

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No.: 2016-001914

RECEIVED

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S.C. SUPREME COURT

CONNIE MURRAY DUMAS,..... Petitioner,

vs.

State of South Carolina, ...Respondent.

APPENDIX

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STATE OF SOUTH CAROLINA.,)
)
)
)
)
COUNTY OF YORK.,)

IN THE CIRCUIT COURT OF
GENERAL SESSIONS OF YORK

CASE NO.: 2010-GS-46-03853,
2010-GS-46-03854

STATE OF SOUTH CAROLINA.,)
)
PLAINTIFF,)
)
-VS.-)
)
CONNIE MURRAY DUMAS.,)
)
DEFENDANT.)
_____)

TRANSCRIPT OF RECORD

MAY 16TH THRU 20TH, 2011
YORK, SOUTH CAROLINA

B E F O R E:

HONORABLE PAUL M. BURCH, JUDGE, and a jury.

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

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I-N-D-E-X

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REPORTER'S NOTE: ALL EXHIBITS WERE FILED WITH THE YORK
COUNTY CLERK OF COURT'S OFFICE.

1 (ON THE RECORD MONDAY, MAY 16, 2011 AT 02:08 PM.)

2 THE COURT: You may be seated. Thank you.

3 MR. SPRINGS: May it please the Court.

4 THE COURT: Yes, sir.

5 MR. SPRINGS: Your Honor, we had scheduled to start at
6 Two o'clock in this courtroom the trial of Connie Murray
7 Dumas. I'm holding her two True Billed Indictments of
8 Armed Robbery on 2010-GS-46-3853 and Possession of a
9 Firearm during the commission of that violent crime of
10 armed robbery on 2010-GS-46-3854. I don't see Ms. Dumas
11 here in the courtroom, I'm hearing from my Deputy Solicitor
12 she is sitting in the emergency room at the local hospital
13 unadmitted but sitting there. I have prepared an order for
14 the Court requesting the hospital to tell us what's going
15 on with Ms. Connie Dumas over at that medical facility and
16 if the Court would kindly sign this I'm gonna have to start
17 some investigation of that.

18 THE COURT: Counsel.

19 MR. ATWATER: Your Honor, after I left your other
20 court, your courtroom this morning and was heading back
21 over to my office I got a phone call from my law partner
22 telling me that he had been called by Bursha Dumas Connie
23 Dumas's husband who had been trying to get a hold of me all
24 morning to tell me that Ms. Dumas was in the hospital over
25 at Piedmont Medical Center in Rock Hill and had been there

1 since about Three o'clock this morning. My understanding
2 is that she has had some type of a episode related to her
3 medication, or something that caused her husband to be
4 concerned for her, her health and welfare related to the
5 symptoms she was having and they've kept her there since
6 Three o'clock this morning. Apparently Mr. Springs is able
7 to get more information than I am from my own client if he
8 knows she's sitting there unadmitted because my
9 understanding is she's been over there back in the back
10 somewhere being evaluated in that they've transferred her
11 to another doctor for further evaluation. That's what I
12 know at this time and I just got off the phone with her
13 husband walking into the courtroom again just to get an
14 update. Also Mr. Springs was notified of this by me not by
15 his Deputy Solicitor or he may have gotten the message that
16 way but I'm the one that notified the court. But as soon
17 as I got the phone call I came directly back to the
18 courthouse looking for you and you were gone to lunch and
19 spoke to Judge Alford and then went directly to the
20 Solicitor's office about it. They're in touch with me, I'm
21 looking to hear back from Bursha as soon as they make some
22 decision about his wife. My understanding is that it's
23 looking like most likely that she's going to be discharged
24 sometime this afternoon and it's very possible that she'll
25 be ready to go forward in the morning. I do not have

1 anything in writing, I called the hospital asking for, or I
2 called Mr. Dumas asking for something in writing and he ask
3 the hospital for something. In regards to some type of
4 formal investigation by the Solicitor's office, Your Honor,
5 I don't think that that's appropriate but I believe if the
6 Court wants some type of medical excuse I will personally
7 go over there and get one myself. And if I may, Your
8 Honor, I haven't had an opportunity to review whatever you
9 were just handed up.

10 THE COURT: Come up here and read this. You may want
11 me to sign it and you take it with you.

12 (ATTORNEY ATWATER APPROACHED BENCH AND READ
13 DOCUMENTS.)

14 MR. ATWATER: Actually, Your Honor, I would prefer
15 that it not, I mean I'm happy to take it over to the
16 hospital and give it to anybody over there, I'm aware that
17 she can release that information herself and have somebody
18 sign it and I prefer that this type of information doesn't
19 get handed to the hospital.

20 THE COURT: All right. Approach just a minute.

21 (BENCH CONFERENCE OFF THE RECORD AT 02:12 PM.)

22 THE COURT: All right. Everybody stand at ease on
23 that particular case.

24 (COURT IN RECESS AT 02:15 PM.)

25 (BACK ON THE RECORD AT 03:00 PM.)

1 (PAUSE.)

2 THE COURT: All right. Mr. Atwater, pursuant to our
3 telephone conversations the defendant gave you permission
4 to go ahead and let's get a jury squared away?

5 MR. ATWATER: That's correct, Your Honor.

6 THE COURT: Any other -- Let me talk to you all up
7 here.

8 (BENCH CONFERENCE OFF THE RECORD AT 03:10 PM.)

9 (PAUSE.)

10 MR. ATWATER: Your Honor, before we are to read the
11 witness list to the jury there are some names on here I
12 don't even know who the heck these people are.

13 THE COURT: Mr. Springs.

14 MR. SPRINGS: I'm sorry, Your Honor, I had my back
15 turned talking to my witnesses, I didn't understand Mr.
16 Atwater.

17 THE COURT: Step over and talk with Mr. Atwater about
18 that question.

19 (ATTORNEYS IN CONFERENCE OFF THE RECORD AT 03:25 PM.)

20 MR. ATWATER: Your Honor, just if I may for the
21 record, I have spoken to Mr. Springs and he's identified
22 who these people are, I'm not clear what it is they're
23 going to testify about. His response to that is I'm just
24 going to have to wait and watch and see. So since these
25 people I've never had an opportunity to be disclosed who

1 they are or anything in discovery we'll see what happens at
2 trial.

3 THE COURT: Okay. I'll be ready.

4 (JURY QUALIFICATIONS AT 03:30 PM.)

5 THE COURT: Thank you, Mr. Bailiff.

6 Good afternoon everyone. I'm Paul Burch and I'm a
7 resident Circuit Judge over in the Fourth Circuit. I'm
8 from Chesterfield County from a community known as Pageland
9 affectionately known as the Watermelon Capital of the
10 World. If nobody knows where Pageland is it's over between
11 Lancaster and Cheraw. We're known for our watermelons and
12 we're are also known for Van Lingo Mungo. How many of you
13 know who Van Lingo Mungo was?

14 (NO RESPONSE.)

15 THE COURT: Shame. We got any baseball fans?

16 (NO RESPONSE.)

17 THE COURT: Van Lingle Mungo was a fast-ball pitcher
18 back in the 1930's for the Brooklyn Dodgers. He's our
19 favorite son in Pageland but unfortunately he passed away
20 about ten years ago but I did get to know him. He was
21 quite a character. Very close friends to Ernest Hemingway.
22 How may of you heard of Ernest Hemingway?

23 (SEVERAL JURORS RAISED THEIR HANDS.)

24 THE COURT: Okay. And also Babe Ruth. How many of
25 you heard of him? They were all three big buddies and were

1 a pleasure for me to get to know Van Lingo and like I said
2 he's our favorite son.

3 It's a pleasure to be back in York County. Sort of
4 like a second home to me over here because I got a lot of
5 cousins that live in Lancaster and York County. I was sent
6 over here this week to help with the dual court term. I
7 think you met Judge Alford this morning and probably been
8 patiently waiting all day for further instructions and we
9 want to thank you for your patience. Monday's are a little
10 bit hectic hopefully the time will smooth out for you the
11 rest of the week. Now we ask you to come up because we're
12 gonna need your help on a case that we're going to try and
13 we wanted to go ahead and get this narrowed down and set a
14 jury and be able to let the rest of you go until you're to
15 call back. I don't control that I have to defer to the
16 Clerk's office since we have other court's operating. But
17 what we hope to do here is to seat a jury of twelve and a
18 couple of alternates.

19 I'm going to have some additional questions for you
20 now. They'll be a little different from the ones that were
21 posed to you this morning. These will be more case
22 specific. This case that we're going to try is entitled
23 the State of South Carolina versus Connie Murray Dumas.
24 She will be present a little later, the attorney Mr.
25 Atwater is present and will go ahead today and try to seat

1 a jury and we will actually begin the trial as far as you
2 all are concerned tomorrow morning.

3 The charges they have been indicted by the Grand Jury
4 of York County are for Armed Robbery and Possession of a
5 Firearm during the commission of a violent crime. It is
6 alleged in the indictments that this occurred August the
7 9th, 2010 at the One Stop Food Store on 1500 Albright Road
8 in Rock Hill, South Carolina. So keep that in mind as I go
9 through these questions. The first question I have, Do I
10 have anybody on the panel who is related by blood or
11 connected by marriage or have any business, social,
12 religious or fraternal relationship with Connie Murray
13 Dumas, that's spelled D-u-m-a-s, if so we need you to stand
14 at this time?

15 (NO ONE STANDS.)

16 THE COURT: Anybody on the panel presently represented
17 or represented in the past by the Solicitor's office or by
18 Mr. Atwater, Mr. Michael Atwater of the York County Bar?
19 If so we need you to stand at this time.

20 (NO ONE STANDS.)

21 THE COURT: Same question. That is related by blood
22 or marriage, or have any business, social, religious or
23 fraternal relationship with any of the following
24 individuals? Detective Jerry Waldrop who is present in
25 court.

1 (WITNESS STOOD.)

2 THE COURT: Ms. Marcella Denise Talford, it's T-a-l-
3 f-o-r-d.

4 (WITNESS STOOD.)

5 THE COURT: To my right to your left.

6 MADAME COURT REPORTER: Judge, you had a response.

7 THE COURT: Oh I'm sorry. Yes.

8 A. That's my first cousin's daughter.

9 (BLACK FEMALE STOOD.)

10 THE COURT: All right. And your juror number?

11 A. Sixty.

12 THE COURT: Sixty. Okay. Anyone else?

13 (NO RESPONSE.)

14 THE COURT: Officer Michael Reid.

15 (NO RESPONSE.)

16 THE COURT: Mr. Stephen Sinclair.

17 (NO RESPONSE.)

18 THE COURT: Officer Kevin Sullivan.

19 (NO RESPONSE.)

20 THE COURT: Ms. Beverly Beglin, that's B-e-g-l-I-n.

21 (NO RESPONSE.)

22 THE COURT: Ms. Maria Young.

23 (NO RESPONSE.)

24 THE COURT: Ms. Judy Ashdown. That's A-s-h-d-o-w-n.

25 (WITNESS STOOD.)

1 Present to the court to my right, to your left.

2 (NO RESPONSE.)

3 THE COURT: Ms. Shirley Rosborough-Taylor.

4 (NO RESPONSE.)

5 THE COURT: Detective Michael Chavis.

6 (NO RESPONSE.)

7 THE COURT: Detective Sedric Stokes.

8 (NO RESPONSE.)

9 THE COURT: Ms. Kiara Boston. That's spelled K-I-a-r-
10 a, Boston, B-o-s-t-o-n.

11 (NO RESPONSE.)

12 THE COURT: Officer Matt Hall.

13 (NO RESPONSE.)

14 THE COURT: Officer William Rivera.

15 (NO RESPONSE.)

16 THE COURT: Detective Mark Motz, or Motz, -o-t-z.

17 (NO RESPONSE.)

18 THE COURT: Karen McClure.

19 (NO RESPONSE.)

20 THE COURT: Mark Harris.

21 (NO RESPONSE.)

22 THE COURT: And Forensic Officer George Weeks.

23 (NO RESPONSE.)

24 THE COURT: Also Connie Dumas and Bursha Dumas.

25 (NO RESPONSE.)

1 THE COURT: If so we need you to stand?

2 (NO RESPONSE.)

3 Does anybody have any knowledge or developed any
4 opinion concerning this case?

5 (NO RESPONSE.)

6 THE COURT: Does anybody know of any reason whatsoever
7 or have any prejudice or bias either against the Defendant
8 or the State of South Carolina where you could not or
9 cannot be a fair and impartial juror in this case we need
10 to have you stand at this time but don't make any comment?

11 (NO RESPONSE.)

12 THE COURT: Does any member of the jury panel feel
13 that because of religious or philosophical or deeply
14 personal reasons that you could not or you feel that it
15 would be difficult to be a fair and impartial juror if
16 seated on this case; if so, let us know that at this time?

17 (JUROR STOOD.)

18 THE COURT: Your name please.

19 A. Sherrie Deas.

20 THE COURT: All right. If you will approach the bench
21 with counsel.

22 (COURT LEFT BENCH.)

23 THE COURT: If you will come right up here, ma'am?

24 (JUROR APPROACHED BENCH WITH ATTORNEYS.)

25 THE COURT: This is directed to counsel.

1 This matter is moot because she's the first cousin to
2 the witness.

3 MR. ATWATER: I agree, Your Honor.

4 THE COURT: Okay. Everybody's in agreement?

5 MR. SPRINGS: Yes, sir, that's fine.

6 THE COURT: You won't be necessary.

7 MS. DEAS: Thank you.

8 THE COURT: I'm going to excuse you on this case
9 because of your first cousin.

10 MS. DEAS: Okay.

11 THE COURT: if you will just stay with us until this
12 is completed there may be something else Judge Alford may
13 need you for okay. But you won't be on this case.

14 MS. DEAS: Okay.

15 THE COURT: Anyone else?

16 (NO RESPONSE.)

17 THE COURT: Once again I'm gonna open up a little
18 wider. If you have any reason whatsoever you feel that you
19 cannot be a fair and impartial juror in this case and
20 follow the law that I instruct you at the conclusion of
21 this case now is the time to let us know? And I emphasize
22 that cause it causes problems if you get seated on the jury
23 and you know we have to have twelve jurors and then I have
24 one or two people right in the middle of the trial say oh I
25 feel like I can't be fair and impartial so that's why I

1 emphasize at this time if you know of any reason whatsoever
2 now is the time, now is the place to let us know?

3 (NO RESPONSE.)

4 THE COURT: Any further inquiry I've over looked?

5 MR. SPRINGS: Co counsel and I would like to introduce
6 ourselves to the jury.

7 I'm Assistant Solicitor E.B. Springs and this is
8 Decinene Thornwell, she's also an assistant prosecutor.

9 THE COURT: And Mr. Atwater.

10 MR. ATWATER: I'm Michael Atwater with the York County
11 Law Office

12 THE COURT: And your partner?

13 MR. ATWATER: Is Eric Davis.

14 THE COURT: Eric Davis. And one more question because
15 I ask about representation. Anybody related by blood or
16 marriage or have any business, social, religious, or
17 fraternal relationship with any of those four attorneys, if
18 so, let us know now?

19 (NO ONE STANDS.)

20 THE COURT: All right. Anything else?

21 MR. SPRINGS: None from the State.

22 MR. ATWATER: Nothing from the Defense, Your Honor.

23 THE COURT: Okay. I'll turn it over to the Clerks'
24 office.

25 MADAME CLERK: When your name is called please come to

1 the front and stand by the bailiff and bring all of your
2 belongings with you.

3 Number 128, Nancy Maloney.

4 (WHITE FEMALE COMING FORWARD.)

5 MADAME CLERK: What say you for the State?

6 MR. SPRINGS: Please present the juror.

7 MADAME CLERK: The Defense?

8 MR. ATWATER: Please excuse the juror.

9 MADAME CLERK: You may return to your seat.

10 Number 31, James Bunge.

11 (WHITE MALE COMING FORWARD.)

12 MADAME CLERK: What say you for the State?

13 MR. SPRINGS: Please present the juror.

14 MADAME CLERK: The Defense?

15 MR. ATWATER: Please excuse the juror.

16 MADAME CLERK: You may be excused from this case.

17 Number 127, Laura Mack.

18 (WHITE FEMALE COMING FORWARD.)

19 MADAME CLERK: What say you for the State?

20 MR. SPRINGS: Please present the juror.

21 THE COURT: Defense?

22 MR. ATWATER: Please present Ms. Mack.

23 MADAME CLERK: You may have a seat in the jury box.

24 Number 18, James Blake.

25 (BLACK MALE COMING FORWARD.)

1 MADAME CLERK: What say you for the State?
2 MR. SPRINGS: Please excuse the juror.
3 MADAME CLERK: You may be excused.
4 Number 56, Curtis Culver.
5 (WHITE MALE COMING FORWARD.)
6 MADAME CLERK: What say you for the State?
7 MR. SPRINGS: Please excuse the juror.
8 MADAME CLERK: You may be excused.
9 Number 123, Keon Love.
10 (BLACK MALE COMING FORWARD.)
11 MADAME CLERK: What say you for the State?
12 MR. SPRINGS: Please excuse the juror.
13 MADAME CLERK: You may be excused.
14 Number 107, Carole Keitzer.
15 (WHITE FEMALE COMING FORWARD.)
16 MADAME CLERK: What say you for the State?
17 MR. ATWATER: Madame Clerk, what was the juror number?
18 MADAME CLERK: 1-0-7.
19 MR. SPRINGS: Please present the juror.
20 MADAME CLERK: The Defense?
21 MR. ATWATER: Please excuse Ms. Keitzer.
22 MADAME CLERK: You may be excused.
23 Number 124, Myron Lowery.
24 (WHITE MALE COMING FORWARD.)
25 MADAME CLERK: What say you for the State?

1 MR. SPRINGS: Please present the juror.

2 MADAME CLERK: The Defense?

3 MR. ATWATER: Please present Mr. Lowery.

4 MADAME CLERK: You may have a seat in the jury box.

5 Number 146, Martin Mohahan.

6 (WHITE MALE COMING FORWARD.)

7 MADAME CLERK: What say you for the State?

8 MR. SPRINGS: Please present the juror.

9 MADAME CLERK: Defense?

10 MR. ATWATER: Please excuse Ms. Mohahan.

11 MADAME CLERK: You may be excused.

12 Number 247, Carla Williams-Truesdale.

13 (BLACK FEMALE COMING FORWARD.)

14 MADAME CLERK: What say you for the State?

15 MR. SPRINGS: Please present the juror.

16 MADAME CLERK: Defense?

17 MR. ATWATER: Please present Ms. Truesdale.

18 MADAME CLERK: You may have a seat in the jury box.

19 Number 211, Kenneth Spivey.

20 (WHITE MALE COMING FORWARD.)

21 MADAME CLERK: What say you for the State?

22 MR. SPRINGS: Please present the juror.

23 MADAME CLERK: Defense?

24 MR. ATWATER: Please excuse Mr. Spivey.

25 MADAME CLERK: You may be excused.

1 Number 110, William Kiblinger.

2 (WHITE MALE COMING FORWARD.)

3 MADAME CLERK: What say you for the State?

4 MR. SPRINGS: Please present the juror.

5 MADAME CLERK: Defense?

6 MR. ATWATER: Please present Mr. Kiblinger.

7 MADAME CLERK: You may have a seat in the jury box.

8 Number 22, Carolyn Brackett.

9 (WHITE FEMALE COMING FORWARD.)

10 MADAME CLERK: What say you for the State?

11 MR. SPRINGS: Please present the juror.

12 MADAME CLERK: Defense?

13 MR. ATWATER: Please excuse Ms. Brackett.

14 MADAME CLERK: You may be excused.

15 Number 1-0-6, Robert Jones.

16 (BLACK MALE COMING FORWARD.)

17 MADAME CLERK: What say you for the State?

18 MR. SPRINGS: Please present the juror.

19 MADAME CLERK: Defense?

20 MR. ATWATER: Please present Mr. Jones.

21 MADAME CLERK: You may have a seat in the jury box.

22 Number 3, John Allred.

23 (WHITE MALE COMING FORWARD.)

24 MADAME CLERK: What say you for the State?

25 MR. SPRINGS: Please present the juror.

1 MADAME CLERK: Defense?

2 MR. ATWATER: Please present Mr. Allred.

3 MADAME CLERK: You may have a seat in the jury box.

4 Number 94, John Hamner.

5 (WHITE MALE COMING FORWARD.)

6 MADAME CLERK: What say you for the State?

7 MR. SPRINGS: Please present the juror.

8 MADAME CLERK: Defense?

9 MR. ATWATER: Please excuse Mr. Hamner.

10 MADAME CLERK: You may be excused.

11 Number 162, Jessica Pendergrass.

12 (BLACK FEMALE COMING FORWARD.)

13 MADAME CLERK: What say you for the State?

14 MR. SPRINGS: Please present the juror.

15 MADAME CLERK: Defense?

16 MR. ATWATER: Please present Ms. Pendergrass.

17 MADAME CLERK: You may have a seat in the jury box.

18 Number 230, Antonio Visoso Lozano.

19 (HISPANIC MALE COMING FORWARD.)

20 MADAME CLERK: What say you for the State?

21 MR. SPRINGS: Please present the juror?

22 MADAME CLERK: Defense?

23 MR. ATWATER: Please present Mr. Visoso Lozano.

24 MADAME CLERK: You can have a seat in the jury box.

25 Number 149, Kimberly Moser.

1 (WHITE FEMALE COMING FORWARD.)

2 MADAME CLERK: What say you for the State?

3 MR. SPRINGS: Please present the juror.

4 MADAME CLERK: Defense?

5 MR. ATWATER: Please present Ms. Moser.

6 MADAME CLERK: You may have a seat in the jury box.

7 Number 195, David Simpkins.

8 (WHITE MALE COMING FORWARD.)

9 MADAME CLERK: What say you for the State?

10 MR. SPRINGS: Please excuse the juror.

11 MADAME CLERK: You may be excused.

12 Number 186, David Saboley.

13 (WHITE MALE COMING FORWARD.)

14 MADAME CLERK: What say you for the State?

15 MR. SPRINGS: Please present the juror.

16 MADAME CLERK: Defense?

17 MR. ATWATER: Please present Mr. Saboley.

18 MADAME CLERK: You may have a seat in the jury box.

19 Number 11, Eric Barnette.

20 (BLACK MALE COMING FORWARD.)

21 MADAME CLERK: What say you for the State?

22 MR. SPRINGS: Please present the juror.

23 MADAME CLERK: Defense?

24 MR. ATWATER: Please excuse Mr. Barnette.

25 MADAME CLERK: You may be excused.

1 Number 1, Mildred Adair.

2 (WHITE FEMALE COMING FORWARD.)

3 MADAME CLERK: What say you for the State?

4 MR. SPRINGS: Please present the juror.

5 MADAME CLERK: Defense?

6 MR. ATWATER: Please excuse Ms. Adair.

7 MADAME CLERK: You may be excused.

8 Number 5, Sandra Ballenger.

9 (WHITE FEMALE COMING FORWARD.)

10 MADAME CLERK: What say you for the State?

11 MR. SPRINGS: Please present the juror.

12 MADAME CLERK: Defense?

13 MR. ATWATER: Please present Ms. Ballenger.

14 MADAME CLERK: You may have a seat in the jury box.

15 Number 246, Suzanne Williams.

16 (WHITE FEMALE COMING FORWARD.)

17 MADAME CLERK: What say you for the State?

18 MR. SPRINGS: Please present the juror.

19 MADAME CLERK: Defense?

20 MR. ATWATER: Please excuse Ms. Williams.

21 MADAME CLERK: You may be excused.

22 MR. ATWATER: Ms. Williams. Suzanne Williams, 246.

23 Correct?

24 THE COURT: Correct.

25 MADAME CLERK: And that was your last strike.

1 MR. ATWATER: Yes, ma'am.

2 MADAME CLERK: Number 90, Albert Gynn.

3 (WHITE MALE COMING FORWARD.)

4 MADAME CLERK: What say you for the State?

5 MR. SPRINGS: Please excuse the juror.

6 MADAME CLERK: You may be excused.

7 That also was the State's last strike.

8 Number 227, Wesley Turner.

9 (WHITE MALE COMING FORWARD.)

10 MADAME CLERK: What say you for the State?

11 MR. SPRINGS: Please present the juror.

12 MADAME CLERK: Defense?

13 MR. ATWATER: Please present Mr. Turner.

14 MADAME CLERK: You may have a seat in the jury box.

15 All right this is for the alternate.

16 Number 145, Rickey Moffatt.

17 (BLACK MALE COMING FORWARD.)

18 MADAME CLERK: What say you for the State?

19 MR. SPRINGS: Please excuse the juror.

20 MADAME CLERK: You may be excused.

21 Number 164, Kristine Phillips.

22 (WHITE FEMALE COMING FORWARD.)

23 MADAME CLERK: What say you for the State?

24 MR. SPRINGS: Please present the juror.

25 MADAME CLERK: Defense?

1 MR. ATWATER: Please excuse Ms. Phillips.

2 MADAME CLERK: You may be excused.

3 Number 41, Angela Cauthen.

4 (WHITE FEMALE COMING FORWARD.)

5 MADAME CLERK: What say you for the State?

6 MR. SPRINGS: Please present the juror.

7 MADAME CLERK: Defense?

8 MR. ATWATER: Please excuse Ms. Cauthen.

9 (JUROR RETURNING TO SEAT.)

10 MADAME CLERK: Number 59, Darlene Dean.

11 (WHITE FEMALE COMING FORWARD.)

12 MADAME CLERK: What say you for the State?

13 MR. SPRINGS: Please present the juror.

14 MADAME CLERK: Defense?

15 MR. ATWATER: Please present Ms. Dean.

16 MADAME CLERK: You may have a seat in the jury box.

17 And this is for the second alternate.

18 Number 244, Patricia White.

19 (BLACK FEMALE COMING FORWARD.)

20 MADAME CLERK: What say you for the State?

21 MR. SPRINGS: Please present the juror.

22 MADAME CLERK: Defense?

23 MR. ATWATER: Please present Ms. White.

24 MADAME CLERK: You may have a seat in the jury box.

25 THE COURT: Any matters concerning the jury selection?

1 MR. SPRINGS: No, sir.

2 MR. ATWATER: None from the Defense, Your Honor.

3 THE COURT: All right, Counsel, you all approach
4 please.

5 (BENCH CONFERENCE OFF THE RECORD AT 04:10 PM.)

6 THE COURT: Okay. I would like to see you released
7 for the afternoon, I hope you are for those of you who are
8 on the venire. I am informed that you are.

9 When do you need them back?

10 You need to call in tonight at Seven o'clock to get
11 further instructions. Thank you all so much.

12 (JURY PANEL DISMISSED AT 04:11 PM.)

13 THE COURT: Ladies and gentlemen on the jury, we're
14 going to let you all go for the evening. I'm going to ask
15 you to be back to the jury room and Mr. Bailiff will show
16 you before you leave here this afternoon at Ten o'clock in
17 the morning. Now we're going to come back earlier; we've
18 got some other things we've got to handle before we start
19 this trial. So we need you back at Ten in the morning. Do
20 not discuss this case with anyone, do not do any
21 independent research on this matter. From here on out just
22 avoid any press coverage, local press coverage until this
23 case is completed. This case has to be decided on the
24 evidence presented properly in court. Sometimes newspaper
25 reporters will make mistakes and maybe report something

1 that's inaccurate and that would be highly improper for you
2 all to be reading that and then have that in your mind
3 later on in the trial. So this is a standard instruction
4 to avoid local press coverage until this is over. Should
5 anybody try to approach you in any form or fashion and
6 discuss this matter with you do not discuss it with them.
7 Immediately notify the sheriff's department of any such
8 attempt. Should it happen here during court hours
9 naturally let one of the bailiff's know or let me know.
10 All right with that said you all are dismissed for the
11 evening. We'll see you back here at Ten in the morning.
12 You all have a good night.

13 (JURY DISMISSED AT 04:15 PM.)

14 THE COURT: Mr. Atwater, what is it you want further
15 on the record about your client?

16 MR. ATWATER: Yes, Your Honor. Your Honor, as you are
17 aware when we first came in here at Two o'clock the
18 Solicitor informed the Court that the Defendant, Connie
19 Dumas, wasn't present at that time and based upon
20 information that they obtained that she was in the
21 emergency department not admitted at Piedmont Medical
22 Center. His Honor -- The Solicitor wanted to conduct an
23 inquiry into from what I was able to gather a length of
24 waiting times in the emergency room at Piedmont Medical
25 Center. His Honor dispatched me over there to see what was

1 going on and after I got over there I learned that the
2 information the State had was not correct; however, that my
3 client was being or had just been discharged from the
4 hospital and I had an opportunity to speak with her about
5 this matter and the present status of it. And also then
6 spoke with Ms. Betty Miller with the Solicitor's office and
7 with His Honor personally, I told Ms. Miller and I told His
8 Honor that I had obtained permission from my client Ms.
9 Dumas to go ahead and strike the jury today. She was as I
10 had told His Honor she had been in the emergency room since
11 3:00 am and she was thoroughly worn out and wished to rest
12 and said that she was absolutely in accord with me going
13 forward and picking a jury today and being available to
14 start the trial tomorrow morning.

15 THE COURT: Anything for the record?

16 MR. SPRINGS: No, sir.

17 THE COURT: All right. We appreciate you all
18 following up on that. Mr. Atwater, I appreciate you taking
19 that extra effort so we'll keep everything on track in the
20 morning.

21 MR. ATWATER: Yes, Your Honor.

22 THE COURT: We'll be back at 9:30 and take up those
23 preliminary matters and we'll note at this time the jury is
24 not under oath. We'll take care of that as time
25 approaches. Hopefully when we get back in the morning we

1 may have some matters resolved. You all work on that and
2 see if you can't come up with a resolution.

3 MR. SPRINGS: Your Honor, we have subpoenaed Kiara
4 Boston; that is Ms. Connie Dumas, the defendant's daughter.
5 I believe she's seventeen or eighteen years of age. I
6 haven't had an order back from her I assume she's going to
7 be right here by her mother's side. In the morning if not
8 I'll have to have a conversation with the Court about that.
9 She is a material witness.

10 THE COURT: Okay.

11 MR. SPRINGS: Having said that I hope everyone has a
12 good evening.

13 THE COURT: All right.

14 MR. ATWATER: Your Honor, would it be appropriate now
15 or in the morning to move that all of the witnesses in this
16 case be sequestered during the trial?

17 THE COURT: Let's do it in the morning while we're all
18 present that way you won't be running around in case I
19 grant it having to repeat a bunch of stuff. Just don't let
20 me forget.

21 MR. ATWATER: Yes, Your Honor.

22 THE COURT: See you all in the morning.

23 MR. SPRINGS: Thank you, sir.

24 (COURT IN RECESS AT 04:20 PM.)

25 (BACK ON THE RECORD TUESDAY, MAY 17, 2011 AT 10:00

1 AM.)

3 MR. SPRINGS: May it please the Court.

4 THE COURT: Good morning. Yes, sir.

5 MR. SPRINGS: Good morning, Your Honor. Your Honor,
6 yesterday the State called the armed robbery case against
7 Connie Murray Dumas, armed robbery Indictment 2010-GS-46-
8 3853 and the accompanying possession of a firearm during
9 the commission of a violent crime on 2010-GS-46-3854. Ms.
10 Dumas gave her attorney Mr. Michael Atwater permission to
11 go ahead and pick a jury; Ms. Dumas is now present here in
12 the courtroom, it is my practice to arraign our defendants.
13 We picked a jury but Jeffrey has an attachment, may I
14 please at this time arraign Ms. Dumas?

15 THE COURT: All right.

16 MR. SPRINGS: Mr. Atwater, how does Connie Mary Dumas
17 plead to armed robbery and possession of a firearm during
18 the commission of a violent crime?

19 MR. ATWATER: The same as when she was arraigned
20 before, not guilty.

21 MR. SPRINGS: Very good. Your Honor, we do have some
22 pretrial matters; we have Jackson v. Denno, the State's
23 ready to go ahead and go into that now unless there are
24 other pretrial matters that Mr. Atwater feels we should get
25 to first.

1 THE COURT: Mr. Atwater, you've had an occasion to
2 talk with your client about the Jackson Denno and we got to
3 do it all over again unless you all are satisfied that from
4 the previous hearing you had on this that you don't need
5 this Denno but if you feel like you do we'll proceed and if
6 you don't we'll move on.

7 MR. ATWATER: Your Honor, based on a new list of
8 witnesses and some other information that we've been given
9 since the last hearing I believe that circumstances have
10 changed since then and we would rather have that.

11 THE COURT: Okay. All right, Solicitor.

12 MR. SPRINGS: Very good. We call Detective Jerry
13 Waldrop.

14 (WHEREUPON: DETECTIVE JERRY
15 WALDROP BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
16 FOLLOWS:)

17 MR. SPRINGS: Before I begin, Your Honor, let me
18 inquire as to your practice. At this point we have
19 witnesses that will later be sequestered in the court room.
20 Is that okay? Or do they need to step out now?

21 THE COURT: Well, there was a motion made. I think we
22 said we would renew it today.

23 MR. ATWATER: And I said we'd renew it, Your Honor.

24 THE COURT: What -- what's the State's position on it?

25 MR. SPRINGS: I -- I don't -- I don't think what

1 happened between Ms. Dumas and the police in as far as her
2 statements could possibly influence the witness testimony.
3 I don't think there's any harm with them being in the court
4 room at this point. But I will leave it at the Court's
5 good discretion.

6 THE COURT: Well, let's don't take any chances. If
7 everybody will step outside except you. Are you the lead
8 Solicitor?

9 MR. SPRINGS: Yes, sir.

10 THE COURT: Okay.

11 MR. SPRINGS: Let me, before Ms. Kiara Boston who's
12 gonna be a State's witness and is the daughter of the
13 Defendant, Connie Dumas, while she's still here, let me
14 bring one matter up. I'm told by the victim clerk, Ms.
15 Talford, Ms. Kiara Boston tried to contact her via Facebook
16 last night. That concerns us. We want these people to
17 leave our witnesses alone, please if the Court would so
18 instruct Ms. Dumas' family.

19 THE COURT: All right. There won't be any contact
20 from here on out, now between any witnesses. We don't want
21 any hanky panky or anything. I'm not saying that's what's
22 going on, but we don't need even the chance of it. So, no
23 more contact.

24 MR. ATWATER: Your Honor, at this moment, Kiara Boston
25 is the State's witness. She's subpoenaed here by them.

1 MR. SPRINGS: I repeat, I don't want Kiara
2 Boston bothering my victim clerk and contacting the victim
3 clerk. So if we could make that clear to Ms. Boston.

4 THE COURT: Where is she?

5 (LADY IN BACK OF COURTROOM RAISED HAND.)

6 THE COURT: Don't attempt to contact anybody. Okay?

7 MR. ATWATER: Your Honor, while we're on the subject
8 of Ms. Boston, she is a senior in high school here in Rock
9 Hill and she is in the I.B. Program. She has scheduled to
10 take, at the Flexible Learning Center, which is in Castle
11 Heights Middle prior, her I.B. exams, which qualify her for
12 college credit for the classes she's taking right now and
13 they are only given one time. And I have the schedule here
14 with me for this week. We would ask that she be allowed to
15 attend her exams since she can't make them up and they'll
16 cost her all of the effort that she's made through high
17 school.

18 THE COURT: If you'll provide that to Mr. Springs then
19 we'll try to work around that the best we can. We don't
20 want her to fail that. We'll take the extra steps as far
21 as court time.

22 MR. SPRINGS: Let me just ask, does she have an exam
23 this morning?

24 MR. ATWATER: She does.

25 MR. SPRINGS: Does she an exam this afternoon?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 MR. ATWATER: At One o'clock. From One 'til Three.

2 MR. SPRINGS: Okay. Do we know what time the Three
3 o'clock exam ends, or does it end at Three? Is it One to
4 Three?

5 MR. ATWATER: Starts at One, ends at Three.

6 MR. SPRINGS: Okay. If we can agree Ms. Boston will
7 come right on over when she gets out of that Three o'clock
8 ending time exam, that will be fine.

9 THE COURT: Okay.

10 MR. ATWATER: We'd ask that she be allowed to go over
11 there right now, Your Honor.

12 MR. SPRINGS: That's fine.

13 THE COURT: Good luck on the exam.

14 (MS. KIARA BOSTON LEFT COURTROOM.)

15 SOLICITOR SPRINGS: Ms. Ashdown, you're a witness so
16 you'll need to step out.

17 Ms. Talford, you're the victim so you need to stay
18 here. And having said that ...

19 DIRECT EXAMINATION - IN CAMERA

20 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

21 Q. Detective, take the handheld mic. We want to make
22 sure everybody hears you and get you used to using it.
23 What is your name sir?

24 A. Jerry W. Waldrup.

25 Q. And are you a detective with the Rock Hill Police

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 Department?

2 A. I am.

3 Q. Did you work an armed robbery at the One Stop
4 Convenience Store out on Albright Road on August the 9th of
5 last year?

6 A. I did.

7 Q. And did it start out with a be on the look out for a
8 certain described vehicle?

9 A. I was in the office when I heard the radio dispatching
10 the tone alerting that there had been a major incident.
11 And it was given out that an armed robbery just occurred at
12 the One Stop at Saluda and Albright.

13 Q. Okay. All right. Were you given a detailed car
14 description?

15 A. Not at that time.

16 Q. When you got in your car, did you shortly thereafter
17 get a detailed car description?

18 A. I did.

19 Q. Did you have some description of the robber?

20 A. That's correct.

21 Q. Okay. Was it a woman robber?

22 A. Female robber wearing a white t-shirt with writing on
23 it.

24 Q. So you got in your car; this was about what, 3:30 or
25 so?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 A. 3:15, 3:30. Yeah.

2 Q. Okay. Did you see a car exactly mis -- matching the
3 description of the be on the look out for car?

4 A. I did.

5 Q. And did you -- did you -- did you and a marked patrol
6 unit pull that car over?

7 A. We did.

8 Q. How many people were in the car?

9 A. Two people.

10 Q. Okay. And was one Ms. Kiara Boston --

11 A. That's correct. She was the driver.

12 Q. Who was the other passenger?

13 A. The passenger was the Defendant, Connie Dumas.

14 Q. And was her clothing -- did her clothing match the
15 description you had?

16 A. Exactly.

17 Q. And the car, of course, matched the description.

18 A. That's correct.

19 Q. And tag number.

20 A. And tag number.

21 Q. Did you at that point thought you had probable cause
22 of Connie Dumas robbed the store?

23 A. That's correct.

24 Q. Did you get her out of the car that she was in with
25 her daughter and bring her back to a police car?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 A. I did.

2 Q. Okay. Did the police car have an in-car video camera
3 that also recorded sound?

4 A. It did.

5 MR. SPRINGS: Your Honor, the police car camera made a
6 recording of the whole thing. Beginning to end runs about
7 an hour, as I recall. I'm gonna ask the detective just a
8 few things out of it. And I have a transcript here that
9 one of our folks in the office made of the whole hour-long
10 recording. I'm gonna hand -- I've handed Mr. Atwater a
11 copy. I'll hand one up to the Court. And to keep my
12 detective focused on just the few things I want him to
13 concentrate on, I have flagged those pertinent parts in
14 this transcript.

15 Q. And let me start out. You put her in a police car,
16 Detective?

17 A. We did.

18 Q. Was she handcuffed?

19 A. She was.

20 Q. Had anybody hit her or assaulted her in any way?

21 A. No, sir.

22 Q. Did she look injured in any way?

23 A. No, sir.

24 Q. Did she appear to be in her right mind?

25 A. She did.

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 Q. Was she an English-speaking and understanding person?

2 A. She was.

3 Q. And had there been any rough stuff? Did you have to
4 -- Did you have to wrestle her at all before you put her in
5 the police car?

6 A. No, sir.

7 Q. Okay. After you put her in the police car, did you
8 read her, her Miranda Rights?

9 A. We did. I did.

10 Q. You did. Tell us the Maranda Rights exactly as you
11 gave them to Connie Dumas.

12 A. All right, Connie. Before I ask you anything, you've
13 got the right to remain silent. Anything you say can and
14 may be used against you in a court of law. You have the
15 right to have an attorney present for your questioning. If
16 you cannot afford to hire one -- if you cannot afford one,
17 one will be appointed to you by the courts at a later date.
18 You can stop answering questions at any time you so desire.
19 Do you understand those rights?

20 Q. And did she indicate affirmatively that she understood
21 her rights?

22 A. She said yes.

23 Q. And did you, did you then ask her a question?

24 A. I did. I asked her were you just at that store at
25 Saluda and 72?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 Q. Was that the location of the store that was robbed?

2 A. That's correct.

3 Q. And what did she say?

4 A. She said no.

5 Q. Then what did you say?

6 A. I said, do you wanna tell me the truth?

7 Q. And what did she say?

8 A. She says, no I want to tell you my sister was out
9 there.

10 Q. And what did you say?

11 A. I said, she was at the store?

12 Q. And what did she say?

13 A. She said yes.

14 Q. And what did you say?

15 A. I said, driving your car?

16 Q. And what did she say?

17 A. She said yes.

18 Q. And what did you say?

19 A. I said --

20 MADAME COURT REPORTER: Just a minute, Mr. Springs.

21 You're going a little bit too fast here. You all are on --

22 I know you all know what's gonna be said, but I can't -- I

23 gotta -- I'm trailing you. Okay?

24 MR. SPRINGS: I'm sorry, Ms. Nelson.

25 MADAME COURT REPORTER: Thank you.

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 SOLICITOR SPRINGS: I'll slow down.

2 MADAME COURT REPORTER: That's all right.

3 Yes, sir.

4 Q. I think you asked her was your sister driving your
5 car? Is that right?

6 A. I -- she said yes. I said driving your car? And she
7 said yes.

8 Q. And then what did you say?

9 A. And I asked her who's your sister?

10 Q. And what did she say?

11 A. And she answered she's -- her name is Felicia Dumas.

12 Q. And would you just go ahead with the conversation
13 telling us what you said and what she said, so I don't have
14 to keep doing it?

15 A. I asked her where is she at now?

16 Ms. Dumas answered I do not know.

17 I answered, she just came up to your house in that
18 car. Where's she at now?

19 Q. Okay. Come on down to where I focused you.

20 A. All right. And I said who's your sister?

21 She says I just told you, Felicia Dumas. She's not --
22 I'm not going to be under arrest for armed robbery.

23 Q. Okay. Come on down to the bottom.

24 A. And she says, that's what she gave me her shirt to
25 wear.

1 And I said, do what?

2 And she says, that's what she gave me her shirt.

3 Q. Okay. Come on over to the next portion. Did you ask
4 her about the gun and the money that was stolen?

5 A. I asked her, where's the gun and the money you took
6 during the robbery?

7 She answered, I didn't take any money. That's what
8 I'm trying to tell you. I had the gun and it fell out. I
9 don't have -- I don't have any money.

10 I asked, where did the gun fall out at?

11 She says, at the store.

12 Q. Okay. Please move to the next portion I've focused
13 you on.

14 A. And I said, the gun fell out? And okay.

15 Q. What else did she say about the gun?

16 A. She says, the gun fell out, and okay I took it back.
17 She put the money on the counter and she said to just take
18 it. I didn't ask for it. And I was like, okay. I don't
19 know.

20 Q. Okay. All right. Now, so all I'm gonna ask you about
21 are questions out in the field, out on the street. Was Ms.
22 Dumas a while later taken to the police station?

23 A. She was.

24 Q. And was she taken to an interview room?

25 A. She was.

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 Q. And in the interview room, did you go over her rights
2 more formally?

3 A. That's correct.

4 THE COURT: Mr. Springs, I hate to do this but y'all
5 are gonna have to let me step out a minute. I got a kid
6 standing on the side of the road between Camden and
7 Columbia. I just need to try to get AAA there. If y'all
8 will just stand at ease a minute.

9 MR. SPRINGS: All right.

10 (COURT AT EASE AT 10:10 AM.)

11 (BACK ON THE RECORD AT 10:20 AM.)

12 THE COURT: You may be seated. Thank you.

13 MR. SPRINGS: I hope everything's all right.

14 THE COURT: We got relief on the way.

15 MR. SPRINGS: Very good.

16 ((WHEREUPON: STATE'S EXHIBIT NUMBER NINE PREMARKED
17 FOR IDENTIFICATION.))

18 DIRECT EXAMINATION - IN CAMERA, CONTINUED:

19 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

20 Q. Detective, I'm showing you what's been marked State's
21 Exhibit Nine for identification, do you recognize that
22 document?

23 A. I do.

24 Q. Is that the Interview Form with the Miranda Rights
25 that you used back at the police station when you

1 interviewed Ms. Dumas at the police station?

2 A. It is.

3 Q. Okay. Tell us the rights you gave her at the police
4 station in writing.

5 A. Before we ask you any questions you must understand
6 your rights. You have the right to remain silent.
7 Anything you say can be used against you in court. You
8 have the right to talk to an attorney for advice before we
9 ask you any questions and have them with you during
10 questioning. You have this right to the advice and
11 presence of an attorney even if you cannot afford to hire
12 one. We have no way of appointing you an attorney, but one
13 will be appointed by the court for you, if you wish. If
14 you wish, you may answer the questions without the presence
15 of an attorney and you may stop answering any time you
16 desire until an attorney is present.

17 Q. All right. Now, did you read those out loud to Ms.
18 Dumas so she could hear them? Or did you just say here,
19 read this? Or did you do both?

20 A. Did both. I read 'em to her first. And then after
21 the statement was printed, I had her read everything, look
22 at it and sign the statement.

23 Q. Okay. Did she sign agreeing to the rights?

24 A. She did. That's correct.

25 Q. Did you witness her signature?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

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1 A. I did.

2 Q. Okay. And then what's the next thing on the form?

3 What's it say next on the form?

4 A. It says I have read or had read to me the statement of
5 my rights shown above. I understand what my rights are and
6 I'm willing to make a statement. I do not want an attorney
7 at this time. I understand and know what I am doing. I
8 know that the person that's talking with me is a police
9 officer, and I understand what he's talking about.

10 Q. Okay. Did she sign that she understood that?

11 A. She did.

12 Q. And again, did you say it out loud with her reading
13 it? Tell us about that.

14 A. Same thing. I read it to her. And then when the
15 statement was printed out she reviewed it and signed and
16 signed it again.

17 Q. Okay. You were in an interview room at the Rock Hill
18 Police Department?

19 A. That's correct.

20 Q. Was she still handcuffed at this point?

21 A. No.

22 Q. How many officers where there in the room with you and
23 Ms. Dumas?

24 A. It was just me.

25 Q. Did you have your gun out?

1 A. No.

2 Q. Did you threaten her in any way?

3 A. No, sir.

4 Q. Did you threaten to put her daughter, who was in the
5 car with her, in prison if she didn't do - - -

6 A. No.

7 Q. - - - what you wanted?

8 A. No, sir.

9 Q. Did she seem to be in good health? Was she
10 complaining of health problems?

11 A. No, she was not.

12 Q. Was she -- Did she seem to be reasonably intelligent?

13 A. She did.

14 Q. Did she seem to be in her right mind?

15 A. She did.

16 Q. And, one more time, you said it was just the two of
17 you in the room?

18 A. That's correct.

19 Q. Okay. Now, did she, after acknowledging her rights
20 and waiving her rights, did she give you a statement?

21 A. She did.

22 Q. It's not very long. Go ahead and read the statement
23 she gave to you.

24 A. "I left my house about twelve something and went to
25 Family Trust. When I left the house, I had a gun on the

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1 seat of my car. When I went to Family Trust, I put the gun
2 in the small of my back in the waist band of my pants. I
3 had the gun in my pants. When I went to the One Stop I
4 went inside and I put the gun on the counter. And I told
5 the clerk to give me the money. She asked me if I was
6 serious and I told her yes. She took the drawer out and
7 set it down. I took the money from the drawer and put it
8 in my pants pocket and I picked the gun up and I left the
9 store. I told the clerk that I was sorry, I needed the
10 money because they were foreclosing on our house. We were
11 broke and my daughter needed to go school shopping and I
12 did not have any money. I am not sure how much money I
13 got, but I gave the money to my daughter. She put it in
14 her purse when I got home. After I went home we left to go
15 pick up my daughter's boyfriend and that was when the
16 police got behind us. She did not know where the money
17 came from.

18 Q. Now did you promise her anything to get her to say
19 these things to you?

20 A. No, sir.

21 Q. You didn't threaten her?

22 A. No, sir.

23 Q. You didn't threaten to lock up her daughter who was in
24 the car?

25 A. No, sir.

1 Q. Back up the road side when she told you those things,
2 were you threatening her in any way?

3 A. No, sir.

4 Q. Was any officer threatening her in any way?

5 A. No, sir.

6 Q. Were you making any promises to her - - -

7 A. No, sir.

8 Q. - - - at the road side? Any officer make any?

9 A. No, sir.

10 Q. Did she appear to give both the road side statement,
11 those words, and the words you have typed up here, did she
12 appear to give them to you freely and voluntarily?

13 A. She did.

14 Q. And let's turn to Page Two of the Form. And what does
15 Page Two say? What's the -- what's it say there,
16 Personally, go ahead and start there.

17 A. "Personally appears before me Connie Dumas who deposes
18 and says I make this statement of my own free will and
19 accord without a reward or the hope of a reward. I have
20 not been mistreated or threatened in any way. All of the
21 above is the truth, the whole truth and nothing but the
22 truth, so help me God. I have read or had read to me the
23 above statement consisting of one page. And I have
24 received a copy of the same."

25 Q. Okay. And did she sign that?

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CROSS BY MR. ATWATER - IN CAMERA

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1 A. She did.

2 Q. Are you a Notary Public, sir?

3 A. Yes, I am.

4 Q. And did you witness her signature to this sworn
5 statement?

6 A. I did.

7 MR. SPRINGS: That is our proffer on the road side
8 statement and the formal statement at the police station,
9 Your Honor.

10 THE COURT: Any questions, Mr. Atwater?

11 MR. ATWATER: Yes, Your Honor.

12 CROSS EXAMINATION

13 DETECTIVE JERRY WALDROP BY MR. ATWATER - IN CAMERA:

14 Q. Detective Waldrup, when you were -- When you first
15 pulled over Ms. Dumas, you got out of your car and pulled
16 your weapon; is that correct?

17 A. That's cor -- No. I don't remember if I pulled mine
18 or not. Some of the officers did. But I may have. I
19 don't remember.

20 Q. Okay. And Officer Rivera was there also?

21 A. That's correct.

22 Q. He pulled his weapon?

23 A. Yeah. I'm sure he did yes.

24 Q. Several other officers pulled up on the left side of
25 the car coming in the opposite direction?

1 A. That's correct.

2 Q. They pulled guns and pointed them at Ms. Dumas?

3 A. That's correct.

4 Q. Okay. And then she was taken out of the car?

5 A. That's correct.

6 Q. Put on the side of the road and put in handcuffs?

7 A. She was set down on the side of the road for just a
8 few seconds. It wasn't long at all. And then put back in
9 the back seat of a car.

10 Q. Okay. And then subsequent to that you went back to
11 the car and gave her the Miranda Rights that you previously
12 testified to?

13 A. That's correct.

14 Q. And in giving her those Miranda Rights you told her
15 that if she could not afford an attorney, one would be
16 appointed for her by the Courts at a later date; didn't
17 you?

18 A. That's correct.

19 Q. That's your understanding of what Miranda says? That
20 she'll get an attorney at a later date?

21 A. That's correct. Yes. If she cannot afford one.
22 That's correct.

23 Q. Okay. So you told her that if you cannot afford one,
24 one will be appointed you -- for you by the courts at a
25 later date. And then started asking her questions

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1 immediately after that. Correct?

2 A. Well I asked her if she understood her rights and she
3 said she did. That's correct.

4 Q. So, she would understand that she couldn't have an
5 attorney right then; right, based upon what you had told
6 her?

7 A. Well, I mean how she understood it -- she understood
8 it and answered my questions that she understood her
9 rights. That's correct.

10 Q. But that's what you told her and she said yeah, I
11 understand what you just said to me. Right?

12 A. That's correct.

13 Q. Okay. Now, she wasn't in your patrol car -- or your
14 car, right?

15 A. No, she wasn't.

16 Q. She was in Officer Rivera's car?

17 A. That's correct.

18 Q. All right. And -- what is -- what is -- what is your
19 testimony in regards to whether or not she was under arrest
20 at that time?

21 A. She wasn't until I told her. In the thing I told her
22 she was under arrest at some point while she was sitting in
23 the car.

24 Q. Okay. At the time you read her the -- read her her
25 rights, was she under arrest?

1 A. No. She was not.

2 Q. Okay. Do you know whether anyone else had told her
3 whether she was under arrest or not?

4 A. No. They had not.

5 Q. Was she free to leave?

6 A. Not at that time. No.

7 Q. Was she sitting in a police car locked up?

8 A. She was.

9 Q. She was in handcuffs?

10 A. That's correct.

11 Q. And it's your testimony she wasn't under arrest?

12 A. She was in custody. She was being detained, but
13 nobody had actually or officially told her she was under
14 arrest 'til I did.

15 Q. Apart from saying you're under arrest, she couldn't
16 leave, could she?

17 A. No, sir, she could not.

18 Q. Her -- her -- Her liberty was totally restricted by
19 the police force. Right?

20 A. That's correct.

21 Q. All right. At the time that -- at the time that --
22 you made this statement for her Miranda Rights to her.
23 Right?

24 A. That's correct.

25 Q. Okay. Later on during that time that she was in the

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1 police car, did you ever come to understand that there were
2 other officers screaming at her?

3 A. Screaming at her in the back seat of the car?

4 Q. Yes, sir.

5 A. At what point?

6 Q. At any time while she was in that police car.

7 A. Screaming? Probably not. Getting forceful with her
8 later in the conversation at her house? Yes.

9 Q. And cursing at her?

10 A. I don't know what exact words we used, but, yeah. I
11 mean, some of 'em could have said some stuff. Yeah.

12 Q. Now, at the -- At the police station that night, she
13 had been put into a holding cell. Right?

14 A. No, sir. She had not.

15 Q. You're say -- It's your testimony she had never been
16 put into a holding cell?

17 A. That's correct.

18 Q. Never been put into a cell with another person?

19 A. That's correct.

20 Q. Or never been put into a cell by herself?

21 A. That's correct.

22 Q. Is it your testimony that she had never been locked in
23 a room by herself?

24 A. She had been put in an interview room.

25 Q. Okay.

- 1 A. In the detective division.
- 2 Q. All right.
- 3 A. But she had never been put in a cell.
- 4 Q. Was she put in an interview room by herself?
- 5 A. Yes.
- 6 Q. And left there?
- 7 A. Yes.
- 8 Q. Okay. Did --
- 9 A. Well do you mea -- let me -- What do you mean left
- 10 there?
- 11 Q. Left in the room by herself.
- 12 A. No. There was a officer -- Officer Rivera brought her
- 13 in and Officer Rivera stayed with her until I got to the
- 14 station, which was only just a few minutes.
- 15 Q. Only just a few minutes from when?
- 16 A. From when she left her house.
- 17 Q. Which would have been around Four p.m.?
- 18 A. Oh no. It was probably closer to Five something
- 19 before we left her house.
- 20 Q. What time did you take this statement that's been
- 21 proffered?
- 22 A. I probably started talking to her about a quarter to
- 23 Six -- twenty minutes to Six.
- 24 Q. All right.
- 25 A. And it was signed and notarized at 6:15 and she was

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1 taken into the jail.

2 Q. And you typed up that statement didn't you?

3 A. I did.

4 Q. And it's your testimony you notarized the statement
5 that you typed up yourself?

6 A. That's correct.

7 Q. And does it have a witness signature on it anywhere?

8 A. Yes.

9 Q. Okay. And who would that be?

10 A. That would be me.

11 Q. So you witnessed your own Notary signature?

12 A. No. I witnessed her signature.

13 Q. And then notarized your witnessing of her signature.

14 A. I notarized her signature.

15 Q. All right. Okay. Does your -- Does your Notary
16 appear on that document?

17 A. It does.

18 Q. Does it appear after your witness signature?

19 A. It does.

20 Q. Okay. Now the time you took that you statement, was -
21 was her daughter, Kiara Boston at the police station?

22 A. At some point she was. I don't know exactly what time
23 she got there.

24 Q. Well, I'm asking you was she there at the time you did
25 the statement?

1 A. I'm not sure if she was there for the entire time or
2 not. I mean, she was there when we got through with
3 statement because when I came out the room, the daughter
4 was there. I'm not sure what time she got there.

5 Q. Okay. Kiara was brought down there in a police car.
6 Right?

7 A. To the best of my recollect she was -- recollection
8 she was. I don't really remember after having gone through
9 this first trial. I was thinking she was brought in a
10 police car, but I don't know if she came with the police
11 car or with her father. I'm not real sure how she got to
12 the station but she was brought to the station.

13 Q. Do you recall testifying in this case on a prior
14 occasion?

15 A. Yes.

16 MR. ATWATER: Your Honor, may I approach?

17 Q. You recall testifying in this matter on a prior
18 occasion?

19 A. Yes.

20 Q. And at that time were you put under oath?

21 A. Yes.

22 Q. And did you swear to tell the truth?

23 A. Yes.

24 Q. And did you tell the truth?

25 A. To the best of my recollection. Yes. It's like I'm

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1 saying right now. Then, I think I testified that she was
2 brought in a police car. And I was pretty sure she was.
3 But, you know, in all honesty to her and myself, I'm not
4 real sure. I mean, I'm just being honest. I was under the
5 impression, I was thinking she was brought in a police car.
6 But I'd still say yes, she was brought in a police car, but
7 I can't be a hundred percent sure.

8 Q. You testified -- You were questioned by me. You
9 testified that Ms. Dumas' daughter, Kiara, was released.
10 And you responded, that's correct.

11 A. That's correct.

12 Q. And my question was, at her house? And you respond --
13 responded, she was released from the police station.

14 A. She was released at her house and released from the
15 police station. She was never arrested.

16 Q. Okay. She was put in handcuffs at the scene of the
17 accident. Right? Or at the -- when she was pulled over.

18 A. That's correct. She was detained at the scene.

19 That's correct.

20 Q. And taken by police car to her home.

21 A. That's correct.

22 Q. Okay. Where she was in handcuffs the whole time.

23 A. That's correct.

24 Q. Until she got to her home.

25 A. That's correct.

1 Q. And then it's your testimony that she was allowed to
2 stay at her home.

3 A. That's correct.

4 Q. And then at some point subsequent to that, she was
5 transported back to the police station.

6 A. That's correct.

7 Q. In a police car.

8 A. That's my recollection. I guess.

9 Q. And that's what you testified to before. Right?

10 A. That's correct.

11 Q. And she would have been handcuffed when she was put in
12 the police car and taken --

13 A. The second time?

14 Q. Yes.

15 A. Probably not.

16 Q. And she was brought into the station and brought into
17 the detective division also. Correct?

18 A. That's correct.

19 Q. And it's your testimony that when she was picked up by
20 the police car that evening and brought to the station and
21 brought to the detective division, she was not under
22 arrest?

23 A. That's correct.

24 Q. Okay. What was her status?

25 A. She was being brought in for questioning as a witness

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1 to the events that had happened after her mother got back
2 to the house.

3 Q. You didn't testify to that before, did you?

4 A. I think I did. I mean, that's the reason I said she
5 was brought in. She was brought in for us to talk to her
6 and question her and determine her involvement in any of
7 this. And she was released after we found out she had no
8 involvement in it.

9 Q. Wasn't she questioned prior to being taken to her
10 house?

11 A. At the scene inside the car? Yes.

12 Q. Okay. And she was released at her house based upon a
13 determination that she hadn't been involved in anything.
14 Right?

15 A. To a certain extent, yes.

16 Q. To what extent?

17 A. Well we weren't sure yet. We were within minutes of
18 this occurring. And I still had questions. And I wanted
19 to question her and talk to her again. And so she was
20 questioned at the police station also.

21 Q. Did you ever tell Connie Dumas that if she didn't sign
22 that statement right there --

23 A. No, sir. I didn't.

24 Q. -- that you were gonna bring her daughter in and
25 charge her too?

1 A. No, sir. I did not.

2 Q. Did you tell her you were gonna put her daughter in
3 jail if she didn't sign it?

4 A. No, sir. I did not.

5 Q. Did you tell her you were gonna keep her and her
6 daughter both in jail until she did --

7 A. No, sir. I did not.

8 Q. May I finish my question please? Did you tell her you
9 were gonna keep her and her daughter both in jail until she
10 admitted to having committed a robbery?

11 A. You finished? I did not.

12 Q. Kiara did not ask to be taken to the police station
13 that night, did she?

14 A. No, sir. She did not.

15 Q. But she didn't have any choice in whether she wanted
16 to go to the police station or not. Did she?

17 A. She did not.

18 Q. Who else was at the detective division room at the
19 time you prepared that statement?

20 A. No one.

21 Q. So it's your testimony today, here today under oath
22 that there was no other detective in that room when that
23 statement was prepared?

24 A. When I took this statement, no. There was not.

25 Q. Do you recall a tall white slim detective that was

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REDIRECT BY MR. SPRINGS - IN CAMERA

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1 present at any time during this process?

2 A. I don't think we have a tall white slim detective
3 except for Chavis. And we know Chavis wasn't there, 'cause
4 he was at the house.

5 Q. Okay. So it's your testimony that at 6:15 at that
6 night, Chavis was at her house?

7 A. Oh, I don't know if he was still at the house then or
8 not. But he was not at the office and was not in the room.

9 Q. Okay. And you're sure about that?

10 A. I'm positive.

11 MR. ATWATER: Can I have a moment, Your Honor?

12 THE COURT: Sure.

13 MR. ATWATER: That's all I have, Your Honor.

14 MR. SPRINGS: Just one question.

15 REDIRECT EXAMINATION - IN CAMERA

16 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

17 Q. Would you hand the Judge the statement, the written
18 statement.

19 (DOCUMENTS HANDED UP TO THE COURT.)

20 Q. You put the time of the statement down as 6:15 in the
21 evening. Is your watch fast?

22 A. It is.

23 Q. Do you always keep your watch fast?

24 A. I do. I keep it five minutes fast at all times so I
25 won't be late.

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1 Q. All right. That's all. Thank you.

2 MR. SPRINGS: That's our proffer.

3 RE-CROSS EXAMINATION - IN CAMERA

4 DETECTIVE JERRY WALDROP BY MR. ATWATER:

5 Q. Is there a clock on the wall in the detective
6 division?

7 A. Over in the other section of it, but it's not where we
8 were at. No, sir.

9 Q. Okay. Did you have a cell phone on you?

10 A. Yes, sir.

11 Q. Does it display the correct time?

12 A. I guess it does. I didn't look at it. I go by my
13 watch.

14 Q. All right. You testified you keep your watch fast?

15 A. Yes, sir.

16 Q. Okay.

17 A. It stays about five minutes fast all the time.

18 Q. What do you keep it five minutes faster than? How do
19 you know what to set it faster than? Where do you get your
20 reference time from to set it faster?

21 A. The clock at home, the clock in the detective
22 division. I don't change it. I mean, whatever it's on
23 when I set it, it stays there. And I set it five minutes
24 fast 'cause I don't like being late for anything.

25 Q. I understand. But my question is, So it's your clock

1 at home that you set it five minutes faster than?

2 A. Usually, yes.

3 THE COURT: Mr. Atwater, maybe you and I need to try
4 that.

5 MR. ATWATER: Yes, Your Honor.

6 THE COURT: I've tried it. It doesn't work.

7 MR. ATWATER: That leaves me, Judge.

8 THE COURT: You may step down.

9 (WITNESS LEAVING WITNESS STAND.)

10 SOLICITOR SPRINGS: That's our proffer on the
11 statements made by the Defendant.

12 MR. ATWATER: Your Honor, I'd like to call Ms. Dumas
13 to the stand.

14 THE COURT: Come around and be sworn.

15 (WHEREUPON: CONNIE MURRAY

16 DUMANS, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
17 FOLLOWS:)

18 MADAME COURT REPORTER: Ma'am, would you take that mic
19 please.

20 MS. DUMAS: Yes.

21 MADAME COURT REPORTER: Thank you, ma'am.

22 MR. ATWATER: Your Honor, may I address something very
23 quickly with Mr. Springs?

24 THE COURT: Sure.

25 MR. ATWATER: Is that the same mic that we had the

1 problem with on playback at the last trial?

2 MR. SPRINGS: This is a different court reporter with
3 different equipment.

4 MADAME COURT REPORTER: I'm digital, Mr. Atwater. I
5 have a specific equipment just for that. Yes, sir, some
6 equipment will pick up feed back. It will pick up feed
7 back from that, it will pick up feed back from an officer
8 in the court if he's got a radio playing. I have that
9 specifically to alleviate that problem. I'm telling you
10 I've never had a problem with feedback but I'm not going to
11 sit here and tell you I won't have it in the future. I do
12 have -- Again that equipment is made specific to stop that.
13 It will pick up a radio or feed back from a high gain mic,
14 will over ride a speaker, yes, sir, that's the problem you
15 had in that other trial. I'm very well aware of that.

16 MR. ATWATER: So it's your belief that we won't have
17 that problem with his mic.

18 MADAME COURT REPORTER: I'll play it for you now if
19 you want to hear it.

20 MR. ATWATER: No, no, I'm just asking you if it's your
21 belief - -

22 MADAME COURT REPORTER: Yes, sir, it's my belief and
23 I'm Ninety-nine percent sure.

24 MR. ATWATER: Thank you, ma'am.

25 MADAME COURT REPORTER: Yes, sir.

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1 MR. ATWATER: I just wanted to avoid an evidence
2 problem we had in the prior trial.

3 MADAME COURT REPORTER: Absolutely. Been there done
4 that.

5 MR. ATWATER: Thank you, ma'am.

6 DIRECT EXAMINATION - IN CAMERA

7 CONNIE DUMAS BY MR. ATWATER:

8 Q. Connie, when you were handcuffed and put into Officer
9 Rivera's police car, subsequent to that, did Detective
10 Waldrop come back and talk to you?

11 A. Yes, he did.

12 Q. And when he was speaking to you, was he hollering at
13 you?

14 A. Yes, he was talking very sternly.

15 Q. How about loudly?

16 A. Yes. Yes.

17 Q. And when he read you those Miranda Rights, what was
18 your understanding in regards to whether or not you could
19 speak with an attorney before he started asking you all
20 those questions?

21 A. He said if I needed one -- an attorney, one would be
22 appointed to me at a later date. When, I had no idea when
23 he said later date.

24 Q. So when you were sitting there and he started asking
25 you questions, what was your understanding as to whether or

1 not you could have an attorney before -- before that?

2 A. I believe I asked him then. I know I asked him later
3 for an attorney but he said I read you and said that one
4 will be appointed to you at a later date. So it was my
5 understanding that I had no representation and no choice
6 but to be asked questions without an attorney.

7 Q. When you were sitting in the car, did you feel
8 threatened in any manner?

9 A. I did.

10 Q. Did you feel threatened by the way that Detective
11 Waldrop was speaking to you?

12 A. Yes, I did.

13 Q. And at any time while you were in that car did you
14 have other police officers scream at you?

15 A. Yes, I did.

16 Q. Did you have them curse at you?

17 A. Yes.

18 Q. Did you tell them that they wanted -- Did you have
19 them tell you that they wanted you to do things or else
20 they were going to do other things in response?

21 A. Yes. When they said -- They actually told me what
22 happened. I didn't tell them. They asked me was I at a
23 One Stop. And at first and I said no because I always
24 refer to the gas stations just by BP or Shell. I -- then I
25 said oh yeah.

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1 Q. All right. Well let me -- On that evening when you
2 were at the police station, and Detective Waldrop was
3 preparing that statement, before -- When you first went to
4 the police station, where did they take you to?

5 A. They took me right in there in front of two desks that
6 the ladies who I guess -- I don't -- I'm not sure what
7 they're called but oversee the jail, were there and I was
8 asked to sit down for a second. But things seemed like
9 they were going a little slow, and they were waiting for
10 the Detective, so they said, well, you can't stay here
11 we're gonna put you into a holding cell. And that's where
12 I was placed.

13 Q. Okay. And when you were placed into the holding cell,
14 was -- did it have a door that locked to it?

15 A. Yes.

16 Q. It was like a jail cell. Right?

17 A. Yes.

18 Q. All right. And was there anybody else in there with
19 you?

20 A. Yes. There was a lady -- a woman in the bed. Right
21 as you walk in there's a bed there. She was there. And
22 then there was another bed and I went over to sit on that
23 bed.

24 Q. Okay. And this was in the police station. And this
25 was before Detective Waldrop took this statement. Right?

1 A. Yes.

2 Q. Okay. What happened next?

3 A. Well I was there for a little bit. We were talking.

4 Then she actually was taken out. Somebody came to get her

5 and took her out. And then I went over to that bed because

6 you could see the clock and things from there and I was

7 just wondering, you know, how much time had passed and how

8 long I'd been there. And then they brought someone else in

9 who I never spoke to. And she laid down on the other bed.

10 And --

11 Q. At any time did you ever fall asleep?

12 A. Yes. Well, my husband brought my medicine down that I

13 take around Five, Six in the evening. And I know time had,

14 you know, was passing and it was after that, like after

15 Five. And he gave me my medication -- well the -- he gave

16 it to the ladies and the lady brought it in a little cup

17 and me a cup a water. And I take it in the evenings

18 because it makes me drowsy. So then I laid down.

19 Q. All right. This was while you were in that jail cell?

20 A. Yes.

21 Q. All right. And that medication was Zoloft?

22 A. Yes.

23 Q. And then they -- They gave it to you and you took it

24 and fell asleep?

25 A. Yes.

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1 Q. What happened next?

2 A. I woke -- I think I heard the door, but when I opened
3 my eyes it was Detective Waldrop and another officer but he
4 was in plain clothes so I assumed he was a detective too at

5 the time. And he said get up, Ms. Dumas, come on let us
6 talk to you. And so I got up and followed them to around
7 the little corner down the little hall to another room.

8 Q. Okay. And were you presented with this statement that
9 Detective Waldrop had you sign at that time?

10 A. Not at that time. Not as soon as I went in.

11 Q. Okay.

12 A. But later.

13 Q. All right. And then at the time Detective Waldrop
14 presented you with that statement, were those your words on
15 that statement or was it something he -- he wrote on it?

16 A. No. He was typing at the computer the whole time and
17 I wasn't speaking. And I asked for an attorney. And he
18 just kept saying, are you gonna talk to us or not. This is
19 what happened, this is what happened. I'm trying to help
20 you. If you just admit to this. And I kept saying no.
21 I'm not going admit to anything. And he said -- He even
22 made a statement about, well time has passed and it's
23 getting late I'm ready to go home, we can get this over
24 with. There was another detective in the room. And he had
25 been typing. And he just kept typing saying this is what

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA

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1 happened, this is what happened. And I kept saying no.
2 And that's when he said, well you'd better talk to us or
3 else.

4 Q. Was there any conversation in regards to your daughter
5 Kiara?

6 A. Yes. That's what he said later after I said -- well
7 not too much later, after I said, well I have nothing to
8 say. I didn't do anything wrong. And he said, okay, well,
9 if you don't talk to us then I'm gonna go back to your
10 house, or have someone go to your house, pick your daughter
11 up and bring her down here and I'll lock both of you up
12 until somebody admits to it, to the crime.

13 Q. So what was your understanding about that statement?

14 A. That he would go -- and I asked -- also had mentioned
15 my son being at home with her. And he did also say then
16 your eleven-year-old son will be at home by his self. And
17 it was my understanding that -- they had -- when we -- they
18 stopped us, they didn't just handcuff me and sit me on the
19 side of the road. They handcuffed her as well with the
20 guns drawn. She was terrified. And sat us down and so --
21 I had seen them treat her that way. I had no reason not to
22 believe that he would go back and get her and do what he
23 said.

24 Q. So is it a fair characterization that --

25 MR. SPRINGS: I'm gonna object to the leading.

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA.

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1 THE COURT: All right. Rephrase your question.

2 MR. ATWATER: Thank you, Judge.

3 Q. Why did you sign that statement?

4 A. Because he told me I had no choi -- I'd either signed

5 it or he'd lock my daughter up too. And we'd both sit

6 there until whenever.

7 Q. Is that statement truthful?

8 A. Yes.

9 Q. The statement that he wrote?

10 A. Oh, that he wrote. I thought you meant my statement.

11 Q. Yes, the statement that he wrote, that he told you to

12 sign. Is that a truthful statement of what happened that
13 day?

14 A. No. He didn't even read it all to me. He read some -

15 - he -- he read it -- well he sort of spoke it as he was

16 typing, saying this is what happened. You did this, didn't

17 you, didn't you, didn't you? And I would say no. But they

18 told me what happened based on what they heard. And

19 regardless to what I said, they were just gonna get me to

20 say -- to do -- they were just gonna put -- he was putting

21 on the paper whatever he want. When he laid it down in

22 front of me, he said sign here, sign here, sign here. I

23 didn't even get to read the entire thing so I don't know

24 what everything is on it. But I was told to sign and then

25 they took me back to my cell.

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

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1 Q. To the same cell they had come and gotten you from?

2 A. Yes.

3 Q. Please answer any questions Mr. Springs has for you.

4 CROSS EXAMINATION - IN CAMERA

5 CONNIE DUMAS BY MR. SPRINGS:

6 Q. Ms. Dumas, out there on the side of the road when
7 Detective Waldrup told you your rights he told you you had
8 the right to remain silent did he not?

9 A. At first he didn't. At first I kept asking what was
10 wrong. We were asking what was going on. And at first --
11 one -- at one point he told us to just shut up and sit
12 down.

13 Q. Detective -- Let me ask you again. Detective Waldrop,
14 when he gave you your rights, he told you you have the
15 right to remain silent, did he not?

16 A. Later. A little bit later. Yes.

17 Q. Okay. He said anything you -- anything you say can
18 and may be used against you in a court of law. He did tell
19 you that didn't he?

20 A. Yes.

21 Q. He said you can stop answering questions at any time
22 you desire?

23 A. No.

24 Q. You're -- It's your testimony he didn't tell you --

25 A. I don't -- I don't recall him -- hearing him say that.

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

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1 Q. And you understood your Miranda Rights?

2 A. I understood that he said if I wanted -- needed an
3 attorney I would get one at a later date.

4 Q. You've heard Miranda Rights before, or before he gave
5 them to you haven't you?

6 A. I -- I've heard different versions. Like, you mean on
7 TV?

8 Q. Sure. TV, movies, cop shows.

9 A. Yes.

10 Q. You've heard 'em --

11 A. A few times.

12 Q. -- quite a few times.

13 A. Well I wouldn't say quite a few. I don't watch shows
14 like cops or different things. I just...

15 Q. Why'd you tell Detective Waldrop your sister was at
16 the store? Felicia. Why did you bring her into it?

17 A. At the time, I had already stated that I wasn't
18 involved in whatever they were talking about. I've never
19 committed a crime. I didn't commit this one, and I said
20 this -- I even told them, I said, this has got to be some
21 kind of joke. There's got to be a mistake. You'll see
22 that you guys are wrong. So I didn't even think it was
23 seri -- I -- I thought that there was -- it was just a
24 mistake. I don't recall everything I said because a lot of
25 times when I was talking they were talking over me. So I

1 was trying to say certain things. Like I was trying to --
2 even when I was telling them -- every time I told them I
3 didn't do anything wrong, I didn't take anything from
4 anybody else, I didn't do this armed robbery or anything,
5 they didn't want -- they just kept telling me to shut up
6 and answer their que -- and then they -- they was telling
7 me to answer their questions but then they would make a
8 statement to me as to what they was -- as to what they were
9 told.

10 Q. Okay. I'm gonna ask you again. Why did you tell the
11 police your sister, Felicia, was at the store at Saluda and
12 72? Why did you say she was there?

13 A. I don't -- I don't recall --

14 Q. You don't recall saying that?

15 A. -- saying that.

16 Q. All right.

17 A. I don't recall making that statement.

18 Q. Okay. At the police station, you signed the written
19 statement, didn't you?

20 A. Yes.

21 MR. SPRINGS: Do you have that, Judge?

22 Q. And Detective Waldrop, he typed everything in here
23 before you signed it?

24 A. Yes.

25 Q. Everything in here was his idea?

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

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1 A. Yeah. He was the one typing.

2 Q. Okay. Did you tell him anything to put in the this
3 statement?

4 A. No.

5 Q. Okay. On the first --

6 A. Other --

7 Q. Go ahead.

8 A. No. No.

9 Q. Okay. It's all from Detective Waldrop. None of
10 what's here is -- came from your lips?

11 A. I haven't read the entire thing.

12 Q. Well, let's take a look at it. Let's read the first
13 sentence. What's the first sentence say?

14 A. At the top? Before we ask you any questions?

15 Q. No, down here is the statement.

16 (SOLICITOR INDICATING TO WITNESS.)

17 Q. Let me show you.

18 A. Oh, I left my house?

19 Q. Yep. Go ahead.

20 A. Went to Family Trust.

21 Q. Okay. Let me stop you there.

22 A. Yes.

23 Q. You're saying that was Detective Waldrop's idea?

24 A. No. That -- That part was not.

25 Q. Well, where did he get that information because you

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA
REDIRECT BY MR. ATWATER - IN CAMERA

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1 did go to Family Trust, didn't you?

2 A. Yes. He got that part from me. That's why I stated
3 to you that I didn't read the entire thing until just now.

4 Q. Okay. Okay. So, the statement does have things that
5 came from your lips.

6 A. Well the first statement prior -- prior to the comma
7 which ends in Family Trust came from me.

8 Q. That's fine, Ms. Dumas. You can just -- you can lay
9 it -- you can lay it right -- down right there.

10 A. Everything else - -

11 Q. That's all I have for you. Thank you.

12 THE COURT: Anything further?

13 REDIRECT EXAMINATION - IN CAMERA

14 CONNIE DUMAS BY MR. ATWATER:

15 Q. Detective Waldrup didn't give you a copy of that
16 statement, did he?

17 A. No.

18 MR. ATWATER: That's all I have, Your Honor.

19 MR. SPRINGS: Nothing further.

20 THE COURT: You may step down.

21 MS. DUMAS: Thank you.

22 (WITNESS LEAVING WITNESS STAND.)

23 THE COURT: Anything else?

24 MR. SPRINGS: That's all we have on this issue. I
25 think we'll leave it with the Court.

1 THE COURT: Anything else?

2 MR. ATWATER: Are you asking for argument, Your Honor?

3 THE COURT: It's up to you.

4 MR. ATWATER: Yes, Your Honor, it would be our

5 contention that the manner in which Detective Waldrop read
6 the Miranda Rights to Ms. Dumas, he changed the wording of
7 it to say that it would be at some later date that she
8 would be able to get an attorney and in doing so he gave
9 her information that made her reasonably believe that she
10 did not have the right to have an attorney present at the
11 time because that statement followed what he had said
12 before. So he said you have a right to have an attorney,
13 but he than he says it's gonna be some later date down the
14 road. And there is no verbiage in Miranda that says later
15 date down the road. He testified under oath, and in fact,
16 on the recording itself, it says exactly what has been
17 proffered here today. So we think it was reasonable for
18 her to believe that she didn't -- she didn't have a right
19 whatsoever. And based upon that we would say that she
20 wasn't properly Mirandized that any statement taken in the
21 car itself up until the time that she was at the police
22 station and they report to have Mirandized her with -- with
23 the other document would be inadmissible.

24 In regards to the other document, Your Honor, it would
25 be our argument that based upon the testimony and Detective

1 Waldrop's testimony at the previous trial and this morning,
2 that it is consistent with Ms. Dumas' statement that she
3 was taken into the detective division and told that if she
4 didn't sign this thing her daughter was gonna be picked up
5 again and brought back down there and in fact, that's
6 exactly what happened. Her daughter was picked up and
7 brought down there against her will even though they had
8 already determined earlier in the day that she didn't have
9 anything to do with it whatsoever. So for those reasons,
10 Your Honor, we'd ask that the -- that both of those -- that
11 the question and answering in the car itself be -- be
12 excluded, and the written statement as well be excluded.
13 Thank you, Your Honor.

14 MR. SPRINGS: I will be brief. I would just say that
15 the Supreme Court both of this State and the U.S. Supreme
16 Court have never said that there has to be an exact
17 verbatim rendition of the Rights. I think that -- I think
18 they've said there's no talismatic form that has to be
19 given. They just -- you have to hit the basics, the right
20 to remain silent, the right to have an attorney present,
21 and if you can't afford one, one will be appointed. We
22 think the Rights given out on the side of the road by
23 Detective Waldrop suffice. Certainly the written rights
24 down at the station suffice. I think the credibility of
25 the two witnesses speaks for itself. That Detective

1 Waldrop was credible and has done a very professional and
2 thorough job hearing the victim's job report.

3 MR. ATWATER: Your Honor, if I may just -- just for a
4 moment. The Supreme Court does state that there is no

5 exact verbiage, but they do outline what is to be told to
6 the person. They do not give every law enforcement officer
7 artistic license to change the meaning of Miranda itself to
8 say anything other than what the Supreme Court says in
9 Miranda vs. Arizona, that the person must be informed of.
10 And in that Miranda decision and everything they've done
11 prior to that, there is never any indication whatsoever
12 that it is proper to tell a witness who has been arrested
13 that you -- you have a right to an attorney but you can't
14 get it until some later date. Thank you, Your Honor.

15 THE COURT: I still believe that State v. Child's is
16 still one of the controlling cases here. The State has met
17 all of the requirements that is required by that case. And
18 as far as the weight of all this is strictly up to the
19 jury. But the basics of the Miranda warning was given both
20 times, as far as the change in the Miranda warnings, we
21 all remember years ago when it came out and said shall --
22 can and shall be used against you in a court of law. We
23 all know that's not right. It's been modified through some
24 reviews since then that most police officers now say may.
25 Shall is not correct. It may be used. And then the

1 business about a later date, that's just simply explaining
2 the way the system works. There's no way that the police
3 can provide an attorney right there on the side of the
4 road or immediately at the beginning of an investigation.

5 The rest of it's very clear as to what her rights were.
6 She didn't have to answer any questions. She could stop
7 answering questions at any time. So the basic requirement
8 of the trial was met here. But like I said, the weight as
9 far as the jury that's up to them. What else?

10 MR. SPRINGS: Pre-trial, Your Honor, we move under the
11 case of State vs. Mizell, that the Defense be precluded
12 from telling the jury either in opening or in closing or in
13 questioning any witness, what the potential punishment is
14 here. And Mizell says it's -- it's irrelevant. It has
15 nothing to do with guilt or innocence and is prejudicial to
16 the State. We ask that the Defense be precluded from
17 telling this jury in any shape, form or fashion what the
18 potential punishment is for this armed robbery. And we ask
19 the Defense be so instructed.

20 THE COURT: That's my understanding, I've given that
21 several times over the years.

22 I can't get into punishment.

23 MR. ATWATER: Your Honor, I understand that Mizell
24 precludes that the jury is not entitled to learn the
25 possible sentence. However, I don't believe that Mizell

1 precludes me from saying that she's charged with a very
2 serious crime and it has serious consequences.

3 THE COURT: Okay. We can't get into the possible
4 sentences.

5 MR. ATWATER: I understand, Your Honor.

6 THE COURT: Okay.

7 MR. SPRINGS: And that's about -- that's all the State
8 has other than the proof -- We have provided full Discovery
9 to the Defense. We have received some things, Exhibits,
10 from the Defense. I would ask that if we've receive all
11 Exhibits they would be offering into evidence?

12 MR. ATWATER: Anything unless something comes up in
13 rebuttal, because we wouldn't have any way of knowing about
14 it whatsoever. But if something comes up in rebuttal,
15 there may be other things.

16 Your Honor, there -- I do have a few matters. The
17 State wishes to -- my -- if I understand it correctly, the
18 State wishes to enter into evidence a 911 tapes. It is our
19 contention that those 911 tapes are inadmissible to
20 hearsay. They are also contain a statement of other --
21 statements of other people and they are being admitted for
22 the truth of the matter asserted in them and that
23 therefore, Your Honor, they should be excluded. There's no
24 reason for them to come in.

25 THE COURT: This is the one that the transcript was

1 taken from?

2 MR. SPRINGS: No no. That's -- that transcript is
3 from the inside the police car when she was in the police
4 car. The Clerk -- the Clerk that got robbed called the
5 police and we have the 911 recording of her calling the
6 police asking for help. The dispatcher asked the usual
7 contextual questions, where are you, what happened, do you
8 have a description. We are going to offer that in. We're
9 gonna have someone from the 911 people come, Mr. Ralph
10 Merchant. And by the way the witness on our witness list
11 from 911 was Karen McClure. We thought she was gonna be
12 testifying this morning because of the way yesterday went
13 she can't. And she has child issues for the afternoon so
14 her boss, Ralph Merchant, who wasn't on the witness list,
15 is coming and he's gonna say this came off our system. And
16 then we're gonna have the Victim Clerk say those are my
17 words. Those are true and accurate. We're not offering
18 the dispatcher's context questions. Who are you, where are
19 you, what happened for the truth of the matter. And merely
20 give the Victim's context. And then we have a eye-witness
21 that was out in the parking lot and saw the Defendant run
22 out of the store with a gun carrying cash money, his 911
23 call. Same way. Ralph Merchant will say this did come off
24 our system. It was recorded by our system. The witness
25 would say, that's me telling them what I saw and giving

1 them a description of the car. We think it's -- this is
2 admissible.

3 THE COURT: All right. Objection is noted, but --

4 MR. ATWATER: Your Honor. Your Honor, may I respond?

5 The -- the -- based upon the assertion of the Solicitor,
6 they don't want to bring in -- bring it in for the purpose
7 of the truth of the matter of what the questioning was of
8 the 911 operator. That's exactly the reason it doesn't
9 need to come in, Your Honor, because anything else on there
10 is what those two witnesses who called 911 are gonna
11 testify to. They can get on the stand and say, I called
12 911. And they can get on the stand and say I said this to
13 911. But playing that tape brings in all these other
14 matters, Your Honor. And under State vs. Davis, 364 South
15 Carolina -- I'm sorry 364-SC-364, a Court of Appeals 2005,
16 they discussed bringing in a 911 call and the difference
17 between whether a 911 call was testimonial in nature or
18 not. And the Court said that that weighed on whether or
19 not the call -- the person who had made the call was -- was
20 calling for help at the time or whether or not they were
21 calling to report at the time. And if they were calling to
22 report that it was testimonial in nature. And that the
23 information on there was not admissible because it
24 originated -- the statement originates from an
25 interrogation. She calls 911 and makes a statement. She's

1 free to say that, that's her testimony. She's gonna say it
2 here today anyway. She says -- she's gonna say I've been
3 robbed. Everything after that is her responses to their
4 questioning to their interrogation, Your Honor.

5 THE COURT: I don't agree. I don't see how Davis
6 applies here. I'll note your motion but I'm gonna allow it
7 in.

8 MR. ATWATER: All right, Your Honor. It's my -- it's
9 my understanding that it's trying to be brought in under
10 Rule 803(6). That is -- That is how it was brought in the
11 last time. That is the business records rule. It is not
12 applicable to this case. 803(8) would be the proper rule
13 of evidence allowing -- or applying to this. And 803(8)
14 excludes, however, in criminal cases, matters observed by
15 police officers and other law enforcement personnel. And
16 it describes public records and reports that these are not
17 business records. These are public records. As records,
18 reports, statements, or data compilations, in any form, of
19 public offices or agencies, setting forth the activities of
20 the office or agency, or matters observed pursuant to a
21 duty imposed by law as to which matters there was a duty to
22 report. And we would say, Your Honor, based upon this
23 being a public record, and not under the business records
24 exception, that it is excluded by Rule 803(8).

25 THE COURT: Do you realize how many death penalty

1 cases has been tried in this case where an officer calls in
2 after he's been shot before he dies? I've never heard of
3 such an objection to keeping 911 calls out.

4 MR. ATWATER: Yes, Your Honor --

5 THE COURT: I have just ruled.

6 MR. ATWATER: Thank you, Your Honor.

7 THE COURT: Okay?

8 MR. ATWATER: Thank you, Your Honor.

9 THE COURT: All right. What else?

10 MR. SPRINGS: Nothing else from the State.

11 MR. ATWATER: Yes, Your Honor. The witnesses Steven
12 Sinclair and Marcella Talford I believe made written
13 statements. And it is our contention that these written
14 statements are not admissible. They are going to testify
15 here to whatever they have to testify to. And to put in
16 the written statement would be corroborative.

17 THE COURT: You may have a point there. We'll have
18 not take that up.

19 MR. ATWATER: And then -- and --

20 THE COURT: Before you bring that up --

21 MR. ATWATER: I'm asking for a Motion in limine on
22 that, Your Honor.

23 MR. SPRINGS: I agree with Mr. Atwater, unless he
24 brings the witness's credibility into question in which
25 place I can come back with it. But in direct, no, I'm not

1 gonna put those written statements in.

2 THE COURT: Just follow the procedure y'all are well
3 aware of.

4 MR. ATWATER: Your Honor, but he can't bring it in if

5 I've questioned their credibility. He can only bring it in
6 if I question as to whether or not their statement is
7 recently fabricated versus -- the only time a prior
8 consistent statement could come in is to prove that the
9 present statement has not recently been fabricated. Not
10 simply because I questioned whether or not they're telling
11 the truth. And --

12 THE COURT: Just have to follow the Rule, it's sort of
13 self explanatory on that. The only way a statement's
14 gonna come in normally in my court would be both of you to
15 agree to it. But you can use it as long as you follow the
16 rule to show that it's been fabri -- there's recent
17 fabrication or prior in an inconsistence statement as to
18 what's been said, thing's like that. We can talk about it
19 if that comes up.

20 MR. ATWATER: And Your Honor, it's my understanding in
21 looking at the State's witness list that they have
22 witnesses that they want to put on the stand in regards to
23 -- or from Family Trust Federal Credit Union, in regards to
24 accounts of my client and her husband. And we would ask
25 for a ruling of the Court that those accounts are -- or

1 that those -- that information is irrelevant and not
2 admissible.

3 THE COURT: All right. Let's reserve that. If the
4 State desires to do that, don't get into it until we can
5 get it on record and have a hearing on what you might have
6 concerns at that time.

7 MR. SPRINGS: Yes, sir.

8 MR. ATWATER: That's all I have at this time, Your
9 Honor.

10 THE COURT: All right. Let's take about three minutes
11 then we'll get the jury in here and have a restroom break.

12 (COURT IN RECESS AT 11:15 AM.)

13 (BACK ON THE RECORD AT 11:30 AM.)

14 THE COURT: You may be seated. Mr. Atwater wanted to
15 get something on the record before we bring the jury in so
16 we'll just go ahead and do that.

17 MR. ATWATER: Thank you, Your Honor. Your Honor, in
18 relation to the State wanting to put in the 911 tapes, we
19 would also object based upon it being a violation of the
20 Confrontation Clause. And we would cite once again State
21 vs. Davis 364 S.C. 364, Court of Appeals 2005. And call to
22 The Court's attention that the Court of Appeals laid out a
23 -- laid out a procedure by which they said that the Court
24 should go through to determine whether or not the 911 tape
25 -- the 911 tapes were being put in to admit court testimony

1 on statements of the Confrontation Clause claiming is meant
2 to exclude. We would ask that The Court, prior to the
3 admission of the 911 tapes, allow us to -- or that the
4 Court determine on the case by case basis whether the
5 statement made to the dispatcher was volunteered for the
6 purpose of initiating police action for criminal
7 prosecution or providing them in response to an
8 interrogation. And that -- that is the procedure by which
9 the Court of Appeals outlined that a -- they said in Powers
10 we reject the Bright Line Rule. And we believe that the
11 Court should determine on a case by case basis whether or
12 not the statements made with the 911 Dispatcher were as
13 outlined in Davis.

14 THE COURT: Let me make sure I've got a proper
15 understanding. These tapes don't have any kind of
16 confession, or any statement by the Defendant.

17 MR. ATWATER: No, Your Honor.

18 MR. SPRINGS: Yes.

19 THE COURT: And everybody that's on the tapes, you
20 said is available to testify.

21 MR. ATWATER: No, Your Honor.

22 MR. SPRINGS: The caller will be a live witness,
23 which is why I don't understand why he keeps making a
24 hearsay argument. The live witness is gonna say, that's me
25 on there. The Dispatcher that asked who are you, where are

1 you and what happened, no, we're not offering the
2 dispatchers questions for the truth of the matter. They're
3 just a context for the heart of it which is a live human
4 being on that witness stand will get in. It corroborates

5 their call. This is my call. That's what I said on that
6 day. They will be saying from the witness stand. It's not
7 hearsay.

8 MR. ATWATER: Well, my hearsay objection, Your Honor,
9 I think E.B. has outlined correct was based upon the
10 questioning and the other persons who were on that tape
11 that will not be here, and I believe he had just admitted
12 the people who were asking the questions will not be here.
13 And that's what also brings into -- into this case, based
14 upon Davis, the issue that the Court of Appeals recognized
15 was the Confrontation Clause violation, because we are not
16 allowed to confront those witnesses whose voices are gonna
17 be heard in court asking specific questions of an
18 investigatory type nature. And I have Davis here if you
19 want to look at it.

20 THE COURT: There's a case that allows even a certain
21 amount of hearsay from the initial investigation by any
22 officer, whereas later on in the case it wouldn't be
23 admissible. I don't remember the name of the case, but...

24 MR. ATWATER: I believe I'd read that, Your Honor.
25 And in -- and as to that, I don't know that these 911

1 operators are police officers, which is all the more danger
2 under the Confrontation Clause.

3 THE COURT: But the 911 was just getting background
4 information from the initial call. No -- then the

5 response. All those that respond to those questions are
6 available; is that correct?

7 MR. SPRINGS: That is correct. The caller will be
8 sitting on the witness stand. Not for confrontation by the
9 Defendant.

10 MR. ATWATER: And, Your Honor, if the State is saying
11 that the only thing that we want to get in for the proof of
12 the matter is what that person was gonna say, then they
13 will be here to testify and that may be confronted. But
14 all of the other -- all of the other speaking on that, that
15 the jury will hear and will enter into their mental
16 process, and be considered as evidence is not --

17 THE COURT: But this is right as it's happening.

18 MR. ATWATER: It's afterwards, Your Honor,

19 THE COURT: It's presence since.

20 MR. SPRINGS: It's presence.

21 MR. ATWATER: It's afterwards, Your Honor. That's
22 what Davis specifically speaks about.

23 THE COURT: But assume they're after. I mean, it's a
24 call that's made in response to the -- the incident that
25 happened at the store.

1 MR. ATWATER: Yes, Your Honor, and I'm not saying that
2 -- that -- that their testimony doesn't come in for what
3 they said or what they saw. I'm saying that the operators
4 on the other end asking questions and making statements and

5 that type of stuff on that tape Brings in an aspect of it
6 that I'm not able to confront. And that's -- that's the
7 concerns that Davis talks about and that's the concerns
8 that the Supreme Court spoke to in regards to the
9 Confrontation Clause problem with 911 tapes. They're not
10 gonna say anything that's not on the 911 tapes, Your Honor,
11 and I don't understand the reason, the need for it. To me,
12 at that point in time, it becomes duplicative and
13 prerogative. It's like a prior consistent statement.

14 MR. SPRINGS: It is corroborative, and we're entitled
15 to enter corroborative evidence. If we had four people
16 that said they saw this lady run out of the store with a
17 gun, we are entitled to have all four people get up and say
18 the same thing that they saw. Your Honor, the -- the
19 dispatcher's context for questions I would argue first of
20 all aren't offered for the truth of the matter; but they
21 are also, like a written form, they do come in as a
22 business record. The 911 supervisor will say this was
23 conducted and recorded as a normal business of running the
24 911 system and the dispatchers who, what, where, which way,
25 are -- were recorded in the normal business of running a

1 911 system. So, either way, it's not offered for the truth
2 of the matter, it's just context for the caller -- the live
3 caller -- or, it's a business record those questions are
4 contextual questions done in a normal business of running
5 the 911 system.

6 THE COURT: I agree. And I stick by my ruling.

7 MR. ATWATER: May I just respond to one thing he said
8 to put it on the record?

9 THE COURT: (COURT ACKNOWLEDGES AFFIRMATIVE.)

10 MR. ATWATER: Thank you, Your Honor. In regards to
11 E. B.'s statement that four different witness -- witnesses
12 could all testify to the same thing, and that those things
13 are corroborative, he's absolutely correct. But what those
14 four different witnesses couldn't do is testify twice and
15 say that's what I said and that's what I said before. And
16 that's what this is doing. And the other issue is this is
17 clearly not 803(6). This is not a business concern. This
18 is government. This is --

19 THE COURT: This is a recording to something that
20 happened within a short period of time after it happened.
21 And if I were to sit up here and agree with you and keep
22 this out, the next step would be to say, well, I wonder if
23 this was a video and it actually videoed the crime then
24 that doesn't come in either, based on what -- what you're
25 trying to argue there. So stick by my ruling. Bring in

1 the Jury.

2 MR. SPRINGS: Thank you. We're ready for the jury.

3 THE COURT: Bring the jury.

4 Remember, we got to put them under oath, Madame Clerk.

5 MR. SPRINGS: Your Honor, the transcript of the in-car
6 recording that we all looked at a little while -- a little
7 earlier, could we make a copy of that a Court's Exhibit?

8 MADAME COURT REPORTER: Yes, sir, it's in.

9 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE IDENTIFIED AND
10 MARKED, ENTERED INTO EVIDENCE.)

11 MR. ATWATER: That's as a Court's Exhibit. Right?

12 THE COURT: It's a Court Exhibit.

13 MADAME COURT REPORTER: Court's Exhibit One.

14 THE COURT: We'll need both of those as Court Exhibits
15 to preserve the record on the motion.

16 MADAME COURT REPORTER: Beg your pardon?

17 THE COURT: We'll need both of those --

18 MADAME COURT REPORTER: I've got the transcript from
19 the in-car interrogation. Right? Court's One.

20 MR. ATWATER: And you're also talking about the
21 statement - - -

22 THE COURT: The Statement.

23 MR. ATWATER: - - - the written statement.

24 THE COURT: Yeah, we need that as a Court's Exhibit
25 later on, too.

1 MR. SPRINGS: Well that's gonna be a State's Exhibit
2 after he testifies.

3 THE COURT: Oh. Okay.

4 MADAME COURT REPORTER: Yes, sir. It's Number Nine,
5 ID, right now.

6 THE COURT: Okay.

7 MADAME COURT REPORTER: He testified to it.

8 THE COURT: Just so we got a record.

9 MR. SPRINGS: Ms. Nelson?

10 MADAME COURT REPORTER: Yeah.

11 MR. SPRINGS: That one says Jerry's Copy on the top of
12 it?

13 MADAME COURT REPORTER: Yes, sir.

14 MR. SPRINGS: Let me trade with you. This is a
15 duplicate. Thank you.

16 MADAME COURT REPORTER: Thank you.

17 MR. ATWATER: Your Honor, just so I can clarify and
18 make sure I understand, the statement that --

19 THE COURT: Hold them right there. Hold them just a
20 second.

21 Yes, sir.

22 MR. ATWATER: The statement that Detective Waldrop
23 took in the Denno hearing -- the Denno hearing has been
24 determined that it is not excluded but it -- it is not in
25 evidence at this time.

1 THE COURT: True. True.

2 MR. ATWATER: And it still must come in based upon the
3 rules of evidence --

4 THE COURT: Right.

5 MR. ATWATER: -- and the statutory requirements.

6 THE COURT: That's right.

7 MR. ATWATER: Thank you, Your Honor. Well, it's a
8 Court --

9 THE COURT: That's right. We'd need it as a Court
10 Exhibit no matter what.

11 MR. SPRINGS: Yes, sir.

12 MR. ATWATER: Yes, sir. Thank you, Your Honor.

13 (JURY REENTERS COURTROOM AT 11:40 AM.)

14 THE COURT: Good morning.

15 (JURY RESPONDS COLLECTIVELY.)

16 THE COURT: First of all, I want to apologize to you
17 for having you come in at Ten and its already an hour and
18 forty minutes later. We've had some logistical problems
19 this morning. And also a matter that we didn't get to
20 yesterday, we had to work in this morning. Thank you for
21 your patience in allowing us to take care of that, because
22 we couldn't do it later on because some people would not
23 have been available later on. Had nothing to do with this
24 case.

25 For the record, Juror number 227, Mr. Wesley Turner?

1 (JUROR RAISES HIS HAND.)

2 THE COURT: I am appointing you Foreperson of the
3 jury. You can keep that seat for right now, but when we
4 come back in off of break, if you would take the seat down

5 here at the front to your right.

6 Madame Clerk, we need to put them under oath?

7 MADAME CLERK: Please stand and raise your right hand.

8 (WHEREUPON: JURY DULY SWORN AT

9 11:42 AM.)

10 MADAME CLERK: Thank you. Please be seated.

11 THE COURT: Once again, thank you for your patience.

12 We're gonna start off by me giving you just a few tidbits
13 about how we're gonna proceed. Then I'll turn it over to
14 the attorneys for the trial of the case.

15 First thing will happen, we'll give both sides ample
16 opportunity to make open statements to you. Normally
17 they're brief and they're just outlines of what they will
18 be presenting to you in the case that will be presented to
19 you through the evidence.

20 After the opening statements will come the evidentiary
21 portion of the trial, where you will actually hear and
22 receive the evidence. Evidence may take different forms.
23 It may be sworn testimony from this witness stand. It may
24 be photographs. It may be physical type items. It may be
25 documents. Whatever the evidence is, it is crucial that

1 you listen and observe the evidence because you are the
2 tryers of the facts in this case. In South Carolina, the
3 jury is the tryer of the facts. The judge is the judge of
4 the law. I don't get involved in fact finding. I sit up

5 here as a neutral referee and rule upon the evidence and
6 rule upon any objections that are entered into. And I do
7 not get involved in the fact-finding. I am a judge of the
8 law.

9 The end result of any trial in court is to reach a
10 verdict. The word verdict is a Latin derivative word which
11 means a true saying. So it can be said that a trial is a
12 search for the truth. How do you reach a verdict? You
13 listen and observe the evidence. You take the law that I
14 will provide to you and a judge's charge of the law at the

15 conclusion of the case, apply that to each of it and thus
16 reach a verdict. The verdict that you will be asked to
17 reach on each of these indictments will have to be a
18 unanimous verdict. All twelve deliberating jurors will
19 have to be in agreement on whatever the verdict may be.

20 From time to time I may have to send you out of the
21 court room to rule on issues of law. That goes back to
22 what I just explained to you. I am the judge of the law in
23 the case. Sometimes I have to hear things out and
24 determine what may be proper and what is not proper and I
25 have to do that outside of your presence. We apologize for

1 having to do that, but that's just the way the system
2 works.

3 After the evidentiary portion of the trial will come
4 closing arguments, where both sides will be given an
5 opportunity to argue their case to you to try to persuade
6 you to see the evidence as they see it. Now closing
7 arguments are not evidence. They may repeat the evidence
8 or quote the evidence or point out some evidence to you,
9 but what the lawyers say is not considered evidence unless
10 it actually repeating and quoting it. They will take that
11 time to try to persuade you to see the evidence as they
12 believe it lines up to be. After that will come the time
13 for the judge's charge where you will receive the law of
14 the case.

15 I instruct you at this time do not discuss this case
16 with anyone. Do not even discuss it amongst yourselves
17 until you are asked to deliberate. If anybody tries to
18 approach you in any form or fashion and communicate with
19 you about this case, do not discuss it with them, and
20 immediately notify the Court of that contact. Should it be
21 after court hours, necessarily, then you would contact law
22 enforcement.

23 Remember my instructions yesterday. Don't even
24 discuss this with family members during the trial of this
25 case. If anyone calls your house, let your family members

1 handle it. And remember, don't discuss this case with
2 them. Don't do any independent research on your own. You
3 try this case based on the evidence presented here in
4 court. So it would be improper for you to get on the

5 internet or to call someone to try to find out outside
6 information. That rarely happens, but it has happened and
7 it can cause some real problems so please don't be tempted
8 to do that. And because of that, we're gonna ask that you
9 -- while you're in the jury room, especially, just let the
10 Bailiffs, keep the telephones. Each court house has
11 different rules on that, and I defer as to how they handle
12 that. But don't get upset with the Bailiffs staff because
13 there's a reason for securing telephones. Most of all, and
14 most importantly, is we don't need anybody trying to
15 contact you during this trial.

16 Avoid any local press coverage until we've completed
17 this trial, I'm not saying you can't watch the national
18 news or whatever, but just avoid any local press.

19 All right. I've already told you it will have to be a
20 unanimous verdict at the end of the case. This is a
21 criminal trial. The burden of proof is on the State of
22 South Carolina to prove the guilt of the Defendant beyond a
23 reasonable doubt. And I will give you a full charge on
24 that during my judge's charge on the law. With that said,
25 keep in mind that all Defendants, including this Defendant,

1 are presumed innocent until proven guilty. And the burden
2 of proof is proof beyond a reasonable doubt.

3 Please do not fall asleep on me. When you come back
4 from lunch, if you're like me and you've eaten too much, be
5 tempted to doze off. Please don't do that one me. If you
6 feel like you're gonna doze off, raise your hand and we'll
7 take a coffee break. That very rarely happens. But in
8 case you do feel like you're gonna fall asleep, let us
9 know. If you've got any problems, let us know and we'll
10 try to work on 'em. The quicker we know of any situation,
11 the better we can react to it.

12 I think that's about all I need to cover with you now.
13 If you need a break for any reason, get my attention or get
14 a court staff's attention and we will take a break. We
15 will try to break every hour and fifteen minutes or so.
16 And we're way up in the morning, so the first break we will
17 probably take today would be for lunch, and we usually
18 break for an hour and fifteen, maybe an hour and a half,
19 according to where we stop the testimony. And we will try
20 not to keep you here too late in the evening.

21 I remember when I first started practicing law thirty
22 years ago, some of the judges would run over time, Eight,
23 Nine o'clock at night. And nowadays, you got folks --
24 court staff have children they have to look after and other
25 social obligations, as well as you, the jury. So we don't

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1 work past Five unless there's a good reason to do that.

2 Now, if we get a witness on the stand and need to finish

3 up, we may have to run over a little while. Don't -- don't

4 worry. We're not gonna be here late at night unless

5 something really unusual happens.

6 All right. The State, as I told you, has the burden
7 of proof, so they get give first.

8 Solicitor Springs.

9 MR. SPRINGS: Thank you, Judge Burch.

10 Ladies and Gentlemen of the jury, Mr. Foreman, thank
11 you for your patience. We're starting, we're finally
12 getting underway. This is an armed robbery case. It's the
13 armed robbery of a convenience store. The One Stop
14 Convenience Store, which is out on Albright Road in Rock

15 Hill, at that corner of Albright and Saluda, which is also
16 Highway 72, come together. It's right there on the corner.
17 The One Stop.

18 This lady is the armed robber.

19 (INDICATING TO DEFENDANT.)

20 MR, SPRINGS: Connie Dumas. This happened on the
21 afternoon of August the 9th of last year, 2010, about 3:30
22 in the afternoon. Connie Dumas leaves her house, she has a
23 gun. She goes to the bank next door to the convenience
24 store, the Family Trust. She goes into the Family Trust.
25 She's got her gun. She's tucked it in her waist band where

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1 it's hidden. She goes in the bank, but she doesn't rob the
2 bank. She leaves the bank and she goes to the convenience
3 store. She goes into the convenience store. She waits

4 until other customers are gone. Then she comes up to the
5 clerk, Marcella Talford.

6 Raise your -- raise your arm.

7 (WOMAN IN COURTROOM RAISES HAND.)

8 MR. SPRINGS: Goes up to the clerk. She's got her
9 pistol. "Give me the money." Ms. Talford is shocked that
10 a gun's being pointed at her. "Are you serious?" "Yeah.
11 Give me the money." Ms. Talford takes the cash register
12 drawer with all the money and picks it up and puts it on
13 the counter. That's what she's been taught to do when
14 there's a robbery. Don't fight the robber. Don't argue
15 with the robber. Give the armed robber who's pointing the
16 gun at you who might kill you, the money. She takes the
17 whole drawer up and puts it on the counter.

18 Connie Dumas, the defendant, has been in the store,
19 she's been watching. She's seen that the clerk took some
20 cash and put in an envelope and put it under the counter.
21 The clerks are instructed not to let an awful lot of cash
22 to accumulate in the drawer. That extra cash was under the
23 counter, it had not yet gone in to the safe -- into the
24 drop. So she gets all the cash in the drawer and then she
25 goes, "give me the rest of it". The clerk pulls up the

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1 extra cash from under the counter. She takes that and she
2 walks out and she's on the security camera. And it makes a
3 movie of Connie Dumas robbing the store.

4 She leaves the store. She's got her pistol in one
5 hand and she's got the cash wadded up in her other hand,
6 and there's a man out in the parking lot who sees a woman
7 coming out of the convenience store with a gun and wad of
8 cash, and he has a pretty good idea what's going on.

9 The clerk is still alive. Ms. Dumas did not shoot her
10 so the clerk calls 911 and tells the dispatcher she's been
11 robbed. The man out in the parking lot gets on his cell
12 phone and tells the dispatcher what he just saw, and gives
13 a very detailed description of her car, including the
14 license tag number. And the police go to work. The police
15 start looking for the car and the woman that robbed the
16 store.

17 So, this is all in direct evidence. You've heard
18 about circumstantial evidence. You -- it's sort of, maybe,
19 kind of shows stuff. This is all direct. Goes in, robs
20 the store, has a movie made of her robbing the store, and
21 then jumps in her car and a witness sees the car leave.

22 This old Detective here - - -

23 (INDICATING TO OFFICER.)

24 MR. SPRINGS: - - - is down at the police station. He
25 says, "I'm gonna go look for the robber." And he doesn't

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1 go straight to the convenience store. The horse is out of
2 the barn. He says, "I'm gonna go down the road to where
3 the robber might have gone." And he sees the robber in her

4 car. He called in and asked the description. And a marked
5 Rock Hill Police Car gets up and joins the detective and
6 they pull the car over and it's Connie Dumas in the car
7 with her daughter - with her daughter.

8 Later the police figure out Connie Dumas had robbed
9 the store and gone home. Robbed the store all by herself.
10 Left the store all by herself. Went home, got her 17-year-
11 old daughter. Gets back out on the road. That's when the
12 Detective sees her just a short while after the robbery.

13 And she confesses to robbing the store. And she's
14 charged with armed robbery with a gun. Not with pretending
15 she has a gun. With a gun, pointed at Marcella Talford.
16 Direct evidence.

17 At the end of this case, after the witnesses get up
18 here and tell you what they saw and what they experienced,
19 you're not gonna have any problem going out there and go,
20 she's guilty beyond a reasonable doubt, beyond all doubt
21 because everybody just told us what she did, including the
22 movie camera. And you'll say guilty, and you'll have done
23 your job as a juror. A juror is like a good umpire, you
24 call it like you see it. You hear that evidence, and you
25 just judge the behavior. Yeah. You did this. You went in

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1 the store, you pulled a gun, you robbed the clerk, and you
2 got caught and you confessed. Thank you.

3 THE COURT: Counsel.

4 MR. ATWATER: Thank you, Your Honor.

5 Ladies and Gentlemen of the Jury, I want you to
6 remember very carefully and very clearly the opening
7 statement that the State just made. I want you to remember
8 very clearly what the State just told you happened in this
9 case, and what the State has led you to believe is going to
10 be shown by the evidence in this case. Because at the end
11 of this case I'm gonna come back and we're gonna talk about
12 it, and I'm gonna remind you what they said and we're gonna
13 talk about what they said you were gonna see in this case.

14 Ms. Dumas, Connie Dumas, is a mother of three, lives
15 here in Rock Hill with her husband. On the day of this
16 incident, Ms. Dumas did go to the Family Trust Bank and she
17 did subsequently go to the One Stop. But she went to the
18 One Stop for the purpose of getting change. And you're
19 gonna hear her talk about that. You're gonna hear her tell
20 you what she went in there to do and how -- how she went
21 about it. And you're gonna get an opportunity to see these
22 videos that the State is talking about. And you're gonna
23 hear something about the videos that they've brought. And
24 I'm gonna make sure you that you hear something about the
25 videos that they haven't brought.

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1 So, we would ask that you remember, this is not the
2 trial of the case at this point in time. You have not seen
3 any evidence whatsoever. We trust that you will remember
4 that Ms. Dumas is just like every other citizen of this
5 country at this point in time is exercising her
6 Constitutional Rights to have the twelve people look at
7 this matter, listen to the facts, weigh the evidence at the
8 end through your deliberative process, and come to a
9 conclusion of whether or not she has done what it is the
10 State has charged her with.

11 I feel quite comfortable, and I believe that after you
12 have seen the evidence in this case and had an opportunity
13 to review it and then heard the law as Judge Burch will
14 charge you with it, you will find that the State's
15 contention that Ms. Dumas committed an armed robbery on
16 August 9th of 2009 [sic], is not true. She's not only
17 charged with the armed robbery, she's charged with a second
18 charge of use of a deadly weapon, and -- while carrying on
19 a violent offense. So, keep that in mind, too, because
20 you're gonna also be given the law on that by Judge Burch
21 at the end of this case. And you're gonna be asked to
22 determine whether or not the evidence shows that she used a
23 deadly weapon while committing a violent offense because
24 it's a separate charge. She's charged with two charges
25 here. Both of them are very, very serious felony criminal

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1 charges. Both of them carry very, very serious
2 consequences for Ms. Dumas.

3 So I ask that you keep an open mind. I know you'll be
4 ~~fair and I believe that at the end of this case you'll only~~
5 be able to come to one rational conclusion. And that is
6 that Connie Dumas did not commit an armed robbery at the
7 One Stop on August 9th of 2009 [sic]. Thank you.

8 MR. SPRINGS: Mr. Bailiff, ask Officer Michael Reid --
9 Michael Reid is in that left hand waiting room, ask him to
10 come in please.

11 Step up to the Bible and be sworn in.

12 (WHEREUPON: MICHAEL REID, BEING
13 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

14 MADAME CLERK: Please be seated.

15 DIRECT EXAMINATION

16 MICHAEL REID BY MS. THORNWELL:

17 A. Good morning.

18 Q. Can you state where you work?

19 A. I work for the Rock Hill City Police Department.

20 Q. And how long have you been employed in law
21 enforcement?

22 A. Going on six years now.

23 Q. What type of training did you receive as a law
24 enforcement officer?

25 A. Received training from the Police Academy, on the job

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1 training, once a month every year.

2 Q. So you receive some on the job training frequ -- quite
3 frequently?

4 A. Correct.

5 Q. And were you working on August 9th of 2010?

6 A. Yes, I was.

7 Q. And around -- Were you working around 3:30 in the
8 afternoon?

9 A. Yes.

10 Q. At a few minutes before 3:30, did you receive a high
11 priority dispatch call?

12 A. I did.

13 Q. And what type of call -- What was the nature of that
14 call that you received?

15 A. It was a robbery call.

16 Q. Okay. And tell -- can you tell me what the -- the --
17 the Dispatcher told you what, it was a robbery? Armed
18 robbery?

19 A. Yes.

20 Q. Was the armed robbery in progress?

21 A. Correct?

22 Q. Okay. And did she tell you where the armed robbery
23 took place?

24 A. It was at the One Stop at Albright Road.

25 Q. And can you tell me where that actually is located?

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1 A. Is the 1500 block of Albright.

2 Q. I'm gonna show you an aerial photo. If you'll take a
3 look at that aerial photo for me. And does that aerial
4 photo depict where the location is?

5 A. Yes.

6 Q. And do you think that if we showed the jury this
7 aerial photo that it would help them understand where this
8 store is located?

9 A. Yes, it would.

10 MS. THORNWELL: Permission to show it to the jury.

11 THE COURT: Okay.

12 MS. THORNWELL: Your Honor, I'd also like to ask if
13 Officer Reid can come down and --

14 THE COURT: You may step down.

15 MADAME COURT REPORTER: He doesn't have his mic.

16 Just keep your voice --'cause he's got his back to me.

17 MR. ATWATER: Your Honor, I apologize. May we
18 approach the bench?

19 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
20 THE JURY AT 12:05 PM.)

21 BY MS. THORNWELL:

22 Q. So can you explain to the jury what they're looking
23 at?

24 A. This is a picture of the One Stop and the bank that
25 sits behind it.

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1 Q. Okay. What road is this right here?

2 A. This is Albright Road.

3 Q. Okay. What road is this right here?

4 A. That would be Saluda Street, which turns into Saluda
5 Road.

6 Q. And which -- Which is the gas station and which one is
7 the bank?

8 A. This would be the One Stop here. And this would be
9 the Family Trust Bank.

10 Q. So they're right beside one other?

11 A. Correct.

12 Q. Their within walking distance?

13 A. Yes.

14 Q. You can sit back on the stand. Thank you.

15 (WITNESS RETURNED TO WITNESS STAND.)

16 Q. So you get this high priority call, you are told that
17 there's an armed robbery in progress. What do you do next?

18 A. Drive to the scene.

19 Q. About how long did it take you to get to the scene?

20 A. I believe I got there within about five minutes.

21 Q. And when you got there had there been any violent
22 action taken? Was the --

23 MR. ATWATER: Objection, Your Honor, leading.

24 THE COURT: Rephrase.

25 BY MS. THORNWELL:

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1 Q. Can you describe the scene when you got there?

2 A. There was a person standing outside and the clerk was
3 standing outside crying when I pulled up.

4 Q. So the clerk was really upset?

5 A. Yes.

6 Q. Okay. Was she hurt?

7 A. No, she wasn't.

8 Q. So she hadn't been shot?

9 A. No.

10 Q. But she was clearly upset?

11 A. Yes.

12 Q. And you said that there was another person there as
13 well?

14 A. Yes, there was a witness in the parking lot.

15 Q. When you get there, who do you talk to?

16 A. I talk to a witness for a brief moment, then I turned
17 my attention to the clerk, 'cause I saw she was upset.

18 Q. And so you talked to the clerk and you also talked to
19 the witness that was there?

20 A. Yes.

21 Q. Do you know the name of the clerk?

22 A. Marce - Marcel -- I can't even pronounce her name, but
23 it's Marcellus [sic].

24 Q. Uh -- okay. And when you got there, you also spoke to
25 another gentle -- another person. Do you know who that

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1 person was?

2 A. I can't remember his name.

3 Q. But it was a gentleman?

4 A. Yes.

5 Q. So it was a woman there - - -

6 A. And a male.

7 Q. - - - and a male there. The woman was the clerk?

8 A. Yes.

9 Q. And the gentleman was the other witness?

10 A. Correct.

11 Q. So once you get on scene, you've talked to the clerk
12 and the other witness.

13 A. Correct.

14 Q. What -- Did the store have any other mechanism to help
15 you show -- to help show you what happened?

16 MR. ATWATER: Objection, Your Honor, leading.

17 BY MS. THORNWELL:

18 Q. What steps -- What measure did the store take in order
19 to secure the store?

20 A. They have video surveillance in the store.

21 Q. Were you able to view that video?

22 A. Correct.

23 Q. And after talking to the witnesses, what type of crime
24 had you determine had occurred at the store?

25 MR. ATWATER: Objection, Your Honor.

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1 THE COURT: Your objection?

2 MR. ATWATER: Withdrawn.

3 THE COURT: Okay.

4 BY MS. THORNWELL:

5 Q. What type of crime did you determine had been in --

6 A. I determined that an armed robbery had take -- taken
7 place.

8 Q. What type of weapon was used?

9 MR. ATWATER: Objection, Your Honor leading.

10 THE COURT: Overruled.

11 BY MS. THORNWELL:

12 Q. What kind of weapon was used?

13 A. A handgun.

14 Q. What type of handgun?

15 A. Automatic handgun.

16 Q. How many robbers did the witnesses say there were?

17 A. One.

18 Q. And what was the sex of the --

19 A. It was a female.

20 Q. What was the race?

21 A. African American.

22 Q. Did they give you a description of the clothing?

23 A. Yes.

24 Q. What was that description?

25 A. It's a white t-shirt, dark sweat pants.

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1 Q. Did you get a description of the -- the driver --
2 excuse me, the getaway car as -- as well?

3 A. They gave me a description of the vehicle.

4 Q. Okay. But with all that information, what did you do
5 with it?

6 A. I BOLO'd it out to the units that were coming to the
7 area.

8 Q. Okay. And for the jury can you explain -- please
9 explain what a BOLO is?

10 A. That's when you give a description of the suspect,
11 vehicle, and the suspect to the units that are coming to
12 the area so they know what to look for.

13 Q. Okay. So you gave a Be On The Lookout description for
14 both the car as well as the individual?

15 A. Yes.

16 Q. How long did you stay in the store after you arrived?

17 A. I believe I was there for about an hour with the
18 forensic's unit.

19 Q. So -- I'm sorry, let's back up. Once you -- Once you
20 got there, other cops -- excuse me, other officers arrived?

21 A. There was a couple of detectives that arrived to the
22 scene.

23 Q. And along with the detectives, who else came?

24 A. Forensics.

25 Q. Okay. And what is Forensics? What do they do?

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 A. They process the crime scene.

2 Q. Okay. And in processing the crime scene, were there
3 photos taken?

4 A. Yes.

5 Q. Okay. And who took -- Who actually took the photos?

6 A. A Forensics officer.

7 Q. But you were present?

8 A. Yes.

9 Q. And you -- I apologize, did you also go inside the
10 store?

11 A. I did.

12 Q. When -- So when you arrived you went inside after
13 talking to the -- the two witnesses you also went inside
14 the store as well?

15 A. Yes.

16 Q. So you were able to see what the store looked like?

17 A. Yes.

18 MS. THORNWELL: Permission to approach?

19 Q. I'm gonna show you what's been marked State's Exhibits
20 One through Eight for identification purposes only. Can
21 you take a look at those and tell me -- take a look at them
22 quietly and then we'll ask some questions about it.

23 MR. ATWATER: Your Honor, may it please the Court, may
24 I be shown what was handed up to the witness?

25 MS. THORNWELL: I apologize. My apologies.

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 (STATES EXHIBITS ONE THROUGH EIGHT REVIEWED BY DEFENSE
2 COUNSEL.)

3 BY MS. THORNWELL:

4 Q. And Officer Reid, what do those pictures depict?

5 A. They are pictures of the One Stop.

6 Q. Okay. And you recognize those photos as pictures of
7 the One -- One Stop?

8 A. I do.

9 Q. And does that truly and accurately depict how it
10 looked on August 9th?

11 A. Yes.

12 MS. THORNWELL: Your Honor, I move to move State's
13 Exhibit's One through Eight into evidence.

14 THE COURT: Any objections?

15 MR. ATWATER: No, Your Honor.

16 THE COURT: In without objection.

17 (WHEREUPON: STATE'S EXHIBITS ONE THROUGH EIGHT
18 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

19 MS. THORNWELL: Permission to publish to the jury.

20 THE COURT: Sure.

21 MR. SPRINGS: Can we dim the lights?

22 (LIGHTS IN COURTROOM DIMMED.)

23 BY MS. THORNWELL:

24 Q. Officer Reid, can you tell me what is being depicted
25 in this photo right here?

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 A. This is a picture of the One Stop. That's my patrol
2 car in the front of it.

3 Q. And how do you know that's your patrol car?

4 A. ~~162 is on the front plate.~~

5 Q. And what about this picture? Can you tell me what
6 that's a picture of?

7 A. This is also a photo of the One Stop, directly in
8 front.

9 Q. So that's a front view of the One Stop?

10 A. Yes.

11 Q. Where was the -- the gas -- where you get gas, where
12 would those pumps be?

13 A. That's not in the photo. It's behind.

14 Q. Okay. And can you say -- Tell me what this is a
15 picture of?

16 A. That's the entrance to the store on the Saluda Street
17 side.

18 Q. Okay. So this door is closest to the Saluda Street
19 side?

20 A. Correct.

21 Q. And is there another door that someone could come in?

22 A. There's also a door on the Albright Road side.

23 Q. So there are two entrances into the One Stop?

24 A. Correct.

25 Q. Thank you. I have a couple more questions for you.

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 Where exactly is -- is this located? Is it in York County?

2 The store.

3 A. Yes, it is.

4 Q. And is it also in the City of Rock Hill?

5 A. Yes.

6 Q. And that's why you responded. Correct?

7 A. Correct.

8 Q. I'm gonna back up to when we went inside the store.

9 When you first got there. When you arrived at the store,
10 was the clerk inside or outside?

11 A. I believe she was standing outside.

12 MS. THORNWELL: I beg the Court's indulgence.

13 Q. Are you certain that when you got there that the clerk
14 was inside or outside?

15 MR. ATWATER: Objection, Your Honor. Asked and
16 answered on two prior occasions.

17 MS. THORNWELL: I -- I just wanted -- I'll rephrase
18 the question.

19 THE COURT: All right.

20 Q. If I gave you -- you wrote a statement -- I'm sorry --
21 you wrote a report for this case. Correct?

22 A. Correct.

23 Q. And is that common practice for you to always do a
24 report?

25 A. Yes, it is.

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 Q. And so in every case you give a report?

2 A. Yes.

3 Q. And you give people -- Why do you write that report?

4 A. ~~The report is usually a brief narrative of what~~
5 happened on a particular incident.

6 Q. And why do you write it?

7 A. We write the report to tell what happened, what --
8 what happened in the situation and we give a detailed
9 report. It's in case we catch a suspect we have that for
10 court purposes or attorney purposes.

11 Q. Okay. And when do you write the report? Is it close
12 to the day, or is it close to the trial?

13 A. On that exact day it happens.

14 Q. So you write this report -- this report that you
15 wrote, you wrote it on the day in question?

16 A. Correct.

17 Q. You said earlier that you couldn't remember the names
18 of both the witnesses?

19 A. I remember Marcellus' [sic] name, but I can't remember
20 the gentleman I talked to in the parking lot 'cause I only
21 talked to him for a brief moment.

22 Q. If I showed you your report would that help refresh
23 your memory?

24 A. Sure.

25 MS. THORNWELL: Permission to approach.

MICHAEL REID: DIRECT BY MS. THORNWELL

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1 Q. You can take a look at that quietly to yourself.

2 (WITNESS REVIEWING DOCUMENT.)

3 Q. And after reading that do you now remember the name of
4 the clerk as well as the other witness?

5 A. Yes, I do.

6 Q. Okay. What was the name of the clerk?

7 A. Marcellia [sic] Talford.

8 Q. What was the name of the witness?

9 A. Sinclair.

10 Q. Do you remember his first name?

11 A. It's --

12 Q. Here you go.

13 A. Sorry.

14 Q. That's all right.

15 A. Stephen Sinclair.

16 Q. And so when you arrived at the store, you arrives at
17 the store and there you were met by Mr. Sinclair --

18 MR. ATWATER: Objection. Leading, Your Honor.

19 THE COURT: Rephrase your question, please.

20 BY MS. THORNWELL:

21 Q. When you arrived at the store, who was present again?

22 A. Stephen Sinclair was standing in the parking lot when
23 I pulled up.

24 Q. Okay. Where was Ms. Talford?

25 A. She was, I believe, if I remember correctly, she came

MICHAEL REID: CROSS BY MR. ATWATER.

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1 out of the store and met me at the door. She was upset.

2 Q. So, she came outside the store to meet you?

3 A. Yes.

4 Q. But when you arrived she was inside the store?

5 A. Yes.

6 MS. THORNWELL: I beg the Court's indulgence.

7 (PAUSE.)

8 MS. THORNWELL: No further questions, Your Honor.

9 CROSS EXAMINATION

10 OFFICER MICHAEL REID BY MR. ATWATER:

11 Q. Officer Reid, during your questioning you were asked
12 on multiple, multiple occasions where Marcella Talford was
13 when you arrived; isn't that correct?

14 A. That's correct.

15 Q. And on at least three occasions you said she was
16 outside when you arrived; isn't that correct?

17 A. Yes.

18 Q. All right. And the Assistant Solicitor handed you a
19 document up to review, didn't she?

20 A. Yes, she did.

21 Q. And in reviewing that document she was asking you to
22 look at it to see if it would help you remember the names
23 of the people who were there when you got there. Right?

24 A. That's correct.

25 Q. And also when you read that document to remember the

MICHAEL REID: CROSS BY MR. ATWATER

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1 names of the people, you figured out that when got there
2 Ms. Talford was inside the store and you actually went up
3 to the door and she unlocked the door to let you in.

4 Right?

5 A. I believe I said she came out when I pulled up. I was
6 talking to Mr. Sinclair. She came out of the store then as
7 I approached the door.

8 Q. Weren't you -- Weren't you standing at the door and
9 she came and unlocked the door for you?

10 A. No, she came out once I was walking towards the door.

11 Q. Okay. So you didn't go up to the door and ask her who
12 was there?

13 A. I talked to her outside of the store, sir.

14 Q. Okay. Officer Reid, you testified that on August 9th
15 of 2010, you received a high priority dispatch call.

16 Right?

17 A. Correct.

18 Q. And that's not a call you would have made, that's a
19 call you would have heard. Right? You didn't make the
20 dispatch call, you heard it.

21 A. Dispatch calls come to us on our radios.

22 Q. Right.

23 A. I didn't make the call.

24 Q. You weren't doing the dispatching. You were doing the
25 listening.

MICHAEL REID: CROSS BY MR. ATWATER

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1 A. Correct.

2 Q. All right. So anything that was on that dispatch call
3 wasn't something that you had any prior knowledge of it.

4 ~~You were just hearing it for the first time yourself.~~

5 Right?

6 A. Correct.

7 Q. So you don't have any idea where the person who was
8 giving that information from, got it from, do you?

9 A. We have a computer in our car that gives us a
10 description of the car that we're headed to.

11 Q. I understand. My question is when you were listening
12 to the dispatch call and someone was saying something that
13 you heard - - -

14 A. Yes.

15 Q. - - - you had no prior knowledge at that time of where
16 they were getting their information from. Right?

17 A. When they were giving out the address they're telling
18 us where a crime is occurring.

19 Q. Yes, sir. I understand that.

20 A. Yes.

21 Q. They are telling you something.

22 A. Yes.

23 Q. Okay. But my question to you is, when they're telling
24 you that, you don't have any idea where they're getting
25 that information from, do you? You're just learning about

MICHAEL REID: CROSS BY MR. ATWATER

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1 it at that time. Right?

2 A. That's correct.

3 Q. So you don't -- you don't know where they got that
4 information from. Correct?

5 A. Correct.

6 Q. You're trusting it to be true.

7 A. Correct.

8 Q. But you don't know of your own personal knowledge
9 whether it is or not. Right?

10 A. Not until I get to the scene.

11 Q. Okay. Now, you said you went into the store?

12 A. I arrived in the parking lot --

13 Q. Okay, but you also tes -

14 A. -- before I went into the store. Before I went into
15 the store I spoke with the subject outside the store.

16 Q. Okay. And you testified you went in to the store
17 also. Right?

18 A. Correct.

19 Q. All right. You testified you viewed some video
20 surveillance then and there?

21 A. Yes.

22 Q. That day?

23 A. Yes.

24 Q. At the store?

25 A. Yes.

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1 Q. Okay. I'm gonna show you what's been marked as
2 State's Exhibit Two, and ask you if you'll take a look -- I
3 apologize. Take a look at that photo for a moment. Does
4 that photo show anybody you met with that day?

5 A. I remember this gentleman in the picture.

6 Q. Okay. Do you remember the vehicle that that
7 gentleman's standing at?

8 A. This vehicle wasn't parked there when I pulled into
9 the parking lot.

10 Q. Thank you. Now I'm gonna show you together what have
11 been marked as State's Exhibit's Six and Seven and ask if
12 you'll take a look at those two photographs for a moment
13 please.

14 MR. ATWATER: Your Honor, can I have Officer Reid step
15 down with those photos?

16 THE COURT: Sure.

17 BY MR. ATWATER:

18 Q. Officer Reid, would you come down please?

19 A. Sure

20 Q. You can leave the microphone. I believe you speak
21 loud enough on your own. If you'd step over here in front
22 of the jury for a moment, Officer Reid, I'm gonna show you
23 what's been marked as State's Exhibit Number Six. And you
24 previously testified I believe that this was the -- Did you
25 say this was the Saluda, Saluda Road side of the store?

MICHAEL REID: CROSS BY MR. ATWATER

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1 A. Correct.

2 Q. Okay. And do you see anything about that store in
3 this photograph that was put there by the police?

4 A. Crime scene tape.

5 Q. All right. And so you see that the crime scene tape
6 extends to what appears to be some type of a periodical box
7 - a magazine box?

8 A. Yes.

9 Q. And then it goes back toward the entrances of the
10 store?

11 A. Right.

12 Q. And once again this is on the Saluda Road side.
13 Right?

14 A. Yes.

15 Q. All right. Now I'm gonna show you what's been marked
16 -- and the jury, what's been marked as State's Exhibit
17 Number Seven and I'll ask you, is this the one that you
18 said that shows the Albright right -- Albright Road side of
19 the store?

20 A. That actually shows both sides.

21 Q. Okay. Would you identify for the jury which side is
22 the Albright Road side.

23 A. This would be the Alri - Albright Road side.

24 Q. Okay. And do you see anything in that photograph that
25 was placed there by the police that day?

MICHAEL REID: CROSS BY MR. ATWATER

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1 A. Crime scene tape.

2 Q. All right. And if you will, do you see where the
3 crime scene tape extends to on the Albright rights [sic]
4 Road side of the store.

5 A. Yes, it's back in here.

6 Q. All right. So on the Saluda side of the store it only
7 extends from the entrance to this little periodical box.
8 Correct?

9 A. Correct.

10 Q. But on the Albright Road store it actually extends all
11 the way ~~around~~ to the back of the building. Correct?

12 A. Correct.

13 Q. Thank you. You can get back on the stand, Officer.

14 (WITNESS RETURNED TO WITNESS STAND.)

15 Q. Now Officer you testified that you, you saw some video
16 surveillance tape that day?

17 A. That's correct.

18 Q. And did you actually go into the office behind the
19 register where the television is that shows the monitoring
20 of the video cameras?

21 A. Yes.

22 Q. And were you able to tell, would you agree with me
23 that that television shows nine different views from nine
24 different cameras?

25 A. I didn't watch nine particular videos that day. Just

MICHAEL REID: CROSS BY MR. ATWATER

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1 the one from the counter from where the suspect was
2 standing and towards the cooler area.

3 Q. Okay. So you watched views from two cameras?

4 A. I watched where the suspect was standing on the
5 cameras

6 Q. Okay. Let me ask you, when you were watching the
7 videos from the cameras that day, how is it that you were
8 able to view those? Was someone showing them to you, or
9 were you operating the equipment yourself?

10 A. Someone was showing it to me.

11 Q. Okay. And who was that person?

12 A. It was the manager of the store.

13 Q. Do you know her name?

14 A. I can't call her name off the top of my head.

15 Q. Okay. Have you seen her today since you've been in
16 court?

17 A. Yes.

18 Q. And could you describe her to the jury?

19 A. She's not in here at the moment.

20 Q. Yes, sir, but could you describe her to the jury?

21 A. She's a white female, blonde hair, glasses.

22 Q. Is it your under -- do you -- do you know whether or
23 not she is here to testify today? If you know.

24 A. Yes.

25 Q. Okay. So you had an opportunity to speak to her that

MICHAEL REID: CROSS BY MR. ATWATER

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1 day.

2 A. Yes, I did.

3 Q. And she -- She showed you videos from inside the
4 store?

5 A. Yes.

6 Q. Did you ask her which videos to show you, or did she
7 decide, did she show you what she wanted to?

8 A. She showed me the video of the front of the store
9 where the incident occurred.

10 Q. Did she show you -- Have you had an opportunity to
11 view that video since then?

12 A. Not since then.

13 Q. At the time that you viewed the video on that date,
14 did you hear audio with that video?

15 A. No, I didn't.

16 Q. So you were only able to look at it, but you couldn't
17 hear anything.

18 A. Correct.

19 Q. Now when you arrived at the - the scene, Ms. Dumas
20 wasn't there?

21 A. No.

22 Q. And I believe you testified that the hand gun involved
23 was an automatic.

24 A. Yes.

25 Q. Explain to the jury what your understanding of an

MICHAEL REID: CROSS BY MR. ATWATER

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1 automatic is.

2 A. Automatic is a gun that you load the bullets in with a
3 magazine. Not like the revolver.

4 Q. Did you understand -- Did you have any other
5 description from the hand gun other than the fact that it
6 was an automatic?

7 A. It was a small silverish, old type, automatic hand
8 gun.

9 Q. Okay. And who gave you this description of the hand
10 gun?

11 A. I believe the clerk, Marcella -- Marcelia [sic] gave
12 me the description of the hand gun.

13 Q. So Ms. Talford told you that this -- this -- this hand
14 gun was an automatic?

15 A. She told me it was a small gun.

16 Q. Did she tell you it was an automatic?

17 A. No, she didn't. I determined by looking at it.

18 THE COURT: On the tape?

19 A. Yes.

20 Q. So when you were viewing the tape it's your testimony
21 that you saw a hand gun?

22 A. You could see it. You could see the hand gun on the
23 tape.

24 Q. On the tape. And your testimony today that it was an
25 automatic did not come from her, but it came from your own

MICHAEL REID: CROSS BY MR. ATWATER

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1 -- your own opinion of what you saw on the tape?

2 A. Yes.

3 Q. You never spoke to Ms. Dumas, did you?

4 A. No.

5 Q. That's all the questions I have, Officer. Thank you.

6 MS. THORNWELL: Nothing further from the State, Your
7 Honor.

8 THE COURT: You may step down.

9 (WITNESS LEAVING WITNESS STAND.)

10 THE COURT: It is 12:35. Unless you all tell me the
11 witness is going to take less than a half an hour we
12 probably ought to go ahead and break for lunch.

13 MR. SPRINGS: It would be longer than that, and I'm
14 starving, Your Honor. Thank you.

15 THE COURT: Let's be back at Two o'clock. There are
16 restaurants all up and down between here and there.

17 MS. THORNWELL: Your Honor, may the witness be
18 excused?

19 THE COURT: Any objection, Mr. Atwater?

20 MR. ATWATER: Your Honor, my only concern is that
21 based upon -- well, can we speak about this...

22 THE COURT: Oh, the jury is excused.

23 The jury is excused.

24 (JURY EXITS COURTROOM AT 12:35 PM.)

25 MR. ATWATER: Your Honor, my only concern is that

1 based upon the testimony of the other law enforcement
2 officers I may recall in rebuttal. I don't know yet.

3 THE COURT: Okay. Officer Reid, you gonna be
4 available -- what shift are you on?

5 OFFICER REID: I'm on day shift.

6 THE COURT: What time do you get off?

7 OFFICER REID: I'm actually off today.

8 THE COURT: Can -- how long -- Can you give a cell
9 phone number to the Solicitor's office where we can reach
10 you and have you back if we needed you?

11 OFFICER REID: Sure.

12 THE COURT: Is that all right?

13 MR. ATWATER: That's fine, Your Honor.

14 THE COURT: Okay. If you'll let him have that.

15 Anything else before we break?

16 MR. ATWATER: Nothing from the Defense, Your Honor.

17 THE COURT: All right. See y'all at Two.

18 (COURT IN LUNCH RECESS AT 12:35 PM.)

19 (COURT RECONVENES AT 02:14 PM.)

20 (WHEREUPON: STATE'S EXHIBITS TEN THROUGH FOURTEEN,
21 PREMARKED FOR IDENTIFICATION.)

22 THE COURT: Thank you very much. You may be seated.

23 All right we've got all of the jury back. Let's get ready.

24 Anything before we bring them back?

25 MR. SPRINGS: No, sir.

RALPH MERCHANT: DIRECT BY MR. SPRINGS

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1 MR. ATWATER: No, Your Honor.

2 THE COURT: Okay.

3 (JURY REENTERS COURTROOM AT 02:15 PM.)

4 ~~THE COURT: All right. We're ready for another~~
5 witness.

6 MR. SPRINGS: Mr. Bailiff, would you look out in the
7 hall and ask Mr. Ralph Merchant to come in.

8 Mr. Merchant, come on up, sir, right here where the
9 clerk is you'll see a Holy Bible, if you'll raise your
10 right hand and take the oath and then have a seat in the
11 witness stand.

12 (WHEREUPON: RALPH MERCHANT,
13 HAVING BEEN FIRST CALLED AND DULY SWORN, TESTIFIED AS
14 FOLLOWS:)

15 MADAME CLERK: Have a seat in the witness stand.

16 DIRECT EXAMINATION

17 RALPH MERCHANT BY MR. SPRINGS:

18 Q. If you'd pick up that hand held mic. The actual
19 amplification on the other doesn't work. Tell us your
20 name, sir.

21 A. Ralph Merchant.

22 Q. What do you do for a living, Mr. Merchant?

23 A. I'm a 911 Operations Manager for the county.

24 Q. Okay. Do you run the 911 system for York County?

25 A. Yes, sir. I oversee the day to day operation of the

RALPH MERCHANT: DIRECT BY MR. SPRINGS

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1 entire center.

2 Q. Okay. And you are a York County employee?

3 A. Yes, sir.

4 Q. How long have you been working with the 911 system in
5 York County?

6 A. For ten years now, sir.

7 Q. Are you familiar with how the system runs, how it
8 keeps recordings of the calls?

9 A. Yes, sir.

10 Q. I'm gonna show you what's been marked as State's
11 Exhibit Ten and Eleven for identification. Look at these
12 two sound discs. Have you ever seen those before?

13 A. Yes, sir. I have.

14 Q. What kind of -- What kind of recordings are on those?
15 How would you describe them?

16 A. These are 911 calls that came in to our center and
17 then we transferred them.

18 Q. Okay. And did you record those out of your
19 computerized system onto those discs for us?

20 A. Yes, sir. We did.

21 Q. Okay. And both of those 911 calls are they kept
22 recorded in your system as part of the day to day business
23 of running a 911 system?

24 A. Yes, sir, they are. They're in a sealed system that
25 only a couple of us can get to.

RALPH MERCHANT: DIRECT BY MR. SPRINGS

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1 Q. All right. You've actually heard them yourself?

2 A. Yes, sir. I have.

3 Q. Did you actually recognize the voice of the
4 Dispatchers?

5 A. Both of them, yes, sir.

6 Q. The dispatchers, the questions they ask, who are you,
7 where are you, what's the emergency; are your dispatchers
8 trained to ask those who, where, what questions?

9 A. Yes, sir. Actually they get about 450 hours before we
10 put them onto the console by themselves. These type of
11 questions are needed. We are the PSAP, meaning Public
12 Safety Answering Point for the County. Anybody who dials
13 911 it will come into our Center. Once we find out where
14 they are calling from, if they need law enforcement, we
15 only dispatch the Tega Cay and Sheriff's Office. So we
16 need to find out exactly where they're calling from so we
17 can transfer them to our secondary PSAP which is the law
18 enforcement agencies like York, Fort Mill, Rock Hill in
19 this case, stuff like that and so we'll transfer it to
20 them. So we have to ensure that we find out what's going
21 on, what agency we have to respond to a fire, EMS,
22 whatever. And then get them to the correct -- or dispatch
23 them ourselves if we do that.

24 Q. Very good. Let me take those two discs from you.
25 That's all the questions I have of you. The Defense

RALPH MERCHANT: CROSS BY MR. ATWATER

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1 Attorney might want to ask you a few questions now.

2 A. Yes, sir.

3 CROSS EXAMINATION

4 ~~RALPH MERCHANT BY MR. ATWATER:~~

5 Q. Mr. Merchant, how long have you been employed as an
6 Operations Manager with York County?

7 A. We consolidated two years ago, sir, so my actual title
8 changed but I've been running the actual York County 911
9 system for ten years.

10 Q. All right. And you made reference to it being the
11 primary PSAP?

12 A. Yes, sir.

13 Q. And there's a secondary PSAP?

14 A. That is the law enforcement agency, sir. The like --
15 York, Tega Cay.

16 Q. City of -- City of Rock Hill, right?

17 A. Yes, sir.

18 Q. Okay. And in reference to these two 911 tapes here

19 - - -

20 A. Yes, sir.

21 Q. - - - at least one of 'em came from the secondary
22 PSAP, did it?

23 A. No, sir. Both calls were 911 calls that came into --
24 we answered 911. And then we found out that they were Rock
25 Hill so we transferred them to Rock Hill City Police.

RALPH MERCHANT: CROSS BY MR. ATWATER

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1 Q. That was my question to you.

2 A. Yes, sir.

3 Q. So they were routed to the Rock Hill City Police
4 Department - - -

5 A. That is correct. Once we found out that the - -

6 Q. - - - and the voices on those 911 calls of the 911
7 Operators are the operators at the City of Rock Hill Police
8 Department. Right?

9 A. The second dispatcher on the ph -- on the -- on those
10 phone calls yes, sir.

11 Q. That's my question.

12 A. Yes, sir. We answered it primary and asked some
13 questions, found out the jurisdiction, and then we sent it
14 on to them.

15 Q. Transferred it on to the City of Rock Hill Police
16 Department.

17 A. That is correct, sir.

18 Q. And those -- Those persons are law enforcement
19 employees. Right?

20 A. I don't want to really speak for Rock Hill City
21 Police.

22 Q. Okay. Well, but you transferred it to -- to -- the
23 police department for the City of Rock Hill?

24 A. That is correct, sir.

25 Q. All right. And the 911 Center that you operate, it

RALPH MERCHANT: CROSS BY MR. ATWATER

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1 does not take in revenue, does it? You don't have people
2 come and buy stuff from you?

3 A. No, sir.

4 Q. Okay. It doesn't operate as a day-to-day business
5 like that, does it?

6 A. No, sir.

7 Q. It's a government entity, isn't it?

8 A. It's the County yes, sir.

9 Q. It's owned by the County. Right?

10 A. Yes, sir.

11 Q. And the one that's over in the City of Rock Hill is
12 owned by the City?

13 A. Yes, sir.

14 Q. Okay. So these 911 tapes not only by virtue of who
15 has possession of them, but by statute, are owned by the
16 County or the City. Correct?

17 A. I presume so, yes, sir. It's from our equipment yes,
18 sir.

19 Q. All right. And you would agree with me that under
20 many situations these tapes are actually protected from
21 being released. Right?

22 A. That is correct.

23 Q. At least while there's an investigation going on?

24 A. That is correct.

25 Q. And under other statutory reasons, they -- they could

RALPH MERCHANT: CROSS BY MR. ATWATER

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1 be kept from anybody who wants to get 'em. Right?

2 A. If -- if -- let's say the -- if there's an ongoing
3 investigation, if somebody requests them, we would -- in
4 ~~cases like Rock Hill City's case, we would sit there and~~
5 say, somebody has requested this, do you give permission to
6 release this? Anytime anybody wants a request we keep
7 those requests showing who we sent it to.

8 Q. Okay. And who is the Operations Manager for the Rock
9 Hill City P-S-A-P?

10 A. I know Thelma Steele, Ms. Steele, is over the
11 operations section. I'm not sure if that's her official
12 job title though.

13 Q. But is her --

14 A. They just recently changed it. I think somebody left.

15 Q. Yes, sir. But you don't -- you don't have any duties
16 over there whatsoever?

17 A. No, sir.

18 Q. And you don't have any control over there whatsoever?

19 A. No, sir.

20 Q. Thank you, sir.

21 MR. SPRINGS: If nothing further, can Mr. Merchant be
22 excused?

23 MR. ATWATER: No objection, Your Honor.

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

25 MR. SPRINGS: Thank you, Mr. Merchant. Would you lay

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 that down on that black cushion there. We appreciate you
2 coming, sir.

3 (WITNESS LEAVING WITNESS STAND.)

4 MR. SPRINGS: Bailiff, would you ask Judy Ashdown to
5 come in? Judy Ashdown.

6 Ms. Ashdown, if you'd come right up here, ma'am.
7 There is the Holy Bible and raise your right hand and place
8 your left hand on the Bible.

9 (WHEREUPON: JUDY ASHDOWN, BEING
10 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

11 DIRECT EXAMINATION

12 JUDY ASHDOWN BY MR. SPRINGS:

13 Q. Hold that mic fairly close to your mouth. It'll allow
14 everybody to hear what you have to say. What is your name,
15 ma'am?

16 A. Judy Ashdown.

17 Q. Ms. Ashdown, what do you do for a living?

18 A. I'm the Operations Manager for One Stop Food Stores.

19 Q. Okay. Is One Stop Food Stores a chain of convenience
20 stores?

21 A. Yes.

22 Q. And as Operations Manager, how wide a geographic area
23 do you cover?

24 A. From Hudson, North Carolina to Rock Hill, South
25 Carolina, to Saluda, North Carolina.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 Q. Okay. And as Operations Manager for the One Stop
2 convenience stores, does your territory, your management
3 territory, include the One Stop store that's at 1500
4 Albright Road in Rock Hill?

5 A. Yes.

6 Q. And as the Operations Manager, are you familiar with
7 the training that the store cashiers are given?

8 A. Yes.

9 Q. Are the new cashiers given any training in what to do
10 if there's an armed robbery?

11 A. Yes. They're -- They're trained when they're hired,
12 and then we have follow up meetings.

13 Q. Okay. In a nut shell, are your clerks trained to
14 fight the robber or cooperate with the robber?

15 A. Completely cooperate.

16 Q. Are you interested in the safety of your clerks?

17 A. Yes.

18 Q. As part of the training that your clerks receive, are
19 they given any particular instructions on how to hand over
20 the money to the armed robber?

21 MR. ATWATER: Objection, Your Honor, leading.

22 MR. SPRINGS: I don't see how that suggests a yes or
23 no answer.

24 MR. ATWATER: It's not a yes or no, but it actually is
25 -- suggests the answer, Your Honor.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 THE COURT: Pose the question again.

2 MR. SPRINGS: Are your clerks given any instructions
3 in how to hand over the money to the armed robber?

4 THE COURT: That's all right.

5 Please answer the question.

6 A. Yes.

7 Q. How do you teach the clerks to give the money to the
8 robber pointing a gun at them?

9 A. We tell them to open the drawer, pull the drawer
10 insert out, set it on the counter and step back.

11 Q. Okay.

12 A. And make no sudden moves.

13 Q. Is the insert the thing with the slots for the various
14 bills and the change?

15 A. Yes.

16 Q. And what do you tell your clerks to do after the
17 robber leaves, assuming the clerk's still alive?

18 A. They're told first to lock the doors and then call
19 911.

20 Q. Okay. And do the One Stop stores have some things
21 that they have done, put in place in the stores to assist
22 the police if there is a robbery?

23 A. Yes.

24 Q. What's -- What's the first thing that comes to mind
25 that you have installed in your stores to insist the police

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 in gathering evidence?

2 A. Video cameras.

3 Q. Okay. The store at 1500 Albright, did it have video
4 cameras?

5 A. Yes.

6 Q. As the Operations Manager are you familiar with the
7 security video cameras in that particular store at Albright
8 Road?

9 A. Yes.

10 Q. The security system in the Albright Road store, does
11 it make -- Does it record the movies?

12 A. Yes.

13 Q. The cameras?

14 A. Yes.

15 Q. Does it record the movie on the old tape that we all
16 had for our VCR machines or is it computerized?

17 A. It's called a DVR. It's a Digital Video Recorder. It
18 doesn't require tapes.

19 Q. Okay. It's in the computer?

20 A. Yes. It's a hard drive.

21 Q. So when your computerized security system is on, say
22 at the Albright Road store, are the cameras making a movie
23 of what's taking place in front of the camera?

24 A. Yes.

25 Q. And does it save the movie for some period of time, so

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 if there's a robbery you can go back and review it?

2 A. Yes.

3 Q. How long does the computer save the movie?

4 A. At that store I believe it's probably somewhere
5 between three and four weeks.

6 Q. Okay. And after three and four weeks what happens to
7 it?

8 A. It overwrites the old and records over new.

9 Q. Okay. Okay. And the Albright Store -- the Albright
10 Road store does the camera system record 24/7, 24 hours a
11 day, seven days a week, or does it get turned off
12 sometimes?

13 A. No, it's on 24/7.

14 Q. Okay. All right. Now, I want to take you back to
15 August 9th of last year. Did one of your stores get
16 robbed?

17 A. Yes.

18 Q. And which store got robbed?

19 A. Store 121 on Albright Road.

20 Q. Okay. Did you go to the store yourself?

21 A. Yes.

22 Q. Okay. And did you get to the store fairly soon after
23 the robbery?

24 A. It was probably an hour. I have to come from Shelby.

25 Q. Okay. Did you review the video security system?

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 A. Yes.

2 Q. And was the clerk still alive?

3 A. Yes.

4 Q. Who was the clerk that got robbed?

5 A. Marcellus [sic].

6 Q. Okay. And was she there when you arrived?

7 A. No.

8 Q. Okay. Did you -- You did review the system.

9 A. Yes.

10 Q. Did you see on the system what looked like a robbery
11 to you?

12 A. Yes.

13 Q. Did you check -- How many cameras are in that store,
14 do you know?

15 A. I think there's nine.

16 Q. Okay. Did you check all the cameras at the time of
17 the robbery?

18 A. I didn't, no. I was looking specifically for the
19 robbery, so I would start with the camera at the register.

20 Q. Okay. Fair enough. You say you saw a robbery.

21 A. Yes.

22 Q. Okay. Did you want to save the movie of the robbery?

23 A. Yes.

24 Q. Did you save it on something?

25 A. On a flash drive.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 Q. Okay. Is that one of those little stick things?

2 A. Yes.

3 Q. Do you have a computer of your own either at your own
4 office or at your home?

5 A. Yes. At my house.

6 Q. Did you put the images from the flash drive on your
7 computer?

8 A. Yes.

9 Q. At your house?

10 A. Yes.

11 Q. Okay. Did you give the police a copy of what was on
12 the flash drive?

13 A. Yes.

14 Q. Do you recall, Ms. Ashdown, you said there were nine
15 cameras in the store - - -

16 A. Yes.

17 Q. - - - how many cameras did you say shown the robbery?

18 A. Three.

19 Q. Okay. And you say you gave the police a copy of it.

20 A. Yes.

21 Q. And did the police turn right around and lose it?

22 A. Short -- Well I think it was like a month or so after
23 I got a call saying that they had misplaced the video and
24 could I get them another copy of it.

25 Q. Okay. So at that point with the system in the store,

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 I'll call it the big computer, would it have already erased
2 the robbery in the store?

3 A. Yes.

4 Q. But you had it saved where?

5 A. On my flash drive and my computer at the house.

6 Q. Okay. So when the police lost the one you gave them
7 the first time, did you make 'em another copy?

8 A. Yes.

9 Q. Now, a minute ago you said that the robbery you
10 recorded you saved and recorded three camera angles.

11 A. Yes.

12 Q. In your computer were the three cameras -- three
13 camera vid -- three camera angles all on one thing you
14 clicked on or more than one thing?

15 A. No, and I have several files from several different
16 stores and different robberies on my computer.

17 Q. Okay. So, the police lost the video of the August 9th
18 robbery at Albright Road. You went to make them another
19 one.

20 A. Yes.

21 Q. Did you make them another one?

22 A. Yes.

23 Q. When you made them another, did you get all three
24 camera angles on that one?

25 A. No. I couldn't find where the third one was at that

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 time so I made a copy of the two that I knew where for that
2 robbery.

3 Q. Okay. And later did you go back and find the third
4 one and get all three?

5 A. Yes.

6 Q. Okay. I've got -- I've got the history now. Did you
7 talk with the clerk, Marcella -- don't tell us what she
8 said. She'll tell us herself later. Did you talk to her
9 about talking to Mr. Michael Atwater, the defense attorney,
10 did you give her your opinion of that?

11 A. I received a call from Marcellus' store manager one
12 day and she said that the defense attorney was trying to
13 talk to Marcellus and wanted to know if Marcellus should
14 talk to him. And what I told her was to call the District
15 Attorney's office and if they said that she had to talk to
16 the Defense Attorney, then she had to. But if -- if the
17 D.A.'s office said that it was up to us, then I did not
18 want her talking to him.

19 Q. As a rule do you feel warm and fuzzy towards the
20 Defense Attorney's representing the robbers of your stores?

21 A. No.

22 Q. Now, do you know what bait money is?

23 A. Yes.

24 Q. Will you tell the story of what bait money is?

25 A. In our stores we have a two dollar bill in ever

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

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1 register and it's kept underneath the ones, the one dollar
2 bills. It's store stamped on the back with the store stamp
3 that has the store number. Sometimes it has the store
4 address on it. And our employees are trained to only give
5 that bill out in the case of a robbery.

6 Q. And that way if the police catch the robber, what --

7 A. It only works usually if they're caught fairly
8 quickly. Because if they're not caught quickly then they
9 usually get rid of the two dollar bill.

10 Q. Okay. All right. But it has the name One Stop Stores
11 stamped on it?

12 A. Yes.

13 Q. And the banks do the same thing. They keep bait money
14 so if the robber is caught later there's something to tie
15 them to the bank?

16 MR. ATWATER: Objection, Your Honor, that calls for

17 --

18 MR. SPRINGS: I'll withdraw that question.

19 Q. In your experience, do banks also use bait money?

20 MR. ATWATER: Same objection, Your Honor. There's no
21 foundation.

22 THE COURT: You don't have any foundation.

23 MR. SPRINGS: All right. I'll withdraw the question.

24 Q. Do you know whether or not your store on Albright Road
25 that was robbed on August 9th, do you know whether they

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 were following your policy of keeping the Two dollar bill
2 bate money?

3 A. Yes.

4 Q. I thank you Ms. Ashdown. The Defense Attorney may
5 want to ask you some questions now.

6 CROSS EXAMINATION

7 JUDY ASHDOWN BY MR. ATWATER:

8 Q. Ms. Ashdown, you testified that you don't feel warm.
9 and fuzzy about me?

10 A. Not somebody that defends somebody that defends
11 somebody that I think robbed our store.

12 Q. You don't know me do you?

13 A. No, I don't.

14 Q. You've never met me before have you?

15 A. Yes I have.

16 Q. Okay. But it's your testimony that you met me over at
17 the One Stop store?

18 A. No. I saw you hear at a hearing prior to this.

19 Q. And you met me?

20 A. Well, I didn't meet you, but I know of you.

21 Q. Okay. That was my question. Have you met me before?

22 A. I guess not personally.

23 Q. You don't know me personally do you?

24 A. No, I don't.

25 Q. All right. Now, Ms. Ashdown, let's talk about this

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 DVR. system for a minute, okay?

2 A. Okay.

3 Q. Now, you testified that you were the Operations
4 Manager for the One Stop Food Stores from Hudson, North
5 Carolina down to Rock Hill and then over to Saluda. Right?

6 A. Yes.

7 Q. They've got a lot more store than that, don't they?

8 A. And everywhere in between. I have 17 stores yes, sir.

9 Q. Well, I -- I -- I understand. You're the regional
10 manager, not just those three stores. Right?

11 A. I was naming the farthest points to which I travel.

12 Q. I understand now. Okay. So, but that's not all the
13 stores they have is it?

14 A. No.

15 Q. They have more stores than just that area, don't they?

16 A. They have 17 stores.

17 Q. Okay. There is a person who is in charge of the
18 security systems for all of those stores, isn't there?

19 A. Yes.

20 Q. With Corporate?

21 A. That would be me.

22 Q. Okay. That's you?

23 A. Yes.

24 Q. All right. And, so, then you know that these DVR's
25 also record back to Corporate, right?

1 A. No, they don't.

2 Q. It's your testimony that these don't record back to
3 Corporate?

4 A. No.

5 Q. That Corporate cannot watch from these DVR's from a
6 remote location?

7 A. Yeah. You can -- you can log in to the DVR from -- I
8 can do it from home.

9 Q. Sure. You can do it from anywhere, can't you?

10 A. Well, it depends on the computer, whether it's set up
11 to do that.

12 Q. Your computer can do it from anywhere. Right?

13 A. From home.

14 Q. Okay. If you -- You log in over the internet, right?

15 A. Yes.

16 Q. Okay. And you're not the only person with Corporate
17 that can do that are you?

18 A. No, I guess not. I'm the only one that does it.

19 Q. The IT Manager doesn't do it?

20 A. We don't have an IT Manager.

21 Q. Who runs your computer systems?

22 A. Basically me.

23 Q. Okay. You installed all the software and manage the
24 software?

25 A. I install most of the cameras and the DVR's myself

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 yes.

2 Q. Okay. On the day that this incident occurred you were
3 called by who?

4 A. Elaine McDaniels is the one that called me.

5 Q. Okay. And who is she?

6 A. She was the co-manager of Store 121 at the time.

7 Q. And that's the one over here on Albright and Saluda?

8 A. Yes.

9 Q. Okay. And do you know where she was calling you from?

10 A. I believe she was calling me from the store.

11 Q. And so you left your home and went down to the store.
12 Right?

13 A. I left the office. I was at the office at the time.

14 Q. All right. You went down to -- came down to Rock
15 Hill.

16 A. Yes.

17 Q. Got down there about an hour later?

18 A. Yes.

19 Q. And what was your testimony about whether Marcella was
20 at the store or not?

21 A. I don't believe Marcellus [sic] was there when I got
22 there.

23 Q. Okay. Prior to you getting to the store do you know
24 whether anyone else had accessed and reviewed the DVR
25 system?

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. I don't know if Elaine knew how to review it or not.
2 The manager was on jury duty that week. She wasn't there.
3 But I don't know if the co-manager knew how to operate it
4 or not.

5 Q. And who would that person be?

6 A. Elaine McDaniels.

7 Q. Okay. Does her duties include any training on how to
8 operate that system?

9 A. It depends on the store. There's nothing specific. I
10 mean, I can't say whether every co-manager knows how to run
11 those or not.

12 Q. Okay. Well, who would train them to do that. That'd
13 be you wouldn't it?

14 A. No, that would be the store manager.

15 Q. Okay. Who's the store manager there?

16 A. Maria Young.

17 Q. Was Maria Young there that day.

18 A. No, she was at jury duty.

19 Q. Okay. She knows how to run that system?

20 A. She knows how to play it back is about all she can do
21 with it. She doesn't know how to copy video or anything.

22 Q. Right. So as far as you know, until you got there,
23 there was nobody there who knew how to play that video back
24 or anything. Right?

25 A. Like the -- yeah, I have no idea.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 Q. You don't know.

2 A. I don't.

3 Q. Now when you got to the store, was - was Officer
4 Michael Reid there at the store?

5 A. There was an officer there in uniform but I don't know
6 who it was.

7 Q. Can you describe him to the Jury?

8 A. He was black.

9 Q. Anything else?

10 A. I don't -- I don't really remember other than he was
11 in uniform. That's all I remember.

12 Q. Black man in a uniform.

13 A. Uh-huh.

14 Q. Nothing else?

15 A. No. I didn't know that it was important. I mean, I
16 didn't...

17 Q. Okay. Anybody else there?

18 A. There was an employee on duty and I don't remember who
19 was on duty. And I think Elaine was there.

20 Q. Okay. Elaine being the co-manager who wasn't the one
21 on jury duty that day, right?

22 A. Correct.

23 Q. All right. So, did you play back the videos for
24 anybody that day?

25 A. I think for the officer that was there.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 Q. Okay. And that would have been the one you were just
2 described, the black officer?

3 A. Yes.

4 Q. Any other officers you played it back for?

5 A. Not that I remember.

6 Q. And at that point in time you say you went in and you
7 accessed the system itself. Right?

8 A. Yes.

9 Q. And you'll agree with me there are nine video cameras
10 in that store, aren't there?

11 A. Yes.

12 Q. And you'll agree with me that on that date all nine of
13 those video cameras were working properly. Correct?

14 A. Yes.

15 Q. And all nine of them were constantly recording?

16 A. Yes.

17 Q. And all nine of them were saving to this system back
18 in the office?

19 A. Yes.

20 Q. And there was also a television back there that has
21 nine views on it. Right?

22 A. Yes.

23 Q. Is that a yes?

24 A. Yes.

25 Q. Okay. And on those nine views you've got like eight

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 around the edges and one in the middle. Right?

2 A. Yes.

3 Q. Okay. The one in the middle is black and white.

4 A. I -- I -- I work 17 systems. I couldn't tell you
5 exactly which one's black and white and which one's color.

6 Q. Ms. Ashdown, I've seen this thing one time. How many
7 times have you seen it?

8 A. Several.

9 Q. You don't know --

10 A. But I've also seen 17 other systems.

11 Q. Okay. All right. You had an occasion to see this one
12 that day. Right?

13 A. Yes.

14 Q. And you've seen it other days 'cause you run it.

15 A. I -- I view it when I need to. I don't -- I don't
16 understand what you mean by I run it.

17 Q. If they have problems with it, who do they call to
18 come handle it?

19 A. Me. Me.

20 Q. You operate it.

21 A. When necessary yes.

22 Q. And you're the only one that does that, right?

23 A. Like I said the store manager and sometimes the co-
24 manager can review the video on it.

25 Q. They can play it back.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. But they don't turn it off and on?

3 A. Nobody turns it on and off. They run all the time.

4 Q. Well what happens if you have a power outage?

5 A. Then they go off.

6 Q. And what happens when the power comes back on?

7 A. Then they come back on.

8 Q. Automatically?

9 A. Yes.

10 Q. You don't have to come look after them?

11 A. No.

12 Q. All right. So you came there that day and Officer
13 Reid was there. And you played some of the video for him.
14 Right?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. I think so.

18 Q. All right. Well do you know whether you did or not?

19 A. I -- like I said I don't remember specifically. I'm
20 sure -- usually what happens in a robbery I go in and I try
21 to find what -- where the robbery happened. And then if
22 there's an officer there he views the tape. I can't say
23 specifically that that happened that day.

24 Q. But you did give him -- Your testimony is you did give
25 him a flash drive that day. Correct?

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. No, I believe I gave him a DVD.

2 Q. Okay. Did you burn that off of that system right
3 there?

4 A. I don't think I gave him a copy that day. I gave him
5 -- I believe -- Usually what happens is I take them home, I
6 burn it on my home computer, and then I get it back to the
7 store and they pick it up from the store.

8 Q. Okay. Tell the jury what it is that you take home
9 when you say I take it home.

10 A. I take a, it's a little flash drive. It's a -- like a
11 memory stick. It's got so much storage space on it.

12 Q. Okay. So on that date, all day long, all nine of
13 those cameras were running.

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. And you'll agree with me that those nine cameras
18 literally have a view of every place in that store.

19 A. Yes.

20 Q. So, there's a camera -- Well let's talk about that for
21 a minute. If you come into the store directly from where
22 the pumps are, walking into the front of the store - - -

23 A. Yes.

24 Q. - - - right? As soon as you walk into that door right
25 there, there's a camera right here isn't there?

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. Okay. And that camera goes right down like across
3 this way and down towards the hall where the bathroom is.

4 A. Yes.

5 Q. Right?

6 A. Yes.

7 Q. Okay. And then, as you're standing there, there's a
8 camera over here in this corner.

9 A. Yes.

10 Q. Right?

11 A. Yes.

12 Q. And that one shoots back in the same direction, but
13 kind of across the register.

14 A. Yes.

15 Q. Right?

16 A. Uh-huh.

17 Q. So you can see the register from that one. Right?

18 A. Yes.

19 Q. Okay. Now, as you're standing there, you'd be facing
20 the register. Right?

21 A. Yes.

22 Q. Okay. And there's a big old television up there that
23 faces the customers coming in.

24 A. Correct.

25 Q. Right? It's a color TV.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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- 1 A. Yes.
- 2 Q. And it's got a sign attached to it. Right?
- 3 A. Yes.
- 4 Q. That says, "Smile you may be on CN2."
- 5 A. Right.
- 6 Q. You may see yourself on CN2. Right?
- 7 A. Yes.
- 8 Q. All right. And then right to the right of that
- 9 there's a camera up there. Correct?
- 10 A. Yes.
- 11 Q. And it points down across towards the register.
- 12 Correct?
- 13 A. Correct.
- 14 Q. All right. Now, if the -- If I'm standing here on
- 15 this side of the counter, if I were to step over, just go
- 16 over that counter. Right?
- 17 A. Now you're talking, you're standing on the customer's
- 18 side and you're going to the clerk's side?
- 19 Q. Yeah. Yeah. I'm just gonna go over to the clerk's
- 20 side.
- 21 A. Okay.
- 22 Q. But still facing in the same direction, towards the
- 23 office.
- 24 A. Yes.
- 25 Q. There's a camera straight back on that wall isn't

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 there?

2 A. Yes.

3 Q. And it points directly straight back at the cash
4 register.

5 A. Correct.

6 Q. All right. Now, all of these were working that day.
7 Right?

8 A. Yes.

9 Q. Okay. And there's another camera just to the left of
10 that one. Correct?

11 A. Yes.

12 Q. And that one points down towards the ice.

13 A. Yes.

14 Q. Okay. The camera that we first mentioned when you
15 walked in the store that shows this direction this way also
16 shows a portion of the cash register. Right?

17 A. Yes.

18 Q. All right. And then if we walk in the store and go
19 down here to the left back there in that corner there's a
20 camera.

21 A. Yes.

22 Q. And that camera kinda points at about a 30 degree
23 angle across the store - - -

24 A. Yes.

25 Q. - - - like this, right, half way down that wall?

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1 A. Yes.

2 Q. Another camera pointing back this way. Then on the
3 back wall there's a camera in that corner. Right?

4 A. Yes.

5 Q. And it points kind of towards the front entrance.

6 A. Yes.

7 Q. And then going along the cooler wall back there, back
8 there in that back corner -- because if you walk in the
9 store right here, you got the -- you got -- you got the
10 bathroom around here. Right?

11 A. Uh-huh. Yes.

12 Q. You got the cash register straight in front of you
13 with the office behind that.

14 A. Correct.

15 Q. But the office comes out some so there's kind of a
16 wall that goes down next to the office. Right?

17 A. Right.

18 Q. And down around that wall and in that corner is where
19 another camera is. Right?

20 A. Yes.

21 Q. Okay. Now, you'll agree with me that if -- if Ms.
22 Dumas came into the store that day, from the moment she
23 stepped in that front door there were several different
24 camera views of her. Right?

25 A. Correct.

1 Q. And any time she was in that store, several different
2 camera views of her. Right?

3 A. There -- there are some blind spots.

4 Q. Where's your blind spots at?

5 A. I -- I'm not -- I don't know specifically in that
6 store. But the -- there are blind spots in most of our
7 stores.

8 Q. Okay. You copied something onto a flash drive.

9 A. Yes.

10 Q. And what you copied onto the flash drive was some
11 views that you saw of Ms. Dumas in the store. Correct?

12 A. What I copied to the flash drive was what I thought
13 was pertinent to the robbery.

14 Q. Okay. I'm gonna repeat my question. All right?

15 A. Okay.

16 Q. What you copied on the flash drive were some views
17 that you saw of Ms. Dumas that day. Right?

18 A. Correct.

19 Q. Okay. Now, let me kind of go into what you just said.
20 You don't work for law enforcement do you?

21 A. No.

22 Q. Okay. And you weren't investigating this incident for
23 law enforcement were you?

24 A. No, I was getting video for law enforcement to help
25 identify a person that robbed our store.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 Q. And you picked and chose what you wanted to give law
2 enforcement didn't you?

3 A. Well, I suppose.. I picked what was pertinent to the
4 robbery.

5 Q. In your head. Right? In your mind?

6 A. Yes. That's what I do.

7 Q. So there's a lot of views of Ms. Dumas in the store
8 that day.

9 A. No there weren't too many other views of Ms. Dumas in
10 the store that day.

11 Q. How do you know?

12 A. Because I watched from the time she came in to the
13 time she left.

14 Q. So you personally watched all the views of where she
15 was in the store the whole time?

16 A. On three cameras.

17 Q. Well yeah be we, are you - - -

18 A. All the --

19 Q. Are you gonna tell me -- let me ask you this. You're
20 telling me that you watched it on three cameras. Right?

21 A. Yes.

22 Q. But you're not telling this jury here today that only
23 three cameras captured her in that store are you?

24 A. No. I'm sure there were other views. Like I said, I
25 -- I got the three views that were pertinent to the

1 robbery.

2 Q. In your mind.

3 A. Yes, in my mind.

4 Q. What you thought was pertinent.

5 A. Yes.

6 Q. And you'll agree with me that those three views do not
7 show Ms. Dumas from the moment she stepped in that door,
8 the whole time she was in that store, til the moment she
9 left, does it?

10 A. Probably not.

11 Q. As a matter of fact, some of the cameras, the views
12 that were taken from some of those cameras, don't show the
13 entire view that that camera would have shot. They've been
14 shortened haven't they?

15 A. No, I -- I don't even know how to alter the video that
16 comes off of that thing. Whatever's on that, these videos,
17 is straight off the DVR.

18 Q. Whatever's on the camera view is off the DVR?

19 A. What -- whatever's on -- yeah.

20 Q. Okay.

21 A. I don't know how to alter the video.

22 Q. Well, let's -- let's explore that for a minute. From
23 what I've seen one of the camera views that you looked at
24 was that one that I talked about that's back there in the
25 corner behind the office near the drink boxes. Right?

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. Shooting towards the customer?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. Now, do you agree with me that that camera
5 would have been running 24 hours a day. Right?

6 A. Yes.

7 Q. So it would have been running before Ms. Dumas ever
8 went in the store?

9 A. Yes.

10 Q. It would have still been running after she went in the
11 store?

12 A. Yes.

13 Q. You didn't give the police all the video of that
14 camera the whole time it was running. Right? You chopped
15 out a point in time.

16 A. Oh. It -- it -- it was a specific time pertinent to
17 the robbery.

18 Q. Okay. That was my question.

19 A. Okay.

20 Q. Then you chopped out a point in time and gave that to
21 the police. Right?

22 A. Yes.

23 Q. You picked a starting point and a stop point.

24 A. Correct.

25 Q. And saved it on your flash drive.

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. Okay. And anything outside of that starting point and
3 stop point we don't have here today do we?

4 A. No.

5 Q. Because you didn't give -- you didn't provide it.

6 A. No, I didn't.

7 Q. All right. And that would be the same for any of --
8 That would be the same as a starting point and stop point
9 for any of the other camera views you looked at as well.
10 Correct?

11 A. Yes.

12 Q. They would have been running 24/7?

13 A. Yes.

14 Q. But you picked a place to start recording, and you
15 picked a place to stop recording. Right?

16 A. I picked what I thought was pertinent to the robbery.

17 Q. Once again, in -- in your opinion. Right?

18 A. Yes, in my opinion.

19 Q. Okay. And you weren't an investigator, were you?

20 A. I was -- you know, I -- it's my job to investigate it
21 for our company too. And I do it for every store that we
22 have and I have done it for 18 years so, I mean, I don't
23 know what you want.

24 Q. Ms. Ashdown, have you worked off and on, on occasion,
25 with law enforcement during that 18 years?

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 A. Yes, several times.

2 Q. Okay. Have you always just picked and choosed
3 whatever you wanted to give 'em?

4 A. That, or if -- if a detective is there -- a lot of
5 times I have detectives call me and say we need video from
6 this store for this time, and I give it to them.

7 Q. Okay.

8 A. I cooperate with law enforcement.

9 Q. Right. So you will agree with me today that my client
10 or no one acting on -- on her behalf had any involvement
11 whatsoever in what you chose to give the police or not give
12 the police that day. Right?

13 A. Right. I agree with that.

14 Q. Now, you said that you gave them a DVD.

15 A. Yes.

16 Q. Or gave it to Officer Reid. Correct?

17 A. I gave it to an officer. I can't say that it was
18 Officer Reid. I gave it to an officer.

19 Q. He's the only one you remembered seeing and talking to
20 there. Right?

21 A. Well, like I said, I don't remember who the officer
22 was that was there.

23 Q. Okay. You gave it the black officer that was in the
24 Rock Hill City Police uniform.

25 A. Correct.

JUDY ASHDOWN: CROSS BY MR. ATWATER.

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1 Q. And then at some point in time later you got a phone
2 call saying, this is the police and we lost it.

3 A. I got a phone call from the store manager saying that
4 the police had called and said they could not find the
5 video.

6 Q. Okay. Now -- And you don't know what date that
7 occurred on, do you?

8 A. I want to say it was in November.

9 Q. Okay. Why do you want to say that?

10 A. Because I know it was -- my first thought was it would
11 have already been erased off of the DVR at the store, and I
12 was hoping that I still had a copy of it.

13 Q. Okay. When you copied the portion that you gave to
14 the black officer in the uniform, - - -

15 A. Uh-huh.

16 Q. -- -- Right? When you gave that to him, you knew at
17 that point in time that at some point in the future
18 whatever you didn't save that day was going to be lost for
19 all time, didn't you?

20 A. Yes.

21 Q. Okay. And -- and you'll agree with me that you didn't
22 try to save all nine views that would show everything Ms.
23 -- Ms. Dumas did in that store that day at any time, did
24 you?

25 A. No, I wasn't thinking about Ms. Dumas. I was thinking

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 about my employee.

2 Q. Thank you.

3 MR. SPRINGS: Nothing further. You can come on down.

4 MR. ATWATER: I'm not finished.

5 MR. SPRINGS: Oh, I'm sorry.

6 BY MR. ATWATER:

7 Q. Now, did -- I recall at some point in time you gave
8 the police a flash drive.

9 A. That may have been what they lost. I -- I don't -- I
10 don't know if I gave them a flash drive or a DVD for sure.

11 Q. Okay. Well do you know where the Solicitor would have
12 got that idea from that you gave somebody a flash drive?

13 A. I save all my stuff on flash drives. I mean I don't -
14 - like I said, I have 17 stores and I deal with this quite
15 often and sometimes I give them DVD's and sometimes they
16 bring me flash drives.

17 Q. Okay. At one point in time it's my understanding that
18 the video or the first CD that was given to law enforcement
19 only contained views from two cameras. Right?

20 A. The one that I gave them after they misplaced the
21 first copy. The second copy that I gave them is the one
22 that had two views on it.

23 Q. Okay. Do I understand it's your testimony that the
24 first copy you gave them had - -

25 A. Three.

1 Q. More than that on it.

2 A. Three.

3 Q. And they lost it.

4 A. Yes.

5 Q. And as a result of that ended up with less than that.

6 A. Yes.

7 Q. So if they provided me -- If the Solicitor's office
8 provided me a CD with only two views on it, that would have
9 been because the police had lost the three views, and you
10 replaced it with the two views. Right?

11 A. Right. Because I could not locate the third view.

12 Q. Okay. Now, when you were at the store that day you
13 took all three views off and put it onto one storage
14 device. Right?

15 A. Yes.

16 Q. Whether it be a DVD or a flash drive, you put 'em all
17 together on one storage device. Right?

18 A. Right.

19 Q. Okay. And then -- then you took 'em.

20 A. But my flash drive has probably anywhere 20 to 30
21 videos from different stores on it.

22 Q. So are you saying you don't have any way to discern
23 between which video is for which store?

24 A. I thought the police needed it quickly. I found the
25 two that I knew I had, and that's what I gave them.

JUDY ASHDOWN: CROSS BY MR. ATWATER.

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1 Q. Well, you knew that you had taken three on day of the
2 robbery didn't you?

3 A. I -- I guess so. I mean I -- like I said, I gave them
4 what I could find. I didn't know if the third angle had
5 been erased or -- I gave them what I had.

6 Q. Erased from where, your computer?

7 A. Yes.

8 Q. Well, you never actually went back to the store when
9 they called you and said we've lost it. Right?

10 A. I brought 'em -- I don't know if I brought a copy or
11 the manager picked it up.

12 Q. But what I'm saying it, that came from you. You never
13 actually went back to the store to see if it was still on
14 the system did you?

15 A. I knew at the time it would not have been on the
16 system because it had been too long.

17 Q. I understand, but you didn't go look either, did you?

18 A. No, I did not.

19 Q. Have you ever testified at a trial before?

20 A. Yes.

21 Q. So you understand the basic precept that evidence is
22 presented to a jury and then the jury is supposed to see it
23 and decide?

24 A. Correct.

25 Q. Okay. And you knew that when you were saving these

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 videos. Right?

2 A. I -- I wasn't think about a trial. Half the time the
3 robbers aren't even identified.

4 Q. Okay. But do you -- in your mind the robber was
5 identified that day. Right?

6 A. No, I did not know that. She was on tape. That's all
7 I knew.

8 Q. Well that's what I mean. You had a picture of 'em,
9 right?

10 A. Yes.

11 Q. Okay.

12 A. I was not thinking about a trial at the time I was
13 copying the video if that's what you're asking.

14 Q. I wasn't asking you if you were thinking about one. I
15 was asking you did you know that juries view that evidence.

16 A. I was not thinking about a jury at that time.

17 Q. Yes, ma'am, I've heard your answer twice now. My
18 question is, at the time that you did that, did you know
19 that juries views those types of -- that type of evidence?

20 A. I guess I knew it.

21 Q. You were basically controlling what the jury was gonna
22 be able to see later.

23 A. No, sir. I was not thinking of that.

24 MR. SPRINGS: Objection. That's argumentative.

25 MR. ATWATER: No it's not, Your Honor.

JUDY ASHDOWN: CROSS BY MR. ATWATER.

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1 MR. SPRINGS: Objection.

2 THE COURT: Step out, ladies and gentlemen.

3 (JURY EXITS COURTROOM AT 03:00 PM.)

4 THE COURT: To be sure it's clear, I want to remind
5 you now, counsel, your client's on trial. Is every witness
6 to be called? I've been sitting here very patient and
7 there's been no objections that are now entered, but I am
8 not gonna sit here for two days or however long it takes
9 and allow you to do with you've been doing for the ten,
10 fifteen minutes. Now you can just get that out of your
11 mind.

12 MR. ATWATER: Your Honor, my question that he objected
13 to --

14 THE COURT: No. No, sir. You wanted to argue with
15 her is what you wanted to do. Now that's your first
16 warning. There's not gonna be any more arguing. And
17 everybody involved in this case is not on trial. Your
18 client's on trial. Not this lady.

19 MR. ATWATER: I understand, Your Honor.

20 THE COURT: Do you understand?

21 MR. ATWATER: Yes, but Your Honor --

22 THE COURT: Okay?

23 MR. ATWATER: Your Honor, I do have the right to test
24 the evidence on the merit or not. Do we have a ruling on
25 the question and the answer, Your Honor? My question --

JUDY ASHDOWN: CROSS BY MR. ATWATER

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1 THE COURT: I'm gonna rule that you asked the question
2 and she answered it. Now don't push me any further, Mr.
3 Atwater.

4 MR. ATWATER: I won't, Your Honor. I just wanted to
5 make sure that the question that I had ask -- the Solicitor
6 had objected prior to her ever responding.

7 THE COURT: I sustained his objection. And I'm gonna
8 tell you one more time.

9 MR. ATWATER: Yes, Your Honor.

10 THE COURT: Do not argue with these witnesses.

11 MR. ATWATER: Yes, Your Honor.

12 THE COURT: Now bring the jury back.

13 (JURY REENTERS COURTROOM AT 03:02 PM.)

14 THE COURT: All right. Proceed.

15 MR. ATWATER: Thank you, Your Honor.

16 CROSS EXAMINATION, CON'T

17 JUDY ASHDOWN BY MR. ATWATER:

18 Q. Ms. Ashdown, presently today, is there any other video
19 evidence of the incidents on August 9th, 2010 other than
20 what you have provided to law enforcement?

21 A. No.

22 Q. Thank you. That's all I have.

23 MR. SPRINGS: Nothing further.

24 Thank you, Ms. Ashdown.

25 (WITNESS LEAVING WITNESS STAND.)

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 MR. SPRINGS: We call Marcella Talford.

2 (WHEREUPON: MARCELLA TALFORD,
3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 DIRECT EXAMINATION

5 MARCELLA TALFORD BY MR. SPRINGS:

6 Q. You nervous?

7 A. Yes.

8 Q. Try not to be nervous. Tell us your name, ma'am, and
9 speak up nice and loud so we all hear you. We have to hear
10 what you have to say okay.

11 A. Marcella Talford.

12 Q. Ms. Talford, where do you work?

13 A. At the One Stop on Albright Road.

14 Q. Okay.

15 Q. Okay. And were you working there -- I'm sorry. What
16 -- what -- what do you do? What's your job there at the
17 One Stop?

18 A. Cashier.

19 Q. Okay. Were you working at the One Stop store on
20 Albright Road around 3:30 on the afternoon of August 9th of
21 last year?

22 A. Yes.

23 Q. Were you the only clerk on duty working in the store
24 at that time?

25 A. Yes.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. Around 3:30 that afternoon, did something bad happen?

2 A. Yes.

3 Q. What happened?

4 A. There was a -- we had a robbery.

5 Q. And how many robbers were there?

6 A. Just one.

7 Q. And was the robber a man or was it a woman?

8 A. A woman.

9 Q. Did the woman have a weapon when she robbed you?

10 A. Yes.

11 Q. So it was an armed robbery?

12 A. It was an armed robbery.

13 Q. What kind of weapon did the woman have when she robbed
14 you?

15 A. A gun.

16 Q. Okay. Was it a rifle or a hand gun?

17 A. A hand gun.

18 Q. All right. And was the woman robber wearing any kind
19 of a mask over her face?

20 A. No.

21 Q. And did the woman robber ever point a hand gun at you?

22 A. Yes, she did.

23 Q. Pointing it at your body?

24 A. Yes.

25 Q. Now, where were you standing in the store when the

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 woman robber pointed the gun at your body?

2 A. I was standing at the register -- at the cash
3 register.

4 Q. Behind the register?

5 A. Behind the register.

6 Q. Where -- Where clerks check people out?

7 A. Uh-huh.

8 Q. And when the woman robber came up to the counter where
9 you were working were there other folks in the store at
10 that moment?

11 A. No.

12 Q. Just you and the robber?

13 A. Yes.

14 Q. When you saw the gun what -- what did you -- what did
15 you feel? What was your mental reaction when you saw that
16 gun?

17 A. I was scared, very scared.

18 Q. Did you actually say something when you saw a gun, a
19 woman pointing a gun at you? What's the first thing you
20 said when you saw that gun?

21 A. I ask her if she was serious.

22 Q. You said, are you serious?

23 A. Yes.

24 Q. What did the woman robber pointing the gun at your
25 body say? Do you remember what she said when she pointed

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 the gun at you and you went, are you serious?

2 A. Yes, she asked for the money.

3 Q. And have you been trained by the store management in
4 what to do if a robber comes up and points a gun at you?

5 A. Yes.

6 Q. What are you supposed to do with the money if you're
7 robbed?

8 A. Just take the -- Open the cash register and take the
9 drawer out and put it on counter.

10 Q. Okay. And did you do that?

11 A. Yes.

12 Q. Okay. And when the woman robber did that were you
13 still scared?

14 A. Yes.

15 Q. Did you know whether or not you were gonna get shot?

16 A. No, I did not.

17 Q. After you put the cash register drawer up -- Was there
18 cash money in the drawer?

19 A. Yes.

20 Q. Was the robber satisfied at that point?

21 A. No.

22 Q. Was that enough?

23 A. No.

24 Q. What did she say to indicate to you that isn't enough?

25 A. She asked where was the rest of it.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. Was there some more money back behind the counter?

2 A. Yes.

3 Q. Tell us about that. Where did the other money behind
4 the counter how did it get there and why was it not also in
5 the drawer? Do you understand what I'm saying?

6 A. Uh-huh.

7 Q. Tell us about that.

8 A. It was laying kinda to my right and then to my left in
9 an envelope. I was about to drop them into the safe
10 because we can't keep twenties in our register. So I was
11 about to put it into the safe. And I guess that's the
12 money that she was asking for.

13 Q. Okay. So, did you have some more money under the
14 counter and you get it for her?

15 A. Yes.

16 Q. Did you pull it out?

17 A. Yes.

18 Q. And your say it was in -- in an envelope?

19 A. Yes.

20 (WHEREUPON: STATE'S EXHIBIT NUMBER FIFTEEN PREMARKED
21 FOR IDENTIFICATION.)

22 MADAME COURT REPORTER: Fifteen, Mr. Springs.

23 BY MR. SPRINGS:

24 Q. Ms. Talford, look at what's inside this envelope
25 that's now been marked State's Exhibit Fifteen Pull that

MARCELLA TALFORD: DIRECT BY MR. SPRINGS
CROSS BY MR. ATWATER

1 thing out and tell the jury if you recognize it.

2 A. Yes. It's the envelope that the money was in.

3 Q. Okay. The drop money?

4 A. The drop money, yes.

5 Q. Okay. Go ahead and put it back in its envelope there.

6 MR. SPRINGS: Your Honor, we do offer State's Exhibit
7 Fifteen into evidence.

8 THE COURT: Any objection?

9 MR. ATWATER: If I could just ask one or two question
10 real quick, Your Honor.

11 THE COURT: Sure.

12 CROSS EXAMINATION

13 MARCELLA TALFORD BY MR. ATWATER:

14 Q. Ms. Talford, that envelope, do you know the number on
15 it?

16 A. Well, I just looked at it.

17 Q. Okay, did you see the number?

18 A. Yes.

19 Q. Before that did know the number on it?

20 A. No.

21 Q. How many of those envelopes are in the store at any
22 given time?

23 A. Maybe 100, 200.

24 Q. Okay. Do you way of saying here today that that's the
25 specific envelope that -- that -- that you -- you were

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 dealing with when you were handling it on that day?

2 A. No.

3 MR. ATWATER: Okay, Your Honor, I would object to its
4 admission.

5 THE COURT: Anything further from the State?

6 MR. SPRINGS: No, sir. Nothing further. I will
7 withdraw my offering of that into evidence and move on to
8 something ...

9 THE COURT: Okay.

10 MR. SPRINGS: Something a little different.

11 (WHEREUPON: STATE'S EXHIBIT SIXTEEN THROUGH TWENTY
12 PREMARKED FOR IDENTIFICATION.)

13 BY MR. SPRINGS:

14 Q. First of all, let me show you what's been marked
15 State's Exhibit Eighteen and Nineteen. Take a look at
16 those pictures. Do you recognize what those show?

17 A. Yes.

18 Q. What -- what all -- what place is that?

19 A. That's -- this is the store.

20 Q. Okay. Is that your checkout counter?

21 A. Yes. This is the counter.

22 Q. Is that an accurate picture of what it looked like
23 back then?

24 A. Yes.

25 Q. Okay. Both of 'em accurate pictures? Nothing phony

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 about 'em?

2 A. Yes, their marked what they look like.

3 Q. Okay. Let me check the number one more time.

4 MR. SPRINGS: These are pictures of the checkout,
5 States Nineteen and Eighteen, Your Honor, we do offer them
6 in to evidence.

7 MR. ATWATER: Without objection, Your Honor.

8 THE COURT: Entered without objection.

9 (WHEREUPON: STATE'S EXHIBIT NUMBER EIGHTEEN AND
10 NINETEEN IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)
11 BY MR. SPRINGS:

12 Q. Now --

13 MR. ATWATER: And, Your Honor, we'll stipulate that
14 those photos show the envelope that he prior offered.

15 Q. Well let's -- let's move on to State's Twenty Do you
16 recognize that counter?

17 A. Yes.

18 Q. Is that your counter there?

19 A. Yes.

20 Q. Okay. And State's Sixteen, is that your counter?

21 A. Yes.

22 Q. Does it show the cash drawer?

23 A. Yes.

24 Q. Does it show the little yellow envelope on the
25 counter?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 A. Yes.

2 Q. Okay. And the cash drawer, is it sitting there and
3 the little en -- yellow envelope that had money it, are
4 they sitting there the way the robber lady, robber left
5 'em?

6 A. Yes.

7 Q. Okay. And those are accurate pictures of the way that
8 it looked after the robber left the store?

9 A. Yes.

10 Q. Okay. And State's Exhibit Seventeen, do you recognize
11 what that is?

12 A. Yes. That's the envelope.

13 Q. Okay. The drop envelope.

14 A. On the counter, yes.

15 Q. Okay.

16 MR. SPRINGS: So, Your Honor, we do offer -- is that
17 an accurate picture of the drop envelope?

18 A. Yes.

19 MR. SPRINGS: We do offer State's Exhibit Seventeen
20 and Twenty and Sixteen at this time.

21 MR. ATWATER: No objection, Your Honor.

22 THE COURT: In without objection.

23 (WHEREUPON: STATE'S EXHIBITS SIXTEEN, SEVENTEEN AND
24 TWENTY IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

25 BY MR. SPRINGS:

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. So State's Exhibit Seventeen shows the drop envelope
2 where you reach down to get -- I guess it was twenties?

3 A. Yes, twenties.

4 Q. Okay. Were you scared?

5 A. Yes.

6 Q. Would you have given the store's money to the robber
7 if the gun hadn't been pointed at you?

8 A. If it hadn't been pointed at me?

9 Q. Right.

10 A. No.

11 Q. The gun, Ms. Talford, do you know the difference
12 between a revolver hand gun and an automatic pistol?

13 A. Yes.

14 Q. The gun that was pointed at you, which one was it a
15 revolver or an automatic?

16 A. It was an automatic.

17 Q. Do you remember what color it was?

18 A. I remember it being like a silver color or a dark
19 color, dark silver- gray.

20 Q. Okay. Bate money. Do you know what bate money is?

21 A. Yes.

22 Q. When you got your training as a clerk for One Stop did
23 they tell you about the bate money?

24 A. Yes.

25 Q. Did your cash drawer this day have any bate money in

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 it?

2 A. Yes it did.

3 Q. What -- what -- what bate money was it? Can you
4 describe it to the jury?

5 A. It was a Two Dollar bill that had our store's stamp on
6 it.

7 Q. Okay. The name of the store?

8 A. Yes.

9 Q. Okay. And the woman robber who was pointing the
10 silver automatic at you, did she take -- did she take the
11 cash money out of the drawer -- out of the tray?

12 A. Yes.

13 Q. When you put the drop money up in the yellow envelope
14 did she take that money?

15 A. Yes.

16 Q. After she got all the money, where did she go?

17 A. She left out of the store.

18 Q. After she left the store, what did you do?

19 A. I went behind -- went on the other side of counter and
20 locked the doors and came back and called the police.

21 Q. Okay. All right. And did you get a 911 operator on
22 the phone?

23 A. Yes.

24 Q. And did you tell the 911 operator what had happened?

25 A. Yes.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. I'm showing you the disc that's been marked State's
2 Exhibit Ten for identification. This is a CD disc. Do you
3 know what's on that?

4 A. The 911 call.

5 Q. Is it your 911 call?

6 A. Yes.

7 Q. I see some initials on it.

8 A. Yes.

9 Q. Whose initials are they?

10 A. Mine. My initials.

11 Q. Okay. You've heard the disc of your 911 call?

12 A. Yes.

13 Q. Is it a true and accurate recording of what you
14 yourself said to the operator - the 911 operator?

15 A. Yes.

16 Q. Is it totally accurate -- no -- no funny business
17 about it, nothing added or jazzed up, it's just the way it
18 was that you recall?

19 A. Yes.

20 Q. Okay. All right. True and accurate?

21 A. Yes.

22 MR. SPRINGS: Your Honor, we do offer the 911 call by
23 Ms. Talford, State's Exhibit Ten into evidence.

24 THE COURT: Any problem? Unless you got something
25 else I'm gonna recognize the prior objection, note the

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 prior objection.

2 MR. ATWATER: I do have further, based upon prior
3 testimony.

4 THE COURT: All right. Ladies and gentlemen of the
5 Jury, if you'll step out to your room. Go ahead and take
6 about ten minutes and let us handle this during your
7 absence.

8 (JURY EXITS COURTROOM AT 03:19 PM.)

9 THE COURT: All right.

10 MR. ATWATER: Thank you, Your Honor. Your Honor, the
11 State called, I think it was Mr. Merchant, Ralph Merchant,
12 who testified that he was the 911 Operations Manager for
13 the County. The State basically tried to lay a foundation
14 for the 911 tape as a business record. However, on cross
15 examination Mr. Merchant testified that it is not a
16 business, it is a government operation, that the records
17 they -- that they maintain are government records and that
18 they're not only public records but they're public records
19 that are governed -- the release of which are governed by
20 Statute.

21 He also went on to say that there are many times that
22 they can't be released and he informed the Court that in
23 regards to these particular two 911 calls he described how
24 the -- how the operation over which he has authority and
25 over which he works for takes calls and that is the County

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1 of PSAP. And as to the County PSAP he would be the proper
2 person to lay the foundation to present a 911 call that was
3 totally handled by the County PSAP for -- in -- in -- into
4 evidence. However, in this particular case, he very
5 candidly testified that both of these 911 calls came into
6 the County center and were transferred over to the City
7 PSAP. And acknowledged that the City PSAP is at the City
8 law enforcement center, that he has no control over it, he
9 is not the operations manager over it and he does not
10 maintain those records, and that he isn't the person who
11 would be competent to testify as to the -- the necessary
12 foundation for putting those into evidence, Your Honor.
13 So, for that purpose, we think that the foundation, that it
14 fails on foundation alone before it ever gets to the next
15 step and we would object to it being admitted for failure
16 to - -

17 THE COURT: I didn't understand that that way. I
18 thought, even though it was transferred over, he maintains
19 and keeps a record of whatever even was transferred over.
20 Am I wrong?

21 MR. ATWATER: Your Honor, he testified no, he does
22 not.

23 MR. SPRINGS: I would -- I've been doing this for
24 fourteen years, Judge Burch, and in this trial, the last
25 trial, it's the first time I've ever brought anybody from

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 911. I've always had eye-witness say that's me, that's my
2 voice. And the who, what and where of the dispatcher, it's
3 nothing. It's nothing. It's offered just for the context,
4 but not for the truth of the matter, but there was a big
5 deal last time about it so I brought over somebody from the
6 911 center to say this came out of the 911 center.

7 I'm offering it for the truth of Ms. Talford's words.
8 I would ask that you instruct the jury the who are you,
9 where are you, and what's the trouble is to be disregarded
10 by the jury. It's just to put context to her words. It's
11 not for the truth of the matter. Who cares about the
12 dispatcher? It's -- it's like a form that says age, and
13 she fills in her age. It means nothing. It's just for
14 context. The truth of the matter is her own words on the
15 disc and she said, this is exactly what I said and it's a
16 true and accurate recording of what I said. The dispatcher
17 is just to give it context.

18 MR. ATWATER: Your Honor, if I may, we care, for one,
19 whether or not Mr. Springs has ever had anyone object to
20 this before I don't know. But in the prior trial we most
21 certainly required that the 911 Operations Manager come in
22 and it was -- came -- and she did come in and testify. Not
23 this gentleman who was not identified to us, but the person
24 who he did identify was gonna be here today.

25 And Your Honor, he testified plainly and simply that

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1 when this thing goes over to the Rock Hill Police
2 Department it is theirs and he doesn't control any of their
3 records whatsoever. Even as a public record, Your Honor,
4 he does not -- he cannot lay the foundation.

5 THE COURT: Common sense tells me there's one CD
6 there. Correct? Or is there two?

7 MR. SPRINGS: There's one, and later the witness out
8 in the parking lot has his own 911 call CD.

9 THE COURT: My question was, and I understand what
10 you've argued, but this is for clarification. Did that
11 gentleman on the stand, does he have control to -- to keep
12 control and be able to make us a copy off what he has at
13 the County 911, or was this made partially by him and then
14 carried down to Rock Hill and added to by someone else, is
15 what I'm trying to ask.

16 MR. SPRINGS: I understand. This -- this came from
17 Ralph Merchant. His people answer the phone. His people
18 decided it needs to be passed on to EMS or whatever. But
19 his system, if I understand your question, his system kept
20 this. This came out of Ralph Merchant's 911 Emergency
21 Management System.

22 THE COURT: All right. That's all I wanted to know.
23 And I understood what you said. The objection is
24 overruled. It's in. Let's take a break.

25 (COURT IN RECESS AT 03:24 PM.)

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 (WHEREUPON: STATE'S EXHIBIT'S TWENTY-ONE THROUGH
2 THIRTY, PREMARKED FOR IDENTIFICATION.)

3 (BACK ON THE RECORD AT 03:40 PM.)

4 THE COURT: You may be seated.

5 All right.

6 (JURY REENTERS COURTROOM AT 03:42 PM.)

7 THE COURT: All right, you may continue.

8 MR. SPRINGS: We do offer into evidence, Your Honor,
9 State's Exhibit Ten, the 911 call made by Ms. Talford.

10 THE COURT: In subject to objection.

11 (WHEREUPON: STATE'S EXHIBIT NUMBER TEN IDENTIFIED AND
12 MARKED, ENTERED INTO EVIDENCE.)

13 (STATE'S EXHIBIT NUMBER TEN PUBLISHED TO THE JURY.)

14 BY MR. SPRINGS:

15 Q. Is that you calling the police?

16 A. Yes.

17 Q. You told the dispatcher there was a guy in the parking
18 lot after the robber left, and you told him you were
19 closed. What -- Was that a man or a woman, or...?

20 A. It was a man.

21 Q. Young man or old man?

22 A. It was an older guy.

23 Q. Okay. And did he stick around or did he leave?

24 A. I guess he left. I kinda pushed him -- not really
25 pushed him, but I told him we're closed, and he turned

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 around and left.

2 Q. Okay. Is he frequent? Is this somebody that comes to
3 the store occasionally, or somebody you've seen before as a
4 customer?

5 A. Yes.

6 Q. Elderly man?

7 A. Yes, elderly man.

8 Q. Okay. Black man or white man?

9 A. White man.

10 Q. Did -- Did the store security cameras make a movie of
11 the robbery?

12 A. Yes.

13 Q. Have you watched the movie that was made of the
14 robbery?

15 A. Yes.

16 Q. The movie that was made, the movie you saw later, is
17 it exactly the way you saw it with your own eyes?

18 A. Yes.

19 Q. The camera that is over your check out area, is it
20 black and white or color?

21 A. Black and white.

22 Q. Okay. Does it have some sound, some audio?

23 A. Yes.

24 Q. Okay. And the other cameras, are they black and white
25 or are they color?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 A. They're in color.

2 Q. So you've seen the movie and it's exactly the way you
3 saw and heard it that day?

4 A. Yes.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE
6 PREMARKED FOR IDENTIFICATION.)

7 Q. I'm showing you a disk, a DVD, that's been marked
8 State's Exhibit Thirty-One. Have you seen the movie on
9 this DVD before?

10 A. Yes.

11 Q. And is it the -- the video from the armed robbery on
12 August 9th?

13 A. Yes.

14 Q. And is it just the way you remember it with your own
15 eyes and ears?

16 A. Yes.

17 Q. Nothing funny about it. No phony bologna things
18 edited or taken away?

19 A. No.

20 Q. Okay.

21 MR. SPRINGS: Your Honor, we do offer into evidence
22 State's Exhibit Thirty-One.

23 MR. ATWATER: I have just a few questions, Your Honor.

24 CROSS EXAMINATION

25 MARCELLA TALFORD BY MR. ATWATER:

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. Ms. Talford, the -- the video that you have viewed,
2 you did not prepare that video did you?

3 A. No.

4 Q. And you didn't have any say whatsoever in what went --
5 what went onto the video. Right?

6 A. No.

7 Q. Okay. And you agree that it does not show all of the
8 views and the entire events that occurred at the store that
9 day. Correct?

10 A. No. It does not show -- it does not all nine cameras.

11 Q. Okay. It's only three cameras if I understand
12 correctly today.

13 A. Yes.

14 Q. Have you -- Have you seen the one that has three views
15 now?

16 A. Yes.

17 Q. Because before that you saw the one that had only two
18 views. Right?

19 A. Yes.

20 Q. Okay. So, you've had an opportunity to look at the
21 one that they've added an extra view to?

22 A. Yes.

23 Q. And you'll agree with me that that is only a partial
24 portrayal of everything that happened from what Ms. -- when
25 Ms. Dumas came in the door to when she left. Right?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 A. Yes.

2 MR. ATWATER: That's all I have for this witness, Your
3 Honor. Your Honor, we'd object that the video is not
4 accurately portray a fair portrayal of the incidents that
5 occurred in the store that day, in that it has been
6 controlled and redacted in a manner to which it does not --
7 it only shows limited views that have been chosen to be
8 produced and it doesn't show all the views that were
9 available.

10 THE COURT: I'll have to overrule the objection of
11 course on that cross examining of her on.

12 MR. ATWATER: Thank you.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE
14 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

15 DIRECT EXAMINATION - CON'T

16 MARCELLA TALFORD BY MR. SPRINGS:

17 Q. Can you seen the screen, Ms. Talford?

18 A. Yes.

19 Q. Apparently I don't know how to run this thing, Your
20 Honor.

21 (STATE'S EXHIBIT THIRTY-ONE PUBLISHED TO THE JURY AT
22 03:55 PM.)

23 Q. Is that another customer that just walked out?

24 A. Yes.

25 Q. Is that the robber?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 A. Yes.

2 Q. And that's you by the counter in the white colored
3 shirt?

4 A. Yes.

5 (STATE'S EXHIBIT THIRTY-ONE CONTINUED TO PLAY.)

6 Q. That little clip there, Ms. Talford, is that before
7 she got up to the counter to rob you?

8 A. Yes.

9 Q. Did she walk into your counter at that point?

10 A. Yes.

11 Q. Play the first one one more time.

12 (STATE'S EXHIBIT NUMBER THIRTY-ONE PUBLISHED TO THE
13 JURY.)

14 MR. SPRINGS: Bring up the lights please.

15 (COURTROOM LIGHTS TURNED BACK UP.)

16 BY MR. SPRINGS:

17 Q. So did the police get there pretty quick?

18 A. Yes.

19 Q. That blue uniform look pretty good?

20 A. Yes.

21 Q. Did you tell the officers who got there what had
22 happened?

23 A. Yes.

24 Q. Do you remember Officer Reid?

25 A. Yes.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. And later on did you talk to a detective?

2 A. Yes.

3 Q. Before we get into you talking to the detective, let's
4 cover one more thing.

5 (WHEREUPON: STATE'S EXHIBITS TWENTY-ONE THROUGH
6 TWENTY-SIX AND TWENTY-EIGHT THOUGH THIRTY PREMARKED FOR
7 IDENTIFICATION.)

8 Q. All right, there's State's Exhibit's Thirty and Twenty-
9 nine and Twenty-eight and Twenty-five, Twenty-six, Twenty-
10 two, Twenty-three and Twenty-four and Twenty-one. I'm
11 gonna ask you to look at all those, just quietly to
12 yourself, and after you've looked at each one just look up
13 and let me know I'm gonna ask you a question.

14 (WITNESS REVIEWING EXHIBITS.)

15 Q. Where were those photos pulled out of, where did they
16 come from?

17 A. They came from the video.

18 Q. Okay. Are they accurate photos of what you saw with
19 your own eyes?

20 A. Yes.

21 Q. Okay. And they're from the video we just saw?

22 A. Yes.

23 Q. Nothing phony about it?

24 A. No.

25 MR. SPRINGS: Your Honor, we do offer into evidence

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 State's Twenty-six, Twenty-two, Twenty-three, Twenty-four,
2 Twenty-one, Twenty-five, Twenty-eight, Thirty and Twenty-
3 nine.

4 MR. ATWATER: No objection, Your Honor.

5 THE COURT: Can I see them?

6 MR. ATWATER: E.B. --

7 THE COURT: That's fine.

8 MR. ATWATER: The Judge asked if he could see them.

9 THE COURT: If you're gonna show them that's fine.

10 MR. SPRINGS: Okay.

11 (WHEREUPON: STATE'S EXHIBITS TWENTY-ONE THROUGH
12 TWENTY-SIX, TWENTY-EIGHT THROUGH THIRTY IDENTIFIED AND
13 MARKED, ENTERED INTO EVIDENCE.)

14 (STATE'S EXHIBIT'S TWENTY-FIVE PUBLISHED TO THE JURY.)
15 BY MR. SPRINGS:

16 Q. This is State's Exhibit Twenty-five, and that person
17 over on the left side, is that the robber?

18 A. Yes.

19 Q. This is State's Exhibit Twenty-eight.

20 (STATE'S EXHIBIT TWENTY-EIGHT PUBLISHED TO THE JURY)

21 MR. SPRINGS: Over here, is this the robber over here
22 on the right?

23 A. Yes.

24 Q. What's in her hand right there?

25 (INDICATING TO EXHIBIT TWENTY-EIGHT).

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 A. That's the gun.

2 Q. State's Exhibit Thirty. I tell you what. These --
3 these come across so poorly with this machine we'll wait
4 and let the jury look at them later.

5 If you can bring the lights up.

6 (COURTROOM LIGHTS TURNED UP.)

7 Q. Okay. So you met with the detective?

8 A. Yes.

9 Q. And did the detective take a written statement from
10 you?

11 A. Yes.

12 Q. Was it real long and real detailed or just a quick
13 summary of what had happened?

14 A. Just a quick summary.

15 Q. Okay. And when you met with the detective was it
16 within a day of the robbery?

17 A. Yes.

18 Q. Okay. Did the detective show you a photo lineup?

19 A. Yes.

20 Q. When he showed you the photo lineup, did he tell you
21 what you were gonna see, or -- Do you remember what he told
22 you?

23 A. Just that he was gonna show me some photos.

24 Q. Okay. All right. And he showed you some photos.

25 A. Yes.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 Q. And did you recognize anybody in the photos?

2 A. Yes.

3 Q. Who -- What person did you recognize in the
4 photographs?

5 A. I recognized the person that had robbed me.

6 Q. Okay. All right. Did the detective tell you in
7 advance you're gonna see the person you robbed -- who
8 robbed you? Or did he just lay it down there and let you
9 decide what you were seeing?

10 A. He just put them down. He didn't tell me what I was
11 gonna be looking at.

12 Q. Okay.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO
14 PREMARKED FOR IDENTIFICATION.)

15 BY MR. SPRINGS:

16 Q. I'm showing you what's been marked State's Exhibit
17 Thirty-two. Is that the line up?

18 A. Yes.

19 Q. Okay. And did you put your initials on the person
20 that you recognized as -- as the woman who had robbed you?

21 A. Yes.

22 Q. Okay. And is that -- That's your handwriting and
23 initials right up there?

24 A. Yes.

25 Q. Okay. And it's dated August 10th. So he -- He showed

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 it to you the next day?

2 A. Uh-huh. The very next morning.

3 Q. All right.

4 MR. SPRINGS: We do offer State's Exhibit Thirty-two
5 into evidence, Your Honor.

6 MR. ATWATER: No objection, Your Honor.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO
8 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

9 MR. SPRINGS: And ask to publish it to the Jury.

10 THE COURT: All right.

11 MR. SPRINGS: Would you tell the jurors just pass this
12 around to each other then back to you, sir.

13 (STATE'S EXHIBIT NUMBER THIRTY-TWO PUBLISHED TO THE
14 JURY AT 04:20 PM.)

15 BY MR. SPRINGS:

16 Q. Ms. Talford, do you see in this room the woman that
17 came into the store and pointed a gun at you and robbed you
18 on August 10th of last year -- August 9th last year? Do
19 you see her?

20 A. Yes.

21 Q. Point her out if you see her in this courtroom.

22 A. She's Ms. Dumas.

23 Q. Let the record show she's pointing to the defendant,
24 Connie Dumas.

25 I beg the Court's indulgence one moment.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

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1 (PAUSE.)

2 BY MR. SPRINGS:

3 Q. Now Ms. Talford, before you got robbed, did the
4 robber, the Defendant, Connie Dumas, did she ask you to
5 change a Hundred Dollar bill?

6 A. No.

7 Q. Do you change money at the store for people that
8 aren't buying things?

9 A. Not a Hundred Dollar bill. Maybe a Twenty.

10 Q. Okay. All right. Now, if you would please, answer
11 any questions the defense attorney has for you.

12 MR. ATWATER: Do you know where that little yellow
13 envelop is?

14 MADAME COURT REPORTER: I think that was Number Ten,
15 Mr. Atwater. Just a minute. It was here a minute ago
16 because I picked it up and looked at it. It's not there.
17 It's yellow, it's a yellow envelop. It's gone.

18 MR. SPRINGS: The yellow envelop?

19 MADAME COURT REPORTER: Yes, sir.

20 MR. SPRINGS: I have it.

21 MADAME COURT REPORTER: Mr. Springs has it, Mr.
22 Atwater.

23 MR. SPRINGS: Number Fifteen.

24 CROSS EXAMINATION

25 MARCELLA TALFORD BY MR. ATWATER:

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. Ms. Talford, I'm showing you what's previously been
2 marked as State's Exhibit Number Fifteen, and I believe
3 this is what you identified as a drop envelope?

4 A. Yes.

5 Q. And if I understand your testimony correctly that
6 there was some money in this envelope that wasn't in the
7 cash drawer of the register?

8 A. Yes.

9 Q. Okay. And I believe you testified that it was laying
10 to my left in the envelope.

11 A. Yes.

12 Q. Okay. And that would have been laying to your left on
13 the counter top. Correct?

14 A. Yeah. I -- I guess. I can't remember exactly, but it
15 was on the counter. I just remember reaching to my left.

16 Q. Do -- Well do you remember saying at anytime before
17 when you were asked the same question that this was laying
18 up on the counter?

19 A. Yes.

20 Q. Okay. So at the time in question, it's your testimony
21 that this was laid up on counter and it had some money I
22 it. Right?

23 A. Yes.

24 Q. Okay. And how much money did it have in it?

25 A. About Sixty Dollars.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. Okay. And who put that money in there?

2 A. I did.

3 Q. And why did you put that money in there?

4 A. Because I was about to drop it into the safe.

5 Q. And where'd you get it from?

6 A. The customers.

7 Q. Okay. They gave it to you and you stuck it directly
8 into this envelope, or you took it from somewhere else and
9 stuck it in this envelope?

10 A. They gave it directly to me and I put it directly into
11 the envelope.

12 Q. Okay. So it never went into the cash drawer, is that
13 your testimony?

14 A. Yes.

15 Q. All right. Did all three of those twenties come from
16 the same customer, or had you just been sliding them into
17 it?

18 A. I believe I had one customer that gave me Forty and
19 another customer that gave me Twenty.

20 Q. Okay. And I believe your testimony was earlier that
21 you're not allowed to keep twenties in the cash drawer; is
22 that correct?

23 A. Exactly.

24 Q. All right. What are you supposed to do with them when
25 you get them?

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. We put them into the envelope and we put them in the
2 safe.

3 Q. Okay. Do you remember which one of the customers gave
4 you the twenties first; whether it was the person with the
5 Forty dollars or the person with the Twenty dollars?

6 A. No, I don't remember that.

7 Q. Okay. Do you remember what time frame there was
8 between those two different customers doing that?

9 A. Probably seconds.

10 Q. Okay. And I believe when you saw this video a couple
11 of minutes ago it showed a gentleman leaving the cash
12 register?

13 A. Yes.

14 Q. Okay. Was he one of those customers that did that?

15 A. Yes.

16 Q. Okay. When you're -- when you have this you're
17 supposed to take it and put it into a safe below. Correct?

18 A. Yes.

19 Q. Okay. What is the procedure you're supposed to do to
20 do that?

21 A. We put the money into the envelope and we put it into
22 the safe.

23 Q. You just drop it in?

24 A. Yes.

25 Q. Is it -- no -- no really difficult procedure. You

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 just take it, phist, it goes down. Right?

2 A. Yeah, we write the -- the -- the -- get the number of
3 it, write it down and then put it in the safe.

4 Q. That's this number?

5 (INDICATING TO EXHIBIT FIFTEEN.)

6 A. Yes.

7 Q. Okay. Now, and I believe your testimony was that Ms.
8 Dumas, you handed her this envelope?

9 A. Yes.

10 Q. And you testified she took the money out of there and
11 laid this back on the counter?

12 A. Yes.

13 Q. So she didn't -- She didn't just take the money and
14 walk out of the store. Your testimony is you handed her
15 this, she handled it, took the money out and laid it down
16 on the counter?

17 A. Yes.

18 Q. Okay. And then subsequent to that this was taken by
19 Officer Sullivan with the Rock Hill Police Department into
20 evidence. Correct?

21 A. I guess that's who took it.

22 Q. Okay.

23 A. I'm not sure.

24 Q. All right. Well, it's your understanding that it was
25 taken that day by the police.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. And then it was kept -- kept with the police.

3 A. Yes.

4 Q. Until the next time you saw it Mr. Springs had it.
5 Right?

6 A. Yes.

7 Q. Okay. And you don't know what else would have
8 happened to it in between that period of time or anything.
9 Right?

10 A. No.

11 Q. Now I'm gonna show you what's been marked as State's
12 Exhibit Nineteen, and ask if you'll -- if you'll look at
13 that. Does that State's Exhibit show the safe that you
14 drop that money into?

15 A. Yes.

16 Q. Is it the beige colored thing directly below the
17 register?

18 A. Yes.

19 Q. All right. And so, for you to drop that in there,
20 literally all you have to do is just take it and put it in
21 a slot?

22 A. Uh-huh. Just open the little door and stick it in.

23 Q. Drop it right in.

24 A. Yes.

25 Q. That's all there is to it. Right?

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. Uh-huh.

2 Q. Okay. Now I'm gonna -- I want you to look at State's
3 Exhibit Number Twenty. Now, you didn't take these
4 photographs. Correct?

5 A. Yes, that's correct.

6 Q. Okay. Somebody else took them?

7 A. Yes.

8 Q. All right. Look at -- look at what's been marked as
9 State's Exhibit Number Twenty for a moment. Do you see
10 somebody sitting down in the back of the -- that picture?

11 A. Yes.

12 Q. Do you know who that person is?

13 A. That's me.

14 Q. That's you?

15 A. Uh-huh.

16 Q. Okay. So when this photograph was taken, you were
17 there?

18 A. Yes.

19 Q. All right. Do you know who took these photos?

20 A. No.

21 Q. All right. Do -- Do you recall when Ms. Ashdown got
22 there?

23 A. No. I don't think -- I think I had already left by
24 the time she got there. I didn't see her that day.

25 Q. Kanisha Hayes came there that day. Right?

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. Janisha, yes.

2 Q. Janisha. Right?

3 A. Yes.

4 Q. After this incident?

5 A. Yes.

6 Q. She's another coworker?

7 A. Yes.

8 Q. Was she there when these photos were taken?

9 A. Yes.

10 Q. Okay. Was she there when Ms. Ashdown came?

11 A. I'm not sure. I had already left.

12 Q. You testified something about an elderly white man
13 that comes to the store on occasion.

14 A. Yes.

15 Q. And this is someone that -- that you recognized on
16 that date?

17 A. Yes.

18 Q. And had known that that to be a regular customer?

19 A. Well he wasn't a regular customer but I recognized him
20 from coming to the store like I would anybody else.

21 Q. Okay. Have you ever seen him since then?

22 A. Maybe a few times.

23 Q. Did you ever get his name and give it to your manager
24 or to the police or anything else?

25 A. I believe my manager asked him for his name and

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1 number, but I didn't no. Me personally? No.

2 Q. Okay. Well do you know whether your manager got his
3 name and number and gave it to the police or anybody?

4 A. I don't -- I don't know. You'd have to ask her. I'm
5 not sure.

6 Q. Okay. Which -- Which manager are we talking about?

7 A. Maria.

8 Q. Maria Young?

9 A. Uh-huh.

10 Q. So at least as far as you're concerned, this -- this
11 person was identified.

12 A. For me. I know that I saw him.

13 Q. Well what I'm saying is someone from your store got
14 his name and that information was available to be passed
15 on.

16 A. I'm not sure. You would have to ask her if she got
17 his name and gave it to them.

18 Q. Okay. But at least you've seen him -- you've seen him
19 since that time.

20 A. Uh-huh.

21 Q. Several times.

22 A. Not sev -- I mean, I might have seen him once or twice
23 since then. I wouldn't say several times.

24 Q. Okay. It's been about nine months since that
25 incident.

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1 A. Yes.

2 Q. And you've only seen him once or twice since then?

3 A. Yes.

4 Q. But before that he came in more often?

5 A. No. I recognized him like I would anybody else. I
6 mean just because he's coming -- he could come in, you
7 know, once in a blue moon and I would recognize him.

8 Q. All right. So on -- On August 9th, 2010, you were in
9 the store by yourself. Right?

10 A. Yes.

11 Q. Nobody was in the back office.

12 A. No.

13 Q. And there was another room -- When you walk in the
14 front door of the store there's another room over there to
15 the left that employees can go into. Right?

16 A. Yes.

17 Q. Okay. And nobody was in that room either. Correct?

18 A. No.

19 Q. And at the front of the store there's two entrances to
20 the store?

21 A. Yes.

22 Q. One on the Highway 72 side.

23 A. Yes.

24 Q. And one on the Saluda Road side.

25 A. Yes.

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1 Q. Okay. And which one of those entrances did Ms. -- did
2 Ms. Dumas come in that day?

3 A. I didn't see her when she came in.

4 Q. And which one of the entrances did she leave by?

5 A. She left out on the Saluda Road side.

6 Q. Okay. Now, at this store there are eight video
7 cameras in the public area?

8 A. Yes.

9 Q. And one video camera that's back in a storage area.
10 Right?

11 A. Yes.

12 Q. Okay. And you'll agree with me that those eight video
13 cameras pretty much can show when a person walks in the
14 front door and wherever they walk in the store, and all
15 over the place. Right?

16 A. Yes.

17 Q. Except for the bathroom?

18 A. Yes.

19 Q. Right? Okay. Do you know how long Ms. Dumas was in
20 the store that day?

21 A. No, I don't.

22 Q. Do you know where she was in the store that day?

23 A. No, I don't.

24 Q. If we were able to see all of the video from the time
25 Ms. Dumas came in the front door until the time she left,

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1 we could see what entrance she came in. Correct?

2 A. Yes.

3 Q. And we could see where she went to when she came in
4 and everywhere she went while she was in there, and all the
5 way up until the point she left. Right?

6 A. Yes.

7 Q. Okay. You'll agree with me that system has the
8 ability to take that -- it does do that.

9 A. Yes.

10 Q. But that's not -- that hasn't been provided for us.
11 Correct?

12 A. No.

13 Q. And do you know why?

14 A. No, I don't make the tapes.

15 Q. Now there is on one of the videos we saw, the black
16 and white video, that -- that -- the camera for that black
17 and white video, if you were standing at the cash register,
18 right here where I'm standing with the cashier in front of
19 you, that camera is right up here to the left. Correct?

20 A. Yes.

21 Q. Okay. And that camera shoots down, across at an
22 angle; is that correct?

23 A. Yes.

24 Q. And across the cash register.

25 A. Yes.

1 Q. And on the left hand side of that cash register
2 there's these big old plastic display cases - - -

3 A. Yes.

4 Q. - - - that have stuff in 'em to sell. Is that where
5 the lottery tickets are?

6 A. No. We don't have any lottery. Those are cigars.

7 Q. Okay. You sell -- You got blunts in there and all
8 that kind of stuff?

9 A. Yes.

10 Q. Okay. So, that is the view that comes from that
11 camera. Correct?

12 A. Yes.

13 Q. All right. And there's another camera that is
14 directly behind you. Right?

15 A. Yes.

16 Q. And that shows basically the same view as the
17 photograph that's called State's Exhibit Nineteen. Right?

18 A. Yes.

19 Q. Okay. So, that camera view would show everything that
20 was happening from a direct angle behind your back. Right?

21 A. Yes.

22 Q. From -- from the -- for the whole time you were
23 working that day. Correct?

24 A. Yes.

25 Q. And we -- we don't have that video here do we?

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1 A. No.

2 Q. Do you know why?

3 A. No, I don't.

4 Q. And there is actually another camera when you walk in
5 the front door from the Saluda Road side that would catch
6 somebody coming in and would show a frontal view of you.

7 Correct?

8 A. Yes.

9 Q. All right. And that particular camera view would have
10 shown Ms. Dumas walking into the store wouldn't it?

11 A. If that's the side she came on -- came from.

12 Q. All right. I'm gonna show you what's been marked as
13 State's Exhibit Thirty. Will you agree with me that this
14 is a still photograph that was extracted from the video?

15 A. Yes.

16 Q. Okay. So this isn't something that somebody snapped a
17 picture of with a camera?

18 A. No.

19 Q. This was actually taken from the moving video?

20 A. Yes.

21 Q. All right. And it shows the cash register and shows
22 Ms. Dumas exiting the store. Correct?

23 A. Yes.

24 Q. All right. So that exact same camera would have also
25 shown her entering the store wouldn't it?

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1 A. Yes, it would have shown what side she came in on.

2 Q. It -- all right. And even if she entered on the
3 Albright Road side --

4 A. It would have shown her walking across.

5 Q. It would have shown her walking across there. Right?

6 A. Uh-huh.

7 Q. It would have shown whether she walked in and walked
8 up to the cash register first.

9 A. Yes.

10 Q. Or whether she walked in and went somewhere in the
11 store first. Right?

12 A. Yes.

13 Q. But we don't -- Even though we have a partial video
14 from that camera, we don't even have a video from that
15 camera that shows the whole time she was in the store do
16 we?

17 A. No.

18 Q. So someone who -- someone who provided the video
19 actually didn't give us the part to show when she came in
20 the store. Right?

21 A. I guess they didn't.

22 Q. Because no matter which entrance she came in, based
23 upon the video we saw, she would have had to cross this
24 camera wouldn't she?

25 A. Yes.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. Okay. And -- and -- And we don't have that here today
2 do we - - -

3 A. No.

4 Q. - - - for the jury to see? And do you know why that
5 is?

6 A. No.

7 Q. Now we saw one camera angle where Ms. Dumas was coming
8 from where the cold coolers wall is in the back. Right?

9 A. Yes.

10 Q. And she was walking across and she actually stopped at
11 the ice cream cooler. Correct?

12 A. Yes.

13 Q. We saw her do that. Right?

14 A. Yes.

15 Q. All right. That particular camera would have shown
16 her coming in and going back that way as well. Correct?

17 A. Yes.

18 Q. Okay. And we don't have that part of the video
19 footage do we?

20 A. No.

21 Q. Okay. Do you know why?

22 A. No, I don't.

23 Q. In this store, I've asked you able this camera.

24 (INDICATING TO EXHIBIT.)

25 Q. The camera there, and the camera there. Did I asked

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 you about the camera over here?

2 A. On the Albright Road side?

3 Q. Right. The one that points across the front.

4 A. No.

5 Q. Okay. That would have caught anybody walking in the
6 store too. Right?

7 A. Yes.

8 Q. And showed where they walked to, at least until they
9 got out of that camera's range.

10 A. Yes.

11 Q. And we don't have any video from that camera
12 whatsoever do we?

13 A. No.

14 Q. And it's not -- You'll agree with me that it's not
15 possible for someone to come in that store and not be
16 picked up by that camera for a period of time when they're
17 entering it for a period of time when they're leaving.
18 Right?

19 A. Yes.

20 Q. Okay. But -- and -- And you wouldn't know why we
21 won't have that video here today either would you?

22 A. No, I don't make the tape of the videos.

23 Q. Okay. Based upon the videos that we've -- we've seen
24 here today we know at least that there were six cameras
25 that no video has been presented here for today. Right?

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. And that for the three views that we did see only
3 portions have been taken out of that. We -- we don't -- we
4 haven't seen the whole time Ms. Dumas was in the store did
5 we?

6 A. No.

7 Q. And you'll agree with me Ms. Dumas would not have any
8 control over that whatsoever would she?

9 A. No.

10 Q. So you'll agree with me. Right?

11 A. Yeah, I agree.

12 Q. Okay. Now, on -- on -- on the video, the three views
13 we saw today, the third one that was made available to the
14 day showed a black gentleman leaving the cash register.
15 Did you see that?

16 A. Yes.

17 Q. Okay. And before when we only had the two views,
18 that's the one we didn't have. Correct?

19 A. Yes.

20 Q. All right. Do you know who that person was?

21 A. No.

22 Q. Okay. Do you know whether or not anyone has ever made
23 an attempt to identify who that person was?

24 A. No. I don't know.

25 Q. Okay. But you'll agree with me he was in the store

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 while Ms. Dumas was in the store. Right?

2 A. Yes.

3 Q. Okay. All right prior to you coming here today, you
4 and I met before didn't we?

5 A. Yes.

6 Q. And I actually came to the store on one occasion and I
7 had some photographs, some of which are in evidence here
8 now. Right?

9 A. Yes.

10 Q. And I walked into the door and you were standing up
11 near the cash register. Not right at it. Correct?

12 A. Yes.

13 Q. And I came up to you and I told you that I'm Attorney
14 Michael Atwater, and I have these photographs that had been
15 provided to me by the Solicitor, and I'd like to talk to
16 you about them a little bit. Correct?

17 A. Yes.

18 Q. All right. And you'll recall that you told me at that
19 time that you had been -- that you needed to speak to the
20 Solicitor before you could talk to me. Correct?

21 A. Yes.

22 Q. And I actually pulled out my cell phone and called him
23 for you didn't I?

24 A. Yes.

25 Q. Got him on the phone and handed you the phone.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. Okay, and on that -- on that occasion Mr. Springs told
3 you that you were free to speak to me if you wanted to.

4 Right?

5 A. Yes.

6 Q. And when he told you that, we shut the phone off.

7 Right?

8 A. Yes.

9 Q. And then I asked you would you speak to me about it.

10 Right?

11 A. Yes.

12 Q. And you told me you didn't want to. Correct?

13 A. Yes.

14 Q. You said you had no desire to have any discussion with
15 me whatsoever. Correct?

16 A. Yes, and we didn't talk.

17 Q. All right. Now, you've testified that Ms. Dumas
18 pulled a gun out of the back of her waistband haven't you?

19 A. Out of the back, yes.

20 Q. Okay. So it was your testimony that she reached
21 around to her back and pulled out a gun. Correct?

22 A. Well, I'm not sure she reached around -- she pulled a
23 gun out of the waistband of her pants. Whether it was the
24 side or the front or the back -- I may have said the back,
25 but it might have been the side and it may have been the

1 front.

2 Q. You're -- you're not gonna dispute that you've
3 actually given testimony that she pulled it out of the back
4 of her waistband are you?

5 A. No, I'm not gonna -- I may have said that.

6 Q. You did do that before. Right?

7 A. I may have said that.

8 Q. And when you watched these videos here, you didn't see
9 her reach around her back and pull anything out did you?

10 A. No, not from the back. Even from the video I'm not
11 sure if she pulled it out from the side or the front. I
12 didn't really see her hand go to the back no.

13 Q. Okay. And it was your testimony that when she stepped
14 up to the counter she pulled a gun and pointed it at you.

15 Correct?

16 A. Yes.

17 Q. All right. Now when Ms. Dumas came up to you at the
18 counter you had a conversation with her. And do you recall
19 her asking you where the rest of it was?

20 A. Yes.

21 Q. Okay. And what was your understanding she was
22 meaning?

23 A. She was robbing me. She wanted the rest of the money
24 since there was not a lot in the register.

25 Q. Okay.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. She asked me specifically where is the rest of it.
2 And I said that's it.

3 Q. Okay, but her -- your testimony is today and has been
4 that she said where is the rest of it. That was her --
5 that was her statement. Right?

6 A. Yes.

7 Q. Okay. Now you were asked by Solicitor Springs whether
8 or not you will give people change for bills. Right?

9 A. Yes.

10 Q. And I believe you said you won't do that for a Hundred
11 but you'll do it for a Twenty or something like that?

12 A. Yes.

13 Q. Okay. Now, what if someone comes in and wants to make
14 a purchase with a Hundred Dollar bill? They can do that,
15 can't they?

16 A. Yes, if it's a certain amount.

17 Q. Okay. And like if somebody wanted to come in -- let
18 me give you an example. Say I wanted to come in to your
19 store and you were there and I wanted to buy some gas for
20 my car and it was gonna be a cash purchase for my car.
21 Right?

22 A. Yes.

23 Q. I can hand you a Hundred Dollar bill and you would
24 authorize the pump. Right?

25 A. No. I would set your pump for however much you want

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 me to set your pump for.

2 Q. Okay. Well if I -- let's say I came in and told you I
3 want to fill it.

4 A. Uh-huh.

5 Q. Right?

6 A. And you handed me a hundred dollars?

7 Q. And I give you a hundred dollar bill. All right?

8 A. Okay.

9 Q. You'd authorize the pump. Correct?

10 A. No. I would set your pump for a Hundred Dollars and
11 then you'd get what's left.

12 Q. All right. So you -- you -- you authorize the pump
13 for a Hundred Dollars?

14 A. I would set the pump. It's not -- it's setting the
15 pump -- it's prepaying the pump. It's the same as if you
16 prepaid with a Ten. I would set the pump for Ten. If you
17 prepay with a Hundred, I set the pump for a Hundred.

18 Q. Okay. So, I would still have to go out and pump my
19 gas.

20 A. Yes.

21 Q. And you'd have my Hundred Dollar bill.

22 A. Yes. By that time I probably -- I would have probably
23 already put it in the safe. As soon as we get a hundred we
24 drop it immediately into the safe.

25 Q. Okay. But you'd have it. Right?

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1 A. Yes.

2 Q. And then I'd go out there and get whatever gas I
3 needed. Might take Fifteen Dollars, might take Fifty
4 Dollars. Come back in and you'd give me the change from
5 that. Correct?

6 A. Yes.

7 Q. But for the period of time that I walked in the store
8 and told you what it was I wanted, you would have been
9 holding my Hundred Dollar bill. Right?

10 A. Why would I be holding your Hundred Dollar bill?

11 Q. Well you would have custody of it. Right?

12 A. After you pay for your gas, yes.

13 Q. When I gave it to you before I even pumped the gas.
14 Right?

15 A. When you pay for your gas, yes.

16 Q. Okay. You agree I would give it to you before I pump
17 the gas, don't you?

18 A. Yes.

19 Q. You don't want to argue about that do you?

20 A. No. You prepay.

21 Q. Okay. You wouldn't let me pump that gas out there
22 without having that Hundred Dollar bill in your possession
23 would you?

24 A. Yes.

25 Q. You would let me just come in - - -

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. No. I mean - - -

2 Q. - - - and say I want to fill up my car?

3 A. - - - I'm agreeing with you. That's right.

4 Q. You wouldn't let me do it though would you?

5 A. No.

6 Q. I'd have to give you cash. Right?

7 A. Yes.

8 Q. Okay. Normally when a person comes up and purchases
9 something in the store, a drink, a can, or anything like
10 that, they come up--they've got their purchase, they hand
11 it to you-- or they put it on there, you ring it up, they
12 pay you and they've got it. Right?

13 A. Yes.

14 Q. But in the sense of that pump transaction, they
15 haven't gotten anything yet, but you're holding their
16 money. Correct?

17 A. Yes.

18 Q. And did I understand you to say that before I was even
19 finished pumping my gas, you would have already dropped
20 that Hundred Dollar bill?

21 A. Yes.

22 Q. Into the safe?

23 A. Yes.

24 Q. So it wouldn't be there anymore. Right?

25 A. No.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. I wouldn't be able to walk back in and go, wait a
2 minute, can I have that back?

3 A. No.

4 Q. Okay. How would you handle that if I did -- if I just
5 decided I didn't want any gas anymore?

6 MR. SPRINGS: I'm gonna object to the relevance of
7 this. It's getting sort of --

8 MR. ATWATER: Your Honor --

9 MR. SPRINGS: I object to the relevance.

10 MR. ATWATER: I'm getting there. I'm laying the
11 foundation.

12 Q. How would you handle that?

13 A. If you wanted that hundred dollar bill back?

14 Q. No, if I just wanted my money back.

15 A. I would give you change for a hundred -- I would
16 change your hundred. I would have to get -- I would have
17 to get change.

18 Q. But you wouldn't be able to give me that Hundred
19 Dollar bill back, would you?

20 A. No.

21 Q. Okay. Now, isn't it true that on the day of this
22 accident Ms. Dumas came in to the store and she came up to
23 the counter and tried to get you to change a One Hundred
24 Dollar bill for her?

25 A. No.

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 Q. And you dispute that?

2 A. Yes.

3 Q. You saying she didn't come in and hand you one and ask
4 if you -- she -- you could change it and you told her that
5 you could only -- you could only do anything with that
6 Hundred Dollar bill if she made a purchase?

7 A. No. I did not. That never happened.

8 Q. Okay. But you'll agree with me somebody can walk in
9 with a Hundred Dollar bill and make a purchase can't they?

10 A. Yes.

11 Q. And is it your testimony that until the time that Ms.
12 Dumas walked up to the front of the register you hadn't
13 seen her in the store that day?

14 A. No. I said I didn't see her when she first came in.

15 Q. Okay. Did you see her after that?

16 A. When she came up to the counter, yes.

17 Q. Okay. How about any other time?

18 A. No. I didn't see her. I was -- I had other
19 customers.

20 Q. Now out of the video and the photos and everything
21 that have been put into evidence today, you didn't take any
22 of those videos did you?

23 A. No.

24 Q. And you didn't take any of the photos whatsoever.
25 Right?

MARCELLA TALFORD: CROSS BY MR. ATWATER

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1 A. No.

2 Q. Those were all done by somebody else?

3 A. Yes.

4 Q. Now, you were asked by Solicitor Springs if you gave a
5 -- a written statement to the police. Right?

6 A. Yes.

7 Q. And you told him that you did do that. Correct?

8 A. Yes.

9 Q. Okay. And in that statement that you gave was
10 handwritten. You wrote it yourself didn't you?

11 A. No. I did not hand write a statement.

12 Q. You didn't write any statement?

13 A. No.

14 Q. Did you sign one?

15 A. Yes.

16 Q. Okay.

17 A. As I was talking he typed what I said and I signed it
18 saying that that's what I said.

19 Q. Okay. The -- Now did I understand you to testify that
20 when -- when Solicitor Springs asked you whether or not you
21 would have given Ms. Dumas any money if she didn't have a
22 gun, you said you would not have, didn't you?

23 A. Yes.

24 Q. Okay. Isn't that in violation of what your -- your
25 company training is, that if somebody comes in and says

MARCELLA TALFORD: CROSS BY MR. ATWATER
REDIRECT BY MR. SPRINGS

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1 this is a robbery, you're supposed to just give them what
2 they ask for?

3 A. He asked me if she had not had a gun.

4 Q. I understand. What if she just came in and said I
5 want all the money in the register or I'm gonna hit you?

6 A. Is that a robbery?

7 Q. I don't know. I'm asking you what you would have
8 done.

9 A. I might ask her if she's serious like I did in the
10 video.

11 Q. Okay. And if she said yes, what would you do then?

12 A. Then I guess I would have given her the money, but I
13 mean, to me that's not a robbery.

14 Q. Please answer any questions that Mr. Springs has for
15 you at this time.

16 MR. SPRINGS: Very briefly.

17 REDIRECT EXAMINATION

18 MARCELLA TALFORD BY MR. SPRINGS:

19 Q. Ms. Talford, the defense attorney has asked you over
20 and over and over and over and over again about the six
21 cameras that weren't saved and put on the video we saw.

22 A. Yes.

23 Q. When you got robbed, were you robbed by Ms. Dumas in
24 the far aisle of the store over to the side of the store?

25 A. No.

MARCELLA TALFORD: REDIRECT BY MR. SPRINGS
RECROSS BY MR. ATWATER

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1 Q. When you got robbed, was she standing in the back
2 storage room where the other camera is?

3 A. No.

4 Q. Well how about the front door? Was she standing in
5 the front door when she robbed you?

6 A. No.

7 Q. The movies we saw, those three cameras, did they show
8 you getting robbed?

9 A. Yes.

10 Q. That's all I have. Thank you.

11 RECROSS EXAMINATION

12 MARCELLA TALFORD BY MR. ATWATER:

13 Q. Ms. Talford, out of the three videos we saw, you'll
14 agree with me that one of 'em shows nothing more than Ms.
15 Dumas walking down an aisle. Right?

16 A. Yes.

17 Q. Okay. Well you weren't getting robbed then, were you?

18 A. No.

19 Q. That's all I have.

20 MR. SPRINGS: Nothing further.

21 Thank you, Ms. Talford. You can come on down.

22 (WITNESS LEAVING WITNESS STAND.)

23 MR. SPRINGS: Mr. Bailiff, would you ask Stephen
24 Sinclair to come in.

25 Mr. Sinclair, good afternoon. Come on up here, sir,

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 here's the Bible, if you'll raise your right hand and take
2 the oath.

3 (WHEREUPON: STEPHEN
4 SINCLAIR, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
5 FOLLOWS:)

6 MADAME COURT REPORTER: Mr. Sinclair, let that last
7 juror over in that jury box hear you.

8 MR. SINCLAIR: All right. Thank you.

9 DIRECT EXAMINATION

10 STEPHEN SINCLAIR BY MR. SPRINGS:

11 Q. Mr. Sinclair speak up nice and loud. Sort of hold the
12 mic up so it picks up what you're saying. Tell the Jury
13 your name, sir.

14 A. Stephen Sinclair.

15 Q. Mr. Sinclair, I want to ask you about things that
16 happened at the One Stop Food Store on Albright Road on
17 August the 9th of last year. Were you at the One Stop Food
18 Store on the afternoon of August the 9th of last year?

19 A. Yes.

20 Q. Okay. Had you ever been to that store before?

21 A. Yes.

22 Q. That afternoon, about 3:30, were you at the store?

23 A. Yes.

24 Q. Now what was going on in your life that day? First of
25 all, it's August the 9th. What does that mean to Stephen

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 Sinclair?

2 A. That would be my birthday.

3 Q. Okay. And do you have children?

4 A. Yes.

5 Q. And are you and your ex separated?

6 A. Correct.

7 Q. Okay. What were you doing about 3:30 in regards to
8 your kids?

9 A. I had pulled up to the store and was waiting for my
10 ex-wife to arrive to transfer the kids. We had just went
11 in the store and come back out.

12 Q. Okay. All right. And while -- Did you yourself go in
13 the store briefly?

14 A. Yes, we did.

15 Q. Okay. Did you buy some -- With your kids?

16 A. Yes.

17 Q. And did you buy something?

18 A. Yes.

19 Q. And did you pull -- Did you use cash money or a credit
20 card when you bought something?

21 A. I used my cash.

22 Q. Okay. When you were paying for your purchase did you
23 notice anybody real interested in your cash?

24 A. Yes.

25 Q. And was it a man or a woman?

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 A. A black female.

2 Q. Okay. And describe how she seemed to be real
3 interested in your cash.

4 A. As I was standing there paying, going through my cash,
5 I had looked over and seen somebody looking over my
6 shoulder briefly and I looked back at them. They turned
7 their head and went the other way.

8 Q. Okay. And you paid for your purchase and go on out to
9 wait in the car?

10 A. Yes.

11 Q. Did you have a car or a truck or an SUV or what that
12 day?

13 A. I consider it my SUV.

14 Q. Okay.

15 A. Yes, sir.

16 Q. All right. So you and the kids are in the car?

17 A. Correct.

18 Q. And your waiting -- what, waiting on your ex to come
19 and pick them up?

20 A. Correct.

21 Q. Okay. And as you're out there in the car waiting on
22 the kids' mom to come and get the kids, did something --
23 did you see something unusual?

24 A. Yes I did. I watched a black lady walk out of the
25 store carrying a lot of cash and a pistol.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 Q. And had you seen her in the store before?

2 A. It was the same woman I recognized looking over my
3 shoulder.

4 Q. Okay. All right. Were you out of your vehicle or in
5 the vehicle when she came out?

6 A. Excuse me?

7 Q. Were you sitting in your vehicle or were you standing
8 outside when she came out of the store with the gun and the
9 money?

10 A. We were sitting in the car.

11 Q. Okay. And how -- At the closest point, she was to
12 you, about how far away was she with the gun and the cash?

13 A. Uh...

14 Q. I tell -- I tell you what, was she closer than me to
15 you?

16 A. Much closer.

17 Q. All right, as I come slowly towards you, you tell me
18 to stop when I get the distance that she was when she was
19 the closest. If that makes sense.

20 A. Okay.

21 Q. You tell me to stop when I get there.

22 (SOLICITOR WALKING TOWARD WITNESS.)

23 A. That's accurate.

24 Q. Okay. All right. And when you saw somebody come out
25 of the convenience store with a gun in one hand and cash

1 money in the other, what did you think had happened?

2 A. I knew the store had been robbed at gun point.

3 Q. Okay. Let me show you what's been marked as State's
4 Exhibit Six for identification, and State's Exhibit Three.
5 Do you recognize what's shown in those photos?

6 A. Yes.

7 Q. And do these photos -- Is that the store? Is that the
8 One Stop?

9 A. Yes, that is.

10 Q. Does it kind of show where you were parked that day?

11 A. Yes, it does.

12 Q. Which -- which one of the two?

13 A. This one here shows my truck.

14 Q. It -- does it actually --

15 A. This is my SUV in the picture.

16 Q. It's actually in the picture. Okay. All right. And
17 that's State's Exhibit Six. And let's put it on this
18 projector real quick.

19 MR. SPRINGS: It's temperamental; give it a minute.

20 Okay, could you dim the lights, please?

21 Mr. Bailiff, is there a pointer behind this thing?

22 Okay. All right. Let's see if I can do this.

23 Q. Mr. Sinclair, a minute ago, you indicated to me that
24 this is your vehicle here; is that right?

25 A. That is correct.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 Q. Okay. And this looks like it's more of the front of
2 the store.

3 A. She walked out the door that is open.

4 Q. Over here?

5 A. Yeah. There's a door right there in the opening. The
6 door was held open.

7 Q. And came this way?

8 A. Walked right in front of my truck.

9 Q. Okay.

10 A. Right down by the side of the building.

11 Q. Okay. Did she turn the corner of the building?

12 A. No. In -- In the other photo is a blue Allied Waste
13 dumpster.

14 Q. Yes.

15 A. Her car is was parked in front of it.

16 Q. Okay. Let's get that out. State's Exhibit Number
17 One. Let's see... It's grainy on this system. Is that
18 the dumpster there?

19 A. Yes it is.

20 Q. Okay. And this is the side of the convenience store?

21 A. Correct.

22 Q. Okay. So, looks -- Looks like her car wasn't too far
23 from where you were.

24 A. That is correct.

25 MR. SPRINGS: Could you bring the lights up please.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 Q. And did you get a look at the car?

2 A. Yes, I did.

3 Q. And did she get in the car and leave?

4 A. Yes, she did.

5 Q. Did you have a cell phone with you?

6 A. Yes.

7 Q. Did you call the police?

8 A. Yes.

9 Q. Did you dial 911?

10 A. Yes.

11 Q. Okay. And did you tell the 911 operator what you had
12 seen and -

13 A. Yes.

14 Q. Did you give them a description of the car?

15 A. Yes, I did.

16 Q. I don't know if this is the best picture we have, this
17 aerial photo that shows the store. There's a bank next to
18 the store. There are the pumps. Do you see 'em?

19 A. Yes.

20 Q. That looks like the dumpster there. So all -- She runs
21 around here?

22 A. And then straight to about here, goes straight out on
23 the road, comes down here, and then continues down 72
24 towards Chester.

25 Q. Okay. And you call the police on your cell phone?

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 A. Yes, I did.

2 Q. And have you heard the recording of your call to the
3 police?

4 A. Yes, I did.

5 Q. I'm showing you what's been marked as State's Exhibit
6 Eleven. Is that CD the recording of your call to the
7 police?

8 A. Yes, it is.

9 Q. And have you actually heard the disc?

10 A. Yes.

11 Q. Is it a true and accurate recording of what you told
12 the dispatcher?

13 A. Yes, it is.

14 Q. Nothing phony about it. Just what you told 'em.

15 A. Yes.

16 MR. SPRINGS: Your Honor, we do offer State's Exhibit
17 Eleven into evidence.

18 THE COURT: Subject to previous objection?

19 MR. ATWATER: Your Honor, I would assume that if I
20 cross him, I mean, all the same objections that I have to
21 the prior one if I need to cross him.

22 THE COURT: Noted, and you got any questions now, or
23 you want to -- are you ready to cross?

24 MR. ATWATER: If he's gonna play it now, I guess I
25 better ahead and ask him.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER
DIRECT BY MR. SPRINGS, CON'T

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1 THE COURT: Okay.

2 CROSS EXAMINATION

3 STEPHEN SINCLAIR BY MR. ATWATER:

4 Q. Mr. Sinclair, you did not prepare the CD that you've
5 just been shown. Correct?

6 A. That's correct.

7 Q. And is it -- Did I understand your testimony correctly
8 in saying that you have listened to it?

9 A. Yes, I have.

10 Q. When -- When did you do that?

11 A. About 3:30 this afternoon.

12 Q. Okay. Had you ever listened to it prior to that?

13 A. Not this recording. No.

14 Q. You had heard a different one before?

15 A. Yes.

16 Q. And it didn't sound the same as this one did it?

17 A. No, it did not.

18 Q. Okay. That's all I have.

19 MR. SPRINGS: I'd like to ask him a question or two
20 before I get back to offering it in.

21 DIRECT EXAMINATION - CON'T

22 STEPHEN SINCLAIR BY MR. SPRINGS:

23 Q. The one you heard before, was it defective and it had
24 you and the clerk's call talking at the same time?

25 A. Yes, that is correct.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS
CROSS BY MR. ATWATER

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1 Q. Okay. This one, does it have -- When you called was
2 it just you talking to 911?

3 A. Yes.

4 Q. Is this one accurate the way the conversation went and
5 what you told 911?

6 A. Yes, it is.

7 Q. So this one's actually more accurate than the -- the
8 mistaken one, the poor quality one you heard before?

9 A. Yes, it is.

10 MR. SPRINGS: Having said that, Your Honor, we do
11 offer State's Exhibit Eleven into evidence.

12 MR. ATWATER: Just one follow up question, Your Honor.

13 CROSS EXAMINATION

14 STEPHEN SINCLAIR BY MR. ATWATER:

15 Q. Mr. Sinclair, this is the second one -- CD that you've
16 listened to. Correct?

17 A. That is correct.

18 Q. And it's been changed from the first one. Right?

19 A. Yes.

20 MR. SPRINGS: We offer into evidence at this time.

21 MR. ATWATER: With the same objections, Your Honor.

22 THE COURT: I'm going to allow it in subject to the
23 objection for the record.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER ELEVEN, IDENTIFIED
25 AND MARKED, ENTERED INTO EVIDENCE.)

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

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1 (STATE'S EXHIBIT NUMBER ELEVEN PUBLISHED TO THE JURY
2 AT 04:55 PM.)

3 BY MR. SPRINGS:

4 Q. Mr. Sinclair, how many jobs are you working these
5 days?

6 A. I work two.

7 Q. Let me ask you a personal question. Back when you
8 were a kid, did you get convicted of grand larceny for
9 breaking into a car?

10 A. Yes, I did.

11 Q. All right let's get back to August 9th of last year.
12 Did the police interview you about what you'd seen?

13 A. Yes.

14 Q. And did you write down in your own hand a statement, a
15 very brief statement of what you saw?

16 A. Yes.

17 Q. Okay. Now, before the police arrived or after the
18 police arrived did you and the clerk, you said in the call
19 that you saw the clerk in the store, I think, locking the
20 door?

21 A. Yes, I did.

22 Q. Did you and the clerk, before the police came, get
23 together and talk about what had happened?

24 A. No, we did not.

25 Q. Did you and the clerk, after the police arrived, get

STEPHEN SINCLAIR: DIRECT BY MR. SINCLAIR
CROSS BY MR. SINCLAIR

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1 together and talked about what had happened?

2 A. Very briefly.

3 Q. Okay. Tell us about that conversation. What did you
4 say to her?

5 A. I don't remember exactly. I just -- I talked to her
6 father more than anybody else.

7 Q. Okay. All right.

8 A. Yeah.

9 Q. And did the clerk tell you what to tell the police?

10 A. No.

11 Q. Did you tell the clerk what to tell the police?

12 A. No.

13 Q. Thank you, sir. If you would, answer any questions
14 that the defense attorney has for you.

15 CROSS EXAMINATION.

16 STEPHEN SINCLAIR BY MR. ATWATER:

17 Q. Mr. Sinclair, you -- you've actually given a statement
18 before in this case, haven't you?

19 A. Yes.

20 Q. And you provided that statement and wrote it in your
21 own handwriting, didn't you?

22 A. Yes, I did.

23 Q. Okay. And in that statement, you never wrote down
24 that -- that you were parked on the Saluda Road side of the
25 store, and that Ms. Dumas' car was parked down by the

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 dumpster, did you?

2 A. No.

3 Q. And in that -- and you -- and -- and you've actually
4 given some sworn testimony before. Right?

5 A. That is correct.

6 Q. And when you did that you never said any of those
7 things either, did you?

8 A. Nobody asked.

9 Q. Okay. And you didn't volunteer it, did you?

10 A. No.

11 Q. Okay. Now, the statement that you gave to the police
12 that you hand wrote, you indicated that you could not read
13 and write, didn't you?

14 A. Yes, I was in an accident.

15 Q. Okay. So that wasn't true, you can read and write.

16 A. That is correct.

17 Q. And on the day of this accident -- or on this
18 incident, if I understand your testimony correctly, you're
19 saying that you were inside the store at some time and
20 handling your money, and someone was look -- watching you
21 handle your money?

22 A. That is correct.

23 Q. Okay. Once again, you'll agree with me that you
24 didn't put that in your written statement, did you?

25 A. No, I did not.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 Q. And when you gave prior sworn testimony you never said
2 that either, did you?

3 A. No, I did not.

4 Q. As a matter of fact this is the first time you've ever
5 testified to that, isn't it?

6 A. Yes, it is.

7 Q. And it's -- it's -- it's -- Let me ask you this.

8 Where were you in the store when someone was watching you
9 handle your money?

10 A. I was paying. I was at the cash register.

11 Q. Okay.

12 A. I was paying.

13 Q. So it's your testimony that you were at the cash
14 register paying for your purchase?

15 A. That is correct.

16 Q. And that when you were at the cash register paying for
17 your purpose [sic] -- purchase, this other person was
18 standing close by you, watching you?

19 A. That is correct.

20 Q. Watching you handle your money.

21 A. Correct.

22 Q. What did you do, pull it out your pocket?

23 A. Yes, I did.

24 Q. And -- and -- and pay it to the clerk?

25 A. Yes I was.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 Q. You did that publicly. Right? You weren't doing it
2 secretively or anything. Right?

3 A. No.

4 Q. All right. And the person that you say was watching
5 you do that, where were they in relation to where you were?

6 A. To my left side, and behind me.

7 Q. Okay. So did you tell this to the law enforcement
8 that day?

9 A. No, I did not.

10 Q. Did you tell it to Ms. Talford that day?

11 A. No, I did not.

12 Q. Did you tell it to anybody that day?

13 A. No, I did not.

14 Q. Well, when is the first time you've told anybody about
15 this incident of somebody watching you handle your money?

16 A. That would have been prior to our last hearing.

17 Q. Okay. So, you told somebody on that date about
18 handling the money. Right?

19 A. Yes.

20 Q. But you didn't come in and testify to that?

21 A. No, I did not.

22 Q. Okay. And you will agree with me that if you would
23 have told somebody about that on the day of this incident,
24 they would have been able to pull the videos and
25 corroborate what you're saying. Correct?

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 A. Correct.

2 Q. So the fact that you've never bothered to tell anybody
3 of that until some time at least five months later, it
4 pretty much destroyed the ability for anybody to be able to
5 -- to go look at those videos and see if what you're saying
6 was true. Right?

7 A. I -- yeah. I would say so, yes.

8 Q. Okay.

9 A. Yes.

10 Q. Now, you say you were in the store there with your
11 children?

12 A. That is correct.

13 Q. And how many children did you have with you?

14 A. Two boys.

15 Q. Okay. And what were their ages at the time?

16 A. Five and seven.

17 Q. Okay. And you say that at -- at the -- at the -- at
18 the time that you saw this person come out of the store,
19 you were sitting in your vehicle?

20 A. That is correct.

21 Q. Okay and you were sitting in the driver's seat.

22 A. That is correct.

23 Q. With the door shut.

24 A. Correct.

25 Q. Windows up.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 A. Correct.

2 Q. And the two sons were in the vehicle with you.

3 A. Correct.

4 Q. And tell the jury where your sons were in the vehicle.

5 A. One was in the back seat and they were just moving
6 around. I believe at that point in time I really was not
7 paying attention to where the kids were at, other than
8 making sure that they were shielded and down. And they
9 both were.

10 Q. Before you saw anybody walk out of the One Stop and
11 you were sitting there with your sons -- by the way, that
12 testimony you just gave about them being shielded and down,
13 you've never said that before, either, have you?

14 A. Nobody asked.

15 Q. And you didn't put that in your statement either, did
16 you?

17 A. No, I did not.

18 Q. Okay. And it was your testimony that you were at the
19 One Stop parked on the Saluda Road side. Correct?

20 A. That's correct.

21 Q. Okay. I'm gonna show you what's been marked as
22 State's Exhibit Number Two and ask you if you'd look at
23 that for a moment.

24 (WITNESS VIEWING STATE'S EXHIBIT TWO.)

25 Q. Does that photograph show you the parking space that

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 you were sitting in that day?

2 A. Yes, it does.

3 Q. Okay. And can you identify the parking space that you
4 were sitting in that day - - -

5 A. Yes, I can.

6 Q. - - - in that photograph?

7 A. To the best of my memory.

8 Q. Okay. Which one?

9 A. The side of the white car here.

10 Q. Okay. I've found a better photograph.

11 MR. ATWATER: Your Honor, can the witness step down?

12 THE COURT: Sure.

13 (WITNESS LEFT WITNESS STAND.)

14 BY MR. ATWATER:

15 Q. Mr. Sinclair if you'll come over here, please. I'm
16 gonna show you what's been marked as State's Exhibit Number
17 Three. And if you can, please, indicate to the jury where
18 you say you were sitting at at the time that you saw this
19 person come out of the One Stop Store.

20 A. I believe it would be this parking spot.

21 Q. Okay. And do you see that pickup truck parked next
22 to it?

23 A. This one?

24 Q. Parked next to that spot, yes.

25 A. Yes.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 Q. Okay. Do you know when this photograph was taken?

2 A. No, I do not.

3 Q. Okay. What would your testimony be as to whether or
4 not that pick up truck was there at the time this happened?
5 Would it be fair to say you don't know?

6 A. I don't recall.

7 Q. Okay. That's fine. Take your seat back.

8 (WITNESS RETURNED TO WITNESS STAND.)

9 Q. Now the place that you testified that you saw the -- I
10 think you said it was a Corolla?

11 A. Correct.

12 Q. Okay. The place that you said you saw the Corolla
13 pull away from is not a marked parking space, is it?

14 A. That is correct.

15 Q. It's a -- It's on past the marked parking spaces on
16 the Saluda Road side. Correct?

17 A. Correct.

18 Q. And at the end of where all the marked parking spaces
19 are, there's an area that's got like a curb and it comes
20 out and goes around, and then goes back up against the
21 building. And then over there is where the blue dumpster
22 is. correct?

23 A. Correct.

24 Q. And that -- in between that curb there's -- there's
25 some plants planted there and everything is kinda low.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 A. Correct.

2 Q. All right. And that's where you testified you saw the
3 vehicle pull off from?

4 A. Correct.

5 Q. All right. Now I'm gonna show you two photographs.
6 One that's marked State's Exhibit Number Eight, and ask you
7 if you'll take a moment to take a look at that one.

8 (WITNESS VIEWING STATE'S EXHIBIT EIGHT.)

9 Q. Would that show the door that your -- you testified
10 you saw this person come out of?

11 A. Correct.

12 Q. All right. And, if I understand your testimony
13 correctly, in looking at this photograph, that person would
14 have walk -- come out of that door and walked in the
15 direction of the left of the photograph?

16 A. Towards the left in front of the newspapers.

17 Q. Okay. And -- and -- and down to where your vehicle
18 was?

19 A. Correct.

20 Q. All right. And your testimony was that it -- that
21 person walked passed the front of your vehicle?

22 A. Yes.

23 Q. All right. And do you see how this crime scene tape
24 is set up and it stops right there at the red magazine
25 stand?

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. It doesn't go any further down in the direction that
3 you're saying this person walked?

4 A. Correct.

5 Q. All right. I'm gonna show you what's been marked as
6 State's Exhibit Number Five. And if you'll look at that,
7 does that show the other side of the store over on the
8 Albright Road side?

9 A. Correct.

10 Q. And do you see that -- that police crime scene tape
11 there?

12 A. Yes.

13 Q. Okay. On that particular side of the store, will you
14 agree with me that the police crime scene tape runs all the
15 way down the length of that store, down the parking spaces
16 and ends at the end of that store?

17 A. Yes, it does.

18 Q. Okay. Mr. Sinclair, I want -- I may have asked you
19 this, but I -- I just want to make sure. The -- the
20 statement that you -- the written statement, you wrote it
21 out in your own hand writing.

22 A. Correct.

23 Q. Pretty much whatever was on it, you -- you -- you
24 filled it all out and wrote it yourself?

25 A. Correct.

STEPHEN SINCLAIR: CROSS BY MR. ATWATER

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1 Q. All right. Nobody made the statement for you?

2 A. No.

3 Q. Right? Nobody asked you to tell them, and prepared it
4 and then handed it back to you and said sign what I've
5 printed up here?

6 A. That's correct. Nobody.

7 Q. And now you say you saw the clerk lock the door to the
8 store?

9 A. Correct.

10 Q. Do you remember what you purchased that day?

11 A. No, I do not.

12 Q. Were your boys in the store with you?

13 A. Yes, it was something the kids wanted. Treats or
14 something.

15 Q. Where were they when you were making your purchase?

16 A. They were standing in front of me or they were beside
17 me.

18 Q. Where were they when you were talking to Ms. Talford
19 about what had happened?

20 A. They had already left.

21 Q. Okay. If I heard correctly on your call, you said I
22 just witnessed a robbery. Correct?

23 A. Correct.

24 Q. You didn't witness a robbery, did you? Did you see
25 somebody commit a robbery?

1 A. No, I did not.

2 Q. You never told the police officers that -- that --
3 that there was an elderly white man present on the day of
4 this?

5 A. I didn't know there was one.

6 Q. You never saw one, did you?

7 A. No.

8 Q. That's all I have. Thank you.

9 MR SPRINGS: Nothing further. Thank you, Mr.
10 Sinclair.

11 THE COURT: All right. It's after Five. 9:30 in the
12 morning?

13 MR SPRINGS: Very good.

14 THE COURT: Meet you back at 9:30. Please remember
15 all my instructions. Y'all have a good evening. See you
16 in the morning.

17 (JURY EXITS COURTROOM AT 05:13 PM.)

18 MR. ATWATER: Your Honor, for -- for planning purposes
19 for tomorrow, Kiara is basically in testing from 8:30 until
20 4:45 in the afternoon for Spanish and Biology testing. Can
21 we plan to have her testify at the end? I don't know where
22 the State will be at that -- in their case whatsoever, but
23 if -- if they need to call her out of order or call her
24 that, or something like that.

25 THE COURT: Well tell me, does she got any breaks?

1 MR. ATWATER: She has an exam from 8:30 to 10:00, an
2 exam from 10:30 to Noon. There is a break between Noon and
3 1:15.

4 MR. SPRINGS: I'm not gonna call her. I've changed my
5 mind. I'm not gonna ask her to testify against her mom.
6 I'm not gonna call her.

7 THE COURT: All right. We'll see y'all in the
8 morning.

9 (COURT IN RECESS AT 05:15 PM.)

10 (BACK ON THE RECORD WEDNESDAY, MAY 18, 2011 AT 09:40
11 AM.)

12 THE COURT: Thank you very much. You may be seated.
13 When I left here yesterday evening Probation and
14 Parole said they had a little quick matter they needed me
15 to do this morning.

16 MADAME COURT REPORTER: Barbara was here, Judge, and
17 she said she wanted to talk to you about something. I'm
18 sorry.

19 THE COURT: We'll work it in. Got all the jury here?

20 THE BAILIFF: They're back there, sir.

21 THE COURT: Everybody ready to go?

22 MR. SPRINGS: The State is ready.

23 THE COURT: Ready?

24 MR. ATWATER: Okay.

25 THE COURT: Bring them in.

JERRY WALDROP: DIRECT BY MR. SPRINGS

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1 (JURY REENTERING COURTROOM AT 09:42 AM.)

2 THE COURT: Good morning.

3 Solicitor.

4 MR. SPRINGS: We call Detective Jerry Waldrop.

5 (WHEREUPON: DETECTIVE JERRY

6 WALDROP, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS

7 FOLLOWS:)

8 DIRECT EXAMINATION

9 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

10 Q. Detective, let me get you to use that hand held mic so
11 that everyone in the courtroom hears what you have to say.

12 What is your name, sir.

13 A. Jerry W. Waldrop.

14 Q. What do you do for a living?

15 A. Rock Hill Police Department.

16 Q. Are you a detective?

17 A. Yes.

18 Q. How long have you been a law enforcement officer; all
19 together how many years?

20 A. Thirty-seven years.

21 Q. How long have you been a detective?

22 A. I been in plain clothes since 1982.

23 Q. Were you on duty working as a Rock Hill City detective
24 on the afternoon of August the 9th of 2010 around 3:30?

25 A. I was.

JERRY WALDROP: DIRECT BY MR. SPRINGS.

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1 Q. Where were you located about 3:30?

2 A. I was in the office at my desk.

3 Q. Okay. And did you hear a high priority call for help
4 regarding an armed robbery?

5 A. We have a tone system that they alert. I heard the
6 alert go off and stated paying attention to the radio.

7 Q. Okay.

8 A. They gave out an armed robbery possibly in progress.
9 The second transmission said that they had a witness that
10 saw a car leaving so I left the office.

11 Q. Okay. All right... So you had a car description?

12 A. That's correct.

13 Q. A pretty good car description?

14 A. Yes.

15 Q. Okay. And you had a location of where the armed
16 robbery was said to have occurred?

17 A. That's correct.

18 Q. The One Stop on Albright Road?

19 A. Saluda and Albright, that's correct.

20 Q. So did you get in your unmarked police car and go
21 right to the One Stop?

22 A. No I did not.

23 Q. Tell the jury why you didn't go right to where the
24 robbery had happened?

25 A. In my training and experience I have learned over the

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1 years that the best thing to do is let the closest cars
2 respond to the scene and I've always left out in the
3 direction that I thought they may be coming from. So I
4 left the office and went out Black Street, Fine Road out to
5 South Cherry Road to the Heckle Bypass area and was looking
6 for the car that would have - the car would have been
7 driven out is going south on 72. In my mind they had two
8 choices, they were either going to go Chester or they were
9 going to circle back and come back into South Rock Hill or
10 West Rock Hill by way of Ogden Falls Road or one of the
11 side roads coming back in.

12 Q. And did you see a car that exactly fit the
13 description?

14 A. After a few minutes I had weaved through the roads
15 back into the Ogden Road area. They gave out the
16 description of the car again and a possible tag number and
17 they were able to identify the tag as coming back to an
18 address on Robertson Road. I was only just a few blocks
19 from Robertson Road when they gave it out so I headed down
20 Robertson Road.

21 Q. Okay. When you saw the car was it at the address - -

22 A. That's correct. It was pulling out of the drive way
23 at Robertson Road.

24 Q. The car was pulling out of the house drive way onto
25 the road?

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1 A. That's correct. It was coming out of the drive way
2 and meeting me coming toward Ogden Road on Robertson Road.

3 Q. So common sense would tell you it had to have come off
4 the road, the highways, to get into the driveway to get to
5 the house.

6 A. That's correct.

7 Q. Would somebody in that car have been able to throw a
8 gun out of the car on the side - -

9 MR. ATWATER: Objection, Your Honor.

10 THE COURT: Over ruled. But that would suggest the
11 answer to be yes or no.

12 BY MR. SPRINGS:

13 Q. Let me ask you the question again. Could somebody in
14 that car have been able to throw a gun out on the side of
15 the road at some point?

16 A. At any point, that's correct.

17 Q. So you saw the car exactly matching the description as
18 it pulled out of the driveway?

19 A. That's correct.

20 Q. Did you immediately turn on blue lights and siren?

21 A. I did not. I made a U turn or a three point turn
22 around on Robertson Road got behind the vehicle called it
23 into dispatch to confirm the tag dispatch told me that it
24 was the tag that had two different variations of it but the
25 one they had run come back to Robertson Road. That was the

1 car. I stayed behind the car for a good little while
2 waiting for some of the backup cars or marked cars to get
3 to me. And when we turned on Neely Road past South Point
4 High School and got to Rawlsville, I think it's Rawlsville,
5 and Neely Road is when we activated the blue lights and
6 stopped the car.

7 Q. Okay. Let me ask you. Is an armed robbery one of the
8 most serious cases that police officers encounter?

9 A. That is.

10 Q. Is it one of the potentially deadliest cases police
11 officers - -

12 A. It is.

13 Q. Is there a way that police officers are trained and do
14 stop cars with suspected armed robbers?

15 A. It is. I would classify it as a felony car stop. And
16 everybody in the car is treated equally. They are ordered
17 to stay in the car until they are ordered out individually
18 and given specific instructions what to do, how to do it,
19 and when to do it as they exit the car.

20 Q. And when police officers approach a suspected armed
21 robbery vehicle are their guns holstered or are their guns
22 out?

23 A. They're drawn because we don't know what we're facing
24 when we approach the car.

25 Q. Okay. So did the car get stopped by you police

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1 officers?

2 A. It did.

3 Q. How many people were in the car?

4 A. Two.

5 Q. And did you police officers order the two people to
6 get out of the car?

7 A. We did.

8 Q. Was it two men, two women, what?

9 A. Two women.

10 Q. And did you later learn who the two women were?

11 A. That's correct.

12 Q. And did you later arrest one of the two women?

13 A. We did. We arrested - - -

14 Q. Who did - -

15 A. - - - the defendant Connie Dumas for the armed
16 robbery.

17 Q. Connie Dumas was one of the two people in the car?

18 A. That was the passenger.

19 Q. Okay. And did you learn the relationship that she had
20 with the other woman in the car?

21 A. That was her seventeen-year-old daughter.

22 Q. Okay. Do you recall her name? You may not but do
23 you?

24 A. Something Cara Boston or something.

25 Q. Okay.

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1 A. Not exactly.

2 Q. Okay. You get them out of the car. At gun point?

3 A. That's correct.

4 Q. Did you handcuff both of these women?

5 A. We did.

6 Q. Did you put them in police cars?

7 A. Separate police cars.

8 Q. Separate police cars. After Ms. Dumas was put into a
9 police car did you read her her Miranda Rights?

10 A. I did.

11 Q. Tell the jury exactly the Miranda Rights as you spoke
12 them to Ms. Dumas in the police car out there on the side
13 of the road.

14 A. The uniform officers had escorted her back and put her
15 in the back seat of one of the marked patrol cars. I went
16 back and opened the back door of the car and I said, "All
17 right, Connie, before I ask you anything you got a right to
18 remain silent, anything you say can and may be used against
19 you in a court of law. You have the right to have an
20 attorney present for your questioning, if you cannot afford
21 one one will be appointed for you by the courts at a later
22 date. You can stop answering any questions at any time you
23 so desire. Do you understand those rights?"

24 Q. Did she indicate to you whether or not she understood
25 her rights?

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1 A. She did. She said yes.

2 MR. SPRINGS: May I borrow the Court's Exhibit --

3 MADAME COURT REPORTER: This, Mr. Springs?

4 MR. SPRINGS: Yes.

5 MADAME COURT REPORTER: Yes, sir.

6 BY MR. SPRINGS:

7 Q. She actually spoke and said I understand my rights;
8 something to that effect?

9 A. She said yes.

10 Q. Okay. And then what did you say to -- Let me back up,
11 let me back up. You started to interview her after Miranda
12 Rights. She was handcuffed.

13 A. That's correct.

14 Q. But had anybody hit her or been mean to her?

15 A. Oh no. No, sir.

16 Q. Was she an English speaking person?

17 A. Yes.

18 Q. Did she seem to be able to speak English?

19 A. Yes.

20 Q. And understand English? Did she look injured, hurt or
21 sick in any way?

22 A. No, sir.

23 Q. Was anybody threatening her in any way either with a
24 gun or a fist balled up, anything like that?

25 A. No. By then everybody had re-holstered their guns and

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1 the stop was over with. I was in the back of the car
2 talking to her.

3 Q. Okay. Was she complaining in any way that I'm sick,
4 I'm hurt, I'm injured, I need to go to the hospital or
5 anything like that?

6 A. No, sir.

7 Q. Can - -

8 MR. ATWATER: Your Honor, excuse me one moment. May
9 me and counsel approach the bench?

10 (BENCH CONFERENCE AT 09:50 AM OFF THE RECORD OUT OF
11 THE HEARING OF THE JURY:)

12 BY MR. SPRINGS:

13 Q. Detective, you've got your notes with you and that's
14 fine but I want you to do this from memory unless you need
15 to refresh your memory and then you feel free to look at
16 your notes. Fair enough okay. Now no one was threatening
17 her and were you promising her anything to get her to talk
18 to you?

19 A. No, sir.

20 Q. Okay.

21 Q. So you gave her her Miranda Rights. She said yes I
22 understand my rights.

23 A. That's correct.

24 Q. What's the next question you ask her?

25 A. I ask her if she was just at the store at 72 and

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1 Saluda.

2 Q. And what did she say?

3 A. She said no.

4 Q. And then did she tell you something else about that
5 store?

6 A. I ask her - -

7 MR. ATWATER: Objection. Leading, Your Honor.

8 THE COURT: Rephrase your question.

9 BY MR. SPRINGS:

10 Q. What's the next thing she told you?

11 A. I ask her if she wanted to tell me the truth and she
12 said no I want to tell you my sister was at the store.

13 Q. And did you say anything in response to that? Do you
14 recall?

15 A. I did. I ask her who her sister was.

16 Q. And what did she say?

17 A. She told me her sister was Felicia Dumas.

18 Q. Okay. And did she say anything else about her sister
19 being there?

20 A. She told me she was at the store or I ask her if she
21 was at the store and she said yes. And I ask her if she
22 was driving her car.

23 Q. Are you talking about -- Make clear who you're talking
24 about. She, her sister?

25 A. Yes. I ask her if she was at the store.

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1 Q. She meaning?

2 A. The sister was at the store.

3 Driving her car?

4 And she said yes.

5 Q. Okay. Did she say anything else about her sister and
6 what she was doing?

7 A. I ask her who her sister was. Again she said Felicia
8 Dumas. And she reiterated again that the sister was at the
9 store driving her car.

10 Q. Now this was a robbery of money was it?

11 A. That's correct.

12 Q. Was it at that point that you had the understanding of
13 whether there was a weapon involved?

14 A. That's correct. We heard over the radio that the
15 perpetrator was armed with a handgun.

16 Q. So were you looking for money and a gun?

17 A. We were.

18 Q. Did you ask her about money and a gun?

19 A. I did.

20 Q. What did she say?

21 A. I ask her where's the gun and the money you took in
22 the robbery? Her response was, I didn't take any money
23 that's what I'm trying to tell you. I had a gun and it
24 fell out I don't have -- I don't have any money.

25 I ask her where did the gun fall out at and she said

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1 at the store.

2 Q. What else if anything did she say about the gun at the
3 store?

4 A. She said, the gun fell out, okay, and I took it back.
5 She put the money on the counter. She said to just take
6 it. I didn't ask for it and I was like okay I don't know.

7 Q. So at that point was it your understanding she was
8 then talking about herself and not - -

9 A. That's correct.

10 Q. Did you officers look in the car for money and a gun?

11 A. We did.

12 Q. Did you find a gun?

13 A. We did not find a gun.

14 Q. Did you find money?

15 A. We did.

16 Q. And did you look through the money and find anything
17 in the money that looked kind of unique?

18 A. When we were searching the car on the passenger side
19 door the door handle compartment were you slide your hand
20 in there was some folded up money stuck in that door
21 handle. In that door handle was Seven Dollars. One of
22 those bills was a Two Dollar bill that was stamped with a
23 stamp on the back that said One Stop.

24 MADAME COURT REPORTER: Thirty-three, Mr. Springs.

25 MR. SPRINGS: Thank you, ma'am.

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1 Q. Detective, I'm showing you what's been marked State's
2 Exhibit Thirty-three for identification. Do you recognize
3 that?

4 A. That's correct. That's the Two Dollar bill that was
5 collected from the car and has been in possession of the
6 Rock Hill Police Department since that day.

7 Q. What's the stamped wording on the back there?

8 A. I'll have to take it off. It says "One Stop, Number
9 121." And it has the place for a signature.

10 Q. All right. And you found that in Ms. Dumas' car?

11 A. That's correct on the passenger side inside the door.

12 MR. SPRINGS: Your Honor, we do offer State's Exhibit
13 Thirty-three into evidence at this time.

14 MR. ATWATER: No objection, Your Honor.

15 THE COURT: In without objection.

16 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-THREE
17 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

18 MR. SPRINGS: Ask to publish to the jury.

19 THE BAILIFF: Yes, sir.

20 MR. SPRINGS: Sir, let the jury pass this around and
21 let it go all the way around and back to you, sir.

22 (STATE'S EXHIBIT NUMBER THIRTY-THREE PUBLISHED TO THE
23 JURY AT 11:00 AM.)

24 BY MR. SPRINGS:

25 Q. Let's talk a minute about the seventeen year old

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1 daughter, Kiara Boston. You say you put her in another
2 police car?

3 A. We did.

4 Q. Did you ask her some questions?

5 A. I did.

6 Q. Don't tell us what she said that would be hearsay.

7 But tell us what you said. Tell us the questions you ask
8 Kiara Boston, the daughter.

9 MR. ATWATER: Your Honor, this is all hearsay. Every
10 bit of it.

11 MR. SPRINGS: I'm asking the detective what he said.

12 MR. ATWATER: Your Honor, its an out of court
13 statement and for the purposes of - -

14 THE COURT: Over ruled. You ask him what he said?

15 MR. SPRINGS: Yes.

16 THE COURT: Okay. Go ahead.

17 BY MR. SPRINGS:

18 Q. I want to know what you said. Don't tell me anything
19 that the daughter said. I want to know the questions
20 though that you ask the daughter. Tell us the questions
21 that you ask the daughter.

22 A. I ask her her name. I ask her how old she was. I ask
23 her where she was coming from, who the other person in the
24 car was, where they had been, where they were coming from.
25 And if the other person in the car had given her anything

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1 of if she had anything on her possession that came from the
2 other person.

3 Q. Okay. And did she - don't tell us what she said but
4 did she answer your questions?

5 A. She did.

6 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FOUR
7 PREMARKED FOR IDENTIFICATION.)

8 MR. SPRINGS: Thank you.

9 MADAME COURT REPORTER: Thirty-four, Mr. Springs.

10 MR. SPRINGS: Thank you.

11 Q. I'm showing you what's been marked State's Exhibit
12 Thirty-four for identification. Do you recognize that?

13 A. I do.

14 Q. Tell the jury what that is.

15 A. That is - Excuse me.

16 Q. You don't have to count it. Just tell us what that
17 is.

18 A. That's a picture of the money that was recovered after
19 the traffic stop and a picture of Connie Dumas' pocketbook.

20 Q. Is that a true and accurate picture of the money? The
21 money, was it in the purse?

22 A. Not in that purse no, sir.

23 Q. Where was the money?

24 A. It was in a calico purse recovered from the passenger
25 in the car or the driver of the car.

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1 Q. Okay... Was there any money in this purse?

2 A. There was. In the zipper open pocket right there in
3 front of the money. That's the reason this money was taken
4 with that purse to show that it was money in that purse
5 also.

6 Q. Okay. Now you said you had money in the door pocket?

7 A. That's correct.

8 Q. You had money in this purse?

9 A. Money in that purse.

10 Q. And you had money in another purse?

11 A. Money in the daughter that was driving the car's purse
12 that's correct.

13 Q. Is this a true and accurate picture of this purse and
14 this cash money?

15 A. It is.

16 Q. That was in the car that Ms. Dumas came out of?

17 A. That's correct.

18 MR. SPRINGS: Your Honor, we do offer State's Exhibit
19 Thirty-four into evidence.

20 THE COURT: Any objection?

21 MR. ATWATER: None, Your Honor.

22 THE COURT: In without objection.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FOUR

24 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

25 BY MR. SPRINGS:

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1 Q. At point you had done some investigation. Had you
2 learned some things?

3 A. That's correct.

4 Q. At that point pursuant to your investigation what did
5 you learn and figure out?

6 A. We had recovered the money; we had Ms. Dumas at the
7 law center. She had been brought to the law center after
8 the traffic stop. She was placed in an interview room, we
9 had talked to the daughter and after getting Ms. Dumas to
10 the law center she was read her Miranda Rights again and
11 she took a statement from her.

12 Q. Okay. Let's go back to the daughter. At that point
13 had you pretty much taken charge of this investigation as a
14 senior detective?

15 A. That's correct.

16 Q. At that point as the person who took charge of this
17 case did you think the daughter had anything to do with
18 robbing that store?

19 A. I did not.

20 Q. And at some point whether it out on the side of the
21 road, out at the police station; did you let the daughter
22 go?

23 A. Yes.

24 Q. So Ms. Dumas was brought down to the Rock Hill Police
25 Station?

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1 A. That's correct.

2 Q. And was she brought inside the police station?

3 A. She was. She was transported to the Law Center by
4 Officer Will Rivera in his police car. He was instructed
5 to bring her straight to the detective division and put her
6 in an interview room which he did. He stayed with her
7 until I arrived just a little while later at what time - -

8 Q. Tell us what's a little while later; tell us?

9 A. Fifteen minutes because he left the area before I did
10 and I told him to take her straight to the interview room and
11 he stayed with her until I got there.

12 Q. Okay. So you get to the interview room. How big is
13 an interview room? How big is this interview room?

14 A. Eight by twelve, somewhere in that neighborhood.

15 Q. What kind of furniture is in it?

16 A. One desk and three chairs.

17 Q. Okay.

18 A. And a computer.

19 Q. All right. Ms. Dumas is in there and she's still
20 handcuffed?

21 A. I think she was when I got in the room but she was
22 taken out of the handcuffs.

23 Q. And at that point had anybody roughed her up or had
24 she roughed anybody up? Had there been any physical
25 altercations of any kind?

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1 A. No, sir. No way.

2 Q. And was she complaining at that point of being sick,
3 injured, bleeding, needed a doctor, anything like that?

4 A. No, sir, not at all.

5 Q. And you had already talked to her some. Did she seem
6 to be reasonably intelligent?

7 A. She did.

8 Q. Did she seem to be in her right mind?

9 A. Yes, sir.

10 Q. So you get to the interview room and did you do a more
11 formal interview?

12 A. I did.

13 Q. Did you use a form?

14 A. I did. It's our Defendant Statement form.

15 Q. I'm showing you what's been marked State's Exhibit
16 Nine for identification. Do you recognize that form?

17 A. I do.

18 Q. And what is that form, sir?

19 A. That's our Defendant's Statement form. It's the form
20 that I filled out. I read her her Miranda Rights and we
21 carried on a short conversation. She was already
22 cooperating with the investigation so I told her to tell me
23 in her own words what happened and I would type it as she
24 told me.

25 Q. Okay. We're going to get to that in a minute but we

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1 gotta do this step by step. Tell us the Miranda Rights.

2 Did you give her her Miranda Rights all over again?

3 A. I did.

4 Q. Okay.

5 A. Yes, sir.

6 Q. And were you speaking them or did you say here read
7 these or were you doing both but what were you doing?

8 A. They were on the computer and I read them to her and
9 she acknowledged.

10 Q. All right. Tell us the rights you gave her in the
11 interview room before you started this interview.

12 A. "Before we ask you any questions you must understand
13 your rights. You have the right to remain silent anything
14 you say can be used against you in court. You have the
15 right to talk to an attorney for advice before we ask you
16 any questions to have him with you during questioning. You
17 have this right to the advice and presence of an attorney
18 even if you cannot afford to hire one. We have no way of
19 appointing you an attorney but one will be appointed by the
20 court for you if you wish. If you wish you may answer
21 questions without the presence of an attorney and you may
22 stop answering anytime you so desire until an attorney is
23 present."

24 Q. Okay. And did she indicate she understood those
25 rights?

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1 A. She did.

2 Q. Did she sign her name indicating I understand my
3 rights?

4 A. She did.

5 Q. Did you witness her signature?

6 A. I did.

7 Q. Were you being nice to her?

8 A. Yes, sir.

9 Q. No fussing and fighting?

10 A. No, sir.

11 Q. Continue on. What's the next thing the form says?

12 A. It says, "I have read or I have read or had read to
13 me the statement of my rights shown above. I understand
14 what my rights are and I am willing to make a statement. I
15 do not want an attorney at this time, I understand and know
16 what I am doing. I know that the person or persons talking
17 with me is a police officer and I understand what he's
18 talking about."

19 Q. Did she sign her name indicating she understood that
20 and acknowledged all of that?

21 A. She first acknowledged it verbally and then signed it
22 once the statement was printed.

23 Q. Okay. And is that the point when you start to
24 actually interviewing her and asking her - - -

25 A. That's correct.

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1 Q. - - - questions? Let me glance at that real quick.

2 Yeah that's when you start the interview. Okay. Did
3 you ask her to tell you what she had been doing that
4 afternoon?

5 A. I did. First I ask her some pertinent identification
6 questions which we filled out and then I ask her to tell me
7 in her own words what happened.

8 Q. Pertinent identification meaning date of birth and - -

9 A. Date of birth, social security, address.

10 Q. Okay.

11 A. Phone number.

12 Q. Then did you ask her to tell you what she had been
13 doing that afternoon?

14 A. I did.

15 Q. What did she tell you?

16 A. She said I left my house about Twelve something and
17 went to Family Trust. When I left the house I had a gun on
18 the seat of my car. When I went to Family Trust I put the
19 gun in the small of my back in the waste band of my pants.
20 I had the gun in my pants when I went to the One Stop. I
21 went inside and I put the gun on the counter told the clerk
22 to give me the money. She ask me if I was serious I told
23 her yes. She took the drawer out and set it down. I took
24 the money from the drawer and put it in my pants pocket and
25 I picked the gun up and left the store. I told the clerk I

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1 was sorry I needed the money because they were foreclosing
2 on our house. We were broke and my daughter needed to go
3 school shopping and I did not have any money. I am not
4 sure how much money I got but I gave the money to my
5 daughter she put it in her purse when I got home. After I
6 went home we left to go pick up my daughter's boyfriend and
7 that is when the police got behind us. She did not know
8 where the money came from.

9 Q. Talking about the daughter didn't know where the money
10 came from?

11 A. That's correct.

12 Q. And at that point were you still convinced the
13 daughter had nothing to do with this?

14 A. That's correct.

15 Q. What's the second page say?

16 A. The second page is what we call the Notary form.

17 Q. Uh-huh.

18 A. Read it?

19 Q. Sure.

20 A. "The person who appears before me one Connie Dumas who
21 deposes and says I make this statement of my own free will
22 and accord without reward or hope of reward. I have not
23 been mistreated or threatened in any way. All the above is
24 the truth the whole truth and nothing but the truth so help
25 me God. I have read or had read to me the above statement

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1 consisting of one page and have received a copy of the
2 same."

3 Q. And did she sign her signature there?

4 A. She did.

5 Q. So help me God, is that the sworn statement?

6 A. That's correct.

7 Q. And are you a notary public, sir?

8 A. I am.

9 Q. And did you notarize it?

10 A. I did.

11 Q. Did you put the date that she, Connie Dumas, signed
12 this thing?

13 A. August the 9th, 2010.

14 Q. Okay. And did you put the time that you signed off as
15 the notary taking the sworn statement?

16 A. 6:15 pm.

17 Q. Okay. Where did you get that time, what time piece?

18 A. From my watch.

19 Q. Is your watch exactly right or is it slow or fast?
20 Tell us about that.

21 A. I tried always to keep my watch five minutes fast
22 because I don't like being late for anything.

23 Q. So you put 6:15 on the form. What time was it really?

24 A. 6:10. Approximately 6:10. Its' according to who's
25 watch you're looking at.

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1 Q. And at that point was she then taken to a jail cell?

2 A. She had not.

3 Q. But after you got through, after you notarized her
4 signature, was she taken to a jail cell?

5 A. That's correct.

6 Q. And she been taken to a jail cell before that?

7 A. Not at all no, sir.

8 Q. So she came straight in off the street from the police
9 car to the interview room?

10 A. That's correct.

11 Q. And 6:15 -- I'm sorry. Real time 6:10 and then she's
12 taken to the jail cell?

13 A. That's correct.

14 Q. All right. Now did a forensic officer check the store
15 for fingerprints?

16 A. That's correct.

17 Q. Did they pick up any identifiable finger prints?

18 A. No finger prints were recovered.

19 Q. Identifiable quality prints - -

20 A. That's correct.

21 Q. Okay. Now, Detective, before Ms. Dumas told you that
22 she had gone to the Family Trust Bank did you have any clue
23 as to her having been at the Family Trust Bank that day
24 before the robbery?

25 A. No, sir, had no idea where she had been.

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1 Q. Okay. Are you familiar with the Family Trust Bank
2 though she's talking about?

3 A. I am.

4 Q. Let me show you what's been marked for identification
5 State's Exhibit - -

6 (WHEREUPON: STATE'S EXHIBIT NUMBER TWELVE, THIRTEEN
7 AND FOURTEEN PREMARKED FOR IDENTIFICATION.)

8 Q. All right, State's Exhibit Fourteen and Twelve and
9 Thirteen; do you recognize what's shown in those pictures?

10 A. One of them is the front of the Family Trust and two
11 of them are the drive up area of the Family Trust showing
12 the One Stop in the background.

13 Q. Okay. They true and accurate pictures of those of the
14 Family Trust Bank and the drive through?

15 A. As I know them yes it is.

16 Q. Okay. And do all three of them also show the store
17 next door?

18 A. They do.

19 Q. What store is next door?

20 A. That's the One Stop on 121.

21 Q. Are those true and accurate pictures of what that bank
22 looks like and the store being next door?

23 A. That's correct.

24 MR. SPRINGS: Your Honor, we do offer into evidence
25 State's Exhibit Fourteen and Twelve and Thirteen.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 MR. ATWATER: Without objection, Your Honor.

2 THE COURT: In without objection.

3 (WHEREUPON: STATE'S EXHIBITS NUMBER TWELVE, THIRTEEN
4 AND FOURTEEN IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

5 MR. SPRINGS: I beg the Court's indulgence for one
6 moment.

7 (PAUSE.)

8 MR. SPRINGS: Detective, thank you so much. Would you
9 please answer any questions the defense attorney has for
10 you.

11 DETECTIVE WALDROP: Thank you.

12 CROSS EXAMINATION

13 DETECTIVE JERRY WALDROP BY MR. ATWATER:

14 Q. Detective Waldrop, you've been referring to some notes
15 up there on the stand?

16 A. That's correct.

17 Q. May I see those please.

18 (WITNESS HANDS DEFENSE ATTORNEY PAPERWORK.)

19 Q. You will agree with me that you did not prepare these
20 notes won't you?

21 A. That's correct, I did not.

22 Q. You will agree with me somebody else prepared them and
23 gave them to you?

24 A. That's correct.

25 Q. So when you were reading from those notes you were

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1 reading from something that somebody else had prepared and
2 given to you. Correct?

3 A. It's a transcript of a recording; that's correct.

4 Q. And when you read from those notes when you were ask
5 the questions by the solicitor you read directly from your
6 notes instead of giving your own testimony from your own
7 memory. Correct?

8 A. Well I was referring to the notes but that is what
9 happened during the thing; that's correct.

10 Q. Yes, sir, but my question is rather than answer the
11 questions from your own memory you read the answers from
12 those notes. Correct?

13 A. That's correct.

14 Q. All right. Now, Detective, I believe you testified
15 that the Rock Hill Police Department has been in possession
16 of this ever since August 9th of 2010; is that your
17 testimony here today?

18 A. I signed that out of the evidence room. Where else
19 it's been I don't know. I signed it out to bring it up
20 here.

21 Q. Right.

22 A. That's correct.

23 Q. But you don't know whether it's been there the whole
24 time do you?

25 A. No I do not.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. As a matter of fact you know that money was given back
2 or money was given to the One Stop store after this don't
3 you?

4 A. That's correct.

5 Q. Okay. And who did that?

6 A. I think I did. I'm not real sure. I'd have to look
7 at the evidence log to see who signed it back to them but I
8 think I did.

9 Q. Okay. Did the evidence log show you whether or not
10 you took it or showed how much money you took out of that?

11 A. If I had it I could tell you yes, but I don't know
12 without looking at the log.

13 MR. ATWATER: Approach the witness, Your Honor?

14 THE COURT: Sure.

15 BY MR. ATWATER:

16 Q. Detective Waldrop, I'm gonna show you a document and
17 ask you to take a moment to review that document.

18 (WITNESS REVIEWING DOCUMENT.)

19 Q. Can you tell the jury what that document is?

20 A. That's the Rock Hill Police Department Property and
21 Evidence Inventory Log.

22 Q. Okay. And is it appear to be a true and correct copy
23 of the log that you know to be involved in this particular
24 case?

25 A. That's correct.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Okay. And does it have your initials or signature
2 anywhere on it?

3 A. It has my initials and my signature in four different
4 places.

5 Q. Okay. Does it show -- Does it give any amounts of
6 money on there?

7 A. It shows the Seven Dollars cash and Eighty-seven
8 Dollars cash.

9 Q. Okay. Is there anywhere on that document whatsoever
10 that it makes reference to a Two Dollar bill?

11 A. No it doesn't.

12 Q. So you'll agree with me that no where on that document
13 whatsoever on the inventory sheet does it make reference to
14 a Two Dollar bill?

15 A. No it doesn't.

16 Q. Okay.

17 MR. ATWATER: Your Honor, we ask that this be admitted
18 as Defendant's One.

19 THE COURT: Any objection?

20 MR. SPRINGS: No objection, Your Honor.

21 THE COURT: In without objection.

22 MADAME COURT REPORTER: Can I put it on the front?

23 MR. ATWATER: Yes, ma'am.

24 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER ONE IDENTIFIED
25 AND MARKED, ENTERED INTO EVIDENCE.)

JERRY WALDROP: CROSS BY MR. ATWATER

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1 MADAME COURT REPORTER: Thank you, Mr. Atwater.

2 MR. ATWATER: Yes, ma'am. Thank you.

3 And, Detective Waldrop, does this form indicate that
4 you returned all of that cash? You took all of that cash
5 to the One Stop store?

6 A. The labeled Item Number One and Item Number Two.

7 Q. Okay. What is Item Number One?

8 A. Item Number One is Seven Dollars cash.

9 Q. Okay. Let me ask you, in looking at what the state
10 has entered as State's Exhibit Number Thirty-Four, does
11 this document show what was -- what is evidenced in that
12 evidence log?

13 A. It shows the Eighty-seven Dollars that was taken from
14 the daughter's purse.

15 Q. Okay. Is it your testimony that that's the daughter's
16 purse in there?

17 A. No it is not.

18 Q. Okay. Do you know who's purse that is in there?

19 A. That's Connie Dumas' purse.

20 Q. Do you see any money in it?

21 A. Yes.

22 Q. What do you see there?

23 A. I can't tell you what that is but there was money in
24 that pocket that's open.

25 Q. Was that money taken into evidence?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. No it was not.

2 Q. So it's your testimony that you all took money from
3 her daughter out of her daughter's purse took it into
4 evidence and gave it to the One Stop; didn't take money out
5 of Connie's purse that you had right there with you ever.
6 Correct?

7 A. That's correct.

8 Q. Now in that photograph you don't see that Two Dollar
9 bill do you?

10 A. No, sir, it is not there. That's the Eighty-seven
11 coming from the daughter's purse.

12 Q. Well where was that picture taken at?

13 A. On the table in the detective's division.

14 Q. Where? The same place that you were when you had Ms.
15 Dumas?

16 A. Different room but in the same division.

17 Q. Same division down there at the Rock Hill Police
18 Department in the detective division?

19 A. That's correct, yes.

20 Q. Okay. So you had that money all down there at the
21 detective division. Right?

22 A. That's correct.

23 Q. Okay. And you had Connie's purse there. Right?

24 A. That's correct.

25 Q. And Connie's purse had money in it too didn't it?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. That's correct.

2 Q. You all had possession of it didn't you?

3 A. We did.

4 Q. Okay. But you didn't take that money whatsoever?

5 A. No, sir.

6 Q. And Connie's the one you're claiming robbed the store.
7 Right?

8 A. That's correct.

9 Q. And once again that picture there that you took in the
10 evidence room at the detective division does not show that
11 Two Dollar bill with that money does it?

12 A. No the picture of the Two Dollar bill was taken
13 earlier.

14 Q. That money, that Two Dollar bill, was not either in
15 the money that you see sitting there or in her purse pocket
16 as you can tell from that picture. Right?

17 A. No it is not.

18 Q. Okay.

19 MR. ATWATER: Your Honor, may I publish these to the
20 jury?

21 (DEFENDANT'S EXHIBIT NUMBER ONE AND STATE'S EXHIBIT
22 NUMBER THIRTY-FOUR PUBLISHED TO THE JURY AT AT 10:20 AM.)

23 BY MR. ATWATER:

24 Q. Now there is another document called and Evidence and
25 Inventory Sheet that has been provided to me by the State

JERRY WALDROP: CROSS BY MR. ATWATER

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1 in this case.

2 May I approach the witness, Your Honor.

3 THE COURT: Yes, sir.

4 BY MR. ATWATER:

5 Q. I'm going to ask if you will take a moment to look at
6 that.

7 (WITNESS REVIEWING DOCUMENT.)

8 A. That's a form provided by the York County Multi-
9 Jurisdictional Forensic Services Unit.

10 Q. Does that appear to be an evidence sheet related to
11 this case?

12 A. It would be.

13 Q. Okay. Do you see where it list items of evidence that
14 were taken into evidence by uh -- in this matter?

15 A. It's extremely light. I mean that's what the forensic
16 officer would have written out but I can't read everything
17 it says on it because its been copied so many times it's
18 real faint.

19 Q. I can only show you what the State provided me. Let
20 me ask you, you didn't make this document did you?

21 A. I did not.

22 Q. This was done by Detective Sullivan?

23 A. Forensic Officer Sullivan, that's correct.

24 Q. He's not a detective?

25 A. No.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER TWO PREMARKED
2 FOR IDENTIFICATION.)

3 Q. Detective Waldrop, I'm going to show you a photo and
4 ask you if you will take a moment to look at that.

5 A. Okay.

6 (WITNESS REVIEWING DOCUMENT.)

7 Q. Now do you recognize that photo?

8 A. That's the photo that was taken out on the street at
9 the traffic stop; that's correct.

10 Q. And is that photo depict a Two Dollar bill?

11 A. It does.

12 Q. Now do you know who's hands are in that photo?

13 A. I can't say specifically but I think I know who's they
14 are.

15 Q. Well who do you think they are?

16 A. I think their Detective David Hanako's hands.

17 Q. Okay. It's not -- Now Detective Hanako when to the
18 One Stop didn't he?

19 A. I don't know.

20 Q. Okay.

21 A. He was on the scene with me.

22 Q. All right.

23 A. On the traffic stop.

24 Q. All right. So you don't know whether he was ever over
25 at the One Stop as well?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. No. I don't think so.

2 Q. Do you know is my question?

3 A. No.

4 Q. All right.

5 A. But I know he was with me on Neely Road.

6 Q. Okay. He wasn't with you when you went back to the
7 detective division though. Right?

8 A. No he was not.

9 Q. He went somewhere else when you left the scene.
10 Right?

11 A. He probably went home.

12 Q. Do you know that to be a fact?

13 A. No.

14 Q. Okay.

15 A. He probably got off.

16 Q. And do you know what that Two Dollar bill is laying on
17 there?

18 A. It's laying on the trunk of a police car.

19 Q. A police car?

20 A. That's correct.

21 Q. That's not Ms. Dumas' car is it?

22 A. No.

23 Q. Okay. And would that be the Two Dollar bill the State
24 has put into evidence here today?

25 A. I would say it is due to the markings on it and in the

JERRY WALDROP: CROSS BY MR. ATWATER

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1 picture.

2 Q. All right.

3 MR. ATWATER: Can I have a moment, Your Honor.

4 (PAUSE.)

5 MR. ATWATER: Your Honor, I ask that this be admitted
6 as Defendant's Two.

7 MR. SPRINGS: No objection.

8 THE COURT: In without objection.

9 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER TWO IDENTIFIED
10 AND MARKED, ENTERED INTO EVIDENCE.)

11 BY MR. ATWATER:

12 Q. Now I believe it was your testimony that there was
13 another Seven Dollars somewhere?

14 A. Another Seven Dollars?

15 Q. Well there was another Seven Dollars somewhere.

16 A. That's correct.

17 Q. Okay. And that Seven Dollars doesn't appear in this
18 photo does it?

19 A. No it does not.

20 Q. And it doesn't appear in this photo does it?

21 A. That's the Two Dollar bill. I think if you look you
22 can see the rest of it right up there in the corner but
23 it's not in there.

24 Q. The rest of the Seven Dollars is that what you're
25 saying?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. Yeah. That was laying there on the trunk of the car
2 also but we were taking a picture of the Bate money that we
3 recovered from the car at the time.

4 Q. Okay. Now when was this Eighty-seven Dollar taken?

5 A. It was taken later at the law center from the
6 daughter's purse.

7 Q. So at the law center?

8 A. That's correct.

9 Q. You all had Kiara's purse down there?

10 A. Yes we did.

11 Q. And took this money out of it?

12 A. That's correct.

13 Q. What time was that when you all did that?

14 A. Given an exact time I can't tell you. I don't know.

15 Q. Okay. Did Kiara have her purse with her when -- the
16 calico purse with her when you all stopped her?

17 A. She did yes.

18 Q. Okay. Kiara was taken home and left there wasn't she?

19 A. She was taken home that's correct.

20 Q. And she was left there wasn't she?

21 A. For a while yes, sir.

22 Q. Without any police? I mean the police didn't stay
23 there at her house when she was left there did they?

24 A. For me to answer that yes, sir, there was police
25 officer's there.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Okay. Did they stay there at her house the whole time
2 she was there?

3 A. I think they did for she came to the law center later.
4 That's correct.

5 Q. Okay. And do you know that to be a fact or are you
6 just guessing that - -

7 A. That's an assumption on my part. - - -

8 Q. Okay.

9 A. - - - because they were there and left at a later time
10 and she came to the police station yes, sir.

11 Q. Okay. Now did the Rock Hill Police Department or the
12 York County Forensic Unit did not ever attempt to take any
13 prints off of that Two Dollar bill did they?

14 A. I can't answer that. Not to my knowledge they didn't.

15 Q. Well you've never seen any?

16 A. No.

17 Q. There aren't any in evidence in this case?

18 A. No, sir.

19 Q. Same thing to do with this cash?

20 A. That's correct.

21 Q. Nobody took prints off it or anything like that?

22 A. No, sir.

23 Q. I think you did testify they took prints off the
24 Saluda side door at the - -

25 A. No I didn't testify to that.

JERRY WALDROP: CROSS BY MR. ATWATER.

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1 Q. Well didn't Mr. Springs ask you whether or not - -

2 A. He ask me if the forensic services processed the
3 scene. I don't know what they processed. I know they
4 processed it and no fingerprints were recovered. I don't
5 know what specific areas; I wasn't there.

6 Q. Okay. But they didn't recover any of Ms. Dumas'
7 fingerprints and we don't have any of that here in the
8 trial. Rights?

9 A. That's correct.

10 Q. Now you testified that you read Ms. Dumas her Miranda
11 Rights at the scene.

12 A. That's correct.

13 Q. And then you say you did that some other time again
14 down at the police station down town in the detective
15 division?

16 A. That's correct.

17 Q. All right. And the Miranda Rights that you gave her
18 at the scene were different from the ones you gave her down
19 town weren't they?

20 A. The ones down town are worded different, more specific
21 and lengthier, that's correct.

22 Q. Okay. But the ones that you gave her at the scene you
23 told her that if she needed an attorney one would be
24 appointed for her at some later date. Right?

25 A. That's correct.

1 Q. Okay. And the ones at the police station you didn't
2 tell her, you didn't say that did you?

3 A. No - -

4 Q. You didn't use that language about it being done at
5 some later date.

6 A. Yeah. I mean that's what the statement says on there.
7 That they will be appointed by the court's at a later date
8 we have no way of appointing you one.

9 Q. You're saying that the statement says that they will
10 be appointed by the court at a later date?

11 A. The exact verbiage if you will let me see it I will
12 read it to you again.

13 Q. You got it right there.

14 A. Okay. It says, "You have the right to talk to an
15 attorney for advice before we ask you any questions and
16 have him with you during questioning. You have this right
17 to the advice and presence of a lawyer even if you cannot
18 afford to hire one we have no way of appointing you an
19 attorney but one will be appointed by the court if you
20 wish."

21 Q. Okay. It doesn't say anything about a later date does
22 it?

23 A. The verbiage is not the same that's exactly right.

24 Q. And the one you read her out on the scene also didn't
25 say anything about if you wish you may answer questions

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1 without the presence of an attorney.

2 A. The one I read her on the street said, "Connie, before
3 I ask you anything you got the right to remain silent
4 anything you say can and may be used against you in a court
5 of law. You have the right to have an attorney present for
6 questioning if you cannot afford one one will be appointed
7 for you by the court's at a later date. You can stop
8 answering questions at any time you so desire. Do you
9 understand those rights?"

10 Q. And did it say you have the right to -- you have this
11 right to the advice and presence of an attorney?"

12 A. No, sir, not exactly the same way.

13 Q. Well this one does.

14 A. Yeah that one does.

15 Q. Okay. Is there a reason for a difference in those
16 two?

17 A. Those were recited on the side of the road from
18 memory. This is a written statement that we read to
19 everybody before we take a statement the one you had.

20 Q. Now you did not take Ms. Dumas down to the Rock Hill
21 Police station did you?

22 A. I did not. I didn't transport her.

23 Q. And you weren't with her when she was transported down
24 there were you?

25 A. No, sir.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. And you weren't there when she got there either were
2 you?

3 A. No, sir.

4 Q. And there was a period of time that passed by before
5 you ever arrived wasn't there?

6 A. Probably fifteen to twenty minutes at the most.

7 That's correct.

8 Q. Okay. And so you can't testify from your own personal
9 knowledge and your own observation where she was during the
10 period of time before you got there can you?

11 A. I can tell you she was in the interview room when I go
12 there. That's where she was told to be taken to.

13 Q. Okay. But you can't tell me where she was until you
14 got there. Right?

15 A. That's correct.

16 Q. Nobody ever took any pictures of the money in the door
17 pocket of the car did they?

18 A. Yeah I think if you get the disc the pictures were
19 taken of the money in the car.

20 Q. Sitting in the door pocket of the car?

21 A. Yeah I'm pretty sure they were.

22 Q. Do you have that picture here today?

23 A. I don't. They would be in the possession -- I can't
24 say a hundred percent but I think they were yeah.

25 Q. All right. Now while you were in the interview room

JERRY WALDROP: CROSS BY MR. ATWATER

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1 that night or earlier in that day when you were talking to
2 Ms. Dumas isn't it true that she told you that she had a
3 shoulder injury and that she ask if her wrist could be put
4 -- her handcuffs could be put in the front instead of the
5 back?

6 A. No, sir.

7 Q. Okay.

8 A. Never heard that.

9 Q. You're saying she never told you about the car
10 accident that she had been in and the broken shoulder she
11 had had just a couple of months before that?

12 A. Never heard those words before now.

13 Q. And you testified that once you got into the interview
14 room she was cooperating?

15 A. That's correct.

16 Q. Okay. How was she cooperating? She wasn't there
17 voluntarily was she?

18 A. No she was not. She was under arrest.

19 Q. She didn't have the ability to leave did she?

20 A. No she was not.

21 Q. She couldn't call anybody could she?

22 A. No.

23 Q. Couldn't have a family member or a friend in there
24 with her?

25 A. No, sir.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. And by your testimony it was just you and her and
2 nobody else. Right?

3 A. That's correct.

4 Q. And so this statement that you've shown here it's a
5 typed written statement. Right?

6 A. That's correct.

7 Q. And all of the typing on here with the exception of
8 the Miranda verbiage you typed in there personally. Right?

9 A. That's correct.

10 Q. The statement or the information about her name and
11 her social security number and all that stuff you typed on
12 here?

13 A. That's correct.

14 Q. All right. And the statement starts with I left my
15 house and ends with where the money came from, all of that,
16 you entered all of that into there and printed it out with
17 this document. Right?

18 A. That's correct I did.

19 Q. Okay. So she wasn't -- she wasn't given a piece of
20 paper and a pen and -- Well you never gave her a piece of
21 paper and a pen did you?

22 A. No, sir.

23 Q. She wasn't given a piece of paper and a pen and said
24 write down whatever you want to write and then give it to
25 me was she?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. No, sir.

2 Q. Okay. Now this document right under where it has the
3 Miranda Rights is a witness signature right over here on
4 the left and that's your signature. Correct?

5 A. That's correct.

6 Q. And then right over here were it says, "I have had
7 read to me these rights" where there's a witness signature
8 that's your signature again isn't it?

9 A. That's correct.

10 Q. And then on the end of the document there appears a
11 witness signature again. Correct?

12 A. That's correct.

13 Q. And all of those witness signatures are yours?

14 A. That's correct.

15 Q. And all of them appear above what we call the jurat.
16 Correct.

17 A. That's correct.

18 Q. And the jurat is the notary certification. Correct?

19 A. That's correct.

20 Q. And its your testimony that you signed the notary
21 certification yourself.

22 A. That's correct.

23 Q. Okay. Did you have her raise her hand and put her
24 under oath?

25 A. Yes I did.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Okay. Does it say that on here anywhere?

2 A. Yeah right there at the top where it read ...

3 Q. You're saying that it says on here I had to raise her
4 hand and submitted her - -

5 A. Oh no. I mean that's the sworn affidavit that she's
6 swearing to this statement is true and correct. I've been
7 a notary for thirty-two years and I've notarized these
8 statements for thirty-two years and every one I've ever had
9 anybody to sign they raised their hand and I tell them this
10 is a sworn statement.

11 Q. Okay.

12 A. If I find out any way she lied on the statement she
13 could be charged with perjury.

14 Q. Sure. So right here - -

15 A. I swear her in to sign that thing.

16 Q. So right here where it says "Sworn and prescribed"
17 you're testifying is the notary that she was sworn and put
18 under oath. Correct?

19 A. That's correct I am.

20 Q. Okay. And then you sign as a notary notarizing this
21 entire document?

22 A. No I'm notarizing her signature on that sworn
23 affidavit right there.

24 Q. Well you also witnessed her signature and all these
25 other things.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. That's correct I witnessed her signature on the
2 statements.

3 Q. And where you're a jurat occurs right here it occurs
4 after all these places that you've signed as the witness to
5 this document. Correct?

6 A. That's correct.

7 Q. So you prepared the statement. Right?

8 A. That's correct.

9 Q. You gave it to her?

10 A. Yes, sir, I gave her a copy of it.

11 Q. A copy of the statement that you prepared?

12 A. That's correct.

13 Q. And you witnessed her signatures?

14 A. Yes.

15 Q. Nobody else?

16 A. Nobody else.

17 Q. And then you notarized the document?

18 A. That's correct.

19 Q. You don't have any evidence that you can show the jury
20 here today that Ms. Dumas threw a pistol out of a window do
21 you?

22 A. No, sir.

23 Q. And she told you herself that she had gone to the
24 Family Trust Bank that day didn't she?

25 A. She did.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Now this stop that you all did on the street, you
2 weren't there by yourself; there were other officers there?

3 A. There were several officers there that's correct.

4 Q. And I believe you testified everybody -- people
5 approached the vehicle with the guns drawn.

6 A. No we didn't approach the vehicle. We ordered them
7 out of the vehicle and to walk backwards towards us where
8 they were handcuffed and placed in vehicles.

9 Q. Okay. You don't recall Rivera walking up to the side
10 of their, the back right corner of their vehicle with his
11 weapon pulled?

12 A. After they were ordered out of the car yes, sir.

13 Q. You don't recall another Rock Hill police start coming
14 forward stopping right next to them and walking towards the
15 driver's window with his - -

16 A. That's correct. That would have been Lieutenant
17 Dumster yes, sir.

18 Q. With pistol pointing at the driver's window?

19 A. That's correct.

20 Q. Okay. And that's how you all handle any felony stop.
21 Right?

22 A. That's correct.

23 Q. Not just an armed robbery.

24 A. If it's classified as dangerous and a felony stop
25 their all handled the same way.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Okay. And before you ever stopped her whatsoever the
2 only thing you knew about it yourself was whatever
3 information had been put out over the BOLO on the dispatch.
4 Right?

5 A. That's the only way you ever know anything is what we
6 get over the radio.

7 Q. Okay. And they would have gotten it from the 911
8 call. Right?

9 A. That's correct.

10 Q. Because nobody had talked to anybody else; nobody from
11 law enforcement had talked to anybody else other than
12 people who called in on the 911 call - - -

13 A. That's correct.

14 Q. - - - before that time. Right?

15 A. That's correct.

16 Q. Okay. And when you heard the information come in over
17 the system and you were at your desk part of the
18 information that came in over that system was the
19 description of the car and the license plate wasn't it?

20 A. No. That did not come out until later.

21 Q. Okay.

22 A. The initial call came in that there was a robbery at a
23 location and they were giving out a description of the car.

24 A possible description of the car.

25 Q. Okay.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. I did not get the information about the tag number and
2 all that until sometime later when they got it identified.

3 Q. You're saying that they got the 911 calls in that gave
4 all that information but that information wasn't passed
5 along to law enforcement?

6 A. Oh it could have been. I'm just saying I didn't, I
7 didn't hear it or I didn't know what they were giving out.
8 I was at my desk I was walking to the car I was listening
9 to bits and pieces of it and once I got into the car I
10 turned the radio -- I had a Walkie Talkie - I turned the
11 car radio on and you know things are much clearer and I was
12 driving around looking and sometime later they gave out a
13 better description of the suspect and the car and the tag
14 number and given an identified address which I was
15 extremely close to and that's when I saw the car.

16 Q. So although a tag number and a description of this car
17 had been given before that BOLO call went out. Right?

18 A. Say that again.

19 Q. The information was given to the 911 operator before
20 Officer Reid put out the BOLO.

21 A. I don't think so. 911 the calls I don't know what the
22 dispatch gave out first.

23 Q. That's not my question.

24 A. I mean they could have gotten the information. They
25 were giving the calls. At what point they gave it out and

JERRY WALDROP: CROSS BY MR. ATWATER

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1 what point I heard it is what I'm testifying to.

2 Q. Okay. And what you heard was put out by who?

3 A. The Rock Hill Police Department dispatch.

4 Q. Okay. Would that have been Officer Reid?

5 A. No. The original call would have been put out by
6 dispatch. Sometime later Reid would have gotten on the
7 radio giving out what he was being told at the scene.

8 Q. Okay. All right. So it's your testimony here today
9 that it was just purely coincidental that you left your
10 desk having heard of an armed robbery which you testified
11 you thought was still in progress; you drove completely in
12 the opposite direction away from where an armed robbery was
13 ostensibly in progress and coincidently ended up almost
14 right at the neighborhood where Ms. Dumas lived. Is that
15 your testimony?

16 A. The original call came out as an armed robbery in
17 progress. The second thing I heard was that a female was
18 leaving the scene. She's leaving the scene is not longer
19 in progress.

20 Q. So - -

21 A. I left out of the station and went around the back
22 way. Coincidental? Yes. Or good police work. You
23 decide.

24 Q. That purse was never taken into evidence?

25 A. The black purse?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Right.

2 A. No, sir.

3 Q. The calico purse was never taken into evidence?

4 A. No, sir.

5 Q. And you haven't seen anything whatsoever that would
6 show, identify specifically that Two Dollar bill has having
7 been put into evidence?

8 A. Other than the list listing all the money recovered?

9 No, sir. We have a log of the envelop it's in.

10 Q. All right. Let me show you what's been marked as
11 State's Exhibit Fifteen and ask you to take a moment to
12 look at that.

13 (WITNESS REVIEWING STATE'S EXHIBIT FIFTEEN.)

14 Q. You recognize what that is?

15 A. That's the evidence envelop with a half yellow envelop
16 Number 112 recovered by Officer Kevin Sullivan.

17 Q. And Officer Sullivan he is the forensic officer that
18 you made reference to earlier?

19 A. That's correct.

20 Q. And that envelop would hold that piece of evidence
21 inside of it?

22 A. That's correct.

23 Q. Okay. And it would be logged through a chain of
24 custody and maintained in the Rock Hill Police Department.

25 A. That's correct.

JERRY WALDROP: CROSS BY MR. ATWATER

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- 1 Q. Correct? Okay. Do you have one of those envelopes
2 right there for this Two Dollar bill?
- 3 A. I do not.
- 4 Q. Do you know where one of those envelopes is right there
5 for this Two Dollar bill?
- 6 A. No.
- 7 Q. Have you seen one of those envelopes right there for
8 this Two Dollar bill?
- 9 A. No.
- 10 Q. The -- I'm gonna show you what's been marked as
11 State's Exhibit Number Seventeen. Does this appear to be
12 what would be the contents of that envelop you're holding?
- 13 A. Yellow Envelop Number 112. It would be.
- 14 Q. And it's your understanding this was recovered from
15 the scene at the One Stop?
- 16 A. That's correct. I was not there but according to the
17 paperwork it would have been that's correct.
- 18 Q. Okay. And being the case officer on this case you've
19 been here the whole time we've been having this trial.
20 Right?
- 21 A. That's correct.
- 22 Q. Okay. So you're aware of the testimony that this was
23 supposedly handed to Ms. Dumas and she took money out of it
24 and laid it on the counter. Right?
- 25 A. That's correct.

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Q. Okay. And that what's been marked as State's Exhibit
2 Seventeen ostensibly showed it where she had left it
3 laying. Correct?

4 A. Yes.

5 Q. That was - -

6 A. I would say that's the photo that was taken at the
7 scene.

8 Q. And that was the testimony that you heard?

9 A. That's correct.

10 Q. All right. You'll agree with me that no one has ever
11 tried to recover Ms. Dumas' fingerprints off of this paper
12 or this envelop 112?

13 A. To my knowledge no, sir.

14 Q. And there isn't any fingerprint evidence that's going
15 to be put in this case today?

16 A. I think I've answered that no fingerprints were
17 recovered.

18 Q. Okay. But we were talking about -- Oh you said at the
19 scene.

20 A. That - - -

21 Q. I got you.

22 A. - - - no fingerprints were recovered.

23 Q. I got you.

24 A. Correct.

25 Q. All right. Now how long have you been a law

JERRY WALDROP: CROSS BY MR. ATWATER

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1 enforcement officer?

2 A. Thirty-seven years.

3 Q. Okay. You'll agree with me that fingerprints can be
4 lifted off of an item like this. Correct?

5 A. Sometimes yeah.

6 Q. And you'll agree with me that fingerprints can
7 actually be lifted off of money too can't they?

8 A. Yes, sir.

9 Q. Now I believe we had some photographs of the Family
10 Trust Bank. Did you take those photographs?

11 A. No I did not.

12 Q. Okay. I'm going to show you what's been marked as
13 State's Exhibit Number Fourteen. I ask that you look at
14 that for a moment.

15 A. Okay.

16 (WITNESS REVIEWING STATE'S EXHIBIT NUMBER FOURTEEN.)

17 Q. Detective Waldrop, you, apart from these photographs
18 you're very familiar with this area aren't you?

19 A. That's correct.

20 Q. Okay. So that photograph depicts the ATM drive
21 through at the Family Trust Bank?

22 A. It does.

23 Q. And you'll agree with me that the direction that that
24 drive through operates in and the way you would proceed
25 right back out of there would come right out onto Albright

JERRY WALDROP: CROSS BY MR. ATWATER

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1 Road wouldn't it?

2 A. On the front entrance that's correct.

3 Q. Well if you drive out through that drive through
4 there; if you just continued if you're car is facing the
5 same direction that it is in that - -

6 A. The same direction the car in the picture is in would
7 come out on Albright Road.

8 Q. Albright Road.

9 A. That's correct.

10 Q. Not Saluda Road. Right?

11 A. That's correct.

12 Q. And would you agree with me, if you know, there is a
13 -- there is a connection from Family Trust Bank that goes
14 onto Saluda Road doesn't it?

15 A. An entrance coming off of Saluda?

16 Q. Yes, sir.

17 A. Yes, sir, there is.

18 Q. You presupposed my question. That is an entrance
19 isn't it?

20 A. It's an entrance and an exit. I'm not sure if it's a
21 two way thing but there is a drive way or roadway that
22 comes from Saluda to the Family Trust; that's correct.

23 Q. Okay. Are you familiar, if you know, that there's a
24 sign there that says enter and there's not a sign that says
25 exit?

JERRY WALDROP: CROSS BY MR. ATWATER

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1 A. I can't answer that. I don't know.

2 Q. That's fine. Now you have never met with Mr. Sinclair
3 in regards to this - - -

4 A. No.

5 Q. - - - investigation. Correct?

6 A. That's correct.

7 Q. Okay. And you recall Detective Sullivan being
8 involved in this. Correct?

9 A. That's correct.

10 Q. As the forensic service officer?

11 A. That's correct.

12 Q. And you don't have any evidence that Ms. Dumas ever
13 went inside the Family Trust Bank do you?

14 A. I can answer that. Yes.

15 Q. And you do have evidence that she went inside the
16 Family Trust Bank?

17 A. We have witnesses that will testify that she did.

18 Q. Okay. Did you ever go to the bank and ask for any
19 videos?

20 A. I did but it had already been recorded over.

21 Q. Did you get them?

22 A. No.

23 Q. Any videos?

24 A. No.

25 Q. Don't have them here today?

JERRY WALDROP: CROSS BY MR. ATWATER
REDIRECT BY MR. SPRINGS

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1 A. No.

2 Q. And you've testified before this proceeding?

3 A. That's correct.

4 Q. And didn't have any then either?

5 A. No, sir.

6 Q. And on the time you testified before in this
7 proceeding you'll agree with me that nobody, nobody ever
8 came forth and testified that she had been inside that bank
9 did they?

10 A. At that time no, sir, they did not.

11 Q. Thank you, Detective Waldrop.

12 MR. SPRINGS: Just a few very short...

13 REDIRECT EXAMINATION

14 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

15 Q. Out on the side of the road when Ms. Dumas was telling
16 you she was in the store and the gun fell out of her purse
17 on the counter, she said the clerk put the money up there
18 so she took the money. Do you remember her saying that? I
19 know you referred to your notes but do you remember that
20 now that she said that?

21 A. Oh yeah.

22 Q. Okay.

23 A. I mean everything that was referred to on there I mean
24 the conversation was with me. Word for word I couldn't
25 tell you but yes that's what she said.

JERRY WALDROP: REDIRECT BY MR. SPRINGS

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1 Q. Okay. Now the money on the table with the purse, if I
2 can find the picture, here we go, State's Exhibit Thirty-
3 four; that's Ms. Dumas' purse?

4 A. That's correct.

5 Q. And the cash money came out of the daughter's - - -

6 A. That's correct.

7 Q. - - - purse? Ms. Dumas had told you in her statement
8 that the money she got from the store I give the money to
9 my daughter. Is that --

10 A. That's correct.

11 Q. - - - and she put it in her purse.

12 A. That's correct.

13 Q. Okay. So the money stolen from the store you went to
14 the daughter's purse because that's what Ms. Dumas told
15 you?

16 A. The money that was stolen from the store came from the
17 daughter's purse and the Seven Dollars that was in the door
18 of the car.

19 Q. Right. Okay.

20 A. Correct.

21 Q. When you officer's returned the store's money did you
22 try to return just what was stolen and not take all Ms.
23 Dumas' whatever else she had?

24 A. That's correct. I mean we returned what they reported
25 was stolen and that's it nothing more.

JERRY WALDROP: RECROSS BY MR. ATWATER

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1 Q. Okay. Thank you very much, sir. That's all I have.

2 RECROSS EXAMINATION

3 DETECTIVE JERRY WALDROP BY MR. ATWATER:

4 Q. You returned what who reported was stolen?

5 A. The store.

6 Q. Is it your testimony today that someone from the store
7 gave you a specific dollar amount that was taken?

8 A. Have you got the incident report? I'm pretty sure
9 they reported Ninety-four Dollars missing.

10 Q. Now the Incident Report would have been prepared by
11 who?

12 A. I have to look at it. One of the patrol officers I'm
13 pretty sure did the initial report.

14 Q. Which one? Would this be the Incident Report?

15 A. That's correct.

16 Q. Thank you. There's a narrative portion on there. Can
17 you see that?

18 A. That's correct.

19 Q. Is this the Incident Report for this specific case?

20 A. It is.

21 Q. Would you agree with me that on that narrative report
22 it doesn't mention any amount of money whatsoever and it
23 specifically says an undetermined amount of currency?

24 A. That's correct.

25 Q. Okay. So - -

JERRY WALDROP: RECROSS BY MR. ATWATER.

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1 A. In the inventory of stolen currency.

2 Q. Gotcha. But the inventory would have been done by the
3 police. Right?

4 A. No. The inventory would have been done by the store
5 until they told us the amount that they were missing.

6 Q. I'm talking about the inventory of the currency that -
7 -

8 A. We recovered?

9 Q. Yes.

10 A. Right. We inventoried what we recovered they do an
11 audit to tell us what's missing.

12 Q. Okay. So is it your testimony here today that the
13 store did an audit and - - -

14 A. I don't - -

15 Q. - - - told you a specific amount of money?

16 A. They did.

17 Q. Who did they tell that to?

18 A. That would have been me.

19 Q. Who told you that?

20 A. One of the managers. I'm not sure which one of them
21 told me that according to their records they were missing
22 Ninety-four Dollars.

23 Q. Did they ever show you any records?

24 A. No.

25 Q. You just took their word for it?

JERRY WALDROP: RECROSS BY MR. ATWATER
MATTHEW HALL: DIRECT BY MR. SPRINGS

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1 A. Yes.

2 Q. And at this time you had this conversation with them
3 you already knew that you all had in custody Ninety-four
4 Dollars. Right?

5 A. Yeah.

6 Q. That's all I have.

7 MR. SPRINGS: Nothing further. Thank you.

8 THE COURT: You may step down. Thank you, sir.

9 (WITNESS LEAVING WITNESS STAND.)

10 MR. SPRINGS: Bailiff, would you ask Sergeant Matt
11 Hall to step in please, sir.

12 MR. SPRINGS: Sergeant Hall, the Holy Bible is right
13 there at the Clerk, step over and take the oath.

14 (WHEREUPON: MATTHEW HALL, BEING
15 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

16 DIRECT EXAMINATION

17 SERGEANT MATTHEW HALL BY MR. SPRINGS:

18 Q. Sergeant, tell us your name please.

19 A. Matthew Hall.

20 Q. Who do you work for?

21 A. The Rock Hill Police Department.

22 Q. And are you a sworn law enforcement officer?

23 A. Yes I am.

24 Q. Do you work for the City of Rock Hill Police
25 Department?

MATTHEW HALL: DIRECT BY MR. SPRINGS

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1 A. That is correct.

2 Q. Okay. Over at the Law Enforcement Center, the Police
3 Department in Rock Hill, do they have a small jail?

4 A. We do.

5 Q. And do you supervise the jail?

6 A. That is my current position, yes.

7 Q. Okay. Does your jail keep records of the folks that
8 get locked up in the jail?

9 A. Yes we do.

10 Q. Is it important for you folks to know who's in your
11 jail?

12 A. Oh absolutely.

13 Q. Do you record the day, the date and the time the
14 person walks into the custody of your jail?

15 A. Yes we do. It is documented as they arrive.

16 Q. And did I ask you to check August 9th, 2010 and see if
17 you booked into your jail Connie Dumas?

18 A. Yes you did.

19 Q. And did you check that record for August 9th?

20 A. I did check that and it did have it on the jail log,
21 yes.

22 Q. And did it show what time of day Connie Dumas stepped
23 into your jail?

24 A. Yes it did.

25 Q. What time of day was it?

MATTHEW HALL: DIRECT BY MR. SPRINGS
CROSS BY MR. ATWATER

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1 A. It's indicated as 18:10 which would be 6:10 pm.

2 Q. 6:10 in the afternoon?

3 A. Yes that's correct.

4 Q. And those records that you keep over there at your
5 jail that's part of your business of running a jail; is
6 that right?

7 A. That is correct.

8 Q. Thank you, Sergeant, answer any questions the defense
9 attorney may have for you.

10 CROSS EXAMINATION

11 SERGEANT MATT HALL BY MR. ATWATER:

12 Q. Sergeant Hall, have you ever met Ms. Dumas?

13 A. No I have not.

14 Q. Have you ever seen her before today?

15 A. No I have not.

16 Q. Were you present at the jail on August 9th, 2010?

17 A. No, sir, I was not.

18 Q. Ya'll have some holding cells. Correct?

19 A. That is correct.

20 Q. It's not your testimony that every time someone's put
21 in a holding cell that they log that in is it?

22 A. When a prison is transported and first entered into
23 our facility it's documented as to what time they arrive at
24 the facility.

25 Q. Okay. So if the evidence in this case showed that

MATTHEW HALL: CROSS BY MR. ATWATER

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1 Officer Rivera had brought Ms. Dumas to the facility an
2 hour earlier than the time you just said, could you explain
3 why that wouldn't be logged into your system?

4 A. All I can say is from the documentation we have it's
5 logged in when the prisoner's are brought into our facility
6 the time is documented on the log sheet which I referred
7 to.

8 Q. Okay. If a detective brings somebody into the
9 detention room to talk to them does that get logged in?

10 A. No because the detention room is not in our -- You
11 talking about an interview room?

12 Q. Yeah.

13 A. The interview rooms are in the detective division.
14 They are not in the holding facility.

15 Q. Okay. If someone there at the jail -- Well do you
16 know who was on duty at the jail that day?

17 A. The one that documented in the book was Correctional
18 Officer Latricia Davis who is now retired.

19 Q. Okay. And that's a female. Right?

20 A. That's correct.

21 Q. Do you know if there were any other females working
22 there that day as well?

23 A. I have not researched to see who else was on duty that
24 day.

25 Q. Okay. You wouldn't have any records whatsoever that

MATTHEW HALL: CROSS BY MR. ATWATER

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1 showed where Ms. Dumas was from the time that she -- Well
2 let me ask you this. The 16:10 entry time, all right. Or
3 18:10 I believe. It would be 18:10. Right?

4 A. 18:10, 6:10 pm yes.

5 Q. The 18:10 entry time where was she logged into?

6 A. Our procedure is when an officer brings anybody into
7 our holding facility which is our jail they have to provide
8 their name and there is also documented time of arrival on
9 our booking sheet because per state standards we have to
10 document and have an accurate account of who is in our
11 facility at any given time. So anytime somebody is first
12 brought in that is the first obvious the Correctional
13 officers desk is documented name and time they brought in
14 in case the state inspector happens to come in and we have
15 to have one hundred percent accurate account of who is in
16 our facility at any given time.

17 Q. And when you say who's in your facility you're just
18 talking about people who are inmates?

19 A. That's correct.

20 Q. Okay. Thank you.

21 MR. SPRINGS: Nothing further. Thank you, Sergeant.

22 May the Sergeant be excused?

23 MR. ATWATER: No objection, Your Honor.

24 (WITNESS LEAVING WITNESS STAND.)

25 THE COURT: We need to take a brief recess. Take

1 about ten minutes.

2 (JURY EXITS COURTROOM AT 11:00 AM.)

3 THE COURT: Okay.

4 MR. SPRINGS: Your Honor, we got three more witnesses
5 and we'll be definitely through by lunch time is our guess.
6 My forensic guy, George Weeks, who is on the witness list
7 can't make it. He's sending one of his underling's, Ray
8 Barnwell, I wanted to make aware that the forensic officer
9 who's name wasn't on the witness list is going to come in
10 in case you want to ask the jury if anybody knows Ray
11 Barnwell.

12 THE COURT: From the town of Barnwell?

13 MR. SPRINGS: Yes, sir.

14 THE COURT: Okay.

15 (COURT IN RECESS 11:04 AM.)

16 (COURT BACK IN SESSION AT 11:20 AM.)

17 THE COURT: Okay.

18 (JURY REENTERING COURTROOM AT 11:22 AM.)

19 THE COURT: Got everybody.

20 Solicitor.

21 MS. THORNWELL: Mr. Bailiff, will you go get Shirley
22 Roseborough-Taylor please.

23 MADAME CLERK: Raise your right hand place your left
24 on the Bible.

25 (WHEREUPON: SHIRLEY

SHIRLEY ROSBOROUGH-TAYLOR: DIRECT BY MS. THORNWELL IN CAMERA

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1 ROSEBOROUGH-TAYLOR BEING FIRST CALLED AND DULY SWORN,
2 TESTIFIED AS FOLLOWS:)

3 MR. ATWATER: Your Honor, may we take up a matter of
4 law?

5 THE COURT: Sure. You want to come up?

6 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
7 THE JURY AT 11:24 AM.)

8 MR. SPRINGS: May we proffer Ms. Shirley Rosborough-
9 Taylor's testimony?

10 THE COURT: Yes.

11 (JURY EXITS COURTROOM AT 11:24 AM.)

12 DIRECT EXAMINATION - IN CAMERA

13 SHIRLEY ROSBOROUGH-TAYLOR BY MS. THORNWELL:

14 Q. Could you please state your name for the Court.

15 A. Shirley Rosborough-Taylor.

16 Q. And where are you employed?

17 A. Family Trust Federal Credit Union.

18 Q. And what capacity are you employed?

19 A. Teller.

20 Q. And were you employed at the bank back on August 9th,
21 2010?

22 A. Yes.

23 Q. Did you -- Where is your bank located?

24 A. 1490 Albright.

25 Q. Back on August 9th, 2010 did a woman named Connie

SHIRLEY ROSBOROUGH-TAYLOR: DIRECT BY MS. THORNWELL IN CAMERA

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1 Dumas come into your bank?

2 A. Yes.

3 Q. And had you ever seen Ms. Dumas before August 9th?

4 A. No.

5 Q. Did you -- Where did you wait on Ms. Dumas?

6 A. At my teller station.

7 Q. And is that teller station inside the bank or outside
8 the bank?

9 A. Outside the bank.

10 Q. So you waited on Ms. Dumas inside the bank?

11 A. Yes.

12 Q. What did you and Ms. Dumas talk about?

13 A. I ask her for her ID so I could bring up her account
14 and I verified it with a photo and I told her I really
15 couldn't help her because her account was in the negative
16 that she would have to see member service.

17 Q. But you were able to look at a photo ID that Ms. Dumas
18 handed to you and a picture of Ms. Dumas that's associated
19 with the account you were looking at?

20 A. Yes.

21 Q. And you were able to tell that both of them were the
22 same person?

23 A. Yes.

24 Q. And was that the afternoon of August 9th 2010?

25 A. Yes.

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER IN CAMERA

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1 Q. No further questions.

2 MR. SPRINGS: That's our proffer.

3 CROSS EXAMINATION

4 SHIRLEY ROSBOROUGH-TAYLOR BY MR. ATWATER:

5 Q. Your name is Shirley?

6 A. Yes.

7 Q. And before August 9th of 2010 you never saw Ms. Dumas
8 before. Correct?

9 A. No.

10 Q. Not - -

11 A. She probably been in there but - -

12 Q. Didn't you just testify a moment ago you never saw her
13 before that?

14 A. Yes.

15 Q. Okay. So which is it?

16 A. I had never seen her before that.

17 Q. All right. Now where you work at the bank, your
18 teller station, there is a video camera. Correct?

19 A. There's cameras in the Credit Union, yes.

20 Q. And they point at your teller station don't they?

21 A. Yes.

22 Q. Okay. And anything you would have done on August 9th,
23 2010 would have been recorded on that video wouldn't it?

24 A. Yes.

25 Q. Okay. And have you ever gone to anyone at the bank

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER IN CAMERA

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1 and ask them to recover that video?

2 A. No.

3 Q. Okay. Have you ever been asked by law enforcement or
4 the solicitor's office or anyone what so ever to try to get
5 or provide that video?

6 A. No.

7 Q. Have you ever -- Well when were you first contacted
8 about this case right here?

9 A. Uh, last month.

10 Q. Last month?

11 A. Yes.

12 Q. And who contacted you?

13 A. E.B. Springs.

14 Q. Do you know how he found out who you were?

15 A. No.

16 Q. How were you contacted?

17 A. By phone.

18 Q. Were at?

19 A. At the Credit Union where I work.

20 Q. And he specifically ask for you?

21 A. Yes.

22 Q. And you'll agree with me that he's never ask you to
23 bring any documentation from August 9th of 2010. Correct?

24 A. Correct.

25 Q. If you check someone's account that shows up in the

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER IN CAMERA

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1 system that you checked their account don't it?

2 A. Not unless you do a transaction.

3 Q. So you can look at anybody's account at any time
4 whatsoever by your testimony and the bank doesn't have any
5 evidence in their system whatsoever that you did that, is
6 that what you're saying?

7 A. It depends on what they want to do.

8 Q. What who wants to do?

9 A. The member.

10 Q. But no, my question to you was you can look at
11 anybody's account.

12 A. Yes.

13 Q. At any time?

14 A. Yes.

15 Q. And you're telling me the bank has no way of knowing
16 you did that. Is that your testimony here today?

17 A. Yes.

18 Q. They have no way of knowing you accessed somebody's
19 account?

20 MR. SPRINGS: Object -- he's ask that and she's --

21 MS. THORNWELL: Objection, she's been ask and
22 answered.

23 THE COURT: Sustain.

24 BY MR. ATWATER:

25 Q. Okay. So last month what if anything did you do in

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER IN CAMERA

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1 regards to Ms. Dumas' -- Well let me ask you this. Were you
2 asked to do anything, to look up anything about Ms. Dumas'
3 account?

4 A. No.

5 Q. Did you look up anything about Ms. Dumas' account?

6 A. No.

7 Q. Have you talked to anyone else in the bank about Ms.
8 Dumas' account since you were contacted about this case?

9 A. I don't understand that question. What do you mean?

10 Q. It's very simple, ma'am. Have you spoken to anyone
11 else at your bank about Ms. Dumas' account since you were
12 contacted about this case?

13 A. Not her account.

14 Q. Have you spoken with Beverly Beglin about Ms. Dumas?

15 A. No.

16 Q. Well you say you haven't spoken with anybody about her
17 account; have you spoken to anybody else at the bank about
18 Ms. Dumas period?

19 A. I had to give my branch manager my subpoena to come to
20 court so I had to tell her why I wouldn't be at work today
21 and put my eight hours in for court appearance.

22 Q. Okay. And that was a subpoena that you got from Mr.
23 Springs?

24 A. Yes.

25 Q. When you were contacted last month by Mr. Springs your

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1 testimony was that was the first time you've ever been
2 contacted about this case. Correct?

3 A. Correct.

4 Q. All right. And is it your testimony that out of your
5 own personal memory you recall Ms. Dumas coming in on
6 August the 9th of 2010?

7 A. Yes.

8 Q. That specific date?

9 A. Yes.

10 Q. How is that?

11 A. The next day when they said a place had been robbed
12 and the name I recall that name Ms. Connie Dumas.

13 Q. Okay. On August 11th of last year you recall that
14 name?

15 A. On August 10th.

16 Q. Well you said it was - -

17 A. The day after.

18 Q. Okay the day after August 10th of last year you recall
19 that. Right?

20 A. Yes.

21 Q. Who did you tell about that?

22 A. We talked about the place had been robbed. I didn't
23 tell anyone I just said that I waited on her.

24 Q. So you saw it the next day on TV or something?

25 A. The paper.

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1 Q. In the paper. And you say that right then you
2 recognized that Ms. Dumas had been in your bank the day
3 before?

4 A. Yes.

5 Q. Okay. You never told anybody about that until after
6 you were contacted by Mr. Springs?

7 A. No that day, the day after yes.

8 Q. You talked to somebody about it?

9 A. My co-workers.

10 Q. Who?

11 A. All of them.

12 Q. Well give me some names.

13 A. Christy Herdon.

14 Q. Christy who?

15 A. Herdon.

16 Q. Spell her name please.

17 A. H-e-r-d-o-n.

18 Q. Who else?

19 A. Who else was still there then? I think Josh Niggard.

20 Q. Who else?

21 A. And Doug Cole.

22 Q. Anybody else?

23 A. No.

24 Q. It's your testimony here today under oath that you
25 told all three of these people the very next day that you

1 had waited on her the day before?

2 A. Yes.

3 Q. At that point in time did you ever -- You knew that
4 that bank has video don't you?

5 A. Yes.

6 Q. Did you ever do anything to try to save that video?

7 A. No.

8 Q. Did you ever tell anybody at the bank whatsoever that
9 had the ability to save that video?

10 A. No.

11 Q. Did you ever contact law enforcement and say you knew
12 she had been in the bank before?

13 A. No.

14 Q. And you said you read this in the Rock Hill Herald?

15 A. Yes.

16 Q. On August the 10th?

17 A. The next day yes.

18 Q. What ID did she show you?

19 A. Driver's license.

20 Q. What state was her driver's license from?

21 A. I don't know because we pull up accounts with the
22 member number not with the driver's license number. That's
23 just a form of ID.

24 Q. But you're required to show it to you. Right?

25 A. Just so to see that that's the same person that's

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1 standing in front of me.

2 Q. All you do is you look at a picture, you don't look at
3 anything else about the identification?

4 A. Unless their doing a transaction.

5 Q. You recognize what a South Carolina driver's license
6 looks like don't you?

7 A. Yes. Red, South Carolina across the top.

8 Q. Okay. Did her driver's license look like that?

9 A. I don't remember that. It should have.

10 Q. Why should it have?

11 A. If it's a South Carolina Driver's license.

12 Q. You're saying it should have if it was a South
13 Carolina driver's license.

14 A. Yes.

15 Q. But you don't have any idea whether it was or not do
16 you?

17 A. I verify who I have on the computer.

18 Q. You have a photo of Ms. Dumas on your computer?

19 A. Yes. Photo ID.

20 Q. And you pull that up?

21 A. Yes.

22 Q. Well what kind of ID is that?

23 A. That's the ID that's taken whenever they open their
24 account so we can verify that's the person standing in
25 front of us.

1 Q. Okay. So in Ms. Dumas' case what kind of ID was that
2 did the bank have on their system?

3 A. It's a photo ID.

4 Q. You're saying its just a picture, is it some type - -

5 A. It's just a picture.

6 Q. Okay. It's not a state identification card or
7 anything like that?

8 A. No.

9 Q. Or a driver's license?

10 A. No.

11 Q. How does the bank get that picture? Who took the
12 picture?

13 A. When we open their account for her she has a picture
14 of her driver's license when they open their account.

15 Q. Okay. I got you now. So you're saying that what the
16 bank has on their system in the bank is a picture off of
17 whatever picture ID she presented when she opened her
18 account... Right?

19 A. Yes. No it's a separate picture that you take at the
20 time she opened the account.

21 Q. So you're saying somebody at the bank would have taken
22 the picture?

23 A. Yes.

24 Q. And you're saying that's what they do they take
25 people's pictures when they open accounts?

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1 A. Yes.

2 Q. All right. So that's in your system right now.

3 Right?

4 A. Yes.

5 Q. Now if you were able to pull up her account by the
6 account number and see her picture that the bank took why
7 did you need to see her ID? Why would you need to see it
8 if she's able to identify her account number and you're
9 seeing the picture that the bank's got right there?

10 MR. SPRINGS: This is becoming argumentive, Your
11 Honor.

12 THE COURT: Mr. Atwater.

13 MR. ATWATER: Yes, Your Honor.

14 THE COURT: This lady doesn't even want to be here,
15 she's subpoenaed to be here. Why are you haranguing her
16 over all of this?

17 MR. ATWATER: Your Honor, I am trying to test the
18 evidence which has just been -- This is a surprise.

19 THE COURT: You're testing it all right.

20 MR. ATWATER: This is a surprise, Your Honor, we have
21 never - -

22 THE COURT: No, sir, it's not a surprise, her name was
23 on here. You've known the whole time she went to that bank
24 before this robbery. Don't hand me that hype.

25 MR. ATWATER: Your Honor, - -

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1 THE COURT: You had a problem with it you could have
2 subpoenaed her, you could have gone in there and talked to
3 her but you not gonna sit here and harangue this witness on
4 and on and on. Now get on with it and get on to something
5 that's worth while to ask.

6 MR. ATWATER: Your Honor, if it please the Court I
7 need the record that was just made. I had no indication
8 this lady's name ever before I walked into the door from
9 the beginning of this trial Monday morning.

10 THE COURT: You were handed the same thing I was
11 handed.

12 MR. ATWATER: Monday morning.

13 THE COURT: Monday morning. Today is Wednesday.

14 MR. ATWATER: Yes, Your Honor, I had no idea who she
15 is or what - -

16 THE COURT: Don't argue with me.

17 MR. ATWATER: I won't, Your Honor.

18 THE COURT: You complete your questions and you better
19 have something worth while.

20 MR. ATWATER: I will, Judge.

21 THE COURT: All right. Go ahead.

22 MR. ATWATER: Thank you, Your Honor.

23 SHIRLEY ROSBOROUGH-TAYLOR BY MR. ATWATER - IN CAMERA:

24 Q. Have you brought with you today any documentation
25 related to her account?

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1 A. No.

2 Q. Do you know where she lives?

3 A. No.

4 Q. Her account would have her address on it wouldn't it?

5 A. Yes.

6 Q. But you don't know that today?

7 A. I don't know where she lives no.

8 Q. Do you know what her address is?

9 A. No.

10 Q. That's listed on her account? You don't know that
11 either do you?

12 A. No.

13 MS. THORNWELL: Your Honor, objection. She's ask and
14 answered the question.

15 THE COURT: Well I don't know that she has that
16 particular one. Over ruled.

17 MR. ATWATER: Thank you, Your Honor.

18 Q. What other type of identifying information do you have
19 available to you when you pull up that screen with someone
20 in front of you?

21 A. The name, address, social security number, date of
22 birth and who ever is on that account with her.

23 Q. Who's on the account with her?

24 A. I don't know, sir, the account would have to be in
25 front of me for me to tell you that.

1 Q. Okay. Do you know whether there is anyone on the
2 account with her or not?

3 A. I don't know.

4 Q. Do you know if deposits were made into her account the
5 week before this incident occurred?

6 A. I don't know.

7 Q. Do you know whether there were any funds on hold in
8 her account when this incident occurred?

9 A. The account was in the negative.

10 Q. Do you know whether there were any funds on hold?

11 A. It didn't show her it just showed a minus.

12 Q. Okay. If there is a hold -- Let me ask you this. Its
13 very possible for a person to have hold on funds and have
14 an account in negative. Correct?

15 A. Yes.

16 Q. Okay. And what knowledge do you have of her having
17 over draft protection on her account?

18 A. I don't know whether she had over draft or not.

19 Q. You didn't know it on August 9th either did you?

20 A. I know the account was in the negative.

21 Q. Okay. You know the Family Trust does give people over
22 draft protection on their accounts?

23 A. Yes.

24 Q. And you know they will do that in numbers up to Six
25 Hundred Dollars or more?

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1 A. Yes.

2 MR. ATWATER: That's all I have, Your Honor.

3 MR. SPRINGS: That's our proffer.

4 MR. ATWATER: Your Honor, I've been involved in this
5 case since late October of 2010 and the State has had my
6 discovery requests since that time. We've actually gone
7 all the way through a complete trial on this case before
8 and this person, person's name or any identifying
9 information whatsoever that would assist me in finding out
10 anything about her testimony or who she works for or what
11 she was going to testify about or anything has never been
12 provided to me until I walked in here on Monday morning.
13 And when I walked in here on Monday morning or -- I'm
14 sorry, Your Honor, Monday afternoon, and when I walked in
15 here on Monday afternoon I was given a document by the
16 State which listed her name and it had absolutely no other
17 information. I had to actually go and require of the State
18 who this person worked for and the State told me that they
19 worked for the bank. If his Honor will remember correctly
20 I pointed out the fact that there were people on here and I
21 put on the record that I inquired of the State, Mr.
22 Springs, what they were going to testify to and Mr. Springs
23 told me I would find out during the trial. And His Honor
24 I'm sure remembers me putting that on the record. This is
25 an absolute surprise and I've never known what she knows

1 and what she's going to testify to. We are being ambushed
2 by the State by this witness and by this information she
3 intends to put in front of this jury. I would say that it
4 should be excluded for that alone but beyond that it is
5 just far beyond prejudicial.

6 THE COURT: Solicitor, I believe he's accusing you of
7 some wrong doing here.

8 MR. SPRINGS: I didn't realize I was in a civil trial.
9 My answer to Mr. Atwater is in two parts. First of all I'm
10 gonna provide to the court copies of letters from the bank
11 that I gave to Mr. Atwater a long time ago letting him know
12 things were coming. The other part of my response is I
13 want Mr. Atwater to show me where in this rule book I had
14 to tell him anything about what this lady is going to
15 testify to?

16 THE COURT: Did you have any document or any type
17 evidence in a file that should have been turned to him
18 under Rule 5?

19 MR. SPRINGS: I have given him everything and more
20 under Rule 5 and Brady.

21 THE COURT: Well I don't want the record to get the
22 wrong impression here. Mr. Atwater, you making a big deal
23 out of this. You had ample opportunity, you had notice
24 that this bank was involved in the evidence some how; and
25 come in here and try to accuse the Solicitor of in effect

1 wrong doing causes a real problem with me and to say that
2 you didn't have a chance to check any of this out -- and I
3 want the record to reflect that we didn't even get to start
4 this case Monday on account of your client being in the
5 emergency room trying to apparently get a doctor to get her
6 out of this trial which gave the appearance to the Court
7 but I gave her the benefit of the doubt so we delayed a
8 whole day. You had ample opportunity on Monday to check
9 any of this out you wanted to. Your objection is over
10 ruled, your motion or whatever you put up on this to
11 exclude this evidence is over ruled. I suggest we get on
12 with the trial of this case and try it like we're supposed
13 to and quit this haranguing and arguing with the witnesses.
14 As I said this witness doesn't even want to be here today
15 most likely. She's just here on a subpoena and has to come
16 up here and go through all this torture. It's ridiculous,
17 it's a black mark on the practice of law.

18 MR. ATWATER: Your Honor, if I may respectfully, I
19 have not accused the solicitor or anything. I've just
20 pointed out that I've never heard this lady's name before
21 until Monday. I wasn't accusing him of anything other than
22 giving me her name on Monday. And I stated truthfully and
23 honestly to this court that I didn't know what she was
24 going to testify to and that is the absolute truth in this
25 case. I had no idea what this woman, I've never been given

1 her name prior to Monday. Never been told what she was
2 going to testify to. It's all a surprise.

3 THE COURT: All right I've already ruled. I'm gonna
4 make these Court Exhibits in case somebody wants to take a
5 look at all of this that's happened later on.

6 MR. ATWATER: Are those the letters offered by Ms.
7 Beglin?

8 THE COURT: That's correct.

9 MR. ATWATER: And, Your Honor, can we put on the
10 record the date of those letters?

11 MADAME COURT REPORTER: April the 6th, 2011 is Court's
12 Exhibit Number Two. April the 4th 2011 is Court's Exhibit
13 Number Three and both letters are from Family Trust letter
14 head. Yes, sir, Judge, Court's One -- Two and Three,
15 Judge.

16 MR. ATWATER: And for the record, Your Honor, the
17 author of those letters is not the person who's on the
18 stand.

19 THE COURT: True.

20 (WHEREUPON: COURT'S EXHIBIT NUMBERS TWO AND THREE
21 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

22 MR. SPRINGS: While we're on the subject we might as
23 well go ahead and talk about the next witness, the records
24 custodian, Mr. Mark Harris, who is going to come in here
25 and say the bank records indicate that Connie Dumas made no

1 transactions on August the 9th to take money out, didn't
2 put money in and her account balance was negative One
3 Hundred and Thirty-one Dollars on August the 9th. Got the
4 records custodian Mr. Mark Harris who is going to testify
5 to those things. We may as well talk about that now if Mr.
6 Atwater has a problem with that rather than bring the jury
7 in and have them back out.

8 THE COURT: Clear cut. You got an objection to it get
9 it on the record.

10 MR. ATWATER: Fine.

11 MR. SPRINGS: We're ready to proceed.

12 MR. ATWATER: Your Honor, if the State wants to
13 proffer his testimony I'd be willing to listen to it. I
14 have an objection to him testifying to that information. I
15 don't think it's relevant in this case.

16 THE COURT: Oh I think it has become relevant now. I
17 know we're not going to waste on a proffer. Basically the
18 same situation here. Wait a minute. Let me back up. Is
19 he on this list?

20 MR. SPRINGS: Mr. Mark Harris. He's down toward the
21 bottom.

22 THE COURT: I gotcha. But anyway we better keep
23 things, we better cross bridges when we get to them or we
24 gonna have a problem with the record.

25 Bring the jury back in on this particular witness.

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1 MR. ATWATER: Your Honor, one thing if I may. I would
2 ask that she not be allowed to testify as to the Rock Hill
3 Herald. Only what she personally knows in regards to what
4 happened on August 9th.

5 THE COURT: True. I understand.
6 Don't go into anything the paper said.

7 MR. SPRINGS: You can say you heard about it. Nothing
8 about the paper. Fair enough?

9 (JURY REENTERS COURTROOM AT 11:47 AM.)

10 THE COURT: All right.

11 MS. THORNWELL: Thank you, Your Honor. Before we
12 begin, Ms. Taylor, are you okay? You want some water or
13 something?

14 MS. TAYLOR: I'm good.

15 DIRECT EXAMINATION

16 SHIRLEY ROSBOROUGH-TAYLOR BY MS. THORNWELL:

17 Q. Could you state your name for the jury, please?

18 A. Shirley Rosborough-Taylor.

19 Q. And where are you employed?

20 A. Family Trust Federal Credit Union.

21 Q. And what capacity are you employed there?

22 A. Teller.

23 Q. And let me back up. Family Trust Credit Union, what
24 type of establishment is that?

25 A. It's like a bank but it's a credit union.

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1 Q. It's a bank?

2 A. Yes.

3 Q. And back on August 9th, 2011 were you employed --

4 Excuse me. Back on August 9th, 2010 were you employed at
5 the Family Trust?

6 A. Yes.

7 Q. And did a woman named Connie Dumas come in to speak to
8 you about her account?

9 A. Yes.

10 Q. And where were you located; inside the bank or outside
11 the bank?

12 A. Inside.

13 Q. So Ms. Dumas came inside the bank to speak to you
14 about the account?

15 A. Yes.

16 Q. And where exactly is the bank located?

17 A. 1490 Albright Road.

18 MS. THORNWELL: Permission to approach?

19 Q. I'm going to show you what's been marked State's
20 Exhibit Thirteen and ask you to take a look at it for me.

21 (WITNESS REVIEWING DOCUMENT.)

22 A. Yes.

23 Q. Do you recognize what that is?

24 A. That's the branch I work at - - -

25 Q. And - - -

1 A. - - - and the BP is right next to it.

2 Q. And the BP is right next to the bank that you work at?

3 A. Yes.

4 Q. And you said that on August 9th 2010 you remember Ms.
5 Dumas coming into the bank?

6 A. Yes.

7 Q. At some point did you learn that the BP that was next
8 door to you had been robbed?

9 A. Yes.

10 Q. Okay. Do you remember what date that was?

11 A. August 10th, the next day.

12 Q. And what day had the bank been robbed?

13 A. On the 9th.

14 Q. And you said that - -

15 MR. ATWATER: Your Honor, I'm not sure the relevance a
16 bank being robbed has to do with this.

17 MS. THORNWELL: I apologize. The store. That was my
18 -- I misspoke.

19 THE COURT: Sustain.

20 BY MS. THORNWELL:

21 Q. I apologize. The BP that was right beside you had
22 been robbed on what particular day?

23 A. The 9th.

24 Q. Thank you. So you waited on Ms. Dumas inside the bank
25 on August 9th?

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CROSS BY MR. ATWATER

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1 A. Yes.

2 Q. And when you were waiting on her, without telling me
3 what she said, what did you discuss?

4 A. Her account.

5 Q. And what about her account did you discuss?

6 A. It was in the negative.

7 Q. So were you able to help her on that day?

8 A. No. I had her to have a seat so she could speak to
9 someone in member service about her account.

10 Q. And why did you have her sit?

11 A. Because I couldn't do a withdrawal and she wasn't
12 making a deposit so I sent her to member service.

13 Q. I beg the Court's indulgence.

14 (PAUSE.)

15 Q. Do you remember if that was the afternoon or the
16 morning of August 9th?

17 A. Afternoon.

18 MS. THORNWELL: No further questions, Your Honor.

19 Please answer any questions defense counsel has.

20 CROSS EXAMINATION

21 SHIRLEY ROSBOROUGH-TAYLOR BY MR. ATWATER:

22 Q. Shirley, what's your last name, ma'am?

23 A. Rosborough-Taylor.

24 Q. You and I have never met before today have we?

25 A. No.

1 Q. Never spoken before today have we?

2 A. No.

3 Q. You don't have any reason to believe that I would ever
4 know who you were other than hearing about your name in
5 this case. Right?

6 A. No.

7 Q. That's not right?

8 A. Yes and no -- No you wouldn't know who I was.

9 Q. All right. You've never contacted me before. Right?

10 A. No.

11 Q. All right. Now the first time you ever heard about
12 this case whatsoever or this matter coming to trial
13 whatsoever was one month ago. Right?

14 A. Yes.

15 Q. And the way you heard about that was you were
16 contacted by the solicitor's office. Right?

17 A. Yes.

18 Q. And you're here today under a mandatory subpoena from
19 the solicitor's officer aren't you?

20 A. Yes.

21 Q. And you've taken eight hours off of your work and
22 you're going to be paid for being here today any way.
23 Right?

24 A. Yes.

25 Q. Okay. Now it's your testimony that prior to last

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1 month you never spoke with law enforcement about this case
2 have you?

3 A. No.

4 Q. And prior to last month when you were contacted by the
5 state -- Let's make sure we understand that. You didn't
6 contact them they contacted you. Right?

7 A. Yes.

8 Q. Okay. And prior to last month when you were contacted
9 by the state you never spoke to anybody with the
10 solicitor's office about this case either did you?

11 A. No.

12 Q. And it's your testimony here today that the reason you
13 remember -- the reason you remember Ms. Dumas coming into
14 your bank on August 9th is because you heard about
15 something happening next door on August 10th. Right?

16 A. Yes.

17 Q. Okay. Of 2010?

18 A. Yes.

19 Q. And from August 10th, 2010 until April of 2011 for
20 eight months you never once told anybody in law enforcement
21 that you had any information, had the information that
22 you're here to testify about today did you?

23 A. No.

24 Q. And you never contacted the State's Solicitor's Office
25 or anybody whatsoever with the State's Solicitor's Office

1 and told them that you had some information you can come
2 testify about here today did you?

3 A. No.

4 Q. And you say that you saw Ms. Dumas on August 9th of
5 2010. Right?

6 A. Yes.

7 Q. And you'll admit that you never saw her, never met her
8 before that won't you? Let me ask you. Do you remember us
9 having some questions a couple of minutes ago?

10 A. Yes.

11 Q. Okay. Was it your response that you've never seen her
12 before August 9th of 2010?

13 A. Yes.

14 Q. Okay. Is that still your response now?

15 A. That's a question that I can explain.

16 Q. Okay. Well can you answer it first and then explain
17 it?

18 A. I can explain that I hadn't waited on her before that
19 so others in the bank may have but not me.

20 Q. Okay. Do you know how long she's been banking at
21 Family Trust?

22 A. No.

23 Q. You don't have any idea do you?

24 A. No.

25 Q. Okay. And you don't have any idea who's on her

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1 account with her at Family Trust do you?

2 A. No.

3 Q. And in regards to her account at Family Trust you
4 can't testify here today whether or not she had funds that
5 were on hold with the bank not being credited to her
6 account can you?

7 A. No.

8 Q. And you can't testify today whether or not she had
9 over draft protection on her account from Family Trust can
10 you?

11 A. No.

12 Q. But you will agree that they have that don't they?

13 A. Yes.

14 Q. And you will agree that they have that in amounts up
15 to Six Hundred Dollars and even more won't you?

16 A. Up to Six.

17 Q. Okay. Up to Six Hundred Dollars. Right?

18 A. Yes.

19 Q. And I didn't tell you that number did I?

20 A. No.

21 Q. Now it's your testimony that on August 10th you knew
22 that the person that you heard about supposedly robbed the
23 BP had been in your bank the day before. Right?

24 A. Yes.

25 Q. Okay. And you know that your bank has video equipment

1 don't you?

2 A. Yes.

3 Q. And you know that that video equipment actually
4 video's the inside of the bank don't you?

5 A. Yes.

6 Q. Video's people coming in the front door don't it?

7 A. Yes.

8 Q. Video's people pulling into the parking lot don't it?

9 A. Yes.

10 Q. Anywhere around the ATM or anywhere around the parking
11 spaces don't it?

12 A. Yes.

13 Q. And would have video taped Ms. Dumas in front of your
14 bank station if she had been in there on August 9th
15 wouldn't it?

16 A. Yes.

17 Q. Now did you ever at any time tell anyone who had, who
18 could have saved that video evidence that you knew about
19 Ms. Dumas coming into your bank the day before?

20 A. No.

21 Q. We don't have any of that evidence available today do
22 we?

23 A. I don't know.

24 Q. So you don't know if it's there or not?

25 A. No.

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1 Q. You can't testify that it wouldn't be there then; is
2 that correct?

3 MR. SPRINGS: Objection. She's answered the question.

4 MR. ATWATER: It's a different question, Your Honor.

5 THE COURT: Okay go ahead.

6 BY MR. ATWATER:

7 Q. You can't testify it wouldn't be there now can you?

8 A. I don't know.

9 Q. Do you know who could testify to that?

10 A. The person that's over the tapes.

11 Q. Okay. Do you know who that is?

12 A. Doug Cole.

13 Q. Okay. Did you -- Let me ask you this. On August 10th
14 of 2010 did Doug Cole know about -- Did Doug Cole know
15 anything about you saying that Ms. Dumas had come into the
16 bank the day before?

17 A. I don't know.

18 Q. Did you ever talk to Doug Cole about this?

19 A. A few days after.

20 Q. Okay. Now many?

21 A. Maybe the next day or during that week.

22 Q. Okay. So at least within a week of when this incident
23 supposedly occurred at the BP Doug Cole who's over all the
24 VD -- videos knew from you based upon your testimony here
25 today that Ms. Dumas had come inside the bank didn't he?

1 A. Yes.

2 Q. Okay. You don't have any documentation here today
3 whatsoever about Ms. Dumas' account?

4 A. No.

5 Q. When she came to your station that day as you
6 testified she did, you ask her for some photo ID?

7 A. Yes.

8 Q. And you say she claimed she showed you a driver's
9 license?

10 A. Driver's license?

11 Q. Okay. Do you remember today that it was a driver's
12 license? Right?

13 A. That's what we ask for, for a form of ID.

14 Q. Well can people give you something other than a
15 driver's license?

16 A. They also tell us we can a social security number and
17 we have a photo ID on the computer.

18 Q. But my question to you was can someone give you
19 something other than a driver's -- Can they give you a
20 military identification?

21 A. We can use that yes.

22 Q. So if a person who is in the military gave you a
23 military ID when you ask for a driver's license that would
24 be fine wouldn't it?

25 A. Yes.

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER

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1 Q. Okay. And if a person who was in front of you doing a
2 transaction gave you a state issued South Carolina ID card
3 instead of a driver's license that would be fine too
4 wouldn't it?

5 A. Yes.

6 Q. Okay. So I'm gonna ask you again definitively, can
7 you testify here today of your own personal knowledge
8 whether she handed you a driver's license or not?

9 A. No.

10 Q. Okay. That's different from what you said earlier
11 isn't it?

12 A. No. It can be a ID but I just verify her photo with
13 the person standing in front of me.

14 Q. Okay. And you also can't tell us anything about that
15 ID that she ostensibly handed to you in regards to what
16 government agency issued it can you?

17 A. No.

18 Q. Okay. But apart from that you're saying it's your
19 memory from August 9th of 2010 that she appeared at your
20 station. Correct?

21 A. Yes.

22 Q. And I believe your testimony was that you sent her to
23 member services?

24 A. Yes.

25 Q. Now member services would be able to talk to her about

1 having funds on hold wouldn't they?

2 A. Yes.

3 Q. And member services would be able to talk to her about
4 any account over draft protection wouldn't they?

5 A. Yes.

6 Q. Okay. Member services wouldn't be able to assist her
7 with getting money if she didn't have any money would they?

8 A. I'm a teller. Member services are different
9 department. They handle problems she may have.

10 Q. Well you're familiar with what they do. Right?

11 A. It's a different job description. It's a different
12 job that's why they have to go to member services. I can't
13 help them on the teller window we send them where they can
14 get help.

15 Q. Okay. I understand. But in order to be able to send
16 people to member services or the loan department or
17 somewhere else you have to know what all the departments
18 do. Right?

19 A. Yes.

20 Q. So you're aware of what member services can help
21 somebody with. Right?

22 A. Yes.

23 Q. And you'll agree with me that member services can't
24 help give somebody money if their account is empty and they
25 don't have any over draft protection and they don't have

SHIRLEY ROSBOROUGH-TAYLOR: CROSS BY MR. ATWATER

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1 any funds on hold or anything else can they?

2 A. No.

3 MR. ATWATER: That's all I have.

4 MR. SPRINGS: Nothing further.

5 THE COURT: You may step down. Thank you.

6 (WITNESS LEAVING WITNESS STAND.)

7 MR. SPRINGS: Bailiff, ask Mr. Harris to come on in
8 please, sir.

9 THE COURT: This witness can be excused I assume.

10 MR. SPRINGS: Yes, please. Thank you.

11 Ms. Rosborough, thank you.

12 THE COURT: Ladies and gentlemen of the jury, if you
13 will step out to your room just a minute or two and let me
14 have a moment okay.

15 (JURY EXITS COURTROOM AT 12:05 PM.)

16 THE COURT: Come on up to the Bible there and be
17 sworn.

18 (WHEREUPON: MARK HARRIS,

19 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

20 THE COURT: You can have a seat.

21 All right lets see what we can do here.

22 Now his name was on the list.

23 Solicitor, did you in any way mislead the defense in
24 who this witness is or tried to hide anything from him? Is
25 there anything in the file that should have been turned

1 over under Rule 5?

2 MR. SPRINGS: No, sir, we've fully complied with Rule
3 5 and actually we've more than fully complied with the two
4 letters from Family Trust which are now Court's Exhibits.
5 indicating to Mr. Atwater that we were going into the bank
6 and going into that. And it was important to us of course
7 being there was so much testimony about Ms. Dumas in the
8 bank in the last trial so we fully complied with Rule 5.
9 Didn't mislead him about who Mr. Mark Harris is. In fact
10 told him the first of the week he was a bank person so we
11 complied with the law.

12 THE COURT: All right. Any objection you want to put
13 on the list concerning Mr. Harris?

14 MR. ATWATER: You talking to me, Your Honor.

15 THE COURT: Yes, sir.

16 MR. ATWATER: Your Honor, I don't have any idea what
17 he's going to testify to or what he's brought with him if
18 he intends to try to put documents into evidence I don't
19 know.

20 THE COURT: All right. He intends to do anything
21 object at that time and we'll deal with it but I'm not
22 going to go through the process; just wasting the Court's
23 time doing that here.

24 MR. ATWATER: Your Honor, does that include anything
25 he might want to put, refer to in front of the jury that

1 ultimately wouldn't be - -

2 THE COURT: Let's see if we can clarify.

3 Any documents you gonna introduce?

4 MR. SPRINGS: He'S gonna speak from memory. He may
5 refer to notes.

6 Did you bring anything up to the stand with you, Mr.
7 Harris?

8 MR. HARRIS: I have some notes yes.

9 MR. SPRINGS: He may refer to some notes but nothing
10 is going to be shown to the jury or entered into evidence.

11 THE COURT: All right. Now everybody in this
12 courtroom knows I have to ride herd on these trials and
13 that's exactly what I'm gonna continue to do through this
14 case.

15 Mr. Atwater.

16 MR. ATWATER: Yes, Your Honor.

17 THE COURT: Your approach of that last witness in
18 front of the jury was totally different from what you did
19 before. I appreciate what you did.

20 MR. ATWATER: Yes, Your Honor.

21 THE COURT: In the heat of battle you sometimes get
22 carried away and you don't realize the tenacity you
23 sometimes exhibit that only a person in a neutral position
24 realizes and you corrected yourself on that and I commend
25 you for that.

MARK HARRIS: DIRECT BY MS. THORNWELL

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1 MR. ATWATER: Thank you, Your Honor.

2 THE COURT: Okay. Bring the jury back.

3 MADAME CLERK: Does he have to be sworn in front of
4 the jury?

5 THE COURT: I'll just remind them he's under oath.

6 No better than that, step back down and let's make
7 sure we got it on the record.

8 (WITNESS LEAVES WITNESS STAND AND RETAKES SEAT.)

9 THE COURT: Solicitor, you told me that Mr. Barnwell's
10 name was Roy or Ray?

11 MR. SPRINGS: It's Ray. Ray Barnwell.

12 THE COURT: Can't read my own writing.

13 MR. SPRINGS: Filling in for George Weeks.

14 THE COURT: If you will be patient with us until we
15 get the jury back in here.

16 (JURY REENTERS COURTROOM AT 12:10 PM.)

17 MADAME CLERK: Please raise your right hand place your
18 left on the Bible.

19 (WHEREUPON: MARK HARRIS,

20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 DIRECT EXAMINATION

22 MARK HARRIS BY MS. THORNWELL:

23 Q. And if you will speak clearly enough so the gentleman
24 at the end can hear you. Tell us what your name is please.

25 A. Mark Harris.

MARK HARRIS: DIRECT BY MS. THORNWELL

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1 Q. And where are you employed, Mr. Harris?

2 A. Family Trust Federal Credit Union.

3 Q. And what is your job title?

4 A. Compliance Manager.

5 Q. Okay. And as a part of your duties is it to - What
6 are your duties at the bank?

7 A. For the most part I break down regulations and laws
8 and make sure that the Credit Union is following the
9 correctly and sometimes we do get subpoenas, summons,
10 levies that we process and make sure that we're complying
11 with the law of those as well.

12 Q. And is it part of your duty to check bank customer
13 records and accounts, deposits and withdrawals?

14 A. It is.

15 Q. And is that the regular business of the bank?

16 A. Yes. I mean we're in it all the time.

17 Q. And are you familiar with the Family Trust record
18 keeping and book keeping?

19 A. Yes.

20 Q. And would you say that you're very familiar or
21 slightly familiar?

22 A. Read over it every day so very familiar.

23 Q. So you deal with this information every day?

24 A. Yes.

25 Q. Were you subpoenaed to check the Family Trust Credit

MARK HARRIS: DIRECT BY MS. THORNWELL

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1 Union bank records for Ms. Dumas?

2 A. We were.

3 Q. And did you find an account for Ms. Dumas or her
4 husband Bursha Dumas?

5 A. Yes for both.

6 Q. Okay. And when were those accounts, do you remember
7 when those accounts were opened?

8 A. Unsure about Ms. Dumas' but Mr. Dumas' was opened
9 October 15, 2010.

10 Q. But Ms. Dumas' account was opened on August the 9th

11 - - -

12 A. Yes it was.

13 Q. - - - of 2010? And did you check to see if that
14 account had any activity between August 6th and August 10th
15 of 2010?

16 A. I did.

17 Q. And was there any activity - - -

18 A. There was none.

19 Q. - - - taken place? So between August 10 -- Excuse me.
20 August 6th and August 10 of 2010 there had been no
21 activity?

22 A. There were no transactions on that account.

23 Q. And so those transactions would include ATM
24 withdrawals?

25 A. Yes.

MARK HARRIS: DIRECT BY MS. THORNWELL
CROSS BY MR. ATWATER

1 Q. Purchases at stores?

2 A. Yes.

3 Q. Deposits within the bank?

4 A. Yes.

5 Q. Or the ability to deposit at the ATM as well?

6 A. We do not have the ability to deposit at ATM.

7 Q. But there was absolutely no activity between August
8 6th and August 10th of 2010?

9 A. There was not.

10 Q. Back on between August 6th and August 10th of 2010 do
11 you remember what the account balance was on Ms. Dumas'
12 account?

13 A. It was negative One Hundred and Thirty-One Dollars.

14 MS. THORNWELL: I beg the Court's indulgence.

15 (PAUSE.)

16 MS. THORNWELL: No further questions for this witness.

17 Please answer any questions the defense counsel may
18 have.

19 CROSS EXAMINATION

20 MARK HARRIS BY MR. ATWATER:

21 Q. Mr. Harris, you and I have never met before today have
22 we?

23 A. No, sir.

24 Q. And we've never spoken whatsoever about this case
25 before?

MARK HARRIS: CROSS BY MR. ATWATER

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1 A. Not at all.

2 Q. And you wouldn't have any reason to believe that I
3 would even know who you were other than having your name
4 given to me at the beginning of this week. Right?

5 A. Correct.

6 Q. You would not dispute that whatsoever would you?

7 A. I would not dispute it.

8 Q. Okay. And you wouldn't have any reason to say that
9 anything you're here about to testify today or the fact
10 that you're here today was not known to me prior to Monday
11 of this week would it?

12 A. Can you repeat the question?

13 Q. You don't know that do you?

14 A. Yeah I don't know what you know. Is that what you're
15 asking?

16 Q. I'm asking whether you have any reason to know that I
17 would have had any knowledge that you had any involvement
18 in this case whatsoever prior to being told that on Monday?

19 A. You're correct. I do not know that.

20 Q. You've never contacted me. Right?

21 A. No, sir..

22 Q. You've never told me or Ms. Dumas in any manner
23 whatsoever that you had been contacted by the State about
24 this case either. Right?

25 A. No, sir.

MARK HARRIS: CROSS BY MR. ATWATER

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1 Q. You didn't tell Bursha Dumas that either did you?

2 A. No, sir.

3 Q. You didn't tell them you were inquiring into their
4 account at the request of the State?

5 A. No, sir.

6 Q. Now you're here today as a result of a subpoena from
7 the State?

8 A. You're correct.

9 Q. You've been mandated to come here by Mr. Springs - - -

10 A. Yes.

11 Q. - - - through the process of the Court?

12 A. Yes you're correct.

13 Q. Okay. Now as -- You say that you are a compliance
14 manager?

15 A. Yes, sir.

16 Q. All right. Let me back up I need to ask you one
17 question very quickly. The last question you were asked by
18 the Assistant Solicitor was do you remember what the
19 balance was of Ms. Dumas' account on August 9th 2010. Do
20 you recall being ask that question?

21 A. Yes I do.

22 Q. Okay. On August 9th 2010 did you know what Ms. Dumas'
23 balance was? You didn't did you?

24 A. On that day no I did not.

25 Q. Okay. You didn't know in October either did you?

MARK HARRIS: CROSS BY MR. ATWATER

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1 A. No.

2 Q. November didn't know it did you?

3 A. No.

4 Q. December?

5 A. Not until we were ask to look at it.

6 Q. Okay. When were you ask to look at it?

7 A. In April of this year.

8 Q. Okay. A month ago?

9 A. Correct.

10 Q. First time you've ever had anything to do with this
11 whatsoever. Right?

12 A. Yes you're correct.

13 Q. Okay. Now if someone went to the ATM at the Family
14 Trust Bank, that would be on video wouldn't it?

15 A. As far as video's is concerned that's not my areas so
16 I'm not going to speculate one way or the other on video.
17 I'm not sure what our video captures. You would have to
18 ask our facilities manager about that.

19 Q. Okay. Let me ask you. Where is your office located
20 with Family Trust Federal Credit Union?

21 A. Its off Dave Lyle Boulevard. It's 1605 Harvest Way.

22 Q. Okay.

23 A. So it's - -

24 Q. You don't work in the branch over on Albright Road?

25 A. No, sir.

MARK HARRIS: CROSS BY MR. ATWATER

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1 Q. You don't involve in customer service over there?

2 A. Not at all.

3 Q. You're not involved in teller service over there?

4 A. No, sir.

5 Q. Anything whatsoever?

6 A. No.

7 Q. Don't greet the customers?

8 A. I don't greet customers, I don't talk to the customers

9 most days not unless I get a random call.

10 Q. So -- And this was a random call wasn't it?

11 A. Well random letter yes.

12 Q. Okay. You got a random letter. So you've never seen
13 Ms. Dumas before today have you?

14 A. No, sir.

15 Q. Did you even know who she was before you walked in
16 here to give -- to actually see her and recognize her?

17 A. No, sir.

18 Q. Okay. So you couldn't testify as to whether or not
19 she went to the Family Trust Bank on August 9th 2010 could
20 you?

21 A. No, sir.

22 Q. Let me ask you. When you check those records do you
23 have any access to records that can tell you whether or not
24 anybody has made an inquiry about her balance?

25 A. Yes.

MARK HARRIS: CROSS BY MR. ATWATER

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1 Q. Okay.

2 A. As far as you talking about at the teller line or at
3 the ATM?

4 A. At the teller line?

5 Q. At the teller line.

6 A. At the teller line no.

7 Q. Okay.

8 A. But as far as the ATM goes yes.

9 Q. Okay. So if she were to come into the teller line and
10 the teller was to go pulling up her account and looking at
11 all the stuff on the account is it your testimony that
12 there is no way the bank can know that that had happened?

13 A. There are some records to be able to pull up if the
14 teller had accessed an account. But I do not know how long
15 that purges so it would go off the system and I'm not sure
16 its at a year or not so I would have to look into that if
17 you want.

18 Q. Okay. So if that was at a year it would still be
19 there wouldn't it?

20 A. Generally speaking yes.

21 Q. Okay. All right. And is it fair to say that the
22 people who contacted you and ask you to come here today did
23 not ask you to look for that type of information and bring
24 it here today?

25 A. We did not look. We were not ask for that

MARK HARRIS: CROSS BY MR. ATWATER

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1 information.

2 Q. Okay. So you don't have that information available
3 for the jury today either. Right?

4 A. No.

5 Q. But it is information your bank regularly collects
6 when people are coming up to the window and the teller's
7 are accessing their accounts. Right?

8 A. Yes. We monitor all system activity from our staff.

9 Q. Okay. So your tellers wouldn't be able to just sit
10 there while nobody was in the bank and pull up different
11 people's accounts without you all knowing that that
12 happened would they?

13 A. No. We would have knowledge of them pulling up the
14 account, yes.

15 Q. Now do you have any knowledge as you sit here today
16 whether or not Ms. Dumas had funds on hold on her account
17 on August 9th of 2010?

18 A. She had no deposits holds on her account.

19 Q. Okay.

20 A. As far as other check pulls like where she swiped a
21 card somewhere else I would have to pull that transaction
22 entry as well. But as far as I'm concerned remembering
23 back she had no -- The balance stayed the same up until it
24 was charged off so I do not think there was any holds on
25 the account.

MARK HARRIS: CROSS BY MR. ATWATER

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1 Q. Okay. And once again you can't testify to anything
2 whatsoever -- Well let me ask you. I ask you about the
3 ATM. How about at the teller station. That's videoed
4 isn't it?

5 A. Again I'm not one hundred percent on the video
6 technology that we have. We have a facilities manager that
7 would be able to answer these questions.

8 Q. Okay. Let me make sure I'm clarifying my question to
9 you.

10 A. Okay.

11 Q. I'm not asking you if you have anything to do with the
12 day to day operations of those videos. I'm asking you if
13 you have knowledge of those cameras being present?

14 A. There are cameras inside the branch.

15 Q. Okay. And do you know whether or not there are cameras
16 at the teller stations?

17 A. There are cameras pointed at the teller stations.

18 Q. Okay. Have you ever testified in a court of law
19 before?

20 A. No, sir.

21 Q. Would you agree with me that if a person made -- Where
22 did you say you worked at?

23 A. We call it the operations center. It's 1605 Harvest
24 Way. It's right next to the other branch there on Dave
25 Lyle Boulevard.

MARK HARRIS: CROSS BY MR. ATWATER

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1 Q. Okay. You're a Federal Credit Union. - - -

2 A. Yes.

3 Q. - - - Right? And you all are part of a system that
4 allows people from other credit unions to come to your
5 ATM's and stuff like that?

6 A. Correct.

7 Q. And they can withdraw money to their banks?

8 A. Yes. From their accounts at other institutions yes.

9 Q. Okay. And does your bank keep records of them people
10 doing that?

11 A. Can you please clarify?

12 Q. Does your bank keep records of other people from other
13 institutions coming to your bank taking and withdrawing
14 money from their account from the other institutions?

15 A. We would have ATM records of what cards were accessing
16 our ATM's, yes.

17 Q. Okay. And if you had those records; let's say for
18 example you had a person who was banking with your credit
19 union and also banking with another credit union if they
20 went to your ATM and drew funds from another credit union
21 account that wouldn't show up in the records that you've
22 reviewed to come here today would it?

23 A. No. If they use a different institution's card to
24 access the ATM we would not have it on our transaction
25 history because it would not be our funds they're

MARK HARRIS: CROSS BY MR. ATWATER

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1 accessing. It would be another institutions. Now if they
2 were able to give us a card number we may be able to pull
3 up what card accessed our ATM.

4 Q. I got you. But in regards to the documents that you
5 reviewed to come here today would it?

6 A. Uh-huh.

7 Q. You wouldn't have that kind of information in the
8 documents that you reviewed would you?

9 A. Not if it was another institution. It's only our
10 institutions funds that I monitor.

11 Q. Can you tell me what period of time that you -- What
12 were you ask to do in regards to Ms. Dumas' account?

13 A. Look at the account balance and transaction history
14 from August 6th to August 10th I believe.

15 Q. Okay. So if there was a deposit -- Let me ask you.
16 What do you know; do you have any knowledge about deposits
17 and how the amount of holds work?

18 A. What kind of deposits are we talking about?

19 Q. A deposit in excess of Five Thousand Dollars.

20 A. Cash or check?

21 Q. A check.

22 A. Yes.

23 Q. Tell me, tell the jury how that works.

24 A. According to ACC you can hold a check greater than
25 certain amounts if it's a large transaction for up to a

MARK HARRIS: CROSS BY MR. ATWATER
REDIRECT BY MS. THORNWELL

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1 period of five days. So you can put it on hold but the
2 next day you have to release a hundred dollars.

3 Q. So when you say five days you're talking about five
4 bank business days. Right?

5 A. Business days. Correct.

6 Q. So if somebody did that on a Friday Saturday and
7 Sunday wouldn't be counted would they?

8 A. No.

9 Q. Do you know what day of the week August 9th 2010 was?

10 A. No.

11 MR. ATWATER: That's all I have for you. Thank you.

12 MS. THORNWELL: I have a few follow up questions.

13 REDIRECT EXAMINATION

14 MARK HARRIS BY MS. THORNWELL:

15 A. Defense counsel ask you about -- I'm gonna go back to
16 the -- If someone -- The two ATM's.

17 A. Sure.

18 Q. ATM's at different banks. If someone came up to the
19 ATM at Family Trust and they were trying -- let me -- I
20 apologize, let me back up. If someone came up to the Bank
21 of America ATM but had an account with Family Trust and
22 wanted to withdraw funds from their Family Trust account
23 that would show up on the records you're reviewed. - - -

24 A. Yes they would.

25 Q. - - - Correct? Because it's the Family Trust account?

MARK HARRIS: REDIRECT BY MS. THORNWELL

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1 A. Exactly.

2 Q. Correct? And you're saying that if I believe the
3 question the defense counsel ask is that if I had a Bank of
4 America account and I wanted to use Family Trust ATM you
5 wouldn't have access to Bank of America's transactions?

6 A. You're correct we would not have access.

7 Q. But you would have access to whether or not someone
8 used the ATM, the Family Trust ATM to access their Bank of
9 America account?

10 A. Yes. If we would have the card number we could
11 research our history back.

12 Q. Right. Okay. I just wanted to clear that up. I have
13 one more question for you. If someone came into the Family
14 Trust and had an account at Family Trust and gave you a
15 Five Thousand Dollar check.

16 A. Uh-huh.

17 Q. And you held that Five Thousand Dollar check.

18 A. Yes.

19 Q. If you looked at their account you would be able to
20 tell if there was a Five Thousand Dollar hold?

21 A. Yes you're correct. It would actually in their
22 balance it would actually have that Five Thousand Dollars
23 they would just not be able to withdraw the Five Thousand
24 Dollars.

25 Q. Okay. And so in the information that you looked at

MARK HARRIS: REDIRECT BY MS. THORNWELL
RECROSS BY MR. ATWATER

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1 today for today's court date there was no hold of any
2 funds, Five Thousand Dollars or less on this account?

3 A. There was no hold of any funds.

4 MS. THORNWELL: No further questions, Your Honor.

5 RECROSS EXAMINATION

6 MARK HARRIS BY MR. ATWATER:

7 Q. Its your testimony that there was no hold of any funds
8 between August 6th and August 10th?

9 A. Yes you're correct.

10 Q. Okay. And you'll agree with me whatever query,
11 written query you got from the Solicitor's office you
12 weren't given any ATM card number to go look up were you?

13 A. No, sir.

14 Q. And so in response to the Assistant Solicitor's
15 question once again if someone has used a ATM card on a
16 different bank at your ATM on August 9th of 2010 you have
17 not researched that issue, you have been asked to research
18 that issue and you don't have any records about that here
19 today to testify to; is that correct?

20 A. You're correct.

21 Q. Correct on all three of those questions?

22 A. Yes, yes, yes. We have no records of those
23 information with me now. We haven't researched it and I
24 forgot the third one you ask.

25 Q. And they didn't ask you to look for that document - -

MARK HARRIS: RECROSS BY MR. ATWATER

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1 A. They didn't ask me to look for that information as
2 well.

3 MR. ATWATER: That's all I have.

4 MS. THORNWELL: No more questions, Your Honor.

5 THE COURT: You can step down.

6 MS. THORNWELL: May this witness be excused?

7 MR. ATWATER: No objection, Your Honor.

8 THE COURT: The witness may be excused.

9 (WITNESS LEAVING THE WITNESS STAND.)

10 MR. SPRINGS: Judge Burch, the last witness we have is
11 fairly short. We can go ahead and wrap it up and break for
12 lunch.

13 THE COURT: You think it will take less than thirty
14 minutes?

15 MR. SPRINGS: I believe so.

16 THE COURT: Ray Barnwell?

17 MR. SPRINGS: Yes, sir.

18 THE COURT: Ladies and gentlemen of the jury, I need
19 to ask a question of you. Anybody on the jury related by
20 blood or connected by marriage or have any business,
21 social, religious or fraternal relationship or you are
22 friends or have an immediate family member that is friends
23 with Ray Barnwell; if so, raise your right hand?

24 (NO RESPONSE.)

25 THE COURT: Okay.

1 MR. ATWATER: Your Honor, would you please tell the
2 jury what he does for a living.

3 MR. SPRINGS: Forensic officer, police officer.

4 THE COURT: With?

5 MR. SPRINGS: The Sheriff's office.

6 THE COURT: The York County Sheriff's Department,
7 Forensic Department.

8 And is position is?

9 MR. SPRINGS: He's a forensic, he's a fingerprint man.

10 MR. ATWATER: Your Honor, if I may. I am informed
11 that he is here today in substitution for Mr. Sullivan and
12 if that's the case just for the Court's information when
13 Mr. Sullivan was present before his testimony took a lot
14 longer than half an hour on direct and cross.

15 THE COURT: Okay. You all come up here and talk to
16 me.

17 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
18 THE JURY AT 12:28 PM.)

19 THE COURT: Don't want to take a chance to run into
20 lunch hour. You all be back here -- I'll tell you what.
21 Let's just cut it back to -- We'll cut it back to Two
22 o'clock. By the time you get to your car all of you will
23 be less than hour and a half to obtain lunch and take a
24 little break and be back here and remember don't discuss
25 the case with anyone. We'll see you at Two.

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1 (JURY EXITS COURTROOM FOR LUNCH AT 12:30 PM.)

2 THE COURT: Okay. Two o'clock.

3 (BACK ON THE RECORD AT 02:00 PM.)

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

5 Everybody ready?

6 MR. SPRINGS: State's ready.

7 (JURY REENTERS COURTROOM AT 02:02 PM.)

8 THE COURT: Okay.

9 MR. SPRINGS: Mr. Bailiff, would you ask Officer Ray
10 Barnwell to come on in.

11 Mr. Barnwell, come on in, step over to the Clerk and
12 the Holy Bible and take your oath please, sir.

13 (WHEREUPON: RAYMOND BARNWELL,
14 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

15 MR. SPRINGS: Officer Barnwell, let me have that
16 envelop. You're not going to need a thing what I'm gonna
17 ask you.

18 (WITNESS GAVE SOLICITOR ENVELOP.)

19 DIRECT EXAMINATION

20 RAYMOND BARNWELL BY MR. SPRINGS:

21 Q. The courtroom amplifier isn't working if you'll use
22 that hand held so everybody can hear you. What is your
23 name, sir?

24 A. My name is Raymond Martin Barnwell. I go by Ray.

25 Q. Okay. Ray Barnwell, how are you employed?

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1 A. I'm employed by the York County Sheriff's Office and I
2 work for the Forensic Services Unit.

3 Q. Forensics. Are those the people that work with
4 fingerprints and DNA and fiber and hair and all that stuff?

5 A. Yes, sir.

6 Q. How many years have you been a law enforcement
7 officer?

8 A. I been in law enforcement about twenty-two years and I
9 been doing forensic work for about seventeen.

10 Q. Okay. And in addition to the normal police academy
11 training have you had some specialized training in
12 fingerprints is what I want to talk to you about. Let's
13 focus on fingerprints. Have you had some special training
14 in fingerprints?

15 A. Yes, sir. I had several classes in developing and
16 processing crime scenes for fingerprints. The techniques
17 used to try to find and locate them and to process in
18 lifting.

19 Q. Okay. So would you say you've had some experience in
20 analyzing, collecting and identifying fingerprints?

21 A. Yes, sir.

22 Q. And have you ever been qualified in a court like this,
23 a court of record, as an expert in the analysis of
24 identification of fingerprints?

25 A. Yes, sir, and crime scene processing.

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CROSS BY MR. ATWATER

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1 Q. Okay. All right. We do offer Officer Ray Barnwell,
2 Your Honor, as an expert in the analysis and identification
3 of fingerprints.

4 MR. ATWATER: Your Honor, if I can voir dire for a
5 moment?

6 THE COURT: Sure.

7 CROSS EXAMINATION

8 RAYMOND BARNWELL BY MR. ATWATER:

9 Q. Officer Barnwell, have you had anything to do with the
10 analysis of any of the evidence of any of the evidence
11 we're here for today?

12 A. No, sir, I have not.

13 Q. Have processed or reviewed any of the expert or any of
14 the evidence in the case we're here for today?

15 A. I read over the initial report just because I was ask
16 to come process -- Excuse me, not process, I was ask to
17 testify in this court so I read over the report but I have
18 not looked at any evidence at all.

19 Q. Okay. And when you say you read over the report you
20 read over somebody else's report?

21 A. Yes. I did not do any reports to this crime.

22 Q. Is it your understanding that you're going to be
23 giving expert testimony in this case about an issue or a
24 subject?

25 A. I was told that I was going to be giving an expert

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1 opinion about how you can -- fingerprints could be left or
2 would not be left at a scene.

3 Q. Okay. And have you reviewed any fingerprint evidence
4 in this case?

5 A. No I have not looked at any fingerprint evidence at
6 all.

7 Q. Do you have any knowledge of any fingerprint evidence
8 in this case?

9 A. Yes.

10 Q. Okay. That would be second hand knowledge that you
11 got from some other source other than yourself?

12 A. It was on the report this morning that I read there
13 was fingerprints lifted at the scene.

14 Q. Okay.

15 A. And they did not - - -

16 Q. It was on the report. Right?

17 A. Yes it was on the report.

18 Q. That you read this morning?

19 A. Yes.

20 Q. Okay. Had you ever seen that report before today?

21 A. No.

22 Q. How long have you known that you were going to testify
23 in this case?

24 A. This morning about Ten o'clock.

25 Q. First time you ever heard about that?

1 A. Yes.

2 Q. Do you -- Do you have a certification as a fingerprint
3 examiner?

4 A. I am not a -- Are you talking about through an
5 individual company?

6 Q. Through an association or professional association,
7 any type of certification like that?

8 A. No, sir, I do not have a certification. I am a member
9 and qualified through certain schools to go through the
10 ACE-V. The way we identify fingerprints.

11 Q. Did you say the X V?

12 A. ACE-V.

13 Q. ACE-V?

14 A. Yes.

15 Q. And those -- that's actually an acronym isn't it?

16 A. Yes.

17 Q. Okay. What does that stand for?

18 A. Analysts, analyze, the A. The C is for comparison. E
19 is for examination. And V is for verification.

20 Q. Okay. What schools have you gone through training or
21 education in that?

22 A. It's been seventeen years of schools that I have to
23 get to this location. I can -- I have a book that I can
24 actually read all of them if you want me to, one of the
25 books that I walked in with.

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1 Q. You have something like a C-V?

2 A. I'm sorry.

3 Q. A Curriculum Vitae, something - -

4 A. Yes. I mean I have them dated and timed all the way
5 back seventeen years. I can read the probably thirty
6 different schools I've been to.

7 Q. Okay. And is that how long you've been doing
8 fingerprint examination?

9 A. I've been working in crime scene processing for about
10 seventeen years.

11 Q. Okay. How long have you been actually doing the
12 fingerprint examination?

13 A. Well as soon as you start fingerprint -- As soon as
14 you start lifting fingerprints you start looking at them
15 and that is a form of identifying and verifying if they are
16 good or not. So you are reading fingerprints from the day
17 you start lifting.

18 Q. Okay. So how long have you been doing the actual
19 analysis portion of it?

20 A. You mean - -

21 Q. Analysis in - -

22 A. You mean in comparisons?

23 Q. Right.

24 A. Six years.

25 Q. Okay. So seventeen years with the crime scene stuff

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1 and six years with the comparison stuff?

2 A. Yes.

3 Q. Okay. And how long have you worked for the York
4 County Sheriff's Department?

5 A. I been here eighteen years policing about twenty-two.

6 Q. And if I understand correctly you're understanding is
7 you're here to give an opinion on, an expert opinion on how
8 to process fingerprints?

9 A. No. I was told that why fingerprints could or may not
10 be, may or may not be left at a scene.

11 Q. And that's what you're going to give an opinion on?

12 A. That's what I was told that I was giving an opinion
13 on.

14 Q. Okay. Do you know of anything else other than that
15 you're going to be --

16 A. As I know of no.

17 Q. Okay.

18 A. But you can ask.

19 MR. ATWATER: Your Honor, we have no objection to that
20 limited qualification.

21 THE COURT: All right. So qualified.

22 DIRECT EXAMINATION - CON'T

23 RAYMOND BARNWELL BY MR. SPRINGS:

24 q. Now let's start, Officer Barnwell, with what
25 fingerprint is. When somebody touches something and leaves

RAYMOND BARNWELL: DIRECT BY MR. SPRINGS

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1 a fingerprint what is the stuff they leave on the surface?

2 A. Well a fingerprint is only a transfer or it's oils and
3 residues and it could be any substance from any kind of
4 cleaning products or anything of that extent that's left on
5 your fingers, sweat, and it's transferred to a surface.

6 That is a latent print. It's ridge detail. Ridge detail
7 is individual to each finger, toes, and palms and bottom of
8 the feet. That's ridge detail it transfers. You can also
9 have what they call a visible print or a patent print or
10 some people call it a -- I call it a patent print and
11 different classes call it different places.

12 Q. Okay. Meaning somebody might put their hand in blood?

13 A. Yeah you can see it. You can actually see it in like
14 dust or something to that extent. It's a visible print
15 before any processing is done.

16 Q. All right. Let's stick with the latent.

17 A. Okay.

18 Q. Somebody that doesn't have paint or blood or anything
19 on - - -

20 A. Correct.

21 Q. - - - their hands. So when somebody leaves a
22 fingerprint they're leaving primarily what; sweat?

23 A. Mostly it's either sweats or oils. And it's not
24 always left. It could be the opposite. It could be
25 reversed. It could actually take off if there's dust there

1 it can take the dust off and the oils will stick to the
2 finger -- Excuse me. The dust sticks to the oils of the
3 finger which means you would get a, it takes away the
4 actual print.

5 Q. Okay. And how about the surface that somebody touches
6 or are there some surfaces that are going to be better for
7 leaving a fingerprint and then somebody like you coming
8 along later and finding it and some surfaces that are just
9 going to darn hard to find a fingerprint. Tell us about
10 the surface.

11 Q. It all depends on the kind of surface it is. Woods
12 are porous. What they mean by porous is they have little
13 holes in it like a sponge. Sponges are considered a porous
14 surface. Non-porous being glass, very smooth. For
15 instance we've had a lot of testimony in this case just
16 because we have that Bible up there everybody touches it
17 and swears into it doesn't mean you gonna leave
18 fingerprints on that Bible okay. The Bible is porous
19 subject on the top of it okay. Also everybody touches it
20 on top of each other so then you have people touching it on
21 top of each other. Going in and out of this door. As you
22 all went in and out this door here several people touched
23 it in the same place so you cover each other's prints also.
24 So there's several ways that the prints can be messed up.
25 Smudging by pushing and it actually smears. What I was

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1 told in this case we were - -

2 MR. ATWATER: Objection, Your Honor, hearsay.

3 THE COURT: Don't go into anything unless I rule here
4 first.

5 A. The smears could be taking away fingerprints. So they
6 can all be left and then smeared by another person and when
7 you process in and out of -- go in and out of a door you're
8 actually putting fingerprints on top. Sometimes you take
9 off of it and it's transferred to your fingers, the dust
10 is, and there's nothing left on the door.

11 Q. Okay. How much movement would the hand have to make
12 to cause all those little delicate swirls to smear?

13 A. A very little movement. A lot of times when we do ink
14 the impressions the ink impressions being someone comes in
15 and rolls a fingerprint in a setting, in the office
16 setting, sometimes we have to do a ink impression two or
17 three times to get it. It all depends on because of the
18 nature of your skin. Some people has deep impressions,
19 some people have small impressions. Closer together,
20 farther apart. It all depends. The condition of the hand
21 itself. What kind of work they do. It can all depend on
22 what their ridge detail is. Each individual is different.

23 Q. Did you bring a sample picture of what a fingerprint
24 looks like?

25 A. No I did not.

1 Q. Okay. The ridges are small, tiny obviously are they
2 not?

3 A. Yes. And what are those ridges called? Are there
4 names for the types of ridges in fingerprints?

5 A. It's different patterns. There's a pattern; I mean
6 you got arches, swirls, loops, and then inside those you
7 have inside there's identifiable characteristics for each
8 fingerprint being bifurcations. Bifurcations being like
9 when you're driving down the road and there's a fork in the
10 road a Y in the road, that is a bifurcation. Same wording
11 it's just one's called a Y in a road and it's a
12 verification it's called bifurcation. You got ridges you
13 got islands you got and there are just little circles,
14 ridge ends and those are the aspects. If that's what
15 you're asking.

16 Q. It is. It is. Let's go back to fingerprints on top
17 of fingerprints. Let's say a door maybe to a convenient
18 store.

19 A. Yes, sir.

20 Q. And somebody's leaving the store and pushes the door,
21 the glass door of the convenient store. If they're putting
22 their fingerprints on top of dozens of other people that
23 have already left the store and pushed the glass door,
24 would you expect to get a good quality print?

25 A. In - and I call it in my opinion - the CSI factor is

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1 on TV and they show you these computerized things that can
2 lift, you put an fingerprint in it and it takes four
3 fingerprints and separates them out into three different
4 that is not possible. It does not happen. We individually
5 read those fingerprints and if a ridge runs into another
6 ridge we have to follow that ridge completely. If it
7 doesn't it's not identifiable. Meaning those fingerprints
8 are not any good. It's just like taking two road maps and
9 joining them together you not gonna get anywhere.

10 Q. You slap them right on --

11 A. You slap them on top of each other.

12 Q. And the more road maps and the more fingerprints you
13 keep putting on each other does the quality go down?

14 A. Yes. Now sometimes you do get those usable prints but
15 a lot of times you don't.

16 Q. Okay. So you're familiar with the reports that are
17 generated by the Forensic's Unit?

18 A. Correct.

19 Q. If the Forensic Unit doesn't find an identifiable
20 quality print does the report say nothing? You got
21 nothing?

22 A. Correct. I mean it says that we -- The report,
23 there's two FSU reports which means Forensic Services Unit
24 Reports, one saying when a scene is processed. One saying
25 that the -- that Director Weeks typed and said that they

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1 did not match or was not a comparison print made. Not a
2 comparison made being there was no good prints to compare
3 it to.

4 Q. Okay. Do your reports and your experience go into --
5 Do they get real glad when oh we had lots of smears and
6 lots of that or is it just say we got nothing that we can
7 identify?

8 A. It says no identifiable prints most of the time is
9 what we usually write.

10 Q. Okay. Thank you, sir, that's all I have for you.

11 CROSS EXAMINATION

12 RAYMOND BARNWELL BY MR. ATWATER:

13 Q. Ray, what time today did you learn you were going to
14 be ask to come testify in this case?

15 A. As I stated earlier it was about Ten o'clock this
16 morning. Or when I was told to come up here about Ten
17 o'clock.

18 Q. And who told you to do that?

19 A. Director Weeks which was -- did one of the reports and
20 did a comparison.

21 Q. George Weeks?

22 A. Yes. The director of our unit.

23 Q. You know who Kevin Sullivan is don't you?

24 A. Yes, sir. He's on vacation out of county.

25 Q. Okay. You know who he is. Right?

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1 A. Yes. Kevin Sullivan is a investigator for the
2 Forensic Services Unit.

3 Q. And Kevin is actually the person who is involved that
4 worked on this case. Correct?

5 A. Yes. And the report I cannot recall it one hundred
6 percent but because I only read it once, I think it said
7 that Director Weeks was on scene with him.

8 Q. You're testifying right now to a report that somebody
9 else prepared that you read today?

10 A. Yes.

11 Q. And you're saying that that was George Weeks' report?

12 A. No. It was not George Weeks' report. Well one of
13 them was yes.

14 Q. That's what I ask - -

15 A. One of them was yes.

16 Q. Okay. Where's he?

17 A. As far as I know he's working another scene. That's
18 where he was this morning, he was busy working another
19 crime.

20 Q. Do you know where he is right now?

21 A. No I do not.

22 Q. Now you were talking about latent prints and patent
23 prints and I believe that's what I know them as too. I
24 want to make sure that the jury has a good understanding of
25 what we're talking about here. If I go down and I touch

1 this and it leaves an impression of my oil and skin and
2 everything there that's a latent print. Right?

3 A. It depends on if I can see it with the naked eye or
4 not.

5 Q. Okay. All right.

6 A. If I can see it with a naked eye - - -

7 Q. All right.

8 A. - - - some people call it visible prints some people
9 call it patent prints and some people call it latent
10 prints.

11 Q. All right.

12 A. Okay.

13 Q. Let me ask you this. You're saying if you can see it
14 with a visible eye. Right?

15 A. Correct.

16 Q. If you come here and you dust that and then you can
17 still see it - - -

18 A. That is a latent print.

19 Q. That's still a latent print. Right?

20 A. Yes.

21 Q. Okay. So you can enhance it. Right?

22 A. Yes.

23 Q. And see it's not just whether or not you can see it
24 when you first come look. Right?

25 A. Correct.

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1 Q. Okay. So you can do things to be able to see it?

2 A. Correct.

3 Q. And you know add stuff to it to make it more visible?

4 A. That is what everyone calls a latent print.

5 Q. A latent print. Right?

6 A. Yes.

7 Q. Now if there was -- there was some soft wax on here
8 and I press my fingers into that and it left the
9 impressions from my fingers down into that soft wax or
10 let's say some play dough or something --

11 A. That is an impression print.

12 Q. And that's also what you were calling a patent print.

13 A. Some people call it a patent print but --

14 Q. Okay.

15 A. -- I call it -- I call it and some schools I have
16 been to call it impression prints --

17 Q. Gotcha.

18 A. -- when it's in an actual like gum, wax, those kind
19 of things.

20 Q. And some other substance?

21 A. Some other substance?

22 Q. Right. You're not depending on what came off of me?

23 A. Correct.

24 Q. You're depending on that substance right there.

25 Right?

1 A. Correct.

2 Q. Okay. Now you would not expect to get a patent print
3 off of a glass door would you?

4 A. No I would not.

5 Q. Okay. At least not a clean glass.

6 A. Correct.

7 Q. So you would be looking for a latent print. Right?

8 A. Yeah that's correct.

9 Q. All right. Now let me ask you this. I wasn't too
10 sure whether or not you were completely clear about this.
11 You're not saying that if someone comes along during the
12 day and pushes a glass door and then another person pushes
13 that glass door if I come along and lay my hand on that
14 glass door like this and push it out like that you're not
15 saying that it's impossible for you to get my fingerprints
16 off that door even though I touched where somebody else
17 touched are you?

18 A. No, sir. It is possible - - -

19 Q. That's right.

20 A. - -- to get your fingerprints.

21 Q. Okay.

22 A. But a lot of times but it is possible yes it is
23 possible.

24 Q. So merely because someone else touched the same place
25 I touch does not just completely obliterate your ability to

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1 find a good print there?

2 A. Correct.

3 Q. Okay. Now while you were talking on direct
4 examination I wrote down a quote that you said. You said,
5 "we've had a lot of testimony in this case". What were you
6 talking about? You haven't been here during this case have
7 you?

8 A. No, sir, but I was told to be here at Ten o'clock to
9 testify and there have been other people, I've been waiting
10 in line so I know there's been people in front of me. I
11 haven't been sitting out in the courtroom just waiting for
12 an empty chair.

13 Q. Okay. But you followed that and started to talking
14 about evidence in this case. Has someone talked to you
15 about their testimony in this case?

16 A. No one's talked to me about any testimony in this
17 case.

18 Q. Okay.

19 A. I was talking about touching the Bible cause everybody
20 that comes up here and sits in this touches the Bible.
21 That's what I was talking about.

22 Q. I got you.

23 A. About placing your hand on the Bible. Not testimony
24 in this case or anything like that.

25 Q. All right. Now you made reference to one of the

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1 things that can affect a print being the nature of
2 someone's skin?

3 A. Yes.

4 Q. And you'll agree with me that you don't know anything
5 about the nature of Ms. Dumas' skin do you?

6 A. In fact I don't even know her name.

7 Q. Okay. The report you read from Director Weeks?

8 A. Yes.

9 Q. Is that correct? And you also read a report that was
10 prepared by Sullivan?

11 A. Yes.

12 Q. Okay. Let's go to the case that we got here in front
13 of this jury today. August 9th 2010 you weren't at the One
14 Stop were you?

15 A. No, sir.

16 Q. August 9th 2010 you weren't at the scene stop, the
17 traffic stop were you?

18 A. No, sir.

19 Q. On August 9th 2010 you weren't in the detective
20 division at the City of Rock Hill Police Department were
21 you?

22 A. No, sir.

23 Q. Okay. And August 9th — as a matter of fact not only
24 do you not know her name you've never met Ms. Dumas before
25 have you?

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1 A. I don't have any connection to this scene or crime or
2 anything at all until this morning.

3 Q. You ever processed any of the evidence?

4 A. No, sir.

5 Q. You weren't there when the evidence was processed?

6 A. No, sir.

7 Q. Haven't seen the evidence?

8 A. No, sir.

9 Q. Okay. But you do do a lot of fingerprint processing.
10 Right?

11 A. Yes, sir.

12 Q. Okay. And I take it you haven't done it for as long
13 as you have you are pretty good at it. Right?

14 A. I have been fairly successful at my job.

15 Q. Okay. You won't dispute that if somebody touched this
16 you can get a fingerprint off of it?

17 A. Possibly.

18 Q. Okay. You can process to try to find a fingerprint
19 couldn't you?

20 A. Possibly.

21 Q. Well - -

22 A. Yes you can process it. Yes you could.

23 Q. You could process it to try to find a fingerprint
24 wouldn't you?

25 A. Yes.

1 Q. Okay. Now having been trained in crime scene
2 investigation you understand what good crime scene
3 techniques and standards are. Right?

4 A. Yes, sir.

5 Q. So I'm gonna pose you a scenario and then ask you a
6 question based on that scenario okay?

7 A. Okay.

8 Q. If you were called to a crime scene and this envelop
9 is sitting on a flat place and you were told that the last
10 person who touched that is the defendant that you're
11 looking for and it's sitting there on a flat surface?

12 A. Yes..

13 Q. What would you do with it?

14 A. First of all we always photograph.

15 Q. Okay.

16 A. Okay.

17 Q. Okay.

18 A. And then I would collect it.

19 Q. How would you collect it?

20 A. By using proper techniques using gloves, properly bag
21 it and then I would take it back possibly process it with
22 anything from Inhandran to yellow - basic yellow 40. I
23 mean there's several chemical techniques you can use. And
24 you can also do a simple as dusting it for prints but
25 because it is a paper substance it is a porous substance

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1 meaning it would not hold fingerprints as good as glass
2 being a nonporous substance.

3 Q. But I would venture that in your experience you have
4 taken fingerprints off of paper before haven't you?

5 A. Yes, sir, I have.

6 Q. Many times haven't you?

7 A. Yes, sir.

8 Q. Okay. Would you -- Would it be proper crime scene
9 investigation and forensic practice -- You said you would
10 have picked this up with a plastic glove or rubber glove?

11 A. I would have had on gloves and collected it properly.

12 Q. Would it have been proper forensic practice to process
13 to see if you could get a print off of it?

14 A. Like most of the time yes we do.

15 Q. I'm going to ask you to hold it and look at it for a
16 minute please. Being as experienced as you are can you
17 tell me whether or not that's ever been dusted for
18 fingerprints?

19 A. No, sir, it has not.

20 Q. Can you tell me whether it's been exposed to -- What
21 was the yellow stuff you called?

22 A. Basic Yellow 40 or an Inhandran it has not.

23 Q. And what was the other one? Inhydran.

24 A. Inhandran.

25 Q. And what is that?

1 A. It is a reaction to the acids and the oils in your
2 skin and leaves a permanent print but the problem is with
3 it is it will continue to develop and finally turn purple.

4 Q. Yeah I know that. Okay.

5 A. I mean you have to photograph it right, well this was
6 almost nine months ago so it would probably be purple by
7 now, solid purple.

8 Q. The whole envelop would?

9 A. Good possibility the whole envelop yes.

10 Q. But if you had processed it with Inhandran and found a
11 fingerprint at the time that that became photographically
12 visible you would have snapped a photo of it. Right?

13 A. Correct.

14 Q. And then that photo you would have used to be able to
15 determine to do your analysis. Right?

16 A. We would have said right here at this block part
17 that's where this photograph was taken.

18 Q. Okay. And tell the jury about the super glue
19 technique.

20 A. Cyanoacryline [sic] its basically super glue. You put
21 it in a system and you can put it in a fish tank you can
22 put it in a big container. They also make special vacuum
23 systems but what it does is it -- super glues and you use
24 it to glue any super glue to adhere to the same process as
25 the Inhandran process and it adheres to the fingerprint

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1 itself.

2 Q. Okay. Can you tell whether or not this has been
3 exposed to that process?

4 A. I cannot at this time. It does not appear to. I
5 would have to actually physically take and look at it under
6 a microscope because of it depends on how long the systems
7 in there. If you can leave it in there a little bit and it
8 will adhere to it. And you can leave it in there a little
9 longer and it will actually turn the fingerprint white.

10 Q. Okay. You don't see any white fingerprints - -

11 A. No.

12 Q. - - - on here do you?

13 A. I do not.

14 Q. Do you know of any reason why a piece of evidence that
15 was gathered by a forensic officer and put into using
16 correct forensics, the gloves and all that kind of stuff,
17 would not have been processed for fingerprints?

18 A. The only reason that I know of that it would not have
19 been collected, correction, processed, was if it was
20 touched by other people and contaminated before he
21 collected it.

22 Q. By - -

23 A. It had been contaminated.

24 Q. By other people you mean someone other than the
25 defendant?

RAYMOND BARNWELL: CROSS BY MR. ATWATER

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1 A. Not particularly after, I mean afterwards being
2 contaminated by five, six people picked it up and held it
3 and passed it around and everything else it might not be
4 processed at that time. Might. Most of the time it is.

5 Q. Okay. Could be anyway. Right?

6 A. Yes.

7 Q. Could be under any circumstances?

8 A. It could be processed.

9 Q. Nothing's stopping it from being?

10 A. That's correct.

11 Q. Okay. All right. How about a Two Dollar Bill?

12 Everything we just talked about true about the Two Dollar
13 Bill just the same?

14 A. Yes, sir.

15 Q. You guys get fingerprints off of money don't you?

16 A. I have not personally.

17 Q. Okay.

18 A. But I have seen it done and people in my unit have but
19 I have not personally.

20 Q. Other people within the York County - -

21 A. Forensic Services.

22 Q. What's "M" for?

23 A. York County Multi-Jurisdictional.

24 Q. Forensic Services Unit?

25 A. Right. Multi-Jurisdictional being York County and the

RAYMOND BARNWELL: CROSS BY MR. ATWATER

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1 Rock Hill City, Fort Mill, all those came together and made
2 one unit.

3 Q. So the unit that the evidence in this case would have
4 been processed by because it was collected by a member of
5 that unit. Right?

6 A. Correct.

7 Q. That unit has gotten fingerprints off of money before?

8 A. Correct they have.

9 Q. Okay. And do you know - You don't know I would guess
10 whether that attempt was ever even made with that
11 particular piece of evidence do you?

12 A. No, sir, I do not.

13 Q. Okay. Now what would be the purpose of someone doing
14 a swab of a cash drawer?

15 A. A swab can be done for several reasons, one is
16 possibly touched DNA if there is a touch DNA which is
17 epithelial's or dead skin cells left behind and then they
18 can possibly match it. Also you have to have to do that
19 you have to have a sample from the suspect and any possible
20 victims that are witnesses or whoever else might have
21 touched that door. SLED will not process that unless we
22 have all those swabs.

23 Q. Okay. You mean touched that drawer?

24 A. Yes.

25 Q. Okay.

1 A. Swabs meaning touch that drawer, anybody would have to
2 have -- If you touched a drawer yesterday and I touched it
3 today and then tomorrow somebody else touched it and it was
4 robbed and somebody stuck their hand in it you possibly the
5 person who stuck their hand in that drawer could possibly
6 leave some DNA being touch DNA from epithelial's. Your
7 skin is always reproducing and you're dropping dead skin
8 cells being epithelial's. Those could have been left in
9 there but so did I so did you do did whoever else touched
10 it. So to actually identify those you have to have samples
11 from everybody who touched that drawer and then they'll say
12 this is the one you don't have.

13 Q. Rather than having to have samples from everybody that
14 touched that drawer, if you had the one sample from the one
15 person who's epithelial's cells you got on the swab that
16 would be sufficient wouldn't it?

17 A. SLED will not test it that way.

18 Q. Okay. You guys don't test it?

19 A. No we do not test DNA currently.

20 Q. You collect it?

21 A. Yes.

22 Q. Okay. So if there were swabs collected in this case
23 do you know why they would not have been tested?

24 A. No I do not. I would have, I would have tried to get
25 it tested but as I said by SLED's policy which we have no

RAYMOND BARNWELL: CROSS BY MR. ATWATER

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1 control over here at York County they will not test it
2 unless it is a -- unless you have swabs to eliminate
3 persons.

4 Q. Okay. But you don't know --

5 A. And let me back up on that. And that's only in
6 certain crimes. You get major crimes as in major crimes,
7 not armed robbery major crimes, as in murder major crime
8 they will process those and they'll only take one swab at a
9 time and it takes like six months to do one swab.

10 Q. I gotcha. It's been longer than six months since this
11 thing happened. Right?

12 A. Yes, sir.

13 Q. Okay. Did you ever see the fingerprint cards that
14 have the latent prints that were collected from this scene?

15 A. No, sir. You ask me earlier I said I hadn't looked at
16 any evidence at all and that would be part of the evidence.
17 I haven't examined any of it or looked at any of it.

18 Q. Okay. So you wouldn't be able to say -- You wouldn't
19 be able to give any testimony whatsoever in regards to
20 whether those fingerprints were legible, smeared, or
21 anything. Right?

22 A. Correct.

23 Q. You don't know what kind of prints were lifted do you?

24 A. Correct. I was told that I was -- Excuse me. Not
25 told. I read that the defendant was not identified or the

1 prints were not matched to her.

2 Q. Did you also read that they had a set of her prints to
3 try to match them to it and it wasn't a match?

4 A. That's what -- When we say that yes we have a set of
5 her prints when we do that.

6 Q. Okay. Give me just one moment.

7 (PAUSE.)

8 Q. Now the report that you read that said you could come
9 testify today did it tell you anything about the incident
10 that we're here about?

11 A. I just read the incident saying that and Kevin
12 Sullivan responded to the scene.

13 Q. Okay. Was there anything in there regarding what, how
14 and whether or not the scene had been preserved in any way
15 before he got there?

16 A. As I recall it doesn't. It doesn't say that but I
17 would have to review the actual report which I can do. I
18 have a copy of it.

19 Q. Okay.

20 A. I just didn't review it because I was told that I was
21 testifying to why fingerprints, not particularly this
22 scene, that's why I was testifying not to this scene. I
23 was testifying why it could or could not be left.

24 Q. Okay. So you wouldn't even know where Detective or,
25 what is the proper designation for Mr. Sullivan?

RAYMOND BARNWELL: CROSS BY MR. ATWATER

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1 A. Sullivan is an investigator.

2 Q. You wouldn't even know why, where Investigator
3 Sullivan attempted to lift any prints from whatsoever would
4 you?

5 A. No, sir, I do not. I assumed he - -

6 Q. Don't do that.

7 A. So I can't do that.

8 Q. Don't do that.

9 A. But when processing we process everything that is
10 possibly touched by a suspect.

11 Q. Okay. And in a case like someone going into a
12 convenient store how would you know what to process in that
13 store?

14 A. Well personally I'd go into a store and buy stuff
15 myself. So I go up to the counter lay my hand up on the
16 counter to process it. Now most of the time I lay the
17 actual knife blade down here which is this side. You never
18 really touched the counter itself straight down okay. And
19 that's what I can recall from myself doing. I may barely
20 lay my hand down but you have to actually push a little bit
21 and use a little bit of force to leave some good prints.

22 Q. On a counter?

23 A. On a counter.

24 Q. But you would have checked the counter. Right? At
25 least.

RAYMOND BARNWELL: CROSS BY MR. ATWATER

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1 A. I would have yes.

2 MR. ATWATER: That's all I have. Thank you.

3 MR. SPRINGS: Nothing further. May the officer be
4 excused?

5 MR. ATWATER: No objection, Your Honor.

6 THE COURT: Thank you, sir. Please step down.

7 (WITNESS LEAVING WITNESS STAND.)

8 MR. SPRINGS: Judge, we rest our case.

9 THE COURT: Ladies and gentlemen of the jury, step
10 back to your room and let me take up some matters out side
11 your presence.

12 (JURY EXITS COURTROOM AT 02:40 PM.)

13 THE COURT: Anything for the record?

14 MR. SPRINGS: Nothing from the State.

15 MR. ATWATER: Your Honor, the Defense would move for a
16 directed verdict based on the fact all the evidence there
17 has been testimony and evidence in this case that has come
18 up at this time fails to meet the standard even looking at
19 it in the best interest, best light of the State, that the
20 State has proven all of the elements of armed robbery
21 beyond a reasonable doubt.

22 THE COURT: All right based on the evidence that I've
23 heard here I will have to deny that motion.

24 MR. ATWATER: Thank you, Your Honor.

25 THE COURT: Do you need a brief recess or are we ready

MARCELLA TALFORD: DIRECT BY MR. ATWATER

411

1 to go?

2 MR. SPRINGS: The State's ready.

3 MR. ATWATER: I wouldn't mind if I rested, Your Honor.

4 THE COURT: I've got a sneaking suspicion some of the
5 jurors are in the bathroom so let's take about five
6 minutes.

7 Stand at ease about five minutes.

8 (COURT IN RECESS AT 02:42 PM.)

9 (COURT RECONVENED AT 02:50 PM.)

10 THE COURT: Bring them in.

11 (JURY RENTERS COURTROOM AT 02:52 PM.)

12 THE COURT: All right. The jury is back.

13 MR. ATWATER: Your Honor, I would like to call
14 Marcella Talford as rebuttal.

15 THE COURT: You're still under oath.

16 DIRECT EXAMINATION

17 MARCELLA TALFORD BY MR. ATWATER:

18 Q. Ms. Talford, on the August the 9th of 2010 what
19 conversation did you have with Steven Sinclair?

20 A. I didn't have a conversation with him.

21 Q. You never spoke with Mr. Sinclair on that date?

22 A. Not that I can remember.

23 Q. Did your father come to the scene?

24 A. Yes.

25 Q. Did you see Mr. Sinclair talking to your father?

MARCELLA TALFORD: DIRECT BY MR. ATWATER

412

1 A. Did I see them talk? No.

2 Q. Were you there with him talking to your father?

3 A. No.

4 Q. And you're saying that Mr. Sinclair did not talk to
5 you and your father?

6 MR. SPRINGS: I'm going to object to the leading.
7 This witness I object to the leading.

8 MR. ATWATER: She's a rebuttal witness.

9 She's the opposite party, Your Honor.

10 THE COURT: I think she already answered it.

11 But go ahead and answer it.

12 A. Say it one more time.

13 Q. You're saying that Mr. Sinclair did not have any
14 conversations with you and your father that you're aware
15 of?

16 A. He did not talk to me. If him and my father talked
17 they talked outside while I was still inside of the store.

18 Q. Did you see Mr. Sinclair's children?

19 A. Did I see them?

20 Q. Yes, ma'am.

21 A. No.

22 Q. Did you see someone come and meet him and take his
23 children away?

24 A. I was inside the store.

25 THE COURT: That's not a direct answer.

MARCELLA TALFORD: DIRECT BY MR. ATWATER

413

1 BY MR. ATWATER:

2 Q. Did you see anyone come and take his children - - -

3 A. No.

4 Q. - - - and take them away?

5 A. No.

6 Q. Now you did go outside the store and have some
7 conversations with - -

8 MR. SPRINGS: I object to the leading. This is his
9 witness, I object.

10 MR. ATWATER: It's not my witness, Your Honor.

11 THE COURT: Still the way I interpret the rule he can
12 do this based on she's a state's witness even though she's
13 been recalled to the stand.

14 MR. ATWATER: Thank you, Your Honor.

15 Q. You did come outside and talk to people outside the
16 store didn't you?

17 A. When the police got there yes I was allowed to go
18 outside with my family.

19 Q. Okay.

20 A. But that's all. I talked to my family.

21 Q. You didn't talk to the police outside?

22 A. No. I was given a card and they told me that I would
23 come back to the police station the next morning.

24 Everything that I talked about was done inside of the store
25 before I was allowed to go outside.

MARCELLA TALFORD: DIRECT BY MR. ATWATER

414

1 Q. Okay. Was -- Are you known as Simply Cella on
2 Twitter?

3 A. Yes.

4 Q. Have you ever posted that your favorite childhood
5 memory was making my sis get a whipping because I wouldn't
6 confess if I go down everybody goes down?

7 MR. SPRINGS: Objection. It's irrelevant to this
8 case.

9 MR. ATWATER: I believe it's relevant, Your Honor.

10 THE COURT: Sustain.

11 A. Yes.

12 Q. Thank you.

13 THE COURT: You didn't have to answer. I sustain.

14 BY MR. ATWATER:

15 Q. You've never seen Ms. Dumas other than this process
16 before the date that she came in the store shopping that
17 day. Right?

18 A. That's right.

19 Q. Thank you.

20 MR. SPRINGS: Nothing.

21 THE COURT: You may step down. Thank you.

22 (WITNESS LEAVING WITNESS STAND.)

23 MR. ATWATER: Your Honor, just for notice to the
24 court, I'm going to need as I said at the beginning of this
25 case I'm going to need to bring Officer Reid back but right

JUDY ASHDOWN: DIRECT BY MR. ATWATER

415

1 now I'd like to call Ms. Judy Ashdown in rebuttal.

2 THE COURT: You're still under oath.

3 MR. SPRINGS: If we need to make a phone call to
4 Officer Reid I'll be glad to do it myself.

5 THE COURT: Thank you.

6 DIRECT EXAMINATION

7 JUDY ASHDOWN BY MR. ATWATER:

8 Q. Ms. Ashdown, you are the regional manager for --

9 A. Operations manager.

10 Q. Regional operations manager for the area that this
11 store is in?

12 A. Operations manager for all One Stop stores.

13 Q. Okay. Have you ever provided either the Rock Hill
14 Police Department or the York County Sheriff's Department
15 or the Solicitor's Office an inventory that was done after
16 this date?

17 A. What kind of inventory?

18 Q. Well let's start first any kind of inventory.

19 A. No.

20 Q. An inventory of money. How about that?

21 A. When a store is robbed I go in and do what's called a
22 cash audit and I give them the amount that's missing.

23 Q. My question to you was have you ever provided to any
24 of those agencies an inventory?

25 A. I told them how much money was missing.

JUDY ASHDOWN: DIRECT BY MR. ATWATER.

416

1 Q. Okay. Is it your testimony you did a cash audit?

2 A. Yes.

3 Q. Okay. Explain to the jury how you do that.

4 A. When -- It's basically balancing a register drawer.

5 You take into account all the funds in the store and then
6 you do a register reading and you compare the cash you have
7 compared to the register reading that tells you what you're
8 supposed to have.

9 Q. Okay. So it would be your testimony that you did that
10 on August 9th of 2010?

11 A. Yes.

12 Q. Did you do it before Janisha Hayes started working?

13 A. No. I think Janisha was working when I came in.

14 Q. So Janisha would have cash while she was working
15 wouldn't she?

16 A. Yes.

17 Q. Customers would have come and gone while she was there
18 before you ever got there. Right?

19 A. Yes.

20 Q. The money would have been transacted in and out.
21 Correct?

22 A. Yes.

23 Q. And transactions would have been made on the register.
24 Correct?

25 A. Yes.

JUDY ASHDOWN: DIRECT BY MR. ATWATER

417

1 Q. All of that would have been stuff that would have
2 happened after this incident. Correct?

3 A. Correct.

4 Q. And anything that occurred during that period of time
5 could have had an effect on your audit couldn't it?

6 A. I suppose.

7 Q. Could it or not?

8 A. Yes it could.

9 Q. Okay. Now that audit that is something that's just
10 basically like they do at the end of every shift. Right?

11 A. Correct.

12 Q. And you'll agree with me that from time to time
13 occasion to occasion day to day you all have discrepancies
14 in the money that ought to be there versus the money that
15 is there. Right?

16 A. Small yes.

17 Q. Does shoplifting ever happen in any of your stores?

18 A. Shoplifting happens all the time.

19 Q. All the time?

20 A. Uh-huh.

21 Q. Okay. And that would affect that audit you did
22 wouldn't it?

23 A. No shoplifting doesn't have nothing to do with cash.

24 Q. Okay. So if you were missing some inventory it
25 wouldn't have anything to do with it whatsoever?

1 A. No I don't do a complete store inventory audit when
2 the store is robbed.

3 Q. Okay. So you didn't so that?

4 A. No.

5 Q. All right. So the whatever audit you did would have
6 been based upon the information that you had available to
7 you when you arrived. Correct?

8 A. Yes.

9 Q. Because you didn't do one at the beginning of Ms.
10 Talford's shift did you?

11 A. Every shift is cleared off from the previous person.

12 Q. That's not my ques - -

13 A. I didn't do it myself.

14 Q. That's not my question for you. You didn't do one did
15 you?

16 A. No.

17 Q. Okay. And whoever did one isn't here today are they?

18 A. I don't know who worked before her.

19 Q. Okay. Your audit would have started with that
20 person's last audit. Correct?

21 A. Yes.

22 Q. That would be the basis for the starting point for
23 yours. Right?

24 A. Correct.

25 Q. So if their's was wrong what would that do to yours?

JUDY ASHDOWN: DIRECT BY MR. ATWATER

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1 A. It would make mine wrong.

2 Q. Okay. And you don't have your audit here today do
3 you?

4 A. No.

5 Q. Did you ever provide a written copy of that audit to
6 any of those agencies that I ask you about?

7 A. I don't remember. All I do is inform a detective
8 usually how much money is missing.

9 Q. Did you make a written copy of that audit?

10 A. I don't. I would have done it on paper to figure it
11 yes but I don't know whether I gave it anybody.

12 Q. Okay. Well where would that be right now?

13 A. If I gave it to the police I assume they had it. If
14 not it probably got thrown away.

15 Q. You wouldn't keep a -- It wouldn't become a part of
16 your business records?

17 A. I don't keep a copy of that. Usually I hand it to the
18 police.

19 Q. Well I'm not talking about an audit specifically just
20 related to a robbery. An audit that showed money missing
21 period.

22 A. Well - -

23 Q. You all keep records to that somewhere don't you?

24 A. The store report yes. We would have those in our
25 office. The store report would show the cash shortage for

JUDY ASHDOWN: DIRECT BY MR. ATWATER

420

1 that day.

2 Q. So apart from the audit you did - - -

3 A. Uh-huh.

4 Q. - - - there is a written store report which would show
5 that difference isn't there?

6 A. Yes.

7 Q. Okay. And you don't have that here with you today do
8 you?

9 A. No.

10 Q. Okay. And that's not something Ms. Talford controls.
11 Right?

12 A. No.

13 Q. But you do have control over it don't you?

14 A. I don't -- What do you mean have control over?

15 Q. You can go get it if you wanted.

16 A. If I was told to bring it I would have.

17 Q. My question to you was can you go get it if you wanted
18 to?

19 A. Yes I can.

20 Q. And you don't have it here today. Right?

21 A. No.

22 Q. Do you understand Ms. Dumas is on trial - -

23 MR. SPRINGS: Objection. This is argumentative and
24 abusive to this witness.

25 THE COURT: That is exactly right. She is on trial.

JUDY ASHDOWN: DIRECT BY MR. ATWATER

421

1 She is not. You - -

2 MR. ATWATER: I'll take it back. I withdraw the
3 question.

4 Q. Okay. And Ms. Ashdown, is there any written figure
5 you can show us of the specific amount of money that was
6 off in your audit?

7 A. If you let me drive to Shelby I can get it for you.

8 Q. Okay. Apart from that do you know the specific
9 number?

10 A. Whatever I gave the police on that report, like I said
11 I run seventeen stores and I work a lot of robberies.

12 Q. Okay.

13 A. So I cannot specifically tell you what was missing
14 that day when she came in and robbed our store.

15 Q. From this particular robbery?

16 A. No I cannot.

17 Q. All right. Thank you.

18 MR. SPRINGS: Nothing further.

19 THE COURT: You can step down.

20 (WITNESS LEAVING WITNESS STAND.)

21 MR. ATWATER: Your Honor, I would call Bursha Dumas.

22 Could you call out in the lobby for Bursha Dumas
23 please.

24 MADAME CLERK: Please raise your right hand place your
25 left on the Bible.

BURSHA DUMAS: DIRECT BY MR. ATWATER

422

1 (WHEREUPON: BURSHA DUMAS,
2 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

3 MADAME COURT REPORTER: Sir, if you'll take that mic,
4 speak into it. Speak loud enough so that last juror in
5 that jury box can hear you.

6 A. Yes.

7 DIRECT EXAMINATION

8 BURSHA DUMAS BY MR. ATWATER:

9 Q. Bursha, please, tell your name tell your name to the
10 Jury.

11 A. Bursha Dumas.

12 Q. And where do you live?

13 A.

14 Q. How long have you lived there?

15 A. Seven years.

16 Q. Do you own that house?

17 A. Yes.

18 Q. Okay. And who do you live there with?

19 A. My wife and kids.

20 Q. Okay. Tell the Court -- Tell the jury who your wife
21 is.

22 A. Connie Dumas.

23 Q. That her sitting over there?

24 (POINTING AT DEFENDANT.)

25 A. Yes.

BURSHA DUMAS: DIRECT BY MR. ATWATER

423

1 Q. With me during this trial?

2 A. Yes.

3 Q. Okay. And you said your children live there with you
4 as well?

5 A. Yes.

6 Q. Tell the Jury your name, your children's names and
7 their ages.

8 MR. SPRINGS: I'm gonna object to the relevance of
9 this. Totally irrelevant as to whether this lady did or
10 did not rob the store.

11 MR. ATWATER: It's not irrelevant.

12 THE COURT: I'll give it some leeway. You can get
13 some background on the witness. But that doesn't mean -

14 MR. ATWATER: Thank you, Your Honor. I understand,
15 Your Honor.

16 Q. Tell the Jury your children's names and ages.

17 A. Kiara Boston, 18. Kayla , 15. And Darius
18 s, 12.

19 Q. Okay. And was Kiara the one that was with Connie on
20 the date of this incident when the police stopped the car?

21 A. Yes.

22 Q. Okay. And how old was Kiara on that date?

23 A. Seventeen.

24 Q. Do you know where they were going when they were
25 stopped?

BURSHA DUMAS: DIRECT BY MR. ATWATER

424

1 A. I wasn't there. But I heard they were going to the
2 store or something.

3 MR. SPRINGS: I'm gonna object to what he heard.

4 THE COURT: Sustained.

5 BY MR. ATWATER:

6 Q. On -- On the date of this incident did Kiara have a
7 driver's license?

8 A. No.

9 Q. Okay. Did she have her learner's permit?

10 A. Yes, she had her learner's permit.

11 Q. Okay. This was August the 9th of 2010. Where were
12 you at the time that the -- Kiara and Connie were pulled
13 over by the police?

14 A. At work.

15 Q. And where do you work?

16 A. Great Lakes Petroleum.

17 Q. Okay. And when you came -- came home, was Darius at
18 home?

19 A. Yes.

20 Q. Okay. Was Kiara at home?

21 A. Yes.

22 Q. Do you recall what time you got home?

23 A. Four something.

24 Q. Okay. Was there anybody else at your house?

25 A. Yes.

BURSHA DUMAS: DIRECT BY MR. ATWATER

425

1 Q. Who else was there?

2 A. About twenty or thirty policemen with detectives.

3 Q. Okay. Was your wife at home?

4 A. No.

5 Q. So it was just your children and all of these people?

6 A. Yes.

7 Q. Before you got home did you have any idea that they
8 were all there?

9 A. Well I got a phone call from my neighbor, told me
10 something was going on. And he told me I needed to get
11 home.

12 Q. Where was your other daughter?

13 A. With a friend.

14 Q. Now, aside from your -- your full time job, did you
15 have any other money-making venture?

16 A. Any what?

17 Q. Any other money-making venture?

18 A. Yes, I'm a mechanic. I do stuff on the side. Yes.

19 Q. Okay. Do you do landscaping, or anything like that?

20 A. Sometimes. Not lot -- a lot.

21 Q. Bursha, I'm gonna show you some photos and ask you if
22 you'd take a moment to just thumb through those and have a
23 look at 'em.

24 A. Uh-huh.

25 (WITNESS REVIEWING PHOTOS.)

1 Q. All right. Before I ask you about these photos, I --
2 I want to back up for a moment and just ask you...

3 Recently prior to August 9th, of 2010, had your family
4 received money for settlements for an incident that you
5 children were in?

6 A. Yes.

7 Q. Okay. And how much money was that, if you recall?

8 A. Well they all got different amounts. So, all together
9 probably around Eight Thousand Dollars, maybe.

10 Q. Eight thousand dollars?

11 A. Somewhere around there.

12 Q. Okay. And that was money that had been paid to you --

13 A. Yes.

14 Q. -- and Connie?

15 A. Uh-huh.

16 Q. On behalf of your children?

17 A. Yes.

18 Q. All right. And why was that?

19 A. From an accident. Car accident.

20 Q. Okay. Was -- Who else was in that car accident
21 besides those children?

22 A. Connie.

23 Q. Okay. And do you remember what happened to her?

24 A. She broke her shoulder.

25 Q. Okay.

BURSHA DUMAS: DIRECT BY MR. ATWATER

427

1 A. Uh-huh.

2 Q. Around the date of this incident, was she still
3 complaining about pain from that shoulder?

4 A. Yes.

5 Q. Now, do you know whether or not Connie had any type of
6 a claim for money as -- as a result of her involvement in
7 the accident?

8 A. Yes, she did.

9 Q. Okay. Had she received that yet at that time?

10 A. No.

11 Q. She was still waiting on that. Right?

12 A. Yes.

13 Q. Y'all knew that that would be coming in as well.
14 Right?

15 A. Yes.

16 Q. Now, referring back to the photos you have there --
17 Let me ask you one more question. Do you know whether or
18 not Connie has a bank account anywhere else other than
19 Family Trust?

20 A. Yes.

21 Q. Where else does she have a bank account?

22 A. State Employee's Credit Union. We both have one
23 there.

24 Q. Okay. And where is that?

25 A. In North Carolina.

1 Q. All right. How long have y'all had those accounts at
2 State Employees Credit Union?

3 A. Eight or nine years or better.

4 Q. Continuously from eight or nine years ago all the way
5 until now?

6 A. Yes.

7 Q. All right. Those accounts are still open?

8 A. Yes.

9 Q. Do they still have money in them?

10 A. Yes.

11 Q. Have they pretty much throughout that whole period?

12 A. Excuse me?

13 Q. Have they pretty much throughout that whole period?

14 A. As far as I know, yes.

15 Q. Okay. Well, why would you have had these accounts in
16 North Carolina?

17 A. 'Cause that's where we lived first.

18 Q. But when did you live in North Carolina?

19 A. 2002 to 2004.

20 Q. And that was immediately before you all moved down
21 here?

22 A. Before we moved to South Carolina? Yes.

23 Q. Okay. Did Connie used to work up there?

24 A. Yes.

25 Q. What did she do?

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1 A. A school teacher and she'd go doing -- the one with
2 the brown uniforms. UPS.

3 Q. At -- On this date in August of 2010, was she still
4 recovering from the car accident?

5 A. Yes.

6 Q. Now, refer to the photos you've had an opportunity to
7 review. Do those appear to be your house on Robertson
8 Road?

9 MR. SPRINGS: I -- I'm gonna object the leading. You
10 can just ask him.

11 MR. ATWATER: All right. All right.

12 Q. What are those photos of?

13 A. Pictures of my house.

14 Q. Okay. The -- How big is your house?

15 A. Four bedroom, two and -- 'bout two -- I don't know --
16 pretty big. Two thousand and something square feet.

17 Q. All right. Do you -- Are you able to tell by looking
18 at those pictures if you have any type of equipment outside
19 of your house?

20 A. Yes.

21 Q. What -- What type of equipment do you see outside of
22 your house?

23 A. It's a Caterpillar Skid Steer right behind the police
24 car.

25 Q. And what is a Caterpillar Skid Steer?

1 A. It like a mini bull dozer for digging holes and moving
2 stuff.

3 Q. On the date of this did you own that?

4 A. Yes.

5 Q. It belonged to you and your wife?

6 A. Yes.

7 Q. Okay. How much was that worth?

8 A. Twenty-four Thousand, maybe. I don't know.

9 Q. Okay. Any other equipment out there that you see?

10 A. My John Deer tractor.

11 Q. Okay. Did -- Did you and your wife own that on the
12 date of this incident?

13 A. Yes.

14 Q. How much would you say that's worth?

15 A. Four Thousand Dollars.

16 Q. Okay. How about any other equipment that was out
17 there?

18 A. The zero turn tra -- lawn mower that's in the carport.

19 Q. Okay. Who's the maker of that?

20 A. Cub Cadet.

21 Q. How much would that have been worth at the time?

22 A. Thirty-five Hundred.

23 Q. All right. Did -- did -- Did you and Connie own any
24 automobiles?

25 A. Yes.

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1 Q. What automobiles did you own at that time?

2 A. 2005 Yukon Denali and a Toyota Corolla.

3 Q. And the Corolla, who drove that car?

4 A. Connie.

5 Q. Okay. Was that paid for?

6 A. Yes.

7 Q. How about in your house? In reviewing those pictures
8 do you see any items of value in your house?

9 A. Yes.

10 Q. Let's start with the living room with the fire place.
11 What items of value do you have in that room?

12 A. It's a color TV.

13 Q. Is that a flat screen or a --

14 A. No, I think that's just a 37 inch.

15 Q. What would you say that was -- that's worth?

16 A. Four Hundred and some dollars.

17 Q. Okay.

18 A. And it's a --

19 Q. How many rooms do you have televisions in?

20 A. Four.

21 Q. And are all those comparable to that one?

22 A. Yes.

23 Q. Okay. Any other expensive electronic equipment or
24 anything like that in your house?

25 A. Yes.

1 Q. Tell the jury about that stuff.

2 A. We had the Guitar Hero, the drum set, the DVD, VCR.

3 You talking about just the living room right here?

4 Q. I just -- no. Pretty much the whole house. Let me --

5 let me ask you, does -- did Connie have any type of

6 valuables in your house?

7 A. Yes..

8 Q. What did she have?

9 A. Well, she's got a jewelry box with all kinds of stuff
10 in it. And in this one picture she's got a safe and --

11 right there that she keeps a lot her stuff in this safe.

12 And she got watches, rings, earrings, bracelets, stuff like
13 that. Girl stuff.

14 Q. Do you know any of -- the value of any of the jewelry
15 that she would have had on the date of this incident?

16 A. You mean all together, or just certain things?

17 Q. Just anything that can come to your mind.

18 A. Well I know the earring are probably worth Three or
19 Four Hundred Dollars, 'cause I bought 'em.

20 Q. Okay.

21 A. And the watches and the bracelets, they're -- they're
22 all kind of expensive.

23 Q. Okay. How long have you and Connie been married?

24 A. Thirteen years.

25 Q. Have you ever known her to do anything like she's

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1 charged with here today?

2 A. No.

3 Q. Thank you, Bursha. Please answer any questions Mr.
4 Springs has for you.

5 CROSS EXAMINATION

6 BURSHA DUMAS BY MR. SPRINGS:

7 Q. Mr. Dumas, were you with your wife about 3:30 on the
8 afternoon of August 9th of last year?

9 A. No.

10 Q. You weren't there at all, were you?

11 A. No.

12 Q. Thank you very much, sir. That's all I have.

13 THE COURT: Mr. Dumas, you may step down.

14 (WITNESS LEAVING WITNESS STAND.)

15 MR. ATWATER: Do we know anything about Officer - -

16 MADAME CLERK: He on his way from Rock Hill.

17 MR. SPRINGS: He's in Rock Hill?

18 MADAME CLERK: Yes, sir.

19 MR. SPRINGS: You don't think he's here quite yet?

20 MADAME CLERK: He's not. He's on his way from Rock
21 Hill.

22 MR. ATWATER: All right. Your Honor, I was gonna --
23 my next witness is my last witness other than him is going
24 to be Ms. Dumas and it would be pretty lengthy. If he gets
25 here, is it possible we can let her off the stand and take

1 him out of turn?

2 THE COURT: I don't have a problem with it.

3 Does the State have a problem with it?

4 MR. SPRINGS: No objection at all.

5 THE COURT: Ladies and Gentlemen of the jury, step out
6 just a minute. I need to ...

7 (JURY EXITS COURTROOM AT 03:30 PM.)

8 THE COURT: All right. I need some clarification.
9 Exactly how does the Defendant pronounce her last name?
10 I've heard Dumas. That's the way I pronounce it.

11 MR. ATWATER: You just did it correct, Your Honor.

12 THE COURT: Okay. Counsel, have you discussed with
13 Ms. Dumas her Fifth Amendment rights?

14 MR. ATWATER: I have, Your Honor.

15 THE COURT: As I understand it, she will be
16 testifying?

17 MR. ATWATER: Yes, Your Honor. She testified in the
18 last one.

19 THE COURT: Okay. And you have fully discussed that
20 with her?

21 MR. ATWATER: Yes, Your Honor.

22 THE COURT: And in your opinion does she understand
23 your advice?

24 MR. ATWATER: Yes, Your Honor.

25 THE COURT: Ms. Dumas, you fully understand under the

1 Fifth Amendment of the United States Constitution and also
2 a similar counterpart of a provision to our State
3 Constitution, you have a right to remain silent? In other
4 words if you elect not to testify it can't be used against
5 you in any shape or for -- form or fashion. In other
6 words, it can't be used to mitigate against you. You have
7 a Constitutional right not to testify or, what we say,
8 elect not to testify or remain silent as you hear many
9 times. Any waiver of that right has to be made on a
10 personal basis by you. It needs to be freely, voluntarily,
11 and intelligently entered into by you. And if you elect to
12 take the testify -- if you elect to take the stand and
13 testify, you need to fully understand that you will subject
14 yourself to cross examination like any other witness, and
15 you may be impeached according to the rules of procedure
16 and evidence. Have you discussed the issue that I'm
17 covering with you now, with counsel, to your satisfaction?

18 MS. DUMAS: Well, Your Honor, we discussed it prior to
19 the last trial.

20 MR. ATWATER: I was gonna -- I was gonna answer, Your
21 Honor. We have not had a discussion about that based upon
22 where we are at this point in the trial. I don't know if
23 it's too early to do this or not, Your Honor. I know in
24 the beginning you're not gonna charge the jury after Four
25 o'clock in the afternoon.

1 THE COURT: No.

2 MR. ATWATER: And the last time her testimony took
3 about two hours. Would it be a bad idea to just adjourn,
4 or wait for the other officer to get here and just start in
5 the morning with her?

6 THE COURT: I would need to -- We need to move on

7 - - -

8 MR. ATWATER: Okay.

9 THE COURT: - - - because we've got so much. I don't
10 want -- we got plenty of time, we'll stay here if we have
11 to.

12 MR. ATWATER: Okay.

13 THE COURT: I would certainly hope that if we've been
14 through this before, you may be able to condense it.

15 Do you need a minute or two to talk to him about this
16 and make sure?

17 MS. DUMAS: Yes I do.

18 THE COURT: All right. While we're waiting maybe the
19 officer will come in, and you know, alleviate the
20 interruption. Go ahead and take a minute or two while the
21 jury's out and y'all talk and make sure you -- that you're
22 satisfied that you want to testify.

23 MR. ATWATER: Can -- can we leave the court room, Your
24 Honor?

25 THE COURT: Yes, sir. We will stand at ease for just

1 a few minutes.

2 (COURT IN RECESS AT 03:35 PM.)

3 (BACK ON THE RECORD AT 03:48 PM.)

4 THE COURT: Ready? Is the officer still out here?

5 MR. SPRINGS: Evidently not. I'm gonna look in the
6 hall one more time.

7 (PAUSE.)

8 MR. SPRINGS: He's not here, Your Honor.

9 THE COURT: Okay. May we proceed?

10 MR. ATWATER: Yes, Your Honor.

11 MR. SPRINGS: Can we put on the record that a decision
12 was made for this trial, and independently by this trial?

13 THE COURT: Is that correct?

14 MR. ATWATER: Yes, Your Honor.

15 THE COURT: And I'm assuming since I didn't hear
16 anything, that Ms. Dumas will go forward with testifying.

17 (JURY REENTERS COURTROOM AT 03:49 PM.)

18 THE COURT: All right.

19 MR. ATWATER: We call Connie Dumas, Your Honor.

20 THE COURT: Come around and be sworn please.

21 (WHEREUPON: CONNIE DUMAS,

22 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

23 DIRECT EXAMINATION

24 CONNIE DUMAS BY MR. ATWATER:

25 Q. Connie, please state your full name for the jury.

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- 1 A. Connie Dumas.
- 2 Q. Are you married, Connie?
- 3 A. Yes.
- 4 Q. Who are you married to?
- 5 A. Bursha Dumas.
- 6 Q. How long have you been married?
- 7 A. Thirteen and a half years.
- 8 Q. Where do you and Mr. -- Bursha live?
- 9 A. Where do we live now, or did we?
- 10 Q. Where do you live now?
- 11 A. Now at Robertson Road.
- 12 Q. Okay. And how long have you lived there?
- 13 A. Since 2004.
- 14 Q. And who lives there with you?
- 15 A. Me, my husband and my three children.
- 16 Q. Okay. And that is Kiara and Darius and...
- 17 A. Kayla.
- 18 Q. Kayla.
- 19 A. Kayla.
- 20 Q. All right. And is -- Which one is the youngest?
- 21 A. Darius.
- 22 Q. Okay. And how old is Darius?
- 23 A. He's twelve now.
- 24 Q. What -- what do you do for an occupation now?
- 25 A. Right now?

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1 Q. Yes.

2 MR. SPRINGS: I'm gonna object to what she does right
3 now. It's irrelevant to what she was doing back on August
4 9th of last year.

5 THE COURT: I'm gonna let him go into some background.

6 A. Right now I'm not working. I'm currently unemployed.

7 Q. Okay. Do you -- what -- Is Darius home during the
8 days when you're there?

9 A. After school? Yes.

10 Q. Does -- does Bursha go to work?

11 A. Yes.

12 Q. What -- What time does he leave?

13 A. He works -- He works different jobs. He has -- He was
14 on one shift where he would go at like Seven in the morning
15 to about 4:30 or so in the evening -- in the afternoon.

16 Q. Let's talk about -- Let me ask you about the -- on the
17 date of this incident, August 9th of 2010, when he was
18 working at the Petroleum place. What time would he go to
19 work in the mornings?

20 A. He would leave in the mornings about Six, 6:30, to get
21 there at Seven.

22 Q. Okay. And where would you be at that time on the date
23 of this incident, August 9th?

24 A. Which was, I believe, a Monday?

25 Q. Where would you be --

1 A. If it was a weekday I would be getting ready to get up
2 or already up for my kids to go to school. If it's a
3 weekday.

4 Q. Okay.

5 A. If it's a weekend -- and he does work on weekends
6 sometimes, I would probably still be asleep.

7 Q. Okay. Now this was August the 9th. Would school
8 have been started yet?

9 A. Oh, no. I'm sorry. No, it wasn't. So, yeah, then I
10 would have been asleep still.

11 Q. Okay. And who would have been at home that morning/

12 A. Left at home it would have been me, Kiara and Darius.

13 Q. And where would Kayla have been?

14 A. Kayla was at her best friend's house.

15 Q. Had she spent the night there?

16 A. Yes. She does.

17 Q. And so, do you recall what you did that day starting
18 off in the morning?

19 A. In the morning, yes.

20 Q. Okay. What were you doing?

21 A. Usually I get up. Sometimes I would cook. Sometimes
22 my daughter would cook breakfast -- pancakes she likes to
23 make and she'll make enough for her brother. And sometimes
24 they eat breakfast and sometimes they don't. Watch TV,
25 talk, we sit and talk about different shows and different

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1 things. And then she, maybe a little bit later on in late
2 morning, afternoon, she asked me -- Kiara indicated that
3 there was --

4 MR. SPRINGS: I'm gonna object to the hearsay, Your
5 Honor.

6 THE COURT: Yeah. Avoid anything that somebody else
7 said.

8 MR. ATWATER: That's okay.

9 Q. I -- let me ask you another question. Connie, on the
10 date of this accident, what was your physical health like?

11 A. Physically, I still was suffering pains from a broken
12 collar bone on my left side that went out to my shoulder.

13 Q. And how had you gotten that?

14 A. We were struck by another vehicle, me and my children.
15 And taken to ER and that's where I was taken to the x-ray
16 radiology and they told me I had a broken collar bone.

17 Q. Okay. And were you having to take any type of
18 medications or anything for the collar bone?

19 A. Yes.

20 Q. All right. What kind of problems was it giving you?

21 A. Well I was in an arm sling. I also had a sprained
22 thumb. So from my -- here to, you know, my whole left side

23 - - -

24 (INDICATING TO SIDE OF BODY.)

25 A. - - - was -- were -- the sling and this had a splint.

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1 And so I could only move my right arm and I was told to not
2 have any activity or movement. Only when I shower, and
3 then try not to, you know, use any -- any sudden movements
4 or anything. I also had contusions to my knee and my left
5 leg. There were a total of four different body parts that
6 were x-rayed on that side.

7 Q. And all of this you're talking about right now
8 happened in that accident?

9 A. Yes.

10 Q. Okay. On the date August 9th of 2010, were you still
11 in that sling?

12 A. No, I wasn't.

13 Q. Okay. Do you recall what type, if any, what type of
14 medications you were taking for your shoulder at that time?

15 A. If I'm in any -- was in any pain -- I don't like to
16 take pills, but I was given an -- a -- what's the word they
17 call -- Well, I was given pain medication. I was trying to
18 think of the proper word; but I was given pain medication
19 to take throughout that time, as I had also after the sling
20 I had to go through physical therapy, which caused some
21 soreness afterwards and everything. And I was told by my
22 doctor that I would still probably have pain off and on for
23 some time.

24 Q. Okay. On the date of August 9th, 2010, had you and
25 Bursha settled any part of that accident?

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1 A. Yes. My children had gotten their checks.

2 Q. Okay. And that was -- How close was that in rela --
3 when did they get that in relation to August 9th?

4 A. The end of June, I believe it was June 29th, right
5 approximately a month and a week, maybe, before this day.

6 Q. Okay. On the date of this accident, how was your
7 mental health?

8 A. On the date of the car accident?

9 Q. I'm sorry. On the date of this incident, August 9th
10 of 2010.

11 A. My mental health?

12 Q. Yes.

13 A. Was -- It was pretty good.

14 Q. Did you have to take any type of medications for any
15 condition?

16 A. Well, yes.

17 Q. Okay. Tell the jury about that.

18 A. I take QVAR, which is an oral inhaler for asthma.
19 I've had life-long asthma. Allergies, I take Flonase,
20 which is also an inhaler -- nasal inhaler. I also take
21 Zyrtec because sometimes the Flonase doesn't work quite
22 well, and I have indoor allergies to dust, so... I also
23 take a prescription Zoloft for depression. And that would
24 be it.

25 Q. And how long were you -- have you been taking Zoloft?

1 A. Just Zoloft I have been taking a few years. We moved
2 there in two thous - here in 2004 and I probably started
3 Zoloft around 2007.

4 Q. And are you still taking that today?

5 A. Yes, I am.

6 Q. I was taking another drug prior to Zoloft. They
7 switched me to another medicine.

8 Q. On the date of this incident, do you recall going to
9 the -- or leaving your house that day?

10 A. Yes.

11 Q. And where were you going when you left your house?

12 A. I was going to the ATM machine. I generally would go
13 to the one at -- at the Family Trust. It's a drive up.

14 Q. Okay. Now, do you -- did you have a bank account on
15 that date anywhere else other than Family Trust?

16 A. Yes I do. I have a bank account in North Carolina
17 State Employee's Credit Union.

18 Q. Now, if you were going to do a transaction with State
19 Employees Credit Union to withdraw money --

20 A. Uh-huh. Yes.

21 Q. -- do they have an ATM anywhere down here in Rock Hill
22 that you know of?

23 A. No.

24 Q. Where do you know the closest Credit Union -- or, I'm
25 sorry, ATM, that you could go to with that account to

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1 withdraw money that is with that bank?

2 A. At -- with the North Carolina State Employees Credit
3 Union the closest one is on -- off of Carowinds Boulevard
4 in South Tryon, past Carowinds Amusement Park down the
5 Boulevard.

6 Q. Okay. Do you -- And did you say this is the North
7 Carolina State Employee's Credit Union?

8 A. Yes, it's across the North Carolina line, when you go
9 down that -- that road, you cross into North Carolina.

10 Q. How long have you had a -- an account with them?

11 A. I've had an account with the North Carolina Credit
12 Union since approximately 2002.

13 Q. Okay. And it's been continuously open all that time?

14 A. Yes.

15 Q. Still open today?

16 A. Yes.

17 Q. Do you still use that account?

18 A. Yes.

19 Q. Have you continuously used it all through that period
20 of time?

21 A. Yes.

22 Q. Now, did you have any form of income on the date of
23 this accident?

24 A. In August 9th -- well yes I do. I did.

25 Q. And what was that?

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1 A. Well I don't know if you consider it income, but I get
2 -- the money my kids get, I get in my name a check for them
3 every month from their grandmother up in Cleveland in Ohio.

4 Q. Okay. How do you receive that money?

5 A. She mails me a check for -- just for anything they
6 might need, or -- she likes to help out anything that they
7 -- I bought them.

8 Q. On the -- Now, you said you were still recovering from
9 this wreck. Prior to the wreck were you employed?

10 A. Yes.

11 Q. Where were you employed then?

12 A. I was employed -

13 MR. SPRINGS: I'm gonna object to the relevance of
14 this. This goes way, way prior to it, Your Honor.

15 MR. ATWATER: Actually, Your Honor, he'll understand
16 where I'm going as soon as I ask the next follow up
17 question. It comes very recent.

18 THE COURT: Go ahead.

19 BY MR. ATWATER:

20 Q. Were you working right before the accident?

21 A. I was working full time, but third shift, at Toys R Us
22 in Pineville, North Carolina.

23 Q. Okay. And why did you stop working there?

24 A. Because I couldn't work anymore. The doctor -- the
25 doctor -- Ortho Carolina said no activity. I had to have

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1 the brace on for , he said, at least eight weeks. And I
2 couldn't lift. I was an overnight stocker. And I did
3 overnight work because I was in school during the day.

4 Q. Where were you going to school?

5 A. Winthrop University.

6 Q. Okay. Now, after -- Did you ever go back and work at
7 Toys R Us?

8 A. No, I didn't.

9 Q. After you came out of the sling, were you able to
10 qualify for unemployment benefits?

11 A. Was I able to --

12 Q. Qualify for unemployment benefits.

13 A. Yes.

14 Q. When did you start drawing unemployment?

15 A. That would have been -- well the incident -- I think
16 it was January. The incident happened on December 18th, of
17 09, and so in 2010, January beginning February.

18 Q. Okay. Were those -- Where were those unemployment
19 funds coming to?

20 A. They were coming to me.

21 Q. Okay. And how did you receive them?

22 A. Check.

23 Q. Okay. Do you recall whether or not you had any type
24 of direct deposits going on at the time of this incident
25 that we're here about today?

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1 A. Yes. I did.

2 Q. Tell us about that.

3 A. Well, I -- that's the check -- I mean the funds were
4 to me, but I went and set up the -- I had went to set up
5 direct deposit and that was at Family Trust.

6 Q. Okay. Which was over here on Robertson Road [sic].

7 A. Yes. On Saluda Road.

8 Q. Right there the corner of Saluda and Albright.

9 A. Yes.

10 Q. Okay. Next to the BP Station.

11 A. Yes.

12 Q. Okay. Was that the branch that you normally did
13 business with?

14 A. Yes.

15 Q. And what about if you wanted to withdraw money from
16 your North Carolina account, where would you go to do that?

17 A. Well, to keep -- to cut down on driving all the way to
18 North Carolina, if I'm only getting a few hundred -- enough
19 that the ATM would allow, then I would just drive up to the
20 ATM. And the only -- the closest drive up is the one at
21 Family Trust from my house.

22 Q. And -- Now, I believe that we heard earlier testimony,
23 your account at Family Trust, that is a credit union.

24 Correct?

25 A. Yes.

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1 Q. And your account with the State Employees is also a
2 credit union?

3 A. Yes.

4 Q. If you use the ATM at Family Trust, belonging to
5 another Credit Union, do you have to pay any type of a fee
6 by doing that?

7 A. I believe it's a dollar fifty, dollar seventy-five.

8 Q. Have you ever -- Have you ever had an occasion to see
9 Ms. Shirley Taylor, she was here earlier today, as a teller
10 that testified from Family Trust Credit Union?

11 A. Yes.

12 Q. Okay. Did you see her on the date of this incident,
13 August 9th of 2010?

14 A. No, I did not.

15 Q. Did you go to the Family Trust Bank on the date of
16 this incident, August 9th 2010?

17 A. I went to the Family Trust center.

18 Q. Okay. Tell the jury what you did there.

19 A. I go -- I went to Family Trust to go to the ATM. When
20 you go down 72, Saluda Road, they were doing construction
21 quite -- for quite a lengthy time there. There's an exit
22 first, and there's an entrance. The next drive is an
23 entrance. You go in -- You have to go in that way and you
24 would circle around and come around the back to the ATM
25 would be on my driver's side.

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1 MR. ATWATER: Your Honor, may I have her step down for
2 a moment?

3 MADAME COURT REPORTER: Take that microphone, please,
4 ma'am.

5 (WITNESS LEFT WITNESS STAND.)

6 Q. Let me show you what the State has prepared as an
7 aerial photo. And do you recognize what this building here
8 is?

9 A. Yes, I do.

10 Q. What is that?

11 A. The BP gas station.

12 Q. And do you recognize this building?

13 A. Yes.

14 Q. What is that?

15 A. The Family Trust Bank.

16 Q. Would you please explain to the jury what you were
17 just talking about?

18 A. We had this part and you drive in here. And you would
19 go around and that red stops right here at the ATM.

20 Q. Okay. So, if I understand correctly, you go - you'd
21 be coming in this direction?

22 A. Yes.

23 Q. And you'd come in this entrance?

24 A. Yes.

25 Q. All the way around the back of the bank.

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- 1 A. Yes.
- 2 Q. And this is the ATM?
- 3 A. Yes.
- 4 Q. So you wouldn't be actually facing towards, coming
- 5 right back out to --
- 6 A. To Saluda. We had to go out that exit because this an
- 7 entrance only and you had to exit only.
- 8 Q. Okay. And so is this the way you left?
- 9 A. Yes.
- 10 Q. Now, where did you go when you left there?
- 11 A. I said, I went to the BP because I realized that I had
- 12 to get change for the money I already had prior to going to
- 13 bank.
- 14 Q. Okay. And can you show the jury what entrance you
- 15 went into at the BP?
- 16 A. We were out here, and you would have went into this
- 17 door. This door.
- 18 Q. This is the gas station price.
- 19 A. Oh, I'm sorry. I see now. These are the parking
- 20 spots. I would have pulled right in to those spaces, and
- 21 then there's a door right there to go into.
- 22 Q. Okay. Do you see that blue item over there?
- 23 A. Yes. I believe.
- 24 Q. Okay. Did you park anywhere near that dumpster on the
- 25 other end of the store over there?

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1 A. No. It was a parking space right here.

2 Q. You can retake the stand.

3 (WITNESS RETURNED TO WITNESS STAND.)

4 Q. Connie, I'm gonna show you what's been marked as
5 State's Exhibit Number One. Looking at this photo here, do
6 you see the blue dumpster in that photo?

7 A. Yes, I do.

8 Q. On August 9th of 2010, at any time, did you park in
9 that area?

10 A. No, I did not.

11 Q. Would you have had any reason to go around to that
12 area of the building?

13 A. No, I would not.

14 Q. I'm gonna show you what's been marked as State's
15 Exhibit Number Three, and ask you if you'll look at that
16 photo. Does that area show where you parked at that day?

17 A. No, it does not.

18 Q. Okay. Now I'm gonna show you what's been marked as
19 State's Exhibit Number Five, and ask you if you'll look at
20 that. Does that area show you where you parked at that
21 day?

22 A. Yes, it does.

23 Q. Okay. Could you point out where you parked at?

24 A. I was parked in one of these spaces right here.

25 Q. Okay. And do you see that other building right there

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1 next to the BP?

2 A. The car wash.

3 Q. Okay. Is it your testimony that you parked on that
4 side next to the car wash?

5 A. Yes, I did.

6 Q. Where the car wash is?

7 A. Yes.

8 Q. I'm gonna show you what's been marked as State's
9 Exhibit Number Seven.

10 And Your Honor, I'd like to ask her to step back down
11 again.

12 (WITNESS LEFT WITNESS STAND.)

13 Q. Connie, when you went into -- if you'll come around
14 here just a little bit so that the rest of the jury can see
15 them. When you went into the BP Station after parking, can
16 you point at where the door is that you went into?

17 A. I went in right over here.

18 Q. Okay. Now, when you were leaving the BP Station, can
19 you point out what door you walked out of?

20 A. I walked of the one closest to the register.

21 Q. Okay. And that would have been this one here?

22 A. Yes.

23 Q. And when you walked out of there, what direction did
24 you go in?

25 A. Around the corner, back to my car.

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1 Q. You may be seated.

2 (WITNESS RETURNED TO WITNESS STAND.)

3 Q. On August the 9th of 2010, did you ever have an
4 occasion to see Stephen Sinclair, the guy that was in here
5 yesterday to testify?

6 A. No, I don't recall seeing him.

7 Q. Do you recall seeing a man with his two children in
8 the store?

9 A. No, I don't recall that.

10 Q. Do you recall standing near a man with his two
11 children and staring at his money?

12 A. No.

13 Q. Now, if -- Will you tell the jury please, Connie, when
14 you left your home that day, what was the purpose for the
15 trip?

16 A. The purpose was to get a little more money out of the
17 bank because my daughter said that there was one or two
18 things she wanted to go back to the store to get. And her
19 sister wanted to go as well, so she was gonna -- they were
20 gonna go pick up her sister and then go to the mall.

21 Q. Did you already have any money before you left your
22 home?

23 A. Yes, I did.

24 Q. What did you have?

25 A. I had some dollars in my purse. I'm not sure how much

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1 exactly back then. But I did have a small amount. I
2 looked in my safe and I only saw one Hundred Dollar bill
3 left, so I said, well this isn't enough. I'll go get some
4 more and I'll get change for this so you can give some to
5 your sister when you pick her up.

6 Q. Okay.

7 A. For when you pick her up.

8 Q. So, when you left the home, you had the Hundred Dollar
9 bill with you?

10 A. Yes.

11 Q. All right. How much -- what account -- Well where did
12 you withdraw money from that day?

13 A. From the State Employee's Credit Union.

14 Q. Okay. And where did you access that money?

15 A. From the red ATM at Family Trust, outside of that
16 Family Trust.

17 Q. And how much money did you take out of the ATM that
18 day?

19 A. I just took, um, one, uh, one more hundred I believe
20 it was out of there.

21 Q. Okay. And what -- What denominations of bills did the
22 ATM give you that day?

23 A. They only give you twenties. You can't -- that's what
24 you get out of it. You couldn't get -- or like anything
25 else. That's -- usually they just give you like five

1 twenties.

2 Q. Okay. When you went into -- let me ask you this.

3 Have you ever had an occasion prior to that date to go into
4 the Family Trust Federal Credit Union and speak to someone
5 about funds that they had on hold for you?

6 A. Had I ever gone in there to do that? Yes.

7 Q. Had you done it prior to that day?

8 A. Yes.

9 Q. Have you ever spoken with or met the gentlemen who
10 came in here today from Family Trust Bank, Mr. Mark Harris?

11 A. No.

12 Q. Okay. What did you do once you pulled into the
13 parking space at the BP Station?

14 A. I walked up to the counter first and asked if could
15 get change for the Hundred Dollar bill that I had.

16 Q. Okay. And what were you told?

17 A. I was told not without a purchase.

18 Q. Okay. So what did you do next?

19 A. I went down the aisles and tried to find something
20 that I may want back by the coolers where the drinks are.

21 Q. Okay. When you walked in with the Hundred Dollar
22 bill, what did you do with it?

23 A. I set it on the counter, and said I wanted -- ask her
24 for change for it if she could -- would be able to change
25 it for me.

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1 Q. Okay. And after you were told you'd have to make a
2 purchase for it, what did you do with the Hundred Dollar
3 bill?

4 A. I believe I left it there.

5 Q. On the counter?

6 A. As a matter of fact, I'm sure I left it there.

7 Q. Okay. And then you went elsewhere in the store?

8 A. Yes.

9 Q. All right. Do you recall how long you were in the
10 store?

11 A. I don't recall. I don't know.

12 Q. Do you recall what parts of the store you went to?

13 A. I went down -- There's some aisles and back past the
14 aisles there's the coolers with the drinks and everything.
15 And so I went back there.

16 Q. Okay. Did you open any of the coolers?

17 A. Yes.

18 Q. Okay. Did you get anything out of them?

19 A. I believe I got a water. I don't drink pop too much.

20 Q. Where did you go next?

21 A. Back to the counter.

22 Q. Did you stop anywhere on the way to the counter?

23 A. I glanced inside the ice cream machine that's right
24 there -- the little one with the sliding doors.

25 Q. Okay. And where exactly is that located in regards to

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1 the register?

2 A. It would be -- The register would be right here, the
3 counter, and the ice cream cooler would be right -- a
4 little bit over to the left.

5 Q. Connie, I'm gonna show you eleven pages with some
6 pictures on them, and ask if you'll take a moment to look
7 at those pictures.

8 THE COURT: While she's looking, that officer is here.

9 MR. ATWATER: Do you care if he steps in now?

10 THE COURT: That would be fine?

11 MR. SPRINGS: That's fine.

12 THE COURT: You want to step down and leave those
13 on...

14 MS. DUMAS: Thank you.

15 THE COURT: We're gonna-- We're gonna bring another
16 witness in here out of order. I apologize for that as we
17 try to keep our time normal.

18 (WITNESS LEAVING WITNESS STAND.)

19 MR. ATWATER: Your Honor, I would call Officer Michael
20 Reid.

21 THE COURT: You're still under oath.

22 DIRECT EXAMINATION

23 MICHAEL REID BY MR. ATWATER:

24 Q. Good afternoon, Officer.

25 A. Afternoon.

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1 Q. We met yesterday.

2 A. Correct.

3 Q. Oh August 9th of 2010, you spoke with a gentleman who
4 was there in the parking lot at the One Stop; is that
5 correct?

6 A. Yes.

7 Q. All right. And out in the parking lot there, there
8 was also -- did you ever see Ms. Talford, the store clerk,
9 did you ever see her father there?

10 A. No.

11 Q. No? When you were there talking to Mr. Sinclair, you
12 were speaking to him in the parking lot. Right?

13 A. Yes.

14 Q. Okay. And while you were talking to him in the
15 parking lot, did you also have an occasion to talk to him
16 and Ms. Talford together?

17 A. No, I didn't speak to them together.

18 Q. Okay. Did you ever see them speaking to one another?

19 A. No.

20 Q. Okay. When you first arrived at the -- at the store,
21 where was Mr. Sinclair?

22 A. He was standing in the parking lot.

23 Q. Okay. Do you know where in the parking lot?

24 A. I believe near the gas pumps.

25 Q. Okay. And did he have anybody with him?

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1 A. I didn't see anybody.

2 Q. Did you see a -- a woman there - - -

3 A. No.

4 Q. - - - with him? Did you see any children there with
5 him?

6 A. No.

7 Q. Okay. Do you recall talking to Ms. Talford both
8 inside the store and outside of the store?

9 A. Yes.

10 Q. Okay. Do you recall talking to anybody else other
11 than Ms. Talford and Mr. Sinclair outside of the store that
12 day?

13 A. No.

14 Q. That's all I have, Officer. Thank you.

15 MR. SPRINGS: We have nothing for Officer Reid.

16 THE COURT: Thank you, sir.

17 (WITNESS LEAVING WITNESS STAND.)

18 THE COURT: All right. Ms. Dumas, you can come back
19 to the stand.

20 (WITNESS CONNIE DUMAS RETURNS TO WITNESS STAND.)

21 DIRECT EXAMINATION - CON'T

22 CONNIE DUMAS BY MR. ATWATER:

23 Q. Connie, have you had an opportunity to look at those
24 photographs?

25 A. Yes, I have.

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1 Q. What did they appear to be photographs of?

2 A. The store inside the BP gas station.

3 Q. Okay. And does that appear to accurately represent
4 what the store looked like on the day you were there?

5 A. Yes, it does.

6 MR. ATWATER: We would ask that these be marked as
7 Defendant's, what am I at, three now? Defendant's Three
8 please. All of them as one.

9 (WHEREUPON: DEFENDANT'S EXHIBIT'S NUMBER THREE
10 PREMARKED FOR IDENTIFICATION.)

11 MADAME COURT REPORTER: May I staple them?

12 MR. ATWATER: Yes, ma'am. Be very helpful. Thank
13 you.

14 All right. Your Honor, can I have her step down?

15 THE COURT: Yes, sir.

16 MR. SPRINGS: Do you just need to mark them? You're
17 gonna be publishing to the jury I'd assume. Are they in
18 evidence?

19 MR. ATWATER: Yeah.

20 MR. SPRINGS: Okay. And no objection then. That's
21 fine. They're in evidence.

22 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER THREE MARKED
23 AND ENTERED INTO EVIDENCE.)

24 MR. ATWATER: I apologize.

25 Q. Connie, looking at this photo here, does that appear

1 to be the door that you walked out of?

2 A. I does appear to be, but I would say it is.

3 Q. Okay. And in regard to that door, you see this video
4 camera right up here?

5 A. Yes, I do.

6 Q. Okay. In the second picture in Exhibit Number Three,
7 does that appear to be the door that you came in to that
8 day?

9 A. Yes, it does.

10 Q. Okay. And can you see where you would have been
11 parked at that day?

12 A. I think it was right here -- on the curb right --
13 right there.

14 Q. All right. In looking at the third photograph in
15 Exhibit Number Three, can you see what this photograph
16 shows along the bottom of the photograph?

17 A. The drink machine.

18 Q. Okay. And is that the area you were back in - - -

19 A. Yes.

20 Q. - - - at some point in time?

21 A. Yes.

22 Q. Okay. Referring back to the second photograph, you
23 would have put your hand on that door coming in that day,
24 wouldn't you?

25 A. Yes.

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1 Q. All right. Put your hand on the drink boxes?

2 A. Yes.

3 Q. All right. Do you see that video camera up there?

4 A. Yes, I do.

5 Q. In the fourth picture, does that appear to be what the
6 wall and that side of the store looks like?

7 A. It's the wall in the store. Yes.

8 Q. What do you see at the top of that picture?

9 A. A video camera.

10 Q. Okay. Now, if you can look at this photo here, at the
11 corner of the store towards the pump, can you see that
12 video camera right there?

13 A. Yes.

14 Q. Looking at the next photograph, can you see the door
15 that you walked into?

16 A. Yes. Because see that looks like the car wash so that
17 would have been the left side.

18 Q. Okay. So this shows the door that you walked into.

19 A. Yes.

20 Q. Where is the cash register in relation to that door in
21 this picture?

22 A. I would assume it would be like catty cornered like
23 this way.

24 Q. When you walked in that door, would you have had to
25 walk passed the cash register?

1 A. Yes, you would. You do, yes.

2 Q. But you stop at the cash register that day?

3 A. Yes.

4 Q. There is a television set right here. Was that there
5 the day that you were there?

6 A. I'm sure it was.

7 Q. Okay. And if you look right up here in this corner,
8 do you see a video camera?

9 A. Yes, I do.

10 Q. And if you look down here in this corner, is that the
11 same video camera that we had a hard time seeing just in
12 that previous photograph?

13 A. Yes, it is.

14 Q. Now, in this photograph here is right back here
15 towards the office. Do you see the video camera pointing
16 back up towards the ice cream?

17 A. Yes, I do.

18 Q. And another video camera right here?

19 A. Yes.

20 Q. In this photograph here, can you see -- Does that
21 appear to show where the counter is at the check out?

22 A. Yes.

23 Q. Okay. Where would the check out over the cash
24 register be in this picture?

25 A. It would be -- The register would be somewhere in

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1 here.

2 (WITNESS RETURNED TO WITNESS STAND.)

3 Q. Okay. Do you know of any reason why -- why you
4 wouldn't have shown up in all in those video cameras all
5 around that store the time that you were in there?

6 A. No I don't.

7 Q. Did it appear to you in looking at those photos that
8 by the video cameras you can actually see part of the
9 parking lot as well?

10 A. Yes, it does.

11 Q. What happened after, I believe you said you went back
12 to the drink box and came back up and paused at the ice
13 cream box - - -

14 A. Yes.

15 Q. - - - next to the check out. What happened next?

16 A. I would have had a -- I believe the water in my hand
17 to drink and I asked the cashier where my money was I had
18 left. It was just me and her. I asked her what happened
19 to it.

20 Q. Did you have anything else in your hand that you had
21 brought in the store with you?

22 A. I always will have my car key and my cell phone.

23 Q. Would this be the keys that you had with you that day?

24 A. Yes.

25 Q. Is there any difference between how these keys look

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1 today and how they looked on the date of this incident?

2 A. No.

3 Q. Does this look like the cell phone that you had that
4 day?

5 A. Yes, it does.

6 Q. Would you have had it in the store with you?

7 A. Yes. I would never leave it in the car.

8 Q. Now when you were -- When you went up and asked about
9 your money at the counter, you had something with you to
10 purchase at that time. Right?

11 A. Yes.

12 Q. Okay. And so what happened next?

13 A. After I went up, I didn't see it on the counter or in
14 her hand. I just assumed she would hold on to it for me
15 until I got back up, right back up to the counter. And
16 when I asked about it she said she didn't give me any
17 money. And --

18 MR. SPRINGS: I'm sorry. I couldn't understand what
19 she said.

20 A. She -- When I asked about the money, she had said,
21 what money. I said the money I gave you.

22 She said you didn't give me any money. I said I gave
23 you a Hundred Dollar bill.

24 And she said, I didn't see any Hundred Dollar bill.

25 Q. What did you do then?

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1 A. I asked her to -- I said, no, you had to see it
2 because there's only me and you and I know I put it there
3 when I asked her about the change.

4 Q. Okay. At any time did you tell her -- did you insist
5 that you get your money back?

6 A. Well I asked her. Yeah I said well, I said you have
7 to have it and she said she didn't.

8 Q. Did you see her at any time lay any money down?

9 A. Just right then, just lay money down?

10 Q. Before, as you were walking --

11 A. At any time did I see her with money to lay down
12 myself? No.

13 Q. Okay. Did you ever tell her --

14 MR. SPRINGS: I'm gonna object to the leading.

15 MR. ATWATER: All right.

16 Q. What happened next in regards to your money?

17 A. She opened the drawer and took it out and sat it and
18 said, see, I don't have any. There's no hundreds. And I
19 said, it has to be there.

20 And she said something about are you serious? And I
21 said yes.

22 Q. Okay. So she puts the drawer up there - - -

23 A. Yes.

24 Q. - - - and tells you look and see if you see a Hundred?

25 A. Yes.

1 Q. Did you see a Hundred?

2 A. No.

3 Q. Did you see any money in the drawer?

4 A. Yes.

5 Q. Did -- What did you do then?

6 A. Well she lifted up the little prongs that are there to
7 take the money out to count and lay it there to say, this
8 is it.

9 Q. Okay.

10 A. I don't have any Hundred.

11 Q. Okay. Did you reach up there and take the money?

12 A. Yes. I looked at it and kind of, I said because I'm
13 not leaving without my money.

14 Q. Was it a Hundred Dollars that you reached in there and
15 took?

16 A. It was Ninety something, maybe Ninety-five Dollars,
17 Ninety.

18 Q. So it wasn't a whole Hundred?

19 A. No, it wasn't. But --

20 Q. Do you recall asking her about the rest of it?

21 A. I did. I said, where's the rest of it?

22 She said, that's it.

23 Q. What'd you do then?

24 A. I just left.

25 Q. How -- How were you feeling at that time?

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1 A. Not happy. I mean, I wasn't threatening her, or gonna
2 start a fight over it. I had -- What I had purchased I did
3 end up leaving it in the process of this but I figured if
4 it was One Sixty-nine or whatever, plus tax, it would may
5 have been Ninety-eight and change so it would have only
6 been a couple of dollars.

7 Q. Were you upset about the incident?

8 A. I was not happy.

9 Q. So what did you do next?

10 A. I went in -- I got in -- went out of the store. I got
11 in my car, and drove back to my home to pick my daughter
12 up.

13 Q. Okay. When you walked out of the store, did you see
14 the gentleman that was here yesterday, Mr. Sinclair?

15 A. No.

16 Q. Did anybody say anything to you in the parking lot?

17 A. No.

18 Q. What road did you pull up out of the BP onto?

19 A. When I went out the door, I went to the left to my car
20 and I would have gone -- there's a drive, the same drive I
21 came in to, which is on Saluda. I would go right back down
22 that road because that's the road that leads to my home.

23 Q. Now after you got home, what happened?

24 A. After I went home I went into the kitchen and the den
25 is there and my son was on the computer, and I told my

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1 daughter I ask her was she ready. And she said yes. She
2 was doing her hair. And I said okay, well, come one. And
3 I said, Darius, we'll be right back, we're going around the
4 block to where her boyfriend lives.

5 Q. And which daughter was this?

6 A. This was Kiara.

7 Q. Did Kiara have a driver's license at the time?

8 A. She had her permit.

9 Q. So what were your plans at that point in time in
10 regards to driving to her boyfriend's home?

11 A. Well, I was tired, so I had told her -- plus I had
12 been telling her to practice more. She was hesitant she
13 didn't really like to drive but I said you need to practice
14 more if you're going to get your driver's license. So I
15 told her to drive. I said you need to drive as much as you
16 can. And we went to get her boyfriend who in fact has a
17 driver's license. And she said -- that's why she said well
18 let's go get him first and then he can drive because she
19 didn't want to drive.

20 Q. So when you got stopped, who was driving?

21 A. Kiara was driving.

22 Q. And you were in the car why?

23 A. Because she only had a permit.

24 Q. She couldn't go without you?

25 A. She couldn't go without me.

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1 Q. To her boyfriend's without you in the car?

2 A. Correct.

3 Q. When the police stopped you, you saw their blue
4 lights.

5 A. Yes.

6 Q. What did you do then?

7 A. Well, my daughter saw them first in the rear view
8 mirror. And she said, oh my gosh, I wasn't speeding. And
9 I said what. And she said, there's flashing lights. And
10 that's when I looked back. There was no sirens, there was
11 just lights. And so she -- I said, well pull over, you
12 know, try to get as far off the road as you can without
13 completely being on like someone's grass or anything.

14 Q. Were you asked to get out of the car?

15 A. Yes. We were -- We could hear them over a speaker or
16 something saying get out, put your hands up.

17 Q. And what happened when you got out of the car?

18 A. When I got up, there were guns drawn. On my side
19 there were guns drawn. On her side they were like just put
20 your hands up, put your hands up, keep 'em -- keep 'em
21 where we can see 'em. And I continuously said what's going
22 on, you know, what's going on? What's happening? And they
23 said shut up. Just do what we say. And I remember saying
24 don't hurt my daughter. Because she's only 96 pounds, and
25 approximately five -- four foot eleven and a half.

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1 Q. Were you put in handcuffs?

2 A. We were both put in handcuffs and kind of told as we
3 were pushed to sit down on the side of the road.

4 Q. Where were the handcuffs affixed on your hands? In
5 front of you or behind you?

6 A. Behind me.

7 Q. Did -- how did -- how if, in any way, did that affect
8 your shoulder?

9 A. It -- it bothered me.

10 Q. Did -- Did at any time did you let Detective Waldrop
11 know about that?

12 A. I tried telling him but he wouldn't listen. I told
13 him Officer Rivera, whose car I was in, the seats weren't
14 cushioned and they were hard, and when they -- when he put
15 me in the car and sat me back, I said these handcuffs are
16 uncomfortable and I had a shoulder injury and it's still
17 kind of hurting me is there any way you could please just
18 handcuff me in the front?

19 Q. Did Officer Rivera take you to the police station?

20 A. Later, yes.

21 Q. And tell the jury what happened when he took you to
22 the police station.

23 A. Officer Rivera took me into the station. It wasn't
24 too much later we left. There were officers and everything
25 still at my home. My daughter, from what I could see, was

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1 scared still at the time with the officers. When we got to
2 the police department they take you in. I think he has to
3 remove his gun, or something, and then they take you in and
4 they took the handcuffs off me. And I was asked to sit
5 down. And there were two desks with ladies that were
6 sitting at either desk.

7 Q. How many ladies?

8 A. There were two ladies. Whether or not they were both
9 sitting at the time -- I know one was. I believe the other
10 one got up as he was bringing me in.

11 Q. Okay. And what happened next?

12 A. I was asked to sit down. And they were talking
13 amongst themselves. And I heard Detective Waldrop's name
14 mentioned. And they were also looking for someone else.
15 And she -- the lady, I believe the other lady walked away
16 to do something. And the lady that was there said well, we
17 have to wait for another female officer to check me and
18 different things. We had to wait for another. And she
19 said well, they asked again about Detective Waldrop and
20 they said well, he's not here yet. And so she said, well,
21 you can't stay out here. I mean, I sat there for fifteen,
22 twenty minutes, maybe, just sitting. And she said, just
23 come on, I'm gonna put you in here for now. I was still in
24 my clothes. There were no handcuffs. I hadn't had any
25 procedure done.

1 Q. Okay. And what did they put you into?

2 A. The very first -- there's a big door right there is a
3 holding cell. There's a wall where the seats were, and a
4 computer that -- then there's this door.

5 Q. Was it like a jail cell?

6 A. Yes.

7 Q. What was in that room?

8 A. Two cots -- beds. And one window. A little room with
9 a toilet and a sink.

10 Q. Okay. And what did you do when you got in there?

11 A. I went and sat down on the empty bed.

12 Q. Was there anybody else in there?

13 A. There was someone on that very first bed by the door
14 when you first come in.

15 Q. From the time you had left the scene where y'all were
16 stopped, in Detective Rivera's car, had you seen Detective
17 Waldrop since then?

18 A. Not since the time he transported me to the police?

19 No.

20 Q. Okay. So you were at the police station. Detective
21 Waldrop was not there.

22 A. No.

23 Q. You haven't been in the interview room with him yet?

24 A. No.

25 Q. And you were in a jail cell?

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1 A. Yes.

2 Q. What happened next?

3 A. I stayed there for a little while until I indicated to
4 one of the ladies that were out there that I don't know how
5 long I'm gonna be here or what's going on, but could you
6 please try to contact my husband to get my medicines
7 because I need to take my medicine on time.

8 Q. What medicine was it?

9 A. The Zoloft.

10 Q. Okay. And when do you normally take your Zoloft?

11 A. Somewhere about Six in the evening. Five, Six.
12 Because it tends to make me drowsy, but it doesn't take any
13 effect for a few hours. So I take them all later in the
14 evening.

15 Q. What happened after you asked that?

16 A. She said -- She said okay, I'll check on it. And then
17 she walked away from the door.

18 Q. Did you ever get your medicine?

19 A. Yes, I did.

20 Q. Who gave it to you?

21 A. The -- The woman did.

22 Q. Do you know where she got it from?

23 A. She said, your husband brought your medicine.

24 Q. And where were you when she brought it to you?

25 A. In the cell.

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 Q. Okay. The same one you talked about before?

2 A. Yes.

3 Q. Had you seen Detective Waldrop yet?

4 A. No, I hadn't.

5 Q. What happened next?

6 A. The -- In the time that I was waiting someone came and
7 removed the other female that was in there -- took her out.
8 So I was in there alone. So I got up and took my blanket
9 and went over to her bed where I could try to see the clock
10 at least to see how long I had been in there. And that's
11 where I stayed. And then I laid down.

12 Q. Where was the clock you were trying to see?

13 A. If this is the bed, like this

14 (INDICATING.)

15 A. There's a big window here. And the clock was on the
16 wall of the police station.

17 Q. Outside your cell?

18 A. Yes. Like maybe where -- up there under those lights
19 on that little wall area.

20 Q. Okay. Could you have -- Could you see that clock from
21 other bed you were laying in at first?

22 A. No.

23 Q. What happened next?

24 A. I was there for a little bit and then they brought
25 someone else in and she didn't say anything to me, just to

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 the officer that brought her in. I believe they're called
2 correctional officers or detention officers. She brought
3 her in. She laid down and she went to sleep. So time was
4 passing I laid down and tried to -- tried to relax a
5 little.

6 Q. Okay. At any time were you taken out of that room?

7 A. Yes.

8 Q. Who took you out of that room?

9 A. Detective Waldrop and another officer.

10 Q. Can you describe the other officer?

11 A. He had on -- It was a Caucasian male with just regular
12 clothes. I believe he had on a jack -- a suit jacket and a
13 tie. So I assumed he was a detective as well.

14 Q. Where did they take you to?

15 A. Around the corner to a room. He asked if I wanted
16 water and I said no. And the other officer -- The other
17 officer.

18 Q. Okay.

19 A. And Detective WaldrOp opened the door. And the other
20 officer said go on in and have a seat. And then he sat
21 right down next to me. There were two chairs.

22 Q. Okay. And this was at a Rock Hill Police station?

23 A. Yes.

24 Q. Was that -- Was that the first time that you had seen
25 Detective Waldrop since you had been stopped back on the

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 road?

2 A. Yes.

3 Q. All right. How long were you in that room with
4 Detective Waldrop?

5 A. That I'm not sure. Probably -- maybe about twenty,
6 twenty-five minutes or so.

7 Q. Okay. Detective Waldrop says that you recited a
8 confession to him. Did you do that?

9 A. No.

10 Q. Do you recall Detective Waldrop typing on a computer?

11 A. Yes, I do.

12 Q. What were you doing while he was typing on the
13 computer?

14 A. I was sitting.

15 Q. Okay. Was he saying anything to you while he was
16 doing it?

17 A. Not all the time.

18 Q. At any time while he was typing on the computer did he
19 ever present you with any papers?

20 A. No.

21 Q. Did he ever give you a document and ask you to sign
22 it?

23 A. While he was typing?

24 Q. After he finished typing.

25 A. After he finished typing he got up and went in this

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 little room behind. I could hear it something printing.

2 And then he came back and asked me. Yes.

3 Q. Okay. So you heard something printing and he came
4 back. Did he having anything in his hand?

5 A. He had papers.

6 Q. Okay. What happened then?

7 A. Right just at that moment?

8 Q. Uh-huh.

9 A. He said -- He put the papers down and he said you need
10 to sign here. Then I -- and he -- he said you have to sign
11 here and you have to sign here.

12 Q. Okay.

13 A. There were, I believe three space.

14 Q. Did -- Did he ever have anyone raise your hand and put
15 you under oath like you did - - -

16 A. No.

17 Q. - - - when you got up here today?

18 A. No.

19 Q. He never did that?

20 A. No.

21 Q. Did he -- Did he ask you questions while he was typing
22 on the computer to put on the document?

23 A. He told me things that were said. He said -- He would
24 say you did this, didn't you, didn't you? And this is what
25 happened isn't it? And I would tell him no to most of it

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1 other than like leaving my house or, you know. But the
2 things he was saying, I said no just as I had before and I
3 kept telling him no, that's not what happened.

4 Q. Okay. Did you ever tell him you had a gun?

5 A. No.

6 Q. Did you ever tell him you robbed the One Stop?

7 A. No.

8 Q. Did you ever tell him that you had went inside the
9 Family Trust Bank?

10 A. No.

11 Q. Okay. Did you ever tell him that you had put a gun in
12 the small of your back in the waist of your pants and
13 walked into Family Trust?

14 A. No.

15 Q. Did you ever tell him I took the money from the drawer
16 and put it in my pants pocket?

17 A. No. Those pants didn't have pockets.

18 Q. What kind of pants were they?

19 A. They were a thin Nike wind suit type pants material.
20 But oddly enough they didn't have -- I think they have a
21 little bitty one on the back, a tiny one, but it's not big
22 enough for you to put anything in it.

23 Q. Okay. When you walked out of the One Stop, did you
24 have your money in your hand?

25 A. Yes.

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1 Q. When you were taking the money from the cashier at the
2 One Stop, whose money did you believe you were taking?

3 A. Mine.

4 Q. Did you ever tell her that you intended to rob that
5 place?

6 A. No.

7 Q. Did you ever lay a gun down on the counter?

8 A. No.

9 Q. Now, did you ever see a Two Dollar bill with a stamp
10 on it?

11 A. With a stamp on it? A Two Dollar? I don't, no, not
12 to my recollection.

13 Q. Let me show you what's been marked as Defendant's
14 Exhibit Two. Do you see that photograph there?

15 A. I do.

16 Q. Are those your hands in that photograph?

17 A. No.

18 Q. Did you take that photograph?

19 A. No, I did not.

20 Q. Have you ever possessed that Two Dollar bill right
21 there?

22 A. No.

23 Q. Did the police take that Two Dollar bill out of your
24 car?

25 A. No.

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 Q. Did they take it out of your purse?

2 A. No.

3 Q. Did they take it out of Kiara's purse?

4 A. No. I haven't seen a Two Dollar bill in quite a few
5 years.

6 Q. I'm gonna show you what's marked as a State's Exhibit
7 Thirty-four. Is -- Do you see that photograph?

8 A. Yes, I do.

9 Q. Is that your purse?

10 A. Yes, I do.

11 Q. Okay. Can you tell if there's any money in your
12 purse?

13 A. Yes, I can see money. That's where I usually put it
14 in a zipper.

15 Q. Okay. And do you see money laying in front of it?

16 A. Yes, I do.

17 Q. Do you know where the money laying in front of it came
18 from?

19 A. Yes, I do.

20 Q. Where did it come from?

21 A. My daughter's purse.

22 Q. Okay. And your purse has a quantity of money in it
23 also. Correct?

24 A. Yes, it does.

25 Q. Did -- did it -- When Detective Waldrop asked you to

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 sign this document, what did you tell him?

2 A. I told him I didn't want to sign anything.

3 Q. Okay.

4 A. I had asked them -- I'm sorry -- for an attorney. I
5 asked in the police car for -- could I use my phone to call
6 my attorney. They said you can't use your phone.

7 Q. All right. But down at the Rock Hill --

8 A. Down at the police station I asked again. I said, you
9 said I could have an attorney.

10 And he said, well, we're not gonna worry about that
11 right now. I told you one would be provided for you at a
12 later date.

13 Q. Okay. So, what happened next when you told him that
14 you didn't want to sign this document?

15 A. He said, I told him that the things he was saying
16 weren't true. And he stated well somebody's going to admit
17 to this crime. If not you then I'm gonna go home, go back
18 to your house, I'm gonna get your daughter and bring her
19 down to the police department and we'll lock both of you up
20 until somebody confesses. And your eleven-year-old son
21 will be home by his self.

22 Q. And did -- did not in fact, he tell you that your --

23 MR. SPRINGS: Objection to the leading.

24 Q. Were you ever told that --

25 MR. SPRINGS: Objection to the leading.

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 Q. What were you told in regards to where your daughter
2 was at the time he was trying to get you to sign this?
3 What did he tell you?

4 A. I was told that she was on her way to the police
5 department.

6 Q. Okay. And what did he tell you about how she was
7 getting there?

8 A. He said a car -- a police car was bringing her.

9 Q. What did you under -- how did that make you feel?

10 A. Very bad.

11 Q. What did you understand he was telling you was going
12 to happen to Kiara?

13 A. He said he would lock her up. He would arrest her.
14 So she would have -- And he said she would have an arrest
15 record. And he said that doesn't look too good for a young
16 student, would it?

17 Q. How old was she at the time?

18 A. Seventeen.

19 Q. Was she still in school?

20 A. Yes. She was a senior.

21 Q. What did you think and feel about what he was telling
22 you regarding Kiara?

23 A. I just didn't understand why he would even bother her.
24 When I left the house earlier I was alone. I didn't
25 understand why he would say he would go arrest her. I just

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 didn't understand that.

2 Q. So it was your understanding that she was being
3 brought back down to the police station in a police car
4 that night.

5 A. Yes. I had already seen them put handcuffs on her and
6 put her in a police car once. I had no reason to believe
7 that he wouldn't do it again.

8 Q. Why did you sign this document?

9 A. Because I was threatened. Detective Waldrop even
10 said, well time is passing and it's getting late. I'm
11 ready to go home. Maybe you're ready to go to sleep. He
12 said when you sign this, if you sign this then you won't
13 have to worry about your daughter being arrested, and...

14 Q. So did you sign it based on him telling you that?

15 A. Yes.

16 Q. What happened to you next?

17 A. They -- The officer that was in there with us was
18 standing at that time because he had left out at some point
19 and came back.

20 Q. Okay.

21 A. The plain clothes officer -- that the detective had
22 said that he would be in there with us too, during this.
23 He opened the door and --

24 Q. Who did?

25 A. The other officer. And he told me to go out first and

CONNIE DUMAS: DIRECT BY MR. ATWATER

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1 I did. And then they came out and the lady, one of the
2 ladies took me back to the cell.

3 Q. Okay. Did she take you to the same cell you had been
4 in before or somewhere else?

5 A. Yes. To the same cell.

6 Q. Okay. And how long were you in that cell?

7 A. Til the next day when I went to -- in front of the
8 Judge.

9 MR. ATWATER: I beg the Court's indulgence for a
10 moment, please.

11 (PAUSE AT 04:55 PM.)

12 Q. If you had been in need of money on August 9th of
13 2010, did you have any way of getting money?

14 A. Yes.

15 Q. What was that?

16 A. Well I wasn't in need, but my accident case was being
17 handled. I could have settled it.

18 Q. Who's handling that?

19 A. You are.

20 Q. Did you have - -

21 A. Which is why I asked to call my attorney, but I was
22 never allowed to. I could have said, let's go settle. We
23 were still -- you were still working on it. And so, I
24 could have said to you, can we just settle so I can get it
25 -- the money.

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CROSS BY MR. SPRINGS

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1 Q. Had you been offered money on it at that time?

2 A. Yes.

3 Q. Did you have a gun at any time at all during that day?

4 A. I never had a gun or been in possession or had access
5 to a weapon or gun.

6 Q. Did -- So you wouldn't have thrown one out of a window
7 somewhere or anything?

8 A. No. Never.

9 Q. That's all I have. Please answer anything Mr. Springs
10 has for you.

11 THE COURT: Your witness, Solicitor.

12 MR. SPRINGS: Thank you, sir.

13 CROSS EXAMINATION

14 CONNIE DUMAS BY MR. SPRINGS:

15 Q. I'm gonna play a movie up here, Ms. Dumas. Can you
16 see that screen okay?

17 A. Yes, I can.

18 MR. SPRINGS: Can we dim the lights?

19 (COURTROOM LIGHTS DIMMED.)

20 (VIDEO PLAYED ON OVERHEARD IN PRESENCE OF JURY.)

21 Q. Did you see the movie, Ms. Dumas?

22 A. Yes, I did.

23 Q. And that was you in the light colored shirt that came
24 up to the clerk, was it not?

25 A. Yes.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. And State's Exhibit Twenty-six, that's you in the
2 light colored shirt walking up to the counter.

3 A. Yes.

4 Q. Is it not?

5 A. Yes.

6 Q. State's Exhibit Twenty-eight is just about the same
7 photo, isn't it?

8 A. Yes.

9 Q. Okay. Do -- I'm gonna publish that to the Jury. Let
10 me pass that around.

11 I -- I want to talk about your right hand, what's in
12 your right hand. Do you see your right hand in that
13 picture?

14 A. Yes.

15 Q. Do you see what's in your right hand?

16 A. I see something's in it.

17 Q. It's an automatic pistol, is it not?

18 A. No, it's not.

19 Q. It's not an automatic pistol?

20 A. No, it's not.

21 Q. What is it?

22 A. It should have been my cell phone. Maybe my keys,
23 unless my keys are in the other hand.

24 Q. So it's maybe your keys. It's maybe your keys?

25 A. Well, I wouldn't leave them in the car.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. Okay. So you're saying that's not an automatic
2 pistol, that's car keys?

3 A. Or a cell -- cell phone.

4 Q. Or a cell phone.

5 A. And a cell phone. Both. I carry 'em both with me. I
6 don't get out of the car and leave car keys or a cell
7 phone. I may have had the keys in the other hand if I
8 would have had my phone generally in my right hand because
9 I'm right handed.

10 Q. Uh-huh. And this other picture, State's Exhibit
11 Twenty-five, that's you in the light colored shirt, isn't
12 it, walking up to the counter?

13 A. Yes.

14 Q. And you're reaching up under your shirt to get
15 something; are you not?

16 A. That doesn't look like -- It looks like my hand is
17 visible. It doesn't look like it's under anything.

18 Q. Let's look at it together.

19 A. I see my hand right across there.

20 Q. That's right. Your hands are like this.

21 (INDICATING.)

22 Q. At your waist line. Is that right?

23 A. They're um...

24 Q. I don't want to misrepresent --

25 A. Do you mean something like that?

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. Well do you want to come out here and play act and
2 show the jury how your hands are in the picture?

3 A. Over here?

4 Q. Yeah. And what's -- and what's in your hands there in
5 that picture, State's Exhibit Twenty-five? What you
6 gettin' from your waist line?

7 A. Over here? It doesn't look like anything. I could
8 have been scratching my side or -- I already stated that I
9 still had pain on my left side. I don't know. From August
10 of last year why I would have been -- looks like if I
11 scratched my head or something.

12 Q. Okay. Could I borrow the car keys, please?

13 (KEYS GIVEN TO SOLICITOR SPRINGS.)

14 Q. Come on up and show the jury how -- what was your
15 purchase? It was a water?

16 (WITNESS LEAVING STAND.)

17 A. I believe, if I recall.

18 Q. Okay.

19 A. I'm not one hundred percent sure.

20 Q. Something like that?

21 (DISPLAYING BOTTLED WATER.)

22 A. Yes.

23 Q. Okay. All right. Let's -- Let's pretend that I'm the
24 clerk. I'm gonna give you your keys and here's your water.
25 And you're coming up to the counter where the clerk is

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 behind the cash register. So, hold the keys and the water
2 the way were as you walked up to the clerk behind the cash
3 register.

4 A. Sometimes I just walk like this.

5 Q. And that's -- that's what you had in your hand, your
6 keys.

7 A. Uh, well, I don't have my phone. Unless you want to
8 get the phone and show you.

9 Q. Well which one did you have? Your phone or your keys?

10 A. I should have had them both.

11 Q. You had -- go get your phone. And that's the way you
12 walked up?

13 A. Uh-huh.

14 Q. Okay. Now what were you doing down here? Did -- you
15 scratching yourself?

16 A. I can't recall exactly.

17 Q. Okay. All right. You weren't pulling a pistol out of
18 your waistline?

19 A. No.

20 Q. Okay. All right.

21 Q. I had on loose fitting elastic pants. There was
22 nothing there that was in my waist.

23 Q. Okay. Hand me my water back, and return your keys and
24 your cell phone back.

25 (WITNESS RETURNED TO WITNESS STAND.)

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. Now let's get back over this afternoon as quickly as
2 we can. We all want to go home. You left your house and
3 you went to the bank, did you not?

4 A. Yes.

5 Q. And you went inside the bank?

6 A. No.

7 Q. You didn't go inside the bank?

8 A. No.

9 Q. You didn't talk to the teller, Shirley Rosborough-
10 Taylor?

11 A. No.

12 Q. You didn't talk to her?

13 A. No.

14 Q. You didn't talk to her about your account that was
15 overdrawn?

16 A. I didn't talk to anyone because I did not go inside of
17 the bank.

18 Q. Okay. No doubt about it?

19 A. No doubt.

20 Q. So then you left the bank. You went to the bank.
21 You'll agree you went to Family Trust Bank, right?

22 A. I went to the bank center, that area, yes.

23 Q. Okay. All right. And you got a Hundred Dollars out?

24 A. Out of the ATM.

25 Q. Okay.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 A. There's only an ATM on the outside. There is none
2 inside.

3 Q. Okay. And you were at the bank, Family Trust Credit
4 Union, which is a bank?

5 A. Yes.

6 Q. Okay. And then you left the bank to go to a
7 convenient store to do what?

8 A. I pulled out of the parking lot and said to myself --
9 I said, well, I didn't get -- I still need change. I said
10 that to myself. So I pulled right into the BP.

11 Q. Okay. So you left the bank to go get change at a
12 different store -- at a store -- a convenience store?

13 A. I -- yes. I rarely go inside the bank to stand in a
14 long line if I could go to the ATM. It's quicker.

15 Q. Yeah. Okay. Did you go into the -- the One Stop
16 store?

17 A. Yes.

18 Q. And you say you went up to the counter and you put a
19 Hundred Dollar bill on the counter?

20 A. Yes.

21 Q. And then you walked off and left it?

22 A. Uh-huh.

23 Q. And then you came back and you had a long conversation
24 with the clerk?

25 A. I didn't say it was a long conversation. And when I

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 put the bill down, she picked it up and said I had to buy
2 something. So I said okay, I'll be right back. And went
3 to get what I was getting.

4 Q. And you came -- You came back up to the counter -- -

5 A. Yes.

6 Q. - - - with your hand like this - - -

7 (INDICATING.)

8 Q. - - - when you get to the counter. And you're at the
9 counter okay.

10 A. I may have just did this.

11 (INDICATING.)

12 A. I may have -- I -- I didn't say I was walking like
13 this, really slower.

14 Q. Okay. All right. But you're at the counter with the
15 clerk?

16 A. Yes.

17 Q. Something's in your hand. Okay. All right. Would
18 you agree something's in your hand?

19 A. I -- yes.

20 Q. Okay. And you told your lawyer you asked the clerk
21 where's my money; is that right?

22 A. Yes.

23 Q. And the clerk said, what money? Is that what the
24 clerk said? That's what you said a little while ago.

25 A. I asked her where my -- yes. The money I gave her.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Yes.

2 Q. You told the clerk I gave you a Hundred Dollar bill?

3 A. Uh-huh.

4 Q. You have to say yes.

5 A. Yes. I'm sorry. Yes.

6 Q. Okay. That's what -- You said that to the clerk.

7 A. Yes.

8 Q. I gave you a Hundred Dollar bill and the clerk said
9 what?

10 A. Are you serious?

11 Q. Now I think you told your lawyer the clerk said well I
12 never saw any --

13 A. Well she said -- yes, she said I didn't see a Hundred
14 on the bill.

15 Q. That -- on that conversation on that movie --

16 A. I said well that's what I gave you. She said are you
17 serious? Yes.

18 Q. So the clerk took the whole cash register money drawer
19 out?

20 A. Yes.

21 Q. And put it up on the counter?

22 A. Yes.

23 Q. And the clerk did say are you serious.

24 A. Yes.

25 Q. So you reached into the drawer and you took the money

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 out of the drawer?

2 A. I took the money that she showed me she had. I looked
3 through how much it was. And I said -- it wasn't quite a
4 Hundred Dollars so I said where's the rest of it?

5 And she said I don't have any. That's all it is. So
6 I was like, okay, whatever. And I left.

7 Q. Well wait a minute. Wait a minute. You said when --
8 you did say where's the rest of it. You dropped something
9 didn't you?

10 A. No. That wasn't quite all of my money. At that time
11 I wanted my Hundred back.

12 Q. Right. You said where's rest of it. You dropped
13 some, didn't you say that?

14 A. No.

15 Q. Okay.

16 MR. SPRINGS: Ms. McDaniel, come on back up. Do you
17 still have the disc?

18 MS. MCDANIEL: Yes, sir.

19 MR. SPRINGS: Let's play the disc.

20 (VIDEO PUBLISHED IN COURT IN PRESENCE OF JURY.)

21 Q. There's no mention of any Hundred dollar bill, was
22 there Ms. Dumas?

23 A. I couldn't hear the entire audio on there. You were
24 -- clearly it looked like we were talking prior to the
25 audio coming in. I was there before the audio came in.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. One more time. You told your lawyer that you came up
2 to the counter and said where's the Hundred Dollar bill I
3 put down.

4 MR. ATWATER: Objection. Asked and answered.

5 MR. SPRINGS: I'm cross examining her.

6 MR. ATWATER: It's still asked and answered.

7 THE COURT: That's true. However, I'm gonna give
8 everybody a little leeway. I don't want to hear it again
9 but go ahead.

10 Q. You came back up to the other counter and you told
11 your lawyer you told the clerk, where's my Hundred Dollar
12 bill. Right?

13 A. Yes. I just said my hundred -- I first said my money.
14 Then said a Hundred.

15 Q. A Hundred Dollar bill?

16 A. A Hundred.

17 Q. And the clerk said you didn't give me a Hundred Dollar
18 bill. Isn't that what you told your lawyer?

19 A. Yes.

20 Q. So we would have caught it up here?

21 A. I seen us, it looked like we were interacting before
22 we hear any audio. At first I don't hear anything. I also
23 -- I mean, I don't see her -- you said I said she dropped
24 something?

25 Q. Yes.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 A. I didn't say that. I also didn't see her pick
2 anything up.

3 Q. Yes. After -- After you took the money out of the
4 drawer -- remember watching yourself on the movie taking
5 money out of the drawer?

6 A. I seen myself taking it from that area, which could
7 have been laying on top of the drawer. But I didn't flip
8 any those little things that -- the prongs that money goes
9 into. No. I didn't do all of that.

10 Q. Did you get the mon --

11 A. She did it.

12 Q. I'm gonna -- let me finish and then you I can let you
13 finish.

14 A. Okay.

15 Q. Let's be polite to each other. Did you get all the
16 money that was in the black drawer?

17 A. I got what I believed to be -- what I looked at to be
18 close to the amount that I should have had for change.

19 Q. Okay. Let me ask you this question again. Did you
20 get all of the money -- all of the bills out of the black
21 drawer?

22 A. I didn't. I'm not sure if there was money still in
23 there or not. I know I didn't get any change, like silver
24 -- like coins. If you're asking if I can recall if there
25 was money still left, I can't recall that.

CONNIE DUMAS: CROSS BY MR. SPRINGS

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1 Q. Okay. So you counted the money you took out?

2 A. Yes.

3 Q. And how much money did --

4 A. I did that once, I mean, you know -- how much it was -
5 - it -- well -- I kind of did there and then I got out
6 again 'cause I had it in my hand. And it was about Ninety-
7 four Dollars or so.

8 Q. You -- You counted it there at the counter?

9 A. Yes.

10 Q. And how much was it?

11 A. It appeared to be about Ninety-four, Ninety-five
12 dollars.

13 Q. Okay. And after you got all the money out of the
14 black drawer, you said where's the rest of it you dropped
15 something.

16 A. No.

17 Q. You didn't say that?

18 A. I asked where the rest of my change was. And she said
19 that's it. That that was it what I had. So I said okay.
20 I mean, if I was buying something in the process, I believe
21 I left it there. But I would have had to pay for it. So I
22 wouldn't have gotten a whole hundred back.

23 Q. Okay. And then you walked out of the store?

24 A. Yes.

25 Q. There was something in this hand.

1 (INDICATING.)

2 Q. And the cash in this hand. Is that right?

3 A. I believe so, that the cash may have been in my left
4 hand.

5 Q. You got in your car?

6 A. Yes.

7 Q. Nobody else was in the car with you?

8 A. No.

9 Q. And then you had a Toyota that was -- what silver,
10 champagne color?

11 A. Champagne.

12 Q. The way it was described by Mr. Sinclair on the 911
13 tape?

14 A. The way I heard him describe, yes.

15 Q. And he got your tag. Did he get your tag exactly
16 right, or close?

17 A. He got it a little off.

18 Q. So then you go home?

19 A. Yes.

20 Q. And you're by yourself in the car between the store
21 and your home, going down the road, going down the road
22 side. Is that fair?

23 A. Yes.

24 Q. So you go home and you get your daughter.

25 A. Yes.