

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County

Eugene C. Griffith, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EDWARD TERRELL CHANDLER

APPELLANT

APPELLATE CASE NO 2016-001554

RECORD ON APPEAL

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1 A That's the only thing that she has documented right
2 here.

3 MR. CHANDLER: No further questions.

4 THE COURT: Okay. Any redirect.

5 MS. MAYES: Yes, sir, Your Honor.

6 REDIRECT EXAMINATION

7 By Ms. Mayes:

8 Q Mr. Pitman, are you familiar with symptoms of shock?

9 A Yes.

10 Q Based upon your experience, how may a shock affect a
11 patient's level of cooperation?

12 A It really depends on the levels of shock, what
13 exactly the injuries are and what the issue that's going
14 on at that particular time. It could be, you know,
15 traumatic-type shock, hypovolemia, things of that nature,
16 or emotional-type shock.

17 Q All right. And what do you recall about Ms.
18 Peterson's demeanor that day?

19 A Almost mousy I would describe. Very passive.

20 Q Nothing further.

21 THE COURT: Okay. You may step down.

22 MS. MAYES: And, Your Honor, we would request that
23 the witness be excused.

24 THE COURT: Certainly.

25 MS. MAYES: The State calls Herb Hedges.

1 MR. CHANDLER: Your Honor, I have a matter.

2 THE COURT: A matter of law?

3 MR. CHANDLER: I have a matter of law.

4 THE COURT: All right. Be seated and let me deal
5 with this. All right. Folks, I got to deal with a matter
6 of law, so I'm going to let y'all step in the jury room.
7 Don't discuss the case. I'll have you right back in here.

8 (Whereupon, the jury was excused from open court.)

9 THE COURT: All right. What you got?

10 MR. CHANDLER: Your Honor, I would like to have a, to
11 see if I can get a ruler.

12 THE COURT: A ruler?

13 MR. CHANDLER: Or a tape measure or something like
14 that.

15 THE COURT: All right. What for?

16 MR. CHANDLER: Because I have a issue with these
17 strings.

18 THE COURT: That's not a matter of law. That's a
19 fact question.

20 MR. CHANDLER: Yeah, but I, I can't, I need to prove
21 it. I need to prove something, Your Honor. It's the only
22 way I can go about it.

23 THE COURT: I don't know whether there's a yardstick
24 in this courthouse. There may be. We got a yardstick?

25 CLERK OF COURT: Not that I know of.

1 MR. CHANDLER: Or we'll, or if not a ruler, will I be
2 allowed to lay the shoestrings with the other shoestrings
3 to show the length of them?

4 MS. MAYES: Your Honor, the issue would be that the
5 shoestrings in evidence are knotted and they need to
6 remain knotted to the extent that that's how they were
7 found. Now, one, I believe was unknotted by the State Law
8 Enforcement Division, but it was well-documented. But in
9 terms of destructing the evidence in its current form, we
10 would certainly object to that.

11 THE COURT: Was one of them, one of the strings
12 unknotted and can stretch maybe?

13 MS. MAYES: I believe they're both knotted. They
14 still contain knots and one has been cut, so it's not in
15 its original form.

16 MR. CHANDLER: Your Honor, I won't need to, I won't
17 even need to take out the knot, Your Honor. I won't need
18 to bother it. I just want to lay it beside the
19 shoestrings that they planning on showing.

20 THE COURT: Well, you can lay it out on the table.

21 MR. CHANDLER: Do they, do they have the shoestrings?

22 THE COURT: They were on the table somewhere.

23 MR. CHANDLER: That they planning on showing them?

24 MS. MAYES: We have a sample shoe with shoestrings.
25 It's the color and the texture and the shape of the

1 shoestring, Your Honor, that is consistent and that's
2 what's going to allow this witness to say that it's the
3 same shoestring that was originally manufactured. Now,
4 the same shoe is a different size and because of that,
5 there will be different length dimensions on the
6 shoestring. But that's not, that's not what the, the
7 State's not trying to allege they're the same length.

8 MR. CHANDLER: That's the issue I'm trying to get to,
9 Your Honor.

10 THE COURT: All right. Well, if the shoe is a
11 different type of style, you certainly can argue that, but
12 you can stretch the shoelace out however you like to show
13 that. But I'm not certain what benefit that is to show if
14 the shoes aren't the same identical--

15 MR. CHANDLER: No, they're not the same size. The
16 shoestrings are--

17 THE COURT: All right. I don't want to tell you what
18 to do or how to do it, but what she said they're using
19 this witness for is to look at the shoelace, the texture,
20 and make, and quality of the shoelace.

21 MR. CHANDLER: Can I observe these things before
22 they--

23 THE COURT: Sure.

24 MS. MAYES: He can, Your Honor. We would just ask
25 that gloves be used.

1 THE COURT: I don't think she's going to say this is
2 the identical shoelace.

3 MR. CHANDLER: Yes, sir. I'll leave it alone after I
4 just observe it, Your Honor.

5 THE COURT: All right.

6 MR. CHANDLER: I won't say nothing further.

7 MS. MAYES: And we just need to make sure that gloves
8 are worn.

9 MR. CHANDLER: May I?

10 THE COURT: Sure. You want to see the new shoelaces
11 or the old ones?

12 MR. CHANDLER: Both.

13 THE COURT: Okay. All right. While he looks at
14 those, I'm going to step off the bench. You can look at
15 them, okay? We're going to stand at ease just for a
16 couple of minutes.

17 MS. MAYES: Your Honor, we would request that it be a
18 visual inspection only.

19 THE COURT: He can hold them just like the detectives
20 hold them.

21 MR. CHANDLER: Can they lay them on a bag, instead of
22 his hand. I can't see.

23 THE COURT: And what you can't do and what they don't
24 want you to do is pull them. You can look at them,
25 examine them.

1 DETECTIVE: He's going to remove them from the shoe
2 or not?

3 MS. MAYES: No.

4 MR. CHANDLER: Yes, Your Honor.

5 MS. MAYES: Do we have the, we have the second
6 shoelace, the shoelace in the baggie. If you could show
7 him that one, as well. If you could repackage that one
8 and show him the other shoelace.

9 MR. CHANDLER: Oh, I don't need to see the other
10 shoelace, Your Honor.

11 THE COURT: You've seen what you need to see?

12 MR. CHANDLER: Yeah. After this is presented into
13 evidence, there is no DNA or anything like that with the
14 shoelaces or anything. So can I take the shoestrings out
15 after they present the shoes, after they put it into
16 evidence, Your Honor.

17 THE COURT: Is there a second shoelace that was not
18 in the shoe. Have you got one of those that's not laced
19 in the shoe?

20 MS. MAYES: We do not, Your Honor. And as I said
21 before, the shoelaces will not be the same length, because
22 that is a size, the sample shoe is a size 9.

23 MR. CHANDLER: Yes, Your Honor. But the reason I was
24 saying that is, because I wear, I have a size 11 shoe on.
25 So the shoestrings in the 11 shoe should be longer than

1 the shoestrings in the 9.

2 MS. MAYES: They are. They are. We acknowledge
3 that. The witness will acknowledge that.

4 MR. CHANDLER: But I want to show, Your Honor, when I
5 get up, can I take the shoestrings out.

6 MS. MAYES: I would object to relevance. We're not
7 alleging the sample shoe were used--

8 MR. CHANDLER: -- well, how, how, how can we show it,
9 Your Honor.

10 THE COURT: You interrupted her and you see, Ms.
11 Holston, raising her hand. It's frustrating to her when
12 people talk on top of each other, because she can't take
13 down what you're saying and it's your record now.

14 MR. CHANDLER: Yes, Your Honor.

15 THE COURT: All right. Now, here's what I
16 understand. The witness is being called to testify he
17 works for Nike. They make shoes, shoelaces. The
18 shoelaces in evidence are similar to shoelaces that he
19 brought with him of quality, manufacture or color, or
20 whatever. The length isn't going to be an issue. You can
21 argue that. She's agreeing to you the shoelaces will be
22 of different length. That's not a question of fact that
23 the shoe that came from Washington with this witness is
24 not going to be a question of fact.

25 MR. CHANDLER: Yes, Your Honor. But what I was

1 saying was a smaller shoe will have a smaller lace.

2 THE COURT: You can argue that.

3 MR. CHANDLER: A shorter lace. A bigger shoe will
4 have a longer lace.

5 THE COURT: She agreed to that.

6 MR. CHANDLER: Those laces, I could see those laces
7 laced up in the shoe, those laces are longer than the lace
8 right there, Your Honor.

9 THE COURT: And you can argue that.

10 MR. CHANDLER: I need to measure it.

11 THE COURT: You can argue that. She's agreeing with
12 you.

13 MR. CHANDLER: So it would not be the same.

14 THE COURT: She's agreeing with you. You can argue
15 that all you want, but you're not going to take the
16 shoelaces out of the shoes.

17 MR. CHANDLER: Okay. So she agrees the length--

18 THE COURT: The length will be different.

19 MR. CHANDLER: -- shorter shoelaces are a bigger
20 shoes and, and longer shoelaces in the smaller shoe?

21 THE COURT: No. It's the other way around.

22 MR. CHANDLER: That's what I'm saying, so we don't
23 have an agreement, Your Honor.

24 THE COURT: Well, I'm not going to let you take the
25 shoelaces out of the Nike shoe that came from Washington,

1 because it's just to compare to look at the laces, the
2 quality of the laces, not the length of the laces. Okay.

3 MR. CHANDLER: All right.

4 THE COURT: All right. We're going to take a couple
5 of minutes. Need to use the restroom. The clerk and the
6 court reporter also need it likewise a short break. We'll
7 stand at ease just a couple of minutes.

8 (Whereupon, a short break was taken.)

9 THE COURT: Let's bring the jury.

10 (Whereupon, the jury came into open court at
11 approximately 10:36 a.m.)

12 THE COURT: All right.

13 HERB HEDGES, being
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 By Ms. Mayes:

17 Q Now, Mr. Hedges, where are you currently employed?

18 A I am a consultant for Nike Corporation.

19 Q All right. I'm going to need you to speak up a
20 little bit more or pull the microphone a little bit closer
21 to you. And you said you were a consultant for Nike?

22 A After working for them for 33 years, I retired two
23 years ago and for the last 15 or so years, I was handling
24 all of their criminal cases that involved Nike products.
25 So they kept me on as a consultant to continue to do that.

1 Q All right. In what state do you currently reside in?

2 A Oregon.

3 Q So you're here today in court from the State of
4 Oregon?

5 A That is correct.

6 Q Now, you mentioned your career at Nike. Can you give
7 us some information about your educational background and
8 professional background which led to your current status
9 at the Nike Corporation?

10 A After I got my Bachelors of Social Science, I started
11 working for Nike in 1978 and my whole career has been in
12 the footwear side of the business at Nike.

13 Q All right. Where are Nike headquarters located?

14 A Nike Headquarters is in Beaverton, Oregon.

15 Q All right. So that's the same location as you?

16 A I am three hours from there now but, yes.

17 Q So the headquarters are in Oregon and can you tell us
18 whether or not you have acquired the knowledge regarding
19 the identification of Nike products, specifically Nike
20 footwear during the course of your employment with Nike?

21 A In the whole time that I was Nike, that I was in the
22 footwear area with manufacturing and components to brand
23 protection, yes.

24 Q And are you familiar with the authentic features of
25 such products?

1 A I am.

2 Q And how to research the product to verify specific
3 design and style details of an individual Nike product?

4 A That is correct.

5 Q Does Nike, as a corporation, provide law enforcement
6 support when needed?

7 A We've been doing it for about 40 years at least as a
8 community service, yes.

9 Q All right. And so you say as a community service
10 but, specifically, what would be your, within your job
11 description as a consultant with Nike?

12 A If anybody contacts either the prosecution or defense
13 or anybody who contacts Nike, they will get in contact
14 with me to try to answer any questions they have.

15 Q Does that include law enforcement officers in
16 criminal investigations?

17 A Yes.

18 Q Now, is it possible for you to estimate how many such
19 states across the United States you have assisted in
20 criminal investigations that may involve Nike products?

21 A At least 30 states and around the world, I've done
22 cases in Europe and Australia.

23 Q Have you testified previously as an expert in any
24 court in the United States regarding the identification of
25 Nike footwear?

1 A More than 50 times, yes.

2 Q Can you provide information for the record as to any
3 specific states in which you have been qualified as an
4 expert in the identification of Nike footwear?

5 A Well, I've always been qualified as an expert, but
6 I've been from Massachusetts to Florida to Georgia to New
7 Mexico to Illinois and all over any state that needs
8 assistance from Nike, I have done it.

9 Q Now, specifically you mentioned Massachusetts. What
10 case were you, what case or criminal investigation were
11 you involved with in the State of Massachusetts?

12 A The Aaron Hernandez case, the tight end from the New
13 England Patriots. I did that last year, yes.

14 Q That's the State, Massachusetts vs. Aaron Hernandez
15 murder case?

16 A That is correct.

17 Q Were you qualified as an expert in that court?

18 A Yes, I was.

19 Q Did you provide testimony in that case concerning the
20 identification of Nike footwear?

21 A Yes, I did.

22 Q And have you also testified as an expert for defense
23 in criminal cases?

24 A I have.

25 Q Now, do you receive payment for your testimony?

1 A No.

2 MS. MAYES: Now, Your Honor, at this time, the State
3 would offer Herbert Hedges as an expert in the
4 identification of Nike products, including Nike footwear.

5 THE COURT: Any questions or voir dire about the
6 qualifications of this gentleman from Nike about his
7 expertise in that field?

8 MR. CHANDLER: Your Honor, I have an objection. It's
9 a matter of law.

10 THE COURT: No, I asked you if you had any questions
11 concerning his qualifications as an expert.

12 MR. CHANDLER: I don't, Your Honor. No, I don't,
13 Your Honor.

14 THE COURT: Okay. Thus being the case, I find the
15 State has provided a sufficient basis to qualify Mr.
16 Hedges as an expert in the field of identification of Nike
17 footwear quality design materials that go into the
18 manufacture of Nike shoes and identification therefrom
19 based upon his 33 years experience at the company, as well
20 as his past two years as a consultant. So he'll be
21 allowed to offer opinions in that field of expertise. All
22 right.

23 MS. MAYES: May it please the Court?

24 THE COURT: Yes.

25 Q In the business of manufacturing what is meant by the

1 term, spec sheet?

2 A Nike, we don't own any Nike, any shoe factories. We
3 have to give direction to the factories of how we want our
4 shoes made and we have, what we call a spec sheet that
5 tells every material on, in a shoe, what it should be and
6 what spec it should be to meet our qualifications.

7 Q And for a major brand such as Nike, are the specific
8 details of design, color and style documented at any stage
9 of production?

10 A All stages.

11 Q And does that include most every detail of the shoe
12 as to specific type of shoestrings, for example?

13 A Every, every part of the shoe has got a
14 specification, yes.

15 Q What about the color of shoestring to be on the shoe?

16 A It would be on the spec sheet. Every shoe and style
17 or should I say every style and color will have their
18 separate spec sheet.

19 Q And what about the design of the shoestring such as
20 whether it's flat, round, oval in shape?

21 A That will be on the spec sheet.

22 Q And what about any additional details such as whether
23 the threading of the shoelace would have any type of
24 texture?

25 A That would be also on the spec sheet, again, and we

1 move on from that to a confirmation sample to make sure
2 that the factory understands exactly what we are
3 describing on the spec sheet.

4 Q And you mentioned that Nike provides support to law
5 enforcement when requested. Can you tell us whether or
6 not this includes providing information which may help
7 identify a particular shoe?

8 A Yes.

9 Q Or components of that shoe?

10 A That is correct.

11 Q And can you tell us in this case, were you contacted
12 in order to obtain information to identify a certain type
13 of Nike shoe?

14 A That is correct.

15 Q Let me show you some photographs and ask you whether
16 or not you recognize them? Let me show you what is marked
17 for ID as State's Exhibit 37, 36 and 14.

18 A These are the Airmax 90's and with the size label
19 inside the shoe.

20 Q Okay. Did you have an opportunity to review those
21 photographs concerning a certain shoe in evidence at the
22 Edgefield County Sheriff's Department?

23 A Yes, I did.

24 Q And from the information that you received including
25 the shoe label, were you able to locate that shoe?

1 A Yes, I was.

2 MS. MAYES: Your Honor, at this time, we would offer
3 these three photographs as evidence. This would be 37,
4 36, and 14 of the shoe in evidence.

5 THE COURT: And those are photos of the shoes already
6 in evidence?

7 MS. MAYES: Yes sir, Your Honor.

8 THE COURT: All right. Any objection to that?

9 MR. CHANDLER: No objection.

10 THE COURT: No objection to 14, 36, and 37 in
11 evidence. Number 14, did I get that right?

12 MS. MAYES: Yes, sir, Your Honor.

13 (Whereupon, State's Exhibits 14, 36 and 37 were
14 admitted into evidence.)

15 Q Now, when you received information from Edgefield
16 County concerning the shoe in evidence, you mentioned that
17 there is a label on that shoe. Does the label allow you
18 to track down color, style or any other relevant code?

19 A It allows me to track down when the shoe was ordered,
20 when the label was printed, what country of origin it's
21 from, the color, and style, and size; yes.

22 Q And what is this type of Nike shoe?

23 A This is the Airmax 90.

24 Q Airmax 90. And as a result of identifying the shoe,
25 were you able to confirm whether or not it is an authentic

1 Nike product?

2 A That is correct.

3 Q And even when the shoe is no longer sold on the
4 market in that particular design, color, and style, does
5 Nike ordinarily retain any version of the shoe?

6 A We try to retain all of them, yes.

7 Q And why is that done?

8 A We have an archives that we try to make sure we have
9 a sample of every shoe we make, yes.

10 Q All right. And where is the archives for the Nike
11 Corporation?

12 A In Beaverton, Oregon.

13 Q So can you tell us whether or not you were able to
14 locate an original version of that shoe at the Nike
15 archives in Oregon?

16 A Yes, I was.

17 Q And what's located, what arrangements were made to
18 deliver that sample to the State of South Carolina for
19 purposes of this investigation?

20 A I had them to ship it here as quickly as possible.

21 Q Let me show you an item and ask you whether or not
22 you recognize it?

23 MS. MAYES: State's 84 for ID.

24 Q Start with the outside of the box and ask you whether
25 or not you recognize the return address or the place or

1 origin for that shipment?

2 A Yes, it's from our Archives Department in Beaverton,
3 yes.

4 Q And that shoe was sent for the purposes of potential
5 comparison analysis?

6 A That is correct.

7 Q Can you take a look at that item, and then I'm going
8 to ask you to actually look at the contents and tell us
9 how, if at all, you're able to identify that as a sample
10 shoe for this brand of Airmax 90?

11 A It has a hang tag on here that comes, tells me
12 exactly that it's the same style and color as the other,
13 the shoes or the information on this label.

14 Q All right. And now is there any distinction
15 concerning the label of the sample shoe?

16 A Well, the sample shoe is a production sample. It is,
17 and the shoe that you also have is a production shoe. And
18 so there is a different label in them, but this is a
19 confirmation sample in our archives.

20 Q All right. Can you tell us whether or not that is
21 the same shoe?

22 A It is the exact same shoe.

23 Q Can you tell us whether color, style, code, et cetera
24 are all consistent with the shoe that is in evidence?

25 A That is correct.

1 Q I'm going to show you State's Exhibit 73 currently in
2 evidence. If you could take a look at the item in that
3 bag?

4 A Again, they are exactly the same shoe, the same
5 color, style. They are the Airmax 90, yes.

6 Q All right.

7 MS. MAYES: Your Honor, at this time, the State would
8 offer Exhibit 84 as evidence, be the sample shoe.

9 THE COURT: Any objection to the sample shoe coming
10 into evidence?

11 MR. CHANDLER: And no objection, Your Honor.

12 THE COURT: It's in without objection.

13 (Whereupon, State's Exhibit number 84 was admitted
14 into evidence.)

15 Q Now, have you had an opportunity to review what is
16 known as the spec sheet for this color, design, and style
17 of the 90, Airmax 90?

18 A Yes, I have.

19 Q And do you have a copy with that, of that with you?

20 A No, I gave that to you.

21 Q All right.

22 MS. MAYES: Beg the Court's indulgence. And, Your
23 Honor, if I may approach?

24 THE COURT: You may.

25 Q I'm going to ask you whether or not you recognize

1 this document?

2 A This is a spec sheet for this style and color, yes,
3 for the Airmax 90.

4 Q All right. And who produces the spec sheet or I'll
5 ask or rephrase this. Who actually maintains a spec sheet
6 for each individual type of Nike put on the market by
7 Nike?

8 A Nike does.

9 Q And through your review of this product, this color,
10 the type of Airmax 90, what type of shoestring is on the
11 shoe at the time of production?

12 A It's a flat polyester-textured shoelace.

13 Q And does that spec sheet set forth the details even
14 for the shoestring or the shoe?

15 A That is correct.

16 Q As to color?

17 A As color, the color, the texture, the description of
18 flat, and yes.

19 Q All right. And so just to clarify, are all
20 shoestrings flat or can that be subject to design?

21 A It can be subject to design.

22 Q I want to ask you to take a look at the sample shoe
23 first. If you could examine the shoelace on that sample
24 shoe produced by Nike, provided by Nike?

25 A It is a, like I say, it matches to the spec sheet

1 which is a polyester, flat, textured shoelace, black.

2 Q And now if you could take a look at these items.

3 First the exhibit, State's Exhibit 77.

4 MS. MAYES: Your Honor, if Investigator Morris may
5 approach the witness?

6 THE COURT: Sure.

7 Q Having examined that item, Mr. Hedges, what, if any,
8 opinion do you have regarding that shoelace?

9 A It is a flat, textured black shoelace, looks like a
10 polyester material, yes.

11 Q And did you have an opportunity to inspect that item
12 earlier today following your arrival from Oregon?

13 A Yes.

14 Q And have you previously received photographs of that
15 lace as well?

16 A That is correct.

17 Q Do you have an opinion, Mr. Hedges, as to whether or
18 not that is the same shoelace set forth in the spec sheet
19 for the Nike Airmax 90?

20 A Yes, I do and it's, it is the same.

21 Q Now, I'm going to have you take a look at another
22 item. And this would be State's Exhibit 78 currently in
23 evidence.

24 A They seem to be the exact same color, shape, the
25 texture as the other laces, yes.

1 Q All right. And did you have an opportunity to review
2 that shoelace this morning following your arrival from
3 Oregon?

4 A Yes.

5 Q And have you previously received photographs of that
6 shoelace in evidence at the Edgefield County Sheriff's
7 Department?

8 A That's correct.

9 Q Can you tell us whether or not you have an opinion as
10 to whether that shoelace, State's Exhibit 78, is the same
11 shoelace that were in the spec or spec sheets for the
12 Airmax 90?

13 A They are.

14 Q Now, what year was this particular color, style, and
15 design of the Airmax 90 put on the market by Nike?

16 A In 2013.

17 Q And do you know the specific date within 2013?

18 A I was, not exactly was on there, there, that's the
19 delivery date.

20 MS. MAYES: Beg the Court's indulgence?

21 Q Ask you to review the materials?

22 A Oh, there it is. We had a delivery month of 1 July
23 of 2013 for this style and color.

24 Q So July 1st, 2013, this brand, design, and color of
25 Airmax 90 went on the market?

1 A That is correct.

2 Q That would be for the United States?

3 A That is for USA, yes.

4 Q Now, can you tell us where this shoe is actually
5 manufactured and by that, I mean put together prior to
6 actually going on the market for sale?

7 A This style and color was produced in Vietnam.

8 Q For Nike?

9 A For Nike, yes.

10 MS. MAYES: Beg the Court's indulgence?

11 Q Just to clarify. When you say it was manufactured in
12 Vietnam, does that include assembly of the shoe?

13 A The assembly of the shoe, yes.

14 Q All right. And all production details so to speak?

15 A Yes. I mean the assembly, putting all the parts
16 together, yes.

17 Q Would that include the shoestrings?

18 A The shoelace, yes.

19 MS. MAYES: Nothing further.

20 THE COURT: It's yours.

21 CROSS-EXAMINATION

22 By Mr. Chandler:

23 Q How are you doing today, sir?

24 A Good, thank you.

25 Q What's the company's name that the shoelaces come

1 from; where are they distributed, the people who made
2 those shoestrings?

3 A It's on the spec sheet. That should be on the spec
4 sheet. It's out of Korea. Hong Wong, Korea is the
5 company name.

6 Q Hong Wong, Korea?

7 A Yeah.

8 Q So it's in Korea where they make the shoestrings?

9 A Yes.

10 Q You don't work for them or would know of their sales
11 or anything?

12 A No, I do not.

13 Q So do you know if the company that manufactured those
14 shoestrings distributes in any other company than Nike
15 company?

16 A I would say yes.

17 Q Because you worked for them? How would you know
18 that?

19 A No, I would say yes, that they distribute to other
20 shoe companies.

21 Q They do?

22 A Probably.

23 Q Did you actually, now, okay. You saying you was,
24 you, you have 33 years experience, correct?

25 A Yes.

1 Q And you testified 50-plus times on these laces?

2 A That's correct.

3 Q By looking at those laces that's tied and cut, can
4 you tell the length of those laces?

5 A No.

6 Q After 33 years experience you still, you can't,
7 right?

8 A No.

9 Q So there are other buyers of the laces. Are you
10 familiar with Reebok, Adidas, or New Balance companies;
11 are you familiar with their process, they're manufacturing
12 and distribution?

13 A They're pretty much the same. I don't know about
14 their distribution, but their manufacturing is, it should
15 be the same almost.

16 Q So would you know if this company in Korea made any
17 orders, do you know if Reebok, Adidas, or New Balance made
18 any orders to this company?

19 A Specifically this company; no, I do not know that.

20 Q You don't know that?

21 A No.

22 Q So if they were to, so all you know is Nike is one of
23 the unknown buyers to use these strings?

24 A I wouldn't say unknown but again, I only know the
25 specifics about Nike, yes.

1 Q So this company in Korea does not only sell to Nike?

2 A I would say no. I don't know that specific, but I
3 would say no.

4 Q Do you know if around 2015 was these, were the shoes,
5 you said the shoes got to the U.S. in 2013?

6 A That is correct.

7 Q Do you know if 2015 were those shoes still in, is
8 still in the stores for sale?

9 A It's possible.

10 Q It's possible?

11 A Yeah.

12 Q And you're an expert, right?

13 A Correct.

14 Q So is your expert opinion a fact?

15 A Yes.

16 Q So an opinion is a fact?

17 A My opinion is my, what I consider an expert opinion,
18 yes.

19 Q So it's a fact?

20 THE COURT: He's asked and answered that.

21 Q So your opinion is a fact?

22 THE COURT: No, he's asked and answer that and you
23 can't answer it again.

24 MR. CHANDLER: And thank you, Your Honor. Thank you,
25 Your Honor.

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 By Ms. Mayes:

4 Q Just to clarify, Mr. Hedges. The 50 other times that
5 you provided testimony previously concerning Nike
6 footwear, was that always about shoelaces?

7 A Very seldom.

8 Q Okay. What are some other examples of that testimony
9 concerning identification of footwear?

10 A Most of the time, I'm matching shoe prints at crime
11 scenes or I am matching a shoe style color to a
12 surveillance video or a picture, yes.

13 Q Now, what about attempting to determine a size based
14 on the shoelaces in their current condition in this case,
15 specifically knotting, cutting, things of that nature?

16 A Well, even in manufacturing, you're going to have a
17 variation of length of shoelaces, so you're talking about
18 a polyester. In this case, the stretching of tinsel by
19 stretching and untying. In your shoelaces, in your normal
20 shoe if you tie them over and over and over, they're
21 probably going to stretch and be a longer length than what
22 the spec is stating.

23 Q Are you able, based on the current condition of those
24 shoelaces being knotted and such, to estimate the actual
25 length of those shoe laces?

1 A No.

2 Q Or the size shoe that those would have been
3 affiliated with?

4 A No.

5 Q And just to clarify. The shoes in evidence, if you
6 could give us the shoe size that is marked on that
7 product?

8 A They are size 11.

9 Q So those will be, is that U.S. size 11?

10 A That is correct.

11 Q Okay. And are those men's or women's shoes? Just let
12 me clarify?

13 A Men's shoes.

14 Q All right. So those are U.S. men's size 11. And
15 what about the actual sample shoe that was sent to us from
16 Oregon?

17 A It's a size 9.

18 Q All right. And would that be a U.S. size?

19 A That is correct.

20 Q Now, the sample shoe and the shoe in evidence, is
21 there any difference or may there be any difference
22 between a size 9 shoelace and a size 11 shoelace, for
23 example?

24 A According to the spec sheet is no.

25 Q Now, what, if anything, can you tell us specifically

1 about the spec sheet noting length of shoelace?

2 A Again, the spec sheet is telling the factory exactly,
3 how we want the shoes made. So we have, in this style we
4 have three different lengths of shoelaces depending on the
5 size.

6 MS. MAYES: Nothing further.

7 THE COURT: Okay. You may step down.

8 MR. HEDGES: Okay.

9 MS. MAYES: The State calls Joe West.

10 JOE WEST, being
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 By Ms. Mayes:

14 Q Good morning, Mr. West.

15 A Good morning.

16 Q Can you tell us a little bit about yourself? Where
17 are you currently employed?

18 A And my name is Joe. I'm a senior agent with the
19 South Carolina Law Enforcement Division, which is commonly
20 known as SLED. I'm assigned to the Technical Service Unit
21 which is part of Narcotics, and I work on forensic video
22 analysis.

23 Q All right. And when you say forensic video analysis,
24 I'm going to ask you a few details about that. What is
25 meant by that area of electronic work?

1 A Well, primarily what we get in Tech Services is if
2 you go into a store or if you have a home security system
3 or if you have a dash cam in a police car or a body camera
4 system, we get that video. Sometimes, it's of poor
5 quality and through the software and the equipment we can
6 enhance the video. And sometimes, they just want to get
7 picture shots from the video and just still frame for
8 analyzing frame-for-frame. Every case is different but,
9 essentially, we're taking the video, we're capturing
10 images from the screen from the original evidence, and
11 then we're producing our own evidence from that.

12 Q And how long have you been with Tech Services or
13 Technical Services at the State Law Enforcement Division?

14 A I've been at SLED since 1991, about 25 years, and
15 I've been in Narcotics the whole time. Again, Tech
16 Services is part of the Narcotics Unit. I've been
17 officially assigned to the Tech Services Unit since 2004,
18 so over 10 years, I guess and prior to that working drug
19 cases. I was always the tech guy working with the
20 electronics equipment doing surveillance and electronic
21 surveillance, things of that nature.

22 Q Now, the field of electronics media, can you tell us
23 how that has developed or evolved over the years into
24 actual digital analysis?

25 A Well, years ago, everything that had any kind of

1 video or audio was either on cassette tape or a VHS tape
2 and pretty much all of the evidence we got back then was
3 on one of those two formats. Now, what you see when stuff
4 comes in, it's not on a VHS tape or audiotape, it's on a
5 CD-ROM or a flash memory drive, so everything is meant for
6 a computer, if you will. So it's gone from an analogue
7 format which was good but not great to a digital format
8 which can be great, but sometimes not good. But it's
9 easier to typically manipulate and get the picture from
10 like versus what it was in the old days with the VHS
11 tapes.

12 Q And what type of equipment or tools do you have
13 available at the State Law Enforcement Division to review
14 video surveillance evidence such as inside a store or a
15 residence that has video surveillance, anything of that
16 nature?

17 A So typically what we have is just a very big, very
18 powerful, very high-speed, high-capacity computer and the
19 computer has a software on there called Freeze Frame.
20 It's by a company called Signalscape. They're a video
21 forensic software company and they trained us to do the
22 analysis of the tapes. So, essentially, the computer does
23 all the work. It processes the material when it comes in.
24 Of course, we're telling it what to look for, what to do
25 and what screen shots to capture, but it's a software

1 issue. So we can download either the media from, again,
2 the CD-ROM or the memory chip and in some cases we do have
3 some old VHS tapes coming through, but there's also a port
4 for that. So, essentially, we are ripping, as it's
5 called, the original video and placing it on a computer,
6 and then capturing our shots and video from that.

7 Q And you mentioned the software. If you could state
8 again for the record what type of software is used for
9 your forensic digital analysis?

10 A So we, again, we use, it's a program called Freeze
11 Frame. There are some other associated programs from the
12 same company which is called Signalscape and they're out
13 of Raleigh, North Carolina. They're a video forensic
14 analysis, a software company. Our software is designed to
15 do certain things only. When we have the original image
16 of it comes in, we may have a final product that is zoomed
17 in or the brightness is changed somewhat to get a better
18 picture. But the software, unlike some things you can buy
19 in the store, unlike Photoshop, it doesn't change the
20 picture. We have no ability to change the picture which
21 is very important in forensics. It just allows us to put
22 a circle around something or change the brightness or the
23 contrast, if you will, but it doesn't allow you to change
24 the picture to something better than what it was.

25 Q So just to clarify. Does the image itself actually

1 change?

2 A You know, no, the image does not change. Again,
3 we're not adding anything to it or taking anything from
4 it. But what you may see is if I take a screen shot of
5 the whole screen and the next shot I take may be zoomed in
6 a certain portion of the screen. So again, we're not
7 losing or creating evidence; we're just taking a picture
8 of what's on the screen either far or close away.

9 Q Agent West, have you testified previously as an
10 expert in the field of technical services?

11 A Yes, ma'am.

12 Q And given modern technology, would technical services
13 include forensic analysis of video evidence?

14 A Yes, ma'am.

15 MR. MAYES: All right. Your Honor, at this time, the
16 State offers Agent West as an expert in the field of
17 technical services to include forensic analysis of digital
18 evidence.

19 THE COURT: Any voir dire for him?

20 MR. CHANDLER: No, sir.

21 THE COURT: All right. The Court will find that Mr.
22 West has been trained sufficiently and experienced in the
23 field of technical service, but particularly with a focus
24 on forensic analysis and videos. He can offer opinions to
25 that end.

1 Q I'm going to ask you to take a look at an item, Agent
2 West, and ask you whether or not you recognize that item?

3 A Yes, ma'am; I do.

4 Q How so?

5 A This is a disc that I created. It's the images that
6 are saved onto the disc that were captured from the video
7 provided me in this investigation. So the disc is going
8 to have the videos on there, as well as the pictures from
9 the screen shots of the particular case.

10 Q All right. And you mentioned a video provided to
11 you. You're in Edgefield County, but are you familiar with
12 whether or not you received a videotape of surveillance
13 that was conducted at the Coastal Station in Johnston,
14 South Carolina on February 24th of 2015?

15 A Yes, ma'am. And it was in a, it was in a, like a
16 Windows media or a computer-style format. It wasn't an
17 actual tape. It came to us in a computer format.

18 Q All right. And you are an agent with statewide
19 jurisdiction?

20 A Yes, ma'am.

21 Q Are you familiar with whether or not the City of
22 Johnston is within Edgefield County?

23 A Yes, ma'am; I am.

24 Q Is it?

25 A Yes, ma'am.

1 Q I'm going to ask you to take a look at these items.

2 One moment, please.

3 A Yes, ma'am. I recognize these.

4 Q All right. And as to the State's Exhibit 21, 24, 25,
5 26, 23, 18, how do you, and 22.

6 A Yes, ma'am.

7 Q How do you recognize these items?

8 A This is work product that I produced from the videos
9 that I obtained in this evidence. And what work product
10 means is these are going to be screen shots that were
11 captured from the video, and then printed out on our
12 printer at SLED.

13 Q All right. And do they bear any markings by you?

14 A You'll find my initials on the bottom of the evidence
15 sheet, and then a date of when I printed off these
16 photographs.

17 Q All right. So those are actual still shots from the
18 video surveillance at the Coastal Station?

19 A Yes, ma'am.

20 Q And I also want to show you what is State's Exhibit
21 27.

22 A Yes, ma'am.

23 Q What is that?

24 A This is going to be a color diagram. If you print
25 something off, sometimes you want to print out a color

1 chart to show what your printer is doing. Printers do
2 different things. They print colors in different ways and
3 monitors show colors in different ways. So if you're
4 going to produce some pictures, it's good to have a
5 comparison of hey, this is what red looks like or this is
6 what blue or black looks like.

7 Q All right. And you provided those materials, as
8 well?

9 A Yes, ma'am.

10 MS. MAYES: Your Honor, at this time, the State would
11 offer 27, as well as 22, 18, 23, 26, 25, 24, and 21 as
12 evidence.

13 THE COURT: Any objection?

14 MR. CHANDLER: No objection, Your Honor.

15 THE COURT: All right. These Exhibits 21, 24, 25,
16 26, 23, 18, 22 and 27 are admitted without objection.

17 (Whereupon, State's Exhibits 21, 24, 25, 26, 23, 18,
18 22 and 27 were admitted into evidence.)

19 MS. MAYES: And State's Exhibit, I believe, that's
20 93. The videotape converted to DVD.

21 REPORTER: Is that in evidence, though, or you--

22 MS. MAYES: Offered as evidence.

23 THE COURT: I thought that was already in, was it?

24 REPORTER: I've marked it, but we haven't put it in.

25 THE COURT: From this morning and that's the one

1 we've seen already the --

2 MS. MAYES: Let me clarify, Your Honor.

3 THE COURT: All right.

4 Q Again, as to that particular CD, what does that
5 contain?

6 A This CD contains images and pictures and, that I
7 pulled from the original video. In fact, there is a copy,
8 there was a video on the CD, as well.

9 Q All right. And that original video, let me clarify,
10 was from the video surveillance and has now been converted
11 to DVD or CD format?

12 A Yes, ma'am.

13 THE COURT: And these are duplicative. We've already
14 got the video in and it's on that CD also and the images
15 that are 21 through 28 are the ones he, he's just put on
16 are also on that CD?

17 MS. MAYES: Yes, sir, Your Honor. To be published.

18 THE COURT: Is there any, is there any need to put
19 both of them in there? I mean you got the photographs in
20 and they're on the CD also. Is that not putting two
21 things in?

22 MS. MAYES: We just ask permission to publish via
23 high definition television. Now, with that said, we don't
24 necessarily have to offer it as evidence if there's no
25 objection to publishing it via television.

1 THE COURT: All right. I don't find any prejudice in
2 doing it that way. I don't see any need to put 93 since
3 it's already in two different ways. So you can publish it
4 that way. Y'all understand, I think I understood. The
5 video we watched is the store video gets in on another CD.
6 It's duplicated on this CD. The pictures that we've just
7 gone through and admitted are also on that CD. Y'all
8 going to see them on the television monitor. It's a
9 complicated thing, isn't it?

10 MS. MAYES: And, Your Honor, the witness may step
11 down?

12 THE COURT: He may.

13 AGENT WEST: Thank you.

14 Q All right. Put, pause it right here and step out of
15 the way. Agent West, what are we looking at at this point
16 in time on this videotape?

17 A So this is one of the video's that's from the store.
18 You got a lot of stores and hometown have security systems
19 and sometimes the resolution of the picture quality is not
20 that great, versus the quality or the system was just not
21 that good. And this is one of the images and video's
22 received from the system from the store and it looks like
23 it's on the, if you're facing the building, it's on the
24 right-hand side and it's kind of high so it looks down
25 upon it. And during this video, you see the individual

1 walk in the store and walk back out from the store towards
2 the car.

3 Q All right. And what, if anything, is noted at this
4 time, 7:32:16 regarding the footwear of the subject shown
5 in the video surveillance?

6 A So the footwear is important for us in this case for
7 many reasons. One of which is that when we try to analyze
8 video, we try to get the best picture possible. And if
9 that can't happen, you try to get the shape of the body
10 and sometimes the resolution is even worse than that. In
11 this case, we really had to go on his footwear. We could
12 see a particular design on the shoe, on the bottom portion
13 of the shoe and also on the middle portion for the top of
14 the shoe, a design of that particular footwear and the
15 coloring of it.

16 Q All right. And if you could, please, show us what
17 you are referring to on the screen?

18 A And there is a closer shot of that, but do you see
19 the footwear with, a pattern up here. And then a white
20 portion, and a colored portion, another white portion
21 broken up on the bottom sole of the shoe.

22 Q I am pulling up a photograph and step aside and ask
23 you to describe what we're looking at in this photograph?

24 A So again, this is an image captured from the video.
25 This is going to be a different camera than the one you

1 just saw. However, what we did in this particular picture
2 again is we take the original image and we allow it to
3 zoom in and highlight the feature. Again, here we show
4 this individual and the particular, the shoe type, what
5 type of shoes they were and the color and the pattern of
6 the bottom of the shoe.

7 Q All right. And I'm going to step aside and ask you
8 what we're looking at in this photo to the right?

9 A Again, this is on the right-hand side. It's going to
10 be another photograph in the collection of stills, it's a
11 different angle, if you will, of a different direction of
12 travel. And what you'll see is not only the inside of one
13 foot but the outside of the other foot in here. We
14 couldn't get a face like in the other photo, so we wanted
15 to get the next best identifier which is definitely the
16 shoes or some kind of clothing.

17 Q All right. And if you could depict exactly what
18 we're looking at there in terms of any differentiation in
19 shoe color in that photograph?

20 A Again, you can see the sole of the shoe. Sometimes,
21 the way video works if you notice it's kind of square and
22 blocky, so you may lose things in one frame versus
23 another. So one frame may show you a particular shape, or
24 patter, or color versus another frame. It's still there,
25 it's just the video is the way it happens to be there in

1 one frame-to-frame. But that one on the right, then you
2 see the break or the pattern of the white sole of his
3 shoes, there's some coloration there and a continuation of
4 the white sole of his shoe.

5 Q I'm going to ask you to step forward and actually
6 point to that area on the television screen?

7 A So here was his sole. Here is one side of the foot
8 of an exterior shoe and here's the inside of another foot
9 and you can see the sole and the pattern.

10 Q All right. I'm going to ask you specifically, Agent
11 West, what we're looking at here in terms of the bottom
12 area of the shoe from that angle?

13 A Again, this is going to be an original picture from
14 the video. Shots from the end points and zoomed in,
15 showing the subject. And then, again, you see the shoes
16 on the bottom with a pattern, it shows the pattern on the
17 side is also the pattern in the sole.

18 Q Thank you. You may return to your seat.

19 MS. MAYES: Beg the Court's indulgence?

20 THE COURT: Yes, ma'am.

21 MS. MAYES: Nothing further from Agent West at this
22 time, Your Honor.

23 THE COURT: Your witness.

24 CROSS-EXAMINATION

25 By Mr. Chandler:

1 Q How are you doing today, sir?

2 A Good, sir.

3 Q Do either one of those pictures that you just
4 viewed--

5 A Yes, sir.

6 Q -- did you, could you see any shoelaces in those
7 shoes?

8 A No, sir.

9 Q Why?

10 A Because, again, resolution and if we think of
11 resolution that you look at your, even nowadays your
12 phone, the phone you have today versus the phone you had
13 five years ago, the resolution, the pictures are so much
14 better. In security systems, they're digitally recorded.
15 So when you think of digital stuff, you think of basically
16 blocks, okay? So the way they store the data is affected
17 in two ways. Is the camera good enough with a high enough
18 resolution to pick up very fine detail of something, and
19 then it goes beyond that. Is the recorder capable of
20 recording the big blocks versus the small blocks? The
21 small blocks finer detail. The more blocks you have, the
22 better it looks or big blocks, because it's just is the
23 way it stores. Some of your security systems out there
24 we've seen on TV, especially the shows that you see on the
25 weeknights, the CSI stuff, they zoom in and get all of

1 this kind of cool stuff. That's just not there in our
2 world because of the way things record. It's not as clear
3 as you would think. In this case, the video of the store
4 is, the resolution is not incredibly good. You notice
5 when you watch it or look at the photographs that
6 everything is kind of blocky and that just shows that it's
7 poor resolution. So based upon that, you lose some of
8 those fine details like the shoelaces. You would see the
9 shoe, you see the sole, but you would not see the laces or
10 something finer than that.

11 Q So you wouldn't, you wouldn't, you can't tell on the
12 video if the laces were in or out of the shoes?

13 A I can't tell that, sir.

14 MR. CHANDLER: No further questions, Your Honor.

15 THE COURT: Okay. You can step down.

16 AGENT WEST: Thank you, sir.

17 MS. MAYES: Your Honor, the State would ask
18 permission to release Agent West to return to Columbia.

19 THE COURT: Any objection.

20 MR. CHANDLER: No objections, Your Honor.

21 AGENT WEST: Thank you, sir.

22 MS. MAYES: As well as Mr. Hedges back to Oregon.

23 THE COURT: I think I already released him.

24 MS. MAYES: Your Honor, at this time, the State does
25 rest.

1 THE COURT: All right. I got a few legal matters to
2 deal with on the record. Let me make sure I got the
3 witnesses here and would y'all mind a little bit longer
4 lunch break. Let's go in between now and say 1:00? Come
5 back here at 1:00 and we start back at 1:00 o'clock?

6 (Whereupon, the jury was excused from open court for
7 a lunch break.)

8 THE COURT: All right. The State's rested. Mr.
9 Chandler, do you want to make any motions at the end of
10 the State's case?

11 MR. CHANDLER: Yes, sir. I would ask for a directed
12 verdict.

13 THE COURT: All right. And that would be an
14 appropriate motion and you're asking for a directed
15 verdict on the State's failure to meet the burden of proof
16 in providing facts, evidence as to each of the elements of
17 all four of the indictments and those being burglary
18 first; kidnapping; criminal sexual conduct, first; and
19 strong arm criminal robbery. Is that correct?

20 MR. CHANDLER: Yes, Your Honor.

21 THE COURT: The State, I'm sorry. The Court has
22 taken copious notes and based upon my review of the notes
23 and I reviewed them this morning with particularity and
24 before this morning, testimony. The State has provided
25 more than ample facts to create questions of fact for the

1 jury to consider on whether or not the State has proved
2 beyond a usual doubt all four of those charges. But the
3 Court's threshold is, is there any evidence to submit to
4 the jury and the Court finds that there is and so
5 respectfully I'm denying your motions on all four for
6 directed verdict on those issues. All right. Anything
7 else?

8 MR. CHANDLER: No, that's all, Your Honor.

9 THE COURT: Okay. All right. Now, we talked earlier
10 about making certain that we were very efficient using our
11 time to acquire the witnesses that Mr. Chandler needs help
12 on and Mr. Drylie had already made some arrangement for
13 those prior to taking the last testimony, can the
14 Solicitor's Office help us acquire the others this
15 afternoon?

16 MS. MAYES: Yes, we can, Your Honor, and we will be
17 making arrangements over lunch to get that taken care of.

18 THE COURT: All right.

19 MS. MAYES: Also wanted to mention that there is the
20 matter of judicial notice concerning sunrise which the
21 State, we're requesting the jury be charged on that. It's
22 fine with the State to do that during the jury charge.

23 THE COURT: Okay.

24 MS. MAYES: As to the stipulation regarding the
25 toxicology results, the same. We have no objection to

1 doing that at the time of the jury charge.

2 THE COURT: All right. And that will be done during
3 the jury charge. Okay. All right. We'll stand at ease
4 until 1:00. If something else comes up, I'll be back here
5 before 1:00. I'm not going to come in the courthouse at
6 12:59. I'll be back here before.

7 MS. MAYES: Just to clarify, Your Honor. The
8 officers that we will be requesting for this afternoon are
9 Investigator James Smith, Deputy Wash, Investigator
10 Morris, who's present in the courtroom, Detective Phillip
11 Ireland, and Deputy Tracy Wood.

12 THE COURT: Is that correct?

13 MR. CHANDLER: Yes, Your Honor.

14 THE COURT: Okay. All right. We'll be ready to go
15 at 1:00.

16 (Whereupon, a lunch break was taken.)

17 THE COURT: All right. We all ready?

18 MS. MAYES: The State is ready, Your Honor. We have
19 an update. We have located four of the five officers and
20 it's Deputy Wood that we have attempted contact with and I
21 don't think there's confirmation yet that we have him, but
22 we are still working on it.

23 THE COURT: Okay. Call who we've got available. You
24 ready, Mr. Chandler?

25 MR. CHANDLER: Yes, sir.

1 THE COURT: All right.

2 MS. MAYES: And if we can know who the first witness
3 is?

4 MR. CHANDLER: I would like to call my first witness,
5 Alvin Stevens.

6 MS. MAYES: Okay.

7 THE COURT: Stevens. Bring the jury in.

8 (Whereupon, the jury came into open court at
9 approximately 1:02 p.m.)

10 MS. MAYES: Your Honor, one matter.

11 THE COURT: Yes, ma'am. Can we do it later? I want
12 to keep things moving, because I'm pushing, I don't want
13 to see y'all Saturday morning.

14 MS. MAYES: Can we approach?

15 THE COURT: Yeah, real quick.

16 MS. MAYES: And, Mr. Chandler.

17 (Whereupon, a bench conference was held in the
18 presence of the jury but out of the hearing of the
19 jury.)

20 THE COURT: All right.

21 MR. CHANDLER: Your Honor?

22 THE COURT: Yes, sir.

23 MR. CHANDLER: The Defense calls Alvin Stevens.

24 THE COURT: Mr. Stevens, come forward to be sworn.

25 ALVIN STEVENS, being

1 first duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 By Mr. Chandler:

4 Q How are you doing today?

5 A Doing well.

6 Q Do you know who I am?

7 A Yes.

8 Q Who am I to you?

9 A My nephew.

10 Q All right. During February of 2015, did I work for
11 you?

12 A Yes.

13 Q How did I get to work?

14 A I pick you up.

15 Q And where did I live?

16 A Sometime, I pick you up from your dad's house.

17 Sometime, I pick you up from your sister's house.

18 Q And where was my sister's house?

19 A In North Augusta.

20 Q And where is your job?

21 A North Augusta.

22 Q When would you pay me?

23 A When I get paid.

24 Q So on the Friday before this incident, did you pay
25 me?

- 1 A No.
- 2 Q May I, did you get any source of income from that
- 3 Friday?
- 4 A Yeah, I got the check, but I didn't pay you till that
- 5 Friday.
- 6 Q You didn't?
- 7 A Not that Friday.
- 8 Q So we didn't work?
- 9 A Yeah, we worked.
- 10 Q We worked that week?
- 11 A Yeah.
- 12 Q And you didn't pay me that Friday?
- 13 A I didn't get my check. I got my check, but I didn't
- 14 cash it till Monday.
- 15 Q You didn't cash the check till Monday?
- 16 A Uh-uh.
- 17 Q Can I remind you and to refresh your memory?
- 18 A Go ahead. Yeah.
- 19 MR. CHANDLER: May I approach?
- 20 THE COURT: Yes, sir.
- 21 Q On what day did you cash this check?
- 22 A That day right there.
- 23 Q How much was it for?
- 24 A \$225.00, there supposed to be another one, too.
- 25 Q Okay. So this incident happened on the 24th which

1 was a Tuesday. If you count back from Tuesday, from the
2 24th, Monday the 23rd, Sunday the 22nd, Saturday the 21st,
3 Friday the 20th, Thursday the 19th. Did you cash the
4 check on the 19th? That's just to refresh your memory?

5 A Yeah, they got it right here. I guess I got you
6 there.

7 Q All right.

8 A Got it right here.

9 Q All right. Thank you. And you paid me when you got
10 paid?

11 A Yes.

12 Q Did you, on the day before this incident on February,
13 24th, 2015, the day before, the 23rd, that Monday, did you
14 come to my residence with my sister?

15 A Yes.

16 Q And did you pay me on that Monday?

17 A Yes.

18 Q And that Monday would have been the 23rd?

19 A I guess so. I don't know.

20 Q How many checks did you receive on the, that day?

21 A For what day?

22 Q Did I work with you?

23 A Yes.

24 Q Okay.

25 MR. CHANDLER: Can I approach him?

1 THE COURT: Yes.

2 Q What date did you cash this check?

3 A Well, it's got it right here.

4 Q That's the date, on the 23rd right there, right?

5 A I guess. I mean, that's the check you cashed, ain't
6 it?

7 Q How much was it?

8 A It's \$450.00.

9 Q And the 23rd was Monday. Okay. And that's the same
10 date you cashed another check on the 23rd?

11 A Yeah.

12 Q How much was it?

13 A \$425.00.

14 Q So you got two checks on that Monday for that money.
15 You paid me, though. You paid me after you got paid?

16 A Yeah.

17 Q All right. Do you work on a schedule?

18 A No, sir.

19 Q So what is it like, does it run, does it run
20 fluently? Does it continuously run, though, due to people
21 dying?

22 A Yes.

23 Q So you had no schedule, but it's just like on-call?

24 A That's right. Yeah.

25 Q Okay. Can you tell me whose number this is?

1 A That's my number.

2 Q And you text me on that Monday, I mean that Tuesday
3 morning?

4 A Yes.

5 Q At what time?

6 A At 10:00 a.m., 10:01 a.m.

7 Q And what did you say?

8 A We got to work, man. Call me ASAP.

9 Q That was 10:00.

10 MR. CHANDLER: Your Honor, I'd like to enter these
11 exhibits into evidence.

12 THE COURT: You object to those coming in? Need to
13 mark with a number, so I think that'd be 6, 7, 8, 9.

14 MS. RADLEIN: Your Honor, this is the three checks
15 but in terms of the last document, I'm not sure what it
16 was, but I would object to that.

17 THE COURT: I'm not sure what it was either. You got
18 to show them a copy of it, so they can see it.

19 MS. RADLEIN: We would object to, it's a photograph
20 of a phone with a text message on it.

21 THE COURT: Well, what's the purpose of that
22 photograph of a phone with a text message in it?

23 MR. CHANDLER: This is just to verify that we were
24 going to on-call.

25 THE COURT: I don't think the State's going to

1 challenge that. I think the three checks are sufficient
2 to do that and his testimony is sufficient to prove the
3 other. But I'll allow the three checks to be numbered,
4 is it 6, 7, 8?

5 REPORTER: Yes, sir.

6 THE COURT: And I will not allow the photograph of
7 the cell phone face. It's not relevant.

8 (Whereupon, Defendant's Exhibit 6, 7 and 8 were
9 marked for identification.)

10 THE COURT: 6, 7, and 8 are in without objection.
11 And all of those exhibits are coming in. Y'all get to
12 have those in the jury room and examine them as closely as
13 you like, folks.

14 Q So just to verify, you did pay me on that Friday and
15 that Monday?

16 A Yes.

17 MR. CHANDLER: I rest, Your Honor.

18 THE COURT: That's all the questions you got?

19 MR. CHANDLER: I rest, Your Honor.

20 THE COURT: Okay. Any questions, Ms. Radlein?

21 MS. RADLEIN: Briefly, Your Honor.

22 CROSS-EXAMINATION

23 By Ms. Radlein:

24 Q Mr. Stevens, where is Mr. Chandler's father's house?
25 You mentioned you picked him up from there.

1 A It's in Johnston.

2 Q Do you know the address?

3 A No, I don't know the address.

4 Q Do you know what street it's on?

5 A I don't know the name of that street, but I know
6 where it's at, but I don't know the name of the street.

7 Q And real quickly. You testified on direct that you
8 paid the Defendant. Did you give him your entire check?

9 A No. No.

10 Q Did you know him to live with his father on May
11 Street?

12 A Yes, ma'am.

13 Q And would that be during the time period in February
14 when you were with him?

15 A I probably, I think I picked him up probably one or
16 two times from there.

17 MS. RADLEIN: That's all, Your Honor.

18 THE COURT: All right. You may step down.

19 MR. STEVENS: Thank you, sir. All right. I can
20 leave?

21 THE COURT: If you like. All right. Call your next
22 witness.

23 MR. CHANDLER: The State calls Walker Posey.

24 THE COURT: The Defense calls him.

25 MR. CHANDLER: The Defense calls Walker Posey.

1 WALKER POSEY, being
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 By Mr. Chandler:

5 Q How are you doing today, Mr. Walker?

6 A I'm doing well. I'm doing well.

7 Q I was going to ask you where do you work?

8 A I work at Posey Funeral Directors in North Augusta,
9 South Carolina.

10 Q And what's your position?

11 A I'm the managing director there.

12 Q And do you know Alvin Stevens?

13 A I do.

14 Q Does he work for you?

15 A He's a contract employee, so he works on a as-needed
16 basis when we call him in.

17 Q Is it pretty constant?

18 A It depends on the, you know, our volume. But yeah,
19 he's a regular individual we contract with.

20 Q Okay. How long has he been working for you?

21 A Several years. I'd say probably at least five years.

22 Q And do you know any history of him before that five
23 years with doing his type of work?

24 A Alvin has been doing this kind of work for several
25 years. He worked for a different company before he

1 started his own.

2 Q Okay. Do you know who I am?

3 A I don't.

4 Q Do you remember me working with Alvin around 2015,
5 and do you know what --

6 THE COURT: Just ask him one question at a time.

7 Okay. Don't be asking five questions. Ask him one.

8 A I don't specifically remember you. I mean, no.

9 Q Do I look like my uncle?

10 A Is Alvin your uncle?

11 Q Okay.

12 A I mean, I don't know.

13 Q Let me refresh your memory.

14 A Sure.

15 Q Around the time, do you know Tommy?

16 A I know a gentleman named Tommy who Alvin, used to
17 work with Alvin.

18 Q Okay. Do you know what happened to him?

19 A I think he passed away.

20 Q He was pretty young, though, right?

21 A Correct.

22 Q Okay. So he passed away what, 2012?

23 A I don't know the, I don't know the year.

24 Q But after he passed away, did Alvin have to go get
25 more help?

1 A Alvin brings in different people on a regular basis.

2 Q Now?

3 A Even now, correct. He brings his own people. He
4 contracts with whoever he wants to bring in to help them.

5 Q Yeah, for like the last year or two years, it just
6 been different people?

7 A He has a couple of folks he brings on a regular
8 basis. But he has brought, and depending on our volume
9 and how much help he needs, he'll call in additional
10 folks.

11 Q What's the guy with the dreads that works with him?
12 What's his name?

13 A I don't know. I just know his brother is there on a
14 regular basis.

15 Q Wendell Stevens and Stacy Stevens?

16 A I know a guy named Big'un, is his nickname.

17 Q Who?

18 A Big'un.

19 Q Light-skinned, tall?

20 A A tall fellow.

21 Q Kind of big?

22 A A tall, big fellow.

23 Q That's my uncle.

24 A Okay.

25 Q Okay. I was just calling you up here to verify, did

1 Alvin work for you?

2 A He does.

3 Q Okay.

4 A Like I said, as a contract employee; yes, he does.

5 Q Okay. Thank you.

6 A You're welcome.

7 CROSS-EXAMINATION

8 By Ms. Radlein:

9 Q Good afternoon, Mr. Posey.

10 A Good afternoon.

11 Q And if I understand correctly, you are affiliated
12 with Posey's Funeral Home, correct?

13 A Correct.

14 Q All right. And if you could tell us exactly what
15 your job description is there?

16 A So, I'm a funeral director, a licensed embalmer. I'm
17 the manager of the location. My father and I own the
18 business together.

19 Q All right. Can you tell us who Alvin Stevens is in
20 relation to--

21 A Sure.

22 Q -- Posey's Funeral Home?

23 A Alvin is the contractor that does our cemetery tent
24 and equipment set ups. He opens the graves for us in
25 certain cemeteries. He installs our burial vaults.

1 Q Okay. And when you say opens graves, you're
2 referring to actually digging some of the graves?

3 A Physically, correct.

4 Q Okay.

5 A Correct.

6 Q And when you hire someone such as Alvin to do that
7 type of work, does it sometimes require an additional crew
8 member?

9 A It does.

10 Q And have you known through the years whether or not
11 Alvin Stevens sometimes had additional crew members
12 working with him?

13 A I have. Yeah, he has had additional crew members
14 working for him from time to time.

15 Q And your checks from Posey's were always cut directly
16 to Alvin Stevens, correct?

17 A Correct.

18 Q And not to any crew members that he may hire,
19 correct?

20 A Correct.

21 Q So that's something he does on the side to assist
22 him.

23 A Correct. As I said, he's a contract employee, so
24 he's responsible for any costs he incurs if he needs extra
25 help.

1 Q All right. And so if any checks were written in the
2 month of February of 2015 or really any previous months
3 from Posey's Funeral Home, they would have been written to
4 the name of Alvin Stevens, correct?

5 A Correct.

6 Q And for Alvin Stevens to cash?

7 A Correct.

8 Q So there were never any checks written to Edward
9 Terrell Chandler, Defendant in this case.

10 A No, ma'am.

11 Q And you say you haven't personally met Mr. Chandler
12 before today?

13 A I don't want to say that. If he's worked on a
14 service, then I have definitely met him before. We have
15 had so many services over the last, you know, two years,
16 that, you know, I wouldn't necessarily recognize offhand
17 everyone who Alvin, has worked for Alvin.

18 Q And you don't have any personal knowledge as to what
19 percentage of a check written to Alvin Stevens he may pay
20 to additional crew members?

21 A I have no idea.

22 Q Or to the Defendant, Mr. Chandler?

23 A Correct, I have no idea.

24 Q And you wouldn't know what denomination of bills he
25 paid him in either as to whether that's 100's, 20's, 50's,

1 anything of that nature?

2 A No, ma'am.

3 Q So just to clarify. There's no check from Posey's
4 that he would have been cashing in February of 2015 in his
5 name?

6 A Correct.

7 THE COURT: Any redirect?

8 MR. CHANDLER: Yes, sir.

9 REDIRECT EXAMINATION

10 By Mr. Chandler:

11 Q Mr. Posey--

12 MR. CHANDLER: May I approach?

13 THE COURT: Sure.

14 Q Do you recognize those checks?

15 A Yes.

16 Q Can you tell me who signed off on those checks?

17 A My sister, Melissa, it looks like my sister, Melissa
18 Lou signed those checks.

19 Q How much is this check for?

20 A \$225.00.

21 Q And how much is that?

22 A \$425.00.

23 Q And how much is that?

24 A \$450.00.

25 Q So, approximately how much altogether is that?

1 A Well, it would be six, and little less than \$1000.

2 Q Right close to it, though?

3 A Sure.

4 Q Okay. Let me ask you one more question. When you go
5 inside your funeral home, when you pull in the --

6 THE COURT: That's outside the scope of what she
7 asked. I don't know what his funeral home is set up has
8 anything to do with this case, it hasn't been mentioned
9 before. He's just a funeral director. Relevance is an
10 issue for me.

11 MR. CHANDLER: Okay. No further questions for him.

12 THE COURT: You may step down.

13 MR. POSEY: Thank you. Appreciate it.

14 THE COURT: Call your next witness.

15 MR. CHANDLER: Your Honor, Defendant calls Adrena
16 Chandler.

17 MS. MAYES: Okay. Your Honor, may we approach?

18 THE COURT: You may.

19 (Whereupon, a bench conference was held in the
20 presence of the jury but out of the hearing of the
21 jury.)

22 THE COURT: All right. Folks, this next witness is
23 named Adrena Chandler. She wasn't on the original witness
24 list. By raising of your hand, I don't want anything
25 other than that, is anyone related by blood or marriage,

1 close personal friends to her or anything?

2 (Whereupon, no response from the jury.)

3 THE COURT: All right. Come up, Ms. Chandler. For
4 the record, no jurors raised their hands to that question.

5 ADRENA CHANDLER, being
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Chandler:

9 Q How you doing?

10 A Fine.

11 Q Where do you live?

12 A Where do I currently live?

13 Q Where did you live in 2015, February?

14 A In North Augusta; [REDACTED].

15 Q Shelley North Court. Did I live with you?

16 A You did.

17 Q Did I work on a daily basis?

18 A You worked when you were needed.

19 Q On the night before this arrest, did you let me
20 borrow your car?

21 A I did.

22 Q Around what time was that?

23 A I don't know what time it was. I was asleep, but I
24 did give you my keys to my car.

25 Q So it was late?

1 A Yes.

2 Q What did I ask you to borrow your car for?

3 A To go see a girl down 25.

4 Q Who all lived with you at that moment?

5 A It was me, my fiancé, my two kids, and you.

6 Q Earlier that day, earlier that day on the 23rd before

7 that night when I got the car --

8 A Yes.

9 Q Did you see me, did, did you, did me and your fiancé

10 go anywhere together?

11 A Y'all did.

12 Q Where did I tell you, where did I tell you we was

13 going?

14 A Y'all went to the pub on Broad Street.

15 Q In Augusta?

16 A In Augusta.

17 Q And can you tell me who offered?

18 A Offered what?

19 Q Offered to go?

20 A Oh, my fiancé.

21 Q Okay. So when I was arrested, I was in your car,

22 right?

23 A Yes.

24 Q And they towed your car; the State towed your car,

25 didn't it?

1 A Yes.

2 Q When you came to get your car, was it, had it been
3 searched?

4 A Yes.

5 Q Did you receive any search warrant?

6 A No.

7 Q You didn't?

8 A No, I did not.

9 Q Did you come and pick up anything from a officer or
10 anything before that?

11 A Before, no.

12 Q Did, you want me to refresh--

13 A No.

14 Q I'll refresh your memory.

15 MR. CHANDLER: Your Honor, can I go up there?

16 THE COURT: Sure. Go ahead.

17 Q I'll refresh your memory.

18 A Well, if you talking about the paper that I had to
19 sign?

20 Q Yeah.

21 A Yeah, I got myself there.

22 Q And what you had gotten? I mean, what did you get?

23 A My keys and my key chains and something.

24 Q Did they give you any kind of inventory list of,
25 before the search warrant and before they searched your

1 car to show you things that was in your car?

2 A No, I got nothing.

3 Q And you didn't get a search warrant either?

4 A No, I didn't even get a call.

5 Q You got nothing?

6 A Nothing.

7 Q Well, the night before my arrest, I, can you tell me
8 what happened again?

9 A Yeah. You and my fiancé, y'all went to the pub on
10 Broad Street in Augusta and shot pool and whatever. Y'all
11 came back and that was that and then after we were asleep,
12 you came and asked me for my keys, and I gave you my keys.

13 Q And why did you give me your keys?

14 A Because you my brother and I mean I--

15 Q Where did I tell you I was going to?

16 A You was going down 25 to a girl's house.

17 MR. CHANDLER: Your Honor, may I approach?

18 THE COURT: You may.

19 Q Can you tell me whose number is that?

20 A That's my number.

21 THE COURT: Ask her does she recognize what you're
22 showing her first.

23 Q Do you recognize what I'm showing you?

24 A Yes.

25 Q What is it?

1 A That's my number and our conversation.

2 Q Okay.

3 THE COURT: All right. Now, you got to show it.

4 MS. MAYES: Your Honor, we would object to
5 authentication through this witness. It looks like
6 multiple text messages.

7 MR. CHANDLER: Your Honor, this is her number. She
8 identified her number.

9 THE COURT: And that's fine. She can say that's her
10 phone number, but what they're saying is, that's not
11 her---

12 MS. MAYES: Your Honor, the objection is we're not
13 clear which text is from her and who the text is to.

14 THE COURT: Let me see it.

15 MR. CHANDLER: If she read them, she'll get to
16 explain who, who's who, Your Honor.

17 MS. CHANDLER: Caleb is my son.

18 MR. CHANDLER: And the juror knows who's who.

19 THE COURT: You can just ask her questions without
20 getting into those messages, because they're kind of hard
21 to follow for me. You can ask her what she did on what
22 day to communicate with you.

23 Q Do you remember me, do you remember texting me, do
24 you remember watching my kids while I was at work?

25 A I do.

1 Q And was it close to the time before my arrest?

2 A Yes.

3 MR. CHANDLER: Your Honor, I want to enter these into
4 as exhibits.

5 THE COURT: Come right over real quick. We can talk
6 on the sidebar.

7 (Whereupon, a bench conference was held in the
8 presence of the jury but out of the hearing of the
9 jury.)

10 MR. CHANDLER: Thank you.

11 THE COURT: I sustain as to the relevancy.

12 Q On the 23rd of February, 2015, first, do you know
13 Alvin Stevens?

14 A I do.

15 Q Who is he to you?

16 A My uncle.

17 Q On the 23rd of February on the 15th, I mean, 2015,
18 did he come to your house?

19 A He did.

20 Q And can you kind of tell me what happened when he
21 came to your house?

22 A He came to my house and, you know, we were talking
23 and stuff and y'all left. Y'all left together.

24 Q Okay. And you might be thinking of a different day.
25 Did he come to your house and say anything about his car

1 problems or anything?

2 A Yeah, he was going out to look.

3 MS. MAYES: Objection to hearsay.

4 THE COURT: Okay. All right. You can't ask her a
5 question to tell you what Mr. Stevens said. You could
6 have asked him when he was here, but you can ask her what
7 she knows and what she said.

8 Q Did Mr. Stevens come to your house and pay me on the
9 23rd the day before my arrest?

10 A Yes.

11 MR. CHANDLER: No further questions, Your Honor.

12 CROSS-EXAMINATION

13 By Ms. Mayes:

14 Q And just to clarify, Ms. Chandler. The vehicle that
15 is in question and that would be the 2001 Honda Civic
16 shown in this photo, correct?

17 A Yes.

18 Q And that's the same Honda Civic that your brother,
19 Mr. Chandler, was driving when he was arrested on the
20 morning of February 24th?

21 A Yes.

22 Q And he had borrowed that car from you at what time
23 approximately?

24 A I don't know. I was asleep.

25 Q Okay.

1 A Everybody in the house was asleep.

2 Q Okay. So it was sometime during the night?

3 A Yes.

4 Q And you recall, I believe your testimony was, that he
5 came to you and asked you for your keys?

6 A Yes.

7 Q And all you know is that was sometime during the
8 night but you don't know exactly when?

9 A No, I don't.

10 Q And then he took your car and ended up in Johnston on
11 the morning of February 24th, correct?

12 A I'm guessing. I don't know where he was at.

13 Q Okay. And your car is the same car that has the
14 Barrett's tag, correct?

15 A Yes and it had, yes.

16 Q And the same car that was in the custody of law
17 enforcement that you had to come pick up after his arrest?

18 A Yes.

19 Q And the May Street address there in Johnston, that's
20 the address of your dad, correct?

21 A Yes.

22 Q And you and Terrell both grew up in and out of that
23 home, staying in that home, as well, correct?

24 A We only stayed there a couple of years. We didn't
25 grow up there.

1 Q All right. That May Street address was actually
2 listed on your paperwork for your car at Barrett's,
3 correct?

4 A Yes. That's because that's what my license had on
5 it.

6 Q So you were actually registered at that address on
7 May Street where your father lives, correct?

8 A Yes.

9 Q And your brother, Terrell, has access to that home as
10 well, correct?

11 A I mean, my dad changed the locks, and I didn't even
12 have a key. So, I mean, my brother didn't have a key
13 neither.

14 Q Your testimony is that your brother, Terrell, didn't
15 have access to the home on May Street?

16 A I mean, I'm pretty sure he did. That's our parents
17 house.

18 MS. MAYES: All right. Nothing further.

19 THE COURT: Okay. Any redirect.

20 MR. CHANDLER: Yes.

21 THE COURT: All right.

22 REDIRECT EXAMINATION

23 By Mr. Chandler:

24 Q Okay. You say that we didn't grow up in that house,
25 did we?

1 A No.

2 Q So there was no possible way for anyone to say that
3 they knew us from--

4 A No.

5 Q There is no possible way, was it?

6 A No.

7 Q Where did we grow up at?

8 A We grew up in Jamaica-Queens, New York.

9 Q Who did we live with?

10 A We lived with my father's father. I mean, father's
11 mother; our grandmother.

12 Q How many, approximately how many years did we live
13 there?

14 A Like seven.

15 Q From what ages?

16 A I went up there when I was three, from three to ten.

17 You came up there when you were, you were three, two or

18 three, and you came up there and then the seven years

19 later. You know, I don't keep up with your age. I mean,

20 I can barely remember mine sometime.

21 Q Okay.

22 MR. CHANDLER: No further questions.

23 THE COURT: All right. You may step down. Call your
24 next witness.

25 MR. CHANDLER: Officer Wood.

1 THE COURT: He may be the one we hadn't located yet.
2 Officer Wood?

3 MS. MAYES: That's correct, Your Honor.

4 THE COURT: Okay. Call one of the other ones.
5 There's three or four police officers that Mr. Chandler is
6 re-calling and the State's trying to locate them and three
7 or four of them are here. So call any of the other ones
8 you like.

9 MR. CHANDLER: Defendant likes to call Officer
10 Morris.

11 THE COURT: Morris, he's sitting in the courtroom.

12 CLERK OF COURT: You're still under oath.

13 THE COURT: Okay. And I'll remind you you're still
14 under oath from your prior testimony.

15 OFFICER MORRIS: Yes, sir.

16 THE COURT: All right. Your witness.

17 DIRECT EXAMINATION

18 By Mr. Chandler:

19 Q How you doing today?

20 A All right, sir.

21 Q Let me ask you, when you conducted a crime scene, is
22 it safe to photograph evidence as is before moving
23 anything?

24 A Is it safe? Yes.

25 Q Is it best to do it but why?

1 A Well, you photograph the evidence as it stands so as
2 you're not showing any contamination.

3 Q So there's no contamination?

4 A So we're not contaminating it.

5 Q So you're not contaminating it?

6 A Correct.

7 Q So you, so would it benefit from things being exact
8 as they were when you come on the scene?

9 A I don't follow.

10 Q You said that you took photographs at Ms. Peterson's
11 house?

12 A Yes, sir.

13 Q What time, around what time did you come there?

14 A You'll have to bear with me just a minute. I do not
15 have a copy of the CAD sheet, so I can't give you the
16 exact time that I got there.

17 Q Did you arrive there when Officer, Investigator
18 Smith?

19 A I was after Investigator Smith.

20 Q After him?

21 A Yes, sir.

22 Q Well, who all was there?

23 A Before I was?

24 Q When you got there?

25 A When I got there, it was Investigator Smith and

1 Officer Grenier.

2 Q Okay. So you were the one who collected the
3 evidence?

4 A Yes, sir.

5 Q Okay. During collecting this evidence, you didn't
6 move anything before you took pictures?

7 A No, sir.

8 Q You removed the binders from her after you took the
9 pictures?

10 A Correct.

11 Q And then you took pictures of the evidence next?

12 A Pictures of?

13 Q The bindings?

14 A Correct. Yes, sir.

15 Q Why did you do it in that format?

16 A You have to take the pictures, you photograph the
17 scene as it is to begin with, what they call a general
18 overall shot.

19 Q And is that normal?

20 A Yes.

21 Q That's what you do in your investigation?

22 A Yes.

23 Q And how long have you been on the force?

24 A I've been with the Sheriff's Office since 2005. I've
25 been in law enforcement since 1997.

1 Q That's a long time. You said you took, you say you
2 fingerprint?

3 A Yes, sir.

4 Q When you fingerprint, what does, well, how do you do
5 it?

6 A First visualize the scene itself as to where you're
7 going to fingerprint, the exact area. Visually check it.
8 After it is checked, then you have to determine what type
9 of powder or how you're going to actually fingerprint that
10 area. And in this case, I used black powder and a brush.

11 Q And when you use the black powder, does anything
12 indicate anything, do it turn a color to indicate?

13 A It just, it's a black powder. It lays over the print
14 itself to show the print.

15 Q And you can see it with your eyes?

16 A Yes, sir.

17 Q You testified and said that there was a smudge on the
18 door. So, therefore, you couldn't get the fingerprint?

19 A Correct.

20 Q Did you record that in any paperwork when you did
21 that?

22 A No, sir; I did not.

23 Q Did you take a picture of it or anything?

24 A No, sir; I did not.

25 Q Okay. But you would take pictures before anything,

1 right?

2 A I take pictures of the scene itself; yes, sir.

3 Q You take a picture of the scene. So if you did that,
4 the fingerprinting, would you not normally take pictures?

5 A I don't understand.

6 Q Would you not, would you normally take pictures after
7 fingerprinting?

8 A No, sir.

9 Q So you don't have to record those?

10 A If fingerprints are located on an item, then those
11 fingerprints are photographed.

12 Q Okay.

13 A If there is no fingerprints there that can possibly
14 be identified, I don't normally photograph that.

15 Q So you don't have no proof that it was a smudge?

16 A No, sir.

17 Q And that's what we ought to go by, your word?

18 A Yes, sir. That's all I have.

19 Q That's all you have?

20 A Yes, sir.

21 Q And is it true?

22 A Yes, sir.

23 Q What time did you leave the crime scene?

24 A Again, I don't have the CAD in front of me, so I
25 can't tell you exactly what time I left.

- 1 Q Okay.
- 2 A I mean, I can give you a general idea.
- 3 Q Okay. You said you took pictures of the shoes?
- 4 A Sorry?
- 5 Q You took a picture of those shoes, didn't you?
- 6 A Yes, sir.
- 7 Q When did you get those shoes?
- 8 A After they were collected by Sergeant Wood.
- 9 Q Right after?
- 10 A Well, I was in my, in the conference room where my
- 11 desk is and they were brought into me there.
- 12 Q Yeah, and that was right after my arrest?
- 13 A Yes, sir.
- 14 Q So you didn't see him, personally see the shoes on
- 15 me?
- 16 A No, sir.
- 17 Q So you don't know whether the shoestrings was in
- 18 there or not?
- 19 A Was in where, in the shoes?
- 20 Q In the shoes.
- 21 A No, sir.
- 22 Q So you took pictures of them, though?
- 23 A Sir?
- 24 Q You took pictures of the shoes?
- 25 A Yes, sir.

1 Q When did you take those pictures?

2 A It would be right after they were collected and
3 brought to me.

4 Q Right after?

5 A Yes, sir.

6 Q And that was approximately what, 8:00 something? My
7 arrest was 7:53.

8 A Yes, sir.

9 Q So to get from there to here, if you, I give you 9:00
10 o'clock to get here to the Sheriff's Department from 25
11 Highway to here?

12 A It would be after the time on the bags themselves as
13 to when it was collected.

14 Q Can you show me what time the bag was delivered?

15 OFFICER MORRIS: Yes, sir. May I step down?

16 THE COURT: Sure.

17 A It's marked here on the bag, marked evidence the date
18 and time of collection--

19 THE COURT: All right. Speak up to make sure we got
20 a record, I can hardly hear you.

21 OFFICER MORRIS: Oh, I'm sorry, sir.

22 THE COURT: So I want him to answer the question.

23 What time did you photograph or collect or something along
24 those lines?

25 Q What time did you collect this bag?

1 A The bag was collected by, the evidence was put in the
2 bag by Sergeant Wood and it was time, date and time, 8:45
3 a.m.

4 Q And then after he did that, did he bring it to you?

5 A It was brought to me; yes, sir.

6 Q Okay. Around 8:45, like 9:00-ish.

7 A It would have been after, yes.

8 Q Okay. Now, did Ms. Peterson tell you that I closed
9 the door behind me when I left?

10 A I didn't get a chance to speak with Ms. Peterson.

11 Q Did you fingerprint the doorknobs?

12 A I fingerprinted the, every part of the door.

13 Q Every part of the door?

14 A Yes, sir.

15 Q And there wasn't nothing?

16 A No, sir. Just one smudge.

17 Q Just a smudge?

18 A Yes, sir.

19 Q And you didn't have the, we just take your word on a
20 smudge that it was something you found?

21 MS. MAYES: Objection, Your Honor. Argumentative.

22 THE COURT: Yeah. He's testified there was only a
23 smudge and a smudge is a smudge. There's nothing of
24 evidentiary value.

25 Q Okay. About 9:00-ish, you were in the Edgefield

1 County Sheriff Department?

2 A Yes, sir.

3 Q And that's when you got this bag from Wood?

4 A Yes, sir.

5 MR. CHANDLER: No further questions, Your Honor.

6 CROSS-EXAMINATION

7 By Ms. Mayes:

8 Q And just to clarify, Investigator Morris, a few
9 things. In this case, was it necessary to move certain
10 items such as removing the bindings from the victim?

11 A Yes, ma'am.

12 Q All right. So evidence was moved in order to free
13 the victim of her restraints, correct?

14 A Yes. Yes, ma'am.

15 Q And the shoes that were placed into evidence by
16 Deputy Wood, immediately after the Defendant's arrest when
17 they came to you had no shoestrings, correct?

18 A Yes, ma'am.

19 Q Now, the booking and search process occurred at what
20 stage, after the shoes were brought to you or before?

21 A Done before.

22 Q All right. So the booking and search process has to
23 take place before you received that item at 8:45 a.m.,
24 correct?

25 A Yes, ma'am.

1 Q And the Defendant was asking you about prints on the
2 door. You didn't find any prints, did you?

3 A No, ma'am.

4 Q And the victim's prints weren't on that door either,
5 were they?

6 A There were no prints on the door, ma'am.

7 Q And she lives there?

8 A Yes, ma'am.

9 Q So it's not always possible to collect a full latent
10 print, correct?

11 A Correct. Yes, ma'am.

12 THE COURT: Anything else?

13 MR. CHANDLER: No, Your Honor.

14 THE COURT: You can step down. Thank you, Officer.
15 Morris.

16 OFFICER MORRIS: Thank you, sir.

17 THE COURT: Call your next one.

18 MR. CHANDLER: The Defendant will like to call
19 Investigator Smith.

20 JAMES SMITH, being
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Chandler:

24 Q How you doing today?

25 A Just fine, sir.

- 1 Q You were the lead investigator in this case?
- 2 A Yes, sir; that is correct.
- 3 Q Is there any reason the State didn't call you?
- 4 A You'd have to ask the State that.
- 5 Q But they didn't call you?
- 6 A No, sir.
- 7 Q But you're the lead investigator?
- 8 A Yes, sir.
- 9 Q Okay. On your incident report, is everything
- 10 accurate on your incident report?
- 11 A Yes, it appears to be correct; yes, sir.
- 12 Q Okay. So you were at, you got it?
- 13 A Yes, sir.
- 14 Q What time did you depart from the crime scene?
- 15 A I would have to look on the CAD sheet for that. I
- 16 have it.
- 17 Q It's not on the incident report?
- 18 A The CAD sheet has the time the call was originally
- 19 dispatched to the Sheriff's Office and the time the last
- 20 unit cleared from the Sheriff's Office. That's not
- 21 necessarily the time I left.
- 22 Q So that's not accurate?
- 23 A It's accurate to when the last unit cleared the scene
- 24 but not from when I left the scene.
- 25 Q So you didn't, you knew what time they left?

1 A It's on the CAD sheet. I don't have the CAD sheet up
2 here, but it's on the CAD sheet.

3 Q So on the 24th, when did you do this report?

4 A The original report was done on the 24th of February
5 2015.

6 Q So why would you, why would it take so long for them
7 to clear the scene?

8 A The crime scene has to be processed. There's a lot
9 of stuff that's got to be gone through, photographed,
10 processed and taking it. It takes a while.

11 Q So you just saying, you would say that they were
12 collecting evidence until around 11:00?

13 A Like I say, I'm not sure what time the scene was
14 cleared. I'm not sure what time that was.

15 Q But that's what you put on there?

16 A This time is the time on the CAD sheet when the last
17 unit cleared the call and not necessarily the time that I
18 left.

19 Q Yeah, you, did you just say, the first question I
20 asked you, did you say that this is accurate?

21 A Yes, sir; it is accurate.

22 Q Okay. But that's not the time?

23 A That's not the time, would have necessarily been the
24 time I would have left the scene.

25 Q So it's not accurate?

1 THE COURT: You asked that question twice. He said
2 when the last unit left as opposed to when he left may be
3 a different time. That's all he's saying.

4 MR. CHANDLER: Okay.

5 Q If you look on the search warrant--

6 A Well, I have several. Which one are you referring
7 to?

8 Q On February 24th, 2015 for the phone.

9 A The one done for February the 24th, 2015 was done for
10 the car.

11 Q It was, you was there, you, you witnessed
12 Investigator Ireland doing the search to the car?

13 A Investigator Ireland and I did the search together.

14 Q You did?

15 A Yes, sir.

16 Q When did y'all search that car?

17 A As it says on the top of the return right here, I
18 received the warrant and executed it as follows on
19 February the 14th at 5:00 o'clock p.m.

20 Q At 5:00 o'clock? How did you know it was 5:00
21 o'clock?

22 A I looked at my watch.

23 Q You looked at your watch?

24 A Yes, sir.

25 Q So if that's accurate at 5:00--

1 A Yes, that would be pretty accurate.

2 Q Pretty accurate.

3 A Yes, sir. When we did the search warrant; yes, sir.

4 Q Did you give Adrena Chandler a search warrant to
5 search the car?

6 A No, sir. As it says the search warrant property was
7 left with suspect's property, is what it says on the
8 return of the search warrant. It says vehicle, but then
9 it also says suspect's property. And since she was not
10 present, it was put in the suspect's property at the
11 Sheriff's office.

12 Q She wasn't even present?

13 A No, she was not present when the search warrant was
14 done.

15 Q Did she come and pick up keys from you?

16 A Yes, sir. I'm not saying it was picked up from me,
17 but it was, she picked up the keys to the car. Yes, sir.

18 Q She didn't pick them up from you?

19 A I'm not sure if it was from me or the other
20 custodian. I'm not sure exactly who she picked them up
21 from.

22 THE COURT: Hang on. Hang on. You talking on top of
23 him. Let him answer your question, and then ask him the
24 next question. Don't stop him and change questions on
25 him.

1 Q So you don't, you're not sure if it was you?

2 A I'm not sure if it was me or the evidence custodian;
3 no, sir.

4 Q All right. What did you do with the phone after
5 seizing it?

6 A Placed it into evidence.

7 Q You placed it into evidence?

8 A Yes, sir.

9 Q Was it on?

10 A I don't recall.

11 Q Did you take this picture?

12 A If that's the picture of the cell phone and the car;
13 yes, sir. I took all the pictures of the car.

14 Q Does it look on?

15 A I see a blank screen.

16 Q All right.

17 MR. CHANDLER: Your Honor, I'd like to introduce into
18 evidence.

19 MS. MAYES: Objection to relevance at this point.

20 THE COURT: This is the phone; that's the picture of
21 the inside of the car?

22 MS. MAYES: Yes, sir, Your Honor.

23 THE COURT: Taken by this witness?

24 MR. CHANDLER: Yes.

25 MS. MAYES: Yes, sir.

1 THE COURT: I will allow it.

2 (Whereupon, Defendant's Exhibit number 9 was admitted
3 into evidence.)

4 Q So that's the picture you took before anybody touched
5 the phone or anything?

6 A Yes, sir.

7 Q So no one entered the phone after it's seized?

8 A No, sir.

9 Q So and, of course, no one entered it before it was
10 seized?

11 A No, sir.

12 Q Why would you say that?

13 A Entered it before it, I mean what you mean before it
14 was seized. It was seized when the car was seized.

15 Q So could nobody, nobody had access to the phone?

16 A The phone was in the car parked in the sally port at
17 the Sheriff's Office.

18 Q Did it come directly to the Sheriff's Office?

19 A Yes, sir. It was towed from the scene to the
20 Edgefield County Sheriff's Office and it was placed in the
21 sally port.

22 Q Was the car secured there?

23 A It was, the door to the sally port was closed. I'm
24 not sure if the doors to the car were locked or not. I'm
25 not familiar with if they were locked or not.

1 Q Okay. You said 5:00 o'clock?

2 A Yes, sir.

3 Q On what date?

4 A On February 24th.

5 Q The same day I was arrested?

6 A Yes, sir.

7 Q Not too long after my arrest?

8 A Well, the arrest was that morning and this was that

9 afternoon.

10 Q The same day?

11 A Yes, sir.

12 Q Okay. So it was at 5:00 o'clock. Okay. You got

13 another search warrant for the items of clothing that you

14 took from this property room?

15 A Yes, sir.

16 Q Okay. Can I ask you what this is?

17 A This would be call detail from TracFone dated

18 February the 23rd, 2015 to February the 25th of 2015.

19 Q Do you see any outgoing calls right there? Can you

20 tell me the outgoing calls right there and what time they

21 were?

22 A Starting at when?

23 Q From the dots, the dot beside it?

24 A Okay. It's February the 24th, 2015 at 8:40, February

25 the 24th, 2015. I'm sorry, 8:40.

1 Q In the morning?

2 A It doesn't --

3 Q It's military time?

4 A Military time. It's in the morning. February the
5 24th, 2015 at 12:40.

6 MS. MAYES: Objection, Your Honor. The item is not
7 in evidence and it's being published.

8 Q Can you, do you have the phone here?

9 A Yes, sir.

10 Q Can you get it for me, please?

11 A The evidence custodian has it.

12 THE COURT: Wait a minute. Wait a minute. You asked
13 him something. You can't just keep going on with it.

14 MR. CHANDLER: Your Honor, may I approach?

15 THE COURT: Yeah.

16 Q Do you recognize what that is?

17 A This is a cellular TracFone with Edgefield County
18 Sheriff's Office on it, and there's a red dot covering up
19 some numbers. I can't make out what those are.

20 Q Okay. So when you seized that phone at 5:00 o'clock,
21 right?

22 A Yes, sir.

23 Q You were alone with Ireland?

24 A Yes, sir.

25 Q So is there any possible way there could be outgoing

1 calls that you just read? What time was it again? What
2 was the first one that you said?

3 A I don't, I don't remember what it was. It's on the
4 sheet, but I don't recall what it was.

5 Q You don't remember?

6 A Without looking at it, I wouldn't know.

7 THE COURT: Wait a minute. You can't trick him. You
8 showed it to him one time, and then you asked him to
9 commit it to memory. That's kind of unfair.

10 Q Can you tell me the time of the outgoing calls from
11 the dots?

12 A Again, starting from the dots--

13 Q Yes.

14 A -- they were at 8:40.

15 Q A.M.?

16 A Yeah, it's military time. It's a.m.

17 MS. MAYES: Objection. Unless this witness is
18 qualified to interpret a phone record from TracFone.

19 MR. CHANDLER: This is the phone record, Your Honor.

20 THE COURT: Well, I see that. Well, I'm going to
21 allow it. Go ahead.

22 Q Can you tell me the other times, A.M. and P.M.?

23 A As I say and it being military time, it's 8:40 a.m.,
24 12:40 a.m., 16:41 which would be 4:41 p.m., 18:42 which
25 would be 6:42 p.m., and 18:55 which would be 6:55 p.m.

1 Q And those are outgoing calls?

2 A It states outgoing call. Direction is it states
3 outgoing.

4 Q But you seized these things and no one entered this
5 phone before 5:00 o'clock?

6 A No one entered the phone not then. We seized the
7 phone at that time, but we didn't get to enter the phone
8 until we had a search warrant and the phone was sent to
9 the State Law Enforcement Division for further
10 investigation.

11 Q So you didn't enter the phone?

12 A No, sir.

13 Q But the calls are going out?

14 A That shows outgoing calls.

15 Q On the same day, the 24th?

16 A Yes, sir.

17 Q 8:00 a.m.?

18 A Yes.

19 Q What time was I arrested?

20 A Without the CAD sheet, I'm not one-hundred percent
21 sure.

22 Q Around 7:53?

23 A It was that, between 7:00 and 8:00 o'clock that
24 morning; yes, sir. Around then.

25 Q I was in custody?

1 A Yes, sir.

2 Q I did not have this phone?

3 A No, sir.

4 Q Okay. Can you go to the other search warrant, can
5 you go to the search warrant for the phone?

6 A I don't have that one with me.

7 Q You don't have it?

8 A No, sir.

9 Q Okay. Is that could be true the date of the, what
10 day was that search warrant?

11 A This search was done on July the 8th.

12 Q And that was the only time that you got a search
13 warrant?

14 A No, sir. We also got a search warrant in February.

15 Q Do you know what date?

16 A I don't recall right off-hand. It was somewhere
17 around the 24th. I'm not sure of the exact date. There
18 was another search warrant prior to that.

19 Q Was it 8:00 o'clock in the morning?

20 A No, sir. I was still at the residence at 8:00
21 o'clock in the morning. I couldn't have did a search
22 warrant then.

23 Q But you searched this phone on that day, too, right?

24 A On the--

25 Q What day this says?

1 A This, on July the 8th. Yes, sir; we did.

2 Q 2016?

3 A Yes, sir.

4 Q Okay. At what time did you say and what day you say
5 you searched it?

6 A I obtained the warrant on July the 8th, 2016. The
7 warrant was, I actually did the warrant and processed the
8 evidence on it on July the 11th, 2016, 11:00 o'clock a.m.

9 Q At 11:00 o'clock a.m.?

10 A Yes, sir.

11 Q And that wasn't the first time the phone was entered?

12 A We had a search warrant prior to that that was also
13 used to send to the State Law Enforcement Division in
14 February.

15 Q So someone entered the phone?

16 THE COURT: He's asked that, answered that.

17 MR. CHANDLER: Okay.

18 THE COURT: Quit asking him that question.

19 MR. CHANDLER: Okay.

20 Q Here is another search warrant. Can you tell me what
21 the date is on that search warrant?

22 A This warrant is February the 27th of 2015.

23 Q And that was the first search warrant you got for
24 that phone, right?

25 A It does, I'd have to look at the whole warrant to

1 tell what it is for. This is just the date.

2 Q Is this half of a page that you did? This is the
3 affidavit. No, that's on July the 8th, sir.

4 A Okay.

5 Q Can you just tell me what this is?

6 A Excuse me. Looks like, I can't make the date out.
7 Seven-something. I can't make the date out on it.

8 Q Seven-something?

9 A Yeah, I see seven as the month.

10 Q Does it look like the 11th?

11 A No, it don't look like the 11th. It doesn't look
12 like the 11th.

13 Q All right. And those are two search warrants that
14 you got for this phone?

15 A This is listed as the same search warrant.

16 Q Yeah, and that was on July 8th?

17 A Yes.

18 Q What time?

19 A 11:00 o'clock.

20 Q This is on this one?

21 A Yes.

22 Q What does that one say?

23 A This says 2:00 o'clock p.m.

24 Q Okay.

25 MR. CHANDLER: Can I enter these into evidence, Your

1 Honor, just the dates and the times?

2 THE COURT: As an exhibit stapled together,
3 separately because the one on the 24th and the one on the
4 8th are separate exhibits but all the pages.

5 MR. CHANDLER: I'm all right.

6 THE COURT: I don't want page this and page that. I
7 want the search warrant.

8 MR. CHANDLER: All right.

9 THE COURT: Wait a minute.

10 MR. CHANDLER: I mean, I'm okay. I'm not going to
11 right now.

12 THE COURT: You're not going to introduce it?

13 MR. CHANDLER: No, sir.

14 THE COURT: All right. It's not going to be
15 introduced.

16 Q Can you go to your search warrant on February the
17 26th, 2015?

18 A Yes, sir.

19 Q Can you tell me the dates you did that and--

20 A February the 26th, 2015.

21 Q And it, what was it for?

22 A It was for a black thermal shirt, one pair of black
23 boxers with hearts, one pair of dark-colored jogging
24 pants, one dark sweatshirt, one pair of black and hot pink
25 Nike shoes without shoestrings, one wallet, \$447.00 in

1 cash, .30 cent in change, one pen, and one lighter, and
2 one S.C. drivers license, and one chapstick.

3 Q Okay. Did you get that search warrant from a Judge?

4 A Yes, sir.

5 Q Do you have to swear under oath to get it?

6 A Yes, sir.

7 Q And that would mean that you was being positive,
8 accurate?

9 A Yes, sir.

10 Q One-hundred percent true?

11 A Yes, sir.

12 Q So you got those clothes from that place on the 26th?

13 A No, sir. The clothes were seized on the 24th.

14 Q Did you search that place and get those clothes on
15 the 26th?

16 A No, sir. That was done on the 24th.

17 Q It was on the 24th?

18 A Yes, sir.

19 Q So that's not the correct date you did it?

20 A That's the correct date I obtained the search
21 warrant, but the clothes were obtained on the 24th.

22 Q Can you turn to your return sheet?

23 A Sir, I'm at it.

24 Q Can you turn to your return sheet?

25 A I'm at the return.

1 Q Can you tell me what the date you said you got those
2 things obtained?

3 A February the 26th of 2015.

4 Q So it wasn't on the 24th?

5 A No, sir; it was not.

6 Q All right. According to SLED, what day did SLED
7 receive those items?

8 A I'm not sure. The evidence custodian carried the
9 stuff to SLED. I'm not sure of the exact date.

10 Q May I refresh your memory?

11 THE COURT: He said he didn't do it.

12 MR. CHANDLER: Huh?

13 THE COURT: He said he didn't transport it to SLED.
14 That's why he didn't know. He didn't forget. He didn't,
15 that wasn't his job.

16 MR. CHANDLER: Yeah, I understand, Your Honor.

17 THE COURT: You can't refresh his memory if it's
18 something not, that he didn't do.

19 MR. CHANDLER: Can I ask him what does this paper
20 say?

21 THE COURT: You can do that.

22 Q Can you tell me what this SLED --

23 THE COURT: You can't mischaracterize his testimony
24 and you can't do that.

25 MR. CHANDLER: Yes, sir.

1 A It says February the 25th of 2015.

2 Q How was it delivered?

3 A Hand-delivered.

4 Q But you searched and got those things, the same
5 things?

6 A The search warrant was on the 26th; yes, sir.

7 Q That's the day that you returned?

8 A Yes, sir.

9 Q Is the 26th the correct date that you got those
10 things?

11 A Yes, sir.

12 THE COURT: You asked him that question three times.
13 Please don't ask it again.

14 A The, actually, that's the, items were seized on the
15 24th of February. That was the correct date that they
16 were seized at by the Sheriff's Office.

17 Q It's not the date? Okay. Can I ask you on 2/24/15,
18 did you go to Coastal Gas Station?

19 A Yes, sir; I did.

20 Q Around what time you think that was?

21 A I'd have to look at the documentation to see. I
22 don't have documentation in front of me but it was that
23 morning. After I left Ms. Peterson's house at Smith
24 Street, I went to Smith Coastal Station.

25 Q All right. And what all did you do when you got

1 there?

2 A I downloaded video. Observed and downloaded video
3 from the Coastal Station surveillance cameras, and I got a
4 written statement from Doran.

5 Q Do you have it with you?

6 A The?

7 Q That written statement?

8 A No, sir; I do not. I don't have it up here. No,
9 sir; I do not.

10 Q Okay. According to the, this statement was completed
11 at 8:59.

12 A Okay.

13 Q You was at his store around 8:59?

14 A Like I said, without looking at the CAD sheet, I have
15 no idea what time I was there.

16 Q Okay. So on the same, at Aiken Hospital, the cover
17 sheet says that you were there at 8:48.

18 A I'm not sure what sheet you're referring to.

19 Q Okay. And on the date of that search warrant on the
20 26th, right?

21 A Yes, sir.

22 THE COURT: I'll tell you what, while y'all are
23 looking for that, let's take a short break. We've been
24 going a little bit longer than an hour here. So y'all
25 step in the jury room and don't begin to discuss the case.

1 (Whereupon, the jury was excused from open court for
2 a break.)

3 (Whereupon, a short break was taken.)

4 THE COURT: Bring the jury in.

5 (Whereupon, the jury came into open court at
6 approximately 2:31 p.m.)

7 THE COURT: All right. You may continue.

8 CONTINUE DIRECT EXAMINATION

9 By Mr. Chandler:

10 Q All right. Like I was saying, Mr. Smith, did you
11 sign that paper there?

12 A As a witness, yes, sir; I did.

13 Q So you witnessed Mr. Doran's statement?

14 A Yes, sir. That's my signature.

15 Q Did, is that the right time?

16 A That's the time, that was the time I was up there. I
17 filled out the date and time up there. Mr. Doran did
18 that, and then he put that time down there and that's his
19 signature and my signature.

20 Q What's the date on the top?

21 A February 24th, 2015.

22 Q What's the time?

23 A 10:00 o'clock a.m.

24 Q And what's the time on the bottom?

25 A 8:59 a.m.

1 Q Okay. So at 8:59, which one is right?

2 A That's the time I put at the top right there, the
3 10:00 a.m. That's when I would have been there and I
4 would have checked the time.

5 Q And that was when you left directly from Ms.
6 Peterson's house?

7 A I am not sure at what point in time during while I
8 was there, I took the statement. I took the statement at
9 that time. I don't remember what time I took the
10 statement.

11 Q Did you ever leave the town before that?

12 A We have a lap top that you have to get to download
13 the video. I'm not sure if I had to come and obtain it or
14 if somebody brought it to me. I'm not sure, but that lap
15 top had to be obtained to download the video with. I
16 can't remember if I got it or somebody brought it to me.

17 Q Okay. Do you have supplementary incident report?

18 A Yes, and there's several of them. Which one are you
19 referring to?

20 Q The one on February 25th, 2015.

21 A Yes, sir.

22 Q It says that you spoke with the victim?

23 A Yes, sir.

24 Q Can you read that first line that you wrote?

25 A I spoke to Dorothy Peterson who stated there was a

1 knock at her door.

2 Q She didn't state that there was a ring on the
3 doorbell?

4 THE COURT: Wait a minute now. You can't
5 cross-examine for something she said.

6 MR. CHANDLER: Okay. Okay.

7 THE COURT: That's highly unfair. Here's what I'm,
8 let me explain to the jury. The reason the incident
9 reports haven't been presented to y'all is the best
10 evidence are the witnesses. If all of it were incident
11 reports, we'd hand you a bunch of papers and tell you to
12 go read them. That's not how it's done. You call
13 witnesses and ask the witnesses what they remember.
14 What'd you do? What'd you see? What'd you smell? What'd
15 you react to? That kind of thing. The incident reports
16 are summaries to preserve and tie together the
17 investigation, but they're not evidence. Evidence is the
18 person's testimony. Okay. So I want y'all to understand
19 why the incident reports haven't been submitted to you is
20 because that's why. You can't ask an incident report a
21 question. It can't respond to you. So you may continue.

22 MR. CHANDLER: Yes, sir.

23 Q Can you read that line for me one more time?

24 THE COURT: No.

25 Q Okay. You said that there was a knock at the door?

- 1 A Yes, sir; that's what I said in my report.
- 2 Q And you spoke with Ms. Peterson on this date?
- 3 A I spoke with her on the 24th and the 25th.
- 4 Q The 24th and the 25th?
- 5 A Yes, sir.
- 6 Q Can you tell me how much money Ms. Peterson said was
- 7 taken from her that you put on your report?
- 8 A She said that she thought it was about \$800.00.
- 9 Q Can you tell me how much money did you recover in
- 10 your search warrant?
- 11 A \$447.00 in cash and .30 cent in change.
- 12 Q Did you take these pictures right here?
- 13 A Yes, sir.
- 14 Q You did?
- 15 A Yes, sir.
- 16 Q Can you tell me what's on that picture?
- 17 A I can't make it out clearly. It's a orange item
- 18 laying in the backseat. In this picture, I can't clearly
- 19 make out what it is.
- 20 Q Okay. Can you tell me what's located on these two?
- 21 A A soda can.
- 22 Q Yeah.
- 23 A And then a plastic, like a plastic wrapper or
- 24 something.
- 25 Q Wrapper?

1 A It's like some kind of piece of plastic. I'm not
2 sure what it is like a plastic bag or something. I can't
3 be a one-hundred percent sure.

4 MR. CHANDLER: Your Honor, I'd like to introduce
5 exhibit into evidence.

6 THE COURT: One of them he couldn't identify. You
7 can't have somebody recognize it --

8 MR. CHANDLER: The jury can identify it.

9 THE COURT: If they don't know what it is, you can't.

10 MR. CHANDLER: The jury can identify it, Your Honor.

11 THE COURT: Oh, no, no. No, no, no. Y'all come over
12 here.

13 (Whereupon, a bench conference was held in the
14 presence of the jury but out of the hearing of the
15 jury.)

16 Q I want to make this brief. Mr. Smith, on the 26th,
17 you got the clothes for the search warrant, and did you
18 have to, was there a need to get the search warrant?

19 A No, sir. There was no need to get a search warrant
20 for the clothing, because the clothes were taken as
21 incident to arrest. And, therefore, they are property of
22 the Edgefield County Sheriff's Office at that time.

23 Q Well, can you explain to me why you went and got it?

24 A Yes, sir. We were discussing the case with the
25 Solicitor, with the Solicitor's Office. He advised us

1 that we needed to get a search warrant for the items
2 before they were actually processed at SLED.

3 Q And was that to ensure anything?

4 A No, sir. He said we needed to have it on the file
5 before --

6 MS. MAYES: Objection to hearsay.

7 THE COURT: All right. Sustained as to hearsay.

8 Q I asked him directly from you. The search warrant,
9 was it needed?

10 A No, sir. The search warrant was not required.

11 Q And the Solicitor told you to get the search warrant?

12 A He said that we needed to have one before the
13 clothes--

14 THE COURT: He can't testify to what he was saying.

15 A Okay.

16 Q Okay. In order for SLED?

17 A Sir?

18 Q In order, before SLED tests it.

19 A Yes, sir.

20 Q So it was needed?

21 A No, sir. It's not required. To take the clothing is
22 not required.

23 THE COURT: And you're asking leading questions.

24 MR. CHANDLER: Okay.

25 THE COURT: So the search warrant was obtained on the

1 26th; the clothes were found on the 24th. Been consistent
2 testimony from everybody. Ask him that question.

3 Q Did you take this picture here?

4 A I took a, some pictures of the cell phone. Yes, sir;
5 I did. Of the documents and the cell phones, yes, sir; I
6 did.

7 Q Can you tell me what time that last text is?

8 A The time I see right here is 6:33 a.m.

9 Q On what date?

10 A February 24th, 2015.

11 Q Can you tell me what it says?

12 A It says, Yo, I'm right here.

13 MR. CHANDLER: No further questions, Your Honor.

14 THE COURT: Okay. Ms. Mayes.

15 CROSS-EXAMINATION

16 By Ms. Mayes:

17 Q And just to clarify. The text message that he's just
18 asking you about, do you have any personal knowledge of
19 that?

20 A No, ma'am.

21 Q All right. Was that sent from the phone or to the
22 phone?

23 A I don't know.

24 Q Now, when we're talking about the search warrant that
25 Mr. Chandler had brought up. When clothing is seized by

1 the Sheriff's Department such as on February 24th in this
2 case, does it remain the property of the Sheriff's
3 Department?

4 A Yes, ma'am; it does.

5 Q What about once it goes to the State Law Enforcement
6 Division for analysis, is it still within the property of
7 the Edgefield County Sheriff's Department?

8 A Yes, ma'am; it is.

9 Q Are you responsible for those items?

10 A As the custodians.

11 Q And is the State Law Enforcement Division, analyzing
12 them at your request?

13 A Yes, ma'am.

14 Q And, ultimately, do they return the items to you?

15 A Yes, ma'am. To the evidence custodian; yes, ma'am.

16 Q So you retain custody and you retain possession of
17 those items even if they are physically being tested,
18 correct?

19 A That is correct.

20 Q Now, Mr. Chandler was asking you about a TracFone
21 record?

22 A Yes, ma'am.

23 Q I want to ask you specifically. He referenced
24 outgoing calls. Do you have that document?

25 A No, ma'am. It wasn't left up here.

1 MS. MAYES: Your Honor, if I may approach?

2 THE COURT: Sure.

3 Q Let me show you this document and ask you if it's the
4 same document that he was asking you about?

5 A Yes, ma'am.

6 Q What he was referring to with outgoing calls. Can
7 you tell us whether or not there is actually a number
8 dialed?

9 A No, ma'am. It has N/A in that space.

10 Q So there's no number dialed?

11 A No, ma'am.

12 Q And no phone number beside it?

13 A No, ma'am.

14 Q There is a code which is N/A, correct?

15 A That is correct.

16 Q Now, he was asking you about the timeline of events
17 once you arrived on the scene. Do you have with you a
18 copy of the CAD sheet?

19 A No, ma'am; I do not.

20 Q Let me show you this document and ask you whether or
21 not that may refresh your memory?

22 A Yes, ma'am.

23 Q So regarding the timeline of events, where were you
24 first that morning?

25 A When the call came in, I was pulling up to the

1 Sheriff's Office.

2 Q All right. And where did you go after you heard the
3 call over the radio?

4 A [REDACTED].

5 Q And do you know based on that record what time you
6 arrived there?

7 A I went on the scene at 7:44 a.m.

8 Q All right. And when you arrived there on the scene,
9 were you able to speak with Ms. Peterson?

10 A Yes, ma'am.

11 Q Now, was that a full interview that you were able to
12 conduct with her?

13 A No, ma'am.

14 Q Was it enough to determine a suspect?

15 A Yes, ma'am.

16 Q In fact, did she name a suspect?

17 A Yes, ma'am.

18 Q And, immediately, upon receiving that information,
19 what action did law enforcement take?

20 A Even prior to our arrival on the 911 call, she named
21 a suspect, Terrell Chandler, on the phone. And at that
22 point in time when Mr. Doran called and gave the vehicle
23 description, a BOLO was put out by Dispatch to be on the
24 lookout for that vehicle.

25 Q All right. And BOLO, that term is a law enforcement

1 term?

2 A Be on the lookout.

3 Q Be on the lookout for it. So what time was it that
4 there would have been a be on the lookout for Terrell
5 Chandler and that vehicle description, a small dark car
6 and the Barrett's tag?

7 A It's not listed on the CAD sheet, but it was whenever
8 Mr. Doran made the call to Dispatch.

9 Q All right.

10 A Immediately after that.

11 Q All right. And then, ultimately, the car is stopped.
12 I believe there has already been testimony in this regard.
13 The car is stopped. Left Johnston, it left Johnston from
14 when it was at the Coastal Station at 7:32 a.m. And now
15 it's in the area of Trenton and it's stopped at 7:51 a.m.
16 at Mt. Pisgah Church, correct?

17 A Yes, ma'am.

18 Q And that was stopped and done by Deputy Peterson,
19 correct?

20 A Yes, ma'am.

21 Q And then immediately following that, Deputy Wood
22 assisted Deputy Peterson in taking him back to the
23 Edgefield County Detention Center where he was booked,
24 correct?

25 A Yes, ma'am.

1 Q So the shoes that he's asking you about would have
2 been seized by Deputy Wood right there at the Detention
3 Center?

4 A That is correct.

5 Q And then turned over to you?

6 A Investigator Morris.

7 Q And that's following the whole booking process?

8 A Yes, ma'am.

9 Q And then he's asking you what time you were at
10 Coastal Station. Does the record reflect that?

11 A At 8:39 a.m.

12 Q So about 8:39 a.m., you're able to go to the Coastal
13 Station?

14 A Yes, ma'am.

15 Q And you reviewed evidence there and spoke with Mr.
16 Doran?

17 A Yes, ma'am.

18 Q And, then ultimately did you make it on to the
19 hospital that day to check on Ms. Peterson?

20 A Yes, ma'am.

21 Q Did you also collect evidence while you were there?

22 A Yes, ma'am.

23 Q Now, just to clarify. There has been multiple items
24 submitted as evidence. But what item, what items did you
25 collect that day from the hospital?

1 A The sexual assault evidence collection kit, EMS
2 sheet, hospital sheet, vomit bag, and it's got a separate,
3 another again, hospital sheet used.

4 Q All right. And, particularly about the EMS sheet,
5 who did you receive that from?

6 A Ms. Lindsey Stone, R.N.

7 Q Is that the item in the bag that is signed by Lindsey
8 Stone and also noted to be a hospital sheet?

9 A Yes, ma'am.

10 Q All right. So the EMS sheet is the one that's
11 actually in a bag labeled, Hospital Sheet, correct?

12 A Yes, ma'am.

13 Q But it came from the gurney?

14 A Yes, ma'am.

15 Q And just to clarify. The hospital sheet and bedding,
16 was that packaged separately?

17 A Yes, ma'am.

18 Q All right. And whose custody is that in?

19 A Evidence custodian, Investigator Morris.

20 Q All right. And then separately, is there a debris
21 sheet to your knowledge that was included in the sexual
22 assault kit?

23 A Yes, ma'am.

24 Q And that debris sheet is the one where the pubic
25 combings were done and the victim stands over it and

1 evidence is collected that way, right?

2 A Yes, ma'am.

3 Q So that's not the same sheet we're talking about as
4 the gurney sheet?

5 A No, ma'am.

6 Q Now, how do you go about verifying an address of a
7 subject who's wanted on a BOLO?

8 A By their driving license.

9 Q Did you do that in this case?

10 A I didn't do it personally myself but it is on the
11 CAD.

12 Q All right. And when you say it is on the CAD, that
13 means that is an authorization conducted by law
14 enforcement?

15 A Yes, ma'am. By the dispatchers.

16 Q All right. When a subject is wanted?

17 A It has his driving license information,
18 date-of-birth, and height/weight and all listed on,
19 address listed on it.

20 Q And can you tell us how is it, law enforcement
21 obtained the address of [REDACTED]?

22 A It was on the driving license.

23 Q On his driver's license. Now, when we talk about the
24 proximity of that May Street address to the actual
25 location of Ms. Peterson's home at [REDACTED], what

1 can you tell us in that regard and I'm going to show you
2 this map right here where it's already, it's already
3 marked Smith. Smith street there and the Coastal Station
4 here, but specifically as to the May Street residence.
5 Can you tell us where that is at on the map? And this is
6 State's Exhibit 2. One moment please. Do you see that
7 location on the map?

8 A It'd be right in here.

9 Q Okay. Can you mark that for us?

10 A Here.

11 Q All right. So that's the Defendant's home on May
12 Street, the victim's home on Smith Street, and then the
13 Coastal Station, correct?

14 A Yes, ma'am.

15 Q Now, have you had the opportunity to actually measure
16 those distances by odometer?

17 A From the address on Smith Street to the Coastal
18 Station is 2/10th's of a mile.

19 Q So 2/10th's of a mile to get from the victim's home
20 to Coastal Station where he was seen at 7:32 a.m.

21 A Yes, ma'am.

22 Q And the proximity between that, the Defendant's
23 father's home on May Street and the victim's home is that,
24 in terms of football fields, what can you tell us?

25 A A couple hundred yards.

1 Q And did you also have the opportunity to go into
2 Coastal Station and observe any lighting conditions in
3 that location?

4 A Yes, ma'am.

5 Q What, if anything, did you reserve there, observe
6 there?

7 A It was good light, ample light to see everything
8 there in the store.

9 Q And was the store in that condition when you went
10 there on the morning of February 24th?

11 A Yes, ma'am.

12 Q And he was asking you about a statement by Ms.
13 Peterson regarding how much money he may have been
14 missing. When you talked with Ms. Peterson, where was she
15 sitting?

16 A On the morning of the 24th, she was sitting on the
17 couch.

18 Q And how would you describe her condition at that
19 point?

20 A She was visibly nervous, shaking, and panicking.

21 Q And when you later got an opportunity to speak with
22 Ms. Peterson, did she ever know with certainty exactly how
23 much money she was missing?

24 A She said she wasn't one-hundred percent sure what she
25 had.

1 MS. MAYES: Beg the Court's indulgence.,

2 THE COURT: You may.

3 MS. MAYES: Nothing further.

4 THE COURT: Any redirect?

5 REDIRECT EXAMINATION

6 By Mr. Chandler:

7 Q On this picture, again, can you tell me what that
8 says and what time that is?

9 A Make up, February the 24th, 2015 at 2:15 a.m.

10 Q Can you tell me what the next one says?

11 A Hold for a min, Bru, B-R-U, and it's a bunch of
12 numbers, February 24th, 2015 at 2:16 a.m.

13 Q Okay. Now, on this call list, can you tell me those,
14 the outgoing calls?

15 A The ones you have circled?

16 Q Yes.

17 A 6:29 a.m., 6:29 a.m., 6:32 a.m., and 6:47 a.m.

18 Q Okay. Can you tell me what's the date from?

19 A February the 24th, 2015.

20 Q Okay. Now, she asked you about the N/A, about the
21 numbers not being on those outgoing calls that were made.

22 Can you tell me, can you read what the important notice,
23 can you tell me what that says first, what this is?

24 A This is --

25 MS. MAYES: Objection, Your Honor. Unless the

1 witness is qualified to interpret that record.

2 MR. CHANDLER: Okay.

3 THE COURT: It's not his record. It's a business
4 record from wherever the TracFone is.

5 Q Can you read it to me?

6 MS. MAYES: TracFone. That's correct, Your Honor.

7 THE COURT: All right.

8 Q Can you read to me what that says?

9 MS. MAYES: Objection.

10 THE COURT: Y'all been referring to it. I'm going to
11 let him read it. Y'all both have used it. You can answer
12 it, read it.

13 A Yes, sir, Important notice. Calls that are lasting
14 15 seconds will not normally appear on the call records.
15 Call detail information for some incoming and outgoing
16 calls may also be available, may also not be available due
17 to network limitations on the underlying theory.

18 Q Can you, can you tell me what N/A means?

19 THE COURT: No, he can't. That's what she's
20 objecting to, and I'm going to sustain that objection.

21 MR. CHANDLER: Okay.

22 THE COURT: He can't interpret the bill, but he can
23 read what it says.

24 MR. CHANDLER: Okay. And no further questions, Your
25 Honor.

1 THE COURT: Okay. All right. You can step down.
2 Call your next one?

3 MR. CHANDLER: The Defense calls Ireland,
4 Investigator Ireland.

5 PHIL IRELAND, being
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Chandler:

9 Q How are you doing, sir?

10 A I'm fine, sir.

11 Q On February 24th, 2015 at 5:00 o'clock did you search
12 my vehicle?

13 A I did.

14 Q Along with Investigator Smith?

15 A Yes, sir.

16 Q What did you seize from the vehicle?

17 A I think a phone was taken from the vehicle.

18 Q Anything else?

19 A No, sir.

20 Q Was there anything else in the vehicle to seize?

21 A Not to my knowledge.

22 Q Are you sure it was 5:00 o'clock?

23 A I'm not sure of the time, sir.

24 Q Well, that's what you put on the warrant?

25 A I didn't do any of the paperwork.

1 Q Did you serve the owner of the car with a search
2 warrant?

3 A I don't, I don't recollect that.

4 Q What did you do with the phone after seizing it?

5 A It was obtained by Investigator Smith.

6 Q And before that phone was seized, no one was on the
7 phone?

8 A No, sir.

9 Q And can you tell me what's that? What that would be
10 in the backseat of that picture?

11 A I don't remember that. It looks like a bag. I don't
12 know.

13 Q A bright orange bag?

14 A That's what it looks like.

15 Q A bag?

16 THE COURT: He said he didn't remember.

17 MR. CHANDLER: Okay.

18 THE COURT: You can't --

19 Q Can you tell me --

20 THE COURT: -- you can't answer your own question.

21 Q Can you tell me what that is and what is?

22 A That looks like a plastic bag and that looks like a
23 drink can.

24 Q Okay. So when the car was brought to the sally port,
25 was it secured?

1 A I didn't bring the car to the sally port, so I can't
2 answer that question.

3 Q But you was in the presence of the search?

4 A Correct.

5 Q And after the search, well, before the search, the
6 phone wasn't entered?

7 A I'm sorry?

8 Q The phone wasn't entered before the search?

9 A No, not, not to my knowledge.

10 Q Can you tell me what this is?

11 A This is the incoming and outgoing calls.

12 Q Can you tell me what kind of phone it is?

13 A It says here TracFone.

14 Q Okay. Is that what that is right there?

15 A It's a phone, yes.

16 Q Okay. During your presence of the inventory, was the
17 phone on when you received it?

18 A I can't remember that.

19 Q Can you decide if that phone was on?

20 A I can't remember. I hardly even remember doing this
21 search.

22 Q Does it look on?

23 THE COURT: He said he couldn't remember. That's all
24 you can deal with.

25 Q All right. Can you tell me the outgoing calls with

1 the dots beside them and say the time a.m. or p.m. and the
2 date?

3 THE COURT: That's all, the jury's already heard
4 that. There's no reason to go through them again.
5 There's no reason to back through it with this witness.

6 MR. CHANDLER: All right.

7 THE COURT: That's redundant.

8 MR. CHANDLER: All right.

9 Q So no one made any contact with that phone before it
10 was seized?

11 THE COURT: You've asked that question three times.

12 A No, sir.

13 Q Okay.

14 MR. CHANDLER: I'm done, Your Honor.

15 THE COURT: Okay.

16 MS. RADLEIN: Just briefly, Your Honor. Permission
17 to approach the witness?

18 THE COURT: Sure.

19 CROSS-EXAMINATION

20 By Ms. Radlein:

21 Q I'm going to show you this photograph and see if you
22 recognize it.

23 A I do.

24 Q And what do you recognize this to be?

25 A It looks like the Defendant's vehicle.

1 Q Okay. Do you see a search warrant in there in this
2 photograph?

3 A There is a document on the hood that looks like it
4 could be a search warrant.

5 Q And is it left with the vehicle?

6 A Correct. Yes, ma'am.

7 MS. RADLEIN: Nothing further, Your Honor.

8 THE COURT: Okay. You can step down.

9 MR. CHANDLER: Your Honor, I would like to call Chris
10 Wash.

11 THE COURT: Walsh?

12 MR. CHANDLER: Yes.

13 CHRIS WASH, being
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 By Mr. Chandler:

17 Q How are you doing?

18 A Doing good.

19 Q On February 26, 2015, did you witness, did you
20 execute a search warrant along witnessing the presence of
21 Investigator Smith and Sergeant T. Wood?

22 A Yes, I did.

23 Q On February 26th, were those, is that the date that
24 you received the items from the inmate property room?

25 A Majority of the items, yes.

1 Q Do you have, do you know what day that those clothes
2 were sent to SLED?

3 A No.

4 Q If I told you that the SLED received those items on
5 the 25th, would it surprise you?

6 A Which items?

7 Q The items you received, that you received on the
8 26th?

9 A They were --

10 MS. RADLEIN: Objection, Your Honor. The witness
11 indicated he had no knowledge.

12 THE COURT: So I sustain the objection. If he
13 doesn't have knowledge, how can he answer the question.
14 So rephrase your question.

15 Q Would it, if the items that you got on the 26th were
16 submitted to SLED on the 25th, would that be accurate to
17 the day you got it?

18 A I'm not following you. Just a minute ago we were
19 talking about the 26th and the 24th. And I don't have it
20 right in front of me, so I don't, I can't testify to that.

21 Q Can you read that for me?

22 MS. RADLEIN: Objection, Your Honor.

23 THE COURT: And why is that?

24 MS. RADLEIN: Because I don't know what this document
25 is and it's not in evidence.

1 THE COURT: He asked him could he identify it, I
2 think.

3 A I can't identify it.

4 THE COURT: You can't identify it?

5 A No, sir.

6 THE COURT: There you are.

7 A I never seen it before in my life.

8 THE COURT: All right.

9 Q Can you tell me the date?

10 THE COURT: No, no, no, no. You've got to ask him if
11 he can identify it and if he says he can't --

12 Q So you have no knowledge of the date that it was sent
13 to SLED?

14 THE COURT: No, no, no. He said he couldn't identify
15 the document. That was his answer so you can't
16 cross-examine him for something he doesn't know.

17 MR. CHANDLER: No further questions, Your Honor.

18 THE COURT: Anything from the State?

19 MS. RADLEIN: No questions at this point, Your Honor.

20 THE COURT: Okay. Lieutenant, you're free to go.

21 LIEUTENANT IRELAND: Thank you, sir.

22 THE COURT: Call your next witness.

23 MR. CHANDLER: Your Honor, I call myself to the
24 stand.

25 THE COURT: All right. Come forward to be sworn.

1 All right. Ladies and gentlemen, when a person calls
2 themselves to the stand, it happens in Magistrate's Court
3 a lot when there's no lawyer down there, so the witness
4 will be under oath. They can testify truthfully and tell
5 you certain things, but I'm going to caution Mr. Chandler.
6 I don't want to get outside the instances we're discussing
7 here. So confine your testimony, which will be under
8 oath, to the facts in evidence here in question. Okay.

9 EDWARD TERRELL CHANDLER, being
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 By Mr. Chandler: (Mr. Chandler is testifying as pro se.)

13 MR. CHANDLER: Okay. On the night of the 23rd, I
14 took my brother-in-law from my sister's house, I took him
15 to Broad Street in Augusta so we could party or whatever.
16 You know what I'm saying. It was my day off from work.
17 So after I left there, I took him back to the house
18 because he, he got a little bit too much, so I had to take
19 him home to my sister. So I stayed there for a minute.
20 Now, I work for Posey's Funeral Home up under my uncle and
21 that's what I was doing. And on the side, as you will see
22 that how the officer said that he read the thing, it said,
23 make me up a dub. On the side, I sold a little drugs, on
24 the side just to have more money. I know it's wrong, but,
25 you know, but and it said, hold for a minute, because this

1 was when I was going around 2:00. This is around the time
2 when I went and asked my sister for the car. See, I was
3 in the neighborhood. She stays in Charlotte Nook,
4 (phonetic), she was staying in Charlotte Nook in North
5 Augusta. And it is a small apartment complex. And he,
6 this is a person who buys drugs from me. Okay. So when I
7 went, when I went home, after I sold him that, I asked my
8 sister could I hold her car, because I was fixing to go
9 meet this girl. So I go meet the girl, let me stop. Let
10 me, let me start over. Let me start and tell you, because
11 I done, I done passed the whole thing. A week before I
12 was arrested, I went to the, to the funeral home, to Amos
13 and Sons Funeral Home. And I was going up there because I
14 usually, I do work for Ms. Peterson and all, me and my
15 daddy. So I go in there and I'm looking for Ms. Peterson,
16 but I usually go in there, so I went in the back. I
17 walked in the back because, I do work, I done been in
18 there plenty of times. I done been in her house plenty of
19 times. So I go in the back and I see her son and he back
20 there, he back there with another man. So I done caught
21 him and this man, he gonna sit there and tell me
22 something. Man, hold up, man. You, like if you tell on
23 me man, my family, I'm going to lose my wife and kids and
24 my counseling meetings and all that stuff. So I'm like,
25 man, yeah, no, man, you, excuse my language, but I'm like,

1 man. So the person told me I better not say nothing or
2 they gone make sure I'm locked up.

3 MS. MAYES: Your Honor, I can't hear the Defendant.

4 THE COURT: Yeah. All right. Speak clearly if you
5 can and make sure you speak slowly. The jury's got to
6 hear you too.

7 MR. CHANDLER: Y'all can hear me now?

8 THE COURT: Everybody's got to hear you.

9 MR. CHANDLER: So he, he's trying to play with me, so
10 I tell him, all right, man, I'm going to see something.
11 He told me to call him later. He gave me his phone
12 number. So I take the phone number. He called me later
13 on that week talking about, well, if I just paid you, then
14 you can keep it, keep that, because he know if I say
15 something, then his whole credibility is gone. But I
16 don't care, because this is what they done did. So they
17 done did this. So he gone sit there and call me the night
18 that I went to Augusta. He said come around there around
19 7:00 or 7:30 and get the money. So okay. Now, I went out
20 that night and I get ready, when I finish with the girl, I
21 go back to my sister's house. I run through there. This
22 is when the same dude I was selling, he spied me and he,
23 before I got ready to pull off that road, I got a text
24 that said, Yo, I'm right here. So I turned around and I
25 sell him another dub, a twenty. That's a dub. So now I'm

1 headed for North Augusta to my, to the guy.. So it take me
2 about 40 minutes to get from that close to Augusta. Y'all
3 know where the McDonald's at around down there? So it
4 take me about 40 minutes to get to Johnston. I left North
5 Augusta right about 6:40-something, as y'all can see now.
6 But so I get there a little bit after 7:00, 7:15, 7:20,
7 and he give me, he give me a check for \$750.00 dollars, he
8 give me \$250.00 dollars. So he was like, well, that's
9 gone call it quits. Now, if I could enter this into
10 evidence, I could show you what I had on. Now, I did have
11 on the gray jumpsuit, I mean, the gray pants with the
12 black. That's my stuff. But I had this coat on too,
13 because it matched my shoes. Now, this is the only
14 description that he can, he try to give for this. But let
15 me tell you, when I leave there with the money, I go
16 across town to Monk's, and I get ready to try to cash the
17 check. That's across town, across that little railroad
18 track. So I come back around there. They wouldn't cash
19 the check. I bought me a soda and some chips and that
20 will show you right here on this picture. You see my soda
21 and you see the, the, the store bag that they, that they
22 don't see, just like they didn't see this, the coat. I
23 went and bought that, so that's what left me with \$447.00
24 dollars, I broke the fifty. You know, \$47.30. So when I
25 leave, when I leave from Monks, I get ready to go cash it,

1 try to cash the check at Sox's, (phonetic), the Coastal
2 Station, the man that done testified. Now, I go in there.
3 He tell me, nah, it's too much money. So then I get ready
4 to walk out the door, he tell me, man, look, come back
5 later on. So when I go out the door, I leave. There
6 wasn't no scanner on then. He lying. I mean, I'm sorry.

7 THE COURT: Yeah, you can't talk about people's
8 testimony.

9 MR. CHANDLER: Yeah, I'm sorry.

10 THE COURT: That's all right. Go ahead.

11 MR. CHANDLER: But this, when I left there, I got
12 pulled. I didn't know I was being pulled over. When this
13 came up behind me, I pulled over. He asked me for my
14 license. Now, at first, I thought he was just coming for
15 somebody else because there's a whole bunch of cars. I
16 was headed back home. So he pulled me over. I pulled
17 over behind the other car thinking that he was going to
18 pass, because I don't think he's pulling me over. So he
19 asked me for my license. I give him my license. He said
20 what's my name? I said Terrell Chandler. I didn't, he
21 said, well, you need to step out the car because
22 something, you a suspect for something. So I'm like, man,
23 no, man, no. But he, he put me up against the car. So
24 then I realized I was under arrest. So they took me to
25 jail. When I come in here, they tell me that I was

1 charged with robbery. I was like, robbed who. I told
2 him, I said man, look, who, what y'all talking about. He
3 talked about something, well, you robbed down there at
4 [REDACTED] I said, man, no. What it is, is they done sat there
5 and they done got me, because they knew I was, he knew I
6 was bribing, so they just trying to get rid of me. And
7 then person that, the person that he got caught with, he
8 the police in Johnston and y'all should know who he is.
9 So, man, I'm talking, man, this is some, this is some
10 stuff. This is, this is crazy and as y'all see, man,
11 y'all ain't, they ain't did nothing but try to just, when
12 they heard my name, they just automatically want to just
13 arrest me. And I ain't, like they didn't even go far as
14 to even doing, all they have, nothing to say I did
15 anything. Like they just saw me and wanted to lock me up.
16 So that's why I'm standing here today, y'all, and I been
17 standing for a little minute but, this is, this is the
18 truth. And you can see that I even, I even made the phone
19 calls around 6:47 on this thing as they said. You see how
20 they, you see the phone, the man, he spotted me. Yo, I'm
21 right here. That's somebody saying, Yo, I'm right here.
22 That's not, and I'm glad I found that but at the same
23 time, as y'all see that just none of this stuff ain't
24 mattered to them. Now, if something did happen, it ain't,
25 I ain't do it. I mean, if they found somebody else, I was

1 with another woman just, just like the DNA was on my
2 boxers. It showed. So, I mean, I know what position I'm
3 in right now, but that's just what happened. I mean,
4 that's, that's just what happened and I tried my best to
5 prove it, but I wasn't even expecting that to even happen.
6 So I tried my best to prove it and I, I sure, I could, I
7 could verify. I could show you that I was doing other
8 things. I got my own job. I work. My daddy raised me to
9 work on my life. I work hard. I, mean, I really do. I
10 got two kids. And I don't know what else to say. I mean,
11 that's what happened and that's all I can say that
12 happened. I feel like if they, if they, if I feel that
13 they proved their self that I did anything, then that's
14 that. But I don't know, nothing, nothing leans to me.
15 Something, it, it leans to somebody else, man. It ain't
16 me. But it's all right. I hope so. I hope so. I'm all
17 through, Your Honor.

18 THE COURT: All right. Mr. Chandler, what I want you
19 to do, I want you to get up out of the witness chair and
20 walk back over and speak with Mr. Drylie, and then if you
21 want to say anything else, I'll give you the opportunity
22 as long as your lawyer has a chance to go back and kind of
23 see if you missed anything. I want you to have the full
24 opportunity to testify and then you can go back up and be
25 cross-examined.

1 (Whereupon, Mr. Chandler and Mr. Drylie have a
2 conference at counsel table.)

3 THE COURT: You got to come back up here. You are
4 testifying, your lawyer is asking you questions and
5 they're getting a little break in there. I want you to
6 consult with him to see if there's anything else you want
7 to testify to before Ms. Mayes starts examining you, okay?
8 Just kind of regroup yourself, I mean, check your notes so
9 to speak. Now, is there anything else you want to tell
10 the jury? You're still under oath.

11 MR. CHANDLER: Yes. Well, being at, I just, I just,
12 I believe I was set up because of this. And, see, because
13 the police, they got caught with him. Now, he's the Chief
14 of Johnston. He never showed up on the scene. This is
15 what leads me to thinking that this is exactly what they
16 doing, because he never showed up on the scene in
17 Edgefield County. And he never showed up on the scene.
18 You the chief of the town. You come to the scene, and so
19 he had something to do with it. But when I got here and
20 booked, when they arrested me, whenever, when, when they
21 took me out of their car, I had another cell phone. I had
22 another cell phone. That's why I was trying to tell him
23 that I could prove, that I could have proved it. I had
24 another cellphone that had the number in there, so and
25 that check was still up in that car. I left straight from

1 that store going on my way back home to North Augusta.
2 The check was still in the car. The check don't, don't,
3 they didn't show the check, because the check say his name
4 on it. The check ain't say her name on it. So, I mean,
5 you said I had on a gray jumpsuit, but 16 months earlier,
6 you say I got on gray pants. Now, I got on black and
7 orange, bright orange and it's that's. I don't know
8 what's going on, but I guess what they caused and the
9 thing about is, their credibility as the neighborhood,
10 that's why the cops will just cover for them. I'm telling
11 y'all the truth what happened and the evidence shows that,
12 the evidence shows itself. The evidence shows itself. I
13 mean, they could say, I admit I was at the store. But
14 ain't no dispatch going from the store, and I'm going to
15 show y'all that later on. I'm going to show you how. I'm
16 steady trying to prove myself, but I'm going to show you
17 how that this man was lying. You see how these officers
18 doing. They just doing what they want to do.

19 MS. MAYES: Objection, Your Honor. The pitting of
20 witnesses.

21 THE COURT: You can't--

22 MR. CHANDLER: I mean, I'm through.

23 THE COURT: Okay. Now, you got to sit back down.

24 Now, Ms. Mayes will ask you questions she thinks will be
25 relevant.

1 MS. MAYES: Your Honor, may we approach?

2 THE COURT: Okay. You want to come here while he's
3 here?

4 MS. MAYES: Yes...

5 THE COURT: You want to come to this side or you want
6 to walk around?

7 MS. MAYES: I can go over there.

8 (Whereupon, a bench conference was held in the
9 presence of the jury but out of the hearing of the
10 jury.)

11 THE COURT: Okay. Come right here, Mr. Chandler.
12 Stand up and turn around. All right. I got one legal
13 matter I want to put on the record. Y'all step in the
14 jury room and I'll have you right back here. It shouldn't
15 take long.

16 (Whereupon, the jury was excused from open court for
17 a break.)

18 THE COURT: All right. Ms. Mayes.

19 MS. MAYES: Yes sir, Your Honor. First, I want to
20 say that there is a conviction in 2012 out of Georgia for
21 theft by taking. And the State is not pursuing use of
22 that conviction pursuant to Rogers.

23 THE COURT: All right.

24 MS. MAYES: Now, with that said, he does have a
25 conviction for forgery from 2009. And, Your Honor, the

1 State, our position is that clearly would go to
2 dishonesty.

3 THE COURT: I concur with you.

4 MS. MAYES: And then there is a conviction for
5 possession with intent to distribute cocaine from 2008.
6 The State's position is that that is a crime that carries
7 more than a year. He was sentenced pursuant to Youthful
8 Offender Act not to exceed six years and that was in 2008,
9 and we do believe that is impeachable evidence as well.

10 THE COURT: I believe that's impeachable evidence as
11 well under the conviction of potentially more than a year.
12 That one carries what, 15?

13 MS. MAYES: Yes, sir, Your Honor.

14 THE COURT: So both of those, the forgery and the
15 impeach of the cocaine would be, it could be used by the
16 State for impeachment purposes.

17 MS. MAYES: And we do believe that the, there is
18 probative value as to the drug conviction based on the
19 Defendant's direct examination, the direct testimony from
20 himself.

21 THE COURT: You'll be allowed to use it.

22 MS. MAYES: Thank you, Your Honor.

23 THE COURT: All right. Anything else?

24 MS. MAYES: Nothing else, Your Honor.

25 THE COURT: Okay. If they ready, we ready.

1 (Whereupon, the jury came into open court at
2 approximately 3:30 p.m.)

3 THE COURT: Ms. Mayes.

4 MS. MAYES: Yes, sir, Your Honor.

5 CROSS-EXAMINATION

6 By Ms. Mayes:

7 Q Now, Mr. Chandler, let's start with your criminal
8 history. You have a conviction for possession with intent
9 to distribute cocaine from 2008, correct?

10 A Yes, I do.

11 Q And a conviction for forgery in 2009, correct?

12 A Yes, I do.

13 Q And that was forgery of a check?

14 A Yes, but it wasn't, it really was something
15 different.

16 Q Let me ask you this. That's you at the Coastal
17 Station at 7:32 a.m. on February 24th, isn't it?

18 A Yeah.

19 Q And your testimony is that you were there at the
20 Coastal Station at 7:32 a.m., two-tenths of a mile from
21 Ms. Peterson's house cashing a check from who?

22 A From Noah Peterson.

23 Q Cashing a check--

24 A -- I was trying to cash it.

25 Q Cashing a check from Noah Peterson?

1 A Uh-huh.

2 REPORTER: Is that a yes?

3 A Yes.

4 Q And your testimony is that you had a check from Noah
5 Peterson for what reason?

6 A Because he was trying to pay me to keep a secret that
7 was gone to mess him up.

8 Q So you're saying that Noah Peterson was paying you?

9 A Yeah.

10 Q And your testimony was that you had been to the
11 funeral home about a week before this, correct?

12 A Yes, I did.

13 Q Looking for Ms. Peterson?

14 A Yes.

15 Q Why were you looking for Dorothy Peterson a week
16 before this occurred?

17 A Because I had, I had, on my days off, I do extra
18 work. I'm always out and trying to get my money, because
19 I got kids.

20 Q So you're always out looking for extra money?

21 A I'm looking for work.

22 Q And you knew Ms. Peterson has money?

23 A Everybody got some money.

24 Q And, specifically, your testimony on direct
25 examination during your testimony was that you've been to

1 Ms. Peterson's home and done various odd jobs for her,
2 haven't you?

3 A Yes, I have.

4 Q How many times had you been to Ms. Peterson's home
5 prior to the incident date of February 24th of 2015?

6 A I didn't go to her home right, right around that
7 time. But I did some work for her up there by, by the
8 funeral home. She got a house next to it that me and my
9 daddy moved, got some stuff out of it and cleaned out the
10 backyard and all that stuff.

11 Q Well, you've been to her home at [REDACTED]
12 before, hadn't you?

13 A Yeah, I've been there. It's right out in my
14 backyard.

15 Q So that's a yes and it's more times than once,
16 correct?

17 A At her house?

18 Q Correct, at [REDACTED].

19 A Yeah.

20 Q Because your dad lives right there?

21 A Not because my dad lived there. I done been there to
22 work and when my dad would go do something or I went to do
23 something.

24 Q So you've been there to work and have Ms. Peterson
25 pay you for various odd jobs that she needed help with,

1 correct?

2 A But she usually, she usually just give the check to
3 my daddy.

4 Q All right. So she usually gives a check to your
5 daddy, but there had been times you've been there to do
6 odd jobs yourself, correct?

7 A But she always make, she always make you wait, she,
8 because she be at work and you might get paid two days
9 later or something. You might get paid a day later. You
10 don't get it right then, because she be busy all the time
11 with the funeral and stuff.

12 Q You've been to her home to collect money in the past?

13 A Yeah, I done collect a check before.

14 Q All right. And your testimony is that on this
15 particular date, you had a coat in your car that matched
16 your shoes, correct?

17 A Uh-huh.

18 Q And it's the shoes that are in evidence in this case
19 and have been discussed repeatedly, correct?

20 A Yes, ma'am.

21 MS. MAYES: Beg the Court's indulgence.

22 THE COURT: Sure.

23 Q All right. These shoes are the same shoes that you
24 were wearing in the Coastal video, correct?

25 A Yeah, but they had the shoestrings in them.

1 Q And your testimony is they had shoestrings in them?

2 A Yeah.

3 Q And your testimony is that you had a coat in your car
4 that matched those shoes?

5 A That matched my shoes. It's on the picture.

6 Q Well, Mr. Chandler, you weren't wearing that coat in
7 that Coastal video. You weren't wearing that coat at 7:32
8 a.m.

9 A Yeah, because when you get in a car, that's a winter,
10 that's like a forest coat. It's a hunter's coat. My
11 daddy bought it for me and it get real, it's, it's
12 thermal, it's real, it consumes heat real good for the
13 hunting season and it get real hot. You got to take it
14 off as soon as you get in the car.

15 Q But you weren't in the car when you were in Coastal,
16 correct?

17 A I went to Coastal in the car.

18 Q Right. And you got out of the car and went inside
19 Coastal?

20 A Yeah, but I went somewhere else before that, though.

21 Q And that's why we're here today, isn't it? Tell us
22 about you being in North Augusta that night and you told
23 your sister in the middle of the night you needed her car?

24 A Yeah. About 2:00-something. Like I told you, when I
25 was out and about in the little, in the little apartments.

1 I was selling drugs, but then I decided to go up there to
2 see a girl--

3 THE COURT: All right. You got to speak up a little
4 bit. The jury's got to hear your testimony.

5 Q And it's the same car that you're driving in the
6 Coastal video at 7:32 a.m., correct, your sister's Honda
7 Civic?

8 A Yes.

9 Q The same one you were arrested in about 20 minutes
10 later down at Mr. Canaan Church?

11 A Yes..

12 Q In Trenton headed back to North Augusta, correct?

13 A Yes.

14 Q So you came and asked your sister in the middle of
15 the night, about 2:00 a.m. according to you, for the car
16 keys. And then you ended up in Johnston at 7:32 a.m.
17 cashing a check at the Coastal Station, correct?

18 A Yeah, because I was called, I was told to come to
19 Johnston. I had a reason to come to Johnston.

20 Q And that reason?

21 A To come get that money from him.

22 Q So your testimony is that you came and got a check
23 from Noah Peterson, not Dorothy Peterson, is that correct?

24 A I ain't get no check from her, that's why y'all ain't
25 got the check, but it was in the car.

1 Q And your testimony is that you then left Noah
2 Peterson's home and went to the Coastal Station to cash a
3 check?

4 A I went to the Monk's station first across the track
5 across town. Then, I went to that station. That's where
6 I went and bought, I broke that fifty at.

7 Q And you deny that you heard your name over the
8 scanner, even though your name was already out as a
9 suspect and there was a BOLO already out at exactly that
10 time that you were in the Coastal Station?

11 A (No audible response.)

12 Q You deny there was a scanner in the Coastal Station?

13 A And when I left the Coastal Station, it was 7:32,
14 right?

15 Q You were on video at 7:32 a.m.

16 A Okay.

17 Q That is correct.

18 A What time did Ms. Peterson call the police?

19 Q My question is to you --

20 A She called at 7:33.

21 Q My question is to you --

22 A There was no dispatch out at the time, because the
23 call was never made.

24 Q All right. Let me ask you this. You deny that there
25 is a scanner at the Coastal Station?

1 A It's a scanner in there but it wasn't on.

2 Q And you deny that your name was on there?

3 A My name wasn't on that scanner. The time; I'm
4 telling you it was 7:32. They ain't even, the police
5 ain't even know nothing until 7:33.

6 Q 7:32 is when the call was placed and 7:33 is when it
7 was entered into the CAD system?

8 A Okay. So at 7:32, I was already driving out on the
9 store, from the store. I got to the store at 7:31.

10 Q So it's your testimony that you heard a scanner or
11 you didn't hear a scanner?

12 A I ain't hear no scanner.

13 Q And you--

14 A That's something y'all got going on.

15 Q You acknowledge you were wearing the gray sweat suit?

16 A I was wearing the pants.

17 Q Those gray sweat pants. The gray sweat pants that
18 you were arrested in were the same ones that you were
19 wearing on that video at 7:32, correct?

20 A Yes.

21 Q And when is the last time you had worked for Ms.
22 Peterson?

23 A I told you like around a, probably about November.
24 It was around November when I did, whenever me and my
25 daddy took that stuff out that house and cleaned out the

1 backyard right there next, right there next to the funeral
2 home.

3 Q November of 2014?

4 A November 2014.

5 Q So about four months before this. And where were you
6 staying then?

7 A I was staying in Johnston then.

8 Q And when you stay in Johnston, you stay at 124 May
9 Street?

10 A Yes, I do.

11 Q And what is the reason, Mr. Chandler, that you
12 borrowed your sister's car at 2:00 a.m. in the morning and
13 ended up in Johnston?

14 A I ended up at in Johnston, because Noah told me to
15 meet him in Johnston about 7:00-7:30. Now, the reason I
16 got my sister's car was supposed to meet up with this
17 girl.

18 Q Now, you have phone records. You don't have a single
19 phone record from Noah Peterson, do you, Mr. Chandler?

20 A Well, how am I going to have it when y'all done did
21 something with the phone and the check? Y'all had the
22 stuff right, right there in the car. Y'all pulled me over
23 when I left from the front of the store.

24 Q Mr. Chandler, there is no record of a call from Noah
25 Peterson?

1 A How, how we gone know?

2 Q How would we know? How would --

3 A We could, we could, we could know if y'all, man,
4 look, if they didn't take that phone out of there, we
5 would know. I should have never told them about that
6 phone. That's how I know these people is out to get me.

7 Q And, Mr. Chandler, the phone records that were
8 produced in this case for the witnesses that were called
9 by you a little while ago, those phone records were
10 obtained by you, correct?

11 A Yes, these phone records.

12 Q Okay. They were obtained by you--

13 A But that's a different phone. That's not the same
14 phone I'm talking about.

15 Q All right.

16 A I had a little flip Verizon phone. This my other
17 phone. I had, I had got this phone, I had just got this
18 phone.

19 Q Mr. Chandler, the phone records, let me go back to
20 the question I had for you. The phone records that you
21 were questioning records about just a few moments ago,
22 those records were obtained by you, correct?

23 A Well, my lawyer had got them for me.

24 Q All right. All right. But they weren't provided by
25 the police or anyone like that; they were records that you

1 obtained for purposes of this court proceeding, correct?

2 A Yeah, that's from the company.

3 Q All right. And those phone records go to the phone
4 that was in that vehicle that you were driving and
5 arrested in on the morning of February 24th, correct?

6 A Yes, ma'am.

7 Q The same vehicle that you were seen in at 7:32 a.m.,
8 correct?

9 A Yes.

10 Q The same vehicle that you left North Augusta in
11 around 2:00 a.m., correct?

12 A When I left North Augusta, I went with a girl and I
13 came back to North Augusta.

14 Q And, Mr. Chandler, the only phone in that vehicle is
15 the phone that you have the phones records for, correct?

16 A Yeah, but that ain't my fault.

17 Q That's not your phone?

18 A That's not my fault.

19 Q And, Mr. Chandler, there is no record of any contact
20 with Noah Peterson on that phone or in those phone
21 records, correct?

22 A I know it. I know I can't prove it, because I ain't
23 got the phone no more.

24 MS. MAYES: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 Q If I understand your testimony on direct examination
2 a little while ago, you were in need of money?

3 A I was in need of money?

4 Q That's what your testimony was that you were selling
5 drugs on the side, because you were in need of money?

6 A I wasn't in need of money. I make money. I'm not
7 needing for anything, because at any day, I can go to my
8 dad or my mama. I don't need anything.

9 Q So you don't--

10 A I make. I sell. I sell drugs. I barber. I cut my
11 own hair. I do everything. I can do everything for
12 money.

13 Q So you sell drugs not out of a need, but to just make
14 more money?

15 A Yeah, to make more, extra money on the side. For my,
16 that's extra spending money.

17 Q And you went to Ms. Peterson's home about a week
18 before this because, as you said just a few minutes ago,
19 you needed more money; you needed jobs?

20 A I went to her house the week before no, I didn't. I
21 didn't go to her house no week before.

22 Q You went to the funeral home?

23 A Not her house.

24 Q You went to the funeral home looking for jobs?

25 A I went to the funeral home. Yeah. That's what I do

1 on my off time. In the summer, I cut grass. In the fall,
2 I rake leaves. I do everything. My daddy taught me that.
3 That's what he do and that's what I do now.

4 Q You went looking for Dorothy Peterson, because she
5 has always lent a hand to you when you needed it, right?

6 A It's not lending a hand. It's really that she need
7 things done and when she need things done, I can do it or
8 my daddy will do it. She don't need to lend me no hand.
9 I got a job. Didn't you see I just got paid Friday and,
10 and Monday. I go and I get paid Monday, why am I going to
11 go rob somebody Tuesday morning for.

12 Q And you know that Ms. Peterson lives alone at that
13 house at [REDACTED] ?

14 A Yes, I know that.

15 MS. MAYES: Nothing further.

16 THE COURT: Okay. Anything else you got to say
17 before you step down.

18 MR. CHANDLER: No, I'm all right.

19 THE COURT: Okay. All right. You can step down.

20 MR. CHANDLER: Your Honor?

21 THE COURT: Okay.

22 MR. CHANDLER: Can I call Tracy Wood to the stand.

23 THE COURT: We haven't, I was told on the break that
24 he was having difficulty getting here because he worked
25 last night.

1 MR. CHANDLER: He's here now.

2 THE COURT: Is he? Is he in the courtroom, is he in
3 the courtroom. If he is here you can call him. Call Mr.
4 Wood in here.

5 (Whereupon, Mr. Wood came into the courtroom.)

6 THE COURT: You still under oath. All right. All
7 right. Mr. Chandler, your witness.

8 DIRECT EXAMINATION

9 By Mr. Chandler:

10 Q How you doing, sir.

11 A Good morning, how are you? I'm sorry, afternoon.

12 Q Can you tell me, did you take the pictures, what all
13 did you receive, take from me in booking when you, when
14 they booked me?

15 A Do you have my supplemental report?

16 Q Yes. Can you tell me the amount of cash that you
17 took from me?

18 A Yes, sir. Hang on one second. I took four one
19 hundred dollar bills, two twenty dollar bills, one five
20 dollar bill, and two one dollar bills.

21 Q That's all of my money you took?

22 A That's all that's in my report.

23 Q That's all in that report right there. Let me
24 refresh your memory.

25 A And one, one dollar bill.

1 Q So that's \$448.00?

2 A I would have to figure it up.

3 Q You could add it, can't you?

4 A Yes, sir. But not off the top of my head. I just
5 woke up.

6 Q Did you, did you take the shoes from me?

7 A Yes, sir.

8 Q The day of booking?

9 A Yes, sir.

10 Q Okay. What procedures do you take when you collect
11 the evidence?

12 A I remove the item, place it in a bag, fill out the
13 information and turn it over to the evidence custodian.

14 Q So you removed the item. Is it not safe to first
15 leave things how they are to show the existence of it?

16 A I'm not sure I follow your question.

17 Q When you trying to prove that something is there,
18 wouldn't you not touch it first and just take the picture?

19 A I wasn't trying to prove anything was there, sir. I
20 just took the items, seized them, placed them in a bag,
21 filled out the information, and turned it over to the
22 evidence custodian.

23 Q Well, that's not, that's not in procedures that you
24 take when you collecting evidence. You don't touch them
25 first. You leave them as you are and you take pictures,

1 and then you go on about touching things?

2 A I'm not sure what procedure you, you're referring to.

3 Q What do you do to claim and view evidence?

4 A What do you mean what do you do?

5 Q When you see evidence in your plain view, what do you
6 do? How do you proceed after that to collect the
7 evidence?

8 A You would collect it.

9 Q You wouldn't take no pictures of them?

10 A If I was working the case.

11 Q Well, you were working the case, wasn't you? You,
12 you, you gathered the things because you were on the case?

13 THE COURT: Why don't you rephrase the question?

14 What do you do when you're booking a person in the jail;
15 what's the procedure?

16 A Sure. When we bring somebody to the jail, the
17 detention facility, you meet with a booking officer, a
18 general officer. At that point, they conduct a pat down
19 or a search of the person that you're bringing in. At
20 that point, once they're clear, they're put in a holding
21 cell.

22 Q Okay. And you say that approximately would have been
23 8:00, can you tell me what time you got those things?

24 A I would have to look at the bag.

25 MR. CHANDLER: Can he step down?

1 THE COURT: Sure. He can step down.

2 Q What time that you got the sheet?

3 A Which bag, that would be this bag here that says 8:45
4 a.m.

5 Q 8:45 is when you got those shoes and, I mean, put
6 them in the bag?

7 A That's what time I put them in the evidence bag; yes,
8 sir.

9 Q That was when you was directly done afterwards?

10 A Yes, sir.

11 Q What did you do with it then?

12 A Turned it over to the evidence custodian which is
13 Investigator Morris.

14 Q So you gave, did you seal it or anything?

15 A We fold the bag up. We don't seal it, because that's
16 not part of our process.

17 Q So you don't seal it, so the bags just be open in the
18 jail?

19 A It's in the, it's in the evidence custodian's thing.

20 Q But it's still in the jail? It just sits in a bag
21 open in the jail?

22 A No, it's secured.

23 Q It's secure in the jail?

24 A Right. It's secured in the evidence custodian's
25 locker.

1 Q In the jail?

2 A No.

3 Q It's not in the Sheriff's Office?

4 A It's at the Sheriff's Office. It's not in the jail.

5 Q Yeah. That's what I mean. I'm sorry. So it was in
6 the Sheriff's Office?

7 A Correct.

8 Q And not sealed. So it sat there for --

9 A You want me to sit back down or?

10 Q Yeah, you can sit back down. So would, are we just
11 supposed to just go by your word of the shoestrings being
12 missing out the shoes?

13 A I write on the evidence bag and in my report the way
14 I see it.

15 Q Well, that's your word. You're not going to take a
16 picture or anything to prove it?

17 A I write it just like I see it. I mean, I don't know
18 how else to explain that to you.

19 Q So that's all we got to go off is your word today.
20 So you gave, you gave the bag to Investigator Morris
21 around 8:00 something, about 9:00ish?

22 A Whatever time is on the bag.

23 Q And they were on the scene, they didn't leave the
24 scene until 11:00, Investigator Morris was in the
25 Sheriff's Office, though?

1 A I can't testify to what time he was at the scene or
2 was not.

3 Q Did he witness anything getting in the bag? Did
4 anybody witness you taking these shoes?

5 A Whoever would have been on the jail staff.

6 Q So wouldn't that have been a little better to prove
7 that the shoes, there was a lot of people there with you
8 in booking when I came in, right?

9 A I don't recall how many people was in booking.

10 Q And you collected the money, \$448.30?

11 A Yes, sir. Whatever is in my report.

12 MR. CHANDLER: I have nothing further, Your Honor.

13 CROSS-EXAMINATION

14 By Ms. Radlein:

15 Q Deputy Wood, looking at your report, I'm going to
16 direct you to the third line. Is it correct that you
17 indicated that Defendant's vehicle bearing a Barrett auto
18 tag matched the description of a vehicle that was seen at
19 [REDACTED] in Johnston?

20 A That's correct.

21 Q Was this your case?

22 A It was not.

23 Q Is it correct that you were just providing assistance
24 at booking?

25 A That's correct.

1 Q At the time of booking, was the Defendant wearing
2 shoes with no shoelaces?

3 A That's correct.

4 Q Did you document that in your report?

5 A Yes, I did.

6 Q Did you also document that on the evidence bag?

7 A I'll have to look at it. Yes. It says, one pair of
8 Nike Airmax, black and hot pink in color. Size US 11 with
9 no shoestrings.

10 Q Would you have written, no shoestrings, if the shoes
11 had shoestrings?

12 A No, ma'am.

13 Q Do the shoes have shoestrings?

14 A No, ma'am.

15 Q Were the shoes in this condition when you put them in
16 this bag?

17 A That's correct.

18 Q Is it standard procedure to document exactly what is
19 in the evidence bag on the outside of the evidence bag?

20 A That's correct.

21 Q Is it standard procedure to not add anything
22 additional to the bag?

23 A That's also correct.

24 MR. RADLEIN: I believe that's it, Your Honor.

25 MR. CHANDLER: Your Honor?

1 THE COURT: Any redirect?

2 REDIRECT EXAMINATION

3 By Mr. Chandler:

4 Q On that bag you said that there was a pair of black
5 and hot pink shoes?

6 A Nike Airmax.

7 Q Nike Airmax? Hot pink?

8 A Yes.

9 Q Is those shoes hot pink today?

10 A My interpretation they are.

11 Q And that's what you see now?

12 A That's correct.

13 Q So you also saw no shoestrings?

14 A Correct.

15 MR. CHANDLER: No further questions, Your Honor.

16 THE COURT: Okay. Detective, thank you for coming
17 back. Please feel free to go.

18 MR. CHANDLER: Your Honor, I'd like to enter those, I
19 forgot about what I was doing it.

20 THE COURT: I'll allow those to come in since you
21 testified to them. That'll be number 10 and 11, is that
22 right, Joy?

23 REPORTER: Yes, sir. 10 and 11.

24 THE COURT: They'll come in unless the State has an
25 objection, but he made the foundation. I'll allow it.

1 (Whereupon, Defendant's Exhibit numbers 10 and 11 and
2 12 were admitted into evidence.)

3 THE COURT: So they're in subject to the State's
4 objection.

5 MR. CHANDLER: Your Honor, the Defense rests.

6 THE COURT: Okay. All right. The State going to
7 call anything in rebuttal?

8 MS. MAYES: Yes, sir. We need about five minutes.

9 THE COURT: Okay. Let's take a short break. I want
10 to get all of the witnesses done today and come back
11 tomorrow to summarize the charge. The State can call
12 rebuttal witnesses and they are going to take about five
13 minutes to get ready. Tomorrow morning we will summarize,
14 instruct you, and you can start your deliberations. But I
15 want to get the testimony in today. Y'all can take a
16 break, but you can't begin discussing the case yet.

17 (Whereupon, the jury was excused from open court for
18 a break.)

19 THE COURT: We will take a short break.

20 (Whereupon, a short break was taken.)

21 THE COURT: All right. Bring in the jury, please.
22 Joy, put on the record that the Court considered a renewal
23 of the directed verdict motions also. The same reason
24 that is outlined in the State's case, the Court
25 respectfully deny. At the Defense case, began, he renewed

1 the motions.

2 (Whereupon, the jury came into open court at
3 approximately 4:14 p.m.)

4 THE COURT: Call your witness, please.

5 MS. RADLEIN: Thank you. The State calls Lieutenant
6 Polly Hall.

7 THE COURT: You're still under oath.

8 DIRECT EXAMINATION

9 By Ms. Radlein:

10 Q Thank you, Lieutenant Hall. If you would, do you
11 have a copy of the CAD report with you?

12 A Yes, ma'am.

13 Q Referring to the same page of the CAD, can you tell
14 me who eventually was the first person, first unit in
15 route to [REDACTED] on February 24th, 2015?

16 A That was 74.

17 Q And what, if anything, can you tell me about 74? Is
18 that a Johnston police number or an Edgefield County
19 police number?

20 A That is Johnston.

21 Q And at what time was that unit in route?

22 A The unit was in route at 07:33 a.m.

23 Q And we can add that to here. So at 7:00, and what
24 was the unit number?

25 A 74.

1 Q So it's a Johnston?

2 A Yes, ma'am.

3 Q And that's in route to [REDACTED]?

4 A That is correct.

5 Q Can you tell me who was the first officer on-scene at
6 [REDACTED]?

7 A That would be the Johnston unit 74.

8 Q And that would be the same unit 74?

9 A Yes, ma'am.

10 MS. RADLEIN: No further questions.

11 THE COURT: Any questions?

12 MR. CHANDLER: Yes, sir.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 By Mr. Chandler:

16 Q How are you doing?

17 A I'm fine.

18 Q What time, you said the call was made at 7:33?

19 A Yes, sir.

20 Q That's the time you received it?

21 A Yes, sir.

22 Q And the Johnston police unit 74, that was the first
23 person to arrive to the scene?

24 A He was, yes.

25 Q Do you have the name of which officer it was?

1 A It's not on this. It doesn't show the names of the
2 officers on our CAD report.

3 Q So the call didn't go out until 7:33. What time did
4 you, what time did you get, did the dispatch go out?

5 A You mean when the call was dispatched out?

6 Q Over the scanner like.

7 A That would have been at around, 07:32 according to
8 the CAD was created and send time was 7:33.

9 Q So at 7:37, can you describe what was, what happened,
10 the narrative?

11 A At 7:37?

12 Q What was the narrative?

13 A It is, 74 10-23 at 7:37.

14 Q Do you have a narrative that says when was my name
15 given over the dispatch?

16 A Okay. Let me check. At 7:45. It's in the
17 narrative, your name.

18 MR. CHANDLER: No further questions, Your Honor.

19 THE COURT: Okay.

20 REDIRECT EXAMINATION

21 By Ms. Radlein:

22 Q The narrative, does that, and when does the narrative
23 typically entered on a CAD?

24 A It's just whenever the officer says something.

25 Q Is it recorded immediately?

1 A It all depends on how busy they are in there.

2 Q So the name could have gone out earlier?

3 A That's possible.

4 Q When you listened to the 911 audio when the call was
5 created was the suspect's name on that initial 911 audio?

6 A Yes.

7 Q Would that information have gone out over dispatch?

8 A It could have.

9 MS. RADLEIN: No further questions.

10 THE COURT: Okay. You can step down.

11 MS. RADLEIN: Your Honor, the State re-calls
12 Investigator James Smith.

13 THE COURT: Investigator, you're still under oath
14 from your original testimony.

15 DIRECT EXAMINATION

16 By Ms. Radlein:

17 Q Investigator Smith, when you arrived at [REDACTED]
18 [REDACTED] on February 24th, 2015, who was the first unit
19 on-scene?

20 A And that's going to be Officer Grenier with the
21 Johnston Police Department.

22 Q And what is his unit number?

23 A 74.

24 Q When you were at, Smith Coastal Station and you
25 testified in Defendant's case-in-chief, when you had

1 watched the video, who do you see going in route at the
2 end of the video?

3 A Officer Grenier.

4 Q So does it appear that the video possibly went slow?

5 A It's possible, yes.

6 MS. RADLEIN: No further questions.

7 THE COURT: Anything else?

8 CROSS-EXAMINATION

9 By Mr. Chandler:

10 Q You said that unit 74 was Officer Grenier?

11 A Yes, sir.

12 Q And he was leaving out from the video to in route?

13 A Yes, sir.

14 Q How do you know that?

15 A Because I know Officer Grenier, and I have viewed the
16 video.

17 Q And just because he drove out, did that mean that he
18 was in route?

19 A Yes.

20 Q He didn't speed out or nothing, did he?

21 A I couldn't tell from what clips there was on the
22 video. When he pulled out, I couldn't tell by that, by
23 the video.

24 Q But he was in the, he was in the parking lot right
25 next to my car?

1 A Yes, sir.

2 Q And did I walk right by him?

3 A Yes, sir.

4 Q Around 7:32, right?

5 A I believe that was the time on the video camera.

6 Q So at that time, did the Chief ever, Chief of
7 Johnston ever come to the crime scene of that day?

8 A Not when I was there; no, sir.

9 MR. CHANDLER: No further questions, Your Honor.

10 THE COURT: Okay. Investigator, you may step down.

11 MS. RADLEIN: Beg the Court's indulgence. That's
12 completes the reply from the State, Your Honor.

13 THE COURT: Okay. All right. We're done for the
14 day. I got a couple of things to put on the record. I
15 got a hearing, something unrelated at 9:00, so can y'all
16 be in the jury room about 9:00 and we'll start at 9:15 or
17 so. And what's planned for tomorrow so y'all can
18 anticipate is each side will get an opportunity to
19 summarize what they believe the facts in evidence has
20 shown, some people call it closing argument. I call it
21 closing summaries. Once they're done, then I will give
22 you the instructions on the law and what y'all will do in
23 evaluating what you've heard and then after those
24 instructions are done, then you'll begin your
25 deliberations. So my intent is to get all that done in

1 the morning, y'all start your deliberations late morning.
2 I don't know what we'll do for lunch, but we'll figure
3 that out tomorrow. So we're done for the day. Take your
4 notebooks and notepads back to the jury room and see you
5 in the morning shortly after 9:00, and you can't discuss
6 the case yet.

7 (Whereupon, the jury was excused from open court for
8 the day.)

9 THE COURT: All right. Folks, I've got the
10 instructions pretty well put together. Is there any
11 request for any lesser-includes from the State or the
12 Defense? I don't think y'all want them.

13 MS. MAYES: Nothing from the State, Your Honor.

14 MR. CHANDLER: No, sir.

15 THE COURT: So we're going burglary first, CSC first,
16 kidnapping, strong arm robbery; 1, 2, 3, 4, like that.
17 All right. I'm going to give y'all my outline kind of at
18 this point. I intend on submitting a verdict form as to
19 the charge of, as to the charge of. I'll have that ready
20 so y'all can review that during closing. Let me pull up
21 this charge and let me read y'all my edits so to speak, so
22 you kind of know where I'm going. All right. Generally,
23 the preliminary instruction, the Court's instruction of
24 law, burden of proof, what reasonable doubt is,
25 circumstantial and direct evidence, note taking is

1 allowed, weighing the evidence, the jury is finders of
2 fact, determining witness credibility, and definition of
3 criminal intent; then the specifics of the elements of the
4 case, burglary first, CSC first, kidnapping, strong armed
5 robbery, and conclusion. Do we need anything, I may have
6 thought about putting identification in. Y'all want that?

7 MS. MAYES: Yes, sir, Your Honor.

8 THE COURT: I think I will put it in here. I just
9 didn't put it on my outline. Let me scroll down and look.

10 MS. MAYES: And direct evidence and circumstantial
11 evidence.

12 THE COURT: I got that in and circumstantial and all
13 circumstantial is consistent, point to, identification is
14 an issue. It's in there. Do you want mere presence or
15 not?

16 MS. MAYES: The State would object, Your Honor.

17 THE COURT: I don't think it's appropriate.

18 MR. CHANDLER: What?

19 THE COURT: Mere presence.

20 MR. CHANDLER: I don't think so.

21 THE COURT: Okay. I think identification is a
22 necessity, but mere presence is an option.

23 MR. CHANDLER: Well, Your Honor, like the
24 instructions on the identification, because this case has
25 gone on--

1 THE COURT: You want me to read it to you, so you'll
2 know what I'm going to say?

3 MR. CHANDLER: Yes.

4 THE COURT: All right. It's not very long. Hold on.
5 Let me scroll back up here to it. All right. The issues
6 of identification of the Defendant who has committed a
7 crime charged. The State has the burden of proving
8 identity beyond a reasonable doubt. You must be satisfied
9 beyond a reasonable doubt with the accuracy of the
10 identification of the Defendant before you may convict
11 him. Identification testimony is an expression of belief
12 or impression by the witness. You must determine the
13 accuracy of the identification of the Defendant. You must
14 consider the believability of each identification witness
15 in the same way as the other witnesses. You may consider
16 whether the witness had an accurate or adequate
17 opportunity to observe the offender at the time of the
18 offense. This can be affected by things like how long or
19 short a time is available, how far or how close the
20 witness was, the lighting conditions, whether the witness
21 had a chance to see or know the person in the past. So I
22 instruct you the burden of proof is on the State to every
23 element of the crime charged and, specifically, includes
24 the burden of proving beyond a reasonable doubt the
25 identity of the person who committed a crime. If after

1 examining testimony you have a reasonable doubt as to the
2 accuracy identification, you must find the Defendant not
3 guilty. That's my instruction on identity, okay?

4 MR. CHANDLER: Yes, Your Honor. But when you, when
5 you say, when you say after the examination of
6 identification, and then you decide, are you, are you
7 referring to just the identification of the witness or the
8 identification of through the whole trial?

9 THE COURT: I think that's both.

10 MR. CHANDLER: Referring to just the witness, then I
11 don't think that that would--

12 THE COURT: Identification of testimony is expression
13 or belief on impression by a witness. You must determine
14 the accuracy of identification of the Defendant based on
15 that testimony. You can consider the believability of
16 each identification witness in the same way as the other
17 witnesses. So it's the testimony of the witnesses.

18 MR. CHANDLER: Yes, sir.

19 THE COURT: Okay?

20 MR. CHANDLER: Yes, Your Honor.

21 THE COURT: And that's consistent with the charge
22 book. But any other specific request to charge?

23 MS. MAYES: Expert witnesses, Your Honor.

24 THE COURT: Oh, yeah, they're in here. Okay.

25 MS. MAYES: Credibility of witnesses.

1 THE COURT: It's in here. That's part of the, expert
2 witnesses in. I'm sorry. That wasn't in my outline
3 either, but it's in the body of it.

4 MS. MAYES: And then we have the matter of judicial
5 notice regarding the time of sunrise and we have the
6 toxicology stipulation, which we will draft for the Court
7 and have ready in the morning.

8 THE COURT: All right. Can you have that, the
9 Court's Exhibit, is that number 1?

10 MS. MAYES: I believe it is, Your Honor.

11 THE COURT: Okay. All right, good deal. Anything
12 else?

13 MR. CHANDLER: No, Your Honor.

14 THE COURT: Okay. See y'all in the morning.

15 MS. MAYES: Thank you, Judge.

16 (Whereupon, the trial will resume the next morning at
17 9:00 a.m.)

18 JULY 22, 2016

19 THE COURT: Mr. Chandler is going to open with his
20 summary.

21 MR. CHANDLER: That's correct.

22 THE COURT: Mr. Chandler, I don't know how long you
23 plan on summarizing, but I'm certain Mr. Drylie has given
24 you good advice on how long is the right amount of time.
25 So once he's done, this will kind of regroup and reset the

1 video for the State, and I'll tell the jury that. Are
2 y'all ready for the jury to come in?

3 MS. MAYES: Yes, sir, Your Honor. I just want to
4 make sure that we're straight on the judicial notice. We
5 have the Court's Exhibit 1 which is the time of sunrise.
6 Pursuant to SLED toxicology report, SLED toxicology
7 testing, the victim was negative for alcohol and all
8 drugs.

9 THE COURT: You understand, Mr. Chandler, those are,
10 the Court's taking notice that those facts are actual, no
11 drugs or alcohol in the victim's system and the sun came
12 up at, it's the time it says on this sheet.

13 REPORTER: 7:02 a.m.

14 THE COURT: Per the meteorology report. You
15 understand that?

16 MR. CHANDLER: I don't argue the fact of the time of
17 the sun rising, but I do argue the fact about the
18 toxicology, because my, my lawyer, he was my lawyer at the
19 time and he allowed it at the time. I would have not did
20 it, because the facts that are in and everything we talked
21 about in this case, that has nothing to do with that.

22 THE COURT: Okay. And so I am going to note your
23 objection to admit that but even if your lawyer objected,
24 I'm going, would allow it since it was a test performed on
25 Ms. Peterson that morning. So if, I would allow it anyway

1 and so your objection is noted for the record, we took
2 that record. So even though your lawyer allowed it, I'm
3 considering your objection but yet, I'm still going to
4 allow it, okay. So I may be wrong, but your record is
5 preserved, so if I'm wrong, you can challenge it on
6 appeal, okay. Now, are we ready?

7 MS. MAYES: Yes, sir, Your Honor.

8 THE COURT: You ready?

9 MR. CHANDLER: Yes, Your Honor.

10 THE COURT: All right. Sunrise was 7:02?

11 REPORTER: 7:02.

12 THE COURT: Is the toxicology report, is that made a
13 Court's exhibit also.

14 MS. MAYES: It was not a Court's exhibit and we'll do
15 that.

16 THE COURT: Let's mark it as a Court's Exhibit and
17 I'm going to tell the jury before we start.

18 REPORTER: And that will be Court's Exhibit number 3.

19 (Whereupon, Court's Exhibit number 3 was admitted
20 into evidence.)

21 THE COURT: So that's Court's Exhibit number 3
22 subject to the objection.

23 (Whereupon, the jury came into open court at
24 approximately 9:34 a.m.)

25 THE COURT: All right. Welcome, again, ladies and

1 gentlemen. We're ready to proceed with the summaries by
2 both parties. Mr. Chandler is going to be allowed to go
3 first, summarize the testimony, evidence that he believes
4 the State's shown or proved or not proved. And then after
5 he's done, then Ms. Mayes will be given an opportunity to
6 summarize the State's position as to what y'all have been
7 shown. Upon those, conclusion of those two summaries,
8 we'll probably take a short break, and then I will get you
9 back in here and give you my instructions on the law and
10 the verdict form. Once that's done, then the lawyers and
11 the parties are allowed an opportunity to comment on my
12 instructions. They have a pretty good idea of what I'm
13 going to say, but they're allowed to comment on that. But
14 once we get the instructions complete, then you'll begin
15 your deliberations and that should be just before lunch.
16 Now, tell me your name again, please, sir?

17 MR. BECKUM: Russell.

18 THE COURT: Last name?

19 MR. BECKUM: Beckum.

20 THE COURT: Mr. Beckum, I'm going to allow you to be
21 the foreperson, because you have done a good job sitting
22 there. So I'm being selective as is my practice. Y'all's
23 candy is there. Now, the parties are both going to
24 utilize some videos introduced. As I understand it, Mr.
25 Chandler is going to let Mr. Drylie operate the video for

1 him, and so they'll both be over there. Y'all give your
2 attention to Mr. Chandler, and then once that's done, Ms.
3 Mayes will begin argument. They want to reset the video
4 to some other, the portions they want you to see. Now,
5 I'll tell you that you'll be able to see the videos during
6 deliberation or you can ask to see the videos. I'm not
7 exactly sure we'll present them in here in the jury room
8 or something, but you'll be able to view the videos if
9 y'all need to. You'll be able to review anything,
10 evidence and what not as much as you want to, so don't be
11 concerned if you won't get a long look at some of the
12 evidence. You'll get to see it as much as y'all deem
13 appropriate. So those are my preliminary comments, so
14 commit your attention to Mr. Chandler.

15 MR. CHANDLER: Good morning, ladies and gentlemen of
16 the jury. Today, I'm here because when you was a child
17 one of the things, the one of the sayings that you were
18 told when you were a child that don't judge a book by its
19 cover and as you grew older, you began to realize what
20 that really meant. A book can look good on the outside
21 and be bad on the inside. It can look bad on the outside
22 and be good on the inside. You understand? Okay. And
23 another thing is what you, another saying was what you
24 don't know won't hurt you. That's what the State is
25 giving you, what they tried to give you. But my saying is

1 what you don't know will hurt you. It will hurt your
2 decision of this case. That's why I called other, all the
3 officers up that they intended not to call. These
4 officers were officers that did the whole investigation.
5 Why wasn't they called to the stand? I showed you why
6 they wasn't called. Okay. Due to my studies, exoneration
7 is, DNA evidence, forensics came about in the late '90's.
8 So before that, people that got convicted of DNA, rape
9 cases and all this stuff, they got convicted off of
10 word-of-mouth, eyewitness, and they had to sit in jail.
11 Now, when the late '90's came, they were exonerated.
12 There were over 300, over 500 DNA exonerations done due to
13 the fact that they didn't have --

14 MS. MAYES: Objection, Your Honor. Arguing facts not
15 in the record.

16 MR. CHANDLER: Okay. DNA --

17 THE COURT: All right. Let me make a record of that.
18 I sustain it. You can't argue facts not in the record,
19 okay?

20 MR. CHANDLER: Right. DNA is a very strong evidence
21 of proof. Now today, the State has to show you that
22 beyond a reasonable doubt that I entered, that I entered
23 Ms. Peterson's house. That's the first element today.
24 That's the first element of this crime. The very first
25 that I, Edward Terrell Chandler, I entered. Now, the

1 State has failed to prove to you that I touched any of
2 this evidence. That I touched anything in her house.
3 That I touched anything on her body. They proved, they
4 didn't prove to you that she touched anything on my body.
5 But what they did, what was discovered that there was
6 another person's DNA, another person's hair follicle which
7 they tried to cover later and say that he didn't wear
8 gloves. But every expert that got up here on the stand
9 for them said that they wear gloves before they touch
10 things. But this is what he, they say after they realized
11 that the hair was there. They didn't want you to know
12 that the hair was another man's. They didn't want you to
13 know that my DNA was 12 and 14. They didn't want you to
14 know that the hair was 13. I had to show y'all that.
15 They was hiding it. Okay. Now, the fact, a fact is
16 established foundation of the truth. A fact is the truth
17 and the truth is a fact. So when the facts change, what
18 happens to the truth? Okay. Let me get into this because
19 I don't want to hold y'all here all day. Now, Ms.
20 Peterson called 911 and her neighbors for help. But when
21 they, the help came, she didn't want to go to the
22 hospital. She didn't, she didn't want to go. Why? We
23 all have common sense. Common sense is a method, the most
24 used method of human nature. If you don't know anything,
25 you have common sense. Now, Mr. Smith is the lead

1 investigator, the one that the State tried to hide, that
2 they wouldn't call. He's the lead investigator, and they
3 did not call him. So, on his report that I revealed to
4 you, he stated that Ms. Peterson heard a knock on her
5 door, but Ms. Peterson said that she heard a doorbell
6 ringing constantly, continuously. There is a huge
7 difference in the sounds. And then on top of that, a
8 doorbell ringing, the officers never, they never reported
9 that they did any testing of fingerprints. That's only
10 their word-of-mouth and that's what the State wants
11 everybody to go off of today. That's not a reasonable,
12 beyond a reasonable doubt, because you see as I see that
13 their word is not credible. Now, Investigator Smith also
14 stated that on the day of the crime Ms. Peterson said
15 there was \$800.00 dollars taken from her. This is the day
16 of the crime. Now, 16-17 months later, now she don't
17 know. Why is that? Is it because the money that they
18 found wasn't that? We all have common sense. Now, the
19 \$800.00 dollars on the report was given as a fact. Did
20 that fact change? Now, if you were married for 15 years
21 and you were doing homosexual activity with another man --

22 MS. MAYES: Objection Your Honor.

23 MR. CHANDLER: I testified to it.

24 MS. MAYES: Arguing evidence not in record.

25 MR. CHANDLER: I testified to it, Your Honor.

1 THE COURT: I believe he testified to that.

2 MR. CHANDLER: Homosexuality act with a man, with
3 another man. If you were married for 15 years, would you
4 want your wife to know, would you want anybody to know if
5 you owned a business and you are parts of counsel, you had
6 perspective to people in the neighborhood that you were
7 someone of a higher class to be respected by people, would
8 you want them to know. You didn't have no business doing
9 it. So now, me, I see it and you trying to buy me off,
10 but what it was, you didn't try to buy me off, you tried
11 to get rid of me. So no matter what I say, I was away.
12 We all have kids. I don't know if you all have kids, but
13 when you have kids, what would you do for your child. I
14 know me. I would die for my child, for both of my
15 children, my little boy and my little girl. I would do
16 anything for my kids, because that's what real love is.
17 Now, everybody has flaws. Nobody's perfect. So you can't
18 just expect anybody to be perfect. Let me move on. The
19 State has to prove that burden beyond a reasonable doubt.
20 That's in the high ninety percentile. They have to prove
21 to you beyond a reasonable doubt. A reasonable doubt is a
22 doubt. If you had to think twice about anything, you have
23 some doubt and if you had to think more than twice about
24 something, I'll leave that for you to decide, because you
25 have common sense. Now, back to the State hiding the

1 investigators in this case. The investigators made this
2 case. This is who got all this stuff, the investigators.
3 But due to the State want to hide them, why. Because you
4 see that Investigator Wash, Investigator Smith, and
5 Sergeant T. Woods, they put their hand power on a warrant
6 search to the Judge. Conspiring, conspiring is planning
7 to do something. They knew that those clothes were not in
8 their possession. They sat here and told you that. They
9 got those clothes. All of them said that they got those
10 clothes on the 26th. How, when they went to the SLED on
11 the 25th. So they don't have any respect for a Judge.
12 They falsely swore under oath to get a search warrant.
13 Three cops conspiring to falsely swearing under oath in
14 order to do what. Because they say the Solicitor told
15 them that they might need one. So if the Solicitor told
16 them that they might need one, and that was to be safe
17 about something. So if they conspired falsely and under
18 oath to do that, to save something just in case, what else
19 would they do. Could you hold their credibility in
20 investigating this case. Who knows what they did, because
21 all, all we, all they give you today is their
22 word-of-mouth. They didn't show anything to you. They
23 showed pictures I have. These are pictures of Ms.
24 Peterson. She is tied up. And you heard, okay, you heard
25 all that other stuff, but what says that I did this. Now,

1 I don't have to prove anything to you. It's all on the
2 State. But I went further to prove to you, because I felt
3 the need to anything I could have proven. So that's when
4 it came down to this video. Gary Doran admitted that he's
5 a brother of an investigator. They've been working him
6 for years. The same investigator that works on the side
7 of him, Investigator Smith and Investigator Ireland.
8 Everybody, they're altogether. So he told y'all that when
9 I was in the store, the dispatch came on and he had his
10 tape running.

11 (Whereupon, the tape was played for the jury while
12 Mr. Chandler conducts his closing argument.)

13 MR. CHANDLER: Now, you see me come in the store.
14 The police is in the store. I pass the police with no
15 hesitation. Why? Why did I even pull in seeing a police
16 after doing all this stuff with some stolen stuff. Shall
17 we go, hold, hold hold, hold on. Just a second. You see
18 the time on the bottom there, 7:32. This cop has never
19 left. He hasn't left there. So at 7:32, at 7:32, I was
20 out that store. Now, Ms. Hall told y'all yesterday from
21 dispatch that my name went across the scanners at 7:45,
22 but Mr. Doran's testimony up here today, yesterday, the
23 day before was given to you as a fact. Did the facts
24 change. You see for yourself. I ain't never, I ain't
25 broke no law going in the store trying to cash a check.

1 It's what you do to get the check that broke the law. So
2 this video really is pointless and it damages what the
3 State is trying to prove because at 7:32, you saw me get
4 in my car leaving, right? But at 7:45, my name went out
5 on dispatch. What would you do for your family. How far
6 would you go for your family. Now, I went far, I went
7 more on to prove to you that Investigator Smith took these
8 pictures. He took pictures of my cell phone, the same
9 phone that they said that they never entered on the day of
10 my arrest and my arrest was at 7:53. Right there. This
11 is what the State showed you. So at 8:40 and other than
12 that, he read you outgoing calls out of my phone, right..
13 But Investigator Smith and Investigator Ireland sat here
14 and gave you the facts, they didn't go in that phone.
15 Nobody had went in that phone before 5:00 o'clock. Did
16 that fact change. Now, Ms. Peterson's neighbors said she
17 give you the facts that she saw a car in Ms. Peterson's
18 backyard around 6:30 that morning. Now, 6:30 that morning
19 due to daylight savings, it would've been dark outside,
20 but both of them said it was light outside. They said it
21 wasn't dark, but at 6:30 in the morning in February, the
22 sun rose at 7:00. Was it dark or was it light? But she
23 said that she saw a car at 6:30, so I will have to go with
24 her word. I'm not going to doubt that because she saw
25 what she saw. But what I did prove to you was that in

1 another text message that Mr. Smith read to you, that at
2 6:30, 6:33, there was a text that said, Yo, I'm right
3 here. If a person saying, Yo, I'm right here. I'm right
4 here. That's a person that sees me. That's the same
5 person who Mr. Smith read to you out the texts that said
6 earlier at 2:00 o'clock before I got my keys and the car
7 from my sister, I was in North Augusta at her house. So
8 at around 2:00, at around that time, he said make me a
9 dub. A dub is a twenty piece of drugs. So he did say
10 that. Mr. Smith, he took the pictures of the phone and he
11 read it. So at 6:33, the same person saying, Yo, I'm
12 right here. Where would I have to be at for him to see
13 me. We all have common sense. At 6:33, that's North
14 Augusta. So from North Augusta to Johnston, it takes
15 approximately 40 to 45 minutes. You add that with the
16 time at 6:33 because 6:33, he saw me. I had to go back to
17 him, turn around, and stop where I was.

18 MS. MAYES: Objection, Your Honor. Arguing facts not
19 in the record.

20 MR. CHANDLER: Okay.

21 THE COURT: Sustained.

22 MR. CHANDLER: If you add those 40 to 45 minutes with
23 6:30, that would be around 7:20 getting into Johnston.
24 Now, how did I do all this in Johnston at her house. How
25 did I do all this. Now, her neighbor said she saw a car,

1 but was I there. No, because, Yo, I'm right here, in
2 North Augusta. Now, my sister testified to y'all. She
3 has no reason to lie. She testified that I did come get
4 her car. I'm not denying any of this stuff that these
5 people trying to tell. I did not rape Ms. Peterson. I
6 did not rob Ms. Peterson. She told you that I was getting
7 her car to go to another woman that night. She told you
8 that me and her fiancé went to Broad Street at the pub and
9 stuff to party. You know what I'm saying. That was my
10 day off. Okay. So I would have to have money. Now, my
11 uncle showed y'all that within, from Friday, Saturday and
12 Sunday, Monday morning. He paid me Friday and he paid me
13 Monday. Now, from two payments, he had three checks,
14 though. Now, between all that, that was almost a thousand
15 dollars. Just imagine if I worked with my uncle, how much
16 will he pay me out of a thousand dollars if it's just me
17 and him working. You could do the numbers yourself,
18 because you have common sense. So that shows you that I
19 had no motive, any need for any money. The drug sell
20 shows you that I don't have to take no money. I make
21 money. The State has failed. They try to hide
22 everything. They talked about the swabs, everything like
23 that, but they never mentioned to you the underwear. My
24 lawyer had to bring it up. Why, because they didn't want,
25 because what you don't know won't help you understand the

1 facts of this case. Now, oral sex, vaginal sex, oral sex
2 is what was supposed to be I did. That would leak
3 through. If I was to pull up my pants, there would be
4 some DNA from Ms. Peterson on me. Why is it another
5 woman's DNA on me. It's a mixture. That's not because it
6 come out of no washing machine like they try to say.
7 That's a mixture of fluids. That's DNA. Now, if another
8 woman's DNA on me and I went into her, and if I went into
9 her, why isn't it on me. In such a rush, you pull your
10 pants down and go do this and pull them up and go tie this
11 up and all that, what's going on. Why ain't no DNA on me.
12 There's something that the State intends to hide. Now,
13 they found \$448.30 on me. Now, this man give me \$250,
14 plus a \$750.00 dollar check. Now, I went to the store to
15 go, I bought me a bag of chips and a Pepsi soda as y'all
16 saw on there. You see the Pepsi soda and y'all see the
17 bag from the store. How much would a can of Pepsi and a
18 .99 cent bag of chips cost me, what it rings out to. If
19 you add that amount back onto \$48.30, how much would that
20 possibly be. Could it be the breaking of a fifty dollar
21 bill. Let me move on. Now, you heard Mr. Smith, you
22 heard me ask Mr. Smith, the lead investigator, the person
23 that they was intending to hire with the other officers,
24 you heard me ask him what was in the back seat of that
25 car. You see what he told you, it looks like a bag. I

1 said, a orange bag. He said, yes. You all are going to,
2 I showed you and you will be able to see again exactly
3 what that is. Y'all will see very clearly what that is.
4 There's no way he couldn't see it. He just didn't want to
5 say it. Why? Because it was raining that morning and
6 that coat and those shoes with gray jogging pants, if I
7 walked around, what color would you notice first, the
8 most. That would lead to the, because they say a gray
9 jumpsuit. That was the description. Now, we tend to see
10 why they, he, they wouldn't even, they didn't even
11 confiscate the coat because it didn't fit the description.
12 Now, that makes me think that since those officers are
13 conspiring things that's false to mislead people, that
14 makes me think that Mr. Smith wasn't even there to do the
15 search, because he would have knew that that was in the
16 car. He would have knew what that was. But what are we
17 to go by today. Their word-of-mouth, their credibility.
18 Now, the State prosecutor put on a good show with a lot of
19 items. What links to me. They gave expert testimony,
20 because the word, expert, gives you a higher standard of
21 looking at a person. But what the expert for the
22 shoelaces, the shoelace expert said that those were, well,
23 he was here to say that those were the same shoelaces came
24 out of that shoe and this is why he was here because he is
25 a expert. So this is what you ought to believe by the

1 word-of-mouth. But when I asked him where those laces
2 came from, he said Korea. I asked him do he know anybody
3 else that buys from this company. He said no and you
4 think a distribution in Korea only sells the shoestrings
5 to, to that shoe or to Nike? They going to make money,
6 every distribution sell to everybody. So you don't know
7 if it was a Reebok, Adidas, or a New Balance. You don't
8 know, but he's a expert and he's a expert that told me
9 that his opinion was a fact. So his fact was a opinion.
10 We all have common sense. We're not experts, but we have
11 common sense. Now, I'm here today, I tried to prove to
12 you the best I could. There were items in the car that
13 wasn't in there anymore due to the, the, these credible
14 officers, due to these people that they tried to hide.
15 They have failed to prove the main element of this whole
16 situation. I entered her house. They even failed to
17 prove that I penetrated this woman. They failed to prove
18 that I tied this woman up with this cord, because they
19 didn't even test it, because they say you couldn't get a
20 fingerprint off of it, but there's DNA. There's sweat on
21 your palms. Why didn't you send that to the SLED. You
22 couldn't send the shoestrings to the SLED. If I touched
23 them every day in tying my shoes? That's DNA. Now, this
24 doorbell. He said that he remembers that 16 months ago,
25 he remembered exactly how the fingerprints was. Now, this

1 is a officer. He investigates plenty of cases throughout
2 16 months. Now, out of all of these cases, he suddenly
3 remembers something that he never recorded about
4 fingerprints. Now, the doorbell. If the doorbell was
5 continuously ringing, when you press a doorbell, y'all
6 heard this woman yourself. When you press a doorbell, you
7 press it. You don't press a doorbell like that. You have
8 to press it. You got to put a little pressure on it. And
9 you grab a doorknob, you don't just, come on, man. When
10 you grab a doorknob, you gone to firm it and twist it. Do
11 your hand slide all around your doorknob when you open it?
12 Don't you just unlock it and come on in? But his word is
13 good to say that he saw a smudge on the door and he tested
14 everything else and they just wasn't good. The tape that
15 she was supposed to be tied up with and no fingerprints.
16 They say that the tape had hair on it with the other stuff
17 off the blanket. Why didn't they test that hair. These
18 people want you to go on today with just their word. This
19 is one big illusion. The prosecutors are the lawyers of
20 the State. They are here to represent the officers who
21 investigate the case. They are here to represent the
22 evidence that the officers give them. That's the only
23 thing they can fight with. So the officers give them a
24 gun with no bullets in it. What did they prove. Ask
25 yourself that and if you have to think twice about

1 anything, you have a doubt and these are very serious
2 allegations. Let me just say one more thing. The State
3 didn't test a whole bunch of stuff. The main things that
4 they sent to the forensics was the swabs for DNA, for DNA,
5 for DNA. This was the main thing that they depended on.
6 This is what they felt like and, well, this all we got to
7 do because this happens, then this will be here, so we
8 don't need to do all this fingerprinting. We don't need
9 to do all this DNA testing on the other thing. We don't
10 need to do any of this. This DNA is what we going to do,
11 because that's the only thing that they tested. So if
12 this is all that they gave you to depend on, if this is
13 all that they depended on, then what should you depend on?
14 They have not proved beyond a reasonable doubt that I did
15 this. If they did, I must have missed something. I rest
16 my case.

17 MS. MAYES: May it please the Court?

18 THE COURT: Yes, ma'am.

19 MS. MAYES: Don't call them, I'll kill you. Those
20 are his words to Dorothy Peterson that morning. He
21 thought those words would silence her, and he was wrong.
22 This crime is about power, control and manipulation,
23 manipulation through lies. The same form of manipulation
24 that he used on Ms. Peterson that morning to force her to
25 write that check, to have her in fear is the same type of

1 power, control, and manipulation he has attempted in this
2 courtroom through lie after lie to explain the events that
3 morning. But through it all, there is one undeniable
4 choice. He did it. He did it. And that stands like
5 stone. The Judge will charge you momentarily on the law
6 and there are two forms of evidence that he will charge
7 you on. One is what we call direct evidence and that
8 direct evidence is evidence is what we see, what we hear,
9 what we have firsthand knowledge of, and the second is
10 circumstantial. Circumstantial evidence is a chain of
11 events, link after link after link of pieces of evidence
12 that tie together to form a chain that can't be broken.
13 Circumstantial evidence is just as strong under the law as
14 direct evidence. They both have equal value to be
15 considered by you. So when we talk about direct evidence,
16 direct evidence refers to exactly what Ms. Peterson
17 testified to on the witness stand. She knew the moment
18 she went to the door who it was. There was never any
19 doubt as to who committed this crime. She opened the door
20 that morning for one reason. He was telling her that his
21 father needed help, he was shaking, and so she lets him in
22 by opening the door, to at least assist him. He
23 immediately forces his way past her into the home without
24 her consent and demands money. That's what this crime is
25 really about. It's about money and greed and drug dealers

1 are driven by greed. That is exactly what he is, what he
2 told you from the stand he was. All this testimony about,
3 well, I had money. I had cash on the side. The thing
4 about being a drug dealer is not just about making money,
5 but it's also about paying the people that you owe.
6 Because whatever drugs he's out in the street dealing at
7 2:00 a.m. that night before, he's got a supplier who has
8 to give him the drugs and that supplier has got to be
9 paid. One thing we know for sure is that when he went and
10 told his sister he needed the keys to her car and he was
11 in North Augusta, he knew exactly where he was going to
12 keep on coming to Johnston, and he had chosen the perfect
13 victim, because she was vulnerable and helpless and she
14 has money, the one thing he's got to have. And he told
15 you all that and how he'd been to Dorothy Peterson's home
16 in the past and how she paid him in the past to do odd
17 jobs in her home, around her home. She trusted him and
18 due to his nature of power, control, and manipulation, he
19 took advantage of that trust in the worst possible way, he
20 is inside of her home and she never once fights him or
21 resists him. She just wants to stay alive. And in that
22 moment her life was in his hands. How frightening of an
23 event would that be for anyone. Especially, for Ms.
24 Peterson. She can't fight back. He's six foot, 190
25 pounds. She had the choice and the choice but to do

1 anything she could do to stay alive and for her that meant
2 not resist and hope she could survive. And that's another
3 important aspect of this case because when he fled and
4 left her house, she fought to survive and in that moment
5 weakness, helplessness died and in its place straight
6 courage and the will to persevere, because Dorothy
7 Peterson has nothing to gain whatsoever by taking that
8 witness stand and talking about the most personal and
9 shameful experience of her life. Dorothy Peterson has
10 devoted her life to helping others. Over 30 years in
11 Edgefield County schools, first as a teacher, then as an
12 administrator and even now at age of 84, she is a business
13 owner. She had nothing to gain except justice. What she
14 deserves. What this community deserves. A crime of this
15 nature should not happen in any community, but especially
16 here. And we talked about the evidence in this case.
17 Again, it's a combination of direct evidence and
18 circumstantial evidence. Let's take a moment here to look
19 at exactly what the State has presented. What we know is
20 that the victim, Dorothy Peterson, has positively
21 identified Terrell Chandler as the person who robbed her,
22 broke into her home, raped her. And then very first time
23 on the 911 call, at the very first one, she said right
24 away Terrell Chandler and he's wearing a gray sweat suit.
25 The same gray sweat suit pants he was wearing. No doubt

1 whatsoever. And by his own testimony, she knew him and
2 she trusted him. Gary Doran positively identified Terrell
3 Chandler. He had known his daddy, his daddy had been in
4 and out of his store for years, so had Terrell Chandler.
5 He knows him when he sees him. And he knew something was
6 wrong with that check. Like he said in the 911 call,
7 looks like an old lady had written it out referring to Ms.
8 Peterson and he could see on that check how shaky it was.
9 Again, we know that Dorothy Peterson was sitting on that
10 couch in fear when she wrote that check, not by choice but
11 by force. We know that he admits being at the Coastal
12 Station. You see in that video the check in his hand.
13 What happened to that check? What happened to that check
14 is he is in that Coastal Station and his name comes over
15 the scanner and I'll get to that in a moment, his name
16 comes over the scanner, that is absolutely clear on that
17 videotape as Gary Doran takes you through it, frame by
18 frame by frame. And you can see the part where he is
19 turning down the scanner, turning up the scanner, because
20 he can hear the transmission's going on. That's when he
21 looks out the window, and then he leaves that store
22 telling Gary Doran, I'm Michael, and gets in his car and
23 drives off. That's when you see Officer Grenier followed
24 shortly thereafter. What we know is that he is arrested
25 and shoes with no shoestrings. Those Nike Airmax shoes

1 and he's arrested about 20 minutes after he left her home
2 and he's arrested in Trenton. And what we do know is that
3 the victim was tied up, left tied up. He had not a single
4 care in the world as to whether anyone would come to her
5 rescue or whether she would be there for hours to days.
6 He had not a single care as to the condition that Ms.
7 Peterson was in, tied up with the shoestrings to the Nike
8 Airmax tennis shoes. We know that she had multiple crisp
9 \$100.00 dollar bills stolen from her. We know that he was
10 found in possession of four crisp \$100.00 dollar bills.
11 But not in his wallet where his money should be but right
12 there in the front pocket because when he had robbed her,
13 that is when he didn't have time to sit there and pull out
14 his wallet and put those bills, nicely folded into that
15 wallet at where they should be. He took her money and
16 then next, he wanted was a check written, and then what
17 was the other thing they found in his gray sweat suit
18 pocket when they arrested him, a pen. He took that money,
19 put it in his pocket, not in his wallet and then he had
20 her write that check. And on those shoestrings, the very
21 shoestrings that were used to bind her, the very
22 shoestrings that he's missing. We know that they are more
23 than just shoestrings, they are unique shoestrings and
24 that they had certain specifications for that Nike Airmax.
25 Most Nike's are going to have white shoestrings, so

1 already we are talking about, not a common shoestring
2 because it is a black shoestring, but not just that, Nike
3 was very specific about how they wanted this black
4 shoestring to look. The Nike expert testified it was
5 flat. It was polyester, not cotton. And the texture of
6 it, right down to the texture of it was specified. Here
7 you'll see it's got a unique texture to the fabric in the
8 way that it is woven weaved together. Almost like a
9 herring type of interwoven fabric. Those same shoestrings
10 binding Ms. Peterson missing from his shoes. He wants you
11 to believe this is all some kind of conspiracy by law
12 enforcement, EMS, Aiken Regional Hospital, and Nike.
13 Manipulation is what he knows best. And any outrageous
14 story, lies that he can concoct he will do so. As we've
15 seen about his attempts to even slander the Peterson
16 family. He will stop at nothing. When we talk about the
17 medical evidence in this case, this is more than just
18 circumstantial evidence. The medical evidence in this
19 case is undeniable, because what we know from that Aiken
20 Emergency Room Registered Nurse is that Dorothy Peterson
21 had bruising to her ankles on both sides bilaterally, left
22 and right; both wrists bilaterally, left and right; we
23 have seen evidence of that. Even though she got her hands
24 free, they were once bound by that leopard print scarf,
25 that leopard print scarf that has his shoestrings attached

1 to it. One shoestring wrapping up her feet; the other
2 shoestring is wrapping up her wrists, leaving those marks
3 behind. She talked about how he forced his way in through
4 the door, she got knocked down onto a rug. She was so
5 frantic and scared she doesn't even know how she sustained
6 her injuries. But one thing's for sure, she had fresh
7 cuts and lacerations and bruising and most of all, vaginal
8 laceration. Ms. Peterson is 84 years old. There is no
9 reason on this planet that she would be bleeding
10 vaginally, except for him. When we talk about that
11 vaginal injury, it is not external. The inner labia of
12 the vagina is where she was lacerated. The trauma as the
13 nurse stated, explained, trauma would cause that
14 laceration. She described to you he first forced her to
15 give him oral sex, then attempted to force vagina
16 penetration. That forced vaginal penetration is what
17 caused a laceration to the inner labia and left her
18 bleeding right there on the couch as emergency medical
19 technicians lifted her up off that couch leaving that wet
20 blood stain behind. That is not circumstantial evidence.
21 You can see that with your own eyes. It's direct
22 evidence. He raped her. He raped her, he robbed her
23 because he could, because she was vulnerable and because
24 she had money. That p30 on the oral swab, as the
25 serologist explained, p30 is a high concentration in

1 semen. And there's no explanation for it ever being in
2 the mouth of a female. Serologist could not explain that
3 finding. We know why it's there. We know exactly why it
4 was there, we know exactly why it was there. You heard
5 from Darlene Smith. She saw his car. That small dark car
6 in her neighbor's driveway when she was doing her morning
7 devotional at 6:30 a.m. And then finally the proximity to
8 the crime scene, two-tenths of a mile from Ms. Peterson's
9 home to the Coastal Station. He left her home and went
10 straight to the Coastal Station. When you see that video,
11 he is coming from the direction of Smith Street, pulls in,
12 tries to cash that check. And now we are going to talk
13 about what happened in there. He talks about times don't
14 match up, of course they don't match up, you are talking
15 about two different types of recorded transmissions. It's
16 just like your home DVR system. Your DVR, you can look at
17 the clock on it, it is never going to match the time on
18 your watch and that time is probably never going to match
19 the time on the wall or the time on your phone. This is
20 all within a little over a minute time difference at the
21 most. And Lieutenant Hall explained that those CAD
22 transmissions can be off because you're talking about
23 multiple different types of recorded systems and
24 electronics. What tells us what happened is looking at
25 the video. So the time on this video is about a minute

1 behind real time. We'll talk about that as we watch it,
2 7:33 a.m. when we know that Grenier was pulling out headed
3 to the crime scene, it is still 7:32 on this video.

4 (Whereupon, the video was played for the jury while
5 Ms. Mayes is conducting closing arguments.)

6 MS. MAYES: Here at 7:31 on the video, but in real
7 time, it is more like 7:33. We know that Ms. Peterson has
8 called in and given Chandler's name over the radio. She
9 gave his name on 911, you see him leaving. If you could
10 back up to that, the moment right before he exits. Right
11 here on the bottom right-hand screen you see Gary Doran
12 who testified, he is turning up the scanner, that is
13 exactly what he is doing. You see Chandler look out that
14 window and now he is gone. But he popped back into say,
15 Michael. It's shows 7:32, but it's not. He's getting in
16 his car. He is headed towards Trenton and now it is still
17 7:32 but we know the call is already out, we know his name
18 has already been heard on those scanner transmissions.
19 And there goes Officer Grenier responding to that scene,
20 which according to CAD was at least 7:33, but it is still
21 7:32 on the video. He is headed in the direction of Smith
22 Street. The video is direct evidence that tells us
23 exactly what happened. Gary Doran's testimony is direct
24 evidence telling us exactly what happened. I'm going to
25 talk briefly about the law because Your Honor will charge

1 you in a few moments on the law much better than I can.
2 But the first indictment before you will be burglary first
3 degree. Burglary first degree under the law has a couple
4 of different provisions. The first element, a person
5 enters a dwelling without consent and with intent to
6 commit a crime in the dwelling. What we know is she
7 opened that door to offer help. He forced his way in and
8 was in that home without her consent demanding money.
9 That was his intent to commit a crime therein. Secondly,
10 with in effecting entry or while in the dwelling or in
11 immediate flight he causes physical injury to a person who
12 is not a participant in the crime. Physical injury is
13 undeniable in this case. That element of burglary first
14 degree has been proven beyond a reasonable doubt. That
15 alone is sufficient proof beyond a reasonable doubt to
16 find Terrell Chandler guilty of burglary first degree.
17 The State is not even required to prove the second element
18 and the Judge will charge you on that anyway. So it is
19 physical injury or that it occurs in the nighttime. Well,
20 Your Honor will charge you momentarily that sunrise on
21 February 24th of 2015 was at 7:02 a.m. That was the time
22 of sunrise. Darlene Smith saw his car there at 6:30. It
23 was not yet sunrise. It may not have been pitch black
24 dark, it may had been a little bit close to dusk, but
25 under the law it was not daylight. It is still some

1 darkness outside. Dorothy Peterson said when she went and
2 answered the door, it was not sunlight. He picked that
3 time. He had been running around since 2:00 o'clock in
4 the morning in his sister's car. He picked that time
5 because he knew her oldest son would be at work, he knew
6 her other son would be preoccupied with his family trying
7 to get his child off to school. He knew she would be
8 there alone at that hour. The second indictment before
9 you is criminal sexual conduct in the first degree. This
10 is rape. And that's what we have here. Sexual battery
11 with the victim. And if any one or more of the following
12 circumstances are proven, use of aggravated forcible, we
13 know we had that. She wasn't consenting to that. She had
14 no chance of getting out of that situation. Or the victim
15 is also the victim of forcible confinement which we know
16 she was. Kidnapping, robbery, burglary, housebreaking or
17 any other similar offense or acts, all of those apply.
18 This has been proven beyond a reasonable doubt, sexual
19 battery includes oral sex. It also includes any
20 penetration, however slight, of the vaginal opening. And
21 the final two charges, kidnapping and kidnapping includes
22 a whole lot of things under the law. It's to unlawfully
23 seize, confine, inveigle, another person by any means
24 without authority of law. It is being confined and being
25 bound up in her own home, helpless. And finally robbery.

1: This is not armed robbery. This is not the kind of armed
2 robbery that happens with a gun. This is what we call
3 common-law robbery, strong arm robbery. And it's when
4 someone uses force or intimidation for the taking of
5 goods, monies or property with the intent to deprive the
6 owner of such property. It was the whole reason he was
7 there. The whole reason he was there was to take her
8 money. But then when he got there, he couldn't resist his
9 opportunity to exert more power and more control because
10 that's who he is. And he did it in the worst way
11 imaginable. Let this be the last time he forces his way
12 into the home of a woman and leaves her in fear for her
13 life. Let this be the last time he violates a woman in
14 the most despicable way. This must be the last time. You
15 have before you the most noble of opportunities. The
16 chance to fight back against injustice and deliver a
17 verdict that speaks the truth. And as I have said, there
18 is one undeniable truth in this case. He did it and the
19 State has proven each and every element of this offense
20 beyond a reasonable doubt. The correct verdict in this
21 case is guilty as charged. Thank you.

22 THE COURT: All right, let's take a short break, give
23 you about ten minutes and then I will give you my
24 instructions and then we will go from there. Don't begin
25 discussing the case yet.

1 (Whereupon, the jury was excused from open court for
2 a break.)

3 THE COURT: Let's take a few minutes.

4 (Whereupon, a short break was taken.)

5 THE COURT: All right, let's bring them in.

6 (Whereupon, the jury came into open court at
7 approximately 11:03 a.m.)

8 THE COURT: Mr. Beckum and members of the jury, I am
9 ready to give my instructions to you. I know some of
10 y'all commented y'all had a hard time hearing when I was
11 sitting back. Can y'all hear me okay right now.

12 MR. BECKUM: Yes, sir.

13 THE COURT: Okay. Many of my rulings and whatnot
14 makes no difference whether y'all hear me or not. I am
15 making the rulings and this is more for y'all, I want
16 y'all to hear this part. The testimony is important for
17 y'all and wanted y'all to hear that part. But our jobs
18 are different when I am ruling on legal issues. When I am
19 giving you the instructions on the law, y'all's job are to
20 make determinations of fact. So y'all are the judges of
21 the fact, I am the Judge of the law. That is my part,
22 first part of my instruction. Now, I may look at you and
23 tell you certain things and I may have to read certain
24 things to make certain they are accurate so I apologize
25 for not being able to tell you everything by looking at

1 you.

2 Now, Mr. Beckum and members of the jury, the State of
3 South Carolina charges the Defendant, Mr. Chandler with
4 four offenses. Burglary first degree, criminal sexual
5 conduct in the first degree, kidnapping and strong armed
6 or otherwise called common law robbery. Bear in mind that
7 Mr. Chandler has pled not guilty. And by that plea he has
8 denied all the charges in the indictments. He comes
9 through court clothed with a presumption of innocence.
10 And this presumption of innocence continues throughout the
11 trial and entitles him to a verdict of not guilty until
12 that presumptive is dispelled by the evidence satisfying
13 you, the jury, beyond a reasonable doubt that he is
14 actually guilty of the offenses charged. The State must
15 prove each and every element of those crimes, and they all
16 stand independently, each crime is independent. So, they
17 don't stand collectively, they stand independently meaning
18 each crime is to be considered separately, whether the
19 State has met the burden of proof beyond a reasonable
20 doubt as to each of those.

21 As I told you several times, the constitution of law
22 which makes you the finder of the fact makes me the sole
23 and only instructor of the law. And y'all must accept the
24 law as I am instructing it to you today. And I told you
25 earlier in the qualification process that you must take an

1 oath and understand during that oath that as I instruct
2 the law to you, if you have a different understanding or
3 idea of what the law is and disagree from my instructions
4 you must disregard your understanding of the law and
5 accept it as I am giving it to you today.

6 Now, in criminal prosecution in every case the State
7 always has the burden of proving the guilt of a Defendant.
8 A Defendant is presumed innocent. According to our
9 constitution, the State must prove their case to the
10 standard of proof called beyond a reasonable doubt before
11 a finding of guilt may occur. I will define what that
12 means later. But if the State fails to meet that burden
13 then the Defendant would be entitled to a verdict of not
14 guilty.

15 Now, as your job as the sole fact finders, I have
16 observed you, watched many of you take notes, I have
17 observed you listening closely to the evidence presented
18 during this case. I tell you that weighing evidence is
19 entirely a mental process. You must weigh the evidence
20 using your good judgment and your common sense.

21 Now, in weighing the evidence as the sole fact
22 finders, I am not allowed to suggest in any way what I
23 think about the facts as you will find them or by the
24 issue, guilt or innocence of Mr. Chandler. You are the
25 judges of those facts. You are also, by virtue of that,

1 the judges of the credibility and believability of the
2 witnesses who have testified in the case. Now, in passing
3 upon the credibility of any of the witnesses you can take
4 into consideration your common experiences in life dealing
5 with your family and your friends and your children and
6 your parents. You can consider the manner and the
7 appearance of a witness who testified. Were they, or did
8 they appear straightforward, or did they appear hesitant
9 in answering. How did the witness come to know the facts
10 to which he or she testified to. What was their ability
11 to recollect or understand these facts as they answered
12 the questions. Is there some reason a witness would want
13 to give testimony which would help or hurt one side or the
14 other. In other words, were any of the witnesses biased
15 or prejudiced in any way. You can also consider whether
16 the testimony of a witness was strengthened or weakened by
17 other testimony or other evidence.

18 You, the jury, may believe as much or as little of
19 any witnesses testimony as you deem appropriate. You can
20 believe the testimony of a single witness against that of
21 many or just the opposite. You may believe part of a
22 witnesses testimony and disbelieve the rest. The fact
23 that testimony is not controverted does not mean you must
24 accept it as true and undisputed. You still must gauge
25 the credibility of the witnesses who have testified to

1 determine the believability or the truth of the facts
2 offered through that testimony and that evidence.

3 Now, as I told you early on I allow note taking in
4 trials that I preside over. Understand some people are
5 better note takers than others. Jurors notes should not
6 be given any greater weight than the recollection of
7 jurors who didn't take notes. The recollection of
8 individual jurors should be considered just as reliable as
9 notes taken by jurors. So, when I instruct that, what
10 that means is, the twelve of you collectively must
11 unanimously resolve and answer the questions of fact. And
12 one person's recollection does not trump or belittle
13 someone who took notes or just the opposite. You can
14 consider your notes, you can consider your recollections
15 and answer those questions of fact.

16 Now, during this trial there were two types of
17 evidence and testimony presented to you. There is direct
18 evidence and circumstantial evidence. Direct evidence is
19 the testimony of a person who asserts or claims to have
20 actual firsthand knowledge of a fact, such as an
21 eyewitness. Now, circumstantial evidence is a little
22 different, it is a proof of a chain of facts and
23 circumstances indicating the existence of another fact.
24 Circumstantial evidence is proof and it is evidence which
25 immediately establishes collateral facts from which a main

1 fact may be inferred. Circumstantial evidence is based
2 upon inference and not on personal knowledge or
3 observation. It is proof, it does not actually establish
4 the fact of questions but asserts or describes something
5 from what you may or reasonably infer the truth or the
6 fact or reasonably infer an increase in the probability
7 that the fact is true. I tell you that for circumstantial
8 evidence to be sufficient, the warrant of a finding of
9 fact, the circumstances must lead to that fact with
10 reasonable certainty. Facts and circumstances should be
11 considered in the light of ordinary experience and common
12 sense. An existence or a finding of fact should not be
13 based upon speculation, surmise or conjecture. Now, our
14 law makes no distinction between the weight or value to be
15 given to either direct testimony or direct evidence and
16 circumstantial evidence, nor is a greater degree of proof
17 required of circumstantial evidence than that of direct
18 evidence. You should just weigh all the evidence
19 presented to you in this case. After weighing all the
20 evidence, if you are not convinced of the guilt of the
21 Defendant beyond a reasonable doubt, you may find him not
22 guilty.

23 Now, during the trial I also described to you that
24 there were certain witnesses who were qualified as
25 experts. Rules of evidence ordinarily do not permit

1 witnesses to testify about opinions or conclusions. The
2 exception to that rule is a witness we call expert
3 witnesses. An expert witness is a person who by education
4 and experience has become an expert in the field of art,
5 science, profession. And he may state or she may state an
6 opinion as to any relevant matter within the field they
7 might be an expert and they may also state the reason for
8 that opinion. Thus, you should consider any expert
9 opinion received in the evidence in this case and like the
10 other evidence give it the weight you think it deserves.
11 Now, if you decide that the opinion of an expert witness
12 is not based upon sufficient education and experience, or
13 if you conclude that the reasons given by the expert in
14 support of his or her opinion are not sound, or that that
15 opinion is outweighed by the other evidence you can
16 disregard the opinion entirely. An expert witness'
17 opinion and testimony is to be given no greater weight
18 than that of other witnesses simply because they are an
19 expert. And you are not required to accept an expert's
20 opinion, even though it is not contradicted.

21 Now, I told you I would define a reasonable doubt.
22 The State has the burden of proving the case beyond a
23 reasonable doubt. A reasonable doubt is defined simply as
24 this, is the kind of doubt which would cause a reasonable
25 person to hesitate to act. Reasonable doubt may arise

1 from evidence which is in the case or may have arised from
2 the lack of absence of evidence in the case. Proof beyond
3 a reasonable doubt is proof that leaves you firmly
4 convinced of the Defendant's guilt. Now, reasonable doubt
5 is the kind of doubt which would make a reasonable,
6 conscientious, sincere person hesitate to act in a matter
7 important to their own affairs. I instruct you and charge
8 you that a Defendant is entitled to every reasonable doubt
9 which may arise in the case. What that means, if you have
10 a doubt about anything you would be required to resolve
11 that doubt in his favor. I also instruct you that the
12 very fact that you engaged in a full and free discussion
13 on the issue of guilt or non-guilt does not automatically
14 mean that a reasonable doubt exist. You must make the
15 determination of whether or not the reasonable doubt exist
16 as to the guilt of the Defendant on these charges.

17 Now, some of the elements in this case, every
18 criminal offense in South Carolina requires criminal
19 intent to be proven by the State beyond a reasonable
20 doubt. And I tell you criminal intent is a matter that
21 must be determined by the jury from the circumstances
22 surrounding the situation. There is no way to prove
23 intent to a mathematical certainty. There is no way
24 medical science can dissect a person's brain and determine
25 what he or she had in mind. So our law states criminal

1 intent may be inferred from the circumstances shown to
2 have existed, both before and after the fact. That is how
3 you, the jury, make a determination of whether or not the
4 element requiring intent was present. Criminal intent is
5 a state of mind that operates jointly with an act or an
6 omission in the commission of a crime. Criminal intent is
7 a mental state of conscious wrongdoing. It is up to you,
8 the jury, to determine what the Defendant intended to do
9 based upon the circumstances shown to have existed. I
10 tell you that the State must prove intent beyond a
11 reasonable doubt.

12 Another issue in this case which was presented is the
13 issue of identification. Identification of a Defendant is
14 a person who committed the crime charged. The State also
15 has the burden of proving identity beyond a reasonable
16 doubt. You, the jury, must be satisfied beyond a
17 reasonable doubt of the accuracy of the identification of
18 the Defendant before you may convict him. Identification
19 testimony is an expression of belief or impression by a
20 witness. You must determine the accuracy of the
21 identification of the Defendant. You must consider the
22 believability of each identification witness in the same
23 way as the other witnesses. You may consider whether the
24 witness had an adequate opportunity to observe the
25 offender at the time of the offense. This can be affected

1 by things like how long or short a time was available, how
2 far or close the witness was, the lighting conditions, and
3 whether the witness had a chance to see or know the person
4 in the past. Once again, I tell you the burden of proof
5 is upon the State and extends to every element of the
6 crimes charged. But specifically includes the burden of
7 proving beyond a reasonable doubt the identity of the
8 Defendant as the person who committed the crime. So I
9 tell you, if after examining the testimony, you have a
10 reasonable doubt as to the accuracy of the identification,
11 you must find the Defendant not guilty.

12 Now, as to specific elements of the indictments. I
13 will go through those in this order. First degree
14 burglary defined under code section 16-11-311. Mr.
15 Chandler is charged with that crime and the State must
16 prove first beyond a reasonable doubt that he entered a
17 dwelling without consent. A dwelling is a building or any
18 portion of a building in which a person ordinarily sleeps.
19 A building constructed as a dwelling that has never been
20 occupied cannot be considered a dwelling for purposes of
21 burglary. But, a building is a dwelling even if the
22 residents are temporarily absent. In order to prove the
23 Defendant entered the dwelling, the State does not have to
24 show that the Defendant's entire body entered the
25 dwelling. The smallest entry is sufficient. It may be

1 any part of the body, such as a hand or foot, even an
2 instrument. Now, if a person enters a dwelling by using
3 deception, artifice, trick, or misrepresentation to get
4 consent then this entry would be without consent. Next,
5 the State must prove beyond a reasonable doubt that the
6 Defendant intended to commit a crime, either a felony or a
7 misdemeanor at the time of the entry. The mere entry into
8 a dwelling without consent is not a burglary. If the
9 intent to commit a crime is formed after the entry, it is
10 not a burglary. On the other hand, if the Defendant
11 intended to commit a crime at the time of the entry, it is
12 a burglary even if the intent was abandoned after the
13 entry. It does not matter that the intended crime was not
14 completed. Intent may be shown by acts and conduct of the
15 Defendant and any other circumstances from which you may
16 naturally and reasonably infer intent. Finally, the State
17 must prove beyond a reasonable doubt that when entering
18 the dwelling or while in the dwelling, the Defendant
19 caused physical injury to someone not participating in the
20 crime. Also or, or the Defendant entered and remained in
21 the dwelling in the nighttime. I tell you that nighttime
22 is a period between sunset and sunrise during which there
23 is not enough daylight to recognize a person's face except
24 by artificial light or moonlight. The State must prove
25 those elements to your satisfaction beyond a reasonable

1 doubt in order to sustain a conviction.

2 Now, second indictment, first degree criminal sexual
3 conduct is defined in statute 16-3-652. The first element
4 the State must prove to sustain a conviction of criminal
5 sexual conduct in the first degree is that the Defendant
6 engaged in sexual battery with the victim. I define
7 sexual battery as sexual intercourse, fellatio, anal
8 intercourse or any intrusion however slight of any part of
9 a person's body or any object into the genitals or anal
10 openings of another person's body except when the
11 intrusion is accomplished for medically recognized
12 treatment. Now, if you find that the State has not shown
13 beyond a reasonable doubt that sexual battery occurred you
14 would stop deliberating and your verdict on that offense
15 would be not guilty. If you find that a sexual battery
16 did occur you must then decide whether the State has
17 proved beyond a reasonable doubt that the Defendant used
18 aggravated force to accomplish the battery. Aggravated
19 force means the use of physical force or physical violence
20 of a high and aggravated nature to overcome the victim.
21 This includes the threat of a deadly weapon. Or the State
22 must prove beyond a reasonable doubt that the victim
23 submitted to the sexual battery while the victim was also
24 in forceable confinement such as kidnapping, robbery,
25 burglary, housebreaking or another similar offense. The

1 State must prove those elements beyond a reasonable doubt
2 to sustain a conviction.

3 The third indictment, kidnapping. Mr. Chandler is
4 charged with the offense of kidnapping. In order to
5 sustain a conviction on this offense the State must prove
6 beyond a reasonable doubt, under section 16-3-910, that
7 the Defendant knowingly and unlawfully seized, confined,
8 inveigled, kidnapped or abducted another person without
9 authority of law. To do a thing unlawfully is to do it
10 willfully against the law. Knowingly means with
11 knowledge, consciously, not accidentally. Seize means to
12 take hold of suddenly or forcibly. Confine means to
13 limit, restrict or enclose within the bounds, or shut or
14 keep in. Inveigle means to lure, entice, or lead astray
15 by false representations, promises. Abduct means to carry
16 off secretly or by force for an illegal purpose. The
17 State does not have to prove that the Defendant did all of
18 these things. Instead, if you find beyond a reasonable
19 doubt that the Defendant did any of these things, you may
20 find him guilty of the offense of kidnapping. Something
21 done without authority of law is something which the law
22 does not sanction, permit, allow or condone or prove
23 justification for. The kidnapping does not have to be
24 done for any personal or monetary gain for any illegal
25 purpose, but may be for any reason whatsoever.

1 Now, lastly the Defendant is charged with strong
2 armed or also called common law robbery. In order to
3 sustain a conviction for that offense, the State must
4 prove beyond a reasonable doubt that the Defendant took
5 the personal property from the person or presence of
6 another without that person's consent and carried it away.
7 Property is in the presence of a person if it is within
8 that person's reach, observation or control so that the
9 person could, if not overcome with violence or prevented
10 by fear, retain possession of that property. The State
11 must show that the Defendant carried the property away
12 with the intent to permanently deprive the owner of the
13 property and to convert it to his own use. The slightest
14 removal of the property or the complete possession of the
15 property, even for an instance, by the Defendant is
16 sufficient to show a taking and carrying away of the
17 property. The taking and carrying away of the property
18 must have been done with violence or by putting the owner
19 in fear of violence. Intent means the intending result
20 which actually occurs and not accidentally nor
21 involuntary. Intent may be shown by the acts and conduct
22 of the Defendant and other circumstances from which you
23 may naturally and reasonably infer intent.

24 Now, as I told you the State has the burden of
25 proving the elements of those offenses, those offenses

1 stand independently, you should consider them
2 independently, burglary first, criminal sexual conduct
3 first, kidnapping and strong armed robbery. The
4 prosecution must prove their case beyond a reasonable
5 doubt before you find that guilt occurs. If you find that
6 the State has failed to meet that burden then Mr. Chandler
7 is entitled to a verdict of not guilty. If the State has
8 met this burden of proof, then the State is entitled to a
9 guilty verdict. Thus, you must, after weighing all the
10 evidence, make a determination about whether or not a
11 reasonable doubt exists as to his guilt. I tell you
12 again, the very fact that you have a full and free
13 discussion of the issue of non-guilt or guilt does not
14 automatically create a reasonable doubt. You must resolve
15 and have a unanimous verdict on that issue.

16 Now, your verdict may not be based on conjecture,
17 speculation and mere suspicion is not sufficient to
18 support a proof of conviction. If you are convinced of
19 his guilt you must find him guilty.

20 Now, Mr. Beckum and other members of the jury, as
21 y'all retire in the jury room momentarily I wish to
22 express the hope that each of you will be mindful of the
23 importance of your responsibility here today. You are not
24 required or called upon to serve as jurors very often.
25 You as a group are acting for this community and this

1 State. It has been my responsibility as the presiding
2 Judge to see that every person receives fair and impartial
3 justice. That is my job. And it is your job to make sure
4 your verdict represents fair and impartial justice. I
5 understand, I am not trying to tell you how to decide the
6 case because under our laws I am not allowed to have an
7 opinion as to the facts of the case. It would be improper
8 for me to try to influence you on the importance of your
9 duty. But I am convinced that you will go in the jury
10 room, confine your consideration to the evidence presented
11 in the courtroom during the trial, applying the law as I
12 have instructed it to you, weighing the evidence fairly
13 and impartially in reaching unanimous verdicts.

14 Now, as I told you earlier, those are my
15 instructions. Several things happen next. I am going to
16 ask you to go to the jury room and wait momentarily and I
17 am told my Ms. Holston, because she is very efficient and
18 she has already inventoried the evidence which she has
19 cataloged that was accepted into the record. I forgot two
20 things. The Court can take judicial notice, meaning,
21 Judge, can you tell us a fact that is easily retrieved.
22 And there were two facts that I took judicial notice of
23 and I failed to tell you those, the lawyers commented on
24 during the trial. Sunrise on February 24th of '15 was
25 7:02 a.m. per the climatology service in South Carolina.

1 Second, there was, I am drawing a blank, blood test
2 performed on the victim, no evidence of alcohol or drugs
3 in her system whatsoever. That is also judicial notice.
4 So those two facts are not in question, those are facts
5 which you can rely upon. Now, as you go back to the jury
6 room and wait on the evidence, I have got to ask the
7 parties, have my instructions been complete or do I need
8 to give any further instructions in any one of those
9 offenses and the elements. I believe they will be
10 complete. After that we will submit it back and Ms.
11 Holston picked up the verdict form, it is right here.
12 Once you get that and the evidence that is when you start
13 your deliberations. After you start your deliberations if
14 a question comes up as to the elements of the offenses and
15 you need further instructions write me a note, hand to the
16 bailiff, the bailiff will come to me, I will talk to the
17 parties about your question and then either respond to it
18 or bring you back in the courtroom and give you additional
19 instructions. Sometimes I can answer the question about
20 cutting out part of my instruction and just sending that
21 back to you, it kind of depends on the question. And so I
22 answer each question depending on the answer, if it is a
23 simple answer, you get a simple answer. A common question
24 is, why didn't so and so testify. That is not, I can't
25 answer that question. The parties called who they wanted

1 you to hear. The fact someone wasn't called is not ours
2 to question. You heard what you heard, you have got to
3 decide the case on what has been presented. Okay. Second
4 thing, it is 11:30, I am told by the clerk if y'all
5 deliberate through lunch that the Clerk's office or
6 Edgefield County will buy your lunch. Most likely it will
7 come from the Pool Hall a few doors down. And so if that
8 is a possibility and you need any lunch you will get a
9 menu and selection, I don't know, most of the time the
10 Court Houses you can pick from a few things, be it a
11 hamburger, hotdog, chicken fingers, that kind of deal. We
12 can make those available to you. Additionally, once you
13 start with deliberations and someone wants to step outside
14 stop deliberations. All twelve of you must be together.
15 If one person wants to break, use the bathroom, you stop
16 talking. You don't have to come and ask me and ask the
17 bailiff, we would like to take a break. You are on your
18 time now. I will be here, Ms. Holston will be here, but
19 you don't have to ask me if you can have a break. Once
20 y'all decide you want one tell the bailiff we are going to
21 take a short break and just take it. And y'all manage
22 that, I am not going, I told you I wasn't going to bother
23 y'all when y'all are doing your job. That is what I mean
24 that once you begin your deliberations and y'all
25 deliberate for an hour and you want a break take a break

1 until you get these questions answered. Now, if you need
2 to see the videos or any part of them, we were discussing
3 that kind as when y'all were walking in, different
4 counties have different methodologies, it may be easier to
5 bring you back in here and let you see what you want to
6 see. Now, many people know, I want to see thus and so,
7 about a minute of it, you don't want to see the whole
8 twenty minutes. If you tell me about what you want to
9 see, the parties will cue it up, you can see what you want
10 to see and say, we have seen enough and go back and
11 deliberate. So, the specificity that you can give me is
12 to what you want to see on the video will help. If you
13 want to hear any testimony replayed write a note and tell
14 which witness and we can retrieve it from the digital
15 system she has. And that will take her a few minutes. So
16 normally if you want to hear something like that, ask for
17 it and then take a break until we get ready. Okay. Those
18 are my instructions. I want all 14 of you to go in the
19 jury room and once the verdict form and the evidence comes
20 in the jury room then I will pull my two alternates out.
21 We have got gloves, if you want to handle the evidence,
22 you saw the people handling it use gloves, I would suggest
23 you do the same thing. Y'all can look at it at your
24 heart's content. Go to the jury room.

25 (Whereupon, the jury was excused from open court at

1 approximately 11:33 a.m.)

2 THE COURT: For the record, I have been providing the
3 jury candy, the jury sent me a thank you note between
4 y'all's closing and my instructions. That is the first
5 time I have got a thank you from a jury. Now, any
6 exceptions or additions to comments on the instructions by
7 the Court?

8 MS. MAYES: None from the State, Your Honor.

9 THE COURT: From the defense?

10 MR. CHANDLER: None.

11 THE COURT: I am told that Ms. Holston has
12 inventoried the evidence. The evidence is in, the verdict
13 is prepared. Ask them do they want to order lunch. Do
14 you want to do that now before they start deliberating.

15 CLERK OF COURT: That is fine.

16 (Whereupon, the jury started deliberations at
17 approximately 11:44 p.m.)

18 (Whereupon, the alternates were excused from the
19 trial of the case at approximately 12:05 p.m.)

20 THE COURT: Mr. Chandler, did they tell you the jury
21 sent out a note to hear your testimony replayed?

22 MR. CHANDLER: Yes, sir.

23 THE COURT: I wanted, if you want to see the note
24 you can see it. The Foreperson wrote me a handwritten
25 note saying that. Bring the jury in.

1 (Whereupon, the jury came into open court at
2 approximately 12:48 p.m.)

3 THE COURT: Mr. Beckum, got your note. Ms Holston
4 has got the testimony cued up. I don't know what y'all,
5 how much you want to listen, if you want to hear the whole
6 thing you can listen. If y'all have heard enough just say
7 so and we will stop.

8 (Whereupon, Mr. Edward Terrell Chandler's testimony
9 was played for the jury starting at 12:49 p.m. and
10 ended at 1:03 p.m.)

11 (Whereupon, Court's Exhibit 4 was marked for
12 identification only.)

13 THE COURT: If you need anything else write me a
14 note.

15 (Whereupon, the jury continued deliberations at
16 approximately 1:04 p.m.)

17 THE COURT: We will stand at ease.

18 (Whereupon, a short break was taken.)

19 (Whereupon, the jury sent a note to the Court.
20 Attorneys and the Court had a bench conference.)

21 THE COURT: The jury has sent a note in, Court's
22 number 5. The response to the question, I have written a
23 response, jury's are not allowed to submit questions to
24 any witnesses and I have signed my name.

25

1 (Whereupon, Court's Exhibit 5 was marked for
2 identification only.)

3 THE COURT: I understand we have a verdict. Ladies
4 and gentlemen, the bailiff told me we have a verdict. I
5 want to remind everybody, this has been a long trial, very
6 emotional. The jury has worked very hard and their work
7 is not to be applauded or discouraged, it needs to be
8 accepted. So if anybody is going to have any difficulty in
9 containing their emotions step out now because I don't
10 want to insult this jury for their hard work at all from
11 either side. So, if anybody can't do that let me know and
12 you can step out, do whatever you like. But I don't want
13 this jury offended in any way by agreeing or disagreeing
14 from either side. So, they have done their job, we will
15 bring them in here and receive the verdict. Bring the
16 jury.

17 (Whereupon, the jury came into open court with the
18 verdict at approximately 2:27 p.m.)

19 THE COURT: Mr. Beckum, have y'all reached a verdict?

20 FOREPERSON-MR. BECKUM: Yes sir, we have.

21 THE COURT: Is it unanimous?

22 MR. BECKUM: Yes, sir.

23 THE COURT: All right, hand it to the bailiff,
24 please.

25 (Whereupon, the Foreperson handed the verdict form to

1 the bailiff, the bailiff handed the verdict form to
2 the Court.).

3 THE COURT: All right, Mr. Reel, publish the verdict.

4 CLERK OF COURT: Will the Defendant please stand.

5 The State of South Carolina versus Edward Terrell
6 Chandler. As to the charge of criminal sexual conduct in
7 the first degree. We, the jury, find the Defendant,
8 Edward Terrell Chandler guilty.

9 As to the charge of burglary first degree. We, the
10 jury, find the Defendant, Edward Terrell Chandler guilty.

11 As to the charge of kidnapping. We, the jury, find
12 the Defendant, Edward Terrell Chandler guilty.

13 As to the charge of strong armed robbery. We, the
14 jury, find the Defendant, Edward Terrell Chandler guilty.

15 THE COURT: All right, Mr. Drylie, standby attorney
16 for Mr. Chandler, anything--

17 MR. CHANDLER: The defense would like to poll the
18 jury.

19 THE COURT: That is what I was asking, would you like
20 the jury polled?

21 MR. DRYLIE: Yes, Your Honor.

22 THE COURT: All right. Let's poll the jury, please.

23 CLERK OF COURT: The verdict of the jury appointed to
24 the Court is guilty on all counts. Was this your verdict
25 in the jury room and is this still your verdict. Please

1 answer yes or no when your name is called. George W.
2 Hook.
3 MR. HOOK: Yes.
4 CLERK OF COURT: Marvin Riley.
5 MR. RILEY: Yes.
6 CLERK OF COURT: Russell Beckum.
7 MR. BECKUM: Yes.
8 CLERK OF COURT: Justin Brighthop.
9 MR. BRIGHTHOP: Yes.
10 CLERK OF COURT: Patsy Kilgore.
11 MS. GILGORE: Yes.
12 CLERK OF COURT: Marlene Holson.
13 MS. HOLSON: Yes.
14 CLERK OF COURT: Jonathan Lee.
15 MR. LEE: Yes.
16 CLERK OF COURT: Lanette Lacharite.
17 MS. LACHARITE: Yes.
18 CLERK OF COURT: Russell Mckie.
19 MR. MCKIE: Yes.
20 CLERK OF COURT: Shayne Owens.
21 MR. OWENS: Yes.
22 CLERK OF COURT: Charlene Carroll.
23 MS. CARROLL: Yes.
24 CLERK OF COURT: Robert Thomas.
25 MR. THOMAS: Yes.

1 THE COURT: All right. Before we go to sentencing I
2 would like to speak to you in the jury room. Y'all step
3 back there and I will come back and talk to you a minute.
4 And then you are free to go, you can come back in the
5 courtroom for sentencing which will be shortly. Go back
6 to the jury room and I want to talk to you. We will stand
7 at ease until I come back.

8 (Whereupon, the jury was excused to the jury room.)

9 (Whereupon, the jury came into open court at
10 approximately 2:45 p.m. for sentencing.)

11 THE COURT: Ms. Mayes, you got the sentencing sheets
12 ready?

13 MS. MAYES: Yes sir, Your Honor.

14 THE COURT: Mr. Chandler, I heard your prior record
15 during the trial. I listened to the testimony, I am not
16 certain for I am confident that Mr. Drylie advised you of
17 potential sentences that were available to the Court if
18 you should be convicted. Did he tell you those?

19 MR. CHANDLER: (No response.)

20 THE COURT: I will tell you now if you like so you
21 know. On the strong armed robbery, 0 to 15. Isn't that
22 right on that?

23 MS. MAYES: Correct, Your Honor.

24 THE COURT: On the kidnapping and the criminal sexual
25 conduct first, both of those carry between 0 and 30 years,

1 eighty-five percent. And both of those would require
2 registering on the sex offender registry since the
3 kidnapping involved the sexual act.

4 On the burglary first the sentence could be between,
5 no less than 15 years, no more than a life without parole
6 sentence. Did he advise you of that?

7 MR. CHANDLER: Yes, sir.

8 THE COURT: Now, I also advise you you have a limited
9 number of days during which time you can file a notice
10 with intent to appeal if you believe any procedures not
11 conducted properly by the Court. Do you understand that?

12 MR. CHANDLER: Yes, I do.

13 THE COURT: All right. Ms. Mayes, does the State
14 want to present anything further regarding the sentencing
15 from any of the victims?

16 MS. MAYES: Yes sir, Your Honor. At this time we are
17 going to ask Ms. Peterson's daughter, Denise Peterson to
18 come forward. Ms. Peterson would like to address the
19 Court on behalf of her mother, Dorothy Peterson and the
20 family.

21 THE COURT: Ms. Peterson, what is your first name?

22 MS. DARLENE PETERSON: Darlene Denise Peterson.

23 THE COURT: I will be glad to hear from you.

24 MS. DARLENE PETERSON: Yes, sir. Thank you, Your
25 Honor. Your Honor, I have tried very hard to help Mr.

1 Chandler but my God and my Mama do not be fooled. My
2 family and I are very, very angry to what he did to my
3 Mama. And, of course, I would like a chance to personally
4 address him. But I allowed the State of South Carolina to
5 do that for me. I am also so very, very grateful, my
6 brothers and I that my Mother's life was spared. I give
7 all honor and praise to God for blessing my brothers and I
8 to be the children of Dorothy Mosley Peterson. Her
9 amazing strength has always been evident but never more so
10 than through this ordeal. Our Mother has been a fixture
11 in Johnston since she arrived in 1958, first as a teacher
12 and then as a school administrator and finally as the
13 owner and operator of Amos and Son's Funeral Home. Her
14 sole focus beyond insuring the health and wellbeing of our
15 family has been to be a vital part of the community in
16 which she did for all of 60 years. She has been secured
17 in her knowledge and trust of that community, her
18 hometown, her place until Mr. Chandler took that from her.
19 He took advantage of his knowledge of his prior work for
20 her, of her high regard for his father, a family friend.
21 He came to her door under the disguise of leading up, for
22 his daddy, to take advantage of her good nature and her
23 concern. And it is bad enough that he robbed her, but
24 then he sexually assaulted her, an 83-year-old woman.
25 Why. The most sad thing that I find is you ask anybody in

1 the community, if he had asked her for help financially,
2 otherwise, she would help him, she helps a lot of people.
3 He tried to get her to bow down but she won't. He did
4 take a little bit of her security and a little bit of her
5 confidence in her community. He took a little bit of her
6 trust that she had in the community which we consider our
7 larger family but he will never take all of it. And the
8 reasons why, first and foremost, she is a child of God and
9 she knows that all her help comes from him. She knows
10 that in her life she seeing one or two bad apples come in
11 every room and sometimes those bad apples just have to be
12 removed so that they don't spoil the whole batch. So to
13 Mr. Chandler I say, you picked the wrong one. You picked
14 the wrong one. You picked the wrong one. Mr. Chandler
15 has had multiple chances to change his mind, he has chosen
16 not to take them. He has made his decisions and now he
17 has to pay. While I cannot feel sorry for Mr. Chandler
18 for the decisions that he has made, I do feel sorry for
19 his family, I feel sorry for his father, his sister, his
20 children, the mother of his children because of the
21 decisions that he has made and that he is now going to
22 have to pay. I hope he spends the rest of his life in
23 jail.

24 THE COURT: Thank you.

25 MS. MAYES: Your Honor, as to prior record, I will

1 put on the record that it appears the possession, it is
2 either possession with intent to distribute or it is
3 distribution of cocaine, under that same statute, it looks
4 the same on the criminal history. That was the youthful
5 offender in 2008 and there were two counts of that. He
6 also has the forgery conviction from December of 2009.
7 And then, Your Honor, most significantly he has a
8 hijacking a motor vehicle out of the State of Georgia and
9 he was allowed to plead to the charge of theft by taking,
10 also a felony in the State of Georgia. He served time on
11 that sentence and my understanding is he was, he had
12 completed that sentence in Georgia when he was brought
13 back to Edgefield County and tried in 2014 and acquitted
14 on some violent charges here. So, he has already spent a
15 period of time incarcerated in both South Carolina and the
16 State of Georgia. As Ms. Peterson indicated,
17 unfortunately any attempts to rehabilitate him have
18 failed.

19 THE COURT: All right, Mr. Chandler, it is your turn.
20 I will be glad to hear from you.

21 MR. CHANDLER: It is really not too much I can say
22 because I know that first, first, the only reason I
23 relieved my lawyer is because he wasn't doing for me. So
24 I had to go and fight for myself and try to prove. The
25 things that I showed, he wasn't going to do, he refused.

1 That is why I had to get rid of him. Now, when it comes
2 to it, he didn't even ask for a change of venue knowing
3 that, knowing that my past, that everybody knows. This
4 whole town is small so this is what I am being judged off
5 of, because the DNA speaks for itself. So that was
6 overlooked, that, I am being judged off of credibility.
7 Now if I was somewhere else then other people wouldn't
8 even know them or they wouldn't be looking at the news,
9 they got this man on the news, pictures of him being beat
10 up and stuff. Come on, this is a no win situation for me,
11 Your Honor, because I was here. I should have been
12 somewhere else. But my lawyer, I never got a chance to do
13 anything because I, I had to change too late because he
14 wasn't going to do it, he didn't do nothing that could
15 help me. I shouldn't have been tried here, Your Honor. I
16 didn't do this. So I am not sorry, I can't say I am sorry
17 because I didn't do it. Now, that is just that. I am
18 sorry to sound like that, Your Honor, I am sorry to sound
19 like that but I have got to stand for myself. And I have
20 plans to go about ways because I wasn't suppose to get
21 convicted. But here, yes, it was going to happen because
22 of my past and because of the TV, the television. I know
23 they saw the TV and I know they got plenty of family,
24 everybody that is talking about it. So that is why I got
25 convicted, I didn't get convicted over real evidence

1 because the real evidence was DNA. And that is why I got
2 convicted. But I am all right, Your Honor, I am going to
3 hold my head high because I continue this fight. Your
4 Honor, can I say one more thing?

5 THE COURT: You certainly may.

6 MR. CHANDLER: Just for Your Honor to know, I am not
7 mad at none of y'all because I can say that we are
8 different. I wouldn't have just judged you just because
9 of your past or anything, I wouldn't have did that because
10 that is just not a person that I am. But just Your Honor
11 to know that Mr. Lamb, I was found not guilty because of
12 the things he said I took weren't in the pictures that
13 they took. All of the things that he said I took from him
14 was on the counter in his house. That is why I was found
15 not guilty, because he lied.

16 THE COURT: That is not before them.

17 MR. CHANDLER: I am sorry to say that but I just
18 wanted them to know because all they know is I was
19 convicted, they don't know the real, what is behind it.

20 THE COURT: The prior trial wasn't mentioned in this
21 whole--

22 MR. CHANDLER: Yes, it was mentioned, Your Honor, in
23 the time, on the TV. Your Honor, this is a small town,
24 everybody saw that.

25 THE COURT: That wasn't mentioned in the courtroom.

1 MR. CHANDLER: I just wanted to say it, Your Honor.

2 THE COURT: Here is what, my posture as a Judge, it
3 is not my job to judge you but your conduct has been
4 determined by this jury, it is my job to sentence you.

5 MR. CHANDLER: Yes.

6 THE COURT: And I heard the testimony and I heard the
7 facts of what the jury unanimously agreed that the State
8 proved beyond a reasonable doubt.

9 On the strong armed robbery, 15 years.

10 On the kidnapping and the criminal sexual conduct, 30
11 years.

12 On the burglary first, 60. All of those run
13 together. You get days earned, you have been incarcerated
14 since February 24th of 2015. That is the sentence.

15 MR. CHANDLER: So those all run concurrent?

16 THE COURT: They all run concurrent.

17 MR. CHANDLER: Okay.

18 MS. MAYES: Thank you, Your Honor.

19 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER
2
34 State of South Carolina)
5 County of Newberry)
6
78 I, Joy E. Holston, Official Court Reporter for the
9 Eighth Judicial Circuit of the State of South Carolina, do
10 hereby certify that the foregoing is a true, accurate and
11 complete transcript of record of the proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Edgefield, South
14 Carolina on the 18th through 22nd days of July, 2016.15 I do further certify that I am neither of kin,
16 counsel nor interest to any party hereto.
17
18

19 November 30, 2016

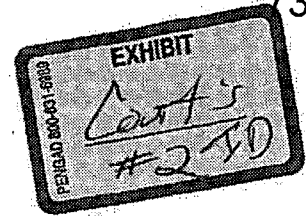
20 *Joy E. Holston*
21

22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026
24
25



State of South Carolina
Department of Mental Health



733

MENTAL HEALTH COMMISSION:

Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Bob Hott, MEd
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson

September 24, 2015

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building #6
Columbia, SC 29203
Information: (803) 935-6586

STATE DIRECTOR

John H. Magill

Ervin Maye

Assistant Solicitor

187 Saluda Airport Rd.
Saluda, SC 29138

Re: The State of South Carolina vs. Chandler, Edward
DMH CASE #: 1032-6235
Edgefield County, Court of General Sessions

Dear Assistant Solicitor Maye:

In accordance with the court order issued by the Honorable Perry
Gravely, a competency to stand trial evaluation was conducted by the
South Carolina Department of Mental Health, pursuant to S.C. Code Ann.
§ 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 10 page document is certified to be the original court-ordered
evaluation report issued pursuant to S.C. Code Ann. § 44-23-410
(1976).

9/24/15

Date

Allyson M. Sipes

Allyson M. Sipes, Psy.D
Clinical Director
Forensic Evaluation Services
Department of Mental Health

cc: Erik Drylie, Attorney at Law, PO Box 1852, McCormick, SC 29835

AS/tl

MISSION STATEMENT

To support the recovery of people with mental illnesses.



**COMPETENCY TO STAND TRIAL EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (DMH)**

Pursuant to §44-23-410 (1976)

Name:	Edward Chandler, Jr.
SCDMH #:	1032-6235
Birthdate:	[REDACTED]
Date of Evaluation:	9/14/15
Date of Report:	9/23/15
Evaluator:	Amy C. Swan, Psy. D.

DIAGNOSIS:

1. Major Depressive Episode, Recurrent, Severe (DSM-5 296.23).
2. Alcohol Use Disorder, In a Controlled Environment (DSM-5 303.90)
3. Cannabis Use Disorder, In a Controlled Environment (DSM-5 304.30)
4. Stimulant Use Disorder (Amphetamine-Type Substance), In a Controlled Environment (DSM-5 304.40)
5. Antisocial Personality Disorder (DSM-5 301.7)

OPINION REGARDING CAPACITY TO STAND TRIAL:

Mr. Chandler is competent to stand trial.

IDENTIFYING AND REFERRAL INFORMATION:

Edward Chandler, Jr. is a 27-year-old African-American male. He is charged with Strong Armed Robbery, Burglary—First Degree, Criminal Sexual Conduct—First Degree, and Kidnapping stemming from an incident on 2/24/15. Related to this charge, the Edgefield County Court of General sessions issued an order to evaluate his criminal responsibility and, if opined to be responsible, his capacity to conform his conduct to the requirements of the law. This evaluation was ordered because Mr. Chandler has a history of mental health treatment, including in-patient treatment. As such, he was evaluated on an outpatient basis on 9/14/15 at the DMH Forensic Evaluation Service pursuant to State v. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976).

NOTIFICATION:

At the outset of the evaluation, Mr. Chandler was informed that this was a court-ordered evaluation. He was informed of the nature and purpose of the evaluation. He was also

informed that the evaluators are employed by the DMH and are not being paid by his attorney or the solicitor. He was notified that a report would be prepared and submitted to his attorney, the solicitor, and the judge in his case. He was also notified that the examiners could be called to court to testify about this evaluation. He acknowledged an understanding of the information presented by the evaluator, and he was able to summarize the relevant points of this information back to the evaluator. He was provided an opportunity to ask questions regarding the evaluation and the evaluation process. Mr. Chandler indicated his willingness to proceed in light of the limits of confidentiality.

SOURCES OF INFORMATION:

1. Order for Competency to Stand Trial Evaluation Pursuant to State v. Blair, 7 pages, dated 6/3/15
2. SCDMH Forensic Evaluation Service: Social Work Assessment, 6 pages, dated 9/1/15
3. Indictment, 4 pages, dated 5/27/15
4. Arrest Warrant/Affidavit Number: 2015-A1910100126, dated 2/25/15
5. Arrest Warrant/Affidavit Number: 2015-A1910200038, dated 2/24/15
6. Arrest Warrant/Affidavit Number: 2015-A1910100125, dated 2/25/15
7. Arrest Warrant/Affidavit Number: 2015-A1910100124, dated 2/25/15
8. Interview of Mr. Chandler on 9/14/15, for 2 hours and 15 minutes (2:30P-4:45P)

MENTAL HEALTH HISTORY:

Regarding his current emotional state, Mr. Chandler stated, "I'm trying to hold up. My blood pressure is really high, and they won't really do nothing about it. Took me out of open population—wouldn't tell me why. Now I'm on lockdown 23 hours a day." Mr. Chandler indicated that he suffers from symptoms of depression, including a depressed mood, loss of pleasure in usual activities, weight gain, insomnia, fatigue, hopelessness, and decreased concentration. He said that, at times, he is so depressed that he just sits and stares. He said that he thinks that he has been depressed for his entire life. He said that he began thinking all types of things "real bad stuff—don't want to live—want to hurt somebody else." He acknowledged suffering from several symptoms of mania, including a persistently elevated mood, irritability, decreased need for sleep, excessive speech, racing thoughts, distractibility, an increase in goal directed activity, and engaging in risky behaviors. He said that he has suffered from panic attacks, e.g., he became shaky and his heart was beating fast if people were too loud or arguing. He said, "If someone asks me questions I get angry and my blood pressure goes up." He explained that someone was only asking his background, and he was waiting for them to begin accusing him of doing something.

Mr. Chandler reported that he had a traumatic experience when someone hit him in the face with a bat and acted like he wanted to fight. He explained that it hurt his mouth and broke his tooth. He said that he has flashbacks and it makes his blood pressure rise. He related that he thinks about it too often. Mr. Chandler reported that he suffers from hallucinations, as somebody keeps calling his name every now and then. He denied that the voices ever tell him to do anything. He stated that he sits in his car at night, thinking, and something tells him, "I don't want to live." He explained, "I usually call someone but they don't care. Went to the hospital." He denied suffering from delusions.

Mr. Chandler stated that he was hospitalized at Edgefield County Hospital for five or six days. He indicated that he does not know what his diagnosis was but it was partly due to depression. He said that he was not given any medication. He indicated that he has thought about committing suicide quite a few times. He stated that in November or December of 2014, he took five or six Tylenol. He stated, "I was gonna take more, but something said, 'Stop because my family loves me' and I thought about the kids. I ain't making no difference in the world—no purpose." He denied the use of psychotropic medications or previous therapy.

According to an SCDMH Forensic Evaluation Service: Social Work Assessment, dated 9/1/15, Mr. Chandler reported hearing voices, which are bothersome to him. His mood can change quickly, and, although he does not become violent, his tone of voice can change to very angry. He has expressed excessive sadness at the death of his grandmother in the early 2000's, and it still bothers him. He denied any history of suicide attempts. He does not have excessive energy, and he has never had a conversation with someone that is not present. He indicated that he hears voices, but he does not talk to them. Mr. Chandler reported that he is depressed, and he has wanted to kill himself in the past. He denied homicidal thoughts. He denied delusions. He indicated that he has successfully completed probation for his Armed Robbery charge. He said that he heard voices prior to the alleged offense. Mr. Chandler is not currently receiving any mental health treatment. At the time of his alleged offense he was not attending mental health treatment nor was he taking psychiatric medications.

SUBSTANCE USE HISTORY:

Regarding his substance abuse, Mr. Chandler indicated that he first consumed alcohol at the age of 11 or 12. He said that he drank every day beginning when he got off work until three or four in the morning. He stated that he drank "hard liquor" and beer. He said that he began drinking every day at the age of 14. He said that he drinks alcohol until he passes out. He said that the most that he has had to drink in one day is 20 beers and a pint or a fifth of liquor. He said that he sometimes feels bad the next morning. Mr. Chandler reported that he first smoked marijuana at the age of 11 or 12. He said that he smoked four or five blunts a day. When he got older, he began putting cocaine on the

blunt. He said that he continued doing so until right up until the time he was arrested. He said that he did not use drugs when he was on probation or parole. He said that he was never "forced" to receive substance abuse treatment. He said that he has never abstained from drug use in the community. He indicated that he began using cocaine at the age of 21 or 22. He stated that he has never used crack cocaine, but he has sold it. He stated that he used benzodiazepines once or twice at the age of 24. He said that he does not know what he took, but it put him to sleep. Mr. Chandler related that he began using Oxycontin at the age of 20 or 21. He explained that he started taking it when his face was fractured. However, he had some left so he began using it recreationally. He said that he never attempted to get more after his prescription ran out. Mr. Chandler reported that he first used Ecstasy at the age of 16. He said that he used three or four pills every day, and he was doing so at the time of his arrest. He stated that he drinks alcohol, smokes marijuana, uses cocaine and Ecstasy every single day. When asked what is so bad about his life that he has to be "blitzed," he indicated that he has let everyone down. He indicated, "I don't know what's going on with my mind and thoughts." Mr. Chandler denied the use of substances including hallucinogens, inhalants, sedatives, Special K, or PCP.

Mr. Chandler stated that his drug of choice is cocaine. He said that he has suffered from blackouts and bad reactions, including feeling as though he is having a heart attack. He said that he received detoxification in a hospital at Edgefield. He said that he thinks that they "cut him loose" because he had no insurance. He said that they told him that he was going to go somewhere, so he signed out. He indicated that being in the hospital was like being in jail. He related that substances have caused significant problems with activities of daily living, and he has become violent due to substance use. He has been in trouble with the law due to his substance abuse, and he admitted that substances were used in his past criminal or sexual offenses. Mr. Chandler has never received substance abuse treatment.

According to an SCDMH Forensic Evaluation Service: Social Work Assessment, dated 9/1/15, Mr. Chandler was not using drugs or alcohol at the time of his alleged offense.

EDUCATIONAL HISTORY:

Mr. Chandler reported that he was placed in regular classes. He said that he earned average grades and graduated from high school. He indicated that he got into trouble in school for rowdy behavior, disturbing the class, truancy, using drugs, cheating, stealing, fighting, and lying beginning at the age of eight or nine. Mr. Chandler reported that he engaged in fire setting, but he does not remember how many fires he set. He said that he set the woods, trees, and abandoned "stuff" on fire in elementary school. He said that he also vandalized cars and houses by breaking windows when he was in high school. Mr. Chandler denied forcing other children into sexual activity, cruelty to animals

or participation in gang membership. He reported that he was bored in school, but he denied ever being diagnosed with Attention Deficit-Hyperactivity Disorder (ADHD). He described his relationship with his teachers as "okay." He reported that he had friends. He said that he never repeated any grades nor was he expelled from school. He explained that he was suspended from school a couple of times. He received vocational training at a technical college in construction.

EMPLOYMENT HISTORY:

Regarding his occupational history, Mr. Chandler reported that he has done "everything." He said that he has worked in construction and at a funeral home working on burial sites. He explained that he has been selling drugs consistently between the ages of 13 or 14 and right before he was recently arrested. Mr. Chandler was not working at the time of his alleged offense. He said that the longest that he has held a job was with the funeral home where he worked "off and on" for years. He said that he has never been fired from a job. He said that he has had too many different jobs to count, as he would quit the jobs without having another lined up. Mr. Chandler has never served in the United States' Military.

MEDICAL HISTORY:

Mr. Chandler reported that he suffers from hypertension; however, he is not currently receiving any medical treatment. He said that he has never suffered a loss of consciousness or a seizure. He indicated that he suffered a fracture of his jaw and the bridge of his mouth after the incident in which he was attacked with a baseball bat. He explained that his jaw was wired shut for a month.

SOCIAL HISTORY:

Mr. Chandler reported that he was born in Greenwood, South Carolina, but he resided in New York with his grandmother until the age of 10. He previously reported that he lived with her between the ages of 3 and 12. He said that he does not know why his parents did not rear him. He indicated that they were married, but later divorced. He stated that he lived with his mother between the ages of 10 and 12, and he has lived with his father since then. He explained that his mother was not a good mother, nor was she a good person to be around. He said that she took all of her problems out on him and his sister. He stated that she did not want to take care of him, so he went to live with his father. He related that his mother adopted his cousins because she got a check to care for them and she received child support from his father, so she did not have to work. He said, "It was about the money." He indicated that his mother drank alcohol, but he denied that she was an alcoholic. He stated that she was violent, and she might have been incarcerated once. Mr. Chandler said that he last saw his mother in January

of 2015. He described his relationship with her as "bad." He indicated that his father drove a truck for a living. He denied any history of substance abuse or mental illness with regard to his father. He stated that he last saw his father yesterday, when he visited Mr. Chandler. He said that they have a good relationship. Mr. Chandler said that he also had a stepfather and a stepmother. He indicated that he lived with his stepmother consistently and that she was good to him. He denied any history of substance abuse or mental illness with regard to his stepmother. Mr. Chandler stated that his mother and stepfather engaged in domestic violence, which his mother instigated.

Mr. Chandler reported that both his step-brother and his biological sister have been arrested for "drugs and stuff." He said that he is the youngest of his siblings, and he has a good relationship with his sister. He described his stepbrother as a liar and a thief, adding, "He put me in a lot of trouble. He did stuff and I got blamed." Mr. Chandler described his parents as strict. He explained that his mother would discipline him by doing whatever she could do to him physically. He said that his father did not discipline him often. He described feeling safe, secure, and loved as a child by his father, but never by his mother. He indicated that he ran away to his father's house at the age of 14 or 15, and he stayed gone for a couple of days.

Mr. Chandler reported that he was physically and emotionally abused by his mother. He indicated that she would hit him with her hands, shoes, or sticks, and she left welts on him. He said that she also called him names and continuously put him down. He denied any history of sexual abuse or institutional placement.

Regarding his relationship history, Mr. Chandler reported that he has lived with two different women, but he has never been married. He lived with Toya for one year (2011) when he was 27 and she was 28 years old. He stated that they both used alcohol and drugs, including marijuana, cocaine, and pills such as Ecstasy, uppers, and downers. Mr. Chandler reported that he lived with Aisha between 2007 and 2009 or 2010. He admitted that there was a "little bit" of domestic violence in this relationship. He said, "We got to fighting before, but it wasn't on me (meaning he did not start the fights)." He explained that it happened two or three times. Mr. Chandler related that he has two children with Aisha, including Dartanian, age seven, and Melody, age five. He said that both children are currently staying with their mother.

According to an SCDMH Forensic Evaluation Service: Social Work Assessment, dated 9/1/15, Mr. Chandler was living with his sister in North Augusta for a short time before he was admitted to Edgefield County Hospital.

CURRENT CLINICAL PRESENTATION:

Mr. Chandler was interviewed in a private office at the Forensic Evaluation Center. He

...identified of the purpose of the evaluation and the limits of confidentiality. Mr. Chandler demonstrated an understanding of the purpose of the evaluation and the limits of confidentiality. He made good eye contact. His facial expression was angry. His mood was irritable. He verbalized great anger at the legal system. He indicated that the system was corrupt and guaranteed that he would be convicted even though he was innocent. His speech was rapid and pressured at times, and he increased the volume when he was speaking about the injustice inherent in the legal system. He was evasive about his legal history and defensive about his crimes. He dramatically minimized his involvement with the legal system. He demonstrated some paranoia about the legal system, as he said repeatedly and persistently that police lie, and no one does anything about it. As a result, it is possible to be found guilty even if you did not do it.

Mr. Chandler was oriented to person, place, and time, e.g., he could identify relevant persons, he knew where he was, and he knew the date and time. His judgment was deemed to be poor and his problem solving abilities poor. He was able to do simple calculations. He was able to provide the interpretation of one of two proverbs. He was able to identify the similarities among two of four objects. He demonstrated poor social judgment. Mr. Chandler was able to sustain his attention throughout the interview. He was able to do simple memory tasks, and his memory appeared to be intact. He appeared to be functioning in the Below Average Range of Intellectual Function.

DIAGNOSTIC FORMULATION:

Mr. Chandler appears to be suffering from a Major Depressive Episode, Recurrent, Severe (DSM-5 296.23). He said that he has had recurrent depression throughout his life. He endorsed numerous symptoms of mania, but he stated that he has not been on medications for Bipolar Disorder. Thus, while it is clear that he has a Major Depressive Disorder, it is not clear if he has Bipolar Disorder. He has acknowledged hearing voices in the past, but his description of the auditory hallucinations was vague and does not conform to known patterns of hallucinations. No medical records are available that would provide information about those diagnoses.

Mr. Chandler has an extensive history of substance abuse beginning at the age of six, including alcohol, marijuana, cocaine, and Ecstasy. He meets criteria for Alcohol Use Disorder, In a Controlled Environment (DSM-5 303.90); Cannabis Use Disorder, In a Controlled Environment (DSM-5 304.30); and Stimulant Use Disorder, In a Controlled Environment (Amphetamine) (DSM-5 304.20)

Mr. Chandler has a long history of antisocial acts beginning at the age of 8 or 9, including problems with authority and behavior that is illegal, aggressive, irresponsible, deceptive, reckless, and impulsive. He meets criteria for Antisocial Personality Disorder (DSM-5 301.7).

INFORMATION RELEVANT TO COMPETENCY TO STAND TRIAL:

Mr. Chandler was not initially able to cite his legal charges. He said that he was charged with "rape, robbery—tied her up." When the legal charges, e.g., Strong Armed Robbery, Burglary in the First Degree, Criminal Sexual Conduct in the First Degree, and Kidnapping were read to him, he indicated that he recognized these as the charges for which he had been arrested. He indicated that his charges were very serious, as they "carry a lot of time—30 years or life or something." He was aware that a felony was a serious crime, and his charges are all classified as felonies. He was able to define innocent and guilty. He did not initially understand what an Alford Plea was but after he was informed, he said that he was aware that this type of plea was utilized at times. He was aware that a plea bargain was a deal in which one would forego a trial for a lesser sentence than he might receive at trial.

Mr. Chandler had a good grasp of the range and nature of the possible penalties that he could face for his charges. For example, he said some of his charges could merit 30 years to life in prison. He said that if he is found to be innocent by the jury, he would be released. He was able to identify any problems that his current situation has caused, as he has lost his freedom.

Mr. Chandler said that he has an attorney, Erik Drylie. When asked what his attorney is trying to do for him, he said that his attorney is not helping him because he thinks that Mr. Chandler did it. When asked what his attorney is supposed to do, he said that his job is to "make sure I get justice." He went on a tirade in which he said that he was in jail for three years and his attorney tried to force him to take a plea for 15 years, but he refused, and he was acquitted at trial. He used this to justify his belief that the legal system was biased. He was aware that the judge is supposed to be impartial, but he indicated that it depends on which judge he gets. He said that he was certain "they gonna give me a judge that's against me." He said that he was aware that all of the court personnel are supposed to be neutral, but "all of 'em are friends, buddies—judge, solicitor, public defender." He said that the job of the solicitor was to "convict you whether you're guilty or not." Mr. Chandler said that the Right to Remain Silent meant to keep quiet—to not speak.

Mr. Chandler stated that he was going to "act like I want to act. They want you to be quiet and let them run over me, and I'm not gonna do that. If I have to blurt out in the middle of court—I will. I will raise my hand first." When asked if he was aware of the penalty for doing so, such as being held in contempt of court or being removed from the court room, he said that he had to do it because if he talks to his attorney, his attorney will say wait, adding, "They want you to be quiet and take whatever they give you. I done been through that too many times." He was aware that he could not lie under oath.

He did not initially know the term perjury, but he was able to retain it after he was informed. When asked what happened to people who lie under oath, he said, "Nothing." When asked if he was aware that the person could be jailed, he said, "I aint seen that happen."

Mr. Chandler has the ability to testify with coherently and relevantly about the incident that occurred on 2/24/15. There are no cognitive or affective factors which might influence his ability to communicate. He has the ability to maintain eye contact and modulate his voice volume. He has the ability not to volunteer information that is not requested. However, he may not choose to do so.

CONCLUSION REGARDING COMPETENCY TO STAND TRIAL:

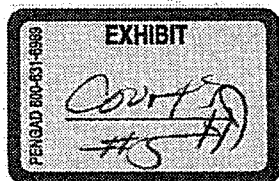
Mr. Chandler is deemed Competent to Stand Trial. He did initially demonstrate a few deficits in his knowledge of the legal system, but he was able to retain that information after he was informed. He seems to have a skewed perception of what will happen to him during the legal process, probably based on his perception that he has been treated unjustly by the legal system in the past. He was able to acknowledge what should happen, even though he did not believe that it would happen for him.

Amy C. Swan

9-23-15

Amy C. Swan, Psy. D. Date
Licensed Psychologist (South Carolina – 1154)

We as a Jury have a question for
 the defendant. As to where he allegedly
 met "Noah Petersen" to receive a check.
 for \$750.



James L. Lister

7-22-16

Juries are not allowed to submit
 questions to any witnesses.

E.C. GRIFFITH

WITNESSES

ECSO

SMITH

ARREST WARRANT NUMBER

DIRECT

ACTION OF GRAND JURY

Sherrie Campbell
Foreperson of Grand Jury
Date: JUL 8 2016

VERDICT

Guilty

TRUE BILL

Sherrie Campbell
Foreperson of Petit Jury
Date: 7/22/16

DOCKET NO. 2016-GS-19- 378

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

EDWARD TERRELL CHANDLER

CDR#0079

Indictment for

BURGLARY
1ST DEGREE

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

INDICTMENT FOR
BURGLARY
1ST DEGREE

At a Court of General Sessions, convened on July 6, 2016 the Grand Jurors of Edgefield County present upon their oath:

That **Edward Terrell Chandler** did in Edgefield County, South Carolina on or about February 24, 2015, knowingly and willfully enter a dwelling, to wit: [REDACTED], such being the dwelling of Dorothy M. Peterson, without consent and with the intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight, did cause physical injury to a person who was not a participant in the crime, being one Dorothy M. Peterson, and/or such entering or remaining in the dwelling occurred in the nighttime; in violation of § 16-11-311(A) of the Code of Laws of South Carolina, 1976, as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

746

15 - LIFE

STATE OF SOUTH CAROLINA

COUNTY OF
STATEEdgefield
VS.

Edward Terrell Chandler

AKA:

Race: Black Sex: M Age: 28

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Johnston, SC 29832-1524

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary - First degreein violation of § 16-11-311(A) of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

James
Solicitor64191
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 60 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. Since Feb. 24, 2015☐ 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)		\$3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jon Hobson

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS1900378

A/W#: 2016GS1900378

Date of Offense: 7/6/2016

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

(CSC w/minor 1st or Lewd Act)

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SPECIAL CONDITIONS:

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Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

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SCCA/217 (07/2016)

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S.C. Code § : 16-11-0311

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3% to County (if paid in installments)		\$3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jon Hobson

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: _____

Sentence Date: 7-22-16

747

WITNESSES

ECSO

SMITH

ARREST WARRANT NUMBER

DIRECT

ACTION OF GRAND JURY

Sherrie Campbell

Foreperson of Grand Jury
Date: JUL 06 2016

VERDICT

Guilty

TRUE BILL

James Smith

Foreperson of Petit Jury
Date: 7/22/16

DOCKET NO. 2016-GS-19- 381

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

EDWARD TERRELL CHANDLER

CDR#0137

Indictment for

Strong Armed Robbery

(Common Law)

S.C. Code Section 16-11-325

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

INDICTMENT FOR
Strong Armed Robbery
(Common Law)
S.C. Code Section 16-11-325

At a Court of General Sessions, convened on July 6, 2016 the Grand Jurors of Edgefield County present upon their oath:

That **Edward Terrell Chandler** did in Edgefield County, state aforesaid, on or about February 24, 2015, willfully and unlawfully commit the offense of common law robbery by feloniously taking from the person or presence of one Dorothy M. Peterson, by means of force or intimidation, any goods, monies, or property belonging to Dorothy M. Peterson, to wit: United States currency and/or a check written on a bank account of Dorothy M. Peterson, furthermore, such act(s) committed with the intent to deprive the owner permanently of such goods, monies, or property, in violation of the common law of the State of South Carolina, with penalty set forth in Section 16-11-325, S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.Edward Terrell Chandler

AKA: _____

Race: Black Sex: [REDACTED] Age: 28SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Johnston, SC 29832-1524DL#: [REDACTED] SID#: _____*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Robbery (Common Law)in violation of § Common Law of the S.C. Code of Laws, bearing CDR Code #☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST LS Mays 64191

Solicitor 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 15 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 StateDepartment of Corrections. Since F.V. 24 2015☐ 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 \$ 128.75Clerk of Court/ Deputy Clerk Chas RuhlCourt Reporter: Joy Hobbs

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2016GS1900381A/W#: 2016GS1900381Date of Offense: 7/6/2016S.C. Code §: 16-11-0325CDR Code #: 0137

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSCDR Code # 0137☐ §17-25-45

(CSC 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 LS Mays 64191

Solicitor 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 15 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 StateDepartment of Corrections. Since F.V. 24 2015☐ 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 \$ 128.75Clerk of Court/ Deputy Clerk Chas RuhlCourt Reporter: Joy Hobbs

SCCA/217 (07/2016)

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 JL MaysJudge Code: 2154Sentence Date: 7-22-16

WITNESSES

ECSO

SMITH

ARREST WARRANT NUMBER

DIRECT

ACTION OF GRAND JURY

For person of Grand Jury

Date: JUL 06 2016

VERDICT

Guilty
BILL

For person of Petit Jury

Date: 7/22/16

DOCKET NO. 2016-GS-19- 382

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

EDWARD TERRELL CHANDLER

CDR#0095

Indictment for

KIDNAPPING

S.C. Code Section 16-3-910

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

INDICTMENT FOR
KIDNAPPING
S.C. Code Section 16-3-910

At a Court of General Sessions, convened on July 6, 2016 the Grand Jurors of Edgefield County present upon their oath:

That Edward Terrell Chandler did in Edgefield County, state aforesaid, on or about February 24, 2015, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away, one Dorothy M. Peterson, by any means whatsoever without authority of law, and without consent, to wit: did seize or confine the victim by use of cord; bindings; or restraints; in violation of Section 16-3-910 of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

752

0-30

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield
 STATE VS
Edward Terrell Chandler

AKA:

Race: Black Sex: M Age: 28DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] StCity, State, Zip: Johnston, SC 29832-1524DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

J. S. Mayes
Solicitor64191
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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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. Sund Feb 24, 2015☐ 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 PTUPTotal: \$ 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)	\$	\$3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk Charles RuelCourt Reporter: Joy Hobson

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS1900382A/W#: 2016GS1900382Date of Offense: 7/6/2016S.C. Code § : 16-03-0910CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS days/hours Public Service EmploymentObtain 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 FundOther:

☐ 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 JCPJudge Code: 2154Sentence Date: 7-22-16

753

WITNESSES

ECSO

SMITH

ARREST WARRANT NUMBER

DIRECT

ACTION OF GRAND JURY

Sherrie Campbell

Foreperson of Grand Jury

Date: JUL 06 2016

VERDICT

Guilty

TRUE BILL

Sherrie Campbell
Foreperson of Petit Jury

Date: 7/22/16

DOCKET NO. 2016-GS-19- 383

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

EDWARD TERRELL CHANDLER

CDR#0160

Indictment for

CRIMINAL SEXUAL CONDUCT

FIRST DEGREE

S.C. Code Section 16-3-652

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT
FIRST DEGREE
S.C. Code Section 16-3-652

At a Court of General Sessions, convened on July 6, 2016 the Grand Jurors of Edgefield County present upon their oath:

That **Edward Terrell Chandler** did in Edgefield County, state aforesaid, on or about February 24, 2015, willfully and unlawfully commit the offense of criminal sexual conduct in the first degree by engaging in sexual battery with the victim, Dorothy M. Peterson, under any one or more of the following circumstances: the actor used aggravated force to accomplish the sexual battery, and/or the victim submitted to the sexual battery under circumstances where she was also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act; furthermore, such act(s) of sexual battery include, but are not limited to, sexual intercourse; fellatio; anal intercourse; or any intrusion, however slight, of any part of the victim's body or of any object into the genital or anal openings, as set forth in S.C. Code Section 16-3-651(h), in violation of Section 16-3-652, S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Edgefield

VS.

Edward Terrell Chandler

INDICTMENT/CASE#: 2016GS1900383

A/W#: 2016GS1900383

Date of Offense: 7/6/2016

S.C. Code §: 16-03-0652

CDR Code #: 0160

AKA:

Race: Black

Sex: M

Age: 28

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Johnston, SC 29832-1524

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Criminal Sexual Conduct - 1st degree

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 0160

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

J. Smayda

64191

Solicitor

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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since Feb. 24, 2015☐ 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)		\$ 3.75

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter: Joy Holston

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

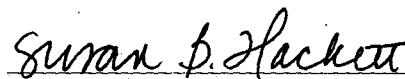
Judge Code: 2159

Sentence Date: 7-12-16

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,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of November, 2017.