

ORIGINAL
VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

G. Thomas Cooper, Circuit Court Judge

RECEIVED
AUG 30 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JEFF CHESTNUT,

APPELLANT

APPELLATE CASE NO. 2012-213027

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorneys for Respondent

INDEX

INDEX.....	i
TRIAL TRANSCRIPT (SEPTEMBER 17 – 20, 2012).....	1
INDICTMENTS.....	677
STATE’S EXHIBIT #1 (ADVICE OF RIGHTS FORM).....	689
STATE’S EXHIBIT # 2 (JEFF CHESTNUT’S STATEMENT)	690
CERTIFICATE OF COUNSEL.....	694

1 Q. Okay.

2 A. ---because my grandma don't allow people who is not
3 married to sleep in the same house.

4 Q. Okay. So y'all -- y'all couldn't sleep in the same bed
5 at your grandma's.

6 A. Correct.

7 Q. Right. But y'all were fairly close, girlfriend, year
8 and a half. And she talked to -- you knew where she worked.

9 A. Yeah.

10 Q. She took you -- or you took her cigarettes, all that
11 stuff; right?

12 A. Uh-huh.

13 Q. And she'd worked there for the whole time that y'all had
14 been dating.

15 A. Uh-huh.

16 Q. Correct?

17 A. Uh-huh.

18 Q. And she would talk to you about work. Isn't that true?

19 A. Not too much about work.

20 Q. Not too much about work.

21 A. No.

22 Q. So she would never tell you about her day at work.

23 A. She would say that she's tired or that they're busy or
24 the normal stuff like that, but that's it.

25 Q. And she didn't talk about any of the customers.

1 A. Nothing but the customers that wanted to buy weed.

2 Q. Only the customers that wanted to buy weed.

3 A. Yes.

4 Q. Is that what you said? I'm sorry.

5 A. Yes.

6 Q. And she didn't talk to you about her coworkers.

7 A. Only the coworkers that bought weed from me.

8 Q. Okay. So basically she talked to you in a business-type
9 relationship.

10 A. When she's at the bingo hall.

11 Q. The bingo hall. I mean, but it sounds like what y'all
12 talked about was your drug dealing.

13 A. Yes.

14 Q. But y'all didn't talk about the normal things that
15 people talk about in a relationship; correct?

16 A. I mean -- I mean, sometimes we did, but normally she'll
17 call me and tell me that somebody wanted something.

18 Q. She never told you about the amount of cash that the
19 bingo hall had at any one point.

20 A. She wouldn't -- she wouldn't -- I have asked her several
21 times, but she would never come out and say a specific number
22 like: Well, yeah, we got so and so this here and we got so
23 and so there.

24 Q. Okay. So you actually asked her about the money---

25 A. Yeah.

1 Q. ---at the bingo hall.

2 A. I was asking her how much -- how much money is there
3 because she never had no money. I wanted to know why they
4 wasn't paying her.

5 Q. Okay. So you were just asking what she made?

6 A. I was asking what -- how much money do y'all have up
7 there? Because you don't seem to never have none.

8 Q. You don't seem to never have none. So your only concern
9 was the fact that she wasn't making any money.

10 A. That's right because I got -- I'm tired -- I got tired.
11 I run the streets. I have my own kids. I have my own
12 personal life.

13 Q. Own personal life. And she was involved in that life
14 for a year.

15 A. She -- see, what you -- you're getting it mixed --
16 you're trying to mix me up. Teidra -- we was not dating over
17 a year.

18 Q. Okay. Well---

19 A. We was, you know, on and off.

20 Q. On and off but for a year.

21 A. Yeah. So?

22 Q. For a year.

23 A. Yeah.

24 Q. And during that time you asked her about how much money
25 the bingo hall was bringing in. And so she had complained to

1 you at times that she wasn't able to pay her rent; right?

2 A. Teidra didn't have rent.

3 Q. She didn't have rent.

4 A. No.

5 Q. So she never talked to you -- well, let me back up. You
6 knew that the bingo hall, the place where she worked---

7 A. Uh-huh.

8 Q. ---was going to be closing soon; right?

9 A. How did I know that?

10 Q. Because she told you; right?

11 A. She told me that -- she told me that I want to say
12 either that Saturday or -- yeah, that Saturday.

13 Q. So the Saturday before the Sunday---

14 A. Yes.

15 Q. ---she told you they were closing.

16 A. Yes.

17 Q. And, you know, she'd have issues paying her rent.

18 A. She didn't have rent.

19 Q. She didn't have rent.

20 A. No.

21 Q. So she didn't have money issues.

22 A. She had a light bill. She had kids.

23 Q. She had a light bill and kids but no rent. She never
24 said that.

25 A. She didn't have rent.

1 Q. And all those employees and coworkers who testified
2 about her complaining about it, that just wasn't accurate.

3 A. I don't have nothing to do with that.

4 Q. You don't have nothing to do with that. Now, let's go
5 to hot dog night.

6 A. Okay.

7 Q. You were there.

8 A. Yes.

9 Q. Right? And that was the Friday before this robbery.

10 A. Yes.

11 Q. And you were there with your co-defendant, Tyward
12 Jordan.

13 A. Yes.

14 Q. You have to speak up for the reporter.

15 A. Yes.

16 Q. And you were there with Terrell Miller.

17 A. Yes.

18 Q. Right? Y'all ate some hot dogs.

19 A. I didn't eat any.

20 Q. You didn't eat any.

21 A. No.

22 Q. You didn't eat any. You just went there to see Teidra.

23 A. That's correct.

24 Q. And you'd never been in the bingo hall; right?

25 A. I have -- I have never been in there, but I've been

1 there.

2 Q. Oh, you've been there.

3 A. Yes.

4 Q. But you've never been in and you don't play bingo.

5 A. No.

6 Q. And you've only been there how many times with Tyward?

7 A. I only been there -- he only took me there that hot dog
8 night and that Sunday.

9 Q. That one night two days before the robbery and that
10 Sunday---

11 A. Yes.

12 Q. ---of the robbery.

13 A. That was it.

14 Q. And it's your girlfriend that works there.

15 A. Yeah.

16 Q. Right?

17 A. Uh-huh.

18 Q. His girlfriend didn't work there. No?

19 A. I can't say.

20 Q. You can't say. You didn't know of a girlfriend that
21 worked there.

22 A. Correct.

23 Q. On Sunday -- I'm jumping around a little bit. On Sunday
24 you talked to Teidra throughout the day; right?

25 A. Uh-huh.

- 1 Q. And Teidra has her own phone; correct?
- 2 A. Her phone was off.
- 3 Q. Her phone was off. So she called you from other
- 4 peoples' phones?
- 5 A. Which was normal.
- 6 Q. That was normal. She always called you from other
- 7 peoples' phones.
- 8 A. When her phone is off, she use -- let me see. I want to
- 9 say -- is it the -- I want to say Scooter. Scooter? Peanut?
- 10 One -- I don't know them---
- 11 Q. So you do know some of the coworkers.
- 12 A. I know their names.
- 13 Q. You know their names.
- 14 A. Yes.
- 15 Q. And you know their names because Teidra talked to you---
- 16 A. Yeah.
- 17 Q. ---about her coworkers.
- 18 A. No.
- 19 Q. She talked to you enough---
- 20 A. She only---
- 21 Q. ---so that you knew Scooter and Peanut.
- 22 A. She only calls -- when she calls me, I ask her whose
- 23 phone she's calling me from.
- 24 Q. Okay. So the only time you learned about Scooter and
- 25 Peanut was when she called you on Sunday.

1 A. No, that wasn't the only time that she called me from
2 one of their phones. She called me all the time from one of
3 her employee phones.

4 Q. Okay. All the time she was using the employees' phones.

5 A. Yes. She would call---

6 Q. They were just like, Teidra, while you're at work -- she
7 would be calling you.

8 A. She would call me, yes.

9 Q. All the time.

10 A. Yes, throughout the---

11 Q. While she's working.

12 A. Obviously she's not working if she's calling me.

13 Q. And it's not odd for her to not be on the phone because
14 she's on the phone with you while she's working.

15 A. Well, I'm telling you that's -- she calls me normally---

16 Q. Normally.

17 A. ---at work.

18 Q. All the time. But she did call you that day.

19 A. Yes.

20 Q. And she called you from Scooter's phone. You've said
21 Peanut.

22 A. (Witness nodded head up and down.)

23 Q. Anybody else?

24 A. I don't know.

25 Q. You don't know, but you just asked or you said you asked

1 her every time: Whose phone are you calling me from?

2 A. Yeah, those numbers were normal.

3 Q. Okay. So she called you from Scooter and Peanut's phone
4 more than just that Sunday---

5 A. Yeah, because she used to work -- one of those guys --
6 I'm not sure. One of those guys she used to work with in
7 that stand on a regular.

8 Q. And I'm sorry. I didn't understand what you said.

9 A. One of those guys she was working with on a regular.

10 Q. Working with on the regular.

11 A. Yes.

12 Q. And she called you.

13 A. She called me from their phone.

14 Q. Okay. So you knew about them before. I'm a little
15 unclear whether it's you knew that she called you weeks
16 before---

17 A. I know---

18 Q. ---or months before---

19 A. It's---

20 Q. ---or that day.

21 A. I want to say---

22 Mr. Chaplin: Objection, Your Honor.

23 The Witness: ---it's not just that day.

24 Mr. Chaplin: I ask counsel to---

25 The Court: Let him answer the question.

1 Mr. Chaplin: ---let him answer the question.

2 Ms. Simpson: I'll move on.

3 By Ms. Simpson:

4 Q. There was another phone call that's pretty important.

5 A. Uh-huh.

6 Q. And you've sat here this week---

7 A. Uh-huh.

8 Q. ---and this is your trial.

9 A. Yeah.

10 Q. And this phone call is the one made after the robbery;
11 correct?

12 A. Correct.

13 Q. And it's to your phone.

14 A. Uh-huh.

15 Q. And you have the [REDACTED]; correct?

16 A. Yes. Yes.

17 Q. That's the phone you were using at the time.

18 A. Yes.

19 Q. And a phone call was made, and it was one of the
20 employees that worked with Teidra; right?

21 A. Uh-huh.

22 Q. Drenita.

23 A. I didn't know who it was.

24 Q. A female.

25 A. Yeah.

- 1 Q. She called you asking where Teidra was.
- 2 A. Correct.
- 3 Q. And what was your response?
- 4 A. "Teidra is not with me."
- 5 Q. Teidra is not with you. You didn't say, "Teidra is not
- 6 with me," and let me make sure I get this right, "Heard y'all
- 7 got caught up in some bullshit."
- 8 A. No.
- 9 Q. You didn't say that.
- 10 A. No.
- 11 Q. And you didn't say, "Tell homies everything is all right
- 12 now. It's over."
- 13 A. Tell what homies?
- 14 Q. Tell what homies?
- 15 A. Yeah.
- 16 Q. You don't know because it wasn't said.
- 17 A. I didn't say that.
- 18 Q. You never said that to her. You just said---
- 19 A. No.
- 20 Q. ---Teidra is not with you.
- 21 A. I just said, "Teidra is not with me."
- 22 Q. And this phone call was actually right after the
- 23 robbery; right?
- 24 A. I don't know what time it was. I just know that I was
- 25 at my grandma's house when I got the call.

1 Q. Okay. Well, this call was made shortly after the
2 robbery, 10 or 20 minutes or so, but you were already back at
3 your grandma's house? Correct?

4 A. First -- hold on. First off, when I got the call, I was
5 already back at my -- back at my grandma's house. So I can't
6 say what time it occurred or when or what.

7 Q. Okay. And if I told you that it occurred shortly after
8 the robbery, you're certain that you were at your grandma's
9 house.

10 A. All I know is when I got the call, they said, "Is Teidra
11 with you? May I speak to Teidra?" I said, "Teidra is not
12 with me." That was all I said. I didn't say nothing about
13 no homies all right, no tell everybody it will be okay. I
14 didn't say none of that.

15 Q. Okay. But it would have been your voice that they
16 heard, right?

17 A. It's my phone.

18 Q. It's your phone, your voice.

19 A. Correct.

20 Q. And after the robbery, you were hiding under the steps;
21 right?

22 A. Yes. I made a phone call for someone to come get me.

23 Q. Okay. So you called somebody to come get you.

24 A. Yes.

25 Q. So you wouldn't have talked to anybody on the phone

1 calling for Teidra, hiding under the steps.

2 A. First -- all right. I answers -- I answer my phone
3 every time it rings, whether it's a number I don't know or
4 whether it's a number I know, because of what I was doing.

5 Q. Okay. So even if you're hiding from the police, for
6 whatever reason---

7 A. Why would I be hiding from the police?

8 Q. You were hiding under the steps.

9 A. That's because I knew something had just happened.

10 Q. Okay. So you knew something was happening. I guess you
11 knew the police would be coming.

12 A. Okay. If I was hiding from the police, why would I make
13 a phone call and call my ride there and leave from there?

14 Q. I'm asking the questions. You just said that you were
15 hiding under the steps.

16 A. Yes.

17 Q. Correct?

18 A. Yes.

19 Q. You knew that something had just happened.

20 A. Yes.

21 Q. Correct? And you're hiding.

22 A. Uh-huh.

23 Q. From the police.

24 A. Why would I be hiding from the police?

25 **Mr. Chaplin:** Objection. Asked and answered.

1 **The Court:** Overruled.

2 By Ms. Simpson:

3 Q. Why else would you hide under the steps?

4 A. Why else would I hide under the steps? Where else was I
5 going to hide?

6 Q. So you needed to hide.

7 A. If I see two guys running past me, I can't run with
8 them. What would I run with them for?

9 Q. Okay. Let me -- let me just make sure I'm clear. Two
10 guys -- and we're not talking about just any two guys; right?

11 A. Right.

12 Q. Two guys you know.

13 A. I only know one real good.

14 Q. You only know one real good---

15 A. Yes.

16 Q. ---and that's Tyward Jordan.

17 A. Yes.

18 Q. Come running out.

19 A. Uh-huh.

20 Q. Okay. Bandanas on their faces?

21 A. I didn't pay attention.

22 Q. You didn't pay attention. You just saw them running.

23 A. Yes.

24 Q. But you knew what one of them was wearing because you
25 gave him your clothes; right?

- 1 A. I gave him my shirt.
- 2 Q. And that would be not the one you knew; right?
- 3 A. That would be the one I know of.
- 4 Q. The one you know of.
- 5 A. Yes.
- 6 Q. Which is---
- 7 A. Quantis.
- 8 Q. ---who? Quantis.
- 9 A. Q.
- 10 Q. Q. Oh, so you know him by a nickname, too.
- 11 A. That's the nickname in the neighborhood.
- 12 Q. Okay. So Quantis now not only has a last name of Sims
- 13 -- right? Right?
- 14 A. Right.
- 15 Q. You also know him as Q.
- 16 A. Right.
- 17 Q. Okay. This person you know of as Q., Quantis Sims, he
- 18 was the one who you gave your clothes to.
- 19 A. Correct.
- 20 Q. And that's because he showed up -- originally it was
- 21 just an orange shirt; right?
- 22 A. No, it was a Clemson tiger shirt.
- 23 Q. Clemson tiger which Upstate orange -- Clemson tiger is
- 24 orange.
- 25 A. Yes.

1 Q. He showed up and said, "I have on the wrong clothes."

2 A. He didn't come out and exactly say just, "I have on the
3 wrong clothes."

4 Q. What did he say?

5 A. All right. Well, as I'm talking to him - my customer or
6 whatever, they're doing their thing - he comes over there to
7 me asking me can he gets my shirt.

8 Q. Okay. So he knew you though; right?

9 A. I sell him weed, too.

10 Q. You sell him weed, too, and he's clearly friends with
11 Tyward Jordan.

12 A. Yeah. I don't have nothing to do with them.

13 Q. You don't have anything to do with Tyward Jordan---

14 A. Them being friends or how good they know each other.

15 Q. But -- and let's not assume. I'm not going to ask you
16 to assume how well they knew each other. They were there
17 together. You later learn that that's who Tyward was
18 planning to do the robbery with.

19 A. Correct.

20 Q. Because he was doing it while you were there.

21 A. Correct.

22 Q. So Q. just came up to you -- now, there are other people
23 standing around because you're selling drugs; right?

24 A. There was only one other person who I was selling the
25 weed to. The other two guys that was back there who worked

1 at The Comedy House, I didn't see them anymore.

2 Q. So they were gone by the time Quantis walks up to you.

3 A. Well, all I know is when I'm -- when I'm making my serve
4 to Twan (phonetic), the guy in the back of The Comedy House
5 -- there was a Caucasian guy and a black guy. The white guy
6 was still out there. The black guy had just -- had already
7 gone.

8 Q. Okay.

9 A. So that's who was all back there was, I guess, me, Twan,
10 the guy from -- one of the guys from The Comedy House and
11 Chief and Q.

12 Q. Chief and Q. And so this other guy -- the white guy is
13 still with you; right?

14 A. He's not with me; he was working out there. I think he
15 was dumping the trash or something.

16 Q. Okay. So he's dumping the trash. The white guy is the
17 one you were selling weed to though; right?

18 A. No.

19 Q. No, Twan.

20 A. Yes.

21 Q. Excuse me. The black guy is the one you're selling weed
22 to.

23 A. Yes.

24 Q. I'm just trying to get all these people straight.

25 A. Okay.

1 Q. So if I get it wrong, you just let me know.

2 A. I will.

3 Q. Now, so you're selling weed to Quan -- Twan, whatever---

4 A. Yes.

5 Q. ---his name is.

6 A. Yes.

7 Q. Q., Quantis, whoever, comes up. Tyward is with him.

8 A. Uh-huh.

9 Q. He says, "I've got on the wrong clothes for this
10 robbery. Give me your shirt."

11 A. "I need another shirt."

12 Q. "I need another shirt." Now, Twan is standing there;
13 right?

14 A. Your point? Yeah.

15 Q. Okay. So Q. says, "I'm wearing the wrong shirt for a
16 robbery," and somebody he doesn't know is standing there.

17 A. He didn't say nothing about he was wearing the wrong
18 shirt for no robbery. All he said to me was, "Bro, I need
19 another shirt."

20 Q. Another shirt. Did you know what he needed another
21 shirt for?

22 A. He didn't say. They never told me that -- what they was
23 planning to do.

24 Q. They never told you what they was planning to do. So
25 you just gave him your shirt.

1 A. I gave him my shirt; yes, I did.

2 Q. And your hat.

3 A. My hat.

4 Q. Why did he ask for the hat?

5 A. I just gave him that.

6 Q. So you just give your clothes away to people who say
7 they need it.

8 A. I gave him my shirt. The hat matched the shirt.

9 Q. Oh, well, why didn't you give him your pants if we're
10 going with everything matches?

11 Mr. Chaplin: Objection, Your Honor.

12 The Court: Sustained. Sustained.

13 The Witness: Why I didn't give him my pants? Probably
14 because he couldn't fit in my pants.

15 By Ms. Simpson:

16 Q. Speaking of that, let's back up. Fitting -- fitting
17 clothes. Quantis. You gave a description to police about
18 Quantis; right?

19 A. I did.

20 Q. Because you knew that Quantis was the person who
21 committed this robbery; right? Not you.

22 A. Right.

23 Q. Okay. And when you did it, Quantis just happens to be
24 about the same build and height as you; correct?

25 A. He's probably -- he's a little bigger than me.

1 Q. A little bit bigger but about the same.

2 A. I want to say he weigh like -- I weigh 160 to 170. He's
3 a little bigger than me. I want to say probably like 5'10",
4 5'11", 180, something like that.

5 Q. Okay. And his hair was different, too; right?

6 A. Well, at that time he just -- he just had low -- low
7 hair.

8 Q. Low-fade hair and a---

9 A. Just low hair.

10 Q. ---and a thin beard.

11 A. Yeah.

12 Q. Low fade; right?

13 A. Low hair.

14 Q. Okay. So you never said low fade. Low hair.

15 A. Low hair.

16 Q. But he didn't have twists and he didn't have dreads.

17 A. No.

18 Q. No. So you gave him your clothes, this person you
19 barely know, and then are you still talking to Twan?

20 A. Yes.

21 Q. Still talking to Twan, selling him weed.

22 A. Yes.

23 Q. No idea what Quantis and Tyward are doing; right?

24 A. Well, after -- after I gave him my shirt, Twan left,
25 too.

- 1 Q. Okay. So Twan left, too. You're standing there with---
- 2 A. Yeah, I thought---
- 3 Q. ---your undershirt on or another shirt on.
- 4 A. Yes, I did have on a shirt.
- 5 Q. Oh, you did?
- 6 A. Yeah.
- 7 Q. You wear undershirts; right?
- 8 A. Yeah.
- 9 Q. Okay. So you had an undershirt on.
- 10 A. I wear undershirts every day under everything.
- 11 Q. Every day. And you gave him your overshirt.
- 12 A. Yes.
- 13 Q. So they come running out, these two people, not just two
- 14 random dudes. They come running out, and you think something
- 15 happened. Correct?
- 16 A. Correct.
- 17 Q. But you didn't know they had just robbed the place;
- 18 right?
- 19 A. Well, I'm not even going to sit here and say that I
- 20 didn't know that because you're already trying to catch me at
- 21 something, but I'm going to say that what he was talking
- 22 about on the phone he did. I'll just say that much. I'm not
- 23 going to say I didn't know, but at that time I already knew
- 24 what happened.
- 25 Q. Okay. So at the time they come running out, you know

1 that robbery happened.

2 A. I knew that---

3 Q. The lick happened.

4 A. Yes.

5 Q. And when a lick happens and a robbery happens -- because
6 people are here; right? The business isn't closed.

7 A. Uh-huh.

8 Q. Customers are there. The police are going to get
9 called. And you go run and hide under the steps; right?

10 A. Correct.

11 Q. Because the police are coming. And after you hide --
12 about how long were you there?

13 A. Well, to the best of my knowledge, I want to say I was
14 under there for probably about no more than -- no more than
15 15 or 20 minutes.

16 Q. So 15, 20 minutes. And then you go to your grandma's
17 house.

18 A. Correct.

19 Q. Right?

20 A. Correct.

21 Q. Now, Teidra has been calling you---

22 A. Uh-huh.

23 Q. ---on this day.

24 A. Uh-huh.

25 Q. Calling you for a ride?

1 A. Well, at first when she first got there she called me
2 and asked me would I have a ride later to pick her up.

3 Q. Okay. Later to pick her up.

4 A. Yes.

5 Q. And by later did she mean when she got off work?

6 A. Yes.

7 Q. Okay. But she called you several times.

8 A. Yes. The couple of times she called, she -- the second
9 -- the third time she called, she called to see if I would
10 bring her something to eat or some cigarettes.

11 Q. Okay.

12 A. And then afterwards, after those calls, she called me
13 and told me that somebody that -- I guess the lady Ronnie or
14 something like that was going to come up to the job, and she
15 wanted me to meet her to bring her some weed. And I told
16 her, "Okay. Well, call me once Ronnie gets there."

17 Q. Uh-huh. And so these calls are before the robbery;
18 right?

19 A. Yeah, I would assume.

20 Q. Okay. You would assume. And at no point did you tell
21 her you were at the bingo hall.

22 A. No.

23 Q. And when you knew what went down, that lick, did you go
24 try to find Teidra?

25 A. No.

1 Q. No? You weren't a little worried about her?

2 A. I mean, Teidra is grown.

3 Q. Teidra is grown. So it's okay that your friends are
4 robbing where she's working; right?

5 A. My friends? (Mr. Chestnut laughs.)

6 Q. Tyward is your friend; right?

7 A. I know of him. We're associates.

8 Q. You're associates now.

9 A. I don't have friends.

10 Q. You don't have friends. Okay. So you're not
11 neighborhood friends, not close enough. You don't call him a
12 friend. You're just associates.

13 A. He calls. I give him weed. He brings me my money.

14 Q. Okay. But you don't go see Teidra at the bingo hall
15 that day.

16 A. No, I didn't see her that day.

17 Q. At some point she says, "We were robbed."

18 A. She told me that.

19 Q. And you actually told her, "Yeah, I know. We planned to
20 do it." Right?

21 A. You said I told her that we planned to do it?

22 Q. Yes, you told her.

23 A. No.

24 Q. No. Did you say, "I know who did it"?

25 A. Well, no.

1 Q. No.

2 A. I didn't say I knew who did it.

3 Q. Okay. You didn't tell her anything. You just acted
4 like: I don't know anything about the robbery.

5 A. I mean, when she told me they got robbed, I was like
6 okay.

7 Q. Okay.

8 A. Yeah, which I had already knew Tyward did it.

9 Q. Okay. Let's move forward just a bit. At some point the
10 police want to talk to you; right?

11 A. The police want to talk to me June 8th when my warrant
12 was issued.

13 Q. Okay. So the warrant was out for your arrest; right?

14 A. The same day I went to probation.

15 Q. The same day you went to the probation office. But this
16 warrant for armed robbery was out for your arrest.

17 A. That same day.

18 Q. That same day. But it's prior to you talking to
19 Sergeant Isenhoward; right?

20 A. No, I talked to him afterwards after I got arrested.

21 Q. Okay. No. That's what I'm saying. Maybe we're just a
22 little confused.

23 A. Oh, okay.

24 Q. The arrest warrant is out. That's why you get arrested
25 for this armed robbery.

1 A. Yeah.

2 Q. Okay. You go to probation, and would it surprise you to
3 learn that the time of your arrest was actually 17:01
4 military time, so about 5:01? That was the time when you
5 were arrested. Sound about right?

6 A. At the probation place?

7 Q. The time of your arrest, yes.

8 A. At the probation; right?

9 Q. Yes.

10 A. I got there -- it's probably -- yeah, about right.

11 Q. Okay. And you testified earlier that after you got
12 arrested they took you directly to the sheriff's department;
13 right?

14 A. Yes.

15 Q. They put you in holding.

16 A. Yes.

17 Q. Sergeant Isenhoward comes up to you. Y'all have a
18 conversation.

19 A. He comes to get me out of the holding tank.

20 Q. Okay. But at that time he's never advised you; right?

21 A. He's never done what?

22 Q. Advised you of your rights.

23 A. Yeah. At that time, no.

24 Q. No. And he's actually -- his first question to you was
25 why don't -- "Why don't you tell me what you know about this

1 robbery?"

2 A. He asked me -- he said, "Do you know why you're here?"

3 Q. "Do you know why you're here?" That was all your
4 conversation consisted of.

5 A. No, that was not the whole conversation.

6 Q. And so y'all talked more about why you were there.

7 A. We talked about why am I charged or -- and the charge --
8 how much the charge carries. We talked about numerous
9 things.

10 Q. Numerous things. So it was a fairly decent I guess
11 lengthy -- not lengthy conversation but a matter of, what,
12 20 minutes at least?

13 A. I can't---

14 Q. Is that fair?

15 A. I can't say.

16 Q. But enough time for you to be able to talk about your
17 charges, a little bit about what happened, everything like
18 that.

19 A. Correct.

20 Q. But at no point did he advise you of your rights,
21 correct, during that conversation?

22 A. No.

23 Q. No. Because if he would have, you wouldn't have talked
24 to him.

25 A. Correct.

1 Q. I'm going to show you State's Exhibit 1 which is already
2 in evidence. This is your advice of rights. Look familiar?

3 A. Yes.

4 Q. And on that -- eventually you signed it; right?

5 A. Yes.

6 Q. You were advised. Now, the date on this is June the 8th
7 of 2010. That's right.

8 A. Right.

9 Q. Correct? And it's Sergeant Isenhoward who advised you;
10 right?

11 A. Uh-huh.

12 Q. The time on this is 17:14 which would be 5:14 in the
13 afternoon.

14 A. Uh-huh.

15 Q. That's a matter of minutes after you were actually
16 arrested.

17 A. Uh-huh. Your point?

18 Q. So this long conversation, you actually had been
19 advised.

20 A. What you mean I had been advised? I was talking to him
21 before 7:00. I got there between 5 -- I had to get there
22 between 5 and 5:30.

23 Q. Okay. Well, this advice of rights form which says "Your
24 rights" -- which you're claiming he didn't advise you.

25 A. Uh-huh.

1 Q. Right?

2 A. Right.

3 Q. "Before we ask you any questions, you must understand
4 your rights." Check. "You have the right to remain silent."
5 Check. "Anything you say can be used against you in court."
6 Check. Does this look right? These are the rights.

7 A. Uh-huh.

8 Q. And it goes on; right? And then there's a waiver of
9 rights, correct, at the bottom?

10 A. Uh-huh.

11 Q. And you finished high school; right?

12 A. Yeah.

13 Q. Fairly smart.

14 A. Yeah.

15 Q. You can read.

16 A. Yeah.

17 Q. You understand things pretty well.

18 A. Uh-huh.

19 Q. I believe you testified you know your rights.

20 A. Yes.

21 Q. And you know what it means to waive your rights.

22 A. Yes.

23 Q. And you checked that box.

24 A. I didn't check nothing.

25 Q. He checked it, but you signed it.

1 A. Uh-huh.

2 Q. It says, "I have read this statement of my rights, and I
3 understand what my rights are. I'm willing to talk and
4 answer questions. I understand and know what I am doing. No
5 promises have been made to me, and no pressure or coercion of
6 any kind has been used against me." Is that what that says?

7 A. Yes.

8 Q. Okay. And that's at 5:14.

9 A. At 5:14.

10 Q. Now, your statement you gave freely; correct?

11 A. You're saying that was at 5:14?

12 Q. Well, no, my question to you now is: Your statement was
13 given freely; correct?

14 A. Yeah.

15 Q. You wanted to talk to Sergeant Isenhoward.

16 A. I mean, I talked to him. It's not that I wanted to. I
17 was trying to clear my name.

18 Q. Clear your name.

19 A. Yes.

20 Q. Give him all the information that you possibly have.

21 A. I talked to him and the only -- the only reason I talked
22 to him is because we had established that if I talked to him
23 I would only be charged with one count of robbery. I
24 wouldn't get the counts of everyone in the building.

25 Q. Okay. That's your understanding. Now, you were already

1 under arrest.

2 Mr. Chaplin: Objection, Your Honor.

3 The Court: What's the objection?

4 Mr. Chaplin: She should ask a question, not commentary.

5 Ms. Simpson: I believe I did, Your Honor.

6 The Court: Ask it in the form of a question.

7 By Ms. Simpson:

8 Q. And you were already under arrest for armed robbery.

9 A. Under arrest? I assume I am if I got the warrant.

10 Q. You were advised why you were under arrest; correct?

11 A. At the probation place? Yes.

12 Q. Okay. And that warrant reads armed robbery.

13 A. Yes.

14 Q. Now, your statement -- I'm showing you State's
15 Exhibit 2. That's what we've been talking here about.

16 A. Uh-huh.

17 Q. Right?

18 A. Uh-huh.

19 Q. This is the statement that we're talking about, and
20 that's your signature on that statement.

21 A. Yes.

22 Q. Right? But it's your contention here today that you
23 don't know what you were signing; right?

24 A. You said I'm telling you now I don't know what I was
25 signing?

1 Q. Yeah, when you signed it.

2 A. Oh, when I signed it.

3 Q. Uh-huh.

4 A. No..

5 Q. At the time because he just handed you a stack of papers
6 and said, "Sign it. Sign here. Sign here. Sign here."

7 A. Sign two X's. Sign the two X's. That's all he said. I
8 just signed the papers.

9 Q. Okay. And as a matter of fact, you thought that this
10 was your rights; correct? You didn't realize what it was
11 'til you got back to the jail.

12 A. I didn't realize that was the statement until I got to
13 the jail.

14 Q. Okay. So Kevin Isenhoward, Sergeant Kevin Isenhoward,
15 didn't sit down with you in his office.

16 A. I never said he didn't.

17 Q. Okay. So he did sit down with you.

18 A. Yes.

19 Q. And he never got on his computer while you were there.

20 A. Yeah.

21 Q. He did get on his computer.

22 A. Yes.

23 Q. And he was typing stuff while you were talking.

24 A. Hold on.

25 Q. Correct?

1 A. Before -- before you even get into that, what he was on
2 his computer doing, I didn't know.

3 Q. You didn't know.

4 A. No.

5 Q. So he was just on Facebook and stuff and maybe talking
6 to you.

7 A. I'm -- all right. If I'm Kevin Isenhoward and you're me
8 and you're out there, how could you know what I got on my
9 computer?

10 Q. Okay. So he never told you -- he never advised you
11 again; right?

12 A. Advised me of what?

13 Q. Your rights as to this statement.

14 A. Before that? Before that? Before that statement?

15 Q. Correct.

16 A. No.

17 Q. No. You've never been advised. The statement that
18 starts at 1900 hours.

19 A. Uh-huh.

20 Q. Okay.

21 A. And that is what time?

22 Q. 1900 hours. I'm asking the questions. I tell you what;
23 it's after 5:14 in the afternoon.

24 A. Uh-huh.

25 Q. After this advice of rights; correct?

1 A. What?

2 Q. So let's move along.

3 A. Move.

4 Q. This statement -- he's typing something. When he's
5 finished, he hands you a stack of papers. You don't look at
6 it. Now, you're under arrest for armed robbery; right?

7 A. (Witness nodded head up and down.)

8 Q. You don't look at any paperwork. You just sign it.

9 A. That's right. I didn't.

10 Q. But y'all did talk about the incident.

11 A. We talked.

12 Q. And some of the things in the statement are accurate;
13 correct?

14 A. Some things.

15 Q. Just not all of them.

16 A. Correct.

17 Q. Well, let's -- let's go through because we want to make
18 sure that we get this right.

19 A. Let's go through it.

20 Q. Just so you know, I'm going to be highlighting the
21 things that you say are inaccurate---

22 A. Okay.

23 Q. ---just so we have a clear, fair assessment. Okay.
24 Now, Sergeant Isenhoward is asking the questions; right?

25 A. Correct.

1 Q. To you, who is responding; right?

2 A. (Witness nodded head up and down.)

3 Q. And that did happen, Q. and A., question and answer;
4 correct?

5 A. Yes.

6 Q. "Were you involved in the robbery at the Carolina Gold
7 Bingo on May 23rd of 2010?" Your response: "Yes."

8 A. See, he asked me did I know anything about it, and then
9 he asked me was I involved. So when I said, "Yes," how do I
10 know what I'm answering to?

11 Q. So you said yes---

12 A. I was answering two questions.

13 Q. So you said, "Yes," but that's just -- it's inaccurate
14 the way it is.

15 A. Yes. I misunderstood. That's what that is.

16 Q. You misunderstood. We'll go with misunderstandings and
17 inaccuracies. "What happened?" "I was at home in the yard
18 with my stepdaughter, [REDACTED] Correct?"

19 A. All that right there is accurate.

20 Q. Everything. Well, let's just go through it. "I called
21 Chief to come take me to take somebody some weed. Chief came
22 to get me in a blue Corolla. He was by himself when he
23 picked me up at Teidra's house. I overheard him in the car
24 talking on the phone saying, 'I need to settle this lick so I
25 can hit this spot.'" Okay? That's accurate; right? You're

1 in the car when he's talking on the phone.

2 A. Uh-huh.

3 Q. You've got to say yes or no for the court reporter.

4 A. Yes.

5 Q. Okay. "When he hung up the phone, I asked him what he
6 was talking about. He told me he was thinking about hitting
7 the bingo hall." Is that accurate?

8 A. He told me he was thinking about -- yeah, he been told
9 me that.

10 Q. Okay. Well, I thought earlier you said that he didn't
11 mention the bingo hall---

12 A. He told me that Saturday.

13 Q. Okay. So you knew on Saturday about them hitting the
14 bingo hall.

15 A. I knew Saturday he said he was talking about it. I
16 didn't say -- I didn't know nothing about him doing it that
17 day.

18 Q. Oh, but you knew about a robbery they were planning.

19 A. Yes, I knew it.

20 Q. Okay. So that's accurate what I just said.

21 A. What?

22 Q. "He told me he was thinking about hitting the bingo
23 hall."

24 A. Okay.

25 Q. "I asked him who all was going with him." Right?

1 A. (Witness nodded head up and down.)

2 Q. "He told me that it was going to be him and Quantis."

3 Right?

4 A. Right.

5 Q. "I told him that I wanted some of that. At first he was

6 like, 'Nah, you can't get down with this.' Then he told me,

7 'Come on.' We pulled up at the bingo hall and parked the

8 car." Now, Staples is across the street.

9 A. That's right.

10 Q. So this is inaccurate?

11 A. Correct.

12 Q. Okay. We'll highlight this. "We walked around back,

13 and I saw two people that I usually deal with. I saw the

14 dude from The Comedy House, and I chilled with him, sold the

15 dude a bag. That's when Quantis came up walking. He was

16 saying he had on the wrong clothes. He had the wrong clothes

17 on." Now, at this point, right, you know about the robbery?

18 Correct?

19 A. Yeah.

20 Q. And you know that it's Tyward Jordan and Quantis who are

21 planning on hitting this bingo hall; correct?

22 A. At that time because I'm out there.

23 Q. Right. So when you gave him your clothes, you knew why

24 you were giving him your clothes.

25 A. But, still, what does that mean?

1 Q. But you knew why you were giving him your clothes;
2 correct?

3 A. Correct.

4 Q. Okay. "I gave him my black tee shirt and my Atlanta
5 Braves hat and he put it on. I told Chief that it" -- now,
6 all the rest of that was accurate; right? What I just read.
7 You gave him your hat and your tee shirt.

8 A. Uh-huh.

9 Q. "I told Chief that it ain't no need for me to go now.
10 He told me that he didn't want me to do it anyway." Right?

11 A. Correct.

12 Q. "I told him that I would stay here and look out."
13 Correct?

14 A. No, I didn't say look out.

15 Q. That's inaccurate, too. You didn't say you would stay
16 there and look out.

17 A. Correct.

18 Q. You stayed out at the back of the bingo hall; right?
19 They ran off to go do the robbery. "I stayed out there to
20 talk to a little white dude for a minute." Nothing about
21 Twan; right?

22 A. Keep going.

23 Q. "A few minutes later, Chief and Quantis came running
24 back."

25 A. That's right. All right. Now, why when I'm talking to

1 that investigator would I tell him that I'm back there
2 selling weed?

3 Q. I don't know why you would tell him anything. My
4 question to you is: Is this accurate in what you said? "I
5 was talking to a little white dude for a minute."

6 A. That was accurate.

7 Q. Okay. Not Twan, not a black dude. A little white dude.

8 A. That was accurate.

9 Q. "A few minutes later Chief and Quantis came running
10 back."

11 A. Uh-huh.

12 Q. "When I saw them, I hid under the steps behind The
13 Comedy House." Correct?

14 A. (Witness nodded head up and down.)

15 Q. "Under the steps where they put all the grease and
16 trash. I stayed there for about 30 to 45 minutes."

17 A. That was overexaggerating.

18 Q. Overexaggerating.

19 A. Yes.

20 Q. So inaccurate. "I walked out on the side of the
21 building, and I was scared and shaking."

22 A. No, I didn't -- I didn't say nothing about shaking. I
23 was a little scared.

24 Q. But you weren't shaking. "An older lady saw me and gave
25 me a ride to my grandmama's house---

1 A. No.

2 Q. ---in Greenview."

3 A. Okay. That's inaccurate. You see how that sounds?

4 Someone just seen me and gave me a ride? No.

5 Q. So that's inaccurate. On your part or Sergeant

6 Isenhoward?

7 A. It's not on my part.

8 Q. Not on your part. You never told him that.

9 A. I never said that I was -- that I walked out and a
10 little lady gave me a ride.

11 Q. Okay. "Did you have a gun?" "No."

12 A. I said that.

13 Q. "Who had the guns?" "I didn't see them with no guns."

14 A. Correct.

15 Q. "What was Chief wearing?" "He had on a white or gray
16 tee shirt, some blue sweats. He had on a piece of brown
17 cloth that covered his mouth." Correct?

18 A. Correct.

19 Q. "What is Chief's real name and what does he look like?"

20 Your response: "Everybody knows him as Rocca. I don't know
21 his real name. He's about 6'4" and about 180, 200 pounds.

22 He's about 20 years old and has skin a little lighter than

23 me. His hair on his head is rough-looking like he don't cut

24 it. The hair on his face is like that, too." Is that

25 accurate?

1 A. Yeah.

2 Q. "What is Quantis' full name and what does he look like?"

3 "I just know his first name." You didn't say you knew him as

4 Q.; right?

5 A. Yes, I did. I didn't say that on the statement, but I

6 told him that.

7 Q. Okay. So he didn't put that in it, and you didn't say

8 that his last name was Sims.

9 A. No, I didn't know that at the time.

10 Q. Okay. You learned that later.

11 A. Yes.

12 Q. "He's from Irmo, but he be in Greenvview, too. He's

13 about 5'10", 185 pounds, with brown skin. He is between 22

14 to 25 years old. He has a low-fade haircut and a thin

15 beard." Is that accurate?

16 A. That's what I said.

17 Q. "What was Quantis wearing?" "Black jeans. And before I

18 gave him my shirt, he was wearing an orange shirt." Right?

19 A. Correct.

20 Q. "Do you know either Quantis or Chief's phone numbers?"

21 "I don't know Quantis. Chief had a number, 229-3829 or

22 something like that. It's a Charleston or Greenville area

23 code." Accurate?

24 A. Yes.

25 Q. "What did you get out of the robbery?" "They didn't

1 give me anything. They said I didn't do anything."

2 Accurate?

3 A. Correct.

4 Q. So you and Tyward talked about it later.

5 A. I called him.

6 Q. You called him.

7 A. I called him and I asked him about my money he owed me
8 from a previous transaction that I gave him to go make.

9 Q. Oh, the day before; right?

10 A. No, I gave him that -- I gave him that package earlier
11 that day.

12 Q. Oh, that day.

13 A. Yes.

14 Q. Okay. "Why did you give Quantis your shirt and your
15 hat?" "So I could back out of it," the robbery that you knew
16 they were about to do.

17 A. That's true.

18 Q. True. "Where are they now?" "He has them." "Did you
19 enter the bingo hall during the robbery?" "No, sir."

20 Accurate?

21 A. Correct.

22 Q. "Did you talk to Teidra before the robbery?" "I talked
23 to her before and after." Accurate?

24 A. Yeah.

25 Q. "Was she relaying information to you during the calls?"

1 "She just called to see if I could pick her up." Is that
2 right?

3 A. Right.

4 Q. "Did you tell her that you were there?" "Hell no."
5 Right?

6 A. Right.

7 Q. "Why would she say you participated in a robbery and
8 that you got money from it?" "Because I told her I planned
9 to do it." That's right?

10 A. That's not accurate.

11 Q. That's not accurate.

12 A. No.

13 Q. You never said that.

14 A. I never told her I planned to do that.

15 Q. What did you tell her?

16 A. I didn't tell Teidra anything.

17 Q. Didn't tell her anything.

18 A. Not pertaining to a robbery at her job.

19 Q. Okay. You weren't concerned about her.

20 A. I mean, after the fact she -- after I talked to her and
21 she told me that happened, I asked her was she all right.

22 That was it. I didn't go make sure, play Superman or
23 nothing.

24 Q. Because a man wouldn't do those kind of things; right?

25 A. Probably would, but, hey.

1 Q. "When did you tell her this?" "The day it happened."

2 A. (Witness shook head from side to side.)

3 Q. That's wrong, too?

4 A. Yeah. If I didn't tell her that I didn't plan it, why
5 would it be the day it happened?

6 Q. Question: "Was this before or after Chief picked you
7 up?" "This was after I got back. She told me that they got
8 robbed, and I told her that we'd planned to do it." Is that
9 correct?

10 A. I didn't tell her I planned to do nothing.

11 Q. Okay. "So was this before or after Chief picked you
12 up?" "This was after I got back. She told me that they got
13 robbed."

14 A. And that was all I said.

15 Q. So just this last part about planning it.

16 A. Yes, I didn't plan nothing.

17 Q. "Did you see Teidra outside during the robbery?"

18 A. No.

19 Q. No. So that's accurate. "She was calling me from like
20 two people phone." Right?

21 A. Correct.

22 Q. And now you know those two people because she called you
23 from peoples' phones all the time.

24 A. I already -- I knew whose phones it was.

25 Q. Okay. Even though you said you know because you asked;

1 right?

2 A. I always ask.

3 Q. "Did someone from the bingo call your phone after the
4 robbery?" That question was asked; correct?

5 A. Correct.

6 Q. "Yeah, looking for Teidra." Had you talked -- and
7 that's right; correct?

8 A. Correct.

9 Q. "Had you talked to her at that point?" "Yes, she called
10 me before that." "Did she tell you about the robbery then?"
11 "Yes, she told me about it." All this is right.

12 A. Yeah.

13 Q. "So is that when you told her that you planned to rob
14 the bingo?" "Yes." Is that right?

15 A. I never -- I never told her I planned to rob nothing.

16 Q. So this question should be highlighted, too.

17 A. Yes, highlight it.

18 Q. "So was it over the phone or when you got back that you
19 told her what you'd planned?" "Both."

20 A. You can highlight that, too.

21 Q. I can highlight this, too.

22 A. Yeah.

23 Q. It's getting a little weak. Let's see. "Why would
24 Teidra call Chief prior to the robbery?" "I don't know. I
25 didn't know she had his number." Is that right?

1 A. Go ahead.

2 Q. "Did Teidra tell you about how much money was in the
3 bingo?" "No." Right?

4 A. Right.

5 Q. "Is Teidra involved in any way?" "No."

6 A. Correct.

7 Q. "Do you have anything else to add?" "No."

8 A. Correct.

9 Q. And on all these pages that is your signature.

10 A. Yes.

11 Q. Correct? One, two, three, four. But all these -- these
12 highlights, Sergeant Isenhoward just made it up. You didn't
13 say those things.

14 A. Those didn't come out of my mouth.

15 Q. Okay. So---

16 A. That's not no---

17 Q. ---he made it up.

18 A. That's not no mistake. That's not saying that, oh, I
19 don't remember. That's not none of that. That didn't come
20 out of my mouth.

21 Q. Okay. But it came from somewhere because it was on the
22 statement; right?

23 A. It didn't come from me.

24 Q. So the four times that you talk about planning the
25 robbery were inaccurate. Right?

1 A. I didn't plan it at all.

2 Q. My question is the four times---

3 A. Right.

4 Q. ---that you talked about planning in your statement was
5 inaccurate. Right?

6 A. Right.

7 Q. Okay. And the one time that you talk about being a
8 lookout, that also is inaccurate.

9 A. Correct.

10 Q. Beg the Court's indulgence one moment. Okay. You were
11 arrested on June the 8th; right?

12 A. Yes.

13 Q. On June 9th you actually took a ride; correct?

14 A. Correct.

15 Q. You rode with Sergeant Isenhoward.

16 A. Correct.

17 Q. Right? And also Major Stan Smith; correct?

18 A. Yes. Yes.

19 Q. Two men in the car. And you were riding with them to
20 point out hangout spots; correct?

21 A. I pointed to a specific house.

22 Q. Specific house.

23 A. Yes.

24 Q. Where Chief is known to hang out.

25 A. No, where Quantis hangs out.

1 Q. Where Quantis hangs out.

2 A. Yes.

3 Q. So not Chief or Rocca.

4 A. No.

5 Q. And you're kind of in what? The Greenview area, I
6 guess, or Irmo?

7 A. In Greenview.

8 Q. In Greenview. And during that car ride, isn't it true
9 that you told them about -- a little bit about the incident;
10 right?

11 A. Like what?

12 Q. You said that Chief recruited you to participate in the
13 robbery; right?

14 A. You said I told them Chief recruited me?

15 Q. Let me make sure I get this exactly right. I don't want
16 to misstate it. Okay. Told you -- told Major Smith that
17 Chief recruited you to participate in the robbery; right?

18 A. No, I didn't.

19 Q. You never said that.

20 A. That he recruited me to be in a robbery? No.

21 Q. What did you say?

22 A. I don't even remember pertaining to that.

23 Q. But you didn't mention anything about the robbery.

24 A. Nothing but they -- the purpose for them picking me up
25 that day was to point out the whereabouts of Quantis. That

1 was -- and I rode with them. I showed them the exact house
2 where he be's (verbatim), where he used to stay at.

3 Q. Okay. And that's Quantis, not Chief.

4 A. That's right.

5 Q. And you also told them that you had a gun at the time,
6 but the cylinder didn't work.

7 A. No. I told him that -- he asked me did I ever own a
8 gun. I told him, yes, I did.

9 Q. Okay. So you never said that at the time of the robbery
10 you had a gun, but the cylinder didn't work.

11 A. No. He asked me did I ever own a gun.

12 Q. Okay. And you never said that you had sold it on the
13 street since.

14 A. I sold it on the streets before I even talked to them.

15 Q. Before all the robbery.

16 A. Yeah, before that.

17 Q. But you never told them that you participated or that
18 Chief recruited you to participate.

19 A. I didn't never said nobody recruited me to do nothing.

20 Q. Okay. In 2004 you were arrested for and convicted of
21 grand larceny; correct?

22 A. Yes.

23 Q. Also in 2004, breach of trust---

24 A. Yes.

25 Q. ---with fraudulent intent; correct?

1 A. Yes.

2 Q. And then in July of 2009, shortly before this, you were
3 convicted of strong arm robbery; correct?

4 A. Yes.

5 Ms. Simpson: Nothing further, Your Honor.

6 The Court: Redirect?

7 Mr. Chaplin: Yes.

8 Redirect Examination

9 By Mr. Chaplin:

10 Q. Okay, Jeff. Do you need to get a drink of water?

11 A. Yeah, let me get some...

12 Q. Okay.

13 A. Thank you.

14 Q. All right. Jeff, let's just touch base on a couple of
15 things here. Let's talk about the times on this advisement
16 of rights. This is the time that -- and I'm going to just do
17 regular time, 5:14 in the afternoon.

18 A. Uh-huh.

19 Q. This one actually has a time of 7:00---

20 A. Uh-huh.

21 Q. ---later that same evening. Okay?

22 A. (Witness nodded head up and down.)

23 Q. Okay. All right. I just want to make sure I
24 understand. Your testimony was that you're not sure what the
25 times were placed on those documents, but it's your testimony

1 that you signed---

2 Ms. Simpson: Objection to the leading.

3 The Court: I'll allow it. Go ahead.

4 By Mr. Chaplin:

5 Q. But it's your testimony that you signed everything at
6 the same time.

7 A. Yes.

8 Q. Okay. So there wasn't like two separate sessions where
9 you sign here, now let's talk, then sign again.

10 A. No.

11 Q. Okay. All right. Now, you testified that -- go ahead.
12 I think you testified that you later found out who your
13 girlfriend was with after the robbery?

14 A. Yeah.

15 Q. Who was that?

16 A. That was Tyward.

17 Q. Okay. They asked you did Tyward have a girlfriend or
18 somebody at the bingo parlor.

19 A. Uh-huh.

20 Q. When you were there for hot dog night, was he talking to
21 anyone?

22 A. He was talking to Drenita.

23 Q. Okay. Now, I know you answered a lot of questions here,
24 and I'm just going to try to summarize this. Okay. So you
25 were behind The Comedy House, and you were doing something

1 you shouldn't have been doing. You were selling marijuana.

2 A. Yeah.

3 Q. Okay. And you freely admit that.

4 A. Yeah. This is my life on the line.

5 Q. Okay. Now, you deny that you planned the robbery at
6 Carolina Gold Bingo?

7 A. Yes, I do.

8 Q. Okay. And you also testified that you were not a
9 lookout for anyone.

10 A. Correct.

11 Q. Was it important that you come here today and try to
12 clarify your statement and some other things?

13 A. Yes.

14 Q. Why?

15 A. That was the reason I didn't take the plea.

16 Q. Okay. You wanted to get this information out.

17 A. Yes.

18 Q. All right. And let me just look real quick. There's a
19 lot of questions with regards to, you know, how much of a
20 friendship you had with Tyward or whatever the case might be.
21 I mean, you said you dealt with him like two to three times a
22 week.

23 A. Yeah.

24 Q. Was that to get rides or what?

25 A. That was basically for -- I used to get rides from him

1 and he used to come -- I used to front him weed, too.

2 Q. Okay. All right. When y'all got to The Comedy House
3 that day, you decided not to go forward with -- with trying
4 to do anything as far as with Tyward; correct?

5 A. Correct.

6 Q. And you stayed in the back?

7 A. Yeah, I stayed and made my service instead.

8 Mr. Chaplin: Okay. Okay. That's all I have. They may
9 have more questions.

10 Ms. Simpson: Briefly, Your Honor.

11 The Court: Recross.

12 Recross Examination

13 By Ms. Simpson:

14 Q. So on twenty-five-cent hot dog night you didn't go
15 inside the bingo hall; right?

16 A. No, ma'am.

17 Q. You've never been inside the bingo hall; right?

18 A. No, ma'am.

19 Q. So how do you know that Tyward Jordan was inside talking
20 to Drenita?

21 A. I didn't say he was inside. I say when -- when he asked
22 me, they was outside with me and Teidra.

23 Q. Okay. So they were hanging outside.

24 A. So when I -- as a matter of fact, when we got there --
25 when we got there and pulled in the parking lot, I didn't

1 even have to walk from the car. Teidra walked to me. Her
2 other employees were over at the door. So as we're talking,
3 I hand her the cigarettes and we light the cigarettes. They
4 said that Teidra told them that it was twenty-five-cent hot
5 dogs. So I hand them \$2 to go get them some hot dogs. As in
6 the process of that, I guess he met Nita and they came
7 outside talking.

8 Q. Okay. So Nita was talking to him outside. They were
9 talking kind of---

10 A. Yeah.

11 Q. He was trying to---

12 A. Yeah.

13 Q. Or that was his girlfriend. I'm a little confused.

14 A. I don't know. All I know is he told me they exchanged
15 numbers.

16 Ms. Simpson: Okay. Nothing further.

17 The Court: All right, sir. You may come down. Next
18 witness.

19 Mr. Chaplin: Your Honor, at this point the State,
20 excuse me, the defense rests. Mr. Chestnut was our only
21 witness.

22 The Court: Thank you. Any reply?

23 Ms. McDuffie: Your Honor, beg the Court's indulgence
24 and ask could we take a recess for just a few minutes.

25 The Court: Let's take a short recess. All right.

1 Ladies and gentlemen, at this point in time the State does
2 have an opportunity to offer what's called a rebuttal to the
3 defendant's testimony. Apparently they want to consider that
4 for just a minute.

5 If there is no rebuttal, I'm going to dismiss you for
6 the day, and I'll tell you about that and give you further
7 instructions in just a few minutes. So just go to the jury
8 room for a few minutes and relax, and we'll call you in a few
9 minutes. Don't talk about the case while you're in the jury
10 room. Talk about the football game.

11 (Whereupon, the jury was excused from open court at
12 3:37 p.m.)

13 The Court: All right. We'll stand at ease for a few
14 minutes.

15 Mr. Chaplin: Thank you.

16 (Whereupon, a short break was taken.)

17 The Court: All right. Be seated. Does the State
18 propose to call a reply witness?

19 Ms. McDuffie: Yes, Your Honor.

20 The Court: Can you tell me who it is?

21 Ms. McDuffie: Major Stan Smith, Your Honor.

22 The Court: Daphne, off the record.

23 (An off-the-record discussion took place.)

24 Mr. Chaplin: Your Honor, could we get an offer of proof
25 as to what the intentions are?

1 **The Court:** I'll be glad to ask the State.

2 **Court Reporter:** Is this still off the record, Judge?

3 **The Court:** No. No, we're on the record now. What's
4 the substance of the reply and what's it in reply to or in
5 rebuttal to?

6 **Ms. McDuffie:** Your Honor, it will be in reply to
7 impeach him on prior statements that he made. The statements
8 are contained in Mr. Smith's follow-up that Mr. Chaplin has a
9 copy of, and we are seeking to introduce this evidence under
10 Rule 613 I believe it is, Your Honor, 613(b).

11 **The Court:** What's the nature of it?

12 **Ms. McDuffie:** I'm sorry. I didn't hear you.

13 **The Court:** I said: What is the nature of it?

14 **Ms. McDuffie:** Ms. Simpson asked Mr. Chestnut---

15 **The Court:** Prior statement.

16 **Ms. McDuffie:** Yes, Your Honor.

17 **The Court:** A prior statement of the defendant?

18 **Ms. McDuffie:** Yes. He denied making that statement to
19 Mr. Smith, and so we intend to impeach him under Rule 613.

20 **The Court:** Oh, okay. Okay. Do you understand?

21 **Mr. Chaplin:** Yes, I do. Thank you.

22 **The Court:** All right. Are you ready for the jury?

23 **Ms. McDuffie:** The State's ready.

24 **The Court:** Defense ready?

25 **Mr. Chaplin:** The defense is ready.

1 **The Court:** Bring the jury.

2 (Whereupon, the jury was brought into open court at
3 4:03 p.m.)

4 **The Court:** All right. Ladies and gentlemen of the
5 jury, the State has elected to call their rebuttal or reply
6 witness, and I will allow them to do so at this time.
7 Solicitor, call your reply witness.

8 **Ms. McDuffie:** Thank you, Your Honor. The State would
9 call Major Stan Smith.

10 J. Standin Smith, after being duly sworn, testified
11 as follows:

12 **The Clerk:** Please have a seat in the witness stand, and
13 state your full name for the record.

14 **The Witness:** It's James Standin Smith. It's
15 S-T-A-N-D-I-N, middle name.

16 Direct Examination

17 By Ms. McDuffie:

18 Q. Major Smith, where are you employed?

19 A. Richland County Sheriff's Department.

20 Q. How long have you been at the sheriff's department?

21 A. I started in June of 1984.

22 Q. And what are your duties with the sheriff's department?

23 A. I am a supervisor in the Criminal Investigative

24 Division. I hold the rank of a major. At this time I

25 primarily supervise all investigations, as it turns out. I

1 do have a focus, a personal involvement, in some of the major
2 crimes, homicides and robberies.

3 Q. And in this case that we're here for today, the robbery
4 that occurred at the Carolina Gold Bingo on May 23rd of 2010,
5 did you play a limited role in this case?

6 A. I did.

7 Q. On June the 9th of 2010, did you have occasion to come
8 in contact with the defendant, Jeff Chestnut?

9 A. I did.

10 Q. And please tell the jury where that was.

11 A. Sergeant Isenhoward, who is one of the case officers in
12 the case, asked me to accompany him. Chestnut was in
13 custody, and he wanted to further some of the statement that
14 he had given I think the day before regarding some locations
15 of where the co-defendant, who he identified I believe as
16 Chief, where he resided, places he hung out and that kind of
17 thing so we could further the investigation and try to get
18 him under arrest.

19 Q. Chief also known as Tyward Jordan?

20 A. That's correct.

21 Q. In the car with Mr. Chestnut, did he make some
22 statements to you?

23 A. Yes, he did make some general statements to both of us.

24 Q. And did he specifically tell you that Chief recruited
25 him to participate in the robbery?

1 A. Yes. I got on that -- in my follow-up on the return
2 trip, he had actually pointed out a house in the Greenview
3 subdivision where Chief frequented, and then on the return
4 trip to the sheriff's department he said that Chief had
5 recruited him to participate in the robbery.

6 Q. Did he also tell you that he had a gun but the cylinder
7 didn't work?

8 A. He said he had a gun with a cylinder that didn't work,
9 and he said he later -- has since sold it on the street.

10 Ms. McDuffie: Thank you. No further questions for this
11 witness.

12 Mr. Chaplin: No questions.

13 The Court: All right. You may come down. Anything
14 further?

15 Ms. McDuffie: No, sir, Your Honor.

16 The Court: All right. All right. Ladies and
17 gentlemen, that's all the evidence you will hear in this
18 case. As I told you - I think I told you - the remaining
19 part of the trial will consist of the final summations or
20 arguments of counsel and my instructions to you on the law of
21 the state of South Carolina as it applies to this case. Now,
22 that process will take some time. So, again, I think the
23 most efficient use of our time will be to reconvene in the
24 morning.

25 Would 9:00 in the morning inconvenience anybody? It

1 would? Okay. 9:30? We'll stick with that? All right.
2 We'll do that. We'll have a pretty full day tomorrow. I
3 think we'll conclude the case tomorrow. So have a pleasant
4 evening, and again don't discuss the case among yourselves
5 when you return to the jury room or with anyone else over the
6 evening hours. We'll see you at 9:30 in the morning. Thank
7 you very much.

8 (Whereupon, the jury was excused from open court for the
9 day at 4:08 p.m.)

10 **The Court:** All right. Counsel, let's discuss charges
11 to the jury. With regard to the State's three requests to
12 charge, those are all contained in my standard charge, and I
13 will give those charges, not in the form submitted, but in my
14 regular form which I think you might be familiar with. Now,
15 with regard to the---

16 **Ms. McDuffie:** Your Honor, we would also just ask that
17 you include in your standard charge the charge on note-taking
18 and expert witnesses and such as that.

19 **The Court:** I will do that. Yes, I do. That will be
20 included. As far as the defendant's requests to charge,
21 requests, plural, to charge, let me just say as a
22 preliminary: I have reviewed them, and let me just go
23 through them and then if you have any objections, I'll hear
24 them.

25 The first charge on inference, the Schrock case, I think

1 that's a fair inference that can be drawn from the evidence,
2 so I'll -- I will plan to give that unless there's some
3 objection. The reasonable doubt charge is included in my
4 standard charge. At least -- they're not numbered, so...

5 Mr. Chaplin: I apologize.

6 The Court: You've got two reasonable doubt charges.

7 Mr. Chaplin: I'm interested in the Manning charge, Your
8 Honor, which is the first.

9 The Court: Yes, sir, I'll give that. I always do.

10 Mr. Chaplin: Okay.

11 The Court: I'm not going to give all reasonable doubt,
12 the what you call Devitt charge.

13 Mr. Chaplin: Yes.

14 The Court: The State doesn't have to prove beyond all
15 reasonable doubt. The circumstantial evidence charge is
16 included.

17 Ms. McDuffie: Your Honor, you're going to include this
18 circumstantial charge?

19 The Court: No.

20 Ms. McDuffie: Okay.

21 The Court: Mine. Again, I might have them mixed up now
22 because I've been through it, so just kind of bear with me.
23 The innocence -- the Devitt/Blackmar innocence/guilt charge I
24 think is a duplicate of the inference charge, so I don't need
25 to give that. The request to charge on another State v.

1 Schrock which says the accused is entitled to the benefit of
2 any doubt, that's -- I don't think that's the case. I mean,
3 I don't think that's the law. Mere presence is not an issue
4 in this case. Where is... Mere presence in the -- he says
5 he was -- how is a mere presence charge applicable? Let me
6 ask you.

7 **Mr. Chaplin:** You're asking me to respond, Your Honor?

8 **The Court:** Yeah. It's your charge.

9 **Mr. Chaplin:** Yes, sir. Basically if all the jury finds
10 is that he was just present behind The Comedy House when this
11 occurred and that was it---

12 **The Court:** Well, that's not the scene of the crime.

13 **Mr. Chaplin:** Well, I agree.

14 **The Court:** I'm trying to link it up. If he admits he
15 was in the bingo parlor, I think a mere presence charge is
16 applicable, but if he's not at the scene of the crime---

17 **Mr. Chaplin:** As long as the State doesn't try to argue
18 that behind The Comedy House is the scene of the crime.

19 **The Court:** What's the State's position?

20 **Ms. McDuffie:** Your Honor, the State's position, which
21 it has been this entire time, is that the defendant was
22 inside the bingo parlor actively participating in this armed
23 robbery. However, Your Honor, in terms of mere presence,
24 even by the defendant's own statement he -- if you want to
25 include the crime scene to include The Comedy House and

1 surrounding area, he is not merely present. He stated that
2 he knew about the robbery. He actively participated by
3 helping to switch clothes with the guy prior to it. I don't
4 think mere presence is appropriate under any rendition of the
5 facts.

6 Mr. Chaplin: Your Honor, and that's dependent upon
7 whether or not---

8 The Court: Wait.

9 Mr. Chaplin: I'm sorry.

10 The Court: Go ahead.

11 Ms. McDuffie: Your Honor, so even if you assume what he
12 said was true, which we would say it's not, but even if you
13 do, then mere presence would not be appropriate because
14 there's no evidence that he was merely present.

15 The Court: Well, he raises the question: Does the
16 State take the position that being behind The Comedy House is
17 the scene of the crime?

18 Ms. McDuffie: No, sir, Your Honor. Our position has
19 been from the beginning that he was actively participating
20 inside in the bingo place.

21 The Court: You see the disjunctive there?

22 Mr. Chaplin: I do, Your Honor, but it concerns me and
23 that's why I wanted to put that there because, you know --
24 but I will---

25 The Court: You don't have to withdraw it.

1 **Mr. Chaplin:** Well, I'm just saying I'll---

2 **The Court:** They take the position that the scene of the
3 crime is the bingo parlor.

4 **Mr. Chaplin:** Inside the bingo parlor.

5 **The Court:** Well, if he's -- even if he's a lookout -- I
6 mean, if he's in or about the vicinity of the bingo parlor --
7 now, you know, I don't know how far away he alleges he was
8 when this took place. Mere presence is a -- certainly a
9 theory that he would be entitled to if the facts support it.

10 **Mr. Chaplin:** And, Your Honor, I've heard the State --
11 and I understand what Joanna says and I have the utmost
12 respect for her. I'm just saying that I've heard things with
13 regards to lookout and -- and I'm concerned that a hand of
14 one/hand of all theory of him being behind The Comedy House
15 might be something that---

16 **The Court:** Well, now, hand of one/hand of all charge in
17 and of itself---

18 **Mr. Chaplin:** Yes.

19 **The Court:** ---contains a mere presence charge, not a
20 separate charge.

21 **Mr. Chaplin:** Okay.

22 **The Court:** If you look at my mere -- I mean my hand of
23 one/hand of all charge, it contains a mere presence
24 provision.

25 **Mr. Chaplin:** I just---

1 **The Court:** If that's your -- if that's your theory,
2 I've got it covered. I'm going to give you a set of charges
3 for right now---

4 **Mr. Chaplin:** Yes, sir.

5 **The Court:** ---and you can evaluate, but I don't think a
6 separate mere presence charge is appropriate. On the
7 suspicion, that's part of my standard charge. Confession is
8 part of my standard charge as is presumption of innocence.
9 Now, any objection based on---

10 **Ms. McDuffie:** Your Honor, if you mentioned it, I
11 apologize that I didn't hear it. The defense requested a
12 charge of: If you, the jury, have any reasonable doubt as to
13 whether the defendant is guilty of a greater or lesser
14 included offense -- there are no lesser included offense --
15 no lesser included offenses than requested. I don't think
16 that's an appropriate charge to charge---

17 **The Court:** You mean the King charge?

18 **Ms. McDuffie:** Yes, Your Honor.

19 **The Court:** Tell me about the King charge.

20 **Ms. McDuffie:** Your Honor, as it's written, it says---

21 **The Court:** No. It's a test. The King charge was
22 overruled years ago.

23 **Ms. McDuffie:** I agree with that, Your Honor, but it's
24 not even -- I mean, there's no lesser included offense---

25 **The Court:** I'm not going to give the King charge.

1 **Ms. McDuffie:** Thank you.

2 **The Court:** That's the King charge. Okay. Anything
3 else?

4 **Mr. Chaplin:** Nothing from the defense.

5 **Ms. McDuffie:** You're going to give us a copy of your
6 charge?

7 **The Court:** As soon as I -- I'll print them now that
8 we've been through them.

9 **Ms. McDuffie:** Thank you, Your Honor.

10 **The Court:** Did I say -- did I say that Major Smith is
11 free to go?

12 **Major Smith:** I was standing by, Your Honor, until you
13 let me leave. I have respect for the Court.

14 **The Court:** All right. We'll stand at ease for a
15 minute.

16 (Pause in proceedings.)

17 **The Court:** All right. Counsel, I tell you what. Y'all
18 look at them and tell me in the morning.

19 **Ms. McDuffie:** Thank you, Judge. 9:30.

20 (Whereupon, the trial concluded for the day at 4:30 p.m.
21 and resumed the following day, September 20, 2012, as
22 follows.)

23 **The Court:** Be seated. Thank you. All right. Just for
24 the record, I have provided the State and the defendant
25 proposed jury charges. Any objection to the charges as

1 proposed?

2 Ms. McDuffie: Not other than the previously discussed,
3 Your Honor.

4 The Court: Defense?

5 Mr. Chaplin: Same, as -- as corrected.

6 The Court: They have been modified.

7 Mr. Chaplin: Thank you.

8 The Court: State ready for the jury?

9 Ms. McDuffie: The State's ready, Your Honor.

10 Mr. Chaplin: The defense is ready.

11 The Court: State opening?

12 Ms. McDuffie: Yes, Your Honor, I am.

13 The Court: Open on the law. Bring the jury, please.

14 (Whereupon, the jury was brought into open court at
15 9:41 a.m.)

16 The Court: Good morning, ladies and gentlemen. We're
17 now ready to conclude the trial with the final arguments of
18 counsel and my charge to you on the law as it applies to this
19 case. So please listen attentively to the attorneys, and
20 we'll now begin with the solicitor's -- you may proceed.

21 Ms. McDuffie: Thank you, Your Honor. May it please the
22 Court? Good morning. Mr. Foreman, ladies and gentlemen of
23 the jury, on behalf of the State of South Carolina, the
24 citizens of Richland County and the victims in this case, I'd
25 like to say thank you. We all know that when you got that

1 letter in the mail summoning you for jury duty on Monday
2 morning, this was one of the last places that you wanted to
3 be, but you have been a tremendously attentive jury and we
4 appreciate your service.

5 I'd also like to take a minute to apologize to you if
6 there's anything that I have done, Ms. Simpson or Mr.
7 Steadman have done to offend you over the last few days. We
8 know that sometimes things can get heated in the courtroom,
9 but, ladies and gentlemen, the fact of the matter is we all
10 have a job to do.

11 It is our job as the State of South Carolina to serve as
12 ministers of justice, to bring forth all relevant and
13 credible evidence for you, the jury, to consider. It's Mr.
14 Chaplin's job to defend his client to the best of his
15 ability. It is the judge's job to instruct you, the jury, on
16 what the law is that applies in this case.

17 If you'll remember back to Tuesday morning, each and
18 every one of you took an oath. You took an oath to set aside
19 any bias or prejudice you may have against the State of South
20 Carolina or against the defendant and render a verdict based
21 on two things: the evidence and the law. Not on
22 speculation, not on fiction, but on the evidence and the law.

23 I'm going to take a few minutes and instruct you on what
24 the law is in this case, and after I finish, defense counsel
25 will then have a chance to make a closing argument, and after

1 that because we, as the State of South Carolina, have the
2 burden of proof in this case, we will have a chance to make
3 our closing argument. Ms. Simpson will do that.

4 Ladies and gentlemen, you must base your verdict on the
5 evidence and the law, and at this point in the trial you have
6 heard all the evidence in this case. That evidence comes
7 from two sources: the testimony of the witnesses on the
8 witness stand under oath and the physical exhibits that have
9 been entered into evidence. What's not evidence in this case
10 are opening statements, questions by the attorneys or closing
11 arguments. The evidence is the testimony of the witnesses
12 and the physical exhibits that have been introduced.

13 You may have heard people mentioning giving written
14 statements, things of that nature. In criminal cases in
15 South Carolina you don't have depositions. You can't
16 introduce written statements of witnesses, and that is
17 because the defendant has a right to confront the witnesses
18 against him. That right of confrontation is why we have live
19 testimony from witnesses and not depositions like you do in
20 civil cases. So you may have heard mention that people gave
21 written statements and things of that nature, but it's the
22 live testimony that you must consider when returning a
23 verdict.

24 Now, ladies and gentlemen, in South Carolina there are
25 two types of evidence. There's direct evidence and there's

1 circumstantial evidence, and the law makes absolutely no
2 distinction between the two. Direct evidence is testimony of
3 a person who asserts or claims to have actual knowledge of
4 facts such as an eyewitness. I submit to you, ladies and
5 gentlemen, that when Angela Diaz-Garcia came in here and
6 testified about how she identified Jeff Chestnut as the man
7 that robbed her at gunpoint, that is direct evidence.

8 Circumstantial evidence is proof of a chain of facts or
9 circumstances indicating the existence of the fact. An
10 example of circumstantial evidence would be Teidra Dennis's
11 suspicious behavior, her borrowing of other employees' cell
12 phones, her calling her boyfriend, Jeff Chestnut, her turning
13 the police away a mere five minutes before the robbery
14 occurred, and then her boyfriend and Tyward Jordan coming in
15 and robbing the Carolina Gold Bingo.

16 The law makes absolutely no distinction between the
17 weight or value to be given to either direct or
18 circumstantial evidence nor is a greater degree of certainty
19 required for circumstantial evidence than that of direct
20 evidence. You should weigh all the evidence in the case, and
21 after weighing that evidence, if you are not convinced of the
22 guilt of the defendant beyond a reasonable doubt, then you
23 must find the defendant not guilty. If, on the other hand,
24 you are convinced of the defendant's guilt beyond a
25 reasonable doubt, then you must find him guilty.

1 Now, ladies and gentlemen, we as the State of South
2 Carolina have the burden of proof in this case as we do in
3 every criminal case. We must prove to you that the defendant
4 committed each element of the offenses charged with proof
5 beyond a reasonable doubt. Proof beyond a reasonable doubt
6 is the highest burden that there is.

7 In civil cases you may have heard people talk about
8 preponderance of the evidence or clear and convincing
9 evidence, but proof beyond a reasonable doubt is proof that
10 leaves you firmly convinced of the defendant's guilt. There
11 are very few things in this world that we know with absolute
12 certainty, and in criminal cases the law does not require
13 that we overcome every possible doubt. However, based on
14 your consideration of the evidence, if you are firmly
15 convinced of the defendant's guilt of the crime charged, then
16 you must find him guilty. If, on the other hand, you think
17 there's a real possibility that he is not guilty, then you
18 must give the defendant the benefit of that doubt and find
19 him not guilty. I submit to you, ladies and gentlemen, that
20 in this case with these facts and this evidence, we welcome
21 that burden of proof.

22 As a result of Jeff Chestnut's actions on May the 23rd
23 of 2010, he is charged with four counts of armed robbery.
24 South Carolina law defines armed robbery as the taking of
25 property from the person or presence of another. From the

1 person: taking money out of someone's hand. Or from the
2 presence of another. When you take something from their
3 presence, you take something that is within their immediate
4 reach, control or observation.

5 Ladies and gentlemen, when you hold a gun on someone and
6 take their purse that's sitting on the table next to them,
7 that is from the presence of another person. When Kayla
8 Sharpe placed the money on the floor, that is from the
9 presence of another person. You don't have to yank it out of
10 their hands. The law allows for either.

11 By means of force or intimidation while armed with a
12 deadly weapon or any object which a person present during the
13 commission of the robbery reasonably believed to be a deadly
14 weapon. Ladies and gentlemen, I submit to you that a gun is
15 a deadly weapon whether it's operational or not. Every
16 single witness came in here and told you that both suspects
17 had a gun, that they were held at gunpoint and robbed, and
18 that, ladies and gentlemen, under South Carolina law is armed
19 robbery.

20 Mr. Chestnut is also charged with three counts of
21 kidnapping. Under South Carolina law, whoever shall
22 unlawfully seize, confine, inveigle, decoy, kidnap, abduct or
23 carry away any person by any means whatsoever without
24 authority of law shall be guilty of kidnapping. When every
25 single one of these victims was held at gunpoint, their

1 movement was restricted. They were not free to leave.

2 Therefore, the defendant is guilty of kidnapping.

3 You don't have to pick someone up and take them to
4 another place or hide them in an underground bunker like you
5 see on T.V. You just have to restrict their movement so that
6 they're not free to leave, and kidnapping can last for five
7 seconds or it can last for three months. There is no
8 distinction that the law makes about the amount of time that
9 a person has to have their movement restrained.

10 Now, ladies and gentlemen, you have heard a lot in this
11 case about the co-defendant, Tyward Jordan, and his role in
12 all of this, along with that of Mr. Chestnut's. In South
13 Carolina there's a legal principle called the hand of one is
14 the hand of all. Ladies and gentlemen, South Carolina law
15 says that if a crime is committed by two or more persons who
16 are acting together in the commission of an offense, the act
17 of one is the act of both or all.

18 When Tyward Jordan and Jeff Chestnut planned to go into
19 that bingo hall, when they split up when they got in there,
20 when one went behind the cage -- when Mr. Chestnut went
21 behind the cage and Mr. Jordan went out on to the floor, the
22 act of each is imputed to the other one. Each is responsible
23 for the acts that the other commits. Tyward Jordan was
24 responsible for when Mr. Chestnut held a gun on Angela Diaz-
25 Garcia and stole the money at the Carolina Gold Bingo just

1 as, ladies and gentlemen, we're asking you to hold Jeff
2 Chestnut guilty of robbing Marva Coates, Sarah Furtick, and
3 Drenita Ore because the act of one or the hand of one is the
4 hand of all.

5 By way of illustration, ladies and gentlemen, two or
6 more people can be guilty of killing another or a murder when
7 only one of the two had a pistol and only one bullet. If
8 both are acting together, assisting each other in the
9 commission of the offense, the law says that under those
10 circumstances the act of one is the act of all or, as it's
11 sometimes said, the hand of one is the hand of all. And,
12 ladies and gentlemen, it doesn't even require you to go that
13 far. When two people set out to do a robbery and one goes in
14 and robs and the other stays outside as the lookout, then
15 each are equally as guilty in South Carolina because the hand
16 of one is the hand of all. In South Carolina when two or
17 more people set out to commit a crime together, each is
18 guilty no matter what role they play. The hand of one is the
19 hand of all.

20 Ladies and gentlemen, I told you just a few minutes ago
21 that yours is the most important role in this courtroom. We
22 all like to think that we're very important to the system,
23 but the fact of the matter is that we're not. Court could
24 continue every single day without me, without defense
25 counsel, without the judge, but it could not continue without

1 you. The 12 of you individually, and ultimately
2 collectively, when you go back into that jury room to
3 deliberate are the ultimate finders of fact or judges of fact
4 in this case. It is up to you to determine if Jeff Chestnut
5 committed the crimes that we, the State, allege he did.

6 Ladies and gentlemen, you've heard me say that the
7 evidence comes from two sources: the testimony of the
8 witnesses on the witness stand and the physical exhibits.
9 One of your most important functions is to determine the
10 credibility of those witnesses. Credibility is also known as
11 believability, and, ladies and gentlemen, the law says that
12 when you're determining the credibility of witnesses, you can
13 believe all of what a witness said, some of what a witness
14 said or none of what a witness said. You can believe one
15 witness against many or many witnesses against one.

16 But there's some factors we ask you to consider when
17 determining the credibility of witnesses. What was the
18 demeanor of the witness on the witness stand? Was the
19 witness forthright or hesitant? Was the testimony of the
20 witness consistent, and was the testimony of the witness
21 corroborated? I submit to you, ladies and gentlemen, that
22 Angela Diaz-Garcia, Drenita Ore, Kayla Sharpe, Timothy Bell,
23 Robert Furtick, Sarah Furtick, Marva Coates, each and every
24 one of their testimonies was consistent. Their stories never
25 wavered. Never. Never.

1 Ladies and gentlemen, each one of them told you what
2 they saw and what happened to them when they were victimized,
3 held at gunpoint, robbed and kidnapped on the day of May 23rd
4 of 2012. Ladies and gentlemen, there were inconsistencies in
5 their statements. Some said that he had a red bandana or a
6 blue bandana or a black bandana. Some were more focused on
7 one thing and not another.

8 Ladies and gentlemen, I submit to you that that's what
9 makes them credible. If every single witness came in here
10 and told you the exact same story, that they observed the
11 exact same thing, that every little detail was the exact
12 same, that's not believable. That's not real life.

13 You could be at home or out on the street and see a car
14 accident, and if you're standing on one corner and someone
15 else is on the other, what you see is not going to be the
16 same. What you're focused on is not the same thing that
17 someone else is focused on.

18 Angela Diaz-Garcia told you she saw the gun. She
19 briefly -- she couldn't tell you what he was wearing, but she
20 was focused on his face. On his face. Ms. Furtick told you
21 that she was focused on the barrel of the gun, and that's
22 what these people are focusing on. Had they come in here and
23 given you the same story over and over again, ladies and
24 gentlemen, I submit to you that wouldn't have been credible.

25 What is credible is that these people came in here and

1 told you what they saw, what they observed on that day. They
2 have no bias. They have no interest. They don't want to see
3 the wrong man go to jail for this, ladies and gentlemen.
4 They came and told you what they saw.

5 Angela Diaz-Garcia came and told you that she was
6 100 percent positive that it was Jeff Chestnut who robbed her
7 at gunpoint on May 23rd of 2010. What bias, what interest
8 does she have?

9 Ladies and gentlemen, you also can judge the credibility
10 of the defendant's testimony, and I'm going to ask you to do
11 that. What bias does he have? Has his story changed? I
12 submit to you it absolutely has. He gave law enforcement one
13 statement and then got on the stand yesterday and told you:
14 Well, most of what's in the statement is true, but everything
15 that kind of implicates me in this I did not say.

16 He told you that Investigator Isenhoward Mirandized him,
17 then didn't Mirandize him and then did Mirandize him, and
18 maybe he just signed some form that he didn't know. Is that
19 credible, ladies and gentlemen? He said he knew his rights,
20 but then he told you he was never Mirandized and he wouldn't
21 have talked to the police. Is that credible? I submit to
22 you it's not, ladies and gentlemen.

23 Ladies and gentlemen, he said that when he got back to
24 his jail cell that night he read over the statement and saw
25 that the officer put these words in his mouth, that he was

1 the lookout, things of that nature. But, ladies and
2 gentlemen, the very next day he requested to speak with law
3 enforcement, and not only did Investigator Isenhoward but his
4 supervisor, Major Stan Smith of the sheriff's department, go
5 there and pick him up, and in the car did he tell the
6 supervisor, "This investigator put these words in my mouth,
7 made this statement up"? No, sir. No, ma'am. That's not
8 what he did.

9 What he told Major Smith was that, yes, Tyward recruited
10 me to do this robbery, and I had a gun and I have since sold
11 it on the street. He never told them that these falsehoods,
12 these untruths were in his statement like he did yesterday.
13 I would submit to you, ladies and gentlemen, it's just not
14 credible.

15 Now, ladies and gentlemen, I'm going to sit down in just
16 a minute, and defense counsel will get up here and give you
17 their version of the facts, and we'll have a chance to
18 respond. What we ask you to do is to render a verdict in
19 this case, and the word verdict comes from the Latin phrase
20 veredicto which literally means to speak the truth. And all
21 we ask you to do in this case is to render a verdict that
22 speaks the truth, a verdict of guilty for four counts of
23 armed robbery and three counts of kidnapping. Thank you.

24 The Court: Mr. Chaplin?

25 Mr. Chaplin: Thank you very much, Your Honor. Okay.

1 Good morning, ladies and gentlemen of the jury. I want to
2 piggyback on what Joanna said with regards to thanking you
3 for your service and your dedication to the process. Like
4 she said, you're the reason that the system works, and
5 everybody is entitled to their trial by a group of their
6 peers. That's what Mr. Chestnut has asked for in this
7 particular case, and again I really, really thank you all for
8 being so attentive. I saw you listening. I saw you
9 watching. Some of you took a lot of notes and things on that
10 order, and that really assures me that you all will be able
11 to go back in that room and deliberate and come out with a
12 fair verdict.

13 So what we're about to do is sit down and pass the case
14 over to you all, but prior to doing that we have closing
15 arguments. Now, Ms. McDuffie just got up and gave you the
16 law. Now I'm going to argue my case, and I represent Jeff
17 Chestnut.

18 Now, before I start, I'd also like to say that I know
19 that I might have been a little rough on some of the
20 witnesses, and I want to tell you right now that just like
21 Joanna, I had a job to do and it's not personal, but I'm
22 representing Jeff and I'm trying to get the information out.
23 It's no dispute: I know that something happened at that
24 bingo parlor on that night. That's not in dispute. What's
25 in dispute is whether or not Jeff Chestnut was involved in

1 that matter. So in advance, I just want to let you know that
2 -- well, not in advance, but at this point I would like to
3 just say that please don't hold that against Jeff or anything
4 like that. This is just what I needed to do in order to
5 cross-examine the witnesses.

6 Now, I told you in my opening that there were two
7 robbers, and robber one has already been caught. All right?
8 And we're -- and robber two has never been found. We're here
9 because the State believes that robber two is Jeff Chestnut,
10 and like I told you in my opening, all the State needs in
11 order to have Jeff sitting over there is -- is probable
12 cause. Beg your pardon. All the State needs in order to
13 have Jeff sitting over there is probable cause.

14 Probable cause is the lowest level of proof required,
15 and that level of proof is so low until Jeff was arrested
16 before an identification was even made. And I also pointed
17 out to you that probable cause is not enough to convict, and
18 as Joanna said, you have to be convinced beyond a reasonable
19 doubt that Jeff is guilty of these crimes.

20 So if I could just give you an example: Probable cause
21 is down here. Beyond a reasonable doubt is way up here. So
22 the question is: Does the State's evidence hit this mark?

23 So far they're here, and that's the evidence that they
24 used to arrest Jeff. The burden is on them to prove their
25 case beyond a reasonable doubt, and they are going to have to

1 hit this mark. I suggest to you that they will not be able
2 to do that and have not done that. In order to hit that
3 mark, they're going to have to prove to you beyond a
4 reasonable doubt that Jeff is guilty of armed robbery and
5 that Jeff is guilty of kidnapping. Inferences in this
6 particular matter are to be decided in Jeff's favor.

7 Now, I indicated to you in my opening that the State had
8 very little evidence. I told you that they had an unreliable
9 eyewitness, no D.N.A., no fingerprints, no weapon, and I
10 stand by that. But what the State does have is a huge burden
11 on them to convict somebody as robber number two. The
12 victims in this case demand that.

13 The State just pointed out to you that most of their
14 information is circumstantial, and they told you, well, but
15 you could weigh them both the same, but let's just look at
16 it. The only direct evidence that they have presented to you
17 is the identification from Ms. Garcia. We'll talk about that
18 in a minute. Everything else is circumstantial. Look at the
19 phone records. Look how he got there. Look at the fact that
20 she told security to leave and things on that order, and I'm
21 going to cover all that with you as well.

22 Now, let's go to Ms. Garcia. I would submit to you that
23 Ms. Garcia is a nice lady, and she said herself that she
24 would like to see someone punished for what happened. She
25 lost her job, and she told you how her daughter was

1 traumatized throughout this entire event. I don't doubt any
2 of that.

3 Now, I also pointed out to you that on June 8th that
4 Jeff Chestnut got arrested for this crime, but the State
5 realized that they really couldn't hold Jeff much longer if
6 they didn't have somebody that could I.D. him.

7 **Ms. McDuffie:** Objection, Your Honor.

8 **Mr. Chaplin:** On June 9th -- I'll move on, Your Honor.
9 On June 9th the State finally got that I.D., the day after he
10 was arrested. Things that make you go hmmm (phonetic).

11 Now, I'm going to come back to that in a second. Let's
12 talk about: Are you satisfied with Ms. Garcia's
13 identification beyond a reasonable doubt? She told you
14 herself that she misidentified Peanut. She told you that she
15 was nearsighted, but then she also told you what happened far
16 away. She told you it happened so fast.

17 And then when questioned, she admitted that she was
18 looking at the gun. She was looking at his clothes. She was
19 immobilized with fear, worried about her daughter. She
20 always went back to that mantra: But I never took my eyes
21 off his eyes. I submit to you that that's impossible just by
22 the mere fact that she testified that the robber went into
23 the drawer and took the cash. Her daughter said that --
24 well, I'll come to that in a second. Just by the fact that
25 the robber had to bend down and go to the drawer. Just by

1 the fact that she says looking at his clothes... Just by the
2 fact that she said, "I was looking at the gun," but yet she
3 says, "I never took my eyes off his eyes."

4 Now, on May 23rd she spoke with law enforcement, and I
5 submit to you that there is no record whatsoever from her
6 statements at that time that she never took her eyes off
7 those eyes. That's a very important thing. That's what the
8 State is coming to you with as their direct evidence, but
9 there's no record of that on May 23rd. Things that make you
10 go hmmm. Then on May 24th she meets with law enforcement
11 again, and I submit to you that again there is no record of
12 her saying anything about the eyes that she will never ever
13 forget.

14 Now, when Jeff testified, he told you that when you get
15 arrested you go to jail and that that information is public
16 knowledge. It's actually on the internet. So he gets
17 arrested on June 8th. The first time Ms. Garcia was able to
18 identify anyone is on June 9th. Things that make you go
19 hmmm.

20 All right. I already told you before that I think Ms.
21 Garcia is a nice lady, but I also think that Ms. Garcia would
22 like to see robber two caught and punished. I also believe
23 that Ms. Garcia lost her job. Ms. Garcia is angry about this
24 entire thing, and I don't blame her one bit. But, see, the
25 problem that you have is that you're going to have to go back

1 there in that room and make sure that you're not going to
2 make an emotional decision and that you're going to make your
3 decision based on the evidence that's been provided by the
4 State, and I submit to you that the fact that she was only
5 able to make that identification on the record the day after
6 Mr. Chestnut's picture was all over the internet goes towards
7 the credibility of her identification.

8 And I'll tell you something else. Ms. Garcia told you
9 that she never, ever took her eyes off those eyes, but she
10 never told you the color of those eyes. Things that make you
11 go hmmm. Now, if you stared at something so well that you
12 could look at six photographs and say, "Oh, yeah, that's the
13 eyes," why on earth would that person not get on the stand
14 and say something more than it was slanted or it was wide?

15 I encourage you when you get back there -- you look at
16 it. You look at each one, and you look at the eyes. And
17 you -- you figure out for yourself: Can you make that
18 identification based on what she told you? I submit to you
19 that you will not be able to do that beyond a reasonable
20 doubt.

21 Now, Jeff gave a statement, and there's been a lot of
22 talk about that. Now, the State wants you to believe that
23 Ms. Garcia could not have -- that there could be no records
24 of her identifying Ms. Chestnut -- Mr. Chestnut, rather, for
25 18 days after the robbery, and then they come right back and

1 they say: There's no way Jeff recognized those robbers. He
2 met with law enforcement the very next day, and he didn't say
3 anything. Well, you can't have it both ways. So if you
4 can't believe Jeff because there is no record of him saying
5 that, then you can't believe her.

6 Jeff did give a statement. Jeff got down there, and he
7 knew it looked bad. At this point he realized that he
8 actually rode to The Comedy House and the person that he rode
9 with robbed the facility with someone else. Jeff is sitting
10 there. He knows that he has a record; he told you about
11 that. And he also had to anticipate the fact that if he came
12 to court on this matter, the wrong juror or somebody who may
13 not be as unemotional as we need them to be might say, "Well,
14 if he did it before, well, he would probably do it again."
15 Now we know that you wouldn't do that because that's not the
16 law, but that was going through his mind when he was meeting
17 with Investigator Isenhoward. Jeff did not need any more
18 trouble.

19 He told you that his main focus when he was talking to
20 that guy was he wanted to get out of there. He needed a low
21 bond in order to do that. He needed a low bond because he
22 didn't have no money. He lives day to day. And while I
23 certainly don't condone that lifestyle, that's how he did it.

24 Someone with a bunch of cash from just robbing a bingo
25 parlor does not worry about a low bond. They go to jail.

1 They say nothing and take you to jail, go to bond court, and
2 they post a bond. Jeff told you that he was promised a low
3 bond but that Isenhoward didn't deliver.

4 Jeff went to jail, and Jeff didn't get out for five
5 months. All right? So not only did Jeff not have a bunch of
6 cash, nobody around him did. You know, here it is. Jeff
7 just got played by Isenhoward. It's clear to me that that's
8 what occurred, and I'm not trying to say anything bad about
9 Investigator Isenhoward. I'm trying to say that he has a job
10 to do. He is supposed to find the bad guys and lock them up.
11 All right? And a lot of law enforcement believes that it's
12 okay to trick people as long as you can get what you need to
13 bring to court in general, and I'm not saying that that's
14 bad. I'm just telling you that that occurs a lot, and I'm
15 probably not telling you something you've never heard before.

16 And just because this statement is in evidence, that
17 don't (verbatim) mean it's true. All that means is that
18 they've got a statement. They have it. Now, if you think
19 that statement was done improperly, then you have to dismiss
20 it. Jeff pointed out the things that he feels were
21 inappropriately applied to that statement, to the best of his
22 knowledge. It was pretty fast the way it was done. Those
23 things will be highlighted. The State says, oh, he just
24 highlighted everything that implicates him. The flip side of
25 that is that maybe everything that implicates him was

1 actually added without his knowledge.

2 He didn't read it first. Good gosh. You know, I teach
3 business law. I tell my students all the time: Don't sign
4 it if you haven't read it. But Jeff wasn't thinking about
5 that. There was a level of trust built in that room. He
6 felt like, okay, you're trying to help me. Let's get this
7 done, whatever, and he just signed some papers. He's headed
8 to bond court. The officer is coming to say: Give him a low
9 bond so he could probably be home that same night.

10 Well, that didn't happen. He didn't get home for five
11 months. The statement is not in Jeff's handwriting. I mean,
12 they knew that they were going to bring this charge at some
13 point. That could have assured you that, well, he's -- he
14 had to say that because it's in his writing, but you can't
15 even say that. The law says that if the statement was caused
16 by pressure, threats, hopes or promise of leniency that it's
17 not voluntary. You're going to be the judge. I think to
18 tell someone that you're going to help them get a low bond
19 sounds like a promise to me.

20 All right. Who sits down in front of law enforcement
21 and says, "Oh, I was the lookout. Oh, I planned it"? I
22 submit to you that those things were added to that statement
23 so that the State could prove the charge of hand of one/hand
24 of all, see, because at this point they didn't have anybody
25 that could put him in the building. That didn't happen until

1 Ms. Garcia had her epiphany on June 9th. So if I can't get
2 him in the building, what do I do? Okay. Well, he's out of
3 the building, but we can still get him on hand of one/hand of
4 all. It's pretty smooth.

5 The law says that just because you might know about
6 something doesn't mean you planned it. Jeff didn't have a
7 lawyer present. There was no -- Jeff says that there was no
8 Miranda. That's up to you to decide. Jeff said that he
9 signed everything at the same time. It wasn't done
10 individually as it's been presented to you all. That's open
11 for discussion, but I tell you what's not open for discussion
12 is the fact that you're about to put somebody away and you're
13 going to use their statement to do that.

14 Let's be fair. Why not have it videotaped? All they
15 had to do was come in here, hit play, and let you see it.
16 They can't do it. It's not like their abilities weren't
17 there. I mean, even in a D.U.I. if the officer can't bring a
18 video to court of you doing your field sobriety tests or in
19 the breath test room, it's dismissed. I didn't make that
20 rule. The courts did because they said there's too much back
21 and forth going on about, "Well, did he do it or did he not
22 do it?"

23 So they say -- the law is -- the Supreme Court said: We
24 want it videotaped. I suspect that they're going to start
25 saying that about interrogations like this in the future,

1 too. I hope they will. So what we're stuck with is no
2 audio, no visual, no witnesses were there, and the State
3 offers you a lot of excuses about that. Basically they say:
4 Well, it's the department policy that we don't do that.
5 Well, they need you to go back there and cosign what they did
6 on that evening, and I'm asking you not to do that.

7 The State says: Oh, you can trust us. Well, why don't
8 they -- why don't they give you something that you can sink
9 your teeth into, something that you can support so that when
10 you do deliberate you're not concerned that you might be
11 making a mistake?

12 Let's talk about the video that you saw. It was
13 somewhat blurry. It moved real fast. You didn't see any
14 faces. Whatever you saw was covered. You couldn't see any
15 eyes. You can't say that -- the State has not proven that
16 Jeff carried away anyone's property, and that's another
17 required element. They never searched his home. Come on;
18 this is an investigation. Get a search warrant.

19 They say, "Oh, he had access to money." Then if he got
20 arrested in June, why did it take him 'til October to make
21 bond? And you didn't see any property that they presented to
22 you that said: We got this off of Jeff.

23 Credibility of the witnesses. Now, I'm not picking on
24 these witnesses. I know that they went through something
25 very traumatic, and I know that it was a very bad experience

1 for them. But like I said before, Officer Smith got on the
2 stand and basically he could not tell you that his report
3 contained anything about the eyes when he spoke to Ms.
4 Garcia.

5 They said they had lab units, canine, C.S.I. Well, I
6 didn't see none of that. Why not run the dogs through or
7 something like that? I don't know. All I know is it ain't
8 here, and those are the kind of things that can clear
9 somebody as well, but you don't have that.

10 Drenita -- well, Ore -- well, I know that there was a
11 lot going on and it was very traumatic, but she lost me with
12 the red bandana. All right? And then when I questioned her
13 about that and said, "Could it have been black?" she
14 immediately chased that rabbit and said, "Oh, yeah, yeah,
15 yeah. That's the one that was in his back pocket." Well,
16 come on. Don't insult us. You saw the video. The shirt
17 covered the back pockets. You didn't see a black bandana; at
18 least I didn't.

19 Peanut - I really felt bad for him. The way he
20 described what happened to him was horrible. But he saw that
21 red bandana, too. I suspect he was just trying to help his
22 older sister, Drenita.

23 Kayla, when she got her composure, she said that robber
24 two took money from the cash drawer, and then there was some
25 dispute about: Did it get placed on the floor or did he go

1 into the drawer? Or whatever the case might be. And I don't
2 want to misstate what she said, but the point I want to make
3 is: Where was Kayla really during this incident?

4 Now, in order for her to be talking about the cash, the
5 drawer, she had to be back there somewhere in the area with
6 her mom, but her mom denied that. She got on the stand and
7 she said that her daughter and all those other guys were out
8 there with the other robber and she was petrified. She
9 didn't know what was going on. I don't know, but my concern
10 here is the credibility. And if Kayla gave money to -- on
11 the floor or had contact with the other robber, then she
12 never said anything about the eyes either. So I struggle
13 with that.

14 Marva Coates. She wears glasses, nice little lady. She
15 said out of the corner of her eyes she saw a piece of hair
16 sticking out of a cap. Based on that, they want you to
17 believe that whoever it was had dreads or twists. That's
18 their evidence. Now, come on. Just because Jeff was there
19 on hot dog night and he happened to be there with Jordan,
20 that does not prove beyond a reasonable doubt that Jeff was
21 robber number two. Jordan, I'm sure, had other friends,
22 maybe the person that he was on the phone with on the way to
23 the bingo parlor that night.

24 Hand of one/hand of all, I'm going to move to that. The
25 law says prior knowledge about something is not enough. The

1 judge went as far as to say that even if a person is present
2 when the crime is committed, that's not enough.

3 A prior arranged plan: Jeff just arranged to get a ride
4 to go to The Comedy House to go sell some weed, and that's
5 what he told you. He said he did hear something about it
6 earlier and he did overhear Mr. Jordan talking about it on
7 the way there, but there's no proof whatsoever that Jeff
8 planned a robbery.

9 Now, they say the proof is is that his girlfriend kept
10 calling him and he had these phone calls and -- to Jordan and
11 Teidra or whatever the case might be. Well, if you can't
12 think of any other explanation as to why his girlfriend would
13 be calling him, then I guess you'll believe what the State
14 said, but he said it was for cigarettes. He said she needed
15 a ride, and it was not unusual that she called him a lot that
16 day during the day.

17 Now, if they showed you six months of phone records or
18 maybe three months so that you could say, well, two weeks
19 before that he never called her at all, she never called him
20 at all, and now all of a sudden we've got all these phone
21 calls... Now, her phone was not operational at that time,
22 but I'm sure that it was at some point and they could have
23 checked that.

24 If you're trying to plan a robbery with your boyfriend,
25 why would you use someone else's phone wherein the call --

1 the number is going to be saved in that phone's memory? Come
2 on. Why not use a landline? They testified yesterday that
3 the landline was there. And if it was so well planned, why
4 do you need to do all these calls back and forth? Calls to
5 Tyward before this. Said Jeff told you he needed a ride to
6 go to The Comedy House, and he even told you that he did have
7 knowledge when he heard Tyward talking that something was
8 about to break out, but then who was celebrating the night of
9 the robbery after everything occurred? Not Jeff. It was
10 Tyward and the person that the State can't seem to find and
11 that's Teidra.

12 They say, well, Jeff knew about it because he answered
13 the phone. Okay. What robber picks up a phone and speaks to
14 someone after he just did it and say incriminating stuff?
15 Okay. If you wanted to be known so bad, why even bother to
16 wear a mask? I submit to you nobody is that stupid.

17 Jeff did admit that he did get a phone call and he said
18 he did tell them that Teidra is not there or not with him.
19 But Drenita, who was also very adamant about finding robber
20 number two, added some other things to it. Now, that's your
21 job to think about that and figure out who you believe. All
22 I'm saying is that that dog don't hunt. Something is wrong
23 with that.

24 Then they started getting on Jeff about the times.
25 Well, if this happened then and if that happened then and if

1 this happened then -- wait a minute. Wait a minute. Okay.
2 Garcia, she had some problem with the times, too. She said,
3 "I was so shook up." One minute she said, "It happened so
4 fast." The next minute she said, "It seemed like hours."
5 Then I tried to get her to tell me: Was it ten seconds? Was
6 it -- well, maybe it was sometime before that, but she could
7 never really wrap her arms around that either. A lot was
8 going on. But Jeff, they believe, must be perfect when it
9 comes to that type of response and testimony, and that's not
10 fair.

11 Well, he had a gun. I didn't hear that. Jeff said,
12 yes, he did have a gun in the past, and prior to the incident
13 he sold it. So to impeach him they bring in Stan Smith, and
14 he takes the stand and he says, "Yeah, he told us he had a
15 gun." Okay. But what he didn't say was: We were in the
16 vehicle and Jeff said that on May 23rd, 2010, -- 2010, I had
17 a gun. He didn't say that. So as far as I'm concerned, the
18 evidence still doesn't show that Jeff ever had a gun.

19 Now, the movie night -- I'm not going to be much longer.
20 The movie night that they had at the bingo parlor really
21 concerns me. All right. So I don't know what the witnesses
22 were really describing to you all. Was it what they saw in
23 the videos or was it what they actually saw? Well, we'll
24 never know the answer to that because everybody got together
25 in the break room. The police came in, played a bunch of

1 videos or whatever, and as Kayla testified and some other
2 people, there you go. I don't know what they saw. When they
3 were back there, did they compare notes? Did they talk about
4 it? I don't know. I suspect they did.

5 Quantis. They said: Oh, now you got a last name.
6 Well, you know what I say to that? The State could have had
7 one, too. All they had to do was to follow up on the lead.
8 Jeff even pointed to the house and said: This is where he
9 hangs out or this is where he lives, something to that
10 effect. The burden is not on Jeff to do that. All they had
11 to do was probably do a D.M.V. search. You didn't hear any
12 proof that that was done. There were no case notes that they
13 ever tried to follow up on this person.

14 They say they went to a location; it was vacant. Well,
15 what did the register of deeds say who owned it? What's
16 going on with that? He said he's the lead investigator. And
17 the reason is they already had their guy. They weren't
18 trying to follow up on nothing. They weren't trying to bring
19 you any evidence to say: Well, that is definitely not the
20 case. He just told you: I didn't believe him. Well, that's
21 not beyond a reasonable doubt. That's highly prejudicial and
22 very unreliable.

23 They said Jeff was a lookout. A lookout for what? He's
24 behind The Comedy House. He can't even see Decker Boulevard.
25 He can't even see. So if somebody was going to call the cops

1 and say, "Oh, my gosh, we're getting robbed," where are the
2 cops going to come from? Some might show up in the back, but
3 the majority of them are going to come in off the major
4 arteries. So why would you hide in the back of the building
5 if you're going to be the lookout? You go to the front, and
6 you also make sure that no one sees you. You sit in a car,
7 whatever the case might be. That's not what they said. They
8 said he's in the back of the building and he's the lookout.
9 Lookout for what?

10 They said Teidra cancelled the detail. Ah ha. She had
11 to be planning it. That's not what they said. They told you
12 that she did speak with a person, and the lady testified to
13 that, but she said in actuality the detail had been cancelled
14 long before. Now, what Teidra did is bring that to that
15 lady's attention. All right?

16 Now, if that means that she was planning the robbery, go
17 figure, but she did say that. She could have just been out
18 there smoking a cigarette. She knew the place was about to
19 close, and she was like, "You know what? They aren't doing
20 that no more. You might want to just go ahead and leave or
21 whatever the case might be. Nobody has been here for days."

22 There's a lot of pressure right now coming from the
23 victims in this. Now, Jeff took the stand and, you know, I
24 enjoyed the rather comical cross-exam that he endured. It
25 was done in lightning speed. A lot of jokes were cracked and

1 fun was made of Jeff. You know why? Because there was no
2 real evidence. Tripped him up. We can't prove our case, so
3 let's put the burden on Jeff. Let's make him look bad.

4 No fingerprints. Now, that really bothered me. What do
5 you mean no fingerprints? Dust the thing and get the prints.
6 So what if you find 12 different sets? But it wasn't --
7 nothing was done. They didn't even fingerprint any of the
8 employees to rule them out. They didn't do anything. They
9 said, oh, it wasn't available. This is an investigation. If
10 they had done that and found eight sets of print, they could
11 come to you and say that one of those prints was Jeff
12 Chestnut. They can't do it.

13 All they have is somebody who says that she will never
14 forget those eyes the day after his picture was published on
15 the internet. That's all they can say. And then the State
16 is saying to you - and I think this is a clear indication of
17 reasonable doubt - okay, if you don't think that we've proven
18 kidnapping and armed robbery, all right, well, we've got door
19 number two for you. Let's try hand of one/hand of all.
20 Okay. Either he was in the building and Garcia identified
21 him or he was not and he was out back, but you can't have it
22 both ways. Why are they at the end of this case still
23 arguing conflicting theories? Because they want you to go
24 back there and no matter what you have to do, you come back
25 with a verdict of guilty. Well, if you can't do it that way,

1 do it this way.

2 Now, the State's going to get up here and deny that
3 that's what they're doing. They have to say that, but I'm
4 just telling you: Think about it. If their case was so
5 strong and Garcia was so credible, then why not just say
6 that? That's our case, ladies and gentlemen. Go deliberate.

7 So the charges are armed robbery. In order to prove
8 that, you're going to have to believe that Jeff was there and
9 participating, let's say, inside the building. You're going
10 to have to rely on Garcia's identification. I'm telling you
11 that's not credible. No one else can identify Jeff as being
12 in the building.

13 The video is useless. You don't see a gun. And you
14 also have to wonder about how bad the evidence is tainted
15 because of the jail website. To prove kidnapping, you're
16 going to have to basically go through the same analysis.

17 Now, if you go to hand of one/hand of all, I think you
18 should stop right there and say, "Wait a minute. The State
19 don't know who did it, so why are we even going to that?"
20 But you're going to have to go there as well because they
21 could say, "Well, he was in the building, but he's
22 responsible for what Tyward did." Well, then it goes back to
23 Garcia's identification.

24 Now, robber number one - let's talk about that real
25 quick before I close - he's in prison. All right. Why

closing argument by Mr. Chaplin

599

1 didn't he just come to court and testify?

2 **Ms. McDuffie:** Objection, Your Honor.

3 **The Court:** Sustained.

4 **Mr. Chaplin:** If they want you to believe hand of one/
5 hand of all, they should have brought you one of the hands.

6 **Ms. Simpson:** Objection, Your Honor.

7 **The Court:** I'm sorry? Overruled. Go ahead.

8 **Mr. Chaplin:** This case is not about Jeff's record.

9 This case is not about if you like Jeff. This case is not
10 whether you think Jeff is a nice guy. This case is not
11 whether you suspect Jeff, and it's not about the fact that
12 Jeff is sitting over there arrested. This case is about the
13 fact that the State has to prove beyond a reasonable doubt
14 that Jeff committed armed robbery and kidnapping, and they
15 can't.

16 Now, I told you beyond a reasonable doubt is the highest
17 level of proof that's required, and what I'm saying to you
18 right now is that - and I'll just do this in closing - the
19 State has not proven to you, excuse me -- beyond a reasonable
20 doubt they have not proven I.D. The witnesses lacked
21 credibility. Jeff's statement was not voluntary. There's no
22 gun. There's no defendant. I'm sorry. You can't even see.
23 They have not proved planning.

24 How about Quantis, that he doesn't exist? They have not
25 proven beyond a reasonable doubt that Jeff was ever a

1 lookout. They have not proven to you that Jeff kidnapped
2 anybody. They haven't proven to you that Jeff took anything
3 away from that location, and then finally they haven't proven
4 to you that Jeff had access to cash.

5 All right. That's your reasonable doubt. And every
6 inference in that analysis is to be decided in Jeff's favor.
7 It's not suspicion. It's proof. Therefore, as I close I
8 want to say again thank you very much for your attention.
9 Thank you for letting me talk as long as I have, and thank
10 you for going back there and doing the job that I know you
11 will do and that is make a decision not based on if you think
12 Jeff is a nice guy, if you like Jeff or whatever the case
13 might be, but based on whether or not the State has proven
14 their case beyond a reasonable doubt. And when you apply the
15 law the way it's been described to you by the judge, I submit
16 to you that you will not be able to say that, and I know that
17 you'll come back with the right verdict. Thank you very
18 much.

19 The Court: Is everybody all right?

20 Ms. Simpson: Actually, Your Honor, may we approach
21 briefly?

22 The Court: Yes.

23 (Whereupon, a bench conference was held.)

24 The Court: Ms. Simpson, go ahead.

25 Ms. Simpson: That's fine, Your Honor.

1 **The Court:** Go ahead.

2 **Ms. Simpson:** May it please the Court?

3 **The Court:** Whatever you wish to do.

4 **Ms. Simpson:** Some people work for their money. Others
5 might just be lucky enough to win it like playing bingo and
6 even a few might inherit it or receive it as a gift, but then
7 there are those who would steal it, those who would take it,
8 take what doesn't belong to them, take the hard-earned money
9 of others, and of those people, some of them are kind of
10 sneaky about it. They use trickery or deception to get it or
11 they take it when no one is around, when no one is looking.

12 But then there are those like the defendant, Jeff
13 Chestnut, and his co-defendant, Tyward Jordan. There are
14 those who would put a gun in the victims' faces and demand
15 money, those who would take it by force and by threats, and
16 in doing so they take oh so much more: Their sense of pride
17 and their peace of mind.

18 What will my two-month- old daughter do if I die? What
19 will I do -- what will my daughter do if my mother dies? She
20 was just a teenager, terrified, felt the need to call and
21 check on her daughter, can't even work in a bingo hall to
22 this day. That was Kayla Sharpe. I thought he was going to
23 kill me. I was upset. I couldn't sleep. And wherever I go,
24 I always look at the door wondering who is going to walk in.

25 Marva Coates. He had the gun in my brother's face. He

1 had him on his knees. That was my family. What would I do
2 if I lost my family?

3 Drenita Ore. He put me on my knees; the gun was in my
4 face. I was terrified. I was scared.

5 Timothy Bell, the jokester, fondly referred to as
6 Peanut. He had the gun on me. There was nothing I could do
7 except pay attention. I was scared. I didn't know if any of
8 us were going to make it out alive. I had my back to my
9 bingo family. There was a robber on the floor. But this guy
10 had a gun in my face, and I will never forget those eyes.
11 Couldn't get to the daughter.

12 Angela Diaz-Garcia. Lord, did I come to the bingo hall
13 to die today? That was Ms. Furtick. And seeing that man put
14 a gun in my wife's face and being able to do nothing about
15 it, I felt like less than a man. Mr. Furtick.

16 Make no mistake about it, members of the jury. The
17 defendant, Jeff Chestnut, and his co-defendant, Tyward
18 Jordan, on May 23rd they took so much more than just money so
19 that the victims didn't have gas to get back home or forcing
20 the bingo hall to close down so that they didn't have jobs.
21 They took so much more than money. They left their victims
22 always having to look over their shoulder. Their sense of
23 security stolen from them and stripped, and in that moment of
24 helplessness something was lost. And we are here today
25 because of Jeff's actions in planning, in executing this

1 armed robbery.

2 And let's be clear up front. We're not saying that he
3 was the lookout. He tried to say that. We're saying that he
4 is the man who was in the bingo hall with a gun robbing the
5 victims along with his co-defendant, Tyward Jordan, who has
6 had his day in court and we are here for his.

7 Good morning. As you've learned, my name is Nicole
8 Simpson, and I along with my co-counsels, together we
9 represent the State, and earlier you heard from my
10 co-counsel, Ms. McDuffie, and she got up here and she talked
11 to you about the law as it applies in this case because, as
12 the State, we bear the burden of proof. And then the defense
13 got up here and he talked about their version of the
14 evidence, what they think the evidence shows, and this is my
15 one and only opportunity to speak with you about the facts in
16 this case, the facts that prove the defendant is guilty.

17 But before I do that, I want to echo my colleagues and
18 thank you for your time, your patience, and your service in
19 this case because, as you heard in jury qualifications, it is
20 often said that jury service is perhaps the greatest duty a
21 man or woman can render his or her country during times of
22 peace. Well, that couldn't be more true than it is here
23 today in this in this courtroom in this case. And so on
24 behalf of all of us, I thank you.

25 Now, as Ms. McDuffie said, the roles in this courtroom

1 are very defined, and as the State, we have to bring forth to
2 you the admissible, credible evidence to prove the defendant
3 guilty, and the defense, he ensures his client's right to a
4 fair trial and represents him to the best of his ability.

5 The judge will instruct you on the law, and if ever
6 there's a discrepancy between what His Honor says about the
7 law in this case and the attorneys, you are to follow his
8 rulings and instructions to you. But with that said and,
9 again I'll echo, you have the most important job. You're the
10 sole finders and judges of the fact in this case. What that
11 means is that each of you here today is wearing a black robe,
12 and individually and collectively you must decide what
13 happened. Sole judges of the facts.

14 So when either side mischaracterizes or misstates the
15 facts - and I submit the defense has - but if I do it, too,
16 you remember them because you heard them. You heard the
17 testimony from this witness stand. You'll have the video.
18 You remember what it was, and you will make your decisions.

19 So when the State presents a case and prepares a case,
20 we try to anticipate what a defense may be. Sometimes it's
21 just, oh, that crime didn't happen at all. Others: Oh, it
22 happened and I did it, but there was a good reason such as,
23 yeah, I shot him, but I had to do it. It was self-defense.
24 And as I listened to the defense's opening statement and
25 their cross-examination and their presentation of their case,

1 their defense became clear: An armed robbery and a
2 kidnapping did occur. They're just saying Jeff didn't do it.
3 But he did do it, members of the jury, and that's what the
4 credible facts and evidence in this case prove.

5 As I said and as was echoed and emphasized, the State
6 bears the burden of proof. We must prove to you beyond a
7 reasonable doubt that the defendant is guilty, and that is as
8 it should be because no person ever accused of a crime should
9 have to come in here and prove himself innocent, but we
10 welcome that burden. But remember: That presumption of
11 innocence, every defendant who was ever convicted by a jury
12 was ultimately found guilty beyond a reasonable doubt. So
13 while our burden is high, as it should be, it is not
14 insurmountable, and I submit that we have not only met this
15 burden in this case, we have exceeded.

16 So what happened on May the 23rd of 2010 at the Carolina
17 Gold Bingo? Well, you heard the witnesses testify about what
18 happened. They took the witness stand: Marva Coates,
19 Timothy Bell, Drenita Ore, the Furticks, Kayla Sharpe, Angela
20 Diaz-Garcia. And what did you learn from them about the
21 armed robbery itself that day? Well, Drenita's (verbatim)
22 behavior was strange, and at some point after using
23 everybody's phone, she walked out and this was just past
24 6:30. She walked out the side door, and then a short time
25 later two men wearing bandanas around their faces and armed

1 with guns came in that very same door.

2 Now, Drenita, she was kind of above everybody. She's
3 the caller. She sees what's happening. Yes, it is what it
4 is. This is what you think it is. So what does she do? She
5 calls out to the people who haven't noticed, might not know
6 what's going on: Don't move. Don't move.

7 Kayla is not really paying attention. Baby, don't move;
8 we're being robbed. And they come in and this isn't
9 scattered. It's not sloppy. They come in and they move with
10 purpose. Their actions are consistent with people having a
11 plan. Tyward Jordan, he moves to the floor, guns in faces.
12 Puts Scooter and Timothy on their knees. The gun is in Marva
13 Coates' face, Ms. Furtick, all looking at the barrel of that
14 gun and he demands their money, and they give it to him.

15 And while this is going on, that second guy, the
16 defendant, he goes straight back to the cashier area. And
17 look at the pictures. Look at the video. He goes straight
18 back. One cash register, he passes it. Two, he passes it.
19 And he goes around to the cage outside of the camera. Now,
20 the cage is separate from the cashier area, and when he gets
21 there, he encounters Angela Diaz-Garcia. Gun out. Where is
22 the money? She doesn't say anything. She just points. And
23 what does she point at? There's a pile of money on top of
24 the counter, but does he go to that pile of money? No,
25 because he knows where the big money is kept. He goes

1 straight to that drawer where Kayla Sharpe had just started
2 keeping it four days prior to this incident, the day before
3 hot dog night.

4 He goes directly to it. Well, then he helps himself to
5 the cash off the counter. Then he exits the cage, and then
6 he takes the money from those registers. Tyward Jordan
7 motions: Come on; let's go. And they flee out the same
8 door, side door, that they came in. That was the armed
9 robbery, but this was no ordinary armed robbery. This isn't
10 just your drug deal gone bad or the spur-of-the-moment kind
11 of thing. This armed robbery was planned, and it was an
12 inside job.

13 They picked the perfect location, the perfect victims:
14 Senior citizens, elderly people, employees at a bingo hall, a
15 place where people go to have fun, unsuspecting, unarmed, and
16 unable to fight back. They knew what they were doing. And
17 Jeff Chestnut? Who worked there? Who had the inside
18 knowledge? Teidra Dennis. And that's his girlfriend by all
19 accounts.

20 We're going to talk about that plan, but before we get
21 there, something struck me yesterday about the defendant's
22 testimony beyond the fact that it was all over the place.
23 One thing he said stuck out, and this was when we were
24 talking about: Did he know about the plan? Did he not know
25 about the plan? When did he learn about the plan? All that.

1 At some point he said -- he admitted, "Yeah, I told him
2 to let me in on it." But then he says, "No, no. I then
3 backed out because I'm not walking in blind. I'm not falling
4 for that." The defendant is a planner, and this was planned.
5 He didn't go in blind. They knew what they were doing.

6 And the defense got up here and he spoke about all this
7 evidence that doesn't exist. Well, I'm going to talk to you
8 about the evidence that does exist, the facts in this case
9 that they just kind of want you to ignore because it goes to
10 the defendant's guilt.

11 Teidra Dennis, that's the defendant's girlfriend,
12 employee, and an insider, and her warrant is still
13 outstanding. Let's be clear on that. The bingo hall: High-
14 cash flow. You look at the picture, and I think it even
15 says, "Big jackpots." She's been working in the business at
16 least two years. She knows. And what's the risk? It's very
17 low. Perfect victims, the employees, and the customers. As
18 I said, unarmed, many elderly, and they come in with what?
19 Cash. Bingo doesn't work on credit.

20 So not only does the business have a lot of cash, so do
21 its customers. And the defendant -- and, again, we're not
22 saying he's the lookout. That is Jeff Chestnut. The
23 defendant knows about the drawer where she only had been
24 keeping the money four days prior. And you look at the
25 video. He passes right by it. And remember the testimony.

1 Now, this security detail, I want to talk about it just
2 for a little bit because Teidra knew about it. Some of the
3 employees knew about it because the bingo hall closes for a
4 period of time and then opens back up. Well, Mr. Kirby
5 testified, yes, the security detail had been cancelled, and
6 you heard from Deputy Fisher who didn't know. She wasn't
7 informed, so she showed up. But she did realize that it had
8 been -- like no officers had signed in, so something was kind
9 of up.

10 But who else knows that it's been cancelled? Well,
11 clearly Teidra. And Deputy Fisher comes in, and who takes
12 her outside? Who makes sure that she knows it's been
13 cancelled? You're not getting paid. It's been cancelled,
14 and the owner is on vacation. Deputy Fisher. Well, she's
15 going to do her job. She calls to confirm, but she's sitting
16 in her patrol car outside. She said she parked in the front.

17 And who is standing outside on the phone the whole time?
18 Doesn't leave. She testified, yeah, she was out there. I
19 submit she was waiting to make sure Deputy Fisher left, to
20 make sure that she was gone because, remember, she knows the
21 security detail has been cancelled because the police haven't
22 been coming there, but for some reason maybe Deputy Fisher
23 almost messed up the plan. She wasn't supposed to be there,
24 and Teidra made sure she knew it, made sure she left. So she
25 leaves. A matter of minutes. Like I said, all this occurs

1 around 6:30 or a little bit later. Deputy Fisher leaves.

2 Two men go in the side door, and the robbery occurs.

3 Now, these phone calls to the defendant's phone, the
4 defendant admits, yes, I got these calls. What did he
5 testify to? Oh, wait a minute -- and this was all over the
6 place, too. Yeah, she calls me from peoples' phones all the
7 time; that's not unusual. Hers was off. She calls me from
8 everywhere, and every time she picks up, you know, I ask:
9 Whose phone are you calling from?

10 Well, that's just not true. You heard the testimony
11 from each employee who knew something about the phones. They
12 thought it was odd that she was using Scooter's phone. They
13 testified it's odd. She had a phone. There's landlines at
14 the business, but she was using our phones. Why? Because it
15 didn't need to be traced back to her. That's key. Maybe.

16 Noticeable void for calls during the robbery, and
17 there's a plus of calls up until the point that the robbery
18 -- just before it occurs, during the time -- and it's not a
19 long time span because this is planned, and really as it's
20 going on without -- without a hitch. It's executed and
21 executed well.

22 Teidra is on the phone as she walks out the side door,
23 and remember Deputy Fisher has left. She's on the phone.
24 Goes out the side door, and minutes later the defendant and
25 Tyward Jordan come in that very same door, guns in hand,

closing argument by Ms. Simpson

611

1 bandanas on, and they know exactly where to go. How do they
2 know it? They scoped out the place on twenty-five-cent hot
3 dog night.

4 Now, the defendant tried to say: I never went in. And
5 this, too, all over the place. I never went in on hot dog
6 night. Well, that's not what Drenita testified to. She saw
7 him inside and outside, and even without that, it doesn't
8 matter. His girlfriend worked there. She can tell him about
9 the layout. He's up there all the time bringing her things
10 because that's what a man does for his lady. This was
11 planned.

12 Now, let's talk a little bit about the investigation in
13 this case. You heard from Investigator Chauncey Smith. He
14 was the first officer on the scene. It's his job to check
15 for the safety of the people there to determine if any other
16 suspects may be on the scene. He said that people were in
17 shock.

18 Now, people are rattled. These people don't get robbed
19 every day. This doesn't happen. They gather the initial
20 information, and as much as they want to ignore it, he spoke
21 with Angela Diaz-Garcia and she gave him a description of the
22 assailant, of the robber, on that date. It's in the incident
23 report. It's almost as if they say some things enough, that
24 will just make it so, but that is not the facts. She did
25 give a description. She has never wavered, ever.

1 Investigator John Carwell. He's the on-call
2 investigator. He comes out to the scene. Now, he's going to
3 do a little bit more. He's updated by Corporal Smith, and
4 they made a big deal about this. Chauncey -- Investigator
5 Chauncey Smith told him, "These are the people I've talked
6 to. This is the information I have. Here is what may or may
7 not be important."

8 He's not going to duplicate everything. He's not going
9 to go re-talk to everybody, and this case is being turned
10 over to the lead investigator to follow up. There are a lot
11 of witnesses. Gather what you can.

12 He got descriptions from Marva Coates. He got
13 descriptions from Ms. Furtick, Mr. Furtick, Drenita Ore, the
14 people who saw something, and be it a description of general
15 height, build, weight -- yeah, it varied a little bit, but
16 their descriptions of that second guy, the defendant, Jeff
17 Chestnut, it's consistent. And it's consistent even with his
18 made-up person, Quantis. Yeah, we're about the same size.

19 So, yeah, they got descriptions, and they told the
20 officer what they knew, everybody except Teidra because she
21 didn't hang around. And there are no ready-made suspects.

22 Defense counsel got up here and through cross-
23 examinations and closing argument in the case -- well, you
24 know what? Angela Diaz-Garcia, she didn't pick the defendant
25 out. She didn't see him. She didn't talk about the eyes.

1 She didn't -- she didn't say all this stuff on the day it
2 happened. Well, I tell you what. He wasn't standing around.
3 He didn't hang around for her to pick him out. They don't
4 have ready-made suspects; that's why they investigate.

5 Teidra became a person of interest because of her
6 behavior. He's talking to people. Whose name keeps coming
7 up over the course of this as something odd, something off,
8 something suspicious? Teidra. And phone numbers became
9 important, so he gathered that information for the lead
10 investigator.

11 Now, this next witness is the crime scene investigator,
12 Yvonne Woods. I'll take a moment here because I watch a lot
13 of T.V., and my favorite shows are crime scene shows, *Law and*
14 *Order*, all that, and let me tell you, members of the jury,
15 that's just not what happens in real life. The real science,
16 the real math behind it is that we don't get fingerprints all
17 the time. It's not just as easy as, oh, this and there's a
18 usable identifiable print of mine, especially where there's
19 contamination. Other people are touching. All these factors
20 affect ability to lift prints.

21 Now, she is a crime scene investigator. She is trained
22 in this area, and what did she tell you was her job? To
23 collect the evidence and process the scene. When she first
24 came in those side doors, she told you off the bat: I walked
25 up; people were coming in and out. You'll see the doors.

1 They were contaminated. And they do this, members of the
2 jury. This is her job, and she's familiar that when it's
3 contaminated, you can't get probative evidence. It doesn't
4 work like that.

5 She processed the drawers, as she told you about, and
6 attempted to collect fingerprints with negative results. So
7 it's not like she didn't try. She told you she could not get
8 any identifiable prints. Overlapping, smudging, all of these
9 things make a difference, and we just don't have that in
10 every case.

11 She did collect swabs for possible D.N.A. However,
12 again, after all this, she is informed that everybody has
13 been touching on these drawers. Contamination. That is a
14 problem. That is a problem that the lead investigator will
15 later consider after consulting other forensic analysts.

16 Again, D.N.A. Investigator -- Sergeant Isenhoward
17 talked a little bit about it, too. D.N.A., the best possible
18 sources are from blood, semen, and bodily fluids such as
19 saliva. We don't have any of those things in this case, and
20 it's clear nobody -- there's not a struggle. These people
21 didn't struggle. This isn't a rape case where semen may be
22 left behind. They didn't spit anywhere. And they weren't
23 just touching drawers; they were touching the money. That's
24 what they were grabbing on, the money.

25 So the fact that there isn't D.N.A. -- and they can't,

1 remember, just manufacture evidence, just make it up. This
2 isn't one of those cases, but what you do have is a lot of
3 witnesses, credible witnesses, circumstantial evidence in
4 this case.

5 You heard from Drenita Ore, the caller. She mentioned
6 that Teidra was on the phone a lot and not working. Again,
7 she observed her go out the side door, and that's when the
8 robbers come in. And what after it's over? She runs out and
9 who is standing there but Teidra because, members of the
10 jury, Jeff Chestnut wasn't the lookout. I submit it was
11 Teidra.

12 So Drenita comes out. Did you see anything? Did you
13 see where they went? No, I didn't see anything. It was
14 impossible for her not to see. Drenita, positively
15 identifies the co-defendant, Tyward Jordan, and knows that
16 Tyward came in the night with Teidra's son on twenty-five-
17 cent hot dog night talking to Teidra, not playing bingo. And
18 as much as the defendant seemed to go back and forth on:
19 "These were friends. No, these were not my friends. These
20 were my associates. No, they were my friends. I don't have
21 friends," whatever, days prior to this incident he is with
22 Tyward Jordan and Teidra.

23 What else did she tell you? She said, "Yeah, later I
24 saw the video." She said, "Yeah, I saw it, and it sure did
25 look like him."

1 Marva Coates. You heard from her. And defense counsel
2 kind of brushed over this description, but she, too, gave
3 officers a general description, but one thing is key and it
4 wasn't that he had on all black and it wasn't just a hair --
5 a little something sticking out, as defense counsel said.
6 She said that hair was sticking out of the cap like twists or
7 dreads. That is pretty specific, and that is key because
8 even the defendant's made-up person, Quantis Sims, Q.,
9 whoever: Low-fade haircut. Low-fade haircut. Well, that's
10 not what's in the video. That's not what the witnesses
11 described.

12 Angela Diaz-Garcia. Now, the defense talked about her a
13 lot, and that's because she identifies his client as 100
14 percent sure that his client is the person that did this. So
15 what did she testify to? She said, "I was working in the
16 cage," and she had a good opportunity to see the defendant.
17 She was paying close attention, trying to get something that
18 could help if they ever made it out alive.

19 Members of the jury, what does she do? She handles
20 money. She deals with money, sort of like bank tellers,
21 people who might be trained to pay a little more attention to
22 things and she did, and she has never wavered. She is
23 consistent. She gave the description on that day, and she
24 always said, "I felt like I could identify him if I ever saw
25 him again." If he had just been walking down the street, she

1 could have picked him out. She is that sure.

2 I will never forget those eyes. Eyes. Face. Clear.

3 And what -- when this line-up was shown to her -- when the

4 line-up was shown to her, she said, "As soon as I saw his

5 picture, I got sick to my stomach." It wasn't suggested to

6 her. She didn't look this up on the jail website. How did

7 she know his name at that point? She knew him because she

8 remembered him from the robbery. No doubt, 100 percent sure,

9 never wavered.

10 And what did she have against Jeff Chestnut? Some of

11 these witnesses might have seen him before. She had never

12 seen him. She didn't know who he is. She doesn't want the

13 wrong person to be punished. What did he say? "Where's the

14 money?" But he pointed to the cash -- she pointed to the

15 cash on the counter, but the defendant went directly to the

16 drawer underneath.

17 And we go back to Teidra's behavior. Everybody is

18 hanging around. Stay here. We need to talk to the police,

19 tell them what we know. Yes, everybody wanted to leave, but

20 Teidra just clocked out and left. Didn't stick around.

21 Finally -- and you heard from some other witnesses in

22 the State's case, too. You heard from Lieutenant Scott

23 McDonald, and he talked to you about the importance of phone

24 records generally in cases, and that importance varies from

25 case to case. And in this one it's key because of some of

1 the timing but primarily because of the unusual behavior by
2 Teidra calling the defendant from other peoples' phones, and
3 he admits that and he admits to getting a call from Drenita.
4 But, oh, Drenita is lying about that call.

5 Yeah, she called me. I picked it up. That was me on
6 the other end, but all that stuff about tell little homies
7 it's going to be all right, none of that's true. She is
8 lying.

9 Sergeant Kevin Isenhoward. Now, this is the witness
10 that the defense wants you to believe just played the
11 defendant because he's about tricking people and making stuff
12 up and just wants a conviction, and this poor pitiful Mr.
13 Chestnut, just a victim. He got played.

14 Well, that's just not true. Lead investigator on the
15 case. He's been investigating for years. This is what he
16 does. He developed Teidra Dennis as a possible suspect, and
17 we've talked about that. Behavior, witnesses, things come
18 up, and he follows up.

19 Phone records became important, so he got a search
20 warrant for them. Everything about this - remember, he's
21 experienced - indicates a planned attack. Their movements
22 when they get in there: They know where they're going.
23 They're not bumbling around. It's quick and, for all intents
24 and purposes, clean. They get in and they get out, and they
25 get all the money.

1 He spoke with Teidra Dennis, and he told you about the
2 information that she gathered from him or he told you about
3 the information that he gathered from her. But, again, as I
4 said, Teidra Dennis -- that warrant is still outstanding.

5 Witnesses identify, positively identify, Tyward Jordan
6 as the co-defendant in this case, even the defendant. So,
7 here, we're one step further. There's absolutely no doubt
8 that Tyward Jordan was one of these people and not just one,
9 but he was the person on the floor that committed this
10 robbery, the second guy. And he interviewed the defendant,
11 and we're going to get to that.

12 Attempted to follow up on Quantis. Now, counsel said,
13 nope, they didn't do anything; they didn't follow up. Well,
14 here is the information, and remember the only person who has
15 any information about Quantis -- because Teidra doesn't.
16 Nobody does but the defendant. Quantis. His name is
17 Quantis. He lives in Irmo, Greenvew area, hangs out
18 sometimes. That's all they got.

19 He told you about what he did to try to follow up.
20 There's only so much you can do with as much information as
21 you have. Of course, a whole lot more came out. Oh, he's Q,
22 known in the neighborhood. Quantis Sims. Where is Quantis?
23 And we'll get back to that.

24 Forensic testing. He told you he makes these decisions
25 in murder cases, assault cases, armed robbery, burglaries

1 about what to do and why they do it and the choices they
2 make. The defendant was in possession of a large sum of
3 money. Now, he coughs this up to, yep, I'm a drug dealer. I
4 always have several hundred dollars on me, and yet he has no
5 money. He goes back and forth. But this is the information
6 they had, and it is consistent with someone having to rob the
7 bingo hall.

8 All of the descriptions given by the witnesses, the
9 eyewitnesses, on that day match the defendant. The general
10 descriptions of their height and weight, they may vary a
11 little bit, but it's consistent. And even the defendant says
12 that Quantis is about his height and weight, almost exactly
13 like him.

14 The photo line-up, again he showed it to Angela.
15 Throughout this case, she felt she could identify him and she
16 did. And when they had a suspect -- again, they don't have
17 ready-made suspects. The course of this investigation leads
18 up to his arrest on June the 8th. This incident happened on
19 May 23rd. They didn't just go out and say: You know what?
20 Jeff Chestnut committed that other -- I believe counsel said,
21 oh, we just want you to think that maybe because he's done it
22 before, he'll do it again. They didn't just pull a man out
23 of the hat and say let's go take some pictures; let's talk to
24 everybody and have them identify him. No. Their
25 investigation led up to him, and this is before his

1 statement, and Angela I.D.'s him the next day.

2 Members of the jury, that is enough. That evidence is
3 enough that I just talked about. That is proof beyond a
4 reasonable doubt. That is proof that leaves you firmly
5 convinced if you find the witnesses credible, and I submit
6 that they are.

7 But you have even more than that in this case because
8 you have the defendant's own statement that he gave to law
9 enforcement back on June the 8th of 2010. Now, there's
10 something that we often refer to as the art of confessing
11 error, and what that essentially means is that when
12 confronted with some sort of accusation, a person will
13 confess to something lesser, something that makes him just
14 not quite as culpable as that awful thing that you're saying
15 I did such as: Yeah, all that weed was mine, but I just
16 smoke it. I don't sell it. Those type of things.

17 They minimize their guilt, and that is what has been
18 happening in this case since day one, since that first
19 statement with Sergeant Isenhoward. He has been minimizing
20 his guilt because, as I said, we're not saying he was the
21 lookout. We're not -- we are saying that he planned it. But
22 we're saying that he went in with a gun and robbed them.

23 But the problem is that even when he tried to minimize,
24 he didn't realize that under South Carolina law, he's still
25 guilty. If two or more people set out to commit a crime

1 together, each is guilty no matter what roles they play. The
2 hand of one is the hand of all.

3 So under his first statement, he's guilty. He thought
4 that if I said I didn't go in with the gun -- I kind of
5 abandoned that part of it. I gave my shirt to this other
6 guy, Quantis. I was just a lookout. Still guilty.

7 We'll get to how he tries to distance himself from that,
8 but let's focus on what his statement says. What does he
9 tell you? What does he admit to you? He says boyfriend of
10 Teidra Dennis; he admits that. And he admits to being
11 involved in the robbery. He says he was picked up from
12 Teidra's house by Tyward, the person he knows as Chief or
13 Rocca. And Tyward was talking about hitting the bingo hall.
14 He said he wanted some of that. They get to the bingo hall.
15 Now, Teidra has been calling him, but he doesn't go to find
16 her to speak with her?

17 He says Quantis walks up but isn't dressed right. Now,
18 remember, in his statement Quantis knows about this robbery.
19 He knows. So he's going to wear this bright orange shirt and
20 then go up to some guy he barely knows and say, "Hey, give me
21 your clothes," and then the defendant, as generous as he is,
22 says, "Okay. Well, here is my shirt." When I asked him,
23 "Well, you gave him your hat, too?" "Well, I did that
24 because they match." Come on.

25 Black tee shirt and Braves hat. You know why he says

1 that in his statement? Because that's what people can see.
2 That's clearly what people will identify. He knows that
3 Sergeant Isenhoward knows about that.

4 Quantis just happens to be about the same height and
5 weight. He says he will stay here and look out. Then he
6 says he hid under the steps for about 30 to 45 minutes, but
7 remember the police were there for several hours and remember
8 that phone call that he gets from Drenita looking for Teidra.

9 Doesn't have a gun. Never saw them with no guns and,
10 yes, he told Teidra they planned to do it. Hand of one/hand
11 of all. He's guilty by his own statement.

12 But his philosophy is clear, and I believe defense
13 counsel even mentioned it. From the beginning his concern,
14 what he was worried about: How could I get myself out of
15 this trouble? He was trying to do it when he spoke with
16 Sergeant Isenhoward. He was trying to do it when he was in
17 the car with Major Smith, and he was trying to do it when he
18 took this witness stand and testified to you yesterday.

19 We're going to talk just a little bit about his
20 testimony because you heard it. You remember it, and it was
21 all over the place. And, again, it will be up to you to
22 judge the credibility of witnesses.

23 In growing up I learned from my mom and from experience
24 that the only thing that's ever really difficult to keep
25 straight is a lie. The truth doesn't change. The truth is

1 easy.

2 His statement. And, yes, counsel is right. We
3 highlighted it because the highlights are important because I
4 want to make sure that we were all clear on what he was
5 saying was a misunderstanding, how Sergeant Isenhoward was
6 playing poor pitiful him.

7 Were you involved in the robbery? Yes. Oh, no, didn't
8 say that, didn't mean that. And this one section -- and I
9 ask that you reflect back to your memories of the testimony
10 about his knowledge and what he knew about the crime and when
11 he knew about the robbery that apparently Tyward and Quantis
12 had planned because at one point he says: We were in the
13 car. That's when they mentioned the bingo hall. And I say:
14 Are you sure? Oh, no, no, didn't know about it yet, didn't
15 know that the bingo hall was the place or else I wouldn't
16 have been down with that.

17 Then later on in his testimony he says: Actually, I
18 knew about the bingo hall. They had been talking about it
19 earlier.. Well, which is it? At what point do you know or
20 not know? He knew from day one because he helped plan it.

21 Quantis. He says that's -- all that's accurate. Okay.
22 Then we have: "I told him I would stay out here and look
23 out." This is after he's given his clothes to the guy he
24 barely knows so he can go do what? And he was back and forth
25 on this, too. Did I know they were going to do a robbery?

1 No, I didn't know. I just thought he wanted some clothes?
2 Or he did know what they were going to do. Then finally he
3 said: I'm not going to say I didn't know that I knew what
4 they were going to do or didn't know.

5 I told him I would stay here and look out, and he's
6 right. I'll give him a little credit. He's right. He
7 wasn't the lookout. That is inaccurate. He was the guy in
8 the bingo hall with the gun robbing the place, but this is
9 him minimizing his guilt, but even that wasn't enough.

10 I stayed under there for about 30 to 45 minutes. This
11 next part: I walked out on the side of the building, and I
12 was scared and shaking. What part did he say just wasn't
13 accurate? Oh, I wasn't shaking. Oh, no.

14 You judge his demeanor on the stand. He said: I might
15 have been a little bit scared. He didn't have any reason to
16 be scared and he didn't have any reason to shake, but he
17 couldn't even admit to that because oh, no, I don't shake. I
18 don't get scared. But he wasn't scared because he had the
19 gun. He committed the crime. He had no reason to be scared.

20 An older lady saw me and gave me a ride to my
21 grandmama's house in Greenview. That's not accurate.

22 Talking about Teidra. When asked: Why would she say
23 that you participated in the robbery and that you got money
24 from it? Because I told her I planned to do it. Why would
25 she say that? He did plan to do it. She helped him. When

1 did you tell her this? The day it happened. What did he
2 say? No, no, never said it, never told her about planning
3 anything. None of that happened.

4 Was this before or after Chief picked you up? This was
5 after I got back. She told me they got robbed, and he again
6 said: I never said I planned to do it. And he's right. All
7 the things that implicate him, that's what he's trying to get
8 away from now.

9 And, again, it's not just one question or two. We have
10 about four questions about planning this robbery. So is that
11 when you told her that you planned to rob the bingo? Yes.
12 So was it over the phone or when you got back that you told
13 her what you planned? Both. We talked about it. Was she
14 involved in any way? No. How should he know if he knows
15 nothing about it?

16 And you can judge his credibility on the stand with
17 respect to that statement and the circumstances surrounding
18 that statement, at what point he was advised, not advised.
19 And, yeah, at times I asked him about times because they made
20 it important because he says, no, if he had advised me of my
21 rights, I wouldn't have been talking to him. Yet I wanted to
22 talk to him. I didn't want to talk to him. He's all over
23 the place. He did give this statement. It was voluntary.
24 He freely made it and not because any promises were made to
25 him. He was already under arrest for armed robbery.

1 Quantis. Where is Quantis? Now, the defendant has no
2 burden of proof in this case, but they do have the ability to
3 call witnesses. So where is this Quantis Sims, this Q.? I
4 tell you where he is. He's sitting right there next to his
5 counsel because Quantis is Jeff Chestnut. There is no
6 Quantis.

7 When you review that, it makes no sense, no sense, but
8 he's trying to come up with whatever he can think of,
9 whatever it might take, but again he's all over the place and
10 he tries to rationalize and say, oh, certain behaviors on
11 Teidra's part, those -- those were normal. Those were normal
12 because I came -- I came to take her or bring her cigarettes
13 all the time. I was picking her up, taking her the things
14 that she needs. That's what a man do for his lady.

15 Now, mind you, all these rides, all this stuff, he
16 doesn't have a car, so why would she call him? But when it
17 comes down to it, I didn't go to her or worry about her after
18 the robbery because she is grown and can handle herself. He
19 is back and forth all over the place.

20 And then back to that statement because I want to hit
21 this point again that Ms. McDuffie brought up to you. This
22 statement -- and, remember, he admitted he is smart. He can
23 read. He knows his rights. He's pretty familiar with
24 things. Yet he handed me a stack of papers, just told me to
25 sign it. I didn't know what I was signing. I didn't know

1 this thing that says statement of Jeff Vontavious Chestnut
2 was a statement. I thought he was advising me of my rights
3 which I have already signed off on. Is it believable?

4 And then he says, even if you take him at his word:

5 Well, I got back to the jail and then I read every page. Oh,
6 my goodness, all this stuff. Sergeant Isenhoward just played
7 me, played me for a fool. Well, if he'd been played, did he
8 seem like the person to you that wouldn't say something when
9 having the opportunity? Oh, no. And he was in the car with
10 Major Smith, Sergeant Isenhoward's supervisor, the next day,
11 and he wasn't pointing out Quantis's hangouts. He was
12 pointing out where Chief or Rocca stayed, and he said that
13 Chief recruited him to help him out with the robbery. And he
14 wasn't just talking about a gun he had at one point in time.
15 He said: I had a gun, but I've since sold it on the street.
16 That's where the gun is, on the street. It's not here.

17 And where does he say those clothes are that he gave?
18 He admits that they're his. What purpose would they have to
19 get a search warrant? He admits it. Braves hat, black
20 shirt, oh, Quantis has it, but they were mine. It was all
21 mine, but that gun is gone, too.

22 And as for search warrants -- and I'll only touch on
23 this briefly. Yes, they didn't get a search of the house,
24 but he was staying kind of everywhere. He would stay with
25 Teidra. He would stay with his grandma, and the police can't

1 just go up into somebody's house. There are standards and
2 requirements to be able to search someone's house, but even
3 if they had, it wouldn't have mattered. There's nothing
4 probative that would have been gained in this case.

5 He admits he was there. He admitted he was the lookout.
6 He helped plan it, and only when he took this witness stand -
7 because, oh, goodness, I'm still guilty with my statement -
8 is he backing away from that.

9 These are the State's witnesses that we've presented in
10 our case: Investigator Chauncey Smith, Drenita Ore, Timothy
11 Bell, Kayla Sharpe, Marva Coates, Sarah Furtick, Robert
12 Furtick, Angela Diaz-Garcia, Wayne Kirby, Deputy Margaret
13 Fisher, Ron Witt, Investigator John Carwell, Woods, Scott
14 McDonald, and Isenhoward. Now, all these witnesses, it is up
15 to you to judge their credibility, and as counsel said, you
16 can believe some of what they say, none of what they say or
17 all of what they say, but at the end of the day credibility
18 is key. I agree with the defense counsel on that point.

19 And what do you need to assess about credibility? What
20 was that witness's demeanor on the stand? Was that witness
21 hesitant or forthright when testifying? Is the testimony of
22 that witness corroborated and is it consistent? And perhaps
23 most importantly: Does that witness have anything to gain or
24 lose?

25 And when you do, I submit that only one witness that

1 testified in this witness stand isn't credible. Only one
2 witness's testimony isn't corroborated, and only one witness
3 had everything to gain and nothing to lose and that's the
4 defendant. So I'm going to ask that you go back there --
5 yes, you judge each witness. You look at that video, and
6 that guy, his undershirt, it's not orange. And, yes, we're
7 not relying on the video. Angela Diaz-Garcia said: I saw
8 him. That's the man. I'm a hundred percent sure.

9 And he matches all the other descriptions. The phone
10 calls, the co-defendant, everything points to the defendant,
11 Jeff Chestnut. It points to him and his guilt.

12 Now, there are two witnesses who you didn't hear from,
13 and they are perhaps the most important witnesses in this
14 case, and that is common sense and human nature. And so when
15 you go back in that jury room and you deliberate over this
16 case, I'm going to ask that you use your common sense and
17 what you know about human nature when you decide this case,
18 and when you do, it will be clear. And there is only one
19 just verdict in this case, and so I'm going to ask that you
20 return a verdict, a just verdict, that the evidence supports
21 and that the facts show, a verdict finding the defendant,
22 Jeff Chestnut, guilty of four counts of armed robbery and
23 three counts of kidnapping. Thank you.

24 **The Court:** All right. Ladies and gentlemen, let's take
25 a short break before I give you my final charge. Let's take

Court's charge on the law to the jury

631

1 about a ten-minute break, and we'll call you when we're
2 ready. Just relax for a minute, a few minutes. Don't
3 discuss the case among yourselves while you're in the jury
4 room.

5 (Whereupon, the jury was excused from open court at
6 11:44 a.m.)

7 **The Court:** We'll stand at ease for ten minutes.

8 **Mr. Chaplin:** Thank you.

9 (Whereupon, a short break was taken.)

10 **The Court:** All right. Be seated.

11 **Ms. McDuffie:** Your Honor, I was looking over your
12 charges again, and I know you're not going to bring out that
13 one of the indictment numbers is missing from the---

14 **The Court:** One of the what?

15 **Ms. McDuffie:** Indictments is missing from---

16 **The Court:** Yeah, I saw that. It's not on -- somebody
17 handed me these indictments. Yeah, I noticed that, but it
18 doesn't get filed.

19 **Ms. McDuffie:** Yeah.

20 **The Court:** All right. Bring the jury, please.

21 (Whereupon, the jury was brought into open court at
22 11:56 a.m.)

23 **The Court:** All right. Ladies and gentlemen, we're now
24 ready to conclude the trial with the instructions of the
25 Court. Ladies and gentlemen, you've heard all the testimony

1 in this case. You've heard the arguments of both the State
2 and the defendant, and you'll take to the jury room with you
3 all the evidence in this case that was introduced. In that
4 regard, if you wish to see the video, we'll make arrangements
5 to have the video equipment brought in to you.

6 Now, from time to time I've had juries send out a
7 message and ask me to send them a copy of what I'm about to
8 explain to you. I'm not able to do that. In South Carolina
9 that's not a procedure that's normally done. So I'm going to
10 ask you to pay close attention as I go through these
11 instructions. They're a little bit lengthy, but they are all
12 necessary.

13 Now, under our constitution and code of laws, only the
14 jury can make findings of fact. I'm not permitted to
15 indicate to you how I might feel about the facts, and if I've
16 done or said anything in this case which would indicate to
17 you that I have an opinion concerning the facts, then you
18 should disregard that. You must independently weigh the
19 evidence presented in this trial and render a verdict based
20 solely on that evidence.

21 And the same constitution and laws that make you the
22 finders of fact also make me the instructor of the law. If
23 you have some idea as to what the law is or what the law
24 ought to be and it does not agree with what I now tell you
25 the law is, you're obligated under the oath which you have

1 taken to abandon this preconception and accept and apply the
2 law precisely as I now state it to you.

3 The defendant, as you know, Mr. Chestnut, in this case
4 has been charged with four counts of armed robbery and three
5 counts of kidnapping. I remind you again the fact that the
6 defendant was arrested and charged and indicted in this case
7 is not evidence in this case, cannot be considered by you as
8 evidence of guilt in this case nor does it create any
9 presumption or inference of guilt. These documents again are
10 only the formal legal written instruments which contain the
11 charges made against the defendant.

12 Now, each indictment charges a separate and distinct
13 offense. You must decide each indictment separately on the
14 evidence and the law applicable to it, uninfluenced by your
15 decision as to any other indictment. The defendant, Mr.
16 Chestnut, may be convicted or acquitted on any or all of the
17 offenses charged. You'll be asked to write a separate
18 verdict of guilty or not guilty for each indictment.

19 Mr. Chestnut has pled not guilty to these indictments,
20 and that plea puts the burden on the State to prove the
21 defendant guilty. A person charged with committing a
22 criminal offense in South Carolina is never required to prove
23 himself or herself innocent. I charge you again - this is an
24 important rule of law - that a defendant in a criminal trial,
25 no matter what the seriousness of the charge may be, will

1 always be presumed to be innocent of the crime for which the
2 indictment was issued unless guilt has been proven by
3 evidence satisfying you of that guilt beyond a reasonable
4 doubt.

5 This presumption of innocence does not end even when you
6 begin your deliberations, but it accompanies the defendant
7 throughout the trial until you reach a verdict of guilt based
8 on evidence satisfying you of that guilt beyond a reasonable
9 doubt. Again, the presumption of innocence is not a mere
10 legal theory; it's not just a legal phrase. It is a
11 substantial right to which every defendant is entitled unless
12 you, the jury, are satisfied from the evidence of the
13 defendant's guilt beyond a reasonable doubt. The State is
14 required to prove the guilt of the defendant -- is not
15 required to prove the guilt of the defendant beyond all doubt
16 or beyond every doubt but beyond what is known as a
17 reasonable doubt. I charge you that the defendant, Mr.
18 Chestnut, is entitled to every inference in his favor which
19 can be reasonably drawn from the same facts, one consistent
20 with guilt and one consistent with innocence, and the
21 defendant is entitled to the inference which is consistent
22 with his innocence.

23 Well, what is a reasonable doubt in the law? A
24 reasonable doubt is the kind of doubt that would cause a
25 reasonable person to hesitate to do something. Let me repeat

1 that. A reasonable doubt is the kind of doubt that would
2 cause a reasonable person to hesitate to act. The State has
3 the burden of proving the defendant guilty beyond a
4 reasonable doubt.

5 Some of you may have served as jurors in civil cases
6 where you were told it's only necessary to prove that a fact
7 is more likely true than not true such as by the greater
8 weight or preponderance of the evidence. In criminal cases,
9 however, the State's proof must be more powerful than that.
10 It must be beyond a reasonable doubt. If you think the
11 defendant is probably guilty or the circumstances are
12 suspicious, it is not enough. Proof beyond a reasonable
13 doubt is proof that leaves you firmly convinced of the
14 defendant's guilt.

15 Now, there are very few things in this world that we
16 know with absolute certainty. In criminal cases the law does
17 not require proof that overcomes every possible doubt. If,
18 based on your consideration of the evidence, you're firmly
19 convinced that the defendant is guilty of the crime charged,
20 you must find the defendant guilty. On the other hand, if
21 you think there's a real possibility that the defendant is
22 not guilty, you must give the defendant the benefit of the
23 doubt and find him not guilty.

24 Now, generally there are two types of evidence which are
25 presented during a trial, direct evidence and circumstantial

1 evidence. Direct evidence is the testimony of a person who
2 claims to have actual knowledge of a fact such as an
3 eyewitness. It's evidence which immediately establishes the
4 main fact to be proved.

5 Circumstantial evidence, on the other hand, is proof of
6 a series or a chain of facts and circumstances indicating the
7 existence of some fact. It's evidence which immediately
8 establishes collateral facts from which the main fact may be
9 inferred. Circumstantial evidence is based on inference, in
10 other words, and not on personal knowledge or observation.

11 But the law makes absolutely no distinction between the
12 weight or value to be given to either direct or
13 circumstantial evidence nor is a greater degree of certainty
14 required of circumstantial evidence than of direct evidence.
15 You should weigh all the evidence in the case. After
16 weighing all the evidence, if you're not convinced of the
17 guilt of the defendant beyond a reasonable doubt, you must
18 find the defendant not guilty.

19 Now, necessarily you must determine the credibility of
20 the witnesses who have testified in this case. Credibility
21 simply means believability. It becomes your duty as jurors
22 to analyze and evaluate the evidence and determine which
23 evidence convinces you of its truth.

24 In determining the believability of the witness or the
25 witnesses who have testified in this case, you may believe

1 one witness over several witnesses or several over one. You
2 may believe a part of the testimony of a witness and reject
3 the remaining part of the testimony of that same witness.
4 You may believe the testimony of a witness in its entirety or
5 reject the testimony of a witness in its entirety.

6 You may consider whether any witness has exhibited to
7 you any interest, bias, prejudice or other motive in this
8 case. You may consider the appearance and manner of a
9 witness while on the witness stand. Now, these
10 considerations you do not exercise arbitrarily. Your
11 objective, ladies and gentlemen, is to seek the truth,
12 regardless of its source.

13 In exercising your mental processes in determining what
14 you consider to be true, the law simply requires that you
15 exercise your good judgment, your common sense, your sense of
16 logic and reason and your experiences in life. You then
17 apply these attributes to the evidence in determining what
18 you, the jury, consider to be the truthful evidence. You
19 will then take and apply the law as I now state it to you
20 and, thus, arrive at a true verdict in this case.

21 Now, a -- an issue that has come up in this case is the
22 identification of the defendant as the person who committed
23 the crime charged. The State has the burden of proving
24 identity beyond a reasonable doubt. You must be satisfied
25 beyond a reasonable doubt of the accuracy of the

1 identification of the defendant before you may convict the
2 defendant.

3 Identification testimony is an expression or a belief or
4 impression by a witness. You must determine the accuracy of
5 the identification of the defendant. You must consider the
6 believability of each identification witness in the same way
7 as any other witness. You may consider whether the witness
8 had an adequate opportunity to observe the offender at the
9 time of the offense. This will be affected by things like
10 how long or short a time was available, how far or close the
11 witness was, the lighting conditions, and whether the witness
12 had a chance to see or know the person in the past.

13 Once again, I instruct you that the burden of proof is
14 on the State. It extends to every element of the crime
15 charged, and this specifically includes the burden of proving
16 beyond a reasonable doubt the identity of the defendant as
17 the person who committed the crime. If, after examining the
18 testimony, you have a reasonable doubt as to the accuracy of
19 the identification, you must find the defendant not guilty.

20 Now, also a statement has been introduced in evidence,
21 and it's alleged to have been made by the defendant. While
22 the Court has determined, that is, I have determined that the
23 statement was admissible to be brought in evidence, I
24 instruct you that you make the ultimate decision of whether
25 or not the defendant made the statement. If the defendant

1 did make the statement, you must determine whether the
2 statement was made by the defendant voluntarily and of his
3 own free will.

4 This means the statement was not caused by pressure,
5 force, fear, threats, coercion, or intimidation or by hope or
6 a promise of leniency or a reward of any kind. In
7 determining whether the statement was voluntary, you should
8 consider both the characteristics of the defendant and the
9 details of the questioning.

10 Some of the factors you may consider are the age of the
11 defendant, the defendant's education or lack of education,
12 the defendant's mental ability or capacity, the defendant's
13 intelligence, the defendant's background and environment, the
14 place and length of the detention, the nature of the
15 questioning, and the advice or lack thereof of the defendant
16 of his constitutional rights including, but not limited to,
17 the right to remain silent, that any statement could be used
18 against him in a court of law, the right to have a lawyer
19 present, that if he could not afford an attorney that a
20 lawyer would -- an attorney -- a lawyer would be appointed to
21 represent him without any cost and that he could stop making
22 a statement at any time. You must consider carefully all of
23 the surrounding circumstances before you give any weight to
24 the alleged statement.

25 The State has the burden of proving beyond a reasonable

1 doubt that the alleged statement was voluntary. If you
2 determine it was, you may give the statement any further
3 consideration that you deem proper. You must decide what
4 weight, if any, should be given to the alleged statement. If
5 you determine the alleged statement was not the free and
6 voluntary statement of the defendant, you should not consider
7 the statement at all.

8 Now, a person who has a past criminal record is
9 competent to testify in a trial. A past record does not
10 affect the ability of that witness to testify. A past record
11 may only be considered by you, if at all, in determining the
12 witness's believability. Remember, you are the sole judges
13 of the facts in the case and the believability of any and all
14 of the witnesses.

15 Now, the rules of evidence - those are the rules that
16 govern the procedure in a trial - ordinarily do not permit
17 witnesses to testify about opinions or conclusions. This is
18 what you might call lay witnesses. They are not allowed to
19 offer opinions or conclusions. However, an exception to this
20 rule exists for witnesses we call expert witnesses, and we
21 had one in this case. He was discussing the phone records.
22 A witness who by education and experience has become expert
23 in some art or science or profession may state an opinion as
24 to a relevant and material matter in which the witness claims
25 to be an expert and may also state the reason for that

1 opinion.

2 Now, in order to establish criminal liability, criminal
3 intent is required. Criminal intent must be proven by the
4 State beyond a reasonable doubt. Criminal intent is always a
5 matter that must be determined by the jury from the
6 circumstances surrounding the situation. There's no way to
7 prove intent to a mathematical certainty. There's no way
8 medical science can dissect a person's brain to determine
9 what the person had in mind. So the law says that criminal
10 intent may be inferred from the circumstances shown to have
11 existed at the time and place of the incident. This is how
12 you make a determination of whether or not the element
13 requiring intent was present. Criminal intent is a mental
14 state, a conscious wrongdoing. It's up to you to determine
15 what the defendant intended to do based on the circumstances
16 shown to have existed at the time and place of the incident.

17 Now, kidnapping in South Carolina is defined as the
18 State must prove beyond a reasonable doubt that the defendant
19 knowingly and unlawfully seized - now these are the words of
20 the statute - confined, inveigled, decoyed, kidnapped,
21 abducted or carried away another person without authority of
22 law. Obviously to do a thing unlawfully is to do it
23 willfully against the law, and knowingly means with knowledge
24 and conscientiously, not accidentally. Seize means to take
25 hold of or suddenly or forcibly, and confine means to limit

1 or restrict or enclose within bounds, imprison or keep or
2 shut in. And kidnap is to remove a person or hold a person
3 against his or her will by unlawful force or by fraud.

4 The State does not have to prove the defendant did all
5 of these things. Instead, if you find beyond a reasonable
6 doubt that the defendant did any of these things, you may
7 find the defendant guilty of kidnapping, something done
8 without authority of law, something which the law does not
9 sanction, permit, allow or condone. Kidnapping does not have
10 to be for any personal or monetary gain for any or -- or any
11 illegal purpose but may be for any reason whatsoever.

12 The defendant is also charged with armed robbery. In
13 order to prove this offense, the State must prove beyond a
14 reasonable doubt the defendant took personal property from
15 the person or presence of another person. Property is in the
16 presence of a person if it is within that person's reach or
17 inspection or observation or control so that the person
18 could, if not overcome with violence or prevented by fear,
19 keep possession of his or her property.

20 The State must also prove beyond a reasonable doubt the
21 defendant carried the property away, intending to permanently
22 deprive the owner of the property and to keep the property
23 for the defendant's own use. The slightest removal of the
24 property or the complete possession of the property, even for
25 an instant, by the defendant is sufficient to show a taking

1 and carrying away of the property. The taking and carrying
2 away of the property must have been done with violence or by
3 putting the owner of the property in fear of violence.

4 And finally the State must prove beyond a reasonable
5 doubt that the defendant was armed with a deadly weapon or
6 any object which the person present believing the commission
7 of a robbery -- reasonably believed to be a deadly weapon. A
8 deadly weapon is any article, instrument or substance which
9 is likely to cause death or great bodily harm. Whether an
10 instrument is used as a deadly weapon depends on the facts
11 and circumstances of each case. Obviously examples of a
12 deadly weapon might be a pistol or a shotgun or a rifle or a
13 knife, and a gun may be a deadly weapon even if it's not
14 operating.

15 Now, finally, I want to discuss with you this concept of
16 the hand of one is the hand of all. Counsel have mentioned
17 it in their closing arguments. If a crime is committed by
18 two or more people who are acting together in committing a
19 crime, the act of one is the act of all. A person who joins
20 with another to commit an unlawful act is criminally
21 responsible for everything done by the other person which
22 happens as a probable or natural consequence of the acts done
23 in carrying out the common plan and purpose.

24 For example, two people can be guilty of killing another
25 person when only one of the two had a gun and there was only

1 one bullet and only one of the two fired the shot that caused
2 the death. If two or more people are acting together -- are
3 together and acting together, assisting each other in the
4 committing of the offense, the act of one is the act of all
5 or as has been sometimes said, the hand of one is the hand of
6 all.

7 Prior knowledge that a crime is going to be committed
8 without more is not sufficient to make a person guilty of
9 that crime. Mere knowledge that another person is going to
10 commit a crime, even if the defendant is present when the
11 crime is committed, is not sufficient to convict the
12 defendant as a principal. Guilt as a principal is shown by
13 actual or constructive presence at the scene as a result of
14 prior arrangement. Therefore, a finding of a prior-arranged
15 plan or scheme or common scheme is necessary for the finding
16 of guilt as a principal. The State must prove beyond a
17 reasonable doubt by competent evidence the theory of the hand
18 of one is the hand of all.

19 A principal in a crime is one who either actually
20 commits the crime or who is present aiding, abetting, or
21 assisting in the commission of a crime. When a person does
22 an act in the presence of and with the assistance of another,
23 the act is done by both. Where two or more acting with a
24 common plan or intent are present at the commission of a
25 crime, it does not matter who actually commits the crime.

1 All are guilty. The hand of one is the hand of all.

2 Present -- being present at the commission of a crime
3 means to be sufficiently near to aid and abet and assist in
4 the commission of the crime. However, mere presence at the
5 scene of a crime is not sufficient to convict one as the
6 principal on the theory of aiding and abetting.

7 Intent is also a necessary element, for there must have
8 been a common design or intent to commit the crime, and the
9 crime must have been committed pursuant thereto if the person
10 aiding and abetting by some overt act -- with the person
11 aiding and abetting by some overt act. Intent means
12 intending the result which actually occurs, not accidentally
13 or involuntarily. Intent may be shown by acts and conduct of
14 the defendant and other circumstances from which you may
15 naturally and reasonably infer intent. The State must prove
16 these elements again beyond a reasonable doubt.

17 Now, ladies and gentlemen, I further charge you that any
18 punishment provided by law to this offense or these offenses
19 charged in these indictments is a matter exclusively within
20 the province of the Court. It should never be considered by
21 the jury in any way whatsoever in arriving at a fair and
22 impartial verdict as to the guilt or innocence of the
23 defendant.

24 I'm required to declare the law as I've done through
25 these instructions to help and guide you to a just and lawful

1 verdict. Whether some of these instructions will apply will
2 depend on what you find to be the facts. The fact that I
3 have instructed on various subjects in this case must not be
4 taken by you as indicating an opinion of this Court as to
5 what you should be -- what you should find to be the facts or
6 which party should be entitled to your verdict.

7 The verdict must represent the considerate judgment of
8 each juror. In order to return a verdict, it's necessary
9 that each juror agree. In other words, your verdict must be
10 unanimous. All 12 of you must agree on the verdict. Your
11 verdict cannot be based on sympathy or passion or prejudice
12 or emotion or any other consideration not in evidence in this
13 case.

14 Remember at all times that you are not partisans
15 favoring one party over another. You are judges, judges of
16 the facts. Your sole interest is to seek the truth from the
17 evidence in this case.

18 Now, Mr. Foreman, I will send with you to the jury room
19 all seven indictments. On what we call the face of the
20 indictment, the bottom left-hand corner, is the place for
21 your verdict. I need you to write a verdict as to each
22 indictment, not guilty or guilty, sign your name, and date
23 it. Knock on the jury room door, and we will receive your
24 verdict.

25 Now, I want to caution you one other thing, ladies and

1 gentlemen. Those of you who may have been taking notes
2 during the course of the trial, again I reiterate that those
3 notes are for your benefit and your benefit only, not to be
4 used to try to convince another juror that you took better
5 notes than they did or that you wrote down something that
6 they forgot. They're just, as I said, for your own personal
7 benefit.

8 All right. Ladies and gentlemen, you now may retire to
9 the jury room. Your lunch is here, so it's up to you whether
10 you want to deliberate while you eat or eat and then
11 deliberate. Once that jury room closes, it's all -- it's all
12 yours. The lunch will be delivered to you in just a minute.

13 In any event, don't begin your deliberations until you
14 receive the indictments and the evidence that's been
15 presented in this case, and again let us know if you need to
16 see the video. All right. You may retire to the jury room.
17 Thank you very much.

18 (Whereupon, the jury was excused from open court at
19 12:20 p.m.)

20 **The Court:** Frank, I want the two alternates in the
21 hall. Any exceptions to the charge from the State?

22 **Ms. McDuffie:** None, Your Honor.

23 **The Court:** From the defense?

24 **Mr. Chaplin:** None, Your Honor.

25 **The Court:** All right. Please check the evidence and

1 we'll send the evidence to the jury.

2 (Pause in proceedings.)

3 The Court: Got it.

4 Mr. Chaplin: Yes, sir.

5 The Court: Any objection to excusing the alternates?

6 Ms. McDuffie: No, Your Honor.

7 Mr. Chaplin: None.

8 The Court: All right. I'll wait 'til the jury begins
9 deliberating. We've got lunch for them anyway. All right.
10 We'll stand at ease 'til we hear from the jury.

11 (Whereupon, the alternate jurors were excused from the
12 trial, and the jury began deliberating at 12:23 p.m. Court's
13 Exhibit 2 was marked for identification only.)

14 The Court: Where did you go for lunch?

15 Mr. Chaplin: The Vineyard.

16 The Court: I thought you might have gone to Charlotte.

17 Mr. Chaplin: No. I just walked; that's all.

18 The Court: Defense counsel has -- I mean, the solicitor
19 has seen the note. Approach the bench, counsel.

20 (Whereupon, a bench conference was held.)

21 The Court: Okay, counsel.

22 Mr. Chaplin: No objection.

23 The Court: No objection? From the State?

24 Ms. McDuffie: No, sir.

25 (Court's Exhibit 3 was marked for identification only.)

1 **The Court:** Be seated. All right, counsel. The jury
2 has asked to be re-instructed on the hand of one/hand of all
3 theory. Any problem with that?

4 **Ms. McDuffie:** No, Your Honor.

5 **The Court:** From the defense?

6 **Mr. Chaplin:** Beg the Court's indulgence.

7 (Mr. Chaplin talks off the record with Mr. Chestnut.)

8 **Mr. Chaplin:** Your Honor, I'm going to object to that.

9 **The Court:** Okay.

10 **Mr. Chaplin:** Yes.

11 **The Court:** Overruled.

12 **Mr. Chaplin:** Thank you.

13 **The Court:** If the jury wants to hear it, to hear the
14 instructions -- they can come back and hear evidence. They
15 can come back and hear the instructions. Bring the jury in.

16 (Whereupon, the jury was brought into open court at
17 3:10 p.m. Court's Exhibit 4 was marked for identification
18 only.)

19 **The Court:** Mr. Foreman, it's my understanding the jury
20 would like me to review the instruction on hand of one/hand
21 of all?

22 **Foreman:** (Nodded head up and down.)

23 **The Court:** All right. This is the exact instruction I
24 gave when I first gave the charge. If a crime is committed
25 by two or more people who are acting together in committing a

1 crime, the act of one is the act of all. The person who
2 joins with another to commit an unlawful act is criminally
3 responsible for everything done by the other person which
4 happens as a probable or natural consequence of the acts done
5 in carrying out the common plan or purpose.

6 For example, two people can be guilty of killing another
7 person when only one of the two had a gun. There was only
8 one bullet and only one of the two shots -- only one of the
9 two fired the shot that caused the death. When two or more
10 people are acting together -- are together and acting
11 together, assisting each other in committing the offense, the
12 act of one is the act of all or as sometimes is said, the
13 hand of one is the hand of all.

14 Prior knowledge that a crime is going to be committed
15 without more is not sufficient to make a person guilty of
16 that crime. Mere knowledge that another person is going to
17 commit a crime, even if the defendant is present when the
18 crime is committed, is not sufficient to convict the
19 defendant as a principal. Guilt as a principal is shown by
20 actual or constructive presence at the scene as a result of
21 prior arrangement. Therefore, a finding of a prior-arranged
22 plan or scheme, common scheme, is necessary for a finding of
23 guilt as a principal. The State must prove beyond a
24 reasonable doubt by competent evidence the theory of the hand
25 of one is the hand of all.

1 A principal in a crime is one who either actually
2 commits the crime or who is present aiding, abetting, or
3 assisting in committing the crime. When a person does an act
4 in the presence of and with the assistance of the other,
5 another, the act is done by both. Where two or more acting
6 with a common plan or intent are present at the commission of
7 a crime, it does not matter who actually commits the crime.
8 All are guilty. The hand of one is the hand of all.

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence at the scene
12 of a crime is not sufficient to convict one as a principal on
13 the theory of aiding and abetting. Intent is also a
14 necessary element for there must have been a common design or
15 intent to commit the crime, and the crime must have been
16 committed pursuant thereto with the person aiding and
17 abetting by some overt act.

18 Intent means intending the result which actually occurs,
19 not accidentally or involuntarily. Intent may be shown by
20 acts and conduct of the defendant and other circumstances
21 from which you may naturally and reasonably infer intent.
22 The State must prove these elements beyond a reasonable
23 doubt.

24 All right? Thank you very much, ladies and gentlemen.
25 You may now retire to the jury room to continue

1 deliberations.

2 (Whereupon, the jury was excused from open court to
3 continue deliberations at 3:14 p.m.)

4 **The Court:** We'll stand at ease.

5 **Mr. Chaplin:** Thank you very much.

6 (Pause in proceedings while the jury deliberates.
7 Court's Exhibit 5 was marked for identification only.)

8 **The Court:** All right. Be seated. Thank you. All
9 right. Counsel, the bailiff informs the Court the jury has a
10 verdict. Ready to receive the verdict?

11 **Ms. McDuffie:** The State's ready, Your Honor.

12 **Mr. Chaplin:** The defense is ready, Your Honor.

13 **The Court:** All right. Bring the jury.

14 (Whereupon, the jury returned to open court with a
15 verdict at 3:50 p.m.)

16 **The Court:** Mr. Foreman, has the jury reached a verdict?

17 **Foreman:** Yes, sir.

18 **The Court:** Would you hand it to the -- the indictments
19 to the bailiff, please? Madam Clerk, publish the verdicts,
20 please.

21 **The Clerk:** Yes, Your Honor. The State of South
22 Carolina, in the county of Richland, in the court of general
23 sessions in the matter of The State versus Jeff Vontavious
24 Chestnut. On the indictment for kidnapping, indictment --
25 docket number 2012-GS-40-4244, the jury finds the defendant

verdict

653

1 guilty.

2 On the other indictment for kidnapping, docket number
3 2012-GS-40-4241, the jury finds the defendant guilty.

4 On docket number 2012-GS-40-4243, an indictment for
5 kidnapping, the jury finds the defendant guilty.

6 On docket number 2012-GS-40-4245, an indictment for
7 armed robbery, the jury finds the defendant guilty.

8 On docket number 2012-GS-40-4246, an indictment for
9 armed robbery, the jury finds the defendant guilty.

10 Docket number 2012-GS-40-4242, an indictment for armed
11 robbery, the jury finds the defendant guilty.

12 Docket number 2010-GS-40-2641, an indictment for armed
13 robbery, the jury finds the defendant guilty. Mr. Foreman,
14 is this your verdict and the verdict of the entire jury?

15 Foreman: Yes, it is.

16 The Clerk: Thank you.

17 The Court: Do you desire to poll the jury?

18 Mr. Chaplin: Yes. Please poll the jury.

19 The Clerk: Mr. Foreman, ladies and gentlemen of the
20 jury, I'm going to ask each of you two questions. I need you
21 to answer each of the questions. Number 138, were these your
22 verdicts?

23 Juror 138: Yes.

24 Foreman: Yes.

25 The Clerk: Are they still your verdicts?

1 Juror 138: Yes.

2 Foreman: Yes.

3 The Clerk: Number 111, were these your verdicts?

4 Juror 111: Yes.

5 Foreman: Yes.

6 The Clerk: Are they still your verdicts?

7 Juror 111: Yes.

8 Foreman: Yes.

9 The Clerk: One at a time---

10 The Court: One at a time.

11 The Clerk: ---as I call your number. One at a time.

12 Number 151.

13 Juror 151: Yes.

14 The Clerk: Was this your verdict?

15 Juror 151: Yes.

16 The Clerk: Are they still your verdicts?

17 Juror 151: Yes.

18 The Clerk: Number 51, were these your verdicts?

19 Juror 51: Yes.

20 The Clerk: Are they still your verdicts?

21 Juror 51: Yes.

22 The Clerk: Number 240, were these your verdicts?

23 Juror 240: Yes.

24 The Clerk: Are they still your verdicts?

25 Juror 240: Yes.

1 The Clerk: Number 116, were these your verdicts?

2 Juror 116: Yes.

3 The Clerk: Are they still your verdicts?

4 Juror 116: Yes.

5 The Clerk: Number 212, were these your verdicts?

6 Juror 212: Yes.

7 The Clerk: Are they still your verdicts?

8 Juror 212: Yes.

9 The Clerk: Number 299, were these your verdicts?

10 Juror 299: Yes.

11 The Clerk: Are they still your verdicts?

12 Juror 299: Yes.

13 The Clerk: Number 248, were these your verdicts?

14 Juror 248: Yes.

15 The Clerk: Are they still your verdicts?

16 Juror 248: Yes.

17 The Clerk: Number 130, were these your verdicts?

18 Juror 130: Yes.

19 The Clerk: Are they still your verdicts?

20 Juror 130: Yes.

21 The Clerk: Number 45, were these your verdicts?

22 Juror 45: Yes.

23 The Clerk: Are they still your verdicts?

24 Juror 45: Yes.

25 The Clerk: Number 247, were these your verdicts?

1 **Juror 247:** Yes.

2 **The Clerk:** Are they still your verdicts?

3 **Juror 247:** Yes.

4 **The Clerk:** The jury is polled, Your Honor.

5 **The Court:** Thank you very much, ladies and gentlemen.

6 All right. That will conclude your service. I will tell you
7 that our practice in -- at least in this court in Richland
8 County -- because we have so many cases, it's generally the
9 rule that we will sentence the defendant or I will sentence
10 the defendant immediately after a jury verdict of guilty, and
11 I plan to do that in a very short period of time. You can
12 stay for that. You're welcome to stay.

13 I will tell you just for your information that the
14 co-defendant that was spoken of during the course of the
15 trial received a sentence of 30 years, and I just mention
16 that to you in terms of what the available range of sentences
17 might be. Of course, it's much -- because there's seven
18 indictments, it potentially is much more than that, but it's
19 not likely that I would exceed that.

20 You can stay for that, as I say. You don't have to.
21 The bailiffs will tell you where to sit during that. It's
22 going to take a few minutes because we've got so many
23 indictments to make -- to make -- to get the paperwork ready.
24 It will take about ten minutes. If you wish to stay, you're
25 certainly welcome to stay. If you don't wish to stay, you're

1 going to be dismissed.

2 I do want to thank you. This -- I know you deliberated
3 long and hard on this. It's a difficult case, a lot of
4 issues, but as the attorneys told you during their closing
5 remarks, we noticed that you were very attentive throughout
6 and I think you listened to the evidence and made a decision
7 and that's what we asked you to do.

8 These -- these matters are difficult in the community.
9 A lot of people are interested because a lot of people are
10 affected by crime in our community, and we need good people
11 to come and resolve these matters for us. This is a system
12 that's been in place in this country for some 250 years.
13 It's a system that's envied around the world. A lot of
14 places in the world don't have such things as jury trials,
15 and we think the system works well.

16 Individual citizens with no bias one way or the other
17 come in and listen to the facts, listen to the law and make a
18 decision, and that's what you've done and I want to thank you
19 for it. I've told many jurors that the system can do without
20 me, can do without these attorneys, but it can't do without
21 you. You're such an important part of the judicial system in
22 this country.

23 So thank you very much, ladies and gentlemen. You're
24 now excused. Good luck to all of you, and the bailiff and
25 madam clerk will take care of you in terms of your -- any

1 work assistance or work excuses and collect your badges. And
2 as I say, you're certainly welcome to stay and watch the
3 sentencing procedure. Otherwise, have a pleasant afternoon
4 and pleasant weekend. Thank you very much.

5 (Whereupon the jury was excused from the trial at
6 3:58 p.m.)

7 **The Court:** All right. Any motions?

8 **Mr. Chaplin:** Yes, sir. Your Honor, at this point Mr.
9 Chestnut would make a motion for a new trial, and we would
10 also like to renew all previous objections as if being made
11 at this time.

12 **The Court:** All right. Well, I think the jury was
13 certainly within their province. They heard the evidence,
14 the admissible evidence. They deliberated. I see no reason
15 to go behind the jury verdict at this point, and I
16 respectfully deny your motions.

17 All right. If y'all will -- if somebody will get the
18 paperwork on the way. We'll take about a ten-minute break,
19 and then we'll continue with the sentencing of the defendant.
20 Thank you very much.

21 **Mr. Chaplin:** Would you have a problem if Mr. Chestnut
22 stays in here with me while we wait for that?

23 **The Court:** Oh, no. No.

24 **Mr. Chaplin:** Okay. Thank you very much.

25 **The Court:** It's his day in court, as you say. We'll

1 stand at ease for about ten minutes.

2 (Whereupon, a short break was taken.)

3 **The Court:** All right. Be seated. Thank you. All
4 right. Solicitor? Mr. Chaplin, bring your client around.
5 Yes, ma'am.

6 **Ms. McDuffie:** Thank you, Your Honor. You've heard all
7 the evidence in this case after a three-day trial. I'd just
8 like to tell you about the defendant's prior record. It's a
9 2003 no license. 2004 grand larceny, five years suspended
10 upon two years probation. Also breach of trust in 2004.
11 2007 there was a possession of a controlled substance charge,
12 and then in July of 2009 he was charged with armed robbery
13 but pled to strong arm robbery. He was on probation for
14 strong arm robbery at the time that this offense was
15 committed. In addition to that, he also - one right before
16 this offense happened and then one afterwards - has two
17 pending possession with intent to distribute marijuana
18 charges pending in our office as well -- as long as -- as
19 well as a receiving stolen goods charge.

20 Your Honor, the co-defendant in this case, Tyward
21 Jordan, we would argue is equally as guilty as this
22 defendant. Each one of them went into the business with a
23 gun, held people at gunpoint and robbed them. Your Honor, as
24 you've heard during the trial, this -- Mr. Chestnut was the
25 individual that the State believes and the jury agreed went

1 into the cage, held the gun on Ms. Angela Diaz-Garcia, and
2 robbed the business of money, and Mr. Jordan is the one who
3 robbed the players on the bingo floor.

4 As a result of this defendant and his co-defendant's
5 actions, the bingo closed. The employees have lost their
6 jobs. Many remained unemployed for awhile after this before
7 they could find new employment.

8 Ms. Simpson has some victim impact she would like Your
9 Honor to hear. The victims were not able to be here. Ms.
10 Angela Diaz-Garcia lives out of state, and her flight left
11 last night. And you heard from the other witnesses that they
12 all live in Sumter and Orangeburg, Your Honor, and so could
13 not be with us today but were here as much as they could
14 during the trial.

15 Your Honor, we would ask that you give him a sentence
16 commiserate---

17 **The Court:** Commensurate.

18 **Ms. McDuffie:** ---commensurate - I'm sorry, Your Honor -
19 with the acts that he committed. We believe that these
20 charges were very serious and the impact on the victims and
21 what he and his co-defendant did that day should be punished
22 to the fullest extent of the law, Your Honor.

23 **The Court:** Now, what was the -- it's my understanding
24 that the sentence on the co-defendant was 30 years. Is that
25 correct?

1 **Ms. McDuffie:** That's correct, Your Honor.

2 **The Court:** All right. Ms. Simpson?

3 **Ms. Simpson:** Thank you, Your Honor. May it please the
4 Court? With respect to the victims in this case, we were
5 able to speak with Marva Coates. She was here when she could
6 be, and we talked to her. We heard a little bit during the
7 trial about how it affected her, but she was deeply affected
8 for a significant period of time after this event with her
9 sleeping. She had nightmares, stomach upset, things of that
10 nature, and suffered some health issues because of it.

11 As far as health issues go, Ms. Sarah Furtick and Mr.
12 Robert Furtick who were here -- they are from Orangeburg as
13 much as they could be, but since this incident -- and I know
14 Your Honor and everybody observed her walking with a cane.
15 Prior to this, she didn't have that. As a result of this,
16 she explained to us that she suffered a lot of health
17 problems that caused her husband to pretty much -- a very
18 independent woman now had to be taken care of by her husband
19 and cleaned up after, especially with the stomach issues and
20 the other health issues that she suffered.

21 They all truly feel that they could have died that day.
22 They think about it. They love to play bingo.

23 Part of Ms. Furtick's victim impact, she said that
24 everything upset me. She had a lot of tension and
25 nervousness. Additionally, she couldn't sleep at night. She

1 misses most of all being at the bingo hall and being with her
2 friends at the bingo hall because, as she explained, this was
3 something they did and it was fun for everybody to go.

4 As for Drenita and her brother, Timothy Bell, they, too,
5 deeply affected. I know they wanted to be here as well, and
6 she is actually a foster parent, so she has those
7 responsibilities and could not be here. As you know, they
8 were scared for each other, being a family, and they just
9 asked that we relay that to you.

10 As for Ms. Kayla Sharpe, the very young Ms. Kayla
11 Sharpe, she actually submitted a statement that I'd like to
12 read to Your Honor on her behalf since she could not be here
13 today. It says, "May 23rd, 2010, is a day I will never
14 forget, even if I wanted to. I can't. I was 16 years old
15 that day. I had a two-month-old baby girl at home depending
16 on me. So, as usual, and being the responsible mother that I
17 am, I went to work. I never knew a routine night at work
18 change my life forever.

19 "Mr. Chestnut stated that he sold weed because that's
20 what he had to do and he had no other choice. I find that
21 funny considering following his selfish and stupid acts of
22 robbing the bingo hall I was left without a job. Do you know
23 what I did? I honestly dug inside the dumpsters, asked
24 businesses for things they would throw out, and picked up
25 cans off the side of the road. I made my money by selling

1 scrap metal.

2 "Now, tell me, if a 16-year-old could do this, why
3 couldn't a 28 or at the time a 26-year-old man do it? Of
4 course, it was embarrassing and at times I wanted to stop,
5 but as a mother I knew I had diapers to buy. Never once did
6 selling weed cross my mind. Do you know why? It's not only
7 illegal and it's very dangerous but a lazy way out of
8 working. I would never put my child in that kind of danger.
9 How could a parent, well, a good parent, do such a thing?

10 "You, Mr. Chestnut, had a choice, and you chose to do
11 the wrong thing. I live in constant fear and worry. Some of
12 my friends and family even say I'm overprotective. My doors
13 to my home are always locked. My windows are nailed shut.
14 If I stop at a stoplight, my car doors are locked, if they
15 weren't already. I do not go to the store or anywhere alone
16 if it's possible because I am scared I will run into Mr.
17 Chestnut, Teidra Dennis or Tyward Jordan.

18 "Now, Tyward is behind bars. It's time for the other
19 two to be as well. I'm tired of living this way. I'm tired
20 of people thinking I'm the crazy one. I'm tired of being
21 scared to try to move on with my life.

22 "Mr. Chestnut, you know what you did on May 23rd and so
23 do we. As I watched you throughout court this week, you
24 showed no emotions other than anger that was accompanied by
25 head shaking when someone was testifying and things of that

1 nature. Whatever it may be, I hope the jury listened
2 carefully to each of our testimonies and that they do the
3 right thing.

4 "You have choices in your life. There's a repeat
5 pattern, and you continue to make bad decisions. So let's
6 stop this pattern before you really hurt someone. I would
7 like nothing greater than to see you sit in prison for the
8 rest of your life since you took my peace of mind, safety,
9 and so much more from me as a 16-year-old girl." And it goes
10 on a little bit longer.

11 Her mother, Ms. Angela Diaz-Garcia, also couldn't be
12 here, and I also have a victim impact statement from her. "I
13 am a victim of the robbery that occurred on May 23rd of 2010.
14 This tragedy changed my life and the life of my family
15 forever. At the time of the robbery I didn't know if anyone
16 would be alive in the end." At the time -- I'm sorry. "My
17 daughter, Kayla Sharpe, is a victim also. At the time she
18 was just 16 years old with a new baby at home. When Mr.
19 Chestnut and Mr. Jordan decided to rob the bingo hall, little
20 did they know the lifetime effect that it would have on all
21 of us.

22 "The days following the robbery were very dark and
23 gloomy. I tried to comfort Kayla who was having nightmares
24 and still deal with my own. I was asked to handle some work
25 at the bingo hall during the few weeks following the robbery,

1 and it was like it was happening all over again. I couldn't
2 go in the building without crying or having a panic attack.
3 The days and nights all seemed to run together because I
4 didn't sleep and ate very little.

5 "I threw away all of my husband's bandanas and refused
6 to let him use them. I even told him that we would split up
7 if he did because he always had bandanas to keep his hair
8 back while working.

9 "I remember going to a different bingo hall and running
10 into Mr. And Mrs. Furtick, and as I walked up and asked how
11 they were doing, Mrs. Furtick jumped. I felt so bad for
12 having scared her, but I knew all too well how she felt. I
13 watched over my shoulders every time I left the house.

14 "My family moved to North Carolina, and as we were
15 looking for places to live, I called about a home. The man
16 said he would give me an address and we could go see it and
17 call him back. I don't remember the house number he gave me,
18 but as soon as he told me it was on Chestnut Street, I froze.
19 My husband picked up the phone and handled the call from
20 there. He already knew I wasn't about to live there. And
21 even though Kayla and I relocated to North Carolina, we still
22 had no peace of mind.

23 "It's hard for other people to understand the full
24 impact of a crime on someone. I would like to ask the jury
25 to consider all the evidence and make a fair decision. I

1 would like to see Mr. Chestnut receive the maximum sentence
2 in this case because I truly feel that if he is released he
3 will commit another crime of this nature.

4 "There are days I still can't sleep, and I think only of
5 the robbery. I do not believe this will ever go away. I
6 never have complete peace of mind even in my own home. I was
7 able to sleep through the night for the first time last night
8 since this event, and as I left the courtroom, I prayed that
9 the jury would find Mr. Chestnut guilty and hold him
10 responsible for his actions. I thank God every day that
11 nobody was killed, and I pray that we can all put this behind
12 us at some point."

13 Your Honor, that is all for the victim impact. I
14 believe it's clear how this incident affected them, and we
15 would just ask for a sentence that is just.

16 **The Court:** Mr. Steadman?

17 **Mr. Steadman:** I have nothing further, Your Honor.

18 **The Court:** Mr. Chaplin?

19 **Mr. Chaplin:** Thank you very much, Your Honor. Your
20 Honor, I'm just going to move straight into the mitigation.
21 As far as the impact that it had on all of the victims, Your
22 Honor, Mr. Chestnut certainly empathizes with them and does
23 have remorse for that. Mr. Chestnut took responsibility for
24 what he did do in this particular matter, and unfortunately
25 the jury felt otherwise.

1 At the same rate, Your Honor, Mr. Chestnut has three
2 children. He's 28 years old. He has the potential to have a
3 good life. He needs to take care of his children. He needs
4 to get back to his family. And, Your Honor, I would just say
5 that I think that the original allegation was that Mr.
6 Chestnut went in and robbed the cage which, if you don't
7 consider the hand of one/hand of all theory, was the extent
8 that what he was originally accused of, and I would like you
9 to just consider that as you sentence him in this particular
10 matter. I don't think -- I do not think that he should
11 receive the same sentence as Tyward Jordan.

12 **The Court:** Why not? The jury said he did the same
13 thing.

14 **Mr. Chaplin:** Your Honor---

15 **The Court:** I mean, different -- people are different.
16 I understand that.

17 **Mr. Chaplin:** Yes. I think the jury -- well, I can't
18 tell you what I think the jury thought, but at the same rate
19 I would just ask that his sentence not be the same, that it
20 be less, and if -- he didn't hold a gun to anyone and that he
21 is not as culpable as the allegations against Mr. Jordan, and
22 I think originally he was just charged with one count of
23 armed robbery. Your Honor, I think Mr. Chestnut would like
24 to address the Court.

25 **The Court:** How long has he been in jail? I mean, how

1 long did he...

2 **Ms. McDuffie:** Five months, Your Honor.

3 **The Court:** Five months?

4 **Mr. Chaplin:** Oh, yeah. I'm sorry. Yes, five months,
5 from June to October, and then the last few days.

6 **The Court:** All right.

7 **Mr. Chaplin:** So, Your Honor, Mr. Chestnut would like to
8 address the Court and I believe that Stephanie Mickens and
9 LaShawn Sumter -- and, Terrell, I forgot your last name.

10 **Mr. Miller:** Miller.

11 **Mr. Chaplin:** Miller would just like to say something
12 briefly as well. This is Jeff's family, and they're here to
13 support him.

14 **The Court:** All right. I'll be glad to hear from them.

15 **Mr. Chaplin:** Do you want to go, Jeff, or... Why don't
16 you go, Stephanie?

17 **The Court:** What's your name, please?

18 **Ms. Mickens:** Stephanie Mickens.

19 **The Court:** Have you got that?

20 **Court Reporter:** I did, but she's going to have to speak
21 up.

22 **Ms. Mickens:** Stephanie Mickens.

23 **The Court:** Okay. She just needs to hear what you have
24 to say.

25 **Ms. Mickens:** Okay. I don't believe---

1 **Court Reporter:** I can't hear her at all, Judge. I'm
2 sorry.

3 **Ms. Mickens:** I don't believe that in this matter that
4 he was, you know, involved. I really don't. I know by his
5 past -- I know him by his past. I've been knowing him by his
6 past, and I've seen him try to do better and I've seen him --
7 I've seen him shaken down because of his past, and I don't
8 think that it's fair in that -- I don't think that what
9 happened is fair legally, and I don't think that---

10 **The Court:** Are they your children?

11 **Ms. Mickens:** Huh?

12 **The Court:** Are they your children?

13 **Ms. Mickens:** Yeah.

14 **The Court:** All of them?

15 **Ms. Mickens:** Just two.

16 **The Court:** Do you live -- do they live with you?

17 **Ms. Mickens:** My kids?

18 **The Court:** Yes.

19 **Ms. Mickens:** Yes.

20 **The Court:** Do they live with him?

21 **Ms. Mickens:** No. Well, now we are -- now at this point
22 we do.

23 **The Court:** Okay.

24 **Ms. Mickens:** For the last couple of years, I guess.

25 But it's just -- this is hard to see, you know, for somebody

1 just taken away when you -- knowing what you know. And
2 seeing my kids grow up -- they know their father. I want
3 their father a part of their life, and I just want that to be
4 considered because I can try to do it alone, but they need
5 their father, too.

6 **The Court:** Thank you, ma'am.

7 **Mr. Chaplin:** Thank you. LaShawn Sumter.

8 **Ms. Sumter:** I'm his sister and it's hard watching a
9 loved one be taken away for something that you don't feel
10 deep down in your heart that they did. I understand how the
11 victims feel in this case. I know they were traumatized.
12 But we didn't grow up with a father figure. That's my big
13 brother. That was my father figure.

14 I'm just asking the leniency of the Court on his behalf
15 because he does have three daughters that he needs to be
16 there for. I know that you will give him some kind of time,
17 some kind of punishment for this, and that's acceptable, but
18 please be lenient. That's all I'm asking.

19 **The Court:** Thank you, ma'am.

20 **Mr. Chaplin:** Mr. Miller?

21 **Mr. Miller:** I'm Terrell Miller. Vonta Chestnut has
22 been my brother. I've known him, you know. He's this
23 coldhearted person -- that's what the jury and the solicitor
24 makes him seem like, but it ain't nothing like that because
25 it's the same person that tells me every day that I don't

1 need to be in the streets, the same person that got me -- got
2 my mind right to get back in school and do the things I'm
3 supposed to do in life.

4 You know, I was running wild and young, 16, 17. You
5 know, he took me in and took care of me. I'm 24 now. You
6 know what I'm saying? That's eight years he done took care
7 of me like he was my older brother. He's not my sibling, but
8 that's my brother and I'll never change that. And it hurt --
9 it hurt -- it hurts me badly to see his life get taken
10 because he was accused of doing something that he didn't do.

11 The Court: The jury said he did.

12 Mr. Miller: That's what the jury said, but in my book,
13 in my head, only God can judge us. So I just -- I ain't
14 trying to be rude or anything---

15 The Court: I understand.

16 Mr. Miller: ---but...

17 The Court: That's what I'm faced with. Do you
18 understand?

19 Mr. Miller: Yes, sir. I just hope that you can see
20 that he's really not, you know, a bad person, just that -- I
21 know the jury say that he did this, he did do that, but, you
22 know, some people can't do that all time. They got to find
23 the best way they can. I know the drug thing, that's bad or
24 whatever, you know, but his intentions are still good.

25 I know -- I know how y'all got to think, but it's

1 different when you're actually on the streets and you don't
2 really have nothing because picking up scraps and cans and
3 all that, that won't get you nothing but two or three, five
4 or ten dollars, and that's not enough to take care of three
5 kids. So I do feel sorry for the victims in this case, and I
6 hope they do get their peace of mind back. I also hope that
7 my brother can get his back, too.

8 **The Court:** Thank you very much.

9 **Mr. Chaplin:** Your Honor, I would also like you to -- I
10 think also it was taken into consideration that the other
11 co-defendant had recently gotten out of prison for a very
12 serious offense, and I think that that might have had an
13 impact on the sentence as well that he received. Mr.
14 Chestnut does have a record, but I don't think it's to that
15 extent and---

16 **The Court:** Still, he pled down from an armed robbery
17 just a couple of a years before this.

18 **Mr. Chaplin:** That's because they couldn't prove the
19 armed robbery.

20 **The Court:** I don't know. Maybe.

21 **Mr. Chaplin:** Yes, sir. So, Your Honor, I also would
22 like to put on the record that these kidnapping charges are
23 not sexual offenses and if you could please indicate that on
24 the sentencing sheet---

25 **The Court:** You're correct.

1 **Mr. Chaplin:** ---that he's -- that he's not to be on the
2 registry.

3 **The Court:** Do you understand?

4 **Ms. McDuffie:** We have no objection to that, Your Honor.

5 **Mr. Chaplin:** And again I would just---

6 **The Court:** You're correct.

7 **Mr. Chaplin:** Thank you. Jeff, your turn.

8 **Mr. Chestnut:** Well, all I want to say is that my life
9 is being taken for being in the wrong place at the wrong
10 time. I always grew up raising my siblings on my own and
11 which by all means, yeah, I sold drugs, yeah, but robbery I
12 haven't -- I haven't ever done before, but I mean, I run with
13 the wrong crowd. I've been with the wrong people, and this
14 has cost me my life and cost my loved ones to have to miss
15 me.

16 So, I mean, with that being said and done, I'm going to
17 stand here like a man and I'm going to take whatever is
18 dished out to me because I accept whatever comes my way
19 because I've been there on them grounds and I have -- I knew
20 what was going to happen, but like I say, I didn't tell or
21 involve myself in it in any way but -- so I'm willing to just
22 accept whatever comes with me. I just ask for your leniency
23 and consideration of my three girls, that all I have --
24 everything I've ever done or everything that I've ever worked
25 for was for them.

1 I've never been the type of person to abandon my kids or
2 my family. I always made sure they had if I did it.
3 Sometimes I sell myself short, but in this case it looks like
4 I'm going to have to need them now, so...

5 Mr. Chaplin: Your Honor?

6 The Court: Yes, sir.

7 Mr. Chaplin: I would just also like for you to take
8 into consideration that Mr. Chestnut did -- no, no. I'm
9 going to move on. Your Honor, I would just like to on the
10 record point out that I think the previous offer by the State
11 that I presented to Mr. Chestnut on several occasions was 10
12 to 15, and I would just like to ask the State would they be
13 willing to extend that offer at this time.

14 Ms. McDuffie: Absolutely not, Your Honor.

15 Mr. Chestnut: Your Honor, can I...

16 The Court: Yeah.

17 Mr. Chestnut: I want to say something. I do -- I just
18 want to tell the courts, you know, that I apologize for all
19 the work they have done even though it wasn't enough, but I
20 just want to tell my family I'm sorry. I love y'all, and
21 that's it.

22 Ms. McDuffie: Your Honor, if I may correct one thing
23 Mr. Chaplin said. His co-defendant, Tyward Jordan's record,
24 was not as lengthy as his. His record was a 2008 strong arm
25 robbery.

1 **Mr. Chaplin:** Okay. Well, I stand corrected.

2 **The Court:** All right. All right, Mr. Chestnut. As I
3 said more than once, I see no reason to treat you differently
4 than the co-defendant. On all charges, the sentence of the
5 Court is you be committed to the state department of
6 corrections for a period of 30 years. You're given credit
7 for 150 days of time credit, pretrial time credit. Your name
8 will not be listed on the sexual offender registry. Good
9 luck to you. All sentences are to run concurrent.

10 **Ms. McDuffie:** Thank you, Judge.

11 **Ms. Simpson:** Thank you, Your Honor.

12 **Mr. Chaplin:** Your Honor, could he hug his family real
13 quick?

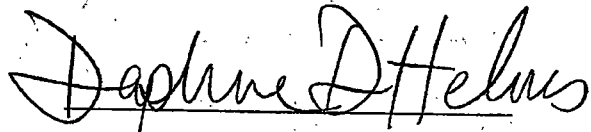
14 **The Court:** That's up to law enforcement.

15 (Court's Exhibit 6 was marked for identification only.
16 Whereupon, the proceedings were concluded.)
17
18
19
20
21
22
23
24
25

I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 17th through 20th of September, 2012.

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

February 7, 2013

A handwritten signature in cursive script that reads "Daphne D. Helms". The signature is written in dark ink and is positioned above the printed name.

Daphne D. Helms, court reporter

WITNESSES

(S) Isenhoward - RCSD - Richland County
Sheriff

ARREST WARRANT NUMBER

DP12161

ACTION OF GRAND JURY

TRUE BILL

Jill Koenig
Foreperson of Grand Jury
Date: JUL 19 2012

VERDICT

Guilty

[Signature] #138
Foreperson of Petit Jury
Date: 9/20/17

DOCKET NO. 2012GS4004241

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2012

154

THE STATE
vs.

Jeff Vontavious Chestnut

Indictment for
KIDNAPPING

SC Code: 16-03-0910
CDR Code: 0095

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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Jeff Vontavious Chestnut did in Richland County on or about May 23, 2010, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Sarah Furtick, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Isenhoward - Richland County Sheriff

ARREST WARRANT NUMBER

DP12158

ACTION OF GRAND JURY**TRUE BILL**Jill Koenigs
Foreperson of Grand Jury
Date: JUL 19 2012**VERDICT**

Guilty

Foreperson of Petit Jury
Date: 9/20/12

DOCKET NO. 2012GS4004242

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2012

154

**THE STATE
vs.**

Jeff Vontavious Chestnut

**Indictment for
ARMED ROBBERY**SC Code: 16-11-0330(A)
CDR Code: 0139After 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 RICHLAND)

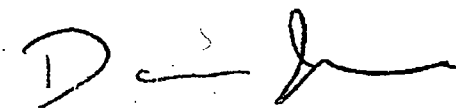
INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Jeff Vontavious Chestnut did in Richland County on or about May 23, 2010, commit robbery by feloniously taking from the person or presence of Sarah Furtick, by means of force or intimidation, goods or monies of Sarah Furtick, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or 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. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended)

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


DAN JOHNSON, SOLICITOR

WITNESSES

(S) Isenhoward - Richland County Sheriff

ARREST WARRANT NUMBER

DP12162

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: JUL 19 2012

VERDICT

Guilty

Foreperson of Petit Jury

Date: 9/20/12

DOCKET NO. 2012GS4004243

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2012

154

THE STATE

vs.

Jeff Vontavious Chestnut

Indictment for
KIDNAPPING

SC Code: 16-03-0910

CDR Code: 0095

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 RICHLAND)

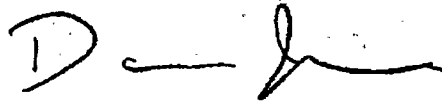
INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Jeff Vontavious Chestnut did in Richland County on or about May 23,
2010, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one Drenita Ore, without authority of law, in violation of Section 16-
03-0910, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Isenhoward - Richland County Sheriff

ARREST WARRANT NUMBER

DP12163

ACTION OF GRAND JURY

TRUE BILL

Jill Koenige
 Foreperson of Grand Jury
 Date: JUL 19 2012

VERDICT

Guilty

R. H. H. 2138
 Foreperson of Petit Jury
 Date: 9/20/12

DOCKET NO. 2012GS4004244

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2012

154

THE STATE
 vs.

Jeff Vontavious Chestnut

Indictment for
 KIDNAPPING

SC Code: 16-03-0910
 CDR Code: 0095

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 RICHLAND)

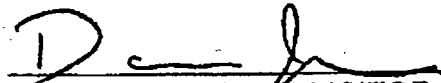
INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Jeff Vontavious Chestnut did in Richland County on or about May 23,
2010, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away one Marva Coates, without authority of law, in violation of Section
16-03-0910, S. C. Code of Laws, 1976, as amended

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


DAN JOHNSON, SOLICITOR

WITNESSES

(S) Isenhoward - Richland County Sheriff

ARREST WARRANT NUMBER

DP12159

ACTION OF GRAND JURY

TRUE BILL

Jill Koenige
 Foreperson of Grand Jury
 Date: JUL 19 2012

VERDICT

Guilty

[Signature] #138
 Foreperson of Petit Jury
 Date: 9/20/12

DOCKET NO. 2012GS4004245

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2012

154

THE STATE

vs.

Jeff Vontavious Chestnut

Indictment for
ARMED ROBBERY

SC Code: 16-11-0330(A)
 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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Jeff Vontavious Chestnut did in Richland County on or about May 23, 2010, commit robbery by feloniously taking from the person or presence of Drenita Ore, by means of force or intimidation, goods or monies of Drenita Ore, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or 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. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended)

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Isenhoward – Richland County Sheriff

ARREST WARRANT NUMBER

DP12160

ACTION OF GRAND JURY

TRUE BILL

Jill Koenigs
 Foreperson of Grand Jury
 Date: **JUL 19 2012**

VERDICT

Guilty

R. R. #138
 Foreperson of Petit Jury
 Date: **9/20/12**

DOCKET NO. 2012GS4004246
The State of South Carolina
County of
Richland

COURT OF GENERAL SESSIONS

July TERM 2012
154

THE STATE
vs.
Jeff Vontavious Chestnut

Indictment for
ARMED ROBBERY

SC Code: 16-11-0330(A)
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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Jeff Vontavious Chestnut did in Richland County on or about May 23, 2010, commit robbery by feloniously taking from the person or presence of Marva Coates, by means of force or intimidation, goods or monies of Marva Coates, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or 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. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended)

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



DAN JOHNSON, SOLICITOR

RICHLAND COUNTY SHERIFF'S DEPARTMENT

INTERROGATION: ADVICE OF RIGHTS

NAME: Jeff Chestnut PLACE: Two Notch Rd
OFFICER (S): Sgt. K. Isenhour
DATE: 6-8-10 TIME: 1714

YOUR RIGHTS

- ☒ 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 a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning.
- ☒ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ☒ If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WITNESS: [Signature]SIGNED: [Signature]

WITNESS: _____

WAIVER OF RIGHTS

- ☒ I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.

WITNESS: [Signature]SIGNED: [Signature]

WITNESS: _____

Statement of

Jeff Vontavious ChestnutColumbia, SC 29703

Made at

Columbia, South Carolina, this 8th day of June, 2010, at 1900 hours, in the presence of Sgt. K. Isenhoward of the Richland County Sheriff's Department.

I, Jeff Chestnut, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

Q: K. Isenhoward R: Jeff Chestnut

Q: Were you involved in the robbery at the Carolina Gold Bingo on 05/23/10?

R: Yes.

Q: What happened?

R: I was at home in the yard with my stepdaughter T D . I called Chief to come take me to take somebody some weed. Chief came to get me in a blue Corolla. He was by himself when he picked me up at Tiedra's house. I overheard him in the car, talking on the phone saying, "I need to settle this lick so I can hit this spot". When he hung up the phone I asked him what he was talking about. He told me that he was thinking about hitting the bingo hall. I asked him who all was going with him. He told me that it was going to be him and Quantis. I told him that I wanted some of that. At first he was like "nah you can't get down with this" then he told me to come on. We pulled up at the bingo hall and parked the car. We walked around back and saw two people that I usually deal with. I saw the dude from the comedy house and I chilled with him, sold the dude a bag. That's when Quantis came up walking. He was saying that he had the wrong clothes on. I gave him my black t-shirt and my Atlanta Braves hat and he put it on. I told Chief that it

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: Jeff Chestnut

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 8th day of June, 2010.

Sworn to and subscribed before me
This 8th day of June, 2010
Kevin Isenhoward

Signed: Jeff Chestnut

[Signature]
Notary Public for South Carolina
My commission expires 10/08/2014.

ain't no need for me to go now. He told me that he didn't want me to do it anyway. I told him that I would stay out here and lookout. I stayed out at the back of the bingo hall. They ran off to go do the robbery. I stayed out there to talk to a little white dude for a minute. A few minutes later, Chief and Quantis came running back. When I saw them I hid under the steps behind the comedy house. Under the steps where they put all the grease and trash. I stayed under there for about 30-45 minutes. I walked out on the side of the building and I was scared and shaking. An older lady saw me and gave me a ride to my grandmomma's house in Greenvew.

Q: Did you have a gun?

R: No.

Q: Who had the guns?

R: I didn't see them with no guns.

Q: What was Chief wearing?

R: He had on a white or gray t-shirt, some blue sweats; he had a piece of brown cloth that covered his mouth.

Q: What is Chief's real name and what does he look like?

R: Everybody knows him as Rocca. I don't know his real name. He is about 6'04 and about 180-200 pounds. He is about 20 years old and has skin a little lighter than me. His hair on his head is ruff looking like he don't cut it. The hair on his face is like that to.

Q: What is Quantis' full name and what does he look like?

R: I just know his first name, Quantis. He is from Irmo but he be in Greenvew too. He is about 5'10, 185pounds with brown skin. He is between 22-25 years old. He has a low fade hair cut and a thin beard.

Q: What was Quantis wearing?

R: Back jeans and before I gave him my shirt he was wearing an orange shirt.

Q: Do you know either Quantis' or Chief's phone numbers?

R: I don't know Quantis'. Chief had a number or something like that. It is a Charleston or Greenville area code.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

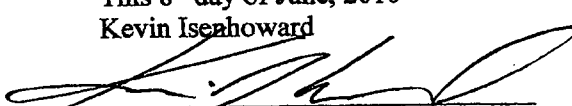
Signed: 

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 8th day of June, 2010.

Sworn to and subscribed before me
This 8th day of June, 2010
Kevin Isephoward

Signed: 


Notary Public for South Carolina
My commission expires 10/08/2014.

Q: What did you get out of the robbery?

R: They didn't give me anything. They said I didn't do nothing.

Q: Why did you give Quantis your shirt and hat?

R: So I could back out of it.

Q: Where are they now?

R: He has them.

Q: Did you enter the Bingo hall during the robbery?

R: No sir.

Q: Did you talk to Teidra before the robbery?

R: I talked to her before and after.

Q: Was she relaying information to you during the calls?

R: She just called to see if I could pick her up.

Q: Did you tell her that you were there?

R: Hell, no.

Q: Why would she say that you participated in the robbery and that you got money from it?

R: Because I told her that I planned to do it.

Q: When did you tell her this?

R: The day it happened.

Q: Was this before or after Chief picked you up?

R: This was after I got back. She told me that they got robbed and I told her that we had planned to do it.

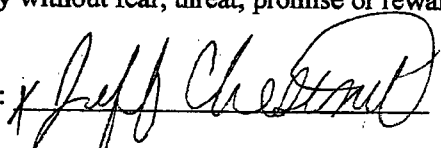
Q: Did you see Teidra outside during the robbery?

R: No. She was calling me from like two people phone.

Q: Did someone from the bingo call your phone after the robbery?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: 

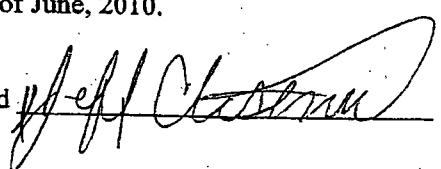
Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 8th day of June, 2010.

Sworn to and subscribed before me

This 8th day of June, 2010

Kevin Isenhoward

Signed: 


Notary Public for South Carolina

My commission expires 10/08/2014.

R: Yeh. Looking for Teidra.

Q: Had you talked to her at that point?

R: Yes. She called me before that.

Q: Did she tell you about the robbery then?

R: Yes, she told me about it.

Q: So, Is that when you told her that you had planned to rob the bingo?

R: Yes.

Q: So, Was it over the phone or when you got back that you told her what you had planned?

R: Both.

Q: Why would Teidra call Chief prior to the robbery?

R: I don't know. I didn't know she had his number.

Q: Did Teidra tell you about how much money was in the bingo?

R: No.

Q: Was Teidra involved in any way?

R: No.

Q: Do you have anything else to add to your statement?

R: No, sir.

End of Statement 06/08/10 @ 1955hrs*****

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

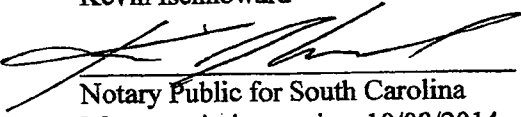
Signed: 

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 8th day of June, 2010.

Sworn to and subscribed before me
This 8th day of June, 2010
Kevin Isenhoward

Signed: 

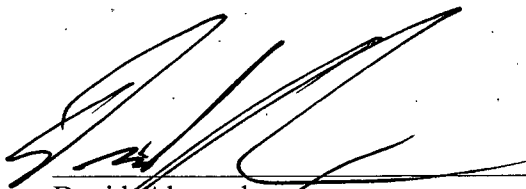

Notary Public for South Carolina
My commission expires 10/08/2014.

**THIS PAGE INTENTIONALLY
LEFT BLANK**

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."

August 20, 2013

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

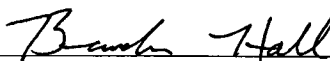
JEFF CHESTNUT,

APPELLANT

APPELLATE CASE NO. 2012-213027

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Jeff Chestnut, 304420 at McCormick Correctional Institution, 386 Redemption Way McCormick, SC 29899 this 20th day of August, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
This 20th day of August, 2013.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED

AUG 20 2013

SC COURT OF APPEALS