

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

**ORIGINAL
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**JUN 07 2017
SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

DEANDRE WILLIE HUGHES,

APPELLANT

APPELLATE CASE NO. 2016-002545

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

} IN THE COURT OF GENERAL SESSIONS

3 The State,

4 -vs-

5 Deandrea willie Hughes,

6 Defendant.

} TRANSCRIPT OF RECORD

} 2016-GS-42-3483;4118;4119

} December 14 - 15, 2016

} Spartanburg, South Carolina

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10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE; and a jury

12
13
14 A P P E A R A N C E S:

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Attorneys for the State

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18 Attorney for the Defendant

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-1	D.V.D.	29	78
S-2	D.V.D.	29	86
S-3	Photograph	29	96
S-4	Photograph	29	99
S-5	Photograph	29	96
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S-13	Fingerprint card		106
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1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	C-1	Evaluation report		164
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1 (Proceedings December 14, 2016)

2 THE COURT: All right. First case up is Deandrea
3 Willie Hughes.

4 MS. PRICE, you represent him.

5 MS. PRICE: Yes, sir.

6 THE COURT: Are y'all ready to proceed with jury
7 selection?

8 MS. PRICE: Yes, sir.

9 MR. SMITH: Yes, Your Honor.

10 THE COURT: Okay. All right. Bring the -- where are
11 the indictments?

12 MR. SMITH: Your Honor, we're getting copies of the
13 other two that are missing, but this is the armed robbery
14 and possession of weapon.

15 THE COURT: Who's bringing the others?

16 MR. SMITH: Mr. Bulsa.

17 THE COURT: Are they on the way with them?

18 MR. SMITH: Yes, sir.

19 THE COURT: All right. Have we got any matters we
20 need to address before the jury comes in?

21 MS. PRICE: None from the defense.

22 MR. SMITH: Your Honor, we'd just like to put on the
23 record previously we have offered him to plead to
24 possession of a weapon during a violent crime and
25 carjacking. We tried to do that in front of Judge Kelly

1 last term. He rejected that offer.

2 This morning we offered him a negotiated sentence to
3 ten years to armed robbery and dismissing the remaining
4 indictments, and he apparently has rejected that offer as
5 well.

6 MS. PRICE: That's correct, Your Honor.

7 I have explained to Mr. Hughes that the alleged offer
8 was a 10-year negotiated on the armed robbery. He has
9 declined that and wishes to proceed to jury trial, Your
10 Honor.

11 I have also informed him that if convicted he faces
12 ten to 30 years just on the armed robbery, not counting the
13 other charges.

14 THE COURT: All right. Mr. Hughes, do you understand
15 what's just been told to me?

16 THE DEFENDANT: Excuse me, sir. I just had to let you
17 know that I'm coming from John G. Richardson [sic] with 18
18 to 36 months, that I done already did 36 to 54. And they
19 got me -- trying to stick me with some other charges I
20 don't even know nothing about, because you can take and see
21 that I was locked up on the date that they talking about.
22 I been locked up since the end of 2010, sir -- the end of
23 2010. They talking about a charge in February and I
24 don't -- I -- I know nothing of. And only I had gun
25 charges when I was 11 years old, and I already did the time

1 for that in family court. And they -- I supposed to be
2 going up for parole. I don't know what they talking about,
3 about no armed robbery charge. I don't know what they
4 talking about no charge. Sir, I ain't did none of that.

5 THE COURT: Okay. So you want to have a jury trial.
6 You don't want to take advantage of the state's offer?

7 THE DEFENDANT: I tried. I tried, because I don't. I
8 nothing of the charge. I don't know nothing what they
9 talking about I be tried, because I know I didn't have
10 nothing to do with it. And then they got I'm 23 on the
11 paper, and I ain't even 23. I'm 19 years old. They got
12 the paperwork messed up, sir. I keep trying to explain.
13 But I ain't did. I ain't did that charge. I ain't did
14 that. I ain't did it.

15 THE COURT: Okay.

16 THE DEFENDANT: That's like me, I tried, sir, because
17 I ain't did it.

18 THE COURT: All right. I've got three indictments.

19 Indictment 16-3483 charges the defendant, Deandrea
20 Willie Hughes, with armed robbery and possession of a
21 weapon during the commission of a violent crime.

22 I also have Indictments 16-4118 and 4119 charging him
23 with unlawful possession of a pistol and failing to stop a
24 motor vehicle.

25 And the state intends to proceed to trial on those

Jury qualification

1 three indictments?

2 MR. SMITH: Yes, Your Honor.

3 THE COURT: Okay. Are we ready for the jury?

4 MS. PRICE: Yes, sir.

5 THE COURT: All right. Bring the jury around, please.

6 Ms. Price, do you have any additional witnesses that
7 do not appear on the state's witness list?

8 MS. PRICE: I do not, Your Honor.

9 (The following takes place in the presence of the jury
10 venire.)

11 THE COURT: Good morning, ladies and gentlemen of the
12 jury panel.

13 We are ready to begin with jury selection in the next
14 case that's going to require some of your participation.
15 The title of that case is the State vs. Deandrea Willie
16 Hughes.

17 Mr. Hughes has been accused by the prosecutor by way
18 of these indictments with having committed the crimes of
19 armed robbery; possession of a firearm during the
20 commission of a violent crime, that violent crime being
21 alleged to be the armed robbery; failing to stop when
22 signaled by a law enforcement officer using a blue or siren
23 or both; and unlawful possession of a pistol.

24 The state alleges that on February the 22nd of 2016
25 Mr. Hughes did while armed with a deadly weapon take, steal

Jury qualification

1 and carry away from the person or presence of Ellis Jones
2 by the use of force, violence or intimidation a 2009 Tahoe
3 automobile and a sum of currency.

4 They also allege that he failed to stop when he was
5 signaled to do so by a law enforcement officer using a blue
6 light or siren, or both, and that he was in unlawful
7 possession of a handgun, he not being authorized to possess
8 it under the circumstances then existing.

9 Now, as to those allegations and as to each of those
10 charges the defendant, Mr. Hughes, has entered a plea of
11 not guilty. And, as you know, that plea of not guilty
12 places upon the state the burden of establishing the
13 allegations that they have made against the defendant, the
14 burden of proving each of the essential elements of the
15 crimes that are alleged against the defendant; and
16 therefore the burden is upon the state to establish the
17 defendant's guilt to the satisfaction of 12 jurors beyond a
18 reasonable doubt before any verdict of guilty could be
19 returned.

20 So, again, we'll be selecting 12 of you as primary
21 jurors and additional jurors as alternates to participate
22 in the trial, consider the evidence, decide the facts,
23 apply the law and arrive at a fair decision, whatever that
24 decision might be.

25 Before we begin with that selection process I'll be

Jury qualification

1 introducing some folks to you. These are people involved
2 in the trial of the case.

3 I'll also ask you if you are connected by blood or
4 marriage to any other persons who are employed in the
5 offices that these folks, some of these folks, are employed
6 in. And after that I'll ask you some additional questions
7 in order to determine if there's any reason why any one of
8 you jurors should not --

9 (Pause.)

10 MR. SMITH: That's the victim, Your Honor.

11 THE COURT: Well, can y'all get them in the courtroom
12 before we get started? Because this is just an
13 interruption.

14 (Pause.)

15 THE COURT: After I introduce those folks to you I'll
16 ask you some additional questions in order to determine
17 whether or not there's some reason why any of you should
18 not serve in this particular case, in other words, you have
19 some reason why you think you could not be fair and
20 impartial in this particular case if you were called upon
21 to serve. And if you do, you'll respond to those
22 questions.

23 First of all, as I told you, the defendant, the person
24 who is accused of having committed these offenses as I've
25 read from the indictments, is Deandrea Willie Hughes.

Jury qualification

1 Mr. Hughes, if you will, stand and face the jury panel
2 so that they may see who you are.

3 (Whereupon, the defendant stood.)

4 THE COURT: All right. Thank you. You may be seated.

5 Mr. Hughes is represented by Andrea Price. She's an
6 assistant public defender in the Seventh Judicial Circuit
7 Public Defender's Office.

8 (Whereupon, Ms. Price stood.)

9 THE COURT: The person who is alleged to have been the
10 victim of this event so far as the armed robbery is
11 concerned is Ellis Jones.

12 Mr. Jones, if you will, stand and face the jury panel
13 so that they may see who you are.

14 (Whereupon, the victim stood.)

15 THE COURT: The case is being presented by Spenser
16 Smith and Jennifer Jordan. They are each assistant circuit
17 solicitors for the Seventh Judicial Circuit. They are
18 presenting the case on behalf of the state.

19 (Whereupon, Mr. Smith and Ms. Jordan stood.)

20 THE COURT: Other potential witnesses include Tommy
21 Clark with the sheriff's department; Frank Osrechek with
22 the Spartanburg Public Safety Department; Jeremy Hensley
23 with the Spartanburg Police Department; Eric Skoczlas with
24 the Spartanburg Police Department; Deanta Hughes; Robert
25 Rosenberg with the Spartanburg County Sheriff's Office;

Jury qualification

1 Brent Brown with the Spartanburg County Sheriff's Office;
2 Kelby Allen with the Spartanburg County Sheriff's Office;
3 Robert Talanges with the Spartanburg County Sheriff's
4 Department; William Gary with the Spartanburg County
5 Sheriff's Department; Marilyn Roman-Arthur with the
6 sheriff's department; Courtney Burgess with the sheriff's
7 department; Kimberly Ashley with the sheriff's department;
8 and Carolina Dunphy with the sheriff's department.

9 Are there any other potential witnesses on behalf of
10 the state?

11 MR. SMITH: No, Your Honor.

12 THE COURT: Have you got one?

13 CHRIS BANKS: Officer Chris Banks with the City of
14 Spartanburg Police Department.

15 THE COURT: Chris Banks with the Spartanburg City
16 Police Department.

17 Thank you.

18 All right. Does anybody on the jury panel know nobody
19 who's just been introduced to you? And also in conjunction
20 with that question I'll ask if you know not only those who
21 have been introduced, but do you know anybody else who is
22 employed in the Seventh Judicial Circuit solicitor's
23 Office, the Seventh Judicial Circuit Public Defender's
24 Office, the Spartanburg County Sheriff's Department, the
25 Spartanburg City Police Department or any other law

Jury qualification

1 enforcement agency. If you know anyone so employed or in
2 any of those departments or those who have been recognized
3 here today, I would ask that you please stand.

4 UNIDENTIFIED JUROR: Do they have to be present in
5 this case, Your Honor?

6 THE COURT: No. As I say, anybody who's been
7 introduced or anybody else who is not here but who is
8 employed in the solicitor's office, the public defender's
9 office, the sheriff's department, city police department or
10 any other law enforcement agency.

11 All right. I'll start to my right; I'll work to my
12 left.

13 Your name and number, please, sir.

14 JUROR NO. 65: David Hayes, 65.

15 THE COURT: How does that question relate to you?

16 JUROR NO. 65: I know Officer Stephen Porter who works
17 for Spartanburg County.

18 THE COURT: All right. would that have any bearing in
19 your decision?

20 JUROR NO. 65: No, sir.

21 THE COURT: Thank you. Be seated.

22 All right. Yes, sir. Either one of you.

23 JUROR NO. 109: Curtis Nichols, No. 109. Former
24 neighbors with Ken Hammett from the sheriff's office.

25 THE COURT: All right. would that have any bearing in

Jury qualification

1 your decision?

2 JUROR NO. 109: No.

3 THE COURT: Thank you. Be seated.

4 Yes, sir.

5 JUROR NO. 139: Officer Art Littlejohn, Officer Rain,
6 Officer Susan Sutton, Officer Nora Fide from Spartanburg
7 County and Spartanburg city.

8 THE COURT: All right. And your name and number?

9 JUROR NO. 139: Paul Roopra. Number is 139.

10 THE COURT: All right. Would those connections have
11 any bearing in your decision?

12 JUROR NO. 139: No, sir, Your Honor.

13 THE COURT: Thank you. Be seated.

14 Next.

15 JUROR NO. 182: 182, Zachary Pitts.

16 THE COURT: Did you say 182?

17 JUROR NO. 182: Yes, sir. Wendy Thomas, Spartanburg
18 County Sheriff's -- Spartanburg County Police Department.

19 THE COURT: Would that have any bearing in your
20 decision?

21 JUROR NO. 182: No, Your Honor.

22 THE COURT: Thank you. Be seated.

23 Yes, sir.

24 JUROR NO. 50: Fifty. Andy Lawson, deputy sheriff.

25 THE COURT: Would that have any bearing in your

Jury qualification

1 decision?

2 JUROR NO. 50: No, sir.

3 THE COURT: Thank you. Be seated.

4 Yes, ma'am.

5 JUROR NO. 31: Thirty-one, Joyce Copeland. I know
6 Clyde Littlejohn and Benny Dodd.

7 THE COURT: And would either of those connections have
8 any bearing in your decision?

9 JUROR NO. 31: No.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 THE DEFENDANT: 131, Jessica Revels. I know Officer
13 Jarrett.

14 THE COURT: And would that have any bearing in your
15 decision?

16 JUROR NO. 131: No, sir, Your Honor.

17 THE COURT: Thank you. Be seated.

18 Yes, sir.

19 JUROR NO. 111: 111, Randy Odom. Ronald Garrett,
20 sheriff's department, Spartanburg.

21 THE COURT: And would that have any bearing in your
22 decision?

23 JUROR NO. 111: No, sir.

24 THE COURT: Thank you. Be seated.

25 Yes, sir.

Jury qualification

1 JUROR NO. 138: 138. Officer Chris Taylor,
2 Spartanburg City; Jennifer Kendall; Keisha Rookard; Renee
3 Gray; and Valorie Sullivan at the solicitor's office. I
4 know all of those.

5 THE COURT: And would any of those connections have
6 any bearing on your decision?

7 JUROR NO. 138: No, sir.

8 THE COURT: Thank you. Be seated.
9 Yes, ma'am.

10 JUROR NO. 52: Fifty-two, Ingrid Glenn. My husband's
11 uncle works with Officer Brian Fraley.

12 THE COURT: All right. Would that have any bearing?

13 JUROR NO. 52: No, sir.

14 THE COURT: All right. Thank you. Be seated.
15 Yes, sir.

16 JUROR NO. 78: Seventy-eight, Jerry Kanipe. I know
17 Officer Michael Horton, Spartanburg County sheriff's.

18 THE COURT: And would that have any bearing in your
19 decision?

20 JUROR NO. 78: No, sir.

21 THE COURT: Thank you. Be seated.

22 Does anyone believe you might have heard something
23 about this particular case from any source? Anyone think
24 you've already been exposed to some type of information
25 that relates to this case? If so, please stand.

Jury qualification

1 (No response.)

2 THE COURT: Has any member of the jury panel or any
3 members of your immediate family -- and as I defined that
4 yesterday or Monday -- a parent, spouse, child or
5 sibling -- have you or any members of your immediate family
6 ever been the victim of any type of an assault or robbery
7 or theft, or have you or any members of your immediate
8 family ever been accused of having committed any type of an
9 assault or robbery or a theft? So have you been the victim
10 of such or ever been accused of having committed any
11 similar offense? If so, please stand.

12 All right. Again, I'll start to my right. I'll work
13 to my left.

14 Your name.

15 JUROR NO. 65: David Hayes.

16 THE COURT: Let me start right here on the front.

17 Yes, ma'am.

18 JUROR NO. 158: 158, Jennifer Tubb-Scott. Pocketbook
19 and camera stolen out of car one time.

20 THE COURT: You were the victim?

21 JUROR NO. 158: Yeah.

22 THE COURT: Would that experience have any bearing in
23 your decision?

24 JUROR NO. 158: I don't believe so.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, ma'am.

2 JUROR NO. 176: Briana Wright, 176. My mother was the
3 victim of a car theft.

4 THE COURT: Would that have any bearing in your
5 decision?

6 JUROR NO. 176: No, sir.

7 THE COURT: Thank you. Be seated.

8 Yes, sir.

9 JUROR NO. 65: David Hayes, 65. I've had my home
10 invaded twice.

11 THE COURT: And would that experience have any bearing
12 in your decision?

13 JUROR NO. 65: No, sir.

14 THE COURT: Thank you. Be seated.

15 Yes, sir.

16 JUROR NO. 69: Brandon Hendrix, No. 69. And my mom
17 was abused by her father as a child.

18 THE COURT: Would that have any bearing in your
19 decision?

20 JUROR NO. 69: No, sir.

21 THE COURT: Thank you. Be seated.

22 Yes, ma'am.

23 JUROR NO. 34: Grace Crady, No. 34. My car and my
24 family's car got robbed.

25 THE COURT: Your car?

Jury qualification

1 JUROR NO. 34: And my family's.

2 THE COURT: And your family's. Would that experience
3 have any bearing in your decision?

4 JUROR NO. 34: No, sir.

5 THE COURT: Thank you. Be seated.

6 Yes, ma'am.

7 JUROR NO. 164: Olivia White, No. 164. I was a victim
8 of car theft.

9 THE COURT: Would that have any bearing on your
10 decision in this case?

11 JUROR NO. 164: No, it would not.

12 THE COURT: Thank you. Be seated.

13 Yes, sir.

14 JUROR NO. 182: 182, Zachary Pitts. I've had my gun
15 stolen from me at gunpoint.

16 THE COURT: And would that have any bearing in your
17 decision?

18 JUROR NO. 164: No, Your Honor.

19 THE COURT: Thank you. Be seated.

20 Yes, sir.

21 JUROR NO. 7: No. 7, Donald Bobo. I was accused of
22 grand larceny by my step-daughter, and it was found out she
23 filed a false police report.

24 THE COURT: And would that have any bearing in your
25 decision?

Jury qualification

1 JUROR NO. 7: No, sir.

2 THE COURT: Thank you. Be seated.

3 Yes, sir.

4 JUROR NO. 122: 122, Thomas Pierce. My mother has
5 been assaulted. My business has been broke into several
6 times and stuff stolen.

7 THE COURT: And would any of those circumstances have
8 any bearing in your decision?

9 JUROR NO. 122: Yes, sir. Very possible.

10 THE COURT: All right. Juror 122 will be excused from
11 serving in the trial of this case.

12 But don't leave yet.

13 Has -- oh, excuse me. Yes, sir.

14 JUROR NO. 167: 167.

15 THE COURT: 167?

16 JUROR NO. 167: I was a victim -- yeah, 67. A victim
17 of a stolen trailer recently.

18 THE COURT: Did YOU say you were 167 or 67?

19 JUROR NO. 167: 167.

20 THE COURT: Okay. And you were the victim --

21 JUROR NO. 167: Yes, sir.

22 THE COURT: -- of a theft?

23 JUROR NO. 167: Yes, sir.

24 THE COURT: Would that have any bearing in your
25 decision in this case?

Jury qualification

1 JUROR NO. 167: No.

2 THE COURT: Thank you. Be seated.

3 Anybody else?

4 (No response.)

5 THE COURT: Has any member of the jury panel ever been
6 employed as a law enforcement officer, either civilian or
7 military agency? Have you yourselves ever been employed as
8 any type of law enforcement officer? If so, please stand.

9 UNIDENTIFIED JUROR: Do you mean like security?

10 THE COURT: Any type of law enforcement officer,
11 commissioned law enforcement officer.

12 UNIDENTIFIED JUROR: Oh.

13 THE COURT: Has any member of the jury panel ever been
14 called to testify as a witness in a criminal case, either
15 called by the prosecutor or called by the defense counsel?
16 Has any juror ever been called to testify in the trial of a
17 criminal case? If so, please stand.

18 All right. Your name, please, ma'am.

19 JUROR NO. 80: 80, Barbara Kinney.

20 THE COURT: All right. And you've testified in the
21 trial of a case?

22 JUROR NO. 80: Oh, I'm sorry. I misunderstood your
23 question. I was on the jury for one. I'm sorry.

24 THE COURT: You served a jury.

25 JUROR NO. 80: I served on a jury.

Jury qualification

1 THE COURT: Okay. Yeah. This is a question. The
2 question is whether or not you've been called to testify as
3 a witness.

4 JUROR NO. 80: I'm sorry.

5 THE COURT: Okay. Does any member of the jury panel
6 belong to any type of organization that might be
7 characterized as a law enforcement support group or a
8 victim's advocacy group?

9 And those types of organizations might include Mothers
10 Against Drunk Drivers, Citizens Against Violent Crime, a
11 rape crisis organization, a community watch program, a
12 fraternal order of police, the police benevolence society.

13 Do you belong to any of those organizations or do you
14 contribute time or money to any of those types of
15 organizations? If so, please stand.

16 All right. I'll start with you, sir. Give me your
17 number again, please.

18 JUROR NO. 139: Number is 139.

19 THE COURT: All right.

20 JUROR NO. 139: I'm a graduate student-intern at Safe
21 Homes, women's advocate.

22 THE COURT: All right. Would it have any bearing in
23 your decision?

24 JUROR NO. 80: No, sir, Your Honor.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, sir.

2 JUROR NO. 128: 128. I regularly participate in
3 motorcycle rides at the fraternal order of police.

4 THE COURT: All right. Would that have any bearing in
5 your decision?

6 JUROR NO. 128: No, sir.

7 THE COURT: Thank you. Be seated.

8 Yes, ma'am.

9 JUROR NO. 98: No. 98, Smita Mehta. Mothers Against
10 Drunk Drivers and the benevolent order of police.

11 THE COURT: And said your number was 98?

12 JUROR NO. 98: Ninety.

13 THE COURT: All right. Ninety-eight. Would that have
14 any bearing in your decision?

15 JUROR NO. 98: No, sir.

16 THE COURT: Thank you. Be seated.

17 Yes, ma'am.

18 JUROR NO. 131: 131, Jessica Revels. I participate in
19 motorcycle rides for police officers. As well I work at a
20 school district where we take in disaster victims.

21 THE COURT: All right. And would any those facts have
22 any bearing in your decision?

23 JUROR NO. 98: No, sir.

24 THE COURT: Thank you. Be seated.

25 Has any member of the jury panel already formed an

Jury qualification

1 opinion as to what you think the outcome of this case ought
2 to be based upon what you've heard up this point or based
3 upon any other consideration or factor? Have you already
4 made up your mind as to the outcome? If so, please stand.

5 (No response.)

6 THE COURT: Does any juror know of any reason
7 whatsoever why you believe you could not be fair and
8 impartial if selected as a juror to participate in the
9 trial of this particular case? If so, please stand.

10 (No response.)

11 THE COURT: None responding.

12 Any other questions requested by the state?

13 MR. SMITH: No, Your Honor.

14 THE COURT: By the defense?

15 MS. PRICE: No, Your Honor.

16 THE COURT: All right. Draw us a jury please, ma'am.

17 As you know, you'll be asked to come forward when your
18 name is called. You'll be instructed if you're to be
19 excused or accepted for service in the case.

20 THE CLERK: Juror No. 100, Eric Monroe.

21 What say the state?

22 MR. SMITH: Please present the juror.

23 THE CLERK: What say the defense?

24 MS. PRICE: Please seat Mr. Monroe.

25 THE CLERK: Juror No. 7, Donald Bobo.

Jury qualification

1 MR. SMITH: Please excuse the juror from this case.
2 THE CLERK: Juror No. 176, Briana Wright.
3 What say the state?
4 MR. SMITH: Please present the juror.
5 THE CLERK: What say the defense?
6 MS. PRICE: Please seat Ms. Wright.
7 THE CLERK: Juror No. 102, Tramaine Moore.
8 What say the state?
9 MR. SMITH: Please present the juror.
10 THE CLERK: What say the defense?
11 MS. PRICE: Please seat Mr. Moore.
12 THE CLERK: Juror No. 85, Jennifer Lark.
13 What say the state?
14 MR. SMITH: Please present the juror.
15 THE CLERK: What say the defense?
16 MS. PRICE: Please seat the juror.
17 THE CLERK: Juror No. 37, Haley Dollar.
18 What say the state?
19 MR. SMITH: Please present the juror.
20 THE CLERK: What say the defense?
21 MS. PRICE: Please seat the juror.
22 THE CLERK: Juror No. 109, Curtis Nichols.
23 What say the state?
24 MR. SMITH: Please present the juror.
25 THE CLERK: What say the defense?

Jury qualification

1 MS. PRICE: Please excuse Mr. Nichols from this
2 matter.

3 THE CLERK: Juror No. 64, Danny Hawkins.
4 What say the state?

5 MR. SMITH: Please excuse the juror from this case.

6 THE CLERK: Juror No. 182, Zachary Pitts.

7 MR. SMITH: I'm sorry. What number was that?

8 THE CLERK: 182.

9 What say the state?

10 MR. SMITH: Please present the juror.

11 THE CLERK: What say the defense?

12 MS. PRICE: Please excuse Mr. Pitts from this matter.

13 THE CLERK: Juror No. 115, Linda Partin.

14 What say the state?

15 MR. SMITH: Please present the juror.

16 THE CLERK: What say the defense?

17 MS. PRICE: Please seat Ms. Partin.

18 THE CLERK: Juror No. 158, Jennifer Tubb-Scott.

19 What say the state?

20 MR. SMITH: Please present the juror.

21 THE CLERK: What say the defense?

22 MS. PRICE: Please excuse Ms. Tubb-Scott.

23 THE CLERK: Juror No. 180, Shericka Young.

24 What say the state?

25 MR. SMITH: Please present the juror.

Jury qualification

1 THE CLERK: What say the defense?
2 MS. PRICE: Please present Ms. Young.
3 THE CLERK: Juror No. 117, Marcus Patton.
4 What say the state?
5 MR. SMITH: Please present the juror.
6 THE CLERK: What say the defense?
7 MS. PRICE: Please seat Mr. Patton.
8 THE CLERK: Juror No. 138, Eric Rookard.
9 What say the state?
10 MR. SMITH: Please present the juror.
11 THE CLERK: What say the defense?
12 MS. PRICE: Please excuse Mr. Rookard from this
13 matter.
14 THE CLERK: Juror No. 99, Taylor Miller.
15 What say the state?
16 MR. SMITH: Please present the juror.
17 THE CLERK: What say the defense?
18 MS. PRICE: Please present Ms. Miller.
19 THE CLERK: Juror No. 82, Herbert Kusak.
20 What say the state?
21 MR. SMITH: Please present the juror.
22 THE CLERK: What say the defense?
23 MS. PRICE: Please seat Mr. Kusak.
24 THE CLERK: Juror No. 34, Grace Crady.
25 What say the state?

Jury qualification

1 MR. SMITH: Please present the juror.

2 THE CLERK: What say the defense?

3 MS. PRICE: Please seat Ms. Crady.

4 THE CLERK: Juror No. 3, Dallas Baxter.

5 What say the state?

6 MR. SMITH: Please present the juror.

7 THE CLERK: What say the defense?

8 MS. PRICE: Please seat Mr. Baxter.

9 THE COURT: This will be for the alternate.

10 THE CLERK: Juror No. 57, Sheila Gregory.

11 What say the state?

12 MR. SMITH: Please excuse this juror.

13 THE CLERK: Juror No. 54, Dwayne Gosnell.

14 What say the state?

15 MR. SMITH: Please present the juror.

16 THE CLERK: What say the defense?

17 MS. PRICE: Please seat Mr. Gosnell.

18 (Whereupon, a jury was impaneled.)

19 THE COURT: All right. Those who have been selected,

20 I'll ask you to please go with the bailiff to a jury room,

21 and I'll bring you back shortly to begin with the trial.

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: Are there any matters that need to be
25 addressed regarding jury selection by the state?

1 MR. SMITH: No, Your Honor.

2 THE COURT: By the defendant?

3 MS. PRICE: No, Your Honor.

4 (Whereupon, the remaining members of the jury venire
5 were excused.)

6 (D.V.D. marked State's Exhibit No. 1 for
7 Identification; D.V.D. marked State's Exhibit No. 2 for
8 Identification; photographs marked State's Exhibits No. 3
9 through 9 for Identification; t-shirt marked State's Exhibit
10 No. 10 for Identification; weapon marked State's Exhibit No.
11 11 for Identification; photograph marked State's Exhibit No.
12 12 for Identification.)

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: All right. Ladies and gentlemen, we are
16 ready to begin the trial of the case for which each of you
17 have been selected.

18 And, Mr. Patton, I'm going to ask you to serve as the
19 foreperson of the jury. As the foreperson you'll have
20 three specific duties that none of the other jurors will
21 have.

22 First of all, you'll be asked to serve as the
23 spokesperson for the jury. And that just means if
24 something arises during the trial that needs to be brought
25 to my attention -- you or a fellow juror has some

1 difficulty, problem or question -- you'll be the person to
2 let me know of that fact directly if you're in the
3 courtroom or through the bailiff if you're outside of the
4 courtroom.

5 Secondly, you'll be called upon to preside over jury
6 deliberations when that time comes at the trial's
7 conclusion after the evidence has been received and I've
8 instructed you on the law and when the jury has been asked
9 to begin deliberations. You will preside over that process
10 in the jury room simply to ensure that those deliberations
11 are carried out in some orderly fashion.

12 And, thirdly, you'll actually write the verdicts or
13 the decisions of the jury. You'll do that on a verdict
14 form that I'll provide you at the trial's conclusion on
15 which you will indicate the jury's unanimous decision as it
16 relates to each of the individual charge.

17 The foreperson has those specific duties that I've
18 just indicated. That does not, however, mean that he is
19 any more important than any of you other jurors, and that's
20 because the decision of a jury is the unanimous consensus
21 opinion of all 12 jurors. And so each of you will have an
22 equal say and equal vote in what the ultimate decision will
23 be in the case, because someone has to be delegated those
24 responsibilities that I've just indicated, and I have
25 delegated those to Mr. Patton in appointing him as the

1 foreperson. But all of you jurors are equally important so
2 far as the ultimate decisions in this case are concerned
3 because, as I've stated, the verdicts have to be unanimous.
4 All of you must be in agreement.

5 Mr. Gosnell, you've been selected as an alternate
6 juror. The function of an alternate is to take the place
7 of one of the original 12 jurors if during the trial one of
8 these 12 cannot continue to serve for some reason. And if
9 an emergency or other circumstance prevents their
10 continuance as a juror, then you would take that person's
11 place. And in that event you would become the twelfth
12 juror. If that occurs, then you participate throughout the
13 trial including the jury deliberations at the trial's
14 conclusion.

15 If, however, when the time does come for jury
16 deliberations if the original 12 are all able to
17 participate, then your service ends and you don't
18 participate any further. That's because the decision of a
19 jury is that of 12. No more than 12 are permitted to
20 engage in that deliberation process.

21 But it is important that you pay just as careful
22 attention as we ask of all of the jurors in this case
23 because it does occur from time to time for one reason or
24 another one of these 12 may be unable to continue. In that
25 event you become the 12th.

Jury sworn

1 So we appreciate your participation as an alternate
2 juror, just as we appreciate the participation of each of
3 you jurors who have been selected for the purpose of
4 deciding the verdicts in this particular case.

5 You may swear the panel.

6 (Whereupon, the jury was duly sworn.)

7 THE COURT: Ladies and gentlemen, as you know, you
8 have been selected to decide the verdicts in the case of
9 the State vs. Deandrea Willie Hughes.

10 As you also know, Mr. Hughes has been charged with
11 four separate and distinct offenses, although they are
12 alleged to have arisen out of one particular event or a
13 course of events which the state alleges occurred back on
14 February the 22nd of 2016.

15 As I told you, the state alleges by way of these
16 indictments that Mr. Hughes committed the crimes of armed
17 robbery on that date, as well as possession of a weapon
18 during the commission of a violent crime, that crime being
19 the armed robbery, as well as also being accused of having
20 unlawfully possessed a handgun, and also being accused of
21 having failed to stop when he was signaled to do so by a
22 law enforcement officer using a blue light or a siren.

23 As to those allegations and as to each of those
24 charges Mr. Hughes has entered a plea not guilty. That
25 plea of not guilty places upon the state the burden of

1 proving the allegations that they have made, the burden of
2 proving each of the essential elements of the crimes that
3 they have charged the defendant with having committed; and
4 therefore the burden is upon the state to establish the
5 defendant's guilt to the satisfaction of each of you 12
6 jurors beyond a reasonable doubt before any verdict of
7 guilty could be returned as to any of the separate
8 indictments.

9 Every person accused of a crime is always presumed to
10 be innocent. That presumption of innocence remains with
11 any defendant, as it does with this defendant, from the
12 time that he is placed under arrest and throughout the
13 course of the criminal process and even throughout the
14 course of the actual trial in the case.

15 That presumption of innocence will be with Mr. Hughes
16 even at the time that you go back to begin with your
17 deliberations at this trial's conclusion, and that
18 presumption of innocence will be with him in the jury room,
19 and it'll be with him forever unless you 12 jurors
20 determine that he's no longer entitled to the presumption
21 of innocence.

22 In other words, after you have considered all of the
23 evidence that's introduced during the trial of the case and
24 after you determine the facts as they relate to the
25 allegations, and after you apply the law that I will have

1 provided you, if you 12 jurors unanimously determine that
2 he has been proven guilty of some crime beyond a reasonable
3 doubt, then he would no longer be entitled to that
4 presumption of innocence as it relates to that particular
5 charge. But it is only if, unless and until you are
6 satisfied of his guilt beyond a reasonable doubt that the
7 presumption of innocence would no longer be applicable.

8 The way the trial will proceed is this in a moment the
9 lawyers are going to address you in what are called opening
10 statements. There are two occasions in the trial of a case
11 where lawyers are permitted to address the jury directly,
12 and that is at the beginning of the trial before any
13 evidence has been introduced, then again at the conclusion
14 of the trial after all of the evidence has been received.

15 But please keep in mind, as I've just indicated, those
16 statements are not evidence. The evidence comes in between
17 the opening and the closing statements of the lawyers. And
18 so what the lawyers tell you in those statements is not to
19 be considered by you as evidence upon which you will base
20 your decision. But you should listen to what the lawyers
21 have to say because those statements do serve a purpose.

22 The opening statements will serve to provide you with
23 a basic understanding as to what this case is about from
24 both the perspective of the state, as well as from the
25 defense, so that you'll have some context in which to place

1 the evidence that we will be receiving shortly thereafter.

2 The closing statements occur after the evidence has
3 been received. And, again, while those statements are not
4 evidence, it does afford the lawyers an opportunity to
5 discuss with you the evidence that you have seen and heard
6 during the trial of the case. And through that discussion
7 each will have an opportunity to try to persuade you or to
8 convince you that the evidence in the case does or does not
9 support a particular decision.

10 And, as I've said, it's in between those statements
11 that we actually receive the evidence upon which you will
12 base your decision.

13 The state has the burden of proof, so they'll go
14 forward first in their presentation of evidence.

15 A person charged with a crime has no burden of proof,
16 so a person charged with a crime does not have to take the
17 witness stand and testify, does not have to call any
18 witness or produce any evidence. And that's because, while
19 the state does have the burden because they've alleged the
20 defendant to be guilty of a crime, a defendant does not
21 have any burden at all because in some cases it would not
22 be possible to prove that you're not guilty or to prove
23 that you're innocent.

24 And so where a defendant does not testify or call any
25 witnesses or produce any evidence, that's not a fact that

1 the jury may consider in any way during your deliberations
2 or in your determination as to whether or not his guilt has
3 been proven beyond a reasonable doubt, because the burden
4 is on the state to establish that fact to your satisfaction
5 beyond a reasonable doubt. But every defendant is afforded
6 an opportunity to present evidence should he or she wish to
7 do so.

8 So, after the evidence has been received and after you
9 hear the final summations of the lawyers, I will then
10 instruct you fully on the law as it relates to the criminal
11 law generally and as it relates to these particular crimes
12 specifically. And then you'll be asked to go back and to
13 begin with your deliberations. And through that process
14 and through the exercise of good judgment and common sense
15 conscientiously applied to the testimony and evidence
16 received during the trial you'll decide the facts that are
17 relevant to these allegations. You'll apply the law that I
18 will have provided you, and you will determine whether or
19 not the defendant has been proven guilty beyond a
20 reasonable doubt.

21 If he has, then your verdict is guilty as to that
22 charge. If he has not, then your verdict is not guilty as
23 to that charge.

24 All that we're going to ask for you to do is to pay
25 careful attention throughout the course of the trial, to

1 render a fair and impartial decision.

2 If there are conflicts in testimony you are the
3 persons that resolve the conflicts. It's your prerogative
4 to assess, evaluate and determine the credibility of
5 witness testimony.

6 But it's important that you gave every witness the
7 same degree of attention as they testify, because then at
8 the trial's conclusion you'll be in a proper position to
9 fairly evaluate and judge each witness' testimony in light
10 of not just their own testimony but in light of all of the
11 testimony and all of the evidence received during the
12 trial.

13 It's also important that you keep an open mind
14 throughout the course of the trial and don't begin making
15 up your minds or formulating your opinions as to what you
16 think the ultimate decision ought to be until all of the
17 evidence has been received, until I have instructed you on
18 the law and until you've been asked to begin with your
19 deliberations.

20 That is the process that has been designed over a
21 couple -- over a couple of hundred years to ensure that you
22 can arrive at a fair and just decision.

23 So I do want to thank you in advance for your
24 participation, as well as for your careful attention.

25 Please give the lawyers your attention now as they

Opening statements

1 give you their opening statements.

2 Mr. Smith.

3 MR. SMITH: Thank you, Your Honor.

4 Good morning. As y'all heard earlier, my name is
5 Spenser Smith. I work here at the Seventh Circuit
6 Solicitor's Office. Assisting me today is Jennifer Jordan.
7 She also works in the solicitor's office.

8 And the victim here today, Ellis Jones, is in the
9 Frito-Lay shirt. This incident happened while he was on
10 his way to work on February 22nd of 2016.

11 He was at the Q.T. on West Main Street, and he was
12 approached by the defendant asking for a ride. He says
13 he's given people rides his whole life as a favor.
14 Mr. Hughes is a stranger to him. He said he needed to go
15 to Arch Street. That's in the city, not a fair far
16 distance away.

17 Mr. Hughes gets in the car and starts riding with
18 Mr. Jones. He starts asking questions and changing the
19 location of where he wants to go. And Mr. Jones begins to
20 get suspicious that something's going on. He keeps his
21 hands in his pockets the entire time he's in the car. He
22 even asked him if he has a gun.

23 Ultimately, he becomes so suspicious he pulls over at
24 a Raceway gas station on Boiling Springs Road. This is now
25 in the county. You're going to hear from both city and

Opening statements

1 county officers in this case.

2 And when he gets there the defendant asked him if he
3 can have a pack of Newports and a White Owl, and so he goes
4 and gets the money out of an A.T.M. and tries to go buy
5 that. They didn't have Newports. They just had white
6 Owls. He goes out, gives him the cigar and tells him
7 that's as far as he can go.

8 At that point Mr. Hughes is on the passenger side of
9 the vehicle. Mr. Jones goes around and gets into the
10 driver's side of the vehicle and unlocks his door. When he
11 does that Mr. Hughes opens the passenger-side door and
12 presents a handgun to him and orders him to give over the
13 car.

14 At that point he was inside of his car. At this point
15 he backs out and Mr. Hughes takes the car. He goes inside
16 and reports the robbery.

17 Deputy Brown responded. You'll hear from him this
18 morning. He takes Mr. Jones' initial statement about what
19 happened. He takes a description of what Mr. Hughes looks
20 like, what clothing he was wearing, what his hair looked
21 like. Deputy Brown then issues a be-on-the-lookout -- it's
22 called a BOLO in the police industry -- for Mr. Jones'
23 Tahoe.

24 It's about 6:45 in the morning. About noon, around
25 noon, Officer Banks who you'll hear from this morning as

Opening statements

1 well sees the white Tahoe and initiates, attempts to
2 initiate, a traffic stop. He's not seeing who the driver
3 is. He just tries to initiate a traffic stop, and a chase
4 ensues. It ends up involving both county and city officers
5 throughout the city.

6 It ends up ending at Hidden Park -- Hidden Parks
7 Apartment Complex where the defendant jumps out of the
8 driver's-side door as he's approaching a parking lot --
9 circle or ends. He bails outta the car while it's in
10 motion. It goes down, over a curb, down a hill and towards
11 a playground inside the apartment complex. And he runs to
12 the left. You'll hear from two city officers who were
13 right on his tail. They saw him run, throw away a gun and
14 then lay on the ground and surrender himself.

15 The victim ends up coming out to the scene. He's able
16 to identify many items inside the car that aren't his and
17 putting a stun gun in a shirt that's going to match the
18 description that he gave earlier in the day of what
19 Mr. Hughes was wearing when the robbery was committed.
20 That's what we intend to prove. We'll have a video and
21 we'll have physical evidence and officer testimony, and I
22 thank you for your attention.

23 THE COURT: Ms. Price.

24 MS. PRICE: Thank you, Your Honor.

25 Good morning, ladies and gentlemen.

Ellis Jones
Direct examination by Mr. Smith

1 As you heard, my name is Andrea Price. I'm with the
2 public defender's office. I represent Mr. Deandrea Hughes
3 in this matter.

4 Now, Mr. Hughes -- on his behalf I'd like to thank you
5 for your time and attention to this matter. We can't do
6 our jobs without you, so we appreciate that.

7 We don't -- I don't expect this case to last for very
8 long, but just because it may be a brief case doesn't mean
9 that it's not important. So we ask you that you would pay
10 close attention and during your deliberations that you
11 issue a fair and just verdict in this case. Thank you.

12 THE COURT: Mr. Smith.

13 MR. SMITH: The state would call Ellis Jones.

14 ELLIS JONES, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. SMITH

17 Q State your name for the court reporter.

18 A Ellis Jones.

19 Q Mr. Jones, how old are you?

20 A Fifty-two.

21 Q Where were you working at the time of this incident?

22 A Frito-Lay.

23 Q You still there?

24 A Yes, sir.

25 Q Okay. Tell me what happened on the morning of

Ellis Jones
Direct examination by Mr. Smith

1 February the 22nd of 2016 around 6:00 when you were heading
2 to work.

3 A I was on my way to work, and I got to the red light
4 at, I guess would be, Main Street where the Q.T. is.

5 That young man right there was on the corner, and he
6 signaled that he wanted a cigarette. I rolled my window
7 down to see what he wanted. He said did I have a
8 cigarette. I told him I didn't smoke.

9 Then he said he needed to go to Arch Street. I said,
10 "I'm on my way to work." He said, "It's just around the
11 corner." I said okay.

12 So he got in the car and -- and it immediately, maybe,
13 I don't even think the light had changed. He came up with
14 a story that he was left at Gravy's, at a club, and he
15 really needed to get to Boiling Springs.

16 And so we was going, and I was like that's a long
17 ways. So he said, "well." He just started coming up with
18 all kind of stories like his child had died, he needed
19 money for -- for that. And so I kind of was like --
20 started to feel like I made a mistake by putting him in my
21 car.

22 And on our way there he just kept coming up with all
23 kind of stories. And I kind of looked -- looked, kept
24 looking at him. He was always down like this, and I said,
25 "Do you have a gun or something because you're kind of

Ellis Jones
Direct examination by Mr. Smith

1 acting strange." And he said, "No, I don't have a gun."

2 So as we get to Boiling Springs on No. 9 --

3 Q Were you taking him to Highway 9?

4 A Oh, yeah, uh-huh. I was carrying him to Boiling
5 Springs because it was right off -- I could get on 85 and
6 go straight to Frito-Lay which is on Highway 101.

7 He then when we got to Boiling Springs, he said he
8 needed to go all the way into Boiling Springs. And I said,
9 "No. This is it. I'm" -- I pulled into the Race Way. And
10 he was saying that he wanted -- when we got there he wanted
11 some cigarettes and a Newport and could I help him out on
12 that money, the \$200 or whatever. I told him I didn't have
13 it.

14 So he said, "What do you have? Can you come up with
15 anything?" Well, I said I could come up with about \$20.
16 And he said no, can you do like eighty. So I said, "Well,
17 look, just I'll -- I'll try to get you some money when I
18 get to -- you know, get it outta the A.T.M. machine."

19 So I took \$40 out, and I was going to hand it to him
20 at the time. That's when he said he wanted the Newports
21 and a white Owl.

22 So I went in to see if they had that because I was
23 really wanting to get to work. They didn't have the
24 Newports. The lady gave me the white Owl. She said just
25 take it.

Ellis Jones
Direct examination by Mr. Smith

1 when I get back outside I give him the white Owl. And
2 we were getting ready to get in -- I was getting ready. I
3 got in the vehicle. He got around the side, and so I kind
4 of -- he kind of slumped way down on the side. And I kind
5 was like what happened to him. And all a sudden my door
6 pops open and --

7 Q The passenger door?

8 A The passenger door. Then he points the gun and says,
9 "Get your fat ass outta the truck. Put the keys in the
10 ignition -- put the keys on the seat." I said, "what?" He
11 said, "That's right. It's happening," or whatever.

12 So I got out. I laid the key on the -- well, before I
13 got out, he said, "Oh, yeah, and give me that money." So I
14 gave him the money and I got outta the vehicle and I went
15 inside.

16 well, I stayed there for a second because I thought
17 maybe he was like going to change his mind because he kind
18 of stayed there or whatever before he backed out.

19 Q And at this point he's in the driver's seat?

20 A He's in the driver's seat. He had cranked up the
21 Tahoe. But he stood there. And I was kinda like -- we
22 were sort of like looking at each other.

23 So when he started to back out I went inside the
24 store, and I said, "I just been robbed at gunpoint." And
25 the lady said, yeah, right. I said, "No. Really. Call

Ellis Jones
Direct examination by Mr. Smith

1 9-1-1."

2 So when I was -- when I made that statement there was
3 a young man coming outta the store at the time. And when
4 he drove off the young man said, "Did I just hear you say
5 you been robbed?" I said, "Yeah." He said -- I said,
6 "Well, is was with that." He said, "That guy that just
7 took your truck?" I said, "Yeah." He said, "Well,
8 that's either Little --

9 MS. PRICE: Your Honor, I'm going to object to the
10 hearsay.

11 THE COURT: Sustained.

12 Don't tell us what somebody else said. Just tell us
13 what you did as a result of the conversation.

14 THE WITNESS: Yes, sir.

15 A At that time I had -- she called 9-1-1. The police
16 came. I gave them a description of everything of --

17 Q License plate?

18 A License plates of my car and everything.

19 Q What type of car do you own?

20 A It's a 2009 Chevrolet Tahoe.

21 Q Okay. What did you see as far as the description of
22 the gun? Do you have a recollection of what the gun looked
23 like?

24 A I just know it was a little small gun. And when he --
25 he popped back the chamber on the gun he tried to chamber a

Ellis Jones
Direct examination by Mr. Smith

1 round. And one of them popped out and popped into the
2 truck. And it was just a little black gun.

3 Q So that would make you think it was a real gun when
4 you saw a bullet come out?

5 A Oh, yeah. It was a real -- yeah.

6 Q Okay. How long was -- was he in your car from when
7 you picked him up until when you got to the Race Way and
8 this robbery happened?

9 A Twenty minutes, 20 minutes maybe.

10 Q Was his head covered or anything like that?

11 A He had a hoody on.

12 Q Okay. And did you ever see him standing?

13 A Right. Remember when I said when I got out to the
14 A.T.M., well, he got out with me.

15 Q Okay.

16 A So he got out, and he stood there, because that's when
17 I knew something was wrong. He got out with me. So then
18 that's when I saw a real good look at him because it was --
19 it was -- well, it was well-lit, and we were both standing
20 outside of the store.

21 Q Was it kind of dark at this time?

22 A Well, it was dark at the Q.T. and on the way because I
23 went. I don't know if you're familiar with the -- with the
24 route, but I went by Woodward's and down that back way and
25 then hit No. 9 that way.

Ellis Jones
Direct examination by Mr. Smith

- 1 Q Okay. But the sun wasn't totally out.
- 2 A And -- and then too he never would really make -- like
- 3 really turn that way to look. He always -- he was just
- 4 like that the whole time.
- 5 Q Okay. But you got a good look at him when --
- 6 A Oh, once we got to the store, yes.
- 7 Q Okay. What were you able to pick out about him that
- 8 was distinctive? What do you remember that he looked like?
- 9 A His body build. He had twisty braids, the long face,
- 10 just everything. That's him.
- 11 Q What about height?
- 12 A About the same, about 5'9, 5'10, I thought.
- 13 Q Okay.
- 14 A Because he stood right, you know, kinda next to me at
- 15 the A.T.M. It was pretty close.
- 16 Q And how tall are you?
- 17 A 5'10".
- 18 Q Okay. So he was about the same.
- 19 A About my height.
- 20 Q And you're confident that the defendant seated over
- 21 there, Mr. Hughes, is the person that did this?
- 22 A Very confident. I'm very sure.
- 23 Q Okay. So what -- after the police get there, they
- 24 take your statement, I assume. And then what happened?
- 25 A They take my statement at that time, and they go out

Ellis Jones
Direct examination by Mr. Smith

1 looking for him. And I went to my -- to my wife's job
2 to -- to get a car so I could get to the house.

3 Q Okay.

4 A So I could get home. I called my job and told them
5 what had happened.

6 Q All right. What happens later in the day about around
7 noon?

8 A I -- I received a call that said that my car was seen
9 over by the Hidden Lakes Apartments.

10 Q Okay.

11 A And I went towards over that way and found it and saw
12 that the car was in the -- in a gully.

13 Q Did you -- who? Did you pass that on to law
14 enforcement, or are you saying that law enforcement told
15 you that?

16 A I didn't understand the question.

17 Q Who? You said you received a call. Who called you?
18 Are you saying the police called you or --

19 A I had a -- some people had put it out on facebook to
20 look for my vehicle.

21 Q Okay.

22 A And someone had called me and said that they had saw
23 my vehicle over there.

24 Q Okay. And were you ever -- did you pass that on to
25 the police?

Ellis Jones
Direct examination by Mr. Smith

- 1 A Yes.
- 2 Q Okay. And then did they contact you sometime after
- 3 that you told them that he may be over by Hidden Parks?
- 4 A They did.
- 5 Q Okay. What did they say?
- 6 A That we think we got the vehicle.
- 7 Q Okay. And then you went to the Hidden Parks
- 8 Apartment?
- 9 A Yes, sir.
- 10 Q All right. What did you see when you got there?
- 11 A I saw my car down an embankment and just stuff all
- 12 over my car.
- 13 They asked me to go get it because they said my
- 14 fingerprints was already in the car. They didn't want to
- 15 use a law enforcement officer to get it out or whatever.
- 16 So they just said go get it. I backed it out. It was a
- 17 4-wheel drive, so I backed it out and saw tasers and the
- 18 bullet rounds, and I saw his t-shirts and stuff like that
- 19 that didn't belong to me in the car.
- 20 Q Okay. Do you -- do you remember what type of clothing
- 21 he was wearing when you met -- or --
- 22 A Oh, yeah.
- 23 Q What did he have on?
- 24 A He had a hoody on, and he had a shirt that had a
- 25 design of Cam Newton doing the dab on it.

Ellis Jones
Direct examination by Mr. Smith

1 Q Did it have any lettering on it or any --

2 A Just I think it said do the dab or something like
3 that.

4 Q Okay. So when you get to the scene where they've
5 recovered your vehicle, you said you found a taser.

6 A A taser was in there; the live round was in there. He
7 had all kind of videos, I mean, C.D.s and stuff like that
8 in there.

9 Q Okay. And was that t-shirt in there?

10 A There was a t-shirt in there.

11 Q Okay. And how -- how did you see these items? Were
12 the police bringing them out and showing them and asking if
13 they were yours, or did you go inside the vehicle?

14 A No. The police was pulling them out and asked me did
15 that belong to me or was that yours or was that not yours,
16 is this your taser and stuff like that.

17 Q All right. Is it unusual for you to give rides to
18 people that you don't know?

19 A Oh, no. I've done that my whole life, just being nice
20 and helping strangers and giving money and stuff. I've
21 just done that, just the Christian thing to do.

22 Q Okay. Did you get out of the car because he told you
23 to and presented a gun to you?

24 A Of course.

25 Q When you say he was wearing a hoody, how were you able

Ellis Jones
Direct examination by Mr. Smith

- 1 to see his t-shirt? Is it a zip-up or is it a pullover?
- 2 A I -- I -- maybe -- I think the t-shirt was -- I mean,
3 the hoody was the thing that had the dab on it, or it must
4 have been open.
- 5 Q Okay.
- 6 A But whatever was on the outer layer had the -- the dab
7 on it. Now, I don't know if it was open or did he just
8 have his hands like this and whatever. But what I saw
9 was -- I'm a football fan, so I saw the dab, the Cam Newton
10 thing. And that was big at that time.
- 11 Q All right. Do you need some water?
- 12 A Yeah. I'm talking so much my mouth has gotten dry.
13 (Pause.)
- 14 Q I'm going to show you what's been premarked as State's
15 Exhibit 6 or 10 -- excuse me -- and ask if -- is this the
16 shirt that he was wearing?
- 17 A Yeah, dab. That's it.
- 18 MR. SMITH: Your Honor, can we submit this as
19 evidence? The state would move to introduce this into
20 evidence.
- 21 MS. PRICE: Without objection.
- 22 THE COURT: It's admitted.
- 23 MR. SMITH: And show the jury.
24 (T-shirt marked State's Exhibit No. 10.)
- 25 Q Can you feel this and tell me what type of -- is

Ellis Jones
Cross-examination by Ms. Price

1 this -- what type of material is this? Is this a t-shirt
2 or is this like a --

3 A Like a sweatshirt.

4 Q Sweatshirt. Is -- is that what he was wearing on the
5 outside or he had another hoody on, you think?

6 A No. That would have been -- then it would be that he
7 had that on because there was a hood like this. So it
8 would be a hood. He would have a, like a, sweatshirt then
9 over that, because I distinctively saw that.

10 Q Okay. And you could have a hoody underneath it, I
11 guess? If you were --

12 A Oh, yeah, yeah. The hoody could have been underneath
13 it.

14 Q Okay. Just answer any questions Ms. Price has for
15 you.

16 A Yes.

17 CROSS-EXAMINATION

18 BY MS. PRICE

19 Q Mr. Jones, do you need some more water?

20 A No. I'm good. Thanks.

21 Q Okay. Mr. Jones you work at Frito-Lay, is that right?

22 A Yes, ma'am.

23 Q Where's Frito-Lay?

24 A It's on Highway 101.

25 Q About how many miles from here at the courthouse?

Ellis Jones
Cross-examination by Ms. Price

- 1 A From the courthouse?
- 2 Q Yeah. If you know.
- 3 A Fifteen to twenty.
- 4 Q Okay. And this happened about 6:15 in the morning, is
- 5 that right?
- 6 A Yeah, around about that time, yes, ma'am.
- 7 Q What time do you have to be at work?
- 8 A I get there at all various times -- 4:00, 4:30, 5:00.
- 9 I'm a route person.
- 10 Q Okay. So on this particular day what time did you
- 11 have to be at work?
- 12 A It was on a Monday. Probably -- I would probably get
- 13 there at about 5:30, 6:00 or 7:00.
- 14 Q In the morning?
- 15 A Oh, in the morning, yes, ma'am. Sorry.
- 16 Q Okay. So your times vary.
- 17 A Yeah. I don't have to clock in or out. I just go
- 18 when I --
- 19 Q You just get there.
- 20 A Uh-huh.
- 21 Q Okay. And, Mr. Jones, you testified today that Mr. --
- 22 or the person that you purport to be my client signaled to
- 23 you that he wanted a cigarette?
- 24 A He was doing like this.
- 25 Q Okay.

Ellis Jones
Cross-examination by Ms. Price

1 A And I then I rolled my window down. He asked me did I
2 have a cigarette.

3 Q Okay. But you don't smoke.

4 A No, ma'am.

5 Q Okay. And at some point you let Mr. -- you let
6 Deandrea into your vehicle, is that right?

7 A Yes, I did let Deandrea in my vehicle.

8 Q Okay. And you've also testified today that you said
9 that he told you various stories.

10 A Stories to get money, yes, ma'am. Various stories.

11 Q Okay. Do you remember talking to the police in this
12 matter?

13 A Yes, ma'am.

14 Q Do you remember giving a statement to the police?

15 A I do.

16 THE COURT: Excuse me just a minute.

17 MS. PRICE: Yes, sir.

18 THE COURT: Let me ask the jury to please go to your
19 jury room. I'll bring you back in just a few minutes.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Mr. Hughes, have you had a conversation
23 with Ms. Price about proper decorum when you're in the
24 courtroom during the trial of a case when the jury is
25 participating?

Ellis Jones
Cross-examination by Ms. Price

1 THE DEFENDANT: I don't understand what you're saying,
2 sir.

3 MS. PRICE: Stand up.

4 THE COURT: What I'm saying, do you know how to act
5 correctly when you're in a courtroom during a trial.

6 THE DEFENDANT: What did I do wrong? Yeah. What did
7 I do wrong? Cause I'm in here for a charge I ain't even
8 did.

9 THE COURT: Yeah, I understand. That's why we're
10 having this trial, you see, Mr. Hughes. We're having a
11 trial, so you sit down in that chair. Did you hear me?
12 You sit down in the chair, and you don't make any faces
13 when a witness is on the witness stand and testifying. If
14 you don't like what they say or you disagree, you're going
15 to have an opportunity to take the witness stand and
16 testify to this jury anything you want to. Do you
17 understand?

18 THE DEFENDANT: Okay. I did not know that. I -- I --
19 I wasn't notified of that, sir. I ain't --

20 THE COURT: You weren't notified that you could
21 testify during the trial?

22 THE DEFENDANT: Not on the stand. I didn't know I was
23 going to get on the stand and let y'all know what happened,
24 because he asked me to have sex with him, him right there,
25 plus amount of money. And he ain't telling you all of

Ellis Jones
Cross-examination by Ms. Price

1 that. Then he didn't even tell you pull up on me.

2 THE COURT: Mr. Hughes, I don't care what your story
3 is right now.

4 THE DEFENDANT: And that's on the Bible that dude
5 asked me to have sex.

6 THE COURT: Mr. Hughes --

7 THE DEFENDANT: That's on the Bible.

8 THE COURT: Mr. Hughes, do you want to participate
9 during this trial, or do you want me to tape your mouth
10 shut?

11 Now, you're going to act properly while you're in the
12 courtroom and you're going to follow proper decorum and
13 you're going to follow the rules or you're not going to
14 participate. Do you understand? We can have this trial
15 without you. You can absent yourself by your conduct if
16 you'd like. Do you understand?

17 THE DEFENDANT: Yes, sir, I understand. I ain't did
18 nothing.

19 THE COURT: And you think it's funny. Do you?

20 THE DEFENDANT: No. I wasn't laughing, sir. I was --

21 THE COURT: You think it's funny. Do you?

22 THE DEFENDANT: No. I -- I wasn't trying to laugh.

23 THE COURT: Well, what were you doing then?

24 THE DEFENDANT: I wasn't trying to laugh.

25 THE COURT: Well, you were laughing. So do you think

Ellis Jones
Cross-examination by Ms. Price

1 it's funny?

2 THE DEFENDANT: No, sir, I don't think this charge
3 funny.

4 THE COURT: Then why are you laughing?

5 THE DEFENDANT: Because I know I didn't do it.

6 THE COURT: And that's funny?

7 THE DEFENDANT: No, it ain't funny.

8 THE COURT: Well, why are you laughing?

9 THE DEFENDANT: Because I'm not trying to laugh. I
10 ain't trying to laugh, sir.

11 THE COURT: You're not?

12 THE DEFENDANT: I didn't mean disrespect to you, sir.

13 THE COURT: Okay. Well, right now you're in contempt
14 of Court and you're sentenced to six months in prison. And
15 then we'll continue with the trial and see what happens
16 within the trial. Okay? So right now you've got a 6-month
17 prison sentence to do, right now.

18 THE DEFENDANT: Man, I ain't did nothing. I was just
19 sitting here being quiet. I didn't even do nothing.

20 THE COURT: Well, so you're not being quiet. You keep
21 interrupting. See, you apparently don't know how to act.
22 So we're going to take a short break.

23 Ms. Price, you're going to need to have a talk with
24 Mr. Hughes here, because we can have this trial without him
25 in here.

Ellis Jones
Cross-examination by Ms. Price

1 MS. PRICE: Yes, sir.

2 THE COURT: Or I can make him be quiet by taping his
3 mouth shut, and that way he won't be able to laugh and cut
4 up like he's doing now.

5 So it's his choice. We can do it however he'd like to
6 do it.

7 MS. PRICE: Yes, sir.

8 THE COURT: But we're going to continue with the trial
9 one way or another.

10 MS. PRICE: Yes, sir.

11 THE COURT: So you have a conversation with Mr.
12 Hughes, and you let me know if he doesn't understand it.

13 MS. PRICE: Yes, sir.

14 THE COURT: Mr. Jones, you can step down from the
15 stand, but don't discuss your testimony during the break.

16 THE WITNESS: Yes, sir.

17 (Whereupon, a recess was taken.)

18 (The following takes place outside the presence of the
19 defendant.)

20 THE COURT: Are y'all going to bring y'all's folks in,
21 or are they just going to stay out there?

22 MS. JORDAN: They're here.

23 THE COURT: They ain't coming in, is the point.

24 (Pause.)

25 THE COURT: Just have a seat in that chair right

Ellis Jones
Cross-examination by Ms. Price

1 behind Mr. Smith first.

2 where is he?

3 MS. PRICE: Your Honor, he is in the jail room. I
4 went and spoke to him at your request. I did speak to him
5 before court started about courtroom decorum, that he
6 needed to sit up straight and be quiet while we were having
7 court. As you saw, he did not follow that advice.

8 I went and talked to him during the break again, Your
9 Honor, after here and a contempt finding on him. He
10 proceeded to curse me, call me very, very vile, ugly names
11 and was so loud that the courtroom deputy that's in the
12 jail room had to tell him to stop.

13 He -- I have told him, instructed, him again of what
14 is expected of him in here. He indicates that he wants to
15 continue with the trial and be present. But, Your Honor,
16 at this point I cannot guarantee his behavior at all.

17 THE COURT: Well, I understand you can't guarantee
18 anything.

19 Bring Mr. Hughes on back in.

20 (The following takes place with the defendant present.)

21 THE COURT: Mr. Hughes, have you had a conversation
22 with Ms. Price about how you are to act appropriately here
23 in the courtroom?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand it?

Ellis Jones
Cross-examination by Ms. Price

1 THE DEFENDANT: Yes, sir. My apologies.

2 THE COURT: Do you believe you can act appropriately
3 while you're here in the courtroom in order to participate
4 in the trial of this case?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Good.

7 All right. Mr. Jones, you can take your seat back on
8 the witness stand.

9 And you can bring the jury in, please.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: Thank you for your patience, ladies and
13 gentlemen.

14 We'll continue with the examination of the witness.

15 BY MS. PRICE

16 Q Mr. Jones, before the break I asked you did you
17 remember giving the police a written statement in this
18 matter. Do you remember that, sir?

19 A I do.

20 Q Okay. Have you reviewed that statement in preparation
21 for coming to court today?

22 A I didn't, but I took a look at it outside when we went
23 on break.

24 Q Okay. I just have a few questions about that
25 statement that you gave.

Ellis Jones
Cross-examination by Ms. Price

- 1 A Yes, ma'am.
- 2 Q When did you give that statement, sir?
- 3 A After the incident.
- 4 Q Do you remember about what time that was?
- 5 A 7:30 maybe.
- 6 Q Okay. Would it help if I gave you a copy of your
7 statement, if you reviewed it again?
- 8 A Yes, ma'am.
- 9 Q Okay.
- 10 MS. PRICE: May I approach, Your Honor?
- 11 THE COURT: You may.
- 12 Q Just read this silently to yourself, sir, and look up
13 when you've finished.
- 14 (Pause.)
- 15 A Ready.
- 16 Q Okay. You can just leave that up there.
- 17 A Okay.
- 18 Q Now, Mr. Jones, on your direct examination from
19 Mr. Smith you talked about how Mr. -- how -- well, Deandrea
20 had given you several different stories.
- 21 A Yes, ma'am.
- 22 Q Is that right? And you said one of those stories was
23 that the child had died.
- 24 A Yes, ma'am.
- 25 Q Did you put -- you didn't put that in your statement,

Ellis Jones
Cross-examination by Ms. Price

1 did you?

2 A I did not -- I did not.

3 Q Okay. And he wanted -- you said that Deandrea did
4 want you to take him to Highway 9.

5 A Yeah. That's Boiling Springs, yes, ma'am.

6 Q And you, in fact, took him to Highway 9.

7 A I did.

8 Q And that is in your statement.

9 A Yes, ma'am.

10 Q Okay. And then you said that -- in your statement
11 that Deandrea had a gun.

12 A Not at the time. I did not know that. I felt -- I
13 felt like he had a gun. Well, I asked him if he had a gun.

14 Q But at some time, at some point, in your statement you
15 said that Deandrea had a gun, you saw him with a gun, is
16 that right?

17 A Oh, well, yeah, at the scene, at the scene of the
18 crime. He pulled a gun -- when he pulled the gun out.

19 Q Okay. And you testified here today that you described
20 that gun as a small black gun, is that right?

21 A Yes, ma'am.

22 Q Okay. And there's just a few more questions that I
23 have for you, and they have to do with this sweatshirt.

24 May I approach?

25 A Uh-huh.

Ellis Jones
Cross-examination by Ms. Price

- 1 Q Okay. Now, on your direct examination with Mr. Smith
2 today you described Mr. -- you described Deandrea as having
3 a hoody, is that right?
- 4 A Yes, ma'am. He had a hoody on.
- 5 Q He had a hoody on.
- 6 A Uh-huh.
- 7 Q What did that hoody look like?
- 8 A I just know hoody just because it had the -- the hood.
- 9 Q Okay. And-but you testified on your direct
10 examination that it may have been open.
- 11 A The -- because I read that.
- 12 Q You read this.
- 13 A Uh-huh. I saw that.
- 14 Q Okay. This is not a hoody. Would you agree with
15 that?
- 16 A Oh, that's not a hoody.
- 17 Q Okay.
- 18 A I wouldn't consider that a hoody.
- 19 Q Well, you would consider this a sweatshirt?
- 20 A A sweatshirt.
- 21 Q Okay.
- 22 MS. PRICE: That's all I have for Mr. Jones, Your
23 Honor.
24
25

Ellis Jones
Redirect examination by Mr. Smith

1 REDIRECT EXAMINATION

2 BY MR. SMITH

3 Q Mr. Jones, how much of the gun did you see when he
4 pointed it out?

5 A I'm going to be honest. When somebody pulls a gun out
6 like that, so it's so quick and I guess you see the gun but
7 you really see other stuff just happening so fast, like,
8 you know what I'm saying, so you don't really concentrate
9 on if it was a 9mm or revolver or whatever but --

10 Q I understand. Just how much of it did you see?

11 A Oh, I saw the whole -- yeah, the whole gun because he
12 cocked it, and when he cocked it, you know, it went back
13 and a round jumped out.

14 Q Did he have his hand on it? Did you see the whole gun
15 or did you see the top part of the gun?

16 A I saw the whole gun.

17 Q Okay. What did it look like?

18 MS. PRICE: Objection. Asked and answered.

19 THE COURT: Overruled.

20 You can answer.

21 A It's like a gun. I mean, it's like an automatic gun
22 if that helps -- not a revolver but automatic.

23 Q What about color?

24 A I can't say black, silver. I think black but I
25 can't -- like I said, it happened so -- I saw the round.

Brent Brown
Direct examination by Mr. Smith

1 The round was -- was copper that jumped out, you know.

2 Q Okay.

3 MR. SMITH: I don't have any further questions.

4 Q Thank you, Mr. Hughes.

5 MS. PRICE: No followup, Your Honor.

6 THE COURT: You may step down.

7 MR. SMITH: Your Honor, we do have two more brief
8 witnesses.

9 THE COURT: Okay.

10 MR. SMITH: I call Deputy Brent Brown.

11 BRENT BROWN, having been first
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. SMITH

14 Q Deputy Brown, can you state your name and rank for the
15 court reporter and the jury?

16 A Brent Brown. I'm a deputy two with the Spartanburg
17 County Sheriff's Office.

18 Q And what do you do as a deputy two?

19 A I'm assigned to uniform patrol.

20 Q What do they do?

21 A We patrol the communities, respond to calls for
22 service.

23 Q Okay. Were you in that same role on February 22nd of
24 2016?

25 A Yes, sir.

Brent Brown
Direct examination by Mr. Smith

1 Q Okay. How did you find out about this case? What
2 happened that led you to the Race Way on Boiling Springs
3 that day?

4 A I -- I was dispatched to relieve night shift, night
5 patrol, in reference to a carjacking that had occurred at
6 the Race Way there on Highway 9.

7 Q When do y'all's shifts change?

8 A At 7:00 o'clock.

9 Q Okay. And this was about 6:45, something like that,
10 that you got the call?

11 A Yes, sir. Around that time.

12 Q Okay. And what did you see when you responded to the
13 scene?

14 A Several deputies were on scene, as well as the victim.
15 That's pretty much what I saw.

16 Q Mr. Jones.

17 A Mr. Jones, yes, sir.

18 Q Did you talk to him?

19 A I did.

20 Q What did he tell you about the description of what the
21 person looked like that had robbed him?

22 A He -- he had stated that the subject suspect was a
23 young black male with braided hair, slender build and he
24 was wearing a gray Cam Newton dab hoody.

25 Q Okay. After you took his statement did he tell you

Brent Brown
Direct examination by Mr. Smith

- 1 what his car looked like?
- 2 A He did.
- 3 Q And then what did you do with that information?
- 4 A I took -- took what information, along with the
- 5 suspect information, and put out a be-on-the-lookout
- 6 through our Spillman database. And I also contacted
- 7 Spartanburg County dispatch so they could issue that out to
- 8 other agencies.
- 9 Q Okay. So does the be-on-the-lookout, is that just for
- 10 the sheriff's office or does that go to city police and all
- 11 the surrounding jurisdictions?
- 12 A The -- the BOLO issued by Spartanburg County dispatch
- 13 goes to all -- went to surrounding agencies.
- 14 Q Okay. And did you enter the vehicle information into
- 15 the database that it had been stolen?
- 16 A Spillman, as well as N.C.I.C.
- 17 Q Okay. Can you explain what N.C.I.C. is?
- 18 A It's a national database. It -- you put vehicle
- 19 information, suspect information in it. And if anyone runs
- 20 that vehicle information it -- it -- it goes to all
- 21 agencies nationwide.
- 22 Q Okay. What -- what did he describe as the vehicle?
- 23 Do you have a copy of your report up there with you?
- 24 A I do, yes, sir.
- 25 Q All right. What did he describe his vehicle as being?

Christopher Banks
Direct examination by Mr. Smith

1 A A 2009 Chevy Tahoe.

2 Q Okay.

3 A I can't recall the color. I'm trying to find it here.

4 A black 2009 Chevy Tahoe.

5 Q Okay. Did you do anything else in the case, or was

6 that basically it? Did you hand it over to investigators

7 at that point or --

8 A Yes. It was handed over to investigators at that

9 point.

10 Q Is the Race Way gas station on Boiling Springs Highway

11 in Spartanburg County?

12 A Yes, sir, it is.

13 Q I don't have any more questions. Answer any Ms. Price

14 has.

15 MS. PRICE: I have none for Deputy Brown.

16 THE COURT: You may step down.

17 MR. SMITH: The state calls Officer Banks.

18 Your Honor, may he be excused?

19 THE COURT: He may be.

20 (Whereupon, the witness was excused.)

21 CHRISTOPHER BANKS, having been

22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. SMITH

24 Q You fit in there?

25 A Yeah.

Christopher Banks
Direct examination by Mr. Smith

- 1 Q All right. Can you state your name for the jury?
- 2 A My name is Christopher Banks.
- 3 Q Where are you employed?
- 4 A I'm employed with the city of Spartanburg for the last
- 5 28 years.
- 6 Q All right. What do you do now for the city of
- 7 Spartanburg?
- 8 A Master patrol officer currently assigned to crime
- 9 prevention.
- 10 Q Okay. Were you in that same role on February 22nd of
- 11 this year?
- 12 A Yes, I was. I'm assigned to what's called the
- 13 Northside Initiative.
- 14 Q What is that?
- 15 A Addressing criminal activity and complaints in the
- 16 north side of town, city of Spartanburg.
- 17 Q Okay. Were you on -- is part of your duty just being
- 18 out on the roads and just looking for criminal activity and
- 19 things like that?
- 20 A Talking to the community, schools, businesses. At
- 21 that time, the incident, I was at Cleveland Academy on
- 22 Franklin Street.
- 23 Q What time -- what time is that?
- 24 A Around 12:30.
- 25 Q Okay. At the time of the -- what do you mean at the

Christopher Banks
Direct examination by Mr. Smith

1 time? You're talking about the car chase?

2 A When the initial call come out. A call came out in
3 reference to a black Chevy Tahoe that had been involved in
4 a carjacking in the county, being seen on North Vernon
5 Street and Freemont Avenue.

6 Q Okay. And you were nearby?

7 A Less than a block and a half away.

8 Q Okay. So you responded to that area?

9 A Yes, I did.

10 Q Did you see the car?

11 A Yes, I did. I found a black Chevy Tahoe coming off of
12 North Vernon Street in a northerly direction. I ran the
13 tag of G, golf, L, Lema, A, Alfa, 655, and it came back as
14 the stolen vehicle involved in a carjacking in the county.

15 Q And do you know when the original carjacking was
16 reported, or the first you heard about it was at noon?

17 A At noon o'clock, yes.

18 Q What did you do after you got confirmation that this
19 was the vehicle that was the subject of the BOLO?

20 A I informed the rest of the patrol officers in the area
21 that I was behind the vehicle and waited for them to come
22 to the area before I stopped it.

23 Q What would be the purpose of that?

24 A Then when they bail out there's more of us to catch
25 him.

Christopher Banks
Direct examination by Mr. Smith

- 1 Q At this point did you believe that he was potentially
2 armed? Was it reported that this was a --
- 3 A Carjacking, yes, is considered a robbery of some sort
4 either with a weapon or physical force.
- 5 Q Okay. So you waited for backup to arrive and than --
6 are you just following him at this point without your blue
7 lights on?
- 8 A Yes. I followed him on Freemont Avenue northbound,
9 turned right onto Aden Street, turned left on North Vernon
10 Street. And before he got to Pearl and Vernon two officers
11 came off of Pearl Street and blocked him in. At that time
12 I activated blue lights.
- 13 Q All right. And then what happens?
- 14 A He pronounced to go onto the yard of a house at the
15 corner of Freemont and Vernon, cut through the yard of that
16 house, the house next to it, the parking lot of Freemont
17 School Apartments and then finally onto Pearl Street at
18 Magnolia Street traveling north.
- 19 Q Okay.
- 20 A I mean, south.
- 21 Q All right. And then at this point did -- you said --
22 you have a type of vehicle that's not supposed to be used
23 in chases or --
- 24 A Yes. I have a car with very little equipment on it.
25 I let the patrol officers have full light bars and cameras

Christopher Banks
Direct examination by Mr. Smith

1 in their vehicles actually do the chase at that point.

2 Q Okay. Did you see the -- did you see who the driver
3 was when -- when you initially called in for backup and
4 during the part of the pursuit that you were involved in?

5 A Not until the end.

6 Q Okay. So you take a backup role for the other people
7 that have the proper equipment and you just kind of are
8 following along?

9 A I give out the call, the directions they're going. I
10 followed them all the way up to Isom and Beaumont, and
11 that's where I was, you know, sighted him at that time.
12 Then picked him up back when they came into the apartment
13 complex where he was apprehended.

14 Q Okay. Were you able to -- who did you -- who was at
15 that scene other than law enforcement? Was the defendant
16 at the scene of the --

17 A The defendant sitting there was apprehended by, I
18 believe, Officer Hensley with the City of Spartanburg and
19 officer Osrechek with the City of Spartanburg.

20 Another person was apprehended by Officer Skoczlas --
21 I believe his name is pronounced -- where he apprehended a
22 passenger from the vehicle who bailed out on Church Street
23 about Wofford College.

24 Q Okay. But you saw this defendant at the scene --

25 A Yes.

Christopher Banks
Direct examination by Mr. Smith

- 1 Q -- where the stolen vehicle was recovered?
- 2 A Mr. Hughes, yes.
- 3 Q All right. All right. The part where you initiated a
- 4 traffic stop, was that inside of Spartanburg County?
- 5 A Yes, it was. Spartanburg city.
- 6 Q City and county?
- 7 A Which is in the County of Spartanburg.
- 8 Q I don't have any further questions. Answer anything
- 9 Ms. Price has.
- 10 MS. PRICE: I have nothing for Officer Banks.
- 11 THE COURT: You may step down.
- 12 MR. SMITH: Can Officer Banks be excused, Your Honor?
- 13 THE COURT: He may be.
- 14 MR. SMITH: Your Honor, can we break for lunch? Some
- 15 of our witnesses --
- 16 THE COURT: Okay. All right. Ladies and gentlemen,
- 17 we'll recess for lunch. We will resume this afternoon at
- 18 2:00 o'clock.
- 19 Please keep in mind that you can't talk about the case
- 20 while the trial is in progress. You can only talk about it
- 21 during jury deliberations, and that won't be until the end
- 22 after all of the evidence has been presented and I've
- 23 instructed you on the law and you've been asked to begin
- 24 deliberations. So no discussions, no research, no
- 25 investigation.

Jeremy Hensley
Direct examination by Mr. Smith

1 Have a good lunch. Please report to your jury room
2 this afternoon at 2:00 o'clock, 2:00 o'clock this
3 afternoon. Have a good lunch.

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: Court is in recess until 2:00 o'clock this
7 afternoon.

8 (Whereupon, a recess was taken.)

9 THE COURT: Are we ready for the jury?

10 MS. JORDAN: Yes, sir, we are. We do intend to use
11 this with the first witness.

12 THE COURT: Bring the jury in, please.

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: Good afternoon.

16 We're going to continue with the state's presentation.
17 Mr. Smith.

18 MR. SMITH: The state calls Officer Hensley.

19 JEREMY HENSLEY, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. SMITH

22 Q Will you state your name for the jury?

23 A I am Jeremy Hensley.

24 Q Deputy Hensley, where are you currently employed?

25 A Spartanburg County Sheriff's Office.

Jeremy Hensley
Direct examination by Mr. Smith

- 1 Q What do you do there?
- 2 A I'm a deputy.
- 3 Q You respond to calls?
- 4 A Uniform patrol police officers, yes, sir.
- 5 Q What were you doing as far as employment in
- 6 February 22nd of this year?
- 7 A I was working with Spartanburg City Police Department.
- 8 Q Were you in the same capacity -- patrol?
- 9 A Yes, sir. I was also with uniform patrol.
- 10 Q Okay. Did you respond to a call of a carjacking or an
- 11 armed robbery on February 22nd of 2016?
- 12 A Yes, sir, I responded. It was -- it had just
- 13 initiated. I was -- I heard through the radio that an
- 14 officer had eyes on a suspect driving a vehicle where it
- 15 was being called in by the victim.
- 16 Q Were you in the area that it was reported to be in?
- 17 A Yes, sir, I was.
- 18 Q Okay. So then what did you do?
- 19 A I began making my way toward the area. As I heard
- 20 them call out the streets and cross streets I began making
- 21 my way toward that area.
- 22 Q When -- where did you end up linking up with --
- 23 A About Magnolia and Arch Street. I -- I had just taken
- 24 a u-turn onto North Church Street when I heard them giving
- 25 out the direction that they were moving towards.

Jeremy Hensley
Direct examination by Mr. Smith

1 As I pulled onto Magnolia Street, is when I picked up
2 the Tahoe being followed by the police vehicles.

3 Q Okay. Did you end up taking over the chase, or what
4 was your role?

5 A Initially, I got behind several other officers who
6 were already chasing the vehicle.

7 Q Okay. Did you end up getting closer to the front of
8 it as the chase went on or --

9 A I did. As -- as the vehicle went down North Church
10 Street and got to about the intersection of Daniel Morgan
11 Avenue, Sergeant Forrester made an attempt to block the
12 vehicle in. When that happened I ended up getting -- I was
13 about the second vehicle at that point in the chase.

14 Q What happened when he attempted to block him? Why was
15 that unsuccessful?

16 A Just the way traffic was flowing. He -- it was good
17 for a moment, and then I think some vehicles moved and he
18 was able to get around Sergeant Forrester's vehicle.

19 Q What would you describe his driving like during this
20 chase --

21 A It was --

22 Q -- of the vehicle?

23 A -- no regards to the public's well being, or anyone
24 else's. It was -- it was pretty -- pretty quick.

25 Q Did you see anybody jump out of the vehicle during the

Jeremy Hensley
Direct examination by Mr. Smith

- 1 chase?
- 2 A Yes, sir, I did.
- 3 Q Okay. Where did that person jump out?
- 4 A They jumped out while the vehicle was still in motion
- 5 in the parking lot of, I think it was, Hidden -- Hidden
- 6 Hill Apartments.
- 7 Q Hidden Hill Apartments is where the -- not -- not the
- 8 driver. Did you see anybody else jump out of the vehicle
- 9 during the chase?
- 10 A No, I did not, no, no, no.
- 11 Q Okay. You saw the driver jump out --
- 12 A Correct.
- 13 Q -- at Hidden Hill Apartments.
- 14 A Yes, sir.
- 15 Q All right. Is your patrol vehicle when you were with
- 16 the city equipped with an in-car video --
- 17 A Yes, sir.
- 18 Q -- that captures whatever is looking out of the front
- 19 windshield of your car?
- 20 A Yes, sir. It immediately comes on when we activate
- 21 the lights.
- 22 Q Okay. Does it back-roll 30 seconds?
- 23 A It does.
- 24 Q Okay. I'm going to hand you an exhibit -- it's
- 25 previously been marked as State's Exhibit 1 -- and ask if

Jeremy Hensley
Direct examination by Mr. Smith

1 you can identify what that is.

2 A This is a copy of my in-car patrol vehicle video.

3 Q Do you know if it has been edited in any way?

4 A No, sir.

5 MR. SMITH: At this point I'd like to move to admit
6 State's Exhibit 1 into evidence.

7 MS. PRICE: Without objection.

8 THE COURT: It's admitted.

9 (D.V.D. marked State's Exhibit No. 1.)

10 MR. SMITH: With permission to publish it to the jury,
11 Your Honor.

12 THE COURT: It's admitted. You may publish it.

13 (Whereupon, the video was started to be played for the
14 jury.)

15 Q So this would be beginning about 30 seconds before you
16 initiated your blue lights?

17 A Yeah. what you're going to see initially is me began
18 going towards the area.

19 Q Okay. Do you know if this indicates how fast you're
20 going? Are you familiar with this video player?

21 A A little bit. I believe there --

22 Q Sideways?

23 A -- is a way to see, yeah, how fast we're moving.

24 There's a speed --

25 Q Is that under G.P.S.?

Jeremy Hensley
Direct examination by Mr. Smith

- 1 A Yes, sir.
- 2 Q Says speed. That would be what your car is doing?
- 3 A Yes, sir.
- 4 Q Okay. And you also had indications for when your
- 5 lights are on and your brakes are on and when your siren is
- 6 on, is that correct?
- 7 A Yes, sir.
- 8 Q Okay. Was the suspect vehicle you were chasing that
- 9 just went off over the curb?
- 10 A Yes, sir.
- 11 MR. SMITH: And we can have the lights back on.
- 12 Q So what happens when the video ends here? You parked
- 13 your car. It looks like you're going zero miles an hour.
- 14 You parked. What happened?
- 15 A I parked. I observed -- I observed Mr. Hughes exit
- 16 the vehicle and begin running to the left. I exited my
- 17 patrol vehicle and began chasing on foot at that point.
- 18 Q All right. And how -- how far did you make it to this
- 19 other car?
- 20 A He ran past the rent office area and took a right down
- 21 besides the first apartments on the right. And then
- 22 there's another apartment complex immediately that sets
- 23 behind this one. It's called the Leland Street Apartments.
- 24 He ran down the hill at the Hidden Park Apartments and
- 25 then up the hill at -- came into the Leland Street

Jeremy Hensley
Direct examination by Mr. Smith

1 Apartment area.

2 And as soon as he got to the top of the hill I was
3 behind him. And at that point was when I observed him pull
4 something. At first I seen -- all I could see was a light
5 like purplish in color item from his waistband area and
6 throw it across the street.

7 And then he -- he gave up and I put -- we went down to
8 the ground. I got on top of him and handcuffed him.
9 Officer Osrechek came over to me, and I asked him to wait
10 right there with Mr. Hughes. And I walked immediately over
11 to where I observed the item laying on the ground.

12 Q Did you pat him down?

13 A At that point, no, I did not.

14 Q Okay. So when you got back to the item that had been
15 thrown on the ground, what was it?

16 A It was a -- it was a lavender in color, like a
17 purplish and black, 380 firearm.

18 Q I'm going to show you what's previously been marked as
19 State's Exhibit 9 and ask if you can identify what that is.

20 A Yes, sir. That's the firearm that was present that
21 day.

22 MR. SMITH: At this time, Your Honor, I'd like to move
23 this into evidence.

24 THE COURT: What number is it?

25 MR. SMITH: State's Exhibit No. 9.

Jeremy Hensley
Direct examination by Mr. Smith

- 1 MS. PRICE: Without objection.
- 2 THE COURT: It's admitted.
- 3 (Photograph marked State's Exhibit No. 9.)
- 4 MR. SMITH: And just publish it to the jury.
- 5 Q Did you touch the gun at all?
- 6 A No.
- 7 Q Were you able to determine if it's a real firearm from
- 8 what you were able --
- 9 A Yes. I can look at that and tell it's a real firearm.
- 10 Q Did it -- did it have a magazine in it or --
- 11 A I believe it did have a magazine inside, and it had
- 12 one in the chamber as well.
- 13 Q Okay. Are you sure?
- 14 A Yeah. I'm pretty certain that when we made it safe at
- 15 that point -- once evidence came over and collected it we
- 16 were able to.
- 17 Q Okay. So you arrest him. You and Officer Osrechek
- 18 arrest him, and then you turn him over to other officers
- 19 and --
- 20 A Yes, sir.
- 21 Q -- is that the end of your involvement in this case?
- 22 A I stood by with the firearm until evidence came and
- 23 collected it.
- 24 Q Did you -- the man that you chased and arrested, is he
- 25 sitting in the courtroom today?

Jeremy Hensley
Cross-examination by Ms. Price

1 A Yes, sir.

2 Q Okay. Can you point to him?

3 A Right there.

4 Q The defendant?

5 A Yes, sir. Deandrea Hughes.

6 Q The car chase and the throwing of the pistol, did all
7 of that occur in Spartanburg County and city?

8 A Yes, sir.

9 MR. SMITH: I don't have any further questions of him,
10 Your Honor.

11 MS. PRICE: Just one or two, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. PRICE

14 Q Officer Hensley, you just testified that you
15 discovered this lavender and black gun on the ground.

16 A Yes, ma'am.

17 Q Okay. And you didn't touch it at all?

18 A No, ma'am. Not that I remember.

19 Q Okay. Did you stay with that pistol?

20 A Yes, ma'am.

21 Q Okay. And you didn't touch it. And who touched it?
22 Did you see anybody touch it?

23 A I believe it was an I.D. or forensic type person that
24 did that.

25 Q Okay. That's all I have.

Frank Osrechek
Direct examination by Mr. Smith

- 1 A There was no one else around it, so there was no
2 reason to do that.
- 3 Q Thank you.
- 4 A Yes, ma'am.
- 5 THE COURT: Okay. You can step down.
- 6 MR. SMITH: Your Honor, may he be excused, please?
- 7 THE COURT: He may be.
- 8 (Whereupon, the witness was excused.)
- 9 MR. SMITH: At this time we would call officer
10 Osrechek.
- 11 FRANK OSRECHEK, having been
12 first duly sworn, testified as follows:
- 13 DIRECT EXAMINATION BY MR. SMITH
- 14 Q State your name for the jury.
- 15 A Senior Patrol Officer Frank Osrechek.
- 16 Q Where are you employed?
- 17 A Spartanburg City Police Department.
- 18 Q What's your capacity there? You said senior officer.
- 19 A I'm a senior patrolman.
- 20 Q Senior patrolman.
- 21 THE COURT: Pull that microphone toward you, please,
22 that black mic, the black one.
- 23 Q Were you working in the same capacity on February 22nd
24 of this year?
- 25 A Yes.

Frank Osrechek
Direct examination by Mr. Smith

1 Q what is your job duties as part of that?

2 A To patrol the streets of Spartanburg city.

3 Q You have some sort of supervisory role over other
4 patrol deputies?

5 A Not officially. I'm a senior officer.

6 Q Okay. How did you become involved in this car chase
7 on February 22nd?

8 A The -- the victim had communicated to Spartanburg
9 communications that he had identified and located the
10 vehicle that was carjacked from him the previous night.
11 And that was in the vicinity of Freemont Avenue, which is
12 in the City of Spartanburg.

13 Q And were you nearby?

14 A I was.

15 Q Did you join in the chase?

16 A I did. I proceeded -- I proceeded to Freemont Avenue
17 and observed the vehicle, a black SUV, traveling towards
18 me.

19 There was another officer on the roadway, and we
20 attempted to block the roadway. And the suspect then
21 traveled across private property and onto Church Street and
22 proceeded south.

23 Q Okay. I know the jury just watched the chase, and I
24 don't want to talk a great deal about it, but what -- when
25 the chase ends and he exited the vehicle, what was your

Frank Osrechek
Direct examination by Mr. Smith

1 involvement at that point?

2 A I engaged in a foot chase. I was behind Officer
3 Hensley, and I observed the suspect running up the hill to
4 an adjacent property through -- from -- from the apartment
5 complex to an adjacent property, which is the housing
6 authority. It was on the other side of the property line.

7 The suspect was running up a steep hill and became
8 exhausted at that point. He was running to the right of a
9 house.

10 Officer Hensley was pursuing him. I assumed that the
11 -- the suspect would then turn left and run to the front of
12 the home. Anticipating that action, I went to the left
13 side of the home to cut him off as he was coming across the
14 property. When I came around the house I observed that
15 officer Hensley had already apprehended the suspect.

16 Q Did you see him throw the gun?

17 A No, I did not.

18 Q So it didn't occur while you were following him. Is
19 your car equipped with an in-car video?

20 A Yes.

21 Q I'm going to hand you what's previously been marked as
22 State's Exhibit 2 and ask if you can identify this.

23 A Yes. This is a video from my in-car video.

24 Q Has that been altered in any way?

25 A No, sir.

Frank Osrechek
Direct examination by Mr. Smith

1 MR. SMITH: At this point I'd like to move State's
2 Exhibit 2 into evidence with permission to publish a
3 portion of it for the jury.

4 MS. PRICE: Without objection.

5 THE COURT: It's admitted. You may publish it.

6 (D.V.D. marked State's Exhibit No. 2.)

7 Q Officer, I'll show you. The defendant ended up
8 getting transported to the sheriff's office in your patrol
9 vehicle?

10 A Yes. Officer Hensley was -- was locating the pistol
11 that the suspect had thrown.

12 I remained with the suspect, at which time he did --
13 he did attempt to -- to raise himself and stand up, and I
14 secured him to the ground for such time that it was
15 necessary to determine that the scene was -- was secure and
16 safe. And I escorted him back to my vehicle.

17 Q Do you have cameras in the back of your vehicle, as
18 well as ones that look out the front of the dash?

19 A Yes.

20 Q That's the part I want to show.

21 (Whereupon, the video was started to be played for the
22 jury.)

23 Q Is that the man that you were chasing -- you and
24 Officer Hensley?

25 A Yes, sir.

Robert Charles Talanges
Direct examination by Mr. Smith

1 Q Were you there when he jumped out of the Tahoe, or did
2 you see him jump out of the Tahoe? I know you were there.

3 A I was the -- if I recall correctly, I was the third
4 vehicle in the chase. And I -- I believe I did see him
5 jump from the vehicle as I was -- I was approaching or
6 entering the apartment complex.

7 Q And this is -- this is the man that was running and
8 that you assisted Officer Hensley with arrest.

9 A Yes, yes, that's correct.

10 Q Okay.

11 MR. SMITH: I'm done showing the video. I don't have
12 any further questions for him, Your Honor.

13 THE COURT: Ms. Price.

14 MS. PRICE: I have no cross-examination for Mr.
15 Osrechek.

16 THE COURT: You may step down.

17 MR. SMITH: May he be excused, Your Honor?

18 THE COURT: He may be.

19 (Whereupon, the witness was excused.)

20 MR. SMITH: The state would call Deputy Talanges.

21 ROBERT CHARLES TALANGES,
22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. SMITH

24 Q Can you state your name for the jury?

25 A Robert Charles Talanges.

Robert Charles Talanges
Direct examination by Mr. Smith

1 Q You work at the sheriff's office?

2 A Yeah, employed by the Spartanburg County Sheriff's
3 office.

4 Q How long have you been doing that?

5 A Sheriff's office for going on 12 years.

6 Q What do you do at the sheriff's office?

7 A They consider us I.D. or forensic officers. We
8 process any and all crime scenes that we're called to.

9 Q What does processing a crime scene entail?

10 A Entails photo documentation and collection of any and
11 all evidence that pertains to the case.

12 Q Picture taking?

13 A Photographs, that's correct.

14 Q Fingerprints?

15 A Fingerprints and collection of evidence.

16 Q Blood. Anything like that, you collect it all?

17 A Yes, sir.

18 Q And how long have you been doing that for the
19 sheriff's office?

20 A Sheriff's office, 12 years. Prior to that I did it
21 for the City of Spartanburg from 1997 until 2005.

22 Q How did you find out about this case?

23 A Well, we monitor channel one, which is our main
24 operation channel.

25 I heard the chase going on. And once the vehicle had

Robert Charles Talanges
Direct examination by Mr. Smith

1 wrecked or at a certain location, they called for I.D.,
2 which I responded to that location.

3 Q Okay. And what do you do when you get to the scene?

4 A First thing when I get there I check with one of the
5 investigators and find out exactly what's happening.

6 Upon my arrival I see a vehicle that has went down an
7 embankment and struck a tree in a fence-line area. I
8 photographed -- photographed the vehicle.

9 And at that point I was instructed by another
10 supervisor that a handgun had been recovered over at Leland
11 Street Apartments and officers were standing by. So what I
12 did is I broke off from that location, went to the other
13 location, which is approximately 150 yards away. I
14 photo-documented where the -- what was located and
15 collected it.

16 Q That was where the gun was located?

17 A Yeah. That was where that pinkish-purple-colored
18 handgun was located at.

19 Q We've previously admitted State's Exhibit 9. Is that
20 what you're talking about?

21 A Yes, sir. That's it.

22 Q Okay. Were you the person that actually collected the
23 gun?

24 A Yes. I am.

25 Q How do you do that? What process do you use?

Robert Charles Talanges
Direct examination by Mr. Smith

1 A After photo documentation, what I do is I -- wearing,
2 of course, latex gloves, I place it into an evidence bag.
3 That's a box there, but it was placed into an evidence bag
4 and then Trent put in the back of my vehicle, secured.
5 Then I responded back to the -- the original location where
6 the vehicle is at.

7 Q Did you take any fingerprints off of the gun?

8 A No, I did not. When I -- when I got back to the
9 original location I rendered the gun safe by -- there was,
10 first of all, no magazine in it, but there was a round
11 chambered into the, I guess the, cylinder, the barrel --
12 cylinder.

13 Q Like where the --

14 A Slide area, that's correct. There was a round in it.

15 Q Okay. And so this was an actual firearm, functioning
16 firearm.

17 A Yes. It is.

18 Q Is there a reason that you didn't fingerprint it?

19 A The pistol?

20 Q Yes.

21 A The type of material it is, the plastic, which is not
22 really conducive for fingerprints, that's why it wasn't
23 done.

24 Q So it's likely that you wouldn't find anything?

25 A That's correct.

Robert Charles Talanges
Direct examination by Mr. Smith

1 Q Did you -- do you speak to other officers while you're
2 out there? I know you said you talked to the
3 investigators. Would you have talked to Officer Hensley or
4 Officer --

5 A Hensley was there. I didn't know him at the time, but
6 he was standing next to Deputy Smith. And when I picked up
7 the pistol I went on to the other location.

8 Q And then for all of the evidence you gather when you
9 leave the scene, you then take it to the sheriff's office?

10 A Correct.

11 Q And log it into evidence?

12 A Everything is categorized and put in evidence bags or
13 envelopes and then placed into evidence.

14 Q Okay. Did you also take just general pictures of the
15 scene?

16 A Yes, I did.

17 Q I've got three pictures I'd like to show you. I'll
18 show Ms. Price first.

19 (Pause.)

20 Q I'm going to hand you what's been previously marked as
21 State's Exhibit 6 and ask if you can describe what that is.
22 And is that a picture that you took?

23 A Photo of -- yes, it is a photo that I took. This is a
24 recovery location where the vehicle had struck the barrier
25 fence and ran where the trees are located at, down the

Robert Charles Talanges
Direct examination by Mr. Smith

1 embankment.

2 Q Did it go over a curb first from what you could tell?

3 A It just missed a building and a mailbox.

4 Q All right.

5 MR. SMITH: Your Honor, at this point I'd like to move
6 to admit State's Exhibit 6 into evidence and publish it to
7 the jury.

8 MS. PRICE: Without objection.

9 THE COURT: It's admitted.

10 (Photograph marked State's Exhibit No. 6.)

11 Q I also have what's previously been marked as State's
12 Exhibit 7, which is kind of a different shot, closer up.
13 Can you identify what that is?

14 A It's a photo of the vehicle which is going to be a
15 Chevy Tahoe or Chevy SUV, 4-door.

16 MR. SMITH: I'd like to move that into evidence as
17 well, Your Honor, State's Exhibit 7.

18 MS. PRICE: Without objection.

19 THE COURT: It's admitted.

20 (Photograph marked State's Exhibit No. 7.)

21 Q And then if you can identify what's previously been
22 marked as State's Exhibit 8.

23 A This is just another angle of the incident location.

24 Q Is it kind of from where --

25 A This is from the Leland Street Apartments, because

Robert Charles Talanges
Direct examination by Mr. Smith

1 you've got -- you've got Hidden Hill or Hidden -- the one
2 apartment complex. And then I took this from the parking
3 lot facing back towards the apartments that he came through
4 the parking lot.

5 Q Okay.

6 MR. SMITH: Your Honor, at this time I'd like to move
7 State's Exhibit 8 into evidence with permission to publish
8 to the jury.

9 MS. PRICE: Without objection.

10 THE COURT: It's admitted.

11 (Photograph marked State's Exhibit No. 8.)

12 Q Is there -- that playground, is that -- which
13 apartment complex is that a part of or is that a --

14 A That'd be Leland Street.

15 Q Okay. So the place that he ended up apparently
16 running to --

17 A Correct. Where he was actually apprehended at.

18 Q Okay. Were there kids out there playing?

19 A The photograph shows some children out there.

20 Q Okay. And then did you begin to go inventory whatever
21 was in the car?

22 A Yes, I did.

23 Q All right. And how do -- how do you do that
24 procedure?

25 A Well, victim was on scene, which helps us out a lot

Robert Charles Talanges
Direct examination by Mr. Smith

1 because he can identify what belongs to him and what
2 belongs to -- what doesn't belong to him or anybody else.

3 So I photographed the interior, and I started
4 collecting items from inside the vehicle.

5 Q Did the victim actually back the car up out, and then
6 you did that, or did you do that down where the vehicle was
7 in the trees?

8 A When the vehicle -- the vehicle had already been moved
9 by the time I got back up with the --

10 Q Okay.

11 A The pistol recovered.

12 Q So is it back up, like, where the curb was?

13 A Yes, sir, and into the parking lot.

14 Q Okay. So how are -- how are you going over the items?
15 Are you pulling them outta the car and showing them to him,
16 or how did that process go?

17 A Items that are not known to him or not his he -- I
18 would ask him if they belonged to him or not.

19 Q Okay. So you're going in and you're saying there's a
20 this in here and there's a that, is that yours.

21 A Correct -- correct.

22 Q Do you remember what he said was -- was not his inside
23 the car?

24 A We collected from the car C.D.s, tobacco products,
25 which were cigars and cigarette pack, phone cords.

Robert Charles Talanges
Direct examination by Mr. Smith

1 There was a couple of cartridges or bullets, as we
2 call them. Those are collected. A stun gun and a gray
3 colored sweatshirt type.

4 Q And the victim said that none of those belonged to
5 him.

6 A Did not belong to him.

7 Q Where did you find the shell casing?

8 A Shell casings are driver's-side floor area.

9 Q Do you know what caliber of bullet they were?

10 A I believe they were 380 auto.

11 Q What about the pistol that you recovered?

12 A Was a 380 auto.

13 Q Okay. Did you recover the magazine for that gun or a
14 380 magazine?

15 A Never recovered a 380 magazine.

16 Q Okay. I'm going to show you what's previously been
17 marked as State's Exhibit No. 5 and ask if you can identify
18 that.

19 A This is going to be the sweatshirt that was recovered
20 from the back seat of the vehicle. The reason it's on the
21 ground is I wanted to take a picture with the front showing
22 what the, I guess, identifiable markings were.

23 Q And nobody else is touching this other than you guys?

24 A Correct.

25 MR. SMITH: At this point I'd like to move State's

Robert Charles Talanges
Direct examination by Mr. Smith

1 Exhibit 5 into evidence.

2 MS. PRICE: Without objection.

3 THE COURT: It's admitted.

4 (Photograph marked State's Exhibit No. 5.)

5 MR. SMITH: With permission to publish it to the jury.

6 THE COURT: You may.

7 Q When you say it was in the back seat, you mean the way
8 back or the --

9 A About -- well, you'd have a -- since it's a 4-door
10 vehicle, it would be in the back-seat area, not the cargo
11 area.

12 Q Okay. I'm also going to hand you what's been marked
13 as State's Exhibit 3 and ask if you can identify what that
14 is.

15 A These are items per my report that came out of the
16 center console area.

17 Q That's a picture you took?

18 A Yes, sir.

19 MR. SMITH: At this point I would like to request to
20 move State's Exhibit 3 into evidence with permission to
21 publish it.

22 MS. PRICE: Without objection.

23 THE COURT: It's admitted.

24 (Photograph marked State's Exhibit No. 3.)

25 Q Is this the front passenger seat?

Robert Charles Talanges
Direct examination by Mr. Smith

- 1 A That's correct.
- 2 Q These are all items -- everything that's in this front
3 passenger seat were items that the victim said were not
4 his?
- 5 A That's correct.
- 6 Q Was this where those items were, or did you collect
7 them and put them on the seat and then take a picture of
8 them?
- 9 A If I recall I -- they were in the center-console area,
10 which is that little area just left of it.
- 11 Q To the top left?
- 12 A That's correct.
- 13 Q After you inventoried the vehicle, what did you do
14 then?
- 15 A After inventorying then we -- I did a process for
16 latent prints and I dusted the car to see if I could locate
17 any prints belonging to whoever on it.
- 18 Q What's a latent print?
- 19 A Fingerprint.
- 20 Q Okay.
- 21 A It's when you touch an item that sometimes you leave a
22 latent print behind, and sometimes you don't.
- 23 Q Is like a car door a good surface? I know earlier you
24 talked about a gun.
- 25 A Car doors are great surfaces; windows are great

Robert Charles Talanges
Direct examination by Mr. Smith

1 surfaces. Any slick, smooth surface is a good surface to
2 lift a latent print from.

3 Q Okay. So where did you take prints from?

4 A Per report, I took two prints off the driver's outside
5 door, two prints off the driver's rear door and a print off
6 the passenger front door.

7 Q And do you then -- when you're taking these prints do
8 you label them as --

9 A I scale them with -- scale them with scaling tape to
10 show the location, give them the letter A, B, C, D or E and
11 then rephotograph them.

12 Q Okay. And then that letter sticks with it through the
13 person that ultimately analyzes the fingerprints?

14 A That is correct.

15 Q Okay. Where did you take print B from?

16 A Print B came from the outside driver's door.

17 Q Let me show you a picture. I will show Ms. Price.
18 (Pause.)

19 MR. SMITH: Your Honor, can we approach?

20 (Bench conference held off the record in the presence
21 of the jury but out of the hearing of the jury.)

22 THE COURT: Any objection to No. 4?

23 MS. PRICE: Yes, sir.

24 THE COURT: There is an objection?

25 MS. PRICE: Yes, sir.

Robert Charles Talanges
Direct examination by Mr. Smith

1 THE COURT: All right. Overrule the objection.

2 (Photograph marked State's Exhibit No. 4.)

3 Q I'm going to show you what's been marked as State's
4 Exhibit 4 and ask if you can identify what this is.

5 A It's a photograph of the driver's side, and it's
6 showing two areas where latent prints were located at.

7 Q What -- can you see what they are from the picture?

8 A First one at the driver's door is marked A, and the
9 second one I can't make it out, but there should be some
10 other closeup photos.

11 Q Yes, sir. Are you able looking at the picture to tell
12 where B was from in relation to that?

13 A I'd have to look at the print card or another photo of
14 it.

15 Q Okay. But this is a picture that you took of the
16 vehicle, and those are prints that you attempted to lift
17 off of the vehicle?

18 A That's correct.

19 MR. SMITH: Your Honor, at this point I'd like to move
20 State's Exhibit 4.

21 THE COURT: It's already been admitted.

22 MR. SMITH: Thank you, Your Honor. And just
23 permission to publish it to the jury.

24 THE COURT: You may.

25 Q So this is the driver's-side door of the stolen

Robert Charles Talanges
Direct examination by Mr. Smith

1 vehicle?

2 A Yes, sir.

3 Q All right. All right. Which one are you saying would
4 be print A?

5 A Print A is going to be on the left.

6 Q And the other one you're not sure. Maybe it's C?

7 A I -- from my report I lifted -- lift C and D came from
8 the driver's rear door, which that would be the rear door.

9 Q So that'd be either C or D?

10 A Correct.

11 Q And how do you go about lifting? So B would be on
12 this left-side door.

13 A Right. It would be --

14 Q Referring to the left or --

15 A Exterior driver's door, that's correct.

16 Q Do you -- do you dust the whole door or -- or places
17 where you think people are likely to put their hand?

18 A You do about three quarters of the door. You do from
19 the upper -- upper outer door area down the side. You do
20 about that much, about 18 inches or so, across the driver's
21 door, door handle, including the door handle.

22 Q So you're saying you do up above the window 18 inches?

23 A As well as the window, that's correct.

24 Q Why is that?

25 A Coverage. You always cover more area than you need.

Robert Charles Talanges
Direct examination by Mr. Smith

1 Q Okay. So you took -- you said you took four
2 fingerprints off of this car?

3 A No. Took five.

4 Q Five?

5 A And you had one that came off the passenger outside
6 door.

7 Q Why did you fingerprint the passenger-side door?

8 A The vehicle is printed 360 all the way around from the
9 rear bumper all the way -- the hood, cargo area, because
10 you're looking for any latent prints because it's a stolen
11 vehicle.

12 Q Right. So the five items that you took were the only
13 thing after you dusted the entire vehicle.

14 A That were readable. Latent prints, you have a ridge
15 detail. If you look at your finger you'll see it has
16 ridges. If there's no ridges, there's no sense in lifting
17 a print that doesn't have any identifiable markings.
18 Anything that was identifiable was lifted.

19 Q What type of training do you have in order to --
20 besides, obviously, you've been doing this for many years
21 but what -- do you take classes and stuff about how to lift
22 these things and what's sufficient and what's not?

23 A I started in 1997 doing basic fingerprint work. I am
24 a, actually a, qualified AFIS operator. I am a latent
25 print examiner, is what they call us. I have worked the

Robert Charles Talanges
Direct examination by Mr. Smith

1 AFIS machine. I have been through numerous, numerous
2 courses in latent prints, and just years and years of
3 experience.

4 Q So does that mean that not only are you qualified to
5 lift them but if somebody else that works in a job similar
6 to you brought you prints you could determine whose they
7 are?

8 A I could identify them if I had a -- a standard to go
9 with.

10 Q Right.

11 A That's correct.

12 Q So you're trained both in --

13 A Both.

14 Q -- the second procedure and the initial procedure of
15 collecting them and then identifying them?

16 A Yes, sir.

17 Q Is that -- is that what lets you know what you believe
18 is to be a good print to lift of when you --

19 A When a -- when a print is lifted it goes through
20 several processes.

21 Once the examiner reads it and locates a possible
22 suspect then -- then somebody else has to qualify that
23 print saying, yes, it does belong to that person, so, yeah.

24 Q How do you lift a fingerprint off of a card?

25 A Different techniques. Tape is most used because we

Robert Charles Talanges
Direct examination by Mr. Smith

1 use like a black powder, and we use a lifting tape, just,
2 basically, when the tape is warm it lifts better than when
3 it's cold. So you actually rub it on the located print and
4 lift it off very carefully putting on a backing card.

5 Q I show you a little picture and ask if you can
6 identify what this is.

7 A That's going to be print B.

8 Q Off of the suspect vehicle, a closer-up picture of
9 what we were just looking at?

10 A That's correct.

11 Q And, obviously, shifted because B wasn't on the other
12 picture.

13 A Correct.

14 MR. SMITH: At this point I'd like to move to have
15 this exhibit marked and admitted into evidence as State's
16 Exhibit 12.

17 MS. PRICE: Without objection.

18 THE COURT: It's admitted.

19 (Photograph marked State's Exhibit No. 12.)

20 Q Are you able to tell from this picture where on the
21 door, the driver's-side door, you said you got the print
22 from?

23 A Well, showing the front of the window area here --

24 Q Okay.

25 A -- you've got your ledge, so I really couldn't say

Robert Charles Talanges
Direct examination by Mr. Smith

1 exactly where. If I can have my --

2 Q The other picture?

3 A There should be a big picture.

4 (Pause.)

5 A I couldn't say exactly where. It just should be at

6 the -- an overall photo of --

7 Q Could it potentially be to the left?

8 A It's possible.

9 MR. SMITH: May I publish this to the jury --

10 THE COURT: You may.

11 MR. SMITH: -- the state's exhibit?

12 Q So you said it comes -- your report indicates it came
13 from the driver's-side door.

14 A Outside driver.

15 Q Outside driver's-side door?

16 A What we do is we mark the backing of the card and
17 we'll put an "X" where the actual print is actually located
18 at.

19 Q Is it possible this came from the left of where this
20 larger picture is located since you said it was the window
21 detail on it? It actually looks like that's the rounded,
22 rounded edge --

23 A Yeah.

24 Q -- of maybe the far left or the very front towards the
25 engine side of the driver's-side door.

Robert Charles Talanges
Direct examination by Mr. Smith

- 1 A It's a possibility.
- 2 Q Okay.
- 3 MR. SMITH: Just one second, Your Honor.
- 4 (Pause.)
- 5 Q I'm going to hand you an item and ask if you can
- 6 identify what this is.
- 7 A This is going to be lifted off -- the latent print
- 8 that I lifted. And it's going to be shown, driver's door.
- 9 It's going to be below the door handle right at the edge.
- 10 Q Okay. So this -- this does tell you where it was
- 11 taken from?
- 12 A If you look where "A" is, it's going to be to the
- 13 right of the "A" and down.
- 14 Q Okay. Down below the door handle?
- 15 A Yeah. It appears the door handle is over there.
- 16 Q Okay. And there's some sort of marking on the back of
- 17 the -- of that car that shows you where it came from?
- 18 A Yes, there is.
- 19 Q And that's the print that you lifted off the vehicle?
- 20 A Yes, sir.
- 21 MR. SMITH: At this point I'd like to move this into
- 22 evidence as State's Exhibit 14 -- 13.
- 23 MS. PRICE: Just a moment, Your Honor.
- 24 (Pause.)
- 25 Q Did you write this in red or would that be whoever

Robert Charles Talanges
Direct examination by Mr. Smith

1 processed it?

2 A That would be -- that would be through our latent
3 print examiner when they do the -- when they do the -- the
4 analyzing of it for identification. They write the
5 information.

6 MS. PRICE: I'm going to object to it at this time
7 because the proper foundation hasn't been laid for the
8 identification.

9 MR. SMITH: Your Honor, he lifted the print. We would
10 ask --

11 THE COURT: Let me see it just a minute.

12 MR. SMITH: She's talking about this red writing was
13 done by the analyst we're calling next.

14 THE COURT: She's testifying to that?

15 MR. SMITH: Yes, Your Honor.

16 THE COURT: The exhibit is admitted over objection.

17 (Fingerprint card marked State's Exhibit No. 13.)

18 Q Did you fill out the back of this card?

19 A Yes, I did.

20 Q What information do you put on that?

21 A The date.

22 Q Just indicating what it comes from?

23 A What it is, on the back of the card it's got the date,
24 case number, victim's name, location, which is going to be
25 Spruce Street, and where it was located and what it was

Robert Charles Talanges
Direct examination by Mr. Smith

1 located on.

2 Then I'll draw a picture of the door, and I will put
3 an "X" with a circle around it showing the location where
4 the print was lifted from.

5 Q So you say you lifted off with tape. You say you
6 lifted off with tape. What happens after you lift the
7 fingerprint? What do you do with it?

8 A After lifting it off the surface you place it on a
9 backing card, and that's when you put all of your
10 information -- date, or the date, case number, where it was
11 located and all the pertinent information on the back of
12 the card and fill that out.

13 Q Okay. And then bring it to evidence just with
14 everything else?

15 A No. When I get back to the lab the evidence is all
16 put up, and the last thing I do is I turn in latent print
17 cards that have been collected.

18 Q Okay. You said you collected the handgun that was
19 used in this. Look at this, and ask if you can identify
20 what this is.

21 A It's going to be a handgun collected from Leland
22 Street Apartments and has a serial number on it matching
23 what my report says. "Handgun collected."

24 Q At the scene, the one that Deputy Officer Hensley at
25 that time --

Robert Charles Talanges
Cross-examination by Ms. Price

1 A That's the one that deputy, as well as the city
2 officer was standing next to, when I arrived on scene.

3 MR. SMITH: Your Honor, at this point I'd like to move
4 this into evidence as State's Exhibit 11.

5 MS. PRICE: Without objection.

6 THE COURT: It's admitted.

7 (Weapon marked State's Exhibit No. 11.)

8 MR. SMITH: And request to show it to the jury.

9 Q I don't have any further questions. Thank you.

10 CROSS-EXAMINATION

11 BY MS. PRICE

12 Q Just one or two for clarification, please.

13 A Yeah.

14 Q When you were taking the photos of the contents of the
15 car --

16 A Right.

17 Q -- where was the car located?

18 A The car had been moved from the area where it was
19 struck, the barrier fence where the trees were. It was
20 brought back into the parking lot above where it was
21 setting at or where it was going to be setting at.

22 Q So the car had been moved from where it was into the
23 tree by the time you got there?

24 A That's correct. No. That's after I got there.

25 Q Okay. I --

Marilyn Roman
Direct examination by Mr. Smith

1 A Because I went -- I collected the pistol. When I got
2 back from collecting the pistol I came back to the major,
3 main scene, and that's when the vehicle had been moved.

4 Q Okay. But the -- what had previously been marked that
5 you identified that as a photo that you took was the car
6 down the hill, is that correct?

7 A That is the original location and that's what I
8 originally saw upon my arrival.

9 Q Okay. Thank you. That's all I have.

10 MR. SMITH: I don't have any further questions.

11 THE COURT: You may step down.

12 MR. SMITH: May he be excused, Your Honor?

13 THE COURT: He may be.

14 (Whereupon, the witness was excused.)

15 MR. SMITH: State calls Marilyn Arthur -- Roman.

16 MARILYN ROMAN, having been
17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. SMITH

19 Q Can you state your name for the jury?

20 A Marilyn Roman, also known as Marilyn Arthur.

21 Q And where are you employed?

22 A Spartanburg County Sheriff's Office.

23 Q How long have you been there?

24 A I've been at the sheriff's office for eight years and
25 11 months.

Marilyn Roman
Direct examination by Mr. Smith

1 Q What do you do with the sheriff's office?

2 A I am a latent print examiner.

3 Q How long have you been doing that?

4 A I've been working with latent prints for four years
5 and eight months.

6 Q Have you got gone under -- undergone any special
7 training or anything to qualify you to do this job?

8 A Yes, sir. I went to Sirchie in North Carolina and
9 took four different courses on latent prints.

10 Q And how many prints do you think you have examined
11 during your time with the sheriff's office?

12 A Over 3,000.

13 Q Do you have any certifications in the field of
14 fingerprints?

15 A Yes, sir. I have four certifications, one for basic
16 fingerprint comparison, advanced latent prints, advanced
17 radiology and simultaneous impressions.

18 Q Are these certifications that you have to take
19 continuing education for or anything like that?

20 A No, sir.

21 Q Okay.

22 MR. SMITH: Your Honor, at this point I would move to
23 have her qualified as an expert in fingerprint analysis.

24 MS. PRICE: Without objection.

25 THE COURT: She is so qualified.

Marilyn Roman
Direct examination by Mr. Smith

- 1 Q what is an ink print?
- 2 A An ink print is the ones you take when you're going to
3 get your certificate or your concealed weapons permit or a
4 license where an officer would ink your finger and put it
5 on a 10-print card.
- 6 Q And what's a latent print?
- 7 A A latent print is what you leave behind when you touch
8 a surface. It's naked. It's invisible to the naked eye,
9 and you have to process that latent print in order to see
10 it.
- 11 Q All right. And why do fingerprints get left on
12 surfaces?
- 13 A It's the oil that when we touch our face or if we
14 touch an oily surface hands -- your hands don't produce
15 oil. They produce only sweat. So you leave that if you
16 use lotion, if you touch your face or anything oily and
17 then touch a surface. You will leave the latent prints
18 behind.
- 19 Q what kind of surfaces are conducive to leaving good
20 fingerprints, readable fingerprints?
- 21 A Smooth surface. Anything that's smooth will be good
22 to leave a fingerprint on.
- 23 Q A car door?
- 24 A A car door, glass.
- 25 Q Is it possible for a person to touch a surface and not

Marilyn Roman
Direct examination by Mr. Smith

1 leave a fingerprint?

2 A Yes, sir.

3 Q Are there surfaces where it's incredibly difficult to
4 get a fingerprint off of or more difficult than others?

5 A Yes. Galvanized metal is really hard to leave a
6 fingerprint behind. Also, if the area is rust it will be
7 very hard to leave a fingerprint behind.

8 Q How do you compare and identify fingerprints?

9 A We get a list, sometimes we get a list of suspect. We
10 can do one-on-one comparison where they bring the latent
11 print of that person or the 10-prints, and you compare with
12 what they have at the scene.

13 Other times we have the actual equipment where
14 everybody's fingerprint is in there. So if you have your
15 concealed weapon, if you a lawyer, if you are a police
16 officer, if you're a nurse, if you're a teacher, all of
17 those 10-prints are there. We will introduce what we have
18 received from the scene there, and we will get a list of
19 possible matches. And we have to check it one on one,
20 which one is the actual match.

21 Q Are fingerprints unique to each individual?

22 A Yes.

23 Q So it's impossible for two people to have the same
24 exact fingerprint.

25 A That's correct.

Marilyn Roman
Direct examination by Mr. Smith

- 1 Q How many samples or how many fingerprints were you
2 asked to analyze in this case?
- 3 A I was asked to analyze five latent cards.
- 4 Q All right. And did you do that?
- 5 A Yes, sir.
- 6 Q What results did you get off of all five?
- 7 A I identified one, which was the lift No. B or lift
8 letter B. And it was identified to Deandrea Willie Hughes,
9 and it was his right palm. And it was the hypothenar area,
10 which would be this area of your hand.
- 11 Q How were you able to tell that?
- 12 A Can I show the --
- 13 Q Yeah.
- 14 A Okay.
- 15 Q I've got an exhibit previously marked. This is a
16 smaller version. State's Exhibit 13. Can you identify
17 what that is?
- 18 A Yeah, this is lift "B".
- 19 Q Okay.
- 20 A And this area here is the right palm, right here.
- 21 Q So that's what's submitted to you, and then you use
22 that to run the analysis?
- 23 A Yes, sir.
- 24 Q And you take that and compare it with that database
25 you're speaking of that has all the various people in it?

Marilyn Roman
Direct examination by Mr. Smith

1 A Yes, sir.

2 Q All right. I'll try to hand you this. I'll just show
3 it to you. Can you identify what this is?

4 A This -- this one right here was the latent that was
5 collected.

6 Q The one on the left?

7 A Yes. And this is the 10-print off the person who was
8 identified.

9 Q Okay. And did you generate this? How did this come
10 to be?

11 A Once I do the identification and make my chart, I make
12 a copy of it and blow it up.

13 Q All right. So you created this.

14 A Yes, sir.

15 MR. SMITH: Your Honor, at this point I'd like to move
16 this into evidence State's Exhibit 14.

17 MS. PRICE: Without objection.

18 THE COURT: It's admitted.

19 (Blowup fingerprint card marked State's Exhibit No.
20 14.)

21 MR. SMITH: With permission to publish it to the jury,
22 Your Honor.

23 Q And what are all of these numbers that you have on
24 here?

25 A Each number marks a point of identification. It's

Marilyn Roman
Direct examination by Mr. Smith

1 either going to be an ending ridge where the ridge come to
2 an end or a verification where a ridge would turn into two
3 ridges, so it's -- kind of have like a fork on it, like
4 right here. You have a verification, and then you have an
5 ending ridge here. And each point is a point of
6 identification, which this is set to the one that was left
7 on the scene.

8 Q So these numbers correspond? Are you pointing to the
9 same?

10 A The same.

11 Q On each one?

12 A Uh-huh.

13 Q Okay. Based on your training and experience in the
14 field of fingerprint analysis are the points of comparison
15 that are on that conclusive to identify the latent print B,
16 the one we saw earlier, as belonging to the defendant in
17 this case?

18 A Yes, sir.

19 Q How many points do you need to make an identification?

20 A You don't need an exact amount of points to have an
21 identification.

22 Q How many did you have in this one?

23 A Seventeen.

24 Q Is that a lot in your experience?

25 A Yes.

Marilyn Roman
Direct examination by Mr. Smith

1 Q I don't have any further questions. Just answer
2 whatever Ms. Price has.

3 A Okay.

4 MS. PRICE: I have no questions for this witness.

5 THE COURT: You may step down.

6 Let's take a short break before we go further.

7 Let me ask the jury to please go to your jury room.

8 Don't talk about the case. I'll bring you back shortly.

9 (The following takes place outside the presence of the
10 jury.)

11 THE COURT: We will be at ease for 15 minutes.

12 (Whereupon, a recess was taken.)

13 THE COURT: Ready for the jury?

14 MR. SMITH: Yes, Your Honor. I'm sorry. At this
15 point the state rests, Your Honor.

16 THE COURT: Okay.

17 MS. PRICE: Your Honor, Mr. Hughes has indicated to me
18 that he wishes to testify on his own behalf.

19 THE COURT: Yeah. He told me that earlier.

20 MS. PRICE: Yes, sir. He does. And I asked him about
21 it again during the break, and he indicates he still wants
22 to. Maybe this might be an appropriate time to go over his
23 rights since the jury is already out.

24 THE COURT: Okay. All right. Mr. Hughes, Ms. Price
25 says she's talked to you about testifying and not

1 testifying.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Any time you're charged with a crime you
4 have an absolute right to remain silent. Nobody can make
5 you take the witness stand and testify. But if you do take
6 the witness stand and testify -- in other words, if you
7 want to, you make that choice.

8 If you testify you've got to answer not just your
9 lawyer's questions, but you'll to answer the prosecutor's
10 questions to the extent they're relevant even if the
11 answers you give might tend to prove you guilty.

12 If you don't take the witness stand and you do not
13 testify, I'm going to tell the jury that they can't
14 consider that, they can't hold that against you, they can't
15 allow it to influence their decision in the case.

16 Have you -- do you understand your right to testify?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: As well as your right not to testify?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And have you and Ms. Price discussed the
21 advantages and disadvantages of you taking the witness
22 stand, as well as not taking the witness stand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you appreciate what those
25 advantages and disadvantages are?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Does he have any potential impeachment
3 convictions?

4 MR. SMITH: He does, Your Honor.

5 THE COURT: Do y'all agree on what they are?

6 MS. PRICE: Yes, we do, Your Honor. And I have
7 explained that to him, that they can bring up his prior
8 record.

9 THE COURT: All right. What do we have?

10 MR. SMITH: We've got a 2011, burglary second,
11 resisting arrest, malicious injury and petty larceny. So
12 probably just the burglary second.

13 2012, possession of a controlled substance.

14 2013, purse snatching.

15 THE DEFENDANT: That was my twin brother, sir. That
16 wasn't me. I got a twin, sir. I got a twin brother.
17 Like, those charges are not my charges, like, I mean, to
18 tell you, sir, I am not going to lie to you, like, I was
19 locked up for 18 to 36 months. I don't know, like you
20 understand it, but I went to Union County. I supposed to
21 have got three to six months off a violation of probation,
22 but I got a 18 to 36 months, and I did over 36 to 54
23 months.

24 And then I came back. I went to a funeral and came
25 back. That's when I first seen that sweater, but that's

1 not my sweater though. But what I meant to tell you, sir,
2 is that I already did my time. I'm supposed to be going up
3 for parole and on -- like, that's all I had to tell you,
4 like, them charges that they talking about, I don't know
5 nothing about it, because I was locked up since the end of
6 2010, sir.

7 THE COURT: All right. And what were you locked up
8 for?

9 THE DEFENDANT: I was locked up for violation of
10 probation.

11 THE COURT: What were you on probation for?

12 THE DEFENDANT: A gun charge.

13 THE COURT: Nothing else?

14 THE DEFENDANT: No, sir. Nothing else.

15 THE COURT: All right. Ms. Price, what about those
16 other convictions? Have you investigated those?

17 MS. PRICE: Yes, sir. Those are the ones that have
18 been given to me that are on his rap sheet. And it appears
19 after I was working this case that those are, in fact, on
20 file at the sheriff's office and in the offender -- excuse
21 me -- and the central index as being those of Deandrea
22 Hughes.

23 THE COURT: In other words, they matched with his
24 fingerprints?

25 MS. PRICE: As far as I know, sir.

1 THE COURT: Okay. And what -- what convictions do you
2 propose to use for impeachment purposes?

3 MR. SMITH: The burglary and the purse snatching, Your
4 Honor.

5 THE COURT: Well, doesn't Broadnax preclude the
6 burglary? Might not. I thought you said there was a
7 larceny in there.

8 MR. SMITH: There's a larceny also with that burglary.

9 THE COURT: All right. Well, larceny's, obviously,
10 allowed. Purse snatching would be allowed. I think
11 Broadnax would prohibit burglary. Have y'all read it?

12 MS. JORDAN: I do not know it off the top of my head,
13 Your Honor.

14 THE COURT: Well, here's you some help.

15 (Pause for Ms. Jordan to consult with Mr. Barnette.)

16 MR. SMITH: Petty larceny and purse snatching.

17 THE COURT: All right. Have you had time to think
18 about it now?

19 MR. SMITH: After a review of the case I think the
20 petty larceny and the purse snatching, Your Honor.

21 THE COURT: Okay. All right. So those will be the
22 two that are allowed.

23 MS. PRICE: Yes, Your Honor.

24 THE COURT: Okay. Mr. Hughes, now, have you had
25 plenty of time to talk with Ms. Price about your decision

1 to testify?

2 THE DEFENDANT: Yes, sir. I want to testify.

3 THE COURT: Okay.

4 THE DEFENDANT: Go up there?

5 MS. PRICE: No, no, no. Have a seat.

6 THE COURT: Not yet. The jury's got to be in here,

7 All right. Are we ready for the jury?

8 MR. SMITH: Yes, Your Honor.

9 MS. JORDAN: Your Honor, we'll briefly rest on the

10 record just in front of the jury.

11 THE COURT: Sure. Do you want to make any motions?

12 MS. PRICE: No, sir, not at this time.

13 THE COURT: All right. Well, if you did, they'd be

14 denied.

15 Bring the jury back in.

16 (The following takes place in the presence of the

17 jury.)

18 THE COURT: All right. Mr. Smith.

19 MR. SMITH: Your Honor, at this time the state rests.

20 THE COURT: All right. Ladies and gentlemen, that is

21 all of the testimony or evidence to be offered by the

22 state, at least in their case in chief.

23 So we'll now proceed with any to be offered by the

24 defense.

25 Ms. Price.

Deandrea Willie Hughes
Direct examination by Ms. Price

1 MS. PRICE: Yes, Your Honor. At this time I would
2 call Mr. Deandrea Hughes.

3 DEANDREA WILLIE HUGHES, having
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MS. PRICE

6 A This is what happened.

7 THE COURT: You've got to answer your lawyer's
8 questions.

9 THE WITNESS: Oh, okay.

10 THE COURT: Use the black microphone. Scoot the chair
11 up a little bit.

12 THE WITNESS: Yes, sir.

13 THE COURT: All right.

14 Q Would you please introduce yourself to these ladies
15 and gentlemen in the jury box?

16 A I'm Deandrea Willie Hughes. It's not Deandra. It's
17 Deandrea.

18 Q Okay. Mr. -- Mr. Hughes, is there anything you wish
19 to tell these ladies and gentlemen?

20 A Yes, ma'am. I want to tell y'all that I been locked
21 up since 2010. Them charges that he -- he screaming at me,
22 I ain't got nothing to do with them charges. I been locked
23 up since the end of 2010 and then went to John G.
24 Richardson where I really learned my lesson. Now, I really
25 learned my lesson down there.

Deandrea Willie Hughes
Direct examination by Ms. Price

1 And I just wanted you to know whenever I seen that
2 dude right there, he was trying to have sex with me in the
3 car for some money. And then when I seen him -- when I
4 seen him -- but I ain't never, never in my life just had no
5 gun on me and then went where somebody was at with purse
6 snatching. There ain't no way, because they would've been
7 dead with the gun and then I would've had all of the money
8 and wouldn't nobody be the witness. So why would I do
9 that?

10 And I know peoples already got 30 years down the road
11 for life. I wouldn't never do nothing like that. And I
12 put this on the Bible, because I know for a fact I ain't
13 steal that lady's wallet. I don't steal people's money
14 because I work and got a job. I got a job. I really work.
15 I really work.

16 And I just wanted y'all to know I been locked up since
17 the end of 2010. I suppose to be going up for parole. I
18 mean, I suppose to be going up for parole, because I came
19 from John G. Richardson.

20 I did from 2010 to the whole 2011, the whole 2012, the
21 whole 2013, '14. And then I did '15, '16 too, the whole
22 '16. I did the whole '16 in jail. So I know I ain't did
23 that charge.

24 So the paperwork must be messed up because they got
25 I'm 23 on that paper. They got I'm 23. I ain't nothing

Deandrea Willie Hughes
Direct examination by Ms. Price

1 but 19 years old. I supposed to be in school because I
2 was -- I was trying to get my G.E.D. on John G. Richardson
3 and then work.

4 But what I do on the street, I play basketball. That
5 what I do. I play basketball.

6 I ain't do -- I ain't do all of that. That's what I
7 do. That's what I did at John G. Richardson though, but I
8 learned my lesson at John G. Richardson. And that's all I
9 wanted y'all to know. That's all I wanted y'all to know
10 though. But I did my time though. I done did my time.

11 I done got -- and Ms. Brandy is -- I had to find out
12 Ms. Brandy was the one who violated me, and I supposed to
13 have got a three-to-six, but they gave me 18-36. But it's
14 in my -- it's in my clothes belonging in the county jail,
15 in the county jail, because all we was trying to do at John
16 G. was get to the county jail, where the canteen, because
17 they was starving us in the kitchen and the prison had --
18 was real bad. It smelt real, real bad. And what they was
19 feeding us wasn't good. So everybody was trying to get to
20 the county jail to eat. That's all. That's why I came to
21 the county, because I kept filling out request forms to go
22 to the county jail. They eat better food.

23 THE COURT: All right. We've to get on to some
24 relevant information, so Ms. Price is going to ask you some
25 questions.

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 THE WITNESS: Oh, yeah, yes, sir.

2 Q Mr. Hughes, am I to understand that you say you're
3 innocent of these charges?

4 A Yes, ma'am. I'm innocent. I never -- I never would
5 do nothing like that. I don't do stuff like that. I don't
6 steal people's stuff. I don't go around stealing. I
7 promise you I don't go around stealing. I don't go around
8 stealing.

9 I ask my mama and daddy for some money. I can ask --
10 I can buy a Tahoe. I got over \$700,000 at home. I could
11 have paid my bond, but they didn't let me out to pay it.

12 MS. PRICE: That's all I have, Judge.

13 A I just wanted you to know that.

14 THE COURT: All right. Mr. Smith.

15 CROSS-EXAMINATION

16 BY MR. SMITH

17 Q Where were you on February 22nd of 2016?

18 A I was locked up. Okay. It was either -- I can't
19 really -- I can tell you that either I was in the county or
20 I was in -- I was locked down. I was locked down on that
21 date, sir. I was really locked down. I'm talking about I
22 really was locked down though, honest to God.

23 Q But you said that you saw him. When was that?

24 A I seen him before. I could could've seen him in 2010
25 somewhere. I promise. I could could've seen before I got

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 locked up the first time. You know what I'm talking about?

2 But I seen him, but it wasn't in 2016, sir.

3 Q It was like six or seven years ago?

4 A Yeah, it was that long ago. It was that long. I been
5 locked down that long, I'm telling you.

6 Q Okay. But back then, six or seven years ago, he tried
7 to have sex with you?

8 A Yes, sir. He asked me did I want to fuck a suck for
9 some money. That's what he said. I don't mean to cuss,
10 but that he said. And he know -- he know he lying if he
11 say he didn't do it, because he be with a faggot named
12 Patrick. And I'm not lying. He always come up to me
13 talking, and I'm not lying. I don't even like being around
14 him.

15 Q In prison?

16 A Huh?

17 Q They come to you at the jail where you stay? Or this
18 was all back in two thousand --

19 A Ten. This was in 2010, sir, when I had got out from
20 the gun charge, because they gave me 90 days. They gave me
21 90 days, and I did 60. But, see, they could have messed up
22 my paperwork because I did -- I had good time though. I
23 had good time. Did 60 days, and then I went home from
24 Bennettsville. And I -- and I -- tell, I'm still a
25 juvenile. I don't even supposed to be in a courtroom. And

Deandrea Willie Hughes
Cross-examination by Mr. Smith

- 1 I was 16. I was 16 in --
2 Q When is your birthday?
3 A of '93.
4 Q That would make you 23 years old, right?
5 A I'm -- I'm 19 though, sir. I ain't had my -- I'm 19.
6 I'm telling you I'm 19.
7 Q Were you born on leap day or something?
8 A No. I was born -- no. It could've been I
9 ain't eat -- I didn't get my birthday cake or nothing.
10 Q 1993 is 23 years ago.
11 A Twenty-three years? I musta missed my -- I missed my
12 birthday. Man, I'm not 23. I'm not 23 though. I'm 19.
13 I'm telling you.
14 Q So you were born in 1993?
15 A Yeah, I was born in '93, but I'm 19 years old though,
16 sir. I'm 19. I am 19. I missed. I missed my fourteenth,
17 fifteenth, sixteenth, seventeenth, eighteenth and
18 nineteenth birthday. So, I did. I did about six years
19 down here, and I been stuck. I been stuck in the county.
20 I'm telling you. I been stuck in the county for real.
21 Q Did you watch the videos that we went over?
22 A Yes, sir, and that -- that's not me.
23 Q That one with the back seat?
24 A That wasn't me, but I got a twin brother. But I'm
25 just saying that ain't me, but I don't know if that's him

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 neither because I couldn't really see. I just know he
2 probably -- they probably my twin brother though, but he
3 ain't got nothing but a violation of probation. And I -- I
4 don't know how he violated after he seen me get big time
5 like that, because I didn't know they was going to hold me
6 over 36 to 54. And -- and -- and if you can -- if you
7 can't -- if you can get one of them officers to go get it
8 from John G., I mean, go and get it from the county, my
9 paper that they took, they took the paper.

10 Q And February 22nd you think you were in the
11 Spartanburg County Detention Center.

12 A I was. I was locked up, sir. I wasn't in here. As a
13 matter of fact, I think my twin brother came to jail that
14 day. I think my -- I'm telling you. It was either -- I
15 think it was February or May. It was either the end of
16 January or the beginning of February when he came in,
17 because I was in -- I was in -- either I was in Trenton --
18 either I was in Trenton or I was in the county. I can't
19 remember though. I can't remember which one it was, but I
20 know I done did my time though.

21 Q You said you've seen that shirt. Was that back in
22 2010?

23 A I -- I seen that shirt. I seen that shirt before.

24 Q How did he end up with it? How did it end up in his
25 car?

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 A I don't know. I don't know. People -- I don't know.
2 I had -- I'm going to tell you what I had on. Let me tell
3 you what I had on. I had on a white -- I had on a white
4 t-shirt, a gray -- Army fatigue bate coat and some -- and
5 some debose, and some debose and some white afro one. And
6 they got my clothes all messed up.

7 I been locked up that long though and I -- and like --
8 no, when -- as a matter of fact, when I went to Kirkland --
9 when I went to Kirkland they say they had shoes for us, and
10 I had to send my shoes home. They -- they said I had to
11 send my shoes home.

12 Q So you're talking about you were wearing the outfit
13 you just described in 2010 when you ran into him?

14 A Yeah, yes, sir, I was wearing that. That's what I had
15 on. That what I had on. And I don't know, like, when the
16 police arrested me, I was on a moped. I wasn't in no car.
17 I was on a moped. I promise. The police -- as a matter of
18 fact, I think the officer that took me to jail was Cheetah,
19 but I -- I was in doing -- even all of them wasn't even
20 officers that arrested me. Them wasn't officers that
21 arrested me. Robo Cop. He did not arrest me.

22 Q So any of the guys that testified today, you've never
23 seen any of them?

24 A Not all. Not -- I -- I probably seen them in
25 Northside one time. I probably seen them riding by after a

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 shooting, but I probably seen them after a shooting that
2 went on. But, see, how my fingerprint probably got on that
3 car was when somebody was shooting and I ducked down beside
4 it. You know what I'm saying? That probably how my
5 fingerprint got on that car. But if it ain't on there --
6 you know what I'm saying -- that probably how it got on
7 that car. You know what I'm saying?

8 Q Your fingerprint was taken in 2016, and you would have
9 been in jail?

10 A It -- it was. Well, I'm just saying. They could
11 could've framed me anything because I -- I was locked up on
12 that day. I'm telling you. I was. But the print -- if
13 the print was on there that's how it could'a got on there.
14 That's what I was saying.

15 Q So you've been in his car before?

16 A Actually, I cannot really remember if I been in that
17 man's car, because I -- I could've. I could've been in
18 there, but I might not have been. I might not have been.
19 It wasn't 2016 though. It was no 2016 because 2016 is
20 fresh because we just started eating. Let me tell you. We
21 just started eating grill cheeses. We just -- I'm talking
22 about, like, before. The reason I'm on the food is
23 because, like, that's how I do my time in jail. That's how
24 I do the time, by the food. But they just started feeding
25 us grill cheeses with loaf of bread in here because we

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 usually eat the real nasty grill cheese with the apples.
2 Know what I'm saying? They used to feed us the grill
3 cheese with the apples.

4 And like that right there, that's how you know I been
5 locked up for a long time because they used to give us
6 muffins. See, we used to eat muffins, and muffins used to,
7 like, muffins. That's what I'm talking about. Like, we
8 used to eat that long. That's how you know I been locked
9 up for a long time. I ain't just been here. I been here
10 for a minute. I been here for a real minute. I'm telling
11 you. The muffins from -- I'm telling you. I'm not lying.
12 They don't even feed us muffins in the county. And I'm
13 still on muffins.

14 Q Do you know when Cam Newton entered the N.F.L.?

15 A I was locked up when he -- the N.F.L., sir. DeLong
16 was the quarterback when I was -- when I first went to
17 jail. DeLong was the quarterback, sir.

18 Q How did you see that shirt? He's wearing a Panthers
19 shirt.

20 A But I seen -- oh, because I went to a funeral, because
21 I went to a funeral at -- at -- I went to a funeral at John
22 G., from John G., and seen it. And they let me stay home.
23 They actually, they let me stay home for, like, three days
24 to get ready for a funeral, that, like.

25 Q You saw him at the funeral?

Deandrea Willie Hughes
Cross-examination by Mr. Smith

1 A I -- I can't remember. I know I probably saw a Tahoe.
2 I probably saw a Tahoe. I can't -- I ain't for sure. No,
3 yeah. I seen the Tahoe. I seen a black Tahoe at the
4 funeral, yeah, sure did at the little store that we -- that
5 we parked at.

6 MR. SMITH: I don't have any more questions, Your
7 Honor.

8 MS. PRICE: I don't have anything else.

9 THE COURT: Okay. You can step down.
10 Anything else on behalf of the defense?

11 MS. PRICE: No, Your Honor.

12 THE COURT: Any reply?

13 MR. SMITH: No, Your Honor.

14 THE COURT: All right. That's all of the testimony or
15 evidence to be offered in the trial of the case. What
16 remains to be done are the lawyers' final summations, after
17 which I'll instruct you on the law, and then you'll begin
18 deliberations.

19 And that's going to take longer than what we have left
20 today. So we'll conclude in the morning, beginning at
21 9:30 in the morning.

22 Keep in mind during the overnight recess no
23 discussions about the case, no research, no investigation.
24 Have a good evening. Report to your jury room at 9:30 in
25 the morning at which time we'll conclude. Have a good

1 evening.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Court is in recess until 9:30 in the
5 morning.

6 END OF PROCEEDINGS DECEMBER 14, 2016

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Closing arguments

1 (Proceedings December 15, 2016)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Let's bring the defendant in and let's get
5 started here.

6 (Pause.)

7 THE COURT: Do we have any matters that need
8 addressing before the jury is brought in?

9 MS. PRICE: No, sir.

10 MR. SMITH: No, Your Honor.

11 THE COURT: You can bring them in.

12 (The following takes place in the presence of the
13 jury.)

14 THE COURT: Good morning, ladies and gentlemen.

15 As you know, the evidence is in. You're now going to
16 hear from the lawyers, and then I'll instruct you on the
17 law that's applicable in the case. Then you can begin
18 deliberations.

19 Ms. Price.

20 MS. PRICE: Thank you, Your Honor.

21 Good morning, ladies and gentlemen. This is the last
22 time I get to talk to you on behalf of Deandrea. As you
23 have heard, Deandrea is charged with taking this gentleman,
24 Mr. Jones', car at gunpoint. And this is the last time I
25 get to talk to you about that. Then you'll also hear from

Closing arguments

1 the state and you'll also hear from the judge at that
2 point.

3 I would submit to you on today that the case against
4 Deandrea is really a case of mistaken identity. We are not
5 disputing that it was not him that was driving the car
6 about noontime last February. We are disputing he is the
7 person that took the car.

8 Now, you've heard from Mr. Jones. You heard his
9 testimony yesterday morning first thing. Mr. Jones said
10 one very important thing during his testimony. He said
11 that the person that robbed him of his vehicle had a black
12 gun.

13 This is all we've been previously showing to y'all,
14 and y'all saw this. He said during his testimony he saw
15 the whole gun and that he's standing near this person that
16 purported to take his car from him with a black gun.

17 As y'all can see, this is a -- very obviously, got a
18 lot of purple in it. I'm not saying that Mr. Jones is a
19 liar. I'm saying he's just simply mistaken.

20 You also heard him say that the person that -- had a
21 hoody on. There was no hoody found being worn by
22 Mr. Deandrea Hughes at the time of his arrest.

23 The sweatshirt that he says this gentleman had on is
24 this one right here that you've already seen, the dab
25 sweatshirt, which as you also know has no hood on it.

Closing arguments

1 You also remember from the evidence that's been
2 presented, is that Mr. Hughes was never found wearing that
3 sweatshirt.

4 So we just submit to you today that he is not guilty
5 of doing that. So I would ask you that you carefully
6 consider all of the evidence that you've heard and that
7 you, when you retire to the jury room here in a few
8 minutes, that you would find Mr. Hughes not guilty. Thank
9 you.

10 THE COURT: Mr. Smith.

11 MR. SMITH: Thank you, Your Honor.

12 There's -- he's charged with four counts of a crime.
13 There's two incidents, the initial robbery and possession
14 of a weapon during a violent crime that occurred in the
15 county.

16 And then there is the city case, which she's just not
17 disputing that that is Mr. Hughes, that is his fingerprint
18 on the vehicle, that was him that ran from the police and
19 that was him that was possessing a pistol in an unlawful
20 way. What a robbery is is the taking of something by
21 force. And it becomes an armed robbery when it uses a gun.

22 Mr. Jones talked to you about how he had 20 minutes in
23 the car with Mr. Hughes. He had a conversation with him.
24 He stood out with him in a well-lit gas station.

25 You also heard Deputy Brown who gave the same

Closing arguments

1 descriptions that Mr. Jones did, it's a 5'9" to
2 5'10" slender young black male, long face, twisted dreads.

3 There's some other things that tied together. He
4 mentions that Mr. Hughes had asked to get some Newports and
5 some White Owls, and he was only able to get him a white
6 Owl.

7 But in addition to taking his car he took \$40 from
8 him. And in the photos in the car they recovered six hours
9 later there's a pack of Newports, which ties in that
10 Mr. Hughes from the first incident is also Mr. Hughes in
11 the second incident.

12 You know, obviously no explanation for how he got into
13 that -- how he got that car if he wasn't the person that
14 took it. We're talking about a 6-hour timeframe between
15 early in the morning and noontime.

16 You also heard from Mr. Hughes who claimed that he has
17 been incarcerated. Now his attorney's telling you that he
18 wasn't incarcerated, he's actually the person that was seen
19 in that car. The more likely explanation would be that he
20 is the person that took the car. He went around, smoked
21 cigarettes, whatever else he did in the car, listened to
22 C.D.s, and then he got caught six hours later not too far
23 away from where he was originally.

24 Why would he have run like he did? He left a car to
25 go over a curb and towards a playground. He ran from the

Closing arguments

1 police officers. He threw the gun away. There's no reason
2 that he would do this unless he's the person who took the
3 car.

4 As far as the gun, as you can see it's a very small,
5 little gun. He's holding it. I don't think you would see
6 the pink part.

7 You also heard from Mr. Jones. I've never had a gun
8 pointed at myself. Mr. Jones said that when a gun's
9 pointed at you it's just a weird experience. He's not even
10 sure if it was black or silver. Regardless, he said it was
11 a gun and that the gun was racked. There was 380
12 ammunition found inside of his car when it was recovered at
13 the apartment complex which matches the caliber of the gun
14 that was found -- thrown from Mr. Hughes. That's a
15 consistency between his story and the evidence that's found
16 at the scene.

17 The possession of a weapon during a violent crime
18 simply means that when he committed that armed robbery he
19 had a gun or what appeared to be a gun.

20 Mr. Jones is absolutely certain that he saw the gun or
21 what he thought was a gun that had ejected a bullet. That
22 makes it an armed robbery. He gave over his Tahoe because
23 he had the gun.

24 There's fingerprint evidence. Obviously, they're not
25 disputing that he was in there at the second incident, but

Jury charge

1 we have a 6-hour window after the car was stolen with a
2 matching description from the deputy that took Mr. Jones'
3 statement, Mr. Jones' s statement and to what the defendant
4 looks like here today.

5 You've heard him identified in court. You heard now
6 Deputy Hensley identify him as the man he arrested, the man
7 he had seen wearing the same clothes running out of the
8 stolen Tahoe. You heard Officer Osrechek identify him as
9 well.

10 There's overwhelming evidence that he did this. The
11 timeframe is so short. All of the elements of the crime
12 are met. It was a taking with a gun and gave over his
13 Tahoe and his cash. As a result of that evidence it's
14 overwhelming that he is guilty, and I ask you to return a
15 guilty verdict on all four -- or all four counts on the
16 three indictments. Thank you.

17 THE COURT: Mr. Foreman and ladies and gentlemen, you
18 of course have heard and seen all of the evidence in the
19 case. You've now heard the final summations of the
20 lawyers, so I'm going to instruct you on the law that's
21 applicable. Then you'll be asked to go back and begin with
22 your deliberations. And through that process you'll
23 examine the evidence, decide the facts, apply the law and
24 arrive at a fair and just decision, whatever that decision
25 may be.

Jury charge

1 It is your exclusive prerogative to determine what the
2 facts are. You do that based upon your own common sense
3 examination of all of the testimony and evidence received
4 during the course of the trial.

5 You 12 jurors alone will decide what weight, value and
6 effect to give to any particular testimony or other
7 evidence in the case. Your sole objective of course is to
8 simply render a fair and impartial decision based upon that
9 evidence presented and the law that's applicable.

10 In this case, as you know, the defendant has been
11 accused by the prosecutor by the way of three indictments.
12 There are three indictments, but there are four separate
13 charges. One of the indictments has two charges in it, and
14 each of the other indictments have a single charge.

15 But the defendant has been charged with the crimes of
16 armed robbery, with possession of a weapon during the
17 commission of the crime of armed robbery, with unlawfully
18 possessing or carrying a pistol about his person, and
19 failing to stop when signaled to do so by a law enforcement
20 officer using a blue light or siren or both.

21 As you know, as to each of those charges he has
22 entered a plea of not guilty. A plea of not guilty
23 therefore places -- has placed upon the state the burden of
24 proving the allegations that they have made against the
25 defendant, the burden of proving each of the essential

Jury charge

1 elements of the crimes that the state has alleged against
2 the defendant; and therefore the burden is upon the state
3 to establish his guilt to the satisfaction of you 12 jurors
4 beyond a reasonable doubt before any verdict could be --
5 any verdict of guilty could be returned as to any of the
6 separate indictments.

7 The burden is never upon a defendant or a person
8 accused of a crime to prove that they are not guilty or to
9 prove that they are innocent because in some cases that
10 might not be possible. The burden is always upon the state
11 because they've made the accusation to establish the
12 defendant's guilt beyond a reasonable doubt.

13 It is a vital, important and cardinal rule of law that
14 every defendant in a criminal trial, and it doesn't matter
15 how serious the offense might be, that person shall always
16 be presumed innocent of that charge. And that presumption
17 of innocence remains with any defendant, as it does with
18 this defendant, from the time that he is placed under
19 arrest and throughout the course of the criminal process
20 and even throughout the course of the trial.

21 As I told you, that presumption of innocence will be
22 with Mr. Hughes even as you go back to begin with your
23 deliberations once I conclude with this instruction. And
24 that presumption of innocence will be with him in that jury
25 room, and it'll with him forever unless you 12 jurors

Jury charge

1 determine that he's no longer entitled to the presumption
2 of innocence as it relates to a charge.

3 In other words, after you have considered all of the
4 evidence and determined the facts that relate to those
5 allegations and applied the law that I will have provided
6 you, if you 12 jurors unanimously determine that his guilt
7 as to a particular charge has been proven beyond a
8 reasonable doubt, then he would no longer be entitled to
9 that presumption of innocence as it relates to that charge.
10 But it is only if, unless and until you are satisfied of
11 his guilt beyond a reasonable doubt that the presumption of
12 innocence would no longer be applicable.

13 while the state does have the burden of proving the
14 defendant's guilt beyond a reasonable doubt that doesn't
15 mean they have to prove his guilt beyond all doubt or
16 beyond any possible doubt. But it does require the state
17 to prove his guilt to your satisfaction beyond a reasonable
18 doubt.

19 The term reasonable doubt should be given its plain
20 and ordinary meaning. A reasonable doubt is the kind of
21 doubt that would cause a reasonable person to hesitate to
22 act upon the information provided. And a defendant in a
23 criminal trial is entitled to any reasonable doubt that
24 arises from the evidence or lack of evidence in a case, and
25 if, upon any factual issue essential to a finding of a

Jury charge

1 verdict of guilty, you have some reasonable doubt as how
2 that issue should be resolved, it would be your duty to
3 resolve that reasonable doubt in favor of the defendant.

4 And therefore if upon your consideration of the whole
5 case as it relates to a particular charge if you have a
6 reasonable doubt as to his guilt, you must resolve that
7 reasonable doubt in his favor and return a verdict of not
8 guilty as to that particular charge.

9 And, at the same time, after you've considered the
10 evidence, decided the facts and applied the law, if you
11 have no reasonable doubt as to his guilt it would be your
12 corresponding duty to find him guilty of any crime that has
13 been proven to your satisfaction beyond a reasonable doubt
14 committed by the defendant.

15 Now, as you are the sole judges of the facts in this
16 case, you are therefore necessarily the sole judges of the
17 credibility, that is the believability, of each of the
18 witnesses that have testified during the course of the
19 trial.

20 And, as I say, you 12 jurors alone will decide what
21 weight, value and effect to give to any particular witness'
22 testimony or even portions of testimony. There are several
23 factors which you should consider in arriving at your
24 evaluation as to a witness' credibility or believability,
25 and I'm going to list those factors for you.

Jury charge

1 You should consider the demeanor of the witness, that
2 is how the witness appeared to you when the witness was
3 testifying from the witness stand. Was the witness
4 straightforward in responding to questions that were asked
5 of the witness, or was the witness hesitant or evasive in
6 responding to any questions that were asked.

7 Simply put, did the witness appear to you to be
8 telling the truth and to have knowledge of the facts to
9 which that witness has testified.

10 You should also consider whether or not the testimony
11 of a witness is consistent, or is it inconsistent, with
12 that witness' own testimony here in court or in contrast to
13 statements made by that same witness outside of court, and
14 whether or not the testimony of a witness is consistent, or
15 is it inconsistent, with other witnesses' testimony or
16 other evidence received during the course of the trial.

17 You should also consider how the witness came to know
18 the facts to which that witness has testified. In other
19 words, what was that particular witness' opportunity and
20 ability to perceive the existence of those facts to which
21 that witness has testified by having previously used his or
22 her senses, and then what is that particular witness'
23 ability to be able to come into court and to accurately
24 recollect to you as to what they have previously perceived.

25 You should also consider any bias or prejudice or

Jury charge

1 interest that a witness might have in regard to a case. In
2 other words, do you find some reason that a particular
3 witness would come into court and would testify one way or
4 another to help or hurt one side or the other. And you
5 should consider any interest that a witness might have in
6 the outcome of the case if you determine that a witness
7 does have such an interest and you find that that interest
8 would bear upon that particular witness' credibility.

9 You should also consider whether or not the testimony
10 of a witness is strengthened, or is it weakened by other
11 testimony or other evidence received during the course of
12 the trial.

13 Now, you as the finders of the facts and you as the
14 judges of the credibility of each witness that has
15 testified are permitted to believe as much or as little of
16 what a witness has testified to as you deem is appropriate;
17 and therefore you may believe everything that a witness
18 testified to. You may choose to believe none of it. You
19 may believe some portion of a witness' testimony and reject
20 some other portion of that same witness' testimony.

21 In a given case you can believe one witness as opposed
22 to several, or several as opposed to one. But whatever
23 your good judgment and common sense tells you is the most
24 believable and credible testimony is the testimony you
25 should accept, and you should reject any testimony or other

Jury charge

1 evidence that you find not to be credible or believable.
2 Again, your sole objective is to simply render a fair and
3 impartial decision based upon the evidence presented and
4 the law that you are to apply.

5 The same law that provides that you are the judges of
6 the facts also provides that I am the judge of the law, and
7 that simply means that nobody's going to tell you how to
8 arrive at your determination of fact in this case.

9 You do that, as I've told you, through the exercise of
10 good judgment and common sense conscientiously applied to
11 the testimony and evidence received during the course of
12 the trial.

13 You must however under your oath as a juror accept the
14 law as I provide it to you as being the law that you are to
15 apply in the case. And so you're not to consider what you
16 thought the law was before you came to serve as a juror
17 this week or what you think the law ought to be.

18 Under your oath as a juror you must simply accept it
19 as I provide it to you as being the law that you are to
20 apply, and then you take that law and you apply it to the
21 facts as you 12 jurors determine those facts to be in order
22 to arrive at your decision in the case.

23 Now, as you know, the defendant is charged with four
24 separate and distinct offenses, although they are alleged
25 to have arisen out of one particular event or a course of

Jury charge

1 events which the state alleges occurred back in February of
2 2016. But there were four separate charges.

3 You'll consider those charges separately based upon
4 the evidence presented as it relates to that particular
5 charge and then the law that's applicable to that
6 particular charge.

7 And so in this case your verdicts may be the same and
8 they may be different. That of course will depend upon
9 your determination of fact as it relates to that particular
10 charge and then your application of the law to the facts as
11 you determine them to be.

12 There are four charges -- armed robbery, possession of
13 a weapon during the commission of a violent crime, unlawful
14 possession of a pistol and failing to stop when signaled by
15 a law enforcement officer.

16 So I want to charge you or instruct you on the law as
17 it relates to each of those four separate offenses, and
18 I'll begin with armed robbery, followed by possession of a
19 weapon during the commission of a violent crime, followed
20 by unlawful possession of a pistol and then failing to
21 stop. But you can consider the charges in whatever order
22 you wish to. I simply have to instruct in some fashion,
23 and that's the way I intend to do it.

24 All of these are statutory offenses. That means the
25 legislature has codified it in the Code of Laws. That's

Jury charge

1 these blue books that have a number of criminal penalty
2 statutes in them. And every year they meet, the
3 legislature meets, and they pass a number of laws and rules
4 and regulations that govern our conduct in a variety of
5 ways. And some of the statutes that they pass are criminal
6 penalty statutes. That just means that they define
7 prohibited conduct and they declare it to be a crime. And
8 a person who is found guilty of violating the statute and
9 committing that crime is subject to some form of punishment
10 or penalty. But please understand that the jury is never
11 to be concerned with any punishment or penalty or
12 consequence of your decision.

13 Your sole obligation and duty as a juror is to
14 determine whether or not the defendant has been proven
15 guilty of a crime that's prohibited by a statute, and
16 you're to do that without any consideration being given to
17 any punishment or penalty that might be imposed as a
18 result.

19 Section 16-11-330 of the Code of Laws of South
20 Carolina defines the crime of armed robbery, and it states
21 a person who commits the crime of robbery while armed with
22 a pistol, dirk, slingshot, metal knuckles, razor or other
23 deadly weapon, or while alleging either by action or words
24 that he is armed while using a representation of a deadly
25 weapon or some object which a person present during the

Jury charge

1 commission of that robbery reasonably believed to be a
2 deadly weapon is guilty of the crime of armed robbery.

3 The crime of robbery is a larceny by force or the
4 threat of the use of force. Robbery is defined in the law
5 as the taking of another person's property with the intent
6 to steal it from the person or the presence of that person
7 by the use of force or violence or by the threat of the use
8 of force or violence -- that is through intimidation -- in
9 order to accomplish the theft.

10 A thing is deemed to be in the presence of a person
11 with respect to the crime of robbery when the property is
12 so within his reach, observation or control that he could,
13 if not overcome by violence or prevented by fear, retain
14 his possession of it.

15 A robbery is the forcing of a person to surrender
16 property with the intent to steal it by the use of force or
17 violence, or by threatening a person with the use of force
18 or violence in order to accomplish the theft.

19 Taking property of another with an intent to steal it
20 by forcing a person to surrender possession of that
21 property or by causing a person to surrender possession of
22 the property by putting them in fear through intimidation
23 is a robbery under the law. And a robbery becomes an armed
24 robbery when the robbery is accomplished through the use of
25 a pistol or other deadly weapon.

Jury charge

1 And therefore before you could find the defendant to
2 be found guilty of the crime of armed robbery in this case
3 it would be necessary that the state has proven to your
4 satisfaction beyond a reasonable doubt that the defendant
5 committed the crime of robbery and at the time he committed
6 the crime of robbery he was armed with a pistol or some
7 other deadly weapon which -- with which he accomplished the
8 crime of robbery, or that he committed the crime of robbery
9 while alleging by action or words that he was armed with a
10 representation of a deadly weapon or some object which a
11 person present during the commission of the robbery
12 reasonably believed to be a deadly weapon or pistol.

13 Not only must the state prove beyond a reasonable
14 doubt each of the essential elements of the crime of armed
15 robbery in order for the defendant to be found guilty, but
16 the state must also prove beyond a reasonable doubt that it
17 was the defendant who committed the crime of armed robbery
18 and not someone else.

19 The state must not only prove that the crime of armed
20 robbery has been committed by somebody, but they have to
21 prove that it was this defendant who committed that crime.

22 If, after careful consideration of all of the evidence
23 relating to the issue of the identification of the
24 defendant as the perpetrator of any crime proven to have
25 been committed by someone, you have a reasonable doubt as

Jury charge

1 to the accuracy of the identification of the defendant as
2 the perpetrator of that crime, then you must resolve that
3 doubt in his favor and return a verdict of not guilty.

4 The defendant is also charged with possession of a
5 firearm during the commission of a violent crime. That's
6 also a statutory offense set forth in Section 16-23-490 of
7 the Code of Laws of South Carolina.

8 That statute provides in its relevant parts that it
9 shall be unlawful to possess a firearm or to visibly
10 display what appears to be a firearm during the commission
11 of a violent crime. And Section 16-1-60 of the Code of
12 Laws of South Carolina provides that the crime of armed
13 robbery is classified as a violent crime under the law of
14 this state.

15 And therefore in order for the defendant to be found
16 guilty of count two of the indictment charging him with
17 armed robbery, that count being possession of a weapon
18 during the commission of a violent crime, it would be
19 necessary that the evidence in this case establishes to
20 your satisfaction beyond a reasonable doubt that the
21 defendant did commit the crime of armed robbery and that
22 during the commission of that crime he did possess a
23 firearm or did visibly display what appeared to be a
24 firearm during the commission of that crime of armed
25 robbery.

Jury charge

1 The defendant is also charged in a separate indictment
2 with the crime of unlawfully carrying a pistol, and that is
3 also a statutory offense set forth in 16-23-20 of the Code
4 of Laws of South Carolina.

5 That particular code section provides that it is
6 unlawful for anyone to carry about his or her person any
7 handgun, whether concealed or not, except where you are
8 authorized to do so by a properly issued permit or under
9 other particular circumstances which are not relevant to
10 the evidence that's been presented during the trial of this
11 case.

12 The remaining charge is failing to stop when signaled
13 to do so, and that is also a statutory offense set forth in
14 Section 56-5-750.

15 That statute provides that in the absence of any
16 mitigating circumstance it is unlawful for a motor vehicle
17 driver while driving on a road, street or highway of this
18 state to fail to stop when signaled by a law enforcement
19 vehicle by means of a siren or flashing light. And any
20 attempt to increase the speed of a vehicle or in any other
21 manner avoid the pursuing law enforcement vehicle when
22 signaled by a siren or flashing light -- the jury may
23 reasonably infer a violation of this particular section.

24 In order for the state to establish the defendant
25 having violated this particular statute it is necessary

Jury charge

1 that the state proves beyond a reasonable doubt that the
2 defendant was the driver of a motor vehicle on a road,
3 street or highway in this state and in this county, that
4 the defendant was signaled to stop by a law enforcement
5 vehicle by means of a flashing light or siren, one or both,
6 and that the defendant did not stop in the absence of
7 mitigating circumstances.

8 Mitigating circumstances are those circumstances which
9 in fairness and mercy may be considered as extenuating or
10 reducing the degree of moral culpability of an individual
11 and give rise to a reasonable justification for not
12 stopping the vehicle.

13 It is however no defense to a failure to stop that the
14 driver did not see the flashing light or hear the siren
15 where it is shown that the distance between the vehicles
16 and road conditions are such that it would be reasonable
17 for a driver to have seen and/or heard those signals to
18 stop given by the law enforcement vehicle.

19 Any attempt to increase the speed of a vehicle or in
20 some other manner to avoid the pursuing law enforcement
21 vehicle when signaled by a siren or flashing light may be
22 considered by the jury as circumstantial evidence of a
23 failure to stop.

24 In other words, you may infer a violation of this
25 particular statute from the proof of such facts if you

Jury charge

1 determine it reasonable to do so. However you are in no
2 way required to draw that inference.

3 Any inference which may reasonably be drawn from the
4 proof of other facts or circumstances are merely
5 evidentiary facts to be taken into consideration by the
6 jury, along with all of the other evidence in the case, and
7 you should give those whatever weight that you determine
8 they should receive, if any, in the exercise of your
9 discretion.

10 Now, Mr. Foreman and ladies and gentlemen, I am not in
11 any way concerned with what your decisions are, but you are
12 instructed that the verdicts of the jury must be unanimous.
13 All of you must be in agreement.

14 Mr. Foreman, as you know, you are tasked with the
15 responsibility of presiding over jury deliberations in the
16 jury room simply to ensure that those deliberations are
17 carried out in some orderly fashion. But all jurors are
18 expected to participate in those deliberations, because, as
19 I've told you, any verdict has to be unanimous. All 12 of
20 you must be in agreement before a decision may be rendered.

21 Now, Mr. Foreman, in addition to any evidence that has
22 been introduced you will have these indictments which will
23 serve as the verdict forms.

24 The indictments are not evidence; they are not proof
25 of anything; they do not establish anything. They're

Jury charge

1 simply the charging paper. But they will serve as the
2 verdict forms, so that's why they're in the jury room.
3 It's on the back of each indictment that you will indicate
4 the jury's unanimous decision as it relates to that
5 particular charge.

6 One indictment has two charges in it. That indictment
7 is the indictment charging armed robbery and possession of
8 a weapon during the commission of a violent crime. So
9 you'll have two decisions to render there. I'll put count
10 one and count two, and then you'll indicate the jury's
11 decision as to each of those counts.

12 With respect to any charge, you have two potential
13 verdict forms, and those two potential verdict forms with
14 respect to each are guilty and not guilty. So whatever
15 that decision is, indicate it in the space provided.

16 You'll see on the back of the indictment the word
17 verdict. And it's beneath that word that you'll indicate
18 the decision, whatever it is.

19 Mr. Foreman, you'll sign your name as the foreperson.
20 You're the only juror that needs to sign the verdict form.
21 And you'll also put the appropriate date, which today is
22 the 15th of December. And that same applies to the
23 indictment for unlawful possession of a pistol and for
24 failing to stop. So you'll have three indictments to serve
25 as the verdict forms in this case.

Jury charge

1 Now, during deliberations there may come a time where
2 you are sorting through the evidence and you think there's
3 something else out there that would benefit you and so you
4 wonder if you could get it.

5 Well, all of the evidence that's been introduced in
6 this case or that's going to be introduced has been
7 introduced, and there is no other evidence to be received
8 now.

9 So even if something did exist that might be of some
10 benefit since to you, since it was not introduced it can't
11 be received now. So don't ask about anything else that has
12 not been introduced because I couldn't give it to you even
13 if it did exist.

14 However, should you have a question about the
15 testimony of a witness, we can allow you to rehear a
16 witness' testimony in its entirety or in just some portion
17 if that's all you need.

18 I don't have transcripts of witnesses' testimony, but
19 should you have a need to hear a witness' testimony
20 replayed, we'll bring you back into the courtroom and have
21 that testimony replayed and reheard by you should you
22 desire to do so.

23 If at any time you have a question about the law that
24 is applicable, I am always permitted to answer those
25 questions. So should you need a reinstruction or an

Jury charge

1 explanation or a clarification of any particular point of
2 law that I provided to you, you let me know of that fact,
3 and I'll also provide you with that additional instruction,
4 explanation or clarification.

5 So, Mr. Foreman, if at any time you need to direct
6 some matter or question to me, if you'll write it on a
7 piece of paper, give it to the bailiff, he or she will
8 provide it to me, and I'll respond accordingly.

9 If we have smokers on the jury, you can't smoke in the
10 jury room. But if you do want to smoke, you can, but you
11 have to go outside. Let the bailiff know you want to
12 smoke. He or she will take you outside to accomplish that
13 purpose. But understand that if any juror is absent for
14 any authorized purpose the deliberations have to stop, and
15 they may only resume when all 12 jurors are present so that
16 all can participate.

17 Of course it's not lunch time yet. It's not even
18 close to lunchtime, but I don't know how long your
19 deliberations will take, nor do you because you haven't
20 even started. But if you get to a point where you think
21 it's necessary to order lunch, it usually takes about an
22 hour or so to have your lunch orders taken, it ordered and
23 brought to the courthouse for your benefit. So just keep
24 that timeline in mind should you find at any point that to
25 become necessary.

Jury charge

1 I believe that covers everything, but should it not
2 one of these lawyers will remind me that I need to provide
3 you with some additional information. And if I do, I'll
4 bring you back to provide you with that information. And
5 if I don't, I will send word by way of the bailiff that you
6 may begin your deliberations. In that event he or she will
7 bring to the jury room all of the exhibits which have been
8 introduced.

9 And to you, Mr. Foreman, he'll also bring the
10 indictments which will serve as the verdict form.

11 So I'll ask Mr. Gosnell to stay in the courtroom with
12 me. I'll ask the 12 primary jurors to please go with the
13 bailiff to your jury room. But do not begin deliberations
14 until I send you word to do so.

15 (Whereupon, the jury retired to deliberate at
16 10:23 a.m.)

17 (Whereupon, the alternate juror was excused.)

18 THE COURT: Are there any exceptions taken to the
19 instruction or requests for additions to the instruction by
20 the state?

21 MR. SMITH: No, Your Honor.

22 THE COURT: By the defendant?

23 MS. PRICE: No, Your Honor.

24 THE COURT: Let me ask y'all to verify the exhibits,
25 please.

Verdict

1 (Pause.)

2 THE COURT: Are all of the exhibits accounted for?

3 MR. SMITH: Yes, Your Honor.

4 MS. PRICE: Yes, sir.

5 THE COURT: All right. Tell the jury to begin

6 deliberations and notify us when they've concluded.

7 We'll be at ease while the jury is deliberating.

8 (Whereupon, a recess was taken.)

9 THE COURT: I'm told the jury has reached a decision.

10 Are we ready to receive it?

11 MR. SMITH: Yes, Your Honor.

12 MS. PRICE: Yes, sir.

13 THE COURT: Bring them in.

14 (Whereupon, the jury returned to the courtroom at

15 10:37 a.m. to report its verdict.)

16 THE COURT: Mr. Foreman, has the jury reached a
17 decision?

18 THE FOREMAN: Yes, sir.

19 THE COURT: Have you reflected those decisions on the
20 indictment as requested?

21 THE FOREMAN: Yes, sir.

22 THE COURT: Did you sign it and date it?

23 THE FOREMAN: Yes, sir.

24 THE COURT: If you will, hand those up, please, by way
25 of the bailiff.

verdict

1 You may publish the verdicts.

2 THE CLERK: The State of South Carolina, County of
3 Spartanburg, Indictment No. 2016-GS-42-3483, the State vs.
4 Deandrea Willie Hughes, indictment for armed robbery and
5 possession of a weapon during the commission of a violent
6 crime, we, the jury, find the defendant guilty as to count
7 one; we, the jury, find the defendant guilty as to count
8 two. Signed by the foreperson on 12/15/2016.

9 The State of South Carolina, County of Spartanburg,
10 the Court of General Sessions, Indictment 2016-GS-42-4118,
11 the State vs. Deandrea Willie Hughes, indictment for
12 unlawful carrying of a pistol, we, the jury, find the
13 defendant guilty. Signed by the foreperson on 12/15/2016.

14 The State of South Carolina, County of Spartanburg,
15 the Court of General Sessions, Indictment
16 No. 2016-GS-42-4119, the State vs. Deandrea Willie Hughes,
17 indictment for failure to stop motor vehicle, we, the jury,
18 find the defendant guilty. Signed by the foreperson
19 12/15/2016.

20 Ladies and gentlemen of the jury, if this is your
21 verdict and still your verdict, please raise your right
22 hand.

23 (Whereupon, all responded in the affirmative.)

24 THE CLERK: So say y'all.

25 THE COURT: Does the defendant wish to have the jury

Verdict

1 polled?

2 MS. PRICE: Yes, Your Honor.

3 THE COURT: Poll the jury, please, ma'am.

4 THE CLERK: Ladies and gentlemen of the jury, I'm
5 about to ask you a question, and that question being is
6 this your verdict and still your verdict. As I call your
7 name and juror number, please answer by saying yes or no.

8 Juror No. 100, Eric Monroe.

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 176, Briana Wright.

11 THE JUROR: Yes.

12 THE CLERK: Juror No. 102, Tramaine Moore.

13 THE JUROR: Yes.

14 THE CLERK: Juror No. 85, Jennifer Lark.

15 THE JUROR: Yes.

16 THE CLERK: Juror No. 37, Halley Dollar.

17 THE JUROR: Yes.

18 THE CLERK: Juror No. 115, Linda Partin.

19 THE JUROR: Yes.

20 THE CLERK: Juror No. 180, Shericka Young.

21 THE JUROR: Yes.

22 THE CLERK: Juror No. 117, Marcus Patton.

23 THE JUROR: Yes.

24 THE CLERK: Juror No. 99, Taylor Miller.

25 THE JUROR: Yes.

Sentence

1 THE CLERK: Juror No. 82, Hubert Kusak.

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 34, Grace Crady.

4 THE JUROR: Yes.

5 THE CLERK: Juror No. 3, Dallas Baxter.

6 THE JUROR: Yes.

7 THE CLERK: The jury has been polled.

8 THE COURT: Are there any other matters to be
9 addressed with the jury present?

10 MR. SMITH: None from the state, Your Honor.

11 MS. PRICE: No, Your Honor.

12 (Whereupon, the trial jury was excused.)

13 THE COURT: Any other matters to address prior to the
14 imposition of sentence?

15 MR. SMITH: None from the state, Your Honor.

16 MS. PRICE: Yes, Your Honor.

17 At this time I would move for a new trial based upon
18 all of my previous arguments and objections.

19 THE COURT: Those motions are denied.

20 MS. PRICE: Yes, sir.

21 I'm ready to move forward with sentencing.

22 (Pause.)

23 THE COURT: Okay. Solicitor, are you going to tell me
24 about his history?

25 MR. SMITH: Yes, Your Honor. He has a 2011 burglary

Sentence

1 second degree, petty larceny, resisting arrest and
2 malicious injury. He got one year on that suspended to
3 time served. In 2011 he was later revoked for the
4 remainder of that.

5 2012, he has a possession of a controlled substance
6 that he pled to in 2015 when he also pled to a purse
7 snatching that was reduced from a common-law robbery. He
8 received three years suspended to time served, credit for
9 698 days served. He was released, I guess, at that point,
10 October 26th, and this incident occurred in February of
11 this year.

12 THE COURT: All right. Ms. Price.

13 MS. PRICE: Thank you, Your Honor.

14 Your Honor, I have counted up to this point that
15 Mr. Hughes has spent 298 days in our jail. He never bonded
16 out.

17 I've had numerous conversations with Mr. Cheek about
18 Mr. Hughes. He knows Mr. Hughes, his twin brother, Deanta,
19 and his family.

20 I've also spoken with Mr. Hughes' mother.

21 I've had several conversations on my own with
22 Mr. Hughes and with Mr. Cheek also present.

23 As you heard, Your Honor, the evidence in this case in
24 my opinion was overwhelmingly pointing to Mr. Hughes as
25 being the perpetrator of these offenses.

Sentence

1 Mr. Hughes though after turning down two what I
2 believed to be reasonable offers insisted on coming to
3 trial today, Your Honor.

4 I know we had talked back in chambers about whether or
5 not he was evaluated. I did not have him evaluated on this
6 case because I did not believe that he was incompetent,
7 Your Honor, and I still don't believe he is incompetent.

8 He has been able to converse with me about his
9 charges, what he's charged with. He's indicated also that
10 he understood what he was giving up and the possible
11 penalties in which he was facing.

12 We would just ask Your Honor to take into account what
13 you've heard, what you've observed in court and the fact
14 that he has spent 298 days in jail in fashioning a sentence
15 for Mr. Hughes. Thank you.

16 THE COURT: I've been provided by counsel with a copy
17 of a report from the department of mental health from
18 October of 2015.

19 MS. PRICE: Yes, sir.

20 THE COURT: I intend to make that as a copy of --
21 intend to introduce this as a court exhibit into the record
22 too. Okay?

23 MS. PRICE: Thank you. I have no objection to that.

24 MR. SMITH: No objection.

25 (Evaluation report marked Court's Exhibit No. 1.)

Sentence

1 THE COURT: All right. Mr. Hughes, anything you want
2 to tell me?

3 THE DEFENDANT: I wanted to tell you, sir, on the
4 Bible -- on the Bible -- I did only in she is saying I done
5 done.

6 I been locked up since the end of 2010. I'm coming
7 from John G. Richardson to go up for parole, and they got
8 these new charges at me. But I don't want you to change
9 your mind about what you're going to do because I know
10 justice will be served, but I just wanted you to know I
11 already done my time on my pistol charge, on the gun -- the
12 gun charge that I had already done my time on it.

13 THE COURT: Well, I tell what I am going to change my
14 mind about.

15 You know, yesterday I found you in contempt of court
16 because you were cutting up and exhibiting improper
17 behavior and not conducting yourself appropriately in
18 court. But after I instructed you about that you acted
19 perfectly fine and correct and appropriate.

20 So I'm going to rescind that order wherein I found you
21 in contempt and sentenced you to six months. I'm
22 rescinding that order, so that's vacated because you
23 behaved yourself after I told you to. And that's what you
24 should have done, that's what you did and we appreciate
25 that fact. So I am rescinding that contempt order. Okay.

Sentence

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What else do you want to tell me about it?

3 THE DEFENDANT: I just wanted you to know, like, if
4 you can check and see if you can get the paperwork from
5 my -- my -- where my clothes at, where my real clothes at,
6 that I got locked up for.

7 MS. PRICE: They're in the jail.

8 THE DEFENDANT: I just want -- I just wanted you to
9 know that it was 18-36 months that I got, and I supposed to
10 had got 3-6 for probation violation. And that's the charge
11 that I ain't even got out of jail for yet now. I ain't got
12 out of jail for that charge. And I ain't get locked up in
13 no February, sir, and I keep trying to explain that I never
14 got locked up in February. I already was in jail February.

15 MS. PRICE: Your Honor --

16 THE DEFENDANT: I been locked up -- I been locked up
17 600 -- I been locked up longer than 600 days.

18 MS. PRICE: Your Honor, I --

19 THE DEFENDANT: Longer than 600 days.

20 MS. PRICE: Your Honor, I did check Spellman, which as
21 you know, is the official jail records, and he was booked
22 into our jail on the evening -- on the afternoon of
23 February the 22nd of this year, 298 days ago.

24 THE COURT: Mr. Smith, does Mr. Jones want to tell me
25 anything?

Sentence

1 MR. SMITH: He does not, Your Honor.

2 THE COURT: All right. On Indictment 2016-3483,
3 that's the indictment for armed robbery and possession of a
4 firearm during the commission of a violent crime, wherein
5 you have been found guilty by the jury of that offense, as
6 to count one, armed robbery, sentence is you be confined to
7 the South Carolina Department of Corrections for a period
8 of 25 years.

9 Count two, possession of a firearm, five years
10 concurrent.

11 Indictment 2016-4118, unlawful possession of a pistol,
12 one year.

13 Indictment 2016-4119, failing to stop, three years.

14 Credit for any time he's entitled to pursuant to
15 24-13-40.

16 Mr. Hughes, you have a right to appeal the verdict of
17 the jury and the sentence of the Court. You must file any
18 notice of your intent to appeal those decisions within ten
19 days of today's date.

20 Do you understand? Do you understand that?

21 THE DEFENDANT: Yes, sir. So you say I got 25 years?

22 THE COURT: Yes, sir.

23 THE DEFENDANT: So I can appeal that?

24 THE COURT: Yes, sir.

25 MS. PRICE: I'll send off the proper paperwork for

Sentence

1 you.

2 THE DEFENDANT: Okay. So you gave me 25 years.

3 THE COURT: Yes, sir.

4 THE DEFENDANT: You ain't hear when I told you I
5 already did my time on my charges?

6 THE COURT: I gave you credit for any time you're
7 entitled to.

8 MS. PRICE: He did.

9 THE COURT: Good luck to you.

10 THE DEFENDANT: I am going to appeal it.

11 THE COURT: Okay. Good luck.

12 END OF REQUESTED TRANSCRIPT OF RECORD

13

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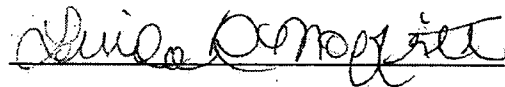
25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 14th and 15th days of December 2016.

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

January 27, 2017

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016 the
Grand Jurors of Spartanburg County present upon their oath:

WEAPONS/UNLAWFUL CARRYING OF PISTOL

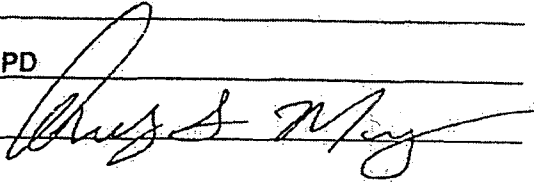
That Deandrea W Hughes did in Spartanburg County on or about February 22, 2016, willfully and unlawfully have in his possession a handgun, not being authorized by law to so possess a handgun, in violation of §16-23-20, 50 (A)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

WITNESSES

City PD



ARREST WARRANT NUMBER

2016A4210100800

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

JUL 22 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4118

The State of South Carolina

County of Spartanburg

Barry J Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Deandrea W Hughes

Indictment for

WEAPONS/UNLAWFUL
CARRYING OF PISTOL

SC Code: 16-23-20, 0050 (A) (2)

CDR Code: 0044

Class MIS-C

FILED

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Deandrea Willie Hughes

AKA: _____

Race: _____

Sex: _____

Age: 23

DOB: _____

SS#: _____

Address: _____

City, State, Z: _____

DL#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Unlawful carrying of pistol 0-1 year and/or fine up to \$1000

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4204118A/W#: 2016A4210100800Date of Offense: 2/22/2016S.C. Code §: 16-23-0020; 16-23-0050(A)CDR Code #: 0044

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-23-0020; 16-23-0050(A) of the S.C. Code of Laws, bearing CDR Code # 0044☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initiaThe plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST 101370 Deandrea Hughes David P. Smith 75784

SMITH, SPENSER H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 1 ~~day/months~~ years or ☐ under the Youthful Offender Act not to exceed 1 year
 and/or to pay a fine of \$ 1000; provided that upon the service of 1 days/months/years and/or payment
 of \$ 1000; plus costs and assessments as applicable*; ~~the balance is suspended with~~ probation for 1

~~months/years~~ and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____

§ 14-1-206 (Assessments 107.5 %) _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Clerk of Court/ Deputy Clerk C. PooleCourt Reporter: L. MoffittPresiding Judge William A. SmithJudge Code: 2053Sentence Date: 12/15/16

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 22 2016

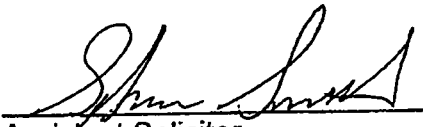
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP MOTOR VEHICLE

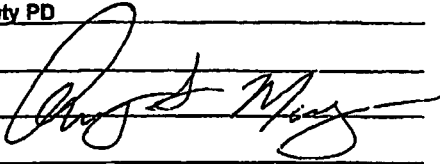
The defendant, Deandrea W Hughes, did in Spartanburg County on or about February 22, 2016, fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


Assistant Solicitor

WITNESSES

City PD



ARREST WARRANT NUMBER

2016A421010801

6

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

JUL 22 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

16-GS-42-4119

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Deandrea W Hughes

Indictment for

FAILURE TO STOP MOTOR VEHICLE

SC Code: 56-5-750
CDR Code: 0065
Class MIS/AFILED
CLERK OF COURT
JUL 26 2016

2016 JUL 26 AM 10:57

M. HOPE BLACKLEY

TT

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Deandrea Willie Hughes

AKA:

Race:

Sex: M

Age: 23

DOB:

SS

Address:

City, State, Z

IN THE COURT OF GENERAL SESSIONS 175

INDICTMENT/CASE#: 2016GS4204119

A/W#: 2016A4210100801

Date of Offense: 2/22/2016

S.C. Code § 56-05-0750(B)(1)

CDR Code #: 0065

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMVNo ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADS

TO: Failure to stop for a blue light, no injury or death - 1st offense, 90 days - 3 years and/or fine \$500

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

SMITH, SPENSER H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; ~~the balance is suspended with~~ probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$ 128.75

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

DEC 09 2016

At a Court of General Sessions, convened on _____, the Grand
 Jurors of Spartanburg County present upon their oath:

COUNT ONE---ARMED ROBBERY

That Deandrea Willie Hughes, did in Spartanburg County on or about February 22, 2016, while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present at the time reasonably believed to be a deadly weapon, to-wit: the Defendant, armed with a handgun, did feloniously take from the person or presence of Ellis Jones, by means of force, violence, and/or intimidation, goods or monies, such goods or monies being described as follows: a 2009 Tahoe and a sum of U.S. currency, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO---POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Deandrea Willie Hughes, did in Spartanburg County on or about February 22, 2016 possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

Jimmy W. Parnell

ARREST WARRANT NUMBER

2016A4210100797- Count One (Amended)

2016A4210100798- Count Two (Amended)

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: DEC 09 2016

VERDICT

count I: guilty

count II: guilty

M. Barnett

Foreperson of Petit Jury

Date: 12-15-16

DOCKET NO.

16-GS-42-3483

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

LEC 12 2016

TERM

THE STATE

vs.

Deandrea Willie Hughes

Indictment for

ARMED ROBBERY AND POSSESSION OF
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A): 16-23-490

CDR Code: 139: 549

Class FEL/A: FEL/F

1. SENTENCE MADE

2. REPORT ENDED

3. CARD FILLED

INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND
FINE CARD MADE

8. TO THE VIOLATION COPY

COMPUTER

COMPUTER

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Deandrea Willie Hughes

AKA: _____
 Race: _____ Sex: _____ Age: 23
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 years

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 10/370 Deandrea Hughes 578
SMITH, SPENSER H SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 25 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; ~~provided that upon the service of~~ _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; ~~the balance is suspended with~~ probation for _____

~~months/years~~ and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk C. Boole

Court Reporter: L. Moffitt

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4203483

A/W#: 2016A4210100797

Date of Offense: 2/22/2016

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 years

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 10/370 Deandrea Hughes 578
SMITH, SPENSER H SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 25 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; ~~provided that upon the service of~~ _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; ~~the balance is suspended with~~ probation for _____

~~months/years~~ and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge William D. [Signature]

Judge Code: 2053

Sentence Date: 12/15/16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
 STATE VS.
Deandrea Willie Hughes

AKA: _____
 Race: BLACK Sex: M Age: 23
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Weapons / Possession of weapon during violent crime 5 years

INDICTMENT/CASE#: 2016GS4203483A

A/W#: 2016A4210100798

Date of Offense: 2/22/2016

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: SMITH, SPENSER H 10/370 Deandrea Hughes Attorney for Defendant 7-186
 SC Bar# Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ — : provided that upon the service of — days/months/years and/or payment
 of \$ — : plus costs and assessments as applicable*: — h probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA 217 (07/2016)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

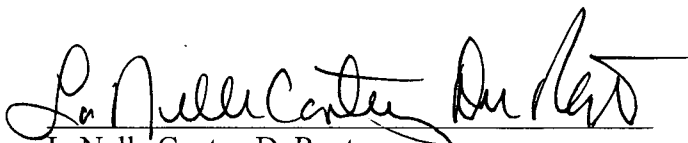
Judge Code: 2058

Sentence Date: 12/15/16

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


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ATTORNEY FOR APPELLANT

This 7th day of June, 2017.

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SC Court of Appeals