

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marlboro County

Honorable Roger E. Henderson, Circuit Court Judge

HARRY JAMES ROLLER,

RECEIVED
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S.C. SUPREME COURT

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000493

APPENDIX

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 12, 2016	1
APPLICATION FOR POST-CONVICTION RELIEF FILED MARCH 15, 2017	98
RETURN AND MOTION TO DISMISS	107
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JANUARY 16, 2018	112
STATE’S EXHIBIT NO. 1 (AFFIDAVIT OF A.C. STEPHENS)	122
ORDER GRANTING RELIEF PURSUANT TO <u>WHITE V. STATE</u> FILED FEBRUARY 28, 2018	124
INDICTMENT AND SENTENCING SHEET	128

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
COUNTY OF MARLBORO) 2016-GS-34-00476

STATE OF SOUTH CAROLINA)
) PLAINTIFF
) vs.) TRANSCRIPT OF RECORD
)
HARRY JAMES ROLLER)
) DEFENDANT

December 12, 2016
Bennettville, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE; and a jury.

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

ELIZABETH R. MUNNERLYN, ASSISTANT SOLICITOR
Attorney for the State

MICHAEL STEPHENS, PUBLIC DEFENDER
Attorney for the Defendant

BILLY STUBBS,
SHAMEIKA CLARK,
JULIE CAULDER
TARA FUNDERBURK, Probation Agent

HATTIE O. GORDON
Circuit Court Reporter

1	<u>I N D E X</u>	
2	Voir Dire of the Jury	4
3	Selection of the Jury	11
4	Colloquy	18
5	HARRY ROLLER	
6	Opening Statement by Ms. Munnerlyn	34
7	Opening Statement by Mr. Stephens	37
8	Colloquy	39
9	BILLY STUBBS	
10	Direct By Ms. Munnerlyn	42
11	Cross By Mr. Stephens	48
12	Redirect By Ms. Munnerlyn	53
13	Recross By Mr. Stephens	53
14	SHAMEIKA CLARK	
15	Direct By Ms. Munnerlyn	55
16	Cross By Mr. Stephens	59
17	Colloquy	60
18	Closing Statement by Ms. Munnerlyn	68
19	Closing Statement by Mr. Stephens	72
20	Charge of the Court	75
21	Verdict of the Jury	88
22	Colloquy	90
23	Sentence of the Court	91
24	Certificate of Reporter	97
25		

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EXHIBITS

2

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

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1 VOIR DIRE OF THE JURY

2 THE COURT: Ladies and gentlemen, I know I told you
3 11:25. That clock is about five minutes fast for my
4 watch. Okay. So I'm sorry. It's 11:22 on my watch.
5 That clock is a little fast. All right, Ms. Munnerlyn.

6 MS. MUNNERLYN: Thank you, Your Honor. On the
7 Indictment Number 2016-GS-34-473. State v. Harry James
8 Roller. That's about indictment for shoplifting with
9 enhancement, Your Honor. He is represented by Mr.
10 Stephens.

11 THE COURT: All right. Ladies and gentlemen, the
12 Solicitor has called the State of South Carolina v. Harry
13 James Roller. Mr. Roller is charged by an indictment, and
14 the indictment reads as follows: That Harry James Roller
15 did in Marlboro County on or about October 3rd 2016 take
16 possession of, carry away, transfer to another area of the
17 store or caused to be carried away, transferred or altered
18 or removed the price label or tag and/or did transfer from
19 its container merchandise displayed, held stored or
20 offered for sale by Dollar General, to wit, several tee
21 shirts in violation of Section 16-13-110.

22 To this indictment, ladies and gentlemen, the
23 Defendant has pled not guilty. Therefore, the State of
24 South Carolina bears the burden of proving his guilt
25 beyond a reasonable doubt. The indictment, ladies and

1 gentlemen, that I hold in my hand is not evidence in this
2 case. It is simply the charging document by which this
3 case is brought into this Court.

4 Now, before we go forward with selecting the jury
5 there are certain questions that I must ask of you. Is
6 any member of the jury panel has ever been related by
7 blood, connected by marriage, a close business, social or
8 personal relationship with Mr. Harry James Roller? If so
9 please stand. Tell me your name and number first, please,
10 sir?

11 JUROR: James Prevatte, 169.

12 THE COURT: Give me just a second. One sixty-nine;
13 is that right?

14 JUROR: Yes, sir.

15 THE COURT: Yes, sir. How do you know Mr. Roller?

16 JUROR: His daddy is my uncle.

17 THE COURT: All right. I'm going to set you aside
18 for the trial of this case, sir. You may be seated.
19 Thank you. Yes, sir, your name and number, please.

20 JUROR: Forty-six, Colon Cheek.

21 THE COURT: Yes, sir, Mr. Cheek.

22 JUROR: We were raised up together in McColl and
23 neighbors.

24 THE COURT: Number 46. Is that -- how often do you
25 see him, Mr. Cheek?

1 JUROR: I used to see him every day.

2 THE COURT: How long ago was that?

3 JUROR: Probably two weeks ago.

4 THE COURT: You've seen him every day until two weeks
5 ago?

6 JUROR: No. I saw him two weeks ago. That was the
7 last time I saw him.

8 THE COURT: Do y'all engage in any social activities
9 together?

10 JUROR: (Undecipherable).

11 THE COURT: Can you come up here, please, sir. I
12 can't understand him back there. Hold up, Mr. Stephens.
13 Say that again.

14 JUROR: I was raised up with him all my life in
15 McColl. He was raised up beside me. I had a little pool
16 hall.

17 THE COURT: I thought you said he had a pool hall.

18 JUROR: No, I did.

19 THE COURT: All right. I'm going to set you aside
20 for the trial of this case. Thank you.

21 All right. The following, ladies and gentlemen, is a
22 list of potential witnesses in this case. They include
23 Ms. Shameika Clark, Billy Stubbs and Wayne Taylor. Is
24 there any member of the jury panel that has ever been
25 related by blood, connected by marriage, had a close

1 personal, business or social relationship with any of the
2 potential witnesses in this case? If so, please stand.

3 Yes, sir. Your name and number, please.

4 A. Heath Williams. I worked with ---

5 THE COURT: Hold on a minute. What number?

6 CLERK OF COURT: Two twenty-three.

7 THE COURT: Tell me your number again.

8 JUROR: Two thirty-two.

9 THE COURT: And your name?

10 JUROR: Heath Williams.

11 THE COURT: Heath Williams. Two twenty-three. Tell
12 me again who you know.

13 JUROR: I worked with him in McColl.

14 THE COURT: How long ago was that, sir?

15 JUROR: It was back this May.

16 THE COURT: I'm going to set him aside for the trial.
17 I'm setting you aside for the trial of this case. Okay.
18 All right. At this time I'm going to ask the attorneys
19 to, first Ms. Munnerlyn followed by defense counsel, stand
20 and introduce yourself to counsel.

21 MS. MUNNERLYN: Thank you, Your Honor. I'm Elizabeth
22 Munnerlyn, and I represent the State today. And I work
23 for the Solicitor's Office on a contractual basis and I
24 also have a private law office on Main Street.

25 MR. STEPHENS: I'm Michael Stephens and I'm

1 originally from Dillon County. I represent Mr. Roller in
2 this matter.

3 THE COURT: All right. Any members of the jury panel
4 has ever been related by blood, connected by marriage, had
5 a close personal, business, social relationship or ever
6 been represented by any of the attorneys involved in this
7 case? If so, please stand. Yes, ma'am. Your name and
8 number, please.

9 JUROR: Betty Fleming, Juror Number 74.

10 THE COURT: And who do you know, ma'am?

11 JUROR: I worked for Elizabeth Munnerlyn for six
12 years.

13 THE COURT: When was that?

14 JUROR: It was 13 years ago. And she is a close
15 personal friend of mine.

16 THE COURT: All right. If you were -- do y'all
17 engage in social activities?

18 JUROR: Yes, we do.

19 THE COURT: I'm going to set you aside for the trial
20 of this case. Thank you, ma'am. Your name and number,
21 please.

22 JUROR: Juror Number Six, Vickie Hood.

23 THE COURT: Who do you know?

24 JUROR: She handled by divorce.

25 THE COURT: Ms. Munnerlyn currently doing any legal

1 work for you?

2 JUROR: No.

3 THE COURT: How long ago was that?

4 JUROR: About two years ago.

5 THE COURT: All right. If you were selected as a
6 juror in this case do you believe you could be fair and
7 impartial to both the State and the Defense?

8 JUROR: Yes.

9 THE COURT: All right. Thank you, ma'am. You may be
10 seated. Ms. Munnerlyn, Mr. Stephens, y'all approach for a
11 second, please.

12 (WHEREUPON, a bench conference was held off the
13 record, but out of the presence of the jury pool.)

14 THE COURT: All right. Has any member of the jury
15 panel formed or expressed an opinion about any issue or
16 matter involved in this case? If so, please stand. All
17 right.

18 Is any member of the jury panel aware of any bias or
19 prejudice toward either the State or the Defendant in
20 this case? If so, please stand. All right.

21 Is any member of the jury panel that was a member of
22 the grand jury which issued the indictment in this case?
23 If so, please stand. All right.

24 Does any member of the jury panel know of any reason,
25 any reason whatsoever, why he or she should not serve as a

1 juror in this case with particular emphasis being placed
2 upon your ability to be fair and impartial to both the
3 State and the Defense? If so, please stand. All right.
4 State have any additional voir dire?

5 MS. MUNNERLYN: No, Your Honor.

6 THE COURT: Defense counsel?

7 MR. STEPHENS: Did you just ask did anybody have a
8 connection with law enforcement, specifically McColl
9 Police Department.

10 THE COURT: Okay. Is any member of the jury panel
11 currently or previously been employed with or have a close
12 personal friend or relative that is currently employed
13 with the Mc Coll Police Department? If so, please stand.
14 All right. Very well. Anything further?

15 MR. STEPHENS: No, Your Honor.

16 THE COURT: That's sufficient?

17 MR. STEPHENS: Yes, sir.

18 THE COURT: All right. Five and five on the strikes.
19 Please stand, ma'am. Tell me your name.

20 JUROR: Katherine McCall, Juror 135. You did say the
21 Dollar General?

22 THE COURT: Come on up here, please, ma'am. Tell me
23 your name and number again, ma'am.

24 JUROR: Katherine McCall, Juror 135.

25 THE COURT: Yes, ma'am.

1 THE WITNESS: Did you say Dollar General?

2 THE COURT: One of the employees -- one of the
3 witnesses is from Dollar General.

4 THE WITNESS: I have a relative who works at Dollar
5 General. I wanted to get that out.

6 THE COURT: Would that affect your ability to be fair
7 and impartial to the State and the Defense?

8 JUROR: No, sir.

9 THE COURT: Okay. Thank you, Ms. McCall. All right.
10 The State have any additional voir dire?

11 MS. MUNNERLYN: No, Your Honor.

12 THE COURT: Defense counsel?

13 MR. STEPHENS: No, Your Honor.

14 THE COURT: All right.

15 SELECTION OF THE JURY

16 THE COURT: All right. Five and five on the strikes.
17 One alternate?

18 MS. MUNNERLYN: Yes, sir.

19 THE COURT: One alternate?

20 MR. STEPHENS: Yes, sir.

21 CLERK OF COURT: As I call your name please come
22 forward and, ladies, bring your pocketbooks and whatever
23 you have with you. Stand right here in front of the desk
24 and turn around and face the door back there.

25 Number 181, Bobby Rogers. What says the State.

1 MS. MUNNERLYN: Please present the juror.

2 CLERK OF COURT: What says the Defendant.

3 MR. STEPHENS: Swear in Mr. Rogers.

4 THE COURT: Okay, Mr. Rogers, have a seat in the jury
5 box, please. Number 58, George Cradle. What says the
6 State.

7 MS. MUNNERLYN: Please present the juror.

8 CLERK OF COURT: Defendant.

9 MR. STEPHENS: Swear Mr. Cradle.

10 CLERK OF COURT: Please have a seat in the jury box.
11 Number Two, Debra Byrd-Dixon. What says the State.

12 MS. MUNNERLYN: Please present the juror.

13 CLERK OF COURT: What says Defendant.

14 MR. STEPHENS: Please swear Ms. Byrd.

15 CLERK OF COURT: Have a seat in the jury box, please.
16 One 179, Robin Robertson. What says the State.

17 MS. MUNNERLYN: Please present the juror.

18 CLERK OF COURT: Defendant.

19 MR. STEPHENS: Swear Ms. Robinson.

20 CLERK OF COURT: Have a seat in the jury box, please.
21 124, Elizabeth Locklear. What says the State.

22 MS. MUNNERLYN: Please present the juror.

23 CLERK OF COURT: Defendant.

24 MR. STEPHENS: Please swear Miss Locklear.

25 CLERK OF COURT: Please have a seat in the jury box.

1 Number 153, Jason Cook. What says the State.

2 MS. MUNNERLYN: Please present the juror.

3 CLERK OF COURT: Defendant.

4 MR. STEPHENS: Wait a minute. Swear the juror.

5 CLERK OF COURT: Please have a seat in the jury box.

6 135, Katherine McCall. What says the State.

7 MS. MUNNERLYN: Please present the juror.

8 CLERK OF COURT: What says Defendant.

9 MR. STEPHENS: Excuse Ms. McCall from this case.

10 CLERK OF COURT: Please return to your seat. 13,

11 Ricky Whitner. What says the State.

12 MS. MUNNERLYN: Please present the juror.

13 CLERK OF COURT: What says the Defendant.

14 MR. STEPHENS: Swear Mr. Whitner.

15 CLERK OF COURT: Please have a seat in the jury box.

16 Number 220, Charlene Williams. What says the State.

17 MS. MUNNERLYN: Please present the juror.

18 CLERK OF COURT: What says the Defendant.

19 MR. STEPHENS: Swear Miss Williams.

20 CLERK OF COURT: Please have a seat in the jury box.

21 Number 141, Valena McLain. What says the State.

22 MS. MUNNERLYN: Please present the juror.

23 CLERK OF COURT: What says the Defendant.

24 MR. STEPHENS: 141?

25 CLERK OF COURT: 141, yes, sir.

1 MR. STEPHENS: Swear Ms. McLain.

2 CLERK OF COURT: Have a seat in the jury box. 114,
3 Debbie Jordan. What says the State.

4 MS. MUNNERLYN: Your Honor, may we approach?

5 THE COURT: Yes.

6 (WHEREUPON, a bench conference was held off the
7 record, but out of the presence of the jury.)

8 CLERK OF COURT: What says the State.

9 MS. MUNNERLYN: Please present the juror.

10 CLERK OF COURT: What says the Defendant.

11 MR. STEPHENS: What number was that again?

12 CLERK OF COURT: 114.

13 MR. STEPHENS: Excuse the juror.

14 CLERK OF COURT: Please return to your seat. 194,
15 Deanna Sparkman. What says the State.

16 MS. MUNNERLYN: Please present the juror.

17 CLERK OF COURT: What says the Defendant.

18 MR. STEPHENS: Excuse Ms. Sparkman.

19 CLERK OF COURT: Return to you seat, please. Number
20 82, Billy Goins. What says the State.

21 MS. MUNNERLYN: Please present the juror.

22 CLERK OF COURT: What says the Defendant.

23 MR. STEPHENS: Please swear Mr. Goins.

24 CLERK OF COURT: Please have a seat in the jury box.
25 62, Hazel Dew. What says the State.

1 MS. MUNNERLYN: Please present the juror.

2 CLERK OF COURT: What says the Defendant.

3 MR. STEPHENS: Swear Ms. Dew.

4 CLERK OF COURT: Please have a seat in the jury box.

5 209, Titorell Townsend. What says the State.

6 MS. MUNNERLYN: Please a present the juror.

7 CLERK OF COURT: What says the Defendant.

8 MR. STEPHENS: Swear Mr. Townsend.

9 CLERK OF COURT: Please have a seat in the jury box.

10 And one alternate?

11 THE COURT: Yes, ma'am. One, two are the strikes.

12 CLERK OF COURT: 161, Derrias Peterkin. What says
13 the State.

14 MS. MUNNERLYN: Please present the juror.

15 CLERK OF COURT: What says the Defendant.

16 MR. STEPHENS: Excuse Mr. Peterkin.

17 CLERK OF COURT: Please return to your seat. 99,
18 Tammy Hepburn. What says the State.

19 MS. MUNNERLYN: Please present the juror.

20 CLERK OF COURT: What says the Defendant.

21 MR. STEPHENS: Swear Ms. Hepburn?

22 CLERK OF COURT: Please have a seat in the jury box.
23 You're the alternate.

24 THE COURT: It's complete. All right. Any matters
25 of law that we need to take up with regards to jury

1 selection, by the State?

2 MS. MUNNERLYN: No, Your Honor.

3 THE COURT: Defense counsel?

4 CLERK OF COURT: As far as selection of the jury?

5 THE COURT: Yes, sir.

6 MR. STEPHENS: No, sir.

7 THE COURT: All right, ladies and gentlemen. Those
8 of you who are seated in the box were selected as fair and
9 impartial jurors for this case. What I'm going to do at
10 this point is I am going to excuse y'all for lunch, okay.
11 It's some matters of law that I need to take up with
12 regard to the case before we start.

13 Rather than have y'all sit back there I'm going to
14 let y'all go to lunch. It's about twelve o'clock right
15 now. I'm going to ask that you be back in the jury room
16 at 1:15, 1:15. Do not discuss the case at all with anyone
17 until you're instructed to do so. You all, as I told you,
18 have been selected as fair and impartial jurors in this
19 case. And you are to decide this case based solely, based
20 solely on the testimony and evidence as presented in this
21 courtroom and nowhere else.

22 If you all will go with this young man. He will show
23 you where to come back to, and I look forward to seeing
24 y'all back at 1:15.

25 (WHEREUPON, the jury panel was excused from the

1 courtroom at 11:58 a.m.)

2 THE COURT: All right, ladies and gentlemen, those of
3 you who are seated out in the audience y'all were not
4 selected to serve as jurors in this particular case. That
5 does not mean that you're not going to get picked this
6 week. All right. However, what I'm going to do at this
7 time is I'm going to excuse y'all for the balance of the
8 day, for the balance of the day.

9 What I need you to do -- I've been advised by the
10 Clerk to convey to y'all or explain to y'all the call in
11 system that they have here, and everybody, I assume, Madam
12 Clerk, has the phone number to call back?

13 CLERK OF COURT: Yes, sir.

14 THE COURT: What I need you to do is call that number
15 back tonight after six o'clock. After six o'clock but
16 before nine o'clock in the morning. All right. Make sure
17 you call that number back. It will give you instructions
18 with regard to what you're possibly to do for tomorrow
19 please make sure you call that number back. Anything from
20 the State before I release the balance of the panel for
21 the day?

22 MS. MUNNERLYN: No, Your Honor.

23 THE COURT: Mr. Stephens?

24 MR. STEPHENS: I'm sorry, Your Honor. I missed that.

25 THE COURT: Anything else to this panel?

1 MR. STEPHENS: No, sir. I'm sorry.

2 THE COURT: All right. You all are free to go. Have
3 a nice rest of the day. Look forward to hopefully seeing
4 you again this week.

5 (WHEREUPON, the jury panel was excused from the
6 courtroom at 12:00 p.m.)

7 COLLOQUY

8 THE COURT: The jury panel is clear of the courtroom.
9 It's my understanding that you have some pretrial matters
10 to place on the record. Was anything from the State,
11 Ms. Munnerlyn or Mr. Stephens?

12 MS. MUNNERLYN: No, Your Honor.

13 THE COURT: Well, with regard to the shoplifting
14 third or greater discussion at side bar with Mr. Stephens
15 was exactly how the State intended to put up evidence to
16 address that matter for purposes of this Court having
17 jurisdiction. Mr. Stephens conveyed over the side bar
18 that he was stipulating that it was a greater than third
19 shoplifting I believe.

20 MR. STEPHENS: Yes, we stipulate in order for it not
21 to come up before the jury.

22 THE COURT: Okay.

23 MS. MUNNERLYN: Your Honor, what I'd like that
24 stipulating to include is that there are three priors, and
25 I can give you the dates for those three convictions.

1 THE COURT: All right. Do you have them right there?

2 MS. MUNNERLYN: I do. Your Honor, that would be
3 November 17th of 2011.

4 MR. STEPHENS: Excuse me. Can you tell us what court
5 that was in? Was that City Court?

6 MS. MUNNERLYN: That was Hartsville Police
7 Department. So that would have been City Court in
8 Hartsville. Then there was one on November 20th of 2014.
9 That was with Bennettsville Police Department. So that
10 would have been City Court.

11 THE COURT: All right.

12 MR. STEPHENS: And then one on June 23rd of 2015.
13 And that was with McColl Police Department.

14 THE COURT: This is actually his fourth or is there
15 one more?

16 MS. MUNNERLYN: That was -- this is actually his
17 fourth. Well, I would say one other thing, Judge. There
18 was one other charge showing on his record, but I don't
19 see a conviction. There could be a fourth one out there,
20 but I don't have actual conviction information on. But
21 what I can see is three definite prior convictions.

22 THE COURT: Okay. Mr. Stephens.

23 MR. STEPHENS: Yes, sir. We agree with those.

24 THE COURT: Okay. Very well. Three prior
25 shopliftings have been stipulated to for the purpose of

1 the trial of this case as far as for purposes of proving
2 that this Court having jurisdiction over the matter.
3 Okay. Anything further from have State then at this
4 point?

5 MS. MUNNERLYN: Nothing else from the State, Your
6 Honor.

7 THE COURT: Mr. Stephens?

8 MR. STEPHENS: Your Honor, we have one matter. On
9 the date that this incident -- trying find it, where this
10 ticket is on here. On October the 3rd 2016 when
11 Mr. Roller was arrested he was issued a Uniform Traffic
12 Ticket for shoplifting in Municipal Court in McColl. He
13 made a -- tells me he made a \$1,000 bond on that ticket.
14 And then on -- 10/12 that ticket was dismissed, and at
15 some point a warrant was issued. And he also made a bond
16 on that warrant.

17 It's the same charge, and we would submit that the
18 charge was dismissed, and therefore, the State can't go
19 forward with this matter at this time because this charge
20 has already been previously dismissed.

21 THE COURT: Okay. Ms. Munnerlyn.

22 MS. MUNNERLYN: Your Honor, he was initially charged
23 on a Uniform Traffic Ticket on October the 3rd. However,
24 once the officer determined his prior record the following
25 day on October the 4th he did obtain a warrant for

1 shoplifting with the enhancement. And he was served with
2 that warrant on October the 4th. The ticket was
3 subsequently dismissed.

4 THE COURT: Okay.

5 MS. MUNNERLYN: And we don't think that that is
6 grounds to mislead. We can proceed on the arrest warrant.
7 It was appropriately issued and served upon him, and we
8 wish to proceed. And it has, of course, been to the Grand
9 Jury and he's now has been indicted on that. So we wish
10 to proceed on that.

11 THE COURT: All right. Very well. Anything further,
12 Mr. Stephens?

13 MR. STEPHENS: No, sir, Your Honor.

14 THE COURT: All right. I'm going to respectfully
15 deny Defendant's motion. I do believe the proper
16 procedure was carried out by the State in this matter;
17 that although a Uniform Traffic Ticket was initially
18 issued the State certainly has authority to subsequently
19 issue a warrant and dismiss that ticket once it came to
20 light that this was in fact at third or greater than third
21 shoplifting offense.

22 Therefore, Defendant's motion is respectfully denied.
23 All right. Anything further from Mr. Stephens?

24 MR. STEPHENS: Just that will be on the record I
25 won't have to bring it back up again.

1 THE COURT: It's on the record.

2 MR. STEPHENS: Hattie, you typing over there?

3 COURT REPORTER: Yeah.

4 MR. STEPHENS: It's in the record. I just want to
5 make sure we're protected.

6 THE COURT: It's on the record. Mr. Stephens,
7 anything further.

8 MR. STEPHENS: Nothing else at this time, Your Honor.

9 THE COURT: All right. What, State, the jury has
10 been picked. They have not been sworn yet. The Defendant
11 is out on bond, obviously. What is your position on bond?

12 MS. MUNNERLYN: He may remain out on bond. We have
13 no problem with that during the trial.

14 THE COURT: Anything else we need to deal with before
15 we break for lunch from either side?

16 MS. MUNNERLYN: No, Your Honor.

17 THE COURT: Mr. Stephens?

18 MR. STEPHENS: I can't think of anything else at this
19 time, Your Honor.

20 MS. MUNNERLYN: Your Honor, I want -- and just one
21 other thing. If he doesn't come back if we can just let
22 him know.

23 THE COURT: Oh, I'm going to advise him. Thank you
24 though. All right, Mr. Roller.

25 MR. ROLLER: Yes, sir.

1 THE COURT: If you will stand, please, sir.

2 HARRY ROLLER, after being duly sworn, testified
3 as follows:

4 THE COURT: All right. You're Harry James Roller?
5 You can put your hand down, sir. You understand that we
6 have selected a jury in your case, and I have instructed
7 them or asked them to be back here to go forward with the
8 trial of your case at 1:30. Do you understand that? I
9 need a verbal response.

10 MR. ROLLER: Yes, sir.

11 THE COURT: You understand that?

12 MR. ROLLER: Yes, sir, 1:30.

13 THE COURT: I am going to allow you remain out on
14 bond even though we have picked the jury in this case.
15 But I want you to fully understand that I want to be
16 abundantly clear. Whether you return at 1:30 or not your
17 trial is going forward. Do you understand that?

18 MR. ROLLER: Yes, sir.

19 THE COURT: If you fail to return and this jury has
20 been empaneled for your trial if they return a verdict of
21 guilty and you have not come back I will impose a sentence
22 on the appropriate sentence sheet. That sentence will be
23 sealed and a bench warrant will be issued for your arrest.

24 Upon your arrest you will be brought back before me
25 possibly if by the end of the week. If not you will be

1 brought back before some other judge and that sentence
2 will be unsealed and imposed upon you. Do you understand
3 that?

4 MR. ROLLER: Yes, sir.

5 THE COURT: All right. Anything further,
6 Ms. Munnerlyn?

7 MS. MUNNERLYN: No, Your Honor.

8 THE COURT: And you understand that this particular
9 offense, Mr. Roller, that you're charged with and getting
10 ready to go on trial for carries a sentence of up to ten
11 years. Do you understand that?

12 MR. ROLLER: Yes, sir.

13 THE COURT: All right. Anything further?

14 MS. MUNNERLYN: No, Your Honor.

15 MR. STEPHENS: Nothing, Your Honor.

16 THE COURT: All right. 1:30

17 (WHEREUPON, Court was in recess at 12:10 p.m.
18 And reconvenes at 1:30 p.m.)

19 THE COURT: Anything before I bring this jury out?

20 MS. MUNNERLYN: No, sir.

21 THE COURT: Defense counsel?

22 MR. STEPHENS: No. Don't have anything, Your Honor.

23 THE COURT: All right. Bring the jury out.

24 (WHEREUPON, the jury panel enters the courtroom at
25 1:31 p.m.)

1 THE COURT: All right. All the jurors are present.
2 Madam Clerk, will you swear the jurors in.

3 (WHEREUPON, the jury panel was sworn in at 1:34 p.m.)

4 THE COURT: All right. Ladies and gentlemen, we are
5 about to begin the case of the State of South Carolina v.
6 Mr. Harry James Roller. And before we begin the trial I
7 want to tell you this trial will probably be different
8 that what you might expect. Many people do not have the
9 chance to attend actual court sessions as you're doing
10 now. It may come from watching television or movies or
11 reading books. The trials are always full of high drama,
12 intense action and riveting circumstances.

13 Now, while all of these things may be true at times,
14 this trial, ladies and gentlemen, is not for
15 entertainment. It is a fundamental part of our democracy.
16 A search for the truth to make sure justice is done
17 between the party before the Court. Searching for the
18 truth is often slow, deliberate and repetitive. The
19 opposite of what you may have seen on television or in
20 movies or read in books.

21 This courtroom is a place of honor dedicate to the
22 protection and preservation of citizen's rights through
23 what many have called the greatest justice system ever
24 created. The attorneys appearing before you are
25 advocates, ladies and gentlemen, for the parties that they

1 represent. But first and foremost they are officers of
2 the Court sworn to uphold the integrity and fairness of
3 our judicial system. And to help you in the search for
4 the truth. You should expect them to be professional,
5 competent and ethical in the representation of their
6 client's interest.

7 Now, I what I will now say to you, ladies and
8 gentlemen, is intended to serve as an introduction to the
9 trial of this case. These remarks are not a charge on the
10 law in this case. I will instruct you on the law as
11 applicable to this case at the end of the trial before you
12 retire to consider your verdict.

13 This is merely an explanation of the procedure that
14 we will follow in the trial of this case so that you may
15 better understand what may be happening. The Defendant in
16 this case, ladies and gentlemen, is charged by an
17 indictment filed in this Court with the crime of
18 shoplifting. The elements of which will be explained to
19 you later.

20 The indictment is simply the charging document by
21 which this case is brought into this Court and is not in
22 any sense evidence of any of the allegations that it
23 contains. The defendant, ladies and gentlemen, has pled
24 not guilty to this indictment. Therefore, the State of
25 South Carolina has the burden of proving each of the

1 elements of the indictment beyond a reasonable doubt.

2 It will be your duty, ladies and gentlemen, to decide
3 whether the State has met that burden. Your purpose as
4 jurors is to find and determine the facts. You are the
5 sole and exclusive judge of the facts. If at any time I
6 make any comment regarding the facts you must disregard
7 it. You are to determine the facts from the testimony
8 that you hear and other evidence introduced here in Court.

9 It is up to you to determine the inference that you
10 feel may properly be drawn from the evidence. It is
11 especially important that you perform your duty of
12 determining the facts diligently and consciously because
13 ordinarily there is no way to correct an erroneous
14 determination of the facts by a jury.

15 On the other hand and with equal emphasis the same
16 law that makes you the judge of the facts makes me the
17 judge of the law. The law, as given by the Court, is the
18 only law that you may consider. You must accept and
19 follow it even though you may disagree with it. I cannot
20 tell you, ladies and gentlemen, what the facts are and you
21 cannot disagree with me about what the law is or should
22 be.

23 Your job is to take the law as I give it to you and
24 apply it to the facts as you find them from the testimony
25 of the witnesses and any other evidence that is introduced

1 during the course of this trial. After doing that you
2 will render your verdict. A true and just verdict under
3 the solemn oath that you just took as jurors.

4 Now, until I tell you to begin your deliberations you
5 must not discuss this case with anyone including your
6 fellow jurors, friend, family members and anyone involved
7 in this case. The attorneys and parties in this case have
8 been advised not to talk to you at all. So if you see
9 anyone involved in this case and they do not speak to you
10 they are not being unfriendly. They are simply following
11 this Court's instructions.

12 And during your deliberations you may only discuss
13 the case in the jury room with your fellow jurors because
14 they have seen and heard the same evidence that you have.
15 You must not discuss this case with anyone other than your
16 fellow jurors until you have returned a verdict and the
17 case is at an end.

18 I remind you that you must decide this case based
19 solely on the evidence presented here in this courtroom.
20 That means that during the trial you must not conduct any
21 independent research or investigation about the case, the
22 facts of the case, the evidence presented in the case or
23 the people or the organizations involved in any way in the
24 case. Please do not try to find out information from any
25 source outside of this courtroom. In other words, you

1 must not look at dictionaries or other reference
2 materials, search the internet, websites or blogs or use
3 any other electronic tools to get information about this
4 case to help you decide the case.

5 You must not use computers, telephones, cell phones,
6 smart phones, tablets, the internet or other tools of
7 technology with communication capable at any time while
8 you are in the courtroom or during your deliberations.

9 Now, during your breaks or meals or over night if
10 necessary you may use these devices. However, you must
11 not use those devices to communicate with anyone about
12 this case until the case is over. This means that you
13 must not use phone calls, e-mails, text messages, instant
14 messages, Twitter or any blog chat room or website
15 including Facebook, Google Plus, My Space, Link, U-Tube or
16 any social media website to send or receive information
17 about this case.

18 This includes information about a party, a witness,
19 an attorney or a court officer, news accounts about the
20 case, research on topics raised, any topic you think would
21 be helpful in deciding the case or any testimony presented
22 by any witness. During the trial I don't think you're
23 going to see, but you're instructed not to read or listen
24 to or watch any news reports about this case if there are
25 any. This includes anything that maybe in the newspaper

1 or on the internet, radio or television. You must not
2 consider anything that you have read or heard about the
3 case outside of this courtroom whether before or during
4 the trial.

5 Information on television, radio, the internet or
6 from other sources might be wrong or incomplete. And in
7 our judicial system it is important that you are not
8 influenced by anything or anyone outside of this
9 courtroom. If you become aware of another juror's
10 violation of these instructions please inform the Court
11 immediately.

12 It is important, ladies and gentlemen, that you keep
13 an open mind and not decide any issue in this case until
14 all of the evidence has been presented, the parties have
15 made their closing arguments and I have instructed you on
16 the law in this case.

17 It is your solemn responsibility to determine the
18 guilt or innocence of the Defendant. And your verdict
19 must be based solely on the evidence as it is presented to
20 you in this trial and on the law as I instruct you during
21 and at the close of the trial.

22 Now, in just a moment the Solicitor will make what's
23 called an opening statement in which the Solicitor will
24 explain to you the issues in this case or at least what
25 the Solicitor thinks the issues are in this case. The

1 attorney for the Defendant may also make an opening
2 statement, although he is not required to do so.

3 What the attorneys tell you all, ladies and
4 gentlemen, during their opening statements is not evidence
5 in this case. It is only their contention as to what the
6 issues are. The evidence in this case will be presented
7 to you by the testimony of sworn witnesses from this
8 witness stand and/or by exhibits that may be introduced
9 into evidence during the course of the trial.

10 Now, from time to time, ladies and gentlemen, you may
11 hear one of the attorneys say something like, 'Your Honor,
12 I believe that we have a question of law or a matter of
13 law that we need to discuss' or 'Your Honor, may we
14 approach the bench' or sometimes I myself might find it
15 necessary to excuse you all from the courtroom for a short
16 while so the attorneys and I can discuss a matter of law.

17 The reason for this is because you are the judge of
18 the facts in this case, and sometimes when I am discussing
19 matters of law with the attorneys it may be necessary for
20 me to make some comment as to the facts in connection with
21 ruling whether or not some particular law applies. I am
22 not supposed to tell you all, ladies and gentlemen, what I
23 think the facts are so I will excuse you from the
24 courtroom while these discussions take place so that in no
25 way will you be influenced by anything that I might say or

1 do in connection with the facts.

2 Now, in determining what the true facts are in this
3 case you must decide whether or not the testimony of the
4 witnesses is believable. It will be my responsibility to
5 rule as a matter of law as to whether certain testimony is
6 admissible or not. But once the testimony is admitted
7 whether or not you believe it is solely for you to
8 determine.

9 Now, in deciding whether to believe a witness you
10 have the right to consider the interest of any witness,
11 the bias of any witness, the prejudice of any witness, the
12 opportunity for the witness to have seen the matters and
13 things about which the witness may testify. And the way
14 the witness acts on the witness stand. You have the right
15 to consider anything that is in the record that will help
16 you evaluate the testimony of the witnesses.

17 That's means, ladies and gentlemen, that it is your
18 duty to pay close attention to these witnesses, to observe
19 the witnesses, to listen to the witnesses and to pay close
20 attention to the attorneys and to the Court. Please don't
21 let your thoughts wander but give strict attention to the
22 testimony in this case so that at the end of all the
23 testimony, after the arguments of counsel and the charge
24 on the law by the Court you will then be in a position to
25 determine what the true facts are and to apply the law to

1 those facts and thus render a true and just verdict.

2 Now, later in this case, ladies and gentlemen, the
3 foreperson will be selected to preside over jury
4 deliberations in the jury room. It will also be the
5 foreperson's responsibility to be the spokesperson here in
6 the Court. It will also be the foreperson's
7 responsibility or duty to write the verdict. But I will
8 give the foreperson further instructions about that at the
9 conclusion of the case.

10 Now, in order to preserve everyone's right I will
11 give the parties an opportunity to object to anything that
12 I have said. Are there any exceptions or objections to
13 anything that I have said to the jury, by the State?

14 MS. MUNNERLYN: No, Your Honor.

15 THE COURT: Defense counsel?

16 MR. STEPHENS: No, Your Honor.

17 THE COURT: All right. Ladies and gentlemen, we will
18 now begin the trial of this case. Madam Solicitor, you
19 are so recognized for opening statements.

20 MS. MUNNERLYN: Thank you. May it please the Court,
21 Your Honor.

22 THE COURT: Yes, ma'am.

23 MS. MUNNERLYN: Mr. Stephens.

24 MR. STEPHENS: Ms. Munnerlyn.

25 OPENING STATEMENT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Ladies and gentlemen of the jury,
2 good afternoon. As I've already introduced myself to you
3 I'm Elizabeth Munnerlyn, and I am the prosecutor in this
4 case. In this state I'm called a Solicitor, and I'm an
5 Assistant Solicitor who is appearing before you on behalf
6 of the State, the victim in this case which today just
7 happens to be Dollar General near McColl.

8 And you have heard the Judge explain basically what
9 is going to happen here today, and I'm just going to give
10 you a timeline of events so you can kind of follow along
11 with my witnesses as they testify.

12 But you have heard the Judge tell you that my burden
13 of proof, burden of proof on behalf of the State, to prove
14 to you beyond a reasonable doubt that this particular
15 Defendant, Harry James Roller, did commit this offense.
16 And as you have also heard the offense was actually
17 shoplifting of a value of goods or merchandise of a value
18 of less than \$2,000 with an enhancement which is he has
19 these prior convictions for the same type of a charge of
20 shoplifting.

21 And there will be a stipulation in this case ---

22 MR. STEPHENS: Your Honor?

23 THE COURT: You have an objection?

24 MR. STEPHENS: Yes, sir.

25 THE COURT: Y'all come over here.

1 (WHEREUPON, a bench conference was held off the
2 record in the presence of the jury, but out of the
3 hearing of the jury.)

4 THE COURT: Continue, please.

5 MS. MUNNERLYN: Thank you, Your Honor. And so the
6 evidence is, and this is in regard to the shoplifting
7 charge, and you will hear testimony in regards to the
8 events of October 3rd 2016 and what happened there at the
9 Dollar General in McColl which is also located in Marlboro
10 County.

11 And you will hear the officer testify. The officer
12 was actually at the -- in the area right next door to the
13 store when this happened. And he was will testify that he
14 saw the Defendant come running out of the store with an
15 arm full of what appeared to be shirts. And he continued
16 to run and there was actually a chase between the officer
17 and the Defendant.

18 The Defendant continued to run to the apartment
19 complex which is right down the street, and, of course,
20 the officer pursued him. And the call came out in regards
21 to the shoplifting at the Dollar General. They located
22 the Defendant ultimately inside someone else's apartment
23 there. And when they went in and found him they found
24 with them shirts which had been taken from the Dollar
25 General.

1 And then you will also hear from an individual from
2 this Dollar General who will testify that, of course,
3 these shirts were taken and removed by the individual who
4 ran from the store. And they were later discovered as the
5 officer testified and returned to the Dollar General and
6 that those items were never paid for when the individual
7 went in.

8 And so you will have to determine whether or not what
9 these individuals tells you rises to a level and convinces
10 you beyond a reasonable doubt that this particular
11 Defendant was the one who actually committed the
12 shoplifting offense that particular day. And if you are
13 convinced beyond a reasonable doubt of that then you must
14 find the Defendant guilty. If you are not then,
15 obviously, you would find him not guilty.

16 But when the Judge -- and the Judge will tell you how
17 to determine what beyond a reasonable doubt really means.
18 And that is not just any reasonable doubt. It is a doubt
19 which you can find some reason to. It's not just any
20 doubt, but it's a reasonable doubt. So if you are firmly
21 convinced that this particular Defendant did this offense
22 then you would find him guilty.

23 And I hope that I can present all the evidence you
24 need to do that. Thank you for your service here today,
25 and I think this will be a relatively short trial. Thank

1 you.

2 THE COURT: Mr. Stephens.

3 OPENING STATEMENT BY MR. STEPHENS

4 MR. STEPHENS: Please the Court, Your Honor,
5 Solicitor. Good afternoon, folks. As I told you earlier
6 my name is Michael Stephens. I'm originally from Dillon.
7 I live in Dillon. And as the Judge told you you're only
8 job here is to decide if the Solicitor and the State
9 proved their case beyond a reasonable doubt. It's the
10 only thing you have to do. And that's going to come from
11 evidence you will hear from the witness stand. It's the
12 only thing you have to base it on.

13 Don't base your decision on whether or not you like
14 the lawyer. Don't base it cause I'm from Dillon or not or
15 if you don't like the way Mr. Roller looks. You like the
16 Solicitor. It has to be based on the evidence that comes
17 from the witness stand.

18 And as the Judge told you, you can believe some of
19 what a witness tells you, all of what a witness tells you
20 or none of what a witness tells you. That's the only
21 thing that you base your decisions on. And under the
22 Constitution and Bill of Rights and laws of this State the
23 only thing the jury has to decide is if the Solicitor, the
24 State, has proved their case beyond a reasonable doubt.

25 Not that it may be so or could be so or probably so

1 or might be so. But they proved it beyond a reasonable
2 doubt. Every element of the offense, and the Judge will
3 tell you all the elements of the offense. He's the only
4 one that can give you the law. What I'm saying right now,
5 what the Solicitor just said, that's not evidence. That's
6 just our opinion. The evidence comes from that witness
7 stand from the witnesses.

8 And the Solicitor has a burden of proving every
9 element of the case beyond a reasonable doubt. And it's
10 kind of a misnomer to say that in the end of the case the
11 Judge is going to give you verdict form. On there you
12 will write guilty or not guilty.

13 Well, actually, the only thing you have to decide is
14 if Mr. Roller is guilty. If the State proved beyond a
15 reasonable doubt that he's guilty because right now he's
16 not guilty. He's not guilty of anything. And won't be
17 guilty of anything until the 12 of you decide that the
18 Solicitor has proved her case beyond a reasonable doubt.
19 And the Solicitor has proved each and every element of the
20 case. Thank you for your time.

21 THE COURT: Ladies and gentlemen, I'm going to have
22 to ask you to step to the jury room for one minute while I
23 talk to the attorneys

24 (WHEREUPON, the jury panel was excused from the
25 courtroom at 1:56 p.m.)

COLLOQUY

THE COURT: All right, Mr. Stephens.

MR. STEPHENS: Yes, sir, Your Honor. Your Honor, at this time I'm having to move for a mistrial. Solicitor mentioned in opening that this was more than a -- this was more than a third or fourth offense which was an enhancement. But it prejudices my client against the jury. In pretrial we had stipulated that this was third or more so that wouldn't have to go in front of the jury. The jury wouldn't have to know that information, but the Court would know what it was in case he was found guilty for sentencing purposes.

THE COURT: Well, the stipulation, I want to hear from you, Ms. Munnerlyn.

MS. MUNNERLYN: Your Honor, it was my understanding that the stipulation was that we would stipulate the jury would be told. They don't have to decide on that. There are three prior convictions, and we would not put in the record. We would just stipulate that there are three priors.

THE COURT: Stipulation was that it was a third or greater for jurisdictional purposes. That's what it was for. The problem is, and Mr. Stephens is right, it wasn't supposed to go before the jury. That's what the stipulation was for, jurisdiction of this Court to hear

1 it. Now, the problem I have with it is that under the
2 shoplifting statute the number of shopliftings before is
3 not an element to the offense.

4 MS. MUNNERLYN: They're not for shoplifting, but they
5 are for the enhanced.

6 THE COURT: They're not concerned with the
7 enhancement part of it. I am.

8 MS. MUNNERLYN: Yes, sir.

9 THE COURT: You understanding what I'm saying?

10 MS. MUNNERLYN: Yes, sir.

11 THE COURT: So I do think you were wrong in doing
12 that, you understand that?

13 MS. MUNNERLYN: Yes, sir, I understand.

14 THE COURT: Anything further?

15 MS. MUNNERLYN: No, Your Honor.

16 THE COURT: Anything further?

17 MR. STEPHENS: No, sir. I can't think of anything I
18 forget to add..

19 THE COURT: All right. Mr. Stephens, I am going to
20 respectfully deny you request pursuant to Section 515 SE
21 2(d) 508 which is a 1949 case. In that particular case
22 the Supreme Court says, "Questionable whether the jury
23 even understood the implications of" -- counts statement
24 get into a statement regarding the record. But it goes on
25 to say that, "This Court has held that similar reference

1 to a Defendant's past conduct was too vague to be
2 prejudicial." Citing State v. Singleton, 284 SC 388.
3 reference to appellant's prior crime were vague. Citing
4 State v. George. I believe it's 105 through 471 U.S.
5 1111.

6 Further, the State never intended to introduce the
7 appellant's prior criminal record during the guilt phase
8 of the trial. Only an inadvertent vague mention of
9 appellant's prior record. I've already instructed the
10 jury statements made by counsel, even restatements in
11 closing, that is not evidence in this case. That is not
12 evidence in this case, but your objection is so noted for
13 the record.

14 MR. STEPHENS: Thank you, Your Honor.

15 THE COURT: All right. Bring me the jury back in
16 please, ma'am.

17 THE COURT: As the jury is coming in will the
18 attorneys please come to the side.

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

22 (WHEREUPON, the jury panel enters the courtroom at
23 2:08 p.m.)

24 THE COURT: Madam Solicitor, you may call your first
25 witness, please.

1 MS. MUNNERLYN: Your Honor, I'll call Billy Stubbs.
2 He's in the back.

3 BILLY STUBBS, after being duly sworn, testified
4 as follows:

5 CLERK OF COURT: Please be seated and state your full
6 name, please.

7 THE WITNESS: Billy W. Stubbs. Sergeant, McColl
8 Police Department.

9 MS. MUNNERLYN: Thank you.

10 DIRECT EXAMINATION

11 BY MS. MUNNERLYN:

12 Q. How long have you worked for the McColl Police
13 Department?

14 A. Six years, ma'am.

15 Q. Okay. And you said you're a sergeant?

16 A. Yes, ma'am.

17 Q. And you were working there back on October 3rd of
18 this year?

19 A. Yes, ma'am.

20 Q. Okay. And were you working that day?

21 A. Yes, ma'am.

22 Q. Okay. All right. And that afternoon were you in or
23 around the Dollar General?

24 A. Yes, ma'am.

25 Q. Okay. And did anything out of the order happen?

1 A. Yes, ma'am.

2 Q. Tell us what happened?

3 A. I had stopped at a local paint and body shop, Kevin's
4 Paint and Body, which is right next door to the Dollar
5 General at which time I saw a burgundy truck pull up. A
6 gentleman got out. He walked into the Dollar General at
7 which time, roughly five or ten minutes, that gentleman
8 came running back out the door with an arm full of
9 merchandise.

10 Q. Did you know the gentlemen?

11 A. Yes, ma'am.

12 Q. Okay. And is the gentlemen in the courtroom today?

13 A. Yes, ma'am.

14 Q. And who is that gentlemen?

15 A. That would be Mr. Harry James Roller.

16 Q. And where is he seated?

17 A. Right there, ma'am.

18 MS. MUNNERLYN: Your Honor, let the record reflect,
19 that he has pointed out the Defendant at the Defense
20 table.

21 THE COURT: So noted for the record.

22 BY MS. MUNNERLYN:

23 Q. Okay. And you said that he was a passenger in the
24 vehicle that pulled up?

25 A. Yes, ma'am, he was a passenger.

1 Q. Okay. And he got out and went in the store?

2 A. Yes, ma'am.

3 Q. And you know about how long he was in the store?

4 A. Roughly may be five or ten minutes. Somewhere along
5 in there.

6 Q. And when he came out did you notice anything in
7 particular about him when he came out?

8 A. Yes, ma'am. He had an arm full of I could tell what
9 type of clothing, but it was like a pink tie die, and he
10 had a bit cause his arms were out like this while he was
11 running.

12 Q. He was running with?

13 A. Yes, ma'am.

14 Q. Okay. When he came out the store he was running?

15 A. Yes, ma'am.

16 Q. Okay. And did he get into a vehicle or where did he
17 go?

18 A. No, ma'am. He ran down High Street which is the
19 street that runs between Kevin's Paint and Body and the
20 Dollar General.

21 Q. Okay. And where did you go then?

22 A. At which time I saw Mr. Roller running down the
23 street I tried to advise him, you know, no need to run
24 now. He also while going down the street, he yelled back
25 to me and he continued to run at which time I got in my

1 patrol car.

2 By that time Mr. Roller had went into an apartment
3 complex.

4 Q. And how far was that from the store?

5 A. Probably a hundred yards. Maybe somewhere along in
6 there.

7 Q. Okay. And where did he go in the apartment complex?

8 A. He, once he got inside the apartment complex, he went
9 into Mr. Wayne Taylor's apartment.

10 Q. Okay. And you -- where did you go?

11 A. Once we pulled into the housing complex we had
12 several residents than pointed us to the direction he went
13 and stated that he went into Mr. Wayne's apartment.

14 Q. Okay. And was Mr. Wayne Taylor there at the time?

15 A. No, ma'am. We went to the door. The interior door
16 was opened, but the storm door was closed. We knocked
17 several times. No one ever came to the doors. So we just
18 waited around, secured the front door, and Mr. Taylor came
19 home later, maybe 15 minutes after we did our initial
20 knocking.

21 We explained to Mr. Taylor what we had, and he gave
22 us permission to walk in and check the residence because
23 he had stated that he had shut his door and it was wide
24 open. We never made entry into the house until we had
25 consent from Mr. Taylor.

1 Q. Was there any other entries or exits to that
2 apartment?

3 A. No, ma'am. Not that I saw.

4 Q. And y'all remained stationed at that doorway?

5 A. Yes, ma'am.

6 Q. And so you did -- Mr. Taylor gave you permission to
7 enter the residence?

8 A. Yes, ma'am. Yes, he did.

9 Q. Or the apartment?

10 A. The apartment.

11 Q. Okay. Okay and when you entered were you able to
12 find Mr. Roller in the apartment?

13 A. Yes, ma'am, we were.

14 Q. Where did you find him?

15 A. When you walk in you walk straight into the
16 apartment. You have the living room to your front and
17 right. The kitchen is off to your left. He was in a
18 small pantry that's off the back side of the kitchen.

19 Q. Okay. In the pantry you say?

20 A. Yes, ma'am.

21 Q. Okay. And did you find the items that he was
22 carrying when he was running?

23 A. Yes, ma'am. They were located in the same pantry.

24 Q. Okay. And what were the items?

25 A. There were an assortment of Carolina Game Cox tee

1 shirts.

2 Q. A number of them?

3 A. Yes, ma'am, around 20.

4 Q. Okay. All right. And did you -- when you found him
5 in the pantry what happened?

6 A. At that point Mr. Roller denied that he had taken
7 anything. I advised him of where I was at when he came
8 out the store. At that point his just kind of put his
9 head down and stated that Mr. Taylor had nothing to do
10 with it.

11 Q. Okay. And did you take possession of the shirts at
12 that point?

13 A. Yes, ma'am, we did.

14 Q. And was the Defendant, Mr. Roller, then placed under
15 arrest?

16 A. Yes, ma'am, he was.

17 Q. Okay. And he was charged with the shoplifting?

18 A. Yes, ma'am.

19 Q. And the shirts that were taken into custody were they
20 later returned to Dollar General?

21 A. Yes, ma'am, they were.

22 Q. And they confirmed that those were the shirts that
23 were taken?

24 A. Yes, ma'am, they did.

25 Q. And it was reported to you that the rough value of

1 those shirts was \$225?

2 A. Yes, ma'am.

3 Q. And, now, did you say that this was at the Dollar
4 General, correct?

5 A. Yes, ma'am.

6 Q. And that is in McColl?

7 A. Yes, sir.

8 Q. And is that located in Marlboro County?

9 A. Yes, ma'am.

10 Q. Okay. And are you sure of the identify of the person
11 who you saw that day?

12 A. One hundred percent positive. Yes, ma'am.

13 Q. And again who was the person you saw running from the
14 store?

15 A. That would be Mr. Harry James Roller.

16 Q. Okay. I don't have any further questions. If you
17 would answer any questions Mr. Stephens has.

18 THE COURT: Cross-examination?

19 MR. STEPHENS: May it please the Court, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. STEPHENS:

22 Q. Officer Stubbs, is it Sergeant Stubbs?

23 A. It's Sergeant Stubbs, yes, sir.

24 Q. Dollar General, what street is that on?

25 A. I think the physical address is 15/401 maybe Tatum.

- 1 Q. It faces 401?
- 2 A. Yes, sir.
- 3 Q. And Kenny's Body Shop, where it is located at?
- 4 A. It's Kevin's Paint and Body. It's on High Street.
- 5 Q. Now is that beside it? Behind it?
- 6 A. Beside it.
- 7 Q. Right beside it?
- 8 A. There's a -- High Street runs in between Dollar
- 9 General and the Paint and Body Shop. Yes, sir.
- 10 Q. Okay. So it's right across High Street?
- 11 A. Yes, sir.
- 12 Q. Does it face 15/401 or 401?
- 13 A. Yes, sir. I'm assume it does.
- 14 Q. So how far away were you from the Dollar General?
- 15 A. I was roughly 25 to 35 feet.
- 16 Q. Okay. And didn't you say there was a truck pulled
- 17 up?
- 18 A. Yes, sir.
- 19 Q. Could you tell who was driving the truck?
- 20 A. No, sir.
- 21 Q. Can you tell what kind of truck it was?
- 22 A. Yes, sir.
- 23 Q. And how many people did you say got out?
- 24 A. Only individual I saw got out would be Mr. Roller?
- 25 Q. Now, did you know that it was Mr. Roller at the time?

1 A. Yes, sir, I did.

2 Q. And then what happened?

3 A. Roughly after about five or ten minutes Mr. Roller
4 came out. He exited out of the Dollar General. He went
5 right which was towards High Street, and he ran right in
6 front of me.

7 Q. How far did he run from you?

8 A. I would probably say 15 or 20 feet.

9 Q. From me to you?

10 A. A little bit further than that.

11 Q. But you knew Mr. Roller?

12 A. Yes, sir.

13 Q. No question about it?

14 A. No question about it.

15 Q. Now, these shirts you say you found?

16 A. I believe it was 20 of them.

17 Q. Did you make some kind of inventory?

18 A. Yes, sir.

19 Q. You have that with you?

20 A. No, sir. It's in the incident report.

21 Q. How about a picture? Did you take a picture of it?

22 A. No, sir, I did not.

23 Q. Okay. Did you -- did the people at the Dollar
24 General sign anything to get ---

25 A. Yes, sir, they signed an Evidence Return Sheet.

1 Property Sheet.

2 Q. Did you bring that with you?

3 A. No, sir, I did not. I was not advised to.

4 Q. Okay. Did they have any surveillance at the Dollar
5 General?

6 A. That I do not know. I know they have cameras, but
7 being the situation I didn't pull any video.

8 Q. And who was the other officer who came out?

9 A. That would be Chief Tommy Langley.

10 Q. And how long before he got there?

11 A. Probably, roughly ten minutes.

12 Q. You didn't actually see the person run into -- whose
13 apartment was it?

14 A. Mr. Wayne Taylor's.

15 Q. You didn't actually see anyone run into the
16 apartment?

17 A. No, sir.

18 Q. Just somebody pointed to that apartment?

19 A. Yes, sir.

20 Q. Okay. And the front door was open?

21 A. Yes, sir.

22 Q. And, all right. Wasn't there a back door on the
23 kitchen?

24 A. I did not see one, sir.

25 Q. But you don't deny one being there?

1 A. I cannot answer definitively that there is not one
2 there.

3 Q. But most places you got a front and a back door,
4 don't they?

5 A. I assume so, sir.

6 Q. Now, did you say you saw somebody get out of a pick
7 up truck and go into the Dollar General?

8 A. I observed Mr. Roller get out of a pick up truck and
9 go into the Dollar General.

10 Q. Now, could you see the front door of the Dollar
11 General from where you were?

12 A. No, sir, I could not.

13 Q. You can't actually see the front door?

14 A. No, sir, I cannot.

15 Q. So -- and you didn't see anybody come out of the
16 front door?

17 A. No, sir.

18 Q. All right. So you couldn't actually see the front
19 door from where you were standing?

20 A. That is correct.

21 Q. And the only thing you saw was somebody running down
22 the street holding some shirts?

23 A. I saw Mr. Harry James Roller running down the street
24 holding some shirts. Yes, sir.

25 Q. But you -- and you didn't actually see the person go

1 into Mr. Taylor's apartment?

2 A. No, sir.

3 Q. Okay. You don't know who was driving the truck?

4 A. No, sir. I never observed who was driving the truck.

5 MR. STEPHENS: That's all, Your Honor.

6 THE COURT: Any redirect?

7 REDIRECT EXAMINATION

8 BY MS. MUNNERLYN:

9 Q. When you saw Mr. Roller get out of the truck, go into
10 the store, did he have anything in his arms at that time?

11 A. No, ma'am, he did not.

12 Q. Okay. And then when he got out -- when you saw him
13 again with the shirts in his arms and he was running did
14 you see a Dollar General bag?

15 A. No, ma'am. He had the shirts in his arms, no bag.

16 Q. Okay.

17 MS. MUNNERLYN: No further questions, Your Honor.

18 THE COURT: Mr. Stephens, anything further?

19 MR. STEPHENS: Just one.

20 RECROSS-EXAMINATION

21 BY MR. STEPHENS:

22 Q. Where was the truck parked? Was that on 15/401 or
23 High Street?

24 A. The truck pulled up on High Street. Mr. Roller got
25 out of the truck and proceeded to leave going towards

1 15/401.

2 Q. The truck was between the store and between you?

3 A. Yes, sir.

4 Q. It was on High Street?

5 A. Yes, sir.

6 Q. But you don't know who was driving?

7 A. No, sir.

8 Q. Have you seen the truck before?

9 A. Yes, sir, I have.

10 Q. Have you seen it since?

11 A. Yes, sir, I have.

12 Q. And you didn't stop it to find out who was driving?

13 A. I could speculate who was driving that day, but I did
14 not see who was driving that day.

15 MR. STEPHENS: That's all, Your Honor.

16 THE COURT: Thank you, sir. You may step down.

17 MS. MUNNERLYN: Shameika Clark.

18 THE COURT: Ma'am, if you will come around here and
19 be sworn, please.

20 SHAMEIKA CLARK, after being duly sworn,
21 testified as follows:

22 CLERK OF COURT: Be seated and state your full name,
23 please.

24 THE COURT: Speak up, ma'am.

25 THE WITNESS: My name is Shameika Clark.

1 THE COURT: Pull that microphone forward. There you
2 go. Thank you.

3 THE WITNESS: My name is Shameika Clark.

4 THE COURT: Okay. Ms. Munnerlyn.

5 MS. MUNNERLYN: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MS. MUNNERLYN:

8 Q. Ms. Clark, where are you employed?

9 A. At Dollar General.

10 Q. In McColl?

11 A. Yes, ma'am.

12 Q. Okay. And were you working there back on October 3rd
13 of 2016?

14 A. Yes, ma'am.

15 Q. Okay. And did anything out of the ordinary happen in
16 the store?

17 A. Yes, ma'am.

18 Q. Tell us what happened out of the ordinary?

19 A. Someone stole a bunch of Gamecock tee shirts.

20 Q. Okay. And do you know who the individual was?

21 A. No, ma'am.

22 Q. Okay. And do you know about how much tee shirts it
23 was?

24 A. From what I was told it was 15.

25 Q. Okay.

1 A. But I'm not sure exactly how many.

2 Q. All right. And so if the incident report reflects

3 ---

4 MR. STEPHENS: Your Honor, I object to what the
5 incident report says, Your Honor. She didn't fill out the
6 incident report. She said she didn't know how many.

7 THE COURT: Objection sustained.

8 MS. MUNNERLYN: Thank you, Your Honor.

9 BY MS. MUNNERLYN:

10 Q. And were these shirts later returned to Dollar
11 General?

12 A. Yes.

13 Q. Okay. Okay. And by the McColl Police Department?

14 A. Yes, ma'am.

15 Q. And you -- when the shirts were stolen did you or
16 someone on behalf of the store call 911?

17 A. I have.

18 Q. You did call 911?

19 A. Yes, ma'am.

20 Q. Okay. And the shirts were returned shortly
21 thereafter?

22 A. If I'm not mistaken the shirts were returned last
23 week.

24 Q. Okay. All right. And did they apprehend the
25 individual?

1 A. That's what I was told.

2 Q. Okay. All right. And were those -- you said those
3 game Gamecock shirts?

4 A. Yes.

5 Q. Do you know the color of the shirts or what they
6 looked like?

7 A. I'm not sure of all the colors. They were all mixed
8 up in a rack. There were different colors, red, burgundy,
9 stripe. It was not like a particular color that was on
10 the rack. It was a whole rack of -- it was a shelf that
11 was just taken.

12 Q. Okay. And the individual exited the store without
13 paying for them?

14 A. Yes.

15 Q. And you had just folded those shirts?

16 A. Yes, ma'am.

17 Q. Okay. Placed them on the shelf when this happened?

18 A. Yes, ma'am.

19 Q. Do you know about what time it happened?

20 A. No, ma'am, I don't remember because I was on break.

21 Q. Okay. Okay. But you were there in the store when it
22 happened?

23 A. I was sitting outside in my car when it happened.

24 Q. Okay. And when it happened did you see the
25 individual?

1 A. No. I seen a guy come out the store walking funny.
2 So as I was getting out my car I seen his arm, and I seen
3 the shirts hanging out of it, out the side of him. I
4 said, "Hey." He took off running. The cashier came
5 outside and said, "He stole all those shirts."

6 Q. Okay.

7 A. And that's when I called the cops.

8 Q. Did you recognize the shirts that were in his arms?

9 A. Yes. It was a burgundy shirt hanging down on top of
10 his arm.

11 Q. Okay. And did they appear to be the shirts just like
12 the ones you had just folded?

13 A. Yes, ma'am.

14 Q. Okay. All right. And so when you confronted him he
15 began running?

16 A. When I said, "Hey," he just took off running.

17 Q. Okay. Okay. And do you know what direction he began
18 running?

19 A. Down the side of the store. Like I don't know the
20 name of the street, but Kevin's Body Shop is on that same
21 side.

22 Q. Okay. So he ran along the street that Kevin -- where
23 Kevin's Body Shop is?

24 A. Yes, ma'am.

25 Q. Okay. Were there any other individuals that exited

1 the store running that afternoon?

2 A. No, ma'am.

3 Q. Okay. Okay. And that's all I have. If you would
4 answer any questions that Mr. Stephens has.

5 THE COURT: Mr. Stephens.

6 MR. STEPHENS: Thank you, Your Honor. Please the
7 Court.

8 CROSS-EXAMINATION

9 BY MR. STEPHENS:

10 Q. Ms. Clark?

11 A. Yes, sir.

12 Q. These shirts were not returned to you?

13 A. No, they were returned to the store.

14 Q. They were not returned to you?

15 A. No.

16 Q. Okay. And you didn't -- you were outside when this
17 occurred?

18 A. Yes, sir..

19 Q. Okay. So all you know is what somebody else said?

20 A. And what I seen.

21 MR. STEPHENS: That will be all.

22 THE COURT: Any redirect?

23 MS. MUNNERLYN: No redirect, Your Honor.

24 THE COURT: Ma'am, you may step down. Thank you.

25 MS. MUNNERLYN: That all we would have, Your Honor.

1 State would rest.

2 COLLOQUY

3 THE COURT: All right. Ladies and gentlemen, I'm
4 going to have to ask you to step to the jury room for just
5 one minute. Do not discuss the case. I'll get you back
6 out here as quickly as possible.

7 (WHEREUPON, the jury panel was excused from the
8 courtroom at 2:28 p.m.)

9 THE COURT: Mr. Stephens, anything from you at this
10 time?

11 MR. STEPHENS: We just make the usual motions for the
12 record to a direct verdict of not guilty.

13 THE COURT: All right.

14 MR. STEPHENS: And he's trying to decide if he wants
15 to take the stand.

16 THE COURT: I'm fixing to advise him of those rights.

17 MR. STEPHENS: Okay. That's good.

18 THE COURT: Okay. With regard to the directed
19 verdict motion the Court will respectfully deny such a
20 motion. The law requires that anything direct or
21 circumstantial evidence reasonably to prove the guilt of
22 the accused in the matter the Court is required to submit
23 the case to the jury. Since there is substantial and
24 direct evidence in this case it will be improper for the
25 Court to direct a verdict. Your motion is so noted for

1 the record.

2 MR. STEPHENS: Thank you, Your Honor.

3 THE COURT: All right. Mr. Roller, if you would
4 stand, please, sir. I will remind you that you're still
5 under oath, okay?

6 MR. ROLLER: Yes, sir.

7 THE COURT: At this time I'm going to explain to you
8 certain of your rights. If do you not understand anything
9 that I say please let me know. If you want me to explain
10 anything in more detail please let me know as well. You
11 understand that, sir?

12 MR. ROLLER: Yes, sir.

13 THE COURT: We have now reached the stage of the
14 trial where you may present your defense. You have the
15 right to claim the protection given to you by the Fifth
16 Amendment of the Constitution of the United States. And
17 that amendment states in part that no person, no person,
18 shall be compelled in any criminal case to be a witness
19 against themselves. This means that you cannot be
20 required to testify in this case.

21 You have the right to testify on you own behalf.
22 However, no one can, and I repeat, no one can make you
23 testify. Whether or not you testify is a personal right
24 and no one can waive this right except you. Now, if you
25 decide to testify you will be subject to the same rules

1 that govern the other witnesses, and you may be examined
2 or cross examined on any relevant issue in this case.

3 In addition, if you have any convictions involving
4 dishonesty or false statement or for crimes punishable by
5 imprisonment for more than a year and this Court
6 determines that the probative value of admitting this
7 evidence outweighs the prejudicial effect to you the
8 Solicitor will be able to introduce your record to attack
9 your credibility.

10 If you decide to testify this decision on your part
11 must be freely, voluntarily and intelligently made with to
12 knowledge of the protections given to you by the Fifth
13 Amendment and the consequences of your decision to
14 testify.

15 If you decide not to testify I will instruct the
16 jurors that they cannot give the fact that you did not
17 testify any consideration whatsoever, and that there is to
18 be absolutely no prejudice to you because you did not
19 testify.

20 Now, it's left entirely up to you whether or not you
21 testify. You may talk with your attorney, your family,
22 your friends or anyone else, but the ultimate decision on
23 whether or not you testify is left entirely up to you. Do
24 you understand what I explained to you, sir?

25 MR. ROLLER: Yes, sir.

1 THE COURT: Do you have any questions about what I've
2 explained to you?

3 MR. ROLLER: No. No, sir.

4 THE COURT: Have you spoken with your attorney about
5 whether or not you should testify?

6 MR. STEPHENS: We spoke, but we're not through with
7 the conversation.

8 THE COURT: You need to talk with him some more?

9 MR. STEPHENS: Maybe a few minutes, Your Honor.

10 THE COURT: All right. We'll stand down with regard
11 to that issue, and I'll give you a chance to talk to him a
12 few more minutes.

13 MR. STEPHENS: Yes, sir.

14 THE COURT: You can be seated. Now, with regard to
15 the matter that was dealt with in opening statement with
16 Ms. Munnerlyn referencing prior shoplifting convictions.
17 I just want to put on the record at side bar I ruled or
18 denied the Defendant's motion for a mistrial.

19 Certainly inquired of him at side bar along with the
20 Solicitor as the jury was coming back in whether or not
21 his wanted me to give some type of curative instruction to
22 the jury which Mr. Stephens said he did not want. I just
23 want to make sure that's still your position, Mr.
24 Stephens?

25 MR. STEPHENS: Yes, sir. I thought it would -- at

1 that point for a curative instruction bring too much
2 attention to the issue. You indicated that you may be
3 able to clean it up a little bit later on.

4 THE COURT: Well, here's what happens. The only
5 thing that I think I could do to clean it up would be to
6 tell them not to consider it at all. It's not evidence.
7 It's like I told you at the outset in my opening remarks
8 to them I told them at that time that what y'all tell them
9 in opening statements is not evidence in this case.

10 I'll tell them before closing arguments that what you
11 all say is not evidence in this case. They are only to
12 consider the testimony from the stand.

13 MR. STEPHENS: Of course, if my client testifies his
14 record is going to be.

15 THE COURT: Well, not necessarily. I don't know what
16 his record is. Y'all talked about that? You all looked
17 at his record together?

18 MS. MUNNERLYN: No, we have not.

19 THE COURT: You want to look at it together, see what.
20 I don't know what his record is or what may be used to
21 impeach him. Kind of a difficult road, so to speak,
22 getting into prior convictions, assumed the offense for
23 which he's on trial here, unless your client opens the
24 door with that. If he gets on the stand and says
25 something to the effect that, "I didn't steal nothing. I

1 never done nothing like that in my life", he's kicked that
2 door wide slam open. Going back to prior shopliftings are
3 they not an element of the offense for which he is on
4 trial?

5 MR. STEPHENS: Yes, sir.

6 THE COURT: So, anyway, we'll stand down a few
7 minutes. Mr. Roller. ---

8 MR. STEPHENS: I guess and just for the record and in
9 my case I guess I need to renew that motion for mistrial
10 because of what the Solicitor said. I object just for the
11 record.

12 THE COURT: So noted. All right. We'll stand down
13 for just a few minutes.

14 (WHEREUPON, a short break was taken.)

15 MR. STEPHENS: Your Honor, my client has decided not
16 to testify.

17 THE COURT: All right. All right, sir. Mr. Roller,
18 would you stand for me. Your lawyer conveyed to me that
19 you did not wish to testify; is that correct?

20 MR. ROLLER: That's true, Your Honor. That's based
21 on my decision.

22 THE COURT: Very well. You may be seated. Thank
23 you.

24 MR. ROLLER: Yes, sir.

25 THE COURT: All right. Again, anything from the

1 State, Ms. Munnerlyn?

2 MS. MUNNERLYN: No, Your Honor.

3 MR. STEPHENS: We just renew our motion for the
4 record.

5 THE COURT: So noted.

6 MR. STEPHENS: We have nothing to offer.

7 THE COURT: Rules remain the same. What I'm going to
8 do, as I told you back in chambers when we went through
9 this jury charge, bring the jury back out. Recognize you,
10 Mr. Stephens. You've indicated that you're not putting up
11 any evidence after your client has indicated that he's not
12 going to testify and you have no evidence to put up. I'll
13 you. You can rest, and simply put on the record that you
14 renew all your motions, prior motions.

15 We will at that time go directly into closing
16 arguments with you going first, Ms. Munnerlyn, and then
17 you, Mr. Stephens. And then I'll go into the charge. All
18 right. Bring us the jury, please, ma'am.

19 (WHEREUPON, the jury panel enters the courtroom at
20 3:12 p.m.)

21 THE COURT: All right. We've got all the jurors
22 present in the courtroom. Mr. Cook, is that you, sir?

23 JUROR: Yes, sir.

24 THE COURT: I'm appointing you, Mr. Cook, as the
25 foreman of this jury. That will be your seat throughout

1 the remainder of the trial, okay. At this time, Mr.
2 Stephens, you are so recognized. Defense counsel is
3 recognized.

4 MR. STEPHENS: Yes, sir, Your Honor. At this time we
5 just renew all of our previous motions for the record and
6 Defense would rest?

7 THE COURT: All right. Ladies and gentlemen, you all
8 have heard all the testimony that you're going to hear in
9 this case. At that which remains, closing argument by
10 counsel and me giving you the charge on the law. And then
11 this case will be given to you all to make a decision on.
12 Before we go into closing arguments let me say this. All
13 prior motions, all prior motions, the Court is giving you
14 the same with regard to all prior motions.

15 At this time, ladies and gentlemen, what will take
16 place is the State will open for closing arguments and
17 Defense counsel will have final argument and I'm going to
18 give you the charge on the law.

19 Let me remind you, what the lawyers tell you in their
20 closing argument is not evidence in this case. Evidence
21 in this case comes from this witness stand, okay.
22 Ms. Munnerlyn, you're so recognized for closing argument.

23 MS. MUNNERLYN: Thank you, Your Honor. May it please
24 the Court. Mr. Stephens.

25 MR. STEPHENS: Solicitor.

CLOSING STATEMENT BY MS. MUNNERLYN

1
2 MS. MUNNERLYN: Ladies and gentlemen of the jury, I
3 told you this would be a short trial, and it has been
4 because soon this case will be in your hands. And it will
5 be your decision to make. And you are going to here in a
6 minute from the Judge about the actual law in this case
7 and how you determine your verdict in this particular
8 case.

9 But you do that simply by collectively talking and
10 discussing what you heard from this witness stand here
11 today. You heard from two witnesses, and they were both
12 present at the time of this alleged event on October the
13 3rd of this year which was a short period of time ago.
14 And it, of course, happened at the Dollar General.

15 And you heard from the police officer who just
16 happened to be right next door at the time this happened.
17 And it's just across the side street there in McColl. I
18 think he testified less than -- he was about 25 feet or
19 so, but you, of course, collectively remember what you
20 heard him testify to. But he was at the body shop right
21 across the side street from the Dollar General. And he
22 knew the defendant. He identified the Defendant and said
23 he knew him. And he had known him at the time that this
24 happened and had known him for some time and recognized
25 him when he saw him.

1 In fact when he came out he said he saw him run and
2 had an armful of what appeared to be shirts or clothes.
3 They were in his arms. They weren't in a Dollar General
4 bag. They were just in his arms. And he wasn't walking
5 casually going anywhere. He was running. Remember when
6 he said that he was dropped off by that pick up truck. He
7 was in the Dollar General for about five to ten minutes.

8 Came out. Had these shirts on his arm and he was
9 running. And the officer as you recall said that he
10 actually spoke to him as he was running by. He spoke to
11 the Defendant, Mr. James Roller. He was running with
12 these shirts under his arm, and the Defendant spoke back
13 to him.

14 Remember when he said that this is the way I do it
15 and he just kept running. He didn't stop for the police
16 officer. Didn't stop to talk to him. He didn't stop to
17 say anything. Just running and kept on running. And what
18 did the police officer say? He said he followed him, and
19 he didn't go far. He went right to the apartment complex
20 which is right down the street there and ran inside one of
21 the apartments and hid.

22 He ran inside and he hid in the pantry. Who does
23 that tell you about what he did? So the officers wait
24 until the owner of the apartment complex to come. About
25 15 minutes or so. And, of course, the owner gives them

1 permission to go in. And what do they find? What do they
2 find when they go in but the Defendant here, Larry James
3 Roller, hiding in the pantry. And what does he have with
4 him? All those shirts that he run out of the Dollar
5 General store with in his arms. Those 20 or so tee shirts
6 right there with him. They recovered them right then.
7 They later returned them to the Dollar General.

8 Then you heard from the Dollar General clerk. She
9 testified right here. She was there that day, and in
10 fact, if you remember she said she was actually on a break
11 when it happened and she was sitting in her car parked out
12 front. And she saw when the man actually came out.

13 And she -- remember what she said. She hollered for
14 him. She said, 'hey', and as soon as she confronted him
15 there wasn't any kind of exchange between the two of them,
16 and what did he do? He started running. He took off
17 running with those shirts.

18 Those shirts, she had just folded them. Just had
19 just folded them and put them on that shelf, and he had
20 them all with him. Not in a bag but right there on his
21 arm. And when -- and, of course, the cashier came running
22 out after him. He kept looking and so she just -- they
23 called. She said, "Yeah, that's when I called 911." The
24 officer was already after him by that time Because he knew
25 him. They recovered the stolen merchandise which was not

1 paid for in the possession of the Defendant within 15 to
2 20 minutes from the time that it was actually taken.

3 And I think when you consider all the testimony and
4 what happened that afternoon at the Dollar General the
5 only way to conclude in this matter is that the Defendant,
6 Larry James Roller, is guilty cause remember my burden of
7 proof to you is that I have to prove that Harry James
8 Roller shoplifted these items on October 3rd 2016. But I
9 have to prove that to you beyond a reasonable doubt.
10 Okay.

11 And the Judge is going to explain to you what that
12 really means, but it's a -- if you are firmly convinced
13 that the Defendant is the one who did this then you must
14 find him guilty. It's not any doubt. It's a reasonable
15 doubt. Okay. So with the use of that you have
16 collectively considered everything that has been testified
17 to and you think about how that all happened and the
18 actions that he took;

19 That the witnesses say he took when you read into
20 that is that what normal, reasonable people read into
21 that? And I think the only conclusion you can reach when
22 you consider that testimony is that this particular
23 defendant is in fact guilty of shoplifting, and I thank
24 you for your time. It has been a short period of service,
25 but it has been an important one. And I appreciate and

1 thank you for your service. And I know you will make the
2 right decision. Thank you.

3 CLOSING STATEMENT BY MR. STEPHENS

4 MR. STEPHENS: Ladies and gentlemen, as I told you at
5 the beginning of this case is what you have to decide is
6 has the Solicitor proved beyond a reasonable doubt that my
7 client is guilty of shoplifting.

8 Now, reasonable doubt, the Judge will give you
9 instructions. Like he said what Ms. Munnerlyn and I say,
10 that's not evidence. It's not evidence at all, but
11 reasonable doubt is any doubt that causes a reasonable
12 person to hesitate to act. I like to think of it as a
13 stove. You see a stove. If it's red do not touch it. If
14 it's not red you still are not going to touch it. You've
15 got an idea it may be hot. And a reasonable doubt is a
16 doubt that causes a reasonable person to hesitate to act.
17 And I just want to got over a little bit about what the
18 Solicitor left out of her case.

19 There has been no proof that these shirts actually
20 came from Family [sic] Dollar. The only that we have is
21 that Sergeant Stubbs found my client in the closet with
22 some shirts. There was never done a inventory of those
23 shirts. They didn't bring us a picture of those shirts.
24 They didn't bring us the person they returned them to.
25 They said they returned them to somebody at Family Dollar,

1 but they never provided that to us. They haven't brought
2 those shirts or anything about those shirts in here to say
3 they came from Family Dollar.

4 Now, the lady they brought from Family Dollar said
5 she saw somebody run out the door, and I thought that she
6 saw him with one shirt under his arm. The cashier came
7 out and said, "Somebody stole some shirts," but they
8 didn't bring the cashier up here to testify. The cashier
9 might have, could have told who ran out with the shirts,
10 but they didn't bring the cashier up here.

11 Ms. Clark, the person from Family Dollar said she
12 didn't know who it was. She said the shirts weren't
13 returned to her, and she couldn't identify the person that
14 came out of the door. I thought she said, but you can
15 remember better. She only saw a shirt hanging under one
16 arm. And then the cashier came out, and said, "Somebody
17 robbed us or stole some shirts." But the cashier is not
18 here today. They didn't bring the cashier here today.

19 Sergeant Stubbs said he couldn't actually see who
20 went in the front door and who came out the front door.
21 He said he saw somebody running around the side. And he
22 followed that person, but he didn't see them go into the
23 apartment. He said somebody told him somebody went into
24 Mr. Taylor's apartment, and when they went to Mr. Taylor's
25 apartment the door was locked. They waited on Mr. Taylor,

1 but they didn't bring Mr. Taylor up here. I think that's
2 reasonable doubt. Reasonable doubt.

3 They didn't bring the cashier up here and tell us
4 anything. That's reasonable doubt.

5 And then Chief Langley from McColl Police Department.
6 He was supposed to be there that day, but they didn't
7 bring Chief Langley up here to tell us anything about
8 that. But the biggest thing about the reasonable doubt is
9 that they haven't proved to you that those shirts actually
10 came from Family Dollar.

11 They didn't have anybody up here with a picture of
12 the shirts. They didn't identify the shirts. They can't
13 even tell us how many shirts. They just said they found
14 my client with the shirts. They didn't even bring the
15 person in that returned them back to Family Dollar. They
16 didn't bring a picture. They didn't bring an inventory of
17 those shirts.

18 So they haven't proved every element of the offense.
19 They have got to prove to you the goods were taken from
20 Family Dollar. And they haven't proved to you that these
21 shirts came from Family Dollar Store. So clerk can't tell
22 you. The police officer can't tell you. We don't even
23 know if the shirts went back to Family Dollar cause they
24 didn't bring the person that supposedly got them.

25 They didn't bring the officer up here. It doesn't

1 matter. So they haven't proved to you every element of
2 that offense. They haven't proved that the shirts came
3 from Family Dollar; that the shirts went back to Family
4 Dollar. So, therefore, there is reasonable doubt as to
5 whether my client took shirts from Family Dollar.

6 And for that reason I ask you to find him not guilty
7 of what he's charged with. I thank you for your
8 attention.

9 CHARGE OF THE COURT

10 THE COURT: All right. Ladies and gentlemen, it is
11 now my duty as the trial judge under the constitution of
12 this state to charge and instruct you on the law
13 applicable to this case. It is your duty as jurors to
14 accept and apply the law as I state it to you.

15 Furthermore, it is your exclusive duty to decide all
16 the issues of fact in this case and to determine the
17 effect, value, weight, and truth of the evidence. But the
18 State and the Defendant have a right to expect that you
19 will carefully consider and evaluate the evidence and
20 apply the law of this case to it so that in the end both
21 the State of South Carolina and the Defendant will receive
22 a fair and impartial trial. I want you to understand that
23 when I use the word, 'defendant' I refer to Mr. Harry
24 James Roller.

25 Furthermore, it is important that you understand the

1 State of South Carolina charged the Defendant, Harry James
2 Roller, with the offense known as shoplifting. To this
3 charge the Defendant has entered a plea of not guilty.
4 This plea of not guilty places the burden of proof on the
5 State to prove the guilt of the Defendant to you the jury
6 beyond a reasonable doubt.

7 I remind you of the fact that the Defendant was
8 arrested and charged and indicted in this case is not
9 evidence in this case and cannot be considered by you as
10 evidence of guilt in this case. Nor does it create any
11 presumption or inference of guilt. The indictment is
12 simply the formal document by which this case is brought
13 into this Court.

14 It is vital to understand, ladies and gentlemen, that
15 the Defendant is presumed under the law to be innocent of
16 this charge. The Defendant has no obligation to prove his
17 innocence. It is a fundamental rule of our law that a
18 Defendant, irrespective of the seriousness of the charge
19 against him, is always presumed innocent of the crime for
20 which he is charged unless and until his guilt had been
21 proven by evidence that satisfied you the jury beyond a
22 reasonable doubt.

23 The presumption of innocence is not a mere legal
24 theory or a legal phrase. The presumption of innocence is
25 very important, and you need to understand that this

1 presumption accompanies the defendant from the time of his
2 arrest and appearance in this court and continues with the
3 Defendant even after you retire to the jury room to
4 deliberate.

5 In other words the Defendant receives the benefit of
6 the presumption of innocence until the very end of this
7 trial when you, the jury, will deliberate from the
8 evidence and decide whether the State has proved his guilt
9 beyond a reasonable doubt.

10 Now, what is a reasonable doubt in the law? A
11 reasonable doubt is the kind of doubt that would cause a
12 reasonable person to hesitate to act. Proof beyond a
13 reasonable doubt is proof that leaves you firmly convinced
14 of the Defendant's guilt.

15 Now, there are very few things in this world that we
16 know with absolute certainty, so even in criminal cases
17 the law does not require proof that overcomes every
18 possible doubt. However, if based on your consideration
19 of the evidence you are firmly convinced that the
20 Defendant is guilty of the crime charged you must find him
21 guilty.

22 If on the other hand you find that there is a real
23 possibility that he is not guilty you must give him the
24 benefit of the doubt and find him not guilty. Jurors,
25 please understand that reasonable doubt may arise from

1 evidence which has been presented in the case or the lack
2 of evidence in the case.

3 It is your responsibility to determine whether or not
4 reasonable doubt exists as to the guilt of this defendant.
5 I charge you that the Defendant is entitled to every
6 reasonable doubt arising in the whole case.

7 Now, if upon any issues of fact essential to
8 conviction and a verdict of guilty you have a reasonable
9 doubt as to how that issue should be resolved it would be
10 your duty to resolve that reasonable doubt in favor of the
11 Defendant.

12 Now, when you consider the whole case you have a
13 reasonable doubt as to the guilt or innocence of the
14 Defendant then he is entitled to that reasonable doubt and
15 would be entitled to a verdict of not guilty. However, if
16 upon considering the whole case you find that the State
17 has proved by evidence which satisfies you of the guilt of
18 the Defendant beyond a reasonable doubt then in such
19 circumstances it would be equally your duty to convict the
20 Defendant and find him guilty.

21 Now, during this trial you and I have separate duties
22 to perform. As the trial judge it is my responsibility to
23 preside over this trial, and I also have the duty to rule
24 upon the admissibility of the evidence offered during the
25 process of this trial. In that regard you are only to

1 consider the competent evidence before you, and you are to
2 disregard from your mind any testimony ordered stricken
3 from the record of this case during the progress of the
4 trial if there was any.

5 And you are to consider only the testimony which has
6 been presented from this witness stand together with any
7 exhibits submitted into the record of this case and any
8 stipulations of counsel made into the record.

9 Furthermore, I have the additional duty to charge you
10 on the applicable law of this case, and in that regard I
11 am the sole judge of the law in this case. It is your
12 duty to accept and apply the law as I state it to you. If
13 you have any preconceived ideas as to what the law is or
14 what the law ought to be and it does not agree with what I
15 tell you the law is you are obligated under your oath to
16 abandon these preconceptions because you were sworn to
17 accept the law precisely as I state it to you.

18 In this trial you have the sole and exclusive judge
19 of the facts, and I'm the judge of the law. Do not infer
20 that I have any opinion about the facts of this case from
21 anything I'd said during the course of this trial in
22 ruling on the admissibility of evidence or otherwise or
23 from anything that I say during the course of this charge
24 to you. In this regard the law simply does not permit me
25 to have an opinion about the facts.

1 As jurors it is your duty alone to determine the
2 affect, value, weight and truth of the evidence presented
3 during the course of this trial. In determining what the
4 facts are in this case are you to judge the credibility
5 which simply means the believability of the witnesses and
6 the value of weight to be given to their testimony. You
7 alone must decide the force, effect and truth of the
8 testimony.

9 In making this decision there are things that you may
10 and should take into consideration such as the appearance
11 and manner of the witness on the stand, the
12 characteristics often referred to as the demeanor of the
13 witness, was the witness forthright or hesitant, was the
14 witness' testimony consistent or did it contain
15 discrepancies, what was the ability of the witness to know
16 the facts about which he or she testified.

17 Did the witness have a cause or reason to be biased
18 or prejudice in favor of the testimony he or she gave, was
19 the testimony of the witness corroborated or made stronger
20 by other testimony and evidence, or was it made weaker or
21 impeached by other such testimony and evidence.

22 As jurors please understand that you have the right
23 to the believe a small portion of a witness' testimony and
24 disregard the larger portion or vice versa. You may
25 believe all of a witness' testimony or none. You may

1 believe the testimony of a single witness against that of
2 several witnesses or the other way around.

3 In exercising your mental processes and attempt to
4 decide the truth the law simply requires that you exercise
5 your good judgment, your common sense, your sense of logic
6 and reason, and your experiences in life. You then apply
7 these attributes to the evidence and apply the law as I
8 state it to you and thus arrive at a verdict.

9 Now, there are two type of evidence which are
10 generally presented during a trial: Direct evidence and
11 circumstantial evidence. Direct evidence and
12 circumstantial evidence are the two types which are
13 generally presented at a trial.

14 Direct evidence directly proves the existence of a
15 fact and does not require deduction. Circumstantial
16 evidence is proof of a chain of facts and circumstances
17 indicating the existence of a fact. A crime may be proven
18 by circumstantial evidence. The law makes no distinction
19 between the weight and value to be given to either direct
20 or circumstantial evidence.

21 However, to the extent that the State relies on
22 circumstantial evidence all of the circumstances must be
23 consistent with each other, and when taken together point
24 conclusively to the guilt of the accused beyond a
25 reasonable doubt. If these circumstances merely portray

1 the Defendant's behavior as suspicious the proof has
2 failed.

3 The State has the burden of proving the Defendant
4 guilty beyond a reasonable doubt. This burden rests with
5 the State regardless of whether the State relies on direct
6 evidence, circumstantial evidence, or some combination of
7 the two.

8 Now, ladies and gentlemen, I instruct you that the
9 fact that the Defendant did not testify in this trial is
10 not a factor to be considered by you in any way during
11 your deliberations. Nor should it be considered by you in
12 any way in considering the guilt or innocence of the
13 Defendant. In this regard a Defendant has the
14 constitutional right to remain silent. And the exercise
15 of this right must not be considered by you in your
16 deliberations.

17 The fact that the Defendant did not testify should
18 not even be discussed in the jury room. The burden of
19 proof, as I stated to you, is on the State. The Defendant
20 has no obligation to prove his innocence. The burden of
21 proof remains with the State to prove the Defendant's
22 guilt beyond a reasonable doubt and the fact that the
23 Defendant did testify is not a factor to be considered by
24 you at all.

25 Now, in order to establish criminal liability

1 criminal intent is required. For example, the mental
2 state required to be proven by the State for a particular
3 crime might be purpose, intent, knowledge, recklessness or
4 criminal negligence. Criminal intent must be proven by
5 the State beyond a reasonable doubt.

6 Criminal intent is always a matter that must be
7 determined by the jury from the circumstances surrounding
8 the situation. There is no way to prove intent to a
9 mathematical certainty. There is no way for medical
10 science to dissect a person's brain and determine what the
11 person had in mind. So the law says that criminal intent
12 maybe inferred from the circumstances shown to have
13 existed.

14 This is how you make a determination of whether or
15 not the element requiring intent was present. It is not
16 necessary to establish intent by direct and positive
17 evidence. But intent maybe inferred by inference and the
18 same way as any other fact by taking into consideration
19 the acts of the parties and all the facts and
20 circumstances of the case. Criminal intent is a mental
21 state, a conscience wrongdoing. It is up to you to
22 determine what the Defendant intended to do based on the
23 circumstances shown to have existed.

24 Criminal intent can arise from action or a failure to
25 act. It may arise from negligence, recklessness or an

1 indifference to duty or consequence that is considered by
2 the law to be the equivalent of criminal intent.

3 Now, the Defendant, ladies and gentlemen, is charged
4 with the offense of shoplifting. The State must prove
5 beyond a reasonable doubt that the Defendant took
6 possession of, carried away, transferred from one person
7 to another or from one area of a store to another area or
8 caused to be carried away or transferred merchandise with
9 the intent to deprive the merchant of the possession, use
10 or benefit of the merchandise without paying the full
11 retail value.

12 Full retail value means the merchant's stated or
13 advertised price for the merchandise. Merchandise means
14 any goods, chattels, foot stuffs or wears of any time and
15 description regardless of value. Merchant means the owner
16 or operator of the store or any agent, employee, leasee,
17 consignee, officer, director, franchisee, or independent
18 contractor of the owner or operator.

19 Now, ladies and gentlemen, I've now drawn near the
20 end of my charge, and I want you to clearly understand
21 that you are not partisans or advocates for the State of
22 South Carolina or the Defendant. It is your duty by your
23 joint deliberations to determine the truth in this case
24 giving to the Defendant the benefit of every reasonable
25 doubt on each and every issue. Then to the facts which

1 you determine to be true you should take and apply the law
2 which has been given to you by this Court and thus arrive
3 at a verdict which speaks the truth in this case.

4 In fact, the word, 'verdict' which is a Latin
5 derivative means a true saying. Thus, when you have
6 accomplished these responsibilities you would have
7 satisfied your oath as jurors and you will have discharged
8 your duties to this Court.

9 Now, once you retire to the jury room the bailiff
10 will give the verdict form to you, Mr. Foreman. When you,
11 the jury, arrive at a verdict as to the offense charged in
12 this case the foreman will select the verdict as to the
13 charge on the verdict form.

14 If the State has failed to prove the guilt of the
15 Defendant beyond a reasonable doubt your verdict will be
16 not guilty. Likewise, if the State has proven the guilt
17 of the Defendant beyond a reasonable doubt your verdict
18 will be guilty.

19 Now, once a decision has been made, Mr. Foreman, you
20 will check whatever choice of the verdict of the jury as
21 to the charge. The verdict that you render in this case,
22 ladies and gentlemen, must be the verdict of each and
23 every juror. It must be your unanimous verdict. All 12
24 jurors must agree on the verdict which you authorize the
25 foreman to write for the jury.

1 Ladies and gentlemen, I want you to further
2 understand that the order in which the choices of verdict
3 appear on the verdict form are not suggestive of any
4 verdict on the part of this Court. The verdict in this
5 case is to be determined by you, the jury, not the Court.

6 Furthermore, please understand that even though I
7 have given the verdict form to the foreman it is not his
8 verdict alone. It is the verdict of all 12 of you, and I
9 emphasize again that it must be unanimous.

10 I am also going to give you a copy of these
11 instructions in written form. During your deliberations
12 you may refer to these instructions to guide your decision
13 making. You must consider the instructions as a whole and
14 not follow some and ignore others. Please, Ms. Foreman,
15 return the instructions to the Court at the time that your
16 verdict is rendered.

17 Now, before I ask you to retire to the jury room
18 everyone on the jury feeling okay? Anyone not feeling
19 well? Okay. What I'm going to do at this time, ladies
20 and gentlemen, I'm going to ask you to retire to the jury
21 room, but do not, do not begin your deliberations at this
22 time as of yet. The law requires that I consult with the
23 attorneys to make sure that I have not left anything out
24 of these instructions. Once I have spoken to the
25 attorneys the verdict form will be brought back along with

1 a copy of these instructions, and you will be instructed
2 at that time by the bailiff to begin your deliberations.

3 During your deliberations, Mr. Foreman, if you have
4 any questions there should be paper and pencil in the jury
5 room. It will be your responsibility to reduce such
6 questions to writing. Sign, date, knock on the door, let
7 the bailiff know you have a question. Y'all have a
8 question give it to the bailiff. They will give it to me,
9 and I will answer it how the Court deems appropriate.

10 Also once you all have reached a verdict, and like I
11 said it must be a unanimous verdict, once you have reached
12 a verdict and you have filled out the verdict form.
13 Signed and dated it for me, Mr. Foreman, knock on the door
14 and let the bailiff know that you all have reached a
15 verdict. We will get you back out in the courtroom as
16 quickly as possible.

17 I am at this time going to ask you to step to the
18 jury room. Do not begin your deliberation until you are
19 instructed to do so.

20 (WHEREUPON, the jury panel was excused from the
21 courtroom at 3:36 p.m.)

22 THE COURT: Any exceptions or objections to the
23 charge?

24 MS. MUNNERLYN: No, Your Honor.

25 THE COURT: Defense counsel?

1 MR. STEPHENS: No, Your Honor.

2 THE COURT: All right. Madam, for the record, prior
3 it coming out that the attorneys and myself reviewed jury
4 charge in chambers as well as the verdict form. My
5 understanding is that there is no objection to jury charge
6 going back nor any objection to the verdict form; is that
7 correct, Ms. Munnerlyn?

8 MS. MUNNERLYN: That is correct, Your Honor.

9 THE COURT: Mr. Stephens?

10 MR. STEPHENS: Yes, sir, Your Honor.

11 THE COURT: Okay. I'm going to give the instructions
12 as well as the verdict form to the bailiff. I'm going to
13 ask the bailiff to give -- go back and how about get
14 Miss Tammy Hepburn, our alternate. Get her out of there
15 and give the verdict form and the instructions to the jury
16 around tell them to begin their deliberations.

17 And bring the alternate back out here for me.

18 (WHEREUPON, the jury panel begin deliberations at
19 3:37 p.m.)

20 (WHEREUPON, other Court-related business was
21 conducted on the record but not related to the trial
22 of this case and not included in this transcript of
23 record.)

24 VERDICT OF THE JURY

25 THE COURT: All right. It's my understanding that

1 the jury has a verdict. Anything from the State before I
2 bring the jury back out?

3 MS. MUNNERLYN: No, sir, Your Honor.

4 THE COURT: Defense counsel?

5 MR. STEPHENS: No, sir, Your Honor.

6 THE COURT: All right. I remind those in the
7 courtroom whatever the verdict is keep your emotions in
8 check. Failure to do so could result in you being held
9 contempt of Court by virtue of a fine and/or certain
10 incarceration. All right. Bring the jury in, please,
11 ma'am.

12 (WHEREUPON, the jury panel enters the courtroom at
13 4:02 p.m.)

14 THE COURT: Madam Clerk.

15 CLERK OF COURT: Have you reached a verdict?

16 THE COURT: You may publish the verdict.

17 CLERK OF COURT: Indictment 2016-GS-34-0473, the
18 State v. Harry James Roller. As to the charge of
19 shoplifting, we the jury unanimously find the Defendant,
20 Harry James Roller, guilty. Signed, Jason Cook. December
21 12th 2016. Is this your verdict so say you all? Please
22 raise your right hand.

23 THE COURT: Let the record reflect that all jurors
24 raised their right hand. Anything from the State at this
25 time?

1 MS. MUNNERLYN: No, Your Honor.

2 THE COURT: Defense counsel?

3 MR. STEPHENS: Nothing, Your Honor.

4 COLLOQUY

5 THE COURT: All right. Ladies and gentlemen of the
6 jury, you all have fulfilled your responsibilities here as
7 it relates to this trial. So what I'm going to do is I am
8 going to allow you to leave at this time if you so desire.

9 What will take place now is sentencing by the Court.
10 You are free to stay for sentencing if you so desire. You
11 don't have to. Okay. I tell you this. During the course
12 of this trial I told you when you were selected and put in
13 that box not to talk about the case, not to talk about it
14 with anyone. When I release you here today you can
15 certainly talk about it as much as you want or as little
16 as you want. No one, however, can make you talk about it
17 if you don't want to talk about it.

18 Okay. S when you leave here today if someone tries
19 to talk to you about this case and you tell them that you
20 don't want to talk about it and they don't want to leave
21 would alone let the Court know, and I promise you it will
22 be handled. Okay. State have sentencing sheet prepared?

23 MS. MUNNERLYN: Yes, Your Honor.

24 THE COURT: All right. Let me say this. If any of
25 you wish to leave you may do so at this time. The number

1 that was given to you before that the Clerk went over;
2 that call in process with you, you leave now or when you
3 do leave you need to call that number back tonight after
4 six o'clock and it will give you instructions on what you
5 need to do with regards to tomorrow. All right.

6 SENTENCE OF THE COURT

7 Defendant is prepared to go forward with the
8 sentencing?

9 MR. STEPHENS: Excuse me, Your Honor?

10 THE COURT: Is the Defendant prepared to go forward
11 with the sentencing?

12 MR. STEPHENS: Yes, sir.

13 THE COURT: If any of you wish to leave you may do so
14 at this time or you may stay here if you so desire.
15 Please, come forward. All right, Ms. Munnerlyn, if you
16 would let me hear the Defendant's record, please.

17 MS. MUNNERLYN: Yes, Your Honor. He has a criminal
18 domestic violence conviction, Your Honor. This appears to
19 be a first degree, assault and battery third degree.

20 THE COURT: Give me the date or the year of those
21 convictions, please.

22 MS. MUNNERLYN: All right. Conviction date on the
23 C.D.V. was 6/1/2011. Assault and battery third is
24 6/1/2011. Driving under suspension is 5/18/11 and also an
25 open container on the same date. A shoplifting, 11/17/11.

1 In '91 is when that, Your Honor. Excuse me. It appears
2 to be D.J.J. adjudication for criminal sexual conduct
3 third degree and that was 8/17/91. Malicious injury to
4 property, 2/1/99. Grand larceny and burglary, 7/10/01.

5 THE COURT: Burglary what?

6 MS. MUNNERLYN: Second. Second degree.

7 THE COURT: Violent or nonviolent?

8 MS. MUNNERLYN: Nonviolent.

9 THE COURT: All right.

10 MS. MUNNERLYN: Breach of trust was fraudulent
11 intent, 1/12/06. Assault and battery of a high and
12 aggravated nature, 1/9/06. Driving under suspension,
13 8/6/14. Receiving stolen goods, more than \$2,000 but less
14 than \$10,000, 11/20/14. Shoplifting, 11/20/14. Driving
15 without a license, 1/28/15. Three counts of shoplifting
16 and one count of failure to stop for a blue light on
17 6/23/15. Obtaining property by false pretenses, and this
18 is 6/27/12.

19 Sorry to jump around, Judge, but this is an out of
20 state record.

21 THE COURT: Okay.

22 MS. MUNNERLYN: I think that's it.

23 THE COURT: All right. Anything further from the
24 State?

25 MS. MUNNERLYN: No, Your Honor.

1 THE COURT: All right, Mr. Stephens, be happy to hear
2 from you, sir.

3 MR. STEPHENS: Your Honor, you heard the facts of the
4 case. This is a shoplifting. Of course, he has a prior
5 record. We would just ask you to show whatever mercy you
6 can show to him.

7 THE COURT: Thank you. All right. Mr. Roller, is
8 there anything you wish to say, sir?

9 MR. ROLLER: No, sir.

10 THE COURT: Anyone here with him?

11 MR. STEPHENS: Tell the Court your name.

12 THE COURT: Tell me your name, please.

13 MS. CAULDER: Julie. Julie Caulder. I think Mr.
14 Roller's problem is he has a very severe drug problem.

15 THE COURT: What is your relation to him?

16 MS. CAULDER: We been good friends about 20 years. I
17 live in Chesterfield, and I help him out. He doesn't
18 really have no family. He's been homeless for about six
19 years. I had him up there for a little bit, and he's
20 leave. But he has a severe drug problem. He needs to be
21 in a drug rehabilitation program. This I know for
22 personal reasons cause years ago I had a severe drug
23 program and I had to go through expensive treatments and
24 stuff. But I think that him not having nobody on his side
25 to try to help him trying for him to reprogram his mind,

1 maybe get into a good church, you know what I'm saying
2 that.

3 That's a lot of his problem. The people he wants to
4 run with. I just really think he's a good person. He
5 means well. He hasn't killed nobody or nothing like that.
6 He has stole because he was hungry. I know tee shirts
7 don't feed you, but I mean he has stole because he was
8 hungry.

9 And I get a phone call, "Julie, I'm down the road 20,
10 25 miles. I'm hungry," And I'd go pick him up and let
11 him take a bath and give him a place to lay his head and
12 feed him, but he needs help.

13 And need to re-establish himself and reprogram his
14 mind, and I would like for you to have mercy on him
15 because he is a good person. People that don't know him
16 like I know him on a personal basis he's a good person.
17 Thank you.

18 THE COURT: Mr. Roller, how many times have you been
19 to the Department of Corrections?

20 MR. ROLLER: Three times.

21 THE COURT: How many?

22 MR. ROLLER: Three.

23 THE COURT: What's the longest period of time you've
24 been?

25 MR. ROLLER: Six years.

1 THE COURT: When was that?

2 MR. ROLLER: 2006.

3 THE COURT: What was on, the A.B.H.A.N?

4 MR. ROLLER: That was on assault and battery.

5 THE COURT: How many times have you been on
6 probation?

7 MR. ROLLER: Never. Right a long, long time ago.

8 MS. FUNDERBURK: Your Honor, we had him three
9 different times. He was revoked. Six years was actually
10 a probation revocation on the A.B.H.A.N.

11 THE COURT: How much credit is he entitled to?

12 MR. STEPHENS: He stayed in jail about 7 days, Your
13 Honor.

14 THE COURT: All right. Anything further from the
15 State?

16 MS. MUNNERLYN: No, Your Honor.

17 THE COURT: Defense counsel?

18 MR. STEPHENS: No, sir.

19 THE COURT: All right. On indictment
20 2016-GS-34-0473, Defendant is committed to the State
21 Department of Corrections for a period of 7 years, given
22 credit for seven days. Order he go to the Addiction
23 Treatment Unit while he's in the Department of
24 Corrections. Good luck to you, Mr. Roller.

25 MS. MUNNERLYN: Thank you, Your Honor.

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MR. STEPHENS: Thank you, Your Honor.

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END OF TRANSCRIPT OF RECORD

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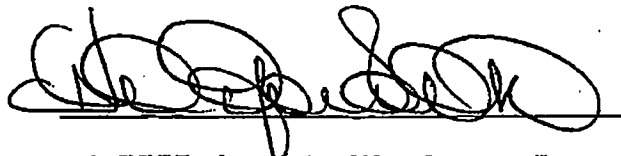
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

I, HATTIE O. GORDON, Official Court Reporter for the
4th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Marlboro County, South Carolina, on the 12th day of
December, 2016.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

June 24, 2017

A handwritten signature in black ink, appearing to read 'Hattie O. Gordon', written over a horizontal line.

HATTIE O. GORDON, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF)

MARLBORO)

Fourth Circuit)

Full name and prison number (if any) of Applicant.)

HARRY JAMES Roller # 27654)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2017-CP-34-00075

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention

MARLBORO County Detention / RidgeLand Corr. Inst
 OCT 3rd 2016

2. Name and location of Court which imposed sentence

MARLBORO County Courthouse
 Bennettsville S.C. 29512 "MAIN STREET"

3. Name(s) of co-defendant(s) (if any)

None
 None

4. The indictment number or numbers (if any) upon which the offenses for which sentence was imposed:

Quila M. Williams

CLERK OF COURT
 MARLBORO COUNTY

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- (a) 2016-65-34-0473
- (b) _____
- (c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) The sentence was imposed on Dec. 12th 2016
- (b) and the term is 7 yr / special conditions
- (c) ATU

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

My Lawyer told me it was too late to appeal "NO" it was OVER;

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

- i. NONE
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. NONE
- ii. _____
- iii. _____

(c) the date of each such result:

- i. _____
- ii. NONE
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. NONE
- ii. _____
- iii. _____

A CERTIFIED TRUE COPY

Ashita M. Williams

CLERK OF COURT
MARLBORO COUNTY

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2017 MAR 15 PM 8:47
ASHITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

7. After my Girlfriend called him
 He told HER "Julie Caider" that it
 was to late for a appeal, at this
 time I thought I knew "10 days for
 A Appeal and The day my GPrL Friend
 CALLED Micheal Stephens was the 10th day,
 Micheal stephen Didn't Botner to direct
 Appeal my case on Dec 12th 2016 nor
 did he tell me anything About A
 Appeal.

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2017 MAR 15 AM 8 47

 ANITA L. WILLIAMS
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Anita M. Williams
 CLERK OF COURT
 MARLBORO COUNTY

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) Michael Stephens was my Lawyer and his
 (b) counsel was ineffective / He told me nothing
 (c) about A Appeal And when I did Ask About it I over

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) There's Absolutely no Evidence in This case.
 (b) My Warrant '2016A3420300095' clearly states that The
 (c) The DA in open Argument told the Jury I Had prior

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) The Fact is that There's no Surveillance in this case
 (b) The Fact is that The Manager got on stand in my
 (c) The Fact is that The DA was in fact not suppose

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
 (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
 ii. None
 iii. _____
 iv. _____

(b) the name and location of the Court in which each was filed:

- i. _____
 ii. None

A CERTIFIED TRUE COPY

Andra M. Williams

CLERK OF COURT
MARLBORO COUNTY

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2017 FEB 15 AM 8 47
MARLBORO COUNTY, S.C.

9. He told me my 10 days was up
And to File A P.C.R

10B R/O was A Eyewitness Along with Manager
Statement, That I took several Items From
Dollar General in McCall S.C. By running out
of the store with Items in Arms, And
That's not True, I'll Explain the Facts
Shortly.

10C Convictions to the same charge I'm on
For today.

11A No pictures or receipts of the Items I'm
OF, and There's no one what so ever can say
I was even At Dollar General,

11B trail "Sworn IN" And said she never seen me, she
wasn't gone say me Because she didn't know And
That she got The T-shirts BACK 2 months later
After the crime occurred That There Blaming me
For, And she said she got BACK 14 or 15 when
my Rule 5 says 22 T-shirts "where's The other ones"
And The R/O ofc. got on stand And said He never
seen me go in or come out of Dollar General, so
my warrant is base on HEARSAY.

11C To do THAT unless I took The stand And I was
told by my Lawyer to m'n prior This wouldn't Happen,

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ANDREA H. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

Quisha M. Williams

CLERK OF COURT
MARLBORO COUNTY

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iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. None

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. None

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. None

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. No

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. No

iii. _____

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Antia M. Williams

CLERK OF COURT
MARLBORO COUNTY

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2017 MAR 15 AM 8 47
ANTIA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

FILED

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) NONE
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Michael Stephens "Public Defender"
Canties
 ii. _____
 iii. Dillon / Marlboro
 (b) the proceedings at which each such attorney represented you:
 i. _____
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

To Be granted A new trial And Another Lawyer

20. Are you now under sentence from any other court that you have not challenged?

NO

A CERTIFIED TRUE COPY

Aida M. Williams

CLERK OF COURT
 MARLBORO COUNTY

Revised 3/2003

STATE OF SOUTH CAROLINA)

VERIFICATION

County of)

I, HARRY JAMES ROLLER, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Harry J. Roller

SWORN to and subscribed before me this 10th
day of March, 2017.

Virginia Rolinger (L.S.)
Notary Public

My Commission Expires: May 20, 2021

FILED
2017 MAR 15 AM 8 47
ANITA H. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Anita H. Williams

CLERK OF COURT
MARLBORO COUNTY

Revised 3/2003

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Harry James Roller, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Harry J Roller
Applicant

SWORN or affirmed to and subscribed before me this
10th day of March, 2017.

Virginia Rolisen
Notary Public

My Commission Expires: May 20, 2021

FILED
2017 MAR 15 AM 8 47
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Anita M. Williams
CLERK OF COURT
MARLBORO COUNTY

Revised 3/2003

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO	)	
Harry James Roller,	)	Case No.: 2017-CP-34-00075
S.C.D.C. No. 276544,	)	
	)	
Applicant,	)	
	)	RETURN AND MOTION TO DISMISS
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

In response to the application for post-conviction relief filed by Harry James Roller (Applicant) on March 15, 2017, Respondent would show this Court:

I.

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marlboro County Clerk of Court. Applicant was indicted at the November 2016 term of the Marlboro County Grand Jury for shoplifting, value \$2,000 or less, third or subsequent offense (2016-GS-34-00473). A.C. Michael Stephens represented Applicant, and Elizabeth R. Munnerlyn, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. Applicant proceeded to trial before the Honorable D. Craig Brown and a jury. The jury found Applicant guilty as indicted on December 12, 2016. Judge Brown sentenced Applicant to imprisonment for a term of seven years. Applicant did not appeal his conviction or sentence.

II.

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:¹

¹ Applicant complains counsel did not tell him about appellate rights, but does not do so as a ground in response to questions 10 or 11, nor does he request relief pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

1. "There's absolutely no evidence in this case."
 - a. "No pictures or receipts of the items I'm accused of, and theres no one what so ever can say I was even at Dollar General."
2. "My warrant '2016 A34 20300095' clearly states that the R/o was a eyewitness along with manager statement, that I took several items from Dollar General in McCall, S.C. by running out of the store with items in Arms, and that's not true, I'll explain the facts shortly."
 - a. "[Trial] 'sworn in' and said she never seen me, she wasn't gone say me Because she didn't know and that she got the T-shirts back 2 months later after the crime occurred that [they're] Blaming me for, and she said she got back 14 or 15 when my Rule 5 says 22 T-shirt's 'where's the other ones' (LOL) And the R/o oFc. got on stand and said He never seen me go in or come out of Dollar General, so my warrant is base on Hearsay."
3. "The [solicitor] in [opening] argument told the jury I had prior convictions to the same charge I'm on trial for today."²
 - a. "To do that unless I took the stand and I was told by my lawyer 10 min prior this wouldn't happen."

Respondent interprets the above allegations as:

1. Insufficient evidence to support conviction;
2. Deficient arrest warrant; and
3. Improper argument by the solicitor at trial.

Attached to and incorporated herein are the records of the Marlboro County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

III.

The application should be dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160. Applicant's first allegation is that there was insufficient evidence to support his conviction. Claims by an Applicant that he or she is actually innocent, is not guilty, or that the evidence against him was

² See Tr. 18, l. 8 – p. 20, l. 4; p. 34, l. 12 – p. 35, l. 4.

insufficient to prove guilt are not cognizable grounds for post-conviction relief absent a claim of ineffective assistance of counsel or newly discovered evidence. S.C. Code Ann. § 17-27-20(a)(6) (“[T]his section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.”); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975) (interpreting the statute as barring such claims as inappropriate for consideration under the act); Dickson v. State, 247 S.C. 153, 156, 146 S.E.2d 257, 258 (1966) (“The allegation that petitioner is not guilty does not raise a matter for consideration by habeas corpus.”).

Applicant’s second and third allegations allege deficiencies in the arrest warrant and error in the State’s opening argument at trial. These allegations should also be summarily dismissed. An application for post-conviction relief does not serve as a substitute for direct appeal, and an issue that could have been raised at applicant’s trial or on appeal is not cognizable in an application for PCR. S.C. Code Ann. § 17-27-20(b); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). Trial court error is not a cognizable claim for PCR. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997); Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant’s second and third allegations could have been raised at trial and thereafter on appeal; as such, they are not cognizable under the Act.

Therefore, the application should be dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

IV.

Respondent denies each allegation not expressly admitted, qualified, or explained.

[Conclusion and signature on following page]

V.

WHEREFORE, Respondent moves to summarily dismiss the application for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

Respectfully submitted,

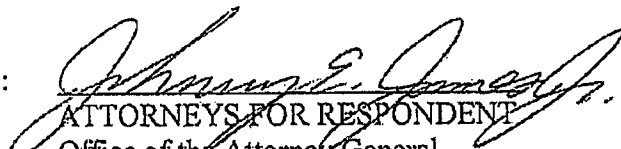
ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

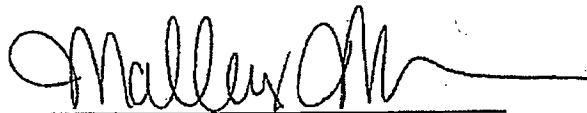
15 July, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARLBORO	)	
	)	
	)	2017-CP-34-0075
HARRY J. ROLLER, #276544,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion to Dismiss on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Lance S. Boozer Esquire
Boozer Law Firm, LLC
1400 Laurel Street, Suite 4A
Columbia, SC 29201

DATED this 17th day of July, 2017.



Mallory Morris, Legal Assistant
For Respondent

State of South Carolina))
County of Marlboro)

In Circuit Court of the
Fourth Judicial Circuit
2017-CP-34-00075

HARRY J. ROLLER,

Plaintiff,

VS.

Transcript of Record

STATE OF SOUTH CAROLINA,

Defendant.

Dillon, South Carolina
January 16, 2018

B E F O R E:

The Honorable Roger E. Henderson

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

Mr. Lance S. Boozer, Esquire
Attorney for Plaintiff

Mr. Johnny E. James, Jr., Esquire
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

I N D E X

WITNESSESPAGE

(NO WITNESSES INTRODUCED DURING HEARING)

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>EV.</u>
S-1	Affidavit of A.C. Stephens	5

1 MR. JAMES: If it may it please, the Court?

2 THE COURT: Yes, sir.

3 MR. JAMES: This is the matter of Harry James
4 Roller versus the State of South Carolina. Docket number
5 2017-CP-34-00075. Mr. Roller is present here today in the
6 courtroom and is represented by Mr. Lance Boozer.

7 Mr. Roller was indicted at the November 2016 term of
8 the Marlboro County Grand Jury for shoplifting valued at
9 \$2,000 or less, third or subsequent offense. Mr. Michael
10 Stephens represented Mr. Roller on that charge. Mrs.
11 Elizabeth Munnerlyn of the -- represented the State.

12 The applicant proceeded to trial before the Honorable
13 D. Craig Brown and a jury and the jury found Mr. Roller
14 guilty as indicted on December 12, 2016. Judge Brown
15 sentenced Mr. Roller to imprisonment to a term of seven (7)
16 years.

17 Your Honor, as to Mr. Roller's original allegations
18 the State filed a return and motion to dismiss but at the
19 same time request that Mr. Boozer be appointed to this
20 matter. The basis for that return and motion to dismiss
21 was for failure. The State claim cognizable under the
22 Uniform Post-Conviction Procedure Act on of variety of
23 grounds. Primarily they were all framed as direct appeal
24 issues or deficiencies that simply were not cognizable
25 under Post-Conviction Relief Act.

1 Subsequent to that return and motion to dismiss Mr.
2 Boozer, own behalf of his client, filed an amendment which
3 raised an allegation that his right to a direct appeal was
4 not knowingly, intelligently and voluntarily waived
5 pursuant to White versus State. Your Honor, upon receipt
6 of that amendment, I contacted Mr. Stephens and acquired as
7 to whether or not he discussed the right to a direct appeal
8 with his client or whether his client ever requested a
9 direct appeal. At that time he informed me that he had not
10 discussed with Mr. Roller his right to appeal the verdict
11 and sentence; did not inform Mr. Roller of his right to an
12 appeal; and, did not appeal the verdict and sentence for
13 Mr. Roller. I have in my hand an original affidavit of Mr.
14 Stephens, if I may introduce that as State's Exhibit 1.

15 MR. BOOZER: No objection, Your Honor.

16 THE COURT: Okay. That will be admitted as State's
17 Exhibit 1.

18 (Whereupon, the Affidavit of A.C. Stephens has been marked
19 and entered into evidence as State's Exhibit No. 1)

20 MR. JAMES: And I apologize, Your Honor, I
21 should've had the marked ahead of time but I wasn't
22 entirely sure of what process I would follow for this. If
23 I may approach, Your Honor?

24 THE COURT: Yes, sir.

25 MR. JAMES: Your Honor, on the basis of that

1 conversation with original trial counsel and on the basis
2 of that affidavit, the State has no basis upon which to
3 refuse Mr. Roller's request for relief pursuant to White
4 versus State and therefore, Your Honor, the State
5 respectfully concedes the White claim.

6 THE COURT: Mr. Boozer?

7 MR. JAMES: The State's understanding is that with
8 that concession that opposing counsel has no opposition to
9 our return motion to dismiss remaining allegations.

10 MR. BOOZER: Thank you, Your Honor. If it pleases,
11 the Court? Judge, my client, he's actually fortunately
12 getting very close to where he's eligible for parole and
13 even if you had to serve out the remainder of his sentence
14 his max out date is 2020. He's informed me that he would
15 have a six (6) month, he's eligible for a six (6) month
16 furlough, so he's knocking on the door of walking out the
17 door of SCDC. In speaking with him, obviously, we realized
18 he did have this claim that he could file a belated direct
19 appeal, potentially. I've talked with him about the risk
20 and benefits of going forward on the PCR side of it versus
21 going forward and trying to have your belated appeal which
22 may be a better route for him if he chooses to do that.
23 And so, judge, I think with that being said we would
24 consent to either him withdrawing his remaining PCR
25 allegations or having those dismissed but allowing him,

1 obviously, to have by a consent the belated direct appeal
2 and that's -- that would be our position, judge.

3 THE COURT: Mr. Roller, would you stand? Raise
4 your right hand. Do you swear or affirm the testimony
5 you're about to give will be the truth so help you God?

6 MR. ROLLER: Yes, sir.

7 THE COURT: Mr. Roller, did you understand what Mr.
8 Boozer said about withdrawing the remaining portion of your
9 application and just going forward with the direct appeal
10 and, of course, with White?

11 MR. ROLLER: I did, Your Honor.

12 THE COURT: Do you wish to do that?

13 MR. ROLLER: Yes, sir, I do.

14 THE COURT: And you understand the State concedes
15 to that so there's no issue here, do you understand that?

16 MR. ROLLER: Yes, sir.

17 THE COURT: Okay. Is anyone making you seek the
18 withdrawal part of your application?

19 MR. ROLLER: No, sir.

20 THE COURT: Nobody has threatened you in any way,
21 have they?

22 MR. ROLLER: No, sir.

23 THE COURT: Nobody has promised you anything?

24 MR. ROLLER: No, sir.

25 THE COURT: You're not under the influence of any

1 alcohol or drugs, are you?

2 MR. ROLLER: Not at all.

3 THE COURT: Do you suffer from any kind of
4 physical, mental, or emotional problems that keep you from
5 being able to understand things clearly?

6 MR. ROLLER: No, sir.

7 THE COURT: Okay. You're satisfied with the
8 services of Mr. Boozer?

9 MR. ROLLER: Very much so.

10 THE COURT: You agree he's done everything he can
11 for you under the circumstances as your PCR attorney?

12 MR. ROLLER: He has.

13 THE COURT: Okay. And you have made this decision
14 after consultation with him?

15 MR. ROLLER: Yes, sir, I did.

16 THE COURT: Do you have any questions of the Court?

17 MR. ROLLER: No, sir, Your Honor, I don't.

18 THE COURT: You understand you'll be able to go
19 forward if you so desire with your direct appeal, it will,
20 obviously, be delayed because it should've been done
21 earlier but -- could have been done earlier, I'll put it
22 that way -- but you understand that's the only thing that
23 you can go forward on, at this point, if you withdraw the
24 remaining portions of your allegation?

25 MR. ROLLER: Yes, sir, I understand.

1 THE COURT: Okay. Mr. Boozer, do you have any
2 questions of your client?

3 MR. BOOZER: I do not, Your Honor.

4 THE COURT: Mr. James?

5 MR. JAMES: Nothing else from the State, Your
6 Honor.

7 THE COURT: Okay. I find that he is, has freely,
8 voluntarily and intelligently withdrawn his application
9 except for that portion that deals with the the direct
10 appeal. The State has conceded to that so he can go
11 forward with a delayed direct appeal if he so desires.
12 Thank you, Mr. Roller.

13 MR. JAMES: Thank you, Your Honor.

14 THE COURT: Thank you, Mr. James.

15 MR. BOOZER: Thank you, Your Honor.

16 (CONCLUSION OF THE HEARING ON JANUARY 16, 2018)

17

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Dillon County, South Carolina, on the 16th day of January, 2018.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

June 12, 2018

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO
HARRY JAMES ROLLER, 276544
Plaintiff

-VS-

STATE OF SOUTH CAROLINA
Defendant

) IN THE COURT OF COMMON PLEAS
) FOURTH JUDICIAL CIRCUIT
)

) 2017-CP-34-075
)

) AFFIDAVIT
)

) of
) A.C. Stephens
)

Personally appeared A.C. Stephens, who states that:

1. He is a member of the South Carolina Bar and is employed as the Public Defender for Marlboro County in the Fourth Judicial Circuit.
2. He represented Mr. Harry James Roller for a charge of shoplifting on warrant number 2016A3400095.
3. He was trial counsel in the trial of Mr. Roller that ended on December 12, 2016 with a guilty verdict and with a sentence imposed by Honorable D. Craig Brown of seven (7) years.
4. He did not discuss with Mr. Roller his right to appeal the verdict and sentence, did not inform Mr. Roller of his right to appeal, and did not appeal the verdict and sentence for Mr. Roller.
5. He believes there appear to be issues to appeal concerning statements made before the jury by the solicitor. These statements by the solicitor were made after the court instructed the solicitor not to make such statements concerning prior convictions of Mr. Roller.

Sworn to Before Me This
5th Day of January 2018

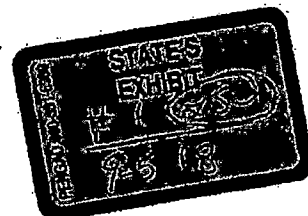
Courtney Windy
Notary Public for South Carolina
My Commission Expires: 12/31/2017

A.C. Stephens
A.C. Stephens
Bar Number 362

FILED

2018 SEP 5 PM 5 09

ANITA B. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.



RECEIPT FOR EXHIBITS

CASE NO. 2017-04-34-075 JUDGE L. Eisele
 PLAINTIFF Edmon PLAINTIFF'S ATTY. L. Eisele
 DEFENDANT S. J. J. J. DEFENDANT'S ATTY. J. J. J.
 DATE TRIAL STARTED: 1-18-18 DATE TRIAL ENDED: 1-18-18

Exhibits 1-18

Received of _____, Court Reporter for the above case, these exhibits:

1. <u>Exhibits 1-18</u>	This space for Clerk of court's use
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	
15. _____	
16. _____	
17. _____	
18. _____	
19. _____	
20. _____	

This 18 day of February 20 18

DILLON COUNTY CLERK OF COURT

By Gwen T. Hyatt
 Gwen T. Hyatt

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO	)	
Harry James Roller,	)	Case No.: 2017-CP-34-00075
S.C.D.C. No. 276544,	)	
	)	
Applicant,	)	
	)	ORDER GRANTING RELIEF
v.	)	PURSUANT TO <u>WHITE V. STATE</u>,
	)	DISMISSING WITHDRAWN ALLEGATIONS
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

This matter comes before the Court by way of an application for post-conviction relief filed by Harry James Roller ("Applicant") on March 15, 2017. Respondent made its return and motion to dismiss on or about July 15, 2017. Applicant, by and through counsel, amended his application by filing on August 24, 2017. The Court convened an evidentiary hearing into the matter on Tuesday, January 16, 2018, at the Dillon County Courthouse in Dillon, South Carolina. Applicant was present at the hearing and represented by Lance S. Boozer, Esquire. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marlboro County Clerk of Court. Applicant was indicted at the November 2016 term of the Marlboro County Grand Jury for shoplifting, value \$2,000 or less, third or subsequent offense (2016-GS-34-00473). A.C. Michael Stephens represented Applicant and Elizabeth R. Munnerlyn, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. Applicant proceeded to trial before the Honorable D. Craig Brown and a jury. The jury found

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 2018 FEB 28 PM 3 18
 ANITA M. WILLIAMS
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

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Applicant guilty as indicted on December 12, 2016. Judge Brown sentenced Applicant to imprisonment for a term of seven years. Applicant did not appeal his conviction or sentence.

Present Application

In his original post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "There's absolutely no evidence in this case."
 - a. "No pictures or receipts of the items I'm accused of, and theres no one what so ever can say I was even at Dollar General."
2. "My warrant '2016 A34 20300095' clearly states that the R/o was a eyewitness along with manager statement, that I took several items from Dollar General in McCall, S.C. by running out of the store with items in Arms, and that's not true, I'll explain the facts shortly."
 - a. "[Trial] 'sworn in' and said she never seen me, she wasn't gone say me Because she didn't know and that she got the T-shirts back 2 months later after the crime occurred that [they're] Blaming me for, and she said she got back 14 or 15 when my Rule 5 says 22 T-shirt's 'where's the other ones' (LOL) And the R/o oFc. got on stand and said He never seen me go in or come out of Dollar General, so my warrant is base on Hearsay."
3. "The [solicitor] in [opening] argument told the jury I had prior convictions to the same charge I'm on trial for today."¹
 - a. "To do that unless I took the stand and I was told by my lawyer 10 min prior this wouldn't happen."

By amendment filed August 24, 2017, Applicant further alleged:

4. "Applicant was denied his right to a direct appeal."

II. RESPONDENT'S CONSENT TO WHITE² CLAIM

At the hearing, Respondent submitted to the Court an affidavit of trial counsel A.C. Michael Stevens, Esq., indicating that Counsel "did not discuss with [Applicant] his right to appeal the verdict and sentence, did not inform Mr. Roller of his right to appeal, and did not appeal the verdict and sentence for Mr. Roller." Respondent thereafter conceded that Applicant

¹ See Tr. 18, l. 8 - p. 20, l. 4; p. 34, l. 12 - p. 35, l. 4.

² White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

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 2017 FEB 28 PM 3 18
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 MARLBORO COUNTY, S.C.

did not knowingly, intelligently, and voluntarily waive his right to direct appeal of his conviction. Accordingly, this Court grants Applicant relief pursuant to White v. State for appellate review of the conviction and sentence of December 12, 2016 (2016-GS-34-00473).

III. APPLICANT'S WITHDRAWAL OF REMAINING ALLEGATIONS

After conceding the White issue, Respondent reasserted its pending motion to dismiss the allegations raised in the original application. Thereupon, Applicant and his attorney informed this Court that Applicant wished to withdraw his remaining allegations for relief.

At the PCR hearing, Applicant was sworn and questioned by this Court about his withdrawal request to ensure the request was made freely and voluntarily; that Applicant had not been promised anything; and that Applicant had not been threatened, coerced, or induced into requesting withdrawal of the application. The Court also advised Applicant of the consequences of withdrawing the application, including forfeiture of any future collateral attacks on his conviction. Applicant represented he understood the consequences of withdrawing the remaining allegations. He also represented counsel had explained these consequences, and Applicant was satisfied with counsel's advice and needed no further time to consult with counsel.

Following the Court's colloquy with Applicant regarding withdrawal of the remaining allegations, Applicant confirmed he wished the Court to dismiss the allegations. Accordingly, this Court finds Applicant's decision to withdraw the allegations raised in his original application was knowingly, willingly, voluntarily, and intelligently made.

IV. CONCLUSION

This Court finds that Applicant did not knowingly and intelligently waive his right to a direct appeal and, as such, he may petition the Supreme Court of South Carolina pursuant to

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White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). See also Davis v. State, 388 S.C. 390, 342 S.E.2d 60 (1986) (setting forth procedures for a White appeal, prohibiting other forms of relief on this basis). This Court further finds Applicant's decision to withdraw the allegations raised in his original application was knowingly, willingly, voluntarily, and intelligently made. Therefore, the Court finds it is appropriate to dismiss those allegations with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from his attorney's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking appellate review. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, his attorney must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. Applicant petition for appellate review of 2016-GS-34-00473 pursuant to White v. State;
2. All other allegations are denied and dismissed with prejudice; and
3. Applicant remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 20th day of February, 2018.

Chesterfield

, South Carolina


ROGER E. HENDERSON
Presiding Judge
Fourth Judicial Circuit

ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

2018 FEB 28 PM 3 18

FILED

WITNESSES

Law Enforcement Case #:

[Signature]
 WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
 hereby waive presentment to the Grand Jury.

 Defendant

I hereby appear in my own proper person and
 plead guilty to the within indictment or to:

 Defendant

ARREST WARRANT NUMBER
 2016A3420300095

ARRESTED ON: 2016-10-04

ACTION OF GRAND JURY

True Bill
Laurinda Harrington
 Grand Jury Foreperson

Date *11/29/16*

VERDICT

 Petit Jury Foreperson

 Date

DOCKET NUMBER:
 2016-GS-34-0473

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
 November 2016

THE STATE

vs.

Harry James Roller

INDICTMENT FOR

Shoplifting / Value \$2,000 or less
 (enhancement per 16-01-0057); Penalty
 statute 16-01-0057; 16-01-0110(B)(1); Felony
 Class E; eff 06/02/2010; updated 10/21/2011

§16-13-0110(A)

CDR Code: 2877

A CERTIFIED TRUE COPY

Aida M. Williams

CLERK OF COURT
 MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Shoplifting / Value \$2,000 or less (enhancement per
16-01-0057); Penalty statute 16-01-0057; 16-01-
0110(B)(1); Felony Class E; eff 06/02/2010; updated
10/21/2011

§16-13-0110(A)

At a Court of General Sessions, convened on November 29, 2016, the Grand Jurors of Marlboro County present upon their oath:

SHOPLIFTING
THIRD OR SUBSEQUENT OFFENSE

CDR: 2367 16-01-0057

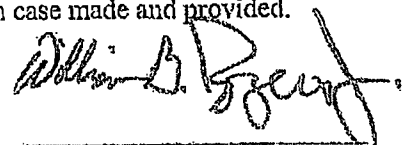
That Harry James Roller did in Marlboro County on or about October 3, 2016, take possession of, carry away, transfer to another area of the store, or cause to be carried away or transferred, alter, transfer, or remove the price label or tag on, and/or did transfer from its container to another container, merchandise displayed, held, stored or offered for sale by Dollar General, to wit: Several T-Shirts, in violation of Section 16-13-110, S.C. Code of Laws, 1976, as amended, such being the defendant's third or subsequent offense for which the penalty is contingent upon the value of the property involved, in violation of Section 16-01-0057, S.C. Code of Laws, 1976, as amended.

A CERTIFIED TRUE COPY

Chula M. Williams

CLERK OF COURT
MARLBORO COUNTY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Marlboro

VS.

Harry James Roller

AKA:

Race:

Sex: M

Age: 40

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Shoplifting / Value \$2,000 or less (enhancement per 16-01-0057); Penalty statute 16-01-0057; 16-01-0110(B)(1); Felony Class E;

in violation of § 16-13-0110(A)

of the S.C. Code of Laws, bearing CDR Code #

2877

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lowd Act)☐ §17-25-45

The charge is:

☐ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

66284

Mumclyn, Elizabeth R

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the



State Department of Corrections,

☐ County Detention Center,

for a determinate term of

7

days/months/years or



under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

;

provided that upon the service of

days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

by the State Department of Corrections. 7 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Probation)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(f) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-34-0473

A/W#: 2016A3420300095

Date of Offense: 10/3/2016

S.C. Code § : 16-13-0110(A)

CDR Code #: 2877

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

FILED

RECEIVED 12 PM 5 1

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

A CERTIFIED TRUE COPY

Arlene M. Williams

CLERK OF COURT

☐ Appointed PD or appointed other counsel
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

12-12-16

ARREST WARRANT

2016A3420300095

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
MCCOLLTHE STATE
against

HARRY JAMES ROLLER

Address: [REDACTED]
MCCOLL SC 29570
Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: I Height: 6-1 Weight: 275
DL State: SC DL#: [REDACTED]
DOB: [REDACTED] Agency ORI#: SC0350200
Prosecuting Agency: MCCOLL POLICE DEPARTMENT
Prosecuting Officer: SGT. BILLY W. STUBBS
Offense: SHOPLIFTING 3RD HABITUAL 2ND
Offense Code: 2877
Code/Ordinance Sec. 16-13-0110 (A)This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge: (L.S.)

Date: _____ Time: _____

RETURN

A copy of this arrest warrant was delivered to
defendant HARRY JAMES ROLLER
on 10-4-2016

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
MCCOLL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2009
SCCA 612Personally appeared before me the affiant BILLY W. STUBBS, who
being duly sworn deposes and says that defendant HARRY JAMES ROLLER
did within this county and state on 10/03/2016 to 10/03/2016 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of MCCOLL)
In the following particulars:
DESCRIPTION OF OFFENSE: 16-13-0110 (A) / SHOPLIFTING 3RD HABITUAL 2NDI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT ON OR ABOUT 10/03/2016 AT 223 W. TATUM AVE. MCCOLL SC DOLLAR GENERAL, THE DEFENDANT DID COMMIT THE OFFENSE OF A
SHOPLIFTING IN THAT HE DID WILFULLY, UNLAWFULLY, AND FELONIOUSLY TAKE AWAY SEVERAL ITEMS FROM THE DOLLAR GENERAL BY
RUNNING OUT THE STORE WITH ITEMS IN HIS ARMS.

P/D: MANAGER STATEMENT AND R/O WAS A EYEWITNESS

A CERTIFIED TRUE COPY

CLERK OF COURT
MARLBORO COUNTY

Signature of Affiant

Affiant's Address 210 E. GIBSON AVE.
MCCOLL SC 29570
Affiant's Telephone 843-523-5223STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
MCCOLL

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 10/03/2016 defendant HARRY JAMES ROLLER

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of MCCOLL) as set forth below:DESCRIPTION OF OFFENSE: SHOPLIFTING / VALUE \$200.00 OR LESS (ENHANCEMENT PER
16-01-0057)Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 10-4-16
Signature of Issuing Judge (L.S.)

Judge Code: 5942

Judge's Address 300 S. Main St.
MCCOLL SC 29570
Judge's Telephone 843-523-5223
Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 16-1872

ORIGINAL

BAIL set by

Judge Det. [Signature]
 on 10-4-16
 Type and Amount: \$10,000.00 Det.
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defense Attorney: _____
 Decision: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____
 Sentence: _____

JURORS

WITNESSES

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS

