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STATE OF SOUTH CAROLINA

ORIGINAL

In The Court of Appeals

APPEAL FROM YORK COUNTY

Roger L. Couch, Circuit Court Judge

No Respondent's Brief Filed

THE STATE,

RESPONDENT,

V.

Antonio Rodriguez Jordan

APPELLANT

APPELLATE CASE NO. 2015-000237

SUPPLEMENTAL RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSIONS  
 2 COUNTY OF YORK ) No. 2013 GS 46 37355  
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 4 STATE OF SOUTH CAROLINA ) (Clerk's docket sheet shows  
 ) number 2014A4610100053/54  
 5 )  
 6 versus ) TRANSCRIPT OF RECORD  
 7 )  
 8 ANTONIO JORDAN )  
 9 Defendant )

10 York, South Carolina  
 11 February 20, 2014

12  
 13 B E F O R E :  
 14 HONORABLE LEE ALFORD, Judge

15  
 16 A P P E A R A N C E S :  
 17 For the State: JENNY DESCH, Esq.  
 Assistant Solicitor  
 18 For the Defendant: MARK MCKINNA, Esq.  
 19  
 20 Reporter Present: PHYLLIS CAMPO

21  
 22 HARRIET P. BENNETT  
 Reporter, S. C. Court Administration  
 23 46 Regency Oaks Drive  
 Summerville, S.C. 29485  
 24  
 25

1           (The within matter came before the Court for hearing  
2 on February 20, 2014)

3           SOLICITOR: Antonio Jordan, please.

4           May it please the Court, Your Honor? Before you is  
5 Antonio Jordan, and he is here with his attorney, Mark  
6 McKinna of the Public Defendant's Office.

7           Mr. Jordan was originally arrested when he was pulled  
8 over on a moped in 2013 in a traffic stop. He was pulled  
9 over and a pistol was found on the ground near him.

10          He was arrested for other matters as well, but he  
11 was arrested on that and he bonded out on that, but the  
12 gun that was found around him at the time he was arrested  
13 matched a burglary -- a gun that was stolen from a house  
14 in a burglary on the 8th of November of 2013.

15          A hat that he was wearing when he was arrested was  
16 put in evidence at the police department. It matched the  
17 hat that was found at the scene of the burglary which was  
18 taken from the house and turned over to our evidence locker  
19 previously.

20          We actually got a profile or a mixture that was con-  
21 sistent with what was taken from the known sample on the  
22 hat he was wearing when arrested. The other hat was al-  
23 most identical with the one found at the burglary scene.

24          After the burglary, the dogs tracked from the house  
25 out in the woods, and on that wooded track there were all

1 kinds of things found that belonged to the victim from the  
2 house, as well as the hat or cap that was similar to the  
3 one Mr. Jordan was wearing when he was arrested.

4 These were given to the technician who was able to  
5 find a profile from the known hat that was consistent with  
6 the hat that was found at the scene.

7 So this is a little bit of a different situation as  
8 we already have a profile already and have been provided  
9 that information.

10 What we are asking for is for a known sample to be  
11 taken so that we can actually confirm it for the record in  
12 order to make sure everything has been done.

13 There were a couple of charges that he had after the  
14 gun was found there near him and his arrest, and that was  
15 the charges on the burglary I just was talking about where  
16 the hat he was wearing was similar to the one found at the  
17 burglary scene.

18 Those were the burglary first and the grand larceny  
19 of items taken from the home of the homeowner. So at this  
20 point it is very important in order to get the known sam-  
21 ple for confirmation purposes.

22 We are asking to get a swab from his cheek and then  
23 we will be able to go forward with the burglary case, so  
24 we are asking for that to be ordered by the Court.

25 THE COURT: What do you have to say about the mixture?

1           SOLICITOR: The mixture is from the hat, and basically  
2 what it says is that the hat he was wearing is consistent  
3 with the hat found at the scene, but we would like to get  
4 this from him to make a confirmation.

5           A cheek swab would confirm that the consistent mixture  
6 is from Antonio Jordan, and that would connect him to the  
7 burglary.

8           THE COURT: Anything else? Anything else to connect  
9 him with the burglary scene?

10          SOLICITOR: Well, the gun was found when he was arrested,  
11 matched the description of a gun that was taken in the burg-  
12 lary but swabs taken from the gun was inconclusive although  
13 there was a description given that was consistent but we  
14 need to obtain confirmation by way of a known sample to  
15 show that was the gun that was taken from the house.

16          THE COURT: This was the gun taken from him that you  
17 say was consistent with the description of a gun . . .

18          SOLICITOR: We're sure the gun was stolen from the  
19 house. It was found . . .

20          THE COURT: Did you say it was found on the ground?

21          SOLICITOR: He was pulled over on a traffic stop, and  
22 he actually was on a moped and almost cuts off the deputy.  
23 So the deputy makes the stop but Mr. Jordan by the time  
24 the officer got to him was off the moped.

25          The deputy comes over and he says, why did you hit me;

1 you almost hit me. Then during the investigation they move  
2 the moped to put it out of danger off the side of the road.  
3 When the deputy was moving the moped he just happened to  
4 see the gun on the side of the road there. The deputy no-  
5 ticed the gun was by where he had originally seen Mr.  
6 Jordan.

7 THE COURT: Was he arrested at that time for the gun?

8 SOLICITOR: He was arrested for possessing a gun, and  
9 the gun is a match based on the serial number given by the  
10 victim of the burglary and his identification of it.

11 THE COURT: All right.

12 MR. MCKENNA: Your Honor, frankly, Mr. Jordan would ask  
13 that this hearing be delayed because he is hiring other  
14 counsel. He says he has hired private counsel.

15 THE COURT: The other counsel is not present today?

16 MR. MCKENNA: No, sir.

17 THE COURT: Well, I'm not going to delay the hearing.  
18 A new attorney would not alter the facts that have been  
19 given.

20 I find there is probable cause to order that the sample  
21 be given by the Defendant, and I would so order. This is  
22 a part of the investigation that is ongoing.

23 As well as the identification of the gun, there are  
24 the two hats which may or may not be a match, but that is  
25 to be determined.

1           So I would order that the sample be taken, and I will  
2 note your exception.

3           Based on those facts, I find there is probable cause  
4 to believe that the sample should be taken from him.

5 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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2 CERTIFICATE

3 I, HARRIET P. BENNETT, Court Reporter for South Carolina  
4 Court Administration, hereby certify that the foregoing  
5 transcript was prepared from the records of Phyllis Campo  
6 to the best of my ability, having been heard in the Court of  
7 General Sessions for York County, South Carolina, on Feb-  
8 ruary 20, 2013.

9 October 5, 2016

10 Further, I am neither of kin nor counsel to any  
11 party to this matter nor do I have any interest in the  
12 same.

13 *Harriet P Bennett*  
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1 STATE OF SOUTH CAROLINA )  
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 April 3, 2014

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 13 B E F O R E :  
 14 HONORABLE LEE ALFORD, Judge

15  
 16 A P P E A R A N C E S :  
 17 For the State: C. EPTING, Esq.  
 18 Assistant Solicitor  
 19 For the Defendant: M. McKENNA, Esq.  
 20 Public Defender

21 Reporter present:  
 22 PHYLLIS CAMPO

23 HARRIET P. BENNETT  
 24 Reporter, S. C. Court Administration  
 46 Regency Oaks Drive  
 25 Summerville, S.C. 29485

1           (The within matter came before the Court for hearing  
2   on April 3, 2014)

3           SOLICITOR: Antonio Jordan.

4           May it please the Court, Your Honor?

5           Your Honor, before the Court today is Antonio Jordan  
6   with his appointed counsel, Mark McKenna, from the Public  
7   Defender's Office.

8           Mr. Jordan is facing a number of charges, among which  
9   is burglary, first degree.

10          Your Honor, the facts in this case are briefly as fol-  
11   lows: Officers were investigating a burglary which oc-  
12   curred at (inaudible) in Rock Hill. Officers responded  
13   to the victim's house at that address.

14          The victim stated that a number of guns had been  
15   stolen from the house, and that he had interrupted the  
16   burglary. A number of items were strawn throughout the  
17   woods and around the land which were recovered. The house  
18   had been ransacked.

19          One of those items recovered was a hat. In the in-  
20   vestigation fingerprints were found inside the house.

21          To make a long story short, the Defendant was stopped  
22   in a traffic stop several weeks later, and he was found  
23   to be wearing a hat that was very similar to the hat that  
24   had been found at the scene.

25          He was arrested on a different charge and swabs were

1 taken of the hat and compared to the hat that had been  
2 found on the scene of the burglary. There was a match.

3 We had a Schmerber hearing in the case, and he came  
4 to Court for that.

5 He does have a prior criminal history. A 2001 burg-  
6 lary; 2002 -- 2002, several counts of financial transac-  
7 tion card fraud; a drug charge in 2004; another charge in  
8 2005, burglary charge.

9 Your Honor, based upon the strength of this case and  
10 the evidence we believe there is a very good chance for  
11 conviction on this charge, and we ask that you not allow  
12 a bond.

13 THE COURT: Thank you.

14 MR. MCKENNA: Thank you, Your Honor. May it please  
15 the Court?

16 THE COURT: Is this a third burglary?

17 SOLICITOR: That's correct, Your Honor. I believe  
18 there is also a conviction for PWVC but I haven't been able  
19 to track that down. It was connected with a burglary.

20 MR. MCKENNA: Mr. Jordan was born and raised in  
21 Lancaster County. He grew up there and went to Lancaster  
22 High School. He did not graduate but subsequently got his  
23 GED.

24 He has an entire family that lives in this area. His  
25 brother lives in Rock Hill, an aunt who lives in Rock Hill

1 and a twelve year old son who lives in Rock Hill with the  
2 mother of the child. and himself. They live together.

3 His entire family and his life has been in Rock Hill  
4 and Lancaster County.

5 THE COURT: Do you believe this constitutes a burg  
6 third?

7 SOLICITOR: I'm trying to track that down to make  
8 sure it is a different burglary. A possession of a weapon  
9 during the commission of a violent crime during a burglary  
10 in which items were stolen. He was charged with grand larceny.

11 THE COURT: So you believe this constitutes burglary  
12 third?

13 SOLICITOR: I believe so, Your Honor.

14 MR. MCKENNA: Or burglary second. The hesitation I  
15 have is that the burglary first involved stealing of a wea-  
16 pon. They are trying to track down that conviction to be  
17 sure that is separate from the one shown.

18 As the Solicitor said, there was a traffic stop back  
19 in November. He was arrested on a different charge at  
20 the time, and he did bond out at that time and there was  
21 a two month delay before the burglary charge he is in jail  
22 for right now, but that indictment was not served on him  
23 until January.

24 So he was out for two months and there was not any  
25 trouble during that two month time period.

1           We understand the Court would be concerned about his  
2 record and the severity of these charges. However, as I  
3 said, he has gone through this two months period without  
4 any problems with the law.

5           There are some issues involved in this case and some  
6 results we are waiting on. In addition, there is some  
7 question concerning a gun found by the Sheriff's Depart-  
8 ment.

9           So I have some concern about the way the case has  
10 developed, and we would ask the Court to consider some sort  
11 of bond which was denied by the Magistrate because of the  
12 charge, along with some provisions concerning house arrest  
13 to make sure there is no further trouble during this short  
14 period while we await some results concerning the evidence.

15           He has been in jail since his arrest for the burglary  
16 and the grand larceny.

17           THE COURT: Well, I am concerned. These are serious  
18 charges. As well, he has the other burglary charge or  
19 charges. So this is what I'm going to do.

20           I think you need to find out which offense of burg-  
21 lary this is. However, I am going to deny bond at this  
22 time. I will deny bond today on these charges but if a  
23 trial is not set within sixty days the Court would along  
24 you to come back before the Court and renew your request  
25 for bond.

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MR. MCKENNA: Thank you, Your Honor.

-----END OF REQUESTED TRANSCRIPT OF RECORD-----

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CERTIFICATE

I, HARRIET P. BENNETT, Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Phyllis Campo to the best of my ability, having been heard in the Court of General Sessions for York County on April 3, 2014.

FURTHER, I certify that I am neither of kin nor of counsel to any party to this matter, nor do I have any interest in the outcome of the case.

September 28, 2016



## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 18<sup>th</sup> of October, 2016.



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