

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

FURMAN E. TAYLOR,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001587

APPENDIX

LARA M. CAUDY
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,

PLAINTIFF,

-VS-

FURMAN EUGENE TAYLOR,

DEFENDANT.

2012-GS-23-6511 AND 6513

FEBRUARY 11 AND 14, 2014

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE R. KNOX MCMAHON, JUDGE

APPEARANCES:

MARK MOYER, ESQUIRE
ATTORNEY FOR THE STATE

ROB IANUARIO, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

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JURY VOIR DIRE

Juror #	Name	Race	Sex	Strikes			Accept
				Court	Plaintiff	Def.	
5	Baker, Joan	W	F			x	
151	Taurig, Nancy D	W	F				x
33	Easterling, John M	W	M			x	
148	Smith, Tiffany E	W	F		x		
11	Bostick, Britni Lyn V	W	F			x	
102	Pratt, Tracey M	W	F		x		
70	Kreisman, Melinda S	W	F			x	
104	Pruitt, Mary E	W	F		x		
146	Miller, Kimberly S	W	F			x	
61	Jenkins, Allen	W	M				x
90	Morgan, Derrick	B	M				x
110	Roth, Carey C	W	F				x
76	Leslie, Harold G Jr	W	M				x
45	Grayson, Neil E	W	M			x	
36	Fadler, Randall L	W	M				x
29	Decouto, Jo Ellen	W	F			x	
71	Kurek, Maciej H	W	M				x
103	Presher, Susan T	W	F			x	
7	Barnes, Melinda J	W	F				x
54	Hicks, Laura S	W	F				x
52	Hatherlee, Cheryl M	W	F			x	
75	Leonard, Tim M	W	M				x
12	Brackett, Brooks A	B	M				x
93	Nelson, Phillip M	W	M				x
86	Meismer, Jerry J	W	M			x	
123	Stover, G Jean C	W	F			x	

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95	Nichols, John B	W	M				x
147	Mitchell, Holly D	W	F				x

1 **FEBRUARY 11, 2014**

2 (WHEREUPON, Court convened with all parties present
3 and the following proceedings were had.)

4 (WHEREUPON, State Exhibit Numbers 1 through 4 were
5 marked for identification.)

6 **JURY VOIR DIRE AND SELECTION**

7 **NOT TRANSCRIBED PER MR. IANUARIO**

8 (WHEREUPON, the jury exited the open court at
9 approximately 11:02 a.m.)

10 THE COURT: All right. Ladies and gentlemen of
11 the jury panel, momentarily I'm going to release you from
12 your jury service for the remainder of the morning and
13 the remainder of the day. I would ask you, please, to
14 call your juror information number, your juror
15 information hotline after six o'clock tonight. It will
16 prompt you and give you instructions concerning your jury
17 service for the remainder of the week. If you do not get
18 to sit on a panel this week, perhaps you will be selected
19 again as the year goes by or the next year and such like
20 that. I apologize that you were not selected to sit on
21 this panel this week. But be that as it may, it's been
22 my pleasure and privilege to be with y'all this morning.
23 Again, you're now excused. Please call back after
24 six o'clock tonight. Any questions? Thank you very
25 much.

1 (WHEREUPON, the jury panel exited the open court at
2 approximately 11:04 a.m.)

3 THE COURT: All right. We'll be in recess
4 about ten minutes. Thank you very much.

5 (WHEREUPON, the court stood in recess for a short
6 break.)

7 THE COURT: Anything before we bring in our
8 jury from the state, Solicitor?

9 MR. MOYER: No, Your Honor.

10 THE COURT: From the defense?

11 MR. IANUARIO: No, Your Honor.

12 THE COURT: Since I haven't tried cases with
13 either of you gentlemen in the past, just so you know, I
14 generally give about a, I don't know, eight page -- but
15 it's real large print so I can read it -- about an eight
16 page intro to the procedure we use in the trial of the
17 case and then go right into openings.

18 As far as objections, no speaking objections. You
19 know, if it's a Rule, if it's hearsay, 803, or if it's
20 authentication, one of the 900 rules or whatever. I
21 mean, just go by rule number. I don't object to you
22 asking to approach the bench. If an issue comes up, you
23 want to be heard outside the presence of the jury, just
24 let me know that you have a matter of law and I'll
25 certainly send the jury out.

1 All right. Bring us our jury, please.

2 (WHEREUPON, the jury entered the open court at
3 approximately 11:12 a.m.)

4 THE COURT: All right. Madam Clerk, would you
5 swear our jury, please?

6 THE CLERK: Yes, sir, Your Honor.

7 Now would you please stand and raise your right
8 hand. The response to the oath is I will.

9 You shall well and truly try case 2012-GS-23-6511,
10 the State versus Furman Eugene Taylor, Jr., indicated for
11 burglary first degree, and 6513 for petit larceny, and a
12 true verdict render according to the law and the
13 evidence, so help you God?

14 (WHEREUPON, all jurors answered I will and were duly
15 sworn.)

16 THE CLERK: Thank you. You may be seated.

17 THE COURT: Was there any member of the jury
18 panel unable to take the oath? If so, please stand.
19 Thank you very much.

20 Ladies and gentlemen of the jury panel, the case we
21 are about to try is the case of the State versus Furman
22 Eugene Taylor, Jr., to my front left. What I will now
23 say is intended to serve as an introduction to the trial
24 of this case. These remarks are not a charge or
25 instruction on the law in the case. I'll instruct you on

1 the law that applies to this case at the end of the trial
2 before you retire to consider your verdicts. This is
3 merely an explanation of the procedure that we will
4 follow in the trial so that you may better understand
5 what may be happening.

6 The defendant, as you have heard is charged by two
7 indictments filed in this court with the crimes of
8 burglary first degree and larceny less than two thousand
9 dollars, the elements of which will be explained to you
10 later.

11 Again, ladies and gentlemen, these indictments are
12 simply the charges by which the case is brought into
13 court. They are the formal charging documents and are
14 not, in any sense, evidence of any of the allegations
15 they contain.

16 The defendant has pled not guilty to these
17 indictments. The state, therefore, the party to my front
18 right, has the burden of proving each of the elements of
19 the indictments beyond a reasonable doubt. And it will
20 be your duty, ladies and gentlemen, to determine whether
21 the state has met that burden.

22 Your purpose as jurors is to find and determine the
23 facts. You are the sole judges of the facts in this
24 case. If at any time I make any comment regarding the
25 facts, you must disregard it. You are to determine the

1 facts from the testimony you hear and the other evidence
2 introduced in court. It is up to you to determine the
3 inferences which you feel may properly be drawn from the
4 evidence. It is especially important that you perform
5 your duties of determining the facts diligently and
6 conscientiously, because ordinarily there's no way to
7 correct an erroneous determination of the facts by a
8 jury.

9 On the other hand, and with equal emphasis, the same
10 law that makes you the judges of the facts, make me the
11 judge of the law. The law as given by the court is the
12 only law you may consider. You must accept it and follow
13 it, even though you may disagree with it. I cannot tell
14 you what the facts are, and you cannot disagree with me
15 about what the law is or should be. Your job is to take
16 the law as I give it to you, apply it to the facts as you
17 find them to be from the testimony of the witnesses and
18 any other evidence that is introduced. After doing that,
19 you will render your verdicts, true and just verdicts,
20 under the solemn oath that you have just taken as jurors.

21 Until I advise you to begin your deliberations, you
22 must not discuss this case with anyone, including your
23 fellow jurors, friends, families or anyone else. After
24 the case is submitted to you, you must discuss it only in
25 the jury room with your fellow jurors.

1 During the trial, do not read, listen to or watch
2 any news reports about the case. This includes anything
3 that may be in the newspapers or on the internet, radio,
4 television; should there be any. You must not consider
5 anything you may have read or heard about the case
6 outside the courtroom whether before or during the trial.
7 It is important that you keep an open mind and not decide
8 any issue in the case until all of the evidence has been
9 presented, the parties have made their closing arguments
10 to you and I have instructed you on the law in this case.
11 It is your solemn responsibility to determine the guilt
12 or innocence of the defendant. And your verdict must be
13 based solely on the evidence as it is presented to you in
14 this trial and on the law that I instruct you during and
15 at the close of the trial.

16 Now, in just a few moments, the solicitor will make
17 what is called an opening statement, in which the
18 solicitor will explain to you the issues in the case, or
19 at least what the solicitor thinks the issues are in the
20 case. Mr. Ianuario, the attorney for the defendant, may
21 also make an opening statement; although he is not
22 required to do so. A criminal defendant in South
23 Carolina is always presumed to be innocent regardless of
24 the seriousness of the charges. A criminal defendant
25 does not have to prove himself innocent. The burden of

1 proof, as I have told you, is on the state to prove its
2 case, each and every element of the offenses, beyond a
3 reasonable doubt.

4 Now, what the attorneys tell you during their
5 opening statements is not evidence in the case. It is
6 only their contention as to what the issues are. What
7 the attorneys tell you during their closing arguments is
8 not evidence. The questioning by the attorneys, the
9 questions themselves, are not evidence. It's the
10 responses of the witnesses that's evidence. That's the
11 credibility that you focus on, that you test. The
12 questioning is the procedure by which the evidence, the
13 testimonial evidence, is extracted from the witnesses
14 testifying under oath. That is how it will be presented
15 to you; and/or by any exhibits that may be introduced
16 into evidence.

17 From time to time during the trial you may hear one
18 of the lawyers say something like, Your Honor, I believe
19 we have a question of law or a matter of law to discuss
20 with you. Or, Your Honor, may we approach the bench.
21 And sometimes I, myself, might find it necessary to
22 excuse you from the courtroom for a short while so the
23 attorneys and I can discuss a matter of law. The reason
24 for this is not to hide anything from you, because you
25 are the judges of the facts in the case, and sometime

1 when I am discussing matters of law with the attorneys,
2 it may be necessary for me to make some comment as to the
3 facts in connection with ruling whether or not a
4 particular law applies. I am not supposed to tell you
5 what I think the facts are, so I will excuse you from the
6 courtroom while these discussions take place so that in
7 no way will you be influence by anything that I might say
8 or do in connection with the facts.

9 In determining what the true facts are in the case,
10 you must decide whether or not the testimony of the
11 witnesses is believable in using your individual and
12 collective good judgment and common sense, in determining
13 the credibility and believability of the witnesses
14 testifying before you.

15 It will be my responsibility to rule as a matter of
16 law whether or not certain testimony is admissible at all
17 or not. In other words, whether you hear it or not. But
18 once the testimony is admitted, it will be -- whether you
19 believe it or not, it will be solely your responsibility
20 to determine.

21 In deciding whether to believe a witness, you have a
22 right to consider the interest of any witness, the bias
23 of any witness, the prejudice of any witness, the
24 opportunity for the witness to have seen the matters and
25 things about which the witness may testify and the way or

1 the manner or the demeanor the witness exhibits to you
2 while on the witness stand. You have a right to consider
3 anything that is in the record that will help you
4 evaluate the testimony of the witnesses.

5 That means it will be your duty to pay close
6 attention to the witnesses, to observe, to listen to
7 them. To pay close attention to the attorneys and to the
8 court. Don't let your thoughts wander, but give strict
9 attention to the testimony in this case so that at the
10 end of all the testimony, after the closing arguments by
11 the attorneys and the instruction on the law by the
12 court, you will then be in that position to determine
13 what the true facts are and to apply the law to those
14 facts and thus render your true and just verdicts.

15 Mr. Foreman, it will be your duty to preside in the
16 jury room and be the jury spokesperson here in court. It
17 will also be your duty to write the verdicts, but I will
18 give you further instructions about that at the
19 conclusion of the case.

20 Just a few administrative issues. I need to keep up
21 with fourteen people. With our foreperson, if you would
22 always maintain that seat. And our two alternates, the
23 first and second seat on the second row. The others,
24 y'all may sit wherever you would like to sit in the, in
25 the jury box. I have studied jurors over the years and

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1 it has been my observations that many jurors are very
2 territorial. That they always like to sit in the same
3 place each and every time and have the same view of the
4 witness stand and the courtroom itself. And that is
5 fine. That is fine. Wherever you want to sit. But
6 again, I do need our foreperson and our alternate to
7 always maintain those seats.

8 Evidence. If there -- and I don't know what
9 evidence may be. But if there are charts, exhibits,
10 diagrams, photographs and the like, well, now in the days
11 of technology, sometime they're shown on screen, sometime
12 they may be handed to the foreperson while you're in here
13 in your jury box and passed among members of the jury.
14 You may look at those items as long as you wish in the
15 courtroom. Please keep in mind, if I allow it into
16 evidence, you will have it with you in your jury room at
17 the time of your deliberations. So that will not be the
18 only opportunity or the last opportunity you will get to
19 view any items that are introduced into evidence for you.

20 If you cannot hear or see a witness, just please get
21 my attention, the attention of the clerk or one of our
22 fine bailiffs, and we'll have them speak up or move in
23 such a position to where you can hear and see.

24 From time to time you may see me on my computer.
25 These are good trial lawyers. Sometime I might see what

1 I think may be a legal issue around the bend, you know.
2 The road can sometime be kind of bumpy and dusty, so I'll
3 do some minor research. I don't peek, repeat, tweet,
4 email. My focus is entirely on the case, so I don't want
5 you to think that. If it's any heavy lifting as far as
6 research, Mr. Hunter handles that. But if you see that
7 -- a juror complained to me one time. Imagine,
8 complaining on me, I was just taken aback. But anyway, I
9 do stay focused on the case and you may see me from time
10 to time on the computer.

11 And finally, what am I really in charge of? Well,
12 I'm in charge of taking breaks. And I have kind of an
13 easy pattern of doing that. When I want a break, we take
14 a break. And I figure everybody's happy right then.
15 This is not a judicial marathon. This is an important
16 case. It's important to Mr. Taylor. It's important to
17 the State of South Carolina. If you sit out here too
18 long, if you need a break, your thoughts start to wander,
19 please, raise your hand. Y'all will take your break, we
20 will take our break. At any time don't hesitate to do
21 that. As I say, this is not a judicial marathon in any
22 way, shape or form.

23 All right. Any objections to anything I've told the
24 jury from the state?

25 MR. MOYER: No, Your Honor.

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1 THE COURT: From the defense?

2 MR. IANUARIO: No, Your Honor.

3 THE COURT: All right. Solicitor, you may
4 address the -- you said something about notes, Mr.
5 Bailiff?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Did any of them want to take notes?

8 THE BAILIFF: I did not ask the question, sir.

9 THE COURT: All right. Anybody want to take
10 notes? If so ---

11 THE JUROR: I would, but I don't have anything
12 to write on.

13 THE COURT: All right. Let me take care of
14 that. I'll have to give you a charge, just a very brief
15 charge. Anyone else want a pad, a pen or anything?

16 All right. There's absolutely nothing wrong with
17 taking notes. Notes are allowed. I do allow jurors to
18 take notes. I would remind those note-takers, please
19 remember that some people are better note-takers than
20 others. Jurors' notes should not be given any greater
21 weight than the independent recollection of other jurors.
22 The recollection of individual jurors should be
23 considered as reliable as notes taken by any other juror.
24 I would also advise the note-takers, when you're taking
25 notes, you may not notice the body language or the

1 demeanor of a witness, which could be used by you in
2 deciding the witness's credibility. And also on each
3 break or over our lunch and recess, I would ask you to
4 leave your note upside down on your -- maybe write your
5 juror number, and leave it upside down on your chair.
6 Our clerk, Madam Clerk, will secure it during those
7 times. So you can't have it with you in the jury room,
8 your notes, until jury deliberations.

9 All right. Thank you, Solicitor. Solicitor, you
10 may proceed.

11 MR. MOYER: Thank you, Your Honor. May it
12 please the court.

13 THE COURT: Yes, sir.

14 **OPENING STATEMENT**

15 **BY MR. MOYER:**

16 Mr. Foreman, ladies and gentlemen of the jury, good
17 morning. I am going to take just a few moments to talk
18 to you and give you a little bit of a preview of what the
19 evidence is going to be. Sort of a little bit of an
20 introduction about the case. And just going to take up a
21 few minutes of your time before we start into the trial.

22 And when we do start into the trial, you're going to
23 hear right off the bat from a woman by the name of Renna
24 Taylor. She's seated here on the front row here behind
25 our table. And I will first note that the fact that she

1 shares a last name with the defendant is just a
2 coincidence. They are not related.

3 You're going to hear that on May the 19th of 2012,
4 she left her home on Old White Horse Road here in
5 Greenville to go visit some friends up in the mountains
6 of North Carolina. And when she left, she left with the
7 belief that -- as we all do -- that her home was safe and
8 sound, that nothing was wrong, nothing was amiss.
9 There's the expression, our home is our castle, and I
10 think we all instinctively feel that our home is that
11 way. That it's safe and secure and impregnable. But
12 what Ms. Taylor did not know when she left on the
13 afternoon of May the 19th of 2012, was that a little
14 while after she left, a car would come driving by her
15 house containing two people; this defendant, Furman
16 Taylor, and a woman by the name of Amanda Caldwell, who
17 was driving. And you're going to hear that they drove by
18 her house and that they were looking for trouble. They
19 were looking for a place to break into. And this place
20 fit the spot. It was, by all appearances, empty, or no
21 one home, and it was a bit of an isolated house. Not a
22 lot of other houses areound. A bit of a rural area.

23 You're going to hear that they drive up into Ms.
24 Taylor's driveway and park. They're in a blue and white
25 Ford Aerostar van. You're going to hear this defendant

1 gets out of the van and he walks up to the front door and
2 he knocks on the door, just to make sure that no one is
3 home. If by chance someone would happen to come to the
4 door, he would say something innocuous like, you know,
5 ask for directions or something like that.

6 Well, he knocks and no one comes to the door. No
7 one else is there. He then came back; the testimony will
8 show, and comes to the vehicle and he gets a pair of
9 gloves and he gets a ply bar and he goes back to the
10 house this time to a side door. You're going to hear
11 testimony that he, at this time, breaks into the house
12 and goes inside. You're going to hear testimony that Ms.
13 Caldwell is -- stays in the vehicle. And she stays
14 there, she's nervous, time goes by, she gets more
15 nervous. And you'll hear that she goes into the house to
16 try to hurry the defendant up. And when she does so, she
17 tells him, let's get going. She sees him rummaging
18 around through the house, in the bedroom.

19 As she turns to go back to the van, she sees through
20 the windows another vehicle pull up; a black truck.
21 Testimony is going to be that this truck actually had a
22 legitimate reason to be there. And you're going to hear
23 that two men, a man named T.R. Perry and his brother
24 David Perry, had come by the house because Ms. Taylor had
25 asked them to come by and take our some garage. These

1 men used to do some odd jobs around the house and work
2 for her.

3 Well, you're going to hear testimony that as they
4 were standing -- or as they pulled into the driveway they
5 see this vehicle that they don't recognize and Mr. Perry
6 gets on the phone and he calls Ms. Taylor and says, do
7 you know anything about this blue and white van that's
8 here in your driveway? He knows that sometimes a friend
9 will come by and take care of Ms. Taylor's cats while
10 she's not there.

11 Well, he gets Ms. Taylor on the phone and she said,
12 no, shouldn't be another vehicle there. And as he's on
13 the phone with her, you will hear that the two people
14 walk out of the house. And now Mr. Perry knows something
15 is wrong. Because as they walk out, they don't speak to
16 him. They walk fast, covering their faces. The
17 defendant, you will hear testimony, is holding what
18 appears to be a bag, and what we later learn is a pillow
19 case from the house. And that they go to the vehicle and
20 drive away.

21 Well, the police become involved. And as you would
22 expect, there's not really forensic evidence found in the
23 house due to the fact that the defendant was wearing
24 gloves. However, they do get some clues. You will hear
25 testimony that the officers know what property has been

1 stolen from the house. That there's a laptop, that
2 there's a DVD player, there's a pistol that had been by
3 Ms. Taylor's bed, some jewelry, some other items like
4 that. You're going to hear also that although the Perrys
5 did not get a good enough look at these people's faces to
6 be able to identify them in photographs later due to the
7 fact that they were covering up, they do get general
8 descriptions. And they both tell that there's a white
9 female with brown hair. And that there's also a white
10 male who has long dark hair and a ponytail and a goatee.
11 They get this description and closing descriptions and
12 general height and weight and age descriptions. So the
13 officers are armed with this information.

14 Well, within about a week, the officers are able to
15 develop Amanda Caldwell as a suspect in the case due to
16 the fact that she pawned some of the items. You're going
17 to hear that officers get a tip about where she is and
18 that an officer goes to arrest her on May the 31st of
19 2012. You're going to hear that she is in a vehicle, a
20 blue and white Ford Aerostar Van, and that this defendant
21 is also in the vehicle. However, he is not a suspect at
22 this point, so Ms. Taylor -- I'm sorry, Ms. Caldwell is
23 arrested by herself. You will hear testimony that she
24 gives a statement to police. She initially attempts to
25 minimize her own involvement in the case; although she

1 does implicate this defendant Furman Taylor. You'll hear
2 that just a couple of days later that she calls the
3 investigator back and says, I want to tell you what
4 really happened. I was involved in this burglary and so
5 was this defendant and let me tell you how and why and
6 what happened.

7 That's a general summary of the testimony that
8 you're going to hear in this case. As His Honor has
9 instructed you early on, it's not going to be a long
10 case. It's notoriously difficult to anticipate how long
11 cases go, but I hope that we'll be able to get all the
12 evidence to you today. If not, it will be shortly after
13 we convene again, whenever that will be. Hopefully
14 tomorrow.

15 But at this time all I ask you to do is just listen
16 closely to all the testimony. Pay attention to the
17 evidence, the few items of evidence that are admitted,
18 use your common sense and your good judgment to weigh the
19 evidence and the testimony. And then at the end of this
20 case, do justice. Thank you.

21 THE COURT: Thank you, sir. Mr. Ianuario.

22 MR. IANUARIO: Thank you, Your Honor.

23 **OPENING STATEMENT**

24 **BY MR. IANUARIO:**

25 Thank you, ladies and gentlemen. I'd like to thank

1 you for your service. Part of your jury duty is your
2 chance to make a difference in the community that you
3 live in. I know that right now the community that you
4 live in is about to be whited out, so I'm going to try to
5 make this quick. We don't need a restatement of the
6 evidence or anything. But I want to tell you a little
7 bit and kind of set a tone for this as well.

8 First off, about myself, twelve years ago I was a
9 mechanic. I didn't come from a lawyer's family. I just
10 decided I didn't like turning wrenches and I wanted to
11 try something else. But I kind of have an interesting
12 approach and interesting style of looking at a problem as
13 a mechanic does. If you need a tune-up there's no reason
14 to go and replace the whole engine. You track down the
15 problem. Is it a spark plug? Is it a converter? Is it
16 the ignition? You look for what the problem might be and
17 can it be fixed or can it not be? Now, we're missing a
18 lot of the little tiny pieces of information. We'll get
19 into all that later. All I know right now is the engine
20 is not running right. But does it need to be replaced or
21 can it be fixed?

22 So you're going to hear a bunch of different
23 evidence. Your decision can be based upon the evidence.
24 It can be based upon the solicitor's opinion, my opinion.
25 You can form your own opinion if you want. We can both

1 be wrong. That's the power of the jury.

2 Now, when you're making these decisions, keep in
3 mind that this isn't just make a quick decision and let's
4 go on home and beat the snow. Somebody in the community
5 is going to have their life affected by this decision.
6 So give it full weight and full attention and see if you
7 think that Furman Taylor is guilty of these crimes beyond
8 a reasonable doubt.

9 The judge will give you instructions as to different
10 levels of doubt, but I'd like to give you kind of a quick
11 summary. The first type of doubt you hear -- the first
12 type of evidence will be the preponderance of the
13 evidence. If your neighbor's tree falls in your yard and
14 you want to sue them for knocking down your fence, fifty-
15 one percent of the evidence is in your favor, you're
16 probably going to win.

17 The next level of evidence is clear and convincing.
18 And there's no statistical number with that. Clear and
19 convincing evidence means pretty certain, but not beyond
20 a reasonable doubt. Clear and convincing evidence is
21 what's used to determine child custody, to determine
22 whether or not you're fit to maintain your children. If
23 you've ever gone through a custody battle, you understand
24 that sometimes those things can be pretty serious.

25 And this matter is even more serious than the

1 custody of a child, because that requires beyond a
2 reasonable doubt. Now, when we break for lunch and we
3 all go away for lunch, let's say we put a cat and mouse
4 in the courtroom. And we come back in after lunch and
5 there's no mouse but there's a cat. It's quick and easy
6 to assume that the cat ate the mouse. But we can't
7 assume that. We have to check the entire courtroom. Is
8 there a gap under that door? Is there a hole behind that
9 bench? We don't know. If we do a thorough investigation
10 of the courtroom and we determine there's no holes, we
11 can still surmise that the cat probably ate the mouse.
12 Without a thorough investigation and without checking the
13 gaps behind the doors, looking for little holes in the
14 wall, the mouse lives. So the mouse gets away and there
15 maintains a reasonable doubt.

16 So when you're looking at this case and you're
17 looking at the evidence, see if you believe that there's
18 no holes in the wall. If so, then your decision should
19 be guilty. If you think there's a hole and plausible
20 explanation, come back not guilty.

21 Again, please give us your full attention. And when
22 you're deliberating on this -- I know the weather is bad.
23 I've got a small one at home. I'd like to be home, too.
24 But please keep in mind, this decision will impact the
25 member -- the life of a member of our community. Thank

1 you.

2 THE COURT: Thank you, Mr. Ianuario.

3 Solicitor, you may call your first witness.

4 MR. MOYER: Thank you, Your Honor. May it
5 please the court. State calls Renna Taylor to the stand.

6 THE COURT: All right. Ms. Taylor, if you
7 would come around and be sworn, please.

8 THE CLERK: If you would place your left hand
9 on the bible and raise your right.

10 Do you swear or affirm that the testimony you're
11 about to give is the truth, the whole truth and nothing
12 but the truth, so help you God?

13 THE WITNESS: Yes.

14 THE CLERK: You may be seated. Would you
15 please state your name for the record?

16 THE WITNESS: Renna Taylor.

17 THE CLERK: Thank you.

18 **RENNA TAYLOR,**

19 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

20 **DIRECT EXAMINATION**

21 **BY MR. MOYER:**

22 Q. All right. Ms. Taylor, let me ask you if you would
23 move your chair around a little bit towards me and make
24 sure the microphone is up close to you so we can make
25 sure we hear you. The first thing I want to ask you is

1 we notice that your last name is the same as the last
2 name of the defendant in this case. Are you related to
3 him?

4 A. No, sir.

5 Q. Okay. Do you know him at all? Have you ever met
6 him?

7 A. No.

8 THE COURT: Could I get you to speak up a
9 little bit more for them.

10 THE WITNESS: No, sir.

11 THE COURT: I know you will for me. Thank you.

12 A. No.

13 Q. Okay. And Amanda Caldwell, are you related to her
14 or know her in anyway?

15 A. No.

16 Q. Okay. Now, you have children?

17 A. I have two adult children that live in California.

18 Q. Okay. And they're adult children, you said. And
19 you live here in Greenville County now?

20 A. I do.

21 Q. Where did you live in May of 2012?

22 A. You want me to give you the address?

23 Q. Yes. What was the address?

24 A. [REDACTED], Travelers Rest.

25 Q. Okay. And that is in Greenville County?

- 1 A. Yes, it is.
- 2 Q. Okay. When did you move into that residence?
- 3 A. I've been there since 2000.
- 4 Q. Okay. Now, you're actually not employed at this
- 5 time; is that correct?
- 6 A. As of a week ago, yes, sir, that's correct.
- 7 Q. Where were you working at that time?
- 8 A. I was working briefly at Greenville County, a part-
- 9 time job. Before that I worked for ten years for Ford
- 10 Motor Credit in Mauldin.
- 11 Q. Okay. And I think your position was just
- 12 eliminated; is that right, about a week ago?
- 13 A. Yes.
- 14 Q. Okay. Now, let me show you what has been marked as
- 15 State's Exhibit Number 4. Take a look at what I'm
- 16 showing you right now. Do you recognize what is ---
- 17 A. Absolutely.
- 18 Q. Okay. You've had a chance to take a look at that
- 19 before today?
- 20 A. Uh-huh (affirmative).
- 21 Q. Okay. What is depicted in that photograph?
- 22 A. That is my home and my property.
- 23 Q. Okay. And from what view is that home being shown?
- 24 From the side? From aerial view?
- 25 A. Yes. It's an aerial view.

1 Q. Okay. It's an aerial view kind of looking down on
2 your house?

3 A. Yes.

4 Q. And is it a true and accurate representation of the
5 layout of your house and the roads around your house?

6 A. Absolutely.

7 Q. And that's the way it looked back in May of 2012?

8 A. With the exception of my garden. My garden wasn't
9 there until last summer.

10 Q. Okay. With the exception of that, is it a true and
11 accurate representation?

12 A. Yes.

13 Q. Okay.

14 MR. MOYER: At this time I'd move State's
15 Exhibit Number 4 into evidence.

16 MR. IANUARIO: No objection, Your Honor.

17 THE COURT: State's 4 is in evidence without
18 objection.

19 (WHEREUPON, State Exhibit Number 4 was admitted into
20 evidence.)

21 Q. I'm going to ask you to step down for one moment.

22 A. Okay. Sure.

23 Q. So we can give the jury a little bit of an
24 understanding of what we're looking at, would you first
25 point out your house?

1 THE COURT: You might want to get on the other
2 side so your voice travels back to our court reporter,
3 Ms. Taylor.

4 A. This is my house.

5 Q. Okay. That is your house there. And can you kind
6 of outline with your finger the four walls of the house?

7 A. Yeah. It's a rather small house.

8 Q. Okay. And we see two roads at the house. What are
9 the two roads?

10 A. Yes. This is McElhaney and this is Old White
11 Horse.

12 Q. And you have a driveway?

13 A. Yes. My driveway is here. It's kind of a
14 horseshoe.

15 Q. Okay.

16 A. Blacktop driveway.

17 Q. Okay. So it is a horseshoe. You can enter one
18 side of it and exit the other?

19 A. Yes, sir.

20 Q. Okay. What door do you -- well, point out doors in
21 your house.

22 A. There's -- the front door is right in here. And
23 this is, this is like a screened-in porch and there's a
24 door here, as well. There's a door that leads into a
25 small utility porch and then into the kitchen. And then

1 there's patio doors over here.

2 Q. Okay. What door do you normally use?

3 A. I usually go in the kitchen door.

4 Q. Okay. I think that's all for now. You can take
5 your seat back. All right. Now, tell us a little bit
6 about the area around the house back then in May of 2012.

7 Were there a lot of other houses?

8 A. No, sir. The house was rather isolated. There
9 probably wasn't another home for maybe like a quarter of
10 a mile. They are developing across the road at this
11 time, but at that time there was no houses across the
12 street from me.

13 Q. Across what, Old White Horse Road?

14 A. Yes, sir.

15 Q. But at the time there wasn't?

16 A. No, there wasn't.

17 Q. Okay. Now, let me take you back to May the 19th of
18 2012. Do you remember that day?

19 A. Yes, sir.

20 Q. Do you remember what day of the week it was?

21 A. It was a Saturday.

22 Q. Okay. Did you stay around your house all of that
23 day?

24 A. No, I did not. I had plans to go to North Carolina
25 to visit a friend and I had planned to spend the weekend.

1 Q. Okay. And so you -- and this was -- you were going
2 to leave around what time of day on that Saturday?

3 A. I left around approximable one o'clock.

4 Q. And your plans were to come back the following day?

5 A. Uh-huh (affirmative).

6 Q. Okay. Did you make any arrangements for anyone to
7 come to your house?

8 A. Yes, sir.

9 Q. For what purpose?

10 A. T.R., Mr. Perry, he helps me with my yard and odd
11 jobs, so sometimes I let my trash get out of hand and I
12 can't lift it. So I had asked them if they, you know, if
13 they would come by and take it off for me. And they
14 agreed to do that. And then I left.

15 Q. Okay. And so what was the man's name again?

16 A. I know him as T.R.

17 Q. T.R. What's his last name?

18 A. Perry.

19 Q. This gentleman seated here?

20 A. Yes.

21 Q. Back here in the second row? Okay. And do you
22 know his brother David?

23 A. Yes, I do.

24 Q. Okay. And they've done odd jobs around your house
25 for a while?

1 A. Yes. They usually come together.

2 Q. Now, was he at your house by the time you left?

3 A. No. He was not.

4 Q. Was anyone at your house when you left?

5 A. No.

6 Q. All right. Now, so you started driving to North
7 Carolina, as you told us. How long, roughly, does it
8 take you to get to your destination there?

9 A. It's roughly an hour and a half. And I don't know
10 if I stopped anywhere that day. I can't really recall.
11 But it's about an hour and a half.

12 Q. All right. Now, did you receive a phone call at
13 any point after you left your house?

14 A. Yes, I did. I no sooner got to my destination and
15 my phone was ringing and it was T.R.

16 Q. Okay. And so you were actually at the destination?

17 A. Yes.

18 Q. Were you inside the house? Do you remember?

19 A. No, not yet.

20 Q. You had just pulled up?

21 A. Yes.

22 Q. All right. Now, what -- so who was on the phone?

23 A. It was T.R.

24 Q. And tell us what the -- your conversation was with
25 him?

1 A. He asked me if I knew anybody in a blue and white
2 van or that owned one. And I said, no, I did not. And I
3 told him that nobody should be at the house.

4 Q. Okay. Do you sometimes have somebody else come by
5 your house?

6 A. Yes. And the reason he called me, because he
7 wasn't -- I have a lady that comes to feed my cat
8 occasionally and he wanted to make sure that that wasn't
9 her before, you know, ---

10 Q. Sure.

11 A. --- he caused a big ruckus for nothing. And about
12 the next breath he said, there's a man and woman coming
13 out your front door. And that's when, you know, I asked
14 him if he would call the sheriff.

15 Q. Okay. Well, let me stop you right there. Did he
16 say anything else about the man, woman or anything?

17 A. He said it was a man and a woman carrying, he said
18 a bag, but ...

19 Q. All right. And so you called the police?

20 A. I did. I called the sheriff's office.

21 Q. Okay. And after calling the sheriff's office, what
22 did you do?

23 A. I turned around immediately and came back home.

24 Q. So again you had another hour and a half or so
25 drive back to Greenville?

1 A. Yes.

2 Q. When you arrived back to your home, who was there
3 at your house?

4 A. T.R. and his brother and a police officer.

5 Q. Okay. Did the officer ask you to do anything when
6 you arrived?

7 A. They -- he asked me to go into the house with him.

8 Q. And did you accompany the officer into the house?

9 A. Yes.

10 Q. What did you notice about your house? Let's start
11 off with the outside of your house. Did you notice
12 anything different about your house, about the outside of
13 your house, the structure or anything like that?

14 A. Well, the kitchen door where they had entered was
15 -- the locks and the knob were pried. And then the -- it
16 has glass in the top and one of the panes was broken out.
17 That's ---

18 Q. Okay. So it's kind of a door that has like glass
19 panes and then like a solid bottom?

20 A. Yes, sir.

21 Q. Okay. And can you give us an idea where on that
22 the glass was broken?

23 A. Right by the door knob.

24 Q. Right by the door knob?

25 A. Yes. The very last pane by the door knob.

1 Q. Okay. And you also said you noticed some pry marks
2 or some damage to the door, as well?

3 A. Yes. The door knob and the lock, that was all
4 damaged because it was -- I think ---

5 Q. Well, just describe what you saw?

6 A. Yeah, it was pried and damaged and the window, the
7 glass in it was broken, as well.

8 Q. All right. And could you step down and just point
9 out to the jury which -- what area, what door it was that
10 you noticed this damage?

11 A. It's this part of it, but it's the back -- there's
12 a small utility porch with a storm door and I had my
13 washer and dryer there. And then there's a door that
14 leads into the kitchen, which is -- once you get inside
15 that little porch you can't be seen, so you know, you can
16 -- that goes into the kitchen. And it's at the back of
17 the house.

18 Q. Okay. And so in order to get to the door that was
19 broken, you have to enter another door?

20 A. Yeah. A little storm door. And that was pried, as
21 well.

22 Q. Okay. It ---

23 A. It's not a stable lock. It was just ...

24 Q. Okay. All right. You can have a seat. Okay.

25 Then after observing that damage to the door, did you

1 enter the house with the officer?

2 A. Yes, sir.

3 Q. Okay. And did you notice anything different about
4 the inside of your house compared to when you left?

5 A. Yeah. It was tossed a little.

6 Q. I'm sorry.

7 A. Tossed a little.

8 Q. It was tossed a little bit?

9 A. Yeah, the bedroom. And ---

10 Q. What do you mean by tossed? Can you ---

11 A. Well, you know, things strewn around a little. I
12 mean I don't recall exactly, but it wasn't the way I had
13 left it.

14 Q. Okay. So there were some things strewn around?

15 A. Yes.

16 Q. Did you notice anything about any drawer or
17 anything like that?

18 A. Yes. There's a small night stand and the drawer
19 was pulled out and was laying on the bed. And that was
20 where I normally keep my pistol and it was gone.

21 Q. Okay. We'll get to that in just a minute. So the
22 -- there was a little bedside table by your bed?

23 A. Yes, sir.

24 Q. And that's where a drawer had been pulled out?

25 A. Uh-huh (affirmative).

1 Q. And the drawer was on your bed?

2 A. It was on the bed.

3 Q. Okay. Now, tell us what all you noticed missing
4 from your house? Any sort of property that you had that
5 was gone?

6 A. There was a small glass jewelry box that was
7 missing and a Toy -- it's called a Toy watch. It's a
8 pink wrist watch that was missing. And actually there
9 was an item that I didn't know was missing. It was
10 probably in that little jewelry box. The police
11 returned it to me from the pawn shop, and I have that if
12 you want to see it.

13 Q. Okay. We'll get to that in just a minute. But
14 describe it, describe it to us?

15 A. It's a little initial that has an R on it for
16 Renna, of course.

17 Q. Okay.

18 A. And it's so tiny, it's not something you wear all
19 the time, so I didn't really realize it was missing until
20 the sheriff's office returned it to me.

21 Q. Okay. And it's a piece of jewelry?

22 A. Yeah.

23 Q. Okay. And where would it be displayed? It's like
24 a little pendant?

25 A. Yeah. It had a small gold chain on it, but when it

1 was returned back to me the gold chain was no longer on
2 it.

3 Q. Okay. The little pendant was there?

4 A. Yes.

5 Q. Okay. So you talked about the jewelry box, the
6 wrist watch and this pendant. What else was missing?

7 A. There was actually a sweater missing from the
8 closet, but I don't -- I didn't report that or anything.

9 Q. Okay. Now, how about from your -- you have a desk
10 in your living room?

11 A. I do have a desk in my living room and my laptop
12 was missing.

13 Q. Okay. What did your laptop look like?

14 A. It was red.

15 Q. And was there anything else from that same area
16 missing?

17 A. Yes. The DVD player was missing, Sony DVD player.

18 Q. Okay. And then you referred to something on your
19 bed. You said there was the -- the drawer had been
20 pulled out and put on your bed. Was anything missing
21 from that drawer?

22 A. A 38 revolver.

23 Q. A 38 revolver. A pistol?

24 A. Yes.

25 Q. Okay. And was there anything else missing from the

1 bed? Did you have any linens or anything like that?

2 A. Yes. The pillow case was missing from one of the
3 pillows.

4 Q. Okay. One pillow case?

5 A. Yes, sir.

6 Q. All right. Now, let me ask you a few questions
7 about this pistol. What kind of pistol was it again?

8 A. It was a Colt 38 revolver.

9 Q. Okay. Where had you gotten the pistol? I'm sorry?

10 A. It was given to by my son many years ago. It's
11 what they call a Saturday Night Special.

12 Q. Okay. And why did you own a pistol?

13 A. My son thought I needed it for protection, but I've
14 had it many, many years.

15 Q. Okay. And you kept it by your bedside?

16 A. I did.

17 Q. Now, did the officers at that time ask you for
18 serial numbers for any of your property?

19 A. They did, and I later called that information into
20 the sheriff's office. When I arrived back home, the
21 police officer and T.R. and his brother, were -- had been
22 waiting all that time for me. And the police officer had
23 other things to do rather than ... So after he walked
24 through the house with me, then he left because he had
25 been there for a while.

1 Q. Sure.

2 A. So I got this information and called it into the
3 sheriff's office.

4 Q. Okay. And do you remember what items of your
5 property you had serial numbers for?

6 A. I did. I actually had the serial numbers for the
7 DVD player.

8 Q. Okay. Any other property?

9 A. You know, I didn't have them on the laptop, but I
10 had them on the DVD player. And I don't know why.

11 Q. What about the pistol?

12 A. I have everything on that, all of the serial
13 numbers and everything.

14 Q. Okay. So when you called in you gave the serial
15 numbers for the DVD player and the pistol?

16 A. Yes, I did.

17 Q. Okay. Now, did you get any of the stolen property
18 that you mentioned back?

19 A. Yes, sir. I got back the DVD player and that
20 little pendant from the necklace.

21 Q. Okay. Were you reimbursed by your insurance
22 company for any of the other items?

23 A. Yes, sir.

24 Q. And for like the pistol, the laptop, the watch and
25 the pillow case. Do you remember about roughly how much

1 money?

2 A. Yes, sir. It was approximately thirteen hundred
3 dollars for those items.

4 Q. Okay. Now, did you have any property damage to the
5 house that needed to be fixed?

6 A. Yes, sir. The storm door and the kitchen door had
7 to both be replaced. And there was -- it was
8 approximately seven hundred dollars in property damage to
9 the doors.

10 Q. Did your insurance premiums go up after this?

11 A. Yes, sir, they did. In fact, my insurance company
12 canceled me.

13 Q. Okay. Did you do anything else to the house to try
14 to make you feel safer?

15 A. I had to install an alarm system.

16 Q. How much does that cost you?

17 A. That's forty dollars a month.

18 Q. Now, you mentioned you got two of the items back?

19 A. Yes, sir.

20 Q. Do you remember where you went to get those items
21 back?

22 A. Yes, sir. I call it -- where the Publix shopping
23 center is there below Furman, the sheriff's office is --
24 and I'm not sure what that ---

25 Q. Okay.

1 A. It's right behind the Publix shopping center there.

2 Q. Okay. And it's one of the sheriff's offices ---

3 A. Yes. I went to the sheriff's office.

4 Q. Okay. And you met with one of the investigators?

5 A. Yes, sir.

6 Q. How were you able to identify those two items that
7 you got back?

8 A. Well, the pendant I recognized right away.

9 Q. Okay.

10 A. And the DVD player still had my DVD in it, which
11 was a workout tape, and it was in there when it was
12 missing and it was in there when it was returned. So ...

13 Q. And also you had given the serial number for it, as
14 well; isn't that correct?

15 A. Yes, sir. Yes, sir.

16 Q. Okay. And I don't think we need to -- so you
17 brought the pendant with you; correct?

18 A. I did.

19 Q. I don't think we need that because we have some
20 photographs. Do you remember having a chance to look at
21 some photographs of these items? Let me start off by
22 showing you State's Exhibit Number 3. Do you recognize
23 that?

24 A. Absolutely.

25 Q. What is that?

1 A. That's the pendant.

2 Q. Okay. That's a photograph of the pendant?

3 A. Yes, it is.

4 Q. And is that the way it looked on -- back in March
5 of 2012 when you received it back?

6 A. Yes, sir.

7 Q. And let me show you State's Exhibit Number 1. Do
8 you recognize what that is?

9 A. Yes, sir, the DVD player.

10 Q. Okay. And the DVD player you just described?

11 A. Yes, sir.

12 Q. Is that a true and accurate representation of the
13 way it looked when you ---

14 A. Yes, sir.

15 Q. --- got it back? And State's Exhibit Number 2?

16 A. Yes, sir.

17 Q. Okay. You recognize that as a closeup of the back
18 of the DVD player? Is that what it appears to be?

19 A. Yes, sir.

20 Q. Okay. One moment, please.

21 MR. IANUARIO: No objection, Your Honor.

22 MR. MOYER: I move to have State's Exhibits
23 Number 1 through 3 entered into evidence.

24 THE COURT: Into evidence without objection.

25 (WHEREUPON, State Exhibit Numbers 1, 2 and 3 were

1 admitted into evidence.)

2 Q. All right. Now, do you know anyone who has a blue
3 and white Aerostar van?

4 A. No, sir, I do not.

5 Q. And you've already -- I've already asked you this.
6 But do you know either one of the people that have been
7 named as defendants in this case?

8 A. No, sir.

9 Q. Amanda Caldwell or Furman Taylor?

10 A. No, sir.

11 Q. Did either one of those individuals have a right or
12 your permission to be in your house on May the 19th of
13 2012?

14 A. No.

15 Q. All right. Please answer any questions that the
16 defense may have.

17 THE COURT: Thank you, Solicitor. Mr.
18 Ianuario.

19 MR. IANUARIO: Thank you, Your Honor.

20 **CROSS EXAMINATION**

21 **BY MR. IANUARIO:**

22 Q. You said that you had a woman to come by and feed
23 your cats whenever you left town?

24 A. Yes.

25 Q. About how often would you leave town, generally?

1 A. Well, sometimes I go to California to visit. And I
2 often go to North Carolina for the weekend. My family
3 lives there and I have friends there.

4 Q. Okay. And do you have any social media accounts
5 like FaceBook or Twitter?

6 A. I don't.

7 Q. Okay. And this cat lady, so to speak, did you have
8 her arranged to come by and take care of your cats this
9 weekend?

10 A. I'm sorry. I can't -- can you speak up a little
11 bit?

12 Q. I'm sorry. I've got a little bit of a cold and a
13 cough drop in. The woman that came by to take care of
14 your cats, did you arrange for her to come by on this
15 weekend?

16 A. No. She wasn't feeding my cat that weekend. My
17 cat can stay a day or so by herself. I usually only have
18 her come when I'm going to be gone for more than a couple
19 of days. But T.R. and them were aware that she came by,
20 you know, that I had a person to care for my cat
21 occasionally when I'm away.

22 Q. Okay. Now, going into the back door, you said that
23 the glass pane was knocked out of the door?

24 A. Uh-huh (affirmative).

25 Q. Where was that in relation to the door lock?

1 A. It's -- they're small panes, like, I don't know,
2 maybe six by six, whatever they are. And the door
3 handle, it's right there. You know, knock out the glass
4 and you could stick your hand in there. The door knob
5 was right there.

6 Q. Okay. And you said you saw pry marks on the ---

7 A. Yes, sir. The locks were damaged. The door
8 actually had to be replaced. The glass was broken out
9 and the locks were damaged beyond repair.

10 Q. Okay. And you weren't able to provide that serial
11 number right away for the DVD player; did you? Or how
12 were you able to locate that serial number?

13 A. I had it in a file folder. And ...

14 Q. That's all I have.

15 THE COURT: Thank you, Mr. Ianuario. Redirect,
16 Solicitor?

17 MR. MOYER: No redirect, Your Honor.

18 THE COURT: Thank you so much, Ms. Taylor. You
19 may step down.

20 MR. MOYER: State calls T.R. Perry.

21 THE COURT: All right. Mr. Perry if you'll
22 come around and be sworn for us, please.

23 THE CLERK: Sir, please come forward. Place
24 your left hand on the bible and raise your right, please.

25 THE WITNESS: What's that, ma'am?

1 THE CLERK: Place your left hand on the bible
2 and raise your right. Thank you.

3 Do you swear or affirm that the testimony you're
4 about to give is the truth, the whole truth and nothing
5 but the truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. You may be seated.
8 Would you please state your name for the record.

9 THE WITNESS: T.R. Perry.

10 T.R. PERRY,

11 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MR. MOYER:

14 Q. Hey, Mr. Perry. Let me ask you also to move up
15 just a little bit closer to the microphone so we can make
16 sure everybody hears you real well. You a little nervous
17 today? Have you ever had to do anything like this?

18 A. No, sir.

19 Q. So you're a little bit nervous here today?

20 A. Yeah, a little.

21 Q. Okay. Tell us a little bit about yourself. How
22 old are you?

23 A. I'm about Thirty-nine.

24 Q. Can you get a little bit -- maybe pull that
25 microphone a little bit closer.

1 A. Thirty-nine.

2 Q. Thirty-nine. Okay. And you live up near Travelers

3 Rest?

4 A. Yes, sir.

5 Q. Okay. And where do you work?

6 A. Tucker Material.

7 Q. How long have you worked at Tucker Material?

8 A. Almost fifteen years.

9 Q. What do you do for Tucker Material?

10 A. Deliver Sheetrock.

11 Q. Okay. Now, do you know Ms. Taylor who just
12 testified a few minutes ago?

13 A. Yes, sir.

14 Q. How long have you known Ms. Taylor?

15 A. Couple of years. Probably about 2002, something
16 like that.

17 Q. Okay. And you do some odd jobs around her house?

18 A. Yes, sir.

19 Q. What sort of things do you do?

20 A. Cut grass, rake leaves, take off trash; stuff like
21 that.

22 Q. Okay. Now, let me take you back to May the 19th of
23 2012. Okay. Do you remember going over to her house
24 that day?

25 A. Uh-huh (affirmative). Yes, sir.

1 THE COURT: Would you say yes or no for me.

2 Thank you.

3 Q. That was a yes?

4 A. Yes, sir.

5 Q. Okay. Thank you. What was your reason for going
6 over to her house that day?

7 A. She asked me to take off her garbage because she
8 was going out of town for the weekend.

9 Q. And what kind of vehicle were you driving?

10 A. Dodge pickup truck.

11 Q. And your brother went with you; is that right?

12 A. Yeah. Yes, sir.

13 Q. Very good. Do you remember around what time of day
14 it was when you were over there?

15 A. Afternoon, I guess, oneish, something like that.

16 Q. Sometime in the afternoon?

17 A. Yeah.

18 Q. Now, who was driving that day?

19 A. I was.

20 Q. Now, can you show us on this map over here, the map
21 that Ms. Taylor was using -- let me ask you to step down.

22 A. Okay.

23 Q. And would you show us where you drove and where you
24 parked when you went over to her house that day?

25 THE COURT: Would you step on the other side so

1 your voice travels back ---

2 THE WITNESS: Okay.

3 THE COURT: --- to our court reporter. Thank
4 you, Mr. Perry.

5 Q. Now, this here has already been described as her U-
6 shape driveway? Do you sort of recognize it from ---

7 A. Yeah.

8 Q. Okay. Can you kind of show us where you drove that
9 day?

10 A. I come up McElhaney, come up McElhaney, took a
11 right like you're going on White Horse Road Extension. I
12 come back up here. I took a right in her driveway. I
13 come around right here beside her house and come up and
14 the van was sitting right here.

15 Q. Okay. So you parked -- I'm going to point -- right
16 about here where my pen is? Pretty close to where the --
17 close to the door?

18 A. Yes, sir. I come up this driveway and come up
19 behind it.

20 Q. Okay. You can have a seat again, please. Thank
21 you. Now, when you drove into her driveway on this date,
22 what did you observe?

23 A. I noticed a blue and white Ford Aerostar van.

24 Q. Had you ever seen that van there before?

25 A. No, sir.

1 Q. Okay. So what did you do when you saw that van
2 there?

3 A. Really, I didn't think nothing. I just looked at
4 it. It was just kind of strange, she had told me she was
5 going out of town. So I called her and asked her. She
6 was like, no, nobody's supposed to be there because I
7 know by what she said ---

8 Q. What did you ask her when you called her?

9 A. I asked her was anybody supposed to be at your
10 house and she said no.

11 Q. Okay. And while you were on the phone with her,
12 what did you observe?

13 A. I was on the phone, whatever, knocked on the door
14 to see was anybody there. And when we knocked on the
15 door, two people ran out.

16 Q. Okay. Tell us a little bit about what you remember
17 about these two people? Were they men, women?

18 A. It was a female and a male.

19 Q. What did you -- start with the female. What do you
20 remember about her?

21 A. She had like blondish brown hair.

22 Q. All right. And was she black, white, Hispanic?

23 A. White.

24 Q. White woman. Okay. Now, what about the man?

25 A. He was white. He had -- I think he had a black

1 jacket on, black hat.

2 Q. Black hat?

3 A. Yeah, black hat. And had a goatee and a ponytail.

4 Q. Okay. What color was his hair; light or dark or

5 ---

6 A. Like a brownish black.

7 Q. Okay. So let's start with his face. You said he
8 had facial hair?

9 A. Yeah. He had like a goatee.

10 Q. And what about his -- what about the length of his
11 hair?

12 A. He had it like up in a ponytail.

13 Q. Okay. And was it fairly long? Did it come down
14 his back?

15 A. Yeah, it was fairly long. Pretty long.

16 Q. Okay. Could you tell roughly, just a rough
17 estimate on age of this person?

18 A. I'd -- age, he looked like he was about forty or
19 fifty years old, I guess. He looked like he was older
20 than me. I'm almost forty, so, he looked about my age or
21 older.

22 Q. Okay. Do you remember anything about his size?

23 A. He looked like about two hundred pounds probably,
24 two fifteen.

25 Q. Okay. And how about, was he a short guy or tall

1 guy or in between or ---

2 A. He looked like he was about my height or a little
3 bit shorter than me.

4 Q. How tall are you?

5 A. It says six foot on my license, but ...

6 Q. Okay. Now, were you able to get a really good look
7 at these two people's faces?

8 A. Not face to face, no.

9 Q. Okay. And why is that?

10 A. Because they was running out.

11 Q. Okay. Did they talk to you when they came out?

12 A. No.

13 Q. Did they look you in the face?

14 A. No.

15 Q. Did they do anything to hide away from you?

16 A. Yeah. I only saw the girl just run out and just --
17 like I said, from where I was set up, I was like -- we
18 was there, I was like -- where Renna's back door was, I
19 was going to her door where she keeps her garage and the
20 next thing I saw somebody run out. I looked up like that
21 and I saw her run out and jump in the driver's seat.

22 Q. Okay.

23 A. And the guy come out and he was like this a little
24 bit. But before he did that, I saw like the side of his
25 face. I can't say I saw him face to face. He went like

1 this and I saw something against him arm when he jumped
2 in the passenger side and they left.

3 Q. You said he did like this and you kind of -- you
4 sort of showed us with your body. Is that fair to say,
5 you lifted your collar up and sort of covered your face a
6 little bit?

7 A. Yeah. That's basically what he was doing.

8 Q. Okay. And so he got in the passenger side of the
9 vehicle?

10 A. Yes, sir.

11 Q. Okay. And did the vehicle stick around or did it
12 leave?

13 A. No. They was gone.

14 Q. Pretty quickly or did ---

15 A. They wasn't playing. They was gone.

16 Q. Okay. Now, did you notice either of the two
17 individuals carrying anything when they came out?

18 A. It looked like had a -- at that time it looked like
19 a bag underneath his arm.

20 Q. Okay. So when you saw, when you saw this, you told
21 Ms. Taylor about seeing these two people come out of the
22 house?

23 A. Yes, sir.

24 Q. Okay. Did you leave or did you stick around and
25 talk to the police?

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1 A. I called her and she asked me if I could stay
2 around until the police got there. And I said, sure, and
3 I stayed there and I told the police what I saw.

4 Q. Okay. Talked to the police officer who showed up
5 and you told him what you saw?

6 A. And he was asking me which way they went. I told
7 him which way they went. And all that.

8 Q. Okay. One minute, please. Do you know the
9 defendant in this case, Furman Taylor?

10 A. (No verbal response.)

11 Q. Do you know the defendant Furman Taylor?

12 A. No, sir.

13 Q. Do you know Amanda Caldwell?

14 A. No, sir.

15 Q. All right. Please answer any questions the defense
16 has.

17 THE COURT: All right. Thank you, Solicitor.
18 Mr. Ianuario.

19 MR. IANUARIO: Thank you, sir.

20 **CROSS EXAMINATION**

21 **BY MR. IANUARIO:**

22 Q. Good afternoon, Mr. Perry?

23 A. How you doing?

24 Q. When you arrived you saw a female leaving and you
25 gave a description of her. We've got brown hair and blue

1 jeans?

2 A. Something like that, yeah. Like I said, it was a
3 year and a half ago.

4 Q. Do you recall what color shirt she was wearing?

5 A. At that time it looks like she had a white shirt
6 on.

7 Q. Okay. And you said you didn't get a good look at
8 the male because he was covering his face?

9 A. Yes, sir.

10 Q. Did you see eye color?

11 A. No, sir.

12 Q. Just a little corner ---

13 A. Like right here. Right there.

14 Q. So that's how you ---

15 A. He had a goatee.

16 Q. You said he was wearing a jacket, black jacket?

17 A. Yeah. Like a bike shirt, black hat. All that.

18 Q. All right. Do you remember what color pants he was
19 wearing or shorts?

20 A. I think he was wearing blue jeans.

21 Q. Did you happen to see the male or the female
22 carrying what looked like a pry bar or crowbar?

23 A. No.

24 Q. How long were you at the home before the police
25 showed up?

- 1 A. How long?
- 2 Q. Yes, sir?
- 3 A. Maybe an hour, something like that. We was there
- 4 for a little while before the police showed up. I stayed
- 5 about an hour and so waiting on him.
- 6 Q. Okay. And you say your brother was with you also?
- 7 A. Yes, sir.
- 8 Q. Was there anyone else with you?
- 9 A. My daughter.
- 10 Q. Okay. How old is she?
- 11 A. Eleven.
- 12 Q. And did she see anything?
- 13 A. Huh?
- 14 Q. Did she see anything?
- 15 MR. MOYER: Objection. Hearsay.
- 16 THE COURT: Sustained.
- 17 Q. Did you and your brother have any discussions while
- 18 you were waiting for the police about what you saw?
- 19 A. (No verbal response.)
- 20 Q. Did you and your brother discuss what you had seen
- 21 while you were waiting for the police to show?
- 22 A. I told him what I saw.
- 23 Q. And where was he in relation to you for all this?
- 24 Sitting in the vehicle or did he get out and walk around?
- 25 A. He was out.

1 Q. And did you see a license plate on this van?

2 A. No, I didn't.

3 Q. All right. And you say it was two-tone, this van
4 was two-tone, white and blue?

5 A. Yeah.

6 Q. Can you give a general description, white top half,
7 blue bottom half, vice versa?

8 A. No. All I know it was blue and white. I can't
9 remember it that much.

10 Q. It's been a while?

11 A. Yeah.

12 Q. All right. Nothing further.

13 THE COURT: Redirect?

14 MR. MOYER: No redirect, Your Honor.

15 THE COURT: Thank you very much, Mr. Perry.
16 You may step down.

17 MR. MOYER: State calls Deputy Frank Abella.

18 THE COURT: Come around to be sworn, please.

19 THE CLERK: Sir, please place your left hand on
20 the bible and raise your right.

21 Do you swear or affirm the testimony you're about to
22 give is the truth, the whole truth and nothing but the
23 truth, so help you God?

24 THE WITNESS: Yes.

25 THE CLERK: Thank you. You may be seated.

1 Please state your name for the record.

2 THE WITNESS: Deputy Frank Abella.

3 THE CLERK: Thank you.

4 **DEPUTY FRANK ABELLA,**

5 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

6 **DIRECT EXAMINATION**

7 **BY MR. MOYER:**

8 Q. Would you please state your name?

9 A. Frank Abella.

10 Q. Okay. And where are you employed?

11 A. Greenville County Sheriff's Office.

12 Q. Okay. How long have you been in law enforcement?

13 A. Four years.

14 Q. How long have you been with the sheriff's office?

15 A. Four years.

16 Q. What is your position with the sheriff's office?

17 A. I currently work for the warrant division.

18 Q. Okay. And what was your position back in May of

19 2012?

20 A. I worked for the uniform patrol.

21 Q. What kind of -- give us a little bit of an idea
22 what uniform patrol officers do?

23 A. Uniform patrol's main responsibility is to respond
24 to 911 calls. So if someone needs any kind of assistance
25 they'll call 911 and we'll respond.

1 Q. So y'all are kind of the first responders for most
2 calls that come in?

3 A. Yes, sir.

4 Q. Okay. Regardless of what it is?

5 A. Yes, sir.

6 Q. Domestic violence, burglary, traffic?

7 A. Yes.

8 Q. Okay. Let me take you back to May the 19th of
9 2012. Did you receive a call on that afternoon?

10 A. Yes. I was dispatched a call in reference to a
11 burglary.

12 Q. Okay. And what was the location that you were
13 dispatched to?

14 A. It was [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Travelers
15 Rest.

16 Q. Okay. And is that in Greenville County?

17 A. It is.

18 Q. And you said it was in reference to a burglary
19 call?

20 A. Yes. One that had already occurred.

21 Q. Okay. One that had already - as opposed to one
22 that was in progress; right?

23 A. Yes, sir.

24 Q. Now, what time did you arrive there at that
25 location?

1 A. I arrived at four zero nine.

2 Q. And who was there when you arrived?

3 A. I had, it was Tandy Perry, T.R., and his brother
4 David Perry and his daughter Kaylie Perry.

5 Q. Okay. And the man you referred to as Tandy Perry,
6 that was T.R. Perry who just testified?

7 A. Yes, sir.

8 Q. Okay. And did you speak to them about what they
9 had observed?

10 A. Yes.

11 Q. Now, did you do anything to attempt to contact the
12 victim at this time?

13 A. Yes. I asked him -- I asked Mr. Perry to contact
14 the victim and have her come to meet her -- to be present
15 to go through her residence.

16 Q. Okay. And did you remain there while she was en
17 route back here?

18 A. Yes, I did.

19 Q. Now, when she arrived back to the residence, did
20 you enter the residence with her?

21 A. Yes.

22 Q. And can you tell us what you observed about the
23 residence with the outside and inside?

24 A. Well, first the side door, the one referred to that
25 has a laundry room, the door that leads into the kitchen

1 has glass and it was broken. You could tell that's where
2 they gained entry into the house. Once he went inside
3 the house, you could see just things were a mess. Things
4 were definitely scattered. Drawers were open. It seemed
5 to appear that someone had shuffled through -- throughout
6 the house.

7 Q. Okay. Tell us about the bedroom and the bed. What
8 did you notice about it?

9 A. The most notable thing was the drawer from the
10 dresser was on the bed. I remember seeing ammunition
11 inside that drawer.

12 Q. What kind of ---

13 A. A few rounds of ammunition.

14 Q. Did you make a notation what kind of ammunition?

15 A. It was 38 caliber bullets.

16 Q. Okay. And they were in that drawer?

17 A. Yes, sir.

18 Q. Okay. Now, did you -- is it part of your duties in
19 a situation like this where a burglary had taken place
20 not too long ago to get a description of the vehicle?

21 A. Yes.

22 Q. And what is the reason for that?

23 A. In hopes to notify other officers who are working
24 to be on the lookout for a vehicle with that same
25 description.

1 Q. Okay. So did you get that information out?

2 A. I did.

3 Q. And what was the description you gave out for
4 officers to be on the lookout for?

5 A. T.R. advised that it was a nineties blue and white
6 Ford Aerostar van.

7 Q. Okay. And did you get a description from the
8 Perrys as to the two individuals who were involved in
9 this?

10 A. Yes.

11 Q. And what description did you get?

12 A. It was a white female, twenty, thirty years old,
13 about five two to five five, a hundred and thirty to a
14 hundred fifty pounds, brown hair, wearing a white shirt
15 and blue or gray pants.

16 Q. Okay. What about the man?

17 A. The male was white male, forty to fifty years old,
18 five ten to six feet, one ninety to two hundred and
19 fifteen pounds, gray hair, a black shirt and blue jeans
20 and black baseball cap.

21 Q. Okay. Did you take an inventory of the stolen
22 property?

23 A. I did. Once the victim arrived, Ms. Taylor, had a
24 Hewlett-Packard laptop that was red, valued at five
25 hundred dollars; a Sony DVD player that was black valued

1 at a hundred dollars; a Colt 38 hybrid revolver that was
2 black, valued at five hundred dollars; a glass jewelry
3 box valued at fifty dollars; a Toy brand wrist watch that
4 was pink in color, valued at three hundred fifty dollars;
5 and a white pillow case valued at twenty dollars.

6 Q. Okay. And did you call for other officers to come
7 to the scene?

8 A. I did not.

9 Q. Okay. Did you call for any forensics officers?

10 A. Yes.

11 Q. And what's the purpose of that?

12 A. Any burglary we have, we automatically call
13 forensics and they'll come out and attempt to get
14 fingerprints or any other evidence they can collect on
15 the scene.

16 Q. Okay. Now, did you have anymore involvement in the
17 case after this initial response to the residence?

18 A. No, sir.

19 Q. All right. Please answer any questions the defense
20 has.

21 THE COURT: Thank you, Solicitor. Mr.
22 Ianuario.

23 **CROSS EXAMINATION**

24 **BY MR. IANUARIO:**

25 Q. What was the description that you received when you

1 first appeared at the scene of the suspects?

2 A. Female or male or both?

3 Q. Let's start with the female.

4 A. All right. Female, white female, twenty to thirty
5 years old, five two to five five, a hundred thirty to a
6 hundred fifty pounds, brown hair, white shirt, gray or
7 blue pants.

8 Q. Okay. And what was the description that you had
9 for the male?

10 A. The male was white male, forty to fifty years old,
11 five ten to six feet, one ninety to two fifteen and gray
12 hair, black shirt, blue jeans.

13 Q. Okay. And then in your report you also note a full
14 beard; is that correct?

15 A. Let me -- yes. In that section that shows the
16 drop-down portions of our report. It shows a physical
17 description and facial hair, full beard and then black
18 baseball cap.

19 Q. Okay. And what other information did you receive
20 about the suspects and/or their vehicle?

21 A. As far as the suspects, he said they were in a
22 hurry; they walked out quickly out of the residence.
23 Mentioned he had a bag with him. They got in the vehicle
24 and left abruptly. And they also said about the vehicle
25 that there was -- they believed they knew the first three

1 of the tag, and this was -- I believe it was David, he
2 remembered the first three and it was either EZI or E2I,
3 the first three of the tag.

4 Q. Okay. And did they indicate that was a South
5 Carolina license plate?

6 A. I think they were unsure.

7 Q. Okay. And did you observe anything unusual in the
8 perimeter of the residence, footprints in a flower bed,
9 anything ---

10 A. Not that I recall.

11 Q. Nothing further.

12 THE COURT: Redirect?

13 MR. MOYER: No redirect, Your Honor.

14 THE COURT: Thank you very much, Officer. You
15 may step down.

16 MR. MOYER: State calls Dustin Kretschmar to
17 the stand.

18 THE COURT: All right. If you'll come around
19 and be sworn for us, please.

20 THE CLERK: Please place your left hand on the
21 bible and raise your right.

22 Do you swear or affirm the testimony you're about to
23 give is the truth, the whole truth and nothing but the
24 truth, so help you God?

25 THE WITNESS: I do.

1 THE CLERK: Thank you. You may be seated.

2 Please state your name for the record.

3 THE WITNESS: Dustin Kretschmar.

4 THE CLERK: Thank you.

5 DUSTIN KRETSCHMAR,

6 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q. Where do you work?

10 A. Greenville County Forensics Division.

11 Q. And what is your position with the forensics
12 division?

13 A. I'm a forensics technician.

14 Q. How long have you worked in the forensics division?

15 A. For a little over three years now.

16 Q. Do you have any law enforcement experience prior to
17 that?

18 A. I was a road officer down in Florida for two years.

19 Q. Now, what are your duties in your current position
20 with forensics?

21 A. When we respond to a scene, we look for any
22 evidence that might be on the scene, including
23 fingerprints, blood, fibers, hair and things of that
24 nature.

25 Q. What sort of training have you received for that

1 position?

2 A. I've gone to several classes, in-service training,
3 and classes online such as blood spatter analysis,
4 forensics photography, shooting reconstruction, and arson
5 investigation class.

6 Q. Okay. Have you received training or education in
7 the area of processing for fingerprints?

8 A. Yes. We do a lot of in-house training as far as
9 that's concerned. And then also we go to our latent
10 fingerprint examiners and they go over what is a
11 comparable fingerprint and what you should look for when
12 you're on the scene as far as fingerprints are concerned.

13 Q. Let me take you to May the 19th of 2012. On that
14 date did you get involved in a case that we are here
15 talking about today?

16 A. I did.

17 Q. And how did you get involved in that case?

18 A. The deputies called out for a forensics response.
19 I responded to the scene and spoke with the victim to
20 tell me what all was missing, what all was touched or
21 moved. And then I look on scene for any other forensic
22 evidence that might have been there.

23 Q. Okay. And so the reason for you talking to a
24 victim in a situation like this is what?

25 A. They would have the best knowledge of their own

1 house and see what only what was missing but what might
2 have been moved or out of place. Things that whoever was
3 in the house, the suspect, might have touched or left
4 something behind.

5 Q. Now, when did you arrive at this location?

6 A. Around sixteen thirty hours, about.

7 Q. And what is that?

8 A. Four thirty in the afternoon.

9 Q. And how long -- when did you -- how long did you
10 stay there on the scene?

11 A. I don't know the exact time frame.

12 Q. Would it refresh your memory if you had a chance to
13 take a look at your report?

14 A. Yes, sir.

15 Q. I've just handed you something. Do you recognize
16 what that is?

17 A. I do. It's my report.

18 Q. Okay. And by taking a look at your report, does it
19 refresh your memory as to times when you arrived and when
20 you left there?

21 A. It does. I received the call around -- at sixteen
22 thirty-four hours, but I arrived on scene at seventeen
23 twenty and stayed there approximately forty-five minutes
24 and left the scene at eighteen oh five.

25 Q. Okay. So you arrived about five oh two?

1 A. Yes, sir.

2 Q. And left about ---

3 A. At six oh five.

4 Q. Six oh five p.m. Okay. Now, what did you do while
5 there at the scene?

6 A. I walked through the scene with the victim and she
7 described the DVD player that was missing from the living
8 room, and it was originally on an entertainment center or
9 stand, and then in that same living room there was a desk
10 where the laptop was missing, as well. Then we went into
11 the bedroom and she showed me the night stand that the
12 handgun was missing from and also the drawer -- dresser
13 drawer that had been taken out and placed on the bed.

14 Q. Okay. And did you then process the residence to
15 try to find fingerprints?

16 A. I did. I processed several areas, including the
17 kitchen entrance, the back door, also the storm door that
18 led to that side kitchen door. I processed the front
19 door, as well, and also the entertainment stand in the
20 living room, the desk top in the living room, the
21 dressers and also the bedside table and drawer that was
22 on the bed in the bedroom.

23 Q. Now, how do you process for fingerprints? How do
24 you go about doing that?

25 A. For this I use a latent fingerprint brush which is

1 made out of fiberglass filament. And we use a carbon
2 black powder, very fine powder, and then we take the
3 brush and use that and use the powder over whatever
4 surface area that I'm looking for the fingerprints.

5 Q. Okay. And if you find a fingerprint, that powder
6 sort of brings it out?

7 A. The powder will attach itself to whatever oils or
8 whatever kind of substance was left behind when the
9 suspect will place or whoever will place their fingers
10 down or hand print down on a surface, transfers onto the
11 surface, then I brush over with my powder and that powder
12 will adhere to whatever oily substance was left on it.

13 Q. Okay. And if you do find a fingerprint, what do
14 you do with it?

15 A. I will make the determination of whether or not
16 it'll be comparable if there's enough detail to make a
17 comparison for a match. And if I have any questions
18 whether or not the fingerprint should be lifted, I will
19 go ahead and lift it for our latent examiners to make
20 that determination. I use tape to press down on the
21 fingerprint, peel it off and put it on a white card. And
22 that's what gets sent up to our latent examiners.

23 Q. Okay. So if you find a fingerprint, is it your job
24 then to try to go and make a comparison for somebody or
25 not?

1 A. I do not make the actual comparison. I just
2 determine whether or not there's sufficient detail to
3 lift the print. And then that print will get sent off to
4 a latent examiner to actually make the match.

5 Q. Okay. And so obvious question, but when you're
6 actually looking for fingerprints, there's no way for you
7 to know at that time whose prints they may be, whether
8 they're a victim or suspect or guest or anything like
9 that?

10 A. No, sir. I'll lift whatever I find.

11 Q. All right. Now, all these places you just
12 mentioned to us that you attempted to find fingerprints,
13 did you find any? Were you able to lift any
14 fingerprints?

15 A. I did not.

16 Q. So none at all? Not from a suspect, a victim, or
17 anybody?

18 A. No, sir.

19 Q. Okay. Please answer any questions the defense may
20 have.

21 THE COURT: Thank you, Solicitor. Mr.
22 Ianuario.

23 MR. IANUARIO: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MR. IANUARIO:

1 Q. In addition to checking for fingerprints, did you
2 check for any other type of forensic evidence?

3 A. I'll keep an eye out for any kind of evidence that
4 might be lying around. But my main focus was
5 fingerprints.

6 Q. Okay. And you say you weren't able to recover any
7 prints, even from the homeowner or anyone?

8 A. As far as fingerprints with enough detail to make a
9 comparison, no.

10 Q. Okay. So no useable prints then?

11 A. Correct.

12 Q. And did you take any photographs of the crime
13 scene?

14 A. I did not.

15 Q. Okay. And were there any other forensics
16 investigators there?

17 A. No, sir.

18 Q. And to your knowledge has there been any further
19 investigation, any further forensic investigation of that
20 ---

21 A. Not to my knowledge.

22 Q. Nothing further.

23 THE COURT: Any redirect?

24 MR. MOYER: No redirect, Your Honor.

25 THE COURT: Thank you very much, Officer. You

1 may step down.

2 MR. MOYER: State calls Jinny Moran to the
3 stand.

4 THE COURT: All right. If you would come
5 around and be sworn for us, please.

6 THE CLERK: Please place your left hand on the
7 bible and raise your right.

8 Do you swear or affirm the testimony you're about to
9 give is the truth, the whole truth and nothing but the
10 truth, so help you God?

11 THE WITNESS: Yes.

12 THE CLERK: Thank you. You may be seated.
13 Please state your name for the record.

14 THE WITNESS: Jinny Moran.

15 THE CLERK: Thank you.

16 **JINNY MORAN,**

17 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

18 **DIRECT EXAMINATION**

19 **BY MR. MOYER:**

20 Q. And where are you employed, ma'am?

21 A. Greenville County Public Safety.

22 Q. What is your position?

23 A. I'm a captain over the records division.

24 Q. How long have you been with -- in this position?

25 A. I've been a captain over the division for about

1 fifteen years. And I've been with Greenville County over
2 thirty-two.

3 Q. Okay. So you've been in law enforcement then with
4 Greenville County this whole time?

5 A. Yes, sir.

6 Q. Okay. Now, what is your -- what are your duties as
7 captain?

8 A. The records division manages records generated by
9 the Greenville County Sheriff's Office, the Police
10 Department, and we also manage the daily operations of
11 the detention jail records.

12 Q. Okay. Were you summoned to court today to appear
13 and bring any records or documents with you?

14 A. Yes. I was summoned to bring an arrest mug shot
15 photo?

16 Q. Okay. What person and what date?

17 A. The subpoena instructing me to bring a booking
18 photo of Furman Taylor from the arrest date of June the
19 4th, 2012.

20 Q. Okay. Now, what are booking photos?

21 A. Booking photos are when a person is arriving to the
22 detention center, they are processed by the ID office --
23 ID staff, and a mug shot photo is taken of that arrest
24 date, along with fingerprints.

25 Q. Okay. And are those booking photos kept in the

1 course of regularly conducted business activity?

2 A. Yes. These are normal records that are maintained
3 on people coming into the facility.

4 Q. Okay. And they are kept in storage as a regular
5 part of the business activity of the ---

6 A. Of the records division, yeah. We maintain the
7 police reports as well as arrest photos.

8 Q. Okay. And it's the regular practice of the records
9 department to make and to keep those records?

10 A. Yes.

11 Q. And do you have access to those records as a
12 regular function of your job?

13 A. Yes.

14 Q. Okay. And you say you brought the booking photo
15 that you just described with you?

16 A. Yes. I brought two.

17 Q. Okay.

18 MR. MOYER: Your Honor, at this time I would
19 move ---

20 Q. Well, let me show you this again. Let me hand you
21 State's Exhibit Number 5. Do you recognize what I just
22 handed you?

23 A. Yes.

24 Q. And what is that?

25 A. This is a photo for the arrest date of June the

1 4th, 2012, of Furman Eugene Taylor.

2 Q. Okay.

3 MR. MOYER: Your Honor, at this time I would
4 move to have State's Exhibit Number 5 entered into
5 evidence.

6 MR. IANUARIO: No objection, Your Honor.

7 THE COURT: State's 5 is into evidence without
8 objection.

9 (WHEREUPON, State Exhibit Number 5 was marked
10 and admitted into evidence.)

11 MR. MOYER: I have no further questions for
12 this witness.

13 THE COURT: Thank you, Solicitor. Mr.
14 Ianuario.

15 MR. IANUARIO: No questions for this witness,
16 Your Honor.

17 THE COURT: Thank you very much, Captain. You
18 may step down.

19 MR. MOYER: Your Honor, may we approach?

20 THE COURT: Yes, sir.

21 (WHEREUPON, Messrs. Moyer and Ianuario approached
22 the bar.)

23 THE COURT: Mr. Foreman, ladies and gentlemen
24 of the jury, although your lunch is not here yet, it's
25 kind of an inconsistent, perhaps now would be a good time

1 to take our lunch and recess. It should be here
2 momentarily.

3 I would remind you, during this recess, you're not
4 to discuss this case with anyone. That includes your
5 fellow jurors, lunch mates, or anyone else. Obviously
6 since we've brought lunch in, which I did that with the
7 clerk's authorization because of the weather. However, I
8 do remind you, do not read or listen to any news reports
9 about the case. You won't have your computer, cellular
10 phone or any other electronic device with you while
11 you're in your jury room. Remember, do not discuss the
12 case with anyone.

13 And I'm going to say two fifteen. If you're
14 finished earlier and y'all are ready to come back in, if
15 you'll knock on the jury room door, let me know, I'll be
16 available to -- and the attorneys will be available to
17 start back. Let's give them at least till a quarter
18 till two. Let's say between a quarter till two and two
19 fifteen. No later than two fifteen, no earlier than a
20 quarter till two, if y'all are ready to get back to work,
21 they'll be ready to get back to work.

22 All right. And leave your notes, Mr. Foreman,
23 upside down in your seat. Thank you very much.

24 (WHEREUPON, the jury exited the open court at
25 approximately 12:48 p.m.)

1 THE COURT: Anything further from the state?

2 MR. MOYER: No, Your Honor.

3 THE COURT: Defense?

4 MR. IANUARIO: No, Your Honor.

5 THE COURT: How many more witnesses do you
6 have?

7 MR. MOYER: I have another five or six.

8 THE COURT: Five or six. All right. You heard
9 what I said, quarter till two to two fifteen, if they say
10 they're ready we'll start back then.

11 Thank y'all very much.

12 (WHEREUPON, the court stood at recess for a lunch
13 break.)

14 THE COURT: Anything from the state before we
15 bring in our jury, Solicitor?

16 MR. MOYER: No, Your Honor.

17 THE COURT: Defense?

18 MR. IANUARIO: No, Your Honor.

19 (WHEREUPON, the jury entered the open court at
20 approximately 1:55 p.m.)

21 THE COURT: Y'all changed places. Welcome back
22 to y'all. Ladies and gentlemen of the jury panel, I hope
23 y'all had a pleasant lunch. We're continuing the trial
24 of the case by the presentation of evidence, testimony by
25 the state in its case in chief. If you would please

1 continue to give the parties your complete and undivided
2 attention. And your notes are present, Mr. -- all right.
3 Thank you very much.

4 Solicitor, you may call your next witness.

5 MR. MOYER: Please the court, Your Honor, state
6 calls Deputy J.A. Loveless.

7 THE COURT: All right. If you'd come around
8 and be sworn for us, please.

9 THE CLERK: Please place your left hand on the
10 bible and raise your right.

11 Do you swear or affirm the testimony you're about to
12 give is the truth, the whole truth and nothing but the
13 truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Thank you. You may be seated.
16 Please state your name for the record.

17 THE WITNESS: Joseph Loveless.

18 THE CLERK: Thank you.

19 **JOSEPH LOVELESS,**

20 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

21 **DIRECT EXAMINATION**

22 **BY MR. MOYER:**

23 Q. Where are you employed, sir?

24 A. The Greenville County Sheriff's Office.

25 Q. How long have you been in law enforcement?

1 A. Working on my tenth year right now.

2 Q. Has it all been with the sheriff's office?

3 A. No, sir. I came from another agency. I've got a
4 little over four years with the sheriff's office here.

5 Q. Okay. And where were you before here, did you say?

6 A. Sumter Police Department.

7 Q. Okay. What is your position with the sheriff's
8 office?

9 A. Right now I'm currently assigned to the uniform
10 patrol division.

11 Q. Is that what you were doing back in May of 2012?

12 A. Yes, sir, it was.

13 Q. Okay. Now, let me take you to May the 31st of
14 2012. Did you get a call that evening related to this
15 case?

16 A. I did.

17 Q. How did that come about?

18 A. The sheriff's office received an anonymous
19 complaint in reference to a wanted person whom they
20 described as Amanda Agnes Caldwell. Stated she was in
21 the parking lot of the Waffle House on White Horse Road,
22 which is located at [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Greenville
23 County.

24 Q. Okay. Did you go to that location?

25 A. I did.

1 Q. Okay. In addition to the Waffle House, is there
2 another restaurant there?

3 A. There's a McDonald's, it's right there and the
4 parking lot kind of separates both of them.

5 Q. Okay. So they're right side by side?

6 A. Yes, sir, they are.

7 Q. All right. And were you given a description of how
8 to find this person when you arrived at that location?

9 A. Yes, sir. We were advised by the anonymous
10 complainant that called in that we needed to look for a
11 blue and white Ford Aerostar van. Stated that the wanted
12 subject would be in that van.

13 Q. Okay. And when you arrived at the location did you
14 see a vehicle fitting that description?

15 A. Yes, sir, I did.

16 Q. And what did you do when you found that vehicle?

17 A. When I arrived on scene, I observed a blue and
18 white Ford Aerostar van that was parked. There's a
19 curbed area that's located between the Waffle House and
20 the McDonald's right there on White Horse Road in the
21 6100 block. The van was parked adjacent to the curb. It
22 was a blue and white Ford Aerostar minivan displayed the
23 tag [REDACTED], which is [REDACTED]. When I
24 approached the vehicle it was occupied by a white male,
25 the defendant here, and a white female, which was Amanda

1 Agnes Caldwell.

2 Q. Okay. And how did you determine the identity of
3 these two people?

4 A. I asked for identification from both. When they
5 gave me their identification, I ran the identification
6 provided by the male, the defendant, and it come back to
7 Furman Eugene Taylor, Jr. And the female gave an ID, as
8 well, and I identified her to be Ms. Caldwell. The tag
9 on the vehicle that was displayed on that Ford Aerostar
10 van also came back to the defendant, Furman Eugene
11 Taylor, Jr.

12 Q. Okay. So that vehicle was registered to him?

13 A. Yes, sir, it was.

14 Q. Okay. Now, did you take anyone into custody?

15 A. I did. After confirming Ms. Caldwell's identity, I
16 checked with our warrants division and confirmed that she
17 had a couple of active warrants. They were for burglary
18 in the second degree and a grand larceny warrant. Once
19 we confirmed those warrants were in hand, she was taken
20 into custody.

21 Q. Okay. What did you do with regards to Furman
22 Taylor?

23 A. Mr. Taylor, I checked him for active warrants. He
24 was clear at the time. I advised him he was free to
25 leave, and he drove off in the blue and white van after

1 she was taken into custody.

2 Q. Okay. No further questions.

3 THE COURT: Thank you, Solicitor. Mr.

4 Ianuario.

5 MR. IANUARIO: Thank you, Your Honor.

6 **CROSS EXAMINATION**

7 **BY MR. IANUARIO:**

8 Q. This anonymous tip, you said that you were told it
9 was a blue and white Aerostar van would be there?

10 A. Yes, sir. They specifically stated a blue and
11 white Ford Aerostar van.

12 Q. And you said that they gave you the name of Amanda
13 Caldwell?

14 A. They said that she was a wanted person and she
15 would be in that vehicle.

16 Q. And did you receive any other information?

17 A. No, sir, I did not.

18 Q. And you said you ran the license plate and it was
19 [REDACTED]?

20 A. [REDACTED], yes, sir.

21 Q. And did you search the van before you released Mr.
22 Taylor?

23 A. No, sir. There was no reason at the time to
24 conduct a search of his vehicle.

25 Q. Okay. Did you happen to see anything unusual or

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1 suspicious, just casual observations about the van?

2 A. I did not.

3 Q. And do you recall what Mr. Taylor was wearing?

4 A. I do not.

5 Q. Nothing further. Thank you.

6 THE COURT: Redirect?

7 MR. MOYER: No, Your Honor.

8 THE COURT: Thank you very much. You may step
9 down.

10 MR. MOYER: State calls Amanda Caldwell.

11 THE COURT: All right. Ms. Caldwell, if you'll
12 come around and be sworn for us, please.

13 THE CLERK: Please place your left hand on the
14 bible and raise your right.

15 Do you swear or affirm the testimony you're about to
16 give is the truth, the whole truth and nothing but the
17 truth, so help you God?

18 THE WITNESS: Yes, ma'am.

19 THE CLERK: Thank you. You may be seated.
20 Please state your name for the record.

21 THE WITNESS: Amanda Caldwell.

22 THE CLERK: Thank you.

23 **AMANDA CALDWELL,**

24 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

25 **DIRECT EXAMINATION**

1 **BY MR. MOYER:**

2 Q. Ms. Caldwell, how old are you?

3 A. I'm twenty-four.

4 Q. Okay. Now, let me ask you this question. You were
5 charged also in the case that's currently before the
6 court; isn't that right?

7 A. Yes, sir.

8 Q. And you pled guilty to a burglary, a charge of
9 burglary second degree?

10 A. Yes, sir.

11 Q. And you also pled guilty to another related
12 burglary second degree; isn't that correct?

13 A. Yes, sir.

14 Q. And also obtaining money by false pretenses for
15 pawning the stolen property; isn't that correct?

16 A. Yes, sir.

17 Q. Have you been sentenced yet?

18 A. No, sir.

19 Q. Did anyone promise you anything about what your
20 sentence would be?

21 A. No, sir.

22 Q. So you received no promises from the prosecutor's
23 office or from law enforcement?

24 A. No, sir.

25 Q. Have you been asked to do anything with regard to

- 1 your testimony?
- 2 A. No, sir.
- 3 Q. Has anybody told ---
- 4 A. Just tell the truth.
- 5 Q. Okay. Now, have you seen the map that is currently
- 6 -- that has been displayed to the jury, State's Exhibit
- 7 Number 4?
- 8 A. Yes, sir.
- 9 Q. Have you had a chance to look at that before today?
- 10 A. Yes, sir.
- 11 Q. Do you recognize it?
- 12 A. Yes, sir.
- 13 Q. And how do you recognize it?
- 14 A. I recognize it as the house that we broke into. I
- 15 don't remember exact dates, but I do know that we broke
- 16 into that home.
- 17 Q. Okay. And when you say we, who are you referring
- 18 to?
- 19 A. Me and the defendant, Furman Taylor.
- 20 Q. So you know him?
- 21 A. Yes.
- 22 Q. Okay. What was your relationship with him?
- 23 A. He was my boyfriend.
- 24 Q. When did you start dating him?
- 25 A. November of 2011.

1 Q. Okay. And you were actually still married at that
2 time; correct?

3 A. Yes.

4 Q. Okay. You were separated?

5 A. Yes.

6 Q. How long had you been separated?

7 A. Almost three years.

8 Q. Okay. When did you start dating Furman Taylor?

9 A. It was November 22nd of 2011.

10 Q. And did y'all ever live together?

11 A. Yes.

12 Q. When did you start doing that?

13 A. About a week after we met.

14 Q. Where all did you live together?

15 A. At my grandmother's house. And then after we left
16 there it was just hotels and just here and there.

17 Q. Okay. When did you all stop dating?

18 A. Whenever I got arrested, May 31st of 2012.

19 Q. Okay. Now, let me ask you about his appearance
20 back in May of 2012. First off, how old was he?

21 A. How old was he?

22 Q. Yeah?

23 A. He was around fifty. I can't remember exact age,
24 but he was almost fifty.

25 Q. Okay. And you were how old?

- 1 A. Twenty-two.
- 2 Q. You were twenty-two back then. Okay. Tell us
- 3 about what race is he?
- 4 A. He's white.
- 5 Q. And what about his hair?
- 6 A. It's a brownish color and long. It's always been
- 7 long since I met him.
- 8 Q. Okay. And what about facial hair?
- 9 A. He always wears a goatee.
- 10 Q. And about how tall would you say?
- 11 A. Almost six foot.
- 12 Q. And weight?
- 13 A. Somewhere between a hundred and eighty and two
- 14 hundred.
- 15 Q. You've seen the -- let me show you State's Exhibit
- 16 Number 5. This is a picture that was taken June the 4th
- 17 of 2012. Is that about how he looked?
- 18 A. Yes.
- 19 Q. Now, you said you did a burglary at that house ---
- 20 A. Yes, sir.
- 21 Q. --- on that date? And do you remember around when
- 22 it was you did this?
- 23 A. It was evening. I don't remember exactly what
- 24 time. I do know it was evening, though.
- 25 Q. How about rough dates?

1 A. I don't remember any dates.

2 Q. Do you remember what date you got arrested?

3 A. Yes. May 31st. I do remember that.

4 Q. Obviously it was prior to that?

5 A. Yeah. It was prior to that, but I don't -- I'm
6 thinking May sometime, but I don't remember exact dates.

7 Q. Okay. What kind of vehicle were you in when you
8 did this?

9 A. Blue and white Ford Aerostar.

10 Q. Was it the same vehicle that you were in when you
11 were arrested May 31st?

12 A. Yes, sir.

13 Q. Whose was that vehicle?

14 A. Furman's.

15 Q. And do you know where he got it?

16 A. From my sister.

17 Q. Do you know how much he paid for it?

18 A. Eight hundred dollars.

19 Q. Now, who was driving the van the day y'all broke
20 into this house?

21 A. Me.

22 Q. And around what time of day did you say it was?

23 A. It was evening. It wasn't dark yet, but it was
24 evening time.

25 Q. And by evening, what do you mean by that?

1 A. Like after lunch.

2 Q. Okay. I know some people have a different
3 understanding of evening.

4 A. It was after lunch sometime.

5 Q. Sometime after lunch. Okay. Now, how did you pick
6 that house?

7 A. We were driving by up this way towards Travelers
8 Rest on Old White Horse Road.

9 Q. Okay. So coming on White Horse Road from the
10 bottom of the map going up?

11 A. Yeah, going up.

12 Q. Okay.

13 A. We were driving up that way and we passed it. And
14 Mr. Taylor asked me to turn around. And so I turned
15 around. And he asked me to slow down. And so I drove
16 slowly by it. And he was like, you know, that house
17 looks good. Let's hit it, which meant break into it.
18 And so I went up and I turned around on Old McElhaney,
19 however you say it, that road, and I turned back around
20 and went into the first part of the driveway.

21 Q. Okay. Let me ask you to step down and show the
22 jury where you -- what direction you were heading in
23 initially?

24 A. Okay. We were headed that way.

25 Q. Okay.

1 A. And I got up here somewhere and he told me to turn
2 around. I came back this way slowly.

3 Q. And what was he doing while you were driving
4 slowly?

5 A. Just looking at the house, making sure there wasn't
6 any vehicles or it didn't appear there was anybody there.

7 Q. Okay.

8 A. And we came back this way. And probably about
9 right here he told me to turn around. I got here and I
10 done kind of like a U-turn almost right here in this.
11 And then I pulled back in the driveway here and pulled up
12 to about right there.

13 Q. Okay. So kind of right in front of the house
14 there?

15 A. Yes.

16 Q. Okay. You can take your seat again. Okay. Now,
17 what happened when you stopped there in that driveway?

18 A. He went around to the front door and knocked on the
19 front door to see whether or not anybody was at home.
20 And nobody came and answered the door, so he went ---

21 Q. You were watching him? You could see this?

22 A. Yeah. I could see from the van what he was doing.

23 Q. Okay.

24 A. And then he came back around. He came to the van
25 and got out his gloves and he called it a crook's tool,

1 but it was like a mini crowbar almost. He got it out and
2 went to the side door and pried at the door. And
3 whenever he was prying at the door, the window broke, the
4 pane of glass broke out of it.

5 Q. And you were able to observe that?

6 A. Yeah. The van was parked well enough back to where
7 I could see the side door.

8 Q. And was it that side door -- so you don't have to
9 get up again -- when you say the side, are you talking
10 down around this ---

11 A. Yes.

12 Q. --- part of the house down here?

13 A. Yes.

14 Q. Okay.

15 A. And so he reached in through the pane of glass and
16 unlocked the door and went in.

17 Q. Okay. Do you remember if your window was down?

18 A. Both windows were down.

19 Q. So you were able to ---

20 A. Both front windows were down. Yes.

21 Q. You were able to hear and watch him do this?

22 A. Yes.

23 Q. Okay. And so when the door opened, what did he do?

24 A. He went in the house.

25 Q. Okay. What did you do?

1 A. I sat there for -- it felt like forever to me, but
2 I guess about five or ten minutes, and I felt like he was
3 taking too long, so I went in the house to get him.

4 Q. Okay.

5 A. And after I went in the house, you could see from
6 the bedroom through a window. And I seen a white truck
7 pull up. And I asked him, I was like, oh, my God, what
8 do we do? There's somebody here. And he said, leave, go
9 through this door, and it was the front door to the front
10 of the house. And we opened it and went running out the
11 front door and got in the van and left.

12 Q. Okay. Now, when you went in the house to get him,
13 what did you see him doing?

14 A. He was going through drawers, just, you know, kind
15 of tossing everything out of the drawers, looking around
16 trying to find stuff.

17 Q. Okay. What room was he in?

18 A. The bedroom.

19 Q. When he came out of the house was he holding
20 anything?

21 A. Yes. He had a pillow case and a gun.

22 Q. Okay. Which hand was he holding -- did he have the
23 pillow case in?

24 A. The pillow case, we were facing on White Horse Road
25 and the pillow case was like in this hand and the gun was

1 in this one.

2 Q. Okay. So the pillow case was in his right?

3 A. Yes, his right hand.

4 Q. And what was he doing with the gun? Was he waving
5 it around?

6 A. No. He just had it down by his side and kind of
7 had his head like in his jacket a little bit walking like
8 that.

9 Q. Okay. What do you remember he was wearing that
10 day?

11 A. He had on a black hat; I'm pretty sure it said
12 Taylor Made across the front. And then a black jacket
13 and either a blue or black shirt and blue jeans.

14 Q. Okay. And what was he doing with the jacket as he
15 was coming out?

16 A. He just kind of had his face like this in it.

17 Q. Okay. So it was kind of pulled up a little bit?

18 A. Yeah.

19 Q. Did you look and see if there was anybody
20 associated with that pickup truck?

21 A. I kind of out of the corner of my eye I seen
22 somebody standing there, but I wasn't trying to stop and
23 look and see who was there or anything like that. I just
24 wanted to get out of there.

25 Q. Okay. Did either of y'all say anything to those

1 guys?

2 A. No.

3 Q. Did they say anything to you?

4 A. No.

5 Q. All right. And then you got to the truck and what
6 did you do? You got in the driver's side again?

7 A. Yes.

8 Q. What did you -- did you drive away right away?

9 A. Yes.

10 Q. And where -- did you drive away slow or fast or ---

11 A. Fast. Very fast.

12 Q. Now, you mentioned he was holding something like a
13 bag kind of thing. Did you ever figure out what ---

14 A. It was a pillow case.

15 Q. It was a pillow case. Did you ever see any of the
16 property that was taken from the house?

17 A. Yes.

18 Q. What did you -- what do you remember seeing?

19 A. I seen a red laptop and the DVD player and a
20 pendant, like a little necklace thingy like this and the
21 gun, of course. I seen it also.

22 Q. The gun?

23 A. Yes.

24 Q. Now, let me show you State's Exhibit Number 3. Do
25 you recognize that pendant?

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1 A. Yes, sir, that's what I was talking about.

2 Q. The one that you saw that came from the house?

3 A. Yes.

4 Q. Let me show you State's Exhibit Number 1. Do you
5 recognize that?

6 A. Yes. That's the DVD player.

7 Q. Okay. Where did y'all go?

8 A. We went to a pawn shop on East North Street, Cash
9 America.

10 Q. What did you do when you got to the pawn shop?

11 A. I took the DVD player and the pendant and another
12 pendant from the other robbery that I was involved in in
13 and pawned it.

14 Q. A robbery, you mean another burglary?

15 A. Break-in, yes.

16 Q. Okay. And you took that into that pawn shop?

17 A. Yes, sir.

18 Q. And what did you do when you got inside?

19 A. I went straight to the counter and pawned it.

20 Q. What did he do while you were there?

21 A. He was walking around inside. He waited outside
22 for a little bit. Then he came inside and walked around
23 for a few minutes and went back outside.

24 Q. All right. After you pawned that property at the
25 pawn shop, what did you do?

1 A. We went to McDonald's and got something to eat.

2 Q. What McDonald's; do you remember?

3 A. I really can't remember.

4 Q. Then what happened after ---

5 A. He dropped me off on White Horse Road; not Old

6 White Horse Road. White Horse Road.

7 Q. And do you know what he did?

8 A. He was supposed to be going to try to sell the

9 laptop.

10 Q. Did he tell you who he was going to try to sell it

11 to?

12 A. He said somebody named Dray.

13 Q. Was he gone for a while?

14 A. He was gone for a couple of hours, yes.

15 Q. Did he come back and get you?

16 A. Yes.

17 Q. Did he have anything with him or say anything about

18 ---

19 A. He didn't have the laptop or the gun anymore, but

20 he had a little bit of money. He had like a hundred and

21 fifty dollars.

22 Q. Did he tell you how much money he was able to get

23 for these ---

24 A. He said that he was supposed to get like two

25 hundred, I think, for the laptop, but I never seen the

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- 1 rest of the money, so I don't know.
- 2 Q. And you didn't see the pistol anymore?
- 3 A. No.
- 4 Q. Do you know what he did with the pistol?
- 5 A. No.
- 6 Q. Okay. Now, do you remember when you were arrested?
- 7 A. Yes.
- 8 Q. Tell me about where you were and what you remember
- 9 about that?
- 10 A. I was at the McDonald's and Waffle House on White
- 11 Horse Road parked at the like curb thingy that separates
- 12 the parking lots.
- 13 Q. What were you doing?
- 14 A. I was sitting there eating.
- 15 Q. What kind of vehicle were you in?
- 16 A. The Ford Aerostar van, the blue and white van.
- 17 Q. Once again, the same one that y'all committed this
- 18 burglary in?
- 19 A. Yes.
- 20 Q. Who was with you?
- 21 A. Furman Taylor.
- 22 Q. What happened while you were sitting there?
- 23 A. I was sitting there eating and two police cars
- 24 pulled up. One pulled up in front and one pulled up
- 25 behind. They asked us for our IDs and asked me to get

1 out. I got out and gave them my ID. And Furman was
2 telling me, you know, be quite, don't say anything. And
3 so ---

4 Q. When was he saying that; before the officers walked
5 up?

6 A. He was saying that -- as soon as he seen the police
7 cars pull up, he started saying, you know, be quiet,
8 don't say anything, keep your mouth shut. And so
9 whenever I got out and gave them my ID, they handcuffed
10 me and took me and put me in a police car.

11 Q. Okay. Did they do anything to him?

12 A. They checked his ID and let him go.

13 Q. After you were being led away and he was being let
14 free, did you have any -- were you able to have any
15 contact with him?

16 A. No.

17 Q. Did you make any eye contact or anything like that?

18 A. He looked at me, and I mean, we looked at each
19 other. And it was just kind of a, you know, a be quiet
20 look.

21 Q. Now, do you remember talking to an investigator the
22 following day?

23 A. Yes.

24 Q. At that time did you give a statement?

25 A. Yes, I did.

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1 Q. Did you give the full truth about ---

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

3 Q. --- what happened? What did you say?

4 A. I gave a false statement and just told him honestly
5 a bunch of crap about ---

6 Q. What did you tell him?

7 A. I told him that we had -- that I had got the stuff
8 off of Furman and Catherine.

9 Q. Got what stuff?

10 A. The stuff that I pawned, the DVD player and the
11 necklaces, off of Furman and Catherine, which was a girl
12 that we both knew. That I didn't have anything to do
13 with the burglary or, you know, I didn't know where the
14 stuff came from or anything like that.

15 Q. Okay. So you told the investigator that who gave
16 you that DVD and pendant?

17 A. That Furman gave it to me.

18 Q. And did you tell the investigator that you knew
19 where that stuff had come from?

20 A. No.

21 Q. Just that he gave it to you?

22 A. Yes.

23 Q. And you said he was with somebody?

24 A. Yes. He was -- Catherine Elaine. It's a girl we
25 both know.

1 Q. And does she look -- the same kind of color of hair
2 as you?

3 A. Yeah, kind of. She kind of favors me, yes.

4 Q. About the same height and ---

5 A. Yes.

6 Q. --- weight and everything like that? Okay. Now,
7 after you gave that statement -- you gave to this
8 investigator seated in the back row back here?

9 A. Yes.

10 Q. And that was on June -- that was the day after you
11 got arrested; right?

12 A. June 1st, yes.

13 Q. Now, do you remember a couple of days later talking
14 to him again?

15 A. Yes. I called him on the phone and asked him to
16 come get me because I wanted to tell him the truth.

17 Q. What prompted that change between those ---

18 A. I had a couple of days to think. And honestly, I
19 just -- I wasn't raised like that and I just felt really
20 bad about what we had done and I wanted to do everything
21 possible to make it right and to do the right thing.

22 Q. Had you ever been in jail before?

23 A. No.

24 Q. And so you called the investigator?

25 A. Yes.

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- 1 Q. Did he come and get you?
- 2 A. Yes.
- 3 Q. And you went to his office again?
- 4 A. Yes.
- 5 Q. And at that time you told him what happened?
- 6 A. I told him what really happened.
- 7 Q. Did he make any promises to you ---
- 8 A. No, sir.
- 9 Q. --- to get you to change your story?
- 10 A. No, sir.
- 11 Q. And in between the time you gave your first story
- 12 and when you talked to him and told him the truth, did
- 13 you -- did anybody contact you and tell you to change
- 14 your story or anything like that?
- 15 A. No, sir.
- 16 Q. And so you said you had never been in jail before
- 17 that time; right?
- 18 A. Right.
- 19 Q. Have you ever had to testify in court against
- 20 anybody ---
- 21 A. No, sir.
- 22 Q. --- or testify in court at all?
- 23 A. No, sir.
- 24 Q. One moment, please. Please answer any questions
- 25 that the defense attorney has.

1 A. Yes, sir.

2 THE COURT: Thank you, Solicitor. Mr.

3 Ianuario.

4 MR. IANUARIO: Thank you, Your Honor.

5 **CROSS EXAMINATION**

6 **BY MR. IANUARIO:**

7 Q. I apologize for asking some of the same things.

8 I'll try not to be repetitive. How did you first meet

9 Furman Taylor?

10 A. Through friends, Casey and Allison that were
11 friends of mine and friends of his. We were at Casey's
12 house and she called him over and I met him there.

13 Q. Okay. And that was on 11/22/11?

14 A. Yeah. That was -- well, it was around November
15 22nd, 2011. Yes.

16 Q. Okay. And you said you lived together briefly?

17 A. We lived together until I went to jail. Yes.

18 Q. And you say you were living here and there and in
19 hotels. Did he have one permanent residence or was he
20 kind of bouncing around?

21 A. Whenever we first got together, I was living with
22 my grandmother and he was living with his sister. Well,
23 then he moved into my grandmother's house with me. And
24 we left there because him and my grandmother didn't
25 really get along, so we left there and then it was just

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1 kind of from hotel to hotel. He would stay at his
2 sister's house some. We would stay at just different
3 motels and hotels throughout Greenville.

4 Q. Okay. How as he usually dressed?

5 A. He usually wore blue jeans, black shoes and dark
6 colored shirts and always a hat, a baseball cap.

7 Q. Okay. And on May the 19th, if I understand
8 correctly, there were two pawn shops visited that day; is
9 that correct?

10 A. I'm not sure. Honestly, I don't remember.

11 Q. Okay. Do you remember at the pawn shop talking to
12 anybody else or any unusual incidents ---

13 A. No.

14 Q. --- like dropping a TV and asking for a jumpstart
15 or anything like that?

16 A. No.

17 Q. And you say when he was walking out he had the
18 pillow case in one hand and a gun in the other?

19 A. Yeah.

20 Q. Did you get a good look at that gun?

21 A. All I know it was a handheld gun. It was a pistol.
22 I didn't really get a close look at it. No.

23 Q. Black, silver; do you remember?

24 A. It was black.

25 Q. All right. Now, you said Furman put on some gloves

1 for this?

2 A. Yes.

3 Q. Did you have any gloves?

4 A. No.

5 Q. And you entered the residence to check on him?

6 A. Yes.

7 Q. And do you remember touching anything in the
8 residence?

9 A. No.

10 Q. How did you get the door open?

11 A. It was left open where he went in.

12 Q. Can you describe that black jacket he was wearing?

13 A. It was a hoodie. Like it was a zip-up hoodie.

14 Q. What happened after the burglary?

15 A. After we broke into this house? We left and went
16 toward Travelers Rest on Old White Horse Road and went to
17 the pawn shop.

18 Q. And then he dropped you off after the pawn shop?

19 A. We went to McDonald's and eat and then he dropped
20 me off on White Horse Road. Yes.

21 Q. All right. So the burglary took place, you went to
22 the pawn shop, then you went and got food and he dropped
23 you off?

24 A. Yes, sir.

25 Q. All right. And where exactly did he drop you off?

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1 A. It was at G.T.'s on White Horse Road. Across from
2 Welcome Elementary School.

3 Q. Now, after he came back where did y'all end up
4 going?

5 A. We went to a motel in Mauldin and spent the night.

6 Q. And who is this Catherine that you mentioned?

7 A. She was a friend of mine and someone that he had
8 known through Casey and Allison, as well.

9 Q. Did she have anything to do with this burglary?

10 A. No, sir.

11 Q. And who is Tyler Whitman?

12 A. He's a friend of ours I actually met through
13 Furman.

14 Q. And did he have anything to do with this burglary?

15 A. No, sir.

16 Q. And in your first statement that you gave to the
17 detectives, you did mention that Catherine and Tyler were
18 involved; correct?

19 A. Yes.

20 Q. How did Furman's name first get brought up?

21 A. I was just -- honestly, I mean, I was making up --
22 I brought his name up because he was actually, you know,
23 involved in it. And I figured if I just threw -- because
24 Detective Mashak said there was a witness who seen a male
25 and female. And so I figured, you know, Furman was

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1 involved in it, so if I gave them his name and told them
2 Catherine, because she looked like me, that maybe I could
3 get out of it.

4 Q. All right. Have you had a chance to reread your
5 first and second statements?

6 A. Yes, sir.

7 Q. Does this sentence sound familiar? Investigator
8 Mashak then told me that I was lying and stated I was
9 with Furman Taylor?

10 A. Yes, sir.

11 Q. And that's the first time I see it mentioned in
12 that statement. You said he bought the van from your
13 sister?

14 A. Yes, sir.

15 Q. And do you remember about when he bought that?

16 A. I'm not sure exactly when. No. I know it was
17 after the Ford Explorer tore up.

18 Q. And you were driving it on that day?

19 A. Yes, sir.

20 Q. Is there any particular reason you were driving?

21 A. Not really.

22 Q. Did you have a vehicle of your own?

23 A. No, sir.

24 Q. And did you ever borrow Furman's vehicles?

25 A. Not on my own, no. I didn't drive them unless he

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1 was with me.

2 Q. Just one moment, please. Nothing further, ma'am.

3 THE COURT: Redirect?

4 MR. MOYER: No redirect, Your Honor.

5 THE COURT: Thank you, Ms. Carpenter. You may
6 step down.

7 MR. MOYER: State calls Scott Phillips to the
8 stand.

9 THE COURT: All right. Come around and be
10 sworn for us, please.

11 THE CLERK: Please place your left hand on the
12 bible and raise your right.

13 Do you swear or affirm the testimony you're about to
14 give is the truth, the whole truth and nothing but the
15 truth, so help you God?

16 THE WITNESS: Yes, I do.

17 THE CLERK: Thank you. You may be seated.
18 Please state your name for the record.

19 THE WITNESS: Scott Phillips.

20 THE CLERK: Thank you.

21 **SCOTT PHILLIPS,**

22 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

23 **DIRECT EXAMINATION**

24 **BY MR. MOYER:**

25 Q. Where are you employed?

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- 1 A. Greenville County Sheriff's Office.
- 2 Q. What is your position with the sheriff's office?
- 3 A. Property crimes investigator.
- 4 Q. How long have you been in law enforcement?
- 5 A. Twenty-eight years.
- 6 Q. Has it all been with the sheriff's office?
- 7 A. No, sir. Twenty-seven's been with the sheriff's
- 8 office.
- 9 Q. Where did you work before?
- 10 A. A year with the City of Simpsonville Police
- 11 Department.
- 12 Q. And what are your duties in your current position?
- 13 A. We investigate property crimes, which includes
- 14 burglaries, auto break-ins, larcenies, things along that
- 15 line.
- 16 Q. Okay. Now, did you participate in the
- 17 investigation of this case?
- 18 A. Yes, sir, I did.
- 19 Q. And what date did you become involved in this case?
- 20 A. I believe the case was assigned to me for follow-up
- 21 on May the 22nd.
- 22 Q. So what prompted your involvement in the case?
- 23 What was your first ---
- 24 A. The case was assigned to me on the 23rd. Made
- 25 contact with Mr. T.R. Perry. He was the complainant and

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1 also had seen the suspects. Just made contact with him
2 to see if he had remembered anything since the original
3 report. He had not.

4 Q. Tell us ---

5 A. Then I spoke with the victim, which is normal
6 practice. We always contact the victim.

7 Q. Now, on May the 23rd of 2012, did you get any other
8 information about the case?

9 A. Yes, sir, I did. Reviewing my case I found out
10 that Ms. Taylor -- yes, sir, Ms. Taylor had called into
11 our front desk and reported that she had located the
12 serial number for her DVD player. I found that
13 supplemental. And then I was able to locate where that
14 DVD player had been pawned.

15 Q. Now, how did this information come to your
16 attention? You said through the supplemental report.
17 How did that get triggered to you?

18 A. A supplemental report that was taken on a case that
19 you're investigating will be forwarded to you because
20 it's your case for investigation. I received the
21 supplemental, at which time saw where Ms. Taylor had
22 called and had located the serial number for her DVD
23 player.

24 Q. Okay. Now, what did you do with that information?

25 A. We have a database called Leads Online. Basically

1 what that is, is someone that sells or pawns something at
2 a pawn shop, they have to show their ID in order to make
3 that transaction. Once that transaction has been made,
4 that information by the pawn shop is loaded onto this
5 database, which enables us to look by serial number or by
6 a person's name. I ran the serial number and found that
7 the DVD player had been pawned by Ms. Caldwell.

8 Q. Okay. So whenever someone pawns some property, the
9 pawn shop has -- will enter all this information?

10 A. Yes, sir.

11 Q. Okay. Both as to the property they pawned and as
12 to the individual who pawned it?

13 A. Yes, sir. When you pawn or sell something, you
14 have to show a picture I.D. And that's entered onto the
15 ticket, as they call it, which the person making the pawn
16 receives a copy of the ticket. The pawn shop then enters
17 that information onto this database as far as what the
18 item was, serial number if the serial number is known,
19 all the pertinent information on the person making the
20 pawn as far as name, address, phone number, date of
21 birth; things along that line. And also what the pawn
22 shop actually pays for the item.

23 Q. Okay. And so you found out this DVD player had
24 been pawned where now?

25 A. It had been pawned at Cash America Pawn at 2516

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1 East North Street in Greenville.

2 Q. Okay. And that had been pawned by ---

3 A. Ms. Caldwell.

4 Q. Now, when you learned that information, what did
5 you do?

6 A. When I contacted the pawn shop, found out that it
7 had been pawned and it was still there, I had them place
8 it on hold, which we will do that because once we place
9 it on hold, the person that pawned it cannot come back
10 and pick it up. The pawn shop cannot sell it or anything
11 like that. They have to hold it.

12 Q. Now, in addition to the DVD player, did you have
13 anything else ---

14 A. Yes, sir. There was also a small charge type thing
15 for a necklace with an R on it.

16 Q. Now, after speaking and putting this property on
17 hold, what did you do?

18 A. Shortly after that I was already scheduled for a
19 family vacation. I left to go on vacation and
20 Investigator Mashak finished up the case.

21 Q. Okay. Did you contact the victim?

22 A. Yes, sir. I contacted the victim and advised her
23 that I have located the items. She met me at my office
24 on May the 29th to give me a statement.

25 Q. Okay.

1 A. Normally in this type situation with a pawn shop, I
2 asked her, I said, do you know an Amanda Caldwell? No,
3 I don't. Well, would you mind coming and just looking at
4 a picture just to confirm that you do not know her.

5 Q. Okay.

6 A. That was the purpose of the statement I obtained
7 from her.

8 Q. Okay. I have no further questions from this
9 witness. Please answer any questions defense has.

10 THE COURT: Thank you, Solicitor. Mr.
11 Ianuario.

12 **CROSS EXAMINATION**

13 **BY MR. IANUARIO:**

14 Q. When you were checking Leads Online, ---

15 A. Yes, sir, that's correct.

16 Q. --- did Ms. Caldwell show up as having pawned any
17 other objects?

18 A. I remember the DVD player and the charm. Other
19 than that, I'm not completely sure, because the main
20 items I was looking for was the laptop, the gun, the DVD
21 player and the charm. And all I could find that she had
22 pawned on my case was the DVD player and the charm.

23 Q. And you said that you went on vacation and
24 Detective Mashak took over?

25 A. Yes, sir, that's correct.

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1 Q. At that point in time, did you have any further
2 involvement in this case?

3 A. No, sir.

4 Q. And did you talk to any of the pawn shop staff or
5 personnel?

6 A. Only when I located the items at the pawn shop, I
7 called and spoke with an employee and had them place the
8 items on hold.

9 Q. Okay. So you didn't ask them if they had a
10 description of the ---

11 A. No, sir.

12 Q. Nothing further. Thank you.

13 THE COURT: Redirect?

14 MR. MOYER: No, Your Honor.

15 THE COURT: Thank you very much. You may step
16 down.

17 MR. MOYER: State calls Brady Mashak to the
18 stand.

19 THE CLERK: Please place your left hand on the
20 bible and raise your right.

21 Do you swear or affirm the testimony you're about to
22 give is the truth, the whole truth and nothing but the
23 truth, so help you God?

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Thank you. You may be seated.

1 Please state your name for the record.

2 THE WITNESS: It's Brady Mashak.

3 THE CLERK: Thank you.

4 **BRADY MASHAK,**

5 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

6 **DIRECT EXAMINATION**

7 **BY MR. MOYER:**

8 Q. Investigator Mashak, where are you employed?

9 A. Sheriff's office.

10 Q. And how long have you been with the sheriff's
11 office?

12 A. Since July 2006, so about seven and a half years.

13 Q. What is your position with the sheriff's office?

14 A. Right now I'm in auto theft, an investigator for
15 auto theft. But during this time I was in property
16 crimes.

17 Q. And what do you do in property crimes as an
18 investigator?

19 A. Like Investigator Phillips said, we work
20 burglaries, larcenies, malicious damage and then pretty
21 much a whole bunch of things.

22 Q. A whole gamut of those kind of things?

23 A. Yes, sir.

24 Q. Okay. And you got involved in the case that's
25 currently before the court?

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1 A. Yes.

2 Q. All right. Let me take you to May the 21st of
3 2012. Is that -- did you have involvement in the case on
4 that day?

5 A. In this case, no. In the other case Ms. Caldwell
6 was talking about, yes.

7 Q. Okay. And what was your involvement in that case
8 at that time?

9 A. I worked another burglary case that was involving
10 Ms. Caldwell. And I located some items in the pawn shop
11 that she had pawned that were stolen in that case.

12 Q. Okay. And what were the items and did that lead
13 you to, did that lead you to any of the property that
14 we've been talking about here today?

15 A. Yes, sir.

16 Q. Tell us how that came about?

17 A. Like Investigator Phillips said, you can put in
18 someone's name, serial numbers, all that stuff. In the
19 other case that I worked, the victim in that case had a
20 serial number. Whenever we search on these online you
21 can put a serial number in. There's custom range, dates
22 range. You can put D.L. numbers in. It's a whole bunch
23 of different things. It's a really good tool for us. I
24 put the serial number in for this camera. It was, I
25 believe, two days later, we get emails saying, okay, you

1 have a possible hit. We look up that, compare it, and in
2 this case, it was a hit for the camera. So it just
3 showed that one thing that she had sold. So then I put
4 in her driver's license and then of course there was that
5 stuff, as well as other items.

6 Q. Okay. And so you know other things that she had
7 ---

8 A. Yes, sir.

9 Q. So what -- when you found out about this DVD player
10 and that pendant with the R on it, what did you do?

11 A. I took pictures. Basically that was the first time
12 I had heard about a DVD player or a pendant. A lot of
13 times, like Ms. Taylor, there's stuff gone that no one
14 knows is gone. I mean, there's small things that you
15 might not find until two months later that's gone until
16 you look for them. And so I took pictures at both pawn
17 shops of the stuff just to confirm, hey, is this your
18 stuff? Yes or no? And I took pictures of those items,
19 as well as the other items in the other case.

20 Q. Okay. And what did you do with those pictures?

21 A. I showed not Ms. Taylor but the other victim in
22 that case and she pretty much -- I said, is this your
23 stuff? No, yes, no, yes. And she said no on the DVD
24 player and the R pendant.

25 Q. Okay. She said no on those, so you knew it was

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1 involving another situation?

2 A. Yes.

3 Q. Okay. Well, let me take you to June the 1st of
4 2012. Did you meet with Amanda Caldwell on that date?

5 A. I did.

6 Q. Okay. How did it come -- had you already gotten
7 warrants on her for pawning the property?

8 A. I believe so. I believe I did.

9 Q. And obviously she was arrested on warrants the day
10 before?

11 A. Yes.

12 Q. And they were associated with this pawned property
13 that she had pawned?

14 A. Yes, sir, I believe so.

15 Q. Okay. And so after you found out that she had been
16 arrested, you say you met with her. Tell us about how
17 you got her, where you took her.

18 A. Checked and found out she was arrested, went to the
19 jail, where I pulled her out, me and Investigator Coran
20 (phonics). We walked her over to the law enforcement
21 center and went upstairs in the interview room and spoke
22 with her.

23 Q. Okay. And that's when she gave you the statement
24 that was not exactly correct that she testified to?

25 A. That's correct.

1 Q. Is that the truth? Okay. And after you finished
2 talking to her on that occasion, did you give her your
3 phone number or how did that come about?

4 A. I gave her my business card. I mean, I knew she
5 wasn't telling me the whole truth. I gave her my
6 business card and told her, if you want to tell me the
7 truth about this whole situation, call me. They can call
8 collect. And I believe it was three days later I got a
9 phone call from her.

10 Q. Okay. And so in between those dates, had you been
11 trying to contact her to ask her to come meet with you?

12 A. No.

13 Q. Did you make any promises to her that you would ---

14 A. No sir.

15 Q. --- treat her any differently if she gave you
16 another statement?

17 A. No, sir.

18 Q. Or that she would be punished more harshly if she
19 didn't?

20 A. No, sir.

21 Q. Okay. So you didn't put any pressure on her at
22 all?

23 A. No, sir.

24 Q. And so she contacted you and do you remember what
25 you did when you got that contact?

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1 A. She called me on, I believe it was June 4th. It
2 was pretty much right after I got in the office, got a
3 collect call from her. She said, hey, can you come down
4 and talk to me? And I told her I would. And me and
5 Investigator Coran (phonics) went back down there and
6 pulled her out. And basically went through the whole
7 spiel again at the law enforcement center and waiver of
8 rights and all that stuff.

9 Q. Okay. So you gave her -- as far as waiver of
10 rights, you're talking about her ---

11 A. Miranda rights. Yeah, the waiver of rights.

12 Q. Okay. And did you -- at this time did you put any
13 pressure on her to change her story?

14 A. No.

15 Q. Did you ever give her any promises?

16 A. No, sir.

17 Q. You didn't treat her any differently if she said
18 anything differently than she said the first time?

19 A. No, sir.

20 Q. Okay. Did you -- okay. Now, did you have any
21 contact with the Perrys, David and T.R. Perry?

22 A. I did. When I was -- on the 30th, I believe of
23 May, when Investigator Phillips was going to be out, so I
24 basically took over the case. And so I'm dealing with
25 the same people, so I called T.R. and tried him. Didn't

1 get in touch with him. Talked to his wife. She said he
2 was at work. So I said I'd, you know, get in touch with
3 him later. Talked to David Perry and talked to him for a
4 little bit. Asked him what he saw. He said he just saw
5 a female and didn't see the male. And said they were in
6 a white and blue Ford Aerostar van.

7 Q. Okay. And then did you at any point decide to show
8 photo ---

9 A. I did. It was ---

10 Q. What led to that?

11 A. I'm sorry?

12 Q. What led to you doing that and when did you do it?

13 A. Whenever I got involved with the other -- I believe
14 it was after I got this, I talked to Russell Droughten
15 (phonics), her ex-husband or you know, I guess it was
16 future ex-husband. I talked to him and said, hey, can
17 you tell me where Amanda is? And he said, I have no
18 idea. I said, can you tell me who she's with? And he
19 said, yeah, Furman Taylor. I said, well, can you
20 describe him? Because in the report they said something
21 about a goatee and long hair. And I said, well, can you
22 describe him? He said, yeah, he has a goatee and long
23 hair. I said, well any chance you can tell me about the
24 vehicle because they obviously saw the Ford Aerostar.
25 And he said, he drives a Ford Explorer and a Ford

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1 Aerostar van. So that's what, you know, matched the
2 description vehicle-wise and suspect-wise.

3 Q. Okay. And did you take and -- who did you make
4 photo line-ups of? How many different photo line-ups and
5 ---

6 A. I did three, because the first time when Ms.
7 Caldwell said about Catherine, I found out about her.
8 She said that was the other person that she was talking
9 with -- or about. So I did three different line-ups.

10 Q. Okay. And who did you show these line-ups to?

11 A. David and T.R.

12 Q. Now, did you show the male -- the photo line-ups of
13 Furman ---

14 A. No. Because he said he never even saw a male.
15 T.R. did.

16 Q. So you just showed the -- of the two females to
17 David then?

18 A. Yes, because he never even saw a male.

19 Q. And he wasn't able to ---

20 A. They both weren't. They both pretty much gave the
21 same description of the van and stuff they saw. Besides
22 David saying he didn't see the male, they said they sort
23 of turned their heads so they couldn't see. So basically
24 the photo line-up wasn't good because they hadn't seen a
25 face.

1 Q. Okay. Now, did they look at the photo line-ups to
2 say that the person was definitely not in them?

3 A. No. They said they could be, they couldn't be. I
4 don't know. I never saw a face.

5 Q. Okay. Now, at that time did you take a statement
6 from T.R. Perry?

7 A. I did.

8 Q. And did you -- was this the only written statement
9 that was taken from him?

10 A. From T.R.?

11 Q. Yes?

12 A. Yes.

13 Q. And that's -- did you get a description from him at
14 that time about what the male looked like who committed
15 the burglary?

16 A. Yes.

17 Q. And how did he describe him?

18 A. I believe it was a black hat, jacket, goatee with
19 black -- long black hair in a ponytail.

20 Q. Okay. Would it refresh your memory if you had a
21 chance to look at the ---

22 A. Yes, sir, it would. Again, he described the ---

23 Q. Just how did he describe the male?

24 A. Just the male?

25 Q. Yes.

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1 A. It says, I then saw a white male wearing a black
2 shirt and black hat. He had black hair that was in a
3 ponytail and a goatee. He was carrying a bag and went
4 into the passenger side. And it says, so I didn't get a
5 good look at either of them. They were looking away.

6 Q. Okay. But he did describe him with black ponytail
7 and ---

8 A. And goatee.

9 Q. Now, is it generally the case when there's a case
10 like this when a uniform officer goes to the scene that
11 the detailed statement is taken later by an investigator
12 like you?

13 A. Unless we catch them on scene, I mean, that's
14 really the only time as far as a statement from uniform
15 patrol or that night if someone's arrested, you know, in
16 the house or something like that. But usually it's later
17 on.

18 Q. And it's left with a follow-up?

19 A. Yes, sir.

20 Q. So the uniform officer, what's his job as far as
21 identity goes?

22 A. Basically get the descriptions and give it to our
23 dispatch, so if you're my B partner, if I'm on this, they
24 know, hey, I'm looking for a black and blue Ford Aerostar
25 van. They BOLO it and you know what to look for.

1 Q. Just to get that information out as quickly as
2 possible ---

3 A. Yes, sir.

4 Q. Okay. Did you meet with David and T.R. Perry
5 together at the same time?

6 A. No, sir. I met David at his house and then T.R.
7 was at work, so I went to where he was working.

8 Q. Okay. So separate times and separate places? They
9 were not together?

10 A. No.

11 Q. Okay. Now, did you ever get the stolen property
12 from the pawn shop?

13 A. I did.

14 Q. When did you do that?

15 A. It was June 5th, 2012.

16 Q. How do you go about getting stolen property from a
17 pawn shop?

18 A. We have what's called a Evidence Procurement Fund
19 where if your house gets broken into, like this case, a
20 DVD player or pendant, instead of having the victim pay
21 for their stuff to get it out, which they shouldn't have
22 to do, we have a fund where a lady, Jody Trammell, is in
23 charge of the funds. It's sort of like petty cash. We
24 get the ticket. I got the ticket. It was ten dollars
25 for the DVD player and ten dollars for the R pendant. So

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1 all I needed was twenty dollars. Basically I fill out
2 the paperwork, give it to Jody, she gives us twenty
3 dollars to pay the pawn shop.

4 Q. Okay. And so you got the money, went and paid for
5 the -- which items did you get out of the pawn shop
6 related to this case?

7 A. This case, the DVD player and the R pendant.

8 Q. Okay. And what did you do after you got those
9 items back?

10 A. I went to my office and met with Ms. Taylor. She
11 met me at my office. And she basically took custody of
12 them. They were turned over to her.

13 Q. Okay. And so she met with you at your office and
14 you gave it to her?

15 A. Yes, sir.

16 Q. And it was the same items that you gave to her are
17 the ones that you took photographs of ---

18 A. That's correct.

19 Q. --- a week or so earlier?

20 A. Yes, sir.

21 Q. Okay. One moment, please. Please answer any
22 questions defense may have.

23 THE COURT: Thank you, Solicitor. Mr.
24 Ianuario.

25 MR. IANUARIO: Thank you, Your Honor.

1

CROSS EXAMINATION2 **BY MR. IANUARIO:**

3 Q. Were you the one that placed Furman Taylor under
4 arrest?

5 A. No.

6 Q. Were you -- did you have any involvement with his
7 arrest?

8 A. Actually putting him in handcuffs?

9 Q. Telling them where to go, where to find him or ...

10 A. No.

11 Q. Do you know what happened to his van after he was
12 arrested?

13 A. I don't.

14 Q. Do you know if it was searched?

15 A. I'm sure it was if he was the only one in there; it
16 was inventoried.

17 Q. And was his residence or any hotel room searched?

18 A. No.

19 Q. Did I understand correctly that the first time you
20 heard the name Furman Taylor was from Amanda Caldwell's
21 ex-husband?

22 A. That's correct.

23 Q. And was there any mention of a gun from any of the
24 witnesses?

25 A. I'm sorry. Can you speak up? I'm sorry.

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1 Q. Mr. Perry, T.R. Perry, did he mention seeing a gun
2 in Mr. Taylor's hand or in the person's hand ---

3 A. No.

4 Q. And has that gun ever been recovered?

5 A. No, sir.

6 Q. Neither has the laptop?

7 A. No, sir.

8 Q. And the pillow case?

9 A. No, sir.

10 Q. And you said you were working on another burglary
11 that Ms. Caldwell was involved with; correct?

12 A. That's correct.

13 Q. And did you recover the items from that?

14 A. I believe almost all of them.

15 Q. Okay. Did that include some gold jewelry?

16 A. I believe so, yes.

17 Q. And did you ask about that jewelry, had she stolen
18 it or what she had done with it?

19 A. Did I ask her about it?

20 Q. Yes, sir?

21 A. Yeah.

22 Q. And what did she say?

23 A. She sold it.

24 Q. One second. And do you recognize that as the first
25 statement that you took from her?

1 A. That's correct.

2 Q. And what does it say in that last sentence there?

3 A. I told him that we took all the other jewelry to
4 the Gold Exchange on Heyward Road, but it was not real so
5 we threw it away.

6 Q. But you were able to recover that jewelry; correct?

7 A. Some other jewelry. Not that jewelry.

8 Q. Okay. Not that jewelry?

9 A. There was, I believe, quite a few items of jewelry.

10 Q. And the second time that Ms. Caldwell gave a
11 statement, did y'all talk a little bit beforehand about
12 the case and what she had to say or did she just go right
13 in and sit down and ---

14 A. I just asked her what, you know, what's going on?
15 She told me that she wanted to be truthful about
16 everything.

17 Q. And at one point you did, during the first
18 statement, tell her that she was lying and that she was
19 with Furman Taylor?

20 A. That's correct.

21 Q. And did she agree to that?

22 A. Yes.

23 Q. In most of your investigations does the defendant
24 typically offer to provide testimony against a co-
25 defendant in exchange for a little help?

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1 A. Is that what we talk about?

2 Q. No. Is it a common occurrence for a defendant to
3 say, I'll give you some information on somebody if you
4 can give me a little help?

5 A. Yeah.

6 Q. And Mr. Perry, T.R. Perry, you showed him the photo
7 line-up and he was unable to identify Furman Taylor out
8 of that; correct?

9 A. He was unable to identify anybody that's on that.

10 Q. Was there anyone besides Ms. Caldwell that was able
11 to identify Furman Taylor?

12 A. No. They didn't see his face.

13 Q. Okay. And do you know anything about the anonymous
14 tip that was received in regards to their location?

15 A. No, sir.

16 Q. Just one second. Nothing further.

17 MR. IANUARIO: Thank you, Your Honor.

18 THE COURT: Any redirect?

19 MR. MOYER: I have nothing further.

20 THE COURT: Thank you very much, Officer. You
21 may step down.

22 MR. MOYER: Your Honor, may we approach?

23 THE COURT: Yes, sir.

24 (WHEREUPON, Messrs. Moyer and Ianuario approached
25 the bar.)

1 THE COURT: All right. Solicitor.

2 MR. MOYER: Please the court, Your Honor, at
3 this time the defense and I have something to state for
4 the record, the defense and I have reached a stipulation
5 that the defendant, Furman Taylor, has at least two or
6 more convictions for burglary on his record.

7 MR. IANUARIO: And I would object to that, Your
8 Honor. I believe the prejudicial value outweighs the
9 probative value of that.

10 THE COURT: All right. Well, I would overrule
11 the objection doing (a) a 403 analysis and (b) citing
12 *State versus James*. So with that being said, do you
13 think that protects your objection on the record then,
14 Mr. Ianuario?

15 MR. IANUARIO: Yes, sir.

16 THE COURT: I will allow the stipulation that
17 he has two or more prior burglary convictions without the
18 necessity of the state having to call witnesses. I would
19 like them marked as court's exhibits.

20 MR. MOYER: Yes, Your Honor.

21 THE COURT: All right. Then you may call your
22 next witness, Solicitor.

23 MR. MOYER: Your Honor, at this time the state
24 would rest.

25 THE COURT: All right. Thank you very much,

1 Solicitor.

2 Perhaps, now, Mr. Foreman and ladies and gentlemen,
3 would be a good time to take our afternoon recess. We'll
4 take about fifteen minutes. Please do not discuss the
5 case during this brief recess. Thank you very much.

6 (WHEREUPON, the jury exited the open court at
7 approximately 2:55 p.m.)

8 THE COURT: All right. Do you have motions,
9 Mr. Ianuario?

10 MR. IANUARIO: Yes, Your Honor. I'd move for a
11 directed verdict in this matter as I believe the state
12 has failed to establish enough to meet the necessary
13 elements of the crime.

14 THE COURT: All right. I would respectfully
15 deny those motions. I think there is adequate direct and
16 substantial circumstantial evidence as to both the
17 burglary in the first degree and the larceny less than
18 two thousand.

19 Anything you'd like to add, Solicitor?

20 MR. MOYER: Well, on a different matter, Your
21 Honor. I just want to make -- one thing that I think may
22 not be completely clear, the stipulation that was entered
23 into on the defendant's prior convictions. I think the
24 defense was -- stated an objection after I stated the
25 stipulation on the record. I think the objection goes to

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1 the fact that this type of evidence is admissible at all,
2 as opposed to whether or not he has two prior
3 convictions. I'm not quite sure that was made clear to
4 the jury. I would ask that when the jury comes back in
5 that it made clear to the jury that there is no argument
6 between the parties that the defendant has at least two
7 prior convictions for burglary. If we weren't able to
8 come to that consensus then I think I would need to put
9 the two convictions into the record. Does that make
10 sense?

11 MR. IANUARIO: Yeah. I believe that's probably
12 a better summation, Your Honor.

13 THE COURT: So what are you asking me to do?

14 MR. MOYER: Your Honor, for the court to
15 announce to the jury that there is no dispute between the
16 parties that the defendant has at least two convictions
17 for burglary.

18 THE COURT: Is that what you're asking me to
19 do?

20 MR. IANUARIO: Yeah. The dispute would be as
21 to admissibility and not the accuracy, Your Honor.

22 THE COURT: All right. Well, I took it as a
23 403 objection. All right. I will do that if y'all -- if
24 y'all agree, I will do that when the jury returns.

25 MR. MOYER: All right. Thank you, Judge.

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1 THE COURT: All right. Sure.

2 Now, Mr. Taylor, come to the podium, please. And if
3 your attorney will come around, also.

4 Madam Clerk, would you place Mr. Taylor under oath?

5 THE CLERK: Yes, sir. Please raise your hand.
6 Do you swear or affirm to tell the truth, the whole truth
7 and nothing but the truth, so help you God?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Now, Mr. Taylor, tell me your full
10 name, please?

11 THE DEFENDANT: Furman Eugene Taylor, Jr.

12 THE COURT: And how old are you?

13 THE DEFENDANT: I'm forty-seven.

14 THE COURT: And how much education do you have?

15 THE DEFENDANT: I went to a little bit of
16 school when I was in the military.

17 THE COURT: What branch of the military were
18 you in?

19 THE DEFENDANT: Navy, sir. Launch and recovery
20 of aircraft.

21 THE COURT: Say that again. Slow down.

22 THE DEFENDANT: Launch and recovery of
23 aircraft, United States Navy.

24 THE COURT: If you were in the navy, you would
25 have to get the army and start talking about MOSSs to me.

1 I can't track the navy. What type work do you do?

2 THE DEFENDANT: Well, I do a lot of carpentry
3 work, is what I do, Your Honor. I was building crates
4 for General Electric. I've done some two-part epoxy
5 painting for CompX down in Mauldin. I've done some side
6 jobs working on houses doing remodeling and things of
7 that nature.

8 THE COURT: I need to go over some things with
9 you. I do this with everyone who's on trial. And I
10 needed your responses to be under oath. That's why I had
11 the clerk place you under oath. Do you understand?

12 THE DEFENDANT: Yes, sir, I understand.

13 THE COURT: We've reached the stage of the
14 trial where the state has rested and your side, the
15 defense, now has the opportunity to present evidence for
16 the jury to consider. Do you understand where we're at
17 in the trial?

18 THE DEFENDANT: Yes, sir, I do.

19 THE COURT: In that regard, you, through your
20 attorney, may call witnesses to testify. And if you
21 choose to testify yourself, you may do so. Do you
22 understand?

23 THE DEFENDANT: Yes, sir, I do.

24 THE COURT: No one can force you to testify,
25 Mr. Taylor. You have an absolute right to remain silent.

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1 And if you choose not to testify, I will tell this jury
2 that they cannot hold your silence against you in anyway.
3 I will tell them they are not to discuss that -- not to
4 even discuss that in the jury room. Do you understand?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: If your side offers no evidence at
7 all; in other words if neither you nor anyone on your
8 behalf testifies or offers any exhibits, then your
9 attorney will get to make the last argument to the jury.
10 Otherwise, the prosecutor gets to make the last argument
11 to the jury. Do you understand?

12 THE DEFENDANT: Yes, sir, I do.

13 THE COURT: Well, Mr. Ianuario, Solicitor, does
14 Mr. Taylor have a prior criminal history that would
15 subject him to impeachment under 609?

16 MR. MOYER: Yes, Your Honor, he does.

17 THE COURT: All right. And what would that be?

18 MR. MOYER: He has three counts of burglary
19 first, two counts of burglary second degree, attempted
20 burglary, all from -- they were all from 1992. However,
21 he was released within the ten years. He was released
22 from prison on that in 2005. So that puts those within
23 the ten year time frame. Then in 2005, he was convicted
24 of burglary second degree and shoplifting. 2009, grand
25 larceny, assault with intent to kill and failure to stop.

1 THE COURT: All right. Do you agree those
2 would subject him to impeachment under 609, Mr. Ianuario?

3 MR. IANUARIO: Yes, Your Honor.

4 THE COURT: All right. Well, basically what
5 that means, Mr. Taylor, if you were to take the stand,
6 then the prosecutor could ask you in front of the jury
7 about whether you've had these prior convictions for
8 these certain offenses in the past. They cannot go into
9 the details of the prior offenses, but they can ask you
10 if you've been convicted of burglary first, three counts;
11 burglary second, two counts; attempted burglary; another
12 burglary second in '05 and shoplifting; and an '09 grand
13 larceny and assault with intent to kill. Does failure to
14 stop also ---

15 MR. MOYER: It carries over a year, yes, sir.

16 THE COURT: Okay. And the failure to stop. Do
17 you understand?

18 THE DEFENDANT: Yes, sir, I do.

19 THE COURT: Now, in that regard, I would tell
20 the jury, except for the two or more convictions, you
21 know, it's kind of a double -- kind of facing this on two
22 fronts. Two or more convictions for burglary are
23 elements of burglary first. But I would tell the jury
24 for purposes of 609 that they can only consider this
25 evidence if you were asked about it by the prosecutor

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1 during your cross examination or if your attorney asked
2 you about it, if they consider it against you at all,
3 only on the issue of whether your testimony is believable
4 and for no other purpose. Do you understand?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: So the decision about whether you
7 testify or not is your decision to make and yours alone.
8 I expect that you've conferred with your attorneys and
9 perhaps others whose opinions you value on important
10 issues, but the decision about whether you testify or not
11 is your call to make, your decision. Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has anyone exercised any undue
14 influence over you to get you to choose to testify or not
15 to testify?

16 THE DEFENDANT: No, sir, Your Honor.

17 THE COURT: Today are you under the influence
18 of any drugs, alcohol, medication or anything that
19 negatively affects your thinking ability?

20 THE DEFENDANT: No, sir, Your Honor.

21 THE COURT: Do you suffer from any physical or
22 mental problem that affects your thinking today?

23 THE DEFENDANT: No, sir, not as I'm aware of.

24 THE COURT: Do you have any questions you would
25 like to ask me about your right to testify or not to

1 testify?

2 THE DEFENDANT: No, sir, Your Honor.

3 THE COURT: All right. Thank you. I'll give
4 you a few more minutes to talk about it and I'll ask upon
5 our return, Mr. Ianuario. Is there anything else you
6 would like me to ask Mr. Taylor concerning his right to
7 testify or not testify?

8 MR. IANUARIO: No, Your Honor.

9 THE COURT: All right. Thank you. We'll take
10 about a ten minutes recess. Thank you very much.

11 (WHEREUPON, the court stood at recess for a short
12 break.)

13 (WHEREUPON, Court Exhibit Numbers 1 and 2 were
14 marked for identification.)

15 THE COURT: All right. Anything from the state
16 before we bring in our jury?

17 MR. MOYER: Just as long as we make it clear to
18 the jury about the stipulation.

19 THE COURT: And the -- and I'm trying to track
20 in my mind that there is no disagreement that he has two
21 or more prior convictions?

22 MR. MOYER: Yes, sir.

23 THE COURT: However, there is an objection
24 under one of the rules of evidence, 403?

25 MR. IANUARIO: For it to come in at all.

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1 THE COURT: For it to come in at all, but not
2 that they exist?

3 MR. IANUARIO: Correct.

4 THE COURT: I just want to make sure that Mr.
5 Ianuario and Mr. Taylor are protected on the record.

6 MR. MOYER: Yes, sir.

7 THE COURT: I'll try not to mess it up too bad.
8 If I do, somebody correct me.

9 Mr. Ianuario, have you had an opportunity to speak
10 with Mr. Taylor?

11 MR. IANUARIO: Yes, Your Honor.

12 THE COURT: All right. Well, let me ask you,
13 does he intend to testify?

14 MR. IANUARIO: He does not, Your Honor.

15 THE COURT: He does not? Do you intend to
16 offer any evidence or any testimony?

17 MR. IANUARIO: No, Your Honor.

18 THE COURT: Is that a no?

19 MR. IANUARIO: No.

20 THE COURT: All right. So what I usually do,
21 is when I come out, I tell the jury, I'll say, all right,
22 the state has rested. The defendant can now offer
23 evidence and testimony if the defendant chooses to do so.
24 And I tell them also again that the state has the burden
25 of proof and presumed to be innocent. And I'll turn my

1 attention to you and ask if he's going to present any
2 evidence or testimony and you say no and renew your
3 motion for the record.

4 MR. IANUARIO: Yes, sir.

5 THE COURT: And I'll tell them they've heard
6 all the evidence, all the testimony they're going to hear
7 in the trial of this case. And the procedure will follow
8 with closing. Solicitor will go first, followed by you;
9 is that correct?

10 MR. MOYER: That's correct, Your Honor.

11 THE COURT: Any specific requests to charge?

12 MR. MOYER: No, Your Honor.

13 MR. IANUARIO: No, Your Honor.

14 THE COURT: All right. Thank you, thank you
15 very much.

16 MR. IANUARIO: Your Honor, did you just want me
17 to renew that directed verdict motion again?

18 THE COURT: I just -- I never know what to tell
19 lawyers about that, Mr. Ianuario. I'd just say I renew
20 all motions for the record. I don't know. You know, a
21 preservation of error is just really a slippery slope, I
22 think, for practitioners anymore.

23 MR. IANUARIO: I understand, Your Honor. I
24 just wanted to make sure we're on the same page.

25 THE COURT: Yes, sir.

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1 (WHEREUPON, the jury entered the open court at
2 approximately 3:24 p.m.)

3 THE COURT: All right. Welcome back, ladies
4 and gentlemen of the jury panel. As you recall, the
5 state rested -- y'all moved again. The state rested
6 prior to us taking our afternoon recess. The defense may
7 now present evidence and testimony if the defense chooses
8 to do so. You will recall, I have told you a criminal
9 defendant in South Carolina, regardless of the
10 seriousness of the offenses charged, is always presumed
11 to be innocent and does not have to prove himself or
12 herself innocent. The state always bears the burden of
13 proving its case beyond a reasonable doubt. The defense
14 bears no burden whatsoever.

15 However, we will turn our attention to Mr. Ianuario
16 and ask, does the defense intend to offer any evidence or
17 testimony, Mr. Ianuario?

18 MR. IANUARIO: No, Your Honor, we do not.

19 THE COURT: And so the defense rests?

20 MR. IANUARIO: Yes, Your Honor.

21 THE COURT: All previous motions are noted for
22 the record.

23 MR. IANUARIO: Yes, Your Honor.

24 THE COURT: Thank you very much. The defense
25 has now rested. What that means is you've now heard all

1 the evidence and all the testimony you're going to hear
2 in the trial of this case. We're now at the point of
3 closing arguments by the attorneys. The procedure we
4 follow in a case such as this is the state presents,
5 through the solicitor, presents a closing argument to you
6 on behalf of the state first; it being the party bearing
7 the burden of proof, followed by Mr. Ianuario on behalf
8 of his client, Mr. Taylor, followed by my instruction, my
9 charge to you. The case will then be submitted to you
10 for your consideration and for your verdicts. Given the
11 hour, my preference is to press on. Seeing no negative,
12 we will press on with that at this time. If you would
13 please give the parties your complete and undivided
14 attention, as you have done throughout the trial of this
15 case.

16 With that being said, Solicitor.

17 Oh, one other thing. One other thing. There was a
18 stipulation right before, right before the state rested
19 and an objection by Mr. Ianuario concerning the issue.
20 There is no dispute of fact between the parties that Mr.
21 Taylor has two or more prior convictions for burglary.
22 They agree to that. Mr. Ianuario was objecting as to --
23 not that they factually exist, but under a specific rule
24 of evidence that I ruled on that is not for your
25 consideration. The parties agree, the state agrees and

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1 the defense agrees, that Mr. Taylor has two or more prior
2 convictions of the crime of burglary already in place.
3 So that is a stipulation. That is an agreement by the
4 parties as far as the factual existence of those two or
5 more burglaries.

6 With that being said, anything further from the
7 state before closings?

8 MR. MOYER: No, Your Honor.

9 THE COURT: From the defense?

10 MR. IANUARIO: No, Your Honor.

11 THE COURT: Thank you very much. Solicitor,
12 you may address the jury.

13 MR. MOYER: Thank you, Your Honor. May it
14 please the court.

15 **CLOSING ARGUMENT**

16 **BY MR. MOYER:**

17 Mr. Foreman, ladies and gentlemen, I told you that I
18 thought we would be able to finish this case today. And
19 in fact, we have been able to do more than just finish
20 the evidence, but we were able to get through the whole
21 case and do our closing arguments, too, and I'm glad that
22 we were able to do so. Since it was such a short case, I
23 am not going to have a whole lot to say to you. It will
24 not be a long closing. But I want to just summarize a
25 few things and make a few comments to you about the law

1 and the evidence that we have heard.

2 The first thing I wanted to remark on is the fact
3 that, as His Honor told you a few minutes ago, the
4 evidence phase of the case is over. Every once in a
5 while we have jurors who send a note back or ask the
6 bailiff to ask the judge for some more evidence; maybe to
7 put in a statement or call another witness or so forth.
8 That cannot take place at this point. All the evidence,
9 all the witnesses that you're going to hear from and all
10 the evidence that you're going to receive is now before
11 you. Except in rare situations, witness statements and
12 police reports and things like that, are not admissible
13 into evidence. Occasionally they can be referred to and
14 so forth, but they're not things that can come into
15 evidence. So you've heard everything that you're going
16 to hear.

17 The second thing I want to mention to you is -- has
18 to do with the burden of proof. As you have heard
19 several times already, and as you will hear some more,
20 the defendant in any case comes into court presumed
21 innocent and it's the state's burden to disprove that
22 beyond a reasonable doubt. And I want to tell you,
23 ladies and gentlemen, that we agree with that. And the
24 state gladly accepts that burden in this case. It's the
25 fundamental concept of our judicial system. You know,

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1 we're dealing with people as opposed to just property, so
2 we accept that and we gladly accept it. But I want to
3 say this, keep in mind what that means.

4 It is beyond a reasonable doubt. It is not beyond
5 all doubt. It is not beyond -- I heard someone call it
6 once, a shadow of a doubt. I'm not quite sure what that
7 means. But that's not the standard. It is beyond a
8 reasonable doubt.

9 There can be doubt in anything and -- in our daily
10 lives and the judicial system is not different in that
11 case. And just keep in mind also that every criminal
12 defendant who has ever come before a jury in any case has
13 had this same burden of proof. Every defendant who has
14 ever been found guilty before a jury has had his case
15 proven beyond a reasonable doubt. And that goes from the
16 most seemingly insignificant case to the most seemingly
17 significant case.

18 In South Carolina, you can get a jury trial for
19 speeding. And if you came before a jury in magistrate's
20 court with six people, it would have to be proven beyond
21 a reasonable doubt that you were speeding before you
22 could get that ticket. So it is -- and this is also true
23 with capital cases. So I would ask you to keep that in
24 mind.

25 The next thing I want to talk to you about, ladies

1 and gentlemen, are the charges that are before the court
2 -- before you. The defendant has been charged with two
3 crimes, burglary first degree and petit larceny. So let
4 me take a minute just to talk to you a little bit about
5 what that means.

6 A burglary is the entering of a building without
7 permission with the intent to commit the crime therein.
8 Entry can be by any means whatsoever. If Ms. Taylor had
9 left her front door unlocked and maybe even open, and
10 somebody walked into that crime -- into her residence
11 with the intent to commit a crime, that would be a
12 burglary. You don't have to break in. You don't have to
13 smash out a window. But just entering without permission
14 and with the intent to commit a crime. And it can be any
15 crime. It doesn't have to be stealing. We usually think
16 of burglaries as someone breaking in and stealing
17 something. But if you enter someone's residence or enter
18 a building with the intent to assault somebody or to
19 damage some property or commit arson, it is a burglary.

20 Now, what makes a burglary first degree burglary
21 like we have in this case are a couple of additional
22 elements. One is that building has to be a residence, a
23 place where somebody lives. Another element is that
24 there has to be a circumstance of aggravation. There are
25 several different kinds of circumstances of aggravation.

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1 It can be if the burglary takes place in a residence at
2 nighttime, that makes it first degree burglary. This one
3 obviously did not. But if the person who commits the
4 burglary is armed, it makes it first degree. And if the
5 person has at least two convictions for burglary in his
6 past, that makes it first degree. Which is why the
7 stipulation that you heard was entered into; why you
8 heard that the defendant has at least two prior
9 convictions for burglary.

10 So in this situation did a burglary take place?
11 Well, I don't think there's any dispute that Ms. Taylor's
12 house was broken into. There's no question that Perry --
13 David and his brother T.R. Perry saw these two people
14 coming out of the residence, that Ms. Taylor's property
15 was stolen, that the door had a broken pane of glass,
16 that someone reached in and opened it and someone went in
17 that house without permission and stole. There's no
18 question also that it was a residence. There's no
19 question also that it was done without permission. Ms.
20 Taylor said those two individuals did not have permission
21 to be in her house. And it's common sense that if
22 someone goes into the house and steals something, they
23 did not have permission.

24 We also know that there's circumstances of
25 aggravation. The defendant was armed. The defendant had

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1 a gun. Now, you say he didn't go in there with a gun.

2 Well, that doesn't matter. Under the law, if you break

3 into someone's house and steal a gun that's already

4 inside that house, that makes it burglary first degree.

5 Why is that? It is because it adds a danger -- it adds a

6 layer of danger to the situation. If somebody would come

7 home while their house is being broken into and that

8 person is stealing a gun, that gun could be potentially

9 turned on that homeowner. So it adds a layer of danger.

10 It also adds -- to the homeowner. It also adds a

11 layer of danger to the community. We don't know where

12 that gun is. Because of this burglary, there's another

13 handgun out on the streets of Greenville. And who knows

14 where it went. Probably to this Dray person that we

15 heard testimony about where this laptop went to some

16 fence. It's circulating through Greenville. It adds a

17 layer of danger to us all.

18 We also know that the defendant has at least two

19 convictions for burglary. It's without dispute. It's

20 admitted. So this is a burglary first degree.

21 Well, what is larceny, real quickly? You probably

22 all know what that is. It's essentially stealing. It is

23 the felonious or wrongful taking and carrying away of the

24 goods of another with the intent to permanently deprive

25 the person of that property. So if you -- essentially if

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1 you take something from somebody, it's larceny. This is
2 petit larceny, which means the dollar value was under two
3 thousand dollars. You heard Ms. Taylor testify about all
4 the things that were stolen and that it would cost about
5 thirteen hundred dollars to replace those items.

6 So those are the two crimes that are before you.
7 And I think when you're back in the jury room, you can
8 dispense with the argument about whether or not these two
9 crimes were committed rather quickly. Yes. There was a
10 burglary first degree and there was a larceny. So the
11 next question you're going to have to come to, ladies and
12 gentlemen, is this defendant the one who committed the
13 burglary, along with Amanda Caldwell? So yes, there was
14 a burglary. Is this defendant the one who did it? And I
15 think, again, the answer is clearly yes. A resounding
16 yes. And why do I say that?

17 Well, let's go back over the testimony really
18 briefly. We know Amanda Caldwell did this crime. We
19 know she was involved. She had a minor role in it or at
20 least a less significant role than Furman Taylor. She
21 was the get-away driver. She waited out in the car. She
22 was looking to make sure no one else came along, until
23 she got scared and went inside. But even if she had not
24 gone inside Ms. Taylor's residence, she would be guilty
25 of burglary, because the hand of one is the hand of all.

1 If two people are committing a crime together and each
2 person is equally guilty for what the other one does. If
3 you have a bank robbery where somebody stays outside on
4 the street and is looking out for, you know, witnesses,
5 and you have a get-away driver, these are the people who
6 even don't go inside the bank and commit the bank robbery
7 but are just as guilty, because they all worked together.

8 Here Amanda Caldwell was clearly guilty of burglary.
9 She was driving the car. She drove him there. When he
10 said -- when Furman Taylor said, let's hit this house,
11 she didn't even argue with him. She turned her vehicle
12 around, drove slowly by the house so he -- so Furman
13 Taylor could get a good look at the house. And then she
14 drove into the driveway and she waited until he came out.
15 So she is guilty.

16 Who was the other person that was involved in it
17 with her? We know there was someone involved with her.
18 There's no question about that. Mr. Perry testified,
19 T.R. Perry testified that he saw a man involved in this,
20 as well. His brother David Perry was there. We heard
21 testimony that for whatever reason from his vantage
22 point, he was unable to see the other person. But T.R.
23 Perry saw this man walking out of the house holding what
24 we now know is a pillow case full of the stolen property
25 and holding a pistol by his side. So we know there was a

1 man involved.

2 Was it this defendant? Well, we know it was him for
3 many reasons. First off, it was Amanda's boyfriend. It
4 had been -- Furman Taylor had been her boyfriend for
5 months at this time, since November. That's who she hung
6 out with. That's who she spent all her time with. Who
7 would she commit a burglary with? Her boyfriend. We
8 know it was his vehicle. You heard testimony over and
9 over from most of the witnesses about a white and blue
10 Ford Aerostar van. What do we know when Amanda Caldwell
11 was arrested? She was in a blue and white Ford Aerostar
12 van. The tag number was HZQ185, which came back to this
13 defendant. It was registered to him. He bought it from
14 Amanda Caldwell's sister. It was his vehicle.

15 Now, when David Perry and his brother saw that
16 vehicle in the driveway, they got a partial tag and they
17 told the officers it was -- they thought it was EZI or
18 EQI, which is very close, as far as the beginning of the
19 tag, which is very close to what the real tag was, which
20 was HZQ185. So we have the Z, we have the one, which
21 looks like an I, and they got one of the digits wrong,
22 and they didn't even get the rest of the tag number. So
23 it was very close. It was the vehicle that they were in.

24 How do we know it was Furman Taylor? Because the
25 man who was with Amanda Caldwell fit his description

1 exactly. We heard testimony he's about five eleven, six
2 foot, somewhere around two hundred pounds. He's
3 somewhere between forty-five and fifty years old. He had
4 dark ponytail -- long dark hair that he kept in a
5 ponytail and a goatee. And that's the description that
6 David Perry gave when he saw the man coming out. He
7 said, I didn't get a good enough look at him to identify
8 him later in his photo lineup, and that's certainly
9 understandable. When those guys came out of that house,
10 they knew there was a witness right there in the
11 driveway. They didn't want to be seen. Even Amanda
12 Caldwell was hiding her face. So what did the defendant
13 do? He scrunched up his -- the collar of that hoodie and
14 to keep from being seen too clearly. But David Perry was
15 able to see those distinguishing features of him. We
16 know the defendant is about the same height, the same
17 weight, the same hairstyle, the same facial hair, as was
18 described by David Perry.

19 Now, David Perry gave a statement to Investigator
20 Mashak a few days later. T.R. Perry did. T.R. Perry,
21 the man who gave the full description of this defendant,
22 gave a statement to Investigator Mashak a few days later,
23 and that's the description that he put in the written
24 statement that he gave.

25 Now, I know there was a little bit of a dispute

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1 based on the reporting officer who came out to the scene,
2 if you recall that. There was some minor discrepancies.

3 But keep in mind what the roles are for these
4 different officers. The officer who goes to the scene,
5 he's just trying to get that information quick, get it
6 out on the radio, and he's talking to David Perry. He's
7 talking to T.R. Perry. He's getting this information.
8 He just has to get it out on the radio as quickly as he
9 can so other officers who are out driving around can look
10 for this Ford Aerostar van and can look for people who
11 look like the persons who were just seen. That's his
12 role. He doesn't take a statement. Investigator Mashak
13 then took the statement from T.R. Perry, and that's when
14 T.R. Perry said, yes, he had a goatee, long dark hair and
15 the description that he said. And you heard T.R. Perry
16 testify in court today and that's the description that he
17 gave.

18 Ladies and gentlemen, in short, -- well, let me
19 mention this also. What are the odds that the defendant
20 also was in the vehicle that Amanda Perry [verbatim] was
21 in when she was arrested; the Ford Aerostar van? There
22 he is with her. Because it was -- he was her boyfriend.
23 They spent their time together. They committed this
24 robbery together.

25 Finally, ladies and gentlemen, I would argue to you

1 that Amanda Caldwell has no reason to lie. I want you to
2 think about that. She took the stand under oath and she
3 told you that this defendant, Furman Taylor, is the
4 person who committed this crime with her. Furman Taylor
5 was her boyfriend. Not just some guy she knew. He was
6 her boyfriend, her lover. They lived together. They
7 lived in hotels. They were bouncing around from hotel to
8 hotel after they got kicked out of her grandmother's
9 house. For months. They're lovers.

10 She gave this statement to Investigator Mashak a
11 couple of days after she was arrested when their
12 relationship ended. Why in the world would she lie about
13 who was involved in this crime with her? Why would she
14 lie about that? Why would you take someone who you, not
15 just know, not dislike, but someone who you love, who's
16 your boyfriend, who's your lover, why would you lie about
17 that person and put that person in such dire straits for
18 no reason? There's no reason.

19 Think about what it would take to frame somebody,
20 because that's what it would be. If she's lying, she is
21 out and out framing somebody. What would that take? How
22 much hatred would that take to do that? It would take
23 utter and complete hatred. But the opposite is true. He
24 was her boyfriend. Why would she lie?

25 Secondly, why would she lie, because I would argue

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1 to you, ladies and gentlemen, she wants help. Now, she
2 told you nobody promised to help her. Nobody told her,
3 you're going to get X, Y or Z if you testify. But you
4 know she wants to be helped. She wants a judge and a
5 prosecutor to listen to what she says and to take that
6 into consideration about whether she's being truthful or
7 not and hopefully get a little leniency for her. Why
8 would you risk lying if what you want is help? You're
9 not going to get any help if you're lying. When she gave
10 that statement, she doesn't know if what she said could
11 be easily disproven and she would be caught lying. And
12 the same goes with her testimony here. If she's caught
13 lying, how is that going to help her? It's going to hurt
14 her. It's going to damage her. What she would like to
15 have, I'm sure, which is some leniency for being truthful
16 in court and testifying against the person who would
17 commit a crime like this.

18 Ladies and gentlemen, in conclusion, in order for
19 this defendant to not be guilty of this burglary, I would
20 argue to you that, first, it would have to be the
21 greatest cover-up ever, that Amanda Caldwell and a bunch
22 of police officers got together to frame somebody.

23 Secondly, I would argue to you that it would be the
24 greatest coincidence, that a vehicle, Ford Aerostar, blue
25 and white, with two -- with basically the same tag

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1 number, with someone who fits the exact same 'description,
2 facial hair, long hair, race, sex, age, size, weight, all
3 of those matters would have to be aligned together.

4 I asked you at the beginning of this case to, at the
5 end of this case, do justice. And I would argue to you,
6 ladies and gentlemen, that justice in this case is
7 holding this defendant, Furman Taylor, responsible for
8 what he did, which is committing a burglary of Renna
9 Taylor's residence on May the 19th of 2012, and finding
10 him guilty.

11 Thank you.

12 THE COURT: Thank you very much, Solicitor.

13 Mr. Ianuario.

14 MR. IANUARIO: Thank you, Your Honor.

15 **CLOSING ARGUMENT**

16 **BY MR. IANUARIO:**

17 Thank you, ladies and gentlemen. I'll try to make
18 it quick. I won't be quite that long.

19 Framing. Framing requires evidence. What evidence
20 do we have? Do we have fingerprints? No. Do we have
21 photographs of where the door was broken into? No. Do
22 we have any hard eyewitness statements, yes, that's
23 definitely Furman Taylor. We only have that from one
24 person; his girlfriend. His girlfriend that he broke up
25 with on the day that she was arrested. Hell hath no fury

1 like a woman scorned.

2 When Furman was arrested, we don't know if they
3 searched his van, but surely if they had searched his van
4 and found a crow bar and gloves, those would have been in
5 evidence. If they had searched his residence and found a
6 crow bar and gloves, those would have been in evidence.
7 If they found any of the missing stolen property, those
8 would have been in evidence. We don't have that. We
9 don't have even fingerprints from the homeowner.

10 Now, license plates, it doesn't match. Partial,
11 EZI, HZQ. Okay, there's a Z in there. How many of you
12 have a Z on your license plate?

13 The first time that we hear of Furman Taylor in the
14 time line is after the investigator, Mashak, I believe,
15 asked Greg's husband, who is Amanda Caldwell with? And
16 he said Furman Taylor. So the investigator probably runs
17 his background and sees those burglaries that occurred in
18 the early nineties, twenty years ago. That he matches
19 the rough description. Seems like a fairly easy case
20 closed. Amanda Caldwell is placed under arrest. She
21 starts to give a statement. She names two other people
22 before she names Furman. She's trying to save her butt.
23 The only time that she mentions Furman is after the
24 Investigator says, you're lying, you were with Furman
25 Taylor. She says, okay, I was. She says from then on

1 she was being completely honest, but I've got issues with
2 that. There was a storm door on the residence. Storm
3 doors have hydraulic pulls on them. They shut when you
4 open them up. There's no way for her to walk in without
5 having to touch the door. There's no fingerprints on the
6 door.

7 She says she never borrowed his car. Well, that
8 makes pretty good sense and that explains the van if you
9 believe everything that she said, that she never would
10 have borrowed the van that was purchased from her sister
11 a couple of weeks before. She's saying she never
12 borrowed it so we would have to believe she never
13 borrowed it unless there's other issues in her testimony
14 that don't add up.

15 We have only two unbiased witnesses in this case.
16 We have Ms. Taylor, the victim. She had no testimony
17 that implicated Mr. Taylor. She stated her home was
18 broken into. Then we have Mr. Perry, Mr. T.R. Perry. He
19 doesn't care. Ms. Taylor is his friend. Obviously, he
20 wants to help her out, but he couldn't give an accurate
21 description. He couldn't identify the guy in a line-up.
22 He just said long hair and a goatee. Go down to Quaker
23 State on a bike night and see how many guys have long
24 hair and a goatee. I see a couple of gentlemen here with
25 goatees. I'm sure probably some of y'all had long hair.

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1 I did at one point. I could have looked like any other
2 number of people wearing a ball cap.

3 One thing that really, really jumps out at me,
4 though, she said that Furman Taylor had stolen a gun and
5 that he had the pillow in the right hand and the gun in
6 the left. But when we look at the testimony of Mr.
7 Perry, Mr. Perry says, he was holding up his jacket like
8 this, and there was no mention of a gun. If he's holding
9 a jacket next to his face and he's brandishing a
10 revolver, don't you think that that would have been
11 mentioned? Pretty touch to hide a gun in your hand even
12 when you're pulling up your jacket. He didn't see a gun.
13 And Ms. Caldwell is lying again to save her butt. And
14 because of that, she's trying to send Furman Taylor down
15 the road. Cops look at it, yeah, he matches the
16 description. Yeah, he's got prior burglaries. And she's
17 saying he did it.

18 Well, that's not enough. This is the United States
19 of America. Beyond a reasonable doubt, everything should
20 be provided for you. How can you convict somebody when
21 there's no forensic evidence, a very vague description of
22 the person as being there, and somebody that's already
23 pled guilty to the same crimes, named a couple of other
24 people and has given inaccurate testimony that conflicts
25 with the only unbiased witness that we've heard from.

24 Charge, arrest, indictment; not evidence. The
25 indictments charge the defendant with burglary in the

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Charge

1 first degree and petit larceny. I remind you again, that
2 the fact that the defendant was arrested, charged and
3 indicted in this case is not evidence and cannot be
4 considered by you as evidence of guilt in this case. Nor
5 does it create any presumption or inference of guilt.
6 These documents, these indictments, are simply the formal
7 written instruments which contain the charges made
8 against the defendant. They are the formal documents by
9 which this case has been brought before the court. The
10 indictments allege two different offenses; burglary in
11 the first degree and petit larceny. Each indictment
12 charges a separate and distinct offense. You must decide
13 each indictment separately on the evidence and the law
14 applicable to it, uninfluenced by your decision as to any
15 other indictment. The defendant may be convicted or
16 acquitted on any or both of the offenses charged. You'll
17 be asked to write a separate verdict of guilty or not
18 guilty as to each indictment.

19 Presumption of innocence. The defendant has pled
20 not guilty to these indictments. And that plea puts the
21 burden on the state to prove the defendant guilty. A
22 person charged with committing a criminal offense in
23 South Carolina is never required to prove himself
24 innocent. I charge you that it is an important rule of
25 the law that the defendant in a criminal trial, no matter

1 what the seriousness of the charge may be, will always be
2 presumed to be innocent of the crime for which the
3 indictment was issued unless guilt has been proven by
4 evidence satisfying you of that guilt beyond a reasonable
5 doubt. This presumption of innocence does not end when
6 you begin your deliberations. But it accompanies the
7 defendant throughout the trial until you reach a verdict
8 of guilt based on evidence satisfying you of that guilt
9 beyond a reasonable doubt. Presumption of innocence has
10 been said to be like a robe of righteousness placed about
11 the shoulders of a defendant, which remains with the
12 defendant until it has been stripped from the defendant
13 by evidence satisfying you of the defendant's guilt
14 beyond a reasonable doubt.

15 The presumption of innocence, ladies and gentlemen,
16 is not a mere legal theory. It is not just a legal
17 phrase. It is a substantial right to which every
18 defendant is entitled, unless you, the jury, are
19 satisfied from the evidence of the defendant's guilt
20 beyond a reasonable doubt.

21 What is a reasonable doubt in the law? A reasonable
22 doubt is the kind of doubt that would cause a reasonable
23 person to hesitate to act. The state has the burden of
24 proving the defendant guilty beyond a reasonable doubt.
25 Some of you may have served as jurors in civil cases

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Charge

1 where you were told that it is only necessary to prove
2 that a fact is more likely true than not true. Such as
3 by the greater weight or the preponderance of the
4 evidence. In criminal cases, the state's proof must be
5 more powerful than that. It must be beyond a reasonable
6 doubt. Proof beyond a reasonable doubt is proof that
7 leaves you firmly convinced of the defendant's guilt. As
8 you know, there are very few things in this world that we
9 know with absolute certainty. And in criminal cases, the
10 law, our law does not require proof that overcomes every
11 possible doubt. If, based on your consideration of the
12 evidence, you are firmly convinced that the defendant is
13 guilty of the crimes charged, you must find the defendant
14 guilty. If, on the other hand, you think there is a real
15 possibility that the defendant is not guilty, you must
16 give the defendant the benefit of the doubt and find him
17 not guilty.

18 Duty of jury and trial judge. I remind you that
19 during this trial, you and I have certain duties to
20 perform. As the trial judge, it is my responsibility to
21 preside over the trial of this case. And I also have the
22 duty to rule on the admissibility of the evidence offered
23 during this trial. You are to consider only the
24 competent evidence before you. You are to consider only
25 the testimony which has been presented from this witness

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1 stand, the exhibits which have been made a part of the
2 record, and any stipulations of counsel. I have the
3 additional duty to charge you the law that applies to
4 this case.

5 As the presiding judge, I am the judge of the law of
6 this case and it is your duty as jurors to accept and
7 apply the law as I now state it to you. If you already
8 have any idea as to what the law is or what the law ought
9 to be, and it does not agree with what I now tell you the
10 law is, you must abandon your idea because you are sworn
11 to accept the law and apply the law exactly as I state it
12 to you.

13 In every case tried in this court before a jury, the
14 jury becomes the sole and exclusive judge of the facts in
15 a case. A trial judge cannot intimate, state, comment on
16 or make any statement to a trial jury about the facts in
17 a case. Since you, the jury, are the sole judge of the
18 facts in this case, you are not to infer from what I have
19 said during the progress of this trial in ruling upon the
20 admissibility of evidence or otherwise, or anything I say
21 now during the course of this instruction to you, that I
22 have any opinion about the facts in this case. The law
23 does not allow me to have an opinion about the facts in
24 this case. That is a matter solely for you, the jury, to
25 determine. As jurors, it is your duty to determine the

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1 effect, the value, the weight and the truth of the
2 evidence that has been presented during this trial.

3 Direct and circumstantial evidence. There are
4 generally two types of evidence which are presented
5 during a trial; direct evidence and circumstantial
6 evidence. Direct evidence is the testimony of a person
7 who claims to have actual knowledge of a fact such as an
8 eyewitness or an ear witness. It is evidence which
9 immediately establishes the main fact to be proven. I
10 saw something, I heard something. Circumstantial
11 evidence is proof of a chain of facts and circumstances
12 indicating the existence of a fact. It is evidence which
13 immediately establishes collateral facts from which the
14 main fact may be inferred.

15 Circumstantial evidence is based on inference and
16 not on personal knowledge or observation. The law, our
17 law, makes absolutely no distinction between the weight
18 or the value to be given to either direct or
19 circumstantial evidence. Nor is a greater degree of
20 certainty required of circumstantial evidence than of
21 direct evidence. You should weigh all the evidence in
22 the case and after weighing all the evidence, if you are
23 not convinced of the guilt of the defendant beyond a
24 reasonable doubt, you must find the defendant not guilty.
25 If, after weighing all of the evidence, you are convinced

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1 of the guilt of the defendant beyond a reasonable doubt,
2 you must find the defendant guilty.

3 Credibility of the witnesses. Necessarily you must
4 determine the credibility of the witnesses who have
5 testified in this case. As you all know, credibility
6 simply means believability. It becomes your duty as
7 jurors, using your individual good judgment and common
8 sense and your collective good judgment and common sense
9 to analyze and to evaluate the evidence and determine
10 which evidence convinces you of its truth.

11 In determining the believability of witnesses who
12 have testified, you may believe one over several or
13 several over one. You may believe a part of the
14 testimony of a witness and reject the remaining part of
15 the testimony of that same witness. You may believe the
16 testimony of the witness in its entirety or reject the
17 testimony of the witness in its entirety. You may
18 consider whether any witness has exhibited to you any
19 interest, bias, prejudice or other motive in this case.
20 You may also consider the appearance, the manner, the
21 demeanor of the witness while on the witness stand.

22 I instruct you and emphasize, the fact that this
23 defendant did not testify is not a factor to be
24 considered by you in anyway in your deliberation and in
25 your consideration on the question of the guilt or

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1 innocence of the defendant. It must not be considered by
2 you in any manner whatsoever. A defendant has the
3 constitutional right to remain silent. And the assertion
4 of this right must not be considered by you in your
5 deliberations. I repeat, under your oath, you are to
6 draw no conclusion whatsoever from the fact that the
7 defendant in this case did not testify. The fact that
8 the defendant did not testify, Mr. Foreman, should not
9 even be discussed in the jury room. The burden of proof,
10 as I have stated, is on the state. The defendant is not
11 required to prove his innocence. The burden of proof
12 remains on the state to prove guilt beyond a reasonable
13 doubt.

14 Intent. In order to establish criminal liability,
15 criminal intent is required. For example, the mental
16 state required to be proven by the state for a particular
17 crime might be purposely intended to do something; I
18 intentionally did it, I did it knowingly, I did it
19 recklessly, or I did it with criminal negligence.
20 Criminal intent must be proven by the state beyond a
21 reasonable doubt. Criminal intent is always a matter
22 that must be determined by the jury from the
23 circumstances surrounding the situation.

24 Now, there is no way to prove intent to a
25 mathematical certainty. There is no way medical science

1 can dissect a person's brain and determine what that
2 person had in mind. So the law says that criminal intent
3 may be inferred from the circumstances shown to have
4 existed. This is how you make your determination of
5 whether or not the element requiring intent is present.
6 It is not necessary to establish intent by direct and
7 positive evidence. But intent may be established by
8 inference in the same way as any other fact, by taking
9 into consideration the acts of the parties and all the
10 facts and circumstances of the case.

11 Ladies and gentlemen, that covers the general
12 criminal law that applies to all cases in South Carolina
13 concerning charge, arrest, indictment not evidence,
14 multiple charges, presumption of innocence, reasonable
15 doubt, duties of the judge and trial jury, direct and
16 circumstantial evidence and credibility of witnesses and
17 intent.

18 I'm now going to charge you on the two specific
19 causes of action or offenses charged in the indictment.

20 Burglary first degree. There's a statute in South
21 Carolina, 16-11-311. The defendant is charged with first
22 degree burglary. The state must first prove beyond a
23 reasonable doubt that the defendant entered a dwelling
24 without consent. A dwelling is any building or portion
25 of a building in which a person ordinarily sleeps. A

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1 building is a dwelling even if the residents are
2 temporarily absent from the building. In order to prove
3 that the defendant entered the dwelling, the state does
4 not have to show that the defendant's entire body entered
5 the dwelling. The smallest entry is sufficient. It may
6 be any part of the body, such as the hand or foot, or
7 even an instrument such as a hook or other instrument.
8 In addition, the state does not have to prove that force
9 was used to gain entry.

10 Next, the state must prove beyond a reasonable doubt
11 that the defendant intended to commit a crime, either a
12 felony or a misdemeanor at the time of the entry. The
13 mere entry into a dwelling without consent is not
14 burglary. If the intent to commit a crime is formed
15 after entry, it is not burglary. On the other hand, if
16 the defendant intended to commit a crime at the time of
17 the entry, it is a burglary even if the intent was
18 abandoned after the entry. It does not matter that the
19 intended crime was not completed. Intent, again, may be
20 shown by acts and conduct of the defendant in other
21 circumstances from which you may naturally and reasonably
22 infer intent. Entry of a dwelling without consent with
23 the intent to commit a crime therein and find??the state
24 must prove beyond a reasonable doubt what is known as at
25 least one circumstance of aggravation. When entered or

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1 while in the dwelling or when fleeing, the defendant or
2 an accomplice was armed with a deadly weapon. Again,
3 when entering or while in the dwelling or when fleeing,
4 the defendant or an accomplice was armed with a deadly
5 weapon.

6 A deadly weapon is any article, instrument or
7 substance which is likely to cause death or great bodily
8 harm. A pistol is a deadly weapon. That's one
9 circumstance of aggravation.

10 And another circumstance of aggravation is the
11 defendant has a prior record of two or more convictions
12 for burglary and/or house breaking. The state does not
13 have to prove both. They can prove both, but does not
14 have to prove both, but has to prove at least one
15 circumstance of aggravation. Entry into a dwelling
16 without consent with intent to commit a crime therein and
17 one -- at least one or more circumstances of aggravation.

18 Now, ladies and gentlemen, evidence of prior
19 offenses committed by the defendant was not offered to
20 prove the defendant has a bad character. Or to prove
21 that the defendant committed the burglary on this
22 occasion. The prior convictions may be considered by you
23 only for the purpose of determining whether or not it
24 satisfied that element of the offense that makes it first
25 degree burglary if you enter a dwelling without consent

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1 to commit a crime and you have two prior convictions for
2 burglary and/or house breaking. Before you can even
3 consider the evidence of defendant's prior burglary
4 convictions, you must first find that the state has
5 proved beyond a reasonable doubt that a burglary was
6 committed by the defendant in this case. If you find
7 beyond a reasonable doubt that the burglary was
8 committed, then you may consider the evidence of the
9 prior convictions as evidence of one of the circumstances
10 which would make the burglary a first degree burglary.

11 If you do not find beyond a reasonable doubt that the
12 defendant committed these alleged prior offenses, then
13 you cannot return a verdict of first degree burglary.

14 Larceny. The defendant is charged with larceny.
15 The state must prove beyond a reasonable doubt that the
16 defendant took and carried away the property of another
17 against the will or without the consent of the other
18 person. The slightest removal of the property or the
19 complete possession of the property, even for an instant
20 by the defendant, is enough to show a taking and carrying
21 away of the property.

22 The state must also prove beyond a reasonable doubt
23 that the defendant intended to permanently deprive the
24 owner of the property. And finally, the state must prove
25 that the value of the things taken was two thousand

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1 dollars or less. That is the charge of burglary first
2 degree and larceny.

3 Mr. Foreman, you will have a form of verdict in the
4 jury room with you, along with all of the items of
5 evidence. As to each, as to each indictment, there are
6 two possible verdicts; guilty or not guilty. This -- you
7 can see how it's almost like a judicial ballet, it just
8 flows so good in the courtroom. This is the form of the
9 verdict that you will have with you. It's got the
10 caption and all. Once you -- once the jury determines
11 the facts, as you, the jury, determine them to be, apply
12 them to the law as I've told you the general law is, and
13 the elements of burglary and the elements of larceny. If
14 you find -- and these aren't listed in any order.
15 There's no significance whatsoever. One's got to be
16 listed first. If you apply those facts to the law as
17 I've told you, you find that the state has met its burden
18 of proof beyond a reasonable doubt as to the charge of
19 burglary first degree, you will see, number one, as to
20 the charge of burglary in the first degree, we, the jury,
21 unanimously find the defendant guilty of burglary first
22 degree, or not guilty. Whichever one, Mr. Foreman, if
23 you would check to the left of the appropriate verdict
24 that y'all find and circle what your checkmarks and those
25 words.

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1 And then the second one is the same as to petit
2 larceny. Larceny less than two thousand dollars.

3 Again, ladies and gentlemen, your verdicts must be a
4 unanimous one. All twelve of you must agree. Your
5 verdicts may not be based on passion or prejudice or
6 emotion or any other consideration not in evidence in
7 this case. When the jury has agreed on the verdict,
8 you'll have a place to sign as presiding juror, Mr.
9 Foreman, and date it. If you will then knock on the jury
10 room door, the bailiff will then inform us that you have
11 reached your verdict. At that time we'll receive you
12 back into the courtroom.

13 If you have any questions during the course of your
14 deliberation, if you will write me out a note, please,
15 and give it to the bailiff, he will deliver it to me and
16 I'll respond timely.

17 I'm going to ask you to go to your jury room one
18 final time before you begin your deliberations. In case
19 I've forgot something, I'll have to bring you back out
20 for further instructions. If I have not, everything
21 looks great, our alternates will come out. The evidence
22 will then be presented to you along with the form and
23 you'll be directed by the clerk or the bailiff to begin
24 your deliberations.

25 You may take your notes at this time, Mr. Foreman.

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1 Thank you very much.

2 (WHEREUPON, the jury exited the open court at
3 approximately 4:13 p.m.)

4 THE COURT: All right. If y'all would check
5 the exhibits, check the form of verdict. It should be
6 State's 1 through 5; is that right?

7 MADAM REPORTER: Yes, sir, that's all.

8 THE COURT: Is that right?

9 MADAM REPORTER: That's right, yes, sir.

10 THE COURT: Would y'all look at this verdict
11 form, Mr. Ianuario, Solicitor?

12 (WHEREUPON, the jury received the verdict form and
13 exhibits and began deliberations at approximately
14 4:16 p.m.)

15 THE COURT: Thank you very much for your
16 service. I'm going to release you for the remainder of
17 the day, which is not much, of course, and the evening,
18 and ask you to please call back after six o'clock
19 tomorrow. The courthouse is closed tomorrow; is that --
20 I believe the court is closed. So if you would please
21 call back after six o'clock tomorrow and it will prompt
22 you and give you instructions concerning your jury
23 service for the remainder of the week. If I don't get to
24 be with y'all any further, I've enjoyed being with y'all
25 this week and hope to see you soon. I'm not sure y'all

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1 feel the same way, but thank you so much for your
2 service.

3 (WHEREUPON, the alternates were dismissed.)

4 (WHEREUPON, the court stood at recess awaiting the
5 verdict of the jury.)

6 THE COURT: All right. This is a note from the
7 jury. During Amanda's first quote, lie, in discussion
8 with the dective, d-e-c-t-i-v-e, what name did she give
9 for the name of the man? Of course, I can't answer that
10 question. I can tell them I cannot answer that question.
11 I can also tell them that if they want to listen to any
12 testimony they can do that. Or I can tell them --
13 Solicitor, do you have a position?

14 MR. MOYER: Your Honor, I think that's all you
15 can say, Judge. I don't know what else you could tell
16 them.

17 THE COURT: Mr. Ianuario?

18 MR. IANUARIO: I would agree, unless you want
19 to read her statement and then instruct them from it. I
20 just think ---

21 THE COURT: Well, I think they have to use
22 their memories. I don't want to instruct them on what
23 the facts are or what the statement says.

24 MADAM REPORTER: Her testimony is like twenty-
25 two minutes.

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1 THE COURT: What I've put is I cannot answer
2 this question. However, if you wish to listen to her
3 testimony, please let me know and I will make
4 arrangements.

5 Any objections?

6 MR. MOYER: No objection.

7 MR. IANUARIO: No objection, Your Honor.

8 THE COURT: Will you put the stamp on that and
9 just tell them that's their answer.

10 (WHEREUPON, Court Exhibit Number 3 was marked for
11 identification.)

12 (WHEREUPON, the court stood at recess awaiting the
13 verdict of the jury.)

14 THE COURT: This note I received from the jury.
15 We have reached an impasse and cannot come to a unanimous
16 decision. Signed juror number 36, foreperson.
17 Solicitor?

18 MR. MOYER: Judge, I guess I would ask for an
19 Allen charge before we give up on them.

20 THE COURT: All right. Mr. Ianuario?

21 MR. IANUARIO: I would have to go along with
22 that. I'd like to see us try to get something today.

23 THE COURT: Today? Tonight?

24 MR. IANUARIO: If the jury wishes to deliberate
25 further on the matter, I would like to offer them that

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1 option to go on home and we just come back again on
2 Friday and regroup as Your Honor sees fit.

3 THE COURT: All right. I think I'll give them
4 an option. Tell them I have an additional charge I
5 typically give jurors in this situation. However, I
6 could give that to -- I don't want to rush them into a
7 verdict either way. The stakes are high. You know, the
8 hour is late. As far as the weather is concerned, also.
9 They've been here since nine thirty this morning. Not in
10 trial. So I may give them the option of going home
11 tonight and either calling back -- I guess it would be
12 calling back early Thursday morning to see if y'all are
13 open Thursday. Is that right?

14 THE CLERK: That's right.

15 THE COURT: And if you're not, to call back
16 early Friday morning to see if they're open Friday.

17 MR. MOYER: You going to give them the option
18 of staying tonight or ...

19 THE COURT: I'll give them that option, yes,
20 sir.

21 MR. MOYER: Okay.

22 THE COURT: It suits me.

23 MR. MOYER: Yeah, me too.

24 MR. IANUARIO: It suits me.

25 THE COURT: If it suits y'all, I won't give

1 them an option. I'll just give them an *Allen* charge.

2 MR. MOYER: I would prefer that, but again,
3 whatever Your Honor ...

4 MR. IANUARIO: I would prefer to give them the
5 option just to sort of avoid any potential issues with
6 possibly maybe rushing a verdict to try to get out.

7 (WHEREUPON, the jury entered the open court at
8 approximately 6:03 p.m.)

9 THE COURT: Mr. Foreman, ladies and gentlemen
10 of the jury, welcome back. I received your second note.
11 And perhaps I'm going to explain to you a little bit
12 about where we're at and a couple of different options.
13 According to our court reporter, y'all went out about
14 four sixteen. That's about an hour and fifty-two minutes
15 ago, which is not a particular long time. There's no set
16 short or long. It's however long a particular jury takes
17 on a particular case or trial. There were also some nine
18 witnesses, I understand.

19 Typically I have another jury charge that I give to
20 the jury when I get a note such as this, which is based
21 on case law. It's not something that I just made up,
22 it's just a law that's a specific additional charge. It
23 is after six o'clock at night. I realize y'all have been
24 here all day, whether in the trial, from nine thirty on
25 this morning. But you have been here all day and

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1 somewhat held captive during your lunch and recess and
2 now you're back in the jury room.

3 I can give you this charge and ask you to continue
4 deliberations tonight or I can release you for the
5 remainder of the evening. The courthouse is closed
6 tomorrow. That's already been decided by those that
7 decide those issues. And have you call a particular
8 number back at six o'clock Thursday morning. That'll
9 tell you about whether you're open Thursday.

10 THE CLERK: Right. Yes, sir.

11 THE COURT: You could call back and that may
12 give us some guidance of whether to report back Thursday
13 or to call back and report back Friday. Now, if you want
14 to discuss that with your colleagues before you make the
15 decision, just for timing. I don't want to rush you.
16 That's not, that's not fair to the state and it's not
17 fair to Mr. Taylor. It's not fair to you. As I say,
18 there's no specific amount of time you should or should
19 not take. But if you want to discuss that with your
20 colleagues. I realize what the weather's like out there
21 now. I realize the time. If you want to be released for
22 the evening, I will be happy to do that. But again,
23 you'll have to call back and you'll have to come back
24 when we're able to reassemble.

25 Do you want to talk with your colleagues about that

1 first, Mr. Foreman?

2 MR. FOREMAN: You mentioned you had a charge?

3 THE COURT: Yes, sir.

4 MR. FOREMAN: Was that it? Or was there
5 something further? Was there more guidance that you
6 would provide?

7 THE COURT: I can give you the charge probably
8 in just about the amount of time it's taken for me to
9 explain the options to you. If I give you this charge
10 tonight, I'm going to ask you to return to your jury room
11 and resume your deliberations. If you want -- I mean to
12 be kind of folksy about it, daddy used to say sleep on
13 it, you know, and it may look different in the morning.
14 I mean, but it may not if you need that time.

15 MR. FOREMAN: I think the consensus is that we
16 would like to come back Friday.

17 THE COURT: Now, with that being said, it may
18 not be Friday. It may be Thursday.

19 MR. FOREMAN: Thursday then.

20 THE COURT: All right. Then they would just
21 call the juror number; is that correct?

22 THE CLERK: That's correct.

23 THE COURT: All right. That's fine. Let me
24 give you these instructions, and I sure you could be able
25 to repeat them back to me.

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1 I remind you that during this recess you shall not
2 discuss this case with others. That includes your fellow
3 jurors, family members, family, friends or anyone else.
4 Do not read, listen to or watch any news reports about
5 the case, should there be any. Do you use your computer,
6 cellular phone or any other electronic device with
7 communication capabilities or any other method to obtain
8 or disclose information about the case when you're not in
9 court. Information about the case includes, but is not
10 limited to the following: Information about a party, a
11 witness, attorney or court officer. News accounts about
12 the case, should there be any, present or past.
13 Information collected through juror research on any
14 topics raised or testimony offered by any witness. Or
15 information collected through juror research on any other
16 topic that the juror might think would be helpful in
17 deciding the case. Do not do any independent
18 investigation. Do not do any investigation on the
19 internet. Keep your own counsel. Please call your
20 juror information number back. Is there a particular
21 time, Madam Clerk?

22 THE CLERK: No. No.

23 THE COURT: All right. Call your juror
24 information number back tomorrow after six p.m. We will
25 prompt you and give you instructions concerning whether

1 or not to report Thursday or to call back Thursday and
2 what time to report, hopefully, no later than Friday.

3 All right. With that being said, thank you very
4 much for all of your diligent work today and your
5 patience with the court. You're now released. Hope you
6 have a pleasant evening. Thank you very much.

7 (WHEREUPON, the jury exited the open court at
8 approximately 6:06 p.m.)

9 THE COURT: Any objection from the state?

10 MR. MOYER: No, Your Honor.

11 THE COURT: Defense?

12 MR. IANUARIO: No objection, Your Honor.

13 THE COURT: All right. Well, I'll be back
14 whenever they tell me I can be back as far as the
15 courthouse is concerned. But I won't be back tomorrow.

16 MR. MOYER: Correct.

17 THE COURT: Okay. And I guess I'll have to get
18 that juror number to call and see when I should be back.

19 Thank y'all very much. Hope y'all have a pleasant
20 evening.

21 (WHEREUPON, the court stood at recess for the day.)

22 **FEBRUARY 14, 2014**

23 THE COURT: I'm going to bring them out and
24 Allen charge them.

25 THE BAILIFF: Do you want to feed them directly

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1 in here, sir, or take them to the jury room first and
2 then bring them out?

3 THE COURT: Whichever is easiest for you.

4 THE BAILIFF: I'll take them to the jury room
5 first.

6 I'll bring them in in just a moment, sir.

7 Your Honor, you ready for the jury?

8 THE COURT: Yes, sir.

9 (WHEREUPON, the jury entered the open court at
10 approximately 10:47 a.m.)

11 THE COURT: All right. It appears our jury is
12 back present in the courtroom, along with the attorney
13 for the state and the defendant. And the defendant, Mr.
14 Taylor, is also present.

15 Mr. Foreman, ladies and gentlemen of the jury, you
16 may recall Tuesday evening I indicated to you that I
17 would have an additional charge or instruction for you.
18 Based on your last note that you provided to the court
19 concerning the status of the jury at that time, you
20 stated that you had been unable to agree on verdicts in
21 this case.

22 As I instructed you earlier, the verdict of the jury
23 must be unanimous. When a matter is in dispute it isn't
24 always easy for even two people to agree, so when twelve
25 people must agree, it becomes even more difficult. In

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1 most cases absolute certainty cannot be reached nor is it
2 expected. However, you have a duty to make every
3 reasonable effort to reach unanimous verdicts in this
4 case. In doing this, you should consult with one
5 another, express your own views and listen to the
6 opinions of your fellow jurors. Tell each other how you
7 feel and why you feel that way. Discuss your differences
8 with an open mind. And by stating this, please do not
9 take that I do not think you had already done this in any
10 manner. I do not know and do not want to know how you
11 have conducted your deliberations up until this point.

12 Although the verdict of the jury must be unanimous,
13 every one of you has the right to your own opinion. The
14 verdict you agree to must be your own verdict, the result
15 of your own convictions, and you should not give up your
16 firmly held beliefs merely to be in agreement with your
17 fellow jurors.

18 However, the majority should consider the minority's
19 position, and the minority should consider the majority's
20 position. You should carefully consider and respect the
21 opinions of each other and re-evaluate your position for
22 reasonableness, correctness and impartiality. You must
23 lay aside any and all outside matters and re-examine the
24 questions before you based on the law and the evidence
25 that has been given to you in this case.

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1 As you were told by your clerk Tuesday when you were
2 sworn in, you shall well and truly try?? and true
3 deliverance make between the state and the defendant,
4 according to the law and the evidence, so help you God.
5 All of you have taken that oath and are sworn to follow
6 that oath.

7 If you do not agree on a verdict in this case, I
8 must declare a mistrial. In that case it does not mean
9 that anybody wins. It just means that at some future
10 time I will try this case with some other jury sitting
11 where you now sit. The same participants will come. The
12 same witnesses will come. And the same lawyers will ask
13 basically the same questions and get basically the same
14 answers. And we will go through this entire whole
15 process again.

16 You were selected in the same manner and from the
17 same source as any future jury would be and there's no
18 reason for me to suppose that the case will ever be
19 submitted to twelve more intelligent, impartial,
20 conscientious and competent jurors than you. Or that
21 more or clearer evidence will be produced on one side or
22 the other. You twelve are in the best position to decide
23 this case based on the facts as you find them to be,
24 comparing those facts to the law as I told you the law
25 is.

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1 I therefore will ask you to return to your jury room
2 to resume your deliberations with the hope and the
3 expectations that you can arrive at a unanimous verdict
4 within a reasonable time.

5 Again, Mr. Foreman, ladies and gentlemen, if you
6 have any questions of me, please write them out, send
7 them to my attention. I am going to take up some other
8 matters in court, not having to do with this case but
9 with other cases, while I await your verdicts.

10 Thank you very much for being back with us today.
11 Hope you all fared the weather well and, as I say, you
12 may now go with your bailiff and resume your
13 deliberations.

14 (WHEREUPON, the jury exited the open court at
15 approximately 10:53 a.m.)

16 THE COURT: Any objection to anything I told
17 the jury from the state?

18 MR. MOYER: No, Your Honor.

19 THE COURT: From the defense, Mr. Ianuario?

20 MR. IANUARIO: No objections, Your Honor.

21 THE COURT: All right. Thank you. We'll be
22 awaiting our jury's verdict.

23 (WHEREUPON, Court Exhibit Number 4 was marked for
24 identification.)

25 (WHEREUPON, the court stood at recess awaiting the

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
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1 verdict of the jury.)

2 THE COURT: All right. I received a note from
3 the jury foreperson through the bailiff that says: We
4 are unable to come to a unanimous decision. Signed,
5 Foreperson.

6 Statute 14-7-1330 indicates that when a jury, after
7 due and thorough deliberation upon any cause, returns
8 into court without having agreed upon a verdict, the
9 court may state anew the evidence or any part of it and
10 explain to it anew the law applicable to the case and may
11 send it out for further deliberations. But if it returns
12 a second time -- this would be the second time -- without
13 having agreed upon a verdict, it shall not be sent out
14 again without its own consent unless it shall ask from
15 the court some further explanation of the law.

16 I take it this would be the second time, second
17 time. Solicitor, do you have any position in this
18 matter?

19 MR. MOYER: Judge, I'm confident I have no
20 qualms with a mistrial being granted.

21 THE COURT: Mr. Ianuario?

22 MR. IANUARIO: I agree with the solicitor, Your
23 Honor.

24 THE COURT: All right. Well, I typically bring
25 them out and ask them if they'll consent to deliberate

1 further? If they say no, I accept them at their word.

2 All right. Bring us our jury, please.

3 (WHEREUPON, the jury entered the open court at
4 approximately 12:21 p.m.)

5 THE COURT: All right. Welcome back, Mr.
6 Foreman, ladies and gentlemen of the jury. I received
7 your note: We are unable to come to a unanimous
8 decision. I preface my remarks at this time by informing
9 you that I do not want and am directed by our Appellate
10 Courts to not ask for the numerical split within a jury.
11 That's solely within the providence of the jury. But as
12 I look at this law in this area, and realizing y'all had
13 come back Tuesday indicating you had not reached a
14 unanimous verdict and we took a break Wednesday and
15 Thursday, you're back Friday now indicating this, our law
16 says that if the jury returns a second time without
17 having agreed upon a verdict it shall not be sent out
18 again without its own consent unless it shall ask from
19 the court some further explanation of the law.

20 I guess, Mr. Foreman, ladies and gentlemen, I'm
21 asking if you consent to continue your deliberations?

22 MR. FOREMAN: No, sir, Your Honor. We think we
23 have come to a serious impasse.

24 THE COURT: All right. Thank you very much.
25 In that case then I have no option except to declare a

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1 mistrial in this particular case. Thank you for your
2 service. Mr. Taylor is remanded to the custody of the
3 Greenville County Detention Center until such time as he
4 may be retried in the future.

5 Thank you for your service this week. It has been
6 my pleasure and privilege to be with y'all in Greenville
7 County this week. You're now excused from your jury duty
8 for the remainder of the week, which I've pretty much
9 taken up all of that. You don't have to call back, don't
10 have to come back. It's been my pleasure. Thank you
11 very much. You're now excused.

12 (WHEREUPON, the jury exited the open court at
13 approximately 12:24 p.m.)

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

16 MR. MOYER: No, Your Honor.

17 THE COURT: From the defense?

18 MR. IANUARIO: No, Your Honor.

19 THE COURT: I'll be around the rest of the day
20 now in case anybody wants to enter a plea of guilty to
21 any charge. I say the rest of the day. I'm going to be
22 out of here at about fifteen hundred hours. You know
23 what that means; right?

24 THE DEFENDANT: Three o'clock.

25 THE COURT: All right. Thank you very much.

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
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1 Good luck to you.

2 (WHEREUPON, Court Exhibit Number 5 was marked for
3 identification.)

4

5 [END OF REQUESTED TRANSCRIPT OF RECORD]

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CERTIFICATE OF REPORTER

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I, the undersigned Danette P. Hanks, Official Court Reporter for the Thirteenth 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/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 11th day of February, 2014.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

July 15, 2014

Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2012-GS-23-06511

2012-GS-23-06513

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

FURMAN EUGENE TAYLOR, JR.,)
 DEFENDANT.)

ORIGINAL

January 5, 6, and 7, 2015
 Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE; and a jury.

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

MATTHEW L. WALLACE, ESQ.
 Assistant Solicitor

ALEX KORNFELD, ESQ.
 Attorney for the Defendant

HOLLIE M. JENKINS
 Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness

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P R O C E E D I N G S

THE COURT: This is case number 2012-GS-23-6511 and 6513, the State v. Furman Eugene Taylor.

Do you have any pre-trial motions, Mr. Kornfeld?

PRE-TRIAL MOTIONS

MR. KORNFELD: Yes, Your Honor.

My first motion would be -- well, I guess I'll go this way. I have a motion to dismiss the petit larceny due to the fact that it was not indicted. I know normally misdemeanors do not have to be indicted if they are waived up or agreed to be waived up.

Mr. Taylor had a previous attorney. I am unaware of whether or not they were waived up. I just know the screen shot that I looked at last week for the petit larceny did not have a true bill indictment on there. That's my first motion is --

(Pause.)

MR. KORNFELD: Okay. And it has been indicted here on April 23rd, 2013. I just didn't see that before.

My other motion kind of stems on that. And it is a motion to quash both of the indictments pursuant to Rule 3(C) of the South Carolina Rules of Civil Procedure. And this rule requires the Solicitor to take action on the warrant within 90 days after receipt of an arrest -- a warrant from the clerk of court by -- they have to do

1 three things, preparing an indictment for presentment to
2 the Grand Jury, which indictment shall be filed with the
3 clerk of court; assign a criminal case number; and present
4 to the Grand Jury, or dismiss the case, or make other
5 affirmative dispositions in writing in filing such action
6 with the clerk of court.

7 Now, the Supreme Court of South Carolina has stated
8 in State v. Culbreath that this is purely -- that alone is
9 not enough to dismiss a case. And they have said that it
10 is purely administrative, not substantial and was not --
11 it was not a rule to relinquish jurisdiction of the Court
12 by itself.

13 On the other hand, the rule, also, requires that if a
14 solicitor wants additional time, they must file a request
15 for an additional 30 days. They have stated in here that,
16 by itself, that is not enough. And I have the case law.

17 Your Honor, we would simply say this case took 10
18 months after we believe the clerk of court received it.
19 And a request was not made for the additional time. We
20 would say that is additional information that would become
21 a substantial issue for the Court.

22 There's another case. It was State v. Edwards that
23 was decided on June 21st, 2007. In that case, they had a
24 similar amount of time between the time that the warrant
25 was given to the clerk of court and the indictment.

1 On the other hand, I would argue that there has been
2 more input now under State v. Lankford. And it is a
3 substantial issue in that it would be enough and should be
4 dismissed under those reasons, Your Honor.

5 THE COURT: Thank you, Mr. Kornfeld.

6 Mr. Wallace.

7 MR. WALLACE: Your Honor, I was not present during
8 the indictment of these cases. This was not my case
9 initially. However, it's my understanding that they were
10 indicted. The burglary first degree and the petit larceny
11 were indicted on -- during the April term of court of
12 2013. This Defendant, I believe, was arrested in June --
13 early June of 2012.

14 It's my understanding the rule is an administrative
15 rule. And what we do at the Solicitor's Office is we take
16 the waivers and we have numbers assigned to them. So we
17 go in and we do the waivers, and we file those with the
18 clerk of court. And at the time that the case is
19 determined if it's going to be tried or it's going to get
20 a bench warrant, at that time, we do the indictments.

21 Now, the waiver rule is in effect. I mean, we do
22 have to get waivers in within that time period. And we do
23 get extensions on them in order to meet those
24 requirements. And I'm not aware of whether that occurred
25 in this case or not.

1 I don't know if the Court is aware, but this is a
2 re-try -- a retrial case. This case was tried back in
3 February of 2014. And then we're going to try it again
4 because it was a mistrial.

5 THE COURT: It was a --

6 MR. WALLACE: I was --

7 THE COURT: -- what was the basis of the mistrial?

8 MR. WALLACE: -- not the Solicitor in charge of the
9 case back when it was initially tried.

10 MR. KORNFELD: Your Honor, it was a hung jury.

11 THE COURT: Okay.

12 MR. WALLACE: A hung jury, Your Honor, yes.

13 So the State would -- the State's position would be
14 that it's purely an administrative rule. It's used to
15 move the docket along to ensure that people in the jail do
16 not linger while the case is going to be set for trial.

17 This case was not tried until February of 2014. I
18 don't know the reason for that. But there could be a
19 number of reasons. But the State's position is that would
20 not be enough to quash the indictment and dismiss the
21 charges.

22 THE COURT: I deny the motion. I understand the
23 basis for it. But I don't think the rules or case law
24 cited would warrant quashing or dismissing the indictment
25 at this stage.

1 All right. Any other motions?

2 MR. KORNFELD: Yes, Your Honor.

3 I would make a motion for my client -- I know there
4 would have to be a different analysis if he were to
5 testify, but 404(B), a motion to exclude prior bad acts.

6 MR. WALLACE: Yes, Your Honor.

7 The State has -- is going to present two indictments
8 during this trial, both for burglary first degree. This
9 will be the element that we prove in order to show this is
10 a burglary first degree.

11 And I believe the case law -- State v. James will be
12 the case I would cite for the Court. It has already
13 thoroughly discussed this issue, and stated that when the
14 State offers the indictments for the purpose of proving
15 the elements of the crime like burglary first degree that
16 the State is allowed to present these to the Court in
17 order to prove the element, not to show character, or
18 intent, or any of these things that's present in Rule 404.

19 So the State's position is under State v. Tommy Lee
20 James, it's the Court of Appeals -- in that case, they,
21 actually, determined seven -- the majority opinion was
22 that seven burglary indictments were allowed in. We're
23 only going to put two in, even though he has more. And
24 kind of in keeping with the concurrent opinion in that
25 case where the justice stated that in all fairness, the

1 State should -- to prove the element of burglary first and
2 not try to put in more prejudicial -- more evidence that
3 could be prejudicial.

4 So we're just going to put in two. We maintain,
5 based on State v. James, that this evidence is extremely
6 probative, and that it proves the elements of the case --
7 or the elements of the crime of burglary first degree.
8 And it has nothing to do with character evidence. And
9 that would be the State's position.

10 THE COURT: Is that the sole basis for the burglary
11 first element?

12 In other words, you're not -- it's not a nighttime or
13 a deadly weapon case --

14 MR. WALLACE: There is testimony in the case that a
15 pistol was stolen from the residence. The victim stated a
16 pistol was stolen. And the co-defendant in this case will
17 testify that a pistol was stolen. And she saw it after
18 the burglary. However, that's just testimony. That's not
19 documented evidence to prove our elements.

20 So we would choose, based on the case that I just
21 cited, to use the burglary first indictments. Because
22 they're, essentially, better evidence to prove the
23 elements of that crime.

24 If the jury decides not to give any weight to the
25 testimony about the pistol, then the State would not be

1 able to prove burglary first in this case. Whereas if we
2 put in the two burglary first indictments, then that's
3 pretty much stipulated to.

4 THE COURT: Thank you.

5 Mr. Kornfeld.

6 MR. KORNFELD: Your Honor, my only argument on the
7 indictment -- the indictment, also -- there's a lot of
8 and/or's in here to -- that include nighttime hours. I
9 don't believe there's going to be any testimony to that --
10 to the nighttime hours. And I would ask that when -- I
11 would just ask that that would be excluded to the jury as
12 confusing, the fact that there's all these different
13 elements.

14 There's, basically -- if there's two burglaries or
15 more, or that he had a deadly weapon, not this nighttime
16 element, or any of the other elements that could prove a
17 burglary first that weren't in the indictment.

18 THE COURT: Okay.

19 MR. KORNFELD: My other argument is that the statute
20 itself because of the -- if the two prior burglaries get
21 in, which is an element of the offense, it circumvents the
22 judicial's -- the Judge's ability to, actually, do a 403
23 analysis on whether or not that would be unduly
24 prejudicial to the Defendant.

25 I understand that you have to follow the statute.

1 But my argument would be, for the record, that allowing
2 that in without further analysis is prejudicial to the
3 client. And I would ask for an instruction that has been
4 given in the past that that is not to be considered.
5 The only -- it's only to be considered as an element, not
6 to the guilt concerning this case.

7 THE COURT: I'll, certainly, give that instruction.

8 MR. KORNFELD: Thank you, Your Honor.

9 THE COURT: I don't -- to the extent you're asking me
10 to not charge the jury as to the elements of the offense
11 that may include prior convictions, I don't think I can
12 grant that in light of the cases that have been raised by
13 the State, which I'm familiar with.

14 MR. KORNFELD: I understand, Your Honor.

15 And my only other motion, at this time, would be to
16 sequester the witnesses.

17 THE COURT: Is there any objection to that?

18 MR. WALLACE: No, Your Honor. No objection.

19 THE COURT: Okay. So the witnesses are sequestered.
20 I don't know who the witnesses are, so y'all are going to
21 have to help police that so we don't have a situation
22 where somebody is in here who shouldn't be. But I do find
23 that it's proper under Rule 615.

24 Anything else?

25 MR. KORNFELD: Nothing else, Your Honor.

1 MR. WALLACE: Nothing from the State, Your Honor.

2 THE COURT: I don't know if the jury is available
3 now.

4 THE CLERK: They just sent them up.

5 THE COURT: To Judge Pyle?

6 THE CLERK: Yes.

7 THE COURT: So it's going to take a while for Judge
8 Pyle to pick a jury, and we'll have the remainder to
9 choose from.

10 So we'll go into the next matter on a different case.

11 (WHEREUPON, a break was taken.)

12 THE COURT: The jury is being sent up for this case.

13 (WHEREUPON, the jury panel entered the courtroom.)

14 THE COURT: Good afternoon, ladies and gentlemen.

15 We're going to select a jury in the case of the State
16 of South Carolina v. Furman Taylor.

17 Mr. Taylor, if you'll just stand up and let everybody
18 see you, sir.

19 Thank you.

20 I'm going to go through a list of questions to ensure
21 we can find a jury that's fair and impartial in this
22 matter. And, before I do that, I just want to tell you
23 what Mr. Taylor is charged with. And these are merely
24 charges. And, at this stage, Mr. Taylor like anyone
25 charged with a crime is presumed innocent. And Mr. Taylor

1 has pled not guilty. And that puts the burden of proof on
2 the State.

3 Mr. Taylor doesn't have any burden of proof. He
4 doesn't have to offer any evidence or explanation
5 whatsoever. The burden is solely on the State. And
6 Mr. Taylor may only be convicted if all 12 jurors agree
7 the State has proven each and every element of the crime
8 beyond a reasonable doubt.

9 And, at this time, the charges that I'm going to
10 read -- I'll read them to you in more detail later. But
11 he's charged with burglary in the first degree and petit
12 larceny, two different indictments. And the indictment is
13 simply a way to put a citizen on notice of what he's
14 charged with. And it doesn't constitute evidence
15 whatsoever. So keep that in mind as we go through these
16 proceedings.

17 Now, the first indictment alleges in 2012-GS-23-6511
18 that Furman Eugene Taylor, Jr., did in Greenville County
19 on or about the 19th day of May, 2012, willfully and
20 unlawfully enter the dwelling of Renna Taylor located at
21 [REDACTED], Travelers Rest, South Carolina,
22 without consent and with the intent to commit a crime
23 therein. And the burglary was accompanied by
24 circumstances of aggravation. Those are the pertinent
25 parts of that indictment.

1 And in indictment number 2012-GS-23-6513, it alleges
2 that Furman Eugene Taylor, Jr., did in Greenville County
3 on or about the 19th day of May, 2012, feloniously take
4 and carry away the personal property of Renna Taylor, to
5 wit, electronic equipment, firearms, jewelry, and other
6 miscellaneous items with a total value of less than \$2,000
7 with the intent to deprive the owner permanently of such
8 property in violation of Section 16-13-30 and Section
9 16-1-57 of the South Carolina Code of Laws. Those are the
10 charges in the indictment.

11 JURY QUALIFICATION

12 THE COURT: And the first question I want to ask, is
13 there anyone who's related by blood or marriage, or kin to
14 in any way Furman Eugene Taylor, Jr.? If so, please,
15 stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Does anyone have any personal, social, or
18 business relationship with Mr. Taylor? If so, please,
19 stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Is anyone related by blood or marriage to
22 Renna Taylor? That's R-E-N-N-A. If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Does anyone have any personal, social, or
25 business relationship with Renna Taylor? If so, please,

1 stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: The people who may testify in this case
4 include Casey Smith; Katherine Sasser; Renee [sic] Taylor;
5 Tandy Perry; David Perry; Frank Abella, A-B-E-L-L-A;
6 Dustin Kretschmar, K-R-E-T-S-C-H-M-A-R; Jinny Moran,
7 M-O-R-A-N; J.A. Loveless; Amanda Caldwell; Anthony Young;
8 Daniel Redford; Tyler Whitman; Scott Phillips; Brady
9 Mashak, M-A-S-H-A-K; Tabitha Fricks; and Christie
10 Diachenko. And is anyone related by blood or marriage, or
11 kin to any of those potential witnesses? If so, please,
12 stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Does anyone have any personal, social, or
15 business relationship with any of those potential
16 witnesses? If so, please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: All right. I'm going to ask the lawyers
19 who are going to be involved in this case to introduce
20 themselves and anyone at their table who has not
21 previously been introduced.

22 Mr. Wallace.

23 MR. WALLACE: My name is Matt Wallace. I'm an
24 assistant solicitor. I will be representing the State in
25 this case. And this is my investigator, Evelyn Mitchell.

1 THE COURT: Mr. Kornfeld.

2 MR. KORNFIELD: I'm Alex Kornfeld. And I represent
3 Furman Eugene Taylor.

4 THE COURT: Is anyone related by blood or marriage,
5 or kin to either Mr. Wallace, or Mr. Kornfeld, or anyone
6 they introduced? If so, please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Does anyone have any personal, social, or
9 business relationship with either lawyer or anyone they
10 introduced? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Has anyone ever been employed by the
13 Solicitor's Office, or by any law enforcement agency, or
14 had a member of their immediate family be so employed?

15 Yes, ma'am. Just tell me your name.

16 JUROR #68, ESTELLE FOSTER: Estelle Foster.

17 I was with Greenville City dispatch. And my son is a
18 sheriff.

19 THE COURT: Would that affect your ability to be fair
20 and impartial in this case?

21 JUROR #68, ESTELLE FOSTER: Not at all.

22 THE COURT: Could you decide this case solely on the
23 evidence and the law?

24 JUROR #68, ESTELLE FOSTER: Yes, sir.

25 THE COURT: Thank you.

1 Yes, sir.

2 JUROR #128, ROBERT NILES: Robert Niles.

3 And my sister's husband is a police officer in
4 Columbia, South Carolina.

5 THE COURT: Would that affect your ability to be fair
6 and impartial in this case, sir?

7 JUROR #128, ROBERT NILES: No, sir.

8 THE COURT: You could decide this case solely on the
9 evidence and the law?

10 JUROR #128, ROBERT NILES: Yes, sir.

11 THE COURT: Thank you.

12 Yes, sir.

13 JUROR #71, DONALD GODBEY: Don Godbey.

14 I work consulting with the Department of Juvenile
15 Justice.

16 THE COURT: And would that affect your ability to be
17 fair and impartial in this case, sir?

18 JUROR #71, DONALD GODBEY: No.

19 THE COURT: You could decide the case solely on the
20 evidence and the law?

21 JUROR #71, DONALD GODBEY: Yes.

22 THE COURT: Thank you.

23 Does anyone know anything about --

24 Okay. Yes, ma'am.

25 JUROR #177, JENNY VICKERS: My husband is a retired

1 corrections officer.

2 THE COURT: Would that affect your ability to be fair
3 and impartial?

4 JUROR #177, JENNY VICKERS: No.

5 THE COURT: Could you decide this case solely on the
6 evidence and the law?

7 JUROR #177, JENNY VICKERS: Yes.

8 THE COURT: Does anyone know anything about this
9 case, other than what you've heard here today in the
10 courtroom? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Is anyone aware of any reason why they
13 could not be fair and impartial in this case, or aware of
14 any bias or prejudice they may have about anyone or any
15 issue involved in this case? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Any further voir dire?

18 MR. KORNFELD: May we approach?

19 THE COURT: Okay.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: Okay. The next question asks for some
22 personal information. So if you do need to respond, I'll
23 be glad to talk to you up here with the lawyers and the
24 court reporter.

25 But the question is -- actually, there's several

1 questions. But one is, is there anyone who has
2 contributed, whether it's your time or your money, to any
3 organization whose primary purpose is the advancement of
4 victim's rights or more aggressive law enforcement?

5 And the second question is, is there anyone who has
6 ever been arrested for, charged with, or convicted of, or
7 had a member of their immediate family be convicted of a
8 burglary?

9 Have you ever been or has any member of your
10 immediate family ever been the victim of a burglary?

11 And by "immediate family," I mean either a parent,
12 child, or spouse, or a sibling.

13 Okay. Does anybody need to respond to that question?

14 I'll be glad to talk to you up here in a little more
15 private setting. Just form a line right here in the
16 middle, please.

17 (WHEREUPON, a sidebar was held with the Judge, the
18 attorneys, and potential jurors.)

19 (WHEREUPON, Juror #71, Donald Godbey, came forward.)

20 THE COURT: Yes, sir.

21 JUROR #71, DONALD GODBEY: Don Godbey.

22 My father-in-law and mother-in-law were just
23 burglarized over the holiday.

24 THE COURT: All right. Would that affect your
25 ability to be fair and impartial in this case?

1 JUROR #71, DONALD GODBEY: No.

2 THE COURT: Okay. Thank you.

3 (WHEREUPON, Juror #71, Donald Godbey, was seated.)

4 (WHEREUPON, Juror #137, Angela Pena, came forward.)

5 THE COURT: Hey.

6 JUROR #137, ANGELA PENA: My name is Angela Pena.

7 And my home was burglarized twice this past year.

8 THE COURT: Okay. Would that affect your ability to
9 be fair and impartial in this case?

10 JUROR #137, ANGELA PENA: No, sir.

11 THE COURT: You could decide the case solely on the
12 evidence and the law?

13 JUROR #137, ANGELA PENA: Yes, sir.

14 THE COURT: Thank you.

15 (WHEREUPON, Juror #137, Angela Pena, was seated.)

16 (WHEREUPON, Juror #128, Robert Niles, came forward.)

17 JUROR #128, ROBERT NILES: My ex-wife's parents home
18 was burglarized two times. I don't know the details.

19 THE COURT: You're Mr. Niles?

20 JUROR #128, ROBERT NILES: Yes.

21 THE COURT: Would that affect your ability to be fair
22 and impartial in this case?

23 JUROR #128, ROBERT NILES: No, sir.

24 THE COURT: You could decide this case solely on the
25 evidence and the law?

1 JUROR #128, ROBERT NILES: Yes.

2 THE COURT: Thank you.

3 (WHEREUPON, Juror #128, Robert Niles, was seated.)

4 (WHEREUPON, Juror #89, Rhonda Hovious, came forward.)

5 THE COURT: Hi. Just tell me your --

6 JUROR #89, RHONDA HOVIOUS: Rhonda Hovious.

7 THE COURT: Yes. Hey. How are you doing? Good to
8 see you.

9 JUROR #89, RHONDA HOVIOUS: I just wanted to tell you
10 I do contribute to Safe Harbor for victims of domestic
11 violence monetarily, as well as my sister's home was
12 burglarized approximately two years ago.

13 THE COURT: Would that affect your ability to be fair
14 and impartial in this case?

15 JUROR #89, RHONDA HOVIOUS: I don't think so, no.

16 THE COURT: You could decide the case solely on the
17 evidence and the law?

18 JUROR #89, RHONDA HOVIOUS: Yes.

19 THE COURT: Thank you.

20 (WHEREUPON, Juror #89, Rhonda Hovious, was seated.)

21 (WHEREUPON, Juror #72, Nicole Greene, came forward.)

22 JUROR #72, NICOLE GREENE: My nephew broke into my
23 house. I pressed charges, but I then later dropped them.
24 But I do not feel like it will affect my...

25 THE COURT: You think you can be fair and impartial?

1 JUROR #72, NICOLE GREENE: I do, yes.

2 THE COURT: And decide this case solely on the
3 evidence and the law?

4 JUROR #72, NICOLE GREENE: I do.

5 THE COURT: All right. Thank you.

6 (WHEREUPON, Juror #72, Nicole Green, was seated.)

7 (WHEREUPON, Juror #117, Madison McMahon, came
8 forward.)

9 THE COURT: Tell me your name.

10 JUROR #117, MADISON MCMAHON: Madison McMahon.

11 THE COURT: Okay.

12 JUROR #117, MADISON MCMAHON: And my grandparents
13 were robbed a number of years ago.

14 THE COURT: Would that affect your ability to be fair
15 and impartial?

16 JUROR #117, MADISON MCMAHON: I think to a certain
17 extent, yes.

18 THE COURT: You feel that would affect your decision
19 in the case?

20 JUROR #117, MADISON MCMAHON: No.

21 THE COURT: It wouldn't affect your decision?

22 JUROR #117, MADISON MCMAHON: (Juror #117, Madison
23 McMahon, shook her head.)

24 THE COURT: You have to say "yes" or "no."

25 JUROR #117, MADISON MCMAHON: No.

1 THE COURT: Okay. So you could decide the case
2 solely on the evidence and the law?

3 JUROR #117, MADISON MCMAHON: Yes.

4 THE COURT: And without any kind of preconceived
5 ideas?

6 JUROR #117, MADISON MCMAHON: Yes.

7 THE COURT: Okay. Thank you.

8 (WHEREUPON, Juror #117, Madison McMahon, was seated.)

9 (WHEREUPON, Juror #175, Katherine Vaughn, came
10 forward.)

11 THE COURT: How are you?

12 JUROR #175, KATHERINE VAUGHN: Fine.

13 Back when I was in high school, my parents house was
14 broken into.

15 THE COURT: Okay. Would that affect your ability to
16 be fair and impartial?

17 JUROR #175, KATHERINE VAUGHN: No. I wouldn't think
18 so. I wasn't there.

19 THE COURT: Okay. Thank you.

20 (WHEREUPON, Juror #175, Katherine Vaughn, was
21 seated.)

22 (WHEREUPON, Juror #112, Tracy Lewallen, came
23 forward.)

24 JUROR #112, TRACY LEWALLEN: My car was broken into
25 twice. Some of my things were stolen.

1 Also, prior to getting married, just right before
2 getting married, my husband's house was broken into. We
3 were engaged at the time.

4 THE COURT: Ms. Lewallen, would that affect your
5 ability to be fair and impartial in this case?

6 JUROR #112, TRACY LEWALLEN: No.

7 THE COURT: You could decide this case solely on the
8 evidence and the law?

9 JUROR #112, TRACY LEWALLEN: Yes.

10 THE COURT: Thank you.

11 (WHEREUPON, Juror #112, Tracy Lewallen, was seated.)

12 (WHEREUPON, Juror #80, John Hamner, came forward.)

13 JUROR #80, JOHN HAMNER: My son --

14 THE COURT: Mr. Hamner?

15 JUROR #80, JOHN HAMNER: Yes.

16 THE COURT: Am I pronouncing that right?

17 JUROR #80, JOHN HAMNER: Yes.

18 My son was charged with burglary and went through the
19 drug court program. He is now deceased.

20 THE COURT: Was that here --

21 JUROR #80, JOHN HAMNER: You asked if anybody in the
22 family --

23 THE COURT: Yes, sir.

24 Was that here in Greenville?

25 JUROR #80, JOHN HAMNER: Yes.

1 THE COURT: Would that affect your ability to be fair
2 and impartial in this case?

3 JUROR #80, JOHN HAMNER: I don't think so.

4 THE COURT: You could decide this case solely on the
5 evidence and the law?

6 JUROR #80, JOHN HAMNER: Yes.

7 THE COURT: All right. Thank you, sir.

8 (WHEREUPON, Juror #80, John Hamner, was seated.)

9 THE COURT: Any further voir dire?

10 MR. KORNFELD: I told Matt this already. But I know
11 Mr. Hamner. I represented his youngest son that's still
12 alive.

13 THE COURT: Okay. Thank you.

14 It's five and 10.

15 MR. KORNFELD: We get 10; right?

16 THE COURT: Yes.

17 MR. KORNFELD: All right. Thank you.

18 (WHEREUPON, the sidebar was concluded.)

19 THE COURT: All right. We'll proceed with the jury
20 selection.

21 JURY SELECTION

22 THE CLERK: When I call your name, if you would just
23 stand in place. And if you are selected, please, bring
24 your personal belongings to be seated in the jury box.

25 Juror #36, Eddie Coker.

1 (WHEREUPON, Eddie Coker, a white male, stood.)
2 THE CLERK: What says the State?
3 MR. WALLACE: Please excuse this juror.
4 THE CLERK: Thank you.
5 You may be seated. You're excused from the trial of
6 this case.
7 Juror #46, Taylor Darnell.
8 (WHEREUPON, Taylor Darnell, a white male, stood.)
9 THE CLERK: What says the State?
10 MR. WALLACE: Please present the juror.
11 THE CLERK: Thank you.
12 You may be seated in the jury box.
13 Oh, I'm sorry.
14 MR. KORNFELD: That's okay.
15 Please swear the juror. That's fine.
16 THE COURT: Thank you.
17 I'm sorry about that.
18 Juror #110, Susan Lai.
19 (WHEREUPON, Susan Lai, a white female, stood.)
20 THE CLERK: What says the State?
21 MR. WALLACE: Please present this juror.
22 THE CLERK: Thank you.
23 What --
24 MR. KORNFELD: Please seat the juror.
25 THE CLERK: Thank you.

1 You may be seated in the jury box.

2 THE CLERK: Juror #117, Madison McMahon.

3 (WHEREUPON, Madison McMahon, a white female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse this juror.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #155, James Sammons.

12 (WHEREUPON, James Sammons, a white male, stood.)

13 MR. WALLACE: Please excuse this juror.

14 THE CLERK: Thank you.

15 You may be seated. You're excused from the trial of
16 this case.

17 Juror #68, Estelle Foster.

18 (WHEREUPON, Estelle Foster, a white female, stood.)

19 MR. WALLACE: Please present this juror.

20 THE CLERK: Thank you.

21 What says the Defendant?

22 MR. KORNFELD: Please excuse Ms. Foster.

23 THE CLERK: Thank you.

24 You may be seated. You're excused from the trial of
25 this case.

1 Juror #184, Sarah Watson.

2 (WHEREUPON, Sara Watson, a white female, stood.)

3 MR. WALLACE: Please present this juror.

4 THE CLERK: Thank you.

5 What says the Defendant?

6 MR. KORNFELD: Please excuse Ms. Watson.

7 THE CLERK: Thank you.

8 You may be seated. You're excused from the trial of
9 this case.

10 Juror #160 Daniel Shead.

11 (WHEREUPON, there was no response.)

12 THE CLERK: Juror #160, Daniel Shead.

13 Thank you.

14 (WHEREUPON, Daniel Shead, a white male, stood.)

15 MR. WALLACE: Please present this juror.

16 THE CLERK: Thank you.

17 What says the Defendant?

18 MR. KORNFELD: Please seat this juror.

19 THE CLERK: Thank you.

20 You may be seated in the jury box.

21 Juror #80, John Leon Hamner.

22 (WHEREUPON, John Leon Hamner, a white male, stood.)

23 MR. WALLACE: Please excuse this juror.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #112, Tracy Lewallen.

3 (WHEREUPON, Tracy Lewallen, a white female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse Ms. Lewallen.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #26, Jonathan Bustamante.

12 (WHEREUPON, Jonathan Bustamante, a Hispanic male,
13 stood.)

14 MR. WALLACE: Please excuse this juror.

15 THE CLERK: Thank you.

16 You may be seated. You're excused from the trial of
17 this case.

18 Juror #133, Bonnie Padgett.

19 (WHEREUPON, Bonnie Padgett, a white female, stood.)

20 MR. WALLACE: Please present this juror.

21 THE CLERK: Thank you.

22 What --

23 MR. KORNFELD: Please excuse Ms. Padgett.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #120, Uribe Mejia.

3 (WHEREUPON, Uribe Mejia, a Hispanic female, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please excuse this juror.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 Juror #86, Allison Hill.

12 (WHEREUPON, Allison Hill, a white female, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 What says the Defendant?

16 MR. KORNFELD: Please seat the juror.

17 THE CLERK: Thank you.

18 You may be seated in the jury box.

19 Juror #59, Larry Eckart.

20 (WHEREUPON, Larry Eckart, a white male, stood.)

21 MR. WALLACE: Please present this juror.

22 THE CLERK: Thank you.

23 What --

24 MR. KORNFELD: Please excuse Mr. Eckart.

25 THE CLERK: Thank you.

1 You may be seated. You're excused from the trial of
2 this case.

3 Juror #89, Rhonda Hovious.

4 (WHEREUPON, Rhonda Hovious, a white female, stood.)

5 MR. WALLACE: Please present this juror.

6 THE CLERK: Thank you.

7 What says the Defendant?

8 MR. KORNFELD: Please dismiss this juror.

9 THE CLERK: You may be seated. You're excused from
10 the trial of this case.

11 Juror #127, James Murray.

12 (WHEREUPON, James Murray, a white male, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 What says the Defendant?

16 MR. KORNFELD: Please seat Mr. Murray.

17 THE CLERK: Thank you.

18 You may be seated in the jury box.

19 Juror #177, Jenny Vickers.

20 (WHEREUPON, Jenny Vickers, a white female, stood.)

21 MR. WALLACE: Please present this juror.

22 THE CLERK: Thank you.

23 MR. KORNFELD: Please dismiss Ms. Vickers.

24 THE CLERK: Thank you.

25 You may be seated. You're excused from the trial of

1 this case.

2 Juror #74, Gordon Gulledge.

3 (WHEREUPON, Gordon Gulledge, a white male, stood.)

4 MR. WALLACE: Please present this juror.

5 THE CLERK: Thank you.

6 What says the Defendant?

7 MR. KORNFELD: Please dismiss Mr. Gulledge.

8 THE CLERK: Thank you.

9 You may be seated. You're excused from the trial of
10 this case.

11 THE COURT: So the strikes, as they stand now, are
12 four that have been exercised by the State, and 10 by the
13 Defense.

14 Is that right?

15 MR. KORNFELD: Your Honor, I have mine at nine.

16 MR. WALLACE: We have 10, Your Honor.

17 THE COURT: Well, let me just confer with y'all up
18 here real quick.

19 (WHEREUPON, a bench conference was held.)

20 THE CLERK: Juror #189, Ludaries Winston.

21 (WHEREUPON, Ludaries Winston, a black male, stood.)

22 MR. WALLACE: Please present this juror.

23 THE CLERK: Thank you.

24 What says the Defendant?

25 MR. KORNFELD: Please seat Mr. Winston.

1 THE CLERK: Thank you.

2 You may be seated in the jury box.

3 Juror #137, Angela Pena.

4 (WHEREUPON, Angela Pena, a white female, stood.)

5 MR. WALLACE: Please present this juror.

6 THE CLERK: Thank you.

7 What says --

8 MR. KORNFELD: Please seat this juror.

9 THE CLERK: Thank you.

10 You may be seated in the jury box.

11 Juror 71, Donald Godbey.

12 (WHEREUPON, Donald Godbey, a white male, stood.)

13 MR. WALLACE: Please present this juror.

14 THE CLERK: Thank you.

15 MR. KORNFELD: Please seat Mr. Godbey.

16 THE CLERK: Thank you.

17 You may be seated in the jury box.

18 Juror #29, Roger Chandler.

19 (WHEREUPON, Roger Chandler, a white male, stood.)

20 MR. WALLACE: Please excuse this juror.

21 THE CLERK: Thank you.

22 You may be seated. You're excused from the trial of
23 this case.

24 Juror #87, Nikki Hiott.

25 (WHEREUPON, Nikki Hiott, a white female, stood.)

1 MR. WALLACE: Please present this juror.
2 THE CLERK: Thank you.
3 What says the Defendant?
4 MR. KORNFELD: Please seat Ms. Hiott.
5 THE COURT: Thank you.
6 You may be seated in the jury box.
7 Juror #128, Robert Niles.
8 (WHEREUPON, Robert Niles, a white male, stood.)
9 MR. WALLACE: Please present this juror.
10 THE CLERK: Thank you.
11 What --
12 MR. KORNFELD: Please seat Mr. Niles.
13 THE CLERK: Thank you.
14 You may be seated in the jury box.
15 Juror #185, Leigh Anne Wetzel.
16 (WHEREUPON, Leigh Anne Wetzel, a white female,
17 stood.)
18 MR. WALLACE: Please present this juror.
19 THE CLERK: Thank you.
20 What says the Defendant?
21 MR. KORNFELD: Please seat Ms. Wetzel.
22 THE CLERK: Thank you.
23 You may be seated in the jury box.
24 Juror #163, Timothy Simpson.
25 (WHEREUPON, Timothy Simpson, a white male, stood.)

1 MR. WALLACE: Please present this juror.

2 THE CLERK: Thank you.

3 MR. KORNFELD: Please seat Mr. Simpson.

4 THE CLERK: Thank you.

5 You may be seated in the jury box.

6 THE COURT: We'll have two alternates. The strikes
7 are one and two.

8 THE CLERK: Juror #183, Cynthia Washington.

9 (WHEREUPON, Cynthia Washington, a black female,
10 stood.)

11 MR. WALLACE: Please present this juror.

12 THE CLERK: Thank you.

13 MR. KORNFELD: Please seat Ms. Washington.

14 THE CLERK: Thank you.

15 You may be seated in the jury box.

16 Juror #108, Cheryl Kozmic.

17 (WHEREUPON, Cheryl Kozmic, a white female, stood.)

18 MR. WALLACE: Please present the juror.

19 THE CLERK: Thank you.

20 MR. KORNFELD: Please strike Ms. Kozmic.

21 THE CLERK: Thank you.

22 You may be seated. You're excused from the trial of
23 this case.

24 Juror #86, Kenneth Hendrix.

25 (WHEREUPON, Kenneth Hendrix, a white male, stood.)

1 MR. WALLACE: Please present this juror.

2 MR. KORNFELD: Please seat Mr. Hendrix.

3 THE CLERK: Thank you.

4 You may be seated in the jury box.

5 THE COURT: Any matters or motions based on the jury
6 selection or the composition of the jury?

7 MR. WALLACE: Nothing from the State, Your Honor.

8 MR. KORNFELD: Nothing, Your Honor.

9 THE COURT: All right. I find it complied with all
10 statutory and Constitutional requirements.

11 Ladies and gentlemen, just to let you know, you are
12 the jury in the case of State v. Furman Eugene Taylor, Jr.
13 And we're going to start the case this afternoon. We're
14 going to have our lunch break now. Just be back in the
15 jury room at 2:45, and we'll start the case at that time.

16 Thank you.

17 (WHEREUPON, the jury was excused from open court at
18 approximately 1:33 p.m.)

19 THE COURT: For those of you who weren't chosen, just
20 go back downstairs, and Ms. Olson will give you further
21 instructions.

22 Thank you for your cooperation and patience.

23 (WHEREUPON, the remaining jury panel members exited
24 the courtroom.)

25 THE COURT: I think we'll start back at 3:00. I've

1 got to take one other matter up before we get started.

2 So we'll just start at 3:00.

3 MR. KORNFELD: Judge, I do have one motion I need to
4 make.

5 THE COURT: Sure.

6 MR. KORNFELD: Just so --

7 THE COURT: Go ahead.

8 MR. KORNFELD: Do you want me to make it now, or --

9 THE COURT: It's up to you.

10 MR. KORNFELD: I'd rather make it when we get back.
11 I just wanted the Court to know. It will probably take
12 five or 10 minutes.

13 MR. WALLACE: Your Honor, the State did have one --
14 it's not really a motion, but something to bring to the
15 Court's attention.

16 THE COURT: Okay.

17 MR. WALLACE: As far as the sequestration is
18 concerned, one of the witnesses on the list is a deputy
19 here for court security, Deputy Frank Abella. I didn't
20 know how you wanted to handle that since the witnesses are
21 supposed to be sequestered. His participation in the
22 case -- he was just the initial officer that responded to
23 the scene. And he took information.

24 So I don't know if you want to keep him in court, or
25 if you want to put him outside during the trial. I didn't

1 know how you wanted to handle that.

2 THE COURT: All right. Well --

3 MR. WALLACE: It's kind of an unusual situation. I
4 don't think I've had this happen before.

5 THE COURT: I guess y'all are going to have to find
6 somebody else to cover.

7 THE COURTROOM DEPUTY: Yes. We can do that.

8 THE COURT: So you'll be sequestered.

9 PRE-TRIAL MOTIONS

10 THE COURT: Do you want to tell me what the motion is
11 just in case there's something we need to look at during
12 the break?

13 MR. KORNFELD: Sure. And I can give you the
14 subpoenas. It has to do with the videos. I guess they
15 weren't submitted, or they weren't put into evidence at
16 the last case.

17 Is that correct?

18 MR. WALLACE: That's correct.

19 MR. KORNFELD: Mr. Wallace has informed me that he
20 does intend to introduce the surveillance videos. Your
21 Honor, this isn't a new issue.

22 I believe September the 9th, I subpoenaed Cash
23 America Pawn. That's who had the video, who they got the
24 video from. They would not respond to my subpoena until
25 we started calling them several times. And I, finally,

1 got a letter on December 30th telling me that due to the
2 time frame of the records requested, we're unable to
3 produce records in the above-referenced matter.

4 So then I talked to Mr. Wallace. And I've been
5 talking to Investigator Mitchell about getting the full
6 video. He has asked, I guess, Investigator Mashak and
7 they, also, looked. And they said that the video they had
8 was just the limited increments of time.

9 The reason that this is material is because there
10 would be some exculpatory evidence that would be
11 beneficial to my client if the entire video was shown.
12 For that, I ask that the video be excluded under Kyles v.
13 Whitley under Rule 5, that case law, Your Honor.

14 THE COURT: Mr. Wallace.

15 MR. WALLACE: Your Honor, they were not introduced
16 during the first trial. We had one video. And then we
17 found the other one that Mr. Kornfeld was looking for, and
18 we got that to him. The last video that he requested on
19 the 30th, there was confusion back and forth -- that was
20 back on December 30th.

21 There was confusion back and forth as to what video
22 he was talking about. Because we thought he was talking
23 about the one that we had given to him, but then we found
24 out there was another video involved. And then we
25 presented that to him. He was looking for one that was

1 longer in duration. And that was the second one we found.
2 And we presented to him -- or we gave it to him as part of
3 this supplemental discovery.

4 Now, the videos, both of them are extremely
5 probative. The first one takes place two and a half hours
6 before the burglary. And the Defendant is at the Cash
7 America Pawnshop with his co-defendant that's going to
8 testify in this case. And he is on the video. And the
9 testimony is going to be that he's wearing pretty much the
10 same clothing that witnesses saw him wearing during the
11 burglary -- two and a half hours before the burglary on
12 the same day.

13 The second video happened after the burglary within
14 another two hours. It was at another Cash America
15 Pawnshop. The co-defendant is pawning items that were,
16 actually, stolen during this burglary. And, again, in
17 that videotape, he's there at the pawnshop with the
18 co-defendant.

19 So that's why we want to admit the evidence of the
20 videotapes. It did not come up in the first trial. I do
21 not know everything about that or what the problem was,
22 except I think it was an issue of authentication before
23 the trial. So they were never admitted into evidence
24 during the first trial. But they're extremely important.
25 And they tie him on the same day within hours of the

1 burglary. So the State is trying to get those admitted
2 into evidence.

3 THE COURT: Who has had them?

4 MR. WALLACE: Well, we had -- they had the first
5 video during the trial, the one that happened two and a
6 half hours before the burglary.

7 THE COURT: Okay.

8 MR. WALLACE: They had that one and it was never
9 submitted during the trial. We don't -- we think it was
10 an authentication issue is why it didn't come in.

11 And when he asked me for the video, a longer version
12 than what he had, we thought we were talking about the
13 video he already had. But there was another one he didn't
14 have. So we got that to him in supplemental discovery
15 last week.

16 THE COURT: What is it you don't have?

17 MR. KORNFELD: Your Honor, we don't have an extended
18 video. And we believe upon showing of the extended video,
19 it would be exculpatory. Specifically, there is a guy in
20 there who my client says is not him. And that he comes in
21 earlier in the day because she asked him to jump the car.
22 The battery died with the guy that she was with.

23 THE COURT: Who is "she"?

24 MR. KORNFELD: This is the witness, their witness who
25 is -- the co-defendant.

1 MR. WALLACE: Amanda Caldwell is the co-defendant on
2 this burglary. And she's, also, going to testify in this
3 case.

4 MR. KORNFELD: So that's my issue is that they're
5 only showing certain documentation. I asked -- I thought
6 that it was highly unlikely that this tape has not been
7 framed, at least, down to what they felt was relevant.

8 Mr. Taylor feels that the extended version would be
9 more relevant. And that's what I asked for and that's
10 what I subpoenaed to Cash America Pawn. And that -- I
11 want to -- I know I said this before, but I've been trying
12 since I've been appointed on this case. I wasn't the
13 first lawyer. This was in August. And they didn't
14 respond. When I found out we were going to trial in
15 December, I requested several times. They weren't able to
16 get that. And that's when I talked to them about the
17 video.

18 THE COURT: Well, what evidence is there that the
19 State had the extended version that you're looking for?

20 MR. KORNFELD: Well, they're telling me they don't
21 have an extended version.

22 THE COURT: I know. That's what I'm -- I'm asking
23 you what evidence do you have that they did have it?

24 MR. KORNFELD: I don't have any evidence that they
25 did have it, Your Honor. I just thought it would be

1 interesting that they would only have a 12-minute span
2 or -- I don't know the exact time. I don't want to misquote
3 it.

4 MR. WALLACE: The first video is about six minutes
5 long. And the second one is about 15 or 16 minutes long.

6 MR. KORNFELD: I just would think that the video
7 would be longer that they would request. So that's why I
8 wanted to see what they, actually, requested.

9 And Mr. Taylor tells me that video is extremely
10 exculpatory, because it will exonerate him. Because he
11 goes in later because she calls him there to jump the car
12 that -- of this other gentleman. And that he's not
13 wearing those clothes. And those are our real issues,
14 Your Honor.

15 And then as far as the new video I was requesting,
16 they did get it -- there was some -- and no fault to
17 either of us, but there was some, I guess, confusion about
18 what was going on as far as the video. Because they
19 didn't have the other video until -- or I didn't know
20 about it. I don't think they knew about it either.

21 But my issue still stays the same. I think Kyles v.
22 Whitley says that it is immaterial -- their intent. I'm
23 not saying I can prove any intent that they tried to
24 narrow this tape down to exclude anything. But I would
25 ask that it be excluded.

1 THE COURT: Okay. I deny the motion.

2 I mean, unless there's some proof that the State had
3 evidence that has -- is not available due to some bad
4 faith on their part or other improper conduct. They can't
5 control the retention policy of a third party. And
6 there's no proof that the State ever had the longer
7 version. So it wouldn't fall underneath the rule or the
8 cases.

9 All right. We'll see you back at 3:00.

10 MR. KORNFELD: Your Honor, could we have an in-camera
11 hearing with Investigator Mashak for a spoliation charge
12 concerning the video to find out if he did have -- what
13 video --

14 MR. WALLACE: I've had conversations with
15 Investigator Mashak. And he says I have everything that
16 he has at this point. And he's going to testify that when
17 he asked for the video, he starts it just prior to the
18 Defendant, who is -- in this case, Amanda Caldwell was the
19 Defendant who they were videotaping. He asked for it just
20 prior to her showing up at the counter to pawn the goods.
21 And then she's finished with the pawn, and she's leaving.
22 It's just a little bit after that.

23 So that's how -- you know, that's how he asked for
24 them, and that's what they gave him from the pawnshops.
25 So there's no way we could comply with that discovery.

1 THE COURT: I mean, there's nothing to prohibit you
2 from cross-examining him at trial.

3 Is it a he? Mr. Mashak?

4 MR. WALLACE: Yes, Your Honor. It's a he.

5 THE COURT: Okay. Thank you.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Anything before we bring the jury in?

8 MR. WALLACE: Nothing from the State, Your Honor.

9 THE COURT: Mr. Kornfeld, anything before we bring
10 the jury in?

11 MR. KORNFELD: No, Your Honor. I apologize.

12 THE COURT: Okay. That's all right.

13 You can bring them on in.

14 Thank you.

15 Just one thing before we bring the jury in.

16 Mr. Kornfeld, you had asked about some kind of
17 in-camera examination of Mr. Mashak regarding the extended
18 video. I will ask the State to make him available to you
19 so you can question him. And if something transpires from
20 that questioning that you feel like you need to renew that
21 motion, I'll be happy for you to do that.

22 MR. KORNFELD: Thank you, Your Honor.

23 THE COURT: You can make him available?

24 MR. WALLACE: Yes, Your Honor. He's here.

25 THE COURT: Oh, he's here. All right.

1 THE BAILIFF: Are you ready, sir?

2 THE COURT: Yes, sir.

3 (WHEREUPON, the jury came into open court at
4 approximately 3:47 p.m.)

5 INTRODUCTORY REMARKS

6 THE COURT: Ladies and gentlemen, I apologize for the
7 delay in getting underway this afternoon. We had to take
8 care of other matters not related to this case, but that
9 were fairly urgent.

10 So thank you for your patience.

11 We're going to now start the trial of State v. Furman
12 Eugene Taylor, Jr. And before we get underway, I just
13 want to give you a few brief introductory remarks.

14 And, again, I just want to thank you for your
15 service.

16 You probably understood that you got the summons in
17 the mail because you're either registered to vote, or
18 licensed to drive, or you have some kind of ID card from
19 the highway department. But you may not know why you were
20 chosen to serve on this particular jury. And the reason
21 is because both sides in this case believe you can be fair
22 and impartial, and you can decide this case without any
23 kind of bias or prejudice, or preconceived ideas. So
24 that's why you were chosen.

25 You've met the lawyers in the case. They've

1 introduced themselves to you. I've introduced myself to
2 you. And, again, I'm Gary Hill, one of the circuit judges
3 here in Greenville and Pickens Counties. And you have not
4 met some of the other people who are instrumental to this
5 process. And I want to introduce them to you and let you
6 know what their roles are. And I'm going to let you know
7 what your role is in the process.

8 The first person I want to introduce is the court
9 reporter, and that's Hollie Jenkins, who is seated right
10 here in front of me. Circuit court is a court of record.
11 So she takes down everything that is said. To her right
12 is Joelle Lanfear, who is one of the assistant clerks of
13 court. And, as you saw, she helped with the jury
14 selection. And she makes things run efficiently on the
15 docket. And then up on the bench with me is Weston White,
16 who is my law clerk. She's a member of the Bar. She
17 graduated from the South Carolina School of Law --

18 When did you graduate? About a year and a half --
19 two years ago?

20 THE LAW CLERK: Yes.

21 THE COURT: In 2013. And she helps me with legal
22 issues that arise during trials, and other matters. The
23 bailiffs in this case are Ms. Katrenia Sims and Mr. Tom
24 Doherty. They're here for your assistance as you serve on
25 the jury.

1 And, ladies and gentlemen, everybody that I just
2 introduced to you, and, certainly, the lawyers have done
3 this, and I have done it, we have all taken an oath to do
4 our job. And you're going to take an oath to do your job.

5 So, at this time, I'm going to ask Ms. Lanfear to
6 administer the oath to you. Listen to the words very
7 carefully, because they've been around a long time and
8 they tell you in a nutshell what your responsibilities
9 are. And then I'll amplify on that once you take the
10 oath.

11 So, yes, ma'am.

12 THE CLERK: Will you, please, stand and raise your
13 right hand. The response to the oath is "I will."

14 (WHEREUPON, the jury was sworn at approximately
15 3:50 p.m.)

16 THE CLERK: Thank you.

17 THE COURT: Thank you.

18 Now, any time a trial occurs in circuit court with a
19 jury, there are always two judges. There's the judge of
20 the law, which is the role that I fulfill, and there's the
21 judges of the facts, which is the role that you fulfill.
22 I'm going to tell you a little bit about my job first,
23 because it's much easier than yours.

24 As the judge of the law, I have two main
25 responsibilities. The first is to rule on the

1 admissibility of evidence. If a party objects to evidence
2 during this trial -- and don't hold it against them for
3 objecting. That's their job as lawyers to object when
4 they think evidence is improper.

5 But if they do object, my job is to determine whether
6 the evidence is proper under the law. So I can usually do
7 that on the spot. Sometimes, if things get a little
8 tricky, we will have to take a break so we can more freely
9 discuss it. But, nevertheless, if I sustain the
10 objection, that simply means the evidence is something you
11 can't consider in this particular case. If I overrule the
12 objection, that just means the evidence is something you
13 can consider in this particular case.

14 The second responsibility I have, as the judge of the
15 law, is to instruct you on the law that applies to the
16 facts of this case. And I'll do that at the end of the
17 trial after you've heard all the evidence and the lawyers
18 arguments.

19 Now, you have a more difficult task as the judge of
20 the facts. Our Constitution and system of justice gives
21 you, the jury, the sole and exclusive right to determine
22 what the facts are in this trial. I'm not going to
23 comment on the facts or intimate to you what I think the
24 facts are, or what your verdict should be.

25 I know very little about this case, not much more

1 than you do at this point. That's just the way our system
2 is set up. But, please, don't read into anything I do or
3 say during this trial as any indication as to what I think
4 the facts are, or what your verdict should be. Because
5 our system gives you, the jury, the sole and exclusive
6 right to determine what the facts are.

7 So how do you determine what the facts are? You do
8 that by weighing and evaluating the evidence you're going
9 to hear during this trial. Evidence consists of two
10 sources. The one you're probably most familiar with is
11 sworn witness testimony. That's one source of evidence
12 you can use to determine what the facts are.

13 The second source of evidence is by way of an
14 exhibit. An exhibit is simply a physical, tangible
15 object. It might be a map, or a photograph, or something
16 of that nature. But you'll know it's an exhibit and
17 you'll know it's evidence you can use to determine what
18 the facts are because it will be back in the jury room
19 with you at the end of the trial. And it will have a
20 sticker on it that says exhibit number so and so.

21 So as we go through this trial, remember, those are
22 the only two things you can use to determine what the
23 facts are, sworn witness testimony and exhibits. Nothing
24 else is evidence. What the lawyers say, while important,
25 and while you should pay keen attention to it because

1 they're trying to help you understand the evidence, but
2 what they say is not evidence in itself because they're
3 not witnesses. So keep that in mind.

4 And, also, keep in mind that you, the jury, will have
5 to determine and gauge the credibility of all the
6 evidence. So that means for every witness who testifies
7 and every exhibit that's admitted into evidence, you'll
8 have to determine its believability. And that's something
9 that is, again, entirely up to you.

10 Now, how many of y'all have served on a criminal jury
11 before? If you can just raise your hand.

12 (WHEREUPON, one juror raised their hand.)

13 THE COURT: All right. Some of you, also, may know
14 from your own experience a little bit about how a criminal
15 trial works, but it has a definite structure to it. And I
16 just want to in order to demystify the surroundings a
17 little bit further for you tell you what that structure is
18 so you'll know what to expect.

19 In just a minute, you're going to hear the opening
20 statement of the State. In our state, that person is
21 called the Solicitor. It's the same thing as a district
22 attorney. But the Solicitor will give a brief opening
23 statement. And the Solicitor goes first because the State
24 has the burden of proof.

25 The Defendant never has the burden of proof. A

1 defendant is presumed innocent. And that presumption of
2 innocence stays with the Defense throughout the trial and
3 can only be removed if you, the jury, find that the State
4 has proven each and every element of the crime beyond a
5 reasonable doubt.

6 So you'll hear first from the State. They'll give
7 their opening statement. Then the Defense will have the
8 opportunity to give an opening statement, although they
9 have no obligation to, or to do anything during this
10 trial. And then we'll have the State call their first
11 witness. And you'll hear and see the evidence the State
12 puts up, which the Defense may confront.

13 After you have heard that, the Defense will have the
14 opportunity, but, again, not the obligation, to put up
15 whatever evidence he wishes to, which the State may
16 confront. And after you've heard the evidence, we'll go
17 into the closing arguments where the lawyers will tell you
18 what they think the evidence showed, and what your verdict
19 should be. And then I'll give you the instruction on the
20 law that you are to apply to the facts of this case. And
21 then you'll start deliberating and determine what the
22 facts are, take the law I gave to you, and apply it to
23 those facts, and you'll be able to reach a verdict.

24 Now, until we get to that point, please, don't talk
25 about this case or discuss it with anyone or amongst

1 yourselves. We went to some difficulty today, and so did
2 you, trying to find a jury that could be fair and
3 impartial and have an open mind. So we want to keep you
4 that way.

5 And don't talk about the case during breaks or with
6 anyone during our recesses. And don't do any outside
7 investigation. And, today, I have to say that means don't
8 get on the Internet, or Facebook, or whatever social media
9 you use and talk about the case, or try to investigate
10 things that might be pertinent about it. You have to
11 decide this case solely on the evidence you hear in this
12 courtroom and from no other source. So keep that in mind
13 as we go through the trial.

14 Now, ladies and gentlemen, the attorneys in this case
15 are advocates for their clients. They're going to
16 zealously represent them to the best of their ability.
17 You and I are not advocates. We don't have any interest
18 in the outcome of this case. Our job is to be fair and
19 impartial. And your job is to determine the facts of the
20 case and whether the State has met its burden of proof.

21 So, with that, we'll have the opening statement.

22 And Mr. Wallace.

23 MR. WALLACE: Thank you, Your Honor.

24 May it please the Court.

25 THE COURT: Yes, sir.

OPENING STATEMENTS

1
2 MR. WALLACE: Ladies and gentlemen of the jury, as I
3 introduced myself earlier, I'm Matt Wallace. And I'm
4 going to be representing the State in this case. And, as
5 you know, we're in General Sessions court. This is going
6 to be a criminal matter. And the Defendant, Furman Eugene
7 Taylor, is here today to be tried for the crimes of
8 burglary first degree and petit larceny.

9 Now, what I'm about to tell you is not -- as the
10 Judge said, is not evidence in this case. I'm going to
11 just give you a brief overview or a summary of what the
12 testimony is going to be here during the trial, kind of
13 give you kind of a framework to start with, which you will
14 fill in with the evidence in the case and the testimony.

15 So this case starts out back in May of 2012, a long
16 time ago. And it starts out at the residence of the
17 victim, Renna Taylor. It was a Saturday. It was May 19th
18 of 2012. And she had decided to take a trip that
19 afternoon to visit family in North Carolina.

20 So she left her house where she lived on Old White
21 Horse Road here in Greenville County. And the testimony
22 is going to be that she left and got a call a little bit
23 later concerning what was going on at her house.

24 Now, after she left, the co-defendant in this case,
25 Amanda Caldwell, and the Defendant, Furman Taylor, rode by

1 the house. And Ms. Caldwell will testify that they went
2 by the house and that Furman Taylor said, Turn around and
3 go back to the house. They went back to the house and he
4 told her to pull into the driveway.

5 She's going to further testify that they checked the
6 house out to make sure nobody was at home. And when they
7 were satisfied, Mr. Taylor got some gloves on, gets a pry
8 tool, and breaks into the back door -- or, actually, the
9 side door towards the back of the house. He then goes in.

10 Ms. Caldwell is going to testify -- and she's a
11 co-defendant in this case. She's going to testify that
12 she stayed in the car and she waited a while. And she
13 became nervous. She's going to testify that she went into
14 the house to get him to come on.

15 And while they were in the house, another truck pulls
16 up into the driveway right beside the house. And in that
17 truck was a gentleman by the name of T.R. Perry and his
18 brother, David. They get out of the truck a little later,
19 because Renna Taylor told them to come by to take out the
20 garbage. They see this van in the driveway. It's a blue
21 and white Ford Aerostar van that they're not familiar
22 with.

23 T.R. Perry is going to testify that while he's on the
24 phone with Renna Taylor that two individuals come out of
25 the house. One of them is a male subject, and there was a

1 female subject. So Amanda Caldwell is going to testify
2 she's the female subject. And they come out of the house.
3 They get into the blue and white Ford Aerostar van, and
4 they take off in a hurry.

5 So after you hear that testimony, you're going to
6 hear that the police were called. And that's when the
7 investigation began. The investigation starts out,
8 forensics is called. Ms. Taylor is at the house. She's
9 telling them what items are missing. Forensics comes in
10 to dust for fingerprints. And no fingerprints were found.

11 The Perry brothers, they give a description of the
12 individuals who came out of the house that day. But it
13 wasn't enough for them to get a positive identification of
14 who these subjects were. So the case goes on for about
15 another week.

16 And, at that point, the police get a break. One of
17 the local pawnshops in the area had some items from that
18 burglary. These items were pawned by Amanda Caldwell.
19 The police find her on May 31st. They arrest her in the
20 blue and white Ford Aerostar van with Furman Taylor in the
21 van with her.

22 The testimony is going to be that she went down --
23 she was in the jail. Investigator Mashak, who is the
24 chief investigator in this case, pulls her out of the
25 jail. And she gives a statement. She's going to testify

1 to that. She's going to further testify that the first
2 statement she gave did not implicate herself.

3 So, three days later, after being in jail, she comes
4 back and gives a second statement. And, in that
5 statement, she implicates herself as being involved in the
6 burglary and the Defendant, Furman Taylor.

7 So that's, basically, the testimony in a nutshell
8 that you're going to hear from the State's witnesses.
9 There's going to be physical evidence as well during the
10 testimony that we're going to put into evidence for you to
11 observe.

12 At this point, I just ask that you listen carefully
13 to the testimony of the witnesses, that you use your
14 common sense and your good judgment when you look at
15 the -- listen to the testimony and look at the evidence in
16 this case. And if you're able to do that throughout the
17 trial, you should be able to come back with a just verdict
18 in this case.

19 Thank you.

20 THE COURT: Thank you, Mr. Wallace.

21 Mr. Kornfeld.

22 MR. KORNFIELD: Ladies and gentlemen, by the end of
23 the day tomorrow, I believe you'll be able to come back,
24 and you'll be able to render a verdict of not guilty for
25 Furman Taylor. And I say not guilty for Furman Taylor,

1 that doesn't mean that we have to prove anything. As the
2 Judge stated earlier, the burden is not on us and it will
3 not shift to us.

4 What this trial will come down to -- and I believe
5 Mr. Wallace was hinting to it. This trial will come down
6 to the credibility of Amanda Agnes Caldwell. Throughout
7 this trial when Amanda is testifying, you will realize
8 that Amanda has told several different stories. One, she
9 implicates a man named Tyler Whitman. Another time, she
10 implicates a lady, Katherine Elaine Sasser. Then she
11 waits a little longer and has a police officer come and
12 talk to her. Finally, she says that she can't remember
13 some things, but it was her, and she implicates Mr. Furman
14 Taylor.

15 This is a story very similar to the boy who cried
16 wolf. Amanda Caldwell has spent her entire life telling
17 different stories. Well, how about this? Okay. That
18 didn't work. How about this? That didn't work. How
19 about this? This is important to know because today -- or
20 I guess it's going to be tomorrow now, hopefully,
21 Ms. Caldwell will cry wolf for the last time. It's going
22 to be the facts versus the credibility of Ms. Amanda
23 Caldwell.

24 I ask that you pay special attention to forensics
25 and, also, the actual investigation done by the police.

1 officers. I would point out to you one very important
2 aspect is, as Mr. Wallace stated earlier, when they came
3 to pick up Amanda Wallace [sic], she was in a van with
4 Mr. Taylor.

5 Mr. Taylor gives his credentials, his license, and
6 things. They run everything on him. They allow him to
7 go. Ms. Caldwell, on the other hand, they run the things
8 on her. They take her. They don't take Mr. Taylor in at
9 that time. That is going to be extremely important later.
10 She is the only one that can positively identify
11 Mr. Taylor.

12 You'll hear about different things. And I'll ask her
13 questions as long as -- when she gets up on the stand
14 about all these different stories that she's told
15 throughout her life, throughout this case, and what she's
16 told the police officers. And I'll, also, be able to ask
17 Investigator Mashak, who we'll hear from later as well.

18 Again, I urge you and I ask you to know that -- and I
19 say this and I know that you've heard this a lot, but it
20 really does mean a lot. The burden is on the State. They
21 do have the duty to show each and every element of the
22 crimes. And we'll talk about those at the close of the
23 case.

24 And it is the highest burden that we have, beyond a
25 reasonable doubt. This is not -- I know you've heard

1 other cases, but this is the highest burden we have. If
2 there is any shred of doubt, which there will be, you
3 should come back with a verdict of not guilty.

4 I think this will be an interesting case to hear.
5 And I know that the rain has stopped and now, we're here
6 inside. But I believe this case will wrap up tomorrow. I
7 have a few witnesses. And you'll be able to see that
8 there's enough doubt here to, at least, show that Amanda
9 Caldwell's credibility is suspect. And, at that time, I
10 will ask you to return a verdict of not guilty.

11 Thank you.

12 THE COURT: Thank you, Mr. Kornfeld.

13 Mr. Wallace, you may call your first witness.

14 MR. WALLACE: Your Honor, the State calls Renna
15 Taylor to the stand.

16 THE CLERK: Ms. Taylor, come forward to be sworn in.

17 Will you place your left hand on the Bible and raise
18 your right?

19 WHEREUPON,

20 RENNA TAYLOR,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Would you, please, state your name for the record?

25 THE WITNESS: Yes. My name is Renna Taylor.

1 THE CLERK: Thank you so much.

2 DIRECT EXAMINATION

3 BY MR. WALLACE:

4 Q Ms. Taylor, I'm going to ask you a few questions.
5 And you need to speak in the microphone so the jury can
6 hear you.

7 A Okay.

8 Q First of all, what is your address?

9 A I live at [REDACTED]. It's Travelers
10 Rest.

11 Do you want my zip code? It's 29690.

12 Q No. That's fine. You live on Old White Horse Road
13 in Traveler's Rest. Is that in Greenville County?

14 A Yes, it is.

15 Q Okay. And I'm going to show you -- first of all,
16 just to give the jury an idea of the areas we're talking
17 about, I'd ask you to come down.

18 A (Witness complied.)

19 Q I want to show the jury some key parts here of your
20 residence. First of all, do you recognize the picture
21 here, the aerial view?

22 A Yes, sir.

23 Q Okay. And can you point out your house in that
24 picture?

25 A This is my house.

1 Q And this right here is Old White Horse Road?

2 A Yes, sir.

3 Q And this is?

4 A McElhaney.

5 Q McElhaney Road?

6 A Uh-huh.

7 Q So you're there at the corner of those two roads?

8 A (Witness nodded.)

9 Q And this right here, what is this object?

10 A My driveway. It's a horseshoe driveway.

11 Q And this out here, is this the front of the house
12 right here?

13 A That is the front.

14 Q Can you point to the front door?

15 A That's the front door. And there's a screened-in
16 porch on this end. And, right here, there's a little tiny
17 back porch where the washer and dryer is. And that leads
18 into the kitchen, which would be roughly in there.

19 Q What is this that we're seeing right here in front of
20 the house?

21 A That's grass.

22 Q What about the red part?

23 A That's a walkway.

24 Q Is that a walkway out of your front door?

25 A Uh-huh.

1 Q Okay. That's all I need you to do. I just wanted
2 you to point that out for the jury.

3 Now, would you say you live in a developed area or
4 developed neighborhood?

5 A It is becoming developed. But, at this time, it was
6 not. My house was rather isolated, as you can see on the
7 corner there. I don't have any close neighbors at all.

8 Q All right. And this was back in May of 2012?

9 A Yes, sir.

10 Q Okay. And so do you remember what day this incident
11 occurred?

12 A I don't -- it was a Saturday.

13 Q It was a Saturday?

14 A Uh-huh.

15 Q And do you recall leaving the house that Saturday?

16 A Yes, sir.

17 Q And about what time was that?

18 A You know, it was early -- I don't -- I was trying to
19 remember if it was afternoon or -- I was going to North
20 Carolina to stay for the weekend.

21 Q Okay.

22 A And I had called T.R. and asked him if he would come
23 by and take out my trash. So I just left. And I don't
24 really recall exactly what time it was. But I told the
25 police I was going to North Carolina. It's about an hour

1 and 20 minutes from my house.

2 Q And you were going there to visit?

3 A Visit friends.

4 Q Visit friends?

5 A Uh-huh.

6 Q So you said that T.R. was coming by. Is that T.R.
7 Perry?

8 A Yes, sir.

9 Q And do you know what time he was going to come by?

10 A No. I had just asked him if -- I try to do my own --
11 he helps me -- or, at that time, he helped me with yard
12 work every once in a while. And I don't have trash
13 pickup. And if it gets out of hand, you know, I ask him
14 to come by and take that out for me. And I don't really
15 know exactly what time he got there.

16 Q Now, Ms. Perry [sic], do you live there at that
17 residence with anyone else?

18 A No.

19 Q Do you recall arriving in North Carolina?

20 A Yes, sir. As soon as I pulled up in the driveway, my
21 phone was ringing. And it was T.R., and -- do you want me
22 to tell you?

23 Q Well, T.R. was calling you at that point. And what
24 did you say to T.R. at that point?

25 A Well, he asked me -- he said, Do you know anybody

1 that has a blue and white van?

2 And I said, No.

3 And he asked me if anybody was supposed to be at my
4 house. And I said, No.

5 Q Okay. And so what did you do at that point?

6 A Well, I became alarmed. And about the next second or
7 two, he said, Well, there's a man and woman coming out of
8 your front door. And the guy has a bag in his hand.
9 That's what he said to me. So I called the Sheriff's
10 Office.

11 Q You're the one that called the Sheriff's Office?

12 A Uh-huh. I called the Sheriff's Office. And I
13 explained to them that these gentlemen were there, you
14 know, working for me and this was what was going on. And
15 they said they would send somebody out. And then I called
16 him right back and let him know I had called them. And I
17 turned right around and started home.

18 Q And when you got back to your home, what did you
19 find?

20 A T.R. and his brother were there. I asked them to
21 wait until I got home. And, also, a police officer was
22 there with them as well.

23 Q And when you saw the Perry brothers there and the
24 police officer, what did you do?

25 A Well, the police officer went with me into the house

1 so that I could look and see what, you know, may or may
2 not be missing.

3 Q Did you notice anything about the exterior of your
4 house before you went inside?

5 A Oh, absolutely. There's a storm door on that small
6 back porch and that was -- it was pried open. It's not a
7 great lock, but it had been pried open. And then, of
8 course, there's the door that leads into the kitchen,
9 which has glass panes on the top, and that was pried open
10 and split, and the glass was broken out.

11 Q So you had two doors at that entrance. One was a
12 storm door?

13 A Uh-huh.

14 Q And what was the other door?

15 A The other door, actually, leads into the kitchen. If
16 you can picture it, the storm door here with just a little
17 service porch with my washer and dryer. And then the door
18 to the left goes directly into the kitchen, which is
19 separate. So you have to go through the storm door and
20 then in through the kitchen.

21 Q Into another door?

22 A Uh-huh.

23 Q I want to show you something here. Ms. Taylor, I
24 have five pictures here. I want you to take a look at
25 them and see if you can identify them.

1 A Yes. That's my mailbox and the front of my house.

2 Q So you recognize this as your mailbox?

3 A Oh, absolutely.

4 Q And what road is this?

5 A Old White Horse Road.

6 Q And is that your address right there?

7 A It is.

8 Q  ?

9 A Uh-huh.

10 Q And how about this picture, the second picture?

11 A This is my house as well. And --

12 Q What do we see there in that picture?

13 A There -- well, my aunt's car is in the driveway. And
14 I'm not sure whose truck this is. That might be another
15 gentleman that does work for me. But I can't --

16 Q So those vehicles weren't there back on May 19th?

17 A No.

18 Q But this is -- would you say this is the front door
19 of your house?

20 A Yes, it is.

21 Q And that picture there?

22 A It's just another view of the house. This is the
23 part of the driveway that's like a horseshoe.

24 Q Does that picture show the horseshoe driveway?

25 A Yes. This is -- there's two openings here. And this

1 is where you come out.

2 Q All right. And what is that a picture of?

3 A This is the side of the house. This is the
4 screened-in porch. And this is the storm door. But this
5 is a replacement. Because the old one had to be replaced
6 because the lock was broken and it was bent.

7 Q So that's a replacement storm door?

8 A Right.

9 Q But is that the entrance --

10 A That is the entrance --

11 Q -- that was broken into?

12 A Uh-huh.

13 Q And how about that last picture?

14 A That's the storm door in question. And there's the
15 washer and dryer.

16 Q A close-up of the storm door?

17 A Yes, it is, absolutely.

18 Q So do these pictures accurately depict your
19 residence?

20 A Yes, sir. And it's probably not important, but I
21 have cut down two trees since then, two very large hickory
22 trees. One was right here and one was over here. But it
23 doesn't change anything really, no.

24 MR. WALLACE: Your Honor, at this time, we'd offer
25 these into evidence as State's Exhibit Nos. 1 through 5.

1 MR. KORNFELD: No objection, Your Honor.

2 THE COURT: Okay. They're in evidence.

3 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, and 5 were
4 marked for identification and admitted into evidence.)

5 BY MR. WALLACE:

6 Q Ms. Taylor, after you went into the house with the
7 police officer and -- did the Perry brothers go in with
8 you?

9 A No.

10 Q Just the police officer?

11 A Uh-huh.

12 Q When you got in the house, what did you find?

13 A Well, there was glass all over the kitchen floor from
14 the broken window, but a few things were in disarray.
15 There was -- in my bedroom, there was a drawer pulled out
16 of this little -- it's not a true nightstand, just a
17 little table with a drawer in it. And it was laying on
18 the bed.

19 Q Okay.

20 A And that's where I kept my handgun, but it was no
21 longer there. But the drawer was on the bed. And a
22 bullet was laying there on the bed as well.

23 Q Was there anything else disturbed in the house?

24 A A DVD player was missing, my computer, my laptop, and
25 a watch, and a necklace, some small things.

1 Q So you were missing a few items. The laptop, what
2 kind of laptop was it?

3 A It was an HP.

4 Q Okay.

5 A And it was red.

6 Q And you said there was a -- was it a gun?

7 A Yes. I had a 38. It was, actually, given to me by
8 my son years and years ago. It was a police-issued 38
9 revolver.

10 Q Okay. And that was missing as well, you said?

11 A Yes.

12 Q Now, these items that were missing, did you ever
13 recover any of them?

14 A No -- oh, sorry. I take that back. I did recover
15 the DVD player and a small gold necklace that was returned
16 to me by the Sheriff's Office that they had gotten from
17 the pawnshop -- from a pawnshop.

18 Q And during -- when the police were there, did you
19 give them any information on the DVD player or --

20 A I did. I, actually, had the serial number for it.

21 Q For what item?

22 A For the DVD player.

23 Q And was there anything unique about the jewelry
24 pendant you talked about?

25 A It was my initial. It was an "R." And it was like

1 tricolor gold.

2 Q And you said that was recovered as well?

3 A Yes, it was.

4 Q Now, do you have any idea what the value of these
5 items would be? Did you have an insurance claim on --

6 A The DVD player wasn't very much. It was just a Sony,
7 maybe \$50, or something. I don't know for that. The
8 necklace, I'm not sure of because it was a gift from my
9 grandson.

10 Q Did you file an insurance claim on any of the items
11 that were stolen?

12 A (Witness nodded.)

13 Q Just the items not recovered?

14 A Uh-huh.

15 Q Did you collect on that?

16 A Uh-huh.

17 Q Do you remember how much that was?

18 A No. I don't offhand. I'm sorry. I could have
19 looked it up, but I don't.

20 Q You don't remember how much you recovered from the
21 insurance?

22 A I really don't. A lot of it was -- or some of it was
23 the damage to the doors.

24 Q Damage to the doors?

25 A Uh-huh.

1 Q The laptop computer, do you have any idea how much it
2 was valued at?

3 A At that time, I'm going to say maybe a little over
4 \$400. That's what I paid for it. But, of course, they
5 don't hold their value.

6 Q Now, as a result of the insurance claim, did anything
7 else happen?

8 A Well, my insurance went up considerably.

9 Q Okay. Did you take any other action after that?

10 A I, also, had to get an alarm system, which is a
11 monthly fee that I have to pay, but it's worth it.

12 Q Okay. I'm going to show you a couple more
13 photographs here. Ms. Taylor, I want you to take a look
14 at these photographs, and tell me what they are.

15 A That looks like the DVD player. I can't see numbers
16 or anything. But that looks --

17 Q Okay. What about the second picture?

18 A I don't have these numbers in my head. It's the
19 serial numbers from there, but -- from the DVD player, but
20 I don't --

21 Q Okay. Do you recognize that item?

22 A Absolutely.

23 Q What is that?

24 A That's the pendant from the necklace that the
25 Sheriff's Office returned to me.

1 Q Okay.

2 A And it is gold.

3 MR. WALLACE: Okay. I'd like to mark these as
4 State's Exhibit Nos. 6 through 8 for identification only.

5 MR. KORNFELD: No objection, Your Honor.

6 (WHEREUPON, State's Exhibit Nos. 6, 7, and 8 were
7 marked for identification.)

8 BY MR. WALLACE:

9 Q Ms. Taylor, once the police had left your house, did
10 you have any other contact with the police?

11 A Other than --

12 Q Did they ever call you for follow-up, or anything?

13 A Other than picking up my items.

14 Q So later on, you picked up your items?

15 A Uh-huh. They called me. And I went down to the
16 Sheriff's Office and picked them up.

17 Q Now, do you know the Defendant in this case? Do you
18 know Furman Taylor?

19 A No, I do not.

20 Q Are you any relation to him?

21 A No, I'm not.

22 Q All right. And did you know Amanda Caldwell?

23 A No, sir.

24 Q Did you know anybody that owned a blue and white Ford
25 Aerostar van?

1 A No, sir.

2 Q Did you ever give Amanda Caldwell or Furman Taylor
3 permission to be in your house?

4 A No, sir.

5 MR. WALLACE: That's all the questions I have, at
6 this time, Your Honor.

7 THE COURT: Cross-examination.

8 MR. KORNFELD: Yes.

9 CROSS-EXAMINATION

10 BY MR. KORNFELD:

11 Q Ms. Taylor, when you left on May 19th of 2012, was it
12 light out when you left? Was it daytime?

13 A Yes, sir.

14 Q Okay. And when you came back to the house, was it
15 daytime?

16 A Yes, sir.

17 Q All right. And I'm trying to understand -- can you
18 come down here?

19 A Sure.

20 Q This might be able to help me. Are there two
21 different screen doors in two different places, or --

22 A Yeah.

23 Q Where are the screen doors on the map?

24 A This is a storm door.

25 Q Okay.

1 A It has screen and a glass in the top back here. It's
2 a little bitty back porch.

3 Q Okay.

4 A This is like a screened-in porch, a concrete -- it's
5 concrete and has got this screened in with a screen and
6 wood. It's totally separate.

7 Q Okay.

8 A This is the one where we're talking about -- I keep
9 my washer and dryer out there, because it's a small house.
10 And that's like a utility porch where the storm door is.

11 Q Okay. This is -- is this what was broken into?

12 A The back part of the house, uh-huh. You have to go
13 through two doors to, actually, get in the house. You go
14 through the storm door, and there's my washer and dryer.
15 And then you make a quick left and there's the kitchen
16 door. And it's -- the top half is glass panes. And that
17 door was broken.

18 Q All right. And once you're in the kitchen, can you
19 see out here?

20 A Yeah. You could see out through the -- there's two
21 windows over the kitchen sink that face out into the
22 driveway as well.

23 Q Okay. Can you see in here?

24 A If you got up and looked in the window, you could,
25 sure.

1 Q But I'm asking from the actual driveway, can you see
2 into here?

3 A Probably. I mean, I've never really tested it. But
4 if you were -- if somebody is standing in the kitchen and
5 you pulled up in the driveway, you probably could see them
6 in there, yes.

7 Q Have you -- let me ask it another way. Have you ever
8 been able to see in here from the driveway?

9 A (There was no response.)

10 Q I guess what I'm asking, Ms. Taylor, can you be seen
11 once you're in the kitchen from out here?

12 A Yes, you could. There's -- at that time, there were
13 blinds up. But if they were open, sure, you could.

14 Q Were the blinds open when you left?

15 A That was a couple years ago. I really don't
16 remember.

17 Q Okay. Have you ever stated before that you couldn't
18 be seen when you were inside the kitchen? Do you
19 remember?

20 A Not that I remember. I don't recall anybody asking
21 me that, but.

22 Q Would you be surprised if you had said that in the
23 past?

24 A Maybe. I mean, I -- what --

25 Q Let me ask you this.

1 A Okay.

2 Q Are there blinds -- did you say there were blinds
3 here? Is that --

4 A Uh-huh.

5 Q And when you left your house, were the blinds down?

6 A I don't remember. But, I mean, they're -- you can
7 open or close them. You know, I don't slide them up.
8 They don't -- I wouldn't have necessarily closed them. I
9 don't -- I, honestly, don't recall.

10 Q Okay. Ms. Taylor, you can sit down again. I
11 apologize.

12 A (Witness complied.)

13 Q Ms. Taylor, you stated before -- do you remember ever
14 giving testimony in the past?

15 A I gave testimony in the past, right. But I don't
16 have total recall of everything that was asked of me.

17 Q I understand. And is it possible that you said you
18 can't be seen once you're inside the porch?

19 A No. I get what you're getting at now, no.

20 Q Okay.

21 A Would you -- it might be easier if you get that
22 picture of the back, and I can explain that to you.

23 Q Sure.

24 MR. WALLACE: They're over there on the counter.

25 THE WITNESS: Now, I know what you're saying.

1 BY MR. KORNFELD:

2 Q Great.

3 A What I'm saying is, once you get inside this
4 little --

5 Q If you can show the jury.

6 A Once you get inside this little porch here -- and
7 maybe I shouldn't have said you can't be seen, but you're
8 sheltered in there. And then you -- right over here are
9 two kitchen windows that once you're in that kitchen,
10 somebody could see you. They're cut off here, but they
11 could see you standing at this sink if you were at the
12 sink.

13 But what I meant was, once you get in here, inside
14 this little porch, you're sheltered from -- you're not
15 totally obscured, but you are sheltered from people -- you
16 know, people driving by the road or whatever are not going
17 to say, oh, there's somebody inside that porch.

18 Q Oh, I understand.

19 A And I'm sorry if I mislead you.

20 Q No. You didn't mislead me, Ms. Taylor. I was just
21 trying to clarify.

22 Did -- where was your trash located? Was it in the
23 house, or was it --

24 A No, sir. I keep it out by my shed out in the
25 backyard.

1 Q Okay.

2 A It's -- I can show you where the shed is on here, if
3 you want me to.

4 Q I just was curious if it was, actually, in the
5 inside. That's fine if it was outside.

6 A No. I don't keep it in the house.

7 Q Okay. And, earlier, you stated that you called the
8 police from North Carolina. Are you sure that you called,
9 or did Mr. Perry call?

10 A Well, I -- he may have called as well, but I did call
11 them.

12 Q Okay. And approximately, did it -- you said it
13 usually takes an hour and a half to get up there. I want
14 to make certain. How long did it take you to get back?

15 A It takes anywhere from an hour and 15 minutes to an
16 hour and 20 minutes to get there, depending on traffic.
17 And I'm not sure exactly how long it took me to get back.
18 But I was probably breaking the speed limit, I would
19 imagine. I hurried.

20 Q Okay. One more time, Ms. Taylor, and I apologize.
21 Where is the bedroom where the -- where you had your
22 revolver? Where's that bedroom located?

23 A That bedroom is at the front of the house. This
24 is -- it's got a lot of porches. This is the front porch.
25 The bedroom in question, the master bedroom, is right here.

1 Q Okay. And when you walked through your house, did
2 you notice any footprints, or any marks, or anything like
3 that?

4 A Not footprints, but things were thrown around. And
5 there was a pillow case missing, by the way. And this is
6 my shed. This is where the trash would be. You have to
7 walk out in the front of the yard to get to it.

8 Q Approximately how far is the driveway from your --

9 A From the door?

10 Q Yeah.

11 A Maybe 15 or 20 feet, 20 feet from here to the door.
12 You have to go across -- you can't really see it here, but
13 there's an old brick patio right outside. I would say 15
14 to 20 feet.

15 Q And what about to the back door, the shed -- not the
16 shed, but the storm door?

17 A That is what I'm talking about, about 20 feet.

18 Q Oh, I thought you were talking about up here.

19 A I'm so sorry.

20 Q That's okay. You can take your seat again, Ms. Taylor.

21 A Okay.

22 Q You can't -- let me ask you this. You can't see --
23 from the bedroom which you pointed at, can you see to the
24 driveway from your bedroom?

25 A You can see the front of the driveway. There's

1 windows that face --

2 Q So the front -- can you see where the horseshoe
3 starts to bend on the driveway from your bedroom?

4 A No.

5 Q Okay.

6 A But you could see the beginning of it where you drive
7 in.

8 Q Okay. So the -- I guess the front of it; correct?
9 What you said before; is that right?

10 A Uh-huh.

11 MR. KORNFELD: Ms. Taylor, I have no further
12 questions.

13 MR. WALLACE: Nothing else from the State, Your
14 Honor.

15 THE COURT: All right. You may step down.
16 Thank you.

17 You may call your next witness.

18 MR. WALLACE: Your Honor, the State would call T.R.
19 Perry to the stand.

20 THE CLERK: Sir, please, come forward to be sworn in.

21 Please place your left hand on the Bible and raise
22 your right when you get here.

23 WHEREUPON,

24 TANDY RICE PERRY, JR.,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 Would you, please, state your name for the record?

4 THE WITNESS: Tandy Rice Perry, Jr.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. WALLACE:

8 Q Mr. Perry, do you go by T.R.?

9 A Yeah.

10 Q And where do you work?

11 A I work for Tucker Material in Mauldin, South
12 Carolina.

13 Q All right. And what kind of occupation do you do
14 there?

15 A I drive a truck and deliver sheetrock from the truck.

16 Q Do you know Renna Taylor?

17 A Do I know her?

18 Q Do you know her?

19 A Yes, sir.

20 Q Back in May of 2012, did you have an opportunity to
21 be at her house?

22 A Yes, sir.

23 Q And do you remember what the day was -- the day of
24 the week?

25 A I don't remember quite the date.

1 Q How about the day of the week? Do you remember?

2 A (There was no response.)

3 Q Was it a weekday or weekend?

4 A It was the weekend, because I was off.

5 Q Do you know what the purpose of -- for you to be at
6 her house was?

7 A She was going out of town and she wanted me to come
8 and pick up some garbage, because it was too nasty to put
9 in the back of her little SUV. And I had a pickup truck
10 and I did stuff on the side for her. So I said, Yeah. So
11 I went over there and got the trash. I went over there to
12 pick up her trash.

13 Q And what kind of vehicle were you driving that day?

14 A I drove an '85 gray Dodge pickup truck at the time.

15 Q All right. And was anybody with you in the pickup
16 truck?

17 A Yes, my older brother, David Perry, and my daughter,
18 Kaley [phonetic].

19 Q Your daughter who?

20 A My daughter, Kaley.

21 Q Kaley?

22 A Perry.

23 Q And do you recall what time of day it was when you
24 arrived at Ms. Taylor's house?

25 A It was 1:00 or 2:00. It was before the dump closed.

1 I know it was around 1:00 or 2:00.

2 Q Now, I want you to come down here and show me a few
3 things on this aerial photograph.

4 A (Witness complied.)

5 Q Do you recognize these roads here?

6 A Yeah. That's Old White Horse Road, and that's
7 McElhaney there.

8 Q When you were going to -- if you'll stand back a
9 little bit so the jury can see. When you were going to
10 Ms. Taylor's house, what road were you on?

11 A I come down McElhaney.

12 Q McElhaney?

13 A Uh-huh.

14 Q And then did you go on Old White Horse?

15 A Yeah. You have to come down McElhaney from --
16 because I live off of Sunny Slope by Traveler's Rest High
17 School. It's back over in this area. And you have to
18 come down. I took a right -- I was cutting across and you
19 got -- I had to turn off right on Old White Horse Road to
20 get to her yard. I had to go up --

21 THE COURT: Okay. I'm sorry. You're going to have
22 to speak up. And it will probably be better if y'all move
23 away from the board so Ms. Jenkins can see you when you're
24 talking so she can take it down accurately.

25 THE WITNESS: Okay.

1 BY MR. WALLACE:

2 Q Do you recognize this building right here?

3 A Yeah. That's her house.

4 Q And can you see the driveway where you pulled in?

5 A Yeah, right here.

6 Q So what -- now, this is a horseshoe drive here?

7 A Yes, sir.

8 Q Where did you pull in to the --

9 A I come off McElhaney, took a right. And I come in
10 this driveway here and come around. And I parked right
11 about here.

12 Q So your pickup truck was parked about right there?

13 A Yeah.

14 Q All right. When you arrived on her property, did you
15 notice anything?

16 A Yeah. There was a blue and white van in the yard.

17 Q A blue and white van?

18 A Yeah.

19 Q Do you know what kind of van it was?

20 A A Ford Aerostar van.

21 Q And how was it parked in that driveway?

22 A It was -- when I come up, I pulled up like this. I
23 pulled up more or less right behind it.

24 Q So can you point out approximately where you think
25 that van was?

1 A I was right in here and he was like right in there,
2 probably right in there.

3 Q So you were behind -- your truck was behind the van?

4 A Yeah.

5 Q Okay. Please have a seat now.

6 A (Witness complied.)

7 Q Did you recognize that van?

8 A What's that?

9 Q Did you recognize that van?

10 A Yeah. I recognized it was blue and white.

11 Q But had you seen it before?

12 A No.

13 Q So what did you do when you saw the van?

14 A First, me and my daughter, we got out and we went and
15 knocked on the doors and stuff. And there was like --
16 she's got a couple doors on that house. She's got one on
17 the front, like one on the side, and the back of the
18 house.

19 And I had gone toward the back of the house. And my
20 daughter was with me. And she knocked on the door, and
21 two people came running out.

22 Q Okay. Do you know what door she knocked on?

23 A I think she knocked on the middle door.

24 Q The middle door?

25 A Uh-huh, like they're not in front of the house.

1 There's a horseshoe drive, you've got the house here,
2 you've got a door here, a door like right here on the
3 corner, and a door in the back.

4 Q Let me show you a photograph here. I'm referring to
5 State's Exhibit No. 2. This is a frontal view of the
6 house. Which door are you talking about that your
7 daughter knocked on?

8 A This is the front of the house --

9 Q Can you show it to the jury, please?

10 A This is the front of the house. This is facing
11 towards White Horse Road. And that's the front of the
12 House and the driveway -- this is the driveway coming out.
13 There's another -- I come around. And there's like a
14 screened-in door right here on that side. And there's a
15 back -- there's a door on the back, too.

16 Q Okay. And so you -- which one did your daughter
17 knock on?

18 A She come over here to the side by the -- closest to
19 the screen door, and everything.

20 Q So she knocked on the side door?

21 A Yeah. I was way over here backed up by --

22 Q So just -- was it close to where your truck was?

23 A Yeah.

24 Q And where were you standing when that occurred?

25 A I was over here by --

1 Q Can you point it out to the jury?

2 A I was over here in the back towards the little well
3 pump thing towards the backyard. Because I was looking
4 for plastic for the trash, where she had thrown her trash.
5 And when she knocked on the door, they came running out.

6 Q Thank you.

7 You said they came running out when she knocked on
8 the door. Did you get a good look at who came running
9 out?

- 10 A I didn't get a good look. I know it was a female and
11 a male. The female come out of the front door. She ran
12 around the front of the van. She was the driver. She run
13 around the front of the van.

14 And then the next thing I know, a guy with a black
15 shirt like -- sort of like a hoodie like this, black hat.
16 And I guess he noticed me or whatever, he did like that.
17 And I saw a long ponytail and a goatee. And he jumped in
18 the passenger side.

19 Q Did you get a good look at the female subject?

20 A Not real good, no.

21 Q Do you recall what she was wearing?

22 A No, sir, I don't.

23 Q And you said she ran out and got in the van?

24 A Yeah.

25 Q And there was another subject with her?

1 A Uh-huh.

2 Q And you described him as a male subject?

3 A Yes, sir.

4 Q Do you know what race he was?

5 A White.

6 Q All right. And did you notice anything about the
7 clothing he was wearing?

8 A He had blue jeans on and a black hoodie like this,
9 but it was black, a long ponytail and, if I remember, a
10 goatee.

11 Q Did you get a good look of his face?

12 A I got like a glimpse of him. Like I said, he did
13 like that and --

14 Q And when you say like -- was he doing that with his
15 hoodie?

16 A Yeah. He took it like that and was saying, Go, go,
17 go.

18 Q So he pulled it up towards his face?

19 A Yeah.

20 Q Is that your testimony?

21 A Uh-huh.

22 Q Did you ever get a look at the front of his face?

23 A No.

24 Q How about the female subject, did you get a look at
25 the front of her face?

1 A No.

2 Q Did he -- at any time, did either one of them look at
3 you?

4 A No.

5 Q The female subject, do you recall what hair color she
6 had?

7 A No, sir.

8 Q Do you recall what race she was?

9 A She was white. I just got a glimpse of her. She
10 knocked on the door and she come running out, and I
11 looked. That's all I caught.

12 Q Were you talking on the phone with Ms. Taylor at the
13 time?

14 A No.

15 Q When do you recall talking to her on the phone?

16 A After they left, I told my brother, I said, I believe
17 she just got robbed.

18 Q You told that to your brother?

19 A Yeah. And I called Ms. Taylor and I'm like, Do you
20 know anybody in a blue and white van? Because she told me
21 one time, you know, that a lady came over that checks on
22 her cat when she goes out of town.

23 Q Checks on her --

24 A Cat.

25 Q -- cat.

1 A When she goes out of town. But I was letting her
2 know that I'm there, that way -- because if anything
3 happened, she knows I'm there. When I called her, I was
4 like, there was a blue and white van. Do you know anybody
5 in a blue and white van?

6 She was like, No.

7 And I said, Well, they just sped out of here and
8 went -- hauled butt. I believe you just got robbed.

9 And she asked me if I could stay there until she came
10 home and until the detective -- the police showed up.

11 Q Until the police showed up?

12 A Uh-huh.

13 Q All right. When you saw the two subjects running out
14 of the door, did you say -- what door was it they ran out
15 of?

16 A I believe the girl ran out of the front door, and he
17 came out of the side door. They about knocked my daughter
18 down, because she was right there closest to them.

19 Q So the door -- it was the door where she was
20 knocking?

21 A Yeah.

22 Q You said he had a black hat?

23 A Uh-huh.

24 Q Can you describe the hat? What kind of hat it was?

25 A No, just a black hat with a straight rim.

1 Q A straight rim?

2 A Yeah.

3 Q Did you get a look at any other distinguishing
4 features of the hat, anything unusual about the hat?

5 A No, sir.

6 Q And you stated before he had facial hair?

7 A Yeah. He had like a goatee and a long ponytail.

8 Q Could you see the ponytail from where you were
9 standing?

10 A Uh-huh.

11 Q Did you have any conversation with either of the
12 subjects?

13 A No, sir.

14 Q Had you ever seen that van before?

15 A No, sir.

16 Q Do you recall what color the male subject's hair was?

17 A It was brownish-black.

18 Q Did you stay there until the police arrived?

19 A Yes, sir.

20 Q Did you talk with an officer --

21 A Uh-huh.

22 Q -- when he arrived?

23 A Uh-huh.

24 Q How long was it before Ms. Taylor got to the house?

25 A I believe about an hour or so, because she was all

1 the way in North Carolina.

2 Q Now, did you go into the house at all while you were
3 there?

4 A No, sir.

5 Q Did you notice anything unusual about the outside of
6 the house?

7 A I could see -- you could see a door where the glass
8 was broke and stuff on one of the -- the back door, I
9 believe it was. But I didn't --

10 Q Was it a back door or a side door?

11 A I believe it was the back door.

12 Q When you're saying "back door," let me show you a
13 picture of the side of the house. Do you see that door in
14 this picture?

15 A Yeah. This door here. Because there's the -- right
16 here is the door. And then right here --

17 Q Can you show the jury the door?

18 A There was glass broke right here. At the back right
19 here, there was glass -- a piece of glass like a little
20 glass window. And it was broke, and all that. And you
21 could see where it was broke and stuff.

22 Q So it's the side door on the back of the house?

23 A Yeah.

24 Q Did you notice anything else about the van they were
25 driving, other than the color?

1 A No, just it was a blue and white Ford Aerostar van.

2 Q And when you say it was "blue and white," can you
3 describe that?

4 A It was -- there was a -- it had like a blue bottom,
5 or whatever. The whole van was blue and then had like a
6 blue bottom.

7 Q So it was two tones of color?

8 A Yeah.

9 Q Do you remember where your brother was standing when
10 this happened?

11 A I believe he was at the back of my truck smoking a
12 cigarette.

13 Q The back of your truck?

14 A Yeah. He was standing -- he was out of the truck.
15 But he was standing like at the back smoking a cigarette.

16 Q And did you happen to get the license plate of the
17 van?

18 A No, sir, I didn't.

19 Q Other than the police officer that arrived at the
20 scene, did you talk to any other police?

21 A I had a guy come out to my job one time.

22 Q But he was a policeman?

23 A Yeah, he was a policeman. He came out and tried to
24 see if I could identify them. I told him I couldn't see
25 them like I'm looking at you right now.

1 Q He asked you if you could identify the people?

2 A Yeah. And I told him I couldn't.

3 Q Did he show you any photographs at that time?

4 A Yes.

5 Q And did he show you a photo lineup of female
6 subjects?

7 A Yeah. He showed me female and male.

8 Q And you weren't able to pick anyone out of either
9 one?

10 A No, sir.

11 MR. WALLACE: Please answer any questions Defense
12 Counsel has.

13 THE COURT: Cross-examination, Mr. Kornfeld.

14 MR. KORNFELD: Thank you.

15 CROSS-EXAMINATION

16 BY MR. KORNFELD:

17 Q Mr. Perry, you say you had an '85 Dodge. Was it a
18 Dodge Ram gray pickup?

19 A Yeah.

20 Q A gray pickup?

21 A Yeah.

22 Q And you said who you saw -- the description you saw,
23 a -- first, you came and parked behind a van. Can you --
24 so I make sure that this is accurate. You parked -- the
25 van was somewhere around here, and you parked right here;

1 is that correct?

2 A Yeah. I come around here. And I parked right around
3 in this area. And it was in front of me.

4 Q Okay.

5 A It was set up where -- straight ahead.

6 Q So they could get out?

7 A Yeah.

8 Q I understand. And you -- your -- you said you saw a
9 straight brim hat. Is that the same as a flat bill hat?

10 A I don't know, just straight. You know how most
11 people bend them.

12 Q Right.

13 A Like when you buy one brand new, it's straight, it
14 ain't bent or nothing. It was just a black hat.

15 Q All right. And your brother was with you, and your
16 daughter was with you?

17 A Yes, sir.

18 Q All right. And you stated earlier that the guy had a
19 black shirt and a black hat; is that correct?

20 A Yeah.

21 Q All right. But -- so he didn't have a hoodie? He
22 had a black shirt; is that correct?

23 A It was black. It's been so long, I can't remember.

24 Q Okay. And when -- you say that you saw he had black
25 hair that was in a ponytail and a goatee; is that correct?

1 A Yeah.

2 Q All right. And so when -- who came out of the house
3 first? The lady?

4 A Yeah.

5 Q And then she came and got into this van?

6 A Uh-huh.

7 Q And then how long after she came out did the male
8 subject come out?

9 A It was -- I don't know -- like a minute or two. I
10 mean, it was more or less right after. Because he come
11 out and jumped in and said, Go, go, go, go. And she, more
12 or less, had it started or whatever -- started before he
13 even got in the van.

14 Q All right. And did -- how did he come out? Did he
15 come out running?

16 A Yeah.

17 Q Okay. And was she running as well?

18 A Uh-huh.

19 THE COURT: Sir, you need to say "yes" or "no."

20 THE WITNESS: Yes, sir.

21 BY MR. KORNFELD:

22 Q Okay. Did you notice the woman carrying anything
23 when she came out of the house?

24 A No, sir, I didn't.

25 Q All right. And you say that the man was carrying

1 something; is that correct? Was the man carrying
2 anything?

3 A He was carrying some kind of bag-looking thing, but I
4 couldn't tell what it was.

5 Q Okay. And when he ran out, did he run out on your
6 left side?

7 A Yeah. He came out -- I was standing like this. He
8 came out running like that. And I caught a glimpse of him
9 when he came running out.

10 Q How long did the whole interaction last where they
11 came out -- where this couple came out until they drove
12 off?

13 A How long?

14 Q Right. Was it 15 seconds? Was it 45 seconds? Was
15 it two minutes?

16 A Within a minute or so, and they was gone.

17 MR. KORNFELD: No further questions, Mr. Perry.

18 Thank you.

19 MR. WALLACE: Your Honor, just a couple of questions.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q You stated that you were standing back toward the
24 garbage -- or where the garbage was, that you were back
25 there to get the trash. Is that what you were doing?

1 A Yeah, towards that well thing.

2 Q Okay. And how far do you think it was between where
3 you were standing and where the subjects came out of the
4 door?

5 A How far?

6 Q How far, if you could give an estimate in the
7 courtroom maybe?

8 A I don't know. I guess it was probably about from me
9 to her maybe.

10 Q So you're pointing to my investigator?

11 A Uh-huh.

12 Q Evelyn Mitchell?

13 A Uh-huh.

14 Q That would be the distance?

15 A Uh-huh.

16 Q You said before that he had a black hat?

17 A Yeah.

18 Q During cross-examination, you were talking about the
19 bill being straight?

20 A Yeah.

21 Q And you made this kind of motion. Did it have a bill
22 all the way around the hat?

23 A No, just a regular cap, you know, like a ball cap, a
24 straight bill right here.

25 Q So it was a black ball cap?

1 A Yeah, like you buy in the store, like the ones that
2 say --

3 Q That people wear all the time?

4 A Yeah.

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

6 MR. KORNFELD: No redirect [sic], Your Honor.

7 THE COURT: Thank you, sir.

8 You can step down.

9 Let me ask y'all something up here real quick.

10 (WHEREUPON, a bench conference was held.)

11 THE COURT: Yes, sir.

12 MR. WALLACE: Your Honor, at this time, the State
13 would call Deputy Frank Abella to the stand.

14 THE CLERK: Deputy, if you'd come forward to be sworn
15 in, please.

16 Please place your left hand on the Bible and raise
17 your right.

18 WHEREUPON,

19 FRANK ABELLA,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 Would you, please, state your name for the record?

24 THE WITNESS: Frank Abella.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WALLACE:

Q Deputy Abella, how long have you been employed by the Sheriff's Office?

A January 25th will be five years.

Q Did you work in law enforcement any other place before then?

A No.

Q Do you -- now, when -- at the Sheriff's Office, what kind of work do you do?

A I currently work in the warrants division.

Q And back on May the 19th of 2012, where did you work then?

A I was working uniform patrol.

Q And what were your responsibilities as a member of uniform patrol?

A The main responsibility of uniform patrol is to respond to 911 calls. If anyone needs any help, they dial 911. And we are the first responders to show up.

Q Do you recall responding to a house on Old White Horse Road on May 19th, 2012?

A Yes.

Q And what was that in reference to?

A I was dispatched to a call that a burglary had just recently occurred.

1 Q So it had already occurred?

2 A Yes.

3 Q And what was the address that you responded to?

4 A It was [REDACTED], Travelers Rest,
5 which is in Greenville County.

6 Q Greenville County?

7 A Yes, sir.

8 Q Now, when you responded out there, do you recall the
9 time of day?

10 A Yes. It was about 4:00 p.m.

11 Q All right. When you arrived at the residence, what
12 was the first thing you did when you got to the scene?

13 A I spoke to Mr. Tandy Rice Perry. His brother and his
14 daughter were all on the scene.

15 Q Okay. And were you able to get any information from
16 Tandy Perry regarding this case?

17 A Yes. They said --

18 MR. KORNFELD: Objection, Your Honor. It's going to
19 be hearsay testimony.

20 THE COURT: Sustained.

21 BY MR. WALLACE:

22 Q I just want you to testify to what you said or what
23 Tandy Perry said.

24 A Okay.

25 MR. KORNFELD: Same objection, Your Honor.

1 MR. WALLACE: He's already testified to what he said.

2 MR. KORNFELD: Mr. Perry did.

3 THE COURT: Yes. Sustained.

4 BY MR. WALLACE:

5 Q When you arrived, what information did you gather at
6 the scene?

7 A The house had been burglarized. And there was a
8 broken window in the back door that leads from the -- it
9 was a storm door that leads to a second door by the
10 laundry room, I think it was. And the glass was broken
11 and the house had been entered, and things were taken.

12 Q Were you able to tell what the point of entry was?

13 A Yes, at the side rear door.

14 Q Okay. And did you call anybody to come out to the
15 scene at that time?

16 A Yes, forensics, so they can attempt to get
17 fingerprints.

18 Q How long were you there before Ms. Taylor arrived?

19 A I know she was in -- I believe it was North Carolina.
20 She was out of town visiting someone. And I spoke to her
21 on the phone. And I might have waited an hour. I'm not
22 positive exactly how long it was.

23 Q You might have waited an hour?

24 A About an hour, I think.

25 Q When Ms. Taylor arrived -- did you go in the house

1 before Ms. Taylor got there?

2 A Yes.

3 Q And what did you see inside the house?

4 A I saw that several drawers were opened and items were
5 on the bed. And it just looked like it had been
6 ransacked, typical of a burglary.

7 Q And what room was that?

8 A I believe there was a few different rooms. But it
9 was a bedroom, if I remember correctly. Let's see.

10 Q Was there any other damage, other than the door? Do
11 you recall?

12 A I don't recall any other damage, other than the glass
13 from that door to gain entry to the home.

14 Q Okay. When you went into the bedroom, what did you
15 see there?

16 A In the bedroom, there was some drawers that were
17 opened. And there was a pillow sitting on the bed that
18 the pillow case was missing from it. There was a drawer
19 that was on the bed. And there were two 38-caliber rounds
20 inside the drawer.

21 Q Did you ever locate a pistol at the scene?

22 A No, I did not.

23 Q Did -- were you in the house when Ms. Taylor was in
24 the house?

25 A Yes.

1 Q Did you ever get a description of the individuals?

2 A Yes, I did.

3 MR. KORNFELD: Your Honor, same objection.

4 BY MR. WALLACE:

5 Q Did you ever --

6 A I did.

7 Q Hold on a second.

8 THE COURT: Overruled.

9 BY MR. WALLACE:

10 Q Did you get a general description of the individuals?

11 A Yes, I did. There were two subjects, a male and a
12 female. The male subject --

13 MR. KORNFELD: Objection, Your Honor. He's going
14 into hearsay again.

15 MR. WALLACE: He's testifying from his report at the
16 time that he came up on the scene. And this information
17 goes out to the police so they can start looking for
18 people.

19 THE COURT: I understand. I'm going to sustain the
20 objection.

21 MR. WALLACE: Okay.

22 BY MR. WALLACE:

23 Q Did you see a vehicle when you arrived?

24 A The only vehicle there was the witness, Mr. Perry,
25 Tandy Rice Perry. His vehicle was there.

1 Q Did you send anyone else to the scene, other than the
2 forensics unit?

3 A No. I just called and spoke to the victim and asked
4 her to come, Ms. Taylor, Renna Taylor.

5 Q Did you take a statement from Ms. Taylor at the time?

6 A No. Not a written statement. I spoke to her.

7 Q Okay. You spoke to her. Did you gather any evidence
8 at the scene?

9 A No. I did not collect any evidence.

10 MR. WALLACE: Please answer any questions Defense
11 Counsel would have.

12 CROSS-EXAMINATION

13 BY MR. KORNFIELD:

14 Q Do you recall what kind of vehicle T.R. Perry had?

15 A I don't recall. I believe it was a pickup truck.
16 But it's been several years. I don't remember.

17 Q Okay. Do you remember what color it was by chance?

18 A I don't recall.

19 Q Okay. Did you see any -- happen to see any tire
20 marks or anything like that from a vehicle leaving
21 quickly? Did you see -- let me ask you that first. Did
22 you see any tire marks?

23 A I don't recall.

24 Q Okay. Do you usually look when you go --

25 A Usually, but I don't remember seeing any tire marks.

1 MR. KORNFELD: Thank you, Officer Abella.

2 No further questions.

3 MR. WALLACE: No further questions for this witness.

4 THE COURT: All right. Thank you, sir.

5 Ladies and gentlemen, we're going to go ahead and

6 recess for the evening. Don't talk about the case.

7 Continue to keep an open mind. And we'll see you back at

8 9:30 in the morning.

9 I have to qualify the Grand Jury at 9:00. So y'all
10 just come back at 9:30. And we'll try to start the case
11 at that time.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 5:08 p.m.)

15 THE COURT: Anything before we adjourn for the
16 evening?

17 MR. WALLACE: Nothing from the State, Your Honor.

18 MR. KORNFELD: Nothing from the Defense, Your Honor.

19 THE COURT: All right. We'll see you back at 9:30.

20 (WHEREUPON, the proceedings were concluded at
21 approximately 5:08 p.m., to be reconvened on
22 Tuesday, January 6, 2014.)
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TUESDAY JANUARY 6, 2015

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THE COURT: Anything before we bring the jury in?

MR. WALLACE: Yes, Your Honor.

THE COURT: Okay.

MR. WALLACE: Defense Counsel and I have discussed the two burglary first indictments that we talked about yesterday.

THE COURT: Right.

MR. WALLACE: And Defense Counsel will stipulate to their authenticity. So I would like to put them into the record as Court's Exhibit Nos. 1 and 2. They are certified copies by the clerk of court back on February the 18th of 2014.

THE COURT: All right.

MR. KORNFELD: And, Your Honor, that is correct. I do want to preserve my objection that I made previously.

THE COURT: Certainly.

MR. KORNFELD: Specifically, I know that the two prior burglaries are an element of the offense of burglary first. On the other hand, I feel that allowing the jury to know this is unduly prejudicial. And, further, it circumvents the Judge to do a 403 analysis to decide whether or not it is unduly prejudicial.

I know in robbery cases that I have on hand -- and I can cite, if you give me a minute. But the robbery case

1 says that it would be unduly prejudicial to submit to the
2 jury a previous robbery if he's on trial for a robbery.
3 Here, I feel that those are analogous. I understand that
4 we have to follow the law and the law says that. But that
5 is my objection for the record.

6 THE COURT: Thank you.

7 I understand your objection. But I don't believe I'm
8 free to replace the statute with the 403 rule.

9 MR. KORNFELD: And, Your Honor, my proposal would be
10 to charge them on a burglary second and a burglary third.
11 And if those elements were met, then to already have the
12 stipulation that the two burglaries were in there,
13 thereby, he could be convicted of the burglary first.

14 THE COURT: I'm not sure I follow that, Mr. Kornfeld.
15 What are you getting at?

16 MR. KORNFELD: This would be my proposal, that the
17 elements would be charged other than the fact that he has
18 two prior burglaries, which is one of the elements of
19 burglary first. So that they would be charged on the
20 lesser included elements, which would be, I guess,
21 burglary second and burglary third.

22 If those elements were met for burglary second or
23 burglary third, then the Judge could notify the jury or
24 say, okay, well, since he's guilty of that and he has
25 these two prior burglaries, which I would argue are

1 prejudicial to him, now that we have that he is guilty of
2 a burglary first, thereby, circumventing the prejudicial
3 evidence from ever entering the minds of the jury.

4 THE COURT: Well, I don't -- I'm not sure I follow
5 that argument.

6 MR. WALLACE: Your Honor, the indictments are for
7 burglary first. I don't think you can publish anything to
8 the jury that's not true in this case. I mean, burglary
9 first is burglary first.

10 MR. KORNFELD: I understand, Your Honor.

11 But my issue is -- I know what the statute says. The
12 statute says if he has two prior burglaries that that is
13 an element for the burglary first. But the indictment is
14 written and/or and it has nighttime and/or with a weapon.

15 THE COURT: Okay.

16 MR. KORNFELD: So my proposal would be that the jury
17 would be instructed on the nighttime and/or weapon and not
18 the and/or two prior burglaries. Because my argument is
19 still that those are prejudicial to him. And it keeps
20 you -- it keeps the Judge from doing a 403 analysis on that.

21 THE COURT: Well, what does that have to do with
22 burglary second or third?

23 MR. KORNFELD: Well, the elements are similar in
24 burglary second and third that if he, you know, broke in
25 with a gun, he could be guilty of burglary second if he

1 did not have two prior burglaries. There's a possibility
2 he could be charged with that. It's similar to what
3 Amanda Caldwell is now being -- I guess she pled to a
4 burglary second.

5 THE COURT: Okay. Well, your objection is noted for
6 the record.

7 MR. KORNFELD: Thank you, Your Honor.

8 THE COURT: Thank you.

9 MR. WALLACE: Your Honor, do I go ahead and put these
10 in as Court's Exhibits?

11 THE COURT: Are you going to publish them to the
12 jury?

13 MR. WALLACE: I can publish them to the jury or the
14 clerk can, whatever you want to do.

15 THE COURT: Well, I guess if you are going to --

16 MR. WALLACE: I'm not putting them in as State's
17 Exhibits, just Court's Exhibits. I want the jury to have
18 the information that's on the face of the indictment
19 without going into the facts of the burglaries. I just
20 want them to know he's been convicted of the two burglary
21 firsts, the indictment numbers, and when they happened.

22 MR. KORNFELD: And, Your Honor, I would ask for a
23 charge when it's admitted and at the jury charge saying
24 it's not to be used as weight for guilt or innocence.

25 THE COURT: Well, how do you want me to phrase the

1 limiting instruction, that they may only use this
2 stipulation for purposes of determining whether the State
3 has met its burden of proof, the elements of burglary
4 first and not for any other purpose, and may not consider
5 it, for example, in determining whether the --

6 Is there any particular language you desire,
7 Mr. Kornfeld?

8 MR. KORNFELD: If you'll just give me a second, I do
9 have some language to follow.

10 THE COURT: Okay. Sure.

11 (Pause.)

12 MR. KORNFELD: Your Honor, I found -- and this has
13 housebreaking in it.

14 THE COURT: Okay.

15 MR. KORNFELD: But if it's okay, I'll just bring it
16 up.

17 THE COURT: Sure.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: So just to be clear, Mr. Wallace, you're
20 going to -- are you going to read something to the jury,
21 or do you want me to read the whole thing?

22 MR. WALLACE: As far as the indictments are
23 concerned, Your Honor?

24 THE COURT: Right.

25 MR. WALLACE: I can do it, Your Honor, if that's okay

1 with the Court. I'll go ahead and publish them.

2 MR. KORNFELD: I would request that it say he was
3 convicted of a burglary in 1993. I think both of them
4 were in 1993, two separate burglaries in 1993.

5 MR. WALLACE: First degree.

6 MR. KORNFELD: Burglary first degree in 1993.

7 THE COURT: All right. So what is it again? 1993?

8 MR. KORNFELD: I don't know the specific dates.

9 MR. WALLACE: The indictment numbers are
10 93-GS-23-3103 and 3104. 3103 was a burglary that occurred
11 on February the 26th, 1993, involving this Defendant. And
12 then the second conviction, 3104, was a burglary that
13 occurred on or about December 6th or 7th of 1991.

14 THE COURT: So we can just say that y'all stipulated
15 that the Defendant has two prior convictions for burglary.
16 These convictions were obtained in 1993.

17 Does that cover it?

18 MR. WALLACE: Well, it was -- so we're going to tell
19 the jury it's burglary first degree, Your Honor. Is that
20 what you're saying?

21 THE COURT: Is that what it was?

22 MR. WALLACE: Yeah. Both of them were convictions
23 for burglary first degree.

24 THE COURT: Okay.

25 MR. WALLACE: Do you want me to go ahead and put

1 those into evidence now as Court's Exhibits before the
2 jury comes in?

3 THE COURT: I don't know why they're Court's
4 Exhibits. I mean --

5 MR. KORNFELD: I think they're joint exhibits, Your
6 Honor.

7 And one issue on the -- I think if I stipulate under
8 the Old Chief case, that just says two prior burglaries.
9 That's all it has to be. So I would object to the fact
10 that it says burglary first. I just want it in that he
11 has two prior burglaries.

12 THE COURT: Well, what does the statute say exactly
13 in terms of the element?

14 MR. KORNFELD: The burglary is committed by a person
15 with a prior record of two or more convictions for
16 burglary, for housebreaking, or a combination of both.

17 THE COURT: Okay. We'll just say burglary.

18 MR. KORNFELD: Thank you, Your Honor.

19 And the other issue. I think that they would be
20 joint -- they would be a joint exhibit, not a Court's
21 Exhibit. I don't know exactly what the difference is.

22 THE COURT: I think he's got a right to put them in
23 as a State's Exhibit. It's part of his case in chief.
24 And it just won't go back to the jury. We won't send them
25 back to the jury.

1 MR. KORNFELD: Okay.

2 MR. WALLACE: Yes, Your Honor. We can do it that
3 way.

4 MR. KORNFELD: All right.

5 MR. WALLACE: Do you want me to go ahead and put
6 these in now, Your Honor?

7 THE COURT: Yes, you can put them in now, Mr. Wallace.

8 MR. WALLACE: Your Honor, at this time, I'm going to
9 put into evidence two indictments for burglary first
10 degree as State's Exhibit Nos. 9 and 10.

11 (WHEREUPON, State's Exhibit Nos. 9 and 10 were marked
12 for identification and admitted into evidence, but will
13 not be submitted to the jury during deliberations by
14 agreement of counsel.)

15 THE COURT: Anything else before we bring the jury
16 in?

17 MR. KORNFELD: Nothing, Your Honor.

18 MR. WALLACE: Nothing, Your Honor.

19 THE COURT: How many more witnesses do you have,
20 Mr. Wallace?

21 MR. WALLACE: I have eight. And I intend to call one
22 of them twice.

23 THE COURT: So do you want me to go ahead and give
24 the stipulation now?

25 MR. WALLACE: Yes, Your Honor. Yes, the jury needs

1 to know the stipulation.

2 MR. KORNFELD: And, Your Honor, I would ask that the
3 stipulation be stated when the sentence -- stated that he
4 has two or more. I think hearing it more than once could
5 be unduly prejudicial to the Defendant.

6 THE COURT: How are they hearing it more than once?

7 MR. KORNFELD: Well, when you give your jury charge,
8 I'm assuming you're going to tell them the statute or read
9 something similar to the statute, so they'll hear two or
10 more.

11 Are you going to tell them at that time that this
12 Defendant has two or more -- I guess that's what I'm
13 asking. Are you going to tell them then as well, or are
14 you just going to tell them now?

15 THE COURT: I mean --

16 MR. WALLACE: I don't see how that's going to have
17 any bearing on prejudice. These are State's Exhibits.
18 The jury has to know about it to prove this element. And
19 you're going to give two charges. You're going to give
20 charges to cover both offenses, so --

21 THE COURT: Two charges for what?

22 MR. WALLACE: You're going to give a charge -- are
23 you going to give a charge after you tell the jury about
24 those two prior convictions, or are you going to wait --

25 THE COURT: Oh, the limiting instruction?

1 MR. WALLACE: Yeah, the limiting instruction.

2 THE COURT: I'll do that now, too, yes.

3 MR. WALLACE: If you give two limiting instructions,
4 that's just --

5 THE COURT: Yes. I mean, I'll just tell them at the
6 end, you know, what the elements of first degree burglary
7 are. And y'all can make arguments about what the evidence
8 showed about that. In other words, I wouldn't say again
9 that it's been stipulated that this element has been
10 proven.

11 MR. WALLACE: Okay. Your Honor.

12 MR. KORNFELD: Thank you, Your Honor.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:11 a.m.)

15 THE COURT: Ladies and gentlemen, I apologize for the
16 delay. I've been dealing with the Grand Jury since a
17 little bit after 9:00. And then we had a matter in this
18 case that delayed the start. So I'm sorry y'all had to
19 spend all that time back there. But we're ready to
20 proceed at this point.

21 Before we have the next witness, I need to tell y'all
22 that the parties have stipulated to certain evidence.
23 When I told you at the beginning about your obligation to
24 determine the facts of the case, I told you there were two
25 sources of evidence, there's sworn witness testimony and

1 there are exhibits.

2 There's, also, another type that sometimes occurs in
3 trials, and that is when the parties stipulate to a fact.
4 That is, they agree the fact exists, and is true, and
5 there's no need for further proof to -- or finding by you
6 that it is a fact.

7 So the parties in this case have entered into such a
8 stipulation. And that stipulation is that the Defendant
9 in this case, Mr. Furman Taylor, has two prior convictions
10 for burglary. These convictions were obtained in 1993.
11 And I will further instruct you that you're not to
12 consider these prior convictions for any reason other than
13 determining whether the State has met its burden of proof
14 as to the crime of burglary first that Mr. Taylor is
15 accused of in this trial.

16 Sometimes, evidence can be used for one purpose and
17 not another, and this is one of those times. The evidence
18 about any prior convictions may only be used to determine
19 whether the State has met its burden of proof as to an
20 element of the crime here. So you're not to consider the
21 prior convictions as evidence that the Defendant committed
22 the crimes for which he's currently on trial, nor should
23 you consider the convictions as character evidence, or
24 conclude that because he was convicted of a similar crime
25 previously that he's likely to have committed these

1 offenses for which he is currently on trial.

2 You're to consider these prior convictions simply as
3 part of the elements the State must prove in order to make
4 out a charge of first degree burglary. And I'll tell you
5 about the law of first degree burglary at the conclusion
6 of the trial when I instruct you on the law.

7 Yes, sir, Mr. Wallace. You may call your next
8 witness.

9 MR. WALLACE: Thank you, Your Honor.

10 The State would call to the stand David Perry.

11 THE CLERK: Mr. Perry, please, come forward to be
12 sworn in.

13 Please place your left hand on the Bible and raise
14 your right.

15 THE BAILIFF: Face the Judge -- face the clerk.
16 Raise your right hand. Please raise your right hand.

17 Thank you.

18 WHEREUPON,

19 DAVID PERRY,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 THE CLERK: Would you, please, state your name for
24 the record?

25 THE WITNESS: David Perry.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. WALLACE:

4 Q Mr. Perry --

5 A Yes, sir.

6 Q -- what kind of work do you do?

7 A Right now, I work through the South Carolina Rehab
8 Center through North American Rescue.

9 Q Okay. And what kind of work is that?

10 A Life-saving equipment like tourniquets, bandages,
11 blankets, beds for the Navy, the Army, stuff like that.

12 Q Are you a sales person?

13 A No. I'm just an assembly person.

14 Q You're a what kind of person?

15 A I work on assembly.

16 Q You work on assembly?

17 A Yeah. We pack bags and ship it out.

18 Q Okay. How long have you worked for them?

19 A I'm thinking about seven months now, six or seven
20 months.

21 Q Back in May of 2012, where did you work then?

22 A I was working nowhere.

23 Q Do you remember going to the house of Renna Taylor --

24 A Yes, sir.

25 Q -- during that time?

1 A Yes, sir.

2 Q Do you remember what day it was?

3 A I believe it was a Saturday.

4 Q It was a Saturday?

5 A Yes, sir.

6 Q Do you remember the date?

7 A I can't remember the date, no.

8 Q Was it in May?

9 A Yeah. It was in May.

10 Q Okay. And do you know what the purpose of that trip
11 was?

12 A We was going to go pick up Renna's garbage.

13 Q And you said "we," were you with some other people
14 then?

15 A My brother.

16 Q Who is your brother?

17 A T.R. Perry.

18 Q And how did you get to Ms. Taylor's house?

19 A With my brother in his truck.

20 Q In his truck?

21 A Yes, sir.

22 Q And do you recall about what time that was?

23 A It was in the afternoon. I'm guessing around 12:00,
24 1:00, maybe.

25 Q When you arrived at Ms. Taylor's house, did you

1 notice anything?

2 A Yes, sir.

3 Q What was it that you saw?

4 A A blue and white van sitting in the driveway.

5 Q And did you -- did you go to the driveway at that
6 time?

7 A Yeah. We parked right behind it.

8 Q What did you do after you saw the van?

9 A I sat in the truck. Because my brother called her
10 and asked her was anybody supposed to be there. And she
11 said, No.

12 And he told her that there was a blue and white van
13 sitting in the yard. She said that there ain't nobody
14 supposed to be here.

15 Q Now, did you stay in the truck the whole time?

16 A Yeah. And by the time he called her, I got out. And
17 I was leaning up against the truck smoking a cigarette.

18 Q Did you do anything else besides stay by the truck?

19 A No. I just stood there beside the truck.

20 Q All right. What happened after that?

21 A My niece was with us. And she rung the doorbell.
22 And when she did, the people started running out of the
23 house.

24 Q Okay. When you say people were "running out of the
25 house," did you get -- could you say how many people?

1 A Two.

2 Q And did you know what race they were?

3 A It was a man and woman.

4 Q Okay. But what race were they?

5 A White.

6 Q All right. Now, did you get a good look at them at
7 that time?

8 A No, I didn't.

9 Q What did you see?

10 A I saw a guy run out, bag on his shoulder, wearing a
11 black jacket --

12 Q Slow down. You said he had something on his
13 shoulder. What was it?

14 A A bag.

15 Q And was he carrying anything else?

16 A He just had a bag. And he had his head like this.

17 Q All right. Do you remember what he was wearing?

18 A At the time, he was wearing a black jacket and black
19 ball cap.

20 Q Do you remember anything else about his clothing?

21 A Blue jeans.

22 Q And what about the female subject, do you remember
23 what she was wearing?

24 A No, sir. I didn't really get a good look at her.

25 Q When they came out of the house, do you recall who

1 came out first?

2 A She did.

3 Q And when did the male subject come out?

4 A Right after she got in the van. And he run up to the
5 door and was saying, Go, go, go.

6 Q Okay. Now, did you tell -- could you tell us
7 anything else about the female subject?

8 A She had reddish-brown hair pulled up in a ball.
9 That's about all I can remember.

10 Q You said reddish-brown?

11 A Yeah, brownish-red. And it was pulled up in a ball
12 like this, hooked up like that.

13 Q Was there anything else about her appearance that you
14 can remember?

15 A Not really. Like I say, I didn't really get a good
16 look at her.

17 Q Did you get a good look at their faces?

18 A No, sir, I didn't.

19 Q Were they running towards you at the time?

20 A No. They was running towards the van.

21 Q And you were back behind the van?

22 A Yeah. I was leaning up against the truck. I was
23 about from here to probably the table behind you.

24 Q Okay. Did you say anything to them when you saw them
25 running out?

1 A I didn't say a word.

2 Q Did you notice anything else about the male subject?

3 A Just that he had that black jacket and ball cap, and
4 a goatee, and a long ponytail.

5 Q Did you -- do you remember what color his hair was?

6 A Brown.

7 Q Do you remember anything else about the van? You
8 said it was a blue and white van?

9 A An older model Ford Aerostar van, like 90's. I don't
10 know what year, but an older model.

11 Q It was an older van then?

12 A Uh-huh.

13 Q When you saw them running out, what did you do?

14 A I told my brother they was getting robbed, or
15 something.

16 Q I'm sorry. I couldn't hear you.

17 A I said they was getting robbed.

18 Q And did you do anything else after that happened?

19 A No.

20 Q How long did you stay there?

21 A I stayed there until Renna got there.

22 Q Until Renna got there?

23 A Yes, sir.

24 Q Did the police get there?

25 A Yeah. He came first. And she asked us to stay until

1 they got there. And then when she got there, we left.
2 Because he was going to go in the house and check
3 everything. He wasn't going to do it while we was there.

4 MR. WALLACE: Please answer any questions Defense
5 Counsel may have.

6 CROSS-EXAMINATION

7 BY MR. KORNFELD:

8 Q Mr. Perry --

9 A Yes, sir.

10 Q -- you said it was a blue and white van. You're
11 certain of that; correct?

12 A Yes, sir.

13 Q And can you describe where the blue was on the van,
14 and where the white was on the van?

15 A I believe the top half was blue, and the bottom half
16 was white.

17 Q Okay. And do you remember talking with an officer
18 about this case, specifically, Officer Mashak?

19 A I believe so.

20 Q Okay. You don't know -- do you know the officer's
21 name you talked to?

22 A Not at the time, I didn't.

23 Q All right. Do you know who Officer Mashak is now?

24 A I believe so.

25 Q And do you remember giving him a statement at that

1 time?

2 A Not right at this moment I don't.

3 Q Did you give Officer Mashak a statement?

4 A I'm not sure if I did or not.

5 Q Would it surprise you if you told him that you
6 observed that there was a male and a female, but that you
7 didn't observe the male?

8 A I might have, but...

9 Q All right. But you just told us that you observed a
10 male now?

11 A I saw a male, yeah.

12 Q Okay. But -- all right. But you told him
13 previously, two years ago, that you didn't see a male;
14 correct?

15 A I can't remember.

16 Q All right. What has changed between that time --
17 your memory is better closer to the time that something
18 happens; correct?

19 A Yes.

20 Q But if you told him that you didn't see a male then,
21 and now you have seen a male, what changed between now and
22 May 19th of 2012?

23 A I don't know if I told him I seen a male or not. But
24 I'm not real sure, but I'm pretty sure I did.

25 Q Okay. And I just want to see what -- can you -- I'm

1 going to try and move this so the jury can see it, and you
2 won't have to stand up too much.

3 Mr. Perry, can you show me where y'all pulled in in
4 your -- tell me what kind of car you were in, or what kind
5 of vehicle, first.

6 A A Dodge truck.

7 Q All right. And that's your brother's truck,
8 Mr. Perry as well?

9 A Uh-huh.

10 Q And where did y'all pull in?

11 A We pulled in the horseshoe drive.

12 Q Mr. Perry, can you show me on this map where it was?

13 A I ain't too good with these kind of pictures.

14 Q This is the house, and this is the horseshoe
15 driveway.

16 A We pulled in this way.

17 Q And where did you stop? Do you remember where you
18 stopped?

19 A Behind the van.

20 Q Okay. I don't want to testify for you. Can you tell
21 me where the van was?

22 A Almost to the point where --

23 Q Here, I'll help you.

24 A Almost to the point to where when they got in, they
25 could drive around.

1 Q And y'all were behind them, say, about right here; is
2 that correct?

3 A Yes, sir.

4 Q Okay. Have you talked with your brother about this
5 case since May 19th, 2012?

6 A No. Since the last time we was here, no.

7 Q All right. And your testimony is you may have seen
8 him, you may not, but you think you did?

9 A Uh-huh.

10 Q All right. Do you know what kind of hat he had on,
11 if you did see him?

12 A It was a black hat. I can't tell -- I don't know
13 about no emblems or nothing on it.

14 Q Do you remember if the girl was running out?

15 A Yeah. She was running out.

16 Q Was the male running? If you did see a male, was he
17 running?

18 A When he come out, he was running to the van.

19 MR. KORNFELD: Thank you, Mr. Perry.

20 No further questions.

21 MR. WALLACE: Nothing further, Your Honor.

22 THE COURT: All right. Thank you, Mr. Perry.

23 You may step down, sir.

24 You may call your next witness.

25 MR. WALLACE: Your Honor, at this time, the State

1 would call Dustin Kretschmar to the stand.

2 THE CLERK: Sir, if you'd come forward to be sworn
3 in.

4 Please place your left hand on the Bible and raise
5 your right.

6 WHEREUPON,

7 DUSTIN KRETSCHMAR,
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 You may be seated.

11 Would you, please, state your name for the record?

12 THE WITNESS: Dustin Kretschmar.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WALLACE:

16 Q Mr. Kretschmar, are you a police officer?

17 A Yes, sir.

18 Q Where do you work?

19 A The Greenville County forensics division.

20 Q How long have you worked for the forensics division?

21 A Four years.

22 Q And did you work as -- in law enforcement prior to
23 that?

24 A I worked for two years down in Florida as a road
25 officer.

1 Q And back on -- in May of 2012, did you work for the
2 forensics division then?

3 A I did.

4 Q Do you recall getting a call to come out to a house
5 on Old White Horse Road?

6 A Yes, sir.

7 Q Do you recall when that was?

8 A What day it was, or what time?

9 Q What day it was.

10 A I believe it was the 19th.

11 Q The 19th of?

12 A Of 2012.

13 Q All right. The 19th of May?

14 A Yes, sir.

15 Q Okay. And when you got -- okay. So you were called
16 out there. What was the nature of the call you received?

17 A It was a residential burglary is what the call was
18 that I responded to.

19 Q Do you respond to these types of calls normally?

20 A Yes, sir.

21 Q And what are your duties when you work for forensics?
22 What kind of things do you do?

23 A We are called out to document the scene, and try to
24 recover any evidence that might be on the scene that we
25 see pertinent to the case.

1 Q We talk about recovering evidence. What kind of
2 things do you do?

3 A The evidence that we would collect are, typically,
4 latent prints that might be left behind, or any physical
5 evidence that might be related to the scene as well.

6 Q Do you normally take pictures when you're on the
7 scene?

8 A Not all the time.

9 Q Do you remember if you took pictures in this case?

10 A I did not.

11 Q So you responded to the house. Do you recall what
12 time you arrived there?

13 A No, sir. I'd have to refer to my report.

14 Q Do you recall if it -- what time of day it was?

15 A Not specifically, no, sir.

16 Q Okay. When you arrived then at the scene, what did
17 you do?

18 A When I arrived on scene, I made contact with the
19 victim. And she, basically, told me the -- what had
20 happened as far as some individuals had been seen leaving
21 the front door. And she said she found the back door had
22 been broken into, and some items had been taken from her
23 residence.

24 Q All right. Did -- now, when you go into a scene like
25 that, what are you looking for?

1 A I'm looking to see -- to verify what -- whoever I'm
2 talking to, to verify if what they say is correct, and see
3 if anything else stands out to me, such as the back door
4 that she said had been broken into, the window had been
5 broken near the dead bolt latch and it was in the unlocked
6 position. So it would have been accessible to enter the
7 residence through that back door.

8 And then the areas that the victim would point out as
9 far as what had been taken or moved, things like dresser
10 drawers or entertainment stands where items might have
11 been taken from. I'm looking for areas that I can process
12 for latent prints. And, again, like I said earlier, any
13 evidence that I might be able to collect, physical
14 evidence.

15 Q And do you recall dusting for prints at this time?

16 A I did. I dusted for fingerprints using latent print
17 powder.

18 Q And what process is that? When you're talking about
19 dusting for prints, what are you trying to do at that
20 point?

21 A I have a brush and some powder. And I'm going over
22 areas that have been told to me that have been moved, or
23 misplaced, or where items have been taken from, I'll dust
24 for fingerprints around that area. Say, if it's, like I
25 said, an entertainment stand where the DVD player had been

1 taken from, I'll dust the entertainment center for
2 fingerprints.

3 Q And how -- once you find fingerprints, what do you
4 do?

5 A If a fingerprint appears, we take -- we have a tape
6 that we lift the fingerprint from. We'll put it on a
7 latent card. And those get submitted to our latent
8 examiners.

9 Q What do latent examiners do?

10 A They identify who the -- if possible, they identify
11 who the fingerprint belongs to.

12 Q Do you participate in that process at all?

13 A No, sir.

14 Q So your job is just to take prints?

15 A Collection, yes, sir.

16 Q And on this date when you were in the house, were you
17 able to remove any prints?

18 A No, sir.

19 Q Is that an unusual occurrence?

20 A No, sir. A lot of times -- it will vary from scene
21 to scene. And it depends on a lot of variables, including
22 weather conditions, what surfaces and what types of
23 materials you'll be processing on, the condition of
24 whoever was touching the surfaces, whether they were
25 sweaty, or if it's humid or dry out. There's a lot of

1 factors that go into whether a fingerprint is left and can
2 be lifted.

3 Q So your testimony is you didn't lift any prints at
4 the scene?

5 A No, sir.

6 Q Other than dusting for prints in this case, did you
7 take any other action at the scene?

8 A No, sir.

9 Q Did you collect any evidence at all?

10 A No, sir.

11 MR. WALLACE: Please answer any questions Defense
12 Counsel has.

13 THE WITNESS: Thank you.

14 CROSS-EXAMINATION

15 BY MR. KORNFELD:

16 Q Officer, do you pronounce your last name Kretschmar?

17 A Kretschmar.

18 Q Kretschmar?

19 A Yes, sir.

20 Q Okay. Thank you.

21 Officer Kretschmar, when you get on the scene -- I
22 guess you decided to do the fingerprints here. There's no
23 fingerprints even of Renna Taylor, or anybody else?

24 A I did not find any fingerprints on scene that I could
25 lift.

1 Q Okay. What did you have -- did you find any, you
2 know, hair? Do you do that, try to find hair at places to
3 put it back to whoever was in the house like a --

4 A I'll look for other -- that would be physical
5 evidence that I might be able to collect, such as hair or
6 fibers, things of that nature.

7 Q Yes.

8 A I focus usually around things where the broken door
9 was, things where they might be able to cut themselves --
10 or whoever broke the door cut themselves for possibly
11 suspected blood or fibers. But, no, I didn't see any in
12 that area.

13 Q All right. After you came and took the prints, did
14 you have any other involvement?

15 A No, sir.

16 Q Did you notice any of the other doors unlocked, or
17 open, or just the back screen door?

18 A And the front door as well.

19 Q The front door was open?

20 A It was unlocked. It wasn't standing open.

21 Q Okay. Was there any other vandalism to the house,
22 other than what you've already stated?

23 A No, sir, not that I can recall.

24 Q All right. And did you have any other involvement in
25 the case after this?

1 A No, sir.

2 Q Did you see any pry marks where you said there was
3 broken glass? How was that glass broken?

4 A It was broken in. It was a window pane. There was a
5 window on the door and it was sectioned off into panes.
6 And the window pane closest to the dead bolt was the one
7 that was broken in.

8 Q Okay. From your experience, did it look like it was
9 punched -- can you say?

10 A I can't say whether it was -- I didn't find a rock or
11 any kind of tool that would have been used inside the
12 residence that would have broken that window. But I can't
13 say definitively what broke that window.

14 Q Okay. Is there -- what makes you decide to take
15 photos or to not take photos when you get on scene? Is
16 there some analysis, or is it up to you?

17 A It's up to me. If I feel like I can articulate in my
18 report what I saw on scene, then I'll usually not take
19 photographs. If it's a larger scene or something more
20 detailed that I'd like to take specific photographs of,
21 I'll do that.

22 MR. KORNFELD: Officer Kretschmar, no further
23 questions.

24 MR. WALLACE: Nothing further from the State, Your
25 Honor.

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

2 Thank you, sir.

3 MR. WALLACE: Your Honor, our next witness -- the
4 State would like to call Captain Jinny Moran to the stand.

5 THE CLERK: Captain Moran, if you'd come forward to
6 be sworn in.

7 Please place your left hand on the Bible and raise
8 your right.

9 WHEREUPON,

10 JINNY MORAN,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

14 Would you, please, state your name for the record?

15 THE WITNESS: Jinny Moran, captain.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. WALLACE:

19 Q Good morning, Captain Moran.

20 Who are you employed by?

21 A The County of Greenville, Department of Public
22 Safety.

23 Q How long have you worked there?

24 A I've been with Greenville County for almost 32 years.
25 And I've been a captain, division manager, since 2001.

1 Q And were you in law enforcement prior to being a
2 captain at the records division?

3 A Yes. I've been there since 1982.

4 Q With the Sheriff's Office?

5 A Greenville County Public Safety. We're a separate
6 county department under the county council.

7 Q And what would you say your duties are? First of
8 all, your title is --

9 A Captain or records manager.

10 Q Records manager.

11 A And the records management division manages the
12 records generated by the Greenville County Sheriff's
13 Office, the Greenville City Police Department. And I'm,
14 also, tasked with managing the detention center records.

15 Q Okay. I see you brought a folder with you.

16 A Yes, I did.

17 Q What did you bring?

18 A I was subpoenaed to bring a booking photo of a
19 particular subject.

20 Q Okay. And what -- now, that booking -- where did
21 that booking photo come from?

22 A As part of the records management, in the normal
23 course of business, we maintain police reports generated
24 by the sheriff and city police. We, also, maintain
25 mugshot photos that are kept in a -- on a server. So

1 these mugshot photos are accessible for law enforcement
2 purposes.

3 Q And is there a date on that mugshot photo?

4 A On this mugshot photo, there -- there's different
5 schematics that you can pull up. But, according to this
6 mugshot photo, there's a separate form. And this form has
7 the arrest date and photo date as June the 4th, 2012.

8 Q June the 4th of 2012?

9 A Yes, sir.

10 Q So when you say schematics, what are you talking
11 about?

12 A The format of the photo. You can pull up just an
13 individual photo, just a photo and a name. But then
14 another photo, you can, actually, pull up the name, photo
15 date, and physical description of it.

16 Q Okay. So the one that you have the other -- the
17 information on the arrest date?

18 A Yes.

19 Q How do you know that came from records?

20 A I pulled it from the system myself.

21 Q When did you do that?

22 A I pulled this most recent photo on Monday, because
23 that's when I was subpoenaed to come to court.

24 Q So yesterday?

25 A Yeah. So I had it certified stamped for January 5,

1 2015.

2 Q So that's a certification that it comes from the
3 records division?

4 A Yes.

5 Q Do you have anything other than a stamp on there?

6 A I have my initials beside the date. And there's,
7 also, a time stamp from the printer for January 5, 2015,
8 of the date that it was printed.

9 Q All right. Is there any possibility that that's not
10 the photograph that you brought this morning, though?

11 A I'm sorry. What?

12 Q Is there any possibility that's not the photograph
13 you brought from records this morning then?

14 A No.

15 Q It is the photograph?

16 A This is a certified copy from the mugshot system that
17 I obtained myself directly.

18 Q Okay. And who is the person in the mugshot?

19 A I was subpoenaed to bring a mugshot photo of Furman
20 Eugene Taylor for the photo date -- arrest date of June
21 the 4th, 2012.

22 MR. WALLACE: Your Honor, at this time, we'd
23 offer this photograph into evidence as State's Exhibit No.
24 11.

25 MR. KORNFELD: No objection, Your Honor.

1 (WHEREUPON, State's Exhibit No. 11 was marked for
2 identification and admitted into evidence.)

3 MR. WALLACE: Your Honor, I have no further
4 questions.

5 THE COURT: Cross-examination.

6 MR. KORNFELD: I have no questions for this witness,
7 Your Honor.

8 THE COURT: All right. You may step down, ma'am.
9 Thank you for being here.

10 MR. WALLACE: Your Honor, is this witness released at
11 this time?

12 THE COURT: Yes.

13 Thank you.

14 All right. You may call your next witness.

15 MR. WALLACE: Your Honor, at this time, the State
16 would call Deputy J.A. Loveless to the stand.

17 THE CLERK: Deputy Loveless, if you'd come forward to
18 be sworn in.

19 Please place your left hand on the Bible and raise
20 your right.

21 WHEREUPON,

22 JOSEPH LOVELESS,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 You may be seated.

1 THE WITNESS: Thank you.

2 THE CLERK: Please state your name for the record.

3 THE WITNESS: Joseph Loveless.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. WALLACE:

7 Q Deputy Loveless, how long have you worked for the
8 Sheriff's Office?

9 A I've been with the Sheriff's Office a little over
10 five years.

11 Q And you're a deputy with the Sheriff's Office?

12 A I am, sir.

13 Q And what division do you work in?

14 A Currently, I'm assigned to the traffic enforcement
15 division.

16 Q Back in May of 2012, what division did you work for?

17 A Then, I was assigned to uniform patrol.

18 Q Uniform patrol. So do you recall back in May of 2012
19 getting some type of call regarding this case?

20 A Yes, sir, I do.

21 Q Do you recall what the date was?

22 A The actual date, according to my incident report, was
23 May the 31st of 2012.

24 Q And what was the nature of -- what were you
25 responding to at that time?

1 A The nature of the complaint was that we received a
2 call from an anonymous complainant in reference to a
3 wanted person. The person stated that we were looking for
4 a -- excuse me, a female by the name of Amanda Caldwell,
5 whom we had an active warrant for. And that she was
6 located -- or she should be located in a blue van parked
7 in the parking lot near the McDonald's and the Waffle
8 House on White Horse Road. And --

9 Q Did you respond to that scene then?

10 A Yes, sir, I did. Myself and two other deputies
11 responded to that location. Upon pulling into the parking
12 lot right between the McDonald's and the Waffle House --
13 the parking lot is kind of separated by a small little
14 curb on White Horse Road near 253 near West Blue Ridge
15 Drive.

16 And adjacent to that curb, as you pull in, there was
17 a blue Ford Aerostar van that was parked in that location.
18 The van had a tag displayed on it of [REDACTED], [REDACTED]
19 [REDACTED]. It was a 1993 Ford, blue in color, Aerostar
20 van and was occupied by two individuals. One of them, the
21 driver, the person who was seated behind the driver's
22 seat, was a white male whom I identified as the Defendant,
23 Furman Eugene Taylor, Jr. And the white female front
24 passenger was the person in question who we received the
25 call about, Amanda Agnes Caldwell. She was the person

1 that we had an active warrant on.

2 I got out and made contact with both parties. I
3 identified her to be Ms. Caldwell. She presented me with
4 ID just as the driver did, Mr. Taylor. And I checked her
5 to confirm the warrant. She was, subsequently, arrested.
6 And then I checked warrants on Mr. Taylor, and he was
7 clear. And I advised him he was free to leave. And he
8 left the scene.

9 Q Do you recall anything distinguishing about the van?

10 A It was a blue Ford Aerostar van. It was kind of old
11 faded blue paint, blue and white. It had some white on
12 it. You don't see too many of them running around
13 anymore. They're an older van. That was the first one I
14 had ever seen.

15 Q Did you run the tag on that?

16 A Yes, sir.

17 Q Who was the van registered to?

18 A The van, at that time, was registered to Furman
19 Eugene Taylor, Jr., and an address in Greenville County
20 off of Hermitage Road.

21 Q And you said you served those active warrants on
22 Ms. Caldwell?

23 A I did.

24 Q And was she in the vehicle when you took -- when you
25 arrived? Did you take her out of the vehicle?

1 A Yeah. When I arrived, both of them were sitting in
2 the vehicle. Mr. Taylor was sitting behind the steering
3 wheel. He was the driver of the vehicle. And
4 Ms. Caldwell was sitting in the front passenger seat.
5 They were the only two in the vehicle.

6 Q When you placed Ms. Caldwell under arrest, did you
7 notice -- did you look at Furman Taylor at any point? Did
8 you see him there? Was he there?

9 A He was there. He was sitting in the vehicle. If I
10 recall right, he asked what was going on. I said she had
11 a warrant, an arrest warrant. And I took her into
12 custody. He really didn't ask much -- any questions.

13 Q Did you have an opportunity to observe his demeanor
14 at that time?

15 A He just didn't really seem concerned with the
16 situation. I mean, I put her in the car and told him he
17 was free to leave.

18 Q So there was no trouble, or anything like that?

19 A No, not one bit. He never really questioned what was
20 going on with her outside of what she was being arrested
21 for. I put her in the car and told him he was free to
22 leave. He drove off in the van. I took her down to the
23 detention center.

24 Q When you took her down to the detention center, did
25 you put her in the detention center at that time?

1 A I did. I served her with the warrant, and gave her a
2 copy for her records, and placed her in detention pending
3 a bond hearing.

4 Q Other than that, did you have anything else to do
5 with the case?

6 A I did not.

7 MR. WALLACE: Please answer any questions Defense
8 Counsel might have.

9 THE WITNESS: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. KORNFELD:

12 Q Officer Loveless, you stated earlier in your
13 testimony that it was a blue van. Then you said it was a
14 blue and white van?

15 A Yeah. It had a little bit of white on it. It was
16 kind of a faded blue color.

17 Q Can you explain to us where the blue was and where
18 the white was on the van?

19 A If I'm not mistaken, the majority of the van is blue.
20 I think the white is kind of towards the lower. It kind
21 of had like a little blue striping on it, very faded blue.
22 If I had to take a guess, I'd say it was probably the
23 original paint that was on the vehicle.

24 Q When you say a little bit of white, is that like a --
25 is the white a larger pinstripe white, or what kind of

1 white are you talking about?

2 A I don't recall if it was a large pinstripe or not. I
3 just know it was a blue and white colored van. The
4 striping -- the majority of the vehicle was blue.

5 Q Okay. And you don't -- we just don't know where the
6 white was exactly on the van?

7 A I don't recall if it was -- if I had to -- it would
8 be a guess. I know more so of a -- more of a pin striping
9 in it. But the majority of the van was blue in color.

10 Q And I want to clarify on the anonymous complaint.
11 Did you receive that complaint, or did you get a call from
12 a dispatcher?

13 A It was the actual dispatch.

14 Q So you don't -- I know it's anonymous. But you
15 really don't have any knowledge of if it was a man, or a
16 woman, or anything about who gave the tip?

17 A I do not, sir. Normally, when dispatch puts it out
18 as an anonymous complaint, normally, at the bottom of our
19 call screen on our computer, it will say -- gives you an
20 opening there for information on the complainant. In this
21 particular case, it was put in as anonymous. That's all
22 they put. No number was in there.

23 Q Okay. So you got the call and then you go to the
24 Waffle House -- a Waffle House; is that correct?

25 A It was, actually, the Waffle House by McDonald's.

1 [REDACTED] is the exact location.

2 Q All right. And there's a van. And there's -- you
3 approach the van and both Mr. Taylor and Ms. Caldwell are
4 in the van?

5 A That's correct.

6 Q All right. What are they -- were they eating when
7 they were in the van?

8 A I don't recall if they were eating, but I just know
9 they were both in the van when I pulled up. Neither one
10 of them were outside the van.

11 When I pulled in -- the specific complaint was
12 Ms. Caldwell would be in a blue van at that location. And
13 as soon as we pulled in, that was the only blue van I seen
14 sitting there. And it was directly between McDonald's and
15 the Waffle House on the curb adjacent to the two
16 businesses.

17 Q And this was on March [sic] 31st, 2012?

18 A That is correct, according to my report, yes, sir.

19 Q Okay. And, at that time, what identification did
20 Mr. Taylor give you?

21 A Mr. Taylor presented me with a South Carolina
22 driver's license.

23 Q Okay. And what did you do with his information?

24 A I just ran him to make sure that he was clear with
25 local warrants. And then, of course, as I do with all my

1 reports, I dropped a copy of the information I ran in this
2 report, which is a copy of his driver's license
3 information, as well as the tag that was displayed on that
4 van.

5 Q Okay. And you stated earlier that, at the time, that
6 van was registered to Furman. Is that because you noticed
7 it was recently put into his name?

8 A No. That's because the -- well, from looking here at
9 the DMV printout that I pasted into my report, that 1993
10 Ford Aerostar van was registered to Mr. Taylor at a
11 Hermitage Road address. And all I see there is it just
12 says title issue date is 05/01/2012.

13 Q Do you have any knowledge of who it was titled to
14 prior to that?

15 A I do not.

16 Q Do you happen to remember what Ms. Caldwell was
17 wearing?

18 A I don't. I don't, sir.

19 Q You know, at that time, on 5/31/2012, Mr. Taylor was
20 free to go on that date; is that correct?

21 A That is correct. I checked him for warrants, and he
22 was clear. I advised him that he was free to leave. And
23 he left.

24 MR. KORNFELD: Thank you, Deputy Loveless.

25 No further questions.

1 THE WITNESS: Yes, sir.

2 MR. WALLACE: Nothing further from the State, Your
3 Honor.

4 THE COURT: Thank you.

5 You can step down.

6 THE WITNESS: Thank you, Your Honor.

7 MR. WALLACE: Your Honor, at this time, the State
8 would call Amanda Caldwell to the stand.

9 THE COURT: Ms. Caldwell, if you'll come forward to
10 be sworn in.

11 Place your left hand on the Bible and raise your
12 right hand.

13 WHEREUPON,

14 AMANDA CALDWELL,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 Would you, please, state your name for the record?

19 THE WITNESS: Amanda Caldwell.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q Ms. Caldwell, where do you work?

24 A I work at B & R Construction.

25 Q And back in May of 2012, did you have a job back

1 then?

2 A No, sir.

3 Q And where do you live right now?

4 A In Easley, [REDACTED] Road.

5 Q Back in May of 2012, did you have an address?

6 A No, sir.

7 Q Now, back in May of 2012, do you remember getting
8 arrested?

9 A Yes, sir.

10 Q Do you remember what day it was?

11 A May 29th, if I'm not mistaken.

12 Q Okay. But it was in May?

13 A Yes. It was late May.

14 Q All right. And do you recall, actually, being
15 charged with burglary?

16 A Yes, sir.

17 Q And were you charged with the burglary in this case?

18 A Yes, sir.

19 Q Now, back -- do you recall the events back on May the
20 19th?

21 A Yes, sir.

22 Q Do you remember what you were doing that day?

23 A Riding around pretty much until we broke into a
24 house.

25 Q Okay. And you say you were riding around. Would you

1 be more specific of where you were riding around?

2 A We were riding around in Greenville, and then towards
3 Travelers Rest.

4 Q And do you recall where you were coming from when you
5 were riding around?

6 A White Horse Road, if I'm not mistaken.

7 Q All right. What kind of vehicle were you riding in
8 that day?

9 A A blue and white Ford Aerostar.

10 Q And who were you riding with?

11 A Furman Taylor.

12 Q And do you recall stopping at a house that day?

13 A Yes, sir.

14 Q And I'm showing you here, we have an aerial view of
15 the property. Do you recognize that property?

16 A Yes, sir.

17 Q And do you recognize that house?

18 A Yes, sir.

19 Q Is that the house that you guys broke into that day?

20 A Yes, sir.

21 Q And what road were you on when you came up on that
22 house?

23 A Old White Horse Road, the one going this way.

24 Q This road right here?

25 A Yes.

1 Q All right. And so you -- when you were on Old White
2 Horse Road, which direction were you traveling?

3 A Towards Travelers Rest.

4 Q And what direction would that be on this?

5 A That way.

6 Q This way?

7 A Yeah, up that way.

8 Q Okay. And did you have an opportunity to drive by
9 that house at that time?

10 A Yes, sir.

11 Q Do you recall what time of day it was?

12 A It was in the evening. I'm not exactly sure what
13 time.

14 Q Okay. When you say "evening," what does that mean?

15 A After lunch.

16 Q After lunch?

17 A Yes, but before night. It was still daylight.

18 Q Okay. What did you decide to do when you drove by
19 the house?

20 A We, actually, drove by and then we turned around,
21 because we didn't see anybody at home. And we came back
22 by it. And I pulled into the driveway. And Mr. Taylor
23 went and knocked on the door. There was still nobody at
24 home.

25 Q So you were driving the vehicle at that time?

1 A Yes.

2 Q Now, looking at the aerial photograph, where did you
3 pull -- I would ask you just to come down and show the
4 jury where you pulled in at that time.

5 A I pulled in this driveway, and then around to about
6 right there.

7 Q So you parked on this side of the horseshoe here?

8 A Yes.

9 Q All right. That's fine.

10 Thank you.

11 And when you got to the driveway, what did you do?

12 A I sat in the van. Mr. Taylor got out and went and
13 knocked on the door. There was no one at home. So he
14 went around to the side door and knocked. Then he came
15 back to the van, got on gloves, and got a small crowbar,
16 went to the side door and proceeded to break-in.

17 Q Okay. Now, you said that he knocked on the door. Do
18 you know why he was doing that?

19 A To make sure no one was at home.

20 Q What would have happened if someone was at home?

21 A He would have asked if a random person was there and
22 acted like we were there to see them.

23 Q Okay. So no one was at home?

24 A No.

25 Q And you said he got a crowbar and gloves on?

1 A Yes.

2 Q Did you see him put the gloves on?

3 A Yes, sir.

4 Q And where did he go after he put the gloves on?

5 A He went around to the side door.

6 Q The side door?

7 A Yeah, the side door, not the front door.

8 Q Can you show the jury regarding the -- can you show
9 them on the photograph where that is?

10 A It's somewhere right in here.

11 Q So it wasn't the side door at the front of the house?

12 A No. It was not the front door. It was the side
13 door.

14 Q Okay. And you were parked in the van in the
15 driveway. Could you see what was going on at that point?

16 A I could not see him. I could hear him.

17 Q Okay. And what -- and so what was the next thing you
18 heard?

19 A Glass breaking.

20 Q All right. Were you able to see him from outside in
21 the van at that point?

22 A Not really, no.

23 Q Okay. Did you -- how long were you -- approximately
24 how long were you there, would you say?

25 A Not very long. It felt like a long time, but

1 probably no more than 10 minutes.

2 Q Where were you at that point?

3 A I was in the van for a few minutes. And then I got
4 nervous and went in to get him.

5 Q And when you went in the house, where did you go into
6 the house?

7 A I entered through the side door.

8 Q The side where the broken glass was?

9 A Yes.

10 Q What did you see when you got in the house?

11 A He was standing in the living room. So I, actually,
12 went through the side door into the kitchen area. And he
13 was standing in the living room across from the kitchen.

14 Q What was he doing in the living room?

15 A Plundering through stuff, trying to find stuff to
16 take.

17 Q And do you know what items were taken at that point?

18 A I, actually, did not know at that point.

19 Q You did not know at that point?

20 A No.

21 Q Did you see anything in his hands at that point?

22 A A pillow case and a laptop.

23 Q A pillow case and a laptop were in his hands at that
24 point?

25 A Yes.

1 Q Now, how long would you say it was that you were
2 inside the house?

3 A Less than a minute.

4 Q And what happened next?

5 A I, actually, looked out -- glanced out the kitchen
6 window and seen that there was a truck out there that had
7 pulled up. And I informed Mr. Taylor that there's someone
8 out there. And we went through -- exited through the
9 front door.

10 Q And what were you thinking at that point?

11 A That we were caught, that we were going to jail.

12 Q Okay. And so what -- so then what happened?

13 A We ran out the front door. I was ahead of him. He
14 was like just right behind me, almost beside me. We ran
15 out the front door, got in the van, and pulled out of the
16 driveway.

17 Q When you said you got into the van -- you said you
18 were running out the door?

19 A Yeah.

20 Q When you got into the van, what did you do?

21 A I was in the driver's seat. And I put it in drive.
22 And he got in and we took off.

23 Q But he was behind you at that point?

24 A Yes.

25 Q Okay. And do you remember what you were wearing that

1 day?

2 A I don't.

3 Q You don't remember anything about your clothing?

4 A I think I had on blue jeans. But, besides that, I'm
5 really not sure.

6 Q Do you remember what he was wearing that day?

7 A Blue jeans, a dark shirt, and a black tailor-made
8 ball cap.

9 Q Okay. And so when you got into the van -- when you
10 got out of the house, did you have any contact with
11 anybody at that point?

12 A We seen them, but we did not speak to them and tried
13 not to look at them.

14 Q When you say you tried not to look at them --

15 A We had our heads turned, like away from them, trying
16 to keep them from seeing us really.

17 Q And how long would you say it was from the -- well,
18 first of all, what door did you exit?

19 A The front door.

20 Q And from the front door to the van, how far would you
21 say that was?

22 A Not very far.

23 Q If you could measure it in the courtroom, would you
24 say it was from here to what?

25 A Probably from here to the very first bench.

1 Q This bench right here?

2 A Yes.

3 Q Okay. After you got -- both of you got into the van,
4 where did you go?

5 A We headed back towards Greenville towards White Horse
6 Road. And we went to a pawnshop on East North Street.

7 Q Okay. Now, when you say you're heading back towards
8 Greenville, can you --

9 A It would be this direction.

10 Q You came out on Old White Horse Road?

11 A Yes. And it's this direction.

12 Q Can you show us the direction you were headed at that
13 point?

14 A We came out right here and headed in this direction.

15 Q All right. Thank you.

16 So you went back to Greenville. And you said you
17 went to a pawn shop?

18 A Yes, sir.

19 Q Did you do anything else or go anywhere before you
20 got to the pawnshop?

21 A Not -- I -- not that I can recall. I mean, I'm not
22 really sure. We may have stopped somewhere before then,
23 but I can't really recall where.

24 Q Well, you said you don't -- didn't have a residence
25 at the time?

1 A No.

2 Q Where did you stay?

3 A We were staying in motels and living out of the van.

4 Q And how long did that go on?

5 A A couple of months. It was two or three months.

6 Q When did you first meet Furman Taylor?

7 A In November of 2011.

8 Q And how long did you know him? The full time, how
9 long was it?

10 A Six months, six or seven.

11 Q And you said it was November of 2011?

12 A Yeah.

13 Q Okay. The day that this happened, do you recall
14 where you stayed the night before?

15 A I don't really recall.

16 Q You don't remember?

17 A Huh-uh.

18 Q So you're headed towards Greenville. You said you
19 were going to a pawnshop. Do you remember where the
20 pawnshop was?

21 A It was on East North Street.

22 Q And what type of pawnshop?

23 A It's Cash America.

24 Q How long would you say it took you to get there?

25 A Less than 30 minutes.

1 Q And what was the purpose of going to the pawnshop at
2 Cash America?

3 A To sell a couple items that we had stolen to get
4 money so we could go eat and get somewhere to stay.

5 Q Okay. Do you recall what specific items you took
6 into Cash America?

7 A A DVD player, and I think some jewelry.

8 Q How long were you there at the pawnshop?

9 A Not long, probably about 15, 20 minutes.

10 Q And was Mr. Taylor with you at the time?

11 A Yes.

12 Q And where was he while you were at the front desk?

13 A He was sitting in the van at first. And then he came
14 in and looked around the store.

15 Q And do you recall what you got for the items?

16 A No, I don't. I know it was less than a hundred
17 dollars, but I just don't recall an exact amount.

18 Q Do you know what you did with the money?

19 A Yes. We went and got something to eat and went and
20 stayed at a motel that night.

21 Q Okay. And after you finished with the pawnshop, do
22 you remember where you went next?

23 A Not really. If I'm not mistaken, we went and got
24 something to eat.

25 Q What happened with the computer?

1 A Furman took it to one of his friends. And I don't
2 know what happened to it from there. I wasn't with him.

3 Q Did you do it that day?

4 A He did it that evening, yes.

5 Q Were there any other items -- other than the DVD
6 player, the jewelry, and the computer, were there any
7 other items?

8 A Yes. There was a gun stolen.

9 Q There was a gun?

10 A Yes.

11 Q What kind of gun was it?

12 A It was a handgun, a pistol. I'm not exactly sure
13 what kind.

14 Q And do you recall seeing that after the burglary?

15 A Yes. I seen it one time.

16 Q And was there anything else that was taken from the
17 house?

18 A Not that I can recall.

19 Q So where did you go then that evening? You talked
20 about selling the DVD player. Where did you go?

21 A He, actually, dropped me off on White Horse Road at a
22 friend's house. I don't know where he went. I just know
23 he said he was taking it to a friend's house.

24 Q Do you know who the friend was?

25 A No. Somebody named Andre.

1 Q Somebody named Andre?

2 A Uh-huh.

3 Q Had you ever met Andre before?

4 A No.

5 Q And he had the computer with him at that time?

6 A Yes.

7 Q Did he, also, have the pistol with him?

8 A Yes, as far as I know.

9 Q And he dropped you off where on White Horse Road?

10 A Spinx on White Horse Road.

11 Q How long were you there?

12 A Not long, maybe an hour.

13 Q Did he come back and pick you up you at any time?

14 A Yes. He came back later on and picked me up.

15 Q Did he have the computer or the pistol with him at
16 that time?

17 A No, sir.

18 Q Did he have any money?

19 A Yeah, like a hundred bucks. It wasn't much.

20 Q Did you -- okay. What did you guys do after that?

21 A Honestly, I can't remember. I know we went and got a
22 motel room. I just can't recall where.

23 Q Now, do you remember the events of May 31st of 2012?

24 Towards the end of May, do you remember getting arrested?

25 A I remember getting arrested towards the end of May.

1 I don't remember the exact date. But yes, I do remember
2 getting arrested.

3 Q What were you doing at that time?

4 A We were at McDonald's eating. Sitting, actually, on
5 the -- like the side of the curb between McDonald's and
6 the Waffle House on White Horse Road.

7 Q So you said you were sitting?

8 A Yes. We were sitting in the van.

9 Q In what van?

10 A The white and blue Ford Aerostar.

11 Q And what happened at that point?

12 A Like I said, we were sitting there eating. We had
13 just went and bought something to eat. There were two
14 Greenville County's that pulled up, one in front and one
15 behind us and asked for our ID's. We gave them to them.
16 And they arrested me. They let Mr. Taylor go.

17 Q All right. After you were arrested, where did you
18 go?

19 A The Greenville County Detention Center. And then the
20 next morning, Detective Mashak came and talked to me.

21 Q All right. Do you know what the charges were that
22 you were arrested on?

23 A Yes. I was arrested on three burglary firsts -- I'm
24 sorry. Two burglary firsts, and one burglary second, and
25 two grand larcenies, and one petit larceny, and then four

1 obtaining signature under false pretenses.

2 Q Okay. And have you pled guilty to any of those
3 charges at this time?

4 A Yes. I pled guilty to two burglary seconds and
5 obtaining signature under false pretenses.

6 Q When did you do that?

7 A February of 2013, I think.

8 Q Have you been sentenced under those burglaries?

9 A No, sir.

10 Q Was this one of the burglaries?

11 A Yes, sir.

12 Q Did anybody promise you anything --

13 A No, sir.

14 Q -- to testify here today?

15 A No, sir.

16 Q Were you promised a certain sentence or any kind of
17 help?

18 A No, sir.

19 Q Do you recall when you were in the detention center
20 meeting with an officer?

21 A Uh-huh.

22 Q Who was the officer? Do you remember?

23 A Detective Mashak was the detective. I'm not sure who
24 the officer was.

25 Q He was the investigator?

1 A Yeah. He was the investigator.

2 Q Do you remember meeting with him?

3 A Yes.

4 Q When did that occur?

5 A The day after I was arrested. I'm not sure of the
6 date, but the day after I was arrested.

7 Q Where did you go to --

8 A We went to the investigator's office.

9 Q You went to the investigator's office?

10 A Yes.

11 Q Is that in the jail?

12 A No. It's right across from the jail.

13 Q And Detective Mashak took you there himself?

14 A Yes.

15 Q Did you have a conversation with Investigator Mashak?

16 A Yes, I did.

17 Q Did you give Investigator Mashak any statements at
18 that time?

19 A Yes, I did.

20 Q And, now, as a result of that, did you understand
21 your rights at the time you gave the statement?

22 A Yes.

23 Q Were your rights explained to you at that time?

24 A Yes.

25 Q Did you have any questions about your rights?

1 A Not really.

2 Q You decided to give a statement at that time?

3 A Yes.

4 Q Why did you do that?

5 A To try to get myself out of trouble, more or less.

6 Q Had anybody promised you an opportunity to get
7 yourself out of trouble at that point?

8 A No.

9 Q Had any prosecutors or police ever promised you
10 anything for your statement?

11 A No, sir.

12 Q And when you gave that first statement, what happened
13 then?

14 A Well, I told a boldface lie, honestly, trying to talk
15 my way out of it. I blamed it on someone else entirely.

16 Q Who did you blame it on?

17 A Tyler Whitman and Katherine. I don't know her last
18 name. I always called her Lane.

19 Q So two other individuals?

20 A Yes.

21 Q And you blamed this burglary on them at that time?

22 A Yes.

23 Q And what did -- what happened after you gave that
24 statement?

25 A Detective Mashak pretty much told me I was lying,

1 which was true, and took me back to the jail.

2 Q Why did you do that? Why did you not tell him the
3 truth?

4 A Because I was trying to talk my way out of it. I was
5 trying to think of anything possible to get the charges to
6 be dismissed.

7 Q In that statement that you gave, did you take any
8 responsibility for the burglary?

9 A Not to my recollection, no, besides pawning the
10 stuff. I said I had got it from them and went and pawned
11 it.

12 Q After you gave that first statement, did you have any
13 other meetings with Investigator Mashak?

14 A Yes, sir, about two or three days later. I had been
15 in jail for a couple of days and had time to think. And I
16 decided that it was in my best interest to do the right
17 thing. And I called Detective Mashak from the jail, asked
18 him to come pick me up because I was ready to talk to him.

19 And then I went back to the investigator's office and
20 sat down and told him the entire story.

21 Q How long had you been in jail then?

22 A Three days, not very long, yeah.

23 Q But you initiated the conversation with Investigator
24 Mashak?

25 A Yes, I did. I called him.

1 Q And so did you go through the same process then of
2 giving the statement?

3 A Yes. He read me my rights. He told me I could have
4 a lawyer available, if I wanted one.

5 Q Did you sign any documents at that time?

6 A I signed the waiver of rights and the statement
7 whenever it was done.

8 Q Okay. Do you remember the word "coercion" when you
9 were read your waiver?

10 A Yes.

11 Q You remember the word "coercion"?

12 A Yes.

13 Q Did you have a question about that?

14 A No. I knew what it meant. It means that somebody
15 has tried to talk you into saying something or gave you
16 something to say something. So I knew what the word
17 meant.

18 Q Did anyone in law enforcement or the Solicitor's
19 Office put any pressure on you to give those statements?

20 A No. I had not spoke to anyone since the first time
21 that I talked to Detective Mashak.

22 Q Were you under any type of coercion at all?

23 A No, sir.

24 Q So you gave a second statement in this case?

25 A Yes.

1 Q And what did you say in that statement?

2 A I told him the same thing that I just told you about
3 us driving by the house and seeing it empty, and going
4 back and knocking on the door, and then breaking in and
5 going to the pawnshop.

6 Q Okay. Did you take responsibility for the burglary
7 in that statement?

8 A Yes, I did.

9 Q And who else did you say did the burglary with you in
10 that statement?

11 A Furman Taylor.

12 Q How long had you known Furman Taylor at that point?

13 A Six months, maybe seven, like I said, since November.

14 Q Did you stay with him the whole time during that six
15 months?

16 A Yes. We lived with my grandmother at one point, but
17 me and him both lived there.

18 Q So you moved in together early on?

19 A Yeah, pretty much right after we met each other.

20 MR. WALLACE: Please answer any questions Defense
21 Counsel may have.

22 CROSS-EXAMINATION

23 BY MR. KORNFELD:

24 Q Ms. Caldwell, you, actually, told the police officers
25 you did live at [REDACTED] when you first talked to

1 them, didn't you?

2 A Yes, possibly. That's where I was living before we
3 moved out of my grandmother's house. That's my
4 grandmother's address.

5 Q All right. So you told him something that wasn't
6 true right off the bat, that you weren't living there.
7 But you told Officer Mashak that you were living at [REDACTED]
8 [REDACTED]; correct?

9 A Possibly, yes.

10 Q And you told him that in both the statements you gave
11 him; correct?

12 A As far as I can recollect, probably.

13 Q Another thing you said here today was that when you
14 first gave your statement to Officer Mashak, you said, I
15 was just trying to get out of it and that -- so I said
16 that Tyler Whitman and Katherine -- or Lane did this
17 crime; correct?

18 A Yes, sir.

19 Q And you said you didn't really know Katherine's last
20 name. But you know Katherine pretty well, don't you?

21 A Actually, I don't. I cannot -- I mean, I knew her
22 for a little while. We used to work together. But I
23 don't know her last name.

24 Q And where did you used to work together?

25 A At Platinum Plus.

1 Q All right. And you, also, said that you said in the
2 past, I guess, that you think you and Katherine look
3 similar to each other?

4 A Somewhat, not really, but, yeah, somewhat.

5 Q Do you really think that you look like Katherine?

6 A Like I said, not really, but maybe some, yeah.

7 Q All right. But what you, actually, told the police,
8 at that time, is it wasn't that it was Tyler and Katherine
9 Elaine Sasser, you told the police that it was Katherine
10 Elaine and Furman Taylor, didn't you?

11 A I mean, I don't recall. It's been a long time ago.

12 Q You can't keep all your lies straight, can you?

13 A I've not been lying, but --

14 Q You just said you told a boldface lie here; correct?

15 A Yes, I did.

16 Q And, now, you're telling me on the stand that you
17 told them that it was a guy named Tyler Whitman and
18 another -- that it was Katherine Elaine Sasser; correct?

19 A As best my memory can recall, yes, that's what I
20 thought I said.

21 Q All right. But you at the time -- I don't know if
22 you still are, but you were married; correct?

23 A Yes.

24 Q And, at that time, you, actually, told the cops that
25 Tyler took your husband's gun; correct?

1 A Yes, sir.

2 Q And you pawned that gun?

3 A Yes, sir.

4 Q And then you said you didn't know how Tyler got that
5 gun; correct?

6 A Yes, sir.

7 Q But Tyler got the gun from your husband; is that
8 correct?

9 A Yes, sir.

10 Q All right.

11 A Yes. Like I said, as best I can recall, that's what
12 I told them.

13 Q Okay. And then you sat in jail for two to three days
14 and nobody -- you didn't talk to anybody?

15 A I talked to Furman.

16 Q You talked to Furman?

17 A Yes.

18 Q And Furman wasn't going to bail you out, was he?

19 A No. We hadn't even discussed bailing me out. He
20 said that he would get me out of it.

21 Q He didn't bail you out, so you decided to change your
22 story, didn't you?

23 A No, sir. That's not what happened.

24 Q You got upset with Furman that he wasn't going to get
25 you out. So, now, the person who you really did it

1 with -- now, it's Furman that you did it with?

2 A No, sir. That's not the truth.

3 Q Okay. Well, that's the problem. We've got to get
4 through all of this to get to it. All right. Do you,
5 actually, remember -- let's talk about the Ford Aerostar
6 van.

7 A Yes, sir.

8 Q Can you explain what Furman's van looked like? Did
9 it have a pinstripe? Was it white? Was it blue? You
10 know the van; correct?

11 A It was blue on top and white in the middle.

12 Q So it's white in the middle. Is that a pinstripe?

13 A No. It's a thick stripe.

14 Q Okay. About that big?

15 A I mean, something like that, yeah.

16 Q Okay.

17 A It was a two-toned van.

18 Q And you know that van well, because it's been in your
19 family for quite sometime, hasn't it?

20 A He bought it from my sister's husband, yes.

21 Q All right. Pretty recently before that time?

22 A Yes, sir.

23 Q All right. You felt comfortable with that van?

24 A I wouldn't say -- I mean, I hadn't drove it before he
25 got it, no.

1 Q You never drove the van ever?

2 A I belonged to my sister's husband. I did not have a
3 reason to drive it.

4 Q All right. Did it belong to your sister, or did it
5 belong to your sister's husband?

6 A It belonged to my sister's husband. He's deceased
7 now.

8 Q Okay. So have you ever said that it belonged to your
9 sister?

10 A I don't know, maybe.

11 Q Okay. And you say that you pulled up and you were --
12 you pulled up into this horseshoe driveway right here;
13 correct?

14 A Yes, sir. A little bit above that, yes.

15 Q What do you mean by "above that"? Right here?

16 A We pulled in right here and came around to about
17 right there.

18 Q And you're saying that Mr. Taylor came into right
19 around here?

20 A Yeah. There's a side door right there.

21 Q Right here. And you're now saying that you didn't
22 see him from the van; correct?

23 A No. I was facing the road.

24 Q That hasn't always been your statement and testimony,
25 has it?

1 A I'm not sure. I can't recall.

2 Q You can't recall. You don't know if you've said that
3 you saw him in there before while you were in the van?

4 A Like I said, I can't recall.

5 Q Do I need to refresh your memory?

6 A That's fine.

7 MR. KORNFELD: I'd ask for the Court's indulgence.
8 It may take me just a minute.

9 THE COURT: All right, sir.

10 (Pause.)

11 BY MR. KORNFELD:

12 Q Ms. Caldwell, isn't it true when you were previously
13 asked about this, you said -- the question was: Okay. Do
14 you remember if your window was down?

15 You answered, Both windows were down.

16 A Yes, sir, they were.

17 Q Then you said, Were you able to -- both front windows
18 were down. Were you able to hear and watch him do this?

19 Yes.

20 Okay. So the door was open. So you really didn't
21 see the co-defendant in there?

22 A No. I heard the glass break on the door.

23 Q Okay. And your testimony is that you went through
24 the side door?

25 A Yes, sir.

1 Q Okay. And then where did you go -- where was --
2 where did you go once you came in there? You said you
3 went to the bedroom?

4 A The kitchen. You come through the side door, and
5 there's a kitchen like this way.

6 Q Okay.

7 A And then the living room is directly in front of
8 that.

9 Q Okay. And then I thought you said you went to the
10 bedroom. Did you go to the bedroom?

11 A No.

12 Q Okay. So you didn't go to the bedroom. All right.
13 And your testimony is that you ran through --

14 A The front door.

15 Q -- the front door?

16 A Yes, sir.

17 Q And that was because you looked back and saw --

18 A I looked through the kitchen window and seen that
19 there was a truck out there.

20 Q All right. And what kind of truck was it?

21 A A dark-colored truck. I'm not sure what kind.

22 Q All right. Are you sure it was a dark-colored truck?

23 A Yes. I'm sure it was dark-colored. I'm just not
24 sure what color or what kind.

25 Q In the past, was it your testimony that: And after I

1 went in the house, you could see from the bedroom through
2 a window. And I seen a white truck pull up. And I asked
3 him, I was like, oh, my God. What do we do? There's
4 somebody here?

5 A I've been told that that's what I said, but I recall
6 a dark truck, not a light one.

7 Q Are you saying that you didn't say this?

8 A I mean, I don't know if I said that or not. But if I
9 did, it was a mistake because it was a dark truck.

10 Q What made you change your thought from that it was a
11 white truck to now that it was a dark truck?

12 A In my testimony to the police, I said it was a dark
13 truck.

14 Q And then in your testimony to others, you said it was
15 a white truck?

16 A Apparently, my testimony in court, I did. But, like
17 I said, it must have been a slip or something, because it
18 was a dark-colored truck.

19 Q You then say that you went to a -- today, you're
20 saying that you went to a Spinx station; correct?

21 A Yes, on White Horse Road.

22 Q Right. But you really went to a GT?

23 A Well, Spinx and GT is right beside each other on
24 White Horse Road.

25 Q Ms. Caldwell, did you go to GT's, or did you go to

1 Spinx? It's very important.

2 A I went to Spinx, right there at Spinx, yes.

3 Q Why did you state before that you went to GT's?

4 A Probably because they're right beside each other.

5 So, to me, it's the same area.

6 Q Is -- so it's -- you think it's okay to say that you
7 went somewhere that you didn't go?

8 A It's not that. I just don't see the big difference
9 between Spinx and GT's whenever they're pretty much in the
10 same parking lot.

11 Q All right. And where is Spinx located in relation to
12 GT's?

13 A Directly beside of it, like directly beside of it.

14 Q And then you state you stayed there for several
15 hours?

16 A No, about an hour. I don't know exactly how long,
17 but an hour or so, yes.

18 Q Were you in the gas station?

19 A No. I was just sitting outside.

20 Q For an entire hour on White Horse Road?

21 A Yes.

22 Q Do you know what time it was, at the time, that you
23 were there?

24 A I do not.

25 Q And then what pawnshop are you saying that you went

1 to?

2 A The Cash America on East North Street.

3 Q Okay. And do you know what time you got there?

4 A I don't.

5 Q All right. When you gave your statements to Officer
6 Mashak, was anybody else in there while you were giving
7 your statements?

8 A There was another officer. I can't recall his name,
9 but there was another detective.

10 Q Did they record it?

11 A Not as far as I know of.

12 Q Did they tell you if they -- did they say they were
13 recording?

14 A Not that I can recall.

15 Q Okay. And do you know who the other officer was?

16 A No. I can't remember his name. He was an older guy,
17 but I don't know what his name was.

18 Q All right. And then, at some point, after you gave
19 your second statement, you were released from GCDC;
20 correct?

21 A Seven months later, yeah. I was bonded out.

22 Q Okay. And who bonded you out?

23 A My grandmother.

24 Q Okay. And, today, you're here saying that you
25 haven't been promised anything?

1 A No, sir.

2 Q But that's not true either, is it?

3 A How is that not true?

4 Q Well, I'm asking you.

5 A No. They have not promised me anything. They have
6 not said that they would recommend anything. There has
7 not been anything said at all about my sentencing.

8 Q All right. And you had several charges; correct?

9 A Yes, sir.

10 Q Some of which have been dismissed; correct?

11 A They have not been dismissed yet, no.

12 Q You haven't had any charges dismissed?

13 A No, sir. They're all still pending.

14 Q We know for one that you pled to a --

15 A To two burglary seconds, yes.

16 Q And you were, originally, charged with what?

17 A Two burglary firsts and a burglary second.

18 Q Okay.

19 A And, plus, other grand larcenies and stuff like that,
20 yes.

21 Q And you know that that means that you'll get less
22 time -- you have to get less time; correct?

23 A Yes, sir. That's the reason I pled guilty is because
24 there's a chance that I won't get 25 years.

25 Q And you're -- so you're saying you weren't promised

1 anything. But, in reality, you kind of were promised
2 something?

3 A No. I was not promised that I'm not going to go to
4 prison. I was not promised that I might not spend part of
5 the rest of my life in prison.

6 Q Let me ask it another way. You were guaranteed that
7 the maximum penalty that you could receive has been
8 greatly diminished; correct?

9 A Yes.

10 Q And that had no bearing on anything with your
11 testimony?

12 A That's not the reason I testified. That's the reason
13 I pled guilty.

14 Q Have you complied -- have you done everything the
15 Solicitors have asked you to do?

16 A Yes.

17 Q Have you showed up to court every time you've been
18 asked to show up to court?

19 A Not every time. I'm, actually, on house arrest
20 because I didn't show up to one of my court hearings about
21 a month ago.

22 Q That's correct. But you told them that you would
23 show up, didn't you?

24 A Yes, I did. I didn't receive my court card. So
25 that's the reason I did not come.

1 Q It was somebody else's fault, wasn't it?

2 A I'm not blaming anybody else. I'm just saying I did
3 not receive my court card.

4 MR. KORNFELD: Your Honor, I just ask for one more
5 minute here. If you'll just give me a second.

6 THE COURT: Sure.

7 (Pause.)

8 BY MR. KORNFELD:

9 Q And you previously stated that you and Furman met at
10 a lady named Casey Smith's house, didn't you?

11 A Yes, sir.

12 Q That's not true, is it?

13 A Yes, that is true. That's where we met.

14 Q You're telling me that you met him at Casey Smith's
15 house?

16 A Yes, sir.

17 Q And when do you -- when did that occur?

18 A November.

19 Q November of what year?

20 A 2011.

21 Q All right. And, just to be clear, when you say
22 evening, it was still light outside; correct?

23 A It was still daylight, yes.

24 Q You said that you and -- where was the hotel that you
25 say you stayed in?

1 A I'm not sure that we did stay in a hotel the night
2 before. And we stayed in a lot of hotels. So I could not
3 tell you which one it was, if we did.

4 Q Have you said in the past that you stayed in a hotel
5 in Mauldin?

6 A Yes. We usually stayed there a lot. Like I said, it
7 could have been --

8 Q What hotel was it?

9 A I don't remember the name of it. I just know it was
10 in Mauldin on Butler Road.

11 Q What was the hotel near on Butler Road?

12 A I don't know. There was an Ingles down there. I
13 mean, I'm not going to say it was near Ingles, but there
14 was an Ingles on the same road. I'm not really sure.

15 Q You said you were driving around earlier today, did
16 you drive around -- did you drive around a lot in the van?

17 A Yes. Because we had nowhere to stay, so we rode
18 around a lot.

19 Q And Furman allowed you to borrow his van sometimes,
20 didn't he?

21 A No, sir. I was never in that van without him.

22 Q Never?

23 A Never.

24 Q Even the whole time that you had it before when your
25 sister --

1 A I never drove that van whenever it belonged to my
2 sister and her husband.

3 Q That's not what I'm asking. I asked if you were ever
4 in that van?

5 A Yes. I was in the van, but I never drove it.

6 Q Today, what was your testimony about what the
7 co-defendant was wearing?

8 A What do you mean?

9 Q What was he wearing?

10 A A black tailor-made ball cap. It had an emblem on
11 it. And a dark jacket and blue jeans.

12 Q And that hasn't always been your testimony, has it?

13 A As far as I know, it has.

14 Q You never said that he had a black shirt on and not a
15 black hoodie?

16 A A black shirt, black jacket. I mean, I don't see the
17 difference.

18 Q It doesn't matter to you if it's a jacket or a
19 hoodie, or if it's GT's or Spinx. None of that matters;
20 right?

21 A You're twisting my words, but...

22 Q Well, speak --

23 A I'm just saying it was a dark jacket. I do know he
24 had that on. If I said a dark T-shirt, then, as far as I
25 can recall, he was wearing a dark T-shirt under the dark

1 hoodie -- well, jacket, hoodie. It was a zip-up jacket.

2 Q And your testimony is, also, you ran out of the --
3 Ms. Taylor's home; correct?

4 A Ran, walked briskly, yes. I'm not going to say we
5 were at a dead run. But we were in a hurry to get out of
6 there.

7 Q And how is Furman Taylor on running?

8 A As far as I know, fine. I mean, I've never really
9 seen him take off and run anywhere, but --

10 Q He doesn't have any mental [sic] infirmaries?

11 A No.

12 Q He doesn't have -- you think he can run just fine?

13 A As far as I'm aware of, yes. He never had a problem
14 with anything whenever we were together.

15 Q Whoever was with you that day didn't have any problem
16 running, did they?

17 A He did not have a problem running. The entire six
18 months we were together, he walked fine. He ran fine. As
19 far as I know, he doesn't have any physical handicaps.

20 Q You said before that Mr. Taylor wears black clothes.
21 Is that --

22 A He wears dark clothes, yes.

23 Q Okay. And you don't know how long you were in there,
24 but less than 15 seconds and you went out the front door?
25 You came in the side --

1 A I did not say less than 15 seconds. I said less than
2 a minute.

3 Q Okay. Less than a minute. Now, you're getting
4 specific. That's good.

5 So you came in this side. Was it a screen door? Was
6 it --

7 A I just recall a side door. It had glass panes. I
8 know that. I don't know exactly what type of door it was.

9 Q All right. Were you given a recommendation in your
10 case?

11 A No, sir.

12 Q No recommendation. Did you -- let me ask you this.
13 Did you call -- did you have a cell phone?

14 A Whenever -- before I got arrested?

15 Q Yes.

16 A No. I did not have a cell phone. Mr. Taylor had a
17 cell phone, but I did not.

18 Q Okay. And did you know his cell phone number?

19 A Yes, sir.

20 Q When you look at this -- and you agree -- do you
21 agree or disagree that you've told several different
22 stories?

23 A I agree that I've told several lies. As far as
24 whenever I told the true story, it has stayed the same.

25 Q Yes. And even today, your story has changed some;

1 correct?

2 A Not that -- I mean, what do you mean?

3 Q Well, before, you said that you saw what was in the
4 house. Now, you're saying that you only heard what was --

5 A Are you talking about from my last testimony?

6 Q Yes.

7 A Yes. It has changed a little bit, but not
8 dramatically and not anything that is huge. There's not
9 been a huge difference in my testimony then and today, no,
10 sir.

11 Q Why don't you tell us who was really with you that
12 day?

13 A It was me and Furman Taylor.

14 Q And that's your testimony?

15 A That is my testimony because that is the truth.

16 MR. KORNFELD: No further questions.

17 MR. WALLACE: Your Honor, I have a few questions on
18 redirect.

19 REDIRECT EXAMINATION

20 BY MR. WALLACE:

21 Q Ms. Caldwell, you stated earlier during
22 cross-examination that you were married?

23 A Yes, sir.

24 Q Were you married when you met Furman Taylor?

25 A Yes, sir.

1 Q How long had you been married?

2 A Two -- almost three years.

3 Q How old were you when you got married?

4 A 18 years old.

5 Q So you had been married three years before you met
6 Furman Taylor?

7 A Yeah, right at it. I was 21 whenever I met him, so
8 two or three years, yes.

9 Q Okay. Now, were you still -- so you were still
10 married when you met him?

11 A I'm still married now.

12 Q Were you living with your husband at that time?

13 A No, sir.

14 Q What was your status regarding your husband?

15 A We are just separated.

16 Q Were you separated at the time you met Furman Taylor?

17 A Yes.

18 Q How long had you been separated?

19 A Almost a year.

20 Q All right. And when did your relationship with
21 Furman Taylor end?

22 A When did it end?

23 Q When did it end?

24 A Whenever I got arrested.

25 Q Did you have any more contact with him after that?

1 A He came and visited me. We wrote a couple of letters
2 whenever we were in jail. And that's pretty much it.

3 Q Have you seen him out in public since then?

4 A No.

5 Q Now, you testified earlier that you had pled guilty
6 to two burglary seconds?

7 A Yes, sir.

8 Q And obtaining goods by false pretenses?

9 A Yes.

10 Q Did anybody promise you a specific sentence --

11 A No, sir.

12 Q -- for you to plead guilty?

13 A No, sir.

14 Q How about for you to testify here today?

15 A No, sir.

16 Q How about for giving you -- for giving a statement to
17 the police?

18 A No, sir.

19 Q Did anybody promise you that you're not going to
20 jail?

21 A No, sir.

22 Q And, today, you're on house arrest?

23 A Yes, sir.

24 Q How did that happen?

25 A I missed a court date about a month ago, maybe a

1 little bit more.

2 Q And did you have -- did you say you were going to be
3 in court that day?

4 A Yes, sir. I mean, I hadn't talked to anybody and
5 told them that I was going to be there. But I had
6 received [sic] a court card in the mail, which I did not
7 receive. And that is the reason I missed my court date.

8 Q And who did you talk to after you missed your court
9 date?

10 A My dad called me and told me that the police were
11 looking for me. And I called you, and you had me to come
12 turn myself.

13 Q And where did you turn yourself into?

14 A The prosecutor's office.

15 Q And where did you go after that?

16 A Straight to Greenville County.

17 Q How long were you in Greenville County?

18 A Two weeks, almost three.

19 Q And, now, you're under house arrest?

20 A Yes, sir.

21 Q Did you ever drive the van without Furman Taylor?

22 A No, sir. I was not allowed to take that van anywhere
23 without him. That was his van.

24 Q And you stated earlier that you from time to time
25 lived in that van?

1 A Yes.

2 Q Where did you keep your belongings?

3 A In the back of the van.

4 Q Where did he keep his belongings?

5 A In the back of the van with mine. Some were at his
6 sister's house, but mostly in the back of the van.

7 Q Did anyone tell you how to testify here today?

8 A No, sir.

9 Q Did I tell you what to say?

10 A No, sir.

11 Q Did I -- did you rehearse your testimony with me?

12 A No, sir.

13 Q Has anyone shown you your statements --

14 A No, sir.

15 Q -- since you gave them?

16 A No, sir. Last time before I came, I got showed my
17 statements. But, this time, I have not seen my statements
18 since the last trial.

19 Q Are you telling the truth today, to the best of your
20 recollection?

21 A Yes, sir, I am.

22 MR. WALLACE: No further questions, Your Honor.

23 MR. KORNFELD: One on redirect [sic].

24 RECROSS-EXAMINATION

25 Q You said you had a failure to appear. How long did

1 you say you stayed in GCDC?

2 A For about two -- maybe three weeks.

3 Q And what day did you go in?

4 A I can't remember what day I went in. I know that I
5 stayed about two weeks.

6 Q Was it 12/19? 12/15 was your failure to appear date.

7 A That's the date I got released from Greenville
8 County.

9 Q Okay. And you were in there --

10 A I was in there at the beginning of December.

11 Q Okay. And it's unusual to be released after a
12 failure to appear, isn't it?

13 A I couldn't really tell you that. I don't know. I'm
14 not a lawyer.

15 Q Did you post another bond to get released?

16 A Yes. I signed a bond to get released.

17 Q You got a PR bond -- what we call a PR bond, didn't
18 you?

19 A Yes, sir.

20 Q After failing to appear?

21 A Yes, sir.

22 Q You don't think that that was a perk of being a
23 testifying witness against the Defendant?

24 A Honestly, I have not really -- I don't really think
25 that has anything to do with me being here.

1 Q They were just going to let -- they just let you go
2 for not appearing anyway?

3 A I mean, I couldn't tell you that. Like I said, I'm
4 not a lawyer. I don't really know how that works.

5 Q Well, it would look worse if you came in here in a
6 jumpsuit and testified, wouldn't it?

7 A Not really. What would be the difference in me
8 coming in a jumpsuit or me being here today? I'm still a
9 criminal.

10 MR. KORNFELD: I think we can agree on that.

11 No further questions, Your Honor.

12 MR. WALLACE: Your Honor, I have just one more
13 question.

14 THE COURT: All right.

15 FURTHER EXAMINATION

16 BY MR. WALLACE:

17 Q So you received a personal recognizant bond?

18 A Yes, sir.

19 Q Were there special conditions?

20 A Yes, house arrest.

21 Q So you're under house arrest?

22 A Yes.

23 Q Are you wearing a bracelet at this time?

24 A Yes, I am.

25 MR. WALLACE: No further questions, Your Honor.

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

2 Thank you, ma'am.

3 MR. WALLACE: Your Honor, I do want to preserve the
4 right to call the witness at a later date -- at a later
5 time.

6 THE COURT: Ma'am, you're still under subpoena.

7 THE WITNESS: Thank you.

8 THE COURT: We're going to go ahead and take a lunch
9 break. Be back in the jury room at 2:00. Don't talk
10 about the case. Continue to keep an open mind. And we'll
11 start at 2:00.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:51 p.m.)

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Are you ready for the jury?

17 MR. WALLACE: Yes, Your Honor.

18 (WHEREUPON, the jury came into open court at
19 approximately 2:26 p.m.)

20 THE COURT: All right. Yes, sir, Mr. Wallace. You
21 may call your next witness.

22 MR. WALLACE: Thank you, Your Honor.

23 The State would call Investigator Scott Phillips to
24 the stand.

25 THE CLERK: Investigator Phillips, if you would come

1 forward to be sworn in, please.

2 Please place your left hand on the Bible and raise
3 your right.

4 WHEREUPON,

5 SCOTT PHILLIPS,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 You may be seated.

9 The clerk: Would you state your name?

10 THE WITNESS: Scott Phillips.

11 DIRECT EXAMINATION

12 BY MR. WALLACE:

13 Q Investigator Phillips, where do you work?

14 A The Greenville County Sheriff's Office.

15 Q And what kind of work do you do for them?

16 A I'm assigned to the property crimes unit. We
17 primarily work burglaries, break-ins, larcenies, things
18 like that.

19 Q Do you have any prior law enforcement experience
20 before you became an investigator?

21 A Yes, sir. I have a total of 30 years.

22 Q And back in May of 2012, were you working in property
23 crimes at that time?

24 A Yes, sir, I was.

25 Q And did you get involved in this case in May?

1 A Yes, sir, I did.

2 Q How did that come about?

3 A The original report was taken as a burglary, petit
4 larceny. It was assigned to the property crimes unit for
5 follow-up investigations, at which time, it was assigned
6 to me.

7 Q Okay. Do you recall the date you received the case?

8 A Yes, sir. I received the case on May the 23rd.

9 Q May the 23rd?

10 A Yes, sir.

11 Q And when you received the case, what work did you do
12 on it at that time?

13 A I reviewed the case. Initially, I contacted the
14 victim. Because, in the original report, it had mentioned
15 a white and blue minivan. I asked her if she knew anyone
16 that drove that type of van. She said she did not.

17 After that, I called the complainant in the case,
18 which was Tandy Perry, Tandy Rice Perry. I asked him if
19 he knew of anyone that drove that type of vehicle. He
20 said he did not.

21 I checked on the computer and found that a
22 supplemental report had been done by a desk officer. That
23 supplemental report had been done on the 19th. The
24 essence of that supplemental report was the victim had
25 called back in and said she had located the serial numbers

1 for her stolen pistol and DVD player. I proceeded to
2 check that on LeadsOnline.

3 Q And what is LeadsOnline?

4 A Basically, LeadsOnline is a database that if someone
5 goes to a pawnshop to pawn or sell something, when the
6 pawnshop enters it, it's uploaded to LeadsOnline. You can
7 check LeadsOnline by someone's name, description of an
8 item, or a serial number.

9 I checked both items by serial number. I found out
10 that the DVD player had been sold to a pawnshop -- bear
11 with me here -- sold to the pawnshop on the 19th by Amanda
12 Caldwell.

13 Q Okay. So that was on the 19th?

14 A Yes, sir, that they were pawned. I found out that
15 the DVD player had been pawned and, also, a charm that was
16 an "R." Due to the fact that the victim's first name was
17 Renna, I contacted her and asked her about it. She said,
18 yes, the charm was, also, stolen.

19 I contacted the pawnshop and had them place the items
20 on hold. Normally, if you pawn something at a pawnshop,
21 they will only release it to the person that, actually,
22 pawned the item, or to law enforcement. Once I placed it
23 on hold, if Amanda Caldwell had came back to retrieve the
24 item, they would not be allowed to return it to her
25 because it was on police hold.

1 I then contacted the victim. She came to our office
2 at 4900 Old Buncombe Road. She told me on the phone that
3 she did not know an Amanda Caldwell. She came to our
4 office. And I said, What I'd like for you to do -- let me
5 show you a picture of Amanda Caldwell just to be sure you
6 do not know her. She looked at the photo.

7 She said, No, I do not know her. She's never been in
8 my house with my permission.

9 I said, Thank you.

10 Shortly after that, I was already scheduled for
11 vacation leave. Investigator Mashak, which, also, worked
12 at the property crimes unit at that time, he picked up the
13 case on May the 30th, I believe it was.

14 Q Did you take any other statements in this case?

15 A No, sir.

16 Q Did you go to the pawnshop to retrieve any of the
17 evidence?

18 A No, sir.

19 Q Do you recall what pawnshop it was where the DVD
20 player was pawned?

21 A It was Cash America Pawnshop located at 2516 East
22 North Street.

23 MR. WALLACE: Please answer any questions Defense
24 Counsel might have.

25 THE WITNESS: Yes, sir.

1 MR. KORNFELD: No questions, Your Honor.

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

3 Thank you.

4 You may call your next witness.

5 MR. WALLACE: Your Honor, at this time, the State
6 would call Investigator Brady Mashak to the stand.

7 THE CLERK: Sir, if you'd come forward to be sworn
8 in.

9 Please place your left hand on the Bible and raise
10 your right.

11 WHEREUPON,

12 BRADY MASHAK,

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 You may be seated.

16 DIRECT EXAMINATION

17 BY MR. WALLACE:

18 Q Investigator Mashak, where do you work?

19 A The Greenville County Sheriff's Office.

20 Q How long have you worked there?

21 A July will be nine years.

22 Q Have you always been an investigator?

23 A No, sir.

24 Q How did you start out at the Sheriff's Office?

25 A On patrol.

1 Q Uniform patrol?

2 A Yes, sir.

3 Q Did you work anywhere else before becoming an
4 investigator?

5 A Yes, sir. I worked in a specialized unit. It's
6 called the direct patrol unit.

7 Q How long did you work there?

8 A About two and a half years.

9 Q When did you first become an investigator?

10 A I think it was 2011.

11 Q Okay. And what do you investigate?

12 A Then -- during this, I was property crimes,
13 burglaries, malicious damage, larcenies.

14 Q Was that back in 2012, property crimes?

15 A Yes, sir.

16 Q Did you have an occasion to work on this case?

17 A Yes, sir.

18 Q How did you first become involved in this case?

19 A Investigator Phillips started the investigation and
20 was on annual leave. So I ended up taking over the
21 investigation.

22 Q Do you recall when you took over the investigation?

23 A May 30th, 2012.

24 Q All right. And so when you took over the
25 investigation, what was -- what were the first things you

1 started doing?

2 A Checking pawnshops through LeadsOnline.

3 Q And did you find anything on LeadsOnline?

4 A Yes, sir.

5 Q What did you find?

6 A We found the DVD player and the "R" pendant.

7 Q Okay. And so you used LeadsOnline to find that.

8 What did you do? Did you follow-up with that?

9 A Yes, sir.

10 Q How did you follow-up?

11 A I contacted the pawnshop. Basically, if we search on
12 LeadsOnline -- LeadsOnline is, basically, a national
13 database. If you take something to the pawnshop and sell
14 it, you either sell it or pawn it.

15 As far as in Greenville, we can attest that all of
16 our pawnshops are on LeadsOnline. If they're not put on
17 LeadsOnline, investigators go to all the pawnshops and get
18 all their tickets, then we have ladies that enter them.
19 So everything in Greenville County is on LeadsOnline. You
20 can search by name, by driver's license, an item. In this
21 case, like the DVD, we had a serial number.

22 So we put in the serial number and it comes up.
23 Basically, it's what's called a hit. If there's not -- if
24 it's not on there, you can save your search. So, say, you
25 searched it today, tomorrow, it's pawned. We'll get an

1 e-mail saying, hey, this item that you're looking for has
2 been pawned at such and such pawn shop, and who pawned it,
3 date, and time.

4 Q Okay. So you used a serial number this time?

5 A Yes, sir.

6 Q So what did you find out from LeadsOnline?

7 A That the DVD player had been pawned. It was Cash
8 America Pawn, I believe, number four.

9 Q Where is that located?

10 A 2516 East North Street.

11 Q And who was the individual that pawned the DVD
12 player?

13 A Amanda Caldwell.

14 Q And did you find any other items pawned?

15 A That she had pawned?

16 Q That she had pawned.

17 A A camera for a different case.

18 Q A different case?

19 A Yes, sir.

20 Q And what was the date she pawned the DVD player?

21 A It was May 19th of 2012.

22 Q What about the other lead you got about the other --

23 A The camera?

24 Q The camera.

25 A That it was pawned earlier that day, the same day.

1 Q The same day?

2 A Yes, sir.

3 Q As a result of finding out that the DVD player had
4 been pawned, what did you do?

5 A We, basically, called the pawnshop, put it on hold
6 just to make sure that they can't do anything with it.
7 They can't sell it, you know. A person can't come back in
8 to get it back, or anything like that. Basically, they
9 can't do anything until we say they can release the hold.
10 But I went over there, took photos, verified the serial
11 number that she gave as the serial number that she had.

12 Q You took photos of the items?

13 A Yes, sir.

14 Q And what -- you said there was another item besides
15 the DVD player?

16 A The "R" pendant.

17 Q The "R" pendant, and the DVD player?

18 A Yes, sir.

19 Q Did you take photographs of it as well?

20 A Yes, sir.

21 Q I'm going to show you State's Exhibit No. 7 --
22 actually, State's Exhibit Nos. 6, 7, and 8 that are for
23 identification at this point.

24 A Yes, sir.

25 Q Can you identify those items in the pictures?

1 A Yes, sir.

2 Q And what are they?

3 A Those are the pictures I took that day that I went
4 there and verified the serial number, the DVD player, and
5 the "R" pendant that Amanda Caldwell had sold.

6 Q Do these pictures accurately depict the items that
7 you recovered from the pawnshop in regards to this case?

8 A Yes, sir.

9 MR. WALLACE: Your Honor, at this time, I'd offer
10 these pictures into evidence.

11 MR. KORNFELD: Let me just take a quick look.

12 No objection, Your Honor.

13 THE COURT: All right. They're in evidence.

14 (WHEREUPON, State's Exhibit Nos. 6, 7, and 8 were
15 admitted into evidence.)

16 BY MR. WALLACE:

17 Q After taking pictures of these items, what did you do
18 with them?

19 A We go through -- it's called the evidence procurement
20 fund. It's, basically, a fund that the Sheriff's Office
21 has for victims that -- you know, items like this that
22 have been pawned at the pawnshop. Instead of having the
23 victim come down there and meet us and pay out of her own
24 pocket -- you know, she's already out of those items --
25 the Sheriff's Office has a fund. And what -- basically,

1 the Sheriff's Office buys those items at what the
2 pawnshop, basically, is selling them for.

3 Q So you use those funds to recover the items?

4 A Yes, sir.

5 Q What did you do with them after you recovered them?

6 A I went to northern area command where I met with
7 Ms. Taylor. And she was given back those items.

8 Q You gave her the actual items?

9 A Yes, sir.

10 Q Did you recover any other evidence from the two --
11 from the pawnshop?

12 A Video surveillance.

13 Q And which pawnshop did you get video surveillance
14 from?

15 A From both the Cash America -- which is Cash America
16 number one. And that's at 3 Forest Bridge Road. That was
17 from the camera. And Cash America number 4 on East North
18 Street.

19 Q And that was the DVD player?

20 A Yes, sir, the DVD player and pendant.

21 Q So you recovered videos from both pawnshops?

22 A Yes, sir.

23 Q How do you go about recovering videos from the
24 pawnshop?

25 A Basically, we get with the manager, because they're

1 the ones that have to burn the DVD. You tell them, you
2 know, we want the video from when they came in the store
3 and when they exit the store. We want a copy of that.

4 So they go back there to the surveillance video and
5 they'll release a copy of that and turn it over to us and,
6 basically, sign a property and evidence form.

7 Q So you make a request to the pawnshop to make the
8 video?

9 A Yes, sir.

10 Q Any specific information that you give them about the
11 video?

12 A I just, basically, give them the ticket number. This
13 is what they're -- the person I need, and, basically, from
14 when they entered the store to when they exited the store.

15 Q Okay. In this case, with these videos, did you give
16 them any other specific instructions?

17 A No, sir.

18 Q When did you find out that the videos were available?

19 A I got them the same day I bought the items back.

20 Q What did you do with the two videos?

21 A I brought them to my office, viewed them, and,
22 basically, burned a copy of them. And then I placed them
23 in property and evidence.

24 Q Okay. I want to show you these items I have in my
25 hand and see if you can identify them.

1 A All right. Yes, sir. This is a chain of custody for
2 the two DVD's and the video surveillance from both of the
3 pawnshops.

4 Q Now, are those the original videos?

5 A Yes, sir, the ones I got from the store.

6 Q Okay. And you said these are the property and
7 evidence sheets right there?

8 A Yes, sir. That's the chain of custody.

9 Q Chain of custody. Can you explain those to the jury,
10 what those are?

11 A Chain of custody. We have a property and evidence
12 sheet, which, basically, says who has handled these DVD's.
13 It first starts off with the manager from the pawnshop.
14 She signs the paperwork saying that she gave me these
15 DVD's. Then I sign saying I obtained them.

16 And then I go to property and evidence. And then
17 they sign a form saying they got them from me. And it
18 just goes back and forth like that.

19 Q Is your signature on those sheets?

20 A Yes, sir, twice.

21 Q Twice. And can you tell the jury what those two
22 events were?

23 A From when I signed them?

24 Q Yeah, why you signed the property and evidence sheet.

25 A I signed it out yesterday for court. And we didn't

1 get to this part of it, so I put them back into property
2 and evidence. And then I signed them out again this
3 morning.

4 Q Okay. When did you originally -- does it show where
5 you, originally, signed them into property and evidence?

6 A It says it was the -- on this one, it says the 22nd
7 of May, 2002.

8 Q 2012?

9 A I'm sorry, 2012, at 5:23 p.m. And then that one
10 shows June 5th at 1:38 p.m.

11 Q Okay. So those were the dates that you put the
12 videos into property and evidence?

13 A Yes, sir.

14 Q Have you checked them out since you put them in back
15 on those dates?

16 A No, sir.

17 Q When was the next time you checked them out?

18 A Yesterday.

19 Q Are you aware of anybody else checking out the
20 videos?

21 A No, sir.

22 Q Does anyone else have access to them but you?

23 A No, sir.

24 Q How about on the video disks themselves, what is this
25 information here?

1 A That's the case numbers relating to the pawnshops.

2 Q Which one of those videos relates to this case?

3 A It's 2012074249.

4 Q Okay.

5 A And that's this one.

6 Q And that relates to this case?

7 A Yes, sir.

8 Q Are there any other writings or initials on here that
9 you made?

10 A No, sir, just the case number.

11 Q Just the case number?

12 A That I can see from right now.

13 Q That's the only thing that you wrote on there?

14 A Yes, sir. That I can see right now, besides the
15 stickers being on the bottom.

16 Q Did you put those stickers there?

17 A No, sir, property and evidence does.

18 MR. WALLACE: Your Honor, I'd offer these as State's
19 Exhibit Nos. 12, 13, and 14 for identification at this
20 time.

21 THE COURT: All right.

22 (WHEREUPON, State's Exhibit Nos. 12, 13, 14, and 15
23 were marked for identification only.)

24 BY MR. WALLACE:

25 Q You stated earlier that you made copies of those

1 videos?

2 A Yes, sir.

3 Q Did you view them before or after you made copies?

4 A Before.

5 Q So you personally viewed those videos?

6 A Yes.

7 Q And is Amanda Caldwell in either one of those videos?

8 A Both.

9 Q You said both videos?

10 A Yes, sir.

11 Q Now, after you had the videos in property and
12 evidence, you have the pictures of the items that had been
13 stolen, you had the person who had stolen the items. What
14 did you do with that information?

15 A I obtained warrants for her arrest.

16 Q For whose arrest?

17 A Amanda Caldwell.

18 Q All right. And did you follow-up any more on the
19 investigation?

20 A Yes.

21 Q Regarding her?

22 A She was arrested, and we interviewed her.

23 Q Do you recall when she was arrested?

24 A I don't know the exact date.

25 Q Were you present when she was arrested?

1 A Not when she was arrested, no, sir.

2 Q How did you find out she had been arrested?

3 A I checked the jail screen.

4 Q And she showed up there?

5 A She showed up, yes, sir.

6 Q Okay.

7 A I believe it was June 1st is when I interviewed her,
8 2012.

9 Q So you had a meeting with her on June 1st, 2012?

10 A Yes, sir.

11 Q How did that go?

12 A I pulled her out of the jail, and asked if she wanted
13 to talk to us about her charges. She stated she did. I
14 brought her to the law enforcement center where we read
15 her a waiver of rights form.

16 I asked her -- basically, I read the form word for
17 word, and asked her if she understood it. She said she
18 did. I asked her if she had any questions. She didn't.
19 She initialed the form, signed it. And then we started
20 with the interview.

21 Q Okay. Did you show her the evidence at that time?

22 A No, sir.

23 Q Did you show her the videos?

24 A No, sir.

25 Q So did you do anything else except just take a

1 statement from her at that point?

2 A At that point, no.

3 Q Did you ask her any other questions?

4 A As far as?

5 Q As far as her statement.

6 A (There was no response.)

7 Q Did you ask her any questions leading up to the
8 statement?

9 A Before doing the waiver of rights? Is that what
10 you're asking me?

11 Q Right.

12 A Oh, no.

13 Q So you read her her rights, she gave you her
14 statement?

15 A Yes.

16 Q After she gave you the first statement, what did you
17 do with it?

18 A I put her back in the detention center and made photo
19 lineups.

20 Q Okay. Was there anyone else with you when she gave
21 the statement?

22 A Investigator Prong [phonetic].

23 Q How did the -- was there another statement in this
24 case?

25 A Yes, sir.

1 Q How did that --

2 A Several days later.

3 Q How did that come about?

4 A She had, actually, called me from the jail. She
5 called my office and stated that she wanted me to pull her
6 out of the jail so she could talk to me.

7 Q Okay. And what did you do then at that point?

8 A Pretty much the same thing. I pulled her out of the
9 jail, brought her to the law enforcement center, read her
10 her rights again. She initialed the form, signed the
11 form. And then I began, basically, asking her what she
12 wanted to talk about.

13 Q Okay. Did she ever give another statement in the
14 case?

15 A She did.

16 Q At that time, she gave you another statement?

17 A Yes, sir.

18 Q And what did you do with that statement?

19 A With the statement she gave, I signed warrants on the
20 Defendant.

21 Q All right. Why didn't you sign warrants on the
22 Defendant from the first statement?

23 A She sort of distanced herself from it. And the
24 second statement, she, basically, confessed and implicated
25 herself and the Defendant.

1 Q She didn't implicate herself in the first statement?

2 A Not the first statement, no, sir.

3 Q Did she implicate the Defendant in the first
4 statement?

5 A No, sir. She, basically -- all she stated in the
6 first statement is she got the items from the Defendant.
7 But she put herself, basically, away from the burglary.

8 Q She got the items from what defendant?

9 A The Defendant, Furman Taylor.

10 Q So what action did you take after you received the
11 second statement?

12 A I signed warrants on the Defendant, Furman Taylor.

13 Q Did you take any other action with her after that?

14 A Yes, sir. I met with David and T.R. Perry.

15 Q Well, with Ms. Caldwell, did you have any other
16 dealings with her after she gave that statement?

17 A No, sir.

18 Q Now, when she gave you the statements, did you
19 promise her anything for the statements?

20 A No, sir.

21 Q How about the first statement, did you promise her
22 anything for that?

23 A No, sir.

24 Q Or the second statement?

25 A No, sir.

1 Q Did you put any pressure on her to give you those
2 statements?

3 A No, sir.

4 Q Did you call her at any time between the first
5 statement and try to talk to her?

6 A No, sir.

7 Q Was she in jail the whole time while she was giving
8 these statements?

9 A Yes, sir.

10 Q Now, you said after you got the statements from
11 Ms. Caldwell, you did some more follow-up investigating?

12 A Yes, sir.

13 Q Who did you talk to next?

14 A I talked to David Perry and T.R. Perry.

15 Q And what was the purpose of talking to them?

16 A To see if they could identify the Defendant and
17 Amanda Caldwell from the lineup, the photo lineup.

18 Q Were they able to make a positive identification?

19 A No, sir. They both said that they couldn't see their
20 faces to say one way or the other.

21 Q After talking with them, did you do any more
22 follow-up? Did you speak with any other witnesses?

23 A No, sir.

24 Q Did you go out to the scene during that time?

25 A During that time, no.

1 MR. WALLACE: Please answer any questions Defense
2 Counsel might have.

3 THE WITNESS: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. KORNFELD:

6 Q Investigator Mashak, so Officer Phillips goes on
7 vacation and you get on the -- you're assigned the case;
8 correct?

9 A Yes, sir.

10 Q And that is, actually -- that was on?

11 A May 30th, I believe it was, 2012.

12 Q Yeah. I just wanted to clear that up. I think you
13 were assigned on the 17th. Do you mind looking at your
14 notes to see your initial report?

15 A (There was no response.)

16 Q Here, I'll show you.

17 A Yeah. That was a different case number. That's a
18 different case number. That's not this case.

19 Q So you were assigned --

20 A On the Old White Horse Road case, I, basically, took
21 it over on May 30th, 2012.

22 Q Okay. So on this case --

23 A This case, I was assigned May 30th.

24 Q May 30th?

25 A Yes, sir. I took it over.

1 Q Okay. And on -- she gave you a statement. She gave
2 you two different statements. On the first statement, did
3 you have time to investigate that statement, the statement
4 that she gave -- the first statement she gave you on the
5 Monday morning, I believe it was?

6 A As far as what she was saying that day?

7 Q Right. Did you investigate that statement at all?

8 A (Witness nodded.)

9 Q What investigations did you enter into at that time?

10 A The name that she gave with the Defendant.

11 Q Okay. And then she comes back how many days later?

12 A I want to say it was on the 5th or the 6th of June.

13 Q Okay.

14 A So about five or six days later.

15 Q And did you videotape either of these statements?

16 A No, sir.

17 Q Do you normally videotape a statement like this?

18 A No, sir.

19 Q You don't?

20 A It wasn't a -- basically, we didn't have an interview
21 room at the time.

22 Q Where did you -- where did you interview her?

23 A Inside the CID office at the law enforcement center.

24 Q Is it just a room with a couple of chairs?

25 A Basically, a room with a desk and computer.

1 Q Okay. And is there -- I'm just trying -- is there a
2 video camera in that room?

3 A No.

4 Q Okay. Is there -- would you have liked to have had
5 it videotaped, or did it not matter to you at that time?

6 A I mean, it would be nice. But it wasn't -- at that
7 time --

8 Q I understand. I understand. And concerning the
9 video that you received, you called a lady that works at
10 Cash America Pawn?

11 A It's two different ones. It was two different
12 stores, so two different managers.

13 Q And you're familiar with them?

14 A Uh-huh.

15 Q You have a relationship?

16 A Yes, sir. We deal with the pawnshops a lot.

17 Q I can imagine. And when you called, do you have --
18 is it such a relationship that you have to request in
19 paper, or do you just call and say, hey, I'm working on a
20 case. And they say, That's fine, we'll get it right to
21 you, Officer?

22 A That's -- we don't have to do any paperwork as far as
23 that. We just request the video.

24 Q Okay. And, in this case, you requested a video of
25 whenever Ms. Caldwell was in the store until when she

1 left?

2 A Yes, sir.

3 Q Did you request any other video, or is that what you
4 said, I'd like a video of Ms. Caldwell in the store?

5 A I can't remember exact word for word. But, I mean,
6 from pretty much when she walked in to when she left.

7 Q Okay. Is that usually -- is that your policy that
8 you ask in cases like this?

9 A I mean, we don't really have a policy on it, but...

10 Q All right. Did you ever have any conversation with
11 the pawnshops concerning videos after that?

12 A After that, no.

13 Q All right. Is there any camera outside of the
14 pawnshop?

15 A No, sir. It's just inside for both stores.

16 Q Okay. Do you know how many cameras are in these
17 stores? Do you have any idea of that?

18 A I don't. I'm not sure.

19 Q Okay. So you didn't request a certain -- you just
20 said, Give me the video you have?

21 A Yes, sir.

22 Q All right. And I'm just trying to get the timeline
23 down. You talked to both Mr. David Perry and Mr. T.R.
24 Perry?

25 A Yes, sir.

1 Q You talked to Ms. Renna Taylor?

2 A Uh-huh.

3 Q And I think you left out, but you, also, talked to
4 Ms. Caldwell's husband, didn't you?

5 A That's correct.

6 Q All right. Since securing the video and the
7 confession that Ms. Caldwell gave, the last one, what --
8 you haven't had any other involvement in this case as far
9 as investigation, have you?

10 A No, sir.

11 Q Okay. What was her husband's name?

12 A Do you mind if I look?

13 Q No. That's fine. Go ahead.

14 A I'm sorry.

15 Q I'm looking, too.

16 Officer Mashak, maybe I can help you. Is his name
17 Russell Droughton, D-R- --

18 A Sounds familiar.

19 Q -- -O-U-G-H-T-O-N?

20 A Yeah. That's it.

21 Q Okay. And after speaking to him, did you find out
22 that Furman had a Ford Explorer?

23 A Yes. He said a Ford Explorer and Ford Aerostar van,
24 blue and white. And he said a white Ford Explorer.

25 Q Are you sure you didn't -- did you find out about a

1 Ford fiberglass filament, not a Ford Aerostar? Is that a
2 possibility that it was a Ford Explorer and Ford -- made
3 out of fiberglass filament?

4 A I remember he gave me the name and said that about
5 the vehicles. And then I checked DMV as well as far as
6 what the Defendant owned and found out -- basically,
7 confirmed.

8 Q Are you aware of the -- you might not be, but are you
9 aware of the -- who the Ford Aerostar -- the title history
10 of the Ford Aerostar?

11 A No.

12 Q You might not be. And you -- all right. So the Ford
13 Explorer and the Ford Aerostar, that's what you found out
14 after talking with him; correct?

15 A That's correct.

16 Q Did you talk to him in person?

17 A On the phone.

18 Q And after you got -- did he say how -- did you -- did
19 he say anything about how he knew about the vehicle, the
20 Ford Explorer?

21 A I just asked him -- I advised him who I was, and I
22 was working a case with his ex-wife. And I said, Do you
23 know anybody that she's hanging around with? And he
24 stated the Defendant.

25 I said, Do you know what kind of vehicle he drives?

1 And he said, A white Ford Explorer and a blue and
2 white Ford Aerostar van.

3 Q And did you ever, actually, see the -- Furman's
4 Aerostar van?

5 A No.

6 Q Do you have any pictures of it?

7 A I don't. I just looked on DMV and confirmed what he
8 had told me.

9 Q Okay.

10 A I went through the registration.

11 MR. KORNFIELD: Your Honor, I just ask for a minute
12 here for your indulgence and the jury's indulgence,
13 because it could be important.

14 THE COURT: Sure.

15 (Pause.)

16 BY MR. KORNFIELD:

17 Q Did you ever go to the scene of the crime?

18 A I have. Not that day or somewhere around that time,
19 no.

20 Q How long after that time did you go to the scene?

21 A I mean, I took pictures a couple weeks ago of the --

22 Q Okay. Was that --

23 A -- layout.

24 Q Okay. I'm sorry. I didn't mean to interrupt you.

25 A No. You're fine. I said I took pictures, several

1 pictures of, basically, the layout of the property, how it
2 is.

3 Q Okay. Was that the first time you've been there?

4 A Uh-huh.

5 Q Okay. This will be the last question on here.

6 Referring -- in your report, isn't it true that you say
7 that Mr. Droughton, actually, says that he has a Ford
8 Explorer and believes that they're both white; is that
9 correct?

10 A Uh-huh.

11 Q Can you say "yes" or "no" for the court reporter?

12 And I can show you.

13 A Yeah. Let me see.

14 Q I've got it underlined.

15 A That's what I have, sir.

16 Q All right. I know it's been a long time. That's why
17 I was just making sure.

18 A Yes, sir.

19 Q So his description was white, and the other
20 descriptions you had are blue and white?

21 A Yes.

22 Q Were there any other descriptions that you had of the
23 vehicle?

24 A No.

25 MR. KORNFELD: Investigator Mashak, thank you very

1 much.

2 No further questions.

3 THE WITNESS: Yes, sir.

4 MR. WALLACE: Your Honor, I just have a few brief
5 questions.

6 REDIRECT EXAMINATION

7 BY MR. WALLACE:

8 Q Investigator Mashak, when you secure a video from the
9 pawnshop, why not just order that whole video, instead of
10 asking for a specific segment?

11 A Basically, to cut down the time. Basically, to get
12 to the meat and potatoes of what we're looking for,
13 instead of getting three hours beforehand or three hours
14 afterwards. I mean, we get to where -- I mean, we don't
15 have any video on the outside.

16 So, you know, we get -- when she walks into the door,
17 that's what we're looking at until when she walks out. So
18 we don't have anything that happens on the outside. So we
19 get to what we want to see.

20 Q When you say -- do you mean outside the video frame?

21 A Outside the store.

22 Q Outside the store?

23 A Yes, sir. Because there's no cameras on the outside.
24 So we get to when she walks in and when she walks out.

25 Q I mean, why not just order the whole video?

1 A Well, I mean, --

2 Q Have you ever done that?

3 A No. I mean, honestly, there's really not a point to
4 do that. You get to what times you need from when she
5 walks in the store until when she leaves.

6 MR. WALLACE: Okay. Thank you.

7 No further questions.

8 MR. KORNFELD: No redirect [sic], Your Honor.

9 THE COURT: Thank you.

10 You can step down.

11 THE WITNESS: Thank you, Judge.

12 MR. WALLACE: Your Honor, at this time, the State
13 would call Kara Bennick to the stand.

14 THE CLERK: Ms. Bennick, if you'd come forward to be
15 sworn in, please.

16 MR. KORNFELD: Your Honor, I have an objection.

17 THE COURT: Okay. Why don't you come up here and
18 we'll find out exactly what --

19 MR. KORNFELD: Sure.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: We're going to take a short recess so we
22 can hash this out.

23 If y'all would, please, select someone to be the
24 Foreperson. And write their name down and give it to the
25 bailiff during the break. I would appreciate it.

1 And don't talk about the case. And continue to keep
2 an open mind.

3 Thank you.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 3:13 p.m.)

6 THE COURT: So the objection is Ms. Bennick is not on
7 the witness list. I'm unclear about what she is going to
8 testify to.

9 MR. WALLACE: Okay. Your Honor, she's going to
10 testify to procedures in the property and evidence room.
11 She's a supervisor down there. She's going to testify to
12 the people on this list that are under her supervision,
13 and what the property and evidence sheet means when they
14 sign it or when their name is logged in as a user.

15 She's, also, going to testify to procedures, and the
16 fact that they keep things secure down there. And that
17 the evidence was secured from the time it was put into
18 property and evidence back in 2012 until the present.

19 What has happened is as a result of not reaching the
20 case yesterday, more witnesses have been added to the
21 list. Logistically, they don't have a lot of people
22 working in property and evidence. And they would have to
23 bring pretty much the whole crew up here to testify to the
24 chain of custody. So rather than do that, we would just
25 have the person in charge come up here and testify to the

1 property and evidence sheet and the videos, and
2 authenticate the document.

3 THE COURT: Well, why don't we take a short break so
4 Mr. Kornfeld can look at what he needs to. Maybe y'all
5 can discuss --

6 MR. WALLACE: I can make her available to him right
7 now during the break, if he wants to talk to her.

8 THE COURT: Okay. And maybe -- I don't know, maybe
9 chain of custody is not going to be an issue he's going to
10 bring up. Maybe we can dispense with having witnesses to
11 cover that. Although Ms. Bennick has been up here many
12 times.

13 And I'm always welcome to have you.

14 MR. WALLACE: Thank you, Judge.

15 THE COURT: Thanks.

16 (WHEREUPON, a break was taken.)

17 THE COURT: Did y'all reach any kind of resolution?

18 MR. KORNFELD: Your Honor, I was mostly researching.
19 I found some research, but I don't think we've reached a
20 resolution.

21 THE COURT: Okay.

22 MR. KORNFELD: The only thing that I can find that's
23 anywhere close would be the State v. Powers case in which
24 they said the reason for a defendant to provide a witness
25 list was so that in voir dire they could ask if any of the

1 jurors would know the potential witness.

2 THE COURT: Right.

3 MR. KORNFELD: In this case, she's not an expert or
4 anything. So I guess that would be my request, to ask if
5 anybody knows the -- the lady's name, the officer's name.

6 MR. WALLACE: Kara Bennick.

7 THE COURT: Well, I mean, is it -- I don't know.
8 I'm, certainly, not trying to influence one way or the
9 other, but is the chain of custody going to be an issue?
10 I'm wondering.

11 MR. WALLACE: I haven't gotten a stipulation to the
12 chain of custody, so.

13 THE COURT: Okay.

14 MR. WALLACE: And when we discussed it earlier,
15 Defense Counsel stated he was not going to stipulate to
16 that. So I feel I have to put in some kind of evidence on
17 the chain of custody.

18 THE COURT: All right.

19 MR. KORNFELD: And my arguments would be that -- and
20 there's -- I think there's a three-pronged test. But the
21 case I've read, the State v. Ivery, concerning video
22 admissibility, there's several rules in there. And the
23 specific rule is a 1,003 [phonetic] rule. And it says
24 that a duplicate is admissible to the same extent as the
25 original, unless a genuine question is raised as to the

1 authenticity of the original, or in the circumstance it
2 would be unfair to submit the duplicate in lieu of the
3 original.

4 And my arguments are, basically, the same reason I
5 asked for the spoliation charge at the beginning. Because
6 we feel that the complete story is not told due to the
7 fact that the -- what we would consider the video that
8 would exonerate Mr. Taylor was not taken.

9 MR. WALLACE: Your Honor, in this case, these are the
10 originals that we're trying to put in. They're not
11 copies.

12 MR. KORNFELD: They're -- I think they're --

13 MR. WALLACE: It's the originals taken to property
14 and evidence.

15 MR. KORNFELD: I think they're copies from the --
16 they have to be copies from the pawnshop because there
17 wasn't only video of Ms. Caldwell. They had a video
18 running the entire time. They made a copy of that
19 particular part, according to Mashak's testimony when I
20 talked to him, from the time Ms. Caldwell came in until
21 the time she left.

22 So it is a copy of the original. It's been deduced
23 down for the very reason Mashak says, so you don't have
24 three hours of video.

25 THE COURT: Well, the threshold issue is whether

1 Ms. Bennick can testify given she wasn't on the witness
2 list. Based on the record, I find the Defense can
3 demonstrate no prejudice from that. And I'll be glad to
4 inquire of the jury if any of them know or have a
5 relationship with Ms. Bennick.

6 Is there anyone else the State is going to have
7 testify that's not on the list?

8 MR. WALLACE: Your Honor, at the -- not if
9 Ms. Bennick is going to complete the chain. If she's not,
10 then more people working out of property and evidence
11 handled the videos yesterday and were not on the original
12 list, and are going to have to be brought up. If it's not
13 going to be ruled that her testimony is adequate in this
14 case that she complete the chain. And we can do that. I
15 mean, it's just going to take time. Because we can't have
16 everybody up here from the P&E office at the same time.

17 THE COURT: All right. Well, we'll just have to see
18 what her testimony is.

19 Anything else before we bring the jury back in?

20 MR. WALLACE: Nothing from the State, Your Honor.

21 MR. KORNFELD: Nothing from the Defense, Your Honor.

22 THE COURT: All right. You can bring them on in.

23 Thank you.

24 MR. KORNFELD: Your Honor.

25 THE COURT: Yes, sir.

1 MR. KORNFELD: I would, also, object to have that --
2 the first video, I think it's the new video. I get them
3 mixed up. But the first video to be admitted in this case
4 because it doesn't have anything to do with this case.
5 The first video has to do with a pawn that Ms. Caldwell
6 pawned other items, not these items.

7 THE COURT: I don't think we've got to the point
8 where anybody is admitting the video yet. So when we get
9 there, we'll have to take that up.

10 MR. KORNFELD: Okay.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:37 p.m.)

13 MR. WALLACE: Can we approach, Your Honor?

14 THE COURT: Sure.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Mr. Godbey, you've been elected the
17 Foreperson.

18 JUROR #71, DONALD GODBEY: Yes, sir.

19 THE COURT: Is that because you were sitting in that
20 seat earlier?

21 JUROR #71, DONALD GODBEY: No.

22 THE COURT: Okay. You'll act as the liaison between
23 the Court and the jury. If there's any communication that
24 anyone on the jury needs to make with the Court, I can
25 only do it either out here on the record or by way of a

1 written note that's madG239.

2 E part of the record. The note is the preferred way.

3 So with that, Mr. Wallace.

4 MR. WALLACE: Your Honor, I've called Ms. Kara
5 Bennick to the stand.

6 THE COURT: Right.

7 WHEREUPON,

8 KARA BENNICK,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 You may be seated.

12 Please state your name for the record.

13 THE WITNESS: Kara Bennick.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. WALLACE:

17 Q Ms. Bennick, where do you work?

18 A The Greenville County property and evidence section.

19 Q Okay. And what are your duties there in property and
20 evidence?

21 A I'm the supervisor of the evidence room, in addition
22 to acting as one of the technicians.

23 Q What are your day-to-day duties there?

24 A Besides administrative duties, we take in and send
25 out evidence that comes in throughout Greenville County

1 and City.

2 Q And where is that evidence kept?

3 A It's in a secured holding area in the law enforcement.
4 center.

5 Q And how do people get access to that?

6 A There's only five people that have access, and that
7 is the five technicians that work in the evidence section.
8 We have key card access, regular key access, and then
9 alarm systems and cameras as well.

10 Q Is anyone allowed to come in and view evidence there?

11 A We have a room that you can come in and view evidence
12 with an appointment.

13 Q Any verification of credentials or anything at that
14 point?

15 A Yes. Nobody can enter into the section that does not
16 have credentials or verification.

17 Q Would you say the property and evidence room is
18 secure?

19 A Yes, sir.

20 Q I want to show you some items here that you may not
21 have seen before. This is State's Exhibit Nos. 12, 13,
22 14, and 15 that have been admitted as identification
23 items.

24 A Okay.

25 Q Can you tell us what these are?

1 A Yeah. These are two DVDs that have come in as
2 evidence. And these are the property and evidence chain
3 of custodies that travel with the DVDs.

4 Q So they match each other?

5 A They do. These are initiated off of an original P&E
6 sheet that the officers bring in or send in through the
7 after storage -- the after-hours storage section where we
8 take stuff in.

9 Q On these DVDs that you have, what are these stickers
10 on there?

11 A Those are the bar codes that identify what the item
12 is that matches the chain of custody on the sheet.

13 Q Are there numbers on there as well?

14 A There are. There are bar code numbers on them that
15 match the sheet that travel with it.

16 Q Now, on the sheet itself, what information can you
17 gain from those sheets?

18 A It will give you the description of the item, the
19 case number, what the case type is, the officer who
20 impounded it, where we took it, and who took it.

21 Q Okay. Now, looking at the sheets themselves, what
22 does it tell you about these two items here?

23 A Okay. Both of these DVDs came in through the
24 counter, which was during business hours. The impounding
25 officer was Officer Brady Mashak. And Tabitha Fricks took

1 in one of the DVDs, and Julie Thackston took in the other.

2 Q When were they taken in?

3 A Tabitha Fricks' was taken in on June 5th, 2012, at
4 about 1:38 p.m. And Julie's was taken in on May 22nd,
5 2012, at 5:23 p.m.

6 Q Okay. Was there any other activity after that?

7 A Both went immediately to storage. And then both were
8 checked out for court on January 5th, 2015, by Melanie
9 Watson.

10 Q So was there any activity between yesterday and the
11 time they were checked in?

12 A Yes. They were checked back into the property and
13 evidence room yesterday evening. And then they were
14 checked back out -- well, then they went to court storage.
15 Basically, we have a base that is secured storage for
16 stuff to be returned to court the next day at the request
17 of the officer. And then they went back out this morning
18 by Melanie Watson again.

19 Q Are these normal procedures that you guys do?

20 A Yes, sir.

21 Q Are these a matter of policy?

22 A Yes, sir.

23 Q Do you see anything on those sheets that would
24 indicate a breach of policy?

25 A No, sir.

1 Q Anything unusual?

2 A Not at all.

3 MR. WALLACE: Please answer any questions Defense
4 Counsel might have.

5 CROSS-EXAMINATION

6 BY MR. KORNFELD:

7 Q Ms. Bennick, can I just look at these sheets?

8 A Uh-huh.

9 Q Thank you.

10 All right. So you received one of these tapes -- it
11 appears Greenville P&E received one of these tapes on June
12 the 5th, 2012?

13 A Uh-huh.

14 Q And the other one on May the 22nd, 2012?

15 A This is when the digital chain was initiated from the
16 bar code system.

17 Q Okay. When you say the "digital chain was
18 initiated," is it safe to say the CDs were there?

19 A Right. It was received at the counter on both of
20 them. And this is when we initiated the chain of custody.
21 So, upon receipt of them, we initiated the chain of
22 custody.

23 Q And the only times that they were out were the times
24 that have been represented on here?

25 A Yes, sir.

1 Q And where does it say where Officer Mashak has the
2 CDs?

3 A The impounding officer was Brady Mashak on both.

4 Q Right. But I'm asking on the out to court, where
5 does it say that he has them on here?

6 A Right here. He signed his name on both.

7 Q Well, it says here that Melanie Watson has them;
8 correct?

9 A No. It says right here Melanie Watson is the
10 employee that signed them into the system. They went out
11 to court by Brady Mashak.

12 Q Okay. I see what you're saying. And then out to
13 court again here?

14 A Yes, sir.

15 Q Other than that, they haven't been out of the system
16 at all?

17 A No, sir.

18 Q And there's nothing -- there were no other videos at
19 all put in?

20 A I can only testify to what I have right here.

21 Q Right. That's what I'm -- okay. That's all you
22 have?

23 A Without being able to look at the system, I can't
24 tell you what else would be under this case number. I can
25 only tell you what I have in front of me.

1 Q All right. Can you tell me if the CDs have ever been
2 opened -- if the cases have ever been opened?

3 A I mean, they didn't come in sealed, so there's --
4 they're as they came in.

5 Q Okay.

6 A We would have indicated they were sealed if they were
7 sealed.

8 Q One more question. You don't know when Officer
9 Mashak first got these videos; correct?

10 A On the initiating property and evidence report that
11 he brought in, it would show an impounding date and time.
12 But that is -- he initiates that date and time. So it
13 would be the time we took the videos.

14 Q Okay. But you -- right. But you can't say how long
15 he had the videos before he brought them to P&E; correct?

16 A No, sir, I can't.

17 MR. KORNFELD: Here's your sheets back. Sorry.

18 No further questions for Ms. Bennick.

19 MR. WALLACE: Nothing else from the State, Your
20 Honor.

21 THE COURT: All right. Thank you very much.

22 And, incidentally, I neglected to do this before she
23 testified. But Ms. Bennick was not one of the names
24 announced earlier as a potential witness. But is anyone
25 related by blood or marriage, or kin to Ms. Bennick? If

1 so, raise your hand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Does anyone have any social, personal
4 relationship, or business relationship with her? If so,
5 just raise your hand.

6 (WHEREUPON, there was no response.)

7 THE COURT: All right. No one responded.

8 Thank you.

9 MR. WALLACE: Your Honor, at this time, the State --
10 can the witness be excused, Your Honor?

11 MR. KORNFELD: No objection, Your Honor.

12 THE COURT: Okay. She's excused.

13 MR. WALLACE: Your Honor, at this time, the State
14 would call Amanda Caldwell to the stand.

15 THE COURT: Okay.

16 THE CLERK: Ma'am, please, come forward.

17 THE COURT: She's still under oath.

18 THE CLERK: Thank you.

19 THE COURT: You're still under oath, ma'am.

20 THE WITNESS: Thank you.

21 DIRECT EXAMINATION

22 BY MR. WALLACE:

23 Q Ms. Caldwell, I've got here State's Exhibit Nos. 14
24 and 15 that are in -- that are admitted as identification
25 items. These are videotapes and they involve your case.

1 A Yes, sir.

2 Q Have you viewed these videos?

3 A Yes, sir.

4 Q And do they accurately depict the pawnshops you went
5 to that day?

6 A Yes, sir.

7 Q Do they accurately depict your activity in those
8 pawnshops?

9 A Yes, sir.

10 MR. WALLACE: Your Honor, at this time, I would like
11 to admit these into evidence as State's Exhibit Nos. 14
12 and 15, along with the property and evidence sheets, which
13 are State's Exhibit Nos. 12 and 13.

14 THE COURT: All right. Is there any objection?

15 MR. KORNFELD: Your Honor, I -- I'm sorry. I didn't
16 hear what he was saying. I was writing.

17 MR. WALLACE: I just admitted these videos into
18 evidence, and he's asking you for an objection.

19 MR. KORNFELD: I object to one of the videos, not the
20 other.

21 THE COURT: All right. I'll tell you what, ladies
22 and gentlemen, just go to the jury room briefly. And
23 we're going to resolve this. Don't talk about the case.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:51 p.m.)

1 THE COURT: All right. The objection is relevance;
2 is that right?

3 MR. KORNFELD: Yes, Your Honor.

4 The objection is relevance to the video of the -- I
5 believe what they said was the -- whatever the first
6 pawnshop she said she went to. So what video they're
7 saying is 11273682, which I believe occurred on 5:19 at
8 the number three Faris Bridge Pawnshop where she's in
9 there pawning items from some other case.

10 THE COURT: And how is that relevant, according to
11 the State?

12 MR. WALLACE: Your Honor, both of these incidents
13 occurred the same day as the burglary in question. The
14 video that he is objecting to, actually, shows Amanda
15 Caldwell in the morning at 12:00 pawning the camera from
16 the other burglary. Also, in that set is the Defendant.
17 He's, also, on this video. He's wearing almost identical
18 clothing to what he wore -- what witnesses said he wore
19 during the burglary. This happened just two hours --
20 approximately two hours before the burglary.

21 THE COURT: Okay.

22 MR. WALLACE: So that would be the relevance.

23 THE COURT: Okay. The objection is overruled.

24 You can bring the jury back in.

25 MR. WALLACE: Your Honor, we're going to go ahead and

1 set these up, because we're going to play them.

2 THE COURT: Anything else? Are y'all ready?

3 MR. WALLACE: We're ready, Your Honor.

4 (WHEREUPON, the jury came into open court at
5 approximately 4:02 p.m.)

6 THE COURT: Yes, sir, Mr. Wallace.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. WALLACE:

9 Q Ms. Caldwell, I asked you earlier if you had seen
10 this video. Have you seen this video?

11 A Yes.

12 Q And, for purposes of the record, can you tell me the
13 date and time on the bottom of this video?

14 A May 19th, 2012.

15 Q And what was the time?

16 A 11:56.

17 Q And is that the same date when the burglary occurred?

18 A Yes, sir.

19 Q And do you know where this location is at that time?

20 A That's Cash America Pawnshop in Berea.

21 Q In Berea?

22 A Yes.

23 Q Okay. Are you on this video, Ms. Caldwell?

24 A Yes, sir.

25 Q Is the Defendant, also, on this video?

1 A Yes, sir.

2 Q What I want you to do is I want you to show me --
3 tell me when you are on the video.

4 A Okay.

5 Q Point that out to the jury.

6 A Okay.

7 Q And then we'll stop it and we'll start it again. And
8 then I want you to show me where Furman Taylor is when he
9 appears on the video.

10 A Okay.

11 Q Can you do that?

12 A Yes, sir.

13 Q Just tell us to stop it when you're ready.

14 THE COURT: Do you want the lights out?

15 THE BAILIFF: Do you want to dim it? Do you want the
16 lights out?

17 MR. WALLACE: Yeah. Could we dim it just a little
18 bit more around the screen so the jury can see better?

19 (WHEREUPON, State's Exhibit No. 14 was played in
20 open court.)

21 BY MR. WALLACE:

22 Q Ms. Caldwell, do you see yourself on the video?

23 A Yes, sir. I'm standing right there.

24 Q Can you stand up and just point to the jury where you
25 are on that screen?

1 A Right there in the corner.

2 Q The upper right corner?

3 A Yes.

4 Q What are you wearing in that picture?

5 A A white tank top.

6 Q Okay. Thank you.

7 A There's Mr. Taylor.

8 Q Okay. We're going to keep playing it.

9 (WHEREUPON, State's Exhibit No. 14 continued being
10 played in open court.)

11 THE WITNESS: Okay. There's Mr. Taylor.

12 MR. WALLACE: Stop it.

13 BY MR. WALLACE:

14 Q Is that Mr. Taylor there?

15 A Yes.

16 Q What is he wearing?

17 A A black hat. You can't really make out the symbol,
18 but that's the black tailor-made hat, and a dark shirt
19 with something on the front, and blue jeans.

20 Q Okay. Ms. Taylor [sic], we're going to show you
21 another video now. So just hold on a second and we'll put
22 it back up there.

23 (Pause.)

24 (WHEREUPON, State's Exhibit No. 15 was played in
25 open court.)

1 BY MR. WALLACE:

2 Q Ms. Caldwell, do you recognize this location in the
3 video?

4 A Yes. It's Cash America Pawn on East North Street.

5 Q And can you tell us what date this was?

6 A May 19th, 2012.

7 Q And what time?

8 A 17:01, which would be one minute after 5:00.

9 Q Very good. Okay. We're going to show you this
10 video. Now, I want you to tell us to stop when you show
11 up in the video. And then I want you to tell us to stop
12 again when Mr. Taylor shows up in the video. Okay.

13 (WHEREUPON, State's Exhibit No. 15 continued being
14 played in open court.)

15 THE WITNESS: Okay. That's me at the desk.

16 BY MR. WALLACE:

17 Q All right. Up there in the right-hand corner?

18 A Yes.

19 Q Okay. Wearing the same thing you had in the --

20 A Yes, a white tank top.

21 Q What are you doing there at the camera?

22 A I'm pawning a DVD player and some jewelry.

23 Q Were they the same items that came from this
24 burglary?

25 A Yes.

1 Q Okay. We're going to start it again. This is going
2 to take about twice as long, so, please, pay careful
3 attention.

4 (WHEREUPON, State's Exhibit No. 15 continued being
5 played in open court.)

6 THE WITNESS: Okay. That's Mr. Taylor right there.

7 BY MR. WALLACE:

8 Q Do you recognize the clothing he's wearing?

9 A Yeah. A green, if I'm not mistaken, John Deere hat,
10 and then a reddish-orange shirt, and blue jeans.

11 Q Do you know why it's different clothing than before?

12 A Because we got seen at the other -- at the robberies
13 and we stopped -- I don't know where we stopped. But we
14 stopped somewhere so he could change.

15 Q Ms. Caldwell, have you ever testified to those videos
16 before?

17 A No, sir.

18 Q When was the first time you saw those videos?

19 A Last Friday.

20 MR. WALLACE: Your Honor, I have nothing else for
21 this witness.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. KORNFIELD:

25 Q Ms. Caldwell, did you talk to your granny on that

1 morning?

2 A I can't recall.

3 Q You can't remember?

4 A No.

5 Q Did you talk to her -- you usually talk to her every
6 day?

7 A Not every day, no.

8 Q All right. When you talk to her, how would you talk
9 with her?

10 A Just like a granddaughter does to her grandmother, I
11 guess. I mean, I really don't --

12 Q Do you call her on the phone?

13 A Yes. Whenever I talk to her, that's how I talk to
14 her.

15 Q And you, actually, had a cell phone on that date,
16 didn't you?

17 A Not to my recollection, no.

18 Q Does your grandmother have two cell phones?

19 A No.

20 Q Did you ever borrow any of your grandmother's cell
21 phones?

22 A No.

23 Q And you don't have a cell phone either?

24 A No.

25 Q And, at the time, you said that you were an exotic

1 dancer; is that correct?

2 A Not at that time. At that time, I was unemployed.

3 Q Okay. So you weren't -- how long before that time
4 were you?

5 A I had been that past summer.

6 Q All right. And do you remember calling Furman on --
7 in the morning near noon and around -- just before noon on
8 May 19th, 2012?

9 A No, sir. I do not.

10 Q So you didn't call him?

11 A I was with him. How was I supposed to call him?

12 Q You didn't call him and tell him to come pick you up
13 anywhere?

14 A No, sir.

15 Q All right. And earlier you testified that Mr. Taylor
16 went with a guy named Andre; is that correct?

17 A I didn't say he went with him. I said he went to his
18 house. To my recollection, that's where he was supposed
19 to be going.

20 Q And isn't it true that he went there from -- after he
21 talked to you when you were at the first pawnshop? Isn't
22 that correct?

23 A No. He did not go there until after the pawnshop --
24 the second pawnshop.

25 Q Okay. And you say in the first video, he has a --

1 you pointed out an individual out with a black shirt and
2 something on it. What --

3 A I'm not sure what it is on it. It's just some kind
4 of -- I don't know, some kind of picture. I'm not sure of
5 what.

6 Q All right. And then what kind of shirt is the
7 individual wearing in the second video?

8 A An orangish-red shirt.

9 Q All right. And a green hat?

10 A Yes.

11 Q What kind of green hat is that?

12 A It's a green John Deere hat. It's, actually, green
13 and yellow.

14 Q And where are you testifying he got that hat?

15 A Out of the van from which we were living.

16 Q So he had another hat?

17 A He had almost all of his clothes in that van.

18 Q The individual in the second video, also, seems to
19 have some kind of -- something in his hair right here?

20 A It's a doo-rag, bandanna, something along those
21 lines. I don't know what you really call it.

22 Q Is it not a croakie, something that would hold
23 sunglasses on the back there?

24 A No.

25 Q And then, also, that gentleman in the second video is

1 not wearing a watch; is that correct?

2 A Oh, I don't know. I didn't even really pay attention
3 to that.

4 Q Do you know if Mr. Taylor ever wore a watch?

5 A I can't recall, honestly.

6 Q All right. And, at the second pawnshop, were you
7 ever at the Bi-Lo near that pawnshop?

8 A I don't know.

9 Q You don't --

10 A The first pawnshop is beside the Bi-Lo, the one in
11 Berea. The one on East North Street, I'm not sure if it's
12 even beside the Bi-Lo.

13 Q But your testimony is that you weren't -- or you
14 don't know if you were at a Bi-Lo?

15 A As far as I can recall, no, I wasn't. But I can't
16 swear to that, because I don't remember.

17 Q All right. And is it possible since you don't know
18 that you were dropped off at that Bi-Lo as well?

19 A No, sir. I was with Furman Taylor the night before.

20 Q I'm talking about between the time of the first
21 pawnshop and the second pawnshop?

22 A No, sir. I was with Furman Taylor the entire time.

23 Q What about Mr. Whitman? Were you with him?

24 A No, sir.

25 Q Did you talk to Mr. Whitman during the -- on the 19th

1 of May?

2 A I don't recall. I couldn't tell you yes or no,
3 because I don't know.

4 Q All right. Was anybody else with you when you were
5 at the pawnshops?

6 A No, sir.

7 Q All right. And did you ever have any vehicle trouble
8 on any vehicle that you were in earlier that day?

9 A The only vehicle I was in was the van, so, no.

10 Q And you didn't have any problems with a -- your
11 battery, or anything like that?

12 A Not that I recall, no.

13 Q All right. But you would recall if the battery
14 wasn't working; correct?

15 A I mean, the van run fine, as far as I can remember.

16 Q Right. And did you have any problem with the van
17 before?

18 A Not that I can think of. We changed the brakes one
19 time, but that's really all I can think of.

20 Q All right. And who is "we"?

21 A Me and Furman.

22 Q Isn't it true that he only had had that van for less
23 than a month?

24 A I'm not sure how long he had it. I know he had
25 gotten it recently, but I'm not sure how long he had it.

1 Q And he already had to change the brakes, according to
2 your testimony?

3 A Yes.

4 Q Okay. Did you talk to your grandmother between the
5 time that you gave your first statement to Investigator
6 Mashak and the second statement?

7 A No, sir. I did not talk to my grandmother until I
8 had been in jail for almost three months.

9 Q All right. Did anybody else from your immediate
10 family talk to you that knows your family?

11 A No.

12 Q Okay. Amanda, who, actually, was with you on May
13 19th, 2014?

14 A Furman Eugene Taylor.

15 Q And that's your testimony?

16 A That is my testimony.

17 Q Not Tyler Whitman?

18 A No, sir.

19 MR. KORNFELD: All right. Thank you.

20 MR. WALLACE: Nothing else from the State, Your
21 Honor.

22 THE COURT: All right. You may step down, ma'am.

23 MR. WALLACE: Your Honor, at this time, the State
24 rests.

25 THE COURT: All right. Ladies and gentlemen, we're

1 going to take up some matters. So if you'd just go to the
2 jury room briefly. Don't talk about the case and continue
3 to keep an open mind.

4 Thank you.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 4:39 p.m.)

7 THE COURT: Any motions at this juncture?

8 MR. WALLACE: Nothing from the State.

9 MOTIONS

10 MR. KORNFELD: Your Honor, we have a motion pursuant
11 to Rule 19 of the South Carolina Rules of Criminal
12 Procedure, specifically, a no competent evidence motion.
13 Due to the statements by the co-defendant that are --
14 they're so grossly different. Her testimony cannot be
15 considered credible. And, thereby, you can't consider any
16 of the things she said. Most -- almost all competent
17 testimony about who he was came from her.

18 Mr. -- both Mr. David Perry and T.R. Perry were
19 unable to recognize or identify Furman Taylor. And David
20 Taylor [sic] wasn't even sure if he, actually, saw --
21 David Perry wasn't even, actually, sure he saw Mr. Taylor
22 or a gentleman there, a man there.

23 Also, Your Honor, I don't believe that there was any
24 competent evidence as far as a weapon that was used or the
25 fact that this happened at nighttime. So I would ask that

1 those -- that the case be dismissed as far as that.

2 Also, on the petit larceny, there was no actual
3 values given concerning the actual items that were taken.
4 Thereby, there's no way to be able to ascertain whether or
5 not the items had a value, thereby, not meeting the
6 elements of that offense.

7 Your Honor, I guess I'd like you to rule on that. I
8 just want to renew my motions for the record after -- do
9 you want to rule on this first and then let me -- I've got
10 the other motions I just want to preserve that I've
11 written down.

12 THE COURT: Yes, sir. I would respectfully deny the
13 motions. I think there's sufficient evidence, which I
14 can't weigh or determine the credibility of, that exists.
15 And the credibility would be up to the jury. But there is
16 sufficient direct and circumstantial evidence that would
17 tend to prove the guilt of the Defendant on both crimes.

18 And as to the petit larceny, there was testimony the
19 goods were sold for a value. And so I'd respectfully deny
20 your motion.

21 What's the next motion?

22 MR. KORNFELD: The other motions are the motions that
23 I made at the beginning of the case. I just want to put
24 those on the record again to preserve them.

25 THE COURT: Yes, sir.

1 MR. KORNFELD: Do you want me to do that now, or talk
2 to my client and find out if we're going to put up a case?

3 Because I'm unsure whether I have to put it in at the
4 end of the State's case and when we rest if my -- if we
5 don't put up a case.

6 THE COURT: Do you want to talk to your client?

7 MR. KORNFELD: Well, Your Honor, I just want -- I
8 want to make it clear that, basically, if I don't put up a
9 case, I'd like us to, at least, stipulate that I don't
10 have to put it on the record before the Defense rests
11 and then after the Defense rests, if no case is put
12 up.

13 THE COURT: Well, all your previous motions and any
14 arguments you made in support of them will be
15 reincorporated at this stage. I adhere to my earlier
16 ruling.

17 And if you put up a case, you can make the same
18 renewal at that point just so there won't be any question
19 about it.

20 MR. KORNFELD: Okay. Do you mind -- can I talk to my
21 client at this time?

22 THE COURT: Yes.

23 Let me ask --

24 Mr. Taylor, I'm going to ask you some questions, sir.

25 Raise your right hand.

1 WHEREUPON,

2 FURMAN EUGENE TAYLOR, JR.,

3 after first having been duly sworn, testified as follows:

4 THE COURT: All right. Now, if I ask you something you
5 don't understand, or if I'm just not making sense, or you
6 need me to repeat something, or you need to stop to talk
7 with Mr. Kornfeld, I'll be glad to give you the opportunity.

8 Is that okay with you?

9 DEFENDANT TAYLOR: That's fine, sir.

10 THE COURT: I just want to make sure you understand
11 you have the right to testify in this case. And the right
12 to testify is your right. It's a personal right of yours.
13 You make the decision after consulting with your lawyer
14 and discussing the strategy of doing it. But you have the
15 right to testify, to come up and be sworn and take the
16 stand, and tell your side of the story.

17 But I just need to make sure you understand if you do
18 that, you'll be subject to being cross-examined, just as
19 your lawyer has cross-examined the State's witnesses. And
20 that means that the Solicitor can ask you about anything
21 that might be relevant to this case, or might bear on your
22 credibility, and would otherwise be appropriate
23 cross-examination. I don't --

24 Would the State seek to introduce any other prior
25 convictions, if any?

1 MR. WALLACE: Yes, Your Honor.

2 He has more prior convictions, attempted burglary
3 second degree, assault with intent to kill that we would
4 seek to impeach him with.

5 THE COURT: So if those other convictions met the
6 criteria for coming into evidence, if you testified, the
7 jury would hear about those. And, again, it would be with
8 the limiting instruction that they can only be used for
9 the limited purpose of assessing your credibility, and not
10 for whether or not you committed this particular crime.
11 But, of course, if you didn't take the stand, they
12 wouldn't hear about those prior convictions, if they are
13 admissible.

14 MR. KORNFELD: And, Your Honor, is it possible that
15 we could have a ruling on that before -- I'm looking at
16 State v. Broadnax case, which states that convictions
17 alone may not subject him to impeachment without proof of
18 dishonesty. And this case, also, says a shoplifting alone
19 is not necessarily dishonest without more. It would be
20 material to me and I think Mr. Taylor --

21 THE COURT: Right.

22 MR. KORNFELD: -- about whether or not those were
23 going to come in prior to --

24 THE COURT: Okay. So -- I'll be glad to do that.

25 Let me just finish with Mr. Taylor about making sure

1 you understand.

2 We'll deal with whether those other convictions can
3 be heard by the jury, if you testify, in a moment. Right
4 now, I just want to make sure you understand that if you
5 did not testify, sir, the jury would be told that the fact
6 that you didn't take the stand could not be considered by
7 them in any way. They could not even discuss that fact in
8 the jury room. I would tell them that at the end of the
9 case in the context of telling them about your right to
10 remain silent and the State's burden of proof.

11 Also, if you don't present any evidence, whether it's
12 your testimony or not, your lawyer gets the final closing
13 argument, the last word, so to speak, in front of the
14 jury. If you do present evidence, the State gets the last
15 closing argument.

16 So that's the information I wanted to make sure you
17 had. I'm sure you already knew all of these things, but I
18 just have to ensure you do.

19 Have you understood all of my questions, sir?

20 DEFENDANT TAYLOR: Yes, sir, Your Honor.

21 THE COURT: Do you have any questions of me?

22 DEFENDANT TAYLOR: No, sir, Your Honor. I
23 understand.

24 THE COURT: All right, sir. If you want to talk to
25 your lawyer, and y'all can let me know how you wish to

1 proceed.

2 Before you do that, tell me what the convictions are
3 and the dates of them.

4 MR. WALLACE: Your Honor, I have an indictment here
5 for burglary in the second degree. This burglary second
6 degree of a dwelling occurred on December the 12th through
7 the 17th of 1991. And the Defendant received a 15-year
8 sentence on that charge. It's my understanding that he
9 was released from prison in 2005. The next one is a
10 burglary second degree, also. This was on the 3rd day of
11 December of 2005. It was burglary of a dwelling as well.
12 The next one is a burglary second degree of a dwelling.
13 And this one happened between December 23rd and 24th of
14 1991. And he received a 15-year sentence on that.

15 The next charge is attempted burglary of a dwelling.
16 And this one occurred on February 21st of 1992. And the
17 next conviction would be assault and battery with intent
18 to kill. On the indictment, he pled guilty to assault
19 with intent to kill. And this incident occurred on
20 February the 7th, 2008.

21 So those would be the charges that the State would
22 seek to impeach with.

23 THE COURT: When was he released? In 2005?

24 MR. WALLACE: I have here he went to prison on April
25 the 30th, 1993, and was released on September 1st, 2005.

1 THE COURT: What date? I'm sorry.

2 MR. WALLACE: September 1st, 2005.

3 THE COURT: And then he had another conviction in
4 December of 2005?

5 MR. WALLACE: Yes, Your Honor.

6 THE COURT: What was the sentence that?

7 MR. WALLACE: Your Honor, the sentence on that was
8 three years.

9 THE COURT: Okay. And then how about the sentence on
10 the assault?

11 MR. WALLACE: Your Honor, on that charge, he received
12 542 days.

13 THE COURT: Okay. And what is the Defense's position
14 of the admissibility of these under Rule 609?

15 MR. KORNFELD: Well, Your Honor, under State v.
16 Broadnax, I would state without more that they cannot be
17 admitted. And that it would be subject to a balancing
18 test in which you would determine the probative value of
19 admitting the evidence and whether it outweighs its
20 prejudicial effect.

21 Our argument would be that the only reason to bring
22 this in is for prejudicial effect. What other relevance
23 does it have to this case? There's no -- it states in
24 this case with the charges alone, that is not enough for a
25 crime of dishonesty.

1 Further, several of these crimes are over 10 years
2 old. And I'd asked that those be excluded as well.

3 THE COURT: Well, the --

4 Mr. Wallace.

5 MR. WALLACE: Yes.

6 THE COURT: Were you --

7 MR. WALLACE: Your Honor, obviously, the purpose of
8 admitting the prior convictions would be to attack the
9 credibility of his testimony. The last -- when he was --
10 from September 2005 when he was released from his 15-year
11 sentence, therefore, it's been less than 10 years.

12 And so I'd -- the State's position would be that
13 burglary is a crime that tends to show dishonesty. And
14 these would be admissible for only the purpose of
15 impeaching the witness.

16 MR. KORNFELD: And, Your Honor, in State v. Broadnax,
17 the Court says our Supreme Court held in State v. Bryant,
18 369 S.C. 511, then they give the southern second part,
19 2006, that a conviction for robbery, burglary, theft, a
20 drug possession beyond the basic crime itself is not
21 probative of truthfulness, see United States v. Smith,
22 1801 federal subsection.

23 I believe the only reason to bring it in is to
24 prejudice the Defendant. And it's, you know, unduly
25 prejudicial.

1 THE COURT: Well, I will allow them to -- if he
2 testifies to impeach with the fact that he has prior
3 felony convictions. And I'll tell the jury that only can
4 be used to assess his credibility, if the Defense wants me
5 to do that. I think they're admissible.

6 I will state that -- I'll be glad to tell the jury
7 that he has prior felony convictions and not go into the
8 nature of them, because there are -- they are similar to
9 what he's charged with. And then we have the added layer
10 of this being a burglary first case where the elements
11 include two prior burglary convictions that have already
12 been stipulated to.

13 So I find that the prejudicial value -- or the
14 probative value, rather, outweighs the prejudicial effect.
15 But it's not by much because of the fact that, number one,
16 they've already heard about prior convictions. They've
17 been told to limit consideration of those for one
18 expressed purpose. Number two, they're going to, if he
19 testifies, be told about prior felony convictions he has.
20 And they have to limit consideration of that evidence to
21 his credibility.

22 So -- and without identifying the actual offense and
23 just saying it's a felony, I don't know in this particular
24 circumstance how it advances the ball on whether or not
25 he's credible, but I do find it does to some extent. But,

1 as I said, it's not by much. All it has to do -- the
2 probative value just has to outweigh the prejudicial
3 effect, which I find it does.

4 But anything else?

5 MR. WALLACE: Yes, Your Honor.

6 So when I -- so if he does take the stand and I
7 impeach him with that record, then I will be saying that
8 he was convicted of a felony that carries a sentence of
9 greater than one year during this particular date; is that
10 correct?

11 THE COURT: I don't even think you have to say the
12 sentence. Just say, you were convicted of a felony.

13 MR. WALLACE: On that particular date?

14 THE COURT: Right.

15 MR. WALLACE: All right. Thank you, Your Honor.

16 THE COURT: So that's my ruling.

17 MR. KORNFELD: Your Honor, if it's okay --

18 THE COURT: Yes. Sure.

19 How much time do y'all need to --

20 MR. KORNFELD: I would think less than 10 minutes.

21 THE COURT: All right. We'll take a break.

22 (WHEREUPON, a break was taken.)

23 THE COURT: Yes, sir, Mr. Kornfeld.

24 MR. KORNFELD: Mr. Taylor is not going to testify.

25 Further, we are not going to put up a case.

1 THE COURT: Okay.

2 MR. KORNFELD: I would just -- at the appropriate
3 time, I would just like to, I guess, put these objections
4 that I wrote down to make sure they're on the record
5 correctly.

6 THE COURT: Tell the jury just to come back in the
7 morning.

8 THE BAILIFF: Okay, Judge. What time?

9 THE COURT: 9:30. We'll have the closing arguments.
10 Just tell them to come back at 9:30.

11 THE BAILIFF: Okay, Judge.

12 THE COURT: Do you want to put something on the
13 record now?

14 MR. KORNFELD: That would be great.

15 THE COURT: Sure. Go ahead.

16 MOTIONS

17 MR. KORNFELD: Thank you, Your Honor.

18 I'd just like to renew my motion to quash the
19 indictment pursuant to Rule 3 and, specifically, on the
20 State v. Culbreath and State v. Edwards cases, and the
21 fact that in those -- in State v. Culbreath, it says it's
22 an administrative rule. On the other hand, if there is
23 something more than just the 30 days that have passed
24 before the warrant has been indicted. That would be my
25 argument that the delay was so great that it did become a

1 substantive -- I don't know if I'm saying that word
2 correctly, but it became an issue before the Court.

3 And my other issue would be the element of the two
4 prior burglaries being charged to a jury or being known by
5 a jury at any time is in itself unduly prejudicial. And
6 it handcuffs the Court of their ability to do a 403
7 weighing balance. And the -- allowing the jury to hear
8 that shows no effect, other than for prejudicial effect.

9 The other issue is the -- my motion to exclude the
10 video. I believe that it wasn't the full video. I've
11 talked to Investigator Mashak. He says that was his full
12 video.

13 On the other hand, I requested a spoliation charge in
14 Mr. Taylor's favor. That motion was based on Rule 5, Rule
15 901. And I just cited the case before. I didn't,
16 actually, give the rules. So I guess I should just cite
17 the case. It would be the State v. Gregory Allen Ivery
18 case that was heard on June 5th, 2014, of this year [sic].

19 My objection to the new witness on the witness
20 list -- although the voir dire -- I think you -- that
21 would be my objection. Again, although you gave voir
22 dire, I guess, or asked them about that, if they knew her
23 or if a family member knew her and they did not, I would
24 object to the video being admitted in under State v.
25 Ivery, the same case.

1 And then, also, I object to allowing any of his prior
2 record to come into -- to be known by the jury and to come
3 into the evidence. I believe that it should be limited
4 not only to the particular date, but limited entirely.

5 Those are all my objections, Your Honor.

6 THE COURT: All right. Well, the ruling on the Rule
7 609 issue of prior offenses is in limine.

8 As to the Rule 3 matter of the delay, I reiterate my
9 previous ruling. I find that there's no prejudice shown
10 from any delay. And there's no mechanism to enforce that
11 rule that our Supreme Court has recognized in terms of
12 dismissing an indictment for failure to abide by it.

13 And all the other objections have the same ruling
14 that I previously made.

15 All right. Thank you very much.

16 See you at 9:30.

17 MR. WALLACE: Thank you.

18 MR. KORNFELD: Thank you, Your Honor.

19 THE COURT: Is there any request to charge that y'all
20 need to discuss in relation to the verdict form?

21 MR. KORNFELD: Judge, I would just -- I guess I'm --
22 I guess I just have a question about is the second degree
23 burglary going to be charged to the jury?

24 THE COURT: Are you requesting it?

25 MR. KORNFELD: I'm not.

1 THE COURT: No. I'm not planning on it.

2 MR. KORNFELD: Okay.

3 THE COURT: It was in there, but all I'm going to
4 charge them on is the first degree. I don't know if --
5 the only thing I would charge on is the aggravated
6 circumstance of two prior convictions. I mean, I don't
7 see any reason to charge -- first of all, I don't know
8 that there's evidence it was in the nighttime. And,
9 second, I don't know about the weapon. I mean, I heard
10 testimony about a gun being taken, but y'all can let me
11 know about that, if you want --

12 MR. KORNFELD: Okay.

13 THE COURT: -- to mull it over.

14 MR. WALLACE: All right, Your Honor.

15 THE COURT: Thank you.

16 (WHEREUPON, the proceedings were concluded at
17 approximately 5:19 p.m., to be reconvened on
18 Wednesday, January 7, 2015.)
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1 WEDNESDAY, JANUARY 7, 2015

2 THE COURT: Anything before we bring the jury in?

3 MR. WALLACE: Yes, Your Honor.

4 THE COURT: Yes, sir.

5 MR. WALLACE: I talked with the Court Reporter this
6 morning, and she said that some of the exhibits that we
7 put into evidence yesterday, she did not have the numbers
8 of those exhibits recorded on the record.

9 THE COURT: Okay.

10 MR. WALLACE: I just wanted to bring that to the
11 attention of the Court.

12 THE COURT: Do y'all want to clear that up now?

13 MR. WALLACE: Yes, sir. I can publish them at this
14 time.

15 THE COURT: Yes, sir.

16 MR. WALLACE: The first exhibit is State's Exhibit
17 No. 12 -- I'm sorry. The first exhibit is State's Exhibit
18 No. 9, which is an indictment, 1993-GS-23-3103, State v.
19 Furman Eugene Taylor, where he was charged with and
20 convicted of burglary in the first degree. That's State's
21 Exhibit No. 9.

22 THE COURT: Okay.

23 MR. WALLACE: The next exhibit is State's Exhibit
24 No. 10. That's an indictment, 1993-GS-23-3104, State v.
25 Furman Eugene Taylor, Jr., where he is indicted for

1 burglary in the first degree. And it is a conviction.

2 the next exhibit is State's Exhibit No. 12, which is a
3 property and evidence sheet involving the pawnshop video
4 with the case number 011274249. State's Exhibit No. 13 is,
5 also, a property and evidence sheet involving the pawnshop
6 videotape with a case number 11273682. And then State's
7 Exhibit No. 15. And then State's Exhibit No. 14 -- or I'm
8 sorry. That was State's Exhibit No. 13. Correction.
9 State's Exhibit No. 14 is the actual pawnshop video CD,
10 which is case number 011274249. And then State's Exhibit
11 No. 15 is the other pawnshop video CD, which is case number
12 11273682.

13 (WHEREUPON, State's Exhibit Nos. 12, 13, 14, and 15
14 were admitted into evidence.)

15 THE COURT: Okay. Does this cover everything?

16 MR. WALLACE: Yes, sir. It does, Your Honor.

17 THE COURT: Anything else before we bring the jury
18 in?

19 MR. WALLACE: Nothing from the State, Your Honor.

20 THE COURT: Okay. We'll bring the jury in.

21 Thank you.

22 (WHEREUPON, the jury came into open court at
23 approximately 9:39 a.m.)

24 THE COURT: Good morning, ladies and gentlemen.

25 The State rested their case yesterday. That means

1 they've completed their presentation of evidence at this
2 time. And, now, the Defense has the opportunity, but, as
3 I told you, not the obligation to present any defense.

4 Mr. Kornfeld.

5 MR. KORNFIELD: May it please the Court.

6 Your Honor, the Defense rest.

7 THE COURT: All right. So that means we're at the
8 stage where we'll hear the closing arguments in the case,
9 and I'll give you the instruction on the law.

10 So, yes, sir, Mr. Wallace.

11 CLOSING ARGUMENTS

12 MR. WALLACE: Thank you, Your Honor.

13 May it please the Court.

14 Good morning, ladies and gentlemen of the jury.

15 As I told you at the beginning of the trial, the
16 evidence was going to come to you from the testimony and
17 the exhibits in this case, the physical evidence. There
18 is not going to be any more evidence in this case. You've
19 heard all the evidence. You've heard the testimony. You
20 have all the exhibits here that are in evidence. And
21 that's all the evidence that is going to be in this case
22 for you to deliberate with. And there's no possibility
23 that there will be any more evidence.

24 I tell you that so that this morning I have an
25 opportunity to talk to you briefly about what is important

1 about this evidence to the State's case. And before I get
2 into, actually, talking about each piece of evidence in
3 this case, I want to take -- briefly, I want to talk to
4 you about the charges in this case, burglary first degree
5 and petit larceny.

6 It's not disputed that this is a burglary first
7 degree. What is in dispute is, did Furman Taylor do this
8 burglary in the first degree? Because you heard from the
9 Judge yesterday, he has two prior burglary convictions.
10 The State has met its burden to prove the aggravating
11 element in this case raising this to the level of burglary
12 first degree. So that much is not in dispute.

13 There's, also, a petit larceny that goes along with
14 that burglary first degree. And, basically, larceny is
15 defined as stealing. It's another term for stealing. And
16 you heard evidence in this case that there was stealing,
17 other items taken from Renna Taylor's house that day that
18 had a monetary value. That monetary value did not rise to
19 the level of \$2,000. It was less than \$2,000.

20 And Renna Taylor herself testified to the DVD player
21 being worth about \$50, that the laptop computer was worth
22 about \$500. There was, also, testimony that the DVD
23 player was pawned, that the charm, the "R" letter charm
24 was pawned from this burglary. And that the value of
25 those items was, according to the pawnshop, less than a

1 hundred dollars. So there is a monetary value of these
2 items stolen. And it gets into the level of petit
3 larceny.

4 So those are the charges that Furman Taylor has been
5 charged with. And there's really not a lot of dispute
6 about those in this case.

7 So what is the question that we're going to deal with
8 in this trial? Well, of course, the question is simply,
9 who done it? Who was with Amanda Caldwell in Furman
10 Taylor's vehicle that day committing that burglary with
11 her? That is a question that you're going to have to
12 deliberate on when you go back to the jury room for your
13 deliberations to look at the evidence and to recall the
14 testimony you've heard.

15 So let's talk about the evidence briefly boiling this
16 down -- to try to boil this down to the simplest level
17 possible. Because I know there's a lot of evidence in
18 this case that deals with -- there's a lot of testimony
19 you heard over the last day or so. So let's boil it down.

20 The State believes that the four key things in this
21 case that show that Furman Taylor is guilty of this crime
22 are, first of all, the blue and white Ford Aerostar van.
23 Second of all, the black ball cap. Third of all, Amanda
24 Caldwell's testimony on the witness stand. And, finally,
25 the two videotapes from the pawnshops. We think that this

1 is the key evidence that points to Furman Eugene Taylor as
2 the person who committed these burglaries -- this burglary
3 and this petit larceny.

4 So let's talk about the Ford Aerostar van. You've
5 heard a lot of testimony about that throughout the trial.
6 You should be very familiar with that van. But I want to
7 point out that the eyewitnesses at the scene of the
8 burglary, the Perry brothers, they both identified that
9 van as a blue and white Ford Aerostar van. They
10 remembered that distinctly and testified to that. That
11 that van was the van that the two individuals left the
12 house and got into, and escaped from the scene of the
13 crime. That's the get-away vehicle. They testified to
14 that.

15 Who else testified to it? Amanda Caldwell. She
16 testified to that blue and white Ford Aerostar van. She
17 gave you more detail about that van. She talked about the
18 fact that, sometimes, they spent the night in that van.
19 She testified that they kept their belongings in that van.
20 She testified that she was not allowed to drive that van,
21 unless Furman Taylor was in the van with her.

22 She, also, testified where he got the van from, that
23 he was the owner. And he bought that van just shortly
24 before the burglary. And that he bought that van from her
25 brother-in-law. That's what her testimony was.

1 But there was even more testimony about that van
2 later on in the trial. Deputy Loveless, the deputy who
3 arrested Amanda Caldwell on May 31st, testified that she
4 and Furman Taylor were both in that van, a blue and white
5 Ford Aerostar van. He even gave you a date of 1993,
6 because he ran the tag. And it came back to Furman Taylor
7 as the registered owner of that vehicle.

8 So we know that it was at the crime scene. And we
9 know what Amanda Caldwell said about it, that he owned it.
10 And we know from the testimony of the deputy that it was
11 registered to him. So that's a common piece of evidence
12 throughout this case that identifies Furman Taylor.

13 The other thing is the black ball cap. Again, the
14 two eyewitnesses who were at the scene of the burglary,
15 they gave a description of the white male subject -- as a
16 white male subject, that he had a goatee and a ponytail,
17 that he wore a black jacket and blue jeans. They, also,
18 identified the fact that he wore a black ball cap. Again,
19 Amanda Caldwell testified that the day of the burglary,
20 Furman Taylor wore his black ball cap. She said it was
21 his black tailor-made ball cap. So she testified to that.

22 And then the key piece of evidence about that black
23 ball cap comes to you from the first video. The first
24 video we watched yesterday that happened a few hours
25 before the burglary was where Amanda Caldwell is pawning

1 some stolen items. And he appears in that video. And
2 he's wearing blue jeans, a black shirt, and a tailor-made
3 ball cap. So that's another common piece of evidence in
4 this case that identifies Furman Taylor as the person that
5 committed this burglary.

6 Now, let's talk a little bit about Amanda Caldwell
7 and her testimony. Her testimony is, actually, very good
8 from the standpoint that it fills in a lot of details
9 about this burglary. In detail, she talks about the van.
10 She talks about what he was wearing that day. She talks
11 about the items stolen. All of this is corroborated by
12 other evidence in this case. A lot of the evidence in
13 this case from the witnesses and from the exhibits, the
14 videos themselves, they back up this information that she
15 gave you about the burglary.

16 Now, the Defense will tell you she's a liar. The
17 Defense will tell you that her testimony is not credible,
18 because she has something to gain or lose here. Okay.
19 Well, they, also, said she was given preferential
20 treatment from the State because she's a State's witness.
21 But let's review that just for a second.

22 From what we heard in the testimony yesterday, she
23 now has three known convictions. She spent seven months
24 in jail with no one to bail her out. She is now on house
25 arrest. And she is not sentenced yet. So she has more

1 punishment coming.

2 So, ladies and gentlemen of the jury, if that sounds
3 like preferential treatment to you, then we'll go with
4 that. I just wanted to point that out to you that it has
5 not been easy for Amanda Caldwell to come in here and be
6 cross-examined, and testify under oath to tell you what
7 she told you was the truth in this case.

8 Now, let's talk about the videos. What's significant
9 about the two videos? Well, first of all, they happened
10 the same date of the burglary. And they're in two
11 separate pawnshops. And they happened at a time just
12 before the burglary and at a time just after the burglary.
13 There's a few hours on either side.

14 In the first pawnshop video, you see Amanda Caldwell.
15 And she's pawning items at the front desk. And in that
16 video, you see Furman Taylor in the pawnshop. And he's
17 wearing blue jeans, a black shirt, and a black tailor-made
18 cap. And I would submit to you, ladies and gentlemen of
19 the jury, they're the same items that he wore to this
20 burglary just a few hours before.

21 What about the second video? What does it tell us?
22 Well, it tells us within a few hours after the burglary,
23 he's still with Amanda Caldwell. Because he's in that
24 video, too, at the Cash America Pawnshop. He is at the
25 pawnshop where she is, actually, pawning two items stolen

1 during this burglary just a few hours later, the "R"
2 shaped pendant and the laptop computer. And he's in that
3 video with her at the first pawnshop and the second
4 pawnshop. And that's key evidence.

5 So what does it come down to? What does this case
6 all come down to? Well, it comes down to this, that if
7 you can believe between the first video and the second
8 video, those few hours that transpired, that somebody else
9 got in Furman Taylor's van with his girlfriend and went to
10 that house and committed that burglary, and that that
11 someone else, also, matched his description -- physical
12 description all the way down to the ponytail and the
13 black -- and the goatee beard, if you can believe that, then
14 you should find the Defendant not guilty.

15 But if that's too much, if that stretches the
16 boundaries of believability for you, then you must return
17 a verdict in this case that speaks the truth. And that
18 truth is that Furman Eugene Taylor is guilty of these
19 charges.

20 Thank you.

21 THE COURT: Thank you, Mr. Wallace.

22 Mr. Kornfeld.

23 MR. KORNFELD: Thank you, Your Honor.

24 At the beginning of this case, I told y'all that at
25 the end of the case that you would be convinced that

1 Mr. Furman Taylor did not commit this crime, burglary
2 first, or the crime that went along with it in this case,
3 the petit larceny. I, also, told you the thing in this
4 case would be the boy that cried wolf. As we all know
5 now, the boy is, actually, not a boy, but Amanda Caldwell,
6 who's lied several times. And we will go through that.

7 Here, I'm just going to try to give you an overview
8 of what I kind of remember from the case and the important
9 points. And I'll try to do it as my notes indicate.

10 Remember, first, Renna Taylor, the owner of the home
11 on Old White Horse Road. She came and testified to us and
12 explained to us that she left. She didn't know exactly
13 when she left. Again, this happened over two years ago,
14 May 19th, 2012. She left sometime during the day, it
15 sounds like, around noon. It takes her an hour and a half
16 to an hour, if my memory is correct, for her to get where
17 she was going in North Carolina.

18 We know that Mr. T.R. Perry called her and let her
19 know there was a suspicious van in her horseshoe driveway,
20 and that T.R. pulled up right behind that van. And if we
21 remember correctly, the van was in the front of the house.
22 The van was, actually, right here, according to my memory
23 of what T.R. said. And he says he pulled right here to
24 get some trash that Ms. Perry -- not Ms. Perry, that
25 Ms. Taylor asked for him to get.

1 Now, when -- we, also, know from Renna that this
2 occurred during the daytime. And she showed us -- she,
3 also, showed us where the glass was broken out. And she
4 showed us that that occurred in the back of the house.
5 And that there was a screen door right here -- a screen
6 door right here, and the place where it was, actually,
7 broken into was over here.

8 Then we heard from T.R. Perry. He says -- we know
9 from him, if you remember his testimony, it was pretty
10 clear, I think, that he doesn't remember much. But he
11 knows where his car was parked -- or his truck, and that
12 the van was parked in front of it.

13 He said he was certain that the man had a black
14 brimmed hat. Even when he was crossed on that, he was
15 certain about a black brimmed hat. And that will become
16 important later on in the statement. When I crossed him
17 about the description of what he previously said before in
18 a statement, he wasn't real, you know, emphatic about his
19 statement that he gave. And he changed the description of
20 the male suspect.

21 You, also, remember, which is important, when they
22 asked him about -- when Mr. Wallace asked him about Amanda
23 Caldwell, do you remember what description he gave of
24 Amanda Caldwell? He didn't give a description. He didn't
25 remember. He just said it was a male and a female, and

1 that they were white.

2 That is important because later, we talked to David
3 Perry, who was, also, in the truck. And they both said
4 that the truck was a -- well, David knew -- T.R. knew what
5 kind of truck he had, an old Dodge Ram, gray, an old Dodge
6 Ram. David knew it was an older gray truck is what he
7 said. So he knew that.

8 Then we hear that David gives a description up here
9 when Mr. Wallace is asking him. But then I asked him, if
10 you remember, about his prior statement. I said, Didn't
11 you say in your prior statement that you didn't get a good
12 look at the man?

13 He said, Well, yeah. I could have said that.

14 So you don't even know if you saw him or not?

15 No. I think I did. I don't know.

16 Here is why that is so important in this case. This
17 case is over two and a half years old. They have had a
18 lot of time between May 19th, 2012, and January 6th of
19 2015. And in between that time, I suspect, but I don't
20 know, people have talked to them about this burglary and
21 what has happened. And, now, their memory is becoming his
22 memory.

23 But when I asked him about what happened exactly when
24 he was questioned about this, which was right around the
25 time of the crime, his memory, at that time, was he didn't

1 remember. He couldn't point him out of a photo lineup.
2 And he definitely doesn't even know if he even saw the
3 man.

4 Then we talked -- Investigator Mashak came and
5 talked. And he told us that he got some videos. He
6 called up and got videos. And he only -- he just calls
7 and just gets a video. He just asks for when Amanda
8 Caldwell comes in and when Amanda Caldwell comes out.
9 Apparently, there's no video outside of pawnshops.
10 There's only video inside.

11 He, also, took -- he, also, apparently, had that
12 video -- from what he said, I think he got on the case on
13 the 31st. I can't remember. But we look at when he
14 brought the video in to Ms. Bennick. She got it several
15 days later from that time. So he had this video for
16 several days. And he says that's all the video that he
17 received.

18 We, also, know that when she was arrested -- and
19 we'll get back to Officer Loveless, who, actually,
20 arrested Ms. Caldwell in the parking lot. But this is
21 Officer Mashak.

22 When Officer Mashak met with her on a Monday morning,
23 she comes in and tells Officer Mashak that Katherine --
24 first, they take the -- let me get this part. They take
25 the -- what, I guess, would be her confession. And I

1 guess they brought her into a room. There's no video of
2 that confession. There's no video of either of the
3 confessions. And we'll talk about why that's important
4 later as well.

5 But they take this confession. And Amanda tells them
6 that it was -- I can't even remember because the stories
7 are so crazy. But I think she tells them, at that time,
8 that it was Katherine Elaine Sasser and Furman Taylor at
9 this time. Katherine Elaine Sasser and Furman Taylor.

10 Well, then she gets up and later says, well, I don't
11 know. I just knew her as Katherine Elaine. Well, that's
12 probably not true, because they were able to pull her up
13 and see her there. She knew her. She knew her well. She
14 knew her name. I think we can infer that. She didn't say
15 that. I can't prove that. But that's what I'm relying on
16 the jury to be able to find out.

17 And then she talks about Tyler Whitman. She talks
18 about Tyler Whitman and a gun that Tyler got from her
19 husband, who, I guess, she's still married to, or may be
20 her ex-husband now. It sounds like she said it was her
21 husband. We don't really know. I guess it doesn't
22 matter, other than the fact that his gun was taken and she
23 now says that Tyler Whitman took that, and that she pawned
24 that gun as well.

25 We talked with Officer Phillips. He was the older

1 gentleman in the -- I don't know if he had a suit, but an
2 oxford shirt on. He was the guy that was the LeadsOnline
3 guy, the guy that looked for leads for the pawnshops.
4 Officer Phillips shows us -- he doesn't tell us much,
5 other than the fact that he knows that Amanda Caldwell
6 pawned things at two different pawnshops. So we know
7 that.

8 Then we get to Officer Loveless. And Officer
9 Loveless gets an anonymous tip. We don't know where the
10 tip came from because he never talked to him, or anything.
11 He couldn't tell him anything about the anonymous tip.
12 But he goes and finds Furman Taylor and Amanda Caldwell.

13 I, also, said this in the opening, that I thought
14 this would be important, and it is important. Because
15 when he goes and picks up Amanda Caldwell in Furman's
16 Aerostar that was registered to him within the last
17 30 days from that time -- it was now his registered
18 vehicle. Officer Loveless arrests Amanda Caldwell for
19 warrants.

20 Officer Loveless, what does he do with Furman Taylor?
21 He checks his ID, I guess, his license. He says, okay,
22 you're free to go. You're free to go. See you later.
23 How does that make sense when they've got all this
24 information out?

25 And this goes back to David Perry, whether or not

1 this is really their memory or not, whether or not they've
2 heard people say this. And they go I think -- and David
3 was very shaky about what his memory was. He said it may
4 have been, it may have not. He doesn't know. I don't
5 really think he even saw the guy. I think what he said
6 previously was correct.

7 But, here, they go to Furman's vehicle, which if we
8 listen to who did not testify, but we got information from
9 Officer Mashak from Amanda Caldwell's estranged husband,
10 it was a white -- it was, actually, a white Ford Aerostar
11 van. And then we hear that there was some blue stripes.
12 Different people said different thing. I can't even
13 remember exactly what they said. But some people said it
14 was a blue top. I can't remember.

15 Tandy -- one of the brothers said it was a blue top.
16 The other brother said it was a blue bottom. Then, I
17 think, Caldwell said there was a blue stripe on it. And
18 Loveless, I think, said it was blue and white.

19 Here's the thing. Back to my point. I'm sorry. I
20 lost my train of thought. But here's the point. They go
21 and pick Amanda Caldwell up after they have all this
22 description that they say they have and let Furman Taylor
23 leave. You're free to go. Nothing on you. We don't
24 suspect anything.

25 Now, if they had all that evidence that has been

1 stated that they had at the time, why in the world would
2 they let Furman Taylor in a white and blue Ford Aerostar
3 van with the blue pinstripe on it leave? Why? Why would
4 you do that? You wouldn't. You would say, oh, we've got
5 some information here. We need to, at least, talk with
6 you.

7 Everybody knows that if you get pulled over,
8 especially where he's seen, they're going to say, do you
9 mind if we search your van? None of that happened. No
10 problem. They looked at his stuff. And he's free to go.
11 We didn't need to talk to him.

12 The reason they didn't need to talk to him is because
13 they didn't have any reason to believe that he did it.
14 And that's what's important. Where did they get that
15 information where he did it? They got that information --
16 what I told you at the beginning of the case between facts
17 and credibility. And they got it from the most incredible
18 person they could have gotten it from, Amanda Caldwell,
19 who sat up here and told us, I'm a criminal. I lie.
20 That's what I do.

21 And what did she lie about? Boy, we're going to have
22 to get through this. It was lie after lie. She's crying
23 wolf the whole time. She can't keep it straight. She
24 couldn't keep her lies straight. I couldn't write them
25 down quick enough because she was lying so much. Let's

1 talk about that.

2 First, she tells the officers or she -- I didn't have
3 an address. I don't have an address. Well, she gave the
4 officer an address, that she lived in Easley on both of
5 her statements. She could have told the officer, I don't
6 have a place to stay, I'm transient. That happens.
7 That's what you do if you're not a liar. You just tell
8 them, I don't have a place. I don't live anywhere. I
9 don't have a place to stay. That's not what she did.

10 Then she says she gives a story about Katherine
11 Elaine. Oh, I really don't know her last name, something
12 like that. Tyler Whitman. That -- you know, I think we
13 can infer -- and it's up to the jury, obviously. But we
14 can infer that's not true.

15 She says after her first statement and her second
16 statement that she was in jail a couple of days. And she
17 didn't talk to anybody. I didn't talk to anybody.
18 Remember.

19 But then when I asked her again, oh, I talked to
20 Furman Taylor. Yeah, I talked to him. Yeah, I believe
21 she talked to Furman Taylor. And guess what? Furman
22 found out what she was in for. And she thought that
23 Furman was going to bail her out. And guess what? When
24 Furman didn't bail her out, she was going to make sure
25 Furman went down, too. She was going to make sure Furman

1 went down, too. She was going to say Tyler Whitman and
2 put Furman in there. And that's exactly what she did. So
3 Furman says -- I don't how the conversation went, but
4 Furman didn't bail her out. We know that. We know that
5 she talked to Furman.

6 So then we know she changes her story. She calls
7 Mashak. And Mashak doesn't record this confession either.
8 But he brings her in. And I guess -- it sounds like he
9 had another officer with him. I don't know if he had them
10 both. I don't think I questioned if he had two officers
11 with him on both. Usually, they have another officer with
12 them. He probably did this time. I'm not sure.

13 But he says she gives the other story and says that,
14 you know, it was really her, it was really Furman. She
15 probably finds out at some point -- and I don't know
16 because I haven't seen the confession. They know she's
17 pawned these items. So she's starting to see the writing
18 on the wall. She's not going to get out of this.

19 And then here is another interesting thing. You
20 notice where she says -- did any of y'all notice where she
21 said that the break-in occurred? Was anybody paying
22 attention to that? Ms. Taylor, Renna Taylor, who's pretty
23 credible, and the fact that -- she knows where her house
24 is. She said the break-in happened here. But when
25 Ms. Caldwell is speaking, she says it happens up here.

1 And I think this is screened-in and this -- or this is a
2 screen and this is a storm door. I think you'll -- you
3 would know the difference between this and this in a house
4 that you're burglarizing.

5 She, also, said, at one point, in her statement that
6 she doesn't have a phone. I don't know how credible that
7 is. I find it highly unbelievable that she doesn't have a
8 cell phone at all. Pretty much everybody I know, unless
9 they're a hold out or a huge traditionalist, has a cell
10 phone.

11 She, also, says here that -- yesterday, she tells us
12 that she went to the Spinx. And I asked her about that.
13 I said, Haven't you said that before under oath, that you
14 went to a GT?

15 She said, you know, It's the same thing. No big
16 deal.

17 I hope y'all speak about this. But I would ask -- I
18 hope somebody in the jury knows where the relation of a
19 GT's is to the Spinx, and what the address of a GT's is to
20 a Spinx. And why somebody would now say under oath Spinx
21 and previously, she would say it was a GT's. And I think
22 it's clear, because she's making everything up. She's
23 making these things up to try and make it work. That's
24 what she's doing.

25 And then we've got -- what else did she say? She

1 said -- before, she said it's a white truck. Now, under
2 oath, what? It's a black truck.

3 And then one of the most important things here is
4 that Ms. Amanda Caldwell is not receiving anything for her
5 testimony, or any of these things. That is simply just
6 not true. I don't doubt that the Prosecutors haven't
7 promised her anything. I don't think the Prosecutors have
8 promised her anything.

9 But this is what we have to understand. She was
10 charged with a burglary first, the same thing he was
11 charged with. And she was, also, charged with another
12 burglary and an obtaining goods under false pretenses.
13 She has pled to some of these charges and received
14 deferred sentencing. What that means is it is unusual, I
15 would think -- or maybe not highly unusual, but that it is
16 not the common mode that when someone pleads -- they
17 usually get sentenced right there, unless there's a reason
18 for them not to be sentenced.

19 And what reason would that be? Oh, we might need you
20 to testify. We might want you to testify later on. And,
21 by the way, we'll let you plead to a burglary second.
22 We'll let you plead to a burglary second. Well, guess
23 what? We've already heard from her, yeah, I pled to a
24 burglary second. I was trying not to get 25. That's what
25 she tells us here.

1 It's mathematically undisputable that she received a
2 benefit by pleading to the burglary second. End of story.
3 That's it. She has received a benefit. And she's hoping
4 to receive more of a benefit. And she'll do anything that
5 she can to receive that benefit, including throwing
6 anybody under the bus that she can to get to that benefit.

7 Then on top of that, she can't even stay out of
8 trouble between the time that she has her deferred
9 sentencing and the time she's supposed to show up to
10 court. She had certain dates that she was supposed to
11 report to court, I'm assuming, to talk about the case. I
12 don't know. But I guess she saw some video here. She
13 doesn't show up to court. She doesn't show up.

14 So what happens when you don't show up when you're
15 sent a bond card to come to court in Greenville County?
16 Well, a lot of times what happens is you get a failure to
17 appear, which is exactly what happened with Amanda
18 Caldwell. Because she decided she was just not going to
19 come to court, even though she's getting a card. She
20 probably says that she's going to come to court. I don't
21 know. But I'm sure, you know, that was part of the deal,
22 that she would answer and come to court. She doesn't come
23 to court. So they put her back in jail for a violation of
24 her bond.

25 And then I guess she stays there for what she says is

1 two weeks. I don't know. And then -- I don't even know
2 if it was two weeks. But she says she stays there.

3 And then she gets what's called a PR bond, which is a
4 bond that you sign yourself. It is a bond on your word.
5 And you can talk amongst yourselves about whether or not
6 it's likely that the State is going to give someone a PR
7 bond on a failure to appear, unless they are hoping they
8 can get something from them like testimony not in an
9 orange jumpsuit.

10 They, also, say, you know, that Mr. Taylor here was
11 running out. He was running out of the house. That's
12 what she said. Yeah, we ran. I was driving. We were
13 running out of the house. Ask yourself about that. Does
14 Mr. Taylor look like he's a runner? Is he running out of
15 a house? I would submit that he's not.

16 I would submit that the other issues we have here
17 are -- what else did she say here? The other thing, the
18 van, the van that Furman Taylor had. She says he never let
19 me drive that van alone. I was never in that van. Well,
20 wasn't it your sister's or brother's-in-law? Yeah, it was.
21 I mean, I've been in that van. I just hadn't driven it
22 without Furman, but I've been in that van.

23 Then she says, oh, well, you know, the van always ran
24 fine. This 1993 Ford Aerostar van always ran fine. He
25 just got the brakes fixed once, or something. He only had

1 the van less than a month and she doesn't know that these
2 brakes were taken and that he got the brakes done within
3 that time. That would be a pretty big issue if you just
4 got a van and in less than 30 days, you're having to fix
5 the brakes on it. I think she would remember that if it,
6 actually, happened.

7 Now, in this case just like every case, I've told
8 you -- and this is the -- I wouldn't say -- I don't know
9 what y'all are thinking. But the less exciting part -- I
10 don't know what you've thought of this trial.

11 The presumption of innocence -- my client is presumed
12 innocent, unless he is found guilty. And that burden is
13 on the State. It's the highest burden that our courts
14 allow us to have. And the burden stays with them.

15 I don't have to prove anything. Mr. Taylor doesn't
16 have to prove anything. They have to prove each and every
17 element. And each and every element -- when you get
18 charged with the law, it's important that we all listen to
19 the Judge to hear the elements of the law in the charge.
20 Because it is an elemental process. And we need to look
21 at each of the elements.

22 Here -- and it's been the theme of the entire case is
23 it's the facts versus the credibility of Amanda Caldwell.
24 In this case, Amanda Caldwell has cried wolf so many times
25 that it's ridiculous. It's really unbelievable. And that

1 is the problem.

2 I ask that you go back and you deliberate through
3 this, and look at each fact in the case. And I hope
4 together, collectively, you have a great memory. Because
5 there were a lot of different things said in this case.
6 Here, today, she has continued the entire time. She's
7 only interested in helping herself. And she'll throw this
8 man under the bus, and anybody else that she can. And I'm
9 asking you not to let her do that today.

10 I'm asking you for a guilty -- a not guilty verdict
11 for Mr. Furman Taylor on both the burglary first and the
12 petit larceny.

13 I assume that Mr. Tyler Whitman is somewhere with his
14 flat billed cap sitting somewhere in a straight black
15 jacket with some stolen goods or some money that he got
16 with Ms. Caldwell. This man didn't do it. I'm asking for
17 a verdict of not guilty.

18 Thank you so much.

19 CHARGE ON THE LAW

20 THE COURT: Thank you, Mr. Kornfeld.

21 All right. Ladies and gentlemen, you've heard all
22 the evidence you're going to hear in the case. And you've
23 heard the closing arguments. It's now my duty to instruct
24 you on the law that applies to the facts of this case.

25 It's your duty to find the facts from the evidence in

1 this case. And to those facts, you must apply the law as
2 I give it to you. You must follow the law as I give it to
3 you. And you should not be concerned with what the law
4 should be, but what it is.

5 And you should not be influenced by any personal
6 likes or dislikes, or opinions or prejudices, or undue
7 sympathy. And that means you should decide this case
8 solely on the evidence and according to the law. And you
9 will recall, you took an oath to do just that when we
10 began this trial.

11 In following my instructions, you should follow them
12 all and not single out some and ignore others, because
13 they're all equally important. And, please, don't read
14 into these instructions or anything I may have said or
15 done as to what I think the facts are, or what your
16 verdict should be.

17 Because, as I told you at the outset, you are the
18 sole and exclusive judge of the facts. I'm not going to
19 intrude on your prerogative that the Constitution gives
20 you to determine what the facts are, just as I know you're
21 not going to intrude on my prerogative to tell you what
22 the law is that you must follow.

23 Now, you are the sole judge of the facts. And you
24 decide what the facts are by evaluating or weighing the
25 evidence. This is a mental process. And you simply

1 evaluate evidence by using your good common sense, your
2 life experiences, and your sense of logic and reason. And
3 you bring those things to bear on the evidence you've
4 heard during this trial.

5 I told you at the beginning that you must determine
6 what the facts are from the evidence, and from no other
7 source. The evidence consists of sworn witness testimony,
8 exhibits, and in this case, we've had a stipulation, which
9 I earlier defined for you. So that's the only thing you
10 can use to determine what the facts are in this matter.

11 What the lawyers say is not evidence, as I've already
12 told you. If what the lawyers state during their argument
13 is different than what you remember about the testimony or
14 the evidence, your memory controls. Anything you may have
15 seen or heard when court is not in session is not
16 evidence, and you cannot use that when determining what
17 the facts are in this case.

18 Now, there are, in addition, different types of
19 evidence. And what I'm talking about now is direct and
20 circumstantial evidence. Direct evidence is evidence,
21 which, if believed, constitutes direct proof of a fact,
22 such as the testimony of an eyewitness. Circumstantial
23 evidence is indirect evidence. That is, proof of a chain
24 of facts from which you could find that another fact
25 exist, even though it has not been proven to you directly.

1 Crimes may be proven by either direct or
2 circumstantial evidence, or a combination of both. The
3 law makes no distinction between the weight or value to be
4 given to either direct or circumstantial evidence.

5 However, to the extent the State relies on
6 circumstantial evidence, all of the circumstances must be
7 consistent with each other, and when taken together, point
8 conclusively to the guilt of the accused beyond a
9 reasonable doubt. If the circumstances merely portray the
10 Defendant's behavior as suspicious, the proof has failed.

11 The State has the burden of proving guilt beyond a
12 reasonable doubt. This burden rests with the State,
13 regardless of whether the State relies on direct evidence,
14 circumstantial evidence, or some combination.

15 Now, in deciding what the facts are, as I told you at
16 the beginning, you must gauge the credibility of all the
17 evidence. You, certainly, may use whatever tools you use
18 in your day-to-day life to determine whether someone or
19 something is worthy of belief. Because your common sense
20 didn't somehow evaporate when you walked into the
21 courtroom. But I can give you some guidelines about how
22 you can assess credibility, which you may or may not use,
23 depending on your view of the evidence and the
24 circumstances.

25 In the case of a witness who testifies, you may

1 consider what ability they had to see, or hear, or view
2 the things they came into court and testified about. How
3 well were they able to recall those things? What was
4 their demeanor or manner while testifying? Did they have
5 some interest in the outcome of this case, or some bias,
6 or prejudice towards someone or some issue in the case?
7 How reasonable was their testimony when considered in
8 light of all the other evidence? And was their testimony
9 contradicted by other evidence in the case? Those are
10 just some of the things you can use. And, as I said, you
11 may use whatever you use in your day-to-day life that you
12 find indicative of truthfulness.

13 Now, you may believe everything a witness says. You
14 may believe nothing a witness says. You may believe parts
15 of a witnesses testimony, and disbelieve other parts. You
16 may believe one witness over several, or several over one.
17 You are the sole judges of the credibility of the
18 witnesses and the other evidence. And I know you will
19 make that assessment fairly and impartially and not
20 arbitrarily. But your objective is to determine the true
21 facts, and determine whether the State has met its burden
22 of proof.

23 Now, ladies and gentlemen, the mere fact that
24 Mr. Taylor was charged in this case doesn't constitute
25 evidence. The indictments are not witnesses. They're not

1 exhibits. And they're not evidence. They're simply a way
2 a citizen is notified of what they're charged with. And
3 they are the ticket, so to speak, that allows the State to
4 come in this courtroom and begin a case against a citizen.

5 So you may draw no inference from or conclusion from
6 the fact that a defendant was charged, or indicted. It
7 doesn't mean anything. And it is not something you can
8 use in determining the facts of the case, or in deciding
9 whether Mr. Taylor is guilty or not guilty.

10 The fact that a defendant does not testify is, also,
11 something you may not consider whatsoever in your
12 deliberations. All of us have the right to remain silent.
13 It's guaranteed not only by the state Constitution, but by
14 the federal Constitution. And the fact that someone
15 claims that right cannot be used against them in any way.
16 It would not be proper for you and it would be a violation
17 of your oath as a juror to even discuss the fact that the
18 Defendant did not testify in this case.

19 The State has the burden of proof. Mr. Taylor has no
20 burden to produce any evidence or explanation whatsoever.
21 And Mr. Taylor is presumed innocent, just as anyone
22 charged with a crime is no matter what the crime may be.

23 This presumption of innocence is not some
24 technicality. It is a substantial and fundamental right
25 to which we are all entitled. And it may not be

1 removed -- the presumption of innocence may not be
2 removed, unless and until you, the jury, find unanimously
3 the State has met its burden of proof as to each element
4 of the crime. The presumption of innocence is not a mere
5 legal theory. It is a substantial right to which every
6 defendant is entitled.

7 Now, what is a reasonable doubt in the law? A
8 reasonable doubt is defined as the kind of doubt that
9 would cause a reasonable, sincere, honest, and
10 conscientious person to hesitate to act in an important
11 matter in their own affairs. Proof beyond a reasonable
12 doubt is proof that leaves you firmly convinced of the
13 Defendant's guilt.

14 There are very few things we know with absolute
15 certainty in the world. And, in criminal cases, the law
16 does not require proof that overcomes every possible
17 doubt. If, based on your view of the evidence, you are
18 firmly convinced that the Defendant is guilty of the crime
19 charged, you must find him guilty. On the other hand, if
20 you think there's a real possibility he is not guilty, you
21 must give him the benefit of the doubt and find him not
22 guilty.

23 A reasonable doubt may arise from the evidence or
24 from a lack of evidence. A defendant is entitled to every
25 reasonable doubt that may arise in the case. And that

1 means simply that if upon any issue of fact that is
2 essential to a conviction you have a reasonable doubt as
3 to how that issue should be resolved, it's your duty to
4 resolve it in favor of Mr. Taylor.

5 Now, ladies and gentlemen, Mr. Taylor is charged with
6 two crimes. The first is burglary first -- or burglary in
7 the first degree, and the second is petit larceny.

8 To convict Mr. Taylor of the crime of burglary in the
9 first degree, the State has to prove three things beyond a
10 reasonable doubt. They have to prove, first, that
11 Mr. Taylor entered a dwelling without consent. Secondly,
12 they have to prove he intended to commit a crime at the
13 time he entered the dwelling. And, third, they must prove
14 he had two or more prior convictions for burglary.

15 To expand on those elements a little bit, let me talk
16 a little bit about the first element that the State must
17 prove, which is that he entered a dwelling without
18 consent. A dwelling is defined as any building or portion
19 of a building in which a person ordinarily sleeps. A
20 building constructed as a dwelling that has never been
21 occupied cannot be considered a dwelling for purposes of
22 burglary. But a building is a dwelling even if the
23 residents were temporarily absent from the building.

24 To prove that the Defendant entered a dwelling, the
25 State does not have to show the Defendant's entire body

1 entered the dwelling. The smallest entry is sufficient.
2 It may be any part of the body, such as a hand, or a foot,
3 or even an instrument under the control of the Defendant.
4 In addition, the State does not have to prove that force
5 was used to gain entry.

6 As to the second element that the State must prove
7 beyond a reasonable doubt, that the Defendant intended to
8 commit a crime at the time of entry. The mere entry into
9 a dwelling without consent is not burglary. If the intent
10 to commit a crime is formed after entry, it is not
11 burglary.

12 On the other hand, if the Defendant intended to
13 commit a crime at the time of entry, it is a burglary,
14 even if the intent was abandoned after the entry. It does
15 not matter that the intended crime was not completed.
16 Intent may be shown by acts and conduct of the Defendant
17 and other circumstances from which you may naturally and
18 reasonably infer intent.

19 The third element the State must prove beyond a
20 reasonable doubt is that the Defendant had two prior
21 burglary convictions. Evidence of prior offenses
22 committed by the Defendant was not offered to prove the
23 Defendant has a bad character, or to prove that the
24 Defendant committed the burglary on this occasion.

25 As I previously instructed you, the prior convictions

1 may be considered by you only for the purpose of
2 determining whether or not it satisfies that element of
3 the offense that makes it first degree burglary, if you
4 enter a dwelling without consent to commit a crime and you
5 have two prior convictions for burglary. Before you can
6 even consider the evidence of the Defendant's prior
7 burglary convictions, you must first find that the State
8 has proven beyond a reasonable doubt that a burglary was
9 committed by the Defendant.

10 If you find beyond a reasonable doubt that the
11 burglary was committed, then you may consider the evidence
12 and the prior convictions only as evidence of one of the
13 circumstances that would make burglary a first degree
14 burglary. If you do not find beyond a reasonable doubt
15 that the Defendant committed these alleged prior offenses,
16 then you cannot return a verdict of first degree burglary.

17 Now, the second thing that the Defendant is charged
18 with is petit larceny. To prove this offense, the State
19 must prove beyond a reasonable doubt that the Defendant
20 took and carried away the property of another against the
21 will or without the consent of the other person. The
22 slightest removal of the property or the complete
23 possession of the property, even for an instant, by the
24 Defendant is enough to show a taking and carrying away of
25 the property.