

STATE OF SOUTH CAROLINA

 ORIGINAL

In The Court of Appeals

APPEAL FROM YORK COUNTY

Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CONNIE DUMAS,

APPELLANT

Appellate Case No. 2011-193106

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

ALAN WILSON
Attorney General Office

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

WILLIAM M. BLITCH, JR.
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

Attorneys for Respondent

RECEIVED

SEP 19 2012

SC Court of Appeals

INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
TESTIMONY	
JERRY WALDROP (In-Camera)	
Direct Examination by Mr. Springs	4
Cross Examination by Mr. Atwater	18
Redirect Examination by Mr. Springs	30
Re-cross Examination by Mr. Atwater	31
CONNIE MURRAY DUMAS (In-Camera)	
Direct Examination by Mr. Atwater	33
Cross Examination by Mr. Springs	40
Redirect Examination by Mr. Atwater	44
MICHAEL REID	
Direct Examination by Ms. Thornwell	49
Cross Examination by Mr. Atwater	58
JUDY ASHDOWN	
Direct Examination by Mr. Springs	61
MARCELLA TALFORD	
Direct Examination by Mr. Springs	71
Cross Examination by Mr. Atwater	94
STEPHEN SINCLAIR	
Direct Examination by Mr. Springs	96
JERRY WALDROP	
Direct Examination by Mr. Springs	103
Cross Examination by Mr. Atwater	126
Redirect Examination by Mr. Springs	139
MARK HARRIS	
Direct Examination by Ms. Thornwell	141
Cross Examination by Mr. Atwater	143

CONNIE MURRAY DUMAS	
Direct Examination by Mr. Atwater	145
Cross Examination by Mr. Springs	193
Redirect Examination by Mr. Atwater	220
CHARGE CONFERENCE	221
CHARGE ON THE LAW	224
VERDICT	238
SENTENCING	239
STATE'S EXHIBIT #9 (STATEMENT)	257
INDICTMENTS	259
CERTIFICATE OF COUNSEL	263

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

IN THE CIRCUIT COURT OF
GENERAL SESSIONS OF YORK

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

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

TRANSCRIPT OF RECORD

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

B E F O R E:

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

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

MR. E. B. SPRINGS
SIXTEENTH CIRCUIT SOLICITOR'S OFFICE
1675-1A YORK HIGHWAY
YORK, SOUTH CAROLINA 29745
803-628-3020
803-628-3025
eb.springs@yorkcountygov.com
FOR THE PLAINTIFF

ORIGINAL

MR. MICHAEL ATWATER
ATWATER & DAVIS, LLC
1470 EBENEZER ROAD
ROCK HILL, SOUTH CAROLINA 29732
803-326-2000
803-329-1028
atwaterdavis@comporium.net
FOR THE DEFENDANT

WANDA NELSON, CVR
OFFICIAL COURT REPORTER
SIXTEENTH JUDICIAL CIRCUIT
WNELSON@SCCOURTS.ORG

1 AM.)

3 MR. SPRINGS: May it please the Court.

4 THE COURT: Good morning. Yes, sir.

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

15 THE COURT: All right.

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

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

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

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

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

11 THE COURT: Okay. All right, Solicitor.

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

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

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

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

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

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

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

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

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

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

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

9 THE COURT: Okay.

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

12 MR. SPRINGS: That's fine.

13 THE COURT: Good luck on the exam.

14 (MS. Kiara B. LEFT COURTROOM.)

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

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

19 DIRECT EXAMINATION - IN CAMERA

20 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

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

24 A. Jerry W. Waldrup.

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

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

36

1 Department?

2 A. I am.

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

6 A. I did.

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

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

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

15 A. Not at that time.

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

18 A. I did.

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

20 A. That's correct.

21 Q. Okay. Was it a woman robber?

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

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

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

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

4 A. I did.

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

7 A. We did.

8 Q. How many people were in the car?

9 A. Two people.

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

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

12 Q. Who was the other passenger?

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

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

16 A. Exactly.

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

18 A. That's correct.

19 Q. And tag number.

20 A. And tag number.

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

23 A. That's correct.

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

1 A. I did.

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

4 A. It did.

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

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

17 A. We did.

18 Q. Was she handcuffed?

19 A. She was.

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

21 A. No, sir.

22 Q. Did she look injured in any way?

23 A. No, sir.

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

25 A. She did.

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

2 A. She was.

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

6 A. No, sir.

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

9 A. We did. I did.

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

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

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

22 A. She said yes.

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

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

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

40

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

2 A. That's correct.

3 Q. And what did she say?

4 A. She said no.

5 Q. Then what did you say?

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

7 Q. And what did she say?

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

10 Q. And what did you say?

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

12 Q. And what did she say?

13 A. She said yes.

14 Q. And what did you say?

15 A. I said, driving your car?

16 Q. And what did she say?

17 A. She said yes.

18 Q. And what did you say?

19 A. I said --

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

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

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

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

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

25 MADAME COURT REPORTER: Thank you.

1 SOLICITOR SPRINGS: I'll slow down.

2 MADAME COURT REPORTER: That's all right.

3 Yes, sir.

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

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

8 Q. And then what did you say?

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

10 Q. And what did she say?

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

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

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

16 Ms. Dumas answered I do not know.

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

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

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

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

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

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

1 And I said, do what?

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

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

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

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

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

11 She says, at the store.

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

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

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

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

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

23 A. She was.

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

25 A. She was.

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

3 A. That's correct.

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

9 MR. SPRINGS: All right.

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

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

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

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

14 THE COURT: We got relief on the way.

15 MR. SPRINGS: Very good.

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

18 DIRECT EXAMINATION - IN CAMERA, CONTINUED:

19 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

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

23 A. I do.

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

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

44

1 interviewed Ms. Dumas at the police station?

2 A. It is.

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

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

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

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

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

24 A. She did. That's correct.

25 Q. Did you witness her signature?

1 A. I did.

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

3 What's it say next on the form?

4 A. It says I have read or had read to me the statement of
5 my rights shown above. I understand what my rights are and

6 I'm willing to make a statement. I do not want an attorney

7 at this time. I understand and know what I am doing. I

8 know that the person that's talking with me is a police

9 officer, and I understand what he's talking about.

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

11 A. She did.

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

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

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

19 A. That's correct.

20 Q. Was she still handcuffed at this point?

21 A. No.

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

24 A. It was just me.

25 Q. Did you have your gun out?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

46

1 A. No.

2 Q. Did you threaten her in any way?

3 A. No, sir.

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

6 A. No.

7 Q. - - - what you wanted?

8 A. No, sir.

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

11 A. No, she was not.

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

13 A. She did.

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

15 A. She did.

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

18 A. That's correct.

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

21 A. She did.

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

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

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

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

20 A. No, sir.

21 Q. You didn't threaten her?

22 A. No, sir.

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

25 A. No, sir.

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA

48

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

3 A. No, sir.

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

5 A. No, sir.

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

7 A. No, sir.

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

9 A. No, sir.

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

13 A. She did.

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

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

25 Q. Okay. And did she sign that?

JERRY WALDROP: DIRECT BY MR. SPRINGS - IN CAMERA
CROSS BY MR. ATWATER - IN CAMERA

49

1 A. She did.

2 Q. Are you a Notary Public, sir?

3 A. Yes, I am.

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

6 A. I did.

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

10 THE COURT: Any questions, Mr. Atwater?

11 MR. ATWATER: Yes, Your Honor.

12 CROSS EXAMINATION

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

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

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

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

21 A. That's correct.

22 Q. He pulled his weapon?

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

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

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

50

1 A. That's correct.

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

3 A. That's correct.

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

5 A. That's correct.

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

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

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

13 A. That's correct.

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

18 A. That's correct.

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

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

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

1 immediately after that. Correct?

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

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

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

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

12 A. That's correct.

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

15 A. No, she wasn't.

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

17 A. That's correct.

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

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

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

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

52

1 A. No. She was not.

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

4 A. No. They had not.

5 Q. Was she free to leave?

6 A. Not at that time. No.

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

8 A. She was.

9 Q. She was in handcuffs?

10 A. That's correct.

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

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

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

17 A. No, sir, she could not.

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

20 A. That's correct.

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

24 A. That's correct.

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

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

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

4 Q. Yes, sir.

5 A. At what point?

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

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

9 Q. And cursing at her?

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

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

14 A. No, sir. She had not.

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

17 A. That's correct.

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

19 A. That's correct.

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

21 A. That's correct.

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

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

25 Q. Okay.

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

54

1 A. In the detective division.

2 Q. All right.

3 A. But she had never been put in a cell.

4 Q. Was she put in an interview room by herself?

5 A. Yes.

6 Q. And left there?

7 A. Yes.

8 Q. Okay. Did --

9 A. Well do you mea -- let me -- What do you mean left
10 there?

11 Q. Left in the room by herself.

12 A. No. There was a officer -- Officer Rivera brought her
13 in and Officer Rivera stayed with her until I got to the
14 station, which was only just a few minutes.

15 Q. Only just a few minutes from when?

16 A. From when she left her house.

17 Q. Which would have been around Four p.m.?

18 A. Oh no. It was probably closer to Five something
19 before we left her house.

20 Q. What time did you take this statement that's been
21 proffered?

22 A. I probably started talking to her about a quarter to
23 Six -- twenty minutes to Six.

24 Q. All right.

25 A. And it was signed and notarized at 6:15 and she was

1 taken into the jail.

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

3 A. I did.

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

6 A. That's correct.

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

8 A. Yes.

9 Q. Okay. And who would that be?

10 A. That would be me.

11 Q. So you witnessed your own Notary signature?

12 A. No. I witnessed her signature.

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

14 A. I notarized her signature.

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

17 A. It does.

18 Q. Does it appear after your witness signature?

19 A. It does.

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

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

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

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

56

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

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

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

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

15 A. Yes.

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

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

19 A. Yes.

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

21 A. Yes.

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

23 A. Yes.

24 Q. And did you tell the truth?

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

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

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

11 A. That's correct.

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

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

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

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

19 That's correct.

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

21 A. That's correct.

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

23 A. That's correct.

24 Q. Until she got to her home.

25 A. That's correct.

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

58

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

3 A. That's correct.

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

6 A. That's correct.

7 Q. In a police car.

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

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

10 A. That's correct.

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

13 A. The second time?

14 Q. Yes.

15 A. Probably not.

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

18 A. That's correct.

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

23 A. That's correct.

24 Q. Okay. What was her status?

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

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

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

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

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

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

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

15 A. To a certain extent, yes.

16 Q. To what extent?

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

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

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

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

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA

60

1 A. No, sir. I did not.

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

4 A. No, sir. I did not.

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

7 A. No, sir. I did not.

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

11 A. You finished? I did not.

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

14 A. No, sir. She did not.

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

17 A. She did not.

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

20 A. No one.

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

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

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

JERRY WALDROP: CROSS BY MR. ATWATER - IN CAMERA
REDIRECT BY MR. SPRINGS - IN CAMERA

61

1 present at any time during this process?

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

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

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

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

10 A. I'm positive.

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

12 THE COURT: Sure.

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

14 MR. SPRINGS: Just one question.

15 REDIRECT EXAMINATION - IN CAMERA

16 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

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

19 (DOCUMENTS HANDED UP TO THE COURT.)

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

22 A. It is.

23 Q. Do you always keep your watch fast?

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

JERRY WALDROP: RE CROSS BY MR. ATWATER - IN CAMERA

62

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

2 MR. SPRINGS: That's our proffer.

3 RE CROSS EXAMINATION - IN CAMERA

4 DETECTIVE JERRY WALDROP BY MR. ATWATER:

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

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

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

10 A. Yes, sir.

11 Q. Does it display the correct time?

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

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

15 A. Yes, sir.

16 Q. Okay.

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

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

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

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

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

2 A. Usually, yes.

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

5 MR. ATWATER: Yes, Your Honor.

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

7 MR. ATWATER: That leaves me, Judge.

8 THE COURT: You may step down.

9 (WITNESS LEAVING WITNESS STAND.)

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

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

14 THE COURT: Come around and be sworn.

15 (WHEREUPON: CONNIE MURRAY
16 DUMANS, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
17 FOLLOWS:)

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

20 MS. DUMAS: Yes.

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

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

24 THE COURT: Sure.

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

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA

65

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

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

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

6 DIRECT EXAMINATION - IN CAMERA

7 CONNIE DUMAS BY MR. ATWATER:

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

11 A. Yes, he did.

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

14 A. Yes, he was talking very sternly.

15 Q. How about loudly?

16 A. Yes. Yes.

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

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

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

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

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

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

9 A. I did.

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

12 A. Yes, I did.

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

15 A. Yes, I did.

16 Q. Did you have them curse at you?

17 A. Yes.

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

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

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA

67

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

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

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

15 A. Yes.

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

17 A. Yes.

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

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

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

1 A. Yes.

2 Q. Okay. What happened next?

3 A. Well I was there for a little bit. We were talking.
4 Then she actually was taken out. Somebody came to get her
5 and took her out. And then I went over to that bed because
6 you could see the clock and things from there and I was
7 just wondering, you know, how much time had passed and how
8 long I'd been there. And then they brought someone else in
9 who I never spoke to. And she laid down on the other bed.
10 And --

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

12 A. Yes. Well, my husband brought my medicine down that I
13 take around Five, Six in the evening. And I know time had,
14 you know, was passing and it was after that, like after
15 Five. And he gave me my medication -- well the -- he gave
16 it to the ladies and the lady brought it in a little cup
17 and me a cup a water. And I take it in the evenings
18 because it makes me drowsy. So then I laid down.

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

20 A. Yes.

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

22 A. Yes.

23 Q. And then they -- They gave it to you and you took it
24 and fell asleep?

25 A. Yes.

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA

69

1 Q. What happened next?

2 A. I woke -- I think I heard the door, but when I opened
3 my eyes it was Detective Waldrop and another officer but he
4 was in plain clothes so I assumed he was a detective too at
5 the time. And he said get up, Ms. Dumas, come on let us
6 talk to you. And so I got up and followed them to around
7 the little corner down the little hall to another room.

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

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

11 Q. Okay.

12 A. But later.

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

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

1 happened, this is what happened. And I kept saying no.

2 And that's when he said, well you'd better talk to us or
3 else.

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

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

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

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

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

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

CONNIE DUMAS: DIRECT BY MR. ATWATER - IN CAMERA

71

1 THE COURT: All right. Rephrase your question.

2 MR. ATWATER: Thank you, Judge.

3 Q. Why did you sign that statement?

4 A. Because he told me I had no choi -- I'd either signed
5 it or he'd lock my daughter up too. And we'd both sit
6 there until whenever.

7 Q. Is that statement truthful?

8 A. Yes.

9 Q. The statement that he wrote?

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

11 Q. Yes, the statement that he wrote, that he told you to
12 sign. Is that a truthful statement of what happened that
13 day?

14 A. No. He didn't even read it all to me. He read some -
15 - he -- he read it -- well he sort of spoke it as he was
16 typing, saying this is what happened. You did this, didn't
17 you, didn't you, didn't you? And I would say no. But they
18 told me what happened based on what they heard. And
19 regardless to what I said, they were just gonna get me to
20 say -- to do -- they were just gonna put -- he was putting
21 on the paper whatever he want. When he laid it down in
22 front of me, he said sign here, sign here, sign here. I
23 didn't even get to read the entire thing so I don't know
24 what everything is on it. But I was told to sign and then
25 they took me back to my cell.

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

72

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

2 A. Yes.

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

4 CROSS EXAMINATION - IN CAMERA

5 CONNIE DUMAS BY MR. SPRINGS:

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

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

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

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

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

20 A. Yes.

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

23 A. No.

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

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

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

73

1 Q. And you understood your Miranda Rights?

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

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

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

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

9 A. Yes.

10 Q. You've heard 'em --

11 A. A few times.

12 Q. -- quite a few times.

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

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

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

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

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

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

14 Q. You don't recall saying that?

15 A. -- saying that.

16 Q. All right.

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

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

20 A. Yes.

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

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

24 A. Yes.

25 Q. Everything in here was his idea?

CONNIE DUMAS: CROSS BY MR. SPRINGS - IN CAMERA

75

1 A. Yeah. He was the one typing.

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

4 A. No.

5 Q. Okay. On the first --

6 A. Other --

7 Q. Go ahead.

8 A. No. No.

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

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

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

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

15 Q. No, down here is the statement.

16 (SOLICITOR INDICATING TO WITNESS.)

17 Q. Let me show you.

18 A. Oh, I left my house?

19 Q. Yep. Go ahead.

20 A. Went to Family Trust.

21 Q. Okay. Let me stop you there.

22 A. Yes.

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

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

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

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

76

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

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

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

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

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

10 A. Everything else - -

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

12 THE COURT: Anything further?

13 REDIRECT EXAMINATION - IN CAMERA

14 CONNIE DUMAS BY MR. ATWATER:

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

17 A. No.

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

19 MR. SPRINGS: Nothing further.

20 THE COURT: You may step down.

21 MS. DUMAS: Thank you.

22 (WITNESS LEAVING WITNESS STAND.)

23 THE COURT: Anything else?

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

1 THE COURT: Anything else?

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

3 THE COURT: It's up to you.

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

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

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

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

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

3 MR. ATWATER: Your Honor, if I may just -- just for a
4 moment. The Supreme Court does state that there is no
5 exact verbiage, but they do outline what is to be told to
6 the person. They do not give every law enforcement officer
7 artistic license to change the meaning of Miranda itself to
8 say anything other than what the Supreme Court says in
9 Miranda vs. Arizona, that the person must be informed of.
10 And in that Miranda decision and everything they've done
11 prior to that, there is never any indication whatsoever
12 that it is proper to tell a witness who has been arrested
13 that you -- you have a right to an attorney but you can't
14 get it until some later date. Thank you, Your Honor.

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

1 business about a later date, that's just simply explaining
2 the way the system works. There's no way that the police
3 can provide an attorney right there on the side of the
4 road or immediately at the beginning of an investigation.
5 The rest of it's very clear as to what her rights were.
6 She didn't have to answer any questions. She could stop
7 answering questions at any time. So the basic requirement
8 of the trial was met here. But like I said, the weight as
9 far as the jury that's up to them. What else?

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

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

22 I can't get into punishment.

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

MICHAEL REID: DIRECT BY MS. THORNWELL

107

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

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

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

11 Step up to the Bible and be sworn in.

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

14 MADAME CLERK: Please be seated.

15 DIRECT EXAMINATION

16 MICHAEL REID BY MS. THORNWELL:

17 A. Good morning.

18 Q. Can you state where you work?

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

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

22 A. Going on six years now.

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

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

1 training, once a month every year.

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

4 A. Correct.

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

6 A. Yes, I was.

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

9 A. Yes.

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

12 A. I did.

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

15 A. It was a robbery call.

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

19 A. Yes.

20 Q. Was the armed robbery in progress?

21 A. Correct?

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

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

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

MICHAEL REID: DIRECT BY MS. THORNWELL

109

1 A. Is the 1500 block of Albright.

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

5 A. Yes.

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

9 A. Yes, it would.

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

11 THE COURT: Okay.

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

14 THE COURT: You may step down.

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

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

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

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

21 BY MS. THORNWELL:

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

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

MICHAEL REID: DIRECT BY MS. THORNWELL

110

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

2 A. This is Albright Road.

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

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

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

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

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

11 A. Correct.

12 Q. Their within walking distance?

13 A. Yes.

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

15 (WITNESS RETURNED TO WITNESS STAND.)

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

18 A. Drive to the scene.

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

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

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

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

24 THE COURT: Rephrase.

25 BY MS. THORNWELL:

MICHAEL REID: DIRECT BY MS. THORNWELL

111

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

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

4 Q. So the clerk was really upset?

5 A. Yes.

6 Q. Okay. Was she hurt?

7 A. No, she wasn't.

8 Q. So she hadn't been shot?

9 A. No.

10 Q. But she was clearly upset?

11 A. Yes.

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

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

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

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

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

20 A. Yes.

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

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

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

MICHAEL REID: DIRECT BY MS. THORNWELL

112

1 person was?

2 A. I can't remember his name.

3 Q. But it was a gentleman?

4 A. Yes.

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

6 A. And a male.

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

8 A. Yes.

9 Q. And the gentleman was the other witness?

10 A. Correct.

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

13 A. Correct.

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

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

17 BY MS. THORNWELL:

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

20 A. They have video surveillance in the store.

21 Q. Were you able to view that video?

22 A. Correct.

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

25 MR. ATWATER: Objection, Your Honor.

MICHAEL REID: DIRECT BY MS. THORNWELL

113

1 THE COURT: Your objection?

2 MR. ATWATER: Withdrawn.

3 THE COURT: Okay.

4 BY MS. THORNWELL:

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

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

8 Q. What type of weapon was used?

9 MR. ATWATER: Objection, Your Honor leading.

10 THE COURT: Overruled.

11 BY MS. THORNWELL:

12 Q. What kind of weapon was used?

13 A. A handgun.

14 Q. What type of handgun?

15 A. Automatic handgun.

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

17 A. One.

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

19 A. It was a female.

20 Q. What was the race?

21 A. African American.

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

23 A. Yes.

24 Q. What was that description?

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

MICHAEL REID: DIRECT BY MS. THORNWELL

114

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

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

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

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

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

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

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

15 A. Yes.

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

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

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

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

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

24 A. Forensics.

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

MICHAEL REID: DIRECT BY MS. THORNWELL

120

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

2 (WITNESS REVIEWING DOCUMENT.)

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

5 A. Yes, I do.

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

7 A. Marcelia [sic] Talford.

8 Q. What was the name of the witness?

9 A. Sinclair.

10 Q. Do you remember his first name?

11 A. It's --

12 Q. Here you go.

13 A. Sorry.

14 Q. That's all right.

15 A. Stephen Sinclair.

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

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

19 THE COURT: Rephrase your question, please.

20 BY MS. THORNWELL:

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

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

24 Q. Okay. Where was Ms. Talford?

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

1 day.

2 A. Yes, I did.

3 Q. And she -- She showed you videos from inside the
4 store?

5 A. Yes.

6 Q. Did you ask her which videos to show you, or did she
7 decide, did she show you what she wanted to?

8 A. She showed me the video of the front of the store
9 where the incident occurred.

10 Q. Did she show you -- Have you had an opportunity to
11 view that video since then?

12 A. Not since then.

13 Q. At the time that you viewed the video on that date,
14 did you hear audio with that video?

15 A. No, I didn't.

16 Q. So you were only able to look at it, but you couldn't
17 hear anything.

18 A. Correct.

19 Q. Now when you arrived at the - the scene, Ms. Dumas
20 wasn't there?

21 A. No.

22 Q. And I believe you testified that the hand gun involved
23 was an automatic.

24 A. Yes.

25 Q. Explain to the jury what your understanding of an

MICHAEL REID: CROSS BY MR. ATWATER.

130

1 automatic is.

2 A. Automatic is a gun that you load the bullets in with a
3 magazine. Not like the revolver.

4 Q. Did you understand -- Did you have any other
5 description from the hand gun other than the fact that it
6 was an automatic?

7 A. It was a small silverish, old type, automatic hand
8 gun.

9 Q. Okay. And who gave you this description of the hand
10 gun?

11 A. I believe the clerk, Marcella -- Marcelia [sic] gave
12 me the description of the hand gun.

13 Q. So Ms. Talford told you that this -- this -- this hand
14 gun was an automatic?

15 A. She told me it was a small gun.

16 Q. Did she tell you it was an automatic?

17 A. No, she didn't. I determined by looking at it.

18 THE COURT: On the tape?

19 A. Yes.

20 Q. So when you were viewing the tape it's your testimony
21 that you saw a hand gun?

22 A. You could see it. You could see the hand gun on the
23 tape.

24 Q. On the tape. And your testimony today that it was an
25 automatic did not come from her, but it came from your own

MICHAEL REID: CROSS BY MR. ATWATER

131

1 -- your own opinion of what you saw on the tape?

2 A. Yes.

3 Q. You never spoke to Ms. Dumas, did you?

4 A. No.

5 Q. That's all the questions I have, Officer. Thank you.

6 MS. THORNWELL: Nothing further from the State, Your
7 Honor.

8 THE COURT: You may step down.

9 (WITNESS LEAVING WITNESS STAND.)

10 THE COURT: It is 12:35. Unless you all tell me the
11 witness is going to take less than a half an hour we
12 probably ought to go ahead and break for lunch.

13 MR. SPRINGS: It would be longer than that, and I'm
14 starving, Your Honor. Thank you.

15 THE COURT: Let's be back at Two o'clock. There are
16 restaurants all up and down between here and there.

17 MS. THORNWELL: Your Honor, may the witness be
18 excused?

19 THE COURT: Any objection, Mr. Atwater?

20 MR. ATWATER: Your Honor, my only concern is that
21 based upon -- well, can we speak about this...

22 THE COURT: Oh, the jury is excused.

23 The jury is excused.

24 (JURY EXITS COURTROOM AT 12:35 PM.)

25 MR. ATWATER: Your Honor, my only concern is that

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

140

1 that down on that black cushion there. We appreciate you
2 coming, sir.

3 (WITNESS LEAVING WITNESS STAND.)

4 MR. SPRINGS: Bailiff, would you ask Judy Ashdown to
5 come in? Judy Ashdown.

6 Ms. Ashdown, if you'd come right up here, ma'am.
7 There is the Holy Bible and raise your right hand and place
8 your left hand on the Bible.

9 (WHEREUPON: JUDY ASHDOWN, BEING
10 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

11 DIRECT EXAMINATION

12 JUDY ASHDOWN BY MR. SPRINGS:

13 Q. Hold that mic fairly close to your mouth. It'll allow
14 everybody to hear what you have to say. What is your name,
15 ma'am?

16 A. Judy Ashdown.

17 Q. Ms. Ashdown, what do you do for a living?

18 A. I'm the Operations Manager for One Stop Food Stores.

19 Q. Okay. Is One Stop Food Stores a chain of convenience
20 stores?

21 A. Yes.

22 Q. And as Operations Manager, how wide a geographic area
23 do you cover?

24 A. From Hudson, North Carolina to Rock Hill, South
25 Carolina, to Saluda, North Carolina.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

141

1 Q. Okay. And as Operations Manager for the One Stop
2 convenience stores, does your territory, your management
3 territory, include the One Stop store that's at 1500
4 Albright Road in Rock Hill?

5 A. Yes.

6 Q. And as the Operations Manager, are you familiar with
7 the training that the store cashiers are given?

8 A. Yes.

9 Q. Are the new cashiers given any training in what to do
10 if there's an armed robbery?

11 A. Yes. They're -- They're trained when they're hired,
12 and then we have follow up meetings.

13 Q. Okay. In a nut shell, are your clerks trained to
14 fight the robber or cooperate with the robber?

15 A. Completely cooperate.

16 Q. Are you interested in the safety of your clerks?

17 A. Yes.

18 Q. As part of the training that your clerks receive, are
19 they given any particular instructions on how to hand over
20 the money to the armed robber?

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

22 MR. SPRINGS: I don't see how that suggests a yes or
23 no answer.

24 MR. ATWATER: It's not a yes or no, but it actually is
25 -- suggests the answer, Your Honor.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

142

1 THE COURT: Pose the question again.

2 MR. SPRINGS: Are your clerks given any instructions
3 in how to hand over the money to the armed robber?

4 THE COURT: That's all right.

5 Please answer the question.

6 A. Yes.

7 Q. How do you teach the clerks to give the money to the
8 robber pointing a gun at them?

9 A. We tell them to open the drawer, pull the drawer
10 insert out, set it on the counter and step back.

11 Q. Okay.

12 A. And make no sudden moves.

13 Q. Is the insert the thing with the slots for the various
14 bills and the change?

15 A. Yes.

16 Q. And what do you tell your clerks to do after the
17 robber leaves, assuming the clerk's still alive?

18 A. They're told first to lock the doors and then call
19 911.

20 Q. Okay. And do the One Stop stores have some things
21 that they have done, put in place in the stores to assist
22 the police if there is a robbery?

23 A. Yes.

24 Q. What's -- What's the first thing that comes to mind
25 that you have installed in your stores to insist the police

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

143

1 in gathering evidence?

2 A. Video cameras.

3 Q. Okay. The store at 1500 Albright, did it have video
4 cameras?

5 A. Yes.

6 Q. As the Operations Manager are you familiar with the
7 security video cameras in that particular store at Albright
8 Road?

9 A. Yes.

10 Q. The security system in the Albright Road store, does
11 it make -- Does it record the movies?

12 A. Yes.

13 Q. The cameras?

14 A. Yes.

15 Q. Does it record the movie on the old tape that we all
16 had for our VCR machines or is it computerized?

17 A. It's called a DVR. It's a Digital Video Recorder. It
18 doesn't require tapes.

19 Q. Okay. It's in the computer?

20 A. Yes. It's a hard drive.

21 Q. So when your computerized security system is on, say
22 at the Albright Road store, are the cameras making a movie
23 of what's taking place in front of the camera?

24 A. Yes.

25 Q. And does it save the movie for some period of time, so

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

144

1 if there's a robbery you can go back and review it?

2 A. Yes.

3 Q. How long does the computer save the movie?

4 A. At that store I believe it's probably somewhere
5 between three and four weeks.

6 Q. Okay. And after three and four weeks what happens to
7 it?

8 A. It overwrites the old and records over new.

9 Q. Okay. Okay. And the Albright Store -- the Albright
10 Road store does the camera system record 24/7, 24 hours a
11 day, seven days a week, or does it get turned off
12 sometimes?

13 A. No, it's on 24/7.

14 Q. Okay. All right. Now, I want to take you back to
15 August 9th of last year. Did one of your stores get
16 robbed?

17 A. Yes.

18 Q. And which store got robbed?

19 A. Store 121 on Albright Road.

20 Q. Okay. Did you go to the store yourself?

21 A. Yes.

22 Q. Okay. And did you get to the store fairly soon after
23 the robbery?

24 A. It was probably an hour. I have to come from Shelby.

25 Q. Okay. Did you review the video security system?

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

145

1 A. Yes.

2 Q. And was the clerk still alive?

3 A. Yes.

4 Q. Who was the clerk that got robbed?

5 A. Marcellus [sic].

6 Q. Okay. And was she there when you arrived?

7 A. No.

8 Q. Okay. Did you -- You did review the system.

9 A. Yes.

10 Q. Did you see on the system what looked like a robbery
11 to you?

12 A. Yes.

13 Q. Did you check -- How many cameras are in that store,
14 do you know?

15 A. I think there's nine.

16 Q. Okay. Did you check all the cameras at the time of
17 the robbery?

18 A. I didn't, no. I was looking specifically for the
19 robbery, so I would start with the camera at the register.

20 Q. Okay. Fair enough. You say you saw a robbery.

21 A. Yes.

22 Q. Okay. Did you want to save the movie of the robbery?

23 A. Yes.

24 Q. Did you save it on something?

25 A. On a flash drive.

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

146

1 Q. Okay. Is that one of those little stick things?

2 A. Yes.

3 Q. Do you have a computer of your own either at your own
4 office or at your home?

5 A. Yes. At my house.

6 Q. Did you put the images from the flash drive on your
7 computer?

8 A. Yes.

9 Q. At your house?

10 A. Yes.

11 Q. Okay. Did you give the police a copy of what was on
12 the flash drive?

13 A. Yes.

14 Q. Do you recall, Ms. Ashdown, you said there were nine
15 cameras in the store - - -

16 A. Yes.

17 Q. - - - how many cameras did you say shown the robbery?

18 A. Three.

19 Q. Okay. And you say you gave the police a copy of it.

20 A. Yes.

21 Q. And did the police turn right around and lose it?

22 A. Short -- Well I think it was like a month or so after
23 I got a call saying that they had misplaced the video and
24 could I get them another copy of it.

25 Q. Okay. So at that point with the system in the store,

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

147

1 I'll call it the big computer, would it have already erased
2 the robbery in the store?

3 A. Yes.

4 Q. But you had it saved where?

5 A. On my flash drive and my computer at the house.

6 Q. Okay. So when the police lost the one you gave them
7 the first time, did you make 'em another copy?

8 A. Yes.

9 Q. Now, a minute ago you said that the robbery you
10 recorded you saved and recorded three camera angles.

11 A. Yes.

12 Q. In your computer were the three cameras -- three
13 camera vid -- three camera angles all on one thing you
14 clicked on or more than one thing?

15 A. No, and I have several files from several different
16 stores and different robberies on my computer.

17 Q. Okay. So, the police lost the video of the August 9th
18 robbery at Albright Road. You went to make them another
19 one.

20 A. Yes.

21 Q. Did you make them another one?

22 A. Yes.

23 Q. When you made them another, did you get all three
24 camera angles on that one?

25 A. No. I couldn't find where the third one was at that

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

148

1 time so I made a copy of the two that I knew where for that
2 robbery.

3 Q. Okay. And later did you go back and find the third
4 one and get all three?

5 A. Yes.

6 Q. Okay. I've got -- I've got the history now. Did you
7 talk with the clerk, Marcella -- don't tell us what she
8 said. She'll tell us herself later. Did you talk to her
9 about talking to Mr. Michael Atwater, the defense attorney,
10 did you give her your opinion of that?

11 A. I received a call from Marcellus' store manager one
12 day and she said that the defense attorney was trying to
13 talk to Marcellus and wanted to know if Marcellus should
14 talk to him. And what I told her was to call the District
15 Attorney's office and if they said that she had to talk to
16 the Defense Attorney, then she had to. But if -- if the
17 D.A.'s office said that it was up to us, then I did not
18 want her talking to him.

19 Q. As a rule do you feel warm and fuzzy towards the
20 Defense Attorney's representing the robbers of your stores?

21 A. No.

22 Q. Now, do you know what bait money is?

23 A. Yes.

24 Q. Will you tell the story of what bait money is?

25 A. In our stores we have a two dollar bill in ever

JUDY ASHDOWN: DIRECT BY MR. SPRINGS:

149

1 register and it's kept underneath the ones, the one dollar
2 bills. It's store stamped on the back with the store stamp
3 that has the store number. Sometimes it has the store
4 address on it. And our employees are trained to only give
5 that bill out in the case of a robbery.

6 Q. And that way if the police catch the robber, what --

7 A. It only works usually if they're caught fairly
8 quickly. Because if they're not caught quickly then they
9 usually get rid of the two dollar bill.

10 Q. Okay. All right. But it has the name One Stop Stores
11 stamped on it?

12 A. Yes.

13 Q. And the banks do the same thing. They keep bait money
14 so if the robber is caught later there's something to tie
15 them to the bank?

16 MR. ATWATER: Objection, Your Honor, that calls for

17 --

18 MR. SPRINGS: I'll withdraw that question.

19 Q. In your experience, do banks also use bait money?

20 MR. ATWATER: Same objection, Your Honor. There's no
21 foundation.

22 THE COURT: You don't have any foundation.

23 MR. SPRINGS: All right. I'll withdraw the question.

24 Q. Do you know whether or not your store on Albright Road
25 that was robbed on August 9th, do you know whether they

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

177

1 MR. SPRINGS: We call Marcella Talford.

2 (WHEREUPON: MARCELLA TALFORD,
3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 DIRECT EXAMINATION

5 MARCELLA TALFORD BY MR. SPRINGS:

6 Q. You nervous?

7 A. Yes.

8 Q. Try not to be nervous. Tell us your name, ma'am, and
9 speak up nice and loud so we all hear you. We have to hear
10 what you have to say okay.

11 A. Marcella Talford.

12 Q. Ms. Talford, where do you work?

13 A. At the One Stop on Albright Road.

14 Q. Okay.

15 Q. Okay. And were you working there -- I'm sorry. What
16 -- what -- what do you do? What's your job there at the
17 One Stop?

18 A. Cashier.

19 Q. Okay. Were you working at the One Stop store on
20 Albright Road around 3:30 on the afternoon of August 9th of
21 last year?

22 A. Yes.

23 Q. Were you the only clerk on duty working in the store
24 at that time?

25 A. Yes.

1 Q. Around 3:30 that afternoon, did something bad happen?

2 A. Yes.

3 Q. What happened?

4 A. There was a -- we had a robbery.

5 Q. And how many robbers were there?

6 A. Just one.

7 Q. And was the robber a man or was it a woman?

8 A. A woman.

9 Q. Did the woman have a weapon when she robbed you?

10 A. Yes.

11 Q. So it was an armed robbery?

12 A. It was an armed robbery.

13 Q. What kind of weapon did the woman have when she robbed
14 you?

15 A. A gun.

16 Q. Okay. Was it a rifle or a hand gun?

17 A. A hand gun.

18 Q. All right. And was the woman robber wearing any kind
19 of a mask over her face?

20 A. No.

21 Q. And did the woman robber ever point a hand gun at you?

22 A. Yes, she did.

23 Q. Pointing it at your body?

24 A. Yes.

25 Q. Now, where were you standing in the store when the

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

179

1 woman robber pointed the gun at your body?

2 A. I was standing at the register -- at the cash
3 register.

4 Q. Behind the register?

5 A. Behind the register.

6 Q. Where -- Where clerks check people out?

7 A. Uh-huh.

8 Q. And when the woman robber came up to the counter where
9 you were working were there other folks in the store at
10 that moment?

11 A. No.

12 Q. Just you and the robber.

13 A. Yes.

14 Q. When you saw the gun what -- what did you -- what did
15 you feel? What was your mental reaction when you saw that
16 gun?

17 A. I was scared, very scared.

18 Q. Did you actually say something when you saw a gun, a
19 woman pointing a gun at you? What's the first thing you
20 said when you saw that gun?

21 A. I ask her if she was serious.

22 Q. You said, are you serious?

23 A. Yes.

24 Q. What did the woman robber pointing the gun at your
25 body say? Do you remember what she said when she pointed

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

180

1 the gun at you and you went, are you serious?

2 A. Yes, she asked for the money.

3 Q. And have you been trained by the store management in
4 what to do if a robber comes up and points a gun at you?

5 A. Yes.

6 Q. What are you supposed to do with the money if you're
7 robbed?

8 A. Just take the -- Open the cash register and take the
9 drawer out and put it on counter.

10 Q. Okay. And did you do that?

11 A. Yes.

12 Q. Okay. And when the woman robber did that were you
13 still scared?

14 A. Yes.

15 Q. Did you know whether or not you were gonna get shot?

16 A. No, I did not.

17 Q. After you put the cash register drawer up -- Was there
18 cash money in the drawer?

19 A. Yes.

20 Q. Was the robber satisfied at that point?

21 A. No.

22 Q. Was that enough?

23 A. No.

24 Q. What did she say to indicate to you that isn't enough?

25 A. She asked where was the rest of it.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

181

1 Q. Was there some more money back behind the counter?

2 A. Yes.

3 Q. Tell us about that. Where did the other money behind
4 the counter how did it get there and why was it not also in
5 the drawer? Do you understand what I'm saying?

6 A. Uh-huh.

7 Q. Tell us about that.

8 A. It was laying kinda to my right and then to my left in
9 an envelope. I was about to drop them into the safe
10 because we can't keep twenties in our register. So I was
11 about to put it into the safe. And I guess that's the
12 money that she was asking for.

13 Q. Okay. So, did you have some more money under the
14 counter and you get it for her?

15 A. Yes.

16 Q. Did you pull it out?

17 A. Yes.

18 Q. And your say it was in -- in an envelope?

19 A. Yes.

20 (WHEREUPON: STATE'S EXHIBIT NUMBER FIFTEEN PREMARKED
21 FOR IDENTIFICATION.)

22 MADAME COURT REPORTER: Fifteen, Mr. Springs.

23 BY MR. SPRINGS:

24 Q. Ms. Talford, look at what's inside this envelope
25 that's now been marked State's Exhibit Fifteen Pull that

MARCELLA TALFORD: DIRECT BY MR. SPRINGS
CROSS BY MR. ATWATER

182

1 thing out and tell the jury if you recognize it.

2 A. Yes. It's the envelope that the money was in.

3 Q. Okay. The drop money?

4 A. The drop money, yes.

5 Q. Okay. Go ahead and put it back in its envelope there.

6 MR. SPRINGS: Your Honor, we do offer State's Exhibit
7 Fifteen into evidence.

8 THE COURT: Any objection?

9 MR. ATWATER: If I could just ask one or two question
10 real quick, Your Honor.

11 THE COURT: Sure.

12 CROSS EXAMINATION

13 MARCELLA TALFORD BY MR. ATWATER:

14 Q. Ms. Talford, that envelope, do you know the number on
15 it?

16 A. Well, I just looked at it.

17 Q. Okay, did you see the number?

18 A. Yes.

19 Q. Before that did know the number on it?

20 A. No.

21 Q. How many of those envelopes are in the store at any
22 given time?

23 A. Maybe 100, 200.

24 Q. Okay. Do you way of saying here today that that's the
25 specific envelope that -- that -- that you -- you were

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

183

1 dealing with when you were handling it on that day?

2 A. No.

3 MR. ATWATER: Okay, Your Honor, I would object to its
4 admission.

5 THE COURT: Anything further from the State?

6 MR. SPRINGS: No, sir. Nothing further. I will
7 withdraw my offering of that into evidence and move on to
8 something ...

9 THE COURT: Okay.

10 MR. SPRINGS: Something a little different.

11 (WHEREUPON: STATE'S EXHIBIT SIXTEEN THROUGH TWENTY
12 PREMARKED FOR IDENTIFICATION.)

13 BY MR. SPRINGS:

14 Q. First of all, let me show you what's been marked
15 State's Exhibit Eighteen and Nineteen. Take a look at
16 those pictures. Do you recognize what those show?

17 A. Yes.

18 Q. What -- what all -- what place is that?

19 A. That's -- this is the store.

20 Q. Okay. Is that your checkout counter?

21 A. Yes. This is the counter.

22 Q. Is that an accurate picture of what it looked like
23 back then?

24 A. Yes.

25 Q. Okay. Both of 'em accurate pictures? Nothing phony

1 about 'em?

2 A. Yes, their marked what they look like.

3 Q. Okay. Let me check the number one more time.

4 MR. SPRINGS: These are pictures of the checkout,
5 States Nineteen and Eighteen, Your Honor, we do offer them
6 in to evidence.

7 MR. ATWATER: Without objection, Your Honor.

8 THE COURT: Entered without objection.

9 (WHEREUPON: STATE'S EXHIBIT NUMBER EIGHTEEN AND
10 NINETEEN IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

11 BY MR. SPRINGS:

12 Q. Now --

13 MR. ATWATER: And, Your Honor, we'll stipulate that
14 those photos show the envelope that he prior offered.

15 Q. Well let's -- let's move on to State's Twenty. Do you
16 recognize that counter?

17 A. Yes.

18 Q. Is that your counter there?

19 A. Yes.

20 Q. Okay. And State's Sixteen, is that your counter?

21 A. Yes.

22 Q. Does it show the cash drawer?

23 A. Yes.

24 Q. Does it show the little yellow envelope on the
25 counter?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

185

1 A. Yes.

2 Q. Okay. And the cash drawer, is it sitting there and
3 the little en -- yellow envelope that had money it, are
4 they sitting there the way the robber lady, robber left
5 'em?

6 A. Yes.

7 Q. Okay. And those are accurate pictures of the way that
8 it looked after the robber left the store?

9 A. Yes.

10 Q. Okay. And State's Exhibit Seventeen, do you recognize
11 what that is?

12 A. Yes. That's the envelope.

13 Q. Okay. The drop envelope.

14 A. On the counter, yes.

15 Q. Okay.

16 MR. SPRINGS: So, Your Honor, we do offer -- is that
17 an accurate picture of the drop envelope?

18 A. Yes.

19 MR. SPRINGS: We do offer State's Exhibit Seventeen
20 and Twenty and Sixteen at this time.

21 MR. ATWATER: No objection, Your Honor.

22 THE COURT: In without objection.

23 (WHEREUPON: STATE'S EXHIBITS SIXTEEN, SEVENTEEN AND
24 TWENTY IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

25 BY MR. SPRINGS:

1 Q. So State's Exhibit Seventeen shows the drop envelope
2 where you reach down to get -- I guess it was twenties?

3 A. Yes, twenties.

4 Q. Okay. Were you scared?

5 A. Yes.

6 Q. Would you have given the store's money to the robber
7 if the gun hadn't been pointed at you?

8 A. If it hadn't been pointed at me?

9 Q. Right.

10 A. No.

11 Q. The gun, Ms. Talford, do you know the difference
12 between a revolver hand gun and an automatic pistol?

13 A. Yes.

14 Q. The gun that was pointed at you, which one was it a
15 revolver or an automatic?

16 A. It was an automatic.

17 Q. Do you remember what color it was?

18 A. I remember it being like a silver color or a dark
19 color, dark silver- gray.

20 Q. Okay. Bate money. Do you know what bate money is?

21 A. Yes.

22 Q. When you got your training as a clerk for One Stop did
23 they tell you about the bate money?

24 A. Yes.

25 Q. Did your cash drawer this day have any bate money in

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

187

1 it?

2 A. Yes it did.

3 Q. What -- what -- what bate money was it? Can you
4 describe it to the jury?

5 A. It was a Two Dollar bill that had our store's stamp on
6 it.

7 Q. Okay. The name of the store?

8 A. Yes.

9 Q. Okay. And the woman robber who was pointing the
10 silver automatic at you, did she take -- did she take the
11 cash money out of the drawer -- out of the tray?

12 A. Yes.

13 Q. When you put the drop money up in the yellow envelope
14 did she take that money?

15 A. Yes.

16 Q. After she got all the money, where did she go?

17 A. She left out of the store.

18 Q. After she left the store, what did you do?

19 A. I went behind -- went on the other side of counter and
20 locked the doors and came back and called the police.

21 Q. Okay. All right. And did you get a 911 operator on
22 the phone?

23 A. Yes.

24 Q. And did you tell the 911 operator what had happened?

25 A. Yes.

1 Q. I'm showing you the disc that's been marked State's
2 Exhibit Ten for identification. This is a CD disc. Do you
3 know what's on that?

4 A. The 911 call.

5 Q. Is it your 911 call?

6 A. Yes.

7 Q. I see some initials on it.

8 A. Yes.

9 Q. Whose initials are they?

10 A. Mine. My initials.

11 Q. Okay. You've heard the disc of your 911 call?

12 A. Yes.

13 Q. Is it a true and accurate recording of what you
14 yourself said to the operator - the 911 operator?

15 A. Yes.

16 Q. Is it totally accurate -- no -- no funny business
17 about it, nothing added or jazzed up, it's just the way it
18 was that you recall?

19 A. Yes.

20 Q. Okay. All right. True and accurate?

21 A. Yes.

22 MR. SPRINGS: Your Honor, we do offer the 911 call by
23 Ms. Talford, State's Exhibit Ten into evidence.

24 THE COURT: Any problem? Unless you got something
25 else I'm gonna recognize the prior objection, note the

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

193

1 (WHEREUPON: STATE'S EXHIBIT'S TWENTY-ONE THROUGH
2 THIRTY, PREMARKED FOR IDENTIFICATION.)

3 (BACK ON THE RECORD AT 03:40 PM.)

4 THE COURT: You may be seated.

5 All right.

6 (JURY REENTERS COURTROOM AT 03:42 PM.)

7 THE COURT: All right, you may continue.

8 MR. SPRINGS: We do offer into evidence, Your Honor,
9 State's Exhibit Ten, the 911 call made by Ms. Talford.

10 THE COURT: In subject to objection.

11 (WHEREUPON: STATE'S EXHIBIT NUMBER TEN IDENTIFIED AND
12 MARKED, ENTERED INTO EVIDENCE.)

13 (STATE'S EXHIBIT NUMBER TEN PUBLISHED TO THE JURY.)

14 BY MR. SPRINGS:

15 Q. Is that you calling the police?

16 A. Yes.

17 Q. You told the dispatcher there was a guy in the parking
18 lot after the robber left, and you told him you were
19 closed. What -- Was that a man or a woman, or...?

20 A. It was a man.

21 Q. Young man or old man?

22 A. It was an older guy.

23 Q. Okay. And did he stick around or did he leave?

24 A. I guess he left. I kinda pushed him -- not really
25 pushed him, but I told him we're closed, and he turned

1 around and left.

2 Q. Okay. Is he frequent? Is this somebody that comes to
3 the store occasionally, or somebody you've seen before as a
4 customer?

5 A. Yes.

6 Q. Elderly man?

7 A. Yes, elderly man.

8 Q. Okay. Black man or white man?

9 A. White man.

10 Q. Did -- Did the store security cameras make a movie of
11 the robbery?

12 A. Yes.

13 Q. Have you watched the movie that was made of the
14 robbery?

15 A. Yes.

16 Q. The movie that was made, the movie you saw later, is
17 it exactly the way you saw it with your own eyes?

18 A. Yes.

19 Q. The camera that is over your check out area, is it
20 black and white or color?

21 A. Black and white.

22 Q. Okay. Does it have some sound, some audio?

23 A. Yes.

24 Q. Okay. And the other cameras, are they black and white
25 or are they color?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

195

1 A. They're in color.

2 Q. So you've seen the movie and it's exactly the way you
3 saw and heard it that day?

4 A. Yes.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE
6 PREMARKED FOR IDENTIFICATION.)

7 Q. I'm showing you a disk, a DVD, that's been marked
8 State's Exhibit Thirty-One. Have you seen the movie on
9 this DVD before?

10 A. Yes.

11 Q. And is it the -- the video from the armed robbery on
12 August 9th?

13 A. Yes.

14 Q. And is it just the way you remember it with your own
15 eyes and ears?

16 A. Yes.

17 Q. Nothing funny about it. No phony bologna things
18 edited or taken away?

19 A. No.

20 Q. Okay.

21 MR. SPRINGS: Your Honor, we do offer into evidence
22 State's Exhibit Thirty-One.

23 MR. ATWATER: I have just a few questions, Your Honor.

24 CROSS EXAMINATION

25 MARCELLA TALFORD BY MR. ATWATER:

1 Q. Ms. Talford, the -- the video that you have viewed,
2 you did not prepare that video did you?

3 A. No.

4 Q. And you didn't have any say whatsoever in what went --
5 what went onto the video. Right?

6 A. No.

7 Q. Okay. And you agree that it does not show all of the
8 views and the entire events that occurred at the store that
9 day. Correct?

10 A. No. It does not show -- it does not all nine cameras.

11 Q. Okay. It's only three cameras if I understand
12 correctly today.

13 A. Yes.

14 Q. Have you -- Have you seen the one that has three views
15 now?

16 A. Yes.

17 Q. Because before that you saw the one that had only two
18 views. Right?

19 A. Yes.

20 Q. Okay. So, you've had an opportunity to look at the
21 one that they've added an extra view to?

22 A. Yes.

23 Q. And you'll agree with me that that is only a partial
24 portrayal of everything that happened from what Ms. -- when
25 Ms. Dumas came in the door to when she left. Right?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

197

1 A. Yes.

2 MR. ATWATER: That's all I have for this witness, Your
3 Honor. Your Honor, we'd object that the video is not
4 accurately portray a fair portrayal of the incidents that
5 occurred in the store that day, in that it has been
6 controlled and redacted in a manner to which it does not --
7 it only shows limited views that have been chosen to be
8 produced and it doesn't show all the views that were
9 available.

10 THE COURT: I'll have to overrule the objection of
11 course on that cross examining of her on.

12 MR. ATWATER: Thank you.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE
14 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

15 DIRECT EXAMINATION - CON'T

16 MARCELLA TALFORD BY MR. SPRINGS:

17 Q. Can you seen the screen, Ms. Talford?

18 A. Yes.

19 Q. Apparently I don't know how to run this thing, Your
20 Honor.

21 (STATE'S EXHIBIT THIRTY-ONE PUBLISHED TO THE JURY AT
22 03:55 PM.)

23 Q. Is that another customer that just walked out?

24 A. Yes.

25 Q. Is that the robber?

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

198

1 A. Yes.

2 Q. And that's you by the counter in the white colored
3 shirt?

4 A. Yes.

5 (STATE'S EXHIBIT THIRTY-ONE CONTINUED TO PLAY.)

6 Q. That little clip there, Ms. Talford, is that before
7 she got up to the counter to rob you?

8 A. Yes.

9 Q. Did she walk into your counter at that point?

10 A. Yes.

11 Q. Play the first one one more time.

12 (STATE'S EXHIBIT NUMBER THIRTY-ONE PUBLISHED TO THE
13 JURY.)

14 MR. SPRINGS: Bring up the lights please.

15 (COURTROOM LIGHTS TURNED BACK UP.)

16 BY MR. SPRINGS:

17 Q. So did the police get there pretty quick?

18 A. Yes.

19 Q. That blue uniform look pretty good?

20 A. Yes.

21 Q. Did you tell the officers who got there what had
22 happened?

23 A. Yes.

24 Q. Do you remember Officer Reid?

25 A. Yes.

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

199

1 Q. And later on did you talk to a detective?

2 A. Yes.

3 Q. Before we get into you talking to the detective, let's
4 cover one more thing.

5 (WHEREUPON: STATE'S EXHIBITS TWENTY-ONE THROUGH
6 TWENTY-SIX AND TWENTY-EIGHT THOUGH THIRTY PREMARKED FOR
7 IDENTIFICATION.)

8 Q. All right there's State's Exhibit's Thirty and Twenty-
9 nine and Twenty-eight and Twenty-five, Twenty-six, Twenty-
10 two, Twenty-three and Twenty-four and Twenty-one. I'm
11 gonna ask you to look at all those, just quietly to
12 yourself, and after you've looked at each one just look up
13 and let me know I'm gonna ask you a question.

14 (WITNESS REVIEWING EXHIBITS.)

15 Q. Where were those photos pulled out of, where did they
16 come from?

17 A. They came from the video.

18 Q. Okay. Are they accurate photos of what you saw with
19 your own eyes?

20 A. Yes.

21 Q. Okay. And they're from the video we just saw?

22 A. Yes.

23 Q. Nothing phony about it?

24 A. No.

25 MR. SPRINGS: Your Honor, we do offer into evidence

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

200

1 State's Twenty-six, Twenty-two, Twenty-three, Twenty-four,
2 Twenty-one, Twenty-five, Twenty-eight, Thirty and Twenty-
3 nine.

4 MR. ATWATER: No objection, Your Honor.

5 THE COURT: Can I see them?

6 MR. ATWATER: E.B. -

7 THE COURT: That's fine.

8 MR. ATWATER: The Judge asked if he could see them.

9 THE COURT: If you're gonna show them that's fine.

10 MR. SPRINGS: Okay.

11 (WHEREUPON: STATE'S EXHIBITS TWENTY-ONE THROUGH
12 TWENTY-SIX, TWENTY-EIGHT THROUGH THIRTY IDENTIFIED AND
13 MARKED, ENTERED INTO EVIDENCE.)

14 (STATE'S EXHIBIT'S TWENTY-FIVE PUBLISHED TO THE JURY.)
15 BY MR. SPRINGS:

16 Q. This is State's Exhibit Twenty-five, and that person
17 over on the left side, is that the robber?

18 A. Yes.

19 Q. This is State's Exhibit Twenty-eight.

20 (STATE'S EXHIBIT TWENTY-EIGHT PUBLISHED TO THE JURY)

21 MR. SPRINGS: Over here, is this the robber over here
22 on the right?

23 A. Yes.

24 Q. What's in her hand right there?

25 (INDICATING TO EXHIBIT TWENTY-EIGHT).

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

201

1 A. That's the gun.

2 Q. State's Exhibit Thirty. I tell you what. These --
3 these come across so poorly with this machine we'll wait
4 and let the jury look at them later.

5 If you can bring the lights up.

6 (COURTROOM LIGHTS TURNED UP.0

7 Q. Okay. So you met with the detective?

8 A. Yes.

9 Q. And did the detective take a written statement from
10 you?

11 A. Yes.

12 Q. Was it real long and real detailed or just a quick
13 summary of what had happened?

14 A. Just a quick summary.

15 Q. Okay. And when you met with the detective was it
16 within a day of the robbery?

17 A. Yes.

18 Q. Okay. Did the detective show you a photo lineup?

19 A. Yes.

20 Q. When he showed you the photo lineup, did he tell you
21 what you were gonna see, or -- Do you remember what he told
22 you?

23 A. Just that he was gonna show me some photos.

24 Q. Okay. All right. And he showed you some photos.

25 A. Yes.

1 Q. And did you recognize anybody in the photos?

2 A. Yes.

3 Q. Who -- What person did you recognize in the
4 photographs?

5 A. I recognized the person that had robbed me.

6 Q. Okay. All right. Did the detective tell you in
7 advance you're gonna see the person you robbed -- who
8 robbed you? Or did he just lay it down there and let you
9 decide what you were seeing?

10 A. He just put them down. He didn't tell me what I was
11 gonna be looking at.

12 Q. Okay.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO.
14 PREMARKED FOR IDENTIFICATION.)

15 BY MR. SPRINGS:

16 Q. I'm showing you what's been marked State's Exhibit
17 Thirty-two. Is that the line up?

18 A. Yes.

19 Q. Okay. And did you put your initials on the person
20 that you recognized as -- as the woman who had robbed you?

21 A. Yes.

22 Q. Okay. And is that -- That's your handwriting and
23 initials right up there?

24 A. Yes.

25 Q. Okay. And it's dated August 10th. So he -- He showed

MARCELLA TALFORD: DIRECT BY MR. SPRINGS

203

1 it to you the next day?

2 A. Uh-huh. The very next morning.

3 Q. All right.

4 MR. SPRINGS: We do offer State's Exhibit Thirty-two
5 into evidence, Your Honor.

6 MR. ATWATER: No objection, Your Honor.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO
8 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

9 MR. SPRINGS: And ask to publish it to the Jury.

10 THE COURT: All right.

11 MR. SPRINGS: Would you tell the jurors just pass this
12 around to each other then back to you, sir.

13 (STATE'S EXHIBIT NUMBER THIRTY-TWO PUBLISHED TO THE
14 JURY AT 04:20 PM.)

15 BY MR. SPRINGS:

16 Q. Ms. Talford, do you see in this room the woman that
17 came into the store and pointed a gun at you and robbed you
18 on August 10th of last year -- August 9th last year? Do
19 you see her?

20 A. Yes.

21 Q. Point her out if you see her in this courtroom.

22 A. She's Ms. Dumas.

23 Q. Let the record show she's pointing to the defendant,
24 Connie Dumas.

25 I beg the Court's indulgence one moment.

1 A. Yes.

2 Q. Okay, and on that -- on that occasion Mr. Springs told
3 you that you were free to speak to me if you wanted to.
4 Right?

5 A. Yes.

6 Q. And when he told you that, we shut the phone off.
7 Right?

8 A. Yes.

9 Q. And then I asked you would you speak to me about it.
10 Right?

11 A. Yes.

12 Q. And you told me you didn't want to. Correct?

13 A. Yes.

14 Q. You said you had no desire to have any discussion with
15 me whatsoever. Correct?

16 A. Yes, and we didn't talk.

17 Q. All right. Now, you've testified that Ms. Dumas
18 pulled a gun out of the back of her waistband haven't you?

19 A. Out of the back, yes.

20 Q. Okay. So it was your testimony that she reached
21 around to her back and pulled out a gun. Correct?

22 A. Well, I'm not sure she reached around -- she pulled a
23 gun out of the waistband of her pants. Whether it was the
24 side or the front or the back -- I may have said the back,
25 but it might have been the side and it may have been the

MARCELLA TALFORD: CROSS BY MR. ATWATER

224

1 front.

2 Q. You're -- you're not gonna dispute that you've
3 actually given testimony that she pulled it out of the back
4 of her waistband are you?

5 A. No, I'm not gonna -- I may have said that.

6 Q. You did do that before. Right?

7 A. I may have said that.

8 Q. And when you watched these videos here, you didn't see
9 her reach around her back and pull anything out did you?

10 A. No, not from the back. Even from the video I'm not
11 sure if she pulled it out from the side or the front. I
12 didn't really see her hand go to the back no.

13 Q. Okay. And it was your testimony that when she stepped
14 up to the counter she pulled a gun and pointed it at you.
15 Correct?

16 A. Yes.

17 Q. All right. Now when Ms. Dumas came up to you at the
18 counter you had a conversation with her. And do you recall
19 her asking you where the rest of it was?

20 A. Yes.

21 Q. Okay. And what was your understanding she was
22 meaning?

23 A. She was robbing me. She wanted the rest of the money
24 since there was not a lot in the register.

25 Q. Okay.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

234

1 here's the Bible, if you'll raise your right hand and take
2 the oath.

3 (WHEREUPON: STEPHEN
4 SINCLAIR, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
5 FOLLOWS:)

6 MADAME COURT REPORTER: Mr. Sinclair, let that last
7 juror over in that jury box hear you.

8 MR. SINCLAIR: All right. Thank you.

9 DIRECT EXAMINATION

10 STEPHEN SINCLAIR BY MR. SPRINGS:

11 Q. Mr. Sinclair speak up nice and loud. Sort of hold the
12 mic up so it picks up what you're saying. Tell the Jury
13 your name, sir.

14 A. Stephen Sinclair.

15 Q. Mr. Sinclair, I want to ask you about things that
16 happened at the One Stop Food Store on Albright Road on
17 August the 9th of last year. Were you at the One Stop Food
18 Store on the afternoon of August the 9th of last year?

19 A. Yes.

20 Q. Okay. Had you ever been to that store before?

21 A. Yes.

22 Q. That afternoon, about 3:30, were you at the store?

23 A. Yes.

24 Q. Now what was going on in your life that day? First of
25 all, it's August the 9th. What does that mean to Stephen

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

235

1 Sinclair?

2 A. That would be my birthday.

3 Q. Okay. And do you have children?

4 A. Yes.

5 Q. And are you and your ex separated?

6 A. Correct.

7 Q. Okay. What were you doing about 3:30 in regards to
8 your kids?

9 A. I had pulled up to the store and was waiting for my
10 ex-wife to arrive to transfer the kids. We had just went
11 in the store and come back out.

12 Q. Okay. All right. And while -- Did you yourself go in
13 the store briefly?

14 A. Yes, we did.

15 Q. Okay. Did you buy some -- With your kids?

16 A. Yes.

17 Q. And did you buy something?

18 A. Yes.

19 Q. And did you pull -- Did you use cash money or a credit
20 card when you bought something?

21 A. I used my cash.

22 Q. Okay. When you were paying for your purchase did you
23 notice anybody real interested in your cash?

24 A. Yes.

25 Q. And was it a man or a woman?

1 A. A black female.

2 Q. Okay. And describe how she seemed to be real
3 interested in your cash.

4 A. As I was standing there paying, going through my cash,
5 I had looked over and seen somebody looking over my
6 shoulder briefly and I looked back at them. They turned
7 their head and went the other way.

8 Q. Okay. And you paid for your purchase and go on out to
9 wait in the car?

10 A. Yes.

11 Q. Did you have a car or a truck or an SUV or what that
12 day?

13 A. I consider it my SUV.

14 Q. Okay.

15 A. Yes, sir.

16 Q. All right. So you and the kids are in the car?

17 A. Correct.

18 Q. And your waiting -- what, waiting on your ex to come
19 and pick them up?

20 A. Correct.

21 Q. Okay. And as you're out there in the car waiting on
22 the kids' mom to come and get the kids, did something --
23 did you see something unusual?

24 A. Yes I did. I watched a black lady walk out of the
25 store carrying a lot of cash and a pistol.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

237

1 Q. And had you seen her in the store before?

2 A. It was the same woman I recognized looking over my
3 shoulder.

4 Q. Okay. All right. Were you out of your vehicle or in
5 the vehicle when she came out?

6 A. Excuse me?

7 Q. Were you sitting in your vehicle or were you standing
8 outside when she came out of the store with the gun and the
9 money?

10 A. We were sitting in the car.

11 Q. Okay. And how -- At the closest point, she was to
12 you, about how far away was she with the gun and the cash?

13 A. Uh...

14 Q. I tell -- I tell you what, was she closer than me to
15 you?

16 A. Much closer.

17 Q. All right, as I come slowly towards you, you tell me
18 to stop when I get the distance that she was when she was
19 the closest. If that makes sense.

20 A. Okay.

21 Q. You tell me to stop when I get there.

22 (SOLICITOR WALKING TOWARD WITNESS.)

23 A. That's accurate.

24 Q. Okay. All right. And when you saw somebody come out
25 of the convenience store with a gun in one hand and cash

1 money in the other, what did you think had happened?

2 A. I knew the store had been robbed at gun point.

3 Q. Okay. Let me show you what's been marked as State's
4 Exhibit Six for identification, and State's Exhibit Three.
5 Do you recognize what's shown in those photos?

6 A. Yes.

7 Q. And do these photos -- Is that the store? Is that the
8 One Stop?

9 A. Yes, that is.

10 Q. Does it kind of show where you were parked that day?

11 A. Yes, it does.

12 Q. Which -- which one of the two?

13 A. This one here shows my truck.

14 Q. It -- does it actually --

15 A. This is my SUV in the picture.

16 Q. It's actually in the picture. Okay. All right. And
17 that's State's Exhibit Six. And let's put it on this
18 projector real quick.

19 MR. SPRINGS: It's temperamental; give it a minute.

20 Okay, could you dim the lights, please?

21 Mr. Bailiff, is there a pointer behind this thing?

22 Okay. All right. Let's see if I can do this.

23 Q. Mr. Sinclair, a minute ago, you indicated to me that
24 this is your vehicle here; is that right?

25 A. That is correct.

STEPHEN SINCLAIR: DIRECT BY MR. SPRINGS

239

1 Q. Okay. And this looks like it's more of the front of
2 the store.

3 A. She walked out the door that is open.

4 Q. Over here?

5 A. Yeah. There's a door right there in the opening. The
6 door was held open.

7 Q. And came this way?

8 A. Walked right in front of my truck.

9 Q. Okay.

10 A. Right down by the side of the building.

11 Q. Okay. Did she turn the corner of the building?

12 A. No. In -- In the other photo is a blue Allied Waste
13 dumpster.

14 Q. Yes.

15 A. Her car is was parked in front of it.

16 Q. Okay. Let's get that out. State's Exhibit Number
17 One. Let's see... It's grainy on this system. Is that
18 the dumpster there?

19 A. Yes it is.

20 Q. Okay. And this is the side of the convenience store?

21 A. Correct.

22 Q. Okay. So, looks -- Looks like her car wasn't too far
23 from where you were.

24 A. That is correct.

25 MR. SPRINGS: Could you bring the lights up please.

1 Q. And did you get a look at the car?

2 A. Yes, I did.

3 Q. And did she get in the car and leave?

4 A. Yes, she did.

5 Q. Did you have a cell phone with you?

6 A. Yes.

7 Q. Did you call the police?

8 A. Yes.

9 Q. Did you dial 911?

10 A. Yes.

11 Q. Okay. And did you tell the 911 operator what you had
12 seen and - -

13 A. Yes.

14 Q. Did you give them a description of the car?

15 A. Yes, I did.

16 Q. I don't know if this is the best picture we have, this
17 aerial photo that shows the store. There's a bank next to
18 the store. There are the pumps. Do you see 'em?

19 A. Yes.

20 Q. That looks like the dumpster there. So all -- She runs
21 around here?

22 A. And then straight to about here, goes straight out on
23 the road, comes down here, and then continues down 72
24 towards Chester.

25 Q. Okay. And you call the police on your cell phone?

JERRY WALDROP: DIRECT BY MR. SPRINGS

258

1 (JURY REENTERING COURTROOM AT 09:42 AM.)

2 THE COURT: Good morning.

3 Solicitor.

4 MR. SPRINGS: We call Detective Jerry Waldrop.

5 (WHEREUPON: DETECTIVE JERRY
6 WALDROP, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
7 FOLLOWS:)

8 DIRECT EXAMINATION

9 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

10 Q. Detective, let me get you to use that hand held mic so
11 that everyone in the courtroom hears what you have to say.

12 What is your name, sir.

13 A. Jerry W. Waldrop.

14 Q. What do you do for a living?

15 A. Rock Hill Police Department.

16 Q. Are you a detective?

17 A. Yes.

18 Q. How long have you been a law enforcement officer; all
19 together how many years?

20 A. Thirty-seven years.

21 Q. How long have you been a detective?

22 A. I been in plain clothes since 1982.

23 Q. Were you on duty working as a Rock Hill City detective
24 on the afternoon of August the 9th of 2010 around 3:30?

25 A. I was.

1 Q. Where were you located about 3:30?

2 A. I was in the office at my desk.

3 Q. Okay. And did you hear a high priority call for help
4 regarding an armed robbery?

5 A. We have a tone system that they alert. I heard the
6 alert go off and stated paying attention to the radio.

7 Q. Okay.

8 A. They gave out an armed robbery possibly in progress.
9 The second transmission said that they had a witness that
10 saw a car leaving so I left the office.

11 Q. Okay. All right. So you had a car description?

12 A. That's correct.

13 Q. A pretty good car description?

14 A. Yes.

15 Q. Okay. And you had a location of where the armed
16 robbery was said to have occurred?

17 A. That's correct.

18 Q. The One Stop on Albright Road?

19 A. Saluda and Albright, that's correct.

20 Q. So did you get in your unmarked police car and go
21 right to the One Stop?

22 A. No I did not.

23 Q. Tell the jury why you didn't go right to where the
24 robbery had happened?

25 A. In my training and experience I have learned over the

JERRY WALDROP: DIRECT BY MR. SPRINGS

260

1 years that the best thing to do is let the closest cars
2 respond to the scene and I've always left out in the
3 direction that I thought they may be coming from. So I
4 left the office and went out Black Street, Fine Road out to
5 South Cherry Road to the Heckle Bypass area and was looking
6 for the car that would have - the car would have been
7 driven out is going south on 72. In my mind they had two
8 choices, they were either going to go Chester or they were
9 going to circle back and come back into South Rock Hill or
10 West Rock Hill by way of Ogden Falls Road or one of the
11 side roads coming back in.

12 Q. And did you see a car that exactly fit the
13 description?

14 A. After a few minutes I had weaved through the roads
15 back into the Ogden Road area. They gave out the
16 description of the car again and a possible tag number and
17 they were able to identify the tag as coming back to an
18 address on Robertson Road. I was only just a few blocks
19 from Robertson Road when they gave it out so I headed down
20 Robertson Road.

21 Q. Okay. When you saw the car was it at the address - -

22 A. That's correct. It was pulling out of the drive way
23 at [REDACTED].

24 Q. The car was pulling out of the house drive way onto
25 the road?

JERRY WALDROP: DIRECT BY MR. SPRINGS

261

1 A. That's correct. It was coming out of the drive way
2 and meeting me coming toward Ogden Road on Robertson Road.

3 Q. So common sense would tell you it had to have come off
4 the road, the highways, to get into the driveway to get to
5 the house.

6 A. That's correct.

7 Q. Would somebody in that car have been able to throw a
8 gun out of the car on the side - -

9 MR. ATWATER: Objection, Your Honor.

10 THE COURT: Over ruled. But that would suggest the
11 answer to be yes or no.

12 BY MR. SPRINGS:

13 Q. Let me ask you the question again. Could somebody in
14 that car have been able to throw a gun out on the side of
15 the road at some point?

16 A. At any point, that's correct.

17 Q. So you saw the car exactly matching the description as
18 it pulled out of the driveway?

19 A. That's correct.

20 Q. Did you immediately turn on blue lights and siren?

21 A. I did not. I made a U turn or a three point turn
22 around on Robertson Road got behind the vehicle called it
23 into dispatch to confirm the tag dispatch told me that it
24 was the tag that had two different variations of it but the
25 one they had run come back to Robertson Road. That was the

JERRY WALDROP: DIRECT BY MR. SPRINGS

262

1 car. I stayed behind the car for a good little while
2 waiting for some of the backup cars or marked cars to get
3 to me. And when we turned on Neely Road past South Point
4 High School and got to Rawlsville, I think it's Rawlsville,
5 and Neely Road is when we activated the blue lights and
6 stopped the car.

7 Q. Okay. Let me ask you. Is an armed robbery one of the
8 most serious cases that police officers encounter?

9 A. That is.

10 Q. Is it one of the potentially deadliest cases police
11 officers - -

12 A. It is.

13 Q. Is there a way that police officers are trained and do
14 stop cars with suspected armed robbers?

15 A. It is. I would classify it as a felony car stop. And
16 everybody in the car is treated equally. They are ordered
17 to stay in the car until they are ordered out individually
18 and given specific instructions what to do, how to do it,
19 and when to do it as they exit the car.

20 Q. And when police officers approach a suspected armed
21 robbery vehicle are their guns holstered or are their guns
22 out?

23 A. They're drawn because we don't know what we're facing
24 when we approach the car.

25 Q. Okay. So did the car get stopped by you police

1 officers?

2 A. It did.

3 Q. How many people were in the car?

4 A. Two.

5 Q. And did you police officers order the two people to
6 get out of the car?

7 A. We did.

8 Q. Was it two men, two women, what?

9 A. Two women.

10 Q. And did you later learn who the two women were?

11 A. That's correct.

12 Q. And did you later arrest one of the two women?

13 A. We did. We arrested - - -

14 Q. Who did - -

15 A. - - - the defendant Connie Dumas for the armed
16 robbery.

17 Q. Connie Dumas was one of the two people in the car?

18 A. That was the passenger.

19 Q. Okay. And did you learn the relationship that she had
20 with the other woman in the car?

21 A. That was her seventeen-year-old daughter.

22 Q. Okay. Do you recall her name? You may not but do
23 you?

24 A. Something Kiara B. or something.

25 Q. Okay.

JERRY WALDROP: DIRECT BY MR. SPRINGS

264

1 A. Not exactly.

2 Q. Okay. You get them out of the car. At gun point?

3 A. That's correct.

4 Q. Did you handcuff both of these women?

5 A. We did.

6 Q. Did you put them in police cars?

7 A. Separate police cars.

8 Q. Separate police cars. After Ms. Dumas was put into a
9 police car did you read her her Miranda Rights?

10 A. I did.

11 Q. Tell the jury exactly the Miranda Rights as you spoke
12 them to Ms. Dumas in the police car out there on the side
13 of the road.

14 A. The uniform officers had escorted her back and put her
15 in the back seat of one of the marked patrol cars. I went
16 back and opened the back door of the car and I said, "All
17 right, Connie, before I ask you anything you got a right to
18 remain silent, anything you say can and may be used against
19 you in a court of law. You have the right to have an
20 attorney present for your questioning, if you cannot afford
21 one one will be appointed for you by the courts at a later
22 date. You can stop answering any questions at any time you
23 so desire. Do you understand those rights?"

24 Q. Did she indicate to you whether or not she understood
25 her rights?

1 A. She did. She said yes.

2 MR. SPRINGS: May I borrow the Court's Exhibit --

3 MADAME COURT REPORTER: This, Mr. Springs?

4 MR. SPRINGS: Yes.

5 MADAME COURT REPORTER: Yes, sir.

6 BY MR. SPRINGS:

7 Q. She actually spoke and said I understand my rights;
8 something to that effect?

9 A. She said yes.

10 Q. Okay. And then what did you say to -- Let me back up,
11 let me back up. You started to interview her after Miranda
12 Rights. She was handcuffed.

13 A. That's correct.

14 Q. But had anybody hit her or been mean to her?

15 A. Oh no. No, sir.

16 Q. Was she an English speaking person?

17 A. Yes.

18 Q. Did she seem to be able to speak English?

19 A. Yes.

20 Q. And understand English? Did she look injured, hurt or
21 sick in any way?

22 A. No, sir.

23 Q. Was anybody threatening her in any way either with a
24 gun or a fist balled up, anything like that?

25 A. No. By then everybody had re-holstered their guns and

JERRY WALDROP: DIRECT BY MR. SPRINGS

266

1 the stop was over with. I was in the back of the car
2 talking to her.

3 Q. Okay. Was she complaining in any way that I'm sick,
4 I'm hurt, I'm injured, I need to go to the hospital or
5 anything like that?

6 A. No, sir.

7 Q. Can - -

8 MR. ATWATER: Your Honor, excuse me one moment. May
9 me and counsel approach the bench?

10 (BENCH CONFERENCE AT 09:50 AM OFF THE RECORD OUT OF
11 THE HEARING OF THE JURY.)

12 BY MR. SPRINGS:

13 Q. Detective, you've got your notes with you and that's
14 fine but I want you to do this from memory unless you need
15 to refresh your memory and then you feel free to look at
16 your notes. Fair enough okay. Now no one was threatening
17 her and were you promising her anything to get her to talk
18 to you?

19 A. No, sir.

20 Q. Okay.

21 Q. So you gave her her Miranda Rights. She said yes I
22 understand my rights.

23 A. That's correct.

24 Q. What's the next question you ask her?

25 A. I ask her if she was just at the store at 72 and

1 Saluda.

2 Q. And what did she say?

3 A. She said no.

4 Q. And then did she tell you something else about that
5 store?

6 A. I ask her - -

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

8 THE COURT: Rephrase your question.

9 BY MR. SPRINGS:

10 Q. What's the next thing she told you?

11 A. I ask her if she wanted to tell me the truth and she
12 said no I want to tell you my sister was at the store.

13 Q. And did you say anything in response to that? Do you
14 recall?

15 A. I did. I ask her who her sister was.

16 Q. And what did she say?

17 A. She told me her sister was Felicia Dumas.

18 Q. Okay. And did she say anything else about her sister
19 being there?

20 A. She told me she was at the store or I ask her if she
21 was at the store and she said yes. And I ask her if she
22 was driving her car.

23 Q. Are you talking about -- Make clear who you're talking
24 about. She, her sister?

25 A. Yes. I ask her if she was at the store.

JERRY WALDROP: DIRECT BY MR. SPRINGS

268

1 Q. She meaning?

2 A. The sister was at the store.

3 Driving her car?

4 And she said yes.

5 Q. Okay. Did she say anything else about her sister and
6 what she was doing?

7 A. I ask her who her sister was. Again she said Felicia
8 Dumas. And she reiterated again that the sister was at the
9 store driving her car.

10 Q. Now this was a robbery of money was it?

11 A. That's correct.

12 Q. Was it at that point that you had the understanding of
13 whether there was a weapon involved?

14 A. That's correct. We heard over the radio that the
15 perpetrator was armed with a handgun.

16 Q. So were you looking for money and a gun?

17 A. We were.

18 Q. Did you ask her about money and a gun?

19 A. I did.

20 Q. What did she say?

21 A. I ask her where's the gun and the money you took in
22 the robbery? Her response was, I didn't take any money
23 that's what I'm trying to tell you. I had a gun and it
24 fell out I don't have -- I don't have any money.

25 I ask her where did the gun fall out at and she said

1 at the store.

2 Q. What else if anything did she say about the gun at the
3 store?

4 A. She said, the gun fell out, okay, and I took it back.
5 She put the money on the counter. She said to just take
6 it. I didn't ask for it and I was like okay I don't know.

7 Q. So at that point was it your understanding she was
8 then talking about herself and not - -

9 A. That's correct.

10 Q. Did you officers look in the car for money and a gun?

11 A. We did.

12 Q. Did you find a gun?

13 A. We did not find a gun.

14 Q. Did you find money?

15 A. We did.

16 Q. And did you look through the money and find anything
17 in the money that looked kind of unique?

18 A. When we were searching the car on the passenger side
19 door the door handle compartment were you slide your hand
20 in there was some folded up money stuck in that door
21 handle. In that door handle was Seven Dollars. One of
22 those bills was a Two Dollar bill that was stamped with a
23 stamp on the back that said One Stop.

24 MADAME COURT REPORTER: Thirty-three, Mr. Springs.

25 MR. SPRINGS: Thank you, ma'am.

JERRY WALDROP: DIRECT BY MR. SPRINGS

270

1 Q. Detective, I'm showing you what's been marked State's
2 Exhibit Thirty-three for identification. Do you recognize
3 that?

4 A. That's correct. That's the Two Dollar bill that was
5 collected from the car and has been in possession of the
6 Rock Hill Police Department since that day.

7 Q. What's the stamped wording on the back there?

8 A. I'll have to take it off. It says "One Stop, Number
9 121." And it has the place for a signature.

10 Q. All right. And you found that in Ms. Dumas' car?

11 A. That's correct on the passenger side inside the door.

12 MR. SPRINGS: Your Honor, we do offer State's Exhibit
13 Thirty-three into evidence at this time.

14 MR. ATWATER: No objection, Your Honor.

15 THE COURT: In without objection.

16 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-THREE
17 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

18 MR. SPRINGS: Ask to publish to the jury.

19 THE BAILIFF: Yes, sir.

20 MR. SPRINGS: Sir, let the jury pass this around and
21 let it go all the way around and back to you, sir.

22 (STATE'S EXHIBIT NUMBER THIRTY-THREE PUBLISHED TO THE
23 JURY AT 11:00 AM.)

24 BY MR. SPRINGS:

25 Q. Let's talk a minute about the seventeen year old

1 Q. At point you had done some investigation. Had you
2 learned some things?

3 A. That's correct.

4 Q. At that point pursuant to your investigation what did
5 you learn and figure out?

6 A. We had recovered the money; we had Ms. Dumas at the
7 law center. She had been brought to the law center after
8 the traffic stop. She was placed in an interview room, we
9 had talked to the daughter and after getting Ms. Dumas to
10 the law center she was read her Miranda Rights again and
11 she took a statement from her.

12 Q. Okay. Let's go back to the daughter. At that point
13 had you pretty much taken charge of this investigation as a
14 senior detective?

15 A. That's correct.

16 Q. At that point as the person who took charge of this
17 case did you think the daughter had anything to do with
18 robbing that store?

19 A. I did not.

20 Q. And at some point whether it out on the side of the
21 road, out at the police station; did you let the daughter
22 go?

23 A. Yes.

24 Q. So Ms. Dumas was brought down to the Rock Hill Police
25 Station?

JERRY WALDROP: DIRECT BY MR. SPRINGS

275

1 A. That's correct.

2 Q. And was she brought inside the police station?

3 A. She was. She was transported to the Law Center by
4 Officer Will Rivera in his police car. He was instructed
5 to bring her straight to the detective division and put her
6 in an interview room which he did. He stayed with her
7 until I arrived just a little while later at what time - -

8 Q. Tell us what's a little while later; tell us?

9 A. Fifteen minutes because he left the area before I did
10 and I told him to take her strait to the interview room and
11 he stayed with her until I got there.

12 Q. Okay. So you get to the interview room. How big is
13 an interview room? How big is this interview room?

14 A. Eight by twelve, somewhere in that neighborhood.

15 Q. What kind of furniture is in it?

16 A. One desk and three chairs.

17 Q. Okay.

18 A. And a computer.

19 Q. All right. Ms. Dumas is in there and she's still
20 handcuffed?

21 A. I think she was when I got in the room but she was
22 taken out of the handcuffs.

23 Q. And at that point had anybody roughed her up or had
24 she roughed anybody up? Had there been any physical
25 altercations of any kind?

1 A. No, sir. No way.

2 Q. And was she complaining at that point of being sick,
3 injured, bleeding, needed a doctor, anything like that?

4 A. No, sir, not at all.

5 Q. And you had already talked to her some. Did she seem
6 to be reasonably intelligent?

7 A. She did.

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

9 A. Yes, sir.

10 Q. So you get to the interview room and did you do a more
11 formal interview?

12 A. I did.

13 Q. Did you use a form?

14 A. I did. It's our Defendant Statement form.

15 Q. I'm showing you what's been marked State's Exhibit
16 Nine for identification. Do you recognize that form?

17 A. I do.

18 Q. And what is that form, sir?

19 A. That's our Defendant's Statement form. It's the form
20 that I filled out. I read her her Miranda Rights and we
21 carried on a short conversation. She was already
22 cooperating with the investigation so I told her to tell me
23 in her own words what happened and I would type it as she
24 told me.

25 Q. Okay. We're going to get to that in a minute but we

JERRY WALDROP: DIRECT BY MR. SPRINGS

277

1 gotta do this step by step. Tell us the Miranda Rights.

2 Did you give her her Miranda Rights all over again?

3 A. I did.

4 Q. Okay.

5 A. Yes, sir.

6 Q. And were you speaking them or did you say here read
7 these or were you doing both but what were you doing?

8 A. They were on the computer and I read them to her and
9 she acknowledged.

10 Q. All right. Tell us the rights you gave her in the
11 interview room before you started this interview.

12 A. "Before we ask you any questions you must understand
13 your rights. You have the right to remain silent anything
14 you say can be used against you in court. You have the
15 right to talk to an attorney for advice before we ask you
16 any questions to have him with you during questioning. You
17 have this right to the advice and presence of an attorney
18 even if you cannot afford to hire one. We have no way of
19 appointing you an attorney but one will be appointed by the
20 court for you if you wish. If you wish you may answer
21 questions without the presence of an attorney and you may
22 stop answering anytime you so desire until an attorney is
23 present."

24 Q. Okay. And did she indicate she understood those
25 rights?

1 A. She did.

2 Q. Did she sign her name indicating I understand my
3 rights?

4 A. She did.

5 Q. Did you witness her signature?

6 A. I did.

7 Q. Were you being nice to her?

8 A. Yes, sir.

9 Q. No fussing and fighting?

10 A. No, sir.

11 Q. Continue on. What's the next thing the form says?

12 A. It says, "I have read or I have read or had read to
13 me the statement of my rights shown above. I understand
14 what my rights are and I am willing to make a statement. I
15 do not want an attorney at this time, I understand and know
16 what I am doing. I know that the person or persons talking
17 with me is a police officer and I understand what he's
18 talking about."

19 Q. Did she sign her name indicating she understood that
20 and acknowledged all of that?

21 A. She first acknowledged it verbally and then signed it
22 once the statement was printed.

23 Q. Okay. And is that the point when you start to
24 actually interviewing her and asking her - - -

25 A. That's correct.

JERRY WALDROP: DIRECT BY MR. SPRINGS

279

1 Q. - - - questions? Let me glance at that real quick.

2 Yeah that's when you start the interview. Okay. Did
3 you ask her to tell you what she had been doing that
4 afternoon?

5 A. I did. First I ask her some pertinent identification
6 questions which we filled out and then I ask her to tell me
7 in her own words what happened.

8 Q. Pertinent identification meaning date of birth and - -

9 A. Date of birth, social security, address.

10 Q. Okay.

11 A. Phone number.

12 Q. Then did you ask her to tell you what she had been
13 doing that afternoon?

14 A. I did.

15 Q. What did she tell you?

16 A. She said I left my house about Twelve something and
17 went to Family Trust. When I left the house I had a gun on
18 the seat of my car. When I went to Family Trust I put the
19 gun in the small of my back in the waste band of my pants.
20 I had the gun in my pants when I went to the One Stop. I
21 went inside and I put the gun on the counter told the clerk
22 to give me the money. She ask me if I was serious I told
23 her yes. She took the drawer out and set it down. I took
24 the money from the drawer and put it in my pants pocket and
25 I picked the gun up and left the store. I told the clerk I

1 was sorry I needed the money because they were foreclosing
2 on our house. We were broke and my daughter needed to go
3 school shopping and I did not have any money. I am not
4 sure how much money I got but I gave the money to my
5 daughter she put it in her purse when I got home. After I
6 went home we left to go pick up my daughter's boyfriend and
7 that is when the police got behind us.. She did not know
8 where the money came from.

9 Q. Talking about the daughter didn't know where the money
10 came from?

11 A. That's correct.

12 Q. And at that point were you still convinced the
13 daughter had nothing to do with this?

14 A. That's correct.

15 Q. What's the second page say?

16 A. The second page is what we call the Notary form.

17 Q. Uh-huh.

18 A. Read it?

19 Q. Sure.

20 A. "The person who appears before me one Connie Dumas who
21 deposes and says I make this statement of my own free will
22 and accord without reward or hope of reward. I have not
23 been mistreated or threatened in any way. All the above is
24 the truth the whole truth and nothing but the truth so help
25 me God. I have read or had read to me the above statement

JERRY WALDROP: DIRECT BY MR. SPRINGS

281

1 consisting of one page and have received a copy of the
2 same."

3 Q. And did she sign her signature there?

4 A. She did.

5 Q. So help me God, is that the sworn statement?

6 A. That's correct.

7 Q. And are you a notary public, sir?

8 A. I am.

9 Q. And did you notarize it?

10 A. I did.

11 Q. Did you put the date that she, Connie Dumas, signed
12 this thing?

13 A. August the 9th, 2010.

14 Q. Okay. And did you put the time that you signed off as
15 the notary taking the sworn statement?

16 A. 6:15 pm.

17 Q. Okay. Where did you get that time, what time piece?

18 A. From my watch.

19 Q. Is your watch exactly right or is it slow or fast?
20 Tell us about that.

21 A. I tried always to keep my watch five minutes fast
22 because I don't like being late for anything.

23 Q. So you put 6:15 on the form. What time was it really?

24 A. 6:10. Approximately 6:10. Its' according to who's
25 watch you're looking at.

1 Q. And at that point was she then taken to a jail cell?

2 A. She had not.

3 Q. But after you got through, after you notarized her
4 signature, was she taken to a jail cell?

5 A. That's correct.

6 Q. And she been taken to a jail cell before that?

7 A. Not at all no, sir.

8 Q. So she came straight in off the street from the police
9 car to the interview room?

10 A. That's correct.

11 Q. And 6:15 -- I'm sorry. Real time 6:10 and then she's
12 taken to the jail cell?

13 A. That's correct.

14 Q. All right. Now did a forensic officer check the store
15 for fingerprints?

16 A. That's correct.

17 Q. Did they pick up any identifiable finger prints?

18 A. No finger prints were recovered.

19 Q. Identifiable quality prints - -

20 A. That's correct.

21 Q. Okay. Now, Detective, before Ms. Dumas told you that
22 she had gone to the Family Trust Bank did you have any clue
23 as to her having been at the Family Trust Bank that day
24 before the robbery?

25 A. No, sir, had no idea where she had been.

JERRY WALDROP: DIRECT BY MR. SPRINGS

283

1 Q. Okay. Are you familiar with the Family Trust Bank
2 though she's talking about?

3 A. I am.

4 Q. Let me show you what's been marked for identification
5 State's Exhibit - -

6 (WHEREUPON: STATE'S EXHIBIT NUMBER TWELVE, THIRTEEN
7 AND FOURTEEN PREMARKED FOR IDENTIFICATION.)

8 Q. All right, State's Exhibit Fourteen and Twelve and
9 Thirteen; do you recognize what's shown in those pictures?

10 A. One of them is the front of the Family Trust and two
11 of them are the drive up area of the Family Trust showing
12 the One Stop in the background.

13 Q. Okay. They true and accurate pictures of those of the
14 Family Trust Bank and the drive through?

15 A. As I know them yes it is.

16 Q. Okay. And do all three of them also show the store
17 next door?

18 A. They do.

19 Q. What store is next door?

20 A. That's the One Stop on 121.

21 Q. Are those true and accurate pictures of what that bank
22 looks like and the store being next door?

23 A. That's correct.

24 MR. SPRINGS: Your Honor, we do offer into evidence
25 State's Exhibit Fourteen and Twelve and Thirteen.

JERRY WALDROP: CROSS BY MR. ATWATER

284

1 MR. ATWATER: Without objection, Your Honor.

2 THE COURT: In without objection.

3 (WHEREUPON: STATE'S EXHIBITS NUMBER TWELVE, THIRTEEN
4 AND FOURTEEN IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

5 MR. SPRINGS: I beg the Court's indulgence for one
6 moment.

7 (PAUSE.)

8 MR. SPRINGS: Detective, thank you so much. Would you
9 please answer any questions the defense attorney has for
10 you.

11 DETECTIVE WALDROP: Thank you.

12 CROSS EXAMINATION

13 DETECTIVE JERRY WALDROP BY MR. ATWATER:

14 Q. Detective Waldrop, you've been referring to some notes
15 up there on the stand?

16 A. That's correct.

17 Q. May I see those please.

18 (WITNESS HANDS DEFENSE ATTORNEY PAPERWORK.)

19 Q. You will agree with me that you did not prepare these
20 notes won't you?

21 A. That's correct, I did not.

22 Q. You will agree with me somebody else prepared them and
23 gave them to you?

24 A. That's correct.

25 Q. So when you were reading from those notes you were

JERRY WALDROP: CROSS BY MR. ATWATER

285

1 reading from something that somebody else had prepared and
2 given to you. Correct?

3 A. It's a transcript of a recording; that's correct.

4 Q. And when you read from those notes when you were ask
5 the questions by the solicitor you read directly from your
6 notes instead of giving your own testimony from your own
7 memory. Correct?

8 A. Well I was referring to the notes but that is what
9 happened during the thing; that's correct.

10 Q. Yes, sir, but my question is rather than answer the
11 questions from your own memory you read the answers from
12 those notes. Correct?

13 A. That's correct.

14 Q. All right. Now, Detective, I believe you testified
15 that the Rock Hill Police Department has been in possession
16 of this ever since August 9th of 2010; is that your
17 testimony here today?

18 A. I signed that out of the evidence room. Where else
19 it's been I don't know. I signed it out to bring it up
20 here.

21 Q. Right.

22 A. That's correct.

23 Q. But you don't know whether it's been there the whole
24 time do you?

25 A. No I do not.

1 Q. Well didn't Mr. Springs ask you whether or not - -

2 A. He ask me if the forensic services processed the
3 scene. I don't know what they processed. I know they
4 processed it and no fingerprints were recovered. I don't
5 know what specific areas; I wasn't there.

6 Q. Okay. But they didn't recover any of Ms. Dumas'
7 fingerprints and we don't have any of that here in the
8 trial. Rights?

9 A. That's correct.

10 Q. Now you testified that you read Ms. Dumas her Miranda
11 Rights at the scene.

12 A. That's correct.

13 Q. And then you say you did that some other time again
14 down at the police station down town in the detective
15 division?

16 A. That's correct.

17 Q. All right. And the Miranda Rights that you gave her
18 at the scene were different from the ones you gave her down
19 town weren't they?

20 A. The ones down town are worded different, more specific
21 and lengthier, that's correct.

22 Q. Okay. But the ones that you gave her at the scene you
23 told her that if she needed an attorney one would be
24 appointed for her at some later date. Right?

25 A. That's correct.

JERRY WALDROP: CROSS BY MR. ATWATER

298

1 Q. Okay. And the ones at the police station you didn't
2 tell her, you didn't say that did you?

3 A. No - -

4 Q. You didn't use that language about it being done at
5 some later date.

6 A. Yeah. I mean that's what the statement says on there.
7 That they will be appointed by the court's at a later date
8 we have no way of appointing you one.

9 Q. You're saying that the statement says that they will
10 be appointed by the court at a later date?

11 A. The exact verbiage if you will let me see it I will
12 read it to you again.

13 Q. You got it right there.

14 A. Okay. It says, "You have the right to talk to an
15 attorney for advice before we ask you any questions and
16 have him with you during questioning. You have this right
17 to the advice and presence of a lawyer even if you cannot
18 afford to hire one we have no way of appointing you an
19 attorney but one will be appointed by the court if you
20 wish."

21 Q. Okay. It doesn't say anything about a later date does
22 it?

23 A. The verbiage is not the same that's exactly right.

24 Q. And the one you read her out on the scene also didn't
25 say anything about if you wish you may answer questions

1 without the presence of an attorney.

2 A. The one I read her on the street said, "Connie, before
3 I ask you anything you got the right to remain silent
4 anything you say can and may be used against you in a court
5 of law. You have the right to have an attorney present for
6 questioning if you cannot afford one one will be appointed
7 for you by the court's at a later date. You can stop
8 answering questions at any time you so desire. Do you
9 understand those rights?"

10 Q. And did it say you have the right to -- you have this
11 right to the advice and presence of an attorney?"

12 A. No, sir, not exactly the same way.

13 Q. Well this one does.

14 A. Yeah that one does.

15 Q. Okay. Is there a reason for a difference in those
16 two?

17 A. Those were recited on the side of the road from
18 memory. This is a written statement that we read to
19 everybody before we take a statement the one you had.

20 Q. Now you did not take Ms. Dumas down to the Rock Hill
21 Police station did you?

22 A. I did not. I didn't transport her.

23 Q. And you weren't with her when she was transported down
24 there were you?

25 A. No, sir.

JERRY WALDROP: CROSS BY MR. ATWATER

300

1 Q. And you weren't there when she got there either were
2 you?

3 A. No, sir.

4 Q. And there was a period of time that passed by before
5 you ever arrived wasn't there?

6 A. Probably fifteen to twenty minutes at the most.
7 That's correct.

8 Q. Okay. And so you can't testify from your own personal
9 knowledge and your own observation where she was during the
10 period of time before you got there can you?

11 A. I can tell you she was in the interview room when I go
12 there. That's where she was told to be taken to.

13 Q. Okay. But you can't tell me where she was until you
14 got there. Right?

15 A. That's correct.

16 Q. Nobody ever took any pictures of the money in the door
17 pocket of the car did they?

18 A. Yeah I think if you get the disc the pictures were
19 taken of the money in the car.

20 Q. Sitting in the door pocket of the car?

21 A. Yeah I'm pretty sure they were.

22 Q. Do you have that picture here today?

23 A. I don't. They would be in the possession -- I can't
24 say a hundred percent but I think they were yeah.

25 Q. All right. Now while you were in the interview room

1 that night or earlier in that day when you were talking to
2 Ms. Dumas isn't it true that she told you that she had a
3 shoulder injury and that she ask if her wrist could be put
4 -- her handcuffs could be put in the front instead of the
5 back?

6 A. No, sir.

7 Q. Okay.

8 A. Never heard that.

9 Q. You're saying she never told you about the car
10 accident that she had been in and the broken shoulder she
11 had had just a couple of months before that?

12 A. Never heard those words before now.

13 Q. And you testified that once you got into the interview
14 room she was cooperating?

15 A. That's correct.

16 Q. Okay. How was she cooperating? She wasn't there
17 voluntarily was she?

18 A. No she was not. She was under arrest.

19 Q. She didn't have the ability to leave did she?

20 A. No she was not.

21 Q. She couldn't call anybody could she?

22 A. No.

23 Q. Couldn't have a family member or a friend in there
24 with her?

25 A. No, sir.

JERRY WALDROP: CROSS BY MR. ATWATER.

302

1 Q. And by your testimony it was just you and her and
2 nobody else. Right?

3 A. That's correct.

4 Q. And so this statement that you've shown here it's a
5 typed written statement. Right?

6 A. That's correct.

7 Q. And all of the typing on here with the exception of
8 the Miranda verbiage you typed in there personally. Right?

9 A. That's correct.

10 Q. The statement or the information about her name and
11 her social security number and all that stuff you typed on
12 here?

13 A. That's correct.

14 Q. All right. And the statement starts with I left my
15 house and ends with where the money came from, all of that,
16 you entered all of that into there and printed it out with
17 this document. Right?

18 A. That's correct I did.

19 Q. Okay. So she wasn't -- she wasn't given a piece of
20 paper and a pen and -- Well you never gave her a piece of
21 paper and a pen did you?

22 A. No, sir.

23 Q. She wasn't given a piece of paper and a pen and said
24 write down whatever you want to write and then give it to
25 me was she?

1 A. No, sir.

2 Q. Okay. Now this document right under where it has the
3 Miranda Rights is a witness signature right over here on
4 the left and that's your signature. Correct?

5 A. That's correct.

6 Q. And then right over here were it says, "I have had
7 read to me these rights" where there's a witness signature
8 that's your signature again isn't it?

9 A. That's correct.

10 Q. And then on the end of the document there appears a
11 witness signature again. Correct?

12 A. That's correct.

13 Q. And all of those witness signatures are yours?

14 A. That's correct.

15 Q. And all of them appear above what we call the jurat.
16 Correct.

17 A. That's correct.

18 Q. And the jurat is the notary certification. Correct?

19 A. That's correct.

20 Q. And its your testimony that you signed the notary
21 certification yourself.

22 A. That's correct.

23 Q. Okay. Did you have her raise her hand and put her
24 under oath?

25 A. Yes I did.

JERRY WALDROP: CROSS BY MR. ATWATER

304

1 Q. Okay. Does it say that on here anywhere?

2 A. Yeah right there at the top where it read ...

3 Q. You're saying that it says on here I had to raise her
4 hand and submitted her - -

5 A. Oh no. I mean that's the sworn affidavit that she's
6 swearing to this statement is true and correct. I've been
7 a notary for thirty-two years and I've notarized these
8 statements for thirty-two years and every one I've ever had
9 anybody to sign they raised their hand and I tell them this
10 is a sworn statement.

11 Q. Okay.

12 A. If I find out any way she lied on the statement she
13 could be charged with perjury.

14 Q. Sure. So right here - -

15 A. I swear her in to sign that thing.

16 Q. So right here where it says "Sworn and prescribed"
17 you're testifying is the notary that she was sworn and put
18 under oath. Correct?

19 A. That's correct I am.

20 Q. Okay. And then you sign as a notary notarizing this
21 entire document?

22 A. No I'm notarizing her signature on that sworn
23 affidavit right there.

24 Q. Well you also witnessed her signature and all these
25 other things.

1 A. That's correct I witnessed her signature on the
2 statements.

3 Q. And where you're a jurat occurs right here it occurs
4 after all these places that you've signed as the witness to
5 this document. Correct?

6 A. That's correct.

7 Q. So you prepared the statement. Right?

8 A. That's correct.

9 Q. You gave it to her?

10 A. Yes, sir, I gave her a copy of it.

11 Q. A copy of the statement that you prepared?

12 A. That's correct.

13 Q. And you witnessed her signatures?

14 A. Yes.

15 Q. Nobody else?

16 A. Nobody else.

17 Q. And then you notarized the document?

18 A. That's correct.

19 Q. You don't have any evidence that you can show the jury
20 here today that Ms. Dumas threw a pistol out of a window do
21 you?

22 A. No, sir.

23 Q. And she told you herself that she had gone to the
24 Family Trust Bank that day didn't she?

25 A. She did.

JERRY WALDROP: CROSS BY MR. ATWATER

306

1 Q. Now this stop that you all did on the street, you
2 weren't there by yourself; there were other officers there?

3 A. There were several officers there that's correct.

4 Q. And I believe you testified everybody -- people
5 approached the vehicle with the guns drawn.

6 A. No we didn't approach the vehicle. We ordered them
7 out of the vehicle and to walk backwards towards us where
8 they were handcuffed and placed in vehicles.

9 Q. Okay. You don't recall Rivera walking up to the side
10 of their, the back right corner of their vehicle with his
11 weapon pulled?

12 A. After they were ordered out of the car yes, sir.

13 Q. You don't recall another Rock Hill police start coming
14 forward stopping right next to them and walking towards the
15 driver's window with his - -

16 A. That's correct. That would have been Lieutenant
17 Dumster yes, sir.

18 Q. With pistol pointing at the driver's window?

19 A. That's correct.

20 Q. Okay. And that's how you all handle any felony stop.
21 Right?

22 A. That's correct.

23 Q. Not just an armed robbery.

24 A. If it's classified as dangerous and a felony stop
25 their all handled the same way.

1 Q. Okay. And before you ever stopped her whatsoever the
2 only thing you knew about it yourself was whatever
3 information had been put out over the BOLO on the dispatch.
4 Right?

5 A. That's the only way you ever know anything is what we
6 get over the radio.

7 Q. Okay. And they would have gotten it from the 911
8 call. Right?

9 A. That's correct.

10 Q. Because nobody had talked to anybody else; nobody from
11 law enforcement had talked to anybody else other than
12 people who called in on the 911 call - - -

13 A. That's correct.

14 Q. - - - before that time. Right?

15 A. That's correct.

16 Q. Okay. And when you heard the information come in over
17 the system and you were at your desk part of the
18 information that came in over that system was the
19 description of the car and the license plate wasn't it?

20 A. No. That did not come out until later.

21 Q. Okay.

22 A. The initial call came in that there was a robbery at a
23 location and they were giving out a description of the car.
24 A possible description of the car.

25 Q. Okay.

JERRY WALDROP: CROSS BY MR. ATWATER
REDIRECT BY MR. SPRINGS

316

1 A. No.

2 Q. And you've testified before this proceeding?

3 A. That's correct.

4 Q. And didn't have any then either?

5 A. No, sir.

6 Q. And on the time you testified before in this
7 proceeding you'll agree with me that nobody, nobody ever
8 came forth and testified that she had been inside that bank
9 did they?

10 A. At that time no, sir, they did not.

11 Q. Thank you, Detective Waldrop.

12 MR. SPRINGS: Just a few very short...

13 REDIRECT EXAMINATION

14 DETECTIVE JERRY WALDROP BY MR. SPRINGS:

15 Q. Out on the side of the road when Ms. Dumas was telling
16 you she was in the store and the gun fell out of her purse
17 on the counter, she said the clerk put the money up there
18 so she took the money. Do you remember her saying that? I
19 know you referred to your notes but do you remember that
20 now that she said that?

21 A. Oh yeah.

22 Q. Okay.

23 A. I mean everything that was referred to on there I mean
24 the conversation was with me. Word for word I couldn't
25 tell you but yes that's what she said.

1 Q. Okay. Now the money on the table with the purse, if I
2 can find the picture, here we go, State's Exhibit Thirty-
3 four; that's Ms. Dumas' purse?

4 A. That's correct.

5 Q. And the cash money came out of the daughter's - - -

6 A. That's correct.

7 Q. - - - purse? Ms. Dumas had told you in her statement
8 that the money she got from the store I give the money to
9 my daughter. Is that --

10 A. That's correct.

11 Q. - - - and she put it in her purse.

12 A. That's correct.

13 Q. Okay. So the money stolen from the store you went to
14 the daughter's purse because that's what Ms. Dumas told
15 you?

16 A. The money that was stolen from the store came from the
17 daughter's purse and the Seven Dollars that was in the door
18 of the car.

19 Q. Right. Okay.

20 A. Correct.

21 Q. When you officer's returned the store's money did you
22 try to return just what was stolen and not take all Ms.
23 Dumas' whatever else she had?

24 A. That's correct. I mean we returned what they reported
25 was stolen and that's it nothing more.

MARK HARRIS: DIRECT BY MS. THORNWELL

363

1 Q. And where are you employed, Mr. Harris?

2 A. Family Trust Federal Credit Union.

3 Q. And what is your job title?

4 A. Compliance Manager.

5 Q. Okay. And as a part of your duties is it to - What
6 are your duties at the bank?

7 A. For the most part I break down regulations and laws
8 and make sure that the Credit Union is following the
9 correctly and sometimes we do get subpoenas, summons,
10 levies that we process and make sure that we're complying
11 with the law of those as well.

12 Q. And is it part of your duty to check bank customer
13 records and accounts, deposits and withdrawals?

14 A. It is.

15 Q. And is that the regular business of the bank?

16 A. Yes. I mean we're in it all the time.

17 Q. And are you familiar with the Family Trust record
18 keeping and book keeping?

19 A. Yes.

20 Q. And would you say that you're very familiar or
21 slightly familiar?

22 A. Read over it every day so very familiar.

23 Q. So you deal with this information every day?

24 A. Yes.

25 Q. Were you subpoenaed to check the Family Trust Credit

1 Union bank records for Ms. Dumas?

2 A. We were.

3 Q. And did you find an account for Ms. Dumas or her
4 husband Bursha Dumas?

5 A. Yes for both.

6 Q. Okay. And when were those accounts, do you remember
7 when those accounts were opened?

8 A. Unsure about Ms. Dumas' but Mr. Dumas' was opened
9 October 15, 2010.

10 Q. But Ms. Dumas' account was opened on August the 9th

11 - - -

12 A. Yes it was.

13 Q. - - - of 2010? And did you check to see if that
14 account had any activity between August 6th and August 10th
15 of 2010?

16 A. I did.

17 Q. And was there any activity - - -

18 A. There was none.

19 Q. - - - taken place? So between August 10 -- Excuse me.
20 August 6th and August 10 of 2010 there had been no
21 activity?

22 A. There were no transactions on that account.

23 Q. And so those transactions would include ATM
24 withdrawals?

25 A. Yes.

MARK HARRIS: DIRECT BY MS. THORNWELL
CROSS BY MR. ATWATER

365

1 Q. Purchases at stores?

2 A. Yes.

3 Q. Deposits within the bank?

4 A. Yes.

5 Q. Or the ability to deposit at the ATM as well?

6 A. We do not have the ability to deposit at ATM.

7 Q. But there was absolutely no activity between August
8 6th and August 10th of 2010?

9 A. There was not.

10 Q. Back on between August 6th and August 10th of 2010 do
11 you remember what the account balance was on Ms. Dumas'
12 account?

13 A. It was negative One Hundred and Thirty-One Dollars.

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

15 (PAUSE.)

16 MS. THORNWELL: No further questions for this witness.

17 Please answer any questions the defense counsel may
18 have.

19 CROSS EXAMINATION

20 MARK HARRIS BY MR. ATWATER:

21 Q. Mr. Harris, you and I have never met before today have
22 we?

23 A. No, sir.

24 Q. And we've never spoken whatsoever about this case
25 before?

1 a few minutes.

2 (COURT IN RECESS AT 03:35 PM.)

3 (BACK ON THE RECORD AT 03:48 PM.)

4 THE COURT: Ready? Is the officer still out here?

5 MR. SPRINGS: Evidently not. I'm gonna look in the
6 hall one more time.

7 (PAUSE.)

8 MR. SPRINGS: He's not here, Your Honor.

9 THE COURT: Okay. May we proceed?

10 MR. ATWATER: Yes, Your Honor.

11 MR. SPRINGS: Can we put on the record that a decision
12 was made for this trial, and independently by this trial?

13 THE COURT: Is that correct?

14 MR. ATWATER: Yes, Your Honor.

15 THE COURT: And I'm assuming since I didn't hear
16 anything, that Ms. Dumas will go forward with testifying.

17 (JURY REENTERS COURTROOM AT 03:49 PM.)

18 THE COURT: All right.

19 MR. ATWATER: We call Connie Dumas, Your Honor.

20 THE COURT: Come around and be sworn please.

21 (WHEREUPON: CONNIE DUMAS,
22 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

23 DIRECT EXAMINATION

24 CONNIE DUMAS BY MR. ATWATER:

25 Q. Connie, please state your full name for the jury.

CONNIE DUMAS: DIRECT BY MR. ATWATER

438

1 A. Connie Dumas.

2 Q. Are you married, Connie?

3 A. Yes.

4 Q. Who are you married to?

5 A. Bursha Dumas.

6 Q. How long have you been married?

7 A. Thirteen and a half years.

8 Q. Where do you and Mr. -- Bursha live?

9 A. Where do we live now, or did we?

10 Q. Where do you live now?

11 A. Now at [REDACTED].

12 Q. Okay. And how long have you lived there?

13 A. Since 2004.

14 Q. And who lives there with you?

15 A. Me, my husband and my three children.

16 Q. Okay. And that is Kiara B. and Darius D. and...

17 A. Kayla B..

18 Q. Kayla B..

19 A. Kayla B..

20 Q. All right. And is -- Which one is the youngest?

21 A. Darius D..

22 Q. Okay. And how old is Darius D.?

23 A. He's twelve now.

24 Q. What -- what do you do for an occupation now?

25 A. Right now?

1 Q. Yes.

2 MR. SPRINGS: I'm gonna object to what she does right
3 now. It's irrelevant to what she was doing back on August
4 9th of last year.

5 THE COURT: I'm gonna let him go into some background.

6 A. Right now I'm not working. I'm currently unemployed.

7 Q. Okay. Do you -- what -- Is Darius D. home during the
8 days when you're there?

9 A. After school? Yes.

10 Q. Does -- does Bursha go to work?

11 A. Yes.

12 Q. What -- What time does he leave?

13 A. He works -- He works different jobs. He has -- He was
14 on one shift where he would go at like Seven in the morning
15 to about 4:30 or so in the evening -- in the afternoon.

16 Q. Let's talk about -- Let me ask you about the -- on the
17 date of this incident, August 9th of 2010, when he was
18 working at the Petroleum place. What time would he go to
19 work in the mornings?

20 A. He would leave in the mornings about Six, 6:30, to get
21 there at Seven.

22 Q. Okay. And where would you be at that time on the date
23 of this incident, August 9th?

24 A. Which was, I believe, a Monday?

25 Q. Where would you be --

CONNIE DUMAS: DIRECT BY MR. ATWATER

440

1 A. If it was a weekday I would be getting ready to get up
2 or already up for my kids to go to school. If it's a
3 weekday.

4 Q. Okay.

5 A. If it's a weekend -- and he does work on weekends
6 sometimes, I would probably still be asleep.

7 Q. Okay. Now this was August the 9th. Would school
8 have been started yet?

9 A. Oh, no. I'm sorry. No, it wasn't. So, yeah, then I
10 would have been asleep still.

11 Q. Okay. And who would have been at home that morning/

12 A. Left at home it would have been me, Kiara B. and Darius D..

13 Q. And where would Kayla B. have been?

14 A. Kayla B. was at her best friend's house.

15 Q. Had she spent the night there?

16 A. Yes. She does.

17 Q. And so, do you recall what you did that day starting
18 off in the morning?

19 A. In the morning, yes.

20 Q. Okay. What were you doing?

21 A. Usually I get up. Sometimes I would cook. Sometimes
22 my daughter would cook breakfast -- pancakes she likes to
23 make and she'll make enough for her brother. And sometimes
24 they eat breakfast and sometimes they don't. Watch TV,
25 talk, we sit and talk about different shows and different

CONNIE DUMAS: DIRECT BY MR. ATWATER

441

1 things. And then she, maybe a little bit later on in late
2 morning, afternoon, she asked me -- Kiara B. indicated that
3 there was --

4 MR. SPRINGS: I'm gonna object to the hearsay, Your
5 Honor.

6 THE COURT: Yeah. Avoid anything that somebody else
7 said.

8 MR. ATWATER: That's okay.

9 Q. I -- let me ask you another question. Connie, on the
10 date of this accident, what was your physical health like?

11 A. Physically, I still was suffering pains from a broken
12 collar bone on my left side that went out to my shoulder.

13 Q. And how had you gotten that?

14 A. We were struck by another vehicle, me and my children.
15 And taken to ER and that's where I was taken to the x-ray
16 radiology and they told me I had a broken collar bone.

17 Q. Okay. And were you having to take any type of
18 medications or anything for the collar bone?

19 A. Yes.

20 Q. All right. What kind of problems was it giving you?

21 A. Well I was in an arm sling. I also had a sprained
22 thumb. So from my -- here to, you know, my whole left side
23 - - -

24 (INDICATING TO SIDE OF BODY.)

25 A. - - - was -- were -- the sling and this had a splint.

CONNIE DUMAS: DIRECT BY MR. ATWATER

442

1 And so I could only move my right arm and I was told to not
2 have any activity or movement. Only when I shower, and
3 then try not to, you know, use any -- any sudden movements
4 or anything. I also had contusions to my knee and my left
5 leg. There were a total of four different body parts that
6 were x-rayed on that side.

7 Q. And all of this you're talking about right now
8 happened in that accident?

9 A. Yes.

10 Q. Okay. On the date August 9th of 2010, were you still
11 in that sling?

12 A. No, I wasn't.

13 Q. Okay. Do you recall what type, if any, what type of
14 medications you were taking for your shoulder at that time?

15 A. If I'm in any -- was in any pain -- I don't like to
16 take pills, but I was given an -- a -- what's the word they
17 call -- Well, I was given pain medication. I was trying to
18 think of the proper word; but I was given pain medication
19 to take throughout that time, as I had also after the sling
20 I had to go through physical therapy, which caused some
21 soreness afterwards and everything. And I was told by my
22 doctor that I would still probably have pain off and on for
23 some time.

24 Q. Okay. On the date of August 9th, 2010, had you and
25 Bursha settled any part of that accident?

1 A. Yes. My children had gotten their checks.

2 Q. Okay. And that was -- How close was that in rela --
3 when did they get that in relation to August 9th?

4 A. The end of June, I believe it was June 29th, right
5 approximately a month and a week, maybe, before this day.

6 Q. Okay. On the date of this accident, how was your
7 mental health?

8 A. On the date of the car accident?

9 Q. I'm sorry. On the date of this incident, August 9th
10 of 2010.

11 A. My mental health?

12 Q. Yes.

13 A. Was -- It was pretty good.

14 Q. Did you have to take any type of medications for any
15 condition?

16 A. Well, yes.

17 Q. Okay. Tell the jury about that.

18 A. I take QVAR, which is an oral inhaler for asthma.
19 I've had life-long asthma. Allergies, I take Flonase,
20 which is also an inhaler -- nasal inhaler. I also take
21 Zyrtec because sometimes the Flonase doesn't work quite
22 well, and I have indoor allergies to dust, so... I also
23 take a prescription Zoloft for depression. And that would
24 be it.

25 Q. And how long were you -- have you been taking Zoloft?

CONNIE DUMAS: DIRECT BY MR. ATWATER

444

1 A. Just Zoloft I have been taking a few years. We moved
2 there in two thous - here in 2004 and I probably started
3 Zoloft around 2007.

4 Q. And are you still taking that today?

5 A. Yes, I am.

6 Q. I was taking another drug prior to Zoloft. They
7 switched me to another medicine.

8 Q. On the date of this incident, do you recall going to
9 the -- or leaving your house that day?

10 A. Yes.

11 Q. And where were you going when you left your house?

12 A. I was going to the ATM machine. I generally would go
13 to the one at -- at the Family Trust. It's a drive up.

14 Q. Okay. Now, do you -- did you have a bank account on
15 that date anywhere else other than Family Trust?

16 A. Yes I do. I have a bank account in North Carolina
17 State Employee's Credit Union.

18 Q. Now, if you were going to do a transaction with State
19 Employees Credit Union to withdraw money --

20 A. Uh-huh. Yes.

21 Q. -- do they have an ATM anywhere down here in Rock Hill
22 that you know of?

23 A. No.

24 Q. Where do you know the closest Credit Union -- or, I'm
25 sorry, ATM, that you could go to with that account to

1 withdraw money that is with that bank?

2 A. At -- with the North Carolina State Employees Credit
3 Union the closest one is on -- off of Carowinds Boulevard
4 in South Tryon, past Carowinds Amusement Park down the
5 Boulevard.

6 Q. Okay. Do you -- And did you say this is the North
7 Carolina State Employee's Credit Union?

8 A. Yes, it's across the North Carolina line, when you go
9 down that -- that road, you cross into North Carolina.

10 Q. How long have you had a -- an account with them?

11 A. I've had an account with the North Carolina Credit
12 Union since approximately 2002.

13 Q. Okay. And it's been continuously open all that time?

14 A. Yes.

15 Q. Still open today?

16 A. Yes.

17 Q. Do you still use that account?

18 A. Yes.

19 Q. Have you continuously used it all through that period
20 of time?

21 A. Yes.

22 Q. Now, did you have any form of income on the date of
23 this accident?

24 A. In August 9th -- well yes I do. I did.

25 Q. And what was that?

CONNIE DUMAS: DIRECT BY MR. ATWATER

446

1 A. Well I don't know if you consider it income, but I get
2 -- the money my kids get, I get in my name a check for them
3 every month from their grandmother up in Cleveland in Ohio.

4 Q. Okay. How do you receive that money?

5 A. She mails me a check for -- just for anything they
6 might need, or -- she likes to help out anything that they
7 -- I bought them.

8 Q. On the -- Now, you said you were still recovering from
9 this wreck. Prior to the wreck were you employed?

10 A. Yes.

11 Q. Where were you employed then?

12 A. I was employed -

13 MR. SPRINGS: I'm gonna object to the relevance of
14 this. This goes way, way prior to it, Your Honor.

15 MR. ATWATER: Actually, Your Honor, he'll understand
16 where I'm going as soon as I ask the next follow up
17 question. It comes very recent.

18 THE COURT: Go ahead.

19 BY MR. ATWATER:

20 Q. Were you working right before the accident?

21 A. I was working full time, but third shift, at Toys R Us
22 in Pineville, North Carolina.

23 Q. Okay. And why did you stop working there?

24 A. Because I couldn't work anymore. The doctor -- the
25 doctor -- Ortho Carolina said no activity. I had to have

1 the brace on for , he said, at least eight weeks. And I
2 couldn't lift. I was an overnight stocker. And I did
3 overnight work because I was in school during the day.

4 Q. Where were you going to school?

5 A. Winthrop University.

6 Q. Okay. Now, after -- Did you ever go back and work at
7 Toys R Us?

8 A. No, I didn't.

9 Q. After you came out of the sling, were you able to
10 qualify for unemployment benefits?

11 A. Was I able to --

12 Q. Qualify for unemployment benefits.

13 A. Yes.

14 Q. When did you start drawing unemployment?

15 A. That would have been -- well the incident -- I think
16 it was January. The incident happened on December 18th, of
17 09, and so in 2010, January beginning February.

18 Q. Okay. Were those -- Where were those unemployment
19 funds coming to?

20 A. They were coming to me.

21 Q. Okay. And how did you receive them?

22 A. Check.

23 Q. Okay. Do you recall whether or not you had any type
24 of direct deposits going on at the time of this incident
25 that we're here about today?

CONNIE DUMAS: DIRECT BY MR. ATWATER

448

1 A. Yes. I did.

2 Q. Tell us about that.

3 A. Well, I -- that's the check -- I mean the funds were
4 to me, but I went and set up the -- I had went to set up
5 direct deposit and that was at Family Trust.

6 Q. Okay. Which was over here on Robertson Road [sic].

7 A. Yes. On Saluda Road.

8 Q. Right there the corner of Saluda and Albright.

9 A. Yes.

10 Q. Okay. Next to the BP Station.

11 A. Yes.

12 Q. Okay. Was that the branch that you normally did
13 business with?

14 A. Yes.

15 Q. And what about if you wanted to withdraw money from
16 your North Carolina account, where would you go to do that?

17 A. Well, to keep -- to cut down on driving all the way to
18 North Carolina, if I'm only getting a few hundred -- enough
19 that the ATM would allow, then I would just drive up to the
20 ATM. And the only -- the closest drive up is the one at
21 Family Trust from my house.

22 Q. And -- Now, I believe that we heard earlier testimony,
23 your account at Family Trust, that is a credit union.

24 Correct?

25 A. Yes.

CONNIE DUMAS: DIRECT BY MR. ATWATER

449

1 Q. And your account with the State Employees is also a
2 credit union?

3 A. Yes.

4 Q. If you use the ATM at Family Trust, belonging to
5 another Credit Union, do you have to pay any type of a fee
6 by doing that?

7 A. I believe it's a dollar fifty, dollar seventy-five.

8 Q. Have you ever -- Have you ever had an occasion to see
9 Ms. Shirley Taylor, she was here earlier today, as a teller
10 that testified from Family Trust Credit Union?

11 A. Yes.

12 Q. Okay. Did you see her on the date of this incident,
13 August 9th of 2010?

14 A. No, I did not.

15 Q. Did you go to the Family Trust Bank on the date of
16 this incident, August 9th 2010?

17 A. I went to the Family Trust center.

18 Q. Okay. Tell the jury what you did there.

19 A. I go -- I went to Family Trust to go to the ATM. When
20 you go down 72, Saluda Road, they were doing construction
21 quite -- for quite a lengthy time there. There's an exit
22 first, and there's an entrance. The next drive is an
23 entrance. You go in -- You have to go in that way and you
24 would circle around and come around the back to the ATM
25 would be on my driver's side.

CONNIE DUMAS: DIRECT BY MR. ATWATER

450

1 MR. ATWATER: Your Honor, may I have her step down for
2 a moment?

3 MADAME COURT REPORTER: Take that microphone, please,
4 ma'am.

5 (WITNESS LEFT WITNESS STAND.)

6 Q. Let me show you what the State has prepared as an
7 aerial photo. And do you recognize what this building here
8 is?

9 A. Yes, I do.

10 Q. What is that?

11 A. The BP gas station.

12 Q. And do you recognize this building?

13 A. Yes.

14 Q. What is that?

15 A. The Family Trust Bank.

16 Q. Would you please explain to the jury what you were
17 just talking about?

18 A. We had this part and you drive in here. And you would
19 go around and that red stops right here at the ATM.

20 Q. Okay. So, if I understand correctly, you go - you'd
21 be coming in this direction?

22 A. Yes.

23 Q. And you'd come in this entrance?

24 A. Yes.

25 Q. All the way around the back of the bank.

CONNIE DUMAS: DIRECT BY MR. ATWATER

451

1 A. Yes.

2 Q. And this is the ATM?

3 A. Yes.

4 Q. So you wouldn't be actually facing towards, coming
5 right back out to --

6 A. To Saluda. We had to go out that exit because this an
7 entrance only and you had to exit only.

8 Q. Okay. And so is this the way you left?

9 A. Yes.

10 Q. Now, where did you go when you left there?

11 A. I said, I went to the BP because I realized that I had
12 to get change for the money I already had prior to going to
13 bank.

14 Q. Okay. And can you show the jury what entrance you
15 went into at the BP?

16 A. We were out here, and you would have went into this
17 door. This door.

18 Q. This is the gas station price.

19 A. Oh, I'm sorry. I see now. These are the parking
20 spots. I would have pulled right in to those spaces, and
21 then there's a door right there to go into.

22 Q. Okay. Do you see that blue item over there?

23 A. Yes. I believe.

24 Q. Okay. Did you park anywhere near that dumpster on the
25 other end of the store over there?

CONNIE DUMAS: DIRECT BY MR. ATWATER

452

1 A. No. It was a parking space right here.

2 Q. You can retake the stand.

3 (WITNESS RETURNED TO WITNESS STAND.)

4 Q. Connie, I'm gonna show you what's been marked as
5 State's Exhibit Number One. Looking at this photo here, do
6 you see the blue dumpster in that photo?

7 A. Yes, I do.

8 Q. On August 9th of 2010, at any time, did you park in
9 that area?

10 A. No, I did not.

11 Q. Would you have had any reason to go around to that
12 area of the building?

13 A. No, I would not.

14 Q. I'm gonna show you what's been marked as State's
15 Exhibit Number Three, and ask you if you'll look at that
16 photo. Does that area show where you parked at that day?

17 A. No, it does not.

18 Q. Okay. Now I'm gonna show you what's been marked as
19 State's Exhibit Number Five, and ask you if you'll look at
20 that. Does that area show you where you parked at that
21 day?

22 A. Yes, it does.

23 Q. Okay. Could you point out where you parked at?

24 A. I was parked in one of these spaces right here.

25 Q. Okay. And do you see that other building right there

1 next to the BP?

2 A. The car wash.

3 Q. Okay. Is it your testimony that you parked on that
4 side next to the car wash?

5 A. Yes, I did.

6 Q. Where the car wash is?

7 A. Yes.

8 Q. I'm gonna show you what's been marked as State's
9 Exhibit Number Seven.

10 And Your Honor, I'd like to ask her to step back down
11 again.

12 (WITNESS LEFT WITNESS STAND.)

13 Q. Connie, when you went into -- if you'll come around
14 here just a little bit so that the rest of the jury can see
15 them. When you went into the BP Station after parking, can
16 you point at where the door is that you went into?

17 A. I went in right over here.

18 Q. Okay. Now, when you were leaving the BP Station, can
19 you point out what door you walked out of?

20 A. I walked of the one closest to the register.

21 Q. Okay. And that would have been this one here?

22 A. Yes.

23 Q. And when you walked out of there, what direction did
24 you go in?

25 A. Around the corner, back to my car.

CONNIE DUMAS: DIRECT BY MR. ATWATER

454

1 Q. You may be seated.

2 (WITNESS RETURNED TO WITNESS STAND.)

3 Q. On August the 9th of 2010, did you ever have an
4 occasion to see Stephen Sinclair, the guy that was in here
5 yesterday to testify?

6 A. No, I don't recall seeing him.

7 Q. Do you recall seeing a man with his two children in
8 the store?

9 A. No, I don't recall that.

10 Q. Do you recall standing near a man with his two
11 children and staring at his money?

12 A. No.

13 Q. Now, if -- Will you tell the jury please, Connie, when
14 you left your home that day, what was the purpose for the
15 trip?

16 A. The purpose was to get a little more money out of the
17 bank because my daughter said that there was one or two
18 things she wanted to go back to the store to get. And her
19 sister wanted to go as well, so she was gonna -- they were
20 gonna go pick up her sister and then go to the mall.

21 Q. Did you already have any money before you left your
22 home?

23 A. Yes, I did.

24 Q. What did you have?

25 A. I had some dollars in my purse. I'm not sure how much

CONNIE DUMAS: DIRECT BY MR. ATWATER

455

1 exactly back then. But I did have a small amount. I
2 looked in my safe and I only saw one Hundred Dollar bill
3 left, so I said, well this isn't enough. I'll go get some
4 more and I'll get change for this so you can give some to
5 your sister when you pick her up.

6 Q. Okay.

7 A. For when you pick her up.

8 Q. So, when you left the home, you had the Hundred Dollar
9 bill with you?

10 A. Yes.

11 Q. All right. How much -- what account -- Well where did
12 you withdraw money from that day?

13 A. From the State Employee's Credit Union.

14 Q. Okay. And where did you access that money?

15 A. From the red ATM at Family Trust, outside of that
16 Family Trust.

17 Q. And how much money did you take out of the ATM that
18 day?

19 A. I just took, um, one, uh, one more hundred I believe
20 it was out of there.

21 Q. Okay. And what -- What denominations of bills did the
22 ATM give you that day?

23 A. They only give you twenties. You can't -- that's what
24 you get out of it. You couldn't get -- or like anything
25 else. That's -- usually they just give you like five

CONNIE DUMAS: DIRECT BY MR. ATWATER

456

1 twenties.

2 Q. Okay. When you went into -- let me ask you this.

3 Have you ever had an occasion prior to that date to go into
4 the Family Trust Federal Credit Union and speak to someone
5 about funds that they had on hold for you?

6 A. Had I ever gone in there to do that? Yes.

7 Q. Had you done it prior to that day?

8 A. Yes.

9 Q. Have you ever spoken with or met the gentlemen who
10 came in here today from Family Trust Bank, Mr. Mark Harris?

11 A. No.

12 Q. Okay. What did you do once you pulled into the
13 parking space at the BP Station?

14 A. I walked up to the counter first and asked if could
15 get change for the Hundred Dollar bill that I had.

16 Q. Okay. And what were you told?

17 A. I was told not without a purchase.

18 Q. Okay. So what did you do next?

19 A. I went down the aisles and tried to find something
20 that I may want back by the coolers where the drinks are.

21 Q. Okay. When you walked in with the Hundred Dollar
22 bill, what did you do with it?

23 A. I set it on the counter, and said I wanted -- ask her
24 for change for it if she could -- would be able to change
25 it for me.

CONNIE DUMAS: DIRECT BY MR. ATWATER

457

1 Q. Okay. And after you were told you'd have to make a
2 purchase for it, what did you do with the Hundred Dollar
3 bill?

4 A. I believe I left it there.

5 Q. On the counter?

6 A. As a matter of fact, I'm sure I left it there.

7 Q. Okay. And then you went elsewhere in the store?

8 A. Yes.

9 Q. All right. Do you recall how long you were in the
10 store?

11 A. I don't recall. I don't know.

12 Q. Do you recall what parts of the store you went to?

13 A. I went down -- There's some aisles and back past the
14 aisles there's the coolers with the drinks and everything.
15 And so I went back there.

16 Q. Okay. Did you open any of the coolers?

17 A. Yes.

18 Q. Okay. Did you get anything out of them?

19 A. I believe I got a water. I don't drink pop too much.

20 Q. Where did you go next?

21 A. Back to the counter.

22 Q. Did you stop anywhere on the way to the counter?

23 A. I glanced inside the ice cream machine that's right
24 there -- the little one with the sliding doors.

25 Q. Okay. And where exactly is that located in regards to

CONNIE DUMAS: DIRECT BY MR. ATWATER

458

1 the register?

2 A. It would be -- The register would be right here, the
3 counter, and the ice cream cooler would be right -- a
4 little bit over to the left.

5 Q. Connie, I'm gonna show you eleven pages with some
6 pictures on them, and ask if you'll take a moment to look
7 at those pictures.

8 THE COURT: While she's looking, that officer is here.

9 MR. ATWATER: Do you care if he steps in now?

10 THE COURT: That would be fine?

11 MR. SPRINGS: That's fine.

12 THE COURT: You want to step down and leave those
13 on...

14 MS. DUMAS: Thank you.

15 THE COURT: We're gonna-- We're gonna bring another
16 witness in here out of order. I apologize for that as we
17 try to keep our time normal.

18 (WITNESS LEAVING WITNESS STAND.)

19 MR. ATWATER: Your Honor, I would call Officer Michael
20 Reid.

21 THE COURT: You're still under oath.

22 DIRECT EXAMINATION

23 MICHAEL REID BY MR. ATWATER:

24 Q. Good afternoon, Officer.

25 A. Afternoon.

MICHAEL REID: DIRECT BY MR. ATWATER
CONNIE DUMAS: DIRECT BY MR. ATWATER - CON'T

460

1 A. I didn't see anybody.

2 Q. Did you see a -- a woman there - - -

3 A. No.

4 Q. - - - with him? Did you see any children there with
5 him?

6 A. No.

7 Q. Okay. Do you recall talking to Ms. Talford both
8 inside the store and outside of the store?

9 A. Yes.

10 Q. Okay. Do you recall talking to anybody else other
11 than Ms. Talford and Mr. Sinclair outside of the store that
12 day?

13 A. No.

14 Q. That's all I have, Officer. Thank you.

15 MR. SPRINGS: We have nothing for Officer Reid.

16 THE COURT: Thank you, sir.

17 (WITNESS LEAVING WITNESS STAND.)

18 THE COURT: All right. Ms. Dumas, you can come back
19 to the stand.

20 (WITNESS CONNIE DUMAS RETURNS TO WITNESS STAND.)

21 DIRECT EXAMINATION - CON'T

22 CONNIE DUMAS BY MR. ATWATER:

23 Q. Connie, have you had an opportunity to look at those
24 photographs?

25 A. Yes, I have.

CONNIE DUMAS: DIRECT BY MR. ATWATER

461

1 Q. What did they appear to be photographs of?

2 A. The store inside the BP gas station.

3 Q. Okay. And does that appear to accurately represent
4 what the store looked like on the day you were there?

5 A. Yes, it does.

6 MR. ATWATER: We would ask that these be marked as
7 Defendant's, what am I at, three now? Defendant's Three
8 please. All of them as one.

9 (WHEREUPON: DEFENDANT'S EXHIBIT'S NUMBER THREE
10 PREMARKED FOR IDENTIFICATION.)

11 MADAME COURT REPORTER: May I staple them?

12 MR. ATWATER: Yes, ma'am. Be very helpful. Thank
13 you.

14 All right. Your Honor, can I have her step down?

15 THE COURT: Yes, sir.

16 MR. SPRINGS: Do you just need to mark them? You're
17 gonna be publishing to the jury I'd assume. Are they in
18 evidence?

19 MR. ATWATER: Yeah.

20 MR. SPRINGS: Okay. And no objection then. That's
21 fine. They're in evidence.

22 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER THREE MARKED
23 AND ENTERED INTO EVIDENCE.)

24 MR. ATWATER: I apologize.

25 Q. Connie, looking at this photo here, does that appear

1 to be the door that you walked out of?

2 A. I does appear to be, but I would say it is.

3 Q. Okay. And in regard to that door, you see this video
4 camera right up here?

5 A. Yes, I do.

6 Q. Okay. In the second picture in Exhibit Number Three,
7 does that appear to be the door that you came in to that
8 day?

9 A. Yes, it does.

10 Q. Okay. And can you see where you would have been
11 parked at that day?

12 A. I think it was right here -- on the curb right --
13 right there.

14 Q. All right. In looking at the third photograph in
15 Exhibit Number Three, can you see what this photograph
16 shows along the bottom of the photograph?

17 A. The drink machine.

18 Q. Okay. And is that the area you were back in - - -

19 A. Yes.

20 Q. - - - at some point in time?

21 A. Yes.

22 Q. Okay. Referring back to the second photograph, you
23 would have put your hand on that door coming in that day,
24 wouldn't you?

25 A. Yes.

CONNIE DUMAS: DIRECT BY MR. ATWATER

463

1 Q. All right. Put your hand on the drink boxes?

2 A. Yes.

3 Q. All right. Do you see that video camera up there?

4 A. Yes, I do.

5 Q. In the fourth picture, does that appear to be what the
6 wall and that side of the store looks like?

7 A. It's the wall in the store. Yes.

8 Q. What do you see at the top of that picture?

9 A. A video camera.

10 Q. Okay. Now, if you can look at this photo here, at the
11 corner of the store towards the pump, can you see that
12 video camera right there?

13 A. Yes.

14 Q. Looking at the next photograph, can you see the door
15 that you walked into?

16 A. Yes. Because see that looks like the car wash so that
17 would have been the left side.

18 Q. Okay. So this shows the door that you walked into.

19 A. Yes.

20 Q. Where is the cash register in relation to that door in
21 this picture?

22 A. I would assume it would be like catty cornered like
23 this way.

24 Q. When you walked in that door, would you have had to
25 walk passed the cash register?

1 A. Yes, you would. You do, yes.

2 Q. But you stop at the cash register that day?

3 A. Yes.

4 Q. There is a television set right here. Was that there
5 the day that you were there?

6 A. I'm sure it was.

7 Q. Okay. And if you look right up here in this corner,
8 do you see a video camera?

9 A. Yes, I do.

10 Q. And if you look down here in this corner, is that the
11 same video camera that we had a hard time seeing just in
12 that previous photograph?

13 A. Yes, it is.

14 Q. Now, in this photograph here is right back here
15 towards the office. Do you see the video camera pointing
16 back up towards the ice cream?

17 A. Yes, I do.

18 Q. And another video camera right here?

19 A. Yes.

20 Q. In this photograph here, can you see -- Does that
21 appear to show where the counter is at the check out?

22 A. Yes.

23 Q. Okay. Where would the check out over the cash
24 register be in this picture?

25 A. It would be -- The register would be somewhere in

CONNIE DUMAS: DIRECT BY MR. ATWATER

465

1 here.

2 (WITNESS RETURNED TO WITNESS STAND.)

3 Q. Okay. Do you know of any reason why -- why you
4 wouldn't have shown up in all in those video cameras all
5 around that store the time that you were in there?

6 A. No I don't.

7 Q. Did it appear to you in looking at those photos that
8 by the video cameras you can actually see part of the
9 parking lot as well?

10 A. Yes, it does.

11 Q. What happened after, I believe you said you went back
12 to the drink box and came back up and paused at the ice
13 cream box - - -

14 A. Yes.

15 Q. - - - next to the check out. What happened next?

16 A. I would have had a -- I believe the water in my hand
17 to drink and I asked the cashier where my money was I had
18 left. It was just me and her. I asked her what happened
19 to it.

20 Q. Did you have anything else in your hand that you had
21 brought in the store with you?

22 A. I always will have my car key and my cell phone.

23 Q. Would this be the keys that you had with you that day?

24 A. Yes.

25 Q. Is there any difference between how these keys look

CONNIE DUMAS: DIRECT BY MR. ATWATER

466

1 today and how they looked on the date of this incident?

2 A. No.

3 Q. Does this look like the cell phone that you had that
4 day?

5 A. Yes, it does.

6 Q. Would you have had it in the store with you?

7 A. Yes. I would never leave it in the car.

8 Q. Now when you were -- When you went up and asked about
9 your money at the counter, you had something with you to
10 purchase at that time. Right?

11 A. Yes.

12 Q. Okay. And so what happened next?

13 A. After I went up, I didn't see it on the counter or in
14 her hand. I just assumed she would hold on to it for me
15 until I got back up, right back up to the counter. And
16 when I asked about it she said she didn't give me any
17 money. And --

18 MR. SPRINGS: I'm sorry. I couldn't understand what
19 she said.

20 A. She -- When I asked about the money, she had said,
21 what money. I said the money I gave you.

22 She said you didn't give me any money. I said I gave
23 you a Hundred Dollar bill.

24 And she said, I didn't see any Hundred Dollar bill.

25 Q. What did you do then?

CONNIE DUMAS: DIRECT BY MR. ATWATER

467

1 A. I asked her to -- I said, no, you had to see it
2 because there's only me and you and I know I put it there
3 when I asked her about the change.

4 Q. Okay. At any time did you tell her -- did you insist
5 that you get your money back?

6 A. Well I asked her. Yeah I said well, I said you have
7 to have it and she said she didn't.

8 Q. Did you see her at any time lay any money down?

9 A. Just right then, just lay money down?

10 Q. Before, as you were walking --

11 A. At any time did I see her with money to lay down
12 myself? No.

13 Q. Okay. Did you ever tell her --

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

15 MR. ATWATER: All right.

16 Q. What happened next in regards to your money?

17 A. She opened the drawer and took it out and sat it and
18 said, see, I don't have any. There's no hundreds. And I
19 said, it has to be there.

20 And she said something about are you serious? And I
21 said yes.

22 Q. Okay. So she puts the drawer up there - - -

23 A. Yes.

24 Q. - - - and tells you look and see if you see a Hundred?

25 A. Yes.

CONNIE DUMAS: DIRECT BY MR. ATWATER

468

1 Q. Did you see a Hundred?

2 A. No.

3 Q. Did you see any money in the drawer?

4 A. Yes.

5 Q. Did -- What did you do then?

6 A. Well she lifted up the little prongs that are there to
7 take the money out to count and lay it there to say, this
8 is it.

9 Q. Okay.

10 A. I don't have any Hundred.

11 Q. Okay. Did you reach up there and take the money?

12 A. Yes. I looked at it and kind of, I said because I'm
13 not leaving without my money.

14 Q. Was it a Hundred Dollars that you reached in there and
15 took?

16 A. It was Ninety something, maybe Ninety-five Dollars,
17 Ninety.

18 Q. So it wasn't a whole Hundred?

19 A. No, it wasn't. But --

20 Q. Do you recall asking her about the rest of it?

21 A. I did. I said, where's the rest of it?

22 She said, that's it.

23 Q. What'd you do then?

24 A. I just left.

25 Q. How -- How were you feeling at that time?

CONNIE DUMAS: DIRECT BY MR. ATWATER

469

1 A. Not happy. I mean, I wasn't threatening her, or gonna
2 start a fight over it. I had -- What I had purchased I did
3 end up leaving it in the process of this but I figured if
4 it was One Sixty-nine or whatever, plus tax, it would may
5 have been Ninety-eight and change so it would have only
6 been a couple of dollars.

7 Q. Were you upset about the incident?

8 A. I was not happy.

9 Q. So what did you do next?

10 A. I went in -- I got in -- went out of the store. I got
11 in my car, and drove back to my home to pick my daughter
12 up.

13 Q. Okay. When you walked out of the store, did you see
14 the gentleman that was here yesterday, Mr. Sinclair?

15 A. No.

16 Q. Did anybody say anything to you in the parking lot?

17 A. No.

18 Q. What road did you pull up out of the BP onto?

19 A. When I went out the door, I went to the left to my car
20 and I would have gone -- there's a drive, the same drive I
21 came in to, which is on Saluda. I would go right back down
22 that road because that's the road that leads to my home.

23 Q. Now after you got home, what happened?

24 A. After I went home I went into the kitchen and the den
25 is there and my son was on the computer, and I told my

1 daughter I ask her was she ready. And she said yes. She
2 was doing her hair. And I said okay, well, come one. And
3 I said, Darius D., we'll be right back, we're going around the
4 block to where her boyfriend lives.

5 Q. And which daughter was this?

6 A. This was Kiara B..

7 Q. Did Kiara B. have a driver's license at the time?

8 A. She had her permit.

9 Q. So what were your plans at that point in time in
10 regards to driving to her boyfriend's home?

11 A. Well, I was tired, so I had told her -- plus I had
12 been telling her to practice more. She was hesitant she
13 didn't really like to drive but I said you need to practice
14 more if you're going to get your driver's license. So I
15 told her to drive. I said you need to drive as much as you
16 can. And we went to get her boyfriend who in fact has a
17 driver's license. And she said -- that's why she said well
18 let's go get him first and then he can drive because she
19 didn't want to drive.

20 Q. So when you got stopped, who was driving?

21 A. Kiara B. was driving.

22 Q. And you were in the car why?

23 A. Because she only had a permit.

24 Q. She couldn't go without you?

25 A. She couldn't go without me.

CONNIE DUMAS: DIRECT BY MR. ATWATER

471

1 Q. To her boyfriend's without you in the car?

2 A. Correct.

3 Q. When the police stopped you, you saw their blue
4 lights.

5 A. Yes.

6 Q. What did you do then?

7 A. Well, my daughter saw them first in the rear view
8 mirror. And she said, oh my gosh, I wasn't speeding. And
9 I said what. And she said, there's flashing lights. And
10 that's when I looked back. There was no sirens, there was
11 just lights. And so she -- I said, well pull over, you
12 know, try to get as far off the road as you can without
13 completely being on like someone's grass or anything.

14 Q. Were you asked to get out of the car?

15 A. Yes. We were -- We could hear them over a speaker or
16 something saying get out, put your hands up.

17 Q. And what happened when you got out of the car?

18 A. When I got up, there were guns drawn. On my side
19 there were guns drawn. On her side they were like just put
20 your hands up, put your hands up, keep 'em -- keep 'em
21 where we can see 'em. And I continuously said what's going
22 on, you know, what's going on? What's happening? And they
23 said shut up. Just do what we say. And I remember saying
24 don't hurt my daughter. Because she's only 96 pounds, and
25 approximately five -- four foot eleven and a half.

1 Q. Were you put in handcuffs?

2 A. We were both put in handcuffs and kind of told as we
3 were pushed to sit down on the side of the road.

4 Q. Where were the handcuffs affixed on your hands? In
5 front of you or behind you?

6 A. Behind me.

7 Q. Did -- how did -- how if, in any way, did that affect
8 your shoulder?

9 A. It -- it bothered me.

10 Q. Did -- Did at any time did you let Detective Waldrop
11 know about that?

12 A. I tried telling him but he wouldn't listen. I told
13 him Officer Rivera, whose car I was in, the seats weren't
14 cushioned and they were hard, and when they -- when he put
15 me in the car and sat me back, I said these handcuffs are
16 uncomfortable and I had a shoulder injury and it's still
17 kind of hurting me is there any way you could please just
18 handcuff me in the front?

19 Q. Did Officer Rivera take you to the police station?

20 A. Later, yes.

21 Q. And tell the jury what happened when he took you to
22 the police station.

23 A. Officer Rivera took me into the station. It wasn't
24 too much later we left. There were officers and everything
25 still at my home. My daughter, from what I could see, was

CONNIE DUMAS: DIRECT BY MR. ATWATER

473

1 scared still at the time with the officers. When we got to
2 the police department they take you in. I think he has to
3 remove his gun, or something, and then they take you in and
4 they took the handcuffs off me. And I was asked to sit
5 down. And there were two desks with ladies that were
6 sitting at either desk.

7 Q. How many ladies?

8 A. There were two ladies. Whether or not they were both
9 sitting at the time -- I know one was. I believe the other
10 one got up as he was bringing me in.

11 Q. Okay. And what happened next?

12 A. I was asked to sit down. And they were talking
13 amongst themselves. And I heard Detective Waldrop's name
14 mentioned. And they were also looking for someone else.
15 And she -- the lady, I believe the other lady walked away
16 to do something. And the lady that was there said well, we
17 have to wait for another female officer to check me and
18 different things. We had to wait for another. And she
19 said well, they asked again about Detective Waldrop and
20 they said well, he's not here yet. And so she said, well,
21 you can't stay out here. I mean, I sat there for fifteen,
22 twenty minutes, maybe, just sitting. And she said, just
23 come on, I'm gonna put you in here for now. I was still in
24 my clothes. There were no handcuffs. I hadn't had any
25 procedure done.

1 Q. Okay. And what did they put you into?

2 A. The very first -- there's a big door right there is a
3 holding cell. There's a wall where the seats were, and a
4 computer that -- then there's this door.

5 Q. Was it like a jail cell?

6 A. Yes.

7 Q. What was in that room?

8 A. Two cots -- beds. And one window. A little room with
9 a toilet and a sink.

10 Q. Okay. And what did you do when you got in there?

11 A. I went and sat down on the empty bed.

12 Q. Was there anybody else in there?

13 A. There was someone on that very first bed by the door
14 when you first come in.

15 Q. From the time you had left the scene where y'all were
16 stopped, in Detective Rivera's car, had you seen Detective
17 Waldrop since then?

18 A. Not since the time he transported me to the police?

19 No.

20 Q. Okay. So you were at the police station. Detective
21 Waldrop was not there.

22 A. No.

23 Q. You haven't been in the interview room with him yet?

24 A. No.

25 Q. And you were in a jail cell?

CONNIE DUMAS: DIRECT BY MR. ATWATER

475

1 A. Yes.

2 Q. What happened next?

3 A. I stayed there for a little while until I indicated to
4 one of the ladies that were out there that I don't know how
5 long I'm gonna be here or what's going on, but could you
6 please try to contact my husband to get my medicines
7 because I need to take my medicine on time.

8 Q. What medicine was it?

9 A. The Zoloft.

10 Q. Okay. And when do you normally take your Zoloft?

11 A. Somewhere about Six in the evening. Five, Six.
12 Because it tends to make me drowsy, but it doesn't take any
13 effect for a few hours. So I take them all later in the
14 evening.

15 Q. What happened after you asked that?

16 A. She said -- She said okay, I'll check on it. And then
17 she walked away from the door.

18 Q. Did you ever get your medicine?

19 A. Yes, I did.

20 Q. Who gave it to you?

21 A. The -- The woman did.

22 Q. Do you know where she got it from?

23 A. She said, your husband brought your medicine.

24 Q. And where were you when she brought it to you?

25 A. In the cell.

1 Q. Okay. The same one you talked about before?

2 A. Yes.

3 Q. Had you seen Detective Waldrop yet?

4 A. No, I hadn't.

5 Q. What happened next?

6 A. The -- In the time that I was waiting someone came and
7 removed the other female that was in there -- took her out.
8 So I was in there alone. So I got up and took my blanket
9 and went over to her bed where I could try to see the clock
10 at least to see how long I had been in there. And that's
11 where I stayed. And then I laid down.

12 Q. Where was the clock you were trying to see?

13 A. If this is the bed, like this
14 (INDICATING.)

15 A. There's a big window here. And the clock was on the
16 wall of the police station.

17 Q. Outside your cell?

18 A. Yes. Like maybe where -- up there under those lights
19 on that little wall area.

20 Q. Okay. Could you have -- Could you see that clock from
21 other bed you were laying in at first?

22 A. No.

23 Q. What happened next?

24 A. I was there for a little bit and then they brought
25 someone else in and she didn't say anything to me, just to

CONNIE DUMAS: DIRECT BY MR. ATWATER

477

1 the officer that brought her in. I believe they're called
2 correctional officers or detention officers. She brought
3 her in. She laid down and she went to sleep. So time was
4 passing I laid down and tried to -- tried to relax a
5 little.

6 Q. Okay. At any time were you taken out of that room?

7 A. Yes.

8 Q. Who took you out of that room?

9 A. Detective Waldrop and another officer.

10 Q. Can you describe the other officer?

11 A. He had on -- It was a Caucasian male with just regular
12 clothes. I believe he had on a jack -- a suit jacket and a
13 tie. So I assumed he was a detective as well.

14 Q. Where did they take you to?

15 A. Around the corner to a room. He asked if I wanted
16 water and I said no. And the other officer -- The other
17 officer.

18 Q. Okay.

19 A. And Detective WaldrOp opened the door. And the other
20 officer said go on in and have a seat. And then he sat
21 right down next to me. There were two chairs.

22 Q. Okay. And this was at a Rock Hill Police station?

23 A. Yes.

24 Q. Was that -- Was that the first time that you had seen
25 Detective Waldrop since you had been stopped back on the

1 road?

2 A. Yes.

3 Q. All right. How long were you in that room with
4 Detective Waldrop?

5 A. That I'm not sure. Probably -- maybe about twenty,
6 twenty-five minutes or so.

7 Q. Okay. Detective Waldrop says that you recited a
8 confession to him. Did you do that?

9 A. No.

10 Q. Do you recall Detective Waldrop typing on a computer?

11 A. Yes, I do.

12 Q. What were you doing while he was typing on the
13 computer?

14 A. I was sitting.

15 Q. Okay. Was he saying anything to you while he was
16 doing it?

17 A. Not all the time.

18 Q. At any time while he was typing on the computer did he
19 ever present you with any papers?

20 A. No.

21 Q. Did he ever give you a document and ask you to sign
22 it?

23 A. While he was typing?

24 Q. After he finished typing.

25 A. After he finished typing he got up and went in this

CONNIE DUMAS: DIRECT BY MR. ATWATER

479

1 little room behind. I could hear it something printing.

2 And then he came back and asked me. Yes.

3 Q. Okay. So you heard something printing and he came
4 back. Did he having anything in his hand?

5 A. He had papers.

6 Q. Okay. What happened then?

7 A. Right just at that moment?

8 Q. Uh-huh.

9 A. He said -- He put the papers down and he said you need
10 to sign here. Then I -- and he -- he said you have to sign
11 here and you have to sign here.

12 Q. Okay.

13 A. There were, I believe three space.

14 Q. Did -- Did he ever have anyone raise your hand and put
15 you under oath like you did - - -

16 A. No.

17 Q. - - - when you got up here today?

18 A. No.

19 Q. He never did that?

20 A. No.

21 Q. Did he -- Did he ask you questions while he was typing
22 on the computer to put on the document?

23 A. He told me things that were said. He said -- He would
24 say you did this, didn't you, didn't you? And this is what
25 happened isn't it? And I would tell him no to most of it

1 other than like leaving my house or, you know. But the
2 things he was saying, I said no just as I had before and I
3 kept telling him no, that's not what happened.

4 Q. Okay. Did you ever tell him you had a gun?

5 A. No.

6 Q. Did you ever tell him you robbed the One Stop?

7 A. No.

8 Q. Did you ever tell him that you had went inside the
9 Family Trust Bank?

10 A. No.

11 Q. Okay. Did you ever tell him that you had put a gun in
12 the small of your back in the waist of your pants and
13 walked into Family Trust?

14 A. No.

15 Q. Did you ever tell him I took the money from the drawer
16 and put it in my pants pocket?

17 A. No. Those pants didn't have pockets.

18 Q. What kind of pants were they?

19 A. They were a thin Nike wind suit type pants material.
20 But oddly enough they didn't have -- I think they have a
21 little bitty one on the back, a tiny one, but it's not big
22 enough for you to put anything in it.

23 Q. Okay. When you walked out of the One Stop, did you
24 have your money in your hand?

25 A. Yes.

CONNIE DUMAS: DIRECT BY MR. ATWATER

481

1 Q. When you were taking the money from the cashier at the
2 One Stop, whose money did you believe you were taking?

3 A. Mine.

4 Q. Did you ever tell her that you intended to rob that
5 place?

6 A. No.

7 Q. Did you ever lay a gun down on the counter?

8 A. No.

9 Q. Now, did you ever see a Two Dollar bill with a stamp
10 on it?

11 A. With a stamp on it? A Two Dollar? I don't, no, not
12 to my recollection.

13 Q. Let me show you what's been marked as Defendant's
14 Exhibit Two. Do you see that photograph there?

15 A. I do.

16 Q. Are those your hands in that photograph?

17 A. No.

18 Q. Did you take that photograph?

19 A. No, I did not.

20 Q. Have you ever possessed that Two Dollar bill right
21 there?

22 A. No.

23 Q. Did the police take that Two Dollar bill out of your
24 car?

25 A. No.

1 Q. Did they take it out of your purse?

2 A. No.

3 Q. Did they take it out of Kiara B. purse?

4 A. No. I haven't seen a Two Dollar bill in quite a few
5 years.

6 Q. I'm gonna show you what's marked as a State's Exhibit
7 Thirty-four. Is -- Do you see that photograph?

8 A. Yes, I do.

9 Q. Is that your purse?

10 A. Yes, I do.

11 Q. Okay. Can you tell if there's any money in your
12 purse?

13 A. Yes, I can see money. That's where I usually put it
14 in a zipper.

15 Q. Okay. And do you see money laying in front of it?

16 A. Yes, I do.

17 Q. Do you know where the money laying in front of it came
18 from?

19 A. Yes, I do.

20 Q. Where did it come from?

21 A. My daughter's purse.

22 Q. Okay. And your purse has a quantity of money in it
23 also. Correct?

24 A. Yes, it does.

25 Q. Did -- did it -- When Detective Waldrop asked you to

CONNIE DUMAS: DIRECT BY MR. ATWATER

483

1 sign this document, what did you tell him?

2 A. I told him I didn't want to sign anything.

3 Q. Okay.

4 A. I had asked them -- I'm sorry -- for an attorney. I
5 asked in the police car for -- could I use my phone to call
6 my attorney. They said you can't use your phone.

7 Q. All right. But down at the Rock Hill --

8 A. Down at the police station I asked again. I said, you
9 said I could have an attorney.

10 And he said, well, we're not gonna worry about that
11 right now. I told you one would be provided for you at a
12 later date.

13 Q. Okay. So, what happened next when you told him that
14 you didn't want to sign this document?

15 A. He said, I told him that the things he was saying
16 weren't true. And he stated well somebody's going to admit
17 to this crime. If not you then I'm gonna go home, go back
18 to your house, I'm gonna get your daughter and bring her
19 down to the police department and we'll lock both of you up
20 until somebody confesses. And your eleven-year-old son
21 will be home by his self.

22 Q. And did -- did not in fact, he tell you that your --

23 MR. SPRINGS: Objection to the leading.

24 Q. Were you ever told that --

25 MR. SPRINGS: Objection to the leading.

CONNIE DUMAS: DIRECT BY MR. ATWATER

484

1 Q. What were you told in regards to where your daughter
2 was at the time he was trying to get you to sign this?
3 What did he tell you?

4 A. I was told that she was on her way to the police
5 department.

6 Q. Okay. And what did he tell you about how she was
7 getting there?

8 A. He said a car -- a police car was bringing her.

9 Q. What did you under -- how did that make you feel?

10 A. Very bad.

11 Q. What did you understand he was telling you was going
12 to happen to Kiara B.?

13 A. He said he would lock her up. He would arrest her.
14 So she would have -- And he said she would have an arrest
15 record. And he said that doesn't look too good for a young
16 student, would it?

17 Q. How old was she at the time?

18 A. Seventeen.

19 Q. Was she still in school?

20 A. Yes. She was a senior.

21 Q. What did you think and feel about what he was telling
22 you regarding Kiara B.?

23 A. I just didn't understand why he would even bother her.
24 When I left the house earlier I was alone. I didn't
25 understand why he would say he would go arrest her. I just

CONNIE DUMAS: DIRECT BY MR. ATWATER

485

1 didn't understand that.

2 Q. So it was your understanding that she was being
3 brought back down to the police station in a police car
4 that night.

5 A. Yes. I had already seen them put handcuffs on her and
6 put her in a police car once. I had no reason to believe
7 that he wouldn't do it again.

8 Q. Why did you sign this document?

9 A. Because I was threatened. Detective Waldrop even
10 said, well time is passing and it's getting late. I'm
11 ready to go home. Maybe you're ready to go to sleep. He
12 said when you sign this, if you sign this then you won't
13 have to worry about your daughter being arrested, and...

14 Q. So did you sign it based on him telling you that?

15 A. Yes.

16 Q. What happened to you next?

17 A. They -- The officer that was in there with us was
18 standing at that time because he had left out at some point
19 and came back.

20 Q. Okay.

21 A. The plain clothes officer -- that the detective had
22 said that he would be in there with us too, during this.
23 He opened the door and --

24 Q. Who did?

25 A. The other officer. And he told me to go out first and

CONNIE DUMAS: DIRECT BY MR. ATWATER

486

1 I did. And then they came out and the lady, one of the
2 ladies took me back to the cell.

3 Q. Okay. Did she take you to the same cell you had been
4 in before or somewhere else?

5 A. Yes. To the same cell.

6 Q. Okay. And how long were you in that cell?

7 A. Til the next day when I went to -- in front of the
8 Judge.

9 MR. ATWATER: I beg the Court's indulgence for a
10 moment, please.

11 (PAUSE AT 04:55 PM.)

12 Q. If you had been in need of money on August 9th of
13 2010, did you have any way of getting money?

14 A. Yes.

15 Q. What was that?

16 A. Well I wasn't in need, but my accident case was being
17 handled. I could have settled it.

18 Q. Who's handling that?

19 A. You are.

20 Q. Did you have --

21 A. Which is why I asked to call my attorney, but I was
22 never allowed to. I could have said, let's go settle. We
23 were still -- you were still working on it. And so, I
24 could have said to you, can we just settle so I can get it
25 -- the money.

CONNIE DUMAS: DIRECT BY MR. ATWATER
CROSS BY MR. SPRINGS

487

1 Q. Had you been offered money on it at that time?

2 A. Yes.

3 Q. Did you have a gun at any time at all during that day?

4 A. I never had a gun or been in possession or had access
5 to a weapon or gun.

6 Q. Did -- So you wouldn't have thrown one out of a window
7 somewhere or anything?

8 A. No. Never.

9 Q. That's all I have. Please answer anything Mr. Springs
10 has for you.

11 THE COURT: Your witness, Solicitor.

12 MR. SPRINGS: Thank you, sir.

13 CROSS EXAMINATION

14 CONNIE DUMAS BY MR. SPRINGS:

15 Q. I'm gonna play a movie up here, Ms. Dumas. Can you
16 see that screen okay?

17 A. Yes, I can.

18 MR. SPRINGS: Can we dim the lights?

19 (COURTROOM LIGHTS DIMMED.)

20 (VIDEO PLAYED ON OVERHEARD IN PRESENCE OF JURY.)

21 Q. Did you see the movie, Ms. Dumas?

22 A. Yes, I did.

23 Q. And that was you in the light colored shirt that came
24 up to the clerk, was it not?

25 A. Yes.

CONNIE DUMAS: CROSS BY MR. SPRINGS

488

1 Q. And State's Exhibit Twenty-six, that's you in the
2 light colored shirt walking up to the counter.

3 A. Yes.

4 Q. Is it not?

5 A. Yes.

6 Q. State's Exhibit Twenty-eight is just about the same
7 photo, isn't it?

8 A. Yes.

9 Q. Okay. Do -- I'm gonna publish that to the Jury. Let
10 me pass that around.

11 I -- I want to talk about your right hand, what's in
12 your right hand. Do you see your right hand in that
13 picture?

14 A. Yes.

15 Q. Do you see what's in your right hand?

16 A. I see something's in it.

17 Q. It's an automatic pistol, is it not?

18 A. No, it's not.

19 Q. It's not an automatic pistol?

20 A. No, it's not.

21 Q. What is it?

22 A. It should have been my cell phone. Maybe my keys,
23 unless my keys are in the other hand.

24 Q. So it's maybe your keys. It's maybe your keys?

25 A. Well, I wouldn't leave them in the car.

CONNIE DUMAS: CROSS BY MR. SPRINGS

489

1 Q. Okay. So you're saying that's not an automatic
2 pistol, that's car keys?

3 A. Or a cell -- cell phone.

4 Q. Or a cell phone.

5 A. And a cell phone. Both. I carry 'em both with me. I
6 don't get out of the car and leave car keys or a cell
7 phone. I may have had the keys in the other hand if I
8 would have had my phone generally in my right hand because
9 I'm right handed.

10 Q. Uh-huh. And this other picture, State's Exhibit
11 Twenty-five, that's you in the light colored shirt, isn't
12 it, walking up to the counter?

13 A. Yes.

14 Q. And you're reaching up under your shirt to get
15 something; are you not?

16 A. That doesn't look like -- It looks like my hand is
17 visible. It doesn't look like it's under anything.

18 Q. Let's look at it together.

19 A. I see my hand right across there.

20 Q. That's right. Your hands are like this.

21 (INDICATING.)

22 Q. At your waist line. Is that right?

23 A. They're um...

24 Q. I don't want to misrepresent --

25 A. Do you mean something like that?

1 Q. Well do you want to come out here and play act and
2 show the jury how your hands are in the picture?

3 A. Over here?

4 Q. Yeah. And what's -- and what's in your hands there in
5 that picture, State's Exhibit Twenty-five? What you
6 gettin' from your waist line?

7 A. Over here? It doesn't look like anything. I could
8 have been scratching my side or -- I already stated that I
9 still had pain on my left side. I don't know. From August
10 of last year why I would have been -- looks like if I
11 scratched my head or something.

12 Q. Okay. Could I borrow the car keys, please?

13 (KEYS GIVEN TO SOLICITOR SPRINGS.)

14 Q. Come on up and show the jury how -- what was your
15 purchase? It was a water?

16 (WITNESS LEAVING STAND.)

17 A. I believe, if I recall.

18 Q. Okay.

19 A. I'm not one hundred percent sure.

20 Q. Something like that?

21 (DISPLAYING BOTTLED WATER.)

22 A. Yes.

23 Q. Okay. All right. Let's -- Let's pretend that I'm the
24 clerk. I'm gonna give you your keys and here's your water.
25 And you're coming up to the counter where the clerk is

CONNIE DUMAS: CROSS BY MR. SPRINGS

491

1 behind the cash register. So, hold the keys and the water
2 the way were as you walked up to the clerk behind the cash
3 register.

4 A. Sometimes I just walk like this.

5 Q. And that's -- that's what you had in your hand, your
6 keys.

7 A. Uh, well, I don't have my phone. Unless you want to
8 get the phone and show you.

9 Q. Well which one did you have? Your phone or your keys?

10 A. I should have had them both.

11 Q. You had -- go get your phone. And that's the way you
12 walked up?

13 A. Uh-huh.

14 Q. Okay. Now what were you doing down here? Did -- you
15 scratching yourself?

16 A. I can't recall exactly.

17 Q. Okay. All right. You weren't pulling a pistol out of
18 your waistline?

19 A. No.

20 Q. Okay. All right.

21 Q. I had on loose fitting elastic pants. There was
22 nothing there that was in my waist.

23 Q. Okay. Hand me my water back, and return your keys and
24 your cell phone back.

25 (WITNESS RETURNED TO WITNESS STAND.)

1 Q. Now let's get back over this afternoon as quickly as
2 we can. We all want to go home. You left your house and
3 you went to the bank, did you not?

4 A. Yes.

5 Q. And you went inside the bank?

6 A. No.

7 Q. You didn't go inside the bank?

8 A. No.

9 Q. You didn't talk to the teller, Shirley Rosborough-
10 Taylor?

11 A. No.

12 Q. You didn't talk to her?

13 A. No.

14 Q. You didn't talk to her about your account that was
15 overdrawn?

16 A. I didn't talk to anyone because I did not go inside of
17 the bank.

18 Q. Okay. No doubt about it?

19 A. No doubt.

20 Q. So then you left the bank. You went to the bank.
21 You'll agree you went to Family Trust Bank, right?

22 A. I went to the bank center, that area, yes.

23 Q. Okay. All right. And you got a Hundred Dollars out?

24 A. Out of the ATM.

25 Q. Okay.

CONNIE DUMAS: CROSS BY MR. SPRINGS

493

1 A. There's only an ATM on the outside. There is none
2 inside.

3 Q. Okay. And you were at the bank, Family Trust Credit
4 Union, which is a bank?

5 A. Yes.

6 Q. Okay. And then you left the bank to go to a
7 convenient store to do what?

8 A. I pulled out of the parking lot and said to myself --
9 I said, well, I didn't get -- I still need change. I said
10 that to myself. So I pulled right into the BP.

11 Q. Okay. So you left the bank to go get change at a
12 different store -- at a store -- a convenience store?

13 A. I -- yes. I rarely go inside the bank to stand in a
14 long line if I could go to the ATM. It's quicker.

15 Q. Yeah. Okay. Did you go into the -- the One Stop
16 store?

17 A. Yes.

18 Q. And you say you went up to the counter and you put a
19 Hundred Dollar bill on the counter?

20 A. Yes.

21 Q. And then you walked off and left it?

22 A. Uh-huh.

23 Q. And then you came back and you had a long conversation
24 with the clerk?

25 A. I didn't say it was a long conversation. And when I

1 put the bill down, she picked it up and said I had to buy
2 something. So I said okay, I'll be right back. And went
3 to get what I was getting.

4 Q. And you came -- You came back up to the counter - - -

5 A. Yes.

6 Q. - - - with your hand like this - - -

7 (INDICATING.)

8 Q. - - - when you get to the counter. And you're at the
9 counter okay.

10 A. I may have just did this.

11 (INDICATING.)

12 A. I may have -- I -- I didn't say I was walking like
13 this, really slower.

14 Q. Okay. All right. But you're at the counter with the
15 clerk?

16 A. Yes.

17 Q. Something's in your hand. Okay. All right. Would
18 you agree something's in your hand?

19 A. I -- yes.

20 Q. Okay. And you told your lawyer you asked the clerk
21 where's my money; is that right?

22 A. Yes.

23 Q. And the clerk said, what money? Is that what the
24 clerk said? That's what you said a little while ago.

25 A. I asked her where my -- yes. The money I gave her.

CONNIE DUMAS: CROSS BY MR. SPRINGS

495

1 Yes.

2 Q. You told the clerk I gave you a Hundred Dollar bill?

3 A. Uh-huh.

4 Q. You have to say yes.

5 A. Yes. I'm sorry. Yes.

6 Q. Okay. That's what -- You said that to the clerk.

7 A. Yes.

8 Q. I gave you a Hundred Dollar bill and the clerk said
9 what?

10 A. Are you serious?

11 Q. Now I think you told your lawyer the clerk said well I
12 never saw any --

13 A. Well she said -- yes, she said I didn't see a Hundred
14 on the bill.

15 Q. That -- on that conversation on that movie --

16 A. I said well that's what I gave you. She said are you
17 serious? Yes.

18 Q. So the clerk took the whole cash register money drawer
19 out?

20 A. Yes.

21 Q. And put it up on the counter?

22 A. Yes.

23 Q. And the clerk did say are you serious.

24 A. Yes.

25 Q. So you reached into the drawer and you took the money

1 out of the drawer?

2 A. I took the money that she showed me she had. I looked
3 through how much it was. And I said -- it wasn't quite a
4 Hundred Dollars so I said where's the rest of it?

5 And she said I don't have any. That's all it is. So
6 I was like, okay, whatever. And I left.

7 Q. Well wait a minute. Wait a minute. You said when --
8 you did say where's the rest of it. You dropped something
9 didn't you?

10 A. No. That wasn't quite all of my money. At that time
11 I wanted my Hundred back.

12 Q. Right. You said where's rest of it. You dropped
13 some, didn't you say that?

14 A. No.

15 Q. Okay.

16 MR. SPRINGS: Ms. McDaniel, come on back up. Do you
17 still have the disc?

18 MS. MCDANIEL: Yes, sir.

19 MR. SPRINGS: Let's play the disc.

20 (VIDEO PUBLISHED IN COURT IN PRESENCE OF JURY.)

21 Q. There's no mention of any Hundred dollar bill, was
22 there Ms. Dumas?

23 A. I couldn't hear the entire audio on there. You were
24 -- clearly it looked like we were talking prior to the
25 audio coming in. I was there before the audio came in.

CONNIE DUMAS: CROSS BY MR. SPRINGS

497

1 Q. One more time. You told your lawyer that you came up
2 to the counter and said where's the Hundred Dollar bill I
3 put down.

4 MR. ATWATER: Objection. Asked and answered.

5 MR. SPRINGS: I'm cross examining her.

6 MR. ATWATER: It's still asked and answered.

7 THE COURT: That's true. However, I'm gonna give
8 everybody a little leeway. I don't want to hear it again
9 but go ahead.

10 Q. You came back up to the other counter and you told
11 your lawyer you told the clerk, where's my Hundred Dollar
12 bill. Right?

13 A. Yes. I just said my hundred -- I first said my money.
14 Then said a Hundred.

15 Q. A Hundred Dollar bill?

16 A. A Hundred.

17 Q. And the clerk said you didn't give me a Hundred Dollar
18 bill. Isn't that what you told your lawyer?

19 A. Yes.

20 Q. So we would have caught it up here?

21 A. I seen us, it looked like we were interacting before
22 we hear any audio. At first I don't hear anything. I also
23 -- I mean, I don't see her -- you said I said she dropped
24 something?

25 Q. Yes.

1 A. I didn't say that. I also didn't see her pick
2 anything up.

3 Q. Yes. After -- After you took the money out of the
4 drawer -- remember watching yourself on the movie taking
5 money out of the drawer?

6 A. I seen myself taking it from that area, which could
7 have been laying on top of the drawer. But I didn't flip
8 any those little things that -- the prongs that money goes
9 into. No. I didn't do all of that.

10 Q. Did you get the mon --

11 A. She did it.

12 Q. I'm gonna -- let me finish and then you I can let you
13 finish.

14 A. Okay.

15 Q. Let's be polite to each other. Did you get all the
16 money that was in the black drawer?

17 A. I got what I believed to be -- what I looked at to be
18 close to the amount that I should have had for change.

19 Q. Okay. Let me ask you this question again. Did you
20 get all of the money -- all of the bills out of the black
21 drawer?

22 A. I didn't. I'm not sure if there was money still in
23 there or not. I know I didn't get any change, like silver
24 -- like coins. If you're asking if I can recall if there
25 was money still left, I can't recall that.

CONNIE DUMAS: CROSS BY MR. SPRINGS

499

1 Q. Okay. So you counted the money you took out?

2 A. Yes.

3 Q. And how much money did --

4 A. I did that once, I mean, you know -- how much it was --
5 - it -- well -- I kind of did there and then I got out
6 again 'cause I had it in my hand. And it was about Ninety-
7 four Dollars or so.

8 Q. You -- You counted it there at the counter?

9 A. Yes.

10 Q. And how much was it?

11 A. It appeared to be about Ninety-four, Ninety-five
12 dollars.

13 Q. Okay. And after you got all the money out of the
14 black drawer, you said where's the rest of it you dropped
15 something.

16 A. No.

17 Q. You didn't say that?

18 A. I asked where the rest of my change was. And she said
19 that's it. That that was it what I had. So I said okay.
20 I mean, if I was buying something in the process, I believe
21 I left it there. But I would have had to pay for it. So I
22 wouldn't have gotten a whole hundred back.

23 Q. Okay. And then you walked out of the store?

24 A. Yes.

25 Q. There was something in this hand.

CONNIE DUMAS: CROSS BY MR. SPRINGS

500

1 (INDICATING.)

2 Q. And the cash in this hand. Is that right?

3 A. I believe so, that the cash may have been in my left
4 hand.

5 Q. You got in your car?

6 A. Yes.

7 Q. Nobody else was in the car with you?

8 A. No.

9 Q. And then you had a Toyota that was -- what silver,
10 champagne color?

11 A. Champagne.

12 Q. The way it was described by Mr. Sinclair on the 911
13 tape?

14 A. The way I heard him describe, yes.

15 Q. And he got your tag. Did he get your tag exactly
16 right, or close?

17 A. He got it a little off.

18 Q. So then you go home?

19 A. Yes.

20 Q. And you're by yourself in the car between the store
21 and your home, going down the road, going down the road
22 side. Is that fair?

23 A. Yes.

24 Q. So you go home and you get your daughter.

25 A. Yes.

CONNIE DUMAS: CROSS BY MR. SPRINGS

501

1 Q. Your daughter knew nothing of this?

2 A. There was nothing to know.

3 Q. Okay. Then you and your daughter get pulled over by
4 the police?

5 A. Yes.

6 Q. And the police gave you your Miranda Rights, did they
7 not?

8 A. Not directly then.

9 Q. They gave you your Miranda Rights right after you got
10 into the police car, didn't they?

11 A. Later - yes, we didn't get into it immediately. We
12 were sitting on the side of the road first. I was asking
13 what was going on, and I was never told Miranda Rights or
14 anything else.

15 Q. Okay.

16 A. Right then.

17 Q. Okay. Well, you were -- you -- the police set you on
18 the side of the road for a minute after you got out of your
19 car?

20 A. Yes.

21 Q. And then they took you over to an air conditioned
22 police car, did they not?

23 A. Yes.

24 Q. They sat you in the air conditioned police car?

25 A. Yes.

1 Q. And Detective Waldrup came over to you in the police
2 car. Are were together so far?

3 A. Yes.

4 Q. And he read you your Miranda Rights -- gave them to
5 you -- spoke them to you. Right?

6 A. Not right then, no.

7 Q. Well when did he --

8 A. He did later. I asked the officer whose car I was in,
9 was I under arrest. I wouldn't have asked him that if I
10 had heard Detective Waldrup say you have the right to
11 remain silent and gone on with the Miranda. I asked him,
12 am I under arrest for something? And he said, no not yet.

13 Q. Okay. Did Detective Waldrop tell your Miranda Rights
14 while you were sitting in the police car there at the same
15 location where the police stopped you and your daughter?

16 A. He gave me my rights in my driveway, in the -- while I
17 was sitting in the police car. The door was open. My feet
18 -- at one time I put them out. They said put 'em back in.
19 And he said just sit here and just hold up a second.
20 That's what Officer Rivera told me. And Detective Waldrop
21 was out -- standing out -- they were talking to officers as
22 they pulled up.

23 Q. Detective Waldrop told you Miranda Rights?

24 A. There. Yes.

25 Q. You told him you understood your Miranda Rights?

CONNIE DUMAS: CROSS BY MR. SPRINGS

503

1 A. Uh, yes I did.

2 Q. And then you told him your sister, Felicia, had gone
3 into the store and had given you the shirt you were
4 wearing?

5 A. No.

6 Q. You didn't -- Did you tell Detective Waldrop anything
7 about Felicia being the robber?

8 A. No.

9 Q. And then you told Detective Waldrop a different story.
10 You said I went in the store and the gun fell out of my
11 purse. Then you put the money on the counter, I thought oh
12 well. I took the money.

13 A. No.

14 Q. You told Detective Waldrup that, did you not?

15 A. No, I didn't.

16 Q. What did you tell him?

17 A. I told him the same thing I just told the jury and to
18 you in this courtroom what happened.

19 Q. Well, then what happened? What happened?

20 A. I told him about going into the store, stopping at the
21 counter first. Am I -- you want me to go back through the
22 whole story? To -- through the whole story again? Okay.
23 About me stopping at the counter to give her -- ask her for
24 change for a Hundred. Her telling me that I couldn't get
25 change without a purchase. Me walking back by the coolers

1 - -

2 Q. Okay. Let me stop you there. You 're saying you told
3 that to Detective Waldrop in a police car shortly after the
4 police stopped you and arrested you?

5 A. I didn't say shortly after.

6 Q. Okay. Before they took you to the police station? Is
7 that what you're saying?

8 A. No.

9 Q. When did you tell Detective Waldrop the story about
10 laying a Hundred Dollar bill on the counter and the clerk
11 just put the drawer up. When did you tell him that?

12 A. I didn't say I laid it down and the clerk just put the
13 drawer up. I never said the story like that.

14 Q. Okay.

15 A. I said I had money when I went into the store and then
16 I left the store with some of my money.

17 Q. Okay.

18 A. I didn't take anything from anyone. I did not do
19 this. I told him that repetitively.

20 Q. Okay.

21 A. When I found out what it was that they were arresting
22 me for.

23 Q. I got the picture. All right. So you were taken to
24 the police station, were you not?

25 A. Yes.

CONNIE DUMAS: CROSS BY MR. SPRINGS

505

1 Q. And read your Miranda Rights again, were you not?

2 A. No.

3 Q. You weren't given your Miranda Rights again?

4 A. Detective Waldrop asked me if I understood my rights
5 that were read to me earlier, or if he needed to go over
6 them again.

7 Q. Okay. And he had a form that he went over your
8 Miranda Rights on the form, did he not?

9 A. I didn't see any form until I was told to sign that I
10 can recall seeing.

11 Q. State's Exhibit Nine, this -- this form.

12 A. Uh-huh.

13 Q. These are the Miranda Rights at the top. Remember he
14 went over those with you?

15 A. No. This is the form I signed. This is the typing he
16 was doing and I was asked to sign -- I was shown this one
17 time and asked to sign it.

18 Q. Okay. Okay. And you told Detective Waldrop what had
19 happened, and he typed up what you said had happened.
20 Right?

21 A. No. Detective Waldrop told me what happened, then
22 told me over and over she said, she said. I didn't even
23 know the person's name at that time.

24 Q. Okay.

25 A. And in the interrogation room I was told the same

1 thing. And in the police prior, outside my house in the
2 driveway, another detective came up and --

3 Q. Let's -- let's -- all right. I hate to stop you, but
4 let's be responsive to what I'm talking about. We're
5 talking about the form now, okay.

6 A. Yes.

7 Q. So let's stick to the police station and the form.
8 Okay?

9 A. Okay.

10 Q. So you did sign the form?

11 A. Yes.

12 Q. And it has a story of what happened that day.

13 A. Yes.

14 Q. You're saying that you didn't tell Detective Waldrup
15 any of this?

16 A. I didn't say I didn't say any of that. I hadn't had
17 or reviewed the entire document at that time. I was just
18 told to sign or he was going to arrest my daughter. I was
19 just trying to establish when my rights were read to me and
20 when they weren't.

21 Q. Okay. Well let's -- Let's move on past the rights and
22 past your signature underneath the rights. Let's talk
23 about the story of what happened. All right?

24 A. Okay.

25 Q. Okay. You told Detective Waldrup what happened and

CONNIE DUMAS: CROSS BY MR. SPRINGS

507

1 that's what he typed in here. Is that not the truth?

2 A. That's not the truth.

3 Q. Okay. The first sentence let's read it together. The
4 first sentence says I left my house about Twelve something
5 and went to Family Trust. You told him that, didn't you?

6 A. I told him I left my house going to Family Trust.

7 Q. Okay. So you --

8 A. Twelve seems a little early.

9 Q. Okay. Well that first sentence, you told that to
10 Detective Waldrup.

11 A. I at least told him part of it about me going to the
12 Family Trust.

13 Q. Okay. So there are things in here you told him?

14 A. Well, I said -- I'm looking at it right now and I can
15 see that first --

16 Q. We'll take it sentence by sentence. So, the first
17 sentence, I left my house about Twelve something and went
18 to Family Trust. You told him that. He wouldn't have had
19 any idea whether you'd been to the bank before the robbery,
20 would he?

21 A. He wouldn't have had any idea that I had gone to
22 Family Trust. No.

23 Q. You told him that.

24 A. Yes.

25 Q. Okay. All right. Well I want to clear it up, because

1 a little while ago with your lawyer you said he made all
2 this up. He put it all in there. And he told you to sign
3 it.

4 A. I didn't think -- recall saying --

5 MR. ATWATER: Objection, Your Honor, to the type of
6 questioning.

7 A. I didn't say that --

8 MR. SPRINGS: Well wait a minute. The Judge has to
9 respond.

10 THE COURT: All right. You need to pose a question
11 on it. I'm not sure where this is gonna go.

12 MR. SPRINGS: All right.

13 Q. When your attorney was talking to you a little while
14 ago, did you not say Detective WaldrOp typed all this up
15 and he told you to sign it? This was all created by him.
16 Did you not say that?

17 A. I said he typed it and I signed it.

18 Q. Yes. Did you not say Detective Waldrop, he put all
19 this in here? This was all from Detective Waldrop and not
20 from you. Didn't you say that a little while ago?

21 A. Did I say it was all from him?

22 Q. Yeah.

23 A. I have -- I don't recall saying all of it, but I did
24 say he typed it all.

25 Q. Okay.

CONNIE DUMAS: CROSS BY MR. SPRINGS

509

1 A. I didn't type anything.

2 Q. Okay. Well let's -- let's clear up any confusion.

3 The first sentence, "I left my house about twelve something
4 and went to Family Trust". Did you tell that to Detective
5 Waldrop?

6 A. I don't recall saying Twelve, but I did tell him that
7 I went to Family Trust.

8 Q. Okay. So he wouldn't have known if you hadn't told
9 him; is that right?

10 A. I'm not sure.

11 Q. Okay.

12 A. They may have had cameras showing me drive up to the
13 ATM.

14 Q. Okay. The next sentence. "When I left the house I
15 had a gun on the seat of my car." Did you not tell that to
16 Detective Waldrop?

17 A. No.

18 Q. The next sentence. "When I went to Family Trust I put
19 the gun in the small of my back in the waistband of my
20 pants." Did you not tell him that?

21 A. No.

22 Q. "And then I had the gun in my pants when I went to the
23 One Stop. I went inside and I put the gun on the counter.
24 I told the clerk to give me the money." Did you not tell
25 him that?

1 A. No.

2 Q. "She asked me if I was serious and I told her yes."
3 Did you not tell him that?

4 A. I don't recall telling him that.

5 Q. "She took the drawer out and set it down." Did you
6 tell that to Detective Waldrop?

7 A. I may have. I'm not sure.

8 Q. "I took the money from the drawer and I put it in my
9 pants pocket and I picked the gun up and I left the store."
10 Didn't you tell that to Detective Waldrop?

11 A. No I did not.

12 Q. "I told the clerk I was sorry." Did you tell that to
13 Detective Waldrup?

14 A. No.

15 Q. The police brought you from where you were arrested
16 out on the side of the road and brought you to the Rock
17 Hill Police Station. Is that not correct?

18 A. After they took me to my house. When we left the
19 house we went to the police station.

20 Q. Yes.

21 A. Yes.

22 Q. You were brought in to the police station and brought
23 in to an interview room, were you not?

24 A. No.

25 Q. Where were you brought?

CONNIE DUMAS: CROSS BY MR. SPRINGS

511

1 A. I was brought into the police station and told to have
2 a seat and they were asking about -- asking -- the ladies
3 were asking the officer, Rivera I believe it was, that
4 brought me, he's the one that brought me there. And he
5 mentioned Detective Waldrop. And -- but Detective Waldrop
6 wasn't there. And they were talking.

7 Q. So you went to jail before you got interviewed in the
8 interview room. Is that what you're telling us all?

9 A. I went into the holding cell. Yes.

10 Q. You went into a cell.

11 A. Yes.

12 Q. And you were in there for hours?

13 A. Yes.

14 Q. About how many hours were you in the holding cell
15 before you were taken for the interview?

16 A. I would say this was happening -- I would say I got
17 there about 4:20, 4:30 and so I would have been in there
18 until the time they brought me out and took me into the
19 interrogation room, which I believe was about Six, ten
20 after Six.

21 Q. Okay. You think you came into the police station
22 about, what, Four --

23 A. I mean, I would guess that it -- I -- I -- again, I
24 couldn't see the clock from where I first was placed. I
25 didn't -- I wasn't interested -- I wasn't looking at it

1 when I first got there. And I couldn't see it from where
2 the bed I was sitting on was. But I would say probably it
3 was maybe forty minutes or so.

4 Q. Okay. Do you remember testifying on an earlier date
5 to all of this before? Do you remember that?

6 A. Yes.

7 Q. Do you remember on that day under oath saying you had
8 been in the holding cell a few hours?

9 A. Well, it's two, two and a half -- well okay.
10 Something like that. Well I thought it was even later
11 than 6:10, but I -- the detective said it was ten after or
12 a quarter after Six, so I may be off an half an hour or so.
13 But again I wasn't watching any clock the whole time.

14 Q. Okay. All right. So you're saying it may have been
15 just two hours?

16 A. A couple. A couple, a few. Yes. Two, two and a
17 half. Which would be...

18 Q. Late in the afternoon.

19 A. Yes, early evening.

20 Q. Okay. And so the detective put you in a holding cell
21 for a couple hours before he interviewed you?

22 A. The detective did not.

23 Q. Okay.

24 A. He wasn't there. The ladies -- one of the ladies in
25 the jail put me in there. She said that when Detective

CONNIE DUMAS: CROSS BY MR. SPRINGS

513

1 Waldrop didn't come in a short time, like about ten,
2 fifteen minutes, she said, well you can't stay out here.
3 Come on and I'm gonna put you in here for -- for a little
4 bit. And then they put me in there. I hadn't been
5 fingerprinted or any of that hadn't happened.

6 Q. Okay. And you're saying you were in there for hours?

7 A. I said about a couple, yeah. A couple hours or so. I
8 had -- it was enough time that I had dozed off and I was
9 not sleepy at first. I was --

10 Q. So you're saying you spent a couple hours in the
11 holding cell.

12 A. Yes.

13 Q. And then they took you to an interview room.

14 A. Yes.

15 Q. And after you signed the sworn statement it was
16 notarized by the detective. You can see the Notary there.
17 And the time was put on it, 6:15 p.m. You see it at the
18 bottom?

19 A. Yes.

20 Q. Does that seem accurate? Does that jive with your
21 memory?

22 A. That may be.

23 Q. Now, you were overdrawn at the Family Trust Bank the
24 9th were you not?

25 A. I didn't go into the bank on August 9th to check a

CONNIE DUMAS: CROSS BY MR. SPRINGS
REDIRECT BY MR. ATWATER

514

1 balance. I didn't check my balance on that day. So, that
2 I'm not aware of being.

3 Q. I understand. You may not have understood. Your
4 account at Family Trust on the day all this happened,
5 August 9th, it was overdrawn. It had a negative One
6 Hundred and Thirty-one Dollar balance. Did it not?

7 A. I understand --

8 MR. ATWATER: Your Honor, she answered that question.

9 THE COURT: No, she didn't.

10 A. No.

11 THE COURT: She's wanting to argue with him saying
12 that she wasn't at the bank. He asked her a direct
13 question, was she overdrawn or in the negative, and she
14 still has not answered the question.

15 Would you please answer the question?

16 A. I'm not sure what my account -- I don't check my
17 account every day what it was on that day.

18 THE COURT: Go ahead.

19 MR. SPRINGS: That's all I have, Your Honor.

20 THE COURT: Anything further?

21 REDIRECT EXAMINATION

22 CONNIE DUMAS BY MR. ATWATER:

23 Q. Connie, once again, the pants you were wearing, they
24 didn't have a waist band to 'em, did they?

25 A. No.

1 MR. ATWATER: Your Honor, I can speak to this one
2 right now if you want me to. There's absolutely no
3 evidence in this case that a weapon was inoperable. It's
4 just not applicable to the evidence in this case. They say
5 she had a weapon. We say she didn't have one. There is
6 nothing to do with inoperability anywhere in this case.
7 It's just not -- not proper. We know that a pistol is a
8 deadly weapon, plain and simple. There's been no evidence,
9 whatsoever, that -- they -- they haven't said that she
10 offered and inoperable weapon, and she hasn't said that she
11 had any type of weapon whether it was operable or not. I
12 don't see - -

13 THE COURT: I think you might be right on that. I'll
14 think about it and give you all the -- think over all we've
15 been through. If you see something that I need to
16 reconsider but right now there's no evidence related to
17 that.

18 MR. SPRINGS: I readily agree. I just want you to
19 consider if you think the facts call for it, great. If it
20 doesn't don't look at them.

21 THE COURT: Y'all think about what all's transpired.
22 Has there been any mention of it, or any indication which
23 you think I need to pull or go back and review any of the
24 evidence on.

25 MR. ATWATER: Your Honor, I can't -- not necessarily

1 the evidence, but do you have any thoughts presently on
2 lesser included charges?

3 THE COURT: No. No not when you compare the Defense's
4 testimony compared against the State, there's no evidence
5 in there to indicate a lesser charge.

6 MR. ATWATER: Well, Your Honor, I -- the State says
7 she had a gun.

8 THE COURT: All right.

9 MR. ATWATER: We say she never had a gun. We say she
10 took some money, but we say she took her own money.

11 THE COURT: All right.

12 MR. ATWATER: If the jury were to say she took money
13 but she did it without a gun, you got robbery but not armed
14 robbery.

15 THE COURT: I'm not gonna stretch it that far.

16 What's the position of the State on that?

17 MR. SPRINGS: I don't think there is any lesser
18 included there. They just flatly said she didn't do
19 anything. She didn't do anything so there's no lesser
20 included.

21 THE COURT: I don't think so. All right. Y'all have
22 had a long day, everybody get some rest.

23 (COURT IN RECESS AT 05:45 PM.)

24 (BACK ON THE RECORD THURSDAY, MAY 19, 2011 AT 09:30
25 AM.)

1 back.

2 MR. SPRINGS: And we'll all agree there are no lesser
3 included?

4 MR. ATWATER: I am not but I am on the record as not
5 being agreed upon.

6 (PAUSE.)

7 MR. SPRINGS: Your Honor, does that two hour argument
8 statute apply to all cases or just to death penalty cases?

9 THE COURT: No. It's a general statute limits any
10 argument to two hours.

11 MR. SPRINGS: I just remembered Judge Short, bless his
12 heart.

13 THE COURT: It's been a long time since I've looked at
14 it but I don't remember. I don't think - -

15 MR. SPRINGS: I can remember him actually say, Folks,
16 you got twenty minutes, twenty minutes. And he was
17 dangling his watch.

18 THE COURT: I got upset with somebody in Charleston
19 years ago and I told them after the trial to go by the
20 jewelry store and have their watch checked and apparently
21 it was a malfunction. They went about fifteen or twenty
22 minutes over and I didn't have sense enough to put a stop
23 to it. But that was an agreed to. Normally you know you
24 get an agreement how long and try to work it out that way.
25 I'm pretty sure that that stature's still there that

CLOSING ARGUMENT: BY MR. SPRINGS
CHARGE OF THE COURT

601

1 the pull of a trigger. You go back there and you tell this
2 woman you're not going to tolerate this. That's all I
3 have.

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, I need your attention at this time. What I have to
6 say because this is the charge of the law my duty under the
7 Constitution of this state charges I instruct you the law
8 applicable to this case. It is your duty as jurors to
9 accept apply the law as I state it to you. It is your
10 exclusive duty to decide all the issues of fact in this
11 case and for that purpose to determine the effect, the
12 value, the weight, and the truth of the evidence. Both the
13 State and the Defendant have a right to expect that you
14 will consciously consider and evaluate the evidence and
15 apply the law in the case thereto to the end that both the
16 State of South Carolina and the Defendant will receive a
17 fair and impartial trial in this case.

18 As you are already aware the State of South Carolina
19 by the bills of indictment charge the defendant, Connie
20 Murray Dumas, the offenses of armed robbery and the
21 possession of a firearm during the commission of a violent
22 crime. To the charges the defendant has entered a plea of
23 not guilty. The plea of not guilty by the defendant places
24 the burden of proof on the State to prove by evidence the
25 guilt of the defendant beyond a reasonable doubt before you

CHARGE OF THE COURT

602

1 the jury can find the defendant guilty.

2 The defendant is presumed in law innocent of the
3 charges contained in the indictments. It is the cardinal
4 and fundamental rule of the law of evidence that a
5 defendant irrespective of the enormity of the charge
6 against him or her will always be presumed innocent of the
7 crime for which he or she is indicted unless and until the
8 guilt of the defendant has been proved by evidence that
9 satisfies you the jury of her guilt beyond a reasonable
10 doubt. The presumption of innocence is not a mere legal
11 theory, it is not just a legal phrase. The presumption of
12 innocence is the substantial right which every accused is
13 entitled and our Appellate Court's have declared the
14 presumption of innocence is like a robe of righteousness
15 placed about the shoulders of the defendant and it remains
16 with him or her and assigns him or her to that class the
17 innocent until that presumptive robe of righteousness has
18 been stripped from the person by evidence satisfying you
19 the jury of the guilt of the defendant beyond a reasonable
20 doubt. The presumption of innocence accompanies a
21 defendant from the time of her arraignment and appearance
22 in court and continues with the defendant throughout every
23 stage of the trial and continues with the defendant after
24 you retire to the jury room to deliberate your verdict.
25 The presumption of innocence continues in existence to the

1 benefit of the defendant until you the jury reach the
2 conclusion that the State has proved the guilt of the
3 defendant beyond a reasonable doubt.

4 Ladies and gentlemen, the State is not to require to
5 prove the guilt of the defendant beyond all doubt or beyond
6 every doubt but beyond a reasonable doubt. Proof beyond a
7 reasonable doubt is proof that leaves you firmly convinced
8 of the defendant's guilt. There are very few things in
9 this world that we know with absolute certainty and in
10 criminal cases the law does not require proof that over-
11 comes every possible doubt. If based on your consideration
12 of the evidence you are firmly convinced that the defendant
13 is guilty of the crime charged you must find her guilty.
14 If on the other hand you think there is a possibility that
15 she is not guilty you must give her the benefit of the
16 doubt and find her not guilty.

17 If upon any issue of facts essential to conviction of
18 a verdict of guilty you have a reasonable doubt as to how
19 that issue should be resolved it would be your duty to
20 resolve that reasonable doubt in favor of the defendant.
21 Once again the defendant is not required to prove her
22 innocence but the State is required in law to prove every
23 essential element of the offense charged against the
24 defendant by evidence which satisfies you the jury of the
25 guilt of the defendant beyond a reasonable doubt before you

CHARGE OF THE COURT

604

1 can convict the defendant and find her guilty.

2 Now these two documents I have up here are what we
3 call Indictments. You will have them later on. I tell you
4 and charge you that they are not evidence and cannot be
5 considered by the jury as evidence in the case. An
6 indictment is the formal written instrument which contains
7 the charges against the defendant and serves as the formal
8 document by which the case is processed into the court.
9 Now during this trial each of you, and I, have certain
10 duties to perform. As the trial judge it is my
11 responsibility to preside over the trial of the case and I
12 have the duty to rule upon or pass upon admissibility of
13 evidence offered during the progress of this trial. You
14 are to consider only the competent evidence before you and
15 you are to disregard and disabuse from your mind any
16 testimony ordered stricken from the record of this case
17 during the progress of the trial, if there be any, and you
18 are to consider only the testimony which has been presented
19 from the witness stand together with any exhibits admitted
20 into the record of this case and any stipulation of counsel
21 made into the record if there be any. I have the
22 additional duty to charge you the applicable law of the
23 case. As the presiding judge I am the sole judge of the
24 law of the case and it is your duty to accept and apply the
25 law as I state it to you. If you have a preconceived idea

1 as to what the law is or what the law ought to be in the
2 case and it should not agree with what I tell you the law
3 is you are obligated under your oath to abandon this
4 preconception on your part because you are sworn to accept
5 the law precisely as I state it to you.

6 In every case tried in this court before a jury the
7 jury becomes the sole and exclusive judge of the facts in
8 the case. You the jury are the judge of the facts in the
9 case and the court is the judge of the law. The
10 Constitution of the state has declared that the trial judge
11 shall not intimate, state, comment upon, or make any
12 statement to a trial jury about the facts in a case. Since
13 you are the sole judge of the facts you are not to infer
14 from anything that I said during the progress of this trial
15 in ruling upon admissibility of evidence or otherwise or
16 anything that I say during the course of this charge to you
17 that I have an opinion about the facts in the case. I'm
18 not allowed to have an opinion about the facts in the case
19 under our law and it is a matter solely for you the jury to
20 determine. As jurors then it is your duty, your exclusive
21 duty, to determine as I have stated to you the effect, the
22 value, the weight and the truth of the evidence presented
23 during the course of this trial.

24 Necessarily then you must assess the credibility of
25 the witnesses who have testified in the case. Credibility

CHARGE OF THE COURT

606

1 is simply a legalistic term which means the same thing as
2 believability. It becomes your duty then to analyze and
3 evaluate that evidence and determine that evidence which
4 convinces you of it's truth. I charge you that in
5 determining the question of the credibility or the
6 believability of the witnesses you may believe one witness
7 as against several witnesses or several witnesses as
8 against one witness. You may believe a part of the
9 testimony of a witness and reject the remaining part of the
10 testimony of that same witness. You may believe the
11 testimony of a witness in it's entirety or reject the
12 testimony of a witness in its entirety. You may consider
13 whether any witness has exhibited any interest, any bias,
14 or any prejudice in the case. You also may consider the
15 demeanor of a witness and the appearance of a witness from
16 the witness stand. Often I tell jurors in regards to
17 credibility and believability you can do an analysis. Who
18 has the most reason to tell you the truth? Who has the
19 most reason to tell you a lie? That you the jury have to
20 determine from the facts and the testimony presented to you
21 in this case.

22 Now, in doing so the law simply requires that you
23 exercise your good judgment, your common sense, your sense
24 of logic and reason, and your experiences in life. I
25 always tell my jurors you do not leave your common sense at

1 the courthouse door. You apply all those attributes and
2 your abilities to determine the truth of the evidence and
3 the true state of facts all to be determined by you and you
4 take the law as I apply it to you and thus arrive at true
5 verdicts in the case.

6 Now I'm gonna give you some more specific charges.
7 Now as I told you the indictments are for armed robbery and
8 possession of a firearm during the commission of a violent
9 crime. I charge you Section 16-11-330 of the Code of Laws
10 of the State of South Carolina 1976 as amended. It's
11 entitled robbery while armed with a deadly weapon. It
12 comes from SubSection A. A person who commits robbery
13 while armed with a pistol, dirk, sling shot, metal
14 knuckles, razor or other deadly weapon or while alleging
15 either by action or words he or she was armed while using a
16 representation of a deadly weapon or any object which a
17 person present during the commission of the robbery
18 reasonably believed to be a deadly weapon is guilty of
19 armed robbery. I charge you that a firearm is a deadly
20 weapon.

21 Let me speak with you about criminal intent. Criminal
22 intent is a state of mind that operates jointly with an act
23 or omission of commission of a crime. Criminal intent is a
24 mental state of conscious wrong doing. Intent includes
25 those consequences which, A: Represent the very purpose for

CHARGE OF THE COURT

608

1 which an act is done or, B: Or known to be substantially
2 certain to result regardless of desire.

3 Other charge: Possession of a firearm during the
4 commission of a violent crime. Section 16-23-490 of the
5 Code of Laws of the State of South Carolina as amended,
6 let's see, was amended from 1976. In other words the same
7 -- it's the same statute of our Code of Laws. 16-23-490
8 makes it illegal to possess a firearm or visibly display
9 what appeared to be a firearm during the commission of a
10 violent crime. Section 16-160 provides that a violent
11 crime includes the offense of armed robbery. For you to
12 find the defendant guilty of this separate statutory
13 offense of possessing a firearm during a violent crime you
14 must first find the defendant guilty of the violent crime.
15 In this case it would be the armed robbery. If you find
16 the defendant guilty of the armed robbery or you must
17 determine whether the State has proved beyond a reasonable
18 doubt that the defendant was in possession of a firearm or
19 visibly displayed what appeared to be a firearm during the
20 commission of a armed robbery. As used in Section 16-23-
21 490 in the South Carolina Code a firearm is defined as a
22 machine gun, automatic rifle, or revolver, pistol, or any
23 weapon which will or is designed to or may be readily
24 converted to ex-splend a projectile.

25 Now as to the defenses that have been raised in the

1 case I need to charge you some law. A defendant cannot be
2 guilty of robbery in forcibly taking his or her own
3 property from another person. This means that the
4 defendant cannot rob another person by taking property that
5 belongs to the defendant because the taking by the
6 defendant of his or her own property would not be larceny.

7 I charge you a mistake of the fact which negates the
8 existence of a mental element of the offense or offenses
9 will preclude a conviction. If the particular offense is a
10 general intent crime the mistake of fact must be
11 reasonable.

12 Now let me talk a little bit about statements. I
13 think in listening to this particular one there's been two
14 statements mentioned. While the Court determines the
15 admissibility of evidence you the jury must determine the
16 existence of voluntariness and weight of any alleged
17 statement made by the defendant. You must make the
18 ultimate determination of whether or not the defendant did
19 in fact made the alleged statement. If you determine that
20 the defendant made the statement you must then determine
21 whether the statement was made voluntarily. Finally you
22 will decide what weight if any should be given to any
23 alleged statement. You must determine whether the alleged
24 statement was a product of an essentially free and
25 unconstrained choice by its maker. The State must prove

CHARGE OF THE COURT

610

1 the voluntariness of a statement beyond a reasonable doubt.
2 If you determine beyond a reasonable doubt that the
3 statement was given freely and voluntarily then you may
4 give the statement such further consideration as you deem
5 proper. If you determine that the alleged statement was
6 not the freely and voluntarily willed expression of the
7 defendant then you should not consider the statement as
8 evidence. In determining whether a defendant's will was
9 over come in obtaining a statement the law requires you to
10 consider what is known as the totality of the
11 circumstances. You should consider both the
12 characteristics of the defendant and the circumstances
13 surrounding any questioning or interrogation. Some of the
14 factors in the law says you may consider are the age of the
15 defendant, the defendant's educational background, the
16 defendant's mental ability or capacity, and the defendant's
17 background along with all the other facts and circumstances
18 surrounding the making of the alleged statement. You may
19 take into consideration the conduct of the accused, age,
20 maturity, physical conditions, length of any custody or
21 detention, police misrepresentation; you may take also into
22 consideration the repeated and prolonged nature of the
23 questioning, exertion of improper influence and the use of
24 physical punishment such as the deprivation of food or
25 sleep.

1 In determining the voluntariness of any alleged
2 statement you should consider whether the defendant was
3 advised of and understood his or her constitutional rights.
4 The law requires that before any interrogation or
5 questioning of a person in custody may begin law
6 enforcement must advise the accused of the Miranda Rights.
7 This means that the authorities advised the accused, that
8 the accused has a right to remain silent, that any
9 statement could be used against the accused in a court of
10 law, that the accused has the right to have a lawyer
11 present, that if the accused cannot afford a lawyer then a
12 lawyer would be appointed to represent him or her without
13 any cost. And that the accused could stop making a
14 statement at any time. Other factors to consider are the
15 place and length of any detention and the nature of the
16 questioning. You must carefully scrutinize all of the
17 surrounding circumstances before you give any weight to an
18 alleged statement. You must be satisfied beyond a
19 reasonable doubt that the statement was made by the
20 defendant uninfluenced by promise or reward or threat or
21 harm. If you find beyond a reasonable doubt that any
22 alleged statement was given voluntarily then you must
23 decide what weight if any should be given to the statement.
24 If you find the statement was not voluntary then in that
25 event you must not consider the statement as evidence for

CHARGE OF THE COURT

612

1 any purpose.

2 Now, back to intent. There was a misstatement made
3 somewhere in the closing arguments about intent. I need to
4 make sure we're clear on that. Intent in committing a
5 crime can happen instantaneously. It doesn't have to be
6 performed in any particular amount of time and I didn't
7 want you to be misinformed about that. In other words
8 intent in a particular crime can occur seconds before it
9 happens to occur. Or it can occur hours but you have to
10 determine that from the evidence. I did want to clarify
11 that statement.

12 All right, let me double check to make sure I've
13 gotten everything up to this point I wanted. I had to go
14 to several different sources here.

15 Ladies and gentlemen, you are not partisans or
16 advocates for the State of South Carolina or this
17 Defendant. You do not serve as jurors to reward friends or
18 punish enemies obviously such a perverted system of justice
19 would be intolerable in our society. You were selected by
20 both the State and the Defendant as fair and impartial
21 jurors; it is your duty then by your joint deliberations to
22 determine the truth in this case given to the defendant the
23 benefit of every reasonable doubt on each and every issue.
24 Then to the facts which you determine to be true then take
25 and apply the law which is has been given to you by the

1 court and thus arrive at a verdict which does speak the
2 truth of the case. The word verdict which is a Latin
3 derivative means a true saying. When you have accomplished
4 these responsibilities you will have satirized your oath as
5 jurors and you will have discharged your duty to the court.

6 Let me speak to you at this time about the forms of
7 the verdict in this case. As you heard there are two
8 charges here; the last charge I went over with you about
9 the possession of a firearm. You cannot get into that
10 unless you have found the defendant guilty of the violent
11 crime that is contained therein that I explained to you of
12 that of armed robbery. So naturally that applies that you
13 would need to take the armed robbery deliberation first so
14 you can determine whether you need to go on to the
15 possession of a firearm charge. If the State has failed to
16 prove the guilt of the defendant beyond a reasonable doubt
17 your verdict would be two words - not guilty. If the State
18 has proved the guilt of the defendant beyond a reasonable
19 doubt your verdict will be one word - guilty. You will
20 have to enter verdicts on both of the indictments according
21 to the instructions I have given them to you and especially
22 considering the possession of a firearm.

23 I tell you that your verdicts will have to be
24 unanimous, that is each and every juror will have to agree,
25 unanimously agree on the verdicts that you authorize, Mr.

CHARGE OF THE COURT

614

1 Foreman, to write for the jury.

2 Mr. Foreman, the indictments have on the outside of it
3 down in the lower left corner is an area there entitled
4 Verdict. It will be your duty according to my
5 instructions, to enter the appropriate verdict once the
6 jury has reached a verdict, sign your name and date each
7 one of these indictments. Knock on the door and let the
8 bailiffs know that you have reached a verdict. While you
9 are deliberating should a juror need to step out of the
10 room for any reason, in other words, if you don't have all
11 twelve jurors present cease your deliberations until all
12 twelve are present. Somebody might need a bathroom break
13 or smoke break or whatever. Should you have a juror or
14 jurors that refuse to deliberate this case you immediately
15 notify me of such fact and I will step in and take
16 directive action. With that said I'm going to need the two
17 alternates to stay in a separate room from the twelve
18 regular jurors and we will keep you there pending the
19 deliberations in the case. I don't know exactly how long
20 but that has to be determined as things happen but we will
21 have to ask you to stay with us and we will also arrange
22 lunch for the two of you.

23 Should you have any problems, Mr. Bailiff, just knock
24 on the door, I mean, Mr. Foreman, there will be a bailiff
25 close by and,

VERDICT OF THE JURY

622

1 (COURT AT EASE AT 10:29 AM.)

2 (NOTE FROM THE JURY AT 10:50 AM.)

3 (COURT BACK ON THE RECORD AT 10:50 AM.)

4 THE COURT: They did reach a verdict.

5 Step back please.

6 All right, I need the trial crew back.

7 (ATTORNEYS ENTERING COURTROOM.)

8 THE COURT: We got everybody?

9 MR. SPRINGS: I believe so.

10 (JURY ENTERING COURTROOM AT 10:52 AM.)

11 THE COURT: Madame Clerk.

12 (VERDICT/INDICTMENTS HANDED UP TO THE COURT.)

13 THE COURT: Madame Clerk, if you will publish the
14 verdicts.

15 MADAME CLERK: Indictment 2010-GS-46-3853 the State
16 versus Connie Murray Dumas Indictment for Armed Robbery,
17 verdict guilty, signed by the Foreperson dated today's
18 date.

19 Indictment 2010-GS-46-3854 the State versus Connie
20 Murray Dumas Indictment for Possession of a Firearm during
21 the Commission of a Violent Crime, verdict guilty, signed
22 by the Foreperson dated today's date.

23 Ladies and gentlemen of the jury, if that be your
24 verdict so say you all by raising your right hand.

25 Let the record show all jurors affirmed this verdict.

SENTENCE OF THE COURT

625

1 (PAUSE.)

2 THE COURT: Mr. Atwater, we got several people who
3 want to be heard. If they are not here by the time they're
4 through we'll hold up again.

5 MR. ATWATER: Thank you, Your Honor.

6 THE COURT: We need the defendant.

7 MADAME CLERK: She's supposed to sign the sentencing
8 sheet.

9 THE COURT: I think she needs to -- you need to talk
10 to her about signing that sheet. I don't know what you all
11 normally do about that.

12 (DEFENDANT ENTERING COURTROOM.)

13 (PAUSE.)

14 MR. SPRINGS: May it please the Court.

15 THE COURT: Yes, sir, Solicitor.

16 MR. SPRINGS: Your Honor, from the States side before
17 we got into the trial the Court ask the defense attorney
18 and myself to step back into chambers. The Court was
19 interested in what the plea bargain negotiations had been
20 before we got to trial and we relayed that to the court and
21 Mr. Atwater relayed that he had relayed those to Ms. Dumas
22 and that didn't happen. And I told the Court that I was
23 considering making a recommendation if we got to this
24 point. I'll say now after hearing all the testimony in the
25 trial I have no recommendation to make. I'll leave it in

1 the Court's good judgment. And we have to folks that want
2 to speak. The victim Clerk says she's too nervous to come
3 up and she wants her mother Teresa Talford to speak on her
4 behalf. And then the store management person, Judy
5 Ashdown, would want to speak, so this is Teresa Talford the
6 mother of the store clerk.

7 TERESA TALFORD: Thank you, Your Honor. I just wanted
8 to speak to the Court and I also wanted to let Ms. Dumas
9 know, you know, my daughter's young, at that time she was
10 twenty, very young, you know, one year in college, working
11 trying to make a living. And when you get a call from your
12 husband saying that, you know, your child's at work and
13 she's just been robbed by a person with a gun the first
14 thing you ask is she okay. Thank God that she's okay. I
15 just want to let her know that it's not okay. You just
16 can't go in and threaten somebody's life. She has
17 children, I have children, in an instant my child's life
18 could have been taken from her and we wouldn't be standing
19 here. She wouldn't be here, you know, to say I'm scared I
20 can't speak for myself, you know. And I understand that
21 she has children but I do too. That's my child and it's
22 wrong. She did something very wrong and she tried to come
23 in here and make it seem like my child stole something from
24 her. That's not right. That's not right. And I
25 understand she was in -- she to me would have been coming

SENTENCE OF THE COURT

627

1 in and saying, you know, I'm stressed I have these problems
2 and, you know, I'm sorry, you know, just take that into
3 consideration. But to turn it around and make my child the
4 victim? No. I'm not okay with that. And I just want to
5 let her know that I'm standing here today and I'm standing
6 here for my child, that she can't stand here and face this
7 woman that threatened her life. And, you know, that's just
8 basically all I have to say.

9 THE COURT: Thank you for being here.

10 MR. SPRINGS: Ms. Ashdown.

11 MS. ASHDOWN: Your Honor, I handle seventeen different
12 convenient stores, I've been in this business all together
13 for twenty-eight years. I have buried two people because
14 of people like Ms. Dumas where they did go further than she
15 did. And I would like you set the example with her to show
16 other people that if they come in and they rob our stores,
17 you know, they're gonna get a long sentence if they're
18 convicted. And use her as an example. Thank you.

19 MR. SPRINGS: That's all we have.

20 MR. ATWATER: Your Honor, can I check outside and see

21 ...

22 THE COURT: If not we can go ahead with your statement
23 and we'll hold up whenever we need to.

24 (PAUSE - ATTORNEY ATWATER LEFT COURTROOM BRIEFLY.)

25 THE COURT: Is she here?

1 MR. ATWATER: I believe they're coming, Your Honor.

2 Your Honor, May it please the court, as you are aware
3 I represent Ms. Dumas and have done so since these charges
4 were given. I met Connie Dumas prior to that because I
5 represented her for another matter and I know her and her
6 family very well. I know her history and I can tell you,
7 Your Honor, that I have never ever ever prior to this or
8 since then seen anything like this in Connie's history
9 whatsoever. I do know that Connie has had some troubles
10 with her nerves and those types of things and that's why
11 she's been on some of the medications that she's been on
12 for a pretty long time. But she -- She is a good mother
13 and dedicated mother; she was a full time employee mother
14 and a student at the time before she was involved in the
15 accident that happened not too long before this incident.
16 She has been a long time -- not only a full time mother but
17 a long time care giver, Your Honor. And this incident that
18 the jury has found her guilty of is so far out of character
19 of the person that I know that I think it's very important
20 that the Court know a lot more about her than what they
21 heard in this trial.

22 Your Honor, she has a daughter, Kiara B., who will be
23 graduating from high school next month that she has helped
24 get to this point. Kiara B. was in the international
25 Baccalaureate program and it has been as you know, Your

SENTENCE OF THE COURT

629

1 Honor, taking her exams this past week. And I hope that
2 this hasn't but we believe that it's had an effect on her
3 during that time. She's supposed to be in concert this
4 evening, Your Honor. Connie has helped Kiara B. all through
5 elementary, junior high and high school with her studies
6 and to be able to get to the point that she's at now, so
7 anytime whatsoever that she's going to be absent from the
8 life of not only Kiara B. but Darius D. and Kayla B. as well as
9 going to be just a devastation to that family. Anything I
10 say, Your Honor, I'm not saying in apposite to the comments
11 that have been made from the Solicitor's witnesses.

12 Your Honor, obviously the choice to -- of what is done
13 during a trial itself and there are people who have taken
14 exception, great exception, Ms. Ashdown for example told me
15 yesterday that she doesn't know how I even sleep at night.
16 The people who take great exception to a lot of the things
17 that they're talking about in here today a lot of that
18 animosity is coming from me doing my duty of very very
19 intelligently representing Connie based upon the evidence
20 as I found it in this case. Your Honor, we were -- as
21 you're aware we spoke before this case as E.B. pointed out
22 and there was an offer a while back for an attempted
23 robbery and that went off the table after we had our first
24 trial, there was never anything after that. And the first
25 trial in itself shows that twelve good people can sit

1 around and find a lot to doubt about this case. It went
2 through the same process that it did this time, so this is
3 not just a situation where although this jury has come to a
4 different decision it's that clear cut to people who are
5 looking at it from the outside. And especially someone
6 like myself who's meant to be an advocate and has a duty to
7 do what it is they do in order to be able to make sure you
8 and the jury actually or are able to test and weigh the
9 evidence the way it's supposed to be. A person should
10 never be punished, Your Honor, simply because they exercise
11 their constitutional rights. Especially in a case where,
12 you know, as in this one we've had a trial before and it
13 wasn't able to be decided by a jury of twelve.

14 Your Honor, we apologize to Ms. Talford and to Ms.
15 Ashdown and to anyone else in this process who has taken
16 offense to my defense of Connie. My job as you are aware
17 and imminently aware and so is E.B. is to seek the truth in
18 these trials and when evidence has been given to me in the
19 manner in which it appears that there should have been a
20 lot more I have an absolute duty to point out the fact that
21 we're missing something and to make that known to the
22 court. So I'm gonna leave that alone, Your Honor, but
23 there's a lot of reason why this case went to a trial. And
24 the fact that it went through one already and came to now I
25 think supports that.

SENTENCE OF THE COURT

631

1 In regards to Ms. Talford, I understand as a father
2 and Connie understands as a mother the care we have for our
3 children. I've been a single father for twelve years and
4 Connie's been with her family. If Ms. Talford took it
5 personal that I said that I didn't believe Connie took this
6 money and that it came up missing I would like to point out
7 that we tried this case before with less video than we had
8 this time. And as in this case we actually saw a person
9 who came there in between which could have pointed out to
10 the jury that maybe somebody slipped this off the counter.
11 We don't know whatsoever. But the long and the short of it
12 is she shouldn't be found -- she shouldn't be punished as
13 they are asking for her to do simply because of what I did.

14 Now, Your Honor, she's here today with her husband,
15 Bursha, as you've heard they've been married for over
16 fourteen years. Bursha was a sheriff's deputy up in
17 Cleveland, Ohio. He's a hard working and dedicated father
18 who is now left with three children to figure out how he's
19 going to take care of with the absence of the mother and
20 that's going to be pretty tough. He's been here in support
21 of her, Your Honor, from the very outset of these charges
22 and sat through the first trial and this one and I'd like
23 to give him an opportunity to speak for a moment, Your
24 Honor.

25 THE COURT: Sure..

1 A. Bursha Dumas.

2 THE COURT: Yes, sir.

3 MR. DUMAS: Good morning, Your Honor. As he said I'm
4 an ex-deputy sheriff from Ohio. Also, you know, we've been
5 married fourteen years and as a deputy sheriff I know she
6 knows better, knew what the charges are. Didn't have no
7 reason to do what they say she did because we wasn't having
8 no problems. The ninety-four dollars she needed, ninety-
9 four dollars or anything so I just can't believe that this
10 would happen. I wish you could be lenient because like you
11 said I'm left with three kids. We're from Ohio I'm kind of
12 stuck right now.

13 THE COURT: I understand.

14 MR. DUMAS: Yeah. And I just don't believe that it
15 happened like that.

16 THE COURT: Thank you for coming back.

17 MR. DUMAS: Thank you.

18 MR. ATWATER: Bursha, is Kiara B. and your grandmother
19 here yet?

20 MR. DUMAS: They said they was almost here. They was
21 on 901, York Highway or whatever, which ever highway that
22 is, about ten minutes.

23 THE COURT: Anything she would like to say?

24 MR. ATWATER: Yes, Your Honor.

25 THE COURT: Be glad to hear from you. But before you

SENTENCE OF THE COURT

633

1 speak you may want to confer with counsel because you have
2 various rights that I'll speak with you a little later, one
3 of those is the Appellate rights and I want to discuss that
4 with you.

5 Counsel, anything you need to discuss with her before
6 she - -

7 MR. ATWATER: I did talk with her in the back, Your
8 Honor, but if I could just have one moment.

9 (PAUSE AT 12:35 PM.)

10 THE COURT: Anything you would like to say?

11 MS. DUMAS: Well, Your Honor, I would like to just say
12 that if anybody was emotionally hurt, anything during this
13 I apologize to them, to the court for their time. I also
14 don't quite understand the charges that they brought to me
15 but, uh, but I don't know how my husband is going to
16 survive because I'm the one that's done most of the child
17 rearing as he works a lot. And even with their homework
18 and different things. I was one semester away from
19 graduating from Winthrop. I have no reason to throw away
20 my life. My daughter is scheduled to go to orientation May
21 30th at USC. She didn't know how to get there I usually
22 take her. I just ask for the court's mercy.

23 THE COURT: And I think I understood from the
24 testimony one time you were a school teacher?

25 MS. DUMAS: Yes I was. I went to college first for

1 earlier childhood education but it was pre-kindergarten.

2 THE COURT: And then you worked for UPS?

3 MS. DUMAS: I worked for UPS when we first moved down
4 to Charlotte. That was the jobs they had in the paper and
5 it was pretty easy, something that you could get. And then
6 I worked for Cabarrus County schools in Concord and never
7 had any problems. When we moved to Rock Hill that distance
8 being so far, they had other certifications you would have
9 to go through to be -- for this state to be a teacher so
10 what I did is I started substitute teaching for the county
11 and educational staffing for Rock Hill District Three and I
12 did that for the first year South Pointe opened up, working
13 there and some of the other high schools. There was a lot
14 of people who didn't want to deal with the middle and high
15 school students. I actually found it enjoyable because I'm
16 close with my teenagers. I have always stressed to them
17 the importance of never lying, stealing, cheating in any
18 way because that's how I was brought up. I would have
19 gotten in big trouble so I didn't -- which is why to my
20 defense me and my attorney is that I thought the money I
21 had was mine. I didn't try to take anything from anyone.

22 MR. ATWATER: Sylvia, can you come up here please.

23 Sylvia Murray, Your Honor, this is her mother.

24 THE COURT: Her mother?

25 MR. ATWATER: Yes, Your Honor.

SENTENCE OF THE COURT

635

1 THE COURT: Ms. Murray, would you like to come around?

2 A. Sylvia Murray. I'm Connie Dumas' mother. And I would
3 just like to ask the court I don't know what she's facing
4 or whatever; take into consideration she's been an
5 upstanding person throughout most of her life. Her
6 birthday is next Friday. Excuse me. She's been an
7 outstanding person most of her life. She's a senior at
8 Winthrop University and if she hadn't gotten into that real
9 bad car accident she would have graduated college by now.
10 She's a psychology major. I would just like to ask the
11 court if you could take into consideration her outstanding
12 life that she's lived these last forty-one years.

13 THE COURT: Thank you for being here.

14 SYLVIA DUMAS: She's my only child.

15 THE COURT: Thank you.

16 MR. ATWATER: Jessica Dumas, do you want to speak?

17 Your Honor, this is Jessica Dumas, she's Connie's
18 first cousin. Connie actually helped raise her.

19 THE COURT: Ms. Dumas.

20 JESSICA DUMAS: How are you doing? I'm Jessica Dumas,
21 Connie is my first cousin. She's been a mother for me for
22 my entire life. She took me at six months old and raised
23 me. Everything good about me; I been on my own since I was
24 eighteen, I been at the same job since I was eighteen never
25 been in any trouble I don't have a record I graduated from

1 high school I played sports because she pushed me. I mean
2 to take on someone else's responsibility to raise a child
3 as their own is remarkable in itself. She didn't have to
4 do that. I'm twenty-three, I'm twenty-three tomorrow and
5 she's been there everyday of my life. When I had surgery
6 she was there; when I woke up from surgery she was the
7 first person. I just ask that you take that into
8 consideration as a person she is. I don't know, I don't
9 know anybody better than that who would raise someone as
10 their own. Do you understand?

11 THE COURT: Thank you for coming forward.

12 JESSICA DUMAS: Thank you.

13 MR. ATWATER: Thank you, Jessica.

14 Your Honor, Connie raised Jessica since the death of
15 their grandmother.

16 Kiara Dumas.

17 Your Honor, this is Connie's daughter that has been
18 taking exams this week and is going to be graduating next
19 month and going down to the University of South Carolina.

20 THE COURT: Thank you for coming. I know you've had a
21 difficult week, hopefully it wasn't difficult with all - I
22 hope all these exams were successful but thank you for
23 coming back up here. Anything you would like to tell me?

24 Kiara B. : My name is Kiara B.. I'm her oldest
25 daughter. She's all I have right now. I'm gonna start

SENTENCE OF THE COURT

637

1 school in fall and my father -- I don't know what I'm
2 supposed to do. I just need her around to help me out for
3 the orientation next week or anything. She's all I have
4 left and there is nobody else. She's never done anything.
5 Never done anything but try to go to school and try to
6 provide better for me and my brother and my sister.

7 MR. ATWATER: Thank you, Kiara B..

8 THE COURT: Okay.

9 MR. ATWATER: Your Honor, Connie doesn't have any
10 prior record of having done anything like this whatsoever.
11 Obviously a jury of twelve have found her guilty and she
12 has to face the consequences of it and she's aware of that.
13 Your Honor, as you will remember prior to the trial we had
14 a meeting in your office where we talked about a few things
15 about going forward and E.B. pointed out back there or my
16 recollection of it was he would be -- he couldn't go with
17 what we were talking about but he would be recommending the
18 minimal sentence. I actually came out and talked to her
19 about that afterwards we had several conversations about
20 that throughout the whole trial. I personally made the
21 decisions during the trial where I relied upon that
22 representation although I know, Your Honor, that it's
23 always within your purview to do what you think in light of
24 all the evidence and in the light of all the mitigating
25 circumstances and everything else we would deem appropriate

1 we would ask, Your Honor, that you look at the fact that
2 Connie has no history of every doing anything like this
3 whatsoever and take that into consideration in your
4 leniency. Thank you, Your Honor.

5 THE COURT: All right before I complete this, Ms.
6 Dumas, I need to inform you on the record that you will
7 have ten days from sentencing which will be today to file a
8 notice of appeal if you desire an appeal in this matter.
9 That's something you will need to discuss with counsel.

10 Now let me say this, I've been in the criminal justice
11 system a total of forty-one years. Been on the bench
12 twenty. Believe it or not as young as a I look I'm a
13 senior circuit judge. Forty-one years now and let me say I
14 have seen a lot of cases from the different points of view.
15 From law enforcement, from the prosecution's side to the
16 defense side and from the bench side, and I have to say
17 this is one of the strongest cases I have ever seen
18 presented that actually went to trial. I've watched
19 history develop; I watched one side of the criminal justice
20 system start saying, you know, we ought not to convict
21 anybody unless we have them on video tape. Then everybody
22 starts putting in the video taping systems and they video
23 tape something. Then all of a sudden that's not enough.
24 We want more, we want more. Now we're seeing the DNA
25 because of all the TV shows. You got people on a certain

SENTENCE OF THE COURT

639

1 side of the criminal justice system saying oh we want DNA.
2 This touch DNA that's gonna solve all our problems. Well
3 in some cases DNA helps and in some cases it doesn't.
4 That's all according to the scenario you have. But you
5 know what? All of a sudden you got certain people in the
6 criminal justice system oh that's not enough. But I'm
7 gonna tell you what, as I said after forty-one years this
8 is the strongest case I've ever seen to the State's side
9 the evidence they have. I don't know what was going on.
10 I'm gonna tell you what I think happened here. I think
11 you've had a very, or had a very successful family.
12 Between you and your husband you were making good money
13 then this horrible recession set in. Like a lot of other
14 folks you might have been looking at loosing things or
15 having to sell off things and you were living a pretty good
16 life. Then all of a sudden this recession set in that all
17 of us have suffered from and you couldn't take it. And you
18 panicked and you went out and you made that decision well
19 I'm not gonna let it slow us down and you made a horrible
20 horrible decision. And to your benefit I want to say I
21 want to believe that you went into that bank and maybe the
22 results that you were told by the teller triggered what
23 happened thereafter. I hope to my soul that you did not
24 initially go in there to rob that bank. But that doesn't
25 minimize things. You still committed an armed robbery

1 practically next door. But I think maybe putting common
2 sense together that that bank account negative amount may
3 have been the final straw that sent you over the edge.

4 Not only to the fact that we have a serious crime
5 committed here, but God only knows what would have happened
6 if Ms. Talford had not set that tray up on the counter.
7 How many times have we seen the tragedy that has happened
8 when there has been some resistance. And then you do have
9 the worst crime that can be committed to happen. Only the
10 Lord and you know what would have happened if she resisted
11 you. It is not a pleasurable experience to look down the
12 barrel of any firearm. I cannot pat you on the back and
13 say you deserve a minimal sentence because of your
14 background; in fact you have not record. But on the other
15 hand I can't say you deserve the maximum sentence either.
16 I don't think anybody in this courtroom thinks you deserve
17 the maximum sentence. But I do have to impose a sentence
18 on you. And I'm gonna tell you after all this I have to
19 say this morning what really bothers me the most about this
20 case and I've seen this develop since the O.J. Simpson
21 trial is the shifting of trials to where you try everybody
22 else and pass the blame to everybody else and it's caused
23 turmoil within the judicial system and there's not a whole
24 lot the trial bench can do to correct that. It's just a
25 way of life now. But the bottom line I'm getting to is the

SENTENCE OF THE COURT

641

1 worst thing that I heard by all this other than the
2 pointing of the pistol is an innocent person, probably not
3 making a whole lot of money, working in a convenient store,
4 and gosh all of you think about the number of convenient
5 stores you've seen close down in the last twenty years and
6 we all know why they closing down. Not gas problems.
7 People are petrified to go to work at a convenient store
8 any more and they're closing left and right. But anyway,
9 to turn and accuse Ms. Talford of in effect taking your One
10 Hundred Dollar bill was ludicrous. What made no sense to
11 me is if you needed change you had already according to
12 your own testimony gotten change over at the ATM. You had
13 all these Twenty Dollar bills, what was the purpose of
14 throwing a Hundred Dollar bill on the counter? The jury
15 probably saw that too. I don't know if it was mentioned
16 after that.

17 One other thing before I finalize this. Every case
18 that comes in this court is different. Apples and oranges.
19 We had one horrible case this morning that didn't involve
20 any intent. This particular case involves intent to the
21 deepest degree, so you can't compare sentences on one
22 person as against another when it comes to the crimes
23 because it is apples and oranges. Your family is gonna
24 need you.

25 And I'm not gonna throw the key away on you but the

1 sentence is gonna be severe because it is already geared to
2 be that way from the wisdom of General Assembly. I'm gonna
3 sentence you to eighteen years on the armed robbery. Five
4 years concurrent on the possession of a firearm. It's a
5 bad situation and I certainly hope everybody will make the
6 best of it. Thank you very much.

7 (DEFENDANT ESCORTED FROM COURTROOM.)

8 MR. SPRINGS: Could we have some court personnel to
9 escort our jurors out?

10 THE COURT: You all have a good weekend. Hope to see
11 you soon. You won't have to serve again this year but you
12 might have to serve next year.

13 (JURORS ESCORTED FROM THE COURTROOM.)

14 THE COURT: The sheriff's department bailiff, I know
15 Mr. Atwater probably wants to speak to his client a while
16 but do not let him leave this courthouse because he's got a
17 little explaining to do too.

18 (WHEREUPON: COURT'S EXHIBIT ONE ALSO STATE'S EXHIBIT
19 NINE, IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

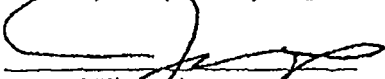
20 (WHEREUPON: COURT'S EXHIBITS FOUR, FIVE AND SIX,
21 ENTERED INTO EVIDENCE.)

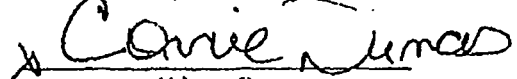
22 -- END OF TRANSCRIPT IN THE MATTER OF STATE VERSUS
23 CONNIE MURRAY DUMAS --

24
25

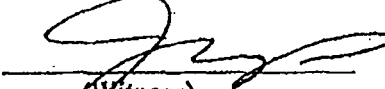
STATE OF SOUTH CAROLINA)
 CITY OF ROCK HILL :
 Rock Hill POLICE DEPARTMENT)

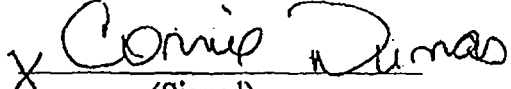
Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to an Attorney for advice before we ask you any questions and to have him with you during questioning. You have this right to the advice and presence of an Attorney even if you can not afford to hire one. We have no way of appointing you an Attorney, but one will be appointed by the Court for you if you wish. If you wish, you may answer questions without the presence of an Attorney and you may stop answering any time you desire until an Attorney is present.


 (Witness)

x 
 (Signed)

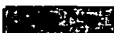
I have read or had read to me the statement of my rights shown above. I understand what my rights are and I am willing to make a statement. I do not want an Attorney at this time. I understand and know what I am doing. I know that the person(s) talking to me is a Police Officer and I understand what he is talking about.

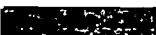

 (Witness)

x 
 (Signed)

Personally appears before me: who after being duly sworn deposes and says: "My name is:

Connie Dumas

Date of Birth: 

Social Security Number: 

My Address is: 

Place of employment: Unemployed

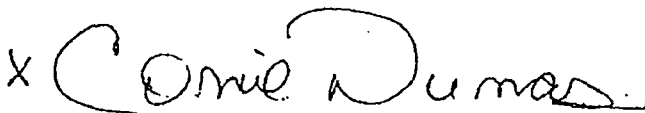
Home Phone Number: 

Work Phone Number:

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

Signature of Person Giving Statement

Date 8-9-2010

x 



STATE OF SOUTH CAROLINA)
CITY OF ROCK HILL :
ROCK HILL POLICE DEPARTMENT)

PAGE 2

PERSONALLY appears before me; Connie Dumas who deposes and says: "I make this statement of my own free will and accord, without reward or hope of reward. I have not been mistreated or threatened in any way. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

I have read or had read to me the above statement consisting of (1) page (s) and have received a copy of this statement."


(SIGNATURE)


(WITNESS)

SWORN AND SUBSCRIBED BEFORE ME
THIS 9th DAY OF Aug. 2010


NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 2-27-2016

STATEMENT PREPARED BY : J. Waldrop
DATE: 08-09-2010 TIME: 6:15PM

WITNESSES

RMPD / Tripp

adm

ARREST WARRANT NUMBER

K-641967

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

11-11-10

VERDICT

Guilty

Foreperson of Petit Jury

Date: MAY, 20 2011

DOCKET NO. 2010-GS-46-

03853

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 11, Term 2010

THE STATE

vs.

CONNIE MURRAY DUMAS

Indictment for

ARMED ROBBERY

SC Code: 16-11-330

CDR Code: 0139

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 11, 2010, the Grand Jurors of York County present upon their oath:

ARMED ROBBERY

The Defendant, Connie Murray Dumas, did in York County, South Carolina, on or about August 9, 2010, while armed with a deadly weapon, to wit: a hand gun, or while alleging, either by action or words, that she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take and carry away personal property belonging to One Stop Food Store, taken from the person of or in the presence of Marcella Talford, employee of One Stop Food Store. The Defendant by means of force or intimidation put Marcella Talford in fear and took from Ms. Talford cash money belonging to One Stop Food Store, located at 1500 Albright Road, Rock Hill, South Carolina. All in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

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

JB Springs

ASSISTANT SOLICITOR

261

WITNESSES

RHPD Tripp

adm

ARREST WARRANT NUMBER

K-641968

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

11-11-10

VERDICT

Guilty

Foreperson of Petit Jury

Date: May 20 2011

DOCKET NO. 2010-GS-46-

03854

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 11, Term 2010

THE STATE

vs.

CONNIE MURRAY DUMAS

Indictment for

POSSESSION OF A FIREARM DURING THE
COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 549

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on November 11, 2010, the Grand Jurors of York County present upon their oath:

POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

The Defendant, Connie Murray Dumas, did in York County on or about August 9, 2010, while committing the crime of Armed Robbery, a violent crime as defined in South Carolina Code of Laws Section 16-1-60, have in her possession a handgun. This happened at the One Stop Food Store on Albright Road. All in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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

E B Springer

ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

September 19th, 2012

A handwritten signature in cursive script, reading "Susan B. Hackett", is written over a horizontal line.

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT