

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry County
COURT OF GENERAL SESSIONS

Appellate Case No. 2012-213631

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SC Court of Appeals

Edward B. Cottingham, Circuit Court Judge

Case No. 2012-GS-26-00859
Appellate Case No.: 2012-213631

The State, ... Respondent,

v.

Rickey Mazique, ... Appellant.

RECORD ON APPEAL

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ORIGINAL

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2012-GS-26-00859

THE STATE OF SOUTH
CAROLINA,

Plaintiff,

vs.

RICKEY MAZIQUE,

Defendant.

Transcript of Record

September 7, 2012

B E F O R E:

Honorable Larry B. Hyman, Jr.
Horry County Courthouse
Conway, South Carolina

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

Brad C. Richardson, Esquire
Attorney for Plaintiff

Melinda Knowles, Esquire
Attorney for Defendant

Kay H. Richardson, CVR
Circuit Court Reporter

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E X H I B I T S

<u>No.</u>	<u>ID</u>	<u>EV</u>

(There were no exhibits marked during the hearing.)

1 **(September 7, 2012)**

2 MR. RICHARDSON: Your Honor, appearing before the Court
3 on Indictment 20012-GS-26-859 and 2012-860, State of South
4 Carolina, County of Horry versus Rickey Mazique. He's got a
5 true-billed indictment on 859 for armed robbery, 860 for
6 possession of a firearm during the commission of a violent
7 crime. He's got several other files, Your Honor. The State
8 is also allowing him to plead on armed robbery for a
9 recommendation of ten years and we've dismissed the remaining
10 charges which include financial transaction card fraud and
11 strong armed robbery and another strong armed robbery.

12 Your Honor, the State is prepared -- he's represented by
13 Ms. Knowles; Brad Richardson on behalf of the State.
14 Originally this was being prosecuted by Ms. Nancy Cote, I've
15 assumed prosecution at this time. The State will be prepared
16 to go forward I believe November, Your Honor, is what I said
17 on the sheet.

18 THE COURT: Mr. Richardson, if I heard you right, you're
19 allowing him to plead to one count of armed robbery?

20 MR. RICHARDSON: That's correct, Your Honor, with a
21 recommendation of ten years. I'll negotiate it if he wants
22 to.

23 THE COURT: And you're going -- you're willing to dismiss
24 the other charges?

25 MR. RICHARDSON: Every one of the other charges, Your

1 Honor.

2 THE COURT: All right. Mr. Mazique?

3 MR. MAZIQUE: Yes, sir.

4 THE COURT: You are represented by Ms. Knowles?

5 MR. MAZIQUE: Yes, sir.

6 THE COURT: And has she gone over the evidence of the
7 case with you?

8 MR. MAZIQUE: Yes, sir.

9 THE COURT: Has she explained to you the nature of the
10 charges that you have against you?

11 MR. MAZIQUE: Yes, sir.

12 THE COURT: Do you understand what sort of sentences you
13 might be looking at?

14 MR. MAZIQUE: Yes, sir.

15 THE COURT: The armed robbery itself carries up to
16 twenty-five -- thirty -- up to thirty years just one armed
17 robbery and I understand that you have several other -- common
18 law robbery, strong armed robbery, financial transaction card
19 theft, a weapons charge and things of that nature that they
20 are willing to dismiss. What I need to know for our purposes
21 today, Mr. Mazique, is that have you been informed that the
22 State has made an offer to let you plead to one count of armed
23 robbery and -- with a recommendation or a negotiation, either
24 one you want, of a ten-year sentence.

25 MR. MAZIQUE: Can I ---

1 THE COURT: Yes.

2 MR. MAZIQUE: Yes, sir.

3 THE COURT: Do you understand that?

4 MR. MAZIQUE: Yes, sir.

5 THE COURT: Now, Mr. Mazique, I don't know whether that's
6 a good idea for you or not, I don't know anything about your
7 case. I don't know whether they're making you a fair offer or
8 an offer that's not fair. I don't know whether you should
9 take it or not take it. But what I do know is this, Ms.
10 Knowles has a lot of experience with these type of things,
11 she's been practicing criminal law for a lot of years, I don't
12 know what she's telling you but I would suggest to you that
13 you should listen to whatever she is telling very carefully
14 and consider her reasons for telling you whatever she's
15 telling you. If she's telling you shouldn't take this deal, I
16 don't blame you one bit, you shouldn't take it. It's my
17 understanding that you are rejecting it; is that correct?

18 MR. MAZIQUE: Yes, sir.

19 THE COURT: Okay. But if she is telling you that you
20 should take it, you should ask her, well, why do you think I
21 should take it? What do you think my -- the danger of my
22 going to trial is and you should pay attention to her because
23 most people who don't pay attention to the lawyers usually end
24 up regretting it.

25 Now, Mr. Richardson has been informed by his boss, Mr.

1 Hembree, that he is to make this offer and that he is to
2 withdraw it today and not offer it again. So, there won't be
3 another offer, won't be a better offer, today is it. You
4 should consider that and you have until five o'clock today to
5 decide whether you want to take the offer or reject it. Okay?
6 Cause he's ready to go to trial -- what term?

7 MR. RICHARDSON: November, Your Honor.

8 THE COURT: In November.

9 MR. RICHARDSON: On this -- on the armed robbery, Your
10 Honor.

11 THE COURT: Just on the armed robbery?

12 MR. RICHARDSON: Yes, sir.

13 THE COURT: Ms. Knowles, any reason you wouldn't be ready
14 to go then?

15 MS. KNOWLES: No, Your Honor. I would like to mention
16 that the Defendant has requested that I file a motion for a
17 dismissal for failure to prosecute in a timely fashion which
18 was filed, I believe the Solicitor mentioned it would be a
19 matter that needed to be addressed.

20 THE COURT: All right. When was he ---

21 MR. RICHARDSON: He was arrested last October, Your
22 Honor. He was indicted in March -- it looks like ---

23 THE COURT: What grounds, Ms. Knowles?

24 MS. KNOWLES: Your Honor, my grounds would be the South
25 Carolina Rules of Criminal Procedure, Rule 3(c) requires that

MOTIONS

1 action be taken on the warrant within ninety days of receipt
2 of the warrant. Mr. Mazique was in jail, served with these
3 warrants, October 3rd, 2011 through October 12th, 2011 because
4 it -- like the Solicitor mentioned, there were several
5 warrants. These matters were not presented to the Grand Jury
6 until March 22nd of this year.

7 THE COURT: I understand ---

8 MS. KNOWLES: So, he was incarcerated without the matters
9 being presented to the Grand Jury for 172 days, Your Honor.

10 THE COURT: All right. Let me hear from you, Mr.
11 Richardson.

12 MR. RICHARDSON: Your Honor, with regard to action being
13 taken, of course, when we get the charges in, the warrants are
14 timely received by my office, we began to look over the
15 evidence. It is voluminous. We did take into consideration
16 what the charges should be if it went to the Grand Jury. The
17 Grand Jury did meet and it was well within an acceptable time
18 range -- the actions that were taken -- while we started
19 reviewing the case. It wasn't left to languish. I show that
20 we actually received the file in about October 17th and it was
21 within two weeks. Talked to detectives in November, they
22 prepared a disc in November that was sent off. Discovery was
23 mailed November 18th, so that shows action was being taken,
24 Your Honor. The indictment was prepared in February and then
25 it was presented to the Grand Jury.

MOTIONS

1 THE COURT: I find that the action taken by the Solicitor
2 complies with the rule and I would deny the motion.

3 MR. RICHARDSON: Thank you, Your Honor.

4 MS. KNOWLES: Thank you, Your Honor.

5 MR. MAZIQUE: I have another matter that I'd like to
6 address with the Court, sir.

7 THE COURT: Let me hear you.

8 MR. MAZIQUE: Your Honor, on my indictments and the
9 warrants, it is my contention that the Solicitor's office has
10 committed a fraud of -- fraudulently had me indicted for these
11 charges. I'm in prison now. I'm in jail for a charge of
12 possession of a firearm during the commission of a violent
13 felony. I was arrested for a box of ammunition. Solicitor's
14 office has taken the warrant, the same warrant number, to have
15 me arrested and indicted for a charge that I've never been
16 arrested for. The initial one was issue by the officer, Jim
17 Cha ---

18 THE COURT: Do you understand you don't have to be
19 arrested to be indicted?

20 MR. MAZIQUE: Right. I was arrested for this -- under
21 this same warrant number. The warrant that I was arrested
22 for, it was changed, it was fraudulently presented to ---

23 THE COURT: Well you're gonna have to file a motion to
24 quash and you're gonna have to do it in a timely fashion.

25 MR. MAZIQUE: I've been asking my attorney -- I brought

1 this to my attorney ---

2 THE COURT: Well, you take the attorney's -- bring it to
3 the attorney's attention, you've done it now, but you're gonna
4 have to file a motion and give the State an opportunity to
5 respond. We can't do it today just orally. Ms. Knowles will
6 work on that for you.

7 MR. MAZIQUE: I've brought it to her attention already.

8 THE COURT: All right. Well, she's gonna be working on
9 it.

10 MR. RICHARDSON: Your Honor, I'll address it -- in the
11 armed robbery, it's alleged that he had a firearm, I believe a
12 semiautomatic weapon. Upon search of the house, they found a
13 box of ammunition and that's what mentioned to -- the evidence
14 is listed in the -- the way I read the affidavit, they found
15 ammunition .40 caliber ammunition that was hidden in his
16 place. The indictment actually reads -- we took that warrant
17 and then we built it up and said he had a weapon during the
18 commission of a violent crime, that crime being an armed
19 robbery, perfectly acceptable. The Grand Jury met on it.
20 They rendered True Bill -- the indictment, if he wants to be
21 served with that indictment, that's fine, but he's been to the
22 Federal ---

23 THE COURT: Let him read the indictment.

24 MR. MAZIQUE: I have it.

25 MR. RICHARDSON: I can re-indict it but we based it off

1 that warrant because that's the evidence used in that search
2 warrant, it's just proof the -- circumstantial proof that he
3 had a weapon during the crime.

4 MS. KNOWLES: I don't believe that he understands what
5 directly indictment -- what the direct indictment process is
6 and that they do not have to serve him with anything to ---

7 MR. RICHARDSON: And, Your Honor, it was a direct
8 presentment. I just saying we used the evidence off that
9 warrant, that's why we used that warrant number.

10 MR. MAZIQUE: But you used the same warrant that was
11 dismissed, you used the same warrant number that was issued
12 for a box of ammunition.

13 THE COURT: Well, the warrant contained allegations. He
14 doesn't have to have any kind of warrant for an indictment.
15 There doesn't need to be any warrant whatsoever, Mr. Mazique.

16 MR. MAZIQUE: I understand that, Your Honor.

17 MS. KNOWLES: And, Your Honor, another thing that maybe
18 you can help me to help him understand is that amendments can
19 be made.

20 MR. MAZIQUE: This is not an amendment. This is a
21 warrant which I'm charged with issues for -- the Grand Jury
22 indicted me for possession of a firearm. I was arrested for a
23 box of ammunition. A bond has never been set, notice has
24 never been given to me about a bond. The warrant number is
25 still the same.

1 THE COURT: Well, you haven't made bond on your other
2 charges, Mr. Mazique. If you were to make bond on those, we
3 could have a bond hearing for you. And the box of ammunition
4 is circumstantial evidence of your possession of a firearm.

5 MR. MAZIQUE: That wasn't what I was arrested for, Your
6 Honor. I was arrested for ---

7 THE COURT: I understand what you were arrested for but
8 you were charged with something else. Many times people are
9 arrested for one thing, the Grand Jury looks at it, the Grand
10 Jury may issue an indictment for a lesser offense or a greater
11 offense depending on what they want to do.

12 Mr. Mazique, thank you.

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(Adjourned.)

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ORIGINAL

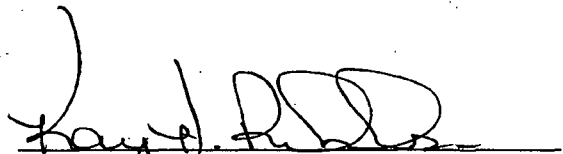
State v. Mazique - 2012-GS-26-00859
CERTIFICATE OF COURT REPORTER

12

C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the arraignment held in the case of The State versus Rickey Mazique, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on September 7, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson, CVR
Official Reporter

August 26, 2013.

ORIGINAL

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2012-GS-26-00859

THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

November 8, 2012

RICKEY MAZIQUE,)

Defendant.)

B E F O R E:

Honorable Edward B. Cottingham
Horry County Courthouse
Conway, South Carolina

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

Joshua D. Holford, Esquire
Brad C. Richardson, Esquire
Attorney for Plaintiff

Melinda Knowles, Esquire
Attorney for Defendant

Kay H. Richardson, CVR
Circuit Court Reporter

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26

1 (November 8, 2012)

2 MR. HOLFORD: Your Honor, this is the State of South
3 Carolina, County of Horry versus Rickey Mazique. It's
4 indictment number 2012-GS-26-0859, true billed indictment for
5 armed robbery. There's also indictment number 2012-GS-26-860;
6 that's possession of firearm during the commission of a
7 violent crime. It's the State's intention, this case was
8 ready for trial this week. It was on the trial roster for
9 this week. Due to conflicts it's been switched till next
10 week. The State is going forward only on the armed robbery
11 charge. Your Honor, we're here to hear pre-trial motions for
12 that case. It's second up next week right after the burg
13 first that's being tried first.

14 MOTIONS:

15 I believe Mr. Mazique and -- my name is Josh Holford for
16 the State. Melinda Knowles on behalf of the Defendant. I
17 believe Mr. Mazique, the Defendant, as well as Melinda Knowles
18 have a motion first to be heard.

19 THE COURT: What did you say first had a motion, who?

20 MR. HOLFORD: The Defendant, Mr. Mazique, has a motion to
21 relieve Ms. Melinda Knowles as counsel.

22 THE COURT: For what -- let me hear that, Ms. Knowles,
23 what -- on what grounds?

24 MS. KNOWLES: Your Honor, this is Mr. Mazique's motion.

25 THE COURT: What is his motion?

1 MS. KNOWLES: I believe that he wants to proceed with
2 another attorney or -- (To Mr. Mazique) Do you want to go Pro
3 Se?

4 MR. MAZIQUE: I'm not qualified to go Pro Se; I just want
5 another attorney.

6 THE COURT: No, sir, not gonna do that. Why? You've got
7 a fine attorney; she's been here for many years.

8 MR. MAZIQUE: That's doesn't necessarily state she's
9 effective, Your Honor.

10 THE COURT: I think she's effective.

11 MR. MAZIQUE: You haven't heard my case. You haven't
12 heard my through my -- my grounds for wanting to relieve her.

13 THE COURT: Well, let me listen to you then. Tell me
14 what they are.

15 MR. MAZIQUE: You already making your decision, you're
16 telling me ---

17 THE COURT: You want to argue with me ---

18 MR. MAZIQUE: No, I do not, sir.

19 THE COURT: --- or you want to tell me what it is.

20 MR. MAZIQUE: Yes, sir, I have a number of things that it
21 is. Upon being assigned to my case, Mr. Knowles waived my
22 rights to my preliminary hearing against or without consent.
23 And before she received any discovery ---

24 THE COURT: Wait a minute now, let me say this to you ---

25 MR. MAZIQUE: Yes, sir.

1 THE COURT: Once the Grand Jury has found a true bill,
2 you are not entitled to a preliminary hearing. I understand a
3 lot of defendants think that but once a jury has found a true
4 bill, you are not entitled to a preliminary hearing.

5 MR. MAZIQUE: That's my point. She waived my right
6 before -- I'd never been to court. I never had an opportunity
7 to. This is my first appearance in court.

8 THE COURT: No, sir.

9 MR. MAZIQUE: I haven't had an opportunity. She can't
10 waive my right.

11 THE COURT: I'm telling -- you listen to me, please.
12 Once a jury, a Grand Jury, has found probable cause to issue a
13 true bill, you are not entitled to a preliminary hearing.
14 It's not a question of anybody waiving your rights.

15 Has the bill been true billed?

16 MR. HOLFORD: Yes, Your Honor.

17 THE COURT: That's sufficient. Now what's your next
18 motion?

19 MR. MAZIQUE: No, it's not, Your Honor ---

20 THE COURT: Don't argue with me. I just told you ---

21 MR. MAZIQUE: What, what -- Your Honor, I was addressing
22 the Courts and I ---

23 THE COURT: No, wait a minute ---

24 MR. MAZIQUE -- my constitutional rights are being
25 violated by your ---

1 THE COURT: Well, you're missing -- wait a minute now.
2 I'm trying to be nice to you if you'll let me.

3 MR. MAZIQUE: I don't understand that, Your Honor, but
4 you ---

5 THE COURT: Well, you're talking too much.
6 Please tell me your next ground for removal of Ms.
7 Knowles.

8 MR. MAZIQUE: She has a -- she's in possession of
9 exculpatory evidence. She has --- she knows the solicitor has
10 it and will not file a pre-trial motion to obtain this
11 evidence.

12 THE COURT: Well, you -- Ms. Knowles, what's he talking
13 about?

14 MS. KNOWLES: Your Honor, I -- the Court would have to
15 inquire, I'm not really certain.

16 MR. MAZIQUE: You have -- you have knowledge that
17 Detective Chatfield committed perjury when he had me arrested,
18 he had statements, he has a tape recording device in which he
19 used. He's altered the recordings on that tape recording
20 device.

21 THE COURT: Wait a minute. Hold on a minute.

22 MR. HOLFORD: Your Honor, discovery has been complete and
23 turned over to the Defense. I've even made additional copies
24 of these interviews for the Defense.

25 THE COURT: Is there any tape recordings?

1 MR. HOLFORD: Yes. We're gonna have a Jackson v. Denno
2 hearing of all the recordings.

3 THE COURT: I understand.

4 MR. HOLFORD: There's no alteration of these recordings.

5 THE COURT: But have they been turned over to ---

6 MR. HOLFORD: They have been. All the interviews, Mr.
7 Mazique's interviews, we're gonna listen to those in just a
8 minute for the Jackson v. Denno. There's no alterations.

9 MR. MAZIQUE: She don't have the -- they don't have the
10 original -- I requested his recording device and his hard
11 drive.

12 MR. HOLFORD: We have, we have the originals.

13 MS. KNOWLES: Your Honor, I've requested that ---

14 MR. MAZIQUE: And, Your Honor ---

15 THE COURT: Wait a minute. Ma'am?

16 MS. KNOWLES: I requested that -- what Mr. Mazique is
17 referring to via supplemental motion. The State informs me
18 that they do not have access to this machine that the
19 recording was done on but I did file the motion.

20 MR. HOLFORD: Your Honor, recordings are made and copies
21 of the recording are made on CD. You'll be able to hear the
22 full recording. There's no machine ---

23 THE COURT: I'll hear the recording and decide on that
24 issue.

25 MR. MAZIQUE: My thing is, in his reports, okay, and

1 there is a particularized need for these -- for the actual
2 recording device. In his reports ---

3 THE COURT: You're not entitled to the actual recording
4 devise. You are entitled to give what ---

5 MR. MAZIQUE: It's not authentic. It's not -- I can't
6 establish its authenticity [sic].

7 THE COURT: You want to talk and won't let me answer.
8 You are entitled to hear what the recording is and we gonna
9 hear that today.

10 MR. MAZIQUE: I've heard that, Your Honor, and through
11 hearing that, I know it -- what took place at the time of when
12 he questioned me and it's -- before then -- he's altered that
13 tape and he cannot establish its authenticity [sic] of what he
14 turned over to the Solicitor's office.

15 THE COURT: I'll listen to the tape and hear his
16 testimony and make that -- I'll make a ruling on that after I
17 hear it. I can't rule on it till I hear it -- until I ---

18 MR. MAZIQUE: This is what I'm saying, Your Honor, you
19 gonna hear what's been altered; you're not gonna hear the
20 original.

21 THE COURT: No, sir. We'll question him as to whether or
22 not the tape has been altered. We'll take some testimony on
23 that issue.

24 MR. MAZIQUE: That's -- I still have other issues, I
25 still have other issues that ---

1 THE COURT: What is it?

2 MR. MAZIQUE: Your Honor, the Solicitor, when -- when the
3 arresting officer, when he initially went and obtained the
4 arrest warrants, he committed the crime of perjury. The
5 Solicitor's Office has took notice of that, those arrest
6 warrants, and the Solicitor Office have taken the same arrest
7 warrant numbers and forged the crime on the arrest warrant
8 numbers to the -- and these indictments now reads instead of
9 the -- instead of the -- I was originally arrested for
10 committing an armed robbery with a box of ammunition. The
11 Solicitor's Office has took that same arrest warrant number,
12 forged it, forged the crime on it to then present it to a
13 Grand Jury as if I was being arrested for now possession of a
14 firearm with -- during the commission of a felony.

15 THE COURT: You want to tell me what he's talking about,
16 please -- you want to tell what he about, Solicitor?

17 MR. HOLFORD: Your Honor, I can't understand exactly what
18 he's trying to say but I can address his concerns. We're
19 going to trial next week on the armed robbery. That armed
20 robbery in on indictment number 2012-GS-26-859. The arrest
21 warrant number on that is M970169. I have arrest warrant
22 M970169 that says on September 29th, 2011, at approximately
23 2:35 A.M. in the City or County of Horry County one Rickey
24 Mazique did take away and carry away thirty cartons on Newport
25 100s and thirty cartons of multiple brands of cigarettes from

1 the victim Kangaroo located at Highway 544, Conway with the
2 intent to deprive while armed with a deadly weapon. On the
3 arrest warrant, he was charged with armed robbery, robbery
4 while armed or alleged armed with a deadly weapon. 16-11-
5 330(A), that is exactly what we charged him with, the charging
6 document, the indictment which replaces the warrant states
7 that Rickey Mazique did in Horry County ---

8 THE COURT: There is a true bill?

9 MR. HOLFORD: And it is true billed, Your Honor.

10 MR. MAZIQUE: He's only mentioning -- he's only
11 mentioning one but that's the armed robbery. There's two ---

12 MR. HOLFORD: Your Honor, we're only going forward on the
13 armed robbery. We're not going forward on the possession
14 right now.

15 THE COURT: We're not gonna do that. We're going on the
16 armed robbery ---

17 MR. MAZIQUE: But, but, Your Honor, he charged ---

18 MR. HOLFORD: He was also ---

19 THE COURT: Wait a minute; wait.

20 MR. HOLFORD: He was also in possession of bullets and as
21 a convicted felon, federally convicted felon, he's not allowed
22 to be. Now, we do have that indictment as well but what we're
23 going to trial on is the armed robbery.

24 THE COURT: I got you.

25 MS. KNOWLES: Your Honor, I believe his argument is that

1 there is no proof that he was actually armed with a deadly
2 weapon at this time.

3 THE COURT: Well, why ---

4 MR. HOLFORD: There is ---

5 MR. MAZIQUE: That's not my argument. My argument is --
6 my argument is I'm arrested for -- that's, that's -- he's
7 bringing up the 169 arrest warrant but, however, they charged
8 -- they also charged me with, on that same day, March --
9 September the 29th that I was in possession of a box of
10 ammunition. I wasn't arrested on September the 29th. Now,
11 that arrest warrant is included in the same case number ---

12 THE COURT: Well, the Grand Jury -- the Grand Jury has
13 found the true bill ---

14 MR. MAZIQUE: On a fraudulent warrant.

15 THE COURT: Well, I don't know about the fraudulent
16 warrant but there is a value ---

17 MR. MAZIQUE: It's right here, Your Honor.

18 THE COURT: --- there's a valid true bill, we'll take
19 that ---

20 MR. MAZIQUE: It's not a valid true bill if it's fraud.

21 THE COURT: You know, you've got a bad habit; you
22 interrupt me and I wish you wouldn't do that, I'm trying to be
23 fair with you. There is a true bill on this indictment and
24 we're going to trial on the exact language contained in that
25 indictment. We're gonna do that next week.

MOTIONS

1 Now, what's your next concern?

2 MR. MAZIQUE: So, you're denying -- you're denying the
3 motion?

4 THE COURT: I am.

5 MR. MAZIQUE: Okay. I just want -- I just want to get it
6 all on the record.

7 THE COURT: I want you to.

8 MR. MAZIQUE: And as to some of the pre-trial motions
9 that, Ms. Knowles, that I've been trying to get her to file,
10 the cigarettes, as it relates to the cigarettes that he's
11 alleging -- that they're alleging that I supposed to had came
12 out of this armed robbery. I've been asking for the
13 production of them.

14 THE COURT: Production of the cigarettes?

15 MR. MAZIQUE: So I can have my own independent tests done
16 with those cigarettes.

17 THE COURT: No, sir, I don't think so. Tell me about the
18 cigarettes.

19 MR. HOLFORD: Your Honor, whether the cigarettes were
20 actually cigarettes is not at issue here. He stole about
21 forty to sixty boxes or cartons of cigarettes. They were
22 found at the residence he was staying at after a valid search.
23 Those cartons were turned back over to Kangaroo. They weren't
24 opened. We turned them back over to the store. We have
25 pictures of them. We have documentation of the cigarettes.

1 But the actual cigarettes themselves, we didn't open up the
2 cartons and boxes to make sure they were cigarettes.

3 MS. KNOWLES: Your Honor, his position is he would've at
4 least have liked the opportunity to test these cartons,
5 fingerprints ---

6 THE COURT: Oh, no, that's ridiculous. We -- none of
7 that's admis -- no, you're going -- that's absurd. If there's
8 testimony that boxes of cigarettes were stolen, found in his
9 possession ---

10 MS. KNOWLES: It was not found in his possession.

11 THE COURT: Wherever they were found. If there is
12 testimony from who -- the owner of the store, that there were
13 cigarettes in these cartons, I'll let the jury decide whether
14 or not there were cigarettes.

15 MR. MAZIQUE: But Your Honor, I'm charged with three
16 robberies where cigarettes was taken. And what if there was
17 cigarettes that they're alleging that came out that store,
18 didn't come out that store. I have rights to that, to that
19 evidence.

20 MR. HOLFORD: Your Honor, he is correct. He had two
21 other pending strong-armed robberies where he did the exact
22 same thing.

23 THE COURT: I got you.

24 MR. HOLFORD: We're not going forward on those charges;
25 we're only going forward on these charges. We have a video of

1 him with a gun in a store taking Newports and putting them in
2 a plastic bag. We have statements of him which you're gonna
3 hear; we have a positive ID from the witness at the store; and
4 we also have the cartons of cigarettes at his residence where
5 he's staying.

6 THE COURT: That's sufficient.

7 MS. KNOWLES: Can I ask if we're gonna have this witness
8 that okayed the search. Is this witness here?

9 THE COURT: No, sir, I'm not gonna deal with the search
10 warrant.

11 MR. MAZIQUE: That's where the evidence come from.

12 MR. HOLFORD: There's no -- it was a voluntary search.

13 MS. KNOWLES: I would question that ---

14 MR. HOLFORD: The owner -- and she'll be here, she'll be
15 here for trial.

16 MS. KNOWLES: This is the pre-trial motions.

17 THE COURT: You may cross examine at that time.

18 MR. HOLFORD: The pre-trial motion for what?

19 MS. KNOWLES: Well, first of all, the search warrant,
20 whether or not it was valid.

21 MR. HOLFORD: No, it was a -- it was a consent to search.

22 MS. KNOWLES: I want to question her on that.

23 MR. HOLFORD: Whether she consented to search?

24 MS. KNOWLES: Whether -- she says he lived there; his
25 position is different.

1 THE COURT: When we call the case for trial, if that's a
2 real issue with you, we'll take it outside the presence of the
3 jury as to whether or not it was a voluntary ---

4 MR. HOLFORD: The Defense has the forms where it's clear
5 that she consented to search

6 THE COURT: But if that really is an issue for you ---

7 MS. KNOWLES: It is.

8 THE COURT: --- I'll take it up at the trial.

9 MR. HOLFORD: We can take that up at the trial, Your
10 Honor, but the Defense has copies of the -- of the consent
11 form where ---

12 THE COURT: Have you provided her with it?

13 MR. HOLFORD: Of course, we have.

14 MS. KNOWLES: I haven't talked to her, though.

15 THE COURT: Well, you got a -- why don't you? You've got
16 from now to next Thursday to talk to her.

17 MR. HOLFORD: Your Honor, this has been since October of
18 2011.

19 THE COURT: I understand that. Ms. Knowles, you got a
20 responsibility to go do it.

21 MS. KNOWLES: And Your Honor, I have tried to make
22 contact with her. I have not had any luck so far.

23 THE COURT: Why?

24 MR. HOLFORD: She also gave an interview which has been
25 provided to the Defense.

1 MS. KNOWLES: And I've listened to that. I've reviewed
2 that with Mr. Mazique.

3 THE COURT: That's fine. I'm comfortable with where we
4 are there. If there's any other questions about that, we'll
5 deal with it on the morning of the trial. But seems like to
6 me if you've got a valid consent in writing, coupled with
7 testimony about it, you ought to be satisfied.

8 MS. KNOWLES: I just want the ability to ask her
9 questions because it's my understanding that somebody ---

10 THE COURT: I'll grant you that opportunity on the day of
11 trial; I'll grant you that.

12 MR. HOLFORD: She'll be here to testify

13 THE COURT: What next have you got, sir?

14 MR. MAZIQUE: I'm not gonna move forward with this lawyer
15 with Ms. Knowles, I don't trust her. The breach has been --
16 the trust -- the breach of trust has been broken between us.
17 There's no line of communication. I have other issues that I
18 cannot discuss with her as far as my defense.

19 THE COURT: Counsel -- I mean, Mr. Defendant, let me tell
20 you something.

21 MR. MAZIQUE: I'm listening.

22 THE COURT: I have been on the bench twenty-nine years.
23 And on many occasions folks who are set for trial on serious
24 charges, the way you are, first thing they do to try and dodge
25 it is throw off on the lawyer, want a new lawyer.

1 MR. MAZIQUE: I have affidavits in here that that
2 establish that I've been trying to get rid of my lawyer from
3 the beginning.

4 THE COURT: You want to listen to me or not?

5 MR. MAZIQUE: I'm listening, sir.

6 THE COURT: You are entitled to a lawyer and you've got
7 one and you've got a good one. You are not entitled to lawyer
8 of your own choice. Now, you've got three choices: First,
9 without any doubt, we are going to trial on your case next
10 week. Now, you've got three choices. The first, you will --
11 can accept this lawyer. If you don't, you can hire your own.
12 The third choice, you can represent yourself. We are going to
13 trial next week, period. You can take -- she's an excellent
14 lawyer. She's been in my court hundreds of times. It's
15 obvious from her response ---

16 MR. MAZIQUE: Is this the same lawyer that waived my
17 rights to my preliminary hearing?

18 THE COURT: No, sir.

19 MR. MAZIQUE: Is this the same lawyer that you're talking
20 about waived my right to my preliminary without my consent?
21 You waived -- she waived the right of mine right at the
22 beginning. This is the same lawyer you're telling me that ---

23 THE COURT: You won't listen to me. The Grand Jury has
24 found ---

25 MR. MAZIQUE: But what about my rights, Your Honor?

1 You're telling me the Grand Jury -- before then, the pretrial,
2 I had a right to my preliminary hearing which I wouldn't have
3 been in prison, I wouldn't have been in jail eleven months and
4 I'd have had my preliminary hearing.

5 THE COURT: Now you listen to me real good ---

6 MR. MAZIQUE: I don't want her as my attorney.

7 THE COURT: Wait a minute.

8 MR. MAZIQUE: I'm listening, sir.

9 THE COURT: She is going to be your attorney. If you
10 don't want her, you can be your ---

11 MR. MAZIQUE: I don't want her.

12 THE COURT: You can be your own lawyer.

13 MR. MAZIQUE: I don't want her.

14 THE COURT: Either way ---

15 MR. MAZIQUE: If you compel me to my own layer, I'll be
16 my own lawyer. I don't want her representing me.

17 THE COURT: Well -- and Ms. Knowles, this is a serious
18 charge, first degree armed robbery, carries a minimum of
19 fifteen years up to thirty.

20 MR. HOLFORD: It's ten to thirty, Your Honor.

21 THE COURT: Ten to thirty.

22 MR. HOLFORD: Excuse me.

23 THE COURT: But there is a minimum of ten years. The
24 charge is so serious that even if he wants to represent
25 himself, I'm gonna let him do that. He's -- our Supreme Court

1 has said he's entitled to it. But at least to protect his
2 rights, I want you to sit with him, you understand.

3 MR. MAZIQUE: I don't trust her, period.

4 THE COURT: I'm not asking you whether you trust her or
5 not.

6 Now, Ms. Knowles, once he starts representing himself, he
7 cannot later get you. You can sit there and advise him if you
8 -- you understand that?

9 MR. HOLFORD: Your Honor ---

10 THE COURT: But I strongly urge you to let Ms. Knowles
11 represent you. You're not -- you don't have the education, in
12 my experience, to represent you in an armed robbery charge.
13 But our Supreme Court has said if a Defendant insists on
14 proceeding Pro Se, you've got that right. I urge you for your
15 own protection to let Ms. Knowles represent you.

16 MR. MAZIQUE: And for the record, Your Honor, I'm not
17 insisting that I represent myself but I'm -- I'm also bringing
18 it to the Court's attention the ineffectiveness of my lawyer
19 and you can't establish and this Court can't establish that my
20 attorney, she's filed frivolous motions ---

21 THE COURT: Ms. Knowles, Ms. Knowles, you will continue
22 to be his attorney ---

23 MS. KNOWLES: Your Honor, I don't know that I can do that
24 if he doesn't trust me.

25 THE COURT: Well, I'm telling you -- well, nobody --

1 everybody is gonna have the same problem with him.

2 MS. KNOWLES: I mean, I can sit here with him.

3 MR. MAZIQUE: No, they're not.

4 THE COURT: Ms. Knowles, please listen to me.

5 MR. MAZIQUE: She's not -- I have frivolous ---

6 THE COURT: I'm telling you -- you're gonna argue with me
7 like him. I'm telling you that you're gonna represent him.

8 Can I be any clearer than that?

9 MS. KNOWLES: Your Honor, can you inquire if he wants to
10 go Pro Se and I'll sit with him?

11 THE COURT: No, I'm not ---

12 MR. MAZIQUE: The trust has been broken, Your Honor.

13 MR. HOLFORD: Your Honor, he's already said that he
14 doesn't want to go Pro Se.

15 THE COURT: I heard that.

16 Ms. Knowles, he's said he doesn't want to go Pro Se. You
17 will ---

18 MS. KNOWLES: Do you want ---

19 MR. MAZIQUE: I don't want to -- like I ---

20 THE COURT: Ms. Knowles, don't ask him, please, Ms.
21 Knowles ---

22 MS. KNOWLES: Your Honor, I don't know how I can. ---

23 MR. MAZIQUE: --- breach of trust with her ---

24 THE COURT: Ms. Knowles, listen to me. Don't you
25 understand that any lawyer I appointed would have the same

1 problem with him ---

2 MR. MAZIQUE: They're not gonna have -- not gonna have
3 the same problem ---

4 THE COURT: Please be quiet while I'm talking to her.

5 Ms. Knowles, I understand the difficulty but he's making
6 the difficulty for you. And to excuse you to continue the
7 trial would be to fall right into his trap of trying to get a
8 continuance and I'm not gonna give it to him. I'm gonna try
9 him either representing himself or with you as his attorney,
10 nobody else. And until he says on the record, I want to
11 represent myself, you gonna be his lawyer. You understand
12 that?

13 MS. KNOWLES: Just for the record, can you inquire as to
14 what he wants to do? Represent himself or have me ---

15 THE COURT: No, sir. I'll make that inquiry next week
16 outside the presence of the jury. I think he said to me, in
17 fairness to him, he doesn't want to represent himself, he's
18 not competent to do that but he's got to understand that I am
19 not going to give him another lawyer. He's gonna have you or
20 nothing and he's got a good lawyer in you. You don't
21 understand, this is -- I've heard this so many times he just
22 don't want to go to trial.

23 MR. MAZIQUE: And I have no problem with going to trial,
24 if there's gonna be a trial. There shouldn't be a trial if
25 she file my pretrial motions.

1 THE COURT: There's gonna be one.

2 Ms. Knowles, I'm having difficulty with you now. Do you
3 understand that I'm not going to excuse you?

4 MS. KNOWLES: Yes, Your Honor, but I don't know how I can
5 zealously represent somebody who doesn't trust me and who ---

6 THE COURT: You're gonna have to do the best you can.
7 That's his fault. He ought to trust you. Not gonna let him
8 do this and I have to continue -- you don't understand ---

9 MS. KNOWLES: I'm not asking you to continue it. I'm
10 just asking you to, for the record purposes, clarify whether
11 or not I'm supposed to represent him.

12 THE COURT: Yes, ma'am, you are until he tells me that he
13 wants to represent himself.

14 MR. MAZIQUE: She's not representing me.

15 THE COURT: Pardon me?

16 MR. MAZIQUE: She's not representing me. She's not
17 representing me. She's not my attorney. I don't have no
18 trust in her, Your Honor, and I'm explaining to the Court as
19 plainly as I can, the trust has been breached.

20 THE COURT: Ms. Knowles -- I'm tired of hearing from you
21 -- you are going to represent him. If on the morning of the
22 trial, he tells me under oath before this Court Reporter, that
23 he wants to represent himself, I'm gonna let him do that.
24 Otherwise, you're gonna represent him. You understand if I
25 granted what he said, get another lawyer, we'd have the same

1 problem again. Not gonna be a party to that, Ms. Knowles.

2 MS. KNOWLES: Your Honor, he has said that he does not
3 want to me to represent him.

4 THE COURT: Yes, ma'am. And I've said that it's not his
5 choice, it's mine, and you don't understand.

6 Put him up for trial and you will represent him unless he
7 tells me on trial date that he wants to represent himself.
8 I'm not going to excuse you.

9 MS. KNOWLES: Yes, sir.

10 THE COURT: And our Supreme Court has dealt with this on
11 many occasions where they say they can't work with their
12 lawyer and we leave it alone because he would do that every
13 time they called for trial.

14 Take him out of here.

15 MR. HOLFORD: Your Honor, we have Jackson v. Denno as
16 well.

17 THE COURT: Wait a minute. Leave him here for Jackson v.
18 Denno.

19 MR. HOLFORD: And in light of your ruling that Ms.
20 Knowles is his attorney, the State would ask that Mr. Mazique
21 stop making motions on his own behalf.

22 MR. MAZIQUE: I'm gonna continue to file my motions. I'm
23 gonna continue to file my motions.

24 THE COURT: No, sir.

25 MR. HOLFORD: Your Honor ---

1 MS. KNOWLES: Your Honor, he has a right to represent
2 himself and if he doesn't want me ---

3 MR. HOLFORD: Your Honor, he ---

4 MS. KNOWLES: --- I think that he should be given that
5 opportunity.

6 MR. HOLFORD: Your Honor, we've been around and around
7 that he doesn't want to represent himself.

8 MS. KNOWLES: This is opening it up a PCR issue.

9 MR. HOLFORD: This is not -- he doesn't want to represent
10 himself.

11 THE COURT: You argue about like he does.

12 MR. HOLFORD: He's already ---

13 THE COURT: Any motions that he makes will be made
14 through you.

15 MR. HOLFORD: Thank you, Your Honor.

16 THE COURT: Period.

17 MR. MAZIQUE: Objection ---

18 THE COURT: I don't care whether you object or not.

19 MR. MAZIQUE: I don't ---

20 THE COURT: Listen, let me tell you something. I'm gonna
21 have a Jackson v. Denno hearing which affects you. Now, if
22 you want to behave yourself and stay in court, I'm gonna
23 permit it. If you keep on arguing with me, I'm gonna send you
24 outside.

25 MR. MAZIQUE: I'm not allowed to make objections ---

1 THE COURT: I can go with or without you. I'm trying to
2 be nice to you but you sit down. Any motions will be made
3 through Ms. Knowles.

4 Now, Knowles, I know it's difficult for you but there's
5 no way around it and you don't understand that. Until he
6 tells me that he wants to represent himself and he has not
7 done that, you his lawyer. Do you understand that?

8 MS. KNOWLES: Yes, Your Honor. I have to respectfully
9 ---

10 THE COURT: You can disagree all you want to, but I'm
11 telling you you're gonna be the lawyer.

12 Now, let's go forward with the Jackson v. Denno.

13 MR. MAZIQUE: She's not.

14 MR. HOLFORD: Thank you, Your Honor.

15 JACKSON V DENNO HEARING:

16 MR. HOLFORD: Your Honor, the State calls Detective ---

17 MS. KNOWLES: Your Honor, may I ask a question?

18 THE COURT: Yes, ma'am.

19 MS. KNOWLES: I believe he has several matters that we
20 need to discuss beforehand.

21 THE COURT: No, ma'am. I'm gonna have the Jackson v.
22 Denno hearing first.

23 MS. KNOWLES: Are we reserving all the other motions ---

24 THE COURT: Yes, ma'am.

25 MS. KNOWLES: --- until next week?

MOTIONS

1 MR. HOLFORD: Your Honor, I ---

2 THE COURT: No, I didn't say that. I'm gonna hear some
3 more -- I'm gonna have the Jackson v. Denno now.

4 MR. HOLFORD: Your Honor, if you would like to hear their
5 motions first, we would have no opposition. We'll do Jackson
6 v. Denno after or before.

7 THE COURT: Well, I don't want to ---

8 MR. HOLFORD: It's in your discretion.

9 THE COURT: Is the witness gonna be available?

10 MR. HOLFORD: Yes, Your Honor. Detective Chatfield has
11 been waiting.

12 MS. KNOWLES: We don't have the witness for the search
13 warrant.

14 THE COURT: Not gonna be a party to that. I'll deal with
15 that and I told you that ---

16 MR. HOLFORD: Your Honor, there a consent to search and
17 we can deal with that the day of trial.

18 THE COURT: Sure.

19 MS. KNOWLES: I, I -- do you have any motions? I mean,
20 he's refusing to talk to me, so ---

21 THE COURT: Well, then, I'm going forward with the
22 Jackson v. Denno.

23 MR. HOLFORD: Thank you, Your Honor.

24 THE COURT: If he refuses to talk to his lawyer, I can't
25 help that. I'm not gonna make him do it. It's his defense

JAMES MARK CHATFIELD - DIRECT BY MR. HOLFORD

1 and it's his choice, but that -- I'll leave that to him. I
2 suggest that he talk to you but I'm not gonna make him do it.
3 I'm just gonna require that you be the lawyer.

4 Let's have the Jackson v. Denno.

5 MR. HOLFORD: Your Honor, the State calls Detective Jim
6 Chatfield to the stand.

7 JAMES MARK CHATFIELD, HAVING BEEN

8 SWORN, TESTIFIED AS FOLLOWS:

9 CLERK: Please be seated. Please state your name for the
10 Court and spell your last name.

11 DETECTIVE CHATFIELD: James Mark Chatfield, C-H-A-T-F-I-
12 E-L-D.

13 DIRECT EXAMINATION OF JAMES MARK CHATFIELD BY MR. HOLFORD:

14 Q: Good afternoon, Detective Chatfield. How are you?

15 A: Fine, sir.

16 Q: Did you have a chance to come in contact with this
17 Defendant, Rickey Mazique?

18 A: Yes, sir, I did.

19 Q: And did you have a chance to question him?

20 A: Yes, sir, I did.

21 Q: Did you advise him of his Miranda Rights?

22 A: Yes, sir, I did.

23 Q: Verbally and written?

24 A: That's correct.

25 MR. HOLFORD: Your Honor, may I approach the witness.

1 THE COURT: Yes.

2 BY MR. HOLFORD:

3 Q: Detective Hatfield, will you please identify what I'm
4 handing you?

5 A: Okay, this is ---

6 MS. KNOWLES: Is that ---

7 THE COURT: Has that document been shown to and handed
8 over to Defense counsel?

9 MR. HOLFORD: Your Honor, this is a copy of the
10 Advisement of Miranda Rights, which Rickey Mazique signed.
11 Defense counsel does have copies of these.

12 THE COURT: That's fine. Go ahead.

13 MR. HOLFORD: And I'm showing it to her in court right
14 now.

15 THE COURT: Show it to the Defendant, please, Ms.
16 Knowles.

17 Go ahead.

18 COURT'S EXHIBIT NUMBERS ONE AND TWO

19 MARKED FOR IDENTIFICATION

20 BY MR. HOLFORD:

21 Q: Detective Chatfield, will you please identify what I'm
22 handing you?

23 A: Yes, sir. This is a Horry County Police Department
24 Advisement of Miranda Rights which was given to a Rickey
25 Mazique on 10/4/2011 at 10:30 at the J. Reuben Long Detention

1 Center.

2 Q: And can you read the name on there?

3 A: Yes, Rickey Mazique and its signed Rickey Mazique.

4 Q: And can you identify this other document I'm handing you?

5 A: Yes, this is the second Advisement of Rights which was
6 taken on October 3rd, 2011 at 9:47 hours also at the J. Reuben
7 Long Detention Center. The printed name is Rickey Mazique
8 and, where it says signature, Rickey Mazique signed that.

9 Q: And can you tell me based on these documents whether he
10 understood his rights or not?

11 A: Yes. He understood his rights.

12 Q: And did he waive his rights?

13 A: Yes, he did.

14 Q: Did he give a statement on that day or on these two days?

15 A: Yes, two tape recorded statements; yes, he did.

16 MR. HOLFORD: Your Honor, at this time, I'd like to start
17 with the first tape recording of the statement.

18 THE COURT: Let me ask you this, Where was this statement
19 taken?

20 A: At the interview room, sir, Number One, I believe Number
21 One, at the J. Reuben Long Detention Center.

22 THE COURT: Was he in custody at that time?

23 A: Yes, sir, under another charge; yes, sir.

24 THE COURT: And what?

25 A: Yes, sir. It was under a FDC charge, I think a larceny of

1 a purse charge.

2 THE COURT: Was he intoxicated in any way?

3 A: No, sir.

4 THE COURT: Did he resist giving you a statement in any
5 way?

6 A: No, sir.

7 THE COURT: You are telling me under oath that his
8 statement was freely, knowingly and intelligently made,
9 voluntarily by him?

10 A: Yes, Your Honor.

11 THE COURT: Were there any threats made to him?

12 A: No, Your Honor.

13 THE COURT: Any promises of any kind?

14 A: No, Your Honor.

15 THE COURT: Give me for the record the exact Miranda
16 Warnings that you gave him. I assume you read them from your
17 card?

18 A: Yeah, I read them from the actual sheet.

19 THE COURT: Put it in the record.

20 A: Okay. This is an Advisement -- first of all, the heading
21 is Horry County Police Department and then it's got Advisement
22 of Rights in black and then it says: You have the right to
23 remain silent. Anything you say can and will be used against
24 you in a court of law. You have the right to talk with a
25 lawyer and have him present with you while you're being

1 questioned. If you cannot afford to hire a lawyer, one will
2 be appointed to represent you before any questioning, if you
3 so desire. If you make a statement or answer questions, you
4 have the right to stop at any time. And then below that, it
5 says, Do you understand your rights as I have read them to
6 you? And where it says, yes, he initialed them. And then his
7 name and his signature and then my case number, the date,
8 time, the location and then my signature as a witness.

9 THE COURT: There was a video made of this or a ---

10 A: Audio, sir.

11 THE COURT: Audio?

12 A: Yes, sir.

13 THE COURT: Proceed.

14 MR. HOLFORD: Your Honor, can I ask that both these be
15 marked as Court's Exhibit for this Jackson v. Denno?

16 THE COURT: They are. The record will reflect that
17 Defense counsel has previously been given a copy of this
18 document.

19 MR. HOLFORD: And these are copies.

20 MS. KNOWLES: May I ask him a question?

21 THE COURT: Ma'am?

22 MS. KNOWLES: --- before you introduce the audio?

23 MR. HOLFORD: Defense counsel wants to know if she can
24 question the witness before we play the audio?

25 THE COURT: Sure, go ahead.

1 CROSS EXAMINATION OF JAMES MARK CHATFIELD BY MS. KNOWLES:

2 Q: Detective Chatfield, how did you come to learn of Mr.
3 Mazique?

4 A: I was called to the jail in reference to him being a
5 possible suspect.

6 Q: And what information was that based on?

7 A: Items found in his vehicle and so forth.

8 Q: Items found?

9 A: Yeah, I'd have to -- I'd have to relook at my case file,
10 ma'am.

11 Q: And was it just you present whenever he ---

12 A: No, ma'am. One interview was myself and Corporal Larry
13 Ard and the second one was myself, yes, ma'am.

14 Q: So, did he waive his rights to you or the other detective?

15 A: To me, to me, ma'am.

16 Q: Both times?

17 A: Yes, ma'am.

18 Q: And did you inquire as to his mental health at all?

19 A: I -- no, ma'am. I asked if he was feeling fine, if he was
20 on any meds and ---

21 Q: And he responded no?

22 A: Yeah, he was fine.

23 THE COURT: All right. Let's play the audio.

24 MR. HOLFORD: Yes, Your Honor.

25 DIRECT EXAMINATION OF JAMES MARK CHATFIELD BY MR. HOLFORD:

1 Q: Detective Chatfield, can you identify this CD -- or can I
2 have this marked as a Court's Exhibit.

3 THE COURT: Yes, sir.

4 MR. HOLFORD: Let the record reflect I'm showing opposing
5 counsel -- this is one of the disc that has already been made
6 available and provided to the Defense. This is the interview
7 on 10/3/2011 at 9:47.

8 THE COURT: Ms. Knowles -- have you had an opportunity to
9 share this audio with Defense counsel?

10 MS. KNOWLES: Yes, Your Honor, I have.

11 THE COURT: And he's listened to it?

12 MS. KNOWLES: Yes, sir.

13 THE COURT: Thank you.

14 MR. MAZIQUE: Objection, I have a problem with that, that
15 audio.

16 THE COURT: I'm telling you now, if you want to stay in
17 the courtroom, you're gonna be quiet.

18 MR. MAZIQUE: I can't object?

19 THE COURT: No, sir. Please, if you have some problem,
20 run it -- take it through your lawyer.

21 MR. MAZIQUE: I don't have -- we got no communication
22 between me and this lawyer. She's not my lawyer.

23 MR. HOLFORD: Your Honor, may I approach the witness?

24 THE COURT: Yes, sir, you may proceed.

25 COURT'S EXHIBIT NUMBER THREE

1 MARKED FOR IDENTIFICATION

2 BY MR. HOLFORD:

3 Q: Detective Chatfield, can you identify this disc?

4 A: Yeah, this is a tape recording of Rickey Mazique.

5 (REPORTER'S NOTE: Defendant and Ms. Knowles confer at defense
6 table.)

7 Q: And who made this audio recording?

8 A: I did.

9 MR. MAZIQUE: Well, I'll represent myself, I don't want
10 you representing me. I'll represent myself; she's not
11 representing me.

12 THE COURT: Ms. Knowles, I'm telling you now, I want the
13 record to reflect that I've warned him several times. He is
14 interrupting these proceedings. I want him to remain in the
15 courtroom. I'm not gonna let him continue to interrupt.

16 MS. KNOWLES: Your Honor, you said a moment ago that you
17 would only remove me if he said on the record to you that he
18 did not want me and he wanted to represent himself.

19 THE COURT: No, sir, he didn't -- I haven't heard him say
20 that.

21 MR. MAZIQUE: I represent myself but I'm forced to do it.
22 I'm gonna represent myself. I don't want this lawyer ---

23 THE COURT: No, sir. Ms. Knowles, I -- after he thinks
24 about it over the weekend and after we've had these motions,
25 I'll entertain it later, not ---

1 MR. MAZIQUE: --- file these motions that. It's apparent
2 that she's not objecting to that then I'll file these right
3 now. If I have to represent myself, I will, I'm prepared to.

4 THE COURT: No, sir, please ---

5 MS. KNOWLES: Your Honor, he has a right to represent
6 himself if he wants to.

7 MR. HOLFORD: Your Honor, the State would ask that if --
8 if the Court is going to allow Mr. Mazique to represent
9 himself, the State would ask that, respectfully, that you go
10 through the protracted list of advising him of all his rights
11 and whether he's waiving them and giving them up and whether
12 he actually wants to go Pro Se. He's said multiple times he
13 doesn't want to go Pro Se.

14 MS. KNOWLES: He just said outright he wanted ---

15 MR. HOLFORD: He just doesn't want this lawyer.

16 MS. KNOWLES: He just said outright he wanted to
17 represent himself.

18 MR. HOLFORD: He's playing games.

19 THE COURT: Wait a minute. Ms. Knowles, you are trying
20 to get out of this case ---

21 MS. KNOWLES: I'm not trying to get out of it, Your
22 Honor.

23 THE COURT: You're -- don't you raise your voice at me.
24 Now, I'm telling you, I'm gonna leave you in this case during
25 this Jackson v. Denno; it's a very legal matter and he needs

1 representation. At the appropriate time, if he wants to
2 represent himself, I'll deal with it. I'm not gonna deal with
3 it until this Jackson v. Denno hearing is over. Now, I got --
4 go ahead.

5 MR. HOLFORD: Thank you, Your Honor.

6 Back on the record, this is the recording that Officer
7 Chatfield -- recording that Officer Chatfield just identified
8 before being interrupted on 10/3/2011 at 9:47 A.M.

9 (REPORTER'S NOTE: Court's Exhibit Number Three played for the
10 Court.)

11 THE COURT: Wait a minute now, that concerns me ---

12 MR. HOLFORD: Yes, Your Honor?

13 THE COURT: I want redacted any prior offenses.

14 MR. HOLFORD: Yes, Your Honor.

15 THE COURT: You agree?

16 MS. KNOWLES: I would -- that's what I would ask, Your
17 Honor, the first three minutes and twelve seconds of ---

18 MR. HOLFORD: Your Honor, that's not correct at all.

19 THE COURT: Just redact anything referencing prior drugs
20 or any other prior offenses or probation.

21 MR. HOLFORD: I believe what Defense counsel was getting
22 at the first three minutes, I'm not sure where she got three
23 minutes and twelve seconds, but the first part, the reason why
24 he's questioning him at J. Reuben Long is because this
25 Defendant was picked up on other charges.

1 THE COURT: That's fine, he had ---

2 MR. HOLFORD: Those aren't prior convictions that he's
3 talking about.

4 THE COURT: That's fine.

5 MS. KNOWLES: But that's prejudicial, Your Honor. We
6 would ask that that be redacted.

7 THE COURT: Well, in fairness, though, they got to have
8 -- show some reason why he was picked up and under custody.

9 MS. KNOWLES: Your Honor, that's just more prejudicial
10 ---

11 THE COURT: No, I will charge the jury other pending
12 charges have not been adjudicated but the jury is entitled to
13 know for what basis he was picked up and giving this
14 statement.

15 Go ahead. But any further thing, redact it.

16 MR. HOLFORD: Yes, Your Honor. We will redact that.

17 THE COURT: The jury is entitled to know that.

18 MR. HOLFORD: And I believe there's only about ---

19 THE COURT: I will charge the jury that they must not use
20 any of that against him. /

21 MR. HOLFORD: There's only about forty more seconds. We
22 could probably cut it there but I'll let you listen to the
23 rest of the interview.

24 THE COURT: Go ahead.

25 (REPORTER'S NOTE: Remaining portion of Court's Exhibit Number

1 Three is played for the Court.)

2 THE COURT: You want to question him as to this video?

3 MS. KNOWLES: Yes, Your Honor.

4 THE COURT: Go ahead.

5 CROSS EXAMINATION OF JAMES MARK CHATFIELD BY MS. KNOWLES:

6 Q: Detective Chatfield, you mentioned that there were ten
7 cartons, you or the other detective, ten cartons found in a
8 black bag in his car?

9 A: Yeah, that was -- I need to look at the file for a minute
10 on that, the Corporal -- the Corporal was making the first
11 interview on this.

12 MR. RICHARDSON: Your Honor, if I may approach with ---

13 THE COURT: Go ahead.

14 I can't believe he didn't look at the file before he got
15 on the stand.

16 MR. RICHARDSON: Your Honor, I think he was looking
17 through some of it but there were -- I believe about four
18 different cases involved with this.

19 A: Yes, Your Honor. I'm sorry, there were ---

20 THE COURT: Let's deal with this case.

21 MR. HOLFORD: And if I may, the purpose of this Jackson
22 v. Denno is to determine voluntariness of the statement.

23 Detective Chatfield was the one who read him his Miranda
24 Rights and signed off on that form. Detective Ard, who will
25 be at trial, picks up the questioning a little later in so

1 that may be why Detective Chatfield is unclear on the specific
2 question about ten cartons of cigarettes.

3 A: Yeah, I can -- yes, Your Honor, I can't answer about the
4 ten in the car.

5 THE COURT: Okay, that ---

6 MS. KNOWLES: I would just ask that all that be redacted
7 as well because it's just speculation.

8 MR. HOLFORD: Your Honor, it's not speculation. That
9 witness will be here to testify. Right now, what this hearing
10 is, the Jackson v. Denno hearing is for voluntariness of the
11 statement.

12 MS. KNOWLES: And I understand what a Jackson v. Denno is
13 too but I'm a bit confused as to what we're even trying to do.

14 THE COURT: Here's what we're trying to do. We're trying
15 to determine for the Court whether or not his statement was
16 freely, voluntarily and intelligently made and whether or not
17 prior to making this statement, he was read his Miranda Rights
18 and understood them. The testimony is that he did. In
19 addition to that, you have in your possession a document where
20 he initialed each Miranda Warning that was given to him. I
21 conclude that this audio is admissible for the jury's
22 consideration finding beyond a reasonable doubt, one, that he
23 was given his Miranda Rights; two, he understood them; three,
24 the statement was freely and voluntarily made without
25 coercion, hope, promise or reward; that's sufficient.

1 What else you need?

2 MR. HOLFORD: Thank you, Your Honor. That's -- that's
3 just one of three, if I may move on to disc two.

4 THE COURT: Go ahead with the next one.

5 MS. KNOWLES: Your Honor, do I need to reserve my
6 argument for redaction later?

7 THE COURT: No, sir. I've agreed to redaction. I'm not
8 gonna redact the first part because that's the basis for his,
9 his inquiry into it but I will explain to the jury that -- the
10 fact that he was picked up on some other charges has nothing
11 to do with his guilt or innocence in this case.

12 MR. HOLFORD: Your Honor, and the State agrees that we
13 will redact that portion about his prior drug offenses.

14 THE COURT: Sure.

15 MS. KNOWLES: And being on probation or ---

16 MR. HOLFORD: And his probation.

17 THE COURT: That will be redacted.

18 MR. HOLFORD: I believe that starts at about seven
19 minutes and seven seconds into the interview.

20 MS. KNOWLES: And I misspoke earlier, that was the second
21 interview I was referring to.

22 THE COURT: In any interview where this is a reference to
23 probation or drug activity or prior records, I'm redacting.

24 MR. HOLFORD: Your Honor, as to the second interview ---

25 DIRECT EXAMINATION OF JAMES MARK CHATFIELD BY MR. HOLFORD:

1 Q: Detective Chatfield, do you know when did that interview
2 end, the one we just listened to?

3 A: I don't have the times. I'd have to ---

4 Q: Do you know the reason for leaving? Did you conclude your
5 interview?

6 A: Yes, at that time, yes, sir.

7 Q: Did you resume your interview?

8 A: Yes, I believe we were interrupted, sir.

9 THE COURT: She's indicated she's heard the second
10 interview.

11 MR. HOLFORD: Your Honor, I would just like to put on the
12 record, this is the second interview. It was continued, he
13 was not re-read his rights. The State does not intend to use
14 this second interview at trial. I believe Ms. Knowles was
15 objecting to the first three minutes and ten seconds of the
16 previous one. On this one, the first three minutes and ten
17 seconds, the second interview, excuse me, Your Honor, are
18 referring to previous charges.

19 THE COURT: I thought you said you're not gonna use it.

20 MR. HOLFORD: I'm not planning to use it. I want to put
21 on the record and mark it as a Court's Exhibit, this is a
22 continuation of the first but the State is not intending to
23 introduce this interview or the statement of that Defendant in
24 the trial of this case.

25 THE COURT: Unless it comes up on cross examination from

1 his testimony.

2 MR. HOLFORD: If the Defense wishes to use this, they're
3 more than welcome to.

4 THE COURT: The State is saying that second one will not
5 be introduced unless you care to and you're welcome to. You
6 understand that?

7 MS. KNOWLES: Yes, Your Honor.

8 THE COURT: All right.

9 MR. HOLFORD: All right. And just for the record, some
10 of the State's reasoning is that a majority of it does deal
11 with other offenses and other charges which we're not going
12 forward on for the armed robbery.

13 THE COURT: That would be prejudicial. I would not
14 permit it anyway.

15 MR. HOLFORD: Yes, Your Honor.

16 THE COURT: All right.

17 COURT'S EXHIBIT NUMBER FOUR

18 MARKED FOR IDENTIFICATION

19 BY MR. HOLFORD:

20 Q: Detective Chatfield, did you have a chance to interview
21 this Defendant, Mr. Mazique, again?

22 A: Yes, I did, sir.

23 Q: And do you remember when that was?

24 A: I'd have to look at the Miranda form, sir, the second one.

25 MR. HOLFORD: Let the record reflect, I'm showing

1 Detective Chatfield the Miranda form that's already been
2 entered as a Court's Exhibit to refresh his recollection.

3 A: Yes, the second interview was October 4, 2011 at 10:30 at
4 the J. Reuben ---

5 THE COURT: What was the -- how long was -- what was the
6 timeframe?

7 A: The timeframe, Your Honor, was almost twenty-four hours
8 and three minutes.

9 THE COURT: Was he Mirandized again?

10 A: Yes, Your Honor.

11 MR. HOLFORD: And Your Honor, already in evidence -- or
12 already marked as Court's Exhibit is that Miranda sheet.

13 THE COURT: For the second interview?

14 MR. HOLFORD: Yes, Your Honor.

15 THE COURT: So, you are saying to me under oath that you
16 Mirandized him twice?

17 A: Yes, Your Honor.

18 MS. KNOWLES: Can I just go back and look at those sheets
19 real quick?

20 THE COURT: Sure.

21 MS. KNOWLES: Thank you, Your Honor.

22 BY MR. HOLFORD:

23 Q: Detective Chatfield, did you record this second interview?

24 A: Yes, I did.

25 MR. HOLFORD: Let the record reflect, I'm showing

1 opposing counsel a copy of the recording. Your Honor, also,
2 she's been made available a copy of this recording.

3 THE COURT: And you are not gonna introduce it?

4 MR. HOLFORD: No, Your Honor, this is the third interview

5 ---

6 THE COURT: Third one.

7 MR. HOLFORD: And the State does intend to introduce the
8 third one.

9 THE COURT: Let me hear it.

10 MR. HOLFORD: Yes, Your Honor.

11 THE COURT: Ms. Knowles, you've been provided a copy of
12 the third one?

13 MS. KNOWLES: I have, Your Honor.

14 THE COURT: Have you shared it with the Defendant?

15 MS. KNOWLES: Yes, I have, Your Honor.

16 THE COURT: Thank you, ma'am.

17 MR. MAZIQUE: Your Honor, to my understanding -- I don't
18 understand what's going on right now. You're telling me that
19 I have -- I have major problems with what's going on with
20 these -- with these recordings and what he's attempting to do,
21 Your Honor. He's trying to -- the second recording that he's
22 trying to bring out, they had evidence on ---

23 THE COURT: No, sir. Wait. I told him he's not gonna
24 use the second one.

25 MR. MAZIQUE: But he's -- he wants -- that's what he

1 don't want to use because it establishes ---

2 MR. HOLFORD: Your Honor, the State would ---

3 MR. MAZIQUE: That second recording -- that recording,
4 which is why ---

5 THE COURT: Wait a minute. You better talk to Ms.
6 Knowles ---

7 MR. MAZIQUE: There's no communication between me and Ms.
8 Knowles. Your Honor, I told you, I'll represent myself.

9 MR. HOLFORD: Your Honor, the State would be happy for
10 the Defense to use that second recording. I'm just saying
11 that we don't need it.

12 MR. MAZIQUE: That recording establishes that Detective
13 Chatfield ---

14 THE COURT: Please -- Ms. Knowles, let me say this to
15 you. This is a serious case. In spite of him, I want you to
16 continue in the case ---

17 MR. MAZIQUE: Your Honor, you just told me ---

18 THE COURT: Wait a minute. Do you want to stay in the
19 courtroom or you want to go back outside?

20 MR. MAZIQUE: I want to represent myself.

21 THE COURT: Ms. Knowles, you will continue to represent
22 him ---

23 MR. MAZIQUE: I want to represent myself.

24 THE COURT: --- and continue to prepare for trial. If
25 next week, he wants to represent himself, I'm gonna give him

1 that opportunity.

2 MR. MAZIQUE: I want to represent myself at this hearing
3 right now.

4 THE COURT: But I want you to prepare him for trial and
5 do everything you can to ---

6 MR. MAZIQUE: This is a crucial part of my trial. This
7 is pretrial ---

8 THE COURT: If he wants to represent -- he wants to
9 represent himself ---

10 MR. MAZIQUE: --- and I want to represent myself right
11 now. I don't want her representing me.

12 THE COURT: If next week he wants to represent himself,
13 I'm gonna give him that opportunity. But in fairness to him
14 with the seriousness of the case, I want you to continue to
15 prepare for trial.

16 MR. MAZIQUE: Your Honor ---

17 THE COURT: Were you ready to go this week in this case
18 if it was called?

19 MS. KNOWLES: Yes, Your Honor, I mean, I ---

20 THE COURT: When is the first time ---

21 MS. KNOWLES: I last ---

22 MR. MAZIQUE: You haven't even talked to my witnesses.

23 MS. KNOWLES: --- I last talked to him and he said at
24 that point he wanted me removed. We terminated the interview
25 at that point.

1 THE COURT: At what point?

2 MS. KNOWLES: The last time I talked to him.

3 THE COURT: You were ready for trial this week, weren't
4 you?

5 MS. KNOWLES: I have to be ready to go whether or not he
6 wants me to go as his attorney or not.

7 THE COURT: I want you to be ready for trial and if next
8 week he tells me after ---

9 MR. MAZIQUE: What about now, Your Honor? I'm telling
10 you now that I want to represent my -- this is pretrial.

11 THE COURT: No, sir.

12 MS. KNOWLES: He wants to represent himself ---

13 THE COURT: Ms. Knowles, Ms. Knowles ---

14 MR. MAZIQUE: You're saying that ---

15 THE COURT: I'm not going to do that now. I want him to
16 have a lawyer under these technical issues.

17 MR. MAZIQUE: What's the difference about ---

18 MS. KNOWLES: I'll sit here with him but he wants to
19 question the witness ---

20 THE COURT: No, I'm not going to permit that at this
21 time. Have a seat; let's proceed.

22 MR. HOLFORD: Thank you, Your Honor. May I approach the
23 witness?

24 THE COURT: Yes.

25 COURT'S EXHIBIT NUMBER FIVE

MARKED FOR IDENTIFICATION

BY MR. HOLFORD:

Q: Detective Chatfield, I'm handing you what's been identified as Court's Exhibit Number Five. Will you please identify this?

A: Yes, sir. This is an interview on October 4, 2011 at 10:33.

Q: And is this the interview you just spoke about earlier?

A: That's correct; yes, sir.

MR. HOLFORD: Your Honor, at this time, I'd like to play the interview of 10/4/2011 at 10:33.

THE COURT: Proceed. I find again that he was Mirandized and it is freely and voluntarily given without hope, promise, duress or reward.

MR. HOLFORD: Thank you, Your Honor.

(REPORTER'S NOTE: Court's Exhibit Number Five played for the Court.)

THE COURT: What about that stolen ---

MR. HOLFORD: Your Honor, I don't know anything about a T.V. We haven't alleged anything about a T.V. in the armed robbery. I believe he's just ---

MS. KNOWLES: Or video games or ---

MR. HOLFORD: --- or video games or anything. That has -- it doesn't have anything to do with this case. I believe the Detective is just asking about the other things in the

1 house, whether he stole them or not.

2 THE COURT: That's fine; go ahead.

3 (REPORTER'S NOTE: Court's Exhibit Number Five continued to be
4 played for the Court.)

5 MR. HOLFORD: Your Honor, if I may stop at that point and
6 just explain that I believe that Defense was gonna say
7 something, this is about -- in reference to a tobacco shop.
8 For purpose of this Jackson v. Denno hearing, we'd like to
9 complete the record and get the full statement but obviously,
10 the State would redact or not play any portion relating to the
11 other strong arm or common law robberies that this Defendant
12 has been charged with.

13 THE COURT: No, sir. I would want to redact -- I'll
14 listen to the rest of it but it will be redacted.

15 MS. KNOWLES: Yes, Your Honor, we would argue the
16 validity of the search that the Detective is referring to in
17 this interview. I don't know if you want me to make that
18 motion now or -- we don't have a -- he ---

19 THE COURT: What is your -- what's the grounds for
20 validity of the search?

21 MS. KNOWLES: He didn't live there.

22 MR. HOLFORD: Your Honor, right now, for purposes of the
23 Jackson v. Denno, whether this statement was free and
24 voluntary and whether he was given his Miranda Rights ---

25 THE COURT: I understand.

1 MR. HOLFORD: That's all we're going to right now. Right
2 before trial, we can go into the voluntariness of the consent
3 to search.

4 THE COURT: I'm at this -- we'll deal with that later,
5 this is Jackson v. Denno.

6 MS. KNOWLES: Just so I know, Your Honor.

7 MR. HOLFORD: But this is whether the Defendant freely
8 and voluntarily gave these statements, regardless of the
9 search.

10 THE COURT: I understand. Go ahead. And they -- I have
11 concluded that he's exhaustively met the requirements of
12 Miranda. Go ahead.

13 MR. HOLFORD: And for the record, I believe the next
14 probably five minutes or so will be largely unrelated to this
15 and therefore not necessary but ---

16 THE COURT: Don't need to play it unless you want to play
17 it. Do you want to hear it again?

18 MR. HOLFORD: I would like to play it in court just to
19 complete the record.

20 THE COURT: Go ahead.

21 MR. HOLFORD: If this Defendant would like to use it,
22 he's welcome to.

23 THE COURT: Play it.

24 (REPORTER'S NOTE: Court's Exhibit Number Five continued to be
25 played for the Court.)

1 MR. HOLFORD: Your Honor, again, we're not gonna use any
2 of this at trial.

3 MR. MAZIQUE: I want that played.

4 MR. HOLFORD: But he wants it played, which is fine.

5 THE COURT: Play it. Play it.

6 MR. HOLFORD: It's about his other robberies.

7 MR. MAZIQUE: Play it.

8 (REPORTER'S NOTE: Court's Exhibit Number Five continued to be
9 played for the Court.)

10 BY MR. HOLFORD:

11 Q: Detective Chatfield, was that the complete interview?

12 A: Yes, that's the complete interview.

13 MR. HOLFORD: Your Honor, again, just to state the
14 State's position, after about five minutes into that, they get
15 into a separate incident. The State is not gonna play that.
16 We'll redact that. That entire last six minutes, about six
17 minutes, the State doesn't intend to use because it's about a
18 completely separate robbery that this Defendant was involved.

19 THE COURT: You understand that Ms. Knowles.

20 MS. KNOWLES: He wants it played, Your Honor.

21 MR. HOLFORD: Your Honor, he wants the ---

22 THE COURT: No. For the State's case, redact it.

23 MR. HOLFORD: Yes, Your Honor.

24 THE COURT: If Defense wants to do it, let them do it,
25 not you.

1 MR. HOLFORD: Yes, Your Honor.

2 THE COURT: I think it'd be reversible error for the
3 State to do that. If he wants the jury to hear that last
4 part, it's his decision.

5 MR. HOLFORD: --- (Inaudible) -- it don't establish it's
6 authenticity [sic]. Now, it's my position that those tapes are
7 altered and he can't establish its authenticity [sic].

8 THE COURT: You want to go into that question for him?

9 MR. HOLFORD: Your Honor, I don't understand what he's
10 talking about about authenticity. This is the ---

11 MR. MAZIQUE: I'm talking about did you look at his
12 report? Did you look at his report, his own reports, in his
13 own reports he states that I didn't admit to these robberies.

14 THE COURT: Be quiet. Be quiet please.

15 Was this audio changed in any way by any kind of
16 manipulation?

17 A: No, Your Honor, it can't. It goes from a handheld
18 machine. We plug it into the RMS system; it's downloaded.
19 There's no way you can cut it, edit it or anything. It goes
20 directly into the machine and we load it up, we print them and
21 then ten days later we delete what's on our machine which is
22 loaded to the RMS so it can't be changed.

23 MR. MAZIQUE: Your Honor, that's what I'm -- that's what
24 I'm asking for, a motion ---

25 THE COURT: Wait a minute now. Be quiet, I'm -- you keep

1 on, I'm gonna send you out and I don't want to do that.

2 MR. MAZIQUE: But you won't let me -- I'm trying to
3 represent myself.

4 THE COURT: Ms. Knowles -- Ms. Knowles, would you want to
5 inquire as to the authenticity?

6 MS. KNOWLES: Yes, Your Honor.

7 THE COURT: Please do.

8 I'm trying to help you but you won't let me.

9 CROSS EXAMINATION OF JAMES MARK CHATFIELD BY MS. KNOWLES:

10 Q: Detective Chatfield, were you responsible for recording
11 this, making a copy?

12 A: Yes, Ms. Knowles; yes, ma'am.

13 Q: And nobody else was involved in any way ---

14 A: No, ma'am.

15 Q: --- with the recording this, just you?

16 A: Just me; yes, ma'am.

17 Q: Did you download it; you pushed play; all of it?

18 A: Yes, ma'am.

19 THE COURT: I'm comfortable with ---

20 MR. MAZIQUE: Chain of custody.

21 THE COURT: Any further questions?

22 MS. KNOWLES: No, Your Honor.

23 THE COURT: Okay. You may come down.

24 Anything further, Solicitor, on this issue?

25 THE COURT: Your Honor, that concludes the State's

1 portion on this issue. Defense counsel has advised me that
2 the Defendant would like Disc Number Two, again, since it's
3 largely about other incidents unrelated, the State does not
4 wish to introduce it in its case since I believe it would be
5 prejudicial to the Defendant ---

6 THE COURT: I do too, but if he ---

7 MR. HOLFORD: If he wants to play it then he can play it
8 but ---

9 THE COURT: That's clear.

10 MR. HOLFORD: --- I'm not going to

11 THE COURT: You'll have that opportunity at your part of
12 the case to play it if you want to.

13 MR. MAZIQUE: You gonna allow me -- you're gonna give me
14 the opportunity to represent myself at a trial but yet the
15 pretrial is the most important part and you won't let me do
16 it. You won't let me set the foundation.

17 THE COURT: No, sir. I'm not gonna do -- not gonna do it
18 at this time.

19 MR. MAZIQUE: You're letting me know that this whole
20 hearing is a sham.

21 THE COURT: Not -- keep on, now, and I'm gonna run you
22 out of the courtroom. And the record will reflect I've warned
23 you about five times. These are crucial legal decisions that
24 need a ---

25 MR. MAZIQUE: I understand that.

1 THE COURT: Listen to me -- need a good legal mind and we
2 have one sitting here. And I'm gonna tell you one more time.
3 This lawyer is going to represent you, prepare your case over
4 the weekend, be ready for trial. This is the second case next
5 week; it is not?

6 MR. HOLFORD: Yes, Your Honor.

7 THE COURT: Be ready for trial.

8 MR. MAZIQUE: You're doing it ---

9 THE COURT: If on the morning of the trial -- I just want
10 you to have her preparation for the next week, in fairness to
11 you. If on the morning of the trial, after examination, you
12 tell me that you want to represent yourself, I'm gonna give
13 you that opportunity. But in fairness to you, I want her to at
14 least prepare for trial and turn over her trial material to
15 you. I'm trying to help you if you'll let me.

16 MR. MAZIQUE: Your Honor, and I'm asking you, you say
17 you're trying to help me and I'm telling -- I'm explaining to
18 you, I understand the law. I understand that the pretrial
19 proceeding is the most important part of the trial.

20 THE COURT: What else you got?

21 MR. HOLFORD: Your Honor, I ask that Detective Chatfield
22 be excused.

23 THE COURT: What's next please?

24 MR. HOLFORD: Your Honor, can I have a ruling on the
25 record about that third disc, the interview on the 10/4 ---

1 THE COURT: Yes, I find that it's freely, voluntarily,
2 intelligently made and he's been properly Mirandized in every
3 way, initialed each step of the paper and it's his signature.
4 A copy of it has been provided to the Defense counsel. It is
5 admissible.

6 MR. HOLFORD: Thank you, Your Honor.

7 MR. MAZIQUE: Object. I'd like the transcripts of this
8 hearing that they be made available to me.

9 THE COURT: Unfortunately, we don't have a -- if they
10 were available, I'd make them available to you ---

11 MR. MAZIQUE: I'm gonna need them to prepare for trial.
12 I'm representing myself. I need all this to make the courts
13 aware of this.

14 THE COURT: I'll have the video, we'll play the video for
15 you ---

16 MR. MAZIQUE: I'm talking about the whole proceedings.

17 THE COURT: --- as much as you want to.

18 MR. MAZIQUE: The whole proceedings.

19 THE COURT: But not gonna have transcripts.

20 MR. MAZIQUE: I need them.

21 THE COURT: What next?

22 MR. HOLFORD: Your Honor, the State doesn't have any
23 further motions at this time. If the Defense has any other
24 pretrial motions ---

25 THE COURT: Ms. Knowles, let me hear any motions that you

1 have. And I'm curious, Ms. Knowles, you were ready for trial
2 this week? When did you hear that he was -- didn't want you?
3 Was that last week or just today?

4 MS. KNOWLES: That was the last time that we spoke last
5 month, Your Honor.

6 MR. MAZIQUE: Don't do that. Don't do that.

7 THE COURT: Last night?

8 MS. KNOWLES: Last month.

9 THE COURT: Oh, okay.

10 MR. HOLFORD: Your Honor, they did file a motion to be
11 relieved as counsel and we scheduled it as soon as possible.

12 THE COURT: I would not have done it.

13 MR. MAZIQUE: I know but I -- it's obviously you were not
14 gonna grant it, Your Honor, because you're saying that you're
15 not gonna -- when I came in here, before you even heard
16 anything I had to say your position was I'm denying your
17 motion. So, obviously, you're telling me irregardless of what
18 I was saying today, you was not -- your mind was already made
19 up; it's premeditated.

20 THE COURT: I am telling you one more than.

21 MR. MAZIQUE: And I understand, I understand.

22 THE COURT: Under no set of circumstances ---

23 MR. MAZIQUE: I understand, yes.

24 THE COURT: --- will I permit this attorney to be
25 discharged on the eve of trial.

1 MR. MAZIQUE: It's not the eve of trial.

2 THE COURT: There is ---

3 MR. MAZIQUE: My motion been filed since last month, two
4 months ago and then she has letters that -- I have letters or
5 copies of them where I've been trying to get her to do certain
6 things that she won't -- she already know that ---

7 MS. KNOWLES: He asked for ---

8 THE COURT: Ms. Knowles ---

9 MR. MAZIQUE: It's made -- I've never been in court.

10 THE COURT: Ms. Knowles, it's -- isn't it obvious to you
11 that any attorney will be confronted with the same ---

12 MR. MAZIQUE: No, they won't; no, they won't.
13 That's your opinion.

14 THE COURT: Ms. Knowles, listen to me.

15 MR. MAZIQUE: That's your opinion.

16 THE COURT: I'm gonna send you out, now; I'm tired of
17 listening to you. If he opens his mouth one more time, take
18 him out that door. I'm not gonna listen to him.

19 Ms. Knowles, I want you to prepare, as I know you will,
20 diligently ---

21 (REPORTER'S NOTE: Defendant laughs and is removed from the
22 courtroom.)

23 THE COURT: If next Wednesday, if he tells me after
24 proper interrogation that he wants to represent himself, I'm
25 gonna do that. Now, I know that is it very difficult for you

1 to represent somebody like this but you need to understand
2 that anybody else would be confronted with the same problems
3 and I have no reason to suspect that anybody else can handle
4 it any better than you. Now, if you need some assistance in
5 your staff, that's fine, but to grant him his request on the
6 eve of trial would simply mean that everybody in the detention
7 center would want the same thing for the rest of the year.
8 It's obvious to me that he's using this only as a reason to
9 avoid trial and I'm not going to permit it. If I'm wrong,
10 there's an appellate court that can tell me so but I'm gonna
11 try that individual next week with you or him representing
12 himself, period.

13 MS. KNOWLES: Yes, sir.

14 THE COURT: But I would not want to force another lawyer
15 to have to put up with what you're putting up with. You
16 understand?

17 MS. KNOWLES: Yes, sir.

18 THE COURT: And I think you can handle it as well as
19 anybody else. Now, if you want Mr. Galmore or somebody to
20 stand with you, assist you, that's fine. I won't object to
21 that. But I'm not going to change counsel this late date.

22 MS. KNOWLES: But he does have the right to represent
23 himself if he chooses.

24 THE COURT: He does, clearly. But he hasn't really said
25 that yet and I wanted you to stay here for these legal motions

1 that he's not competent to handle. But it's obvious to me and
2 should be to everybody in the courtroom what he's trying to do
3 and we can't be a party to that.

4 MS. KNOWLES: Yes, sir.

5 THE COURT: And I'm sorry that you have to put up with
6 him but that's the penalty we pay for being lawyers or judges.

7 Thank you, Ms. Knowles.

8 MS. KNOWLES: Yes, sir. Thank you.

9 MR. HOLFORD: Your Honor, just for the record, Mr.
10 Mazique was arraigned on September 7, 2012 in front of Judge
11 Hyman. At that time, he said that he wanted to go to trial
12 and was set for trial in November.

13 THE COURT: When was he arraigned?

14 MR. HOLFORD: September 7th.

15 THE COURT: And was this motion made at that time for
16 another lawyer, when he was arraigned?

17 MS. KNOWLES: Not at that time, Your Honor.

18 THE COURT: Ma'am?

19 MS. KNOWLES: Not at that time.

20 MR. RICHARDSON: He raised a little bit of Cain with
21 Judge Hyman.

22 THE COURT: Sir?

23 MR. RICHARDSON: He raised a little bit of Cain with
24 Judge Hyman. He spouted off like he did today, somewhat.

25 THE COURT: I understand. And he'll do it again and I

1 won't Ms. Knowles to know that I hate to put her in this
2 position but she can handle it as well as anybody can and
3 that's why I have to do that. Oh, he's gonna spout off with
4 anybody but I'm not gonna let him do it in my court. If he
5 wants to stay in this courtroom, he's gonna behave hisself. I
6 went a lot further than I should have today.

7 All right. Thank you.

8 MR. RICHARDSON: Thank you, Your Honor.

9 MS. KNOWLES: Thank you, Your Honor.

10

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(Adjourned.)

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ORIGINAL

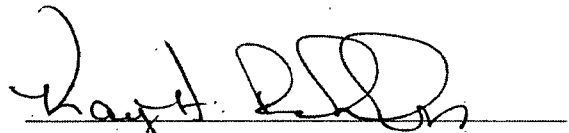
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CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the motion hearing held in the case of The State versus Richey Mazique, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on November 11, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson, CVR
Official Reporter

May 22, 2013.

In The Court of General Sessions
2012-GS-26-00859

VS.

Defendant.

TRANSCRIPT OF HEARING

Before:

Appearances:

BY: Ricky Mazique, Pro se
James C. Galmore, Esq.
Melinda A. Knowles, Esq.
Assisting Ricky Mazique

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Mr. Holford	75			
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Kelly Reeves				
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Officer James M. Chatfield

Defendant Mazique 272

Mr. Holford (No Cross Examination)

Officer Brian Scales

Defendant Mazique 301

Mr. Holford (No Cross Examination)

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-1	In Car Dash Cam Video CD	77	79
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S-3	Photograph - Trash Bags	75	162
S-4	Photograph - Trash Bags	75	162
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1 The Court: Mr. Holford, as I understand it
2 we're hearing the case for motions and then we'll have a
3 trial; give me the case number for the record, please.

4 Mr. Holford: Your Honor, this is The State of
5 South Carolina County of Horry v. Ricky Mazique. It's
6 indictment number 2012-GS-26-00859, a true billed
7 indictment for armed robbery.

8 The Court: Hadn't we heard motions in this case
9 before?

10 Mr. Holford: Your Honor, we heard a Jackson v.
11 Deno last Thursday which you ruled that the statements were
12 admissible. We heard numerous motions by the defendant
13 himself; I assume that over the weekend he's written some
14 more.

15 The Court: Yes, Ms. Knowles?

16 Ms. Knowles: Your Honor, I would first make a
17 motion to sequester all witnesses in this case.

18 The Court: Yes, ma'am, I'll grant that.

19 Ms. Knowles: Mr. Galmore has had an opportunity
20 to speak with Mr. Mazique. Unfortunately there has been a
21 break down in communication between him and I. He refuses
22 to speak with me, so I have motions of my own that I would
23 like to address after Mr. Galmore addresses the issues he
24 discussed with Mr. Mazique.

25 The Court: Mr. Galmore, you know if the

1 defendant doesn't want to speak to his lawyer I can't make
2 him; you want to answer that for me?

3 Mr. Galmore: Your Honor, according to your
4 instructions I asked Mr. Mazique to give me any motions
5 that he wanted to make on his behalf. He has indicated to
6 me that he has a right to make the motions himself so I, I,
7 I think he would like to address the issue with the Court.
8 We also talked about whether or not he wanted to represent
9 himself or if he wanted to be represented by the public
10 defender's office and I did not get an answer on that
11 issue. Lastly, I did advise Mr. Mazique to behave himself
12 accordingly in the courtroom or else he would be removed
13 from the courtroom.

14 The Court: Well, Mr. Mazique?

15 Defendant Mazique: Yes, sir.

16 The Court: Good morning.

17 Defendant Mazique: Good morning to you, too.

18 The Court: We are here to give you a trial
19 which will commence very shortly. There are forty-five
20 jurors downstairs waiting on us and from that number we'll
21 select twelve jurors and two alternates. In that process
22 the State can strike five of them and your attorneys can
23 strike ten. Now Ms Melinda has been representing you, has
24 received all the discovery, and I suggest to you that you
25 talk to her but in, to protect your interest I've asked Mr.

1 Galmore to come in, too, to sit with you during this trial.
2 As I understand it now they, you are permitting them to be
3 your attorneys in the trial of this case.

4 Defendant Mazique: No, sir.

5 The Court: You want to represent yourself?

6 Defendant Mazique: Yes, sir.

7 The Court: Sir?

8 Defendant Mazique: Yes, sir.

9 The Court: Well let's talk about it. Now this
10 is a very serious matter. You are charged with armed
11 robbery; you understand that?

12 Defendant Mazique: Yes, sir.

13 The Court: We've had a preliminary hearing so
14 you know the charges against you.

15 Defendant Mazique: I haven't had a preliminary
16 hearing, sir.

17 The Court: Ya'll had, you've been, you don't,
18 you aren't entitled to a preliminary hearing when a grand
19 jury has true billed you; that's what ya'll talking out at
20 the detention center, but I tell you as I told you the last
21 one you are not entitled to a preliminary hearing when a
22 grand jury has found true billed; that's the end of that.

23 Defendant Mazique: Your Honor, I revoke my
24 rights to my preliminary hearing before the grand jury
25 return ---

1 The Court: Wait a minute now ---

2 Defendant Mazique: --- the indictment.

3 The Court: Leave that alone, let me talk to you
4 about the fact that you want to represent yourself and how
5 dangerous it is. Our Supreme Court has said in State v.
6 Bryant following the United States Supreme Court that if
7 the trial judge warns you sufficiently and you have
8 knowledge of the danger of it that you can represent
9 yourself though it's dangerous. Now you are charged with
10 armed robbery. If convicted under the law the trial judge,
11 whoever it is, must give you the minimum of ten years and
12 could give you up to thirty. That's how serious it is, and
13 it's an eighty-five percent and it's a violent and it's a
14 most serious. It's something that you don't want on your
15 record if you can help it, but that's the consequences in
16 the event that a jury finds you guilty. You need to know
17 that now. Now let me ask you, the law requires me to ask
18 of you these questions ---

19 Defendant Mazique: I understand.

20 The Court: --- Mr. Mazique. How old are you,
21 sir?

22 Defendant Mazique: Forty-nine.

23 The Court: And how much education do you have?

24 Defendant Mazique: A G.E.D.

25 The Court: Sir?

1 Defendant Mazique: I obtained my G.E.D.

2 The Court: You did get your G.E.D.?

3 Defendant Mazique: Yes, sir.

4 The Court: Now have you ever represented
5 yourself in a prior proceeding?

6 Defendant Mazique: No, sir.

7 The Court: Do you have any legal training
8 whatsoever?

9 Defendant Mazique: Yes, sir.

10 The Court: Sir?

11 Defendant Mazique: Yes, sir.

12 The Court: Tell me what kind of legal training
13 you have?

14 Defendant Mazique: I've studied in the legal
15 work through the use of the criminal law deskbook, Black's
16 Law Dictionary, American Juris Prudence. I've studied the
17 law something like for fifteen years, Your Honor. I've
18 been off and on dealing with United States Supreme Court.

19 The Court: Let me ask you this, I have to ask
20 of you these questions, I hope you understand this.

21 Defendant Mazique: I understand.

22 The Court: The law requires it, but let me ask
23 you this, do you understand what hearsay evidence is?

24 Defendant Mazique: Yes.

25 The Court: And you competent to handle that?

1 Defendant Mazique: Yes, yes, sir.

2 The Court: Do you understand the law of
3 evidence?

4 Defendant Mazique: Now, now this, this is, this
5 is my position on this, Your Honor.

6 The Court: What is that?

7 Defendant Mazique: I'm not going to come, I'm,
8 I'm the first to admit that I'm not an attorney; I don't
9 profess to be an attorney.

10 The Court: Okay.

11 Defendant Mazique: My skills are not, are not
12 that of an attorney, however, understanding the law, I
13 understand enough, Your Honor, to know that my pretrial
14 stage is the most important stage of any proceedings and
15 cases are won and lost, depending on what the attorney do
16 at the pretrial stage, and this has been my biggest problem
17 is that I can't get my attorney to, to conduct the proper
18 pretrial motions or do the pretrial investigations and all
19 to get me to it.

20 The Court: Let me, I'm going to have your
21 attorneys who represented you throughout, I'm going to let
22 you respond to that. I just want to make a complete
23 record. Let this be clear, once I've determined that it is
24 his decision and his alone and that he understands the
25 danger of it the law requires me to let him represent

1 himself during the trial of this case. Now he made this
2 assertion about preliminary hearing; you want to respond to
3 it, Ms. Knowles?

4 Ms. Knowles: Your Honor, I've had several
5 discussions with Mr. Mazique. I have filed every motion
6 that he has requested, numerous motions. The Solicitor can
7 vouch for that regarding supplemental discovery. I can't
8 help if evidence doesn't exist that he wants or the
9 Solicitor doesn't have access to that. I can only go off
10 of what is told to me and make those requests and I have
11 done what he has asked me to do but I can't produce the
12 impossible.

13 The Court: You want to ask, you want to put
14 your position about what he says about preliminary hearing?

15 Defendant Mazique: Preliminary hearings, he
16 asked you about the preliminary hearing.

17 The Court: Wait a minute, go ahead.

18 Defendant Mazique: I'm sorry, I'm sorry, Your
19 Honor.

20 Ms. Knowles: The preliminary hearing we, that's
21 just our office's procedure. We're not, we don't represent
22 clients. We don't have the manpower to do that; we just
23 don't. I have to do what my boss tells me to do and it's
24 automatically waived for this client and every client that
25 I have. Until that procedure is changed he's no different

1 than anybody else.

2 The Court: The law, our Supreme Court has said
3 that once a true bill is given, which is probable cause,
4 which is the same thing as preliminary hearing, they're not
5 entitled to a preliminary hearing. Mr., how you pronounce
6 your name?

7 Defendant Mazique: Mazique.

8 The Court: Mr. Mazique -

9 Defendant Mazique: Yes, sir.

10 The Court: --- I can only tell you one more
11 time, a grand jury has true billed an indictment for armed
12 robbery. That means that that grand jury, all twelve of
13 them, unanimously has found that there is reason to give
14 you a true bill. That's the same thing that a preliminary
15 hearing would do.

16 Defendant Mazique: No, Your Honor ---

17 The Court: You are, wait a minute, no need in
18 arguing with me, you are not entitled to a preliminary
19 hearing where the grand jury has true billed your case.
20 Now don't represent yourself on that ground alone; that's
21 dangerous.

22 Defendant Mazique: That's not, that's not,
23 that's not my, my only grounds, Your Honor ---

24 The Court: Well let's hear what else?

25 Defendant Mazique: --- you trying to move me

1 past it, can I, can I expound on?

2 The Court: No, sir, not going to listen to that
3 because it's been true billed. Now if you got some other
4 motions I'm going to listen ---

5 Defendant Mazique: A grand jury does not, a
6 grand jury does not have the power to dismiss a charge at a
7 preliminary hearing, Your Honor, in which ---

8 The Court: Now, Mr. Mazique --

9 Defendant Mazique: --- they waived, it's
10 different.

11 The Court: --- I want to be fair with you but
12 I'm not going to sit here and argue with you. I'm telling
13 you that you are not entitled to a preliminary hearing.
14 Now what is your next motion, now if you want to, we're
15 getting ready to go to trial?

16 Defendant Mazique: Well I have, I have numerous
17 motions that ---

18 The Court: Well let's hear them.

19 Defendant Mazique: --- I need to present to the
20 Court, and I'd just like to address the Court first before
21 I do it. First and foremost I would like to apologize, I
22 really hate doing this. Now giving that apology ---

23 The Court: Yes, sir, you don't have to
24 apologize to me, I'm going to listen to you, go ahead.

25 Defendant Mazique: --- but I'd like to explain

1 myself. Now giving the apology but putting myself in the
2 position where I must come back and apologize ---

3 The Court: No, sir, give me, no, wait a minute,
4 now, Mr. Mazique, I don't want to hear any speeches, tell
5 me what your motions are so I can rule on them.

6 Defendant Mazique: You want to hear my motion,
7 I have a motion for recusing.

8 The Court: For what?

9 Defendant Mazique: A motion for recusing.

10 The Court: Recuse of who?

11 Defendant Mazique: To this Court.

12 The Court: Why?

13 Defendant Mazique: About my, I'll explain it,
14 upon being given notice of a pending motion of an
15 ineffective assistance in counsel this Court inquired into
16 who filed this motion which clearly established that this
17 Court did not have the motion before you, however, as soon
18 as you learned ---

19 The Court: Now, Mr. Mazique, what is your
20 motion, please?

21 Defendant Mazique: I'm presenting my motion,
22 Your Honor, if you allow me to, to ---

23 The Court: Tell me, you got to tell me what it
24 is?

25 Defendant Mazique: My grounds are in within

1 this motion, Your Honor, to recuse you and I'm going along
2 with it ---

3 The Court: Tell me why, please? You got to
4 tell me ---

5 Defendant Mazique: You denied my motion, Your
6 Honor, initially you denied a motion ---

7 The Court: If I've already ---

8 Defendant Mazique: --- for ineffective
9 assistance of counsel initially.

10 The Court: --- denied it not going to hear it
11 again, go to your next motion.

12 Defendant Mazique: You don't understand, I'm
13 saying this is my reasons for recusing, asking that you be
14 recused because you denied my motion without even hearing
15 the motion.

16 The Court: I understand, that's not a basis for
17 me to recuse myself.

18 Defendant Mazique: Okay, I understand.

19 The Court: See, I grant some of your motions,
20 for instance, I'm getting ready to grant your motion to let
21 you represent yourself, so I grant some and deny some, but
22 that's not a motion basis for recusal.

23 Defendant Mazique: That's not, that's not,
24 that's not, that's not, that's not ---

25 The Court: What is it, what's your next motion?

1 Defendant Mazique: Okay, you defended when I,
2 when I raised this issue ---

3 The Court: No, sir, Mr. ---

4 Defendant Mazique: --- I feel like you was
5 practicing law from the bench.

6 The Court: All right, I'm telling you now,
7 what's your next motion, please?

8 Defendant Mazique: I haven't finished my motion
9 for recusal.

10 The Court: You've finished it with me, your
11 next motion?

12 Defendant Mazique: Okay.

13 Mr. Holford: Your Honor, just to let the record
14 reflect we didn't realize Mr. Mazique was going into all
15 his motions at this point, you did grant sequestration, my
16 witnesses have left the room. Obviously Detective
17 Chatfield, my lead investigator, would be allowed to stay
18 in the room?

19 The Court: Sure.

20 Mr. Holford: As well as the victim, Ms. Tonia
21 Branton.

22 The Court: They're entitled to be here. what's
23 your next motion?

24 Defendant Mazique: I have a jurisdiction
25 motion, Your Honor.

1 The Court: I've denied that; you've got
2 jurisdiction, no question about, don't even need to be
3 heard on it.

4 Defendant Mazique: You have jurisdiction.

5 The Court: Don't even need to be heard on
6 jurisdiction.

7 Defendant Mazique: I have a right to challenge
8 the jurisdiction, the court's jurisdiction, Your Honor.

9 Defendant Mazique: Yes, sir, and I have a right
10 to say no and I've done that, go ahead.

11 Defendant Mazique: Okay, I would like to renew
12 my motion for ineffective assistance in counsel.

13 The Court: I've denied that motion; we've had
14 several motions with you and, quite frankly, I've been
15 impressed with the work that Ms. Knowles has done. I do
16 not understand why you don't agree that's she's done
17 outstanding work for you. She's got all the discovery, and
18 she conveyed it to you.

19 Defendant Mazique: You coming from a Court's
20 perspective, Your Honor, that doesn't mean that, that Ms.
21 Knowles can't be effective, ineffective as it pertains to
22 my case.

23 The Court: Mr. Mazique, please proceed with the
24 next motion; we are, you need to know now ---

25 Defendant Mazique: I have a motion to, I have a

1 motion ---

2 The Court: --- we are going to trial and I
3 conclude that all of this is for delay and ---

4 Defendant Mazique: That's your, that's your
5 speculation, Your Honor, it's my, I'm protecting my rights,
6 Your Honor and I have, I do have that right to put this on
7 motion, on the record.

8 The Court: I understand that and I'm here to
9 listen to your next motion.

10 Defendant Mazique: Okay, I filed a motion to,
11 motion to dismiss for malicious prosecution.

12 The Court: I've denied, I've already heard that
13 motion and denied it.

14 Defendant Mazique: I haven't raised it, I
15 haven't, I haven't, okay. Can I, can I be allowed to
16 expound on it in the interest for the record?

17 The Court: No, sir, I don't need, I don't, if,
18 if I need some edification I'll ask you for it but I don't
19 need it in that motion.

20 Defendant Mazique: This is a motion to dismiss
21 due to criminal acts committed by the Solicitor ---

22 The Court: Criminal action ---

23 Defendant Mazique: --- and the head detective
24 James Chatfield, and Ms. Melinda Knowles.

25 The Court: What criminal action you allege

1 they've done?

2 Defendant Mazique: Officer Chatfield in the
3 beginning had me falsely arrested on a warrant. Yes, sir,
4 he went and got a arrest warrant, he swore to the
5 magistrate as it pertains to this particular case ---

6 The Court: That's an issue that you can raise.
7 by collateral issues if you want to, but that has no
8 bearing on the issue in the case that I'm getting ready to
9 try you on.

10 Defendant Mazique: It does, it's on this case,
11 it goes with this case the charge that he had me falsely
12 arrested with is on this case.

13 The Court: We'll take the testimony in the
14 trial of your case and go forward, I deny that motion.

15 Defendant Mazique: You deny that motion without
16 allowing me the opportunity to ---

17 The Court: Your motion is on the record, Mr.
18 Mazique, go ahead.

19 Defendant Mazique: I file a motion for the tape
20 recording statements made by myself and Ms. Kelly Reeves.
21 I want, I would like the transcripts of those, of those
22 tape recordings.

23 The Court: You've heard the tape recording and
24 you'll have an opportunity to hear it again; is there any
25 transcript available?

1 Mr. Holford: Your Honor, transcripts are not
2 typically made of, of these recordings. The recordings of
3 all the interviews have been turned over to defense counsel
4 a long time ago.

5 The Court: All right, sir, you have whatever is
6 available, Mr. Mazique.

7 Defendant Mazique: But my attorney won't have
8 it transcribed for me.

9 The Court: No, sir, it's not his
10 responsibility, he has turned over to you ---

11 Defendant Mazique: My attorney, I said my
12 attorney haven't, she hasn't ---

13 The Court: Mr. Mazique --

14 Ms. Knowles: First of all I believe he granted
15 your motion to proceed pro se, didn't he?

16 Defendant Mazique: Yes.

17 Ms. Knowles: So you don't really have an
18 attorney right now.

19 Defendant Mazique: No, but we're speaking about
20 before.

21 The Court: No, sir.

22 Defendant Mazique: Speaking about before, this
23 is why my preparation isn't correct.

24 The Court: Go ahead, I'm going to go further
25 about his representing himself, what's your next motion?

1 Defendant Mazique: I have a motion for
2 production, on the alternative to have evidence subpoenaed
3 and this deals with ---

4 The Court: Wait a minute, Mr. Mazique, I'm
5 trying to help you if you'll let me. Mr. Holford, as the
6 Solicitor can you certify to me that you've turned over to
7 his attorney all discovery material required by Brady?

8 Mr. Holford: Your Honor, I can, on 11-18-11
9 discovery was mailed; I can see if there's supplemental
10 discovery that was also -- it looks like on September 20,
11 2012, no, that's, we turned over to the defense counsel
12 some of Mr. Mazique's handwritten motions.

13 The Court: You have received everything, Ms.
14 Knowles?

15 Ms. Knowles: To my knowledge, yes, sir.

16 The Court: All right, what's your next motion?

17 Defendant Mazique: Your Honor, she hasn't
18 received everything; there's a, there's a, there's a, Your
19 Honor, there's a recording device in which these statements
20 were taken, that is evidence. Detective Chatfield --

21 Mr. Holford: Your Honor ---

22 The Court: Wait a minute, wait a minute, what
23 you say?

24 Mr. Holford: Your Honor, all the statements
25 that have been recorded have been turned over. The State

1 is not in possession of the police department's recording
2 device.

3 The Court: You're not entitled to a recording
4 device; how would that help you?

5 Defendant Mazique: Cause it's not contentious
6 that he altered, that he altered and I have, I have, I have
7 enough evidence to establish a particular need for this.

8 The Court: Your motion, your motion there is
9 denied. I will listen, I've listened to the recordings and
10 will listen to them again and you will be permitted to
11 listen to them.

12 Defendant Mazique: But, Your Honor, the
13 recordings came off of a ---

14 The Court: No, sir, I've ruled on that.

15 Defendant Mazique: Okay, a motion to compel
16 tangible evidence.

17 The Court: Yes, sir, that's been granted to
18 you.

19 Defendant Mazique: The tangible evidence, Your
20 Honor, that I'm speaking about is the cigarettes that
21 Officer Chatfield allegedly had recovered in a search ---

22 The Court: Are the cigarettes going to be
23 introduced into evidence?

24 Defendant Mazique: --- and took them and, and
25 went back to the evidence room and got them and, and

1 allegedly gave them back to the victim.

2 The Court: I'll hear ---

3 Mr. Holford: Your Honor, I can answer, I can
4 address that.

5 The Court: Go ahead.

6 Mr. Holford: The cigarettes that were taken
7 were placed into evidence in Horry County Police
8 Department. Detective Chatfield did take back those
9 cigarette cartons. There were unopened cartons of
10 cigarettes and returned them back to the convenience store.
11 It's about forty cartons of cigarettes; he turned them back
12 over to the owner of the property.

13 The Court: That is sufficient for my purposes.

14 Defendant Mazique: Your Honor, that's tangible
15 evidence that the State was in, they don't have, they no
16 long ---

17 The Court: Well we'll take the testimony and
18 I'll rule on it at that time.

19 Mr. Holford: Your Honor, we also have
20 photographs of all the cigarettes and those will be
21 introduced.

22 The Court: I understand, next motion, I'll rule
23 on it whether it's admissible or not at the time, Mr.
24 Mazique.

25 Defendant Mazique: I have a motion for

1 production of Jinx material, Your Honor.

2 The Court: Of what?

3 Defendant Mazique: Jinx material, Jinx v.
4 United States.

5 The Court: What, what material do you want
6 under Jinx?

7 Defendant Mazique: I requested after the
8 hearing, I requested the transcripts, Officer Chatfield
9 testified at this hearing.

10 The Court: The transcripts are not available
11 but his, but the video is; is that right, Mr. Holford?

12 Defendant Mazique: No, but his testimony in
13 which I can use for cross examine, under, under Jinx v.
14 United States, Your Honor, I'm entitled to those
15 transcripts in order to be able to cross examine the
16 witness or impeach him.

17 The Court: You want to answer that, Mr.
18 Holford?

19 Mr. Holford: Your Honor, I think he's talking
20 about the hearing we had during the Jackson v. Deno, he
21 wants a transcript of that. Obviously that's not available
22 and the State doesn't have a copy of that.

23 The Court: I will let you ---

24 Defendant Mazique: Well ---

25 The Court: Listen, we're going to take a break

1 at 1:00, I'll let you and your attorneys play that
2 transcript over and over and over all you, you've already
3 heard it twice, but you'll hear it again during the trial.

4 Defendant Mazique: No, I'm speaking about his
5 testimony.

6 Mr. Holford: He was at ---

7 Defendant Mazique: I need his testimony, Your
8 Honor.

9 The Court: There is no transcript of his
10 testimony available; he will testify under oath and you or
11 your attorney may have a full cross examination.

12 Defendant Mazique: But for impeachment purpose,
13 Your Honor, under, under United, under Jinx v. United
14 States clearly states that I'm entitled to this evidence.

15 The Court: Mr. Mazique, I've denied that, it's
16 simply not available. The record will reflect ---

17 Defendant Mazique: Because you're denying it,
18 Your Honor, because ---

19 The Court: Wait a minute, let me talk, please,
20 he's going to testify under oath ---

21 Defendant Mazique: He test--

22 The Court: --- and I will grant you full
23 opportunity to cross examine him.

24 Defendant Mazique: But how do I, how do I, how,
25 this evidence is used for impeachment purpose, he testified

1 prior to this and under Jinx v. United States, Your Honor,
2 it said that ---

3 The Court: I respectfully disagree, it's not
4 available, what's your next motion?

5 Defendant Mazique: It's not available because
6 you ---

7 The Court: Mr., please, if you want me to hear
8 your motions now you better go on with them.

9 Defendant Mazique: I file for a motion to,
10 motion to suppress.

11 The Court: No, sir.

12 Defendant Mazique: You haven't even heard --
13 there again, there again ---

14 The Court: Well ---

15 Defendant Mazique: --- you haven't even heard
16 what I'm trying to suppress.

17 The Court: I think you've already filed that
18 motion ---

19 Defendant Mazique: No, this is another ---

20 The Court: What is it you want to suppress?

21 Defendant Mazique: Pictures of. of, of, of the,
22 pictures of the cigarettes taken.

23 The Court: Why, why should I, why?

24 Defendant Mazique: Because it's not, it's not
25 authentic, they can't establish, they took the real

1 evidence, Your Honor, and then turned it over to the, to
2 the victim.

3 The Court: Well I'll let the testimony come in
4 and I'll determine whether or not it's admissible; I'll do
5 that for you.

6 Defendant Mazique: Well I'm moving for a motion
7 for them to establish their chain of custody.

8 The Court: Well I'll require them to do that
9 during the trial of the case.

10 Mr. Holford: Your Honor, if the State may
11 respond on that; there are no fungible items. We have a
12 chain of custody. The pictures taken it's customary to
13 take pictures of evidence.

14 The Court: I understand that but I'll, I'll,
15 I'll ---

16 Defendant Mazique: But the State had the
17 tangible evidence and it come up missing. He tampered with
18 the evidence.

19 The Court: Mr. Mazique, I will listen to the
20 testimony and make a determination whether the chain of
21 custody has been established and whether or not the
22 pictures are relevant and admissible. I'll make that
23 determination after I hear the evidence. I can't rule on
24 your motion to suppress until I hear it but I'll rule on it
25 at that time; what's your next motion?

1 Defendant Mazique: I have no more motions, Your
2 Honor.

3 The Court: All right, sir, now let's go back to
4 your right to represent yourself. I'm going to ask that
5 these lawyers sit with you in case you want to consult with
6 them, but if I determine that you want to represent
7 yourself and you do you cannot later say, wait a minute,
8 I've changed my mind, I want my lawyers to help me. They
9 will not be available to you now; do you understand that?

10 Defendant Mazique: They ---

11 The Court: That's a very serious thing now, no,
12 sir, our Supreme Court has said once you decide to
13 represent yourself that's it. Now I will let him answer
14 any questions but I will not let him participate in the
15 trial. He will not be able to examine any witnesses. He
16 will not be able to make a final summation. He will not
17 appear, the law doesn't permit you to do that.

18 Defendant Mazique: Who are we speaking about
19 it?

20 The Court: Sir?

21 Defendant Mazique: Who are we speaking about,
22 Your Honor? You speaking about this attorney right here?

23 The Court: I'm speaking about either one of
24 these lawyers will not be available to you in trial if you
25 want to represent yourself; you can't have it both ways and

1 that's a danger for you.

2 Defendant Mazique: They, they ---

3 The Court: I would urge you, Mr. Mazique, as
4 strong as I can given the dangers of representing yourself,
5 to let these two distinguished attorneys with more than
6 twenty years of experience represent you in this case.

7 Defendant Mazique: But these, are these the
8 same attorneys, Your Honor, that you, that we're speaking
9 about, I mean --

10 The Court: Sir?

11 Defendant Mazique: Are these ---

12 The Court: No, I'm talking about representation
13 now, Mr. Mazique.

14 Defendant Mazique: All right, but the pretrial
15 stage, Your Honor, is the most important stage ---

16 The Court: No, sir, I'm through ---

17 Defendant Mazique: --- when they violating all
18 my constitutional rights.

19 The Court: --- with the pretrial. I'm getting
20 ready to bring a jury down in just a moment. I have this
21 decision to make, you are faced with a serious serious
22 charge. You read some books but you are not qualified as a
23 lawyer. You don't know the law of evidence. You don't
24 know the law of hearsay. You don't know what's admissible
25 and what's not admissible. Those are numerous things that

1 you can't possibly know as a layman and for you to attempt
2 to represent yourself in an armed robbery case is pure
3 folly, however, the only thing the law requires me to do is
4 make sure that it's your decision knowing the dangers of it
5 and I would urge you to let these lawyers represent you in
6 the trial of this case. Now having said that if you say, I
7 knowing the dangers wish to represent myself I'm going to
8 let you do it but they will not be available to you in the
9 trial; now do you understand that?

10 Defendant Mazique: Yes, sir, I understand that.

11 The Court: All right, do you want to go forward
12 with your ---

13 Defendant Mazique: I'd like to, and I'd like to
14 for the record, Your Honor, state that they have not been
15 available to me at no time at all prior to this.

16 The Court: No, sir ---

17 Defendant Mazique: And I've requested a ---

18 The Court: --- Mr., you're not answering my
19 question.

20 Defendant Mazique: I've admitted to this Court
21 that I'm not ---

22 The Court: Mr. Mazique, we've had pretrial
23 motions and I've heard Ms. Melinda Knowles, she's been
24 available to you throughout, the record is going to reflect
25 that. My question to you is one more time, knowing that

1 they will not be available to you in the trial of the case,
2 knowing the danger of representing yourself, is it your
3 intention to represent yourself or to have these lawyers
4 help with trial?

5 Defendant Mazique: That's not an option, those
6 lawyers are not an option.

7 The Court: Sir?

8 Defendant Mazique: Having these lawyers here is
9 not an option; the breach of trust has been broken.

10 The Court: You are not answering my question.

11 Defendant Mazique: No, I don't, I'll represent
12 myself, I'm forced to, I will represent myself.

13 The Court: Bring the jury in. Now since he's
14 going to represent himself I'll, do you want them to help
15 you pick the jury or you want to pick the jury ---

16 Defendant Mazique: I want --

17 The Court: Sir?

18 Defendant Mazique: I don't have, you can give
19 me, you can give me all of the evidence that you have, I
20 mean really.

21 The Court: Now let me say this to you before
22 the jury comes, I want to be clear with you. The jury is
23 going to be the finders of the facts in this case. They're
24 going to decide whether you are not guilty or guilty. It
25 behooves you to behave yourself in their presence because

1 they are the ones that's going to judge you. Now I am not
2 going to permit you to interrupt me. I'm not going to
3 permit you to interrupt the Court. If you continue to do
4 that there's two things I can do. I can bind you and gag
5 you or I can send you out of the courtroom and the trial
6 will proceed in your absence, so I urge you not to disrupt
7 the Court and not to make the jury mad with you for they're
8 the ones that's going to judge you.

9 Now this Court is going to give you a fair trial
10 but this Court is also going to demand decorum and in doing
11 that I require that you not interrupt me or anybody else in
12 the proceedings. I'm going to lean over backwards to help
13 you to the extent that I can but I cannot advise you on any
14 questions or law, not permitted to do that. You've
15 indicated to me knowing the danger you want to represent
16 yourself and I'm going to permit that. Now I'm going to
17 ask you this, do you want these lawyers to help you pick
18 the jury or not?

19 Defendant Mazique: Your Honor, I have one more,
20 I have one more matter that I would like to address the
21 Court with right quick?

22 The Court: Let's hear it.

23 Defendant Mazique: Your Honor, there's a,
24 there's a motion pending in the, in the court, a motion for
25 reconsideration that went to that Judge Hyman based upon a

1 decision that he made earlier. I don't know if the
2 Solicitor has -- that motion haven't been heard yet. I
3 don't know if the Solicitor has docketed it or not.

4 The Court: What was, what was the motion?

5 Defendant Mazique: Motion under reconsideration
6 on a ruling that he, that he rendered to find that the
7 indictments, that Ms. Knowles filed in my behalf where she
8 changed my, my, my original motion she changed it from a
9 jurisdictional ---

10 The Court: That's a matter before Judge Hyman
11 and I'm not going to rule on it.

12 Defendant Mazique: But it's, it's still pending
13 and I'd like the Court to know ---

14 The Court: I'm going to tell you one more time,
15 we're going to trial ---

16 Defendant Mazique: Okay, no problem with that.

17 The Court: --- it's obvious to me that you're
18 trying to delay this thing. I know the jailhouse talk out
19 there, ya'll think that you can come in at the last minute
20 ask that the lawyers be disqualified, excuse me, and that
21 continues the case; it does not. Now one more time, do you
22 want the lawyers to help you pick the jury or you want to
23 pick them yourself?

24 Defendant Mazique: I'm going to pick my jury
25 myself, Your Honor.

1 The Court: Okay, bring the juror in, now I urge
2 you not to aggravate this jury.

3 Mr. Holford: Your Honor, may I pass up a
4 potential witness list?

5 The Court: Yes, sir, bring the juror in,
6 please.

7 May I have your name, sir?

8 Jury Panel Member: Anthony Colagiovanni.

9 The Court: And your juror number?

10 Jury Panel Member: Fifty-nine.

11 The Court: I received some indication from the
12 qualifications this morning that you were somewhat
13 disruptive down there and what's going on?

14 Madam Bailiff: I went downstairs, Judge, to get
15 the jury panel and something was said about it being a long
16 morning and he looked straight at me and said fuck you.

17 The Court: Did you do that?

18 Jury Panel Member: She done that purposely to
19 try and irritate me.

20 The Court: Well what were you doing down there,
21 I have -- read this communication for me.

22 Law Clerk: "Please let the Judge know there is
23 a juror downstairs who is not happy about serving on jury
24 duty. His name is Anthony Colagiovanni, number 59. He
25 says we don't want him for a juror and he was going to

1 complain all the time and we better have our handcuffs
2 ready."

3 The Court: Well I got my handcuffs ready, I got
4 two officers and I'm delighted to use them if I find it
5 necessary. Were you disruptive down there? Sir?

6 Jury Panel Member: Somewhat.

7 The Court: Why?

8 Jury Panel Member: Cause I'm not suited, suited
9 to serve on jury.

10 The Court: Why is that?

11 Jury Panel Member: I have some medical problems
12 and I just have a bad attitude about wanting to serve on a
13 jury duty.

14 The Court: Well don't you understand it is your
15 civic duty to do so?

16 Jury Panel Member: I understand that..

17 The Court: And that if you were charged with a
18 serious crime how would we try you if everybody took the
19 position that you took?

20 Jury Panel Member: I understand that, Your
21 Honor, I'm trying to let you know that I'm not suitable to
22 serve on jury duty.

23 The Court: Well why didn't you say that in a
24 proper polite way to somebody down there rather than use
25 this kind of language against this lady?

1 Jury Panel Member: I said that to the other
2 woman down there. I went up after I was called to sit on
3 the other side I went up to her after and I told her that I
4 am not suited to serve and I would like to be let go.

5 The Court: Well --

6 Jury Panel Member: This woman knew who I was
7 and she waited for me so she, to say something to provoke
8 me cause she knew she would provoke me to say something.
9 She provoked me on purpose, Your Honor, and ---

10 The Court: I find ---

11 Jury Panel Member: --- and, and it worked.

12 The Court: It did.

13 Madam Bailiff: Judge, may I say one thing?

14 The Court: Sure, yes?

15 Madam Bailiff: I have not been there down there
16 this morning. I've been working with another judge and I
17 haven't been downstairs at the longest for, I've never seen
18 this gentleman until he looked at me and said those words.

19 Jury Panel Member: Your Honor, I sat there and
20 I watched how long she was in there and she was talking to
21 the other women that were there and that was discussed with
22 her. She was gunning for me, Your Honor.

23 The Court: Let me say this to you, sir. I am
24 not going to permit a citizen of Horry County to come into
25 my courtroom act like you did and use that kind of language

1 against a dedicated employee of Horry County. I find you
2 in contempt of court and I direct that you take him to the
3 detention center this minute and let him be discharged in
4 the morning at appropriate time. I find you clearly in
5 contempt of court by your own language and your own
6 attitude and I simply will not permit it. You will be
7 discharged from the juror rolls of Horry County but you're
8 going to spend the night in jail, thank you. I'm so sorry
9 that this had to happen to you.

10 Madam Bailiff: That's fine, thank you, sir.

11 The Court: But I will not permit a dedicated
12 employee of Horry County to be talked to in that way.

13 Madam Bailiff: Yes, sir, thank you.

14 The Court: Bring the jury in.

15 (Whereupon, the jury venire enters the courtroom
16 at 12:20 a.m.)

17 The Court: I am Judge Cottingham from Marlboro
18 County, having been assigned as the trial judge for this
19 week of General Sessions Court. It's been my pleasure to
20 have presided here in Horry County over the last twenty
21 nine years. It's always a pleasure to be back. This
22 young man is Trey Jones, a recent graduate of the law
23 school and was entered as a member of the South Carolina
24 Bar on past Tuesday and Trey does excellent work for me.

25 First let me say I asked all of you be back at

1 10:30 this morning and I now apologize to you for the
2 delay. We have been dealing with other matters not
3 requiring your attention. I always want the jurors to know
4 that I'm fully cognizant of the fact that your time is
5 important to you, to your family and to your pursuits and
6 when you are delayed I don't want you to think we're back
7 there smoking and telling jokes. I want you to know that
8 there's a basic reason for it and for that I apologize, but
9 understanding your time is valuable, too, I will attempt to
10 limit your services as best I can consistent with court
11 rules and court requirements.

12 From your number I'm going to select twelve
13 jurors and two alternates and this case will be concluded
14 some time tomorrow. As I understand it there's no other
15 judges requiring any jurors; is that true?

16 Madam Clerk: Yes, sir.

17 The Court: For the fourteen who are, I'm going
18 to select fourteen, the rest of you will be excused for the
19 day and for the week, and we thank you for your services.

20 Now the State of South Carolina is preparing to
21 call a case involving an alleged armed robbery. Every
22 defendant comes into court by way of an indictment that I
23 hold in my hand and this indictment will be with you in the
24 jury room. This indictment is simply the charging
25 instrument and the allegations it contains is of no

1 evidence whatsoever. Evidence, if any, comes from this
2 jury stand under oath.

3 Now in this case the defendant has elected to
4 represent himself. The United States Supreme Court and our
5 Supreme Court has said under proper direction an individual
6 has the absolute constitutional right to have an attorney
7 appointed for him. If he can't afford one we'd appoint one
8 for him at no expense. This is his absolute right. He had
9 that opportunity and those attorneys are sitting here. Our
10 Supreme Court has also said that you have the right to
11 reject that and to absolutely represent yourself and this
12 defendant has exercised his constitutional rights to do
13 that.

14 I charge you that there's absolutely no adverse
15 inference to be derived from the fact that this defendant
16 wants to represent himself. He's entitled to that. This
17 defendant, as all defendants, are presumed innocent and
18 they don't have to prove a thing. The State has got to
19 prove them guilty beyond a reasonable doubt and I will
20 explain that to you, but he has elected to assert his
21 constitutional rights. I have asked that the attorneys sit
22 with him and answer any questions at the table but they
23 will not be permitted under our rules to represent him in
24 the trial itself, but there's no adverse inferences in that
25 the defendant Mazique elects to represent himself.

1 Now call the case, Solicitor?

2 Mr. Holford: Yes, sir, Your Honor, this is the
3 State of South Carolina County of Horry v. Ricky Mazique.
4 It's 2012-GS-26-0859, a true billed indictment for armed
5 robbery.

6 The Court: All right, sir, now from your
7 number, ladies and gentlemen, the State of South Carolina
8 and defendant Mazique desire from your group twelve folks,
9 twelve jurors who can say, Judge, I have no friends to
10 reward, I have no enemies to punish, twelve people who can
11 say under their oath if I am selected as one of the twelve
12 jurors I will base my verdict of not guilty or guilty based
13 on the law and evidence heard in this courtroom and from no
14 other place.

15 Now in our life's experiences we develop certain
16 prejudices. As an example, has nothing to do with this
17 case, I was trying a case at another town some years ago, a
18 young man was being tried for D.U.I. felony, it having been
19 alleged while drunk driving he killed a young girl. I was
20 qualifying the jury and I asked anybody have any biases
21 that they can't be fair in a case of this kind. A lady got
22 up in the back and said, Judge, I can't be fair to this
23 young man, my daughter was killed by a drunk driver a year
24 ago, and I obviously appreciated her remark and excused
25 her. Interestingly enough in that same panel a gentleman

1 got up, I never shall forget, in the back right hand corner
2 he said, Judge Cottingham, I can't be fair to the State of
3 South Carolina. I said, why, he said, they tried my son
4 three times for the same thing when the first two were
5 eleven to one for acquittal and insisted that they try him
6 again and he was finally found not guilty. I can't be fair
7 to them, and I understood that. I tell you that as a basis
8 to say that we develop biases and prejudices in our
9 lifetime.

10 Now this defendant is charged with the offense of
11 armed robbery. Do any of you based on your experiences or
12 members of your immediate family have any biases or
13 prejudices that would prevent you from giving the State of
14 South Carolina and this defendant a fair trial in the case
15 where the allegations are that the defendant committed
16 armed robbery, he having plead not guilty, if so please
17 stand?

18 Come forward, please.

19 Jury Panel Member: Lawrence Fleenor, juror
20 number 112.

21 Law Clerk: You got one more, Judge.

22 The Court: Yes, come forward, please.

23 Jury Panel Member: Marsha Sarvis, juror number
24 332.

25 The Court: The allegations in this indictment

1 is that this defendant committed an armed robbery September
2 of last year at Kangaroo. This defendant specifically
3 pleads not guilty to this indictment. I give you this
4 information solely for the purpose for making the following
5 inquiry. Have any of you read or heard or known or
6 discussed anything about an alleged event of September last
7 year at the Kangaroo store, if so please stand.

8 Come forward. your name?

9 Jury Panel Member: George Walker, juror number
10 388.

11 (Whereupon, a bench conference was held off the
12 record out of the hearing of the jury venire and the court
13 reporter.)

14 The Court: For the jury's edification that last
15 juror very properly advised me that he is employed as an
16 assistant manager in the Kangaroo chain and I appreciate
17 that and obviously I excused him from jury duty. Any of
18 you, the rest of you employed in any capacity in the
19 Kangaroo chain, any of you stockholders, any of you have
20 any close family members employed in the Kangaroo chain?

21 Mr. Mazique is the defendant, Mr. Mazique, please
22 stand so that I can make an inquiry, Mr. Ricky Mazique, any
23 of you connected by blood or marriage of Mr. Mazique? Any
24 of you have any close personal connections with Mr.
25 Mazique, neighbors, church members, friends, family

1 members? Do any of you know the defendant Ricky Mazique in
2 any capacity whatsoever, please stand?

3 (No response.)

4 The Court: You may be seated.

5 The State of South Carolina is represented by the
6 Solicitor's Office of the Fifteenth Circuit including Horry
7 and Georgetown, any of you employed by the Solicitor's
8 office or have any close connections, family members so
9 employed?

10 Come forward, please.

11 Good morning, may I have your name?

12 Jury Panel Member: Shelia Johnston.

13 (Whereupon, a bench conference was held off the
14 record out of the hearing of the jury venire and the court
15 reporter.)

16 The Court: I think she's qualified but let the
17 record reflect now that her nephew, let the defendant know
18 her nephew is employed in the Solicitor's office. That in
19 and of itself is not a disqualification. She tells me
20 under oath she will base her verdict on the law and
21 evidence heard in this courtroom. Let the defendant know
22 so that he if he chooses can exercise his right, and your
23 name?

24 Jury Panel Member: Shelia Johnston, 203.

25 (Whereupon, a bench conference was held off the

1 record out of the hearing of the jury venire and the court
2 reporter.)

3 The Court: You're qualified. Okay, thank you,
4 ma'am. Now are any of you, do any of you, this question
5 was asked were you law enforcement officers, any of you
6 have any spouses in law enforcement, come forward?

7 One at the time, your name, please?

8 Jury Panel Member: Rita Miller.

9 The Court: Juror number?

10 Jury Panel Member: 266.

11 (Whereupon, a bench conference was held off the
12 record out of the hearing of the jury venire and the court
13 reporter.)

14 The Court: I'm going to disqualify you since
15 this is an Horry County case, thank you. Next please?

16 (Whereupon, a bench conference was held off the
17 record out of the hearing of the jury venire and the court
18 reporter.)

19 The Court: 232 stays. Next?

20 Jury Panel Member: 173.

21 (Whereupon, a bench conference was held off the
22 record out of the hearing of the jury venire and the court
23 reporter.)

24 The Court: You're excused.

25 All right, Solicitor, any other -- yes, sir, your

1 name?

2 (Whereupon, a bench conference was held off the
3 record out of the hearing of the jury venire and the court
4 reporter.)

5 The Court: Her son is a police officer in
6 Myrtle Beach police and Myrtle Beach is not involved in
7 this case, thank you, if selected we'll be glad to have
8 you.

9 Mr. Holford, I think that that deals with, do you
10 have any further questions?

11 Mr. Holford: Your Honor, just identify myself
12 and Mr. Richardson.

13 The Court: Identify yourselves, gentlemen

14 Mr. Holford: Ladies and gentlemen, I'm Joshua
15 Holford, Assistant Solicitor.

16 Mr. Richardson: And I'm Brad Richardson, I'm
17 with the Solicitor's office as well.

18 The Court: How about Mr. Richardson?

19 Mr. Richardson: I introduced myself, Brad
20 Richardson with the Solicitor's office, Your Honor.

21 The Court: All right, sir, let's proceed with
22 the selection of the jury. Now this being an armed robbery
23 allegation ---

24 Mr. Richardson: Your Honor, do you want to
25 inquire of the jury if any of them know us personally or if

1 they're close personal family?

2 The Court: I will do that.

3 Mr. Richardson: Yes, sir.

4 The Court: I asked them a while ago if anybody
5 connected with the Solicitor, any of you know them
6 personally, close personal friends? Mr. Richardson, I'm
7 not sure you have any friends.

8 Mr. Richardson: I don't know, Judge.

9 The Court: All right.

10 Mr. Richardson: Thank you, Judge.

11 The Court: All right, now the strikes are five
12 and ten and, Mr. Mazique, you're representing yourself. In
13 the strike procedure you may strike up to ten people. I'll
14 let the lawyers sit with you and if you care to consult
15 with them they are free to talk to you but the decision is
16 yours and yours alone; you understand that? You cannot be
17 heard to say that you struck somebody cause they wanted you
18 to, the decision is yours. If you want to consult with
19 them I'll permit it. Call the jury.

20 Madam Clerk: When I call your name if you
21 would, please, come to the front of the courtroom, turn
22 around and face the back of the courtroom, and bring any
23 belongings that you have with you.

24 Juror number 223, Patricia Kreutziger.

25 What say the State?

1 Mr. Holford: Please present this juror.
2 Madam Clerk: Defense?
3 Defendant Mazique: Strike.
4 Madam Clerk: You're excused from this
5 particular case, if you'll just go back and have a seat,
6 thank you.
7 192, Tracy Jarrell.
8 What say the State?
9 Mr. Holford: Please present this juror.
10 Madam Clerk: Defense?
11 Defendant Mazique: Yes.
12 Madam Clerk: Please be seated in the jury box.
13 101, Christina Elvis.
14 What say the State?
15 Mr. Holford: Please present this juror.
16 Madam Clerk: Defense? I need you to answer
17 verbally, please?
18 Defendant Mazique: Yes.
19 Madam Clerk: Please be seated in the jury box.
20 167, Billy Harrison.
21 What say the State?
22 Mr. Holford: Please present this juror.
23 Madam Clerk: Defense?
24 Defendant Mazique: Your Honor, may I ask him a
25 question, Your Honor? He just told me he don't, he don't

1 know what his occupation is?

2 The Court: No, sir, your answer you accept him
3 or reject him, please. What do you say, Mr. Mazique?

4 Defendant Mazique: I'm trying to see what his
5 occupation was, it's not legible, can I ask him?

6 The Court: What is your occupation?

7 Jury Panel Member: A machinist.

8 Defendant Mazique: A machinist, that's all I
9 wanted, yes.

10 Madam Clerk: Please be seated in the jury box.
11 153, Carrie Hall.

12 What say the State?

13 Mr. Holford: Please present the juror.

14 Madam Clerk: Defense?

15 Defendant Mazique: Yeah.

16 Madam Clerk: Please be seated in the jury box.

17 The Court: Sit in the forelady's chair for me,
18 please.

19 Madam Clerk: 393, Barbara Walsh.

20 What say the State?

21 Mr. Holford: Please present the juror.

22 Madam Clerk: Defense?

23 Defendant Mazique: Reject.

24 Madam Clerk: Please, I'm sorry, you're excused
25 from this particular case.

1 227, Christine Lavoie.
2 What say the State?
3 Mr. Holford: Please present this juror.
4 Madam Clerk: Defense?
5 Defendant Mazique: Reject.
6 Madam Clerk: You're excused from this
7 particular case.
8 166, Timothy Harris.
9 What say the State?
10 Mr. Holford: Please present this juror.
11 Madam Clerk: Defense?
12 Defendant Mazique: Reject.
13 Madam Clerk: You're excused from this
14 particular case.
15 193, John Jeffcoat.
16 What say the State?
17 Mr. Holford: Please present this juror.
18 Madam Clerk: Defense?
19 Defendant Mazique: Present him.
20 Madam Clerk: Please be seated in the jury box.
21 9999, Julia Ann Nale.
22 What say the State?
23 Mr. Holford: Please present this juror.
24 Madam Clerk: Defense?
25 Defendant Mazique: Accept.

1 Madam Clerk: Please be seated in the jury box.
2 345, John Smith.

3 What say the State?

4 Mr. Holford: Please present this juror.

5 Madam Clerk: Defense?

6 Defendant Mazique: Reject.

7 Madam Clerk: You're excused from this
8 particular case.

9 The Court: You have now used five of the ten
10 strikes; you have five remaining.

11 Madam Clerk: 132, Taylor Gibson.

12 What say the State?

13 Mr. Holford: Please excuse this juror from this
14 case.

15 Madam Clerk: You're excused from this
16 particular case.

17 59, Anthony Colagiovanni.

18 Mr. Galmore: Your Honor, that juror has been
19 excused.

20 The Court: I excused him.

21 Madam Clerk: 395, Casey Wang.

22 What say the State?

23 Mr. Holford: Please present this juror.

24 Madam Clerk: Defense?

25 Defendant Mazique: Yeah.

1 Madam Clerk: Please be seated in the jury box.
2 391, Christopher Wallace.
3 What say the State?
4 Mr. Holford: Please present this juror.
5 Madam Clerk: Defense?
6 Defendant Mazique: Present.
7 Madam Clerk: Please be seated in the jury box.
8 347, Linda Smith.
9 What say the State?
10 Mr. Holford: Please present this juror.
11 Madam Clerk: Defense?
12 Defendant Mazique: Strike.
13 Madam Clerk: You're excused from this
14 particular case.
15 127, Adam Gause.
16 What say the State?
17 Mr. Holford: Please excuse this juror from this
18 case.
19 Madam Clerk: You're excused from this
20 particular case.
21 84, Debby Dickey.
22 What say the State?
23 Mr. Holford: The Court's indulgence. Please
24 present this juror.
25 Madam Clerk: Defense?

1 Defendant Mazique: Reject.

2 Madam Clerk: You're excused from this
3 particular case.

4 The Court: That is seven, three remaining.

5 Madam Clerk: 53, Michael Chapman.

6 What say the State?

7 Mr. Holford: Please present this juror.

8 Defendant Mazique: Reject.

9 Madam Clerk: You're excused from this
10 particular case.

11 105, Dennis Felder.

12 What say the State?

13 Mr. Holford: Please excuse this juror from this
14 particular case.

15 Madam Clerk: You're excused from this
16 particular case.

17 136, Tina Glenn.

18 What say the State?

19 Mr. Holford: Please present this juror.

20 Madam Clerk: Defense?

21 Defendant Mazique: Reject.

22 Madam Clerk: You're excused from this
23 particular case.

24 333, Carlisle Scott.

25 What say the State?

1 Mr. Holford: Please present this juror.
2 Madam Clerk: Defense?
3 Defendant Mazique: Present.
4 Madam Clerk: Please be seated in the jury box.
5 203, Sheila Johnston.
6 What say the State?
7 Mr. Holford: Please present this juror.
8 Madam Clerk: Defense?
9 Defendant Mazique: Strike.
10 Madam Clerk: You're excused from this
11 particular case.
12 The Court: That concludes your strikes now, Mr.
13 Mazique.
14 Madam Clerk: 261, Cynthia Strickland.
15 What say the State?
16 Mr. Holford: Please present this juror.
17 The Court: Come around and be sworn, please.
18 Madam Clerk: 57, Tina Clark.
19 What say the State?
20 Mr. Holford: Please present this juror.
21 The Court: Come around and be sworn.
22 Madam Clerk: 98, David Edwards.
23 What say the State?
24 Mr. Holford: Please present this juror.
25 The Court: Come around and be sworn. That will

1 constitute the twelve jurors, now the strikes we're going
2 to select two alternates. The strikes, Mr. Mazique, as to
3 each alternate they have one opportunity to strike and you
4 have two as to each alternate, proceed.

5 Madam Clerk: 52, Regina Cesternino.

6 What say the State?

7 Mr. Holford: Please present this juror.

8 Defendant Mazique: Strike.

9 Madam Clerk: You're excused from this
10 particular case.

11 46, Carlene Carmen.

12 What say the State?

13 Mr. Holford: Please present this juror.

14 Defendant Mazique: Strike.

15 Madam Clerk: You're excused from this
16 particular case.

17 The Court: That constitutes your strikes, Clerk
18 call your next one.

19 Madam Clerk: 232, Rosemary Leonard.

20 What say the State?

21 Mr. Holford: Please present this juror.

22 The Court: Take the alternate chair for me,
23 please. Now as to the next alternate, Mr. Mazique, you'll
24 have two strikes, proceed.

25 Madam Clerk: 29, Paul Bowers.

1 What say the State?

2 Mr. Holford: Please excuse this juror from this
3 case.

4 Madam Clerk: You're excused from this
5 particular case.

6 208, Helen Jordan.

7 What say the State?

8 Mr. Holford: Please present this juror.

9 Madam Clerk: Defense?

10 Defendant Mazique: Strike.

11 Madam Clerk: You're excused from this
12 particular case.

13 366, Mark Sweat.

14 What say the State?

15 Mr. Holford: Please present this juror.

16 Defendant Mazique: Strike.

17 Madam Clerk: You're excused from this
18 particular case.

19 The Court: The strikes have been used now by
20 the State and the defense; the next juror will be the
21 second alternate.

22 Mr. Holford: Yes, Your Honor.

23 Mr. Richardson: Thank you, Your Honor.

24 Madam Clerk: 260, Jeanette McManus.

25 The Court: Please accept the alternate's chair.

1 Please take the jury to the jury room for just a minute,
2 I'll be calling you back very shortly.

3 (Whereupon, the jury retired to the jury room at
4 12:51 p.m.)

5 The Court: All right, from the State with
6 regards to the composition of the jury any motions? What
7 you say, Mr. Holford?

8 Mr. Holford: No motions from the State, Your
9 Honor.

10 The Court: Any from the defense?

11 Mr. Galmore: No, sir.

12 The Court: The jury will stand as selected.
13 Ladies and gentlemen, the rest of you will be now excused
14 for the day and for the week. I do want you to know we had
15 one recalcitrant juror downstairs who uttered some
16 inappropriate obnoxious remarks to one of the female
17 bailiffs. I want you to know that I have dealt with him
18 appropriately, but I thank all of you for your services.
19 You are now excused for the day and for the week with the
20 gratitude of Horry County for your presence here this week,
21 have a good weekend, thank you. Bring the jury back.
22 Anything for lunch?

23 Mr. Holford: Nothing further from the State,
24 Your Honor.

25 The Court: All right, have them back at 2:30,

1 bring the jury in, it's nearly two now, nearly 1:00, give
2 them an hour and a half for lunch and then start back.

3 (Whereupon, the jury returns to the courtroom at
4 12:54 p.m.)

5 The Court: Ladies and gentlemen of the jury, as
6 you're now well aware you twelve and two alternates are
7 selected as the jury in this case. The two alternates will
8 always occupy those chairs; the forelady will occupy that
9 chair. The rest may sit as you choose. There are certain
10 things that I need to tell you by way of admonition. You
11 folks will be the finders of the facts in this case.
12 You'll be the judges of the credibility of the witnesses
13 and I'll explain that to you as soon as you return at 2:30.
14 Please be ready to go back in the courtroom at 2:30.

15 You must not discuss this case with anyone,
16 permit no one to discuss it with you, make no independent
17 inquiry and, Madam Foreman, you must not let any discussion
18 even in the jury room enter into your conversations about
19 any issue in this case until I have given you the case for
20 your deliberation and it's simply this. As finders of the
21 facts it would be inappropriate for you to begin your
22 deliberative process until you've heard all of the
23 witnesses, until I have given you the instructions in the
24 law, so under no circumstances even discuss it among
25 yourselves until I have given you for your purposes.

1 For somebody, I'm just told for the first moment
2 here does some juror have a funeral at 3:00? Come forward,
3 why didn't you tell us this before?

4 Jury Panel Member: I'd already told them on the
5 phone this morning.

6 The Court: Pardon me?

7 Jury Panel Member: I already told them on the
8 phone.

9 The Court: You did, whose funeral is it,
10 please?

11 Jury Panel Member: My brother.

12 The Court: I'm sorry, nobody relayed that to
13 us. This lady has a funeral at 3:00, a member of her
14 immediate family. This is the exact reason that I elect
15 alternates. I'm going to excuse you and I apologize to you
16 for somebody not bringing that to my attention and don't
17 let it be embarrassing to you at all. It's just a
18 breakdown in communication and I apologize to you. You go
19 and I'm so sorry about your loss of your loved one.

20 Let the first alternate, what's the name of the
21 first alternate? This is not a criminal court, we don't
22 select from the first alternate?

23 Mr. Galmore: 232, Your Honor.

24 The Court: Juror 232 is now, let 232 take a
25 seat with the jury.

1 Mr. Holford: Your Honor, just for the record
2 the State certainly has no objection to going forward with
3 one alternate.

4 The Court: I understand and I assume that the
5 defense has not?

6 Mr. Galmore: No, sir.

7 The Court: All right, the first alternate by
8 agreement will be, and that's why we have an alternate and
9 I'm so glad that, when was that called to my attention?

10 Law Clerk: Two minutes ago.

11 The Court: That's why we have alternates things
12 happen. Please have a nice lunch and be back in the
13 courthouse at 2:30 ready to go, thank you, and remember my
14 admonition, thank you.

15 The Deputy: We got another juror has spoken
16 out.

17 The Court: Wait a minute now, I ---

18 The Deputy: I know, I know.

19 The Court: What, another juror?

20 The Deputy: Stand up, ma'am.

21 Jury Panel Member: Will we be here next week?

22 The Court: Come forward. No, no, we're going
23 to be finished tomorrow. I hope everybody else is okay.
24 If I hear one more I'm going to get sick myself, be back at
25 2:30.

1 (Whereupon, the jury was excused for lunch.)

2 The Court: a while ago but I'm letting the
3 lawyers sit with him, that's already on the record. I
4 appreciate the way you handled yourself this morning in the
5 presence of the jury. As I indicated to you outside the
6 presence they're the ones that's going to decide your fate
7 and, of course, you want to have the best conduct before
8 them and you did that this morning and I thank you for
9 that.

10 Defendant Mazique: You're welcome.

11 The Court: And I ask that you continue that for
12 your own benefit for the rest of the trial. All right,
13 thank you.

14 Defendant Mazique: Appreciate it, Your Honor.

15 (Whereupon, court was recessed for lunch and the
16 following takes place on the record after the lunch
17 recess.)

18 The Court: This is the order that I have
19 executed this minute relevant to that offensive juror
20 conduct this morning I want on the record, read it.

21 Law Clerk: "On November 15th, 2012, Anthony
22 Colagiovanni, a potential juror, came before Circuit Court
23 Judge Edward B. Cottingham after the court received reports
24 from the court staff of Mr. Colagiovanni being disruptive
25 and discourteous in the jury waiting room. A court bailiff

1 reported that Mr. Colagiovanni used explicit and offensive
2 language towards her and he stated he would not be a
3 suitable juror and that you better have your handcuffs
4 ready if he was selected for service. Upon inquiry by the
5 Court Mr. Colagiovanni admitted that the reports of his
6 behavior were accurate. Judge Edward B. Cottingham found
7 Mr. Colagiovanni in contempt of court to be held at the J.
8 Reuben Long Detention Center for one night and to be
9 released the morning of November 16th, 2012, so ordered."

10 The Court: That's a part of the record. My
11 handcuffs are always available. Is the defendant ready?

12 Defendant Mazique: Your Honor, I'd like to
13 before the jury is been gotten, before the jury is brought
14 in I'd like to, I'd like to file a motion right now, Your
15 Honor, before the jury is brought in.

16 The Court: What kind of motion?

17 Defendant Mazique: A motion to challenge the
18 Court's jurisdiction because I haven't been properly
19 arraigned.

20 The Court: No, sir, I respectfully reject that.

21 Mr. Holford: Your Honor, for the record he was
22 arraigned on September 7th, 2012.

23 The Court: Arraigned ---

24 Defendant Mazique: I never went to the plea,
25 Your Honor; I never went to the plea.

1 The Court: You were arraigned before me.

2 Defendant Mazique: I never went to the plea,
3 Your Honor.

4 The Court: Arraigned before me.

5 Mr. Holford: Yes, Your Honor, in front of you.

6 The Court: Yes, sir, now I want to caution you
7 again, Mr. Mazique, it's to your interest to be polite and
8 thoughtful in the presence of this jury because they are
9 the ones who are going to judge you and so I would urge you
10 even though you're representing yourself to be cautious in
11 what you say or do. It's to your interest to be polite,
12 okay.

13 Defendant Mazique: I have one matter.

14 The Court: What is -- Mr. Holford?

15 Mr. Holford: Excuse me, Your Honor, the
16 arraignment may have happened in front of Judge Hyman. I
17 know you've heard motions on this previously but the
18 arraignment on 9-7-12 might have been in front of Hyman.

19 Defendant Mazique: Your Honor, I never was, I
20 never been arraigned.

21 Mr. Holford: He has been arraigned, that's for
22 sure.

23 The Court: The record is going to reflect what
24 it reflects; what was your other motion?

25 Defendant Mazique: My other motion, Your Honor,

1 being a pro se litigant, Your Honor, I don't, I don't know
2 if I'm calling it correctly right now, but I'd like to
3 issue a challenge, I don't know if it's a Boston, if it's
4 called a Boston challenge, Your Honor, to the jury, to the,
5 to the pool of the jury, Your Honor.

6 The Court: No, sir.

7 Defendant Mazique: Batson.

8 The Court: No, sir.

9 Defendant Mazique: Being that it's the only ---

10 The Court: Mr. Mazique, let me ask you this,
11 after the jury was selected I very carefully outside the
12 presence of the jury, very carefully said any motions from
13 the State on behalf of the jury selection, they said, no.
14 I turned to the defendant and there was no there. The jury
15 is fine; we are going forward at this moment.

16 Defendant Mazique: I'd just like to put it on
17 the record, Your Honor.

18 The Court: It's on the record, bring the jury
19 in. Now when we begin and after I talk to the jury the
20 State will have an opening statement and you will be
21 permitted to make an opening statement, too. Be careful
22 what you say; you don't want to jeopardize your own case or
23 admit something that you should not, but you are entitled
24 to speak to the jury. You probably want to explain to him
25 the process and for him to be careful about what he says.

1 Bring the jury in.

2 (Whereupon, the jury returns to the courtroom at
3 2:46 p.m.)

4 The Court: Madam Foreman and ladies and
5 gentlemen, I have designated you as foreperson of the jury.
6 You will be responsible for presiding in the jury room
7 during the deliberations and I respectfully ask that you be
8 the jury spokesman in the courtroom at the appropriate
9 time. I will keep you and your jury fully advised of your
10 duties and I will prepare for you a verdict form for your
11 consideration recognizing that for some of you this may be
12 the first time that you have been a juror on a criminal
13 case.

14 Let me tell you how we will proceed. First I
15 tell you that this defendant and all defendants are brought
16 into court under a charging instrument that we call an
17 indictment. This indictment is in no sense any evidence.
18 It's just the way an individual is brought to court in
19 South Carolina and this indictment says that he is charged
20 with armed robbery. Now I specifically tell you that to
21 this charge this defendant specifically pleads not guilty
22 thereby placing the burden of proof upon the State of South
23 Carolina of proving each and every element of armed robbery
24 to your satisfaction beyond a reasonable doubt.

25 Armed robbery, I'll define it for you more

1 especially, but armed robbery is simply the stealing of the
2 property of another with force and violence, accompanied by
3 a deadly weapon and the State must prove each of those
4 things and prove that this defendant did it, as I told you
5 beyond a reasonable doubt.

6 Now there's several things you need to know that
7 I hope will help you. From this moment on there is nobody
8 in this wide world that can tell you what the facts are in
9 this case. You and you alone will be the sole and only
10 finders of the facts as to what occurred. You well may
11 probably ask, well we just got here how do we know what
12 happened. Well during the course of this trial various
13 witnesses will testify under oath for your consideration.
14 In addition to that certain matters may be introduced into
15 the trial and I will introduce them into evidence. Those
16 things that I introduce into evidence may be shown to you
17 at this time but they will be with you, Madam Foreman, in
18 the jury room.

19 As these witnesses testify you will be their
20 judge of credibility, meaning believability. You may
21 believe all of what a witness says or none. You may
22 believe one against many. You may, if you choose, believe
23 a portion and disregard the larger. You good twelve folks
24 didn't leave your common sense on the streets of Conway,
25 South Carolina when you came into this courtroom and we all

1 know in every day life folks tell us things and we have
2 certain tools that we use to decide whether we will believe
3 them in full or in part or none. Obviously we would ask
4 ourselves how did this witness come to know about what
5 they're telling me; do they know what they're talking
6 about? Is a witness' testimony consistent with other
7 witnesses? How did they come to know it? You would always
8 ask yourself if a particular witness testified was some
9 reason to believe that that witness was biased or
10 prejudiced that that witness might want you to believe one
11 way or the other.

12 There are other tools that you use but the fact
13 is that I am not entitled to a factual opinion and I have
14 none. In that connection I charge you that during the
15 trial of this case if any ruling, mannerism, judgment of
16 mine, might tend to indicate to any of you how I feel about
17 any fact or situation between these litigants you disregard
18 that. I am not entitled to a factual opinion and I have
19 none.

20 Now another very important thing, this defendant
21 and all defendants come into court under presumption of
22 innocence. It's just not a legal phrase, not a legal
23 theory; it's is a fundamental right that every defendant is
24 presumed innocent until you, the jury, have evidence from
25 testimony presented stripped that rights of innocence and

1 find him guilty if you do. It's your decision but remember
2 he is presumed innocent; it's his constitutional right not
3 to have to say a thing; the State has the burden of proof.

4 Now we'll have the opening statement. As I told
5 you earlier this defendant has exercised his constitutional
6 right to appear pro se. The State is going to make a short
7 opening statement to you as a guideline to help you follow
8 the introduction of testimony and evidence. The defendant,
9 if he cares to, will make a similar statement to you as to
10 his position. Following that we will have testimony of the
11 various witnesses and other matters that may be introduced
12 into trial. At the conclusion of the testimony, and we
13 think we can conclude all the testimony today, we'll have
14 final summations and I will give you the law as it relates
15 to the issues in this case.

16 I told you earlier, and I want to emphasize
17 again, whatever your verdict is it must be based on the law
18 and evidence in this courtroom and from no other source. I
19 will keep you, Madam Foreman, fully advised as we go
20 through the trial with additional instructions as needed
21 and we all look forward to working with you and thank you
22 for your appearance. Opening statement.

23 Mr. Holford: Thank you, Your Honor, may it
24 please the Court?

25 The Court: Swear the jury, thought you had done

1 sworn them.

2 (Whereupon, the jury was sworn.)

3 Opening Statement

4 Mr. Holford:

5 Good afternoon, ladies and gentlemen of the jury,
6 I know you've been thanked multiple times by multiple
7 judges, by multiple people for your time. I know that you
8 have families; I know that you have work; I know that we're
9 taking you away from important things, but I submit to you
10 that this is an important matter. In our judicial system
11 the police arrest someone; they charge them with a crime.
12 In this case Mr. Mazique, the defendant in this case, has
13 been charged with armed robbery. They bring that case to
14 me, the prosecutor. I believe that Mr. Mazique, this
15 defendant, did commit the crime of armed robbery.

16 Now here's where you come in, the most important
17 part. We pick twelve people, plus an alternate, from the
18 community. We have to present the case to you and beyond a
19 reasonable doubt you have to believe that this is the guy.
20 We got the right one. I submit to you that at the end of
21 the evidence presented today that you will be as firmly
22 convinced beyond a reasonable doubt as I am that Ricky
23 Mazique did go into a Kangaroo on September 29th, 2011, a
24 little after 2 a.m., and he did with a weapon, he had a
25 handgun, present it to this victim, Ms. Tonia Branton, and

1 rob her at gunpoint.

2 We're going to introduce a video, you'll be able
3 to see at the Kangaroo store, a surveillance tape, it's an
4 overview. You'll see Ms. Branton standing there. She
5 recognizes Ricky; Ricky comes into the store often. He'll
6 tell you, we have a statement from him, that he knows the
7 clerks; the clerks know him. Ms. Branton will tell you
8 something was off; he's wearing a wig. You'll notice in
9 the video someone has got long dreads, doesn't look like
10 clean, clean shaven Ricky Mazique. She realizes that he's
11 wearing a wig at this time and thinks something is wrong.
12 You'll see her back up to the counter, stand right there
13 near her silent alarm, and she'll tell you as soon as he
14 came around the corner with that gun she pressed the silent
15 alarm. You'll hear from Officer Scales, the responding
16 officer, that he responded to the Kangaroo from a silent
17 alarm.

18 On the video you'll see Mr. Mazique has big black
19 trash bags shoveling cartons of cigarettes. I think he got
20 about sixty cartons. It was at least forty cartons of
21 Newports, Marlboro Lights, all kinds of cigarettes. Runs
22 out, takes those trash bags, gets in the car, tears on out
23 of there. We have a dash cam video from the responding
24 officer who responds to this silent alarm; you'll see the
25 car coming past him. The officer at that time doesn't

1 realize that this was in fact the defendant. He gets to
2 the Kangaroo, realizes he just passed the guy, tries to go
3 out. He's unable to find him at the time. They later find
4 Mr. Mazique. They go to where he's staying, Ms. Kelly
5 Reeves, he's staying at an apartment with Ms. Kelly Reeves,
6 get consent to search. Based on this consent to search
7 they go inside, guess what they find, trash bags full of
8 cartons of cigarettes.

9 Those carton of cigarettes are taken into
10 evidence and later returned to the store owner, and we
11 don't want to keep any store owners unopened unused cartons
12 of cigarettes, hundreds, maybe thousands of dollars worth,
13 I'm not sure how much cigarettes go for these days. You
14 will hear the defendant himself gave statements to this
15 detective, Detective Chatfield, that he was the one that
16 went in there. Detective Chatfield asked him, he said,
17 when you robbed that Kangaroo what kind of gun did you use.
18 Mr. Mazique says, ah, I don't know guns that well, I don't,
19 I don't really know, could have been a forty, could have
20 been a thirty two. He also points Mr. Chatfield to the
21 house where the cigarettes were found, where a box of
22 ammunition is found up in a vent, and you'll hear Mr.
23 Mazique say well I hid it above the kitchen sink. He knows
24 that house; he knows where he stashed the ammunition and he
25 claims he threw the gun away. Now we don't have a gun and

1 the video itself you're not going to be able to see Ricky's
2 face. He knows what he's doing; he knows where the camera
3 is, comes around the back side and you don't see his face,
4 but what we do have is an eyewitness who knows Mr. Mazique,
5 has seen him in there, seen him in the store, can identify
6 him, identified him in a lineup just like that, and we'll
7 tell you here today that she knows this defendant Mr.
8 Mazique walked into that Kangaroo with a gun pointed at her
9 and stole forty to sixty cartons of cigarettes.

10 At the end of this trial I'll ask you to find Mr.
11 Mazique guilty of the charge that he has committed armed
12 robbery, thank you.

13 The Court: Thank you, Mr. Holford, Defendant
14 Mazique, you may speak to the jury if you care to.

15 Defendant Mazique: Yes, sir.

16 Opening Statement

17 By Defendant Mazique:

18 Good afternoon, good afternoon, ma'am, I ask that
19 in my experience there's two kinds of trust in this world.
20 There's a given trust and there's an earned trust, and I
21 give you an example of given trust would be if I came to
22 your house and I made an attempt to come into your house,
23 to enter access into your house, and I was wearing a
24 uniform, an officer's uniform, most likely nine out of ten
25 times I would be able to gain entry into that house because

1 of the uniform that I was wearing. That was a given trust.

2 Now on the same token I can be in my clothes like
3 this, the same person, and can knock on your door and try
4 to gain access to your house. More than likely whoever I
5 present myself as or try to gain access into your house for
6 I would have to establish that before you let me gain
7 access into your house, and that is the difference between
8 a given trust and a earned trust, and I ask this jury all
9 of you to not be swayed by that, that given trust because
10 of the uniform that a person is wearing.

11 I ask you to listen to, hear the evidence, don't
12 see nothing, lady of justice she represents the law. That
13 scale is balanced and she wears a blindfold and that
14 blindfold is on for a reason because she don't see nothing.
15 She doesn't see anyone. She only hears the evidence and
16 renders her decision based upon the facts that were
17 presented not because of the person who it is because she
18 can't see, she's blind and I ask that all of you keep that
19 in mind when the evidence is presented and if those facts,
20 like the Judge said, this has to be proof beyond a reason,
21 a reason to doubt, and that is the State's burden of proof
22 and you heard him make his statement on the things that he
23 said he's going to establish without a doubt and at the end
24 of the trial we'll see. He has to live up to those
25 expectations. The only thing I can ask from ya'll is just

1 that you, it's going to be hard because you're looking, but
2 try to keep that focus on just hearing and not seeing who I
3 am or seeing me versus him representing the law enforcement
4 that given trust. We're going to give any finding the
5 trust let it be equal, the given trust given to me I ask
6 you. What's Your Honor a trust give it to both of us, be
7 fair, that's all I can ask of you, thank you.

8 The Court: Thank you, Mr. Mazique. Solicitor,
9 call your first witness, please.

10 Defendant Mazique: Your Honor, I ask that the
11 witnesses be sequester {sic}.

12 The Court: The witnesses are sequestered.

13 Mr. Holford: Yes, Your Honor, they are.

14 Defendant Mazique: Mr. Chatfield and the victim
15 right there.

16 The Court: No, sir, the victim is entitled to
17 remain in the courtroom as is the investigating officer
18 under the rules. All other witnesses are sequestered.

19 Defendant Mazique: Thanks.

20 Mr. Holford: Yes, Your Honor, we have complied
21 with sequestration.

22 The Court: I understand, I noticed that, the
23 witness, though, is entitled, the victim is entitled to be
24 here.

25 Mr. Holford: Yes, Your Honor.

1 The Court: Both witnesses, you may proceed.

2 Mr. Holford: Officer Scales.

3 (Whereupon, State's Exhibits Numbers 2, 3, 4, 5,
4 6, 7, 8, 9, 10, and 11 marked for identification.)

5 Officer Brian Scales

6 being first duly sworn, testified as follows:

7 Madam Clerk: Please state your full name and
8 spell your last.

9 The Witness: My name is Brian Scales, last name
10 is s-c-a-l-e-s.

11 Direct Examination

12 By Mr. Holford:

13 Q Thank you, Mr. Scales, where are you
14 employed?

15 A I work for the Horry County Police
16 Department.

17 Q How long have you been with Horry County
18 Police Department?

19 A I've been working for Horry County for,
20 since May of 2011.

21 Q And what's your assignment?

22 A I'm a patrolman; I work the Conway area of
23 Horry County.

24 Q Have you always been a patrolman?

25 A No, I have not.

1 Q When did you become a patrolman?

2 A I'm sorry, I was hired a patrolman; prior
3 to working for Horry County I was a probation and parole
4 agent.

5 Q Thank you, were you with Horry County
6 Police Department in September 2011?

7 A I was.

8 Q And on September 29th, 2011, did you have a
9 chance to respond to a crime scene?

10 A Yes, I did.

11 Q And what was the reason for you responding
12 to that?

13 A I was dispatched to the Kangaroo at the
14 intersection of 501 and 544 to a panic alarm.

15 Q And what county is that in, Officer?

16 A Horry County.

17 Q And what did you find when you went to that
18 Kangaroo?

19 A Well while I was in route I was driving
20 down Cox Ferry Road and passed a suspicious vehicle. It
21 caught my attention due to the fact I was responding to a
22 panic alarm and the vehicle passed me in close proximity,
23 continued on. When I arrived at the scene I was informed
24 that a robbery had just occurred and the suspect left in a
25 vehicle.

1 Q And did you provide me with a copy of that
2 dash cam video?

3 A Yes, I did.

4 (Whereupon, State's Exhibit Number 1 marked for
5 identification.)

6 Mr. Holford: Let the record reflect this is
7 State's Exhibit Number 1 for identification purposes only.
8 This is a dash cam video. Showing the defendant a copy of
9 this, he has been provided a copy of this video.

10 The Court: And it was previously shown in his
11 presence.

12 Mr. Holford: It was previously provided to him.
13 Your Honor, this is a dash cam video, not the statement,
14 but he's been provided in discovery all these videos.

15 The Court: All right, sir, which one is this
16 now?

17 Mr. Holford: This is the dash cam video of
18 officer's camera in the car.

19 The Court: I got you.

20 Mr. Holford: (Continuing)

21 Q Mr. Scales, can you identify what this is?

22 A It is a DVD of the copy of my dash cam
23 video.

24 Q And is this a true and accurate
25 representation of that night?

1 A Yes, it is.

2 Q Now is this the whole, whole length?

3 A I believe that is the shortened version;
4 that is the, a point at which I passed the suspicious
5 vehicle.

6 Q Now let me walk through before I open this
7 video, you previously stated you were dispatched by a
8 silent alarm?

9 A That's correct.

10 Q And what does the full length video show?

11 A The full length video is basically, our in
12 car camera has a backup program where it records a
13 continuous amount whether my camera is activated or not.
14 At the time I passed the suspicious vehicle my camera was
15 not activated. We had to have, our IT specialist go back
16 and pull the full video that was backed up. I believe the
17 entire length is approximately eighteen hours work of video
18 that is continuously stored and looped in our hard drive,
19 so the full video would be eighteen hours of while I was on
20 shift and any activity did while my camera was activated
21 for the previous eighteen hours. The shorter version was
22 where we took that eighteen hour video and shortened it to
23 what occurred during this incident.

24 Q And the reason for cutting that down so the
25 jury doesn't have to watch?

1 A That's correct, it would prevent eighteen
2 hours of video.

3 Mr. Holford: Your Honor, I ask that State's
4 Exhibit 1 be entered into evidence.

5 The Court: Admitted into evidence and do you
6 care to display it at this time?

7 (Whereupon, State's Exhibit Number 1 entered into
8 evidence.)

9 Mr. Holford: Your Honor, I would ask that I be
10 able to publish this to the jury.

11 The Court: You may do so.

12 Defendant Mazique: I object, Your Honor.

13 The Court: What's your objection?

14 Defendant Mazique: That he's admitting to it,
15 he said that it's authentic and he's coming back and he's
16 saying that he's altered it. We can't establish that it's
17 authenticity [sic].

18 The Court: No, sir, I didn't hear him say that.

19 Defendant Mazique: He said it's a shorter
20 version; it's not, it's not the ---

21 The Court: Well here's what he said, there was
22 eighteen hours of video for his work during the prior
23 eighteen hours has nothing to do with this case. His
24 testimony is he had shortened the version to what occurred,
25 if any, ya'll, on this occasion. I will permit, I'm not

1 going to sit here and have the jury watch eighteen hours of
2 testimony not relevant to this issue. Your objection is
3 respectfully overruled, thank you.

4 Mr. Holford: Mr. Mazique, you might want to
5 watch your head, this thing is going to come down, I don't
6 know how close it will come to you. Can everyone see that
7 video? I'm going to move out of your way in just one
8 second.

9 (Whereupon, State's Exhibit Number 1 played in
10 open court and the following takes place at the conclusion
11 of the video.)

12 Mr. Holford: (Continuing)

13 Q Does this look like the video that was from
14 your car?

15 A It does.

16 The Court: Mr. Defendant, you may come around
17 and watch it, too, if you care to.

18 Defendant Mazique: I can see it, Your Honor,
19 thank you.

20 The Court: All right, sir.

21 Mr. Holford: (Continuing)

22 Q At that point you stopped this video, can
23 you explain to me why you just gave us a short version in
24 this video?

25 A The reason we chose this snippet of the

1 video was to show the vehicle that I passed, the vehicle
2 that you saw on the video matches the description of the
3 vehicle given by the witness on scene.

4 Q What did you do after you passed that
5 vehicle?

6 A At the time I passed him I was still
7 unaware, all I had was a alarm call, wasn't sure what was
8 going on so I responded to the scene to find out what the,
9 what the scenario was.

10 Defendant Mazique: Objection, Your Honor, I
11 would like to continue to play it till after, the
12 continuation of the ---

13 The Court: The testimony is that that completes
14 the video that referenced this incident. There is no more
15 tape, proceed.

16 Mr. Holford: (Continuing)

17 Q That's correct, that is the entirety of
18 that video that you provided me, is it not?

19 A For that video that's correct.

20 Defendant Mazique: That's it.

21 The Court: That is the entirety with regard to
22 this incident, is it or not?

23 The Witness: (Continuing)

24 A There is further video with this incident.
25 When I, after I responded to the scene and I determined

1 that the robbery had occurred and that the vehicle matched
2 the description. I then activated my blue lights and tried
3 to catch up to the vehicle at which time I, the video would
4 have recorded that, I believe that should be on the full
5 eighteen hour video.

6 Mr. Holford: Your Honor, there are two dash cam
7 videos, that one was obviously the short version.

8 The Court: The shorter version is appropriate,
9 that's ---

10 Mr. Holford: The longer version --

11 Q (Continuing) Officer Scales, what does the
12 longer version show?

13 A The longer version basically just show me
14 turning around, driving up and down 544, while I was
15 searching for his, his vehicle.

16 The Court: So no further identification?

17 The Witness: (Continuing)

18 A There's no, there's no evidentiary value to

19 ---

20 Q Did you find him?

21 A No, I did not.

22 Q That night?

23 A No, did not find him or his vehicle that
24 night.

25 Defendant Mazique: Objection, Your Honor.

1 The Court: Sir?

2 Defendant Mazique: Objection. I think that I
3 need to see the rest of it, Your Honor.

4 The Court: How long would it take to show the
5 rest of it?

6 Mr. Holford: Your Honor, I believe he drives
7 around for thirty, forty-five minutes.

8 The Court: No, sir, I'm not going to do that.

9 Mr. Holford: Just canvassing the neighborhood.

10 The Court: Since it has no evidentiary ---

11 Defendant Mazique: Out of Rule 106, Your Honor.

12 The Court: No, sir, I've ruled on it. I'm not
13 going to sit here and have this jury see something that is
14 absolutely no value, go ahead.

15 Defendant Mazique: Thank you, Your Honor.

16 Mr. Holford: Yes, Your Honor.

17 The Court: Proceed.

18 Mr. Holford: (Continuing)

19 Q Again just to be clear the extended version
20 of the video shows you driving around the neighborhood?

21 A That's correct, that's all I did was I
22 attempted to locate him and was unsuccessful.

23 Q You were unsuccessful?

24 A That's correct.

25 Q And then you at some point returned to the

1 Kangaroo?

2 A Yes, that's correct.

3 Q And your car just sits there?

4 A Yes, my car, while we took the report my
5 car was just parked in the parking lot of the incident
6 location.

7 Q Did you have a chance once you returned to
8 the incident location to go into the Kangaroo?

9 A Yes, I did.

10 Q And did you interview any witnesses in
11 connection with that?

12 A I did.

13 Q Who did you interview?

14 A I interviewed the victim, the victim Tonia,
15 and there was also two witnesses on scene. I don't recall
16 their names but they were from out of town.

17 Q Now we have a surveillance video; did you
18 pull that surveillance video?

19 A I did not personally, no, but we, we, I
20 requested it through her and her manager.

21 Q Have you had a chance to review that video?

22 A Yes, I have.

23 Q Is it a true and accurate copy of that
24 Kangaroo store?

25 A Yes, it is.

1 Mr. Holford: I believe you have, do you have
2 that?

3 Q (Continuing) When you interviewed Ms.
4 Branton did she tell you what happened?

5 A Yes, she did.

6 Q And in reviewing this video was it, was her
7 story corroborated?

8 A Yes, she gave a fairly detailed report of
9 what the incident took, what took place, and the video
10 matched up fairly accurately to her report.

11 Mr. Holford: Your Honor, I'm having this marked
12 as State's Exhibit 12 for identification purposes at this
13 point.

14 (Whereupon, State's Exhibit Number 12 marked for
15 identification.)

16 The Court: You may proceed. Madam Foreman,
17 these matters that I have permitted to go into evidence
18 will be with you in the jury room during your deliberations
19 and they, of course, may publish at that, at the time of
20 introduction if they care to but be assured that everything
21 that is in evidence will be with you during your
22 deliberations, proceed.

23 Mr. Holford: Your Honor, let the record reflect
24 I'm showing the defendant a copy of the surveillance video;
25 he has been provided a copy previous to today.

1 The Court: All right, sir.

2 Mr. Holford: Your Honor, I ask that this, a
3 copy of the surveillance video be placed in evidence.

4 The Court: You may do so.

5 (Whereupon, State's Exhibit Number 12 entered
6 into evidence.)

7 Mr. Holford: Thank you, Your Honor, may I
8 publish ---

9 The Court: He has authenticated it on the
10 record and I will let the jury make a determination as to
11 whether it's a reproduction or not.

12 Mr. Holford: May I publish it to the jury?

13 The Court: You may publish, yes, sir.

14 Defendant Mazique: Objection, Your Honor.

15 The Court: What is your objection?

16 Defendant Mazique: Is that, is that the, the
17 video surveillance of, of the store?

18 Mr. Holford: Yes, Your Honor.

19 Defendant Mazique: Did he, he's not the manager
20 of the store.

21 Mr. Holford: No, he's not the manager of the
22 store, Your Honor.

23 Defendant Mazique: Not the one that made the
24 copy.

25 The Court: No, sir, it's not necessary, his

1 testimony, and this is for the jury, this is a video of the
2 store. I'll let the jury make the determination whether it
3 is or is not as finders of the facts, proceed. You don't
4 need the manager as long as he knows the store and says
5 this is a duplicate of that store, you may proceed.

6 Defendant Mazique: The only way, Your Honor,
7 the only way that he can get that video is through the
8 manager, the manager has to give him access to that.

9 The Court: That's your view, sir, mine is
10 different. I think it's appropriate the way Mr. Holford
11 has handled it, proceed.

12 Mr. Holford: Thank you, Your Honor.

13 The Court: Mr. Mazique, you may come around and
14 look at it.

15 Defendant Mazique: I can see it, sir, thank
16 you.

17 The Court: That's fine, want to make sure you
18 see it.

19 (Whereupon, State's Exhibit Number 12 played in
20 open court.)

21 Mr. Holford: (Continuing)

22 Q Officer Scales, is this the Kangaroo store
23 that you responded to?

24 A It is.

25 Q Can you tell who that is that just walked

1 there behind the desk?

2 A The, the clerk behind the desk that is the
3 victim.

4 Q And her name for the record?

5 A I apologize, I can only recall her first
6 name as Tonia.

7 Q Can you describe for the record what we are
8 seeing right now?

9 A Right now the subject in the black is
10 holding, well he came in holding a gun according to the
11 testimony I was given, and he is taking cigarettes and
12 putting them into a garbage bag.

13 Q Officer Scales, have you seen the remainder
14 of this video?

15 A Beyond this point, no, I have not.

16 Q Based on your interview with Ms. Branton
17 does the defendant re-enter the store at any point?

18 A Not to my knowledge, no.

19 Mr. Holford: Your Honor, for evidentiary
20 purposes there's nothing left on this video that the State
21 would have played. If the defendant wants the entirety of
22 it there's another fifteen minutes of nothing happening as
23 far as this case is concerned.

24 Defendant Mazique: It's under the document of
25 completeness I'd like to let it show.

1 The Court: Sir?

2 Defendant Mazique: Under the document of
3 completeness I'd like to let it show.

4 The Court: You want to play the rest of the
5 fifteen minutes?

6 Defendant Mazique: Yes, sir.

7 The Court: What do you say to it, Mr. Mazique?

8 Defendant Mazique: Under the document of
9 completeness I'd like to let the video continue, continue
10 on.

11 The Court: Let it play if it's just fifteen
12 minutes.

13 Mr. Holford: I think it's got another fifteen
14 minutes, nothing else happens but if the defendant would
15 like for the jury to see.

16 The Court: I'm going to let him play it.

17 Mr. Holford: It's just the remainder of
18 surveillance.

19 The Court: You understand that there's nothing
20 else involving any issue in this case, Mr. Mazique? Do you
21 want to waste the jury's time with another fifteen minutes
22 if there's nothing there for you or them?

23 Defendant Mazique: Yes, she's on it, she's
24 supposed to reappear in this, in this video.

25 The Court: Well play it then, go ahead and play

1 it.

2 Mr. Holford: Yes, Your Honor.

3 The Court: While the video is playing for the
4 jury answer this question for me, have you seen the rest of
5 the video?

6 The Witness: No, Your Honor, I have not.

7 The Court: Mr. Holford, is there anybody that
8 can tell us what we're seeing? Mr. Holford?

9 Mr. Holford: Your Honor, when I call Ms.
10 Branton I'll have her explain what's going on as well.
11 Officer Scales has witnessed this video and viewed it
12 before trial to see what happened and to make sure that it
13 corroborated with his interview with Ms. Branton up until
14 the point where there's no more evidentiary value. At this
15 point ---

16 The Court: Well that's your position, he seemed
17 to think there is some, so show it all.

18 Mr. Holford: Yes, Your Honor.

19 Q (Continuing) Officer Scales, for the record
20 can you tell us what we're watching right now?

21 Defendant Mazique: You can stop it, Your Honor.
22 Your Honor --

23 The Court: Wait a minute, you're interrupting
24 the Solicitor, I'll hear from you in a minute.

25 Mr. Holford: (Continuing).

1 Q Can you just describe what we're seeing
2 right now?

3 A It appears to be just we're observing the
4 store; there doesn't appear to be anyone in the store or at
5 least in the camera view.

6 Q Thank you ---

7 Defendant Mazique: You can stop.

8 The Court: Does that conclude the camera?

9 Mr. Holford: I mean it continues on like this.

10 Defendant Mazique: You can stop, Your Honor.

11 The Court: Sir?

12 Defendant Mazique: You can stop it.

13 The Court: Okay, the defendant has seen enough,
14 you may stop it, thank you.

15 Defendant Mazique: You're welcome.

16 The Court: Turn on the lights and proceed.

17 Q Officer Scales, after you responded to that
18 scene did you have further involvement in this case?

19 A Yes, I did.

20 Q And what was that involvement?

21 A It was a few days later that we had found
22 out about Mr. Mazique's arrest and the arresting officer
23 had arrested him in a vehicle that matched the description
24 that I observed at which time I met up with Detective
25 Chatfield. I'm not sure exactly on the time line; it was

1 shortly thereafter, at which time we went out to Mr.
2 Mazique's residence. We spoke to his girlfriend, who was
3 living there at the time, and we spoke to her about the
4 incident. We asked permission to search her residence,
5 which she granted us consent to search. While searching we
6 located a garbage bag in the closet of the bedroom in which
7 Mr. Mazique was staying. In that garbage bag we found
8 approximately, I believe, sixty cartons of cigarettes and
9 we also found two jackets that matched the description of
10 the jacket that the defendant was wearing in the video and
11 we also located a box of bullets hidden in a air
12 conditioning vent.

13 Q In that, in that same residence?

14 A In the same residence, yes, that's correct.

15 Q And how did you, how did you learn about
16 that residence?

17 A That was provided to us from the responding
18 officer, the arresting officer and through Detective
19 Chatfield, he obtained that as well.

20 Q And you said that he was arrested in a car
21 that matched the description of the one on the video that
22 we saw earlier?

23 A That's correct.

24 Mr. Holford: Thank you, Officer Scales, I have
25 no further questions.

1 The Court: Who gave you the consent to search?

2 A It was the girlfriend who lived in the
3 apartment with him.

4 Q Do you know her name? Would it help you if
5 I provided you with a sheet that she signed giving consent?

6 A Yes, I believe her last name was Reeves;
7 I'm having trouble with the first name.

8 Mr. Holford: Your Honor, may I approach the
9 witness?

10 The Court: You may.

11 Mr. Holford: And I'll have it marked as a
12 State's Exhibit.

13 (Whereupon, State's Exhibit Number 13 marked for
14 identification.)

15 Mr. Holford: Your Honor, this is marked as
16 State's Exhibit 13 for identification purposes only, a copy
17 of this I'm showing the defendant a copy of it, but a copy
18 has been provided to the defendant previous to trial in
19 discovery. At this time it's only entered for
20 identification.

21 Q Officer Scales, just to refresh your
22 recollection can you identify this document?

23 A Yes, that is our standard consent to search
24 form.

25 Q And can you tell me the name of the

1 individual who signed that?

2 A Kelly Reeves.

3 Q And can you tell me the location?

4 A Location is 3555 Highway 544, Apartment 1-
5 F.

6 Q And that's where you found the sixty
7 cartons of cigarettes?

8 A That's correct.

9 Q And that's where you found the bullets?

10 A Yes.

11 Mr. Holford: Your Honor, at this time I have no
12 further questions.

13 The Court: Is that going to be introduced?

14 Mr. Holford: Your Honor, I would introduce this
15 through Detective Chatfield.

16 The Court: That's fine, I'll admit it for
17 identification only at this time.

18 Mr. Holford: Yes, sir.

19 The Court: Does that conclude your examination?

20 Mr. Holford: Yes, Your Honor.

21 The Court: Mr. Mazique, you may question him if
22 you have some questions. First let me say this to you,
23 ladies and gentlemen, from time to time during the course
24 of a trial lawyers may object to certain procedures as has
25 happened here. Do not hold that against the attorney for

1 the State or Mr. Mazique. It's a perfectly permissible
2 procedure when an individual or lawyer thinks that
3 something needs to be called to my attention, so when
4 either the State or the defendant objects do not hold that
5 against them. It's a perfectly legal procedure. You may
6 examine, Mr. Mazique.

7 Cross Examination

8 By Defendant Mazique:

9 Q Officer Scales, I think you testified and
10 said that you were the responding officer?

11 A That's correct.

12 Q And that you at the time you was responding
13 to a panic alarm?

14 A That's correct.

15 Q And you were observed the same car that the
16 victim had described?

17 A That's correct.

18 Q And I see this thing said the lights was
19 off since you observed ---

20 A I did.

21 Q Yes, sir, so that video should reflect
22 that?

23 A Well it should, I don't know if it does due
24 to the lighting conditions, the video sometimes does not
25 pick it up.

1 Q And where is this video located at on this
2 car?

3 A When I passed it it was on the front
4 bumper.

5 Q On the front bumper?

6 A Yes.

7 Q Let me ask you, sir, is it in the State of
8 South Carolina is it illegal for any, any individual to own
9 sixty cartons of cigarettes?

10 A No, it's not.

11 Q So the cigarettes could have very well been
12 legal?

13 A It is possible.

14 Q I notice in your report you was the
15 responding officer that did the initial report?

16 A That's correct.

17 Q And you said you observed the male that you
18 observed had very short hair; is that correct?

19 A From what I observed it was little to no
20 hair; it was very short is what I would describe it as ---

21 Q Very short hair?

22 A --- as a very short haircut.

23 Q Very short haircut, okay?

24 Defendant Mazique: Your Honor, I'd like to the
25 to introduce the version of his in cam camera.

1 The Court: No, sir, I'm not going to permit
2 that.

3 Defendant Mazique: The version that ---

4 The Court: You've seen the video of the in car
5 in camera, we don't need that.

6 Defendant Mazique: Yes, sir, but we haven't
7 seen the full view of that in car camera the copy that we
8 have that we've been given and I say that, Your Honor,
9 because --

10 The Court: I seen no reason to bore, to delay
11 this trial by that piece of evidence, describe the in car
12 camera for the jury for his evidence. Wait a minute let
13 him just describe it for me.

14 A The version that you saw was just a
15 shortened version of the entire video which is
16 approximately eighteen hours. The eighteen hours is
17 comprised of the eighteen hours prior to the incident where
18 I actually activated my camera. It is the back up from
19 when the camera is not actually activated.

20 Defendant Mazique: May I respond to that, the
21 date and time on his, on his, on his in car camera and the
22 date and time that we have on the video and the events
23 don't establish that he just testified.

24 The Court: I'm going to leave that to the ---

25 Defendant Mazique: He just testified and said

1 that he was the first one.

2 The Court: I will leave that to the jury to
3 determine as to the times and dates and the evidence will
4 show the time of the alleged robbery. The evidence will
5 show the time of his camera, but there's sufficient
6 testimony for the jury to make those determinations.

7 Defendant Mazique: I'm not allowed to play the
8 video again?

9 The Court: No, we've already played the video,
10 why you want to play it again?

11 Defendant Mazique: Cause it establishes that he
12 did not, he wasn't the first one that arrived on the scene,
13 Your Honor. He just testified to that and said that he was
14 the first one that responded to the panic alarm.

15 The Court: That's got nothing to do with the
16 video.

17 Defendant Mazique: The video will show that he
18 wasn't the first one to respond.

19 The Court: The video doesn't show that one way
20 or the other, the video just shows ---

21 Defendant Mazique: That was the State's, that
22 was the State's ---

23 The Court: No, sir, I'm not going to go there,
24 I'm not going to waste the jury's time on that. They've
25 seen this video and it speaks for itself and you may ask

1 him any questions you want to but we don't need to show
2 that video again. I tell you what, if during the jury's
3 deliberation they want to play it, all of it, the whole
4 eighteen hours I'll certainly make it available to them,
5 okay, thank you.

6 Defendant Mazique: Yes, sir.

7 The Court: You may continue your examination.

8 Mr. Holford: Your Honor, for the record the
9 dash, the other dash cam video that we were provided is not
10 the full eighteen hours; it's a couple of hours long and
11 the pertinent part that was cut out and shown to the jury
12 here starts at about minute forty-three.

13 The Court: Minute forty-three of what?

14 Mr. Holford: Of the dash cam video.

15 The Court: What does minute forty three mean?

16 Mr. Holford: I mean it takes forty-three
17 minutes to get to the point that he cut down to allow the
18 jury to see the pertinent part.

19 The Court: That's fine, does that conclude your
20 examination, Mr. Mazique?

21 Defendant Mazique: No, sir.

22 The Court: You may proceed.

23 Defendant Mazique: (Continuing)

24 Q You said when you arrived on the scene you,
25 you were the first one to respond, were there other cars

1 there involved?

2 A There, I think I understand what you're
3 asking now, when you initially asked me, I was the initial
4 officer dispatched to the scene; I was the responding
5 officer.

6 Q Meaning that you was the only vehicle that
7 was there?

8 A No, there was a Conway City Police officer
9 who arrived just before I did and he's the one who was the
10 actual first officer on the scene. I am the reporting
11 officer; I am the one that did the report. I was the one
12 dispatched to the scene, however, a Conway City Officer did
13 respond on the, on the scene just prior to my arrival.

14 Q Did you, being the reporting officer did
15 you take a witness statement from the victim?

16 A I do not recall if I did or not; I don't
17 believe I did.

18 Q Is it protocol for you not to ---

19 A That's that officer's discretion.

20 Q --- take statements at the officer's
21 discretion?

22 A It's that officer's discretion whether they
23 feel it's valuable or not.

24 Q So based upon, based upon what she told you
25 you just wrote in your report?

1 A I, I, I put down what she told me.

2 Q What she told you?

3 A That's correct.

4 Q And her initial description of the person
5 that robbed her?

6 A Uh-huh.

7 Q What was it?

8 A Her initial description was a black male
9 approximately in his fifties. She said he had long hair
10 but she believed it to be a wig; she said that it looked
11 suspicious.

12 Q It ---

13 The Court: Wait a minute, let him finish,
14 please.

15 Defendant Mazique: Yes, sir.

16 The Court: Go ahead.

17 A She said that something about the hair
18 seemed off; she felt that it was a wig.

19 Q And what else did she say, if you need your
20 report I'll be more than glad to let you see it?

21 The Court: Mr. Mazique, I'm going to let him
22 tell -- you asked him what she said it's hearsay testimony.
23 I would not let it in other than he testified, but if you
24 going to ask him I'm going to do it.

25 Defendant Mazique: He was the, he was the, he

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1 was the officer who responded ---

2 The Court: I have no problem with you asking
3 but it's basically hearsay until she testifies but I'm
4 going to permit you to ask him what she told him but that's
5 your decision now, go ahead.

6 Defendant Mazique: I'll ask her since it was
7 her statement.

8 The Court: You go ahead and ask him but I just,
9 ordinarily it would not be admissible until she testified;
10 it would have to come from her.

11 Defendant Mazique: He's testifying that she
12 told him that.

13 The Court: I know because you asked him.

14 Defendant Mazique: It's in his report.

15 The Court: That's fine if you want to do it; I
16 have no problems with that but I would not let that
17 testimony in unless you wanted it to. That would come in
18 by her, if at all, not by him, but if you ask him what she
19 told him I'll certainly permit him to answer it, go ahead.

20 Q She also told you ---

21 The Court: He'll answer it if you let him,
22 answer it, Officer, go ahead.

23 Defendant Mazique: (Continuing)

24 Q Is it correct she also told you that she
25 believed that the person who did this was someone that came

1 in and out on a regular basis?

2 A That's correct, she believed she recognized
3 him.

4 Q She wasn't positive at the time; she didn't
5 give a positive identification?

6 A Well, no, she didn't know the, at that time
7 she didn't know the defendant's name.

8 Q She wasn't sure?

9 A No.

10 Q But she definitely, she gave, I believe she
11 gave a definite statement as to the vehicle the person was
12 driving and she was more sure of that than anything else?
13 Everything else was a believe, appeared to believe, and I
14 see here she says that the person that was driving drives a
15 blue in color Toyota Corolla?

16 A That's what she told me, yes.

17 Q She was sure about that and there was no
18 appearance ---

19 A That's what they told me.

20 Defendant Mazique: No further questions.

21 The Court: All right, sir, may he now come
22 down, counsel?

23 Mr. Holford: Yes, Your Honor, no further
24 questions.

25 The Court: You can come down, Officer, thank

1 you, call your next witness.

2 Mr. Holford: Your Honor, the State calls Kelly
3 Reeves to the stand. Your Honor, may Officer Scales be
4 released from his subpoena?

5 The Court: You may be released and I thank you.
6 Call your next -- you will note Mr. Mazique, that the
7 witnesses are still sequestered. All right, where's the
8 next witness?

9 (Whereupon, State's Exhibit 14, 15, 16, 17, 18,
10 19, 20 marked for identification.)

11 Kelly Reeves

12 being first duly sworn, testified as follows:

13 Madam Clerk: Please state your full name and
14 spell your last.

15 The Witness: Kelly Renee Reeves, r-e-e-v-e-s.

16 Direct Examination

17 By Mr. Holford:

18 Q Good afternoon, Ms. Reeves, how are you
19 doing today?

20 A Okay, how are you.

21 Q All right, will you tell this jury how you
22 know the defendant Ricky Mazique?

23 A Boyfriend.

24 Q And in September, 2011, were you living
25 together?

1 A Yes.

2 Q Where were, where were you living?

3 A At Coastal Villa on 544 Conway, South
4 Carolina.

5 Q And what was the apartment number?

6 A F-1.

7 Q And was this defendant Mr. Mazique staying
8 with you at the time?

9 A Yes, he was.

10 Q Was anyone else staying with you at the
11 time?

12 A My son.

13 Q Your son?

14 A Yes.

15 Q Did any, any other adult have access to
16 that apartment?

17 A No, landlord's pest control, that's it.

18 Q But no one else was living there?

19 A No.

20 Q You and Mr. Mazique?

21 A Yes.

22 Q Did anyone else have access by a key other
23 than the landlord?

24 A No.

25 Q What kind of car were you driving at that

1 time?

2 A A Maxima, '91 Maxima.

3 Q And what color was it?

4 A Blue.

5 Q Blue?

6 A Blue, yes.

7 Q Who had access to that car?

8 A I did, my boyfriend, both of us.

9 Q Did anyone else have access to that car?

10 A No.

11 Q No one else had keys to it?

12 A No.

13 Q No one else could use it?

14 A No.

15 Q Did you have a chance to come in contact

16 with Detective Chatfield and Officer Scales?

17 A Yes, I did.

18 Q And how did that come about?

19 A They were the two who came and searched the

20 apartment.

21 Q And when they came to the apartment did

22 they bust in the door?

23 A No.

24 Q Did they knock on the door?

25 A Yes.

1 Q What did they do; what did they ask for?

2 A Told me that they had a situation going on
3 and needed to know if we, if I would let them come in and
4 search the house, the apartment.

5 Q And what did you say?

6 A I asked a few questions about what it was,
7 what it had to do with, and I said, yes, search.

8 Q You allowed the officers to come into your
9 apartment and search?

10 A Yes, I didn't have a choice really.

11 Q You didn't have a choice?

12 A No.

13 Q Did they just come through without asking
14 you? What do you mean you don't have a choice, ma'am?

15 A I just previously went through something
16 like this with my, myself my charges and it's just, it's
17 kind of pressured, a pressured search. It's not like not
18 making me but to the point where I'm going to let them
19 search without question because of my kids and my life if
20 it's threatened.

21 Q You felt like the officers threatened your
22 life; is that what you're telling us today?

23 A Yes, that I felt threatened, yes.

24 Q And did you say that on that day?

25 A Yes, he knew that.

1 Q Did you sign a consent to search?

2 A Yes, afterwards.

3 Q You did?

4 A Yes, I did.

5 Mr. Holford: Your Honor, I want to approach the
6 witness with what's been marked as State's Exhibit Number
7 13.

8 The Court: You may do so.

9 Q Ms. Reeves, can you identify this document?

10 A Yes, sir.

11 Q And what is this?

12 A The consent to search, sorry.

13 The Court: Mr. Foreman, I'm going to ask the
14 jury go outside just a moment; I'll be bringing you back.

15 The Court: Is the door closed?

16 The Deputy: Yes, sir, Your Honor.

17 The Court: Madam witness, listen to me very
18 carefully now.

19 A Yes, sir.

20 The Court: I'm listening to your conduct, I
21 need to warn you of perjury.

22 A Yes, sir.

23 The Court: If you're later determined that you
24 are lying under oath you will be indicted for perjury and
25 subject to 5 years in jail.

1 A Yes, sir.

2 The Court: I also tell you that if you give a
3 untrue statement to law enforcement that, too, under the
4 statutes of this state is perjury. Now I'm not going to
5 suggest to you what your testimony is, ought to be, or is
6 not. I just warn you that lying under oath is a serious
7 matter subject to perjury. I do this outside the presence
8 of the jury. I don't know where you're going with your
9 testimony but it concerned me a little bit, but it's your
10 decision. I'm not about to tell you what to say or do;
11 I'm just reminding you that you're under oath and one who
12 is later found to have lied under oath is subject to
13 prosecution to perjury and go to jail for 5 years, so I
14 just caution you. Any further instructions wanted from
15 her?

16 Mr. Holford: No, Your Honor.

17 The Court: I'm not, I'm not suggesting that it
18 is or is not but I'm hearing testimony from this witness
19 that the first witness that she voluntarily signed that
20 document and I'm hearing some testimony now that she was
21 threatened in some way.

22 Mr. Holford: Your Honor, this consent to search
23 form certainly says that knowing my lawful right to refuse
24 I willfully consent permission ---

25 The Court: I understand that, that's why I'm

1 not telling her what to say.

2 Defendant Mazique: Your Honor, excuse me.

3 The Court: No.

4 Defendant Mazique: I'm sorry, Your Honor.

5 The Court: You be quiet, I'm just cautioning
6 her, and I'm not going to tell her what to say or do but
7 she does need to know that there's a penalty to pay for
8 perjury. Tell the jury I'm ready to bring them out when
9 they are, I'm just cautioning you, ma'am.

10 A Yes, sir.

11 The Court: I'm afraid you didn't know the
12 seriousness of it, you understand?

13 A No, I do, Your Honor.

14 The Court: Ma'am?

15 A I do.

16 The Court: Okay, Mr. Holford, I'll let you
17 examine and, Mr. Mazique ---

18 Defendant Mazique: Yes, sir.

19 The Court: --- you'll have an opportunity to
20 cross examine.

21 Defendant Mazique: Your Honor, I just wanted to
22 put on the record before that I was intending to raise this
23 during pretrial about the voluntarily of her statement. It
24 was my intentions to, to, to challenge this pretrial.

25 The Court: Well we'll let the jury make the

1 determination, thank you. The record reflects that the
2 issue was never raised in pretrial, I don't think, was it,
3 Mr. Holford?

4 Mr. Holford: Your Honor, it was not raised
5 today.

6 The Court: Isn't this the first time that this
7 sort of testimony has come forward?

8 Mr. Holford: Your Honor, this may have been
9 what he's referring to in suppressing it. Before the jury
10 comes in we want to handle the issue of consent to search
11 I'll be glad to do that outside the presence of the jury.

12 The Court: Let's do that, let's deal with it
13 right now, and I caution this witness now about perjury, go
14 ahead, leave the jury in there, go ahead.

15 Mr. Holford: Your Honor, in this situation
16 since Ms. Reeves is already on the stand can I just
17 continue to question her and then I can ---

18 The Court: And then I want that officer back.

19 Mr. Holford: Then I can question, Mr. Scales
20 has already testified today that she gave him consent.
21 I'll call Detective Chatfield and he will testify that she
22 gave consent free and voluntary and that she has signed
23 this form.

24 The Court: And I want some testimony, if she
25 insists on her testimony about some type of threats I want

1 some testimony about that.

2 Mr. Holford: Yes, Your Honor, I had met with
3 her on 10-29 of this year and my conversation with her she
4 said she gave consent to search free and voluntary, no
5 problems at all. This is the first I'm hearing about
6 threats so --

7 A That's not correct.

8 The Court: Go ahead.

9 A That's not correct, Your Honor, I did
10 mention to you that exactly how I felt when he said what he
11 said and the fact that I had already been through that with
12 my kids, loosing my kids.

13 The Court: How you felt is one thing but did
14 anybody make any verbal threats to you ---

15 A Yes.

16 The Court: --- is another?

17 A Yes, Your Honor.

18 The Court: Proceed.

19 Mr. Holford: Your Honor, this is the first I'm
20 hearing about verbal threats.

21 The Court: Well proceed, examine her about it.

22 Kelly Reeves

23 being first duly sworn, testified in camera as follows:

24 By Mr. Holford:

25 Q Ms. Reeves, would you read this consent to

1 search form?

2 A From top to bottom?

3 Q Yeah, from top to bottom?

4 A I, Kelly Reeves, have been informed by
5 police officers Chatfield and Scales of the Horry County
6 Police Department of my constitutional right not to have a
7 search of my premises and property owned by me and/or under
8 my care custody and control without a search warrant.
9 Knowing my lawful right to refuse I willingly give my
10 consent permission for complete search of all property
11 located at 3555 Highway 544, Apartment 1-F, Coastal Villa
12 which is under my custody and/or control. The written
13 permission to search is freely and voluntarily given at
14 11:52 on 10-3-2011.

15 Q And whose name is printed on that form?

16 A That's mine, this was after the search.

17 Q And whose, and whose signature is printed
18 on it?

19 A Mine.

20 Q So you signed and printed this form saying
21 that you gave free and voluntary permission to search the
22 premises? Did you sign that?

23 A I did sign that.

24 Q So are you now telling us that you did not
25 give free and voluntary permission?

1 A That was, I signed that after the search,
2 after everything was already over with, after Chatfield
3 said by the way can you come down here to the car and sign
4 this search paper, the consensual search.

5 Q And was it consensual?

6 A If I had felt like I was not going to get
7 charged that day then I'd have had, I didn't feel like I
8 had rights at the moment.

9 The Court: Ma'am, it's simple question.

10 A Right.

11 The Court: Did you sign that document?

12 A Yes, Your Honor.

13 The Court: Freely and voluntarily?

14 A Yes, I signed it, Your Honor.

15 The Court: And at that time was it freely and
16 voluntarily? You're under oath?

17 A I'm, yes, sir, I'm just trying, like it's
18 confusing me, I'm sorry, the way you're asking me.

19 The Court: My question is not confusing, did
20 you sign that document?

21 A Was I, I felt pressured.

22 The Court: You're saying freely and voluntarily
23 made; now was that true at that time or not, and you're
24 under oath?

25 A Yes, I said they could, I consented to them

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1 to search, yes.

2 The Court: Thank you, okay, that's fine. all
3 right.

4 Mr. Holford: Your Honor, if you'd like just for
5 the purposes of continuing with the consent I can call
6 Detective Chatfield as well.

7 Defendant Mazique: I need to cross examine.

8 Mr. Holford: If the defendant would like to --

9 The Court: Thank you for the answer.

10 Mr. Holford: On this issue ---

11 The Court: Remember, ma'am, you're under oath.

12 Mr. Holford: On this issue alone of the consent
13 outside the presence of the jury ---

14 The Court: Yes.

15 Cross Examination In Camera

16 By Defendant Mazique:

17 Q Good afternoon.

18 A Good afternoon.

19 Q In your statement you're saying that you
20 signed, you signed the consent?

21 A Uh-huh.

22 Q But you signed it voluntarily because of
23 you felt the threat?

24 A Right.

25 Q Of, of, of them taking -- did he mention --

1 -

2 A My kids, my freedom, yes.

3 Q Did he make mention of that when he asked
4 you, before he asked you to give consent about your kids?

5 A That was the very first thing.

6 The Court: The very first thing what?

7 The Witness: (Continuing)

8 A Was my children.

9 Q Did Officer Chatfield brought it up to you?

10 A My children, my children.

11 The Court: What are you saying about your
12 children?

13 A It's the first thing that he spoke with me
14 about; it was my children.

15 The Court: What did he say?

16 The Witness: (Continuing)

17 A That if I wanted to go through what I just
18 went through losing my kids, losing my freedom, everything
19 I just went through all over again or did I just want to
20 let them come in and search and get it over with, that it
21 wouldn't be no problems, that he wouldn't, he wouldn't
22 bother my kid. My ten-year-old was there, I had a problem
23 with that. There was a lot of problems.

24 The Court: The record is going to reflect now
25 what you're saying.

1 A Yes, sir, Your Honor.

2 The Court: Does that conclude your examination?

3 Defendant Mazique: No, sir.

4 The Court: Go ahead, I'll let you have redirect
5 then we'll call the other witness

6 Defendant Mazique: (Continuing)

7 Q And then during the search did he search
8 the house, he searched the house first?

9 A Yes, that's --

10 Q And then he asked you to come downstairs
11 and sign the consent form?

12 A Yes.

13 Q And was it in a car?

14 A His car.

15 Q His car?

16 A His car, white impala.

17 Q How many days, how many times did he
18 mention you to sign consent?

19 A Twice.

20 Defendant Mazique: May I see that consent form
21 again? May I see that consent form?

22 Q (Continuing) Is this your, is this your
23 handwriting at this top?

24 A No, sir.

25 Q So this isn't, this isn't your handwriting

1 up here?

2 A No.

3 Q So this, all of this is filled in?

4 A And that's my signature.

5 Q And it has your signature on it?

6 A Yes.

7 Madam Court Reporter: Please move up to the
8 microphone, thank you.

9 Defendant Mazique: (Continuing)

10 Q You didn't, you didn't, you didn't fill
11 that in none of that, none of that there?

12 A No, sir, I did not.

13 Q Do you know who filled it, was you present
14 when he wrote it?

15 A When I was approached, my signature there?

16 Q When you put your signature on there?

17 A Yeah, most of that was.

18 Q It had already been filled in?

19 A Yeah.

20 Q But you never filled, this is not your
21 signature?

22 A No, it's not.

23 The Court: All right, let's let her come down.

24 Mr. Holford: Hold up, Your Honor, one more
25 question.

Redirect Examination In Camera

By Mr. Holford:

Q Did you just say this is not your signature?

Defendant Mazique: I meant her handwriting, I'm talking about her handwriting.

A I said it's my signature.

Defendant Mazique: Right here in this part, that's the part I asked her.

Q That is your signature?

Defendant Mazique: This is, that's her signature, yes.

A Yes, sir.

Defendant Mazique: We talking about, I was asking her about the writing in it, Your Honor, the top part.

The Court: All right, let's go, do you have any redirect, call your other witness on this issue?

Mr. Holford: I'll call Officer Scales back to the stand. Ms. Reeves, please come down for the moment.

Defendant Mazique: Your Honor, Your Honor?

The Court: Yes?

Mr. Holford: This is as far as consent to search, Your Honor.

Defendant Mazique: It's my understanding Mr.

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1 Chatfield is the one that approached her.

2 Mr. Holford: Your Honor, both of them were
3 there.

4 The Court: I understand, put your witness on
5 the stand.

6 Mr. Holford: Mr. Scales, Officer Scales.

7 The Court: Swear him in, this is another issue.

8 Officer Brian Scales

9 being first duly sworn, testified in camera as follows:

10 By Mr. Holford:

11 Q Officer Scales, you earlier testified that
12 you went to the apartment of Ms. Reeves and Mr. Mazique?

13 A That's correct.

14 Q And she gave you consent to search?

15 A That's correct.

16 Q Did you force her in any way?

17 A No, we did not.

18 Q Did you threaten her in any way?

19 A No, we did not.

20 Q Did you use coercion on any way?

21 A No, we did not.

22 Q Did you promise her anything?

23 A No.

24 Q At that time did she say she felt
25 threatened?

1 A No, not at any time.

2 Q Did she say anything about her kids being
3 threatened?

4 A No.

5 Q She gave you free and voluntary consent to
6 search that premises?

7 A Yes, that's correct, she gave ---

8 Q That's what you're telling me under oath?

9 A Prior to the search she gave a verbal
10 consent. We did not search until she provided us with such
11 consent. After the search, I believe, is when Detective
12 Chatfield signed the documentation.

13 Q When she signed that document did she
14 object at all?

15 A Not to my knowledge, no.

16 Q Did she have any problem with it?

17 A Not to my knowledge, no.

18 Q Did she read it?

19 A As far as I can tell, yes, she did.

20 Q Did she know that when she was signing
21 consent to search that she gave you permission to freely
22 and voluntarily search that house?

23 A To my knowledge, yes, that's my
24 understanding.

25 The Court: What you mean to your knowledge?

1 Either you were there or you were not there; I don't
2 understand to your knowledge?

3 A I'm sorry, Your Honor.

4 The Court: He's asked you a specific question,
5 answer it, please.

6 A That is how we described it to her, I'm,
7 that is --

8 The Court: Don't tell me to your knowledge if
9 you were there. I want to know in your presence did she
10 sign that consent to search?

11 A When she was signing I believe I was, she
12 was inside of the vehicle, I was outside of the vehicle, so
13 I wasn't privy to the conversation.

14 Mr. Holford: Your Honor, Detective Chatfield is
15 the one who had her sign and Officer Scales was there.

16 The Court: I want, where is Detective
17 Chatfield?

18 Mr. Holford: He's next up, Your Honor.

19 The Court: I want him back.

20 Mr. Holford: He's next up.

21 The Court: Did you, was there any conversation
22 about her children?

23 A Throughout the entire search I mean there
24 was a lengthy process, we did talk about her child. As a
25 matter of fact I, while Detective Chatfield was talking to

1 Ms. Reeves I, I sat with the child and talked with him
2 about the video game he was playing. There was, it was a
3 lengthy process; there was, we discussed many things.

4 The Court: Was there any threats about her
5 children, I want to know?

6 A No, no, there was not.

7 The Court: All right, sir.

8 Mr. Holford: Your Honor, that's all the
9 questions I have for Officer Scales ---

10 The Court: You may examine.

11 Mr. Holford: --- on this issue.

12 The Court: But I'm not comfortable with this to
13 my knowledge business, if you were there say so.

14 Mr. Holford: Well, Your Honor, this witness was
15 there when she gave her consent. The next witness, which
16 I'll call right after him, is the one who had her sign it -
17 --

18 The Court: That's fine, I just want ---

19 Mr. Holford: --- so he may not know about the
20 actual signature..

21 A I understand, Your Honor.

22 The Court: I'm not fussing at you, I just want
23 the record ---

24 A If I could explain. He, when he brought
25 her downstairs he was explaining I want you to sign a

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1 consent to search or what we discussed earlier, then they
2 went in the vehicle so I, I heard him explain it to her but
3 what the discussion in the vehicle I did not hear.

4 The Court: In that discussion did you hear her
5 object to it in any way?

6 A No, Your Honor.

7 The Court: That's all I wanted to know. You
8 may examine him. I just want the record, Mr. Holford, to
9 be clear.

10 Mr. Holford: Yes, Your Honor.

11 The Court: Go ahead.

12 Cross Examination In Camera

13 By Defendant Mazique:

14 Q Did you, did you not hear her say it? Did
15 you not, was you present when, that you testified that you
16 wasn't there during the whole conversation; is that
17 correct?

18 A No, not the whole conversation.

19 Q There was some parts that ---

20 A When they, when they ---

21 Q --- you weren't there?

22 A When they got into the vehicle at that
23 point I could no longer hear the conversation.

24 Q And did, were you were the one that got her
25 to sign the consent?

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1 A No, that was Detective Chatfield.

2 Q Detective Chatfield, so --

3 The Court: Any further questions?

4 Defendant Mazique: Yes.

5 Q (Continuing) And what was, what was the
6 basis that he gave her his reasons for wanting to search?

7 A Well when we, when we initially made
8 contact we advised her that, yeah, you had been arrested,
9 that you were in jail, and that we suspected you were part
10 of a armed robbery and that we wanted to search your living
11 area to see if there was any evidence from that crime.

12 The Court: All right, let's go ahead and call,
13 we got the jury waiting, let's call your next witness.

14 Defendant Mazique: Hold up, hold up, Your
15 Honor, I'm not finished.

16 The Court: Okay, well go ahead and conclude
17 your examination, we're going to call the next witness.
18 I don't want to belabor this any longer than necessary, Mr.
19 Mazique.

20 Defendant Mazique: (Continuing)

21 Q Is that your, is that your writing or Mr.
22 Chatfield's writing on this?

23 A That would be Mr. Chatfield's.

24 The Court: Okay, you may come down, call your
25 next witness.

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1 Mr. Holford: Your Honor, I call Detective
2 Chatfield to the stand for the purposes of this consent to
3 search.

4 Defendant Mazique: Your Honor, I want to strike
5 his testimony.

6 The Court: Wait a minute, you what? What did
7 you say?

8 Defendant Mazique: I move to strike his
9 testimony cause he's been sitting here throughout the whole
10 conversation.

11 The Court: No, sir, he's entitled to be here
12 because he was the chief investigating officer. I told you
13 that at the outset when we suppressed the witnesses. He's
14 entitled to be here, entitled to testify, proceed,
15 Solicitor.

16 Mr. Holford: Thank you, Your Honor.

17 Officer James M. Chatfield
18 being first duly sworn, testified in camera as follows:

19 Direct Examination

20 By Mr. Holford:

21 Q Detective Chatfield, on the issue of
22 consent to search, did you have a chance to go to Ms.
23 Reeves and Mr. Mazique's apartment?

24 A Yes, I did.

25 Q And when you got there who was there?

1 A Ms. Kelly Reeves and a small child, and
2 Officer Scales was with me, standing side by side.

3 Q Did you bust in this house?

4 A Absolutely not.

5 Q Did you knock on the door?

6 A Knocked on the door and Ms. Reeves came.

7 We told her who we were, I always identify myself as Horry
8 County Police Department investigator with the uniform
9 patrol. We told her that her boyfriend was a suspect in
10 some armed robberies and we'd like to come in; we'd like to
11 get consent to search to look for cigarettes or firearms or
12 any other objects used in the crime.

13 Q Did she give you consent?

14 A Absolutely, yeah.

15 Q Did you threaten her?

16 A Absolutely not.

17 Q Did you threaten to take her child?

18 A Absolutely not.

19 Q Did you coerce her in any way?

20 A Absolutely not.

21 Q Did she later sign a consent to search
22 form?

23 A Yes, after we did the search as for as
24 formality the reason I took her down to my car, a little
25 kid, I interviewed her, if you listen to the tape, so we

Officer Chatfield - Dir. Exam. In Camera By Mr. Holford 128

1 went over the consent to search. I filled the consent to
2 search; she was obviously upset, where it gets to sign, let
3 her read it and let her sign her name. I did not forge it
4 or put anybody's name and she was well aware. She never
5 made a statement about she was in fear for her kids. She
6 didn't make a statement that myself or Scales would
7 threaten her in any way at any time.

8 The Court: Let me ask you this, at your initial
9 discussion with her asking consent to search did she
10 hesitate in any way?

11 A Not, Your Honor ---

12 The Court: Discomfort in any way?

13 A Absolutely extremely polite as far as I
14 recall.

15 The Court: And in subject to that after you
16 found this material that may or may not involve her
17 boyfriend and she knew it, she even then signed the consent
18 to search?

19 A Yes, Your Honor, what I was telling you I
20 assumed, and as far as investigator, there could have been
21 a gun on premises. Your Honor, I don't like leaving an
22 officer up there even though he was with a firearm turning
23 my back on somebody when I'm not saying it could happen but
24 when a gun could be pulled out and a shooting take place.
25 I'd feel pretty bad, Your Honor.

Officer Chatfield - Cross Ex. In Camera By Def. Mazique 129

1 The Court: I understand, you may, have you
2 concluded with your examination?

3 Mr. Holford: Your Honor, if I could just show
4 him just so the record is clear.

5 Q (Continuing) Can you identify this
6 document, detective?

7 A Yes, sir, this is Horry County Police
8 Department consent to search form.

9 Q And the parts that's filled out, the
10 defendant has already raised this, is that your
11 handwriting?

12 A Yes, the Kelly Reeves is mine, the
13 Detective Chatfield, Private First Class Scales is mine,
14 her address is mine, the written consent, the time, the
15 date, and the year. Now you can see the printing where it
16 says print your name is hers and the signature is hers,
17 witness by me and then the case number.

18 Q Did she read this?

19 A Yes, yes, sir.

20 Q And she signed it?

21 A Yes, sir.

22 Q And this says she give written permission
23 to search free and voluntarily?

24 A Yes, sir.

25 Q At 11:52 on 10-3-2011?

Officer Chatfield - Cross Ex. In Camera By Def. Mazique 130

1 A Yes, sir.

2 Mr. Holford: Your Honor, I have no further
3 questions for this witness.

4 The Court: You may examine.

5 Mr. Holford: This is, Your Honor, I'm still
6 referring to State's Exhibit 13 which right now is only for
7 identification.

8 The Court: I understand.

9 Mr. Holford: It's a consent to search.

10 The Court: Mr. Mazique, you want to question
11 him on this?

12 Defendant Mazique: Yes, sir.

13 Cross Examination In Camera

14 By Defendant Mazique:

15 Q You said that she was, you filled out that
16 form out because she was upset?

17 A She was extremely upset.

18 Q Why was that?

19 A I think that she felt that, I'm just going
20 to assume since you asked me, I think she felt that you
21 were really in some trouble.

22 Q Did you not mention --

23 A No, she knew you were a robbery suspect and
24 she knew we were looking for guns and cigarettes so I think
25 she liked you and you lived together and I think she was

Officer Chatfield - Cross Ex. In Camera By Def. Mazique 131

1 upset because of that fact.

2 Q You said she knew I was a robbery suspect?

3 A No, I said, yeah, I told her that you were
4 a suspect in an armed robbery.

5 Q In an armed robbery?

6 A Uh-huh, that's correct.

7 Q Did you, you were the one, you said that
8 you never mentioned anything about her kids?

9 A Absolutely not, that's, that's irrelevant,
10 why would we question her about her kids, no, sir.

11 Q Did, did ya'll have a conversation about a
12 prior incident that happened with her kids?

13 A Nope.

14 Q Nothing about her kids?

15 A Nothing about her kids, no.

16 Q Nothing was never mentioned?

17 A Nothing about her kids not to me.

18 Q And you asked her for a consent to search
19 you got her to sign in the car outside?

20 A Yeah, she gave us the consent when we
21 arrived; after we searched the house I took her down for a
22 formality so I could interview and read her the consent to
23 search form, yes.

24 Q And you asked, you initially knocked on the
25 door you ask for, you told her ---

Officer Chatfield - Cross Ex. In Camera By Def. Mazique 132

1 A We told her who we were and we asked for
2 consent and she said, yes.

3 Q Did you have time, you knew I was, you knew
4 I was arrested as a suspect?

5 A Uh-huh.

6 Q Couldn't you have went and got a search
7 warrant?

8 A I could have, yes.

9 The Court: I tell you, Mr. Defendant, when
10 somebody verbally knowingly and intelligently consents a
11 search warrant is not necessary. Had she not consented he
12 then couldn't go in there to search.

13 Defendant Mazique: My point was, Your Honor, my
14 point was it's not that this was his basis when he went to
15 her, to my understanding he went to her to ask for
16 permission to search but then implied that if you don't,
17 and I have to go get a search warrant ---

18 The Court: I didn't hear him say that, he just
19 said she readily consented without further conversation.

20 Defendant Mazique: (Continuing)

21 Q As soon as you opened the door and you told
22 her when and when it was she had nothing else to say, she
23 just ---

24 A As I stated before, Patrolman Scales and
25 myself were side by side, identified ourself as Horry

Officer Chatfield - Cross Ex. In Camera By Def. Mazique 133

1 County police officers since I was in plains clothes, and
2 he was in uniform, some people like to know that, told her
3 what we were here for, asked her if we could consent to
4 search her house, she said, sure, come on in. There was no
5 other conversations or anything else.

6 Q And, and, and how was I suspect in this?

7 A You were a suspect, I believe, at 9:52
8 hours when I picked the case up in the morning you were a
9 suspect.

10 Q How did I become a suspect?

11 A The facts that were brought to my attention
12 you were a suspect.

13 The Court: That's not relevant.

14 Mr. Holford: Your Honor, we're talking about
15 consent to search.

16 Defendant Mazique: Yes, Your Honor, I'm
17 establishing what brought him to my house.

18 Mr. Holford: Your Honor ---

19 The Court: He's testified to that that he had
20 evidence that you may be a suspect, and going into that
21 there will be other testimony to that issue. All right ---

22 Defendant Mazique: Your Honor, may I have a
23 minute, please?

24 The Court: Yes, sir.

25 Defendant Mazique: Okay, I'm done.

1 The Court: Okay, I'm satisfied. All right, let
2 the record reflect that as to the validity of the search
3 warrant ---

4 Mr. Holford: Consent, Your Honor, there's no
5 search warrant.

6 The Court: Sir?

7 Mr. Holford: There's not a search warrant, Your
8 Honor.

9 The Court: Not a search warrant but the consent
10 to search and I listened very carefully to the testimony
11 and I conclude beyond a reasonable doubt that the consent
12 to search was freely, intelligently, knowingly, voluntarily
13 made by a resident at that premises. The evidence is that
14 not only did she verbally consent but even after the search
15 was made she signed the document saying that the search was
16 freely and voluntarily given. The document itself speaks
17 to the validity of the consent to search but that is
18 bolstered heavily by the testimony of that last witness
19 that I find it to be valid on that issue and I conclude as
20 a matter of law that the consent to search was properly
21 given and that anything obtained as a result thereof is
22 properly in evidence if admitted by the court. Bring the
23 jury back.

24 Mr. Holford: Thank you, Your Honor, the State
25 would recall Ms. Kelly Reeves to the stand.

1 The Court: All right, bring the jury back.

2 (Whereupon, the jury returns to the courtroom at
3 4:19 p.m.)

4 The Court: I remind you, You're under oath and
5 subject to perjury. I'm not suggesting you're telling the
6 truth or not, I'm suggesting that you're under oath, and,
7 Mr. Defendant, you'll have a right to examine at the
8 appropriate time. All right, Mr. Holford, go ahead, before
9 the jury gets in.

10 Mr. Holford: Yes, Your Honor.

11 (Whereupon, the jury returns to the courtroom at
12 4:19 p.m.)

13 The Court: The jury is present, proceed.

14 Mr. Holford: May it please the court?

15 Mr. Holford: (Continued Direct Examination of Ms. Reeves)

16 Q Ms. Reeves, we were right in the middle of
17 a discussion about your consent, there's been testimony
18 about, Mr. Scales already, I think he appeared at your
19 residence where you were living you told me earlier with
20 Mr. Mazique, and that you gave verbal consent to search
21 that residence; did you give verbal consent to search that
22 residence?

23 A Yes, yes -- sorry.

24 Q And then you later signed a consent to
25 search form?

1 A Yes, sir, after the search was complete.

2 Q After the search was complete, but you gave
3 verbal consent before they came in?

4 A Yes, verbal consent.

5 Q Verbal consent before they came in?

6 A Yes, sir.

7 Q Before they did any searching, you allowed
8 them ---

9 A They were searching while they were ---

10 Q But you ---

11 A They was already going on. It wasn't like,
12 I mean ---

13 Q So they busted through the door and then
14 you gave consent?

15 A No, they just, when I opened the door, when
16 they knocked I opened the door and they came in. My first
17 concern was my kid, that's it, when they told me what was
18 going on with the search.

19 Q Ms. Reeves, are you telling me now under
20 oath that they came in before you gave them consent to
21 enter?

22 A They came in my house, yes, as soon, they
23 never, they came in my house before search was ever
24 conducted, before it was ever talked about.

25 Q But you gave them ---

1 A They told me ---

2 Q --- verbal consent to search?

3 A Yes.

4 Q Before they searched the premises?

5 A Yes.

6 Q I'm going to hand you what's been marked as
7 State's Exhibit Number 13 for identification only; can you,
8 please, identify this document?

9 A It's a consent to search.

10 Q Can you read this document for the jury?

11 A Yes, I, Kelly Reeves, have been informed by
12 police officers Chatfield and Scales of the Horry County
13 Police Department of my constitutional right not to have a
14 search of my premises and property owned by me and/or under
15 my care, custody, and control without a search warrant.
16 Knowing my lawful right to refuse I willingly give my
17 consent, permission for a complete search of all property
18 located at 3555 Highway 544, Apartment 1-F, Coastal Villa,
19 which is under my custody and/or control.

20 Q Is that all?

21 A Written permission to search freely and
22 voluntarily given at 11:52 on 10-3-2011.

23 Q And whose name is printed on that form?

24 A My name Kelly Reeves.

25 Q Did you print your name on that form?

- 1 A Yes, sir, I did.
- 2 Q And whose signature is on that form?
- 3 A My signature.
- 4 Q Did you sign that form?
- 5 A Yes, sir.
- 6 Q So you signed this consent to search that
- 7 says your written permission to search is free and
- 8 voluntarily given?
- 9 A Yes.
- 10 Q Is that correct?
- 11 A Yes.
- 12 Q Thank you, Ms. Reeves. I believe you've
- 13 already told us that no one else had access to that
- 14 apartment except you and the defendant Ricky; is that
- 15 correct?
- 16 A Right.
- 17 Q When the officers searched that premises
- 18 after you gave consent what did they find?
- 19 A Cigarettes and ---
- 20 Q A couple of packs?
- 21 A No, a bag.
- 22 Q A bag of cartons?
- 23 A Cartons of cigarettes.
- 24 Q A lot of cartons?
- 25 A Yeah, twenty cartons or so.

1 Q Were those, were those your cartons of
2 cigarettes?

3 A No, sir.

4 Q Did you put those cartons of cigarettes
5 there?

6 A No, sir.

7 Q How old is your son?

8 A Ten.

9 Q Did your son put those cartons of
10 cigarettes there?

11 A No.

12 Q Is there any way your son could have put
13 them there?

14 A No.

15 Q Is there any way you could have forgot that
16 you put those cartons of cigarettes there?

17 A No.

18 Q And where, what were they found in?

19 A In my bedroom closet.

20 Q Where they just out in the open, the
21 cartons of cigarettes, or just out in the open?

22 A No, they were in a bag.

23 Q What kind of bag were they in?

24 A In a black bag, plastic bag.

25 Q Did the officers respond to anything else

- 1 at your residence there?
- 2 A No.
- 3 Q Did they find bullets, perhaps?
- 4 A Oh, yes, they did find bullets, I think.
- 5 Q And where did they find those?
- 6 A In the vent.
- 7 Q In a vent?
- 8 A In a vent.
- 9 Q Was the vent open?
- 10 A No, they, they looked in all the vents and
- 11 then he seen one and screw, unscrewed it and reached in
- 12 there and got them out, pulled it out of there.
- 13 Q And there was a box of bullets in there?
- 14 A Yes.
- 15 Q Were those your bullets?
- 16 A No.
- 17 Q Do you have a gun?
- 18 A No.
- 19 Q Do you use them?
- 20 A No.
- 21 Q Do you keep bullets in your house?
- 22 A No.
- 23 Q Does your son keep bullets in the house?
- 24 A No.
- 25 Q How high up is this vent?

1 A It's like a ceiling, probably twelve.

2 Q So no way your ten year old son put those
3 bullets in that vent?

4 A No, they were probably there for a while, I
5 think.

6 Q No way you put those bullets in that vent?

7 A No.

8 Mr. Holford: Your Honor, I have no further
9 questions at this time, please answer any questions the
10 defendant has for you.

11 The Court: Yes, sir.

12 Cross Examination

13 By Defendant Mazique:

14 Q Ms. Reeves?

15 A Yes.

16 Q You didn't come here, you're a State
17 witness; is that correct?

18 A Right.

19 Q The State called you?

20 A Right, they did.

21 Q You're not here on my account; I didn't
22 call you as a witness?

23 A No.

24 Q Did you talk to the Solicitor before today?

25 A Yes.

1 Q Did he ever pose that question to you as to
2 you how you felt when you signed the consent form?

3 A No.

4 Q So he never posed it to you that way ---

5 A He had no concern, no.

6 Q --- he just asked you did you give consent?

7 A Right.

8 Q And you said that you gave consent but and
9 I ask you how did you feel when you gave consent?

10 A Not like I had a choice really.

11 Q You felt like, you felt, although you gave
12 it you gave the consent but ---

13 A I did.

14 Q But you were, you felt like I didn't have a
15 choice to that ---

16 A Yes, I did not.

17 Q --- but both directly or indirectly?

18 A Probably both indirect and direct, with my
19 children and if I wanted to go through what I just went
20 through losing them and trying to get them back did I want
21 my kid to grow up like this, this is what I did, it was
22 just, it's more of a bash. I didn't talk to Scales like I
23 did Chatfield.

24 Q When you opened the door he just, you
25 didn't let them in, you didn't move in a way he came in,

1 just walked in the house?

2 The Court: No, sir, now don't put words in her
3 mouth, just ask her questions. Now you're trying to put
4 words in her mouth; you can't do that.

5 Defendant Mazique: Yes, sir.

6 The Witness: (Continuing)

7 A No, sir, once the door was open and their
8 foot was in the door they were in. It's --

9 Q Well just explain in your actions what
10 happened for me from the time they came knocking on the
11 door?

12 The Court: That's an appropriate question.

13 Defendant Mazique: Yes, sir, I try to find the
14 way to --

15 The Court: You found a good one. Okay, tell
16 us.

17 The Witness: (Continuing)

18 A When they knocked on the door I went to the
19 door, like he said they told me why he was there. Scales
20 didn't do much talking. I talked to him, Scales went and
21 hung out with my son, kept him occupied for a little while
22 while Chatfield talked to me and told me what was going on.
23 Everything that felt like a threat came from Chatfield. It
24 didn't, I never talked to Scales as a, only once that he
25 was hanging with my son.

1 Q Did you take notice of, of when Officer
2 Chatfield was talking to you what Officer Scales was doing
3 at that time?

4 A Can you rephrase that to me?

5 Q Did you happen to see what was he doing, I
6 mean, well what was he doing at the time?

7 A During the search?

8 Q No, when he first came in and was talking
9 to you, the during the time he talked with you what was
10 Officer Stiles [sic] doing?

11 A Talking with my son.

12 Q He was talking with your son?

13 A Keeping my son kind of, you know, occupied.

14 Q And you said they found cartons or bags of
15 cigarettes in the closet ---

16 A Yes.

17 Q --- is that correct?

18 A Yes.

19 Q When they left -- do you smoke?

20 A Yes.

21 Q You smoke?

22 A Yes.

23 Q Did they leave any cigarettes there that
24 they didn't take?

25 A No.

1 Q Did they remove all cigarettes that were
2 found?

3 A All cigarettes that were found they took.

4 Q And where all did they find cigarettes at?

5 A In the closet, bedroom closet.

6 Q Is that all?

7 A I believe that's it.

8 Q Did you have any cigarettes there?

9 A I did, I did have cigarettes. They asked
10 me were they my cigarettes because they were the same as
11 the cigarettes in the bag, and they were the same size
12 cigarettes.

13 Q Did they leave them with you?

14 A Yes.

15 Q Did they go through the drawers?

16 A Everything.

17 Q Everything?

18 A Everything, yes, everything was went
19 through.

20 Q When they showed you the cigarettes I
21 believe you said they was in a black trash bag?

22 A Yes.

23 Q And that was all of them in just one black
24 trash bag?

25 A Yes, just one bag.

1 Q What else did they take out of the house?

2 A Bullets, some bullets. They got bullets
3 out of the vent, the kitchen vent, a dusty box. I don't, I
4 never saw what was inside but it's a dusty box.

5 Q It was just a box?

6 A Uh-huh.

7 Q You didn't know what was in it, whether or
8 not there was bullets?

9 A No.

10 Q When he took you downstairs to sign the
11 consent form did he do a tape recorded conversation then?

12 A Yes, let me make sure, I'm trying to make
13 sure that's the same day. I don't want to get confused
14 cause he came and picked me up the next day and took me to
15 get my car and I'm thinking that was when the conversation
16 was recorded.

17 Q When he took you to get your car?

18 A Right, yes, he did.

19 Q Well how, how many days between the day
20 that he first initiated the search until the day he came
21 took you to get your car?

22 A Next day.

23 Q The next day?

24 A The next day.

25 Q So that would have been the 4th?

1 A Yes.

2 Q So the recorded conversation was taken
3 outside in the car on the 4th?

4 A Yes.

5 Q On the --

6 Defendant Mazique: Excuse me, may I see this?

7 Q (Continuing) Is this your handwriting?

8 A No.

9 Q This is the consent form that we speaking
10 about, they're speaking about, voluntary consent form that
11 he just had to read? Is this your handwriting in here?

12 A No, it is not.

13 Q None of this, it's just your signature?

14 A Only my signature and my, yes, and my name.

15 Q So you didn't write that?

16 A No.

17 Q During the time, did I have another address
18 other than that address?

19 A Yes.

20 Q Was it in that same apartment complex?

21 A Yes.

22 Q So did we have other people coming in and
23 out of the house?

24 A Yes.

25 Q And so is it possible that other people

1 coming out the house ---

2 The Court: No, no, let's don't do possible.

3 Defendant Mazique: Okay, okay, Your Honor.

4 Q (Continuing) So me and you wasn't the only
5 one that had access to that, I'll just put it like that, we
6 weren't the only ones that had access to that?

7 A Right.

8 Q Have you ever witnessed me with a bag of
9 cigarettes?

10 A No, cigarettes, guns, bullets, none of
11 this.

12 Q You ain't never seen with me with guns,
13 bullets?

14 A No.

15 Q Oh, by the way you ever seen me with a wig?

16 A No, no, sir, no.

17 Q You ever known my hair to grow?

18 A Grow, no, never.

19 Q And how long were we together prior to
20 this? How long have you known me?

21 A Three years, no, it would be three years
22 this year.

23 Q Three years, ever since I met you has my
24 hair been short or has it been ---

25 A Bald.

1 Q The car that you drive is a, what kind of
2 car is it?

3 A Maxima, 1991 Maxima.

4 Q And in the closet or in the house, how, how
5 were the clothes kept in the house, my clothes?

6 A On hangars in a closet.

7 Q But there were trash bags in the closet?

8 A Uh-huh, yes.

9 Q Did it contain other stuff in it?

10 A Yes, paper work, numerous different, yeah.

11 Q How do we do our laundry?

12 A We have to go do our laundry at a
13 laundromat.

14 Q And how would we transfer clothes from the
15 laundromat to the house?

16 A Bags.

17 Mr. Holford: Your Honor, I fail to see the
18 relevance about how they did their laundry. I know he's a
19 pro se witness and I've given him leeway but --

20 The Court: What is the relevancy ---

21 Mr. Holford: Or a pro se defendant.

22 The Court: --- what is the relevancy?

23 Defendant Mazique: Because and it's going to
24 be, Your Honor, that trash bags they alleging the evidence
25 is not unknown in the house that we kept stuff in that

1 house in trash bags.

2 The Court: That's fine, I'll let the jury
3 decide what you may have kept bags in the house, trash
4 bags.

5 Defendant Mazique: And we kept our stuff and
6 clothes in trash bags.

7 The Court: I'll let the jury understand that,
8 let's go ahead and conclude this examination.

9 Mr. Holford: Thank you, Your Honor.

10 Defendant Mazique: Hold up, I'm not finished
11 yet.

12 The Court: Go ahead as quick as you can, we've
13 got other witnesses.

14 Defendant Mazique: (Continuing)

15 Q Did Detective, did Detective Chatfield
16 directly or indirectly threaten to remove the kid?

17 A Yes, directly that, that he could, that's,
18 that he can, that's just that he can, that's my choice is
19 up to me but he can have anything.

20 Q The search happened three days on the 3rd,
21 you said, I believe?

22 A The third, yes.

23 Q I ask you if you wouldn't have felt a
24 threat, if you wouldn't have felt that, that, that, that
25 presence of threat would you have let him search the house?

1 A I would, he probably, I'd have probably
2 said get a warrant and I'd have had my son gone by the time
3 he came back.

4 Defendant Mazique: No further questions.

5 The Court: All right, sir, do you have any
6 further redirect?

7 Mr. Holford: Yes, Your Honor, just briefly, I
8 know.

9 Redirect Examination

10 By Mr. Holford:

11 Q Ms. Reeves, this is your ex-boyfriend?

12 A Yes.

13 Q For how long?

14 A Two years.

15 Q You were together for how long?

16 A Two years.

17 Q And you care about him?

18 A Of course.

19 Q And you told me when I was on direct that
20 no one else had access to that place, but you told him that
21 other people did have access; which one is it?

22 A We, we had people that came in our house,
23 access, key access is what you asked me, no, we had a key,
24 we two have a key but --

25 Q Did those people bring a bag of, a trash

1 bag full of cartons of cigarettes into your home?

2 A I didn't know there was a carton or two or
3 ten or twenty in my home, you know, so I have no idea who
4 put the cigarettes.

5 Q They're not yours, are they?

6 A No, sir.

7 Q And they're not your ten-year-old son's?

8 A No, sir.

9 Q And the only other one with access to that
10 place with a key is this defendant?

11 A Yes.

12 Mr. Holford: No further questions, Your Honor.

13 The Court: You may come down.

14 Defendant Mazique: Can I ask one more question,
15 Your Honor.

16 The Court: One more and that's it now, this
17 jury has listened here long enough.

18 Mr. Holford: Your Honor, I ask that it be
19 limited to the scope of redirect.

20 The Court: He's going to limit it.

21 Defendant Mazique: It's just one question, Your
22 Honor.

23 The Court: All right.

24 Recross Examination

25 By Defendant Mazique:

1 Q Did I subpoena you to come here?

2 A No.

3 Defendant Mazique: Thank you, Your Honor.

4 The Court: The record will reflect that she's
5 subpoenaed by the Solicitor. You may come down, thank you.
6 You want this witness to be excused?

7 Mr. Holford: No, Your Honor.

8 The Court: Have her sequestered, remain under
9 subpoena. Call your next witness.

10 Mr. Holford: Thank you, Your Honor, Your Honor,
11 the State calls Detective Chatfield.

12 Officer James M. Chatfield
13 being first duly sworn, testified as follows:

14 Madam Clerk: Please state your full name and
15 spell your last name.

16 The Witness: My full name is James Mark
17 Chatfield, c-h-a-t-f-i-e-l-d.

18 Direct Examination

19 By Mr. Holford:

20 Q Detective Chatfield, how are you today?

21 A Good, sir.

22 Q Now I'm going to take just a little bit out
23 of order, this would not normally be the way, but since we
24 just dealt with this at length, the consent to search, was
25 there a time when you went to Ms. Reeves and Mr. Mazique's

1 apartment?

2 A Yes, there was; it was actually 11:52 hours
3 on October 3rd, myself and Officer Scales went over. The
4 defendant over here, Mr. Mazique, was a suspect of mine in
5 an armed robbery.

6 Q And Mr. Scales, Officer Scales, excuse me,
7 has already testified that there was consent?

8 A Yes, there was consent.

9 Q And what is your testimony on that?

10 A Of him referencing to the consent?

11 Q In reference to Ms. Reeves?

12 A Went over and Ms. Reeves obviously like
13 everybody is generally surprised at law enforcement showing
14 up, knocked on the door, told her hello, told her what we
15 were there for and asked her if we could come in to search
16 her residence for firearms, cigarettes, any other objects
17 that would be instrumental in armed robbery, and at this
18 time, you know, it was a to z, looking for a lot of
19 different things.

20 Q And did she give you consent?

21 A Oh, absolutely, she said, sure, come on in
22 and we went in and started searching.

23 Q She gave you verbal consent at that point,
24 correct?

25 A That's correct.

1 Q Is it necessary to get written consent to
2 search?

3 A No, it's a formality, but no.

4 Q So we've heard testimony that this was
5 obtained afterwards?

6 A Yeah, after we searched and we found six,
7 if you want me to go, we found, we found sixty cartons of
8 cigarettes in the closet, ammunition in the vents. After
9 taking all those items, took them down, put them on an
10 evidence log. I took her into the car, advised her again,
11 showed her consent to search form, read it, filled it out,
12 had her print her name and sign it, made sure she
13 thoroughly understands the consent to search, I started
14 interviewing her.

15 Q So, so it's not necessary for police to get
16 a written consent to search?

17 A No, consent is good enough.

18 Mr. Holford: Your Honor, may I approach the
19 witness with what's been marked as State's Exhibit 13 for
20 I.D.?

21 The Court: You may.

22 Q Can you identify this document?

23 A Yes, this is a Horry County Police
24 Department consent to search form.

25 Q And whose signature is this at the bottom?

1 A The witness is mine, witness my name.

2 Q Is this a consent to search form that we've
3 been talking about with Ms. Reeves?

4 A That's correct.

5 Mr. Holford: Your Honor, at this time the State
6 ask that this Exhibit State's 13 be entered in evidence.

7 The Court: I will admit it.

8 Mr. Holford: Thank you.

9 (Whereupon, State's Exhibit Number 13 entered
10 into evidence.)

11 Mr. Holford: (Continuing)

12 Q Detective Chatfield, the portion up here
13 Ms. Reeves has already read from it, whose handwriting is
14 this?

15 A This, what it is it says, "I, Kelly Reeves,
16 I filled out her name, it says, have been informed by
17 police officers Detective Chatfield and Private First Class
18 Scales, who was standing beside me, Horry County Police
19 Department, my constitutional right not to have a search of
20 my premises and property owned by me and/or under my care
21 and custody and control without a search warrant. Knowing
22 my lawful right to refuse I willingly give my consent
23 permission for complete search of property located at," and
24 then I filled in, "355 Highway 544 1-F Coastal Villa, which
25 is under my control or custody, and then the next line says

1 the written permission to search is freely and voluntarily
2 given, at," I put 11:52 and then I put the date 10-3-2011,
3 and then it's got a form where she can print her name where
4 she printed her name and then a signature where she could
5 sign it and, of course, she read it all the way through
6 before she printed her name and signed it.

7 Q You didn't print her name, did you?

8 A No, sir.

9 Q You didn't sign her name, did you?

10 A No, sir.

11 Mr. Holford: Your Honor, may I publish this to
12 the jury?

13 The Court: You may.

14 Q (Continuing) And again, Detective
15 Chatfield, this is just a formality ---

16 The Court: Take a look at it and pass it
17 around.

18 Q --- after she had given you verbal consent?

19 A Yes, sir, that's correct.

20 Q Did you threaten her?

21 A Absolutely not. As I said before, when we
22 got there, you know, I'm just going to be honest with you,
23 she's extremely nice, a little shocked but absolutely not,
24 we wouldn't threaten anybody to get in somebody's place.

25 Q Did you threaten her kids?

1 A Absolutely not.

2 Q Her kid?

3 A That's the first I heard of it, sir.

4 Q Before today have you heard anything about
5 a threatening for consent, to gain consent?

6 A Until I stepped in this courtroom I never
7 heard that.

8 Q Thank you, now let's go back to how you
9 initially became, excuse me, Detective, will you, please,
10 tell us where you work? I know I jumped a little ahead
11 just to deal with consent. Will you, please, tell us where
12 you work?

13 A I work for the Horry County Police
14 Department. I work in the homicide violent crimes
15 division. I've been with the county police twenty-three
16 years, been in law enforcement twenty-nine. I've been in
17 violent crimes off and on for eight years.

18 Q And how did you become involved in this
19 case with Mr. Mazique?

20 A I was called by one of my supervisors to
21 get up with Corporal Derrick Ard at the J. Reuben Long
22 Detention Center in reference to Mr. Mazique.

23 Q And what, what involvement have you had
24 since then?

25 A I was, I was the lead investigator. I

1 interviewed Mr. Mazique twice and basically drew up the
2 arrest warrants and made the arrest.

3 Q Now how did you come to find out, we've
4 talked about the consent to search at Ms. Reeves and Mr.
5 Mazique's apartment, but how did you find about that
6 apartment?

7 A During an interview he gave me his address
8 and we, you know, obviously we were going to go find out
9 who was staying at the address.

10 Q And what did you find when you got to that
11 address?

12 A Are you talking about the items or --

13 Q Yes?

14 A Once we got into the residence in the
15 closet just like there was sixty cartons of cigarettes. I
16 think thirty were, let me refer to my notes here because
17 there were, I found thirty cartons of Newport 100's in a
18 case, a blue mesh bag containing three cartons of Newport
19 100's, eight cartons of Newport Box, one carton of Newport
20 Gold, one carton of Newport Gold 100's, four cartons of
21 Marlboro the Special Blend, one carton of the Marlboro
22 Special Blends 100's, one carton of Marlboro Special Blend
23 100's, one carton of a Heart Red, one carton of Heart's
24 Blues, one carton of 100 Gold. The total was sixty cartons
25 recovered. We located two federal bullet, bullets in the

1 air vents. Also located a box of forty Smith & Wesson
2 bullets was also found in the air vent, and we took custody
3 of a Shawn John 3x jacket and a blue 2x jacket that
4 appeared that could have been used in the robbery but I
5 have no way of positively knowing because of the colors.

6 Q Did you take pictures while you were inside
7 that residence?

8 A Yes, I did.

9 Mr. Holford: Your Honor, let the record reflect
10 I'm showing the defendant what's been marked as State's
11 Exhibit 2, 3, and 4 for identification purposes only. All
12 these pictures have been previously provided to the
13 defendant.

14 The Court: Proceed.

15 Mr. Holford: (Continuing)

16 Q Detective Chatfield, I'm handing you
17 State's Exhibit Number 2; can you identify that picture?

18 A Yes, this is a trash bags full of
19 cigarettes in Mr. Mazique's closet.

20 Q And did you take that?

21 A I did.

22 Q And is it a fair and accurate
23 representation of what you found that day in that
24 residence?

25 A Yeah, my photography is not real good but,

1 yes, sir.

2 Mr. Holford: Your Honor, I ask that State's
3 Exhibit 2 be entered into evidence.

4 The Court: It is so entered.

5 (Whereupon, State's Exhibit Number 2 entered into
6 evidence.)

7 Mr. Holford: May I publish to the jury?

8 The Court: You may. Again, Madam Foreman,
9 these matters will be with you in the jury room but you may
10 pass them at this time.

11 Q (Continuing) Detective Chatfield, I'm
12 handing you what's been marked as Exhibit Number 3, State's
13 Exhibit 3, can you identify that picture?

14 A Yes, bags full of cigarettes, found it in
15 Mr. Mazique's residence.

16 Q And where did you ---

17 A In the closet.

18 Q Did you take this picture?

19 A Yes, sir.

20 Q And where did you take this picture?

21 A At the residence of Ms. -- this gentleman
22 and Ms. Reeves in the closet.

23 Mr. Holford: Your Honor, I ask that Exhibit 3
24 be entered into evidence.

25 The Court: So ordered.

1 (Whereupon, State's Exhibit Number 3 entered into
2 evidence.)

3 Mr. Holford: May I publish?

4 The Court: You may.

5 Mr. Holford: (Continuing)

6 Q And one more State's Exhibit 4, can you
7 identify this?

8 A Yes, several more bags of cigarettes in the
9 closet.

10 Mr. Holford: Your Honor, I ask that Exhibit 4
11 be entered into evidence.

12 The Court: So ordered.

13 Mr. Holford: And published.

14 (Whereupon, State's Exhibit Number 4 entered into
15 evidence.)

16 The Court: You may publish.

17 Mr. Holford: (Continuing)

18 Q And these are all pictures that you took at
19 the residence of Ms. Reeves and Mr. Mazique?

20 A Yes.

21 Q Did Kelly Reeves state that those were her
22 sixty cartons of cigarettes?

23 A She stated that she didn't know how they
24 got in there.

25 Q Did she say they were her ten-year-old

1 son's sixty cartons of cigarettes?

2 A No.

3 Mr. Holford: Your Honor, may I approach the
4 witness with State's Exhibit 7, 8, and 5 and 6, which have
5 been marked for identification. Let the record reflect I'm
6 showing the defendant; these have previously been provided
7 to the defendant in discovery.

8 The Court: What are they, please?

9 Mr. Holford: They're pictures from the
10 residence, Your Honor, of the vent and the bullets.

11 The Court: You may proceed.

12 Mr. Holford: (Continuing)

13 Q Detective Chatfield, can you identify
14 State's Exhibit Number 5 for identification?

15 A Yes, this is a air vent located at
16 Mazique's apartment and Reeves.

17 Q Were you just randomly taking pictures of
18 air vents?

19 A No, Officer Scales is a really good
20 patrolman over there and he got, he actually found them,
21 which surprised me, but, no.

22 Q And why did you take a picture of this
23 vent?

24 A Because there were projectiles inside.

25 Mr. Holford: Your Honor, I ask that State's

1 Exhibit 5 be entered in evidence.

2 The Court: It is so entered, you may publish if
3 you desire to.

4 (Whereupon, State's Exhibit Number 5 entered into
5 evidence.)

6 Mr. Holford: (Continuing)

7 Q And you took that picture at this residence
8 we've been talking about, Ms. Reeves?

9 A That's correct.

10 Q State's Exhibit 6, can you just explain
11 what that is?

12 A Yeah, that's the same air vent where the
13 projectiles were at.

14 Q Just a close up?

15 A Yeah.

16 Q Closer than the last one?

17 A That's correct, sir.

18 Mr. Holford: Your Honor, I ask that State's
19 Exhibit 6 be entered in evidence.

20 The Court: It is and you may publish.

21 (Whereupon, State's Exhibit Number 6 entered into
22 evidence.)

23 Mr. Holford: Thank you, Your Honor.

24 Q (Continuing) And then can you identify
25 State's Exhibit Number 7; what do we see there?

1 A Yeah. there is a box forty Smith & Wesson
2 180 grade, 180 grain full metal jacket f.n., a box.

3 Q Did you take this picture?

4 A Yes.

5 Q Where did you take this picture?

6 A I was actually standing up on the counter,
7 the counter in the kitchen taking a picture in the vent.

8 Q Above the sink?

9 A Yes, sir.

10 Q Is the grate still on in this picture?

11 A No, the grate was taken off.

12 Mr. Holford: Your Honor, I ask that State's
13 Exhibit 7 be entered in evidence.

14 The Court: It is.

15 (Whereupon, State's Exhibit Number 7 entered into
16 evidence.)

17 Mr. Holford: May I publish?

18 The Court: Yes, sir.

19 Mr. Holford: (Continuing)

20 Q Detective Chatfield, will you identify
21 what's been marked as State's Exhibit 8?

22 A Yes, this is the vent cover removed and
23 there is a box of forty Smith & Wesson 180 caliber full
24 metal jacket projectiles.

25 Q Did you take that picture?

1 A Yes, sir, I did.

2 Q Is that a fair and accurate representation
3 of how you found those that day?

4 A Yes.

5 Mr. Holford: Your Honor, I ask that State's
6 Exhibit 8 be entered in evidence.

7 The Court: Yes, and you may publish.

8 (Whereupon, State's Exhibit Number 8 entered into
9 evidence.)

10 Mr. Holford: (Continuing)

11 Q And this is with the vent cover off?

12 A That's correct.

13 Q And but that's the vent that we just
14 showed?

15 A It's the same vent, yes, sir.

16 Q Where was that located in that kitchen?

17 A Above the kitchen sink, there's kind of
18 like a countertop and then the sink dips down, it basically
19 was centering it.

20 Mr. Holford: Your Honor, may I approach this
21 witness with State's Exhibit 9 and 10? Let the record
22 reflect I'm showing the defendant these pictures. It's
23 pictures of cartons of cigarettes; they've been previously
24 provided to the defendant in discovery.

25 Defendant Mazique: I object to them, I object

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1 to them showing those photographs. I did it earlier, Your
2 Honor.

3 The Court: I am admitting these photographs
4 solely for the purpose of showing through this testimony
5 that they were found in that residence.

6 Defendant Mazique: They're not the same, Your
7 Honor, as he said he found them.

8 The Court: That's for the jury to determine,
9 you may proceed.

10 Mr. Holford: Your Honor, may I approach the
11 witness with State's Exhibit 10 for identification at this
12 point?

13 The Court: That's solely for the jury's
14 consideration; they can make the determination about the
15 cigarettes.

16 Mr. Holford: (Continuing)

17 Q Detective Chatfield, can you identify that
18 photograph?

19 A Yes, this is a photograph of the crime
20 scene Lt. Pete Cestare took in the Horry County evidence
21 room.

22 Q Were you present when that was taken?

23 A I was present, yeah.

24 Q Is that a fair and accurate representation
25 of what was available in that crime scene room?

1 A Yes.

2 Q And what is that a picture of?

3 A A picture of the cigarettes that we
4 recovered out of Mr. Mazique's, or Mr. Mazique and Ms.
5 Reeves closet.

6 Q So this is not at the residence?

7 A That's correct, this is at the Horry County
8 evidence room which is a sealed area and it's monitored by
9 video camera twenty-four/seven.

10 Q And who took those cigarettes?

11 A Lt. Peter Cestare.

12 Q No, who took the cigarette cartons to that
13 room?

14 A Oh, I did.

15 Q From?

16 A From the Ms. Reeves residence off of
17 Highway 544.

18 Mr. Holford: Your Honor, I ask that State's
19 Exhibit 10 be entered in evidence.

20 The Court: Permitted.

21 (Whereupon, State's Exhibit Number 10 entered
22 into evidence.)

23 Mr. Holford: May I publish?

24 The Court: Yes.

25 Mr. Holford: (Continuing)

1 Q And State's Exhibit 9 for I.D. only,
2 Detective Chatfield, can you identify that, please?

3 A Yes, these are another picture of the
4 cigarettes that were taken by Lieutenant Cestare at the
5 Horry County Police Department in the evidence room.

6 Q And were you present when that was taken?

7 A I was present, yes, sir.

8 Q And is that a fair and accurate
9 representation of those cigarettes at the time?

10 A Yes, sir, that's a clear and accurate
11 picture.

12 Q Now again this is in the evidence room?

13 A That's correct, the evidence room.

14 Q But where did the cartons of cigarettes
15 come from?

16 A Came from Ms. Reeves, Mr. Mazique's closet
17 there at the residence.

18 Mr. Holford: Your Honor, I ask that State's
19 Exhibit 9 be entered in evidence.

20 The Court: They are in evidence and you may
21 publish.

22 (Whereupon, State's Exhibit Number 9 entered into
23 evidence.)

24 Mr. Holford: Thank you, Your Honor.

25 Q (Continuing) Detective Chatfield, did you

1 recover anything else from that residence?

2 A Yes, if you will give me my file I've got
3 my chain of evidence sheet that Ms. Reeves signed over to
4 me and the book down there, sir, or the folder?

5 Mr. Holford: Your Honor, may I approach the
6 witness with the chain of evidence?

7 The Court: You may.

8 The Witness: (Continuing)

9 A Okay, would you like me to go into detail
10 of what we took?

11 Q No?

12 A Okay.

13 Q You've already talked about the cartons of
14 cigarettes; were there other physical items that you took
15 from that residence?

16 A Yeah, other than the sixty cartons of
17 cigarettes that were signed over by Ms. Reeves to me, there
18 was a Sanyo, these were items that, that, yes, to answer
19 your question directly, a Sanyo Boost mobile cell phone,
20 Motorola Boost mobile phone, another automotive light, two
21 federal forty Smith & Wesson 180 grain jacket bullets, and
22 a box of federal forty Smith & Wesson 180 A grade, a black
23 Shawn John 3x1 jacket and a Landry 2x large jacket. All
24 these items I read were signed over by Ms. Reeves to me.

25 Q Why would you take a jacket from the

1 closet?

2 A I couldn't distinguish on the film that
3 ya'll saw, I couldn't distinguish whether it was black or
4 blue.

5 (Whereupon, State's Exhibits Numbers 21 and 22
6 marked for identification.)

7 Mr. Holford: Your Honor, this is State's
8 Exhibit Number 21 for identification purposes only.

9 Q (Continuing) Detective Chatfield, can you
10 identify this?

11 A Yes, that's the, I believe that's the Shawn
12 John jacket, I believe it's a 3x.

13 Q And again why did you take this from the
14 closet?

15 A Description of what the robbery suspect
16 wore at the Kangaroo.

17 Mr. Holford: Your Honor, I ask that Exhibit 21
18 be entered in evidence.

19 The Court: I will permit it.

20 (Whereupon, State's Exhibit Number 21 entered
21 into evidence.)

22 Mr. Holford: (Continuing)

23 Q Now do you know if this is what he was
24 wearing?

25 A I have no idea.

1 Q But you took it because it looked similar
2 to what the video showed?

3 A That's correct.

4 Q Can you identify what's been marked as
5 State's Exhibit 22 for identification purposes?

6 A Yeah, that's a Landry, I believe I'm
7 pronouncing it right, 2x jacket.

8 Q And again why did you take this from the
9 residence?

10 A Looked similar to what the suspect was
11 wearing during the armed robbery.

12 Q Is this a woman's jacket?

13 A They make them multi, I couldn't answer
14 that, they make that multi woman's, guy's, I don't know.

15 Q Do you think Ms. Reeves wears a 2x?

16 A No, sir.

17 Q Do you think her ten-year-old son wears a
18 2x?

19 A No, sir.

20 Mr. Holford: Your Honor, I ask that State's
21 Exhibit 22 be entered in evidence.

22 The Court: I will, subject to his testimony.

23 Mr. Holford: Yes, sir.

24 (Whereupon, State's Exhibit Number 22 entered
25 into evidence.)

1 Mr. Holford: (Continuing)

2 Q Now, Detective Chatfield, did you have an
3 opportunity to interview this defendant?

4 A Yes, I did.

5 Q How many occasions?

6 A I want to say twice.

7 Q And did you record those interviews?

8 A Yes, I did.

9 Mr. Holford: Your Honor, permission to retrieve
10 the interview the Court has?

11 The Court: Yes.

12 (Whereupon, State's Exhibits Numbers 23, 24, and
13 25, 26, and 27 marked for identification.)

14 Mr. Holford: Your Honor, these have been
15 already marked as Court's Exhibit Number 3, 4, and 5; they
16 now have been marked as State's Exhibits.

17 The Court: You may.

18 Mr. Holford: Let the record reflect Court's
19 Exhibit 3 from a previous hearing is now State's Exhibit 23
20 for identification only.

21 The Court: The record will so reflect.

22 Mr. Holford: And let the record reflect Court's
23 Exhibit 4 from a previous hearing is now State's Exhibit 24
24 for identification purposes.

25 The Court: So noted.

1 Mr. Holford: And what was previously Court's
2 Exhibit 5 is now State's Exhibit 25 for identification
3 purposes.

4 The Court: So noted for the record.

5 Mr. Holford: (Continuing)

6 Q Detective Chatfield, I'm going to hand you
7 what's been marked as State's 23 --

8 Mr. Holford: Let the record reflect I'm showing
9 the defendant a copy; he's already been provided a copy of
10 this interview, the defendant has actually already heard
11 this interview in front of Your Honor.

12 Q Detective Chatfield, will you identify
13 that?

14 A Yes, this is my first meeting with Mr.
15 Mazique at the J. Reuben Long Detention Center. It was
16 October 3rd, 2011, at approximately 9:47 hours and he was
17 also with Corporal Derrick Ard.

18 Q How can you tell what timing, what date
19 that was?

20 A I print out the date and write it on the
21 top, 10-3-2011 at 9:47 and when I do the recording I go
22 hey, it's the date and the time.

23 Q And you conducted this interview with this
24 defendant?

25 A That's correct.

1 Q Did you read him his Miranda rights before
2 you conducted the interview?

3 A Yes, sir.

4 Q And did you have him sign the Miranda
5 rights form?

6 A Yes, sir.

7 Mr. Holford: Your Honor, let the record reflect
8 what has already been marked as Court's Exhibit Number 1 in
9 a previous hearing is now State's Exhibit 26 and Court's
10 Exhibit 2 in a previous hearing is now State's Exhibit 27.

11 Q (Continuing) Detective Chatfield, I want to
12 show you what's been marked as State's Exhibit 26 --

13 Mr. Holford: Let the record reflect I'm showing
14 the defendant a copy of this; he has been previously
15 provided a copy of it. It's an advisement of Miranda
16 rights.

17 Q Detective Chatfield, will you, please,
18 identify this document?

19 A Yes, this is the Horry County Police
20 Department advisement of Miranda rights.

21 Q And why would you give someone Miranda
22 right?

23 A Basically give them an opportunity if they
24 don't want to give us a statement that they can get an
25 attorney.

1 Q And did you read all those rights to this
2 defendant?

3 A Yes, sir, I did.

4 Q And will we hear that on this?

5 A Yes, sir, you will.

6 Q And did he waive his rights?

7 A Yes, he did.

8 Q How do we know he waived his rights?

9 A On the bottom of this it says if you make a
10 statement or answer questions you have the right to stop at
11 any time and it says, do you understand the rights as I've
12 read them to you and he put his three initials, yes, and
13 then we went on with the interview.

14 Q Did you threaten him?

15 A Absolutely not.

16 Q Promise him anything?

17 A No.

18 Q Did you coerce him?

19 A No, sir.

20 Q And we'll hear that because we have a
21 recorded audio?

22 A Yes, sir.

23 Mr. Holford: Your Honor, I ask that State's
24 Exhibit 26 be entered in evidence.

25 The Court: It is so entered.

1 (Whereupon, State's Exhibit Number 26 entered
2 into evidence.)

3 Mr. Holford: May I publish to the jury?

4 The Court: You may.

5 Mr. Holford: (Continuing)

6 Q Detective Chatfield, before I do, this
7 witness signature who is that?

8 The Court: The record will reflect that this
9 defendant has previously seen this video.

10 A The witness is my signature on the Miranda
11 rights on the bottom left.

12 Mr. Holford: Your Honor, it's an audio.

13 The Court: Audio, I'm sorry.

14 Mr. Holford: Yes, Your Honor.

15 The Court: And heard the audio.

16 Mr. Holford: (Continuing)

17 Q And that's a standard Miranda form that you
18 give defendants to let them know they have the right not to
19 talk to you?

20 A That's correct.

21 Q And he waived those rights?

22 A That's correct.

23 Q And he gave this statement?

24 A That's correct.

25 Mr. Holford: Your Honor, I ask that State's

1 Exhibit 23 be entered in evidence.

2 The Court: It is.

3 (Whereupon, State's Exhibit Number 23 entered
4 into evidence.)

5 Mr. Holford: May I publish to the jury?

6 The Court: It's an audio, you may publish. The
7 record will reflect that this defendant has previously
8 heard this audio.

9 Mr. Holford: Thank you, Your Honor.

10 (Whereupon, State's Exhibit Number 23 played in
11 open court and the following takes place at the conclusion
12 of the audio.)

13 Mr. Holford: (Continuing)

14 Q What did the defendant just say right
15 there?

16 A I couldn't hear because of the static, sir.

17 Q What did Detective ask for?

18 A If he frequents that store and he said,
19 yes.

20 Q What did the defendant just say right there
21 to the question again?

22 A I asked him if there were ten cartons and
23 he said, no.

24 Mr. Holford: Your Honor, pursuant to your prior
25 ruling the rest of that statement has been redacted and not

1 to be playing by the State in the presence of the jury.

2 The Court: I understand.

3 Mr. Holford: (Continuing)

4 Q Detective Chatfield, that does not conclude
5 the interview but that's the end of the evidentiary value
6 to this case; is that correct?

7 A That's correct.

8 Q And we heard two voices on there other than
9 the defendant's, it was you and who else?

10 A And Corporal Derrick Ard was here earlier.

11 Q But you were there, were you there the
12 whole time?

13 A Right, I was there the whole time and, yes,
14 sir.

15 Q Did Corporal Ard threaten the defendant in
16 any way?

17 A No, no, sir.

18 Q Did he coerce the defendant to giving that
19 statement?

20 A No, sir.

21 Q Was there anything that you promised the
22 defendant in order to get him to give that statement?

23 A Absolutely not.

24 Q And from the beginning there wasn't
25 anything before that statement started, was there?

1 A No, sir.

2 Q And he voluntarily signed that waiver of
3 rights?

4 A Yes, sir.

5 Mr. Holford: Your Honor, may I approach the --

6 The Court: You may.

7 Q With State's Exhibit 27 for identification,
8 can you identify this document for me ---

9 A Yes.

10 Q --- Detective?

11 A This is the, my second interview on October
12 4, 2011, and we're also at the detention center. It's the
13 Miranda right form that Mr. Ricky Mazique signs, printed
14 his name and signed.

15 Q And did you read that form to him?

16 A Yeah, read him, yes, sir.

17 Q And can you tell if he waived those rights?

18 A Yes, he waived the rights again.

19 Q And how can you tell that?

20 A Where it, where it said if you make a
21 statement or answer questions you have the right to stop at
22 any time, do you understand the rights as I've read them
23 the you and he put, yes, and his initials.

24 Q And whose name is printed there?

25 A Mr. Mazique printed his name and Mr.

1 Mazique signed his name and it was witnessed by me again.

2 Q Mr. Mazique signed his name?

3 A Yes, sir.

4 Mr. Holford: Your Honor, I ask that State's
5 Exhibit 27 be entered in evidence.

6 The Court: It is.

7 (Whereupon, State's Exhibit Number 27 entered
8 into evidence.)

9 Mr. Holford: May I publish?

10 The Court: You may.

11 Mr. Holford: (Continuing)

12 Q And again you read him his rights again
13 before the second interview?

14 A Yeah, any time I go to talk to them I like
15 to re-advise them of their Miranda rights in case they
16 decide to change their mind.

17 Mr. Holford: May I approach the witness with
18 State's Exhibit 25?

19 The Court: Yes, sir.

20 Mr. Holford: (Continuing)

21 Q Can you identify State's Exhibit 25?

22 A Yes, this is an interview conducted by me
23 on October 4th, 2011, with me and Mr. Mazique.

24 Q Is this the interview that accompanies that
25 Miranda form?

1 A That's correct, yes.

2 Q Can you tell date and time that is?

3 A Yes, sir, that's on October 4th, 2011, at
4 approximately 10:33.

5 Mr. Holford: Yes, sir, let the record reflect
6 that not only has the defendant been provided a copy of
7 this statement but he's also heard it in court in front of
8 Your Honor.

9 The Court: The record will so reflect.

10 Mr. Holford: Your Honor, I ask that State's
11 Exhibit 25 be entered into evidence; it's authenticity has
12 been established.

13 The Court: You may do so.

14 Mr. Holford: Thank you, Your Honor.

15 (Whereupon, State's Exhibit Number 25 entered
16 into evidence.)

17 Mr. Holford: (Continuing)

18 Q Detective Chatfield, did you threaten Mr.
19 Mazique in any way before he gave this statement?

20 A Absolutely not.

21 Q Coerce him into giving this statement?

22 A No, sir.

23 Q Did you provide him any promises before
24 giving his statement?

25 A No, sir.

1 Q Did anyone else?

2 A No, sir.

3 Q This was a free and voluntary statement?

4 A Yes, sir.

5 Q And we know that how?

6 A He waived his Miranda rights and you can
7 basically hear it on tape.

8 Madam Court Reporter: Excuse me, Mr. Holford,
9 is that 24 or 25?

10 Mr. Holford: This is 25, excuse me.

11 Q I may I ask you a couple of questions as
12 we're playing just to make sure we're clear on the answers
13 that the defendant gave?

14 A Yes, sir.

15 (Whereupon, State's Exhibit Number 25 played in
16 open court.)

17 Mr. Holford: (Continuing)

18 Q Now what did you ask him?

19 A I asked him what gun he used to rob the
20 Kangaroo store.

21 Q And what did he say?

22 A He said he used a 32, thinks it's a 32 and
23 he got it off the street.

24 Q But he wasn't sure what type of gun?

25 A Wasn't sure.

1 Q What did he say he did with the gun?

2 A Said he threw the gun off at 701, some
3 overpass, it's where he said he threw his gun.

4 Q Did you ever find that gun?

5 A No, we attempted to look, Horry County is
6 too big to look for a small and I wasn't sure, I assumed
7 Yauhannah, Lake Busbee, I had no idea.

8 Q What did he say to you then?

9 A He said he was driving a car by himself
10 [sic].

11 Q Where did he say he hid the bullets?

12 A He said he hid his forty bullets over the
13 sink.

14 Q Those pictures I showed you earlier where
15 did you find those bullets?

16 A Over the sink.

17 Q In his apartment?

18 A That's correct, in his apartment.

19 Mr. Holford: Your Honor, pursuant to your prior
20 ruling the rest of that for the State's purposes is not
21 admissible and I will redact the remaining portion of that.

22 The Court: That's fine.

23 Mr. Holford: (Continuing)

24 Q Detective Chatfield, again that's not the
25 end of your interview?

1 A That's correct.

2 Q But is that the end of the portion relevant
3 to this case?

4 A Yeah, relevant to the robbery, yes, sir.

5 Q And when you asked him what kind of gun he
6 used to rob that Kangaroo store he told you --

7 A Twenty, 40's, 20's, 30's or 40's.

8 Q But he wasn't sure?

9 A He wasn't sure.

10 Q But he told you where the bullets were?

11 A That's correct.

12 Q The bullets that you had already found?

13 A Yes, sir.

14 Q And you found those on the kitchen sink?

15 A Yes, sir.

16 Q And where did he tell you he hid those
17 bullets?

18 A Above the kitchen sink.

19 Q In the same residence where the cartons of
20 cigarettes were found?

21 A That's correct, sir.

22 Q Detective Chatfield, did you have a chance
23 to interview the victim, Tonia Branton?

24 A Yes, let me pull up my date here, yeah, at
25 approximately 17:10 hours I went to talk to Ms. Tonia

1 Brittin, Branton, I'm sorry, Tonia Branton. I'm sorry
2 about that.

3 Q Did you do a photo lineup with her?

4 A Yes, I called the Horry County Sheriff's
5 Department, the booking department did me a lineup, went
6 and picked the lineup up and transported that over to her
7 store to meet Ms. Tonia.

8 Q Can you explain to me what a photo lineup
9 is?

10 A A photo lineup is a lineup and try to get
11 six people and try to keep it as close as possible so you
12 don't have when people look at it say ---

13 Defendant Mazique: Objection, Your Honor.

14 The Court: What's your objection?

15 Defendant Mazique: He said booking, booking did
16 that lineup, booking is not here to verify that.

17 The Court: Well I haven't heard testimony yet,
18 let me hear what he says.

19 Mr. Holford: May I proceed?

20 The Court: You may proceed.

21 Mr. Holford: (Continuing)

22 Q Can you just explain what a photo lineup is
23 and then we'll get to the specific about this one?

24 A Six photographs and try to keep them
25 extremely similar so when we do have a witness the witness

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1 if she's not sure she's not going to pick anybody out. We
2 don't want guessing so we try to make it as close as
3 possible to match the suspect with other, other people.

4 Q So at this point did you ever have the
5 defendant in custody?

6 A Yes, he was in custody.

7 Q And, and you went to Ms. Branton?

8 A That's correct.

9 Q And asked her to pick out of six people to
10 see if she could identify the person that robbed her?

11 A Right.

12 Q Let me hand you what's been marked and I'll
13 show the defendant State's Exhibit 14 for I.D. It's the
14 identification forms already been provided to the defendant
15 in discovery ---

16 Defendant Mazique: May I see the photos?

17 Mr. Holford: (Continuing)

18 Q --- and State's Exhibit 15 for
19 identification, this is the photo lineup itself, Detective
20 Chatfield, will you identify State's Exhibit 14?

21 A Yes, this is the Horry County Police
22 Department criminal investigation division photo lineup
23 I.D. form.

24 Q And what is that?

25 A It's, you want me to read it verbatim or --

1 Q No, just tell us what it is.

2 A It's basically, it's a form it has photos
3 one through six and when you pick out photo one through six
4 you initial it, you sign your name, address, and then you
5 sign it and this basically she wrote, it says I observed
6 the following photo lineup at 1390 Highway 501 on 10-3-11.
7 I picked out number photo six below, please initial the
8 number beside and sign.

9 Q And you presented this to who?

10 A Ms. Tonia Branton.

11 Q And do you know, can you tell when you did
12 that?

13 A Yes, I did it on 10-3-2011.

14 Q This incident occurred on September 29th?

15 A That's correct.

16 Q This was a couple days later?

17 A Yes, sir.

18 Q And she picked out on that number six?

19 A Yes.

20 Q I'm going to show you --

21 Mr. Holford: Your Honor, I ask that State's 14
22 be entered in evidence.

23 The Court: It is.

24 (Whereupon, State's Exhibit Number 14 entered
25 into evidence.)

1 Mr. Holford: (Continuing)

2 Q I'm going to show you State's Exhibit 15
3 for I.D.?

4 Defendant Mazique: Objection, Your Honor.

5 Q Can you identify that?

6 Defendant Mazique: Objection, Your Honor, far
7 away --

8 The Court: Sir?

9 Defendant Mazique: He can't establish that he,
10 that he the one that did that, that photo lineup, Your
11 Honor, the foundation for it hasn't been set.

12 The Court: I'll hear the testimony then I can
13 rule on it, go ahead.

14 Mr. Holford: If I be permitted to lay the
15 foundation, Your Honor.

16 The Court: Please.

17 Mr. Holford: (Continuing)

18 Q Can you identify what this is?

19 A Yeah.

20 Q Can you explain what this is?

21 A Yeah, this is a photo lineup of just six
22 suspect, six suspects.

23 Q And who, who did that?

24 A A deputy at the Horry County Sheriff's
25 Department in booking.

1 Q Now how are you familiar with this?

2 A This is the exhibit that I took down to the
3 store to show Ms. Branton.

4 Q Now do you know if one of the, if the
5 defendant is included in one of these?

6 A Yes, the defendant is included in this.

7 Q Do you know which one he was?

8 A Yes.

9 Q And you took that photo lineup to Ms.
10 Branton?

11 A That's correct.

12 Q And that is the picture she used to mark on
13 here State's 14, which one was one who robbed her?

14 A Number six which was identified as Ricky
15 Mazique.

16 Mr. Holford: Your Honor, I ask that State's
17 Exhibit 15 be entered in evidence.

18 Defendant Mazique: Objection, Your Honor,
19 object.

20 The Court: What's your objection?

21 Defendant Mazique: He can't, he did not create
22 the photo array, Your Honor. He hasn't established a
23 foundation for it.

24 The Court: I think the foundation is there, you
25 may proceed.

1 (Whereupon, State's Exhibit Number 15 entered
2 into evidence.)

3 Mr. Holford: Thank you, Your Honor.

4 Mr. Holford: (Continuing)

5 Q Now before I publish this to the jury can
6 you, can you describe the six of those individuals?

7 A Yes, these gentlemen are all, there's six
8 black males all with extremely, extremely short hair or
9 balding; I would basically say balding.

10 Q Now why did you do that again? Why, why
11 would you pick six people like that?

12 A We, we want, we want to make sure that the
13 person that picks out a suspect who's going to lose his
14 rights to be absolutely right, not guessing. We want a
15 hundred and ten percent absolute positive identification.

16 The Court: May I see that, please, Solicitor.

17 Mr. Holford: Yes, Your Honor.

18 Defendant Mazique: Objection, Your Honor, I
19 request that the jury be taken out I have a matter that I
20 need to address.

21 The Court: I'll let the jury go out in just a
22 second; I'll be bringing you back very quickly.

23 (Whereupon, the jury retired to the jury room at
24 5:31 p.m.)

25 The Court: Yes, sir, Mr. Mazique?

1 Defendant Mazique: Your Honor, my contention is

2 ---

3 The Court: Sir?

4 Defendant Mazique: --- that that photo is, the
5 photo of us is highly suggestive and it has all of us in
6 jail uniforms, and also I would like to reiterate, Your
7 Honor, that he, he cannot, he hasn't laid the proper
8 foundation to, to, to enter that into evidence, those
9 pictures.

10 The Court: I would like the record to reflect -

11 --

12 Defendant Mazique: He didn't create it, Your
13 Honor, he didn't do that.

14 The Court: The foundation is there, but I want
15 the record to reflect that I have examined this photo
16 lineup. It speaks for itself; it has the photos of six
17 African Americans of similar weight, statute. There is
18 absolutely no suggestion in any way as to which number
19 picture represents the defendant. I make this finding
20 satisfactory to me that there is absolutely no suggestion
21 by this lineup as to which individual is the defendant.
22 They're all similar African Americans. I'm satisfied with
23 that, bring the jury back.

24 Defendant Mazique: Your Honor, he didn't choose
25 those six people.

1 The Court: I'm going ---

2 Mr. Holford: Your Honor?

3 The Court: I'm going to hear you, go ahead,
4 outside the presence of the jury.

5 Mr. Mazique: Examination In Camera

6 Q Detective Chatfield, how, how were these
7 six chosen?

8 A They're chosen by the booking department by
9 a sheriff's employee at the J. Reuben Long Detention
10 Center.

11 Defendant Mazique: They're not here, Your
12 Honor.

13 The Court: Don't necessary to be here, the
14 pictures I have found represent six black African Americans
15 of similar size and shape. What were the findings of
16 these?

17 Mr. Holford: The findings were number six,
18 Tonia Branton initialed number six as the one who robbed
19 her. Number six on here is the defendant Ricky Mazique.

20 The Court: Well let's have that testimony by
21 the individual who identified him, not him.

22 Mr. Holford: Your Honor, I believe he can
23 testify to who she identified.

24 The Court: He can do that, I'll let him do that
25 if it was done in his presence.

1 Mr. Holford: Your Honor, he was the one who
2 conducted the photo lineup; although he did not pick the
3 six individuals he took this to the victim and he
4 conducted.

5 The Court: There's absolutely nothing wrong
6 with that photo lineup. I've said it and I'm going to say
7 it again. It is six random pictures of similar African
8 Americans in similar size and shape and there is no
9 suggestion in that lineup as to which one is the defendant.
10 That's sufficient for me, bring the jury back in.

11 Mr. Holford: Thank you, Your Honor.

12 The Court: We'll complete the testimony and I
13 charge this jury, let them decide whether they want to
14 finish tonight or come back in the morning but we're going
15 to finish the testimony and charge the jury tonight.

16 Mr. Holford: Your Honor, I only have one or two
17 more questions for Detective Chatfield and Ms. Branton's
18 testimony will be short.

19 The Court: I understand, that's fine.

20 Ms. Knowles: Your Honor, may we take a break
21 just ten minutes?

22 The Court: You may take a short break, yes.

23 The Deputy: Do you want me to tell them to hold
24 the jury right now, Judge.

25 The Court: Yes, take a quick break and come on

1 back, let the defendant have a break, too. Let the
2 defendant have a break, too.

3 (Whereupon, a recess was taken and the following
4 takes place on the record after the recess.)

5 The Court: All right, bring the jury in,
6 please.

7 (Whereupon, the jury returns to the courtroom at
8 5:44 p.m.)

9 The Court: You may proceed, the jury is
10 present.

11 Mr. Holford: (Continuing)

12 Q Detective Chatfield -

13 Mr. Holford: Ladies and gentlemen, I know this
14 has been a bit lengthy. I'm going to wrap up as soon as I
15 can.

16 Q (Continuing) This is Exhibit 16 for
17 identification purposes; can you identify that?

18 A Yes, this is a Horry County Police
19 Department voluntary statement from Ms. Tonia Branton.

20 Q And when was that done?

21 A This was done on October 3rd, 2011, at
22 approximately 5:10 p.m.

23 Q And was that, was that the same time as the
24 photo lineup?

25 A That's correct.

1 Mr. Holford: Your Honor, let the record reflect
2 that I'm showing the defendant State's Exhibit 16, it is
3 the voluntary statement of Ms. Branton. He's been provided
4 a copy already. I ask that State Exhibit 16 be entered in
5 evidence.

6 The Court: It's the voluntary statement of who?

7 Mr. Holford: It's Tonia Branton, it's a
8 statement that Detective Chatfield took when he did the
9 photo lineup.

10 The Court: That's fine.

11 (Whereupon, State's Exhibit Number 16 entered
12 into evidence.)

13 Mr. Holford: All right, and, Your Honor, just
14 to clarify the record State's 15 has been entered in
15 evidence.

16 The Court: Yes, sir.

17 Mr. Holford: Photo lineup.

18 Q (Continuing) So, Detective Chatfield, when
19 you took this photo lineup, State's Exhibit 15, to Ms.
20 Branton who did she say, what number did she pick out as
21 the person who robbed her?

22 A She picked out number six.

23 Q Who is number six?

24 A The defendant over there Mr. Ricky Mazique.

25 Q How do you know she picked out number six?

1 A She, she took, she initialed my photo
2 lineup form that says whichever person or whichever number
3 initial and she initialed number six.

4 Q And on her voluntary statement did she say
5 anything about it?

6 A Yes, she, absolutely, in her statement,
7 after, after I give somebody a photo lineup I like to get
8 it in writing and she said I observed suspect six enter the
9 store and that's who she picked out.

10 Q So a couple of days afterwards you went to
11 her with this photo lineup, similar race, similar build,
12 similar individuals, all bald to little hair, little
13 indication to who the defendant was?

14 A That's correct, that's correct.

15 Q And she picked out number six?

16 A Immediately.

17 Q Immediately?

18 A Yeah, wasn't like scanning, immediately.

19 Q And number six again is who?

20 A Mr. Ricky Mazique, the defendant.

21 Q Is he in the courtroom?

22 A Yes, he's the gentleman right over there.

23 Mr. Holford: Let the record reflect he has
24 identified the defendant. Your Honor, may I publish this
25 to the jury?

1 The Court: Yes.

2 Mr. Holford: (Continuing)

3 Q Was there any hesitation by the victim a
4 couple of days after which one of those individuals was the
5 one who robbed her at gunpoint?

6 A None, none at all.

7 Mr. Holford: Your Honor, I have no further
8 questions at this time.

9 The Court: Does that conclude the questioning?

10 Mr. Holford: Yes, Your Honor.

11 The Court: Mr. Mazique, you care to question?

12 Defendant Mazique: Yes, sir.

13 The Court: You may do so.

14 Cross Examination

15 By Defendant Mazique:

16 Q Detective Chatfield?

17 A Yes, sir.

18 Q You said you were, you work with law
19 enforcement for twenty-three years?

20 A Actually twenty-nine.

21 Q Twenty-nine?

22 A Uh-huh.

23 Q They're policies and procedures of law
24 enforcement are required to follow; is that correct?

25 A Yes, sir.

1 Q There's also sanctions with possible job
2 losses for not complying with these policies or procedures,
3 isn't that correct?

4 A Yes, sir, as with any employment, yes, sir.

5 Q As a law enforcement officer you're all
6 qualified to become law enforcement officers; are there any
7 years of criminology required?

8 A No, it's not required. I absolutely have
9 an associate degree, I was a law enforcement specialist in
10 the United States Air Force for four years and several
11 years of training.

12 Q So you understand the law pretty well?

13 A Correct.

14 Q Have you ever lied under oath?

15 A Never.

16 Q Never?

17 A Never.

18 Q Now during the past have any complaints
19 filed against you for committing wrongful acts?

20 Mr. Holford: Your Honor, I object to the
21 relevance of this question.

22 The Court: Sustained, that has nothing to do
23 with this case.

24 Mr. Holford: Thank you, Your Honor.

25 Defendant Mazique: (Continuing)

1 Q Have you ever had anyone falsely arrested?

2 Mr. Holford: Your Honor, again I object, he's
3 being argumentative.

4 The Court: No ---

5 Defendant Mazique: I'm not being ---

6 The Court: I understand. I'm going to give him
7 latitude because you're pro se but you still got to stay
8 within the rules.

9 Defendant Mazique: I'm trying to get him to
10 respond to this question for a reason, Your Honor.

11 The Court: I understand. You got to ask him
12 questions that are proper under cross examination.

13 Mr. Holford: Thank you, Your Honor.

14 The Court: You may proceed.

15 Defendant Mazique: (Continuing)

16 Q Are you trained in writing reports when
17 conducting -- you are trained in writing reports when
18 conducting your investigation, right?

19 A That's correct.

20 Q During your investigation did you take your
21 own personal notes?

22 A Did I take my own personal notes,
23 everything that I have is in my case file.

24 Q It's in your written note?

25 A Yeah, any, everything I have is in my case

1 file.

2 Q Do you turn over this stuff?

3 A Right.

4 Q You turned ---

5 A Everything that was pertinent to the case I
6 turned over.

7 Defendant Mazique: Your Honor, in the discovery
8 I haven't received any written notes of his.

9 Mr. Holford: Your Honor, as is the State's
10 policy we don't turn over written notes of detective's
11 thoughts or feelings.

12 The Court: You not entitled to the written
13 notes?

14 Mr. Holford: Neither of the Solicitor's thought
15 or feelings.

16 The Court: No, he's not entitled to that.

17 Mr. Holford: Thank you, Your Honor, that's
18 under the rules.

19 The Court: I understand.

20 Defendant Mazique: (Continuing)

21 Q On what day did you conduct your first
22 interview?

23 A On what day did I conduct, at 9:47 on
24 October 3rd, 2011, at the jail with Corporal Derrick Ard.

25 Q And there's a break and then the interview

1 is continued; is that correct?

2 A That's correct.

3 Q Who conducted this second interview?

4 A I would have to listen to the tape.

5 Q And how did I become a suspect?

6 A How did you become a suspect? Well Ms.
7 Branton over there picked you out in a photo lineup. I
8 interviewed you and you said that you threw your gun over a
9 701, that you robbed the Kangaroo with, you said you didn't
10 remember what jacket. You told me that your tennis shoes,
11 you know, you wouldn't know what you were wearing that day
12 and you, you came, came actually as a traffic stop, I don't
13 know if I can say the charge --

14 Mr. Holford: Your Honor, just to protect the
15 record, I know Mr. Mazique opened the door for it ---

16 The Court: No, sir, we're not going there.

17 Mr. Holford: -- but ---

18 The Court: We're not going there.

19 Mr. Holford: -- to protect him I would say that
20 ---

21 The Court: I understand.

22 Mr. Holford: --- he should object on his own.

23 The Court: He's pro se, we're bending all the
24 rules, I want to protect his interest.

25 Mr. Holford: Yes, Your Honor.

1 The Court: The officer was entitled to answer
2 as he did so far.

3 Mr. Holford: Yes, Your Honor.

4 The Court: All right.

5 Defendant Mazique: (Continuing)

6 Q I need you to look at this affidavit.

7 Mr. Holford: Your Honor, I'd just ask that he
8 identify what he's showing the witness.

9 The Court: He will.

10 Defendant Mazique: It's an affidavit that Mr.
11 Chatfield had signed, an arrest warrant.

12 The Court: Who signed it?

13 Defendant Mazique: A magistrate judge signed
14 it. Officer Chatfield's name is on it, he's the one that -
15 --

16 The Court: What's it got to do with this case?

17 Defendant Mazique: I just questioned him about,
18 Your Honor, I just questioned, I just asked him a question
19 in terms of making an arrest and it has everything to do
20 with this case here and my defense.

21 Mr. Holford: Your Honor, I'd ask for the
22 warrant number.

23 Defendant Mazique: The warrant number is, is
24 970179.

25 The Court: Well let me ask ---

1 Mr. Holford: Your Honor ---

2 The Court: Sir?

3 Mr. Holford: --- if it's, if it's 179, again
4 the State is not allowed to bring in this information. As
5 a pro se defendant I would caution him.

6 The Court: Don't bring it in, I don't know
7 whether you've got a prior record or not.

8 Defendant Mazique: No, it's ---

9 The Court: But don't bring in anything
10 relative to some other possible charge.

11 Defendant Mazique: It's dealing with this
12 charge.

13 The Court: It's got another number.

14 Defendant Mazique: Yes, it is, Your Honor, it's
15 charged on the same day and everything.

16 The Court: Well let him, go ahead and ask the
17 question and let me hear what you're talking about, I'm
18 trying to protect your rights but you won't let me.

19 Defendant Mazique: (Continuing)

20 Q Is that your warrant?

21 A Yeah, this is a copy of the warrant, yes,
22 sir.

23 The Court: Does it relate to this case?

24 The Witness: Yes, it relates to the object
25 found during the search of his apartment.

1 The Court: What is your question, Mr. Mazique?

2 Defendant Mazique: (Continuing)

3 Q Excuse me, you said that relates to the
4 object found during the search?

5 A Yes.

6 Q Does that ---

7 A It relates to the box of forty calibers
8 found above your kitchen sink.

9 Q Read the verbatim part.

10 A What verbatim part, sir?

11 Q Right here under the affidavit part?

12 Mr. Holford: Your Honor, I'm going to have to
13 object again. We're here on warrant M970169. Mr. Mazique
14 is going into other warrants ---

15 Defendant Mazique: Your Honor ---

16 Mr. Holford: --- that's not an issue in this
17 trial.

18 Defendant Mazique: --- this other warrant is
19 under the same case number; they're both assigned the same
20 number.

21 The Court: I'm going to let him ask the
22 question about these bullets if he wants to.

23 Mr. Holford: Can I see the warrant, Your Honor,
24 please?

25 The Court: But I'm not going into the warrant,

1 Mr. Holford. I'm going to stop this in just a minute, but
2 there was some testimony about some bullets and I'll let
3 him ask about them. I'm not sure what his question is;
4 what is your question, Mr. Mazique, so he can answer it?

5 Defendant Mazique: I asked, Your Honor, I'm
6 trying to establish this is a part of my defense, Your
7 Honor, that ---

8 The Court: What is it?

9 Defendant Mazique: Detective Chatfield had me
10 arrested; he said he never lied under oath. He testified
11 to that; he said he never lied under oath. He never did
12 that and I want to establish that with that, with that
13 document.

14 The Court: No, sir.

15 Defendant Mazique: With this armed robbery that
16 he charged me with, he also charged me again with a offense
17 that he know I didn't commit.

18 The Court: We're not going into that, I'm
19 telling you I'm going to stop it right there. You're not
20 going into some other offense that you may or may not have
21 committed.

22 Defendant Mazique: It's relative to this case,
23 it's assigned same case number.

24 The Court: I think it is not, Mr. Mazique. I'm
25 not going to let you go there, not going to do that.

1 Mr. Holford: Your Honor, just to protect the
2 State's interest in this matter, we chose to go forward on
3 one warrant and not on the other warrants that he may or
4 may not have been charged with.

5 The Court: I understand. I have ruled and I'm
6 not going there and if you've got another question do so;
7 we're through with that. I've ruled on it, Mr. Mazique,
8 don't argue with me, please.

9 Defendant Mazique: Yes, sir.

10 Q (Continuing) You said you, you said you
11 presented the victim with a photo lineup on October the
12 3rd; is that correct?

13 A That's correct, at 5:10 hours.

14 Q And that she positively picked me out of
15 the photo lineup that you showed her?

16 A Yes, sir, she picked you out, yes, sir, you
17 were number six, sir.

18 Q Is this your report?

19 A Yeah, that is a activity receipt.

20 Q That you wrote?

21 A Uh-huh.

22 Q What, would you read that for me, please?

23 A Yeah, it's says 10-5-2011 at 11:15. I
24 basically put that together when I'm done, my dates and my
25 time could be off a little bit. It could be off three or

1 four days.

2 Q Did you just said that ---

3 A That's, that's correct.

4 Q --- you're trained with doing ---

5 A Yes.

6 Q --- statements and and and doing your
7 reports?

8 A Absolutely, and I do make some mistakes,
9 sometimes grammical ([sic] errors and stuff, sir.

10 Q This it states you went to J. Reuben Long
11 booking department on October 5th?

12 A That's correct.

13 Q And had the booking department make you a
14 lineup with me in it?

15 A That's correct, and it should have been the
16 3rd.

17 Q And it should have been the 3rd. And on
18 September 29th was it reported to you that forty cartons
19 were taken, forty cartons of cigarettes?

20 A Yeah, it was an estimated forty; it could
21 have been forty, sixty, two hundred. This was their
22 estimate at the time it was robbed. I don't know how the
23 Kangaroo stocks their stores and she would probably be able
24 to tell me but when you say forty could have been thirty-
25 nine, could have been one hundred forty, could have been

1 sixty.

2 Q How did you determine that these cigarettes
3 came from the Kangaroo?

4 A I drooped them off and they ID'd them.

5 Q How did they do that?

6 A They looked at them, looked at the box and
7 said they were theirs; I, I don't know.

8 Q So they just by just looking at the box ---

9 A Just looking ---

10 Q --- they knew they were theirs?

11 A Yes, sir, I'm not in the cigarette
12 business.

13 Q You're satisfied with that?

14 A Yes, sir, I'm not in the cigarette
15 business.

16 Q And didn't you say that my fingerprints
17 were there?

18 A No, that was the forty in the car and your
19 latent prints; I didn't say anything about your latent
20 prints. Sometimes as an investigative tool we use
21 deception to try to get somebody to basically confess when
22 they won't tell us the truth.

23 Q So you was lying?

24 A No, sir, I was being deceptive.

25 Q Same, same thing?

1 A It's an investigative tool, sir.

2 Q There wasn't no cartons of cigarettes in
3 the car?

4 A Absolutely, there wasn't any.

5 Q And no one to this day has verified that,
6 you said the way they verified those cigarettes was they
7 just looked at them?

8 A Yeah, on cigarettes unfortunately the clerk
9 that took them had signed over via a chain of evidence
10 there's not marks like box 185 Marlboro Lights. There's
11 not serial numbers; there's not vin numbers that we can
12 enter them into our national crime information computer.

13 Q Will you take a look at this?

14 A Sure.

15 Q This is, this is the pictures that you
16 took?

17 A Uh-huh.

18 Q Do you see that bar code right there?

19 A Yeah, I see them, yes, sir.

20 Q Do you see the bar codes?

21 A Yes, sir.

22 Q Do you know what they represent and how
23 they operate?

24 A No, sir, I'm not familiar with bar codes.

25 Q Do you see this? It's the U.P.S. number on

1 these, these are the cigarettes, right?

2 A Yes, sir.

3 Q The U.P.S. number, could they called to
4 find out where those cigarettes were delivered at?

5 A Maybe in, maybe, sir.

6 Q Well I got to tell you from my experience
7 that bar code ---

8 Mr. Holford: Your Honor ---

9 Q --- with this ---

10 Mr. Holford: --- he's starting to testify. He
11 can ask questions but he can't testify about the
12 cigarettes.

13 The Court: No, sir, you can argue that to the
14 jury if you want to, okay; that's a argument.

15 Defendant Mazique: (Continuing)

16 Q Did you, did you, after you returned the
17 cigarettes into the department, I believe it was three days
18 later?

19 A Immediately after I left the apartment
20 immediately, wasn't three days later, immediately after I
21 left.

22 Q You said three days later you went and
23 retrieved them from the evidence room?

24 A That's correct; we don't hold up people's
25 property for over a year when there's a substantial amount.

1 Q Is that normal procedure for you to take
2 the evidence of a crime without establishing that the, no
3 written reports or nothing, you knew that, you let the
4 store owner look at, look at cigarettes and say these
5 belong to us?

6 A Your Honor, I'm sorry.

7 The Court: You may answer.

8 A (Continuing) Yes, I as a detective when I
9 work a crime if somebody's house gets broken into in a
10 violent crime I take their items back via chain of custody
11 and return it to the property owner and, yes, I took the
12 cigarettes back and they identified them and I signed them
13 over via Horry County evidence form.

14 Q Now this person who signed, who you signed
15 them over to, who was this person?

16 A I would have to see the evidence sheet.

17 The Court: All right, let's go ahead and
18 conclude this examination, are you finished?

19 Defendant Mazique: No, no, I'm getting the
20 evidence sheet, Your Honor.

21 The Court: Can you help save him time, can
22 somebody supply that information?

23 Mr. Holford: Your Honor, I believe he's already
24 testified that he signed it over to Kangaroo. I'm not sure
25 what else is necessary.

1 Defendant Mazique: He said something, he had to
2 sign them over to somebody.

3 The Court: He wants to know, he's entitled to
4 know that so get it for him. Your record won't show that,
5 Officer?

6 The Witness: You might have to ask the evidence
7 clerk that's in the -- no, Your Honor, they should have a
8 copy.

9 The Court: Do you have another witness here who
10 could possibly testify to that?

11 Mr. Holford: Your Honor, he's the witness who
12 signed them over.

13 The Court: Sir?

14 Mr. Holford: Your Honor, I'm looking to see if
15 we do; obviously this is not something the State was
16 introducing. If the defendant planned to introduce it I
17 would assume that he have this evidence available. We
18 turned over everything to the defendant. If he doesn't
19 have it --

20 Defendant Mazique: I have it right here, I have
21 it.

22 The Court: Your question is who signed the
23 merchandise for Kangaroo.

24 Defendant Mazique: This is it, Your Honor, this
25 is chain of custody.

1 The Court: Show it to him.

2 Mr. Holford: We have a copy, Your Honor.

3 The Court: All right.

4 Defendant Mazique: (Continuing)

5 Q Chain of custody?

6 A Okay, I can't tell you her name but it was
7 a clerk, Your Honor, at the Kangaroo.

8 The Court: You can't read the name?

9 A It's, it looks like --

10 The Court: Do you have a witness here from
11 Kangaroo to testify ---

12 Defendant Mazique: I need that for ---

13 Mr. Holford: Yes, Your Honor, we have a witness
14 from Kangaroo.

15 The Court: No, sir, I'll let that witness
16 testify as to what she ---

17 Mr. Holford: Your Honor, she didn't receive
18 these cigarette ---

19 Defendant Mazique: She didn't sign this ---

20 A Your Honor, they were returned on 10-6 at
21 10:35 a.m.

22 Mr. Holford: It says returned to owner.

23 Defendant Mazique: Your Honor, I cannot, I
24 cannot cross examine this.

25 The Court: No, sir, I'm not going to require

1 that witness to come to this evening; his testimony is
2 sufficient for the jury. I will let ---

3 Defendant Mazique: I'm listening.

4 The Court: No, sir, listen to me I will let
5 the jury as finders of the facts make a determination of
6 whether or not some cigarettes were turned over to
7 Kangaroo. I'm not going to call some witness that we don't
8 know merely for the purpose of saying I received them.

9 Defendant Mazique: My point, that's my point,
10 Your Honor, it's highly prejudicial to me.

11 The Court: No, sir.

12 Defendant Mazique: What if the witness didn't
13 receive thee cigarettes?

14 The Court: There is testimony sufficient for
15 the jury to consider this issue and I'm going to leave at
16 that, now get on to something else.

17 Defendant Mazique: (Continuing)

18 Q The cigarettes that, that you, you found
19 them at, you said they were located in a closet?

20 A Yes, sir, in your closet in a bedroom that,
21 at the apartment that you were staying at, sir, yes, sir.

22 Q You also stated that in the very beginning
23 on October 3rd that I gave you the address to that
24 apartment?

25 A During the interview, yeah, during the

1 interview you said, you said that was your address, yeah.

2 Q I said that?

3 A Yeah, on the tape recording of you, yes.

4 Defendant Mazique: Your Honor, I'd like to play
5 that tape recording.

6 The Court: No, sir, the tape recording has been
7 played for the jury. If during their deliberations they
8 want to hear it again I'll do it.

9 Defendant Mazique: No, I mean for impeachment
10 purposes, Your Honor.

11 The Court: No, sir, not going to play it again
12 at this time, require them to do that. The jury has seen
13 the video and if they want it ---

14 Defendant Mazique: The verbal one that just
15 played, he played -

16 The Court: I'm telling you if the jury
17 during their deliberations want to hear that again I'm
18 going to do it; I'm not going to do it at this time,
19 proceed.

20 Defendant Mazique: (Continuing)

21 Q You also stated that there was nothing on
22 that, that DVD before that initial conversation, there was
23 no conversation on there?

24 A What DVD you talking about, sir?

25 Q The one played on, those statements just

1 played on October 3rd, there was no, you said that there
2 was no conversation, he played it in its entirety, the
3 first one; am I correct?

4 A I don't understand, Your Honor, what's the
5 question, sir?

6 Q The statement that was played ---

7 The Court: I can answer that, Mr. Holford,
8 answer that question for us, as I understand it there were
9 two videos?

10 Mr. Holford: Your Honor, there were two audio
11 cd's played, two different interviews. They started from
12 the beginning of the interview process and then they were
13 stopped at a later point before the interview was concluded
14 based on a ruling by Your Honor at a previous hearing
15 because the State did not want to prejudice the defendant.

16 The Court: I understand. there's a second
17 video, listen to me real carefully, if when it comes time
18 for you to introduce evidence if you want them to play that
19 video you can request it, but this record is going to
20 reflect that I declined to let the State play it because it
21 might be prejudicial to you. If you want to introduce it
22 in your case in chief you may do so at your peril; you
23 understand that?

24 Defendant Mazique: Yes, sir, Your Honor ---

25 The Court: All right, but just remember now you

1 can play it if you want to at your, when you introduce it
2 but that's your, that's up to you, we're not going to play
3 it at this moment.

4 Defendant Mazique: Your Honor, for the purpose
5 of, of identity --

6 The Court: No, sir, listen to me, Mr. Mazique,
7 I told you now, I left that video out to protect your
8 interest.

9 Defendant Mazique: I'm speaking about the video
10 that he just testified to, Your Honor, and said that ---

11 The Court: Ask him all you want to about video
12 number one that was played.

13 Defendant Mazique: Right, Your Honor, my point
14 is, Your Honor, if I were allowed to play the video for
15 impeachment for he just testified and said there was
16 nothing ---

17 The Court: Here's what we'll do. If you want
18 to play that video at your stage I'm going to let you play
19 it and I'm going to call him back and let you cross examine
20 him about it, that's in your case not the State's. You do
21 so at your peril.

22 Defendant Mazique: That's what, that's what I'm
23 doing.

24 The Court: I'm telling you if you want ---

25 Defendant Mazique: I'm on cross now, Your

1 Honor.

2 The Court: No, sir, not going to do it at this
3 moment. The State, the State's entitled to represent
4 whatever they want to do, but that video is available if
5 you want to play it and I'll put him back on the stand and
6 you can cross examine him, but you're going to take the
7 responsibility for it in your case.

8 Defendant Mazique: It establishes that ---

9 The Court: Didn't you hear what I said?

10 Defendant Mazique: So can I play it?

11 The Court: No, sir, not going to let you play
12 it, no, sir, you can play it when your time comes.

13 Defendant Mazique: I'm on cross examining now.

14 The Court: No, sir, no, sir. I'm going to put
15 him back, I'm going to say it one more time.

16 Defendant Mazique: Yes, sir.

17 The Court: I did not let the State play that
18 second video simply because it may contain things that you
19 said that were prejudicial against your interest, to
20 protect your rights I would not let the State play it. If
21 you think there's something helpful to you when your time
22 comes we'll play it and I'll call him back and let you
23 cross examine him but I'm not going to do it at this time.

24 Mr. Holford: Your Honor --

25 The Court: Sir?

1 Mr. Holford: Sorry, I didn't mean to cut you
2 off. If I may just to protect the record to make it clear
3 and for the jury, we're talking about three audio
4 statements, not video statements.

5 The Court: No, I mean audio.

6 Mr. Holford: We played the, we played the first
7 audio and we played the third audio, but not the second one
8 because Your Honor had previously ruled that it would be
9 inadmissible for the State and so what they listened to was
10 one and three.

11 The Court: I understand, if they want to listen
12 to two and he wants to introduce it in his case I'm going
13 to let him do it.

14 Mr. Holford: Yes, Your Honor.

15 The Court: But I'm not going to do it in the
16 case in chief, I think it's prejudicial to him.

17 Mr. Holford: Yes, Your Honor.

18 The Court: Now let's get on with the case.

19 Defendant Mazique: (Continuing)

20 Q When did this alleged crime take place?

21 A September 29th at around 2:40 hours.

22 Q The video of the incident clearly indicates
23 that date to be September the 30th?

24 A A lot of the videos at the Kangaroos or any
25 other places generally sometimes the date can be off at

1 12:00, if it's the 28th it may be the 29th.

2 Q It's at 2:40?

3 A I know, I'm just telling you that a lot of
4 the times the actual dates on a lot of these surveillance
5 films aren't actually right.

6 Q So the audio, everything that I've ever
7 received hasn't been the date on it that I committed this
8 crime the State has made this allegation that I've
9 committed this crime, the indictment said it, the warrant
10 number said it on September the 29th, just reviewed the
11 video and that actually said which is, if that video now
12 what you're saying is that video is not accurate, is it?

13 A I'm not saying it's not accurate; I'm
14 saying the date could be off. I'm not saying it's not
15 accurate.

16 Q And this crime happened on the 30th?

17 The Court: I'll let the jury make the
18 determination as to when and if it occurred. There will be
19 testimony also as I understand it by the witness at the
20 Kangaroo and we'll deal with that at that time.

21 Mr. Holford: Yes, Your Honor.

22 The Court: All of which is for the jury as
23 finders of the facts.

24 Defendant Mazique: (Continuing)

25 Q Isn't it true that you weren't even

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1 assigned to this case based upon investigative reports
2 until a day and a half after the crime occurred?

3 A It could be, I could be assigned a homicide
4 or a violent crime hour, minute, week, day, month, year.

5 Q Who collected this information?

6 A The responding officers, the initial
7 responding officers.

8 Q How were they no other officers reports
9 accounted ---

10 A Excuse me, sir?

11 Q There were other officers out there?

12 A Uh-huh.

13 The Court: Mr. Mazique?

14 Defendant Mazique: Yes, sir.

15 The Court: I'm trying to be patient with you
16 and I'm trying to give you cross examination but you're
17 going far beyond that; you're wasting the time of the jury.
18 Now how many officers were involved is not relevant to this
19 case. There's testimony as to who was involved all of
20 which is for the jury's consideration, but you're going far
21 beyond anything that I would let a lawyer do. I'm trying
22 to be helpful to you but you aren't letting me, now
23 conclude your examination of this witness.

24 Defendant Mazique: (Continuing)

25 Q Is this your report?

1 A Can I see it?

2 Q Yes?

3 A Thank you, sir, yes.

4 Q Could you read right here; could you read
5 right there?

6 A On October 4th, 2011, at 13:36 hours
7 Detective Chatfield received consent to search Mr.
8 Mazique's residence. Search resulting in recovering sixty
9 cigarettes, black trash bag closet, also Smith & Wesson
10 federal ammunition 40 caliber, along with two single
11 bullets were hidden in the air vent at the residence.

12 Q And when was this, October the 4th?

13 A Let's see, this report, yeah, this report,
14 well actually 9-29, 10-3, 10-4; so it goes from, it's
15 basically a synopsis.

16 Q I'm asking you when, what does that
17 statement say you conducted the search on, October 4th?

18 A Yeah, that's what it says.

19 Q Was the search conducted on October 4th?

20 A I would have to look at the consent to
21 search form.

22 Mr. Holford: I believe it's in evidence, Your
23 Honor.

24 Defendant Mazique: It's in evidence.

25 The Court: Show it to him.

1 Defendant Mazique: (Continuing)

2 Q Here is the consent form?

3 A Thank you. Yeah, the search was done on
4 October 3rd.

5 Q And your report says the search was done on
6 October 4th?

7 A Yeah, it's, this is my synopsis is off a
8 date, yes, sir.

9 Q So it's a mistake?

10 A Yes, sir.

11 Q Yes, sir, another mistake?

12 A Yes, sir.

13 Q And you're trained?

14 A Yes, sir, and I make mistakes, yes, sir.

15 Mr. Holford: Your Honor, could the defendant
16 shows us the report he keeps referring to, the one he's
17 questioning the witness about?

18 The Court: What document you were having him --

19 Defendant Mazique: This is his synopsis, his
20 synopsis.

21 The Court: All right, proceed with your
22 questioning.

23 Defendant Mazique: (Continuing)

24 Q Mr. Chatfield, you stated that the
25 cigarettes that was found was in a black trash bag?

1 A Yes, sir.

2 Q Sixty cartons?

3 A Yes, sir, in your closet.

4 Q Is this your --

5 Defendant Mazique: This has already been
6 admitted into evidence, Your Honor.

7 The Court: Yes, sir.

8 Defendant Mazique: (Continuing)

9 Q It's the inventory list, would you read
10 that and see what it says right there recovered and how
11 were they recovered?

12 A Yeah, they were recovered in your ---

13 Q How was the condition of them right here
14 and right here?

15 A They were all unopened the condition, they
16 were all unopened. There was no condition, all the ---

17 Q You said ---

18 A Thirty cartons of Newports in box and the
19 rest ---

20 Q You ---

21 A They were in a box inside a trash bag,
22 okay.

23 Q In a box inside a trash bag?

24 A Inside the, I believe were there three
25 trash bags, inside several trash bags.

1 Q And what else does that say?
2 A And a blue mesh bag containing --
3 Q Containing what?
4 A Cigarettes.
5 Q So does it mention a black trash bag here?
6 A No, but the pictures do, but, no, sir, it
7 doesn't, but the pictures I took in your closet do.
8 Q This is, this is your inventory?
9 A Yes, sir, yes, sir.
10 Q And it states at one time you had thirty
11 cartons in a case?
12 A Yeah, they were in a case in a bag, yes,
13 they were in a bag.
14 Q In a bag and then you have a blue mesh
15 bag?
16 A Blue mesh bag, uh-huh.
17 Q Sixty cartons in a black trash bag; isn't
18 that correct?
19 A That's, yeah, that's correct.
20 Q So how many, where did the cigarettes come
21 from in a blue mesh bag?
22 A What I took a picture is an accurate count
23 of what I took.
24 Q I'm asking, I'm asking where did the, where
25 are the cigarettes that come in a blue mesh bag that your

1 report ---

2 A I believe it said a mesh bag but ---

3 Q It said a blue mesh bag?

4 A Can I see it? I don't, I think I wrote
5 that down but I'm pretty sure we, we didn't take a blue
6 mesh bag; if it's not in the pictures we didn't take it.

7 Q So this is not accurate?

8 A That's correct, on the blue mesh bag.

9 Q And this is your report?

10 A Yes, that's my evidence log.

11 Mr. Holford: Your Honor, I believe there is a
12 blue mesh bag in evidence; the State has not introduced it
13 in evidence but it is in evidence.

14 The Court: All right, sir.

15 Mr. Holford: Also I believe the report he's
16 referring to has not been introduced into evidence and Mr.
17 Mazique -

18 The Court: I understand but he ---

19 Defendant Mazique: This report, yes, it does,
20 I'll show it to you.

21 The Court: It's cross examination.

22 Mr. Holford: Well it's hasn't been introduced
23 into evidence, Mr. Mazique.

24 Defendant Mazique: He testified to these items
25 in inventory.

1 Mr. Holford: You just have it. Your Honor, I'm
2 trying to give him a little leeway but it's not in
3 evidence.

4 The Court: Well I understand, blue bag is not
5 there and he ain't testifying about the blue bag.

6 Mr. Holford: The blue mesh bag, excuse me, let
7 me be clear for the record.

8 The Court: Go ahead.

9 Mr. Holford: The blue mesh bag is in evidence
10 with the custodian. This sheet that Mr. Mazique is
11 referring to is not entered in evidence in this court
12 proceeding.

13 The Court: Well that's what I'm ---

14 Mr. Holford: He's just handing around papers
15 none of which are in evidence and questioning the witness
16 about them. Now he's had a latitude of leeway all of which
17 a lawyer would not be able to do.

18 Defendant Mazique: These are his reports?

19 Mr. Holford: Right.

20 The Court: Nobody has introduced anything about
21 a blue bag, Mr. Mazique.

22 Defendant Mazique: I'd like to submit it into
23 evidence then, Your Honor.

24 Mr. Holford: Further, Your Honor, the relevance
25 of these questions about a blue mesh bag I fail to --

1 The Court: The relevance isn't an issue in this
2 case, let's get on to something else. It's not necessary
3 for the jury's consideration as to what occurred. They're
4 the finders of the facts and the blue bag was not
5 introduced into evidence in this courtroom and is not
6 before the jury and not going to be. You can't tell the
7 State what they want to introduce. Now proceed, you've
8 kept this jury, I've been very patient.

9 Defendant Mazique: Your Honor, Your Honor ---

10 The Court: Wait a minute, now listen to me very
11 carefully.

12 Defendant Mazique: I'm listening,

13 The Court: I've already told you, you now are
14 beginning to waste the jury's time. It's 6:00. You've
15 examined this witness at length and detail on a lot of
16 things that really are not relevant. You are pro se;
17 you're representing yourself. I'm leaning over backwards
18 to help you; I'm not going to let you waste this jury's
19 time any further. Now you've got to conclude your
20 examination.

21 Defendant Mazique: Your Honor, I'm not finished
22 with my cross, my examination.

23 The Court: I'm telling you conclude it. You're
24 going over and over the same things that's been asked and
25 answered. The jury has heard these questions and have

1 heard the answers; they don't need to hear them again, so,
2 please, get on to something else.

3 Defendant Mazique: (Continuing)

4 Q When you found, when you found, after you
5 conducted your search, is it correct that you before you
6 found the cigarettes and, and, and, and the bullets and
7 everything you obtained a arrest warrant for me, you found
8 them in Ms. Reeves house, I believe; is that correct?

9 A Yeah, you and Ms. Reeves house, yes, sir,
10 in your closet.

11 Q Did you, did you apprehend anything that
12 would say that I lived there in the house?

13 A Yes, your girlfriend, yes, sir, she said
14 you lived there, yes, sir.

15 Q Nothing else besides it?

16 A That's correct, and during my, yeah, that's
17 correct.

18 Q And your report you states that you cleared
19 Ms. Reeves of any wrongdoing right after the search yet
20 prior to talking to me having any interviews or nothing; is
21 that correct?

22 A No, actually during my interview with Ms.
23 Reeves I actually went into the Miranda rights, if I was
24 going to charge her, but I have discretion and I decided
25 not to charge her.

1 Q Based on what?

2 A Based on truthfulness, you know, sometimes
3 you look at people and you can tell if, if they're being
4 honest and she was bending over backwards for us and being
5 very nice and she said they weren't her cigarettes and they
6 definitely weren't her five-year-old's.

7 Q But she was truthful?

8 A Uh-huh.

9 Q And being honest?

10 A Right, yes, sir.

11 Q Now if she wasn't truthful and being honest
12 would she alleged that she felt threatened, or would she
13 let ya'll into ---

14 The Court: No, sir, now wait a minute, that's
15 not, that's not for him to answer; that's for the jury.

16 Defendant Mazique: He's bolstering.

17 The Court: No, sir, I told you the jury is the
18 finders of facts not this witness. Mr. Holford, you may be
19 seated.

20 Mr. Holford: Thank you, Your Honor.

21 The Court: Get on with something else, this
22 fellow, the jury will determine whether she's truthful or
23 not, not him.

24 Defendant Mazique: (Continuing)

25 Q When did you first speak with Ms. Branton?

1 The Court: No, sir, that's been asked and
2 answered three times, I'm not going into that again.
3 There's plenty of testimony as to when it occurred; you
4 need to get on to something else.

5 Defendant Mazique: Your Honor ---

6 The Court: What you're doing, Mr. Mazique,
7 going over everything that's been over so, and you're
8 wasting the jury's time and I'm not going to let you do
9 that, I'm trying to tell you.

10 Defendant Mazique: (Continuing)

11 Q What, if anything, did you did you, did you
12 tell Ms. Branton when you, when you initially approached
13 her?

14 The Court: Been asked and answered, not going
15 to go into that again. It's already been asked and
16 answered at least three times; what else you got?

17 Defendant Mazique: That's my questions, Your
18 Honor.

19 The Court: No.

20 Defendant Mazique: That hasn't been asked yet.

21 The Court: That's been asked and answered.
22 I've concluded that that cross examination is sufficient,
23 you may have a seat.

24 Defendant Mazique: I've got to finish, Your
25 Honor.

1 The Court: I'm finished with you.

2 Defendant Mazique: Yes, sir.

3 The Court: Have a seat, I'm not going to
4 continue this examination by you. You've had enough time
5 to cross examine this witness. Mr. Holford, may this
6 witness come down?

7 Mr. Holford: Your Honor, I have no further
8 questions for this witness.

9 The Court: You may come down and remain in the
10 courtroom, call your next witness.

11 Mr. Holford: Your Honor, the State calls Ms.
12 Tonia Branton to the stand.

13 The Court: All right, sir.

14 Tonia Branton

15 being first duly sworn, testified as follows:

16 Madam Clerk: Please state your full name and
17 spell your last name.

18 The Witness: My name is Tonia Michelle Branton,
19 b-r-a-n-t-o-n.

20 Direct Examination

21 By Mr. Holford:

22 Q Hello, Ms. Branton, how are you doing this
23 evening?

24 A Fine, and you?

25 Q I'm sorry, it's been a long day. I know

1 we've all been sitting here about ready to go.

2 Mr. Holford: Your Honor, this is my last
3 witness.

4 The Court: I understand.

5 Mr. Holford: And I'll try to make this as brief
6 as possible.

7 Q (Continuing) Where were you working
8 September 2011?

9 A At the Kangaroo at 501 and 544.

10 Q On September 29th?

11 A Uh-huh.

12 Q And what time was it in the morning of the
13 incident?

14 A It was about 2:40 a.m.

15 Q And what, can you just walk me through what
16 happened then?

17 A As ya'll seen in the video I was mopping
18 the floor, a customer comes in, I go wait on my customer.
19 While I'm waiting on him Mr. Ricky walks in, has on a big
20 old wig, hat, big old coat. I know it was him from him
21 just personal knowing him from him being in the store
22 buying lottery tickets. He'd come in, stay for hours at
23 the time. Well on that night he walked in; he spoke as he
24 normally does to me, hey, honey, how are you. I spoke
25 back, fine. He went in the bathroom; my customer went out.

1 He come around the corner, pointed a gun at me, says I want
2 all your money and cigarettes.

3 Mr. Holford: Your Honor ---

4 A And, go ahead.

5 Mr. Holford: Sorry, I don't mean to cut you
6 off, Ms. Branton. Your Honor, normally at this time I
7 would replay the video; in the interest of time unless the
8 jurors would like to see the video ---

9 The Court: No, sir, not going to play the
10 video. If the jury wishes to hear that video they may do
11 so during their deliberations.

12 Mr. Holford: Yes, Your Honor.

13 The Court: Proceed, you cut her off from her,
14 from her statement of this event, let her finish her
15 testimony.

16 Mr. Holford: Let the record reflect that the
17 video we're talking about is the video that was shown
18 during Mr. Scales testimony.

19 A Yes.

20 The Court: You may continue your answer to the
21 last question.

22 The Witness: (Continuing)

23 A Okay, so I mean like I said I backed up to
24 the register, as ya'll seen; he come around the corner. I
25 pressed my panic button; he pointed the gun at me. I want

1 your money, cigarettes, so, therefore, you know, and he
2 opened a black trash bag starting putting in cigarettes,
3 told me to help him so I bent down, helped him put the
4 cigarettes in. Another customer outside pulled up so he
5 grabs his bag and goes out the door and shortly after that
6 the officer comes up.

7 Q Ms. Branton, we do see in the video that
8 you're helping him; why is that?

9 A Because he had a gun.

10 Q And were you going to put your life on the
11 line for some cigarettes?

12 A No, sir, I will not.

13 Q Do you have children?

14 A I have seven.

15 Q Detective Chatfield approached you with a
16 photo lineup; is that correct?

17 A Yes, sir.

18 Q I'm showing you State's Exhibit 15; is this
19 the photo lineup?

20 A Yes, sir.

21 Q State's Exhibit 14, is this the sheet that
22 you marked?

23 A Yes, sir, that's my name and signature.

24 Q And what did you mark?

25 A Number six.

1 Q Number six?

2 A That's him.

3 Q In this photo lineup?

4 A Yes.

5 Q And is that the defendant in this
6 courtroom?

7 A Yes, it is.

8 Q How long did it take you to pick out of
9 this lineup of similar individuals the man who robbed you
10 on September 29th?

11 A Just a few minutes because when he come in
12 the store even though he was dressed I knowed who he was.

13 Q And on the video we do someone with long
14 dreads?

15 A Uh-huh, that was a wig.

16 Q It was a wig?

17 A Yes.

18 Q And you knew it was this defendant?

19 A Yes.

20 Q That walked in your store, pointed a gun at
21 you and took those cigarettes?

22 A Yes.

23 Q How sure are you, Ms. Branton?

24 A I am one hundred percent sure that it was
25 him.

1 Mr. Holford: Your Honor, I have no further
2 questions for this witness.

3 The Court: You may examine.

4 Mr. Holford: Your Honor, I ask that since this
5 is the victim in the case that this defendant not approach
6 her too closely.

7 The Court: I understand, go ahead.

8 Cross Examination

9 By Defendant Mazique:

10 Q Ms. Branton, you stated that you was, your
11 initial report it doesn't reflect what you just testified
12 to? Your initial report said the subject had long hair but
13 it appears to be a wig; is that correct?

14 A Uh-huh.

15 Q And that's what you told the police
16 officer?

17 A Uh-huh.

18 Q The day of the crime; isn't that correct?

19 A Yeah, that it was a wig.

20 Q That it appeared?

21 A Could I see what you got right there,
22 please?

23 Q Yes, sir, yes, ma'am, could you read it,
24 that's, that's, that's your --

25 Mr. Holford: Your Honor, I'd ask this

1 documentation ---

2 A Okay, this here is not my words; this is
3 the detective words.

4 The Court: This is the detective's words.

5 Defendant Mazique: The detective just testified
6 --

7 Mr. Holford: It's not her statement, Your
8 Honor.

9 The Court: I understand.

10 Defendant Mazique: The detective testified ---

11 Mr. Holford: It's not something she wrote down.

12 The Court: I understand that.

13 Mr. Holford: She has no knowledge of what --

14 The Court: She has said what her view is, let
15 him go ahead.

16 Defendant Mazique: I'd like the state, the
17 detective already, I talked to ---

18 The Court: I know and that's not her, ask her
19 what her statement was, please. She can't be responsible
20 for what somebody else may have written.

21 Defendant Mazique: He already testified and
22 said it was just the way it came from her.

23 The Court: I understand but, please ask her
24 what she knows about this thing not what some detective may
25 or may not know.

1 Mr. Holford: (Continuing)

2 Q You also said that the car, you described,
3 you gave the description to, to the car that the suspect
4 was driving?

5 A Yes, I did.

6 Q And what was that?

7 A It told them it was a dark colored small
8 like a Camry, Toyota, something on that order. I'm not,
9 I'm a female, I don't know brands of cars that well but it
10 was the car that you normally drive or, excuse me, that you
11 had normally driven up there.

12 Q This officer report the who responded to
13 the panic alarm ---

14 A Uh-huh.

15 Q -- he didn't request a statement from you,
16 did he that night?

17 A No, he did not, I was upset and they were
18 out trying to figure out finding who robbed me.

19 Q You was upset?

20 A Yes, I was, I had a gun pointed at me.

21 Q You, normally when you upset, I mean I
22 reviewed the video and you served two other customers after
23 that?

24 A The lady that you seen in the video that I
25 served after you went out the store she is the lady and the

1 gentleman that pulled up the reason you left out the store
2 and I had been, and she was very comforting to me. She was
3 really really nice to me.

4 Q But for the time, from the time that the
5 robbery occurred ---

6 A Uh-huh.

7 Q --- you had positively, positively knew
8 that who robbed you?

9 A Yes, when you were in that store with a gun
10 at me I knowed it was you.

11 Q And, and you told that arresting officer?

12 A Yes, I did, I did not know your name at
13 that point in time but I knowed who you were.

14 Q Do you recall the officer, what officer it
15 was that told you this, that you told this to?

16 A It was Officer, the officer sitting right
17 there.

18 Q Scales?

19 A Uh-huh, and there was a city police
20 officer; I do not know what his name was either.

21 Q And you picked out ---

22 A Yes.

23 Q --- number six?

24 A I told them that night it was you.

25 Q You told him that night it was me?

1 A Yes.

2 Q In the, in the report, the initial police's
3 report ---

4 Mr. Holford: Your Honor, he's asking about
5 another witness' report again. He can ask this witness
6 what she knows but not ---

7 The Court: Let, Mr. Holford, I understand the
8 position of the Solicitor but you must understand my
9 position; I have to give him some latitude because he is
10 pro se.

11 Mr. Holford: Yes, Your Honor.

12 The Court: And you're absolutely correct in
13 your position ordinarily but I want to be absolutely fair
14 to him and give him every opportunity to defend himself.
15 Your position is correct ordinarily but I'm going to let
16 him have some latitude but I'm going to limit that, too. go
17 ahead. Ask her not what somebody else said now, Mr.
18 Mazique, ask her about what she did, what she knows.

19 Defendant Mazique: Yes, sir.

20 Q (Continuing) Have you ever been arrested?

21 The Court: No, sir, got nothing to do with this
22 case, not going to do that.

23 Defendant Mazique: Sir?

24 The Court: No, sir, not going, that has nothing
25 to do with her in this case, proceed to something else.

1 Defendant Mazique: (Continuing)

2 Q Did you give the reporting officer a
3 written statement?

4 A That night, no, I did not.

5 Q You said that I would come in the store and
6 spend hours?

7 A You would come in the store, you and your
8 girlfriend both, and play lottery tickets, fill out the
9 powerball things and, yes, it was hour, sometimes you
10 stayed in there an hour, sometimes two hours, sometimes you
11 were in there ten times a day, but you always played the
12 lottery.

13 Q If there was any, any, any report, if
14 there's any other report other than what you're testifying
15 to today that person would not be telling the truth; is
16 that correct?

17 A I don't understand your question.

18 The Court: I don't either.

19 Defendant Mazique: (Continuing)

20 Q There's a report that, that contradicts
21 what you're saying today right now?

22 The Court: No, sir, that's not proper inquiry;
23 you can ask her ---

24 Defendant Mazique: Your Honor --

25 The Court: You can ask if she's telling the

1 truth or not; she don't know what somebody may or may not
2 said. You got to understand now she is an alleged
3 eyewitness and that's for the jury to determine based on
4 her testimony but she is an alleged eyewitness to this
5 event and you may ask her what she knows about the event,
6 that's fine, but what somebody else may or may not have
7 said has got nothing to do with the jury's consideration as
8 to whether or not they want to believe all of what she said
9 or none or some, proceed.

10 Defendant Mazique: Your Honor, I have no
11 further questions.

12 The Court: All right, sir, you may come down.

13 Mr. Holford: Your Honor, the State has no
14 questions for this witness.

15 The Court: Any further witness from the State?

16 Mr. Holford: Your Honor, the State rests.

17 The Court: Okay, let you go to the jury room
18 just a moment, I'll be calling you out very shortly.

19 (Whereupon, the jury retired to the jury room at
20 6:35 p.m.)

21 The Court: The Solicitor has concluded the
22 State's case?

23 Mr. Holford: Yes, Your Honor.

24 The Court: Recognizing that the defendant is
25 appearing pro se and understanding that he may not as a

1 matter of law know the proper motion to make I make the
2 motion for him that he is moving for a directed verdict of
3 not guilty based on the insufficiency of the evidence. Do
4 you or either one of you as attorneys wish to add to that?

5 Mr. Galmore: No, sir, Your Honor.

6 The Court: All right, I accept the motions and
7 I specifically deny it. There is a plethora of evidence.
8 if believed. for the jury to render a verdict of guilty.
9 It's for the jury as finders of the facts so I respectfully
10 deny that motion, and now the question is, Mr. Mazique, the
11 time has come for you to call any witnesses that you desire
12 and to testify in your own behalf if you care to.

13 First let me make inquiry do you have any
14 witnesses you wish to call?

15 Defendant Mazique: Yes, I do.

16 The Court: Who are they?

17 Defendant Mazique: Gregory Hambee [sic], Nancy
18 Cote.

19 The Court: I'm not, why, I'm not, why would you
20 call Mr -- the Solicitor of the Fifteenth Circuit?

21 Defendant Mazique: These people were involved
22 in my case.

23 The Court: No, sir, not going to let you call
24 the Solicitor, he knows nothing about this case.

25 Defendant Mazique: He, he, he's the one signed

1 the indictment, Your Honor.

2 The Court: Yes, sir, but we're not at that
3 stage; you can argue that before some other forum. We're
4 going to talk about this case tonight; do you have any
5 witnesses you wish to call who have some bearing on the
6 factual issues presented in this courtroom?

7 Defendant Mazique: Yes, Your Honor.

8 The Court: Sir? Do you?

9 Defendant Mazique: You're hindering my defense,
10 Your Honor.

11 The Court: No, sir, no, sir, I'm not hindering
12 your defense. The Solicitor of this State of this circuit
13 is not an appropriate witness at this stage; now who else -
14 --

15 Defendant Mazique: Nancy Cote, she has
16 something to do with it.

17 The Court: Who is, who is that?

18 Mr. Holford: Your Honor ---

19 Defendant Mazique: She's a Solicitor, too.

20 Mr. Holford: --- Nancy Cote was the Assistant
21 Solicitor assigned to this case before myself. I now took
22 over the file and I am the prosecutor on the case.

23 The Court: I will not call her either; that's
24 not, that's got nothing to do with the facts in this case.
25 Do you have any witnesses that can talk factually about an

1 issue in this case heard in this courtroom?

2 Defendant Mazique: These witnesses can, Your
3 Honor.

4 The Court: No, sir, I'm not going to permit you
5 to call the prior attorney as a fact witness; do you have a
6 fact witness? You can address those issues in another
7 forum at another time.

8 Defendant Mazique: I want to recall Officer
9 Chatfield.

10 The Court: I will permit that.

11 Defendant Mazique: To introduce the evidence of
12 this recordings.

13 The Court: All right, now let me say this to
14 you, first let's talk about this. If you do not put up any
15 testimony you will have the last argument to the jury. If
16 you put up any testimony including your own you will have
17 to argue first and the jury argues last, I mean the
18 Solicitor. I tell you that not to tell you what to do but
19 to tell you factually how we will proceed. Now if you
20 desire to recall that detective I'm going to permit it; you
21 understand, and if you want to play that video, now this is
22 outside the presence of the jury, that video is highly
23 prejudicial to you in a number of ways and you know that.
24 That's why I kept it out to protect your interest but if
25 you insist on playing it we're going to do so; you

1 understand that.

2 Defendant Mazique: Yeah, and I also wanted to
3 play the for the purpose of, Your Honor, for the purpose of
4 authenticity [sic] the Officer Chatfield testified that
5 these, the tapes that we have, the DVD's that we have are
6 original, however, the ones that we have in, in the
7 beginning ---

8 The Court: There's testimony sufficient, I'm
9 not going into that.

10 Defendant Mazique: But the DVD's contradict
11 what he said, Your Honor.

12 The Court: Not going to take testimony on that,
13 I'm comfortable with the fact, with these are, there's no
14 testimony ---

15 Defendant Mazique: It establishes my, my, my,
16 my, my point ---

17 The Court: Not going to do that.

18 Defendant Mazique: --- is he's been altering
19 evidence on me, Your Honor.

20 The Court: Not going to do that, not going to
21 go into whether they authenticity or not; there's testimony
22 about that for the jury. You can argue it to the jury if
23 you want to; there's no testimony about it.

24 Defendant Mazique: I can show it, I can show
25 that he's ---

1 The Court: No, sir, please, what, if you want
2 to play that video you can do it, number two, but I, I
3 leave it to you.

4 Defendant Mazique: I'd like to, I'd like to
5 enter both of these into evidence.

6 The Court: Both of what?

7 Defendant Mazique: For future references, Your
8 Honor, because it's --

9 The Court: Video one and two are in evidence.

10 Defendant Mazique: Not, not these, not the ones
11 that we received, the ones that we received are totally
12 different from the ones that he played.

13 The Court: I'm going ---

14 Mr. Holford: Your Honor, if I may respond
15 because he's making allegations that are completely false.

16 The Court: I understand.

17 Mr. Holford: Those are exact copies of what we
18 played; it's just that in Court today we cut them short,
19 did not play the entirety of them. The entirety is in
20 evidence ---

21 The Court: I understand.

22 Mr. Holford: --- but we did not play the
23 entirety because it would prejudice this defendant. You
24 already made that ruling. He's already made this argument.

25 The Court: I understand.

1 Defendant Mazique: But the portions that are
2 cut off are favorable to me, Your Honor.

3 The Court: No, sir.

4 Mr. Holford: If he wishes to play those during
5 his case in chief the State would be fine.

6 The Court: I said if he wishes to play them,
7 now, Counsel, he represents himself but this is such a
8 serious issue it's going to highly prejudicial him. I ask
9 that both of you discuss it, I'll let both of you discuss
10 it with him but if he insists on doing it I'm going to do
11 it.

12 Defendant Mazique: Your Honor, I'm talking
13 about the part, there's a part behind that that, that, that
14 Officer Chatfield -

15 The Court: I'm not going to play the eighteen
16 hours.

17 Defendant Mazique: No, I'm not talking about
18 that, I'm not talking about that.

19 The Court: What ---

20 Defendant Mazique: I'm talking about the
21 statements, Your Honor, that were made, the alleged ---

22 Ms. Knowles: Your Honor, he doesn't want the
23 entire video or audio that's already played; he just wants
24 a certain portion that was cut off played, that is
25 favorable to him.

1 The Court: Which portion is that?

2 Defendant Mazique: The portion at the end on,
3 on, on October the 3rd, the statements that were made, that
4 would, that were played to the jury, that wasn't played to
5 them, he cut them off.

6 The Court: Okay, all right, that's the part
7 that we cut off because it was prejudicial to him and I
8 asked that you redact that, which you've done.

9 Mr. Holford: Yes, Your Honor.

10 The Court: You understand now that it's
11 prejudicial to him, Ms. --

12 Defendant Mazique: I also want ---

13 The Court: Ms. Knowles, have you told him that?

14 Ms. Knowles: Your Honor, I've discussed with
15 him that there is a portion on this audio recording that
16 goes into other crimes and investigation of other crimes.

17 The Court: Correct, and that's why I, I
18 excluded it to protect him but if he wants to play it I'm
19 going to play it. I'm not going to say, I'm not going to
20 let this record reflect that he wanted to play it and I
21 wouldn't let it.

22 Defendant Mazique: I'm talking about the end of
23 it.

24 The Court: I'm going to say one more time now
25 if you want to play it we're going to do it.

1 Defendant Mazique: Actually when he kept asking
2 me, when he, he, he displayed his frustration with me
3 because I wouldn't confess to these robberies and then on
4 the next ---

5 Ms. Knowles: After the first it's prejudicial,
6 you want to start?

7 Defendant Mazique: Yes, that's what I'm saying.

8 The Court: Ma'am?

9 Ms. Knowles: He wants to play the portion, I
10 believe it's three minutes ---

11 Defendant Mazique: After ---

12 Ms. Knowles: -- and twelve seconds in. There
13 is some discussion with regard to this incident and that's
14 what he wants to play.

15 Defendant Mazique: That's what I'm talking
16 about, Your Honor.

17 The Court: Can we do that the last --

18 Mr. Holford: Your Honor, I have, I do have
19 notes about this, I believe it may be taken out of context
20 but if he wishes to introduce in his case in chief the
21 portion that I think may be prejudicial to him, but if he
22 chooses to do so at his own peril the State ---

23 The Court: No, I'm not going to let him pick
24 and choose. Now if he wants to, if he wants to play that
25 part that I think is prejudicial I'm going to let him do

1 it.

2 Ms. Knowles: Your Honor, the State has chosen
3 to pick and choose.

4 The Court: I'm not going to let him pick and
5 choose. I'm telling you that the State has played their
6 part of the audio they want. If he wants the rest of it,
7 that's it. I'm not going to let him pick and choose; it
8 may be out of context, now let that be certain.

9 Ms. Knowles: He's picking ---

10 Defendant Mazique: Your Honor, the part that
11 he, ya'll agreeing, we all agreeing we don't want the
12 prejudicial part.

13 The Court: I know we're not, I know you don't.

14 Ms. Knowles: There's three minutes.

15 Defendant Mazique: There's three, so there's
16 minutes after that.

17 The Court: --- but it may, you're saying it
18 would be out of context to hear just the last three
19 minutes; is that what you're saying?

20 Mr. Holford: Your Honor, I'm not exactly sure
21 what his argument is but the picking and choosing he's
22 talking about the State has done it's not because the State
23 is picking and choosing the good parts, it's because we're
24 leaving out parts about other offenses and about drug
25 offenses.

1 The Court: No, no ---

2 Ms. Knowles: He wants ---

3 The Court: He said the last three minutes.

4 Mr. Holford: The last three minutes.

5 Ms. Knowles: Into the video not the last
6 portion, into video.

7 Mr. Holford: Of the portion of the number two?

8 Ms. Knowles: It's not the portion you've
9 already played.

10 Defendant Mazique: Audio number one, the one on
11 October the 3rd when he's, he's, it's a portion, Your
12 Honor, where he's asking me, he's saying, he's trying to
13 get me to say that I lived at that address and then he,
14 then he commented, he said, he's talking about ---

15 Mr. Holford: Your Honor, we have no, we don't
16 have an issue if he wants to bring it in his case in chief
17 he can play it; the State doesn't have an issue with it.

18 The Court: You mean the whole, the rest of the
19 whole video or just that portion?

20 Mr. Holford: Your Honor, to be clear there are
21 three audio statements; it's not videos; it's three audio
22 statements.

23 The Court: I understand.

24 Mr. Holford: We played one, we cut out the end
25 of it where he talks about drugs. The second one we didn't

1 introduce at all because of a portion of it, large portion
2 of it talks about FTC thefts and other cigarettes and other
3 cartons and other kind of stuff and then there's stuff
4 that's not of evidentiary value in this case for the
5 State's purpose and then ---

6 The Court: What is, Ms. Knowles, that he wants?

7 Ms. Knowles: There is a second portion of his
8 first one.

9 The Court: Of which, of which audio, the first
10 ones?

11 Ms. Knowles: Okay, there is a second, the
12 interview, the first interview actually consists of two
13 phases, okay.

14 The Court: All right, go ahead.

15 Ms. Knowles: And what he wants is three minute
16 and twelve seconds into the second phase is what he wants
17 that portion played.

18 The Court: Just the first three minutes?

19 Ms. Knowles: No, after that.

20 Mr. Holford: He wants the last ---

21 The Court: Start after the three minutes?

22 Ms. Knowles: Of this, yeah, that first three
23 minute portion is prejudicial, it talks about other crimes.

24 The Court: Why not let him have it if he wants
25 to introduce it?

1 Mr. Holford: Your Honor, just to preserve the
2 record I would object just as he did under 106, doctrine of
3 completeness. If he chooses to introduce it and Your Honor
4 chooses to allow him to play after three minutes and twelve
5 seconds and play the remaining then he can introduce it in
6 his case in chief.

7 The Court: I'm going to let him introduce it
8 after the three minutes; I don't see how that's prejudicial
9 to the State. I will let him do it but he gives up his
10 right.

11 Ms. Knowles: Your --

12 The Court: Pardon me?

13 Ms. Knowles: Your Honor, I would --

14 Mr. Galtmore: Furthermore, Your Honor, we would
15 submit that he should not loose his last closing argument.

16 The Court: Wait a minute now.

17 Mr. Galtmore: We're out here on motions.

18 Mr. Holford: He's pro se.

19 The Court: I understand that but I'm going, I'm
20 trying to -- what?

21 Mr. Galtmore: He should not loose his last
22 closing argument because he tried to introduce this in the
23 State's case in chief.

24 The Court: No, sir, wait a minute, he would
25 have lost it then. Any time during the ---

1 Mr. Galtmore: No, the State introduced the audio
2 tape ---

3 The Court: No, sir, if he would have introduced
4 it at that time he would have lost it -- sit down, that's
5 not, that's not an argument. If he introduces anything
6 including his own testimony he loses his right to final
7 argument, now have a seat.

8 Mr. Galtmore: Yes, sir, thank you, sir.

9 The Court: Now let's go into this, I'm going to
10 let to play the video after the three minutes, can you do
11 that with ease?

12 Mr. Holford: Your Honor, that's fine, we have,
13 and for the record the disk number two, which is the
14 continuation, the State has not introduced into evidence.

15 The Court: I understand that; he's going to ---

16 Mr. Holford: Okay, I know, I just wanted to
17 make it clear to Mr. Galtmore we didn't introduce it into
18 evidence; it's not in evidence.

19 The Court: I understand that, Mr. Galtmore, but
20 that's fine. I think I'm going to let the jury go and
21 start again in the morning, let's address this issue. Do
22 you have any other witnesses?

23 Defendant Mazique: Your Honor, we call Brian
24 Scales.

25 The Court: I'm going to let you do that, yes,

1 sir, any other witnesses?

2 Defendant Mazique: No, sir.

3 The Court: Let me ask you this, you have the
4 absolute right to testify, the absolute right not to
5 testify. It's an important decision. There's only one
6 person in the world that can make it and that's you. If
7 you elect to testify you will be under oath subject to
8 cross examination. If you elect not to testify I would
9 charge the jury that the fact that you did not testify
10 raises no adverse inference against; you understand that?
11 Now are you going to testify or not testify?

12 Defendant Mazique: No, sir.

13 The Court: Sir?

14 Defendant Mazique: No, sir.

15 The Court: You will not testify?

16 Defendant Mazique: No, sir.

17 The Court: Is that your decision?

18 Defendant Mazique: Yes, sir.

19 The Court: Do you understand that you have the
20 right to testify if you want to?

21 Defendant Mazique: Yes, sir.

22 The Court: If you do not testify I'm going to
23 charge the jury that the fact that you did not testify must
24 not enter in your deliberations in the jury room; you
25 understand that?

1 Defendant Mazique: Yes, sir.

2 The Court: All right, I'm going to let the
3 jury, it's 6:30, and I'm going to let them go home and come
4 back at 9:30 in the morning. Now, Mr. Galmore, and I tell
5 both of you, I have permitted you to sit there in case he
6 asked you something. You are not to participate in the
7 trial because he's the one, after severe warning by me,
8 elected not to testify. Further, Ms. Melinda, I've heard
9 you say at least five times that in preparation he wouldn't
10 even talk to you and it's too late for him to talk to you
11 now because he represents himself. I'm not going to let
12 him treat you this way as he's done on the record and then
13 come in and use your valuable services when he elects to go
14 pro se; do you understand that?

15 Ms. Knowles: In fairness we had no problems
16 until about the last month; I mean I will say that.

17 The Court: I understand that but even this
18 morning you told me he wouldn't even talk to you, that's
19 why I asked Mr. Galmore to sit with him at least to protect
20 his interest and you told me that on the record yesterday.
21 I'm not going to let him treat you that way and then use
22 your services; I ain't going to be a party to that.

23 Now, Mr. Galmore, if a defendant at any stage in
24 a trial elects to present any evidence he has forfeited his
25 right to final closing; that's just clear. If he wants to

1 play this small portion of that video beginning some three
2 minutes after the start he can introduce it and I told him
3 that and redact it so that personal part that deals with
4 his prior record will not be shown. Bring the jury in.

5 (Whereupon, the jury returns to the courtroom at
6 6:54 p.m.)

7 The Court: Madam Foreman, ladies and gentlemen,
8 you've been here very patiently and I apologize for the
9 late hour, but I did think it imperative that at least we
10 conclude all of the State's testimony which has been done.
11 When you return at 9:30 in the morning there will be
12 testimony on behalf of the defendant; following that we'll
13 have final charges and final summations. I fully expect
14 that we can conclude these entire proceedings by twelve or
15 1:00 tomorrow. I have one juror who wants to get away by
16 two if at all possible and we are working towards that and
17 that was another reason I kept you a little late to
18 accommodate the concerns of a juror back there who has made
19 plans. Is it your plans for Saturday morning or Friday
20 afternoon?

21 Jury Panel Member: Friday afternoon.

22 The Court: And what are those plans?

23 Jury Panel Member: I take the fifth.

24 The Court: I don't want to know, but I just
25 tell you that we're going to make every effort to conclude

1 these entire proceedings by 1:00 tomorrow, so please be
2 back -- did everybody like the biscuits this morning?
3 Would you rather have doughnuts tomorrow? Biscuits, can
4 you get some biscuits for my jury in the morning?

5 Madam Clerk: Yes, sir.

6 The Court: Thank you, be here at 9:15 and I'll
7 have hot biscuits waiting on you, thank you. Remember my
8 admonitions now don't discuss this case, make no
9 independent inquiry, thank you.

10 (Whereupon, the jury was excused for the evening
11 at 6:55 p.m.)

12 The Court: All right, will the State redact
13 that first three point, what is it, minutes?

14 Mr. Holford: Your Honor, if I ---

15 Ms. Knowles: I'll do it, I'll do it, Your
16 Honor.

17 Mr. Holford: Your Honor, if I may just allow
18 them to start it three minutes and twelve seconds in,
19 whatever time they choose.

20 The Court: That's fair enough; you going to
21 play the whole thing from the three minutes and twelve
22 seconds only?

23 Mr. Holford: It's just, it's just the second
24 portion of that one interview that's on disk two and it's
25 fifteen minutes and eleven seconds total so if they take

1 out three eleven, it's twelve minutes.

2 The Court: You understand, though, we're going
3 to play the full twelve minutes remaining, the rest of it
4 will be played. As I understand it now there's no other
5 witnesses but that and he does not desire to testify; is
6 that what I hear? I believe you want to call that witness
7 back; is that right?

8 Defendant Mazique: Yes, sir, I have two.

9 The Court: Sir?

10 Defendant Mazique: Two, Detective Chatfield and
11 Scales, Officer Scales.

12 The Court: Have available for recall by the
13 defendant.

14 Mr. Holford: Yes, Your Honor.

15 The Court: All right, anything else? Thank
16 you.

17 Mr. Holford: Thank you, Your Honor.

18 (Whereupon, court was adjourned for the evening
19 at 7:00 p.m. and resumes on November 16, 2012 at 9:30 a.m.)

20 The Court: Is the State ready to proceed?

21 Mr. Holford: Yes, Your Honor.

22 The Court: The defense is ready? Mr. Mazique,
23 as I understand it you desire to introduce a portion of an
24 audio; is that correct?

25 Defendant Mazique: Yes, sir.

1 The Court: And on yesterday after discussing
2 with you your right to participate and testify and your
3 right to remain silent if you chose to, after discussing
4 yesterday you told me that you desired not to testify; is
5 that still your judgment?

6 Defendant Mazique: Yes, sir.

7 The Court: That's fine, you may be seated.

8 Defendant Mazique: Your Honor, I have a formal
9 objection that I'd like to make before you bring the jury
10 in.

11 The Court: What is that, please?

12 Defendant Mazique: I'd like to object to this
13 Court's procedures and if there's any rule that authorized
14 this procedure I contend that it is unconstitutional.

15 The Court: What procedure are you referring to?

16 Defendant Mazique: The procedure of holding a
17 pretrial motion and a trial on the same day and if there's
18 a rule I contend that this rule violates my due process
19 rights and highly prejudicial to my defense.

20 The Court: Quite often we have pretrial motions
21 on the day of trial. I note your motion but it is not a
22 proved motion. There's nothing wrong with hearing pretrial
23 motions on the date of trial.

24 Defendant Mazique: Just for the matter of
25 record I'm just objecting to it, Your Honor.

1 The Court: Yeah, I understand your objection
2 and I ---

3 Defendant Mazique: Yes, sir.

4 The Court: --- respectfully disagree with you.

5 Defendant Mazique: Yes, sir.

6 The Court: You may be seated.

7 Defendant Mazique: Thank you.

8 The Court: You're welcome. All right, are you
9 ready to play the video?

10 Mr. Holford: Your Honor, I believe the defense
11 is going to play a portion of the video.

12 The Court: I understand this is, this is at
13 defendant's request and the defendant's evidence.

14 Mr. Holford: Yes, sir, Your Honor, although the
15 State is allowing them to use the computer and the
16 microphone that's already set up in the courtroom, I don't
17 know if they have this same video and audio in there yet or
18 not but ---

19 The Court: Well, Solicitor, somebody assist him
20 in playing it.

21 Mr. Holford: Your Honor, he has two attorneys
22 sitting with him who can assist him.

23 The Court: Are you ---

24 Ms. Knowles: I think that I have it stopped
25 where he wants it started.

1 The Court: All right, that's fine, bring the
2 jury in.

3 Mr. Holford: Thank you, Your Honor.

4 Mr. Richardson: Are we going to mark it
5 afterwards, Your Honor?

6 The Court: Yes, sir.

7 Mr. Holford: Your Honor, this audio is not in
8 evidence yet.

9 The Court: I understand that.

10 Mr. Holford: Although the State would not have
11 an objection to it as long as the defense ---

12 The Court: I understand that he's putting it in
13 evidence, wait a minute now; counsel, you understand he's
14 putting this in evidence to play it?

15 Ms. Knowles: I have discussed that with him and
16 he has to do before it can be before the jury.

17 The Court: And in doing that, and in placing it
18 in evidence he forfeits his right to final argument.

19 Ms. Knowles: Your Honor, this is just a
20 continuation of what has already ---

21 The Court: I done been through that now, I've
22 told you also before he is representing himself. I decline
23 to let him tell the State how they are going to handle
24 their case. The State put in their part of audio that they
25 wanted; if he wants another part he can put it in in his

1 case now. be seated.

2 Mr. Galtmore: May I address the issue of the
3 final argument?

4 The Court: No, sir, not, he represents himself,
5 I told you that, be seated. How many times have I told you
6 that he has the absolute right to represent himself without
7 counsel and that's what he chose to do.

8 Mr. Galtmore: But he made a motion ---

9 The Court: Now wait a minute don't argue with
10 me, sit down.

11 Ms. Knowles: Your Honor, I don't, I think we
12 just need some clarification ---

13 Mr. Galtmore: Yes, sir, sitting down.

14 Ms. Knowles: --- as to what we're supposed to
15 be doing.

16 The Court: There is no clarification; you are
17 to sit there not represent him, if he asks you of a
18 question you may answer it but you are not to participate
19 in the case. The Court, the Supreme Court has said that on
20 several occasions; you cannot participate in the case when
21 he wants to represent himself. I told you that three times
22 yesterday, now you may be seated.

23 If he wants to play this audio, and I'm told that
24 he does, on his behalf I'm going to admit it into evidence
25 and play it; it's his request. Now I know that he asked to

1 play it at the end of the State's case yesterday but he
2 would still be putting it in evidence and would forfeit his
3 right to final last trial.

4 Defendant Mazique: But, Your Honor, it's
5 already into evidence; he's admitted it into evidence
6 already.

7 The Court: Don't argue with me.

8 Mr. Holford: Your Honor, this is not in
9 evidence.

10 The Court: It's not in evidence.

11 Defendant Mazique: It's ---

12 The Court: Don't argue with me now.

13 Defendant Mazique: Yes, sir, yes, sir.

14 The Court: Do you want to play this audio?

15 Defendant Mazique: Yes, sir.

16 The Court: Then it's coming in evidence at your
17 request, bring the jury in, and I want to tell both of you
18 one more time the rule will not permit you to participate
19 in this case if he represents himself. I have sat you
20 there as a matter of courtesy, only if he asks of you a
21 question, you may answer, but you are not to participate in
22 the trial of this case.

23 Mr. Galmore: Yes, sir, Your Honor.

24 The Court: All right.

25 Mr. Galmore: May I please point out that during

1 ---

2 The Court: Have a seat.

3 Mr. Galmore: --- during Detective Chatfield's
4 cross examination yesterday Mr. Mazique came to the table
5 to ask a question ---

6 The Court: I understand that and that's fine.

7 Mr. Galmore: --- and when we tried to answer
8 the question his cross examination was terminated by the
9 Court.

10 The Court: There's no question about that
11 because he was going over the same ground over and over,
12 sit down.

13 Mr. Galmore: Yes, sir, sitting down.

14 The Court: Bring the jury.

15 (Whereupon, the jury returns to the courtroom at
16 9:45 a.m.)

17 The Court: Good morning, Madam Foreman, ladies
18 and gentlemen, I trust that the ham biscuits provided for
19 you were satisfactory. I got you confused with the other
20 jury that I was working and I nearly ordered doughnuts for
21 you, but our Clerk of Court's here and the assistants do a
22 magnificent job in taking care of the juries. We all
23 understand that you are here at considerable inconvenience
24 to your lives and we understand that you are guests of this
25 court and the guests of Horry County and we appreciate your

1 presence.

2 At the conclusion of court on yesterday the State
3 of South Carolina, as you know, had rested by concluding
4 all of their testimony and presentation of evidence. We
5 now move to the defendant's case. As the first order of
6 business on behalf of the defendant he has requested a
7 portion of a video that was not introduced by the State, at
8 his request I have admitted that portion of the, I said
9 video, it's audio, that portion that he requests into
10 evidence and it will be played for you at this time.
11 During your deliberations, if you desire, as I indicated
12 before to hear the other audio and this one we'll bring you
13 out and be delighted to play it for you. All right,
14 whoever set it up go ahead and play that portion of the
15 audio that he requests at which is now made a part of the
16 record at his request.

17 Mr. Holford: Your Honor, just to protect the
18 record the State, we do object to just a small portion of
19 it being played; there's about fifteen minutes. We agree
20 that the State is not able to play it and that's why we did
21 not play it our case in chief but we do object to them
22 playing only a two minutes portion in the middle. I just
23 want to put that on the record to preserve it.

24 The Court: It is, I would conclude that under
25 the circumstances it is appropriate to play only that small

1 portion.

2 Mr. Holford: Yes, Your Honor.

3 The Court: I note the State's position.

4 Mr. Holford: Thank you.

5 The Court: The State did not introduce it and
6 he has introduced it.

7 Defendant Mazique: Your Honor, my understanding
8 that I'd like to call Detective Chatfield back to the stand
9 be able to submit it into evidence.

10 The Court: Let's play this first and then we'll
11 do whatever you want to next, okay.

12 Mr. Richardson: Your Honor, for the record this
13 is Defense 1?

14 The Court: Yes.

15 Mr. Richardson: Thank you.

16 (Whereupon, Defense Exhibit Number 1 marked and
17 entered into evidence.)

18 The Court: For the record, excuse me, what?

19 Mr. Richardson: For the record, for the
20 recorder this is Defense Exhibit 1, correct?

21 The Court: Defense what?

22 Mr. Holford: Defense Exhibit Number 1?

23 The Court: Yes, sir, I've said that twice.

24 Mr. Richardson: I'm sorry, Your Honor.

25 The Court: I clearly I've said that. Now, Mr.

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1 Mazique, if you, after we play this video if you have
2 somebody else to call they'll be available, okay.

3 Defendant Mazique: Yes, sir.

4 The Court: All right, go ahead.

5 (Whereupon, Defendant's Exhibit Number 1 played
6 in open court.)

7 The Court: Is that the portion of the audio
8 that you desired played? Sir, Mr. Mazique?

9 Defendant Mazique: Yes, sir.

10 The Court: All right, the record will reflect
11 that the Court has acquiesced in the playing of the audio
12 at the defendant's request subject to the State's objection
13 that the entire audio was not played. Do you have some
14 witnesses, I understand you have a witness you wish to
15 call?

16 Defendant Mazique: Yes, sir, I have several
17 witnesses.

18 The Court: Give me their names.

19 Defendant Mazique: Detective Chatfield, James
20 Chatfield.

21 The Court: Have him come around, please.

22 Madam Clerk: Do you want him re-sworn?

23 The Court: Yes.

24 Mr. Holford: Your Honor, just for the Court's
25 clarification there is a order of sequestration. Officer

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1 Scales in the courtroom; he has been released from his
2 subpoena by the State. I believe the defense wants to call
3 him.

4 Defendant Mazique: I'll call him first.

5 The Court: What's the problem?

6 Mr. Holford: I didn't know if you wanted him to
7 leave the room or not.

8 The Court: Is the next officer, was he the
9 investigator?

10 Mr. Holford: He has been made available for the
11 defense.

12 The Court: No, sir, let him, under my
13 sequestration have him leave the room, please.

14 Mr. Holford: Yes, Your Honor.

15 The Court: Thank you for calling that to my
16 attention, counsel.

17 Mr. Holford: Yes, Your Honor.

18 Officer James M. Chatfield
19 being first duly sworn, testified as follows:

20 Madam Clerk: Please state your full name and
21 spell your last name.

22 The Witness: My name is James Mark Chatfield,
23 c-h-a-t-f-i-e-l-d.

24 Direct Examination

25 By Defendant Mazique:

1 Q Good morning, Chatfield, you just heard the
2 DVD played of the interview conducted by you and Officer
3 Ard on October the 3rd, correct?

4 A That's correct.

5 Q And did I give you the address that you
6 were seeking?

7 A You actually gave I believe three, one in
8 Dillon, the Suburban Lodge, and yesterday you said that you
9 were staying at another apartment in the same complex but,
10 yes, sir.

11 Q Did I give you that apartment number as the
12 one that you searched?

13 A I, yes, and I believe it was interview
14 number, on disk two or three, yeah, you gave three with Ms.
15 Reeves that apartment.

16 Q We're speaking about on the early --

17 A On the initial interview you said as the
18 video said that Suburban Lodge and then you said a resident
19 in Dillon County.

20 Q Okay, you stated that you got the address,
21 I gave you the address, the information that was provided
22 by me to that apartment complex and this is how you came
23 about the search came about?

24 A Yeah, not initially we found out where you
25 were staying and we went over there but not the, not that -

1 --

2 Q Your testimony yesterday was that I gave
3 you that, that address?

4 A Yeah.

5 Q 1-F I believe it was and that's you start,
6 that's how you went there to get the search?

7 A Yeah, but the address came up in the second
8 interview; we found out that you were staying there through
9 our ---

10 Q The second interview you, you already had
11 searched already, you already done been there on the second
12 interview?

13 A That's correct.

14 Q We was talking how you came about to get to
15 that address and you said that I gave you that address, was
16 that your testimony; is that correct?

17 The Court: Let him answer the question, go
18 ahead and answer the question, please.

19 A I'm just going to say I don't recall in
20 reference to this, okay.

21 Q You don't recall, you were the one that
22 obtained the video surveillance and the actual recording of
23 the robbery; is that correct?

24 A I'd have to look at the evidence, if the
25 evidence showed that I picked it up I believe so, yes, sir,

1 and I viewed it.

2 Q You viewed it then?

3 A Yes, sir.

4 Q Now let's go back to the, to the recording
5 on the 3rd, this is a recording that you used to a
6 recording device that you used to take the statement with,
7 would you explain to the jury how that process works in
8 trying to putting it on a DVD?

9 A Sure, ladies and gentlemen of the jury, we
10 have a, it's a newer type tape recorder. It's not, it's
11 all on hard drive; it's not where you can pull a tape out,
12 edit it or cut it. We interview somebody leave it on, cut
13 it off, we take it to the police department. We have an
14 rms system. We take the recorder in half; we plug it in
15 the rms system and then we load it. It goes into a hard
16 drive. It cannot be manipulated, cut, or anything else,
17 and then I print copies for anybody that wants them. I can
18 print as many as you need but they're the exact same.

19 Q So you're testifying today that once you
20 take that recording device, that recording device you use
21 and you put it, and you put it into your hard drive ---

22 Mr. Holford: Your Honor, Your Honor, I would
23 just ask that the defendant not be pointing in the stand
24 right, right on front of the witness, thank you.

25 Defendant Mazique: I apologize if I offended

1 you by doing that?

2 The Court: Go ahead, I understand, he is pro se
3 and he doesn't understand all of my rules.

4 Mr. Holford: Yes, Your Honor, I understand.

5 The Court: Go ahead.

6 Defendant Mazique: (Continuing)

7 Q So sending that, putting that transporting
8 from the victim's call, the initial recording onto that
9 hard drive and then from the hard drive to on the DVD
10 you're saying it's your testimony saying that there is one
11 way once you put it on that, once you take it off that
12 digital recording there's no way once you put it on that
13 drive, hard drive, that it can be manipulated?

14 A That's correct. Ladies and gentlemen,
15 let's just say I do an interview at a Kangaroo and then I
16 get called to a rape scene I'm going to use the tape
17 recorder, I'll have seven, eight, nine, by the time I get
18 back to the office I may have four or five different
19 downloads to four or five different cases. Yeah, there is
20 absolutely no way the tape recorder can be manipulated.

21 Q So the DVD that's been submitted in court
22 today if I took that just like said you used this same
23 recorder over and over, right, if I possess that recorder
24 it would, there's way of putting everything that's been
25 recorded on that even though you erased it?

1 A No, once, once the hard, once the hard,
2 once the digital recording is downloaded you couldn't keep
3 the tape recordings, it would overload the system. We
4 erase them after the first five or six you clear your
5 system. We use it over and over and over and my recorded
6 has probably been used probably over a hundred times over
7 and over and over.

8 Q So there's no way after that that, that you
9 can go in there with the proper, with the proper technology
10 that you can go in there and pull up everything that
11 initially was on there if you know, if you think it was
12 erased?

13 A I'm not a Microsoft technician, I have no
14 idea if you could go deep down and see, I have no idea.

15 Q You don't know?

16 A I have no idea, I have no idea.

17 Q It's my understanding that you have given
18 the testimony here that there's no way that it can be done?

19 A I didn't say that, I said I have no idea of
20 the technology if you can take a year old recorder and pull
21 everything out that's ever been put on it and erased; I
22 have no idea.

23 Q So that would be the only way to establish
24 if there had been any alteration to have that original
25 recorder because the DVD itself and you said once it's put

1 on the DVD ---

2 The Court: All right, I've permitted you to
3 examine him on this question but you're going to need to
4 get onto something else now.

5 Defendant Mazique: Your Honor, I, I ---

6 The Court: I know but you've gone over and over
7 and he's answered, ask him another question not the same
8 thing over and over.

9 Defendant Mazique: I'm just putting this to the
10 jury ---

11 The Court: The jury understands his testimony.

12 Defendant Mazique: It can't be done and he's
13 testifying to that.

14 The Court: All right, you've got, the jury
15 understands what you asked him.

16 Defendant Mazique: I'm pointing to that it can
17 ---

18 The Court: Well argue that to the jury not you
19 questioning him. I'll give you time to argue that to the
20 jury but you don't, our rules don't let you argue with him,
21 Mr. Mazique.

22 Defendant Mazique: Yes, sir.

23 The Court: All right.

24 Q (Continuing) Now on this tape on the 3rd, I
25 believe it was, did I admit to robbing the store?

1 A No, sir, it was the starting my
2 investigation and I didn't have anything. We were just
3 basically starting the investigation.

4 Q And you admit to deceiving me to try to get
5 me to admit to this robbery; is that correct?

6 A I use it, we use it as an investigative
7 tool, unfortunately in the world we live in when you ask
8 somebody a question I wish everybody would tell you the
9 truth but it doesn't work this way.

10 Q And did it work?

11 A Obviously, sir, on tape number three ---

12 The Court: Wait a minute now, Mr. Mazique,
13 you've asked him a question and he's entitled to answer it,
14 go ahead.

15 The Witness: (Continuing)

16 A Yes, sir, on the tape you confessed to
17 robbing the store; you confessed to throwing the gun in the
18 water; you said you were unsure about your jacket and you
19 were unsure about your tennis shoes but, yes, sir.

20 Q Did I, I'm going to be specific about this,
21 did I on October the 3rd in doing your interview confess to
22 you about the robbery?

23 A No, sir, on the first interview you did not
24 confess.

25 Q And that is the interview that you tried to

1 deceive me with; is that correct?

2 A I tried to do my job and investigate a
3 robbery, sir.

4 Q And I believe they heard that you left in,
5 in, in frustration because I wouldn't, I wouldn't, you
6 couldn't, in your own word you were frustrated?

7 A Sir, I'm only human, I'm about like
8 everybody else, I cry, I get frustrated and everything else
9 and if that's wrong I apologize for it.

10 Q The next day ---

11 The Court: Sir? What did you say, Mr. Mazique?

12 Defendant Mazique: Directing his attention to
13 the next, the next day.

14 The Court: That's fine.

15 Defendant Mazique: I'm moving on to the next
16 day.

17 The Court: That's fine, I'm going to let you do
18 that.

19 Defendant Mazique: Okay.

20 Q (Continuing) On the next, the very next day
21 I was, I was, you conducted a second, on October the 3rd at
22 11:52 you went and searched the apartment of Kelly Reeves;
23 is that correct?

24 A Yes, yes, at approximately 11:52 hours,
25 yes.

1 Q And I believe on October 3rd after you
2 questioned me, shortly after?

3 A Yes, sir, I questioned you, we questioned
4 you at 9:47 in the morning, yes, sir, myself and Corporal
5 Ard.

6 Q And at 12:30 your interview records show
7 that you read Ms. Kelly Miranda, Ms. Kelly Reeves her
8 Miranda rights, you read her rights, you did a recorded
9 statement, Ms. Reeves denied all involvement of the
10 robbery; is that correct?

11 Mr. Holford: Your Honor, just once for the
12 record the State would like to make an objection. I know
13 he's pro se and we're giving him a lot of latitude, this is
14 his witness, on direct examination he's obviously crossing
15 the witness.

16 The Court: But he is pro se.

17 Mr. Holford: Yes, Your Honor, I just want to
18 make it for the record.

19 The Court: I understand but he's entitled and I
20 ruled when somebody represents himself pro se we for
21 obvious reasons give him certain latitudes and I'm giving
22 it to him, go ahead, Mr. Mazique.

23 Mr. Holford: Thank you, Your Honor.

24 Defendant Mazique: (Continuing)

25 Q Then on October the 4th 9:22, Officer

1 Chatfield ---

2 The Court: Just ask your question, Mr. Mazique.

3 Q On October the 4th at 9:22 did you clear up
4 Ms. Kelly Reeves involvement?

5 A It was my discretion and I wasn't going to
6 charge Ms. Reeves; it was totally my discretion.

7 Q This was before questioning me about the
8 search?

9 A My, my discretion I can charge her a day
10 after if I felt like it; could have charged her before,
11 after, it was my discretion.

12 Q Did you obtain a arrest warrant for me, I
13 believe it was on 9, 9:45 on October the 4th?

14 A Yes, I went to the J. Reuben Long,
15 explained the facts of my case to Judge Butler and
16 therefore he issued me an arrest warrant.

17 Q So I was, that time I was arrested for this
18 offense already when he issued a warrant ---

19 A No, no, sir, I'm going to ask the Judge,
20 you're, you're opening up --

21 Q I'm asking you about the robbery that you,
22 you, you ---

23 A Yes, sir, the reason you were incarcerated
24 ---

25 Q I didn't ask you the reason why I was

1 incarcerated, I asked you ---

2 The Court: Wait a minute now you're getting in
3 some dangerous territory and I'm trying to protect you, Mr.
4 Mazique. Be careful about what you ask him, you may not
5 want the answer and that's, that's your problem now.

6 Defendant Mazique: I asked him that on October
7 4th at 9:45 you went to Judge Butler and obtained an arrest
8 warrant for armed robbery, specifically armed robbery?

9 The Court: What are you asking him?

10 Defendant Mazique: (Continuing)

11 Q And he served with that arrest warrant on
12 October the 4th at 9:45?

13 The Court: Officer, to the extent that you can
14 the arrest warrant involving this charge?

15 Q That charge October --

16 A I mean I got an arrest warrant from Judge
17 Butler, I walked into the booking department of the J.
18 Reuben Long Detention Center and a warrant was served.

19 The Court: Thank you.

20 Q You record reflect that, your reports
21 reflects that was 9:45, okay, that's good?

22 The Court: All right, sir.

23 Q Your record reflected that the time was
24 9:45?

25 A Yes, sir, Mr. Mazique, if the time said

1 9:45 ---

2 Q Yes, sir?

3 A -- I try to keep notes, it's an
4 investigative, it could have been at 9:47, it could have
5 been 9:41, it could have been 9:41. I try to keep the best
6 notes I possibly can.

7 Q Well I pointed out, I mean my point is that
8 I was already arrested on October 4th?

9 A Yes, sir, you were already -- Your Honor --

10 Q You already served me with the warrants
11 it's already served for the armed robbery, the warrant was
12 already served?

13 The Court: That's fine, he was, your answer he
14 was already arrested, fine, and, Mr. Mazique ---

15 Defendant Mazique: I understand, I understand
16 what he's saying now, Your Honor, I got it.

17 The Court: You better get it because you keep
18 on you're going to hear some things you don't need to hear.
19 I'm trying to protect the record for you as best you will
20 let me.

21 Defendant Mazique: (Continuing)

22 Q And at 10, on October the 4th at 10:30 you
23 conducted another interview with me; is that correct?

24 A Yes, sir, that's, I believe that's where
25 you confessed, yes, sir.

1 Q That's, that's, that's, that's the one I
2 believe that the interview that you said I confessed to I'm
3 already charged of it?

4 A Yes, sir, that, that's where you said that
5 you robbed, it's the one threw the gun.

6 Q That's what I said, then I asked you, I'm
7 already arrested for it, your report reads you came back
8 the second time, you already have enough information to get
9 me arrested for it, why would you come back the second time
10 to question me about the armed robbery?

11 A Your Honor, this goes into my, the other
12 thing.

13 Q Your report ---

14 The Court: All right, Mr. Mazique, Mr. Mazique,
15 I'm telling you now you want him to really tell you why he
16 came back the second time I'm going to let him do it.

17 Defendant Mazique: It states why because he,
18 he, he ---

19 The Court: Well there may be some other reason
20 ---

21 Defendant Mazique: Then the jury ---

22 The Court: Wait a minute, there may be some
23 other reason now.

24 Defendant Mazique: You would be going into it
25 because his reports read that he came there about a search

1 that he had already conducted, Your Honor.

2 The Court: Answer him in full why you came back
3 the second time.

4 Q Yes, answer me.

5 The Court: Answer him.

6 A You were a suspect in multi --

7 The Court: Go ahead, he keeps asking.

8 The Witness: (Continuing)

9 A In multiple armed robberies, several, as
10 many as three, as limited to six or seven, could be more,
11 could be less.

12 Q And I was a suspect in them, I wasn't
13 arrested for them not at that time, I was suspect; is that
14 correct?

15 A Yes, sir, you still are.

16 Q Okay, so you questioned me, so, when you
17 came back why, having issued this arrest warrant already
18 why would you come back and ask me about the same armed
19 robbery already that I denied it on the 3rd?

20 A We like to give everybody the chance, I
21 know when people make mistakes and I know they're less than
22 truthful law enforcement sometimes they will come around
23 and actually be very truthful; they say, hey, I did this
24 armed robbery, I'm sorry, I had a bad day, that's why, sir.

25 Q And, and I, I only took from the 3rd, from

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1 that time, from the 3rd when you tried to get me frustrated
2 you tried to deceive me to, to, to admit to this robbery to
3 the 4th when you opened up and it's your words that said --
4 -

5 The Court: Wait a minute now, Mr. Mazique,
6 you're arguing to the jury, you can't do that. I'm going
7 to let you make that argument when we close the testimony
8 when I rule you, don't argue at this time, just ask, please
9 ask the question.

10 Mr. Mazique: I believe this record ---

11 The Court: Wait a minute, you're getting into
12 arguing again to the jury, don't do that, just ask if
13 you've got any questions, fine, if not sit down at the
14 appropriate time, I'll let you talk to the jury.

15 Defendant Mazique: I'm not through, sir.

16 The Court: All right.

17 Defendant Mazique: (Continuing)

18 Q And what did you ask me initially?

19 A Sir, I asked you initially when I met you.

20 Q I'm talking about what did you ask me
21 initially?

22 A If you robbed the Kangaroo store.

23 Q And what did I say?

24 A You said, yeah, you said you took the gun,
25 you threw it near 701, you don't really remember what

1 jacket you wore, you were by yourself, your girlfriend
2 wasn't in the car. You said that you had, you weren't sure
3 if it was, I believe, twenty or thirty or forty's, you
4 didn't know which gun, you bought the gun in Myrtle Beach
5 off an unknown subject.

6 Q Officer Chatfield, let me remind you that
7 you are testifying under oath?

8 A I'm very, I'm very aware of that, sir,
9 thank you.

10 Q You asked me did I rob the store, you just
11 said you asked me did I rob the store?

12 A Okay, let me rephrase that, you confessed,
13 I can't put the exact words.

14 Mr. Holford: Your Honor, we have the audio if
15 Mr. Mazique would like to play that audio.

16 The Court: No, sir, the jury has heard that
17 audio and if they want to hear it during their
18 deliberations again I'll give it to them but I'm not going
19 to waste their time playing it again at this time; they've
20 heard it, thank you, be seated.

21 Q In your ---

22 The Court: The audio is in evidence, it's
23 available to them again and they've heard it.

24 Mr. Holford: Yes, Your Honor.

25 The Court: All right, sir.

1 Defendant Mazique: (Continuing)

2 Q In your words did you, did you state did I
3 rob the store, did you ask me that specific question?

4 A Sir, I, we'd have to listen to the tape;
5 you confessed to robbing the store; you confessed of
6 throwing the gun, you did it, sir.

7 Q Well did, did, but did I, did you say what
8 gun did you use to rob the store with or did you say did
9 you confess to robbing the, did I confess to robbing the
10 store?

11 The Court: Mr. Mazique, let me say this to you,
12 that video will speak for itself, I mean that audio.

13 Defendant Mazique: Yes, and ---

14 The Court: No, the audio will speak for itself
15 and the jury has heard it and during their deliberations if
16 they want to hear it again we'll do that, there's no need
17 in beating them to death with he did or did not say. The
18 audio will speak for that issue, go to the next question,
19 please.

20 Defendant Mazique: (Continuing)

21 Q What did you write, what did you, in your
22 report after the, after the interview was conducted what
23 did your reports reflect, what did you write in your
24 report, would you read your reports on the 4th after the
25 interview was conducted?

1 A I have no idea what he's talking about.

2 Q I'm asking you you keep logs of everything,
3 once, when you finish ---

4 A Are you talking about the ---

5 Q When you finished this interview ---

6 The Court: Wait a minute, now wait a minute,
7 Mr. Mazique, let him answer, please.

8 A Mr. Mazique, are you talking about the case
9 activity report, are you talking about the report of
10 investigation, are you talking about a synopsis?

11 A Your case activity report, all of your
12 reports?

13 The Court: No, sir, we're not going to go into
14 that.

15 Defendant Mazique: I'm asking him ---

16 The Court: Give him a synopsis if he wants it;
17 do you have an synopsis, Mr. Witness?

18 Defendant Mazique: Can I put this, can I put it
19 to him in another way?

20 The Court: Yes, sir, let me hear it.

21 Defendant Mazique: (Continuing)

22 Q Is there anything in your written report,
23 your synopsis anything that, that, that will establish that
24 Mr. Mazique during an interview confessed to me on the 4th
25 on robbing the store, anything in there?

1 A I'm going to pull up the synopsis here,
2 sorry, ya'll.

3 The Court: You may do so, go ahead.

4 A Yes, Your Honor, sorry.

5 The Court: He's just asking you is there
6 anything in your subsequent reports to refer to an alleged
7 confession.

8 A On my synopsis I put that an arrest warrant
9 was made and originally he denied any involvement. I try
10 to give the defendant the benefit of anything, okay.

11 Q That's not ---

12 The Court: Wait a minute, let him answer.

13 A That was --

14 The Court: Go ahead.

15 A So that's what was on my synopsis, okay, I
16 didn't put that the video that he confessed, it's in that,
17 you know, on the video.

18 Defendant Mazique: A moment, please.

19 The Court: All right, sir.

20 A And that's just, Your Honor, on the
21 synopsis.

22 The Court: I understand, Madam Foreman, ladies
23 and gentlemen, I'm sure you're following this. You've
24 heard, you've seen the audio and you've heard it and during
25 your deliberations if the jury wants to hear all or any

1 part of it it will certainly be available to you.

2 Q May I show you this, this is your report;
3 is that your report?

4 A Yeah.

5 Q Could you read your words on October the
6 4th which you wrote?

7 A Yes, says that 10:30 hours I went to J.
8 Reuben Long, made contact with Ricky Mazique. Mazique
9 stated the bullets in apartment were his, stated he threw
10 the firearm near 501 but would not confess to robbing the
11 store.

12 Q And you said that I stated this, it's not a
13 synopsis, you said I stated this to you; is that correct?

14 A That's correct, in some of these reports,
15 when I get all the interviews I try to type it in
16 chronological order; do I leave some things out, yes, I do,
17 but again since he opened the door I was working a
18 multitude of cases with this gentleman.

19 Q What do you call a multitude?

20 The Court: Many.

21 Q Many?

22 The Court: Yes, let's don't go into that now,
23 Mr. Mazique, I mean that's not, that's not to your interest
24 to do that. That's got nothing to do with this case and
25 it's not to your interest to go there.

1 Defendant Mazique: (Continuing)

2 Q So it's your testimony today that in, in
3 your report although you, you, right after you questioned
4 me didn't you go and write your report?

5 A No, sir, it's usually might be a month
6 later or two.

7 Q A month later?

8 A Yes, sir, or longer.

9 Q But you, but you had your reports, you had
10 your ---

11 A I had my investigative notes and, and
12 investigative and again I try to keep everything in
13 chronological order.

14 The Court: All right, Mr. Mazique, I want you
15 to go ahead and conclude your examination now; you've been
16 over it and over it. We got the jury waiting; I want to
17 go ahead and call your next witness.

18 Defendant Mazique: Your Honor, I'm still, he's,
19 I have him on direct.

20 The Court: You've got him but I'm not going to
21 let you keep on and on asking the same question; if you've
22 got a new area do it.

23 Q Since you went into robbery, the other
24 robberies that, you opened, you said I opened the door but
25 you went into it ---

1 The Court: Mr. Mazique, Mr. Mazique, I'm not
2 going into other robberies, now it's ---

3 Defendant Mazique: He was allow, he just
4 brought it out that I was a suspect in multiple robberies.

5 The Court: That's not, Mr. Mazique, it's not to
6 your interest to go there. Other robberies have no bearing
7 on the facts in this case and to protect this record I'm
8 not going to let you go there. It's just simply not to
9 your interest and it has no bearing on any issue in this
10 case. I'm leaning over backwards to try and help you but
11 you got to help yourself.

12 Defendant Mazique: I'll move on, Your Honor.

13 The Court: All right, sir.

14 Q (Continuing) You obtained the video of the,
15 the surveillance video of the robbery?

16 A Yes.

17 Q And you went to put it into evidence to
18 turn it over to the ---

19 A Yes.

20 Q --- proper people?

21 Defendant Mazique: Your Honor, I'd like to
22 submit to show ---

23 The Court: To do what?

24 Defendant Mazique: --- the video surveillance -
25 --

1 The Court: Sir?

2 Defendant Mazique: The tape that we have.

3 Ms. Knowles: What do you want?

4 Defendant Mazique: The footage of the robbery.

5 The Court: Not going to play that video at this
6 time, if the jury wants to hear it later they can do so,
7 but they've already played it, not going to do it.

8 Defendant Mazique: This one, Your Honor, and I
9 have, I have, Your Honor, I make my argument right now,
10 Your Honor, this, this video that I make it ---

11 The Court: Identify what --

12 Defendant Mazique: What is asking now, this is
13 the one that, this is supposed to be the one that the State
14 ---

15 The Court: Show it to Mr. Holford, please.

16 Mr. Holford: Your Honor, this is a copy that I
17 made for his defense attorney at the time, Ms. Melinda
18 Knowles. It's a copy of what's already been entered as
19 State's Exhibit; it's a surveillance video of the robbery.
20 The State has no objection if he'd like to enter his own
21 copy of the surveillance video.

22 The Court: If you want to enter your own copy
23 you may do so.

24 Defendant Mazique: I'd like to play it.

25 The Court: No, sir, not going to do that. If

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1 the jury wants to play your own copy they can. There is
2 testimony in the record for the jury to consider that that
3 is a exact duplicate of the one played.

4 Defendant Mazique: It's not, this will reflect
5 that it was not exact.

6 The Court: Well if the jury wants to hear that
7 one I'll surely let them have it.

8 Defendant Mazique: But I ask that I submit it
9 as Defense Exhibit 2?

10 The Court: You may do so.

11 Defendant Mazique: Thank you.

12 Mr. Holford: No objection, Your Honor.

13 The Court: All right, sir, and if the jury
14 concludes that it's different from the one that the
15 testimony was searched let them play it.

16 Defendant Mazique: Yes, sir.

17 (Whereupon, Defendant's Exhibit Number 2 marked
18 and entered into evidence.)

19 The Court: Now I call your attention that is
20 Defendant's Exhibit ---

21 Defendant Mazique: Defendant's, yeah.

22 The Court: --- 2, and if, Madam Foreman and
23 ladies and gentlemen, if your jury wants to play that one
24 you may do so. As I understand it it's for the jury's
25 consideration but that's an exact copy of the one

1 previously played; is that correct, Mr. Holford?

2 Mr. Holford: Yes, Your Honor.

3 The Court: And that's been the testimony from
4 the witnesses?

5 Mr. Holford: Yes, Your Honor.

6 The Court: That's for the jury to determine but
7 that's fine, all right, it's in the record.

8 Defendant Mazique: (Continuing)

9 Q When did you review this evidence?

10 A I reviewed it at the scene and I reviewed
11 it with the Solicitor.

12 Q You testified, I believe you stated that
13 this crime happened on September the 29th; is that correct?

14 A That's correct, that's correct.

15 Q Looking at this video surveillance camera?

16 A I believe the Kangaroo clerk can explain
17 that, there's --

18 Q I'm asking you?

19 A I ---

20 Q Did you notice the date on the video?

21 A No, I didn't notice the date.

22 Q You didn't notice the date, did you, did
23 you have a chance to review that in camera car video?

24 A Yes, I saw the video.

25 Q You saw that?

1 A Yes, sir.

2 Q Did you notice the date on that when you
3 was called to the scene.

4 A Over twelve months ago, I'm sorry, I don't
5 recall.

6 The Court: All right, Mr. Mazique, I've been
7 very patient with you, I want you to go ahead and conclude
8 your examination so we can get on to your next witness.

9 Q I believe, I believe your explanation of
10 the changing in the dates was something about it gets
11 stuck, they sometimes get stuck?

12 The Court: Mr. Mazique, there's testimony for
13 the jury's consideration as to what date it occurred; I'm
14 going to let the jury make that determination based on the
15 evidence in this case so let's move on to something else.
16 The jury can make that determination.

17 Q I'd like to go back to, to, to the
18 interview and, and, and ---

19 The Court: No, sir, we've been through that,
20 the interview the jury ---

21 Defendant Mazique: This is something else, Your
22 Honor, I'm not going back to that part.

23 The Court: The jury has seen that audio video.

24 Defendant Mazique: I'm not going back to that.

25 The Court: Well where you going?

1 Defendant Mazique: I'm asking him about the
2 tape, the interview on October the 3rd that he conducted.

3 The Court: Is that the, are you talking about
4 the audio?

5 Defendant Mazique: No, sir, talking about the
6 interview itself.

7 The Court: What is he talking about?

8 A Your Honor, he's talking about the audio,
9 the confession.

10 Defendant Mazique: I'm talking about the video
11 confession.

12 A I believe, Your Honor.

13 The Court: No, sir, we're not going there.

14 Defendant Mazique: Your Honor ---

15 The Court: Mr. Mazique, the audio is in the
16 record; the jury can play it. I'm not going to have any
17 more questions about that audio; it's there for the jury
18 and they can make, give it such weight as they think is
19 necessary.

20 Defendant Mazique: Your Honor, I'm speaking
21 about something else now that I haven't spoke about.

22 The Court: No, sir, I'm, Mr. Mazique, we are
23 not going into any further questions about that interview
24 because the audio is available. If you have any questions
25 about anything else let me hear them; not going to go

1 through the audio any more. 'you're wasting this jury's
2 time.

3 Defendant Mazique: I'm trying to make a point,
4 Your Honor.

5 The Court: Well just ask the question and let
6 me see what the point is, what point are you trying to
7 make?

8 Defendant Mazique: (Continuing)

9 Q Did you recover a wig?

10 A No, sir, we didn't recover a wig; we didn't
11 recover a gun, no, sir.

12 Q You didn't recover, and, and, and on the
13 time that I was being informative, giving you this
14 information did you ever ask me about the wig?

15 A If the video I didn't, then I didn't.

16 Q The cigarettes found in the apartment did I
17 ever admit to having them?

18 A No, sir, originally you didn't admit to
19 doing anything, sir.

20 Q After, after, after did I admit to, after
21 the cigarettes that you found in the scene did you question
22 me about them?

23 A No, sir, you admitted to robbing the store,
24 sir.

25 Q And, and during your line of work, Officer

1 Chatfield, when you have a suspect, I mean that's being
2 cooperative ---

3 The Court: No, sir, we're not going to
4 speculate about something else. Mr. Mazique, I'm getting
5 ready to sit you down now; if you've got some more specific
6 ---

7 Defendant Mazique: I'm still on this same ---

8 The Court: Not going to any other suspects, not
9 going to go there.

10 Defendant Mazique: Not going into other
11 suspects.

12 The Court: Mr. Mazique, if you've got a
13 question now, I'm running out of patience with you. If
14 you've got a question ask him otherwise I'm going to sit
15 you down, sir. All right, I conclude this, this will
16 conclude this cross examination. You have any examination?

17 Mr. Holford: Your Honor ---

18 The Court: Sir?

19 Mr. Holford: Not necessary.

20 The Court: You may come down, thank you.

21 The Witness: Thank you, Your Honor.

22 The Court: Call your next witness.

23 Defendant Mazique: Call Officer Scales.

24 Officer Brian Scales

25 being first duly sworn, testified as follows:

1 Madam Clerk: Please state your full name and
2 spell your last name.

3 The Witness: My name is Brian Scales, s-c-a-l-
4 e-s.

5 Direct Examination

6 By Defendant Mazique:

7 Q Mr. Scales, I've been butchering your name,
8 I believe Stiles, is it Scales?

9 A Yes, sir, no problem.

10 Q Officer Scales, your in camera video
11 surveillance?

12 A Yes, sir.

13 Q You turned it over to the of the incident
14 the day that you were alerted the panic alarm alerted you,
15 did you turn that video surveillance over to the State; was
16 that correct?

17 A Not that day, no.

18 Q I mean shortly after?

19 A Yeah, yeah, it was within ---

20 Q I mean you already stated that you summoned
21 it down just, condensed it to that day?

22 A That's correct.

23 Q In your, in your, it shows a date?

24 A Yes, it has a date and time stamp on it,
25 that's correct.

1 Q Exact date?

2 A It is.

3 Q This is already, this is the same, it's
4 already been admitted into evidence I think?

5 The Court: It is.

6 Q Okay, and doing your, in doing your report
7 when you was called to the scene when you took this report
8 from the victim did you have any reasons to lie about what
9 was told to you?

10 A No.

11 Q And could you have known that the
12 description that you, as it was described to you, the
13 description that you, you stated in that you wrote down in
14 your report is that the accurate description that was given
15 to you at the time when you made your report?

16 A I'm not following, are you asking ---

17 Q I'm saying when you spoke with the victim?

18 A Yes, sir.

19 Q What was told to you was translated onto
20 your report?

21 A Okay.

22 Q Got it?

23 A Yes, sir.

24 Q Is that correct?

25 A That's correct.

1 The Court: Answer the question for him, please.

2 A Yes, what the victim, the description the
3 victim gave me is what I put in my report.

4 Q What happened is in your report?

5 A Yes.

6 Q Were you in court when she was testifying
7 yesterday?

8 A Yes, I was.

9 Q I mean, her testimony was that she knew who
10 committed the robbery. Her report was kind of contrary to
11 what your report is like, and my question to you and to the
12 jury is that, I mean I feel like, I actually kind of feel
13 like you wouldn't have no reason to say something that
14 wasn't said to you. You'd kind of like have to have
15 extrasensory perception to do that.

16 Mr. Holford: Your Honor, is he testifying or
17 asking a question?

18 Defendant Mazique: I'm asking him ---

19 The Court: Let him, let him answer the
20 question, please.

21 Q To know that ---

22 The Court: Well I'm not sure what his question
23 is. Mr. Mazique, what is your question?

24 Q My question to the, to ---

25 The Court: Let me hear the question, please.

1 Defendant Mazique: (Continuing)

2 Q Could you have known in your report that
3 written in your report that the suspect was appeared to be
4 wearing a wig?

5 A What she told me was that the suspect, the
6 hair, told me he had long hair but there was something off
7 about the hair, did not look right, she felt that it was a
8 wig so the way I worded it was the victim thought what
9 appeared to be a wig.

10 Q And then I believe you recorded it like
11 black male fifty?

12 A Approximately.

13 Q And that's what was told?

14 A Yeah, she said it was a black male
15 approximately fifty years old.

16 Q And you wouldn't have no reason to lie?

17 A No.

18 Defendant Mazique: No, no further questions.

19 The Court: All right, you may come down and,
20 thank you, do you have any other witnesses?

21 Defendant Mazique: Yes, sir, I'd like to call
22 Ms. Knowles.

23 The Court: No, ma'am, that's not permitted, I'm
24 not going to let you.

25 Defendant Mazique: It's not in reference to any

1 ---

2 The Court: No, sir, not going to let you call
3 Ms. Knowles on any issue involving innocence or guilty in
4 this case.

5 Defendant Mazique: It's not, it's not about
6 this, Your Honor, can I explain why ---

7 The Court: Not in front of the jury, let you go
8 to the jury room just a minute, I'll call you back very
9 shortly.

10 (Whereupon, the jury retired to the jury room at
11 10:35 p.m.)

12 The Court: Mr. Mazique?

13 Defendant Mazique: I was, I was calling, my
14 intention was to call Ms. Knowles to the stand for the
15 purpose of verification on when she received evidence and,
16 and, and it's strictly kept it in that line, when she
17 received evidence and when I viewed the evidence.

18 Mr. Holford: Your Honor ---

19 The Court: It's not, wait a minute.

20 Defendant Mazique: When she showed me the
21 evidence.

22 The Court: Go ahead, wait a minute.

23 Mr. Holford: May I respond for the State, Your
24 Honor?

25 The Court: You may do so.

1 Mr. Holford: That's not a question for the jury
2 in this case. The record, discovery was turned over to the
3 defense; that's an issue for the Court, I believe, whether
4 discovery was turned over.

5 The Court: It is.

6 Mr. Holford: That's not an issue for the jury
7 about facts in this case.

8 The Court: Mr. Mazique, I can answer this real
9 quick like. Prior to beginning the case I specifically
10 asked the Solicitor had he turned over everything required
11 under Brady and under our rules; he said that he did. I
12 then inquired of Ms. Knowles and she had received all of
13 this thing. That has nothing to do with your innocence or
14 guilt in this case.

15 Defendant Mazique: Your Honor, it has, Your
16 Honor ---

17 The Court: No, sir, it doesn't, don't argue.

18 Defendant Mazique: To me, Your Honor ---

19 The Court: I know what you're saying but it's
20 not permissible; I'm not going to let you do it.

21 Defendant Mazique: When, when ---

22 The Court: Ms. Knowles -- listen, Mr. Mazique,
23 she is not a fact witness as to whether you are innocent or
24 guilty.

25 Defendant Mazique: Your Honor, for a year I've

1 been under the impression that this robbery ---

2 The Court: No, sir.

3 Defendant Mazique: This robbery happened on the
4 29th.

5 The Court: Let me tell you something else, the
6 record is going to reflect that she told me three times
7 that you won't even speak to her.

8 Defendant Mazique: Your Honor, I'm only
9 speaking about, I'm only speaking about when I viewed,
10 because I didn't know that till ---

11 The Court: Please sit down if you want to
12 remain in my courtroom. I've ruled that that's not
13 appropriate and I'm not going to do it. I have ruled as a
14 matter of law based on my conversation with the Solicitor
15 and Ms. Knowles that she very diligently pursued every
16 piece of information to which you were entitled and the
17 Solicitor has handed over to us. That is not an issue for
18 the jury as the finders of the facts on the question of
19 whether or not you are innocent or guilty.

20 Defendant Mazique: Okay, could I just put it on
21 the record, Your Honor, that I didn't review the video
22 until last month of the, of the surveillance. I didn't, I
23 didn't have that knowledge until then.

24 The Court: Well ---

25 Defendant Mazique: That's when I first viewed

1 it, that's all I was talking about.

2 The Court: That's fine.

3 Defendant Mazique: It was just in the record to
4 establish that.

5 The Court: Well you're saying you viewed it
6 last month, that's good, fine, sit down, do you have any
7 other witnesses?

8 Defendant Mazique: No.

9 The Court: All right, sir.

10 Mr. Holford: Your Honor, for the record the
11 State doesn't have any questions for Officer Scales.
12 I can do that in front of the jury if you'd like.

13 The Court: I want you to do that but I'll go
14 ahead and to save some time, no need in bringing the jury
15 in and then bring them back out, the State has rested,
16 there is no reply. Now all of the testimony is in and I'm
17 getting ready to charge the jury after which I'll let you
18 and the Solicitor make your arguments to the jury; you
19 understand that?

20 Defendant Mazique: Yes, sir.

21 The Court: All right, do you have any motions
22 at this time, any other motions at this time? I will
23 accept the motion that you're asking for a directed verdict
24 on the insufficiency of the evidence and I conclude that
25 there is ample evidence for the jury's determination as

1 finders of the facts and your motion as to that is
2 respectfully denied. The jury is the finders of the facts
3 and these are the issues for their consideration. There is
4 an audio, there is a video showing that an individual came
5 into the Kangaroo armed with a deadly weapon and robbed
6 that store. There is an alleged confession by you that you
7 did it; it's for the jury to determine. In addition to
8 that there is testimony for the jury's consideration that
9 the byproduct of the robbery was found in your residence.
10 Now the jury may accept or reject all of that but that is
11 the evidence for their consideration and surely upon that
12 there is sufficient evidence to go forward with the jury as
13 finders of the facts. Now, Mr. Holford, you as Solicitor
14 are entitled to put your position on the record.

15 Defendant Mazique: Your Honor, you asked me did
16 I have any more motions?

17 The Court: Yes, sir.

18 Defendant Mazique: I'd like to file a motion in
19 reference to the indictment and it varies, the variance in
20 the indictment.

21 The Court: You've already done that and that's
22 denied.

23 Mr. Holford: Your Honor, if I may respond to
24 the directed verdict motion?

25 The Court: Yes, sir.

1 Mr. Holford: The State would agree there is
2 ample evidence to submit it to the jury. It is a question
3 for the jury whether or not Mr. Mazique was the one who
4 entered that store at that time. As far as the indictment
5 issue I'm not exactly sure what he's saying. I believe
6 through his questioning Officer Scales and of the
7 surveillance video tape and the date stamps and time he may
8 be arguing whether it was on the 29th or 30th. In the
9 indictment and we clearly say on or about September 29th at
10 2:35 in the morning, I believe.

11 The Court: I have ruled that the indictment is
12 sufficient.

13 Mr. Holford: And, and it may just be someone
14 said it was on the 29th because it had rolled over a couple
15 of hours into the 30th, I'm not exactly sure.

16 The Court: He had sufficient knowledge of the
17 charge for which he is on trial and that's the purpose of
18 an indictment.

19 Mr. Holford: Yes, sir, Your Honor.

20 The Court: All right, were there any other
21 motions that you have, all your other motions are on the
22 record.

23 Defendant Mazique: I'd like to redo all of
24 them.

25 The Court: Sir?

1 Defendant Mazique: I'd like to renew all of
2 motions filed before ---

3 The Court: All of your motions, all of them,
4 all of them are renewed and a part of the record and each
5 and every one of them are respectfully denied for the
6 reasons therein stated at the time the motions were given.

7 Defendant Mazique: Thank you, sir.

8 The Court: All right, and I'm going to go ahead
9 as my usual and charge the jury prior to summation but I'll
10 be back with some concluding remarks at the end of the
11 summations; is that satisfactory to everybody?

12 Mr. Holford: Yes, Your Honor, I would just ask
13 procedurally when the jury comes back in I'll just state
14 for the record that the State has no questions for this
15 witness ask him to come down ---

16 The Court: Yes, and then ---

17 Mr. Holford: --- and then have the defense rest
18 in their presence.

19 The Court: Yes, and then we will accept his
20 motions as in if given after everybody rested to keep from
21 bringing the jury back out; is that okay?

22 Mr. Galmore: Yes, sir.

23 The Court: All right.

24 Mr. Holford: Yes, Your Honor.

25 The Court: All right, rest and then I'll handle

1 it defense has rested.

2 Mr. Holford: Yes, Your Honor.

3 The Court: I think the defense rested before
4 the jury left, didn't it?

5 Mr. Holford: No, Your Honor, I'm not exactly
6 sure but if we can just have him rest on the record after.

7 The Court: I got you, bring the jury back.

8 Defendant Mazique: Your Honor, can we take a
9 break, a short break?

10 The Court: Well I'm going to take, let me do
11 this first and then we'll take a quick break, bring the
12 jury in.

13 (Whereupon, the jury returns to the courtroom at
14 10:44 a.m.)

15 The Court: All right, as I understand it prior
16 to the jury leaving for the jury room you have now rested
17 your defense and have no further witnesses to call; is that
18 correct?

19 Defendant Mazique: Yes, sir.

20 Mr. Holford: Your Honor, the State has no
21 questions for Officer Scales and ask that he be able to
22 come off the stand.

23 The Court: So that would be all the testimony
24 in the trial of this case.

25 Mr. Holford: Yes, Your Honor, the State has no

1 reply witnesses to call.

2 The Court: Now I hate to have to call you back
3 for procedure rules I have to do. I'm going to let you
4 take a break for about fifteen minutes. When your return,
5 I'm going to charge you the law of the case, after which
6 we'll have summation first from Mr. Mazique and then Mr.
7 Holford, and I'm going to give you the case to go in
8 deliberation this morning. so go to your jury room and
9 relax for about ten minutes and I will call you back, thank
10 you.

11 (Whereupon, the jury retired to the jury room at
12 10:45 a.m.)

13 The Court: I'm not through yet, please, I want
14 to review what we said. Is there any motions on behalf of
15 the State?

16 Mr. Holford: Your Honor, the State has no
17 motions. We would like ---

18 The Court: All right.

19 Mr. Holford: Just to make the record clear I
20 would like to put something on the record.

21 The Court: Do so.

22 Mr. Holford: Mr. Mazique has, after been
23 instructed of the danger, proceeded pro se on his own
24 volition but the State would like the record to reflect
25 that he's had two attorneys sitting with him at all times

1 giving him advice, which is fine, the State doesn't object
2 to that. We just want the record to reflect that he did
3 have advice of counsel if necessary.

4 The Court: All right, just prior to the jury
5 coming out, Mr. Mazique, made various motions, which I
6 accept as being made at this time, and the record will
7 reflect that one of those motions was a motion for directed
8 verdict on the insufficiency of evidence which I
9 respectfully deny for the reasons indicated. Mr. Mazique
10 indicates he has no further motions; all your motions made
11 are part of the record. Now in abundance of precaution,
12 Mr. Mazique, please stand. I want to emphasize to you
13 again that it is your decision to testify or not to
14 testify. You had that absolute right and you elected not
15 to testify; is that true?

16 Defendant Mazique: Yes, sir.

17 The Court: And I have told you that if you did
18 not testify I would charge the jury that that fact raises
19 no inference against you, the fact that you did not testify
20 cannot even enter into the jury room against you. Now you
21 cannot be heard to say that somebody else told you to
22 testify or not to testify; it's your decision and yours
23 only; can we agree with that?

24 Defendant Mazique: Yes, sir.

25 The Court: And it is your decision not to

1 testify?

2 Defendant Mazique: Yes, it is, Your Honor.

3 The Court: That's fine, thank you, all right..

4 Let's take a break and be back in about ten minutes,

5 please.

6 Mr. Holford: Yes, Your Honor.

7 (Whereupon, a recess was taken and the following
8 takes place on the record after the recess.)

9 The Court: Bring the jury in, please.

10 Mr. Holford: Before the jury comes out, I know
11 it's typical that you ask for a short closing statement. I
12 would just ask that you clarify for the defendant as we had
13 that issue arise in the last trial.

14 The Court: I have done that a moment ago while
15 you were out. He understands he will give a short closing
16 statement.

17 Mr. Holford: But, but not that you're limiting
18 him.

19 The Court: Oh, no, same thing applies to you.

20 Mr. Holford: Yes, Your Honor, I understand.

21 The Court: Bring the jury out.

22 Mr. Holford: But not too long is about thirty
23 minutes.

24 The Court: Yes, sir.

25 Mr. Holford: You're not saying five minutes,

1 well it came up in the last ---

2 The Court: We won't limit him but he
3 understands that it's to his interest not to take too much
4 time with the jury, I'll decide.

5 Mr. Holford: Yes, Your Honor.

6 (Whereupon, the jury returns to the courtroom at 11:02
7 a.m.)

8 The Court: Madam Foreman and ladies and
9 gentlemen, as you're well aware we have now concluded all
10 of the testimony in the case and I'm going to charge you
11 the law followed by summation of the litigants. Generally
12 our rules provide that the Judge charge the jury the law
13 after summation. Many years ago, though, a juror stopped
14 me and said, Judge Cottingham, I wish you would have told
15 me what the law was before the summation, I believe I could
16 have followed the lawyers position better, and that just
17 simply makes sense, because it is that you as finders of
18 the facts take the facts as you find them to be and apply
19 those facts to the law of the case, so with consent of the
20 parties I'm going to charge you the law but after summation
21 I'll be back with you for some concluding instructions and,
22 Madam Foreman, there will be pencil and paper provided in
23 the jury room and if you or any member of your
24 distinguished jury desires further instruction on any
25 proposition of law please write that down and let me know

1 and I'll be delighted to call you back. I'm available
2 throughout the trial and throughout your deliberations to
3 give you the law of the case with the understanding that
4 you and you alone are the finders of the facts and you take
5 the facts as you find them to be.

6 Now as I've told you at the beginning of the
7 trial this defendant upon this indictment is charged with
8 the offense of armed robbery to which he specifically says
9 not guilty thereby placing the burden of proof on the State
10 of South Carolina of proving him guilty, if they can, to
11 your satisfaction unanimously beyond a reasonable doubt.

12 Now let me give you the definition of armed
13 robbery. First let's talk about grand larceny. Grand
14 larceny is simply the stealing of the property of another.
15 If you steal the property of another with force and
16 violence that charge then becomes robbery. If you steal
17 the property of another with force and violence accompanied
18 by a deadly weapon it then becomes armed robbery. These
19 are the elements that the State must prove beyond a
20 reasonable doubt that armed robbery occurred and then if
21 you conclude that it is the State must prove that beyond a
22 reasonable doubt that this defendant was the culprit in the
23 armed robbery charge, telling you again that to this charge
24 he has pled not guilty.

25 Now in this case this defendant elected not to

1 testify and that is his absolute constitutional right. It
2 is yours and it is mine. The fact that he did not testify
3 raises absolutely no inference of any kind whatsoever
4 against this defendant. He doesn't have to testify; it's
5 his right not to testify. It's his constitutional right
6 not to testify. Madam Foreman, you must not let the fact
7 that he did not testify even enter into your discussions in
8 your deliberations. It is not a fact for you to consider
9 and raise absolutely no inference against him.

10 One other fact, in his cross examination of the
11 detective there was some remark about the possibility of
12 some other pending charges of some kind. You must
13 disregard that testimony in every respect whatsoever, has
14 no bearing on any issue in this case whatsoever. You must
15 disregard it; you must not let that testimony even enter
16 into your deliberations, has no bearing on any issue in
17 this case.

18 I continue to emphasize to you, and I know that
19 you're well aware, that under your oath whatever your
20 verdict is it must be based on the law and evidence in this
21 courtroom and from no other source, and I emphasize again
22 that this defendant and every defendant that's brought into
23 court through an indictment. This indictment is not
24 evidence, the allegations it contains is not evidence. The
25 evidence comes from this witness stand under oath.

1 Now this defendant, as I continue to emphasize to
2 you, has pled not guilty to this indictment and that plea
3 of not guilty place the burden of proof upon the State of
4 South Carolina of proving him guilty, if they can, to your
5 satisfaction. A person charged with a crime in South
6 Carolina and in the United States as far as I know is never
7 ever, ever required to prove himself innocent. The State
8 has got to prove him guilty beyond a reasonable doubt.

9 It's been said, and it is true, that the
10 presumption of innocence is said sometimes to be like a
11 robe of innocence cast upon this defendant which remains
12 with him throughout the trial until you the jury, if at
13 all, has found him guilty beyond, beyond. Now this
14 presumption of innocence is not merely a legal theory; it
15 is not just a legal phrase, it is a substantial right to
16 which every defendant is entitled unless you the jury are
17 satisfied from the evidence of this defendant's guilt
18 beyond a reasonable doubt.

19 Now, Madam Foreman and ladies and gentlemen, as
20 I've indicated the State has the burden of proving the
21 defendant guilty beyond a reasonable doubt. Some of you
22 may have served as jurors in civil courts where you were
23 told that the burden of proof is by the greater weight or
24 the preponderance of the evidence. In criminal cases the
25 burden is stronger than that; it is as I indicated beyond a

1 reasonable doubt.

2 Now, Madam Foreman and ladies and gentlemen,
3 proof beyond a reasonable doubt is proof that leaves you
4 firmly convinced of the defendant's guilt. There are very
5 few things in this wide world that we know with absolute
6 certainty and in criminal cases the law does not require
7 proof that overcomes every possible doubt. If, if based on
8 your consideration of the evidence you are firmly convinced
9 that the defendant is guilty of the crime charged you must
10 find him guilty. If, on the other hand, you think that
11 there is a real possibility that the defendant is not
12 guilty you must then give the defendant the benefit of that
13 doubt and find him not guilty.

14 Now I remind you, ladies and gentlemen, that
15 during this trial you and have certain duties to perform.
16 As the trial judge it is my responsibility to preside over
17 the court, to rule upon the admissibility of the evidence,
18 and to charge you the law with regards to any issues that
19 may arise. You, of course, are the sole and only finders
20 of the facts. You and you alone are the sole and only
21 judges of the credibility of all the witnesses. I by the
22 law am made the sole and only judge of the law and under
23 your oath you must accept the law as I give it to you even
24 though you or I, for that matter, might disagree with what
25 the law is or ought to be. Please accept the law as I

1 charge it to you as being the correct law remembering that
2 as finders of the facts you take the facts as you find them
3 to be from the law and evidence in this courtroom and apply
4 thereafter that to the law and thereafter reach a unanimous
5 verdict of either not guilty or guilty.

6 Now as I indicated before and I say to you again
7 that I as trial judge am not entitled to a factual opinion
8 on any issue before these litigants and I say to you and
9 charge you that if any word, ruling, mannerism of mine
10 might have tended to indicate to any of you how I feel
11 about any factual situation among these litigants please
12 disregard that. I am not entitled to a factual opinion and
13 I absolutely have none.

14 I mentioned before that you and you alone are the
15 judges of the credibility, simply meaning the believability
16 of all the witnesses who've testified. You bring your
17 common sense and life's experiences to bear in deciding the
18 credibility and believability of every witness who
19 testifies. You may believe all of what a witness says or
20 none. You may believe a small portion and disregard the
21 larger, if you choose. You may believe one witness against
22 that of many or the other way around. Obviously you would
23 not determine the truth or falsity of a matter by counting
24 up the number of witnesses who may have testified for one
25 side or the other. Your job in assessing credibility and

1 believability is to develop the truth with regard to the
2 testimony that he or she may have given.

3 Now generally presented during a trial there is
4 direct evidence and circumstantial evidence. Direct
5 evidence is the testimony of a person who claims to have
6 actual knowledge of a fact such as an eyewitness. It is
7 evidence which immediately establishes the main fact to be
8 proved. Circumstantial evidence is proof of a chain of
9 facts and circumstances indicating the existence of a fact.
10 It is evidence which immediately establishes collaterally
11 the facts from which the main fact may be inferred.

12 Ladies and gentlemen, circumstantial evidence is
13 based on inferences and not on personal knowledge or
14 observation. I charge you that the law makes absolutely no
15 distinction between the weight or value to be given to
16 either direct or circumstantial evidence, nor is greater
17 degree of certainty required on circumstantial evidence
18 than of direct evidence. You should weigh all of the
19 evidence in this case; after weighing all of the evidence
20 if you are not convinced of the guilt of this defendant
21 beyond a reasonable doubt you must find him not guilty.

22 Now I've discussed with you, and I emphasize
23 again, that you folks are the sole and only finders of the
24 facts and you're the judges of the credibility and the
25 believability of all the witnesses. I have previously

1 discussed these issues with you.

2 Now I wish to emphasize again to you that the
3 fact that this defendant did not testify raises absolutely
4 no adverse inferences against him and you must not let that
5 fact even enter into your discussions in the jury room.

6 Now there has been introduced into evidence
7 alleged audio statements said to have been made by the
8 defendant. As all of the facts these are facts evidence
9 for you to consider. I charge you in connection therewith
10 a statement alleged to have been made by a defendant or
11 this defendant has been admitted into evidence in this
12 case. While this Court has determined that the statement
13 is admissible I instruct you that you make the ultimate
14 decision of whether or not this defendant made such a
15 statement. If, and I say that advisedly, if the defendant
16 made the statement you must determine whether the statement
17 was made by the defendant voluntarily and of his own free
18 will. This means that the statement was not caused by
19 pressure, force, fear, threats, coercion, or intimidation,
20 or by hope, promise, leniency, or reward. In determining
21 whether the statement was voluntarily made you should
22 consider both the characteristics of the defendant and the
23 details concerning the alleged interrogation.

24 Some of the things that you may consider, if you
25 choose, are the following: the defendant's education, lack

1 of education, the defendant's mental ability or capacity,
2 the defendant's I.Q. or intelligence, or any other factors
3 that you deem appropriate in concluding whether or not the
4 statement was freely and voluntarily made without fear,
5 force, or intimidation.

6 Some of the other things that you must consider
7 is the defendant the constitutional rights of the
8 defendant, the advice or lack thereof the defendant of his
9 constitutional right to remain silent, his rights to an
10 attorney, if one, if he could not afford one one will be
11 appointed to represent him, his right to stop the
12 interrogation at any time. You must conclude that he was
13 advised of what we understand to be his Miranda rights or
14 his rights as to this issue and to this statement and his
15 rights to stop interrogation at any time, his rights to
16 have a lawyer unless he says I don't want one. You
17 determine whether or not he was given and understood his
18 Miranda rights or sometimes called his various
19 constitutional rights.

20 You must carefully consider all of the
21 surrounding circumstances before you give any weight to
22 this alleged statement. It is for you to determine as
23 finders of the facts whether he in fact gave the statement,
24 whether or not it was freely and voluntarily made, and
25 whether or not he was afforded and understood his

1 constitutional rights prior to making such a statement.

2 The State of South Carolina has the burden of
3 proving beyond a reasonable doubt that this alleged
4 statement was voluntarily made. If you determine it was
5 you may then give that statement any further consideration
6 that you deem proper. You must decide what weight, if any,
7 should be given to the alleged statement. If you determine
8 that the alleged statement was not the free and voluntarily
9 statement of this defendant you should not consider that
10 state, that statement in any way whatsoever.

11 Now as I have told you the defendant is charged
12 with armed robbery and as to each element of that robbery
13 the State must prove beyond a reasonable doubt that each
14 element occurred and that this defendant did it all of
15 which must be proven beyond a reasonable doubt.

16 In connection with the armed robbery I've told
17 you, but I'll give you another explanation, the defendant
18 is charged here with armed robbery. In order to prove the
19 defendant the State must prove beyond a reasonable doubt
20 that the defendant took the personal property of another
21 with intent to deprive the owner thereof and that he
22 committed a robbery while armed with a deadly weapon. The
23 State must prove each of those things beyond a reasonable
24 doubt, must prove that this defendant did it.

25 Now, ladies and gentlemen, I have provided for

1 you a form for your possible verdict. In this first paper
2 there are two verdicts, either not guilty or guilty. You
3 will check which one it is and sign your name. When you
4 determine what your verdict is please take the indictment.
5 look on the back under the word verdict and write your
6 verdict, either not guilty or guilty and sign your name.
7 Whatever your verdict is it must be the unanimous verdict
8 of all twelve of you, cannot be the verdict of the
9 minority.

10 Now we're going to have summation here in a
11 minute, I'm going to let you go just a second and I'll
12 bring you back. Somebody may need to use the restroom or
13 something before summation, I'll be calling you back in
14 just a minute.

15 (Whereupon, the jury retired to the jury room at
16 11:26 a.m.)

17 The Court: Any exceptions or additions to the
18 charge?

19 Mr. Holford: Your Honor, just for the record
20 the State would ask that on the charge of armed robbery
21 that the additional statement would appear to be a deadly
22 weapon would be added. There is evidence, and we have
23 submitted, that it was in fact a deadly weapon, a gun, but
24 I believe armed robbery could also be what appeared to be a
25 deadly weapon.

1 The Court: I'm going to leave my charge as it
2 is.

3 Mr. Holford: Yes, Your Honor, thank you.

4 The Court: Any other charges, any requests,
5 counsel?

6 Defendant Mazique: No, sir.

7 The Court: Okay, the charge will stand as
8 given. I think the jury fully understands the charge.

9

10 Mr. Holford: Thank you, Your Honor.

11 The Court: All right, Mr. Mazique, when the
12 jury comes out now I'm going to let you argue to the jury;
13 you understand that?

14 Defendant Mazique: Yes, sir.

15 The Court: And you must argue now on the facts
16 in this case, don't talk about some other cases. I've told
17 the jury that you on your cross examination nearly brought
18 up some other charges but I've told the jury to dismiss
19 those from their thinking and I've also told the jury that
20 the fact that you did not testify could not be used against
21 you. How long do you think you'll need to talk to the
22 jury?

23 Defendant Mazique: I try to make it as short as
24 possible, Your Honor.

25 The Court: What does that mean?

1 Defendant Mazique: Well that's kind of, that's
2 kind of hard to say, Your Honor.

3 The Court: Well you need to tell me cause I've
4 got to have some idea of how long you're ---

5 Defendant Mazique: Am I restricted?

6 The Court: At some time, I'm not going to let
7 you talk all day, if that's the question.

8 Defendant Mazique: I mean I --

9 The Court: Is thirty minutes sufficient?

10 Defendant Mazique: If there's, if there's, if
11 there's a time limit I mean just give me, I'm not saying
12 that I need the maximum.

13 The Court: Can you do it in thirty minutes?

14 Defendant Mazique: I'll try to, Your Honor,
15 I'll try to within the thirty minutes, Your Honor.

16 The Court: That's fair enough and I'll let you
17 know when five minutes are remaining; is that okay?

18 Defendant Mazique: That's okay.

19 The Court: All right, sir, and, Solicitor, how
20 long do you think you need?

21 Mr. Holford: Your Honor, I won't go over thirty
22 minutes.

23 The Court: That's fine, that's appropriate.

24 This jury wants this case so they can go ahead and conclude
25 their service for the day, bring the jury back. Soon as

1 they come back, Mr. Mazique, you come forward and talk to
2 the jury.

3 Defendant Mazique: I ask that you charge the
4 jury on a lesser included offense.

5 The Court: On what?

6 Defendant Mazique: Strong armed robbery due to
7 the fact that the video surveillance didn't show any weapon
8 or nothing.

9 The Court: No, sir, I reject that, there's
10 testimony by the eyewitness that it was accompanied by a
11 weapon; I decline to do that.

12 Mr. Holford: For the record the State would
13 submit the video does show a deadly weapon as well.

14 The Court: Sure it does. Did they bring the
15 jury back?

16 Mr. Holford: They're at the door, Judge.

17 (Whereupon, the jury returns to the courtroom at
18 11:32 a.m.)

19 The Court: All right, Mr. Mazique, you may
20 address the jury.

21 Closing Argument

22 By Defendant Mazique:

23 Ladies and gentlemen of the jury, I'd like to
24 first inform you about a condition that I have. I
25 sometimes when I, and it's very, sometimes it's

1 misunderstood by me, whenever I'm trying to get my point
2 across talking whenever I'm conversing with somebody the
3 tempo of my voice seems to change and it's often took as a
4 active aggression or an anger and I find myself a lot of
5 times in life that it's happened to explain for that and,
6 and to correct that. It's to the contrary, it's far from
7 it. I just, it's just something that I do when I, whenever
8 I talk and I don't want that to be misunderstood by you
9 today in rendering your decision about my personality of
10 who I am and I ask that you not hold that against me.

11 I'm going to make a case. You heard the
12 Solicitor stand before you and tell you exactly what he was
13 going to prove. He stood here and said that on September
14 the 29th that I committed this robbery. He was going to
15 prove clearly establish that that I committed this robbery.
16 He was going to clearly establish that I had, I had on a
17 wig, that I went in there with a gun and I proceeded to
18 take cigarettes out the bag. He was going to clearly
19 establish that. They would come in here and tell you that
20 and their testimony would reflect that.

21 You all saw the video, you have a chance to look
22 at it, the camcorder, the camcorder video which establish
23 that he didn't clearly establish that this crime happened
24 on the 29th. The video clearly establish, not one but two
25 different ones, that this crime happened on the 30th. This

1 causes you, you have to think now the Solicitor right
2 there, make you stop and think if he said that it happened
3 on the 29th this shows contrary to that.

4 Detective Chatfield testified, he questioned on
5 the day I became a suspect he said that I would not
6 confess. He also told you that I gave him an address to
7 where the search led at. He said the tape would reflect
8 that. The tapes actually reflect that I give him an
9 address, I didn't tell him that. He said that I was being
10 evasive and wasn't responding. The next, the very next day
11 after I'm charged with this them tapes show that that he
12 brought this up after the 3rd by trying to deceive me and
13 do everything he could to get me to say that I committed
14 that robbery, the next, the very next day he comes in
15 interviews me after I'm charged with no benefits to him,
16 admit to anything. It didn't behoove me to say I robbed
17 the store, a thirty two, he asked a question what kind of
18 gun did you use to rob the store, his question, did not,
19 the video, the recording reflects that, 32. Ask yourself
20 this question what line of questioning would that be. It's
21 kind of premature to say your interest is the kind of gun
22 that was used as opposed to getting me to at first admit to
23 robbing the store. You have to get me to say that, I
24 robbed the store first in order to inquire about what kind
25 of gun it was that I used. Then I'm being informative to

1 give the information but the information that's out there
2 that says that the person that robbed them was possibly
3 wearing a wig. Did he find this wig, I'm being informative
4 you find this wig and you, you know it's him, he never
5 asked me about a wig. He never asked me about a wig. He
6 never asked the question about the cigarettes he found in
7 the closet. You have the cigarettes there, being
8 informative. If I admit to a crime I can admit to having a
9 wig, I can admit to the cigarettes in the house which
10 would, would cut his investigation tremendously, he's doing
11 a fantastic, a double investigation to find out where the
12 cigarettes come from. He cannot connect it and I give him
13 that information but Chatfield never asked those questions
14 of me. He can't ask those questions of me because he
15 wanted a response that he was looking for. He would get
16 the same response he got on the 3rd from me when he made
17 hisself clear.

18 Ms. Branton she testified, her testimony was
19 immediately I knew who it was, I knew it and I told Officer
20 Scales that's him. You have Officer Scales report on the
21 date of the crime it clearly states what the victim told
22 him and you heard him say he had no reason to fabricate a
23 report and his testimony, his report reflects that the
24 victim said the person that robbed her had a wig, had long
25 hair and what appeared to be fake. She also said that she

1 believed, a belief, that the person that did this is the
2 person that came in, what appeared, and I believe those are
3 doubts, that's unsure. The only thing she was sure about
4 was the car and Officer Scales testimony the car that the
5 person was driving and when she states, clearly states that
6 I came in the store and I would talk to her for hours but
7 yet her identification of me went to was a belief, what
8 appeared to be. If you knew who I was you would have told
9 Officer Scales he was wearing a wig because I know who he
10 is, I know him. It wouldn't appear to be fake, I know it's
11 fake because I know who it is. She would have told Scales
12 that, Officer Scales, she would have been able to give him
13 a better description of me. I mean just from you all and
14 me talking here you can tell that I have an accent, a
15 teething arrangement, those identification laws that she
16 couldn't help notice by talking to me or when I was telling
17 giving the demands what she say, you had to pick up on
18 that. None of the reports reflect it initially.

19 You got Ms. Reeves, who's a State witness, came
20 in here and testified for the State saying that she,
21 Officer Chatfield made threats to her taking her kids if
22 she didn't let him search and she did under that threat.

23 The State has multiple, multiple obligations, he
24 has an obligation not just to prosecute but to see that
25 justice is done not only to represent the State but the

1 accused as well. That is the Solicitor's obligation. He
2 was obligated to investigate before charging. He knew that
3 crime didn't happen on the 29th and for over a year they
4 led me to believe that that crime happened on the 29th
5 until I saw the video played, now that the video the cat is
6 out the bag now. I don't know nothing about it but he
7 knew, he had this evidence prior to submitting it to ya'll.
8 He saw it; he did his investigation and he stood here and
9 told ya'll that this crime happened on the 29th.

10 Identification of me, she went immediately,
11 Detective Chatfield, that's him. You heard Detective
12 Chatfield say he had, he made the photo lineup, he had the
13 booking make the photo lineup. She picked me out on
14 October the 3rd but his reports read that that couldn't
15 have happened because the photo lineup wasn't made until
16 October the 5th. He didn't prepare a photo lineup until
17 October the 5th, how could she pick me out of a photo
18 lineup that wasn't even in existence and I ask you that
19 reason, that reason, reasonable doubt proof is his burden,
20 his burden.

21 You heard Detective Chatfield say that he
22 confiscated the cigarettes put them in evidence room. Now
23 the person, you saw that on video footage that person that
24 robbed the store touched those cigarettes put them in the
25 bag. He's a trained, he's trained, twenty-three years of

1 experience, he know how to handle evidence. He knows
2 there's a certain way that you handle evidence in order to
3 preserve it not only for the State but for the accused as
4 well. I'm entitled to it, I'm entitled to every piece of
5 evidence they have, supposed to have, I'm supposed to have
6 it, too. Three days after he turned it in he goes back and
7 gets the evidence, deprives me of physical evidence. He
8 takes it back to them, allegedly gives it back to them.
9 There's no way to establish it with the exception of him
10 saying she looked at it, looked at them and I determined
11 that they belonged to this store, imagine that. How could
12 you tell the difference between a carton of Newports and a
13 carton of Newports, it can't be determined like that, and
14 there's a procedure that would have clearly established
15 that. Did he follow procedure, protocol? I think that's a
16 procedure that you do when you're trying to find out who
17 the owner of this property is. Did this come out of a
18 robbery? The video surveillance says that I was armed,
19 the person had a gun. I didn't recall seeing a gun and Mr.
20 Scales his reports reflect that the victim even said that
21 the gun was automatic, and I'm not a gun expert but I know
22 some things about a gun. In his tape recorder the
23 confession allegedly confession he states, he comes in the
24 very next day, oh, what kind of gun did you use to rob the
25 store with, a 32; 32 is a revolver. It's not a automatic

1 weapon. That would be inconsistent with what the victim
2 told you and his report would cast that doubt, would cast
3 some doubt in his mind.

4 Ms. Reeves, not once today did he done a
5 background check on Ms. Reeves. He took her word. She's
6 being truthful; she's being very truthful. She was very
7 polite but yet when she said he threatened me she was
8 untruthful, that didn't happen, absolutely not. It's a
9 contradiction, it's an assassination of her character to
10 say that. When I, when I was, she was asking, when I asked
11 her about her crying she was I know how to be truthful but
12 when the Solicitor asked her, and that was the State
13 witness, not my witness, I didn't want to call her, the
14 State called her. She's not being truthful and I just ask
15 you to think about these things because the decision that
16 you make here today has an effect on a life, my life, and
17 if the decision that you, that you're faced with and that
18 you have to deal with the facts show to be any reason to
19 cause you to stop for any second to say could this have
20 happened. You know for sure that it didn't happen on the
21 3rd, the 29th rather. What else, what else is, what else
22 is he willing to stand here and look me in my eye and tell
23 me that for a fact it's going to show you this, to ask
24 yourself that question, what else would he stand here and
25 say the same thing about. Have I asked for, does it make

1 any sense for me to admit to a crime and not ask for
2 nothing and I turn around now and come to trial and stand
3 trial and maintain my innocence, when I'm already admitted
4 to something? Usually when you admit to something you're
5 looking for something, you're looking for something. When
6 you confess you're looking for something, that's the norm.
7 The abnorm is for you to confess and come in and stand on
8 trial without asking for nothing. He allegedly, he said he
9 got me to confess, and I ask you to take all of that into
10 consideration when rendering your decision.

11 Ya'll are the fact finders, look back at those
12 videos, see for yourself what date it happened, see if
13 there's a gun involved, ask yourself those why's, why
14 didn't he ask, why didn't he find a wig, why didn't he ask
15 where the wig. Ask all those stuff, ask all the questions
16 and I only ask that you be diligent and that you make a
17 decision and stick with that decision and don't let no one
18 influence that decision, stick with your heart, that's all
19 I can ask of you, stick with your heart and make your
20 decision and at the end of the day whatever your decision
21 is I have to live with it and I'm going to respect your
22 decision whether it's for me or against me. I have to
23 accept it; it s a reality, I can live with it and that's
24 all I ask of you, ladies and gentlemen, thank you.

25 The Court: Thank you, Mr. Mazique, Solicitor

1 Holford, you're entitled to a closing summation.

2 Mr. Holford: Yes, Your Honor, may it please the
3 Court?

4 The Court: Thank you again, Mr. Mazique.

5 Defendant Mazique: Yes, sir.

6 The Court: Go ahead.

7 Closing Argument

8 By Mr. Holford:

9 Ladies and gentlemen of the jury, yesterday I did
10 stand before you and I told you the things that I was going
11 to prove. The indictment says that on or about September
12 29th in the early hours of the morning, sometime around 2
13 a.m., this defendant Ricky Mazique did enter that Kangaroo
14 with a deadly weapon and he did rob that store, took
15 cartons of cigarettes. Now I have a job to do as do the
16 police. The police have a job to find out who committed
17 that crime, who was on that surveillance video. They
18 investigate; they ask questions; they talk to witnesses.
19 They talked to the suspect they think did it. You know at
20 first he denies all involvement whatsoever, so should they
21 let him go at that point, no, they follow up. They ask
22 more questions; they do more investigation. They go to the
23 residence they believe this defendant to be at, ask for a
24 consent to search and they find cartons of cigarettes.

25 Now the Judge told you about circumstantial

1 evidence and direct evidence. Circumstantial evidence is
2 exactly that. What you see on this video is a man walk in
3 to a Kangaroo store, present a weapon. I submit to you if
4 you watch that video again and you watch it closely and you
5 pause it you can see in his right hand the shape of an
6 automatic weapon. Now whether he had a 32 or a 40 or
7 whatever he says he doesn't know what he had, but he says
8 he had one. He says he threw it away. Circumstantial
9 evidence, you see a man walk in there with a gun, shoveling
10 cartons of cigarettes into a black trash bag and then later
11 at this defendant's residence where he stays, where his
12 girlfriend who cares for him, his girlfriend who got up
13 here on the stand and testified that, for the first time,
14 she had felt threatened. She signed a voluntary consent
15 form; she gave the officers verbal consent. You heard from
16 two officers they have the verbal consent. I've spoken
17 with Ms. Reeves on a couple of occasions before coming into
18 Court. You know what, I was surprised myself to hear that
19 she had been threatened. I had not heard that from her
20 before. They search that residence based on voluntary
21 consent and what did they find, black trash bag full of
22 cartons of cigarettes.

23 There were three people with the access, two
24 people with keys, Ms. Reeves, Mr. Mazique, and a ten year
25 old boy, so the circumstantial evidence when you see a man,

1 an African American man, go into a store shoveling cartons
2 of cigarettes into a black trash bag and then you later
3 find those cartons of cigarettes in a black trash bag this
4 his home that's what circumstantial evidence is. You don't
5 see on the video a clear picture. This isn't CSI; it's not
6 NCIS. We can't take that picture and blow it up and then
7 match facial expressions and put it in a database and say,
8 yep, that's Ricky on the video. We can't do that; what we
9 can do is go to his residence and find the cartons of
10 cigarettes. They took sixty cartons of cigarettes from
11 that residence.

12 Now yesterday I told you I don't know much about
13 cigarettes, don't know how much they were. I had my
14 assistant look up this morning how much is a carton of
15 cigarettes, Newports run about \$50 a carton. We're talking
16 about \$3,000 worth of merchandise.

17 Now let's talk about direct evidence because we
18 also have that. What we have as direct evidence this
19 defendant, the first statement he's right, he didn't admit
20 to it. He said, no, I didn't have anything to do with
21 that; I don't know anything about it. Yeah, I was the only
22 one in possession of the car at the time but I don't know
23 about a robbery, but what did he say on the second one.
24 When Detective Chatfield asked him what type of gun did you
25 use to rob that Kangaroo store in Conway, Horry, South

1 Carolina, and he said, well I don't know much about guns,
2 maybe it was a forty, I think it was a thirty-two. What
3 did you do with it; I threw it in the water. He admits he
4 used a gun; that's the deadly weapon portion.

5 Now if you don't want to take him at his word
6 that he used a gun to rob that store he also told Detective
7 Chatfield he hid some bullets in an air vent. They had
8 already found those bullets. Those bullets are 40 caliber,
9 so if he's going to stand here and argue to you that he
10 used a thirty-two instead of a 40 that's fine. You can
11 believe he used a thirty-two; you can believe he used a
12 forty; he still used a gun to rob that store.

13 More direct evidence, ladies and gentlemen, when
14 Detective Chatfield took this, this photo lineup to Ms.
15 Tonia Branton, the victim in this case who had been robbed
16 at gunpoint, you know how long it took her to pick out the
17 person who robbed her, just like that number six. Now
18 these individuals we don't have a white male and a white
19 female, a black male and a black female. We don't have
20 different races; we don't have males and females mixed up.
21 What we have is as similar as possible African Americans
22 with a shaved head to match the description that was
23 previously given of the suspect who robbed that store. You
24 do see long dreads, that's been explained. She knew when
25 he came in who it was; she had seen him before. Does she

1 know his name is Ricky Mazique at that time; I don't know
2 if she knows Ricky. She knew what he looked like cause she
3 had seen him before. He admits he's been there to play; he
4 admits on that first interview that the clerks would
5 recognize him and she did. When she was presented this
6 lineup of similarly looking individuals she picked this
7 defendant Ricky Mazique out just like that.

8 Further, when Ms. Branton was on the stand you'll
9 see in the video she testified, we watched the video
10 previously, but she's testified that she has seen the video
11 numerous times. She told you what happened. She saw Ricky
12 come into that store and you can see her. She knows
13 something suspicious, why, he's wearing a wig. Do I have a
14 wig, no, I don't, do I know where it is, no. Did he throw
15 it somewhere, probably, does that matter, not at all. She
16 knew it was him. She backs up to the counter where her
17 silent alarm button is because she's suspicious of this
18 defendant when he comes in that store. What does she do,
19 as soon as he comes around the counter presents a weapon
20 she trips that silent alarm and puts her hands up.

21 Officer Scales what does he report to, a phone
22 call, no, a silent alarm. She knew when he came into that
23 store he was up to no good, came around that counter,
24 presented a handgun and took those cigarettes. Ms. Branton
25 also told you in Court under oath on this stand, I know one

1 hundred percent that it's this man Ricky Mazique, the
2 defendant, who robbed me. What does Ms. Branton have to
3 gain, nothing. Is she getting anything out of this, no.

4 Mr. Mazique told you it is my duty to seek
5 justice and that's what I do in this case. It's the
6 police's duty to arrest who they think is the person who
7 committed the crime. It's my duty to prosecute the person
8 I believe who committed the crime. It's also my duty not
9 to prosecute someone who I think is innocent. If I thought
10 Ricky Mazique did not commit this crime I would not be
11 standing in front of you today.

12 After you've listened to all the law, after
13 you've seen all the evidence, after you've heard all the
14 witnesses I'm confident that you will find beyond a
15 reasonable doubt that you're as firmly convinced as I am
16 that this defendant Ricky Mazique on or about September
17 29th, 2011, in the early hours of the morning walked into
18 that Kangaroo store in Horry, South Carolina, presented a
19 handgun and robbed Ms. Branton at gunpoint.

20 Ladies and gentlemen, I ask you to find the only
21 verdict that you could in this case, that you find this
22 defendant guilty of armed robbery, thank you.

23 The Court: Thank you, Solicitor, and thank you,
24 Mr. Mazique.

25 Defendant Mazique: Yes, sir.

1 The Court: Ladies and gentlemen, you've heard
2 all the testimony. You've heard the final summation of the
3 defendant and the final summation of the State. You're
4 going to get the case in just a moment for your
5 deliberations. Let me briefly go over these things that I
6 discussed with you earlier as I discussed the law.

7 There's absolutely no inference to be derived
8 from any special part of my delivery at this time, it's
9 just to remind you what the law is and to assert again that
10 if you or any members of your jury need further
11 instructions please let me know.

12 You will recall right now that I've instructed
13 you as to the defendant's presumption of innocence. The
14 fact that he did not testify raises no inference
15 whatsoever. I told you that the State has the burden of
16 proof beyond a reasonable doubt. You further understand
17 that you are the finders of the facts and the credibility
18 of the witnesses. I've discussed with you circumstantial
19 evidence and direct evidence. I have defined for you the
20 definition of armed robbery, given you each element that
21 the State must prove beyond a reasonable doubt. I have
22 instructed you that even though I have admitted the
23 statement, this evidence it's for you to determine from all
24 the circumstances first as to whether or not this defendant
25 made such a statement and whether or not that statement was

1 freely, voluntarily, given without hope, threat, promise,
2 or reward.

3 I what to say again, to you, that in making this
4 determination of these questions some of the factors that
5 you must consider are, the age of the defendant,
6 defendant's education or lack thereof, the defendant's
7 mental ability or capacity, the defendant's I.Q. or
8 intelligence. You may consider the defendant's background
9 and environment, the place of detention, the nature of the
10 questions, and you must consider the advice or lack thereof
11 to the defendant of his constitutional rights illuding but
12 not limited to the right to remain silent and any statement
13 could be used against him in a court of law, the right to
14 have a lawyer present and if he could not afford a lawyer
15 one would be appointed for him to represent him and that he
16 could stop the interrogation at any time.

17 You must carefully consider all of the
18 surrounding circumstances before you give any weight to the
19 alleged statement, but in doing so you first must find that
20 this defendant made the statement, secondly, that it was
21 freely and voluntarily made, and, third, that he was
22 informed of his constitutional rights, sometimes called the
23 Miranda rights.

24 Madam Foreman, I have a verdict form for you as
25 I've indicated. This first form has got we find either not

1 guilty or guilty, that be unanimous, indicate on this form
2 what your verdict is and whatever it is go to the
3 indictment on the back under verdict either not guilty or
4 guilty, sign your name and let the bailiff know. Retire to
5 your jury room and you may begin your deliberations as soon
6 as the evidence comes in and it will come in just a minute,
7 thank you so much.

8 (Whereupon, the jury retired to the jury room at
9 12:08 p.m.)

10 The Court: Send in the exhibits and verdict
11 form.

12 (Whereupon, the verdict form and exhibits were
13 delivered to the jury room with instructions to begin
14 deliberations at 12:11 p.m.)

15 The Court: Tell the jury to begin their
16 deliberations.

17 (Whereupon, the jury knocked with a verdict at
18 12:32 p.m.)

19 The Court: The jury has reached a verdict,
20 everybody ready to receive the verdict? I don't want any
21 comment, outburst of anybody when this verdict is received,
22 thank you, be seated.

23 Mr. Holford: Yes, Your Honor.

24 The Court: Bring the jury in.

25 (Whereupon, the jury entered the courtroom at

1 12:25 p.m. to deliver its verdict as to defendant Ricky
2 Mazique.)

3 The Court: Where are the alternates? All
4 right, Madam Foreman, have you and the jury reached a
5 unanimous verdict?

6 Madam Foreman: Yes, we have.

7 The Court: If this be the unanimous verdict of
8 all twelve so signify by raising your right hand.

9 (Whereupon, all jurors responded affirmatively.)

10 The Court: The jury has so signified. Madam
11 Clerk, accept the verdict and hand it to me.

12 You may publish the verdict.

13 Madam Clerk: State of South Carolina County of
14 Horry v. Ricky Mazique as to indictment number 2012-GS-26-
15 859 on the charge of armed robbery we the jury unanimously
16 find the defendant Ricky Mazique guilty of armed robbery,
17 dated November 16th, 2012, signed by foreperson Carrie
18 Hall. Ladies and gentlemen of the jury, if this is your
19 verdict so signify by raising your right hand.

20 (Whereupon, all jurors responded affirmatively.)

21 Madam Clerk: Thank you.

22 The Court: Madam Foreman, ladies and gentlemen,
23 there are certain unusual parts at this time I'm going to
24 explain to you. This defendant had for the last year or
25 two a fine lawyer, Public Defender, who represented him

1 very diligently. For some unknown reason he decided that
2 he wasn't go to talk to her any further and she couldn't
3 represent him. Well I have a rule a defendant will accept
4 the Judge that the Court appoints or he can pay for his own
5 lawyer or he can represent himself but I'm not going to let
6 a defendant decide from me who his lawyer is. Apparently
7 there's something going on out there at the J. Reuben Long
8 Detention Center where they seem to think you can get a
9 case continued by trying to fire your lawyer. The next
10 thing that's going on out there some months ago an
11 individual represented himself and was found not guilty so
12 apparently that's the thing going on out there. You need
13 to know that in my twenty nine years on the bench I've only
14 tried one pro se and that's because he struck his lawyer
15 and I made him represent himself, but I come to Horry this
16 week and I have two in two days, so I don't know what's
17 going on out there, but what occurred he refused to even
18 speak to Ms. Knowles and told me on the record that he
19 wanted to represent himself.

20 Under State v. Bryant and the United States
21 Supreme Court our courts have held after you warn a
22 defendant of the dangers and ask certain other questions
23 you must, must let him represent yourself, and in doing
24 that you will notice I gave him a great deal of liberty
25 because my concerns were that he receive a fair trial and I

1 let him go as far as I could and he received a fair trial.
2 The evidence in this case, however, was simply
3 overwhelming.

4 First there was a video that an individual
5 matching his description armed with a deadly weapon came in
6 and robbed that Kangaroo. The victim knew him because he
7 had hung around there on many occasions. In addition to
8 that she picked him out from a lineup. In addition to that
9 the proceeds of the robbery were found in his presence, and
10 furthermore, he confessed to it. You may ask as I did why
11 in the world would he want a trial, I don't know, but
12 that's what he wanted and he got it and you gave him a fair
13 trial and I appreciate it.

14 Let this jury know what his prior record and
15 incidentally I'll let you know you will note that they
16 didn't play one of the videos. Well that was for his
17 protection, that video went in, I'm going to let him
18 explain all of his prior record, then on cross examination
19 he asked the fellow when he was arrested why. Well, he was
20 arrested because he was under suspicion for committing four
21 or five other robberies. I didn't want that to come in. I
22 didn't want his prior record to come in and it didn't. I
23 wanted you, your verdict to be based on the law and
24 evidence in this case. I want to hear his prior record now
25 for the jury.

1 Mr. Holford: Yes, Your Honor, to address first
2 the reason the State was unable to play those portions of
3 the tape is because they did discuss other things he was
4 under investigation for, FTC fraud, which he was picked up
5 for and detained and then later questioned on this armed
6 robbery. He also has two pending strong armed robberies in
7 our office right now as well as a possession of weapons by
8 a convicted federal felon.

9 The Court: These charges are now pending on
10 other cases?

11 Mr. Holford: Yes, Your Honor.

12 The Court: Well I was trying to keep all of
13 that out, Madam Foreman. I just wanted you to know why we
14 were so careful with that, go ahead.

15 Mr. Holford: His prior record from Louisiana in
16 1984 is simple robbery for which he got two years;

17 1986 a simple theft and a simple battery, six
18 months concurrent;

19 1987 a aggravated battery, five years;

20 and then in 1996 he got a federal conspiracy to
21 possession with intent to distribute crack for which he got
22 267 months suspended to 210 months plus 60 months
23 probation. Your Honor, I believe he is on federal
24 probation and parole at this point.

25 The Court: All right sir, and obviously, the

1 entry of this guilty plea will be a basis for them consider
2 revoking him on that charge, too.

3 Mr. Holford: Jury conviction, Your Honor.

4 The Court: Yes, sir, Madam Foreman, ladies and
5 gentlemen, let me express to you my appreciation for your
6 services. I know that at certain times this had to be
7 somewhat aggravating, but I wanted to make sure that this
8 defendant in every respect received a fair trial and I'm
9 convinced that he did and I'm convinced that you gave him a
10 fair trial but I say again evidence was just simply
11 overwhelming. He could have been convicted on any one of
12 the four incidents but they were all there, but none of you
13 asked to be here and you came and you served and we thank
14 you for it and I've enjoyed working with you this week.
15 You are now discharged and you may start your vacation,
16 thank you so much.

17 (Whereupon, the jury was excused at 12:44 p.m.)

18 The Court: All right, sir, Mr. Defendant, come
19 around, please.

20 Mr. Holford: Your Honor, may I hand up the
21 indictment, the sentence sheet?

22 The Court: Yes, sir. Mr. Mazique?

23 Defendant Mazique: Yes, sir.

24 The Court: I would say to you that you
25 represented yourself rather diligently.

1 Defendant Mazique: Yes, sir, thank you.

2 The Court: But the evidence was just simply
3 overwhelming, as I've said. That video did you in
4 particular when the victim knew you from your prior
5 conduct, you been there, you and your girlfriend, and then
6 the cigarettes found at your home, and then the confession,
7 too. No way in the world, I don't believe a jury of your
8 family could have found you not guilty under all of these
9 circumstances. I permitted these distinguished lawyers to
10 sit with you. You do need to know, though, that you had
11 one of the fine lawyers in Ms. Knowles over there who
12 diligently represents her clients. Now you need to send
13 the word out there to J. Reuben Long that trying to fire
14 your lawyer is not going to be a basis for continuing your
15 case.

16 Defendant Mazique: That's an assumption,
17 though, Your Honor.

18 The Court: And they can decide for themselves
19 if they want to represent themselves or not, if they do
20 we'll give them a trial. This is the second one.

21 It is the sentence and judgment of this Court
22 having been found guilty unanimously of armed robbery you
23 be confined in the State penitentiary for a period of
24 twenty-five years, give him credit for time served. Thank
25 you, get him out of here.

1 Defendant Mazique: Thank you, Your Honor,

2 Mr. Holford: Thank you, Your Honor.

3 End of requested transcript....

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CERTIFICATE OF REPORTER

I, the undersigned Brenda R. Babb, Official Court Reporter for the South Carolina Court Administration, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal in the General Sessions Court for Horry County, South Carolina.

I do further certify that I am neither kin, counsel nor interest to any party hereto.

March 8, 2013

Brenda R. Babb

Brenda R. Babb
CVR-Master
OFFICIAL REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

DATE OF ARREST: October 12, 2011

-VS-

NOTICE OF MOTION FOR HEARING
TO REDUCE BOND

RICKEY MAZIQUE

DEFENDANT

TO: PRESIDING JUDGE OF GENERAL SESSIONS 15TH CIRCUIT
NANCY COTE, SOLICITOR:

FILED
HORRY COUNTY
2012 MAY 31 PM 2:25
MELANIE HUGGINS-WARD
CLERK OF COURT

YOU WILL PLEASE TAKE NOTICE that the above-named Defendant, **Rickey**

Mazique in the above-entitled matter, through his attorney, **Melinda A Knowles**, moves before the Presiding Trial Judge of General Sessions and requests that a hearing be held for the purpose of REDUCING THE BOND PREVIOUSLY SET ON THE FOLLOWING CHARGES:

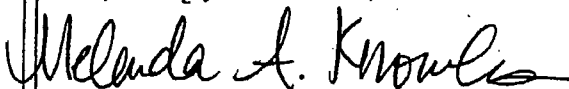
M-970235 Robbery / Common law robbery, strong arm robbery

M-970188 Robbery / Common law robbery, strong arm robbery

M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY
CONVICTED FELON

M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon

Respectfully Submitted,



MELINDA A KNOWLES

Public Defender for Horry County

203 Laurel Street

Conway, SC 29526

Phone 843-915-5385

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: M-970235; M-970188;
M-970171; M-970169

-VS-

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE

DEFENDANT)
_____)

I certify that on :

31st day of May, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Nancy Cote by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda H. Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED May 31, 2012

Melinda Knowles

Employee Signature

FILED
HORRY COUNTY
2012 MAY 31 PM 2:25
MELANIE HUGGINS-WARD
CLERK OF COURT

PUBLIC DEFENDER OFFICE OF HORRY COUNTY

203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29528

PHONE: 843-915-5385
FAX: 843-915-6385
TOLL FREE IN SC 1-800-849-0101

August 27, 2012

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

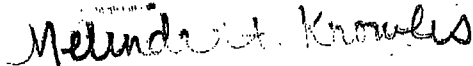
Re: **Rickey Mazique** Motion : **TO DISMISS FOR FAILURE TO PROSECUTE**

Dear Nancy Cote:

Enclosed please find a clocked copy of the above stated Motion and a Certificate of Service By (US) Mail.

If you have any questions, please feel free to contact me.

Sincerely,



Melinda Knowles
Attorney For Defendant
Horry County Public Defender Office

CC: Defendant: Rickey Mazique

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

-VS-

RICKEY MAZIQUE

DEFENDANT

FILE NO: 26A11-00002824

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND MOTION
TO DISMISS FOR FAILURE TO PROSECUTE

Warrant No(s): M-970235; M970188;
M-970171; M-970169; M-970159

FILED
HORRY COUNTY
2012 AUG 27 PM 12:15
MELANIE HUGGINS-WARD
CLERK OF COURT

MOTION BY: MELINDA A KNOWLES, PUBLIC DEFENDER
TO : NANCY COTE, ASSISTANT SOLICITOR

NOW COMES THE DEFENDANT, Rickey Mazique, by and through his/her attorney, Melinda Knowles, Public Defender, who moves before this Court to be heard on the matter of granting an Order of Dismissal for all of Defendant's pending criminal charges listed below. This motion is made pursuant to S.C. Rules of Criminal Procedure, Rule 3, (c)(d) *as amended*; relevant case law; and rules of the court. In support of this motion the undersigned would respectfully show unto this Honorable Court the following:

1. S.C. Rules of Criminal Procedure, Rule 3 (c), requires that "Action on a Warrant" be made within ninety (90) days after receipt of such warrant from the Clerk of Court. The solicitor shall take such action by (1) preparing an indictment for presentment to the grand jury which shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the Grand Jury; (2) formally dismissing the warrant, noting on the face of the warrant the action taken; or (3) making other affirmative disposition in writing and filing such action with the Clerk of Court.

2. In the present case the Solicitor's actions were not in accordance with the stated rule. Defendant was arrested and served with these warrants on various dates ranging from October 3, 2011 to October 12, 2011 and these matters were not presented to the Horry County Grand Jury until March 22, 2012, approximately (172) days later.

3. The Defendant has the following pending charge(s) that serve as the basis for this motion:

M-970235 Robbery / Common law robbery, strong arm robbery
M-970188 Robbery / Common law robbery, strong arm robbery
M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY CONVICTED FELON
M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon
M-970159 FTC THEFT

which is/are Felony Offense(s) pursuant to the laws of this state. The Defendant is presently incarcerated at the J. Reuben Long Detention Center and has been since the date of his arrest.

4. As previously stated, the Grand Jury for Horry County met on March 22, 2012 and all of these allegations against the Defendant WERE presented to the Grand Jury but this action was unreasonably delayed without justification and/or good cause shown excusing such inaction.

5. Defendant argues that the Solicitor's failure to prosecute in accordance with the time frame specified in Rule 3 of the S. C. Rules of Criminal Procedure was a direct violation of such rule and calls into question the jurisdiction of this Court.

THEREFORE, the Defendant respectfully requests that the Court grant an Order Dismissing all of the above-entitled warrants against Defendant and/or impose any other sanctions that are appropriate and necessary.

RESPECTFULLY SUBMITTED,



MELINDA KNOWLES
PUBLIC DEFENDER
203 LAUREL STREET
CONWAY, SC 29526

DATED: July 23, 2012

CONWAY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: M-970235; M-970188;
M-970171; M-970169

-VS-

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE'

DEFENDANT)
_____)

I certify that on :

27th day of August, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Nancy Cote by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda T. Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED: August 27, 2012

[Signature]
Employee Signature

FILED
HORRY COUNTY
2012 AUG 27 PM 12:15
MELANIE HUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
-VS-)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE

DEFENDANT)
_____)

I certify that on :

27th day of August, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Nancy Cote by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda A. Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED: August 27, 2012

Melinda Knowles

Employee Signature

FILED
HORRY COUNTY
2012 AUG 27 PM 12:14
MELANIE HUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE OF SOUTH CAROLINA

VS

RICKY MAZIQUE

DEFENDANT

IN THE COURT OF GENERAL
SESSIONS FIFTEENTH
JUDICIAL CIRCUIT

**SUPPLEMENTAL DISCOVERY
MOTION**

DEFENDER FILE NO.: 26A11-00002824

STATE'S CASE FILE/WARRANT NO(S). AND CHARGE(S):

M-970235 Robbery / Common law robbery, strong arm robbery
M-970188 Robbery / Common law robbery, strong arm robbery
M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY CONVICTED FELON
M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon
M-970159 FTC THEFT

BY: MELINDA KNOWLES, ASSISTANT PUBLIC DEFENDER
TO: NANCY COTE, ASSISTANT SOLICITOR

Now comes the Defendant, Ricky Mazique, by and through his Attorney, Melinda Knowles, Public Defender, who moves before this Court pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure requesting comprehensive discovery.

Further, this information is requested pursuant to Brady vs. Maryland, 373 U.S. 83, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963)¹, U.S. vs. Agurs, 427 U.S. 97, 49 L. Ed. 2d 342, 96 S. Ct. 2392 (1976)², State vs. Mixon, 274 S.E. 2d 406 (1981), Berger v. United States, (1935)³, and Kyles v. Whitley, 514 U.S. 419 (1995)⁴. This information is requested/required on the grounds that it is essential to

¹ The court in Brady held that "...[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S., at 87.

² "[T]he prudent prosecutor will resolve doubtful questions in favor of disclosure." 427 U.S., at 108.

³ "The [Prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all, and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." 295 U.S., at 88.

⁴ Due process also requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks. 514 U.S. 419, 442 n.134, 445-451 (1995).

FILED
HORRY COUNTY
2012 AUG 27 PM 12:14
MELANIE HUGGINS-WARD
CLERK OF COURT

insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution, and the cases cited above, *inter alia*.

The Defendant was served Horry County Warrant(s) on:

M-970235	Robbery / Common law robbery, strong arm robbery
M-970188	Robbery / Common law robbery, strong arm robbery
M-970171	WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY CONVICTED FELON
M-970169	Robbery / Armed Robbery, robbery while armed with a deadly weapon
M-970159	FTC THEFT

Notice of Representation was filed on his behalf on: October 3, 2011

An initial Brady/Rule 5 Motion was filed on his behalf on: October 12, 2011

Some discovery was received on: October 31, 2011

Other than what already may have been provided, the Defendant hereby requests that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are known of, or may come to be in the possession of the State.
2. Make available for purposes of inspection and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects during the investigation of this case, including, but not limited to:
 - a. All tangible objects obtained from the scene of the crime;
 - b. All tangible objects obtained from the State's witnesses in this case; and
 - c. All tangible objects the State intends to introduce into evidence at trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.

6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate Defendant or to negate participation by Defendant in the alleged crime(s).
7. Make available to Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including, but not limited to: a. Analysis of handwriting; b. Color photographs secured at the scene of the crime; and c. Comparison of fingerprints.
8. Make available any facts which tend to exculpate Defendant.
9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competency of any of the prospective witnesses for the State.
10. Make available to Defendant the names and addresses of all persons who have knowledge of this case, or have been interviewed by the investigating officers in connection with this case.
11. Make available to Defendant all SLED, FBI, and local arrest and conviction records of all persons, including Defendant and State's witnesses, named in connection with this proceeding.
12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the defense hereby objects to the introduction of any chemist's or analyst's report(s) pursuant to Rule 6, S.C. Rules of Criminal Procedure.
13. Make available and allow access to Detective Jim Chatfield's recording device and his computer's hard drive whereby all interviews of witnesses, defendant, and alleged victims were recorded during the investigation of the above-referenced charges.
14. Make available and provide copies of any/all color photographs of crime investigation scenes AND color photo lineups used to identify this defendant.
15. Make available and provide copies of any/all DNA evidence collected and/or analyzed related to Defendant(s) charges in above-enumerated warrants.
16. Provide legible copies of all written statements made by alleged victims, witnesses, and Defendant.
17. Make available any above mentioned information, reports, records or other requested evidence not yet provided to the Defendant, as well as any subsequent information, reports, records or other requested evidence obtained subsequent to the original Discovery (Brady) motion filed on October 12, 2011.

- A BLANK DISC HAS BEEN PROVIDED ALONG WITH THIS MOTION FOR COPYING ANY OF THE REQUESTED INFORMATION

WHEREFORE, Defendant prays:

(a) That pursuant to and in compliance with the U.S. Supreme Court decisions above, the Solicitor be ordered to produce all information described herein either specifically or by reference and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.

(b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.

(c) That pursuant to and in compliance with the U.S. Supreme Court and South Carolina Supreme Court decision(s) above the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Melinda Knowles", is written over a horizontal line.

MELINDA KNOWLES
ASSISTANT PUBLIC DEFENDER
ATTORNEY FOR DEFENDANT

DATED: AUGUST 27, 2012
CONWAY, SOUTH CAROLINA

PUBLIC DEFENDER OFFICE OF HORRY COUNTY

203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29528

PHONE: 843-915-5385
FAX: 843-915-6385
TOLL FREE IN SC 1-800-849-0101

October 23, 2012

Joshua Holford

Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

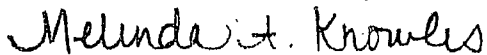
Re: Rickey Mazique Motion : Supplemental Discovery

Dear Joshua Holford:

Enclosed please find a clocked copy of the above stated Motion and a Certificate of Service By (US) Mail.

If you have any questions, please feel free to contact me.

Sincerely,



Melinda Knowles
Attorney For Defendant
Horry County Public Defender Office

CC: Defendant: Rickey Mazique

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: M-970235; M-970188;
M-970171; M-970169

-VS-

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE

DEFENDANT)
_____)

I certify that on :

23rd day of October, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Joshua Holford by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Joshua Holford
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda A. Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED: October 23, 2012

Melinda Knowles

Employee Signature

FILED
HORRY COUNTY
2012 OCT 23 PM 2:44
MELANIE HUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL
SESSIONS FIFTEENTH
JUDICIAL CIRCUIT

COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

SUPPLEMENTAL DISCOVERY
MOTION

VS)

RICKY MAZIQUE)

DEFENDANT)

FILED
HORRY COUNTY
2012 OCT 23 PM 2:44
MELANIE HUGGINS-WARD
CLERK OF COURT

WARRANT/INDICTMENT NO(S) AND CHARGE(S):

M-970169/ 2012-GS-26-00859 – ARMED ROBBERY

M- 970171/ 2012GS26-00860 – POSSESSION OF WEAPON DURING VIOLENT CRIME

BY: MELINDA KNOWLES, ASSISTANT PUBLIC DEFENDER

TO: JOSHUA HOLFORD, ASSISTANT SOLICITOR

Now comes the Defendant, RICKY MAZIQUE, by and through his Attorney, MELINDA KNOWLES, Public Defender, who moves before this Court pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure requesting comprehensive discovery.

Further, this information is requested pursuant to Brady vs. Maryland, 373 U.S. 83, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963)¹, U.S. vs. Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 (1976)², State vs. Mixon, 274 S.E. 2nd 406 (1981), Berger v. United States, 295 U.S. 78, (1935)³, and Kyles v. Whitley, 514 U.S. 419 (1995)⁴. This information is requested/required on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution, and the cases cited above, *inter alia*.

¹ The court in Brady held that "...[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S., at 87.

² "[T]he prudent prosecutor will resolve doubtful questions in favor of disclosure." 427 U.S., at 108.

³ "The [Prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all, and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." 295 U.S., at 88.

⁴ Due process also requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks. 514 U.S. 419, 442 n.134, 445-451 (1995).

Defendant was served Horry County Warrant(s) on/about: October 4, 2011
Notice of Representation was filed on his behalf on: October 27, 2011
An initial Brady/Rule 5 Motion was filed on his behalf on: October 27, 2011

Other than what already may have been provided, the Defendant hereby requests that the State:

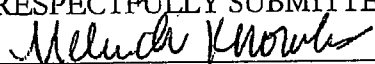
1. Make available for Defendant any and all written and oral statements by the Defendant which are known of, or may come to be in the possession of the State.
2. Make available for purposes of inspection and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. **Make available** to the Defendant **all tangible objects** during the investigation of this case, including, but not limited to:
 - a. All tangible objects **obtained from the scene of the crime;**
 - b. All tangible objects **obtained from the State's witnesses** in this case; and
 - c. All tangible objects the **State intends to introduce into evidence at trial** which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate Defendant or to negate participation by Defendant in the alleged crime(s).
7. Make available to Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including, but not limited to: a. Analysis of handwriting; b. Color photographs secured at the scene of the crime; and c. Comparison of fingerprints.
8. Make available any facts which tend to exculpate Defendant.
9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competency of any of the prospective witnesses for the State.
10. Make available to Defendant the names and addresses of all persons who have knowledge of this case, or have been interviewed by the investigating officers in connection with this case.

11. Make available to Defendant all SLED, FBI, and local arrest and conviction records of all persons, including Defendant and State's witnesses, named in connection with this proceeding.
12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the defense hereby objects to the introduction of any chemist's or analyst's report(s) pursuant to Rule 6, S.C. Rules of Criminal Procedure.
13. Make available and provide copies of any and all notes, video and/or audio recordings from police run reports and police 911 tapes related to any of the incident(s) related to the above-enumerated warrant(s)
14. Any and all witness statement(s) who saw the alleged crime take place
15. Make available any above-mentioned information, reports, records or other requested evidence not yet provided to the Defendant, as well as any subsequent information, reports, records or other requested evidence obtained subsequent to the original Discovery motion: **OCTOBER 27, 2011**

WHEREFORE, Defendant prays:

- (a) That pursuant to and in compliance with the U.S. Supreme Court decisions above, the Solicitor be ordered to produce all information described herein either specifically or by reference and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That pursuant to and in compliance with the U.S. Supreme Court and South Carolina Supreme Court decision(s) above the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,


MELINDA KNOWLES
ASSISTANT PUBLIC DEFENDER
ATTORNEY FOR DEFENDANT

DATED: October 23, 2012
CONWAY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

-VS-

RICKEY MAZIQUE

DEFENDANT

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND MOTION
FOR SPEEDY TRIAL PURSUANT TO
SECTION 17-23-90 SC CODE

HORRY COUNTY
12 JUL -3 PM 2:27
MELANIE HUGHES-WARD
CLERK OF COURT

FILE NO: 26A11-00002824

MOTION BY: MELINDA KNOWLES, PUBLIC DEFENDER

TO : NANCY COTE, ASSISTANT SOLICITOR

Now comes the Defendant, Rickey Mazique, by and through his/her attorney, Melinda Knowles, Public Defender, who moves before this Court to be heard on the matter of a Speedy Trial pursuant to Section 17-23-90 of the South Carolina Code of Laws as Amended, Article I, Section 14 of the South Carolina Constitution, the Sixth Amendment to the United States Constitution, Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972), State v. Chapman, 289 S.C. 42, 344 S.E.2d 611 (1986), State v. Waites 270 S.C. 104, 240 S.E. 2d 651 (1978), and State v. Smith 307 S. C. 376, 415 S.E. 2d 409 (1992).

The Defendant was arrested on October 12, 2011 for the charge(s) of:

M-970235 Robbery / Common law robbery, strong arm robbery

M-970188 Robbery / Common law robbery, strong arm robbery

M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY
CONVICTED FELON

M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon

which is/are Felony Offense(s) pursuant to the laws of this state. The Defendant is

presently incarcerated at the J. Reuben Long Detention Center and has been since the date of his arrest.

The Grand Jury for Horry County met on March 22, 2012. The allegations against the Defendant WERE presented to the Grand Jury. The Defendant moves for this Court to hear this matter and, applying the factors established in Barker v. Wingo, *supra*, and its progeny, determine whether a violation of this Defendant's right to speedy trial as vouchsafed by the Constitution of the State of South Carolina and the Constitution of the United States has been violated.

If the State fails to try this matter during this present term of Court the Defendant requests that this Court, pursuant to Section 17-23-90 of the South Carolina Code of Laws as Amended, release the Defendant on his own recognizance until the Solicitor's Office can call this matter for trial.

RESPECTFULLY SUBMITTED



MELINDA KNOWLES
PUBLIC DEFENDER
203 LAUREL STREET
CONWAY, SC 29526
PHONE: 843-915-5385

DATED: July 2, 2012

CONWAY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

DATE OF ARREST- October 12, 2011

STATE OF SOUTH CAROLINA,)

-VS-

NOTICE OF MOTION FOR HEARING
FOR A SPEEDY TRIAL

RICKEY MAZIQUE)

DEFENDANT)

HORRY COUNTY
CLERK OF COURT
12 JUL -3 PM 2:27

TO: CHIEF ADMINISTRATIVE JUDGE OF GENERAL SESSIONS 15TH CIRCUIT

NANCY COTE, SOLICITOR:

DATE: July 2, 2012

YOU WILL PLEASE TAKE NOTICE that the above-named Defendant, Rickey Mazique, in the above-entitled matter through his attorney, Melinda Knowles, moves before the Presiding Trial Judge of General Sessions and requests that a hearing be held for the purpose of REQUESTING A SPEEDY TRIAL ON THE FOLLOWING:

M-970235 Robbery / Common law robbery, strong arm robbery

M-970188 Robbery / Common law robbery, strong arm robbery

M-970171 Possession of Firearm or Ammunition by a Convicted Felon

M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon

Respectfully Submitted,

Melinda Knowles

Melinda Knowles
Attorney for Defendant
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

PUBLIC DEFENDER OFFICE OF HORRY COUNTY

203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29528

PHONE: 843-915-5385
FAX: 843-915-6385
TOLL FREE IN SC 1-800-849-0101

July 3, 2012

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Re: Rickey Mazique Motion : Speedy Trial

Dear Nancy Cote:

Enclosed please find a clocked copy of the above stated Motion and a Certificate of Service By (US) Mail. As can be seen from the Motion, I am requesting that a hearing be scheduled before a Circuit Court Judge as soon as possible.

If you have any questions, please feel free to contact me.

Sincerely,



Melinda Knowles
Attorney For Defendant
Horry County Public Defender Office

CC: Defendant: Rickey Mazique

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: M-970235; M-970188;
M-970171; M-970169

-VS-

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE

DEFENDANT)
_____)

I certify that on :

3rd day of July, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Nancy Cote by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED: July 3, 2012

[Signature]
Employee Signature

HORRY COUNTY
12 JUL -3 PM 2:27
HELANIE HIGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

DATE OF ARREST: October 12, 2011

STATE OF SOUTH CAROLINA,)

-VS-

NOTICE OF MOTION FOR HEARING
TO REDUCE BOND

RICKEY MAZIQUE

DEFENDANT

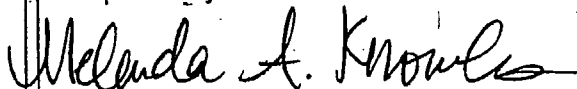
TO: PRESIDING JUDGE OF GENERAL SESSIONS 15TH CIRCUIT
NANCY COTE, SOLICITOR:

FILED
HORRY COUNTY
2012 MAY 31 PM 2:25
MELANIE HUGGINS-WARD
CLERK OF COURT

YOU WILL PLEASE TAKE NOTICE that the above-named Defendant, **Rickey Mazique** in the above-entitled matter, through his attorney, **Melinda A Knowles**, moves before the Presiding Trial Judge of General Sessions and requests that a hearing be held for the purpose of REDUCING THE BOND PREVIOUSLY SET ON THE FOLLOWING CHARGES:

- M-970235 Robbery / Common law robbery, strong arm robbery
- M-970188 Robbery / Common law robbery, strong arm robbery
- M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY CONVICTED FELON
- M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon

Respectfully Submitted,



MELINDA A KNOWLES

Public Defender for Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

PUBLIC DEFENDER OFFICE OF Horry COUNTY

203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29528

PHONE: 843-915-5385
FAX: 843-915-6385
TOLL FREE IN SC 1-800-849-0101

May 31, 2012

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

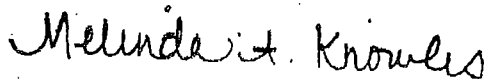
Re: Rickey Mazique Motion : To Reduce Bond

Dear Nancy Cote:

Enclosed please find a clocked copy of the above stated Motion and a Certificate of Service By (US) Mail. As can be seen from the Motion, I am requesting that a hearing be scheduled before a Circuit Court Judge as soon as possible.

If you have any questions, please feel free to contact me.

Sincerely,



Melinda Knowles
Attorney For Defendant
Horry County Public Defender Office

CC: Defendant: Rickey Mazique

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: M-970235; M-970188;
M-970171; M-970169

-VS-

CERTIFICATE OF SERVICE BY MAIL

RICKEY MAZIQUE

DEFENDANT)
_____)

I certify that on :

31st day of May, 2012

I served a copy of the attached Motion in this Criminal Matter on:

Nancy Cote by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
address to the Horry County Solicitor listed above to the address listed as follows:

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Melinda Knowles

Melinda Knowles
Public Defender
Horry County
203 Laurel Street
Conway, SC 29526
Phone 843-915-5385

DATE DOCUMENT PRINTED May 31, 2012

Melinda Knowles
Employee Signature

FILED
HORRY COUNTY
2012 MAY 31 PM 2:25
MELANIE HUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
VS)
RICKEY MAZIQUE)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

SUPPLEMENTAL DISCOVERY MOTION

FILE NO: 26A11-00002824

BY: MELINDA A KNOWLES, PUBLIC DEFENDER
TO: NANCY COTE, ASSISTANT SOLICITOR

CHARGES :

M-970235 Robbery / Common law robbery, strong arm robbery
M-970188 Robbery / Common law robbery, strong arm robbery
M-970171 WEAPONS / POSSESSION OF A FIREARM OR AMMUNITION BY
CONVICTED FELON
M-970169 Robbery / Armed Robbery, robbery while armed with a deadly weapon

Now comes the Defendant, RICKEY MAZIQUE, by and through his Attorney, MELINDA KNOWLES, Public Defender, who moves before this Court pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure requesting additional discovery.

This information is further requested pursuant to Brady vs. Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs. Agurs, 427 U.S. 97, 49 L. Ed 2d 342, 96 S. Ct. 2392 1976, State vs. Mixon, 274 S.E. 2nd 406 (1981). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

The Defendant was arrested on:	October 3, 2011
Notice of Representation was filed on his behalf on:	October 12, 2011
A Brady Motion was filed on his behalf on:	October 12, 2011
Some discovery was received on:	October 31, 2011

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HORRY CO. CLERK
2012 JAN -4 PM 3:08
MELANIE HUGGINS-WARD
CLERK OF COURT

The Defendant hereby requests:

1. Copies of ALL video surveillance footage intended to be used in the prosecution of these charges;
2. Legible copies of the photo lineup shown to the witnesses/victims to identify Defendant;
3. Copies of ANY and ALL video and/or audio recordings of interviews conducted by law enforcement with listed witnesses, alleged victims, Defendant, and Kelly Reeves

** Included 4 blank discs for recording*

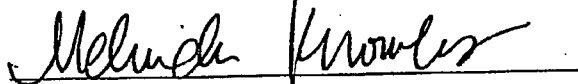
WHEREFORE, Defendant prays:

(a) That the Solicitor be ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.

(b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.

(c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



MELINDA KNOWLES
ATTORNEY FOR DEFENDANT
HORRY COUNTY PUBLIC DEFENDER'S OFFICE

DATED: January 4, 2012
CONWAY, SOUTH CAROLINA

PUBLIC DEFENDER OFFICE OF HORRY COUNTY

203 LAUREL STREET
P.O. BOX 1666
CONWAY, SC 29528

PHONE: 843-915-5385
FAX: 843-915-6385
TOLL FREE IN SC 1-800-849-0101

August 27, 2012

Nancy Cote
Assistant Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Re: Rickey Mazique Motion : Supplemental Discovery

Dear Nancy Cote:

Enclosed please find a clocked copy of the above stated Motion and a Certificate of Service By (US) Mail.

If you have any questions, please feel free to contact me.

Sincerely,

Melinda Knowles

Melinda Knowles
Attorney For Defendant
Horry County Public Defender Office

CC: Defendant: Rickey Mazique

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF GENERAL SESSIONS

Appellate Case No. 2012-213631

Edward B. Cottingham, Circuit Court Judge

Case No. 2012-GS-26-00859
Appellate Case No.: 2012-213631

RECEIVED

APR 28 2015

SC Court of Appeals

State of South Carolina, ... Respondent,

v.

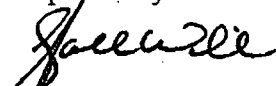
Rickey Mazique, ... Appellant.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the Record on Appeal on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, this 3rd day of March, 2015, addressed as follows:

David A. Spencer, Assist. Atty. General
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Respectfully submitted,


J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)

Counsel for Appellant

RECEIVED
APR 28 2015
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF GENERAL SESSIONS

Appellate Case No. 2012-213631

Edward B. Cottingham, Circuit Court Judge

Case No. 2012-GS-26-00859

State of South Carolina, ... Respondent,

v.

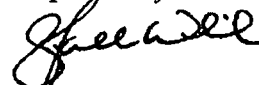
Rickey Mazique, ... Appellant.

CERTIFICATE OF COUNSEL

I certify that the Record on Appeal contains all of the matter designated by the Parties and no other matter.

I certify that the Record on Appeal has been redacted in compliance with the Supreme Court's Order on redaction of public records.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)

114 Whitsett Street

Greenville, SC 29601

(864) 282-1292

(864) 271-6035 (facsimile)

Counsel for Appellant