?

19 A I can't remember all the officers that were there. I
20 believe Deputy Shealey was there, but it was in the booking
21 area while everything was getting booked in.

22 Q Okay. When you spoke with him, did he appear to be
23 suffering from any physical or mental disability?

24 A No.

1 Q Okay. Could you kind of describe for us the
2 surroundings of the room where he made that statement?

3 A It's a booking area; it's got several different
4 sitting platforms and some desktop that are mounted with
5 it. There's four -- four sitting locations; they're all
6 back-to-back, so it's kind of an open room, and it's just
7 basically where when an individual is arrested, they get
8 brought into this room. From there they get searched and
9 they also get paperwork filed on them, you know, and they
10 get ready to get put in the back, you know, for holding.

11 Q Okay. You kind of injected yourself into the system
12 where he's on his way into the Moss Justice Center jail.

13 A That is correct.

14 Q Okay. When you spoke to him, did you threaten him in
15 any way?

16 A I did not.

17 Q Did you have your firearm on you?

18 A I did not.

19 Q Okay. Did anyone else in your presence make any
20 promises or threats to Mr. Massey?

21 A No.

22 Q Okay. And around what time was this?

23 A It's after 7:00 in the morning.

24 Q How long did you speak with Mr. Massey for?

1 A It was less than 10, 15 minutes at the most that I was
2 even in there.

3 Q Okay. Tell us about what Mr. Massey said to you?

4 A Basically, when I went in there to talk to Mr. Massey
5 I was informed that he was already mirandized. I went in
6 there to talk to him; he advised me that, you know, he
7 couldn't had stole the four-wheeler, that he recently had
8 surgery and he couldn't even push 10 pounds. He also was
9 kind of talking and mentioning, you know, he was at his
10 girlfriend's father's house, mentioned it was around
11 Highway 9, tried to get a more specific address; he
12 basically stopped and said, you're not that good, you're
13 not that good, then said he had the right to remain silent.

14 Q And when he said he had a right to remain silent, did
15 the questioning cease at that point?

16 A Yes, I didn't ask him any other questions about it.

17 MR. HOGGE - Okay. That's all the questions I
18 have.

19 CROSS EXAMINATION

20 BY MR. SMITH -

21 Q Was this interview in any way recorded or
22 memorialized?

23 A No, it wasn't.

24 Q Okay. And did he get a statement form or anything
25 like that given to him?

NICK SCHIFFERLE - CROSS BY MR. SMITH

31

1 A No, he did not.

2 MR. SMITH - No further questions, Your Honor.

3 MR. HOGGE - Those are all the questions I have.

4 Mr. Schifferle -- we'd ask that he be excused for the rest
5 of today.

6 MR. SMITH - No objection, Your Honor.

7 THE COURT - The witness is excused.

8 MR. SCHIFFERLE - Thank you.

9 MR. HOGGE - Judge, at this time we would move for
10 a finding that Mr. Massey's statements were given freely
11 and voluntarily, not in violation of the requirements of
12 Miranda.

13 THE COURT - I'd like to hear from Mr. Smith
14 concerning that.

15 MR. SMITH - Thank you, Your Honor. May it please
16 the Court. Your Honor, we would ask that the statement be
17 suppressed for two reasons. One is a traditional Miranda
18 argument in that he is being detained from when he gives
19 the original statement. Deputy Ferrell when asked, when
20 you approached him if he had tried to walk off, what would
21 you have done, well, I would've stopped him. So we would
22 submit that he was not free to leave then; he should've
23 been advised of his Miranda rights before any questioning
24 began. Their choice not to do that then makes any further
25 questioning fruit of already poisoned tree. Additionally,

1 Your Honor, and this will come up in some of the other pre-
2 trial motions, but we would argue that there is no
3 reasonable suspicion nor probable cause to have stopped Mr.
4 Massey as he was walking to begin with, and therefore would
5 ask that anything further past the contact be suppressed,
6 which would also include the statement.

7 MR. HOGGE - As to the Miranda issue, when they
8 first encountered Mr. Massey, the statements that he gave
9 Deputy Carroll were not the product of interrogation; they
10 were simple investigatory questions that are allowed under
11 State v. Silver, just mere questions about what are you
12 doing, what's going on with the four-wheeler, that this --
13 the requirements of Miranda did not kick in at that point
14 because the defendant was not being interrogated. And as
15 to the probable cause, I don't know if we should get into
16 the issue of the stop now, but there was reasonable
17 suspicion if not probable cause to stop Mr. Massey that
18 night on the road. It's 5:00 am in the middle of nowhere,
19 he's a short distance away from a four-wheeler that's in
20 the ditch. At that point I believe that the deputies on
21 scene had a right to have a reasonable suspicion that
22 something was afoul and also if not probable cause, believe
23 that he is there, the only person around the stolen four-
24 wheeler; there was sufficient, reasonable suspicion, if not
25 probable cause to stop him at that point.

1 THE COURT - I agree with the State, and of
2 course, the critical issue comes into play on instances
3 like this as to where it turns, if it does turn from
4 investigatory to accusatory if I remember the case
5 correctly. Anyway, I don't see any problem with it, but
6 there was no conflicting evidence been put in. I therefore
7 find that the Miranda was given and that up until the point
8 it was given I don't see any problem with that, and then
9 thereafter, after it was given, from what was testified to
10 and from the exhibit he was given full Miranda warning, so
11 ---

12 MR. HOGGE - Judge, we also ask that it be placed
13 on the record that the statements were given freely and
14 voluntarily.

15 THE COURT - And in saying that, I do need to make
16 that finding that what transpired was freely, voluntarily,
17 and as far as I can tell here, was intelligently given, so
18 -- so find.

19 MR. HOGGE - All right, thank you, Your Honor.
20 That's all we have for the Denno hearing. The other motion
21 the defense has that will require testimony is of the
22 proffering of canine tracking expert. We're prepared to do
23 that. The State would call Deputy Tim Carroll.

24 TIM CARROLL, AFTER BEING FIRST DULY SWORN,
25 TESTIFIES AS FOLLOWS -

1 DIRECT EXAMINATION

2 BY MR. HOGGE -

3 Q Deputy Carroll, if you could give us your name for the
4 record?

5 A Timothy J. Carroll.

6 Q And where do you work?

7 A With the York County Sheriff's office.

8 Q And how long have you worked there?

9 A Almost 14 years now.

10 Q And what do you do for the sheriff's office?

11 A I work with the canine unit.

12 Q How long have you worked with the canine unit?

13 A I've been full-time with the canine unit now for --
14 it's been a little bit over seven years, and part-time with
15 the response team for about two and a half years before
16 that.

17 Q And what canine dog do you work with?

18 A I'm actually the only one there that actually has a
19 couple of dogs assigned to them. I have a drug dog that I
20 work with, and then I also have the tracking dog which is
21 Hattie.

22 Q Was Hattie deployed in this case?

23 A Yes, she was.

24 Q What kind of dog is Hattie?

25 A Hattie's a bloodhound.

1 Q Say again.

2 A Bloodhound.

3 Q Okay. How long has Hattie been in service?

4 A I've been working with her for about seven, seven and
5 a half years now. She's been in service -- I think we
6 started using her when she was about a year old.

7 Q Okay. And what all law enforcement functions does
8 Hattie perform?

9 A She's strictly a tracking, trailing dog.

10 Q Does she also sniff for drugs?

11 A No.

12 Q Okay. And was she deployed for the purpose of
13 attempting to track on July 17th, 2013?

14 A Yes, she was.

15 Q Had Hattie performed human odor detection prior to
16 that day?

17 A Yes, she had.

18 Q During those prior deploy tracks, as well as control
19 tracks that you would do during training exercises, has
20 your canine partner demonstrated reliable detection of
21 human odor?

22 A I believe so, yes.

23 Q And what kind of training has Hattie received as of
24 2013, July 17th, 2013, what kind of training had she gone
25 through?

1 A She's had week-long York County Sheriff's office
2 winter seminar that we've attended. She's had at that
3 point about five years of in-service training with the --
4 that we -- that we do ourselves.

5 Q Okay. Whenever you do training tracks, do you keep
6 records of that?

7 A Yes, I do.

8 Q If you had to estimate how many pages you have of
9 information on her tracks, how many pages would that be?

10 A I don't know. Couple hundred.

11 Q Okay.

12 Mr. HOGGE - If I could have this marked as
13 Court's Exhibit 2.

14 (WHEREUPON, DOCUMENT MARKED AS COURT'S EXHIBIT
15 NUMBER 2.)

16 Q Did you provide a copy to my office of all of the
17 records on Hattie?

18 A Yes.

19 MR. HOGGE - Judge, for purposes of this hearing I
20 would like to make Court's Exhibit 2 part of the record
21 which is a CD which contains all of Hattie's training
22 materials and progress.

23 MR. SMITH - No objection. I have a hard copy as
24 well if anyone needs to refer to it.

25 THE COURT - In without objection.

TIM CARROLL - DIRECT BY MR. HOGGE

37

1 (WHEREUPON, ITEM MARKED AS COURT'S EXHIBIT NUMBER
2 2 WITHOUT OBJECTION.)

3 Q What all training had you received as of the incident
4 date of July 17th, 2013?

5 A As of the incident received I believe three -- went to
6 three week-long National Police Bloodhound Association
7 seminars and to one York County Sheriff's office week-long
8 bloodhound seminar. I instruct their assistant structive
9 (sic) with at that point I believe three other week-long
10 seminars. I've received training with handling week --
11 three weeks -- three-week training of handling drug dog,
12 basic handler course. I received training in the area of
13 man-tracking without the use of a canine through South
14 Carolina Law Enforcement Division, and at that point about
15 close to five years of in-service training of working -- of
16 bloodhound training, and then two and a half years of part-
17 time training working with the bloodhound when I was on the
18 response team.

19 Q Okay. And did you personally train Hattie?

20 A I did, as well as Sergeant Clinton, and Chris Kinsey.

21 Q Okay. Can you describe for us in detail your training
22 methods that you put Hattie through?

23 A From the start whenever they're about eight weeks old
24 we start working with them as puppies. All they do is
25 follow human odor. We take them out as a group, as a

1 liter. We raise our own, so take them out as a liter and
2 they'll follow us around and we'll -- as time goes on we'll
3 start running from them and they'll chase after us, and
4 then we'll increase the distances and running to the woods
5 where they have to start putting their noses down at that
6 point to try to find us, because now they can no longer do
7 sight chasing; now they've got to figure out where exactly
8 we're at, and then we start incorporating different
9 surfaces, going through the woods, going across fields,
10 across roads, through parking lots, across creeks, all
11 different -- all different things, up the side of the road,
12 any different scenario that we can think of. Start
13 throwing in contamination where we have other people
14 walking over the tracks using sent articles where the dog
15 scents -- smells a particular, you know, that person's
16 scent and then starts looking for that particular person's
17 scent and locking in on that and working through
18 contamination to find the person that the article belongs
19 to. If we run into any problems or anything while we're
20 out in the field, we'll try to work through that in
21 training where it's not an issue.

22 Q So is your dog trained to kind of lock on one human
23 scent and avoid all others?

24 A Yes, that's what we train her to do.

1 Q Okay. Is Hattie trained to trail anything other than
2 people?

3 A No, she's not.

4 Q Have you ever been qualified as an expert in canine
5 tracking before?

6 A Yes, I have.

7 Q And where was that?

8 A Judge Alford's Court.

9 Q Judge Alford? Was that here in York County?

10 A Yes, it was.

11 Q Okay. I want to talk to you a little bit about the
12 scene, about the case that we're here to talk about. How
13 long did it take you to arrive on scene after you were
14 called out there?

15 A I'm not sure. I don't have a copy of the incident
16 report to see.

17 Q If I showed you that, would that help refresh your
18 recollection?

19 A Yes.

20 MR. HOGGE - If I could mark this as Court's
21 Exhibit 3.

22 (WHEREUPON, DOCUMENT MARKED AS COURT'S EXHIBIT
23 NUMBER 3.)

1 Q I've handed you what's been marked as Court's Exhibit
2 3. Deputy Carroll, if you could look through that and once
3 your memory has been refreshed, let us know.

4 A Does this have my ---

5 Q I believe what I've handed you is the CAD report.

6 A Oh, okay. I apologize; I don't normally see the CAD
7 reports.

8 MR. HOGGE - If I could have this marked as
9 Court's Exhibit 4.

10 A Awe, yes, that would help me.

11 (WHEREUPON, DOCUMENT MARKED AS COURT'S EXHIBIT
12 4.)

13 Q I've handed you what's been marked as Court's Exhibit
14 4, if you could look at that.

15 A Okay, here -- appears I was dispatched around 5:51 in
16 the morning and arrived around quarter after 6:00.

17 Q Okay. Is that a normal response time?

18 A Yes. Yes, because I'm at the house whenever I
19 received the call, so got to dress out and respond.

20 Q Okay. And when you arrived on scene, to your
21 knowledge had efforts been made to protect the area of
22 contamination?

23 A As much as possible, yes.

24 Q Okay. Do you know Travis Shealey?

25 A Yes.

1 Q Does he work with canines?

2 A Yes, he's on our response team.

3 Q Okay. To your knowledge, had anyone from law
4 enforcement or the victim touched the four-wheeler or
5 walked along its path before you got there?

6 A I believe the roadway, people had walked in the
7 roadway, but from the four-wheeler through the yard, I
8 believe that was uncontaminated, nobody had been through
9 there.

10 Q Okay. And tell us about what you and Hattie did when
11 you arrived on scene.

12 A When I arrived on scene we learned that four-wheeler
13 was sitting on the side of the road; they had a individual
14 detained a little bit further up the roadway and were
15 interested in seeing where that individual had come from,
16 if he, in fact, went to where the four-wheeler was taken
17 from or if he continued on down the road and ---

18 Q Okay. Did Hattie conduct a sniff of Mr. Massey?

19 A Yes, she scented off of his pant leg and cut the --
20 cut the area, searched the area in between him and the
21 four-wheeler and picked up on this track going up the
22 roadway to the four-wheeler; at the four-wheeler, she kind
23 of nosed the four-wheeler a little bit, turned up into the
24 yard, there's an embankment right there that goes with some
25 tall grass, basically, it -- overgrown on the embankment

1 and you can see where somebody had walked up on one side,
2 you can see the -- where the footprints had pressed the
3 grass down facing -- facing one way and you can see where
4 the tires of the four-wheeler had come down the opposite
5 way. She continued up the embankment through the yard. Um
6 -- yeah, she tracked around to a storage shed and to the
7 far side where she began circling around, basically
8 indicating that a -- that the track stopped at that
9 particular area, didn't have it going any further forward.
10 We started cutting it out wider and wider seeing if we
11 couldn't pick up where the -- at a different exit point.
12 We didn't have a track going up the roadway or any other
13 direction other than up the side of the road and up and in,
14 basically indicating kind of in and out in that particular
15 area.

16 Q Did you notice anything peculiar about the four-
17 wheeler? Was anything tied to the four-wheeler?

18 A I remember there being a hose tied to the front of it
19 or tied to a -- tied to it for -- I believe it was cut from
20 another area, a little well house area or something over
21 there.

22 Q Okay. And based on what you -- your training of
23 Hattie and what you saw Hattie do out there that day, what
24 is your opinion as to the movements of Mr. Massey that
25 early -- those early morning hours?

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1 A From her scenting off of his pant leg, she indicated
2 to me that she followed his track to the four-wheeler and
3 up to where the four-wheeler was taken from.

4 MR. HOGGE - All right, thank you. I have no
5 further questions from you. The State would move at this
6 time to qualify Mr. Carroll as an expert, but I know that
7 Mr. Smith is going to ask him questions.

8 MR. SMITH - May it please the Court, Your Honor.

9 CROSS EXAMINATION

10 BY MR. SMITH -

11 Q Deputy Carroll, the records that you indicated, all
12 these were referred to as records of Hattie, are they
13 training records or are they actual calls, or are they are
14 a mixture of both or ---

15 A Those are -- those are training records.

16 Q Okay. So if you go on an actual call, will they be
17 included IN -- well, I should let you see what they are,
18 shouldn't I? I'm sorry.

19 (WHEREUPON, DOCUMENTS HANDED TO THE WITNESS)

20 A These are all training records here.

21 Q Okay. And on the disk as well, I assume that to be a
22 copy of what's on the disk that's been introduced. Would
23 that be the records that you provided to the assistant
24 solicitor?

25 A I believe so, yes.

1 Q Now, did you document what Hattie did in this case?

2 A Yes. The -- this was my report.

3 Q Okay. What's marked as Court's Exhibit Number 3?

4 A (No response)

5 Q Do you also draw a map or a diagram in any fashion?

6 A Not for our use reports, no.

7 Q And I may not be asking it right. You said not for
8 your use reports. Do you -- do you document it for some
9 other purpose?

10 A I mean for our training records we will document with
11 a map and the conditions and all that, but for our use
12 reports, our canine reports we don't document with a map or
13 anything along those lines.

14 Q Okay. I'm just going to show a page from those
15 training records that's dated I believe 7/17/13 and ask you
16 if you recognize that and then the accompanying map?

17 A (Indicating yes) Yes.

18 Q And the track one that is referred to in that record,
19 would that be the incident you're talking about or would
20 that be some other training?

21 A This is -- this is training we had -- we had
22 bloodhound training later on that day.

23 Q Okay.

24 A That's a training record there.

1 Q Okay. You had a training record that same day. Is
2 that correct?

3 A Correct.

4 Q Okay.

5 A Yeah, that is not -- that is not the track. That is a
6 training record.

7 Q Okay. On this day you when this track one was read,
8 again from the State's Exhibit -- it's Court's Exhibit 2
9 that's in evidence -- there's a track that's made and a
10 proximate time given of 30 minutes to do that track. Is
11 that correct?

12 A That was -- that was the time-frame that we let it sit
13 and ---

14 Q The track one, and that was to go how far?

15 A About a hundred and fifty yards.

16 Q Okay. Hundred and fifty yards. And then what was the
17 length of time for the track that you described after the
18 sniff of my client, Mr. Massey? How long did that tracking
19 take?

20 A I'm not sure if I understand.

21 Q You indicated that Hattie sniffed Mr. Massey's pant
22 leg. Is that correct?

23 A Yes.

1 Q And then tracked an area, I believe, you described up
2 the road and then up an embankment to a storage shed. Is
3 that correct?

4 A Yes.

5 Q How long did that process take?

6 A The actual track or how long had it sat there? The 30
7 minutes that that's referring to is how long it's been
8 since the runner left and ---

9 Q Okay.

10 A --- ran up and -- we let it sit for a period of time
11 to mimic -- otherwise the person's scent is still staying
12 in the air, it's hasn't had a chance to land. So that's
13 what that 30 minutes refers to. This particular track it
14 didn't take long at all to run. It was very short.

15 Q Okay. And you obviously have a relationship with
16 Hattie. Is that correct?

17 A Correct.

18 Q And she's referred to as your partner, and you can
19 learn things by her actions. Her actions speak to you for
20 lack of a better term.

21 A Yes.

22 Q Now, before -- before you began this track, you
23 indicated that you were told a couple of things about the
24 case. Is that right?

25 A Yes.

1 Q You were told here's a suspect, there's a four-wheeler
2 that's come from up there.

3 A Yes.

4 Q All right. And then that's the track that Hattie
5 ultimately runs.

6 A Yes. They wanted to see if -- if the person that they
7 had detained went up that way or if it went past up the
8 road, around the corner, down towards ---

9 Q And you are -- you are certified or you took a course
10 in tracking without canine. Is that correct?

11 A Yes, through -- with the -- through the South Carolina
12 ---

13 Q Law Enforcement Division.

14 A Sorry. I was just going to say SLED, but I didn't
15 want to say that.

16 Q And you indicated in this case that you noticed what
17 appeared to be human tracks coming -- or going up this
18 embankment and what appeared to be four-wheeler tracks or
19 tire tracks coming down the embankment.

20 A Correct, with the way that the grass is laid.

21 Q Okay. And you could do that without that dog.

22 A That I -- yes. There's certain things that we can see
23 where the dog can actually confirm and the signs -- the
24 signs that were seen can confirm what the dog's doing.

1 Q Yes, sir. Is Hattie on a leash when she's tracking
2 with you?

3 A Yes.

4 Q And the wind condition on that day, do you know what
5 the wind conditions were?

6 A As far as I know it was light wind; it wasn't strong
7 winds.

8 Q Okay. And if I show you the track later that day, you
9 say the training record, would that let the Court know what
10 the winds were then?

11 A East northeast about ten miles an hour there.

12 Q Okay. And you brought Hattie to Mr. Massey's leg. Is
13 that right?

14 A Yes.

15 Q And where was he at the time?

16 A I believe he was just standing on the side of the
17 road.

18 Q Was he near a police car?

19 A I don't recall if he was near the police car. I just
20 remember him standing towards the side of the road
21 somewhere.

22 Q Did you have any conversation with him?

23 A I don't recall.

24 Q Was he in handcuffs?

25 A I don't recall.

1 Q Did you tell him that he had the right to refuse being
2 sniffed?

3 A I don't recall.

4 Q Is that something that you would normally tell
5 someone?

6 A Not necessarily.

7 Q And the actions of the dog had meaning for you. You
8 see certain conduct and to you that means the dog is
9 accurately tracking. Is that right?

10 A Yes, she's -- she's -- she'll bark on just about every
11 breath whenever she is tracking when she's locked on a
12 person.

13 Q And circling means something different to you.

14 A Circling? Yes, it can.

15 Q Okay. And you can determine based on her actions if
16 she's distracted?

17 A I'm not sure I'm following ---

18 Q If you're tracking and something happens, can you say
19 -- can her actions communicate to you that she's distracted
20 some ---

21 A Oh, that she's paying attention to something else?

22 Q Yes.

23 A Yes.

1 Q And when she tracked in this case, she tracked up one
2 side of the road from Mr. Massey to the four-wheeler. Is
3 that correct?

4 A Yes, if I remember right it was kind of along the one
5 -- between the center lane and the grass angling down the
6 roadway, yes.

7 Q Okay. Was she in the road, or was she on the side of
8 the road?

9 A Like roadway, just a little bit off from the grass,
10 but in the roadway.

11 Q Okay. On the pavement and on the grass, or just on
12 the pavement?

13 A More-so pavement right along side the grass is. The -
14 - not step-for-step through the grass on the pavement area.

15 Q And then went up an embankment.

16 A Got to the four-wheeler and nosed it just a little bit
17 and turned.

18 Q And when you say nosed it a little bit, does that have
19 some significant to you?

20 A If it's something that a person hasn't handled or
21 anything along those lines, she's -- she's shown in the
22 past that she wouldn't normally pay it any attention,
23 things that we'd come up on through training and stuff, she
24 doesn't -- you know, if it's something that's been there
25 for a while that that -- you know, that the person that

1 we're tracking has not handled, she doesn't normally pay it
2 any attention.

3 Q And do you know what part of the four-wheeler she
4 nosed?

5 A I can't say for sure. I'm not -- I didn't document
6 that.

7 Q Do you have any sort of recording device on you, a
8 body camera, or is anybody, a partner running with you with
9 a camera to record this?

10 A No, sir.

11 Q And she went up to the storage area -- Is that
12 correct? -- and loss the trail from there.

13 A Yes, she started circling -- when she got to the end
14 there, started circling around, basically, indicating to me
15 that the track no longer went any further than that, and
16 start cutting back trying to see where it breaks off, if
17 there's a track going -- as we kept getting further and
18 further up towards the roadway see if there's anything
19 going up the roadway where -- that we -- where the suspect
20 may have gone in, doubled back and turned off of where he -
21 - where he had come from.

22 Q Okay. And didn't find anything there.

23 A Didn't have any track going up the roadway or through
24 the yard or any other location basically indicating to me
25 went in -- went up the roadway, in and straight back.

1 Q And as the tracking, as we're calling it goes on, is
2 the dog leading you, do you lead the dog, does some of both
3 of it happen? How does it occur?

4 A The dog -- dog leads me. I'm about 20 to 25 feet back
5 holding the lead, long lead, so it's really -- it'd be
6 difficult to try to direct a dog any particular way. We're
7 so -- you know, we're so back; it's not like a -- what you
8 would see somebody at a park with their dog and a little
9 short leash ---

10 Q Right.

11 A --- I can't really guide her from as far back as I am.

12 Q Okay. With regard to your training, does the York
13 County Sheriff's office have a handbook with regard to
14 canine tracking?

15 A A handbook?

16 Q Yes, sir.

17 A Not as far as I'm aware.

18 Q And sort of procedures or protocols?

19 A I'm sure we do have policies and procedures.

20 Q Okay. Is there any specific to canine handling and
21 how to do a track or a trail?

22 A Not as far as I'm aware.

23 Q Okay. How about SLED? Do you have any from SLED?

24 A No.

25 Q Is Hattie certified from any national organization?

1 A No, she's not.

2 Q Has Hattie every been tested by any blind testing or
3 third party, in other words, somebody not from the
4 sheriff's office?

5 A We conduct -- we usually conduct our own -- our own
6 trainings.

7 Q Has she ever been peer-reviewed by any other agency?

8 A Not as far as I'm aware.

9 Q How about all the training and records that you have?
10 Have you ever submitted them for any peer review from any
11 other individuals or instructors or anything of that
12 nature?

13 A No.

14 Q Do you know ---

15 A She has -- whenever we went to the -- one of those
16 week-long seminars we did -- just -- you know, asking if
17 another instruction or anything along those lines, we did
18 have an instruction from Virginia, Patrick Sheridan, that
19 conducted the training that I was receiving that particular
20 week, so he was an outside source.

21 Q But he did not take Hattie and run Hattie in ---

22 A Oh, no, he didn't run. He was the one that would lay
23 the tracks; I'd run them blind and ---

24 Q Do you know Hattie's error rate?

25 A No.

1 Q From the -- and I'll pull this -- some of the records.
2 I think I've gotten them chronological -- if you want to
3 refer to a whole batch and have there -- these should be
4 copies for the first -- and I think I've put them back in
5 order -- indicates a January of 2007 training. Is that
6 correct?

7 A The first one I've got, yeah, January 7th, 2007, I
8 believe.

9 Q Okay. And if you can turn to the narrative there,
10 track one indicates she never really picked up the track
11 until the end. Is that correct?

12 A Yes.

13 Q And this is Hattie that we're talking about.

14 A Yes.

15 Q And at this point being run by I guess Deputy Clinton
16 and Kinsey?

17 A They were handling the training on that particular
18 day. I was the one running her.

19 Q Oh, I'm sorry. Okay. And then the third track that
20 day -- there were three done -- said tracked well until we
21 came to where a deer had crossed; she tried not to track
22 the deer but was distracted by the deer droppings that were
23 there; I verbally corrected her and cast her back past the
24 deer crossing. Is that correct?

25 A Correct.

1 Q So you can control the dog and get the dog to come off
2 something that she's tracking and go in some other
3 direction.

4 A Yeah, I can correct her.

5 Q Okay. So then it's what you believe the correct track
6 is what dictates where you're correcting her to.

7 A I'm no sure I follow.

8 Q Well, she ran off some other direction. Right?

9 A No, she -- she -- you're talking about the number
10 three here?

11 Q Yes, sir.

12 A She didn't -- no, she did not run -- as far as I'm
13 seeing, I don't see where she ran off ---

14 Q Or was distracted I should say. What does distracted
15 mean?

16 A She stopped and smelled the deer droppings.

17 Q Okay. And you corrected her off those and put her
18 back onto the path.

19 A Yeah, I told her to leave it, give her a little tug of
20 the lead and she continued on with her track.

21 Q And this would be that same 15 foot lead that you had
22 talked about earlier?

23 A Twenty to 25 I believe.

24 Q Twenty-five. Okay. All right, the next one is --
25 comes from February 9th -- I'm sorry -- February 2nd, 2009,

1 instructors Kinsey and Clinton again. And you indicate in
2 this narrative that the wind was blowing hard at times and
3 she had hard times working across the hard top. Is that
4 correct?

5 A Yes.

6 Q Okay. And that would've been a 14 mile an hour wind.
7 Is that right?

8 A At the time that we recorded it, yes.

9 Q Okay.

10 A We have to record it when we get back to the office.
11 We didn't have anything out in the field to record it.

12 Q And then February 20th of 2009, again, instructors
13 Kinsey and Clinton indicates that Hattie followed it well
14 up to the parking lot where she dropped the track, walked
15 through the stairs to the door where the suspect was, so
16 again she had difficulty on hard surface?

17 A In that -- yes, that particular one she had trouble on
18 the -- going through a parking lot.

19 Q Okay. February 25th of 2009, again, Hattie tracking,
20 instructors Kinsey and Clinton again, first track indicates
21 Hattie would pick up the track on the roadway for a short
22 distance but then get distracted and stop. She would pick
23 it back up for another short distance again, but then would
24 drop the track.

25 A Yes, that's ---

1 Q Is that correct?

2 A I see that, yes.

3 Q Okay. And then March 18th, 2009 Hattie, again
4 instructors Clinton and Kinsey drawing your attention to
5 track number two, indicates she picked up the track, but
6 switched off onto the contamination near the end. I
7 corrected her and put her back on the track near the
8 building.

9 A Yes.

10 Q How -- how do you correct her?

11 A Well, that one I knew where the contamination was, so
12 I was able to correct her when I saw her get off onto the
13 wrong thing. I was able to give her a verbal command to
14 leave it, give her a tug on the lead and cut her back in
15 the area where she's supposed to be tracking.

16 Q March 20th, 2009, instructor Clinton, one track this
17 day, Hattie picked up the track beside the kindlings ran up
18 the gas pumps where she got distracted, I corrected her and
19 sent her back on the track. She picked it back up and ran
20 it to the end. So that's again her going some other
21 direction and you correcting her back to where you want her
22 to go?

23 A Now I would not necessarily going in a wrong
24 direction; she got distracted by something; I'm not sure

1 what was -- what we had at that particular -- at the pumps
2 at that particular time.

3 Q Okay. So could've gone in a different direction or
4 could've just stopped and looked around.

5 A Yeah, I don't see where it said she went in a
6 different direction.

7 Q Okay. March 24th, 2009, again Hattie, instructors
8 Clinton and Kinsey draw your attention to the first track,
9 last sentence, the man on the tractor had since mowed the
10 area in front of us, between us and the suspect, she was
11 unable to complete the track, so the grass or the scent or
12 whatever being blown around by the mower caused her not to
13 be able to complete it in your opinion?

14 A Oh, yeah, the -- yeah, the mowing on -- that's ---

15 Q March 31st, 2009, again, Deputies Clinton and Kinsey
16 pointing you to track two here, last sentence, she
17 continued up the roadway where she dropped the track and
18 did not pick it back up.

19 A Yes.

20 Q And that's a failed track by a roadway. Is that
21 right?

22 A Yes.

23 Q April 22nd, the next one, 2009, again instructors
24 Clinton and Kinsey, pointing to tracks one and two, second
25 sentence of track one, she switched to a hotter scent that

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1 was going up the lines; I corrected her and brought her
2 back to the original track; she picked it back up and ran
3 through the contamination and made a good ID at the time, -
4 --

5 A Yes.

6 Q --- so there clearly, she runs some other direction,
7 you pull her back to where you want her to go.

8 A Yes, on that one, that way -- what we're trying to do
9 is keep her -- in a training scenario keep her where she's
10 staying on what she's supposed to be tracking.

11 Q Okay. So you can get her to go, not with the track
12 she wants to go to, but with the track you want her to go
13 to.

14 A If I drag her off, correct, yeah.

15 Q All right. Then the second track that day, she never
16 really appeared to pick it up, work the track, until she
17 reached a second scent article.

18 A (No response)

19 Q So in this training exercise there were multiple scent
20 articles that had been dropped; she couldn't find the first
21 one; you get her to the second one, then she picks the
22 track up from there?

23 A Yes.

24 Q Okay. February 3rd, 2010, again, instructors are
25 Clinton and Kinsey, drawing your attention to track two.

1 She missed the subjects turn where he crossed the street; I
2 brought her back on the opposite side of the street where
3 she picked the track back up and tracked it to the end
4 where she made a good ID. So she missed a turn that you
5 knew about, so you brought her back.

6 A Not necessarily on that one. That one I don't know if
7 I was running it blind or not.

8 Q Okay.

9 A I know that she missed a turn somewhere and I cut it
10 and she picked up where he's crossed.

11 Q Okay. March 10th, 2010, same instructors, bringing
12 your attention to track one, she had trouble working the
13 track, crossing on the road, but was able to pick it back
14 up the opposite side. She was distracted several times and
15 then missed the turn up the next street; I brought her back
16 to the intersection and she picked it back up and ran a
17 good track. Again, that's you bringing her back and then
18 putting her where she picks the track up. Is that fair to
19 say?

20 A Yes, for training scenario, yes.

21 Q All right. June 9th, 2010, this time instructor
22 Clinton, drawing your attention to the last sentence of
23 track one. She tracked the suspect behind the building
24 across the street into the woods and into some
25 contamination where she began to turn off onto the other

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1 track; she was corrected and got back on the original track
2 and make a good ID at the end. What -- what is
3 contamination?

4 A Contamination where we've had other people walking
5 around and -- it's going to be other people's scents that
6 are out there as well.

7 Q So if she started following somebody else's scent and
8 you pulled her back and gotten her to go to where you knew
9 the scent would lead.

10 A Some of these -- some of these, you know, I can say
11 that she -- I never gave her an opportunity to fully run
12 another track. Whether she would've corrected herself or
13 not, I never gave her that opportunity. I corrected her
14 because it's a training scenario to make sure that she
15 would stay on what she would supposed to, not allowing her
16 to get in her mind that she can go ahead and run the wrong
17 thing, switch off onto somebody else, try to correct her of
18 that so that she has it in her mind to stay on -- stay
19 focused on that one particular scent.

20 Q Next, January 19th, 2011, Kinsey, Clinton instructors
21 drawing your intention to track the one, pick up track on
22 the roadside and track the suspect into the woods across
23 the street; she continued tracking to a point where another
24 suspect had recently crossed. She began working toward
25 that person; I stopped her, and cut her back to the

1 original track where she picked it back up or through the
2 contamination and located the correct suspect at the end
3 through an ID.

4 A (No response)

5 Q August 31st, 2011, I believe you're listed as the
6 instructor here as well. Is that correct?

7 A Yes.

8 Q Said she tracked the suspect to the left, across
9 contamination around the bend -- I'm sorry track one -- she
10 came up to more contamination where she turned and started
11 to run the second suspect. I corrected her and placed her
12 back on the original track.

13 A Yes.

14 Q Next is August 29th, 2012, you as the instructor,
15 again, Hattie, drawing your attention to second sentence of
16 tract one, she may have been -- I believe that says winding
17 the suspect from across the lawn. Is that correct?

18 A Winding, correct.

19 Q Tell me what winding means.

20 A Winding is basically where a person's been sitting
21 there for an extended period of time and their scent's
22 falling off. If she's close enough she can, instead of
23 necessarily running that -- the exact track, she might
24 short-cut and just head straight over to that person.

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1 Q She began winding the suspect from across the lawn,
2 but I pulled her off it, tried to pick the track back up in
3 the parking lot. She had trouble; searched a large area
4 but didn't have the track. I learned that I missed where
5 the suspect turned up, the sidewalk, and brought her back
6 to that area and she picked it up.

7 A Yes. She wanted -- initially wanted to go straight
8 across to where that person had been. I wanted her to run
9 the full track around.

10 Q Okay. So you thought you knew where the person had
11 gone; you didn't; you pulled her somewhere and that messed
12 her up.

13 A Yes.

14 Q Okay. November 7, 2012, Hattie, again, you listed as
15 the instructor, middle of narrative for track one, handler
16 Carroll prevented her from making the turn because it was
17 believed that she was switching onto the hotter
18 contamination; she was actually correct. So you are able
19 to pull her off a track even if she's on a correct track.

20 A I can -- yeah, I can drag her, but as for what you're
21 referring to earlier with kind of guiding her along, I
22 can't -- no, I cannot do that. I can actually physically,
23 like what I was talking about with a short lead, pull, you
24 know, choke up, pull her around where I correct her off of
25 the wrong thing and bring her around, but as for sitting

1 behind her 20 to 25 yards and try to guide her one way or
2 the other, I can't do that.

3 Q Okay. On February 6th, 2013, again, Hattie, you as the
4 instructor, only one track that day, track one, middle of
5 the narrative and to the driveway where she acted like she
6 was going to turn but then checked further down the
7 sidewalk. When she didn't have it on the sidewalk, I
8 brought her back to the side -- to the driveway and
9 searched that area where she picked up the track, picked
10 the track back up and tracked the suspect. So there you
11 bring her to a track that she could not have found on her
12 own, or did not find on her own.

13 A That's part of cutting that particular area. When she
14 missed the turn, allowing her to kind of cut around and
15 pick up where the track actually is, yes.

16 Q Okay. Next is September the 4th, 2013, Hattie, don't
17 know instructor here, narrative now begins in the middle of
18 the comments, had contamination in between track and start,
19 cut her for a quarter of a mile before the track; she began
20 working the contamination, corrected her and continued
21 cutting, picked up track. So there she was corrected and
22 then cut and picked the track back up ---

23 A Yeah, once again, before she gets a change to run
24 anything wrong. Like I said, I don't know if she's going
25 to fully run that -- that other track or not. She can

1 correct herself, but we want to make sure that we correct
2 her on it so that she doesn't get into a habit of running
3 something she's not supposed to.

4 Q Okay, and then next is October 9th of 2013, under that
5 comments, indicates that you pulled her off the correct
6 track and you do it intentionally.

7 A Yes, sir.

8 Q I guess to see if she's going to get back on, but she
9 would have become accustomed to being pulled off the
10 correct track by you through that training. Correct?

11 A I wouldn't say she'd get accustomed to it, but we
12 allow her to come off and then have to cut it for a period
13 of time after originally running something and then
14 allowing her to search around and pick that track back up.

15 Q Okay. And then November 20th, 2013, comments
16 indicates a team member was handling when we came to the
17 road, we went too fast across the roadway and missed the
18 turn and then something -- cut in the direction of the
19 turn; it says I took the lead. I'm assuming you were the I
20 there. Is that correct?

21 A Yes.

22 Q I took the lead, cut her a full ---

23 A Cut her fully.

24 Q Cut her fully and hit the turn; she then ---

1 A Ran the restorate (sic), made a good -- and made an ID
2 inside the building.

3 Q So someone else running her at that point she was off,
4 but then when you took the lead, that got her back on going
5 to where she needed to go?

6 A Yeah, she brought her up, she missed the turn, and the
7 areas that he was having her search, he didn't fully check
8 the entire area and we cut the -- the other side is when we
9 picked up the track and -- the runner.

10 Q Okay. And in the training exercises as you typically
11 do, I mean you go out to a state park or in a parking lot
12 or somewhere and you scent her off something and then try
13 to find out which way that individual has gone. Is that
14 correct?

15 A (Indicating yes)

16 Q And per your training, she's going to follow the
17 strongest scent wherever it lies. Is that correct?

18 A She's going to follow that scent that she smells, yes.

19 Q Okay. And those records that you have before you,
20 those hundreds of pages that you described and that the
21 disk that you've provided to the solicitor, there's only
22 one day in all of those training records that you ever do a
23 training exercise having her run backyard from the suspect
24 to a location. Isn't that correct?

25 A Possibly.

TIM CARROLL - RE-DIRECT BY MR. HOGGE

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1 Q And the only day you ever have Hattie trained to do a
2 backtrack occurs after this incident.

3 A Okay.

4 MR. SMITH - I have no further questions.

5 MR. HOGGE - Briefly, Judge.

6 RE-DIRECT EXAMINATION

7 BY MR. HOGGE -

8 Q So as we've found out, you've trained with Hattie
9 extensively.

10 A Yes, a lot.

11 Q And during that training, did you get a good sense --
12 a good sense -- no pun intended -- a good sense of when
13 she's on a trial and when she's not on a trial?

14 A Yes.

15 Q Is that correct?

16 A Yes, I -- you know, we -- we'll know -- you know, we
17 know when she's picked up a track and running it, yes.

18 Q And when you pull her off of things, is it obvious to
19 you based on her actions that she's off, or just on your
20 knowledge of where the trail leads?

21 A Certain -- with some of the incidents that he was
22 referring to, there are certain times whenever we're
23 running these blind and able to tell when she switches from
24 -- or is showing interest in something that she's not
25 supposed to and able to correct her off of it. Other times

1 we know when these crosses are and things and are able to
2 correct her so that she doesn't begin getting to a point
3 where she runs -- like if we've got a contamination where
4 two tracks cross, you know, one person -- the person that
5 we're tracking going one way, another person going another
6 way. Sometimes when we set up these training scenarios we
7 all that where we'll know where that cross is, so that if
8 the dog starts showing that little bit of change, we'd
9 immediately correct them off of it so that they don't begin
10 getting into a habit of switching onto to something that's
11 hotter, something different, they stay focused on that one
12 particular track that they're supposed to be on.

13 Q Okay. And when you're training, is Hattie always
14 going to be a hundred percent correct?

15 A No, she's not. She's not a hundred percent, no.

16 Q In terms of picking up trails, getting off of trails,
17 are there certain cues that you look for from Hattie to
18 know from her if she's on a trail? You mentioned before
19 about barking constantly.

20 A Yes, she's ---

21 Q What kind of things ---

22 A She's very unique with that. She's unique. She'll
23 bark just about every breath whenever she picks up a track,
24 especially something that's hotter, and she -- and if she
25 comes off of that track, she'll be quiet, she'll start

1 circling around, circling around, circling around it until
2 she picks it back up, then she'll start barking again.

3 Q And is that the kind of behavior that you witnessed in
4 these training scenarios where she circles around?

5 A Yes. If she misses a turn, she'll start circling,
6 circling on her own trying to pick that track back up.

7 Q Would that behavior impact you pulling her off of
8 certain things? In other words, if she's circling around,
9 do you then know that you need to yank her back, as opposed
10 to if she's continually barking?

11 A Not necessarily pull her back. I allowed her to
12 continue cutting until she picks that track back up. If
13 she's circling around, that's something that they'll
14 naturally do for trying to pick that track back up.
15 They've missed a turn somewhere or the track ends at that
16 particular point, then they start circling out and circling
17 out and trying to pick up any particular place where that
18 track's branched off.

19 Q Okay. And based on your experiences with Hattie and
20 what you saw on the night of July 17th, 2013 and how she
21 tracked in this situation, are you confident with her track
22 on this night based on what you know of Hattie?

23 A Yes, yes.

24 Q Okay.

25 MR. HOGGE - That's all the State has.

1 MR. SMITH - Your Honor, I don't have a question.
2 My client's indicated to me that he wishes to cross examine
3 the officer. I don't know if this affects his desire to
4 have me represent or where he is or if the Court wishes to
5 inquire ---

6 THE COURT - Can't do that, unless he wants to
7 take over his defense and you're out of here.

8 (WHEREUPON, DISCUSSION IS HELD BETWEEN MR. SMITH
9 AND MR. MASSEY WHICH WAS NOT REPORTED.)

10 MR. SMITH - He's asking for a recess to speak
11 with me, Your Honor.

12 THE COURT - And I didn't mean to be curt about
13 that, but I mean that's clear-cut. It's clear-cut ---

14 MR. SMITH - That's my understanding as well.

15 THE COURT - --- that he cannot do that as long as
16 you're representing him. And when I say you're out of
17 here, he would have to release you from representation and
18 then he would take over the actual defense.

19 MR. SMITH - Yes, Your Honor.

20 THE COURT - You can take a moment.

21 MR. SMITH - Could I speak to him a moment?

22 THE COURT - Sure. Court will be in recess for a
23 few minutes.

24 (WHEREUPON, RECESS TAKEN.)

25 THE COURT - Back on the record.

1 MR. SMITH - Your Honor, I met with Mr. Massey.
2 He indicated after contemplation a decision that he would
3 feel more comfortable with him representing himself in this
4 trial. He has asked that I assist him, hand him items and
5 serve as sort of an assistant to him, but he understands
6 that he would be representing himself at this point.

7 THE COURT - Mr. Massey, ---

8 MR. MASSEY - Yes, sir.

9 THE COURT - --- you -- well, we're going to need
10 to talk about this a little bit. I can have him standby
11 counsel so that you can ask questions, but once you pull
12 the trigger on that, if I agree with it, then he won't be
13 able to go forward with any other question and you'd be on
14 your own, and sometimes representing yourself can be a
15 dangerous proposition. How familiar with the Court system
16 are you?

17 MR. MASSEY - Fairly, fairly, Your Honor.

18 THE COURT - And if you don't mind, tell me a
19 little bit about your education.

20 MR. MASSEY - I finished 14 years of school,
21 actually 15, land surveyor by profession, went to Winthrop
22 two years, York Tech about a semester.

23 THE COURT - And you know the old saying without
24 me quoting it.

25 MR. MASSEY - Representing himself's a fool. (sic)

1 THE COURT - So giving you a little time to
2 reflect on that, are you sure that you want to make this
3 move?

4 MR. MASSEY - Yes, sir, Your Honor. With Mr.
5 Smith's assistance, because some of the stuff that he has
6 we haven't had time to go over, and I would need him to
7 help me go through -- assisting with some of the
8 information we ---

9 COURT REPORTER - If he could speak up a little
10 bit; I'm having trouble hearing him.

11 THE COURT - Speak up some so she can hear you.

12 MR. MASSEY - Okay. With permission to have Mr.
13 Smith as assistance, because some of the stuff he has me
14 and him hasn't actually had time to go over yet, and I
15 would need him to locate and go through that as quickly as
16 possible to expedite what was here.

17 THE COURT - I have no problem with that, but I
18 need to make sure that you understand that that's strictly
19 what he'd be limited to do now, because you in effect are
20 releasing him from representing.

21 MR. MASSEY - Yes, sir.

22 THE COURT - Well, you seem to be very intelligent
23 and you've had 14 years of education. All right, if that's
24 what you want. Mr. Smith, you're dismissed ---

25 MR. SMITH - Yes, Your Honor.

TIM CARROLL - RE-CROSS BY MR. MASSEY

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1 THE COURT - --- as active counsel here.

2 MR. MASSEY - May it please the Court, Your Honor.

3 THE COURT - Yes, sir.

4 RE-CROSS EXAMINATION

5 BY MR. MASSEY -

6 Q How you doing, Mr. Carroll?

7 A Fine, thank you, sir.

8 Q What do you recall that night that this happened,

9 7/17/2013? How many officers were on the scene?

10 A I don't recall the exact number, sir?

11 Q My records -- you have the dispatch records. Correct?

12 A (No response)

13 Q There were nine officers on the scene.

14 A Okay.

15 Q Is that what you testified here to today?

16 A I don't know for sure.

17 Q Was the -- how was the contamination rate -- would you
18 consider the scene was that day in February?

19 A On the roadway?

20 Q Yes, sir.

21 A I don't know how many officers were in between the
22 vehicle -- in between the four-wheeler and where you were
23 standing on the roadway there. I'm not sure how many
24 people were in between ---

1 Q But you do agree by dispatch records there were
2 already nine officers on the scene, nine cars?

3 A I'm not positive. I ---

4 Q You can your time to verify that if you'd like.

5 A I've never read one of these before; I'm not sure.

6 Q Just take your time. And if there were nine officers
7 on the scene, would that be moderate contamination, heavy
8 contamination or light contamination as far training or
9 tracking for dogs?

10 A It depends on how many there were in that particular
11 area. Not necessarily all nine were standing in between
12 the vehicle.

13 Q Okay, and uh ---

14 A My understanding, whenever Officer Shealey arrived on
15 scene he tried to keep people away from the four-wheeler,
16 away from the house. I don't know how many people actually
17 got out of their cars or if all of those actually arrived
18 on scene or if they responded and disregarded, I'm not
19 sure.

20 Q Okay. And you can't speak for certainty on if anyone
21 handled the four-wheeler -- four-wheeler or approached the
22 yard.

23 A As far as my understanding, nobody had handled the
24 four-wheeler and they kept people out of the yard and out
25 of -- out of that particular area.

1 Q And you say you were dispatched at 5:51 and arrived at
2 6:15?

3 A Yes, that's what my records show.

4 Q And how long had the suspect been on the scene before
5 you arrived?

6 A As far as I know it was about 20 after 5:00, 26 after
7 5:00, something like that.

8 Q So you're talking roughly an hour.

9 A Close to an hour, yes.

10 Q So explain to the Courts how do dogs track a scent.
11 Is that in a linear fashion or are they jumping -- jump
12 around? Explain how they -- how is that ---

13 A The dog is tracking the human odor. Your skin cells
14 fall off, the bacteria acts on it, releases a gas. It
15 doesn't necessarily fall straight down; breeze, things like
16 that can have an effect on ---

17 Q And how long does that scent stay in the area?

18 A There's -- varies, depending on ---

19 Q So there's no degree on certainty on if the suspect's
20 scent was what the dog tracked on. Is that what you're
21 saying?

22 A No, that's not what I'm saying.

23 Q Okay. As far as training Hattie -- Hattie seems like
24 a pretty good hound -- had she used -- have you used her in
25 any training exercises where the scent had been recently

1 within 45 minutes to an hour, or maybe was it laid -- like
2 the scent might've been laid down within 15 minutes?

3 A Could you ask it again? I'm sorry.

4 Q Okay, I'm sorry. During training exercise with
5 Hattie, how -- how old are some of the tracks that you laid
6 before she trailed them?

7 A They vary in time-frame. We've had tracks training-
8 wise usually two -- two hours would be kind of a older
9 track for training purposes. Sometimes we'll ---

10 Q So ---

11 A --- we'll try to throw different time-frames
12 everything ---

13 Q So would you ---

14 A --- from 20 minutes to older.

15 Q Without -- with your expertise, would a one-hour track
16 be considered an old track?

17 A That's about average.

18 Q About average with response time? Okay.

19 A Yes.

20 Q You say the suspect, referring to document York County
21 Sheriff's office canine report, incident 201300023745, your
22 incident report, you said that the suspect was standing in
23 the location he was originally detained?

24 A That was my understanding, yes.

25 Q That was your understanding?

1 A (No response)

2 Q Can you -- do you know that for a fact?

3 A That was -- that was what I was told, you were ---

4 Q Is that where you began your track?

5 A Yes, where -- where you were standing.

6 Q And where was his location?

7 A On the side of Mobley Store Road.

8 Q And the dog proceeded from that point to nose the
9 four-wheeler and turn up the embankment. Correct?

10 A After working the road -- roadway and roadside.

11 Q And how far was the suspect from the four-wheeler to
12 where you started the track? How far would you say?

13 THE COURT - Whoa, whoa, whoa, this is re-cross
14 now.

15 MR. MASSEY - I'm sorry, Your Honor.

16 THE COURT - Do you have an objection, Solicitor?

17 MR. HOGGE - Objection, Your Honor, this is beyond
18 the scope of re-direct.

19 THE COURT - You're confined basically to the
20 questions that were raised by the State on the re-cross, so
21 if you'll reign it in, please.

22 MR. MASSEY - Okay. Hand this to evidence, Your
23 Honor, August 8th, 2012. Enter this into evidence and I'd
24 like him to see it. I don't think he has it.

1 MR. CARROLL - I think that -- it might've been
2 part of -- was that part of the whole pile?

3 MR. SMITH - If I may, Your Honor, it comes from
4 the exhibit that's already in -- the disk that is in.
5 That's a hard copy, a disk copy.

6 THE COURT - It's Court exhibit.

7 Q Would you read to the Court what that says, Mr.
8 Carroll?

9 A Hattie scented off the street sign that the suspect
10 had leaned up against, tracked the suspect across the
11 street into the woods, tracked him through the woods,
12 across trail, down the power lines and located and ID'd the
13 suspect hiding in the wood-line.

14 Q In reference to that training exercise, she sniffed
15 off a sign. Correct?

16 MR. HOGGE - I object to that, Judge. We -- this
17 is beyond the scope of re-direct. When I had a re-direct I
18 addressed what he saw the dog do that day; we've already
19 been through the training methods extensively. They've had
20 a chance to talk about that on cross. On my re-direct I
21 went into that he was confident in Hattie's performance
22 that night. I think now going back into the training
23 manuals is beyond the scope of my re-direct.

24 THE COURT - I agree; sustained.

1 MR. MASSEY - No further questions at this time,
2 Your Honor.

3 MR. HOGGE - No questions from the State. I'll
4 allow Mr. Massey to respond, but we would move to qualify
5 Deputy Tim Carroll as an expert in canine tracking. I will
6 hand up State vs. White, our Supreme Court which deals with
7 qualifying an expert in dog tracking. I'll hand a copy to
8 Mr. Massey, to Your honor. I believe it is at head note is
9 the general statement of law when it comes to qualifying an
10 expert in canine tracking.

11 THE COURT - Before I get into this I have one
12 question I want to clear up in my mind now.

13 EXAMINATION

14 BY THE COURT -

15 Q From the time that Hattie sniffed the defendant's
16 pants, to you on the 25 foot leash, reached the point of
17 where the four-wheeler apparently was stored in the shed,
18 did you ever have to correct her?

19 A No, no correction was made, sir.

20 THE COURT - All right, back to this.

21 MR. HOGGE - Yes, Your Honor, under State vs.
22 White, the Supreme Court goes into how someone can qualify
23 and how dog-tracking evidence can be admissible and they
24 lay out a test. It's on page 3 for me under head note 6.
25 By extrapolating from our case law and other authorities,

1 we conclude a sufficient foundation for the admission of
2 dog-tracking evidence to establish that, (1), the evidence
3 shows the dog-handler satisfies the qualification of an
4 expert under Rule 702; (2), the evidence shows the dogs a
5 breed characterized by an acute power of scent; (3), the
6 dog has been trained to follow a trail's scents; (4), by
7 experience the dog is found to be reliable; (5), the dog
8 was placed on the trail where the suspect was known to have
9 been within a reasonable time; and (6) the trail was not
10 otherwise contaminated. The State feels that all these
11 requirement have been met; he satisfies Rule 702; this
12 falls under non-scientific expert testimony. He's
13 demonstrated that he has sufficient training and ability
14 that he can instruct the jury on this which is an area
15 that's not commonly known to everybody; (2), this is a
16 bloodhound, which is obviously a breed characterized by an
17 acute power of scent; (3), the dog's been trained to follow
18 the trail by scent; (4), by experience the dog is found to
19 be reliable; the dog has been through all sorts of
20 training; the dog is not one hundred percent accurate in
21 all those training, but it's training by its nature they
22 are -- they're to teach the dog. The dog was placed on the
23 trail where the suspect was known to have been within a
24 reasonable time; an hour is an average time. There's some
25 case law in South Carolina that says 14 hours is still an

1 allowable time. And the trail was not otherwise
2 contaminated. There were other people there on the scene,
3 but the scene was not so contaminated that the dog could
4 not make this track, and as Deputy Carroll testified, he
5 did not have to correct the dog in any way, and in his
6 opinion, his dog followed the scent trail of Mr. Massey.

7 THE COURT - Mr. Massey, anything in regards to
8 this issue?

9 MR. MASSEY - Yes, Your Honor, I would object to
10 this witness, because there's no training manual as far as
11 what he testified to. There's no certification of the dog;
12 there's no video record or peer review or error rate as
13 reliable as far as training. The Court is also a gate-
14 keeping function as far as reliability and assurance of
15 expert testimony applied to non-scientific evidence. The
16 dog was never trained to reverse track; that is not -- that
17 - it would be in the non-scientific evidence. The witness
18 has not provided substantial enough expertise in using a
19 dog in reverse track, because the training manuals that
20 were provided by the State out of three years experience
21 from -- I think it was June -- no -- June 12th, 2012 to July
22 29th, 2015, the dog was never used or trained as far as
23 reverse tracking except for one incidence on July 17th, 2013
24 where the dog was found to be unreliable and was never used
25 again as far as that.

1 THE COURT - All right, you're correct then that I
2 have to serve as the gate-keeper in this. The Supreme
3 Court has been very clear on that in this case that's been
4 handed up, and I must access the threshold foundation of
5 requirements of qualifications. First of all, the Court
6 will note that the witness has been qualified before; this
7 is not a brand new dog fresh out of training and extensive
8 training and tracking. Anybody that's familiar with dogs,
9 especially hunting dogs and breeds and the way they perform
10 after training, basically is following a trail, that they
11 initially are familiarized with; the training that this dog
12 that we've heard extensive testimony about over several
13 years has been way beyond what I would even imagine that
14 the training goes through. The Court's certainly impressed
15 with the record-keeping that the York County Sheriff's
16 Department has done in regards to that. So overall, I find
17 that the witness is qualified to testify to this, but once
18 again, we all need to keep in mind that even though he's
19 qualified, the jury would have the ultimate say as to the
20 weight of the evidence presented. We don't get into that;
21 I don't get into that. I just serve as I said, a gate-
22 keeper. All right.

23 MR. HOGGE - Your Honor, those are all the pre-
24 trial issues that the State has. We'd ask that Deputy
25 Carroll be excused for today.

1 (WHEREUPON, COURT RESUMES ON DECEMBER 1, 2015 AT
2 9:30 A.M.)

3 (WHEREUPON, DOCUMENTS MARKED AS STATE'S EXHIBIT 1
4 MARKED FOR IDENTIFICATION.)

5 THE COURT - Good morning. Be seated. Thank you.
6 All right, we got everybody that we need?

7 MR. HOGGE - Yes, Your Honor, the State's ready to
8 proceed with the jury selection.

9 THE COURT - Mr. Massey, are we ready to go
10 forward with the jury up here?

11 MR. MASSEY - Yes, sir, Your Honor.

12 THE COURT - All right, hopefully, they're
13 downstairs. Get them up here.

14 MR. MASSEY - Your Honor, may it please the Court.

15 THE COURT - Yes, sir.

16 MR. MASSEY - I would like to put in several
17 motions this morning. First I would begin with motions to
18 suppress. I would like to suppress any prior charge
19 concerning the victim's four-wheeler. I believe Deputy
20 Shealey made a response that Mr. Massey may have been
21 involved in a theft before. I would like to suppress any
22 type of knowledge or any type of -- with that being said in
23 Court today, it's more prejudicial than probative. Any
24 kind of evidence about defendant's proper -- prior property
25 crime records, to suppress any statements made about making

1 a joke or to the right to remain silent in reference to
2 Deputy -- Investigator Schifferle and any statement about
3 the victim saying Massey cut the water hose.

4 COURT REPORTER - I didn't -- I'm sorry, I didn't
5 understand what he said.

6 THE COURT - What was that last one?

7 MR. MASSEY - The last one? Oh, any kind of
8 records or statement about the victim saying that Massey
9 cut his water hose. He has no -- he has no knowledge of
10 that incident; it was just something he said and then used
11 it. Or any reference to Mr. Massey as a suspect in any
12 prior case.

13 THE COURT - Okay.

14 MR. HOGGE - Your Honor, as to number one, I
15 agree. I will not ask Deputy Shealey about the prior
16 incident that John Massey was a suspect of stealing the
17 same exact four-wheeler. I brought it up -- getting into
18 reasonable suspicion for the stop, and I thought it played
19 a part there, but in front of the jury I do not plan on
20 getting into that. Just for the Court's knowledge, this
21 same exact four-wheeler was stolen in May of 2013. It was
22 found in the possession of Mr. Massey's cousin, Ortavious
23 Mitchell, when he was arrested for that; he said he bought
24 it from John Massey. That four-wheeler was then returned
25 to the victim, and months later the State alleges Mr.

1 Massey stole it again. I am not going to get into that; I
2 don't think I can prove that he stole that by clear and
3 convincing evidence that I could use it as 404 evidence,
4 however, if Mr. Massey chooses to open that door, I would
5 seek to have Deputy Shealey walk through it, but unless he
6 opens the door, I will not be getting into the fact that he
7 is alleged to have stolen the same four-wheeler before.

8 THE COURT - What about this hose?

9 MR. HOGGE - The water hose listed number five, I
10 don't -- I don't understand the basis for the defendant's
11 motion. That the water hose was cut, that is the
12 allegation which the Court's malicious injury to property
13 charge. There was a water hose on the victim's residence
14 that was attached to a sprinkler of some sort, and whenever
15 he went out the day that Mr. Massey was caught with a four-
16 wheeler, he found that his water hose had been cut, and
17 that water hose was tied to his four-wheeler, so I
18 anticipate that he was -- will testify that someone cut my
19 water hose.

20 THE COURT - Just be careful with that.

21 MR. HOGGE - Yes, Your Honor.

22 THE COURT - What's this about the miran -- what
23 was that, Mr. Massey?

24 MR. MASSEY - Uh, making a joke when I was in the
25 booking area. Detective Schifferle was asking me some

1 questions about mirandizing me. At that time I stopped the
2 questioning and asked to have the right to remain silent;
3 he said I was making a joke out of the clear and convincing
4 proof that -- or evidence that at any time I choose I can
5 stop the interview with the police officer.

6 MR. HOGGE - As to that, basically whenever Mr.
7 Schifferle testifies to this yesterday, when he was
8 interviewing Mr. Massey, Mr. Massey grinned and said I have
9 a right to remain silent, and questioning ceased at that
10 point. I do not seek to have Detective Schifferle testify
11 as to that in front of the jury. I would simply have him
12 state and (sic) then all questioning ceased, John Massey no
13 longer wished to answer questions, did not try to highlight
14 to the fact that he was asserting his Miranda rights. I
15 don't think there's a problem with his testifying as to
16 that, but I'm not going to go into that and try to use that
17 against him ---

18 THE COURT - I don't -- yeah. He's going to have
19 to be careful with that, because I don't want any -- I
20 don't want any comments of anything that could go against
21 the defendant's right to invoke his Fifth Amendment
22 privilege.

23 MR. HOGGE - Right, Your Honor.

24 THE COURT - I agree with you on that.

1 MR. HOGGE - And again I won't have him comment on
2 that, just simply that at some point my investigate -- my
3 questioning with him ceased and not highlight that fact.
4 As to the second motion, prior property crime record, I
5 don't plan on getting into that unless he opens the door.
6 Again, this is an enhanced as a third or subsequent; he has
7 several prior property crimes I can get into at the
8 appropriate time. The third, again, I have no problem;
9 we're not going to get into that with his right to remain
10 silent. We talked about the victim cutting the water hose,
11 and the fifth, I believe, was the same as his first motion
12 to suppress the prior ATV theft which I agree to. So that
13 should handle all of his motions?

14 THE COURT - All right.

15 MR. MASSEY - And also at this time, Your Honor, I
16 would like to put in a motion to dismiss all charges under
17 Rule 5 Brady violation. The testimony yesterday that
18 certain evidence under Rule 5(C) documents obtaining
19 objects, the in-dash cameras -- there were 11 cars on the
20 scene -- it's -- it would material to preparation as far as
21 my defense, and since those videos were destroyed, I would
22 like to say to put in this motion for a dismissal. This is
23 not the first time the State has been asked about these
24 videos. I do have prior proof that through the Clerk of
25 Court -- I have filed several motions to the clerk of court

1 as far as pertaining these videos dating back as far as
2 March of 2014. They were in reference to a civil suit that
3 I have against the county and several of the deputies
4 involved in this case, that I immediately requested for
5 these videos because they are substantially, as far as
6 proving my case, and are extremely exculpatory in nature.
7 They cannot be re -- the crime scene cannot be fully
8 recreated. We cannot prove if any statements were made,
9 the original location of Mr. Massey from the first stop and
10 second stop to anything the officers presented in Court
11 yesterday.

12 THE COURT - If you'll hold them up at the door.

13 DEPUTY CLERK - Yes, sir.

14 THE COURT - Just let them stand there until we
15 complete this. Solicitor?

16 MR. HOGGE - Yes, Your Honor, as to this civil
17 suit, I have no knowledge of the civil suit that he has. I
18 believe that the sheriff's deputies that he has sued
19 civilly haven't even been provided service with that. I've
20 fully complied with Rule 5. As to the videos, they were
21 not purposely deleted in any way. The way that it's been
22 explained to me is the way that the sheriff's departments
23 in-car camera system works, is if blue-lights were
24 activated or if a switch is manually hit, that it is
25 recorded and it gets automatically downloaded to a system;

1 after a certain point if those vides are not downloaded,
2 they simply expire. That's what happened in this case. In
3 any event Deputy Shealey's camera was not pointed towards
4 the four-wheeler in this incident, and Deputy Ferrell's
5 microphone was not working, and it's not material to the
6 extent that this would give rise to a dismissal of these
7 charges.

8 MR. MASSEY - I disagree, Your Honor. There were
9 11 officers on the scene. All 11 officers had their lights
10 on. I think it's extremely -- extremely convenient for the
11 State to displace 11 in-dash camera videos and audio.

12 THE COURT - All right, your motion to dismiss is
13 denied. (Pause) They can come on in.

14 DEPUTY CLERK - They're on their way up.

15 (WHEREUPON, BRIEF PAUSE AWAITING THE JURY TO COME
16 INTO THE COURTROOM.)

17 MR. HOGGE - And, Judge, as it applies to the
18 defense's motion to sequester, the State plans on having
19 its case agent, Deputy Shealey, in the courtroom, the
20 victim in this case, Benjamin Fairfax, remain in the
21 courtroom.

22 THE COURT - They have a right to be here.

23 (WHEREUPON, JURY PANEL ENTERS THE COURTROOM.)

24 THE COURT - Okay, I have your note, Ms. Brian.
25 We don't intend to operate late into the evening.

1 (WHEREUPON, REMAINING JURY PANEL EXITS THE
2 COURTROOM.)

3 THE COURT - All right. Juror 46, Ms. Collins,
4 I'm appointing you to be foreperson over this jury. You
5 can remain in that seat for now, but when we come back from
6 your break the bailiff will seat you in the foreperson's
7 chair.

8 Ready to put the jury under oath?

9 MR. HOGGE - Yes, Your Honor.

10 MR. MASSEY - Yes, Your Honor.

11 (WHEREUPON, JURY IS DULY SWORN BY THE DEPUTY
12 CLERK.)

13 THE COURT - Ladies and gentlemen, I just have a
14 few opening remarks to make to you to basically let you
15 know how we're going to proceed, then I'll turn it over to
16 the respective parties for the actual trial of the case.
17 The first thing that will happen, after I get through with
18 my talk with you, will be both sides will be given an
19 opportunity to make opening statements to you if they so
20 desire. It's not mandatory. Lot of times we'll get
21 straight into the testimony, but an opening statement is an
22 opportunity for both sides to give a brief outline to you
23 as to what will be presented in the case. After the
24 opening statements will be the evidentiary portion of the
25 case. That's where you will receive the evidence.

1 Evidence may take different forms. It may be testimony
2 from the witness stand. It may be photographs; it may be
3 physical-type items; it may be documents. Whatever the
4 evidence may be, it is your duty as jurors to listen and
5 observe the evidence, because under our system, ladies and
6 gentlemen, the jury is the trier of the facts. The Judge
7 is the judge of the law. The end result of any trial is to
8 reach a verdict. Verdict is a Latin derivative word which
9 means a true saying, so it can be said that a trial is the
10 search for the truth. Now, as to evidence, you listen and
11 observe the evidence; you find what the true evidence will
12 be and apply it to the law that I will provide to you
13 during the Judge's charge of the law, and thus, reach a
14 verdict. That is the end result of any trial. So once
15 again, it is critical that you listen and observe. Please
16 do not fall asleep on us. If you feel like that you're
17 going to doze off, get my attention or get the bailiff's
18 attention and we will take a coffee break. Okay? Normally
19 that does not happen, but the few times it does happen, it
20 usually happens in the afternoon. Okay? Just be aware of
21 that. Do not allow anybody to discuss this case with you.
22 Should anybody approach you during this trial or even
23 during a break or recess, do not have any communication
24 concerning this case with anyone in any form or fashion,
25 and should that happen, you immediately notify the Court.

1 Should it be outside of Court hours, you would naturally
2 call law enforcement. Okay. All right, that's the
3 evidentiary portion of the case where you will receive the
4 evidence. After that will come the time for closing
5 arguments where both sides will be given ample opportunity
6 to try to persuade you to see the evidence as they may see
7 it. Arguments have to be limited to what's before the
8 Court. This is not a theatrical performance. This is not
9 anything that concerns any TV show that you may watch, any
10 movie that you've seen. This case is being decided by you
11 the jury. Now, with the advent of our electronic age, the
12 cyber-space and Google and all these websites, we've had a
13 problem with jurors doing independent research. That is a
14 no-no. Do not do any independent research concerning this
15 case or any peripheral matter concerning this case. You're
16 not to use your cell phones. I don't know what the policy
17 here in York County is, but normally they take up your cell
18 phones before you go into a jury room. I'll leave that up
19 to the policy here. But if you do have your cell phones,
20 keep it on silent mode or either off. There's no use of
21 cell phones without my permission. We don't need any
22 distractions. You need to follow your oath to truly try
23 this case. Okay?

24 All right, after the closing arguments will come
25 the time of the Judge's charge of the law where I will give

1 you the law of the case that you will apply to the facts as
2 you find them. Any weight to the evidence, as I said, is
3 given by you the jury. The Trial Judge does not get
4 involved in the weight of the evidence, finding of facts.
5 That's y'all's sole duty. My duty is the law. Now, from
6 time to time I'm going to be called on to rule upon
7 objections. Normally that is concerning the admissibility
8 of evidence or violation of procedural rules. So I have to
9 rule one way or the other. Whatever I do on an objection
10 or any action I take in this case, you should not interpret
11 that I'm siding with one side or the other. Okay? Only
12 after all of those phases are completed will you be asked
13 to deliberate this case. So in saying that, I instruct
14 you, do not discuss this case even amongst yourselves until
15 the time deliberation comes.

16 All right, running Court as far as the Judge is
17 concerned, it's just like any individual trying to run a
18 business. Sometimes we have problems; sometimes things
19 happen. The quicker I am made aware of any problem, the
20 quicker I can react to it. So if anything comes up, if you
21 need to take a restroom break or you feel that you might be
22 getting sick or anything like that, you let the bailiff
23 staff know so we can tend to it. I remember as a sideline
24 about 15 years ago I was trying a case up here in the old
25 courthouse, the foreman of the jury stood straight in the

1 chair and fell out in the floor, and we had to call EMS.
2 His blood pressure was like 350 over 210. He just flat
3 fainted on her. Fortunately, we got him some help and got
4 him to the hospital and got it under control. Things like
5 that can happen, so as the English say, we need to keep
6 calm and carry on. Okay? So with that said, I'm going to
7 turn it over to counsel for the actual trial of this case
8 and I ask that you give them your undivided attention. One
9 further instruction to you, that what the attorneys say or
10 what the defendant may say, the actual direct examination
11 or cross examination will not be evidence. Evidence will
12 come from the witness stand or any exhibits that are
13 presented. Okay? Sometimes that can get confusing. Even
14 in closing arguments the attorneys may refer to a quote to
15 some portion of the evidence. Sometimes they get off on a
16 tangent and bring in things that shouldn't be brought in,
17 so you as jurors have got to use your brains to separate
18 that when that happens. So that's why it's crucial that
19 you listen and observe, especially what goes on right here
20 in this witness stand.

21 All right, the State has the burden of proof, so
22 the solicitor's up first.

23 MR. HOGGE - May it please the Court. Good
24 morning. This case is about a thief in the night. It's
25 about John Massey who snuck onto Benjamin Fairfax's

1 property one night, found a section of water hose and cut
2 it up, tied it to Mr. Fairfax's water hose and then dragged
3 that four-wheeler while it was still in gear to the side of
4 the road, and that is where deputies with the sheriff's
5 office would find Mr. Massey on Mobley Store Road covered
6 in mud at 5:00 o'clock in the morning in the middle of
7 nowhere. This case will be relatively simple. Mr. Massey
8 is charged with grand larceny for stealing that four-
9 wheeler and with malicious injury to personal property for
10 the more minor offense of cutting up that water hose. Now,
11 as the Judge has told you, and it is absolutely true, it's
12 my burden to prove that he is guilty to you all beyond a
13 reasonable doubt. And Mr. Massey is presumed innocent of
14 these charges. Now, my job is to prove that he is guilty
15 of these charges to you. Your job is the most important
16 job in this courtroom. As Judge Burch told you, he is the
17 Judge of the law; you all are the Judges of the facts. You
18 might not have known it, but you are all Judges sitting
19 here today, and you will use your own common sense to
20 determine what factually happened here. Judge Burch is the
21 Judge of the law as I told you; he is mostly a legal
22 referee to determine legal issues that might come up during
23 this trial. He will instruct you on the law in this case.
24 He knows the law better than anybody else in this
25 courtroom. He's the most qualified person to deal with the

1 law. And you all collectively as a unit have more common
2 sense than anybody in this courtroom. You have more life
3 experiences, knowledge and wisdom that you can draw upon in
4 this trial, and it's that life experience and wisdom that
5 is going to play a part in this case, and your common sense
6 is going to play a part. You will hear during this trial
7 the evidence; you will hear from the deputies who responded
8 there to the scene, spoke to Mr. Massey, what they
9 observed, how he was there in the middle of nowhere next to
10 a stolen four-wheeler at 5:00 o'clock in the morning, the
11 strange statements that Mr. Massey made that don't really
12 line-up with common sense. You will also hear during this
13 trial from a canine tracking expert. Dogs are going to
14 play a role in this trial in a very different way than
15 they're playing over in the other courtroom, and you will
16 hear about the bloodhound that was utilized in this case,
17 how it tracked the movements of Mr. Massey back to where
18 that four-wheeler came from.

19 Thank you for being here. It's important that
20 you're here. I know you didn't have much of a choice to be
21 here, but it's important that you're here. It's important
22 for our system of justice. It's certainly important for
23 Mr. Massey. It's important to this victim, and it's
24 important to me. It's important to me that justice is done
25 at the end of this case. I'd said before it's my job to

1 prove that he's guilty beyond a reasonable doubt. I don't
2 do that for the fun of it; I don't do it for the heck of
3 it. I do that within my larger role of seeking justice in
4 the county and insuring that people can't go around and
5 steal other people's four-wheelers. And the evidence is
6 going to show in this case that John Massey is a thief in
7 the night and he is entitled to justice in this case.

8 THE COURT - Mr. Massey?

9 MR. MASSEY - I'm Mr. Massey. How are y'all doing
10 today? Today we are here to have a trial on my behalf and
11 I thank you, members of the jury, for coming out. You
12 didn't have to be here, but I thank you; this is very
13 important to me and to the State. My opening statement
14 again is, ladies and gentlemen of the jury, I am not an
15 attorney, nor do I claim to be smarter than anyone else on
16 the panel. However, we are called today to present this
17 case to determine the facts, evidence or lack of evidence
18 or just plain miscarriage of justice by leaving out
19 evidence. We are called today to determine the truth.
20 That question came into mind over two thousand years ago.
21 Pontius Pilate asked the same question, what is truth, and
22 he washed his hands, and he let an innocent man die on the
23 cross. Today I ask you, what is truth. Evidence presented
24 today I ask you to find truth, to measure it, to weigh in
25 your minds and deliver a just verdict. You're not expect

1 (sic) to -- for some show or for some unknown knowledge --
2 this is not a TV show; this is real life; this is my life.
3 Just cold hard facts I call on you to seek the truth. The
4 State is prepared to say the defendant, me, John Kenneth
5 Massey, Jr., has committed this crime. They will say they
6 can prove it by the preponderance of evidence, expert
7 testimony, canine tracking, on-scene officer dispatch
8 records and witnesses. In fact, they neither have no time-
9 line that they can prove that a crime occurred. They have
10 no eye-witnesses; they have no forensic evidence. They
11 have no video and visual audio. They plan to bring expert
12 testimony that does not make sense nor either can you
13 understand. They plan to serve this as an open and close
14 case. It is. It's very simple. It's open and close in
15 favor of the defendant. Why? Because of common sense.
16 Today I appeal to your common sense, not as some fancy
17 lawyer or presentation by the State of a paper --
18 presentation by the State of a paper-thin case, of guessing
19 of some speculation, conjecture and wishful testimony.
20 Today I appeal to your common sense, but look to the facts.
21 Mere presence alone does not constitute crime, nor does
22 walking down the side of the road at 5:00 a.m. in the
23 morning justifies over-bearing police presence, that you
24 can be stopped and to be hindered by the police and
25 questioned about a crime. But, however, it presents an

1 opportunity for the police department to do what they're
2 supposed to do, protect and serve, to help and assist
3 anyone in need of help. Testimony today will prove those
4 facts. I ask you to listen to each and every word that I'm
5 saying, to protect and serve. Today you will hear
6 testimony from the State and me and you will be asked to
7 weigh the evidence, and I ask that you weigh the testimony
8 with an open mind and sincere heart, to question not only
9 what the defense points out but also what the State is
10 presenting or not presenting or what is left out, what they
11 don't want you to know or they don't want you to hear. I
12 ask you each and individually what am I missing, to
13 question yourself, does that add up. Is it really
14 possible? Could it have happened that way? Does it make
15 sense? The truth is -- the truth can be cross examined.
16 Testimony can be corroborated, not just some dots in the
17 atmosphere. They must connect. They must add up to the
18 story the State has presented. You may hear terms such as
19 reverse track, suspect, search warrants, evidence, DNA,
20 forensics, phone records. And I ask each time that you
21 hear these very words, ask yourself, does that make sense.
22 Can it be proven without a shadow of doubt. I don't come
23 here today with persuasive words or eloquent speech. I'm
24 just a humble country boy, born and raised in Rock Hill,
25 South Carolina, corn-fed, bred; I ate grits for a living

1 (sic). I'm just like you. I'm just like you all. I've
2 just been accused of a crime and I ask you to weigh the
3 facts today and give a just verdict. I'm just going to
4 demonstrate facts, common sense facts. Some testimony I
5 admit today might be morally wrong, but not criminally
6 wrong. Being morally wrong is not criminal. It's a
7 criminal procedure. There's not nothing wrong with being
8 morally wrong. However -- however, testimony today will
9 prove why young black men all across American have suffered
10 injustice even during the time of need or help. They can
11 still get arrested, detained, locked up, jailed without a
12 shred of proof. Why? Why? Ask yourself, the night of the
13 alleged incident, where was the body camera, where are the
14 in-dash camera. I ask you to recall Freddie Gray of
15 Baltimore, Sandra Bland ---

16 MR. HOGGE - Judge, I would object to this line --
17 -

18 THE COURT - Sustained.

19 MR. MASSEY - Okay.

20 THE COURT - Stick to this case, Mr. Massey.

21 MR. MASSEY - Strike that jury. Ask yourself
22 where is the forensic evidence. I ask you to question
23 every witness. I ask you to question their motive of
24 testifying, but mostly I ask you to question why is
25 defendant capable of this crime. I ask you to question

1 that the State present evidence and does it corroborate Mr.
2 Massey's charge. Merely stating that something happened
3 one way must be proven not guessing. Not only that, they
4 must be proven by beyond a doubt and by reliable evidence
5 and testimony. Another major question, what happened to
6 all the witnesses? Was the testimony I heard a lie? Can
7 it be tested, duplicated with good results? I call upon
8 you each individually and corporally to study the facts and
9 use common sense to determine the truth, what is true.
10 Therefore, I will prove -- no, I promise you, I promise you
11 today that I did not commit these crimes, nor had any
12 intention of committing these crimes, nor were capable of
13 committing these crimes, nor can the State prove without a
14 reasonable doubt that I did these crimes. It does not take
15 some elaborate lawyer to prove I'm innocent, just the note
16 pad of 12 honest people called here today to seek the
17 truth.

18 Thank you.

19 THE COURT - Call your first witness.

20 MR. HOGGE - The State calls Travis Shealey to the
21 stand.

22 TRAVIS SHEALEY, AFTER BEING FIRST DULY SWORN,
23 TESTIFIES AS FOLLOWS

24 DIRECT EXAMINATION

25 BY MR. HOGGE -

1 Q Good morning, Deputy Shealey, if you could introduce
2 yourself to the jury and tell them about yourself.

3 A My name is Deputy Travis Martin Shealey. I've been
4 employed with the York County Sheriff's office for five
5 years. I'm assigned to the patrol unit, patrol division
6 here at the sheriff's office, and I work the Rock Hill
7 area.

8 Q What do you do for the sheriff's department beyond the
9 patrol division? What are some of your kind of specific
10 specialized roles for the sheriff's department?

11 A I work patrol, answer calls, calls for service, your
12 alarm goes off, I come out, you dial 9-1-1, we come out to
13 your house, assigned to the secondary assignment is
14 assigned to the canine team.

15 Q And what is the canine team? Who all is comprised in
16 that team?

17 A Three full-time handlers and series of officers who
18 work shift or work another assignment who work as runners
19 to assist canine handler.

20 Q How did you become involved in this case with John
21 Massey?

22 A On July 13th, (sic) 2013 I was on my way home from
23 working shift that night. I had been -- worked all night
24 since the day before, was on my way home. A civil process
25 officer was on his way to work. He was coming from his

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1 residence on Mobley Store Road. I heard through dispatch
2 that that civil process officer had gotten out with a
3 subject on Mobley Store Road near a four-wheeler. I also
4 keep my in-car radio on a secondary channel. Over that
5 secondary channel the name John Kenneth Massey came over
6 it. That's -- while I was on my way home -- I work that
7 side of town -- I started going that way to assist him,
8 because he's a civil process officer and that's -- he
9 usually doesn't work, investigate stuff like that, so I --
10 that's why I went there to assist him.

11 Q Did you hear over dispatch the address of where this
12 was going on?

13 A He -- he just said on Mobley Store Road just down from
14 Brattonsville Road.

15 Q Are you familiar with Mobley Store Road?

16 A Very familiar.

17 Q And if I were to show you a map of this area, would
18 that help you in your testimony to the jury in explaining
19 things?

20 A Yes.

21 (WHEREUPON, DOCUMENTS MARKED AS STATE'S EXHIBITS
22 2 AND 3 FOR IDENTIFICATION.)

23 Q All right, Deputy Shealey, I'm handing you what's been
24 previously marked for identification purposes as State's

1 Exhibit 2 for ID and State's Exhibit 3 for ID. Can you
2 tell us what State's Exhibit 2 is?

3 A It's aerial -- it's a map of York County is what it
4 appears to be that outline roads and stuff of York County.

5 Q And what is State's Exhibit 3 for ID purposes?

6 A It looks to be a GI -- GIS printout, the aerial view
7 of the area of Brattonsville Road and Mobley Store Road
8 with 5181 listed as the number -- numeric number in the
9 middle.

10 MR. HOGGE - Permission to publish a picture of --
11 for demonstrative purposes these exhibits to help explain
12 this to the jury.

13 THE COURT - That's fine.

14 MR. HOGGE - I'm going to now put it up on the
15 projector.

16 Q Can you -- I'm going to hand you my laser pointer.

17 A Okay.

18 Q If you can use that to kind of point out to the jury
19 the area that we're talking about.

20 A I don't know how this thing works.

21 Q Just hit the red button.

22 A Oh. All right.

23 Q And if you need to step down, feel free to step down.

24 A Okay.

1 Q Deputy Shealey, if you'd just point out to us the area
2 that you were located and kind of -- just so the jury gets
3 a sense for this map where York -- where we are right not
4 and Rock Hill is ---

5 A Yes, sir. Right here is -- be York -- town -- that's
6 York and the actual York city limits and all. Here is the
7 actual town of McConnells, the incident location, be
8 Brattonsville Road, coming out Brattonsville Road, Mobley
9 Store will be this T intersection right here. This star-
10 looking -- that's going to be where that 5181 Mobley Store
11 Road is going to be the location.

12 Q Okay. And where is Rock Hill on this map?

13 A Rock Hill is over here.

14 Q About how far from Chester County is where that star
15 is the incident location?

16 A Okay. Chester County would be directly below this line
17 is where Chester County would be. And this is the only
18 outline of York County.

19 Q Okay. About how many miles from where that star is is
20 Chester County?

21 A Approximately two miles roughly.

22 Q Okay. How many miles would you say that star is from
23 Rock Hill?

24 A Actual -- just downtown Rock Hill or just the ---

1 Q Downtown Rock Hill, whether distance or by time it
2 takes to drive there.

3 A To drive there from that location, you're looking 10
4 minutes at the most to get like downtown area. The
5 outskirts of Rock Hill, you're looking driving-wise five
6 minutes, walking you're looking at a couple hours, hour.

7 Q Okay. So I'm going to now switch to State's Exhibit 3
8 for ID purpose. If you can orient us using this map of
9 where you were that night.

10 A Where I was -- I was coming off shift, so I would've
11 been coming from the Rock Hill area down Mobley Store out
12 of Rock Hill. This would be the address of where the
13 actual -- it's hard to put it up there -- the actual
14 address of where the incident occurred at. The four-
15 wheeler was just down from the driveway facing towards the
16 ditch, and as I came up -- I actually just parked -- I had
17 parked on the side of the road -- went up, turned around,
18 come back and faced back town the road, because there was a
19 vehicle that had pulled up, and just for safety precautions
20 tried to get behind that vehicle, so.

21 Q Okay, you can go back and take your seat.

22 A (Witness complies)

23 Q When you arrived on scene at 5181 Mobley Store Road,
24 who all was present there at the scene?

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1 A There was a civil process officer that had been coming
2 -- that was coming into work, he'd got on the scene, he was
3 there and Mr. Massey was on the scene as well.

4 Q Okay. And um at some point did someone who was not
5 involved in law enforcement come up?

6 A Yes, a -- someone driving a red burgundy type
7 Chevrolet Avalance fairly clean had pulled up on the side
8 of the road, on the right-hand side of the road facing back
9 towards Rock Hill.

10 Q And from your understanding, why did that car pull up?

11 A Through the investigation that was Mr. Massey's ride
12 to come pick him up.

13 Q And while you were out there, did you ever see John
14 Massey on his cell phone?

15 A Not on a cell phone, but he had a cell phone that kept
16 ringing.

17 Q Okay. Okay. And talk a little bit more about the
18 area. What time was this that you arrived there?

19 A It was around 5:30, at or a little bit after 5:30 that
20 morning.

21 Q And when did you first hear the call over dispatch
22 that they had John Massey by this four-wheeler?

23 A 5:20-ish, 5:15-ish, something like that.

24 Q So you got there pretty soon after you heard the call?

1 A Yeah, like I said, I was on my way home, and like I
2 said I was coming out of Rock Hill, so I just went on ahead
3 and went that way, because the day shift units hadn't came
4 on yet.

5 Q And what was the nature of the scene when you arrived
6 there and your understanding what was going on?

7 A When I arrived on the scene, the civil process officer
8 he was -- he was still -- he was standing there. I
9 observed a green Honda four-wheeler sitting in the ditch
10 coming off of the bank; it was facing down-hill, facing the
11 road. The Avalance had pulled up off of the side of the
12 roadway. Mr. Massey was standing there. His legs -- from
13 his pants legs up were saturated in water; he seemed to be
14 sweaty, tired, a little bit covered in mud little bit.
15 That's ---

16 Q Okay. Did you have an opportunity to speak with the
17 driver of the Avalance?

18 A Yes, later on, yes.

19 Q And what did you discover -- discover through that
20 conversation?

21 A He stated he was just there to pick up John Massey,
22 that he had received a call from him to come pick him up.

23 Q Okay, did you eventually arrest that person?

24 A No, sir, did not.

25 Q Why not?

1 A We didn't have no probable cause to arrest him.

2 Q Okay. Now, that area that we're looking at, is this a
3 heavily populated area?

4 A It is not. There's more cows than people.

5 Q It's how many?

6 A I said there's more cows there than people.

7 Q Okay. Are there several houses? Are there any
8 businesses out there?

9 A The closest business would be Pure Gold. It's
10 actually a shotgun -- they make shotgun chokes at that
11 business.

12 Q Okay. And when you pulled up, did you have your
13 headlights on?

14 A Yes, it was still dark.

15 Q Okay. And while you were out there, did you see
16 anybody else other than Mr. Massey or this Avalance that
17 drove by?

18 A No.

19 Q Okay. Did you see anyone else walking along the side
20 of the road?

21 A No, sir.

22 Q And could you tell us a little bit more about what you
23 observed in regards to the four-wheeler?

24 A From a distance -- I used my flashlight that I carry
25 on my duty belt. I was able to shine the flashlight on it,

1 the four-wheeler. Like I said, it had been brought down
2 the hill. It was facing the ditch like it was just stuck,
3 like it couldn't go no where. There was something tied to
4 the front of it. I did not want to get too close to it to
5 contaminate that area, so I stayed away from it. The best
6 I could tell it was sitting down in the ditch and there was
7 something on the front of it the best I could tell.

8 Q Okay, you say you didn't want to contaminate it. Can
9 you talk a little bit more about that?

10 A I did not want to contaminate that area due to
11 possible contamination of that area to confirm the story
12 that was given from Mr. Massey to let our canine tracking
13 unit to try to pick up a track and see if that story would
14 be legit.

15 Q Okay. What all other officers arrived on scene? What
16 kind of officers, how many officers do you recall being
17 there?

18 A After -- once we got -- once I got on the scene, I
19 notified my supervisor who was still currently working
20 nightshift then because he was on his way home as well --
21 he lives inside of Chester -- he headed that way; more
22 dayshift units started signing on and they were in route as
23 well.

24 Q So people were switching shifts and they just arrived
25 on scene?

1 A Yeah, we were switching shifts; peoples got to come
2 from their house and actually getting the call, then start
3 heading that way and such.

4 Q Did you keep them away from that four-wheeler that you
5 said you didn't want to have contaminated?

6 A Yes.

7 Q Did they have any large role in this investigation?

8 A Who's that?

9 Q Other than the canine unit that eventually arrived,
10 did any other officers have a large role to play in this?

11 A Yeah, there was a FSU officer, forensics officer, that
12 did come out there. That's correct.

13 Q What did that FSU officer do?

14 A Now, that I do not know. I didn't get in the mix of
15 that. I don't know what all he actually done with the
16 four-wheeler or anything.

17 Q Okay. Did he approach that four-wheeler before the
18 canine unit arrived?

19 A No. We made him stay back til the canine got there to
20 do their job.

21 Q Okay. And who lives at 5181 Mobley Store Road?

22 A Benjamin Fairfax.

23 Q Is that this individual here?

24 A Yes, sir.

25 Q Do you know Mr. Fairfax?

1 A Know him well.

2 Q Okay, so you're familiar with him in the area?

3 A Yes, sir.

4 Q Okay. At some point did someone come out and take
5 photos around the area?

6 A Yes, sir. That would be the forensics unit, the
7 forensics officer that showed up.

8 Q Okay. Deputy Shealey, I'm going to hand you what's
9 been marked previously for identification purposes as
10 State's Exhibit 1, which covers 1(1) through 1(29).

11 A Okay.

12 Q If you could take a second to look through those.
13 Take your time and ---

14 A Okay.

15 Q --- let me know once you've had an opportunity to look
16 at them.

17 A (Witness complies)

18 Q Deputy Shealey, have you had a chance to look through
19 those?

20 A Yes, sir.

21 Q Do you recognize all those photographs?

22 A Yes, sir.

23 Q And what are those photographs of?

24 A They're four-wheelers (sic) -- of Mr. Fairfax's four-
25 wheeler sitting in a ditch. There's photos of his mailbox,

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1 the bank area of where the four-wheeler was, pictures of
2 Mr. Massey, saturated pants and covered in mud, photos of
3 him in hand-cuffs.

4 Q The pictures towards the end there, clothes, what's
5 that about?

6 A Just to talk about them or ---

7 Q Or whose clothes are those?

8 A Oh, those are the ones Mr. Massey has got on him in
9 the picture wearing.

10 Q Okay. Do those photos fairly and accurately depict
11 the scene as you saw it that night, the four-wheelers, the
12 clothes, Mr. Massey?

13 A Yes.

14 MR. HOGGE - All right, Your Honor, at this time
15 we would seek to introduce into evidence State's Exhibit 1
16 which is comprised of 29 photographs?

17 THE COURT - Any objection?

18 MR. MASSEY - No objection.

19 THE COURT - In without objection.

20 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
21 STATE'S EXHIBIT NUMBER 1.)

22 MR. HOGGE - Permission to publish to the jury?

23 THE COURT - Yes, sir.

1 Q And I'll put this up on the projector so we can talk
2 about them one at a time. (Pause) This State's Exhibit 1,
3 number 1, if you could tell us what we're looking at here?

4 A That will be Mr. Benji's -- Benji Fairfax's four-
5 wheeler; it's a green Honda four-wheeler.

6 Q Okay. And what are we looking at with State's Exhibit
7 2?

8 A Um ---

9 Q Or State's Exhibit 1, part (2).

10 A That would be the four-wheeler sitting in the ditch
11 and the roadway and the driveway to his residence.

12 Q Is this where the four-wheeler was found when you came
13 on scene?

14 A Yes, yes.

15 Q Okay. And what -- what are we looking at here?

16 A That would be his mailbox.

17 MR. HOGGE - For the record, that's State's
18 Exhibit 1, part (3).

19 Q And when you arrived on scene, it seems like there's
20 at least some sunlight visible. Was it darker than the
21 pictures that we're seeing here?

22 A Yes, because by the time we got on the scene it was
23 still currently dark outside, and once we got there and
24 start investigating, that's when we had to notify an FSU
25 investigator, which then he's got to get out of bed, get

1 clothes on and then have to come out there, so that's why
2 the daylight -- it's dark, because like I said, we were
3 still at shift change at that point.

4 Q Okay. State's Exhibit 1, part (4), any comments about
5 this?

6 A That's the four-wheeler sitting in the -- still in the
7 ditch there.

8 Q And it might be hard to see from where you are -- feel
9 free to come down -- but what, if anything do we notice
10 right here of the four-wheeler?

11 A Um, the cutoff piece of garden hose is what that was.

12 Q Okay. And when you checked that four-wheeler -- did
13 you eventually go out and check that four-wheeler?

14 A Yes, once -- once canine and them done their thing and
15 the forensics people got there, I actually noted -- got up
16 there to see that that was a garden hose.

17 Q Okay, did you notice about any of the setting of the
18 four-wheeler?

19 A I noticed it was still currently in gear. It is a
20 electronic shift four-wheeler. It does not -- it did not
21 have the key in it, so the only way you can get it in
22 neutral is to have the key and to be able to electronically
23 shift it into neutral.

24 Q Okay. State's Exhibit 1, part (5), is this that water
25 hose you were talking about?

1 A Yes, sir.

2 Q Okay. State's Exhibit 1, part (6), what are we seeing
3 here?

4 A The four-wheeler still just sitting in the ditch
5 there.

6 Q State's Exhibit 1, part (7).

7 A The four-wheeler still sitting there.

8 Q And did the four-wheeler appear muddy to you?

9 A Yeah, he currently rides it. I mean it -- yes, it --
10 from just using it, just being used, yes.

11 Q Okay. State's Exhibit 1, part (8).

12 A The four-wheeler, closer view of it.

13 Q State's Exhibit 1, part (9).

14 A That would be Mr. Massey that morning that we got out
15 with him.

16 Q And it looks like he's coming out of a police car. Is
17 that your car?

18 A No, sir.

19 Q Okay. When you arrived on scene -- before we go
20 further into this, let's pause here and talk about your
21 interactions with Mr. Massey. Tell us about your
22 conversation with Mr. Massey, your interaction with him
23 when you arrived on scene.

24 A I'd gotten out with Mr. Massey -- plus I -- been in
25 route to the -- got out with Mr. Massey, I had mirandized

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1 him of his rights. Talking to him he advised that he was
2 walking from Chester. I don't know what specific place in
3 Chester or where from, but he stated he had been -- he had
4 been walking from Chester.

5 Q Said he was just walking from Chester.

6 A Yes, correct.

7 Q Okay. Did you eventually handcuff him?

8 A Yes, I did detain him. He was not under arrest.

9 Q Did you read him his Miranda Rights?

10 A I did.

11 MR. HOGGE - You can turn the lights back up.

12 Q Deputy Shealey, I'm going to hand you what's been
13 previously marked as Court's Exhibit 1.

14 A Okay.

15 Q Can you take a look at that for us? And what is that?

16 A This is the front and back photocopy of my Miranda
17 card that I keep on me.

18 Q And what kind of notations are on there?

19 A At the top of it it's got the date of the incident was
20 July 17th, 2013; right below that's the name John Massey;
21 out to the right of that is mirandized at 05:39 hours; at
22 the bottom of that is my printed name, and below that's my
23 signed name.

24 Q When you say it's Miranda card, what do you mean by a
25 Miranda card?

1 A Miranda warning or people that -- to issue a person
2 their rights, to read them their rights.

3 Q And why do you have a card for that?

4 A It is issued by the sheriff's office and I'm required
5 to do so before any questionings begin.

6 Q And did you use that Miranda card that you made a copy
7 of to advise Mr. Massey of his rights?

8 A Yes.

9 MR. HOGGE - Your Honor, we would like to put
10 Court's Exhibit 1 into evidence as State's Exhibit -- I
11 believe it would be 4 now.

12 THE COURT - That's the Miranda card?

13 MR. HOGGE - Yes, Your Honor.

14 THE COURT - Any objection?

15 MR. MASSEY - No objection.

16 THE COURT - Without objection.

17 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
18 STATE'S EXHIBIT NUMBER 4.)

19 MR. HOGGE - Permission to publish this to the
20 jury.

21 THE COURT - Yes, sir.

22 Q And when you spoke to him and he told you these thing,
23 is this before or after you mirandized him?

24 A This was after, yes.

1 Q Did you -- how soon after when you got there did you
2 give him his Miranda warnings?

3 A It wasn't but just a few minutes. I mean three, two
4 minutes at the most, correct.

5 Q Okay. Could you tell us a little bit about his
6 demeanor that night, how he was acting?

7 A He stated he had been walking from Chester. He was
8 very sweaty. His pants were soaked in water, saturated in
9 water. There was a heavy dew that morning. There's really
10 not a whole lot of traffic, so the roadways would be fairly
11 clear to walk from Chester the back way is -- from that --
12 to get to Chester from the way (sic) he was.

13 Q Okay. And did he seem -- did he appear to be out of
14 breath at all or ---

15 A Um ---

16 Q -- how muddy was he?

17 A He wasn't covered in mud as if he's been mudding or
18 something of that nature, as if, you know, it had gotten on
19 him just from -- just getting up against something or just
20 had it got on him. (sic)

21 Q Okay.

22 MR. HOGGE - And I'd like to -- Madam Clerk, if
23 you could have the lights dimmed again.

24 Q And I'm going to turn to State's Exhibit 1, part (10),
25 what are we looking at here?

1 A That's Mr. Massey standing apex of the door facing
2 with his pants and his shirt that he had on that morning.

3 Q Okay. State's Exhibit 1, part (11), what's that?

4 A That would be Mr. Massey's shirt and his pants that
5 are slightly covered in mud.

6 Q Okay. State's Exhibit 1, part (12)?

7 A That would be his pants legs below the knee there,
8 which they were saturated in water and the mud covering it.

9 Q State's Exhibit 13, part -- or State's Exhibit 1, part
10 (13)?

11 A Be his other pants leg that were saturated and was
12 covered in water as well and mud.

13 Q State's Exhibit 1, part (14)?

14 A That's the backside of Mr. Massey there; it'll show
15 his pants and his shirt and him being in handcuffs.

16 Q And by the time that forensics gets there, they start
17 to take photographs, how long had you been there with Mr.
18 Massey on scene?

19 A Probably a good hour now I'm assuming.

20 Q Okay. State's Exhibit 1, part (15)?

21 A That's Mr. Massey facing us.

22 Q And State's Exhibit 1, part (16)?

23 A Back side of Mr. Massey's hands.

24 Q Back side, do you mean the palms?

25 A Yeah, the palm -- the palm side.

1 Q State's Exhibit 1, part (17), what are we looking at
2 there?

3 A That's the bank area of the side of the road that Mr.
4 Fairfax's yard actually touches, and just -- that's above
5 the -- above from where the four-wheeler was on the side of
6 the road.

7 Q So the four-wheeler would be where in relation to this
8 picture?

9 A It's just right down there in that -- be like -- if
10 could blow it -- if you had the bigger picture, it'd be
11 just like down to the left-hand side corner.

12 Q Would be down here or up here?

13 A Yes. Yeah, it'd be down in the ditch, because the
14 ditch is at the bottom.

15 Q Okay. And do you know what this is back here, this
16 building back here?

17 A Yes, that would be his utility shed.

18 Q Okay. And when you arrived on scene, -- it might be
19 hard to see in these photographs -- but did you notice
20 anything about the grass in this area?

21 A Yes, the -- the grass there, like I said, it was a
22 heavy dew that morning, the grass had been pushed down with
23 the -- the same with the tire tracks as what a four-wheeler
24 would leave behind, where it'd come down that hill and
25 where it was found in the ditch.

1 Q Okay. State's Exhibit 1, part (18)? Is that more of
2 that -- the grass that led to the shed?

3 A Yes. Well, that's where it's coming down the bank
4 right there to where the four-wheeler was in the ditch.
5 Correct.

6 Q Okay. And can you tell from this photograph like the
7 color of the mud and the dirt that was in that area?

8 A Yes, it's red, like a red clay-type mud.

9 Q And is that what we're seeing right here?

10 A Yes, sir.

11 Q Now, State's Exhibit 1, part (19)? Is that more of
12 the same?

13 A Yes, that's just the side of the bank right there, and
14 the mud that's ---

15 Q State's Exhibit 1, part (20), what are we looking at
16 here?

17 A Appears to be his pants that he was wearing showing
18 they were wet and -- hay or grass seed (sic) that's there.

19 Q Okay. And State's Exhibit 1, part (21), is this more
20 of the same?

21 A Yes.

22 Q And State's Exhibit 1, part (22), more of the same,
23 his pants?

24 A Yes.

1 Q And State's Exhibit 1, part (23), is this more of the
2 same?

3 A Yes, sir.

4 Q State's Exhibit 1, part (24), what are we looking at
5 here?

6 A Just dirt and mud over his pants that -- was covered.

7 Q And it might be difficult to see in these photos, but
8 did this color of mud, did that match the color of mud that
9 was on the scene?

10 A Yes.

11 Q Okay. Did it match the color of mud that was on that
12 four-wheeler?

13 A Yes.

14 Q To your knowledge, Mr. Massey had he been kind of
15 walking through the mud when he was discovered?

16 A When I got out with him? No, he was not walking
17 through the mud then when I got out with him, no.

18 Q State's Exhibit 1, part (25), what are we looking at?

19 A Another picture of his pants with mud on him.

20 Q Part (26)?

21 A His pants with mud on them.

22 Q Part (27)?

23 A Pants with mud on them.

24 Q And part (28), what are we looking at here?

1 A Mr. Massey sitting in the booking area, no shoes on
2 and pants covered in mud.

3 Q Is that his shoes here?

4 A I -- looking at them, I think they were, but I wasn't
5 in there. Looking at the picture, that appeared to be his
6 shoes.

7 Q But that matched how he appeared when you went out
8 there and talked to him?

9 A Yes, yes.

10 Q And Part (29)?

11 A Yes, those are his shoes there.

12 Q The shoes that he was -- okay. Now, is your car
13 equipped with an in-car video system?

14 A It is.

15 Q And how does that work?

16 A Basically if I pull up on a scene, either I activate
17 my blue-lights, car gets into a wreck, I manually push the
18 recorder or I can activate it from my wireless, the actual
19 wireless recorder we wear.

20 Q Okay. Does the camera in your car automatically
21 record all the time?

22 A No, it records 30 seconds prior to one of those
23 incidents happen before that I described.

24 Q Okay. And the sheriff's department at this time in
25 2013, were you equipped with body cameras?

1 A No, we don't have body cameras.

2 Q Okay. And when you arrived, did you turn on your
3 video system?

4 A I did.

5 Q And where was your -- where is the camera positioned
6 at your vehicle?

7 A You mean where is it ---

8 Q Where's the camera in your vehicle?

9 A It's on the dash. It's actually on the windshield
10 itself facing out forward.

11 Q When you arrived on scene, what position was your car
12 facing?

13 A I had turned back around. Like I said, that Avalance
14 had pulled up, and I had turned back around facing back
15 towards Rock Hill, so my car would've been facing that
16 Avalance.

17 Q So would've been facing back towards Rock Hill. Was
18 it facing the four-wheeler?

19 A No, it wasn't.

20 Q Okay. And how does that video get uploaded and how is
21 it saved? How does that work?

22 A Every officer is assigned a district, and when they go
23 back to their present district office that they're assigned
24 to, you basically back up to a parking spot, it wirelessly

1 pulls that video from the in-car server to the server to
2 the sheriff's office.

3 Q How long does it stay on that server?

4 A Ninety to a 180 days if -- that -- it stays 90 to 180
5 days if nothing's done with it.

6 Q Okay. And has this been past 180 days, such that it's
7 expired?

8 A Yes, it's been two years.

9 Q Okay. And -- but in any event what would have video
10 have recorded?

11 A It would've been recording that morning, me coming up
12 Mobley Store, the 30 seconds prior to me coming up, turning
13 around and then facing back down the road to get up to that
14 vehicle that had just shortly pulled up, that red Avalance.

15 Q Would it have recorded any actions of the canine unit
16 that arrived there?

17 A No.

18 Q Okay.

19 MR. HOGGE - Beg the Court's indulgence.

20 Q And for the record, did this all occur within York
21 County?

22 A Yes, it did.

23 Q And do you recognize the man that you saw there at the
24 side of the road in the courtroom?

25 A Yes, I do.

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1 Q Can you please point him out for us?

2 A He's sitting over there in the black suit with a blue
3 shirt and wearing glasses.

4 MR. HOGGE - Your Honor, let the record reflect
5 Deputy Shealey has pointed to the Defendant, Mr. John
6 Kenneth Massey, Jr.

7 THE COURT - All right.

8 MR. HOGGE - All right, thank you, Deputy Shealey.
9 I have no further questions of you at this time. Mr.
10 Massey has an opportunity to cross examine you. Please
11 answer any questions that he has for you.

12 MR. MASSEY - May it please the Court, Your Honor.

13 THE COURT - Yes, sir.

14 JUROR - Judge, ---

15 THE COURT - Hold up just a minute.

16 JUROR - --- may I go to the restroom?

17 THE COURT - You sure can. Let's stand at ease
18 for 10 minutes for a restroom break and we'll come back.
19 The jury may step back to the jury room.

20 (WHEREUPON, JURY EXITS THE COURTROOM)

21 (WHEREUPON, RECESS TAKEN.)

22 THE COURT - You may be seated. Thank you. All
23 right, maybe they're ready.

24 MR. MASSEY - May it please the Court, Your Honor.

25 THE COURT - Hold up a minute. All right.

1 MR. MASSEY - Oh, sorry.

2 (WHEREUPON, JURY ENTERS THE COURTROOM)

3 THE COURT - All right. Mr. Massey?

4 MR. MASSEY - Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. MASSEY -

7 Q Mr. Shealey, how you doing today?

8 A Doing good.

9 Q All right, all right. Just got a few questions for
10 you. What did you say you were -- you got to the scene?

11 A It was around 5:30 or so.

12 Q 5:30 or so. Would that be consistent with State's
13 Exhibit 4, I think the Miranda warning? You mirandized the
14 suspect at 5:39, me?

15 A Pardon? Do the times match on that?

16 Q Yes, sir.

17 A No.

18 Q Okay. And when you arrived on the scene, who was
19 there?

20 A Yourself and Deputy Ferrell.

21 Q Deputy Ferrell? That was all that was there?

22 A At that point in time, yes, when I arrived on the
23 scene.

24 Q If I showed you some documents, would that help you
25 kind of refresh your memory?

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1 A Far as ---

2 Q Dispatch records.

3 A (No response)

4 Q I have some -- some information highlighted there. At
5 5:39 you are unit 320 -- 322. Correct?

6 A That's correct.

7 Q At 5:39 you arrived and said you detained two
8 suspects?

9 A Yes, that's what this says, correct.

10 Q So when you arrived, now it wasn't me and Deputy
11 Ferrell. Correct?

12 A Yes, it was.

13 Q But the dispatch records say you detained two
14 suspects.

15 A I didn't put this in the dispatch.

16 Q At what point in time did the -- the guy come up to
17 pick up Mr. Massey?

18 A What time did he show up?

19 Q After you arrived on the scene.

20 A It was just shortly right there at it.

21 Q Shortly right there at it?

22 A (Indicating yes)

23 Q Was he detained?

24 A No, he was in his truck, that Chevy Avalance, no.

25 Q But you detained Mr. Massey.

- 1 A Yes.
- 2 Q You put the cuffs on Mr. Massey.
- 3 A Yes.
- 4 Q You did not put the cuffs on the guy that came to pick
5 up Mr. Massey.
- 6 A Correct.
- 7 Q Correct? And where was your car parked when this
8 happened?
- 9 A Where the individual pulled up in the Avalance, I was
10 just shortly back behind his vehicle.
- 11 Q Shortly back behind his?
- 12 A (Indicating yes)
- 13 Q So you pulled in behind him?
- 14 A Not all the way directly behind him, correct. I was
15 back probably two or three car lengths, correct.
- 16 Q Which way -- which way was your car facing?
- 17 A Back towards Rock Hill.
- 18 Q Back towards Rock Hill. Did you see the suspect when
19 you arrived anywhere near the four-wheeler?
- 20 A Meaning yourself or ---
- 21 Q Yes, me.
- 22 A Yes, you were within a few yards.
- 23 Q Few yards. What's a few yards?
- 24 A Three or four.
- 25 Q Three or four yards?

- 1 A (Indicating yes)
- 2 Q I was within three or four yards of the four-wheeler?
- 3 A (No response)
- 4 Q So your in-dash camera would prove that.
- 5 A That you were in -- that you were close to the four-
- 6 wheeler?
- 7 Q Yes, sir.
- 8 A No, because my car was facing the other way.
- 9 Q Your car was facing the other way? While I was three
- 10 or four yards from the four-wheeler detained by you and
- 11 Deputy Ferrell. Is that correct? That's what you're
- 12 testifying to today?
- 13 A Correct.
- 14 Q Were there any other officers on the scene?
- 15 A Yes, after that, once I got there, other officers did
- 16 start showing up. That is correct.
- 17 Q And, in fact, when you heard that it was Mr. Fairfax,
- 18 you was the next officer on the scene outside of Deputy
- 19 Ferrell. Correct?
- 20 A I didn't know it was Mr. Fairfax.
- 21 Q You didn't know it was Mr. Fairfax?
- 22 A I just knew it was on Mobley Store Road in that
- 23 general area.
- 24 Q In fact, you know Mr. Fairfax very well. Correct?
- 25 A Correct.

1 Q You've been appointed case manager here, case
2 supervisor over this case?

3 A I'm not aware of that.

4 Q You're not?

5 A (No response)

6 Q So why are you not sequestered with the other
7 witnesses?

8 A I was asked to sit there by ---

9 Q Because you are appointed case manager..

10 MR. HOGGE - Judge, I would object as to a matter
11 of law, as if he's the case agent.

12 THE COURT - All right. Go ahead.

13 Q In fact, once you investigated and found out he was
14 your friend, you were more than zealous to solve the crime.
15 Correct?

16 A It wasn't going to be my crime (sic). I was going to
17 let a detective take care of that, so there'd be no
18 conflict of interest.

19 Q So who made the call to release the other suspect?

20 A Who made the call?

21 Q (Indicating yes)

22 A That would be the supervisor who was there.

23 Q So you had no say-so in who was considered a suspect
24 and who was not considered a suspect.

25 A At that point in time?

1 Q At that point in time.

2 A No.

3 Q So if there was no probable cause to detain or arrest
4 the other suspect, why would there be probable cause to
5 detain or arrest Mr. Massey?

6 A Because the clothes and legs were saturated in water
7 and dew; you stated had been walking from Chester. Walked
8 from Chester legs wouldn't be soaking wet and covered in
9 mud. (sic)

10 Q Why not?

11 A No cars on that roadway to go the back way to Chester,
12 I (sic) walking on the road.

13 Q So that's your opinion. That's not -- that's not
14 fact. So you wouldn't know which way the suspect came from
15 or where the suspect was heading from. Correct?

16 A No, but you told me you was coming from Chester.

17 Q Told you I was coming from Chester.

18 A There's only one way to get from Chester from where we
19 were.

20 Q Well, let's say I was walking on the side of the road.
21 Would my -- would the clothing be consistent with walking
22 on the side of the road?

23 A If you were walking on the side of the road?

24 Q Yes, sir.

25 A From ---

1 Q Chester. The Chester area, Chester direction ---

2 A Depends on if the side of the roads had been cut or
3 not. If the grass was tall, yes; if the grass hadn't been
4 cut, no.

5 Q It was July. Correct?

6 A Yep.

7 Q So grass dos (sic) kind of grow pretty fast that time
8 of the year. Correct?

9 A The State does cut the grass and ---

10 Q So it would be consistent if Mr. Massey was walking on
11 the side of the road.

12 A Yeah.

13 Q So there could've been other possibilities as far as
14 the grass stain and stuff on Mr. Massey's clothing and the
15 dew on his pants.

16 A I don't know.

17 Q And you said there was forensic officers on the scene?

18 A Yes.

19 Q Did you see them performing their job?

20 A Did you see -- did I see them performing their ---

21 Q Yeah, did you see them perform their job?

22 A No, I didn't -- I don't get to do what they're doing,
23 no.

24 Q And whose car was Mr. Massey detained in?

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1 A Not my car. It was a white car that he had to be
2 placed into.

3 Q You don't know what the officer -- you don't know the
4 officer's name?

5 A No, it was -- other officer had arrived at that point.

6 Q By the dispatch records, you arrived at 5:39. What
7 time -- what time did you leave the scene?

8 A Had to be getting closer to 8:00 o'clock.

9 Q In fact, on page 9 of 9, ---

10 A Page 9 of 9?

11 Q Yes, sir. You were cleared from duty at 7:22.

12 A Okay. I was cleared from that call.

13 Q From that call. So you were pretty much at the call
14 from 5:39 to 7:22.

15 A (Indicating yes)

16 Q And Mr. Massey was detained that whole time.

17 A Yeah.

18 Q So you're talking from the time you arrived, from 5:39
19 to 7:22 Mr. Massey was detained two hours.

20 A (Indicating yes)

21 COURT REPORTER - Judge, he needs to answer
22 verbally.

23 A Yes.

24 Q And where was he detained during that time?

25 A In the roadway area there where he was found at.

1 Q He was not in a police car.

2 A What's that?

3 Q Mr. Massey was not inside of a police car.

4 A No, not the point in time I had gotten out with him,
5 no.

6 Q I'm talking about the time between 5:39 to 7:22, where
7 was Mr. Massey detained?

8 A In the middle of the roadway; you were in handcuffs.

9 Q In the middle of road in handcuffs.

10 A Yes. And you were in a car, yes.

11 Q I was in a car.

12 A Yes.

13 Q Two hours.

14 A Not in a car for two hours, no.

15 Q Okay. And where was the four-wheeler when you pulled
16 up?

17 A It was sitting off into the ditch.

18 Q Sitting off into the ditch. And how far was the ditch
19 from the shed?

20 A From the ditch from the shed?

21 Q Yes, sir.

22 A Fifty yards or so.

23 Q Fifty yards. And you made an important fact that it
24 was a -- what's that Honda ES, electronic shift four-
25 wheeler?

- 1 A Yep.
- 2 Q What does that mean?
- 3 A It's electric shift. It's got a button that makes it
- 4 go from each gear.
- 5 Q So when you found it, it was in gear.
- 6 A What's that?
- 7 Q You stated that when it was found, the four-wheeler
- 8 was in gear.
- 9 A That's correct.
- 10 Q So that's similar to a manual stick transmission car.
- 11 If it's not in neutral, it cannot roll. Correct?
- 12 A That's correct.
- 13 Q It cannot be moved.
- 14 A It can by force.
- 15 Q By force. And exceptionally a lot of force. Correct?
- 16 A Depends on how strong a person is.
- 17 Q And when you arrived on the scene, how was Mr.
- 18 Massey's physical condition?
- 19 A Far as ---
- 20 Q Was he tired, exhausted?
- 21 A Yeah, sweaty.
- 22 Q Sweaty.
- 23 A Yes.
- 24 Q Lot a sweat?
- 25 A Yeah.

1 Q Real lot, lot of sweat.

2 A (No response)

3 Q Did he state anything was wrong with him physically?

4 A Yeah, said he had cancer in his buttocks.

5 Q Did he state that he had surgery -- recently had
6 surgery?

7 A Yeah.

8 Q And how -- did you examine Mr. Massey to see if those
9 statements were correct?

10 A I don't examine people to see if they were correct. I
11 don't if you've got a weapon or something of that nature
12 that you're trying to pull, so I'm not going to go -- I
13 don't have to check your buttocks area.

14 Q So when you detained Mr. Massey, you didn't pat him
15 down? You said he might have a weapon?

16 A Yes.

17 Q So you knew Mr. Massey didn't have a weapon?

18 A That's correct.

19 Q But you wouldn't check to see if any of his
20 allegations or any of his statements were correct before
21 you ---

22 A Not on his buttocks.

23 Q --- decided to detain him?

24 A No, sir. That's not my policy.

25 Q That's not your policy?

- 1 A (No response)
- 2 Q But you do state that if Mr. Massey was walking down
- 3 the side of the road, it will be consistent with his
- 4 clothing. Correct?
- 5 A Down the side of the road or in the grass?
- 6 Q Down -- in the grass.
- 7 A If he was in the grass, that's correct.
- 8 Q Most -- most people walk in the grass when they walk
- 9 on the side of the road. Correct? You're an officer.
- 10 A Depends ---
- 11 Q If you saw someone walking in the road, what would you
- 12 do?
- 13 A Get out with them.
- 14 Q Question them?
- 15 A Tell them to get out of the road more than likely.
- 16 Q Casual -- a casual police encounter.
- 17 A Yeah.
- 18 Q Can (sic) Mr. Massey ask you or Deputy Ferrell for any
- 19 medical attention?
- 20 A No, you did not.
- 21 Q Did he ask you for a drink of water?
- 22 A Yes.
- 23 Q How many times?
- 24 A Lots of times.
- 25 Q He was extremely exhausted?

1 A Yep.

2 Q Dehydrated.

3 A I don't know if you were dehydrated or not. People
4 can sweat and still not be dehydrated.

5 Q But for two hours he was detained in a vehicle on the
6 side of the road and no one gave him a drink of water. Is
7 that correct?

8 A I don't keep water in our car, not mine anyway.

9 Q Would there be any reason why the in-dash camera
10 videos from your car would not have been submitted to the
11 solicitor's office or as far as the investigating officer
12 to be provided as evidence in this case?

13 A The 180 day period had expired, so I wasn't the lead
14 investigator on it, and I had not been notified to make a
15 case of it.

16 Q So who makes that call to provide that information to
17 identification as far as doing a case?

18 A What do you mean far as?

19 Q Who decides to take it off the server, ---

20 A Okay.

21 Q --- provide it with the solicitor -- provide it for
22 the State to be used as evidence in criminal trial, in
23 criminal proceedings?

24 A Well, it's the officer like that's -- let's say if I -
25 - if I was the one investigating, I would've been able to

1 make a case to where it would -- it would stay where you
2 could get back to it, where it wouldn't erase itself off
3 the server. If it's not saved as a case, it will erase
4 itself off of a server but not that investigating officer,
5 because then it would be just a stock pile of videos there.

6 Q So what you're saying that there's no protocol,
7 there's no policy as far as who or whom preserves the in-
8 dash camera videos after 180 days?

9 A No, I don't know who keeps it after -- I -- no, I have
10 no idea.

11 Q What about DUI stops? How long are those in-dash
12 camera records kept?

13 A If the officer made the stop, it should have made a
14 case -- if the officer -- the investigating officer to make
15 the DUI, they would be the one to make that case to where
16 it would save itself.

17 Q So in a DUI case, those in-dash videos would be still
18 available two years later. Correct?

19 A Yes, because that officer would make a case of it.

20 Q But in this case the records have been destroyed?

21 A Right, because I was not the investigating officer. I
22 was -- just showed up on the scene.

23 Q But a DUI case, the evidence is incriminating.
24 Correct?

25 A (No response)

1 Q So it's a distinction between which cases or which in-
2 dash camera videos the sheriff's office decides to keep
3 would be beyond 180 days.

4 A It's just if that officer made a case -- if were to
5 get out with every person that was walking the side of the
6 road, I mean it would just be a stock pile of videos. To
7 elude that, the officer that is making the case that is
8 over the case initially, investigating officer, is needed
9 to save that case for the Court, if possible.

10 Q Let's turn page 2 of 9.

11 A Okay.

12 Q And you say for the record that we stated that you
13 were on scene from 5:39 until 7:22 approximately.

14 A Correct.

15 Q How many officers were on the scene?

16 A After the -- the whole entire ---

17 Q The whole entire time.

18 A Um probably, like I said, seven or eight.

19 Q Listed at the top of page you have unit 133, unit 122,
20 unit 320, unit 17, unit 708, unit 925, unit 506, unit 101,
21 unit 340, unit 322 and unit 332.

22 A (Indicating yes)

23 Q That's 11 officers; that's 11 cars.

24 A (Indicating yes)

1 Q There's no in-dash camera videos on the server for any
2 one of those cars to you knowledge, upon your information
3 and belief.

4 A Not that I know. Some of them were canine runners,
5 just running with canine, so they wouldn't be needed to.
6 They're just getting called there to assist the canine
7 handler.

8 Q Sounds like it was a pretty serious call -- 11 -- 11
9 cars.

10 A Well, it's a shift change. So day shift's got to
11 relieve night shift, so that's why.

12 Q Was Mr. Massey belligerent?

13 A No, I wouldn't say belligerent, no. At one point,
14 yes, but not the initial, no.

15 Q Was he threatening?

16 A No, not to me.

17 Q But, in fact, he was (sic) 11 cars called to the
18 scene.

19 A (No response)

20 Q What were those officers doing for the entire two
21 hours, that you saw from your -- from your knowledge?

22 A Canine officer had two guys running with him to do the
23 track; the others were there as a -- assist car, more or
24 less just showing there, because like I said it was at the
25 shift change.

1 Q Would you turn to page 3 of 9.

2 A Okay.

3 Q At 6:19 30 seconds, ---

4 A Okay.

5 Q --- unit 506, which would be canine ---

6 A Okay.

7 Q --- arrived an hour after you got there.

8 A Okay.

9 Q So it was an hour in between your Miranda reading
10 until canine got there.

11 A Okay.

12 Q If you count back -- I can help you here -- nine
13 officers or nine cars had already arrived on the scene
14 within that hour, what were those officers doing in that
15 hour before canine got there?

16 A The nine officers that were on scene?

17 Q By dispatch records ---

18 A You can't say that on scene, because if a officer is
19 just on a ---

20 Q Let's say -- it's -- okay, I'll help you out.

21 A Which one?

22 Q Seven -- seven ---

23 THE COURT - No. No, you're not going to help him
24 out. Let him answer the question. You interrupted him.

25 MR. MASSEY - I'm sorry.

1 THE COURT - And I've already heard the same
2 questions three times. I don't want to hear it again. Go
3 ahead, detective.

4 A Now, what was your answer -- the question again?

5 Q How many officers were on the scene within that hour?

6 A Within that hour?

7 Q Yes, sir.

8 A All right. From the time 5:06 to canine handler got
9 there and when I was on the scene. Correct?

10 Q Correct. From 5:39 to 6:19.

11 A All right. (Witness mumbling to himself which is
12 inaudible) One canine runner had arrived between that time
13 and one was a warrant proc - another was a warrant process,
14 same as Bobby Ferrell that had arrived, because they worked
15 -- they worked together, so -- the supervisor had arrived,
16 two more night shift guys that live in that area had
17 arrived, and another day shift unit had arrived to relieve,
18 so one -- you want me to count the date -- the canine
19 runners too?

20 Q Yes, sir.

21 A Okay. So that'll be canine runner, (witness mumbling
22 to himself) -- not counting myself and Deputy Ferrell, it
23 would be six other officers.

24 Q Six other officers.

1 A And that's including that one canine runner and --
2 that's not including 506. That's including just that one
3 other canine runner.

4 Q So that'd be all -- how many total including you and
5 Deputy Ferrell?

6 A That'll be eight.

7 Q That would be eight. That all transpired within the
8 hour time ---

9 A That's correct.

10 Q --- before canine arrived. Correct?

11 A I'm not counting canine, just counting -- just that
12 one other -- that one other runner. That's correct.

13 Q In between that hour, were the officers processing the
14 scene? Were they questioning me? Were they questioning
15 Mr. Fairfax, the victim? What were they doing within that
16 hour?

17 A None of those officers would've been processing the
18 scene.

19 Q So basically they were just sitting in their car for
20 an hour.

21 A Wouldn't say they were sitting in their car, probably
22 standing around. Correct?

23 Q Standing around.

24 A (Indicating yes)

1 Q Lot a manpower, lot of hours standing around, just
2 around. And you were pretty much in control of the scene
3 at this time.

4 A No, I'm not. The supervisor that arrived on the scene
5 at 5:44 and at 5:47 he requested for canine and the FSU.

6 Q But you just testified earlier today that you kept
7 everyone away from the four-wheeler.

8 A That's correct.

9 Q So you kind of took charge of the scene.

10 A No, I just overtook that part of it, because my
11 sergeant's not on canine. He doesn't know the stuff that
12 goes on, that part of it.

13 Q No one went in the yard.

14 A No, no one went in the yard.

15 Q No one notified the victim within that hour.

16 A I didn't notify the victim; no, I did not.

17 Q Was the victim informed within that hour? That's --
18 let me rephrase the question.

19 MR. HOGGE - Objection, calls for hearsay.

20 THE COURT - True. Sustained. You don't have to
21 answer it.

22 Q Um ---

23 THE COURT - Well, wait a minute though. Rephrase
24 your question. You can direct it toward him but not in
25 general though.

1 MR. MASSEY - I was trying -- thank you, Your
2 Honor.

3 Q To your information and knowledge, did ---

4 A Okay.

5 Q --- you know if Mr. Fairfax was informed within that
6 hour?

7 A Was he informed within that ---

8 Q He informed within an hour that he was -- he may have
9 been a possible victim of a crime?

10 A Um, I could tell up the street there was another
11 officer that was up the road above his driveway that said,
12 hey, stay in your house and I'm assuming -- he was facing
13 towards Mr. Fairfax's house, and that officer then said,
14 hey, I will call you, don't come down here or the -- to try
15 to contaminate the track.

16 Q And whose decision was it to call canine?

17 A The supervisors.

18 Q The supervisors. Did you see canine perform the
19 track?

20 A Did I see them perform the track?

21 Q Yes, sir.

22 A Yeah, up to the point where they started from the area
23 you were standing at and go down the side -- go across the
24 ditch there and up the hill. I didn't see where they went
25 from that point.

1 Q Were you the canine handler?

2 A I was not.

3 Q Were you assigned detective to the case?

4 A No.

5 Q You weren't a crime scene officer.

6 A A crime -- like a forensics officer?

7 Q Forensics officer.

8 A No, I'm not.

9 Q Which way did the dog track from when your -- from
10 your knowledge and information that you saw? Which side of
11 the road?

12 A If you're standing in the middle of the roadway facing
13 Brattonsville Road ---

14 Q That'd be northbound?

15 A What's that?

16 Q That would be northbound? North?

17 A No, I'm getting -- everybody -- everybody's got a
18 different perception of north, south, east and west. If
19 you're standing in the middle of Mobley Store Road facing
20 Brattonsville Road, the four-wheeler would've been on your
21 left-hand side of the road, as well as Mr. Fairfax's house.
22 The bank would've been between the two. I saw the canine
23 handler get the dog out. They then in turn done the -- got
24 the dog out, I saw them start their track, and they went up
25 the bank, and like I said, they went cross through the

1 yard, and I don't know where they went from there. I
2 wasn't looking.

3 MR. MASSEY - At this time, Your Honor, the
4 defendant would like to question Mr. Shealey on some of the
5 exhibits the State -- the State presented -- photo 1 (16).

6 THE COURT - Right here.

7 MR. MASSEY - Turn the lights out.

8 Q What is that a picture of, Mr. Shealey?

9 A Be the palm of your hands.

10 Q Are they muddy?

11 A No.

12 Q So that wouldn't be consistent with the crime that you
13 allege Mr. Massey of handling a four-wheeler, would it?

14 A Of the four-wheeler being muddy and your hands being
15 muddy?

16 Q Yes, sir.

17 A No, your hands are not muddy.

18 Q Picture -- I think it's 1 point - no, -- think that's
19 (9), 1 point 9.

20 A Okay.

21 Q This is a picture -- this is a full body of Mr.
22 Massey. What color shirt does he have on?

23 A Black.

24 Q Black. Do you see a little bit of mud down around his
25 pants leg?

1 A Okay.

2 Q And the pictures we saw earlier of the four-wheeler
3 were kind of muddy, wasn't it?

4 A Correct.

5 Q Is there mud on Mr. Massey's black shirt?

6 A No.

7 Q Some spot down at the bottom. A spot ---

8 A I can't see it in this picture.

9 Q There's another picture I would like you to look at,
10 State Exhibit 1 point 14. Is there mud on the back side of
11 Mr. Massey's black shirt?

12 A On the shirt?

13 Q Yes, sir.

14 A No.

15 Q Is there mud on the back side of Mr. Massey's pants?

16 A Yes, looking at it, yes.

17 Q Just a little bit.

18 A (No response)

19 Q But you don't know -- you can't -- you can't determine
20 from your information and knowledge by the photo of which
21 police car -- which officer Mr. Massey was detained in,
22 which car he was detained in?

23 A That's a white car, so it's a older car.

24 Q It's a older car. That wouldn't narrow it down for
25 you?

1 A No, because we was -- that was in the process of still
2 swapping out white cars with brown cars.

3 Q But you do admit that there's no -- really no mud on
4 Mr. Massey's shirt.

5 A Correct.

6 Q Just his pants.

7 A Correct. If the shirt had been tucked in ---

8 Q You do admit if he was walking up the side of the road
9 he would kind of -- it would be consistent with walking on
10 the side of the road if the grass was high?

11 A Yeah, if the grass were high, if you were walking in
12 the grass, correct.

13 MR. MASSEY - You can turn them back on.

14 Q Do you know who transported Mr. Massey back to the
15 detention center?

16 A I think it was one of the other civil process cars
17 that come out there.

18 Q Did you -- were you -- did you follow shortly
19 thereafter? Were you at the detention center?

20 A No, I didn't go.

21 Q You never came to the detention center.

22 A I went home.

23 Q You went home.

24 A Yeah.

TRAVIS SHEALEY - RE-DIRECT BY MR. HOGGE

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1 Q You do admit that Mr. Massey said that he had a -- he
2 had just recently had surgery?

3 A Yeah, on his buttocks, something about some cancer.

4 Q Something about cancer.

5 MR. MASSEY - No further questions, Honor.

6 RE-DIRECT EXAMINATION

7 BY MR. HOGGE -

8 Q Deputy Shealey, while we have these photographs, if we
9 can have the lights dimmed, State's Exhibit 1, part (14),
10 when you take this photograph, was Mr. Massey's shirt
11 pulled up slightly?

12 A Yeah, he's kind of holding it right there.

13 Q Is there mud underneath where his shirt would hang?

14 Well, let me point it out to you. This mud here ---

15 A Okay.

16 Q --- if his shirt were down, would it be covering that
17 mud?

18 A As long as it is, looking at that other picture,
19 probably. But it appeared to be a long shirt like you
20 would tuck that shirt in or something.

21 Q Okay. So if that shirt were out longer, would the
22 shirt cover up this spot here?

23 A If the shirt was longer, would it cover that ---

24 Q Yes.

25 A Possibly.

1 Q Okay. And State's Exhibit 1, part (11), Mr. Massey --

2 -

3 A Yes, sir.

4 Q --- asked you about any mud on his shirt. Do you see
5 mud on his shirt here?

6 A Yeah, I can see it; there in that picture I couldn't
7 see it though.

8 Q Okay. So there was mud on his shirt?

9 A Yeah, I can see it -- yeah, I can it on that picture
10 there. In the actual photo I was looking at, I couldn't
11 hardly see it.

12 Q Okay. So the photo that Mr. Massey showed you was
13 hard to see?

14 A Correct.

15 Q Okay. And this photo, about how long does his shirt
16 appear to be in State's Exhibit 1, part (9)?

17 A At least was way below his zipper, because his waist -
18 - it's probably a good eight inches or so, if not longer,
19 shirt.

20 Q And ---

21 MR. HOGGE - If I can have the lights back on,
22 Madam Clerk.

23 Q And so after you had a chance to look through the CAD
24 report and everybody that responded, were there 11 cars
25 there or eight cars there?

1 A That were truly there or shift cars or canine
2 officers?

3 Q That were just truly there.

4 A That were truly there, yes, it would be 11 cars that
5 were there.

6 Q Okay. And just because those cars are there, does
7 that necessarily mean that all of them have their dash-cam
8 videos playing?

9 A No. Canine handlers don't -- because like -- I run
10 with canine -- as I run them myself, I don't -- we don't
11 carry our mic packs with us; we don't want to get that lost
12 while we're running the track, because if the car's off,
13 it's going to kill the battery, essentially, if their car
14 is off. They wouldn't leave the car running on the side of
15 the road just to run a canine track.

16 Q Okay. So just because a car is there, does that mean
17 it has video recording?

18 A No.

19 Q And when you were there, did you see any cars that
20 were there on the side of the road that were perpendicular
21 to the road such that they would face back into the trail
22 that went back to the shed?

23 A What do you mean? That the car would be sitting in a
24 T facing the shed.

1 Q Right. Let me -- so that it's clear to everybody -- I
2 want to pull up that map again, if you would give me a
3 second here. (Pause) Right here in this map, this here
4 would be Mobley Store Road. Would the cars be -- when they
5 came out and they were parked, were they parked this way
6 facing Rock Hill or this way facing back towards
7 Brattonsville Road or were they parked perpendicular to the
8 road so they were facing ---

9 A They were running with the -- they were -- yeah, they
10 were running parallel with the road facing towards Rock
11 Hill or Brattonsville Road.

12 Q So would -- would they have been recording anything
13 important?

14 A No, because again we tried to keep the area where the
15 four-wheeler was from being contaminated, so cars got on
16 the other side of the road facing Rock Hill and some got on
17 the upper side of the driveway facing back towards
18 Brattonsville.

19 Q Okay. While he was -- while Mr. Massey was being
20 detained, was he being questioned extensively, interrogated
21 there?

22 A I didn't. All I asked him was about where he was
23 coming from to get where he -- his story where he was
24 coming from, and all he could advise was from Chester, and

1 I can't recall specifically where in Chester, but he stated
2 in Chester.

3 Q And to your knowledge, did anybody else question him,
4 interrogate him extensively there at the side of the road?

5 A No. While I was there, in my presence, no.

6 MR. HOGGE - Beg the Court's indulgence.

7 Q Mr. Massey talked to you about the tall grass on the
8 side of the road. In this -- oh, I'm sorry -- in this
9 picture which is State's Exhibit 1, part (2) ---

10 MR. HOGGE - If we can we have the lights, please.

11 Q --- does it appear to be long tall muddy grass along
12 this strip?

13 A No, sir. There's no tall grass. It's mud and short
14 cut grass, but there's no tall grass, no.

15 Q Is that -- the condition of that road similar to what
16 you would find on Brattonsville Road, Mobley Store Road
17 that morning as you were driving that route?

18 A Yes. In that area, yes.

19 Q So what you saw that night, was the grass cut short
20 like it is here?

21 A Correct.

22 Q And the only tall grass would be back in here?

23 A Right, in the ditch area over there.

24 Q Someone would have to be walking back in here to
25 experience that tall grass?

1 A Right. It'd have to be over in the ditch in the bank
2 area right there.

3 Q And this bank area -- is the shed from this came from,
4 it -- can we -- is back here in this area?

5 A Can't see the shed from that photo. If you're
6 standing pretty much back up the road you can see it.

7 Q Okay. But no cars, as we stated before -- now it's
8 kind of easier to visualize -- no cars were facing that
9 way; they're all facing up towards the road?

10 A Yeah, they're -- some are -- like I said, some are
11 either facing that way, can't see none that way if they're
12 back behind -- some are facing that way, because like I
13 said, my sergeant, he come out of Rock Hill, because he was
14 heading home to Chester. There's a few that's back down
15 the road that's facing that way, and some -- like I said,
16 mine's still facing back towards Rock Hill where that
17 Avalance was facing going towards Rock Hill.

18 Q Okay.

19 MR. HOGGE - Get the lights back.

20 Q When you talked about a shift change, what all happens
21 on a shift change?

22 A Um, shift change, other deputies start to sign on.
23 They can sign on from their driveway. If they're already
24 in their car and they've made it to their district zone,

1 they can sign on. Basically, that's getting on the radio,
2 stating that you're on duty.

3 Q Okay.

4 A So that's -- that's how that works. And the way that
5 works, wherever the call's at, those officers -- you know,
6 they coincide; they try to come relieves those officers
7 that are out there, so we're not staying later than
8 necessary.

9 Q So it's around 5:00 o'clock in the morning, some
10 people were coming off shift, some people were taking over
11 their shift for them.

12 A That's right.

13 Q Okay.

14 A I think it was one day shift unit from district one
15 that actually showed up. The district -- due to the fact
16 there was already a supervisor out there and all the
17 supervisor needs had been done, that night shift supervisor
18 just stayed out there.

19 Q Okay. Is it common for deputies to back one another
20 up when there's an investigation going on?

21 A Oh, certainly, yes.

22 Q And what are some of the reasons for that?

23 A Officer's safety.

24 MR. HOGGE - Okay. Beg the Court's indulgence.

25 Those are all the questions I have for you.

1 MR. MASSEY - Re-direct, Your Honor?

2 THE COURT - Yes, sir.

3 MR. MASSEY - Dim the lights.

4 RE-CROSS EXAMINATION

5 BY MR. MASSEY

6 Q Same picture, please. Mr. Shealey, you said on the
7 road here ---

8 A (Indicating yes)

9 Q --- the grass was cut. Which way is Chester county
10 line from there?

11 A Basically, if you go back up that road to the stop
12 sign, hang a right, you're going to come up to a four-
13 points there. You can either keep left on Chappell Road
14 and go back to Chester County that way, or you can continue
15 on Brattonsville Road and go about another half a mile and
16 you'll cross into the Chester County line.

17 Q From your knowledge -- so you don't know if the grass
18 on Brattonsville Road was cut or not.

19 A Specifically on Brattonsville Road?

20 Q Yes, sir.

21 A No, I -- not ---

22 Q But the Brattonsville, Mobley Store is ---

23 A Yeah.

24 Q -- so you don't know if Mr. Massey came from Chester,
25 as he stated, that the grass was high?

1 A That's correct.

2 Q In this picture you also stated -- which way is this
3 four-wheeler pointing? So that's going back towards
4 Brattonsville Road, back towards Chester. Correct?

5 A Yeah, off in the ditch.

6 Q And you said you came down the road.

7 A (Indicating yes)

8 Q And you turned around and came back. Wouldn't all of
9 that have been captured on the in-dash camera?

10 A Correct, but I was on the other -- I parked my car on
11 the other side there.

12 Q The police cruiser's in the driveway.

13 A That's not mine.

14 Q Would not his in-dash camera have captured all that?
15 It would have viewed -- it actually would've captured the
16 dog tracking.

17 A (Indicating yes)

18 Q It would've actually captured where Mr. Massey was
19 standing or actually detained.

20 A At that point in time we got out with you or prior to
21 ---

22 Q Right.

23 A --- or at this moment?

24 Q Or at this moment.

25 A Yes, if you ---

1 Q At what time ---

2 A This is daylight, so I mean it had done got over in
3 about -- getting close to 6:30 or so.

4 MR. MASSEY - Beg the Court's indulgence.

5 Q You said 6:30?

6 A Yeah.

7 Q You still have the dispatch records?

8 A Yeah.

9 Q 6:19 canine arrived. Correct?

10 A That's correct.

11 Q And already nine other cars at least summoned on the
12 scene. What are those cars?

13 A What are those cars?

14 Q Yeah, in relation to the pictures at the 6:30.

15 A What do you mean far as?

16 Q The other officers' cars. Should've been other
17 officers' cars on the scene if it was around 6:30.

18 Correct?

19 A Yeah, and they would've been sitting on the other side
20 of the four-wheeler headed back towards Rock Hill where
21 that Avalance ---

22 Q So all the cars were on this side of the road.

23 A Yeah.

24 MR. MASSEY - No further questions, Your Honor.

25 MR. HOGGE - One question.

TRAVIS SHEALEY - RE-DIRECT BY MR. HOGGE

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1 RE-DIRECT EXAMINATION

2 BY MR. HOGGE -

3 Q Again, when you first got there, was it dark?

4 A Yes.

5 MR. HOGGE - All right, no further questions.

6 THE COURT - You may step down. Thank you.

7 MR. SHEALEY - You need this back? That's the
8 paper, the time-line stuff from dispatch he gave me.

9 THE COURT - Solicitor, unless you tell me you've
10 got a very brief witness, we're going to break for lunch.

11 MR. HOGGE - It would be best to take a break now
12 for lunch, Your Honor.

13 THE COURT - All right. All right, ladies and
14 gentlemen of the jury, we're going to break for lunch.
15 You'll need to be back here at 2:00 o'clock. Y'all are
16 more familiar with this area than I am as far as eating
17 establishments. Most of them are back that way. I know
18 there's one across the street. I'll leave that to y'all's
19 discretion, but wherever you go, remember, if any of you go
20 together, don't discuss this case, and we'll need you back
21 here at 2:00 o'clock. Everybody else remain seated while
22 the jury departs for lunch.

23 (WHEREUPON, JURY EXITS THE COURTROOM)

24 THE COURT - Okay, back at 2:00.

25 (WHEREUPON, LUNCH RECESS TAKEN)

1 THE COURT - Thank you. Be seated.

2 MR. HOGGE - Judge, I have one matter to put on
3 the record before we get started. Earlier during Mr.
4 Massey's pre-trial he asked that we exclude all evidence
5 that concerned Travis Shealey investigating that four-
6 wheeler theft in the past. I said that we intend to stay
7 clear of that unless Mr. Massey opened the door into that.
8 During the cross examination of Travis Shealey, Mr. Massey
9 implied that whenever he heard his friend's name, Mr.
10 Fairfax, that that is what motivated him to go out and
11 investigate this case, when, in fact, it was Mr. Massey's
12 name because he was so familiar with Mr. Massey. I don't
13 think that opened the door all the way that I can now talk
14 about that, and just in an effort to protect the record,
15 I'm not going to get into that. I would just caution Mr.
16 Massey not to get into that during his closing argument.
17 If he did, I feel like it would open the door to suggest
18 that Mr. Shealey only was fired up about this when he heard
19 Mr. Fairfax's name on the dispatch, which was not his
20 testimony -- he said Mr. Fairfax's name was never mentioned
21 -- when, in fact, he was responding because John Massey was
22 involved. So I would just caution Mr. Massey to stay clear
23 of that. I believe that any further it would open the door
24 into that fact.

BENJAMIN FAIRFAX - DIRECT BY MR. HOGGE

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1 THE COURT - Well, y'all know more about that than
2 I do, but just be careful is all I can say.

3 MR. HOGGE - That's all the State has.

4 THE COURT - All right.

5 (WHEREUPON, JURY ENTERS THE COURTROOM)

6 THE COURT - Solicitor.

7 MR. HOGGE - Thank you, Your Honor. State calls
8 Benjamin Fairfax to the stand.

9 BENJAMIN FAIRFAX, AFTER BEING FIRST DULY SWORN,
10 TESTIFIES AS FOLLOWS -

11 DEPUTY CLERK - Thank you. Have a seat right up
12 there.

13 DIRECT EXAMINATION

14 BY MR. HOGGE -

15 Q Afternoon, Mr. Fairfax. If you could introduce
16 yourself to the jury and tell them a little bit about
17 yourself.

18 A Okay. My name is Benjamin Fairfax. A lot people call
19 me Benji. I'm the owner of the ATV or four-wheeler that
20 was stolen. I work for the York County Fire Marshall's
21 office, and I am the assistant fire chief of a volunteer
22 fire department in the area that I live in.

23 Q And is your address 5181 Mobley Store Road?

24 A That is correct.

1 Q And about how far are you from the Chester County
2 line?

3 A Approximately a mile and a half to two miles.

4 Q Okay. And that's just the line? Would that -- if you
5 had to go down into, say, Lowry's in Chester, about how far
6 would that be?

7 A Lowry's is about four miles.

8 Q If you had to get to Richburg in Chester County, how
9 long would that take?

10 A Richburg would take me approximately 25 to 30 minutes.

11 Q Okay. About how far away do you live from Rock Hill?

12 A I live about 10 to 15 minutes from Rock Hill depending
13 on where you're going in Rock Hill.

14 Q Okay. And can you kind of describe for us your
15 property, how big it is, what kind of stuff you have on
16 your property?

17 A I live on family-owned farmland. My brother has a
18 house near mine, and my parents have a house near mine;
19 there's three houses on our 186 acre tract of land. My
20 house sits the closest to the roadway of the three. We
21 live -- we have farm -- a farm with beef cows on it, and I
22 do have a large garden in my yard near the roadway also.

23 Q Okay. Earlier where you in the courtroom when Travis
24 Shealey testified about the area, about McConnell's, South
25 Carolina?

1 A (Indicating yes)

2 Q Is he accurate in saying there's probably more cows
3 than people out there?

4 A That is correct.

5 Q All right. And long did it take you to get here to
6 the courthouse today from your house?

7 A Took me about 20 minutes.

8 Q Okay. And can you tell us what all you remember about
9 the early hours of July 17th of 2013?

10 A Okay. The early hours of July 17th I was in the bed; I
11 had came home late that night from the fire station and I
12 was in the bed. I had been sleeping on edge because my
13 four-wheeler had previously been stolen.

14 Q Okay.

15 A And I woke up early that morning, turned my back porch
16 light on and -- which allows me to be able to see where the
17 location of that four-wheeler sits at and I saw that it was
18 missing. This was before anything else had happened, and I
19 walked out the front door, and that's when a deputy was
20 standing in the road and told me not to walk down there to
21 the scene.

22 Q Okay. You said that you last saw it -- when did you
23 last see your four-wheeler ---

24 A I came home at approximately 11:30 that night prior to
25 it showing up missing, and when I came home that night I

1 saw it sitting there under the lean to off of the side of
2 my utility building.

3 Q So at 11:30 it was there on your property.

4 A That's correct.

5 Q Okay. And about how far back does that four-wheeler
6 sit from the road?

7 A It sits approximately 150 feet to 200 feet from the
8 roadway, ---

9 Q Okay.

10 A --- but it's not in a direct line of sight from the
11 roadway at all.

12 Q Okay. And you said that you were called out -- go
13 into a little more detail how you were woken up and what
14 you remember about that scene that night?

15 A I -- I don't know what woke me up, but something woke
16 me up and I got up and -- I had been sleeping on edge like
17 I said for a little while because it'd previously been
18 stolen before. Apparently the defendant ---

19 Q Well, let's -- let's talk about ---

20 A Okay. Okay.

21 Q --- when you got a phone call to your house.

22 A I -- okay, I -- when I woke up I turned my back porch
23 light on and I looked out and saw that the four-wheeler was
24 missing, so I went out the front-door of my house, and I
25 could hear voices talking. It was dark outside.

1 Q Okay.

2 A And I started walking past where my vehicles were
3 sitting in my driveway and the motion light on the front of
4 my house came on and when it did, a deputy, I guess, saw me
5 in my driveway, and he responded to me not to walk down
6 into the scene to contaminate the scene at all, and he
7 asked me verbally out loud -- you know, we were 200 feet
8 away from each other roughly -- he asked me if I had walked
9 out to my building at all, and I said, no, sir. He said,
10 well, I will give you a call on your telephone -- okay --
11 so we exchanged the number and I walked back inside and my
12 phone was ringing, and I picked my phone up and he told me
13 to stay inside, that they had a canine unit responding to
14 run a scent trail from my ATV to my shed -- from the
15 current position of where it was sitting at to my shed to
16 see if the scent came back to the person who was suspected
17 of stealing of it.

18 Q Okay. Tell us a little bit about your four-wheeler.
19 How much did you pay for it?

20 A I paid -- I bought it used in 2007. It's a 2005
21 model. I paid thirty-seven hundred dollars for it. I
22 bought it from a gentleman -- a elderly gentleman in
23 Richburg, South Carolina, and he gave me a bill of sale and
24 the original receipt from where he purchased it and both
25 sets of keys for it and everything for it.

1 Q Okay, what would you say -- back in 2013, what was the
2 fair market value of that four-wheeler at that point in
3 time?

4 A Between thirty-five hundred and four thousand dollars.

5 Q Okay. Do you think that it was worth more than two
6 thousand dollars?

7 A Absolutely. Still is worth more than two thousand
8 dollars.

9 Q Okay. And we've got pictures that I won't go through
10 again, but we've looked at the four-wheeler; there seems to
11 be a monitor, some kind of screen on the four-wheeler.
12 What's that about?

13 A That is a speedometer that has a electronic fuel
14 gauge. It also has -- tells you what gear position the
15 four-wheeler is in; it tells you if the -- just like the
16 dash of a car -- if it's running hot, if it's -- you know,
17 if the oil needs to be changed; it's got a oil-change
18 indicator on it and things like that.

19 Q Okay. And where do you usually keep that four-
20 wheeler?

21 A It is kept on the opposing side of my utility building
22 from the roadway, so it's on the opposite side of the
23 building that faces the roadway under a lean to shed is
24 where it was kept at that time, but it's no longer kept
25 there.

1 Q Okay. And when did you eventually walk out to see the
2 four-wheeler by the road?

3 A The deputy that had spoken to me on the telephone
4 asked -- called me back and asked me later into the scene,
5 which was roughly around the 8:00 o'clock time-frame, to
6 come out and look at the four-wheeler and provide proof
7 that it was mine, which I had a -- you know, a copy of a
8 bill of sale from where I had purchased it, and walked out
9 and met with them and there was as forensics officer there
10 also who was taking fingerprints from the four-wheeler and
11 some other evidence -- I don't now what else but -- at that
12 point in time.

13 Q And did the four-wheeler that you went out there and
14 saw, was that your four-wheeler?

15 A Absolutely.

16 Q Okay. What did you notice about the appearance and
17 the state of your four-wheeler?

18 A It appeared to been pushed down that bank from my
19 yard. Other than that it had -- it had dried mud on it
20 from my previous doings from riding on my property, which I
21 use it almost daily to check my animals and fences and
22 things like that. Other than that there was really no
23 damage that I could tell to it, other than that it'd just been
24 pushed across my yard and down that bank.

1 Q Did you notice if anything had been attached to it in
2 anyway?

3 A Absolutely. There was a piece of garden hose that had
4 been cut from my garden hose which was ran out to my
5 garden. I grow a big garden every year, and that time of
6 year it's starting to get dry weather, so I always water my
7 garden daily, and there was a piece of my own garden hose
8 that had been cut -- a section of it that had been cut out
9 of my garden hose, which was laying in my yard and was tied
10 to the front rack of the four-wheeler.

11 Q Okay. And the area there, was it particularly muddy
12 that night?

13 A Not really, no. It was just a heavy dew that morning.

14 Q If someone were to be walking around that area night
15 that, just walking along the road, would they get mud all
16 over them just by walking through grass?

17 A No, sir.

18 Q Okay. Is the tall grass in your area usually covered
19 in mud?

20 A No, sir, it is not.

21 Q Okay. When was the last time that you had seen that
22 water hose in tact?

23 A The previous morning before, because normally I cut it
24 on in the mornings before I go to work.

25 Q Okay. So the morning before -- so July ---

1 A 16th.

2 Q -- the 12th -- or you're right -- July 16th ---

3 A (Indicating yes)

4 Q --- it was still there.

5 A That's correct.

6 Q Okay. And what all kind of items do you have stored
7 around your four-wheeler in that shed? What all is in that
8 shed that you've got?

9 A Lawnmowers, chainsaws, all kind of fencing supplies,
10 tools. You name it; it's in there.

11 Q Do you have anything sharp at all in that shed?

12 A I have plenty of things sharp, loppen shears, knives,
13 machetes, ax, hatchet, all kind of stuff.

14 Q And about how much did your water hose cost, would you
15 say?

16 A Say that one more time, please.

17 Q About how much would you guess your water hose costs?

18 A About a hundred and fifty dollars, because it was a
19 hundred foot long heavy-duty, really nice garden hose.

20 Q Okay.

21 MR. HOGGE - Beg the Court's indulgence. Thank
22 you. I have no further questions for you at this time.

23 Mr. Massey has an opportunity to cross examine you. Please
24 answer any questions that he has.

25 MR. FAIRFAX - Okay.

1 CROSS EXAMINATION

2 BY MR. MASSEY -

3 Q How you doing today, Mr. Fairfax? You all right?

4 A Are you all right?

5 Q Yes, sir, I am.

6 A I'm doing just fine.

7 Q It's always a tragedy when you become a victim of a
8 crime. I sympathize with you on that. I just have a few
9 questions. It'll take just a few minutes of your time.
10 You said it was sharp stuff in your shed?

11 A Yes.

12 Q Was anything moved that you know of ---

13 A Um ---

14 Q -- anything in array?

15 A Not real confident on that, no, so I don't know.

16 Q You said one of -- your water hose was cut. You said
17 FSC guy was out at the four-wheeler doing some test on the
18 water hose at the four-wheeler. Did he do any test on the
19 water hose in the yard?

20 A I did not specify he did any test on the water hose on
21 my four-wheeler. I just know that he was out at the four-
22 wheeler checking for fingerprints and various evidence.
23 I'm not a law enforcement officer, so ---

24 Q To your ---

25 A --- I don't know what his job is specifically.

1 Q To your knowledge, was any pictures taken of the water
2 hose in the yard?

3 A I do not know.

4 Q What color is that water hose?

5 A It was a grayish-black color ---

6 Q Grayish black?

7 A --- with a stripe down the side of it.

8 Q And no one came in the yard to do any forensics on the
9 hose in the yard?

10 A I do not know the answer to that. Again, that's --
11 yes, I don't know the answer to that.

12 Q What condition was -- you said the ATV was in fairly
13 good condition. Tell me more about that. When you finally
14 got to it, did you notice anything in particular about it?
15 Was it in gear for one?

16 A When I went to start my four-wheeler to move it, it
17 was in first gear, yes, it was.

18 Q It was in first gear?

19 A That's correct, because when I was parking my ATV, I
20 would purposely leave it in gear to make it harder to move,
21 but it was still easily moved with a grown man trying to
22 push on it, yes.

23 Q Have you tried to move an ATV in first gear before?

24 A Yes, I have. I've done it several times.

25 Q Can you put it in gear without a key?

1 A Yes, you can, but it's -- it's a pretty good challenge
2 and you have to have a tool to do it.

3 Q A tool. What time did the officer alert you of a
4 possible theft? What time was that phone call?

5 A A officer did not alert me of the theft; I realized
6 the four-wheeler was missing before I was ever notified of
7 a theft. I personally looked out my back window of my
8 bedroom with my back porch light on and saw that the four-
9 wheeler was missing and I went -- proceeded out of the
10 front of my house, and then there was an officer standing
11 in the roadway who -- who talked to me.

12 Q And what time was that?

13 A I do not know the exact time. It was approximately
14 6:00 a.m.

15 Q And you testified that you were actually in the yard
16 at one point and the outside lights came on?

17 A I was in my front yard ---

18 Q Front yard ---

19 A --- in my gravel driveway, out the front of my house
20 walking towards the roadway, which is the opposite
21 direction of my shed.

22 Q And how many officers did you see -- at the time you
23 were in your front yard, how many officers did you see on
24 the scene?

1 A It was completely dark outside. The only officer I
2 saw, which was a silhouette of the one who spoke to me was
3 standing at the end of my driveway, so at that time I only
4 saw one officer.

5 Q There were no blue-lights on on none of the cars.

6 A There were blue-lights on, but they were down the road
7 from -- from the entrance of my driveway; they were
8 adjacent to my garden, which there's about a ten-foot bank
9 on the side of the road, so I couldn't physically see the
10 cars, but I could see the blue-lights flashing.

11 Q Could you -- could you see the four-wheeler from the
12 yard?

13 A No, sir.

14 Q In relation to where the four-wheeler was when you saw
15 it, when you walked to the road, how far down the road were
16 the blue-lights?

17 A They were -- I -- I don't know really. I just know
18 they were near the area of where the four-wheeler was found
19 at, yes.

20 Q You can't give a proximate estimate on how far the ---

21 A No, I cannot.

22 Q But they weren't right on top of the four-wheeler.

23 A I cannot give an answer to that question, because I do
24 not know. I know when I was called out to the scene to
25 walk down to where my four-wheeler was, which was well

1 after daylight, there were police cars all around the four-
2 wheeler or in the area of the four-wheeler, and there was a
3 forensics truck parked closest to it, yes, but at the time
4 you're asking, I have no idea where the police cars were in
5 relation to my four-wheeler.

6 Q And you say the hose -- where was it located in the
7 yard?

8 A It was in the area between where the four-wheeler was
9 located and my utility building, so the hose was in the
10 path of travel where the four-wheeler went ---

11 Q Was it ---

12 A --- from the utility building to the ---

13 Q -- around a well house or anything like that?

14 A It was connected to the well house, which was about a
15 hundred and fifty feet away and ran across the yard between
16 the area of where the four-wheeler was located and my
17 utility building.

18 Q Was anything else missing in your yard?

19 A Not -- not to my knowledge, not this time, no.

20 Q How much would you say your ATV weighed?

21 A It weighs approximately seven hundred pounds.

22 Q Seven hundred pounds.

23 A (Indicating yes)

1 Q So it would take a considerable amount of force to
2 move it in gear, in first gear. If you park it in first
3 gear -- absolutely sure you parked it in first gear?

4 A I'm not a hundred percent sure, but typically I do,
5 yes.

6 Q But it was in gear when you got -- when you took it
7 back home.

8 A Yes, it was.

9 Q And how far is the shed where you -- the utility
10 building -- I think you used the correct word, utility
11 building -- to the side of the road where the four-wheeler
12 was found?

13 A About a hundred and fifty feet, a hundred and fifty to
14 two hundred feet. I haven't pulled a tape measure out
15 there but that's approximately a hundred fifty feet.

16 Q Hundred and fifty feet. So you're talking almost --
17 almost the length of a football field, close to it.

18 A A football field is three hundred feet.

19 Q About half a football field.

20 A Roughly, yes, sir.

21 Q And what time did the deputy call you on the phone?

22 A I do not recall exactly. It was after I had walked
23 outside to see if I could find -- if somebody was out in my
24 yard or anything.

1 Q And the last time you said that you actually saw your
2 four-wheeler was 11:30?

3 A Roughly at 11:30 that night, yes, sir.

4 Q And the next time you saw it was 8:00 a.m.?

5 A Roughly, yep.

6 Q So you cannot say with any degree of certainty on what
7 time your four-wheeler was moved.

8 A I agree with that, yeah.

9 Q So it could've happened anytime between 11:30 and 8:00
10 a.m.

11 A That's correct, yes.

12 Q And at any time you never -- did you see the suspect,
13 me?

14 A They would not allow me -- I was -- I was pretty upset
15 when I came out there and discovered -- this is the second
16 time my four-wheeler was stolen, and that -- that your name
17 was brought up related to the situation, and so I was
18 pretty upset, so they would not allow me to see the
19 suspect, no, sir.

20 MR. MASSEY - Objection, Your Honor.

21 THE COURT - You can't object to your own
22 question. Overruled.

23 MR. MASSEY - Overruled? Indulgence of the Court.

24 THE COURT - Are you handing over documents, or
25 are we receiving legal advice?

TIM CARROLL - DIRECT BY MS. NEWMAN

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1 MR. MASSEY - No, I -- no further questions at
2 this time, Your Honor.

3 MR. HOGGE - Nothing further from the State.

4 THE COURT - You may step down. Thank you.

5 MR. FAIRFAX - All right, thank you, sir.

6 MS. NEWMAN - At this time the State would like to
7 call Deputy Tim Carroll to the stand.

8 TIM CARROLL, AFTER BEING FIRST DULY SWORN,

9 TESTIFIES AS FOLLOWS -

10 DEPUTY CLERK - Thank you. Have a seat.

11 DIRECT EXAMINATION

12 BY MS. NEWMAN -

13 Q Afternoon, Deputy Carroll. Would you please introduce
14 yourself to the jury?

15 A My name's Timothy J. Carroll.

16 Q And where do you work?

17 A Work with the York County Sheriff's office.

18 Q And what do you do at the sheriff's department?

19 A One of the canine handlers.

20 Q And how long have you worked there?

21 A I've worked at the sheriff's office now for almost 14
22 years.

23 Q And you said your primary job is a canine handler.

24 Correct?

25 A Yes.

1 Q How long have you been doing that?

2 A I've been full-time for a little bit over seven years,
3 and I was part-time with the response team for about two
4 and a half years before that.

5 Q And do you have a canine partner that you're assigned
6 to specifically?

7 A Yes, I -- actually I'm the only one that has two dogs,
8 one of which was used in this case.

9 Q Which one was used in this case?

10 A The one in this case was Hattie.

11 Q And what kind of dog is Hattie?

12 A She's a bloodhound.

13 Q Is a bloodhound a breed commonly used for tracking?

14 A Yes, it is.

15 Q How long has Hattie been in service training?

16 A She's been in ser -- well, she's a little bit older -
17 about -- almost seven and a half years old now. At the
18 time of the case she was about five years old.

19 Q And she started as a puppy?

20 A Yes, started working with her at about eight weeks old
21 and put her in service at close to a year old.

22 Q Okay. And what kind of law enforcement functions does
23 Hattie perform as part of her job?

24 A She's strictly a tracking dog. She just follows human
25 scent.

1 Q And was she used as a tracking dog on July 17th, 2013?

2 A Yes, she was.

3 Q Had Hattie performed human odor detection prior to
4 that date?

5 A Yes.

6 Q During those deploy tracks as well as training, during
7 training exercises, has she demonstrated that she's
8 reliable in human odor tracking?

9 A I believe so, yes.

10 Q What training have you had -- or had Hattie had --
11 excuse me -- prior to the incident date?

12 A She had prior to the incident date about five years of
13 in-service training and then we've also -- she and I have
14 attended a week-long seminar put on by the York County
15 Sheriff's office for bloodhound handling.

16 Q And how many actual tracts estimated do you think
17 she's done?

18 A Training tracks?

19 Q Training tracks and actual tracks.

20 A Hundreds, several hundred.

21 Q And you said she's been in service for seven years.

22 A Yes.

23 Q Correct? Okay. What training have you received in
24 canine tracking?

1 A I have attended three National Police Bloodhound
2 Association week-long seminars. I've attended one York
3 County Sheriff's office week-long seminar for bloodhound
4 handling. I've assisted, instructed or instructed at
5 another -- I believe it was three -- week-long seminars for
6 bloodhound handling. I've attended a man-tracking course
7 without the use of canine put on my South Carolina Law
8 Enforcement Division. Um -- I've had seven years of in-
9 service training full-time and then two and a half years
10 part-time prior to that as well.

11 Q Okay. Can you explain to the jury how exactly you
12 trained Hattie as a tracking dog?

13 A We raise our own bloodhounds. Hattie's one from one
14 of the litters that we've raised. She started out as a
15 puppy. At about eight weeks old we'd start taking them out
16 and letting them follow us around, walking through all
17 different types of environments, across the fields, through
18 the woods, parking lots, roads, and we'll do it initially
19 as a -- as litter of puppies, and then we'll build up on it
20 and take off running from them and let them chase us, and
21 then as they're chasing us, later on we'll take off and hit
22 the wood-line, so that now they can't just chase us by
23 sight, now they got to -- right when they get to that wood-
24 line, the last place that they saw us, now they
25 instinctively have to start putting those noses down to the

1 ground and trying to smell where we've gone. We'll start
2 increasing the distances and the times; we'll hold them
3 back; we'll start singling them out, putting them through
4 contamination where they've got other people that are
5 walking along tracks. We'll let the dogs start smelling
6 scent articles, something that has a particular person's
7 odor on it and their scent on it and allow the dog to smell
8 that and then let them go out and try to find that one
9 particular person's track and follow that to that person
10 even if it goes through where other people have been, that
11 the dog will stay locked in on that one particular person.

12 Q So a dog can discriminate between two different human
13 scents.

14 A Yes, it can.

15 Q Okay. And how is that done specifically? Is the dog
16 trained specifically for that?

17 A Yes, yes. We can set up scenarios where we have the
18 dog run into that contamination, even odors that are what
19 we consider hotter. If the suspect had gone through and
20 then other people have gone across that track later on, you
21 can set up a scenario where that takes place and if the dog
22 starts showing any sort of change in behavior where it
23 looks like it's -- it may start switching onto something
24 else, you can correct it and put it, you know, back on

1 track where it understand -- you know, you can help it
2 understand to stay locked in on that one particular scent.

3 Q Is Hattie trained to track at anything other than
4 people?

5 A No.

6 Q Do you maintain records as to Hattie's training?

7 A Yes.

8 Q And if you had to guess, how many pages of records do
9 you have specifically for Hattie?

10 A I'd guess a couple hundred.

11 Q So it's a pretty significant amount of pages.

12 A Oh, yes, yeah.

13 Q Okay. Have you ever been qualified -- excuse me -- as
14 an expert before in canine tracking?

15 A Yes, I have.

16 MS. NEWMAN - Your Honor, at this time the State
17 would move to qualify Deputy Carroll as an expert in canine
18 human scent tracking.

19 MR. MASSEY - I object, Your Honor.

20 THE COURT - Do you have any questions concerning
21 the qualification?

22 MR. MASSEY - Not at this time.

23 THE COURT - I find him to be qualified.

24 MS. NEWMAN - Thank you.

1 Q Now, I just want to take you back to the events that
2 happened July 17th, 2013. How long did it take you to
3 arrive on scene that day?

4 A I believe it was close to about a half hour.

5 Q Is that about a normal time-frame for between when
6 you're called out and when you arrive?

7 A Yes.

8 Q When you arrived on scene, had any efforts been taken
9 to keep the scene from being contaminated?

10 A Yes, as much as possible.

11 Q Okay. To your knowledge, had any law enforcement or
12 victim touched the four-wheeler or walked along the trail
13 back to the shed?

14 A No, not the four-wheeler or through the yard. I
15 believe that there was some contamination along the
16 roadway, but through the yard and the four-wheeler, no one
17 else had been through there to my understanding.

18 Q Can you tell us about what you and Hattie did that day
19 when you arrived on scene in detail?

20 A Yes. We arrived on scene, they had an individual
21 detained on the side of the road, and a four-wheeler was a
22 little bit further up the road from where that person was.
23 They wanted to see if a track would go from that particular
24 individual to the four-wheeler and back up to where the
25 four-wheeler was taken from. We scented off of the

1 individual's leg, Mr. Massey's leg, his pant leg and
2 allowed Hattie to start searching along the roadway and she
3 picked up a track going down the side of the road to the --
4 towards the four-wheeler, got up to the four-wheeler, she
5 kind of nosed the four-wheeler, turned up to the yard, up
6 an embankment across the yard and to a storage shed where
7 she began circling around. My understanding that's where
8 the four-wheeler was taken from; she's circling around
9 basically indicating that that's where the -- that
10 particular part of the track ended. We started to cutting
11 it around trying to pick up where we might have an exit
12 point from that track all the way back up to the roadway
13 and did not have track going anywhere -- where else,
14 indicating to me the person had kind of come from the side
15 of the road straight up to the -- to the shed and back out
16 to the four-wheeler off the side of the road.

17 Q You scented -- or you indicated before that happened
18 that Hattie scented on the suspect. Do you see that
19 suspect here today?

20 A Yes.

21 Q Can you ---

22 MR. MASSEY - I object to that, Your Honor.

23 MS. NEWMAN - What grounds? I mean ---

24 MR. MASSEY - On grounds that it was illegal -- it
25 was an illegal seizure at that time, Your Honor. Suspect

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1 did not know that he -- that this -- not have the dog sniff
2 him at the time, and I would like to object on the
3 reliability of the reverse track.

4 THE COURT - Noted and overruled.

5 Q Can you describe that individual that Hattie scented
6 to?

7 A Mr. Massey.

8 MS. NEWMAN - Let the record reflect that the
9 witness has indicated the defendant.

10 THE COURT - All right.

11 Q During the time that Hattie was tracking this
12 individual, how long was the lead that was allowed between
13 you and Hattie?

14 A About 20 to 25 feet.

15 Q So a significant amount of space?

16 A Yes.

17 Q Did you have to redirect her in any way?

18 A No, I did not have to correct her or direct her or
19 anything along those lines.

20 Q Okay. So you did not pull the leash or indicate
21 verbally that she was going on a particularly wrong track?

22 A No, no.

23 Q Based on what you saw and your experiences with
24 Hattie, are you confident that Hattie's track was reliable
25 that day?

1 A Yes, I believe so.

2 MS. NEWMAN - That's all the questions I have for
3 you right now. If you could answer the questions of the
4 defendant.

5 MR. CARROLL - Okay.

6 CROSS EXAMINATION

7 BY MR. MASSEY -

8 Q How you doing today, Mr. Carroll?

9 A Good, sir.

10 Q I just want to talk a little bit about hounds. At
11 what time did you arrive at the scene?

12 A Uh, I don't have that -- that report in front of me.

13 I don't know -

14 (WHEREUPON, DOCUMENT PROVIDED TO THE WITNESS.)

15 A I have about 6:19.

16 Q 6:19? Well, what time were you dispatched?

17 A I believe it was about -- guessing about quarter til -
18 - quarter til 6:00.

19 Q Quarter til 6:00?

20 A Somewhere around there.

21 Q And from your knowledge of the investigation, what
22 time was the suspect detained?

23 A I believe it was about 5:25, somewhere around there.

24 Q So he had already been detained around an hour before
25 you arrived on the scene?

1 A I believe so, yes, sir.

2 Q And when you arrived on the scene, did you immediately
3 start the track, or did you wait around a little bit before
4 you proceeded with your job?

5 A I had to talk to some of the officers on the scene to
6 get information about what had taken place and what they
7 were needing me to do.

8 Q So basically when you arrived on the scene, the
9 officers had pretty much gave you a direction of what they
10 though the suspect had come from and went.

11 A They -- yes, they told me a little bit about what had
12 taken place.

13 Q And where was Mr. Massey once you arrived on the
14 scene?

15 A On the side of the roadway.

16 Q And how far was he from the four-wheeler?

17 A Guestimating, less than 50 yards.

18 Q Fifty yards?

19 A (No response)

20 Q What side of the road was he on?

21 A The same side as the four-wheeler and the residence.

22 Q Did you know if that was the original spot they
23 detained the suspect or if that's what the officers told
24 you?

25 A That was my understanding; that's what I was told.

1 Q That's what you were told?

2 A Yes, I didn't have first-hand knowledge; I wasn't
3 there when you were actually detained.

4 Q And you have a pretty good relationship with your
5 canine. Correct?

6 A Yes, sir.

7 Q You've been with Hattie how long?

8 A Now it's been about seven, seven and a half years.

9 Q Seven and a half years? So you and Hattie pretty much
10 got a non-verbal communication, you know, got a -- like a
11 partnership.

12 A Yes, yes.

13 Q Like a partnership. So she pretty much tries to
14 please you as much as possible.

15 A Yes, she -- yes, she enjoys working for me.

16 Q And how does she notify you that she's on a scent?

17 A She'll -- she'll open up; she'll start barking when
18 she picks up -- picks up track.

19 Q She doesn't bay; she doesn't make a sound; she doesn't
20 sit; she doesn't indicate that she's tracking a suspect?

21 A She -- she'll bark about every breath.

22 Q On this morning in question, did she bark?

23 A Yes.

24 Q She did?

25 A Yes.

1 Q How did she indicate -- how did she nose the four-
2 wheeler?

3 A As she passed on by, she threw her head up to the
4 four-wheeler, sniffed the side of it.

5 Q And as far as your understanding, you were pretty
6 confident had a positive track.

7 A I'm sorry. Could you ---

8 Q From your understanding of what Hattie did that
9 morning, are you pretty confident that she was tracking a
10 suspect?

11 A Yes, yes, I feel ---

12 Q A suspect.

13 A Yes, I feel very confident.

14 Q Did she ID me? Me.

15 A No, she started at you and worked back.

16 Q So there was no positive identification.

17 A She started at you and worked to the four-wheeler and
18 up to where the four-wheeler was taken from.

19 Q Are you familiar with the term cross contamination?

20 A Famil -- yes, with contamination.

21 Q Cross contamination. We all -- well, I train dogs;
22 you train dogs. I'm a country boy myself.

23 A Okay.

24 Q Contamination would be any -- could you explain to the
25 jury what contamination is? I'm sorry.

1 A My understanding of contamination would be just of
2 other people had kind of been in that area, could be other
3 people, other animals; it just depends on what type of
4 contamination you're referring to.

5 Q And sometimes a dog will jump off on a track and jump
6 onto a contamination. Correct?

7 A Yes, we train for that and try to correct the dogs
8 from that where it's not an issue.

9 Q It's not an issue. And when you're training pups, is
10 cross contamination or contamination an issue with pups?

11 A It can be, yes.

12 Q What about an older dog?

13 A It still can be.

14 Q How many officers were on the scene when you arrived?

15 A I don't know exactly how many were actually at the
16 scene.

17 Q You can use the ---

18 A Well, I know how many officers it's going to say on
19 here, but I don't know how many were actually on the scene
20 when arrived.

21 Q In your -- in your estimate, how many cars were on the
22 scene before you arrived?

23 A I'm not sure if all these people actually arrived on
24 scene or if they got cancelled off on the way or ---

1 Q Let me rephrase the question. When you arrived on the
2 scene, what were the other officers doing?

3 A There were some at their vehicles. I believe there
4 was one standing right near you. There -- just standing
5 around.

6 Q With some degree of certainty, can you -- does that
7 make any sense to you that there were several officers on
8 the scene and they were just standing around?

9 A I can't speak for what they were doing. I don't know
10 if ---

11 Q But did they tell you what they thought happened?

12 A Yes, they told me what the scenario was, what had
13 taken place, what they had and wanted me to try to pick up
14 a track.

15 Q So it had to be some type of preliminary investigation
16 before you got there for them to give you a scenario of
17 what happened. Correct?

18 A I believe so, yes; I believe that they were conducting
19 -- you know, they conducted their investigation prior to my
20 arrival.

21 Q So common sense would dictate for them to think that
22 it came from this area or from beside this building,
23 someone had to go near the four-wheeler and beside the
24 building. Correct?

25 A I don't know.

1 Q How long was the suspect detained as far as your
2 knowledge before you arrived?

3 A Prior to my arrival it was close to an hour from the
4 time that they'd made contact.

5 Q And when you scented off the suspect, what type of
6 condition was he in?

7 A Just standing on the side of the road.

8 Q What was his physical condition?

9 A I'm not sure.

10 Q Did he state to you that he had any physical ailments
11 at the time?

12 A Not that I'm aware of.

13 Q Did any of the officers let you know that he stated
14 that he had any physical ailments at the time?

15 A Not that I'm aware -- not that I can recall.

16 Q You stated that Hattie tracked to the yard and it
17 ended and she circled around. Correct?

18 A Yes, she got to the -- the storage shed is when she
19 started -- or to the storage shed/carport area-type thing,
20 she started circling around.

21 Q And when she got to the storage shed and she lost the
22 track, did you leave the yard to locate to see if she could
23 pick up a scent anywhere else?

24 A Yeah, we cut it all the way up through the yard up to
25 the side of the roadway.

1 Q When you say the side of the roadway, in relation to
2 the four-wheeler where was that to the side of the roadway?

3 A Where we started at you and tracked up to the four-
4 wheeler, turned up into the yard, when she started
5 circling, we cut it out on the tree-line along the -- back
6 towards you, back around and down toward the driveway on
7 the opposite side of the four-wheeler to see if we had a
8 track going back towards the stop sign, and she didn't
9 indicate that track going that direction.

10 Q Did you try to stop -- did you track -- did you try to
11 send her on the opposite side of the road going towards the
12 stop sign or just the same side of the road as the four-
13 wheeler?

14 A No, we cut -- cut across that road.

15 Q You cut across the road.

16 A (No response)

17 Q What was the weather conditions that morning?

18 A I don't have a copy of my incident report in front of
19 me.

20 Q About for your recollection, you don't -- you can't
21 remember?

22 A I don't know what the temperature was. I believe it
23 was lighter wind that morning or -- early that morning.

24 Q Here are some documents I would like for you to look
25 at as far as your training records for the dog.

1 A Okay.

2 Q I think they're pretty much in order. Could you look
3 at date 7/17/13 and explain to the jury what happened on
4 this date in this training exercise?

5 A 7/17/13?

6 Q Yes, sir.

7 A Are you referring to track one?

8 Q Track one, yes, sir, I'm sorry.

9 A We had a -- one of our runners lay a track where he
10 had started at the side of the road, went up to a little
11 basket that was out in a little field area, kind of doubled
12 back over his track, up the side of the road to a certain
13 loca -- to a location about a hundred to a hundred fifty
14 yards from where he was dropped off, scented off of the
15 runner and worked the back track up to the basket and then
16 circled around up to the roadway there.

17 Q Let me be more specific. Naturally which way --
18 naturally how does a dog track?

19 A The dog will follow the human odor; it prefers
20 tracking from cold to hot.

21 Q Would you explain that to the jury? They may not
22 understand what you're ---

23 A Prefers working from like where somebody had come from
24 to the end point where they're located at at the end. Can
25 work a dog backwards; it's following the human odor; for

1 short distances you really wouldn't notice a difference in
2 the dog's behavior because it's so short, doesn't have as
3 much time to age. If it was a very long track as it -- the
4 dog gets further and further along on that track, you know,
5 start running into where it -- the scent starts kind of
6 dissipating, fading out, the dog's going to start swinging
7 a little bit more, showing less interest as it's going
8 along, having more trouble.

9 Q And what would you consider a long track?

10 A Over a mile.

11 Q So what you're stating is a dog will back track,
12 reverse track a mile?

13 A It can.

14 Q It can?

15 A (No response)

16 Q Have you duplicated that with your training of Hattie?

17 A Not with my training, no.

18 Q How long -- you say you've had Hattie seven years?

19 A Seven years.

20 Q How many times have you actually used Hattie, not in a
21 training exercise, but in a live to back track suspects?

22 A On an actual call to backtrack?

23 Q On an actual call.

1 A I couldn't say for sure. I'm not exactly sure how
2 many times we've done that. We do use that technique for
3 trying to obtain evidence and things along those lines.

4 Q So out of seven years, you don't know how many times
5 you actually used Hattie as -- to -- to be used in the
6 field as back tracking?

7 A No, it's not -- it's not something that we do on a
8 regular basis. It's not something that's very common.

9 Q All right, what about training exercises?

10 A Training exercises? I've got the one.

11 Q Just that one day out of seven years?

12 A Yes.

13 Q So without a degree of certainty, using Hattie to back
14 track me that day, that would not be reliable, would it?

15 A For her to follow human odor, especially for a short
16 distance, I would consider very reliable.

17 Q But out of seven years, you only -- you only trained
18 the dog once to back track. You never duplicated it.

19 A For back track, yes.

20 Q You just stated that you only -- you only trained
21 Hattie in one exercise in seven years as a back track.

22 A To back track, yes. To follow human odor ---

23 Q And what day was that?

24 A That was that particular day.

1 Q The same day that you used to back track me. And what
2 are the results from that day from the training exercise?

3 A She was successful in running the track.

4 Q As I see here, runner located -- it's a box, yes and
5 no. Did she ID the runner?

6 A She started at the runner; there was no runner at the
7 very end, because she (sic) running back track.

8 Q But that was in a controlled environment.

9 A Yes.

10 Q So without a degree of certainty, you don't know what
11 Hattie's tracking backwards, do you?

12 A This was a controlled environment. I knew exactly
13 what she was ---

14 Q Because you laid the scent down.

15 A Yes.

16 Q But you didn't lay the scent down wanting to back
17 track Mr. Massey, allegedly.

18 A No, I -- I didn't do ---

19 Q So without a degree of certainty, you don't know what
20 Hattie tracked?

21 A I feel very confident when she tracked you.

22 Q But out of seven years you never duplicated and this -
23 - what date is this? 7/17/2013?

24 A Yes, sir.

25 Q What's today's date, sir?

1 A Today's December 1st, 2015.

2 Q Two years and you never went back out to see if
3 Hattie, even in a training exercise, could back track with
4 any kind of degree of reliability or certainty.

5 A We train her to follow human scent.

6 Q In fact, evolution dictates that a dog does not track
7 backwards.

8 A I bet to differ.

9 Q Explain.

10 A She's done it on that particular day.

11 Q On this day?

12 A (No response)

13 Q Where was Mr. Massey at when you arrived? Was he
14 inside a vehicle detained or was he outside a vehicle
15 detained?

16 A I don't know when I first got out of my vehicle where
17 he was at.

18 Q When you walked up to him with the dog, where was he?

19 A I believe he was standing on the side of the roadway.

20 Q Standing on the side of the roadway? Was he standing
21 on the side of a car? (sic)

22 A I don't recall.

23 Q So Mr. Massey had been detained an hour before you got
24 there. So the while time he was standing on the side of
25 the road. Or was he detained in a car?

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1 A I don't know. I wasn't there whenever ---

2 Q We're going to get into this cross contamination. If
3 Mr. Massey was detained inside of a car, would not the
4 scent of the owner of the car got on Mr. -- got on Mr.
5 Massey?

6 A It's a possibility. Yes.

7 Q If the owner of the car with the nine other officers
8 on the scene the hour (sic) did a preliminary investigation
9 and went by the four-wheeler and into the yard ---

10 THE COURT - Well, wait a minute now. We can't
11 get in to ---

12 MR. MASSEY - Okay. I'm sorry, Your Honor.

13 THE COURT - You've got to have something to back
14 it up. You just can't go out on tangents with things like
15 that unless you can support it now. I have a problem with
16 that.

17 MR. MASSEY - Okay, Your Honor. I understand.

18 Q Would you turn to training exercise -- (pause) --
19 9/5/12?

20 A Yes, sir.

21 Q Are you there?

22 A Yes.

23 Q We're going to discuss training exercise track two.

24 A Track two.

1 Q (Indicating yes) Could you read to the Court what
2 happened at track two?

3 A On track two we let the track sit for about 40
4 minutes. The length of the track was three-quarters of a
5 mile, used as a scent article a soda bottle that the person
6 had handled and dropped, did this in the middle of York
7 City, wind was west south-west around 12 miles an hour or
8 so and it was in the 70's, high humidity that day. Hattie
9 scented off of a soda bottle, tracked the suspect up the
10 side of the road, down a sidewalk, past the mailman, around
11 the corner and made a good ID on the suspect hiding in the
12 bushes.

13 Q All right, would you turn to training exercise 7/9/14?

14 A Yes, sir.

15 Q Describe what happened that day on track two.

16 A We had a -- let's see -- 7/9/14 wind was west north-
17 west at about eight miles an hour and the temperature was
18 in the 80s, moderate humidity that day and it was clear.
19 For our second track we let it sit for about an hour. The
20 length that was approximately a half a mile, went through
21 the grass, woods, flat terrain for the most part, had some
22 human contamination in there, moderate amount of it, as
23 well as some animal distractions, indicates that she
24 started the track off well, very good, her motivation drive
25 was high, did not use a scent article to get started on

1 this one, short (sic) the track very good, located the
2 runner by standing on the runner at the end. Indicates
3 that the -- at one point in the track the runner had
4 doubled back at one point, she tracked to the end of where
5 that double back was, circled back and picked up where he
6 made his turn, his branch off. Looking at the map, started
7 at the roadside, tracked up, worked double back, found
8 where branched off, ran it across the -- across one roadway
9 and up to a building where she indicated on the suspect at
10 the building.

11 Q So you say the runner doubled back at one point, she
12 tracked to the end and circled back. Is that part of
13 typical (sic) for her training of seven years, is that's
14 what she would do? I mean you expect her to do that, when
15 she'd get to the end of a track she will circle back?
16 Correct?

17 A Where he doubled back, where he went up and then came
18 back over it, it branched off, she went up to the end, she
19 circled and then picked up where it branched off.

20 Q And then what did she do?

21 A Continued running it to the end.

22 Q And then what?

23 A ID-d on the suspect at the end.

24 Q Did she do that on the 7th (sic) -- the day -- the
25 morning of 7/17/2013? She came to the end of a track

1 allegedly and she circled around as you said, but did she
2 correct herself to go back and ID me?

3 A No, we didn't -- we were working backwards. We
4 started at you, worked to the four-wheeler up to the end
5 and circled back, attempted to pick up where the exit point
6 was, did not have it going up the roadway in the opposite
7 direction, and started -- there was no -- there wasn't a
8 person at the end going in that direction for her to
9 identify.

10 Q Do you have training exercise -- I think I gave it to
11 you -- 10/15/2014? We're going to talk about track two
12 there. Explain what happened that day.

13 A What was the day again, sir?

14 Q 10/15/2014.

15 A I don't believe I have that one.

16 (WHEREUPON, DOCUMENT HANDED TO THE WITNESS.)

17 Q We're going to talk about track two.

18 A Okay, thank you.

19 Q Track two.

20 A Do you want me to read it off or ---

21 Q Yes, sir.

22 A Okay.

23 Q Explain it to the jury.

24 A On track two it looks like that was on 10/15/2014,
25 wind was south -- west south-west about 10 miles an hour,

1 moderate humidity, temperatures were in the 60s. This was
2 done at State Park. This one we let sit for approximately
3 40 minutes. The length of the track was approximately one
4 mile. She ran track through grass, woods, hard surface,
5 flat -- flat terrain, hilly terrain, as well as through
6 some water, had high -- high amounts of contamination with
7 human and animal contamination through there. Started the
8 track, looked good, high motivation, did not start out
9 using a scent article, working the trail, indicated she
10 needed improvement. She ended up locating the runner by
11 standing on him, but through the comments it looks like
12 during the middle of the track or near the end it says she
13 switched onto a hard track near the end, I gave her
14 correction and got her back on the correct track.

15 Q And how did you know to correct the dog?

16 A How did I know to correct her?

17 Q Yes, sir.

18 A This one I -- I would've laid this one out, so I knew
19 where the runner was, where contamination was so that we
20 can make sure that the dog gets corrected on that and
21 doesn't do things like that out in ---

22 Q So you can call a dog off a track and get the dog to
23 go in direction you want?

1 A Yeah, I can -- I can scold her, I can yell at her, I
2 can correct her, tug on lead, things along those lines to
3 correct her.

4 Q Did she ID the suspect on this day?

5 A On this one she ended up ID-ing the correct suspect,
6 yes.

7 Q Through the high contamination, through the animals,
8 through the weather, after you corrected her?

9 A Yes, after I corrected her.

10 Q Okay. Would you turn to training exercise 9/17/2014,
11 track two?

12 A 9/17?

13 Q Yes, 9/17/2014. (Pause) I'm sorry, I thought I gave
14 it to you.

15 (WHEREUPON, DOCUMENT HANDED TO THE WITNESS.)

16 A Thank you.

17 Q And we're going to discuss track two again. Would you
18 just read the comments of that section?

19 A Indicates suspect had been through that area earlier.
20 She checked his older track when we came to it but
21 continued on the most recent, the hottest track.

22 Q I think that's what you described to the jury earlier
23 about she would not -- she preferred to track a hotter
24 track than a cold track?

1 A Yes, she continued on with the track that she was on
2 opposed to going on to an older one that had been there for
3 a while.

4 Q So she -- so she dismissed the older track?

5 A Yes, on this particular one. There are two separate
6 tracks.

7 Q And she also ID-d the suspect in this one.

8 A Yes, she located and identified the suspect on this
9 one.

10 Q And in all the training exercises that we have
11 discussed with the jury, she had ID-d all the suspects
12 except one -- on a (sic) one occasion. Correct?

13 A Yes, when there wasn't a suspect at the end.

14 Q And she corrected herself on the ones from 9/17/2014 -
15 - she corrected herself to the hottest track. Correct?

16 A She didn't really correct herself. She was on the
17 correct track and continued on that correct track.

18 Q She didn't track the older scent.

19 A No, she stayed on the track that she started.

20 Q That's consistent with her training.

21 A Yes, she stayed on the track that she started, yes.

22 Q Okay. And in reference to the earlier training
23 exercise, she scented off the soda bottle; she took the
24 hottest track. Correct?

1 A She scented off the soda bottle; she took the correct
2 track. What date was that one?

3 Q (No response)

4 A Oh, I -- it was -- I believe it was 9/5/2012. Yeah,
5 on that one she scented off of the soda bottle and picked
6 up the suspect's track, the person that dropped the soda
7 bottle and tracked him down the sidewalk, past the mailman,
8 so she would've gone through contamination, around the
9 corner and made a good ID on the suspect hiding in the
10 bushes.

11 Q And would you turn to training exercise, 8/8, August
12 8th, 2012?

13 A (Witness complies)

14 Q Got it?

15 A Yes, sir.

16 Q I'm concerning as to track one. Could you tell me
17 what happened that day?

18 A On this day, looks like it was -- wind was south
19 south-west at about seven miles an hour, temperature was in
20 the 80s with high humidity. Looks like she -- we let the
21 track sit for about 30 minutes, the length of the track was
22 approximately one mile, had a scent article which was a
23 street sign as -- and she worked through contamination on
24 this one. The track was satisfactory, finding the suspect
25 at the end. The narrative advised Hattie scented off of

1 the street sign that the suspect had been leaning up
2 against. She tracked the suspect across the street and
3 into the woods, was tracking through the woods, across the
4 trail, down the power lines and located and ID-d the
5 suspect hiding in the wood-line.

6 Q Did she ID the suspect that day?

7 A Yes, sir.

8 Q Here she scented off a street sign that a suspect had
9 leaned up against in this controlled track.

10 A Yes, sir.

11 Q Consistent with the morning of 7/17/2013, you said
12 Hattie nosed the four-wheeler.

13 A Yes.

14 Q She did not correct to the hottest track and go back
15 and ID the suspect, did she?

16 A She continued on in the direction that she was
17 tracking.

18 Q But that's not consistent with her training from what
19 we just read to the jury, is it?

20 A I'm not following.

21 Q She scented off the soda bottle ---

22 A Yes.

23 Q --- at point A; suspect went to point B. She went to
24 point A to point B.

25 A Yes.

1 Q She scented off the street sign; she went from point A
2 to point B.

3 A Yes.

4 Q On 7/17/2013, you said she went from point B to point
5 A.

6 A Yes.

7 Q So that's not consistent with her training, is it?

8 A Following human scent is consistent with her training,
9 but that is working in an opposite direction, yes.

10 Q Is tracking suspects, reverse tracking suspects, is
11 that in any training book, any handbook? Is that in part
12 of York County Sheriff's Department Canine Unit training
13 manual?

14 A We don't have a training manual.

15 Q Is not certified.

16 A No, the State doesn't require track -- the tracking
17 dogs to be certified.

18 Q What's Hattie's error rate as far as finding suspects
19 on the scene?

20 A I don't have a -- I don't know.

21 Q From training exercises we just went over, she has a
22 one hundred percent suspect find rate except for when she
23 reversed track.

24 A On those particular ones. We have a lot of other ones
25 in there.

- 1 Q Has Hattie ever been handled by other handlers?
- 2 A Yes, she has.
- 3 Q She has -- she's performed an exception?
- 4 A She's what, sir?
- 5 Q Has she performed for you as she does for other
- 6 handlers? She's exceptionally -- as far as consistent with
- 7 her training records?
- 8 A I believe so, yes.
- 9 Q And you're called a handler. Right?
- 10 A Yes, sir.
- 11 Q When she began circling, what that (sic) meant to you?
- 12 A That the track ended in that particular direction and
- 13 that we had to have a double back where we need to find an
- 14 exit point.
- 15 Q And ---
- 16 MR. MASSEY - Indulge the Court for just a second,
- 17 Your Honor.
- 18 Q This is your canine report, 7/17/2013?
- 19 A Yes, sir.
- 20 Q Could you explain what happened that day for Hattie,
- 21 again, as far as what your canine report says verbatim?
- 22 A Just the narrative or you want me to read the top part
- 23 as well or ---
- 24 Q The narrative.
- 25 A The narrative. Okay.

1 MR. HOGGE - Judge, if he's going to have him
2 reading off these things -- this is technically hearsay.
3 At the very least I would like him to put it into evidence
4 if we're going to be reading document after document after
5 document.

6 MR. MASSEY - Put it in evidence, Your Honor.

7 (WHEREUPON, DOCUMENTS MARKED FOR IDENTIFICATION
8 AS DEFENDANT'S 1.)

9 MR. HOGGE - Your Honor, it's still not in
10 evidence. It's just been marked.

11 THE COURT - Do you have any objection to it?

12 MR. HOGGE - I have no objection to it being
13 entered into evidence, but I would like for it to be
14 entered into evidence if he's going to read it out to
15 everybody.

16 THE COURT - Do you want it in evidence?

17 MR. MASSEY - I would like to enter this in
18 evidence, Your Honor, Defendant's Exhibit 1.

19 THE COURT - All right, no objection. It's in.

20 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
21 DEFENDANT'S EXHIBIT 1.)

22 A Upon arrival, canine units learned that a person had -
23 - that a person had been detained that was suspected of
24 stealing a four-wheeler that was found up the road. While
25 the suspect was standing in the location where he was

1 originally detained, Canine Hattie scented off of his pant
2 leg and picked up his track going back up the roadside
3 toward the four-wheeler. She nosed the four-wheeler and
4 then turned up the embankment towards the yard; canine
5 units observed tracks in the grass on the embankment where
6 the four-wheeler had come down and tracks beside it where
7 someone had walked up. Suspect -- or she tracked the
8 suspect across the yard to a storage shed and to the far
9 side of it where there's a carport where the track stopped.
10 At that point she began casting out and circling out and
11 wide in an attempt to pick the track back up.

12 Q She said that she nosed the four-wheeler and turned up
13 the embankment?

14 A Yes.

15 Q When Hattie got in the yard, did she nose any -- did
16 she put her nose to a garden hose? Did she go anywhere
17 near a garden hose?

18 A I don't believe she nosed the garden hose.

19 Q So she went from the four-wheeler to the carport. Let
20 me get this correct. To the carport and she began -- from
21 the storage -- from the storage shed to the carport and
22 began casting out. Is that correct?

23 A Yes.

24 Q But she never nosed -- she never nosed the hose.

25 A She never nosed the hose. Not to my recollection.

1 Q And upon your opinion, how was -- how was this
2 possible? She -- the suspect went from the four-wheeler to
3 the carport to the shed and the scent just stopped? What --
4 - what is your opinion of what the suspect done in the yard
5 that morning?

6 A My opinion is that the suspect came from the side of
7 the road, up that embankment to the storage building to the
8 carport where the four-wheeler was taken from, back across
9 the road over the same direction that he came, down the
10 embankment, up the side of the road to where you had been
11 detained.

12 Q So his track just basically just ended at the shed.
13 Is that what you're saying?

14 A Went -- yes, she didn't have it going any further out
15 into the yard and to the shed.

16 Q Does that make sense to you?

17 A Yes.

18 Q How?

19 A It indicated that somebody had walked up from the
20 roadway to the shed, took a four-wheeler and walked back
21 down along that same path to the roadside and then up the
22 roadway to where they got stopped.

23 Q But you just indicated in the training exercise that
24 the dog would track the hottest scent. Right?

25 A (No response)

1 Q So the track wouldn't have actually ended -- I'm sorry
2 -- at the shed. It would've reversed back along the same
3 exact route. Correct?

4 A Oh, when -- yeah, when you have the scents going over
5 the top of each other back and forth, it is difficult for
6 the dog going over the top of each other. That's why -- I
7 mean ---

8 Q And that's what indicate on 9/17/2014. Correct?

9 A Going up and circling out at the end? Yeah, that
10 indicates that there's one going in over the top of the
11 other one; she doesn't have it -- she kept circling out;
12 she didn't have it branching off any other direction, and
13 that's consistent with what she's done in her training in
14 the past.

15 Q If you might read what you just said verbatim she did
16 on her training exercise -- suspect had been through the
17 area earlier; she checked an over track; when she came back
18 to it she continued on the most recent track, so the most
19 recent track would've been from the shed back to the ATV.
20 Correct?

21 A That's a different scenario than what we're talking
22 about here. More accurate one would've been where -- it's
23 one of the other ones that you had me read off -- the one
24 from 7/9/2014 where runner doubled back at one point; she
25 tracked to the end, circled back and then was able to pick

1 up off of the -- the -- where it went in and doubled back
2 and branched off, she was able to circle around and pick up
3 where the -- he turned off and ran the rest of the way to
4 the ---

5 Q But what ---

6 A --- building. That's more -- more consistent with the
7 track that we're talking about that happened the morning of
8 7/17/2013.

9 Q But you just intimated to the jury of your opinion the
10 suspect went from the shed -- back from the shed, back to
11 the carport, back to the A-T, (sic) -- back to where he was
12 detained. That just -- that's not consistent with what
13 you're saying now, because apparently on your report, you
14 said Hattie when she got to the end of the track, she began
15 circling and casting out. She did not go back down the
16 hottest track, but if the suspect ---

17 THE COURT - Let's bring this to a close now, Mr.
18 Massey. We've gone over this ad nauseam.

19 MR. MASSEY - One further -- one last question,
20 Your Honor.

21 THE COURT - Yes, sir.

22 Q Was there a positive ID on the suspect?

23 A There wasn't a suspect ---

24 MR. MASSEY - No further questions, Your Honor.

25 A --- at the end, no, sir.

1 MS. NEWMAN - Just have a few more for you.

2 RE-DIRECT EXAMINATION

3 BY MS. NEWMAN -

4 Q When you got out to the scene that day you testified
5 that you spoke to the officers prior to running the track.
6 Correct?

7 A Correct.

8 Q Did speaking to them change how you handled Hattie
9 that day?

10 A No, other than that they wanted me to check, see if
11 Mr. Massey had gone to the four-wheeler and up into the
12 yard. That was -- that was it. But it didn't change
13 anything that I would've done. If she would've continued
14 on straight past the four-wheeler to the stop sign, turned
15 left and gone down the road back towards Chester, that's
16 what we would've done.

17 Q Right. So you didn't direct her towards that shed
18 because of your conversation with them?

19 A No, sir. No, ma'am.

20 Q She directed you that way.

21 A Yes.

22 Q And the defendant spoke a lot about identifying a
23 suspect. What was the reason that Hattie was brought out
24 there that day?

25 A To run a back track to see where he had come from.

1 Q So the reason was not to find the suspect.

2 A No, not necessarily. If -- like I said, if she
3 would've scented off of Mr. Massey and continued past the
4 four-wheeler and never turned up into roadway, then that's
5 what she would've done, but she turned up into the yard and
6 up to the storage shed.

7 Q Can you describe how Hattie was acting during that
8 time period?

9 A Whenever she picks up the track, she starts barking.
10 She shows a noticeable change in behavior where she gets
11 excited. That's her play time. That's when she has fun,
12 so that's -- she's going to be excited about what she's
13 doing. If there's nothing there, then she doesn't have
14 quite that same energy level, but once she picks it up, she
15 gets excited, she starts barking. When she came to the end
16 where the double back was, she quieted down, started
17 circling out trying to pick up where the -- where the exit
18 point was. If we would've picked it back up on the
19 roadside going back up the roadway, she would've started
20 barking again and continued on from there.

21 Q So that barking indicates to you what?

22 A That she's picked up the track.

23 Q And on that day was she following just any scent, or
24 was she following a specific scent?

1 A She's trained to -- when she scents off of that scent
2 article to pick up on that particular track, that
3 particular scent.

4 Q And what was the scent article that was used?

5 A Mr. Massey's pant leg.

6 Q Do you -- when you're doing these trackings, do you
7 lead Hattie or does Hattie lead you?

8 A Hattie leads me.

9 Q Okay. And the defendant went in to a lot of reports.
10 What are those reports that he had you look at?

11 A Those are some of my training records.

12 Q Okay. And those are portions of a lengthy training
13 record for Hattie. Correct?

14 A Oh, yeah. Yeah, we have -- we have a lot of those.

15 Q So those were just a little bit of a seven-year
16 training. Correct?

17 A Correct.

18 Q Why do you keep those training records?

19 A For -- so we can go back and -- well, for one just to
20 document, you know, where we've -- where we started, where
21 we're at now. If we run into certain problems later on, we
22 can go back to see what we may have done in the past that
23 worked to -- to remedy any -- you know, any situations that
24 we run into, and, you know, it -- it helps us with setting
25 up scenarios for teaching a dog. You know, if we don't

1 teach a dog that we want them to stay locked in on one
2 particular scent, then they're going to run whatever they
3 want to. We teach them to stay locked in on that scent.
4 If they start showing any change during training, when we
5 set up these scenarios with contamination or we have other
6 people going, if they start showing any change that they
7 want to go off on this other track, we can correct them off
8 of that and remind them, no, you're supposed to stay locked
9 in on this and refresh their memory basically.

10 Q And you correct them during training exercises so in
11 an actual track they will do their job.

12 A That's correct.

13 Q Now, the defendant asked you about back tracking or
14 reverse tracking. Is there a difference in what a dog
15 smells in a back track as opposed to a regular track?

16 A It's still smelling human odor. In something that
17 short of a distance we're not going to notice a difference
18 in her behavior. As I mentioned earlier, if it was
19 something much longer, up to a mile, towards the end you
20 might start seeing where she's showing that it's getting
21 old, that that track's getting older, she starts losing
22 interest, starts running into some problems trying to work
23 the track. It'd be much easier to see over a long period
24 opposed to that short hundred, hundred fifty yards. You're
25 really not going to notice much of a difference.

TIM CARROLL - RE-CROSS BY MR. MASSEY

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1 Q So in this tracking, she did not have any issue with
2 the distance that she tracked. There was no loss of scent.

3 A No. No, it's -- no.

4 Q So the training for a back tracker or a reverse track
5 would be the same as a forward track.

6 A The training would be the same, yes.

7 Q On this particular day, did you scold Hattie during
8 her tracking?

9 A No, I didn't give her any corrections.

10 Q Okay. So you didn't yell at her, didn't correct her,
11 ---

12 A No.

13 Q --- anything like that? So again, based on what you
14 saw that day, in your seven years of experience doing this,
15 are you confident that Hattie's track that day was
16 reliable?

17 A Yes, I feel that she was reliable that day.

18 MS. NEWMAN - I have nothing further. Thank you.

19 THE COURT - Any followup?

20 RE-CROSS EXAMINATION

21 BY MR. MASSEY -

22 Q You testified earlier that the suspect had already
23 been on the scene an hour before you got there?

24 A Yes, sir. Yes, sir.

25 Q And you did not immediately begin a track?

1 A I don't know -- no, I didn't immediately. I'm not
2 sure how long it took talking to the other officers before
3 putting her on the track.

4 Q What -- what time did you begin the track?

5 A I'm not exactly sure, no.

6 Q So we're talking anywhere between an hour, hour and
7 half, two hours before you began the track.

8 A Uh, it -- I -- believe it was two hours before we
9 started the track.

10 Q In our opinion would that scent be pretty cold by that
11 time?

12 A Not too cold, no.

13 Q But it would be cold.

14 A It would be -- at two hours it would be colder than
15 one hour. Correct.

16 MR. MASSEY - No further questions, Your Honor.

17 MS. NEWMAN - Nothing further from the State.

18 THE COURT - You can step down. Thank you.

19 MR. CARROLL - Thank you.

20 MR. HOGGE - Judge, may we approach for scheduling
21 purposes?

22 THE COURT - (Indicating yes)

23 (WHEREUPON, BENCH CONFERENCE WAS HELD IN THE
24 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY
25 WHICH WAS NOT REPORTED.)

1 THE COURT - We've discussed the timing for next
2 witnesses, and I know some of the jurors had problems
3 yesterday with it driving home in the dark, so rather than
4 call the next witness and possibly run into later this
5 evening, it'll be best that we stop here, because we've got
6 to come back in the morning anyway, so if y'all have got
7 obligations, you won't have to worry about rearranging.
8 We're going to stop now and let y'all go on home and be
9 back here at 9:30 in the morning. Remember, don't discuss
10 the case with anyone; don't let anybody contact you.

11 Y'all have a good night and we'll see you in the
12 morning.

13 (WHEREUPON, JURY EXITS THE COURTROOM)

14 THE COURT - All right, we will fire back up at
15 9:30. Everybody be careful, because the problem with the
16 juror last night I imagine was complicated because of the
17 rain and fog. We had to deal with it, too, and it's going
18 to be probably the same way tonight and tomorrow, so I
19 think it's a good thing that we probably took the safe
20 approach.

21 We'll see y'all in the morning.

22 MR. MASSEY - May it please the Court, Your Honor.
23 I have two or three questions to ask.

24 THE COURT - Yes, sir.

1 MR. MASSEY - The first question would if I take
2 the option to testify, I would like to know what questions
3 can he ask or will be asked, what door would that open?

4 THE COURT - Well, I will talk with you whenever
5 you make a decision as to whether you want to testify. I
6 will certainly talk with you about your Fifth Amendment
7 Rights. What you're asking me now is, if you take the
8 stand, and which I will include that in my standard
9 briefing to you about your Fifth Amendment, you will open -
10 - you will open the door to being cross examined and
11 impeached on any relevant issue. So whatever you may say
12 on the stand could open various doors for the State to ask
13 whatever questions as long as they're relevant. That's
14 about the only way I know to respond to that.

15 MR. MASSEY - At this time I would also like to
16 motion for a mistrial because of Mr. Fairfax's testimony.
17 The defendant did not open up the door as far me being a
18 suspect in a prior four-wheeler theft. He hinted to it
19 once before in a statement stated on the record in front of
20 the jury the second time.

21 THE COURT - That's the danger of representing
22 yourself without having that careful analysis that an
23 experienced attorney can analyze. You did open the door
24 for that to come and then once it came out, the more that

1 was said or could've been said, the worse it was going to
2 be.

3 MR. MASSEY - Could you explain to me, Your Honor,
4 how that door was opened?

5 THE COURT - Now, if the solicitor had done that
6 and that question came out, totally different story, but in
7 your cross you opened that door. That's what came out, so
8 trying to say anything further about it, in my opinion,
9 would've made it worse for you, so -- but your motion's
10 noted and denied.

11 MR. MASSEY - Thank you, Your Honor.

12 MR. HOGGE - Judge, one matter before we break.
13 My next witness I plan on calling -- this could change --
14 but what I plan on now is Detective Nicholas Schifferle. I
15 intend to have him introduce into evidence Mr. Massey's
16 clothes that were taken into evidence. Mr. Massey had
17 never requested to inspect those items. They're always
18 listed as being held in evidence. To prevent any delay
19 tomorrow, if he wasn't to pause so he can inspect all those
20 articles of clothing, I would open up the opportunity to
21 him now. Mr. Schifferle's outside with his articles of
22 clothes. I don't know if he wants to look at that or not,
23 but this would be a good time to do that to prevent any
24 delay tomorrow morning.

25 THE COURT - Mr. Massey that'll be up to you.

1 (COURT RESUMES ON WEDNESDAY, DECEMBER 2, 2015)

2 MR. HOGGE - I just have one thing for the record
3 before they come out. May it please the Court.

4 THE COURT - Maybe.

5 MR. HOGGE - Judge, before the jury comes out,
6 yesterday Mr. Massey introduced into evidence defense
7 exhibit 1. I didn't have an opportunity to look at that
8 before he put it in, and I thought what he was doing was
9 putting in one of the prior canine reports. After that I
10 realized that it was a canine report from this case, and on
11 that piece of paper it has listed charges made, grand
12 larceny, damage to property and probation violation. Out
13 of fairness to Mr. Massey, even though it's already in and
14 it's his exhibit, he put it in, we can just introduce a
15 redacted version of defense exhibit 1 without the probation
16 violation. I went and whited that out and made a copy so
17 you can't tell that it's whited it out, but we can
18 substitute that, the defense exhibits 1 as defense exhibit
19 1(A) if that would suit the court reporter.

20 MR. MASSEY - I have no objection, Your Honor.
21 Thank you.

22 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
23 DEFENDANT'S EXHIBIT NUMBER 1(A).)

24 MR. HOGGE - And just for the record, we're doing
25 that because the prior one had his probation violation on

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1 it. We won't send that one back to the jury; they will get
2 the redacted copy that does not mention the fact that this
3 was a violation of his probation that he was on at the
4 time.

5 THE COURT - Okay.

6 MR. HOGGE - Beyond that, the State's ready to
7 proceed.

8 THE COURT - Got everybody. Got all the jury; if
9 you'll bring them in Madam Bailiff.

10 BAILIFF - Yes, sir.

11 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

12 THE COURT - Juror 175, I got your note. We'll
13 try our best to take care of your conflict this evening.
14 We'll monitor that, and that's what the note's about,
15 conflict this evening, 6:00 o'clock.

16 All right, Solicitor?

17 MR. HOGGE - State calls Nick Schifferle.

18 NICK SCHIFFERLE, AFTER BEING FIRST DULY SWORN,
19 TESTIFIES AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MR. HOGGE -

22 Q Good morning, detective. Could you introduce yourself
23 to the jury and tell them about what you do?

24 A Yes. My name is Nick Schifferle. I'm a detective
25 with the York County Sheriff's Office. I've been a police

1 officer for over ten years now. I'm working with the
2 sheriff's office; I'm assigned to the criminal
3 investigation division and the kind of specialized field --
4 I'm assigned to the property crimes division. The property
5 crimes division is basically -- it's categorized by the
6 crimes that I investigate. I investigate crimes dealing
7 where (sic) larcenies of property where the victims are
8 individuals or where victims are businesses. So basically
9 if there's a house that's broken into or a car is broken
10 into, property stolen, larcenies, I investigate -- I
11 specifically investigate those crimes.

12 Q How is your role at the sheriff's department different
13 from a deputy, patrol deputy, like Mr. Shealey who we heard
14 from in this trial?

15 A Deputy Shealey is assigned to the patrol division, so
16 he -- basically is a normal patrol deputy that you would
17 think about driving around in a marked car with blue-lights
18 on top and he does traffic, he investigates, you know, any
19 9-1-1 calls or -- and he's the kind of initial responding
20 officer. My role of investigations is after that initial
21 conflict or the initial incident that took place, is I get
22 assigned certain cases to assist with, and then also, on
23 top of that a lot of times the shift or the patrol
24 deputies, they call out to me as a resource to aid them in
25 investigations.

1 Q And when you became involved in this case, what was
2 your understanding of the investigation at that point?

3 A My understanding of the investigation was that
4 deputies got out with a vehicle after someone called the
5 police dispatch, said that there was a four-wheeler on the
6 side of the road. Police officers responded rather
7 rapidly; after only a couple of minutes they were on scene
8 and they got out with an individual who was later
9 identified as John Massey ---

10 Q And let me pause you there. The call that came in
11 through dispatch, was that civil process server with the
12 sheriff's department, or was it a citizen who called?

13 A I believe it was a citizen that called, an anonymous
14 citizen if I'm not ---

15 Q Okay.

16 A I wasn't there whenever the call came through.

17 Q Okay. Were you listening through dispatch?

18 A I was not.

19 Q Okay. And -- so tell us -- you have an understanding
20 about what happened in the case, somebody made a call in
21 and what else do you know about the case?

22 A That basically the deputies got out there; they
23 encountered Mr. Massey, spoke with him; they found out that
24 the four-wheeler was stolen; they met with the victim; the
25 York County Canine Division came out to get a track. They

1 also called the York County Forensics Unit to process the
2 scene. The canine tracked an individual back to, you know,
3 the four-wheeler back to, I guess, the shed that it was
4 stolen from, and also the forensics unit came out there and
5 processed the four-wheeler for fingerprints and DNA.

6 Q And you said they processed the scene for fingerprints
7 and DNA. What were the results of that?

8 A The forensics, when they process the four-wheeler for
9 fingerprints, they didn't recover any fingerprints, and
10 then they also obtained DNA, or they attempted to obtain
11 DNA samples from the four-wheeler from the handles, from
12 the seat, from the hose that was attached to it, and it
13 came back negative or no DNA found.

14 Q Okay. No -- no DNA at all from any person?

15 A No. There was no DNA found on the samples.

16 Q And is it possible for somebody to touch something and
17 not leave DNA and not leave a fingerprint?

18 A Yes. I find it quite common now. In a lot of my
19 burglary when a forensics unit comes out, they'll process
20 some scenes, and when I get the forensics report back or I
21 get the DNA report back several months later I find out
22 that -- I know that, you know, a door was made as the point
23 of entry, you know, they swabbed, but they found what --
24 there was no DNA found or no fingerprints found, so it's
25 not unusual.

1 Q Okay. And when do you -- when do -- when are you
2 first involved in this case? You said you weren't there on
3 the scene; you didn't listen to the dispatch, but at some
4 point you became involved. When was that?

5 A That is correct. I was called by one of the deputies
6 to basically assist them. I was asleep at my house when I
7 was notified early in the morning, so I agreed to come out
8 to the jail and speak with the individual that he arrested.

9 Q Okay. And what process were they going through with
10 Mr. Massey when you spoke with Mr. Massey?

11 A He was in the booking area, so he was being booked in.
12 Booked in is basically just phrased used to -- it's taking
13 care of the paperwork and initial processing of someone
14 entering our facility; they ask medical questions, get
15 information as far as where they live, their address, all
16 their information.

17 Q Do you recall what address Mr. Massey gave as his
18 residence?

19 A If I could just refer to the booking sheet. Address
20 that was provided was [REDACTED], Rock Hill,
21 South Carolina.

22 Q And is that in York County or Chester County?

23 A That is in York County.

24 Q Okay. And are you just kind of speaking with him as
25 he's being booked in?

1 A That is correct. I was informed by the deputies that
2 he was already mirandized and read his rights, so I went
3 there to speak with him to try and obtain more information
4 about the case.

5 Q And how long was your conversation with Mr. Massey?

6 A It was very, very short.

7 Q Okay. Tell us about your conversation with Mr.
8 Massey?

9 A Well, in speaking with Mr. Massey he informed me that,
10 you know, he couldn't have stole the four-wheeler, that he
11 recently had surgery and he couldn't even push ten pounds.
12 I was trying to obtain, you know, where he was coming from
13 and he mentioned about being at his girlfriend's father's
14 house; he kind of mentioned the area of Highway 9 and then
15 I tried to ask, you know, more about the actual location
16 where he was coming from, and he just told me that, you
17 know, you're not that good, repeated it, and that ended our
18 interview.

19 Q Okay. When he said the girlfriend's father's house,
20 what county was that located in when he told you?

21 A He didn't specify which county it was.

22 Q Okay. But he said that he was walking from his
23 girlfriend's father's house?

24 A He didn't say that he was walking; he said he was
25 coming from there.

1 Q Okay. In his possession was there a cell phone?

2 A He was in possession of a cell phone.

3 Q Okay. Did you as a part of your investigation obtain
4 a search warrant for that cell phone and search it?

5 A I did.

6 Q And I'm going to hand you ---

7 (WHEREUPON, DOCUMENT MARKED FOR IDENTIFICATION AS
8 STATE'S EXHIBIT NUMBER 5.)

9 Q Detective Schifferle, I'm going to hand you what has
10 been marked for identification purposes only as State's
11 Exhibit 5. If you could take a look at that. And what is
12 State's Exhibit 5?

13 A This is an extraction report. It's basically --
14 there's a machine that we use to download cell phones that
15 gather information from them, and this a printout from that
16 download.

17 Q Is what's on that download, did that come from the
18 cell phone that was found on John Massey?

19 A That is correct.

20 Q And was it downloaded the way that you normally
21 download things?

22 A Yes. I wasn't actually the officer that downloaded
23 it. Detective Schettler actually downloaded it.

24 Q He's another detective with the sheriff's department?

25 A That is correct.

1 Q And what you see there, is that a fair and accurate
2 printout of what was subsequently acquired from the search
3 warrant for his cell phone?

4 A Yes.

5 MR. HOGGE - Your Honor, at this time the State
6 would move to introduce State's Exhibit 5 into evidence.

7 MR. MASSEY - No objection, Your Honor.

8 THE COURT - In without objection.

9 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBER 5.)

11 Q Can you kind of tell us in general about the cell
12 phone and what you have in your hands there, the records
13 from the cell phone that you have there?

14 A Okay. In here it basically labels as an APPLE IPHONE.
15 It specifically says the APPLE ID is ;
16 says the device name is Joy's IPHONE; the display name is
17 Joy's IPHONE. It lists, you know, IMEI number. It also
18 lists the telephone number 803-207-7651, and then also has
19 the product version of it, 6.1.4 and the serial number as
20 well.

21 Q Okay, and you say that it's labeled as Joy's IPHONE,
22 but again, who was that cell phone found on?

23 A It was found with Mr. Massey.

1 Q Okay. And did you -- what did you notice about the
2 out-going calls that are there in that report, kind of the
3 last out-going calls that are made from that phone?

4 A The very last outgoing call or do you mean the ---

5 Q Or the last set from July the 13th (sic) of 2013 -- or
6 17th.

7 A 17th. Okay. It -- several outgoing calls to an
8 individual named number one, also Son, then also outgoing
9 phone calls to -- several outgoing phone calls to an
10 individual name Pike.

11 Q Okay, and from your understanding why is it -- why is
12 it labeled as Pike? Why is it pulling there as Pike?

13 A Because that would be what the telephone number is
14 saved as. That's the name that we save, so in my cell
15 phone, if I save my wife under a certain telephone number,
16 it would show up her name under that telephone number.

17 Q Okay. And what times are listed next to those phone
18 calls to Pike?

19 A Next to -- there's several outgoing phone calls. It's
20 listed as -- on 7/17/2013 at 10:46 a.m. a UTC ---

21 Q Does it say UTC0 or plus minus one.

22 A Yes, plus -- that is -- yeah, plus zero.

23 Q What is UTC?

24 A Basically it refers to universal time zones and all
25 the time zones that we have. It starts, you know, where --

1 with our time zone it'd actually be -- normally it would
2 be, you know, minus five. With daylight savings time
3 during July it would be minus four.

4 Q So the time zone -- the times that are listed there,
5 would that be kind of our eastern standard time or would
6 that be a UTC time?

7 A That would be a UTC time.

8 Q And if you were to correct the UTZ time for eastern
9 standard time, that if we were in daylight saving time or
10 outside of daylight saving time, whichever it was, what
11 times would those phone calls have been made in July?

12 A In July it'd be minus four, so we'll have four -- I'm
13 sorry at five forty -- I'm sorry ---

14 Q You didn't know this would be a math test today, did
15 you?

16 A I did not; I apologize.

17 Q So if you were to subtract four for the UTC time zone
18 being at that point, what would the time be?

19 A Six -- 6:45, another one would be 5:40 -- or 5:29,
20 another one would be 5:29, another one 5:28, several more
21 for 5:28, another one for 5:27, another one for 5:26 in the
22 morning, another one for 5:26, and then another one for
23 5:26, another call for 5:26, and then another one at 5:26,
24 then another call at 5:25.

1 Q Okay, so several calls going out of this phone at 5 --
2 around 5:20 a.m., between 5:20 a.m. and 5:30 a.m.

3 A Yes.

4 Q Okay. From your understanding, what time did they
5 stop Mr. Massey there on the road with the four-wheeler?

6 A It was at 5:24.

7 Q Okay. And when you searched through that cell phone
8 that he had, did anything peculiar stick out to you as you
9 looked through that cell phone?

10 A I mean there was -- the phone calls and then there was
11 also some internet history that was on the phone.

12 Q Okay, what kind of -- what kind of website stuck out -
13 - struck out to you?

14 A There was some -- a websites like Polarisforums.com,
15 Polaris.com, and heavy equipment -- a heavy equipment
16 website.

17 Q Okay. And Polaris, what is Polaris?

18 A Polaris is just a company that manufactures several
19 products, one of them which being four-wheelers, but they
20 also make several other products. I can't remember all of
21 their products, but they make several other products.

22 Q But he had several visits to Polaris ATV forums,
23 visits on that cell phone?

24 A Yes.

25 Q Okay.

1 MR. HOGGE - And Your Honor, at this time I'd like
2 to publish that. I'm going to hand it out to the jury,
3 State's Exhibit 5.

4 THE COURT - All right.

5 A This is just the cell phone calls.

6 Q Right.

7 MR. HOGGE - Just again, this is the phone calls,
8 not the internet history.

9 (WHEREUPON, DOCUMENT PUBLISHED TO THE JURY.)

10 Q And Detective Schifferle, notice that you have that
11 box there. What else did you recover from Mr. Massey that
12 night?

13 A Well, we obtained a search warrant for his clothing
14 that he was wearing that day, so we recovered the clothing
15 and we placed it into evidence.

16 Q Did you take photos of that clothing?

17 A I did. I took photos of the, you know, the clothing,
18 what was on Mr. Massey.

19 Q Did you take the photos on -- on the side of the road
20 or the photos in the booking area?

21 A The photos in the booking area.

22 Q Okay. I'm going to hand you this box.

23 MR. HOGGE - I guess we can have this marked per
24 bag.

NICK SCHIFFERLE - DIRECT BY MR. HOGGE

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1 (WHEREUPON, ITEMS MARKED AS STATE'S EXHIBITS 6, 7
2 AND 8 FOR IDENTIFICATION.)

3 Q All right, Detective Schifferle, I'm going to hand you
4 what has been marked just for ID purposes at this point as
5 State's Exhibit 7 -- or 6, 7 and 8. If you could look
6 through those and tell us what they are just in general.

7 A Would you like for me to pull them out of the ---

8 Q Well, not -- don't show them to the jury yet. They're
9 not in evidence yet. Just kind of tell us what you know is
10 in those bags.

11 A Exhibit Number 7 is labeled as a muddy pair of pants.
12 It's -- it's a package of that. I packaged this up. I
13 recovered this in the detention center.

14 Q Okay.

15 A Exhibit Number 8 is a pair of shoes; it's packaged in
16 this bag. And Exhibit Number 6 is a shirt.

17 Q Okay. And I notice that there's some holes cut in
18 those bags. When were those holes cut?

19 A The holes were cut yesterday.

20 Q And in whose presence was that done?

21 A That was done in the presence of the Court with Mr.
22 Massey present.

23 Q Okay. And when you looked at those items yesterday
24 and looking at them now, are they in the same or

1 substantially the same condition as when you took them into
2 evidence back in July of 2013?

3 A They are except for the shoes. The shoes appear to
4 have some sort of substance, kind of looks like it's kind
5 of moldy.

6 Q Okay. So they -- were they wet when you took them
7 into evidence?

8 A They were.

9 Q Okay. But other than that, are they in substantially
10 the same condition? Does it appear that anyone has altered
11 and interfered with them in any way?

12 A No.

13 MR. HOGGE - Your Honor, at this time we would
14 seek to introduce into evidence State's Exhibits 6, 7 and
15 8.

16 MR. MASSEY - No objection, Your Honor.

17 THE COURT - In without objection.

18 (WHEREUPON, ITEMS MARKED INTO EVIDENCE AS STATE'S
19 EXHIBITS NUMBERS 6, 7 AND 8.)

20 MR. HOGGE - Permission to show them to the jury?

21 THE COURT - Yes, sir.

22 Q And just for the record, what are we looking at here
23 that I'm holding up right now?

24 A It's a polo shirt and it's -- has some mud or dirt
25 markings on the front of it.

NICK SCHIFFERLE - DIRECT BY MR. HOGGE

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1 Q Okay. I'm going to hold up State's Exhibit 7. For
2 the record, what are we looking at?

3 A They are a pair of pants that also has mud stains and
4 some black marks on them.

5 Q And State's Exhibit 8?

6 A They're shoes with some socks.

7 Q And, Detective Schifferle, did you -- did you actually
8 sign out the arrest warrants in this case?

9 A I did.

10 Q And what did you base your decision to sign those
11 arrest warrants for Mr. Massey?

12 A It was based off the information we got from the scene
13 from officers finding him; you know, recently um in close
14 proximity to the location, obviously the mud on his clothes
15 and his general appearance with the general appearance of
16 the four-wheeler also being muddy and also the canine
17 track.

18 Q Okay.

19 MR. HOGGE - Beg the Court's indulgence. All
20 right, Detective Schifferle, I have no further questions
21 for you at this time. Please answer any questions that Mr.
22 Massey has for you.

23 CROSS EXAMINATION

24 BY MR. MASSEY -

1 Q How you doing today, Mr. Schifferle? I'll just be
2 brief; I have a few, couple questions I want to ask you.
3 You said forensics came out?

4 A Yes, sir.

5 Q And you do admit there was no DNA, no fingerprints or
6 nothing that was related to Mr. Massey as far as ---

7 A That is correct.

8 Q That's correct?

9 A There was no DNA; there was no fingerprints recovered.

10 Q We just looked at the muddy -- the clothing. Would
11 you consider those clothes muddy or stained?

12 A Stained with, you know, mud and dirt.

13 Q And you said in your summary that due to training and
14 experience in investigation involving theft suspects who
15 drag large amounts of -- or large objects through dirt and
16 mud will have evidence of such activities on their
17 clothing. Is that consistent with your opinion, clothing?
18 (sic)

19 A Yes.

20 Q Can you explain that?

21 A Yeah, it -- if you move something that's dirty, a lot
22 of times there's transfer, so the dirt and the debris
23 that's on it will be transferred onto your clothing.

24 Q And those clothes are in the same condition as when
25 you removed them from Mr. Massey with a search warrant?

1 A I didn't alter them at all; I just basically removed
2 them and then they were put into -- or I didn't actually
3 remove them; I was given them by Officer Winger (phonetic)
4 (sic) and bagged them up and then they were put into
5 evidence.

6 Q Could those clothing have been stained from a previous
7 date?

8 A They could be.

9 Q Is there -- the amount of mud that's on the black
10 shirt -- the pants are kind of stained pretty good, but the
11 shirt -- the shirt does not quite cut it. In your opinion,
12 does the shirt match your opinion to as far as moving heavy
13 objects?

14 A Depends how you would move it. If you were laying up
15 against something and you were pushing it and your shirt
16 was in contact with it, yeah, then I would say that
17 wouldn't match up, but if, you know, your shirt didn't come
18 in contact with that or if the individual didn't wipe his
19 hands with it or anything like that, you know, then I would
20 say then the shirt wouldn't get dirty, so it all depend on
21 how it was moved. In this particular case, you know, there
22 was a hose that was attached to the front of the four-
23 wheeler, you know, and it appears that that's what was used
24 to drag it.

1 Q And you also stated that the hose was tested by
2 forensics?

3 A That is correct.

4 Q Upon your information and belief, from your
5 investigation, how was Mr. Massey's appearance on the
6 scene, crime scene?

7 A From what I was told, you know, that he was in that
8 same condition; he was muddy; his pant were wet or, you
9 know, the clothing was dirty.

10 Q Was he sweaty?

11 A Yeah, I was told he was -- you were.

12 Q Upon your information and belief, does sweat leave
13 DNA?

14 A I believe so. I'm not a forensic expert.

15 Q Okay. It's just this is your opinion. And when you -
16 - did you execute the search warrant by yourself, or were
17 there other officers around?

18 A Oh, which search warrant are you referring to?

19 Q Search warrant for the clothing, I'm sorry.

20 A For the clothing? It was Detective Branham that
21 executed the search warrant.

22 Q So you were not there.

23 A I was there.

24 Q You was there? And where was that search executed at?

25 A It was at the detention center.

- 1 Q Where in the detention center?
- 2 A In the booking area.
- 3 Q In the booking area?
- 4 A (No response)
- 5 Q You sure about that?
- 6 A That's where I recovered the clothes.
- 7 Q You recovered the clothing in the booking area?
- 8 A (Indicating yes)
- 9 Q Positive?
- 10 A Yeah, that's where I met with Officer Winger.
- 11 (Phonetic) (sic)
- 12 Q So you never did take the clothing off of Mr. Massey
- 13 personally?
- 14 A I did not take that clothing off of you. I was handed
- 15 the clothing from Officer Winger (phonetic) (sic).
- 16 Q Were there any videos taken when the clothing was
- 17 taken off Mr. Massey?
- 18 A No.
- 19 Q Where was Mr. Massey housed when he came into booking?
- 20 A He was -- in the holding areas in the booking area.
- 21 Q In the booking area?
- 22 A As far as I -- I wasn't there for that part.
- 23 Q And how long -- you wasn't there?
- 24 A (No response)
- 25 Q And Mr. Massey stated he had recently had surgery.

1 A That is correct.

2 Q Did you investigate that?

3 A I did not.

4 Q You did not -- you did not check his symptoms, you did
5 not -- you didn't even question what he had -- what he was
6 speaking to you about.

7 A I did not.

8 Q Was there any reason for that?

9 A No. The interview was so short, you know, that I
10 didn't have a chance to get into all that.

11 Q When Mr. Massey came in to booking, he was speaking
12 with someone. Do you remember that officer's name who was
13 booking him in?

14 A No, I -- I'm not a hundred percent sure.

15 Q Do you remember what he was stating to that officer?

16 A No, I -- I don't. I do not remember.

17 Q But you remember everything else ---

18 A Um, ---

19 Q --- what he told you.

20 A (No response)

21 Q You have the booking sheet? I think you have a copy
22 of the booking sheet?

23 A I do.

NICK SCHIFFERLE - CROSS BY MR. MASSEY

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1 Q I'm going to ask you a few questions on that right
2 now. Would you read for the jury the date and time of
3 arrest?

4 A It says 5:39 or 05:39.

5 Q What time is that?

6 A That's 5:39 in the morning.

7 Q And that was the time Mr. Massey was arrested?

8 A According to this booking sheet.

9 Q And who arrested Mr. Massey?

10 A According to this, it lists the arresting officer as
11 Travis Shealey.

12 Q And who applied for the -- who applied for the,
13 affidavit and search warrant to actually execute the
14 apprehension or arrest of Mr. Massey?

15 A I'm the affiant on the arrest warrant.

16 Q Okay. Was Mr. Shealey in the booking area?

17 A I believe he was.

18 Q You sure?

19 A I'm not -- that's what I'm saying. I believe he was,
20 but I'm not a hundred percent sure.

21 Q Yesterday Mr. Shealey testified that after you left
22 the scene ---

23 MR. HOGGE - Objection, pitting the witnesses.

24 THE COURT - Sustained.

1 Q And you said that the four-wheeler was tested for DNA
2 on the seat and the hose?

3 A I'm sorry. I couldn't understand the middle ---

4 Q You said the four-wheeler was tested on the seat, the
5 seat of the four-wheeler and the hose?

6 A The seat, the hose and the handle bars.

7 Q Who -- who's responsible for what's tested? I mean is
8 that the investigating officer or ---

9 A It's really -- and I -- do you mean who is responsible
10 for processing whatever or ---

11 Q Yes, sir.

12 A It'd be the forensics officer that comes out on the
13 scene.

14 Q So he makes that call?

15 A Yes. Now, sometimes if the detective's there, in
16 cases that I have investigated, I'll say, hey, can you also
17 process this, can you also do this.

18 Q And you just recently testified about phone records.

19 A That's correct.

20 Q If Mr. Massey was suspected of stealing the four-
21 wheeler, based on your opinion, of the night of 7/17 or the
22 morning of 7/17/2013, wouldn't you expect for any type of
23 information being in that phone or like planning --
24 planning a theft?

25 A It could be.

NICK SCHIFFERLE - CROSS BY MR. MASSEY

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1 Q Did you find any -- any -- something like that in the
2 phone?

3 A Nothing that I, you know ---

4 Q Consistent with the records, the timing that you gave
5 the jury, from the 5 -- 5:19 or 5:29, -- I forgot the times
6 -- to -- I think it was 5 -- what's the name -- that you
7 said Mr. Massey was calling Pike?

8 A That is correct.

9 Q Is that consistent with the information that you know
10 about the actual traffic stop?

11 A How so? I'm not sure what you're asking.

12 Q In your case summary you said that you knew Mr. Massey
13 had someone come pick him up on the scene, that he was
14 trying to locate a ride?

15 A Yeah, I was informed that there was someone that came
16 there to ---

17 Q You were informed?

18 A Yes.

19 Q And that was in -- that was in between the time that
20 Mr. Massey was being detained by Officer Schifferle and
21 Officer Ferrell.

22 A It was when officer -- or Deputy Shealey, not ---

23 Q Deputy Shealey, I'm sorry. Deputy Shealey.

24 A Yes, that is correct.

1 Q Yes. That is correct. So that coincides with the
2 testimony that Massey gave Deputy Shealey and Deputy
3 Ferrell and what you wrote in your case summary.

4 A I'm not sure what your testimony was.

5 Q I didn't testify. Or what you was informed.

6 A Okay. Yes.

7 Q The time you were informed that Mr. Massey's ride
8 arrived, caller -- ride arrived.

9 A (No response)

10 Q Did anyone inform you why Mr. Massey's ride was
11 allowed to leave?

12 A No, I -- I also tried to ascertain the information of
13 the driver and I was never -- I was never provided that
14 information.

15 Q No one ---

16 A The officer -- the officers that had that information
17 couldn't find it.

18 Q No one took a report; no one took a statement from
19 him; no one even got his name.

20 A No. I don't know if they actually obtained his name.
21 They said that they didn't have it when I tried to get that
22 information from them.

23 Q Based on affiant's training and experience in criminal
24 investigations, suspects often work in conjunction with
25 other suspects communicating, using cell phones to

NICK SCHIFFERLE - CROSS BY MR. MASSEY

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1 coordinate thefts -- theft and sale of stolen property. Is
2 that correct?

3 A If you're referring to my affidavit, yes. In several
4 investigations I have worked, I have found where suspects
5 used cell phones to communicate with each other as to
6 coordinate thefts.

7 Q And did you look into the phone records to see if Mr.
8 Massey was trying to coordinate a theft at that time?

9 A At the time of getting the affidavit?

10 Q At the time -- any time you went through the phone
11 records period.

12 A Did I look into that?

13 Q Yeah.

14 A Not -- yeah, I mean I did look at it to see if there's
15 communications. Deputy Schettler also reviewed it and he
16 said he didn't see anything as well, or either.

17 Q So to your knowledge, you're testifying today that
18 there was no coordinated involvement as far as theft
19 located inside the phone, there was no matches person
20 (sic).

21 A That's correct.

22 MR. MASSEY - Indulge the Court a second.

23 THE COURT - Yes, sir.

24 Q You got a copy of the phone records up there?

25 A I believe it's -- I do now, sir.

1 Q I think that's page 277. I'm going to refer you to I
2 think it's log number 1193 through 1198.

3 A I don't have that section of it.

4 Q You must have it because -- what's the call log for
5 the numbers to Pike? I might be able to help you out here.

6 A All right, the telephone number for Pike?

7 Q Yeah, when Mr. Massey was trying to call a ride, Mr.
8 Pike.

9 A Area code 803-554-0843.

10 Q And on the left-hand side -- on the left-hand side of
11 the paper you have, there should be some numbers there.
12 What numbers are those 1178, 1177?

13 A No. I see 31 -- on the last page I see 31 to 18 and
14 then 17 to 1 on the next page, and then it starts over at 1
15 and now we're getting out of the out-going messages, now
16 we're going to in-coming on the next page and it's 10 from
17 the bottom all the way to 1 at the top of the in-coming
18 calls. Next category is 20 through 18 and the next page
19 after that would be 17 to 1 and that's under missed calls.

20 Q Missed calls? Okay.

21 MR. MASSEY - I would like to enter this. This is
22 extension of the call logs.

23 (WHEREUPON, DOCUMENT MARKED FOR IDENTIFICATION AS
24 DEFENDANT'S EXHIBIT NUMBER 2.)

25 MR. HOGGE - Could I see?

NICK SCHIFFERLE - CROSS BY MR. MASSEY

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1 (WHEREUPON, DOCUMENT SHOWN TO MR. HOGGE.)

2 MR. MASSEY - Your Honor, I'd like to enter this
3 as Defendant's Exhibit 2.

4 Q The highlighted sections of that, could you tell me
5 what times those calls were made?

6 A Yes, under 262 with telephone number I guess coming
7 from son, the timeframe is 7/17/2013, it's listed at 10:15
8 a.m., UTC which if you subtract, you know, 4 would be a
9 5:15, it says read, and I guess it's a text message here,
10 says . . . today is the day you can keep my -- ducking my
11 calls all you want, I don't deserve this and you have no
12 right to do this to me, there is only one option for you .
13 . . . , and then below that which is also in the section you
14 highlighted under section ---

15 MR. HOGGE - Objection. Judge, if he's going to
16 read, I'd like for it to be placed into evidence.

17 MR. MASSEY - I did place it in evidence.

18 THE COURT - Well ---

19 MR. HOGGE - Has it been entered?

20 THE COURT - -- the magic word wasn't used, but I
21 think we can imply you want it introduced. Are you
22 objecting to that?

23 MR. HOGGE - No, Your Honor.

24 THE COURT - Okay. It's in.

25 MR. HOGGE - Okay.

1 (WHEREUPON, DOCUMENT ENTERED INTO EVIDENCE AS
2 DEFENDANT'S EXHIBIT NUMBER 2.)

3 A I apologize. I can't remember where I left off, but
4 under 263 for Son, that timeframe is 7/17/2013 at 10:19
5 a.m. UTC, which would be at 5:19 -- I'm sorry -- at -- it
6 says . . . Y-O, bring my car and phone back, you can't keep
7 this from mom any longer and you know when she finds out
8 what her actions is going to be, all you need -- and then
9 below that there's another entry under 264, from Son again,
10 from 7/17/2013 at 10:19 a.m. UTC, and it's says . . . E-D
11 to do was communicate with me.

12 Q And what is the correct times again on those? I think
13 you said something about the timing was off, it's a
14 universal time stamped on those?

15 A Okay, yeah it'd be minus four, so we're looking at
16 6:19.

17 Q And that's what's in -- within the time that Mr.
18 Massey was in possession of the phone?

19 A Yes, I believe so.

20 Q And we have already established that that phone
21 belonged to Ms. Joy Valverde?

22 A Yes.

23 Q And who is Ms. Joy Valverde?

24 A I believe it was your girlfriend at the time.

25 Q From the tone of the texts, would she appear angry?

NICK SCHIFFERLE - CROSS BY MR. MASSEY

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1 MR. HOGGE - Objection, Your Honor, speculation.

2 MR. MASSEY - Speculation? I would like to
3 publish that into ---

4 THE COURT - Yes, sir.

5 Q And you testified that Mr. Massey said he was leaving
6 his girlfriend's house?

7 A Yes.

8 Q Did you investigate into how many girlfriend's Mr.
9 Massey has?

10 A No, I did not.

11 Q Could you reasonably assume if his live-in girlfriend
12 was looking for him that he could've been out with another
13 female?

14 MR. HOGGE - Objection, Your Honor.

15 THE COURT - That calls for speculation, yeah.
16 Pose another question.

17 Q And you were never at the scene?

18 A No, I did not respond out that day to that scene.

19 Q Mr. Massey's shoes were not dirty.

20 A They were wet. I don't recall seeing mud or anything
21 on them.

22 Q Was any forensics done on the dirt, on his clothing or
23 the shoes?

24 A No, no forensics was done on the dirt.

1 MR. MASSEY - No further questions at this time,
2 Your Honor.

3 RE-DIRECT EXAMINATION

4 BY MR. HOGGE -

5 Q Detective Shifferle, Mr. Massey asked you about did
6 you video-tape him while he was undressing. Is that
7 standard for you to video-tape defendants as they're taking
8 their clothes off?

9 A No.

10 Q Did he request that you examine his buttocks ---

11 A No.

12 Q --- in terms of his cancer?

13 A No.

14 Q Okay. You talked about coordination that you look for
15 in the cell phone. In terms of coordination, were there
16 phone calls made from his phone for somebody to come pick
17 him up?

18 A I'm not sure what the phone calls were for.

19 Q Right. But the phones ---

20 A There were phone calls -- there -- there were phone
21 calls made during that timeframe.

22 Q Okay. And in his cell phone you found records about
23 four-wheelers?

24 A That's correct.

1 Q Okay. The text messages that he brings up from the
2 phone number belongs to Son, -- I think that's defense -
3 well, I believe that the jury has it -- defense exhibit 2,
4 the time stamp is 10:15 UTC, so, again, if you would
5 subtract four, 6:15, and again, what time was John Massey
6 arrested?

7 A He -- according to the booking sheet he was arrested
8 at 5:39 in the morning.

9 Q And that would have been at the scene when he was
10 detained out there?

11 A Correct.

12 MR. HOGGE - Okay. Beg the Court's indulgence.

13 Q And just so we're clear, when you said that he was --
14 he said he was coming back -- did he say from his
15 girlfriend's house or his girlfriend's father's house?

16 A His girlfriend's father's house.

17 MR. HOGGE - Okay. That's all the questions I
18 have.

19 THE COURT - Anything else?

20 RE-CROSS EXAMINATION

21 BY MR. MASSEY -

22 Q You stated there were stuff looked up in the phone
23 about four-wheelers?

24 A Correct, it was -- it was just the websites and ---

1 Q Were there other -- where other websites looked at
2 too?

3 A I'm sorry?

4 Q Were other websites looked into too?

5 A Yes. There were other websites that were looked into.
6 It wasn't solely just those websites. There were other
7 websites as well.

8 Q A lot. How many -- how many websites possibly would
9 you think you observed?

10 A I don't know how many websites, but I mean we're
11 talking several.

12 Q Several.

13 A I don't have a count.

14 Q You don't have a count. You don't remember any other
15 websites?

16 A I do.

17 Q What were they?

18 A I remember -- remember Drugs.com, I think. I can't
19 remember many more of them. I remember -- there was a
20 weird one. I believe it was a pornographic website, but
21 I'm not hundred percent sure. I didn't look into a lot of
22 the websites. Think there was one Fingerhut. I can't
23 remember all of them.

24 MR. MASSEY - No further questions, Your Honor.

25 RE-DIRECT EXAMINATION

1 BY MR. HOGGE -

2 Q Detective Schifferle, if I showed you his cell phone
3 records, would that refresh your recollection as to the
4 websites that were on his cell phone?

5 A Yes.

6 MR. HOGGE - Beg the Court's indulgence.

7 Q Show the -- just -- this to just refresh your
8 recollection. I'm not going to put it into evidence. If
9 you could look through that, flip through that to refresh
10 your recollection of some of the websites that you saw on
11 that cell phone, and let us know once your recollection's
12 been refreshed.

13 A (Witness complies) Okay.

14 Q Has your recollection been refreshed?

15 A Yes.

16 Q And I don't care about the porn websites, but what
17 were some of the websites that you saw on there?

18 A Yahoo.com, there was drugs.com, a forum for
19 opiophiles.org, ipadforums, drugbuyersforum, the
20 heavyequipmentforums, blockbuster, the polarisatv,
21 grasscity.com., ehow fastclick, polaris.com, straighttalk,
22 the heraldonline.com, pointroll.com, Google, youtube,
23 Tracfonewireless, biblegateway, target.com, kohls.com,
24 polarisatvforum, m.video.christianpost.com, poshmark.com,
25 fling.com, ass.com, ad.yieldmanager.com, topics.com,

1 clickpent.net, QVC.com, MYP.com, lawyers.com, dell.com,
2 homedepot.com, apartments.com,
3 heavyequipmenttraderonline.com, ING.com, dell.com,
4 apple.com, state.com, -- I think it's chacha.com,
5 forrent.com, credit-land.com, chesshere.com,
6 urbandictionary.com, prescriptiondruginfo.com, yorkcounty
7 government, coveritlive.com, wsoc.tv.com, answergrab.com,
8 maps, Google.com, ---

9 Q I'll stop you there. You don't have to go through all
10 those websites, but there were other websites that he
11 visited on this phone.

12 A Yeah, there were other websites that were visited with
13 this phone.

14 Q Okay.

15 MR. HOGGE - I have no further questions.

16 RE-CROSS EXAMINATION

17 BY MR. MASSEY -

18 Q In conjunction to the websites you just pulled up, is
19 any of that related to criminal activity?

20 A I can't -- you know, I don't believe so. I -- I'm not
21 sure. I'd be speculating. If someone used it to sell
22 stolen property or on any of those things, I'm not sure.

23 Q So basically, -- basically it's just a cell phone with
24 websites pulled up?

25 A That is correct.

JOY VALVERDE - DIRECT BY MR. HOGGE

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1 MR. MASSEY - No further questions.

2 MR. HOGGE - Beg the Court's indulgence. (Pause)

3 That's all the questions I have for Detective Schifferle.

4 THE COURT - You may step down.

5 MR. HOGGE - We ask that he be excused.

6 THE COURT - Any objection?

7 MR. MASSEY - No objection, Your Honor.

8 THE COURT - The witness is excused.

9 MR. HOGGE - The State calls Joy Valverde.

10 JOY VALVERDE, AFTER BEING FIRST DULY SWORN,

11 TESTIFIES AS FOLLOWS -

12 DIRECT EXAMINATION

13 BY MR. HOGGE -

14 Q Good morning, Ms. Valverde. If you could, introduce
15 yourself to the jury.

16 A I'm Joy Valverde.

17 Q And what do you do for a living?

18 A I am a manager at a department store in Rock Hill.

19 Q And do you know John Massey?

20 A I do.

21 Q And how do you know John Massey?

22 A I was in a relationship with him.

23 Q And how long were you in a relationship with him?

24 A It was about three, two -- two and a half, three
25 years.

1 Q Okay. Were y'all living together?

2 A Yes.

3 Q Were y'all living together back in July of 2013?

4 A Yes.

5 Q Do you recall the events of July 17th, 2013 ---

6 A Um ---

7 Q --- in regards to John?

8 A Um, yes.

9 Q And what do you recall about that night?

10 A He had left and did not come home and then I was
11 trying to track him down and find him, because he had my
12 car and my phone and those types of things, and then I was
13 told that he had been arrested.

14 Q Okay. You said he had your phone. Was it unusual for
15 him to use your phone?

16 A No.

17 Q Did y'all have one phone in the house?

18 A Yes.

19 Q And was it unusual for him to borrow your car?

20 A No. I mean he -- he would take off with it at times.

21 Q Okay.

22 A But he would -- he would drive it, yes.

23 Q Were y'all going through any troubles in your
24 relationship at this time?

25 A At that time, no.

1 Q Where did y'all live?

2 A We live on Boss Wylie Road, [REDACTED].

3 Q Is that in York County or Chester County?

4 A York County.

5 Q And where are you -- where did you grow up? Where are
6 you from?

7 A I'm from Rock Hill.

8 Q Where does your dad live?

9 A He lives in Rock Hill. It's in a little area called
10 Shandon off of Shandon Road in Rock Hill.

11 Q Okay. Do you have any family in Chester County?

12 A No, I do not.

13 Q You said that he borrowed your car. When did -- did
14 you eventually find your car?

15 A I did. It was parked on some street over in Rock Hill
16 in College -- College Downs off of Crawford Road.

17 Q Okay. So was it -- was that in Chester County?

18 A No, that was York County.

19 Q Do you who Pike is?

20 A I've heard the name but I don't know.

21 Q Do you know his full name or anything like that?

22 A No, I do not.

23 Q Do you know if he was one of John's friends?

24 A I had heard him speak of him, yes.

1 Q Do you know what kind of car he drives by chance, car
2 or truck?

3 A I believe it was truck, but I don't know. I can't
4 remember exactly what type of truck it was.

5 Q Do you recognize John Massey in the courtroom?

6 A Yes.

7 Q Would you point him out for us?

8 A He's right there.

9 MR. HOGGE - For the record she's pointing to John
10 Massey.

11 Q After he was released on bail from this charge, did he
12 come back and was living with you?

13 A Yes.

14 Q How much longer were y'all together after that?

15 A Up un -- up until he was in ---

16 Q What date? Or rough idea of how much time were y'all
17 together?

18 A Together as in relationship-wise ---

19 Q After -- yeah, after this incident.

20 A --- after? Til 2013.

21 Q Okay.

22 MR. HOGGE - All right, I have no further
23 questions for you, Ms. Valverde. John's going to be able
24 to ask you a few questions. Please answer them.

25 MS. VALVERDE - Okay.

1 CROSS EXAMINATION

2 BY MR. MASSEY -

3 Q How you doing today, Ms. Valverde?

4 A All right.

5 Q You remember me?

6 A I do.

7 Q All right, I'm just going to recall you to remember
8 some stuff today. Around that time that Mr. Massey was
9 arrested, what was his physical condition?

10 A He had been -- he had had his surgery on his hip as
11 far as for tumor removed. He did have a drain in it, but
12 he was still getting around.

13 Q As far as the treatment going around -- around that
14 time, were you familiar with it?

15 A Yes.

16 Q How familiar was you with it?

17 A I was taking him to the treatments.

18 Q You was taking me to the treatments? Was any home
19 health treatments going on at that time?

20 A He had his drainage that was taken care of.

21 Q What was that -- what was that called?

22 A I don't remember what it was called.

23 Q You don't recall? During you and Mr. Massey's
24 relationship, did you ever catch him cheating?

25 A Yes.

1 Q How many times?

2 A Once.

3 Q Do you recall the day Mr. Massey left?

4 A Yes, I do.

5 Q Do you remember what he had on?

6 A I don't remember what he had on, no, but I do remember
7 that he left.

8 Q But you -- you do --- you will be pretty familiar
9 about the clothing Mr. Massey would wear on a daily - on a
10 daily basis. Correct?

11 A Somewhat ---

12 MR. HOGGE - Objection, asked and answered.

13 THE COURT - You already asked that. Said you
14 already asked that.

15 Q What kind of work was Mr. Massey doing prior to the
16 surgery?

17 A He was doing yard work.

18 Q What kind of yard work?

19 A Cutting grass.

20 Q Now, was he working -- was he employed with someone at
21 one time?

22 A He was.

23 Q With who?

24 A It was the gentleman that actually used to live in our
25 house and I -- Cherry was his last name.

1 Q Last name?

2 A I don't remember the first name.

3 Q Was he employed with someone else after that?

4 A He was employed with -- I've forgotten their names too
5 -- Callahans.

6 Q And what kind of work was that involving?

7 A That was -- they did -- I really can't remember,
8 because I wasn't there doing the work. I don't -- I mean I
9 know they had trucks. They had a dump truck they moved
10 stuff with. They had a -- like a backhoe thing, I believe,
11 or something like that, yes.

12 Q And how did Mr. Massey get back and forth to work?

13 A I would pick him up.

14 Q And how would he appear when he got off from work?

15 A He would be dirty.

16 Q How dirty?

17 A He would have dirt on him, on his clothes.

18 Q So a lot of Mr. Massey's clothing would be consistent
19 as dirty?

20 A Yes. Until -- yes.

21 Q All the work that Mr. Massey done in his lifetime has
22 consisted of outside work as far as the relationship with
23 you and him?

24 A As -- yes. As far as I know he has always worked
25 outside while we were together.

1 Q You said Mr. Massey had a device he was wearing, he
2 would have to wear around the house around this time?

3 A (Indicating yes)

4 Q Was -- were you trained in helping him administer the
5 device?

6 A The nurse showed me how to do it, yes..

7 Q She showed you how to do it?

8 A (No response)

9 Q Are there a lot -- were there pictures in your phone
10 around the time ---

11 A I'm sure there were, yes.

12 Q So you and Mr. Massey pretty much documented from the
13 time he had the operation to, say he was arrested?

14 A (Indicating yes) We did take pictures of it, yes.

15 Q And why did we do that?

16 A Because he was worried that it was not healing
17 correctly.

18 Q Do you -- did you take these pictures, Ms. Valverde?

19 A Yes, I did.

20 MR. MASSEY - I would like to enter these pictures
21 as States -- I mean defendant's ---

22 MR. HOGGE - Can I see ---

23 (WHEREUPON, PHOTOS SHOWN TO MR. HOGGE.)

24 (WHEREUPON, PHOTOS MARKED FOR IDENTIFICATION AS
25 DEFENDANT'S EXHIBIT NUMBER 3.)

1 THE COURT - In without objection.

2 MR. MASSEY - Excuse me, Your Honor?

3 THE COURT - In without objection.

4 MR. MASSEY - I would like to enter these into
5 evidence.

6 MR. HOGGE - No problem.

7 (WHEREUPON, PHOTOS MARKED INTO EVIDENCE AS
8 DEFENDANT'S EXHIBIT NUMBER 3.)

9 Q Ms. Valverde, would you describe what you're -- the
10 pictures you took there?

11 A These are the pictures um -- well, this one was before
12 the surgery; this one's after with the staples; this is
13 also after with the staples. This is with the drain that
14 was draining the fluids that were around it from the
15 procedure. And we would have to measure the drain to make
16 sure that a certain amount was coming out. And this is
17 where one of the staples had ripped out, and there was
18 slight infection there. And then this is another picture
19 of the drain and the staples all together.

20 Q I think that's 2.6 on the papers that you have on the
21 bottom. Got them labeled.

22 A Yes.

23 Q Is this consistent with -- is this picture consistent
24 around the time Mr. Massey was arrested?

1 A I believe so. I don't -- I can't recall the exact
2 date, but I believe so.

3 Q You can't recall exact date. Was Mr. Massey still
4 under medical treatment when he was arrested?

5 A Yes.

6 Q And how -- how long after Mr. Massey was arrested was
7 he still under medical treatment?

8 A I believe while he was in the county that he did have
9 some doctors' appointments that he would have to go to.

10 Q The day Mr. Massey was arrested, did you call the
11 county to check on him?

12 A I did.

13 Q And in what reference were those calls about?

14 A If you were okay, as far as if you needed your pump.

15 Q Explain the pump.

16 A The pump was to keep any fluids from coming out from
17 where the incision was or keep it draining so that there
18 wouldn't be infection built up in there.

19 Q And what type of operation did Mr. Massey have -- I'm
20 sorry, let me go back and rephrase that. You went to each
21 and every doctor's appointment with Mr. Massey. Correct?

22 A I did.

23 Q So you -- you do have knowledge and experience on
24 testifying to what the doctors told Mr. Massey and you as
25 far as his treatment and as far as his operation.

1 A I do.

2 Q Was it an extensive operation?

3 A It was.

4 Q Explain to the jury what happened in that operation.

5 A With the operation he had a tumor that had grown on
6 his back hip area that was going to have to be removed. It
7 was -- the doctor had said that if they had -- if it had
8 grown anymore he could've lost his leg or anything like
9 that, and so they had it removed.

10 Q What day did Mr. Massey have the operation?

11 A I do not remember.

12 Q Was it fairly recent to the arrest?

13 A Yeah, it was -- I want to say so. I mean it wasn't
14 right close to the arrest, but it was around that time.

15 Q How big was the tumor before it was removed?

16 A It was like the size of a fist, softball size.

17 Q How much mass was excised from Mr. Massey, as far as
18 the doctor explained, as far -- could you explain the scope
19 of the operation? Was he permanently disabled? Was he
20 disabled at the time?

21 A He was, I would say temporarily disabled. The doctor
22 said that he should -- as long as with it being taken out
23 that he should fully recover.

24 Q What was the doctor's orders as far as physical
25 exertion during the treatment and diagnosis of Mr. Massey?

1 A That he should not have any physical exertion as far
2 as a lot of moving around, heavy lifting, anything like
3 that.

4 Q In fact, he told Mr. Massey not to lift anything over
5 ten pounds. Correct?

6 A Correct.

7 Q And if Mr. Massey exerted himself with any kind of
8 exercise or force, what would that do as far as what the
9 doctors told him as far as his treatment?

10 A It would cause the staples and the incision and
11 everything to -- it could cause it to rip or to tear, and
12 it could also hinder it from healing correctly.

13 MR. MASSEY - I would like to publish these
14 pictures into the record, Your Honor.

15 THE COURT - Yes, sir.

16 Q So around the time Mr. Massey's arrest, was he doing
17 any physical work around the house? I mean was he exerting
18 himself?

19 A Not that I can recall.

20 MR. MASSEY - Indulge the Court, Your Honor.

21 THE COURT - Yes, sir.

22 Q And you said you went to each and every doctor's
23 appointment with Mr. Massey?

24 A Yes.

1 MR. MASSEY - I'd like to enter these in Court.
2 These are York County -- these are from the County of York
3 Detention Center, medical records that were sent here as
4 far as Massey's treatment and diagnosis.

5 MR. HOGGE - Judge, I was never provided a copy of
6 these in discovery and would -- 5(B) (sic) to get into
7 them, in addition to relevance.

8 MR. MASSEY - In addition to relevance, Your
9 Honor, there are -- these documents will provide a genuine
10 issue of material fact of the history from the time Mr.
11 Massey -- partial history from the time Mr. Massey ---

12 MR. HOGGE - Your Honor, should we take this up as
13 a matter of law outside the presence of the jury?

14 THE COURT - We can. Ladies and gentlemen of the
15 jury, if you'll step back to your room, please.

16 (WHEREUPON, JURY EXITS THE COURTROOM)

17 THE COURT - All right, what do y'all want to put
18 on the record?

19 MR. HOGGE - Judge, I was not provided a copy of
20 those. I requested reciprocal discovery under Rule 5(b)
21 after I gave discovery to Mr. Massey. I still -- I have no
22 idea what's on those pages. I haven't had a chance to look
23 at them. I don't have a huge problem with them; it's just
24 that I had never seen them before.

1 MR. MASSEY - Your Honor, if you'll look at the
2 top of the records, documents I mean. They're -- they're
3 from the County. The State already has those documents and
4 records.

5 THE COURT - Take a look at them before I say
6 anything. Even if they come in, I don't know what is has
7 to do with this witness. She doesn't work for the County.
8 I don't know how you're going to tie it into this witness
9 even though if it comes in, but that -- I'll just have to
10 wait and see what y'all ---

11 MR. HOGGE - And also, Your Honor, he has to lay
12 foundation to get this in, and as Your Honor has said, I
13 don't see how this witness can do that. She's not medical
14 staff who can authenticate these business records.

15 THE COURT - Well, I try to be as liberal as I
16 can, but if you tried to introduce something that didn't
17 meet Rule 5, I could just imagine what would be said in
18 arguing and carrying on, so why should I show you some kind
19 of leniency on introducing something that you didn't
20 provide to the State? Can you help me with that?

21 MR. MASSEY - Your Honor, that uh -- Ms. Valverde
22 testified that she went to each and every medical
23 treatment, medical appointment with me. She was schooled
24 and she was trained by nurses to handle the medical
25 situation. These documents are part of a genuine material

1 fact, and, in fact, since they are part of the York County
2 record, any -- any officer who could be subpoenaed to come
3 and testify to the authentication of the documents. As far
4 as that I mean ---

5 THE COURT - Well, I want to help you if I can,
6 but she wasn't in the jail over there. I mean even if she
7 had some kind of qualifications, what's she got to do with
8 what medical treatment was provided when you were
9 incarcerated?

10 MR. MASSEY - Well, these -- these documents are
11 not from the time when I was incarcerated. These documents
12 are -- what you call that -- they're the medical release
13 forms from the County from Mr. Massey's oncologist to tell
14 them how to treat his treatment. These are not from inside
15 the County, not treatment by inside the County. It's
16 strictly pertaining to matters around the time Mr. Massey
17 was arrested.

18 THE COURT - All right, I'm going to have to
19 sustain the State's objection. This witness is not
20 qualified to get into all that and it wasn't produced.
21 I've got to be -- what's good for the goose is good for the
22 gander; it wasn't produced and -- and I'm not ruling you
23 out on this. There may be somebody you can call, you know,
24 in the progress of this trial that may get it in but not
25 through her.

1 MR. MASSEY - That's fair, Your Honor.

2 THE COURT - Okay. Let's take about five minutes.

3 (WHEREUPON, RECESS TAKEN)

4 (WHEREUPON, NOTE IS SENT OUT FROM THE JURY DURING
5 RECESS)

6 THE COURT - All right, this is the note. I think
7 the current witness is someone who worked for my sister.
8 How do I proceed? Stacey Labrador, Juror 130. Bring her
9 in.

10 (WHEREUPON, JUROR ENTERS THE COURTROOM)

11 THE COURT - Labrador. Right?

12 JUROR - Labrador, (Indicating yes).

13 THE COURT - I've got your note and I'll repeat it
14 again, I think the current witness is someone who worked
15 for my sister, how do I proceed. What is your sister's
16 name?

17 JUROR - Laurie Hogan.

18 MS. VALVERDE - I did. I used to work for her
19 sister and her brother-in-law at a company years ago.

20 THE COURT - All right. Would that -- confirming
21 that that is correct, would that affect your ability to
22 continue to be a fair and impartial juror in this case?

23 JUROR - I don't know Joy personally, and when the
24 names were read I didn't recognize even her last name, --
25 and you look a little bit different -- from when I remember

1 her. So not knowing Joy personally and, you know, I know
2 that she worked for my sister, I don't think it would
3 impede my judgment.

4 THE COURT - Any additional questions? You've got
5 to address me, not her.

6 MR. HOGGE - Nothing from the State.

7 MR. MASSEY - Nothing, Your Honor.

8 THE COURT - Thank you. You may return.

9 JUROR - Okay.

10 THE COURT - Let's take five.

11 (WHEREUPON, RECESS TAKEN.)

12 (WHEREUPON, DISCUSSION IS HELD BETWEEN THE COURT
13 REPORTER AND THE COURT REGARDING EXHIBIT WHICH WAS NOT
14 REPORTED.)

15 THE COURT - Mr. Massey, ---

16 MR. MASSEY - Yes, sir.

17 THE COURT - We've got a discrepancy over here.
18 The Court Reporter said she thought she was informed there
19 was seven photos; there's really eight. We just need to
20 correct it.

21 MR. MASSEY - Okay.

22 THE COURT - So everybody on the same frequency
23 with that.

24 MR. MASSEY - Yes, sir.

25 THE COURT - We're ready for the jury.

1 BAILIFF - Yes, sir.

2 MR. HOGGE - Before the jury comes in ---

3 THE COURT - Just tell them to hold them in the
4 hall there a minute.

5 MR. HOGGE - All right, it's my understanding that
6 Mr. Massey is going to seek to subpoena some people from
7 the detention center, the medical center, I would rather
8 just have him put this into evidence. It doesn't bother me
9 that much. I just don't want him to cross examine this
10 witness on this to extensively. He can put it into
11 evidence. It technically violates Rule 5, but I'm fine
12 with it coming in, and we can just move along. I just
13 don't want her to get bogged down, but since she really
14 doesn't know anything about this -- he can put it into
15 evidence and talk about it in his close if he wants, but I
16 just don't want him bogging her down with his medical
17 questions.

18 MR. MASSEY - Your Honor, at this time I'll
19 refrain from having enter this in. I've got the pictures
20 in. That'll be enough.

21 THE COURT - Oh okay. Fine. Thank y'all.

22 MR. HOGGE - Not a problem.

23 THE COURT - Let them in.

24 BAILIFF - Yes, sir, Your Honor.

25 THE COURT - Any more questions of her?

JOY VALVERDE - CROSS EXAMINATION BY MR. MASSEY (CONTD.) 305

1 MR. MASSEY - Yes, sir, Your Honor.

2 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

3 THE COURT - All right. Mr. Massey?

4 MR. MASSEY - May it please the Court, Your Honor.

5 CROSS EXAMINATION

6 BY MR. MASSEY (CONTD.) -

7 Q I won't be too much longer, Ms. Valverde. I just want
8 to ask you a few more questions on memories of recollection
9 going here today. So how long were you with Mr. Massey,
10 How long you dated?

11 A I believe it was about two and a half three years
12 almost.

13 Q It was pretty serious?

14 A (Indicating yes)

15 COURT REPORTER - She needs to answer verbally.

16 MR. MASSEY - Oh. Was that for me?

17 A Yes.

18 Q So how -- was that pretty serious? Was it a pretty
19 serious relationship?

20 A Yes.

21 Q Real serious? Okay. You stated that the operation
22 was intense, that if Mr. Massey hadn't had the operation
23 around the time that he did he could've lost his leg?

24 A Yes. The doctor had said that with the tumor the way
25 it was growing, that it was close to the -- I believe a

1 nerve that runs down the leg, if it had grown there, he
2 could've possibly lost is leg.

3 Q Okay. The hole that was -- go back to State's exhibit
4 -- the defendant's exhibit -- that number -- the one that
5 had the hole.

6 A (Indicating yes) 2(6).

7 Q Do you recall how Mr. Massey got that injury?

8 A I do not. I -- moving around I guess. I'm not sure.

9 Q Doing what? What adults do.

10 A What people in relationship do.

11 Q So it kind of hindered our relationship?

12 A I -- yeah.

13 Q So Mr. Massey couldn't even do nothing as strenuous as
14 far as what people do in relationships at this time.

15 Correct?

16 A Yes.

17 MR. MASSEY - No further questions, Your Honor.

18 RE-DIRECT EXAMINATION

19 BY MR. HOGGE -

20 Q You said that Mr. Massey one time had a job working
21 for Chris Callahan doing some kind of outdoor work?

22 A Yes.

23 Q Was he doing outdoor work around this time when he had
24 this surgery to his buttocks?

1 A I believe it was before he ever had the surgery or
2 anything I want to say. It was -- he wasn't working while
3 he was -- after the surgery, no.

4 Q Okay. And from what you know of his surgery, was it
5 advisable for him to walk long distances while he had these
6 staples ---

7 A No.

8 Q --- and stitches in him?

9 A No.

10 Q And ---

11 MR. HOGGE - Beg the Court's indulgence.

12 Q I'd like to show you a map that we've been looking at
13 during this trial.

14 MR. HOGGE - And if we could dim the lights.

15 Q And can you -- you can step down if you'd like to --
16 use this laser pointer -- you could point out for us -- hit
17 the red button -- about where in the county you guys were
18 living?

19 A You said I can come down here?

20 Q Yes, ma'am.

21 THE COURT - You can step down.

22 A We are ---

23 COURT REPORTER - She needs to keep her voice up.

24 I can't hear her.

25 A Okay, sorry. This is the Rock Hill area here.

1 Q Well, that's York.

2 A York, okay. So -- I'm sorry ---

3 Q I'm not as acknowledgeable about ---

4 A Here we go; here we go; okay. We are in this area
5 here, Rock Hill.

6 Q Okay. Do you -- are you familiar with McConnells,
7 South Carolina?

8 A I've driven through there, I mean I've heard of it.

9 Q How far is McConnells from your house?

10 A From my house? It was not far -- from the [REDACTED]
11 [REDACTED] it was not -- it was -- well, McConnells Highway
12 kind of ran -- it wasn't far.

13 Q Okay. Would it be a long distance to walk ---

14 A Yeah.

15 Q --- from Rock Hill to McConnells?

16 A I would say so, yes.

17 MR. HOGGE - Okay. All right, no further
18 questions.

19 RE-CROSS EXAMINATION

20 BY MR. MASSEY -

21 Q As far as Mr. Massey doing any kind of walking around
22 the house, would he exert himself from that?

23 A I -- I would -- I don't know.

24 Q From your knowledge and experience, would that cause
25 him considerable pain?

1 A After the surgery, yes, it did.

2 MR. MASSEY - No further questions, Your Honor.

3 MR. HOGGE - Nothing further.

4 THE COURT - You can step down. Thank you.

5 MR. HOGGE - State rests.

6 THE COURT - Ladies and gentlemen of the jury, as
7 I've mentioned, I am the Judge of the law and I have to
8 take up matters of law at certain aspects of the trial
9 rolling along, so if y'all will step back to the jury room
10 and relax a few minutes, we'll be back -- have you back out
11 here as soon as possible.

12 (WHEREUPON, JURY EXITS THE COURTROOM)

13 MR. HOGGE - Your Honor, if I could just make as
14 Court's Exhibits, the malicious injury to personal property
15 ordinarily would be in the jurisdiction of magistrate's
16 court, so what I would like to do is just make it as
17 Court's Exhibit rather than tell the jury about it, his
18 prior record which would include prior property crimes,
19 certain convictions that would elevate this to a ten-year
20 felony, as well as a variety of his other convictions that
21 would be relevant if it were to come to Rule 609 matters
22 than can -- Mr. Massey can be impeached with, but if I
23 could just have all this collectively marked as a Court's
24 Exhibit, it won't go back to the jury.

1 (WHEREUPON, DOCUMENTS MARKED FOR COURT'S EXHIBIT
2 NUMBER 5)

3 MR. HOGGE - And if we could make Court's Exhibit
4 5 part of the Court record.

5 THE COURT - In as a Court Exhibit. Mr. Massey,
6 now this won't come into play unless the jury convicts you,
7 and then it would have to come into play on mitigation on
8 the enhancement of the property crime statute, so in the
9 event that the jury were to convict you, you may want to
10 take a look at that if you haven't seen it to make sure you
11 don't see anything that's not ---

12 MR. MASSEY - Well, is that the Indictment, Your
13 Honor?

14 THE COURT - No, that's your prior record. But
15 you don't have to do that now. I'm just saying if the jury
16 does that.

17 MR. MASSEY - At this time, Your Honor, I would
18 put in for a motion for a directed verdict in lightness in
19 most favorable to the State. I believe the State has been
20 insufficient as in providing evidence for a conviction on
21 both charges, malicious damage to property and grand
22 larceny. And to add to that, since the four-wheeler seems
23 to have abandoned on the roadside, there is no evidence to
24 suggest that it was intent to permanently deprive the owner
25 of the property.

1 THE COURT - Solicitor, any response?

2 MR. HOGGE - Your Honor, there's sufficient
3 evidence to go forward. The Court is not to weigh this
4 evidence, however, with circumstantial evidence, it does
5 have to be substantial. There's substantial circumstantial
6 evidence in this case, evidence that would support the
7 conviction if the jury were to convict him. As to the
8 four-wheeler on the side of the road, Mr. Massey was caught
9 there with the four-wheeler. I would hand up State v.
10 Moultrie which deals with the asportation element of grand
11 larceny. In that case, the State -- I'll hand it to Your
12 Honor before I start reading it.

13 (WHEREUPON, DOCUMENT HANDED UP TO THE COURT)

14 MR. HOGGE - For the record it's 283 SC 352,
15 although the asportation of the stolen property is an
16 indispensable element of the offense, the slightest removal
17 of the property with felonious intent fulfills this
18 requirement. Appellate concedes he moved three tires at
19 least 33 feet from the rack. We hold this act constitutes
20 sufficient asportation as it goes to the not being removed
21 from the premises. John Massey may not have made it out of
22 there fully with the four-wheeler, but all the elements
23 there has been evidence presented by the State when taken
24 in light most favorable to the State would support a jury -

1 - a reasonable jury convicting Mr. Massey of malicious
2 injury to personal property and grand larceny.

3 THE COURT - Well, based on what's before the
4 Court and the evidence that's presented, I'll have to deny
5 the motion for directed verdict at this time. Just as an
6 interesting philosophical legal argument to bring up the
7 circumstantial evidence. You've got a bloodhound here who
8 used -- as far as a human's concerned -- five senses a human
9 has to come into play on arguing direct evidence. You've
10 got a bloodhound using the sense of smell. Would that be
11 direct evidence or would that be circumstantial evidence?

12 MR. HOGGE - Philosophically, Judge, I would -- I
13 would think it's direct evidence.

14 THE COURT - Really doesn't matter. I mean it's
15 just a thought. All right. You want me to talk with you
16 now about your Fifth Amendment rights?

17 MR. MASSEY - Um ---

18 THE COURT - Let me go over them with you ---

19 MR. MASSEY - Yes, Your Honor.

20 THE COURT - --- so we can protect the record.
21 Even though you may be familiar with these, you certainly
22 should be aware and I'm -- so I'm talking with you now --
23 that under the Fifth Amendment of the United States
24 Constitution, similar counterpart provision of the State
25 Constitution it is clear under the law that you certainly

1 have a right to testify in your own defense, but you also
2 have constitutional right, a clear-cut constitutional right
3 to elect not to testify. If you elect to remain silent and
4 not testify, I will instruct the jury that than cannot
5 mitigate against you in any way. They can't even discuss
6 it in the jury room, and I will instruct them to that,
7 because you do have that right to remain silent. If you
8 decide to testify, you've got to convince me that you are
9 doing that voluntarily, intelligently and of your own free
10 will and accord and that you are fully aware of your
11 constitutional rights. If you elect to testify, you need
12 to be aware -- and we discussed this a little bit yesterday
13 -- that you can be cross-examined to the full extent as any
14 witness and you can be impeached just like any other
15 witness. That's your basic rights. So with that said, do
16 you understand your constitutional rights as far as
17 testifying and not testifying?

18 MR. MASSEY - Yes, sir.

19 THE COURT - Which do you wish to do?

20 MR. MASSEY - I choose not to testify, Your Honor.

21 THE COURT - And that is your sole decision and
22 you are freely, voluntarily and intelligently considering
23 all this before you make a final decision on this?

24 MR. MASSEY - Yes, sir.

1 THE COURT - Do you have any questions concerning
2 those Fifth Amendment rights?

3 MR. MASSEY - No, sir.

4 THE COURT - Do you understand them?

5 MR. MASSEY - Yes, sir.

6 THE COURT - And you still maintain that you do
7 not wish to testify?

8 MR. MASSEY - Yes, sir.

9 THE COURT - Very good. Thank you. All right,
10 will you be presenting any further evidence?

11 MR. MASSEY - No, sir, Your Honor.

12 THE COURT - All right, with that said, do you
13 need any time to get ready to argue?

14 MR. MASSEY - What time is it Your Honor?

15 THE COURT - If I'm looking at that clock right,
16 it's twenty til. My watch is a little slow?

17 MR. MASSEY - Twenty til 12, 1?

18 THE COURT - Twenty til noon, 12.

19 MR. MASSEY - If it please the Court, Your Honor,
20 I would like to go -- can we go to lunch, recess right now,
21 Give me some time to think about some of the testimony that
22 was today and give the jury a break?

23 MR. HOGGE - I don't have any problem with it,
24 Judge.

25 THE COURT - Sounds good to me.

1 MR. HOGGE - What time should we be back. I know
2 that we have a lot of matters to take up this afternoon
3 with my office, so it might be best if we started back a
4 little earlier.

5 THE COURT - You've got a lot of matters to take
6 up?

7 MR. HOGGE - No, I have one matter this afternoon.
8 That's it.

9 MR. MASSEY - I have one further matter, Your
10 Honor. As far as charging the jury, I would like for them
11 to be instructed on the mere presence law and its meaning
12 and lesser included offenses as far as the charges, and
13 particularly to the charge of grand larceny and -- yes,
14 grand larceny as far as trespassing.

15 THE COURT - Trespassing is not a lesser included
16 offense of grand larceny. See, this is complicated. Even
17 if the jury were to come back with a petty larceny, find
18 you guilty of that, then your enhancement statutes are
19 going to -- it's sort of like the old saying, if the left
20 one doesn't get you, the right one will. What sayeth the
21 State concerning a lesser included on that grand larceny?

22 MR. HOGGE - I wouldn't have any problem if you
23 charged the lesser included of grand larceny as petty
24 larceny. The only difference is that the costs is less
25 than two thousand dollars.

1 THE COURT - Okay. Mere presence, lesser included
2 on grand larceny. Of course it's not a question on the
3 malicious, because it was simple -- yeah, okay. All right,
4 now I've got to -- 1:00 o'clock?

5 MR. HOGGE - Works for me, Judge.

6 THE COURT - We're ready for the jury.

7 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

8 THE COURT - Ladies and gentlemen of the jury,
9 thank you for your patience with us. The State has rested
10 and the defense has rested, so that carries us to the time
11 for closing arguments. Going to need a little time to get
12 ready and geared up to do that, so we're going to let y'all
13 go to lunch early. Y'all go ahead and get a bite to eat;
14 we need you back here at 1:00 o'clock. Okay? Remember,
15 don't discuss the case with anyone; don't do any
16 independent research. See y'all at 1:00 o'clock.

17 (WHEREUPON, JURY EXITS THE COURTROOM)

18 THE COURT - Make sure Mr. Massey's got some
19 lunch.

20 (WHEREUPON, LUNCH RECESS TAKEN)

21 THE COURT - All right.

22 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

23 THE COURT - All right, we're ready to move along
24 with closing arguments. Mr. Massey.

25 MR. MASSEY - May it please the Court, Your Honor.

1 THE COURT - Yes, sir.

2 MR. MASSEY - It's been an interesting past few
3 days, hasn't it? Once again, I'd like to thank you; I
4 honor you, and I respect what you have been called upon to
5 do today. I honestly respect what each and every one of
6 you have sacrificed to be here. They say to -- they say
7 life and death are in the power of the tongue and those who
8 live by it (sic) will eat its fruit. Today my life is in
9 the balance. I ask you to consider and weigh the evidence
10 as you choose this. I made each and every one of you a
11 promise yesterday that I did not commit this crime, had no
12 intention on committing this crime, neither could the State
13 prove without a reasonable doubt that I committed any of
14 these crimes, but let's consider the word at the moment
15 reasonable doubt. In laymen's terms, if you find any
16 reason in your heart or hearts to be able to disagree with
17 any of the facts, not just all of the facts, not just some
18 of the facts, not a few of the facts but any particular
19 fact, no matter how small, minute or miniscule, you must
20 deliver a verdict of not guilty. Jury members face this as
21 a personal decision, personal choice, not what others
22 believe, not what others think but what you feel within
23 your own heart individually. But I know in my heart that
24 you all know that this was an open and shut case, an open
25 and shut case in light of the defendant, not guilty. Each

1 and every allegation presented by the State was refuted, is
2 non-existent or unreliable, contradictory in nature and
3 just plain out didn't make any sense. Basically, each and
4 every witness put on the stand by the State offered no
5 proof that I committed any crime, but most importantly,
6 it's not what's the louder stuff in our lives but the
7 quieter stuff in our lives that makes the most difference.
8 It's the stuff we don't hear that makes the most important
9 impact in our lives, because that stuff leads us by actions
10 not words. We are just humans, patterned -- we pattern
11 ourselves by examples, not by indoctrination of false
12 rhetoric. The State tried to indoctrinate you into their
13 plan of thinking until you really heard and weighed all the
14 evidence. These past two days you can form your own
15 opinions. They called me a thief in the night. They said
16 I cut a hose, attached it to an ATV, attempted to drag it
17 200 feet. That's approximately 66 yards. They say a
18 bloodhound was used to track the suspect. They tried to
19 tickle your ears with rhetoric about justice and duties.
20 In fact, the only duty that you jurors have is to seek the
21 truth. What is truth? A similar question asked over two
22 thousand years ago. In fact, what speaks volume is the
23 testimony you didn't hear, the videos that got destroyed,
24 the officers not called to testify. What happened to the
25 expert testimony? Why was not the FSU, forensics science

1 unit, called out to be -- they called out to the scene, why
2 wasn't he interviewed? What type of evidence did he
3 collect? What were the results? How many tests did he --
4 did he perform? In fact, you heard testimony about the
5 morning of July 17th, 2013. Eleven officers were on the
6 scene; only three were called to testify, and out of those
7 three, all three of them contradicted each other's
8 testimony. For example, Deputy Shealey stated he went home
9 after the scene, (sic) but Detective Schifferle stated he
10 thought he was in booking. The booking report stated that
11 Deputy Shealey made the arrest, but it was Schifferle who
12 wrote the affidavit and the warrant search warrant. (sic)
13 Shealey stated he arrived -- when he arrived, Massey was
14 three or four yards away from the four-wheeler and the
15 deputy. Deputy Carroll stated Massey was approximately 50
16 yards away. Whom do you believe? Shealey stated he only
17 detained Mr. Massey, but, in fact, dispatch records
18 indicated he detained two suspects at 5:39, and the only
19 way dispatch knew that was because Deputy Shealey called
20 him in. Booking records indicated 5:39 Mr. Massey was
21 officially under arrest. That was one hour before canine
22 arrived, one or two hours before canine began reverse
23 track. In fact, by the victim's own testimony, Mr.
24 Fairfax, that was approximately two and a half to three
25 hours before forensics even began processing the scene

1 around 8:00 a.m. And that's just a few of the many
2 inconsistencies out of the three officers on the scene.
3 What about the other eight? And I know you can think of
4 many more inconsistencies from the testimony you heard
5 throughout deliberations themselves. And this evidence was
6 produced by the State, not by the defendant. Other
7 inconsistencies, eight. As I said -- stated facts, there
8 were other -- there were eight other officers. I wonder
9 what they had to say. Eleven cars with eleven in-dash
10 camera all operational. Where are all the videos? It was
11 stated in testimony they keep DUI videos until the case is
12 closed. Why only -- why only 180 days in this case. You
13 see the ATV picture facing the northbound lane or
14 Brattonsville, towards Brattonsville that was presented by
15 the State with the police cruiser, if you remember, by the
16 -- the State's exhibits over here. The police cruiser by
17 the driveway, that was just one of the cars, but the in-
18 dash camera was on. It would have showed everything. It
19 would show where Mr. Massey was originally detained, where
20 the dog reversed track, how many deputies were on the
21 scene, the original stop, the original questions asked
22 during the original stop, Mr. Massey's pleas for medical
23 attention, asked -- where he asks for drinks of water. How
24 long was Mr. Massey -- Mr. Massey detained? The time-frame
25 just doesn't add up. Example: One hour before canine

1 arrived, testimony stated eight officers were on the scene.
2 Testimony also stated they were just standing around. What
3 were they doing? Having coffee break, drinking tea? Or
4 were they doing preliminary investigative work? Checking
5 the four-wheeler, notifying the victim, walking up and down
6 the road and inside the victim's yard? What does common
7 sense dictate? In the opening statement -- and I said I --
8 I said, "today I appeal to your common sense; I'm not some
9 fancy lawyer, nor do I present a fancy presentation; I
10 don't want you to rely on guesswork, speculation,
11 conjecture, theory or wishful testimony; I'm just a humble
12 country boy presenting my case. And after I -- after I
13 just said that, common sense tells me -- my common sense
14 tells me somebody's lying, somebody's covering something
15 up. Why were you not allowed to hear from the actual
16 forensic analysis expert? We can all relate to forensic
17 evidence. Everybody knows about fingerprinting, DNA,
18 particle analysis, sole samples. What tests did he perform
19 and how many such tests? Trying to -- it makes you feel
20 like a little kid when you were young when the adults were
21 talking in the back room and they didn't want you to hear
22 what they were talking about, think they was hiding
23 something from you. Anyone can say believe this, or I
24 think it happened that way or it happened this way or it
25 happened that way, but it's not my job to prove anything.

1 Clothed in a presumption of innocence is all I have to do.
2 But how can any of you form any type of conclusion without
3 a reasonable doubt when you have not been presented and
4 exposed to all the facts. It's a liability. You all --
5 you all have been asked to listen to the voices in the
6 room. And I ask you to listen to the voices you didn't
7 hear. I think that speaks volumes. As I stated before,
8 the truth can be cross-examined and the dots connected. I
9 ask you to listen carefully how the terms such as reverse
10 track, suspect, forensic evidence, search warrants, phone
11 records and each time you hear these words, to weigh them
12 and ask yourself, does any of this make sense.

13 I made each of you a promise yesterday personally
14 in the past if anybody's promised me anything or Mr.
15 Massey, can I borrow money from you, yeah I promised you,
16 but I wouldn't hold a grudge, but today, with my life on
17 the line, you can take that promise to the bank. You can
18 cash it; you can deposit it; you can place it in a CD; you
19 can put it in IRAs and you can draw interest on it. I
20 think I've already proven my case, but I'm not finished
21 yet. But to the people I do keep my promises to, I see the
22 job to the each and I'm wishing each and every one of you
23 to see this job to the end. Basically this is the State's
24 case in a nutshell, and it's a very small nutshell. I want
25 you to have faith -- they want you to have faith and

1 unreliable evidence. I don't need to mention this, but
2 some of you already know where I'm headed. Frankly, when
3 you heard the testimony it didn't make sense. Let's begin.
4 The State's whole case is built around a canine reverse
5 track. They wanted you to believe things contradictory to
6 a dog's nature. Canine Deputy Carroll stated his canine
7 scented off Mr. Massey and went where Mr. Massey allegedly
8 came from. Let's entertain that thought for a moment.
9 Canine Hattie went from point B to point A, not point A to
10 point B, very simple. Deputy Carroll stated he felt the
11 canine did a competent positive track, but right in the
12 next sentence he stated the canine never ID-d Mr. Massey.
13 First let us use some real life examples to extrapolate and
14 entertain us. Everyone has a degree of common sense. If a
15 dog track rabbits backwards, he would never get nothing to
16 eat, and if wolves -- and if wolves track elks backwards,
17 they would be extinct. If you rolled a biscuit out your
18 back door, which would be point A, across the yard at 5:30
19 in the evening and at 9:30 p.m., a stray dog in the
20 neighborhood come by and you crossed that track many ways,
21 which way would he go? To the biscuit or the back door?
22 What does common sense tell you? He's going to get him
23 something to eat first, and then he's going to come to the
24 back door and ID who threw that biscuit out there. That's
25 a lesson in common sense. He's not going to come to your

1 back door where the trail ends and cast around your yard
2 circling. He's either lost, he wasn't tracking the biscuit
3 or he was not interested. Hold on, let's entertain that
4 thought for a while while I've got your attention. There's
5 a kernel of truth that every misleading hope. You note I
6 said -- I didn't state it was lie or a fabrication, it was
7 just a misleading hope. You all heard testimony that I cut
8 a water hose. Did you note the canine never nosed -- never
9 nosed the hose or identified it. The canine went from the
10 ATV, to the shed, to the carport. Deputy Carroll stated
11 dogs track natural odors from cold to hot; that's from A to
12 B, not from cold to cold as from B to A. Canine Hattie
13 nosed ATV -- ATV and processed the track. Dogs train to
14 track natural odors. That is correct. Dogs also train to
15 track off of scented objects. That is correct. As
16 demonstrated through Deputy Carroll's training -- cross-
17 examination in training exercises. Once she scented off a
18 soda bottle -- you heard from testimony yesterday and she
19 also scented off a street sign that a suspect leaned up
20 against. Then the dog proceeded to track to the object,
21 the suspect and positively identified him A to B. Another
22 common sense question. Deputy Carroll stated he did not
23 immediately begin take the suspect -- he did not -- he did
24 not immediately began tracking suspect at arrival on the
25 scene but spoke -- but spoke to various officers who gave

1 the opinion about what they presumed happened. How could
2 these individuals form any kind of opinion if they never
3 left their cars or they were standing around as allegedly
4 said. You must first have an opinion -- one must first
5 have an opinion and one must first have knowledge to form
6 an opinion. Apostle Paul wrote, I would not have known sin
7 if it were not for the law. He said, sin not, the law is
8 good. I was not a detainer, only black experience. (sic)
9 Therefore, my theory is this: Maybe canine did track like
10 Mr. Carroll stated, but did she track from the suspect, me,
11 or the ATV? First he gave the dog conflicting orders. The
12 suspect, ATV. She's known to track off the suspect, and
13 she's known to track off the scented objects. A dog's just
14 a dog; the dog's going to do what dogs are trained to.
15 That's Pablo's theory of conditioning and response. They
16 trail from cold to hot, hence the ATV to the shed to the
17 carport. Deputy Carroll stated his next hypothesis that he
18 presumed that the suspect went from the carport -- went
19 from the ATV to the carport to the shed back in the same
20 direction he come from, the carport, the shed, back to the
21 ATV, but why did he end at the carport? Maybe someone met
22 somebody under the carport. Common sense. Common sense.
23 I'm getting to love these common sense moments. Would a
24 sneak thief do that? Remember that the dog never ID-d me.
25 But a policeman or police officer is trying their best not

1 to contaminate the scene while doing preliminary
2 investigative work might do that. And I -- I think Hattie
3 did ID whom she was tracking, but we would never know that,
4 would we? Not without the videos. But you, ladies and
5 gentlemen, can form your own opinions, as I have. But
6 remember, the most important fact, direct testimony by the
7 canine handler himself, his dog never did ID me. His best
8 hypothesis is that she tracked someone, but even a stray
9 dog tracks back to the door that feeds him, and you can bet
10 your bottom dollar he positively identified who throwed the
11 biscuit out. If you're not the one to feed him, he never -
12 - go and how (sic).

13 Now, I ask you to weigh reliability of his
14 testimony. Out of seven years of handling Hattie, only
15 once before did he train her to do a reverse track. This
16 was the day that Mr. Massey was allegedly arrested. Hattie
17 was a hundred percent for ID-ing suspects until 7/17/13
18 when in that training exercise she did not. And I remind
19 you that morning she did not ID me. In almost three years
20 she has not been tested or called upon to duplicate this
21 type of live action or controlled training -- in a
22 controlled training environment or controlled track. Is
23 this type of evidence reliable enough to convict me? No.
24 You also heard testimony when Mr. Massey was detained he
25 didn't even have a knife or tools on him, so how could he

1 have cut a hose? You heard the victim testify to his
2 knowledge he had sharp tools in his shed but nothing was
3 missing and nothing was moved. Nothing was disturbed in
4 his yard and canine never located any discarded items in
5 the yard or on the side of the road nowhere anywhere near
6 Mr. Massey. The victim also testified he walked into his
7 front yard because he heard voices and was told to go back
8 inside his home. Could this have been the opportunity
9 someone met someone in the carport? { And finally, here's
10 the whopper, the victim testified to the fact he personally
11 saw forensics processing the ATV around 8:00 a.m. taking
12 pictures, DNA, fingerprints, whatever. He wasn't quite
13 sure what was going on, but he saw something happening.
14 And that -- and at last he saw his ATV was 11:30 that night
15 when he came home, and he didn't see it again until 8:00
16 o'clock that morning. There was no time-line. He doesn't
17 know -- no one even knows what time it was missing. The
18 State has no time-line when the crime had occurred. They
19 tested, they inspected. They sent evidence off to the lab,
20 and what, no evidence came back against Mr. Massey. No
21 fingerprints, no DNA, no forensics. They can't even
22 establish a crime even occurred during the time Mr. Massey
23 was in passing. This is entirely inconsistent with the
24 State's theory about this crime. Eyewitnesses testified
25 yesterday Mr. Massey was extremely sweaty and exhausted.

1 But the medical records and pictures speak for themselves.
2 If you will note, in those pictures, Mr. Massey was
3 extremely sweaty. How could he have handled an ATV with
4 all that sweat and not leave a trace of DNA? Also, look at
5 his hands. They're not muddy. Is that consistent? What
6 does common sense tell you? One other -- other question I
7 ask you. Could this be possible? Was Mr. Massey
8 physically possible -- physically able to commit this
9 crime? Every officer testified that Mr. Massey intimated
10 about his medical condition, but nobody checked. They just
11 cuffed him, detained him, arrested him, booked him and
12 charged him. After repeated request for help and
13 assistance, eleven patrol cars and one detective in
14 booking, Mr. Massey never received any assistance until he
15 reached the booking area. Due to his medical condition
16 they immediately placed him in medical observation and
17 investigated his claims and sent off for his medical
18 records in YCDC, York County Detention Center.

19 Today we observed the State enter into evidence
20 three articles of Mr. Massey's clothing. According to
21 Deputy Shealey's own words, that dew when walking on the
22 side of the road could be consistent with wet pants and
23 legs and shoes. But also as we examined the clothing, they
24 were not muddy as the State would claim. They were dingy;
25 they were dirty; they were consistent with Joy Valverde's

1 testimony that Mr. Massey worked outside prior to -- prior
2 to his operation, that it was not known or was not unknown
3 for him not to have dingy clothes working in construction.
4 I'm sure all of you have done laundry. You know how khaki
5 pants and living in York County red clay doesn't come out.
6 This is not consistent of dragging heavy items. Once
7 you've seen the clothing in person, it took a lot of air
8 out of State's theory on the clothing. I ask you to look
9 at the hard facts, the cold, hard facts. Mere presence
10 alone does not constitute a crime, not today, not
11 yesterday, not tomorrow. It is not illegal to walk down
12 the side of the road, to wear dingy clothing. Nobody
13 deserves to be overburdened by police overbearance question
14 that one suspect injured. (sic) Testimony heard yesterday
15 by deputies, Mr. Massey had no weapons; he had no knives;
16 he had no drugs. He didn't even have an attitude. Curt
17 maybe, maybe a little belligerent, but eleven documented
18 squad cars, patrol cars arrived, yet no one seek to treat
19 his wound or even cared. Deputy Shealey stated on cross
20 examination that it was not part of his job duties to see
21 if Mr. Massey needed any medical attention. Deputy Carroll
22 stated Mr. Massey informed him of his medical needs.
23 That's the canine dog -- the canine tracking unit. Deputy
24 Shealey also informed him. But we will never know about
25 the other eight officers, because they never were called to

1 testify. However, we can look at the evidence that was
2 submitted that Detective Schifferle admitted to today. The
3 forensics unit report. We can look at what was tested and
4 question why it was tested. Both handle bars were tested
5 for obvious reasons, DNA and fingerprints. The seat and
6 the hose attached to the ATV for obvious reasons. They
7 said State's theory that the hose -- drag the hose -- took
8 DNA fingerprints on the hose, but why was the seat tested.
9 No one expected DNA to be on those unless someone knew Mr.
10 Massey was injured. But all officers and everyone
11 testified that no one knew. But forensics never came in
12 contact with Mr. Massey that night. They never questioned
13 him, so why would they test the seat. Someone knew
14 something. I ask you to consider this. Maybe it fit
15 description of the suspect. Come on, let's be honest.
16 This happens every day. We all know what happened. It
17 happened to me. It doesn't have to be Missouri, Baltimore
18 ---

19 MR. HOGGE - Objection, Judge.

20 THE COURT - Your last warning on that.

21 MR. MASSEY - All right.

22 Talk about being a victim of circumstance.

23 Circumstantial evidence. Detective -- Deputy -- I mean --
24 excuse me. Detective Schifferle testified today, what kind
25 of case -- the lead investigator never went out to the

1 scene. He never investigated any leads the State has made
2 by Mr. Massey. He testifies today he believed about --
3 that theft was made -- he believes that the theft was
4 reported by the citizen, when, in fact, we all know better,
5 because an officer testified on his way to work he spotted
6 Mr. Massey walking along the side of the road and detained
7 him. You heard testimony by Detective Schifferle that the
8 seat of the ATV was tested for DNA. Unless without a
9 certain degree of certainty, why would FSU test the seat.
10 Someone knew Massey had had -- had to have a hole in his
11 butt or was leaking fluids, but every officer denied having
12 any knowledge of Mr. Massey needed any medical assistance
13 for any type of medical condition, nor did they admit that
14 they investigated it after the fact. They call that the
15 blue wall of the brotherhood. Detective Schifferle
16 requested the search warrant to seize Massey's clothing,
17 but he did not execute it himself. Did you catch that?
18 Why? What kind of investigator would this? (sic) Believe
19 me, it could happen to you, too. He stated phone records
20 may be by -- he stated phone records that Mr. Massey may
21 have been trying to call a ride, but we all know by other
22 testimony Mr. Massey was calling a ride. Common sense
23 tells you when Mr. Massey's ride arrived, how did the ride
24 know to get there? Through all the call logs, internet
25 downloads, not one item of proof that Mr. Massey

1 coordinated the crime or any evidence of a crime that were
2 having committed or even collaborated by Mr. Massey. In
3 fact, there was no -- there was no criminal activity on his
4 phone at all. I would ask you all to look at Defendant's
5 Exhibits documenting his medical position from the time he
6 had the operation to the time he -- around the time he was
7 arrested. Ms. Valverde got on the stand today and she
8 testified on how Mr. Massey sustained injuries with a hole
9 in his buttocks around the time he was arrested. She
10 stated Mr. Massey could've lost his leg, that it was a
11 major surgery. She took the pictures. She testified that
12 actually that they were taken around the time of his
13 arrest, that Mr. Massey was wearing a wound vac at the
14 time, but in fact, when he left the house he took the wound
15 vac off. She would testify that she called and tried to
16 bring the wound vac to YCDC after Mr. Massey was arrested,
17 because she was really concerned about his health. She
18 also testified just mere walking around the house caused
19 Mr. Massey to sweat. That's consistent with the pictures,
20 not consistent with moving an ATV. That's consistent with
21 what Mr. Massey was telling the detective the whole time.
22 I said you will hear testimony and evidence that was
23 morally wrong, not criminally wrong. You have heard phone
24 records. Well, you saw the phone records. Well, you heard
25 testimony about phone records of an angry female, a

1 beautiful angry female whom I still love, searching for me
2 the morning of the incident using my would-be step-son's
3 phone. The Bible says, do not let sin reign in your body,
4 don't let your instrument be used as sexual arousal, and
5 the record states clearly that those will be punished.
6 I've already paid the price. My price, being at the wrong
7 place at the wrong time, doing some immoral stuff, not
8 criminal stuff. Maybe lost me the greatest thing that ever
9 happened to me with Joy, but a verdict of guilty by the
10 evidence does not weigh that. She also stated it was not
11 unusual for Mr. Massey to have a phone or the car. He
12 worked outside; he was always very, very dirty when he came
13 home from work. Those photos were taken from May to around
14 the time of the arrest; the operation was around May 20th.
15 That's exactly one and a half months prior to the arrest,
16 because I was concerned about the operation not healing
17 correctly. I was temporarily disabled. No physical
18 exertion ordered by the doctor. Basically he told me to
19 stop having sex. Told me not to lift ten pounds. All of
20 Ms. Valverde's testimony corroborated everything Mr. Massey
21 told you, every single last police officer that he came in
22 contact with. But Mr. Massey was still accused, arrested
23 for dragging a 700-pound four-wheeler that was in gear
24 stated by the victim. Even the victim stated he could not
25 pull the four-wheeler without a key or a special tool or

1 you had to be extremely strong. Question the photos.
2 Question the evidence that's in evidence. Does that make
3 sense? Mr. Massey was alleged to have dragged a 700-pound
4 four-wheeler 66 yards by himself, and he couldn't even have
5 sex, and I like to have relations. Another common sense
6 moment. I ask you to study those photos and use your
7 common sense and come back with a guilty -- with a verdict
8 of not guilty. Don't let it be fooled by how I walk around
9 now. I'm a living testimony, two times cancer survivor
10 within four years. I almost lost my leg. Probably lost my
11 fiancé. Been in jail, put on trial, representing myself,
12 but I refuse to hurt God in that (sic). Today I speak
13 light over the obstacles in my life and enable me to walk a
14 normal life. I ask you to study the evidence; I ask you to
15 look at the pictures. I ask you to use common sense.
16 Therefore, I call upon you each individually and completely
17 and fair, to study the facts, to use common sense, to seek
18 the truth. I have fought the good fight; I have fulfilled
19 my promises; I have demonstrated my innocence. The State
20 just simply failed to prove without a reasonable doubt that
21 I, John K. Massey, is guilty of the crimes charged. Why?
22 They failed to provide any eyewitness testimony to my
23 involvement in any crime. That includes digital photos,
24 phone records, audio video, a personal eyewitness accounts.
25 They have no forensic evidence. Not because they didn't

1 collect any and not because they did not perform any tests.
2 They destroyed the best evidence they could have been used
3 to recreate the initial stop or to -- initial stop of Mr.
4 Massey on the side of the road, the in-dash camera videos.
5 They did not establish a possible time-line for the
6 suspected crime. They ask you to rely on unreliable expert
7 testimony from the canine unit. Question this: Two
8 suspects were detained. One was on foot; one was driving a
9 truck. They said one was no probable cause, one was
10 arrested. In fact, they never questioned the suspect, took
11 a statement; they don't even know his name. They violated
12 Mr. Massey's civil rights, his fourth amendment rights to
13 be exact, the right to be free, to go about his daily
14 business without being hindered by police and unreasonably
15 searched. Asked yourself, where was the reasonable
16 suspicion of Mr. Massey's stop satisfied? Ten minutes
17 after detained? One hour or two hours as he sat in the car
18 on the scene? Where are all the pictures of the rest of
19 the water hose? In fact, they have none. It does not take
20 some elaborate lawyer or some fancy show to prove I'm
21 innocent. I'm just a simple man, common person just like
22 you with a note pad in front of 12 honest people coming
23 together in one Court with a discernment to see through
24 smoke screens and mirror, consciously seeking truth, not
25 avoiding responsibility today, speaking life not death,

1 rather giving life back to an innocent person who was
2 falsely accused and coming back with the only verdict, not
3 guilty. Thank you.

4 MR. HOGGE - Judge, if you could inquire with the
5 jury if they would prefer to take a bathroom break or if we
6 could continue going on?

7 THE COURT - Does anybody need a brief recess?

8 (WHEREUPON, NO RESPONSE)

9 THE COURT - You may proceed.

10 MR. HOGGE - May it please the Court.

11 Madam clerk, if you could get the lights.

12 John Massey. John Massey's theory of this case
13 is that he is the unluckiest person on this planet who is
14 the victim of some grand conspiracy, everyone's out to get
15 him including a dog, and he's innocent because of his
16 cheating butt is his biggest defense. The hole in his butt
17 while he was out cheating with his wife or his girlfriend,
18 can't have relations, that's what was going on here. If
19 you are to believe Mr. Massey's story is to believe that at
20 some point during the night between 10:00 o'clock or
21 thereabouts when Mr. Fairfax last saw his four-wheeler, at
22 5:20 a.m. when that four-wheeler was next seen with John
23 Massey, that at some point during the night somebody else
24 went onto Mr. Fairfax's property, somebody else went down
25 there, cut up a water hose, somebody else dragged it out

1 there, and then when they got out there, they said, never
2 mind, I'm going to leave this four-wheeler here and left.
3 And then John Massey, who is the unluckiest person on the
4 planet was just out on a leisurely stroll from Chester
5 County to York County. He was just out walking; he had a
6 fight with his girlfriend's dad; his girlfriend says my dad
7 doesn't leave there (sic) and now as well I was cheating
8 her, don't hold it against me, I was cheating on her. He
9 was just out on his leisurely stroll across miles and miles
10 from somewhere down in Chester County all the way to Rock
11 Hill; it was at the very moment when he got to his leg of
12 the journey where he is by this stolen four-wheeler, that
13 it just so happened that that's when deputies past by this
14 four-wheeler, and the planets aligned against John Massey;
15 he's the unluckiest person on the planet and that's why he
16 was there with that four-wheeler. Somebody else stole it;
17 they left it; who knows where they went, and it was just
18 him, and it just so happens that right then that he was
19 walking miles and miles with a hole in his butt, that
20 that's when deputies happened by. And to add to that
21 extreme unluck is that he was covered in the same kind of
22 mud that was on that four-wheeler. It's on his pants; it's
23 up here on his shirt, and John's a tall guy. He says --
24 well, he has two theories to that. We talked about one
25 earlier, and now he's got a new one. One theory is that

1 this grass was really high, and the grass came all the way
2 up here and this grass somehow oozed mud. It was a mud
3 plant. There was a mud all up in the top of it, and this
4 mud got up here on his shirt, and all over his legs, and
5 it's a long shirt-tail that he's got, but somehow this
6 muddy grass reached up into here between his shirt-tail and
7 his pants and got mud up here, but that's because he was
8 walking through tall grass or because he was working with
9 heavy equipment, even though he's got a hole in his butt
10 and he can't do hard work, that's where that came from.
11 It's just his extreme misfortune that he happened to be
12 wearing these muddy clothes when he happened to be right by
13 this stolen four-wheeler. He's super unlucky. And add to
14 that -- and he said, well, there wasn't any mud on my
15 hands; it was on my pants. He might not have been caught
16 red-handed, but he was red-legged. The guilt was literally
17 painted on him when the deputies arrived. And they
18 testified they had to drive a while before they got there;
19 it was dark; they had their headlights on. John could see
20 that car coming into distance as he was over there fooling
21 with this four-wheeler. And it was hard to push and pull
22 this four-wheeler that was stuck in gear, and it's why his
23 brow is covered in sweat, is he out there pushing and
24 pulling on this four-wheeler to steal. But he's unlucky.
25 His cell phone. On top of that he just happened to be

1 exactly at the wrong place at exactly the wrong time. He's
2 covered in the same mud that covers this stolen item that
3 he is right by, and he's got this cell phone in his pocket,
4 and it just so happens that on that cell phone four-wheeler
5 websites. That's just a coincidence. Don't worry about
6 it; it's just a coincidence; he's just really unlucky. And
7 why in the world is he walking from Chester County back to
8 Rock Hill with the pictures of the -- his butt that you've
9 seen with his cell phone in his pocket. He could've picked
10 that up at any time, called someone, hey, man, give me a
11 ride, but, no, he was going to walk. He can't -- he sweats
12 just walking around the house, but, no, no, he's going to
13 walk from Chester County back home to Rock Hill. Joy said
14 that she found her car that he had abandoned in York
15 County, not in Chester County. And then when the police
16 get there, he says there's no coordination, he calls his
17 man Pike over and over and over, hey, man, come on, man,
18 and it's happening right at the time that they pull up,
19 9:17, if you take four hours off of that, 5:17, that's
20 right when the cops gets there, so he's calling his guy
21 who's in a truck, now's the time to come and get me, man.
22 The officer did not arrest him that night; that's true.
23 They didn't have PC to arrest that guy. He's not out there
24 covered in mud and has been tracked by a dog. He could've
25 been someone who was just there to give him a ride. I

1 would not have been able to prove him guilty of being part
2 of this conspiracy. They let him go; that's true. And
3 John Massey tries to distract you and say, well, what about
4 this other guy they detained, maybe they should've talked
5 to him more. He's just super unlucky, wrong place at
6 exactly the wrong time, covered in mud, four-wheeler's in
7 his phone, could've used that phone at any point to get a
8 ride, not walk and walk and walk with the problems that he
9 has, and then Hattie, Hattie, that bloodhound had it out
10 for him; Hattie is part of this conspiracy too.
11 Everybody's ganging up on him, and this dog who is an
12 expert along with Deputy Tim Carroll -- this is what he
13 does for a living; this is his job. He goes out everyday
14 and works with this dog and takes voluminous reports and
15 making sure that his dog does this right, and when he
16 leaked through and picked out small snippets of that and
17 tried to use that to criticize Hattie about the scent trail
18 that Hattie used. This is what Hattie does; this is Deputy
19 Carroll's life work. The things that this bloodhound can
20 do are amazing, and it tracked his scent path. They're
21 experts. Years of training, seven years, real-life cases,
22 tracked from John to the four-wheeler to the carport. He
23 says, well, the dog never sniffed the water hose. The dog
24 was reported to sniff the four-wheeler. It didn't go to
25 every inch of the four-wheeler; it was barking; it was

1 happy. That's what Hattie likes to do; she likes to follow
2 the scent trail, and he saw that; Deputy Carroll saw that;
3 it was barking, barking, barking; it was having fun; it
4 smelled that four-wheeler, paused, because it smelled Mr.
5 Massey's scent on that four-wheeler and continued on. Mr.
6 Massey likes to make a big deal about the scent trail, that
7 that's not how it's usually done. What this dog does, is
8 it follows the scent of people, and the scent goes along
9 the line, and that is what Hattie tracks. Does it matter
10 if she starts here or starts here? No. She's smelling
11 human scent, whether it's from this direction or that
12 direction. This is not some dog smelling a biscuit. He
13 says that this dog never identified me. He wasn't at the
14 end of the trail. She sniffed that suspect, because they
15 had the suspect in the beginning. He was caught with the
16 stolen item, with the evidence painted all over him and
17 this dog tracked him to where he had gone. And they took
18 steps to contain this, that there was no contamination.
19 Deputy Shealey, to what I guess is part of this scheme too
20 and it's got to do with Mr. Massey's race, he's part of
21 this scheme to get John and, but Mr. Shealey -- Deputy
22 Shealey took pains to contain this site. He knows about
23 tracking dogs, says nobody goes around that four-wheeler.
24 As soon as Travis -- excuse me -- Benji Fairfax walked out
25 of his house, this -- the lights come on, and they say,

1 hold up, hold up, hold up, do not come out, don't come out
2 here -- it's because they take this job seriously. They're
3 not trying to make stuff up and frame Mr. Massey. They
4 were concerned that this was done correctly. Mr. Massey
5 wants you to think that they're all trying to frame him of
6 this grand conspiracy. Mr. Massey talks a lot about common
7 sense. His story, the unluckiest man in the world makes no
8 sense. He was there at exactly the wrong time covered in
9 that mud, the four-wheeler is on his phone, his story that
10 he's walking back from his girlfriend's dad's house after
11 an argument, he's had surgery to his butt, he faults Deputy
12 Shealey for not inspecting his buttocks. He's just
13 unlucky. That's not -- that does not make common sense.
14 That does not line-up with common sense. He talked about
15 this being a search for the truth, and I agree with him,
16 and John Massey -- John is very intelligent. He's very
17 articulate. I was impressed by his opening statement. I
18 think he did a better job than I did. I was nervous as I
19 could be in front of y'all as y'all shot death stares at
20 me. He said that I said tied a hose to hose (sic). John
21 Massey did a good of job, and he said a lot of things that
22 I agree with it, and one was that a trial is a search for
23 the truth, but that was not John's search during this
24 trial. His search was a search for confusion, a search for
25 a straw. The other day I used the phrase grasping at

1 straws, grasping at straw. And after I said it, I thought
2 to myself, what does that mean, where does that phrase come
3 from exactly. Am I -- at Sonic and I'm grabbing for a
4 straw, what was that mean, and I google it, and the phrase
5 was first used to depict somebody who is floating down a
6 river who is drowning and who is so desperate to keep their
7 head above water, that they will grasp at any piece of
8 straw to keep them above water and to keep them from
9 drowning, and John Massey is drowning right now, and he
10 wants to do everything he can, anything he can grasp at,
11 whether it's race and what's going on in the news to
12 distract you from what is going on in this courtroom to
13 distract you from the evidence. He will grasp at whatever
14 he can to distract you. He grasped at the in-car videos.
15 It would've been nice to have those videos. They've been
16 deleted, but would they have recorded anything? Not
17 really. The action had already happened. They would not
18 have been able to record John out there pulling that four-
19 wheeler; it was dark when they arrived; it would've been
20 difficult to see. He says, what about DUI videos? DUI
21 videos are different. Under 56-5-2953, our statute
22 requires that that is recorded. People have been getting
23 arrested and convicted of larceny for hundreds of years
24 without videos, and in any event, this would not have
25 recorded anything. It would've been nice to have, but does

1 that make any impact on this case? No. It's a straw that
2 he's grasping at trying to muddy the waters for you. The
3 records of Hattie. He poured through and tried to find
4 things, this dog has it out for him, she was not really
5 following a scent trail; this was all by design to frame
6 him for this. He tried to throw you off in his clothes
7 here. He started to talk about the other detainee and
8 Benjamin Fairfax heard voices outside and that light came
9 on, maybe that was the other guy, but they didn't want them
10 to find out who that was. There's been no evidence of
11 that, that there was anybody else out there; it's John at
12 5:00 o'clock in the morning in the middle of nowhere
13 covered in the dirt that covers that four-wheeler. His
14 butt, we had to look at and hear a lot about his butt. He
15 can't -- he couldn't have pushed this four-wheeler; he's
16 been -- he's been told he can't do that, but what can he do
17 is walk miles and miles and miles with a cell phone his
18 pocket. This doesn't make any sense. His story doesn't
19 make any sense. And Joy, the best thing that's every
20 happened to him; he was just out cheating on her; that's
21 what was going on. I put her on the stand; she said I'm
22 not from Chester County; my dad's not from Chester County,
23 and now it's, well, I was cheating on her. Can't have
24 relations, love to have relations, but I wasn't having
25 relations that night because I can't do that. That's what

1 was going on that night. It's all straw that he's trying
2 his best to grasp at. He should be ashamed of himself for
3 grasping at race and trying to use the stories that we hear
4 too often in the news these days, trying to take that and
5 use that to his own benefit and his own advantage. It's
6 got nothing to do with this case. And I'm sick about
7 hearing about it in the news; it's terrible what's going on
8 out there, but it's got nothing to do with this. He wants
9 to muddy the waters for you today.

10 I'm going to shift gears now to the law that
11 applies in this case. I suggest that you kind of approach
12 this in the same way. Judge Burch is going to instruct you
13 on the law and the method you should take in this is to
14 look at the evidence, use your common sense and apply that
15 to the law, talk about the law that apply -- talk about the
16 facts then apply that to the law. Judge Burch will tell
17 you what grand larceny is, what it's comprised of. The
18 elements of grand larceny in 16-13-30 of our Code of Laws
19 is it is illegal to take and carry away the property of
20 another with the intent to deprive that person of that
21 property and the value of the property is over two thousand
22 dollars. That's what makes it grand larceny. If it was
23 less than two thousand dollars it would be petty larceny.
24 And so in order to commit this crime you have to take and
25 carry away. That does not mean that you have to actually

1 get out of there with the property. The merest -- the
2 legal term is asportation of that property fulfills that
3 requirement. You don't have to actually get out of there
4 with it, and that is what grand larceny is. Malicious
5 injury to personal property, the more minor charge of
6 cutting that water hose, that section says it's unlawful to
7 maliciously, cut, shoot, maim, wound, injure, personal
8 property of another. That word maliciously isn't defined
9 in the statute. The legal dictionary will tell you that
10 maliciously just simply means without just cause or excuse.
11 So John Massey without just cause or excuse cut the
12 personal property of another. Judge Burch will also
13 instruct you on law that kind of applies in any case. It
14 can fit any situations in his general charges. He will
15 talk to you about direct evidence and circumstantial
16 evidence. You heard John talk about that somewhat. Judge
17 Burch will tell you that the law places no considerable
18 importance on one kind of evidence as opposed to the other
19 kind of evidence. There's no real distinction there.
20 Direct evidence, to give you an example, if you were to
21 look outside your window one night and you saw it snowing,
22 kind of like in this picture here, then you would have
23 direct evidence that it is snowing, and you look out there
24 and you see that it's snowing. Circumstantial evidence on
25 the other hand, if you went to bed that night and you never

1 looked out the window, never saw it snow, there was no snow
2 on the ground, and then the next day you wake up and you
3 look outside and you see snow that's now on the ground,
4 that's circumstantial evidence that it snowed. You don't
5 have direct evidence that you actually witnessed it, but
6 you've got common sense, you know -- you know that it
7 snowed. And that's what's going on here. You have common
8 sense; he's right there with that stolen property. And
9 another example, Abraham Lincoln, when he was a lawyer, he
10 would tell his jurors that he trusted circumstantial
11 evidence more than direct evidence. And the example that
12 he gave is if he looked over in the town over and saw smoke
13 rising from the woods, he knew that there was a fire over
14 there. He couldn't see the fire, but he had circumstantial
15 evidence, because he saw the smoke, because where there's
16 smoke, there's fire, and that's true in this case. As
17 opposed -- the opposite of that would be direct evidence.
18 If somebody -- if he had someone come to him, he'd never
19 saw that smoke, and said, I saw -- I saw fire over there,
20 well, that's direct evidence, but he knows that people can
21 lie, and so in that circumstance he trusts circumstantial
22 evidence more than direct evidence, and I say that because
23 you have probably heard this is simply a circumstantial
24 evidence case. The law doesn't make any distinction.
25 Reasonable doubt. John Massey talked about reasonable

1 doubt. His definition of it was wrong. He told you in his
2 opening statement that I could prove him guilty beyond a
3 shadow of a doubt. If there is any one single one fact
4 that you don't believe in that that makes him not guilty,
5 that's not true, any -- the smallest detail, that's not
6 going to mean that he is completely not guilty. You might
7 have a doubt as to the distance between the house and the
8 road, was it this many yards, that many yards, that's not
9 going to totally demolish the case. Reasonable doubt is
10 the highest standard of proof in the justice system. If we
11 were in civil court it would be more likely than not. It
12 would be fifty/fifty. I would only have to prove the case
13 fifty percent or fifty point one percent, to the other
14 side's forty-nine point nine percent. In the criminal
15 world more things are at stake; it's more important, so
16 that's not enough. The standard is beyond a reasonable
17 doubt, but that's not absolute certainty. Judge Burch will
18 tell you that there are very few things in this life that
19 we can know with absolute certainty. This is, I think,
20 therefore I am territory up here. It's not beyond a shadow
21 of a doubt; it is not beyond all doubt; it is not
22 mathematical certainty; this isn't a bunch of data that I
23 spit out to you and you are all machines and you spit me
24 back an answer after you solve the equation. Instead,
25 common sense plays a role; you use that common sense in

1 separating fact from fiction, the truth from a lack of a
2 better term, BS. That's what a criminal case is about.
3 And the truth in this case, beyond a reasonable doubt, is
4 that John Massey is a thief. I am not Pontius Pilate; he
5 is not Freddie Gray; I am not trying to frame him; he is
6 guilty, and he thinks that he can talk himself out of it,
7 and you can hear it or you've heard about it when he spoke
8 with Detective Schifferle, the way that he mocked
9 everything and said, you're not that good, you're not that
10 good. Whenever he asked him a simple question, where were
11 you coming from in Chester County, what's the address of
12 your girlfriend's dad, you're not that good, you're not
13 that good. This isn't a game. This isn't some game that
14 we're trying to beat each other. This is justice. It's
15 about right and wrong. Could there have been more
16 evidence? Yes. There could always be more evidence, but
17 you all have common sense to know that when he is found
18 there with the stolen item covered in the same mud that's
19 on that stolen item, right there at that point, he's got
20 stuff on his cell phone, a canine who does this for years
21 and years, tracks him back, he is guilty. I'm not trying
22 to say it's the most heinous crime that's ever happened in
23 York County, but right is right and wrong is wrong, and he
24 broke the law, and I ask that you give him justice for
25 being a thief. Thank you.

1 THE COURT - All right, thank you, gentlemen. The
2 next phase will be the charge of the law to you. Probably
3 going to take twenty-five to thirty minutes. Does anybody
4 need to take a recess?

5 (WHEREUPON, JURORS RAISE THEIR HANDS)

6 THE COURT - All right, ten minutes. Everybody
7 remain in the courtroom while the jury steps out for a
8 recess.

9 (WHEREUPON, JURY EXITS THE COURTROOM)

10 THE COURT - We'll be in recess for a few minutes.

11 (WHEREUPON, RECESS TAKEN)

12 THE COURT - You may be seated. All right, we're
13 ready.

14 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

15 THE COURT - Ladies and gentlemen of the jury if I
16 could have your attention, it now becomes the duty of the
17 Court to charge and instruct you the law applicable to the
18 case. The State of South Carolina by the bills of
19 indictment that I have up here at the bench charges the
20 Defendant, John Kenneth Massey, Jr. with the offenses of
21 grand larceny and malicious injury to the property. To the
22 charges, to the indictments, the defendant has entered
23 pleas of not guilty, therefore, that places the burden of
24 proof on the State to prove the guilt of the defendant
25 beyond a reasonable doubt before you the jury can convict

1 the defendant and find him guilty. And when I use the word
2 defendant, I am referring to Mr. John Kenneth Massey, Jr.
3 The defendant is presumed in law innocent of the charges
4 contained in the indictments. This presumption of
5 innocence accompanies the defendant from the time of his
6 appearance in this Court and throughout every stage of this
7 trial until you the jury have reached a verdict of guilty
8 placed upon evidence which satisfies you of the guilt of
9 the defendant beyond a reasonable doubt. The presumption
10 of innocence is a substantial right to which every
11 defendant, including this defendant, is entitled.

12 I will now discuss with you the words reasonable
13 doubt. The government has the burden of proving the
14 defendant guilty beyond a reasonable doubt. Some of you
15 may have served as jurors in civil cases where you were
16 told that it is only necessary to prove that a fact is more
17 likely true than not true. In criminal cases the
18 government's proof must be more powerful than that. It
19 must be beyond a reasonable doubt. Proof beyond a
20 reasonable doubt is proof that leaves you firmly convinced
21 of the defendant's guilt. There are very view things in
22 this world that we know with absolute certainty and in
23 criminal cases the law does not require proof that
24 overcomes every possible doubt. If based on your
25 consideration of the evidence you are firmly convinced that

1 the defendant is guilty of the crime charged, you must find
2 him guilty. If on the other hand you think there is a real
3 possibility that he is not guilty, you must give him the
4 benefit of the doubt and find him not guilty. During the
5 trial, ladies and gentlemen, you have certain duties to
6 perform and the Court has certain duties to perform. These
7 duties are fixed by the law of this State. You the jury
8 are the sole Judges of the facts in this case. The Court
9 is the sole Judge of the law in the case. Your decisions
10 on the fact must be based upon the competent evidence
11 before you, that is, the sworn testimony from the witness
12 stand, the exhibits in the record and any stipulations, if
13 any, made by the State and the defense, and you must accept
14 and apply the law as the Court states it to you. In every
15 case tried in this Court before a jury, the jury as I have
16 stated, is the sole and exclusive Judge of the facts. The
17 constitution of our State has declared that a trial Judge
18 shall not intimate, comment upon or make any statement to a
19 jury about the facts in a case. It is your exclusive duty
20 as jurors to determine the effect, the value, the right and
21 the truth of the evidence in this case, then to those true
22 facts as determined by you the jury, you then take and
23 apply the law which I state to you, and thus arrive at a
24 verdict which does speak the truth of the case.
25 Necessarily then, you must evaluate the credibility of the

1 witnesses who have testified. Credibility is simply a
2 legalistic word which simply means believability. I
3 instruct you that in determining the believability of the
4 witnesses, you may believe several witnesses as against one
5 witness or one witness as against several witnesses. You
6 may believe the testimony of a witness in its entirety or
7 reject the testimony of a witness in its entirety. You may
8 believe a part of a witness's testimony and reject the
9 other part of the witness's testimony. You may consider
10 whether a witness has exhibited any interest, any bias, any
11 prejudice and you may consider the demeanor of a witness
12 and the appearance of a witness upon the witness stand, and
13 you may consider the opportunity for knowledge concerning
14 these things about which a witness testified. These
15 considerations you do not exercise arbitrarily, but if in
16 your good judgment there is a sound reason in this record
17 for doing so, that is okay, because your objective is to
18 find the truth whether it comes from a witness or witnesses
19 for the State or a witness or witnesses for the defense.

20 All right, as I have stated, the defendant is
21 charged with the offenses of grand larceny and that of
22 malicious injury to property. Larceny is defined as the
23 felonious taking by trespassing, carrying away by any
24 person of the personal goods or things of another without
25 the latter's consent or by means of fraud, artifice, trick,

1 device or false promises. This taking and carrying away
2 must be with the felonious intent permanently to deprive
3 the owner of his property and convert it to the taker's own
4 use. The term felonious intent means that there is no
5 colour of right or excuse by the person for taking the
6 goods. Larceny is a crime against possession and not
7 against property. To constitute larceny there must be the
8 taking and carrying away; for the essential element of the
9 crime is the taking of possession of the goods by the
10 pleading. This element of the offense is complete when the
11 accused has assumed control of the goods and has actually
12 carried them away no matter how short the distance. The
13 essential element of felonious taking may be supplied by
14 fraud, artifice or trick, thus, if a person obtained
15 property owned by another by means of false promise that he
16 has no intention of performing, the felonious intent to
17 steal it and the owner does not intend to transfer his
18 title to the person so as obtaining property or the
19 possession of the property, this is larceny. The taking
20 and carrying away must be without the consent or against
21 the will of the owner of the property. In order to
22 establish the crime of larceny, the State must also prove
23 that the one taking the goods must at the time of the
24 taking and carrying away have the intent to steal it, that
25 is, the defendant must have the intent to felonious and

1 permanently deprive the owner of the property, thus, there
2 can be no conviction for larceny if there's a bona fide
3 claim or right -- of right by the person taking the
4 property. In this offense the charge on the indictment is
5 for grand larceny. There are five elements that must be
6 present and established beyond a reasonable doubt to
7 constitute or make out a crime of grand larceny. They are,
8 first, there must be a taking. To take means to obtain
9 actual custody or control. Second, the taking must be of
10 personal property of a value -- of another of value of more
11 than two thousand dollars. Third, after being taken, the
12 property must be carried away; there must be asportation or
13 taking away. The asportation of stolen property, which is
14 an indispensable element of the offense of larceny is
15 ordinarily established by the slightest removal of the
16 property with felonious intent. Fourth, the taking and
17 carrying away must be accomplished against the will or
18 without the consent of the owner. Fifth, the taking and
19 carrying away of the property must be done with an intent
20 to steal. The intent to steal is the intent to deprive the
21 true owner of his property converting it to the thief's own
22 use. Intent is a material element of the offense that must
23 be proved beyond a reasonable doubt. Now, in many crimes
24 within the State of South Carolina, there can be lesser
25 included crimes. The lesser included crime of the crime of

1 grand larceny is that of petty larceny. Petty larceny is
2 the felonious taking and carrying away by any person of the
3 personal goods or things of another valued at two thousand
4 dollars or less with the intent to appropriate them to
5 one's own use and to deprive the owner permanently of his
6 property. So grand larceny is a value more than two
7 thousand dollars; petty larceny, as I said, would be two
8 thousand or less in value.

9 If you find the defendant guilty, but you have a
10 reasonable doubt as to whether the defendant be guilty of
11 the greater crime charged or the lesser crime charged, then
12 you would resolve that reasonable doubt in favor of the
13 defendant and write a verdict of guilty only as to the
14 lesser charge, but of course, you could not write a verdict
15 of guilty to any charge unless as to that charge you find
16 all elements of the charge has been proven by the State
17 beyond a reasonable doubt.

18 Now, I charge you Section 16-11-510 of the Code
19 of Laws of South Carolina, 1976, as amended, that is,
20 malicious injury to property. It is unlawful for a person
21 to willfully and maliciously cut, shoot, maim, wound or
22 otherwise injure or destroy any horse, mule, cattle, hog,
23 sheep, goat or any other kind, class, article or
24 description of personal property or the goods and chattels

1 of another. Any person who violates this section be guilty
2 of malicious injury to personal property.

3 You have heard the term circumstantial and direct
4 evidence. In cases in the Court you may have
5 circumstantial evidence or you may have direct evidence or
6 you may have a combination of both. I in no way would dare
7 tell you what is present in this case as far as classifying
8 them such as that, because that would be invading of your
9 providence to study the evidence and thus determine. So I
10 give you this charge to clarify to you the law concerning
11 circumstantial evidence and direct evidence. There are two
12 types of evidence which are generally presented during a
13 trial, that is, direct evidence and circumstantial
14 evidence. Direct evidence is the testimony of a person who
15 asserts or claims to have actual knowledge of a fact, such
16 as an eyewitness. Circumstantial evidence is proof of a
17 chain of facts and circumstances indicating the existence
18 of a fact. The law makes absolutely no distinction between
19 the weight or value to be given to either direct or
20 circumstantial evidence, nor is a greater degree of
21 certainty required of circumstantial evidence than of
22 direct evidence. You should weigh all the evidence in the
23 case. After weighing all the evidence, if you are not
24 convinced of the guilt of the defendant beyond a reasonable
25 doubt, you must find the defendant not guilty.

1 Now, let me speak with you about an election by a
2 defendant to elect not to testify. I instruct you now and
3 emphasize to you that the election of a defendant in a
4 trial of a criminal case not to testify in his own behalf
5 is not a factor to be considered by you in any way in your
6 deliberation and in your consideration on the question of
7 the guilt or innocence of the accused. It must not be
8 considered by you in any manner whatsoever against the
9 defendant or mitigate against him in any respect
10 whatsoever. A defendant has the constitutional right to
11 remain silent, and the assertion of such constitutional
12 right cannot and must not be considered by you in your
13 deliberations. By your oath you are to reach no inference
14 or draw no conclusion whatsoever from the fact that the
15 defendant in the case did not himself testify. This should
16 not even be discussed in the jury room. Mere presence at
17 the scene is not sufficient to prove someone guilty of a
18 crime. The burden is on the State to prove every element
19 of the crime charged. If you find after reviewing all the
20 evidence that the State has proved the defendant was only
21 present at the scene of the crime and that they have not
22 proved beyond a reasonable doubt any other participation in
23 the crime, then you would find the defendant not guilty.

24 All right, you've heard expert testimony in this
25 case. In consideration -- excuse me -- in considering the

1 opinion of an expert witness that has been admitted in this
2 case, you should consider the factual evidence first. An
3 expert may base his opinion upon the factual evidence
4 presented at trial. Alternatively, the expert may base the
5 opinion upon facts and that of not in evidence. You may
6 consider the expert opinion if you find that the testimony
7 is based upon facts that are reasonably relied upon by
8 experts in that particular field. You must consider expert
9 testimony in the same manner as you do any other testimony
10 and give it such weight as you may believe it to be
11 entitled when considered with all the other evidence in the
12 case. Such testimony is given for the purpose of helping
13 you understand the evidence and not for the purpose of
14 controlling your judgment. The value of it does not depend
15 upon the skill and the knowledge professed by the expert,
16 but rather upon the skill and knowledge he actually
17 possesses. It is for you to judge whether he possesses
18 such knowledge. In this regard you may consider his
19 training, experience, ability to communicate his ideas,
20 logic of his opinion, the factual support for his opinion
21 and all other factors as you would judge and weigh the
22 testimony of other witnesses. The value and the effect of
23 expert testimony is a matter solely to be estimated by you
24 the jury. No mere opinion of an expert can be accepted as
25 in and of itself truthful or reliable but must be weighed

1 by you and convince your judgments beyond a reasonable
2 doubt and with the same force and effect as any other fact
3 proved in this case before you can rely upon it as a basis
4 of conviction. You have heard the testimony of the
5 witnesses who have special knowledge, skill and experience,
6 training or education in a particular field and who have
7 given their opinion as an expert as to the matters in which
8 they are skilled. In determining the weight to be given
9 such opinion, you should consider the qualifications and
10 the credibility of the expert and the reasons given for his
11 opinion. Once again, you're not bound by such opinion.
12 Give it the weight, if any, to which you deem it entitled.

13 Madam, Forelady, and members of the jury, I will
14 now speak to you about the forms of the verdict in this
15 case. There are two indictments, so therefore, you will
16 deliberate both indictments. On each indictment if the
17 State has failed to prove the guilt of the defendant beyond
18 a reasonable doubt, your verdict will be two words, not
19 guilty. If the State has proved the guilt of the defendant
20 beyond a reasonable doubt, your verdict will be one word,
21 guilty. The verdicts that you render in this case must be
22 the verdict of each and every juror; it must be your
23 unanimous verdict. All 12 deliberating jurors must agree
24 on the verdict which you authorize Madam Forelady to write
25 for the jury. Now, there's one minor additional charge I

1 need to give you concerning what I just told you about a
2 these two indictments. On the grand larceny, as you will
3 remember, I charged you that in many cases there could be a
4 lesser included offense, so Madam Forelady, on the grand
5 larceny indictment, there are three possible verdicts, that
6 is, guilty of grand larceny, guilty of petty larceny or not
7 guilty. Do not give any weight to how I numerically have
8 quoted them on there. There's three possible verdicts. It
9 will be your duty once the jury has reached a verdict to
10 write whichever one of those verdicts is reached. Now, on
11 malicious injury indictment, it will be your duty to write
12 either guilty or not guilty as to that one. Sign your name
13 and date where it says date in this foreperson signature
14 line.

15 Now, I'm going to send you back to the jury room
16 here in just a few minutes. Please do not begin your
17 deliberations until I send the verdict forms back along
18 with the exhibits. Madam, Forelady, at any time that any
19 one juror may need to take a restroom break or smoke break
20 or if anybody has to step away from the deliberations, I
21 charge you that you have to cease your deliberations until
22 all 12 are back in place to continue deliberations. Now,
23 this doesn't happen often, but I have learned to go ahead
24 and talk with the jury about this situation. We have an
25 alternate in place. Should you get back in your jury room

1 and someone refuses to deliberate, in other words, an
2 example would be, as soon as you sit down and you begin
3 your deliberations, somebody folds their arms and says, I'm
4 not deliberating this case, you will immediately notify me
5 of such behavior and I will take care of that by replacing
6 that juror with the alternate. That does not happen often,
7 but sometimes it has, so that's sort of a safety valve.
8 Okay? Once, again, if anyone leaves the deliberation area,
9 please stop your deliberations and do not continue until
10 all 12 are back. I've covered what we need you to do as
11 far as writing the verdict. I think I've covered
12 everything I wanted to cover with you. If y'all will step
13 back, the 12 of you, to the jury room, and Madam Bailiff if
14 need the alternate juror not to go into the jury room but
15 be placed in another room, and we'll back with you in just
16 a few minutes to get these exhibits back to you.

17 (WHEREUPON, JURY EXITS THE COURTROOM)

18 THE COURT - Anything further?

19 MR. HOGGE - Nothing from the State?

20 MR. MASSEY - May it please the Court, Your Honor.

21 Are you just sending the indict -- are you sending the
22 indictment forms back or just the verdict forms?

23 THE COURT - All I'm doing is sending a redacted
24 rear part of the indictment, because the face of the
25 indictment has got that enhancement language, and ---

1 MR. MASSEY - Okay.

2 THE COURT - --- I have deleted that. If y'all
3 want to inspect them and make sure I haven't overlooked
4 something.

5 (WHEREUPON, MR. MASSEY AND MR. HOGGE APPROACH THE
6 BENCH TO REVIEW THE VERDICT FORMS)

7 THE COURT - Y'all check off on the exhibits,
8 please.

9 (WHEREUPON, DISCUSSION IS HELD BETWEEN MR.
10 MASSEY, MR. HOGGE AND THE COURT REPORTER REGARDING EXHIBITS
11 WHICH WAS NOT REPORTED.)

12 THE COURT - Mr. Bailiff, everything's accounted
13 for. If you would deliver those verdict sheets along with
14 the evidence, exhibits, tell Madam Forelady, she may begin
15 their deliberations and to knock on the door when they
16 reach a verdict.

17 MR. BAILIFF - You want the alternate to come back
18 in.

19 THE COURT - Keep the alternate separate.

20 Gentlemen, I want to take this opportunity to
21 thank both of you for the way you've presented this case,
22 the way you were courteous to each other, commend both of
23 you for that. Mr. Massey, I want to commend you in your
24 presentation of this case. I will tell you at this time I
25 was a little amazed that you dismissed one of the most

1 highly respected public defenders in the upstate to take
2 this on your own, but you did a good job with it. Just a
3 couple of little things that you could've polished up on.
4 I know you wished you had that question you directed to the
5 alleged victim if he was mad and that opened the door that
6 you probably didn't expect, but that's the danger of cross
7 examination, especially when you're dealing with a victim,
8 but other than that and some of the repetitious questions,
9 overall I commend you on that, and I thank both of you for
10 getting this case to the jury.

11 MR. MASSEY - Thank you, Your Honor.

12 MR. HOGGE - Thank you, Judge.

13 THE COURT - And we will continue on with other
14 matters here until we hear something from them. Mr. Smith,
15 thank you for assisting.

16 (WHEREUPON, JURY DELIBERATES AT 2:50 P.M.)

17 (WHEREUPON, COURT IN RECESS AWAITING VERDICT)

18 (WHEREUPON, NOTE IS SENT OUT BY THE JURY AT 3:05
19 P.M.)

20 THE COURT - Solicitor, Mr. Massey, I have this
21 note from the jury, which y'all can inspect it, but it
22 says, can jury see list of websites? If not, time-stamp on
23 list of websites. Y'all going to have to help me now. I
24 know -- I don't think some of that was in evidence. What -
25 --

1 MR. HOGGE - No, Judge, it was not in evidence. I
2 showed that document to Mr. Schifferle to refresh his
3 recollection after he asked him which websites were on the
4 phone, and he talked about that and said them out loud, but
5 that document was not actually introduced into evidence.

6 THE COURT - The only way that we can allow that
7 to happen would be for both of you to consent to now
8 marking it into evidence and send it back, otherwise I'm
9 prevented from doing that. The only option I have would be
10 to have Madam Court Reporter replay the tape as to the
11 questions and the testimony. Do you two (sic) would like
12 to talk about that just a second?

13 MR. HOGGE - I would feel uneasy about putting
14 that in evidence when it wasn't already in evidence. I
15 would be more comfortable with her playing it -- what we
16 recorded.

17 THE COURT - All right, well, that takes care of
18 that. Anything for the record, Mr. Massey?

19 MR. MASSEY - I have no objection, none, Your
20 Honor. I have no objection. I would -- it's all right if
21 we permit it in. Either way -- if Mr. Hogge -- either or.

22 THE COURT - Both of you have got to agree though
23 before I can do that.

24 MR. HOGGE - And that would be to replay it for
25 the jury?

1 THE COURT - No, I can do that, but in order to
2 put something additional into evidence, both of you have
3 got to agree to that, otherwise, I can't do it.

4 MR. HOGGE - Well, if Mr. Massey agrees to putting
5 it in evidence, that would quicker, and I have no problem
6 with it if he wants to put in evidence.

7 MR. MASSEY - I have no problem, Your Honor.

8 THE COURT - All right, y'all get it prepared.

9 MR. MASSEY - May I see it before we ---

10 THE COURT - Yes, sir.

11 (WHEREUPON, MR. MASSEY REVIEWS DOCUMENT)

12 MR. MASSEY - That's fine, Your Honor.

13 THE COURT - All right, we need to get that
14 marked.

15 MR. MASSEY - Mark it.

16 COURT REPORTER - Mark as defense 4.

17 MR. HOGGE - 4 or 5?

18 COURT REPORTER - It is 4.

19 MR. HOGGE - Okay.

20 COURT REPORTER - The last was Defendant's 3, the
21 photos.

22 (WHEREUPON, AFTER STIPULATION BY MR. MASSEY AND
23 MR. HOGGE, DEFENDANT'S EXHIBIT 4 MARKED INTO EVIDENCE.)

24 COURT REPORTER - I've marked it Defendant's 4.

1 THE COURT - Mr. Bailiff, if you would deliver
2 that to the jury. That's in an agreement of both sides,
3 and gentlemen, while I've got you here, the note that was
4 just passed, the note that was sent up by the juror that
5 has a conflict later this evening and also the note that
6 was sent out by juror 130 saying that she knew Ms.
7 Labrador's -- or connection with Labrador's sister, I need
8 to put all three of those in as Court exhibits so we'll
9 have a record of it. Any problem?

10 MR. HOGGE - No problem, Judge.

11 MR. MASSEY - No problem, Your Honor.

12 THE COURT - Thank you very much.

13 (WHEREUPON, NOTES MARKED AS COURT'S EXHIBITS 6, 7
14 AND 8.)

15 (WHEREUPON, EXHIBIT SENT BACK TO THE JURY AND THE
16 JURY FURTHER DELIBERATES)

17 (WHEREUPON, NOTE SENT OUT BY THE JURY AT 3:41
18 P.M. DURING A PLEA IN ANOTHER MATTER.)

19 THE COURT - Back on the record with Massey. I
20 have Mr. Massey back and I have the solicitor back. I have
21 another note from the jury, several questions. I'm going
22 to go through them and I will determine from what y'all
23 agree to; if you can't agree to it, then we will refer back
24 to Madam Court Reporter to try to answer these questions.
25 The first one is: Value of the four-wheeler in 2013. I

1 need to know what -- the alleged victim is Mr. Fairfax,
2 right -- I need to know what his testimony was as to the
3 value when this alleged incident occurred.

4 MR. HOGGE - Yes, Your Honor, he testified under
5 oath and it's on the record, I asked him what was the fair
6 market value at the time this incident happened, and I
7 believe -- I could be wrong -- it was around five thousand
8 dollars or three thousand dollars, somewhere in that range,
9 then I asked was it over two thousand dollars and he said,
10 oh, yes, it was definitely over two thousand dollars.

11 THE COURT - Madam Court Reporter, do you remember
12 the exact answer he gave.

13 COURT REPORTER - No, sir, I don't. I would have
14 to play the testimony.

15 THE COURT - Step over to Mr. Massey and see if
16 y'all can agree as to exactly what was said without us
17 having to do that, which we will.

18 (WHEREUPON, DISCUSSION WAS HELD BETWEEN MR.
19 MASSEY AND MR. HOGGE WHICH WAS NOT REPORTED.)

20 MR. HOGGE - Thirty-five hundred to four thousand
21 dollars. According to Mr. Massey, he said thirty-five
22 hundred to four thousand dollars.

23 THE COURT - The value of the four-wheeler now,
24 that question was answered too, was it not?

1 MR. HOGGE - I don't believe it was, but I think
2 that that is an issue of law that you could directly take
3 up with the jury, that the value of the four-wheeler now
4 isn't really relevant to the determination of guilt.

5 THE COURT - You are correct, because question
6 number three is: Does jury make a decision on 2013 or
7 2015? By a matter of law that would be answered 2013, and
8 that makes question number two moot. Fourth question: Can
9 we see documentation of value of the four-wheeler? I know
10 Mr. Fairfax mentioned something about a bill of sale, but
11 it is not in evidence as I remember. Correct me if I am
12 wrong.

13 MR. HOGGE - Correct, Your Honor.

14 MR. MASSEY - Correct, Your Honor.

15 MR. HOGGE - Your Honor, I think your response to
16 that is: The evidence that's been presented is the
17 evidence that's in. That other issue that came up earlier,
18 there was testimony about cell phone records that was never
19 put into evidence, and they're just to go off of the
20 testimony they've heard here today.

21 THE COURT - Anything else for the record?

22 MR. HOGGE - Nothing from the State?

23 MR. MASSEY - Nothing from the defendant, Your
24 Honor.

1 THE COURT - We're going to have to bring them
2 back in on this one.

3 (WHEREUPON, JURY ENTERS THE COURTROOM AT 4:08
4 P.M.)

5 THE COURT - Madam Forelady, I am in receipt of
6 your question. I had to have Mr. Bailiff bring you back in
7 here, because the simplest way to handle this is for me to
8 respond to your question to the best of my ability, and we
9 have reviewed the record with the Court. The first
10 question: The value of the four-wheeler in 2013? The
11 testimony of the victim that was offered that is agreed
12 upon by the parties a few minutes ago, that answer was
13 thirty-five hundred to four thousand dollars. I will skip
14 to question three: Does jury make the decision on 2013 or
15 2015? The simple answer to that is, that would be based as
16 a matter of law and me ruling on that particular question
17 would be 2013. And the answer to that question, Madam
18 Forelady, ladies and gentlemen of the jury, that makes
19 question number two moot. And that question number two was
20 the value of the four-wheeler now. Okay? Last question:
21 Can we see documentation of value of four-wheeler, bill of
22 sale? Bill of sale was mentioned by the alleged victim in
23 his testimony, but that bill of sale was not introduced
24 into evidence. So my response to you on that, ladies and
25 gentlemen of the jury is, that is a matter you will have to

1 decide by deciding the weight of the evidence from the
2 testimony that was offered, because there's no
3 documentation that is introduced, and I in no way tell you
4 what to decide in regards to that and wouldn't even attempt
5 to do so, because I would be invading your duty as jurors.
6 Okay? You may return to your jury room.

7 (WHEREUPON, JURY EXITS THE COURTROOM TO FURTHER
8 DELIBERATE AT 4:10 P.M.)

9 THE COURT - Thank you, gentlemen. Anything else
10 for the record?

11 MR. HOGGE - Nothing from the State.

12 THE COURT - This will be another Court Exhibit.

13 COURT REPORTER - Number 9.

14 THE COURT - How many?

15 COURT REPORTER - 9.

16 (WHEREUPON, NOTE MARKED AS COURT'S EXHIBIT NUMBER
17 9.)

18 THE COURT - All right, Court stand at ease. I
19 need to go out here and excuse that alternate juror.

20 (WHEREUPON, COURT EXCUSES ALTERNATE JUROR WHICH
21 WAS NOT ON THE RECORD)

22 (WHEREUPON, COURT IN RECESS AWAITING VERDICT)

23 THE COURT - All right, hold up on everything,
24 we've got a verdict. You may be seated. Thank you. All

1 right, we got everybody, because they've sent a note in
2 said they've reached a decision.

3 (WHEREUPON, NO RESPONSE)

4 THE COURT - All right.

5 (WHEREUPON, JURY ENTERS THE COURTROOM WITH A
6 VERDICT AT 4:20 P.M.)

7 (WHEREUPON, VERDICT IS HANDED UP TO THE COURT AND
8 THE COURT HANDS THE VERDICT TO THE CLERK)

9 THE COURT - Madam Clerk. You may publish the
10 verdict.

11 DEPUTY CLERK - Indictment 2013-GS-46-3508, the
12 State vs. John Kenneth Massey, Jr., indictment for grand
13 larceny, verdict guilty, signed by the foreperson dated
14 today's date, and that was guilty of grand larceny.

15 2013-GS-46-3509, the State vs. John Kenneth
16 Massey, Jr., indictment for malicious injury to property,
17 verdict, guilty, signed by the foreperson, dated today's
18 date. Ladies and gentlemen of the jury, if that be your
19 verdict, so say you all by raising your right hand.

20 (WHEREUPON, JURORS RAISE THEIR RIGHT HANDS)

21 DEPUTY CLERK - Let the record show all jurors
22 affirm this verdict.

23 THE COURT - All right, gentlemen, anything
24 further from the jury?

25 MR. HOGGE - Nothing from the State.

1 MR. MASSEY - Nothing from defendant.

2 THE COURT - Madam Forelady, ladies and gentlemen
3 of the jury, I sincerely thank you for serving as jurors in
4 this case. I want to thank you for your patience with the
5 Court in getting this case decided. I know we've been at
6 it here for two days, now Wednesday, a week term. I think
7 with confirmation from Madam Clerk, that probably will be
8 all we will need you for this week, but before I say that
9 with finality ---

10 DEPUTY CLERK - They're excused.

11 THE COURT - Good news. Won't have to come back.
12 I know jury service can be a difficult decision sometime,
13 but that's our system. It's been the best that's ever been
14 developed. For obvious reasons I don't need to explain.
15 It protects the rights of the State as well as our
16 citizens, and we appreciate you taking part in that. Now,
17 you will be receiving an expense check. Please do not be
18 upset with the clerk's office or with me about the amount
19 of the check. We are embarrassed as to the amount that is
20 paid for jurors, and we're constantly working with the
21 county council trying to encourage them to increase it. So
22 I have no idea exactly how much it will be, but if you
23 don't get a check, please contact the clerk's office so
24 they can trace it out, but you should be receiving that in
25 the mail, Madam Clerk, ---

1 DEPUTY CLERK - Probably the beginning of next
2 week.

3 THE COURT - Some time next week. If you don't
4 get it by the end of next week, give the clerk's office a
5 call.

6 The next phase of this case will be what we call
7 mitigation and sentencing. For the past 24 -- almost 25
8 years, I have not followed the regular pattern of most
9 circuit Judges in what I was -- what I will tell you now, I
10 have not followed their regular pattern. Most of them
11 would say, you're certainly free to go. I agree with that;
12 you're free to go. But I take the extra step. If you
13 would like to stay and watch the mitigation and the
14 sentencing, you certainly may do so. If you're comfortable
15 where you are, that will be fine. If you'd like to stay,
16 you can sit back in the gallery, if you're more comfortable
17 back there, that will be fine. Or if you would like to be
18 dismissed at this time, you can go back to work or go back
19 home, that will also be fine. I will leave that up to you.
20 Okay? Anybody that would like to leave, Mr. Bailiff will
21 escort you to the parking lot. Anybody that would like to
22 stay, you can either remain where you are or either in the
23 gallery if you'd be more comfortable back there.

24 Madam Forelady, Madam Clerk is going to step out
25 with you so you can conform some -- the verdict. Madam

1 Bailiff if any of them want to circle around and come back
2 in, that'll be fine.

3 (WHEREUPON, JURORS EXIT THE COURTROOM -- MAJORITY
4 OF JURORS REMAIN AND SIT IN THE GALLERY)

5 THE COURT - Bear with me while Madam Clerk
6 completes that task, conforming the verdict.

7 (WHEREUPON, BRIEF PAUSE)

8 THE COURT - Sheriff, if the defendant is not
9 secured at this time, if you'd secure the defendant.

10 (WHEREUPON, DEFENDANT IS SECURED BY SECURITY
11 PERSONNEL)

12 THE COURT - All right, Solicitor.

13 MR. HOGGE - May it please the Court. Madam
14 Clerk, I've handed the sentencing sheet and tracking sheets
15 up here.

16 Your Honor, Mr. Massey's prior record consists in
17 November of 1997, he's convicted of ---

18 THE COURT - Solicitor, hold up just a minute,
19 please.

20 MR. HOGGE - I'm sorry.

21 THE COURT - I think everybody's in that wants to
22 be.

23 MR. HOGGE - His prior record consists of in 1997
24 a disorderly conduct; in 2002 he was convicted of assault

1 and battery of a high and aggravated nature, sentenced to
2 give years suspended on time served.

3 THE COURT - What was that year?

4 MR. HOGGE - That was in 2002. In 2004 he was
5 found to be in violation of that probation for his assault
6 and battery, was sentenced to three years active time in
7 the Department of Corrections. In November of 2005 he pled
8 guilty to 13 counts of forgery. He was sentenced to four
9 years; that four years I believe was concurrent with a
10 parole revocation. And then in November of 2005 he was
11 convicted of a petty larceny; May of 2008 public disorderly
12 conduct, time-served; October of 2008 conspiracy, time
13 served; October 2008 as well petty larceny, 30 days, time-
14 served. In October of 2008 two counts of breaking and
15 entering into an automobile. He was sentenced to four
16 years suspended on time-served, three years probation,
17 three hundred dollars restitution, PTUP-ed after two years.
18 And then in May 2009 he was convicted of two counts of
19 financial transaction card fraud with amount less than five
20 hundred dollars over a six-month time-period. He was
21 sentenced to one year on one count and one year suspended
22 on one year probation with restitution on the other counts,
23 and then in that same month he was convicted of a probation
24 violation, did one year active time and then June 22nd, 2009
25 he was convicted of giving false information to law

1 enforcement. There are some North Carolina charges; there
2 are no dispositions on his rap sheet for that. In June of
3 2012 he was convicted of forgery less than ten thousand
4 dollars, credit for time-served. I believe it was a 90 day
5 sentence. And March 31st -- March 31st of 2015 I tried Mr.
6 Massey for a shoplifting; the jury convicted Mr. Massey for
7 that shoplifting; he did three years on that sentence. He
8 currently has a pending case of a burglary charge involving
9 a theft of a four-wheeler from Chris Callahan's shop, Mr.
10 Callahan who he used to work for. That case is still
11 pending. He should have, by my calculations, 99 -- he has
12 been in our Department of Corrections for 99 days as of
13 today. Before that he has -- he's been detained for two
14 some-odd years, I believe. He got credit for that two
15 some-odd years for his shoplifting sentence, and I believe
16 that under the statute, the calculation of time-served, 24-
17 13-40, credit for time-served prior to trial and sentencing
18 shall not be given when the prisoner is serving a sentence
19 for one offense and is awaiting trial and sentenced for a
20 second offense, in which case he shall not receive credit
21 for time-served prior to trial and reduction of his
22 sentence for the second offense. So I believe under that
23 statute he wouldn't be able to draw upon the credit that he
24 has that he was able to use for his three-year on the
25 shoplifting. That being said, Mr. Massey has played the

1 sheriff's department with four-wheeler thefts throughout
2 the years. This is his first actual conviction I believe
3 for stealing a four-wheeler. Until Mr. Massey was arrested
4 for this four-wheeler theft, the numbers for stolen four-
5 wheelers in the county were a lot higher than they are now.
6 They have dropped dramatically in number since he has been
7 incarcerated. He has gotten probation again and again. As
8 Your Honor heard, he was suspected of stealing this exact
9 four-wheeler in May, a few months before this incident.
10 That -- he's never been convicted of that. I do think it's
11 relevant for sentencing purposes. He gets continued on
12 probation again and again. I believe he's still currently
13 on probation right now. The State feels that today should
14 be judgment day for Mr. Massey. He continually goes out
15 and steals from people again and again and again.

16 THE COURT - So with that said, according to your
17 analysis, is there any -- are there any days of credit that
18 he should receive?

19 MR. HOGGE - I think that the days credit that he
20 should receive -- so he finished his three-year sentence in
21 about seven months. He has been in our detention center
22 after he completed that with SCDC -- he has been in our
23 jail now for 99 days since that date, and then that would
24 be in addition to how many days he spent in the jail before
25 he bonded out on this charge. It would be at least one

1 day, and according to his booking information, (pause) I
2 believe it could -- it was several days before he bonded
3 out on this charge. It looks like he -- so he was arrested
4 July 17th of 2013 and then bonded out August 27th of 2013, so
5 it would be 99 plus however many days there are between
6 July 17th and August 27th.

7 THE COURT - Thirty-one days in July. And what -
8 - what day in August?

9 MR. HOGGE - The 27th. I can -- I've got a
10 calculator where I can ---

11 THE COURT - 27th day of August?

12 MR. HOGGE - Yes, Your Honor.

13 THE COURT - Be 27 plus 14.

14 MR. HOGGE - My mathematician says she thinks it's
15 41.

16 THE COURT - Okay. Well, Mr. Massey, when I asked
17 you the other day if you had courtroom experience, from
18 this record that was just quoted to me, you definitely had
19 ample courtroom experience apparently. But anyway, what
20 would you like to say in regards to this?

21 MR. MASSEY - May it please the Court, Your Honor?

22 THE COURT - Yes, sir.

23 MR. MASSEY - My record has not been branded
24 violent (phonetic); it doesn't reflect a bad person. It
25 reflects a person with addictions. I didn't quite

1 understand what Mr. Hogge was stating about the sentencing
2 as far as the time-served. I have been incarcerated since
3 December 30th, 2013. I don't know if that time can be
4 applied as far as -- I don't know -- I don't understand
5 what he's saying about that statute. I would like some
6 more information on that. My mom also wanted to speak.
7 I'm 40 years old, father of two. My son just graduated,
8 went to college, first year. Daughter graduates from high
9 school in two more years. I'm at the tail-end of my
10 career. It's -- it's not much you can do to me, but I ask
11 for leniency. I gave the Court respect. I learned my
12 lessons over the years. I'm no stranger to incarceration.
13 I've hurt my family a lot; I've hurt my kids a lot. I ask
14 you to choose your sentence not off the rap sheet but the
15 way I presented myself in the courtroom today.

16 THE COURT - And your mother's here?

17 MR. MASSEY - Yes, sir.

18 THE COURT - Be glad to hear from her.

19 (WHEREUPON, MR. MASSEY'S MOTHER APPROACHES)

20 THE COURT - Good afternoon.

21 MS. MACON - Hi.

22 THE COURT - I need your name.

23 MS. MACON - Huh?

24 THE COURT - I need your full name for the court
25 reporter.

1 MS. MACON - Vernice Macon.

2 THE COURT - Thank you. Anything you would like
3 to say?

4 MS. MACON - Well, I'd just like to say that I
5 heard all the information. I don't know what the
6 sentencing is; I wasn't here for that, but whatever the
7 Court decide, I'm sure that it was fair and just, I just
8 ask the Court to have mercy on him for whatever he have
9 done or whatever he's convicted of. And I'd like to thank
10 the jury for whatever decision that they have reached.
11 That's it.

12 THE COURT - Thank you for being here.

13 MS. MACON - (Indicating yes) You welcome.

14 COURT REPORTER - Did she say Bernice Macon?

15 MS. MACON - With a V.

16 COURT REPORTER - Okay, thank you.

17 MR. MASSEY - Can I add to that, Your Honor?

18 THE COURT - Yes, sir. Anything else?

19 MR. MASSEY - My mom also recently had a stroke.
20 She's had several strokes, several heart attacks. I'm the
21 oldest of three children. We all got to take care of my
22 mom. She's had enough heartache. Today, as the State
23 recommended, will be judgment day. I don't think what I
24 presented to you today reflects that. I know what the
25 charges carry, and I just ask for leniency.

1 THE COURT - All right. Mr. Fairfax is present.

2 I certainly do not want to overlook him. Anything you

3 would like to say?

4 MR. FAIRFAX - Yes, sir. Mr. Judge, Your Honor, I

5 would like to thank you and the jury for finding Mr. Massey

6 guilty. I think he is guilty. He was known to be

7 previously connected to stealing this same ATV from my

8 house. It takes away from my confidence knowing that a guy

9 walks up in my own yard while I'm possibly in my bed asleep

10 to steal something that I've worked hard for. I work 60

11 plus hours a week. Had to take off two days of work to sit

12 here for this Court this week. To work hard for everything

13 that I own and I do to support my family, for somebody to

14 come up and just take it out of my yard is a slap in my

15 face. And I'd like an apology from Mr. Massey, but that

16 still is not going to give me respect for this man. He's

17 taken stuff from multiple people obviously with this rap

18 sheet that you've heard today, so thank you again, jury. I

19 think since y'all walked in y'all have heard his rap sheet,

20 so y'all kind of got an idea of what this guy's been doing

21 all his life. I pray for you, sir. I really do, Mr.

22 Massey.

23 Thank you, Judge.

24 THE COURT - Thank you. Yes, sir?

1 MR. MASSEY - Mr. Fairfax, -- may I speak to Mr.
2 Fairfax?

3 MR. HAGER (SECURITY PERSONNEL) - No, he's good
4 where he's at.

5 MR. MASSEY - You asked for an apology. You
6 didn't have to ask for one. I'm sorry for what I've done.
7 You pay for me and I pray for you. Probably wouldn't be
8 proper to shake your hand -- shake it out there and ask for
9 an apologize, but if you would accept my apology, I'm a
10 bigger man today to say that I am sorry, and I have not did
11 the correct things throughout my life and my record has
12 reflected that. I'm sorry. Will you accept my apology?

13 MR. FAIRFAX - I sure do, and I'll be praying for
14 you.

15 MR. MASSEY - I pray for you, too. Thank you,
16 sir.

17 MR. FAIRFAX - (Indicating yes)

18 MR. MASSEY - I also add to the record, Your
19 Honor, Mr. Fairfax also stated that he had to take two days
20 off from work. I've been detained over two years on this
21 charge, and um -- I'm sorry for him having to take off from
22 work, but the State never offered Mr. Massey a actual plea
23 on this charge. I -- from my understanding I had to come
24 to trial for this. I think the first day of trial you also
25 asked the State when I removed -- or rescused (sic) Mr.

1 Smith as my attorney that we should come up with some type
2 of agreement. Mr. Hogge never did come and talk to me
3 about any type of agreement that day or within the past two
4 years. I also ask that reflect on the record, too.

5 MR. HOGGE - Judge, as to the offer to Mr. Massey,
6 with all his charges altogether, I believe the last offer
7 was seven years for everything. That was Mr. Massey's
8 offer. I accepted that offer; he then changed and tried to
9 alter that offer; I told him that I would not entertain
10 that. Last week we tried to try this case in front of Dan
11 Hall. Dan Hall had to recuse himself, because he's listed
12 as a potential witness in a federal lawsuit that Mr. Massey
13 has filed against the sheriff's department for I believe
14 racial profiling or something of that sort, and at that
15 moment Judge Hall said that he'd be inclined to sentence
16 him to time-served if he would take that. And when I heard
17 back that he was not -- he would not plead to anything,
18 there was no way anyone's going to find him guilty, he was
19 not going to plead guilty, not entertain any plea offers, I
20 then passed along information to Mr. Smith if he was
21 interested in negotiating, he was not in a negotiating mood
22 yesterday. I technically still can't talk to him because
23 Mr. Smith still does represent him on the burglary charge,
24 so I wasn't comfortable going back and talking to him since
25 he is still represented by Phil Smith in some capacity, but

1 we have been through offers with Mr. Massey. The last
2 offer was offered by him and which he went back on that he
3 would not agree to that seven years.

4 THE COURT - Well -- okay. All right, well, I've
5 heard enough. Mr. Massey, ---

6 MR. MASSEY - Yes, sir.

7 THE COURT - --- with your record, you don't leave
8 me a whole lot of leeway, but I'm going to tell you now, I
9 am -- and I'm sure everybody in this courtroom that's heard
10 most of this case can't help but be amazed; you are very
11 intelligent; you are excellent with your articulation. Why
12 -- why have you gone down this path? You have larceny in
13 your blood that has gone back all the way to 2004 and even
14 problems with the law before that.

15 MR. MASSEY - You asking me a question, Your
16 Honor?

17 THE COURT - In a way I am. Why?

18 MR. MASSEY - I started college in 1993, '94, got
19 involved in drugs ---

20 THE COURT - I thought that was ---

21 MR. MASSEY - --- and lost my life.

22 THE COURT - Go ahead.

23 MR. MASSEY - I'm not a lost cause; my family
24 loves me; my niece and nephews love me; my children love
25 me; kids in the neighborhood love me. I just don't love

1 myself when it comes to drugs. I was never informed about
2 a time-served charge (sic). I've asked for treatment.
3 I've been in several treatment programs. I think it will
4 be a tragedy, a tragedy, to sentence me to a substantial
5 amount of time. I think everybody deserves chances,
6 sometimes second chance, sometimes third chance, sometimes
7 fourth chance. I think my demeanor and articulation
8 reflect that, and throughout the two years I've had a lot
9 to think about. I think you also know with your expertise
10 as being a Judge, most males make crime in their early age,
11 but once you get around that 40 age, it's not but so much
12 you can do.

13 MR. HOGGE - Judge, if I can clear one thing up on
14 the record. As to his offer last time, I said that it was
15 a time-served sentence that he could've done, I believe
16 that the way it was actually phrased is that he could get
17 essentially a time-served sentence and allow him the credit
18 for the three years, the three years to run concurrent and
19 that -- and -- to run concurrent to the three sentence he
20 got on the shoplifting. I didn't want to mislead or
21 misstate anything.

22 THE COURT - Well, obviously from what I have
23 before me in an uncontested record before the Court,
24 enhancement applies in this case. Mr. Massey, you said it
25 would be a tragedy for you to get a substantial sentence,

1 but I listened carefully, you've already had a four-year
2 sentence, you had a three-year sentence. I don't know what
3 else can be done. So it would be a tragedy to the citizens
4 of York County for me to show much leniency on you. And
5 that's just the bare-bone fact.

6 All right, I'm going to pass sentence on you, and
7 I at this time advise you, which you probably already
8 aware, that you have ten days to file a notice of appeal.
9 When I say ten days, that's ten days from the time of
10 sentencing, the date of sentencing, to file a notice of
11 appeal in order to preserve any appellate rights. On the
12 grand larceny, which if it was not enhanced, would carry
13 the maximum of five, with the enhancement you carry up to
14 ten, which you are fully aware of, the sentence of the
15 Court is that you be confined to the State Department of
16 Corrections for a period of ten years; 3509, malicious
17 injury to property, which is also an enhanced offense of up
18 to ten years, the sentence is two years consecutive. You
19 get credit for 140 days on these two sentences which are
20 consecutive.

21 Sheriff, I'm going to remand him to your custody
22 to be transferred to the Department of Corrections.

23 (WHEREUPON, COURT IN RECESS AT 4:50 P.M.)

24 (END OF TRANSCRIPT)

25 * * * * *

YORK COUNTY SHERIFF'S OFFICE K-9 USE REPORT

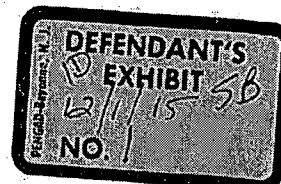
Date: 7/17/13 Time Dispatched: 0551 Arrival: 0615 Incident #: 201300023745Requesting Agency: YCSO Requesting Officer: BrownLocation: [REDACTED] McConnells, SCIncident Type: Grand Larceny Date & Time of Incident: 7/17/13 0526Handler: Carroll K-9: Hattie Duty Status: OffScene Conditions: ☒ Day ☐ Night Temp. 70's Wind LightSurface Type: Grass/Asphalt Perimeter: YesScene Contamination: Moderate

Narrative: _____

Upon arrival, K9 units learned that a person had been detained that was suspected of stealing a four-wheeler that was found up the road. While the suspect was standing in the location where he was originally detained, K9 Hattie scented off of his pant leg and picked up his track going back up the roadside towards the four-wheeler. She nosed the four-wheeler and then turned up the embankment towards the yard. K9 units observed tracks in the grass on the embankment where the four-wheeler had come down and tracks beside it where someone had walked up. She tracked the suspect across the yard to a storage shed and to the far side of it where there is a carport where the track stopped. At that point, she began casting out and circling out wide in an attempt to pick a track back up.

Person Located: 1 Arrest: 1 Other: _____

Evidence Recovered: _____

Charges Made: Grand Larceny, Damage to Property, Probation ViolationReporting Officers: Carroll/WrightUnit #: 506/340Supervisor: Capt. Williams Date: 7/18/13

YORK COUNTY SHERIFF'S OFFICE K-9 USE REPORT

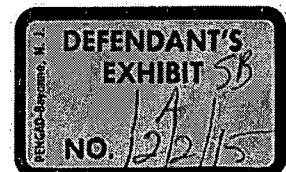
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Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
To CFS:	6431	To Date:	07/17/2013 05:19	Agency Type:	
Layer:	All	Areas:	All		

CFS Number:	6431	Call Date/Time:	07/17/2013 05:19:36	Primary Incident:	2013-00023745

Location:	MOBLEY STORE RD / BRATTONSVILLE RD MCCONNELLS, SC 29726 , McConnells	Dispatch Time:	07/17/2013 05:19:36
Additnl Loc Info:		Arrive Time:	07/17/2013 05:19:36
Common Name:		Clear Date/Time:	07/17/2013 07:24:18
Phone:		Created By:	burgettel
Call Type:	Susp Veh/Person	Report Required:	No
Status:	In Progress	Priority:	2
Police ORI:	SC0460000	EMS ORI:	PIEDMONT
		Fire ORI:	

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
07/17/2013 05:28:34	burgettel	4WHEELER IN THE DITCH
07/17/2013 05:28:55	burgettel	SUSPECT A JOHN MASSEY JR
07/17/2013 05:29:32	burgettel	SOLID GREEN IN COLOR 4 WHEELER
07/17/2013 05:29:36	burgettel	POSSIBLE RANGER
07/17/2013 05:29:44	burgettel	CORRECTION RANCHER
07/17/2013 05:47:09	dowdv	PER
07/17/2013 05:47:36	dowdv	PER 320 K9 & FSU

Dispositions

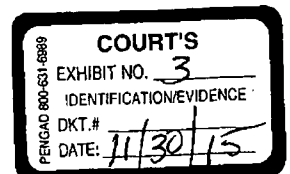
Disposition	Disposition Count
R	1
N	4

Associated Areas

Area Type Code	Description
Quadrant	203C
Station	Bethesda
Beat	1C
District	RKH3
Police ORI	SC0460000
EMS ORI	PIEDMONT
Fire ORI	

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2013-00023745	SC0460000	Yes	York County Sheriff's Office	Police



Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
To CFS:	6431	To Date:	07/17/2013 05:19	Agency Type:	
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CFS Number:	6431	Call Date/Time:	07/17/2013 05:19:36	Primary Incident:	2013-00023745

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
133	No	133	M8086 Moseley
122	No	122	S1429 Sandifer
320	No	320	B1766 Brown
710	No	C 710 N710	M4079 McCarter
708	Yes	708	F5266 Ferrell
925	No	925	B3776 Buchanan
506	No	506	C2400 Carroll
101	No	101	M4824 Moore
340	No	340	W7342 Wright
322	No	322	S8027 Shealey
332	No	332	H1707 Humphries

Call Log

Log Date/Time	Entered By	Action	Description
07/17/2013 05:19:36	burgettel	Call Created	New call created. Call Type: Make Invest, Location: MOBLEY STORE RD / BRATTONSVILLE RD, Phone Number: , Name:
07/17/2013 05:19:36	burgettel	Unit Status Action	Unit 708 Arrive
07/17/2013 05:21:04	dowdv	Unit Status Action	Unit 320 Dispatched
07/17/2013 05:24:35		Unit Timer Expired	Unit 708;Arrive
07/17/2013 05:26:58	dowdv	Incident Created	Added Incident Number, ORI: SC0460000, Number: 2013-00023745, Unit: 708
07/17/2013 05:28:34	burgettel	Narrative Added	4WHEELER IN THE DITCH
07/17/2013 05:28:54	dowdv	Call Type	NewCallType: Susp Veh/Person, Status: In Progress, Priority: 2
07/17/2013 05:28:55	burgettel	Narrative Added	SUSPECT A JOHN MASSEY JR
07/17/2013 05:29:32	burgettel	Narrative Added	SOLID GREEN IN COLOR 4 WHEELER
07/17/2013 05:29:36	burgettel	Narrative Added	POSSIBLE RANGER
07/17/2013 05:29:44	burgettel	Narrative Added	CORRECTION RANCHER
07/17/2013 05:37:20	dowdv	Unit Status Action	Unit 322 Arrive
07/17/2013 05:39:07	dowdv	Unit Status Action	DETAINED
07/17/2013 05:39:22	dowdv	Unit Status Action	DETAINED 2X
07/17/2013 05:40:00	dowdv	Unit Status Action	Unit 320 Arrive
07/17/2013 05:40:03	dowdv	Unit Status Action	Unit 133 Dispatched
07/17/2013 05:40:03	burgettel	Unit Status Action	Unit 710 Dispatched
07/17/2013 05:40:06	burgettel	Unit Status Action	Unit 710 Arrive
07/17/2013 05:42:20		Unit Timer Expired	Unit 322;Arrive
07/17/2013 05:44:59		Unit Timer Expired	Unit 320;Arrive
07/17/2013 05:45:05		Unit Timer Expired	Unit 710;Arrive
07/17/2013 05:45:16	dowdv	Unit Status Action	Unit 122 Arrive
07/17/2013 05:46:37	dowdv	Unit Status Action	Unit 101 Arrive

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
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CFS Number:	6431	Call Date/Time:	07/17/2013 05:19:36	Primary Incident:	2013-00023745

Call Log

Log Date/Time	Entered By	Action	Description
07/17/2013 05:47:09	dowdv	Narrative Added	PER
07/17/2013 05:47:36	dowdv	Narrative Added	PER 320 K9 & FSU
07/17/2013 05:48:17	dowdv	Unit Status Action	Unit 332 Dispatched
07/17/2013 05:48:17	dowdv	Send Page Attempt	Page sent on behalf of unit 332 Depending on your settings, this page may have been sent to additional personnel or groups. (Note: This log does not guarantee that this page was received.)
07/17/2013 05:50:11	dowdv	Unit Status Action	Unit 506 Dispatched
07/17/2013 05:50:15		Unit Timer Expired	Unit 122;Arrive
07/17/2013 05:51:37		Unit Timer Expired	Unit 101;Arrive
07/17/2013 05:53:31	burgettel	Unit Status Action	Unit 925 Dispatched
07/17/2013 05:53:32	burgettel	Unit Status Action	Unit 925 Enroute
07/17/2013 05:53:58	dowdv	Unit Status Action	Unit 340 Dispatched
07/17/2013 05:54:02	dowdv	Unit Status Action	Unit 506 Acknowledge Page
07/17/2013 05:54:03	dowdv	Unit Status Action	Unit 340 Acknowledge Page
07/17/2013 06:01:43	Wyrick, Annette - wyricka	Unit Status Action	Unit 133 Arrive
07/17/2013 06:04:18	Wyrick, Annette - wyricka	Unit Status Action	Unit 340 Enroute
07/17/2013 06:04:59	Wyrick, Annette - wyricka	Unit Status Action	Unit 332 Arrive
07/17/2013 06:06:43		Unit Timer Expired	Unit 133;Arrive
07/17/2013 06:07:19	Wyrick, Annette - wyricka	Unit Status Action	Unit 506 Enroute
07/17/2013 06:09:59		Unit Timer Expired	Unit 332;Arrive
07/17/2013 06:19:24	Wyrick, Annette - wyricka	Unit Status Action	Unit 322 Under Control
07/17/2013 06:19:30	Wyrick, Annette - wyricka	Unit Status Action	Unit 506 Arrive
07/17/2013 06:19:37	Wyrick, Annette - wyricka	Unit Status Action	Unit 710 Under Control
07/17/2013 06:19:41	Wyrick, Annette - wyricka	Unit Status Action	Unit 708 Under Control
07/17/2013 06:19:44	Wyrick, Annette - wyricka	Unit Status Action	Unit 122 Under Control
07/17/2013 06:19:48	Wyrick, Annette - wyricka	Unit Status Action	Unit 101 Under Control
07/17/2013 06:19:51	Wyrick, Annette - wyricka	Unit Status Action	Unit 133 Under Control
07/17/2013 06:19:54	Wyrick, Annette - wyricka	Unit Status Action	Unit 332 Under Control
07/17/2013 06:19:57	Wyrick, Annette - wyricka	Unit Status Action	Unit 320 Under Control
07/17/2013 06:23:36	Wyrick, Annette - wyricka	Unit Status Action	Unit 122 cleared from call

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
To CFS:	6431	To Date:	07/17/2013 05:19	Agency Type:	
Layer:	All	Areas:	All		
CFS Number: 6431		Call Date/Time: 07/17/2013 05:19:36		Primary Incident: 2013-00023745	

Call Log

Log Date/Time	Entered By	Action	Description
07/17/2013 06:24:29		Unit Timer Expired	Unit 506;Arrive
07/17/2013 06:24:40	Wyrick, Annette - wyricka	Unit Status Action	Unit 101 cleared from call
07/17/2013 06:26:35	Wyrick, Annette - wyricka	Unit Status Action	Unit 340 Arrive
07/17/2013 06:26:42	Wyrick, Annette - wyricka	Unit Status Action	Unit 506 Under Control
07/17/2013 06:27:10	zikesk	Unit Status Action	Unit 708 cleared from call
07/17/2013 06:30:50	Wyrick, Annette - wyricka	Unit Status Action	Unit 925 Arrive
07/17/2013 06:31:34		Unit Timer Expired	Unit 340;Arrive
07/17/2013 06:35:15	Wyrick, Annette - wyricka	Unit Status Action	Unit 340 Under Control
07/17/2013 06:35:49		Unit Timer Expired	Unit 925;Arrive
07/17/2013 06:36:24	Wyrick, Annette - wyricka	Unit Status Action	Unit 925 Under Control
07/17/2013 06:45:25	blevinsd	Unit Status Action	Unit 710 To Detention
07/17/2013 06:57:12	Wyrick, Annette - wyricka	Unit Status Action	Unit 332 cleared from call
07/17/2013 06:57:50	Wyrick, Annette - wyricka	Unit Status Action	Unit 320 cleared from call
07/17/2013 07:03:00	Wyrick, Annette - wyricka	Unit Status Action	Unit 506 cleared from call
07/17/2013 07:03:12	Wyrick, Annette - wyricka	Unit Status Action	Unit 340 cleared from call
07/17/2013 07:10:00	blevinsd	Unit Status Action	Unit 925 cleared from call
07/17/2013 07:22:18	Wyrick, Annette - wyricka	Unit Status Action	Unit 322 cleared from call
07/17/2013 07:22:24	Wyrick, Annette - wyricka	Unit Status Action	Unit 133 cleared from call
07/17/2013 07:24:16	blevinsd	Unit Status Action	Unit 710 cleared from call
07/17/2013 07:24:18	blevinsd	Call Cleared	

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 05:19:36	burgettel	708	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:19:36	burgettel	708	Arrive	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS: 6431 From Date: 07/17/2013 05:19 CFS Type: All
 To CFS: 6431 To Date: 07/17/2013 05:19 Agency Type:
 Layer: All Areas: All

CFS Number: 6431 Call Date/Time: 07/17/2013 05:19:36 Primary Incident: 2013-00023745

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 05:21:04	dowdv	320	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:24:35	default_nws - default_nws	708	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:37:20	dowdv	322	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:37:20	dowdv	322	Arrive	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:39:07	dowdv	322	Arrive	Unit Location	DETAINED	DETAINED
07/17/2013 05:39:22	dowdv	322	Arrive	Unit Location	DETAINED 2X	DETAINED 2X
07/17/2013 05:40:00	dowdv	320	Arrive	Unit Status Change		
07/17/2013 05:40:03	dowdv	133	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:40:03	burgettcl	710	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:40:06	burgettcl	710	Arrive	Unit Status Change		
07/17/2013 05:42:20	default_nws - default_nws	322	Arrive	Unit Timer Expired		DETAINED 2X
07/17/2013 05:44:59	default_nws - default_nws	320	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:45:05	default_nws - default_nws	710	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:45:16	dowdv	122	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
To CFS:	6431	To Date:	07/17/2013 05:19	Agency Type:	
Layer:	All	Areas:	All		

CFS Number:	6431	Call Date/Time:	07/17/2013 05:19:36	Primary Incident:	2013-00023745

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 05:45:16	dowdv	122	Arrive	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:46:37	dowdv	101	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:46:37	dowdv	101	Arrive	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:48:17	dowdv	332	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:50:11	dowdv	506	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:50:15	default_nws - default_nws	122	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:51:37	default_nws - default_nws	101	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:53:31	burgettel	925	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:53:32	burgettel	925	Enroute	Unit Status Change		
07/17/2013 05:53:58	dowdv	340	Dispatched	Unit Status Change		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 05:54:02	dowdv	506	Acknowledge Page	Unit Status Change		
07/17/2013 05:54:03	dowdv	340	Acknowledge Page	Unit Status Change		
07/17/2013 06:01:43	Wyrick, Annette - wyricka	133	Arrive	Unit Status Change		

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS: 6431 **From Date:** 07/17/2013 05:19 **CFS Type:** All
To CFS: 6431 **To Date:** 07/17/2013 05:19 **Agency Type:**
Layer: All **Areas:** All

CFS Number: 6431 **Call Date/Time:** 07/17/2013 05:19:36 **Primary Incident:** 2013-00023745

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 06:04:18	Wyrick, Annette - wyricka	340	Enroute	Unit Status Change		
07/17/2013 06:04:59	Wyrick, Annette - wyricka	332	Arrive	Unit Status Change		
07/17/2013 06:06:43	default_nws - default_nws	133	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:07:19	Wyrick, Annette - wyricka	506	Enroute	Unit Status Change		
07/17/2013 06:09:59	default_nws - default_nws	332	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:19:24	Wyrick, Annette - wyricka	322	Under Control	Unit Status Change		
07/17/2013 06:19:30	Wyrick, Annette - wyricka	506	Arrive	Unit Status Change		
07/17/2013 06:19:37	Wyrick, Annette - wyricka	710	Under Control	Unit Status Change		
07/17/2013 06:19:41	Wyrick, Annette - wyricka	708	Under Control	Unit Status Change		
07/17/2013 06:19:44	Wyrick, Annette - wyricka	122	Under Control	Unit Status Change		
07/17/2013 06:19:48	Wyrick, Annette - wyricka	101	Under Control	Unit Status Change		
07/17/2013 06:19:51	Wyrick, Annette - wyricka	133	Under Control	Unit Status Change		
07/17/2013 06:19:54	Wyrick, Annette - wyricka	332	Under Control	Unit Status Change		
07/17/2013 06:19:57	Wyrick, Annette - wyricka	320	Under Control	Unit Status Change		
07/17/2013 06:23:36	Wyrick, Annette - wyricka	122	Available	Unit Cleared	Unit cleared from call	
07/17/2013 06:23:36	Wyrick, Annette - wyricka	122	Available	Unit Status Change		
07/17/2013 06:24:29	default_nws - default_nws	506	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:24:40	Wyrick, Annette - wyricka	101	Available	Unit Cleared	Unit cleared from call	
07/17/2013 06:24:40	Wyrick, Annette - wyricka	101	Available	Unit Status Change		
07/17/2013 06:26:35	Wyrick, Annette - wyricka	340	Arrive	Unit Status Change		
07/17/2013 06:26:42	Wyrick, Annette - wyricka	506	Under Control	Unit Status Change		

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS:	6431	From Date:	07/17/2013 05:19	CFS Type:	All
To CFS:	6431	To Date:	07/17/2013 05:19	Agency Type:	
Layer: All		Areas:	All		

CFS Number:	6431	Call Date/Time:	07/17/2013 05:19:36	Primary Incident: 2013-00023745

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 06:27:10	zikesk	708	Under Control	Disposition Added	N	MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:27:10	zikesk	708	Available	Unit Cleared	Unit cleared from call	
07/17/2013 06:27:10	zikesk	708	Available	Unit Status Change		
07/17/2013 06:30:50	Wyrick, Annette - wyricka	925	Arrive	Unit Status Change		
07/17/2013 06:31:34	default_nws - default_nws	340	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:35:15	Wyrick, Annette - wyricka	340	Under Control	Unit Status Change		
07/17/2013 06:35:49	default_nws - default_nws	925	Arrive	Unit Timer Expired		MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 06:36:24	Wyrick, Annette - wyricka	925	Under Control	Unit Status Change		
07/17/2013 06:45:25	blevinsd	710	To Detention	Unit Status Change		
07/17/2013 06:57:12	Wyrick, Annette - wyricka	332	Available	Unit Cleared	Unit cleared from call	
07/17/2013 06:57:12	Wyrick, Annette - wyricka	332	Available	Unit Status Change		
07/17/2013 06:57:50	Wyrick, Annette - wyricka	320	Available	Unit Cleared	Unit cleared from call	
07/17/2013 06:57:50	Wyrick, Annette - wyricka	320	Available	Unit Status Change		
07/17/2013 07:03:00	Wyrick, Annette - wyricka	506	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:03:00	Wyrick, Annette - wyricka	506	Available	Unit Status Change		
07/17/2013 07:03:12	Wyrick, Annette - wyricka	340	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:03:12	Wyrick, Annette - wyricka	340	Available	Unit Status Change		
07/17/2013 07:10:00	blevinsd	925	Under Control	Disposition Added	N	MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 07:10:00	blevinsd	925	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:10:00	blevinsd	925	Available	Unit Status Change		

Detail Call For Service Report

Login ID: parrishm

Print Date/Time: 10/02/2015 11:01

From CFS: 6431 **From Date:** 07/17/2013 05:19 **CFS Type:** All
To CFS: 6431 **To Date:** 07/17/2013 05:19 **Agency Type:**
Layer: All **Areas:** All

CFS Number: 6431 **Call Date/Time:** 07/17/2013 05:19:36 **Primary Incident:** 2013-00023745

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/17/2013 07:22:18	Wyrick, Annette - wyricka	322	Under Control	Disposition Added	N	DETAINED 2X
07/17/2013 07:22:18	Wyrick, Annette - wyricka	322	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:22:18	Wyrick, Annette - wyricka	322	Available	Unit Status Change		
07/17/2013 07:22:24	Wyrick, Annette - wyricka	133	Under Control	Disposition Added	R	MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 07:22:24	Wyrick, Annette - wyricka	133	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:22:24	Wyrick, Annette - wyricka	133	Available	Unit Status Change		
07/17/2013 07:24:16	blevinsd	710	To Detention	Disposition Added	N	MOBLEY STORE RD / BRATTONS VILLE RD, McConnells
07/17/2013 07:24:16	blevinsd	710	Available	Unit Cleared	Unit cleared from call	
07/17/2013 07:24:16	blevinsd	710	Available	Unit Status Change		

YORK COUNTY SHERIFF'S OFFICE K-9 USE REPORT

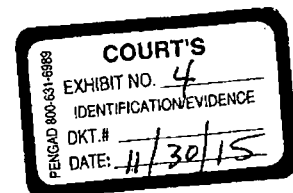
Date: 7/17/13 Time Dispatched: 0551 Arrival: 0615 Incident #: 201300023745Requesting Agency: YCSO Requesting Officer: BrownLocation: McConnells, SCIncident Type: Grand Larceny Date & Time of Incident: 7/17/13 0526Handler: Carroll K-9: Hattie Duty Status: OffScene Conditions: ☒ Day ☐ Night Temp. 70's Wind LightSurface Type: Grass/Asphalt Perimeter: YesScene Contamination: Moderate

Narrative : _____

Upon arrival, K9 units learned that a person had been detained that was suspected of stealing a four-wheeler that was found up the road. While the suspect was standing in the location where he was originally detained, K9 Hattie scented off of his pant leg and picked up his track going back up the roadside towards the four-wheeler. She nosed the four-wheeler and then turned up the embankment towards the yard. K9 units observed tracks in the grass on the embankment where the four-wheeler had come down and tracks beside it where someone had walked up. She tracked the suspect across the yard to a storage shed and to the far side of it where there is a carport where the track stopped. At that point, she began casting out and circling out wide in an attempt to pick a track back up.

Person Located: 1 Arrest: 1 Other: _____

Evidence Recovered: _____

Charges Made: Grand Larceny, Damage to PropertyReporting Officers: Carroll/WrightUnit #: 506/340Supervisor: Capt. Williams Date: 7/18/13

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Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

County of York
STATE VS.John Massey

AKA: _____

Race: B Sex: M

DOB: _____

SSN: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

02 -GS- 46 - 3247C/W#: W-46A-04-256Name of Original Offense: AGANConviction S.C. Code §: C11Conviction CDR Code #: 01 01 01 9Date of Original Offense: 8-17-62Original Sentence: 5yrs ss 2yrs Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/14/62 in the Court of General Sessions of York County as set forth in the attached warrant or citation dated 9/7/64. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 3, 12 and Special Conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months/years, the remainder of the original sentence, and/or pay \$ _____. Probation Terminated
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☒ Additional Conditions ordered by the Court: Civil Judgment on Balance of Probation

COURT'S 5B
EXHIBIT NO. 5
IDENTIFICATION/EVIDENCE
DKT.#
DATE: 12/2/15

Probation terminated. Satisfies all violations.I have received all previous orders.

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

- ☒ The defendant has previously served 106 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)

This 24 day of September, 2004
York, SC.

Presiding Judge

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 24 day of September, 2004, at York, SC
Day Month Year City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York FILED-RECEIVED
STATE VS.

2009 MAY 15 PM 1:34

AKA: John Massey
Race: B Sex: M DAVID HAMILTON
DOB: [REDACTED] C.C.C.P. & G.S.
SSN: [REDACTED] YORK COUNTY, S
SID#: [REDACTED]INDICTMENT#: 08 -GS- 46 - 4120
Probation CDR#: W-46-09-121
Name of Original Offense: Larceny/Breaking into motor vehicle or
Original AWW#: J 165837 tanks, pumps, where, fuel
Date of Original Offense: 6-4-08
Conviction S.C. Code §: 16-13-0160(1)(2), (B)
Conviction CDR Code #: 0 / 2 / 5 / 8
Original Sentence: 4 yrs. provided upon service of time served,
ORDER but susp. 3 yrs. prob.

The above named defendant has been charged with violating the conditions of probation ordered on 10/23/08 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 3-16-09, as set forth in the attached warrant(s) or citation(s) dated 3-16-09. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 6, 7, 9, 10, 11

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☒ the suspended sentence be revoked and the above named defendant be required to serve 1y months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order. run concurrent w/ new sentence
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Additional Conditions ordered by the Court: Revoke 1 year - run concurrent
New Sentence 09-2014 + 09-2015
Toll probation while incarcerated
This satisfies all violations on warrant # W-46-09-121

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 3 + 1 day months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 14th day of May, 2009
York SC[Signature]
Presiding Judge 16th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature: [Signature]
Signed this 14th day of May, 2009
Day Month YearWitnessed by Kelley Adkins
York SC
City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.AKA: John Marney
Race: B Sex: M
DOB: 8/11/75
SSN: [REDACTED]
SID#: [REDACTED]INDICTMENT#: 09-GS-46-2015
Probation C/W#: W4610-10
Name of Original Offense: Fin Transaction Card Fraud
Original A/W#: [REDACTED]
Date of Original Offense: 2/15/09
Conviction S.C. Code §: [REDACTED]
Conviction CDR Code #: 0, 7, 3, 1
Original Sentence: One year suspended 1yr probation
ORDERThe above named defendant has been charged with violating the conditions of probation ordered on 5/14/09 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on N/A, as set forth in the attached warrant(s) or citation(s) dated 1/7/10. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☒ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court:

Terminate Probation & transfer the Re
on this case to End # 08-GS-46-4119

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 27 day of Aug., 2010,
York, SCPresiding Judge [Signature] Judicial Circuit [Signature]

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature]Witnessed by [Signature]Signed this 27 day of Aug., 2010, at York, SC

COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.

AKA:

Race: Black

Sex: M

Age: 39

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: York, SC 29745

DL# [REDACTED]

SID# SC01101652

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: Shoplifting - Enhancement

In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

INDICTMENT/CASE#: 2015GS4600415

A/W: 2014A4620400008

Date of Offense: 12/19/2013

S.C. Code §: 16-13-0110(A)

CDR Code #: 2877

SENTENCE SHEET
ORIGINAL☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

T. Matthew Hogge, Assistant Solicitor

100126
SC Bar #

Defendant

Attorney for Defendant

66593
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 15 months☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \$ _____

TOTAL

\$ 130.00

Clerk of Court/Deputy Clerk: David HamiltonCourt Reporter: Wanda Nelson

SCCA/217 (03/2011)

Presiding Judge: Jah O'HaraJudge Bar ID: 2867Judge Code: 2049Sentence Date: 03-31-2015

2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

WITNESSES

TCPD / Truesdale

ARREST WARRANT NUMBER

2014A4620400008

ACTION OF GRAND JURY

TRUE BILL

Shirley B. ...
Foreperson of Grand Jury
Date: *2/26/15*

VERDICT

G... 3/31/15
Foreperson of Grand Jury
Date:

DOCKET NO. 2015-GS-46-00415

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

February 26, TERM 2015

THE STATE

VS.

JOHN KENNETH MASSEY JR.

INDICTMENT FOR

SHOPLIFTING - ENHANCEMENT

SC Code: § 16-13-0110(A)
CDR Code: 2877

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

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

SHOPLIFTING - ENHANCEMENT

The defendant, John Kenneth Massey Jr., did on or about December 19, 2013, in York County, take possession of, carry away, transfer from one person to another or from one area of a store to another area, or cause to be carried away or transferred any merchandise valued at less than two thousand dollars (\$2,000) displayed, held, stored, or offered for sale by Wal-Mart with intent to deprive Wal-Mart of the possession, use, or benefit of the merchandise without paying full retail value, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved, all in violation of Sections 16-13-0110(A), *Code of Laws of South Carolina* (1976, as amended).

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



T. MATTHEW HOGGE
ASSISTANT SOLICITOR

OF York Jail
VS.
John Kenneth Massey Jr

INDICTMENT/CASE#: 2011GS4603278

A/W#: DJJ787210

Date of Offense: 7/7/2011

S.C. Code § : 16-13-0010(A)

CDR Code #: 3612

A:
Race: WHITE Sex: M Age: 36
DOB: [REDACTED] SS#: [REDACTED]
Address:
City, State, Zip:
DL#: [REDACTED] SID#: SC01101652

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436

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

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Shelton, Matthew W

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,
for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 10 months☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 26-5-13

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$ 130.00

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: 10 days to go into

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

Clerk of Court/ Deputy Clerk

David Hamilton

Court Reporter:

Aminah Hardy

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2140

Sentence Date: 10/2/12

ORIGINAL

CERTIFIED TRUE COPY
2011 NOV 12 PM 4:01
CLERK OF COURT
MATTHEW W. SHELTON
SOUTH CAROLINA

389

WITNESSES

YPD/Mumaw

sgb

ARREST WARRANT NUMBER

Direct Indictment re:
J787210

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 10/13/11

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011-GS-46-03278

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 13, Term 2011

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY, ENHANCED AS THIRD
OR MORE PROPERTY CRIME

SC Code: 16-13-10, 16-1-57
CDR Code: 3436

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

Defendant

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

Forgery less than \$5,000

Defendant

Witness:
C.C.C. PLS. AND G.S.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
Specialist

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 13, 2011, the Grand Jurors of York County present upon their oath:

FORGERY, ENHANCED AS THIRD OR MORE PROPERTY CRIME

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about July 7, 2011, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present check number 569 to York Electric Cooperative drawn on the closed Bank of York account of Rebecca Keller and made payable to York Electric Cooperative; the check written in the amount of One Hundred Fifty-One Dollars and Ninety-Seven Cents (\$151.97) was forged, passed, and negotiated without the permission or knowledge of the victim. Said Defendant has two or more prior convictions for property crimes for which the term of imprisonment is contingent upon the value of the property involved. All in violation of Section 16-13-10 and Section 16-1-57, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Kenneth Mussey

AKA:

Race: Black Sex: male Age: 27

SS#: [REDACTED]

Address: _____

DL# _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

2002 -GS- 46 - 3247

A/W#: G796548

Date of Offense: 8-17-2

S.C. Code §: C/L

CDR Code #: 0101019

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Assault of a High & Aggravated Nature
in violation of § C/L of the S.C. Code of Laws, bearing CDR Code # 0101019

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.

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

ATTEST:

Willy Thompson x [Signature]
Solicitor Defendant

Harvey Dost
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of Time Serve days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 2 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 90 days/months jail time.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☒ RESTITUTION: ☒ Heard, ☐ Waived, ☒ Ordered

Total: \$ 1,110.00 plus 20% fee: \$ _____

Payment Terms: _____

☒ set by SCDPPS _____

Recipient: Tyson Massey

*Fine:\$

§14-1-206 (Assessments 100%).....\$

§14-1-211(A)(1) (Surcharge)\$100

§14-1-211(A)(2) (Surcharge)\$

§56-5-2995 (DUI Assessment).....\$

3% to County (if paid in installments)....\$

TOTAL\$100

David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: Shirley Broom

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP _____

_____ days/hours Public Service/employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling X

Random Drug/Alcohol Testing X

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

\$ 40.00 paid to Public Defender Fund. App Fe

Other: Anger management counseling

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: 11/19/2002

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY

WITNESSES

YCSD/Smothers

jlw

ARREST WARRANT NUMBER

G796548

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2002-GS-46-

3247

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 14, Term 2002

THE STATE

vs.

JOHN KENNETH MASSEY

Indictment for

ASSAULT OF A HIGH
AND AGGRAVATED NATURE

SC Code: C/L
CDR Code: 0009

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

Defendant

John Kenneth Massey
hereby appear in my own proper person and plead
guilty to the within indictment or to

as charged

Defendant

Witness:
Jacoby Childers Chalk II
C.C.C. P.S. AND G.S.

CERTIFIED TRUE COPY
2016 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

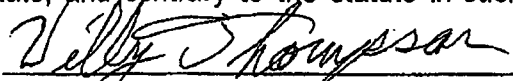
INDICTMENT

At a Court of General Sessions, convened on November 14, 2002, the Grand Jurors of York County present upon their oath:

ASSAULT OF A HIGH AND AGGRAVATED NATURE

John Kenneth Massey did in York County on or about August 17, 2002, willfully, unlawfully, and intentionally, commit an assault upon his brother, Jason Massey, accompanied by the use of a deadly weapon. The assault occurred at 2938 Boss Wylie Rd. in Rock Hill, South Carolina all in violation of 16-3-620, *Code of Laws of South Carolina*, (1976, as amended).

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


ASSISTANT DEPUTY SOLICITOR

394

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

Race: B Sex: M Age: 30

DOB: SS#:

Address: Rock Hill, SC 29745

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4389

A/W#: F781776

Date of Offense: 08-30-2005

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL # 17
☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: PETIT LARCENY

in violation of § 16-13-30(a) of the S.C. Code of Laws, bearing CDR Code # 0480

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125

David Hamilton

Clerk of Court/Deputy Clerk

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2101419Sentence Date: 11-30-05

DOCKET NO. 2005-GS-46-4389

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

November 30, Term 2005

THE STATE

vs.

JAMES LEONARD MASSEY
AKA
JOHN KENNETH MASSEY

Indictment for
ARMED ROBBERY

SC Code: 16-11-0330
CDR Code: 0139

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

Defendant

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

Defendant

Witness:
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

WITNESSES

RHPD/McCarley

ARREST WARRANT NUMBER

F-781776

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

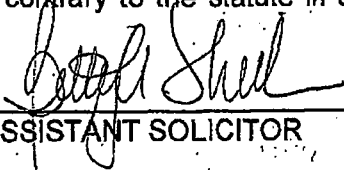
INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

ARMED ROBBERY

The Defendant, James Leonard Massey AKA John Kenneth Massey, did in York County, South Carolina, on or about August 30, 2005, while armed with a deadly weapon, to wit: a knife and threatening the use of a knife, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of Emily Turner, by means of force or intimidation goods or monies of said Emily Turner, such goods or monies being described as follows One Hundred Dollars (\$100.00) US Currency. All in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS 397

INDICTMENT/CASE#:

2005-GS-46-4388

A/W#: F781733

Date of Offense: 05-25-2005

S.C. Code § : 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED SENTENCE

☒ PLEA ☐ TRIAL

☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.

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

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv Surcharge)	\$100	\$	100.
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 35.13 (Public Def/Prob)	\$500	\$	
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$	25.
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)		\$	

TOTAL \$ 125.

David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2005 NOV 12 PM 4:00
CERTIFIED TRUE COPY

398

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

AKA

Race: B Sex: M Age: 30

DOB: SS#

Address: Rock Hill, SC 29732

DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#

2005-GS-46-4387

A/W#: F781732

Date of Offense: 05-25-2005

S.C. Code § : 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$ 125.

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: Janet Cook

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 210

Sentence Date: 11-30-05

SCCA/217 (7/2003)

66C

WITNESSES

R/MPD/Dugan

If

ARREST WARRANT NUMBER

F-781732

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-

4387

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Teresa Sizemore Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 25, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #959 written on the account of Kristy Massey in the amount of \$40.20. This occurring at Bi-Lo located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#:

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS 401

INDICTMENT/CASE#:

2005-GS-46-4386

A/W#: F781731

Date of Offense: 05-26-2005

S.C. Code § : 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 9 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge

§ 14-1-211(A)(2) (DUI Surcharge

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment

3% to County (if paid in installments

TOTAL

David Hamelton
Clerk of Court/ Deputy Clerk

Court Reporter:

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

RHPD/Dugan

If

ARREST WARRANT NUMBER

F-781731

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-

4386

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Sheresa Stiggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 26, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #959 written on the account of Kristy Massey in the amount of \$29.23. This occurring at Bi-Lo located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4385

A/W#: F781730

Date of Offense: 05-27-2005

S.C. Code §: 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTORNEY

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharg) \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharg) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surcharg) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125.

David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 201, 0, 4, 9

Sentence Date: 11-30-05

WITNESSES

RHPD/Dugan

If

ARREST WARRANT NUMBER

F-781730

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-

4385

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10

CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Delesa Stiggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:00
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 27, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #962 written on the account of Kristy Massey in the amount of \$54.58. This occurring at Wal-Mart located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#:

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

407

INDICTMENT/CASE#:

2005-GS-46-4384

A/W#: F781729

Date of Offense: 05-25-2005

S.C. Code §: 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgerv < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

Attest:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment \$40/ea)

3% to County (if paid in installments)

TOTAL

\$ 125.

Clerk of Court/ Deputy Clerk

Court Reporter:

PTUP

_____ days/hours Public Service/ Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

RHPD/Dugan

ARREST WARRANT NUMBER

F-781729

ACTION OF GRAND JURY

VERDICT

Foreperson of Grand Jury
Date:

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46- 4384

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE
vs.
JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:
Teresa Scoggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 17 2 PM 4: 01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 25, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #977 written on the account of Kristy Massey in the amount of \$27.31. This occurring at Winn-Dixie located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

410 STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#: 4

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4383

A/W#: H629388

Date of Offense: 05-29-2005

S.C. Code §: 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was

TO: Forgery < \$5000

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.

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

ATTEST

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharge \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125.

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter:

Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

11-30-05

411

WITNESSES

YCSD/Yeager

If

ARREST WARRANT NUMBER

H-629388

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-

4383

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10

CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Teressa Sloggin Dep Cler
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 29, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #974 written on the account of Kristy Massey in the amount of \$28.46. This occurring at Harris Teeter located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#

Address: Rock Hill, SC 29732

DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4382

A/W#: H629387

Date of Offense: 05-28-2005

S.C. Code § : 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surchage) \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharg) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surchage) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(f) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2101499

Sentence Date: 11-30-05

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

Defendant

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

Defendant

Witness:
Teresa Siggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

DOCKET NO. 2005-GS-46-

4382

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

WITNESSES

YCS/D/Yeager

If

ARREST WARRANT NUMBER

H-629387

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 28, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #972 written on the account of Kristy Massey in the amount of \$22.16. This occurring at Harris Teeter located, within York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

416

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

Rock Hill, SC 29732

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4381

A/W#: H581910

Date of Offense: 05-26-2005

S.C. Code §: 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125.

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service/Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE John H. [Signature]Judge Code: 2 10 14 14Sentence Date: 11-30-05

DOCKET NO. 2005-GS-46-

4381

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Deresa Siggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DADA HAMILTON
CLERK OF COURT
YORK COUNTY, SC

WITNESSES

YPD/Naylis

ARREST WARRANT NUMBER

H-581910

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 26, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #965 written on the account of Kristy Massey in the amount of \$28.29. This occurring at Wal-Mart located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#:

Address:

Rock Hill, SC 29732

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS 419

INDICTMENT/CASE#:

2005-GS-46-4380

A/W#: H581909

Date of Offense: 05-29-2005

S.C. Code §: 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgerv < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor:

Defendant:

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharge

§ 14-1-211(A)(2) (DUI Surcharge

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment

3% to County (if paid in installments

TOTAL

\$

\$

\$100

\$

\$100

\$

\$12

\$

\$500

\$

\$25

\$

\$100

\$

\$50

\$

\$40/ea

\$

\$

\$

\$

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\$

\$

\$

\$

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

DOCKET NO. 2005-GS-46-

4380

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

WITNESSES

YFD/Naylis

If

ARREST WARRANT NUMBER

H-581909

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

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

Defendant

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

Defendant

Witness:

Sheresa Stiggins Dep. Cler
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 29, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #981 written on the account of Kristy Massey in the amount of \$28.65. This occurring at Wal-Mart located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

422

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4379

A/W#: H581908

Date of Offense: 05-29-2005

S.C. Code § 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharge

§ 14-1-211(A)(2) (DUI Surcharge

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment

3% to County (if paid in installments

TOTAL

\$ 125.

Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 210 14 101

Sentence Date: 11-30-05

423

WITNESSES

Y?D/Naylis

If

ARREST WARRANT NUMBER

H-581908

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-4379

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury

Defendant

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

Defendant

Witness:

Dorcas Sloggin Dep Clerk
C.C.C. PLS. AND G.S.CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 29, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #971 written on the account of Kristy Massey in the amount of \$27.09. This occurring at Wal-Mart located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: SS#

Address: Rock Hill, SC 29732

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS 425

INDICTMENT/CASE#:

2005-GS-46-4378

A/W#: H581907

Date of Offense: 05-29-2005

S.C. Code § 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation; ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv Surcharge)

\$100

\$

100.

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 35.13 (Public Def/Prob)

\$500

\$

§ 73.3, 1B TP (Law Enforce. Funding)

\$25

\$

25.

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment \$40/ea)

\$40/ea

\$

3% to County (if paid in installments)

\$

TOTAL

\$

125.

David Hamelton

Clerk of Court/ Deputy Clerk

Court Reporter:

Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

YPD/Naylis

If

ARREST WARRANT NUMBER

H-581907

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-

4378

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:
Deresa Stiggins Dep. Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 29, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #970 written on the account of Kristy Massey in the amount of \$27.82. This occurring at Winn Dixie located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

428

STATE OF SOUTH CAROLINA

COUNTY OF York
 STATE VS.
John Massey
 AKA: _____

Race: B Sex: M Age: 30
 DOB: [REDACTED] SS#: [REDACTED]
 Address: Rock Hill, SC 29732
 DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4377

A/W#: H581906 29Date of Offense: 05-2-2005S.C. Code § : 16-13-0010(B)(2)CDR Code #: 2427☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL #12☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was
 TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor: [Signature]Defendant: [Signature]Attorney for Defendant: [Signature]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125.Caved Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]Judge Code: 2101419Sentence Date: 11-30-05

WITNESSES

YPD/Naylis

If

ARREST WARRANT NUMBER

H-581906

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-

4377

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

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

Defendant

Witness:

Teresa Scoggins Dep Clerk
C.C.C. PLS. AND G.S.CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 29, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #978 written on the account of Kristy Massey in the amount of \$33.57. This occurring at Winn Dixie located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

John Massey

AKA:

Race: B Sex: M Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

Rock Hill, SC 29732

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2005-GS-46-4376

A/W#: H581905

Date of Offense: 05-13-2005

S.C. Code § 16-13-0010(B)(2)

CDR Code #: 2427

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Forgery < \$5000

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTORNEY:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: with Probation revocation☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 90 days

SPECIAL CONDITIONS:

☒ RESTITUTION: ☒ Heard, ☐ Waived, ☐ OrderedTotal: \$ 516.00 plus 20% fee: \$ _____

Payment Terms:

☒ set by SCDPPPSSee Restitution Sheet

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment \$40/ea)

3% to County (if paid in installments)

TOTAL

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter:

Janet Keck

PTUP

_____ days/hours Public Service/employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ 400.00 paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 35.13 TP, Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

210 1419
11-30-05

WITNESSES

VPD/Naylis

If

ARREST WARRANT NUMBER

H-581905

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-

4326

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

November 17, Term 2005

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FORGERY

SC Code: 16-13-10
CDR Code: 2427

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

Defendant

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

Defendant

Witness:

Teresa Scoggins Dep Clerk
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 17, 2005, the Grand Jurors of York County present upon their oath:

FORGERY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 30, 2005, with intent to defraud, falsely make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: the defendant did present and/or utter and sign the victim's name to check #991 written on the account of Kristy Massey in the amount of \$32.61. This occurring at Bi-Lo located, within the City of York, York County, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

434 COUNTY OF York
STATE VS.
John Kenneth Massey
AKA:
Race: B Sex: M Age: 33
DOB: SS#:
Address: Rock Hill, SC 29731-1706
DL#: SID#:
ORIGINAL

INDICTMENT/CASE#: 2008GS4604122
A/W#: J165839
Date of Offense: 5/19/2008
S.C. Code §: 16-17-0410
CDR Code #: 0049

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

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

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

ATTEST:

Solicitor Holland, Jessica E

Defendant

Attorney for Defendant

SC Bar# 2383

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of 1.5 days/months/years and/or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

§ 90.11 TP (SCCJA Surcharge) \$5 \$5

TOTAL \$130

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter:

Wayda Nelson

days/hours Public Employment

Obtain GED

Attend Voc. Rehab. or Job Co.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

SCCA/217 (07/2008)

DOCKET NO. 2008-GS-46-04122

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

WITNESSES

SDI Gurganus

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

October 16, Term 2008

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

gh

ARREST WARRANT NUMBER

165839

THE STATE

vs.

Defendant

Witness:

C.C.C. PLS AND G.S.

ACTION OF GRAND JURY

JOHN KENNETH MASSEY, JR.

TRUE BILL

Patricia S. Massey
Foreperson of Grand Jury
Date: 10/16/08

VERDICT

Foreperson of Petit Jury
Date:

Indictment for
CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 049

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on October 16, 2008, the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 19, 2008, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Ronnie Stroud and Samuel Barker, for the purpose of committing the crime of Breaking and Entering a Motor Vehicle and Petit Larceny. All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

COUNTY OF York
STATE VS.
John Kenneth Massey

AKA: _____

Race: B Sex: M Age: 33

SS#: _____

Address: Rock Hill, SC 29731-1706

SID#: _____

INDICTMENT/CASE#: 2008GS4604121A/W#: J165838Date of Offense: 5/19/2008S.C. Code § : 16-13-0030(A)CDR Code #: 0480

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Larceny / Petit or Simple Larceny

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 0480

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Holland, Jessica E

Defendant

Attorney for Defendant

2383
SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. (30 DAYS)☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5TOTAL \$ 130David Hamilton
Clerk of Court/ Deputy ClerkCourt Reporter: Wanda Nelson

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE James F. DaultJudge Code: 211110Sentence Date: 10-23-08

SCCA/217 (07/2008)

DOCKET NO. 2008-GS-46-04121

WITNESSES

YCSD\Gurganus

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

October 16, Term 2008

sgb

ARREST WARRANT NUMBER

J165838

ACTION OF GRAND JURY

TRUE BILL

Patricia S. Moss

Foreperson of Grand Jury

Date: 10/16/08

VERDICT

Foreperson of Petit Jury

Date:

438

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

PETIT LARCENY

SC Code: 16-13-30

CDR Code: 480

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

Defendant:

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

Defendant

Witness:

C.C.C. P.S. AND G.S.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2015 NOV 12 PM 4:01

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

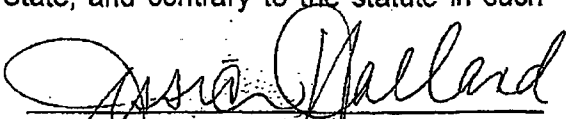
INDICTMENT

At a Court of General Sessions, convened on October 16, 2008, the Grand Jurors of York County present upon their oath:

PETIT LARCENY

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 19, 2008, unlawfully take and carry away the goods of the victim, Lee's Nursery, valued at less than One Thousand Dollars, described as follows: gasoline, with intent to deprive the owner permanently of such property, all in violation of Section 16-13-30, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

440
COUNTY OF York
STATE VS.
John Kenneth Massey
AKA:
Race: B Sex: M Age: 33
DOB: SS#
Address: SC 29731-1706
DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS4604120
A/W#: J165837
Date of Offense: 6/4/2008
S.C. Code § : 16-13-0160(1)(2), (B)
CDR Code #: 0258

ORIGINAL

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants:st

in violation of § 16-13-0160(1)(2), (B) of the S.C. Code of Laws, bearing CDR Code # 0258

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor Holland, Jessica E Defendant Attorney for Defendant 2383 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 1.5 days/months/years and/or payment
of \$; plus costs and assessments, as applicable*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

Total: \$ 300.00 plus 20% fee: \$

Payment Terms:

☒ set by SCDPPPS

Recipient: LEEB NURSERY

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$ 500

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5

TOTAL \$630

David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: Wanda Nelson

PTUP AFTER TWO (2) YEARS
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☒ Appointed PD or appointed other counsel \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

SCCA/217 (07/2008)

DOCKET NO. 2008-GS-46-04120

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

WITNESSES

CSD\Gurganus

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

October 16, Term 2008

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

ARREST WARRANT NUMBER

165837

THE STATE

vs.

Defendant

Witness:
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

JOHN KENNETH MASSEY, JR.

TRUE BILL

Patricia S. Mason
Representative of Grand Jury
Date: 10/16/08

VERDICT

Representative of Petit Jury
Date:

Indictment for
BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-160
CDR Code: 258

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

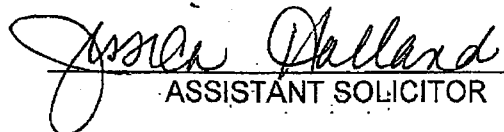
INDICTMENT

At a Court of General Sessions, convened on October 16, 2008, the Grand Jurors of York County present upon their oath:

BREAKING INTO MOTOR VEHICLE

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 19, 2006 break into a motor vehicle belonging to Lee's Nursery, at 5750 Mount Gallant Road in Rock Hill, South Carolina, with intent to steal the same or anything of value therefrom. All in violation of Section 16-13-160 of the Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

COUNTY OF York
STATE VS.
John Kenneth Massey

AKA:

Race: B Sex: M Age: 33DOB: [REDACTED] SS#: [REDACTED]Address [REDACTED]
Rock Hill, SC 29731-1706DL#: [REDACTED] SID#: [REDACTED]INDICTMENT/CASE#: 2008GS4604119A/W#: J165836Date of Offense: 6/4/2008S.C. Code §: 16-13-0160(1)(2), (B)CDR Code #: 0258

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants st

in violation of § 16-13-0160(1)(2), (B) of the S.C. Code of Laws, bearing CDR Code # 0258

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor Holland, Jessica EDefendant [REDACTED]Attorney for Defendant [REDACTED] SC Bar# 2383

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 1.5 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5TOTAL \$ 130-Clerk of Court/ Deputy Clerk David HemelCourt Reporter: Wanda Nelson

_____ days/hours Public Service/Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [REDACTED]Judge Code: 2111110Sentence Date: 10-23-08

SCCA/217 (07/2008)

WITNESSES

CSD\Gurganus

gh

ARREST WARRANT NUMBER

1165836

ACTION OF GRAND JURY

TRUE BILL

Patricia S. Moss

Foreperson of Grand Jury

Date: 10/16/08

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-46-04119

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 16, Term 2008

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-160

CDR Code: 258

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:01
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

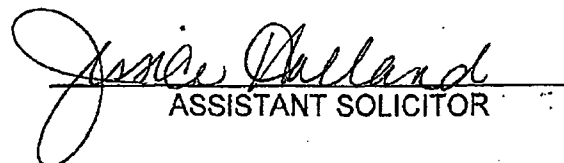
INDICTMENT

At a Court of General Sessions, convened on October 16, 2008, the Grand Jurors of York County present upon their oath:

BREAKING INTO MOTOR VEHICLE

The Defendant, John Kenneth Massey, Jr., did in York County, South Carolina, on or about May 19, 2006 break into a motor vehicle belonging to Lee's Nursery, at 5750 Mount Gallant Road in Rock Hill, South Carolina, with intent to steal the same or anything of value therefrom. All in violation of Section 16-13-160 of the Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

446

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA: John F. Massey Jr.

Race: B Sex: M Age: 33

DOB: [REDACTED] SS: [REDACTED]

Address: Rock Hill, SC 29732

DL#: [REDACTED] SID#: SC01101652

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009 GS 4602015

A/W#: J153825

Date of Offense: 2/16/2009

S.C. Code §: 16-14-0060(a)(1-5)

CDR Code #: 0731

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: FinanTC / Financial Transaction Card fraud value \$500 or less in six month period

in violation of § 16-14-0060(a)(1-5) of the S.C. Code of Laws, bearing CDR Code # 0731

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor Sikora, Amy M

SC Bar# 73035

Defendant

Attorney for Defendant

SC Bar# 76666

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for 1 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

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

Total: \$ 1107.50 plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
§ 35.13 (Public Def/Prob)	\$500	\$ 500
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ 5
TOTAL	\$	\$ 630

David Hamilton

Clerk of Court/Deputy Clerk

Court Reporter: Sherry Brown

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ paid to Public Defender Fund

Other:

☒ Appointed PD or appointed other counsel \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2111512

Sentence Date: 5-14-09

SCCA 017 (02/0000)

WITNESSES

YCSO/Strait

dc

ARREST WARRANT NUMBER

J-153825

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-46-

02015

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

April 23, Term 2009

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for

FINANCIAL TRANSACTION CARD FRAUD

SC Code: 16-14-60
CDR Code: 731After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

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

Defendant

Witness:

C.C.C. PLS AND CJS

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

11 NOV 12 PM 4:02

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2009, the Grand Jurors of York County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD

The Defendant, John Kenneth Massey Jr., did in York County on or about February 15, 2009, willfully and unlawfully with intent to defraud, use a stolen ATM card of Kim Washington for the purpose of purchasing items from Community Food Market, located at or near 2652 West Main Street, by presenting the financial transaction card without the authorization or permission of the cardholder. Purchase was valued at less than Five Hundred Dollars and no/100 (\$500.00). All in violation of Section 16-14-60, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

John Massey

AKA: John K. Massey, JR.

Race: B Sex: M Age: 33

DOB: [REDACTED] SS#: [REDACTED]

Address: Rock Hill, SC 29732

DL#: [REDACTED] SID#: SC01101652

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009 GS 46 02014

A/W#: J153824

Date of Offense: 2/16/2009

S.C. Code § : 16-14-0060(a)(1-5)

CDR Code #: 0731

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: FinanTC / Financial Transaction Card fraud value \$500 or less in six month period

in violation of § 16-14-0060(a)(1-5) of the S.C. Code of Laws, bearing CDR Code # 0731

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

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

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

ATTEST:

Solicitor Sikora, Amy M

SC Bar# 73035

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

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

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ 5
TOTAL		\$ 130

David Hamilton

Clerk of Court/Deputy Clerk

Court Reporter: Shirley Brown

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

SCCA/217 (03/2009)

DOCKET NO. 2009-GS-46-02014

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

X *[Signature]*
Defendant

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

X *[Signature]*
Defendant

Witness:
Christy Benfield Ct Spec.
C.C.C. PLS AND GS

CERTIFIED TRUE COPY
2015 NOV 12 PM 4:02
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

WITNESSES

YCSO/Strait

dc

ARREST WARRANT NUMBER

J-153824

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

April 23, Term 2009

THE STATE

vs.

JOHN KENNETH MASSEY, JR.

Indictment for
FINANCIAL TRANSACTION CARD FRAUD

SC Code: 16-14-60
CDR Code: 731

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

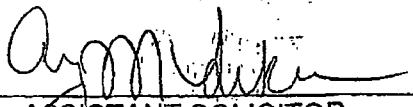
INDICTMENT

At a Court of General Sessions, convened on April 23, 2009, the Grand Jurors of York County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD

The Defendant, John Kenneth Massey Jr., did in York County on or about February 16, 2009, willfully and unlawfully with intent to defraud, use a stolen ATM card of Kim Washington for the purpose of purchasing items from Community Food Market, located at or near 2652 West Main Street, by presenting the financial transaction card without the authorization or permission of the cardholder. Purchase was valued at less than Five Hundred Dollars and no/100 (\$500.00). All in violation of Section 16-14-60, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

Catawba/Ebenezer Magistrate

CASE HISTORY FOR CASE 44391EU

The State of South Carolina Vs John Kenneth Massey Jr

FILED DATE: 3/17/2009

CASE TYPE: CR

STATUS: Disposed

JUDGE: Davenport, Robert Jr.

ARRESTING AGENCY: York County Sheriff

CASE PARTIES:

Defendant Massey, John Kenneth Jr

Rock Hill, SC 29730

Officer Osborne, J D

Moss Justice Center, 1875-2A York Highway, York, SC 297457428

CASE HISTORY FOR CASE 44391EU

Massey, John Kenneth Jr

Age: 39

DOB: [REDACTED]

DL#: [REDACTED]

SSN: [REDACTED]

Rock Hill, SC 29730

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
1223 Report / Giving false information to law enforcement, fire dept. or rescue dept.	3/14/2009	Guilty Bench Trial Credit Time Served	6/22/2009
SENTENCING			
Credit Time Served			

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Report / Giving false information to law enforcement, fire dept. or re				
Fine to General Fund	\$0.00	\$0.00	\$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge \$:	0.00	0.00	0.00	999
SC Criminal Justice Academy Training	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	\$0.00	\$0.00	\$0.00	

DATE	TIME	EVENT DESCRIPTION
3/14/2009	11:00 PM	Court event: Bond Hearing
3/14/2009	11:25 PM	Filing recorded: Bond Comment To Notes Screen
3/17/2009	2:26 PM	Filing recorded: Bond Comment To Notes Screen
6/24/2009	3:00 PM	Court event: Criminal/Traffic Court
3/14/2009	12:00 AM	Bond 2 was set in the amount of 0 by Yard, Leon E.
3/14/2009	12:00 AM	C46LYARD recorded the following Case Note: Ct date is 4/15/09 @ 3PM in Rock Hill, SC
3/17/2009	12:00 AM	BAGLEYB recorded the following Case Note: Ct date is 4/15/09 @ 3PM in Rock Hill, SC
5/26/2009	12:00 AM	C46LWILLIA recorded the following Case Note: plead at the jail

Print Date: 10/09/2014
 Print Time: 12:00:39PM
 Requested By: C46ADODGEN

CaseHistory.rpt V6.1

This is a true and certified
 copy of the courts records. Page 1 of 1

[Signature]
 Magistrate
 Catawba-Ebenezer Township

Criminal Records.Txt

590 MECKLENBURG ICA INQUIRY 01 09CR 252304 FILM:
 UNSERVED R S DOB/AGE CR FILING DATE: 102809
 WARRANT B M 08111975 DL#: CIT#: TRIAL DATE:
 MASSEY, JOHN, KENNETH UNKNOWN CSLR: CSLRC: TYP: VRA:
 CHARLOTTE NC 00000 DEF ATTY: 14-223
 CHG/ARRN OFFN: M RESISTING PUBLIC OFFICER
 COMPLAINANT: HARRIS, J CPD ISSUED: 102809 SERVED:
 OFFN DATE: 102509 ARRN DATE: MOTIONS DATE: DISP DATE:
 CONT. D: 00 S: 00 C: 00 NR: 00 INT?: FRM: RSONCO: GANG REL: DV CV: N
 PLEA VER MOD \$ FINE \$ COSTS WCC \$ REST JUDGE PAID TO-BE-PAID
 CONV OFFN: CAB:
 SENT LEN: - SENT TYPE: CONS. F/JGMT:
 PROB: WITHDRAWN: APPEALED TO SUPERIOR:
 AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:
 CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:

ARREST DATE:
NEXT#:

CHECK DIGIT: SID:
PF2 - NAME INQUIRY

LID: 000000
ADDL CHARGES:

A TRUE COPY

CLERK SUPERIOR COURT
 By *Darlene Wilson*
 Assistant Deputy Clerk Superior Court

20.3A4610100814

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

201300023745

against

John Kenneth Massey, Jr

Address:

Rock Hill, SC 29732-8902

Phone: (803)327-5615

SSN:

Sex: M Race: B Height: 6 I Weight: 185

DL State: SC

DL #:

DOB: [REDACTED] Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: N. E. Schifferle - S5043

Offense: Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement

Offense Code: 3587

Code/Ordinance Sec: 16-13-0030(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant John Massey Jr on 7/17/13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

York

AFFIDAVIT

April 21, 2003
SCCA 518

Personally appeared before me the affiant N. E. Schifferle

who

being duly sworn deposes and says that defendant John Kenneth Massey, Jr

did within this county and state on or about 7/17/2013

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York)

in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The defendant did willfully and unlawfully violate South Carolina code of Laws by taking and carrying away a 2005 Honda Foreman ES 4 Wheeler that belonged to the victim Benjamin Fairfax, while at 5181 Mobley Store Rd, McConnells, South Carolina, County of York. The property is value at \$5000. This is the defendant's 3rd or more property offense in violation of 16-1-57.

Police Investigation

Recovery of Evidence (2005 Honda Foreman ES 4 wheeler)

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address Moss Justice Center
York, SC 29745-7428

Affiant's Telephone: (803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/17/2013

defendant John Kenneth Massey, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York

as set forth below:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 7/17/2013

Signature of Issuing Judge
Lynne Horton Benfield

Judge Code: 5806

Judge's Address Moss Justice Center
York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

20 JA4610100815

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

201300023745

against

John Kenneth Massey, Jr

Address:

Rock Hill, SC 29732-8902

Phone: (803)327-5615

SSN:

Sex: M Race: B Height: 6 1 Weight: 185

DL State: SC DL #:

DOB: Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: N. E. Schifferle - S5043

Offense: Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement

Offense Code: 3594

Code/Ordinance Sec: 16-11-0510(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 7/17/13 John Massey, Jr

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

York

AFFIDAVIT

SCCA 518

Personally appeared before me the affiant N. E. Schifferle who being duly sworn deposes and says that defendant John Kenneth Massey, Jr did within this county and state on or about 7/17/2013 violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York) in the following particulars:

DESCRIPTION OF OFFENSE: Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement per 16-1-57)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The defendant did willfully and unlawfully violate South Carolina code of Laws by cutting, destroying and damaging a water house that belonged to the victim Benjamin Fairfax, while at 5181 Mobley Store Rd, McConnells, South Carolina, County of York. The property is value at \$50. This is the defendant's 3rd or more property offense in violation of 16-1-57.

Police Investigation

Recovery of Evidence (water hose)

Signature of Affiant

Michl Schifferle

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address: Moss Justice Center
York, SC 29745-7428

Affiant's Telephone: (803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/17/2013 defendant John Kenneth Massey, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement per 16-1-57)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 7/17/2013

Lynne Horton Benfield (L.S.)

Lynne Horton Benfield

Judge Code: 5806

Judge's Address: Moss Justice Center
York, SC 29745-7423

Judge's Telephone: (803)628-3029

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF YORK

John Kenneth Massey Jr
Name of Defendant

CHECKLIST

TRIAL COURT:

- ☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:

2013A4610100814 Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)
2013A4610100815 MIPP <\$2000 Enhancement

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☒ BAIL PROCEEDING / ☐ FIRST APPEARANCE (NON-BAILEABLE OFFENSES)

1. Form used at bail proceeding
 - ☒ a. Bond Form I (personal recognizance)
 - ☒ b. Bond Form II (surety, cash, percentage)
 - ☐ c. None (Non-Bailable Offense)
2. For cases in which bond was set, defendant was informed:
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - ☒ a. Orally
 - ☒ b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. ☒ Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges.
 - ☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before Judge/Clerk of Court for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

7/18/2013

First Appearance or Bond Hearing Date

JUDGE'S SIGNATURE

**BAIL PROCEEDING
FORM II**

STATE OF SOUTH CAROLINA
COUNTY OF York

IN THE York County General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Massey, John Kenneth Jr

NAME OF DEFENDANT

Offense Charged: Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)
[2013A4610100814]; Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement
per 16-1-57) [2013A4610100815]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☒ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address:

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior;
- That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 12,500.00.

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on October 08, 2013 at 8:30 o'clock A.M.
at York County General Sessions - 1675 York Hwy/York, SC 29745 / (803) 628-3036
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____
at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$12,500.00 (CS) or \$12,500.00 (SB)

INITIALS OF DEFENDANT *JD*

Court date: 10/8/2013 @ 8:30 am Initial Appearance: 8/26/2013 @ 9:00 am

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

[Signature]
SIGNATURE OF JUDGE

8/27/13
DATE

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

SCCA/511A (Revised 3/2012)

Original Copy For The Trial Court - Copy For The Defendant

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS
 York, SC 29745
 CITY/STATE/ZIP
 (803) 327-5615
 TELEPHONE
 (SC)
 SOCIAL SECURITY NUMBER
 DRIVER'S LICENSE OR ID NUMBER
 SIGNATURE OF DEFENDANT
 08-27-13
 DATE
 ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

ADDRESS	CITY/STATE	ZIP	TELEPHONE
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.			

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE _____

b. ☒ **Restrictions on Travel, Association or Residence.** The defendant will comply with each of the following conditions: No contact with Benjamin Fairfax prior to Court appearance

c. ☐ Part-time Release: The defendant will be released from custody from _____ o'clock, _____ AM/PM to _____ o'clock, _____ AM/PM on _____ DATE(S) on condition that he return to the custody of _____ NAME OF PERSON OR ORGANIZATION at _____ LOCATION as designated.

d. ☒ Other conditions. The defendant will comply with the following other conditions of release: Initial Appearance: 8/26/2013 @ 9:00 am, MJC, York, SC

APPEARANCE RECOGNIZANCE WITH SURETY

On the 27th day of August, 2013, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 12,500.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Metro Bail Bonds/Robert J. Mobley/American Cont (803) 327-5444

NAME OF SURETY BONDSMAN COMPANY TELEPHONE

SIGNATURE OF SURETY BONDSMAN

115 Elk Ave.

ADDRESS OF SURETY BONDSMAN

Rock Hill, SC 29730

CITY/STATE/ZIP

American Contractors Indemnity Co

NAME OF INSURANCE COMPANY

601 S. Figueroa Street Suite 1600

ADDRESS OF INSURANCE COMPANY

Los Angeles, CA 90017

CITY/STATE/ZIP

SIGNATURE OF JUDGE

DATE _____

STATE OF SOUTH CAROLINA

County of York

State of South Carolina

IN THE SUMMARY COURT

DISCHARGE

vs.

John Kenneth Massey Jr
DEFENDANT(S)

DISCHARGE

By Lewis Daniel Malphrus, Judge in and for the County and state aforesaid,

To the Sheriff and Keeper of the Common Jail in the said County:

The Defendant, John Kenneth Massey Jr, having been committed to your custody for the charge

Case number	Charge	Trial Court	Bond Type	Amount
2013A4610100814	Larceny / Grand Larceny 3rd Offense value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)	York County General Sessions	Cash Bond	\$10,000.00
			Surety Bond	\$10,000.00
2013A4610100815	Malicious / Malicious Injury to animals, personal property, injury value \$2,000 or less (Enhancement per 16-1-57)	York County General Sessions	Cash Bond	\$2,500.00
			Surety Bond	\$2,500.00

FILED-RECEIVED
2013 AUG 28 PM 4:46
DAVID HAMILTON
C.C.P. & U.S.
YORK COUNTY, SC

Court date: 10/8/2013 @ 8:30 am Initial Appearance: 8/26/2013 @ 9:00 am

has posted bond of type

Surety Bond in the amount of \$12,500.00 by Metro Bail Bonds/Robert J. Mobley/American Cont at 115 Elk Ave., Rock Hill, SC, 29730

and having given bond as required by the Court, you are hereby authorized and required to discharge the said Defendant from your custody. Provided that said Defendant is not held by you upon commitment for some other offense.

GIVEN UNDER MY HAND AND SEAL THIS DAY August 27, 2013

(Judge)

York County, SC

(Seal)

WITNESSES

YCSD\Schifferle

rgt

ARREST WARRANT NUMBER

2013A4610100814

ACTION OF GRAND JURY

TRUE BILL

Sammy Eakins
Foreperson of Grand Jury
Date: 10-17-13

VERDICT

Guilt of Grand Larceny
12-2-15

Nashia M. Collins
Foreperson of Petit Jury
Date: 4

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

October 17, Term 2013

THE STATE

vs.

JOHN KENNETH MASSEY JR.

Indictment for

**GRAND LARCENY, ENHANCED
AS THIRD OR SUBSEQUENT
PROPERTY ENHANCEMENT**

SC Code: 16-13-30
SC Code: 16-1-57
CDR Code: 3587

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.



STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on October 17, 2013, the Grand Jurors of York County present upon their oath:

GRAND LARCENY

The Defendant, John Kenneth Massey Jr., did in York County, South Carolina, on or about July 17, 2013, feloniously take and carry away items belonging to Benjamin Fairfax, valued at or more than two thousand dollars, with intent to deprive the owner permanently of such property, and said Defendant has two or more prior convictions in which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-13-30 and Section 16-1-57, Code of Laws of South Carolina (1976, as amended).

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2015 DEC -4 PM 12:58

CERTIFIED TRUE COPY

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


ASSISTANT SOLICITOR

462
COUNTY OF YORK
STATE VS.

JOHN KENNETH MASSEY, JR.
AKA: John K Massey, John Kenneth Jr Massey
Race: Black Sex: M Age: 40
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: York, SC 29745
DL# [REDACTED] SID# SC01101652

INDICTMENT/CASE#: 2013GS4603508
A/W: 2013A4610100814
Date of Offense: 07/17/2013
S.C. Code §: 16-13-0030(B)
CDR Code #: 3587

SENTENCE SHEET
ORIGINAL

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Grand Larceny, Third or Subsequent Property Crime

In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3587

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45

(CSC.w/minor 1st or Lewd Act)

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,

☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

T. Matthew Hogge, Assistant Solicitor General, SC Bar # 100126 Defendant
Attorney for Defendant SC Bar # 66593

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 140 days

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$ _____

TOTAL \$ 130

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Whitney Broom

SCCA/217 (03/2011)

☐ Ordered PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: [Signature]

Judge Bar ID: 1014 Judge Code: 2018

Sentence Date: 12-2-15

DOCKET NO. 2013-GS-46-03509

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

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

October 17, Term 2013

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

THE STATE

Defendant

vs.

Witness:

JOHN KENNETH MASSEY JR.

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Danny Eakin
Foreperson of Grand Jury
Date: 10-17-13

VERDICT

Indictment for

**MALICIOUS INJURY TO PROPERTY
PROPERTY ENHANCEMENT**

Naomi M. Collins
Foreperson of Petit Jury
Date: 12-2-15

SC Code: 16-11-510
SC Code: 16-1-57
CDR Code: 3594

463
YCS\Schifferle

WITNESSES

rgt

ARREST WARRANT NUMBER

2013A4610100815

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on October 17, 2013, the Grand Jurors of York County present upon their oath:

MALICIOUS INJURY TO PROPERTY/ PROPERTY ENHANCEMENT

The Defendant, John Kenneth Massey Jr., did in York County, South Carolina, on or about July 17, 2013, willfully, unlawfully, and maliciously damage property belonging to Benjamin Fairfax, located [REDACTED], McConnells, South Carolina, the damage being less than two thousand dollars, and said Defendant has two or more prior convictions in which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-11-510 and Section 16-1-57, Code of Laws of South Carolina (1976, as amended).

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2015 DEC -4 PM 12:58

CERTIFIED TRUE COPY

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


ASSISTANT SOLICITOR

COUNTY OF YORK

STATE VS.

JOHN KENNETH MASSEY, JR.

AKA: John K. Massey, John Kenneth Jr. Massey

Race: Black Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: York, SC 29745

DL# [REDACTED] SID# SC01101652

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADS

TO: Malicious Injury to Property, Third or Subsequent Property Crime

In violation of § of the S.C. Code of Laws, bearing CDR Code # 3594

SENTENCE SHEET
ORIGINAL☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

T. Matthew Hogge, Assistant Solicitor 100126 SC Bar #

Defendant

Attorney for Defendant 66593 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 2 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2013-654603508☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 140 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: _____

Judge Bar ID: 1014Judge Code: 2048Sentence Date: 12-2-15

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

SCCA/217 (03/2011)

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5

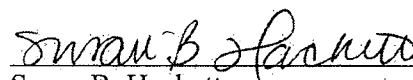
3% to County (if paid in installments) \$ \$ _____

TOTAL \$ 130

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

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

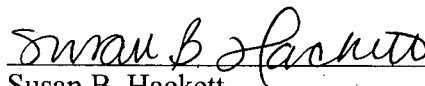
ATTORNEY FOR APPELLANT

This 17th day of April, 2017.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 17th day of April, 2017.