

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County  
J. Derham Cole, Circuit Court Judge

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S.C. Supreme Court

Opinion No. 2012-UP-528 (S.C. Ct. App. filed 9/19/2012)  
10-GS-42-01052.

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THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON

PETITIONER

Appellate Case No. 2012-213427

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A P P E N D I X

---

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Dadrin Jerome Johnson, Appellant.

Appellate Case No. 2010-180607

---

Appeal From Spartanburg County  
J. Derham Cole, Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-528  
Submitted September 4, 2012 – Filed September 19, 2012

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**AFFIRMED**

---

Chief Appellate Defender Robert M. Dudek, of  
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney  
General John W. McIntosh, Senior Assistant Deputy  
Attorney General Donald J. Zelenka, and Assistant  
Attorney General Alphonso Simon, Jr., all of Columbia;  
and Solicitor Barry J. Barnette, of Spartanburg, for  
Respondent.

---

**PER CURIAM:** Affirmed<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Evins*, 373 S.C. 404, 415, 645 S.E.2d 904, 909 (2007) ("The Equal Protection Clause of the Fourteenth Amendment to the Constitution prohibits the striking of a venire person on the basis of race or gender."); *id.* (holding that once a party objects to a jury strike under *Batson v. Kentucky*, 476 U.S. 79 (1986), the proponent of the strike must offer a facially race-neutral explanation); *id.* ("Once the proponent states a reason that is race-neutral, the burden is on the party challenging the strike to show the explanation is mere pretext, either by showing similarly situated members of another race were seated on the jury or that the reason given for the strike is so fundamentally implausible as to constitute mere pretext despite a lack of disparate treatment."); *id.* at 416, 645 S.E.2d at 909-10 (noting that the appellate court must give the trial court's findings concerning purposeful discrimination great deference and not set them aside unless clearly erroneous); *State v. Wilder*, 306 S.C. 535, 538, 413 S.E.2d 323, 325 (1991) ("It is within the discretion of the trial [court] to determine purposeful discrimination based on the totality of relevant facts, including the credibility of the solicitor." (internal quotation marks omitted)).

**AFFIRMED.**

**HUFF, THOMAS, and GEATHERS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA  
 IN THE COURT OF APPEALS

---

THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON

APPELLANT

---

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

---

Opinion No. 2012-UP-528

---

Appellate Case No. 2010-180607

---

PETITION FOR REHEARING

---

Petitioner seeks rehearing pursuant to Rule 221(a), SCACR because this Court may have overlooked the fact that the striking of a bad woman because she has red hair and an attitude is racially stereotypical in the same way striking a black juror for "shucking and jiving" is racially stereotypical and racially discriminatory. See State v. Tomlin, 299 S.C. 294, 299, 384 S.E.2d 707, 710 (1989). (Also second juror walked slow, talked slow, etc). Both reasons were discriminatory.

As this Court will recall Appellant Johnson is a black man. Appellant did not challenge three black potential jurors being struck by the state. R. 11, l. 22 – 12, l. 22.

And then to No. 49, Your Honor, **was the same attitude. When she showed up she had the streaks in her hair, the red hair. From that standpoint her attitude** while she was on jury selection, standing up and answering the questions from the judge and from the clerk's office in that case in that case, Your Honor, I felt like she would not be a good juror from that standpoint.

R. 12, l. 23 – 13, l. 4. (emphasis added).

The judge asked defense Counsel Jones if she wished to be heard and she argued that the solicitor citing streaks in Juror 49's hair was racially pre-textual and that, since appellant was African-American and the juror was African-American, the judge should find the strike racially motivated. "[W]e would say in regard to Juror 49, regardless of whether she had streaks in her hair not, that is not a, good reason to cut somebody. Again, she was an African-American person. We have an African-American client, Your Honor. Therefore, we do believe it was race motivated." R. 13, ll. 7-12.

The judge asked the co-defendant for his position, and defense counsel Thompson joined in the objection of the strike of Juror #49 for the co-defendant. R. 13, ll. 7-14.

The Judge stated: "It [the strike] can't be exercised in an unconstitutional fashion, and you can't invidiously discriminate or [have] exercised challenges based upon racial reasons, as in this case all of the jurors that were struck that are being challenged were black." [T]here are good reasons and bad reasons for striking jurors, it's not what I have to determine." The judge ruled the peremptory challenge used on juror #49, the only juror appellant challenged, was not racially pre-textual. "All [the chosen jurors] shall remain and he sent the jurors chosen to lunch. R. 14, ll. 3 - 15, l. 24.

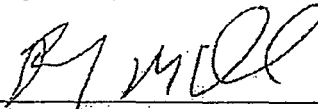
Appellant argued to this Court The red streaks in her hair or red hair reason cited by the solicitor here was racially stereotypical in the same way as was defense counsel's explanation that he felt "uneasy" over a juror's dreadlocks in McCrea v. Gheraibeh, 380 S.C. 183, 669 S.E.2d 333

(2008). In McCrea our Supreme Court found counsel's explanation that he struck the particular juror because of his "uneasiness" over the juror's dreadlocks "was not a race-neutral reason for exercising a peremptory strike." McCrea, 380 S.C. at 187, 669 S.E.2d at 335.

The Court in McCrea distinguished the dreadlocks from the "long unkempt hair" looking suspicious reason which was held to be constitutionally permissible in Purkett v. Elem, 514 U.S. 765 (1995). The Court noted that while long unkempt hair is not associated with any race, counsel's specific reference to the juror's hair as "dreadlocks" in conjunction with an otherwise *vague explanation for the strike* "carries with it an inherently discriminatory intent." McCrea 380 S.C. at 187, n. 2, 669 S.E.2d 335, n. 2.

This Court dispensed with this red hair and black woman with an attitude argument in one paragraph of citations. Appellant requests rehearing on what he submits is a highly meritorious issue.

Respectfully submitted,



---

Robert M. Dudek  
Chief Appellate Defender

This 4th day of October, 2012.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

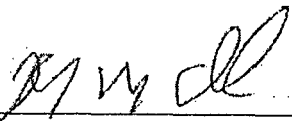
V.

DADRIN JEROME JOHNSON

APPELLANT

CERTIFICATE OF SERVICE

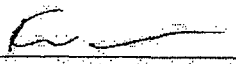
The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Alphonso Simon, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 4th day of October, 2012.



Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 4th day  
of October, 2012.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013.

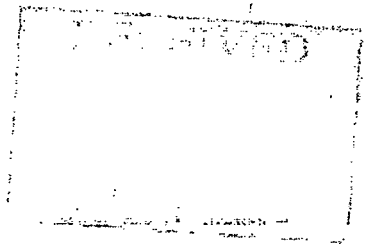
# The South Carolina Court of Appeals

The State, Respondent,

v.

Dadrin Jerome Johnson, Appellant.

Appellate Case No. 2010-180607



ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

*Thomas C. Hoff*

\_\_\_\_\_

J.

*Paul D. Thomson*

\_\_\_\_\_

J.

*John O. Justice*

\_\_\_\_\_

J.

Columbia, South Carolina

cc: Robert Michael Dudek  
Barry Joe Barnette  
Alphonso Simon, Jr.  
J. Derham Cole

**FILED**  
*18 Oct 2012*

19629

STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM SPARTANBURG COUNTY

J. Derham Cole, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON

APPELLANT

---

RECORD ON APPEAL

---

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1 STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF GENERAL SESSIONS  
2 COUNTY OF SPARTANBURG )

3 The State, )  
4 ) TRANSCRIPT OF RECORD  
-vs- ) 2010-GS-42-1059  
5 ) 2010-GS-42-1052  
6 Brandon Robbs-Tanner )  
and Dadrin Johnson, )  
7 Defendants. ) December 13 - 14, 2010  
Spartanburg, South Carolina

8  
9 B E F O R E:

10 HONORABLE J. DERHAM COLE, JUDGE; and a jury  
11

12  
13 A P P E A R A N C E S:

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15 AMANDA MORRIS GALLIVAN, ESQUIRE  
Attorneys for the State

16 TANYA JONES, ESQUIRE  
17 Attorney for Defendant Johnson

18 CHRISTOPHER P. THOMPSON, ESQUIRE  
19 Attorney for Defendant Robbs

20  
21 Linda D. Moffitt  
22 Circuit Court Reporter  
23  
24  
25

Jury qualification

1 THE COURT: All right. We're going to draw a jury.

2 Now, your names are selected and put in random order  
3 by a computer. That's why you're here.

4 Your names will be called individually, and you'll be  
5 asked to come forward.

6 If you're towards the wall you can come around the  
7 desks where the parties are seated. If you're towards the  
8 center aisle, just come up the center aisle.

9 But you'll see between those two desks where the  
10 lawyers are seated there's a microphone. If you'll come  
11 where that microphone is, but I want you to step towards me  
12 or towards the back of the courtroom, or the front  
13 depending on how you look at it, but towards me -- about  
14 two steps.

15 Each side has an opportunity to have you excused from  
16 service in the case, or they may both agree to have you  
17 seated for service in the case.

18 If either side asks that you be excused from serving  
19 simply go back and have a seat where you are now. If both  
20 agree to have you seated for service in the case you'll be  
21 having a seat in the jury box to your right and to my left.

22 So if you'll simply come forward as your name is  
23 called you'll be instructed if you've been selected for  
24 service in the case or excused from service in the case.

25 THE CLERK: Juror No. 204, Otis Ettson.

Jury qualification

1           What say the state?

2           MR. BARNETTE: Please excuse this juror from service,  
3 please.

4           THE CLERK: Juror No. 45, Brian Evans.

5           What say the state?

6           MR. BARNETTE: Please present the juror.

7           THE CLERK: What say the defense?

8           MS. JONES: Please excuse this juror.

9           THE CLERK: Juror No. 32, Jason Davis.

10          What say the state?

11          MR. BARNETTE: Please excuse this juror from service.

12          THE CLERK: Juror No. 163, Ruby Thomas.

13          What say the state?

14          MR. BARNETTE: Please excuse this juror from service.

15          THE CLERK: Juror No. 15, Stephen Bosak.

16          What say the state?

17          MR. BARNETTE: Please present the juror.

18          THE CLERK: What say the defense?

19          MS. JONES: Please excuse this juror.

20          THE CLERK: Juror No. 171, Pamela Ward.

21          What say the state?

22          MR. BARNETTE: Please present the juror.

23          THE CLERK: What say the defense?

24          MS. JONES: Please excuse this juror.

25          THE CLERK: Juror No. 26, Geoffrey Chapman.

## Jury qualification

1           What say the state?

2           MR. BARNETTE: Please present the juror.

3           THE CLERK: What say the defense?

4           MS. JONES: Please present this juror.

5           THE CLERK: Juror 179, Jonathan Barham.

6           MR. BARNETTE: What's the --

7           THE CLERK: Juror 179, Jonathan Barham.

8           What say the state?

9           MR. BARNETTE: Please present the juror.

10          THE CLERK: What say the defense?

11          MS. JONES: Please present this juror.

12          THE CLERK: Juror 149, Debra Shaw.

13          What say the state?

14          MR. BARNETTE: Please present the juror.

15          THE CLERK: What say the defense?

16          MS. JONES: Please present this juror.

17          THE CLERK: Juror 17, Katina Brannon.

18          What say the state?

19          MR. BARNETTE: Please excuse this juror from service.

20          THE CLERK: Juror No. 18, Vanessa Brantley.

21          MS. JONES: I'm sorry. What number?

22          THE CLERK: Eighteen.

23          What say the state?

24          MR. BARNETTE: Please present the juror.

25          THE CLERK: What say the defense?

Jury qualification

1 MS. JONES: Please present this juror.

2 THE CLERK: Juror No. 215, Joyce Griffin.

3 What say the state?

4 MR. BARNETTE: Please present the juror.

5 THE CLERK: What say the defense?

6 MS. JONES: Please excuse this juror.

7 THE CLERK: Juror No. 169, Stephen Voyles.

8 What say the state?

9 MR. BARNETTE: Please present the juror.

10 THE CLERK: What say the defense?

11 MS. JONES: Please excuse this juror.

12 THE CLERK: Juror No. 203, William Ellisor.

13 What say the state?

14 MR. BARNETTE: Please present the juror.

15 THE CLERK: What say the defense?

16 MS. JONES: Please excuse this juror.

17 THE CLERK: Juror No. 83, Christina Kiser.

18 What say the state?

19 MR. BARNETTE: Please excuse this juror from service.

20 THE CLERK: Juror No. 241, Benita Morrison.

21 What say the state?

22 MR. BARNETTE: Please excuse this juror from service.

23 THE CLERK: Juror No. 42, Susan Eilders.

24 MR. BARNETTE: What was that name again?

25 THE CLERK: Susan Eilders, No. 42.

## Jury qualification

1           What say the state?

2           MR. BARNETTE: Please present the juror.

3           THE CLERK: What say the defense?

4           MS. JONES: Please excuse this juror.

5           THE CLERK: Juror No. 222, Johnny Henderson.

6           What say the state?

7           MR. BARNETTE: Please present the juror.

8           THE CLERK: What say the defense?

9           MS. JONES: Please present this juror.

10          THE CLERK: Juror No. 20, Kathy Bruce.

11          What say the state?

12          MR. BARNETTE: Please present the juror.

13          THE CLERK: What say the defense?

14          MS. JONES: Please present this juror.

15          THE CLERK: Juror No. 201, Kechia Edwards.

16          What say the state?

17          MR. BARNETTE: Please present the juror.

18          THE CLERK: What say the defense?

19          MS. JONES: Please present this juror.

20          THE CLERK: Juror No. 212, Rachel Geter.

21          What say the state?

22          MR. BARNETTE: What was that number again, please?

23          THE CLERK: 212.

24          MR. BARNETTE: Geter with a G.

25          THE CLERK: Yes, sir.

Jury qualification

1 MR. BARNETTE: Please excuse the juror from service in  
2 this case.

3 THE CLERK: Juror No. 134, Timothy Ragsdale.  
4 What say the state?

5 MR. BARNETTE: Please present the juror.

6 THE CLERK: What say the defense?

7 MS. JONES: Please present this juror.

8 THE CLERK: Juror No. 262, Jedidiah Threadgill.  
9 What say the state?

10 MR. BARNETTE: Present the juror.

11 THE CLERK: What say the defense?

12 MS. JONES: Please excuse this juror.

13 THE CLERK: Juror No. 223, Paul Huffstickler.  
14 What say the state?

15 MR. BARNETTE: Please present the juror.

16 THE CLERK: What say the defense?

17 MS. JONES: Please present this juror.

18 THE CLERK: Juror No. 258, Diane Smith.  
19 What say the state?

20 MR. BARNETTE: Please present the juror.

21 THE CLERK: What say the defense?

22 MS. JONES: Please excuse this juror.

23 THE CLERK: Juror No. 75, Charles Jackson.  
24 What say the state?

25 MR. BARNETTE: Please present the juror.

## Jury qualification

1 THE CLERK: What say the defense?  
2 MS. JONES: Please excuse this juror.  
3 THE CLERK: Juror No. 213, Joe Gist.  
4 What say the state?  
5 MR. BARNETTE: Please excuse this juror from service.  
6 THE CLERK: Juror No. 100, Lauren McCarter.  
7 What say the state?  
8 MR. BARNETTE: Please present the juror.  
9 THE CLERK: What say the defense?  
10 MS. JONES: Please present this juror.  
11 THE CLERK: Juror No. 139, Vimicci Robinson.  
12 What say the state?  
13 MR. BARNETTE: Please excuse this juror from service.  
14 THE CLERK: Juror No. 86, Shehnaz Lelani.  
15 What say the state?  
16 MR. BARNETTE: Please present the juror.  
17 THE CLERK: What say the defense?  
18 MS. JONES: Please excuse this juror.  
19 THE CLERK: Juror No. 131, Carol Pridmore.  
20 What say the state?  
21 MR. BARNETTE: Please present the juror.  
22 THE CLERK: What say the defense?  
23 MS. JONES: Please excuse this juror.  
24 THE CLERK: Juror No. 173, Cheryl Wingo.  
25 What say the state?

Jury qualification

1 MR. BARNETTE: Please present the juror.  
2 THE CLERK: What say the defense?  
3 MS. JONES: Please present this juror.  
4 THE CLERK: Juror No. 49, Detra Foster.  
5 What say the state?  
6 MR. BARNETTE: Please excuse this juror from service.  
7 THE CLERK: Juror No. 110, Kennedy Moore.  
8 What say the state?  
9 MR. BARNETTE: Please present the juror.  
10 THE CLERK: What say the defense?  
11 MS. JONES: Please present this juror.  
12 THE CLERK: This will be for the alternate.  
13 Juror No. 90, Michael Lawter.  
14 What say the state?  
15 MR. BARNETTE: Please present the juror.  
16 THE CLERK: What say the defense?  
17 MS. JONES: Please excuse this juror.  
18 THE CLERK: Juror No. 7, Crystal Barron.  
19 What say the state?  
20 MR. BARNETTE: Please present the juror.  
21 THE CLERK: What say the defense?  
22 MS. JONES: Please present this juror.  
23 THE COURT: Let's have one more alternate.  
24 THE CLERK: Juror No. 80, Audrey Johnston.  
25 What say the state?

## Jury qualification

1 MR. BARNETTE: Please present the juror.

2 THE CLERK: What say the defense?

3 MS. JONES: Please excuse this juror.

4 THE CLERK: Juror No. 176, John Guyton.

5 What say the state?

6 MR. BARNETTE: Please present the juror.

7 THE CLERK: What say the defense?

8 MS. JONES: Please excuse this juror.

9 THE CLERK: Juror No. 232, Jacob Looney.

10 What say the state?

11 MR. BARNETTE: Please present the juror.

12 THE CLERK: What say the defense?

13 MS. JONES: Please excuse this juror.

14 THE COURT: Are you challenging for cause? Just a

15 minute, just a minute. Are you challenging for cause?

16 You've exercised two strikes.

17 MR. THOMPSON: He did mention that he was friends with

18 a lot of police officers, Your Honor.

19 THE COURT: But he said he could be fair.

20 Are you challenging for cause?

21 MS. JONES: No, sir.

22 THE COURT: Okay. You can have a seat in the jury

23 box.

24 (Whereupon, a jury was impaneled.)

25 THE COURT: All right. Those jurors who have been

1 selected, I'll ask you to please go with the bailiff to a  
2 jury room. And I'll bring you back in just a few minutes  
3 to excuse you for lunch.

4 (The following takes place outside the presence of the  
5 jury.)

6 THE COURT: Are there any matters that need to be  
7 addressed regarding jury selection by the state?

8 MR. BARNETTE: None from the state, Your Honor.

9 THE COURT: By defendant Johnson?

10 MS. JONES: Yes, Your Honor. We would make a motion  
11 Batson motion in regard to Jurors 204, 17, 83, 212 and 49.

12 THE COURT: All right. Let me see y'all up here,  
13 please.

14 (Bench conference held off the record.)

15 THE COURT: All right. Are there any other matters  
16 that need to be addressed regarding jury selection by  
17 either defendant Johnson or defendant Robbs-Tanner?

18 MS. JONES: No, sir.

19 MR. THOMPSON: None from defendant Robbs, Your Honor.

20 (Whereupon, the remaining members of the jury venire  
21 were excused.)

22 THE COURT: All right. The defense has moved to quash  
23 the panel based upon the state's exercise of peremptory  
24 challenges in regards to Jurors Nos. 204, 17, 83, 212 and  
25 49.

1           Mr. Barnette, tell me your reasons for exercising  
2 those peremptory strikes.

3           MR. BARNETTE: Thank you, Your Honor.

4           On 204, Your Honor, he had a record for drug, drugs,  
5 according to the information we had.

6           No. 17, Your Honor, I sat in jury selection. I was  
7 with defense counsel too in there.

8           She wore a hat the whole time. Her whole attitude  
9 about the whole system going through when Judge Couch was  
10 asking them the questions and so forth, I felt like she  
11 would not be a good juror just the way she appeared in that  
12 situation. None of the other jurors we seated had a hat or  
13 had that kind of attitude from there.

14           No. 83 was a -- her sister was convicted of robbery in  
15 that case, Your Honor.

16           Is it [REDACTED] or 21 [REDACTED]?

17           THE COURT: [REDACTED]

18           MR. BARNETTE: [REDACTED] was the area, Your Honor. The area  
19 where this crime occurred is on South Church Street from  
20 there, the area of that this person -- was near that area.  
21 I don't want anybody to really have any information  
22 concerning that area if I could help it from the strikes.

23           And then to No. 49, Your Honor, was the same attitude.  
24 When she showed up she had the streaks in her hair, the red  
25 hair. From that standpoint her attitude while she was on

1 jury selection, standing up and answering the questions  
2 from the judge and from the clerk's office in that case in  
3 that case, Your Honor, I felt like she would not be a good  
4 juror from that standpoint.

5 THE COURT: All right. Ms. Jones, do you wish to be  
6 heard?

7 MS. JONES: Your Honor, we would just say in regard to  
8 Juror No. 49, regardless of whether she streaks her hair or  
9 not, that is not a, a good reason to cut somebody.

10 Again, she was an African-American person. We have an  
11 African-American client, Your Honor. Therefore we do  
12 believe that it was race motivated.

13 THE COURT: Mr. Thompson.

14 MR. THOMPSON: I agree too.

15 Also, as far as Juror 212 living in proximity of that  
16 crime scene, he has no -- you know, he lives where he  
17 lives. He has no, no control over where the crime was  
18 created.

19 And he was during qualification asked if he had any  
20 knowledge about the crime, Your Honor. He did not stand up  
21 and come forward with anything. So I would say he doesn't  
22 have any knowledge of the crime. And I don't think we  
23 should strike a juror just based upon their, their  
24 residency.

25 THE COURT: Well, you can actually. You can strike a

1 juror for any reason other than the fact you can't base it  
2 upon race or gender.

3 It can't be exercised in an unconstitutional fashion,  
4 and you can't invidiously discriminate against individuals  
5 based upon their gender or race. But you can give other  
6 reasons for striking jurors. And in this case the state  
7 has given several.

8 You know, whether they're good reasons or bad reasons  
9 for striking jurors, it's not what I have to determine. I  
10 have to determine whether or not the state has practiced  
11 invidious discrimination or exercised challenges based upon  
12 racial reasons, as in this case all of the jurors that were  
13 struck that are being challenged were black.

14 Based upon what's been presented I do not find that  
15 the state's reasons given for exercising those challenges  
16 are a pretext to exercising challenges in an  
17 unconstitutional fashion based upon race. And the reasons  
18 as given do constitute a race neutral reason for exercising  
19 those challenges; and therefore the motion to quash the  
20 panel is denied. All shall remain.

21 All right. Bring me the jury back, please, sir.

22 (The following takes place in the presence of the  
23 jury.)

24 THE COURT: All right. Ladies and gentlemen, we're  
25 going to break for lunch. We'll resume this afternoon at

1 2:30 with the beginning of the trial.

2 So before I let you go let me caution you on certain  
3 things.

4 No. 1, now that you've been selected in a case you are  
5 not permitted to discuss this case in any fashion  
6 whatsoever with any person whatsoever. That includes  
7 family members, friends.

8 It also includes your fellow jurors. You're not  
9 permitted to discuss the case until the case has been  
10 submitted to you and you've been directed by the Court to  
11 begin your deliberations at the trial's conclusion.

12 So from now until when that time comes, that is when I  
13 tell you to begin jury deliberations, you are not to talk  
14 about the case with any person whatsoever in any fashion  
15 whatsoever, as I say, including your fellow jurors.

16 Also, you have to base your decision upon what's  
17 presented during the trial of the case and what occurs here  
18 in the courtroom. You're not to be influenced by any  
19 outside or extraneous information.

20 So during the course of the trial do not conduct any  
21 outside research, don't do your own investigation into any  
22 issue, don't consult any informational sources about the  
23 case, don't conduct any internet research, don't talk to  
24 anybody about the case.

25 As I say, you've got to base your decision upon what's



Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 Q And about what time did you get to the party there,  
2 ma'am?

3 A Around 8:30.

4 Q Okay. Was that at night or in the morning?

5 A At night.

6 Q When you arrived there was Amber there?

7 A Yes, she was.

8 Q Was Mr. Johnson there?

9 A Yes, he was.

10 Q And what's Mr. Johnson's nickname?

11 A Worm.

12 Q Do you see him here in the courtroom today, ma'am?

13 A Yes, I do.

14 Q Can you tell the jury where he's sitting at? Or point  
15 at him, ma'am, if you would and say what he's wearing.

16 A He's sitting right there in the white shirt and the  
17 tie.

18 Q Okay. At the party what happened, ma'am?

19 A At the party Amber came out of the house and told me  
20 that she needed to go to Spurs gas station. That's what we  
21 normally call it -- the Spurs. And she said that she  
22 needed to pay her phone bill real quick before her phone  
23 got cut off. And so I was like okay.

24 And then Worm proceeded to ask me could he get dropped  
25 off also since I was going to take Amber to Spurs. And I

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 was like sure.

2 So me, Amber and Worm got in the car. And I told Worm  
3 that I was going to drop him off last because I wanted to  
4 hurry up and let Amber pay her phone bill. And he was --  
5 he said okay. So we went. We proceeded to go to Spurs.

6 Q Let me stop you. Spurs -- is that the Quick Stop?

7 A Yes. That's the Quick Stop.

8 Q And where is it located at, ma'am, so the jury can  
9 know where it's at?

10 A It's located across from the swim center on North  
11 Church Street.

12 Q So if you go like -- you go where the post office,  
13 main post office, is?

14 A Yes.

15 Q You go down South Church Street that way.

16 A Yes, sir.

17 Q And you've got Mary Wright -- Carver Junior High or  
18 middle school there.

19 A Yes, sir.

20 Q And you got the swim center on the left.

21 A Yes, sir.

22 Q It's the little store right there on the right.

23 A Yes, sir.

24 Q Okay. Go ahead, ma'am. Please tell the jury what  
25 happened.

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 A So as we pulled in Amber got out of the car first, and  
2 then me and Worm just was talking, listening to music. And  
3 I was on my cell phone.

4 And then a couple of minutes later I saw Brandon pull  
5 up on a moped. He pulled up, and I yelled out the window.  
6 I said, hey, Brandon. And Brandon came over to the car  
7 where I was still sitting in. And we -- I asked him how he  
8 was doing, and he asked me could he borrow a dollar because  
9 he wanted to get some single cigarettes from the inside.  
10 And he -- I said fine.

11 And so then after that not knowing that Worm had got  
12 out of the car the first time, I just thought he had got  
13 out of the car just for that one time. And so I saw him  
14 and Brandon talking, Worm and Brandon talking.

15 And Brandon -- well, Worm asked Brandon could he  
16 borrow his -- Worm asked Brandon could he borrow his coat  
17 and moped. And Brandon was like, sure, not a problem, just  
18 bring it back down to the house when you're done. And Worm  
19 was like okay.

20 And so Brandon asked me could he catch a ride with me  
21 back to -- so I could drop him off at home. And I was like  
22 sure, that's fine.

23 And then I saw Worm put on the coat. And he pulled  
24 around off to the far pump. And I'm thinking he's gone and  
25 everything, but he isn't. And I saw. I looked back, and I

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 saw Adrian walk over there by his car.

2 Q Is that Adrian Edwards, the victim, in this case?

3 A Yes.

4 Q So you knew him too?

5 A No, I didn't know him. I just saw him, and then when  
6 I heard on the news his name was Adrian.

7 And so I saw Adrian extend out his hand to Worm, and  
8 that's when I heard the shots. And then I looked back, and  
9 I saw Worm on the moped still shooting.

10 And then he came -- Adrian was coming around the back  
11 of his car running, trying to run, and Worm just kept on  
12 shooting him. And then Adrian fell down to the ground and  
13 was crawling. And Worm kept on shooting him.

14 And then Brandon in shock was jump-back. And he was  
15 yelling call the police, call the ambulance. And Worm  
16 had -- basically, he rode off into the night.

17 And that's when I was yelling at Brandon to get Amber.  
18 We -- I said get Amber out of the store quick. And that's  
19 when Brandon had got into the car. And I pulled off on the  
20 side. And I told him we gotta get Amber out the store.

21 And he kept on trying to get her out, but Amber was  
22 yelling that the store was locked, that they had locked the  
23 door. And basically eventually she did come out. And just  
24 out of fear we just left.

25 Q Let me ask you this. Who is the man you saw shoot --

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 A I saw --

2 Q -- Adrian?

3 A I saw Worm shoot him.

4 Q And is this the gentleman right here on the end that  
5 you described earlier?

6 A Yes.

7 Q And Mr. Robbs. Do you see him in the courtroom here  
8 today?

9 A Yes, I do.

10 Q Can you say what he's wearing, where he's located at,  
11 ma'am?

12 A He's wearing the plaid black and white shirt, and he's  
13 sitting at the far corner.

14 MR. BARNETTE: Okay. Your Honor, I'd like the record  
15 to reflect that she has identified both defendants.

16 THE COURT: It shall.

17 BY MR. BARNETTE

18 Q Ma'am, going back, Worm was in your car. You saw him  
19 at the party.

20 A Yes.

21 Q Did you ever see him have a gun?

22 A No, I did not.

23 Q He was in the back seat, because it was your car, is  
24 that right?

25 A Yes, it -- yes, it was.

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 Q Okay. You saw Brandon give him a coat.

2 A Yes, I did.

3 Q And you saw him give him a moped.

4 A Yes, I did.

5 Q And did -- before the shooting occurred did Mr. Robbs  
6 go back -- or Robbs-Tanner go back into the store?

7 A Just before the shooting?

8 Q Yes, ma'am. Before, before the shooting --

9 A No, no.

10 Q Okay. Did he go back? Did he go in the store at some  
11 point?

12 A He was trying to go to the -- in the store after the  
13 shooting to get Amber out.

14 Q Okay. Did he go in to get a cigarette?

15 A I didn't see that, no.

16 Q Okay. Let me ask you this question, ma'am.

17 Let me show you State's Exhibit 1. Have you seen the  
18 video of the outdoor part where the pump area was where you  
19 were parked?

20 A Yes, I did.

21 Q Did that video fairly represent what you saw that  
22 night?

23 A Yes. It was.

24 MR. BARNETTE: Your Honor, I'd like to publish or  
25 enter State's Exhibit 1 into evidence at this time we can

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 consider as camera eight, the outdoor camera.

2 MR. THOMPSON: No objection.

3 MS. JONES: Your Honor, we would object to it being  
4 entered into evidence without the proper foundation being  
5 laid -- where the video was taken from, the store, whether  
6 or not it was kept -- where it was kept, whether or not it  
7 was the regular course of business.

8 THE COURT: Is someone from the store going to  
9 authenticate these videos?

10 MR. BARNETTE: We're going to have the store owner or  
11 store manager, as well as the police officer that actually  
12 took it off their system, Your Honor. And they were  
13 present for it.

14 THE COURT: Okay. Well, I'm going to allow it to be  
15 played subject to that authentication.

16 MS. JONES: Thank you, Your Honor.

17 (Video marked State's Exhibit No. 1.)

18 MR. BARNETTE: And, like I said, she's verified that  
19 this is a fair representation, what she saw on this camera,  
20 which is the outdoor camera, Your Honor.

21 THE COURT: Well, I know. But she can't authenticate  
22 that video. She can look at it.

23 MR. BARNETTE: I understand. Can I play the outdoor  
24 video for the jury?

25 THE COURT: You can.

Crystal Vineta Miller  
Direct examination by Mr. Barnette

1 BY MR. BARNETTE

2 Q Ma'am, if you would, come down.

3 (Whereupon, the witness left the stand.)

4 (Whereupon, State's Exhibit No. 1 was shown to the  
5 jury.)

6 Q Okay. Ma'am, whose car was that? Whose car is that  
7 pulling up right there, ma'am?

8 A That's my car.

9 Q And who is this getting out of the front passenger  
10 seat?

11 A Amber Rice.

12 Q Is she going into the store?

13 A Yes, sir.

14 Q Who is in the car with you?

15 A Dadrin Johnson -- Worm.

16 Q Is he in the back seat?

17 A Yes, he is.

18 Q Is this the victim, his car, pulling in?

19 A Yes, it is.

20 Q This is Mr. Edwards right here?

21 A Yes, sir.

22 Q And who is this, ma'am?

23 A That's Brandon Robbs.

24 Q Is he talking with y'all? And who is this right here?

25 A That's Worm.

Crystal Vineta Miller  
Direct examination by Mr. Barnette

- 1 Q Okay. Did worm get out?
- 2 A Yes.
- 3 Q And he didn't have a coat on.
- 4 A No.
- 5 Q And who is this going over to the moped?
- 6 A Worm.
- 7 Q And where does Brandon go?
- 8 A He goes inside the store.
- 9 Q And where does Worm go?
- 10 A He goes over to the far corner.
- 11 Q And are you just sitting in the driver's side?
- 12 A Yes.
- 13 Q And Worm's over here?
- 14 A Yes.
- 15 Q Just waiting there.
- 16 A Yes, sir.
- 17 Q Who is in this one?
- 18 A That's Adrian.
- 19 Q Hold on for a second. Who is this right here?
- 20 A That's Brandon.
- 21 Q Okay. Who's right here?
- 22 A That's Adrian. I mean that's Worm.
- 23 Q All right. And Adrian is somewhere in here.
- 24 A Adrian, yes.
- 25 Q What's going on right over here?

Crystal Vineta Miller  
Direct examination by Mr. Barnette

- 1 A When I looked back I saw Worm over there by his car  
2 and Adrian getting ready to walk over towards him, looked  
3 like he was about to shake his hand as he extended his hand  
4 out to him. And that's when shots were fired.
- 5 Q And this is Brandon here.
- 6 A Yes.
- 7 Q What's happening now, ma'am?
- 8 A That's when he's firing off there shooting him. And  
9 Brandon is yelling out call the police, call the ambulance.
- 10 Q This is Adrian right here?
- 11 A Yes.
- 12 Q And Worm is still shooting him or had been shooting  
13 him?
- 14 A Had been shooting him, yes.
- 15 Q Did Worm leave on a moped?
- 16 A Yes, he did.
- 17 Q And this is Adrian right here?
- 18 A Yes.
- 19 Q And Amber is still inside the store?
- 20 A Yes, she is.
- 21 Q And let's stop and go back. Let me stop it there.  
22 Now, this is Worm going over to the door?
- 23 A Yes.
- 24 Q And Brandon's still talking to you at the car?
- 25 A Yes, he is.

Crystal Vineta Miller  
Direct examination by Mr. Barnette

- 1 Q And that's where he looked in the doorway and came  
2 back this way?
- 3 A Yes, sir.
- 4 Q Is this Brandon getting the coat?
- 5 A Yes.
- 6 Q And who is putting the coat on?
- 7 A Worm.
- 8 Q And Worm drives over in this area.
- 9 A Yes.
- 10 Q And Brandon went inside.
- 11 A Yes.
- 12 Q Is this you coming out?
- 13 A Yes.
- 14 Q This is Brandon coming out now?
- 15 A Yes.
- 16 Q Worm was there?
- 17 A Yes, sir.
- 18 Q That's where you saw Adrian extend his hand?
- 19 A Yes.
- 20 Q This is where he shoots him, right there?
- 21 A Yes.
- 22 Q And he follows him?
- 23 A Yes.
- 24 Q If you would, ma'am, please have a seat.  
25 (Whereupon, the witness returned to the stand.)

Crystal Vineta Miller  
Cross-examination by Ms. Jones

1 Q Ma'am, you never saw Worm have a gun when he was in  
2 your car?

3 A No.

4 Q And no question in your mind Adrian Johnson, Worm, as  
5 well as Brandon Robbs, was there that night.

6 A Yes.

7 Q And the man that actually did the shooting was this  
8 gentleman right here?

9 A Yes.

10 MR. BARNETTE: One moment, Your Honor, please.

11 (Pause.)

12 Q If you would, ma'am, please answer any questions. I  
13 don't know which defense attorney will go first. One of  
14 the defense attorneys will actually question you. Thank  
15 you very much.

16 THE COURT: Ms. Jones.

17 MS. JONES: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. JONES

20 Q You indicated you were at a barbecue on October 9th,  
21 is that correct?

22 A Yes.

23 Q And you and Amber were there, correct?

24 A Yes.

25 Q How many other people were at this party?

Crystal Vineta Miller  
Cross-examination by Ms. Jones

1 A It was me; Amber; my cousin, Kidrick Sims; my uncle,  
2 Michael Roseberg; his girlfriend; Big D; and Worm.

3 Q So about ten people.

4 A About, yeah, ten or less.

5 Q Okay. And Ms. Rice indicated she needed to go to the  
6 store, correct?

7 A Yes.

8 Q To pay a phone bill.

9 A Yes.

10 Q Okay. And your testimony is today that Worm asked you  
11 for a ride, correct?

12 A Yes.

13 Q To Winsmith Avenue, is that correct?

14 A Yes.

15 Q He didn't ask to go to Spurs.

16 A No.

17 Q Okay. To Winsmith Avenue.

18 A Yes.

19 Q Okay. And prior to the police interviewing you, you  
20 didn't even know Worm's real name, correct?

21 A Exactly. Yes.

22 Q So y'all go to Spurs, correct?

23 A Yes.

24 Q Okay. And you're actually in the driver's seat and  
25 you're facing forward, correct?

Crystal Vineta Miller  
Cross-examination by Ms. Jones

1 A Yes.

2 Q A lot of this action is going on behind you, correct?

3 A Yes.

4 Q So it's your testimony today that you actually  
5 happened to look in your rear-view mirror at the -- just  
6 the perfect time. Is that your testimony today?

7 A No. My -- it is when he was leaving -- I tend to look  
8 at people leave. So I looked back. And then I saw him  
9 there at the far pump. And I saw Adrian extend his hand  
10 out. And then after that shots rang. And then I saw him  
11 coming around the back of Adrian's car and shooting him  
12 while he's on the ground crawling. And he's shooting him.

13 Q Okay. And you didn't get out of the car, correct?

14 A No.

15 Q Okay. And, in fact, you started to drive off,  
16 correct?

17 A Yes.

18 Q And not only that. You asked Brandon Ross to get  
19 Amber from the store, correct?

20 A Yes.

21 Q Okay. You had a cell phone, correct?

22 A Yes, I did.

23 Q You didn't call 9-1-1, did you?

24 A No'.

25 Q Okay. You didn't call an ambulance, did you?

Crystal Vineta Miller  
Cross-examination by Ms. Jones

- 1 A No.
- 2 Q You just got the heck out of there, correct?
- 3 A Yes.
- 4 Q You went home, correct?
- 5 A Yes.
- 6 Q Again, you didn't call the police.
- 7 A No.
- 8 Q Did you? In fact, you didn't call the police and say,  
9 uh-huh, I know who that guy is, it's some guy I know as  
10 Worm, did you?
- 11 A No.
- 12 Q Didn't do anything.
- 13 A No.
- 14 Q In fact, it was the police who had to come and find  
15 you, correct?
- 16 A Yes.
- 17 Q And one of the reasons why they found you is because  
18 they traced the car to you, correct?
- 19 A Yes.
- 20 Q You own that car.
- 21 A Yes.
- 22 Q Now of course they want to talk with you about a  
23 murder, correct?
- 24 A Yes.
- 25 Q And what you knew about it, correct?

Crystal Vineta Miller  
Cross-examination by Ms. Jones

- 1 A Yes.
- 2 Q Probably thought you were involved, correct?
- 3 A Yes.
- 4 Q Okay. And, in fact, hasn't there been some discussion  
5 that you could have been charged in this crime?
- 6 A Yes.
- 7 Q Okay. And they said but if you testify today you  
8 might not get charged, is that correct?
- 9 A No.
- 10 Q Okay. Never had that discussion with the solicitor?
- 11 A No.
- 12 Q Never the -- the solicitor never mentioned once that  
13 you could have been an accessory.
- 14 A No.
- 15 Q But you didn't call the police, did you?
- 16 A No.
- 17 Q You didn't want to be involved, correct?
- 18 A No.
- 19 Q You allegedly saw somebody got shot numerous, numerous  
20 times crawling around on the ground, evidently still being  
21 shot. It didn't bother you because you didn't call the  
22 police, isn't that correct?
- 23 A No.
- 24 Q Isn't it true you just told the police what they  
25 wanted to hear, that Worm was involved, and you just

Crystal Vineta Miller  
Cross-examination by Ms. Jones

1 confirmed it?

2 A No.

3 Q Okay. In fact, they said this Worm is actually Mr.  
4 Johnson, he's the triggerman, and that's what you need to  
5 confirm for us, correct?

6 A No.

7 Q And you didn't want to go to jail because they had you  
8 at that scene and they had you leaving that scene without  
9 offering any assistance or calling the police. You didn't  
10 want anything to do with that, correct?

11 A Yes.

12 Q So then you just said yes, sir, yes, sir, yes, sir.  
13 Worm was the shooter. Yes, sir. His name is Mr. Johnson.  
14 Yes, sir. You picked him out of a lineup. Yes, sir.

15 MR. BARNETTE: Objection, Your Honor. That's not a  
16 fact that -- may we approach the bench?

17 (Bench conference held off the record in the presence  
18 of the jury but out of the hearing of the jury.)

19 BY MS. JONES

20 Q So you agree with what the police were telling you,  
21 correct, that that was Worm? That's the man you saw,  
22 correct?

23 A I told them that was who I saw.

24 MS. JONES: Nothing further, Your Honor.

25 THE COURT: Mr. Thompson.

Crystal Vineta Miller  
Cross-examination by Mr. Thompson

1 MR. THOMPSON: May it please the Court, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. THOMPSON

4 Q Crystal, where did you say you live?

5 A [REDACTED] Avenue.

6 Q And Brandon Robbs is practically a neighbor, right,  
7 lives very close to you?

8 A Yes, sir.

9 Q So it's not out of the ordinary that he would ask you  
10 for a ride home, correct?

11 A No, not out of the ordinary.

12 Q Okay. And when he pulled up, you testified that you  
13 said, hey, Brandon. You called him over to the car, right?

14 A Yes.

15 Q And the solicitor, she misspoke in her opening, didn't  
16 she? She said Brandon went straight to Worm, didn't she?  
17 Put that wasn't the case, was it?

18 A No, sir.

19 Q He went straight to your passenger window to talk to  
20 you, didn't he?

21 A Yes.

22 Q And would you -- and I've been through these tapes  
23 5,000 times. And would you believe that he was over there  
24 at least 34 seconds before he ever spoke to Worm? Does  
25 that seem -- would that be about accurate for you?

Crystal Vineta Miller  
Cross-examination by Mr. Thompson

1 A Yes.

2 Q Okay. And how close does he live? Does he live  
3 within walking distance from your house?

4 A Yes.

5 Q Okay. And had you given him rides in the past?

6 A Just like to the store and then back.

7 Q Okay. And then Spur is the local community store,  
8 correct?

9 A Yes.

10 Q Okay. So it's not unusual for Brandon to go to Spur,  
11 correct?

12 A Not unusual, no, sir.

13 Q Okay. And everybody -- if you go to that store, you  
14 know that store is wired with cameras everywhere, right?

15 A Yes, sir..

16 Q And anybody that frequents that store is going to know  
17 that.

18 A Yes.

19 Q Okay. And you're familiar with that neighborhood. If  
20 somebody's going to pass a moped and a coat and a gun,  
21 they're going to do it right there in front of the light,  
22 or are they going to do it somewhere else?

23 A Probably somewhere else.

24 MR. BARNETTE: Objection, Your Honor. Asks for  
25 speculation of that witness.

Crystal Vineta Miller  
Cross-examination by Mr. Thompson

1 THE COURT: Sustained.

2 BY MR. THOMPSON

3 Q Are there other areas in that -- in that neighborhood  
4 not as well-lit as Spur?

5 A Probably. I don't know.

6 Q And then Crystal -- you stated that you were on the  
7 phone when you pulled up, correct?

8 A Yes.

9 Q Were you talking or texting?

10 A Texting.

11 Q And you were talking to Worm, correct?

12 A Yes.

13 Q And you gave a statement to the police the next day,  
14 right --

15 A Yes.

16 Q -- when this thing was fresh on your mind, correct?

17 A Yes.

18 Q And Worm asked you to take him where?

19 A He told me to take him to Winsmith.

20 Q To Winsmith, that's right. Correct?

21 A Yes.

22 Q Okay. And so did he ever tell you to go to Spur?

23 A No.

24 Q Okay. No further questions Crystal. Thank you.

25 MR. BRANNON: Your Honor, a couple on redirect.

Crystal Vineta Miller  
Redirect examination by Mr. Barnette

1 THE COURT: Okay.

2 REDIRECT EXAMINATION

3 BY MR. BARNETTE

4 Q You may not know Mr. Johnson's name. Did you know  
5 Worm?

6 A Yes.

7 Q How long had you known Worm?

8 A Probably up to maybe a year. But that's all I knew  
9 him as, is Worm. I never knew his real name.

10 Q Okay. But you'd known him before, knowed who he was.

11 A Yes.

12 Q You wouldn't just give a ride to a complete stranger  
13 in your car, would you?

14 A No.

15 Q As a matter of fact, Ms. Jones asked you about a  
16 lineup. Did you pick both of these individuals out of  
17 lineups?

18 A Yes, I did.

19 (Lineups marked State's Exhibits Nos. 36 and 37 for  
20 Identification. State's Exhibit No. 36 later changed to  
21 State's Exhibit No. 36-A.)

22 Q Let me show you these, Ms. Miller. Is these two  
23 lineups that was shown to you by the department of public  
24 safety or Spartanburg Public Safety, ma'am?

25 A Yes.

Crystal Vineta Miller  
Redirect examination by Mr. Barnette

1 Q And in these lineups did you pick out in State's  
2 Exhibit No. 36? Did you pick out Mr. Johnson as being the  
3 shooter in this case -- or Worm?

4 A Yes, I did.

5 Q And State's Exhibit 37. Did you pick out Mr. Robbs as  
6 being the man that gave him the moped and the jacket?

7 A Yes, I did.

8 MR. BARNETTE: Your Honor, I'd like to enter these  
9 into evidence at this time.

10 MR. THOMPSON: Your Honor, I'm going to object to  
11 Mr. Robbs' photo lineup coming in. He's been identified as  
12 a neighbor. I think that's enough.

13 MR. BARNETTE: The only reason I'm offering these,  
14 Your Honor, is the question came from the defense that  
15 she'd never picked them out of a lineup and obviously --

16 THE COURT: Well, they came from Mr. Johnson's lawyer.  
17 Let me see y'all just a minute.

18 (Bench conference held off the record in the presence  
19 of the jury but out of the hearing of the jury.)

20 THE COURT: All right. Exhibit 36 is the lineup that  
21 relates to Mr. Johnson, is that true?

22 MR. BARNETTE: That's correct, 36 is.

23 THE COURT: And 37 relates to Mr. Robbs.

24 MR. BARNETTE: And I'll withdraw it, Your Honor,  
25 because they're -- they're not challenging that.

Crystal Vineta Miller  
Redirect examination by Mr. Barnette

1 Thirty-seven I will withdraw, Your Honor. I'll just leave  
2 that as an exhibit --

3 THE COURT: All right. Exhibit No. 36 is admitted  
4 without objection; 37 is withdrawn.

5 (Lineup marked State's Exhibit No. 36.)

6 MR. BARNETTE: What I'll do, Your Honor, I'll make  
7 that qualification.

8 THE COURT: All right, sir.

9 BY MR. BARNETTE

10 Q Ms. Miller, you picked out both people out of the  
11 lineups, is that right?

12 A Yes.

13 Q And there's no question these two men was the men that  
14 was there that night.

15 A Yes.

16 MR. BARNETTE: One moment, Your Honor, please.

17 (Pause.)

18 Q Thank you, ma'am.

19 THE COURT: Step down. Thank you.

20 MR. BARNETTE: We'd ask that this witness be excused,  
21 Your Honor.

22 THE COURT: Any objection? She may be.

23 MS. JONES: No.

24 MR. THOMPSON: None from Robbs, Your Honor.

25 (Whereupon, the witness was excused.)

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to call Amber Rice  
2 to the stand please.

3 AMBER ALEASE ANN RICE, having  
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BARNETTE

6 Q If you will, ma'am, please state your full name for  
7 the record.

8 A Amber Alease Ann Rice.

9 Q Ma'am, if you would, speak up --

10 A Amber Alease Ann Rice.

11 Q -- so they can all hear you. Okay. Make sure.

12 Where do you live at, Ms. Rice?

13 A [REDACTED] Drive.

14 Q Back on October 9th of 2009, where was you living at  
15 that time?

16 A [REDACTED] Street on the corner of Ernest L.  
17 Collins and South Converse.

18 Q Did you have a party that night, ma'am?

19 A Uh-huh.

20 Q And who was at your party, ma'am?

21 A A little bit of everybody -- me and my boyfriend, his  
22 family, Worm, a couple of my friend-girls, a couple of  
23 people from the neighborhood.

24 Q Okay. Was Crystal there too?

25 A Poo. I went down the street and got Poo myself, yeah.

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

- 1 Q Her nickname is Poo?
- 2 A Uh-huh.
- 3 Q Okay. And that's Crystal Miller.
- 4 A Uh-huh.
- 5 Q Okay. You said Worm.
- 6 A Uh-huh.
- 7 Q How long have you known Worm?
- 8 A Been knowing Worm for about five or six years. I went  
9 to school with him and Brandon.
- 10 Q Okay. So you went to school with both of them. Where  
11 did you go to school with them at?
- 12 A McCracken and Carver.
- 13 Q Okay. And you said Worm was at the party.
- 14 A Uh-huh.
- 15 Q Do you see him here in the courtroom, ma'am? Can you  
16 point at him and describe what he's wearing, ma'am?
- 17 A White shirt and black tie.
- 18 Q Okay. Is he sitting -- which end of the table is he  
19 sitting on? Would you point where he's at?
- 20 A Over there to my -- is it the right?
- 21 Q Be to your -- be the table, right. It's to your left,  
22 is that right?
- 23 A Yeah.
- 24 Q And did y'all go somewhere that night?
- 25 A I asked Crystal to take me to Spur so I could pay my

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

1 phone bill before they closed, because my phone bill was  
2 due on the 9th, and it was the 9th, and it had to be paid  
3 that night. And they close at 10:00.

4 Q Okay. And did she drive her car?

5 A She walked down the street and got her car, but she  
6 didn't drive her car up the street because she stay like  
7 three houses down from me. So she walked and she got her  
8 car.

9 So when she pulled up I got in the passenger seat. I  
10 didn't know where I was riding. And worm opened up the  
11 back door and he got in. I mean, that's normal, you know,  
12 him getting a ride somewhere. It's, you know, not  
13 abnormal.

14 Q Did you see him have a gun on him or anything?

15 A No. He just had on a t-shirt and jeans.

16 Q And did y'all go to, I guess, the Spur, the Quick  
17 Stop?

18 A Uh-huh.

19 Q And can you tell the jury what happened once you got  
20 there, ma'am, once y'all got there?

21 A We pulled up, and I got out the car and I went in the  
22 store. And that's all I can tell you.

23 Q Okay. And who -- and Worm was in the back seat when  
24 you went into the store?

25 A Uh-huh. Work was in there. It was just me. Poo was

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

1 driving and I was in the passenger seat and Worm was in the  
2 back seat.

3 Q When you went into the store did you see Brandon Robbs  
4 come in later --

5 A Yeah.

6 Q -- in the store?

7 A Yeah.

8 Q So he was there. You saw him there yourself.

9 A Uh-hum.

10 Q And then while you was in the store did you see Adrian  
11 Edwards?

12 A Yes, sir.

13 Q Did you know him or saw him?

14 A Yes. I learned about Adrian because I worked at  
15 Spurs. So he came in Spurs two or three times a day.

16 Q So that was a normal place for him to come.

17 A Yeah. For Worm, Brandon, Adrian, everybody. I mean,  
18 I worked there for about six or seven months. And I would  
19 see them two or three times a day at least, if not more.

20 Q So you'd see -- you saw all three. You saw Adrian  
21 Edwards, the victim --

22 A Uh-huh.

23 Q -- in the store before when you worked there. And you  
24 saw Worm in that store before where you worked at.

25 A Uh-huh.

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

1 Q And you also saw Brandon in there.

2 A Uh-huh.

3 Q So Brandon and Adrian came in the store while you was  
4 in there.

5 A Uh-huh.

6 Q After they left the store, what happened then?

7 A We heard gunshots from inside the store.

8 Q And what did you do, ma'am?

9 A And Sonny -- that's the owner -- he walked over and he  
10 locked the door, and he wouldn't let us out.

11 And when the -- and a man ran up to the door and told  
12 me to open up the door and let his wife out. I told him  
13 no. You see Poo and Brandon telling me to come on, and I'm  
14 telling them no. I'm not running out because I didn't know  
15 who was shooting or, you know, what was going on.

16 So when the police pulled up, that's when I finally  
17 opened up the door, and I walked outside and I thought Poo  
18 had left. I didn't know -- I didn't know that was Brandon  
19 in the back seat. I thought that it was Worm in the back  
20 seat, and Poo still, still telling me. I didn't know that  
21 was Brandon in the back seat until we got like past the  
22 swim center. And then I realized that that wasn't Brandon,  
23 I mean, that that, that wasn't Worm, it was Brandon in the  
24 back seat. And I got in the car, and we left.

25 Q But you definitely saw Brandon. And can you tell me

Amber Alease Ann Rice  
Direct examination by Mr. Barnette

1 what Brandon's wearing today, the man you saw in the store?

2 A Black and white plaid shirt.

3 Q And where is he located at?

4 A Sitting on the -- right-hand side of the table.

5 MR. BARNETTE: Your Honor, I would let the reflect --  
6 ask the record reflect both defendants have been  
7 identified.

8 THE COURT: It shall.

9 Q And you didn't call the police.

10 A No. I didn't know exactly what had happened because I  
11 was in the store. I heard. I heard a man. And now that I  
12 seen the video, it was Brandon saying call the police  
13 outside. And the man had came up to the door. He said  
14 call the police, there's been a man shot out here.

15 At that time, that's when Kia -- she was the other  
16 cashier -- she was already on the phone calling the police.  
17 So the police, they were being called.

18 Q But the man that was in the back seat of the car when  
19 you first got there was who?

20 A Was Worm, yes, sir.

21 Q And you didn't see a gun on him.

22 A No, sir.

23 Q And he was just wearing a t-shirt and jeans?

24 A T-shirt and jeans.

25 MR. BARNETTE: One moment, Your Honor, please.

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

1 (Pause.)

2 Q Please answer any questions the defense attorneys may  
3 have for you, ma'am. Thank you.

4 CROSS-EXAMINATION

5 BY MS. JONES

6 Q You were having a barbecue at your house, is that  
7 correct?

8 A Yes.

9 Q And had this barbecue already happened or were you  
10 just -- it was still ongoing?

11 A It was in the process. We were still in the kitchen  
12 cooking for it. We had two, two grills cooking food. It  
13 was in the process of getting started.

14 Q Okay. So you left all of that food cooking while you  
15 went to Spurs, is that correct?

16 A Yes. And actually I wasn't cooking food. I had  
17 people in the kitchen cooking for me, and people on the  
18 grill. So I didn't have to cook.

19 Q Okay. And your testimony today is that Worm was in  
20 the back seat, is that correct?

21 A Uh-huh.

22 Q Did you ever hear anybody ask to go to Spurs other  
23 than Crystal Miller?

24 A No. I was the one that had to go to Spurs.

25 Q I'm sorry. Yeah. Anybody else ask to go to Spurs?

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

- 1 A No.
- 2 Q Okay. So as far as you knew you were the one who had  
3 to go and pay your phone bill, correct?
- 4 A Uh-huh.
- 5 Q Okay. You got out of the car, correct?
- 6 A Uh-huh.
- 7 Q You went in and paid your bill, correct?
- 8 A Uh-huh.
- 9 Q And then at some point you get locked in, in the  
10 convenience store, correct?
- 11 A Uh-huh.
- 12 Q And at some point you get let out, is that correct?
- 13 A Uh-huh.
- 14 Q And, in fact, you don't get into Crystal Miller's car  
15 right away, correct?
- 16 A Yes, I do. I leave out the store and go straight to  
17 her car.
- 18 Q You don't recall kind of standing around --
- 19 A No.
- 20 Q -- on the side of the road?
- 21 A No.
- 22 Q Mr. Brandon Robbs-Taylor -- or he's standing there  
23 with you. And I think Crystal Miller also gets out of the  
24 car. And y'all stand there for a while before you get back  
25 in the car and leave.

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

1 A When the police pulled up, yeah. The police were  
2 outside, yeah. And, and it was a couple of more people  
3 standing outside.

4 Q Okay. And, in fact, you and Brandon and Crystal were  
5 all standing there for a few minutes before you got back  
6 into the car and left.

7 A Yeah.

8 Q Okay. That's correct? Do you remember that now?

9 A Yeah, I remember that now, but I didn't realize that  
10 was Brandon at the time standing over there. It was dark  
11 over there. You really can't see on that side of the  
12 building.

13 Q He's standing right next to you. You don't remember  
14 that?

15 A He was -- I remember Poo standing right next to me.

16 Q You don't remember Brandon standing next to you?

17 A No. I realized Brandon was in the car when we got  
18 half way down the street.

19 (Whereupon, the video was played for the jury.)

20 Q Ms. Rice, is that you in the green?

21 A Yeah.

22 Q So you're not getting in the car right away, isn't  
23 that correct?

24 A Okay, yeah.

25 Q And is that Ms. Miller in the white?

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

1 A Uh-huh.

2 THE COURT: Excuse me just a minute.

3 Ms. Rice, when you respond to a question -- I know  
4 you're looking at that video, and that's fine. You watch  
5 the video. But when you respond to a question you need to  
6 turn and speak into the microphone.

7 THE WITNESS: Yes, sir.

8 THE COURT: And if your answer is, yes, please say  
9 yes. If your answer is no, please say no, rather than  
10 uh-huh and uh-uh.

11 BY MS. JONES

12 Q At that point, is that when y'all get into the car --

13 A Yes.

14 Q -- and go?

15 A Yes.

16 Q And, again, you don't stop and try and offer any  
17 assistance, talk with the police.

18 A No.

19 Q And you get back to your house. Again, you're not  
20 calling the police, correct?

21 A No. The police were already there.

22 Q When you came, when you got home?

23 A When I got in the car, when I came out of the store.  
24 I didn't come out of the store until the police arrived.

25 Q That's right. But, but you didn't stay on scene to

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

1 indicate what you'd saw or anything like that.

2 A I hadn't seen anything.

3 Q You and Crystal and Brandon got in the car and went  
4 back to your house, isn't that correct?

5 A I hadn't seen anything. All I heard, that's the only,  
6 that's the only thing I did. I heard gunshots.

7 Q But you three got into the car --

8 A Uh-huh.

9 Q -- and went to your house, correct?

10 A Uh-huh.

11 Q Okay. And, again, nobody's getting on their cell  
12 phone and calling 9-1-1, correct?

13 A The police were there. I was in the store while she  
14 was calling the police. I stayed at the store until the  
15 police arrived, and then I left.

16 Q Okay. But you went home.

17 A Yeah.

18 Q Okay. You, Crystal and Brandon at some point arrived  
19 at your house, correct?

20 A Yeah.

21 Q Okay. And at that point in time Crystal didn't call  
22 the police, correct?

23 A Uh-uh.

24 Q And you certainly didn't pick up the phone and call  
25 the police, correct? But people were already calling you,

Amber Alease Ann Rice  
Cross-examination by Ms. Jones

1 isn't that correct?

2 A Uh-uh.

3 Q And at some point the police came to your house,  
4 correct?

5 A Uh-huh.

6 Q And they took you down --

7 A Yes, ma'am.

8 Q And they took you down to the police station, correct?

9 A Yes.

10 Q Okay. And, again, did they tell you you could have  
11 been an accessory to murder?

12 A No.

13 Q Okay. Were you aware that you could be charged with  
14 potentially aiding and abetting or helping out in this  
15 murder?

16 MR. BARNETTE: Your Honor, I'm going to object.  
17 That's asking for pure speculation on that question.

18 THE COURT: Sustained.

19 BY MS. JONES

20 Q When you talked with the solicitor -- how many times  
21 have you talked with the solicitor in preparing for this  
22 case?

23 A Probably about twice.

24 Q Two times you've interviewed. And did they ever  
25 indicate that you could be charged in this case?

Amber Alease Ann Rice  
Cross-examination by Mr. Thompson

1 A No.

2 Q So you don't think that you could have been charged or  
3 anything bad could have happened, correct?

4 A Yes, that's correct.

5 Q You didn't think you did anything wrong.

6 A No, I didn't.

7 MS. JONES: Nothing further.

8 THE COURT: Mr. Thompson.

9 MR. THOMPSON: May it please the Court, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. THOMPSON

12 Q Amber, I've got just a few questions.

13 You're the one that needed to go to Spur, correct?

14 A Yes, sir.

15 Q Did you ever hear Worm or Mr. Johnson indicate he  
16 needed to go somewhere -- to Poo?

17 A No, sir. All I know is when Poo pulled up he got in  
18 the back seat, and she said she was dropping him off on the  
19 way.

20 Q Okay. And you went to Spur to pay your phone bill,  
21 correct?

22 A Yes, sir.

23 Q Okay. And did you go there to buy anything else?

24 A I was going to get some fluid for the grill, but I  
25 called my boyfriend, and he told me that we didn't need it.

Amber Alease Ann Rice  
Cross-examination by Mr. Thompson

- 1 So I ended up putting that back.
- 2 Q Okay.
- 3 A And just paid my phone bill.
- 4 Q So when you were inside the store you did make a call.
- 5 A From the store phone.
- 6 Q Okay.
- 7 A Because I didn't have a cell phone. And I was going  
8 to pay my house phone bill.
- 9 Q Okay. And where was your cell phone at that time?
- 10 A I didn't have one.
- 11 Q You didn't have one?
- 12 A No.
- 13 Q So you were just paying the house phone bill.
- 14 A Yeah.
- 15 Q Okay. And did, did you make a second call from that  
16 store?
- 17 A No.
- 18 Q Just talked to your boyfriend that one time?
- 19 A Uh-huh.
- 20 Q Okay. And then -- now, Poo testified that Brandon  
21 lives pretty close to her. Do you live in that -- were you  
22 living in that same neighborhood at that time?
- 23 A Yes, sir.
- 24 Q And was she accurate that he did, in fact, live quite  
25 close to her?

Amber Alease Ann Rice  
Cross-examination by Mr. Thompson

- 1 A Yes, sir.
- 2 Q Okay. And you also testified that it was not uncommon  
3 to see Brandon come to that store two or three times a day.
- 4 A Not at all.
- 5 Q Okay. And your testimony is that you never even saw  
6 Brandon pull up on a moped, right?
- 7 A No, sir.
- 8 Q Okay. But to your recollection he had on a bright,  
9 white t-shirt that night, correct?
- 10 A Yes, sir.
- 11 Q Okay. And do you recall at one point when you were in  
12 that store when Brandon came in and bought cigarettes?
- 13 A Yeah.
- 14 Q Okay. And do you remember when he left that he kind  
15 of clowned around with you? Do you recall that?
- 16 A I don't know, I mean, because me Brandon -- me and  
17 Brandon were -- all of us are cool, you know. I mean, we  
18 all play around and joke around. If he did, I mean, that's  
19 not out of the norm for him, you know. We all, we just  
20 joke and play and hit each other, got jokes. You know, if  
21 he did that, would be okay, fine, with me.
- 22 Q That's something he had done before, right?
- 23 A Uh-huh.
- 24 Q Okay. And then at -- you said the -- someone in the  
25 store had already called the police, right?

Amber Alease Ann Rice  
Cross-examination by Mr. Thompson

- 1 A Kia.
- 2 Q And then the store owner ran over and locked the door,  
3 correct?
- 4 A He had already locked the door, and then she called  
5 the police.
- 6 Q And when you -- did you hear the gunshots?
- 7 A Uh-huh.
- 8 Q Did you have any idea what was going on?
- 9 A None.
- 10 Q Okay. On the way over there did you hear any talk  
11 from Worm about anything like that?
- 12 A No, sir.
- 13 Q Okay. Well, did you -- did he get on the phone at any  
14 time, do you recall?
- 15 A He didn't have his cell phone.
- 16 Q Didn't have a cell phone. Okay. And how do you know  
17 that?
- 18 A Because Worm hadn't had his phone in like months.
- 19 Q Okay. And do you remember when you were interviewed  
20 by the police the day after or that night, correct?
- 21 A Yes, I do.
- 22 Q And you made some statements about Worm never had a  
23 phone, right?
- 24 A Uh-huh.
- 25 Q And he struggled, correct, as a lot of children?

Amber Alease Ann Rice  
Redirect examination by Mr. Barnette

1 A Uh-huh, yes, sir.

2 Q Okay. And you don't recall him talking to anybody on  
3 the way over to the Spur.

4 A No.

5 Q Calling.

6 A Or at the cookout.

7 Q Or at the cookout?

8 A He wasn't talking to nobody. I fixed him a plate. He  
9 ate. Everybody started eating. But we were still cooking,  
10 because I had like -- I had like ten more people coming and  
11 stuff. And he was getting dropped off on Winsmith.

12 Q Okay.

13 MR. THOMPSON: I have no further questions.

14 MR. BARNETTE: Just one or two on redirect, Your  
15 Honor.

16 REDIRECT EXAMINATION

17 BY MR. BARNETTE

18 Q You was in the store when this happened. So you don't  
19 know what exactly happened out in the parking lot, do you?

20 A No, sir.

21 Q And you didn't have anything to tell the police  
22 because you don't know who was involved at that time if you  
23 was in the store.

24 A That's true.

25 Q And when the police came did you cooperate and tell

Christopher Michael Layton  
Direct examination by Ms. Gallivan

1 them?

2 A Yes, sir.

3 Q Did they come and talk to you and you just told them  
4 exactly what happened?

5 A Yes, sir.

6 MR. BARNETTE: No further questions, Your Honor.

7 THE COURT: You may step down.

8 MR. BARNETTE: We'd ask for this witness to be  
9 excused, Your Honor.

10 THE COURT: She may be.

11 (Whereupon, the witness was excused.)

12 MS. GALLIVAN: The state calls Christopher Layton.

13 CHRISTOPHER MICHAEL LAYTON,  
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MS. GALLIVAN

16 Q Officer Layton, if you would, state your full name for  
17 the record.

18 A Christopher Michael Layton.

19 Q Where are you currently employed?

20 A Spartanburg Public Safety Department.

21 Q How long have you been with the public safety?

22 A A little over four years.

23 Q Do you have any previous law enforcement experience?

24 A I do not.

25 Q Were you employed in your present capacity on

Christopher Michael Layton  
Direct examination by Ms. Gallivan

1 October 9th of 2009?

2 A I was.

3 Q Can you describe your position?

4 A I am currently assigned to the violent crimes task  
5 force, and we respond to any calls regarding shootings,  
6 stabbings, anything violent against people.

7 Q Okay. On that day, October the 9th of 2009, did you  
8 respond to a call at [REDACTED] Street?

9 A I did.

10 Q What was that call in reference to?

11 A It was in reference to a shoots-fired at the gas  
12 station.

13 Q Were -- how long did it take you to respond to that  
14 call?

15 A Approximately two to three minutes, I would say.

16 Q Okay. So you were in the area?

17 A We were on South Hampton Drive.

18 Q Did you hear the shots that night?

19 A We did.

20 Q How -- is the location where you responded in  
21 Spartanburg County?

22 A It is.

23 Q Can you describe what you observed once you arrived on  
24 the scene?

25 A Once I arrived on the scene I observed an unknown

Christopher Michael Layton  
Direct examination by Ms. Gallivan

1 individual laying face down on the ground. Myself and  
2 Officer Morrow went to render aid. He told me to go back  
3 to the car and get the first aid kit and to bring it to him  
4 and then secure the area by roping it off.

5 Q Okay. So you did observe the victim?

6 A I did.

7 Q Did you -- can you describe his condition?

8 A He was unresponsive, unconscious.

9 Q Did you see any weapons or guns or anything of that  
10 nature on or around the victim?

11 A I did not.

12 Q What were your general duties at the crime scene?

13 A I took the -- I roped off the crime scene, took the  
14 initial report, and then I observed video inside the gas  
15 station.

16 Q Okay. What did you observe on the video?

17 A I observed a gold in color car pull up to pump No. 2  
18 with an unknown black female getting out and going inside  
19 the store. Then I observed an unknown black male get out  
20 of the back passenger seat of the vehicle.

21 A few minutes after that a black male on a black moped  
22 pulled up, traded jackets. And the -- once they traded  
23 jackets the one wearing the black jacket got back on the  
24 moped, went around to the outside of the pumps and waited  
25 on the victim to come out of the store and then began

Christopher Michael Layton  
Direct examination by Ms. Gallivan

1 shooting.

2 Q Okay. Were you able to identify the owner of the gold  
3 vehicle on the video?

4 A Amber Rice.

5 Q How were you able to identify the driver?

6 A The clerk that was working in the store told us who  
7 the vehicle belonged to or who -- that the girl used to work  
8 at the store and she lived on South Converse.

9 Q So the store clerk identified one of the girls that  
10 had been in the vehicle?

11 A Yes. That's correct.

12 Q Okay. Did you follow up on that lead?

13 A We did. We went back to city hall, ran the name  
14 through N.C.I.C. And once I had got the name through  
15 N.C.I.C. it gave me the driver's license number, which I  
16 then ran through internet, and gave me an address of [REDACTED]  
[REDACTED] Street in Spartanburg.

18 Q Okay. And that was the address for Amber Rice.

19 A That's correct.

20 Q What did you do once you got that address?

21 A Myself and members from my team went to that address  
22 to attempt to locate her and the vehicle.

23 Q Were you able to locate Amber Rice?

24 A Yes.

25 Q Were you able to locate the vehicle?

Christopher Michael Layton  
Direct examination by Ms. Gallivan

1 A Yes.

2 Q What did you do once both Ms. Rice and the vehicle  
3 were located?

4 A I secured the vehicle, along with Sergeant Hillers,  
5 until Ace Towing came and got the vehicle and took it back  
6 to the impound lot.

7 Q Okay.

8 A She was sent to city hall to speak with  
9 investigations.

10 Q Ms. Rice was. Okay. What did else did you do to  
11 assist in the investigation of this case?

12 A I also spoke to Mr. O'Neal Edwards and got a consent  
13 to search form for the victim's vehicle and searched the  
14 vehicle and identified anything inside of it.

15 Q Okay. So you didn't find anything of interest in the  
16 vehicle?

17 A No, ma'am.

18 Q No weapons or guns of any kind found in the vehicle's  
19 vehicle?

20 A Nothing.

21 Q Was that -- does that summarize your investigation and  
22 involvement in this case?

23 A It does.

24 MS. GALLIVAN: Beg the Court's indulgence, Your Honor.

25 (Pause.)

Christopher Michael Layton  
Cross-examination by Ms. Jones  
Cross-examination by Mr. Thompson

1 Q Is the location where you responded in the city of  
2 Spartanburg?

3 A It is.

4 Q Please answer any questions defense may have.

5 CROSS-EXAMINATION

6 BY MS. JONES

7 Q Just very briefly. The gold colored car that you  
8 observed at the scene where Amber Rice got out of, were you  
9 the officer who determined that that car, in fact, belonged  
10 to Crystal Miller?

11 A No, ma'am.

12 Q Are you aware through the police investigation that  
13 that car belonged to Crystal Miller?

14 A No, ma'am.

15 MS. JONES: Nothing further.

16 MR. THOMPSON: May it please the Court, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. THOMPSON

19 Q Officer Layton, you, you were one of the first  
20 officers on the scene, correct?

21 A That's correct.

22 Q And you make out these police reports, right?

23 A Yes, sir.

24 Q You're looking at. I'll show you this one just to  
25 refresh your memory.

Christopher Michael Layton  
Cross-examination by Mr. Thompson

- 1           How many times did you view that tape?
- 2    A       I viewed it at the store.
- 3    Q       One time?
- 4    A       Yes.
- 5    Q       Okay. Is that your report there?
- 6    A       It is.
- 7    Q       Okay. And on your report you stated that -- on page  
8 two, "Video shows an unknown black male wearing a black New  
9 York Yankees' hat and white t-shirt get out of the back  
10 seat and go into the store," right? Was that a person from  
11 the gold Camry or from another car?
- 12   A       Where do you see that again?
- 13   Q       The, the last word here "the" and then the first  
14 sentence. You stated that -- the last sentence on the last  
15 line, you say, "The victim pulls up to pump three a short  
16 time after and goes in the store." And then you said, "The  
17 video shows an unknown black male wearing a black New York  
18 Yankees' hat and white t-shirt get out of the back seat and  
19 go into the store." What back seat did he get out of?
- 20   A       I believe that was the back passenger seat.
- 21   Q       Of the Camry or of the victim's car?
- 22   A       The Camry.
- 23   Q       Camry. Okay. And you said he had on a white t-shirt?
- 24   A       Yes.
- 25   Q       Okay. And then reading on, now, you state -- you

Christopher Michael Layton  
Cross-examination by Mr. Thompson

1 state here another black male wearing a black shirt gets  
2 out of the back passenger side of the vehicle. "He stayed  
3 inside the parking lot until a black moped, unknown make or  
4 model, pulls up with an unknown black male wearing a dark  
5 hooded jacket, fur collar, pulls up and goes over to the  
6 gold car and gets in, the unknown subject wearing the black  
7 t-shirt and the black hooded jacket."

8 All right. It happened happen exactly that quick, did  
9 it?

10 A I believe it took a few minutes.

11 Q Okay. Yeah. It took a little while, for the moped  
12 pulls up. And, in fact, he goes and talks to the girl in  
13 the car, right?

14 A I'm not sure.

15 Q He didn't go over there immediately and they switch  
16 out a jacket and take off from there. Do they?

17 A I don't recall.

18 Q Okay. All right. And who, who do you give this  
19 narrative to when you, when you fill this out?

20 A It gets submitted to, through R.M.S. or through  
21 N.C.I.C. or R.M.S. to the supervisor to be approved.

22 Q Okay. And then with the ultimate goal of, of getting  
23 a warrant signed hopefully, correct?

24 A With the goal of getting a warrant signed.

25 Q Okay. So you, you're -- you watched the tape one

Christopher Michael Layton  
Cross-examination by Mr. Thompson

1 time, correct?

2 A Yes.

3 Q And, and then you went back and made this report based  
4 on your memory of the events, correct?

5 A That's correct.

6 Q And-but you would agree that that's not totally  
7 accurate, what you put in there, that there was some time  
8 that went by between these folks interactions, correct?

9 A I believe there were a few minutes.

10 Q Okay, okay. And then you said you roped off the  
11 scene, correct?

12 A That's correct.

13 Q Do you remember? You said it took you three minutes  
14 to get there.

15 A Approximately.

16 Q Okay. And you heard the shots?

17 A We did.

18 Q Where were you at when you heard the shots?

19 A South Hampton Drive.

20 Q Where is that in proximity to --

21 A That's in the Hampton Heights neighborhood, probably  
22 rough guessing another two to three hundred yards behind  
23 the gas station.

24 Q That's behind it, back towards, I guess, the arts  
25 center? Is that back there somewhere or --

Michael Shane Morrow  
Direct examination by Mr. Barnette

1 A The arts center is off Spring Street.

2 Q Spring Street. Okay. It's back towards Spring  
3 Street?

4 A Hampton Heights is a little bit closer to -- or South  
5 Hampton Drive is a little bit closer to the same block.

6 Q I have no further questions. Thank you.

7 MS. GALLIVAN: No redirect, Your Honor.

8 THE COURT: You may step down.

9 MS. GALLIVAN: We ask that this witness be excused,  
10 Your Honor.

11 THE COURT: He may be.

12 (Whereupon, the witness was excused.)

13 MR. BARNETTE: Your Honor, I'd like to call Officer  
14 Morrow to the stand.

15 MICHAEL SHANE MORROW, having  
16 been first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BARNETTE

18 Q If you would, sir, please give your full name for the  
19 record.

20 A My name is Michael Shane Morrow.

21 Q And where do you work at, sir?

22 A City of Spartanburg.

23 Q And how long have you been there, sir?

24 A Seven and a half years.

25 Q And what is your current position, sir?

Michael Shane Morrow  
Direct examination by Mr. Barnette

1 A Assigned to the violent crime task force.

2 Q Was you on that task force back in October of 2009?

3 A Yes, sir.

4 Q Back in October of 2009, was you working that day,  
5 that evening, sir?

6 A Yes.

7 Q Where was you working at, sir?

8 A I was working at the Hampton Heights area patrolling.

9 Q And was any other officer with you?

10 A Officer Layton.

11 Q As you was working that area did you hear something?

12 A Yes. I heard gunfire.

13 Q And shortly after that did y'all receive a call?

14 A Yes.

15 Q And where was that call located at, sir?

16 A [REDACTED] South Church Street, which is the Quick Stop.

17 Q And is that in the city of Spartanburg?

18 A It is.

19 Q And is that in Spartanburg County?

20 A Yes, sir.

21 Q Tell the jury. Once you arrived there what did you  
22 see, sir?

23 A Pulled upon the scene. Dispatch of course advised  
24 that there was a man down, been shot. Pulled up on the  
25 scene. As soon as I pull up I see a gentleman laying face

Michael Shane Morrow  
Direct examination by Mr. Barnette

1 down unconscious and unresponsive.

2 I told my officer head back, go back and get the first  
3 aid kit and maybe I can render some aid. And then he went  
4 and roped off the scene. And E.M.S. arrived and --  
5 later -- and transported the victim.

6 Q Did you go down and look at the victim initially?

7 A I did.

8 Q And what was your opinion once you look at him closer?

9 A He was far gone. He was very unresponsive. After I  
10 talked to him he wasn't responding. He -- I couldn't see  
11 any life in his body.

12 Q And had he been shot?

13 A Yes.

14 Q Did you see a weapon around him anywhere?

15 A I did not see any kind of weapon around the body or in  
16 the general area on the scene.

17 Q Through the investigation did other officers appear  
18 there?

19 A Yes. The crime scene technicians showed up. Another  
20 officer, another patrol officer, showed up to help us out.  
21 Officer or Investigator Porter showed up.

22 Q And once y'all -- did y'all watch the video?

23 A Briefly, I did. I didn't see the whole video until  
24 after the fact.

25 Q And based on -- did y'all receive some information to

Johan Cox  
Direct examination by Mr. Barnette

1 THE COURT: Okay. You may step down.

2 MR. BARNETTE: We would ask for this witness to be  
3 excused, Your Honor.

4 THE COURT: He may be.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: May I approach the bench for a second,  
7 Your Honor?

8 (Bench conference held off the record in the presence  
9 of the jury but out of the hearing of the jury.)

10 MR. BARNETTE: Your Honor, the state would call Johan  
11 Cox.

12 JOHAN COX, having been first  
13 duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BARNETTE

15 Q Mr. Cox, if you would, state your full name for the  
16 record, please.

17 A Johan Lemman Cox.

18 Q And where do you work at, sir?

19 A The City of Spartanburg Public Safety Department.

20 Q And what do you do there, sir?

21 A I'm a computer analyst technician.

22 Q And how long have you been there, sir?

23 A Almost ten years as of February.

24 Q And do you do work on the side on videos and things in  
25 other stores and things like that?

Johan Cox  
Direct examination by Mr. Barnette

- 1 A Yes, sir, security systems.
- 2 Q And is part of your job looking at security systems  
3 and videos on it, sir?
- 4 A As needed, sir.
- 5 Q Back on October 9th of 2009 -- I show you two  
6 exhibits. Let me show you State's Exhibit No. 1 first.  
7 Did you go to the Quick Stop at [REDACTED] South Church Street  
8 here in the city of Spartanburg and take video, their  
9 security cameras, there, sir?
- 10 A I did, sir.
- 11 Q And did you take it directly off their machine?
- 12 A Yes, sir.
- 13 Q And is that machine like, I guess, the cameras here  
14 and there's like a little room back there with the video  
15 equipment in the back with the computer system?
- 16 A Yes. It was.
- 17 Q And you directly took it from that night's video tape,  
18 directly film to disk, is that right, sir?
- 19 A Yes, sir.
- 20 Q And there were several cameras of different video.
- 21 A Yes, sir.
- 22 Q This one here was cameras one and eight, is that  
23 correct, sir?
- 24 A Yes, sir.
- 25 MR. BARNETTE: Your Honor, I'd enter State's Exhibit 1

Johan Cox  
Direct examination by Mr. Barnette

1 in at this time.

2 THE COURT: Is that the same exhibit that's already  
3 been shown?

4 MR. BARNETTE: Yes, sir, that's the one we've already  
5 took out. I'm going to -- I'm pulling the other one, which  
6 is video No. 4, Your Honor.

7 MS. JONES: Your Honor, subject to Mr. Patel  
8 testifying, we have no objection.

9 MR. BARNETTE: And he is on his way, Your Honor.  
10 He'll be here in a second.

11 MR. THOMPSON: No objection to one and eight.

12 THE COURT: All right. It's admitted.

13 (Video marked State's Exhibit No. 1; photograph marked  
14 State's Exhibit No. 8.)

15 Q Let me show what what's been marked as State's  
16 Exhibit -- showing you State's Exhibit No. 38.

17 (Video marked State's Exhibit No. 38 for  
18 Identification.)

19 Q Is this a copy of the video from cameras four and  
20 seven, sir?

21 A It is.

22 Q And was that tape also taken off of the videos at the  
23 store also by you, sir?

24 A Yes, sir.

25 Q Okay.

Johan Cox  
Cross-examination by Ms. Jones

1 MR. BARNETTE: Your Honor, I'd like to enter this in  
2 evidence, or move into evidence subject to Mr. Patel  
3 testifying to it, sir, the store owner or store manager.

4 THE COURT: What number is it?

5 MR. BARNETTE: It's No. 38.

6 MS. JONES: No objection.

7 MR. THOMPSON: No objection from defendant Robbs.

8 THE COURT: All right.

9 (Video marked State's Exhibit No. 38.)

10 MR. BARNETTE: Your Honor, may we approach for one  
11 second?

12 THE COURT: Yes.

13 (Bench conference held off the record in the presence  
14 of the jury but out of the hearing of the jury.)

15 Q If you would, sir, please answer any questions the  
16 defense may have for you on this, sir. Thank you.

17 CROSS-EXAMINATION

18 BY MS. JONES

19 Q Mr. Cox, you indicated you removed the surveillance  
20 video, is that correct?

21 A I removed a copy of it, yes.

22 Q Okay. So you actually took -- you made a copy of the  
23 original, is that correct?

24 A Yes, pretty much.

25 Q Okay. What did you do then with that copy?

Johan Cox  
Cross-examination by Mr. Thompson

1 A Placed in the hands of investigator on the scene.

2 Q Okay. And who was that?

3 A I believe I was working with Mr. Porter.

4 Q And is that your last involvement in the case?

5 A It's possible that I may have made a copy to put into  
6 evidence so we can use them. But that is as far as I go  
7 with it.

8 Q So you're just the tech guy, right?

9 A That's all.

10 MR. JONES: Nothing further.

11 MR. THOMPSON: May it please the Court, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. THOMPSON

14 Q Mr. Cox, you, you got a total of eight copies of  
15 various camera film from that night, right?

16 A Only the ones that showed any kind of the area that  
17 they were focused on.

18 Q But would it be -- you had the cameras one through  
19 eight, which the state entered, correct?

20 A Yes.

21 Q And then they entered two through seven. So it stands  
22 to reason three and six and four and five are out here  
23 somewhere, correct?

24 A Potentially.

25 Q And they're probably on this tape here that I have.

Russell Porter  
Direct examination by Mr. Barnette

1 for the witness to be excused.

2 THE COURT: All right. You may be excused. Thank  
3 you.

4 (Whereupon, the witness was excused.)

5 MR. BARNETTE: Your Honor, I'd like to call  
6 Investigator Porter to the stand.

7 RUSSELL PORTER, having been  
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MR. BARNETTE

10 Q Investigator Porter, where do you work at, sir? Or  
11 give me your full name for the record, please.

12 A Russell Porter.

13 Q And where do you work at, sir?

14 A Spartanburg Public Safety Department.

15 Q And what is your position there, sir?

16 A Criminal investigator.

17 Q And how long have you been there, sir?

18 A I've been at the department for almost 18 years.

19 Q Back on October 9th of 2009, was you working that day,  
20 sir?

21 A I was working second shift that night.

22 Q And was you called to a shooting that occurred at [REDACTED]  
23 South Church Street at the Quick Stop?

24 A Yes, I was.

25 Q When you arrived there, could you tell us what you

Russell Porter  
Direct examination by Mr. Barnette

1 found?

2 A Once I had gotten there the VCTF or the violent crime  
3 task force was already on the scene, had already roped off,  
4 advised me that there were possibly video recordings inside  
5 the store. I went inside the store and began to view the  
6 video.

7 Q And when you went in did you -- obviously, you saw the  
8 camera outside.

9 A Yes.

10 Q Did you also look at the camera, the people coming  
11 inside the door?

12 A Yes.

13 Q And did y'all get a copy of that?

14 A Yes, yes, we did.

15 Q When you viewed that video did you notice the person  
16 that came and looked in the door and went and got the coat  
17 and moped from Mr. Robbs?

18 A Yes, I did.

19 Q Did you I.D. that person?

20 A I did.

21 Q And who was it?

22 A Dadrin Johnson.

23 Q And how -- what is he known as?

24 A Worm.

25 Q Okay. And you saw him and you knew him from the

Russell Porter  
Direct examination by Mr. Barnette

1 video.

2 A Yes.

3 MR. BARNETTE: Your Honor, I'd like to publish camera  
4 four of that video at this time, Your Honor.

5 THE COURT: You may.

6 (Whereupon, the witness left the stand.)

7 Q Before I start this video, we also see Amber Rice come  
8 in at some point, is that right?

9 A That's correct.

10 (Whereupon, the video was played for the jury.)

11 Q She comes in first and then the victim Adrian, I mean,  
12 Adrian Edwards come in.

13 A That's correct.

14 Q And then do we see Dadrin Johnson or Worm look inside  
15 the door?

16 A This is -- approaches him. He approaches in the front  
17 door first and then goes around to the side over there too.

18 Q And than later on do we see Mr. Robbs come in?

19 A Yes, we do.

20 Q Okay. The first person we'll see, will that be Amber  
21 Rice, sir?

22 A Yes, teal green shirt, jeans. Amber coming in the  
23 door, holding the door for somebody else now.

24 THE COURT: Excuse me just a minute.

25 The court reporter is having some difficulty.

Russell Porter  
Direct examination by Mr. Barnette

1 understanding you because you're away from the microphone  
2 and you've got your back to her.

3 So you see above your head there that microphone? If  
4 you'll stand back behind that and speak up a little bit I  
5 think that'll work.

6 THE WITNESS: Yes, sir.

7 BY MR. BARNETTE

8 Q I'll start over.

9 A That's Amber there coming in. That's the victim,  
10 Adrian Edwards.

11 Q And the times correspond to the other cameras too, is  
12 that right?

13 A That's correct. Some continuously record inside and  
14 out.

15 Q And who is going to be approaching the door on the  
16 outside, sir?

17 A This will be Dadrin Johnson right there. He's going  
18 to the side, and then he goes back out to the lot.

19 Q Go back a little bit here. Did you watch this video  
20 several times?

21 A Yes.

22 Q And that's Dadrin Johnson -- Worm.

23 A That's correct.

24 Q I'm going to get it to stop. But you got to see his  
25 frontal shot, as well as his side shot, is that right?

Russell Porter  
Direct examination by Mr. Barnette

- 1 A That's correct.
- 2 Q And after this is Mr. Robbs coming in?
- 3 A Yes, he does. He comes in a few seconds later. He  
4 comes into the store.
- 5 Q Who is this coming in, sir?
- 6 A That's Mr. Robbs.
- 7 MR. BARNETTE: Speed it up a little bit so it will  
8 play.
- 9 Q Who is this coming out, sir?
- 10 A That's Adrian Edwards exiting the store.
- 11 Q And who is this coming out behind him?
- 12 A That's Mr. Robbs coming out behind him.
- 13 (Whereupon, the witness returned to the stand.)
- 14 Q Fire, shots occurred?
- 15 A Sir?
- 16 Q Do shots occur right after that?
- 17 A Yes. See the people in the store react.
- 18 Q And through your investigation did you go to try to  
19 find Mr. Johnson?
- 20 A We did.
- 21 Q And where was he found at, sir?
- 22 A Was located in Columbia, South Carolina.
- 23 Q And did y'all receive, ever receive, a 9-1-1 call from  
24 Mr. Robbs or anything like that?
- 25 A We did not.

Adrian Patton  
Direct examination by Mr. Barnette

1 Q And where do you work at, sir?

2 A I work at Spartanburg City Public Safety.

3 Q And what's your position there, sir?

4 A I'm -- criminal investigations.

5 Q And how long have you been there, sir?

6 A I've been there a little over eight and a half years.

7 Q During this investigation was you asked to show a  
8 lineup?

9 A Yes, I was.

10 Q And did you show a lineup to Crystal Miller, sir?

11 A Yes, sir.

12 Q Let me show you what's been marked as 36-A. Is that a  
13 copy of the lineup that you showed to her?

14 A Yes, sir.

15 Q And who is that lineup of? Is that Dadrin Johnson?

16 A Dadrin Johnson is in the lineup, yes, sir.

17 Q Okay. And when you showed it to her did you  
18 indicate -- when you showed her these pictures a certain  
19 person was in these pictures or anything like that?

20 A No, sir.

21 Q Did you indicate any person out of the lineup or --

22 A No, sir.

23 Q Okay. And who did she pick out of the lineup that was  
24 the shooter?

25 A She picked out Dadrin Johnson.

Adrian Patton  
Cross-examination by Ms. Jones

1 Q And did she sign the back of the picture?

2 A Yes, sir, she did.

3 MR. BARNETTE: Your Honor, I believe this is already  
4 in evidence, but 36-A. I'd put, move into evidence in case  
5 it's not in evidence at this time.

6 MS. JONES: No objection, Your Honor.

7 MR. THOMPSON: None.

8 THE COURT: It's admitted.

9 (Lineup marked State's Exhibit No. 36-A.)

10 Q And did you show -- I'm not going to enter the lineup  
11 because I don't think there's any question. Just to  
12 clarify for the jury, did you show a lineup of Mr. Robbs at  
13 this point too?

14 A Yes, sir, I did.

15 Q And did she pick out Mr. Robbs too?

16 A Yes, sir.

17 MR. BARNETTE: One moment, Your Honor, please.

18 (Pause.)

19 Q Please answer any questions that they may have for  
20 you, sir.

21 CROSS-EXAMINATION

22 BY MS. JONES

23 Q You testified that you showed Crystal Miller the  
24 lineup, is that correct?

25 A Yes, ma'am. I did.

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 DR. JOHN DAVID WREN, having  
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. GALLIVAN

4 Q Dr. Wren, would state your full name for the record?

5 A My full name is John David Wren.

6 Q Where are you currently employed and what's your  
7 position?

8 A I currently work as a pathologist for Carolinas  
9 Pathology Group. We have hospitals in North Carolina and  
10 South Carolina. But I'm currently the medical director of  
11 Spartanburg Regional Medical Center and Spartanburg  
12 Hospital for Restorative Care.

13 Q Are you licensed to practice medicine in the State of  
14 South Carolina?

15 A South Carolina and North Carolina, yes.

16 Q Will you tell the jury a little bit about your  
17 educational background and any certifications that you  
18 have?

19 A Well, I have a bachelor's degree, a master's degree  
20 and a doctor of philosophy degree in chemical engineering  
21 from Clemson University. I have an M.D. degree from the  
22 Medical University of South Carolina.

23 I did a combined anatomic and clinical pathology  
24 residency at the Medical University. And while I was there  
25 I was associate, excuse me, assistant medical examiner for

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 Charleston County from July of 1980 until January of 1983.

2 I came -- I finished my residency there by applying  
3 some of my doctoral work and some research work while I was  
4 a medical student finishing seven years equivalent in three  
5 years and ten months.

6 I passed my anatomic and clinical pathology boards on  
7 my first try, and I am certified in anatomic and clinical  
8 pathology by the College of American Pathologists.

9 I did forensic autopsies at the Medical University  
10 filling in for the resident, I mean, the attending  
11 physicians there one weekend a month from July of 1980  
12 until January of 1983.

13 I came to Spartanburg in October, middle of October,  
14 1982 and went back to Charleston on the weekends because my  
15 family was still there and my daughter was in school there.  
16 So we waited until the break in the school semester before  
17 I -- we moved here. So I've been here since then doing  
18 forensic autopsies for the coroner.

19 Q Okay. Dr. Wren, how many autopsies have you performed  
20 during the course of your medical career, would you  
21 estimate?

22 A Between four and five thousand. I haven't kept exact  
23 count. I did about 260 a year for the last 14 or 15 years.  
24 Before that I had done various numbers but not quite that  
25 many.

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 Q Okay. Have you ever been qualified as an expert in  
2 the field of pathology before?

3 A Yes. I've been qualified in multiple counties in  
4 South Carolina. A few of them are Charleston, Greenville,  
5 Anderson, Spartanburg of course, York, Cherokee, Chester,  
6 Fairfield, Lexington, Laurens, Lexington. I've said that.  
7 Orangeburg, Dillon and Clarendon, Beaufort and Berkeley.  
8 And I think that's most of them.

9 Q Okay.

10 MS. GALLIVAN: Your Honor, at this time I'd like to  
11 offer Dr. Wren as an expert in the field of pathology.

12 THE COURT: Any objection?

13 MS. JONES: No, sir.

14 MR. THOMPSON: None, Your Honor.

15 THE COURT: He is so qualified.

16 MS. GALLIVAN: Thank you.

17 BY MS. GALLIVAN

18 Q Dr. Wren, on October 10th of 2009 did you perform an  
19 autopsy on a 24-year-old black male by the name of Adrian  
20 Edwards?

21 A Yes. I performed an autopsy on an individual  
22 identified as Adrian Dante Edwards in the Spartanburg  
23 Regional Medical Center Autopsy Room on October the 10th of  
24 2009. I began that autopsy at approximately 9:45 a.m.

25 Q Okay. And based on that particular autopsy and within

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 the bounds of reasonable medical certainty did you perform  
2 an expert medical opinion as to the cause of death of Mr.  
3 Edwards?

4 A Yes. I assigned the cause of death as exsanguination,  
5 which means that he bled to death, secondary to internal  
6 hemorrhage, secondary to gunshot wounds to the buttocks and  
7 right groin.

8 Q Could you please describe the gunshot wounds that your  
9 autopsy revealed to the jury?

10 A He had four gunshot wounds. The immediately fatal  
11 gunshot wound was one that was in his right inguinal region  
12 in the crease of the leg there. And that gunshot wound  
13 passed into the abdomen. It went through the intestines in  
14 several places.

15 It actually lacerated the aorta in the abdomen, which  
16 is the main blood-carrying artery in the body. And it  
17 passed on out into his left flank, where I recovered a  
18 bullet. I labeled that bullet "A" with the autopsy -- last  
19 number of the autopsy, which was a five. And I also  
20 labeled it with a delta, which is easy to make on bullets.  
21 So I use that as my identifying characteristic.

22 And it was a copper jacketed lead bullet. I forwarded  
23 that to Officer Ed Guthro of the Spartanburg City Police  
24 Department.

25 Now, this was an immediately fatal bullet because it

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 penetrated the aorta. And he bled rapidly from that.

2 He also had several other gunshot wounds, particularly  
3 one that I labeled as gunshot wound No. 2. It was in the  
4 right medial knee. It appeared to be a ricochet type  
5 gunshot wound in that it didn't have a clean border. It  
6 was like as if the bullet was tumbling. It was 55  
7 one-hundredths by 45 one-hundredths of an inch in overall  
8 dimensions.

9 And it had an abrasion border where the skin was  
10 abraded from 2:00 to 10:00 o'clock. If you were looking at  
11 it as if it were face of a clock. From 2:00 around to  
12 10:00 was where the bullet was coming from. And that  
13 abrasion was a little over half an inch in width.

14 That bullet actually went into the leg. It fractured  
15 the femur, which is the main bone between the knee and the  
16 hip, and came to rest there.

17 I recovered that bullet also. I labeled that one 5-C  
18 with a delta and forwarded it to Officer Guthro also. It  
19 was about 43 one-hundredths of an inch in -- that was a  
20 copper fragment. And then I found a partially copper  
21 jacketed lead fragment that was about 36 one-hundredths of  
22 an inch in the base. I found two -- two portions of that  
23 bullet in his leg.

24 And gunshot wound No. 3 I thought was probably an  
25 exit. It was posterior to the anus. And a fragment of

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 bullet came out there.

2           The fourth gunshot wound was in the right lower  
3 buttocks region about 5 inches to the right of midline.  
4 And that was a circular wound. It had a slight abrasion  
5 border from 12:00 to 4:00 o'clock that was 6 one-hundredths  
6 of an inch in width.

7           And then the 5th gunshot wound was an exit into the  
8 left lower buttocks region about two and three quarter  
9 inches to the left of midline. And it had a tag of tissue,  
10 and tissue protruding from that indicating that it was an  
11 exit wound.

12           Now, he also had some stretch type abrasions or  
13 grazing wounds to his scrotum. And in the right scrotum I  
14 found a lead fragment from a bullet that was considerably  
15 distorted. And I labeled that 5-B and Delta and forwarded  
16 it to Officer Guthro also. So those are the wounds now.

17           In addition the gunshot wound No. 1 was passing from  
18 front to back, from right to left, and slightly upward.

19           Gunshot wound No. 2, which was the one in the leg, was  
20 passing upward and lateral going, to his right in this  
21 case, and front to back.

22           And then the gunshot wound No. 4, which was in the  
23 right lower buttocks, it was extensively fragmented. And  
24 it went in and hit bone and fragmented apart. And that's  
25 why I found these other fragments and the other exits. It

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 was going from back to front, slightly to right to left,  
2 and forward and slightly upward in him.

3 Q I want to show you what has been marked as State's  
4 Exhibits 29, 30 and 39. Can you identify these items I'm  
5 handing you?

6 A Will these open?

7 Q They should.

8 A I think they're sealed.

9 This one labeled 30 I can recognize because it has a  
10 copper jacket, portion of a copper jacket, as well as a  
11 flattened distorted bullet that distorts when it hits. And  
12 it's partially jacketed. It's etched on the base of that  
13 bullet. This is the one recovered from his leg.

14 The second one I put into a blood tube without blood  
15 in it. This one was from the left flank labeled "A". And  
16 it's basically an intact bullet copper jacketed. And it's  
17 labeled with those indicators on the base that I talked  
18 about. And then the -- that one is No. 29.

19 And then No. 39 I also put in a blood tube. That one  
20 was from the fragment -- the fragmented piece of a bullet  
21 from the scrotum labeled "B". And one can see the base on  
22 that one is pretty well distorted, but it tore apart.

23 Q And these are the bullets and fragments that you gave  
24 to Investigator Uthro -- Guthro then, right?

25 A Yes, yes. And he signed for them.

Dr. John David Wren  
Direct examination by Ms. Gallivan

1 Q And based on these gunshot wounds and the autopsy,  
2 that was used to determine the cause of death of this  
3 victim?

4 A I stated previously it was exsanguination secondary to  
5 internal hemorrhage.

6 All bullets are potentially fatal either from  
7 infection or complications of surgery or other type things.  
8 But the one that I determined is the immediately fatal one,  
9 the one he actually died from, was the gunshot wound to his  
10 inguinal region, over in his right lower abdomen, that  
11 passed through the aorta and bled rapidly. Usually less  
12 than ten minutes before you bleed out with an aortic  
13 laceration.

14 MS. GALLIVAN: Beg the Court's indulgence.

15 Q Please answer any questions the defense may have.

16 MS. JONES: Your Honor, I do not have any questions.

17 MR. THOMPSON: No questions, Your Honor.

18 THE COURT: You may step down. Thank you.

19 MS. GALLIVAN: We would ask this witness be excused,  
20 Your Honor.

21 THE COURT: He may be.

22 (Whereupon, the witness was excused.)

23 MR. BARNETTE: Your Honor, the state would like to  
24 check on something before we go to the next part.

25 THE COURT: Okay.

1 (Bench conference held off the record in the presence  
2 of the jury but out of the hearing of the jury.)

3 MR. BARNETTE: Your Honor, the state will rest at this  
4 time.

5 THE COURT: All right. Ladies and gentlemen, that is  
6 all of the testimony or other evidence to be offered by the  
7 state, at least in their case in chief.

8 Before we go any further I've got some matters I'll  
9 need to address with the lawyers. It should take only a  
10 few minutes. And then we'll continue with the trial -- or  
11 perhaps we may break for lunch. I'll just see after I have  
12 concluded those issues.

13 But right now I'm going to ask you to please go to  
14 your jury room. Do not yet discuss the case. I'll bring  
15 you back in just a few minutes.

16 (The following takes place outside the presence of the  
17 jury.)

18 THE COURT: All right. Motions or other matters to be  
19 addressed, Ms. Jones?

20 MS. JONES: Thank you, Your Honor.

21 We would make a motion for a directed verdict, Your  
22 Honor, based upon the objections we've made at trial, and  
23 as well as the sufficiency of the evidence.

24 We do not believe that there is sufficient evidence,  
25 Your Honor, in this particular case and not a positive

## Verdicts

1 the back of the indictment as requested?

2 THE FOREMAN: Yes, sir.

3 THE COURT: And signed your name as the foreperson and  
4 dated it?

5 THE FOREMAN: Yes, sir.

6 THE COURT: If you will, please hand those verdict  
7 forms up by way of the bailiff.

8 You may publish the verdicts.

9 THE CLERK: Indictment 2010-GS-42-1059, State of South  
10 Carolina, County of Spartanburg, State vs. Brandon  
11 Robbs-Tanner, indictment for murder, the jury finds the  
12 defendant not guilty. Signed by the foreperson, Geoffrey  
13 Chapman, today's date, 2/14/10.

14 Indictment 2010-GS-42-1052, County of Spartanburg,  
15 State of South Carolina, State vs. Dadrin Johnson,  
16 indictment for murder, the jury finds the defendant guilty.  
17 Signed by the foreperson Chapman -- Geoffrey Chapman.  
18 Dated 12/14/10.

19 Ladies and gentlemen of the jury, is this your verdict  
20 and still your verdict on both indictments?

21 THE COURT: If so, please raise your hands.

22 (Whereupon, all jurors responded in the affirmative.)

23 THE CLERK: So say you all.

24 THE COURT: All right. Does anyone wish to have the  
25 jury polled?

Sentence

1 let him start all over again. Thank you.

2 THE COURT: Thank you, ma'am.

3 MS. JONES: Your Honor, I did not neglect to mention,  
4 that my client has been incarcerated ever since he was  
5 arrested back in October. So we would request credit for  
6 that time as well, sir. Thank you.

7 THE COURT: All right. Mr. Johnson, do you have  
8 anything you'd like to add to what's been said on your  
9 behalf?

10 THE DEFENDANT: No, sir.

11 THE COURT: Okay. On Indictment 2010-1052, the State  
12 vs. Dadrin Johnson, wherein you have been found guilty by  
13 the jury of the crime of murder, the Sentence of the Court  
14 is you, Dadrin Jerome Johnson, be confined to the South  
15 Carolina Department of Corrections for the period of your  
16 natural life.

17 You have a right to appeal the verdict of the jury and  
18 the sentence of the Court. You must file any notice of  
19 your intention to appeal those decisions within ten days of  
20 today's date. So you can talk with Ms. Jones about that.

21 THE DEFENDANT: All right.

22 THE COURT: Okay.

23 THE DEFENDANT: Yes, sir.

24 END OF REQUESTED TRANSCRIPT OF RECORD

25

Certificate

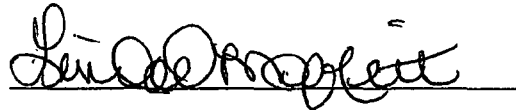
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 13th and 14th days of December 2010.

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

April 22, 2011



Linda D. Moffitt  
Circuit Court Reporter

**Spartanburg County Courthouse  
RANDOM STRIKE SHEET**

JUDGE NAME : Cole, J. Derham  
TRIAL TYPE : Criminal  
PANEL ID : 2010GS4201059  
COURTROOM JAR

DESCRIPTION : STATE VS. BRANDON ROBBS

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Ettson, Otis L	204	B	M	⊗	( )	( )	
2 Evans, Brian K	45	W	M	⊗	⊗	( )	
3 Davis, Jason W	32	W	M	⊗	( )	( )	
4 Thomas, Ruby N	163	W	F	⊗	( )	( )	
5 Bosak, Stephen F III	15	W	M	⊗	⊗	( )	
6 Ward, Pamela K	171	W	F	⊗	⊗	( )	
7 Chapman, Geoffrey J	26	W	M	⊗	⊗	( )	
8 Barham, Jonathan D	179	W	M	⊗	⊗	( )	
9 Shaw, Debra J	149	W	F	⊗	⊗	( )	
10 Brannon, Katina	17	B	F	⊗	( )	( )	
11 Brantley, Vanessa C	18	B	F	⊗	⊗	( )	
12 Griffin, Joyce S	215	W	F	⊗	⊗	( )	
13 Voyles, Stephen Paul	169	W	M	⊗	⊗	( )	
14 Ellisor, William S JR	203	W	M	⊗	⊗	( )	
15 Kiser, Christina T	83	B	F	⊗	( )	( )	
16 Morrison, Benita B	241	W	F	⊗	( )	( )	
17 Eilders, Susan M	42	W	F	⊗	⊗	( )	
18 Henderson, Johnny R JR	222	B	M	⊗	⊗	( )	
19 Bruce, Kathy H	20	W	F	⊗	⊗	( )	
20 Edwards, Kechia R	201	B	F	⊗	⊗	( )	
21 Geter, Rachel	212	B	M	⊗	( )	( )	
22 Ragsdale, Timothy M	134	W	M	⊗	⊗	( )	
23 Threadgill, Jedidiah W	262	W	M	⊗	⊗	( )	
24 Huffstickler, Paul H	223	W	M	⊗	⊗	( )	

Spartanburg County Courthouse  
RANDOM STRIKE SHEET

JUDGE NAME : Cole, J. Derham  
TRIAL TYPE : Criminal  
PANEL ID : 2010GS4201059  
COURTROOM JAR

Sorted by: Random Nbr

DESCRIPTION : STATE VS. BRANDON ROBBS

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	GRT	REMARKS
25 Smith, Diane E	258	B	F	✓	✗	( )	
26 Jackson, Charles J III	75	B	M	✓	✗	( )	
27 Gist, Joe H	213	B	M	✗	( )	( )	
28 Mccarter, Lauren E	100	W	F	✓	✓	( )	
29 Robinson, Vimicci L	139	B	M	✗	( )	( )	
30 Lalani, Shehnaz A	86	W	F	✓	✗	( )	
31 Pridmore, Carol L	131	W	F	✓	✗	( )	
32 Wingo, Cheryl J	173	W	F	✓	✓	( )	
33 Foster, Detra A	49	B	F	✗	( )	( )	
34 Moore, Kennedy T III	110	W	M	✓	✓	( )	
35 Lawter, Michael J	90	W	M	✓	✗	( )	
36 Barron, Crystal R	7	W	F	✓	✓	( )	
37 Johnston, Audrey P	80	W	F	✓	✗	( )	
38 Guyton, John C	176	W	M	✓	✗	( )	
39 Looney, Jacob K	232	W	M	✓	✓	( )	
40 Smith, Monique S	260	B	F	( )	( )	( )	
41 Harris, Teria M	64	W	F	( )	( )	( )	
42 Hartsoe, Terri L	65	W	F	( )	( )	( )	
43 Corbitt, Byron	29	B	M	( )	( )	( )	
44 Martin, Mike E	233	W	M	( )	( )	( )	
45 Dixon, Eleanor	36	B	F	( )	( )	( )	
46 Justice, Christopher W	82	W	M	( )	( )	( )	
47 Jensen, Douglas P	76	W	M	( )	( )	( )	
48 Capps, Amanda G	22	W	F	( )	( )	( )	

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

3. CARD FILED

5. CHECKED WARRANTS

6. CHECKED SIGNATURES

7. ASSESSMENT MADE   
FINE CARD MADE

9. TRAFFIC VIOLATIONS CODE

**Computer**

**Computer**

ARREST WARRANT NUMBER

4089848

ACTION OF GRAND JURY

*True Bill*

Foreperson of Grand Jury

Date: *2/18/10*

VERDICT

*Guilty*

Foreperson of Petit Jury

Date: *12/14/10*

DOCKET NO.

**10-GS-42-1052**

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY

2010 MAR -4 AM 11:18

COURT OF GENERAL SESSIONS

FEB 22 2010

TERM

THE STATE

vs.

Dadrin Johnson

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

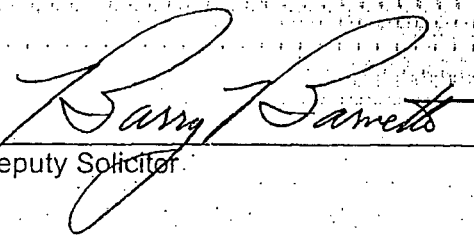
INDICTMENT

At a Court of General Sessions, convened on FEB 18 2010, the  
Grand Jurors of Spartanburg County present upon their oath:

**MURDER**

The Defendant, Dadrin Johnson, did in Spartanburg County on or about October 9, 2009, feloniously, willfully, and with malice aforethought, kill Adrian D. Edwards, by shooting the victim with a handgun and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

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

  
Deputy Solicitor

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 11th, 2012



---

Robert M. Dudek  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON

APPELLANT

---

FINAL BRIEF OF APPELLANT

---

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Chief Appellate Defender

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PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

ATTORNEY FOR APPELLANT

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<u>Dread History: The African Diasporo, Ethiopianism, and Rastafari</u> , <a href="http://www.smithsonianeducation.org/migrations/rasta/rasessay.html">http://www.smithsonianeducation.org/migrations/rasta/rasessay.html</a> .(last visited on October 28, 2011). .....	8

STATEMENT OF ISSUES ON APPEAL

Whether the court erred by ruling the solicitor's reason for striking juror #49 was not racially pre-textual where the solicitor said this African-American woman juror had red streaks in her hair – "red hair" -- that he thought was indicative of an "attitude," since his peremptory challenge of this juror was impermissibly racially stereotypically based?

## STATEMENT OF THE CASE

Appellant was indicted by the Spartanburg County Grand Jury for offense of murder. R. 95. His case was called to trial on December 13, 2010 before the Honorable J. Derham Cole, and a jury. Appellant was tried with co-defendant Brandon Robbs-Tanner. R. 1. Tanya Jones represented appellant. Christopher Thompson represented co-defendant Robbs-Tanner. R. 1.

On December 14, 2010 the jury found appellant guilty of murder and co-defendant Robbs-Tanner not guilty of murder. R. 90, ll. 9-18. Judge Cole sentenced appellant to life imprisonment. R. 91, ll. 11-16.

This appeal follows.

## ARGUMENT

The court erred by ruling the solicitor's reason for striking juror #49 was not racially pre-textual where the solicitor said this African-American woman juror had red streaks in her hair – "red hair" -- that he thought was indicative of an "attitude," since his peremptory challenge of this juror was impermissibly racially stereotypically based.

### **Relevant Facts**

Appellant and the co-defendant were both African-American young men. R. 13, ll. 10-12. The murder occurred at a convenience store and gas station in a heavy African-American area on South Church Street in Spartanburg. R. 57, l. 16 – 66, l. 5. In this co-defendant case Solicitor Barnette used seven of his ten strikes to remove African-American jurors from appellant's jury. R. 2, l. 25 – 11, l. 11; R. 93-94.

Defense Counsel Jones made a Batson<sup>1</sup> as to African-American jurors numbers 204, 17, 83, 212, and 49. R. 11, ll. 10-12. The judge asked Barnette for his reasons for removing these jurors with peremptory challenges. R. 11, l. 22 – 12, l. 3.

Barnette stated Juror 204 had a criminal record for drugs and that Juror 17 wore a hat during jury selection and that he thought this reflected badly on her attitude about the court system. Barnette also noted that "none of the other jurors we seated had a hat *or had that kind of attitude from there.*" R. 12, ll. 4-22. (emphasis added).

Barnett said Juror 83 had a sister convicted of robbery in the past. Juror 212 lived in the area of South Church Street where the crime occurred and the solicitor did not want her on the jury for that reason. Appellant did not challenge any of these reasons. R. 12, ll. 4-22.

However, as to the challenged juror #49 the solicitor said:

And then to No. 49, Your Honor, *was the same attitude. When she showed up she had the streaks in her hair, the red hair. From that standpoint her attitude while she was on jury selection, standing up and answering the questions from the judge and from the clerk's office in that case in that case, Your Honor, I felt like she would not be a good juror from that standpoint.*

R. 12, l. 23 – 13, l. 4.

The judge asked defense Counsel Jones if she wished to be heard and she argued that the solicitor citing streaks in Juror 49's hair was racially pre-textual and that, since appellant was African-American and the juror was African-American, the judge should find the strike racially motivated. "[W]e would say in regard to Juror 49, regardless of whether she had streaks in her hair not, that is not a, good reason to cut somebody. Again, she was an African-American person. We have an African-American client, Your Honor. Therefore, we do believe it was race motivated." R. 13, ll. 7-12.

The judge asked the co-defendant for his position, and defense counsel Thompson joined in the objection of the strike of Juror #49 for the co-defendant. R. 13, ll. 7-14.

The Judge stated: "It [the strike] can't be exercised in an unconstitutional fashion, and you can't invidiously discriminate or [have] exercised challenges based upon racial reasons, as in this case all of the jurors that were struck that are being challenged were black." [T]here are good reasons and bad reasons for striking jurors, it's not what I have to determine." The judge ruled the peremptory challenge used on juror #49, the only juror appellant challenged, was not racially pre-textual. "All [the chosen jurors] shall remain and he sent the jurors chosen to lunch. R. 14, ll. 3 - 15, l. 24. .

---

<sup>1</sup> Batson v. Kentucky, 476 U.S. 79 (1986)

## Discussion

The solicitor's striking of juror #49 because of "the same attitude. *When she showed up she had the streaks in her hair, the red hair. From that standpoint her attitude while she was on jury selection, standing up and answering the questions from the judge and from the clerk's office in that case in that case, Your Honor, I felt like she would not be a good juror from that standpoint.*" Defense counsel Jones immediately tore into the red streaks in the Juror's hair reason and said the solicitor's reason for removing this African-American woman was racially discriminatory. R. 12, l. 23 – 13, l. 12. (emphasis added). As seen, the co-defendant's attorney readily agreed this was a racially discriminatory strike. R. 13, ll. 13-14.

The red streaks in her hair or red hair reason cited by the solicitor here was racially stereotypical in the same way as was defense counsel's explanation that he felt "uneasy" over a juror's dreadlocks in McCrea v. Gheraibeh, 380 S.C. 183, 669 S.E.2d 333 (2008). In McCrea our Supreme Court found counsel's explanation that he struck the particular juror because of his "uneasiness" over the juror's dreadlocks "was not a race-neutral reason for exercising a peremptory strike." McCrea, 380 S.C. at 187, 669 S.E.2d at 335.

The Court in McCrea distinguished the dreadlocks from the "long unkempt hair" looking suspicious reason which was held to be constitutionally permissible in Purkett v. Elem, 514 U.S. 765 (1995). The Court noted that while long unkempt hair is not associated with any race, counsel's specific reference to the juror's hair as "dreadlocks" in conjunction with an otherwise *vague explanation for the strike* "carries with it an inherently discriminatory intent." McCrea 380 S.C. at 187, n. 2, 669 S.E.2d 335, n. 2.

Dreadlocks are “uncombed and uncut hair which is allowed to knot and mat into distinctive locks,” and is regarded as a source of ethnic pride and a sign of their African identity. See, Dread History: The African Diaspora, Ethiopianism, and Rastafari, at p. 4. <http://www.smithsonianeducation.org/migrations/rasta/rasessay.html>.

In McCrea the State argued that dreadlocks were not unique to any race because members of the white race also braid their hair. Our Supreme Court properly saw this argument was not convincing.

It is the equivalent of arguing that an “Afro” haircut worn by black men in the 1970s did not contain any correlation between that hairstyle and the wearer’s African heritage. It was like arguing that because Art Garfunkel, Gabe Kaplan, and Gene Wilder at the time also wore “Afros,” and were white, that the “Afro” hairstyle did not have anything to do with race or racially identity. This was argued in McCrea, and the Supreme Court rejected the state’s argument that concerns about dreadlocks were not racially motivated. This case is not distinguishable in any *real manner* from McCrea.

The solicitor’s striking of the African-American Juror #49 was inherently racially discriminatory based upon her hair which he saw as a racial statement or “attitude.”<sup>2</sup> See, Robinson v. Bon Secours St. Francis Health System Inc., et al, 382 S.C. 224, 675 S.E.2d 744 (2009) where the Supreme Court held that defense counsel’s strike of a 53-year-old black female because she would more closely identify with the 52-year-old decedent was racially discriminatory. Our Supreme Court stated it was not persuaded by the claim that the similarity in age as opposed to race was the party’s real motivation in using the strike. The

---

<sup>2</sup> There used to be good and bad attitudes. In the parlance of our time an “attitude” is only bad.

court noted that it had rejected *the dual motivation analysis* in the context of a Batson claim in Payton v. Kears, 329 S.C. 51, 59, 496 S.E.2d 205, 210 (1998). Any attempt the state makes in this case to cite “attitude” as a separate reason for striking Juror #49 should similarly be rejected *particularly and further* where it is clear the solicitor found the red streaks and the red hair inextricably entwined with her hairstyle being a statement.

In Payton v. Kears this Court found that striking a white juror because he was allegedly a “redneck” was constitutionally impermissible. A “redneck” refers to a member of the white rural laboring class and it is an offensive stereotypical term for a poor working class white person.

Juror 49 was an African-American who obviously had natural black hair but chose a hairstyle with red streaks through her hair -- “red hair -- which is a distinct hairstyle. The solicitor found this racially stereotypical – the further of an “attitude.” His peremptory was racially based and it cannot stand. See, State v. Govan, 312 S.C. 71, 439 S.E.2d 263 (1993) .

Further, the right to serve on a jury and not be discriminated against because of race or gender belongs to the potential juror, not the litigant. See, State v. Evins, 373 S.C. 404, 416, 645 S.E.2d 904, 910 (2007). Here the solicitor’s strike of juror #49 because of her hairstyle, which distinctly identified her with being African-American was not racially neutral. It was racially based on his stereotypical beliefs about the hairstyle. The solicitor’s peremptory challenge violated appellant’s rights because it was racially based pursuant to Batson and violated his right have a jury of his peers not tainted by racial discrimination. It also violated the juror’s right to serve based upon our precedents. See Miller-El v. Dretke, 545 U.S. 231 (2005).

“If [peremptory challenges are] used to express stereotypical judgments about race, gender religion, or national origin, peremptory challenges betray the jury’s democratic origins and undermine its representative function.” 1 A. de Tocqueville, Democracy in America, 287 (H. Reeve transl., rev. ed, 1900) ([T]he institution of the jury raises the people . . . to the bench of judicial authority [and] invests [them] with the direction of society”) A. Amar, The Bill of Rights, 94-96 (1998).” Miller-El v. Dretke, 545 U.S. 231, 272-273 (2005) (Breyer, concurring).

CONCLUSION

By reason of the foregoing argument, appellant's conviction should be reversed and this case remanded to the Spartanburg County Court of General Sessions for a new trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

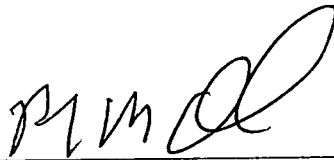
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 1st day of May, 2012.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."



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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Spartanburg County  
J. Derham Cole, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON

APPELLANT

---

CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Alphonso Simon, Jr., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 1st day of May, 2012.

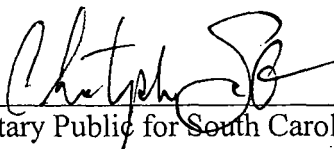


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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 1st day of May, 2012.



(L.S.)  
Notary Public for South Carolina

My Commission Expires: May 16, 2021.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Spartanburg County  
The Honorable J. Derham Cole, Circuit Court Judge

---

THE STATE

RESPONDENT

v

DADRIN JOHNSON

APPELLANT

---

FINAL BRIEF OF RESPONDENT

---

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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

Whether the court erred by ruling the solicitor's reason for striking juror #49 was not racially pre-textual where the solicitor said this African-American woman juror had red streaks in her hair – "red hair" – that he thought was indicative of an "attitude," since his peremptory challenge of this juror was impermissibly racially stereotypically based?

RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in denying Appellant's Batson motion when the State offered a valid, race neutral explanation for its exercise of a peremptory strike against Juror #49, Appellant failed to offer any argument to rebut the State's explanation, and there is no evidence in the record that the State acted in a racially discriminatory manner in striking the juror?

## STATEMENT OF THE CASE

On December 13-14, 2010, Appellant Dadrin Johnson ("Johnson") and co-defendant Brandon Robbs-Tanner ("Robbs-Tanner") were tried by a jury for the murder of Adrian D. Edwards. Johnson and Robbs-Tanner were tried in the Spartanburg County Court of General Sessions before the Honorable J. Derham Cole, Circuit Court Judge. Tanya Jones, Esquire of the Seventh Circuit Public Defender's Office represented Johnson. Christopher P. Thompson, Esquire represented Robbs-Tanner. The State was represented by Deputy Solicitor Barry J. Barnette and Assistant Solicitor Amanda Morris Gallivan, both of the Seventh Judicial Circuit. On December 14, 2010, Johnson was convicted of murder.<sup>1</sup> (R. p. 90). He received a life sentence. (R. p. 91). Before this Court is Appellant's direct appeal of his murder conviction. He requests this Court reverse his conviction and order a new trial. The State respectfully requests this Court deny Appellant's appeal and affirm his conviction.

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<sup>1</sup> Robbs-Tanner was found not guilty of murder. (R. p. 90).

## STATEMENT OF FACTS

On October 9, 2009, Appellant Dadrin Jerome Johnson ("Appellant") shot the victim, Adrian D. Edwards, outside a Spurs gas station in Spartanburg, S.C. (R. pp. 20-21, 30). The victim suffered four gunshot wounds. (R. p. 84). The immediately fatal wound entered the inguinal region in the crease of the victim's leg, passed into his abdomen, went through the intestines in several places, lacerated the aorta, and stopped in the victim's left flank. (R. p. 84). Cause of death was determined to be exsanguination, secondary to internal hemorrhage, secondary to gunshot wounds to the buttocks and right groin. (R. p. 84).

On October 9, Appellant attended a party that was hosted by Amber Rice. (R. pp. 16-17, 40). During the get-together, Rice determined that she needed to pay her phone bill. (R. p. 17). She asked her friend, Crystal Miller, for a ride to the Spurs gas station so she could pay her phone bill there. (R. pp. 17, 29, 41-42). Appellant asked Miller if she would drop him off at another location in the same trip. (R. pp. 17, 29). Miller agreed to do so. (R. pp. 17-8).

When the three arrived at the gas station, Rice got out of the car and went inside to pay her phone bill. (R. pp. 19, 42, 53). Appellant and Miller waited outside in Miller's car. (R. pp. 19, 42). Shortly thereafter, Brandon Robbs-Tanner<sup>2</sup> arrived at the gas station on his moped. (R. p. 19). According to Miller, Robbs-Tanner asked if he could borrow a dollar to buy a cigarette. (R. p. 19). Miller also observed Robbs-Tanner and Appellant talking. (R. p. 19). Miller

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<sup>2</sup> Robbs-Tanner was tried as Appellant's co-defendant. He was found not guilty on the charge of murder. (R. p. 90).

noted that Appellant asked if he could borrow Robbs-Tanner's moped and jacket. Robbs-Tanner agreed, and then asked Miller for a ride home. (R. p. 19).

Miller testified that she saw Appellant put on the coat and move the moped to a gas pump farther away from her car. (R. p. 19, see R. p. 30). When she looked back, she saw the victim walk up to his car. (R. p. 20). Appellant approached, and the victim extended his hand out towards Appellant. (R. pp. 20, 30). Miller then heard gunshots. (R. pp. 20, 30). When she looked back, she saw Appellant on the moped still shooting at the victim. (R. pp. 20, 30). "And then he came -- Adrian was coming around the back of his car running, trying to run, and Worm just kept on shooting him. And then Adrian fell down to the ground and was crawling. And Worm kept on shooting him." (R. p. 20, ll 10-13).

The shooting was recorded by the gas station's security cameras. (R. pp. 59, 68, 70-73, 74-78). Miller identified Appellant as the shooter in a photo lineup. (R. pp. 38, 79-80). She also identified him in court. (R. pp. 17, 26-28).

## ARGUMENT

THE TRIAL COURT DID NOT ERR IN DENYING APPELLANT'S BATSON MOTION; THE STATE PROVIDED A VALID, RACE NEUTRAL EXPLANATION FOR ITS USE OF THE STRIKE AGAINST JUROR #49, AND APPELLANT FAILED TO SHOW IN STATE COURT THAT THE EXERCISE OF THE PEREMPTORY STRIKE WAS RACIALLY DISCRIMINATORY.

### What Occurred at Trial

During jury selection, the State struck several jurors, including juror #49. (R. p. 3-11). Appellant made a Batson motion to challenge the strikes used by the State against jurors #204, 17, 83, 212, and 49. (R. pp. 11-12). In responding to the motion, the solicitor stated that juror #204 was struck because he had a record that indicated prior drug problems. Juror #17 was struck because she wore a hat and her behavior during the jury qualification before Judge Couch indicated she had an attitude about the whole system. Juror #83 was struck because her sister was convicted of robbery. Juror #212 was struck because he lived in the area where the murder occurred. (R. p. 12). In explaining why Juror #49 was struck, the solicitor stated as follows:

And then to No. 49, Your Honor, was the same attitude. When she showed up she had the streaks in her hair, the red hair. From that standpoint her attitude while she was on jury selection, standing up and answering the questions from the judge and from the clerk's office in that case in that case, Your Honor, I felt like she would not be a good juror from that standpoint.

(R. p. 12, l 23 – R. p. 13, l 4).

In response to the explanation regarding the strike of Juror #49, Appellant contended the solicitor's argument that the juror had streaks in her hair was not a good reason for using a strike. (R. p. 13). "Again, she was an African-American

person. We have an African-American client, Your Honor. Therefore we do believe that it was race motivated." (R. p. 13, ll 10-12).

The trial court denied the Batson motion.

You can strike a juror for any reason other than the fact you can't base it upon race or gender.

It can't be exercised in an unconstitutional fashion, and you can't invidiously discriminate against individuals based upon their gender or race. But you can give other reasons for striking jurors. And in this case the state has given several.

You know, whether they're good reasons or bad reasons for striking jurors, it's not what I have to determine. I have to determine whether or not the state has practiced invidious discrimination or exercised challenges based upon racial reasons, as in this case all of the jurors that were struck that are being challenged were black.

Based upon what's been presented I do not find that the state's reasons given for exercising those challenges are a pretext to exercising challenges in an unconstitutional fashion based upon race. And the reasons as given do constitute a race neutral reason for exercising those challenges; and therefore the motion to quash the panel is denied.

(R. p. 13, l 25 – R. p. 14, l 20).

#### Standard of Review

The Equal Protection Clause of the Fourteenth Amendment to the Constitution prohibits the striking of a venire person on the basis of race or gender. Batson v. Kentucky, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986); State v. Evins, 373 S.C. 404, 415, 645 S.E.2d 904, 909 (2007). In a Batson hearing,

[a]fter a party objects to a jury strike, the proponent of the strike must offer a facially race-neutral explanation. This explanation is not required to be persuasive or even plausible. Once the proponent states a reason that is race-neutral, the burden is on the party challenging the strike to show the explanation is mere pretext, either by showing similarly situated members of

another race were seated on the jury or the reason given for the strike is so fundamentally implausible as to constitute mere pretext despite a lack of disparate treatment.

State v. Rayfield, 369 S.C. 106, 112, 631 S.E.2d 244, 247 (2006). “An explanation for a jury strike will be deemed race-neutral **unless a discriminatory intent is inherent.**” Robinson v. Bon Secours St. Francis Health Sys., Inc., 382 S.C. 224, 227, 675 S.E.2d 744, 746 (2009)(citing Purkett v. Elem, 514 U.S. 765, 768, 115 S.Ct. 1769, 131 L.Ed.2d 834, (1995); State v. Adams, 322 S.C. 114, 123, 470 S.E.2d 366, 371 (1996)(emphasis in original). “Whether a Batson violation has occurred must be determined by examining the totality of the facts and circumstances in the record.” State v. Edwards, 384 S.C. 504, 509, 682 S.E.2d 820, 822 (2009). The burden of persuading the court that a Batson violation has occurred remains at all times on the opponent of the strike. Evins, 373 S.C. at 415, 645 S.E.2d at 909. The trial court's finding of purposeful discrimination rests on its evaluation of demeanor and credibility. Edwards, 384 S.C. at 509, 682 S.E.2d at 823.

“Typically, the decisive question becomes whether counsel's race-neutral explanation for a peremptory challenge should be believed.... [T]here is seldom much evidence in the record bearing on that issue, and the trial court's findings regarding purposeful discrimination necessarily will rest largely on the evaluation of demeanor and credibility of counsel. Therefore, those findings are given great deference and will not be set aside unless clearly erroneous.”

Evins, 373 S.C. at 415-16, 645 S.E.2d at 909-10 (quoting State v. Cochran, 369 S.C. 308, 631 S.E.2d 294 (Ct.App.2006)). See Hernandez v. New York, 500 U.S. 352, 365, 111 S.Ct. 1859, 114 L.Ed.2d 395 (1991); State v. Taylor, 396 S.C. 193, 720 S.E.2d 522, 525 (Ct. App. 2011).

**The State Provided the Court With a Valid Race Neutral Explanation for Striking Juror #49.**

The trial court did not err in denying the Batson motion in this case. The solicitor set forth race neutral explanations for his use of a peremptory strike against Juror #49. Appellant failed to show the explanations were pretext. Appellant did not assert there was a similarly situated member of the jury who was not struck. Further, Appellant presented no argument that a discriminatory intent was inherent in the solicitor's reasoning for striking Juror #49. Altogether, the discussion at trial Since Appellant fails to show the trial court's denial of the Batson motion was clearly erroneous, his conviction must be affirmed.

The trial court properly denied Appellant's objections to the State's use of a peremptory strike against Juror #49 because the solicitor's reasoning for using the strike were race neutral. Appellant contends that the strike of Juror #49 was inherently discriminatory. It appears Appellant is essentially contending the trial court erred in its Batson analysis in finding the defense failed to meet its burden of showing discriminatory intent in the State's strike. Appellant appears to assert the trial court could not reach that third step in the Batson analysis because the solicitor never asserted a race neutral reason for striking Juror #49. This contention is not supported by the record.

In Purkett v. Elem, the United States Supreme Court noted,

once the opponent of a peremptory challenge has made out a prima facie case of racial discrimination (step one), the burden of production shifts to the proponent of the strike to come forward with a race-neutral explanation (step two). If a race-neutral explanation is tendered, the trial court must then decide (step three) whether the opponent of the strike has proved purposeful racial discrimination.

514 U.S. 765, 767, 115 S.Ct. 1769, 1770-71 (1995). In Purkett, the Eighth Circuit Court of Appeals had reversed a Missouri trial court's denial of a Batson motion in a federal habeas appeal, concluding the prosecution's explanation for striking the juror at issue was pretextual. Id. The Supreme Court found that Eighth Circuit erred in its analysis because it combined steps two and third steps into one by requiring the explanation given by the person exercising the strike had to be at least minimally persuasive. Id. at 768, 115 S.Ct. at 1771. The Supreme Court then found that the prosecutor's explanation for the strike (i.e. the juror had long, unkempt hair, a mustache, and a beard) was "race neutral and satisfies the prosecution's step two burden of articulating a nondiscriminatory reason for the strike." Id. at 769, 115 S.Ct. at 1771.

The analysis outlined in Purkett has since been adopted by South Carolina courts. Adams, 322 S.C. at 124, 470 S.E.2d at 372. Respondent submits that the reasoning in Purkett is dispositive here. The solicitor in this case provided race neutral explanations as to why he struck Juror #49 that were, at least in part, similar to those given by the prosecution in Purkett. To the extent the solicitor struck Juror #49 because she had streaks in her hair, the strike was analogous to the strike in Purkett for long, unkempt hair. Streaks in hair are not a characteristic peculiar to any race.

The strike utilized in this case is clearly distinguishable from the peremptory strike at issue in McCrea v. Gheraibeh, 380 S.C. 183, 669 S.E.2d 333 (2008). In McCrea, the defense attorney contended that he struck the juror

at issue because the attorney felt some uneasiness the juror.<sup>3</sup> The attorney indicated that he struck the juror because the juror was the only one the attorney saw in the pool who had long dreadlocks, and “[t]hat gave [the attorney] some concern in light of how he[the juror] may react toward [the attorney’s] client.” Id. at 185, 669 S.E.2d at 334. In response, the plaintiff’s attorney argued the dreadlocks explanation was insufficient and that, in light of the fact defense counsel struck two other African-Americans, the explanation amounted to pretext. The trial court went on to explain that in ruling on a Batson motion, it had to assess the credibility of the attorneys. The trial court concluded that based on its knowledge of the attorney’s reputation, it did not believe the attorney would engage in racially discriminatory conduct. Id.

The South Carolina Supreme Court reversed the trial court’s denial of the Batson motion. In so doing, the Supreme Court found that counsel’s explanation that he was uneasy over the juror’s dreadlocks was not a race-neutral reason for exercising a peremptory strike. The Supreme Court noted that the case was distinguishable from Purkett because dreadlocks “retain their roots as a religious and social symbol of historically black cultures.” McCrea, 380 S.C. at 187, 669 S.E.2d at 335. Thus, the Supreme Court found the trial court erred because it bypassed the second step in its analysis, which requires there be a race neutral reason for the strike of the juror. As a result, the Supreme Court held the trial court erred in denying the Batson motion. Id. at 187-88, 669 S.E.2d at 335.

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<sup>3</sup> Respondent would note that McCrea was a civil case regarding an automobile accident. Contrary to Appellant’s assertions, the State was not involved.

This case is distinguishable from McCrea in several respects. First, the solicitor's reasons for striking the juror were race neutral. The solicitor noted that he observed the juror during the general jury qualification and his observations indicated that she had an attitude about the process. (R. pp. 12-3). In giving that explanation, the solicitor compared the juror to another who was struck and noted that Juror #49 had red streaks in her hair. (R. pp. 12-3). Nothing in the solicitor's explanation was related to race.

Appellant's contention that the solicitor's explanation was not race neutral is not supported by the record. In fact, Appellant did not present any argument that the solicitor's argument was not race neutral. Nor did Appellant contend that a discriminatory intent was inherent in the explanation given by the solicitor. Instead, Appellant only contended that the explanation given was not a good one. (See R. p. 13, ll 7-12). Thus, to the extent Appellant now asserts the strike was inherently racially discriminatory, Respondent submits Appellant's argument is not preserved for appellate review. State v. Adams, 354 S.C. 361, 380, 580 S.E.2d 785, 795 (Ct. App. 2003); see State v. Perez, 334 S.C. 563, 565-66, 514 S.E.2d 754, 755 (1999) (issue not raised and ruled upon by trial court is procedurally barred and not preserved for appeal); see also State v. Tucker, 319 S.C. 425, 428, 462 S.E.2d 263, 265 (1995) (party cannot argue one ground below and then another on appeal).

Second, contrary to Appellant's assertions, the juror's hair streaks are not akin to dreadlocks in McCrea. Appellant presented no evidence or argument at trial (or on appeal) that hair streaks "retain their roots as a religious and social

symbol of historically black cultures.” Courts in other jurisdictions faced with similar questions have found that peremptory strikes based upon a juror’s hair coloring or hair style are race neutral. See Jackson v. State, 5 So. 3d 1144, 1149 (Miss. Ct. App. 2008) (strike based upon juror inattentiveness and hair dyed red was race neutral); Partida v. State, 133 S.W.3d 738, 742 (Tex. App. 2003)(strike of juror because of shaved head and earrings was race neutral); State v. Jones, 98-842 La. App. 5 Cir. 2/10/99, 729 So. 2d 57, 62 (La. Ct. App. 1999) (strike based on juror’s almost purple hair and inconsistent answers race neutral); see generally State v. Washington, 288 S.W.3d 312, 318 (Mo. Ct. App. 2009)(“Unlike tattoos, ‘mohawks’ or even red hair, dreadlocks are closely associated with ‘historically black cultures.’”)(Cohen, J., concurring); but see State v. McFadden, 216 S.W.3d 673, 675 (Mo. 2007). Thus, the trial court did not err in not finding the explanation for the strike to be inherently discriminatory. Since the explanation given by the solicitor was race neutral and not inherently discriminatory, the trial court properly proceeded to its analysis under the third step of the Batson procedure.

Third, the solicitor’s reasons for striking Juror #49 were not solely tied to her hair. The record indicates that the juror’s hair was only a secondary reason for striking the juror. The solicitor noted that, as was also the case with Juror #17, the reason he struck Juror #49 was based on his observations of the juror during the initial qualification procedures conducted before another judge. (R. p. 12). In essence, the solicitor determined that the juror’s disposition during her interactions with court personnel and the qualification judge indicated that Juror

#49 would not be a good juror. This explanation was quite different from the one given in McCrea, which focused solely on the fact the juror who was struck had long dreadlocks. To be clear, Respondent is not contending that the dual motivation doctrine should apply.<sup>4</sup> As noted by Appellant, the application of the dual motivation doctrine in Batson cases has been rejected by the South Carolina Supreme Court. Payton, 329 S.C. at 59-60, 495 S.E.2d at 210. The dual motivation doctrine would not be applicable in this case even if it did apply to Batson cases in South Carolina because Appellant has not proven there was a discriminatory purpose behind the strike of Juror #49. However, the solicitor's reliance on two race neutral reasons for striking Juror #49 provided ample support for the trial court's ultimate finding that there was no racial discrimination in the strike of the juror.

**The trial court's finding that the strike of Juror #49 was not discriminatory is supported by the record.**

Since the solicitor's basis for striking Juror #49 was race neutral, the defense then had the burden of showing that the strike was the result of purposeful racial discrimination. Appellant cannot show that the trial court's determination that the strike was not racially discriminatory was clearly erroneous. As already noted, the State presented two valid reasons for striking Juror #49. Appellant's only argument in rebuttal at trial was that striking the juror for having streaks in her hair was not a good reason. (See R. p. 13). To the

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<sup>4</sup>The dual motivation doctrine provides the challenged party with an opportunity to show the peremptory strike would have been exercised even if the improper factor had not, in part, motivated the decision to strike if the challenging party proves a discriminatory purpose. Payton v. Kearse, 329 S.C. 51, 58-9, 495 S.E.2d 205, 209-10 (1998).

extent Appellant's contention on appeal asserts the trial judge erred in the third step of his Batson analysis, Respondent submits the argument is not preserved for appellate review. Adams, 354 S.C. at 380, 580 S.E.2d at 795; see Perez, 334 S.C. at 565-66, 514 S.E.2d at 755 (issue not raised and ruled upon by trial court is procedurally barred and not preserved for appeal); see also Tucker, 319 S.C. at 428, 462 S.E.2d at 265 (party cannot argue one ground below and then another on appeal).

Furthermore, the record supports the trial court's finding of a lack of discriminatory intent. The solicitor offered a valid explanation for why he struck Juror #49. Nothing in the record indicates the solicitor was not sincere about his bases for striking the juror. Neither Appellant nor the trial court indicated on the record there was anything in the solicitor's demeanor during the Batson hearing that would support a finding that the strike was discriminatory. In light of the lack of evidence disputing the trial court's findings, Appellant fails to show the trial court's denial of the Batson motion was clearly erroneous. As a result, this argument on appeal should be denied, and Appellant's conviction should be affirmed.

CONCLUSION

For the foregoing reasons, the Respondent respectfully requests this Court to deny Appellant's appeal and affirm his conviction in the murder of Adrian D. Edwards.

Respectfully submitted,

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May 1, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
The Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DADRIN JEROME JOHNSON,

APPELLANT.

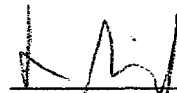
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**CERTIFICATE OF COMPLIANCE**

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The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and does not include, or partially redacts, personal data identifiers, Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings, 375 S.C. 56, 650 S.E.2d 462 (2007)(requiring redaction of social security numbers, names of minor children, financial account numbers, and home addresses).

This 1<sup>st</sup> day of May, 2012.



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ALPHONSO SIMON, JR.  
Assistant Attorney General

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
The Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

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DADRIN JEROME JOHNSON,

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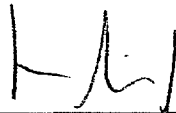
**CERTIFICATE OF SERVICE**

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I, Alphonso Simon, Jr., counsel for the Respondent, certify that I have served the within Final Brief of Respondent and Certificate of Compliance on Appellant by depositing three (3) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Robert Dudek, Esq., South Carolina Commission on Indigent Defense, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, SC 29201.

I further certify that all parties required by Rule to be served have been served.

This 1<sup>st</sup> day of May, 2012.



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ATTORNEY FOR RESPONDENT