

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Honorable Letitia H. Verdin, Circuit Court Judge

JOHNELL PORTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001605

APPENDIX

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PAGES 1-500

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IN THE COURT OF GENERAL SESSIONS
YORK COUNTY, SOUTH CAROLINA

SOUTH CAROLINA

VERSUS

JOHNELL PORTER 2007-GS-46-1687-1691
KENNETH YOUNG 2007-GS-46-1694-1696, 1699, 1700
ANGELA LAWS, 2007-GS-46-1049-1052
DEFENDANTS

HEARD ON JULY 23-26, 2007.
BEFORE THE HONORABLE JOHN C. HAYES, III AND A JURY.

APPEARANCES:

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E. B. SPRINGS, IV
SOLICITORS OF THE SIXTEENTH CIRCUIT
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1 THE COURT: SOLICITOR, YOU WANT TO CALL
2 YOUR CASE.

3 MR. SPRINGS: YES, SIR. YOUR HONOR, I HAD
4 FAILED TO TELL THE UPPER ROOM CLERK TO BRING THE
5 ORIGINAL INDICTMENTS. MAY I PROCEED WITH XEROX
6 COPIES?

7 THE COURT: THAT WILL BE FINE AT THIS
8 POINT.

9 MR. SPRINGS: I BEGIN WITH MS. ANGELA
10 LAWS. I'M HOLDING A SERIES OF INDICTMENTS THAT HAVE
11 BEEN TRUE BILLED BY THE YORK COUNTY GRAND JURY. THE
12 FIRST AIDING AND ABET ARMED ROBBERY ON
13 2007-GS-46-1052, CONSPIRACY TO COMMIT THAT ARMED
14 ROBBERY ON 2007-GS-46-01051, AID AND ABET ENTERING A
15 BANK WITH INTENT TO STEAL ON 2007-GS-46-1050, AND
16 FAILURE TO STOP FOR A BLUE LIGHT ON 2007-GS-46-1049.
17 MS. LAWS IS IN THE COURTROOM REPRESENTED BY DEREK
18 CHIARENZA. HOW DOES SHE PLEAD TO THOSE CHARGES,
19 MR. CHIARENZA?

20 MR. CHIARENZA: NOT GUILTY, SOLICITOR.

21 MR. SPRINGS: I TURN NOW TO THE STATE OF
22 SOUTH CAROLINA VERSUS KENNY LOVETTE YOUNG. I'M
23 HOLDING A SERIES OF TRUE BILLED INDICTMENTS. THE
24 FIRST CHARGES MR. YOUNG WITH ARMED ROBBERY ON
25 2007-GS-46-1695, CONSPIRACY TO COMMIT THAT SAME ARMED

1 ROBBERY ON 2007-GS-46-1700. POSSESSION OF A FIREARM
2 DURING THE COMMISSION OF A VIOLENT CRIME ON
3 2007-GS-46-1699. ASSAULT AND BATTERY OF A HIGH AND
4 AGGRAVATED NATURE ON 2007-GS-46-1698. KIDNAPPING ON
5 2007-GS-46-1694. AND ENTERING A BANK WITH INTENT TO
6 STEAL ON 2007-GS-46-1696. MR. YOUNG IS IN THE
7 COURTROOM REPRESENTED BY PHILLIP JAMIESON.
8 MR. JAMIESON, HOW DOES HE PLEAD TO THOSE CHARGES,
9 SIR?

10 MR. JAMIESON: NOT GUILTY.

11 MR. SPRINGS: I TURN NOW TO THE STATE OF
12 SOUTH CAROLINA VERSUS JOHNNELL PORTER. I'M HOLDING A
13 SERIES OF INDICTMENTS, ALL TRUE BILLED BY THE YORK
14 COUNTY GRAND JURY, THE FIRST CHARGES JOHNNELL PORTER
15 WITH ARMED ROBBERY 2007-GS-46-16 -- I'LL HAVE TO
16 REFERENCE THAT NUMBER LATER, YOUR HONOR. THE NUMBER
17 HAS BEEN CUTOFF. IT'S 16 HUNDRED AND SOMETHING.
18 I'LL HAVE TO COME BACK TO THAT. KIDNAPPING
19 2007-GS-46-1689. ENTERING A BANK WITH INTENT TO
20 STEAL ON 2007-GS-46-1688. COMMISSION OF, POSSESSION
21 OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME
22 ON 2007-GS-46-1690. CONSPIRACY TO COMMIT THE ARMED
23 ROBBERY ON 2007-GS-46-1691. LET ME QUICKLY LOOK AT
24 SOMETHING SO I CAN GET THE INDICTMENT NUMBER ON THE
25 FIRST INDICTMENT, THE ARMED ROBBERY. THAT WOULD BE

1 2007-GS 46-1687. MR. PORTER IS HERE IN THE COURTROOM
2 REPRESENTS HIMSELF. MR. PORTER, HOW DO YOU PLEAD TO
3 THE CHARGES I JUST READ OFF, SIR?

4 MR. PORTER: NOT GUILTY.

5 MR. SPRINGS: YOUR HONOR, IF I MAY JUST
6 BRIEFLY A COUPLE THINGS ON MR. PORTER'S SITUATION.
7 MR. PORTER ON JUNE 26 HAD A HEARING IN THE CIRCUIT
8 COURT BEFORE YOUR HONOR AT WHICH HE ASKED THAT HIS
9 APPOINTED COUNSEL MATTHEW NIEMIEC BE REMOVED FROM THE
10 CASE AND THAT WAS DONE AND AT THAT HEARING THE COURT
11 ADVISED MR. PORTER OF THE VARIOUS DANGERS OF
12 PROCEEDING ON THAT AND WE HAVE HERE A TRANSCRIPT OF
13 THAT JUNE 26, 2007, HEARING. MAY I MAKE THAT A
14 COURT'S EXHIBIT FOR THIS TRIAL?

15 THE COURT: YOU MAY.

16 (COURT'S EXHIBIT 1 TRANSCRIPT RECEIVED
17 INTO EVIDENCE.)

18 MR. SPRINGS: ONCE MR. PORTER WAS PRO SE I
19 MET WITH MR. PORTER MYSELF, I GAVE HIM ALL THE
20 PAPERED DISCOVERY, AND I SHOWED HIM ALL THE VIDEO
21 MOVIES WHICH THE STATE WOULD BE INTRODUCING IN THIS
22 CASE. I ALSO TOLD HIM THAT I HAD SPOKEN WITH
23 MR. MATTHEW NIEMIEC, HIS FORMER ATTORNEY, AND
24 MR. NIEMIEC SAID THAT HE'D BE GLAD TO GET BACK ON THE
25 CASE IF MR. PORTER WANTED HIM TO, JUST PLEASE DON'T

1 WAIT UNTIL THE LAST MINUTE. I PASSED THAT MESSAGE
2 AND EVIDENTLY MR. PORTER CHOSE NOT TO TAKE
3 MR. NIEMIEC BACK UP ON HIS OFFER. I ALSO TOLD
4 MR. PORTER BACK AT THAT MEETING THAT I GAVE HIM A
5 COPY OF THE STATE'S WITNESS LIST, SAID I WOULD
6 BRINGING THOSE PEOPLE TO COURT AND IF MR. PORTER
7 WANTED ANYONE ELSE SUBPOENAED I WOULD SUBPOENA THEM
8 ON HIS BEHALF AND HE GAVE ME TWO NAMES, MS. MELISSA
9 INZERILLO AND LIEUTENANT TIM HAGER. HE ASKED ME TO
10 SUBPOENA THEM AND I HAVE DONE THAT ON HIS BEHALF. I
11 ASKED HIM IF HE NEEDED ANYTHING ELSE AND HE SAID HE
12 WANTED THE MEDICAL DOCUMENTS ON THE CO-DEFENDANT IN
13 CHARLOTTE FROM THE HOSPITAL, I GOT THAT FOR HIM, AND
14 GAVE THAT TO HIM. HE ALSO SAID HE WANTED THE
15 TRANSCRIPT FROM THE JUNE 26 HEARING AND I GOT THAT
16 FOR HIM AND I'VE GIVEN HIM A COPY OF THAT TRANSCRIPT.
17 THEN I ASKED HIM LAST THURSDAY JULY 19 IF THERE WAS
18 ANYTHING ELSE HE NEEDED AND HE SAID NO, NOT THAT HE
19 COULD THINK OF. THE STATE IS READY TO TRY THIS CASE,
20 PICK A JURY AT TWO O'CLOCK, AND TRY THIS CASE.

21 THE COURT: MR. PORTER, LET ME START WITH
22 YOU BECAUSE, DO IT IN REVERSE ORDER. DO YOU TAKE
23 ISSUE WITH ANYTHING MR. SPRINGS HAS SAID?

24 MR. PORTER: HE SPOKE THE TRUTH.

25 THE COURT: OKAY. AND YOU RECALL THAT I

1 DID GO OVER WITH YOU AT THAT JUNE HEARING THE FACT
2 THAT THERE IS A DANGER IN YOUR REPRESENTING, GOING
3 WITHOUT COUNSEL AND THAT THERE WAS A BENEFIT IN
4 HAVING COUNSEL AND THAT MY, I HATE TO CALL IT
5 RECOMMENDATION, WAS THAT YOU RETAIN, YOU KEEP THE
6 COUNSEL YOU HAD BUT YOU WERE DISSATISFIED AND DECIDED
7 TO PROCEED WITHOUT HIM, IS THAT CORRECT?

8 MR. PORTER: THAT'S CORRECT.

9 THE COURT: OKAY. ALL RIGHT. DO YOU
10 HAVE ANY MOTIONS YOU WANT TO MAKE, MR. PORTER?

11 MR. PORTER: YES, I HAVE ATTEMPTED TO --
12 MAY I STAND UP?

13 THE COURT: YEAH, PLEASE.

14 MR. PORTER: I HAD ATTEMPTED TO LAST WEEK,
15 YOUR HONOR, TO MAKE A MOTION FOR A CONTINUANCE. I
16 WAS DENIED A NOTARY SERVICE AT THE YORK COUNTY
17 DETENTION CENTER AND MY MOTION NEVER GOT TO THE CLERK
18 OF COURT'S OFFICE.

19 THE COURT: I'LL LET YOU MAKE IT AT THIS
20 TIME THEN. WHAT'S YOUR GROUNDS FOR A CONTINUANCE?

21 MR. PORTER: AT THAT TIME I HAD -- WELL, I
22 JUST GOT THE MOTION FOR THE, MOTION FOR THE DISMISS
23 COUNSEL HEARING AND I WAS GOING OVER THE MEDICAL
24 RECORDS, THE MEDICAL FILES. I DO NOT KNOW PER SE THE
25 OFFICER THAT WAS THERE AT THE CAROLINA MEDICAL CENTER

1 WITH HIM, I WAS TRYING TO FIND OUT WHO WAS THERE WITH
2 HIM BECAUSE FROM MY UNDERSTANDING A LOT OF ACTIVITIES
3 HAPPENED WHILE HE WAS AT THE CAROLINA MEDICAL CENTER.

4 THE COURT: HE WHO? THE VICTIM?

5 MR. PORTER: YEAH, AND I SPOKE WITH MR.
6 SPRINGS, HE TOLD ME HE DIDN'T KNOW THE OFFICER'S NAME
7 SO SOMEBODY WAS THERE WITH HIM. THEY DIDN'T KNOW
8 WHAT TIME MEDICS ARRIVED AT THE SCENE OF THE CRIME TO
9 PICK HIM UP. IT'S NOT SHOWING ON THE VIDEO, ALL THAT
10 WAS BEFORE SUPPOSEDLY LEFT THE SCENE AND THEY
11 ARRIVED, THE VIDEO IS NOT THERE. THERE IS NO KIND OF
12 VIDEO THAT WAS SHOWN AS FAR AS HIM, PICKING HIM UP
13 AND PUTTING HIM IN THE AMBULANCE, SO AS I LOOKED OVER
14 THE MEDICAL RECORDS THEY DON'T HAVE NO SIGNATURES OF
15 ANYBODY THAT WAS THERE AT ALL EITHER. YOU SEE WHAT
16 I'M SAYING? AND THOSE TWO PEOPLE WERE THERE ARE
17 IMPORTANT AS FAR AS THE DEFENSE WITNESSES ALSO.

18 THE COURT: WELL, DO YOU KNOW WHO THOSE
19 TWO PEOPLE ARE, MR. SPRINGS?

20 MR. SPRINGS: LET ME, I NOTICE THE COURT
21 LOOKS A BIT CONFUSED. THE PERSON IN QUESTION IS A
22 CO-DEFENDANT. THERE WAS A FOURTH CO-DEFENDANT THAT
23 HAS PLEAD GUILTY UPON A DEAL AND AGREED TO TESTIFY
24 FOR THE STATE. THIS INVOLVES A BANK ROBBERY IN YORK
25 COUNTY, A HIGH SPEED CHASE INTO CHARLOTTE WITH THE

1 YORK OFFICERS FOLLOWING, AND ONCE THE CAR, THE
2 FLEEING CAR, CAME TO A STOP THE FORTH GENTLEMAN WHO
3 HAS PLEAD GUILTY JUMPED OUT OF THE CAR, THE POLICE
4 CAR SLID ON WET PAVEMENT, HIT HIS LEG, AND INJURED
5 HIS LEG. HE WAS TAKEN TO THE HOSPITAL BY CHARLOTTE
6 MECKLENBURG POLICE OFFICERS WHILE YORK COUNTY
7 AUTHORITIES WAITED AT CHARLOTTE MECKLENBURG POLICE
8 STATION. HE WAS OVER AT THE HOSPITAL, GOT CHECKED
9 OUT, AND WAS BROUGHT BACK BY CHARLOTTE MECKLENBURG
10 POLICE OFFICERS TO THE POLICE STATION. THOSE ARE THE
11 MEDICAL RECORDS, MR. PORTER WANTED THE MEDICAL
12 RECORDS OF HIS CO-DEFENDANT EXAMINATION AND I
13 PROVIDED THOSE BUT I TOLD HIM THAT I DON'T KNOW, WE
14 DON'T KNOW WHO THE CHARLOTTE MECKLENBURG OFFICERS
15 WERE WHO WENT WITH THE AMBULANCE, WAITED UNTIL THEY
16 GOT CHECKED, AND BROUGHT HIM BACK TO THE POLICE
17 STATION. I DON'T KNOW THAT SO I WASN'T ABLE TO TELL
18 HIM THAT. MR. DONSHAVIS JONES, THE MAN IN QUESTION,
19 WILL BE A WITNESS AND OF COURSE MR. PORTER WILL HAVE
20 THE OPPORTUNITY TO ASK HIM ANY QUESTIONS ABOUT THE
21 TREATMENT AND SO FORTH AT THAT TIME.

22 THE COURT: WELL, THEY CAN'T GIVE YOU WHAT
23 THEY DON'T HAVE, MR. PORTER. IF THEY DON'T KNOW,
24 THEY DON'T KNOW.

25 MR. PORTER: YES, SIR.

1 THE COURT: I GUESS JUST IN ORDER TO
2 PROTECT ALL YOUR RIGHTS IN INTEREST LET ME FOLLOW UP
3 WITH THIS, YOU HAVE COMPLIED WITH RULE FIVE AND
4 BRADY, IS THAT CORRECT?

5 MR. SPRINGS: YES, ABSOLUTELY, SIR.

6 THE COURT: WELL, MY QUESTION WOULD BE
7 WHETHER OR NOT, DID YOU SPECIFICALLY ASK FOR THESE
8 PEOPLE IN WRITING, MR. PORTER?

9 MR. PORTER: I ASKED FOR SUBPOENA
10 WITNESSES BUT NOT THOSE NAMES. I ASKED THOSE FOR
11 THOSE TWO NAMES, BUT AFTER I HAD SUBMITTED THE LETTER
12 TO THE COURTS, THOSE CAME UP, AND I THOUGHT THEY WAS
13 GOING TO BE ON THE MEDICAL RECORDS BUT THEY WASN'T ON
14 THE MEDICAL RECORDS.

15 THE COURT: WELL, I GUESS MY POINT IS, I
16 GUESS THE RECORD IN THE MECKLENBURG COUNTY, I THINK
17 THEY HAVE A JOINT SYSTEM UP THERE, BUT ANYWAY, IT
18 SEEMS THAT THOSE TWO NAMES COULD BE OBTAINED. I JUST
19 DON'T KNOW THAT THE BURDEN IS ON THE STATE TO OBTAIN
20 THOSE IF SPECIFICALLY ASKED. THAT'S WHY I'M ASKING,
21 WHEN DID YOU ACTUALLY ASK FOR THOSE TWO NAMES?

22 MR. PORTER: LET ME SEE. I SUBMITTED THE
23 MOTION FOR REQUEST FOR CONTINUANCE LAST WEEK. IT WAS
24 AFTER MR. SPRINGS HAD BROUGHT THE INFORMATION TO ME.
25 AS A MATTER OF FACT, I THINK IT WAS THE SAME DAY OR

1 LATER ON THAT EVENING THAT I HAD SUBMITTED IT TO THE
2 NOTARY AND FOR SOME REASON THAT HE BROUGHT IT BACK TO
3 ME.

4 AS A MATTER OF FACT, IT WAS THE SAME
5 DAY THAT I MET WITH MR. SPRINGS IN THE HOLDING CELL
6 AS AN ATTORNEY VISIT AND THAT WAS JUST THURSDAY LAST
7 WEEK. I LOOKED OVER IT, THE NAMES WASN'T THERE, AND
8 I FELT AS THOUGH I DIDN'T HAVE ENOUGH TIME TO PREPARE
9 FOR THIS, BUT HE TOLD ME HE DIDN'T KNOW THE OFFICERS
10 NAME LIKE HE JUST INDICATED NOW.

11 THE COURT: DO YOU THINK THAT INFORMATION
12 IS SOMEHOW OBTAINABLE?

13 MR. SPRINGS: I THINK IT WOULD PROBABLY,
14 THROUGH A LOT OF DIGGING AND RESEARCH GOING BACK THAT
15 DAY THROUGH THE CHARLOTTE POLICE DEPARTMENT DISPATCH
16 LOGS, THEORETICALLY, I THINK WITH A LOT OF DIGGING
17 AND ASKING, CAN PROBABLY FIND OUT WHAT OFFICERS WERE
18 DISPATCHED OUT THERE AND THEN THERE WERE MORE
19 OFFICERS ON THE SCENE THAN NEEDED TO GO TO THE
20 HOSPITAL TO WATCH SOMEBODY, BUT I DON'T KNOW. I
21 DON'T KNOW IF AFTER ALL THAT YOU WOULD FIND OUT WHO
22 TOOK HIM TO THE HOSPITAL.

23 THE COURT: WELL, IN SOUTH CAROLINA WE
24 HAVE SOMETHING CALLED AN INCIDENT REPORT THAT HAS
25 PRETTY MUCH ALL OF THAT INFORMATION ON IT, DOESN'T IT

1 OR DOES IT NOT?

2 MR. SPRINGS: YES, I DON'T KNOW WHAT THE
3 CHARLOTTE MECKLENBURG POLICE DID ON THAT.

4 THE COURT: I'M GOING TO ASK YOU TO MAKE A
5 REQUEST TO THE CHARLOTTE MECKLENBURG AND SEE IF YOU
6 CAN FIND OUT ANY INFORMATION AS TO WHO THESE
7 INDIVIDUALS WERE. I'M NOT GOING TO GRANT A
8 CONTINUANCE AT THIS TIME BECAUSE THE STATE DOESN'T
9 HAVE THAT INFORMATION, THEY HAVEN'T BEEN SPECIFICALLY
10 ASKED FOR THAT INFORMATION IS MY UNDERSTANDING UNTIL
11 WE REACHED THIS POINT, BUT WE'LL TRY TO OBTAIN THAT
12 AND IF WE DO OBTAIN IT, WE'LL TRY TO MAKE
13 ARRANGEMENTS. WE CAN'T SUBPOENA A NORTH CAROLINA
14 WITNESS TO COME DOWN HERE. YES, SIR.

15 MR. PORTER: YES, SIR. IT'S MY IMPRESSION
16 THAT THEY DO HAVE AN OFFICER'S NAME THAT THEY SIGNED
17 IN, BUT IT'S ON THE MEDICAL RECORDS. I HAVE
18 CONTACTED PEOPLE THAT WAS THERE WHEN HE CAME IN, IT
19 WAS TWO POLICE OFFICERS, AND THEY HAD TO LEAVE OUT OF
20 THE ROOM BECAUSE THEY WAS CONSTANTLY INTERROGATING
21 HIM WHILE HE WAS WAITING.

22 THE COURT: ALL RIGHT. WELL, WE'RE GOING
23 TO TRY TO FIND THOSE NAMES AND AS TO WHAT ISSUE ARE
24 THEY IMPORTANT?

25 MR. PORTER: AS FAR AS I WAS ALSO, IF IT

1 PLEASE THE COURT, I AM GOING TO SUBMIT A MOTION TO
2 THE COURT FOR SUPPRESSION BECAUSE THERE IS A LOT OF
3 THINGS DONE AT THIS PARTICULAR TIME WHILE HE'S
4 RECEIVING TREATMENT THAT WAS UNCONSTITUTIONAL, THAT I
5 FEEL VIOLATED MY CONSTITUTIONAL RIGHTS, AND A LOT OF
6 THINGS THAT WAS BEING MADE I FEEL AS THOUGH SHOULD BE
7 SUPPRESSED, STATEMENTS.

8 THE COURT: BY YOU?

9 MR. PORTER: BY HIM.

10 THE COURT: OKAY. ALL RIGHT. ANY OTHER
11 MOTIONS ON YOUR BEHALF? YOU MADE A MOTION TO
12 CONTINUE, I'M GOING TO DENY THAT MOTION BASED ON THE
13 FACT THAT THERE HAS BEEN NO SPECIFIC REQUEST FOR
14 THESE NAMES, AND I'M ASKING THE STATE AT THIS TIME TO
15 SEE IF THEY CAN OBTAIN THOSE NAMES.

16 MR. PORTER: ALL RIGHT, SIR.

17 THE COURT: ALL RIGHT. ANY MOTIONS --
18 ACTUALLY I SAID I WAS GOING TO GO IN REVERSE ORDER,
19 SO MR. JAMIESON, ANY MOTIONS ON BEHALF OF MR. YOUNG?

20 MR. JAMIESON: YOUR HONOR, MR. CHIARENZA
21 IS GOING TO MAKE A MOTION TO SEVERE AND WE'D BE
22 JOINING THAT MOTION, SO THAT WOULD BE THE MOTION AT
23 THE MOMENT AS TO MR. CHIARENZA'S MOTION.

24 THE COURT: ALL RIGHT. NOW YOU ARE ASKING
25 TO SEVERE FROM WHO, EVERYBODY OR FROM MR. YOUNG OR

1 MS. LAWS?

2 MR. JAMIESON: I THINK IF YOUR HONOR IS
3 INCLINED TO SEVERE, I THINK IT'S APPROPRIATE TO
4 SEVERE FROM ALL THE DEFENDANTS.

5 THE COURT: ALL RIGHT. THAT'S YOUR
6 POSITION?

7 MR. JAMIESON: I FEEL LIKE THE DEFENSES
8 WOULD BE ANTAGONISTIC.

9 THE COURT: ALL RIGHT. WELL, LET ME HEAR
10 WHAT MR. CHIARENZA HAS TO SAY.

11 MR. CHIARENZA: THANK YOU, YOUR HONOR. IF
12 I MAY APPROACH.

13 THE COURT: SURE.

14 MR. CHIARENZA: IT WOULD BE NUMBER TWO,
15 YOUR HONOR, IT'S ON THE SECOND PAGE. THERE ARE A
16 NUMBER OF OTHER MOTIONS BUT I UNDERSTOOD THAT IT WAS
17 JUST IMPORTANT THAT WE HEAR THIS ONE BEFORE WE PICK
18 THE JURY.

19 YOUR HONOR, AT THIS TIME MY CLIENT
20 ANGELA LAWS WOULD MOVE TO SEVERE HER CASE FROM THAT
21 OF HER CODEFENDANTS MR. PORTER AND MR. YOUNG THE
22 GROUNDS BEING ANTAGONISTIC DEFENSE.

23 SPECIFICALLY, YOUR HONOR, AND
24 CERTAINLY WE RESERVE THE RIGHT TO MAKE THIS DECISION
25 AT THE APPROPRIATE TIME, BUT IN THE EVENT THAT

1 MS. LAWS DOES DECIDE TO TESTIFY THERE IS A STRONG
2 LIKELIHOOD THAT HER TESTIMONY WOULD TAKE THE FORM OF
3 A DURESS DEFENSE AND BELIEVE THAT SHE WOULD HAVE TO
4 RAISE ISSUES AND MATTERS THAT ARE POTENTIALLY
5 OBJECTIONABLE BY MR. YOUNG AND BY MR. PORTER. AND
6 AGAIN IT'S REALLY JUST A QUESTION OF NOT BEING
7 CERTAIN HOW THE COURT WOULD RULE THERE, BUT OUT OF AN
8 ABUNDANCE OF PRECAUTION I BELIEVE IT'S GOING TO SAVE
9 EVERYBODY A LOT OF TIME AND TROUBLE IF WE KNOW THE
10 ANSWER TO THAT QUESTION NOW.

11 YOUR HONOR, I WOULD ANTICIPATE AND
12 CERTAINLY AGAIN RESERVING ANY RIGHTS WE WOULD HAVE
13 ULTIMATELY WHETHER OR NOT TO TESTIFY OR ASSERT THIS
14 DEFENSE AT THIS TIME JUST ON THE VERY NARROW ISSUES
15 OF WHAT MY CLIENT MAY TESTIFY TO AS FAR AS WHAT SHE
16 WAS AWARE OF OR WHAT SHE PERCEIVED BEHAVIORALLY OR
17 CHARACTER TRAITS OF MR. YOUNG AND MR. PORTER THAT
18 WOULD BE ELEMENTS OF HER DURESS DEFENSE.

19 YOUR HONOR, FOR THE RECORD I
20 UNDERSTAND SHE WOULD HAVE TO, TO BE ENTITLED TO THE
21 CHARGE, SHE WOULD HAVE TO ESSENTIALLY PROVE THAT ONE
22 SHE HAD A REASONABLE FEAR OF IMMINENT HARM TO HER OR
23 DEATH OR SERIOUS BODILY HARM TO HER OR A LOVED ONE
24 AND TO A LESSER EXTENT FOR THE PURPOSES OF THIS
25 MOTION THAT SHE HAD NO ALTERNATIVE BUT TO ACT IN

1 CONFORMITY WITH THE COERCION OF THE CODEFENDANTS.

2 SO AT THIS TIME IF THE COURT REQUIRES,
3 YOUR HONOR, I CAN PROFFER HER BUT AGAIN JUST
4 RESPECTFULLY ASK THAT WE BE ALLOWED TO LIMIT HER
5 RESPONSES BECAUSE I CERTAINLY DON'T WANT TO TRY MY
6 CASE RIGHT NOW, BUT WE LIMIT THE INQUIRY AS TO WHAT
7 POTENTIALLY OBJECTIONABLE AREAS SHE MAY GET INTO AS
8 FAR AS WHAT SHE WOULD SAY IN REGARD TO MR. YOUNG AND
9 MR. PORTER AND CERTAINLY UNDERSTAND THAT I'M STEERING
10 THAT HORSE BY THE BIT AS FAR AS WHAT I ASK HER, BUT
11 OF COURSE, THE STATE IS ALLOWED TO CROSS EXAMINE, AS
12 WELL AS THE CODEFENDANTS ARE ALLOWED TO CROSS
13 EXAMINE, BUT AGAIN WE JUST RESPECTFULLY ASK THE COURT
14 TO KEEP A SHORT LEASH THERE AS FAR AS REQUIRING THIS
15 WITNESS TO GET INTO THINGS THAT AREN'T DIRECTLY
16 RELATED TO THIS PARTICULAR PROFFER, AND AGAIN MY
17 CONCERN BEING THAT AT SOME POINT DOWN THE ROAD I AM
18 ABLE TO ELICIT TESTIMONY FROM MY CLIENT THAT CAUSES
19 ME TO QUESTION OR IT PUTS MR. YOUNG'S CHARACTER AT
20 ISSUE, PUTS MR. PORTER'S CHARACTER AT ISSUE AND/OR
21 BRINGS UP SOME PRIOR CRIMINAL HISTORY OR PRIOR ACTS
22 ON THE PART OF MR. PORTER AND YOUNG, SO I THINK
23 THAT'S REALLY THE ONLY INQUIRY WE NEED TO MAKE NOW AS
24 TO WHAT THE COURT MIGHT DO WHEN WE GET THERE.
25 OBVIOUSLY IF THE COURT IS GOING TO LET IT IN, I DON'T

1 HAVE GROUNDS TO SEVERE. IF THE COURT IS NOT GOING TO
2 LET IT IN, THEN I FEEL LIKE I CAN'T EFFECTIVELY
3 PRESENT SOME NECESSARY ELEMENTS OF MY DEFENSE AND AN
4 EASY SOLUTION WOULD BE THEN TO SEVERE BECAUSE THERE
5 IS NO WAY TO PREJUDICE THESE DEFENDANTS IN THE EYES
6 OF A JURY IF THEY ARE NOT IN TRIAL IN FRONT OF THAT
7 JURY. WITH THAT HAVING BEEN SAID, YOUR HONOR, THAT'S
8 THE GIST OF WHAT I WANTED TO GET AT THIS POINT.

9 THE COURT: ALL RIGHT.

10 MR. BRACKETT: JUST BRIEFLY IN RESPONSE
11 BEFORE THE WITNESS IS TENDERED FOR THIS LIMITED
12 PURPOSE, I UNDERSTAND WHAT HE'S TRYING TO ACCOMPLISH
13 AND I UNDERSTAND TRYING TO LIMIT MY CROSS
14 EXAMINATION, BUT WHAT HE WANTS IS TO DISCUSS JUST ONE
15 COMPONENT OF A DEFENSE THAT HE INTENDS TO ASSERT, BUT
16 OBVIOUSLY THERE WOULD BE NO NEED FOR SEVERANCE IF THE
17 DEFENSE ITSELF, I DON'T THINK WE CAN DISCUSS THAT ONE
18 ISSUE IN A VACUUM, IF HE WANTS TO TRY TO ASSERT THE
19 DEFENSE OF DURESS, I NEED TO BE ABLE TO CROSS EXAMINE
20 ON THE WHOLE ISSUE SO THAT YOUR HONOR CAN DECIDE
21 WHETHER OR NOT DURESS IS EVEN BEING ESTABLISHED
22 BECAUSE IF IT CAN'T, THEN THE EVIDENCE ISN'T COMING
23 IN, AND THEN THERE IS NO NEED FOR A SEVERANCE, SO I
24 DON'T THINK WE CAN LIMIT IT JUST TO THAT ONE ISSUE,
25 AND YOUR HONOR MAKES A DECISION ON THAT, DECIDE TO

1 SEVERE, THEN WE COME TO A SECOND TRIAL A MONTH FROM
2 NOW AND THE SAME ISSUE COMES UP AND THEY GO, WELL,
3 GOSH, YOU ARE NOT EVEN GOING TO GET TO ASSERT THE
4 DEFENSE OF DURESS OR THERE MAY BE SOME OTHER PROBLEM
5 THAT IS CREATED THAT PREVENTS THAT DEFENSE FROM
6 COMING WHICH WOULD THEN OF COURSE PREVENT THE
7 TESTIMONY FROM COMING IN, BUT IF TESTIMONY IS
8 INADMISSIBLE WHETHER THEY ARE HERE OR NOT, THEN WE
9 MINE AS WELL PLEAD ALL THREE OF US.

10 THE COURT: WELL, LET'S BACK UP A LITTLE
11 BIT. THERE IS NO REQUIREMENT AND IF THERE IS THAT
12 DURESS, THAT NOTICE OF THAT DEFENSE BE GIVEN,
13 ALTHOUGH YOU ARE ON NOTICE THAT IS, IT'S NOT LIKE
14 ALIBI.

15 MR. BRACKETT: YES, SIR.

16 THE COURT: GIVE ME JUST A SECOND. AND OF
17 COURSE, THERE IS NO BURDEN, WHERE'S THE BURDEN OF
18 PROOF LIE ON THIS DEFENSE? DOES THE STATE HAVE TO
19 DISPROVE IT LIKE IT DOES WITH SELF DEFENSE?

20 MR. CHIARENZA: NO, YOUR HONOR. IT'S A
21 PREPONDERANCE STANDARD, PROVEN BY A PREPONDERANCE. I
22 THINK IN ALL FAIRNESS TO THE COURT THERE IS NO BURDEN
23 TO DISPROVE IT ON THE PART OF THE STATE.

24 THE COURT: AND FINALLY WHEN WE GET INTO
25 THIS PROFFER OF THE DEFENDANT, HE HAS TO WALK A FINE

1 LINE BECAUSE OF HER RIGHT TO REMAIN SILENT. HAS SHE
2 GIVEN ANY STATEMENTS CONCERNING THIS?

3 MR. BRACKETT: YES, SIR, SHE HAS. HER
4 STATEMENT IS AT ODDS WITH THE DURESS DEFENSE.

5 THE COURT: WHAT PREJUDICE IS THERE FOR
6 THE STATE IF THE CASE IS SEVERED OTHER THAN WE HAVE
7 TO GET THE WITNESSES TOGETHER AND WE HAVE TO TAKE UP
8 ANOTHER TERM OF COURT AND THAT SORT OF THING.

9 MR. BRACKETT: IT'S JUDICIAL ECONOMY,
10 HAVING THE MATTER CONSIDERED ALL AT THE SAME TIME AND
11 SAVING THE COURT TIME. THAT'S THE PRIMARY ONE.

12 THE COURT: WELL, DO YOU NOT SEE A DANGER
13 IN THE ASSERTION BY MS. LAWS THAT SHE ACTED IN DURESS
14 AND INTERJECTING INTO TRIAL HIGHLY PREJUDICIAL
15 INFORMATION CONCERNING ONE OF THE CODEFENDANTS? IT'S
16 NOT ANTAGONISTIC DEFENSE --

17 MR. BRACKETT: POTENTIALLY, YES, SIR, I
18 DO, BUT MY QUESTION IS WHETHER DURESS IS A DEFENSE IN
19 THIS CASE AND I THINK, YOU KNOW, THAT'S THE CENTRAL
20 ISSUE AND I DON'T THINK THAT THIS CAN BE RAISED PIECE
21 MEAL. IF THEY ARE INTENDING TO PROFFER TO JUSTIFY A
22 SEVERANCE, WE NEED TO EXPLORE THE ENTIRE ISSUE,
23 THAT'S ALL I'M ASKING FOR. THAT IS THE ULTIMATE
24 QUESTION. BUT WHAT I WOULD LIKE RIGHT NOW, AS
25 MR. CHIARENZA HAS STATED, HE JUST WANTS TO RESTRICT

1 ANY CROSS EXAMINATION TO THE ISSUE OF WHAT SHE IS
2 GOING TO SAY ABOUT THEIR CHARACTER, BUT I THINK
3 THAT'S JUST ONE COMPONENT OF DURESS POTENTIALLY.

4 THE COURT: I UNDERSTAND. SO YOU THINK
5 YOU OUGHT TO BE ABLE TO EXPLORE THE ENTIRE DURESS?

6 MR. BRACKETT: EXACTLY, AND YOU MAY HEAR
7 AT THE END OF THAT AND GO, THIS ISN'T EVEN GOING TO
8 BE DURESS, I'M NOT EVEN GOING TO, AND IF THAT'S WHAT
9 YOUR DURESS ARGUMENT IS BECAUSE IT HAS COME FROM HER.

10 THE COURT: LET ME ASK YOU THIS,
11 MR. CHIARENZA, EVEN IF WE SEVERED, WE PROBABLY HAVE
12 TO VISIT THAT ISSUE?

13 MR. BRACKETT: PRETRIAL.

14 THE COURT: PRETRIAL OR IN CAMERA IN ANY
15 EVENT, WOULD WE NOT, IF THE STATE REQUESTED IT?

16 MR. CHIARENZA: WHY?

17 MR. BRACKETT: I WOULD MAKE A MOTION IN
18 LIMINE NOW THAT I KNOW THAT WOULD BE THEIR DEFENSE TO
19 SAY BEFORE YOU RING THE BELL, LET'S THRASH THIS OUT
20 BECAUSE IT'S PREJUDICIAL POTENTIALLY AND IT'S
21 MISLEADING.

22 MR. CHIARENZA: YOUR HONOR, I'M UNAWARE OF
23 ANY REQUIREMENT FOR A DEFENDANT TO PROVE HIS DEFENSE
24 PRIOR TO TAKING THE STAND IN THEIR OWN DEFENSE AND
25 THIS IS REALLY A SIMPLE QUESTION HERE. MY CLIENT IS

1 ENTITLED TO ASSERT THIS DEFENSE. THERE IS NO REASON
2 SHE'S NOT. THE COURT WILL GET TO DECIDE WHETHER SHE
3 GETS THE CHARGE ON IT WHEN HER TESTIMONY PLAYS OUT,
4 SO SHE GOES TO TRIAL TODAY WHETHER THE CO-DEFENDANTS
5 DO OR DON'T OR WHENEVER SHE GOES TO TRIAL SHE WILL
6 TESTIFY AND THE COURT DECIDES WHETHER SHE GETS THE
7 CHARGE AND THE JURY DECIDES IF -- IT'S A FACTUAL
8 QUESTION FOR THE JURY WHETHER THERE WAS DURESS OR
9 THERE WASN'T. BUT THERE IS NO PART, NO ELEMENT TO
10 THE DURESS DEFENSE IS GOING TO BE OBJECTIONABLE TO
11 THESE DEFENDANTS OTHER THAN THE INQUIRY THAT WE NEED
12 TO MAKE TODAY AND I THINK IT'S DISINGENUOUS ON THE
13 PART OF THE SOLICITOR THAT WE'RE DOING THIS FOR
14 JUDICIAL ECONOMY. MY CLIENT IS GOING TO HAVE TO
15 BASICALLY PROFFER HER ENTIRE CASE AND HER DEFENSE
16 WHICH I'M QUITE HONESTLY NOT PREPARED TO DO RIGHT NOW
17 BECAUSE --

18 THE COURT: I HATE TO INTERRUPT. LET ME
19 DO THIS, LET ME PUT ON THE RECORD WHAT YOU
20 ANTICIPATE, WE DISCUSSED IN CHAMBERS THE FACT THAT
21 MR. YOUNG AND I DON'T KNOW ABOUT MR. PORTER BUT
22 MR. YOUNG HAS SOME ISSUES OF SOME OFFENSES INVOLVING
23 ASSAULTIVE BEHAVIOR PARTICULARLY TOWARDS FEMALES, WHY
24 DON'T WE GO AHEAD AND WITHOUT HER TESTIFYING HAVE YOU
25 PUT ON THE RECORD WHAT YOU ANTICIPATE HER TESTIFYING

1 TO REGARDING THOSE PARTICULAR ISSUES.

2 MR. CHIARENZA: YES, YOUR HONOR.

3 THE COURT: AND THEN I'LL HEAR FROM
4 MR. YOUNG OR MR. PORTER HAVE ANYTHING THEY WANT TO
5 ADD TO IT AND OF COURSE I'LL HEAR FROM THE STATE
6 AGAIN.

7 MR. CHIARENZA: AS TO MR. YOUNG I WOULD
8 ANTICIPATE THAT MY CLIENT WILL TESTIFY TO A HISTORY
9 OF VIOLENCE BETWEEN THE TWO OF THEM, NOT RESULTING IN
10 ANY CRIMINAL CHARGE OR CONVICTIONS. MY CLIENT WILL
11 TESTIFY TO A HISTORY OF VIOLENCE AGAINST WOMEN IN
12 GENERAL RESULTING IN A DECEMBER 20, 2006, ARREST OR
13 CHARGE, THAT WAS TWO DAYS PRIOR TO THIS ROBBERY, AND
14 THAT WAS AGAINST A THIRD PARTY. SHE WILL TESTIFY
15 THAT AT THE TIME THAT THIS ROBBERY OCCURRED MR. YOUNG
16 WAS IN FACT FLEEING A WARRANT FOR AGGRAVATED ASSAULT
17 AGAINST A FEMALE.

18 I ANTICIPATE MY CLIENT WILL TESTIFY TO
19 A, I BELIEVE IT IS A SEPTEMBER '06 CONVICTION FOR
20 AGGRAVATED ASSAULT AGAINST A FEMALE, NOT HER, A THIRD
21 PARTY AND THAT HAVING OCCURRED JUST THREE MONTHS
22 PRIOR TO A TIME THAT SHE WILL ASSERT BEING THREATENED
23 BY THIS INDIVIDUAL.

24 THE COURT: SHE WOULD TESTIFY THAT AT THE
25 TIME OF THIS INCIDENT SHE WAS AWARE OF THOSE?

1 MR. CHIARENZA: YES, YOUR HONOR. MY
2 CLIENT WILL TESTIFY TO BEING AWARE OF THE GENERAL
3 NATURE OF MR. YOUNG'S CRIMINAL HISTORY, THE FACT THAT
4 HE DID SUBSTANTIAL AMOUNT OF TIME IN PRISON, THAT HE
5 SERVED TIME FOR CRIMES THAT ARE VIOLENT, THAT INVOLVE
6 ROBBERIES, AND SHE WILL TESTIFY TO HER PERSONAL
7 KNOWLEDGE OF HIS VIOLENT NATURE, HE HAS ACCESS TO
8 WEAPONS, AND THAT SHE WAS AWARE HE HAD READY ACCESS
9 TO A WEAPON ON THE DAY IN QUESTION, SO THAT'S
10 ESSENTIALLY WHAT SHE WOULD TESTIFY AS TO MR. YOUNG.

11 AS TO MR. PORTER, THE QUESTION, THERE
12 REALLY IS NO HISTORY BETWEEN THE TWO COMPARABLE TO
13 WHAT I JUST PUT ON THE RECORD WITH MR. YOUNG;
14 HOWEVER, IN THE MIDST OF THIS, OF THE ACTIVITIES OF
15 THE DAY IN QUESTION, MY CLIENT WILL TESTIFY THAT
16 CERTAIN ACTIVITIES OF MR. PORTER AND MR. YOUNG RIGHT
17 IN THE HEAT OF THE MOMENT CONTINUED TO FORCE HER HAND
18 AND WOULD, COULD BEST BE ILLUSTRATED OR COULD BE
19 TERMED AS PUTTING HER UNDER DURESS AT THE TIME, THIS
20 IS AS THE ROBBERY WERE ON GOING AND INVOLVING THE CAR
21 CHASE THAT WAS SUBSEQUENT TO THE BANK ROBBERY.

22 THE COURT: WELL, AFTER THAT LATTER I
23 DON'T SEE WHERE THAT WOULD HAVE ANY PREJUDICE. I
24 MEAN, IT WOULD HAVE SOME PREJUDICE AGAINST THEM, BUT
25 I THINK IT WOULD BE FAIR GAME.

1 MR. PORTER, ANYTHING YOU WANT TO SAY
2 ON THIS ISSUE?

3 MR. PORTER: FROM WHAT I UNDERSTAND, YOUR
4 HONOR, SHE HAVE A RIGHT TO ASSERT THAT DEFENSE AND IF
5 THE COURT WOULD LIKE TO SEVERE HER FROM THE TRIAL, I
6 HAVE NO OBJECTION. THAT'S HER RIGHT. YOU SEE WHAT
7 I'M SAYING AND --

8 THE COURT: ALL RIGHT. MR. JAMIESON, ANY
9 FINAL REMARKS?

10 MR. JAMIESON: CERTAINLY, YOUR HONOR,
11 BASED ON WHAT MR. CHIARENZA HAS INDICATED BOTH IN
12 CHAMBERS AND ON THE RECORD, I WOULD CERTAINLY THINK
13 THAT THAT DEFENSE WOULD BE PREJUDICIAL TO MY CLIENT,
14 HIGHLY PREJUDICIAL IN FACT, THE JURY WOULD BE HEARING
15 THAT MY CLIENT HAD A HISTORY OF VIOLENCE, THAT HE HAD
16 CONVICTIONS FOR ARMED ROBBERY WHICH IS EXACTLY WHAT
17 HE'S ON TRIAL HERE TODAY. I DON'T SEE HOW MY CLIENT
18 COULD GET A FAIR TRIAL IN THAT SITUATION.

19 THE COURT: ANY FINAL ON THAT AND I
20 UNDERSTAND THAT AS TO YOUNG AND PORTER, THESE ARE
21 POTENTIAL LIFE WITHOUT PAROLE TRIALS.

22 MR. BRACKETT: YES, SIR.

23 THE COURT: FINAL REMARKS.

24 MR. BRACKETT: YES, SIR. I DO NOT BELIEVE
25 THAT SHE'S ENTITLED TO A DURESS DEFENSE AT ALL.

1 BASICALLY THE FACTS FROM THE VIDEO, WE HAVE VIDEO
2 FROM OUTSIDE THE BANK, IMMEDIATELY AS THE CAR WAS
3 PULLING UP AND MS. LAW WAS DRIVING THREE DEFENDANTS,
4 THIS GENTLEMAN, THIS GENTLEMAN, AND DONSHAVIS JONES,
5 THE COOPERATING CODEFENDANT, WERE IN THE CAR; THEY
6 GOT OUT, TWO OF THEM WERE ARMED, MR. YOUNG AND
7 MR. PORTER. MR. JONES WAS THE BAG MAN. HE WAS GOING
8 IN TO LOAD A PILLOWCASE UP WITH THE MONEY FROM THE
9 SAFE. MS. LAWS WAS LEFT OUT IN THE PARKING LOT FOR
10 APPROXIMATELY 4 TO 5 MINUTES IN THE CAR BY HERSELF.
11 AT ONE POINT SHE EJECTED THE CAR, BACKED IT UP AND
12 RESTRAIGHTENED IT BACK OUT. DURESS REQUIRES THAT IF
13 THERE IS ANY REASONABLE WAY OTHER THAN COMMITTING THE
14 CRIME TO ESCAPE THREAT OF HARM THAT SHE HAS TO DO
15 THAT. BEING LEFT ALONE IN A RUNNING CAR WHEN THERE
16 IS NOBODY THERE TO COERCE HER, SHE SHOULD HAVE LEFT.
17 HER FAILURE TO DO THAT WILL DEPRIVE HER OF THE DURESS
18 DEFENSE, SHE SHOULD NOT BE ALLOWED TO ASSERT THE
19 DEFENSE AT ALL, AND THAT'S WHAT I WOULD GET OUT WITH
20 MY QUESTIONING OF HER AND IF SHE'S NOT ABLE TO ASSERT
21 THE DURESS THEN NONE OF THAT, IT'S ALL MISLEADING,
22 PREJUDICIAL, AND CONFUSING THE JURY AND IT'S
23 IRRELEVANT. THAT'S MY --

24 THE COURT: I DON'T LOOK AT IT QUITE AS
25 NARROWLY AS THAT. SHE HAS TO PROVE THAT THERE WAS

1 SOME DURESS AT EVERY INCIDENT. I MEAN IT COULD BE
2 DURESS AND THE THREAT OF DURESS AND DURESS IS
3 SOMETHING, IT KIND OF, IT'S NOT STATIC, IT'S FLUID,
4 SO YOU KNOW IT'S LIKE TELLING MOLLY TO DO A CERTAIN
5 THING AND SHE DOESN'T, SHE'S GOING TO BE PUNISHED
6 WHEN YOU COME HOME THAT NIGHT. IF SHE DOES THAT
7 THING SHE MAY BE ACTING UNDER DURESS EVEN THOUGH SHE
8 IS OUTSIDE YOUR PRESENCE AND HAS A RIGHT TO DO
9 WHATEVER SHE WANTS. BUT THERE IS STILL AN ELEMENT OF
10 DURESS. I LIKE TO THINK WE HAVE CHILDREN WHO WILL DO
11 WHAT WE WANT TO BECAUSE THEY LOVE US AND THEY KNOW
12 THEY OUGHT TO DO RIGHT.

13 MR. BRACKETT: BUT THE LAW SPECIFICALLY
14 REQUIRES THAT THE INDIVIDUAL HAVE NO OTHER WAY OF, NO
15 OTHER DIRECTION TO GO BUT TO COMMIT THE CRIME. IN
16 OTHER WORDS, THE LAW REQUIRES AN INDIVIDUAL UNDER
17 DURESS TO ONLY COMMIT THE CRIME IF THERE IS NO OTHER
18 ALTERNATIVE. IT IS ONLY THEN THAT EXCUSES BECAUSE
19 DURESS IS COMPLETE DEFENSE. IF SOMEBODY HOLDS A GUN
20 TO YOUR HEAD AND SAYS OR HOLDS A GUN TO YOUR CHILD'S
21 HEAD AND SAYS GO IN THAT BANK AND ROB THEM, THEN AT
22 THAT MOMENT YOU HAVE NO CHOICE. BUT IF AT ANY POINT
23 IN THE PROCESS THERE IS AN OPPORTUNITY FOR YOU TO DO
24 SOMETHING OTHER THAN COMMIT THE CRIME, YOU HAVE TO
25 AVAIL YOURSELF THAT OPPORTUNITY.

1 I WOULD LIKEN IT TO A BATTERED WIFE
2 SYNDROME, FOR A LONG TIME PEOPLE WEREN'T ALLOWED TO
3 ASSERT BATTERED WIFE BECAUSE THEY DIDN'T UNDERSTAND,
4 WELL, SHE SHOT HIM WHEN HE'S SLEEPING IN THE BED, BUT
5 IT TOOK SOME TIME FOR THEM TO, YOU KNOW, TO DEVELOP
6 THAT, BUT IT TOOK THE LEGISLATURE TO ENACT A LAW
7 SAYING THAT THAT WAS ACCEPTABLE. OTHER THAN THAT,
8 BATTERED WIFE WOULD NOT HAVE BEEN A LEGITIMATE
9 DEFENSE OF MURDER. AND I WOULD POINT OUT, FOR
10 EXAMPLE, IN DURESS THE DURESS CAN NEVER BE A DEFENSE
11 TO MURDER, YOU CAN'T COERCE SOMEBODY TO KILLING
12 SOMEONE ELSE, IT'S LIMITED, AND IT HAS TO BE LIMITED
13 IN THAT WAY OTHERWISE ANYBODY COULD ASSERT IT AT ANY
14 TIME AND SAY, WELL, SOMEBODY WAS THREATENING ME TWO
15 DAYS AGO AND I HAD TO GO DO THIS AND WE'VE GOT TO GO
16 DIG OUT AND DISPROVE SOME ALLEGATION OF DURESS THAT
17 HAPPENED TWO DAYS BEFORE. IT HAS TO BE IMMEDIATE,
18 PRESENT, AND I THINK IT EVEN --

19 THE COURT: LET ME --

20 MR. BRACKETT: IT DOES SAY PRESENT,
21 IMMINENT, AND OF SUCH A NATURE TO INDUCE A WELL
22 GROUNDED APPREHENSION. WHEN THEY LEFT THE CAR, IT
23 WAS NOT LONGER PRESENT AND IMMINENT.

24 THE COURT: LET ME LOOK AT THE CASE. YOU
25 ARE APPARENTLY LOOKING AT THE CASE.

1 MR. CHIARENZA: I WOULD JUST SUBMIT THAT'S
2 A QUESTION OF FACT FOR THE JURY.

3 MR. BRACKETT: THIS IS STATE VERSUS
4 CRAWFORD. IT'S YOUR CASE.

5 THE COURT: OKAY. ALL RIGHT. I'M GOING
6 TO TAKE A LOOK AT THIS. THEY CITE A COUPLE OTHER
7 CASES PARTICULARLY STATE VERSUS HOLIDAY. DO YOU HAVE
8 THAT?

9 MR. BRACKETT: I DO NOT, YOUR HONOR.

10 MR. SPRINGS: YES.

11 MR. BRACKETT: MR. SPRINGS DOES.

12 THE COURT: HAVE YOU GOT STATE VERSUS
13 BENJAMIN?

14 MR. BRACKETT: I THINK I DO.

15 THE COURT: AND STATE VERSUS ROBINSON.

16 MR. SPRINGS: I'M GIVING MR. CHIARENZA A
17 COPY.

18 THE COURT: WELL, WHAT'S CONCERNING ME,
19 COERCION IS NO DEFENSE IF THERE IS ANY REASONABLE WAY
20 OTHER THAN COMMITTING THE CRIME TO ESCAPE THE THREAT
21 OF HARM. COERCION AND DURESS ENVISION A THIRD PERSON
22 COMPELLING ANOTHER BY THE THREAT OF IMMEDIATE
23 PHYSICAL VIOLENCE TO COMMIT A CRIME BY SOMEONE ELSE
24 ON SOMEONE ELSE'S PROPERTY.

25 MR. BRACKETT: OUR CONTENTION IS IMMEDIATE

1 MEANS RIGHT THEN AND WE HAVE SET UP THE VIDEO PLAYER
2 HERE, IF YOU CHOSE TO, YOU CAN SEE THEM, NOT ONLY
3 THEM PULLING UP TO THE BANK, THE THREE CODEFENDANTS
4 GETTING OUT, THE LENGTH OF TIME THAT SHE'S SITTING
5 OUT IN THE PARKING LOT BY HERSELF, AND YOU KNOW I
6 WOULD CERTAINLY ARGUE I THINK THE REASONABLE WAY I
7 THINK MEANS THAT IN THE SAME SENSE THAT A PERSON HAS,
8 A PERSON HAS TO RETREAT, HAS A DUTY TO RETREAT IN
9 SELF DEFENSE IF THEY DON'T REASONABLY PUT THEMSELF IN
10 HARM'S WAY FURTHER, BUT IF SHE'S SITTING IN A CAR BY
11 HERSELF I THINK SHE REASONABLY COULD HAVE ESCAPED
12 WITHOUT ANY DANGER OF HARM OTHER THAN STANDING THERE
13 AND CONTINUING TO ASSIST THEM AND COMMIT THE CRIME.
14 BUT WE HAVE VIDEO OF HER SITTING BY HERSELF IN THE
15 PARKING LOT. WE HAVE THE VIDEO OF THE CHASE THAT
16 ENSUED AFTERWARDS INTO CHARLOTTE AND THE POLICE CAR
17 AND WE CAN SHOW THAT IF YOUR HONOR NEEDS TO SEE IT.
18 SHE WAS OUT THERE FOR SOME PERIOD OF TIME BY HERSELF.

19 MR. CHIARENZA: YOUR HONOR, IF I MAY.
20 THIS IS GETTING AGAIN BEYOND THE QUESTION OF SEVERING
21 AND THE SOLICITOR IS TAKING THIS OPPORTUNITY TO JUMP
22 INTO PREVENTING ME FROM EVEN ASSERTING THE DEFENSE.
23 THEY ARE GOING TO SHOW THE VIDEO IN THEIR CHASE AND
24 CHIEF OBVIOUSLY, THE COURT WILL HAVE AN OPPORTUNITY
25 TO DECIDE ONCE IT HAS HEARD ALL THE EVIDENCE WHETHER

1 SHE'S ENTITLED TO THE CHARGE OR NOT; PRIOR TO ANY
2 EVIDENCE COMING IN, I WOULD JUST SUBMIT THAT THE
3 COURT IS NOT IN A POSITION TO DECIDE WHETHER SHE GETS
4 TO ASSERT A DEFENSE AND MAKES, ONE, IT MAKES NO
5 SENSE; TWO, IT IS PREJUDICIAL FOR ME TO HAVE TO TRY
6 MY CASE TWICE TO DECIDE WHETHER SHE'S ENTITLED TO A
7 DEFENSE.

8 THE STATE WILL PUT THEIR CASE UP, THE
9 COURT WILL SEE WHAT IF ANY REASONABLE OPPORTUNITY SHE
10 HAD FOR ANOTHER ALTERNATIVE. ULTIMATELY IF MY CLIENT
11 CHOOSES TO TESTIFY, THEN THE COURT WILL HAVE TO
12 DETERMINE WHETHER THERE IS ANY EVIDENCE IN THE RECORD
13 SUPPORTING THAT DEFENSE AND THE COURT WILL DECIDE,
14 CERTAINLY THE SOLICITOR CAN ARGUE AT THAT POINT
15 AGAINST THE COURT CHARGING IT. THE COURT WILL HAVE
16 THAT OPPORTUNITY TO EITHER CHARGE THE DEFENSE OR NOT.
17 BUT I THINK IT'S PUTTING THE CART BEFORE THE HORSE
18 BEFORE WE'VE TAKEN ANY TESTIMONY OR LISTENED TO ANY
19 EVIDENCE OR ANYTHING LESS THAN ALL THE EVIDENCE.

20 THE COURT: WELL, I THINK OUT OF AN
21 ABUNDANCE OF PRECAUTION I'M GOING TO SEVERE MS. LAW'S
22 TRIAL AND HAVE MR. YOUNG AND MR. PORTER GO FORWARD.
23 I THINK IT'S ACTUALLY, I DON'T KNOW THAT SHE ACTUALLY
24 IS GOING TO BE ENTITLED TO HER TRIAL BUT CERTAINLY IN
25 THE RULING THAT THAT'S GOING TO BE A DEFENSE THAT SHE

1 CAN ASSERT, BUT I THINK IT'S A CLOSE QUESTION AND WE
2 DO HAVE TWO GENTLEMEN ON TRIAL FOR LIFE WITHOUT
3 PAROLE AND IF SHE IS ENTITLED TO IT, SHE'S ENTITLED
4 TO TAKE A FULL SHOT AT IT AND I DON'T, I'M NOT SURE
5 IMMEDIATE MEANS SECOND BY SECOND AND I'M NOT SURE, OF
6 COURSE, REASONABLE IS USUALLY A JURY QUESTION IF
7 SOMETHING IS REASONABLE OR NOT. I KNOW THE STATE
8 COULD ARGUE, WELL, SHE SHOULD HAVE JUST DRIVEN OFF
9 AND GONE TO THE POLICE, BUT I'M NOT SO SURE SOMEBODY
10 WOULD DRIVE OFF AND GO TO THE POLICE IF THEY KNEW
11 WHEN THEY WENT HOME, AND WE ALWAYS LAUGH KIND OF
12 ABOUT THAT, IF YOU DO THAT, DON'T WORRY, I KNOW WHERE
13 YOU LIVE. WELL, THEY MAY KNOW WHERE SHE LIVES AND I
14 DON'T THINK DURESS IS AN INSTANTANEOUS THING AND I
15 DON'T THINK, I THINK REASONABLENESS IS NOT, IS NOT
16 THAT SECOND, I THINK REASONABLE SHOULD ENCOMPASS WHAT
17 SOMEBODY DOES, NOT IN A VACUUM OF MINUTE BY MINUTE,
18 BUT IN THE A LARGER SCOPE OF THINGS, SO I'M GOING TO
19 SEVERE MS. LAWS FROM THIS CASE.

20 MR. BRACKETT: YES, SIR.

21 THE COURT: LET'S BREAK UNTIL TWO WHICH
22 ISN'T VERY MUCH TIME. MS. INZERILLO AND MR. HAGER,
23 MR. PORTER, YOU HAVE THESE TWO INDIVIDUALS AS I
24 UNDERSTAND IT UNDER SUBPOENA?

25 MR. PORTER: YES.

1 THE COURT: I'M NOT GOING TO REQUIRE THEM
2 TO SIT HERE. THEY WILL BE AVAILABLE. WHENEVER YOU
3 WANT THEM, YOU TELL US, AND WE'LL GET THEM HERE
4 WITHIN A FEW MINUTES.

5 MS. INZERILLO: YOUR HONOR, AT THIS TIME
6 MAY I MAKE A MOTION TO QUASH THE SUBPOENA. I AM
7 DONSHAVIS JONES' ATTORNEY AND THE EXTENT OF MY
8 KNOWLEDGE OF THIS CASE IS IN THAT CAPACITY. ANY
9 INVESTIGATION I'VE DONE HAS BEEN DIRECTLY RELATED TO
10 THAT CAPACITY. ANYTHING THAT MR. PORTER MAY ASK ME
11 ON THE STAND I BELIEVE WOULD BE COVERED BY
12 ATTORNEY-CLIENT PRIVILEGE.

13 THE COURT: WHEN WE GET THERE WE'LL DEAL
14 WITH THAT. IT MAY BE THAT HE'LL BE AT LEAST ENTITLED
15 TO MAKE A RECORD OF IT AND PUT YOU UP AND LET YOU
16 MAKE A PROFFER. I CAN'T THINK, MR. PORTER MAY HAVE
17 SOME QUESTION THAT NEITHER YOU OR I THAT MAY BE
18 OUTSIDE THAT SCOPE, I'D BE SURPRISED, BUT HE COULD.
19 I WANT TO GIVE HIM A FULL OPPORTUNITY TO EXPLORE IT.

20 MS. INZERILLO: THANK YOU.

21 THE COURT: WE'LL BREAK UNTIL TWO O'CLOCK
22 AND BE READY TO DRAW OUR JURY ON MR. YOUNG AND
23 MR. PORTER AT THAT TIME.

24 (COURT'S IN RECESS AT 01:34 PM.)

25 (COURT RESUMES.)

1 THE COURT: IS THE STATE READY?

2 MR. BRACKETT: YES.

3 THE COURT: IS THE DEFENSE?

4 MR. JAMIESON: YES. I DO HAVE ONE MOTION
5 AS FAR AS THE JURORS BEFORE THEY GET HERE. THERE ARE
6 SEVERAL BANK EMPLOYEES ON THE JURY LIST, I DON'T KNOW
7 HOW MANY WILL MAKE IT UP HERE, BUT I WOULD MOVE TO
8 STRIKE ANYBODY THAT WORKS FOR A BANK FOR CAUSE.

9 THE COURT: IF YOU'LL HAND UP SOME VOIR
10 DIRE I'LL ASK PARTICULARLY IF ANY WORK FOR BANKS AND
11 IF THEY DO I'LL ASK THEM IF THEY WOULD BE FAIR AND
12 IMPARTIAL INVOLVING ALLEGATIONS INVOLVING ENTRY INTO
13 A BANK, BUT I'M NOT GOING TO DISMISS THEM FOR CAUSE,
14 BUT IF THEY SAY THEY CAN'T BE FAIR AND IMPARTIAL.

15 MR. JAMIESON: MY VOIR DIRE IS ON THE
16 DESK, YOUR HONOR.

17 THE COURT: OKAY.

18 MR. JAMIESON: I BELIEVE YOU HAVE IT
19 THERE.

20 THE COURT: MR. PORTER, DO YOU HAVE ANY
21 QUESTIONS YOU WANT ME TO ASK THEM PARTICULARLY?

22 MR. PORTER: ANY OF THEM WITH A CRIMINAL
23 RECORD?

24 MR. SPRINGS: THEY HAVE NO CRIMINAL
25 RECORD. I HAVE SHARED A JURY LIST WITH MR. PORTER.

1 THE COURT: OKAY.

2 MR. SPRINGS: AND, YOUR HONOR, I
3 UNDERSTAND THE STRIKES WOULD BE TEN FROM MR. PORTER
4 AND TEN FOR MR. YOUNG AND TEN FOR THE STATE.

5 THE COURT: THAT'S MY UNDERSTANDING. IS
6 THAT RIGHT, MR. JAMIESON?

7 MR. JAMIESON: YES, YOUR HONOR, I THINK
8 THAT'S RIGHT.

9 THE COURT: ANY OBJECTION TO ANY OF THE, I
10 HAVEN'T LOOKED AT THE VOIR DIRE, I'LL BE LOOKING AT
11 IT WHEN THEY COME IN, BUT I'LL ASK MY STANDARD TYPE
12 QUESTIONS.

13 MR. SPRINGS: NOT REALLY. SOME OF IT IS
14 GOING TO BE COVERED IN, WHEN YOU GIVE THE NAMES FROM
15 OUR WITNESS LIST, I THINK IT'S GOING TO BE COVERED
16 AND SOME OF IT IS DUPLICATIVE, BUT WE DON'T REALLY
17 HAVE A STRONG OBJECTION TO ANY ONE OF THEM.

18 THE COURT: ALL RIGHT. BRING THE JURY ON
19 IN THEN.

20 MR. BRACKETT: I'LL RECALL THE CASE IN
21 FRONT OF THE JURY, YOUR HONOR.

22 THE COURT: PLEASE. AND HERE ARE THE
23 INDICTMENTS.

24 MR. SPRINGS: IS THE JURY ON THEIR WAY UP?

25 THE COURT: THEY ARE COMING IN THE DOOR

1 NOW.

2 (THE JURY ENTERS THE COURTROOM AT
3 02:24 PM.)

4 THE COURT: MEMBERS OF THE JURY PANEL, I'M
5 JOHN HAYES FROM ROCK HILL AND YOU MET JUDGE COLE THIS
6 MORNING FROM SPARTANBURG. HE'S ASSIGNED HERE AND OF
7 COURSE I'M ASSIGNED THIS WEEK HERE TOO. WE'RE
8 STARTING OUR FIRST TRIAL IN THIS COURTROOM. IN JUST
9 A MOMENT I'M GOING TO ASK THE SOLICITOR TO CALL THE
10 CASE. FIRST, AND I HATE TO SINGLE ANYBODY OUT, BUT
11 MR. BERGIN, IF YOU'LL COME AROUND UP HERE. COUNSEL,
12 IF YOU WANT TO COME UP HERE JUST FOR THIS.

13 (THE JUROR APPROACHES THE BENCH.)

14 THE COURT: I'M NOT RUNNING MR. BERGIN
15 OFF. HE FOUND OUT OVER LUNCH THAT HE HAD SOME
16 CONFLICT VERY IMPORTANT THIS WEEK AND NOTIFIED HIM SO
17 I'M GOING TO LET HIM LEAVE FOR THIS TERM BUT HE'LL
18 HAVE TO COME BACK ANOTHER TERM SO HE UNDERSTANDS THAT
19 BUT HE DIDN'T DO ANYTHING BAD OR EVIL OR FOOLISH, AT
20 LEAST THAT I KNOW OF. (LAUGHTER.) THANK YOU,
21 MR. BERGIN, JUST CHECK AND THEY WILL RESET YOU.
22 OKAY. CALL YOUR CASE.

23 MR. BRACKETT: MAY IT PLEASE THE COURT,
24 YOUR HONOR. THESE ARE DOCKET NUMBERS
25 2007-GS-46-1687, 1688, 1689, 1690, AND 1691, THESE

1 ARE ALL TRUE BILLED INDICTMENTS CHARGING MR. JOHNNELL
2 PORTER WITH RESPECTIVELY ARMED ROBBERY, ENTERING A
3 BANK WITH INTENT TO STEAL, KIDNAPPING, POSSESSION OF
4 A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME,
5 AND CONSPIRACY TO COMMIT ARMED ROBBERY.

6 LIKEWISE DOCKET NUMBERS
7 2007-GS-46-1695, 1696, 1697, 1698, 1699, AND 1700,
8 THESE ALL BEING TRUE BILLED INDICTMENTS CHARGING
9 KENNETH LOVETTE YOUNG WITH RESPECTIVELY ARMED
10 ROBBERY, ENTERING A BANK WITH INTENT TO STEAL,
11 KIDNAPPING, ASSAULT AND BATTERY OF A HIGH AND
12 AGGRAVATED NATURE, POSSESSION OF A FIREARM DURING THE
13 COMMISSION OF A VIOLENT CRIME, AND CONSPIRACY TO
14 COMMIT ARMED ROBBERY. MR. YOUNG IS PRESENT IN THE
15 COURT REPRESENTED BY COUNSEL MR. PHILLIP JAMIESON AND
16 HAS ENTERED A PLEA OF NOT GUILTY TO THIS CHARGE.

17 MR. PORTER IS PRESENT IN THE COURTROOM
18 PRO SE. HE HAS ENTERED PLEAS NOT GUILTY TO THESE
19 CHARGES. THE STATE IS PREPARED TO DRAW A JURY IN THE
20 TRIAL OF THESE CASES.

21 THE COURT: MEMBERS OF THE JURY PANEL,
22 YOU'VE HEARD THE CHARGES AND YOU'VE HEARD THE NAMES
23 OF THE DEFENDANTS. FIRST, I'LL ASK MR. KENNETH
24 LOVETTE YOUNG TO PLEASE STAND SO THE JURY CAN SEE WHO
25 YOU ARE AND HE'S REPRESENTED BY MR. PHILIP JAMIESON.

1 IF YOU WILL TURN AROUND SO THE JURY CAN SEE YOU AND
2 HE READ THE CHARGES AGAINST MR. YOUNG. THEY ARE
3 ARMED ROBBERY, KIDNAPPING, ENTERING A BANK WITH
4 INTENT TO STEAL, AGGRAVATED ASSAULT AND BATTERY,
5 POSSESSION OF A FIREARM DURING THE COMMISSION OF A
6 CRIME, AND CONSPIRACY TO COMMIT ARMED ROBBERY. YOU
7 MAY BE SEATED.

8 THE OTHER DEFENDANT IS MR. JOHNNELL
9 PORTER. MR. PORTER, WOULD YOU STAND AND HE IS
10 REPRESENTING HIMSELF. HE IS CHARGED WITH ARMED
11 ROBBERY, ENTERING A BANK WITH INTENT TO STEAL,
12 KIDNAPPING, POSSESSION OF A FIREARM DURING THE
13 COMMISSION OF A VIOLENT CRIME, AND CONSPIRACY TO
14 COMMIT ARMED ROBBERY. YOU MAY BE SEATED.

15 THE STATE IS REPRESENTED BY MR. KEVIN
16 BRACKETT OUR SOLICITOR AND HIS DEPUTY E.B. SPRINGS.

17 THESE OFFENSES ARE ALLEGED TO HAVE
18 OCCURRED DECEMBER 22 OF LAST YEAR 2006 HERE IN YORK
19 COUNTY AND THEY INVOLVE AN INCIDENT ALLEGEDLY
20 OCCURRING AT THE BANK OF YORK, SO THE INCIDENT IS
21 ALLEGED TO HAVE OCCURRED ON DECEMBER 22, 2006, HERE
22 IN YORK, SOUTH CAROLINA, AT THE BANK OF YORK. FIRST
23 ARE ANY OF YOU RELATED BY BLOOD OR MARRIAGE OR ARE
24 YOU A CLOSE PERSONAL FRIEND OR ACQUAINTANCE OF ANY OF
25 THE INDIVIDUALS OF WHOM I HAVE JUST INTRODUCED TO

1 YOU, EITHER THE ATTORNEYS OR MR. PORTER OR MR. YOUNG?
2 ANY OF YOU RELATED BY BLOOD OR MARRIAGE OR A CLOSE
3 PERSONAL FRIEND OR ACQUAINTANCE OF ANY THOSE
4 INDIVIDUALS IF SO PLEASE STAND? NO ONE STANDS.

5 WERE ANY OF YOU MEMBERS OF THE GRAND
6 JURY THAT PASSED ON THESE INDICTMENTS AT AN EARLIER
7 TIME IF SO PLEASE STAND? NO ONE STANDS.

8 ANY OF YOU KNOW ANYTHING ABOUT THIS
9 CASE, HAVE ANY OF YOU HEARD ABOUT IT FROM ANY SOURCE
10 WHATSOEVER OR HAVE ANY OF YOU FORMED OR EXPRESSED ANY
11 OPINION ABOUT ANY MATTER OR ISSUE WHICH WOULD BE
12 INVOLVED IN THIS CASE IF SO PLEASE STAND? NO ONE
13 STANDS.

14 ARE ANY OF YOU MEMBERS OF OR
15 CONTRIBUTORS TO ORGANIZATIONS SUCH AS STUDENTS
16 AGAINST DRUNK DRIVERS, MOTHERS AGAINST DRUNK DRIVERS,
17 CITIZENS AGAINST VIOLENCE, TROOPERS ASSOCIATION,
18 SHERIFFS ASSOCIATION, OR FRATERNAL ORDER OF POLICE,
19 MEMBERS OF OR CONTRIBUTORS TO IF SO PLEASE STAND?
20 WHAT WE'LL DO WITH THIS IS I WILL GO THROUGH AND ASK
21 EACH OF YOU TO TELL ME YOUR NAME AND NUMBER; AND EVEN
22 IF YOU STAND TWO OR THREE TIMES I HAVE ASK YOU THAT
23 EACH TIME BECAUSE MRS. RICH IS MAKING A RECORD OF
24 THIS AND WE CAN'T LATER ON FIND OUT WHO IS STANDING,
25 SOMEBODY READING THIS WON'T, WHAT I'M GOING TO DO IS

1 ASK EACH OF YOU YOUR NAME AND NUMBER AND THE
2 ORGANIZATION THAT YOU FEEL CONNECTED WITH SOMEHOW AND
3 THEN I'M JUST GOING TO ASK YOU TO REMAIN STANDING AND
4 THEN I'LL COLLECTIVELY ASK YOU A QUESTION ABOUT YOUR
5 ABILITY TO BE FAIR AND IMPARTIAL. WE'LL START HERE
6 AND WORK OUR WAY BACK. YES, MA'AM.

7 THE JUROR: AUDRY PEARSON 167. FRATERNAL
8 ORDER OF POLICE.

9 THE COURT: YES, SIR.

10 THE JUROR: JOSEPH DENNIS 63. SHERIFFS
11 ASSOCIATION.

12 THE COURT: YES, MA'AM.

13 THE JUROR: CINDY SCOTT, 227. FRATERNAL
14 ORDER OF POLICE.

15 THE COURT: YES, SIR.

16 THE JUROR: MICHAEL WALKER 228, FRATERNAL
17 ORDER OF POLICE.

18 THE COURT: YES, SIR.

19 THE JUROR: MICHAEL MALONEY 137 A MEMBER
20 OF ABAY.

21 THE COURT: YES, MA'AM.

22 THE JUROR: JILL STIKELEATHER, JUROR 214.
23 I JUST CONTRIBUTED TO THE STATE TROOPERS ASSOCIATION
24 HERE.

25 THE COURT: OKAY. YES, MA'AM.

1 THE JUROR: DODIE BALLARD, NUMBER TEN.
2 STUDENTS AGAINST DRUNK DRIVING.

3 THE COURT: YES, SIR.

4 THE JUROR: SHELTON CLINTON, NUMBER 43.
5 MOTHER AGAINST DRUNK DRIVING.

6 THE COURT: YES, SIR.

7 THE JUROR: STEVE HARTKOPF, 99. MOTHERS
8 AGAINST DRUNK DRIVING.

9 THE JUROR: YOLANDA KING, 119. I DONATE
10 TO THE FRATERNAL ORDER OF POLICE LAST YEAR.

11 THE COURT: ALL RIGHT. IF THE FACT THAT
12 YOU HAVE ASSOCIATED YOURSELF IN SOME DEGREE WITH
13 THESE ORGANIZATIONS, IF THAT WOULD PREVENT YOU FROM
14 BEING FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE
15 AGAINST THESE TWO INDIVIDUALS, PLEASE RAISE YOUR
16 RIGHT HAND. ALL RIGHT YOUR NAME AND NUMBER AGAIN.

17 THE JUROR: MICHAEL WALKER, 228.

18 THE COURT: ALL RIGHT. JUST HAVE A SEAT.
19 YOU'LL BE EXCUSED FROM SERVING, DON'T LEAVE, BUT JUST
20 STAY WITH US. THE REST OF YOU MAY BE SEATED.

21 HAVE ANY OF YOU USED AS ATTORNEYS AT
22 ANY TIME MR. JAMIESON OR OUR SOLICITOR'S OFFICE IF SO
23 PLEASE STAND? NO ONE STANDS.

24 HAVE ANY OF YOU BEEN INVOLVED WITH OUR
25 SOLICITOR'S OFFICE AS A VOLUNTEER IN ANY WAY, IF SO

1 PLEASE STAND? NO ONE STANDS.

2 DO ANY OF YOU HAVE ANY RELIGIOUS,
3 MORAL, OR PHILOSOPHICAL THINGS IN YOUR THOUGHT
4 PROCESSES THAT WOULD PREVENT YOU FROM SERVING AS A
5 FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THIS
6 PARTICULAR CASE IF SO PLEASE STAND? NO ONE STANDS.

7 ARE ANY OF YOU AWARE OF ANY BIAS OR
8 PREJUDICE THAT YOU WOULD HAVE AGAINST THE STATE OR
9 MR. YOUNG OR MR. PORTER INVOLVING THIS CASE IF SO
10 PLEASE STAND? NO ONE STANDS.

11 ARE ANY OF YOU OR A MEMBER OF YOUR
12 IMMEDIATE FAMILY EMPLOYED IN LAW ENFORCEMENT OR IN
13 THE PROSECUTION -- WELL, YOU ARE ALREADY EXCUSED.
14 PROSECUTION OF CRIMINAL CASES, LAW ENFORCEMENT OR
15 PROSECUTION OF CRIMINAL CASES, IF SO PLEASE STAND?

16 THE JUROR: REPEAT THAT ONE.

17 THE COURT: I CAN'T HEAR YOU, SIR.

18 THE JUROR: I SAID REPEAT THAT ONE.

19 THE COURT: OKAY. IF ANY OF YOU OR A
20 MEMBER OF YOUR IMMEDIATE FAMILY ARE INVOLVED IN THE
21 PROSECUTION OF CRIMINAL CASES, ANYTHING FROM THE
22 SOLICITOR TO JUDGE ADVOCATE GENERAL IN THE MILITARY,
23 U.S. PROSECUTOR, IF YOU ARE INVOLVED OR ANY MEMBER OF
24 YOUR FAMILY IS INVOLVED IN LAW ENFORCEMENT, POLICE,
25 MP, ANYTHING LIKE THAT IF SO PLEASE STAND? YOUR

1 NAME AND NUMBER

2 THE JUROR: JUROR 91.

3 THE COURT: YOUR NAME?

4 THE JUROR: MICHAEL GRIFFIN.

5 THE COURT: HOW ARE YOU TIED INTO THAT?

6 THE JUROR: MY SISTER IS DEPUTY SHERIFF

7 BUT THAT'S IN DETROIT.

8 THE COURT: WOULD THAT AFFECT YOUR ABILITY
9 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

10 THE JUROR: NO, IT DOESN'T.

11 THE COURT: THANK YOU. THAT'S THE
12 INFORMATION WE'RE SEEKING. I APPRECIATE YOU
13 STANDING.

14 ARE ANY OF YOU NOW OR HAVE ANY OF YOU
15 IN THE IMMEDIATE PAST WORKED IN A BANK IN ANY
16 CAPACITY, WORKED IN A BANK AS TELLER, VICE PRESIDENT,
17 ANYTHING, ALL RIGHT. WHAT I'M GOING TO DO, LIKE I
18 DID EARLIER, I'M GOING TO ASK EACH OF YOU TO RAISE
19 YOUR RIGHT HAND, I MEAN TELL ME YOUR NAME AND YOUR
20 NUMBER, AND THEN WE'LL GO BACK THROUGH AND I'LL ASK
21 YOU THAT GENERAL QUESTION ABOUT WHETHER OR NOT YOU
22 CAN BE FAIR AND IMPARTIAL AND TELL US WHAT YOUR
23 POSITION WAS AT THE BANK. YES, MA'AM.

24 THE JUROR: AUDREY PEARSON, 167. I WORK
25 B B & T PART-TIME IN THE PROCESSING CENTER.

1 THE COURT: ALL RIGHT. YES, MA'AM.

2 THE JUROR: 48 VIRGINIA CONSTANTINE. I
3 WORKED IN A BANK A LONG TIME AGO IN THE DATA CENTER.

4 THE COURT: ALL RIGHT.

5 THE JUROR: CALVIN MILES 145. I WORK FOR
6 BANK OF AMERICA. I SPENT A LOT OF TIME IN THEIR
7 OPERATIONS ENVIRONMENT. NOW I'M IN THE REAL ESTATE
8 CONSTRUCTION SIDE OF THE BUSINESS SO.

9 THE COURT: YES, MA'AM.

10 THE JUROR: DODIE BALLARD, JUROR NUMBER
11 10. I WAS A SUBSTITUTE TELLER ABOUT 13 YEARS AGO IN
12 THE SUMMERS ONLY.

13 THE COURT: YES, MA'AM.

14 THE JUROR: SHELTON CLINTON, NUMBER 43. I
15 WAS A BANK TELLER FIVE YEARS AGO.

16 THE JUROR: LARRY HAMMOND, NUMBER 95. AND
17 I WORK FOR BANK IN DATA SYSTEMS.

18 THE JUROR: YOLANDA KING, JUROR 119. I
19 MANAGED THE BANK WHEN I GRADUATED FROM COLLEGE AND I
20 WORKED IN THE DEPARTMENT WHEN I WAS IN COLLEGE.

21 THE JUROR: EUGENIA ANTRAM, JUROR NUMBER
22 TWO. I WORKED FOR SECURITY TRUST OF ROCHESTER, NEW
23 YORK AND IN INSURANCE.

24 THE COURT: WOULD THE FACT THAT THIS IS A
25 CASE WHERE THESE GENTLEMEN ARE CHARGED WITH ENTERING

1 A BANK WITH INTENT TO STEAL, WOULD THE FACT THAT YOU
2 HAVE WORKED AT A BANK, IF THAT FACT WOULD PREVENT ANY
3 OF YOU FROM BEING FAIR AND IMPARTIAL IN THE TRIAL OF
4 THIS CASE PLEASE RAISE YOUR RIGHT HAND. NO ONE DOES.
5 YES, MA'AM. MS. KING, IS THAT RIGHT?

6 THE JUROR: YES.

7 THE COURT: ALL RIGHT. WELL, I'LL EXCUSE
8 YOU, DON'T LEAVE, JUST HAVE A SEAT, BUT NOBODY ELSE
9 RAISES THEIR HAND. THANK YOU. YOU MAY BE SEATED.
10 HAVE ANY OF YOU OR A MEMBER OF YOUR IMMEDIATE FAMILY
11 EITHER BEEN THE VICTIM OF AN ARMED ROBBERY OR BEEN
12 CHARGED WITH COMMITTING AN ARMED ROBBERY AND I'M NOT
13 GOING TO ASK YOU TO GO INTO THE DETAILS ABOUT IT
14 BECAUSE CERTAINLY DON'T WANT TO HAVE YOU SPILL ALL OF
15 YOUR FAMILY SITUATIONS TO ME, BUT JUST IF YOU HAVE
16 BEEN A VICTIM OF OR A MEMBER OF YOUR FAMILY BEEN
17 CHARGED WITH ARMED ROBBERY, PLEASE STAND. ALL RIGHT.
18 JUST TELL ME YOUR NAMES AND YOUR NUMBERS AND THAT'S
19 ALL I WANT TO KNOW AND THEN I'LL ASK YOU ABOUT THE
20 FAIR AND IMPARTIALITY.

21 THE JUROR: MARTHA KEEN 117.

22 THE COURT: YES, SIR.

23 THE JUROR: RICHARD PADGETT 162.

24 THE JUROR: WANDA MORRIS 154.

25 THE JUROR: YOLANDA KING.

1 THE COURT: MS. KING, I'VE EXCUSED YOU SO
2 YOU DON'T HAVE TO STAND UP ANYMORE. YES, MA'AM.

3 THE JUROR: EUGENIA ANTRAM, JUROR NUMBER
4 2.

5 THE COURT: WOULD THE FACT THAT THE FOUR
6 OF YOU ARE STANDING, WOULD THAT PREVENT ANY OF YOU
7 FROM BEING FAIR AND IMPARTIAL IN THE TRIAL OF THIS
8 CASE, IF SO PLEASE RAISE YOUR RIGHT HAND. NO ONE
9 DOES. THANK YOU. YOU MAY BE SEATED.

10 THE FOLLOWING ARE POSSIBLE WITNESSES
11 IN THIS CASE. I DON'T KNOW THAT ALL WILL TESTIFY,
12 BUT THESE ARE POSSIBLE WITNESSES. IF EITHER OF YOU
13 ARE RELATED BY BLOOD OR MARRIAGE OR IF YOU ARE A
14 CLOSE PERSONAL FRIEND OR ACQUAINTANCE OF ANY OF THESE
15 INDIVIDUALS PLEASE STAND.

16 FIRST FROM THE:
17 DETECTIVE EDDIE STRAIT.
18 DETECTIVE RUSS YEAGER.
19 DEPUTY MICHAEL DEAN.
20 DEPUTY TERRY VINESETT.
21 CONSTABLE WES SCOTT.
22 DEPUTY RANDY GIBSON.
23 FORENSICS OFFICERS:
24 KEVIN TOLSON AND AUDRA EDDIE.
25 MR. MARK LUBIATO.

1 MS. ANGEL WHITE NEELANDS.

2 MS. CASSIE MARIE WINE.

3 MR. PAUL GENE BAYER.

4 MS. CHRISTA BOLIN.

5 MS. MONICA HARRIS.

6 MS. CECILIA ANN LYLES.

7 MS. DEBBIE ALEXANDER.

8 MR. ROBERT THOMAS MORGAN.

9 FORENSICS OFFICERS:

10 BRIAN BAGWELL AND TODD GARDNER.

11 MR. DONSHAVIS JONES.

12 MS. JUNE MCCOY.

13 ANY OF YOU RELATED BY BLOOD OR MARRIAGE OR
14 ARE A CLOSE PERSONAL FRIEND OR ACQUAINTANCE OF ANY OF
15 THOSE INDIVIDUALS IF SO PLEASE STAND. YES, MA'AM,
16 YOUR NAME AND NUMBER.

17 THE JUROR: SHELTON CLINTON, JUROR NUMBER
18 43. MICHAEL HARRIS.

19 THE COURT: ALL RIGHT. NOW THESE
20 INDIVIDUALS ARE JUST GOING TO BE WITNESSES SO I'M
21 JUST GOING TO ASK YOU IF THAT WOULD PREVENT YOU FROM
22 BEING FAIR-- WELL, I'LL ASK ALL OF YOU THAT. I KNOW
23 THERE IS A LADY OVER HERE AND ONE OVER THERE, BUT
24 THAT'S GOING TO BE THE EMPHASIS OF MY QUESTION
25 ULTIMATELY. YES, MA'AM.

1 THE JUROR: KIM O'KEEFE, JUROR 161. I
2 KNOW ANDY GIBSON.

3 THE COURT: ALL RIGHT.

4 THE JUROR: JANICE GREGORY, JUROR 90. I
5 KNOW BRIAN BAGWELL.

6 THE COURT: WOULD THAT FACT, THE FACT THAT
7 YOU ARE STANDING IN ANY WAY AFFECT Y'ALL'S ABILITY TO
8 BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE IF SO
9 PLEASE RAISE YOUR RIGHT HAND. NO ONE DOES.

10 MR. JAMIESON: YOUR HONOR, COULD WE GET
11 HER NUMBER AGAIN. I DIDN'T HEAR IT. I'M SORRY.

12 THE COURT: WHICH ONE?

13 MR. JAMIESON: THE LAST LADY.

14 THE JUROR: JUROR 90.

15 THE COURT: OKAY. NO ONE LAYS RAISES
16 THEIR HAND. THANK YOU. YOU MAY BE SEATED. ANYTHING
17 FURTHER FROM THE STATE?

18 MR. BRACKETT: NO, SIR, YOUR HONOR.

19 THE COURT: ANYTHING FROM FURTHER FROM THE
20 DEFENSE?

21 MR. JAMIESON: NO, YOUR HONOR.

22 THE COURT: LET ME ASK COUNSEL TO COME UP
23 HERE AND MR. PORTER, I'LL ASK MR. JAMIESON TO TELL
24 YOU WHAT I MENTION UP HERE.

25 (BENCH CONFERENCE.)

1 THE COURT: ARE ANY OF YOU RELATED BY
2 BLOOD OR MARRIAGE OR ARE A CLOSE PERSONAL FRIEND OR
3 ACQUAINTANCE OF A LADY NAMED ANGELA LAWS, L-A-W-S.
4 IF SO PLEASE STAND. NO ONE STANDS.

5 DO ANY OF YOU KNOW OF ANY REASON
6 WHATSOEVER WHY YOU COULD NOT OR SHOULD NOT SERVE AS A
7 FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THIS
8 PARTICULAR CASE IF SO PLEASE STAND. NO ONE STANDS.

9 (THE JURY IS DRAWN AND SEATED.)
10 JUROR NUMBER 117 MARTHA KEEN FEMALE WHITE STRUCK BY
11 THE DEFENDANT YOUNG.

12 THE COURT: BEFORE WE GO FORWARD I DID
13 THINK OF ONE OTHER QUESTION I PROBABLY SHOULD ASK.
14 DO ANY OF YOU HOLD ANY STOCK OR IN ANY OWNERSHIP OR
15 HAVE ANY CONTRACTUAL RELATIONSHIPS WITH THE BANK OF
16 YORK? DO YOU DELIVER THEM COFFEE OR DELIVER THEM
17 CHECKS OR DO YOU HAVE ANY STOCK IN THE BANK IF SO
18 PLEASE STAND. YES, MA'AM, YOUR NAME.

19 THE JUROR: LINDA WILKERSON, NUMBER 235.
20 I HAVE STOCK IN THE BANK OF YORK.

21 THE COURT: WOULD THAT AFFECT YOUR ABILITY
22 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

23 THE JUROR: NO, SIR.

24 THE COURT: OKAY. THANK YOU.

25 JUROR NUMBER 143 BUFORD MELTON MALE WHITE STRUCK BY

1 PORTER.
2 JUROR NUMBER 68 AMBER DRAWDY FEMALE WHITE ACCEPTED.
3 JUROR NUMBER 226 PETER VACHO MALE WHITE STRUCK BY THE
4 STATE.
5 JUROR NUMBER 4 JONATHAN ASHE. MALE WHITE STRUCK BY
6 YOUNG.
7 JUROR NUMBER 48 VIRGINIA CONSTANTINE FEMALE WHITE
8 STRUCK BY YOUNG.
9 JUROR NUMBER 45 KENNETH COLLINS MALE WHITE ACCEPTED.
10 JUROR NUMBER 243 LARRY WILSON MALE WHITE ACCEPTED.
11 JUROR NUMBER 167 AUDREY PEARSON FEMALE WHITE STRUCK
12 BY YOUNG.
13 JUROR NUMBER 15 CLARENCE BELL MALE WHITE ACCEPTED.
14 JUROR NUMBER 189 LINDA RICHARDSON FEMALE BLACK
15 ACCEPTED.
16 JUROR NUMBER 91 MICHAEL GRIFFIN MALE WHITE STRUCK BY
17 THE STATE.
18 JUROR NUMBER 153 EDWARD MORRIS MALE WHITE STRUCK BY
19 PORTER.
20 JUROR NUMBER 145 KEVIN MILES MALE WHITE STRUCK BY
21 YOUNG.
22 JUROR NUMBER 8 RONALD BAILEY MALE WHITE STRUCK BY
23 PORTER.
24 JUROR NUMBER 21 NANCY BOATWRIGHT FEMALE WHITE
25 ACCEPTED.

1 JUROR NUMBER 214 JILL STIKELEATHER FEMALE WHITE
2 ACCEPTED.
3 JUROR NUMBER 103 CYNTHIA HOPKINS FEMALE WHITE STRUCK
4 BY THE STATE.
5 JUROR NUMBER 81 SONJA FRICK FEMALE WHITE ACCEPTED.
6 JUROR NUMBER 170 ROBERT PENDER MALE WHITE STRUCK BY
7 YOUNG.
8 JUROR NUMBER 95 LARRY HAMMOND MALE WHITE ACCEPTED.
9 JUROR NUMBER 86 QUINZETTA GIST FEMALE BLACK ACCEPTED.
10 JUROR NUMBER 154 WANDA MORRIS FEMALE WHITE STRUCK BY
11 YOUNG.
12 JUROR NUMBER 32 STEVEN BURRIS MALE WHITE STRUCK BY
13 PORTER.
14 JUROR NUMBER 98 KIMBERLY HART FEMALE WHITE STRUCK BY
15 YOUNG.
16 JUROR NUMBER 51 AARON COOPER MALE WHITE ACCEPTED.
17 JUROR NUMBER 246 WILLIAM WOOD MALE WHITE STRUCK BY
18 THE STATE.
19 JUROR NUMBER MARIANNE STENNETT FEMALE WHITE STRUCK BY
20 YOUNG.
21 JUROR NUMBER 227 CINDY SCOTT FEMALE WHITE ACCEPTED.
22 STRIKES FOR THE ALTERNATES WILL BE TWO FOR THE
23 DEFENSE AND ONE FOR STATE.
24 JUROR NUMBER 50 HAZEL FRICK FEMALE WHITE STRUCK BY
25 YOUNG.

1 JUROR NUMBER 192 TORRANCE ROBINSON MALE BLACK

2 ACCEPTED.

3 JUROR NUMBER 137 MICHAEL MALONEY MALE WHITE STRUCK BY

4 THE STATE.

5 JUROR NUMBER 28 MICHAEL BROOME MALE WHITE ACCEPTED.

6 THE COURT: ANYTHING FROM THE STATE

7 INVOLVING STRIKING OF THE PANEL?

8 MR. SPRINGS: NO, YOUR HONOR.

9 THE COURT: MR. JAMIESON, ANYTHING ON

10 BEHALF OF MR. YOUNG REGARDING STRIKING OF THE PANEL?

11 MR. JAMIESON: NO, YOUR HONOR.

12 THE COURT: MR. PORTER, ANYTHING FROM YOU

13 REGARDING THE STRIKING OF THE PANEL?

14 MR. PORTER: NO.

15 THE COURT: ALL RIGHT. THANK YOU. THOSE

16 WHO WERE NOT CHOSEN LET ME ASK THE CLERK; YOU CAN

17 LEAVE, CALL BACK TONIGHT AT SEVEN TO FIND OUT WHAT

18 YOUR INSTRUCTIONS ARE. I'M SURE JUDGE COLE TOLD YOU

19 TO MAKE SURE YOU FOLLOW THOSE INSTRUCTIONSS. SO YOU

20 ARE FREE TO LEAVE, DO SO QUIETLY, BECAUSE I'M GOING

21 TO START TALKING TO THIS PANEL AND CALL BACK TONIGHT

22 AT SEVEN TO FIND OUT THE NEXT INSTRUCTIONS. THANK

23 YOU.

24 (THE JURY EXITS THE COURTROOM AT 03:10

25 PM.)

1 THE COURT: THOSE OF YOU WHO WERE CHOSEN,
2 I'M GOING TO TALK TO YOU IN JUST A MINUTE. WE'RE
3 ACTUALLY GOING TO START THE TRIAL IN THE MORNING.
4 THIS IS OF COURSE PART OF THE TRIAL BUT THE RECEPTION
5 OF EVIDENCE AND THE ARGUMENTS, OPENING STATEMENTS BY
6 THE ATTORNEYS, WE ARE NOT GOING TO START THAT UNTIL
7 TEN IN THE MORNING. WHAT I AM GOING TO DO NOW IS
8 JUST GIVE YOU SOME GUIDELINES AND THEN THE CLERK, THE
9 BAILIFF WILL SHOW YOU WHERE THE JURY IS ON THIS FLOOR
10 BECAUSE THAT IS WHERE YOU ARE TO REPORT TOMORROW, NOT
11 TO THE JURY ROOM DOWNSTAIRS, AND NOT HERE IN THE
12 COURTROOM.

13 YOU ARE MEMBERS OF THIS PANEL EVEN
14 THOUGH YOU HADN'T BEEN SWORN IN, SO DO NOT DISCUSS
15 THE CASE AMONG YOURSELVES OR EVEN TRY TO MAKE UP YOUR
16 OWN MIND UNTIL WE REACH THE POINT IN THE TRIAL WHERE
17 I INSTRUCT YOU TO JOINTLY DELIBERATE AND RETURN A
18 UNANIMOUS VERDICT. PRIOR TO THAT TIME YOU ARE NOT
19 EQUIPPED WITH ALL THE TOOLS YOU NEED TO MAKE A FAIR
20 AND REASONABLE DECISION, SO PAY ATTENTION AND DON'T
21 TRY TO MAKE UP YOUR MIND AND DON'T DISCUSS THE CASE
22 WITH EACH OTHER UNTIL WE REACH THE POINT IN THE TRIAL
23 WHERE I INSTRUCT YOU TO DO THAT. DO NOT LET ANYONE
24 DISCUSS THIS CASE WITH YOU OUTSIDE THE COURTROOM AND
25 IF ANYONE APPROACHES YOU AND TRIES TO DISCUSS THIS

1 CASE TELL THEM YOU CANNOT AS YOU ARE A JUROR ON THE
2 CASE. IF THEY PERSIST IN DISCUSSING THE CASE WITH
3 YOU, AGAIN REMIND THEM YOU CANNOT DO IT AND DON'T
4 INITIATE ANY CONVERSATION WITH ANYONE ABOUT THE CASE.
5 IF ANYONE DOES TRY TO TALK TO YOU ABOUT THIS CASE,
6 REPORT THAT BACK TO ME HOPEFULLY GIVING ME THAT
7 PERSON'S IDENTITY BECAUSE I HAVE TO TAKE ACTION
8 AGAINST SOMEONE TRYING TO TALK TO A SEATED JUROR.

9 I DON'T KNOW THAT THIS CASE WILL
10 RECEIVE ANY COVERAGE IN THE PRESS. YOU MUST NOT LET
11 YOURSELF BE EXPOSED TO IT IF IT IS. DON'T READ
12 ANYTHING ABOUT IT, WATCH ANYTHING ABOUT IT, OR LISTEN
13 TO ANYTHING ABOUT IT. IF ANYTHING REACHES YOUR EYE
14 OR EAR THAT COULD REMOTELY DEAL WITH THIS TRIAL,
15 DON'T LET YOURSELF BE EXPOSED TO IT. AGAIN DON'T
16 READ ABOUT IT, WATCH ANYTHING, OR LISTEN TO ANYTHING
17 ABOUT IT. UNDER YOUR OATH WHICH YOU WILL TAKE IN THE
18 MORNING BUT YOU ARE ON THE JURY NOW, YOU MUST MAKE
19 YOUR DETERMINATION IN THIS CASE SOLELY ON THE LAW AND
20 THE EVIDENCE AS YOU RECEIVE IT IN THE TRIAL. YOU
21 DETERMINE THE FACTS AND I'LL INSTRUCT YOU THE LAW.

22 NOW THE TWO ALTERNATES WILL ALWAYS SIT
23 IN THOSE TWO SEATS. MR. WILSON, I AM GOING TO ASK
24 YOU TO BE THE FOREMAN OF THIS JURY, YOU WILL SIT AT
25 THE END OF THIS ROW. THE REST OF YOU, THERE IS NO

1 ASSIGNED SEATING, JUST WHEREVER YOU HAPPEN TO COME IN
2 THE LINE GO DOWN SEVEN SEATS AND YOU ARE THE FIRST
3 AND THEN JUST FALL IN BEHIND, BUT THE ONLY ASSIGNED
4 SEATING BEING FOR THE FOREMAN AND THE TWO ALTERNATES.
5 ANYTHING ELSE FROM THE STATE BEFORE THE JURY IS
6 DISMISSED?

7 MR. BRACKETT: NO, SIR, YOUR HONOR.

8 THE COURT: MR. JAMIESON.

9 MR. JAMIESON: NO, YOUR HONOR.

10 THE COURT: MR. PORTER.

11 MR. PORTER: NO, SIR.

12 THE COURT: ALL RIGHT. KEEP IN MIND THOSE
13 ADMONITIONS AND WE'LL SEE YOU BACK AT TEN O'CLOCK AND
14 WE'LL START AS PROMPTLY AT TEN AS WE CAN, BUT GO OUT
15 THIS DOOR AND MR. IVEY WILL SHOW YOU AGAIN AS I SAID
16 A MOMENT AGO WHERE THE JURY ROOM IS WHERE YOU ARE TO
17 REPORT AT TEN AND HOW TO BEST GET IN AND OUT OF THE
18 BUILDING WHILE YOU ARE SERVING AS A JUROR. HAVE A
19 PLEASANT EVENING AND WE'LL SEE YOU IN THE MORNING.

20 (THE JURY EXITS THE COURTROOM AT 03:13
21 PM.)

22 THE COURT: ANYTHING ELSE IN THIS CASE FOR
23 TODAY?

24 MR. BRACKETT: NOT FROM THE STATE, YOUR
25 HONOR.

1 MR. JAMIESON: NO.

2 THE COURT: MR. PORTER.

3 MR. PORTER: I HAVE A QUESTION.

4 THE COURT: ALL RIGHT.

5 MR. PORTER: YOU STATED THAT IN THE EVENT
6 THAT THEY DO LOCATE IT THAT THE MOTION FOR
7 CONTINUANCE YOU WILL CONSIDER IT.

8 THE COURT: I'LL CERTAINLY CONSIDER IT AND
9 WE'LL SEE WHAT WE DO WHENEVER THEY LOCATE THEM. IT
10 MAY BE THAT, WELL, THERE ARE THOUSAND OF DIFFERENT
11 THINGS I START GOING OVER WHAT COULD HAPPEN AND THE
12 THINGS I'LL GO OVER NONE OF THEM WILL HAPPEN BUT THEY
13 WILL MAKE AN EFFORT TO FIND THESE INDIVIDUALS,
14 PROVIDE YOU THAT INFORMATION, AND IF POSSIBLE WE WILL
15 TRY TO MAKE ARRANGEMENTS FOR THEM TO BE AVAILABLE TO
16 YOU. NOW WE CAN'T MAKE THEM COME DOWN HERE BECAUSE
17 THEY ARE IN NORTH CAROLINA AND I DON'T KNOW WHAT
18 ACCESS YOU HAVE TO A PHONE AND ALL THAT. YOU LOOK
19 LIKE YOU MIGHT HAVE SOMETHING?

20 MR. SPRINGS: DETECTIVE STRAIT HAS BEEN
21 WORKING ON THIS SINCE BEFORE WE WENT TO LUNCH. HE
22 HAS RETRIEVED THE CHARLOTTE INCIDENT REPORT. I'M
23 GOING TO PUT A COPY OF THAT INTO MR. PORTER'S HANDS.
24 DETECTIVE EDDIE STRAIT, TELL US EVERYTHING YOU FOUND
25 OUT ABOUT WHAT OFFICERS BABYSAT MR. DONSHAVIS JONES

1 WHEN HE WENT TO THE HOSPITAL TO GET CHECKED.

2 MR. STRAIT: I ACTUALLY TALKED TO THE
3 RECORD REPORT FROM THE INCIDENT AND IT'S A
4 CHRONOLOGICAL CALL LOG FROM THEIR DISPATCH LOG ON
5 THEIR COMPUTER SYSTEM, BUT HE SAID HE DID NOT HAVE
6 THE OFFICER'S NAME THAT ACTUALLY TRANSPORTED OR NOT
7 TRANSPORTED BUT BOUGHT MR. JONES FROM THE HOSPITAL TO
8 THE POLICE DEPARTMENT.

9 THE COURT: OKAY. SO YOU GOT THEIR
10 RECORDS BUT THERE IS NO INFORMATION AS TO WHO THOSE
11 INDIVIDUALS WERE?

12 MR. STRAIT: RIGHT. IT'S LIKE A UNIT
13 NUMBER FOR EVERY CHARLOTTE MECKLENBURG UNIT THAT
14 RESPONDED TO THE SCENE OUT THERE.

15 THE COURT: AND THEY DON'T KNOW WHO WAS IN
16 THE UNIT?

17 MR. STRAIT: WELL, THEY DON'T KNOW WHICH
18 ONE BROUGHT HIM FROM THE HOSPITAL BACK TO THE POLICE
19 DEPARTMENT.

20 THE COURT: ALL RIGHT. BUT HE WAS TAKEN
21 BY EMS?

22 MR. STRAIT: THAT'S CORRECT.

23 THE COURT: ALL RIGHT. IF YOU FIND OUT
24 ANY MORE INFORMATION PLEASE SHARE IT WITH MR. PORTER.

25 MR. SPRINGS: YES, SIR.

1 THE COURT: ALL RIGHT. ANYTHING ELSE?

2 MR. PORTER: NO, SIR.

3 THE COURT: WE'LL SEE Y'ALL THEN AT TEN IN
4 THE MORNING. MR. SOLICITOR, DO YOU HAVE ANY WORK FOR
5 US? WE'LL TAKE A BREAK AND YOU LET ME KNOW.

6 (COURT'S IN RECESS AT 03:16 PM.)

7 (COURT RESUMES ON JULY 24, 2007 AT
8 10:17 AM.)

9 THE COURT: WE'RE BACK ON THE RECORD OF
10 THE STATE VERSUS YOUNG AND PORTER. ANYTHING BEFORE
11 THE JURY COMES IN OTHER THAN THE FACT THAT WE
12 PROBABLY NEED TO BREAK, BUT ANY BUSINESS WE CAN BE
13 DOING WHILE WE ARE ---

14 MR. BRACKETT: NO LEGAL ISSUES FROM THE
15 STATE.

16 THE COURT: WHAT ABOUT ON MR. YOUNG'S
17 BEHALF?

18 MR. JAMIESON: YES, SIR, TWO. FIRST IS
19 MOVE TO QUASH THESE INDICTMENTS ON THE BASIS THAT THE
20 STATE DID NOT COMPLY WITH THE NORTH CAROLINA GENERAL
21 STATUTE 15-8-403 WHICH IS THE GENERAL STATUTE COVERS
22 WHEN LAW ENFORCEMENT OFFICERS FROM THIS STATE, AND
23 I'LL PROVIDE THE COURT WITH A COPY, WHEN THIS LAW
24 ENFORCEMENT FROM THIS STATE PURSUE AN INDIVIDUAL INTO
25 THE STATE OF NORTH CAROLINA THE STATUTE SAYS THAT

1 THEY MUST WITHOUT UNNECESSARY DELAY BRING THE
2 INDIVIDUALS APPREHENDED IN FRONT OF A JUDICIAL
3 OFFICIAL OF THE STATE OF NORTH CAROLINA. I DON'T
4 BELIEVE THAT THAT WAS DONE IN THIS CASE AND IF IT WAS
5 NOT DONE THEN THE STATE HAS NOT MET THE NECESSARY
6 REQUIREMENTS TO HAVE MY CLIENT HERE ON TRIAL TODAY,
7 YOUR HONOR.

8 THE COURT: MR. SPRINGS.

9 MR. SPRINGS: YES, SIR. YOUR HONOR, WE
10 FEEL THAT WE HAVE MET THE REQUIREMENTS AND WE HAVE
11 ABIDED BY THE NORTH CAROLINA LAW WHICH IS SIMILAR TO
12 OUR SOUTH CAROLINA LAW GIVING A LAW ENFORCEMENT
13 OFFICIAL FROM THE ADJOINING STATE THE AUTHORITY TO
14 CONTINUE A HIGH PURSUIT INTO THAT STATE. ONCE THESE
15 FOLKS WERE APPREHENDED THEY WERE TAKEN DOWN TO THE
16 CHARLOTTE MECKLENBURG POLICE STATION, THEY WERE
17 INTERVIEWED AS IS TYPICAL IN JUST ABOUT EVERY ARREST,
18 AND THEN THEY WERE INCARCERATED AND THE EXTRADITION
19 PROCESS WAS STARTED.

20 THE COURT: LET ME DO A FEW THINGS BEFORE
21 WE GET TOO DEEP INTO THIS. FIRST, OF COURSE, YOU ARE
22 MOVING TO QUASH THE INDICTMENT AND THE INDICTMENT
23 SPEAK FOR THEMSELVES. THEY ARE NOTICE DOCUMENTS AND
24 I DON'T KNOW, THERE MAY BE, YOU GOT TO SHOW ME SOME
25 FLAW IN THE INDICTMENT.

1 MR. JAMIESON: I THINK WHAT I SHOULD HAVE
2 MORE PROBABLY SAID, YOUR HONOR, WAS SUBJECT MATTER
3 JURISDICTION RATHER THAN THE INDICTMENTS.

4 THE COURT: ALL RIGHT. WELL, THE OTHER
5 THING, AND I HADN'T HEARD ALL THE FACTS, BUT THERE IS
6 NOTHING IN THE RECORD THAT INDICATES TO ME THAT SOUTH
7 CAROLINA OFFICERS ACTUALLY MADE THE FIRST ARREST. I
8 THOUGHT HE WAS ARRESTED AND TAKEN TO THE -- I DON'T
9 KNOW, THERE IS A LOT OF INFORMATION MISSING, BUT,
10 MR. SPRINGS, GO AHEAD.

11 MR. SPRINGS: THEY WERE PURSUED BY SOUTH
12 CAROLINA OFFICERS, A PURSUIT THAT BEGIN IN YORK
13 COUNTY, SOUTH CAROLINA, PURSUED INTO CHARLOTTE, NORTH
14 CAROLINA. THE PURSUIT ENDED IN CHARLOTTE, NORTH
15 CAROLINA, AND THE FIRST OFFICERS ON THE SCENE WERE
16 THE SOUTH CAROLINA PURSUING OFFICERS AND VERY SHORTLY
17 THEREAFTER CHARLOTTE MECKLENBURG POLICE OFFICERS
18 ARRIVED AND TOOK THESE FOLKS INTO CUSTODY AND TOOK
19 THEM TO THE CHARLOTTE MECKLENBURG POLICE STATION.

20 THE COURT: THE REASON I'M ASKING, JUST TO
21 NOT GO INTO A LOT OF STUFF I DON'T NEED, IF AN ARREST
22 IS MADE IN THIS STATE NORTH CAROLINA BY LAW
23 ENFORCEMENT OF ANOTHER STATE, DID THE SOUTH CAROLINA
24 OFFICERS MAKE THE ARREST IN NORTH CAROLINA OR DID
25 NORTH CAROLINA OFFICERS ARREST THEM?

1 MR. SPRINGS: THEY WERE DETAINED BY THE
2 NORTH CAROLINA OFFICERS. THE SOUTH CAROLINA OFFICERS
3 DID, LATER TOOK WARRANTS BUT THEY WERE DETAINED BY
4 THE CHARLOTTE MECKLENBURG OFFICERS THAT ARRIVED THERE
5 ON THE SCENE THAT SAID THE ARREST FOLLOWED, LATER
6 WARRANTS WERE TAKEN IN YORK COUNTY AND WARRANTS WERE
7 WAITING IN YORK COUNTY FOR THEM WHEN THE EXTRADITION
8 PROCESS BROUGHT THEIR BODIES BACK TO YORK COUNTY, SO
9 THEY WERE DETAINED FOR A MINUTE OR SO ON THE SCENE
10 UNTIL CHARLOTTE MECKLENBURG ARRIVED AND THEN
11 CHARLOTTE MECKLENBURG TOOK CUSTODY OF THEM AND TOOK
12 CHARGE OF THEM AT THAT POINT. THAT'S WHY I ANSWERED
13 IT. THAT'S WHAT HAPPENED.

14 MR. JAMIESON: YOUR HONOR, I THINK WHAT
15 THE VIDEO WOULD SHOW IS YORK COUNTY OFFICERS, THE
16 VEHICLE WENT INTO A CUL-DE-SAC, COULD NOT MOVE; IN
17 FACT, ONE OF THE YORK COUNTY VEHICLES HIT THE SUSPECT
18 VEHICLE. THEY GOT ALL THESE FOLKS OUT AT GUN POINT,
19 PUT HANDCUFFS ON THEM, AND PUT THEM ON THE GROUND AND
20 HAD THEM FOR A PERIOD OF TIME BEFORE CHARLOTTE EVER
21 SHOWED UP. I THINK IN LIGHT OF THAT THEY CERTAINLY
22 EXECUTED AN ARREST. THEY PULLED THEM OUT OF THE CAR
23 AT GUN POINT, THEY HANDCUFFED THEM, THEY PUT THEM ON
24 THE GROUND, AND THERE WAS CONVERSATION ON THE PART OF
25 THE OFFICERS ABOUT DON'T MOVE, YOU ARE UNDER ARREST,

1 AND SO FORTH.

2 THE COURT: AND THEN WHAT, WHEN WERE THEY
3 BEFORE A JUDICIAL OFFICER OR WERE THEY EVER TAKEN
4 BEFORE A JUDICIAL OFFICER?

5 MR. SPRINGS: THEY CERTAINLY WERE BECAUSE
6 I HAVE GOT THE COURT DOCUMENTS SIGNED BY A NORTH
7 CAROLINA JUDGE WHEN THE EXTRADITION PROCESS WENT
8 THROUGH THAT BROUGHT THEM DOWN HERE, SO THEY WERE
9 TAKEN BEFORE A NORTH CAROLINA OFFICER BECAUSE THE
10 JUDGE SIGNED OFF ON THE PAPERWORK ON THE EXTRADITION
11 PAPERS. IF THERE WAS SOME ERROR IN MEETING THE
12 LETTER OF THIS STATUTE, THAT'S A STATUTORY ERROR AND
13 IT'S NOT A CONSTITUTIONAL VIOLATION SUCH THAT WOULD
14 ENABLE THEM TO NOT BE BROUGHT AND TRIED BEFORE THIS
15 COURT. IF THEY ARE BEFORE THIS COURT ON A LAWFUL
16 INDICTMENT, PROBLEMS IN THEIR COMING HERE ARE
17 COLLATERAL TO THAT. ONCE THEY ARE IN HERE WITH THE
18 LAWFUL INDICTMENT READY FOR TRIAL, THEY CAN'T ARGUE
19 THAT THEY SHOULDN'T BE TRIED ON THAT INDICTMENT
20 BECAUSE OF SOME --

21 THE COURT: I AM GOING TO DENY THE MOTION.
22 I BASICALLY AGREE, I MIGHT NOT HAVE COUCHED IT
23 EXACTLY THE SAME WAY AS MR. SPRINGS DID, BUT I AGREE
24 WITH HIS ASSESSMENT OF IT BECAUSE WHAT THIS HAS TO DO
25 WITH, IT JUST BASICALLY SAYS THAT IF AN ARREST IS

1 MADE BY SOUTH CAROLINA LAW ENFORCEMENT IN NORTH
2 CAROLINA IF THESE THINGS DON'T TAKE PLACE, THE
3 JUDICIAL OFFICER IS TO MAKE A DETERMINATION AND HE
4 CAN BEING DISCHARGED. THIS IS JUST A NORTH CAROLINA
5 PROCEDURE OF WHAT COULD BE DONE IF SOMEBODY WITHIN
6 THEIR, THE CONFINES OF THEIR STATE. I DON'T THINK IT
7 EFFECTS THE ARREST ITSELF. IT JUST EFFECTS WHAT
8 HAPPENS IN NORTH CAROLINA, NOT WHAT HAPPENS SOMETIME
9 THEREAFTER, SO I FIND THAT 15-A-403 NORTH CAROLINA
10 GENERAL STATUTE GS-15-1-403 IS INAPPLICABLE AND TO
11 THE EXTENT THAT IT WOULD BE APPLICABLE, I FIND THERE
12 HAS BEEN NO EVIDENCE OF ANY VIOLATION BY SOUTH
13 CAROLINA OF THE LAW THAT APPLIES TO THE OFFICERS.

14 MR. SPRINGS: YOUR HONOR, WHILE WE'RE ON
15 THE SUBJECT, IF I MAY, I WOULD LIKE TO SO THAT IT'S
16 THERE DOWN THE ROAD MAKE THE EXTRADITION PAPERS
17 SIGNED BY THE GOVERNMENTS OF THE TWO RESPECTIVE
18 STATES MADE AN EXHIBIT AND PART OF THE RECORD.

19 THE COURT: THEY WILL BE MADE COURT'S
20 EXHIBITS.

21 (COURT'S EXHIBITS 2 & 3 EXTRADITION
22 PAPERS RECEIVED INTO EVIDENCE.)

23 THE COURT: MR. JAMIESON, DO YOU HAVE
24 ANYTHING ELSE?

25 MR. JAMIESON: YES, YOUR HONOR. I WOULD

1 MOVE FOR THE PRESENCE OF JONES STATEMENT. I
2 ANTICIPATE THAT THEY WANT TO USE THAT. AT THE TIME
3 MR. JONES GAVE THAT STATEMENT TO LAW ENFORCEMENT
4 OFFICERS HE WAS UNDER THE INFLUENCE OF DRUGS AS
5 INDICATED BY THE MEDICAL RECORD FROM CHARLOTTE
6 MEMORIAL HOSPITAL. HE WAS GIVEN LORTAB TO TAKE FIVE
7 OR SIX TABS EVERY FIVE HOURS. HE WAS GIVEN THAT
8 PRIOR TO GIVING THE STATEMENT SO WAS UNDER THE
9 INFLUENCE OF THAT DRUG AT THAT TIME AND THAT DRUG
10 CONTINUED TO BE ADMINISTERED TO HIM WHILE HE WAS IN
11 JAIL.

12 THE COURT: THE FIRST THING YOU PLAN TO
13 TRY TO INTRODUCE ANY STATEMENT OF THE CO-DEFENDANT?

14 MR. SPRINGS: NO, SIR. MR. JONES HIMSELF
15 WILL TAKE THAT STAND AND TELL HIS STORY. NOW WE
16 RESERVE THE RIGHT TO LATER, IF HE IS IMPEACHED AND
17 HIS STORY IS ATTACKED, TO COME BACK AND PRODUCE HIS
18 CONSISTENT STATEMENT MADE BEFORE HE REACHED ANY DEAL
19 WITH THE STATE AND WE CAN TAKE UP ANY QUESTION OF
20 INTOXICATION AT THAT POINT.

21 THE COURT: WELL, I'M GOING TO DENY THE
22 MOTION FOR THOSE REASONS, PLUS AT THIS POINT THERE IS
23 NO EVIDENCE THAT ANYTHING THAT HE TOOK, I MEAN, I
24 JUST CAN'T SAY THAT SOMEBODY TAKES MEDICATION DOESN'T
25 ACTUALLY FOLLOW THAT THEY ARE UNDER THE INFLUENCE OF

1 SOMETHING, THERE IS NO EVIDENCE THAT I KNOW OF IN THE
2 RECORD AT THIS TIME THAT WHAT HE TOOK WOULD AFFECT
3 HIS ABILITY TO UNDERSTAND AND COMPREHEND. I DON'T
4 KNOW THAT -- WELL, THAT'S ALL I'M GOING TO SAY ABOUT
5 THAT. YES, MR. PORTER, I DON'T MEAN TO IGNORE YOU.

6 MR. PORTER: YES, SIR. I WOULD LIKE TO
7 MAKE A MOTION ALSO.

8 THE COURT: YES, SIR.

9 MR. PORTER: THAT THIS CASE BE DISMISSED
10 ON SUBJECT MATTER JURISDICTION. MR. JAMIESON DOES
11 NOT HAVE THE ARREST WARRANT THAT WAS ISSUED. I HAVE
12 A COPY OF THE ARREST WARRANT THAT SOUTH CAROLINA
13 ISSUED WITHOUT TAKING US BEFORE A JUDICIAL BODY. WE
14 WERE UNDER ARREST, I WERE UNDER ARREST BY SOUTH
15 CAROLINA LAW ENFORCEMENT AGENCY LIEUTENANT HAGER. I
16 HAVE SUBPOENAED HIM. THIS WARRANT WAS FAXED FROM
17 YORK COUNTY JAIL TO MECKLENBURG COUNTY. THE ARREST
18 WARRANT HERE AND THE FUGITIVE WARRANT WAS DONE AFTER
19 THIS WARRANT. THIS WARRANT DENIES US BAIL BECAUSE OF
20 THE FACT THAT WE HAD A HOLD FROM YORK COUNTY
21 DETENTION OFFICERS. THIS IS THE ARREST WARRANT FROM
22 YORK COUNTY AND IT'S GOT THE EXACT FAX NUMBER AND THE
23 DATE THAT IT WAS FAXED FROM YORK COUNTY. I'M
24 ALLEGING THAT, I'M STATING THAT SOUTH CAROLINA
25 AUTHORITIES DID NOT FOLLOW THE DUE PROCESS AS

1 INDICATED BY OFFICER, I MEAN, MR. JAMIESON. HE DID
2 NOT FILE SUBSECTION B WHEN WE WAS ACTUALLY IN CUSTODY
3 AND UNDER ARREST. THIS IS THE WARRANT. THIS IS A
4 COPY OF THE WARRANT, ORIGINAL. THIS IS A COPY OF THE
5 ORIGINAL WARRANT.

6 THE COURT: I'LL LET YOU MAKE THAT A
7 COURT'S EXHIBIT. I DON'T BELIEVE THAT EFFECTS THE
8 SUBJECT MATTER JURISDICTION OF THIS COURT SO I'LL
9 DENY THE MOTION BUT I'LL LET YOU MAKE THAT PART OF
10 THE RECORD.

11 MR. PORTER: ALL RIGHT. AND ALSO I WOULD
12 LIKE TO MAKE A MOTION TO SUPPRESS JONES STATEMENT. I
13 DO HAVE A COPY OF THE MEDICATION AND PRESCRIPTIONS
14 AND INSTRUCTIONS OF THE PHYSICIAN IF A PERSON IS
15 TAKING LORTAB. MR. JONES WAS GIVEN TWO LORTABS PRIOR
16 TO HIM BEING ADMINISTERED ANY KIND OF TREATMENT IN
17 THE CAROLINA MEDICAL CENTER. I ALSO WOULD LIKE TO
18 MAKE THAT AS A COPY OF AN EXHIBIT ALSO.

19 THE COURT: YOU CAN MAKE THAT A COURT'S
20 EXHIBIT ALSO AND KEEP IN MIND AT THIS POINT THOUGH
21 THAT MR. JONES IS TESTIFYING. THEY MAY NOT OFFER HIS
22 STATEMENT. IF THEY ATTEMPT TO OFFER HIS STATEMENT
23 FOR ANY REASON, WE'LL VISIT THAT AT THAT TIME, BUT
24 RIGHT NOW THEY ARE SAYING THEY ARE NOT GOING TO USE
25 IT SO THERE IS NO REASON FOR THE COURT TO HAVE TO

1 DETERMINE WHETHER IT SHOULD BE SUPPRESSED OR NOT, BUT
2 IF IT COMES UP, WE'LL CERTAINLY VISIT IT AT THAT
3 TIME.

4 MR. PORTER: OKAY.

5 MR. SPRINGS: SINCE WE'RE ON THE SUBJECT
6 OF MR. PORTER, I THINK MR. PORTER GOT A COPY OF THE
7 EXTRADITION PAPER WORK. I'D LIKE TO MAKE THAT A
8 COURT'S EXHIBIT AS WELL BUT I WANT TO SHOW IT TO HIM
9 AND I THINK YOU MAY HAVE SEEN IT.

10 MR. PORTER: I DON'T HAVE NO COPY OF NO
11 EXTRADITION.

12 MR. SPRINGS: THIS IS THE EXTRADITION
13 PAPER WORK, THE TWO PAPERS SIGNED BY THE TWO
14 GOVERNORS IF YOU WANT TO TAKE A LOOK AT THAT.

15 MR. PORTER: YOUR HONOR.

16 THE COURT: YES, SIR.

17 MR. PORTER: ON THE SAME EXTRADITION
18 PROCEEDING WHEN A GOVERNOR OF ANOTHER STATE WAIVES A
19 PERSON RIGHTS TO EXTRADITION AND VOLUNTARILY GIVES
20 THEM UP, THAT PERSON HAS 30 DAYS TO APPEAL THE
21 GOVERNOR DECISION, IT'S NOT PART OF THAT EXHIBIT, AND
22 I DIDN'T HAVE IT BECAUSE THAT'S THE FIRST TIME I EVER
23 SEEN THAT PAPER WORK. IT'S THE FIRST TIME I EVER
24 SEEN IT, BUT I DO KNOW THAT YOU HAVE 30 DAYS TO
25 APPEAL THE GOVERNOR'S DECISION ON THE INTERSTATE

1 AGREEMENT ON INTERSTATE AGREEMENT ACT AND I WAS NOT
2 GIVEN AN OPPORTUNITY.

3 THE COURT: WELL, I'LL BE VERY CANDID I'M
4 NOT FAMILIAR WITH ALL OF THAT, BUT THAT WOULD NOT
5 EFFECT GOING FORWARD WITH THE TRIAL NOW BECAUSE
6 ---LET ME FINISH. YOU'VE CERTAINLY BEEN INCARCERATED
7 AND EXTRADITED IN TIME PERIOD IN EXCESS OF 30 DAYS
8 AND IF YOU KNEW THAT TO BE THE LAW AND YOU DIDN'T
9 WAIVE EXTRADITION SO YOU KNEW YOU WERE EXTRADITED SO
10 YOU HAD THE RIGHT POSSIBLY COULD HAVE ACCRUED AT THAT
11 TIME BUT IF IT HADN'T YOUR POSITION IS THIS IS THE
12 FIRST TIME YOU HEARD ABOUT IT THEN WHATEVER APPEAL
13 YOU TAKE FROM THIS PROCEEDING, IF THERE IS ONE, YOU
14 CAN RAISE IT IN THAT.

15 MR. PORTER: WHEN I DISMISSED COUNSEL, IF
16 YOU RECALL, YOUR HONOR, THAT I WAS TELLING YOU THAT
17 COUNSEL DID NOT FILE FOR PRELIMINARY HEARING AND THAT
18 I HAVE PRE-TRIAL ISSUE THAT SHOULD HAVE BEEN RAISED
19 AT A PRELIMINARY HEARING, THAT WAS ONE OF THEM, THAT
20 WAS ONE OF THE GROUNDS, BUT I WAS INFORMED BY YOU
21 THAT THERE WAS NOTHING I COULD DO ABOUT IT.

22 THE COURT: WELL, ONCE AN INDICTMENT IS
23 ISSUED THE GRAND JURY HAS FOUND PROBABLE CAUSE AND
24 THERE IS NO NECESSITY, THERE IS NO REASON TO HAVE A
25 PRELIMINARY HEARING AFTER A GRAND JURY. IF YOU HAVE

1 ANY CONCERNS ABOUT WHETHER YOUR LAWYER WAS
2 INEFFECTIVE FOR DOING THAT, YOU KNOW THERE ARE ROUTES
3 TO PURSUE THAT.

4 MR. PORTER: YEAH, THAT WAS THE GROUND,
5 THAT'S WHY I'M REPRESENTING MYSELF.

6 THE COURT: RIGHT, AND YOU HAVE AND I WANT
7 YOU TO PUT EVERYTHING ON THE RECORD AND THAT MAYBE
8 SOMETHING THAT YOU CAN RAISE ON EITHER, NOT ON DIRECT
9 APPEAL, BUT ON POST CONVICTION RELIEF, BUT AS FAR AS
10 THE STATUS OF WHERE IT IS BEFORE THIS JUDGE AT THIS
11 TIME, IT'S PROPERLY WHERE WE ARE.

12 MR. PORTER: OKAY. THANK YOU.

13 THE COURT: YES, SIR.

14 MR. SPRINGS: THE STATE HAS ONE MOTION,
15 YOUR HONOR, BEFORE THE JURY COMES IN AND BEFORE WE DO
16 OPENING STATEMENTS. YOUR HONOR, ACCORDING TO THE LAW
17 OF STATE VERSUS MIZELL WHICH IS AT 563 S.E. 2ND 315
18 THE SUPREME COURT OF SOUTH CAROLINA, THE POTENTIAL
19 SENTENCE OF SOMEONE AT TRIAL IS NOT RELEVANT TO
20 WHETHER THEY COMMITTED THE CRIME OR NOT AND COULD
21 POSSIBLY PREJUDICE THE STATE'S RIGHT TO A FAIR TRIAL.
22 I MOVE TO HAVE MR. YOUNG AND MR. PORTER PRECLUDED
23 FROM EXPLICITLY TELLING THIS JURY EITHER IN OPENING
24 OR CLOSING STATEMENTS OR QUESTIONING WITNESSES MY
25 SENTENCE COULD POTENTIALLY BE WHAT IT IS. IT COULD

1 BE LIFE. IT COULD BE WHATEVER.

2 THE COURT: MR. JAMIESON, YOU DON'T PLAN
3 TO GO INTO THAT, DO YOU?

4 MR. JAMIESON: WELL, YOUR HONOR, I THINK
5 THAT PART OF THE DEAL THEY MADE WITH MR. JONES IS
6 WHAT HIS POSSIBLE SENTENCE WAS, I THINK IT'S IN THE
7 DEAL DOCUMENT, I DO INTEND TO GO INTO THAT.

8 MR. SPRINGS: SURE.

9 THE COURT: I THINK THERE ARE SOME CASES
10 THAT SAY YOU CAN CERTAINLY ASK THAT BECAUSE IT HAS TO
11 DO WITH HIS BIAS AND PREJUDICE AND ALL OF THAT.

12 MR. SPRINGS: ABSOLUTELY.

13 MR. JAMIESON: BUT AS YOU ARE REFERRING
14 DIRECTLY TO MR. YOUNG, NO, I DON'T INTEND TO DO THAT,
15 BUT I THINK BY IMPLICATION THE JURY IS GOING TO HEAR
16 THAT.

17 THE COURT: RIGHT. MR. PORTER, YOU
18 UNDERSTAND THAT?

19 MR. PORTER: YES.

20 THE COURT: WHEN YOU PRESENT YOUR
21 STATEMENT TO THE JURY, YOU ARE NOT SUPPOSED TO SAY
22 I'M FACING LIFE WITHOUT PAROLE OR WHATEVER THE
23 PENALTY IS BECAUSE THAT'S NOT UP TO THE JURY. THAT'S
24 UP TO THE COURT.

25 MR. PORTER: YES, SIR.

1 THE COURT: BUT JUST LIKE MR. JAMIESON
2 SAID, SOMEBODY WHO IS A CO-DEFENDANT TAKES THE STAND,
3 YOU CAN CERTAINLY ASK THEM WHAT THEY WERE FACING SO
4 THE JURY WILL KNOW WHAT KIND OF DEAL THEY MAY BE
5 GETTING.

6 MR. PORTER: SO YOU ARE SAYING IT WOULD
7 NOT BE ADVISABLE TO STATE IT AT ANY TIME AND NOT EVEN
8 IN CLOSING?

9 THE COURT: WELL, AT THE CLOSING ARGUMENTS
10 YOU CAN MAKE, WE'LL DEAL WITH THAT THEN, BUT IT
11 APPEARS TO BE AND NOT APPEARS TO BE, BUT YOU CAN TALK
12 ABOUT ANY FACTS IN EVIDENCE AND CERTAINLY BY SAYING
13 THAT THIS GENTLEMAN WHO HAS GOT THE SAME OFFENSES
14 THAT YOU HAVE IS FACING 25 YEARS IN JAIL BUT OF
15 COURSE THE JURY IS GOING TO CONCLUDE OR WHATEVER IT
16 IS LIFE WITHOUT PAROLE, THAT YOU ARE FACING THE SAME
17 THING, BUT NO, YOU CAN'T GO INTO WHAT YOUR SENTENCE
18 MAY OR MAY NOT BE BECAUSE THAT'S UP TO THE COURT.
19 BUT YOU CAN GO INTO THE FACT THAT PEOPLE CHARGED WITH
20 IDENTICAL CRIMES WERE FACING SO AND SO AND THEREFORE
21 THEY MAY BE PREJUDICE IN GIVING TESTIMONY AGAINST
22 YOU. CERTAINLY THE JURY WILL CONCLUDE THAT THIS
23 PERSON TESTIFYING COULD GET 25 YEARS IN JAIL THEN YOU
24 CAN GET 25 IN JAIL FOR THE SAME THING.

25 MR. PORTER: OKAY. LET ME ASK YOU ONE

1 QUESTION.

2 THE COURT: CERTAINLY.

3 MR. PORTER: IF THEY DELIBERATE AND THEY
4 COME BACK OUT OF DELIBERATIONS AND ASK YOU A
5 QUESTION, SAY FOR INSTANCE, THEY MAY BE DECIDING ON
6 THREE ELEMENTS OF THIS CASE AND ONE THEY ARE
7 UNDECIDED ON IS THE CONSPIRACY, THEY DON'T HAVE THE
8 RIGHT TO KNOW IF THEY FIND THE PERSON GUILTY WHICH
9 THAT CARRIES A VALUABLE SENTENCE BUT UNDER THIS
10 PARTICULAR TRIAL THAT A PERSON CAN GET LIFE WITHOUT
11 PAROLE IF THEY FIND HIM GUILTY ON THE CONSPIRACY?

12 THE COURT: LET'S TRY NOT TO -- WELL, I
13 KNOW YOU, I'M NOT TRYING TO CUT YOU SHORT BUT, I WILL
14 BE CONCERNED WITH THAT IF IT HAPPENS. IF THEY COME
15 BACK WITH ANY QUESTION, WHATEVER QUESTION THEY SEND
16 BACK WHILE THEY ARE DELIBERATING, I'LL COME OUT HERE
17 AND WE'LL DISCUSS IT AND THE STATE CAN TAKE THEIR
18 POSITION AND MR. JAMIESON ON BEHALF OF MR. YOUNG AND
19 YOU CAN TAKE YOUR POSITION AND THEN AT THAT TIME I'LL
20 DECIDE WHAT I MAY OR MAY NOT ANSWER TO THE JURY.

21 MR. PORTER: ALL RIGHT.

22 THE COURT: ALL RIGHT.

23 MR. SPRINGS: IF I MAY, YOUR HONOR.

24 MR. SHERIFF, WOULD YOU LET MR. CHIARENZA KNOW IT'S
25 TIME TO COME OUT.

1 THE COURT: JUST SO WE CAN BE GETTING
2 PREPARED, IF THIS GOES FORWARD WHAT ARE WE LOOKING AT
3 AS FAR AS WHAT I NEED TO BE ADVISED OF AS TO THE
4 PLEA?

5 MR. SPRINGS: WE HAVE PROPOSED A DEAL TO
6 MS. LAWS, MR. CHIARENZA TELLS US SHE'S GOING TO TAKE
7 THE DEAL, AND THE DEAL IS VERY SIMILAR TO MR. JONES'
8 DEAL, SHE'S GOING TO PLEAD GUILTY TO VARIOUS CHARGES
9 HERE NOW.

10 THE COURT: I WANT TO KNOW WHAT THE
11 CHARGES ARE SO I CAN BE FINDING OUT WHAT TO TELL
12 THEM.

13 MR. SPRINGS: EXCUSE ME. IT WOULD BE AID
14 AND ABET, ENTERING A BANK WITH INTENT TO STEAL.

15 THE COURT: ALL RIGHT.

16 MR. SPRINGS: AID AND ABET ATTEMPTED ARMED
17 ROBBERY.

18 THE COURT: ALL RIGHT.

19 MR. SPRINGS: CONSPIRACY TO COMMIT
20 ROBBERY, ARMED ROBBERY, AND FAILURE TO STOP FOR A
21 BLUE LIGHT.

22 THE COURT: ALL RIGHT. DO YOU HAVE THE
23 CDR CODES ON THOSE FIRST TWO, THE BANK AND ATTEMPTED
24 ARMED ROBBERY?

25 MR. SPRINGS: MR. CHIARENZA HAS GOT THE

1 PAPER WORK IN HIS HAND. I WAS ASKING OUR GOOD CLERK
2 HERE WHAT THE CDR CODE FOR THE ATTEMPTED IS BECAUSE
3 THE PAPER WORK IS NOW REACHED FULL ARMED ROBBERY.
4 I'LL DO THE LESSER INCLUDED CDR CODE BUT I DON'T HAVE
5 IT IN MY HANDS, SIR.

6 THE COURT: WHILE WE'RE WAITING.
7 MR. YOUNG AND MR. PORTER, THEY ARE TELLING ME THAT
8 MS. LAWS IS GOING TO ENTER A PLEA. AFTER WE DO THAT,
9 IF SHE DOES, WE'RE GOING TO TAKE A SHORT BREAK. YOU
10 CAN GO AHEAD AND TAKE A BREAK NOW OR YOU CAN SIT
11 THROUGH THE PLEA. I'M MAKING IT YOUR OPTION. THAT
12 IS, IF YOU'D LIKE TO LEAVE WHILE THIS IS GOING ON AND
13 REFRESH YOURSELF OR WHATEVER YOU WANT TO CALL IT OR
14 YOU CAN SIT THROUGH THE PLEA, THAT'S YOUR CALL,
15 WHATEVER YOU WANT TO DO, BUT WE WILL, SO YOU'LL KNOW,
16 ONCE WE TAKE THE PLEA, I'M GOING TO TAKE A SHORT
17 BREAK BEFORE WE GO INTO THE TRIAL. SO IF EITHER ONE
18 OF YOU WANT TO GO ON BACK JUST LET AN OFFICER KNOW.

19 (THE DEFENDANT MS. LAWS IS PRESENT IN
20 THE COURTROOM.)

21 THE COURT: MR. SPRINGS.

22 MR. SPRINGS: MAY IT PLEASE THE COURT.

23 THE COURT: YES, SIR.

24 MR. SPRINGS: MS. ANGELA RENEE LAWS, YOUR
25 HONOR, HAS MADE A DEAL WITH THE STATE AND SHE IS AT

1 THIS TIME GOING TO PLEAD GUILTY TO ENTERING A BANK
2 WITH INTENT TO STEAL, AID AND ABET ENTERING A BANK
3 WITH INTENT TO STEAL, AID AND ABET ATTEMPTED ARMED
4 ROBBERY, A LESSER INCLUDED OF FULL ARMED ROBBERY,
5 CONSPIRACY TO COMMIT ARMED ROBBERY, AND FAILURE TO
6 STOP FOR A BLUE LIGHT. WE HAVE A DEAL WHICH IF SHE
7 HAD NOT ALREADY SIGNED IT, IT IS IN WRITING, AND THE
8 COURT WILL SEE IT SHORTLY.

9 MR. CHIARENZA: THE CLERK SIGNED IT.

10 MR. SPRINGS: AND OUR DEAL IS SHE WILL
11 PLEAD GUILTY TO THESE OFFENSES AND AGREES TO TESTIFY
12 TRUTHFULLY AGAINST HER CODEFENDANTS IN THIS MATTER.
13 THERE IS A STATEMENT ATTACHED WHICH I UNDERSTAND
14 SHE'S GOING TO SWEAR IS THE TRUTH AND WE'RE GOING TO
15 ASK THE COURT PLEASE DEFER HER SENTENCING FOR LATER
16 AFTER SHE TESTIFIES TO ENSURE THE STATE GETS THE
17 BENEFIT OF THE BARGAIN. WE AGREE THAT IF SHE
18 TESTIFIES TRUTHFULLY AND KEEPS HER BARGAIN WILL BE
19 SENTENCED SOMEWHERE BETWEEN 6 AND 8 NO PAROLE YEARS
20 AND WE'LL TAKE THAT UP WITH THE COURT AT THE
21 SENTENCING. IF IN FACT SHE DID NOT KEEP HER BARGAIN,
22 DID NOT TESTIFY TRUTHFULLY, THEN HER PLEAS CAN NOW
23 BECOME STRAIGHT UP PLEAS WITH FULL EXPOSURE TO FULL
24 SENTENCING. SHE'S HERE IN COURT WITH HER ATTORNEY
25 DEREK CHIARENZA AND ONCE I AM SURE THAT THE PLEA

1 AGREEMENT HAS BEEN SIGNED AND HER STATEMENT OF THE
2 TRUTH HAS BEEN SIGNED, I'M GOING TO TURN IT OVER TO
3 THE COURT AND MR. CHIARENZA.

4 MR. CHIARENZA: IT'S BEEN SIGNED. I THINK
5 IT'S JUST A PLACE FOR IT TO BE NOTARIZED AND SHE CAN
6 AFFIRM HER SIGNATURE.

7 MR. SPRINGS: VERY GOOD. IF I MAY, I'LL
8 JUST SIMPLY ASK HER --

9 THE COURT: BEFORE WE DO, WHY DON'T WE GO
10 AHEAD.

11 (THE DEFENDANT ANGELA LAWS IS SWORN.)

12 MR. SPRINGS: MS. LAWS, THIS IS YOUR
13 SIGNATURE HERE ON THIS PAPER, RIGHT?

14 MS. LAWS: YES, SIR.

15 MR. SPRINGS: AND THIS IS YOUR SIGNATURE
16 HERE?

17 MS. LAWS: YES, SIR.

18 THE COURT: AND YOU WILL TESTIFY
19 TRUTHFULLY?

20 MS. LAWS: YES, SIR.

21 MR. SPRINGS: MADAM CLERK, WILL YOU
22 ACKNOWLEDGE THAT.

23 THE COURT: MS. LAWS, HOW OLD ARE YOU?

24 MS. LAWS: I'M 41, SIR.

25 THE COURT: AND HOW FAR DID YOU GO IN

1 SCHOOL?

2 MS. LAWS: 12TH GRADE.

3 THE COURT: AND WHEN YOU WORK WHAT DO YOU
4 DO FOR A LIVING?

5 MS. LAWS: I WORK IN RETAIL MANAGEMENT.

6 THE COURT: YOU REPRESENTED BY
7 MR. CHIARENZA?

8 MS. LAWS: YES, SIR.

9 THE COURT: YOU SATISFIED WITH HIS
10 SERVICES?

11 MS. LAWS: YES, SIR.

12 THE COURT: I HAVE IN FRONT OF ME FOUR
13 INDICTMENTS. YOU'VE BEEN INDICTED FOR FOUR DIFFERENT
14 OFFENSES. THE FIRST IS AIDING AND ABETTING ENTERING
15 A BANK TO STEAL. NOW IF I'M WRONG ON THIS, COUNSEL,
16 CORRECT ME, BUT AIDING AND ABETTING CARRIES THE SAME
17 PENALTY THAT THE ACTUAL CRIME WOULD CARRY, YOU
18 UNDERSTAND THAT?

19 MS. LAWS: YES, SIR.

20 THE COURT: AND AS TO ENTERING A BANK TO
21 STEAL, THAT WOULD BE UP TO 30 YEARS IN JAIL, IT IS A
22 FELONY, IT IS A SERIOUS OFFENSE. A SERIOUS OFFENSE
23 IS THE TYPE OFFENSE WHICH IF IN YOUR LIFE TIME YOU
24 RECEIVE THREE SERIOUS OR A COMBINATION OF THREE
25 SERIOUS AND MOST SERIOUS OFFENSES YOU'LL BE SUBJECT

1 TO BEING INCARCERATED FOR LIFE WITHOUT PAROLE. IT IS
2 A NO PAROLE OFFENSE. THAT MEANS THAT WHATEVER
3 SENTENCE YOU RECEIVE, YOU WOULD HAVE TO SERVE 85
4 PERCENT OF THAT SENTENCE BEFORE YOU'LL BE ELIGIBLE
5 FOR WORK RELEASE, NOT WORK RELEASE, EARLY RELEASE.

6 IF YOU WERE GIVEN AN EARLY RELEASE, IT
7 WOULD BE INTO A COMMUNITY SUPERVISION PROGRAM WITH
8 CERTAIN CONDITIONS FOR UP TO TWO YEARS. IF DURING
9 THAT TIME YOU VIOLATED THOSE CONDITIONS, YOU WOULD BE
10 SUBJECT TO BEING RE-INCARCERATED FOR UP TO A YEAR.

11 IF YOU WERE LET OUT A SECOND TIME FOR
12 EARLY RELEASE, YOU'LL AGAIN BE SUBJECT TO THAT
13 COMMUNITY SUPERVISION. IF YOU AGAIN VIOLATED THE
14 PROVISIONS OF THAT COMMUNITY SUPERVISION, YOU CAN BE
15 RE-INCARCERATED AGAIN FOR UP TO A YEAR AND THIS
16 PATTERN COULD CONTINUE UNTIL SUCH TIME AS YOU SERVED
17 AN IDENTICAL TIME OF THAT, AN EXTRA IDENTICAL TIME
18 FOR THAT WHICH YOU'D BEEN ORIGINALLY BEEN SENTENCED,
19 DO YOU UNDERSTAND THAT?

20 MS. LAWS: YES, SIR.

21 THE COURT: AND AS TO THIS CHARGE AIDING
22 AND ABETTING ENTERING A BANK WITH INTENT TO STEAL
23 IT'S ALLEGED, AND ALL OF THESE ARE ALLEGED TO HAVE
24 OCCURRED HERE IN YORK COUNTY, ALL OF THEM ALLEGED TO
25 HAVE OCCURRED ON SEPTEMBER 22, 2006. IN THIS

1 INDICTMENT IT'S ALLEGED THAT YOU AIDED AND ABETTED
2 KENNETH YOUNG, JOHNNELL PORTER, DONSHAVIS JONES TO
3 UNLAWFULLY ENTER A BANK, A BUILDING OCCUPIED AS A
4 BANK WITH INTENT TO STEAL MONEY BY FORCE, THREATS, OR
5 INTIMIDATION. THE WAY YOU AIDED AND ABETTED IT'S
6 ALLEGED THAT YOU PROVIDED TRANSPORTATION TO AND FROM
7 THE ROBBERY AND THAT THESE OTHER THREE INDIVIDUALS
8 WENT IN THE BANK, ARMED WITH PISTOLS, FORCED BANK
9 EMPLOYEES AT GUN POINT TO HAND OVER MONEY; YOU
10 UNDERSTAND THAT CHARGE AND THAT PENALTY?

11 MS. LAWS: YES, SIR.

12 THE COURT: HOW DO YOU PLEAD?

13 MS. LAWS: GUILTY.

14 THE COURT: YOU ARE ALSO CHARGED WITH
15 AIDING AND ABETTING ATTEMPTED ARMED ROBBERY. THIS
16 CARRIES 20 YEARS IN JAIL. IT TOO IS A NO PAROLE
17 OFFENSE. THAT'S THAT 85 PERCENT I TOLD YOU ABOUT.
18 IT IS A FELONY. IT IS MOST SERIOUS OFFENSE. I'M
19 SORRY. IT'S GOT IT HERE MARKED AS A SERIOUS OFFENSE.
20 IT'S A SERIOUS OFFENSE.

21 MR. SPRINGS: IT IS MOST SERIOUS AND THAT
22 WOULD BE MY ERROR, SIR.

23 MR. CHIARENZA: WE DON'T OBJECT TO
24 AMENDING THE SENTENCING SHEET, YOUR HONOR.

25 MR. SPRINGS: THE ENTERING BANK WOULD BE A

1 SERIOUS BECAUSE IT CARRIES 30 YEARS.

2 THE COURT: THE ATTEMPTED ARMED ROBBERY IS
3 A MOST SERIOUS OFFENSE. A MOST SERIOUS OFFENSE IS
4 THE TYPE OF OFFENSE WHICH AS I SAID EARLIER CARRIES
5 WITH IT THAT PROSPECT OF LIFE WITHOUT PAROLE, THAT
6 IS, A TRUE LIFE SENTENCE.

7 IF YOU RECEIVE TWO MOST SERIOUS OR
8 THREE MOST SERIOUS OR SERIOUS OFFENSE IT IS A FELONY,
9 CARRIES 20 YEARS IN JAIL. AND IT'S ALLEGED THAT ON
10 THAT DATE, ALONG WITH THESE OTHER INDIVIDUALS, THAT
11 YOU AIDED THEM IN AN ARMED ROBBERY AND THAT THEY DID
12 WITH A HAND GUN OR WHILE A REPRESENTATION OF A DEADLY
13 WEAPON OR BY PRESENTING DURING THE COMMISSION OF A
14 ROBBERY SOMETHING THAT ONE WOULD REASONABLY BELIEVE
15 TO BE A DEADLY WEAPON, USE THAT TO FELONIOUSLY TAKE
16 AND CARRY AWAY MONEY BELONGING TO THE LAKE WYLIE
17 BRANCH OF BANK OF YORK AND TOOK THIS, THEY DID, IN
18 THE PRESENCE OF FIVE NAMED EMPLOYEES OF THE BANK BY
19 MEANS OF FORCE AND INTIMIDATION AND PUTTING THE
20 EMPLOYEES IN FEAR AND GOODS OR MONEYS WERE TAKEN FROM
21 THE EMPLOYEES FROM THE BANK. DO YOU UNDERSTAND WHAT
22 YOU ARE CHARGED WITH AND THE POTENTIAL PENALTY ON
23 THAT INDICTMENT?

24 MS. LAWS: YES, SIR.

25 THE COURT: HOW DO YOU PLEAD TO THAT?

1 MS. LAWS: GUILTY.

2 THE COURT: THE NEXT INDICTMENT IS FOR
3 CONSPIRACY WHICH CARRIES UP TO FIVE YEARS IN JAIL AND
4 IT'S ALLEGED THAT ON THAT DATE HERE IN YORK COUNTY
5 YOU CONSPIRED WITH THOSE THREE INDIVIDUALS, JONES
6 YOUNG AND PORTER, TO COMMIT ARMED ROBBERY. YOU
7 UNDERSTAND THE CHARGE AND THE PENALTY?

8 MS. LAWS: YES, SIR.

9 THE COURT: HOW DO YOU PLEAD TO THAT?

10 MS. LAWS: GUILTY.

11 THE COURT: THE LAST INDICTMENT IS FOR
12 FAILURE TO STOP FOR A BLUE LIGHT. IT'S ALLEGED THAT
13 ON THAT DATE HERE IN YORK COUNTY YOU FAILED TO STOP
14 AFTER BEING SIGNALLED TO DO SO BY LAW ENFORCEMENT.
15 CONSPIRACY I BELIEVE I TOLD YOU CARRIES UP TO FIVE
16 YEARS IN JAIL AND IS A FELONY. FAILURE TO STOP
17 CARRIES UP TO THREE YEARS IN JAIL. AGAIN HOW DO YOU
18 PLEAD TO CONSPIRACY?

19 MS. LAWS: GUILTY.

20 THE COURT: AND THE FAILURE TO STOP?

21 MS. LAWS: GUILTY.

22 THE COURT: OTHER THAN THE STATE'S
23 RECOMMENDATION OR AGREEMENT THAT IF YOU TESTIFY
24 TRUTHFULLY IN THE TRIAL OF CODEFENDANTS YOUNG AND
25 PORTER THAT YOU WILL RECEIVE A CERTAIN SENTENCE AND

1 IF YOU DO NOT SO TESTIFY TRUTHFULLY THERE WILL BE NO
2 RECOMMENDATION. OTHER THAN THAT HAS ANYONE MADE ANY
3 PROMISES OR THREATS TO CAUSE YOU TODAY TO ENTER YOUR
4 PLEA OF GUILTY TO THESE CHARGES?

5 MS. LAWS: NO, SIR.

6 THE COURT: ARE YOU UNDER THE INFLUENCE OF
7 ANYTHING THAT WOULD CAUSE YOU TO BE INTOXICATED?

8 MS. LAWS: NO, SIR.

9 THE COURT: ARE YOU ENTERING YOUR PLEA
10 TODAY TO THESE CHARGES FREELY AND VOLUNTARILY, MS.
11 LAWS?

12 MS. LAWS: YES, SIR.

13 THE COURT: MS. LAWS, YOU HAVE A RIGHT TO
14 A TRIAL BY JURY ON THE CHARGE, THE SET OF CHARGES,
15 AND AT THAT TRIAL YOU ARE PRESUMED INNOCENT OF THESE
16 CHARGES UNTIL SUCH TIME AS YOU ENTER A PLEA OR UNTIL
17 SUCH TIME AS THE STATE IS ABLE TO PROVE TO A JURY
18 BEYOND A REASONABLE DOUBT YOUR GUILT.

19 YOU HAVE A RIGHT TO REMAIN SILENT, YOU
20 HAVE THE RIGHT TO CONFRONT THE WITNESSES AGAINST YOU,
21 AND YOU HAVE THE RIGHT TO HAVE YOUR WITNESSES MADE TO
22 COME TO COURT TO TESTIFY FOR YOU. YOU UNDERSTAND YOU
23 HAVE THESE RIGHTS?

24 MS. LAWS: YES, SIR.

25 THE COURT: MR. CHIARENZA, HAVE YOU

1 EXPLAINED THOSE RIGHTS TO HER?

2 MR. CHIARENZA: YES, I HAVE, YOUR HONOR.

3 THE COURT: YOU BELIEVE SHE UNDERSTANDS?

4 MR. CHIARENZA: YES, I DO, YOUR HONOR.

5 THE COURT: MS. LAWS, I ADVISE YOU THAT
6 YOU GIVE UP THOSE RIGHTS BY ENTERING A PLEA. THERE
7 HAS BEEN TALK EARLIER ABOUT A DEFENSE OF DURESS, YOU
8 GIVE UP THAT RIGHT WHEN YOU ENTER A PLEA OF GUILT.
9 YOU GIVE UP ANY DEFENSE THAT YOU MIGHT HAVE TO THE
10 CHARGE AND YOU ALSO GIVE UP ANY RIGHTS TO HAVE ANY
11 STATEMENTS THAT YOU FEEL, THAT YOU HAD GIVEN,
12 REVIEWED BY THE COURT REGARDING VOLUNTARINESS AND YOU
13 ALSO GIVE UP ANY RIGHTS YOU HAVE REGARDING SEARCHES
14 THAT MAY HAVE OCCURRED IN THIS MATTER. YOU
15 UNDERSTAND ALL THAT?

16 MS. LAWS: YES, SIR.

17 THE COURT: YOU BELIEVE SHE UNDERSTANDS
18 ALL THAT?

19 MR. CHIARENZA: YES, I DO, YOUR HONOR.

20 THE COURT: KNOWING ALL THOSE THINGS I
21 ASK AGAIN HOW DO YOU PLEAD TO AIDING AND ABETTING
22 ENTERING A BANK TO STEAL? HOW DO YOU PLEAD?

23 MS. LAWS: GUILTY.

24 THE COURT: HOW DO YOU PLEAD TO AIDING AND
25 BETTING THE ARMED ROBBERY --

1 MS. LAWS: GUILTY.

2 THE COURT: ---ATTEMPTING TO DO THAT?

3 MS. LAWS: GUILTY.

4 THE COURT: HOW DO YOU PLEAD TO CONSPIRACY
5 TO COMMIT ROBBERY?

6 MS. LAWS: GUILTY.

7 THE COURT: AND FAILURE TO STOP FOR A BLUE
8 LIGHT?

9 MS. LAWS: GUILTY.

10 THE COURT: NOW GOING BACK IT IS ACTUALLY
11 AIDING AND ABETTING ATTEMPTED ARMED ROBBERY, HOW DO
12 YOU PLEAD TO THAT?

13 MS. LAWS: GUILTY.

14 THE COURT: ALL RIGHT. ANYTHING YOU WANT
15 TO TELL ME?

16 MR. SPRINGS: VERY BRIEFLY, YOUR HONOR.
17 YOUR HONOR, PRIOR TO THE MORNING OF DECEMBER 22,
18 2006, MS. LAWS PLANNED WITH MR. JOHNNELL PORTER AND
19 MR. KENNETH YOUNG TO ROB A BANK AND ON THE MORNING OF
20 DECEMBER 22, 2006, SHE DROVE A CAR CONTAINING
21 MR. PORTER, MR. YOUNG, AND A MAN NAMED DONSHAVIS
22 JONES DOWN INTO YORK COUNTY TO THE LAKE WYLIE BRANCH
23 OF THE BANK OF YORK. THE THREE MEN, YOUNG, PORTER,
24 AND JONES, PUT ON SKI MASKS, AT LEAST TWO OF THEM
25 CARRYING PISTOLS WENT INTO THE LAKE WYLIE BRANCH OF

1 THE BANK OF YORK AND ROBBED THE BANK EMPLOYEES OF THE
2 CASH, OF SOME CASH BELONGING TO THE BANK AT GUN
3 POINT. THEY THEN LEFT THE BANK, GOT BACK IN THE CAR
4 WITH MS. LAWS, WHO PROCEEDED UP HIGHWAY 49 BACK INTO
5 NORTH CAROLINA HEAD TOWARDS I-77. SHE WAS SPOTTED BY
6 YORK COUNTY OFFICERS ON CAROWINDS BOULEVARD IN THE
7 STATE OF SOUTH CAROLINA. THEY TURNED ON BLUE LIGHTS
8 AND SIREN, GAVE CHASE. SHE GOT ON I-77 AND TOOK THEM
9 ON A HIGH SPEED CHASE THAT WENT DOWN INTO CHARLOTTE.
10 SHE EXITED OFF OF THE INTERSTATE AND CAME DOWN TO A
11 DEAD END IN AN APARTMENT COMPLEX AND WAS FORCED TO
12 STOP AT WHICH TIME THE OFFICERS TOOK HER OUT OF THE
13 CAR AND THAT WOULD BE THE FACTS.

14 THE COURT: DO YOU AGREE WITH THAT,
15 MS. LAWS?

16 MS. LAWS: SIR?

17 THE COURT: DO YOU AGREE WITH THAT?

18 MS. LAWS: YES, SIR.

19 THE COURT: ALL RIGHT.

20 MS. LAWS: YES, SIR.

21 THE COURT: MS. LAWS, I ACCEPT YOUR PLEAS.

22 I FIND THEY ARE FREELY, VOLUNTARILY, KNOWINGLY, AND
23 INTELLIGENTLY ENTERED. THEY ARE ENTERED WITH THE
24 ADVICE OF COMPETENT COUNSEL WITH WHOM YOU ARE
25 SATISFIED. I FIND THE FACTS SUPPORT YOUR PLEA AND

1 YOU'VE SIGNED PLEAS OF GUILT.

2 NOW MR. CHIARENZA, DO YOU WANT TO GO
3 FURTHER WITH ANYTHING AT THIS TIME?

4 MR. CHIARENZA: JUST VERY BRIEFLY,
5 YOUR HONOR. WE'LL OBVIOUSLY RESERVE MITIGATION FOR
6 THE TIME OF SENTENCING BUT JUST FOR THE RECORD AS FAR
7 AS THIS BEING A KNOWING AND INTELLIGENT PLEA, I WILL
8 ADVISE THE COURT THAT I DID GO OVER THE PLEA
9 AGREEMENT THIS MORNING WITH MS. LAWS. I READ IT TO
10 HER. SHE UNDERSTANDS IT. SHE WILL TESTIFY IN
11 CONFORMITY WITH WHAT IS IN THE AGREEMENT.

12 CERTAINLY WE HAVE DISCUSSED TRIAL AND
13 DEFENSES AND IN PREPARING FOR TRIAL IN THIS MATTER
14 FOR SEVERAL MONTHS. I AM CONFIDENT THAT THIS IS THE
15 BEST DECISION FOR HER, AS WELL HER FAMILY BACKS HER
16 IN THIS DECISION, THREE MEMBERS OF WHOM ARE IN THE
17 COURTROOM TODAY SUPPORTING HER.

18 AND AS TO THE DEFENSE THAT SHE IS
19 AWARE THAT AFTER TODAY SHE WILL NOT GO TO TRIAL, SHE
20 CANNOT RAISE ANY DEFENSES, AND SHE'S OBLIGATED TO
21 TESTIFY IN CONFORMITY WITH THE PLEA AGREEMENT. IF
22 SHE DOES NOT, SHE WILL LOSE THE BENEFIT OF THAT
23 AGREEMENT AND THE STATE WILL BE ASKING FOR THE
24 MAXIMUM PENALTIES ON ALL THESE CHARGES WHICH TOTAL
25 SOME 60 OR SO YEARS, SO IT'S HER INTENTION TO ABIDE

1 BY THE TERMS OF THE AGREEMENT, YOUR HONOR.
2 EVERYTHING ELSE AGAIN I WOULD JUST RESERVE FOR
3 MITIGATION.

4 THE COURT: MS. LAWS, YOU AGREE WITH ALL
5 THAT?

6 MS. LAWS: YES, SIR.

7 THE COURT: ANYTHING YOU WANT TO SAY NOW
8 OR DO YOU WANT TO WAIT AND TALK TO ME AT SENTENCING?

9 MS. LAWS: I'LL TALK TO YOU AT SENTENCING,
10 JUDGE.

11 MR. CHIARENZA: THANK YOU, YOUR HONOR.

12 THE COURT: LET'S TAKE A BREAK. LET THE
13 TWO GENTLEMEN REFRESH THEMSELVES AND THEN WE'LL BE
14 READY TO START.

15 MR. SPRINGS: VERY GOOD. DURING THE BREAK
16 I WILL MAKE COPIES FOR MRS. LAWS PLEA AGREEMENT FOR
17 THE TWO DEFENDANTS.

18 (COURT'S IN RECESS AT 10:58 AM.)

19 (COURT RESUMES AT 11:15 AM.)

20 THE COURT: IS THE STATE READY?

21 MR. SPRINGS: YES, YOUR HONOR.

22 THE COURT: IS THE DEFENSE YOUNG?

23 MR. JAMIESON: YES, YOUR HONOR.

24 THE COURT: MR. PORTER.

25 MR. PORTER: YES, SOLICITOR.

1 MR. SPRINGS: LET ME SAY DURING OUR BREAK
2 I GAVE MR. JAMIESON AND MR. PORTER A COPY OF
3 MS. ANGELA LAWS' PLEA AGREEMENT.

4 (THE JURY RETURNS TO THE COURTROOM AT
5 11:15 AM.)

6 THE COURT: NOW THAT YOU ARE ALL
7 COMFORTABLY SEATED I'M GOING TO ASK YOU TO STAND AND
8 THE CLERK WILL ADMINISTER THE OATH.

9 (THE JURY IS SWORN.)

10 THE COURT: YOU MAY BE SEATED NOW. FIRST
11 I KNOW WHEN YOU LOOK AT THE CLOCK YOU THINK I MISSED
12 THAT CLASS IN KINDERGARTEN WHEN THEY TAUGHT YOU HOW
13 TO TELL TIME, BUT I REALLY DIDN'T. WE'VE BEEN
14 WORKING ON THIS CASE SINCE TEN O'CLOCK. WE HAD
15 MATTERS THAT WE HAVE TO TAKE UP OUTSIDE OF YOUR
16 PRESENCE AND WE DO THAT AS MUCH AS WE CAN AT THE
17 EARLY STAGES, IF AT ALL POSSIBLE, BECAUSE IT MAKES
18 THINGS GO AT A FASTER PACE AS WE GO THROUGH THE
19 TRIAL, SO WE HAVE BEEN WORKING AND I APOLOGIZE FOR
20 KEEPING YOU BACK THERE, BUT WE HAVE BEEN WORKING ON
21 THIS CASE SINCE TEN O'CLOCK.

22 I TOLD YOU YESTERDAY ABOUT NOT LETTING
23 YOURSELF BE EXPOSED TO ANYTHING OUTSIDE THE COURTROOM
24 AND I'M NOT GOING TO REPEAT THAT EVERY TIME AND ALSO
25 NOT TO LET YOURSELF BE EXPOSED TO ANYTHING REGARDING

1 THIS CASE. I WANT TO ADD ONE THING, YOU'LL BE
2 HEARING SOME TESTIMONY I THINK DURING THE TRIAL OR I
3 KNOW DURING THE TRIAL ABOUT CERTAIN PATHS MAYBE CARS
4 TOOK, DON'T DO ANY OUTSIDE INVESTIGATION; THAT IS,
5 YOU DON'T NEED TO GO WHERE THESE THINGS OCCURRED, I
6 DON'T THINK, BUT DON'T BE GOING IN THE GENERAL AREA
7 OR TRYING TO SAY, WELL, THEY SAID THIS WAS A HALF
8 MILE HERE AND IT'S ONLY A MILE AND IT'S A MILE, DON'T
9 DO ANY INDEPENDENT INVESTIGATION AT THIS POINT AND I
10 DON'T THINK ANY OF YOU WILL, BUT UNFORTUNATELY I'VE
11 HAD THAT HAPPEN BEFORE BUT I KNOW YOU WON'T NOW THAT
12 I'VE TALKED TO YOU ABOUT IT.

13 IN JUST A MOMENT THE SOLICITOR AND
14 MR. JAMIESON AND MR. PORTER WILL HAVE A RIGHT TO COME
15 BEFORE YOU AND MAKE THEIR OPENING STATEMENTS. THEY
16 ARE NOT ARGUING THEIR CASE AT THIS TIME. AT A LATER
17 POINT IN THE TRIAL THEY WILL HAVE AN OPPORTUNITY TO
18 SUM UP, THAT IS, GO THROUGH THE EVIDENCE AND TELL YOU
19 WHY YOUR VERDICT SHOULD BE A CERTAIN VERDICT. THAT'S
20 NOT WHAT THEY'RE DOING AT THIS TIME. THEY ARE GIVING
21 YOU A BLUE PRINT OR OUTLINE OR SOME PEOPLE CALL IT A
22 PREVIEW OF COMING EVENTS. THEY ARE NOT WITNESSES AND
23 MR. PORTER IS A DEFENDANT BUT HE IS NOT TESTIFYING AT
24 THIS TIME. HE HAS AN ABSOLUTE RIGHT TO REMAIN
25 SILENT. HE DOESN'T HAVE TO GET UP AND TELL YOU

1 ANYTHING AT ANY TIME OR MAKE ANY STATEMENTS BUT HE
2 HAS A RIGHT TO COME BEFORE YOU AND MAKE AN OPENING
3 STATEMENT. THESE OPENING STATEMENTS AGAIN ARE JUST
4 OUTLINES OF WHAT MAY BE COMING.

5 YOU ARE TO BE THE SOLE JUDGES OF THE
6 FACTS IN THIS CASE AND I AM THE SOLE JUDGE OF THE
7 LAW. YOU MUST TAKE, ACCEPT, AND APPLY THE LAW AS I
8 CHARGE IT TO YOU. YOU MUST DO THAT EVEN IF YOU THINK
9 I CHARGE THE LAW IN ERROR OR EVEN IF YOU THINK THE
10 LAW SHOULD BE DIFFERENT. YOU ARE TO JUDGE THE FACTS.
11 YOU ARE NOT TO INFER FROM ANYTHING I SAY OR DO AS
12 BEING AN INDICATION OF THE FACTS. IT IS SOLELY UP TO
13 YOU TO EXAMINE THE EVIDENCE AND TO GIVE TO THE
14 EVIDENCE THE EFFECT, THE VALUE, THE WEIGHT, AND THE
15 TRUTH YOU BELIEVE IT SHOULD HAVE.

16 IN GOING OVER THE FACTS YOU HAVE A
17 RIGHT TO BELIEVE THE WITNESSES THAT YOU BELIEVE ARE
18 BELIEVABLE. THAT IS, YOU CAN BELIEVE ONE OR MORE OR
19 ALL OF THE WITNESSES. YOU CAN BELIEVE ONE OR MORE OR
20 PART OR ALL OF WHAT THE WITNESSES TESTIFY TO. IT'S
21 UP TO YOU TO EXAMINE THE EVIDENCE AND THE WITNESSES
22 AND GIVE TO THEM, THEIR TESTIMONY, THE EFFECT, THE
23 VALUE, THE WEIGHT, AND THE TRUTH YOU BELIEVE IT
24 SHOULD HAVE.

25 IN DOING THIS YOU HAVE TO JUDGE THE

1 CREDIBILITY, THAT IS THE BELIEVABILITY, OF THE
2 WITNESSES WHO HAVE TESTIFIED. IN ASSESSING
3 BELIEVABILITY, USE THOSE THINGS THAT YOU FIND IN YOUR
4 DAY-TO-DAY LIFE AS BEING INDICATIVE OF TRUTHFULNESS
5 AND USE THOSE THINGS THAT YOU, LIKE I SAY, HAVE FOUND
6 TO INDICATE TO YOU IN YOUR DEALINGS IN YOUR LIFE
7 TRUTHFULNESS. USE YOUR COMMON SENSE, YOUR SENSE OF
8 LOGIC, YOUR SENSE OF REASON, USE YOUR EXPERIENCES IN
9 LIFE AS YOU ANALYZE THE EVIDENCE.

10 AS TO WITNESS' TESTIMONY IN JUDGING
11 CREDIBILITY, YOU CAN LOOK AT ANY BIAS OR PREJUDICE A
12 WITNESS MAY HAVE, THAT IS, WHETHER A WITNESS WOULD
13 WISH TO HELP OR HURT ONE SIDE OR OTHER. YOU CAN
14 CONSIDER THE OPPORTUNITY A WITNESS HAD TO KNOW THOSE
15 THINGS TO WHICH THE WITNESS TESTIFIED AND YOU CAN USE
16 THE OPPORTUNITY THAT WITNESS HAD TO KNOW THOSE THINGS
17 ABOUT WHICH THE WITNESS TESTIFIED. YOU CAN LOOK AT
18 ANY BIAS OR PREJUDICE A WITNESS MAY HAVE. THAT IS,
19 WHETHER A WITNESS WOULD WISH TO HELP OR HURT ONE SIDE
20 OR THE OTHER.

21 MR. FOREMAN, YOU'LL BE THE LIAISON
22 BETWEEN THE JURY AND MYSELF, YOU WILL PRESIDE OVER
23 THE JURY'S DELIBERATION, AND ULTIMATELY SIGN ON
24 BEHALF OF THE JURY ITS UNANIMOUS VERDICT.

25 WE TAKE BREAKS ABOUT EVERY HOUR AND A

1 HALF. I FIND THAT IS A GOOD TIME TO BREAK BUT IF
2 ANYBODY AT ANY TIME NEEDS A BREAK RAISE YOUR RIGHT
3 HAND AND NO QUESTIONS ASKED WE'LL TAKE A BREAK AND I
4 EXTEND THAT TO COUNSEL AND TO MR. YOUNG AND
5 MR. PORTER. IF WE NEED A BREAK WE'LL TAKE ONE. WE
6 WANT TO MOVE THE CASE ALONG, BUT WE'RE NOT IN SUCH A
7 HURRY THAT WE WON'T TAKE A BREAK WHEN WE HAVE TO.

8 WE BREAK FOR LUNCH FOR ABOUT AN HOUR
9 AND A HALF. THERE ARE NO PLACES YOU CAN WALK TO TO
10 EAT OUT HERE, SO YOU HAVE TO DRIVE SOMEWHERE, SO WE
11 TAKE WHAT MAY SOUND LIKE A LITTLE LONGER LUNCH HOUR
12 BUT WE USUALLY TAKE ABOUT AN HOUR AND A HALF. WE TRY
13 TO STOP AROUND 5:30 OR SIX AND WE'LL GET STARTED
14 AROUND TEN IN THE MORNINGS.

15 BEFORE WE GO, IF YOU CAN'T SEE OR YOU
16 CAN'T HEAR, LET ME KNOW. GIVE ME A VOICE RAISING
17 GESTURE OR A NUDGING KIND OF GESTURE AND IF SOMEBODY
18 NEEDS TO MOVE OR I NEED TO HAVE SOMETHING MOVED, WE
19 WILL DO THAT. IF SOMEBODY NEEDS TO SPEAK LOUDER,
20 WE'LL DO THAT.

21 NOW BEFORE I TURN IT OVER TO THE
22 ATTORNEYS I'LL LET YOU GO OUT ONE MORE MINUTE, BUT
23 DON'T EVEN GO TO THE JURY ROOM, JUST STEP OUTSIDE
24 INTO THE HALL FOR A MINUTE. I HAVE GOT ONE MORE
25 THING I NEED TO TALK TO THE ATTORNEYS ABOUT.

1 (THE JURY EXITS THE COURTROOM AT 11:23
2 AM.)

3 THE COURT: MR. YOUNG AND MR. PORTER, BOTH
4 OF YOU HAVE AN ABSOLUTE RIGHT TO REMAIN SILENT. I
5 USUALLY TALK TO THE DEFENDANTS AND I WILL
6 PARTICULARLY TO YOU, MR. YOUNG, AT THE TIME BETWEEN
7 BEFORE YOU PRESENT ANY DEFENSE BECAUSE THE STATE
8 OBVIOUSLY WON'T CALL YOU AS A WITNESS AND YOU AREN'T
9 GOING TO BE MAKING ANY OPENING STATEMENT; HOWEVER,
10 MR. PORTER, I WANT YOU TO BE AWARE THAT YOU HAVE OF
11 COURSE A RIGHT TO REMAIN SILENT. YOU HAVE AN
12 ABSOLUTE RIGHT TO TESTIFY AND YOU HAVE AN ABSOLUTE
13 RIGHT TO MAKE AN OPENING STATEMENT. IF YOU MAKE AN
14 OPENING STATEMENT, THAT DOESN'T REQUIRE THAT YOU
15 LATER TESTIFY. IF YOU DO TESTIFY AND I'LL GO AHEAD
16 AND TELL YOU BOTH NOW, IF YOU TESTIFY THE STATE WILL
17 HAVE A RIGHT TO CROSS EXAMINE YOU AND ASK YOU
18 QUESTIONS ABOUT THIS EVENT AND HAVE THE RIGHT TO ASK
19 YOU CERTAIN QUESTIONS ABOUT ANY PRIOR RECORD YOU MAY
20 HAVE UNDER CERTAIN CIRCUMSTANCES. DO THEY HAVE ANY
21 IMPEACHING?

22 MR. SPRINGS: YES, YOUR HONOR, THEY DO.
23 WOULD YOU LIKE IT AT THIS TIME?

24 THE COURT: YES, SO THEY WILL KNOW.
25 MR. YOUNG AND MR. PORTER, LISTEN, I USUALLY DO THIS

1 AT A LATER PART OF THE TRIAL BUT SINCE MR. PORTER
2 DOES NOT HAVE COUNSEL I'M GOING TO GO AHEAD AND DO IT
3 NOW. THESE ARE CHARGES, MR. YOUNG, THAT THEY COULD
4 ASK YOU ABOUT CONCERNING YOUR CREDIBILITY. THAT IS,
5 I WILL TELL THE JURY THAT THEY CAN CONSIDER THESE
6 PRIOR OFFENSES, YOUR PRIOR RECORD, ONLY REGARDING
7 WHETHER TO BELIEVE YOU OR NOT, NOT WHETHER OR NOT YOU
8 COMMITTED THIS OFFENSE.

9 MR. PORTER, I TELL THE SAME THING TO
10 YOU, IF YOU TESTIFY AND OF COURSE THEY WILL NEVER
11 HEAR THIS IF YOU DON'T TESTIFY, BUT IF YOU TESTIFY
12 THEY CAN ONLY USE THESE PRIOR OFFENSES IN CONSIDERING
13 WHETHER TO BELIEVE YOU OR NOT, NOT TO WHETHER OR NOT
14 YOU COMMITTED THESE OFFENSES; BUT OF COURSE, ANYTHING
15 THAT EITHER ONE OF YOU SAY AT ANY TIME AND
16 PARTICULARLY YOU MR. PORTER, SINCE YOU ARE PRO SE,
17 THE JURY HEARS AND CAN USE AGAINST YOU IF THEY WISH
18 OR FOR YOU IF THEY WISH, BUT IT WILL IN THE RECORD
19 AND A MATTER THAT CAN BE UTILIZED BY THE JURY.

20 NOW IF EITHER ONE OR BOTH OF YOU
21 REMAIN SILENT DURING THE TRIAL, I WILL TELL THE JURY
22 THAT THEY CANNOT USE AGAINST YOU YOUR EXERCISE OF
23 YOUR RIGHT TO REMAIN SILENT. THEY CANNOT EVEN
24 DISCUSS IT. THEY CANNOT CONSIDER IT IN ANY FASHION
25 WHATSOEVER. DO YOU UNDERSTAND THAT, MR. YOUNG?

1 MR. YOUNG: (NODS HEAD.)

2 THE COURT: DID YOU EXPLAIN THAT-- HE
3 NODDED IN THE AFFIRMATIVE. HAVE YOU EXPLAINED THAT
4 TO HIM, MR. JAMIESON?

5 MR. JAMIESON: I HAVE, YOUR HONOR.

6 THE COURT: MR. PORTER, YOU UNDERSTAND ALL
7 THAT?

8 MR. PORTER: YES, SIR.

9 THE COURT: ALL RIGHT, THE OFFENSES.

10 MR. SPRINGS: IN THE CASE OF MR. KENNETH
11 YOUNG, HE WAS CONVICTED IN 1986 OF ROBBERY WITH A
12 DANGEROUS WEAPON ALSO KNOWN AS ARMED ROBBERY, HE GOT
13 30 YEARS, AND HE WAS RELEASED FROM PRISON IN 2004 SO
14 HIS RELEASE WAS WELL WITHIN TEN YEARS AND THEREFORE
15 WE WOULD IMPEACH HIM WITH THAT ALTHOUGH BECAUSE HE IS
16 ON TRIAL FOR THE SAME THING WE WOULD CALL IT A CLASS
17 A FELONY, ISN'T IT TRUE YOU WERE CONVICTED OF A CLASS
18 A FELONY.

19 IN THE CASE OF JOHNNELL PORTER, HE WAS
20 CONVICTED IN 1995 IN FEDERAL COURT OF BANK ROBBERY
21 AND SENTENCED TO AN ACTIVE TIME THAT BRINGS HIM WELL
22 UP WITHIN TEN YEARS OF RELEASE OF CONFINEMENT AND FOR
23 THAT 1995 BANK ROBBERY WE WOULD CALL IT A CLASS A
24 FELONY.

25 HE WAS CONVICTED IN 1981 IN SOUTH

1 CAROLINA COURTS OF ARMED ROBBERY TO RECEIVE 12 YEARS
2 CONSECUTIVE TO OTHER ARMED ROBBERIES AND BY THE TIME
3 HE STARTED SERVING THAT HE GOT RELEASED, GOT RELEASED
4 IN 2005, IS WELL WITHIN TEN YEARS OF RELEASE AND WE
5 WOULD ALSO CALL THAT A CLASS A FELONY.

6 THE COURT: YOU UNDERSTAND THAT,
7 MR. YOUNG?

8 MR. YOUNG: (NODS HEAD.)

9 THE COURT: HE'S NODDING IN THE
10 AFFIRMATIVE. YOU UNDERSTAND, MR. PORTER?

11 MR. PORTER: YES, SIR.

12 THE COURT: OKAY. ALL RIGHT. NOW ANY
13 QUESTIONS ON BEHALF OF MR. YOUNG?

14 MR. JAMIESON: NO, YOUR HONOR.

15 THE COURT: MR. PORTER PARTICULARLY, DO
16 YOU HAVE ANY QUESTIONS?

17 MR. PORTER: NO, SIR.

18 THE COURT: BRING THE JURY BACK IN.

19 (THE JURY RETURNS TO THE COURTROOM AT
20 11:28 AM.)

21 THE COURT: MR. SPRINGS OR MR. BRACKETT.
22 OPENING STATEMENT BY MR. BRACKETT.

23 ON DECEMBER 22, 2006, ABOUT 7 OR 7:30
24 IN THE MORNING MRS. MONICA HARRIS, SEATED OVER HERE,
25 WAS GETTING UP AND GETTING READY TO GO TO WORK;

1 TAKING A SHOWER, PUTTING ON HER CLOTHES, SHE WORE
2 BUSINESS ATTIRE, SHE WAS A TELLER AT THE BANK OF YORK
3 IN LAKE WYLIE RIGHT HERE ON HIGHWAY 49. IF YOU WERE
4 COMING DOWN 49 FROM YORK, YOU COME TO AN INTERSECTION
5 RIGHT THERE AT 274 AND IF YOU WANT TO GO TO THE
6 BUSTER BODY BRIDGE YOU TURN RIGHT TO STAY ON 49
7 HEADING TOWARDS T-BONES, JUST DOWN FROM THERE A SHORT
8 DISTANCE ON THE RIGHT WAS THE BANK OF YORK WHERE
9 MRS. HARRIS WORKED. SHE WAS GETTING READY AND
10 GETTING HER THINGS TOGETHER, GETTING HER FIVE YEAR
11 OLD SON READY TO GO TO CAMP, CAMP THUNDERBIRD, THE
12 DAY PROGRAM THEY HAD THERE. SHE HAD TO BE AT WORK AT
13 NINE O'CLOCK. SHE'S A TELLER THERE AND SHE ARRIVED
14 SHORTLY BEFORE NINE O'CLOCK.

15 MEANWHILE UP IN CHARLOTTE, MILES AWAY,
16 MR. KENNETH YOUNG AND JOHNNELL PORTER, THESE TWO GUYS
17 RIGHT HERE, THIS IS MR. PORTER AND THIS IS MR. YOUNG,
18 THEY WERE GETTING READY TO GO TO WORK TOO. THEY WERE
19 GETTING DRESSED, GETTING THEIR CLOTHES READY, GETTING
20 THEIR THINGS TOGETHER FOR THEIR JOB. ODDLY ENOUGH
21 THAT DAY THEY WERE GOING TO GO WORK AT THE BANK OF
22 YORK TOO, BUT THE BANK OF YORK DIDN'T HIRE MR. YOUNG
23 AND MR. PORTER. THEY HIRED MRS. HARRIS, BUT THEY
24 DIDN'T HIRE THEM. THEY WERE FREELANCING. THEY
25 DECIDED THEY WERE GOING TO VOLUNTEER THERE TO COME

1 AND MAKE A WITHDRAWAL AND THE CLOTHES THEY WERE
2 GETTING READY WERE DARK JEANS, A DARK SWEAT SHIRT
3 WITH A HOODIE, SKI MASKS, AND THINGS THAT THEY WERE
4 GETTING TO TAKE WITH THEM: GLOVES, A .38 PISTOL, AND
5 A SMITH AND WESSON SEMI-AUTOMATIC HANDGUN.

6 MY NAME IS KEVIN BRACKETT. I'M THE
7 SOLICITOR HERE IN THE 16TH CIRCUIT. YOU'LL SEE
8 MR. E.B. SPRINGS, HE'S ONE OF MY ASSISTANTS,
9 MR. SPRINGS AND I ARE GOING TO PRESENT THE CASE IN
10 THE STATE OF SOUTH CAROLINA VERSUS JOHNNELL PORTER AND
11 KENNETH YOUNG OVER THE NEXT COUPLE OF DAYS. IT'S OUR
12 JOB TO PRESENT TO YOU THE EVIDENCE WHICH CONVINCES
13 YOU BEYOND A REASONABLE DOUBT OF THE GUILT OF
14 MR. PORTER AND MR. YOUNG OF THE CHARGES THAT THE
15 JUDGE READ OUT TO YOU WHICH BASICALLY AMOUNTS TO BANK
16 ROBBERY; ENTERING A BANK WITH INTENT TO STEAL AND
17 ARMED ROBBERY, CONSPIRACY, WHICH IS AN AGREEMENT
18 BETWEEN PEOPLE TO COMMIT A CRIMINAL ACT, AND IN
19 MR. YOUNG'S CASE AN ASSAULT AND BATTERY OF A HIGH AND
20 AGGRAVATED NATURE THAT RESULTED FROM SOME ACTIONS
21 THAT HE TOOK WHILE HE WAS IN THE BANK CONTROLLING THE
22 PEOPLE INSIDE THE BANK DURING THE ACTUAL ROBBERY.

23 NOW HOW ARE WE GOING TO PRESENT THAT
24 EVIDENCE TO YOU? EVIDENCE COMES IN A VARIETY OF
25 FORMS. MOST OF THE EVIDENCE YOU ARE GOING TO HEAR IS

1 GOING TO COME IN THE FORM OF TESTIMONY. PEOPLE WE
2 WILL CALL INTO THIS COURTROOM TO TAKE THE STAND AFTER
3 THEY SWEAR AN OATH TO TELL THE TRUTH AND THEY WILL
4 TELL YOU WHAT THEY SAW, WHAT THEY HEARD, WHAT THEY
5 EXPERIENCED ON DECEMBER 22, 2006. THEY WILL RELATE
6 TO YOU WHAT THEY KNOW FROM THEIR FIRST HAND
7 KNOWLEDGE. THESE ARE PEOPLE THAT LIVED THROUGH THESE
8 EVENTS.

9 IN ADDITION TO THE PEOPLE THAT WERE IN
10 THE BANK LIVING THROUGH THIS BANK ROBBERY, THREE DAYS
11 BEFORE CHRISTMAS LAST YEAR, WE WILL BRING INTO THIS
12 COURTROOM TWO ADDITIONAL PEOPLE, TWO PEOPLE THAT WERE
13 CHARGED WITH MR. PORTER AND MR. YOUNG WHO HAVE PLEAD
14 GUILTY AND AGREED TO TESTIFY AGAINST PORTER AND YOUNG
15 IN THIS MATTER. YOU WILL HEAR FROM ANGELA LAWS WHO
16 WAS THE DRIVER OF THE VEHICLE AND SHE WILL TELL YOU
17 WHAT SHE KNOWS ABOUT THIS MATTER BEFORE THEY GOT TO
18 THE BANK AND YOU WILL ALSO HEAR FROM A FELLOW NAMED
19 DONSHAVIS JONES WHO WAS THE BAG MAN, YOU MAY HAVE
20 HEARD THAT TERM BEFORE, BUT BASICALLY THE BAG MAN IS
21 THE PERSON WHO ACTUALLY CARRIES A BAG INTO A ROBBERY
22 AND IS RESPONSIBLE FOR PUTTING THE MONEY AND THE
23 OBJECTS THAT THEY ARE STEALING IN THE BAG. MR. JONES
24 WILL COME IN AND TELL YOU WHAT HE KNOWS ABOUT THIS.

25 IN ADDITION TO THAT THERE IS OTHER

1 KINDS OF EVIDENCE BEYOND TESTIMONIAL. THERE IS
2 PHYSICAL EVIDENCE. YOU'LL SEE THE GUNS; YOU'LL SEE
3 THE MASK; YOU'LL SEE THE CLOTHES; YOU'LL SEE THE
4 GLOVES. YOU'LL SEE PICTURES FROM THE BANK, PICTURES
5 FROM THE GETAWAY CAR, AND YOU'LL SEE SOME VIDEO.
6 BANKS, IF YOU HAVE EVER BEEN IN ONE, AND EVERYBODY
7 HAS, YOU KNOW THEY CARRY, THEY HAVE VIDEO CAMERAS SET
8 UP, SURVEILLANCE CAMERAS THAT ARE RECORDING
9 THROUGHOUT THE DAY AND THIS BANK IS NO DIFFERENT. WE
10 HAVE VIDEO TAPE FROM DECEMBER 22 WHICH WE'LL SHOW YOU
11 WHAT ACTUALLY TOOK PLACE. YOU WON'T BE ABLE TO HEAR
12 WHAT'S GOING ON BUT YOU'LL BE ABLE TO SEE.

13 IN ADDITION YOU WILL HEAR, AFTER THE
14 BANK ROBBERY, THAT A DESCRIPTION OF THE VEHICLE WENT
15 OUT FROM A CUSTOMER WHO WAS PARKED IN THE DRIVE-THRU
16 LANE, THE DRIVE-THRU TELLER LANE OF THE BANK, SAW THE
17 SUSPECTS LEAVING AND GOING DOWN 49 IN THE DIRECTION
18 OF CHARLOTTE. YOU WILL HEAR FROM THE OFFICER WHO GOT
19 THE DESCRIPTION OF THE CAR, CAME DOWN 49, AND
20 INTERCEPTED THAT VEHICLE AT THE INTERSECTION OF
21 CAROWINDS BOULEVARD AND 49 AND TURNED AROUND ON THEM,
22 FOLLOWING THEM INTO, DOWN CAROWINDS BOULEVARD TOWARD
23 I-77 AND ULTIMATELY A HIGH SPEED CHASE ENSUED UP INTO
24 CHARLOTTE RESULTING IN THEIR APPREHENSION IN A SMALL
25 SUBDIVISION, AN APARTMENT COMPLEX, JUST OFF ARROWOOD

1 ROAD. YOU'LL SEE THE VIDEO FROM THAT CHASE.

2 WHAT THE EVIDENCE IS GOING TO SHOW YOU

3 IS THAT JOHNNELL PORTER AND KENNETH YOUNG PLANNED A

4 BANK ROBBERY THAT MORNING, THEY BROUGHT ANGELA TO

5 DRIVE THE CAR, AND THEY BROUGHT DONSHAVIS JONES TO BE

6 THE BAG MAN. THEY DROVE TO THE BANK OF YORK IN LAKE

7 WYLIE AND THE THREE MEN GOT OUT OF THE CAR WHILE

8 ANGELA LAWS STAYED OUT IN THE PARKING LOT IN THE CAR.

9 THEY WENT IN AND AGGRESSIVELY TOOK CONTROL OF THE

10 BANK, POINTING PISTOLS IN THE FACES OF THE SEVEN

11 EMPLOYEES AT THE BANK AND TWO CUSTOMERS THAT WERE IN

12 THERE. THEY FORCED ALL OF THE INDIVIDUALS THAT WERE

13 IN THE BANK BACK INTO THE SAFE, MAKE THEM GET DOWN ON

14 THEIR HANDS AND KNEES AND CRAWL BACK INTO THE VAULT.

15 WENT INTO THE VAULT STUFFING OVER \$18,000 INTO A

16 PILLOWCASE THAT MR. JONES BROUGHT WITH HIM. FINALLY

17 FORCING THE LAST FEW PEOPLE, SHOVING THEM INTO THE

18 VAULT INCLUDING 83 YEAR OLD CUSTOMER MR. ROBERT

19 MORGAN, WHO FELL DOWN, SO THAT THEY COULD CLOSE THE

20 LITTLE GATE THAT GOES INTO THE VAULT. WHILE KEEPING

21 CONTROL OF THEM, AT SOME POINT IN TIME, THEY WERE

22 MACING SOME OF THE CUSTOMERS AND EMPLOYEES OF THE

23 BANK TO KEEP CONTROL OF THEM. YOU WILL HEAR ALL

24 ABOUT WHAT HAPPENED IN THE BANK AND YOU'LL HEAR ABOUT

25 THE CHASE THAT ENSUED AFTERWARDS. WE WILL PRESENT

1 ALL THE EVIDENCE NOT ONLY FROM OUTSIDE THE CAR BUT
2 INSIDE THE CAR BECAUSE WE HAVE A COUPLE OF PEOPLE
3 THAT ARE GOING TO TESTIFY AS TO WHAT WAS GOING ON.

4 IT'S OUR RESPONSIBILITY TO BRING YOU
5 THIS EVIDENCE AND I'M CONVINCED, I SUBMIT, THAT AFTER
6 YOU'VE HEARD IT YOU WILL RETURN A VERDICT AND VERDICT
7 IS AN OLD LATIN WORD THAT MEANS TO SPEAK THE TRUTH,
8 YOU WILL RETURN A VERDICT THAT SPEAKS THE TRUTH IN
9 THIS CASE, A VERDICT THAT SPEAKS THE TRUTH ABOUT
10 JOHNNELL PORTER, A VERDICT THAT SPEAKS THE TRUTH ABOUT
11 KENNETH YOUNG, THE TRUTH BEING THEY ARE BANK ROBBERS
12 AND THEY WERE CAUGHT RED HANDED.

13 I LOOK FORWARD TO PRESENTING THE CASE.
14 I THANK YOU VERY MUCH FOR YOUR ATTENTION IN THIS
15 MATTER. WE WILL RESPECT YOUR TIME AND MOVE THE CASE
16 ALONG AS QUICKLY AS WE CAN AND AT THE END OF THE CASE
17 I WILL RETURN TO THIS PLACE AND SUM UP THE EVIDENCE
18 FOR YOU. UNTIL THEN PLEASE PAY ATTENTION, PAY CLOSE
19 ATTENTION, TO THE EVIDENCE AS WE PRESENT IT. THANK
20 YOU VERY MUCH.

21 THE COURT: MR. JAMIESON.
22 OPENING STATEMENT BY MR. JAMIESON.

23 LADIES AND GENTLEMEN, MY NAME IS
24 PHILIP JAMIESON AND I REPRESENT MR. YOUNG. ON BEHALF
25 OF MY CLIENT I WANT TO THANK YOU FOR BEING HERE

1 TODAY. JURY TRIALS WOULD NOT BE POSSIBLE WITHOUT A
2 JURY. IT'S GOING TO BE YOUR RESPONSIBILITY AT THE
3 CONCLUSION OF THIS CASE TO REACH A VERDICT AND
4 MR. BRACKETT HAS ALREADY TOLD YOU PRETTY EXTENSIVELY
5 WHAT YOU ARE GOING TO HEAR AND THE PEOPLE YOU ARE
6 GOING TO HEAR FROM AND WHAT I ASK THAT YOU DO IS
7 THINK ABOUT WHAT THE SUBSTANCE OF THEIR CASE IS AND
8 WHAT THE SUBSTANCE OF THEIR CASE IS GOING TO BE IS
9 ANGELA LAWS AND DONSHAVIS JONES, THE TWO INDIVIDUALS
10 THAT THE EVIDENCE WILL SHOW, HAVE CUT A DEAL WITH THE
11 STATE TO SAVE THEIR OWN HIDES AND PUT MY CLIENT IN
12 JAIL. THESE PEOPLE ARE PAID INFORMANTS, PAID WITH
13 TIME. THE EVIDENCE IS GOING TO SHOW THAT THESE
14 PEOPLE GOT A SIGNIFICANT REDUCTION IN THEIR SENTENCE
15 AS OPPOSED TO WHAT MY CLIENT ARE SUBJECTED TO AND
16 THAT'S GOING TO BE THE SUBSTANCE OF THEIR CASE.

17 THE JUDGE HAS TOLD YOU OR WILL TELL
18 YOU, MR. BRACKETT HAS MENTIONED TO YOU THAT YOU ARE
19 GOING, IF YOU FIND A VERDICT OF GUILTY, YOU ARE GOING
20 TO HAVE TO FIND THAT VERDICT BEYOND A REASONABLE
21 DOUBT, AND WHAT I SUGGEST TO YOU IS THAT AS YOU HEAR
22 THIS EVIDENCE TODAY, YOU KEEP THAT IN THE BACK OF
23 YOUR MIND, THAT YOU ARE GOING TO HAVE REACH A VERDICT
24 IF IT'S A GUILTY VERDICT BEYOND A REASONABLE DOUBT.
25 AND YOU THINK ABOUT THESE TWO INDIVIDUALS AND WHAT

1 THEY HAVE TO GAIN BY BEING HERE TO TESTIFY TODAY,
2 THINK ABOUT WHAT THE STATE PRESENTS TO YOU, WHAT THE
3 STATE DOES NOT PRESENT TO YOU, AND FULFILL YOUR
4 RESPONSIBILITY BECAUSE IT'S A HEAVY ONE.

5 I'LL BE BACK TO TALK TO YOU AT THE
6 CLOSE OF THE CASE JUST LIKE MR. BRACKETT WILL AND I'M
7 CONFIDENT AT THE CLOSE OF THE CASE THAT YOU'LL FIND
8 MY CLIENT NOT GUILTY. THANK YOU.

9 THE COURT: MR. PORTER.
10 OPENING STATEMENT BY MR. PORTER.

11 GOOD MORNING, LADIES AND GENTLEMEN OF
12 THE JURY. THIS IS SOMEWHAT UNUSUAL BUT HOWEVER I'VE
13 BEEN CHARGED AS A DEFENDANT OF A ALLEGED BANK
14 ROBBERY. I REPRESENT MYSELF AND THE STATE HAS
15 ALREADY INFORMED YOU OF BASICALLY WHAT YOU ARE GOING
16 TO HEAR. LIKE MR. JAMIESON, I ONLY ASK THAT YOU VIEW
17 THIS EVIDENCE AND THOSE THAT ARE TESTIFYING WITH OPEN
18 MIND. THE ULTERIOR MOTIVES, PROMISES, BASICALLY
19 THEIR REASON FOR HAVING TO GET UP ON THAT STAND.
20 THAT DAY, DECEMBER 22, NEITHER ONE OF US DENY THAT A
21 BANK WAS ROBBED IN YORK COUNTY WHEREVER IT WAS, WE
22 ARE ALLEGING THAT I WAS NOT IN THAT BANK.
23 CIRCUMSTANCES HAPPEN FROM THE BANK, AS HE INDICATED,
24 FROM THE BANK OF YORK TO HIGHWAY 49. PLEASE KEEP IN
25 MIND THAT IS A CONSIDERABLE AMOUNT OF MILES FROM THE

1 BANK OF YORK TO HIGHWAY 49 GOING INTO CAROWINDS
2 BOULEVARD. NO ONE PURSUED THIS ALLEGED CAR FROM THE
3 BANK. ALL THEY HAD WAS A DESCRIPTION. THE ONLY
4 THING I'M ASKING YOU IS TO, YOU'LL HEAR EVIDENCE,
5 COULD HAVE BEEN NOT THE SAME CAR, COULD HAVE BEEN A
6 SIMILAR CAR, SAME COLOR, SAME YEAR, BUT A DIFFERENT
7 MAKE. TEN MILES FROM THIS BANK, NO ONE, LAW
8 ENFORCEMENT AGENCY, YORK COUNTY POLICE DEPARTMENT,
9 NOT EVEN THE PERSON THAT GAVE A DESCRIPTION, PURSUED
10 THIS BANK. IT WAS TEN MILES WHEN THIS PARTICULAR
11 OFFICERS WITH YORK COUNTY POLICE DEPARTMENT SAW A CAR
12 SIMILAR TO THE DESCRIPTION THAT THEY GAVE OUT BUT LO
13 AND BEHOLD WHEN THE CAR WAS STOPPED, I DON'T DENY TWO
14 SUSPECTS WAS IN THAT CAR THAT PARTICIPATED IN THE
15 BANK, THEY ALREADY PLEADED GUILTY, BUT ANYTHING COULD
16 HAVE HAPPENED BETWEEN TEN MILES AND THE BANK.
17 PERSONALLY, AND I KNOW FOR MYSELF, THAT NO ONE BUT
18 TWO SUSPECTS THAT WAS CAUGHT RED HANDED COULD EVER
19 STATE THAT JOHNNELL PORTER WAS IN THIS BANK. NO
20 PHYSICAL EVIDENCE, NO NOTHING.

21 AS MR. JAMIESON STATE, YOU WILL HAVE
22 TO COME TO THE CONCLUSION AT THE END OF THE TRIAL
23 GUILT BY A REASONABLE DOUBT. ALL I ASK YOU, LADIES
24 AND GENTLEMEN OF THE JURY, IS YOU KEEP AN OPEN MIND
25 OF THE TESTIMONY THAT YOU ARE ABOUT TO HEAR BECAUSE I

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1 FIND IT VERY UNREASONABLE THAT THE STATE CAN PROVE
2 THEIR CASE. THANK YOU VERY MUCH.

3 THE COURT: THANK YOU, MR. PORTER. CALL
4 YOUR FIRST WITNESS.

5 MR. SPRINGS: THANK YOU, YOUR HONOR. WE
6 CALL MR. MARC LUBIATO.

7 MARC LUBIATO, BEING FIRST DULY SWORN,
8 TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. SPRINGS:

10 Q I'M GOING TO ASK YOU TO SPEAK UP NICE AND LOUD,
11 SOME OF US ARE GETTING A LITTLE AGE ON US AND OUR
12 HEARING ISN'T AS GOOD AS IT USED TO BE AND WE WANT TO
13 MAKE SURE EVERYBODY HEARS WHAT YOU HAVE TO SAY.
14 LET'S START OUT BY TELLING THESE FOLKS YOUR NAME,
15 SIR?

16 A MARC LUBIATO.

17 Q WHAT DO YOU DO FOR A LIVING?

18 A I'M VICE PRESIDENT OF THE BANK OF YORK IN LAKE
19 WYLIE.

20 Q HOW LONG HAVE YOU WORKED FOR THE BANK OF YORK?

21 A APPROXIMATELY SIX YEARS.

22 Q OKAY. AND WHICH BRANCH OF THE BANK OF YORK WERE
23 YOU WORKING FOR ON DECEMBER 22 LAST YEAR?

24 A THE LAKE WYLIE BRANCH.

25 Q ALL RIGHT. WERE YOU AT THE LAKE WYLIE BRANCH ON

1 FRIDAY, DECEMBER 22 LAST YEAR ABOUT 10:30 IN THE
2 MORNING?

3 A I WAS. I ARRIVED ABOUT 8 THAT MORNING.

4 Q RIGHT AT 10:30 WHAT WERE YOU DOING THERE AT THE
5 BANK?

6 A IT WAS A COUPLE DAYS BEFORE CHRISTMAS SO WE WERE
7 DELIVERING GIFTS TO CUSTOMERS AND ACTUALLY I WAS
8 WALKING OUT THE BACK DOOR. WHEN I TURNED AROUND TO
9 SHUT THE DOOR, I NOTICED WHAT APPEARED TO BE THREE
10 GENTLEMEN ENTERING THE BANK WITH PISTOLS IN THE AIR
11 GOING TO DIFFERENT PARTS OF THE BANK.

12 Q SO YOU WERE GOING OUT THE BACK DOOR AND THEY
13 WERE COMING IN A DIFFERENT DOOR?

14 A RIGHT. I WAS EXITING THROUGH THE BACK AND YOU
15 COULD SEE THE FRONT DOOR. WHEN I WAS EXITING THEY
16 WERE ENTERING THE FRONT, I WAS GOING OUT THE BACK,
17 AND THERE IS A CLEAR VIEW FROM THE FRONT DOOR TO THE
18 BACK DOOR.

19 Q OKAY. SO WHEN YOU SAW THEM, DID YOU FLEE OR
20 STAY, WHAT DID YOU DO?

21 A WELL, I HAD THE DOOR ON MY BACK BECAUSE I WAS
22 CARRYING THE GIFTS AND I SAT THEM DOWN AND CAME BACK
23 INTO THE BANK AND SHUT THE DOOR QUIETLY.

24 Q YOU CAME BACK IN THE BANK?

25 A I CAME BACK IN THE BANK.

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1 Q NOW AS YOU CAME BACK INTO THE BANK, WHAT
2 HAPPENED WITH THESE MEN THAT YOU SAW COMING IN, THEY
3 CAME IN THE FRONT DOOR DID YOU SAY?

4 A THEY CAME IN THE FRONT DOOR.

5 Q AS YOU CAME BACK IN WHAT HAPPENED?

6 A LIKE I SAID I SHUT THE DOOR QUIETLY AND I DON'T
7 THINK THEY NOTICED ME. IT APPEARED THAT ONE HAD
8 BROKE TO THE TELLER LINE, ONE HAD BROKE TO THE
9 CUSTOMER SERVICE DESK OR THE OFFICES TO THE LEFT OF
10 WHERE I WAS LOOKING, AND THEN ONE DID COME BACK TO
11 WHERE I WAS, WHERE THERE IS A HALLWAY THAT LEADS TO A
12 BREAK ROOM, HE SAW ME AND TOLD ME TO GET ON THE FLOOR
13 AND WAS POINTING A PISTOL AT ME.

14 Q ALL RIGHT. NOW THESE PEOPLE THAT CAME IN, HOW
15 WERE THEY DRESSED, JUST IN GENERAL? WHAT DID THEY
16 HAVE ON?

17 A THEY ALL HAD A SKI MASK ON. THEY ALL HAD DARK
18 CLOTHING, EITHER DARK BLUE, BLACK, OR LIKE A NAVY
19 BLUE, DARK PANTS, AND WHAT APPEARED TO BE GLOVES.

20 Q OKAY. DID YOU SEE ANY GUNS?

21 A YES, MULTIPLE GUNS.

22 Q THE MAN THAT TOLD YOU TO, WHAT DID YOU SAY, GET
23 DOWN?

24 A YEAH, TO GET ON THE FLOOR.

25 Q DID HE HAVE A GUN?

1 A YES.

2 Q DID HE POINT THAT GUN AT YOU?

3 A HE DID.

4 Q DID YOU GET DOWN ON THE FLOOR?

5 A I DID.

6 Q AFTER YOU GOT DOWN ON THE FLOOR, WHAT IF

7 ANYTHING DID THE MAN WITH THE GUN WANT YOU TO DO?

8 A I WAS INSTRUCTED TO CRAWL TO THE VAULT.

9 Q AND DID YOU?

10 A I DID.

11 Q AND WHAT WERE THESE MEN DOING WITH THE OTHER

12 FOLKS IN THE BANK, COULD YOU SEE?

13 A YES. AT THAT POINT I BELIEVE THE BAG MAN WAS IN

14 THE VAULT, BUT THE OTHER TWO WERE ROUNDING UP THE

15 EMPLOYEES AND CUSTOMERS, WHICH THE MAJORITY WERE TOLD

16 TO GET DOWN ON THEIR HANDS AND KNEES AND CRAWL TO THE

17 VAULT.

18 Q ALL RIGHT. AS PEOPLE ARE MAKING THEIR WAY TO

19 THE VAULT, DID YOU SEE ANY ONE STRUCK OR ASSAULTED IN

20 ANY FASHION BY THESE MEN?

21 A THE ONLY TIME THAT I SAW SOMEBODY STRUCK WAS

22 WHEN WE WERE IN THE VAULT AND THE LAST PERSON THAT

23 ENTERED THE VAULT, MR. MORGAN, THE 83 YEAR OLD

24 GENTLEMAN THAT MR. BRACKETT REFERRED TO, WAS PUSHED

25 INTO THE VAULT ON TOP OF THE REST OF THE TELLERS.

1 Q OKAY. DID ANYONE GET SHOT?

2 A NO.

3 Q WERE ANY SHOTS FIRED?

4 A NO.

5 Q DID THESE MEN HAVE ANY OTHER KIND OF WEAPON, NO

6 MATTER HOW PETTY, WITH THEM?

7 A YES.

8 Q WHAT KIND OF WEAPON?

9 A MACE.

10 Q AND HOW MANY OF THEM HAD MACE OR PEPPER SPRAY OR

11 WHATEVER IT WAS, HOW MANY DO YOU THINK HAD IT, COULD

12 YOU TELL?

13 A I BELIEVE TWO.

14 Q OKAY. AND WAS ANY MACE OR PEPPER SPRAY OR

15 ANYTHING LIKE THAT EVER DISPENSED, SHOT OUT?

16 A YES. EVIDENCE OF THAT FOR ME, I WASN'T SHOT IN

17 THE EYES BUT I WAS SHOT IN THE BACK AND IT WAS ON MY

18 SHIRT TOO.

19 Q OKAY. ALL RIGHT. WHEN YOU GOT, DID YOU MAKE

20 YOUR WAY, COULD YOU CRAWL TO THE VAULT?

21 A I DID.

22 Q WHEN YOU GOT TO THE VAULT, WHAT DID YOU SEE

23 GOING ON, TAKING PLACE?

24 A WELL, I WAS ACTUALLY THE FIRST ONE THAT CRAWLED

25 INTO THE VAULT. WHEN I GOT IN THERE THERE WAS, THE

1 BAG MAN WAS BACK THERE, AND THEN THE REST OF THE
2 PEOPLE CAME IN BEHIND ME.

3 Q OKAY. AND AS THOSE PEOPLE GOT INTO THE VAULT,
4 WHAT TOOK PLACE, WHAT DID THESE MEN WANT?

5 A THEY ASKED TO OPEN THE VAULTS AND WE WERE IN THE
6 MAIN VAULT AND WE CALL THE EACH TELLERS THEIR
7 INDIVIDUAL TELLER VAULT. YOU CAN PICTURE, MAYBE LIKE
8 THIS, MAYBE THIS WIDE, THIS DEEP, THEY EACH HAVE AN
9 INDIVIDUAL TELLER VAULT. THERE IS PROBABLY FIVE ON
10 EACH SIDE AND THEY ASKED US TO OPEN SOME OF THE DOORS
11 WHERE THE MONEY WAS.

12 Q WERE ANY OF THESE TELLER VAULTS OPENED UP?

13 A NO. WELL, THEY AREN'T OPENED. WE HAD TO OPEN
14 THEM.

15 Q AND WERE ANY OF THESE PEOPLE POINTING GUNS WHEN
16 YOU OPENED THEM?

17 A YES.

18 Q AND ONCE THEY WERE OPEN WAS THERE MONEY IN ONE
19 OR MORE OF THE TELLER VAULTS?

20 A THERE WAS. THERE WAS A TELLER DRAWER OF MONEY
21 AND THEN ANOTHER DRAWER THAT HAD SOME MONEY IN IT
22 TOO.

23 Q MR. LUBIATO, WHERE DID THAT MONEY GO?

24 A INTO THE PILLOWCASE OF THE BAG MAN.

25 Q OKAY. ALL RIGHT. I WANT TO SHOW YOU SOME

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1 THINGS BUT LET ME TAKE A MOMENT TO PULL THEM OUT.

2 MR. SPRINGS: LET ME SHARE THESE WITH OUR
3 TWO DEFENDANTS AND THEN I'LL SHOW YOU SOME THINGS.

4 (THE PHOTOGRAPHS ARE SHOWN
5 MR. JAMIESON AND MR. PORTER.)

6 Q I'M GOING TO ASK YOU TO LOOK AT WHAT'S BEEN
7 MARKED STATE'S EXHIBIT 18, 17, 16, 15, 14, 13, 12,
8 11, 10, 9, 8, 7, 6, 42, 44, 45, 46, 47, 48, 49, 50,
9 64 AND 51, LOOK AT THOSE AND JUST GO THROUGH THEM
10 QUIETLY TO YOURSELF AND SEE IF YOU RECOGNIZE WHAT'S
11 SHOWN THERE.

12 A DO YOU WANT ME TO TALK TO EACH ONE?

13 Q LOOK AT, I'M JUST GOING TO ASK ONE OR TWO
14 GENERAL QUESTIONS ABOUT THE WHOLE GROUP.

15 A OKAY.

16 Q NOW IN GENERAL WHAT PLACE DO THESE PICTURES
17 SHOW, WHAT BUILDING?

18 A THE LAKE WYLIE BRANCH OF THE BANK OF YORK.

19 Q ARE THEY TRUE AND ACCURATE PICTURES OF WHAT THE
20 LAKE WYLIE BRANCH OF THE BANK OF YORK LOOKED LIKE
21 BACK AROUND DECEMBER 22?

22 A YES.

23 Q SOME OF THE FOLKS IN HERE, IN THESE PICTURES,
24 SUCH AS THESE FELLOWS LOOKING AT THIS DOOR, I'M
25 LOOKING AT STATE'S EXHIBIT 48, BACK WHEN THIS

1 INCIDENT OCCURRED, THOSE FELLOWS, THOSE
2 POLICEMEN WEREN'T THERE, WERE THEY?

3 A NO.

4 Q OTHER THAN HAVING SOME POLICEMEN IN SOME OF
5 THESE PICTURES, ARE THESE TRUE AND ACCURATE PICTURES
6 OF WHAT THE INTERIOR OF THE BANK OF YORK LOOKED LIKE?

7 A YES.

8 Q ALL RIGHT.

9 MR. SPRINGS: YOUR HONOR, AT THIS TIME WE
10 DO MOVE INTO EVIDENCE THE ENTIRE GROUP. I'LL BE GLAD
11 TO GO THROUGH THE NUMBERS AGAIN BUT I WOULD REFERENCE
12 WHAT I JUST SAID.

13 THE COURT: ANY OBJECTION?

14 MR. JAMIESON: NO OBJECTION.

15 THE COURT: MR. PORTER.

16 MR. PORTER: NO OBJECTION.

17 THE COURT: ALL RIGHT. BE RECEIVED
18 WITHOUT OBJECTION.

19 (STATE'S EXHIBITS 6-18, 42, 44-51, 64
20 PHOTOGRAPHS RECEIVED INTO EVIDENCE.)

21 Q ALL RIGHT. NOW IF YOU WOULD MR. LUBIATO, COME
22 DOWN AND THERE IS A POINTER HERE FOR THIS WHITE
23 SCREEN AND I WANT TO ASK YOU WHAT SOME OF THESE
24 PICTURES DEPICT. WHAT DOOR IS THAT?

25 A THAT'S THE FRONT DOOR OF THE BANK.

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1 Q IS THAT THE DOOR THE MEN CAME IN THROUGH?

2 A YES.

3 Q ALL RIGHT. AND THAT'S STATE'S EXHIBIT 48.

4 LOOKING AT STATE'S EXHIBIT 49, THERE ON THE RIGHT,
5 WHAT DOOR IS THAT?

6 A THAT'S THE FRONT DOOR.

7 Q ALL RIGHT. POINT OVER TOWARDS WHERE THE BACK
8 DOOR WAS WHEN YOU FIRST SAW THESE PEOPLE?

9 A THE BACK DOOR WOULD BE BACK HERE. IF YOU CAME
10 IN AND WENT STRAIGHT BACK.

11 Q OKAY. THIS PLACE, AND I'M SHOWING YOU STATE'S
12 EXHIBIT SIX, WHAT IS THAT PLACE?

13 A THAT'S THE VAULT AT THE BRANCH IN LAKE WYLIE.

14 Q IS THAT WHERE YOU CRAWLED TO?

15 A YES, CRAWLED BACK TO THE VERY BACK.

16 Q WHEN YOU CRAWLED TO IT, DID IT HAVE THAT POLICE
17 TAPE ACROSS THE DOOR?

18 A NO.

19 Q BEFORE I TAKE STATE'S EXHIBIT SIX AWAY LET ME
20 ASK YOU, THE TELLER VAULTS, THE SMALLER VAULTS, ARE
21 THEY DEPICTED THERE?

22 A YOU CAN'T SEE THEM, BUT THEY ARE BACK TO THE
23 LEFT.

24 Q ALL RIGHT. LET'S SEE IF WE CAN FIND A PICTURE
25 OF THAT?

1 A THERE IS A PICTURE IN THERE.

2 Q STATE'S EXHIBIT 7, IS THAT A PICTURE, DOES THAT
3 HIT THE TELLER VAULTS?

4 A NO.

5 Q ALL RIGHT.

6 A BUT THERE IS A PICTURE THERE WHERE TWO OF THEM
7 WERE OPENED.

8 Q STATE'S EXHIBIT 12, IS THAT THE TELLER VAULTS?

9 A YES.

10 Q OKAY. AND THAT'S WITHIN THE BIG VAULT, THE BIG
11 SAFE?

12 A YEAH, THAT'S IN THE VERY BACK.

13 Q ALL RIGHT. THANK YOU, SIR. IF YOU'LL GO AHEAD
14 AND RETAKE YOUR SEAT. NOW WHEN THESE MEN FIRST CAME
15 IN, DID THEY MOVE QUICKLY OR SLOWLY?

16 A QUICKLY, VERY QUICKLY.

17 Q DID THEY STAY IN ONE PLACE OR DID THEY, HOW DID
18 THEY MOVE AROUND? I'M TRYING TO FIND OUT HOW THEY
19 WERE MOVING AND WITH WHAT SPEED?

20 A WHEN THEY CAME THROUGH THE FRONT DOOR, IF YOU
21 CAN IMAGINE KIND OF LIKE A TRIANGLE, WHERE YOU GOT A
22 LEAD AND TWO BEHIND AND THEN THEY BREAK TO DIFFERENT
23 PARTS OF THE BANK, ONE GOES TO THE TELLER LINE, ONE
24 GOES, AND TWO GO TO THE RIGHT.

25 Q HOW MANY MEN DID IT APPEAR TO BE TO YOU?

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1 A IT APPEARED THAT THERE WERE THREE.

2 Q DID YOU FIND IT EASY TO DETERMINE HOW MANY MEN
3 IT WAS OR DIFFICULT?

4 A AT FIRST DIFFICULT BECAUSE WHEN THEY WERE FIRST
5 COMING INTO THE BANK I WAS LEAVING. WHEN I TURNED
6 AROUND, I SAW THE THREE THAT I'M REFERENCING, SO AT
7 THAT POINT IN TIME, YOU KNOW, I ASSUMED THAT THERE
8 WERE THREE, BUT I DIDN'T KNOW IF ANY CAME IN BEFORE.

9 Q ALL RIGHT.

10 A IT'S KIND OF CONFUSING A LITTLE BIT BECAUSE FROM
11 MY POINT OF VIEW THERE IS A WALL ON THE RIGHT AT THE
12 TELLER LINE AND TO THE LEFT.

13 Q YOU TALKED ABOUT THEIR MASK AND CLOTHING, BUT
14 THE CLOTHING THEY HAD ON APPEAR SIMILIAR OR VERY
15 DIFFERENT BETWEEN THEM?

16 A APPEARED VERY SIMILAR.

17 Q NOW YOU SAID BACK IN THE BACK IN THE VAULT THEY
18 TOOK SOME MONEY; AFTER THEY GOT THE MONEY, WHAT DID
19 THEY DO, WHERE DID THEY GO?

20 A AFTER THEY GOT THE MONEY, THEY LEFT THE BANK.
21 THEY LEFT THE VAULT.

22 Q YES.

23 A AND I DON'T KNOW WHICH DIRECTION THEY WENT AT
24 THAT POINT AS WE WERE TOLD TO STAY IN THE VAULT.

25 Q AFTER THEY GOT OUT OF THE VAULT, DID THE DOOR

1 REMAIN OPEN OR CLOSED?

2 A CLOSED.

3 Q AND WHO WAS IN THE VAULT WHEN THE DOOR WAS
4 CLOSED?

5 A EVERY EMPLOYEE PLUS TWO CUSTOMERS.

6 Q AND WHO CLOSED THAT DOOR ON THEM?

7 A ONE OF THE ROBBERS.

8 Q OKAY. LET ME ASK YOU AGAIN, DID YOU GO TO THE
9 VAULT VOLUNTARILY?

10 A EXCUSE ME?

11 Q WHEN YOU CRAWLED TO THAT VAULT DID YOU DO THAT
12 VOLUNTARILY?

13 A NO, WE WERE FORCED TO BY GUN POINT.

14 Q ALL RIGHT. DID YOU GET OUT OF THE VAULT, WERE
15 YOU ABLE TO OPEN THE DOOR?

16 A YES. FORTUNATELY WE KEEP A KEY IN THERE FOR
17 THOSE CIRCUMSTANCES.

18 Q OKAY. AND WHEN YOU GOT OUT OF THE VAULT WERE
19 THE POLICE CALLED?

20 A YES.

21 Q AND DID YOU YOURSELF CALL THE POLICE?

22 A I DID.

23 Q DID YOU OR SOMEONE ELSE IN YOUR PRESENCE TALK TO
24 ANYONE AT THE DRIVE-THRU WINDOW?

25 A YES.

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1 Q AND WAS THAT CONVERSATION WITH SOMEONE AT THE
2 DRIVE-THRU WINDOW BEFORE OR DURING YOUR CONVERSATION
3 WITH THE POLICE?

4 A DURING.

5 Q OKAY. AND WHEN YOU TALKED TO THE POLICE DID
6 YOU, SIR, YOURSELF, GIVE THE POLICE A DESCRIPTION OF
7 THE GETAWAY CAR?

8 A YES.

9 Q DID THE POLICE COME TO THE BANK?

10 A YES.

11 Q HOW LONG DID IT TAKE SOMEBODY TO GET TO THE
12 BANK?

13 A I'M GOING TO SAY TEN MINUTES.

14 Q OKAY. YOUR BANK, MR. LUBIATO, DID IT HAVE
15 SECURITY CAMERAS WORKING THIS DAY?

16 A YES.

17 Q AND ARE YOU FAMILIAR WITH THE SECURITY CAMERA
18 SET UP?

19 A I AM.

20 Q WAS IT WORKING CORRECTLY THAT DAY?

21 A IT WAS.

22 Q HOW MANY MOVIE CAMERAS DOES YOUR SECURITY CAMERA
23 SYSTEM HAVE OR DID IT HAVE ON DECEMBER 22 LAST YEAR?

24 A EIGHT WORKING CAMERAS.

25 Q AND WITHOUT GOING INTO ANY GREAT DETAIL, WHAT

1 KIND OF SCENES, WHAT PLACES DO THE SECURITY CAMERA
2 SHOW?

3 A IT'S A DVR SYSTEM THAT WILL SHOW THE EXTERIOR
4 AND INTERIOR OF THE BUILDING, COVERING ALL THE TELLER
5 LINES, CUSTOMER SERVICE OFFICES, AND THE FRONT, THE
6 BACK, AND DRIVE-THRU OF THE BUILDING.

7 Q OKAY. AND DID IT MAKE A MOVIE OF WHAT HAPPENED?

8 A IT DID.

9 Q THAT FRIDAY MORNING, DECEMBER 22?

10 A YES.

11 Q DID IT MAKE A MOVIE OF THE EXTERIOR AND THE
12 INTERIOR?

13 A IT DID.

14 Q AND HAVE YOU WATCHED THE MOVIE?

15 A I DID.

16 Q DOES THE MOVIE CORRELATE WITH WHAT YOU SAW WITH
17 YOUR OWN EYES?

18 A YES.

19 Q IS THE MOVIE THAT YOU'VE SEEN ACCURATE AND NOT
20 NOT, NO TRICK PHOTOGRAPHY, NOT TAMPERED WITH IN
21 ANYWAY THAT YOU KNOW?

22 A NO. IT WAS CORRECT.

23 Q YOU STATE YOU'VE SEEN THE MOVIE?

24 A I HAVE.

25 Q I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S

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1 EXHIBIT 1. IS THAT THE MOVIE?

2 A IT IS.

3 MR. SPRINGS: YOUR HONOR, WE DO OFFER THE
4 SECURITY CAMERA VIDEO STATE'S EXHIBIT ONE INTO
5 EVIDENCE AT THIS TIME.

6 THE COURT: ANY OBJECTION?

7 MR. JAMIESON: I DIDN'T HEAR ANY TESTIMONY
8 ABOUT WHY HE KNOWS THAT THAT'S THE VIDEO, IF IT HAS
9 ANY INDIVIDUAL CHARACTERISTICS ABOUT IT, YOUR HONOR.

10 THE COURT: LAY A BETTER FOUNDATION.

11 Q WHEN YOU WATCHED THE VIDEO DID YOU ALSO LOOK AT
12 THE DISK AND EXAMINE WRITING ON THE DISK?

13 A YES.

14 Q STATE'S EXHIBIT ONE IS WHEN YOU SAW THE MOVIE?

15 A UH-HUH.

16 Q AND LOOKED AT THE DISK, IS THAT THE DISK THAT
17 MADE THE MOVIE?

18 A YES, IT HAS THE SAME WRITING. IT SAYS BANK OF
19 YORK DVD.

20 MR. SPRINGS: WE DO OFFER STATE'S EXHIBIT
21 ONE.

22 THE COURT: NO OBJECTION, MR. PORTER.

23 MR. PORTER: NO OBJECTION.

24 THE COURT: IT WILL BE IN WITHOUT
25 OBJECTION.

1 THE SOLICITOR: WE'D LIKE TO PUBLISH THIS
2 MOVIE, YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 (STATE'S EXHIBIT ONE RECEIVED INTO
5 EVIDENCE AND PUBLISHED TO THE JURY AT 12:07 PM.)

6 Q MR. LUBIATO, CAN YOU SEE THE SCREEN OVER HERE?

7 A YES.

8 Q DO YOU HAVE A GOOD VIEW OF IT OR DO YOU WANT TO
9 COME OVER HERE A LITTLE BIT?

10 A I CAN SEE IT.

11 Q I'M GOING TO PLAY THIS MOVIE IN A MINUTE AND IF
12 YOU WOULD, SIR, GIVE US A RUNNING COMMENTARY OF
13 WHAT'S BEING SHOWN. DO YOU UNDERSTAND WHAT I'M
14 SAYING?

15 A UH-HUH.

16 Q WHAT'S SEEN AS BEING SHOWN AND IF YOU WANT TO
17 MAKE SOME PARTICULAR COMMENT ABOUT WHAT'S BEING SHOWN
18 JUST TELL ME TO PAUSE IT, FEEL FREE.

19 A OKAY.

20 MS. SPRINGS: COULD YOU DIM THE LIGHTS,
21 MADAM CLERK?

22 (COMPLIES.)

23 MR. BRACKETT: IT SOUNDS LIKE IT'S JAMMED
24 UP IN THERE. IT WORKED BEFORE. IT WORKED YESTERDAY.
25 I'M SORRY.

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1 MR. JAMIESON: YOUR HONOR, IF THEY ARE
2 GOING TO NEED A COUPLE MINUTES COULD WE TAKE A BREAK?

3 THE COURT: LET'S TAKE A BREAK. I DON'T
4 KNOW HOW LONG THIS WILL TAKE TO GET CORRECTED BUT
5 WE'LL TAKE A BREAK WHILE WE DO IT.

6 (THE JURY EXITS THE COURTROOM AND
7 COURT IS IN RECESS AT 12:11 PM.) . .

8 (COURT RESUMES AT 12:20 PM.)

9 MR. SPRINGS: BEFORE THE JURY COMES BACK,
10 MR. LUBIATO HAS BROUGHT AN EXACT COPY OF THE DISK,
11 THE DVD, WHICH DOES WORK. DOES EITHER DEFENDANT
12 OBJECT WITH SUBSTITUTING IT FOR THE OTHER DISK?

13 Q LET ME ASK YOU, THE COPY YOU HAVE IN YOUR HAND,
14 IS IT A EXACT COPY OF THE OTHER DISK THAT IS ACCURATE
15 IN EVERY WAY?

16 A YES.

17 MR. JAMIESON: I HAVE TO KNOW WHERE THIS
18 DISK HAS BEEN AND THAT SORT OF THING BEFORE I CAN
19 AGREE.

20 IN CAMERA TESTIMONY BY MR. SPRINGS:

21 Q HAVE YOU SEEN THIS DISK?

22 A I HAVE.

23 Q YOU'VE VIEWED THE WHOLE THING, BEGINNING TO END?

24 A YES.

25 Q WAS IT A ACCURATE REPRESENTATION OF WHAT WAS

1 TAKING PLACE THAT YOU SAW WITH YOUR OWN EYES?

2 A IT'S AN EXACT COPY OF OUR CAMERAS.

3 Q SINCE YOU HAVE SEEN THAT DISK, HAS IT BEEN IN
4 YOUR POSSESSION?

5 A YES.

6 MR. SPRINGS: OKAY. WE'D LIKE TO
7 SUBSTITUTE IT FOR THE FIRST DISK, YOUR HONOR.

8 MR. JAMIESON: NO OBJECTION.

9 MR. PORTER: YOUR HONOR --

10 THE COURT: YES, SIR. DO YOU HAVE ANY
11 QUESTIONS YOU WANT TO ASK HIM ABOUT IT?

12 MR. PORTER: YOU SAY IT'S AN EXACT SAME
13 COPY?

14 THE COURT: THAT'S WHAT HE TESTIFIED TO.

15 MR. PORTER: I HAVE NO OBJECTION.

16 THE COURT: OKAY. WITHOUT OBJECTION WE'LL
17 SUBSTITUTE. BRING IN THE JURY.

18 (THE JURY RETURNS TO THE COURTROOM AT
19 12:22 PM.)

20 THE COURT: ALL RIGHT.

21 DIRECT EXAMINATION CONTINUED BY MR. SPRINGS:

22 Q MR. LUBIATO, I THINK WE'RE READY TO GO.

23 A CAN I STEP DOWN?

24 Q TRY NOT TO BLOCK ANYONE'S VIEW.

25 MR. BRACKETT: YOU CAN COME OVER HERE IF

1 YOU WANT.

2 Q IF YOU WOULD JUST NARRATE WHAT'S BEING SHOWN AND
3 I WILL PAUSE THIS MYSELF TO ASK YOU WHAT'S BEING
4 SHOWN.

5 A OKAY. THAT'S THE ROBBERS' VEHICLE THERE.

6 Q WHAT, IS THAT YOUR BANK?

7 A YES, THAT'S THE FRONT PARKING LOT OF THE BANK OF
8 YORK OF LAKE WYLIE.

9 Q HOW MANY MEN WAS THAT, HOW MANY PEOPLE?

10 A THREE. THEY WENT THROUGH THE FRONT DOOR.

11 Q DO YOU RECOGNIZE WHAT MAKE CAR THAT IS? WHAT
12 BRAND CAR IT IS?

13 A IT LOOKS LIKE A FORD. LOOKS LIKE A TAURUS.

14 Q THAT SCENE, WHAT IS THAT, WHAT WOULD YOU CALL
15 THAT AREA OUT WHERE THE PEOPLE ARE?

16 A FROM WHERE THE CAMERA IS BEHIND THE TELLER LINE
17 LOOKING OVER TOWARDS TWO OFFICES IN THE MAIN LOBBY
18 THERE AND A DESK WHERE YOU SEE THE PEOPLE IS THE
19 CUSTOMER SERVICE DESK.

20 Q AND TO WHICH SIDE OF THAT VIEW IS THAT FRONT
21 DOOR, TO THE RIGHT OR TO THE LEFT?

22 A DIRECTLY TO THE RIGHT.

23 Q WHO ARE THOSE PEOPLE WITH THEIR HANDS OVER THEIR
24 HEAD?

25 A THOSE ARE EMPLOYEES OF THE BANK, THREE OF THE

1 TELLERS.

2 Q ALL RIGHT. WHO IS THAT IN THE WHITE SHIRT THERE
3 CRAWLING ON THE FLOOR?

4 A THAT'S ME. I CAME FROM THE BACK DOOR TO THE
5 LEFT. THERE I AM CRAWLING TO THE LEFT THAT LEADS TO
6 THE VAULT. THAT'S MR. MORGAN, OUR CUSTOMER, THAT
7 CAME IN LAST.

8 Q SO OVER THERE TO THE LEFT WHERE EVERYBODY IS
9 HEADED, WHAT'S OVER THERE TO THE LEFT?

10 A THAT'S WHERE THE MAIN VAULT IS. THAT'S ANOTHER
11 PICTURE OF THE FRONT OF THE BUILDING AND THE CAR.

12 Q IS THAT CAMERA ON THE OTHER SIDE OF THE FRONT
13 DOOR?

14 A IT IS. THAT'S, BASICALLY WHERE THAT CAMERA IS
15 COMING FROM IS EXACTLY WHERE I WAS STANDING SO THAT
16 WAS MY EXACT VIEW WHEN THEY ENTERED THE BANK.

17 Q WHEN YOU SAW ROBBERS COMING IN, WHAT MADE YOU
18 DECIDE TO COME BACK INTO DANGER, WHY DID YOU DO THAT?

19 A MY WHOLE STAFF IS THERE AND I WAS WORRIED FOR
20 THEM TO HANDLE THE SITUATION AND I HAVE SOME
21 COMBINATIONS THAT THEY DON'T HAVE.

22 THE COURT: KEEP YOUR VOICE LEVEL UP.

23 A OKAY. THAT'S ME THERE.

24 Q WHAT WERE YOU THINKING AS YOU AND THESE PEOPLE
25 WERE CRAWLING ON THE FLOOR; WHAT WAS GOING THROUGH

1 YOUR MIND?

2 A A LOT OF THINGS INCLUDING ABOUT BEING SHOT
3 BECAUSE MOST OF THE TIME, AS YOU CAN SEE, THE GUN WAS
4 BEHIND ME EXECUTION STYLE. THE CAMERA IS RIGHT AT
5 THE FRONT DOOR.

6 Q THAT FELLOW CROUCHED DOWN WITH THE GUN, DID YOU
7 EVER HEAR HIM SAY ANYTHING WHILE HE WAS DOWN THERE IN
8 THAT CROUCHED POSITION?

9 A YES. HE WOULD CALL OUT CERTAIN TIMES, THE TIME
10 LEFT, AND HE ALSO HAD MENTIONED THAT SOMEBODY HAD
11 PULLED UP AT THE DRIVE-THRU.

12 Q YOU SAY HE CALLED OUT TIME, WHAT DO YOU MEAN,
13 WHAT DID HE SAY?

14 MR. JAMIESON: OBJECTION, YOUR HONOR, IT'S
15 HEARSAY.

16 THE COURT: I OVERRULE THE OBJECTION. IT
17 WAS DONE DURING, I OVERRULE THE OBJECTION.

18 Q WHAT EXACTLY DID HE SAY ABOUT TIME; WHAT DID HE
19 CALL OUT?

20 A WELL, I WAS WITH THE BAG MAN IN THE BACK OF THE
21 VAULT, THE OTHER ROBBER WAS BEHIND US AT THE FRONT OF
22 THE VAULT, AND THIS ROBBER WAS HERE BY THE DOOR. HE
23 CALLED OUT THE TIME OF TWO MINUTES REMAINING, YOU ARE
24 RUNNING OUT OF TIME, AND HE RELAYED THAT TO THE
25 ROBBERS AT THE VAULT.

1 DURING THIS WHOLE PHRASE WE WERE OUT
2 IN THE VAULT LOADING THE MONEY. YOU CAN SEE THERE
3 WERE THREE THAT LEFT. THAT SHOT IS COMING THROUGH
4 THE FRONT DOOR. THERE IS A FOYER. THAT'S A SHOT
5 FROM THE BACK DOOR AGAIN AT THE TIME WHEN WE WERE IN
6 THE VAULT.

7 A SHOT FROM BEHIND THE TELLER LINE
8 WHILE WE WERE IN THE VAULT. AND NOBODY ELSE ENTERED
9 THE BANK DURING THE ROBBERY AS FAR AS CUSTOMERS OR
10 ANYTHING. AND THAT'S EXITING THROUGH THE FRONT
11 DOOR.

12 Q WHAT COLOR JACKET HAS THE FELLOW IN THE MIDDLE
13 THERE HAS GOT ON, CAN YOU TELL YOU?

14 A LIKE A FADED BLACK. IT LOOKED LIKE NAVY
15 BLUE-BLACK TYPE.

16 Q AND HOW MANY LEAVE?

17 A THREE. THE VEHICLE THERE THAT PULLED UP WAS AT
18 THE DRIVE-THRU.

19 Q YES.

20 A THEY PULLED UP TO TRY AND GET THE TAG NUMBER AND
21 BACKED BACK INTO THE DRIVE-THRU.

22 Q THAT ROAD OUT THERE THAT THE CAR, THAT THE THREE
23 MEN GOT INTO THAT TURNED OUT ON TO, WHAT HIGHWAY IS
24 THAT?

25 A THAT'S HIGHWAY 49.

1 Q AND YOUR BANK IS IN YORK COUNTY?

2 A YES.

3 Q AND THANK YOU. IF YOU WOULD RETAKE YOUR SEAT ON
4 THE WITNESS STAND.

5 (COMPLIES.)

6 Q THESE FELLOWS, DID THEY TAKE MONEY OUT OF YOUR
7 BANK?

8 A THEY DID.

9 Q AND DID YOU GET SOME MONEY BACK?

10 A WE DID.

11 Q HOW MUCH MONEY WAS RECOVERED?

12 A A LITTLE OVER 18000.

13 Q DID IT GET RETURNED TO YOU?

14 A YES.

15 Q WHO RETURNED IT TO YOU?

16 A DETECTIVE YEAGER.

17 Q YOU EVER HEARD THE TERM IN THE BANKING WORLD
18 BAIT MONEY?

19 A YES, WE USE IT.

20 Q WHAT IS BAIT MONEY? WILL YOU EXPLAIN THAT TERM
21 TO THE JURY?

22 A IN SIMPLE TERMS BAIT MONEY IS JUST A REAL
23 DENOMINATION OF MONEY. FOR EXAMPLE A \$100 BILL, YOU
24 TAKE THAT OUT OF THE TELLER'S DRAW, WE WRITE DOWN,
25 EACH DENOMINATION AS A SPECIFIC SERIAL NUMBER, WE

1 RECORD THE SERIAL NUMBER ON A PIECE OF PAPER, WE MAKE
2 A COPY OF IT, AND THOSE RECORDS FOR EACH TELLER, FOR
3 INSTANCE, IN OUR CASE WE USE \$500, FIVE \$100 BILLS,
4 MAKE A RECORD OF EACH SERIAL NUMBER, AND WE PUT IT IN
5 TO THE BANK'S SAFETY DEPOSIT BOX IN CASE THE MONEY IS
6 TAKEN WE CAN IDENTIFY IT.

7 Q DO BANKS WRITE DOWN THE SERIAL NUMBERS OF ALL
8 THE BILLS THAT COME THROUGH THE BANK?

9 A NO. FOR INSTANCE, FOR EACH TELLER FIVE BILLS
10 ARE WRITTEN DOWN AND KEPT IN THEIR DRAWER AT ALL
11 TIMES.

12 Q OKAY. SO IF THAT TELLER WAS ROBBED AND ALL
13 THEIR MONEY WAS TAKEN, WOULD YOU BE ABLE TO IDENTIFY
14 SOME OF THE MONEY LATER?

15 A YES.

16 Q AND WHAT DO YOU CALL THAT MONEY THAT'S BEEN
17 PREIDENTIFIED?

18 A BAIT MONEY.

19 Q OKAY. WAS THERE SOME BAIT MONEY STOLEN IN THIS
20 ROBBERY?

21 A THERE WAS. ONE THE TELLER'S WHOLE INDIVIDUAL
22 DRAWER WAS TAKEN WHICH INCLUDED \$500 IN BAIT MONEY.

23 Q OKAY. AND PRIOR TO THIS ROBBERY, YOU HAD
24 RECORDED THE SERIAL NUMBER ON THE BAIT MONEY?

25 A THAT'S CORRECT.

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1 Q OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED
2 STATE'S EXHIBIT 69 FOR IDENTIFICATION. WHAT THINGS
3 ARE SHOWN HERE ON THESE PAPERS?

4 A THAT'S FIVE \$100 BILLS EACH INDIVIDUALLY WITH
5 THEIR OWN SERIAL NUMBER.

6 Q IS IT THE REAL MONEY OR IS IT A XEROX COPY OF
7 IT?

8 A IT'S A XEROX COPY OF THE BAIT MONEY FROM THAT
9 DAY.

10 Q ARE YOU SURE THAT IS A PICTURE OF THE BAIT MONEY
11 FROM THAT DAY?

12 A YES, THIS IS OUR BAIT MONEY LOG IN AND THE
13 SERIAL NUMBERS MATCH THE SERIAL NUMBERS OF THE
14 COPIES.

15 Q OKAY. AND WAS IT PART OF THE MONEY STOLEN IN
16 THIS ROBBERY?

17 A IT WAS.

18 Q AND WAS IT RETURNED TO YOU?

19 A IT WAS RETURNED.

20 Q ALL RIGHT. SO THE PICTURES OF THE HUNDRED
21 DOLLARS BILL HERE, IS THAT A TRUE AND ACCURATE
22 PICTURE OF THE ACTUAL HUNDRED DOLLAR BILLS BAIT
23 MONEY?

24 A THAT IS THE ACTUAL BAIT MONEY, THE XEROX COPY OF
25 IT.

1 Q THANK YOU.

2 MR. SPRINGS: YOUR HONOR, WE DO OFFER
3 STATE'S EXHIBIT 69 INTO EVIDENCE.

4 MR. JAMIESON: NO OBJECTION.

5 THE COURT: MR. PORTER.

6 MR. PORTER: NO OBJECTION.

7 THE COURT: BE RECEIVED.

8 (STATE'S EXHIBIT 69 BAIT MONEY
9 RECEIVED INTO EVIDENCE.)

10 Q SHOWING YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
11 31 AND 27 FOR IDENTIFICATION AND SEE IF YOU RECOGNIZE
12 WHAT'S SHOWN HERE THEN I'LL ASK YOU A QUESTION OR TWO
13 ABOUT THOSE?

14 A YEAH, I RECOGNIZE IT.

15 Q LET ME ASK YOU FIRST. STATE'S EXHIBIT 31.
16 WHAT'S THAT A PICTURE OF?

17 A THAT'S A PICTURE OF THE FIVE \$100 BILLS, THE
18 BAIT MONEY THAT WAS TAKEN, AND A PICTURE OF THE BAIT
19 MONEY LOG THAT WE LOG THE SERIAL NUMBERS AND KEEP IN
20 THE VAULT.

21 Q OKAY. AND STATE'S EXHIBIT 27, YOU SAID YOU
22 RECOGNIZE WHAT'S IN THAT PICTURE, WHAT'S SHOWN IN
23 THAT PICTURE?

24 A MONEYS ARE SHOWN, ROLLED COIN, SAFETY DEPOSIT
25 BOX KEYS. THIS IS A PICTURE OF THE MONEYS THAT WERE

MARC LUBIATO

CROSS

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1 TAKEN FROM THE BANK AND RETURNED.

2 Q OKAY. IS THAT A TRUE AND ACCURATE PICTURE OF
3 WHAT THE MONEY LOOKED LIKE WHEN YOU GOT IT BACK?

4 A YES.

5 Q OKAY. WHO STACKED IT UP? DID YOU STACK IT UP
6 YOURSELF?

7 A I DID NOT STACK IT UP MYSELF.

8 Q BUT YOU ARE CONFIDENT IN YOUR MIND THAT STATE'S
9 EXHIBIT 27 IS THE MONEY THAT WAS RETURNED FROM THE
10 ROBBERY?

11 A YES, BECAUSE WE HAD TO VERIFY IT.

12 MR. SPRINGS: YOUR HONOR, WE DO OFFER
13 STATE'S EXHIBIT 31 AND 27 INTO EVIDENCE.

14 MR. JAMIESON: NO OBJECTION.

15 MR. PORTER: NO OBJECTION.

16 THE COURT: WITHOUT OBJECTION.

17 (STATE'S EXHIBIT 31 AND 27 PHOTOGRAPHS
18 RECEIVED INTO EVIDENCE.)

19 Q THANK YOU, MR. LUBIATO. PLEASE ANSWER ANY
20 QUESTIONS THESE GENTLEMEN MAY WANT TO ASK.

21 CROSS EXAMINATION BY MR. JAMIESON:

22 Q MR. LUBIATO, I'M PHILIP JAMIESON. I REPRESENT
23 MR. YOUNG. I WANT TO JUST GO BACK A LITTLE BIT IN
24 YOUR TESTIMONY. YOU TESTIFIED I BELIEVE THAT YOU SAW
25 THREE PEOPLE WITH GUNS, IS THAT CORRECT?

1 A CORRECT.

2 Q OKAY. DO YOU REMEMBER BEING INTERVIEWED BY AN
3 OFFICER DEAN IN REGARDS TO THIS REPORT? DO YOU
4 REMEMBER AN OFFICER CONDUCTING AN INVESTIGATION,
5 ASKING YOU QUESTIONS, THINGS LIKE THAT?

6 A YES.

7 Q DO YOU REMEMBER HOW MANY PEOPLE YOU TOLD HIM AT
8 THAT TIME?

9 A AT THAT TIME I DON'T RECALL. IT WAS MAYBE THREE
10 OR FOUR.

11 Q IF HE WROTE IN HIS REPORT THAT YOU SAID THERE
12 WERE FIVE, WOULD YOU BE SURPRISED AT THAT?

13 A I WOULD NOT BE.

14 Q OKAY. IF YOU WOULD DESCRIBE FOR ME WITH A
15 LITTLE MORE DETAIL WHAT THESE INDIVIDUALS WERE
16 WEARING, IF YOU WOULD?

17 A MY RECOLLECTION A HOODED SWEAT SHIRT APPEARED TO
18 BE, THAT ALL THREE HAD A HOODED SWEAT SHIRT ON OF
19 DARKER COLOR, DARK BLUE, BLACK, LIGHT GRAY, THAT TYPE
20 OF DARK COLOR, LONG PANTS, DARK PANTS. APPEARED THAT
21 THEY ALL HAD GLOVES ON, SAW WHAT APPEARED TO BE WHITE
22 GLOVES, AND TWO DARKER SETS OF GLOVES AND THEY ALL
23 HAD SKI MASKS ON.

24 Q WHEN YOU SAY SKI MASKS, TELL ME WHAT YOU MEAN BY
25 THAT? CAN YOU DESCRIBE WHAT A SKI MASK IS?

1 A YEAH, BASICALLY A TOBOGGAN PULLED OVER YOUR HEAD
2 WITH HOLES FOR ONLY THE EYES AND THE MOUTH.

3 Q OKAY. OF COURSE, MR. SPRINGS DIDN'T ASK YOU
4 THIS QUESTION BUT I'M GOING TO ASK YOU THE OBVIOUS
5 QUESTION, CAN YOU IDENTIFY THE PEOPLE THAT WERE IN
6 YOUR BANK?

7 A I CANNOT IDENTIFY THEM BECAUSE THEY HAD THE SKI
8 MASKS ON, JUST LIKE IF I HAD ONE ON THEY COULD NOT
9 IDENTIFY ME.

10 Q YES, SIR. AND AS YOU SIT HERE TODAY YOU CAN'T
11 SAY THAT MR. YOUNG WAS IN YOUR BANK, IS THAT CORRECT?

12 A I COULDN'T IDENTIFY HIM BECAUSE OF THE SKI MASK.

13 Q ALL RIGHT. THANK YOU.

14 MR. JAMIESON: MAY I APPROACH THE WITNESS,
15 YOUR HONOR.

16 THE COURT: YES, SIR.

17 Q MR. LUBIATO, I'M SHOWING YOU WHAT'S DESCRIBED AS
18 A BANDIT DESCRIPTION FORM, IS THAT SOMETHING THAT YOU
19 USE AT THE BANK?

20 A IT IS.

21 Q AND DID YOU FILL OUT, THERE IS ACTUALLY SEVERAL
22 COPIES, I'M NOT SURE, DID YOU FILL OUT ANY OF THOSE?

23 A NO.

24 Q ALL RIGHT. WELL, I WON'T ASK YOU ANYTHING
25 FURTHER ABOUT THAT THEN. WOULD IT BE FAIR TO SAY

1 THAT THIS WAS A FAST DEVELOPING EVENT?

2 A I WOULD SAY IT WAS.

3 Q EASILY CONFUSED?

4 A YOU COULD BE CONFUSED.

5 Q NOTHING FURTHER, SIR. THANK YOU.

6 THE COURT: MR. PORTER.

7 CROSS EXAMINATION BY MR. PORTER:

8 Q MR. LUBIATO, DID YOU HAVE AN EMPLOYEE BY THE
9 NAME DEBBIE ALEXANDER?

10 A WE DO.

11 Q WAS SHE WORKING THAT DAY?

12 A SHE WAS.

13 Q CAN YOU TELL ME WHO OPENED THE VAULT FOR THOSE
14 PARTICULAR PEOPLE THAT WAS IN THE VAULT?

15 A YES, I DID.

16 Q YOU OPENED THE VAULT?

17 A I DID. THEY COULDN'T OPEN IT.

18 Q ARE YOU FAMILIAR WITH MRS. ALEXANDER'S
19 STATEMENT, WHAT SHE TOLD THE INVESTIGATOR?

20 A NO, I DON'T BELIEVE I'VE LOOKED AT IT.

21 MR. PORTER: MAY I APPROACH THE BENCH,
22 YOUR HONOR.

23 THE COURT: THE WITNESS.

24 MR. PORTER: THE WITNESS.

25 THE COURT: YES.

1 A ALL RIGHT.

2 Q DID THAT JUST CORRESPOND TO WHAT YOU JUST STATED
3 THAT YOU OPENED THE VAULT?

4 A I DID. I OPENED THE VAULT THAT THE MAJORITY OF
5 THE \$18,000 CAME OUT OF. MRS. ALEXANDER, APPARENTLY
6 THERE WAS ONES AND FIVES TAKEN FROM HER VAULT WHICH
7 SHE MUST HAVE --

8 Q BUT YOU ONLY OPENED ONE TELLER VAULT, AM I
9 CORRECT?

10 A YEAH, I ONLY OPENED ONE. YOU ASKED ME IF I
11 OPENED.

12 Q MRS. ALEXANDER STATED I ONLY OPENED ONE?

13 A AND THAT'S CORRECT.

14 Q UP TO THE ONES THAT HAD ONES, FIVES, AND TENS.
15 WE PUT THEM IN THE BAG AND KEPT ON TELLING ME TO OPEN
16 UP THE OTHERS AND I SAID I DID NOT HAVE THE COMBO.
17 EVERYONE ELSE WAS PUSHED INSIDE THE VAULT. IF SHE
18 OPENED IT AND IT WAS THE ONLY ONE TAKEN, WHICH ONE
19 DID YOU OPEN?

20 A THERE WERE TWO VAULTS OPENED, HER VAULT, ONE OF
21 HER VAULTS, SHE HAS MULTIPLE VAULTS, AND ONE OTHER
22 TELLER'S VAULT. I OPENED THE ONE THAT HAD THE
23 MAJORITY OF THE MONEY. SHE OPENED HER VAULT WHICH
24 WAS ONE OF MULTIPLE VAULTS.

25 Q DID YOU TELL ANYONE THAT? DID YOU TELL ANYONE

1 THAT?

2 A AS IN WHO?

3 Q ANY OFFICER THAT ARRIVED ON THE SCENE, DID YOU
4 EVER TELL ANY OFFICER THAT YOU OPENED THE VAULT?

5 A YEAH, IF THEY ASKED ME. I'M SURE THERE IS A
6 STATEMENT.

7 MR. PORTER: EXCUSE ME.

8 Q I'M GOING TO ASK YOU THE SAME QUESTION THAT HE
9 ASKED YOU.

10 A UH-HUH.

11 Q WHEN YOU FIRST TALKED TO OFFICER DEAN, DO YOU
12 RECALL A CONVERSATION?

13 A I DO.

14 Q HOW MANY MINUTES WAS THAT AFTER THE ROBBERS HAD
15 LEFT?

16 A I'M GOING TO SAY 10 TO 15 MINUTES. I THINK THE
17 CITY ARRIVED APPROXIMATELY TEN MINUTES AFTER.

18 Q AND THIS REPORT YOU STATED THAT YOU SAW FIVE?

19 A UH-HUH.

20 Q AT THAT PARTICULAR TIME AND THE WAY YOU
21 DESCRIBED YOURSELF IN THE BANK, YOU HAD A PERFECT
22 VIEW OF THE PEOPLE THAT SHOWED IN, HOWEVER THE VIDEO
23 SHOW OTHERWISE, THAT IT WAS THREE?

24 A UH-HUH.

25 Q FOR THE RECORD I'M GOING TO ASK YOU DID YOU SEE

1 ME IN THAT VAULT?

2 A I DON'T KNOW IF IT WAS YOU OR NOT.

3 Q OKAY. YOU SAY YOU SPOKE TO A CUSTOMER AT THE
4 DRIVE-THRU WINDOW?

5 A I DID.

6 Q WHAT MAKE OF THE CAR DID SHE GIVE YOU?

7 A I THINK IT'S IN THE REPORT. I DON'T RECALL
8 EXACTLY WHAT SHE GAVE ME BUT BASICALLY A DARK COLORED
9 SEDAN THAT LOOKED LIKE A FORD TAURUS I BELIEVE IS
10 WHAT WE RELAYED TO THE POLICE.

11 Q THE DRIVE-THRU PERSON THAT SEEN THAT, THAT
12 PARTICULAR PERSON THAT WAS IN THE CAR, STATED IT WAS
13 A GRAY SEDAN?

14 A OKAY.

15 Q SHE DID NOT INDICATE, WHOEVER IT WAS, DID NOT
16 INDICATE THE MAKE OF IT?

17 A OKAY.

18 Q ARE YOU AWARE THAT FORD AND MERCURY MAKE THE
19 SAME TYPE OF CAR?

20 A YES.

21 Q IT COULD HAVE BEEN A GRAY MERCURY SABLE, IS THAT
22 CORRECT?

23 A AFTER LOOKING AT THE VIDEO I'D SAY NO.

24 Q BUT AT THAT TIME IT WAS A GRAY SEDAN?

25 A UH-HUH.

1 Q THAT SHE GAVE?

2 A I GUESS IT COULD HAVE BEEN A MULTIPLE DIFFERENT
3 SEDANS.

4 MR. PORTER: NO FURTHER QUESTIONS.

5 THE COURT: REDIRECT.

6 MR. SPRINGS: NO REDIRECT.

7 THE COURT: ALL RIGHT. YOU CAN STEP DOWN.
8 IT'S ALMOST ONE O'CLOCK. I THINK THIS IS PROBABLY A
9 GOOD TIME TO BREAK FOR LUNCH. I'M GOING TO ASK YOU
10 TO BE BACK AT 2:30, THAT'S A LITTLE OVER AN HOUR AND
11 A HALF BUT IF I SAY 2:15, LET'S JUST SAY 2:30 AND
12 WE'LL START AS PROMPTLY AT 2:30 AS WE CAN, SO HAVE A
13 PLEASANT LUNCH AND KEEP IN MIND DO NOT DISCUSS THE
14 CASE OR ALLOW ANYONE TO DISCUSS THE CASE WITH YOU OR
15 MAKE UP YOUR OWN MIND. WE'LL SEE YOU AT 2:30.

16 (THE JURY EXITS THE COURTROOM AT 12:50
17 PM.)

18 THE COURT: WE WILL RECONVENE AT 2:30.

19 MR. SPRINGS: YOUR HONOR, MAY I? JUST ONE
20 QUICK THING. I'VE GIVEN MR. PORTER A STATE'S WITNESS
21 LIST AND LET HIM KNOW THAT WHEN I WAS ASKING HIM IF
22 HE WANTED ANYBODY SUBPOENAED, HERE'S WHO I PLAN ON
23 HAVING COME AND HE WAS REST ASSURED WOULD BE COMING,
24 I'VE GOT MORE WITNESSES ON THIS LIST THAN I NEED AND
25 I'M PROBABLY GOING TO CUT SOME PEOPLE LOOSE. OVER

1 THE LUNCH HOUR I'D ASK MR. PORTER TO PLEASE SEE IF
2 THERE IS ANYBODY ON THAT LIST THAT HE DOESN'T WANT ME
3 TO CUT LOOSE AND HE WANTS ME TO MAKE SURE IS HERE.
4 DO YOU UNDERSTAND WHAT I MEAN, MR. PORTER?

5 MR. PORTER: YES, SIR.

6 MR. SPRINGS: AND OVER THE LUNCH HOUR I'D
7 ASK IF THE COURT CAN CONSIDER WE HAVE SOME VICTIMS,
8 SOME FEMALE VICTIMS IN THIS CASE, THAT HAVE ASKED NOT
9 TO BE CLOSELY APPROACHED WHEN THEY ARE CROSS
10 EXAMINED. I JUST WONDER IF THE COURT WOULD PONDER
11 THAT OVER THE LUNCH HOUR AND COME UP WITH A DEVICE
12 WHERE THINGS WERE HANDED TO THE CLERK AND HANDED TO
13 THEM.

14 THE COURT: WE CAN TAKE CARE OF THAT.
15 ALSO LET ME GO AHEAD AND PUT ON THE RECORD BEFORE WE
16 LEAVE. THERE WAS AN OBJECTION ON THE GROUNDS OF
17 HEARSAY TO THE TIMING STATEMENTS MADE BY CROUCHING
18 MAN, FIRST I'M NOT SURE THAT WOULD EVEN FALL UNDER
19 HEARSAY AS I'M NOT SURE IT WAS OFFERED FOR THE TRUTH
20 OF THE MATTER ASSERTED, THAT IS, IF THESE GENTLEMEN
21 INVOLVED IN THE ROBBERY. ALSO 801 (D) (2) (E)
22 ALLOWS STATEMENTS OF CO-CONSPIRATORS AND 803 (1) AND
23 (2) ARE TWO KIND OF OUR OLD RES GESTAE AND USUALLY
24 RES GESTAE IS BY A THIRD PERSON OBSERVING SOMETHING,
25 BUT I THINK STATEMENTS BY AN INDIVIDUAL DURING THE

1 COURSE OF AN EVENT WOULD FALL WITHIN RES GESTAE
2 EXCEPTIONS SO I WANT TO MAKE SURE GROUNDS, MATTERS OF
3 APPEAL THAT THOSE WERE THE REASONS FOR THE RULINGS OR
4 THE BASIS OF MY RULINGS. THANK YOU.

5 (COURT'S IN RECESS AT TIME AT 12:52
6 PM.)

7 (COURT RESUMES AT 02:40 PM.)

8 THE COURT: IS THE STATE READY?

9 MR. BRACKETT: YES, SIR.

10 THE COURT: MR. JAMIESON?

11 MR. JAMIESON: YES, SIR.

12 THE COURT: MR. PORTER?

13 MR. PORTER: YES, SIR.

14 THE COURT: BRING IN THE JURY.

15 (THE JURY RETURNS TO THE COURTROOM AT
16 02:41 PM.)

17 THE COURT: MEMBERS OF THE JURY PANEL,
18 WE'RE ABOUT TO GO INTO OUR NEXT WITNESS, BUT I JUST
19 WANT TO TAKE THIS OPPORTUNITY BECAUSE I THINK I
20 NEGLECTED TO MENTION THIS WHEN I MADE MY OPENING
21 REMARKS, THE LAWYERS ALLUDED TO IT BUT TO THESE
22 CHARGES EACH OF THESE DEFENDANTS HAVE PLEAD NOT
23 GUILTY OBVIOUSLY SO THEY ARE PRESUMED BY LAW
24 INNOCENT, THAT IS, THE PRESUMPTION OF INNOCENCE IS IN
25 THEIR FAVOR. THEY DON'T HAVE TO PROVE THEIR

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1 INNOCENCE. AS WAS MENTIONED BY SOME OF THE LAWYERS
2 THE STATE MUST PROVE THEIR GUILT BEYOND A REASONABLE
3 DOUBT AND I WILL DEFINE THAT TERM FOR YOU AT THE END
4 OF THE CASE. I DON'T THINK, WHEN I HEARD THEM
5 MENTION IT, THAT I MENTIONED IT IN MY OPENING
6 STATEMENTS BUT THAT IS A CORRECT PROPOSITION OF LAW.
7 THE STATE HAS TO PROVE THEIR GUILT BEYOND A
8 REASONABLE DOUBT, THEY ARE PRESUMED INNOCENT, AND THE
9 STATE HAS THE BURDEN OF PROOF. CALL YOUR NEXT
10 WITNESS.

11 MR. SPRINGS: WE CALL MS. CHRISTA BOLIN.

12 CHRISTA BOLIN, BEING FIRST DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. SPRINGS:

15 Q MA'AM, YOU HAVE A SOFT VOICE SO I'M GOING TO ASK
16 YOU TO SPEAK UP NICE AND LOUD SO EVERYONE CAN HEAR
17 YOU AND SPEAK TOWARD THE MICROPHONE. LET'S START OUT
18 BY TELLING THIS JURY YOUR NAME?

19 A MY NAME IS CHRISTA BOLIN.

20 Q WHERE WERE YOU EMPLOYED ON FRIDAY, DECEMBER 22
21 OF LAST YEAR?

22 A AT THE BANK OF YORK AT THE LAKE WYLIE BRANCH.

23 Q WERE YOU THERE FRIDAY MORNING?

24 A YES, SIR.

25 Q AND DID SOMETHING GET YOUR ATTENTION AROUND

1 10:30 THAT MORNING?

2 A YES, SIR.

3 Q WHAT GOT YOUR ATTENTION? WHAT'S THE FIRST THING
4 THAT GOT YOUR ATTENTION?

5 A THERE WERE THREE MEN THAT CAME INTO THE BRANCH
6 WITH MASKS AND HOODED SWEAT SHIRTS.

7 Q ALL RIGHT. WHEREABOUTS WERE YOU WHEN THESE MEN
8 CAME INTO THE BANK?

9 A MY DESK IS IN THE CENTER OF THE BUILDING IN THE
10 LOBBY.

11 Q I'M GOING TO SHOW YOU SOMETHING THAT'S
12 BEEN MARKED STATE'S EXHIBIT 14. LET ME SHOW IT TO
13 THESE GENTLEMEN FIRST. AND LOOK AT STATE'S EXHIBIT
14 14 AND TELL THE JURY IF YOU RECOGNIZE WHAT'S DEPICTED
15 THERE?

16 A THAT'S MY DESK.

17 Q ALL RIGHT. I'M GOING TO PROJECT THIS UP ON THIS
18 SCREEN, MS. BOLIN, AND WHEN I GET IT UP THERE I'M
19 GOING TO ASK YOU TO STEP DOWN AND POINT OUT WHERE YOU
20 WERE WHEN THESE MEN CAME INTO THE BANK. THERE WE GO.

21 A RIGHT THERE.

22 Q OKAY. AND WERE YOU HELPING A CUSTOMER WHEN THEY
23 CAME IN?

24 A YES, SIR.

25 Q WHO WERE YOU HELPING?

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1 A PAUL BAYER.

2 Q THANK YOU. YOU CAN PUT THE POINTER DOWN AND
3 RETAKE YOUR SEAT. WHEN THESE MEN CAME INTO THE BANK
4 WHAT'S THE FIRST THING YOU SAW THEM SAY OR DO?

5 A THERE WAS A LOT OF YELLING AND ONE CAME TO MY
6 DESK AND TOLD ME TO GET DOWN AND I WENT TO GET DOWN,
7 I PUSHED MY CHAIR BACK AND GET DOWN, APPARENTLY IT
8 WAS VERY AGITATING TO HIM AND HE CAME ACROSS MY DESK
9 WITH A GUN AND ASKED ME TO GO AROUND MY DESK AND LAY
10 ON THE FLOOR FACE DOWN.

11 Q ALL RIGHT. AND DID YOU DO THAT?

12 A YES, SIR.

13 Q WHEN THESE MEN CAME INTO THE BANK DID THEY COME
14 INTO THE BANK IN STOCK OR DID THEY MOVE AROUND?

15 A THEY MOVED AROUND A LOT.

16 Q ALL RIGHT. DID YOU SEE ANY OF THESE MEN
17 ASSAULT, PUSH, SHOVE OR ROUGH UP ANYBODY?

18 A YES, SIR. TO GET TO ME AND ACROSS MY DESK, HE
19 PUSHED MY CUSTOMER PAUL BAYER TO THE GROUND.

20 Q OKAY. DID YOU SEE ANY OTHER SORT OF ASSAULT OR
21 HARMFUL, DISTASTEFUL, CONTACT WITH ANY OF THESE MEN
22 TO ANY OF THE BANK PEOPLE?

23 A DURING THE ENTIRE?

24 Q DURING THE WHOLE TIME?

25 A YES, SIR.

1 Q WHAT WAS THAT?

2 A MR. MORGAN WAS PUSHED TO THE GROUND IN OUR
3 VAULT. ONE OF OUR TELLERS GOT GRABBED, CECIL LYLES,
4 GOT GRABBED IN THE ARM. THEY WERE VERY FORCEFUL WITH
5 THE GUNS.

6 Q OKAY. HOW WERE YOU FEELING WHEN ALL THIS WAS
7 GOING ON? WHAT WAS YOUR THOUGHTS AND EMOTIONS?

8 A IT WAS A COUPLE DAYS BEFORE CHRISTMAS AND I
9 DIDN'T THINK I'D BE ABLE TO SEE MY KIDS FOR
10 CHRISTMAS. I WAS SCARED AND NERVOUS.

11 Q ALL RIGHT. WHERE DID THEY TAKE YOU?

12 A WE CRAWLED TO THE VAULT. AS WE CRAWLED THERE
13 WAS A LOT OF YELLING AND SCREAMING BETWEEN THE THREE
14 MEN AND AT THAT POINT --

15 Q GO AHEAD. I'M SORRY.

16 A AND AT THE TIME WE WERE TRYING TO CRAWL WE WERE
17 REPEATEDLY BEING SPRAYED WITH PEPPER SPRAY SO IT WAS
18 VERY HARD TO GET THERE. WE HAD A CHRISTMAS TREE IN
19 THE CENTER OF THE LOBBY AND WE HAD TO CRAWL AROUND
20 IT, BUT ONCE WE DID GET TO THE VAULT WE WERE SHOVED
21 TO THE BACK OF THE VAULT.

22 Q WHAT DID THE MEN DO IN THE VAULT?

23 A ASKED ME TO OPEN UP MY VAULT.

24 Q NOW I THINK OF A VAULT AS A BIG, A ROOM YOU CAN
25 GO INTO, WHEN YOU SAY YOUR VAULT, IS THAT SOMETHING

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1 ELSE OTHER THAN THE BIG VAULT ROOM?

2 A YES, SIR.

3 Q WHAT DO YOU MEAN BY YOUR VAULT?

4 A EACH TELLER HAS AN INDIVIDUAL VAULT THAT THEY
5 KEEP THEIR INDIVIDUAL MONEY IN THAT'S PROTECTED FROM
6 ANYBODY ELSE. THEY ALL HAVE THEIR OWN CODES TO GET
7 IN.

8 Q OKAY. WHEN YOU WERE TOLD TO OPEN UP YOUR OWN
9 INDIVIDUAL TELLER VAULT, WERE YOU ABLE TO?

10 A NO, SIR, THE LOCK WAS VERY TRICKY AND YOU HAD TO
11 USE BOTH HANDS AND FROM THE WAY THAT I WAS SITUATED
12 IN THE VAULT IT WAS HARD FOR ME TO OPEN IT.

13 Q OKAY. DID SOMEONE HELP YOU OPEN IT?

14 A YES, SIR. I ASKED MARK LUBIATO TO COME IN AND
15 HELP ME.

16 Q DID YOU FINALLY GET IT OPEN?

17 A YES, SIR.

18 Q WHAT DID THESE MEN DO, IF ANYTHING, WITH THE
19 CONTENTS OF YOUR VAULT?

20 A ASKED US TO PUT IT IN A BAG.

21 Q AND DID YOU DO THAT?

22 A YES, SIR.

23 Q YOU TALKING ABOUT MONEY, PUTTING THE MONEY?

24 A PUT THE MONEY IN THE BAG, YES, SIR.

25 Q DID YOU EVER SEE THESE MEN POINT A GUN AT YOU OR

1 ANYONE ELSE?

2 A YES, SIR, THEY POINTED GUNS AT ALL OF US.

3 Q THANK YOU VERY MUCH. THESE MEN ARE GOING TO ASK
4 YOU SOME QUESTIONS. PLEASE ANSWER THEIR QUESTIONS.

5 A OKAY.

6 CROSS EXAMINATION BY MR. JAMIESON:

7 Q MS. BOLIN MY NAME IS PHILLIP JAMIESON. I
8 REPRESENT MR. YOUNG. CAN YOU TELL ME HOW THESE
9 PEOPLE WERE DRESSED?

10 A THEY HAD ON HOODED SWEAT SHIRTS, MASKS. THE ONE
11 HAD ON LATEX GLOVES, ALMOST LIKE SURGICAL GLOVES.
12 THE OTHER ONES HAD ON GLOVES. I'M NOT SURE WHAT KIND
13 THEY WERE.

14 Q HOW WOULD YOU DESCRIBE THE MASKS THEY HAD ON?

15 A SKI MASKS.

16 Q AND CAN YOU IDENTIFY ANYBODY AS BEING THE PERSON
17 THAT ROBBED THE BANK?

18 A NO, SIR. I CAN TELL YOU THAT THEY WERE BLACK
19 MALES BECAUSE YOU COULD SEE AROUND THEIR FACE AND
20 AROUND THEIR EYES.

21 Q OKAY. AND CAN YOU IDENTIFY THEM IN ANY OTHER
22 FASHION OTHER THAN THAT?

23 A THEY HAD ON SKI MASKS. I'M SORRY.

24 Q ALL RIGHT. THANK YOU, MA'AM.

25 THE COURT: MR. PORTER.

CHRISTA BOLIN

CROSS

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1 MR. PORTER: YES.

2 CROSS EXAMINATION BY MR. PORTER:

3 Q MS. BOLIN, DID YOU TALK TO ANYBODY RIGHT AFTER
4 THE BANK ROBBERY?

5 A YES, SIR.

6 Q YOU GAVE A STATEMENT?

7 A I SURE DID.

8 MR. PORTER: YOU HAVE HER STATEMENT
9 PLEASE.

10 Q FROM YOUR INDICATION CAN YOU DETERMINE THE AGE
11 OF THESE INDIVIDUALS THAT CAME IN?

12 A NO, SIR, I COULDN'T. THEY HAD ON SKI MASKS.

13 Q YOU SAY THEY WAS DOING A LOT OF MOVING?

14 A YES, SIR.

15 Q CAN YOU DESCRIBE WHAT KIND OF MOVEMENT THEY WAS
16 DOING OR COULD YOU SEE? I CAN UNDERSTAND THAT YOU BE
17 SHAKEN UP. I'M SORRY. COULD YOU DESCRIBE WHAT TYPE
18 OF MOVEMENT?

19 A WHEN THEY CAME IN, ONE WENT TO ANGEL'S, THE DOOR
20 OF ANGEL'S OFFICE, ONE CAME TO MY DESK WHERE I HAD A
21 CUSTOMER. SHE ALSO HAD A CUSTOMER. ONE WENT
22 DIRECTLY TO THE VAULT. THAT'S ALL THAT I SAW.

23 Q OKAY. ALL RIGHT. SO YOU SAY YOU SEEN ONE OF
24 THOSE PUT HANDS ON A CUSTOMER?

25 A YES, SIR. MY CUSTOMER WENT TO THE FLOOR. HE

1 WAS PUSHED TO THE FLOOR.

2 Q THIS WAS THE ONE THAT YOU SAY WAS--

3 A PAUL BAYER.

4 Q WHO?

5 A PAUL BAYER.

6 Q OKAY. DID YOU SEE THE CAR THAT WAS THERE?

7 A NO, SIR.

8 MR. PORTER: NO FURTHER QUESTIONS.

9 THE COURT: ALL RIGHT. REDIRECT.

10 MR. SPRINGS: NOTHING FURTHER.

11 THE COURT: YOU CAN STEP DOWN AND YOU CAN
12 BE EXCUSED IF YOU WISH. THANK YOU FOR YOUR TIME.

13 MR. BRACKETT: THE STATE WOULD CALL DEBBIE
14 ALEXANDER.

15 DEBBIE ALEXANDER, BEING FIRST DULY SWORN,
16 TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. BRACKETT:

18 Q MA'AM, WOULD YOU PLEASE STATE YOUR FULL NAME?

19 A DEBBIE ALEXANDER.

20 Q ALL RIGHT. AND WHERE ARE YOU EMPLOYED,
21 MS. ALEXANDER?

22 A AT THE BANK OF YORK IN LAKE WYLIE.

23 Q HOW LONG HAVE YOU BEEN WITH THE BANK OF YORK?

24 A FOR TEN YEARS.

25 Q AND WHAT DO YOU DO AT THE BANK OF YORK?

DEBBIE ALEXANDER

DIRECT

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1 A I'M HEAD TELLER.

2 Q HEAD TELLER. AND WHAT IS, THIS IS THE BANK OF
3 YORK THAT WE'VE ALL BEEN TALKING ABOUT ON HIGHWAY 49?

4 A YES, SIR.

5 Q OKAY, MA'AM. HOW LONG HAVE YOU BEEN THE HEAD
6 TELLER?

7 A FOR SEVEN YEARS.

8 Q WHAT'S THE DIFFERENCE BETWEEN A HEAD TELLER AND
9 THE REGULAR TELLER?

10 A HEAD TELLERS ALWAYS HAS MORE MONEY. SHE'S
11 INVOLVED WITH THE BRANCH TOTALS. MOSTLY DOES THE
12 BUSINESS BAGS, GIVES CHANGE ORDERS OUT TO CUSTOMERS;
13 I GUESS JUST HAVE MORE MONEY, SUPERVISE MORE MONEY,
14 YES, SIR.

15 Q ALL RIGHT. WERE YOU WORKING ON THE DAY OF
16 DECEMBER 22, IN THE MORNING OF DECEMBER 22, 2006?

17 A YES, SIR.

18 Q ALL RIGHT. AND SPECIFICALLY CALLING YOUR
19 ATTENTION TO APPROXIMATELY 10:30 THAT MORNING, DID
20 ANYTHING UNUSUAL HAPPEN AT THE BANK?

21 A YES, SIR.

22 Q WHAT, TELL THE JURY WHAT HAPPENED?

23 A THREE PEOPLE WITH MASKS AND GLOVES CAME INTO THE
24 BANK.

25 Q OKAY. AND WHERE WERE YOU WHEN THEY CAME IN THE

1 BANK?

2 A I WAS IN THE PROCESS OF GOING INTO THE VAULT AND
3 AS I WAS DOING THAT I HEARD COMMOTION AND OUT OF THE
4 SIDE OF MY EYE THERE WAS THREE PEOPLE THAT, TWO WENT
5 THAT A WAY AND ONE WAS COMING IN MY DIRECTION. BY
6 THE TIME I GOT INSIDE THE VAULT I WAS GOING, WE HAVE
7 A PHONE IN THE VAULT AND I WAS GOING TO CALL 911,
8 WHEN I TURNED AROUND THERE WAS A MAN WITH A GUN AND
9 TOLD ME TO GET INTO THE LITTLE GREEN ROOM. IT'S, WE
10 HAD THE BIG VAULT AND THEN WHERE, LIKE CHRISTA SAID,
11 WE KEEP OUR CASH UNDER COMBINATION. WE'RE THE ONLY
12 ONES THAT HAVE THAT.

13 Q SO WHAT'S THE FIRST DOOR ON THE OUTSIDE OF THE
14 VAULT, IS THAT BIG STEEL ONE?

15 A IT'S A GATE DOOR THAT YOU HAVE TO HAVE A KEY TO
16 GET IN.

17 Q WHEN YOU ARE STANDING OUTSIDE THE FIRST DOOR,
18 THE BIG STEEL ONE, IS THAT THE ONE THAT CLOSES UP?

19 A YES.

20 Q THE HEAVY ONE?

21 A YES, SIR. AND FROM THAT YOU HAVE A GATE THAT
22 YOU HAVE A KEY THAT YOU HAVE TO GET INTO TO GO IN.

23 Q OKAY. AND THEN I STEP INTO THAT LITTLE ROOM, IS
24 IT BIG ENOUGH FOR ME TO STICK MY ARMS THIS WAY?

25 A JUST BARELY.

DEBBIE ALEXANDER

DIRECT

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1 Q OKAY. AND WHAT WOULD BE RIGHT HERE; WHAT ARE
2 THOSE THINGS?

3 A ON THAT SIDE YOU HAVE ALL THE CASH BOXES UNDER
4 COMBINATIONS. ON THE OTHER SIDE THERE IS WOOD
5 CABINET WHERE COIN IS MOSTLY KEPT.

6 Q OKAY. IS THAT -- WHERE ARE THE SAFETY DEPOSIT
7 BOXES?

8 A THOSE ARE OUTSIDE THE LITTLE ROOM.

9 Q OKAY. SO YOU ARE ALREADY IN THE SECOND ROOM?

10 A YES, SIR.

11 Q THAT'S WHERE THE VAULTS ARE --

12 A YES, SIR.

13 Q WITH THE CASH BOXES?

14 A YES, SIR.

15 Q SO WHEN I FIRST WALK IN, THAT'S WHERE THE SAFETY
16 DEPOSIT BOXES ARE?

17 A YES, SIR.

18 Q ALL RIGHT. AND THEN THE NEXT ROOM IS THE LITTLE
19 GREEN ROOM?

20 A RIGHT.

21 Q AND THAT'S WHERE YOUR TELLER DRAWERS ARE?

22 A YES, SIR.

23 Q AND EACH INDIVIDUAL TELLER DRAWER, EACH
24 INDIVIDUAL TELLER DRAWER, HAS ITS OWN SEPARATE VAULT?

25 A YES, SIR.

1 Q WITHIN THAT. ALL RIGHT. WHAT DID THE
2 INDIVIDUAL, YOU SAID A MAN CAME, YOU TURNED AROUND
3 AND THERE WAS A MAN RIGHT THERE WITH YOU, WHAT DID HE
4 TELL YOU TO DO?
5 A GET ME THE MONEY.
6 Q OKAY. COULD YOU TELL ANYTHING ABOUT, HOW COULD
7 YOU IDENTIFY HIM IN ANY WAY, SHAPE, OR FORM?
8 A (NO RESPONSE.)
9 Q OBVIOUSLY YOU SAID IT WAS A MAN?
10 A BY THE VOICE, I MEAN.
11 Q TALL/SHORT?
12 A JUST REGULAR HEIGHT.
13 Q TALLER THAN ME OR SHORTER THAN ME, DO YOU
14 RECALL?
15 A I CAN'T RECALL BECAUSE I WAS TRYING NOT TO LOOK.
16 HE TOLD ME, I HAD TO OPEN UP MY VAULT WHICH I DID.
17 Q OKAY.
18 A FROM THERE HE PUT THE MONEY IN THE BAG.
19 Q WHAT COLOR CLOTHES WAS HE WEARING?
20 A IT WAS DARK, EITHER DARK BLUE, BLACK, IT WAS
21 DARK CLOTHING.
22 Q AND HIS FACE WAS OBSCURED?
23 A YES, SIR.
24 Q BY WHAT?
25 A A MASK.

DEBBIE ALEXANDER

DIRECT

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1 Q WERE THERE HOLES IN THE MASK?

2 A THE EYES AND MOUTH.

3 Q OKAY. COULD YOU TELL WHAT COLOR THIS INDIVIDUAL
4 WAS?

5 A BLACK.

6 Q ALL RIGHT. WAS HE BIG, STOCKY BUILD, MEDIUM,
7 SLENDER?

8 A MEDIUM BUILD.

9 Q OKAY. ANYTHING, WAS HE HOLDING ANYTHING BESIDES
10 A GUN?

11 A THE BAG, HE CAME IN WITH A EMPTY BAG.

12 Q OKAY. HOW WERE YOU FEELING AT THIS TIME?

13 A LIKE I WAS GETTING READY TO PASS OUT.

14 Q OKAY.

15 A AND FOR A COUPLE OF SECONDS I DID NOT THINK I
16 WOULD SEE MY FAMILY AGAIN. I THOUGHT THAT WE WERE
17 ALL GOING TO DIE.

18 Q WAS THERE, COULD YOU SEE THE OTHER PEOPLE THAT
19 WERE IN THERE?

20 A ALL MY EMPLOYEES AND THE TWO CUSTOMERS WHEN I
21 WAS IN THE LITTLE ROOM, THEY WERE BEING PUSHED IN AND
22 I SAW ANGEL NEELANDS BEING, EVERYBODY IS BEING SHOVED
23 IN THERE, AND SHE FELL UP AGAINST THE SAFETY DEPOSIT
24 BOXES AND THAT IS THE TIME THAT I THOUGHT WE WERE ALL
25 GOING TO DIE.

1 Q HOW MANY PEOPLE WERE IN THERE ULTIMATELY?

2 A ALL OF US. THE TWO CUSTOMERS, ALL MY, THE
3 EMPLOYEES THAT I WORK WITH, MY MANAGER, THE PERSON
4 WITH THE SKI MASK.

5 Q OKAY. TELL US WHAT HAPPENED, YOU WERE CLOSEST
6 TO THE PERSON WITH THE SKI MASK AND THE BAG, IS THAT
7 CORRECT?

8 A YES, SIR.

9 Q HE WAS WITH YOU TELLING YOU TO GIVE HIM THE
10 MONEY. DESCRIBE FOR THE JURY WHAT UNFOLDED IN THE
11 NEXT MINUTE OR TWO?

12 A HE GOT THE MONEY OUT OF MY VAULT WHICH CONSISTED
13 OF ONES, FIVES, AND TENS. HE GOT VERY IRATE AND
14 STARTED YELLING, I'M NOT GETTING ENOUGH. I'M NOT
15 GETTING ENOUGH.

16 Q WHO WAS HE TALKING TO?

17 A JUST YELLING.

18 Q OKAY. WAS HE LOOKING AT YOU OR BACK AT SOMEBODY
19 ELSE, WHERE WAS HE LOOKING?

20 A I DON'T KNOW.

21 Q ALL RIGHT.

22 A I WAS JUST HEARING WHAT HE WAS SAYING, I'M NOT
23 GETTING ANY MONEY.

24 Q OKAY. DESCRIBE WHAT HAPPENED NEXT?

25 A THEN HE HAD CHRISTA THOMAS OPEN UP HER VAULT

DEBBIE ALEXANDER

DIRECT

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1 WHICH SHE WAS HAVING TROUBLE WITH AND MARK, OUR
2 MANAGER, HAD TO DO IT SHE WAS SHAKING SO BAD.

3 Q IS THAT THE LADY WHO JUST TESTIFIED, CHRISTA
4 THOMAS OR CHRISTA BOLIN?

5 A YES. SHE TOOK HER CASH BOX TRAY OUT AND PUT IT
6 ON THE GROUND AND THEY WERE INSTRUCTED TO PUT THE
7 MONEY IN THE BAG.

8 Q OKAY. AND THEN WHAT HAPPENED? WERE THEY
9 TALKING AMONGST THEMSELVES? COULD YOU HEAR THEM
10 DISCUSSING ANYTHING AMONGST THEMSELVES OR DO YOU
11 RECALL?

12 A NO, SIR.

13 Q OKAY. HOW WOULD YOU, IS THERE A DIFFERENCE
14 BETWEEN SAY THE CONVERSATION WE'RE HAVING NOW, YOUR
15 ABILITY TO REMEMBER THINGS AND HOW YOU WERE THEN, THE
16 STRESS OF THE MOMENT, DID THAT AFFECT YOUR ABILITY TO
17 RECOLLECT THINGS?

18 A NO, SIR, THAT WILL STAY IN MY MIND FOREVER.

19 Q OKAY. HOW LONG WERE THEY IN THE BACK VAULT WITH
20 YOU?

21 A I WOULD SAY A COUPLE OF MINUTES. I'VE BEEN A
22 TELLER FOR 25 YEARS NOW AND MOST BANK ROBBERIES WILL
23 HAPPEN WITHIN 30 SECONDS TO A MINUTE AND I KNOW IT
24 SEEMED LIKE THEY WERE IN THERE FOR 30 MINUTES, BUT
25 THEY WERE IN THERE A LOT LONGER THAN WHAT I EXPECTED

1 THEM TO BE.

2 Q ALL RIGHT. DID YOU SEE ANY OF THE OTHER ROBBERS
3 BESIDES THE ONE THAT FIRST CAME IN, WERE YOU ABLE TO
4 SEE ANY OF THE OTHER ONES?

5 A NO, SIR.

6 Q JUST THE ONE THAT CAME INITIALLY?

7 A I MEAN WHEN THEY FIRST CAME INITIALLY, YES, SIR,
8 BECAUSE I DID SEE OUT OF THE CORNER OF MY EYE DARK
9 FIGURES.

10 Q SURE.

11 A ONE GOING THAT WAY AND ONE GOING THAT AND ONE
12 COMING TOWARDS THE VAULT.

13 Q BUT AFTER YOU WERE IN THE VAULT WITH THE ONE
14 FELLOW, THE FIRST FELLOW THAT CAME IN, DID YOU SEE
15 THE OTHER TWO? WERE YOU ABLE TO SEE THE OTHER TWO
16 FELLOWS?

17 A JUST BARELY AT THE VERY, WE WERE ALL CRAMMED
18 INTO THE VAULT, I THOUGHT THERE WAS ANOTHER FIGURE
19 OUTSIDE THAT VAULT BUT I COULD NOT SAY.

20 Q ULTIMATELY DESCRIBE WHAT, TO THE JURY, WHAT
21 HAPPENED WHEN THEY LEFT?

22 A AFTER THEY LEFT WE HAD, THERE IS TWO PEOPLE AT
23 THE DRIVE UP. THEY WERE ACTUALLY DOWN ON THEIR HANDS
24 AND KNEES ALMOST TRYING TO AVOID THE PERSON AT THE
25 DRIVE UP. MARK CALLED THE POLICE DEPARTMENT. AND WE

DEBBIE ALEXANDER

DIRECT

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1 HAVE ALL SPECIFIC DUTIES THAT WE'RE SUPPOSED TO DO
2 AFTERWARDS, TRY TO SECURE THE VAULTS AND EVIDENCE AND
3 THINGS LIKE THAT.

4 Q NOW WHEN THEY LEFT WHERE DID THEY LEAVE THE
5 EMPLOYEES AND THE --

6 A IN THE VAULT.

7 Q ---AND THE CUSTOMER, OKAY. HOW WERE YOU
8 SITUATED INSIDE THE VAULT?

9 A CRAMMED IN, KNOCKED DOWN.

10 Q WAS THE DOOR OF THE VAULT OPEN OR CLOSED, THE
11 GATE?

12 A THE GATE WAS CLOSED.

13 Q HOW DID YOU GET OUT?

14 A WE HAVE A KEY THAT'S ALSO IN THE INSIDE OF THE
15 VAULT WHERE WE HAVE THE PHONE AND WE CAN, IN CASE IT
16 IS AUTOMATICALLY SHUT, YOU CAN GET ANOTHER KEY.

17 Q I SEE. I SEE. AND WERE YOU THERE TALKING TO
18 SOME OF THE OTHER PEOPLE, YOU SAID THERE WERE COUPLE
19 FOLKS OUT DRIVE-THRU TELLER LANES. DID YOU TALK TO
20 THOSE FOLKS?

21 A NO, SIR, I SURE DID NOT.

22 Q WHO WAS TALKING TO THEM, DO YOU RECALL?

23 A I BELIEVE IT WAS MICHAEL HARRIS THAT WAS THE ONE
24 THAT WENT OVER TO THE DRIVE UP.

25 Q THANK YOU, MS. ALEXANDER. PLEASE ANSWER ANY

1 QUESTIONS THAT MR. JAMIESON MIGHT HAVE.

2 CROSS EXAMINATION MR. JAMIESON:

3 Q MA'AM, YOU HEARD ME INTRODUCE MYSELF. MY NAME
4 IS PHILLIP JAMIESON. I REPRESENT MR. YOUNG.

5 A YES, SIR.

6 Q I JUST HAVE A COUPLE QUESTIONS FOR YOU. ONE
7 WOULD BE IT'S FAIR TO SAY THAT THIS WAS A VERY
8 CONFUSING TIME, IS THAT RIGHT, A LOT GOING ON?

9 A PRETTY MUCH.

10 Q AND YOU CAN'T IDENTIFY ANYBODY AS THE PERSON WHO
11 ROBBED YOU, IS THAT CORRECT?

12 A NOT WITH MASKS ON.

13 MR. JAMIESON: THAT'S ALL I HAVE, JUDGE.

14 THE COURT: MR. PORTER.

15 CROSS EXAMINATION BY MR. PORTER:

16 Q YOU STATED THAT THE GENTLEMEN WERE IN THE BANK
17 FOR ABOUT TWO MINUTES?

18 A I SAID SEVERAL MINUTES.

19 Q SEVERAL MINUTES.

20 A UH-HUH.

21 Q AND YOU SAY NORMALLY SOMEONE BE IN THE VAULT 30
22 MINUTES. HAVE YOU BEEN ROBBED BEFORE?

23 A YES, SIR.

24 Q OKAY. AND YOU DIDN'T TALK TO ANYONE OUTSIDE AT
25 THE TELLER WINDOW? DID YOU TALK TO ANYONE AT THE

1 TELLER WINDOW?

2 A YOU MEAN AT THE DRIVE-UP?

3 Q I MEAN DRIVE-UP, YES.

4 A NO, SIR.

5 Q WHO DID YOU TALK TO RIGHT AFTER THE ROBBERY?

6 A AFTER THE ROBBERY?

7 Q YES.

8 A THE POLICE DETECTIVES.

9 Q YOU DON'T KNOW WHICH ONE INTERVIEWED YOU?

10 A I'M SORRY?

11 Q DO YOU KNOW WHICH ONE INTERVIEWED YOU?

12 A NO, SIR.

13 MR. PORTER: NO FURTHER QUESTIONS.

14 MR. BRACKETT: NOTHING FURTHER ON

15 REDIRECT. I ASK THIS WITNESS BE EXCUSED.

16 THE COURT: YOU MAY STEP DOWN AND BE

17 EXCUSED. THANK YOU.

18 A THANK YOU.

19 MR. SPRINGS: MR. ROBERT MORGAN.

20 ROBERT MORGAN, BEING FIRST DULY SWORN,

21 TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION BY MR. SPRINGS:

23 Q MR. MORGAN, I'M KNOW YOU ARE HARD OF HEARING, SO

24 I'M GOING TO SPEAK REAL LOUD, ALL RIGHT?

25 A ALL RIGHT.

1 Q TELL THIS JURY YOUR NAME, SIR?

2 A ROBERT THOMAS MORGAN.

3 Q HOW OLD ARE YOU, MR. MORGAN?

4 A 82.

5 Q MR. MORGAN, ON DECEMBER 22 OF LAST YEAR, A

6 FRIDAY MORNING, WERE YOU AT THE BANK OF YORK OUT NEAR

7 LAKE WYLIE?

8 A YES, SIR.

9 Q DID SOMETHING BAD HAPPEN?

10 A WELL, FOR AWHILE I DIDN'T KNOW WHAT WAS GOING ON

11 UNTIL ONE OF THE GUYS OUTSIDE ASKED ME TO COME OUT

12 THERE AND THEN HE SAID I HAD TO GO BACK IN THE VAULT

13 AND THEN HE PUSHED ME, COULDN'T GET THE DOOR SHUT,

14 AND I FELL ON, I FELL ON THEM LADIES AND THEY WERE

15 CRYING.

16 Q IT'S ALL RIGHT. YOU WANT A DRINK OF WATER? YOU

17 WANT A DRINK OF WATER?

18 A YEAH, IT WOULDN'T HURT.

19 Q I DON'T HAVE ANYMORE QUESTIONS FOR YOU, BUT

20 THESE FELLOWS MIGHT WANT TO ASK YOU SOME QUESTIONS.

21 KEEP YOUR VOICE UP SO THE JURY CAN HEAR YOUR ANSWERS.

22 MR. JAMIESON: NO QUESTIONS, YOUR HONOR.

23 THE COURT: MR. PORTER.

24 MR. PORTER. NO QUESTIONS.

25 THE COURT: YOU CAN STEP DOWN. WE

MONICA HARRIS

DIRECT

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1 APPRECIATE YOUR TIME. YOU CAN BE EXCUSED.

2 A THANK YOU.

3 THE COURT: THANK YOU.

4 MR. BRACKETT: STATE CALL MONICA HARRIS.

5 MONICA HARRIS, BEING FIRST DULY SWORN,

6 TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION BY MR. BRACKETT:

8 Q HOW ARE YOU DOING?

9 A PRETTY GOOD.

10 Q WOULD YOU PLEASE STATE YOUR FULL NAME FOR THE

11 COURT REPORTER?

12 A MONICA HARRIS.

13 Q AND WHERE ARE YOU EMPLOYED RIGHT NOW?

14 A RIGHT NOW?

15 Q YES.

16 A I'M SELF EMPLOYED.

17 Q OKAY. AND WHERE IS THAT, WHAT CITY?

18 A LAKE WYLIE.

19 Q AND WHAT DO YOU DO?

20 A I'M A PHOTOGRAPHER. I HAVE A PORTRAIT STUDIO IN

21 LAKE WYLIE.

22 Q WHERE DID YOU WORK BEFORE THAT?

23 A AT THE BANK OF YORK IN LAKE WYLIE.

24 Q WERE YOU WORKING AT THE BANK OF YORK IN LAKE

25 WYLIE IN DECEMBER OF LAST YEAR?

1 A YES.

2 Q 2006?

3 A YES, I WAS.

4 Q OKAY. SPECIFICALLY TURNING YOUR ATTENTION TO

5 DECEMBER 22, 2006, WHAT, HOW FAR DO YOU LIVE FROM THE

6 BANK OF YORK?

7 A LESS THAN TEN MINUTES.

8 Q OKAY. DO YOU RECALL GOING TO WORK THAT MORNING?

9 A YES.

10 Q ALL RIGHT. WHAT DID YOU DO?

11 A I DON'T KNOW. GOT UP AND GOT A SHOWER AND I

12 HAVE A LITTLE BOY, I TOOK HIM TO CAMP AND THEN CAME

13 BACK TO WORK. I HAVE TO BE THERE AROUND NINE O'CLOCK

14 SO.

15 Q AND WHAT WERE YOUR RESPONSIBILITIES AT THE BANK

16 OF YORK?

17 A I WAS A TELLER SO TO WAIT ON PEOPLE.

18 Q OKAY. WHAT'S THE FIRST THING YOU DO WHEN YOU

19 GET TO WORK?

20 A FIRST THING I DO WHEN I GET THERE IS GET MY

21 MONEY, BRING IT OUT, AND TURN ON MY COMPUTER AND.

22 Q IS THAT BACK IN THE VAULT WHERE EVERYBODY HAS

23 BEEN TALKING ABOUT?

24 A YES, IN ONE OF THOSE CABINETS. I HAVE MY OWN

25 CABINET.

MONICA HARRIS

DIRECT

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1 Q AND YOU HAVE YOUR OWN COMBINATION TO THAT?

2 A YES.

3 Q SO YOU WERE AT WORK AND SET UP AND READY TO GO
4 AT 9 AM?

5 A YES.

6 Q AND ANYTHING UNUSUAL HAPPEN AT THE BANK OF YORK
7 AROUND 10:30?

8 A YES. SOME MEN CAME IN THE DOOR WITH, YOU KNOW,
9 DARK CLOTHES, MASKS, GUNS, AND ROBBED US.

10 Q OKAY. AND TELL US WHERE YOU WERE SITTING WHEN
11 THEY CAME IN THE DOOR?

12 A I WAS SITTING AT MY TELLER WINDOW. IF THE---

13 Q IF I'M COMING IN THE DOOR AND I'M THE ROBBER --

14 A THEN YOU WOULD BE.

15 Q OVER HERE?

16 A DIRECTLY TO MY RIGHT, KIND OF.

17 Q TO YOUR RIGHT?

18 A LIKE I WOULD BE FACING THE CENTER OF THE LOBBY.
19 IF YOU WERE TO WALK STRAIGHT IN THE DOOR YOU WOULD
20 WALK STRAIGHT IN IN FRONT OF ME.

21 Q OKAY. SO YOU'RE TO THEIR LEFT AS THEY WALK IN?

22 A YES.

23 Q OKAY. TELL US WHAT YOU, TELL US, DESCRIBE FOR
24 THE JURY WHAT HAPPENED WHEN THEY FIRST CAME IN THE
25 DOOR?

1 A OKAY. WHEN THEY FIRST CAME IN THEY, YOU KNOW,
2 OBVIOUSLY WE JUST SAW GUNS AND PEOPLE COMING IN AND
3 JUST CAME OVER WITH THE GUNS POINTED AND I BELIEVE
4 SAID GET BACK OR YOU KNOW SOMETHING LIKE THAT TO
5 WHERE I, YOU KNOW, IMMEDIATELY PUT MY HANDS UP AND
6 GOT BACK, YOU KNOW, AWAY FROM MY DESK PORTION I GUESS
7 YOU WOULD SAY.

8 Q ALL RIGHT.

9 A AND THEY WERE, THERE WAS A LOT OF YELLING AND
10 THEY WERE TELLING US TO COME OUT, YOU KNOW, FROM
11 BEHIND THERE, SO MYSELF AND THERE WAS TWO OTHER
12 TELLERS BEHIND THE TELLER LINE, CAME OUT, YOU KNOW,
13 OF THE TELLER LINE AND THEN.

14 Q DO YOU REMEMBER EXACTLY WHAT THEY SAID?

15 A I CAN'T REMEMBER EXACTLY HOW THEY WORDED
16 EVERYTHING. I MEAN THERE WAS YELLING AND THERE WAS
17 MORE THAN ONE PERSON YELLING SO YOU KNOW. I HEARD
18 THEM BEING TOLD AT THE OTHER SIDE OF THE BANK TO GET
19 ON THE FLOOR, YOU KNOW, BUT AGAIN I WASN'T -- I
20 DIDN'T KNOW IF WE WERE SUPPOSED TO GET ON THE FLOOR
21 OR IF WE ARE SUPPOSED TO STAY, YOU KNOW. IT WAS JUST
22 KIND OF CONFUSING.

23 Q ALL RIGHT. WHO ELSE WAS BACK IN THE TELLER LINE
24 WITH YOU?

25 A IT WAS MYSELF AND CASSIE WINE AND CECIL LYLES.

MONICA HARRIS

DIRECT

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1 Q OKAY. LET'S SEE IF I CAN FIND A GOOD PHOTOGRAPH
2 TO ORIENT THEM. THIS ONE WILL DO. CAN YOU STEP
3 DOWN FOR JUST A SECOND. SHOULD BE A STICK OVER HERE,
4 A POINTER. IF YOU WANT TO STAND NEXT TO MR. IVEY SO
5 THE JURY CAN SEE YOU. SHOW THE JURY APPROXIMATELY
6 WHERE YOU WERE SITTING.

7 A RIGHT HERE.

8 Q ALL RIGHT. AND WHAT'S THAT AND YOU SAID CASSIE?

9 A YES.

10 Q WHERE WAS SHE?

11 A SHE WAS, YOU SEE THIS COMPUTER SCREEN AND
12 MICROPHONE THAT WOULD BE HER STATION, SHE WAS SITTING
13 THERE.

14 Q OKAY. WHAT IS THAT WHITE WINDOW BEHIND THERE?

15 A THAT'S THE SHADE THAT GOES TO THE DRIVE-THRU.

16 Q OKAY.

17 A THERE IS TWO WINDOWS HERE. THIS WOULD BE WHERE
18 CECIL WAS STANDING. THERE IS ANOTHER STATION YOU
19 KNOW ON THIS SIDE OF THAT.

20 Q OKAY. AND THE WINDOW LOOKS OUT ON TO THE WHAT?

21 A ON TO THE DRIVE-THRU WHERE THE CARS COME
22 THROUGH.

23 Q OKAY. AND IF YOU COULD SHOW WHERE THE, IF,
24 WHERE THE MEN CAME IN THAT YOU COULD SHOW IN THAT
25 PICTURE WHERE---

1 A IT WOULD BE IN FRONT OF THIS LITTLE DESK THAT
2 YOU SEE, SO WHEN THEY WALKED IN ONE WALKED YOU KNOW
3 CAME HERE AND TOLD US, YOU KNOW, TO GET BACK. AND
4 THEN YOU KNOW THAT THEN THEY KIND OF MOVED AROUND AND
5 WE WALKED THIS WAY AND YOU KNOW WEREN'T QUITE SURE
6 WHAT TO DO, WE HEARD YELLING BACK HERE, WE HEARD
7 YELLING IN THE LOBBY.

8 Q AND IF THAT CHRISTMAS TREE WASN'T THERE, WHAT
9 WOULD WE SEE STRAIGHT AHEAD?

10 A STRAIGHT RIGHT HERE?

11 Q YES.

12 A THE ENTRANCE WAY TO WHERE THE VAULT IS.

13 Q OKAY. AND THEN PAST THE ENTRANCE WAY TO THE
14 VAULT, HEADING TOWARDS THE WINDOW WHAT WOULD?

15 A OH, WELL, THERE IS LIKE A LITTLE AREA HERE. YOU
16 WOULD WALK ALONG THE WALL BACK BEHIND THE TELLER LINE
17 WHERE THERE IS A CORNER OF THE WALL WHERE THIS DOOR
18 IS THAT THE OTHER SIDE, THAT'S THE WALL OF THE
19 VAULTS, SO THE VAULT DOOR WOULD BE RIGHT ABOUT THERE.

20 Q I SEE. OKAY. SO ONE INDIVIDUAL APPROACHED THE
21 TELLER LINE?

22 A YES.

23 Q WAS HE ARMED?

24 A YES.

25 Q ALL RIGHT. AND WHAT DID HE, COULD YOU SEE THE

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1 GUN?

2 A YES.

3 Q WHAT WAS HE DOING WITH IT?

4 A JUST HOLDING IT OUT, ARMS LENGTH.

5 Q POINTING IT AT YOU?

6 A POINTING IT, YES, AT EVERYONE. YOU KNOW KEPT IT
7 ON US.

8 Q COULD YOU DESCRIBE THAT INDIVIDUAL?

9 A JUST A MAN AND IN DARK CLOTHES WITH A MASK.

10 Q OKAY. WHAT CAN YOU TELL US FROM WHAT YOU WERE
11 ABLE TO PERCEIVE OF HIM, WHAT CAN YOU TELL US OF HIM?

12 A HE WAS YELLING. I DON'T KNOW. LATER WHEN WE
13 WERE IN THE VAULT, YOU KNOW, I FELT LIKE I COULD SEE
14 HIM CLOSER. I COULD SEE THE MOUTH AREA.

15 Q OKAY.

16 A AND YOU KNOW COULD JUST TELL THAT IT WAS A BLACK
17 MAN AND HIS MOUTH SEEMED STUBBLY LOOKING TO ME AND
18 THAT'S ALL.

19 Q AND COULD YOU TELL HOW TALL HE WAS?

20 A I COULDN'T REALLY TELL FROM, YOU KNOW. I WAS
21 NEVER DIRECTLY NEXT TO ANYONE SO.

22 Q ALL RIGHT. AND DID THIS INCIDENT SCARE YOU?

23 A YES.

24 Q DID THAT AFFECT YOUR ABILITY TO PERCEIVE THINGS?

25 A YES.

1 Q DID THEY, DID THEY GIVE YOU ANY INSTRUCTIONS
2 ABOUT LOOKING AT THEM?

3 A I DON'T REMEMBER. I MEAN I TRIED NOT TO LOOK AT
4 THEM JUST BECAUSE IT WAS SCARIER TO LOOK AT THEIR
5 FACE, YOU KNOW. I TRIED TO, I DIDN'T WANT ATTENTION
6 TO BE DRAWN TO ME OR ANYTHING LIKE THAT, SO I TRIED
7 TO JUST YOU KNOW KEEP MY HEAD DOWN AND LOOK TO WHERE
8 I NEEDED TO LOOK.

9 Q USING THE POINTER SHOW THE JURY WHERE YOU GUYS,
10 WHEN YOU WERE BACK BEHIND THE TELLER LINE, SHOW US
11 WHERE YOU WENT, DESCRIBE WHAT UNFOLDED AFTER HE
12 STARTED GIVING YOU INSTRUCTIONS AND POINTING THE GUN
13 AT YOU?

14 A WELL, HE STARTED POINTING A GUN WHEN I WAS HERE.

15 Q OKAY.

16 A AND SAID TO GET BACK AND YOU KNOW I DID. I JUST
17 PUT MY HANDS UP AND YOU KNOW I PUT MY HANDS ON MY
18 HEAD AND THE THREE OF US WALKED AROUND THIS WAY.
19 THERE WAS, THE ONE GUY WAS GOING INTO THE VAULT AND
20 HE WAS YELLING YOU KNOW ALSO SPEAKING APPARENTLY TO
21 DEBBIE YOU KNOW BECAUSE SHE WAS ALREADY THERE.

22 Q OKAY.

23 A AND WE COULD HEAR HIM AND WE ALMOST WENT IN
24 THERE AND THEN WE HEARD THEM SAY YOU KNOW TO, I DON'T
25 KNOW, TO GET BACK OR SOMETHING. AGAIN THEY WERE JUST

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1 YELLING DIFFERENT THINGS AND I DON'T KNOW WHETHER
2 THEY ARE TALKING TO US OR OTHER PEOPLE ON THE OTHER
3 SIDE OF THE VAULT, I MEAN THE OTHER SIDE OF THE BANK,
4 SO IT WAS KIND OF CONFUSING, SO WE CAME OUT THIS WAY
5 WHERE THEY COULD SEE US THAT WE WEREN'T YOU KNOW
6 BECAUSE WE WERE KIND OF HIDDEN BEHIND THE CHRISTMAS
7 TREE WHEN THAT GUY WENT INTO THE VAULT FROM THE OTHER
8 PEOPLE, SO WE CAME THIS WAY AND THEN THEY STARTED
9 BRINGING EVERYBODY, TELLING EVERYBODY TO GO INTO THE
10 VAULT. SO BY THIS TIME EVERYONE OVER HERE WAS ON THE
11 FLOOR AND WE WALKED BACK AND EVERYBODY WAS YOU KNOW
12 HERDED INTO THE VAULT AT THAT POINT.

13 Q OKAY. TELL WHAT HAPPENED ONCE YOU GOT INTO THE
14 VAULT. DESCRIBE IT FOR THE JURY?

15 A ONCE WE WERE INSIDE THE VAULT, THE GUY THAT WAS
16 IN THERE WITH DEBBIE WAS SAYING THAT HE DIDN'T HAVE
17 ENOUGH MONEY YOU KNOW. WHERE IS THE REST OF THE
18 MONEY. YOU KNOW STUFF LIKE THAT. WE ALL, YOU KNOW,
19 WE'RE JUST KIND OF WAITING, DIDN'T KNOW WHAT TO DO.
20 I SWUNG MY VAULT OPEN WHICH WAS EMPTY BECAUSE THERE
21 WAS NOTHING IN IT, MY MONEY WAS ON THE TELLER LINE
22 YOU KNOW. I WAS STILL, I THINK I WAS CROUCHING, I
23 WASN'T SITTING ON THE FLOOR BUT I HAD BEEN WALKING.
24 I WALKED IN. I DIDN'T CRAWL LIKE THE OTHER HALF OF
25 THE BANK, AND SO WE WERE ALL KIND OF RIGHT THERE, YOU

1 KNOW, VERY CLOSE TO THE GUY AND HE WAS LOOKING AROUND
2 AT ALL OF US AND YOU KNOW I JUST WANTED HIM TO KNOW
3 THAT I DIDN'T HAVE ANYTHING TO GIVE HIM. SO YOU KNOW
4 I SAID I DON'T HAVE ANYTHING. I DON'T HAVE ANY MORE.
5 SO THEN CHRISTA TRIED TO GET HER VAULT OPEN AND SHE
6 COULDN'T AND I BELIEVE I EVEN TRIED AT ONE TIME TO
7 HELP HER AND YOU KNOW MARK SAID HE COULD DO IT AND
8 MARK ENDED GIVING THE MONEY YOU KNOW AND THEN THEY
9 PUT IT IN THE BAG.

10 Q ABOUT HOW LONG WERE THEY IN THE VAULT AND ALL
11 THIS TAKING PLACE?

12 A A COUPLE OF MINUTES. I MEAN I'M NOT SURE. IT
13 SEEMED LIKE A REALLY LONG TIME. YOU KNOW I KNOW
14 THAT, NOT THE GUY THAT WAS IN THE INTERIOR OF THE
15 VAULT, BUT THERE WAS A GUY ON THE OUT, YOU KNOW,
16 WHERE THE GATE IS OF THE VAULT. THEY WERE YOU KNOW
17 JUST KIND OF YELLING AND THE GUY THAT WAS OUTSIDE OF
18 THE VAULT, LIKE IN THE BANK PART, WAS JUST YELLING
19 AND HAD SAID THAT THERE WAS SOMEBODY AT THE
20 DRIVE-THRU AND JUST HURRYING THEM UP BASICALLY.
21 I DON'T REMEMBER WHAT HE WAS SAYING EXACTLY BUT IT
22 WAS JUST A BUNCH OF YELLING. SO BEFORE YOU KNOW THEN
23 HE JUST KIND OF SHOVED HIS WAY OUT THROUGH ALL OF US.
24 Q DID THE FELLOW WHO WAS, YOU SAID THERE WAS ONE
25 FELLOW OUT IN THE COMMON AREA THERE?

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1 A RIGHT.

2 Q YOU COULD HEAR HIS VOICE YELLING IN?

3 A RIGHT, AT THAT TIME I DIDN'T KNOW HOW MANY

4 PEOPLE WERE LEFT OUT THERE. I JUST KNEW I COULD SEE

5 THE ONE IN THE VAULT, IN THE INTERIOR OF THE VAULT,

6 THE ONE AT THE, SO WE COULDN'T LEAVE THE VAULT,

7 STANDING AT THE DOOR, AND THEN I COULD HEAR YELLING

8 FROM OTHER VOICES OUTSIDE OF THE VAULT.

9 Q OKAY. OF EITHER OF THE TWO MEN THAT YOU SAW,

10 THE ONE INSIDE THE VAULT AND THE ONE OUTSIDE;

11 IMMEDIATELY OUTSIDE THE VAULT DOOR, COULD YOU SEE

12 EITHER OF THEIR FACES?

13 A THE ONE ON THE OUTER PART IS THE ONE I DESCRIBED

14 HIS MOUTH.

15 Q OKAY.

16 A BECAUSE WHEN WE WERE GOING, BEING HERDED INTO

17 THE VAULT, LIKE I SAID, WE WERE STILL STANDING AND

18 PEOPLE WERE CRAWLING AND THEY KIND OF YOU KNOW SOME

19 PEOPLE KIND OF CRAWLED ALMOST PAST US BECAUSE WE WERE

20 KIND OF STANDING AT THE DOOR, THE THREE OF US, KIND

21 OF WAITING ON DIRECTION, NOT KNOWING YOU KNOW, AND

22 THAT WAS THE GENTLEMAN THAT HE HAD SOME SORT OF SPRAY

23 IN HIS HAND, MACE OR PEPPER SPRAY OR WHATEVER, BUT I

24 JUST REMEMBER HE KEEP SHAKING IT AND SPRAYING AND

25 BECAUSE THEY WERE CRAWLING IN FRONT OF US AND IT WAS

1 ON THEIR BACKS. I COULD SEE IT LIKE ON MARK'S WHITE
2 SHIRT, YOU KNOW THE ORANGE ON HIS SHIRT THAT THEY HAD
3 BEEN SPRAYED.

4 Q OKAY.

5 A AND THEN WE JUST KIND OF WALKED IN AND SO THAT'S
6 THE GUY I WAS TALKING ABOUT HIS MOUTH.

7 Q CAN YOU DESCRIBE THEIR CLOTHING, THE FELLOW WHO
8 WAS INSIDE THE VAULT WITH YOU?

9 A ON THE INTERIOR, THE FURTHEST IN?

10 Q YES?

11 A JUST A DARK SWEAT SHIRT. I THINK HE HAD A SKI
12 MASK ON.

13 Q WHAT COLOR WAS THE SKI MASK, DO YOU RECALL?

14 A I BELIEVE HIS SKI MASK WAS A LIGHTER COLOR LIKE
15 A FADED BLACK OR SOMETHING BUT HE HAD A DARK HOODED
16 SWEAT SHIRT ON AND DARK PANTS WHICH ALL OF THEM HAD
17 DARK CLOTHING AND DARK MASKS.

18 Q OKAY. HOW LONG, WHERE DID THEY EVENTUALLY GO?
19 YOU SAID ONE OF THEM PUSHED HIS WAY OUT?

20 A WELL, HE HAD TO GET OUT. I MEAN THERE WAS LIKE
21 NINE OF US IN THERE INCLUDING HIM, YOU KNOW TEN
22 PEOPLE OR WHATEVER, SO HE JUST BASICALLY CLIMBED OVER
23 US TO GET OUT AND THEN THE, THEY SHOVED EVERYONE IN
24 TO GET THE DOOR, THE DOOR OPENS IN, SO THEY HAD TO
25 PULL IT BACK SHUT, SO THEY SHOVED EVERYONE IN.

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1 THAT'S WHEN MR. MORGAN FELL IN ON TOP OF SOME PEOPLE.

2 Q HE GOT SHOVED?

3 A EVERYONE GOT SHOVED, UH-HUH. HE FELL ON TO HIS
4 KNEE. I THINK HE CUT HIS KNEE.

5 Q I SEE. AND WAS THE DOOR CLOSED, LOCKED?

6 A THE GATE WAS PULLED SHUT, YES.

7 Q ALL RIGHT. HOW LONG DID YOU WAIT INSIDE THE
8 VAULT BEFORE YOU TRIED TO GET OUT?

9 A NOT VERY LONG. I MEAN WE WAITED JUST YOU KNOW
10 HOLD STILL FOR A SECOND UNTIL WE COULDN'T HEAR
11 ANYBODY. YOU KNOW MARK GOT THE KEY AND WE OPENED THE
12 GATE AND HE AND MYSELF, MARK AND MYSELF, LEFT THE
13 VAULT.

14 Q WHERE DID YOU GO?

15 A TO THE TELLER LINE. THERE WAS A LADY AT THE
16 WINDOW AND SHE WAS KIND OF WAVING YOU KNOW TO GET OUR
17 ATTENTION AND I TURNED THE SPEAKER ON AND I SAID YOU
18 KNOW IT WILL JUST BE A MOMENT, WE'VE HAD AN
19 EMERGENCY, AND SHE SAID YOU KNOW ASKED US IF WE HAD
20 BEEN ROBBED. AND I SAID YES. AND SHE STARTED TO
21 TELL ME THAT SHE SAW THE CAR AND THEN A SECOND LADY
22 PULLED BACK -- AT THIS TIME WHILE I WAS TALKING TO
23 HER MARK WAS DIALING YOU KNOW 911. SO SHE WAS,
24 HERSELF AND THEN A SECOND LADY WAS YOU KNOW TELLING
25 US, GIVING US DESCRIPTIONS OF THE CAR, AND I WAS JUST

1 RELAYING THAT TO MARK ON THE PHONE.

2 Q MARK IS MR. LUBIATO?

3 A RIGHT, I MEAN HE WAS STANDING RIGHT THERE WITH
4 ME.

5 Q THE GENTLEMAN WHO TESTIFIED FIRST TODAY?

6 A YES.

7 Q MARK LUBIATO?

8 A YES.

9 Q OKAY. SO YOU WERE RELAYING THE DESCRIPTION OF
10 THE VEHICLE AND THE DIRECTION IT WAS HEADED TO MR.
11 LUBIATO?

12 A YES.

13 Q WHO IS ON THE PHONE WITH THE POLICE?

14 A RIGHT.

15 Q ALL RIGHT.

16 MR. BRACKETT: COURT'S INDULGENCE ONE
17 MOMENT.

18 Q THANK YOU VERY MUCH. PLEASE HAVE A SEAT AND IF
19 YOU'LL BE SO KIND AS TO ANSWER ANY QUESTIONS THAT
20 MR. JAMIESON MAY HAVE FOR YOU. MR. JAMIESON, DO YOU
21 NEED THIS?

22 MR. JAMIESON: NO.

23 CROSS EXAMINATION BY MR. JAMIESON.

24 Q MA'AM, I'M PHILLIP JAMIESON. I REPRESENT
25 MR. YOUNG. I ONLY HAVE A COUPLE QUESTIONS FOR YOU.

1 HOW MANY PEOPLE CAME INTO THE BANK?

2 A I THOUGHT AT THE TIME THAT IT WAS FOUR PEOPLE.

3 Q ALL RIGHT. AND THE STATEMENT YOU GAVE TO THE
4 POLICE --

5 A YES.

6 Q --WAS FOUR?

7 A YES, THAT'S ON MY STATEMENT.

8 Q AND DID ALL OF THEM HAVE GUNS?

9 A WHAT I SAW, I BELIEVED I SEEN ALL OF THEM WITH A
10 GUN.

11 Q YOU CAN'T IDENTIFY ANYBODY AS THE PERSON THAT
12 ROBBED YOU, CAN YOU?

13 A NOT, THEY HAD SKI MASKS ON.

14 MR. JAMIESON: NOTHING FURTHER. THANK
15 YOU.

16 THE COURT: MR. PORTER.

17 CROSS EXAMINATION BY MR. PORTER:

18 Q MS. HARRIS, WHAT KIND OF CAR DID THEY SAY?

19 A I CAN'T REMEMBER SPECIFICALLY. YOU KNOW I WAS
20 JUST KIND, IT WAS GOING IN MY EAR AND OUT TO MARK. I
21 DON'T EVEN REMEMBER NOW WHAT THE ACTUAL CAR WAS.

22 Q DO YOU KNOW WHAT COLOR IT WAS?

23 A I BELIEVE THE ONE LADY TOLD ME IT WAS GRAY, THE
24 OTHER LADY SAID BLUISH GRAY, IT WAS KIND OF TWO
25 PEOPLE WERE TALKING TO ME AND I WAS JUST KIND OF

1 SAYING WHAT THEY WERE SAYING RIGHT AWAY TO MARK ON
2 THE PHONE.

3 MR. PORTER: NO FURTHER QUESTIONS.

4 MR. BRACKETT: NO REDIRECT. I ASK THE
5 WITNESS BE EXCUSED.

6 THE COURT: YOU CAN STEP DOWN AND WE
7 APPRECIATE YOUR TIME. YOU CAN BE EXCUSED IF YOU
8 WISH.

9 MR. SPRINGS: WE CALL PAUL BAYER.

10 PAUL BAYER, BEING FIRST DULY SWORN,
11 TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION BY MR. SPRINGS:

13 Q MR. BAYER, I'M GOING TO ASK YOU TO SPEAK UP NICE
14 AND LOUDLY, SPEAK TOWARDS THE MICROPHONE AND
15 THEREFORE TOWARDS OUR JURY AND TELL THIS JURY YOUR
16 NAME, SIR?

17 A PAUL BAYER.

18 Q MR. BAYER, WERE YOU AT THE LAKE WYLIE BRANCH OF
19 THE BANK OF YORK AROUND 10:30 IN THE MORNING FRIDAY,
20 DECEMBER 22 LAST YEAR?

21 A YES, SIR.

22 Q AND AROUND 10:30 THAT MORNING DID SOMETHING
23 HAPPEN?

24 A YES.

25 Q WHAT WAS THE FIRST THING THAT GOT YOUR ATTENTION

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1 THAT SOMETHING WAS GOING ON?

2 A WELL, MY BACK WAS TO THE DOOR. I WAS AT THE
3 CUSTOMER SERVICE AND THE DESK IS HERE AND THE DOOR
4 WOULD BE BEHIND ME AND THE FIRST THING THAT GOT MY
5 ATTENTION WAS SOMEONE COMING UP BEHIND ME AND I FELT
6 SOMETHING TOUCH ME AND I TURNED AROUND AND I SAW THE
7 SKI MASK.

8 Q OKAY. ALL RIGHT. WERE YOU WORKING AT THE BANK
9 OR WERE YOU A CUSTOMER?

10 A A CUSTOMER.

11 Q AND THAT PERSON THAT CAME UP BEHIND YOU, DID
12 THEY SAY ANYTHING TO YOU?

13 A TOLD ME TO GET ON THE FLOOR.

14 Q ALL RIGHT. AND DID YOU GET ON THE FLOOR?

15 A I GOT ON THE FLOOR WITH A LITTLE HELP BUT I
16 WOULD HAVE GONE WITHOUT THE HELP.

17 Q ALL RIGHT. WHAT WERE YOU WEARING, DO YOU
18 REMEMBER WHAT KIND OF SHIRT YOU WERE WEARING, WHAT
19 COLOR?

20 A ORANGE I BELIEVE.

21 Q I'M SHOWING YOU STATE'S EXHIBIT 14, BUT BEFORE I
22 SHOW IT TO YOU LET ME SHOW IT TO THESE FELLOWS. DOES
23 THE SCENE SHOWN IN STATE'S EXHIBIT 14, DOES IT MEAN
24 ANYTHING TO YOU? DO YOU RECOGNIZE IT?

25 A YES, I DO. THIS WAS THE DESK WHERE I WAS UP

1 GETTING MY SERVICE.

2 Q OKAY. ALL RIGHT.

3 THE COURT: IS THAT ONE ALREADY IN
4 EVIDENCE?

5 MR. SPRINGS: THIS IS IN EVIDENCE, YES,
6 SIR.

7 Q AND JUST LIKE MS. HARRIS IF YOU WOULD STEP UP
8 LONG ENOUGH TO TAKE THE POINTER AND SHOW THE JURY
9 WHERE YOU WERE WHEN THE MAN CAME UP AND TOLD YOU TO
10 GET ON THE FLOOR?

11 A IT'S HARD TO SEE. THIS IS THE DESK I WAS IN
12 RIGHT HERE IN FRONT OF THIS DESK. THAT'S THE OPENING
13 TO THE OFFICE.

14 Q AND THE MAN CAME FROM WHICH DIRECTION?

15 A BEHIND ME WHICH WOULD HAVE BEEN BACK HERE AT THE
16 DOORS.

17 Q ALL RIGHT. AND YOU SAY YOU WERE WEARING WHAT
18 COLOR SHIRT?

19 A I BELIEVE IT WAS ORANGE.

20 Q ALL RIGHT. IF WOULD YOU GO AHEAD AND LAY THE
21 POINTER DOWN AND RETAKE YOUR SEAT. AFTER YOU GOT ON
22 THE FLOOR, DID YOU NOTICE THAT THERE WAS MORE THAN
23 ONE PERSON, MORE THAN ONE PERSON?

24 A YES, I DID.

25 Q WHAT WAS YOUR SENSE OF HOW MANY PEOPLE WERE, HAD

PAUL BAYER

DIRECT

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1 COME IN?

2 A I SENSED FOUR BECAUSE THE ONE THAT TOLD ME TO
3 GET ON THE FLOOR AND I NOTICED THAT ONE HAD GONE OVER
4 TOWARD THE VAULT AND THEN THERE WAS ANOTHER ONE THAT
5 WAS OVER TO MY LEFT AND THEN WHEN I WAS LAYING ON THE
6 FLOOR I DIDN'T GET ON MY STOMACH. I LAID ON MY BACK
7 BECAUSE I WANTED TO BE AWARE OF WHAT WAS GOING ON AND
8 HE TOLD ME TO FLIP BECAUSE I GUESS HE DIDN'T WANT ME
9 LOOKING AT THEM OR WHATEVER, SO I FLIPPED OVER AND IN
10 THE MEANTIME I WAS SPRAYED SEVERAL TIMES WITH PEPPER
11 SPRAY IN THE MOUTH, THE WHOLE FACE, AND THEN THE ONE
12 GLANCE THAT I GOT WAS WHEN I THOUGHT THE FOURTH ONE
13 HAD COME IN THE BACK DOOR BECAUSE THAT'S WHEN THEY
14 BRING THE PRESIDENT, MARK BACK IN FROM THE BACK, AND
15 SO I COUNTED THAT AS THE FOURTH NOT KNOWING THAT ONE
16 HAD PASSED BY ME WHILE I WAS ALREADY, WHILE I WAS
17 BEING SPRAYED.

18 Q WHAT WAS THE BASIC WAY THESE PEOPLE WERE
19 DRESSED?

20 A DARK CLOTHES. THAT'S BEEN SAID BEFORE. SKI
21 MASKS, HOOD, GLOVES, GUNS.

22 Q AFTER YOU GOT DOWN ON THE FLOOR AND WERE SPRAYED
23 IN THE FACE WITH PEPPER SPRAY WERE YOU MADE TO GO
24 ANYWHERE?

25 A YES, MADE TO CRAWL.

1 Q WHERE WERE YOU MADE TO CRAWL TO?

2 A TO THE VAULT.

3 Q DID YOU ACTUALLY GET IN THE VAULT?

4 A YES, SIR, I DID.

5 Q AND DID YOU SEE ANY MONEY TAKEN?

6 A YES, SIR, I DID.

7 Q AND NOT TO SOUND FOOLISH, BUT WHO TOOK THE
8 MONEY?

9 A THE MASKED MEN. THE ONE GUY WAS HOLDING THE BAG
10 AND ANOTHER ONE WAS AT THE END OF THE VAULT LOOKING
11 IN OVERSEEING IT ALL.

12 Q ALL RIGHT. HAVE YOU SEEN THE SECURITY CAMERA
13 VIDEO IN THIS CASE?

14 A YES, I HAVE.

15 Q I'M NOT GOING TO SHOW IT TO YOU BUT I'M GOING TO
16 ASK YOU, IS IT ACCURATE ACCORDING TO YOUR MEMORY OF
17 WHAT WAS GOING ON?

18 A IT CERTAINLY IS.

19 Q WELL, THAT'S ALL THE QUESTIONS I'M GOING TO ASK
20 YOU. IF YOU'LL ANSWER ANY QUESTIONS THE DEFENDANTS
21 MAY HAVE.

22 CROSS EXAMINATION BY MR. JAMIESON::

23 Q SIR, YOU'VE HEARD ME INTRODUCE MYSELF.

24 A YES.

25 Q MY NAME IS PHILLIP JAMIESON. I'M GOING TO ASK

ANGEL NEELANDS

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1 THE SAME QUESTION I'VE ASKED EVERYBODY ESSENTIALLY
2 AND THAT IS, CAN YOU IDENTIFY ANYONE HAS THE PERSON
3 WHO COMMITTED THIS ROBBERY?

4 A I CAN'T SAY THAT I CAN.

5 Q THANK YOU, SIR.

6 THE COURT: MR. PORTER.

7 MR. PORTER: NO QUESTIONS.

8 THE COURT: ALL RIGHT, REDIRECT.

9 MR. SPRINGS: NONE.

10 THE COURT: YOU CAN STEP DOWN.

11 MR. SPRINGS: THANK YOU, MR. BAYER. MAY
12 MR. BAYER BE EXCUSED OR SPECULATE AS HE PLEASE.

13 THE COURT: YOU CAN STEP DOWN AND BE
14 EXCUSED IF YOU WISH. THANK YOU FOR YOUR TIME. CALL
15 YOUR NEXT WITNESS.

16 MR. SPRINGS: MS. ANGEL NEELANDS.

17 ANGEL NEELANDS, BEING FIRST DULY SWORN,
18 TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION BY MR. SPRINGS:

20 Q I'M GOING TO ASK YOU, LIKE I'VE ASKED EVERYBODY,
21 KEEP YOUR VOICE UP AND LOUD. WE WANT TO MAKE SURE
22 EVERYONE HEARS YOU. WHAT IS YOUR NAME, MA'AM?

23 A ANGEL NEELANDS.

24 Q MS. NEELANDS, WHERE WERE YOU WORKING ON FRIDAY,
25 DECEMBER 22, LAST YEAR?

1 A AT THE BANK OF YORK IN LAKE WYLIE.

2 Q WERE YOU OUT AT THE BANK OF YORK AT LAKE WYLIE

3 ABOUT 10:30 IN THE MORNING?

4 A YES.

5 Q AND DID SOMETHING HAPPEN AT ABOUT 10:30?

6 A YES, SIR.

7 Q WHAT WAS THE FIRST THING THAT GOT YOUR ATTENTION

8 AND MADE YOU REALIZE SOMETHING WAS GOING ON?

9 A I SAW THREE MEN WALK IN WITH GUNS AND ONE WALKED

10 STRAIGHT TO MY OFFICE AND POINTED IT AT ME AND TOLD

11 ME TO COME ON.

12 Q HOW WERE THESE MEN WITH GUNS DRESSED, DO YOU

13 RECALL JUST BASICALLY?

14 A JUST SKI MASKS ON AND DARK CLOTHING.

15 Q I SHOW YOU STATE'S EXHIBIT 14, WHAT DOES THAT

16 SHOW?

17 A YES, SIR, THAT SHOWS MY OFFICE AND A WINDOW AND

18 THEN THERE IS ALSO A DOOR WHICH IS WHERE I SAW THEM

19 THROUGH MY DOOR.

20 Q OKAY. DID YOU HAVE, WHEN THE MEN CAME IN DID

21 YOU HAVE ANYONE IN THE OFFICE WITH YOU?

22 A YES, SIR, I HAD A CUSTOMER ROBERT MORGAN.

23 Q IS THAT THE OLDER GENTLEMAN?

24 A YES, SIR.

25 Q I SEE. AND I'M GOING TO ASK YOU IF YOU WOULD

1 PLEASE COME DOWN AND TAKE THE POINTER AND POINT OUT
2 YOUR OFFICE WHERE YOU WERE WHEN THESE MEN FIRST CAME
3 INTO THE BANK?

4 A THIS IS MY OFFICE, TO THE DOOR, I WAS SITTING
5 RIGHT HERE.

6 Q OKAY. THAT'S ALL I NEEDED TO KNOW. THANK YOU.
7 RETAKE YOUR SEAT. SO AFTER THE MEN CAME IN WHAT DID
8 THEY DO? SPECIFICALLY WHAT DID THEY DO WITH YOU?

9 A HE WALKED STRAIGHT TO MY DOOR, HAD A GUN
10 POINTING RIGHT AT ME, AND TOLD ME TO COME ON SO I
11 WALKED OUT BESIDE HIM. THERE WAS ANOTHER GENTLEMAN
12 THAT TOLD CHRISTA TO GET ON THE FLOOR. WHEN SHE DID
13 WHAT HE ASKED, HE WENT ACROSS THE DESK AND PUT THE
14 GUN AT THE BACK OF HER HEAD AND TOLD HER TO GET UP
15 BECAUSE THAT'S OBVIOUSLY NOT WHAT HE WANTED HER TO
16 DO, I DON'T KNOW, AND SO THEY ARE TELLING US TO GET
17 ON THE FLOOR AND WE'RE TRYING TO DO WHAT THEY ARE
18 ASKING, BUT THEY ARE STILL YELLING AT US. AND THEN I
19 SAW THEM SPRAY PAUL IN THE FACE WITH I GUESS PEPPER
20 SPRAY. AND THEN AND THE WHOLE TIME I WAS LAYING ON
21 MY SIDE UP AGAINST THE DESK BUT I STILL YOU KNOW I
22 WAS TRYING TO SEE WHAT WAS GOING ON BUT I WAS SCARED
23 TO LOOK ALSO.

24 Q ALL RIGHT. DID YOU GET ON THE FLOOR?

25 A YES.

1 Q ONCE YOU WERE ON THE FLOOR DID THESE MEN ORDER
2 YOU TO DO ANYTHING OR GO ANYWHERE?

3 A YES, THEY ASKED -- WELL, THEY TOLD US TO CRAWL
4 TO THE VAULT AND THAT'S WHAT WE DID, WE CRAWLED TO
5 THE VAULT.

6 Q ALL RIGHT. WHEN YOU GOT TO THE VAULT WHAT WAS
7 GOING ON IN THE VAULT?

8 A THERE WAS ALREADY A ROBBER IN THERE WITH DEBBIE
9 AND SOME OTHER PEOPLE WHICH I WAS ON THE FLOOR
10 CRAWLING, SO I'M NOT SURE HOW MANY PEOPLE WERE IN
11 THERE BEFORE I WAS, THEY WERE TRYING TO GET MONEY AND
12 I KEPT HEARING THEM SAY, HE'S NOT GETTING ANY MONEY.
13 AND THEN THE, THEY GOT CHRISTA TO OPEN HER VAULT AND
14 THEN THEY STILL COULDN'T GET IT OPEN AND THE GUY AT
15 THE BACK TOLD THEM, TOLD CHRISTA, THAT SHE ONLY HAD
16 TWO MINUTES TO GET THE VAULT OPEN. I DON'T KNOW WHAT
17 THEY WERE GOING TO DO BUT THEY WERE TELLING THEM
18 THERE WAS SOMEBODY AT THE DRIVE-IN, TO COME ON, AND
19 THEY WERE COUNTING DOWN TIME FOR SOME REASON.

20 Q WHAT WERE YOU THINKING? WHAT WAS GOING THROUGH
21 YOUR MIND AT THAT POINT?

22 A I WAS JUST PRAYING THAT I WAS GOING TO GO HOME
23 AND SEE MY LITTLE BOY AND JUST SPEND MY CHRISTMAS
24 WITH MY FAMILY. I JUST PRAYED.

25 Q DID YOU SEE THEM GET SOME MONEY?

1 A YES.

2 Q AFTER THEY GOT THE MONEY WHAT DID THEY DO?

3 WHERE THEY DID THEY GO?

4 A THEY, THE ONE IN THE BACK WAS STEPPING ON US AND
5 JUMPING ACROSS AND THEY JUMPED ON, HE JUMPED ON MY
6 LEG, AND THEN THEY WENT OUT AND THEN THEY COULDN'T
7 GET THE DOOR TO SHUT SO THEY SHOVED MR. MORGAN DOWN
8 ON TOP OF US AND THEN PULLED THE DOOR SHUT AND IT
9 SLAMMED IT AND RAN OUT THE DOOR.

10 Q LET ME ASK YOU THIS. LET ME BACK UP A STEP.

11 DID ALL THE ROBBERS GO BACK INTO THE VAULT WITH YOU?

12 A NO, THERE WAS ONLY TWO THAT I SAW IN THE VAULT.
13 THERE WAS ONE ALREADY THERE AND ONE THAT WAS STANDING
14 THERE, THE ONE THAT WAS TRYING TO GET US ALL TO CRAWL
15 TO THE VAULT WAS THE ONE THAT WAS AT THE BACK OF THE
16 VAULT ALSO.

17 Q WAS THERE ANOTHER ROBBER SOMEWHERE?

18 A THERE WAS SOMEBODY OUT FRONT TELLING THEM THERE
19 WAS SOMEBODY AT THE DRIVE-IN, TO HURRY UP.

20 Q OKAY. HAVE YOU SEEN THE SECURITY CAMERA VIDEO
21 IN THIS CASE?

22 A YES.

23 Q DOES IT SHOW YOU CRAWLING?

24 A YES.

25 Q DOES THE SECURITY CAMERA VIDEO MATCH YOUR

1 RECOLLECTION OF WHAT WAS GOING ON AFTER?

2 A YES.

3 Q THAT'S ALL THE QUESTIONS I HAVE FOR YOU. IF YOU
4 WOULD ANSWER ANY THESE QUESTIONS THESE TWO MEN HAVE
5 YOU FOR.

6 CROSS EXAMINATION BY MR. JAMIESON:

7 Q MA'AM, DO YOU REMEMBER TELLING THE POLICE IN
8 YOUR STATEMENT THAT THERE WERE THREE OR FOUR PEOPLE?

9 A YES, SIR.

10 Q SO YOU DON'T KNOW HOW MANY PEOPLE CAME IN, IS
11 THAT CORRECT?

12 A I KNOW I SAW THREE WALK IN THE DOOR, BUT THEN
13 WHENEVER THEY WENT BACK TO GET MARK IS WHENEVER I
14 THOUGHT THERE WAS SOMEBODY THAT CAME FROM THE BACK
15 DOOR.

16 Q OKAY. AND DID THEY ALL HAVE GUNS?

17 A YES, BECAUSE THAT'S, WHEN THEY WALKED IN THAT'S
18 WHAT I SAW GUNS.

19 Q OKAY. AND CAN YOU IDENTIFY ANYBODY AS THE
20 PERSON THAT ROBBED THE BANK THAT DAY?

21 A THEY HAD SKI MASKS SO YOU CAN'T SEE THEIR FACE.

22 Q ALL RIGHT. THANK YOU.

23 MR. PORTER: NO.

24 THE COURT: ANY REDIRECT?

25 MR. SPRINGS: NO.

CASSIE WINE

DIRECT

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1 THE COURT: YOU CAN STEP DOWN AND BE
2 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU..

3 MR. BRACKETT: THE STATE WOULD CALL CASSIE
4 WINE.

5 CASSIE WINE, BEING FIRST DULY SWORN,
6 TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION BY MR. BRACKETT:

8 Q GOOD AFTERNOON, CASSIE. COULD YOU STATE YOUR
9 FULL NAME AND SPELL YOUR NAME FOR THE COURT REPORTER.
10 YOUR FIRST NAME IS SPELLED A LITTLE DIFFERENT.

11 A CASSIE, C-A-S-S-I-E. WINE.

12 Q ALL RIGHT. WHERE ARE YOU EMPLOYED, CASSIE?

13 A AT THE BANK OF YORK IN LAKE WYLIE.

14 Q AND WHAT DO YOU DO AT THE BANK OF YORK?

15 A I'M A TELLER.

16 Q WERE YOU WORKING AS A TELLER IN DECEMBER OF
17 2006?

18 A I WAS.

19 Q WE'VE HEARD TESTIMONY IN HERE REGARDING THE
20 ROBBERY AND I'M GOING TO TURN YOUR ATTENTION
21 SPECIFICALLY TO THAT?

22 A YES, SIR.

23 Q SO WE CAN GET TO THE POINT?

24 A OKAY.

25 Q WERE YOU IN THE BANK WHEN IT WAS ROBBED?

1 A I WAS.

2 Q AND WHERE WERE YOU, WHAT STATION WERE YOU
3 WORKING?

4 A I WAS WHAT'S CALLED THE SECOND TELLER DRIVE-UP
5 WINDOW.

6 Q OKAY. DID YOU SEE MONICA HARRIS WHERE SHE
7 POINTED OUT, IS THAT WHERE YOU WERE SEATED AT THAT
8 MONITOR?

9 A YES, SIR, BEHIND MONICA.

10 Q ALL RIGHT. WHAT DO YOU RECALL HAPPENING WHEN
11 THE ROBBERS ENTERED THE BANK?

12 A I DID NOT HEAR ANYTHING UNTIL ONE OF MY
13 CO-WORKERS MADE A STATEMENT AND I TURNED AROUND. NOW
14 AT THIS POINT THERE IS A ROBBER AT THIS POINT WITH A
15 SKI MASK ON POINTING AT A GUN AT ME.

16 Q WHERE WAS THE ROBBER LOCATED?

17 A HE WAS DOWN, ONE WINDOW DOWN FROM WHERE MONICA
18 WAS.

19 Q HOW FAR FROM YOU?

20 A PROBABLY FIVE FEET.

21 Q AND DID HE SAY ANYTHING TO YOU AS HE POINTED THE
22 GUN?

23 A AT THAT POINT, NO.

24 Q WHAT DID YOU DO AS A RESULT OF SEEING THIS?

25 A I JUST PUT MY HANDS UP. THAT WAS THE ONLY THING

CASSIE WINE

DIRECT

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1 I KNEW TO DO.

2 Q AND WHAT WERE YOU INSTRUCTED TO DO?

3 A AT THAT POINT HE JUST SAID COME WITH US OR COME
4 WITH ME.

5 Q OKAY. WHO ELSE WAS BACK BEHIND THERE BESIDE YOU
6 AND MONICA ANYONE?

7 A CECIL LYLES.

8 Q CECIL LYLES, ALL RIGHT. WHERE DID YOU, AND DID
9 CECIL COME WITH YOU?

10 A YES, SIR.

11 Q WHERE DID YOU GO?

12 A THEY TOOK US INTO THE FOYER AREA WHERE THE VAULT
13 WOULD BE AS I'M ASSUMING THE GENTLEMAN DID NOT WANT
14 US THERE AT THAT POINT.

15 Q OKAY.

16 A SO WE BACKED UP. AT THAT POINT I COULD TELL
17 THAT IT WAS A GENTLEMAN BECAUSE I SAW THE, I MEAN, I
18 HEARD THE VOICE. AND WHEN THEY BACKED US BACK INTO
19 THE LOBBY THEN BACK FROM THE LOBBY THEY TOOK US INTO
20 THE VAULT WHERE I STOOD OUTSIDE THE VAULT. I NEVER
21 MADE IT INTO THE VAULT UNTIL THEY WERE READY TO
22 LEAVE.

23 Q COULD YOU SEE THE GUN FAIRLY WELL?

24 A YES, SIR.

25 Q WHAT COLOR WAS IT?

1 A I DO RECALL A BLACK GUN.

2 Q OKAY. WAS IT A REVOLVER OR A SEMI-AUTOMATIC?

3 A IT LOOKED LIKE AN AUTOMATIC.

4 Q AND HOW CLOSE DID YOU GET? WHAT WAS THE CLOSEST
5 YOU GOT TO ANY OF THESE ROBBERS?

6 A HE WAS BEHIND ME. HE WAS DIRECTLY BEHIND ME
7 THROUGHOUT THE WHOLE THING UNTIL I WAS PUSHED INTO
8 THE VAULT.

9 Q OKAY. WHAT WAS THE BEST POSITION YOU GOT TO GET
10 A LOOK AT ANY OF THEM?

11 A A SIDE VIEW.

12 Q AND WHEN YOU WERE SITTING AT YOUR STATION
13 LOOKING ACROSS AND YOU FIRST SAW HIM POINTING A GUN
14 AT YOU, WHAT, YOU SAID HE WAS ABOUT FIVE FEET AWAY?

15 A FIVE FEET, YES, SIR.

16 Q CAN YOU DESCRIBE ANYTHING, ANYTHING AT ALL THAT
17 YOU RECOLLECT?

18 A THE ONLY THING THAT I DO RECALL WAS, THERE WAS
19 SOME BUMPY ASHINESS AROUND HIS MOUTH, THAT'S THE ONLY
20 THING I COULD TELL, BECAUSE WHERE THE SKI MASK WAS
21 THERE WAS ENOUGH TO SEE THE SKIN UNDER THE EYES WHICH
22 WERE BLACK AND THEN THE BUMPY ASHINESS AROUND THE
23 MOUTH.

24 Q SO IT WAS A BLACK MALE?

25 A YEAH, I'M ASSUMING. AT THAT POINT I COULD NOT

CASSIE WINE

DIRECT

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1 TELL RACE BESIDE JUDGING BY THE VOICE.

2 Q OKAY. AND HOW, HOW, HOW LONG DID YOU GET TO
3 LOOK AT ANY OF THESE FELLOWS?

4 A NOT LONG, MY BIGGEST THING WAS DON'T LOOK AT
5 THEM.

6 Q WHEN YOU SAY YOU GOT A LOOK AT ONE OF THE SIDE
7 PROFILE, WAS THAT THE FELLOW YOU JUST DESCRIBED
8 SEEING OR WAS THAT--

9 A YES, SIR.

10 Q DID YOU GET A GOOD LOOK AT ANY OF THE OTHER
11 ONES?

12 A NO, SIR.

13 Q ALL RIGHT. WHERE DID YOU GO FROM THERE, THE
14 FOYER LOBBY AREA?

15 A LIKE I SAID I WAS NOT PUT ANYWHERE UNTIL THEY
16 WERE READY TO LEAVE. I STOOD OUTSIDE THE DAY GATE.

17 Q OKAY.

18 A WITH ONE OF THE ROBBERS BEHIND ME.

19 Q I SEE. DID YOU TURN AROUND AT ANY POINT TO LOOK
20 AT HIM?

21 A I WENT TO KIND OF TURN AROUND ONE WAY, I THINK
22 MAYBE MY HAIR WAS IN THE WAY OR SOMETHING AND IT WAS
23 BOTHERING ME AT THIS POINT AND I WENT TO TURN AROUND
24 AND AT THAT POINT WHEN I TURNED AROUND I FELT A GUN
25 KIND OF SMIDGE MY BACK AND I WAS LIKE THIS IS IT.

1 Q OKAY. WHAT HAPPENED NEXT?

2 A AT THIS POINT THIS IS WHEN CHRISTA WAS TRYING TO
3 GET HER VAULT OPEN AND SHE COULDN'T GET IT OPEN, SO
4 MONICA YOU KNOW KIND OF MADE THE MOTION THAT SHE
5 WOULD TRY TO HELP AND MONICA COULDN'T GET IT SO THEN
6 I REMEMBER MARK OPENING THE VAULT.

7 Q WERE YOU THE CLOSEST PERSON TO THE EXTERIOR OF
8 THE VAULT?

9 A YES, SIR.

10 Q EVERYONE ELSE WAS IN FRONT OF YOU IN THE VAULT?

11 A YES, SIR.

12 Q ALL RIGHT. COULD YOU HEAR FROM YOUR POSITION
13 OUT THERE IN THAT LITTLE HALLWAY THAT LEADS OUT TO
14 THE FOYER, IS THAT ABOUT WHERE YOU WERE STANDING,
15 RIGHT IN FRONT OF THE DAY GATE?

16 A RIGHT IN FRONT OF THE DAY GATE, YES, SIR.

17 Q OKAY. COULD YOU HEAR THE OTHER ROBBER WHO WAS
18 OUT IN THE LOBBY AREA?

19 A YES, SIR, I COULD.

20 Q WHAT DID YOU HEAR? TELL THE JURY WHAT
21 CONVERSATION YOU HEARD BETWEEN THAT INDIVIDUAL
22 OUTSIDE -- LET'S BACK UP. WHAT CONVERSATION DID YOU
23 HEAR BETWEEN ANY OF THE ROBBERS DURING ANY OF THE
24 COURSE OF THE ROBBERY?

25 A IF YOU WILL EXCUSE WHAT I'M ABOUT TO SAY, BEFORE

CASSIE WINE

DIRECT

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1 THEY GOT READY TO LEAVE ONE THE GUYS SAID, WE GOT TO
2 GET THE FUCK OUT OF HERE, THERE IS SOMEBODY AT THE
3 DRIVE-UP, AND AT THIS POINT THAT'S WHEN I RECALL THE
4 BAG MAN GETTING UP.

5 Q OKAY. WHERE WAS HE FROM YOU, HOW FAR AWAY?

6 A HE WAS A GOOD DISTANCE. I'M NOT GOOD WITH
7 JUDGMENT, BUT HE WAS A GOOD DISTANCE AWAY FROM ME
8 BECAUSE HE WAS ALL THE WAY IN THE BACK OF THE VAULT
9 AND I WAS ALL THE WAY TOWARDS THE FRONT.

10 Q COULD YOU HEAR THEM SAYING ANYTHING ELSE AMONGST
11 THEMSELVES?

12 A JUST CALLING OUT TIME: WE GOT TWO MINUTES, WE
13 GOT A MINUTE AND 15 SECONDS, JUST CALLING OUT TIME
14 THAT IT WAS TIME TO GO.

15 Q ALL RIGHT. DID THEY UTTER ANY THREATS
16 SPECIFICALLY TO YOU OR OTHER PATRONS IN THE BANK,
17 OTHER EMPLOYEES IN THE BACK THAT YOU HEARD?

18 A NOT THAT I'M AWARE OF.

19 Q CAN YOU DESCRIBE THEIR CLOTHING ANY BETTER THAN
20 HAS BEEN DESCRIBED?

21 A NO, SIR. AT THAT TIME THAT WAS NOT MY THING.
22 MY BIGGEST THING WAS, GOD, PLEASE GET ME OUT OF HERE.
23 MY BOYFRIEND IS HOME FROM THE NAVY. I'VE GOT MY
24 FAMILY, THIS IS MY CHRISTMAS, JUST GET THEM OUT.

25 Q THANK YOU VERY MUCH. PLEASE ANSWER ANY

1 QUESTIONS MR. JAMIESON HAS.

2 CROSS EXAMINATION BY MR. JAMIESON:

3 Q MA'AM, WHEN YOU WROTE A STATEMENT TO THE POLICE
4 DID YOU TELL THEM THERE WERE FOUR PEOPLE THAT CAME
5 IN?

6 A YES, SIR. I ACQUIRED THE THREE THAT CAME IN THE
7 DOOR AND I THOUGHT THAT THERE WAS ONE WHO CAME IN THE
8 BACK DOOR WITH MARK.

9 Q SO AS FAR AS YOU KNOW THERE WERE FOUR?

10 A YES, SIR.

11 Q AND YOUR STATEMENT SAYS ONE OF THEM HAD BLEACHED
12 HANDS, WHAT DO YOU MEAN BY THAT?

13 A LIKE WHEN I LOOKED DOWN, WHEN I WAS AT THE DAY
14 GATE, I LOOKED DOWN AND I JUST SAW LIKE WHITE COLORED
15 HANDS. THAT'S ALL I SAW.

16 Q AND I'LL ASK YOU THE SAME QUESTION I ASKED
17 EVERYBODY ELSE, CAN YOU IDENTIFY ANYBODY AS THE
18 PERSON THAT ROBBED THE BANK?

19 A THEY WERE WEARING SKI MASKS. I'M SORRY. I
20 CANNOT.

21 Q THANK YOU, MA'AM.

22 THE COURT: ANY REDIRECT?

23 MR. BRACKETT: NO, SIR.

24 THE COURT: YOU CAN STEP DOWN AND BE
25 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. CALL

CECIL LYLES

DIRECT

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1 YOUR NEXT WITNESS.

2 MR. BRACKETT: THE STATE WOULD CECIL
3 LYLES.

4 CECIL LYLES, BEING FIRST DULY SWORN WAS
5 EXAMINED AND TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. BRACKETT:

7 Q MA'AM, WOULD YOU STATE YOUR FULL NAME?

8 A I'M CECIL LYLES.

9 Q CECIL, DO YOU NEED A DRINK OF WATER?

10 A I'M FINE.

11 Q ARE YOU OKAY. OKAY. WHERE ARE YOU WORKING NOW,
12 CECIL?

13 A AT THE BANK OF YORK IN LAKE WYLIE.

14 Q WHAT DO YOU DO THERE?

15 A I'M A TELLER.

16 Q OKAY. WERE YOU THERE ON DECEMBER 22, 2006, WHEN
17 IT WAS ROBBED?

18 A YES.

19 Q WERE YOU WORKING AT 10:30?

20 A YES, SIR.

21 Q OKAY. AND WERE YOU BEHIND A TELLER LINE?

22 A I WAS.

23 Q TELL US WHAT YOU FIRST SAW?

24 A I HAD GONE TO GET SOME COFFEE AND GONE BACK
25 BEHIND THE TELLER LINE AND TURNED AROUND AND LOOKED

1 UP AND THEY WERE IN THE DOOR, THE THREE MASKED
2 GENTLEMEN WERE IN THE DOOR, AND I TOLD CASSIE, I
3 SAID, THEY WERE YELLING, DON'T TOUCH ANYTHING, AND I
4 TOLD CASSIE, I SAID, COME WITH ME, JUST COME WITH ME,
5 AND HELD OUR HANDS UP AND BACKED UP BECAUSE WE DIDN'T
6 KNOW WHAT THEY WAS WANTING US TO DO. IT WAS VERY
7 CONFUSING. AND WE JUST KIND OF STOOD THERE WHILE
8 THEY WERE FOCUSING ON THE OTHER SIDE OF THE BANK WITH
9 ANGEL AND CHRISTA AND PAUL BAYER AND MARK. THEN THEY
10 PROCEEDED TO HAVE THEM CRAWL ON THE FLOOR AND PEPPER
11 SPRAY THEM WHILE WE WERE JUST STANDING THERE SO THEY
12 PUT THEM INTO THE VAULT AND CASSIE AND MYSELF WERE
13 HERDED INTO THE VAULT ALSO.

14 Q WAS MONICA WITH YOU IN THAT GROUP?

15 A SHE WAS AT THE FRONT WITH CHRISTA AND MARK.

16 Q AND DID YOU GET A GOOD LOOK AT ANY OF THESE
17 INDIVIDUALS?

18 A I WAS STANDING AT THE BACK OF THE VAULT. I
19 TURNED AROUND, IT WAS A LOT OF CONFUSION, AND I SAW A
20 GENTLEMAN KIND OF TALL WITH REAL, LOOKED LIKE
21 CIRRHOSIS AROUND HIS MOUTH STARING AT ME WITH A GUN
22 WHICH WAS PUT INTO MY BACK AND I WAS SHOVED DOWN TO
23 THE FLOOR ON TOP OF PAUL BAYER IN THE SAFE.

24 Q OKAY. DID YOU GET A GOOD LOOK AT ANY OF THE
25 OTHERS?

1 A I WAS NOT THAT CLOSE TO THEM.

2 Q HOW WERE THEY DRESSED?

3 A THEY HAD ON DARK PANTS AND TWO HAD ON DARK SWEAT

4 SHIRTS, ONE WAS A LIGHTER COLOR. DARK SKI MASKS,

5 BLACK OR GRAY .SKI MASKS.

6 Q DID SOME HAVE BLACK AND SOME HAVE GRAY?

7 A WE WERE DARK COLORED.

8 Q OKAY. COULD YOU, CAN YOU RECOLLECT ANYTHING

9 THAT ANY OF THESE INDIVIDUALS SAID TO THEMSELVES,

10 AMONGST EACH OTHER AS THE ROBBERY WAS IN PROGRESS?

11 A THEY WERE YELLING A LOT, I'M NOT GETTING ANY

12 MONEY. I'M NOT GETTING ANY MONEY. HURRY UP. HURRY

13 UP. THEY WERE YELLING AT PAUL AND ANGEL AND CHRISTA,

14 YOU KNOW SPRAYING THEM, YELLING AT THEM, COME ON,

15 COME ON, LET'S GO, LET'S GO AND THEN THEY WERE, WHEN

16 THE GENTLEMAN WAS INSIDE THE SAFE WITH CHRISTA AND

17 MARK, THEY WERE YELLING YOU KNOW I'M NOT GETTING ANY

18 MONEY, WE GOT TO GET OUT OF HERE, SOMEBODY PULLED UP

19 TO THE DRIVE-UP.

20 Q WERE YOU SCARED?

21 A YEAH.

22 Q ALL RIGHT. WHEN THEY LEFT WHERE WERE YOU AS THE

23 LAST ONE LEFT IN THE VAULT?

24 A I WAS LAYING ON TOP OF PAUL BAYER ALMOST. WE

25 HAD TO CRAWL INTO THE SMALL SPACE, SO WE WERE JUST

1 SQUISHED IN THERE.

2 Q YOU WERE CLOSE TO THE DOOR?

3 A YES.

4 Q COULD YOU SEE THEM AS THEY LEFT?

5 A NO, I DID NOT.

6 Q OKAY.

7 A I WAS IN THE MIDDLE OF THE SAFE AT THE POINT.

8 Q DID YOU SEE THE INDIVIDUALS THAT WAS INSIDE THE

9 GREEN ROOM?

10 A YES, I DID.

11 Q COMING THROUGH?

12 A YES.

13 Q WAS HE CARRYING ANYTHING?

14 A YES, HE WAS CARRYING A BAG AND A GUN.

15 Q NOW AFTER THEY LEFT, YOU GOT OUT OF THE VAULT?

16 A YES.

17 Q OKAY. DID YOU, DID THE POLICE COME TO TALK TO

18 YOU?

19 A YES, THEY DID.

20 Q WERE YOU ABLE TO GIVE A STATEMENT TO THE POLICE?

21 A NO, I WAS NOT.

22 Q OKAY. AND WHY IS THAT?

23 A I HAVE HIGH BLOOD PRESSURE AND THE PARAMEDICS

24 WERE WANTING TO TAKE ME TO THE HOSPITAL THAT DAY

25 BECAUSE THEY SAID IT WAS SO HIGH I WAS PROBABLY GOING

TERRY VINESETT

DIRECT

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1 TO HAVE A STROKE.

2 Q OKAY. THANK YOU, CECIL. PLEASE ANSWER ANY
3 QUESTIONS, MR. JAMIESON MAY HAVE A QUESTION OR TWO.

4 CROSS EXAMINATION MR. JAMIESON:

5 Q MA'AM, DO YOU NEED A MINUTE?

6 A I'M GOOD.

7 Q I'M GOING TO ASK THE SAME QUESTION I ASKED
8 EVERYBODY. CAN YOU IDENTIFY ANYBODY AS THE PERSON
9 THAT ROBBED YOU?

10 A THEY ALL HAD ON SKI MASKS.

11 Q ALL RIGHT. THANK YOU, MA'AM.

12 THE COURT: MR. PORTER.

13 MR. PORTER: NO, SIR.

14 THE COURT: ANYTHING?

15 MR. BRACKETT: NO, SIR. I ASK THIS
16 WITNESS BE EXCUSED.

17 THE COURT: YOU CAN STEP DOWN AND BE
18 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. CALL
19 YOUR NEXT WITNESS.

20 MR. SPRINGS: WE CALL OFFICER TERRY
21 VINESETT.

22 MR. BRACKETT: YOUR HONOR, THIS MIGHT BE A
23 GOOD TIME FOR A BREAK.

24 THE COURT: WE'LL TAKE OUR AFTERNOON
25 BREAK.

1 (THE JURY EXITS THE COURTROOM AT 03:51
2 PM AND COURT IS IN RECESS.)

3 (COURT RESUMES AT 04:12 PM.)

4 THE COURT: IS THE STATE READY?

5 MR. SPRINGS: YES, SIR.

6 THE COURT: MR. JAMIESON?

7 MR. JAMIESON: YES, SIR.

8 THE COURT: MR. PORTER?

9 MR. PORTER: YES, SIR.

10 THE COURT: BRING IN THE JURY.

11 (THE JURY RETURNS TO THE COURTROOM AT
12 04:13 PM.)

13 THE COURT: CALL YOUR NEXT WITNESS.

14 MR. SPRINGS: WE CALL OFFICER TERRY
15 VINESETT.

16 TERRY VINESETT, BEING FIRST DULY
17 SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION BY MR. SPRINGS:

19 Q OFFICER, KEEP YOUR VOICE UP NICE AND LOUD. TELL
20 US YOUR NAME, SIR?

21 A LONNIE VINESETT, JR.

22 Q WHAT DO YOU DO FOR A LIVING?

23 A I WORK FOR THE YORK COUNTY SHERIFF'S DEPARTMENT.

24 Q ARE YOU A SWORN LAW ENFORCEMENT OFFICER?

25 A YES, SIR.

TERRY VINESETT

DIRECT

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1 Q AND ARE YOU ON A SPECIALIZED ASSIGNMENT?

2 A YES, SIR.

3 Q ARE YOU ON THE HIGHWAY INTERDICTION TEAM?

4 A YES, SIR.

5 Q DESCRIBE WHAT THE HIGHWAY INTERDICTION TEAM DOES
6 JUST BRIEFLY SO THIS JURY UNDERSTANDS YOUR
7 ASSIGNMENT?

8 A IT'S A TWO MAN TEAM WITH A CANINE, WITH A DRUG
9 SNIFFING CANINE. PRIMARILY WORK THE INTERSTATE
10 LOOKING FOR DRUGS, CONTRABAND, WEAPONS, WANTED
11 PEOPLE, MAINLY ON THE INTERSTATE.

12 Q AND DO YOU DRIVE A PATROL CAR IN THE COURSE OF
13 THIS SPECIALIZED ASSIGNMENT?

14 A YES, SIR.

15 Q HAVE YOU RECEIVED ADVANCED DRIVING, TACTICAL
16 DRIVING, HIGH SPEED DRIVING, TRAINING?

17 A YES, SIR.

18 Q OFFICER VINESETT, WERE YOU ON DUTY THE MORNING
19 OF DECEMBER 22, 2006?

20 A YES, SIR.

21 Q AROUND 10:30 THAT MORNING WHAT SECTION OF YORK
22 COUNTY WERE YOU IN?

23 A FORT MILL.

24 Q AND WERE YOU IN YOUR POLICE CAR?

25 A YES, SIR.

1 Q WAS YOUR POLICE CAR A MARKED CAR OR A SHERIFF'S
2 OFFICE WRITTEN BOLDLY ON IT OR IS IT UNMARKED?
3 A IT'S AN UNMARKED CAR.
4 Q WAS ANYONE RIDING WITH YOU THAT DAY?
5 A YES, SIR.
6 Q WHO WAS WITH YOU?
7 A CONSTABLE WES SCOTT.
8 Q IS A CONSTABLE A LAW ENFORCEMENT OFFICER?
9 A YES, SIR.
10 Q HOW WIDE IS THEIR JURISDICTION?
11 A STATE WIDE.
12 Q AND THE CONSTABLE WHO WAS WITH YOU, IS HE
13 EMPLOYED WITH THE YORK COUNTY SHERIFF'S OFFICE AS YOU
14 ARE?
15 A NO, SIR.
16 Q DOES HE VOLUNTEER HIS TIME?
17 A YES, SIR.
18 Q WHAT'S YOUR UNDERSTANDING OF THE YEARS OF LAW
19 ENFORCEMENT EXPERIENCE HE'S HAD?
20 A IF I'M NOT MISTAKEN AROUND 13 YEARS OF LAW
21 ENFORCEMENT.
22 Q AROUND 10:30 THAT FRIDAY MORNING, DECEMBER 22
23 LAST YEAR, DID A CALL COME ON YOUR RADIO THAT GOT
24 YOUR ATTENTION AND PUT YOU INTO ACTION?
25 A YES, SIR.

TERRY VINESETT

DIRECT

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1 Q WHAT CALL CAME OVER YOUR RADIO THAT CAUSED YOU
2 TO TAKE SOME ACTION?

3 A DISPATCH HAD SET OFF THE EMERGENCIES TONES
4 BASICALLY LETTING EVERYBODY KNOW TO GET READY AN
5 IMPORTANT CALL IS GETTING READY TO GO OUT AND THEN
6 THEY ADVISED THAT A 1074 WHICH IS AN ARMED ROBBERY
7 HAD JUST OCCURRED AT THE BANK OF YORK IN LAKE WYLIE.

8 Q DID YOU RECEIVE A DESCRIPTION OF A VEHICLE?

9 A YES, SIR, I BELIEVE IT WAS DARK, DARK BLUE OR
10 DARK GRAY FORD TAURUS.

11 Q AND DID YOU GET A DIRECTION OF TRAVEL FOR THE
12 SUSPECT VEHICLE?

13 A YES, SIR, DISPATCH HAD ADVISED THAT THE WITNESS
14 STATED THAT THE VEHICLE WAS NORTH ON 49 HEADING
15 TOWARDS CHARLOTTE.

16 Q AND DID YOU, WERE YOU ADVISED HOW MANY PEOPLE,
17 SUSPECTS, TO BE ON THE LOOK OUT FOR IN THE CAR?

18 A BETWEEN FOUR AND FIVE.

19 Q ALL RIGHT. NOW OFFICER, YOU SPEND A LOT OF TIME
20 OUT ON THE ROAD?

21 A YES, SIR.

22 Q YOU SEE A LOT OF CARS?

23 A YES, SIR.

24 Q IN YOUR EXPERIENCE, IN YOUR YEARS OF EXPERIENCE
25 OUT ON THE HIGHWAYS, ARE MOST CARS FULL WITH FOUR OR

1 FIVE PEOPLE?

2 A NO, SIR.

3 Q WHAT NUMBER PASSENGERS ARE IN MOST CARS OUT ON

4 OUR HIGHWAYS?

5 A MOSTLY ONE OR TWO.

6 Q NOW YOU SAID YOU WERE PART OF A TWO MAN HIGHWAY

7 INTERDICTION TEAM, WHERE WAS THE OTHER HIGHWAY

8 INTERDICTION TEAM OFFICER ABOUT 10:30, DO YOU KNOW?

9 A HE WAS ALSO IN FORT MILL.

10 Q IN HIS OWN CAR?

11 A YES, SIR.

12 Q WERE YOU IN RADIO COMMUNICATION WITH THE OTHER

13 INTERDICTION OFFICER?

14 A YES, SIR.

15 Q AND WHEN YOU GOT THIS CALL TO BE ON THE LOOK OUT

16 FOR THIS FORD, DID YOU SAY TAURUS?

17 A YES, SIR.

18 Q WHICH WAY DID YOU HEAD FROM FORT MILL?

19 A WE WERE AT THE DISTRICT, WE WERE JUST NOW

20 LEAVING THE DISTRICT OFFICE WHICH WAS ON 21 NORTH,

21 THE BUILDING NORTH OF CAPTAIN STEVE'S SEAFOOD

22 RESTAURANT, WE WERE PULLING OUT OF THAT DRIVEWAY WHEN

23 THE CALL CAME OUT. WE THEN PROCEEDED TO MAKE A LEFT

24 ON 21 KNOWING THAT THAT ROAD DEAD ENDS WITH HIGHWAY

25 49 IN CHARLOTTE AND OFFICER GIBSON WAS DIRECTLY

1 BEHIND ME.

2 Q THAT WAS GOING TO BE MY NEXT QUESTION. OFFICER

3 GIBSON, HE HEADED THAT WAY TOO?

4 A YES, SIR.

5 Q YOU BOTH HEADED TOWARD HIGHWAY 49?

6 A YES, SIR.

7 Q AND DID YOU START LOOKING FOR THE SUSPECT

8 VEHICLE?

9 A YES, SIR.

10 Q DID THE OTHER OFFICER, DON'T TELL US WHAT HE

11 SAID, BUT DID THE OTHER OFFICER, WHAT'S THE HIGHWAY

12 INTERSECTION OFFICER'S NAME?

13 A RANDY GIBSON.

14 Q DID OFFICER GIBSON ALERT YOU TO SOMETHING?

15 A YES, SIR.

16 Q WHAT DID YOU DO WHEN HE ALERTED YOU TO

17 SOMETHING?

18 A WE WERE AT THE RED LIGHT ON CAROWINDS BOULEVARD

19 AND 49 WHICH IS IN NORTH CAROLINA. I WAS SITTING

20 THERE LOOKING STRAIGHT AHEAD BASICALLY AT THE LIGHT.

21 HE WAS DIRECTLY BEHIND ME. WE BOTH HAD NEXTELS. HE

22 BEEPED ME ON MY NEXTEL AND SAID THERE THEY ARE, THERE

23 THEY ARE, THEY JUST MADE A RIGHT, TURN AROUND. I

24 STARTED TO LOOK, DIDN'T SEE ANYTHING, KEYED HIM BACK,

25 AND HE SAID THEY JUST TURNED ON CAROWINDS, TURN

1 AROUND.

2 Q AND DID YOU TURN AROUND?

3 A YES, SIR.

4 Q THAT'S CAROWINDS BOULEVARD?

5 A YES, SIR.

6 Q SO WHICH WAY AT THAT POINT ARE YOU HEADED? ARE
7 YOU HEADED TOWARDS CAROWINDS AMUSEMENT PARK OR NOT OR
8 THE OTHER WAY?

9 A YES, WE ARE HEADING EAST ON CAROWINDS TOWARD THE
10 AMUSEMENT PARK.

11 Q NOW DID CAROWINDS BOULEVARD FROM HIGHWAY 49 IN
12 NORTH CAROLINA AS YOU GO TOWARDS THE AMUSEMENT PARK
13 CAROWINDS, YOU GET BACK INTO THE STATE OF SOUTH
14 CAROLINA?

15 A YES, SIR.

16 Q AND DID YOU SEE A CAR MATCHING THE DESCRIPTION
17 YOU HAD BEEN GIVEN?

18 A YES, SIR, I DID.

19 Q DID YOU FOLLOW THAT CAR?

20 A YES, SIR.

21 Q DID THAT CAR AND YOURSELF ENTER THE STATE OF
22 SOUTH CAROLINA?

23 A YES, SIR.

24 Q IS THAT YORK COUNTY YOU ENTERED?

25 A YES, SIR.

TERRY VINESETT

DIRECT

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1 Q AND THE CAR, HOW MANY PEOPLE APPEARED TO BE IN
2 THE CAR?

3 A FIVE.

4 Q HOW CLOSELY DID THE CAR MATCH THE DESCRIPTION
5 YOU'D BEEN GIVEN?

6 A VERY CLOSE.

7 Q AND WHAT KIND OF A LICENSE TAG DID THE CAR HAVE
8 ON IT?

9 A HAD A NORTH CAROLINA LIKE A 30 OR 45 DAY PAPER
10 TAG.

11 Q ALL RIGHT.

12 A THE WHITE TAG WITH THE BLACK NUMBERS.

13 Q NORTH CAROLINA PAPER TEMPORARY TAG?

14 A YES.

15 Q AT THAT POINT DID YOU HAVE ANY SUSPICIONS ABOUT
16 THAT CAR?

17 A YES, SIR.

18 Q WHAT DID YOU SUSPECT IT MIGHT BE?

19 A IT MIGHT BE THE VEHICLE THAT WAS INVOLVED IN THE
20 ARMED ROBBERY.

21 Q WHEN YOU GOT INTO OUR YORK COUNTY, WHAT DID YOU
22 DO?

23 A I ACTIVATED MY BLUE LIGHTS.

24 Q DID YOU TURN ON YOUR SIREN?

25 A YES, SIR.

1 Q AND DID THE FORD TAURUS PULL RIGHT OVER FOR YOU?

2 A NO, SIR.

3 Q WHAT DID IT DO?

4 A IT SPED AWAY.

5 Q DID THAT AROSE YOUR SUSPICIONS?

6 A YES, SIR.

7 Q NOW DID YOU GIVE CHASE?

8 A YES, SIR, I DID.

9 Q AND AS YOU CHASED THIS CAR WHICH WAY DID IT

10 HEAD? WHAT DID IT GO TOWARDS?

11 A WENT, CONTINUED EAST ON CAROWINDS TOWARDS 77.

12 Q YOU'RE IN SOUTH CAROLINA?

13 A YES, SIR.

14 Q AND WHERE DID IT GO ON, WHAT HIGHWAY DID IT GO

15 TO?

16 A IT ENTERED THE ENTRANCE RAMP TO 77 NORTHBOUND

17 TOWARDS CHARLOTTE.

18 Q DID YOU KEEP CHASING IT?.

19 A YES, SIR.

20 Q AND WHAT CRIME, WHAT KIND OF CRIME, DID YOU

21 SUSPECT THE PEOPLE IN THAT CAR MIGHT HAVE BEEN

22 INVOLVED IN?

23 A ARMED ROBBERY.

24 Q IS THAT A SERIOUS CRIME?

25 A YES, SIR.

TERRY VINESETT

DIRECT

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1 Q AND DID YOU SUSPECT THE PEOPLE IN THAT CAR MAY
2 BE ARMED?

3 A YES, SIR, I DID.

4 Q WHAT WAS THE WEATHER LIKE, OFFICER VINESETT, AS
5 YOU BEGAN THAT CHASE?

6 A IT WAS NASTY AND RAINING.

7 Q DID THE CAR GET ON NORTHBOUND I-77?

8 A YES, SIR.

9 Q AND DID IT STAY UNDER THE LAWFUL SPEED LIMIT
10 ONCE IT GOT ON THE INTERSTATE?

11 A NO, SIR.

12 Q WAS IT GOING SLOWER OR FASTER THAN THE SPEED
13 LIMIT?

14 A FASTER.

15 Q AND YOU FOLLOWED IT?

16 A YES, SIR, I DID.

17 Q WITH YOUR BLUE LIGHTS AND SIREN ON?

18 A YES, SIR.

19 Q WAS THERE A CHASE?

20 A YES, SIR.

21 Q WHO SET THE SPEED OF THE CHASE YOU OR THE CAR
22 YOU WERE CHASING?

23 A THE VEHICLE THAT I WAS CHASING.

24 Q AND THE OTHER HIGHWAY INTERDICTION OFFICER,
25 OFFICER GIBSON, AT THAT POINT DO YOU KNOW WHERE HE

1 WAS?

2 A HE WAS STILL BEHIND ME.

3 Q HIGHWAY I-77 NORTHBOUND FROM CAROWINDS, AS YOU
4 GO NORTH WHAT CITY AND STATE ARE YOU HEADED FOR?

5 A CHARLOTTE, NORTH CAROLINA.

6 Q DID THE CAR CONTINUE TO GO TOWARDS CHARLOTTE,
7 NORTH CAROLINA?

8 A YES, SIR.

9 Q AND AS YOU GAVE CHASE WHO WAS DRIVING YOUR CAR,
10 YOU OR CONSTABLE WES SCOTT?

11 A I WAS.

12 Q AS IT WENT UP I-77 DID IT AT SOME POINT EXIT THE
13 INTERSTATE?

14 A YES, SIR.

15 Q DO YOU RECALL WHICH EXIT THAT WAS?

16 A ARROWOOD ROAD.

17 Q ARROWOOD?

18 A YES, SIR.

19 Q AND AFTER IT EXITED DESCRIBE THE PATH THE CAR
20 TOOK, WHAT IT DID?

21 A ONCE IT EXITED ON TO ARROWOOD ROAD WHICH IS AN
22 EXTREMELY LONG EXIT, IT WENT DOWN TO THE BOTTOM OF
23 THE RAMP AND MADE A RIGHT EAST BOUND ON ARROWOOD.

24 Q WAS YOUR BLUE LIGHTS AND SIREN ON?

25 A YES, SIR.

TERRY VINESETT

DIRECT

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1 Q AT SOME POINT DO YOU KNOW IF YOU LOST OFFICER
2 GIBSON?

3 A YES, SIR.

4 Q WAS HE AT SOME POINT ABLE TO GET BACK IN THE
5 CHASE WITH YOU?

6 A YES, SIR.

7 Q NOW AS YOU CONTINUED TO FOLLOW THE TAURUS CAR
8 YOU WERE CHASING, HOW DID THIS CHASE COME TO AN END,
9 WHAT HAPPENED?

10 A THE VEHICLE TURNED INTO AN APARTMENT COMPLEX.
11 I'M NOT FAMILIAR WITH THE ARROWOOD ROAD OR THE
12 CHARLOTTE AREA, I DIDN'T KNOW IF IT WAS A DEAD END,
13 EXCUSE ME, OR IF THEY WERE GOING BE ABLE TO GET OUT
14 THE OTHER SIDE. THE VEHICLE WENT UP INTO THE
15 APARTMENT COMPLEX, STAYED TO THE LEFT, AND WENT TO
16 BASICALLY TO A DEAD END.

17 Q OKAY. NOW WHAT CITY AND STATE WERE YOU IN AT
18 THAT POINT?

19 A CHARLOTTE, NORTH CAROLINA.

20 Q NOW CAN YOU AS A SOUTH CAROLINA OFFICER CHASE
21 SOMEBODY INTO CHARLOTTE, NORTH CAROLINA, ON SERIOUS
22 CRIME SUCH AS ARMED ROBBERY?

23 A YES, SIR.

24 Q DID THE CAR COME TO A STOP, THE FORD TAURUS?

25 A YES, SIR.

1 Q AS IT CAME TO A STOP, WHAT HAPPENED AT THE CAR

2 YOU WERE CHASING, WHAT DID YOU SEE HAPPEN?

3 A THE BACK DOOR ON THE DRIVER'S SIDE OPENED AND A

4 SUBJECT STARTED TO JUMP OUT OF THE VEHICLE.

5 Q AND WERE YOU BRAKING YOUR CAR?

6 A YES, SIR.

7 Q AND WHAT HAPPENED WHEN YOU BRAKED YOUR CAR?

8 A AS THE DOOR WAS OPENING AND HE WAS JUMPING OUT,

9 MY VEHICLE STRUCK THE DOOR OF THE VEHICLE.

10 Q ALL RIGHT. AND DID IT KNOCK THE DOOR BACKWARDS?

11 A YES, SIR.

12 Q DID IT HIT THE MAN THAT WAS, WAS THERE A MAN

13 TRYING TO GET OUT OF THE CAR?

14 A YES, SIR.

15 Q DID IT HIT THAT MAN IN SOME PART OF HIS BODY?

16 A YES, SIR.

17 Q WHAT PART OF HIS BODY DID YOUR CAR TOUCH?

18 A IF I'M NOT MISTAKEN IT WAS HIS LEFT ANKLE.

19 Q OKAY. DID YOU MEAN TO HIT THE DOOR OR WAS IT AN

20 ACCIDENT?

21 A AT THAT TIME THERE WAS SO MUCH GOING THROUGH MY

22 MIND I'M NOT QUITE SURE IF I MEANT TO OR IF IT WAS AN

23 ACCIDENT.

24 Q OKAY. ALL RIGHT. WERE YOU TRYING TO STOP IT ON

25 THE LEFT SIDE OF THE CAR YOU WERE CHASING?

TERRY VINESETT

DIRECT

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1 A YES, SIR.

2 Q NO DOUBT ABOUT THAT IN YOUR MIND?

3 A YES, SIR.

4 Q NOW AS YOU KNOCKED THE DOOR, THE REAR PASSENGER
5 DOOR, OF THE TAURUS FORD AND HIT THE, I THINK YOU
6 SAID, THE ANKLE OF THE MAN WHO WAS TRYING TO GET OUT,
7 DID YOUR CAR STOP?

8 A YES, SIR.

9 Q AND WHAT DID CONSTABLE SCOTT THEN DO AS YOU CAME
10 TO A STOP?

11 A ONCE I CAME TO A STOP HE WAS BASICALLY PINNED
12 INSIDE THE VEHICLE, COULDN'T EXIT HIS DOOR, SO HE HAD
13 TO CLIMB OVER THE CENTER CONSOLE AND THROUGH MY DOOR
14 TO GET OUT OF THE VEHICLE.

15 Q HE COULDN'T OPEN HIS DOOR BECAUSE YOU'RE RIGHT
16 NEXT TO THE FORD TAURUS?

17 A YES, SIR.

18 Q AND DID HE JUMP OUT?

19 A YES, SIR.

20 Q WAS HE ARMED?

21 A YES, SIR.

22 Q AND DID YOU TAKE SOME PEOPLE OUT OF THE CAR, YOU
23 AND LET ME BACK UP, DID OFFICER GIBSON ARRIVE ON THE
24 SCENE?

25 A YES, SIR, HE WAS, AT THAT POINT HE HAD CAUGHT

1 BACK UP AND HE WAS DIRECTLY BEHIND MY VEHICLE.

2 Q ALL RIGHT. DID YOU OFFICERS GET SOME PEOPLE OUT
3 OF THAT CAR?

4 A YES, SIR.

5 Q AND DO YOU RECALL THE NAMES OF THE PEOPLE YOU
6 GOT OUT OF THE CAR?

7 A SOMEWHAT, YES, SIR.

8 Q IF YOU LOOKED AT THE POLICE REPORT IN THIS CASE,
9 WOULD IT REFRESH YOUR MEMORY?

10 A YES, SIR.

11 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
12 EXHIBIT 70 FOR IDENTIFICATION. LOOK AT THAT PAPER
13 AND IF YOUR MEMORY IS REFRESHED I'M GOING TO ASK YOU
14 THAT QUESTION AGAIN. TAKE YOUR TIME. LET ME KNOW
15 WHEN YOU ARE READY.

16 (STATE'S EXHIBIT 70 INCIDENT REPORT
17 MARKED FOR IDENTIFICATION.)

18 A YES, SIR.

19 Q HOW MANY PEOPLE DID, HOW MANY PEOPLE WERE IN THE
20 CAR?

21 A FOUR.

22 Q HOW MANY MEN?

23 A THREE.

24 Q AND HOW MANY WOMEN?

25 A ONE.

TERRY VINESETT

DIRECT

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1 Q COULD YOU GIVE US THE NAMES OF THE PEOPLE THAT
2 WERE IN THE CAR WHEN IT CAME TO A STOP THERE AT THAT
3 APARTMENT COMPLEX?

4 A YES, SIR. MS. LAWS WAS THE DRIVER OF THE
5 VEHICLE. MR. JONES WAS DIRECTLY BEHIND HER.
6 MR. PORTER WAS IN THE FRONT PASSENGER SEAT. AND, CAN
7 I SEE THE OTHER ONE?

8 Q SURE.

9 A MR. YOUNG WAS IN THE BACK PASSENGER SIDE.

10 Q ALL RIGHT. DID YOU FIND ANY MONEY IN THE CAR?

11 A YES, SIR.

12 Q WHAT KIND OF CONTAINER WAS THE MONEY IN?

13 A IN A PILLOWCASE.

14 Q DID YOU FIND ANY GUNS IN THE CAR?

15 A YES, SIR.

16 Q HOW MANY?

17 A TWO.

18 Q AND DID YOU SEARCH MR. KENNETH YOUNG?

19 A NO, SIR.

20 Q DO YOU KNOW IF OFFICER GIBSON DID?

21 A YES, SIR.

22 Q OKAY.

23 Q OFFICER VINESETT, I'M GOING TO SHOW YOU SOME
24 THINGS AND AS I SHOW THEM TO YOU I'M GOING TO ASK YOU
25 IF YOU'VE SEEN THEM BEFORE AND WHERE DID YOU SEE

1 THEM. BUT FIRST LET'S TAKE A SHORT MOMENT AND LET
2 OUR COURT REPORTER MARK THESE FIVE THINGS.

3 (STATE'S EXHIBITS 71 THROUGH 75 MARKED
4 FOR IDENTIFICATION.)

5 Q I'M SHOWING YOU FIRST WHAT'S BEEN MARKED STATE'S
6 EXHIBIT 75 AND I'M GOING TO ASK YOU TO LOOK IN THE
7 BAG, PULL THE CONTENTS OF THE BAG OUT IF YOU LIKE,
8 BUT LOOK IT OVER AND TELL THE JURY IF YOU'VE SEEN IT
9 BEFORE AND WHERE YOU SAW IT. AND I WARN YOU NOW,
10 THERE IS WHAT'S CALLED FINGERPRINT POWDER ON IT SO
11 TRY NOT TO MAKE A MESS OF YOURSELF.

12 A YES, SIR. THIS IS A REVOLVER I NOTICED IN THE
13 VEHICLE. IT WAS IN THE PASSENGER SIDE BACK SEAT
14 FLOOR BOARD.

15 Q WHICH VEHICLE DID YOU SEE IT IN?

16 A THE FORD TAURUS THAT I WAS CHASING.

17 Q ALL RIGHT. ARE THERE SOME OTHER THINGS IN THAT
18 BAG?

19 A YES, SIR.

20 Q ALL RIGHT. WHAT ARE THE OTHER THINGS, JUST
21 TELL THE JURY.

22 A I BELIEVE THERE IS FIVE BULLETS.

23 Q OKAY. ALL RIGHT. YOU SAY THAT WAS IN THE BACK
24 SEAT OF THE CAR?

25 A BACK SEAT FLOOR BOARD.

TERRY VINESETT

DIRECT

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1 MR. SPRINGS: YOUR HONOR, WE OFFER STATE'S
2 75 INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. JAMIESON: SUBJECT TO HIM ESTABLISHING
5 PROPER CHAIN, YOUR HONOR, NO OBJECTION.

6 THE COURT: MR. PORTER.

7 MR. PORTER: NO OBJECTION.

8 THE COURT: NO OBJECTION FROM MR. PORTER.
9 BE IN WITHOUT OBJECTION.

10 (STATE'S EXHIBIT 75 GUN INTO
11 EVIDENCE.)

12 Q OFFICER VINESETT, LOOK AT STATE'S EXHIBIT 74,
13 LOOK INSIDE, PULL THE CONTENTS OF THE BAG OUT, BUT
14 LOOK IT OVER AND TELL THIS JURY IF YOU'VE EVEN SEEN
15 IT BEFORE AND WHERE YOU'VE SEEN IT BEFORE?

16 A YES, SIR. THIS GUN WAS IN THE PILLOWCASE ALONG
17 WITH THE MONEY.

18 Q OKAY.

19 A IN THE VEHICLE.

20 Q WHAT ELSE IS IN THAT BAG?

21 A APPEARS TO BE ABOUT 12 OR 13 NINE MILLIMETER
22 ROUNDS.

23 Q ALL RIGHT.

24 A BULLETS.

25 Q ALL RIGHT. AND THAT WAS IN THE BAG WITH THE

1 MONEY?

2 A YES, SIR.

3 Q THAT CAME OUT OF THE CAR?

4 A YES, SIR.

5 Q YOU CHASED?

6 A YES, SIR.

7 Q ALL RIGHT. THANK YOU VERY MUCH.

8 MR. SPRINGS: YOUR HONOR, AT THIS TIME THE
9 STATE OFFERS STATE'S EXHIBIT 74 INTO EVIDENCE.

10 MR. JAMIESON: SUBJECT TO THE SAME
11 OBJECTION.

12 THE COURT: MR. PORTER.

13 MR. PORTER: NO OBJECTION.

14 THE COURT: WITHOUT OBJECTION.

15 (STATE'S EXHIBIT 74 GUN IN EVIDENCE.)

16 Q LOOK AT STATE'S EXHIBIT 71, PULL WHAT'S IN THE
17 BAG OUT IF YOU'D LIKE AND TELL THIS JURY IF YOU'VE
18 SEEN IT BEFORE AND WHERE YOU SAW IT?

19 A IT'S A GRAY SKI MASK AND I DID SEE IT THAT DAY
20 IN THE PASSENGER SIDE FLOOR BOARD OF THE VEHICLE.

21 Q ALL RIGHT. IF YOU WOULD PUT IT BACK IN THE BAG.
22 LOOK AT STATE'S EXHIBIT 73, TELL THE JURY IF YOU'VE
23 EVER SEEN WHAT'S IN THAT BAG BEFORE AND WHERE YOU SAW
24 IT?

25 A YES, SIR. THIS IS A BLUE SKI MASK THAT WAS ON

TERRY VINESETT

DIRECT

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1 THE GROUND RIGHT AT THE, RIGHT UP UNDER THE FORD
2 TAURUS THAT I WAS CHASING.

3 Q ALL RIGHT. IF YOU'D GO AHEAD AND PUT THAT BACK
4 IN ITS BAG. AND LOOK PLEASE AT STATE'S EXHIBIT 72
5 AND TELL THE JURY IF YOU'VE SEEN WHAT'S IN THAT BAG
6 BEFORE AND WHERE YOU SAW IT?

7 A IT'S ANOTHER NAVY BLUE SKI MASK THAT WAS IN THE
8 BACK SEAT PASSENGER SIDE OF THE VEHICLE.

9 Q OKAY. IF YOU WOULD PUT THAT BACK.

10 MR. SPRINGS: YOUR HONOR, THE STATE OFFERS
11 INTO EVIDENCE STATE'S EXHIBIT 72, 73, AND 71 THE
12 THREE SKI MASKS.

13 MR. JAMIESON: NO OBJECTION.

14 THE COURT: MR. PORTER.

15 MR. PORTER: NO OBJECTION.

16 THE COURT: WITHOUT OBJECTION.

17 (STATE'S EXHIBITS 71 THROUGH 73 SKI
18 MASKS INTO EVIDENCE.)

19 Q OFFICER VINESETT, DOES YOUR PATROL CAR HAVE A
20 VIDEO CAMERA?

21 A YES, SIR.

22 Q WAS IT IN YOUR CAR THAT DAY?

23 A YES, SIR.

24 Q AND WHICH WAY DOES THE VIDEO CAMERA POINT OUT OF
25 THE CAR?

1 A OUT THE FRONT WINDSHIELD.

2 Q DOES IT HAVE SOUND? DOES IT HAVE AUDIO?

3 A YES, SIR.

4 Q WAS IT RUNNING THAT DAY?

5 A YES, SIR.

6 Q DID IT TAKE, MAKE A MOVIE OF SOME OF THESE

7 THINGS?

8 A YES, SIR, IT DID.

9 Q I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S

10 EXHIBIT THREE. WHAT MOVIE IS ON THAT DVD? WHAT DOES

11 IT SHOW?

12 A IT SHOWS THE PURSUIT ON DECEMBER 22.

13 Q YOU'VE SEEN IT YOURSELF?

14 A YES, SIR.

15 Q IS WHAT'S RECORDED ON THE DVD ACCURATE ACCORDING

16 TO WHAT YOU SAW WITH YOUR OWN EYES?

17 A YES, SIR, IT IS.

18 Q ANY TRICK PHOTOGRAPHY, ANYTHING ADDED OR TAKEN

19 AWAY OR FOOLED AROUND WITH IT ON IT?

20 A NO, SIR.

21 Q HOW ABOUT THE AUDIO OR SOUND, IS IT ACCURATE

22 ACCORDING TO WHAT YOU HEARD WITH YOUR OWN EARS?

23 A YES, SIR.

24 MR. SPRINGS: YOUR HONOR, WE OFFER STATE'S

25 EXHIBIT THREE INTO EVIDENCE.

TERRY VINESETT

DIRECT

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1 MR. JAMIESON: NO OBJECTION.

2 MR. PORTER: NO OBJECTION.

3 THE COURT: BE RECEIVED WITHOUT OBJECTION.

4 (STATE'S EXHIBIT 3 DVD RECEIVED INTO
5 EVIDENCE.)

6 Q CAN YOU SEE THE SCREEN, DEPUTY VINESETT?

7 A YES, SIR.

8 MR. SPRINGS: AND WE WOULD LIKE TO PUBLISH
9 THE MOVIE AT THIS TIME.

10 THE COURT: ALL RIGHT.

11 (THE VIDEO IS PLAYED.)

12 Q LET ME ASK YOU, OFFICER VINESETT, WHAT TURNS ON
13 THE CAMERA IN YOUR CAR, WHAT SWITCHES IT ON?

14 A THE BLUE LIGHTS, ACTIVATION OF THE BLUE LIGHTS.

15 Q SO WHEN YOU HIT YOUR BLUE LIGHTS, THE MOVIE
16 STARTS RUNNING?

17 A YES, SIR.

18 Q THAT LITTLE PIECE RIGHT THERE, IS THAT PART OF
19 THIS EVENT OR IS THAT PART OF ANOTHER TRAFFIC STOP
20 YOU MADE?

21 A IT WAS THE LAST TRAFFIC STOP I HAD MADE BEFORE
22 THIS INCIDENT.

23 (PLAYING THE VIDEO.)

24 Q OKAY. I SEE THE DATE 12-22-2006 AND THE TIME
25 10:34, IS THE DATE AND TIME ON YOUR CAMERA PRETTY

1 CLOSE?

2 A YES, SIR.

3 Q AND I SEE YOU WITH A CAR IN FRONT OF YOU, WHICH
4 CAR IS THAT?

5 A THAT'S THE DARK GRAY FORD TAURUS.

6 Q AND WHAT ROAD ARE YOU ON AT THAT POINT?

7 A CAROWINDS BOULEVARD.

8 Q IS THIS WHEN YOU FIRST TURNED ON YOUR BLUE
9 LIGHTS?

10 A YES, SIR.

11 (PLAYING THE VIDEO.)

12 Q DID YOU LOSE SIGHT OF THE CAR BRIEFLY AT THAT
13 POINT?

14 A YES, SIR.

15 Q WHAT MADE YOU THINK YOU WERE ON THE RIGHT TRACK?

16 A YOU CAN SEE THE, ON THE LEFT HAND SIDE OF THE
17 ROADWAY YOU CAN SEE THE TIRE TRACKS WHERE A VEHICLE
18 HAD JUST WENT THROUGH, ON THE SIDE PUSHING THE WATER
19 AWAY BASICALLY.

20 Q SO YOU FOLLOWED THEIR TRACKS IN THE BREAK DOWN
21 LANE?

22 A YES, SIR.

23 (PLAYING THE VIDEO.)

24 Q WHAT PARTICULAR CAR WAS THAT THAT JUST WENT ON
25 THE OPPOSITE SIDE OF THE ROAD?

1 A DEPUTY GIBSON'S.

2 (PLAYING THE VIDEO.)

3 Q WHO WAS THAT MAN, OFFICER VINESETT?

4 A THAT IS CONSTABLE SCOTT WHO WAS RIDING WITH ME.

5 (PLAYING THE VIDEO.)

6 Q DID THE CHARLOTTE POLICE ARRIVE FAIRLY QUICKLY?

7 A YES, SIR.

8 Q AND THE FELLOW WHO GOT HIS HIS LEG OR HIS ANKLE
9 HURT, WAS HE TAKEN TO THE HOSPITAL AND CHECKED OUT?

10 A YES, SIR, HE WAS.

11 Q WAS HE SERIOUSLY INJURED?

12 A NO, SIR.

13 Q OFFICER VINESETT, DID YOU LOOK ALL AROUND THE
14 CAR YOU WERE CHASING, AND ONCE IT WAS STOPPED DID YOU
15 LOOK INSIDE AND LOOK THINGS OVER?

16 A YES, SIR.

17 Q SHOWING YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
18 68 FOR IDENTIFICATION, WHAT DOES THAT SHOW?

19 A IT SHOWS THE PILLOW CASE ON TOP OF MY VEHICLE.
20 I HAVE THE MONEY AND THE GUN IN IT.

21 Q OKAY. STATE'S EXHIBIT 26, DOES THAT SHOW THE
22 SAME SORT OF THINGS?

23 A YES, SIR.

24 Q AND WHAT IS THAT LITTLE THING BEHIND THE
25 PILLOWCASE IN STATE'S EXHIBIT 68, DO YOU KNOW; YOU

1 MAY NOT KNOW, BUT DO YOU?

2 A ONE OF THEM IS A GLASS VIAL WITH SOME TYPE OF
3 LIQUID. I HAVE NO IDEA WHAT IT IS. THE OTHER ONE IS
4 A CANISTER OF PEPPER SPRAY.

5 Q WHAT WAS IN THE PILLOW CASE? DID YOU PEEK
6 INSIDE OF IT?

7 A YES, SIR.

8 Q WHAT DID YOU SEE INSIDE OF IT?

9 A I SAW A LOT OF MONEY AND THE GUN.

10 Q WHICH ONE OF THE GUNS, DO YOU REMEMBER?

11 A YES, SIR. THE NINE MILLIMETER.

12 Q ALL RIGHT. STATE'S EXHIBIT 55, WHAT DOES THAT
13 SHOW?

14 A THAT SHOWS THE MONEY. BASICALLY OPENING THE
15 BAG, SEEING THE MONEY, AND THE GUN.

16 A OKAY.

17 MR. SPRING: YOUR HONOR, WE OFFER STATE'S
18 EXHIBITS 26, 68, AND 55 INTO EVIDENCE.

19 MR. JAMIESON: NO OBJECTION.

20 MR. PORTER: NO OBJECTION.

21 THE COURT: BE RECEIVED WITHOUT OBJECTION.

22 (STATE'S EXHIBIT 26, 68, AND A 55
23 PHOTOGRAPHS INTO EVIDENCE.)

24 Q AND LOOK AT THIS GROUP STATE'S EXHIBIT 62 AND 67
25 AND 25 AND 38 AND 43 AND 40 AND 57 AND 61 AND TELL US

TERRY VINESETT

DIRECT

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1 WHAT, WHERE ALL THESE SCENES ARE, IN WHAT?

2 A IT'S RANDOM PICTURES TAKEN OF THE INSIDE OF THE
3 FORD TAURUS VEHICLE.

4 Q OKAY. THAT'S TRUE AND ACCURATE PICTURES OF WHAT
5 YOU WERE SEEING IN THAT CAR WITH YOUR OWN EYES?

6 A YES, SIR.

7 Q THE THINGS, THE ITEMS DEPICTED IN THESE
8 PICTURES, DID YOU PLACE THEM THERE OR WERE THEY THERE
9 BEFORE YOU WENT UP AND STARTED LOOKING IN THE CAR?

10 A THEY WERE THERE.

11 MR. SPRINGS: YOUR HONOR, AT THIS TIME WE
12 OFFER STATE'S 61 AND 57, 40, 43, 38, 25, 67, AND 62
13 INTO EVIDENCE.

14 MR. JAMIESON: NO OBJECTION.

15 MR. PORTER: NO OBJECTION.

16 THE COURT: WITHOUT OBJECTION THEY ARE IN.

17 (STATE'S EXHIBITS 25, 40, 43, 57, 61,
18 62, 67 PHOTOGRAPHS INTO EVIDENCE.)

19 Q THE, YOU SAY THE CAR HAD A PAPER TAG?

20 A YES, SIR.

21 Q DID YOU GET UP CLOSE AND LOOK AT THE PAPER TAG A
22 LITTLE BIT?

23 A YES, SIR.

24 Q AND STATE'S EXHIBIT 56, WHAT DOES THAT SHOW?

25 A IT SHOWS A PICTURE OF THE PAPER TAG THAT WAS ON

1 THE VEHICLE.

2 Q WHAT'S UNDERNEATH THE PAPER TAG?

3 A BEHIND IT IS A SOUTH CAROLINA PLATE.

4 Q OKAY. IS THAT A TRUE AND ACCURATE PICTURE OF
5 WHAT THE CAR LOOKED LIKE WITH THE PAPER TAG ON IT?

6 A YES, SIR.

7 Q HOW ABOUT STATE'S EXHIBIT 54, WHAT DOES IT SHOW?

8 A IT SHOWS THE DUCK TAPE THAT WAS HOLDING ON THE
9 PAPER TAG FROM THE VEHICLE.

10 Q IS THAT A TRUE AND ACCURATE PICTURE OF WHAT THE
11 UNDERLYING TAG LOOKED LIKE ONCE THE PAPER TAG WAS
12 PULLED OFF?

13 A YES, SIR.

14 MR. SPRINGS: YOUR HONOR, WE DO OFFER
15 STATE'S EXHIBIT 56 AND 54 INTO EVIDENCE.

16 MR. JAMIESON: NO OBJECTION.

17 MR. PORTER: NO OBJECTION.

18 THE COURT: BE RECEIVED WITHOUT OBJECTION.

19 (STATE'S EXHIBITS 56 & 54 PHOTOS
20 RECEIVED INTO EVIDENCE EVIDENCE.)

21 Q AND STATE'S EXHIBIT 39, WHAT IS THAT THING AND
22 HAVE YOU SEEN IT BEFORE?

23 A IT'S A SHIRT -- NO, SIR.

24 Q OKAY.

25 A JUST A BLACK SHIRT WITH A SNOWMAN ON IT.

TERRY VINESETT

DIRECT

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1 Q ALL RIGHT. HOW ABOUT STATE'S EXHIBIT 36 AND 53,
2 DO YOU RECALL WHAT SEEN IN THOSE PICTURES?

3 A YES, SIR, IT'S PICTURES OF THE WAY THE SCENE
4 ENDED.

5 Q IS THAT THE TWO CARS, YOUR CAR--

6 A YES, SIR, MY VEHICLE AND THE SUSPECT VEHICLE.

7 Q IS IT A TRUE AND ACCURATE PICTURE OF WHAT THINGS
8 LOOKED LIKE WHEN THE DUST SETTLES SO TO SPEAK?

9 A YES, SIR.

10 MR. SPRINGS: YOUR HONOR, WE OFFER STATE'S
11 EXHIBIT 53 AND 36.

12 MR. JAMIESON: NO OBJECTION.

13 THE COURT: BE RECEIVED WITHOUT OBJECTION.

14 (STATE'S EXHIBITS 53 & 36 PHOTOS
15 RECEIVED IN EVIDENCE PHOTOGRAPHS.)

16 Q OFFICER, COME ON DOWN SO THAT YOU CAN SEE THE
17 SCREEN. YOU CAN STAND RIGHT HERE I THINK WILL BE
18 FINE AND LOOK AT THE SCREEN UP THERE. WHAT DOES THAT
19 SHOW?

20 A THE PICTURE OF OUR TWO VEHICLES TOGETHER AT THE
21 END OF THE CHASE.

22 Q OKAY. THAT WAS STATE'S EXHIBIT 53. AND STATE'S
23 EXHIBIT 36, WHAT DOES IT SHOW?

24 A A CLOSE UP PICTURE FRONT VIEW OF THE TWO
25 VEHICLES TOGETHER.

1 Q ALL RIGHT. AND STATE'S EXHIBIT 56 AND STATE'S
2 EXHIBIT 54, WHAT ARE THOSE THINGS?

3 A THE REAR PORTION OF THE VEHICLE WHICH HAD THE
4 TAG TAPED OVER THE STATE TAG.

5 Q ALL RIGHT. AND STATE'S EXHIBIT 68 AND STATE'S
6 EXHIBIT 26, WHAT THINGS ARE SHOWN THERE?

7 A THE PILLOW CASE IN WHICH THE MONEY WAS IN. A
8 GLASS VIAL WHICH HAD AN UNKNOWN LIQUID IN IT AND THE
9 PEPPER SPRAY.

10 Q ALL RIGHT. AND STATE'S EXHIBIT 55, WHAT'S THAT
11 SHOWING?

12 A THE MONEY BAG OPEN AND A PICTURE TAKEN INSIDE OF
13 IT SHOWING THE MONEY AND THE GUN.

14 Q WHAT'S THE BLACK THING IN THE MIDDLE?

15 A IT'S THE HANDLE OF A GUN.

16 Q STATE'S EXHIBIT 62 WHAT'S THAT SHOWING?

17 A THE REAR FLOOR BOARD WITH THE SKI MASK AND THE
18 REVOLVER.

19 Q AND THAT IS INSIDE WHAT?

20 A INSIDE THE FORD TAURUS VEHICLE THAT I WAS
21 CHASING.

22 Q ALL RIGHT. STATE'S EXHIBIT 67 AND 25, WHERE
23 WERE THOSE PICTURES TAKEN, WHAT DO THEY SHOW?

24 A SHOWING THE BACK SEAT OF THE SUSPECT VEHICLE IN
25 WHICH I WAS CHASING.

TERRY VINESETT

DIRECT

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1 Q OKAY. I'LL ASK YOU AGAIN, THE THINGS THAT ARE
2 IN THESE PICTURES, DID YOU PLACE THEM THERE OR WERE
3 THEY THERE BEFORE YOU WENT UP AND STARTED LOOKING IN
4 THAT CAR?

5 A THEY WERE THERE ALREADY.

6 Q STATE'S EXHIBIT 38 AND 43, WHAT DOES THAT SHOW?

7 A THE TOP ONE SHOWS THE BACK SEAT WITH RUBBER
8 GLOVES ON IT AND ALSO THE REAR FLOOR BOARD WITH THE
9 MASK AND ANOTHER SET OF RUBBER GLOVES.

10 Q ALL RIGHT. AND STATE'S EXHIBIT 40 AND 61, WHAT
11 DOES THAT SHOW?

12 A ONCE THE VEHICLE WAS PULLED APART THE SUSPECT
13 VEHICLE FROM THE LEFT SIDE OF THE VEHICLE SHOWING THE
14 BACK SEAT PORTION AND BACK FLOOR BOARD.

15 Q LET ME SHOW A DIFFERENT VIEW. WHAT ARE THOSE
16 THINGS THERE?

17 A RUBBER GLOVES. IT'S A RUBBER GLOVE.

18 Q OKAY. AND THE THING THERE, WHAT KIND OF
19 CLOTHING IS THAT?

20 A BLACK BASEBALL CAP.

21 Q ALL RIGHT. STATE'S EXHIBIT 57, WHAT IS THIS
22 SHOWING? WHAT, IS THIS PART OF THE CAR?

23 A YES, SIR. THE FRONT PASSENGER SEAT AREA.

24 Q AND WHO WAS SEATED UP THERE?

25 A MR. PORTER.

1 Q OKAY. WHAT'S THAT THING LAYING ON THE FLOOR
2 THERE?

3 A A PACKET OF NEWPORT CIGARETTES AND A WIG.

4 Q A HAIR WIG?

5 A YES, SIR.

6 Q THANK YOU, SIR. IF YOU'LL RETAKE THE STAND.
7 OFFICER VINESETT, THANK YOU VERY MUCH. WOULD YOU
8 ANSWER PLEASE ANY QUESTIONS THAT THE TWO DEFENDANTS
9 HAVE FOR YOU.

10 A YES, SIR.

11 CROSS EXAMINATION BY MR. JAMIESON:

12 Q OFFICER VINESETT, WE'VE MET BEFORE. I'M PHILLIP
13 JAMIESON. I REPRESENT MR. YOUNG. CAN YOU TELL ME
14 HOW LONG DO YOU THINK IT TOOK YOU TO GO FROM HIGHWAY
15 21 TO THE INTERSECTION OF CAROWINDS BOULEVARD AND
16 HIGHWAY 49?

17 A ON WHICH PART OF 21?

18 Q WHERE YOU SAID YOU BEGAN ON HIGHWAY 21 AT THE
19 SUBSTATION.

20 A YES, SIR. AT THE DISTRICT OFFICE I WOULD GUESS
21 IT WOULD BE APPROXIMATELY, FROM THE DISTRICT OFFICE
22 UNDER 77 ALL THE WAY TO HIGHWAY 49, IS WHAT YOU ARE
23 ASKING?

24 Q YES, SIR.

25 A THE DISTANCE?

1 Q WELL, THE DISTANCE AND/OR THE TIME?

2 A THE DISTANCE I WOULD SAY IT'S PROBABLY FIVE
3 MILES AND I WOULD GUESS IT PROBABLY TOOK ME FIVE
4 MINUTES, GUESSING, TO GET THERE.

5 Q ALL RIGHT. NOW YOU'VE TESTIFIED EARLIER THAT
6 YOU SEE A LOT OF VEHICLES IN THE COURSE OF YOUR
7 EMPLOYMENT, THAT YOU ARE ON THE ROAD ALL THE TIME,
8 THAT SORT OF THING, IS THAT CORRECT?

9 A YES, SIR.

10 Q WOULD YOU SAY THAT THERE ARE A LOT OF FORD
11 TAURUS' ON THE ROAD?

12 A YES, SIR.

13 Q IS THAT A COMMON VEHICLE?

14 A YES, SIR.

15 Q WHEN YOU FIRST SAW THE VEHICLE YOUR ATTENTION
16 WAS DRAWN TO, WAS IT YOUR TESTIMONY YOU THOUGHT THERE
17 WERE FIVE PEOPLE IN THAT VEHICLE?

18 A YES, SIR, I DID.

19 Q WAS THERE FIVE PEOPLE IN IT?

20 A NO, SIR.

21 Q WHO WAS DRIVING THAT CAR?

22 A MS. LAWS.

23 Q AND MS. LAWS WAS THE ONE WHO FAILED TO STOP?

24 A YES, SIR, IT IS.

25 Q WHEN YOU LEFT THE POLICE SUBSTATION GOING TO

1 HIGHWAY 49 CAROWINDS BOULEVARD WERE YOU TRAVELING
2 WITH BLUE LIGHTS AND SIRENS ON AT THIS TIME?

3 A NO, SIR.

4 Q SO YOU WERE TRAVELING WITHOUT ANY EMERGENCY
5 SIGNAL?

6 A THAT'S CORRECT.

7 Q WHOSE THE FIRST PERSON THAT NOTICED OR DREW YOUR
8 ATTENTION TO THE FORD TAURUS THAT YOU ULTIMATELY
9 CHASED?

10 A DEPUTY GIBSON.

11 Q AND WHAT, HOW DID HE NOTIFY YOU ABOUT THAT?

12 A ON MY NEXTEL.

13 Q ALL RIGHT. HOW IS IT THAT YOU WOUND UP BEING
14 THE CAR THAT WAS IMMEDIATELY BEHIND THE VEHICLE AND
15 DEPUTY GIBSON WHO HAD NOTICED THE CAR PRIOR TO YOU
16 BEING THE SECOND TIME?

17 A WE WERE STOPPED AT THE STOP LIGHT. I WAS THE
18 FIRST CAR AT THE STOP LIGHT. DEPUTY GIBSON WAS
19 BEHIND ME AND IF I'M NOT MISTAKEN THERE IS A CURB TO
20 THE LEFT BUT HE WAS BEHIND ME. AS I'M SITTING THERE
21 WAITING ON THE LIGHT TO CHANGE, HE JUST BEEPED ME ON
22 THE NEXTEL WALKIE TALKIE AND TOLD ME, THERE'S THE
23 VEHICLE, IT JUST MADE IT, IT JUST TURNED ON TO
24 CAROWINDS, AND THEN I RADIOED, SOME COMMUNICATION
25 TOOK PLACE AND I BEEPED BACK ON THE RADIO AND HE SAID

1 TURN AROUND, THAT WAS THE VEHICLE. SO IN ORDER FOR
2 ME, FOR HIM TO TURN AROUND, I HAD TO TURN AROUND.

3 Q NOW WHEN YOU GOT THE VEHICLE ULTIMATELY STOPPED,
4 WHERE WAS MR. YOUNG?

5 A MR. YOUNG WAS IN THE BACK SEAT PASSENGER SIDE.

6 Q THE SIDE AWAY FROM WHERE YOU COLLIDED WITH THE
7 VEHICLE, IS THAT RIGHT?

8 A YES, SIR.

9 Q DID MR. YOUNG EVER FLEE?

10 A NO, SIR.

11 Q DID HE TRY TO GET OUT OF THE CAR?

12 A IF I'M NOT MISTAKEN HIS DOOR OPENED AND HIS FOOT
13 TOUCHED THE GROUND, BUT THAT WAS ABOUT IT.

14 Q DID HE COMPLY WITH YOUR COMMANDS?

15 A YES, SIR, HE DID.

16 Q DID HE RESIST YOU IN ANY WAY?

17 A NOT AT ALL.

18 Q NOW THE STATE HAS HAD YOU TO IDENTIFY SEVERAL
19 ITEMS, SKI MASK AND GUNS, THOSE ITEMS CAME FROM
20 INSIDE THE VEHICLE?

21 A YES, SIR.

22 Q DID YOU EVER SEE THOSE ITEMS IN THE POSSESSION
23 OF MR. YOUNG?

24 A NO, SIR.

25 Q WHEN YOU STOPPED THIS VEHICLE AND GOT THESE

1 PEOPLE OUT AND PUT HANDCUFFS ON THEM AND ARRESTED
2 THEM, DID YOU ULTIMATELY TAKE THEM IN FRONT OF A
3 MAGISTRATE?

4 A NO, SIR.

5 Q WHAT HAPPENED TO THEM AFTER YOU ARRESTED THEM,
6 WHAT HAPPENED AT THAT POINT?

7 A ONCE WE PLACED HANDCUFFS ON THEM, A SHORT TIME
8 LATER CHARLOTTE POLICE DEPARTMENT SHOWED UP AND TOOK
9 CUSTODY OF THE SUSPECTS.

10 Q YOU DID NOT TAKE THEM IN FRONT OF A MAGISTRATE.
11 DID ANYBODY THAT YOU KNOW OF TAKE THEM IN FRONT OF A
12 MAGISTRATE?

13 A I DID NOT. I COULDN'T SPEAK FOR ANYBODY ELSE.

14 Q DID ANY YORK COUNTY OFFICERS GO WITH THEM WHEN
15 THEY LEFT?

16 A I HAVE NO CLUE.

17 Q NOW WE SAW A VIDEO WHERE YOUR CAR COLLIDED WITH
18 THE FORD TAURUS AND WE SAW YOUR CAR BEND BACK THE
19 DOOR OF THE VEHICLE, WHO WAS THAT THAT WAS ATTEMPTING
20 TO FLEE FROM THE VEHICLE?

21 A MR. JONES.

22 Q AND WHO HAD THE PILLOWCASE THAT YOU SUBSEQUENTLY
23 IDENTIFIED?

24 A MR. JONES.

25 MR. JAMIESON: BEG THE COURT'S INDULGENCE.

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1 NO FURTHER QUESTIONS, YOUR HONOR.

2 THE COURT: MR. PORTER.

3 CROSS EXAMINATION BY MR. PORTER:

4 Q MR. VINESETT, YOU SAID THAT YOU AND THE
5 CONSTABLE SCOTT WERE AT, WHAT PARKING LOT, CAPTAIN
6 D'S PARKING LOT WHEN THE EMERGENCY SIREN CAME ON IN
7 YOUR CAR?

8 A NO, SIR, WE WERE IN THE DISTRICT FOUR OFFICE.

9 Q IN THE DISTRICT FOUR OFFICE?

10 A WHICH IS JUST NORTH OF CAPTAIN STEVE'S.

11 Q ALL RIGHT. YOU TESTIFIED THAT ONCE THE
12 EMERGENCY INTERCOM SYSTEM CAME ON IN YOUR CAR YOU
13 KNEW IT WAS AN EMERGENCY BROADCAST COMING ON, RIGHT?

14 A YES, SIR.

15 Q YOU INDICATED THAT YOU WAS ALERTED TO A GRAY
16 FORD TAURUS, IS THAT CORRECT?

17 A YES, SIR.

18 Q HOW DID YOU GET ALERTED TO THAT WHEN NONE OF THE
19 BANK PEOPLE OR PEOPLE IN THE DRIVE WINDOW GAVE A, THE
20 DESCRIPTION?

21 A THE DESCRIPTION I RECEIVED OVER THE RADIO WAS A
22 DARK GRAY OR DARK BLUE FORD TAURUS.

23 Q I'M TALKING ABOUT WHERE DID YOU GET THAT
24 DESCRIPTION FROM?

25 MR. SPRINGS: YOUR HONOR, HE CAN'T --

1 THE COURT: HE CAN TESTIFY WHETHER HE
2 KNOWS OR NOT.

3 A I HAVE NO -- I RECEIVED IT FROM DISPATCH. WHERE
4 THEY RECEIVED IT FROM, I HAVE NO CLUE.

5 Q OKAY. WELL, WERE YOU IN THE COURTROOM EARLIER
6 THIS MORNING?

7 A DURING OPENING ARGUMENTS.

8 Q WHEN SOME OF THE BANK EMPLOYEES WAS TESTIFYING?

9 A A FEW OF THEM, YES, SIR.

10 Q DID YOU HEAR ANY ONE OF THEM GIVE A FORD TAURUS
11 GRAY DESCRIPTION?

12 A THE WITNESSES THAT WERE IN THE BANK?

13 Q YES.

14 A NO.

15 Q IF I'M NOT MISTAKEN I BELIEVE MISTER, THE
16 MANAGER LUBIATO, I ASKED HIM WHAT COLOR, WHAT MAKE OF
17 THE CAR, HE WAS THE EMPLOYEE IN CONTACT WITH 911, AND
18 HE STATED THERE WAS A GRAY SEDAN, SO HOW COULD YOU
19 GET THE MAKE OF A GRAY FORD TAURUS OVER THE EMERGENCY
20 SYSTEM?

21 A THAT'S WHAT DISPATCH HAD GIVEN ME.

22 A HOW COULD THE DISPATCHER GET IT FROM THE PERSON
23 THAT WAS TALKING TO HIM GET THAT DESCRIPTION?

24 A I'M NOT SURE IF THEY GOT IT FROM A WITNESS THAT
25 WAS IN THE LINE AT THE TELLER OR A WITNESS THAT WAS

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1 IN THE PARKING LOT.

2 Q THE WITNESS AT THE TELLER TOLD MRS. MONICA
3 HARRIS IT WAS A GRAY SEDAN?

4 A A TAURUS IS A SEDAN.

5 Q BUT DID THEY NOT SAY FORD TAURUS. SHE SAID A
6 GRAY COLOR SEDAN?

7 A YES, SIR.

8 Q I'M MISSING THE POINT OF YOUR TESTIMONY. IF YOU
9 WAS AT THE STATION AND YOU WAS ON THE HIGHWAY
10 INTERDICTION TEAM, WHAT CAUSES YOU TO INTERCEPT THAT
11 FORD TAURUS? IT'S IMPOSSIBLE. NO ONE KNEW IT WAS A
12 FORD TAURUS.

13 A OBVIOUSLY SOMEBODY DID BECAUSE I GOT THE RADIO
14 CALL FROM DISPATCH THAT IT WAS A --

15 Q YOU SAY YOU GOT THE RADIO DISPATCH. YOU SAY YOU
16 GOT THE RADIO DISPATCH. YOU DON'T HAVE NO WAY TO
17 REFUTE THAT. YOU DON'T HAVE NO WAY TO REFUTE THAT.
18 WE DON'T HAVE THE LOG OF THE EMERGENCY CALL. THE
19 ONLY THING WE HAVE TO GO BY IN THIS COURTROOM IS WHAT
20 THESE GENTLEMEN AND THIS YOUNG LADY HAS STATED. NO
21 ONE HEARD THEM SAY THAT. NOBODY HEARD THEM GIVE THAT
22 DESCRIPTION. EVEN WHEN YOU SEEN IN THE VIDEO
23 EARLIER, THE CAR PULLS UP, SHE DID NOT GET THE
24 LICENSE NUMBER OF THE CAR THAT WAS LEAVING THE SCENE.
25 SHE COULD NOT GIVE A PERFECT DESCRIPTION.

1 A I'M NOT SURE OF YOUR QUESTION.

2 THE COURT: YOU NEED TO ASK HIM A
3 QUESTION.

4 Q OKAY. HOW FAR FROM THE BANK OF YORK TO WHERE
5 YOU WERE, HOW MANY MILES IS THIS?

6 A FROM WHEN I WAS AT WHAT POINT?

7 A WHEN YOU GOT THE CALL HOW FAR FROM THE BANK OF
8 YORK TO WHERE YOU WERE WHEN YOU GOT THE CALL.

9 A IF YOU TRAVEL 21 INTO NORTH CAROLINA WHICH I
10 SPOKE EARLIER I WAS GUESSING APPROXIMATELY FIVE
11 MILES. FROM THAT POINT DOWN 49 TO THE BANK OF YORK,
12 I WOULD GUESS TEN MILES APPROXIMATELY.

13 Q SO BETWEEN THAT BANK AND WHERE YOU WERE FOR THE
14 CAR YOU SAW GET ON 49 TURNING TOWARD I-77, IS IT A
15 LOT OF STOPS? IS THERE A LOT OF PLACES WHERE A CAR
16 COULD STOP IN THAT AREA?

17 A BETWEEN CAROWINDS AND THE BANK?

18 Q BETWEEN THE BANK OF YORK AND THE INTERSTATE?

19 A YES, SIR.

20 Q IS THERE A LOT OF AREAS? IS THERE A WAY?

21 A I'M SURE THERE IS.

22 Q IS THERE RESIDENT AREA WHERE A CAR COULD GO
23 BEHIND A BUILDING? FOR INSTANCE, A PARTICULAR CAR
24 MEET ANOTHER CAR IN THAT PARTICULAR AREA?

25 A ANYTHING IS POSSIBLE.

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1 Q OKAY. AND SO FROM TEN MILES DOWN THE ROAD I
2 NOTICE FROM THE INTERSTATE FROM THE VIDEO FROM YOUR
3 CAMERA, YOUR CAMERA STARTED AT 10:34 AND YOU TEN
4 MILES DOWN THE ROAD, THEY ALLEGEDLY STATED THAT THE
5 BANK ROBBERY OCCURRED AT 10:30. I'M SAYING SOMETHING
6 IS NOT ADDING UP.

7 A I CAN GO TO MY VEHICLE AND THE TIME THAT'S ON MY
8 PAGER, THE TIME THAT'S ON MY PHONE, AND THE TIME
9 THAT'S ON MY CAMERA COULD ALL BE OFF WITHIN TWO OR
10 THREE MINUTES OF EACH OTHER. I DON'T SYNCHRONIZE MY
11 PATROL CAMERA WITH THE BANKS.

12 Q I MEAN I SAW IT FROM YOUR CAMERA IN YOUR CAR ON
13 YOUR VIDEO?

14 A YES.

15 Q I HAVE THE TIME THAT THE CHASE, THE ALLEGED
16 CHASE BEGAN AND THE TIME THAT IT ENDED AND I WAS
17 TRYING TO CALCULATE THE MILEAGE FROM THAT. WHEN YOU
18 STOPPED -- WELL, WHEN YOUR CAR HIT THE INDIVIDUAL
19 THAT WAS TRYING TO FLEE, HE HAD A BAG IF I'M NOT
20 MISTAKEN, A PILLOWCASE?

21 A YES, SIR.

22 Q WHAT DID HE HAVE IN IT? WHAT WAS IN THAT
23 PILLOWCASE THAT YOU TOOK THE PICTURE OF AND THAT IS
24 STAYING ON THE PATROL CAR?

25 A THE PICTURE SHOWED THAT THE PILLOWCASE CONTAINED

1 THE MONEY AND A GUN.

2 Q WHAT KIND OF GUN?

3 A A NINE MILLIMETER PISTOL.

4 Q OKAY. YOU SAY THIS INDIVIDUAL WAS SLIGHTLY
5 WOUNDED. HE WASN'T HURT BAD, IS THAT CORRECT?

6 A YES, SIR, IT WASN'T SERIOUS.

7 Q AT THE TIME DID YOU KNOW THAT?

8 A REPEAT THE QUESTION?

9 Q AT THE TIME, FROM THE IMPACT OF YOUR CAR, COULD
10 YOU DETERMINE THEN THAT HE WAS NOT SERIOUSLY INJURED
11 OR WAS HE INJURED PERIOD?

12 A AT THE POINT OF THE IMPACT, NO, SIR. ONCE WE
13 HANDCUFF THE TWO IN THE PASSENGER SIDE, I WENT AROUND
14 AND HANDCUFFED THE SUBJECT THAT I HAD STRUCK, AND
15 THEN NOTIFIED OFFICER GIBSON TO CALL EMS FOR THAT
16 SUBJECT. I WASN'T SURE IF HE WAS SERIOUSLY INJURED
17 OR JUST SCRAPED OR WHAT, BUT I KNEW HE HAD BEEN
18 STRUCK.

19 Q OKAY. AND PLACED IN HANDCUFFS AND WHEN YOU
20 PULLED OCCUPANTS OUT OF THE CAR, IS THAT NOT CORRECT?
21 BUT DID YOU PLACE HANDCUFFS ON THIS PARTICULAR
22 INDIVIDUAL?

23 A YES, SIR.

24 Q ALL RIGHT. IN YOUR SEARCH DID ANYBODY ELSE
25 POSSESS THAT PILLOWCASE? YOU ACTUALLY SAW HIM WITH

1 THE GUN AND THE PILLOWCASE IN HIS POSSESSION, IS THAT
2 NOT CORRECT?

3 A THAT'S CORRECT.

4 Q ATTEMPTING TO FLEE?

5 A YES.

6 Q WHAT ELSE WAS IN THAT PILLOWCASE?

7 A THE GUN, THE NINE MILLIMETER PISTOL.

8 Q AND WHAT ELSE?

9 A MONEY.

10 Q ANYTHING ELSE?

11 A I DIDN'T DIG THROUGH IT. I'M NOT SURE. THERE
12 COULD HAVE BEEN.

13 Q AT SOME POINT IN TIME YOUR CAMERA IN YOUR CAR
14 WAS CUT OFF, DID YOU CUT IT OFF?

15 A YES.

16 Q CAN YOU EXPLAIN WHY?

17 A AT, ONCE THE CHARLOTTE MECKLENBURG SHOWED UP AND
18 EVERYTHING AND THERE WAS NOBODY ELSE IN FRONT OF MY
19 VEHICLE, I DIDN'T SEE ANY NEED TO.

20 Q BUT THERE WAS A INDIVIDUAL LAYING --

21 A TO KEEP VIEWING THE WOODED AREA.

22 Q WAS THE INDIVIDUAL LAYING IN HANDCUFFS?

23 A ONCE THAT GENTLEMAN WAS TAKEN BY MEDIC, THE
24 CAMERA WAS STOPPED.

25 Q HOW SOON DID THE MEDICS ARRIVE? WHO CALLED THE

1 MEDICS?

2 A I'M NOT SURE OF THE TIME. I ADVISED OFFICER
3 GIBSON TO NOTIFY EMS, SO I'M ONLY ASSUMING THAT OUR
4 DISPATCH NOTIFIED CHARLOTTE THAT WE NEEDED EMS AT
5 THAT LOCATION.

6 Q DO YOU KNOW WHO ESCORTED THE MEDIC TO CAROLINA
7 MEDICAL CENTER?

8 A NO.

9 Q HOW FAR IS CAROLINA --- DO YOU KNOW FAR IS
10 CAROLINA MEDICAL CENTER FROM THAT AREA; YOU'RE
11 OBVIOUSLY NOT FROM THERE?

12 A NO, SIR, NOT EXACTLY.

13 Q BUT IT'S NOT AN HOUR AWAY?

14 A NO.

15 Q THE REASON I ASK THAT QUESTION IS THAT YOUR STOP
16 WAS AT 10:42 IS THE TIME YOUR VIDEO STOPPED TAPING
17 UNTIL YOU CUT IT OFF IS 10:43, THE INDIVIDUAL THAT
18 WAS HIT, DONSHAVIS JONES, ARRIVED AT CAROLINA MEDICAL
19 CENTER AT APPROXIMATELY 11:40 AM. THAT'S ALMOST AN
20 HOUR AWAY. WAS ANYBODY TALKING TO DONSHAVIS BEFORE
21 HE GET ANY MEDICAL?

22 A I WASN'T -- I COULDN'T SPEAK FOR ANYBODY ELSE.

23 Q SO CAROLINA MEDICAL CENTER FROM ALDERGATE
24 APARTMENTS IS APPROXIMATELY 30 MILES, 30 MINUTES
25 AWAY, WAS THIS INDIVIDUAL INTERROGATED AND HANDCUFFED

1 PRIOR HIM TO GETTING ANY MEDICAL TREATMENT FROM THAT
2 PARTICULAR STOP?

3 A I DID NOT. I HAVE NO CLUE IF ANYBODY ELSE DID.

4 Q AND AT THAT TIME YOU DID NOT KNOW THE EXTENT OF
5 THE INJURIES, NO ONE KNEW THE EXTENT OF THE INJURY?

6 A NO.

7 Q YOU SAY YOU PULLED MYSELF, MY NAME IS JOHNNELL
8 PORTER, EXCUSE ME, OUT OF THE FRONT SEAT. WAS ANY
9 WEAPONS FOUND IN THE FRONT SEAT?

10 A NO.

11 Q WAS ANY SKI MASK FOUND IN THE FRONT SEAT
12 ACCORDING TO THAT PICTURE?

13 A NO.

14 Q WHY DIDN'T YOU TESTIFY EARLIER YOU GOT THE GRAY
15 SKI MASK OUT THE FRONT SEAT PASSENGER SIDE?

16 A WHICH SKI MASK?

17 Q THE GRAY ONE THAT YOU PULLED OUT OF THE BAG?

18 A I WOULD HAVE TO REVERT BACK TO THE EVIDENCE.

19 Q CAN WE REFER BACK TO THE TESTIMONY. YOU STATED
20 THAT YOU GOT A GRAY SKI MASK FROM THE FRONT SEAT
21 PASSENGER SIDE OF THE VEHICLE THAT WAS STOPPED BUT
22 LATER ON YOU TESTIFIED THAT IT WAS A WIG AND A PACK
23 OF KOOL CIGARETTES IN THE FRONT SEAT AND NO WEAPONS?

24 A NO, SIR, I STATED IT WAS PACK OF NEWPORT
25 CIGARETTES.

1 Q I MEAN NEWPORTS, EXCUSE ME.

2 A AND A WIG.

3 Q AND A WIG. BUT NO SKI MASK?

4 A AT THAT TIME I'M NOT SURE IF IT HAD ALREADY BEEN
5 PLACED IN EVIDENCE PRIOR TO THE PICTURE OR NOT. I'M
6 NOT SURE.

7 Q DO YOU KNOW WHAT HAPPENED TO ANY OF THAT
8 EVIDENCE ONCE IT WAS GOTTEN?

9 A NO.

10 Q DID YOU TAKE FINGERPRINTS OF THE EVIDENCE?

11 A I DID NOT. I'M NOT A FINGERPRINT TECHNICIAN.

12 MR. PORTER: NO FURTHER QUESTIONS, YOUR
13 HONOR.

14 THE COURT: REDIRECT?

15 REDIRECT EXAMINATION BY MR. SPRINGS:

16 Q THE REVOLVER, WHERE WAS IT FOUND?

17 A IN THE BACK SEAT FLOOR BOARD AREA OF THE
18 VEHICLE.

19 Q AND WHO WERE THE PEOPLE SITTING IN THE BACK
20 SEAT?

21 A MR. JONES AND YOUNG.

22 MR. SPRINGS: THAT'S ALL I HAVE. THANK
23 YOU.

24 THE COURT: MR. JAMIESON.

25 MR. JAMIESON: NO, YOUR HONOR.

1 THE COURT: YOU CAN STEP DOWN AND BE
2 EXCUSED WE APPRECIATE YOUR TIME. HOW LONG IS YOUR
3 NEXT WITNESS?

4 MR. SPRINGS: OUR NEXT IS OFFICER GIBSON,
5 THE OTHER OFFICER THAT GAVE CHASE, AND HE'S PROBABLY
6 GOING TO TAKE, NOT AS LONG AS THIS OFFICER BUT A GOOD
7 30 MINUTES.

8 THE COURT: WHY DON'T WE STOP FOR THE DAY.
9 IT'S ABOUT 5:15.. I HAVE CHECKED AND WE CAN START
10 EARLIER THAN I THOUGHT TOMORROW. WE USUALLY TRY TO
11 DO SOME WORK, SOME OTHER THINGS, FROM NINE TO TEN BUT
12 WE DON'T HAVE MUCH TO DO IN THE MORNING SO WE CAN
13 START AT 9:30 SO I'M GOING TO ASK YOU TO BE HERE AT
14 9:30 AND WE'LL START AS PROMPTLY THEREAFTER AS WE
15 CAN. HAVE A PLEASANT EVENING AND DON'T DISCUSS THE
16 CASE, DON'T LET YOURSELF BE EXPOSED TO ANYTHING ABOUT
17 IT, AND DON'T TRY TO MAKE UP YOUR MIND AND WE'LL SEE
18 YOU BACK AT 9:30. HAVE A GOOD EVENING.

19 (THE JURY EXITS THE COURTROOM AT 05:19
20 PM.)

21 THE COURT: ANYTHING FROM THE STATE?

22 MR. SPRINGS: NO, SIR.

23 THE COURT: MR. JAMIESON?

24 MR. JAMIESON: NO, SIR.

25 THE COURT: ANYTHING AT THIS TIME,

1 MR. PORTER.

2 MR. PORTER: NO, SIR.

3 THE COURT: WE'LL BE STARTING BACK AT
4 9:30.

5 (COURT'S IN RECESS AT 05:20 PM.)

6 (COURT RESUMES AT 09:42 AM ON JULY 25,
7 2007.)

8 THE COURT: WE'RE BACK ON THE RECORD WITH
9 THE STATE VERSUS PORTER AND YOUNG AND THEY ARE
10 PRESENT. ANYTHING FROM THE STATE BEFORE THE JURY IS
11 INVITED IN?

12 MR. SPRINGS: NO, SIR.

13 MR. JAMIESON: NO, SIR.

14 THE COURT: MR. PORTER, ANYTHING?

15 MR. PORTER: YES, SIR, JUST A COUPLE
16 THINGS. CAN I HAVE A RIGHT TO RECALL, RECROSS A
17 WITNESS?

18 THE COURT: WELL, YOU COULD CALL, WHO DO
19 YOU WANT TO?

20 MR. PORTER: I'M TALKING ABOUT I WANT TO
21 CALL ONE LATER ON CAN I CALL ONE OF THE STATE'S, CALL
22 THEIR WITNESS.

23 THE COURT: WELL, LET ME JUST TELL YOU A
24 LITTLE WRINKLE ON THAT. WHEN WE GET TO THE DEFENSE
25 PART OF THE TRIAL IF EITHER DEFENDANT PRESENTS ANY

1 WITNESSES, THEY LOSE THE RIGHT TO HAVE WHAT WE CALL
2 CLOSING ARGUMENTS. I'M NOT SAYING THIS TO INFLUENCE
3 ANYTHING WHAT YOU DO, I JUST WANT YOU TO BE AWARE.
4 IF YOU WANT TO RECALL A WITNESS AT THIS TIME, WE'LL
5 MAKE A DETERMINATION. WHICH WITNESS DO YOU WANT TO
6 RECALL? IS THERE ONE PARTICULAR OR YOU JUST WANT TO
7 KNOW IN GENERAL.

8 MR. PORTER: JUST ONE PARTICULAR.

9 THE COURT: WHO IS THAT?

10 MR. PORTER: TERRY VINESETT, TERRY.

11 THE COURT: VINESETT.

12 MR. PORTER: THE OFFICER THAT TESTIFIED
13 YESTERDAY.

14 THE COURT: ANY OBJECTION?

15 MR. SPRINGS: NO, BUT YOU SAID HE MIGHT
16 LOSE THE RIGHT TO CLOSING ARGUMENT. YOU MEAN THE
17 FINAL, THE VERY LAST ARGUMENT.

18 THE COURT: RIGHT, THE FINAL CLOSING
19 ARGUMENT AND NOT BY RECALLING HIM BUT PRESENTING
20 ANYTHING IN THEIR DEFENSE CASE.

21 MR. BRACKETT: YES, SIR.

22 THE COURT: I JUST WANT TO MAKE THE
23 UNDERSTANDING. I DON'T WANT TO GET TO THE POINT
24 LATER AND THE STATE HAVING AGREED AND THEN THE STATE
25 SAYING WE AGREED UNDER BUT WE THOUGHT THAT MET WE

1 WOULD GET FINAL ARGUMENT.

2 MR. BRACKETT: WELL, CAN I HAVE JUST ONE
3 MOMENT? I'M SORRY, LET ME JUST CLARIFY SOMETHING.
4 MR. SPRINGS WAS UNDER THE IMPRESSION WHEN YOU TOLD
5 HIM HE LOSES CLOSING ARGUMENTS HE MIGHT THINK THAT HE
6 DOESN'T GET TO MAKE CLOSING ARGUMENT. HE JUST LOSES
7 FINAL CLOSING ARGUMENT.

8 THE COURT: I UNDERSTAND THAT BUT YOU ARE
9 GOING TO GET TO MAKE A CLOSING ARGUMENT.

10 MR. PORTER: YES.

11 THE COURT: THE QUESTION IS WHETHER OR NOT
12 AND I UNDERSTOOD WHAT MR. SPRINGS WAS SAYING.

13 MR. BRACKETT: YES, SIR.

14 THE COURT: BUT I'M ON A DIFFERENT ISSUE
15 NOW. MY ISSUE NOW IS IS IT THE STATE'S POSITION THAT
16 BY RECALLING THIS WITNESS THAT HE HAS PRESENTED A
17 CASE AND THEREFORE HAS LOST HIS RIGHT TO FINAL
18 CLOSING ARGUMENT.

19 MR. BRACKETT: YES, SIR. IF HE WANTS TO
20 RECALL VINESETT TO THE STAND HE CAN DO SO IN HIS
21 CASE. WE'RE FINISHED.

22 THE COURT: NO, NO, THAT'S NOT MY
23 QUESTION. IF I ALLOW, HE'S MADE A MOTION TO RECALL
24 HIM NOW. I GOT THE IMPRESSION Y'ALL HAD NO PROBLEM
25 WITH THAT?

1 MR. BRACKETT: NO, THAT'S INCORRECT.
2 THAT'S WHAT I WAS CLARIFYING WITH HIM. WE DO HAVE A
3 PROBLEM. IF HE WANTS TO CALL VINESETT BACK TO THE
4 STAND HE NEEDS TO DO SO IN HIS CASE IN CHIEF. WE
5 OBJECT TO HIM RECALLING HIM DURING OUR CASE IN CHIEF.

6 THE COURT: WELL, I'M GOING TO ALLOW HIM
7 TO RECALL HIM AND I'M GOING TO ALLOW HIM TO RECALL
8 HIM WITH THE UNDERSTANDING RECALLED IN THE
9 PROSECUTION'S CASE AND NOT PART OF THE DEFENSE CASE
10 AND THEREFORE HE WOULD NOT LOSE YOUR RIGHT TO THE
11 FINAL CLOSING ARGUMENT BY THIS, YOU MAY FOR OTHER
12 REASONS, YOU UNDERSTAND THAT?

13 MR. PORTER: YES, SIR. THANK YOU.

14 THE COURT: NOW THESE ARE THE KIND OF
15 THINGS THAT WE HAD TALKED A LITTLE BIT ABOUT EARLIER
16 WHEN YOU APPEARED BEFORE ME, YOU TALKED ABOUT STANDBY
17 COUNSEL AND I TOLD YOU TO MAKE A MOTION AND YOU
18 HADN'T MADE A MOTION SO I'M ASSUMING THAT YOU, THESE
19 WOULD BE THE KIND OF PROCEDURAL THINGS THAT STANDBY
20 COUNSEL WOULD HELP YOU WITH AND YOU HADN'T ASKED FOR
21 ONE AND I HADN'T APPOINTED ONE. DO YOU UNDERSTAND
22 THAT?

23 MR. PORTER: YES, SIR.

24 THE COURT: BUT YOU ASKED AT AN EARLIER
25 HEARING AND I SAID IF YOU WANTED ONE TO MAKE A

1 MOTION, YOU DIDN'T MAKE A MOTION, SO I HADN'T
2 APPOINTED ONE.

3 MR. PORTER: YES, I WAS UNDER THE
4 IMPRESSION WHICH WAS MY FAULT, YOUR HONOR, I SHOULD
5 HAVE SUBMITTED THE MOTION, BUT I WAS UNDER THE
6 IMPRESSION I WASN'T GOING TO BE OFFERED COUNSEL
7 ANYWAY. I DIDN'T HAVE BUT ONE CHOICE, EITHER TO GO
8 WITH MR. NIEMIEC OR REPRESENT MYSELF PRO SE BECAUSE
9 HE BROUGHT UP THE, MR. BRACKETT BROUGHT UP THE
10 FERRETTA VERSUS CALIFORNIA BASISICALLY WHAT I WAS
11 REFERRING TO. I WOULD HAVE ASKED FOR STANDBY COUNSEL
12 UNDER FERRETTA VERSUS CALIFORNIA, BUT HE OFFERED THAT
13 ABOUT ASKING ME WHETHER OR NOT I WAS COMPETENT TO
14 STAND TRIAL AND I FIGURED AT THAT MOMENT THAT I
15 EITHER HAD ONE CHOICE, EITHER GO WITH MR. NIEMIEC, I
16 HAD THE OPTION, AND I HAD THE TRANSCRIPT AND I READ
17 IT AND TO ME IT APPEARED THAT I EITHER HAD THE OPTION
18 TO GO WITH MR. NIEMIEC OR TO GO PRO SE AND I DID NOT
19 WANT MR. NIEMIEC IN MY CASE.

20 THE COURT: WELL, LET ME BEFORE I GET TO
21 MR. SPRINGS, BUT I REREAD THE TRANSCRIPT THIS MORNING
22 AND I MADE IT CLEAR THAT YOU MENTIONED STANDBY
23 COUNSEL AND I TOLD YOU TO MAKE THAT MOTION. I
24 THOUGHT JUDGE COLE WAS GOING TO BE TRYING THIS CASE
25 BECAUSE I REFERENCED HIM BUT IT INDICATED TO MAKE A

1 MOTION AT TRIAL. I DO UNDERSTAND AND RECALL THAT MR.
2 SPRINGS TALKED TO MR. NIEMIEC AND MR. NIEMIEC WAS
3 WILLING IN ESSENCE TO BE STANDBY COUNSEL BUT YOU HAD
4 INDICATED YOU DIDN'T WANT MR. NIEMIEC IN ANY ROLE
5 WHATSOEVER, IS THAT CORRECT?

6 MR. PORTER: THAT'S CORRECT.

7 THE COURT: OKAY.

8 MR. PORTER: WHEN WE RELIEVE HIM, YOU
9 KNOW, I DIDN'T WANT HIM. I DIDN'T WANT HIM PERIOD.
10 THAT WAS THE MAIN OPTION BECAUSE YOU KEPT, YOU ASKED
11 ME AND YOU ASKED ME DID I KNOW WHAT I WAS DOING AND
12 DID I KNOW I GIVE UP THE RIGHT TO COUNSEL,
13 BLA-BLA-BLA-BLA-BLA, AND I WAS JUST SO DISSATISFIED
14 WITH HIS SERVICES UP TO THAT POINT THAT I DID NOT
15 WANT HIM NO PART OF MY TRIAL ON MY CASE. BUT HAD I
16 NOT MISINTERPRETATED THAT, I PROBABLY WOULD HAVE
17 SUBMITTED THE MOTION FOR STANDBY COUNSEL.

18 THE COURT: WELL, WE ARE HALFWAY THROUGH
19 THE TRIAL NOW, IF YOU HAD MADE THE MOTION I CAN TELL
20 YOU WHAT I WOULD HAVE DONE AND THAT WOULD HAVE BEEN
21 TO, I WOULD HAVE HAD MR. NIEMIEC BE YOUR STANDBY
22 COUNSEL BECAUSE HE'S THE ONLY ONE THAT HAS ANY
23 KNOWLEDGE ABOUT THIS CASE. DO YOU WANT ME TO APPOINT
24 SOMEBODY AT THIS TIME OTHER THAN MR. NIEMIEC JUST TO
25 HELP YOU WITH PROCEDURAL MATTERS OR DO YOU WANT TO

1 JUST PROCEED LIKE WE ARE?

2 MR. PORTER: THAT WOULD BE GOOD, YOUR
3 HONOR.

4 THE COURT: ALL RIGHT. NOW IS THE PUBLIC
5 DEFENDER OFFICE CONFLICTED OUT?

6 MR. BRACKETT: YES, THEY REPRESENT
7 CO-DEFENDANT DONSHAVIS JONES.

8 THE COURT: ALL RIGHT. WELL, LET'S GO
9 AHEAD AND GET STARTED BACK AND I'M GOING TO HAVE
10 MR. FERGUSON SEE IF WE CAN GET SOMEBODY TO SIT IN AND
11 HELP YOU WITH PROCEDURAL MATTERS FROM HERE ON OUT.

12 MR. PORTER: ALL RIGHT. THANK YOU.

13 THE COURT: I'M SORRY IF THERE HAS BEEN
14 ANY CONFUSION. I THOUGHT IT WAS PRETTY CLEAR THAT
15 YOU HAD A RIGHT TO REQUEST STANDBY AT THE TIME OF THE
16 TRIAL SO I'M SORRY IF I CREATED ANY CONFUSION. YES,
17 SIR.

18 MR. SPRINGS: I JUST WANTED TO REITERATE
19 THAT ON JULY 10 WHEN I MET WITH MR. PORTER I TOLD HIM
20 MATTHEW NIEMIEC HAD TOLD ME ON THE PHONE HEY, WHEN
21 YOU SEE HIM, TELL HIM I'LL BE GLAD TO HELP HIM OUT
22 AND I PASSED THAT MESSAGE ON JULY, ON JULY 10.

23 THE COURT: OKAY. BUT YOU DON'T WANT MR.
24 NIEMIEC ANYWHERE NEAR YOU -- THAT'S THE BOTTOM LINE.

25 MR. PORTER: THAT'S THE BOTTOM LINE, SIR.

1 THE COURT: OKAY. ALL RIGHT. WELL, IT'S
2 KIND OF 11TH HOUR BUT GO AHEAD.

3 (MR. PORTER IS CONFERRING WITH
4 MR. JAMIESON.)

5 THE COURT: ALL RIGHT. WE'LL GO AHEAD AND
6 PROCEED. ANYTHING ELSE, MR. PORTER, BEFORE WE BRING
7 THE JURY IN. WE ARE GOING TO FIND SOMEONE WHO WILL
8 HELP YOU WITH PROCEDURAL MATTERS AS QUICK AS WE CAN.

9 MR. PORTER: EXCUSE ME, AM I ALLOWED TO
10 RECALL?

11 THE COURT: YEAH, I'M GOING TO LET YOU
12 RECALL MR. VINESETT WITHOUT ANY PREJUDICE TO YOUR
13 CASE.

14 MR. PORTER: OKAY. I HAVE NOTHING
15 FURTHER.

16 THE COURT: SO YOU ARE READY TO GO
17 FORWARD?

18 MR. PORTER: YES, SIR.

19 THE COURT: I KNOW THE STATE OBJECTS TO
20 THAT. YOU WANT TO DO THAT AT THIS POINT IN THE
21 TRIAL. AS SOON AS THE JURY GETS BACK YOU WANT TO
22 RECALL HIM?

23 MR. PORTER: YES, SIR.

24 THE COURT: I'LL RECALL HIM THEN, OFFER
25 HIM FOR CROSS EXAMINATION. ALL RIGHT. BRING IN THE

1 JURY.

2 MR. SPRINGS: CAN MR. PORTER BE THE PERSON
3 THAT STANDS UP AND CALLS OFFICER VINESETT UP?

4 THE COURT: NO, I'M GOING RECALL HIM AND
5 THEN LET HIM.

6 (THE JURY RETURNS TO THE COURTROOM AT
7 09:53 AM.)

8 THE COURT: GOOD MORNING.

9 (THE JURY: GOOD MORNING.)

10 THE COURT: NOW I SAID THE FOREMAN
11 PRESIDES OVER THE JURY BUT THAT DOESN'T MEAN HE CAN
12 MAKE ALL OF YOU WEAR ORANGE. (LAUGHTER.) ALL RIGHT.
13 I'M GOING RECALL MR. VINESETT. THE COURT WILL RECALL
14 YOU. PLEASE COME UP AND YOU ARE STILL UNDER OATH.

15 THE COURT: MR. PORTER.

16 MR. PORTER: YES, SIR. YOUR HONOR, I
17 WOULD LIKE THE ASSISTANCE OF MR. JAMIESON TO SHOW THE
18 VIDEO OF THE SECURITY TAPE.

19 THE COURT: DO YOU OBJECT TO DOING THAT?

20 MR. JAMIESON: NO, BUT HE COULDN'T HAVE
21 PICKED ANYBODY ELSE LESS TECHNOLOGICALLY ABLE BUT
22 I'LL CERTAINLY HELP HIM IF I CAN.

23 THE COURT: ALL RIGHT. WE WILL MAKE IT A
24 JOINT EFFORT. IF YOU TELL HIM WHAT YOU WANT TO FIND
25 BETWEEN THAT GROUP.

1 MR. PORTER: AND ALSO COULD I HAVE A COPY
2 OF HIS REPORT? I DON'T HAVE IT.

3 MR. SPRINGS: THE POLICE REPORT.
4 CROSS EXAMINATION BY MR. PORTER:

5 Q HAVE YOU SEEN THIS VIDEO?

6 A I HAVEN'T SEEN THE ENTIRE. I SAW TWO OR THREE
7 MINUTES OF IT. I'M NOT SURE IF I SAW THE FIRST, THE
8 MIDDLE, OR THE LAST. I HAVEN'T SEEN BUT TWO MINUTES
9 OF IT.

10 THE COURT: IS THAT WHAT YOU WANT,
11 MR. PORTER?

12 MR. PORTER: YES, BUT MY UNDERSTANDING --

13 THE COURT: ALL RIGHT. WAIT JUST A
14 MINUTE. IS THAT WHAT YOU WANT?

15 MR. PORTER: I WANT THIS PART AND I WANT
16 TO SHOW THE CAR LEAVING, BUT I NEED THE PART WHERE
17 YOU GOT THE DATE AND TIME.

18 THE COURT: I THINK THAT WILL SHOW UP, I
19 DON'T KNOW IF THAT WAS ON HERE. THAT WAS ON THE
20 CHASE.

21 MR. PORTER: IS THIS THE BANK VIDEO
22 CAMERA?

23 THE COURT: YES, SIR, THAT'S MY
24 UNDERSTANDING.

25 MR. PORTER: FROM MY UNDERSTANDING OF THE

1 VIDEO, EXCUSE ME, THAT ON THE ANTITERRORIST ACT THIS
2 IS SUPPOSED TO HAVE THE DATE AND THE TIME IN CASE
3 SOME PARTICULAR ELEMENT OR TERRORIST ENTER THE BANK
4 IT WOULD HAVE THE DATE AND THE TIME ON ALL SECURITY
5 CAMERA OF THIS PARTICULAR PERSON IN THERE.

6 THE COURT: THAT'S A MATTER OF LAW FOR ME
7 TO TAKE UP NOT FOR THE JURY, BUT IT'S NOT ON THERE,
8 THAT'S THE BOTTOM LINE.

9 MR. PORTER: OKAY. THE REASON WHY I ASK
10 TO SHOW THIS BECAUSE I THOUGHT IT WOULD HAVE THE DATE
11 AND THE TIME FROM THE CAR LEAVING THE SCENE BUT YOU
12 CAN GO ON AND GO RIGHT TO THE END.

13 THE COURT: LET'S GO TO THE END AND LET'S
14 SEE WHAT IT HAS AND ALLOW HIM TO ASK THE QUESTIONS
15 AND HIT THE LIGHTS AT THAT TIME.

16 MR. JAMIESON: NOW YOU SEE WHY I WAS A BAD
17 CHOICE.

18 MR. BRACKETT: JUST YOUR PRESENCE, JUST
19 BEING NEAR.

20 THE COURT: YOU WANT TO TAKE A BREAK AND
21 GET SOMEBODY IN HERE?

22 MR. BRACKETT: WE MAY JUST HAVE TO WATCH
23 THE WHOLE THING. I'M NOT SURE I CAN FAST FORWARD IT.

24 THE COURT: MR. PORTER, DO YOU WANT A
25 CERTAIN PART, DO YOU OBJECT TO HIM SHOWING THE WHOLE

1 THING SO YOU CAN GET THERE?

2 MR. PORTER: NO, HE CAN SHOW THE WHOLE
3 THING.

4 (PLAYING THE BANK VIDEO.)

5 MR. PORTER: JUST SHOW THE CAR THAT THE
6 LADY IN THE DRIVE-THRU WINDOW, IT'S COMING TO THERE.

7 MR. BRACKETT: JUST TELL ME WHEN YOU WANT
8 ME TO PAUSE IT.

9 Q MR. VINESETT, THAT'S THE LADY IN THE CAR THAT
10 GAVE THE DESCRIPTION OF THE VEHICLE. SHE BACKED BACK
11 INTO THE DRIVE-THRU WINDOW AND SHE WAS GIVING THE
12 DESCRIPTION TO THE ONE TELLERS?

13 A I'M NOT SURE OF YOUR QUESTION.

14 Q I'M GOING GET TO THAT.

15 THE COURT: YOU WANT THE LIGHTS BACK ON?

16 MR. PORTER: YES, SIR, YOU CAN TURN THEM
17 BACK ON.

18 Q FROM MY UNDERSTANDING OF THE TESTIMONY OF THE
19 BANK EMPLOYEES SHE WAS THE CLOSEST ONE TO THAT
20 VEHICLE AND SHE MADE THE STATEMENT THAT THROUGH I
21 THINK IT WAS, I'M NOT FOR SURE, BUT MS. HARRIS OR
22 SOMEBODY WHO WAS TALKING TO THE BANK MANAGER, SHE
23 DROVE BACK THROUGH THE DRIVE VIDEO OR DRIVE-THRU
24 WINDOW AND SHE GAVE THEM A GRAY SEDAN. AT THIS TIME
25 THE BANK MANAGER, THAT'S THE ONLY DESCRIPTION HE HAS

1 OF THE CAR, HE DOESN'T HAVE NO DESCRIPTION, HE'S ON
2 THE PHONE TO DISPATCHER. YOU STATED, INDICATED THAT
3 IT CAME OVER AND STATED IT WAS A GRAY FORD TAURUS.
4 THE PERSON THAT'S ON THE 911 CALL IS MARK LUBIATO,
5 THE MANAGER, HE'S THE ONE MAKING THE CALL. THE ONLY
6 INFORMATION THAT HE GOT OF THE CAR WAS A GRAY SEDAN.
7 AND I ASKED YOU YESTERDAY AND YOU TOLD ME THAT YOU
8 GOT THIS FROM YOUR DISPATCHER. I LET YOU COME TO --

9 MR. SPRINGS: I AM GOING TO OBJECT. THERE
10 IS NO QUESTION HERE, JUST SIMPLY A SPEECH.

11 THE COURT: I'M GOING TO LET HIM FINISH.
12 THE OBJECTION IS NOTED, BUT I'M GOING TO LET HIM
13 FINISH. GO AHEAD.

14 Q OKAY. WHEN YOU SAY YOU GOT THE RESPONSE YOU
15 INDICATED ALSO THAT YOU WAS AT THE STATION PARKING
16 LOT, IS THAT CORRECT?

17 A YES.

18 Q OKAY. AND YOU SAY YOU KNOW IT WAS A EMERGENCY
19 COMING ON BECAUSE YOU HAD THE EMERGENCY SIGNAL AND
20 YOU SAID THE DISPATCHER TOLD YOU THAT A GRAY FORD
21 TAURUS HAD BEEN INVOLVED IN A ROBBERY OF A YORK
22 COUNTY BANK, IS THAT CORRECT?

23 A I'M NOT SURE IF THEY TOLD ME EXACTLY AFTER THE
24 TONES OR WHILE I WAS DRIVING TOWARD THAT WAY, BUT IN
25 THAT TIME BETWEEN LEAVING THE OFFICE AND ME GETTING

1 TO HIGHWAY 49 A DARK GRAY OR DARK BLUE FORD TAURUS
2 DID COME OVER THE RADIO.

3 Q OKAY. BUT AT THE TIME YOU WAS WHERE WHEN THE
4 FIRST SIGNAL CAME ON?

5 A AT THE DISTRICT OFFICE IN FORT MILL.

6 Q OKAY. DO YOU RECALL TALKING TO A DETECTIVE
7 STRAIT? I MEAN DETECTIVE STRAIT. THIS JUST STATED,
8 THE STATEMENT STATE THE WITNESS OUTSIDE THE BANK SAW
9 THE SUSPECTS IN A GRAY COLORED SEDAN GOING TOWARD
10 NORTH CAROLINA. TWO DEPUTIES WHILE EN ROUTE TO 49,
11 NOT IN THE STATION PARKING LOT, YOU WAS ALREADY EN
12 ROUTE, SIR, YOU WAS ALREADY ON HIGHWAY 49?

13 A I NEVER WAS ON HIGHWAY 49. I MADE THE U-TURN ON
14 CARDOWINDS AT HIGHWAY 49.

15 Q OKAY.

16 A SO IF YOU WANT TO SAY MY TIRES MIGHT HAVE
17 TOUCHED 49.

18 Q HOW FAR IS THAT FROM THE STATION?

19 A WHERE?

20 Q WHERE YOU SAY YOU GOT THE CALL?

21 A I WOULD SAY APPROXIMATELY FIVE MILES.

22 Q OKAY. NOW YOU HAD PRIVILEGE ALSO JUST THEN TO
23 SEE THAT, EXCUSE ME, THAT THE ROBBERS WERE IN THE
24 BANK, THE BANK WAS ALLEGEDLY ROBBED AT 10:30 ON
25 DECEMBER 22, 2006. FROM THAT VIDEO, HOW LONG WOULD

1 YOU SAY THEY WAS IN THERE?

2 A I WOULD GUESS ABOUT TWO MINUTES.

3 Q THE GENTLEMAN THAT WAS OUTSIDE SQUATTING DOWN,
4 WAS SQUATTING DOWN LONGER THAN TWO MINUTES. THEY WAS
5 IN THE VAULT ACCORDING TO THE TESTIMONY?

6 A YEAH, THE CAMERA ALSO LOOKS LIKE THERE IS SOME
7 KIND OF TIME LAPSE. I DON'T KNOW IF IT'S A SECOND
8 OFF OR WHAT BUT IT'S NOT PLAYING.

9 Q OKAY. WELL, YOU HEARD --

10 A IN REGULAR SPEED.

11 Q YOU HEARD ONE OF THE BANK TELLERS STATE THAT SHE
12 HAD BEEN ROBBED BEFORE AND THEY WAS --

13 A NO, I WASN'T IN HERE THEN.

14 Q ONE OF THE BANK TELLERS STATED THAT SHE HAD BEEN
15 ROBBED BEFORE AND THAT SHE SUSPECTED THEM TO BE IN
16 THERE ABOUT 30 MINUTES BUT THEY WAS IN THERE LONGER,
17 MAYBE TWO OR THREE MINUTES, RIGHT?

18 A (NO RESPONSE.)

19 Q YESTERDAY WHEN YOUR VIDEO OF YOUR CHASE STARTED,
20 EVEN IF THE BANK WAS ROBBED AT 10:30, THEY GOT OUT OF
21 THE CAR, WENT IN THE BANK, THEY HAD SO MUCH CONFUSION
22 ACCORDING TO THE TESTIMONY THAT THEY DIDN'T KNOW
23 WHETHER THEY WANTED THE PEOPLE TO CRAWL, THEY DIDN'T
24 KNOW WHETHER THEY WANTED THEM TO WALK, THEY DIDN'T
25 KNOW WHERE THEY WANTED THEM TO STAND, THEY DIDN'T

1 KNOW WHERE THEY WANT THEM IN THE VAULT, THERE WAS SO
2 MUCH CONFUSION THAT IT WAS OVER, IT COULD HAVE BEEN
3 OVER A FOUR MINUTE PERIOD OF TIME THAT PEOPLE WAS IN
4 THE BANK. MR. BAYER, ONE OF THE CUSTOMERS GOT
5 SPRAYED, THEY SPRAYED IN THE VAULT, THEY PUSHED THE
6 83 YEAR OLD GENTLEMAN DOWN OVER TOP OF THE EMPLOYEES
7 THAT WAS IN THE BANK, AND THEN AFTER THAT THEY LOCKED
8 THE DOOR. THAT'S WAY OVER A PERIOD OF FOUR MINUTES.
9 BUT FOR SOME REASON YOUR CAR WHEN YOU WERE IN YOUR
10 CHASE, IN YOUR VIDEO, I WOULD LIKE THE STATE TO SHOW
11 THIS CHASE TOO. THE CHASE OF HIS CAR.

12 MR. BRACKETT: VINESETT'S?

13 MR. PORTER: VINESETT'S.

14 Q RIGHT THERE. RIGHT THERE. NOW IT'S 10:34
15 ALREADY AND YOU ARE ALREADY IN THE CHASE?

16 A I FOLLOWED THE VEHICLE APPROXIMATELY TWO MILES
17 BEFORE THAT.

18 Q I'M SAYING IT'S 10:34?

19 A AND I JUST --

20 Q RIGHT HERE IS, YOU CAN SEE YOU ARE ALREADY IN
21 THE CHASE. HOW LONG HAD YOU BEEN FOLLOWING THAT CAR?

22 A SINCE 49.

23 Q I THINK YOU FOLLOWED IT, WE ASSUMED THE PEOPLE
24 IN THE BANK, IT TOOK OVER THREE TO FOUR MINUTES OF
25 THE ROBBERY, YOU ARE TEN MILES DOWN THE STREET, YOU

1 ARE TEN MILES AWAY ON THE CAR. I'M GOING TO ASK YOU
2 A QUESTION, HAS THIS TAPE BEEN EDITED?

3 A HAS IT BEEN EDITED?

4 Q DOCKETED, IS THIS YOUR OTHER VEHICLE CAR TAPE?

5 A THAT'S A DUBBED TAPE FROM MY CAR VIDEO.

6 Q IS IT POSSIBLE THAT SOMEBODY COULD RIGHT HERE
7 EDIT THAT TIME WITH A COMPUTER?

8 A I HAVE NO CLUE. I'M NOT COMPUTER SAVVY.

9 Q BUT IT'S POSSIBLE?

10 A I'M NOT SURE.

11 Q NOW FROM THE TESTIMONY OF THE BANK WITNESSES
12 PRIOR TO THEM GETTING OUT OF THE BANK, OUT OF THE
13 VAULT, IT WOULD HAVE TOOK ANYWHERE FROM TWO OR THREE
14 MINUTES AND YOU SEEN YESTERDAY THEY COULDN'T EVEN
15 TESTIFY, THEY ARE STILL SHAKEN UP BY THIS TRAUMA AND
16 EXPERIENCE, THEY COULD NOT TESTIFY SO YOU CAN IMAGINE
17 HOW THEY WAS IN CONFUSION ONCE THEY GOT OUTSIDE THAT
18 VAULT. THAT RIGHT THERE PROBABLY WOULD HAVE TOOK
19 THEM TWO TO THREE MORE MINUTES TO MAYBE CALL 911 SO
20 THAT WOULD HAVE PUT IT AT MAYBE 10:37-10:38 BEFORE
21 THE DISPATCHER EVEN GOT THE CALL BUT HERE IS,
22 EVERYBODY CAN SEE, YOU ALREADY IN CHASE 10:34, THE
23 BANK WAS ROBBED AT 10:30?

24 A YOU ARE ASKING ME IF I THINK I'VE --

25 Q I'M ASKING YOU --

1 A ---STOPPED THE CORRECT CAR?

2 Q NO. NO. NO. NO. I'M ASKING YOU HOW IS IT
3 POSSIBLE FOR YOU TO BE TEN MILES AWAY FROM THIS BANK,
4 THESE PEOPLE PROBABLY HADN'T EVEN MADE THE CALL AT
5 10:34 BUT YOU ALREADY IN THE CHASE. YOU ALREADY IN
6 THE CHASE AT 10:34. IS THIS CORRECT TAPE FROM YOUR
7 CAR OR IS THIS TAPE BEEN DOCKETED OR EDITED? I ASK
8 YOU THAT QUESTION AGAIN.

9 A NO. I MEAN YOU CAN GO UP TO MY CAR RIGHT NOW
10 AND LOOK AT YOUR WATCH AND IT COULD SAY 10:20 AND MY
11 CLOCK COULD SAY 10:30 OR 10:20 ON 10:10.

12 Q BUT I'M SAYING, USING THIS TAPE AS EVIDENCE, YOU
13 GOT PEOPLE LIFE, YOU GOT PEOPLE LIVELIHOODS RIDING ON
14 THIS TAPE AND YOUR TESTIMONY, AND YESTERDAY I, I
15 ADMIT I, YESTERDAY I HAD A LAPSE, I SLIPPED, BUT
16 TODAY THAT HAS TO BE A DOCKETED, A EDITED TAPE. IT'S
17 IMPOSSIBLE. WE JUST SEEN THE VIDEO OF THE BANK
18 ROBBERS. THEY WAS IN THERE AT LEAST 10:34-10:35
19 MAYBE BUT YOU ARE ALREADY IN CHASE AT 10:34 AND THEY
20 AIN'T EVEN GOT OUT OF THE VAULT TO MAKE THE CALL YET.
21 HOW IS THAT POSSIBLE?

22 A MY ONLY ANSWER TO THAT IS LIKE I SAID, THERE IS
23 PROBABLY 40 PEOPLE IN THIS ROOM AND NOBODY'S CLOCK IS
24 GOING TO BE EXACTLY RIGHT. THERE IS GOING TO BE SOME
25 TIME DISCREPANCIES.

1 Q OKAY. LET ME ASK YOU THIS. HOW LONG HAVE YOU
2 BEEN A DEPUTY SHERIFF?

3 A TEN YEARS.

4 Q YOU EVER WORKED ANYWHERE ELSE PRIOR TO BEING --

5 A YES.

6 Q WHERE IS THAT?

7 A CAROLINA MEDICAL CENTER.

8 Q I'M TALKING ABOUT IN THE POLICE FORCE?

9 A NO, SIR.

10 Q YOU NEVER WORKED AT FORT MILL?

11 A NOPE. MY FATHER RETIRED FROM THERE.

12 Q IN THE LAST TWO YEARS YOU HAVE ANY DISCIPLINARY
13 PROCEDURES ON THE FORCE?

14 A I HAVE. I RECEIVED ONE WRITE-UP.

15 Q CAN YOU EXPLAIN WHAT THAT WAS FOR?

16 A YES, SIR, IT WAS FOR, WE HAVE TO DO DAILY SHEETS
17 EVERY DAY DOCUMENTING WHAT WE DO, HOW MANY CARS WE
18 STOP, HOW MANY CARS WE SEARCH, AND HOW MANY PEOPLE WE
19 ARRESTED OR WHAT NOT, AND A FEW DAYS THAT WASN'T
20 DONE.

21 Q OKAY. SO I'M NOT GOING TO, YOU EVER DO DRUG
22 ARRESTS?

23 A SIR?

24 Q YOU EVER STOP DRUGS ON THE INTERSTATE?

25 A YES, SIR.

1 Q APPROXIMATELY HOW MANY DO YOU DO MAYBE IN A
2 YEAR, YOU, PER SE?

3 A DO WHAT?

4 Q HAVE YOU IN ANY WAY, WITHIN THE LAST YEAR OR TWO
5 YEARS, HAD TO APPEAR IN COURT AND YOUR INTEGRITY WAS
6 QUESTIONED IN A DRUG BUST?

7 A MY INTEGRITY?

8 Q YES.

9 A I DON'T BELIEVE IT WAS.

10 MR. BRACKETT: ARE YOU DONE WITH THIS OR
11 DO YOU WANT TO IT TO RUN?

12 MR. PORTER: NO, LET IT RUN. CAN YOU
13 PAUSE IT TOO?

14 MR. BRACKETT: THERE IS A PAUSE BUTTON
15 RIGHT ON THERE. YOU CAN READ IT. I'M SURE.

16 MR. PORTER: I'LL JUST LET IT RUN.

17 Q BUT ANYWAY, PART OF YOUR JOB IS THAT YOU HAVE TO
18 TAKE DEFENSIVE DRIVING, IS THAT CORRECT?

19 A YES, SIR.

20 Q IN THE RAIN, SNOW?

21 A PURSUIT.

22 Q PURSUIT, THAT TYPE OF STUFF. AND THAT DAY AS
23 THE VEHICLE APPROACHING, ALLEGEDLY STOPPED AT
24 ALDERGATE APARTMENT, THERE IS NO WAY YOU COULD HAVE
25 AVOIDED HITTING THAT INDIVIDUAL FLEEING THAT CAR WITH

1 YOUR DRIVING SKILLS? YOU WAS ABOUT TWO SECONDS
2 BEHIND WHEN THE CAR STOPPED BUT YOU COULD BE HERE
3 WHEN THE CAR HIT THE INDIVIDUAL STATED, YOU COULDN'T
4 STOP, YOU COULDN'T STOP, BUT YOU ARE TRAINED, YOU ARE
5 TRAINED PROFESSIONAL DRIVER TO AVOID COLLISIONS AND
6 HIGH SPEED CHASES, IS THAT NOT CORRECT?

7 A YES, EVERYONE IS TRAINED TO AVOID COLLISIONS.

8 Q ESPECIALLY YOU BY BEING ON THE INTERDICTION
9 SQUAD BECAUSE YOUR JOB IS CONSTANTLY ON THE HIGHWAY
10 EVERYDAY?

11 A YES.

12 Q I'M WANTING TO GET TO THE PART WHERE JONES WAS
13 FLEEING THE SCENE OR WHEN THAT, WHEN THE CAR WAS
14 STOPPED. IT SHOULD BE COMING UP ACCORDING TO THE
15 TIME. RIGHT HERE.

16 A IF YOU CAN SEE THE LETTER 'B' UP BESIDE THE
17 LETTER 'L'.

18 Q YES.

19 A IF WE CAN REWIND IT. THAT B MEANS THAT MY FOOT
20 IS ON THE BRAKE.

21 Q I UNDERSTAND THAT.

22 A AND IF YOU'LL REWIND IT, MY FOOT WAS ON THE
23 BRAKE PROBABLY TWO SECONDS BEFORE THE COLLISION.

24 Q OKAY.

25 A I WAS ON THE BRAKE.

1 Q BUT, OKAY, BUT AT THE SAME TIME, THE SAME ACTION
2 THAT YOU DID TO TURN THE CAR INTO THE DOOR AS IT WAS
3 OPENING YOU COULD HAVE ALSO TURNED IT TO THE LEFT IF
4 YOU DID NOT MEAN TO HIT THAT INDIVIDUAL?

5 A I COULD HAVE TURNED IT EITHER WAY, THAT IS
6 CORRECT.

7 Q WHY DIDN'T YOU? YOU WERE TRAINED?

8 A AT THAT TIME I WASN'T SURE WHAT THE PERSON IN
9 THE BACK SEAT WAS GOING TO DO. I WAS TOLD THAT THERE
10 WERE GUNS INVOLVED.

11 Q YOU COULD SEE --

12 A I DIDN'T KNOW IF THAT BACK SEAT PERSON --

13 Q YOU HAD A TWO SECOND DIFFERENTIAL?

14 A CAN I FINISH MY ANSWER?

15 Q YES, SIR.

16 A I DIDN'T KNOW IF THE PERSON IN THE BACK SEAT WAS
17 GOING TO JUMP OUT WITH A GUN. IF HE WOULD HAVE
18 JUMPED OUT WITH A GUN, THERE WOULD HAVE BEEN NOTHING
19 ME AND MY PARTNER COULD HAVE DONE.

20 Q YOU SAW HIM WITH SOMETHING ON HIS SHOULDER. HIS
21 HANDS WAS IN THE AIR. IT'S IMPOSSIBLE IF HE COULD
22 HAVE JUMPED OUT ON THAT PARTICULAR SIDE OF THE CAR
23 WITH A GUN. HE HAD INTENTION OF RUNNING, HE WAS
24 PROBABLY FIXING TO RUN, BUT YOU COULD HAVE SWERVED
25 AND MISSED THAT INDIVIDUAL BUT YOU TURNED YOUR CAR

1 INTO THE DOOR, THERE WAS NO GUN DRAWN. THERE WAS A
2 GUN IN THE BAG BUT THERE WAS NO GUN DRAWN. THERE WAS
3 NOT ONE IN HIS HAND. YOU COULD HAVE AVOIDED THAT
4 INDIVIDUAL IF YOU WANTED TO?

5 A I COULD HAVE POSSIBLY AVOIDED THAT COLLISION.

6 Q BUT YOU DID NOT WANT TO, IS THAT CORRECT?

7 A I DIDN'T SAY THAT, NO, SIR.

8 Q I'M ASKING YOU, YOU DID NOT WANT TO AVOID THAT
9 INDIVIDUAL?

10 A I DIDN'T WANT THAT INDIVIDUAL TO GET OUT AND
11 SHOOT ME WITH A GUN.

12 Q OKAY. NOW AT THIS PARTICULAR TIME WHO IS THIS
13 GENTLEMEN WITH YOU, RIDING WITH YOU?

14 A CONSTABLE WES SCOTT.

15 Q WHEN YOU PUT HANDCUFFS ON AN INDIVIDUAL, THEY
16 ARE UNDER ARREST, IS THAT NOT CORRECT?

17 A I PUT THE HANDCUFFS ON HIM.

18 Q OKAY. NOW MY UNDERSTANDING IS THAT YOU FROM
19 YORK COUNTY WHERE?

20 A YORK COUNTY SHERIFF'S DEPARTMENT.

21 Q ALL RIGHT. AND THIS HAPPENED IN AND ALL BEGAN
22 IN CHARLOTTE, IS THAT NOT CORRECT?

23 A YES.

24 Q WHAT AUTHORITY DID YOU HAVE TO PURSUE THAT CHASE
25 FROM YORK TO CHARLOTTE?

1 A ACCORDING TO THE NORTH CAROLINA GENERAL STATUTE
2 I HAVE THE RIGHT TO FOLLOW ANYBODY THAT'S POSSIBLY
3 COMMITTED A CRIME.

4 Q THAT'S NOT NORTH CAROLINA STATUTE. THAT WAS THE
5 LAW ENACTED BY THE STATE OF SOUTH CAROLINA WHERE
6 NORTH CAROLINA INCORPORATED IN FEBRUARY OF 2006, THAT
7 WAS ACTUALLY IN COLLUSION WITH THE GOVERNMENT OF
8 SOUTH CAROLINA ALLOWING THE AGENCIES FROM YORK COUNTY
9 OF SOUTH CAROLINA TO COME AND MAKE AN ARREST. IS
10 THAT NOT CORRECT?

11 A I KNEW THAT I HAD EVERY RIGHT TO PURSUE THAT
12 VEHICLE AND CATCH THE OCCUPANTS.

13 Q I UNDERSTAND --

14 A AND PUT HANDCUFFS ON THEM.

15 Q I UNDERSTAND THAT YOU ALSO DID, BUT ONCE YOU
16 PLACE THEM UNDER ARREST, YOU ALSO HAD ANOTHER
17 OBLIGATION UNDER NORTH CAROLINA LAW TO DO ANOTHER
18 PROCEDURE, IS THAT NOT CORRECT?

19 A I'M NOT AWARE OF THAT. I BELIEVE IT SAYS NOTIFY
20 THAT AUTHORITY, WHICH NORTH CAROLINA WAS ALREADY
21 ADVISED THAT WE WERE ENTERING NORTH CAROLINA, AND
22 THEY WERE CALLED AS SOON AS WE TOLD THEM THAT WE HAD
23 STOPPED, EVERYTHING WAS OVER.

24 Q SO YOU ARE NOT FAMILIAR WITH THE UNIFORM ARREST
25 PURSUIT ACT?

1 A OF NORTH CAROLINA?

2 Q OF SOUTH CAROLINA, THIS IS A SOUTH CAROLINA LAW.
3 THIS IS A SOUTH CAROLINA LAW.

4 MR. PORTER: AND, YOUR HONOR, I HAVE HERE
5 SOUTH CAROLINA CODE WHEREAS IT IS STATING --

6 THE COURT: YOU HAVE TO ASK HIM QUESTIONS
7 ABOUT THINGS. HE'S A WITNESS RIGHT NOW SO.

8 Q OKAY. FROM MY UNDERSTANDING SOUTH CAROLINA
9 INCORPORATED THIS LAW AND THEY ASKED THE STATES OF
10 NORTH CAROLINA AND GEORGIA TO JOIN IN IF ANY PERSONS,
11 PARTICULARLY PEOPLE THAT'S COMMITTED A CRIME, IN THE
12 STATE OF SOUTH CAROLINA, IN THE STATE OF NORTH
13 CAROLINA, AND IN THE STATE OF GEORGIA, IF THEY
14 COMMITTED A CRIME AND THE POLICE OFFICERS IN A
15 PARTICULAR STATE ARE IN PURSUIT THEY HAVE A RIGHT TO
16 PURSUE THIS INDIVIDUAL ACROSS THE STATE LINE.
17 HOWEVER, YOU HAVE TO MAKE AN ARREST UNDER THE STATE.
18 IF YOU ARE FROM SOUTH CAROLINA YOU HAVE TO MAKE YOUR
19 ARREST UNDER ACCORDANCE OF NORTH CAROLINA STATUTE.
20 FAILURE TO FOLLOW THOSE PROCEDURES RESULT IN A
21 MISDEMEANOR VIOLATION WHERE OFFICERS CAN BE
22 PROSECUTED UNDER MISDEMEANOR PROSECUTION. YOU HAVE
23 TO FOLLOW PROCEDURAL OF THE SOUTH CAROLINA LAW. IN
24 THAT PARTICULAR ASPECTS, THOSE GUYS ONCE YOU PUT
25 HANDCUFFS ON THEM, WHOEVER THEY MIGHT HAVE BEEN,

1 WHETHER IT WAS US, WE WAS UNDER ARREST UNDER YOUR
2 AUTHORITY BUT UNDER NORTH CAROLINA LAW. YOU MUST
3 TAKE THIS PERSON TO A JUDICIAL BODY WHICH Y'ALL
4 ESCORTED US, TURNED US OVER TO CHARLOTTE POLICE
5 DEPARTMENT. AT THAT PARTICULAR TIME, CHARLOTTE
6 POLICE DEPARTMENT INFORMED SOUTH CAROLINA AUTHORITIES
7 THAT WE HAD NOT COMMITTED NO CRIME IN NORTH CAROLINA,
8 THEY DIDN'T HAVE NO REASON TO HOLD US, WE HAD NOT
9 COMMITTED A CRIME. THE CRIME WAS COMMITTED.

10 MR. SPRINGS: COULD I OBJECT? THERE IS NO
11 QUESTIONS HERE.

12 THE COURT: YES, ASK HIM A QUESTION. POSE
13 IT AS A QUESTION. OF COURSE, HE IS A WITNESS.

14 MR. PORTER: OKAY. LET ME REPHRASE THAT.
15 MY FAULT.

16 Q FROM YOUR KNOWLEDGE FROM THAT SCENE HAVE WE
17 COMMITTED A CRIME IN NORTH CAROLINA?

18 A FROM THAT SCENE?

19 Q YES, SIR.

20 A I'M NOT SURE OF THE NORTH CAROLINA LAW, BUT I
21 WOULD SAY GUNS IN THE VEHICLE, LIKE I SAY I'M NOT
22 SURE WHAT LAWS YOU MAY HAVE COMMITTED IN NORTH
23 CAROLINA. I JUST KNOW WHAT I DID WAS CORRECT.

24 Q OKAY. AND I'M NOT DENYING THAT. I'M NOT
25 DENYING THAT. I'M ONLY ASKING THE PROCEDURE THAT WAS

1 NOT FOLLOWED ACCORDING TO SOUTH CAROLINA LAW AND
2 NORTH CAROLINA LAW WHEN YOU, WHO DID YOU TAKE OUT OF
3 THE CAR?

4 A I ORDERED -- THE FIRST PERSON I ORDERED WAS
5 MR. YOUNG OUT OF THE VEHICLE.

6 Q OKAY. DID YOU SEARCH ANY INDIVIDUALS?

7 A AT THAT TIME I PLACED HANDCUFFS ON HIM. I DID
8 NOT SEARCH HIM.

9 Q BUT YOU DID NOT SEARCH NONE. DID YOU LATER
10 SEARCH ANY ONE OF THE INDIVIDUALS THAT WAS TAKEN OUT
11 OF THE CAR?

12 A THE ONLY ONE I SEARCHED WAS MS. LAWS.

13 Q OKAY. DID MS. LAWS HAVE ANY WEAPON ON HER?

14 A NO.

15 Q FROM YOUR RECOLLECTION AFTER THE SEARCH, WAS
16 ANY, DID ANY DEFENDANTS IN THAT CAR HAVE ANY GUNS ON
17 THEM?

18 A ON THEIR PERSON?

19 Q ON THEIR PERSON?

20 A THE ONLY ONE THAT WAS ON ANYBODY TECHNICALLY
21 WOULD BE IN THE MONEY BAG.

22 Q OKAY. NOW HAVE YOU SEEN, YOU'VE SEEN THAT VIDEO
23 A FEW TIMES?

24 A THIS ONE?

25 Q YES, SIR.

1 A YES, SIR.

2 Q OKAY. THAT PARTICULAR INDIVIDUAL THAT WAS
3 FLEEING FROM THAT CAR, IS IT POSSIBLE THAT BOTH GUNS
4 AND THE SKI MASK, ALL OF THE SKI MASKS WERE IN THAT
5 CAR AND WHEN HE, CAR IMPACT OF YOUR CAR HIT HIM, HE
6 DROPPED IT AND IT COULD HAVE FELL ON THE FLOOR BOARD
7 IN THE BACK SEAT?

8 A I BELIEVE IF WE REWIND IT AND STOP IT AS HE IS
9 JUMPING OUT, I THINK HIS LEFT HAND WAS EMPTY AND HIS
10 RIGHT HAND HAD THE MONEY BAG IF I'M NOT MISTAKEN. WE
11 CAN LOOK AT IT AGAIN, THAT WOULD SHOW --

12 Q BUT I'M SAYING, I'M ASKING YOU, ISN'T IT
13 POSSIBLE THAT EVERYTHING YOU FOUND IN THAT BACK SEAT
14 COULD HAVE BEEN AT ONE TIME IN THAT BAG THAT HE HAD
15 ON HIS SHOULDER, BUT THE IMPACT OF YOUR CAR HIT HIM
16 AS HE FELL BACK. HE DID NOT FALL OUT, HE FELL BACK
17 IN THE CAR, AND HE DROPPED HIS BAG. BECAUSE I SEEN
18 THE CONSTABLE REACH IN THE CAR AND GET THE BAG.

19 A UH-HUH.

20 Q IS IT NOT POSSIBLE THAT A REVOLVER COULD HAVE
21 FELL OUT OF THE BAG, A SKI MASK COULD HAVE FELL OUT
22 OF THE BAG?

23 A IT COULD HAVE.

24 Q RIGHT. BECAUSE IF HE WAS FLEEING AND IF HE WAS
25 RUNNING WITH THE MONEY HE SHOWED HIS GUILT OR

1 WHATEVER THAT HE HAD COMMITTED A ROBBERY AND AS HE
2 WAS TRYING TO FLEE, BUT I'M ASKING IN THE BACK SEAT
3 OF THE CAR WHERE I SEE THE INDIVIDUAL GOT IN, IS IT
4 POSSIBLE THAT EVERYTHING COULD HAVE BEEN IN THAT
5 PILLOWCASE THAT THIS INDIVIDUAL WAS TRYING TO FLEE
6 WITH AND WHEN THE IMPACT OF YOUR CAR HIT HIM, IT
7 COULD HAVE SCATTERED BACK IN THE SEAT FROM THE IMPACT
8 OF THE CAR?

9 A WHAT WOULD BE EVERYTHING BECAUSE YOU CAN SEE
10 SOME OF THE RUBBER GLOVES WAS ACTUALLY TUCKED IN THE
11 SEAT. I DOUBT THAT IMPACT WOULD HAVE KNOCKED THE
12 RUBBER GLOVES INTO THE POUCH.

13 Q WHAT WAS TAKEN OUT OF THE CAR IN THE BACK SEAT?

14 A I WOULD HAVE TO LOOK AT THE EVIDENCE, BUT IF I'M
15 NOT MISTAKEN TWO MASKS AND A GUN AND RUBBER GLOVES.

16 Q TWO MASKS AND THE GUN, IS IT NOT POSSIBLE THAT
17 EVERYTHING COULD HAVE BEEN IN THAT PILLOWCASE, IF THE
18 IMPACT OF THIS COLLISION THAT YOU CALL IT, IT COULD
19 HAVE CAME OUT IN THE BACK SEAT?

20 A AGAIN I SAY YES.

21 Q NO FURTHER QUESTIONS.

22 THE COURT: ALL RIGHT. ANYTHING FROM THE
23 STATE?

24 MR. SPRINGS: NO, SIR.

25 THE COURT: MR. JAMIESON?

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1 MR. JAMIESON: NO, SIR.

2 THE COURT: YOU CAN STEP DOWN. THANK YOU.

3 CALL YOUR NEXT WITNESS.

4 MR. SPRINGS: CALL MRS. JUNE MCCOY.

5 JUNE MCCOY, BEING FIRST DULY

6 SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION BY MR. SPRINGS:

8 Q GOOD MORNING, MRS. MCCOY.

9 A GOOD MORNING.

10 Q WOULD YOU PLEASE TELL THIS JURY YOUR NAME?

11 A JUNE MCCOY.

12 Q ON FRIDAY MORNING, DECEMBER 22 OF LAST YEAR,
13 ABOUT 10:15-10:30, IN THAT TIMEFRAME, WERE YOU AT THE
14 BANK OF YORK?

15 A YES, SIR.

16 Q AND WHEN YOU GOT TO THE BANK OF YORK DID YOU GO
17 INSIDE OR DID YOU GO THROUGH THE DRIVE-THRU?

18 A THROUGH THE DRIVE-THRU.

19 Q AND AS YOU GOT UP TO THE TELLER WINDOW, DID YOU
20 GET UP TO THE TELLER WINDOW?

21 A YES, SIR.

22 Q WAS THERE A TELLER THERE TO HELP YOU?

23 A NO, SIR.

24 Q HOW DID THAT STRIKE YOU?

25 A WELL, I DIDN'T KNOW WHAT WAS GOING ON, YOU KNOW.

1 I TOLD THE LADY BESIDE OF ME IN THE DRIVE-THRU, I
2 SAID, THERE IS NO ONE IN THE BANK. I CAN'T SEEM TO
3 GET ANY SERVICE.

4 Q WAS THERE ANOTHER LADY AT THE DRIVE-THRU?

5 A YES, SHE WAS IN THE NEXT AISLE.

6 Q DO YOU RECALL WHAT COLOR CAR SHE WAS IN?

7 A NO, SIR, I DON'T.

8 Q WHAT COLOR WAS YOUR CAR?

9 A IT'S A GRAY.

10 Q AFTER AWHILE DID A TELLER COME TO A WINDOW?

11 A YES, SIR.

12 Q AND HOW DID THAT TELLER LOOK; HOW WAS SHE
13 BEHAVING EMOTIONALLY?

14 A SHE WAS CRYING AND SEEMED VERY NERVOUS.

15 Q AND DO YOU KNOW WHY?

16 A SHE TOLD ME THEY HAD BEEN ROBBED.

17 Q RIGHT BEFORE THAT TELLER CAME TO THE WINDOW, DID
18 YOU SEE ANY CARS LEAVE THE PARKING LOT OF THE BANK?

19 A JUST AFTER SHE GOT TO THE WINDOW I SAW A CAR
20 LEAVE THE BANK SPEEDING.

21 Q AND DO YOU REMEMBER WHAT KIND AND COLOR CAR THAT
22 WAS?

23 A IT WAS A GRAY FORD TAURUS.

24 Q DID YOU TELL ANYONE THAT YOU SAW, YOU SAID, DID
25 YOU SAY IT WAS SPEEDING?

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1 A YEAH, IT WAS SPEEDING OUT OF THE BANK PARKING
2 LOT.

3 Q DID YOU TELL ANYONE YOU HAD SEEN A GRAY FORD
4 TAURUS SPEEDING AWAY?

5 A YES, I TOLD THE TELLER AND ALSO THE MANAGER CAME
6 UP AND WAS ASKING ME QUESTIONS.

7 Q OKAY. NOW A MOMENT AGO WE PLAYED A MOVIE THAT
8 SHOWED THE BANK PARKING LOT, WERE YOU IN HERE AND DID
9 YOU SEE THAT MOVIE?

10 A YES, SIR.

11 Q AT THE VERY END DID YOU SEE THAT SAME GRAY FORD
12 TAURUS IN THE MOVIE?

13 A YES, SIR.

14 Q DID YOU SEE A WHITE CAR FOLLOWING IT IN THE
15 MOVIE?

16 A YES, SIR.

17 Q WAS THAT YOU?

18 A NO, SIR.

19 Q AND DO YOU HAVE ANY IDEA WHO THE WHITE CAR WAS
20 THAT FOLLOWED IT UP?

21 A NO, I ASSUME IT WAS PROBABLY THE LADY BESIDE OF
22 ME IN THE NEXT AISLE, LANE.

23 Q MRS. MCCOY, THANK YOU. THESE GENTLEMEN MAY WANT
24 TO ASK YOU SOME QUESTIONS.

25 A ALL RIGHT, SIR.

1 THE COURT: MR. JAMIESON.

2 MR. JAMIESON: NO QUESTIONS, YOUR HONOR.

3 THE COURT: DO YOU HAVE ANY?

4 MR. PORTER: YES, SIR, I DO.

5 CROSS EXAMINATION BY MR. PORTER:

6 Q MS. MCCOY, I DON'T SEE YOUR NAME ON THE STATE
7 WITNESS LIST.

8 THE COURT: JUST FOR YOUR INFORMATION IT'S
9 WRITTEN ON THE BOTTOM AND I DID CALL IT OUT. I'M
10 SORRY. THEY HAD WRITTEN ON THE BACK WHEN I ANNOUNCED
11 THE JURY, WHEN I ANNOUNCED THE WITNESS LIST AT THE
12 FIRST OF THE TRIAL I DID SO APPARENTLY BUT IT'S
13 WRITTEN ON THE BOTTOM OF MINE AND I DID QUIZ THE JURY
14 ABOUT RELATIONSHIP TO THIS LADY.

15 Q MRS. MCCOY, YOU STATED YOU SPOKE DIRECTLY TO
16 PERSON AT THE TELLER WINDOW?

17 A YES, SIR.

18 Q WERE YOU HERE YESTERDAY?

19 A NO, SIR.

20 Q CURRENTLY THE PERSON THAT YOU SPOKE TO, THE LADY
21 THAT YOU SAY WAS CRYING AND HYSTERICAL, SHE TESTIFIED
22 THAT SOMEONE AT THE DRIVE-THRU WINDOW GAVE HER A
23 DESCRIPTION OF THE CAR AND THAT SHE RELAYED THE
24 MESSAGE TO THE BANK MANAGER MARK LUBIATO AND SHE GAVE
25 HIM THE MESSAGE AND MR. LUBIATO TESTIFIED TO IT ALSO

25 THE COURT: YOU CAN BE EXCUSED. WE

1 APPRECIATE YOUR TIME. THANK YOU.

2 MR. SPRINGS: WE CALL OFFICER RANDY
3 GIBSON.

4 RANDY GIBSON, BEING FIRST DULY SWORN,
5 TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. SPRINGS:

7 Q ONE MOMENT, OFFICER, WHILE MY ASSISTANT GETS THE
8 EQUIPMENT READY.

9 A YES, SIR.

10 Q OFFICER, TELL THIS JURY YOUR NAME, SIR?

11 A WILLIAM R. GIBSON THE SECOND.

12 Q WHAT DO YOU DO FOR A LIVING?

13 A I WORK FOR THE YORK COUNTY SHERIFF'S OFFICE.

14 Q AND ARE YOU ON A SPECIALIZED UNIT?

15 A YES, SIR, I AM. IT'S THE YORK COUNTY HIGHWAY
16 INTERDICTION TEAM.

17 Q ALL RIGHT. WERE YOU ON DUTY AROUND 10:30 ON THE
18 MORNING OF FRIDAY, DECEMBER 22 OF LAST YEAR?

19 A YES, I WAS.

20 Q AND AROUND 10:30 DID YOU HEAR A RADIO DISPATCH
21 CALL BE ON THE LOOK OUT FOR SOMETHING?

22 A YES, SIR, I DID.

23 Q WHAT DO YOU RECALL THE DISPATCH CALL TO BE, BE
24 ON THE LOOK OUT FOR WHAT REFERENCE POINT?

25 A THE CALL CAME OUT, THE ALERT TONES CAME OVER THE

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1 RADIO AS WE WERE HEADING, HAD JUST PULLED OUT OF
2 DISTRICT FOUR ON HIGHWAY 21 HEADED NORTH. WHEN THE
3 TONES GOES OFF EVERYBODY KIND OF FREEZES BECAUSE WE
4 KNOW SOMETHING BAD HAS HAPPENED. DISPATCH ALERTED US
5 TO AN ARMED ROBBERY THAT HAD JUST OCCURRED ON HIGHWAY
6 49 LAKE WYLIE THE BANK OF YORK. THEY GAVE OUT A
7 VEHICLE DESCRIPTION AS A DARK IN COLOR EITHER DARK
8 BLUE OR DARK GRAY FORD TAURUS HEADED NORTH ON HIGHWAY
9 49.

10 Q OKAY. WHEREABOUTS WERE YOU WHEN YOU HEARD THE
11 CALL GO OUT?

12 A AS I STATED, WE HAD JUST LEFT DISTRICT FOUR.
13 OUR DISTRICT FOUR IS JUST NORTH OF CAPTAIN STEVE'S
14 PROBABLY, IT'S NOT FAR AT ALL, WE HAD JUST PULLED
15 OUT. WE WERE ACTUALLY HEADED TO THE INTERSTATE.

16 Q WHO IS WE?

17 A I WAS BEHIND DEPUTY VINESETT HEADED NORTHBOUND.
18 HE WAS IN HIS VEHICLE. I WAS IN MY VEHICLE BEHIND
19 HIM.

20 Q OKAY. IS ANYBODY RIDING IN YOUR CAR WITH YOU?

21 A NO, SIR, I WAS BY MYSELF.

22 Q ALL RIGHT. WHICH, AFTER HEARING THE REPORT OF
23 WHERE THE BANK HAD BEEN ROBBED, WHERE DID YOU THINK
24 MIGHT BE A GOOD IDEA TO HEAD TOWARDS?

25 A WE HAD HAD COMMUNICATION OVER OUR NEXTELS AND WE

1 AGREED TO HEAD ON UP TO 49, RIGHT AT 49. WE WAS
2 GOING TO KIND OF BACK TRACK, WHAT WE CALL IT. IF
3 THEY WERE HEADED NORTH ON 49, WE WAS GOING TO GO TO
4 THE END OF CAROWINDS BOULEVARD AND MAKE A LEFT AND
5 SEE IF WE CAN INTERCEPT THEM.

6 Q ALL RIGHT.

7 A AND THAT WAS APPROVED THROUGH OUR SHIFT
8 SUPERVISOR AT THAT TIME THAT WE COULD GO UP THAT FAR.

9 Q ALL RIGHT. DID YOU SEE A CAR THAT CAUGHT YOUR
10 ATTENTION?

11 A YES, SIR, I DID.

12 Q WHEREABOUTS WERE YOU WHEN THAT CAR CAUGHT YOUR
13 ATTENTION?

14 A WE WERE ACTUALLY ON CAROWINDS BOULEVARD AT THE
15 TRAFFIC LIGHT STOPPED IN TRAFFIC, SITTING THERE,
16 WAITING TO MAKE A LEFT TURN ON HIGHWAY 49.

17 Q ALL RIGHT. AND THE CAR THAT CAUGHT YOUR
18 ATTENTION, WHAT DID IT LOOK LIKE?

19 A IT WAS DARK GRAY FORD TAURUS OCCUPIED SEVERAL
20 TIMES WHICH THEY GAVE THE DESCRIPTION OF FOUR OR FIVE
21 SUBJECTS IN THE VEHICLE.

22 Q ALL RIGHT. AND WHEN YOU SAW THAT, WHAT DID YOU
23 THINK?

24 A SOMETHING IN MY MIND SAID THAT'S THE VEHICLE. I
25 DON'T KNOW. I JUST SAID THAT'S THE VEHICLE BECAUSE I

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1 GOT EXCITED. I GOT ON MY NEXTEL. I TOLD MY PARTNER,
2 I SAID, THERE IT GOES, THERE IT GOES, TURN AROUND.

3 Q ALL RIGHT. SO WHAT DID THE TWO POLICE CARS DO,
4 YOURS AND DEPUTY VINESETT'S?

5 A AT THAT TIME DEPUTY VINESETT MADE A U-TURN. I
6 IMMEDIATELY MADE A U-TURN RIGHT BEHIND HIM AND WE
7 STARTED FOLLOWING THE VEHICLE.

8 Q OKAY. AND WHO WAS, WHO WAS CLOSER TO THE
9 VEHICLE? WHO WAS IN FRONT SO TO SPEAK OF THE TWO
10 POLICE CARS?

11 A DEPUTY VINESETT.

12 Q OKAY. AND AS YOU WENT UP CAROWINDS BOULEVARD
13 WHICH WAY WERE YOU HEADED, TOWARDS THE AMUSEMENT
14 PARK?

15 A YES, SIR, WE WERE HEADED EASTBOUND.

16 Q ALL RIGHT. AND DID YOU SEE EMERGENCY LIGHTS
17 AND/OR THE SIREN GO OFF ON DEPUTY VINESETT'S CAR?

18 A WHEN WE GOT BACK INTO YORK COUNTY, YES, SIR.

19 Q LIGHTS AND SIREN OR ONE OR THE OTHER, WHAT DO
20 YOU RECALL?

21 A IT WAS RAINING THAT DAY, THE WINDOWS WAS UP, I
22 RECALL SEEING HIS BLUE LIGHTS. IF, I'M SURE HIS
23 SIREN CAME ON TOO. I CAN'T TESTIFY I HEARD HIS SIREN
24 THOUGH.

25 Q OKAY. ALL RIGHT. SO WHICH WAY DID HE AND THIS

1 GRAY, AT THAT POINT WHAT COLOR WOULD YOU SAY THE CAR
2 WAS?

3 A CHARCOAL GRAY, THAT'S WHAT I ACTUALLY PUT OUT ON
4 OVER THE RADIO.

5 Q SO WHICH WAY DID VINESETT AND THE CAR HEAD?

6 A HEADED TOWARD I-77 ON CAROWINDS BOULEVARD.

7 Q ALL RIGHT. DID THEY GET ON 77?

8 A YES, SIR, THEY DID.

9 Q NORTH OR SOUTHBOUND?

10 A NORTHBOUND.

11 Q WHAT DID YOU DO? WHERE DID YOU GO?

12 A I STAYED BEHIND DEPUTY VINESETT, ACTIVATED MY
13 BLUE LIGHTS AND SIREN, BECAUSE I KNEW AT THAT POINT
14 IN TIME IT WAS GOING TO BECOME A VEHICLE PURSUIT.

15 Q OKAY. TALK US THROUGH THE CHASE, WHAT YOU WERE
16 DOING AND WHAT YOU WERE SEEING IF YOU WOULD, JUST
17 TALK US RIGHT THROUGH THE END OF THE CHASE?

18 A BASICALLY AS YOU SEEN ON THE VIDEO TAPE, THE
19 WEATHER WAS EXTREMELY AWFUL THAT DAY. WE GOT ON THE
20 INTERSTATE NORTHBOUND. I DID MY BEST TO KEEP UP WITH
21 DEPUTY VINESETT. MY WINDSHIELD JUST GOT COMPLETELY
22 COVERED IN THE RAIN, DEBRIS OFF THE ROAD WAY. I
23 STAYED WITH THEM AS FAR AS I COULD. AT SOME POINT IN
24 TIME IN THE CHASE DEPUTY VINESETT HOLLERED AT ME OVER
25 THE POLICE RADIO, YOU CAN HEAR HIM SAYING 850, GET

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1 OVER, GET OVER, THAT WAS AT ARROWOOD ROAD. I COULD
2 NOT GET OVER BECAUSE THE TRAFFIC WAS SO BAD, MY
3 WINDSHIELD, I COULDN'T SEE, SO I ACTUALLY OVER SHOT
4 THE EXIT WHERE THEY GOT OFF. AT THAT TIME I WENT ON
5 NORTH, I MADE A U-TURN, I CAME DOWN THE ON RAMP FROM
6 ARROWOOD ROAD GETTING ON 77 NORTHBOUND. I CAME DOWN
7 THE WRONG WAY IN A SAFELY MANNER WITH MY LIGHTS AND
8 SIREN GOING. I GOT ON ARROWOOD ROAD BECAUSE I WAS
9 STILL MONITORING THE CHASE THAT THEY WERE HEADED
10 TOWARD SOUTH BOULEVARD ON ARROWOOD ROAD.

11 AT THAT POINT IN TIME I GOT ON
12 ARROWOOD ROAD AND I STARTED JUST TRYING TO CATCH UP
13 WITH THEM. WELL, THEY HAD GOT UP TO A PARKING LOT
14 AND THEY ZIG ZAGGED THROUGH THE PARKING LOT, GOT BACK
15 ON ARROWOOD ROAD, AND WAS HEADED BACK TOWARD ME, AND
16 YOU CAN SEE IN THE VIDEO, YOU CAN SEE DEPUTY VINESETT
17 AND THE SUSPECT VEHICLE PASS ME, AT THAT POINT IN
18 TIME, I MAKE A U-TURN AND GET BACK BEHIND THEM AND AS
19 SOON AS THEY, RIGHT AFTER THEY PASS ME, THEY MAKE A
20 LEFT TURN INTO AN APARTMENT COMPLEX, SO WHEN I MADE
21 MY U-TURN I JUST FELL IN BEHIND THEM AND RIGHT AT THE
22 END OF THE PURSUIT I KIND OF VEERED MY VEHICLE TO THE
23 RIGHT. AND I REMEMBER SEEING THE PASSENGER, THE REAR
24 PASSENGER DOOR COME OPEN DURING THE COLLISION OF
25 DEPUTY VINSETT'S CAR AND THE SUSPECT VEHICLE. AT

1 THAT POINT IN TIME I GOT OUT MY VEHICLE, RAN TO THE
2 PASSENGER DOOR WHERE MR. PORTER WAS SITTING IN, AND
3 GOT HIM OUT OF THE VEHICLE AND PUT HIM ON THE GROUND
4 AND I WAS TRYING TO COVER THE DRIVER WHICH WAS
5 MS. LAWS TO KEEP HER CONTAINED. I HAD TWO PEOPLE I
6 WAS TRYING TO WATCH AT THE SAME TIME.

7 Q ALL RIGHT. SO MR. PORTER WAS SITTING WHERE IN
8 THE?

9 A MR. PORTER WAS SITTING ON THE FRONT PASSENGER
10 SEAT.

11 Q OKAY. DID YOU GET ANYBODY OUT OF THE BACK SEAT
12 YOURSELF?

13 A NOT THAT I RECALL. NO, I DID NOT.

14 Q WAS THERE ANYBODY IN THE BACK SEAT?

15 A YES, SIR, TWO PEOPLE WERE IN THE BACK SEAT.

16 Q DO YOU REMEMBER THE NAMES OF THE PEOPLE IN THE
17 BACK?

18 A MR. YOUNG AND MR. JONES I BELIEVE WERE SITTING
19 IN THE BACK SEAT.

20 Q OKAY. ALL RIGHT. WHEN YOU SAY MR. YOUNG, DO
21 YOU MEAN KENNETH YOUNG, THE DEFENDANT HERE?

22 A YES, SIR, THAT GUY RIGHT THERE.

23 Q OKAY. DID YOU TAKE THEM INTO CUSTODY, DETAIN
24 THEM?

25 A YES, SIR.

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- 1 Q DID YOU SEARCH MR. YOUNG, DO YOU RECALL?
- 2 A YES, SIR, I DID.
- 3 Q DID YOU FIND ANY KIND OF WEAPON OF ANY KIND ON
- 4 MR. YOUNG?
- 5 A I RECALL FINDING A MIDSIZE, SMALL MIDSIZE CAN OF
- 6 PEPPER SPRAY, PEPPER MACE, THE KIND YOU CAN BUY IN A
- 7 CONVENIENCE STORE, PEP BOYS, SOMETHING LIKE THAT.
- 8 Q OKAY. YOUR CAR, YOUR POLICE CAR, DID IT HAVE A
- 9 VIDEO CAMERA?
- 10 A YES, SIR, IT DID.
- 11 Q DID IT MAKE A MOVIE OF THIS?
- 12 A YES, SIR, IT DID.
- 13 Q YOUR POLICE CAR MOVIE CAMERA THAT DAY, DID IT
- 14 MAKE AN AUDIO RECORDING, SOUND, DOES IT HAVE SOUND?
- 15 A NO, SIR, IT DID NOT.
- 16 Q VINESETT'S HAD SOUND, WHY DIDN'T YOURS HAVE
- 17 SOUND?
- 18 A THERE IS A MIC WE WEAR ON OUR BELT AND THE MIC
- 19 AT THE END OF THE DAY, IT'S GOT A LITTLE CHARGING
- 20 CRADLE INSIDE THE POLICE VEHICLE, MY MIC WAS ACTUALLY
- 21 DEAD. IT WAS IN THE CHARGER RECHARGING THE BATTERY
- 22 AND IT WAS DEAD. AND MAY I ADD?
- 23 Q GO AHEAD.
- 24 A MOST, WELL, ALL OF THE PATROL CARS HAVE IN CAR
- 25 MICS. MY CAR, I'M A CANINE OFFICER, THEY GOT A

1 KENNEL IN MY BACK FOR THE NARCOTIC DOGS, SO THERE IS
2 NO, I DON'T TRANSPORT ANY PRISONERS IN MY VEHICLE SO
3 THEY DIDN'T PUT AN IN CAR MIC. THAT'S THE REASON
4 THERE WAS NO CAR MIC GOING DURING THE CHASE EITHER.

5 Q OKAY. ALL RIGHT. NOW YOUR VIDEO CAMERA DID
6 MAKE A MOVIE?

7 A YES, SIR, IT DID.

8 Q HAVE YOU SEEN THE MOVIE?

9 A YES, SIR, I HAVE.

10 Q AND DOES IT MATCH WHAT YOU WERE SEEING WITH YOUR
11 OWN EYES?

12 A YES, SIR.

13 Q THE MOVIE YOU SAW, IS IT TRUE AND ACCURATE OF
14 WHAT WAS GOING ON AS YOU PARTICIPATED IN THIS?

15 A YES, SIR.

16 Q NO FUNNY BUSINESS, NO TRICK PHOTOGRAPHY?

17 A NONE.

18 Q OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED
19 STATE'S EXHIBIT TWO. LET ME SHOW IT TO THESE FELLOWS
20 FIRST. AND I'M GOING ASK YOU WHAT'S ON THAT DISK?

21 A IT'S MY CALL NUMBER 850. IT'S FAILURE TO STOP
22 FOR HIT TEAM AND COPY.

23 Q SO WHAT'S, WHAT'S ON THAT MOVIE DISK?

24 A JUST THE TAPE FROM, I MEAN JUST THE PURSUIT FROM
25 THAT DAY FROM THE BANK ROBBERY.

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1 Q OKAY. AND IS THIS A MOVIE MADE BY YOUR CAR
2 CAMERA?

3 A YES, SIR.

4 MR. SPRINGS: YOUR HONOR, WE DO OFFER
5 STATE'S EXHIBIT NUMBER TWO INTO EVIDENCE.

6 MR. JAMIESON: NO OBJECTION, YOUR HONOR.

7 MR. PORTER: NO OBJECTION.

8 THE COURT: BE RECEIVED WITHOUT OBJECTION.

9 MR. SPRINGS: WE WOULD LIKE TO PUBLISH
10 THIS TO THE JURY.

11 (STATE'S EXHIBIT TWO CD RECEIVED INTO
12 EVIDENCE.)

13 MR. SPRINGS: MADAM CLERK, PLEASE DIM THE
14 LIGHTS.

15 Q AND OFFICER GIBSON, COME ON DOWN IF YOU WOULD
16 PLEASE, SIR.

17 A YES, SIR.

18 Q AS YOU JUST NOW TOLD THE STORY OF THE CHASE, YOU
19 NOTED SOME THINGS THAT WERE EVIDENTLY NOTEWORTHY TO
20 YOU, LIKE WHEN YOU MISSED THE EXIT, SO WHEN THIS
21 MOVIE PLAYS WOULD YOU SORT OF NARRATE AND TELL THE
22 JURY WHAT IS GOING ON?

23 A YES, SIR.

24 Q WHAT ROAD IS THAT, DO YOU RECOGNIZE?

25 A THIS IS CAROWINDS BOULEVARD. WE COME RIGHT UP

1 INTO, THAT'S THE ENTRANCE OF CAROWINDS TO THE LEFT.
2 WE'RE ACTUALLY GOING THROUGH THE LIGHT COMING UP ON
3 I-77. IF WE WAS GOING TO GO SOUTHBOUND YOU WOULD GET
4 IN THE RIGHT LANE RIGHT HERE. AS YOU CAN SEE MY
5 VISIBILITY WAS VERY POOR. OKAY. THERE IS DEPUTY
6 VINESETT'S VEHICLE AND HE'S ACTUALLY IN PURSUIT RIGHT
7 NOW. THE FORD TAURUS IS RIGHT THERE. WE'RE ON I-77
8 NORTHBOUND HEADED TOWARDS CHARLOTTE RIGHT NOW.

9 Q THE CLOCK ON YOUR TAPE, DO YOU KNOW IF IT'S
10 EXACT RIGHT OR IF IT'S OFF, DO YOU HAVE ANY IDEA ONE
11 WAY OR THE OTHER?

12 A I DON'T KNOW IF IT'S ACCURATE. I COULDN'T SAY.
13 IT'S ROUGHLY 10:35 THAT MORNING. AT THAT POINT IN
14 TIME THEY HAD GOTTEN SOME DISTANCE IN FRONT OF ME. I
15 COULDN'T SEE.

16 Q WERE YOU STILL IN RADIO OR NEXTEL CONTACT THOUGH
17 WITH VINESETT?

18 A EVERYTHING WAS BY POLICE RADIO, NOTHING OVER
19 NEXTEL. WHEN THE PURSUIT STARTED EVERYTHING WAS OVER
20 THE POLICE RADIO.

21 Q OKAY.

22 A BY THIS TIME THEY HAD ALREADY GOTTEN OFF AND I
23 COULDN'T MAKE, COULDN'T MAKE THE EXIT. THAT WAS
24 ACTUALLY ARROWOOD ROAD RIGHT THERE, BUT I COULDN'T
25 MAKE IT. RIGHT HERE I'M MAKING A U-TURN GOING DOWN

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1 THE ONCOMING RAMP TO 77 AND AGAIN MY LIGHTS AND SIREN
2 ARE ACTIVATED. I'LL MAKE A LEFT TURN HERE. AGAIN
3 THIS IS ARROWOOD ROAD HEADED TOWARDS SOUTH BOULEVARD.

4 Q DO YOU KNOW IF COMMUNICATION HAD BEEN
5 ESTABLISHED WITH THE CHARLOTTE MECKLENBURG POLICE BY
6 THAT POINT?

7 A YES, SIR. THEY HAD BEEN NOTIFIED WAY BEFORE
8 THIS RIGHT HERE. CROSSING OVER SOUTH BOULEVARD,
9 WOODLAWN. I GET THOSE STREETS CONFUSED. I'M NOT
10 FAMILIAR WITH CHARLOTTE. BUT HERE IN JUST A FEW
11 MINUTES YOU'LL SEE, YOU'LL SEE THE SUSPECT VEHICLE
12 COME TOWARD ME, FOLLOWED BY DEPUTY VINESETT STILL IN
13 PURSUIT, AND I'LL MAKE A U-TURN RIGHT THERE. THAT
14 WAS DEPUTY VINESETT. AND AS YOU SEE THEY MAKE A LEFT
15 TURN, RIGHT AFTER THEY PASS ME THEY MAKE A LEFT TURN
16 RIGHT INTO AN APARTMENT COMPLEX. THAT'S ME
17 APPROACHING THE PASSENGER SIDE. I WAS GETTING
18 MR. PORTER OUT. AT THAT POINT IN TIME I WAS TRYING
19 TO KEEP HIM CONTAINED AND KEEP MS. LAWS CONTAINED
20 BECAUSE THERE WAS A, THEY WAS A LITTLE DELAYED IN
21 CONSTABLE SCOTT GETTING OUT BECAUSE HE WAS KIND OF
22 TRAPPED. HE HAD TO COME OUT THE DRIVER'S DOOR AND
23 HE'S A RATHER LARGE MAN.

24 Q AND THE PERSON ON THE GROUND THERE IN THE BLUE,
25 WHO IS THAT?

1 A WHICH ONE?

2 Q NOT MR. PORTER, THE OTHER FELLOW, WHO IS THAT?

3 A MR. YOUNG IS HERE, THAT'S THIS GUY HERE, AND
4 MR. PORTER, THAT GUY RIGHT THERE, RIGHT THERE. HE'S
5 TELLING ME AT THAT TIME TO CALL EMS, CALL EMS, YOU
6 CAN ACTUALLY HEAR HIM ON HIS AUDIO FOR MR. JONES.

7 Q IS THAT MS. LAWS?

8 A THAT'S MS. LAWS. SHE WAS THE DRIVER OF THE
9 VEHICLE. AT THAT POINT IN TIME I WAS DOING A PAT
10 DOWN SEARCH OF MR. PORTER TO MAKE SURE HE DIDN'T HAVE
11 A WEAPON OR GUN ON HIM AT THAT POINT IN TIME.

12 Q THAT OFFICER THAT JUST PUT HIS HAND UP IN THE
13 AIR, WHAT DEPARTMENT IS HE WITH?

14 A THE ONE TO THE LEFT?

15 Q YES.

16 A THAT'S A CHARLOTTE MECKLENBURG. I BELIEVE HE
17 WAS A SERGEANT.

18 Q AND THAT FELLOW THERE WALKING?

19 A THAT'S A CHARLOTTE MECKLENBURG ALSO. THEY
20 ARRIVED SHORTLY. THAT, HE'S A, THAT GUY IS A
21 DETECTIVE WITH US AND THAT GUY IS A DETECTIVE WITH
22 THE SHERIFF'S OFFICE. THAT'S ME GETTING MR. YOUNG
23 OFF THE GROUND AND DOING A SEARCH OF HIM.

24 Q HAD YOU CALLED THE AMBULANCE YET FOR MR. JONES?

25 A YES, SIR.

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1 Q OFFICER, YOU SAID IT WAS RAINING THAT DAY, CAN
2 YOU RECALL IF THESE FOLKS WERE DRY OR WET WHEN THEY
3 CAME OUT OF THE CAR?

4 A DRY AS BEST I REMEMBER.

5 Q WHOSE THAT GUY WITH THE STRAP ACROSS HIS BACK?
6 A IN THE ALL BLACK CLOTHES?

7 Q NO, IN THE WHITE.

8 A WHERE?

9 Q IN THE BACKGROUND.

10 A I MISSED IT.

11 Q FIRST OF ALL, WHOSE THAT BALD HEADED MAN?
12 A IN THE BLACK CLOTHES, THAT'S MR. PORTER.

13 Q THAT GUY RIGHT THERE?

14 A IN THE WHITE? THAT'S EMS. I BELIEVE ROCK
15 HILL. I MEAN CHARLOTTE FIRE IS WHAT. I THINK IT WAS
16 EMS.

17 Q OKAY. GO AHEAD AND RETAKE YOUR SEAT. THAT'S
18 ENOUGH. NOW HOW LONG DID THE AMBULANCE STAY THERE
19 ON THE SITE WITH MR. JONES?

20 A IT WAS A GOOD LITTLE WHILE. APPROXIMATELY,
21 MAYBE 30 MINUTES, 35 MINUTES, GIVE OR TAKE.

22 Q THEY STAYED THERE ON THAT SCENE?

23 A THEY STAYED THERE ON THE SCENE.

24 Q OKAY. AND DID YOU GET UP CLOSE TO MR. JONES
25 WHILE HE WAS BEING TREATED?

1 A YES, SIR. I ACTUALLY GOT IN THE BACK OF THE
2 AMBULANCE WITH MR. JONES AND EMS PERSONNEL. I HELPED
3 TO ACTUALLY LOAD HIM INTO THE AMBULANCE.

4 Q WERE YOU NICE TO HIM?

5 A EXTREMELY.

6 Q DID HE APPEAR TO BE SERIOUSLY INJURED OR MORE
7 MINOR?

8 A VERY MINOR. I THINK IT TURNED OUT TO BE A
9 FRACTURED ANKLE, SOMETHING TO DO WITH HIS ANKLE, BUT
10 IT WAS MINOR.

11 MR. SPRINGS: YOUR HONOR, COULD
12 MR. KENNETH YOUNG PLEASE STAND AND EXHIBIT HIS HAIR
13 TO THE JURY.

14 THE COURT: MR. YOUNG, WOULD YOU STAND.

15 (COMPLIES.)

16 MR. SPRINGS: THANK YOU. THAT'S FINE.

17 Q OFFICER, PLEASE ANSWER ANY QUESTIONS THAT THESE
18 GENTLEMAN HAVE.

19 THE COURT: WE'LL TAKE A BREAK BEFORE WE
20 GET INTO CROSS EXAMINATION SO WE'LL TAKE A BREAK.
21 THIS WILL BE A CHANCE FOR YOU TO HAVE SNACKS OR
22 WHATEVER AND GET REFRESHED. WE'LL SEND FOR YOU IN
23 ABOUT TEN MINUTES.

24 (THE JURY EXITS THE COURTROOM AT 11:12
25 AM.)

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1 THE COURT: OFFICER GIBSON, DURING THE
2 BREAK YOU CAN STEP DOWN AND USE THE RESTROOM OR HAVE
3 SOME WATER OR WHATEVER BUT YOU CAN'T TALK TO ANYBODY
4 ABOUT THE CASE.

5 A YES, SIR, YOUR HONOR.

6 THE COURT: ANYBODY WHATSOEVER.
7 MR. D'AGOSTINO, I APPRECIATE YOUR BEING HERE. LET'S
8 REMAIN IN SESSION ONE SECOND.

9 MR. D'AGOSTINO: MR. BRACKETT TOLD ME WHEN
10 I CAME IN THAT, WHAT THE CASE IS ABOUT, BUT I
11 REPRESENT THE VICTIM I UNDERSTAND IN ANOTHER MATTER
12 AND I KNOW ALL THE, MOST OF THOSE INDIVIDUALS SITTING
13 OVER THERE.

14 THE COURT: WHAT I'M GOING TO DO IS WE'VE
15 HAD A LITTLE BIT OF CONFUSION REGARDING WHETHER OR
16 NOT MR. PORTER WANTED STANDBY COUNSEL. HE HAD, AT AN
17 EARLIER HEARING HE HAD MADE A REQUEST FOR IT, AND I
18 TOLD HIM TO BASICALLY RENEW THAT AT THE TRIAL. HE
19 MISUNDERSTOOD. HE THOUGHT I WAS DENYING IT AT THAT
20 TIME, IS THAT RIGHT, MR. PORTER?

21 MR. PORTER: YES, SIR.

22 THE COURT: AND SO WE HAD A LITTLE
23 CONFUSION AND IT TURNED OUT TODAY WHEN WE STARTED
24 THAT THE CONFUSION CAME TO LIGHT AND SO I WAS GOING
25 TO ALLOW HIM, IT'S THE DISCRETION OF THE COURT, BUT

1 I'M GOING TO ALLOW HIM TO HAVE STANDBY ON PROCEDURAL
2 MATTERS. AT THE STAGE WE'RE IN, IT'S KIND OF HARD TO
3 FIND SOMEBODY BUT SINCE YOU ARE GOING TO BE, I WANT
4 TO PUT IT LIKE THIS, OVER THE BREAK I'LL LET YOU TALK
5 TO MR. PORTER ABOUT THIS.

6 MR. D'AGOSTINO: YES, SIR.

7 THE COURT: IF YOU FEEL THERE IS SOME SORT
8 OF CONFLICT, I'LL CERTAINLY RECOGNIZE THAT; HOWEVER
9 YOUR ROLE AS STANDBY COUNSEL WOULD BE PURELY THAT OF
10 A TECHNICIAN MORE THAN ANYTHING ELSE, SIMPLY TO
11 ADVISE HIM ON PROCEDURAL MATTERS. IF YOU FEEL
12 UNCOMFORTABLE DOING THAT I CERTAINLY UNDERSTAND IT,
13 BUT ROLE OF STANDBY COUNSEL AS YOU PROBABLY KNOW IS
14 JUST ADVISE HIM, NOT WHAT QUESTIONS TO ASK AND NOT
15 THOSE SORT OF THINGS, BUT IF HE SHOULD A MAKE A
16 CERTAIN MOTION, DO I MAKE A CERTAIN MOTION, NOW IS
17 THE TIME TO MAKE A MOTION, QUITE FRANKLY MR. PORTER
18 HAS ACTUALLY PRESENTED HIMSELF VERY WELL WITHOUT
19 STANDBY COUNSEL AS FAR AS MAKING MOTIONS AND
20 COMMUNICATING WITH THE COURT AND I THINK THIS IS NOT,
21 I KNOW THIS IS NOT THE FIRST TIME HE'S BEEN IN THIS
22 SETTING ALSO SO, BUT I STILL FEEL LIKE HE'S ASKED FOR
23 STANDBY COUNSEL THAT I WOULD GRANT HIM THAT REQUEST
24 IF WE COULD.

25 MR. D'AGOSTINO: I UNDERSTAND, AND I JUST

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1 WANTED TO BRING THAT TO THE COURT'S ATTENTION AND
2 MR. PORTER'S ATTENTION.

3 THE COURT: TALK TO MR. PORTER, AND MR.
4 PORTER, IF YOU HAVE DISCOMFORT WITH THAT AFTER YOU
5 TALKED WITH HIM OR IF HE HAS SOME REASONS THAT HE
6 FEELS -- WHAT HE'S SAYING IS HE HAS A WORKING
7 RELATIONSHIP WITH THE BANK AND KNOWS SOME OF THESE
8 PEOPLE, BUT HIS ROLE WOULD BE MERELY TO ADVISE YOU AS
9 TO, REALLY TO ANSWER QUESTIONS IF YOU HAVE THEM.
10 HE'S A STANDBY COUNSEL, HE ISN'T GOING TO BE
11 WHISPERING IN YOUR EAR ALL THE TIME, HIS ROLE WOULD
12 BE IF YOU HAVE SOME PROCEDURAL QUESTION, AND ALSO
13 STANDBY COUNSEL, QUITE FRANKLY, IS APPOINTED QUITE
14 OFTEN BY THE COURT FOR THE COURT'S BENEFIT, THAT IS,
15 SO THAT SOMEONE WHO IS NOT AN ATTORNEY WON'T BE
16 BRINGING OUT AT THE WRONG TIME OR DISRUPTING THINGS.
17 IT'S REALLY AN AID TO THE COURT AS MUCH AS IT'S AN
18 AID TO YOU. WE'LL TAKE A BREAK AND SEE WHERE WE
19 STAND AFTER THAT.

20 MR. D'AGOSTINO: THANK YOU, YOUR HONOR.

21 THE COURT: THANK YOU.

22 (COURT'S IN RECESS AT 11:16 AM.)

23 (COURT RESUMES AT 11:38 AM.)

24 THE COURT: THE DEFENDANTS ARE BACK
25 PRESENT. MR. PORTER, YOU'VE HAD A CHANCE TO VISIT

1 WITH MR. D'AGOSTINO?

2 MR. PORTER: I HAVE, SIR.

3 THE COURT: ALL RIGHT. AND ARE YOU
4 COMFORTABLE WITH HIM BEING YOUR RESOURCE OFFICER SO
5 TO SPEAK?

6 MR. PORTER: YES, SIR, I AM.

7 THE COURT: ALL RIGHT. YOUR STANDBY
8 COUNSEL AND MR. D'AGOSTINO HAS INDICATED HIS
9 WILLINGNESS TO DO THIS.

10 MR. PORTER: THANK YOU.

11 THE COURT: AND WE CERTAINLY APPRECIATE
12 IT. BRING IN THE JURY. MR. PORTER, I'M NOT GOING
13 TO SAY ANYTHING ABOUT WHY MR. D'AGOSTINO IS SITTING
14 THERE UNLESS YOU WANT ME TO, I MEAN, TO THE JURY.

15 MR. PORTER: YOU CAN.

16 THE COURT: OKAY. YOU CAN TELL THEM TO
17 COME IN.

18 (THE JURY RETURNS TO THE COURTROOM AT
19 11:41 AM.)

20 THE COURT: MR. JAMIESON.

21 CROSS EXAMINATION BY MR. JAMIESON:

22 Q OFFICER GIBSON, MY NAME IS PHILLIP JAMIESON. I
23 REPRESENT MR. YOUNG. I JUST HAVE A FEW QUESTIONS FOR
24 YOU. PRIOR TO YOU SEEING THE VEHICLE AT THE
25 INTERSECTION OF HIGHWAY 49 AND CAROWINDS BOULEVARD

1 YOU HAD NOT SEEN THAT VEHICLE PREVIOUSLY, HAD YOU?

2 A NO, SIR, I HAD NOT.

3 Q YOU HAVE NO IDEA WHAT WENT ON WITH THAT VEHICLE
4 PRIOR TO YOU SEEING IT AT CAROWINDS BOULEVARD AND
5 HIGHWAY 49, IS THAT CORRECT?

6 A CORRECT.

7 Q ALL RIGHT. AND WERE YOU ABLE TO SEE HOW MANY
8 INDIVIDUALS WERE IN THE VEHICLE AT THAT TIME?

9 A I OBSERVED SEVERAL SUBJECTS INSIDE THE VEHICLE,
10 FOUR TO FIVE.

11 Q BUT YOU CANNOT SAY SPECIFICALLY HOW MANY?

12 A CORRECT, CANNOT.

13 Q DURING THE CHASE OF THE VEHICLE, DID YOU LOSE
14 SIGHT OF THE VEHICLE?

15 A YES, I DID.

16 Q AND FOR WHAT PERIOD OF TIME DO YOU THINK?

17 A I'D NEED TO GO BACK AND LOOK AT THAT TAPE TO BE
18 EXACT, MAYBE FIVE MINUTES IF THAT. I DON'T KNOW
19 EXACTLY.

20 Q ALL RIGHT. AND CONDITIONS WERE BAD THAT DAY
21 WITH THE RAIN?

22 A EXTREMELY, CONDITIONS WAS AWFUL.

23 Q WHEN THE VEHICLE CAME TO A STOP AND YOU CAME TO
24 A STOP BEHIND THE VEHICLE, DID MR. YOUNG ATTEMPT TO
25 FLEE?

- 1 A NO, SIR, HE DID NOT.
- 2 Q DID HE RESIST YOU IN ANY WAY?
- 3 A CAN I BACK UP WITH THAT?
- 4 Q I BEG YOUR PARDON.
- 5 A CAN I BACK UP WITH THAT QUESTION?
- 6 THE COURT: HE WANTS TO REVISIT THE FORMER
- 7 ANSWER.
- 8 A WHAT HAPPENED WAS I GOT PORTER AND YOUNG
- 9 CONFUSED WITH THAT. THE BACK DOOR CAME OPEN WHERE
- 10 MR. YOUNG WAS SITTING. I OBSERVED THAT HE WAS
- 11 PROBABLY GOING TO JUMP OUT AND RUN ON FOOT UNTIL THE
- 12 COLLISION WITH THE VEHICLE, WITH DEPUTY VINESETT'S
- 13 VEHICLE.
- 14 Q DID HE JUMP OUT?
- 15 A NO, SIR, HE DID NOT.
- 16 Q DID HE RUN?
- 17 A NO, SIR, HE DID NOT.
- 18 Q SO THE ONLY THING YOU SAW WAS THE DOOR OPEN, IS
- 19 THAT CORRECT?
- 20 A YES, SIR, HIS DOOR CAME OPEN.
- 21 Q ALL RIGHT. DID HE RESIST YOU?
- 22 A NO, SIR, HE DID NOT.
- 23 Q DID YOU SEE HIM RESIST ANYBODY ELSE?
- 24 A NO, SIR, I DID NOT.
- 25 Q WAS HE COOPERATIVE?

1 A YES, SIR.

2 Q WHEN YOU GOT MR. YOUNG OUT OF THE VEHICLE, WAS
3 HIS HAIR CLEARLY VISIBLE?

4 A BEST OF MY KNOWLEDGE, YES, SIR.

5 Q LONG BRAIDS DOWN TO HIS WAIST?

6 A YES, SIR.

7 Q AND WHEN MS. LAWS GOT OUT OF THE VEHICLE, DID
8 YOU NOTICE WHAT SHE HAD ON HER HEAD?

9 A I DON'T RECALL.

10 Q CAN WE HAVE A LOOK AT THE VIDEO AGAIN? IS THERE
11 A WAY TO CUE IT UP TO AT THAT POINT. NO, WELL THAT'S
12 OKAY. (LAUGHTER.) NO, WE WON'T TEMPT THE FATES
13 AGAIN. WE HAVEN'T HAD THAT MUCH LUCK WITH
14 TECHNOLOGY. IF YOU DON'T KNOW THEN THAT'S THE ANSWER
15 YOU DON'T KNOW. WHEN YOU SEARCHED MR. YOUNG JUST
16 BEFORE YOU REMOVED HIM FROM THE SIGHT OF THE CAMERA
17 IT LOOKS LIKE YOU PUT SOMETHING BACK IN HIS POCKET,
18 DO YOU KNOW WHAT THAT WAS?

19 A I DON'T RECALL.

20 Q DID YOU OR ANYONE THAT YOU KNOW OF TAKE
21 MR. YOUNG OR ANYBODY ELSE ARRESTED BEFORE A
22 MAGISTRATE THAT DAY?

23 A REPEAT THE QUESTION?

24 Q I'LL JUST NARROW IT DOWN TO YOU. DID YOU TAKE
25 MR. YOUNG OR ANYBODY ELSE ARRESTED OUT OF THAT

1 VEHICLE BEFORE A MAGISTRATE THAT DAY?

2 A NO, I DID NOT.

3 MR. JAMIESON: BEG THE COURT'S INDULGENCE
4 JUST A MOMENT. NOTHING FURTHER, YOUR HONOR.

5 THE COURT: MR. PORTER.

6 MR. PORTER: YES.

7 CROSS EXAMINATION BY MR. PORTER:

8 Q OFFICER GIBSON, DURING THE CHASE DID YOU SEE
9 ANYTHING COME OUT OF THE CAR?

10 A NO, SIR, NOT THAT I RECALL.

11 Q COULD INDIVIDUAL HAVE THE OPPORTUNITY TO THROW
12 SOMETHING OUT OF THE CAR IF THEY WANTED TO?

13 A YEAH.

14 Q SO IF SOME, IF THE PERSON HAD SOMETHING IN THEIR
15 POSSESSION YOU FELT WAS DETRIMENTAL HE COULD HAVE
16 GOTTEN RID OF IT, IS THAT EASY?

17 A CAN YOU REPEAT THE QUESTION?

18 Q IF SOMEONE HAD SOMETHING THAT HE FELT WAS
19 DETRIMENTAL OR HAD BEEN USED IN A WAY, IN A VIOLATION
20 OF LAW, COULD HE NOT THROW IT OUT THE CAR?

21 A YES, SIR, HE COULD HAVE.

22 Q AND YOU DIDN'T SEE ANYBODY MAKE THAT ATTEMPT?

23 A NO, SIR, I DID NOT.

24 Q WHEN YOU TOOK MS. LAWS OUT OF THAT CAR AND
25 OFFICER VINESETT VIDEO, YOU CAN HEAR HER MAKING A

1 STATEMENT, I DON'T KNOW IF YOU OBSERVED THAT VIDEO,
2 BUT YOU DID YOU SEE THAT VIDEO ALSO?

3 A THE ONE THEY PLAYED EARLIER IN COURT?

4 Q MR. VINESETT?

5 A YES, SIR, I WAS PRESENT. I WAS SITTING IN THE
6 BACK.

7 Q AS YOU PLACED, YOU ARE THE ONE THAT PULLED
8 MS. LAWS OUT OF THE CAR?

9 A NO, SIR, I PULLED YOU OUT OF THE CAR.

10 Q OKAY. AS WE'RE UNDER ARREST ON THE GROUND, DID
11 YOU SAY ANYTHING TO ME?

12 A DID I SAY ANYTHING TO YOU?

13 Q YES. I'M UNDER ARREST. WHEN YOU TOOK ME OUT OF
14 THE CAR, I'M HANDCUFFED BEHIND MY BACK, UNDER ARREST?

15 A I WAS PROBABLY TELLING YOU TO KEEP YOUR HANDS
16 WHERE I COULD SEE THEM; AT THE SAME TIME I WAS
17 TELLING MS. LAWS TO KEEP HER HANDS WHERE I COULD SEE
18 THEM ALSO.

19 Q BUT DID YOU NOT READ NO RIGHTS?

20 A NO, SIR, I DID NOT.

21 Q THANK YOU, SIR. NO FURTHER QUESTIONS.

22 THE COURT: ANYTHING FURTHER FROM THE
23 STATE?

24 MR. SPRINGS: NO, SIR.

25 THE COURT: YOU CAN BE EXCUSED. WE

1 APPRECIATE YOUR TIME. YOU CAN STEP DOWN. THANK YOU.

2 MR. SPRINGS: MR. SHERIFF, WOULD YOU BRING
3 OUT A LADY NAMED ANGELA LAWS.

4 ANGELA LAWS, BEING FIRST
5 DULY SWORN, TESTIFIED AS FOLLOWS:

6 THE COURT: MR. SPRINGS, JUST ONE SECOND.
7 I THINK THE RECORD SHOULD REFLECT THAT MS. LAWS
8 COUNSEL IS PRESENT DURING HER TESTIMONY.

9 MR. SPRINGS: YES, SIR.

10 DIRECT EXAMINATION BY MR. SPRINGS:

11 Q PLEASE TELL THIS JURY YOUR NAME AND SPEAK UP
12 NICE AND LOUD. NO ONE IS GOING TO FUSS AT YOU FOR
13 KEEPING YOUR VOICE UP NICE AND LOUD. WHAT'S YOUR
14 NAME, MA'AM?

15 A ANGELA RENEE LAWS.

16 Q MS. LAWS, ARE YOU IN JAIL?

17 A YES, SIR.

18 Q WHAT ARE YOU IN JAIL FOR?

19 A BANK ROBBERY.

20 Q AND HAVE YOU PLEAD GUILTY TO BANK ROBBERY?

21 A YES, SIR.

22 Q MS. LAWS, WHEN YOU PLEAD GUILTY DID YOU AGREE TO
23 TESTIFY AGAINST SOME FOLKS?

24 A YES, SIR.

25 Q WHO DID YOU AGREE TO TESTIFY AGAINST?

1 A KENNETH YOUNG AND JOHNNELL PORTER.

2 Q AND WILL YOU TESTIFY TRUTHFULLY?

3 A YES, SIR.

4 Q IF YOU TESTIFY TRUTHFULLY AGAINST THEM, WHAT

5 REWARD DO YOU GET, WHAT DEAL DO YOU GET?

6 A (NO RESPONSE.)

7 Q WHAT SENTENCE WILL YOU GET?

8 A 6 TO 8 YEARS PRISON TIME.

9 Q NOW LET ME START BY ASKING YOU IF YOU KNOW

10 KENNETH YOUNG, DO YOU KNOW HIM?

11 A YES, SIR.

12 Q HOW DO YOU KNOW HIM? ARE YOU RELATED, MARRIED,

13 HOW DO YOU KNOW HIM?

14 A WE DATED AT ONE TIME.

15 Q OKAY. AND DO YOU KNOW SOMEBODY BY THE NAME

16 JOHNNELL PORTER?

17 A YES, SIR.

18 Q HOW DO YOU KNOW HIM?

19 A THROUGH KENNETH YOUNG.

20 Q ALL RIGHT. DO YOU KNOW KENNETH YOUNG AND

21 JOHNNELL PORTER ARE PLANNING SOMETHING PRIOR TO

22 DECEMBER 22 OF LAST YEAR?

23 A YES, SIR.

24 Q WHAT WERE THEY PLANNING ON DOING?

25 A ROBBING A BANK.

1 Q HOW DO YOU KNOW THEY WERE MAKING THOSE PLANS?

2 A I WAS TOLD BY KENNETH YOUNG.

3 Q AND DID YOU AGREE TO HELP THEM?

4 A YES, SIR.

5 Q WHAT KIND OF HELP DID YOU AGREE TO GIVE THEM IN

6 THE BANK ROBBERY?

7 A TO DRIVE THE CAR.

8 Q ON THE MORNING OF FRIDAY, DECEMBER 22 OF LAST

9 YEAR, DID YOU GO SOMEWHERE IN A CAR?

10 A YES, SIR.

11 Q WHAT KIND OF CAR WAS IT, DO YOU RECALL?

12 A FORD TAURUS I THINK. I'M NOT QUITE SURE.

13 Q WHO OWNED THE CAR OR WHERE DID YOU GET IT?

14 A IT'S A RENTAL CAR.

15 Q WHEN DID YOU GET IT?

16 A DECEMBER 21 THE DAY BEFORE THE BANK ROBBERY.

17 Q OKAY. ALL RIGHT. SO TELL ME, START ME ON THE

18 MORNING OF FRIDAY, DECEMBER 22, LAST YEAR, WHO GOT IN

19 THE CAR AND WENT SOMEWHERE? WHO STARTED OUT ON THE

20 TRIP IN THE CAR?

21 A KENNETH YOUNG AND MYSELF.

22 Q OKAY. AND DID YOU GO PICK SOMEONE UP?

23 A YES, SIR.

24 Q WHO IS THE FIRST PERSON YOU PICKED UP?

25 A JOHNELL PORTER.

1 Q OKAY. KENNETH YOUNG AND JOHNNELL PORTER IS THERE
2 IN THE CAR WITH YOU AT THAT POINT, DID THEY BRING
3 ANYTHING WITH THEM?
4 A I'M NOT SURE--WELL, THEY HAD SOMETHING WITH
5 THEM. I DON'T KNOW WHAT IT WAS.
6 Q OKAY.
7 A NOT AT THE TIME.
8 Q OKAY. AFTER YOU PICKED UP JOHNNELL PORTER, DID
9 YOU GO PICK SOMEONE ELSE UP?
10 A YES.
11 Q WHO WAS THAT OTHER PERSON?
12 A DONSHAVIS JONES.
13 Q HAD YOU EVER SEEN DONSHAVIS JONES BEFORE YOU
14 PICKED HIM UP THAT MORNING?
15 A YES.
16 Q AFTER YOU PICKED UP DONSHAVIS JONES, WHERE DID
17 YOU GO? WHAT WAS YOUR NEXT STOP?
18 A TO, HEADED TOWARDS THE BANK OF YORK.
19 Q DO YOU KNOW WHICH BANK WAS GOING TO GET ROBBED?
20 A YES.
21 Q OKAY. AND AS YOU HEADED TOWARDS THE BANK WHO
22 WAS DRIVING THE FORD TAURUS?
23 A I WAS.
24 Q I KNOW THIS IS HARD BUT TRY TO KEEP YOUR VOICE
25 UP. I'M GETTING SOME AGE ON ME AND I MYSELF AM HARD

1 OF HEARING. BEFORE YOU GOT TO THE BANK DID YOU STOP
2 SOMEWHERE ELSE AFTER YOU PICKED UP ALL THE FELLOWS?

3 A YES, SIR.

4 Q WHERE DID YOU STOP?

5 A AT THE SERVICE STATION ON CAROWINDS BOULEVARD.

6 Q DO YOU REMEMBER WHAT THE NAME OF IT WAS?

7 A ON THE RUN.

8 Q DID ANY OF THE MEN GET OUT OF THE CAR AT ON THE
9 RUN?

10 A YES.

11 Q WHO GOT OUT OF THE CAR?

12 A JOHNNELL PORTER AND KENNETH YOUNG.

13 Q OKAY. WERE THEY OUT OF THE CAR VERY LONG?

14 A NO, SIR.

15 Q AND DID YOU SEE WHAT THEY DID WHEN THEY GOT OUT
16 OF THE CAR?

17 A NO, SIR.

18 Q ABOUT HOW LONG DID YOU STAY AT THE ON THE RUN
19 STORE?

20 A JUST BRIEFLY. MAYBE 3-4 MINUTES.

21 Q ALL RIGHT. AND THEN AFTER DID YOU LEAVE ON THE
22 RUN?

23 A YES, SIR.

24 Q ALL THREE MEN GET BACK IN THE CAR WITH YOU?

25 A YES, SIR.

ANGELA LAWS

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1 Q OKAY. AND THEN WHERE DID YOU GO FROM ON THE RUN
2 STORE, WHERE DID YOU GO?

3 A BACK TO THE BANK.

4 Q ALL RIGHT. DO YOU REMEMBER WHAT THE WEATHER WAS
5 LIKE?

6 A IT WAS RAINING.

7 Q AND WHEN YOU GOT TO THE BANK WHO GOT OUT OF THE
8 CAR?

9 A JOHNNELL PORTER, KENNETH YOUNG, AND DONSHAVIS.

10 Q WERE THEY WEARING ANYTHING ON THEIR HEADS OR
11 FACES?

12 A YES.

13 Q WHAT DID THEY HAVE ON?

14 A SKI MASKS.

15 Q DID ANYBODY HAVE A GUN?

16 A YES, SIR.

17 Q WHO HAD A GUN?

18 A KENNETH YOUNG AND JOHNNELL PORTER.

19 Q DID DONSHAVIS HAVE ANYTHING IN HIS HAND THAT YOU
20 NOTICED WHEN HE GOT OUT OF THE CAR TO GO IN THE BANK?

21 A NOT THAT I NOTICED.

22 Q OKAY. BEFORE THEY GOT OUT OF THE BANK, AT THE
23 BANK, HAD YOU NOTICED ANY GUNS OR SEEN ANY GUNS IN
24 THE CAR?

25 A YES, SIR.

1 Q WHEREABOUTS IN THE CAR WAS THE GUN SITTING THAT
2 YOU SAW?

3 A IN THE BACK SEAT.

4 Q OKAY. NOW LET ME BACK UP A LITTLE BIT. AS YOU
5 DROVE, AFTER YOU PICKED UP DONSHAVIS AND DRIVE TO ON
6 THE RUN, WHO WAS SITTING UP FRONT WITH YOU?

7 A SAY THAT AGAIN, SIR?

8 Q AFTER YOU PICKED DONSHAVIS AND YOU DROVE UP TO
9 CAROWINDS AREA TO THE ON THE RUN STORE, ON THAT LEG
10 WHO WAS SITTING UP IN THE FRONT SEAT WITH YOU?

11 A KENNETH YOUNG.

12 Q OKAY. AFTER YOU LEFT THE ON THE RUN AND GO TO
13 THE BANK, WHO WAS SITTING UP FRONT WITH YOU?

14 A JOHNNELL PORTER.

15 Q THEY HAD CHANGED SEATS?

16 A YES, SIR.

17 Q OKAY. AS YOU GET TO THE BANK AND DROVE UP AND I
18 MAY HAVE ASKED YOU THIS, I'M GETTING OLD, DID ALL
19 THREE GET OUT?

20 A YES, SIR.

21 Q OKAY. AFTER THEY GOT OUT, I'M GOING TO ASK YOU
22 A STUPID QUESTION, WHERE DID THEY GO?

23 A INSIDE OF THE BANK.

24 Q OKAY. AND DID YOU DRIVE AWAY OR SIT RIGHT DEAD
25 STILL, WHAT DID YOU DO WITH THE CAR?

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1 A WELL, I PARKED. I BACKED UP, I PARKED THE CAR
2 IN STRAIGHT. I PARKED STRAIGHT IN FRONT OF THE BANK.
3 WHEN I PULLED UP AT THE BANK I WASN'T IN FRONT OF THE
4 BANK STRAIGHT AND I BACKED UP AND PULLED STRAIGHT IN
5 FRONT OF THE BANK.

6 Q OKAY. ALL RIGHT. FAIR ENOUGH. HOW LONG, AFTER
7 AWHILE DID THEY COME OUT OF THE BANK?

8 A YES, SIR.

9 Q ABOUT HOW LONG WERE THEY IN THE BANK?

10 A MAYBE ABOUT FOUR MINUTES, FIVE MINUTES AT THE
11 MOST.

12 Q OKAY. WHEN THEY CAME OUT, WERE THEY, DID THEY
13 ALL STILL HAVE SKI MASKS ON?

14 A I CAN'T QUITE REMEMBER. EVERYTHING HAPPENED SO
15 FAST.

16 Q HOW WERE YOU FEELING EMOTIONALLY, WHAT WERE YOU?

17 A FRIGHTENED TO DEATH. I WAS SCARED.

18 Q AFTER THEY GOT BACK IN THE CAR WITH YOU, WHAT
19 DID THEY SAY TO YOU, IF ANYTHING, DID THEY SAY
20 ANYTHING TO YOU?

21 A JUST DRIVE. THEY KEPT SAYING DRIVE, LET'S GO,
22 LET'S GO, DRIVE, DRIVE THE CAR, LET'S GO.

23 Q OKAY. SO AS YOU LEFT THE BANK WHICH WAY DID YOU
24 HEAD?

25 A BACK THE SAME WAY I CAME TOWARDS, BACK TOWARDS

1 CAROWINDS BOULEVARD.

2 Q DID YOU GO OVER THE BRIDGE THERE?

3 A YES, SIR.

4 Q BETWEEN NORTH CAROLINA AND SOUTH CAROLINA?

5 A YES, SIR.

6 Q DID YOU STOP ANYWHERE BEFORE YOU GOT TO THE

7 BRIDGE OVER THE RIVER?

8 A NO, SIR.

9 Q WERE YOU PUTTING ALONG OR WERE YOU GOING PRETTY

10 FAST?

11 A DRIVING FAST.

12 Q AND WHERE WERE YOU GOING TO GO BACK TO, DO YOU

13 KNOW? WERE YOU GOING HOME?

14 A YES, SIR.

15 Q OKAY. AND WHAT, AT THAT POINT, WHAT WAS THE

16 ROUTE THAT YOU WERE GOING TO TAKE? WHICH WAY? THERE

17 ARE A COUPLE WAYS TO GO TO CHARLOTTE FROM DOWN THERE,

18 WHICH ROAD, MAIN ROAD, WERE YOU GOING TO TAKE?

19 A I-77.

20 Q DID YOU HEAD THAT WAY?

21 A YES, SIR.

22 Q AND BEFORE YOU GOT TO 77, DID YOU SEE THE

23 POLICE?

24 A YES, SIR.

25 Q WHAT, WHAT TIPPED YOU OFF THAT THE POLICE WERE

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1 AROUND?

2 A WELL, AS I WAS DRIVING I SAW THE POLICE IN MY
3 REAR VIEW MIRROR OR A CAR THAT I THOUGHT WAS A POLICE
4 CAR AT THAT TIME.

5 Q DID YOU SAY ANYTHING TO THE MEN?

6 A YES, I LET THEM KNOW THAT I THOUGHT IT WAS A
7 POLICE CAR THAT WAS BEHIND ME.

8 Q WHAT DID ANY OF THE MEN SAY TO YOU?

9 A ASKED ME IF I WAS SURE AND I CAN'T TELL YOU
10 WHICH ONE SAID IT BUT SOMEBODY ASKED ME IF I WAS
11 SURE. I WASN'T SURE AT THAT TIME. BUT THEN AS I GOT
12 OVER TO CHANGE LANE, THE POLICE OFFICER GOT BEHIND
13 ME, THE CAR GOT BEHIND ME AND TURNED ON THE BLUE
14 LIGHTS, THAT'S WHEN I KNEW IT WAS A POLICE OFFICER.

15 Q ALL RIGHT. WHAT WERE IN THE MEN IN THE CAR WITH
16 YOU TELLING YOU AT THAT TIME?

17 A TELLING ME TO DRIVE, JUST KEEP DRIVING, DRIVE,
18 DRIVE FASTER, DRIVE FASTER. I DROVE FASTER.

19 Q SO WHAT HIGHWAY DID YOU GET ON AT THAT POINT?

20 A HIGHWAY 77.

21 Q OKAY. WERE YOU DRIVING FAST?

22 A YES, SIR.

23 Q WERE THE POLICE BEHIND YOU?

24 A YES.

25 Q HOW WERE YOU FEELING THEN?

1 A SCARED.

2 Q SO DID THE POLICE CHASE YOU UP I-77?

3 A YES, SIR.

4 Q DID YOU EVENTUALLY GET OFF THE INTERSTATE
5 HIGHWAY?

6 A YES, I DID EVENTUALLY.

7 Q DO YOU REMEMBER, AND YOU MAY NOT, BUT DO YOU
8 REMEMBER WHERE YOU GOT OFF?

9 A YES, ON ARROWOOD ROAD. ARROWOOD BOULEVARD OR
10 ARROWOOD ROAD.

11 Q AFTER YOU GOT OFF THE HIGHWAY, WHERE WERE YOU
12 GOING AND WHAT HAPPENED WITH YOU DRIVING THE CAR?

13 A I DIDN'T KNOW WHERE I WAS GOING. I WAS JUST
14 DRIVING. I WAS JUST TOLD TO DRIVE, KEEP DRIVING, AND
15 THAT'S WHAT I DID, I KEPT DRIVING.

16 Q UNTIL WHAT FINALLY HAPPENED?

17 A UNTIL I END UP IN AN APARTMENT COMPLEX, DRIVING
18 THROUGH A COMPLEX, AND CAME TO A HALT BECAUSE IT WAS
19 A, THE SIDEWALK WAS RIGHT THERE, AND I COULDN'T GO
20 ANY PLACE ELSE, SO I CAME TO STOP. I HAD TO STOP.

21 Q OKAY. RIGHT BEFORE YOU CAME TO A STOP, DID ANY
22 OF THE MEN SAY ANYTHING ABOUT WHAT WAS GOING TO
23 HAPPEN?

24 A JUST, SAY THAT AGAIN?

25 Q RIGHT BEFORE YOU CAME TO A STOP, YOU SAID YOU

1 COULD TELL YOU WERE GOING TO HAVE TO STOP, YOU WERE,
2 YOU DIDN'T SAY THAT BUT YOU KIND OF INDICATED YOU
3 WERE TRAPPED?

4 A YES.

5 Q AS YOU WERE COMING UP TO THAT, DID ANY OF THE
6 MEN SAY ANYTHING ABOUT WHAT'S GOING TO HAPPEN NEXT?

7 A YES.

8 Q WHAT DID THEY SAY AND WHO SAID IT?

9 A I HEARD JOHNNELL PORTER TOLD DONSHAVIS JONES TO
10 JUMP OUT OF THE CAR AND RUN.

11 Q OKAY. DID HE TELL HIM TO TAKE ANYTHING WITH
12 HIM?

13 A THE MONEY, YES.

14 Q SO AFTER THE CAR CAME TO A STOP DID THE POLICE
15 COME UP TO THE CAR?

16 A YES, SIR.

17 Q AND DID THE POLICE TAKE YOU AWAY?

18 A YES.

19 Q WERE THE POLICE MEAN TO YOU OR WERE THEY NICE TO
20 YOU OR HOW DID THEY TREAT YOU?

21 A THEY WERE NICE.

22 Q ALL RIGHT. MS. LAWS, HAVE YOU TOLD THE TRUTH?

23 A YES, SIR.

24 Q ALL RIGHT. THESE MEN, I KNOW THEY WANT TO ASK
25 YOU SOME QUESTIONS, JUST TELL THEM THE TRUTH.

1 CROSS EXAMINATION BY MR. JAMIESON:

2 Q MS. LAWS, MY NAME IS PHILLIP JAMIESON AND I
3 REPRESENT KENNETH YOUNG. AND THE LAST QUESTION I
4 THINK MR. SPRINGS ASKED YOU WAS, ARE YOU TELLING THE
5 TRUTH?

6 A YES, SIR.

7 Q AND MY QUESTION WOULD BE WHICH TIME?

8 A SIR?

9 Q WHICH TIME?

10 A EACH TIME.

11 Q SO YOU GAVE -- ISN'T IT TRUE THAT YOU GAVE THE
12 POLICE A STATEMENT AT THE TIME THIS INCIDENT
13 OCCURRED, WAS THAT THE TRUTH?

14 A NO, IT WASN'T, SIR.

15 Q SO YOU ARE TELLING THE TRUTH NOW?

16 A NOW I'M TELLING THE TRUTH.

17 Q YOU WERE A LIAR THEN?

18 A AT THAT TIME I WAS AFRAID.

19 Q SO YOU WERE A LIAR THEN?

20 A NO.

21 Q WELL, IF IT WASN'T THE TRUTH WHAT WAS IT?

22 A A LIE.

23 Q ALL RIGHT. MS. LAWS, I WANT TO SHOW YOU A
24 DOCUMENT AND ASK YOU IF YOU RECOGNIZE IT?

25 A YES, SIR.

1 Q ALL RIGHT. MS. LAWS, I JUST SHOWED YOU A
2 DOCUMENT THAT'S NOW MARKED DEFENSE EXHIBIT ONE, WHAT
3 IS THAT DOCUMENT?

4 A IT'S A DOCUMENT THAT I SIGNED.

5 Q OKAY. IS THIS YOUR INITIALS?

6 A YES, SIR, IT IS.

7 Q AND IS THAT YOUR INITIALS?

8 A YES, SIR, IT IS.

9 Q AND IS THAT YOUR SIGNATURE?

10 A YES, SIR.

11 Q AND WHAT IS THIS DOCUMENT?

12 A IT'S A, IT'S MY PLEA FROM YESTERDAY.

13 Q IT'S THE PLEA BARGAIN?

14 A YES, SIR.

15 Q OKAY. AND WHAT WERE YOU ORIGINALLY CHARGED WITH
16 BEFORE YOU ENTERED INTO THIS AGREEMENT?

17 A I DON'T UNDERSTAND.

18 Q WHAT WERE YOUR ORIGINAL CHARGES?

19 A BANK ROBBERY.

20 Q AND WHAT ELSE?

21 A KIDNAPPING, ALL OF MY CHARGES YOU WANT TO KNOW,
22 SIR?

23 A YES, SIR.

24 Q YES, MA'AM.

25 A BANK ROBBERY, KIDNAPPING, CONSPIRACY, FAILURE TO

1 STOP FOR BLUE LIGHT, AND ARMED ROBBERY.

2 Q AND WHAT DID YOUR ATTORNEY TELL YOU YOU WERE
3 FACING IN TERMS OF THE MAXIMUM PENALTY ON ALL OF
4 THOSE CHARGES?

5 A 25 YEARS. YOU MEAN ALL, I DON'T UNDERSTAND YOUR
6 QUESTION.

7 Q HOW MUCH TIME WERE YOU FACING ON THE CHARGES YOU
8 ORIGINALLY HAD? WHAT'S YOUR UNDERSTANDING OF THAT?
9 WHAT'S THE MOST AMOUNT OF TIME YOU COULD GET?

10 A 25 YEARS.

11 Q AND THAT'S IF THEY WERE ALL CONSECUTIVE, IS THAT
12 RIGHT?

13 A YES, SIR.

14 Q OR CONCURRENT RATHER. BUT YOU COULD HAVE BEEN
15 SENTENCED ON EACH AND EVERY ONE OF THOSE CHARGES,
16 COULD YOU NOT?

17 A YES, SIR.

18 Q SO YOU COULD HAVE BEEN FACING QUITE A BIT MORE
19 TIME THAN 25 YEARS, IS THAT RIGHT?

20 A YES, SIR.

21 Q WHAT ARE YOU FACING NOW?

22 A WHAT I SIGNED TO.

23 Q AND WHAT IS THAT?

24 A 6 TO 8 YEARS IN PRISON.

25 MR. JAMIESON: I ASK THIS BE MOVED INTO

1 EVIDENCE, YOUR HONOR, AS DEFENSE EXHIBIT ONE.

2 MR. SPRINGS: NO OBJECTION?

3 THE COURT: ANY OBJECTION.

4 MR. PORTER: NO OBJECTION.

5 THE COURT: BE RECEIVED WITHOUT OBJECTION.

6 (DEFENSE EXHIBIT ONE STATEMENT
7 RECEIVED IN EVIDENCE.)

8 Q SO YOU WERE FACING AT LEAST 25 YEARS?

9 A YES, SIR.

10 Q AND NOW IT'S DOWN TO 6 OR 8?

11 A YES, SIR.

12 Q AND THAT'S AS A RESULT OF YOUR COOPERATION WITH
13 THE STATE?

14 A THAT'S ME TELLING THE TRUTH.

15 Q THIS TIME?

16 A THIS TIME.

17 Q ALL RIGHT. YOUR ORIGINAL STATEMENT -- WELL, LET
18 ME JUST ASK YOU IF YOU RECOGNIZE THIS DOCUMENT. DID
19 YOU GIVE A STATEMENT TO THE POLICE THAT DAY?

20 A YES, SIR, I DID.

21 Q ALL RIGHT. AND IN THAT STATEMENT FROM THE
22 POLICE, THAT YOU GAVE TO THE POLICE THE DAY THIS
23 OCCURRED, WHY DID YOU TELL THEM THAT YOU RENTED THE
24 CAR THAT YOU RENTED?

25 A ASK ME THAT AGAIN, SIR.

1 Q WHY DID YOU TELL THE POLICE YOU RENTED THE FORD
2 TAURUS?

3 A THE REASON I TOLD THEM I RENT IT?

4 Q YES, MA'AM.

5 A WAS FOR MY DAUGHTER TO DRIVE THE CAR FOR HER
6 BIRTHDAY ON THE DAY OF THE 22.

7 Q SO YOU DIDN'T SAY YOU RENTED IT TO COMMIT A
8 ROBBERY, DID YOU?

9 A NO, SIR.

10 Q BUT THAT'S WHAT YOU SAID IN THE STATEMENT THAT
11 YOU GAVE THE STATE ONCE THEY GOT YOUR COOPERATION,
12 WASN'T IT?

13 A YES, SIR.

14 Q WHEN THEY ASKED YOU ABOUT HOW THE PAPER TAG GOT
15 ON YOUR CAR ORIGINALLY, WHAT DID YOU TELL THEM?

16 A THAT IT HAD TO HAVE BEEN PUT ON THERE BECAUSE
17 WHEN I RENTED THE CAR IT WAS A SOUTH CAROLINA TAG ON
18 THE CAR.

19 Q DID YOU TELL THEM YOU DIDN'T KNOW WHO HAD DONE
20 THAT?

21 A YES, SIR.

22 Q ALL RIGHT. AND IN THIS NEW STATEMENT THAT YOU
23 GAVE THE STATE ONCE THEY GOT YOUR COOPERATION AND
24 GAVE YOU A 6 TO 8 YEARS SENTENCE, WHAT DID YOU TELL
25 THEM ABOUT THAT PAPER TAG? WHO PUT IT ON THEN?

1 A I STILL DIDN'T KNOW WHO PUT THE TAG ON THE CAR.
2 I WASN'T OUTSIDE OF THE CAR, SIR.

3 Q OKAY. IS THIS YOUR STATEMENT RIGHT HERE, THAT
4 YOU SIGNED AND INDICATED JUST A MOMENT AGO YOU
5 SIGNED?

6 A YES.

7 Q READ THAT PARAGRAPH RIGHT THERE FOR ME IF YOU
8 WOULD. YOU SEE WHERE I'M INDICATING?

9 A READ IT OUT LOUD?

10 Q YES, MA'AM, READ IT OUT LOUD PLEASE.

11 A WHILE WE WERE AT ON THE RUN STORE KENNETH YOUNG
12 ATTACHED A PAPER LICENSE TAG ON OVER THE REGULAR
13 LICENSE TAG ON THE RENTAL CAR THEY WERE IN. KEEP
14 READING?

15 Q NO, MA'AM, THAT'S ENOUGH. IF YOU DON'T KNOW WHO
16 PUT THE TAG ON THE CAR, HOW DID IT GET IN YOUR
17 STATEMENT THAT YOU GAVE TO THE SOLICITOR'S OFFICE
18 INDICATING IT WAS A TRUTHFUL STATEMENT THIS TIME THAT
19 KENNETH YOUNG IS THE PERSON THAT PUT THE TAG ON THE
20 CAR, HOW DID THAT GET IN HERE?

21 A I SAID THAT HE GOT OUT WITH THE TAG. I ASSUMED
22 THAT HE PUT THE TAG ON IT. HE HAD IT IN HIS HAND
23 WHEN HE GOT OUT OF THE CAR.

24 Q THAT'S NOT WHAT THIS SAYS, DOES IT?

25 A NO, SIR.

1 Q AND YOU TESTIFIED THAT YOU DIDN'T KNOW WHO PUT
2 IT ON THERE, DIDN'T YOU?

3 A YES, SIR.

4 Q YOU TESTIFIED, YOU SAID THAT IN YOUR EARLIER
5 STATEMENT, IS THAT RIGHT?

6 A THAT'S TRUE.

7 Q AND YOU JUST SAID ON THE STAND YOU DON'T KNOW
8 WHO DID IT?

9 A YES, SIR.

10 Q BUT WHEN THE STATE WANTED A STATEMENT FROM YOU
11 IMPLICATING MR. YOUNG, YOU KNEW IT THEN, DIDN'T YOU?

12 A I WASN'T SURE IF HE PUT IT ON. I KNEW HE GOT
13 OUT WITH IT IN HIS HAND.

14 Q OKAY. DOES THIS SAY I WASN'T SURE?

15 A NO, SIR.

16 Q OR DOES THIS SAY KENNETH YOUNG DID IT?

17 A NO, SIR, IT SAYS HE DID IT.

18 Q THEY WANTED YOU TO IMPLICATE MR. YOUNG, DIDN'T
19 THEY?

20 A NO, SIR, THEY KNEW.

21 Q THE SOLICITOR'S OFFICE?

22 A NO, SIR.

23 Q SO YOU JUST STUCK THAT IN ON YOUR OWN?

24 A HE GOT OUT WITH THE TAG IN HIS HAND.

25 Q ALL RIGHT. NOW IN YOUR EARLIER STATEMENT THAT

1 YOU GAVE TO THE POLICE WHAT DID YOU TELL THEM ABOUT
2 YOUR KNOWLEDGE OF THE PEOPLE THAT YOU PICKED UP THAT
3 DAY? WHAT DID YOU SAY ABOUT MR. JONES?

4 A REFERRING TO WHAT?

5 Q DID YOU SAY YOU KNEW HIM OR DID NOT KNOW HIM?

6 A THE DAY OF THE STATEMENT WHEN WE GOT STOPPED?

7 Q YES, MA'AM.

8 A THAT I DIDN'T KNOW HIM.

9 Q AND WHAT DID YOU SAY ABOUT MR. PORTER?

10 A THAT I DIDN'T KNOW HIM.

11 Q BUT IN THIS STATEMENT NOW THAT THE STATE GOT
12 FROM YOU YOU SAID YOU KNEW THEM, DON'T YOU?

13 A THROUGH KENNETH YOUNG.

14 Q AND DOES THIS NOT SAY THAT YOU KNEW MR. PORTER
15 BEFORE THIS?

16 A THROUGH KENNETH YOUNG.

17 Q AND THAT YOU KNEW MR. JONES PRIOR TO THIS?

18 A THROUGH KENNETH YOUNG.

19 Q IN THIS STATEMENT THAT YOU GAVE THE POLICE ON
20 THE DAY OF THE INCIDENT IT SAYS MR. YOUNG WAS
21 DRIVING, DOESN'T IT?

22 A YES, SIR.

23 Q BUT IN THIS STATEMENT IT SAYS YOU WERE DRIVING,
24 DOESN'T IT?

25 A YES, SIR.

1 Q SO YOU COULDN'T, YOU DIDN'T, WHICH IS THE TRUTH,
2 MS. LAWS --

3 A NOW.

4 Q ---I MEAN, THESE STATEMENTS, IF YOU SAW THESE
5 TWO STATEMENTS TOGETHER, YOU WOULDN'T EVEN THINK THEY
6 CAME FROM THE SAME PERSON. WHICH ONE OF THESE IS THE
7 TRUTH?

8 A NOW.

9 Q NOW THAT YOU GOT A DEAL FOR 6 TO 8 YEARS?

10 A NOW.

11 Q IN THIS STATEMENT THAT YOU GAVE THE POLICE WHAT
12 DID YOU TELL THEM YOU WERE GOING TO THE BANK FOR?

13 A I TOLD THEM THAT SOMEONE HAD TO CASH A CHECK AT
14 THE BANK.

15 Q AND DID YOU TELL THEM YOU DIDN'T HAVE ANY IDEA
16 WHAT WAS GOING TO HAPPEN?

17 A YES, I DID.

18 Q AND THAT WAS THE TRUTH THEN?

19 A THAT -- NO, SIR.

20 Q ALL RIGHT. IN THIS STATEMENT WHAT DID YOU TELL
21 THEM?

22 A THAT THEY WAS GOING TO ROB THE BANK.

23 Q OKAY. IN THIS STATEMENT, THE LAST SENTENCE IN
24 IT, DOES IT SAY THAT YOU NEVER DISCUSSED THIS ROBBERY
25 WITH ANYBODY?

1 A YES, SIR.

2 Q WHAT DOES THIS STATEMENT SAY, THE NEW VERSION,
3 WHAT DOES IT SAY?

4 A THAT I KNEW ABOUT THE ROBBERY.

5 Q OKAY. SO BY THE TERMS OF THIS AGREEMENT IF YOU
6 DON'T TESTIFY CONSISTENT WITH THIS STATEMENT, YOU
7 FACE THE MAXIMUM PENALTY AGAIN, DON'T YOU?

8 A I'M ONLY TELLING THE TRUTH, SIR. I'M ONLY
9 TELLING THE TRUTH.

10 Q I UNDERSTAND. BUT IS THAT, MY QUESTION IS IF
11 YOU DON'T TESTIFY CONSISTENTLY WITH THIS STATEMENT,
12 YOU ARE BACK AT 25 YEARS AT LEAST, AREN'T YOU?

13 A I DON'T KNOW.

14 Q OKAY. DO YOU WANT TO REFRESH YOUR RECOLLECTION
15 BY LOOKING AT THIS WHERE IT SAYS THAT IF YOU DON'T
16 TESTIFY TRUTHFULLY CONSISTENT WITH THIS STATEMENT YOU
17 ARE FACING THE MAXIMUM AMOUNT OF TIME?

18 A (NODS HEAD.)

19 Q IS THAT CORRECT?

20 A YES.

21 Q SO IF YOU NEED TO REFRESH YOUR RECOLLECTION?

22 A NO, I DON'T.

23 Q OKAY. SO IF YOU DON'T TESTIFY CONSISTENT WITH
24 THIS STATEMENT, YOU ARE FACING THE MAXIMUM PENALTY OF
25 LAW, ARE YOU NOT?

1 A I HAVE TO TELL THE TRUTH, SIR.

2 Q OKAY. MS. LAWS, YOU STATED THAT YOU KNEW

3 KENNETH YOUNG PRIOR TO THIS INCIDENT, YOU WERE DATING

4 HIM, WERE YOU NOT?

5 A YES, SIR.

6 Q AND HE'S A MARRIED MAN, ISN'T HE?

7 A YES, SIR.

8 Q AND YOU STATED IN THIS STATEMENT THAT YOU GAVE

9 TO THE POLICE THAT YOU HAVE BROKEN UP WITH HIM IN THE

10 PAST BECAUSE HE WAS A MARRIED MAN, DIDN'T YOU?

11 A YES, SIR.

12 Q YOU WERE ANGRY ABOUT THAT?

13 A NO, SIR.

14 Q WHY DID YOU BREAKUP WITH HIM THEN?

15 A PROBLEMS.

16 Q ABOUT THE FACT THAT HE WAS A MARRIED MAN?

17 A NO, SIR.

18 Q SO THAT WASN'T A PROBLEM. DID YOU GIVE A

19 STATEMENT TO THE POLICE THAT SAYS THEY HAD BROKEN UP

20 BECAUSE YOUNG IS MARRIED?

21 A YES, SIR.

22 Q OKAY. HAVE YOU PLEAD GUILTY TO CHARGES ALREADY?

23 A YES, SIR.

24 Q AND WHAT ARE THOSE CHARGES?

25 A ALL OF MY CHARGES THAT I'M CHARGED WITH BANK

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1 ROBBERY, I'VE PLEAD GUILTY TO ALL MY CHARGES.

2 Q SO THEY DIDN'T CHANGE THE CHARGES AS A PART OF
3 THIS BARGAIN FOR YOU?

4 A I'M NOT REAL SURE.

5 Q OKAY. MAYBE LOOKING AT THIS WILL REFRESH YOUR
6 RECOLLECTION. CAN YOU READ THIS PARAGRAPH RIGHT HERE
7 NUMBERED NUMBER ONE PLEASE?

8 A READ IT OUT LOUD, SIR?

9 Q YES, MA'AM, PLEASE.

10 A THE DEFENDANT ANGELA LAWS HEREAFTER REFERRED TO
11 AS THE DEFENDANT WILL PLEAD GUILTY TO FOUR CHARGES
12 AID AND ABET, ATTEMPT ARMED ROBBERY ON INDICTMENT
13 NUMBER -- I REMEMBER.

14 Q SO THEY CHANGED YOUR CHARGES, DIDN'T THEY?

15 A YES, SIR.

16 Q AND DISMISSED SOME OF YOUR CHARGES, DIDN'T THEY?

17 A YES, SIR.

18 Q OKAY. BUT IF YOU DON'T TESTIFY CONSISTENT WITH
19 THAT STATEMENT, YOU GET THE ORIGINAL CHARGES BACK,
20 RIGHT?

21 A YES, SIR.

22 Q OKAY. HAVE YOU MET MR. JONES PRIOR TO THIS BANK
23 ROBBERY?

24 A THROUGH KENNETH YOUNG I KNOW ABOUT MR. JONES.

25 Q EVER MET WITH MR. JONES PRIOR TO THIS?

1 A I'VE SEEN HIM BEFORE. YES, THE DAY BEFORE.

2 Q WHAT DOES MR. YOUNG DO FOR A LIVING, IS HE A

3 CARPENTER?

4 A (NO RESPONSE.)

5 Q DOES HE WORK CONSTRUCTION?

6 A YES, AS FAR AS --

7 Q DOES HE WORK CONSTRUCTION IN THE PAST?

8 A YES, I'M AWARE OF THAT.

9 Q DO YOU KNOW WHO HE WORKED WITH?

10 A NO, SIR.

11 Q HAVE YOU EVER BEEN IN THE BANK OF YORK PRIOR TO

12 DECEMBER 22, 2006?

13 A YES, SIR.

14 Q WHAT OCCASION DID YOU GO THERE?

15 A WELL, I WENT, ME AND MR. YOUNG WENT, AND MY

16 GRAND DAUGHTER WENT.

17 Q SO YOU'VE BEEN IN THAT BANK BEFORE?

18 A YES, SIR.

19 Q ALL RIGHT. HOW WERE YOU DRESSED THAT DAY?

20 A THE DAY THAT I WAS IN THE BANK?

21 Q YES, MA'AM.

22 A CASUALLY DRESSED, LIKE I NORMALLY DRESS.

23 Q OKAY. LIGHT CLOTHES OR DARK CLOTHES?

24 A I CAN'T QUITE REMEMBER, MAY HAVE BEEN LIGHT OR

25 DARK. IT VARIES. I'M NOT SURE ABOUT THAT, SIR.

1 Q ALL RIGHT. DO YOU KNOW IF YOU HAD ANYTHING ON
2 YOUR HEAD?

3 A (NO RESPONSE.)

4 Q DID YOU HAVE A TOBOGGAN ON YOUR HEAD?

5 A A WHAT?

6 Q A CAP, A TOBOGGAN?

7 A THE DAY THAT I ENTERED THE BANK?

8 Q NO, MA'AM, THE DAY THAT YOU GOT PULLED OUT OF
9 THE CAR AND ARRESTED?

10 A I HAD A TOBOGGAN ON THAT DAY.

11 Q ALL RIGHT. NOW DO YOU WORK?

12 A I BABYSIT MY GRAND KIDS.

13 Q OKAY. SO YOU ARE NOT EMPLOYED?

14 A EXCUSE ME?

15 Q YOU ARE NOT EMPLOYED OUTSIDE THE HOME?

16 A NO, SIR.

17 Q ALL RIGHT. YOU WERE AN ACTIVE PARTICIPANT IN A
18 ROBBERY, WERE YOU NOT?

19 A SIR?

20 Q YOU WERE AN ACTIVE PARTICIPANT IN THE ROBBERY OF
21 THE BANK OF YORK, WERE YOU NOT?

22 A I WAS THERE, YES, SIR.

23 Q OH, YOU ARE JUST THERE. YOU WEREN'T
24 PARTICIPATING?

25 A YES, I DROVE THEM TO THE BANK, SIR.

1 Q WHAT WERE YOU GOING TO GET OUT OF THIS DEAL?

2 A NOTHING.

3 Q SO YOU WERE JUST DOING A FAVOR FOR A FRIEND?

4 A I WAS DRIVING THE CAR.

5 Q YOU WASN'T GETTING -- YOU WASN'T GOING TO GET A
6 DIME?

7 A I WAS DRIVING THE CAR.

8 Q OKAY. HOW LONG DID IT TAKE YOU TO LEAVE FROM
9 THE BANK AND GET TO CAROWINDS BOULEVARD?

10 A I'M NOT SURE.

11 Q CAN YOU ESTIMATE?

12 A I'M NOT SURE THE AMOUNT OF THE TIME.

13 Q CAN YOU ESTIMATE THE DISTANCE?

14 A NO, SIR.

15 Q IT TOOK AWHILE THOUGH, DIDN'T IT?

16 A IT TOOK AWHILE.

17 Q SEVERAL MINUTES AT LEAST?

18 A YES, SIR.

19 MR. JAMIESON: BEG THE COURT'S INDULGENCE.

20 Q WHERE DID THE MONEY COME FROM TO RENT THIS CAR,
21 MS. LAWS?

22 A I GOT IT FROM JOHNNELL PORTER AND DONSHAVIS GAVE
23 IT TO ME TO RENT THE CAR.

24 Q ALL RIGHT. SO THE MONEY CAME FROM MR. JONES?

25 A FROM JOHNNELL PORTER AND MR. JONES.

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1 Q ALL RIGHT. WHAT HAVE YOU BEEN CONVICTED OF IN
2 THE PAST, MS. LAWS?

3 A POSSESSION OF STOLEN PROPERTY. I HAVE A, I
4 THINK UTTER AND FORGERY. AND I HAVE AN EMBEZZLEMENT
5 CHARGE. AND I HAVE A CHARGE FROM 1996 IN COLUMBIA,
6 SOUTH CAROLINA. I CAN'T REMEMBER EXACTLY WHAT THE
7 CHARGES WERE.

8 MR. JAMIESON: NOTHING FURTHER, MS. JONES.
9 THANK YOU.

10 THE COURT: MR. PORTER.

11 CROSS EXAMINATION BY MR. PORTER:

12 Q ON 12-22-06 YOUR STATEMENT STATED WHEN ASKED
13 ABOUT RELATIONSHIP WITH OTHERS IN THE CAR SHE STATED
14 THAT SHE DID NOT KNOW PORTER OR JONES. SHE SAID SHE
15 AND YOUNG HAD DATED OFF AND ON FOR A COUPLE YEARS.
16 THEY HAD BROKEN UP. BLA, BLA, BLA. WHY DID YOU GIVE
17 THAT STATEMENT?

18 A EXCUSE ME?

19 Q WHY DID YOU GIVE THAT STATEMENT THAT IT WASN'T
20 TRUE THAT YOU DID NOT KNOW PORTER AND JONES?

21 A I KNEW, I KNOW PORTER AND JONES THROUGH
22 MR. YOUNG.

23 Q WHEN THE OFFICER PULLED YOU OUT OF THE VEHICLE
24 AFTER THE CHASE AND THE VEHICLE, IN THE VIDEO OF
25 OFFICER VINESETT YOU MADE A STATEMENT WHEN OFFICER

1 PULLED YOU OUT OF THE CAR, YOU WERE MAKING A
2 STATEMENT, YOU WERE FREELY TALKING TO POLICE
3 OFFICERS, WHAT WERE YOU SAYING?

4 A EXCUSE ME, SIR. I DIDN'T UNDERSTAND THAT.

5 Q I SAID WHEN THEY PULLED YOU OUT OF THE CAR ON
6 THAT FRIDAY AFTERNOON, I THINK IT WAS OFFICER GIBSON,
7 WHEN HE REACHED IN THE PASSENGER SIDE AND YOU WAS
8 ASKED TO CRAWL OUT THE DOOR ON THE PASSENGER SIDE?

9 A YES, SIR.

10 Q DID YOU RECALL MAKING A STATEMENT, MA'AM?

11 A THAT I WAS GLAD TO SEE THEM, MORE GLAD TO SEE
12 THEM THAN THEY COULD IMAGINE.

13 Q THAT'S WHAT YOU SAID?

14 A YES, SIR.

15 Q WHAT ELSE DID YOU SAY?

16 A THAT WAS THE ONLY THING I SAID, SIR.

17 MR. PORTER: CAN WE SHOW THAT VIDEO AGAIN,
18 SIR?

19 THE COURT: YES, SIR.

20 MR. PORTER: YOU CAN FAST FORWARD TO THAT.

21 (PLAYING THE VIDEO.)

22 MR. PORTER: THE ONE THAT SHOWS OFFICER
23 GIBSON PULLING HER OUT. SHE'S MAKING THE STATEMENT
24 THEN. SHE ALREADY MADE THE STATEMENT EARLIER.

25 MR. SPRINGS: THAT'S ON THE OTHER ONE.

1 THERE IS NO SOUND. THERE IS NO AUDIO ON THAT.

2 MR. PORTER: THAT'S THE ONE THAT YOU DID,
3 OKAY. THAT'S NOT THE ONE YOU SHOWED. THAT'S NOT THE
4 ONE THAT I SEEN THE OFFICERS BUT ANYWAY. IF YOU CAN
5 BACK IT UP YOU CAN HEAR WHAT SHE SAID.

6 MR. SPRINGS: OKAY. I'LL TRY. EXCUSE ME.

7 Q YOU MADE A STATEMENT JUST NOW THAT YOU DIDN'T
8 MAKE A STATEMENT, AND THEN AS YOU ARE GETTING OUT OF
9 THE CAR YOU CAN BE CLEARLY HEARD SAYING THAT SOMEBODY
10 MADE YOU DRIVE, THEY MADE YOU DRIVE, BUT ON THIS PLEA
11 AGREEMENT THAT YOU HAD JUST SIGNED.

12 THE COURT: HAVE THE LIGHTS BACK ON.

13 MR. PORTER: YEAH, YOU CAN PUT THE LIGHTS
14 BACK ON.

15 Q YOU STATED, I DON'T KNOW THAT YOU SIGNED, I'M
16 LOOKING FOR THAT NOW, EXCUSE ME. ON 7-24 YOU STATED
17 THAT YOU WERE A WILLING PARTICIPANT AND JUST AFTER
18 THEY PROMISED YOU THE 6 TO 8 YEARS YOU BECAME A
19 WILLING PARTICIPANT?

20 A ASK ME THAT AGAIN, SIR.

21 Q I SAY ON 7-24 YOU SIGNED THIS PLEA AGREEMENT?

22 A YES, SIR.

23 Q YOU WERE STATING THAT YOU WAS A WILLING
24 PARTICIPANT IN, IN THIS BANK ROBBERY?

25 A YES, SIR.

1 Q BUT WE CAN CLEARLY HEAR YOU STATING THAT THEY
2 FORCED YOU TO DO IT, THEY FORCED YOU TO DO IT, IS
3 THAT NOT CORRECT?

4 A YES, SIR.

5 Q BEFORE YOU PLEADED GUILTY ON 7-24 WAS YOU EVER
6 JOINED AS CODEFENDANTS WITH MYSELF AND MR. YOUNG?

7 A ASK THE QUESTION AGAIN, SIR.

8 Q BEFORE YOU PLEADED GUILTY MONDAY MORNING, WERE
9 YOU A CODEFENDANT WITH ME AND MR. YOUNG?

10 A YES, SIR.

11 Q ALL RIGHT. AT THAT TIME, MONDAY MORNING, YOU
12 WERE REPRESENTED BY COUNSEL, IS THAT CORRECT?

13 A YES, SIR.

14 Q WHAT DID YOUR LAWYER TRY TO DO FOR YOU? WHAT
15 DID HE ASK THE COURT TO DO FOR YOU?

16 A I DON'T UNDERSTAND WHAT YOU ARE ASKING ME.

17 Q MONDAY MORNING YOU CAME IN, TRIAL IS FIXING TO
18 BEGIN, BEFORE WE BEGIN TO PICK THE JURY, YOUR LAWYER
19 ASKED THAT YOU BE SEVERED FROM KENNETH YOUNG AND
20 MYSELF?

21 A YES, SIR.

22 Q WHAT DEFENSE DID HE ASK FOR YOU?

23 A DURESS.

24 Q I CAN'T UNDERSTAND YOU?

25 A DURESS.

1 Q ALL RIGHT. AND AT THAT TIME THAT WAS GOING TO
2 BE YOUR DEFENSE THAT YOU WERE UNDER DURESS, THAT YOU
3 WERE UNDER THREAT, THAT YOU WERE SCARED?

4 A I WAS SCARED.

5 Q THAT WAS YOUR DEFENSE, THAT SOMEBODY MADE YOU DO
6 SOMETHING OR SOMEBODY HAD BLINDED YOU TO DO SOMETHING
7 OR THAT YOU WAS GOING TO DO SOMETHING?

8 A YES.

9 Q WHAT CHANGED YOUR MIND?

10 A I DIDN'T CHANGE MY MIND. I WAS AFRAID.

11 Q NO. NO. NO. NO. YOU WAS GRANTED SEVERANCE
12 WITH THE POSSIBILITY OF USING THE DURESS DEFENSE,
13 INDICATING THAT YOU WAS UNWILLING PARTICIPANT IN THAT
14 YOU WAS IN THE CAR. IT WAS ONLY AFTER THE STATE
15 REBUTTED YOUR DEFENSE LAWYER AND SHOWED THAT WHOEVER
16 WAS DRIVING THAT CAR AT THE TIME WHICH THEY ALLEGED
17 STATE IT WAS YOU, PULLING UP TO THE BANK, PULLING
18 BACK, AND PULLING UP, WHILE THE PEOPLE WENT IN THE
19 BANK, THAT YOU HAD A CHANCE TO FLEE, THAT YOU WAS NOT
20 UNDER THREAT. WHEN THEY DID THAT, THAT BLOCKED YOUR
21 DEFENSE OF DURESS BECAUSE YOU HAD A CHANCE TO FLEE
22 THE SCENE OF THE CRIME. YOU WAS NOT SCARED OF WHAT
23 YOU WERE TRYING TO SAY OF MR. YOUNG OR WHOEVER WAS IN
24 THE BANK. YOU WERE LEFT OUTSIDE. IF YOU WAS AT THAT
25 BANK AT THAT TIME, I CAN'T SAY, THEN NO ONE CAN SEE

1 WHO IS IN THE BANK BUT THEY ALLEGED THAT YOU WERE
2 DRIVING THIS CAR AND YOU INDICATED THAT YOU WERE IN
3 THAT CAR. BUT AT THAT PARTICULAR TIME YOU WAS UNDER
4 DURESS AND THE COURT GRANTED THAT DEFENSE. NOW WHAT
5 CHANGED --

6 MR. SPRINGS: WE'RE GOING TO OBJECT.
7 THERE IS NOT A QUESTION HERE.

8 THE COURT: JUST MAKE THAT A QUESTION.

9 Q WHAT CHANGED YOUR MIND FROM MONDAY WHEN YOU WERE
10 FACING 25-30-40 YEARS, LIFE SENTENCE, WHAT CHANGED
11 YOUR MIND?

12 A MY MIND DIDN'T CHANGE. I'M JUST TELLING YOU THE
13 TRUTH.

14 Q WELL, YOU WAS NOT PLEADING GUILTY MONDAY. YOU
15 WAS PLEADING NOT GUILTY. ON DECEMBER 22, AS YOU WERE
16 INDICTED ALL THE WAY UP UNTIL 7-24, YOU WERE PLEADING
17 NOT GUILTY. YOU WERE CHARGED WITH FOUR OTHER SERIOUS
18 CRIMES. MONDAY YOU WAS GRANTED A DEFENSE. I'M
19 ASKING YOU OTHER THAN THE FACT THAT 6 TO 8 YEARS, WAS
20 YOU PROMISED ANYTHING ELSE TO IMPLEMENT, IMPLICATE
21 MR. YOUNG AND MYSELF?

22 A WOULD YOU CLARIFY THE QUESTION FOR ME PLEASE?

23 Q OTHER THAN THE 6 TO 8 YEARS, WHEN YOUR LAWYER
24 CAME TO YOU -- I SPOKE TO YOUR LAWYER. AS A MATTER
25 OF FACT, I SPOKE TO YOUR LAWYER SATURDAY, HE CAME TO

1 VISIT ME HIMSELF, BUT I'M ASKING YOU WHAT DID THEY
2 PROMISE YOU TO MAKE YOU SAY, OKAY, I AGREE TO DO
3 THAT? WAS YOU PROMISED ANYTHING?

4 A YOU MEAN LIKE HOW MANY YEARS I WOULD GO TO
5 PRISON FOR YOU MEAN? I DON'T UNDERSTAND WHAT YOU ARE
6 ASKING ME. YOUR HONOR, I DON'T UNDERSTAND THE
7 QUESTION.

8 Q OKAY. IN YOUR AGREEMENT TO PLEAD GUILTY, I'M
9 GOING TO CLARIFY IT. YOU PLEAD GUILTY, YOU STATE YOU
10 INDICATED YOU PLEADING GUILTY, YOU'VE BEEN PROMISED 6
11 TO 8 YEARS?

12 A YES.

13 Q WAS THERE ANYTHING, OTHER TERMS, ALONG WITH THE
14 PLEA AGREEMENT?

15 A NO, SIR.

16 Q OUTSIDE THE PLEA AGREEMENT THAT YOU SIGNED?

17 A NO, SIR.

18 Q ISN'T IT NOT TRUE THAT WITHOUT YOUR AND
19 DONSHAVIS COOPERATION THAT YOUR LAWYER TOLD YOU THEY
20 DIDN'T HAVE A CASE?

21 A NO, SIR.

22 Q OKAY. YOU INDICATED THAT WHEN THE CAR STOPPED
23 AT ON THE RUN, YOU SAID THAT ALL THREE GENTLEMEN WAS
24 OUT, IS THAT NOT CORRECT?

25 A THAT'S NOT CORRECT. I DIDN'T SAY THAT.

1 Q YOU DID NOT SAY THAT ALL THREE GENTLEMEN GOT OUT
2 TO GET TO USE THE RESTROOM?

3 A TWO GENTLEMEN. I SAID TWO. I SAID TWO
4 GENTLEMEN GOT OUT. I DIDN'T SAY THREE.

5 THE COURT: I'M GOING TO LET YOU, MR.
6 BAILIFF, IF YOU'LL HAND THAT TO THE WITNESS, HAND
7 THAT IN YOUR HAND TO THIS WITNESS. THANK YOU, SIR.

8 Q CAN YOU READ YOUR STATEMENT OUT LOUD?

9 THE COURT: YOU CAN SIT BACK DOWN RIGHT
10 NOW. THANK YOU.

11 A DETECTIVE STRAIT INTERVIEWED ANGELA LAWS.

12 THE COURT: KEEP YOUR VOICE LEVEL UP SO WE
13 CAN HEAR.

14 A DETECTIVE STRAIT AND YEAGER INTERVIEWED ANGELA
15 LAWS IN AN INTERVIEW ROOM AT CMPD. DETECTIVE STRAIT
16 READ LAWS HER MIRANDA RIGHTS FROM A WAIVER OF RIGHTS
17 FORM. LAWS SAYING THAT SHE UNDERSTOOD HER RIGHTS AND
18 WISHED TO SPEAK WITH DETECTIVES ABOUT THE BANK
19 ROBBERY. LAWS STATED THAT SHE RENTED THE CAR IN HER
20 NAME FROM A CONVENIENCE STORE IN CHARLOTTE THAT RENTS
21 THEM FOR CASH BECAUSE SHE DOES NOT HAVE A CREDIT
22 CARD. SHE SAID THAT SHE RENTED ONE BECAUSE HER
23 DAUGHTER WAS HAVING A BIRTHDAY AND THEY ALL WANTED TO
24 GO OUT AND THEY COULD NOT ALL FIT IN HER OWN CAR.
25 WHEN ASKED ABOUT THE NORTH CAROLINA PAPER TAG THAT

ANGELA LAWS

CROSS

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1 WAS TAPED ON TOP OF THE SOUTH CAROLINA TAG SHE SAID
2 SHE DID NOT KNOW HOW IT GOT ON THERE OR WHERE IT CAME
3 FROM.

4 WHEN SHE, WHEN ASKED ABOUT HER
5 RELATIONSHIP WITH THE OTHERS IN THE CAR, SHE STATED
6 THAT SHE DID NOT KNOW PORTER OR JONES. SHE SAID HER
7 AND YOUNG HAD DATED OFF AND ON FOR A COUPLE OF YEARS.
8 THEY HAD BROKEN UP BEFORE BECAUSE YOUNG WAS, YOUNG IS
9 MARRIED BUT STATED, STARTED SEEING EACH OTHER AGAIN
10 ABOUT TWO WEEKS AGO. YOUNG HAD STAYED AT HER HOUSE
11 FOR THE LAST FOUR DAYS. SHE WENT TO SLEEP IN THE
12 FRONT SEAT. THEY STOPPED TO PICK UP AN OLDER GUY
13 THAT SHE DID NOT KNOW AND IS NOT SURE WHERE THEY WERE
14 EITHER, AND IS NOT SURE WHERE THEY WERE EITHER BUT
15 WAS IN AN APARTMENT COMPLEX. SHE WENT BACK TO SLEEP
16 AND WOKE UP AGAIN WHEN THEY PICKED UP A YOUNG GUY
17 SOMEWHERE OFF BEATTYS FORD ROAD. SHE ASKED YOUNG WHO
18 THEY WERE AND HE TOLD HER THEY WERE HIS PARTNERS,
19 DON'T WORRY ABOUT IT. YOUNG SOMETIMES PLAYS THE
20 LOTTERY AT ON THE RUN STORE IN SOUTH CAROLINA AND
21 THIS IS WHERE THEY WENT AFTER PICKING EVERYONE UP.
22 LAWS STATED ALL THREE GUYS GOT OUT AND USED THE BATH
23 ROOM BEHIND THE DUMPSTER.

24 Q HOLD IT RIGHT THERE. REPEAT THAT?

25 A LAWS STATED THAT ALL THREE GUYS GOT OUT TO USE

1 THE BATHROOM BEHIND A DUMPSTER AT THE STORE. WHEN
2 THEY GOT BACK IN THE CAR YOUNG ASKED HER TO DRIVE
3 BECAUSE HE DID NOT LIKE DRIVING IN SOUTH CAROLINA.
4 YOUNG SAID THAT ONE OF THE GUYS NEEDED TO CASH A
5 CHECK AND GAVE HER DIRECTIONS TO THE BANK ACROSS THE
6 WATER. LAWS STATED THAT SHE PULLED RIGHT UP IN FRONT
7 OF THE BANK AND WHEN THEY ALL GOT OUT WITH MASKS ON
8 SHE KNEW WHAT THEY WERE GOING TO DO. SHE SAW THE
9 YOUNG GUY GET BACK IN WITH SOME KIND OF BAG AND SAW A
10 HANDGUN ON THE CENTER CONSOLE BUT DOES NOT KNOW HOW,
11 WHO HAD IT. SHE STATED THE REASON SHE DID NOT LEAVE
12 WHEN SHE KNEW THEY WERE ROBBING THE BANK IS BECAUSE
13 SHE LOVES YOUNG AND WAS NOT GOING TO LEAVE HIM THERE.
14 LAWS STATED THAT WHEN THEY WERE HEADED BACK THE WAY
15 THEY CAME, SHE SAW THE POLICE GET BEHIND HER AND TURN
16 ON THE BLUE LIGHTS. SHE SAID THAT EVERYBODY IN THE
17 CAR WAS YELLING FOR HER TO JUST DRIVE. THEY KEPT
18 TELLING HER WHERE TO TURN AND TOLD HER TO FIND A
19 HOOD. LAWS SAID THAT SHE HAD NEVER DISCUSSED THE
20 ROBBERY WITH ANYBODY AND HAD NO IDEA THEY WERE GOING
21 TO ROB A BANK. SHE ALSO STATED THAT SHE HAS NEVER
22 BEEN IN THE BANK BEFORE.

23 Q ALL RIGHT. YOU STATED THAT MR. YOUNG STOPPED
24 AND PICKED UP AN OLDER GUY THAT YOU DID NOT KNOW?

25 A THAT'S IN THE STATEMENT.

1 Q BUT ON THIS STATEMENT YOU ARE SAYING THAT ON THE
2 FRIDAY MORNING ME, KENNETH YOUNG, AND JOHNNELL PORTER
3 DROVE AND THEN RENTED A CAR AND WE PICKED DONSHAVIS
4 JONES AND WE DROVE TO YORK COUNTY, STOPPED AT A STORE
5 CALLED ON THE RUN, AND THAT YOU AGREED TO ONLY
6 PROVIDE TRANSPORTATION?

7 A YES.

8 Q FOR THE RECORD I'M GOING TO SAY THAT, YEAH, I
9 KNOW YOU THROUGH KENNETH YOUNG.

10 MR. SPRINGS: OBJECTION.

11 THE COURT: YOU GOT TO ASK QUESTIONS. YOU
12 CAN'T TESTIFY AT THIS POINT.

13 Q OKAY. LET ME ASK YOU THIS. DID YOU AND KENNY
14 YOUNG HAVE ANY KIND OF DISAGREEMENT?

15 A EXCUSE ME?

16 Q DID YOU AND KENNY YOUNG HAVE ANY KIND OF
17 DISAGREEMENT?

18 A DO WE HAVE ANY DISAGREEMENT?

19 Q DID YOU HAVE ANY KIND OF DISAGREEMENT,
20 MISUNDERSTANDING?

21 A NO.

22 Q AT THE TIME THAT YOU GOT ARRESTED, WERE YOU
23 ABOUT TO GET EVICTED, WERE YOU UNEMPLOYED, AND YOU
24 WAS NOT WORKING?

25 A I WASN'T WORKING.

1 Q WERE YOU ABOUT TO GET EVICTED?

2 A NO.

3 Q DID NOT KENNY YOUNG OFFER TO ASSIST YOU BUT YOU
4 OFFERED, YOU TOLD HIM THAT YOU HAD A LICK SET UP FOR
5 SOMETHING ELSE AND HE TRIED TO TALK YOU OUT OF IT?

6 A NO.

7 Q WAS THERE ANOTHER CAR INVOLVED THAT PARTICULAR
8 MORNING?

9 A EXCUSE ME?

10 Q WAS THERE ANOTHER CAR INVOLVED THAT PARTICULAR
11 MORNING, FRIDAY?

12 A AT THE TIME OF THE BANK ROBBERY?

13 Q YES.

14 A NO, SIR.

15 Q WAS KENNY YOUNG IN THE CAR WHEN YOU WENT TO THE
16 BANK?

17 A YES, SIR.

18 Q KENNY YOUNG WENT IN KENTUCKY FRIED CHICKEN DOWN
19 THE STREET FROM THE BANK?

20 A EXCUSE ME?

21 Q WAS ANYBODY DOWN THE STREET FROM THE BANK IN
22 ANOTHER CAR?

23 A NO, SIR.

24 Q HOW MANY PARTICULAR PEOPLE THAT MORNING
25 PARTICIPATED IN THIS BANK ROBBERY?

- 1 A PARTICIPATED IN THE ACTUAL BANK ROBBERY?
- 2 Q YES.
- 3 A THREE.
- 4 Q THAT WENT IN THE BANK?
- 5 A THAT WENT IN THE BANK.
- 6 Q WAS ANY MORE INVOLVED?
- 7 A FOUR ACTUAL PARTICIPANTS.
- 8 Q SO THERE WAS NO THREAT MADE ON YOUR LIFE BY GANG
- 9 MEMBERS?
- 10 A ASK THAT AGAIN, SIR.
- 11 Q WAS ANY THREATS MADE ON YOUR LIFE BY GANG
- 12 MEMBERS?
- 13 A NO, SIR.
- 14 Q HAD YOU PREVIOUSLY SET SOMEBODY UP IN A GANG FOR
- 15 A ROBBERY?
- 16 A NO, SIR.
- 17 Q HAD YOU AND THE YOUNG FELLOW WHO WAS A GANG
- 18 MEMBER, DONSHAVIS JONES, PARTICIPATED IN A ROBBERY OF
- 19 A DRUG DEALER?
- 20 A NO, SIR.
- 21 Q AND YOU WAS NOT THREATENED?
- 22 A NO, SIR.
- 23 Q HAVE YOU EVER DATED A EX-BOY FRIEND THAT WAS A
- 24 DRUG DEALER?
- 25 A (NO RESPONSE.)

1 Q THAT WAS A BLOOD, A GANG MEMBER?

2 A NOT TO MY RECOLLECTION.

3 Q BUT YOU HAVE DATED A DRUG DEALER?

4 A NOT TO MY RECOLLECTION.

5 Q EXCUSE ME. EXCUSE ME. DO YOU KNOW AN
6 INDIVIDUAL BY THE NAME OF JOSH?

7 A FULL NAME PLEASE.

8 Q I DON'T KNOW HIS NAME. A JAMAICAN THAT BEEN
9 KILLED ON A MOTORCYCLE?

10 A I DON'T KNOW A JAMAICAN THAT GOT KILLED ON A
11 MOTORCYCLE, SIR.

12 Q AND YOU WAS NOT THREATENED?

13 A NO, SIR.

14 Q AND JONES WAS NOT THREATENED?

15 A NO, SIR.

16 Q AND YOU NEVER PARTICIPATED IN THE ROBBERY
17 WHEREAS SOMEBODY FOUND OUT THAT YOU WAS BEHIND IT?

18 A NO, SIR.

19 Q WHY ARE YOU LYING, MS. LAWS?

20 A I'M NOT.

21 Q WHY ARE YOU WASTING THESE PEOPLE TIME?

22 MR. SPRINGS: I'M SORRY, YOUR HONOR. I
23 DIDN'T UNDERSTAND WHAT MR. PORTER SAID.

24 THE COURT: WHY ARE YOU WASTING THESE
25 PEOPLE TIME.

1 MR. SPRINGS: OBJECTION.

2 THE COURT: I OVERRULE THE OBJECTION. GO
3 AHEAD.

4 Q OKAY. BECAUSE IT WAS MY UNDERSTANDING OF THE
5 MORNING THAT YOU AND JONES, ONE OF YOUR STATEMENTS IS
6 POSSIBLE TRUE THAT YOU HAD WENT INTO THE BANK OF
7 YORK. I WAS APPROACHED BY NO--SOMEBODY APPROACHED
8 THAT BANK AND ALLEGEDLY CASED IT OUT, BUT YOU HAD
9 TOLD PEOPLE THAT IT WAS A DRUG DEAL ON LAKE WYLIE.
10 THAT MR. YOUNG OR MYSELF DID NOT KNOW EXACTLY WHAT
11 YOU AND YOUNG AND JONES HAD PLANNED TO DO THAT
12 MORNING. I HAD EARLIER---YOU DID NOT SEE A MERCURY
13 SABLE 2003?

14 A NO, SIR.

15 Q WITH INDIVIDUALS IN THE CAR?

16 A NO, SIR.

17 Q FROM YOUR TIME DRIVING FROM THE BANK BACK TO 49
18 EXIT WHERE THE CHASE BEGAN THAT CAR DID NOT STOP?

19 A EXCUSE ME? ASK THAT AGAIN.

20 Q FROM THE TIME OF THE BANK ROBBERY, WHEN YOU
21 PULLED OUT OF THE BANK SINCE YOU SAY YOU WERE DRIVING
22 THE CAR OR WHOEVER WAS IN THE CAR, DIDN'T TWO
23 OCCUPANTS, DIDN'T THOSE TWO OCCUPANTS SWITCH, GET IN
24 THE CAR?

25 A I'M CONFUSED, YOUR HONOR.

1 THE COURT: HE'S ASKING YOU, AS I
2 UNDERSTAND IT, BETWEEN THE TIME OF THE EVENT, THE
3 ROBBERY AT THE BANK, AND THE TIME THE POLICE GOT
4 BEHIND YOU, DID SOMEBODY GET OUT OF THE CAR AND
5 SOMEBODY GET IN THE CAR OR SOMETHING LIKE, ISN'T THAT
6 RIGHT, MR. PORTER?

7 MR. PORTER: YES, THAT IS CORRECT.

8 A NO, SIR. NO, SIR.

9 Q AND YOU DID NOT SEE ANOTHER CAR?

10 A NO, SIR.

11 Q LET ME ASK YOU THIS. FROM DECEMBER 22 UNTIL
12 7-24 YOU HAD TIME TO COME FORWARD IF YOU WANTED TO BE
13 TRUTHFUL AND MAKE IT KNOWN YOUR PARTICIPATION IN THIS
14 ROBBERY, IS THAT NOT CORRECT?

15 A CORRECT. CORRECT.

16 Q WHY DID YOU NOT DO SO?

17 A I'M CONFUSED. WHAT DID HE ASK ME WHY I
18 DIDN'T --

19 THE COURT: HE'S ASKING, I HATE TO KEEP
20 INTERJECTING, BUT AS I UNDERSTAND YOUR QUESTION IS
21 WHY HADN'T YOU AGREED TO TESTIFY SOONER OR SOMETHING
22 LIKE THAT.

23 MR. PORTER: YES.

24 Q I'M ASKING YOU BETWEEN DECEMBER 22, 2006.

25 THE COURT: AND THAT'S THE DATE OF THE

1 ROBBERY.

2 Q RIGHT?

3 A RIGHT.

4 Q UNTIL 7-24-07.

5 THE COURT: WHICH WAS YESTERDAY.

6 Q IF YOU WANTED TO BE TRUTHFUL AS YOU ARE NOW
7 PROJECTING TO THIS COURT, WHY DIDN'T YOU COME SOONER?

8 A I WAS WAITING TO HEAR FROM MY ATTORNEY. I MEAN
9 THERE IS NOTHING I CAN DO WITHOUT TALKING TO MY
10 ATTORNEY. I'M BEING TRUTHFUL NOW ABOUT THIS CASE.

11 Q YOU COULD HAVE, YOU COULD HAVE IDENTIFIED
12 MR. BRACKETT OR MR. SPRINGS. I'M SURE YOU HAD AMPLE
13 OPPORTUNITY IF YOU WANTED TO AS YOU MIGHT SAY AS YOU
14 ARE TRYING TO PROJECT AND BE TRUTHFUL, YOU COULD HAVE
15 DONE THAT SOONER THAN NOW, IS THAT NOT CORRECT?

16 A I DIDN'T KNOW HOW TO GET IN TOUCH WITH ANYONE
17 OTHER THAN MY ATTORNEY COMING TO SEE ME.

18 Q SO THIS IS NOT -- YOU'VE BEEN IN JAIL BEFORE?

19 A NEVER.

20 Q BUT YOU'VE BEEN CONVICTED?

21 A I'VE BEEN CHARGED WITH A CRIME BUT I NEVER BEEN
22 IN JAIL BEFORE. THIS IS MY FIRST TIME.

23 Q HOW DO YOU GET ARRESTED FOR UTTERING A FORGED
24 CHECK?

25 A I NEVER SPENT THE NIGHT IN JAIL. THIS IS MY

1 FIRST BEING INCARCERATED.

2 Q SO YOU ARE SAYING THAT YOU WENT AND YOU JUST GOT
3 RELEASED?

4 A I WENT AND I -- RIGHT.

5 Q OKAY. HOW MANY TIMES HAVE YOU BEEN ARRESTED?

6 A LIKE FOUR EXACTLY.

7 Q AND AIN'T NO TIME DID YOU SPEND THE NIGHT IN
8 JAIL?

9 A OUT OF THOSE FOUR TIMES. CORRECTION, YOUR
10 HONOR, TO MAKE A CORRECTION. I HAVE BEEN ARRESTED
11 FIVE TIMES. I SPENT A NIGHT IN FAIRFIELD COUNTY JAIL
12 FOR DRIVING UNDER SUSPENSION GOING TO MY MOTHER'S
13 HOUSE ONE TIME, YES, BEFORE I WAS OUT. WELL, 6
14 BEFORE I WAS OUT, CALL THAT OVERNIGHT, TO ME IT FELT
15 LIKE OVERNIGHT.

16 Q OKAY. CAN YOU JUST TELL THE COURT, I DON'T HAVE
17 A COPY OF THE RECORD, CAN YOU TELL ME THE REST OF
18 WHAT YOU'VE BEEN CONVICTED OF, THE REST OF IT?

19 A EXCUSE ME?

20 Q CAN YOU TELL THE COURT WHAT YOU'VE BEEN ARRESTED
21 OF AND CONVICTED OFF?

22 A EACH TIME?

23 Q YES, SIR.

24 (MR. SPRINGS HANDS MR. PORTER A DOCUMENT.)

25 A EMBEZZLEMENT, UTTERING AND FORGING AND

1 POSSESSION OF STOLEN PROPERTY AND I HAVE A CHARGE
2 FROM 1996 IN COLUMBIA, SOUTH CAROLINA.

3 Q EMBEZZLEMENT, WHERE WAS YOU WORKING AT THE TIME?

4 A SPEEDWAY. IT WAS A CONVENIENCE STORE.

5 Q AND YOU WERE CHARGED WITH EMBEZZLING, RIGHT?

6 A I WAS CHARGED WITH EMBEZZLEMENT.

7 Q SO PRETTY MUCH AND EXCUSE ME AND THE OTHER
8 CONVICTIONS WAS FOR CHECKS?

9 A YES, SIR.

10 Q HOW MUCH WAS THE CHECK WORTH?

11 MR. SPRINGS: OBJECTION, THAT'S NOT
12 RELEVANT. SHE'S ADMITTED THAT SHE WAS CONVICTED OF
13 IT.

14 THE COURT: IT'S CROSS, I'LL ALLOW IT. GO
15 AHEAD.

16 Q MS. LAWS, IT'S EVIDENT THAT IN THE WORLD WAS YOU
17 CONSIDERED A FEMALE SOME KIND OF HUSTLER?

18 A EXCUSE ME?

19 Q WERE YOU CONSIDERED A HUSTLER, A FEMALE?

20 A NO, SIR.

21 Q YOU EVER SOLD DRUGS, MS. YOUNG? I MEAN
22 MS. LAWS?

23 A ASK ME THAT AGAIN.

24 Q HAVE YOU EVER SOLD DRUGS?

25 A NO, SIR.

1 Q HAVE YOU EVER USED DRUGS?

2 A YES, SIR.

3 Q WERE YOU USING DRUGS AT THE TIME?

4 A NO, SIR. NO, SIR.

5 Q AND YOU NEVER USED COCAINE?

6 A I'VE USED DRUGS.

7 Q PART OF YOUR PLEA AGREEMENT IS THAT AS
8 MR. JAMIESON ASKED YOU, IS THAT YOU TESTIFY
9 TRUTHFULLY?

10 A YES, SIR.

11 Q IF YOU TESTIFY ACCORDING TO THE PLEA AGREEMENT?

12 A SIR?

13 Q PART OF YOUR PLEA AGREEMENT IS THAT YOU HAVE TO
14 TESTIFY TO WHAT YOU INDICATED?

15 A TRUTHFULLY.

16 Q IN HERE, RIGHT?

17 A TRUTHFULLY.

18 Q TO WHAT YOU STATED IN THIS AGREEMENT?

19 A TRUTHFULLY.

20 Q WELL, WHY HADN'T YOU DONE SO?

21 A I HAVE.

22 MR. PORTER: NO FURTHER QUESTIONS.

23 THE COURT: STATE HAVE ANY.

24 REDIRECT EXAMINATION BY MR. SPRINGS:

25 Q MS. LAWS, THE EARLIER STATEMENT YOU GAVE THE DAY

1 YOU GOT ARRESTED, IS THAT A COPY OF IT?

2 A YES, SIR.

3 Q WE WOULD ASKED THIS BE MARKED A STATE'S EXHIBIT
4 AND OFFERED INTO EVIDENCE.

5 THE COURT: ANY OBJECTIONS?

6 MR. JAMIESON: NO, YOUR HONOR.

7 THE COURT: ANY OBJECTION. THAT'S THE
8 ORIGINAL STATEMENT, THE FIRST STATEMENT GIVEN BY THIS
9 WITNESS.

10 MR. PORTER: THE ONE SHE JUST READ? NO, I
11 DON'T HAVE ANY OBJECTION.

12 THE COURT: BE RECEIVED WITHOUT OBJECTION.

13 (STATE'S EXHIBIT 76 STATEMENT RECEIVED
14 INTO EVIDENCE.)

15 MR. SPRINGS: THAT'S ALL I HAVE.

16 MR. JAMIESON: I HAVE ONE OR TWO
17 QUESTIONS, YOUR HONOR.

18 RE CROSS EXAMINATION BY MR. JAMIESON:

19 Q MS. LAWS.

20 A YES, SIR.

21 Q YOU PLEAD GUILTY TO THE CHARGES YOU INDICATED ON
22 YOUR PLEA AGREEMENT, IS THAT CORRECT?

23 A YES, SIR.

24 Q BUT YOU HADN'T YET BEEN SENTENCED, HAD YOU?

25 A NO, SIR.

1 Q THAT HAPPENS AFTER YOU APPEAR HERE, IS THAT
2 CORRECT?

3 A YES. YES, SIR.

4 Q ALL RIGHT. THANK YOU.

5 THE COURT: MR. PORTER.

6 MR. PORTER: NO QUESTIONS.

7 THE COURT: YOU CAN STEP DOWN.

8 A THANK YOU.

9 THE COURT: MEMBERS OF THE JURY PANEL,
10 IT'S A LITTLE BEFORE ONE ACCORDING TO MY WATCH, WE'LL
11 BREAK UNTIL 2:15. PLEASE BE BACK AT 2:15 AND WE'LL
12 START AS PROMPTLY THEREAFTER AS WE CAN. EVERYBODY
13 ELSE REMAIN SEATED WHILE THE JURY EXITS.

14 (THE JURY EXITS THE COURTROOM AT 12:58
15 PM.)

16 THE COURT: ANYTHING FROM THE STATE BEFORE
17 WE BREAK FOR LUNCH?

18 MR. SPRINGS: NO, SIR.

19 THE COURT: MR. JAMIESON?

20 MR. JAMIESON: NO, YOUR HONOR.

21 THE COURT: MR. PORTER?

22 MR. PORTER: NO.

23 THE COURT: WE'LL SEE YOU AT 2:15.

24 (COURT'S IN RECESS AT 12:59 PM.).

25 (COURT RESUMES AT 02:22 PM.)

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1 THE COURT: IS THE STATE READY?

2 MR. SPRINGS: THE STATE IS.

3 THE COURT: THE DEFENSE?

4 MR. JAMIESON: YES, SIR.

5 THE COURT: MR. PORTER?

6 MR. PORTER: YES, YOUR HONOR.

7 THE COURT: ALL RIGHT. BRING IN THE JURY.

8 MR. SPRINGS: I'D LIKE TO NOTE FOR THE
9 RECORD THAT I DID PROVIDE FOR MR. PORTER A COPY OF
10 MS. ANGELA LAWS' CRIMINAL RECORD, HER RAP SHEET,
11 WHILE HE WAS DOING HER CROSS EXAMINATION AND I'M
12 PROVIDING A COPY OF MR. DONSHAVIS JONES' RECORD. HE
13 DOESN'T APPEAR TO HAVE ANY IMPEACHABLE OFFENSES BUT
14 I'M HANDING HIM THAT AT THIS TIME.

15 THE COURT: LET'S BRING IN THE JURY.

16 MR. SPRINGS: YOU CAN BRING HIM IN OR
17 BRING THE JURY IN OR WHOEVER.

18 THE COURT: BRING EVERYBODY IN.

19 (THE JURY RETURNS TO THE COURTROOM AT
20 02:24 PM.)

21 THE COURT: CALL YOUR NEXT WITNESS.

22 MR. SPRINGS: MR. SHERIFF, WOULD YOU BRING
23 DONSHAVIS JONES.

24 DONSHAVIS JONES, BEING FIRST DULY SWORN,
25 TESTIFIED AS FOLLOWS:

1 DIRECT EXAMINATION BY MR. SPRINGS:

2 Q I'M GOING TO ASK YOU TO SORT OF LEAN TOWARDS
3 THAT MICROPHONE. I KNOW IT'S UNCOMFORTABLE. THEY
4 DIDN'T MAKE THE STEM LONG ENOUGH, BUT SPEAK TOWARDS
5 THE MICROPHONE AND PLEASE TELL THIS JURY YOUR NAME?

6 A DONSHAVIS JONES.

7 Q IT LOOKS LIKE YOU'RE IN JAIL. WHAT ARE YOU IN
8 JAIL FOR?

9 A BANK ROBBERY.

10 Q DID YOU GET CAUGHT ROBBING A BANK?

11 A YEAH.

12 Q DID YOU GET CAUGHT ROBBING THE LAKE WYLIE BRANCH
13 OF THE BANK OF YORK?

14 A YES.

15 Q WERE THERE SOME OTHER FOLKS INVOLVED IN THAT
16 BANK ROBBERY WITH YOU?

17 A YEAH.

18 Q WHAT WERE THEIR NAMES?

19 A JOHNNELL PORTER, ANGELA LAWS, AND KENNETH YOUNG.

20 Q AND DO YOU REMEMBER THE DATE YOU GOT CAUGHT
21 ROBBING THE BANK?

22 A DECEMBER 22, 2006.

23 Q OKAY. AND HAVE YOU PLEAD GUILTY TO BANK
24 ROBBERY?

25 A YEAH.

1 Q LET ME ASK YOU ABOUT JOHNNELL PORTER, HOW DO YOU
2 KNOW HIM? HOW DO YOU KNOW HIM?

3 A HE'S MY GRANDFATHER.

4 Q ON WHICH SIDE; YOUR MOTHER OR FATHER'S SIDE?

5 A MY MOTHER'S SIDE.

6 Q DO YOU KNOW SOMEBODY NAMED KENNETH YOUNG?

7 A YEAH.

8 Q HOW DO YOU KNOW HIM?

9 A IT'S MY GRANDFATHER'S FRIEND. I MET HIM THROUGH
10 MY GRANDFATHER.

11 Q DOES YOUR GRANDFATHER HAVE A NICKNAME FOR
12 KENNETH YOUNG?

13 A YES.

14 Q WHAT'S HE CALLING HIM?

15 A KY.

16 Q AND DO YOU KNOW ANGELA LAWS?

17 A YES.

18 Q HOW DID YOU GET TO KNOW ANGELA LAWS?

19 A THROUGH THEM.

20 Q THROUGH WHO?

21 A THROUGH PORTER AND YOUNG.

22 Q OKAY. PRIOR TO DECEMBER 22 OF LAST YEAR, DID
23 YOUR GRANDFATHER JOHNNELL PORTER CALL AND ASK YOU TO
24 DO SOMETHING WITH HIM?

25 A YES.

1 Q WHAT DID HE ASK YOU TO DO?
2 A BE A MONEY MAN IN A BANK.
3 Q IN A BANK, WHAT?
4 A HUH?
5 Q MONEY MAN IN A BANK, WHAT, I DIDN'T HEAR?
6 A TO GRAB THE MONEY IN THE BANK, TO RUN IN THE
7 BANK AND GRAB THE MONEY WITH HIM.
8 Q AND WHEN HE FIRST TALKED TO YOU ABOUT THAT DID
9 HE TELL YOU WHICH EXACT BANK WAS GOING TO GET ROBBED?
10 A NO.
11 Q AND WHEN HE FIRST TALKED TO YOU ABOUT IT DID HE
12 TELL YOU WHO ELSE WAS GOING TO BE INVOLVED IN THE
13 BANK ROBBERY?
14 A YEAH.
15 Q WHO ELSE DID HE SAY WAS GOING TO BE INVOLVED IN
16 THAT?
17 A LAWS AND YOUNG.
18 Q WHEN HE ASKED YOU TO BE THE, WHAT DID YOU CALL
19 IT, MONEY MAN?
20 A YEAH.
21 Q WHAT DID YOU TELL HIM? DID YOU TELL HIM YOU
22 WOULD OR WOULD NOT DO IT?
23 A YEAH, I TOLD HIM I WOULD.
24 Q WHEN DID YOU FIND OUT THAT THE ROBBERY WAS GOING
25 TO BE, HAPPEN ON FRIDAY, DECEMBER 22?

1 A EARLY THAT WEEK. I BELIEVE TUESDAY.

2 Q WHO LET YOU KNOW IT WAS GOING TO HAPPEN ON

3 FRIDAY?

4 A PORTER.

5 Q AND WHAT DID HE TELL YOU WAS GOING TO HAPPEN ON

6 FRIDAY?

7 A WE WAS GOING TO ROB THE BANK.

8 Q ON FRIDAY, ON FRIDAY DID YOU GET A TELEPHONE

9 CALL?

10 A YEAH.

11 Q AND WHO CALLED YOU?

12 A PORTER.

13 Q OKAY. DID HE CALL YOU IN THE MORNING OR

14 AFTERNOON?

15 A IN THE MORNING.

16 Q AND WHAT DID HE TELL YOU WAS GETTING READY TO

17 HAPPEN?

18 A HE WAS ON THE WAY TO GET ME TO GO DO THE BANK.

19 Q DID HE TELL YOU TO BRING ANYTHING WITH YOU?

20 A YEAH.

21 Q WHAT DID HE WANT YOU TO BRING WITH YOU?

22 A TWO PILLOWCASES TO PUT THE MONEY IN.

23 Q AND DID JOHNNELL PORTER COME PICK YOU UP?

24 A YEAH.

25 Q THAT SAME FRIDAY MORNING?

1 A YEAH.

2 Q WHO WAS WITH HIM WHEN HE CAME TO PICK YOU UP?

3 A LAWS AND YOUNG.

4 Q DO YOU REMEMBER IF KENNETH YOUNG BROUGHT

5 ANYTHING ALONG WITH HIM WHEN THEY PICKED YOU UP?

6 A YEAH.

7 Q WHAT DID HE BRING WITH HIM?

8 A SKI MASK AND GLOVE.

9 Q DID ANYONE GIVE YOU SKI MASKS AND GLOVES?

10 A YEAH.

11 Q WHO GAVE YOU THAT?

12 A YOUNG.

13 Q DID ANGELA LAWS HAVE A SKI MASK?

14 A NO.

15 Q WHY DIDN'T SHE HAVE A SKI MASK?

16 A SHE WAS JUST DRIVING.

17 Q NOW WHEREABOUTS WERE YOU WHEN THEY PICKED YOU UP

18 THAT FRIDAY MORNING?

19 A I WAS AT HOME.

20 Q YOU WERE AT HOME.

21 A YEAH.

22 Q WHAT TOWN IS YOUR HOME?

23 A CHARLOTTE.

24 Q AND WHAT TOWN IS HOME TO JOHNNELL PORTER AND

25 KENNETH YOUNG AND ANGELA LAWS, DO YOU KNOW?

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1 A CHARLOTTE.

2 Q SO WHEN THEY PICKED YOU UP THAT MORNING WHERE
3 WERE Y'ALL HEADED TO?

4 A TO THE BANK.

5 Q DID YOU GO STRAIGHT TO THE BANK OR DID YOU STOP
6 SOMEWHERE ON THE WAY?

7 A WE STOPPED AT A STORE ON THE WAY.

8 Q DO YOU REMEMBER THE NAME OF THE STORE?

9 A ON THE RUN.

10 Q AND WHAT HAPPENED AT ON THE RUN, DID ANYBODY DO
11 ANYTHING THERE?

12 A YEAH, YOUNG PUT A 30 DAY TAG ON THE CAR.

13 Q AFTER STOPPING AT ON THE RUN, WHERE DID YOU GO?

14 A TO THE BANK.

15 Q DID YOU STOP?

16 A STRAIGHT TO THE BANK.

17 A NO.

18 Q LET ME MAKE IT REAL CLEAR. DID YOU STOP
19 ANYWHERE BETWEEN LEAVING ON THE RUN AND GOING TO THE
20 BANK?

21 A NO.

22 Q AND WHO WAS DRIVING WHEN YOU WENT FROM ON THE
23 RUN TO THE BANK?

24 A LAWS.

25 Q WHAT KIND, CAN YOU DESCRIBE THE CAR, YOU MAY

1 REMEMBER WHAT KIND, WAS IT FOUR DOOR?

2 A YEAH, FOUR DOOR GRAY CAR. I DON'T KNOW WHAT
3 KIND. I JUST KNOW WHAT COLOR. IT WAS FOUR DOOR.

4 Q YOU SAY THAT MS. LAWS WAS DRIVING, WHERE WERE
5 YOU SITTING IN THE CAR?

6 A IN THE BACK SIDE BEHIND THE DRIVER.

7 Q OKAY. AND WHO WAS SITTING UP FRONT WITH MS.
8 LAWS?

9 A PORTER.

10 Q AND WHO WAS SITTING IN THE BACK WITH YOU?

11 A YOUNG.

12 Q AND AS YOU WERE HEADING TO THE BANK DID ANY OF
13 YOU TALK ABOUT WHAT WAS GETTING READY TO HAPPEN?

14 A NOT REALLY, WE ALREADY KNEW.

15 Q AND WHAT WAS SUPPOSED TO HAPPEN AFTER YOU ROBBED
16 THE BANK?

17 A GO BACK TO LAWS' HOUSE AND SPLIT THE MONEY UP.

18 Q DO YOU REMEMBER WHAT THE WEATHER WAS LIKE THAT
19 MORNING?

20 A IT WAS RAINING.

21 Q WHEN YOU GOT TO THE BANK, WHO GOT OUT AND WENT
22 INSIDE?

23 A ME, PORTER, AND YOUNG.

24 Q WERE YOU WEARING ANYTHING OVER YOUR FACE?

25 A YEAH.

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1 Q WHAT?

2 A A SKI MASK.

3 Q DID YOU HAVE ANYTHING IN YOUR HANDS WHEN YOU
4 WENT IN?

5 A YEAH.

6 Q WHAT DID YOU HAVE?

7 A A PILLOWCASE.

8 Q AND JOHNNELL PORTER, DID HE HAVE ANYTHING ON HIS
9 FACE WHEN HE WENT IN?

10 A YEAH.

11 Q WHAT WAS THAT?

12 A A SKI MASK.

13 Q DID HE HAVE ANYTHING IN HIS HANDS WHEN HE WENT
14 IN?

15 A YEAH.

16 Q WHAT WAS THAT?

17 A A GUN.

18 Q AND KENNETH YOUNG, ANYTHING ON HIS FACE?

19 A YEAH.

20 Q WHAT WAS IT?

21 A SKI MASK.

22 Q AND WAS HE CARRYING ANYTHING IN HIS HANDS?

23 A YEAH.

24 Q WHAT WAS THAT?

25 A GUN.

1 Q WHEN YOU GOT INSIDE THE BANK, YOU YOURSELF,

2 WHICH DIRECTION DID YOU HEAD?

3 A STRAIGHT TO THE BACK TO THE VAULT.

4 Q AND WHEN YOU GOT BACK TO THE VAULT, WHAT DID YOU

5 DO?

6 A PUT THE MONEY IN THE BAG.

7 Q COULD YOU HEAR KENNETH YOUNG OR JOHNNELL PORTER

8 SAYING OR YELLING ANYTHING WHILE YOU WERE IN THE

9 BACK?

10 A NOT WHILE I WAS IN THE BACK, NO.

11 Q DID YOU GET MONEY IN YOUR BAG?

12 A YES.

13 Q AND AFTER YOU GOT MONEY, WHAT DID YOU AND

14 JOHNNELL PORTER AND KENNETH YOUNG DO?

15 A LEFT, WE LEFT.

16 Q LEFT THE BANK?

17 A YEAH.

18 Q WHEN YOU GOT OUTSIDE, WHAT DID YOU DO?

19 A GOT IN THE CAR AND LEFT.

20 Q AND WHEN YOU GOT BACK IN THE CAR DID YOU TAKE

21 YOUR SKI MASK OFF?

22 A YES.

23 Q JUST YOU OR EVERYBODY?

24 A EVERYBODY I BELIEVE.

25 Q OKAY. YOU SAID A LITTLE WHILE AGO THAT

1 MR. JOHNNELL PORTER HAD A GUN AND MR. KENNETH YOUNG
2 HAD A GUN, DO YOU REMEMBER WHAT TYPE GUN JOHNNELL
3 PORTER HAD?

4 A A NINE MILLIMETER.

5 Q AN AUTOMATIC?

6 A YEAH, I GUESS. I DON'T KNOW.

7 Q KENNETH YOUNG, DO YOU REMEMBER WHAT KIND OF GUN
8 HE HAD?

9 A .38 REVOLVER.

10 Q WHEN YOU GOT IT BACK INTO THE CAR AND I WANT TO
11 MAKE SURE EVERYONE IS STRAIGHT, WHO WAS DRIVING WHEN
12 YOU LEFT?

13 A LAWS.

14 Q AND WHICH WAY DID YOU HEAD? WHERE DID YOU HEAD
15 OUT TOWARDS?

16 A BACK TO CHARLOTTE.

17 Q DO YOU REMEMBER GOING OVER THE LAKE WYLIE BUSTER
18 BOYD BRIDGE?

19 A YES.

20 Q AND AT SOME POINT DID YOU YOURSELF REALIZE THERE
21 WERE POLICE BEHIND YOU?

22 A YEAH.

23 Q DO YOU REMEMBER ABOUT WHERE YOU WERE WHEN YOU
24 REALIZED YOU HAD POLICE BEHIND YOU?

25 A ON CAROWINDS BOULEVARD.

1 Q AND DID EVERYONE IN THE CAR KNOW THERE WAS
2 POLICE BEHIND YOU?

3 A YES.

4 Q WHAT DID MS. LAWS THEN DO WHEN EVERYONE WAS
5 AWARE THAT POLICE WERE BACK THERE?

6 A SHE DROVE, SHE KEPT DRIVING. SHE DIDN'T NEVER
7 STOP.

8 Q OKAY. LET ME BACK UP A LITTLE BIT AND ASK YOU,
9 AFTER YOU GOT OUT OF THE BANK AND YOU GOT IN THE CAR
10 WHICH SEAT DID YOU GET INTO WHEN YOU GOT BACK INTO
11 THE CAR AFTER LEAVING THE BANK, YOU YOURSELF?

12 A SIT BEHIND THE DRIVER.

13 Q OKAY. AND JOHNNELL PORTER WHICH SEAT DID HE GET
14 BACK INTO?

15 A FRONT, FRONT PASSENGER.

16 Q AND KENNETH YOUNG WHICH SEAT DID HE GET INTO?

17 A BEHIND THE PASSENGER.

18 Q OKAY. WHEN JOHNNELL PORTER GOT BACK INTO THE CAR
19 WHAT DID HE DO WITH HIS NINE MILLIMETER?

20 A HANDED IT TO ME.

21 Q DID HE SAY ANYTHING TO YOU ABOUT WHAT TO DO WITH
22 IT?

23 A NO.

24 Q WHAT DID YOU DO WITH IT?

25 A PUT IT IN THE BAG.

1 Q THE MONEY BAG?

2 A YEAH.

3 Q HAD YOU PUT ANYTHING ELSE IN THE MONEY BAG?

4 A YEAH.

5 Q WHAT ELSE DID YOU HAVE IN IT?

6 A SOME SHOES AND A SHIRT.

7 Q NOW WHY DID YOU HAVE THAT STUFF IN THERE IN THE

8 MONEY BAG?

9 A IN CASE I HAD TO RUN.

10 Q OKAY. SO WHAT HIGHWAY, AFTER THE POLICE WERE

11 BEHIND YOU, WHAT HIGHWAY DID ANGELA LAWS END UP

12 GETTING ON TO?

13 A I-77.

14 Q OKAY. HEADED TOWARDS CHARLOTTE OR AWAY FROM

15 CHARLOTTE?

16 A TO CHARLOTTE.

17 Q OKAY. AND WERE THE POLICE CHASING YOU?

18 A YEAH.

19 Q DID MS. LAW EVER GET OFF THE INTERSTATE?

20 A YES, WHEN WE GOT INTO CHARLOTTE.

21 Q DO YOU REMEMBER WHAT EXIT OR ROAD SHE GOT OFF ON

22 TO?

23 A ARROWOOD.

24 Q OKAY. AFTER SHE GOT OFF ON ARROWOOD THEN WHERE

25 DID SHE DRIVE AND WHAT HAPPENED WITH THE CAR YOU WERE

1 IN?

2 A WE JUST KEPT DRIVING UNTIL WE WENT TO A DEAD END
3 AT SOME APARTMENT.

4 Q AS YOU WERE COMING UP TO THE DEAD END DID
5 JOHNELL PORTER OR KENNETH YOUNG SAY ANYTHING TO YOU?

6 A TOLD ME TO RUN.

7 Q WHO SAID, TOLD YOU TO RUN?

8 A PORTER.

9 Q AS YOU GOT TO THE DEAD END, WHAT DID YOU DO?

10 A I TRIED TO RUN.

11 Q DID YOU HAVE MUCH LUCK?

12 A NO.

13 Q AND DID A PART OF YOUR BODY GET HIT BY ONE OF
14 THE POLICE CARS?

15 A YES, SIR.

16 Q WHAT PART OF YOUR BODY GOT HIT?

17 A MY LEG AND MY FOOT.

18 Q ARE YOU HEALED UP TODAY?

19 A YES.

20 Q NOW FROM THE TIME YOU LEFT THE BANK WITH THE
21 MONEY AND SO FORTH AND YOU GOT UP TO THE CAROWINDS
22 BOULEVARD WHERE YOU SAID YOU REALIZE THE POLICE WERE
23 BEHIND YOU, DID THE CAR STOP, DID ANGELA LAWS STOP
24 THAT CAR ANYWHERE?

25 A NO.

1 Q MR. JONES, HAVE YOU TOLD THE TRUTH TODAY?

2 A YES, SIR.

3 Q ALL RIGHT. THESE MEN ARE GOING ASK YOU SOME
4 QUESTIONS, TELL THEM THE TRUTH.

5 A YEAH.

6 MR. SPRINGS: EXCUSE ME. I'M SORRY. LET
7 ME BACK UP, MY CO-COUNSEL.

8 Q JUST ONE LAST QUESTION. I'M SORRY TO JERK YOU
9 LIKE THIS, BUT WHAT PART OF CHARLOTTE DO YOU LIVE IN?

10 A BEATTYS FORD.

11 Q IF YOU WOULD ANSWER ANY QUESTIONS THEY HAVE.

12 CROSS EXAMINATION BY MR. JAMIESON:

13 Q MR.. LAWS, I'M PHILLIP JAMIESON. I REPRESENT
14 KENNETH YOUNG. HOW ARE YOU DOING THIS MORNING?

15 A DOING ALL RIGHT.

16 Q NOW MR. SPRINGS ASKED YOU WHAT YOU PLEAD GUILTY
17 TO AND YOU SAID YOU PLEAD GUILTY TO BANK ROBBERY,
18 RIGHT?

19 A YEAH.

20 Q THAT'S NOT ACTUALLY WHAT YOU PLEAD GUILTY TO, IS
21 IT?

22 A ENTERING A BANK WITH INTENT TO STEAL.

23 Q ALL RIGHT. AND THEY DISMISSED THE ARMED ROBBERY
24 CHARGE, DIDN'T THEY?

25 A YES.

1 Q IN FACT, THEY DISMISSED ARMED ROBBERY CHARGE,
2 THEY DISMISSED A CONSPIRACY CHARGE, IS THAT RIGHT?

3 A YES.

4 Q AND THEY DISMISSED A KIDNAPPING CHARGE, IS THAT
5 RIGHT?

6 A YES.

7 Q SO YOU PLEAD GUILTY TO ONE THING, IS THAT RIGHT?

8 A YES.

9 Q WERE YOU A WILLING PARTICIPANT IN THIS CRIME?

10 A YES.

11 Q SO YOU WERE IN IT FOR THE MONEY?

12 A YES.

13 Q WHAT WERE YOU GOING TO GET OUT OF THIS?

14 A MONEY.

15 Q HOW MUCH MONEY?

16 A I DON'T KNOW, A PORTION OF IT.

17 Q ALL RIGHT. WHEN THE POLICE FINALLY GOT YOUR CAR
18 TO STOP, DID YOU TRY TO FLEE?

19 A YES.

20 Q AND WHAT DID YOU HAVE WITH YOU?

21 A A BAG.

22 Q AND WHAT DID THAT BAG HAVE IN IT?

23 A MONEY.

24 Q AND WHAT ELSE?

25 A CLOTHES AND A GUN.

1 Q SO YOU HAD ALL YOU NEEDED TO GET AWAY FROM THIS
2 CRIME?

3 A I DIDN'T NEED IT, BUT YEAH.

4 Q AND YOU PLANNED THAT AHEAD OF TIME, HAD YOU NOT?

5 A NOT THE GUN AND ALL THAT, NO.

6 Q BUT YOU HAD CLOTHES IN THERE TO CHANGE CLOTHES,
7 DIDN'T YOU?

8 A YEAH.

9 Q SO YOU WERE GOING, YOU HAD PLANNED AHEAD OF TIME
10 TO EVADE THE POLICE, HAD YOU NOT?

11 A YES.

12 Q SO YOU HAD GIVEN SOME THOUGHT TO THIS?

13 A YEAH.

14 Q OKAY. DID YOU HAVE A GUN WHEN YOU WENT IN THE
15 BANK?

16 A NO, SIR.

17 Q CERTAIN ABOUT THAT?

18 A CERTAIN.

19 Q HOW LONG HAVE YOU KNOWN MR. YOUNG?

20 A PROBABLY A YEAR.

21 Q AND DOES A RELATION OF YOURS HAVE A CHILD WITH A
22 RELATION OF MR. YOUNG'S?

23 A NO.

24 Q YOU SURE ABOUT THAT?

25 A POSITIVE.

1 MR. JAMIESON: BEG THE COURT'S INDULGENCE,
2 YOUR HONOR.

3 Q IS IT NOT TRUE THAT MR. YOUNG'S NEPHEW HAS A
4 CHILD WITH YOUR COUSIN?

5 A NO.

6 Q YOU DON'T KNOW ANYTHING ABOUT THAT?

7 A NO.

8 Q DO YOU HAVE A COUSIN NAMED TAMARA?

9 A YEAH.

10 Q DOES SHE HAVE A CHILD?

11 A YEAH.

12 Q WHO DOES SHE HAVE A CHILD WITH?

13 A I DON'T KNOW HIM.

14 MR. JAMIESON: BEG THE COURT'S INDULGENCE.
15 MAY I APPROACH THE WITNESS, YOUR HONOR.

16 THE COURT: YES, SIR.

17 Q MR. YOUNG, I'M GOING TO SHOW YOU A DOCUMENT AND
18 ASK YOU IF YOU RECOGNIZE THIS DOCUMENT?

19 A UH-HUH.

20 Q YOU DO RECOGNIZE IT. WHAT IS THAT DOCUMENT,
21 MR. JONES?

22 A MY PLEA.

23 Q I BEG YOUR PARDON?

24 A MY GUILTY PLEA. MY PLEA AGREEMENT.

25 Q IS THIS THE DEAL YOU HAVE WITH THE STATE?

- 1 A YES.
- 2 Q HOW MUCH TIME WERE YOU ORIGINALLY FACING IF YOU
- 3 HADN'T CUT THIS DEAL?
- 4 A A LONG TIME. 90 YEARS OR SOMETHING LIKE THAT.
- 5 Q HOW MUCH?
- 6 A 90.
- 7 Q 90 YEARS. IS THAT YOUR BEST ESTIMATE?
- 8 A YEAH.
- 9 Q HOW MUCH TIME ARE YOU FACING NOW?
- 10 A 8.
- 11 Q IT'S A LOT BETTER, HUH?
- 12 A YEAH.
- 13 Q IT'S ACTUALLY 6 TO 8, IS IT NOT?
- 14 A YEAH.
- 15 Q AND THAT'S IF YOU IMPLICATE MR. YOUNG AND
- 16 MR. PORTER YOU GET THAT DEAL, IS THAT RIGHT?
- 17 A YEAH.
- 18 Q AND AGAIN THEY DISMISSED THE KIDNAPPING CHARGES,
- 19 IS THAT RIGHT?
- 20 A YEAH.
- 21 Q THEY DISMISSED A CONSPIRACY CHARGE, IS THAT
- 22 RIGHT?
- 23 A YEAH.
- 24 Q AND THEY DISMISSED AN ARMED ROBBERY CHARGE, IS
- 25 THAT RIGHT?

- 1 A YEAH.
- 2 Q YOU ARE PLEADING TO ONE THING?
- 3 A YEAH.
- 4 Q IT'S DEFINITELY IN YOUR BEST INTEREST TO TAKE
- 5 THIS DEAL, ISN'T IT?
- 6 A YEAH.
- 7 Q WHEN MS. LAWS WAS DRIVING THIS CAR WERE YOU OR
- 8 ANYONE ELSE DIRECTING HER WHERE TO GO AFTER YOU LEFT
- 9 THE BANK?
- 10 A SHE KNEW WHERE TO GO.
- 11 Q ONCE THE POLICE STARTED CHASING YOU, WAS ANYBODY
- 12 FORCING HER TO DRIVE?
- 13 A NOT REALLY.
- 14 Q I BEG YOUR PARDON?
- 15 A THEY JUST TOLD HER TO DRIVE, KEEP DRIVING.
- 16 Q YOU TOLD HER THAT?
- 17 A NO.
- 18 Q ANYBODY FORCE HER TO DRIVE?
- 19 A NO.
- 20 Q DID YOU KNOW MS. LAWS PRIOR TO THIS?
- 21 A FROM THEM.
- 22 Q HOW LONG DID YOU KNOW HER?
- 23 A THE SAME TIME I KNOW KENNETH, PROBABLY ABOUT A
- 24 YEAR.
- 25 Q YOU EVER MET WITH MS. LAWS PRIOR TO THIS?

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1 A I SEEN HER BEFORE, YEAH.

2 Q DID YOU TELL THE POLICE IN YOUR STATEMENT THAT
3 MS. LAWS TOLD EVERYBODY IN THE CAR NOT TO WORRY SHE'D
4 GET THEM HOME?

5 A SHE SAID SHE'D GET US HOME.

6 Q IS THAT WHAT YOU TOLD THE POLICE THEN?

7 A YEAH.

8 Q HOW LONG DID IT TAKE FROM THE TIME YOU LEFT THE
9 BANK UNTIL YOU GOT TO CAROWINDS BOULEVARD AND YOU SAW
10 THE POLICE?

11 A PROBABLY FIVE - TEN MINUTES, FIVE MINUTES
12 PROBABLY.

13 Q DO YOU HAVE AN IDEA OF HOW FAR IT IS FROM THE
14 BANK TO CAROWINDS BOULEVARD?

15 A I'M NOT FAMILIAR WITH THESE PARTS.

16 Q IT TOOK AWHILE THOUGH, RIGHT?

17 A YEAH, FAIRLY.

18 Q ALL RIGHT. AND DID YOU TELL THE POLICE IN YOUR
19 PREVIOUS STATEMENT THAT MS. LAWS HAD GONE TO THIS
20 BANK SOMETIME PRIOR TO CASE IT FOR YOU?

21 A NOT FOR ME.

22 Q WELL, FOR THE ROBBERY?

23 A YES.

24 Q OKAY.

25 MR. JAMIESON: BEG THE COURT'S INDULGENCE.

1 NOTHING FURTHER, YOUR HONOR.

2 THE COURT: MR. PORTER.

3 MR. JAMIESON: I WANT TO MOVE THIS INTO
4 EVIDENCE.

5 THE COURT: ANY OBJECTION?

6 MR. SPRINGS: NO OBJECTION.

7 THE COURT: ANY OBJECTION, MR. PORTER?

8 MR. PORTER: NO OBJECTION.

9 THE COURT: IN WITHOUT OBJECTION.

10 MR. SPRINGS: MAY WE BRIEFLY APPROACH
11 THOUGH.

12 THE COURT: CERTAINLY.

13 (BENCH CONFERENCE.)

14 THE COURT: MEMBERS OF THE JURY PANEL, I'M
15 GOING TO LET YOU GO TO THE JURY ROOM FOR JUST FOR A
16 FEW MINUTES. THIS WON'T BE A LONG BREAK. WE JUST
17 HAVE TO TAKE CARE OF A TECHNICAL ISSUE.

18 (THE JURY EXITS THE COURTROOM AT 02:48
19 PM.)

20 THE COURT: ALL RIGHT. IT'S MY
21 UNDERSTANDING THAT THE STATE HAS A PART THAT NEEDS TO
22 BE REDACTED?

23 MR. SPRINGS: YES, YOUR HONOR. IF I MAY
24 HAVE ONE MOMENT I'M GOING TO --

25 THE COURT: BRING MR. PORTER INTO THIS.

1 TELL US ON THE RECORD WHAT YOU ARE DOING SO
2 MR. PORTER WILL KNOW.

3 MR. SPRINGS: YES. MR. PORTER, THE PAPER,
4 I'LL SPEAK TO THE COURT. THE PAPER THAT ATTORNEY
5 JAMIESON HAS JUST ENTERED INTO EVIDENCE IS DONSHAVIS
6 JONES' PLEA BARGAIN AND AGREEMENT AND THE FINAL PAGE
7 IS A COPY OF A STATEMENT HE GAVE TO THE POLICE AND IN
8 THAT STATEMENT TO THE POLICE HE SAYS THAT PORTER DID
9 PRISON TIME WITH YOUNG AND WE FEEL LIKE THAT'S NOT
10 FAIR TO MR. JONES OR MR. YOUNG OR REDACTED OUT,
11 BLACKED OUT WITH A HEAVY MAGIC MARKER.

12 THE COURT: HOW ABOUT MR. PORTER?

13 MR. SPRINGS: I'D SAY I THINK IT'S UNFAIR.

14 THE COURT: YOU SAID JONES AND YOUNG, HOW
15 ABOUT FAIR, IS IT FAIR TO PORTER?

16 MR. SPRINGS: I'M SORRY. I THOUGHT I SAID
17 PORTER. I MEANT TO SAY PORTER AND YOUNG. WE FEEL
18 LIKE IT'S UNFAIR TO PORTER AND YOUNG FOR THAT
19 STATEMENT TO SAY THEY'VE BEEN IN PRISON TOGETHER AND
20 WE WANT TO REDACT IT OUT WITH A HEAVY BLACK MAGIC
21 MARKER SO IT CAN'T BE SEEN BY ANYONE.

22 THE COURT: YOU UNDERSTAND THAT, MR.
23 PORTER, SO THAT THE JURY WON'T HAVE THAT INFORMATION
24 THAT YOU'VE BEEN IN PRISON BEFORE THEY WANT TO BLACK
25 OUT THAT, IS THAT.

1 MR. PORTER: YES, SIR.

2 THE COURT: MS. INZERILLO, YOU REPRESENT
3 MR. JONES?

4 MS. INZERILLO: YES, YOUR HONOR.

5 THE COURT: I JUST WANT TO MAKE SURE THE
6 RECORD REFLECTS THAT HIS COUNSEL IS PRESENT DURING
7 HIS TESTIMONY AND HAS BEEN HERE THROUGHOUT, IS THAT
8 CORRECT, MS. INZERILLO?

9 MS. INZERILLO: I'M SORRY, YOUR HONOR.

10 THE COURT: THAT YOU'VE BEEN HERE SINCE HE
11 HAS BEEN TESTIFYING, THE WHOLE TIME.

12 MS. INZERILLO: NOT THE ENTIRE TIME. I
13 CAME LITTLE A BIT LATE, I CAME IN ABOUT MIDWAY
14 THROUGH THE STATE'S QUESTIONING.

15 THE COURT: ALL RIGHT.

16 MR. D'AGOSTINO: FOR MR. PORTER I THINK HE
17 WOULD, ARE YOU GOING TO USE A BLACK MAGIC MARKER OR
18 JUST WHITE IT OUT.

19 MR. SPRINGS: I CAN DO IT EITHER WAY.

20 MR. D'AGOSTINO: I THINK HE WANTS IT WITH
21 WHITE OUT SO IT'S DOESN'T STAND OUT WITH THEM.

22 MR. SPRINGS: I'LL DO THAT RIGHT NOW AND
23 I WILL BE BACK IN FIVE MINUTES. MR. BRACKETT WANTED
24 TO TAKE UP SOMETHING WHILE I'M RUNNING DOWN THE HALL
25 TO DO THAT.

1 MR. BRACKETT: JUST BRIEFLY I WOULD
2 INQUIRE OF, MR. JAMIESON DID NOT ATTEMPT TO IMPEACH
3 THE WITNESS WITH ANY PRIOR RECORD AND I WANTED TO
4 CLARIFY IN ADVANCE SO WE DIDN'T GET AN ARGUMENT ABOUT
5 IT WHILE THE JURY IS OUT.

6 THE COURT: MR. PORTER, THE QUESTION IS
7 THERE ARE CERTAIN PRIOR CRIMES THAT CAN BE ASKED
8 ABOUT OF A WITNESS AND THERE ARE CERTAIN ONES THAT
9 CANNOT. I HAVE NOT SEEN IT BUT I'M BEING TOLD AND
10 MR. JAMIESON AGREES WITH MR. BRACKETT THAT THE ONES
11 IN MR. JONES' PAST ARE NOT ADMISSIBLE, SO YOU WOULD
12 PRECLUDED FROM ASKING HIM ABOUT THOSE. YOU CAN'T
13 SAY, DON'T YOU HAVE RECORD FOR SO AND SO AND SO. DO
14 YOU UNDERSTAND THAT? LET ME SEE WHAT YOU ARE TALKING
15 ABOUT.

16 MR. BRACKETT: THERE ARE NO CONVICTIONS.

17 MR. JAMIESON: THAT WOULD BE MY
18 UNDERSTANDING, YOUR HONOR. HE DOESN'T HAVE ANYTHING
19 IMPEACHABLE.

20 MR. BRACKETT: HE HAD AN ARREST THAT WAS
21 DISMISSED I BELIEVE AND SO I JUST DON'T WANT.

22 THE COURT: THE BOTTOM LINE IS HE DOESN'T
23 HAVE ANY CONVICTIONS SO YOU CAN'T ASK HIM ABOUT BEING
24 ARRESTED BECAUSE THAT WAS APPARENTLY DISMISSED. DO
25 YOU UNDERSTAND THAT?

1 MR. PORTER: WHAT ABOUT ANYTHING THAT
2 COULD BE PENDING?

3 THE COURT: OH, THAT'S FAIR GAME, JUST
4 LIKE MS. LAWS. WE JUST HAVE CERTAIN RULES ABOUT
5 PRIOR RECORD. WE WENT OVER IT WITH YOURS AND
6 MR. YOUNG'S EARLIER. YOU HAVE TO FALL INTO CERTAIN
7 CATEGORIES. NOW WE FIND OUT HE DOESN'T EVEN HAVE ANY
8 RECORD LET ALONE DOESN'T FALL INTO ANY OF THOSE
9 CATEGORIES, BUT NO, YOU CAN ASK HIM ABOUT HIS DEAL,
10 WHAT HE WAS CHARGED WITH. MR. JAMIESON I THINK KIND
11 OF COVERED THAT BUT YOU AND THAT'S NOT TO PRECLUDE
12 YOU FROM, ANYTHING THAT HE'S GOT PENDING NOW RELATED
13 TO THE BANK ROBBERY YOU CAN ASK HIM ABOUT. NOW IF HE
14 HAS OTHER CHARGES PENDING THAT I DON'T KNOW ABOUT IN
15 CHARLOTTE OR SOMEWHERE ELSE, THE CONCEPT IS THAT ONE
16 IS INNOCENT, NOT THE CONCEPT BUT THE LAW THE RULES --

17 MR. PORTER: THE QUESTION THAT I WILL ASK,
18 EXCUSE ME.

19 THE COURT: SURE. GO AHEAD.

20 MR. PORTER: THE QUESTION THAT I WOULD ASK
21 HIM WOULD BE DID YOU GET CONVICTED OF SO AND SO, DID
22 SO AND SO HAPPEN. EVEN THOUGH IT'S NOT ON THE
23 RECORD, IT WOULD BE STILL BE, I DON'T KNOW HOW THE
24 NCIC MISSED IT.

25 THE COURT: WELL, I DON'T KNOW HOW THEY

1 MISSED IT EITHER, BUT THEY ARE USUALLY PRETTY
2 ACCURATE. WHY DON'T YOU TELL ME WHAT YOU PLAN TO ASK
3 HIM AND I'LL KNOW A LITTLE BIT.

4 MR. PORTER: YEAH, I SEE IN THE STATEMENT
5 THAT JONES STATED THAT HE HAS NEVER BEEN OUT OF
6 CHARLOTTE OTHER THAN FOR VACATION. I WAS WITH
7 MR. JONES IN MYRTLE BEACH WHEN MR. JONES RECEIVED A
8 TICKET INTO 2005. AS A MATTER OF FACT HE TOOK ME
9 THERE. WE PULLED OUT A SERVICE STATION PARKING LOT.

10 THE COURT: LET'S DON'T GO INTO THAT.
11 THAT MAY HAVE BEEN VACATION, IT MAY NOT HAVE BEEN,
12 BUT IF THERE IS INCONSISTENT, IF YOU TAKE THE
13 POSITION THAT'S AN INCONSISTENT, AN INCONSISTENT
14 STATEMENT, YOU CAN ASK ABOUT INCONSISTENT STATEMENTS.

15 MR. PORTER: OKAY. AND THEN I CANNOT
16 ELABORATE BECAUSE IT'S MAYBE A LITTLE BIT MORE TO IT
17 THAN THAT, YOU SEE WHAT I'M SAYING. WE RECEIVED A
18 TICKET. WE NEVER SHOWED UP IN COURT.

19 THE COURT: WELL, I'M GOING TO RULE THAT
20 THAT'S NOT RELEVANT. THE FACT THAT YOU AND HE WERE
21 IN MYRTLE BEACH AND YOU CAN ASK HIM ABOUT THAT, I'LL
22 ALLOW YOU TO GO INTO THAT BECAUSE THAT MAY OR MAY
23 NOT. PEOPLE USUALLY GO TO MYRTLE BEACH FOR VACATION
24 BUT YOU CAN GO THERE FOR OTHER REASONS I'M SURE, SO
25 I'M GOING TO ALLOW YOU TO AT LEAST ASK HIM IF IN

1 REGARD TO THAT STATEMENT ISN'T IT TRUE THAT YOU HAVE
2 BEEN TO MYRTLE BEACH AND YOU WERE ACTUALLY IN MY
3 PRESENCE.

4 MR. PORTER: OKAY.

5 MR. D'AGOSTINO: HE HAS A DOCUMENT HE'S
6 GOING TO SHOW THE WITNESS AND IT MIGHT SAVE TIME
7 PROCEDURALLY, HE WAS ASKING ME ABOUT HOW TO DO THAT.
8 IF WE HAVE A STICKER PUT ON IT NOW FOR IDENTIFICATION
9 PURPOSES, IF THAT'S OKAY.

10 THE COURT: GET IT, TAKE IT UP THERE, AND
11 HAVE YOU SEEN IT, MR. BRACKETT?

12 MR. D'AGOSTINO: IT'S THE MEDICAL RECORDS
13 FOR THE WITNESS. HE'S NOT GOING TO INTRODUCE IT BUT
14 HE'S GOING TO HAVE IT MARKED FOR IDENTIFICATION
15 PURPOSES AT THIS TIME.

16 MR. BRACKETT: I HAVE SEEN THE DOCUMENT
17 BEFORE.

18 (DEFENSE EXHIBIT THREE FOR
19 IDENTIFICATION MEDICAL RECORDS.)

20 MR. SPRINGS: SORRY IT TOOK SO LONG.

21 THE COURT: ALL RIGHT. BRING IN THE JURY.

22 (THE JURY RETURNS TO THE COURTROOM AT
23 02:57 PM.)

24 THE COURT: ALL RIGHT, MR. PORTER.

25 CROSS EXAMINATION BY MR. PORTER:

1 Q MR. JONES, I SEE YOU SAY IN A STATEMENT 12-22-06
2 YOU GAVE A STATEMENT, DO YOU RECALL WHO YOU GAVE THIS
3 STATEMENT TO?

4 A I THINK DETECTIVE STRAIT AND YEAGER, I BELIEVE.

5 Q WHO?

6 A YEAGER, STRAIT AND YEAGER IN YORK COUNTY.

7 THE COURT: PULL THAT MICROPHONE UP.

8 Q OKAY. NOW PRIOR TO THAT STATEMENT SOMETHING
9 HAPPENED TO YOU ON THAT FRIDAY. AS THE VEHICLE
10 STOPPED IN ARBORGATE AND AS THE VIDEO SHOW THAT YOU
11 WAS ABOUT TO VACATE THE CAR, YOU WAS HIT BY OFFICER
12 VINESETT IN THE VIDEO?

13 A YES.

14 Q WERE YOU YOU TAKEN TO CAROLINA MEDICAL?

15 A YES.

16 Q WERE YOU TREATED AT CAROLINA MEDICAL?

17 A YES.

18 Q DO YOU KNOW WHAT TIME YOU ARRIVED AT CAROLINA
19 MEDICAL?

20 A NO.

21 Q AT THAT TIME DID YOU KNOW THE EXTENT OF YOUR
22 INJURY?

23 A NO.

24 Q CAN YOU DESCRIBE YOUR INJURY?

25 A I HAD A, MY FOOT WAS BUSTED OPEN. I HAD GLASS

1 IN MY FOOT. I HAD TO GET STITCHES.

2 Q YOU HAD TO GET STITCHES?

3 A STITCH IT UP.

4 Q WHEN YOU ARRIVED AT CAROLINA MEDICAL PRIOR TO
5 YOU GETTING STITCHES, WERE YOU ADMINISTERED ANY
6 MEDICATION?

7 A YEAH, LIKE WHEN THEY WAS CLEANING IT OUT THEY
8 GAVE ME MEDICINE BUT I DON'T KNOW WHAT IT WAS.

9 Q DID THEY GIVE YOU ANYTHING, DO YOU KNOW THE NAME
10 OF THE MEDICATION THAT THEY GAVE YOU FOR PAIN?

11 A NO.

12 Q I'M GOING TO REFER TO THIS DEFENSE EXHIBIT
13 NUMBER THREE, I HAVE A COPY OF YOUR MEDICAL RECORD
14 FROM CAROLINA MEDICAL?

15 A UH-HUH.

16 Q AND IT STATED THAT AT 12:15 YOU WERE GIVEN 2 5.5
17 MILLIGRAMS OF LORTAB?

18 A UH-HUH.

19 Q DOES THAT SOUND CORRECT?

20 A UH-HUH. YES.

21 Q WERE YOU ADVISED AT ANY TIME THE EFFECTS OF
22 LORTAB? WAS IT FOR PAIN?

23 A YEAH, IT WAS TO NUMB. IT NUMBED MY FOOT UP.

24 Q AND YOU WAS GIVING SUTURES?

25 A YEAH.

1 Q WERE YOU TAKEN X-RAYS. DID THEY TAKE X-RAYS?

2 A YEAH.

3 Q WAS ANYONE WITH YOU?

4 A JUST THE OFFICER.

5 Q WHO WAS THE OFFICER?

6 A I DON'T KNOW HIS NAME.

7 Q DO YOU KNOW WHETHER HE'S FROM CHARLOTTE?

8 A CHARLOTTE.

9 Q OR YORK COUNTY?

10 A HE'S FROM CHARLOTTE.

11 Q FOR THE RECORD CAN I HAND IT TO HIM OR YOU WANT
12 THE BAILIFF TO HAND IT TO HIM?

13 THE COURT: LET THE BAILIFF HAND IT TO
14 HIM.

15 Q IS THIS YOUR SIGNATURE AND THE TIME THAT YOU
16 SIGNED IT THAT YOU WERE DISCHARGED?

17 A YES.

18 Q DID YOU READ THAT BEFORE YOU SIGNED IT?

19 A NO. I KNEW WHAT IT WAS FOR. I KNEW IT WAS
20 DISCHARGE, FOR DISCHARGE, SAYING THAT I COULD LEAVE,
21 SAYING THAT I RECEIVED ATTENTION, MEDICAL ATTENTION.

22 Q DID YOU READ THE PAGE THAT YOU SIGNED?

23 A NO.

24 Q YOU MAY HAVE BEEN GIVEN JUST FROM THE BOTTOM
25 PART, YOU MAY BEEN GIVEN MEDICATION OR PRESCRIBED A

1 MEDICINE THAT MAY MAKE YOU DROWSY OR SLEEPY. DO NOT
2 DRINK ALCOHOL WITH THIS MEDICINE. DO NOT PERFORM
3 ACTIVITIES THAT REQUIRE ALERTNESS OR COORDINATION
4 SUCH AS DRIVING, OPERATING TOOLS, OR MACHINERY. DO
5 NOT MAKE IMPORTANT DECISIONS WHILE TAKING THIS
6 MEDICATION. YOU WERE ADMINISTERED, LORTAB IS A
7 NARCOTIC, DID YOU KNOW THAT?

8 A NO.

9 Q SO YOU WAS DISCHARGED AT 1405 AT 2:05 AND IT
10 INDICATES FROM YOUR PHYSICIAN DESCRIPTION NOT TO TAKE
11 ANY OTHER MEDICATION FOR FOUR TO SIX HOURS, DID THEY
12 TELL YOU THAT?

13 A YEAH.

14 Q THEY GAVE YOU PRESCRIPTION FOR LORTAB?

15 A YES.

16 Q WHEN YOU GOT BACK WITH THIS PRESCRIPTION
17 FULFILLED AT THE MECKLENBURG COUNTY JAIL?

18 A NO.

19 Q WHY DIDN'T THEY TELL YOU THE PRESCRIPTION WAS
20 NOT FULFILLED?

21 A I DIDN'T HAVE, I DIDN'T GIVE IT TO THEM.

22 Q BECAUSE IT WAS NARCOTIC?

23 A I DON'T KNOW.

24 Q OKAY. SO YOU DID NOT KNOW THAT YOU WAS TAKING
25 NARCOTICS?

1 A NO. I KNOW I WAS TAKING PAIN MEDICINE. I
2 DIDN'T KNOW IT WAS NARCOTIC. I DIDN'T TAKE ANY AFTER
3 THAT.

4 Q AND YOU GAVE THIS STATEMENT TO OFFICER STRAIT AT
5 1515 WHICH IS 3:15?

6 A UH-HUH.

7 Q SO YOU WAS UNDER THE INFLUENCE OF MEDICATION?

8 A YEAH.

9 Q YOU WERE UNDER THE INFLUENCE OF A NARCOTIC?

10 A I WASN'T DROWSY. I KNEW WHAT I WAS TALKING
11 ABOUT. I UNDERSTOOD WHAT I WAS DOING.

12 Q THE EFFECT OF THE MEDICATION PROBABLY HAD WORE
13 ON YOU, BUT I'M ASKING YOU, WERE YOU UNDER THE
14 INFLUENCE OF A NARCOTIC WHICH LORTAB IS CLASSIFIED AS
15 A NARCOTIC, YOU WERE TO HAVE TWO, FOUR?

16 A I TOOK THE MEDICATION WHEN THEY GAVE ME THE
17 STITCHES. THAT WAS IT.

18 Q SO YOU DON'T KNOW, BUT YOU NOT KNOWING IT'S A
19 NARCOTIC AND NOT KNOWING THE EFFECTS OF THE NARCOTIC,
20 YOU DON'T KNOW WHAT STATE OF MIND YOU PROBABLY WAS
21 IN?

22 A I KNOW WHAT STATE OF MIND I WAS IN. I KNEW WHAT
23 I WAS DOING. I WAS AWARE OF WHAT I WAS DOING AND
24 WHAT WAS GOING ON. I JUST DIDN'T FEEL ANY PAIN. ALL
25 THE MEDICINE DONE FOR ME WAS TAKE THE PAIN AWAY. I

1 WASN'T DROWSY OR NONE OF THAT.

2 Q WERE YOU IN PAIN?

3 A NO.

4 Q HAD YOU BEEN IN PAIN?

5 A BEFORE I GOT THE MEDICINE, YEAH.

6 Q HOW MANY STITCHES DID THEY GIVE YOU?

7 A FOUR, FOUR OR FIVE.

8 Q AND YOU SAY YOU DO NOT KNOW WHY MECKLENBURG
9 COUNTY JAIL DID NOT PRESCRIBE YOU MEDICATION?

10 A NO.

11 Q HAVE YOU EVER, YOU ALSO STATED THAT YOU NEVER
12 BEEN TO SOUTH CAROLINA BEFORE OTHER THAN FOR VACATION
13 REASONS?

14 A YES.

15 Q WERE YOU IN FLORIDA?

16 A WHEN? I HAVE BEFORE, YEAH. I HAVE BEEN BEFORE.

17 Q YOU USED TO WORK FOR UPS?

18 A NO.

19 Q YOU DIDN'T USED TO LOAD TRUCKS FOR UPS?

20 A FEDEX.

21 Q FEDEX. WERE YOU EMPLOYED AT THE TIME?

22 A NO.

23 Q YOU WAS ARRESTED?

24 A NO.

25 Q WHEN WAS YOUR LAST EMPLOYMENT WITH FEDEX?

1 A IT WAS, IT WAS PROBABLY 2005, SOMETHING LIKE
2 THAT.

3 Q DID YOU EVER GO TO MYRTLE BEACH IN 2005 WITH ME?

4 A YEAH.

5 Q WERE YOU EMPLOYED THEN?

6 A NO. NO.

7 Q DID YOU EVER LIVE IN TYRON HILL APARTMENTS?

8 A YEAH.

9 Q WHAT HAPPENED IN THE TRYON HILLS APARTMENTS?

10 A GOT EVICTED.

11 Q AND WHAT HAPPENED AFTER THAT?

12 A WHAT DO YOU MEAN WHAT HAPPENED AFTER THAT?

13 Q DID YOU MOVE TO SOME PLACE ELSE?

14 A YES.

15 Q WERE YOU WORKING THEN?

16 A YEAH.

17 Q WHERE WERE YOU WORKING AT?

18 A OFFICE DEPOT WAREHOUSE.

19 Q PRIOR TO DECEMBER 22 OF 2006 WERE YOU WORKING?

20 A NOT SINCE OCTOBER OR SEPTEMBER..

21 Q OKAY. AND YOU MOVED, YOU MOVED FROM TRYON HILLS
22 TO WHERE?

23 A CAPS HILL OFF BEATTYS FORD, MY GIRLFRIEND HOUSE.

24 Q DO YOU OWN A CAR?

25 A YES.

- 1 Q WHAT COLOR IS YOUR CAR?
- 2 A BURGUNDY.
- 3 Q HAS IT ALWAYS BEEN BURGUNDY?
- 4 A NO.
- 5 Q WHAT COLOR WAS IT BEFORE?
- 6 A WHITE.
- 7 Q HAVE YOU EVER ASSOCIATED WITH ANY GANG MEMBERS?
- 8 A NO.
- 9 Q DO YOU RAP?
- 10 A YEAH.
- 11 Q YOU EVER BEEN KNOWN TO CARRY RED BANDANNAS?
- 12 A NO.
- 13 Q YOU EVER KNOWN TO OWN A GUN?
- 14 A YEAH.
- 15 Q WHAT KIND OF GUN?
- 16 A A .25.
- 17 Q THAT'S ALL?
- 18 A YEAH.
- 19 Q WHAT KIND OF, DO YOU KNOW OWN A RIFLE?
- 20 A NO.
- 21 Q HAVE YOU OWNED A RIFLE?
- 22 A I'VE HAD ONE, BUT I DIDN'T OWN IT. I'VE SEEN
- 23 ONE. I'VE SEEN THEM BEFORE, YEAH.
- 24 Q DO YOU WHERE THE HYATT GUN STORE ON SUGAR CREEK?
- 25 A THERE IS NO HYATT'S ON SUGAR CREEK.

1 Q THERE IS A GUN STORE ON SUGAR CREEK OR GOING OUT
2 NORTH TRYON IN CHARLOTTE?

3 A NO.

4 Q HAVE YOU EVER PURCHASED A AK-47 ASSAULT RIFLE?

5 A NO.

6 Q AND YOU NEVER OWNED A AK ASSAULT RIFLE?

7 A NO.

8 Q EXCUSE ME.

9 MR. PORTER: YOUR HONOR, AT THIS TIME CAN
10 I ASK A PROCEDURAL REQUEST.

11 THE COURT: SURE. ASK MR. D'AGOSTINO,
12 THAT'S WHAT HE'S HERE FOR.

13 (CONFERRING.)

14 THE COURT: GO AHEAD.

15 Q SO WHEN YOU SIGNED YOUR, BEFORE YOU STARTED YOUR
16 QUESTIONING FROM I THINK IT'S MR. STRAIT, DEPUTY
17 STRAIT, YOUR MIRANDA RIGHTS WERE READ AND YOU KNOW
18 YOUR MIRANDA RIGHTS?

19 A YES.

20 Q PART OF YOUR PLEA AGREEMENT IS THAT YOU TESTIFY
21 TRUTHFULLY?

22 A YES.

23 Q AND THAT IF YOU DO NOT TESTIFY TRUTHFULLY WHAT
24 WILL HAPPEN TO YOU?

25 A IF I REFUSE TO TESTIFY OR TESTIFY UNTRUTHFULLY

1 MY PLEA WILL BE TAKEN AWAY. I'M TESTIFYING
2 TRUTHFULLY.

3 Q AND AT THE TIME OF THE IMPACT OF THE CAR WHEN
4 YOU GOT HIT?

5 A UH-HUH.

6 Q WHAT, DID YOU HAVE SOMETHING IN YOUR HAND?

7 A THE BAG.

8 Q AND AGAIN CAN YOU STATE WHAT YOU HAD IN THE BAG?

9 A A BAG, A PILLOWCASE.

10 Q WHAT WAS IN IT?

11 A MONEY, GUN, CLOTHES.

12 Q YOU HAD INDICATED THAT YOU HAD THE SHOES AND THE
13 SHIRT FOR WHAT?

14 A IN CASE I HAD TO RUN.

15 Q WHAT DID YOU HAVE THE GUN FOR?

16 A YOU GAVE ME THE GUN. I PUT THE GUN IN THE BAG
17 WHEN YOU HANDED IT TO ME.

18 Q IF YOU WAS RUNNING AND IF YOU DID NOT OWN THAT
19 GUN, WHY WOULD YOU RUN WITH THAT GUN IF THE ONLY
20 THING THAT YOU WAS---

21 A I WASN'T THINKING ABOUT THE GUN. I WAS JUST
22 RUNNING. I WASN'T THINKING ABOUT THE GUN.

23 Q AND YOU WAS TRYING TO GET AWAY?

24 A UH-HUH.

25 Q WHY WOULD YOU HAVE THE GUN IN THE BAG?

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1 A I PUT THE GUN IN THE BAG BEFORE THE POLICE EVER
2 GOT BEHIND US. I WASN'T THINKING ABOUT THE GUN.

3 Q AND YOU SAID THAT WAS NOT YOUR GUN?

4 A NO.

5 Q YOU HAVE ANY IDEA HOW THE GUN GOT IN THE CAR?

6 A NO. IT WAS THERE WHEN I GOT THERE.

7 Q SO IF THOSE OFFICERS --

8 A UH-HUH.

9 Q ---DID THEIR JOB CORRECTLY THEN THEY WOULD KNOW
10 WHO HANDS PRINTS, FINGERPRINTS, WOULD BE ON THAT GUN,
11 IS THAT CORRECT?

12 A I GUESS, YEAH.

13 Q AND IT SHOULD NOT SHOW YOUR FINGERPRINTS. IT
14 SHOULD SHOW MINE?

15 A YOU DIDN'T HAVE THEM. YOU HAD ON GLOVES.

16 Q BUT ANYWAY, ANY TIME BEFORE THAT?

17 A WELL, I DON'T KNOW ABOUT BEFORE THAT.

18 Q SO YOU ARE TELLING THE TRUTH?

19 A YES.

20 Q LET ME ASK YOU SOMETHING ELSE, IS THERE ANYTHING
21 ELSE THAT THE COURT SHOULD KNOW ABOUT IN REGARDS TO
22 YOU? I KNOW YOU DON'T HAVE ANY -- WELL, I CAN'T SAY
23 THAT BUT, EXCUSE ME. DO YOU HAVE ANY HISTORY OF
24 FAMILY PROBLEMS?

25 A HUH?

1 Q DO YOU HAVE ANY FAMILY PROBLEMS?

2 A AS FAR AS WHAT?

3 Q HAVE YOU EVER ASSAULTED YOUR MOTHER?

4 A NO.

5 Q YOU HAVE NEVER HIT YOUR MOTHER?

6 A NO.

7 A ASSAULTED MY MOTHER?

8 Q ARE YOU SAYING, MR. JONES, THAT YOU HAVE NEVER
9 HIT YOUR MOTHER?

10 A NO. NO. NEVER.

11 Q IS YOUR MOTHER IN THE COURTROOM?

12 A NO.

13 Q EXCUSE ME.

14 MR. PORTER: YOUR HONOR, AT THIS TIME I
15 WOULD SUBPOENA A WITNESS.

16 THE COURT: WE'LL TAKE THAT UP OUTSIDE THE
17 JURY'S PRESENCE. GO AHEAD.

18 MR. PORTER: OKAY.

19 Q MR. JONES, I RECALL A CONVERSATION IN WHICH YOU
20 AND YOUR MOTHER CALLED ME?

21 A UH-HUH.

22 Q YOUR MOTHER HAD PUT YOU OUT OF THE HOUSE BECAUSE
23 YOU WAS NOT WORKING, IS THAT NOT CORRECT?

24 A BEFORE, YEAH.

25 Q HAS SHE, HOW MANY TIMES HAS SHE PUT YOU OUT OF

- 1 THE HOUSE FOR NOT WORKING?
- 2 A ONCE.
- 3 Q AND WHEN WAS THAT?
- 4 A PROBABLY 2004 OR 2005. I'VE BEEN ON MY OWN
- 5 SINCE 2005.
- 6 Q WHEN YOUR MOM PUT YOU OUT OF THE HOUSE, LET ME
- 7 ASK YOU THIS. HAVE I LIVED WITH YOUR MOTHER BEFORE?
- 8 A YEAH.
- 9 Q OKAY. AND YOUR MOTHER IS WHAT TO ME?
- 10 A YOUR DAUGHTER.
- 11 Q FOR THE RECORD I WANT THESE PEOPLE TO HEAR IT
- 12 AGAIN.
- 13 A UH-HUH.
- 14 Q YOU STATING THAT YOU HAVE NEVER IN YOUR LIFE
- 15 TOUCHED YOUR MOTHER?
- 16 A NEVER PUT MY HANDS ON MY MOTHER.
- 17 Q WHAT IS YOUR FIANCEE NAME?
- 18 A JENETTA WRIGHT.
- 19 Q HAVE YOU STAYED WITH JENETTA PRIOR TO 2006?
- 20 A UH-HUH.
- 21 Q WHEN?
- 22 A SINCE 2004 PROBABLY.
- 23 Q HAVE YOU STAYED WITH HER SOONER THAN THAT?
- 24 A HAVE I STAYED WITH HER SOONER THAN THAT?
- 25 Q YEAH, EARLIER THAN THAT, WHEN Y'ALL WERE IN HIGH

1 SCHOOL?

2 A NO.

3 MR. SPRINGS: YOUR HONOR, I'M SORRY. I'M
4 GOING TO HAVE TO OBJECT. WHAT'S THE RELEVANCE TO
5 THIS BANK ROBBERY?

6 THE COURT: WELL, THIS IS CROSS
7 EXAMINATION. I'LL ALLOW IT.

8 A NO.

9 Q PRIOR TO HER GETTING PREGNANT?

10 A UH-HUH.

11 Q HAVE YOU EVER LIVED WITH YOUR GIRLFRIEND?

12 A SHE WASN'T PREGNANT WHEN SHE WAS IN SCHOOL. SHE
13 WAS OUT OF SCHOOL WHEN SHE WAS PREGNANT, SO WHILE WE
14 WAS IN HIGH SCHOOL I WAS NOT STAYING WITH HER.

15 Q AND YOU NEVER ----

16 A I WASN'T WITH HER WHEN I WAS IN HIGH SCHOOL.
17 AFTER I GRADUATED I GOT WITH HER.

18 Q OKAY.

19 A YEAH.

20 Q SO HOW MANY TIMES HAVE YOU LIVED WITH HER?

21 A EVER SINCE 2004. WE'VE HAD OUR OWN PLACE.
22 SOMETIMES WE STAY WITH HER FAMILY. WE HAVE OUR OWN
23 PLACE NOW.

24 Q WHEN YOU LEFT TRYON HILL BEFORE YOU MOVED TO THE
25 PLACE IN BEATTYS FORD ROAD?

- 1 A UH-HUH.
- 2 Q WHERE DID YOU MOVE TO?
- 3 A WITH HER AND HER AUNT.
- 4 Q WHO?
- 5 A WITH HER AND HER AUNT OFF OF CAPS HILL MINE
- 6 ROAD.
- 7 Q THAT'S WHERE YOU WERE LIVING THEN?
- 8 A UNTIL WE MOVED INTO OUR OWN APARTMENT.
- 9 Q AND YOU DON'T RECALL A CONVERSATION WHEREAS YOU
- 10 AND I GOT IN AN ARGUMENT AND YOU WAS THREATENED
- 11 BEHIND YOUR MOTHER?
- 12 A BY YOU?
- 13 Q YES.
- 14 A NO.
- 15 Q YOU DON'T RECALL A CONVERSATION WHEREAS YOUR
- 16 MOTHER CALLED ME CRYING?
- 17 A UH-HUH.
- 18 Q AND TOLD ME THAT YOU HAD KICKED HER?
- 19 A NO. ME AND MY MOTHER HAVE HAD ARGUMENTS BEFORE,
- 20 FALLING OUTS, BUT WE NEVER FOUGHT. WE NEVER WAS, WE
- 21 NEVER GOT PHYSICAL.
- 22 Q NO. NO. YOUR MOTHER --
- 23 A NO. YEAH, SHE MAY HAVE CALLED YOU CRYING,
- 24 TELLING YOU WHAT HAPPENED.
- 25 Q YOUR MOTHER NEVER FOUGHT YOU?

1 A I NEVER FOUGHT MY MOTHER.

2 Q SHE CALLED ME CRYING THAT SHE HAD TOLD YOU TO
3 GET OUT OF THE HOUSE, IS THAT NOT CORRECT? DO YOU
4 RECALL THAT CONVERSATION?

5 A YEAH.

6 Q AND THAT YOU HAD LEFT THAT HOUSE -- AS A MATTER
7 OF FACT WHAT HAPPENED PRIOR TO YOU LEAVING OUT OF THE
8 HOUSE?

9 A WE HAD A ARGUMENT. SHE KEPT TELLING ME TO GET
10 OUT, I WOULDN'T GO.

11 Q DID YOU KICK YOUR MOTHER?

12 A NO. I CALLED MY FIANCEE.

13 Q DID YOU PUSH YOUR MOTHER?

14 A NO.

15 Q YOU LEFT THE HOUSE WHY WAS SHE CALLING ME
16 CRYING?

17 A I GUESS TO TELL YOU WHAT HAPPENED. YOU ARE HER
18 FATHER.

19 Q CRYING?

20 A YOU ARE HER FATHER.

21 Q CRYING?

22 A I GUESS. I DON'T KNOW.

23 Q AND SHE TOLD YOU -- DID SHE CALL, HAD SHE EVER
24 CALLED THE POLICE ON YOU?

25 A YEAH. BECAUSE I WOULDN'T THE LEAVE THE HOUSE.

1 SHE WANTED ME TO LEAVE THE HOUSE BUT I WOULDN'T GO.

2 Q YOU REMEMBER YOUR MOTHER CALLING ME AND YOU
3 REMEMBER REFUSING TO LEAVE THE HOUSE?

4 A UH-HUH.

5 Q BUT DO YOU NOT REMEMBER KICKING YOUR MOTHER?

6 A I NEVER DONE THAT.

7 Q THAT'S A LIE.

8 THE COURT: JUST ASK HIM QUESTIONS.

9 A I NEVER DONE IT.

10 Q DO YOU KNOW A PUMPER NAMED STAN JONES?

11 A YEAH.

12 Q HAVE YOU EVER THREATENED HIM ABOUT HIS SISTER?

13 A HE'S TALKED TO ME ABOUT WHAT GOES ON WITH HER,
14 BUT HE NEVER THREATENED ME, NO.

15 Q HAVE YOU AND HIM EVER HAD A CONVERSATION, AS A
16 MATTER OF FACT, CAN YOU TELL ME JUST ABOUT WHAT HE
17 TALKED TO YOU ABOUT?

18 A IT'S MY MOTHER. I HAVE TO RESPECT MY MOTHER.
19 IF SHE WANT ME TO DO SOMETHING DO IT. IF SHE DON'T
20 WANT ME IN THE HOUSE, DON'T BE IN THE HOUSE. DON'T
21 TALK BACK TO HER, THINGS LIKE THAT. HE NEVER SAID,
22 HE NEVER SAID DON'T PUT YOUR HANDS ON YOUR MOTHER
23 BECAUSE I NEVER PUT MY HANDS ON MY MOTHER.

24 Q I KNOW I HAVE BEEN -- NO. AND AGAIN YOU STATED
25 THAT YOU REMEMBER THE PHONE CALL AND ME AND HER

1 HAVING THE CONVERSATION IN REFERENCE TO YOUR MOTHER?

2 A UH-HUH.

3 Q DO YOU RECALL WHAT I TOLD YOU?

4 A GOING TO STOP, GOING TO STOP WHAT'S GOING ON,
5 WHAT'S GOING ON IS GOING TO STOP IS WHAT YOU SAID.

6 Q NO. NO. NO.

7 A YOU SAID FREEZE. Y'ALL GOING TO FREEZE THAT.
8 WHAT Y'ALL ARE DOING IS GOING TO FREEZE. Y'ALL ARE
9 GOING TO STOP THAT. IS WHAT YOU SAID.

10 Q AND WAS NOT NO THREATENING?

11 A NO.

12 Q I DON'T RECALL A CONVERSATION THE WAY --

13 THE COURT: YOU GOT TO ASK HIM QUESTIONS.
14 IT'S NOT WHAT YOU RECALL. IT'S WHAT HE RECALLS.

15 Q OKAY. AND YOU DON'T RECALL ME EVER TELLING YOU
16 THAT THE NEXT TIME SOMETHING OF THAT NATURE HAPPEN
17 WHAT WOULD HAPPEN?

18 A NO. IF YOU SAID I DON'T REMEMBER IT. IF YOU
19 SAID THAT, I DON'T REMEMBER IT.

20 Q OKAY. WE GOING TO LEAVE THAT FOR NOW. AND YOU
21 STATED THAT YOU MET ANGELA AND THE OTHER DEFENDANT
22 MR. YOUNG THROUGH ME?

23 A YES.

24 Q HAVE ANYTHING EVER TRANSPIRED, HAVE YOU EVER
25 BEEN INVOLVED IN ANYTHING SIMILAR TO THIS WITH YOUNG

1 OR WITH ANGELA OR MYSELF?

2 A NO. KNOW THEM THROUGH YOU. I TOOK YOU TO THEIR
3 HOUSE. THAT'S WHERE I SAW HER BEFORE. I TOOK YOU
4 OVER THERE.

5 Q HUH.

6 A YEAH.

7 Q OKAY. NOW YOU SAY THAT THE LAST TIME YOU WERE
8 EMPLOYED WAS WHEN?

9 A OCTOBER '06.

10 Q AND YOU HAD TO LEAVE TRYON HILL BECAUSE YOU
11 DIDN'T HAVE NO JOB?

12 A THAT WAS PRIOR BEFORE I GOT THAT JOB. THAT WAS
13 BEFORE I GOT THAT JOB.

14 Q OKAY. WAS YOU WORKING, AGAIN WAS YOU WORKING
15 THIS TIME, BEFORE CHRISTMAS?

16 A NO, NOT SINCE OCTOBER.

17 Q WAS YOUR FIANCEE WORKING?

18 A YES.

19 Q HAD SHE GOTTEN FIRED?

20 A NO.

21 Q SHE WAS STILL WORKING?

22 A YES.

23 Q WHEN THIS INCIDENT HAPPENED?

24 A YES.

25 Q ON DECEMBER 22, WHAT IS THAT DATE?

1 A IT'S MY MOTHER'S BIRTHDAY AND MY FIANCEE'S
2 BIRTHDAY.

3 Q WERE YOU WORKING?

4 A WERE I WORKING?

5 Q ON THAT DAY. HAD YOU PROMISED THEM TO TAKE THEM
6 OUT TO GO EAT OR SOMETHING LIKE THAT?

7 A YES.

8 Q BUT YOU WAS NOT EMPLOYED?

9 A UH-HUH.

10 Q DECEMBER 22?

11 A HUH?

12 Q DECEMBER 22?

13 A NO, I WASN'T EMPLOYED DECEMBER 22, NO.

14 Q SO HOW WAS YOU GOING TO TAKE THEM OUT?

15 A AFTER WE DONE WHAT WE DONE.

16 Q NOW HOW WAS YOU --

17 A THAT'S HOW.

18 Q HOW WAS YOU GOING TO TAKE THEM OUT?

19 A AFTER WE DONE WHAT WE DONE.

20 Q AFTER YOU?

21 A AFTER WE DONE WHAT WE DONE.

22 Q WHY -- DO YOU KNOW MS. LAWS?

23 A NOT PERSONALLY, NO.

24 Q DO YOU KNOW OF ANY --

25 A ---DON'T KNOW MUCH ABOUT HER.

DONSHAVIS JONES

CROSS

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- 1 Q DO YOU KNOW OF ANY THREATS TOWARD MS. LAWS?
- 2 A ANY THREATS?
- 3 Q YES. HAS ANYBODY EVER THREATENED YOU?
- 4 A AS FAR AS WHAT?
- 5 Q SAY SOMETHING THAT MAY HAVE HAPPENED, SOMETHING
- 6 THAT WAS FOUND OUT AND WAS NOT ACTED UPON. JUST SAY
- 7 FOR INSTANCE WAS ANYTHING DONE IN REGARDS TO SOMEBODY
- 8 MAY HAVE GOTTEN ROBBED, WAS ANY THREATS MADE TOWARDS
- 9 YOU?
- 10 A TO ME?
- 11 Q YES.
- 12 A NO.
- 13 Q DO YOU RECALL ANY THREATS MADE TOWARDS MS. LAWS?
- 14 A NO.
- 15 Q DO YOU KNOW A JAMAICAN NAMED JOSH?
- 16 A A JAMAICAN NAMED JOSH?
- 17 Q YEAH. I CAN'T THINK OF HIS LAST NAME.
- 18 A I DON'T KNOW, NO. A JAMAICAN NAMED JOSH.
- 19 Q BUT YOU DO KNOW MS. LAWS. YOU EVER DROVE, HAD
- 20 YOU EVER DROVE MS. LAWS' CAR?
- 21 A HAVE I EVER DROVE MS. LAWS' CAR?
- 22 Q YES.
- 23 A NO.
- 24 Q OTHER THAN THE CAR THAT MS. LAWS RENTED OR SAY
- 25 SHE RENTED THE DAY BEFORE THE ROBBERY?

- 1 A UH-HUH.
- 2 Q YOU EVER BEEN IN ONE OF HER CARS?
- 3 A NO.
- 4 Q DO YOU KNOW WHAT KIND OF CAR SHE HAS?
- 5 A I DON'T REMEMBER. I DON'T REMEMBER WHAT KIND.
- 6 SHE GOT A CAR THOUGH BUT I DON'T REMEMBER WHAT KIND
- 7 IT IS.
- 8 Q YOU DON'T REMEMBER A GREEN CADILLAC?
- 9 A IF THAT'S WHAT IT IS THAT'S WHAT IT IS. I DON'T
- 10 REMEMBER. I KNOW SHE HAS A CAR THOUGH.
- 11 Q YOU NEVER RECALL BEING IN THE CAR?
- 12 A NO.
- 13 Q DO YOU EVER RECALL BEING IN THE WHITE CAR? I
- 14 KNOW A WHITE FOUR DOOR CAR?
- 15 A NO.
- 16 Q ON THIS TESTIMONY THEY DROPPED HOW MANY CHARGES
- 17 AGAINST YOU?
- 18 A THREE CHARGES.
- 19 Q AGAIN WHAT WAS THE CHARGES THEY DROPPED?
- 20 A ARMED ROBBERY, KIDNAPPING, AND CONSPIRACY.
- 21 Q YOU SAY THAT YOU RAN STRAIGHTLY TO THE BANK?
- 22 A UH-HUH.
- 23 Q BANK VAULT. DID YOU ORDER ANYBODY IN THE VAULT?
- 24 A NO.
- 25 Q DID YOU ORDER ANYBODY IN THE VAULT TO DO

1 ANYTHING?

2 A NO.

3 Q HUH?

4 A NO.

5 Q YOU DIDN'T ORDER NOBODY TO OPEN THE VAULT?

6 A THE VAULT WAS ALREADY OPEN.

7 Q THAT WAS THE WALK-IN VAULT.

8 A THAT'S WHERE I WENT.

9 Q THE ONE THAT THEY SAY HAD THE TELLER BOXES?

10 A I DON'T KNOW WHAT THAT IS. I DIDN'T MAKE NOBODY
11 DO NOTHING.

12 Q AND YOU DID NOT HAVE A GUN?

13 A NO.

14 MR. PORTER: NO FURTHER QUESTIONS.

15 THE COURT: THE STATE HAVE ANY FURTHER.

16 MR. SPRINGS: VERY BRIEFLY.

17 REDIRECT EXAMINATION BY MR. SPRINGS:

18 Q MR. JONES, ATTORNEY JAMIESON PUT THIS PAPER INTO
19 EVIDENCE BUT DIDN'T REALLY GO OVER YOUR STATEMENT
20 MADE THE SAME DAY AS THE BANK ROBBERY.

21 A YES.

22 Q WHEN YOU GAVE THIS STATEMENT THAT SAME
23 AFTERNOON, DID YOU HAVE ANY KIND OF A DEAL THEN?

24 A NO.

25 Q HAD ANYBODY PROMISED YOU ANY GOOD REWARD THEN?

1 A NO.

2 Q I WANT THE JURY TO HEAR WHAT'S HERE AND START
3 READING HERE OR I'LL READ IT ALONG WITH YOU. YOU
4 WANT ME TO READ IT OR YOU READ IT?

5 A YOU READ IT.

6 Q IT SAYS HERE, AND YOU STOP ME IF I'M SAYING
7 SOMETHING THAT'S NOT JUST AS IT IS ON THIS PAPER, IT
8 SAYS "JONES STATES THAT ABOUT A MONTH AGO YOUNG AND
9 LAWS WENT TO THE BANK AND LAWS EVEN WENT INSIDE TO
10 CHECK IT OUT. PORTER CALLED HIM AND ASKED IF HE
11 WOULD HELP THEM OUT BY BEING THE MONEY MAN.

12 "PORTER CALLED ON TUESDAY THE 19 AND
13 TOLD HIM IT WAS ON FOR FRIDAY. ON FRIDAY MORNING
14 ABOUT 7:30 OR 8 PORTER CALLED AND TOLD HIM THEY WERE
15 ON THE WAY TO PICK HIM UP AND HE UNDERSTOOD THAT
16 PORTER WAS IN THE CAR WITH YOUNG AND LAWS.

17 "JONES STATES THAT HE WAS SUPPOSED TO
18 BRING A BAG TO PUT THE MONEY IN AND YOUNG BROUGHT SKI
19 MASKS FOR EACH OF THEM.

20 "THEY STOPPED AT ON THE RUN SO YOUNG
21 COULD STICK THE PAPER TAG ON THE CAR AND THEN WENT
22 ON TO THE BANK.

23 "JONES STATES THAT HE HAS NEVER BEEN
24 OUT OF CHARLOTTE OTHER THAN FOR VACATION AND LAWS WAS
25 DRIVING THE WHOLE TIME AND TOOK THEM TO THE BANK.

1 "WHEN SHE PULLED UP THEY ALL GOT OUT
2 WITH THEIR MASKS ON AND WENT INSIDE. PORTER HAD A
3 NINE MILLIMETER PISTOL AND YOUNG HAD A .38 PISTOL
4 ALONG WITH SOME MACE.

5 "WHEN THEY WENT INSIDE HE DOES NOT
6 KNOW WHAT PORTER AND YOUNG DID, BUT JONES SAYS HE RAN
7 AND STARTED GETTING THE MONEY. THE PLAN WAS TO GO
8 BACK TO LAWS' HOUSE AND SPLIT THE MONEY UP.

9 "WHEN THEY LEFT AND WERE HEADED BACK
10 TO THE INTERSTATE, THE POLICE GOT BEHIND THEM AND
11 TURNED ON HIS BLUE LIGHTS. LAWS KEPT TELLING THEM
12 NOT TO WORRY, SHE'D GET THEM HOME. THEY KEPT MAKING
13 TURNS UNTIL THEY RAN INTO A DEAD END IN AN APARTMENT
14 COMPLEX. JONES STATES THAT HE HAD PUT A SHIRT AND
15 PAIR A PANTS IN THE PILLOWCASE WITH SOME MONEY" --
16 A PAIR A SHOES. SHIRT AND PAIR OF SHOES.

17 Q YES, YOU ARE QUITE RIGHT. "A SHIRT AND A PAIR
18 OF SHOES IN THE PILLOWCASE WITH THE MONEY SO HE COULD
19 CHANGE IF HE HAD TO RUN." IS THIS WHAT YOU SAID THE
20 VERY DAY OF THE BANK ROBBERY THE TRUTH?

21 A THE VERY DAY, THE TRUTH.

22 Q AND YOU HAD NO DEALS?

23 A NO DEALS. I DIDN'T EVEN KNOW MY CHARGES. I
24 DIDN'T EVEN, I DIDN'T KNOW ANYTHING. I JUST KNOW I
25 WAS IN TROUBLE. BUT THEY DIDN'T PROMISE ME ANYTHING

1 OR SAY IF YOU DO THIS, I'LL GIVE YOU THAT OR, THAT
2 NEVER HAPPENED. I JUST TOLD THE TRUTH. TOLD THEM
3 WHAT HAPPENED.

4 Q ALL RIGHT. THANK YOU.

5 MR. JAMIESON: ONE QUESTION, YOUR HONOR.

6 RECROSS EXAMINATION BY MR. JAMIESON:

7 Q WHO PROVIDED THE MONEY TO RENT THE CAR THAT YOU
8 ROBBED THE BANK IN?

9 A THEY DID.

10 Q WHO IS THEY?

11 A EVERYBODY, THEM.

12 Q BUT YOU DIDN'T PROVIDE ANY MONEY?

13 A YEAH.

14 Q WELL, THAT'S NOT THEY, IS IT? THAT'S YOU, ISN'T
15 IT? IS THAT A YES OR IS THAT A NO?

16 A WE DID.

17 Q SO YOU HELPED PROVIDE THE MONEY TO RENT THE CAR
18 TO ROB THIS BANK, IS THAT CORRECT?

19 A YES.

20 Q ALL RIGHT. THANK YOU.

21 THE COURT: MR. PORTER.

22 MR. PORTER: NO QUESTIONS.

23 THE COURT: ALL RIGHT. YOU CAN STEP DOWN.

24 THANK YOU.

25 MR. SPRINGS: LET ME HELP YOU WITH THE

KEVIN TOLSON

DIRECT

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1 GATE.

2 MR. SPRINGS: WE CALL OFFICER KEVIN
3 TOLSON.

4 KEVIN TOLSON, BEING FIRST DULY SWORN,
5 TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. SPRINGS:

7 Q OFFICER, TELL THIS JURY YOUR NAME?

8 A KEVIN TOLSON.

9 Q WHAT DO YOU DO FOR A LIVING?

10 A I WORK FOR THE YORK COUNTY FORENSIC SERVICES
11 UNIT.

12 Q ARE YOU A POLICE OFFICER?

13 A I AM.

14 Q HOW LONG HAVE YOU BEEN A POLICE OFFICER?

15 A SEPTEMBER WILL BE 15 YEARS.

16 Q ALL RIGHT. WHAT AGENCIES HAVE YOU WORKED BEFORE
17 YOU STARTED WORKING FOR THE YORK COUNTY SHERIFF'S
18 DEPARTMENT?

19 A WELL, I ORIGINALLY STARTED WITH THE SHERIFF'S
20 OFFICE IN 1992. I LEFT THE SHERIFF'S OFFICE IN 2000
21 AND WORKED FOR THE STATE LAW ENFORCEMENT DIVISION AS
22 A REGIONAL AGENT AND ACTUALLY CAME BACK WHERE I'M
23 EMPLOYED NOW. ALTHOUGH I'M ASSIGNED TO THE FORENSIC
24 SERVICES UNIT, I'M EMPLOYED BY THE YORK COUNTY
25 SOLICITOR'S OFFICE AS AN INVESTIGATOR.

1 Q SO YOU WORKED FOR SLED.

2 A I WORKED FOR SLED, YES, SIR.

3 Q HAVE YOU HAD TRAINING IN FORENSICS?

4 A I HAVE.

5 Q GATHERING OF FINGERPRINTS, BALLISTICS, THAT SORT
6 OF THING?

7 A YES, SIR.

8 Q DO YOU ACTUALLY RUN THE FORENSIC'S OFFICE HERE?

9 A YES, SIR, I'M THE SUPERVISOR OF THE UNIT.

10 Q DID YOU HAVE SOME ON THE SCENE EXPERIENCE ON
11 THIS BANK ROBBERY, GO OUT AND SEE THINGS, AND CHECK
12 THE SCENE AND SO FORTH?

13 A I DID, YES, SIR.

14 Q AND DID YOU MAKE SURE YOUR PEOPLE WERE ON THE
15 JOB DOING THEIR JOB?

16 A YES, SIR.

17 Q AND THAT'S ALL I HAVE. THANK YOU VERY MUCH.

18 CROSS EXAMINATION BY MR. JAMIESON.

19 Q OFFICER TOLSON, IS IT POSSIBLE TO GET
20 FINGERPRINTS FROM INSIDE OF A RUBBER GLOVE?

21 A I'VE KNOWN IT IN READINGS TO BE POSSIBLE, SO
22 YES, SIR, I'M ASSUMING THAT IT IS POSSIBLE. I HAVE
23 NEVER PERSONALLY DONE IT.

24 Q BUT DOES YOUR OFFICE HAVE THE CAPABILITY TO DO
25 THAT IF IT WAS ATTEMPTED?

1 A YES, SIR, WE HAVE TECHNIQUES TO ATTEMPT TO LIFT
2 FINGERPRINTS OFF VARIOUS ITEMS.

3 Q AND WERE THERE RUBBER GLOVES SEIZED IN THIS
4 CASE?

5 A YES, SIR, THERE WERE.

6 Q AND WERE THEY CHECKED FOR FINGERPRINTS?

7 A NO, SIR, THEY WERE NOT.

8 Q ALL RIGHT. WHAT WAS CHECKED FOR FINGERPRINTS?

9 A ON A REPORT DATED 12-28 OF '06 IN REFERENCE TO
10 THIS CASE IN QUESTION THE FOLLOWING ITEMS WERE
11 PROCESSED BY TWO OFFICERS WITHIN THE UNIT. THEY ARE,
12 GIVE ME ONE SECOND HERE. WHAT WE INDICATED AS
13 EVIDENCE ITEM NUMBER 2 WHICH IS A S & W OR SMITH AND
14 WESSON POCKET KNIFE. EVIDENCE ITEM NUMBER THREE ONE.
15 CAN OF AMERICAN RED PEPPER SPRAY. ITEM NUMBER FOUR
16 ONE GLASS BOTTLE WITH LIQUID. EVIDENCE NUMBER FIVE A
17 CHARTER ARMS .38 SPECIAL REVOLVER, AND ITEM NUMBER 21
18 A SMITH AND WESSON NINE MILLIMETER C WITH THE SERIAL
19 NUMBER 2YP 0717 AND THE MAGAZINE AS WELL AS 13 LIVE
20 ROUNDS.

21 Q WERE ANY FINGERPRINTS FOUND?

22 A NO, SIR. THE REPORT INDICATES THAT NO
23 IDENTIFIABLE LATENTS WERE LOCATED ON ANY OF THE
24 ITEMS.

25 Q AS FAR AS YOU'RE AWARE, WERE ANY FINGERPRINTS

1 RECOVERED FROM ANY PLACE IN THE BANK OR ANY OF THE
2 ITEMS OF EVIDENCE THAT YOU TESTED?

3 A NO, SIR, THE BANK WAS NOT PROCESSED FOR LATENTS
4 FOR A COUPLE OF REASONS AND THE INFORMATION THAT
5 INVESTIGATOR GARDNER WHO WAS LEFT AT THE BANK SHORTLY
6 AFTER WE ARRIVED TO HANDLE THE BANK SCENE WAS THAT
7 THE INDIVIDUALS WHO ENTERED THE BANK WERE WEARING
8 GLOVES.

9 Q SO IT WASN'T ATTEMPTED?

10 A THAT'S CORRECT.

11 Q THANK YOU.

12 A YES, SIR.

13 CROSS EXAMINATION BY MR. PORTER:

14 Q YES, SIR. MR. TOLSON, WHAT DID YOU SAY YOUR JOB
15 DESCRIPTION WAS?

16 A I'M THE SUPERVISOR OF THE FORENSIC SERVICES
17 UNIT.

18 Q AND YOU SAY ON THE DAY 12-28 THAT THE PEPPER
19 SPRAY AND WHAT ELSE WAS?

20 A PROCESSED?

21 Q PROCESSED.

22 A IT WAS A SMITH AND WESSON POCKET KNIFE, A CAN OF
23 AMERICAN DEFENDER RED PEPPER SPRAY, A GLASS BOTTLE
24 WITH LIQUID, CHARTER ARMS .38 SPECIAL REVOLVER, AND A
25 SMITH AND WESSON NINE MILLIMETER WEAPON AS WELL AS

1 THE MAGAZINE AND 13 LIVE ROUNDS.

2 Q WAS ANY FINGERPRINTS FOUND ON ANY OF THE
3 WEAPONS?

4 A ON ANY OF THOSE ITEMS THAT WERE TESTED NO
5 FINGERPRINTS WERE LOCATED.

6 Q WAS THE PEPPER SPRAY TESTED FOR -- LET ME ASK
7 YOU THIS. DON'T YOU HAVE A TEST WHEREAS IF PEPPER
8 SPRAY WAS USED THAT YOU CAN DETERMINE THAT WAS THE
9 SAME PEPPER SPRAY THAT WAS USED ON AN INDIVIDUAL WHO
10 HAS SOME ITEMS FROM THEIR CLOTHES OR WHO HAD SOME
11 PARTICULAR PARTICLE IN THEM, YOU COULD TELL THAT THAT
12 PEPPER SPRAY CAME FROM THIS CAN OR CERTAIN CAN?

13 A WE DON'T HAVE THE CAPABILITY TO DO THAT TYPE OF
14 TESTING AND TO MY KNOWLEDGE THE AGENCY THAT WE WOULD
15 USE TO TRY TO GET THAT KIND OF INFORMATION WOULD BE
16 THE STATE LAW ENFORCEMENT DIVISION FORENSICS LAB. I
17 CAN'T SPEAK FOR THEM BUT I CAN SAY THAT IF WE WERE
18 EVER WANTING TO FIND INFORMATION LIKE THAT, THE BEST
19 THEY WOULD PROBABLY BE ABLE TO TELL US IS THAT IT'S
20 CONSISTENT WITH WHAT'S IN THE CAN. THAT IT MAY NOT--
21 IN OTHER WORDS, THERE IS A LOT OF CANS OF PEPPER
22 SPRAY THAT WERE PROBABLY MANUFACTURED BY THAT
23 MANUFACTURER AND THE ELEMENTS THAT WERE IN THAT
24 PEPPER SPRAY WOULD ALL BE THE SAME IN ALL THE CANS.
25 Q OKAY. WAS YOUR OFFICE AWARE THAT PEPPER SPRAY

1 WAS USED, INVOLVED IN THE BANK?

2 A I'M NOT AWARE OF THAT, NO, SIR.

3 Q SO YOU WEREN'T FURNISHED THAT INFORMATION?

4 A I WAS NOT FURNISHED THAT INFORMATION.

5 Q OKAY. AND JUST SAY FOR INSTANCE THAT IT COULD,
6 HAD IT BEEN PROCESSED, THAT YOU WOULD HAVE DETERMINED
7 THAT THE SAME AGENTS THAT IS THE SAME MATERIAL THAT
8 WOULD HAVE DETERMINED THAT IT WAS SENT TO SLED, IS
9 THAT WHAT YOU ARE SAYING?

10 A WELL, WE DID NOT, SO I DIDN'T INQUIRE WITH SLED
11 WHAT THEIR CAPABILITIES ARE AND I'M JUST ASSUMING
12 JUST OF MY KNOWLEDGE OF WHAT'S IN THE PEPPER SPRAY
13 AND THE FACT THAT IT'S MANUFACTURED IN MASS VOLUMES
14 WHAT THAT THEY WOULD JUST BE ABLE TO TELL US THAT
15 WHAT IS FOUND ON ONE OBJECT IS VERY SIMILAR TO IN
16 CHARACTERISTICS TO WHAT'S IN THIS CAN OF PEPPER
17 SPRAY.

18 Q WAS THAT A FULL CAN OF PEPPER SPRAY?

19 A I DON'T KNOW.

20 Q OR COULD YOU TELL?

21 A I DON'T KNOW. I JUST REMEMBER SEEING THE ACTUAL
22 CAN. WE DIDN'T TEST TO SEE OR LOOK TO SEE HOW MUCH
23 WAS IN THE CAN.

24 Q AND THAT'S THE DUSTED FOR FINGERPRINTS?

25 A THAT'S CORRECT.

1 MR. PORTER: I HAVE NO FURTHER QUESTIONS.

2 MR. SPRINGS: NOTHING FURTHER.

3 THE COURT: YOU CAN STEP DOWN. THANK YOU.
4 WE'LL TAKE A BREAK AT THIS TIME.

5 MR. SPRINGS: VERY GOOD.

6 THE COURT: IF YOU'LL FOLLOW, MEMBERS OF
7 THE JURY PANEL, FOLLOW TO THE BAILIFF TO THE JURY
8 ROOM AND WE'LL TAKE A BREAK.

9 (COURT'S IN RECESS AT 03:39 PM.)

10 THE COURT: WE'LL BE AT EASE FOR ABOUT 10
11 TO 12 MINUTES.

12 (COURT'S IN RECESS AT 03:39 PM.)

13 (COURT RESUMES AT 04:16 PM WITH NO
14 POWER IN THE COURTROOM.)

15 THE COURT: I RECEIVED WORD THAT THE
16 PROBLEM IS WITH DUKE POWER AND THEY HAVE A CIRCUIT
17 THAT'S BLOWN AND IT WILL NOT BE FIXED UNTIL AROUND
18 SIX O'CLOCK SO WE'RE NOT GOING TO SIT HERE FOR TWO
19 HOURS AND WE CAN'T FUNCTION IN THE LIMITED LIGHT AND
20 THE COURT REPORTER NOT HAVING POWER, SO WE ARE GOING
21 TO HAVE TO STOP FOR THE DAY. ANYTHING FOR THE RECORD
22 BEFORE WE GET THE JURY IN AND CUT THEM LOOSE FOR THE
23 DAY FROM THE STATE.

24 MR. SPRINGS: NO, SIR.

25 THE COURT: THE DEFENSE.

1 MR. JAMIESON: NO, YOUR HONOR.

2 THE COURT: MR. PORTER.

3 MR. D'AGOSTINO: YOUR HONOR, MAY I EXPLAIN
4 THE LAW TO HIM.

5 THE COURT: YES.

6 (MR. PORTER CONFERRING WITH
7 MR. D'AGOSTINO.)

8 THE COURT: ALL RIGHT. MR. D'AGOSTINO WAS
9 EXPLAINING TO MR. PORTER, IF I COULD HEAR HIM AND HE
10 HAD INDICATED TO ME EARLIER THAT ON MR. PORTER'S
11 BEHALF HE ISSUED A SUBPOENA, I DON'T KNOW WHO IT'S
12 FOR, BUT IT'S SOMEONE IN NORTH CAROLINA AND THAT THEY
13 HAVE A PROCESS SERVER TAKE IT TO BE SERVED AND I HAD
14 TOLD MR. D'AGOSTINO, I HADN'T TOLD MR. PORTER THIS,
15 BUT OF COURSE WE'LL PAY A PROCESS SERVER TO SERVE IT.
16 THE SUBPOENAS ARE USUALLY SERVED BY OUR SHERIFF'S
17 OFFICE BUT THEY CAN'T GO IN NORTH CAROLINA AND SERVE
18 IT SO WE'LL PAY FOR A PRIVATE, THE STATE WILL END UP
19 PAYING FOR THAT PRIVATE PROCESS SERVER SO WE WILL GO
20 AHEAD AND DO IT. ALL RIGHT. BRING IN THE JURY.

21 THE COURT: WHILE THE JURY IS COMING, HOW
22 ARE WE COMING IN YOUR CASE?

23 MR. SPRINGS: I'VE GOT THROUGH NO LONG
24 WITNESSES LEFT AND I NEED ABOUT ONE MORE HOUR BEFORE
25 I REST.

KEVIN TOLSON

CROSS EXAMINATION

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1 (JURY RETURNS TO THE COURTROOM AT
2 4:20.)

3 THE COURT: MEMBERS OF THE JURY PANEL,
4 FIRST I'M SURE THE COUNTY HAS APPLIED YOUR TAX
5 DOLLARS TO OUR ELECTRICAL BILL AND THAT'S NOT THE
6 PROBLEM, BUT WE HAVE LEARNED THAT DUKE POWER THAT
7 PROVIDES THE ENERGY HERE HAS A BLOWN A BREAKER, IS
8 THAT RIGHT? BLOWN A CIRCUIT AND IT WILL NOT BE FIXED
9 FOR A COUPLE OF HOURS SO WE'RE NOT GOING TO SIT
10 AROUND, WE DON'T HAVE AIR-CONDITIONING AND BY THEN IT
11 WILL SIX O'CLOCK SO WE'LL GO AHEAD AND STOP FOR THE
12 AFTERNOON AND START BACK AT 9:30 IN THE MORNING.
13 KEEPING IN MIND NOT TO DISCUSS THE CASE, NOT TO LET
14 YOURSELF BE EXPOSED TO ANYTHING ABOUT THE CASE
15 OUTSIDE THE COURTROOM. I UNDERSTAND THAT WE STILL
16 SHOULD HAVE THIS CASE TO YOU SOMETIME LUNCH TIME OR
17 AFTER TOMORROW. I CAN'T PROMISE YOU THAT BUT HAVING
18 TALKED TO THE ATTORNEYS AND SORT OF KNOWING WHAT'S
19 LEFT AS FAR AS THEIR PRESENTATIONS, I THINK WE'LL
20 STILL BE ABLE TO FINISH THIS CASE TOMORROW, SO HAVE A
21 PLEASANT EVENING AND WE'LL SEE YOU BACK AT 9:30 IN
22 THE MORNING.

23 (THE JURY EXITS THE COURTROOM AT 04:22
24 PM.)

25 THE COURT: ANYTHING FROM THE STATE BEFORE

1 WE DISMISS?

2 MR. SPRINGS: NOTHING, SIR.

3 THE COURT: MR. JAMIESON, ANYTHING?

4 MR. JAMIESON: NO, SIR.

5 THE COURT: MR. PORTER, ANYTHING BEFORE WE
6 STOP FOR THE DAY?

7 MR. PORTER: NO, SIR.

8 THE COURT: WE'LL SEE Y'ALL AT 9:30 IN THE
9 MORNING.

10 (COURT'S IN RECESS AT 04:23 PM.)

11 (COURT RESUMES ON JULY 26, 2007, AT
12 9:52.)

13 THE COURT: IS THE STATE READY?

14 MR. SPRINGS: YES, SIR.

15 THE COURT: MR. JAMIESON?

16 MR. JAMIESON: YES, SIR.

17 THE COURT: MR. PORTER, YOU READY?

18 MR. PORTER: YES, SIR.

19 THE COURT: FOR THE RECORD, IT'S MY
20 UNDERSTANDING THAT YOU WERE ABLE TO SERVE THE
21 SUBPOENA ON THAT WITNESS.

22 MR. D'AGOSTINO: YES, SIR. YOUR HONOR,
23 SHE'S IN THE HALLWAY AND I'M GOING TO TALK TO
24 MR. PORTER AFTER THE STATE RESTS, LET HIM TALK TO THE
25 WITNESS FOR A FEW MINUTES AND LET HIM DECIDE THEN IF

AUDRA EDDIE

DIRECT

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1 HE WANTS USE THEM OR NOT.

2 THE COURT: OKAY. BUT I UNDERSTOOD THAT
3 SHE WAS ON THE PREMISES AND I JUST WANTED TO MAKE
4 SURE. YOU UNDERSTAND THAT, MR. PORTER?

5 MR. PORTER: YES, I DO.

6 THE COURT: ALL RIGHT. BRING IN THE JURY.

7 (THE JURY RETURNS TO THE COURTROOM.)

8 THE COURT: CALL YOUR NEXT WITNESS.

9 MR. SPRINGS: WE CALL FORENSIC OFFICER
10 AUDRA EDDIE.

11 AUDRA EDDIE, BEING FIRST DULY SWORN,
12 TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION BY MR. SPRINGS:

14 Q MA'AM, I'M GOING TO ASK YOU KEEP YOUR VOICE UP
15 AND LOUD. NO ONE WILL FUSS ABOUT THAT. WE WANT TO
16 MAKE SURE EVERYBODY HEARS WHAT YOU HAVE TO SAY. TELL
17 US YOUR NAME PLEASE?

18 A MY NAME IS AUDRA EDDIE. I'M AN INVESTIGATOR FOR
19 THE FORENSIC SERVICES UNIT.

20 Q ALL RIGHT. AND AS PART OF YOUR JOB DUTIES AS
21 INVESTIGATOR WITH THE FORENSIC UNIT, DO YOU COLLECT
22 EVIDENCE?

23 A YES, I DO.

24 Q DID YOU COLLECT SOME EVIDENCE IN THIS CASE?

25 A YES, I DID.

1 Q I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S
2 EXHIBIT 34, LOOK AT THIS AND TELL THIS JURY IF YOU
3 HAVE EVER SEEN THIS ITEM BEFORE AND WHERE YOU SAW IT?

4 A YES, I HAVE. THIS WAS COLLECTED FROM THE GROUND
5 IN THE PARKING LOT NEAR THE PASSENGER SIDE OF THE
6 GRAY FORD TAURUS.

7 Q ALL RIGHT. AND WHAT IS IT?

8 A IT'S ONE PAIR OF BLACK GLOVES.

9 Q ALL RIGHT. LET ME HAVE THAT. SHOW US WHAT'S
10 BEEN MARKED STATE'S EXHIBIT 19 FOR IDENTIFICATION,
11 LOOK AT THAT AND TELL THE JURY IF YOU HAVE EVER SEEN
12 IT AND IF SO WHERE?

13 A YES, I HAVE. IT'S ONE BLUE SHIRT FROM THE
14 GROUND IN PARKING LOT NEAR THE PASSENGER SIDE OF THE
15 GRAY FORD TAURUS.

16 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED
17 STATE'S EXHIBIT 24 FOR IDENTIFICATION, LOOK AT THAT
18 AND TELL THIS JURY IF YOU HAVE EVER SEEN IT AND IF SO
19 WHERE?

20 A YES, I HAVE. IT'S ONE PILLOWCASE FOUND ON THE
21 GROUND NEAR THE GRAY FORD TAURUS.

22 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED
23 STATE'S EXHIBIT 32, LOOK AT THIS AND TELL THE JURY IF
24 YOU HAVE EVER SEEN IT AND IF SO WHERE?

25 A YES, SIR. THERE IS ONE CAN OF AMERICAN DEFENDER

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1 RED PEPPER SPRAY. THIS WAS LOCATED ON DEPUTY
2 VINESETT'S VEHICLE.

3 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED
4 STATE'S EXHIBIT 23 FOR IDENTIFICATION, LOOK AT THAT
5 AND TELL THIS JURY IF YOU'VE EVER SEEN IT AND IF SO
6 WHERE?

7 A YES, I HAVE. THIS IS ONE PAIR OF BLACK BRAHMA
8 BOOTS. THEY WERE LOCATED ON THE GROUND IN THE
9 PARKING LOT NEAR THE PASSENGER SIDE OF THE GRAY FORD
10 TAURUS.

11 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
12 EXHIBIT 20 FOR IDENTIFICATION, LOOK AT THIS AND TELL
13 THE JURY IF YOU HAVE EVER SEEN IT AND IF SO WHERE?

14 A YES, I HAVE. THIS IS ONE PAIR OF WHITE NIKE
15 TENNIS SHOES SIZE NINE. THESE WERE RECOVERED FROM
16 ITEM NUMBER ONE.

17 Q DID YOU BRING A COPY OF YOUR OWN EVIDENCE LOG?

18 A YES, SIR.

19 Q WHAT IS ITEM NUMBER ONE?

20 A ITEM NUMBER ONE IS THE U.S. CURRENCY THAT WAS
21 FOUND IN THE PILLOWCASE.

22 Q ALL RIGHT. WAS ANYTHING ELSE FOUND IN THE
23 PILLOWCASE?

24 A YES. WHITE TENNIS SHOES.

25 Q AND WHAT IS INSIDE STATE'S EXHIBIT 20? FEEL

1 FREE TO OPEN IT IF YOU'D LIKE TO REFRESH YOUR MEMORY.

2 A SURE. A PAIR OF WHITE NIKE TENNIS SHOES.

3 Q ALL RIGHT. THANK YOU.

4 A YES, SIR.

5 Q SHOWING YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
6 22 FOR IDENTIFICATION, TELL THE JURY IF YOU'VE EVER
7 SEEN THIS AND IF SO WHERE?

8 A YES, I HAVE. THIS IS ONE BLACK JACKET LOCATED
9 ON THE GROUND IN THE PARKING LOT NEAR THE PASSENGER
10 SIDE OF THE GRAY FORD TAURUS.

11 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED AS
12 STATE'S EXHIBIT 59 FOR IDENTIFICATION, LOOK AT THIS
13 AND TELL THIS JURY IF YOU HAVE EVER SEEN IT AND IF SO
14 WHERE?

15 A YES. THIS IS A BLACK T-SHIRT AND WHITE DEW RAG
16 WHICH WAS ALSO RECOVERED AND REMOVED FROM THE
17 PILLOWCASE AND CONTAINED U.S. CURRENCY.

18 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
19 EXHIBIT 41 FOR IDENTIFICATION, LOOK AT THIS AND TELL
20 THE JURY IF YOU HAVE EVER SEEN IT AND IF SO WHERE?

21 A YES. THIS IS A SMITH & WESSON A POCKET KNIFE
22 THIS WAS FOUND IN THE BLACK BRAHAM BOOT, THE LEFT
23 BOOT.

24 Q SHOWING YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
25 35 FOR IDENTIFICATION, LOOK AT THIS AND TELL THE JURY

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1 IF YOU HAVE EVER SEEN IT AND IF SO WHERE?

2 A THIS IS ONE BLACK NIKE MILO SHOE. IT WAS FOUND
3 IN THE PARKING LOT NEAR THE FRONT DRIVER'S SIDE OF
4 THE GRAY FORD TAURUS.

5 Q INVESTIGATOR EDDIE, YOU HAD MENTIONED A
6 PILLOWCASE WITH SOME MONEY IN IT, IS THAT WHAT YOU
7 SAID?

8 A YES, SIR.

9 Q DID YOU COLLECT THAT?

10 A YES, SIR, I DID.

11 Q AND DO YOU RECALL WHERE THE PILLOWCASE WITH THE
12 MONEY WAS SITTING, WHAT LOCATION, WHEN YOU COLLECTED
13 IT?

14 A IT WAS COLLECTED FROM, IT WAS SITTING ON TOP
15 DEPUTY VINESETT'S VEHICLE.

16 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED AS
17 STATE'S EXHIBIT 26 FOR IDENTIFICATION, AFTER I SHOW
18 IT TO THESE GENTLEMEN. SHOWING YOU STATE'S EXHIBIT
19 26, LOOK AT THAT PICTURE AND TELL US IF YOU SEE THE
20 PILLOWCASE YOU'VE JUST TALKED ABOUT?

21 A YES, I DO. IT'S ON THE HOOD OF DEPUTY
22 VINESETT'S VEHICLE.

23 Q THANK YOU.

24 A SURE.

25 Q AND THE PILLOWCASE WITH THE MONEY IN IT, WHERE

1 DID YOU TAKE IT; WHAT DID YOU DO WITH IT?

2 A IT WAS COLLECTED AND PLACED INTO EVIDENCE AT
3 THE, IN THE YORK COUNTY EVIDENCE ROOM.

4 Q ALL RIGHT. DID YOU COME BACK LATER AND COUNT IT
5 AND LOOK AT IT SOME MORE?

6 A YES, SIR.

7 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
8 EXHIBIT 27 FOR IDENTIFICATION, LOOK AT THIS PICTURE
9 AND TELL THE JURY IF IT LOOKS FAMILIAR?

10 A YES, SIR. THAT'S A PHOTOGRAPH OF THE MONEY THAT
11 WAS RECOVERED FROM THE PILLOWCASE.

12 Q ALL RIGHT. AND I THANK YOU. IF YOU WOULD
13 PLEASE ANSWER ANY QUESTIONS THAT ANYONE ELSE IN THIS
14 ROOM HAS FOR YOU.

15 A ALL RIGHT.

16 CROSS EXAMINATION BY MR. JAMIESON:

17 Q MA'AM, MY NAME IS PHILLIP JAMIESON. I REPRESENT
18 MR. YOUNG. I HAVE A COUPLE QUESTIONS FOR YOU.

19 MR. SPRINGS: I'M SORRY, YOUR HONOR. MY
20 ERROR. WE WANT TO OFFER ALL THE ITEMS FROM THIS
21 INVESTIGATOR AUDRA EDDIE HAS JUST GONE OVER WITH ME,
22 WE WANT TO OFFER THEM INTO EVIDENCE, MY ERROR.

23 THE COURT: ANY OBJECTION ON BEHALF OF MR.
24 YOUNG?

25 MR. JAMIESON: I DO HAVE OBJECTIONS ON

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1 SOME OF THE ITEMS, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 MR. JAMIESON: YOU WANT ME TO GIVE YOU
4 ITEM NUMBERS?

5 THE COURT: WELL, WHY DON'T WE LET THE
6 JURY GO TO THE JURY ROOM WHILE WE DISCUSS THIS.

7 (JURY EXITS THE COURTROOM.)

8 THE COURT: ALL RIGHT.

9 MR. JAMIESON: YOU WANT ME TO GIVE YOU
10 ITEM NUMBERS.

11 THE COURT: WELL, BOTH ITEM NUMBERS AND
12 WHAT IT IS.

13 MR. JAMIESON: ALL RIGHT. ITEM NUMBER 34.
14 ITEM NUMBER 19.

15 MR. SPRINGS: LET ME PULL THESE OUT AS YOU
16 GO. MR. JAMIESON, WHAT WAS 34?

17 MR. JAMIESON: 34, I DON'T KNOW WHAT IT
18 IS. I MISSED THAT WHEN I WAS MAKING NOTES.

19 MR. D'AGOSTINO: THAT'S A PAIR OF BLACK
20 GLOVES.

21 THE COURT: THANK YOU.

22 MR. JAMIESON: ITEM 19 WHICH IS A SHIRT
23 FOUND ON THE GROUND. ITEM 24 WHICH IS A PILLOWCASE
24 FOUND ON THE GROUND.

25 MR. SPRINGS: YES, SIR.

1 MR. JAMIESON: ITEM 23 WHICH IS BOOTS
2 FOUND IN THE PARKING LOT.

3 MR. SPRINGS: YES, SIR.

4 MR. JAMIESON: ITEM 22 WHICH IS A JACKET
5 FOUND IN THE PARKING LOT.

6 MR. SPRINGS: YES, SIR.

7 MR. JAMIESON: ITEM 41 WHICH IS A POCKET
8 KNIFE FOUND IN THE BOOT IN THE PARKING LOT.

9 MR. SPRINGS: YES, SIR.

10 MR. JAMIESON: AND ITEM 35 WHICH WAS ALSO
11 FOUND ON THE GROUND.

12 MR. SPRINGS: YES, SIR. ALL RIGHT. WE
13 WOULD ASK THE BASIS FOR THE OBJECTION.

14 THE COURT: I IMAGINE BECAUSE THEY WEREN'T
15 FOUND IN THE VEHICLE BUT GO AHEAD.

16 MR. JAMIESON: WELL, IT'S NOT JUST THAT
17 THEY WEREN'T FOUND IN THE VEHICLE, THAT IS PART OF IT
18 OF COURSE THEY WEREN'T FOUND IN THE VEHICLE, BUT
19 THERE IS NO TESTIMONY AND EVIDENCE AT ALL FROM ANY
20 WITNESS ABOUT HOW THOSE ITEMS GOT IN THE PARKING LOT.
21 THERE IS NO TESTIMONY BY ANY OFFICERS THAT THEY IT
22 TOOK ANYBODY'S BOOTS OFF. THERE IS NO TESTIMONY THAT
23 BY ANY OFFICER THAT THEY TOOK ANYBODY'S JACKET,
24 SHIRT, CLOTHES, GLOVES OFF. THERE IS NO TESTIMONY
25 WHATSOEVER THAT LINKS THESE ITEMS TO THESE

1 INDIVIDUALS AS BEING, BEING IN ANYONE'S POSSESSION.
2 THIS IS AN APARTMENT COMPLEX. I WOULD VENTURE TO
3 GUESS THAT AT ANY APARTMENT COMPLEX YOU ARE GOING TO
4 FIND ITEMS DISCARDED ON THE GROUND AND THAT'S THE
5 BASIS OF MY OBJECTION.

6 THE COURT: THAT'S WHERE I THOUGHT YOU
7 WERE HEADED. MR. PORTER, WHAT ABOUT YOU, DO YOU
8 OBJECT TO ANY OF IT?

9 MR. PORTER: YES, SIR, I OBJECT TO THE
10 SAME THING AND I ALSO MAKE THE INTIMATE THAT THERE IS
11 NO ESTABLISHED THE CHAIN OF CUSTODY. ANYONE WHO
12 PARTICULAR FOUND THAT FOR HER, WHERE THAT ITEM BEEN,
13 OR HOW THIS GOT THERE, WHO WAS OUT, THEY HAVEN'T
14 ESTABLISHED THAT IT'S MINE OR THE OTHER DEFENDANTS
15 AND I WOULD ALSO JOIN IN THAT OBJECTION, YOUR HONOR.
16 BASICALLY FOR THE CHAIN OF CUSTODY.

17 THE COURT: ALL RIGHT.

18 MR. SPRINGS: LET ME ADDRESS THE CHAIN
19 FIRST.

20 REDIRECT IN CAMERA EXAMINATION BY MR. SPRINGS:

21 Q INVESTIGATOR EDDIE, DID YOU COLLECT ALL THESE
22 THINGS YOURSELF AT THE SCENE?

23 A YES, I DID.

24 Q AND WHERE DID YOU TAKE ALL THESE THINGS?

25 A THEY WERE BROUGHT BACK TO THE YORK COUNTY

1 SHERIFF'S OFFICE AND PLACED IN THE EVIDENCE ROOM.

2 Q IS THAT A SECURE FACILITY?

3 A YES, IT IS.

4 Q IT STAYS LOCKED?

5 A YES, IT DOES.

6 Q WAS IT IN YOUR CUSTODY AND CONTROL, ALL THESE
7 THINGS, FROM THE TIME YOU COLLECTED IT AT THE SCENE
8 UNTIL YOU TOOK IT TO THE EVIDENCE ROOM?

9 A YES, IT WAS.

10 Q AND WHO BROUGHT IT UP HERE FROM EVIDENCE?

11 A I DID, MYSELF AND INVESTIGATOR BAGWELL.

12 Q ALL RIGHT. WAS IT IN YOUR CUSTODY AND CONTROL
13 THE ENTIRE TIME FROM THE EVIDENCE ROOM UP UNTIL IT
14 GOT HERE IN THIS COURTROOM?

15 A YES, IT WAS.

16 MR. SPRINGS: THAT'S THE CHAIN OF CUSTODY,
17 YOUR HONOR. AS FAR AS THE RELEVANCE, YOUR HONOR, WE
18 THINK --

19 THE COURT: LET'S TAKE THEM AT ONE TIME.
20 I OVERRULE THE OBJECTION ON THE CHAIN OF CUSTODY. I
21 THINK THERE IS A SUFFICIENT CHAIN OF CUSTODY. ALSO
22 THESE ARE NOT FUNGIBLE ITEMS. THESE ARE ITEMS WHICH
23 CANNOT BE COMMINGLED SUCH AS DRUGS OR LIQUIDS OR FOOD
24 STUFFS OR STUFF LIKE THAT. THESE ARE PHYSICAL
25 OBJECTS THAT ARE NOT FUNGIBLE AND THEREFORE, I'M NOT

1 GOING TO SAY A WEAKER CHAIN IS REQUIRED BUT THEY ARE
2 LOOKED AT A LITTLE DIFFERENT THAT FUNGIBLE ITEMS, SO
3 I FIND THAT THE CHAIN CUSTODY IS SUFFICIENT.

4 NOW THE OTHER HAS TO DO WITH WHETHER
5 OR NOT THERE IS SUFFICIENT NEXUS TO THESE TO THE
6 ROBBERY OR WERE THESE JUST GARBAGE LAYING ON THE
7 GROUND.

8 MR. SPRINGS: YES, SIR.

9 Q INVESTIGATOR EDDIE, WHEN DID YOU GET OUT TO THE
10 SCENE WITH THE FORD, THE GRAY FORD TAURUS. DO YOU
11 REMEMBER APPROXIMATELY WHAT TIME THAT DAY YOU
12 ARRIVED?

13 A NO, I DON'T. IT WAS SHORTLY AFTER. I ARRIVED
14 AT THE BANK FIRST THEN WAS NOTIFIED OF THE INCIDENT
15 AND WE HEADED STRAIGHT FROM THE BANK TO THE VEHICLE.

16 Q ALL RIGHT. DID YOU SEE OTHER OFFICERS ON THE
17 SCENE?

18 A YES.

19 Q DID YOU TALK TO OTHER OFFICERS ON THE SCENE?

20 A YES, SIR.

21 Q AND DID YOU DEVELOP KNOWLEDGE THAT THAT CRIME
22 SCENE WITH THE FORD TAURUS WAS FRESH OR WEEKS OR DAYS
23 OR HOURS OLD?

24 A IT WAS A FRESH SCENE.

25 Q OKAY. AND THE THINGS THAT WE'VE TALKED ABOUT

1 HERE, WERE THEY AT THAT LOCATION WHEN YOU ARRIVED ON
2 THE SCENE?

3 A YES, THEY WERE.

4 Q ALL RIGHT.

5 MR. SPRINGS: YOUR HONOR, WE WOULD ARGUE
6 THAT BECAUSE THEY ARE CLOSE TO THE GETAWAY CAR,
7 ADJACENT TO THE GETAWAY CAR, VERY SHORTLY AFTER THE
8 GETAWAY CAR ARRIVED, THERE IS THAT SCINTILLA OF
9 RELEVANCE WHICH WOULD ALLOW US TO BRING IT IN.

10 THE COURT: I'M GOING TO OVERRULE THE
11 OBJECTION. I FIND THAT ALL OF THESE ITEMS, AT LEAST
12 THERE HAS BEEN SOME TESTIMONY THAT, THAT CONNECTS
13 THEM TO THE POSSIBILITY OF THE CRIME BECAUSE THERE
14 ARE CERTAINLY PILLOWCASE INVOLVED; THEY WERE
15 INDICATED TO HAVE SOME SORT OF HOODED JACKETS ON;
16 I DON'T REMEMBER ANY SPECIFIC TESTIMONY ABOUT BOOTS
17 OR SHOES, BUT THE BLACK GLOVES, AND ALL THESE BEING
18 FOUND IN THE VICINITY SHORTLY, WELL, BY HER SHORTLY
19 AFTERWARDS ALTHOUGH THERE IS SOME POSSIBILITY OF
20 COURSE IN THE REALM OF THE WORLD THAT SOME OF THESE
21 MAY HAVE ALREADY BEEN THERE, I FIND THERE IS
22 SUFFICIENT NEXUS AND OF COURSE IT WOULD BE SUBJECT TO
23 CROSS EXAMINATION BY THE DEFENSE AND MR. PORTER, BUT
24 I FIND THERE IS A SUFFICIENT NEXUS AND SO I OVERRULE
25 THE OBJECTIONS OF BOTH MR. YOUNG AND MR. PORTER.

AUDRA EDDIE

CROSS

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1 BRING THE JURY BACK IN.

2 (STATE'S EXHIBITS 19, 20, 22-24, 26,
3 27, 32, 34, 35, 41 & 59 RECEIVED INTO EVIDENCE.)

4 (THE JURY RETURNS TO THE COURTROOM AT
5 10:13 AM.)

6 THE COURT: ALL RIGHT. THE DEFENSE
7 OBJECTED TO CERTAIN EXHIBITS WHICH I HAVE OVERRULED
8 THE OBJECTION AND ALLOWED THEM INTO EVIDENCE, SO ALL
9 THE EXHIBITS THAT THE STATE HAS PROFFERED ARE IN
10 EVIDENCE AT THIS TIME.

11 CROSS EXAMINATION BY MR. JAMIESON:

12 Q MRS. EDDIE, I BELIEVE I INTRODUCED MYSELF. I'M
13 PHILLIP JAMIESON. I REPRESENT MR. YOUNG. I HAVE A
14 COUPLE QUESTIONS FOR YOU. OF THE OBJECTS THAT YOU
15 JUST INDICATED YOU COLLECTED, BY MY COUNT SEVEN OF
16 THOSE OBJECTS WERE FOUND IN A PARKING LOT OF AN
17 APARTMENT COMPLEX, IS THAT CORRECT?

18 A YES, SIR.

19 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE HOW THEY CAME
20 TO BE IN THAT PARKING LOT?

21 A NO, SIR.

22 Q YOU DON'T KNOW WHO PLACED THEM THERE?

23 A NO, SIR, I DON'T.

24 Q YOU DON'T KNOW HOW THEY GOT THERE?

25 A NO, SIR.

1 Q ALL RIGHT. MRS. EDDIE, ARE YOU QUALIFIED TO
2 EXAMINE FINGERPRINTS?

3 A YES, SIR.

4 Q AND TO LIFT FINGERPRINTS AS PART OF YOUR JOB?

5 A YES, SIR.

6 Q AND YOU'RE VERY FAMILIAR WITH THAT PROCESS?

7 A YES, SIR.

8 Q WERE THERE LATEX GLOVES FOUND AT THIS CRIME
9 SCENE?

10 A I BELIEVE SO, YES.

11 Q IS IT POSSIBLE TO OBTAIN FINGERPRINTS FROM
12 INSIDE LATEX GLOVES?

13 A YES, SIR.

14 Q WAS THAT ATTEMPTED IN THIS CASE?

15 A NOT, NOT BY ME, NO.

16 Q BUT IT IS POSSIBLE TO GET PRINTS?

17 A YES, SIR.

18 Q THERE WERE SEVERAL ITEMS OF CLOTHING THAT WERE
19 COLLECTED AT THIS SCENE, WAS THERE NOT?

20 A YES, SIR.

21 Q MASK, GLOVES, AND THINGS OF THAT NATURE?

22 A YES.

23 Q WHEN AN INDIVIDUAL PUTS SOMETHING LIKE THAT IN
24 CLOSE CONTACT TO HIS BODY, IS IT YOUR EXPERIENCE THAT
25 DNA CAN BE TRANSFERRED DURING THAT PROCESS?

AUDRA EDDIE

CROSS

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- 1 A IT CAN.
- 2 Q AND IS DNA ABSOLUTE IDENTIFIER OF THAT
- 3 INDIVIDUAL?
- 4 A YES, SIR.
- 5 Q WAS DNA TESTING DONE ON ANY OF THESE ITEMS TO
- 6 CONNECT ANY INDIVIDUAL TO THIS CRIME?
- 7 A NO, SIR. THERE WAS NO DNA TESTING DONE.
- 8 Q DID YOU TEST SOME ITEMS FOR FINGERPRINTS IN THIS
- 9 CASE?
- 10 A YES, SIR.
- 11 Q WERE YOU THE PERSON THAT PERSONALLY DID THAT?
- 12 A MYSELF AND INVESTIGATOR BAGWELL.
- 13 Q ARE, WERE THERE ANY PRINTS WHATSOEVER THAT
- 14 CONNECTED ANY INDIVIDUAL TO THIS CRIME?
- 15 A NO, SIR. THERE WERE NO PRINTS RECOVERED.
- 16 Q AND THERE CERTAINLY WEREN'T ANY PRINTS
- 17 CONNECTING MY CLIENT TO THIS CRIME?
- 18 A THERE WERE NO PRINTS AT ALL RECOVERED, NO, SIR.
- 19 Q AND THERE WASN'T ANY, THERE ISN'T ANY PHYSICAL
- 20 EVIDENCE IN TERMS OF DNA, FINGERPRINTS, THAT CONNECTS
- 21 MY CLIENT TO THIS CRIME?
- 22 A NOT THAT I RECOVERED, NO, SIR.
- 23 Q OKAY. THANK YOU.
- 24 A YES, SIR.
- 25 CROSS EXAMINATION BY MR. PORTER:

1 Q MY NAME IS JOHNNELL PORTER. I REPRESENT MYSELF.
2 I UNDERSTANDING YOU ARE FORENSIC, YOU ARE IN THE
3 FIELD OF FORENSIC?

4 A YES, SIR.

5 Q I JUST HEARD THAT YOU EXPLAIN TO MR. EDDIE THAT
6 NO FINGERPRINTS WAS FOUND?

7 A YES, SIR.

8 Q WAS ANY FINGERPRINTS FOUND, WAS ANYTHING FOUND
9 CONNECTING ME TO ANY OF THOSE ITEMS THAT YOU JUST
10 BROUGHT IN?

11 A NO. THERE WERE, AS I STATED THERE WERE NO
12 FINGERPRINTS, IDENTIFIABLE FINGERPRINTS LOCATED.

13 Q BUT DNA AND FINGERPRINTS COULD HAVE BEEN
14 ESTABLISHED HAD THEY BEEN IN THOSE CLOTHES?

15 A ITEMS WERE PROCESSED FOR FINGERPRINTS, NO
16 IDENTIFIABLE FINGERPRINTS WERE LOCATED, AND NO DNA
17 TESTING WAS DONE ON THE CLOTHES.

18 MR. PORTER: NO FURTHER QUESTIONS.

19 Q NO FINGERPRINTS OR DNA CONNECTING ME?

20 A NO, SIR.

21 Q NO FURTHER QUESTIONS.

22 A YES, SIR.

23 MR. SPRINGS: NOTHING FURTHER.

24 THE COURT: YOU CAN STEP DOWN AND BE
25 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

BRIAN BAGWELL

DIRECT

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1 A THANK YOU, SIR.

2 MR. SPRINGS: WE CALL FORENSICS OFFICER
3 BRIAN BAGWELL.

4 BRIAN BAGWELL, BEING FIRST DULY SWORN,
5 TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. SPRINGS:

7 Q OFFICER, SPEAKING UP NICE AND LOUD TELL THIS
8 JURY YOUR NAME, SIR?

9 A MY NAME IS BRIAN BAGWELL.

10 Q WHAT DO YOU DO FOR A LIVING?

11 A I'M A FORENSICS INVESTIGATOR WITH THE YORK
12 COUNTY SHERIFF'S OFFICE.

13 Q HOW MANY YEARS EXPERIENCE IN FORENSICS DO YOU
14 HAVE?

15 A APPROXIMATELY SIX AND A HALF, SEVEN YEARS.

16 Q ALL RIGHT. AND DID YOU COLLECT SOME EVIDENCE IN
17 THIS CASE?

18 A YES, SIR, I DID.

19 Q BEFORE I START ASKING YOU ABOUT THE ITEMS YOU
20 COLLECTED IN THIS CASE, COLLECTING FINGERPRINTS FROM
21 THE INSIDE OF A LATEX GLOVE, IF THAT IS ATTEMPTED IS
22 IT ALWAYS CERTAIN THAT PRINTS WOULD BE OBTAINED?

23 A NO, IT'S VERY UNLIKELY THAT YOU WILL FIND
24 IDENTIFIABLE PRINTS, BUT IT CAN BE DONE.

25 Q AND IS THAT A SPECIALIZED TECHNIQUE THAT HAS TO

1 BE DONE BY A SPECIALIZED LABORATORY SUCH AS SLED OR
2 THE FBI OR COULD YOU DO IT HERE?

3 A WE CAN DO IT HERE, SIR.

4 Q ALL RIGHT. SOMETHING SUCH AS THAT PISTOL, IF
5 IT'S CHECKED FOR FINGERPRINTS, IS IT A CERTAINTY THAT
6 PRINTS WILL BE FOUND EVERY TIME?

7 A NO, SIR.

8 Q ACTUALLY ON STATE'S EXHIBIT 74 WOULD, THAT VERY
9 PISTOL, DID YOU CHECK IT FOR FINGERPRINTS?

10 A I WOULD HAVE TO LOOK AT MY REPORT. I'M NOT SURE
11 IF THAT WAS THE ONE THAT WAS CHECKED. A SMITH AND
12 WESSON NINE MILLIMETER, YES, IT WAS CHECKED.

13 Q DID YOU FIND PRINTS?

14 A NO, SIR, I DID NOT.

15 Q ALL RIGHT. I'M GOING TO SHOW YOU SOME THINGS
16 AND I'M GOING TO ASK YOU IF YOU'VE SEEN THEM BEFORE
17 AND IF SO WHERE YOU SAW THEM AND COLLECTED THEM. THE
18 FIRST IS STATE'S EXHIBIT 52.. I'M GOING TO SHOW IT TO
19 THESE GENTLEMEN. LOOK AT 52 AND TELL THE JURY IF
20 YOU'VE SEEN IT AND IF SO WHERE?

21 A YES, I HAVE. THIS IS THE 8 PIECES OF DUCK TAPE
22 THAT WAS BACK ON TAURUS THAT WAS HOLDING THE
23 TEMPORARY TAG IN PLACE.

24 Q OKAY. AND WHEN YOU GOT THAT, WHERE DID YOU TAKE
25 IT AND PUT IT?

BRIAN BAGWELL

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1 A INTO EVIDENCE OR IN THE DRYING CHAMBER ACTUALLY.

2 IT WENT FROM ME TO THE DRYING CHAMBER.

3 Q OKAY. WAS IT IN YOUR CUSTODY AND CONTROL THE
4 ENTIRE TIME FROM WHEN IT WAS RECOVERED OFF THE CAR?

5 A YES, SIR.

6 Q AND THEN IT STAYED IN THE EVIDENCE ROOM?

7 A YES, SIR. FROM THE DRYING CHAMBER IT'S SECURE
8 IN THE, AND ONCE IT'S DRIED IT'S TRANSPORTED TO THE
9 EVIDENCE ROOM FOR STORAGE.

10 Q ALL RIGHT. AND WHO BROUGHT IT FROM THE EVIDENCE
11 ROOM UP HERE TODAY?

12 A I DID, SIR.

13 Q DNA EVIDENCE, ARE YOU FAMILIAR WITH DNA
14 EVIDENCE?

15 A YES, SIR.

16 Q DO YOU KNOW ABOUT IT?

17 A YES, SIR.

18 Q ARE YOU A DNA EXPERT?

19 A NOT AN EXPERT, NO, SIR.

20 Q IS DNA ANALYZED HERE IN THIS LABORATORY IN THIS
21 FORENSICS UNIT?

22 A NO, SIR.

23 Q WHERE DID YOU SEND REQUESTS FOR DNA ANALYSIS?

24 A TO SLED DOWN IN COLUMBIA.

25 Q WHAT'S THE BACKLOG NOW?

1 A I COULDN'T TELL YOU. SEVERAL MONTHS, MANY, MANY
2 MONTHS, IF NOT A YEAR.

3 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
4 EXHIBIT 63 FOR IDENTIFICATION, LOOK AT THAT AND TELL
5 THE JURY IF YOU'VE EVER SEEN IT AND IF SO WHERE?

6 A YES, SIR. THAT IS TWO LATEX GLOVES RECOVERED
7 FROM THE REAR SEAT OF THE TAURUS ONCE IT WAS BACK AT
8 THE MOSS JUSTICE CENTER.

9 Q OKAY. SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
10 EXHIBIT 37 FOR IDENTIFICATION, LOOK AT THAT AND TELL
11 THE JURY IF YOU'VE SEEN IT BEFORE AND IF SO WHERE?

12 A YES, SIR. THAT IS FOUR LATEX GLOVES FOUND, THAT
13 WAS FOUND IN THE PASSENGER SIDE REAR FLOOR BOARD OF
14 THE TAURUS ONCE BACK AT THE MOSS JUSTICE CENTER.

15 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
16 EXHIBIT 58, PLEASE LOOK AT THAT AND TELL THE JURY IF
17 YOU'VE SEEN IT BEFORE AND IF SO WHERE?

18 A YES, SIR. 58 IS THE MOTOROLA CELL PHONE THAT
19 WAS FOUND IN THE FRONT PASSENGER SEAT OF THE FORD
20 TAURUS ONCE WE HAD IT BACK AT THE MOSS JUSTICE
21 CENTER.

22 Q ALL RIGHT. LET ME STOP YOU AT THIS POINT AND
23 ASK YOU, DID YOU GO OUT TO THE SCENE WHERE THE FORD
24 TAURUS WAS IN CHARLOTTE?

25 A NO, SIR, I DID NOT.

BRIAN BAGWELL

DIRECT

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1 Q OKAY. SHOWING YOU WHAT'S BEEN MARKED AS
2 STATE'S EXHIBIT 33 FOR IDENTIFICATION, LOOK AT THAT
3 AND TELL THE JURY IF YOU'VE SEEN IT BEFORE AND IF SO
4 WHERE?

5 A YES, SIR. IT WAS ONE HAIR PIECE THAT WAS FOUND
6 ON THE FRONT PASSENGER FLOOR OF THE TAURUS BACK AT
7 THE MOSS JUSTICE CENTER.

8 Q A WIG?

9 A A WIG, HAIR PIECE. I'M NOT FAMILIAR WITH THE
10 TERMINOLOGY. SOME SORT OF HAIR PIECE, YES, SIR.

11 Q LOOK PLEASE AT STATE'S EXHIBIT 84 AND TELL THE
12 JURY IF YOU'VE SEEN IT BEFORE AND IF SO WHERE?

13 A YES, SIR. IT IS A BLACK BALL CAP WHICH WAS
14 FOUND IN THE REAR OF THE TAURUS DRIVER'S SIDE REAR
15 FLOOR BOARD BACK AT THE MOSS JUSTICE CENTER.

16 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
17 EXHIBIT 79, PLEASE LOOK AT THAT AND TELL THE JURY IF
18 YOU'VE SEEN IT BEFORE AND IF SO WHERE?

19 A YES, I HAVE. IT IS A ROLL OF BLACK DUCK TAPE.
20 IT WAS FOUND IN THE FRONT CENTER CONSOLE OF THE FORD
21 TAURUS BACK AT THE MOSS JUSTICE CENTER.

22 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
23 EXHIBIT 78, PLEASE LOOK AT THAT AND TELL THE JURY IF
24 YOU'VE SEEN IT BEFORE AND IF SO WHERE?

25 A YES, SIR. THAT IS A NORTH CAROLINA TEMPORARY

1 TAG, IT'S ON THE FORD TAURUS, BACK AT THE MOSS
2 JUSTICE CENTER.

3 Q SHOWING YOU PLEASE WHAT'S BEEN MARKED AS MARKED
4 AS STATE'S EXHIBIT 77, TELL THE JURY IF YOU'VE SEEN
5 IT BEFORE AND IF SO WHERE?

6 A YES, THAT IS ANOTHER PILLOWCASE. THIS WAS
7 ACTUALLY REMOVED FROM ITEM NUMBER ONE WHICH WAS THE
8 PILLOWCASE WITH THE CURRENCY.

9 Q PILLOWCASE INSIDE THE PILLOWCASE?

10 A I BELIEVE IT WAS A PILLOWCASE LOCATED INSIDE THE
11 PILLOWCASE, YES, SIR, THAT HAD THE CURRENCY IN IT.

12 Q OKAY. AND WHERE DID YOU FIND IT?

13 A WE GOT IT FROM THE PILLOWCASE. ONCE WE HAD IT
14 DRIED AND BROUGHT IT BACK OUT, INVENTORIED IT BACK AT
15 THE MOSS JUSTICE CENTER.

16 Q OKAY. SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
17 EXHIBIT 81, LOOK AT THAT AND TELL THE JURY IF YOU'VE
18 SEEN IT BEFORE AND IF SO WHERE?

19 A YES, SIR. IT'S A PAIR OF TWO BLACK GLOVES. IT
20 WAS FOUND IN THE REAR SEAT OF THE FORD TAURUS BACK AT
21 THE MOSS JUSTICE CENTER.

22 Q ALL RIGHT. SHOWING YOU WHAT'S BEEN MARKED AS
23 STATE'S EXHIBIT 80 FOR IDENTIFICATION, PLEASE LOOK AT
24 THAT AND TELL THE JURY IF YOU'VE SEEN IT BEFORE AND
25 IF SO WHERE?

BRIAN BAGWELL

DIRECT

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1 A YES, SIR, I HAVE. IT'S A BROWN KNIT HAT THAT
2 WAS FOUND IN THE GLOVE BOX OF THE TAURUS ONCE WE GOT
3 IT BACK TO THE MOSS JUSTICE CENTER.

4 Q SHOWING YOU STATE'S EXHIBIT 82 FOR
5 IDENTIFICATION, LOOK AT THAT AND TELL THE JURY IF
6 YOU'VE SEEN IT BEFORE AND IF SO WHERE?

7 A YES, SIR, I HAVE. IT'S THE PLASTIC BAG THAT HAD
8 TWO LATEX GLOVES AND ONE LEATHER TYPE SHEATH IN IT
9 THAT WAS FOUND IN THE REAR PASSENGER SIDE SEAT OF THE
10 FORD TAURUS BACK AT THE MOSS JUSTICE CENTER.

11 Q PULL OUT THE LEATHER SHEATH PLEASE. YOU EVER
12 SEEN SOMETHING LIKE THAT BEFORE?

13 A IT LOOKS LIKE A PEPPER SPRAY SHEATH.

14 Q ALL RIGHT. THANK YOU VERY MUCH. IF YOU'LL PUT
15 IT BACK IN. DID YOU SAY YOU GOT THAT AT THE MOSS
16 JUSTICE CENTER?

17 A YES, SIR, FROM THE VEHICLE AT THE MOSS JUSTICE
18 CENTER.

19 Q I'M SHOWING YOU STATE'S EXHIBIT 83 FOR
20 IDENTIFICATION, PLEASE LOOK AT IT AND TELL THE JURY
21 IF YOU'VE SEEN IT BEFORE AND IF SO WHERE?

22 A YES, SIR. IT'S ONE LATEX GLOVE WHICH WAS FOUND
23 ON THE DRIVER'S SIDE FLOOR OF THE TAURUS BACK AT THE
24 MOSS JUSTICE CENTER.

25 Q OKAY. DID YOU GO TO THE EVIDENCE ROOM AND SEE

1 SOME MONEY WITH INVESTIGATOR EDDIE?

2 A NO, WE BROUGHT IT BACK TO OUR OFFICE TO GO
3 THROUGH THE PILLOWCASE AND INVENTORY AND COUNT THE
4 MONEY AND WHATEVER ELSE WAS IN THE CASE, SIR.

5 Q AND AFTER YOU GOT THROUGH DOING THAT, WHERE DID
6 YOU TAKE IT BACK TO?

7 A IT WAS PLACED BACK INTO EVIDENCE.

8 MR. SPRINGS: BEG THE COURT'S INDULGENCE
9 FOR ONE MOMENT.

10 Q NOW FORENSICS OFFICER BAGWELL, WHEN YOU WENT TO
11 THE FORD TAURUS HERE AT THE MOSS JUSTICE CENTER,
12 WHERE WAS IT AT THE MOSS JUSTICE CENTER?

13 A WE HAVE A EVIDENCE BAY, IT'S LIKE A GARAGE
14 DOWNSTAIRS AT THE BACK DOOR ENTRANCE WHERE WE CAN
15 TAKE VEHICLES TO PROCESS.

16 Q WAS THE VEHICLE BROUGHT INSIDE?

17 A YES, IT WAS.

18 Q IS THAT SECURE WHEN THE DOOR IS CLOSED?

19 A AS SECURE AS IT CAN BE. I MEAN, PEOPLE HAVE
20 KEYS. AS FAR AS MAINTENANCE AND SO FORTH HAVE KEYS
21 TO THE BAY.

22 Q ALL RIGHT. WHEN WAS THE CAR, WHEN DID YOU SEE
23 THE CAR? WHAT DAY IN REGARD TO?

24 A THE SAME DAY OF THE INCIDENT IT WAS BROUGHT
25 BACK. INVESTIGATOR TOLSON, COMMANDER TOLSON,

BRIAN BAGWELL

DIRECT

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1 FOLLOWED IT BACK ON A WRECKER, I BELIEVE, A ROLL
2 BACK, I'M NOT SURE HOW IT WAS BROUGHT IN, BUT PLACED
3 INTO THE BAY. HE MAINTAINED EYE CONTACT AND FOLLOWED
4 IT INTO THE BAY.

5 Q VERY GOOD. VERY GOOD. NOW WHEN YOU TOOK IT ALL
6 THESE THINGS FROM THE FORD TAURUS, WHERE DID YOU TAKE
7 THEM AND PUT THEM?

8 A THE ITEMS THAT WERE WET WERE PLACED IN THE
9 DRYING CHAMBERS SO THEY CAN DRY OUT AND NOT MILDEW
10 AND MOLD. ANYTHING THAT WAS DRY WOULD HAVE BEEN
11 PLACED IN EVIDENCE CONTROL.

12 Q OKAY. WAS IT IN YOUR CUSTODY AND CONTROL FROM
13 THE TIME YOU GOT IT FROM THE FORD TAURUS TO DRYING
14 ANYTHING THAT WAS WET UNTIL YOU GOT IT IN SECURE
15 EVIDENCE FACILITY?

16 A YES, SIR.

17 MR. SPRINGS: YOUR HONOR, WE DO AT THIS
18 TIME OFFER ALL THESE THINGS THAT INVESTIGATOR BAGWELL
19 COLLECTED INTO EVIDENCE.

20 THE COURT: ANY OBJECTION.

21 MR. JAMIESON: NO OBJECTION, YOUR HONOR.

22 THE COURT: ANY OBJECTION?

23 MR. PORTER: NO OBJECTION.

24 THE COURT: NO OBJECTION FROM MR. PORTER
25 EITHER. THEY ARE IN WITHOUT OBJECTION.

1 (STATE'S EXHIBIT 33, 37, 52, 58, 63,
2 78-84 ARE ENTERED INTO EVIDENCE.)

3 THE COURT: MR. JAMIESON.

4 MR. SPRINGS: PLEASE ANSWER ANY QUESTIONS
5 THE DEFENDANT HAVE.

6 A OKAY.

7 CROSS EXAMINATION BY MR. JAMIESON:

8 Q OFFICER BAGWELL, MY NAME IS PHILLIP JAMIESON. I
9 REPRESENT MR. YOUNG. MR. SPRINGS ASKED YOU SOME
10 QUESTIONS ABOUT LATEX GLOVES AND THAT IT'S HARD TO
11 GET PRINTS AND YOU MAY NOT GET THEM AND YOU ANSWERED
12 THAT WAS TRUE, IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q BUT SURELY THAT'S NOT THE BASIS FOR HOW YOU
15 DECIDE WHETHER YOU TEST SOMETHING OR NOT JUST BECAUSE
16 IT'S HARD?

17 A NO, THAT'S CORRECT.

18 Q WELL, WHAT IS THE BASIS? I MEAN YOU TESTED SOME
19 OF THESE ITEMS, YOU DIDN'T TEST OTHERS, WHAT IS THE
20 BASIS FOR THAT?

21 A THE REASON ITEMS GOT PROCESSED THAT WERE
22 PROCESSED WERE ON A REQUEST FROM SOLICITOR SPRINGS,
23 SENT ME AN E-MAIL REQUESTING THAT THOSE SPECIFIC
24 ITEMS BE PROCESSED.

25 Q AND HE DIDN'T REQUEST THE OTHERS?

1 A CORRECT.

2 Q NOW HE SHOWED YOU A BOX THAT HAD SOME DUCK TAPE
3 IN IT, IS IT POSSIBLE TO GET FINGERPRINTS FROM DUCK
4 TAPE?

5 A YES, SIR, IT IS.

6 Q IS THAT A PRETTY GOOD SURFACE FOR PRINTS?

7 A GENERALLY IT'S A PRETTY GOOD AREA, YES, SIR.

8 Q WAS THAT TESTED?

9 A NO, SIR, TO MY KNOWLEDGE IT WAS NOT TESTED.

10 Q ALL RIGHT. NOW MR. SPRINGS ASKED YOU ABOUT HOW
11 DNA TESTING IS DONE AND WHO DID IT AND ABOUT A BACK
12 LOG AND YOU SAID THERE WAS A LONG BACK LOG?

13 A YES, SIR.

14 Q SO I ASSUME THAT MEANS THAT YOUR OFFICE NEVER
15 TESTS ANYTHING FOR DNA BECAUSE THERE IS A LONG BACK
16 LOG?

17 A THAT'S NOT CORRECT, NO, SIR.

18 Q SO YOU DO AVAIL YOURSELF OF THAT FACILITY, DO
19 YOU NOT?

20 A YES, SIR.

21 Q WHENEVER YOU WANT TO?

22 A WHEN NEEDED AND APPLICABLE, YES, SIR.

23 Q AND THEY DON'T TELL YOU, OH, I'M SORRY, WE'RE
24 BUSY, WE CAN'T DO THAT?

25 A NO, SIR.

1 Q SO IT COULD HAVE BEEN DONE IN THIS CASE?

2 A YES, SIR.

3 Q WAS IT DONE?

4 A NO, SIR.

5 Q ALL RIGHT. DID ANYBODY ATTEMPT TO GET
6 FINGERPRINTS OR RATHER DID YOU ATTEMPT TO GET
7 FINGERPRINTS FROM THE PAPER TAG?

8 A NO, SIR.

9 Q WOULD THAT BE A FAIRLY GOOD SURFACE TO OBTAIN
10 PRINTS FROM?

11 A IT DEPENDS ON THE SITUATION THAT WE HAD, NO,
12 BECAUSE IT HAD BEEN SOAKING WET. OILS TEND TO SOAK
13 INTO THE PAPER PRODUCT BE POROUS, SO THAT WOULD NOT
14 HAVE BEEN A GOOD SURFACE AT THAT POINT IN TIME.

15 Q AND WHAT ABOUT THE CAR ITSELF, WAS IT
16 FINGERPRINTED?

17 A I DON'T BELIEVE IT WAS, NO, SIR.

18 Q THANK YOU.

19 MR. JAMIESON: NOTHING FURTHER, YOUR
20 HONOR.

21 CROSS EXAMINATION BY MR. PORTER:

22 Q YES, SIR, MR. BAGWELL.

23 A YES, SIR.

24 Q YOU INDICATED EARLIER THAT SLED HAVE A BACK LOG?

25 A YES, SIR.

1 Q AND DID YOU SEND ANY ITEMS TO SLED FOR DNA?

2 A I DON'T BELIEVE ANYTHING WAS SENT DOWN FOR DNA
3 ANALYSIS, NO, SIR.

4 Q BUT NO DNA WAS CONDUCTED WHERE YOU ARE EMPLOYED,
5 IS THAT CORRECT?

6 A I DIDN'T UNDERSTAND YOUR QUESTION. SAY AGAIN?

7 Q NO DNA WAS COLLECTED OR PROCESSED WHERE YOU WORK
8 AT?

9 A THAT'S CORRECT.

10 Q OKAY. NOW ON THE LATEX GLOVES, IF IT'S A TIGHT
11 FIT, YOU STATED THAT IT'S HARD TO GET FINGERPRINTS OF
12 THAT NATURE?

13 A THAT'S CORRECT.

14 Q WHAT ABOUT MOISTURE, DNA, HAIR?

15 A IT'S --

16 Q IT COULD HAVE BEEN PROCESSED?

17 A IT COULD HAVE BEEN PROCESSED, YES, SIR.

18 Q WAS ANY HAIR OR ANY KIND OF FIBER OR ANY KIND OF
19 MOISTURE FOUND IN ANY OF THOSE?

20 A NO, THEY WEREN'T EXAMINED BY US NOR WERE THEY
21 SENT TO SLED, SO, NO, NOTHING WAS FOUND IN THEM.

22 Q SO EVIDENCE THAT'S FOUND AT THE CRIME SCENE OF
23 THE ALLEGED BANK ROBBERY.

24 A OKAY.

25 Q NO FORENSICS OR ANY FINGERPRINTS OR ANY TYPE OF

1 LAB WORK WAS DONE, IS THAT CORRECT?

2 A YEAH, IT WASN'T DONE IN THIS CASE, THAT'S
3 CORRECT.

4 Q IT WASN'T?

5 A IT WAS NOT DONE IN THIS CASE.

6 Q WHY?

7 A BECAUSE AT THE POINT IN TIME OF THE ROBBERY WHEN
8 IT OCCURRED WE HAD A CHASE ENSUE ON SUBJECT VEHICLE
9 IMMEDIATELY AFTER. THE VEHICLE WAS FOUND BEFORE WITH
10 FOUR SUSPECTS IN IT. AT THAT POINT IN TIME IT WOULD
11 HAVE BEEN A WASTE OF RESOURCES, IN OUR OPINION, TO
12 HAVE IT DNA. IT WAS KIND OF IRRELEVANT AT THAT
13 POINT.

14 Q BUT AT THE TIME, BUT AT THE SAME POINT SUSPECTS
15 ARE INNOCENT UNTIL PROVEN GUILTY, IS THAT NOT
16 CORRECT?

17 A THAT'S CORRECT.

18 Q SO YOU ASSUME, ARE YOU COLLECTING THIS EVIDENCE
19 THAT WHOEVER WAS THE SUSPECTS WAS GUILTY?

20 A NO, SIR, NOT ASSUMING GUILT AT THAT POINT IN
21 TIME, ASSUMING WE HAD THE SUSPECTS WE WERE LOOKING
22 FOR AT THAT POINT IN TIME.

23 Q SO THE BOTTOM LINE IS YOU DIDN'T DO YOUR JOB, IS
24 THAT CORRECT?

25 A I DID WHAT WAS REQUIRED OF ME AT THE TIME.

EDDIE STRAIT

DIRECT

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1 Q BUT YOU ARE FORENSIC?

2 A THAT'S CORRECT.

3 Q BUT YOU DIDN'T PROCESS IT AND YOU DIDN'T DO
4 FORENSICS IN A SERIOUS CRIME WHERE PEOPLE LIVES OR
5 WHATEVER WAS IN DANGER, WHERE YOU HAD FOUR SUSPECTS
6 BUT YOU HAD NO ONE AT THAT PARTICULAR TIME CHARGED
7 WITH THAT PARTICULAR CRIME WHEN YOU ARRIVED ON THE
8 SCENE, IS THAT CORRECT?

9 A I WAS UNDERSTANDING THAT ALL FOUR WERE CHARGED
10 WITH THE PARTICULAR CRIME AT THAT POINT IN TIME.

11 Q BUT YOU ASSUME OR YOUR LABORATORY OR YOUR OFFICE
12 ASSUMED THAT THEY WAS GUILTY, IS THAT CORRECT?

13 A ASSUMING THAT WE CAUGHT THE RIGHT PERSONS, THAT
14 WOULD BE CORRECT.

15 Q SO AGAIN FOR THE RECORD WAS ANY FORENSIC
16 FINGERPRINTS OR DNA FOUND CONNECTING JOHNNELL PORTER
17 TO THOSE ITEMS?

18 A NO.

19 Q THANK YOU, SIR.

20 MR. SPRINGS: NOTHING FURTHER.

21 THE COURT: YOU CAN STEP DOWN AND BE
22 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

23 MR. BRACKETT: THE STATE WOULD CALL
24 DETECTIVE EDDIE STRAIT.

25 EDDIE STRAIT, BEING FIRST DULY SWORN,

1 TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MR. BRACKETT:

3 Q GOOD MORNING, DETECTIVE STRAIT. WOULD YOU
4 PLEASE STATE YOUR FULL NAME AND SPELL YOUR LAST FOR
5 THE COURT REPORTER?

6 A EDDIE STRAIT. S-T-R-A-I-T.

7 Q WHERE ARE YOU EMPLOYED, SIR?

8 A YORK COUNTY SHERIFF'S OFFICE.

9 Q IN WHAT CAPACITY?

10 A ASSIGNED TO THE DETECTIVE DIVISION IN THE CRIMES
11 AGAINST PERSONS UNIT.

12 Q AND HOW LONG HAVE YOU BEEN A POLICE OFFICER?

13 A 13 AND A HALF YEARS.

14 Q AND HOW LONG HAVE YOU BEEN IN THE DETECTIVE
15 DIVISION?

16 A FIVE AND A HALF YEARS.

17 Q WERE YOU WORKING THE DAY OF DECEMBER 22, FRIDAY
18 DECEMBER 22, 2006?

19 A YES, I WAS.

20 Q ALL RIGHT. AND WERE YOU CALLED OUT TO RESPOND
21 TO A BANK ROBBERY AT THE BANK OF YORK IN LAKE WYLIE
22 THAT MORNING?

23 A I ACTUALLY HEARD THE CALL GO OUT AND I WAS IN MY
24 VEHICLE AT THE TIME.

25 Q WHERE WERE YOU LOCATED, DO YOU RECALL?

EDDIE STRAIT

DIRECT

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1 A NORTH CHERRY ROAD.

2 Q AND WHAT DID YOU DO IN RESPONSE TO THE CALL?

3 A THEY GAVE THE VEHICLE OUT AS LEAVING ON 49
4 HEADED NORTH. I HEARD TWO UNITS ON CAROWINDS
5 BOULEVARD AREA RESPOND THAT THEY WOULD GO TO THAT
6 DIRECTION. I GOT ON THE INTERSTATE AT NORTH CHERRY
7 ROAD AND STARTED HEADED NORTH.

8 Q OKAY. CAN YOU DESCRIBE WHAT TOOK PLACE IN THE
9 NEXT FEW MINUTES?

10 A THE TWO CARS IN THE CAROWINDS BOULEVARD AREA
11 LOCATED A CAR THAT FIT THE DESCRIPTION, TURNED AROUND
12 ON IT, FOLLOWED IT BACK INTO SOUTH CAROLINA,
13 ACTIVATED BLUE LIGHTS AND SIREN. THE CAR REFUSED TO
14 STOP, GOT ON THE INTERSTATE NORTHBOUND. I PROBABLY
15 MADE HALF THE DISTANCE AT THAT TIME AND BASICALLY
16 FOLLOWED THE PURSUIT FIVE OR SIX MILES BEHIND IT.

17 Q HOW QUICKLY DID YOU COME UPON THE SCENE OF WHERE
18 THE SUSPECT'S VEHICLE HAD BEEN STOPPED?

19 A I WOULD SAY APPROXIMATELY TEN MINUTES AFTER THEY
20 CALLED OUT THE VEHICLE HAD STOPPED AT THAT POINT.

21 Q ALL RIGHT. WERE YOU SUBSEQUENTLY ASSIGNED TO
22 INVESTIGATE THIS CASE AS THE LEAD DETECTIVE?

23 A YES, I WAS.

24 Q AND WHAT ARE ESSENTIALLY THE RESPONSIBILITIES OF
25 A LEAD DETECTIVE?

1 A AS THE CASE AGENT OR LEAD DETECTIVE BASICALLY I
2 GATHER ALL THE INFORMATION FROM ANY OTHER DETECTIVE
3 THAT WAS INVOLVED IN THE CASE, WITNESS STATEMENTS,
4 PUT IT ALL TOGETHER BASICALLY FOR THE SOLICITOR'S
5 OFFICE TO PROSECUTE THE CASE.

6 Q OKAY. SO YOU ASSEMBLE ALL THE INFORMATION FROM
7 THE DIFFERENT OFFICERS THAT ARE INVOLVED IN THE CASE?

8 A THAT'S CORRECT.

9 Q PUT THE CASE FILE TOGETHER AND TRANSMIT IT OVER
10 AND WORK WITH OUR OFFICE?

11 A THAT'S RIGHT.

12 Q OKAY, SIR. DO YOU KNOW THE NAMES OF THE
13 INDIVIDUALS THAT WERE TAKEN IN CUSTODY THAT MORNING?

14 A I DO.

15 Q FROM NORTH CAROLINA?

16 A YES, I DO.

17 Q AND WHO WAS THAT?

18 A KENNETH YOUNG, JOHNNELL PORTER, DONSHAVIS JONES,
19 AND ANGELA LAWS.

20 Q ALL RIGHT, SIR. AND DID YOU HAVE OCCASION AFTER
21 THEY WERE TAKEN INTO CUSTODY TO SEE THOSE INDIVIDUALS
22 AT SOME POINT IN TIME LATER, EARLY PART OF THE
23 AFTERNOON THAT DAY?

24 A YES, I DID.

25 Q WHERE WAS THAT?

EDDIE STRAIT

DIRECT

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1 A CHARLOTTE MECKLENBURG POLICE DEPARTMENT IN THEIR
2 DETECTIVE DIVISION.

3 Q OKAY. SPECIFICALLY TURNING YOUR ATTENTIONS TO
4 THESE TWO INDIVIDUALS, MR. JOHNNELL PORTER AND
5 MR. KENNETH YOUNG, DID YOU SEE THEM THERE?

6 A I DID.

7 Q AND ARE THESE TWO GENTLEMEN IN FACT THE SAME
8 ONES THAT WERE APPREHENDED THAT MORNING AT THE SCENE,
9 THE CAR WRECK, AND THEN TAKEN TO CHARLOTTE
10 MECKLENBURG?

11 A YES, THEY ARE.

12 Q DID YOU, WHEN YOU SAW THEM WERE THEY, WERE THEY
13 STILL WEARING THE CLOTHES THEY WERE WEARING AT THE
14 TIME OF THEY WERE PULLED FROM THE CAR?

15 A YES. WHEN I GOT TO THE SCENE AT THE APARTMENT
16 COMPLEX, THEY ARE IN CUSTODY FROM CHARLOTTE
17 MECKLENBURG POLICE AT THAT TIME. WHEN I GOT TO THEIR
18 DETECTIVE DIVISION LATER, THEY WERE STILL IN THE SAME
19 CLOTHES.

20 Q YOU SAW THEM ACTUALLY AT THE SCENE MINUTES AFTER
21 THEY WERE PULLED FROM THE CAR?

22 A YES, SIR.

23 Q AND SO WERE YOU ABLE TO SEE THE CLOTHING THEY
24 WERE WEARING?

25 A YES, SIR.

1 Q I'M SHOWING YOU A BAG THAT'S BEEN MARKED AS
2 STATE'S EXHIBIT 4 FOR IDENTIFICATION, WOULD YOU
3 INSPECT THE CONTENTS OF THAT BAG AND THE OUTER
4 LABELING AND TELL US IF YOU CAN IDENTIFY THAT?

5 A THESE ARE THE CLOTHES THAT KENNETH YOUNG HAD ON
6 WHILE AT THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT.

7 Q OKAY. AND WHO COLLECTED THOSE CLOTHES?

8 A I WAS PRESENT. A CHARLOTTE MECKLENBURG POLICE
9 OFFICER ACTUALLY GOT SOME CLOTHES FROM THE JAIL FOR
10 HIM TO CHANGE OUT INTO, THE BAGS WERE BROUGHT
11 UPSTAIRS, AND I OBSERVED THE THREE MALES AS THEY
12 CHANGED OUT. WE HAD A FEMALE CHARLOTTE MECKLENBURG
13 OFFICER OBSERVE MS. LAWS AS SHE CHANGED OUT.

14 Q ALL RIGHT, SIR. AND WHO TOOK CUSTODY OF THE
15 CLOTHES AFTER THEY CHANGED OUT?

16 A I DID.

17 Q AND DID YOU, ARE THOSE THE SAME CLOTHES THAT YOU
18 RECOVERED THAT AFTERNOON AT THE CHARLOTTE MECKLENBURG
19 POLICE DEPARTMENT THAT MR. YOUNG CHANGED OUT OF?

20 A YES, THEY ARE.

21 Q AND IN FACT THE SAME CLOTHES THAT MR. YOUNG WAS
22 WEARING AT ARBORGATE APARTMENTS AS HE WAS PULLED FROM
23 THE VEHICLE?

24 A THAT'S CORRECT.

25 MR. BRACKETT: YOUR HONOR, I WOULD OFFER

EDDIE STRAIT

DIRECT

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1 STATE'S EXHIBIT FOUR FOR IDENTIFICATION INTO EVIDENCE
2 AT THIS TIME.

3 MR. JAMIESON: NO OBJECTION.

4 MR. PORTER: NO OBJECTION.

5 THE COURT: BE RECEIVED WITHOUT OBJECTION.

6 (STATE'S EXHIBIT 4 CLOTHES INTO
7 EVIDENCE.)

8 Q SIMILARLY, DETECTIVE STRAIT, I'M SHOWING YOU
9 WHAT'S BEEN MARKED AS STATE'S EXHIBIT FIVE FOR
10 IDENTIFICATION, WOULD YOU EXAMINE THAT AS WELL AND
11 TELL US IF THE RECOGNIZE THE BAG AND THE CONTENTS?

12 A THESE ARE THE CLOTHES OF JOHNNELL PORTER
13 RECOVERED AT CHARLOTTE MECKLENBURG POLICE DEPARTMENT.

14 Q ALL RIGHT. AND WAS IT THE SAME, IS THE
15 TESTIMONY YOU GAVE REGARDING THE COLLECTION OF THOSE
16 CLOTHES THAT ALSO APPLIED TO MR. PORTER?

17 A THAT'S CORRECT.

18 Q OKAY. AND ARE THOSE THE SAME CLOTHES THAT YOU
19 SAW MR. PORTER WEARING AT THE SCENE OF THE CAR WRECK
20 WHERE HIS CAR WAS STOPPED?

21 A THEY WERE.

22 Q OKAY.

23 MR. BRACKETT: AT THIS TIME I OFFER
24 STATE'S EXHIBIT FIVE INTO FOR IDENTIFICATION INTO
25 EVIDENCE.

1 MR. JAMIESON: NO OBJECTION.

2 MR. PORTER: NO OBJECTION.

3 THE COURT: WITHOUT OBJECTION IN EVIDENCE.

4 (STATE'S EXHIBIT FIVE CLOTHES IN
5 EVIDENCE.)

6 Q WERE YOU ABLE TO ESTABLISH AGES ON MR. JONES,
7 MR. PORTER, AND MR. YOUNG?

8 A YES.

9 Q HOW OLD WAS MR. PORTER AT THAT TIME?

10 A AT THE TIME OF THE ROBBERY 56.

11 Q AND HOW OLD WAS MR. YOUNG AT THE TIME?

12 A 50.

13 Q AND HOW OLD WAS MR. JONES AT THE TIME?

14 A 22.

15 Q DID YOU AT SOME POINT IN TIME GO TO THE BANK OF
16 YORK BRANCH IN LAKE WYLIE, THE ONE THAT WAS ROBBED?

17 A YES, I DID.

18 Q ALL RIGHT, SIR. AND IS THE BANK OF YORK IN LAKE
19 WYLIE, IS THAT, IN FACT, LOCATED INSIDE OF YORK
20 COUNTY?

21 A YES, IT IS.

22 Q WHILE AT THE, SHOWING YOU WHAT'S BEEN MARKED AS
23 21 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT, WHAT'S
24 DEPICTED IN THAT PHOTOGRAPH?

25 A YES.

EDDIE STRAIT

DIRECT

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1 Q WHAT IS THAT?

2 A THAT IS THE BANK OF YORK IN LAKE WYLIE.

3 Q OKAY. DOES THAT ACCURATELY DEPICT THE BANK OF
4 YORK AS IT APPEARED THAT FRIDAY?

5 A YES, IT DOES.

6 MR. BRACKETT: YOUR HONOR, I OFFER STATE'S
7 EXHIBIT 21 FOR IDENTIFICATION INTO EVIDENCE AT THIS
8 TIME.

9 MR. JAMIESON: NO OBJECTION.

10 MR. PORTER: NO OBJECTION.

11 THE COURT: WITHOUT OBJECTION.

12 (STATE'S EXHIBIT 21 PHOTO IN
13 EVIDENCE.)

14 Q NOW, SIR, THE FORD TAURUS THAT WAS WAS STOPPED
15 AT ARBORGATE APARTMENTS IN CHARLOTTE, DID YOU LOOK
16 \INTO THAT VEHICLE?

17 A YES, I DID.

18 Q AND WHAT WERE YOU ABLE TO DETERMINE ABOUT THAT
19 CAR?

20 A IT WAS A RENTAL CAR. WE HAD A RENTAL AGREEMENT
21 SIGNED BY ANGELA LAWS ON THE DAY PRIOR ON DECEMBER
22 21.

23 Q I'M SORRY. I COULDN'T HEAR YOU.

24 A THE 21.

25 Q ALL RIGHT, SIR. WHAT KIND OF LICENSE TAG DID IT

1 HAVE ON IT?

2 A IT HAD A SOUTH CAROLINA LICENSE PLATE ON THE
3 CAR. AT THE SCENE IT WAS COVERED UP BY A NORTH
4 CAROLINA TEMPORARY PAPER TAG.

5 Q HOW WAS THE PAPER TAG ATTACHED?

6 A BY DUCK TAPE. WE FIRST NOTED IT BECAUSE OF THE
7 RAIN, IT STARTED TO SEPARATE.

8 Q SHOWING YOU WHAT'S MARKED AS STATE'S EXHIBIT 78
9 IN EVIDENCE IS THAT THE--

10 A IT APPEARS TO BE THE SAME TAG.

11 Q ALL RIGHT, SIR. NOW YOU SAID IT WAS COMING OFF?

12 A YES. DUE TO THE RAIN, THE TAPE WAS STARTING TO
13 SEPARATE.

14 Q WHAT COLOR WAS THE DUCK TAPE?

15 A BLACK.

16 Q AND WAS THE DUKE TAPE PUT OVER THE EDGES OF IT,
17 HOW WAS IT AFFIXED?

18 A IT WAS ROLLED IN CIRCLES BEHIND IT, SEVERAL OF
19 THEM, AND STUCK ON.

20 Q SO COULD YOU SEE THE DUCK TAPE AS YOU WERE
21 LOOKING AT IT?

22 A NO, YOU COULD NOT.

23 Q WAS DUCK TAPE LOCATED IN THE VEHICLE?

24 A I BELIEVE THEY FOUND A ROLL OF BLACK DUCK TAPE
25 INSIDE THE VEHICLE.

EDDIE STRAIT

DIRECT

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1 Q OKAY. TURNING YOUR ATTENTION TO THE PILLOWCASE
2 FILLED WITH MONEY, DID YOU AT SOME POINT HAVE
3 ANYTHING TO DO WITH THE RECOVERY OF THAT MONEY AND
4 COUNTING OF THAT MONEY?

5 A THE ONLY TIME I HAD ANYTHING TO DO WITH THE
6 MONEY, WE DID CHECK IT OUT OF EVIDENCE AND RETURN IT
7 TO THE BANK YORK.

8 Q OKAY. HOW MUCH MONEY WAS RETURNED?

9 A A LITTLE OVER 18,000 MINUS THE 500 BAIT MONEY WE
10 KEPT IN EVIDENCE UNTIL THE BEGINNING OF THE TRIAL.

11 Q ALL RIGHT, SIR. \$500 IN BAIT MONEY, WHERE WAS
12 THAT KEPT UNTIL THE BEGINNING OF THE TRIAL?

13 A IN THE EVIDENCE CONTROL ROOM.

14 Q AND WHEN DID YOU RETURN THAT MONEY TO THE BANK?

15 A THE FIRST DAY OF TRIAL.

16 Q NOW THE DEFENDANTS WERE APPREHENDED IN NORTH
17 CAROLINA?

18 A THAT'S CORRECT.

19 Q COULD YOU LAWFULLY JUST TAKE THEM BACK FROM
20 ACROSS THE BORDER INTO SOUTH CAROLINA THAT DAY?

21 A NO, SIR. THEY HAD TO EITHER WAIVE EXTRADITION
22 OR BE BROUGHT BACK THROUGH GOVERNOR'S WARRANTS.

23 Q ALL RIGHT, SIR. AND DID YOU, ARE YOU FAMILIAR
24 WITH THE EXTRADITION PROCESS THAT WAS INITIATED?

25 A YES, SIR.

1 Q WERE YOU INVOLVED IN THAT; PROVIDING THE
2 WARRANTS FROM OUR END AND SO FORTH?

3 A WELL, THEY WOULD ACTUALLY GET THE WARRANTS ON
4 THEIR END. WE DID OBTAIN WARRANTS AND PUT THEM IN
5 NCIC SO THAT NORTH CAROLINA WOULD KNOW THAT THEY WERE
6 WANTED IN SOUTH CAROLINA ON THAT DAY.

7 Q AND WERE GOVERNOR'S WARRANTS OBTAINED FROM
8 GOVERNOR, FROM THE SOUTH CAROLINA GOVERNOR'S OFFICE
9 REQUESTING THEIR EXTRADITION FROM THE NORTH CAROLINA
10 GOVERNOR?

11 A THEY WERE.

12 Q AND THE PAPERWORK WAS PROPERLY FILED?

13 A YES.

14 Q THANK YOU VERY MUCH, DETECTIVE STRAIT. PLEASE
15 ANSWER ANY QUESTIONS THAT MR. JAMIESON AND MR. PORTER
16 MAY HAVE.

17 MR. JAMIESON: BEG THE COURT'S INDULGENCE,
18 SIR.

19 THE COURT: CERTAINLY.

20 MR. JAMIESON: NO QUESTIONS, YOUR HONOR.

21 THE COURT: MR. PORTER.

22 CROSS EXAMINATION BY MR. PORTER:

23 Q DETECTIVE STRAIT, DID YOU INTERVIEW ANYBODY AT
24 THE CHARLOTTE MECKLENBURG COUNTY JAIL THAT DAY?

25 A DID I INTERVIEW ANYONE?

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- 1 Q YES.
- 2 A I SPOKE TO ALL FOUR OF YOU, YES.
- 3 Q AN INTERROGATION OR AS FAR AS QUESTIONING THEM
- 4 OR WHAT?
- 5 A QUESTIONING, INTERVIEW.
- 6 Q DO YOU RECALL INTERVIEWING ANGELA LAWS?
- 7 A I DO.
- 8 Q DO YOU RECALL WHAT SHE STATED? I MEAN DO YOU
- 9 RECALL ABOUT WHAT TIME YOU INTERVIEWED HER?
- 10 A WHAT TIME?
- 11 Q YES.
- 12 A NOT OFF HAND, NO, SIR.
- 13 MR. PORTER: JUST FOR IDENTIFICATION, YOUR
- 14 HONOR, CAN I SHOW HIM THIS?
- 15 THE COURT: MR. BAILIFF, WOULD YOU TAKE
- 16 THOSE UP TO THE WITNESS.
- 17 Q AT THAT TIME DID YOU SEE THAT YOU INTERVIEWED,
- 18 YOU READ HER HER MIRANDA RIGHTS AND YOU GOT HER TO
- 19 SIGN?
- 20 A THAT'S CORRECT.
- 21 Q ALL RIGHT. SHE SIGNED HER MIRANDA RIGHTS AND
- 22 SHE SIGNED A WAIVER, IS THAT NOT CORRECT?
- 23 A RIGHT, SAME FORM, YES.
- 24 Q WHAT TIME IS THAT?
- 25 A 1:15.

1 Q HAVE YOU HAD A CHANCE TO FAMILIARIZE YOURSELF
2 WITH THAT? ARE YOU AWARE OF WHAT SHE STATED AT THAT
3 PARTICULAR TIME?

4 A YES, I AM.

5 Q OKAY. IN THAT STATEMENT SHE STATED THAT SHE DID
6 NOT KNOW PORTER OR JONES?

7 A THAT'S CORRECT.

8 Q AT THE TIME?

9 A THAT'S CORRECT.

10 Q WHAT TIME DID YOU INTERVIEW, DO YOU KNOW THE
11 EXACT TIME THAT YOU INTERVIEWED DONSHAVIS JONES?

12 A I DO NOT.

13 Q ACCORDING TO YOUR NOTES YOU AND DETECTIVE STRAIT
14 INTERVIEWED DONSHAVIS JONES AT 3:15. YOU ALSO
15 INTERVIEWED MYSELF AND THE DEFENDANT KENNETH YOUNG.
16 I MEAN, EXCUSE ME.

17 MR. BRACKETT: MAY IT PLEASE THE COURT,
18 MAY WE APPROACH FOR JUST A SECOND.

19 THE COURT: WELL, YEAH.

20 (BENCH CONFERENCE.)

21 THE COURT: MEMBERS OF THE JURY PANEL,
22 WE'RE GOING TO LET YOU GO TO THE JURY ROOM. WE
23 HADN'T HAD A BREAK, SO THIS WILL BE A BREAK WHILE YOU
24 HAVE SOME REFRESHMENTS OR IF YOU WANT A SMOKE BREAK,
25 THE BAILIFF WILL SEE TO THAT.

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1 (THE JURY EXITS THE COURTROOM AT 11:00
2 AM.)

3 THE COURT: MR. FOREMAN, IF YOU HAVE
4 ANYTHING YOU NEED TO PASS UP TO ME, JUST WRITE IT ON
5 A NOTE AND SEND IT TO ME.

6 MR. FOREMAN: YES, SIR.

7 (THE JURY EXITS THE COURTROOM.)

8 THE COURT: MR. PORTER, THE BENCH
9 CONFERENCE HAD TO DO WITH YOUR INTERROGATING OR
10 QUESTIONING THIS WITNESS REGARDING ANY STATEMENTS
11 THAT THE CODEFENDANT MR. YOUNG MAY OR MAY HAVE NOT
12 GIVEN BECAUSE OF COURSE MR. YOUNG HAD A RIGHT TO
13 REMAIN SILENT AND SO I WILL GIVE YOU TO CHANCE TO SEE
14 EXACTLY WHAT YOU PLAN TO ASK ALONG THIS LINE OF
15 QUESTIONING AND THEN WE CAN DETERMINE WHETHER OR NOT
16 SOMETHING THAT'S ADMISSIBLE OR NOT. SO DO YOU WANT
17 TO ASK THE QUESTIONS YOU WANT TO ASK IF ANY REGARDING
18 THE CODEFENDANT KENNETH YOUNG'S SITUATION THERE AT
19 THE POLICE STATION IN MECKLENBURG COUNTY.

20 MR. PORTER: YES. I WAS WANTING TO KNOW,
21 I SEE WHERE HE STATED THAT HE INTERVIEWED MYSELF --

22 THE COURT: JUST ASK HIM WHAT YOU WANT TO
23 ASK HIM.

24 IN CAMERA CROSS BY MR. PORTER:

25 Q AT TWO O'CLOCK YOU INTERVIEWED ME, ACCORDING TO

1 YOUR REPORT, YOU ALONG WITH RUSS YEAGER AND FBI AGENT
2 BOB HAMILTON?

3 A THAT'S CORRECT.

4 Q JOHNNELL PORTER WAS ASKED ABOUT HIS RELATIONSHIP
5 WITH OTHER CODEFENDANTS AND STATED THAT, THIS IS WHAT
6 YOU SAY, HE WAS ASKED ABOUT HIS CODEFENDANTS, IN A
7 RELATIONSHIP WITH HIS CODEFENDANTS AND HE STATED THAT
8 HE KNEW KEN YOUNG BECAUSE THEY HAD DID TIME. I WAS
9 NOT GOING TO GO INTO THAT. JOHNNELL WAS ASKED ABOUT
10 HIS INVOLVEMENT IN THE ROBBERY AND HE WAS ASKED ABOUT
11 WAS DONSHAVIS HIS COUSIN, DONSHAVIS JONES. MY LINE
12 OF QUESTIONING WAS, HOW DID YOU KNOW OR WHERE DID YOU
13 GET THE INFORMATION THAT DONSHAVIS OR MYSELF RELATED
14 AND YOU HADN'T EVEN SPOKE TO DONSHAVIS?

15 A IF I REMEMBER CORRECTLY ANGELA LAWS.

16 Q ANGELA LAWS STATED IN HER STATEMENT SHE DID NOT
17 KNOW ME OR JONES?

18 A PRIOR TO THAT DAY, THAT'S CORRECT.

19 Q SO WHERE DID YOU GET THIS INFORMATION AT TWO
20 O'CLOCK BEFORE YOU INTERVIEWED DONSHAVIS JONES AT
21 3:15?

22 A FROM ANGELA LAWS.

23 Q ANGELA LAWS --

24 THE COURT: WELL, YOU CAN'T ARGUE WITH
25 HIM. YOU CAN JUST, GO AHEAD, YOU CAN ASK HIM

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1 QUESTIONS. YOU CAN'T ARGUE WITH HIM. I GET YOUR
2 POINT. HE'S SAYING ANGELA LAWS TOLD HIM THAT
3 INFORMATION. YOU ARE SAYING ANGELA LAWS DIDN'T KNOW
4 IT, SO SHE COULDN'T HAVE TOLD HIM THAT INFORMATION.

5 MR. PORTER: CORRECT.

6 THE COURT: I UNDERSTAND THAT BUT YOU
7 STILL GOT ASK A QUESTION. HIS ANSWERS ARE HIS
8 ANSWERS.

9 Q SO AS A MATTER OF FACT, WILL YOU READ ANGELA
10 LAWS' STATEMENT?

11 A THE WHOLE THING?

12 Q YES.

13 A "LAWS STATED THAT SHE RENTED THE CAR IN HER NAME
14 FROM A CONVENIENCE STORE IN CHARLOTTE THAT RENTS THEM
15 FOR CASH BECAUSE SHE DOES NOT HAVE A CREDIT CARD.
16 SHE SAID SHE RENTED ONE BECAUSE HER DAUGHTER WAS
17 HAVING A BIRTHDAY AND THEY ALL WANTED TO GO OUT AND
18 THEY COULD NOT FIT IN HER CAR.

19 "WHEN ASKED ABOUT THE NORTH CAROLINA
20 PAPER TAG THAT WAS TAPPED ON TOP OF THE SOUTH
21 CAROLINA TAG, SHE DID NOT KNOW HOW IT GOT THERE AND
22 WHERE IT CAME FROM.

23 "WHEN ASKED ABOUT HER RELATIONSHIP
24 WITH THE OTHERS IN THE CAR SHE STATED SHE DID NOT
25 KNOW PORTER AND JONES. SHE STATED THAT HER AND YOUNG

1 HAD DATED OFF AND ON FOR A COUPLE YEARS. THEY HAD
2 BROKEN UP BEFORE BECAUSE YOUNG IS MARRIED. THEY
3 STARTED SEEING EACH OTHER AGAIN ABOUT TWO WEEKS AGO.
4 YOUNG HAD STAYED AT HER HOUSE FOR THE LAST FOUR DAYS.

5 "LAWS STATED THAT SHE AND YOUNG LEFT
6 EARLY THAT MORNING ABOUT 7:15 TO RUN SOME ERRANDS.
7 SAID YOUNG WAS DRIVING HER CAR AND SHE WENT TO SLEEP
8 IN THE FRONT SEAT AND STOPPED TO PICK UP AN OLDER GUY
9 THAT SHE DID NOT KNOW, IS NOT SURE WHERE THEY WERE
10 EITHER, BUT WERE IN AN APARTMENT COMPLEX. SHE WENT
11 TO BACK TO SLEEP AND WOKE UP AGAIN AS THEY PICKED UP
12 A YOUNG GUY SOMEWHERE OFF BEATTYS FORD ROAD.

13 "SHE ASKED YOUNG WHO THEY WERE AND HE
14 TOLD HER THEY WERE HIS PARTNERS, NOT TO WORRY ABOUT
15 IT. YOUNG SOMETIMES PLAYS THE LOTTERY AT ON THE RUN
16 STORE IN SOUTH CAROLINA AND THAT'S WHERE THEY WENT
17 AFTER PICKING EVERYBODY UP.

18 "LAWS STATES THAT ALL THREE GUYS GOT
19 OUT TO USE THE BATHROOM BEHIND THE DUMPSTER AT THE
20 STORE. WHEN THEY ALL GOT BACK IN THE CAR YOUNG ASKED
21 HER TO DRIVE BECAUSE HE DOES NOT LIKE TO DRIVE IN
22 SOUTH CAROLINA.

23 "YOUNG SAID THAT ONE OF THE GUYS
24 NEEDED TO CASH A CHECK AND GAVE HER DIRECTIONS TO A
25 BANK ACROSS THE WATER. LAWS STATES THAT SHE PULLED

1 RIGHT UP IN FRONT OF THE BANK. WHEN THEY ALL GOT OUT
2 WITH MASKS ON, SHE KNEW WHAT THEY WERE GOING TO DO.

3 "SHE SAW THE YOUNG GUY GET BACK IN THE
4 CAR WITH SOME KIND OF BAG AND SAW A HANDGUN ON THE
5 CENTER CONSOLE, BUT DOES NOT KNOW WHO HAD IT.

6 "STATES THE REASON SHE DID LEAVE WHEN
7 SHE KNEW THEY WERE ROBBING THE BANK IS BECAUSE SHE
8 LOVES YOUNG AND WAS NOT GOING TO LEAVE HIM THERE.

9 "LAWS STATES THAT WHEN THEY WERE
10 HEADED BACK THE WAY, WHEN THEY WERE HEADED BACK THE
11 WAY THAT THEY CAME, SHE SAW THE POLICE GET BEHIND
12 THEM, TURN ON THE BLUE LIGHTS, AND EVERYBODY IN THE
13 CAR WAS YELLING FOR HER TO JUST DRIVE. THEY KEPT
14 TELLING HER WHERE TO TURN AND TOLD HER TO FIND A HOOD
15 SO THEY COULD GET AWAY.

16 "WHEN THEY WENT INTO THE APARTMENT
17 COMPLEX, RAN INTO A DEAD LANE AND OFFICER BUMPED HER
18 CAR. LAWS SAID SHE HAD NEVER DISCUSSED A ROBBERY
19 WITH ANYBODY AND HAD NO IDEA THAT THEY WERE GOING TO
20 ROB A BANK. SHE HAD ALSO STATED THAT SHE HAD NEVER
21 BEEN IN THAT BANK BEFORE."

22 Q SO WHERE IN THAT STATEMENT SIGNED THAT SHE
23 STATED THAT DONSHAVIS JONES AND I WERE COUSIN?

24 A IT'S NOT A SIGNED STATEMENT BY HER. IT'S A
25 INTERVIEW TYPED UP BY ME.

1 Q BUT IN YOUR INTERVIEW TYPED UP BY YOU, THE
2 STATEMENT, DO YOU HAVE NOTES OF THAT STATEMENT? DO
3 YOU HAVE A COPY OF HER STATEMENT -- DID SHE WRITE A
4 STATEMENT?

5 A NO, SHE DID NOT.

6 Q SO THE COURT HAD NO WAY OF KNOWING THAT ANGELA
7 LAWS REALLY MADE THAT STATEMENT, IS THAT CORRECT?

8 A SHE ADMITTED TO IT IN COURT THE OTHER DAY.

9 Q BUT SHE DID NOT ADMIT THAT SHE, AT THAT
10 PARTICULAR TIME THAT YOU INTERVIEWED, THAT YOU TOOK
11 THAT STATEMENT, THAT SHE KNEW JOHNNELL PORTER OR
12 DONSHAVIS JONES, BUT IN YOUR FOLLOW UP YOU ARE
13 ASKING, YOU ARE STATING, YOU ARE ALLEGEDLY SUPPOSEDLY
14 ASKED ME AT THAT TIME WHAT RELATIONSHIP WAS DONSHAVIS
15 JONES MY COUSIN AND YOU DIDN'T HAVE NO KNOWLEDGE.
16 LET ME ASK YOU THIS. ARE YOU EMPLOYED? YOU EMPLOYED
17 IN YORK COUNTY DEPARTMENT LAW ENFORCEMENT AGENCY?

18 A THAT'S CORRECT.

19 Q AND YOU HAD NO WAY OF KNOWING PRIOR TO THE
20 ARREST DONSHAVIS OR JOHNNELL PORTER, IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q AGAIN WHERE DID YOU GET THAT INFORMATION?

23 A THAT HE MAY BE YOUR COUSIN?

24 Q YEAH.

25 A FROM ANGELA LAWS.

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1 MR. PORTER: THAT'S WHERE I WAS GOING FOR
2 THAT.

3 THE COURT: BUT YOU WEREN'T GOING TO ASK
4 ANYTHING ABOUT MR. YOUNG'S STATEMENT OR NOT GIVING A
5 STATEMENT, IS THAT CORRECT?

6 MR. PORTER: YES.

7 THE COURT: BECAUSE THAT'S WHAT WE WERE
8 CONCERNED ABOUT THAT YOU CAN'T, YOU MAY BE VIOLATING
9 HIS RIGHTS IF YOU GO INTO HIS EXERCISING HIS RIGHT TO
10 REMAIN SILENT.

11 IN CAMERA EXAMINATION CONTINUED BY MR. PORTER:

12 Q AT ONE TIME WAS ANY OTHER DEFENDANTS PLACED IN
13 THE SAME, YOU KNOW, INTERVIEWED AT THE SAME TIME?

14 A IN THE SAME ROOM?

15 O YEAH.

16 A NOT TO MY KNOWLEDGE, NO.

17 Q SO IF ON 12-22 DETECTIVE YEAGER, STRAIT, ALONG
18 BOB HAMILTON, YOU GOT Y'ALL INTERVIEWED KENNETH YOUNG
19 AT TWO P.M., Y'ALL GOT YOU INTERVIEWED JOHNNELL PORTER
20 AT TWO P.M., HOW IS THAT POSSIBLE?

21 MR. BRACKETT: MAY IT PLEASE THE COURT. I
22 ASK THAT HE SHOW THE DOCUMENTS AND I HAVE COPIES.

23 THE COURT: IF YOU'LL HAND THEM UP TO THE
24 BAILIFF.

25 MR. BRACKETT: I HAVE COPIES. LET ME SHOW

1 THEM TO HIM.

2 A WHAT WAS THE QUESTION AGAIN?

3 Q HOW COULD YOU INTERVIEW BOTH PEOPLE AT THE SAME
4 TIME? WHEN ALL THREE OF YOU WAS PRESENT WITH KENNETH
5 YOUNG STATEMENT AND YOU WAS ALSO PRESENT AT JOHNNELL
6 PORTER'S INTERVIEW?

7 A THAT'S CORRECT.

8 Q AT TWO O'CLOCK.

9 A BOTH OF THEM STATE ABOUT TWO P.M.

10 MR. PORTER: THAT'S THE ONLY THING THAT I
11 WAS GOING TO GO INTO, THE TIME KENNETH YOUNG. I WAS
12 NOT GOING INTO THE ESSENCE OF THE STATEMENT AS FAR AS
13 HOW I SUPPOSEDLY KNOW HIM OR WHETHER WE MET.

14 THE COURT: ALL RIGHT.

15 MR. JAMIESON: YOUR HONOR, I THINK ANY
16 MENTION ON HIS PART ABOUT THE FACT THAT MY CLIENT WAS
17 INTERVIEWED RAISES AN IMPLICATION WITH THE JURY THAT
18 HE WAS INTERVIEWED, THAT HE EXERCISE --

19 THE COURT: I'M GOING TO DIRECT YOU, YOU
20 MADE A RECORD, AND IF I'M WRONG OF COURSE I CAN BE
21 CORRECTED ON APPEAL, BUT I'M GOING TO DIRECT AND
22 FORBID YOU FROM ASKING ANY QUESTIONS INVOLVING
23 MR. YOUNG, WHETHER OR NOT HE WAS INTERVIEWED, OR
24 ANYTHING ABOUT MR. YOUNG.

25 MR. PORTER: OKAY. I UNDERSTAND.

1 THE COURT: LET'S TAKE A SHORT BREAK AND
2 LET'S TAKE A SHORT BREAK.

3 MR. D'AGOSTINO: YOUR HONOR?

4 THE COURT: HOLD ON UP.

5 MR. D'AGOSTINO: IS NOW A GOOD TIME TO
6 TALK TO THE POTENTIAL WITNESS RIGHT BACK HERE?

7 THE COURT: YES, THIS WILL BE A GOOD TIME
8 TO ALLOW, CONSTABLE, WE'RE GOING TO ALLOW -- WHAT'S
9 HER NAME?

10 MR. D'AGOSTINO: LATONYA.

11 THE COURT: WHAT I THINK I'LL DO IS JUST
12 PULL UP A CHAIR AND SIT OUT HERE AS OPPOSED TO GOING
13 INTO THE HOLDING CELL WITH THE DIRECTION THAT OF
14 COURSE ANYBODY NOT CONNECTED WITH MR. PORTER AND HIS
15 SIDE OF THE CASE ARE TO REMAIN SUFFICIENT SPACE AWAY
16 SO THEY CAN'T KNOW WHAT THEY ARE DISCUSSING.

17 MR. D'AGOSTINO: THANK YOU, YOUR HONOR.

18 (COURT'S IN RECESS AT 11:11 AM.).

19 (COURT RESUMES.)

20 THE COURT: IS THE STATE READY?

21 MR. BRACKETT: THE STATE IS READY, YOUR
22 HONOR.

23 THE COURT: THE DEFENSE READY?

24 MR. JAMIESON: YES, SIR.

25 THE COURT: JUST FOR PLANNING PURPOSES

1 IT'S 11:30 AND HOW MUCH LONGER DOES THE STATE HAVE?

2 MR. BRACKETT: I BELIEVE THIS IS OUR LAST
3 WITNESS, YOUR HONOR. WE'LL REST AFTER THIS.

4 THE COURT: ALL RIGHT. AFTER THIS THEN,
5 AFTER I TALK TO THE DEFENDANTS ABOUT THEIR RIGHT TO
6 REMAIN SILENT AND THE RIGHT TO PRESENT A DEFENSE,
7 WE'LL HAVE A LITTLE BETTER GRASP ABOUT WHEN WE DO
8 ARGUMENTS AND CHARGE AND WHAT TO DO ABOUT THE JURY'S
9 LUNCH QUITE FRANKLY, SO WE'LL REVIEW IT WHEN WE GET
10 THROUGH WITH THIS WITNESS. ALL RIGHT. BRING IN THE
11 JURY. STILL SUBJECT TO -- MR. PORTER, YOU STILL HAVE
12 THE FLOOR.

13 (THE JURY RETURNS TO THE COURTROOM AT
14 11:32 AM.)

15 THE COURT: ALL RIGHT, MR. PORTER. YOU
16 MAY PROCEED.

17 MR. PORTER: YES.

18 CROSS EXAMINATION BY MR. PORTER:

19 Q MR. STRAIT, YOU SAY YOU'VE BEEN EMPLOYED BY YORK
20 COUNTY LAW ENFORCEMENT AGENCY FOR 13 YEARS?

21 A YES, SIR.

22 Q BEFORE YOU INTERVIEW ANY KIND OF WITNESS OR
23 SUSPECTS, IS THERE SOMETHING CUSTOMARILY THAT YOU ARE
24 SUPPOSED TO DO?

25 A IF YOU ARE ASKING THEM ABOUT THE CRIME THEY ARE

1 INVOLVED IN, YOU GIVE THEM THEIR MIRANDA RIGHTS.

2 Q RIGHT. DID YOU DO THAT TO EACH -- EXCUSE ME, IS
3 THIS, YOU CAN SEE?

4 A I CAN SEE IT. THAT'S A MIRANDA FORM AND A
5 WAIVER FORM.

6 Q AND THIS IS WHAT EACH DEFENDANT IS SUPPOSED TO
7 BE READ AND SIGN?

8 A YES.

9 Q DID YOU OR MR. YEAGER GET ONE FOR ME?

10 A YOU DID NOT WANT TO SIGN IT. IT WAS READ TO
11 YOU.

12 Q DO YOU HAVE ANY KIND OF DOCUMENT STATING THAT I
13 DID NOT WANT TO SIGN IT OR THAT YOU EVER APPROACHED
14 ME, READ IT?

15 A JUST MY INTERVIEW FOLLOW UP WITH YOU STATES THAT
16 YOU WERE READ YOUR RIGHTS.

17 A SO IF A INMATE OR A PERSON DID NOT WANT TO SIGN,
18 IF YOU REFUSE TO SIGN A DOCUMENT, WHAT IS THE PROPER
19 PROCEDURE TO SUBSTANTIATE THAT STATEMENT FOR THE
20 RECORD, SIR?

21 A IF THEY GAVE A STATEMENT --

22 Q NO. NO. NO. IF A PERSON DO NOT WANT TO SIGN
23 HIS RIGHTS, HIS WAIVER RIGHTS, AND YOU HAVE, YOU AND
24 ANOTHER DETECTIVE ARE ON THE SCENE, WHAT'S THE PROPER
25 PROCEDURE TO LET ANYONE KNOW THAT THE RIGHTS HAD BEEN

1 READ?

2 A I DON'T KNOW THAT WE HAVE A PROCEDURE. IT WAS
3 DOCUMENTED IN AN INTERVIEW.

4 Q DOES NOT THE OFFICER---

5 MR. BRACKETT: MAY IT PLEASE THE COURT, IF
6 HE CAN FINISH HIS ANSWER.

7 THE COURT: LET HIM ANSWER.

8 Q GO AHEAD.

9 A AS I SAID WE DOCUMENT IT IN OUR INCIDENT
10 INTERVIEW FORM THAT YOU WERE READ YOUR RIGHTS.
11 THAT'S THE ONLY DOCUMENTATION WE HAVE OF IT.

12 Q OKAY. BUT IT DOES NOT ALSO REFLECT REFUSED TO
13 SIGNED AND TWO OFFICERS SIGN, WITNESS IT THAT THE
14 INDIVIDUAL REFUSED TO SIGN IT?

15 A THAT'S NOT A PROCEDURE THAT I'M AWARE OF, NO.

16 Q SO WITHOUT ANY KIND OF SIGNATURE THE PERSONS OR
17 THE COURTS HAVE NO WAY OF KNOWING THAT THE PERSON
18 MIRANDA RIGHTS WAS EVEN READ, ISN'T THAT CORRECT?

19 A EXCEPT FOR THE OFFICER'S TESTIMONY, THAT WOULD
20 BE CORRECT.

21 Q IF I DIDN'T-- DID I HAVE ANYTHING TO SAY?

22 A VERY LITTLE. I MEAN I CAN SAY WHAT WAS ON, WHAT
23 I WROTE DOWN ON THE INTERVIEW FORM IF YOU'D LIKE ME
24 TO.

25 Q ON YOUR FOLLOW UP -- AND YOU WAS THE LEAD

1 INVESTIGATOR. DO YOU RECOGNIZE THIS REPORT?

2 A YES. THE CASE SUMMARY FOR GENERAL SESSIONS.

3 Q AND THIS WAS AFTER YOU HAD SPOKEN TO EVERYBODY,
4 I MEAN, PEOPLE INVOLVED IN GENERAL, IS THAT CORRECT?

5 A CORRECT. THAT WOULD HAVE BEEN DONE WHEN THE
6 FIRST DEFENDANT GOT TO YORK COUNTY.

7 Q AND SO THAT WOULD BE WHEN?

8 A I DON'T KNOW. I'D HAVE TO LOOK AT THE DATE WHEN
9 ONE OF THE WARRANTS WERE SERVED.

10 Q YOU TELL WHEN THE FIRST DEFENDANT THAT WAS
11 ARRESTED WAS BROUGHT TO YORK COUNTY?

12 A CORRECT.

13 Q DO YOU RECALL WHO WAS THE FIRST TWO DEFENDANTS?

14 A I DO NOT KNOW. I'D HAVE TO LOOK AT THE WARRANTS
15 AND SEE THE DATE SERVED ON IT.

16 Q DO YOU KNOW LIEUTENANT YEAGER?

17 A I DO.

18 Q AND WHO IS HE?

19 A HE'S MY BOSS.

20 Q ON THAT PARTICULAR DAY DID YOU HAVE A CHANCE ON
21 12-22-06 DID YOU HAVE A CHANCE TO DISCUSS ANYTHING
22 WITH HIM IN THE MATTER OF WARRANTS, ARRESTS?

23 A YES.

24 Q AND WHAT HAPPENED THAT DAY?

25 A EVERYBODY WAS IN CUSTODY AT CHARLOTTE MECK

1 POLICE DEPARTMENT. WE WANTED TO GET WARRANTS SO WE
2 CAN GET THEM ENTERED INTO NCIC WHICH IN TURN
3 CHARLOTTE WOULD PLACE A HOLD ON THEM FOR SOUTH
4 CAROLINA FOR YORK COUNTY.

5 Q WAS ANY WARRANTS ISSUED AT CHARLOTTE?

6 A I DON'T KNOW.

7 Q SO LET ME BACK UP A LITTLE BIT. YOU ALLEGEDLY
8 INTERVIEWED INDIVIDUALS UNDER UNIFORM FIRST PURSUIT
9 ACT, THAT'S CORRECT, WERE GIVEN SOUTH CAROLINA
10 AUTHORITY TO ENTER ANOTHER STATE IN THE FIRST PURSUIT
11 IN COMMISSION OF A CRIME, IS THAT CORRECT, OF ALLEGED
12 CRIME?

13 A I CAN GO TO ANOTHER STATE AND INTERVIEW SOMEBODY
14 ANY TIME.

15 Q OKAY. THE ARREST HAPPENED IN CHARLOTTE, NORTH
16 CAROLINA?

17 A THAT'S CORRECT.

18 Q THE OFFICER THAT I THINK IT WAS VINESETT AND
19 OFFICER GIBSON ACTUALLY PLACED THE PEOPLE IN THE CAR
20 UNDER ARREST?

21 A IN CUSTODY, YES, SIR.

22 Q RIGHT. THAT LAW IS CALLED UNIFORM FIRST PURSUIT
23 ACT THAT WAS INCORPORATED BY SOUTH CAROLINA IN 2006.
24 HOWEVER, NORTH CAROLINA DID ALLOW THOSE OFFICERS TO
25 COME IN, THAT WAS WHY THEY WAS ABLE TO COME ACROSS

1 THE STATE LINE BECAUSE OF THAT, BUT IT'S CERTAIN
2 PROCEDURES UNDER THAT LAW THAT HAVE TO BE FOLLOWED IF
3 THE SUSPECTS ARE PLACED UNDER ARREST. WHAT YOU
4 STATED EARLIER THAT YOU TURNED THIS OVER TO
5 MECKLENBURG COUNTY JAIL?

6 A I DIDN'T, NO.

7 Q I MEAN. OKAY. WE WAS TURNED OVER TO CHARLOTTE
8 MECKLENBURG?

9 A POLICE DEPARTMENT.

10 Q POLICE DEPARTMENT. BUT NO CRIME WAS COMMITTED
11 IN CHARLOTTE.

12 A I DIDN'T SAY THAT.

13 Q UH?

14 A I DIDN'T SAY THAT, NO.

15 Q I'M JUST SAYING ACCORDING TO THEIR RECORDS THE
16 ONLY THING THEY HELD US ON WERE EXTRADITION PROCEDURE
17 THAT YOU STATED WAS FUGITIVE JUSTICE WARRANT, IS THAT
18 CORRECT?

19 A I DON'T KNOW.

20 Q WAS ANY WARRANTS FROM SOUTH CAROLINA ACCORDING
21 YOUR KNOWLEDGE ISSUED THAT DAY?

22 A YES, WE OBTAINED WARRANTS AND HAD THEM FAXED TO
23 CHARLOTTE SO THEY WOULD HAVE THE INFORMATION AND
24 BEGIN THE, THEIR PROCESS OF PLACING HOLDS.

25 Q PLACE A HOLD ON US?

1 A YEAH, YOU PUT THEM IN FILE HERE, GET THEM IN
2 NCIC, AND USUALLY YOU FAX A COPY TO THE JURISDICTION
3 THEY ARE IN.

4 Q OKAY. THAT'S WHAT I'M SPEAKING ABOUT. DO YOU
5 KNOW THE PROCEDURE YOU ARE SUPPOSED TO FOLLOW BEFORE
6 YOU DO THAT?

7 A WELL, THAT PROCEDURE WOULD HAVE BEEN ON THEIR
8 END. ALL WE HAVE TO DO IS GET YOU ENTERED NCIC.

9 Q BUT YOU HAD A WARRANT FROM SOUTH CAROLINA
10 STATING THAT THERE WAS A HOLD ON US, SO IF WE WAS
11 ALLOWED TO MAKE FUGITIVE BOND?

12 A NO, THE WARRANT WAS FOR ARMED ROBBERY.

13 Q CORRECT, FOR YORK COUNTY?

14 A CORRECT.

15 Q OKAY. BUT IF WE COULD HAVE MADE BOND WE COULD
16 NOT HAVE MADE BOND BECAUSE YOU HAD A HOLD ON US FROM
17 THE NCIC, IS THAT CORRECT?

18 A THERE AGAIN THAT'S UP TO CHARLOTTE, BUT, NO, WE
19 HAD PEOPLE BOND OUT THAT WE'VE HAD WARRANTS ON
20 BEFORE.

21 Q OKAY. DID ANYBODY FROM YORK COUNTY LAW
22 ENFORCEMENT AGENCY TAKE ME TO A JUDICIAL MAGISTRATE
23 OR PROCEDURE?

24 A WE WOULDN'T DO THAT IN NORTH CAROLINA, NO.

25 Q BUT YOU HAD THE RIGHT TO DO THAT IN NORTH

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1 CAROLINA. YOU SUPPOSED TO DO THAT IN NORTH CAROLINA
2 BECAUSE YOU PLACED US UNDER ARREST. WE WAS UNDER
3 ARREST.

4 A I DIDN'T PLACE YOU UNDER ARREST AND I WOULD NOT
5 HAVE NO RIGHTS IN FRONT OF A NORTH CAROLINA JUDGE.

6 MR. PORTER: YOUR HONOR, CAN I INTRODUCE
7 THIS WARRANT FROM YORK COUNTY?

8 MR. BRACKETT: I HAVE NO OBJECTION.

9 THE COURT: MR. JAMIESON.

10 MR. JAMIESON: NO OBJECTION.

11 THE COURT: YOU WANT TO IT FOR ID OR WANT
12 IT IN EVIDENCE?

13 MR. PORTER: RIGHT NOW FOR I.D..

14 (DEFENSE EXHIBIT 4 WARRANT IN EVIDENCE
15 FOR ID ONLY.)

16 Q NOW ARE YOU, YOU SEE THAT WHAT TIME THAT FAX
17 SHEET SAY, DOES IT NOT SAY DECEMBER 22, 5:13 P.M.?

18 A THAT'S CORRECT.

19 Q OKAY.

20 MR. PORTER: I WOULD LIKE TO ALSO ENTER
21 FUGITIVE WARRANT FOR NORTH CAROLINA MARKED FOR
22 IDENTIFICATION AT WHAT TIME NORTH CAROLINA CHARGED US
23 FUGITIVES OF JUSTICE.

24 MR. BRACKETT: BEFORE ANYTHING IS
25 PUBLISHED FROM THEM, I THINK THEY NEED TO BE MOVED

1 INTO EVIDENCE. JUST FOR IDENTIFICATION IS FOR THE
2 WITNESS TO IDENTIFY THEM ON THE RECORD.

3 THE COURT: YOU WANT TO MOVE THEM INTO
4 EVIDENCE.

5 MR. D'AGOSTINO: MAY I APPROACH, YOUR
6 HONOR.

7 (BENCH CONFERENCE.)

8 MR. PORTER: PUT BOTH OF THEM IN EVIDENCE.

9 MR. D'AGOSTINO: HE DOES MOVE THEM INTO
10 EVIDENCE.

11 THE COURT: YOU OFFER THEM INTO EVIDENCE.
12 ANY OBJECTION?

13 MR. BRACKETT: NO.

14 MR. JAMIESON: NO.

15 THE COURT: THEY WILL BE RECEIVED IN
16 EVIDENCE. THANK YOU.

17 (DEFENSE EXHIBITS FOUR & FIVE WARRANTS
18 RECEIVED INTO EVIDENCE.)

19 Q AT THE TOP OF THAT YOU SEE A DATE AND YOU SEE A
20 TIME, IT'S 2154?

21 A YES.

22 Q OKAY. THAT WAS THE TIME WHEN YOU SERVED, WHEN
23 NORTH CAROLINA, FUGITIVE OF JUSTICE, I MEAN FUGITIVE
24 ACT, BUT YOUR WARRANT CAME IN FROM YORK COUNTY BY
25 LIEUTENANT HAGER AT 5:15, SO WE WAS UNDER ARREST FROM

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1 THE YORK COUNTY POLICE DEPARTMENT AT 5:13 P.M.
2 ACCORDING TO THE FAX?

3 A THIS IS JUST A COPY OF A WARRANT. IT HADN'T
4 BEEN SERVED.

5 Q I HAVE THE ORIGINAL. I HAD A ORIGINAL.

6 A IT'S STILL NOT SIGNED ON THE SIDE WHERE IT'S
7 BEEN SERVED BY A POLICE OFFICER.

8 Q YEAH, BUT I'M SAYING IT WAS GIVEN TO US, SO IT
9 HAD TO HAVE BEEN SERVED. I WOULDN'T HAVE HAD IT IN
10 MY POSSESSION.

11 A IT'S STILL A COPY. THE ORIGINAL WOULD HAVE BEEN
12 HERE IN YORK COUNTY.

13 Q WELL, IT HAD TO BEEN, IT WAS FAXED, NOT TO GET
14 IN A DEBATE BUT I'M ALLEGING A ISSUE. BEFORE THAT
15 WARRANT CAN BE SERVED, ACCORDING TO NORTH CAROLINA
16 GENERAL STATUTE STILL, LET ME JUST READ SOMETHING FOR
17 YOU. SOUTH CAROLINA ENACTED RECIPROCAL --

18 MR. BRACKETT: MAY IT PLEASE THE COURT,
19 YOUR HONOR, I DON'T KNOW WHAT HE IS PUBLISHING.

20 THE COURT: YOU JUST HAVE TO ASK HIM
21 QUESTIONS.

22 Q ON FEBRUARY 17 ARE YOU AWARE OF THE UNIFORM
23 PURSUIT ACTION OF 2006?

24 A I AM NOT, NOT THE DETAILS OF IT.

25 Q SO YOU ARE NOT AWARE THAT BEFORE A GOVERNOR'S

1 WARRANT CAN BE ISSUED FROM THE STATE OF SOUTH
2 CAROLINA UNDER THAT PURSUIT WHERE YOU CAME IN THE
3 JURISDICTION?

4 MR. BRACKETT: HE SAID HE'S NOT FAMILIAR
5 WITH THE STATUTE. HOW CAN HE QUESTION HIM ABOUT IT?

6 THE COURT: IF HE'S NOT FAMILIAR WITH IT,
7 GO AHEAD AND ASK HIM A QUESTION BUT HE SAYS HE'S NOT
8 FAMILIAR WITH IT, BUT I THINK THE ANSWER IS GOING TO
9 BE, I DON'T KNOW, BUT GO AHEAD AND ASK THE QUESTION.
10 Q OKAY. IF YOU WASN'T FAMILIAR WITH THE STATUTE
11 HOW DID YOU HAVE JURISDICTION TO QUESTION US?

12 A AGAIN I CAN GO ANYWHERE AND TALK TO ANYBODY. I
13 DON'T HAVE ARREST POWERS THERE, BUT I CAN INTERVIEW
14 ANYBODY.

15 Q SO ACCORDING TO THAT WARRANT WE WAS NOT UNDER
16 ARREST?

17 A THE ORIGINAL WARRANT WOULD HAVE BEEN HERE IN
18 YORK COUNTY AND ONCE YOU GOT HERE AND READ YOUR
19 WARRANTS AND IT WAS SIGNED BY A LAW ENFORCEMENT
20 OFFICER AND DATED THEN YOU WERE SERVED WITH A
21 WARRANT.

22 Q OKAY. WELL, WE WERE TOLD THAT WE COULD NOT BE
23 RELEASED BECAUSE WE WAS TECHNICALLY UNDER ARREST. WE
24 HAD NOT COMMITTED A CRIME IN NORTH CAROLINA BECAUSE
25 PURSUIT ENTERED INTO THAT STATE AND WE WAS UNDER --

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1 WELL, BEFORE THE GOVERNOR'S WARRANT ARRIVED THAT I
2 WAS ALLEGEDLY THAT PROCEDURES DID NOT, WAS NOT
3 FOLLOWED, AND YOU SAY THAT JUST, LET ME BACK UP ON
4 THAT ISSUE. ON YOUR FOLLOW UP REPORT I ALLEGED THAT
5 IT WAS DONE AS YOU STATED WHEN THESE INDIVIDUALS CAME
6 ACROSS THE STATE LINE, THAT'S TRUE?

7 A THAT'S CORRECT.

8 Q SO FROM DECEMBER 22 ALL THE WAY UP UNTIL THE
9 DAY, I DON'T SEE DATE AND TIME ON THIS BUT I SEE
10 WHERE YOU STARTED ON DECEMBER 22, BUT NOBODY WAS HERE
11 DECEMBER 22?

12 A RIGHT.

13 Q SO APPARENTLY IT WAS A FEW DAYS LATER?

14 A PROBABLY SOMETIME LATER. IT'S JUST A CASE
15 SUMMARY FOR COURT PURPOSES.

16 Q OKAY. ARE YOU FAMILIAR WHAT YOUR CASE SUMMARY
17 STATED?

18 A YES.

19 Q DONSHAVIS JONES GAVE A STATEMENT THAT HE WAS
20 CONTACTED BY HIS UNCLE JOHNNELL PORTER, IS THAT
21 STATEMENT TRUE?

22 A THAT'S WHAT I TYPED, BUT THAT'S NOT THE
23 RELATIONSHIP, NO. THAT'S JUST A MISTAKE ON MY PART.

24 Q YOU ALSO TYPED THIS RIGHT HERE? THE STATEMENT
25 WHERE --

1 A AN INCIDENT REPORT?

2 Q YEAH, INCIDENT REPORT WHEN THE CASE WAS DONE?

3 A I DON'T THINK I'M ON ANY OF THE INCIDENT
4 REPORTS.

5 Q OKAY. WHEN WE ARRIVED HERE AT THE MOSS JUSTICE
6 CENTER, THAT'S WHERE YOU ALLEGEDLY WERE PROPERLY
7 SERVED WITH THE WARRANT?

8 A THAT'S CORRECT.

9 Q THE GOVERNOR HERE IS MARK SANFORD I THINK?

10 A THAT'S CORRECT.

11 Q HE ISSUED A GOVERNOR'S WARRANT HOW WE WAS
12 EXTRADITED HERE OR THE WAIVER CAME IN, ARE YOU
13 FAMILIAR WITH THE FACT THAT THOSE PROCEDURES UNDER
14 THAT TRANSACTION THAT WOULD NOT FALL, YOU WOULDN'T
15 HAVE ANYTHING TO DO WITH THAT BEFORE YOU ISSUE THOSE
16 WARRANTS, IS THAT CORRECT?

17 A BEFORE THE WARRANTS WERE ISSUED?

18 Q YEAH, AS FAR AS SECURING A PERSON'S HEARING TO
19 RECEIVE THESE WARRANTS, YOU DIDN'T HAVE ANYTHING TO
20 DO WITH THE THAT, THE EXTRADITION PROCEDURES?

21 A NOT THE ACTUAL PROCEDURES, NO. IF I CAN ADD TO
22 THAT, THE ONLY THING WE MAY HAVE TO DO SOMETIME IS
23 SEND A LETTER ALONG WITH IT THAT THE PERSON WE'RE
24 REQUESTING FROM THAT STATE IS THE PERSON INVOLVED IN
25 THE CRIME HERE.

1 Q YOU APPEARED BEFORE, WHEN YOU ISSUED THE
2 WARRANTS, YOU ISSUED, I NOTICE THAT YOUR NAME APPEARS
3 ON SEVERAL WARRANTS PERTAINING TO ME, THE INDICTMENTS
4 AS WELL?

5 A THE INDICTMENTS?

6 Q YES.

7 A NO, I DON'T HAVE ANYTHING TO DO WITH THAT.

8 Q YOU DIDN'T HAVE ANYTHING TO DO WITH THAT?

9 A YOU TALKING ABOUT THE GRAND JURY INDICTMENTS,
10 NO.

11 Q YOU NEVER TESTIFIED TO THE GRAND JURY?

12 A NO.

13 Q WHY DO YOUR NAME APPEAR AS A WITNESS?

14 A MY CASE SUMMARY WOULD HAVE BEEN READ.

15 Q TO THE GRAND JURY?

16 A THAT'S CORRECT. I MAY HAVE ACTUALLY READ ONE OF
17 THEM, I DON'T KNOW, SOMETIMES I DO GRAND JURY BUT.

18 Q SO YOU THE PERSON THAT NEVER APPEARED BEFORE ANY
19 OTHER GOVERNMENT BODY PERTAINING TO THIS ARREST?

20 A OUTSIDE OF A MAGISTRATE FOR THE WARRANTS, THAT'S
21 CORRECT.

22 Q NO GRAND JURY?

23 A NO.

24 MR. PORTER: NO FURTHER QUESTIONS.

25 THE COURT: ALL RIGHT, MR. BRACKETT.

1 MR. BRACKETT: NO REDIRECT.

2 THE COURT: YOU CAN STEP DOWN AND BE
3 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

4 MR. BRACKETT: YOUR HONOR, THE STATE
5 RESTS.

6 THE COURT: ALL RIGHT. MEMBERS OF THE
7 JURY PANEL, THE STATE IS RESTING, THAT IS, THE STATE
8 IS TELLING US THAT IT'S PRESENTED ITS CASE. UNDER
9 CERTAIN CIRCUMSTANCES IT MAY HAVE A RIGHT TO PRESENT
10 OTHER EVIDENCE BUT BASICALLY YOU'VE HEARD ALL THE
11 STATE'S EVIDENCE. THIS IS A POINT IN THE TRIAL WHERE
12 I HAVE TO TAKE UP CERTAIN MATTERS OUTSIDE OF YOUR
13 PRESENCE, SO I'M GOING TO LET YOU GO BACK TO THE JURY
14 ROOM WHILE WE TAKE UP CERTAIN MATTERS AND THEN WE'LL
15 SEND FOR YOU AS PROMPTLY AS WE CAN.

16 (THE JURY THE EXITS THE COURTROOM AT
17 11:55 AM.)

18 THE COURT: ANYTHING FROM THE STATE?

19 MR. BRACKETT: NOTHING, YOUR HONOR.

20 THE COURT: MR. JAMIESON?

21 MR. JAMIESON: NO, YOUR HONOR.

22 THE COURT: MR. PORTER, DO YOU HAVE
23 ANYTHING TO TAKE UP AT THIS POINT?

24 MR. PORTER: NO, SIR.

25 THE COURT: MR. YOUNG AND MR. PORTER, EACH

1 OF YOU HAVE A RIGHT TO PRESENT A DEFENSE IF YOU WISH.
2 YOU ARE NOT REQUIRED TO PRESENT A DEFENSE BECAUSE
3 EACH OF YOU ARE PRESUMED INNOCENT. YOU DO NOT HAVE
4 TO PROVE YOUR INNOCENCE. THE STATE MUST PROVE YOUR
5 GUILT BEYOND A REASONABLE DOUBT BEFORE YOU COULD BE
6 CONVICTED. YOU HAVE A RIGHT TO TESTIFY IF YOU WISH
7 AND YOU HAVE A RIGHT TO CALL WITNESSES. YOU
8 CERTAINLY CAN CALL ANY WITNESSES YOU WISH AND ASK
9 THEM QUESTIONS AND THEY WOULD BE SUBJECT TO BE CROSS
10 EXAMINED BY THE STATE AND THE COUNSEL FOR MR. YOUNG
11 OR MR. PORTER HIMSELF.

12 IF YOU EXERCISE YOUR RIGHT TO REMAIN
13 SILENT, THE STATE CANNOT USE THAT AGAINST YOU AND THE
14 JURY CANNOT. IF YOU EXERCISE YOUR RIGHT TO REMAIN
15 SILENT, I WILL TELL THE JURY THEY CANNOT IN ANY WAY
16 USE THE FACT THAT YOU HAVE EXERCISED THAT
17 CONSTITUTIONAL RIGHT TO REMAIN SILENT AGAINST YOU IN
18 ANY WAY. I WILL TELL THEM THEY CANNOT EVEN DISCUSS
19 IN THE JURY ROOM THE FACT THAT YOU HAVE EXERCISED
20 YOUR CONSTITUTIONAL RIGHT TO REMAIN SILENT. I WILL
21 TELL THEM AND REMIND THEM THAT THE STATE MUST PROVE
22 YOUR GUILT, EACH OF YOUR GUILT, INDEPENDENT OF THE
23 OTHER, BEYOND A REASONABLE DOUBT BEFORE THEY COULD
24 CONVICT EITHER ONE OR BOTH OF YOU AND FIND EITHER ONE
25 OR BOTH OF YOU GUILTY, SO I WILL TELL THEM THEY

1 CANNOT USE AGAINST YOU YOUR EXERCISE OF YOUR
2 CONSTITUTIONAL RIGHT TO REMAIN SILENT, IF YOU SO DO
3 AND REMIND THEM THAT YOU ARE PRESUMED INNOCENT.

4 NOW IF YOU CHOOSE TO TAKE THE STAND
5 AND TESTIFY, THE STATE CAN CROSS EXAMINE YOU
6 CONCERNING THIS EVENT. THE STATE CAN ALSO USE
7 AGAINST YOU THOSE OFFENSES WHICH WE WENT OVER BEFORE
8 THE JURY WAS DRAWN WHICH ARE WHAT WE CALL IMPEACHABLE
9 OFFENSES. THAT IS, OFFENSES THAT THE STATE CAN USE
10 TO SHOW THAT YOU MIGHT BE LESS LIKELY TO TELL THE
11 TRUTH THAN SOMEONE WHO HAS NO PRIOR RECORD. THAT IS,
12 THAT I WILL TELL THE JURY THAT YOUR PRIOR RECORD CAN
13 BE USED IN ASSESSING WHETHER TO BELIEVE YOU OR NOT,
14 YOUR CREDIBILITY, BUT THEY CANNOT IN ANY WAY USE ANY
15 PRIOR RECORD AS PROOF THAT YOU MAY HAVE COMMITTED THE
16 PARTICULAR OFFENSES FOR WHICH YOU ARE ON TRIAL. DO
17 YOU UNDERSTAND ALL THAT, MR. YOUNG?

18 MR. YOUNG: YES, SIR.

19 THE COURT: MR. JAMIESON, HAVE YOU
20 EXPLAINED THAT TO HIM?

21 MR. JAMIESON: I HAVE, YOUR HONOR.

22 THE COURT: YOU BELIEVE HE UNDERSTANDS?

23 MR. JAMIESON: I BELIEVE HE DOES.

24 THE COURT: MR. PORTER, DO YOU UNDERSTAND
25 THAT?

1 MR. PORTER: YES, SIR.

2 THE COURT: MR. YOUNG, DO YOU HAVE ANY
3 QUESTIONS ABOUT ANY OF THAT?

4 MR. YOUNG: NO, SIR.

5 THE COURT: MR. PORTER, DO YOU HAVE ANY
6 QUESTIONS ABOUT ANY OF THAT?

7 MR. PORTER: NO, SIR.

8 THE COURT: WE'LL TAKE A SHORT BREAK.

9 MR. JAMIESON: YOUR HONOR, BEFORE YOU DO
10 THAT, I DIDN'T WANT TO INTERRUPT YOU WITH THE
11 DEFENDANTS, BUT AT THE CLOSE OF THE STATE'S EVIDENCE
12 I WOULD MAKE A MOTION FOR THE CHARGES TO BE DISMISSED
13 ON THE BASIS THAT THE STATE HADN'T PROVEN THEIR CASE.

14 THE COURT: WELL, I FIND THAT THERE IS
15 DIRECT EVIDENCE AND SUBSTANTIAL CIRCUMSTANTIAL
16 EVIDENCE FROM WHICH THE JURY COULD DETERMINE THAT
17 MR. YOUNG WAS IN FACT INVOLVED IN THIS SET OF EVENTS.

18 MR. D'AGOSTINO: FOR THE RECORD,
19 MR. PORTER WOULD LIKE TO JOIN INTO THAT MOTION FOR
20 DIRECTED VERDICT AS WELL, THAT THEY HADN'T PRESENTED
21 SUFFICIENT EVIDENCE ON ALL THE CHARGES.

22 THE COURT: I DENY MR. PORTER'S MOTION FOR
23 THE SAME REASON. AGAIN THERE IS DIRECT EVIDENCE AND
24 THERE IS CERTAINLY SUBSTANTIAL CIRCUMSTANTIAL
25 EVIDENCE. ALL RIGHT.

1 NOW MR. YOUNG AND MR. PORTER, THIS
2 RIGHT TO REMAIN SILENT IS YOUR PERSONAL RIGHT, IT'S
3 NOT MR. JAMIESON'S, IT'S NOT MR. D'AGOSTINO'S, IT'S
4 NOT MINE OR THE SOLICITOR. YOU HAVE A RIGHT TO SEEK
5 ADVICE AS TO WHETHER TO TAKE THE STAND OR NOT.
6 MR. PORTER, YOU HAVE THE RIGHT TO, BOTH OF YOU, HAVE
7 THE RIGHT TO SPEAK TO ANYBODY YOU WISH, BUT IT IS
8 ULTIMATELY YOUR DECISION, MR. YOUNG AND MR. PORTER,
9 WHETHER YOU WISH TO TESTIFY. MR. YOUNG, HAVE -- GO
10 AHEAD.

11 MR. JAMIESON: JUST --

12 THE COURT: GO AHEAD.

13 MR. JAMIESON: YOUR HONOR, MR. PORTER'S
14 SISTER AND OTHER FAMILY MEMBER ARE IN THE COURTROOM,
15 HE WOULD LIKE THE OPPORTUNITY TO SPEAK WITH THEM
16 BRIEFLY ABOUT HIS DECISION.

17 THE COURT: OKAY. WE'LL TAKE A BREAK AND
18 DO THAT. MR. PORTER, WE'RE GOING TO TAKE A BREAK AND
19 LET YOU AND THEN WHEN WE COME BACK I'LL ASK YOU A
20 COUPLE QUESTIONS.

21 MR. PORTER: YOU ASKING ME?

22 THE COURT: I'M TALKING TO YOU. I WILL,
23 WHEN WE COME BACK, I'LL ASK YOU WHETHER YOU WISH TO
24 TESTIFY, EACH OF YOU, WHETHER OR NOT YOU ARE GOING TO
25 TESTIFY OR I'LL ASK IF YOU HAVE ANY WITNESSES YOU

1 WISH TO PRESENT. AND ALSO I WILL ASK IF YOU WOULD IF
2 EITHER ONE OF YOU GO AHEAD AND DO THIS NOW HAVE ANY
3 REQUEST OF CHARGE. THAT IS, REQUESTS THAT YOU WANT
4 ME TO TELL THE JURY ABOUT THESE, ABOUT THE CASE AND
5 ABOUT THE FACTS, NOT THE FACTS, THE LAW, SO THOSE
6 THREE THINGS WE'LL COVER WHEN WE COME BACK IN, SO
7 WE'LL TAKE A BREAK.

8 MR. JAMIESON: HOW DO YOU WANT TO ARRANGE
9 THE VISIT?

10 THE COURT: THE SAME WAY, I WASN'T IN HERE
11 EARLIER, BUT ALONG THE LINES OF THE SAME WAY WE
12 TALKED ABOUT EARLIER. NOW MR. PORTER, MR. YOUNG
13 WANTS TO APPARENTLY TALK TO I BELIEVE IT'S YOUR
14 DAUGHTER?

15 MR. JAMIESON: NO, ACTUALLY I MISSPOKE.
16 IT'S HIS SISTER AND A FAMILY MEMBER.

17 THE COURT: OKAY. HE CAN TALK TO HIS
18 FAMILY AND MR. PORTER CAN TALK TO ANYBODY HE WANTS.
19 YES, SIR.

20 MR. BRACKETT: SINCE MR. D'AGOSTINO WAS
21 NOT IN HERE WHEN WE WENT OVER THE PRIOR RECORDS THAT
22 WE WOULD INTEND TO IMPEACH WITH, WE'LL PROVIDE
23 MR. D'AGOSTINO WITH A COPY OF THAT SO THAT IN CASE
24 MR. PORTER HAS QUESTIONS, HE CAN AVAIL HIMSELF OF
25 MR. D'AGOSTINO'S ADVICE.

1 MR. D'AGOSTINO: THAT WILL BE FINE. THE
2 LAST THING IS I BELIEVE MR. PORTER, WHEN WE GO BACK
3 ON THE RECORD WHETHER HE TESTIFIES OR NOT IN THE
4 DEFENSE CASE, DOES WANT HIS EXHIBIT NUMBER THREE
5 WHICH IS IDENTIFIED, MARKED FOR IDENTIFICATION
6 YESTERDAY, TO BE ACTUALLY PLACED INTO THE RECORD.
7 IT'S THE MEDICAL RECORDS OF MR. JONES.

8 MR. BRACKETT: I'D LIKE TO REVIEW --

9 THE COURT: WE'LL TAKE CARE OF ALL OF THAT
10 AND ANY OTHER MATTERS BECAUSE WE ARE GETTING CLOSE TO
11 WHERE WE HAVE ARGUMENTS AND CHARGE AND WE NEED TO
12 DECIDE WHETHER IT'S BEST FOR ME TO LET JURY GO OUT TO
13 EAT AND COME BACK OR ORDER SOMETHING IN AND WE'LL
14 DECIDE ALL THAT WHEN WE COME BACK.

15 (COURT IS IN RECESS.)

16 (COURT RESUMES AT 12:20 PM.)

17 THE COURT: WE'RE BACK ON THE RECORD. THE
18 STATE HAS RESTED AND I DISCUSSED WITH THE DEFENDANTS,
19 I RULED A MOTION FOR A DIRECTED VERDICT AND TALKED TO
20 THEM ABOUT THEIR RIGHT TO REMAIN SILENT AND RIGHT TO
21 TESTIFY. MR. JAMIESON, WHERE DO WE STAND, IS
22 MR. YOUNG READY TO GO FORWARD?

23 MR. JAMIESON: YES, SIR, HE IS.

24 THE COURT: MR. YOUNG, DO YOU HAVE ANY
25 WITNESSES YOU ARE GOING TO PLACE ON THE STAND?

1 MR. YOUNG: NO, SIR.

2 THE COURT: ARE YOU GOING TO TESTIFY OR
3 EXERCISE YOUR RIGHT TO REMAIN SILENT?

4 MR. YOUNG: I'M GOING TO TESTIFY.

5 THE COURT: YOU ARE GOING TO TESTIFY.

6 MR. YOUNG: YES, SIR.

7 THE COURT: MR. PORTER.

8 MR. PORTER: I HAD ASKED THAT A COUPLE
9 WITNESSES BE SUBPOENAED BUT.

10 THE COURT: YOU NEED TO STAND UP, NOT SO
11 MUCH BUT PARTLY SO THE LADY OVER HERE CAN HEAR YOU.

12 MR. PORTER: OKAY. EXCUSE ME. I HAD
13 SUBPOENAED A COUPLE OF WITNESSES BUT I'M GOING TO
14 DECLINE AND I'M NOT GOING TO TESTIFY.

15 THE COURT: OKAY. ALL RIGHT. WHAT WE'LL
16 DO IS WE'LL BRING -- WHY DON'T WE DO THIS. I'M GOING
17 TO ASK THE CLERK TO ORDER, IT'S JUST A HORRIBLE TIME.
18 IT TAKES ABOUT 40 MINUTES TO GET LUNCH HERE.

19 THE CLERK: YES, SIR.

20 THE COURT: I WAS TRYING TO UTILIZE OUR
21 TIME. WHY DON'T WE DO THIS, WHY DON'T WE FINISH UP
22 WITH THE TESTIMONY, SEE IF THERE IS ANY REPLY, AND
23 THEN I'LL LET THE JURY GO TO LUNCH FOR ABOUT AN HOUR
24 AND THAT WILL GIVE EVERYONE TO CHANCE TO GET READY
25 FOR THEIR CLOSING ARGUMENTS AND LOOK AT ANY CHARGES

1 AND ALL OF THAT BECAUSE I THINK THAT'S PROBABLY THE
2 MOST SUFFICIENT USE OF OUR TIME. ALL RIGHT, BRING IN
3 THE JURY.

4 MR. D'AGOSTINO: I WILL NOTE, MR. PORTER
5 DOES WANT TO MOVE THOSE MEDICAL RECORDS IN THE RECORD
6 AT THE APPROPRIATE TIME.

7 THE COURT: ANY OBJECTION?

8 MR. BRACKETT: NO OBJECTION.

9 MR. JAMIESON: NO OBJECTION.

10 THE COURT: THEY ARE IN EVIDENCE.

11 (DEFENSE EXHIBIT NUMBER 3 MEDICAL
12 RECORDS RECEIVED IN EVIDENCE.)

13 (THE JURY RETURNS TO THE COURTROOM AT
14 12:34.)

15 THE COURT: MR. JAMIESON.

16 MR. JAMIESON: YOUR HONOR, THE DEFENSE
17 WOULD CALL THE DEFENDANT KENNETH YOUNG.

18 THE COURT: PLEASE COME UP AND BE SWORN.

19 KENNETH YOUNG, BEING FIRST
20 DULY SWORN, TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION BY MR. JAMIESON:

22 Q MR. YOUNG, IF YOU WOULD TELL US YOUR NAME
23 PLEASE?

24 A KENNETH LOVETTE YOUNG.

25 Q AND WHERE DO YOU RESIDE? WHERE DO YOU LIVE?