ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM COLLETON COUNTY

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ELIZABETH M. DINKINS,

APPELLANT

APPELLATE CASE NO. 2012-208407

RECORD ON APPEAL

CARMEN V. GANJEHSANI
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

JULIE KATE KEENEY
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorneys for Respondent

RECEIVED

FEB 21 2014

SC Court of Appeals

INDEX

INDEX i

TRIAL TRANSCRIPT (dated January 31 – February 1, 2012) 1

JURY SELECTION 7

BATSON MOTION BY MR. MATTHEWS 13

COURT REMARKS 15

OPENING STATEMENT BY MR. KNIGHT 28

OPENING STATEMENT BY MR. MATTHEWS 30

TESTIMONY

LAURIE MINUS
Direct examination by Mr. Knight 31
Cross-examination by Mr. Matthews 37
Redirect examination by Mr. Knight 41

TAMIKA WHITE
Direct examination by Mr. Knight 42
Cross-examination by Mr. Matthews 46
Redirect examination by Mr. Knight 51
Recross examination by Mr. Matthews 51

JASON CHAPMAN
Direct examination by Mr. Knight 52
Cross-examination by Mr. Matthews 54

ELBERT SWEAT
Direct examination by Mr. Knight 55

COURT REMARKS 57

MOTION FOR A DIRECTED VERDICT BY MR. MATTHEWS 61

CLOSING ARGUMENT BY MR. KNIGHT 74

CLOSING ARGUMENT BY MR. MATTHEWS 78

CHARGE ON THE LAW.....82

VERDICT.....93

SENTENCING.....97

INDICTMENT.....99

SENTENCE SHEET.....101

CERTIFICATE OF COUNSEL.....102

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF COLLETON) No. 2011 GS 15 0769

STATE OF SOUTH CAROLINA)
)
)
)
versus) TRANSCRIPT OF RECORD
)
)
)
ELIZABETH M. DINKINS)
)
Defendant)

Walterboro, South Carolina
January 31-February 1, 2012

B E F O R E :

HONORABLE THOMAS A. RUSSO, Judge, and a Jury

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

For the State: STEVEN KNIGHT, Esq.
Assistant Solicitor

For the Defendant: DAVE MATTHEWS, Esq.
Public Defender

Reporter Present: DEBORAH EVERETT

HARRIET P. BENNETT
Reporter, S. C. Court Administrator
46 Regency Oaks Drive
Summerville, SC 29485

I N D E X

		Direct-Redirect	Cross-Recross
Jury Voir Dire	5		
Jury selection	12		
Motion	13		
Preliminary charge	19		
Opening Statements:			
By Solicitor	28		
By Mr. Matthews	30		
LAURIE MINUS			
By Solicitor		30-41	
By Mr. Matthews			37
TAMIKA WHITE			
By Solicitor		42-51	
By Mr. Matthews			46-51
JASON CHAPMAN			
By Solicitor		52	
By Mr. Matthews			54
ELBERT SWEAT			
By Solicitor		55	
No Cross Exam.			
Motions	61		
Disc. with Defendant			
By the Court	62		

INDEX CONTINUED:

Motion Renewed	61
Closing Statements:	
By Solicitor	74
By Mr. Matthews	78
Charge to the Jury	82
Jury question	91
Verdict	93
Sentencing	94

EXHIBITS

			EV.
State's	1	Satisfaction of lien	32
	2	Application for title	36
	3	Certificate of title	44
Court's	1	Note from Jury	

(The within matter came before the Court on January 31, 2012)

THE COURT: At this time I recognize the State to call the first case for trial.

SOLICITOR: State calls Indictment Number 2011 GS 15 0769, State versus Elizabeth Dinkins, an Indictment for forgery.

I submit the original which has been True Billed, and a list of proposed witnesses.

THE COURT: Thank you. All right, ladies and gentlemen, you have heard the Solicitor call the case of the State of South Carolina versus Elizabeth Dinkins.

Ms. Dinkins is charged under Indictment 2011 GS 15 0769, and she is charged with the offense of forgery.

Ladies and gentlemen, what is important for you to understand is this. To this Indictment, to this charge, Ms. Dinkins has pled not guilty, and that plea of not guilty places upon the State the burden of proof.

What I want you to understand about an Indictment, ladies and gentlemen, is an Indictment is simply a piece of paper that has on it the formal charges that the State has brought against an individual.

The charge that is on this Indictment and the language contained in this Indictment is in no way evidence or in no way proves the charges against the Defendant in this

case, Ms. Dinkins.

It is simply an allegation the State is making against a Defendant, but it is in no way proof of those allegations.

The burden of proof rests on the State to prove guilt beyond a reasonable doubt. However, I am going to read to you the allegations that are contained in the Indictment. This will give you some understanding of what the State alleges Ms. Dinkins has done, and it states that in Colleton County, South Carolina, on or about October the 26th of 2011 the Defendanty, Elizabeth Dinkins, with intent to defraud, falsely did make, forge, counterfeit or cause to procure, to be falsely made, forged or counterfeited, a writing or did knowingly utter and publish as true a forged, false or counterfeited writing, or did act or assist in any of the foregoing; to wit, the Defendant did forge the name of the manager of Title Max of Hampton on a satisfaction of title lien to the Department of Motor Vehicles and did receive the sum of, and there is no dollar amount that she received.

The allegation is that she signed a satisfaction of title and signed someone else's name. That is the allegation against Ms. Dinkins, and, as I said, ladies and gentlemen, to that allegation she has pled not guilty.

Now, that is not a terrible amount of information,

but based on what I've just shared with you, is there any member of the jury panel who knows anything about this case? If so, please stand.

(No response from jurors)

Thank you, there are none.

I'm going to get the attorneys to introduce themselves to you. From the State, Mr. Knight?

SOLICITOR: Thank you, Your Honor. I'm Steven Knight. I'm Assistant Solicitor here in Colleton County.

THE COURT: Thank you, sir.

Ladies and gentlemen, is there any member of the jury panel who is related by blood, connected by marriage, or has any close business or personal relationship with, or who has been in the past represented by Mr. Knight? If so, please stand.

(No response from jurors)

Thank you, there are none.

Mr. Matthews, if you would introduce your table?

MR. MATTHEWS: Dave Matthews, I'm the Public Defender, and this is Elizabeth Dinkins. She lives in Sumter.

THE COURT: Thank you very much. Is there any member of the jury panel who is related by blood or connected by mariage, or has any close business or personal relationship with, or who has been represented by Mr. Dave Matthews? If so, please stand.

MR. MATTHEWS: Ms. Dinkins is from Ridgeland. I'm sorry.

(No response from jurors)

THE COURT: Thank you, there are none.

You met Ms. Dinkins. Is there any member of the jury panel who is related by blood or connected by marriage, or has any close business or personal relationship with Ms. Dinkins? If so, please stand. Elizabeth Dinkins.

(No response)

Thank you, there are none.

Ladies and gentlemen, I'm going to call out some names, and these are folks that are listed as potential witnesses in this case. They may or may not testify during the course of this trial.

The question I'm going to ask you is the same question I just asked you in regards to Ms. Dinkins. If you are related by blood, connected by marriage, or have any close business or professional relatinship with any of these folks who I'm going to call.

There aren't that many but there are a few names I am going to call here, and if you hear a name and that question applies to that individual, please stand immediately.

Now, after you stand and I'm still calling out names just please listen carefully because it may be that you

know more than one individual on this list.

If any of these witnesses are in Court, I would also ask that you stand when I call your name, and I apologize if anybody's name is mis-pronounced.

Laurie Minus; Leroy Dinkins; Syreker Smart; Elbert Sweat; Tamika White; Jason Chapman.

(Jurors standing)

THE COURT: Okay, let me begin -- we'll start here.

JUROR 14: Bert Sweat -- Jason Chapman.

THE COURT: Are you related?

JUROR 14: I just know them from work.

THE COURT: The fact that you know those two potential witnesses, if they were to testify in this case, would that in any way affect your ability to be fair and impartial, giving both the State and the Defendant a fair trial?

JUROR 14: No, Your Honor, it would not.

THE COURT: Thank you.

Your name?

JUROR 121: Joy Lyle, 121.

THE COURT: Ms. Lyle, who on that list did you know?

JUROR: Elbert Sweat -- Jason Chapman also.

THE COURT: Are you related to either one of those folks?

JUROR 121: No, sir.

THE COURT: If either one of those folks were to

testify during the course of this trial, would that in any way -- would the relationship you have with those folks -- would that in any way affect your ability to be fair and impartial?

JUROR 121: No, sir.

THE COURT: Thank you very much.

Anyone else?

(No further response from jurors)

Ladies and gentlemen, is there any member of the jury panel who is a contributor either through money or through volunteering your time to any organizations such as Mothers Against Drunk Drivers, Students Against Drunk Drivers, MADD and SADD, Citizens Against Violence, CAVE, the Fraternal Order of Police, South Carolina Troopers Association -- any of those types of organizations?

Is there any member of the jury panel who is a contributor either financially or with your time in volunteering to any of those organizations? If so, please stand.

(No response from jurors)

Thank you, there are none.

Ladies and gentlemen -- is there someone standing?

JUROR 189: I had my license taken.

THE COURT: Go ahead.

JUROR 189: I got my license taken away from me, so it's getting kind of hard for me, the transportation.

THE COURT: I can help you with that. I can send a deputy to pick you up in the morning and someone to take you home in the afternoon.

Thank you, sir.

Ladies and gentlemen, there are any number of questions I could ask you, but the interest that we have, the Court has, is that we impanel a jury that can be fair and impartial, giving both the State and the Defense a fair trial.

As I said, I could ask a hundred questions to try to figure out if you all can do that and **still not hit** on the one thing that someone may have an issue with.

So let me ask this as sort of a catch-all question.

The purpose and the reason we ask questions of a jury panel is, as I said, to select a jury that can be fair and impartial, listen to the evidence, forget anything you may have heard outside the Court and base your decision solely on the evidence that is presented during the trial.

Is there any member of the jury panel who knows of any reason why you would not be able to sit as a fair and impartial juror? If so, please stand.

(No response)

Thank you, there are none.

Are there any additional questions or further questions from the State?

SOLICITOR: No further questions from the State.
THE COURT: From the Defense?
MR. MATTHEWS: Nothing further.
(Whereupon, a jury was drawn as follows:
Juror 189, Dishawn Way, seated
Juror 87, Paul Harju, excused by Defense
Juror 112, Patrick Kittrell, excused by State
Juror 16, Joann Bostic, seated
Juror 136, Sonya Munion, seated
Juror 2, Edgar Akins, excused by State
Juror 59, Shirley Driggers, excused by Defense
Juror 121, Joy Lyle, excused by Defense
Juror 64, Hubert Erwin, Junior, seated
Juror 12, John Bennett, excused by Defense
Juror 7, Chelsey Barr, seated
Juror 148, Lori Polk, excused by Defense
Juror 48, Linda Cummings, excused by Defense
Juror 22, Teresa Brooks, seated
Juror 134, Jerome Mosley, seated
Juror 10, Anthony Beach, excused by Defense
Juror 36, Gregory Cannon, seated
Juror Gabriele Livingston, excused by State
Juror 14, Holly Benton, excused by Defense
Juror 93, Richard Henderson, seated
Juror 129, James McMillan, seated

Juror 190, Kevin Wicker, excused by Defense
Juror 25, Loxie Brown, excused by Defense
Juror 15, William Blanton, seated
Juror 137, Brian Nash, seated)
(Alternate Juror selected was Number 116, Dustin Lemacks)
THE COURT: All right, are there any motions regarding jury selection?
SOLICITOR: None from the State.
THE COURT: Any motions from the Defense regarding jury selection?
MR. MATTHEWS: Yes, Your Honor.
THE COURT: Ladies and gentlemen, let me get those of you who are in the jury box at this point -- take them back into their jury room, please.
(Selected jurors excused to jury room)
THE COURT: Ladies and gentlemen, I have to take up this motion before we go any further. I'm going to ask you to please follow the bailiff, and we'll be either with you shortly or send you downstairs with the jury again.
(Jurors not selected excused from Courtroom)
THE COURT: All right, Mr. Matthews. I'll be happy to hear from you.
MR. MATTHEWS: Thank you, Your Honor. I'd make a

Batson Motion. I'd ask that you remember -- on our list of those jurors called, the State used three strikes, one a black male. A black male was one of them, and I would make a motion to ask him to explain why . .

THE COURT: I'd ask you all to step up here real quick.

(Discussion at the bench between counsel and the Court as follows:

SOLICITOR: Juror 2 was previously charged with criminal sexual conduct in the second degree. I don't know if any of the officers involved in this case could have made the arrest. I don't have the information, and that is why I struck him.

Number 2 I also dismissed because of the records.

MR. MATTHEWS: I'd like to see the records.

THE COURT: I find there was no bias, and the reason given by the State was racially gender-neutral. Therefore, I think the State has met their burden under Batson.

Anything else?

MR. MATTHEWS: No, sir.

THE COURT: Anything further with regard to jury selection?

MR. MATTHEWS: No, sir.

SOLICITOR: No, sir.

THE COURT: I thought I would have to take up a motion that might have an effect on the jury selection process in this case, but it does not, so everything is good.

The panel that we selected is in place.

(Jurors not selected for the trial of the within case was excused by the Court)

(Jury panel selected for the trial brought into the Courtroom)

THE COURT: Ladies and gentlemen, I'm going to give you some instructions because I'm about to let you go, and we're going to start this case first thing in the morning. I'm going to send you home with some instructions. We are going to let you knock off early today.

Ladies and gentlemen, as I told you when we had the whole panel here, your job as a jury is to listen to the facts and evidence that is presented and to base your decision in this case solely on the facts and evidence in the course of the trial.

When you are not in Court, it is very important that you do not have conversation with anyone about the case, and the reason for that is that is simple. For example, when you leave here today, someone, a friend or family member -- someone is going to be curious -- well, did you get selected to be on a jury? You can tell them, yeah, I'm on a jury; I've got to be back in the morning.

Of course, the next question, they're going to want to know what kind of case is it or who's involved.

Saying something as innocent as, it's a forgery case, or it involves Ms. Dinkins -- saying something as innocent as that may elicit a response that may somehow affect your ability to be fair and impartial.

So what I ask jurors to do is, you can tell your family members or friends or loved ones or whoever that you are on a case and you're going to have to be back here tomorrow but, again, they are going to be curious, and what you tell them is this, listen, the Judge says I can't talk about it; I can't even tell you what this case is about; can't even tell you the charge. All I can tell you is that when it's over I'll tell you everything.

Once the case is over, you can share with anyone whatever you want to share, but it is important that until that time you have no conversation with anyone about this case.

You are going to be placed under oath to try the case and decide the case based on the evidence that appears in this Courtroom.

Now, having said that, I don't anticipate there will be anything in the newspaper or on television; you need to not read it or turn that off. Radio, anything. Like I said, I don't anticipate there will be, but if there is

please don't read, don't look at, don't listen to anything. Protect your ability to remain fair and impartial because if you were sitting in that same chair you would want the jury on your case to do the exact same thing, to judge the case solely on the evidence in the Courtroom.

Okay, so please do that for me. When I say do not discuss the case, that includes amongst yourselves. Sometimes jurors look at me like, why -- I thought we were supposed to deliberate and talk about it. Well, you are, but not until all of the evidence is in, the lawyers have had an opportunity to address you with their closing remarks and I have given you the law.

Only after you have all these things is it time for you to discuss it. So when you come back tomorrow and throughout the trial while you are here, there will be times you will be back in the jury room, things like that. Don't even talk to each other about the case. Talk about anything you want; talk about the weather, sports, whatever, American Idol, if that's what you're into. Just don't talk about this case until you get the case for deliberations.

So having said that, ladies and gentlemen, I want to thank you again for your service. We're going to start at nine thirty, and if you would be here in your jury room. When you come to the Courthouse, go straight to

your jury room.

All right, if you'll do that for me and get here so that when nine thirty rolls around you will be ready to go.

Thank you, ladies and gentlemen. We'll see you back here tomorrow morning at nine thirty.

(Jury excused from Courtroom)

THE COURT: Okay, ladies and gentlemen, as I told the members of the jury, we'll start at nine thirty in the morning. Let me ask the attorneys first, are there any pre-trial matters we need to take up?

SOLICITOR: None from the State, Your Honor.

MR. MATTHEWS: I can't think of any.

THE COURT: If you have any Exhibits that you intend to use, could you at least pre-mark those at this point for identification purposes.

(Court stood in recess until February 1, 2012)

THE COURT: Please have a seat. Thank you.

All right, everybody ready to get started here? Is the State ready to proceed?

SOLICITOR: Yes, sir.

THE COURT: Defense ready?

MR. MATTHEWS: Yes, sir.

THE COURT: Is there anything we need to take up or address before we bring the jury out?

SOLICITOR: Nothing from the State, Your Honor.

THE COURT: Anything from the Defense?

MR. MATTHEWS: No, sir.

THE COURT: If anything comes up, you can bring it to my attention.

Let's go ahead and bring the jury in, please.

(Jury returned to Courtroom)

THE COURT: Good morning, ladies and gentlemen. I hope everyone had a good evening and are ready to go to work this morning

Before I get started with my opening remarks, let me mention something to you regarding where you are in the jury box here. There are no assigned seats in the jury box except for two, and that would be the seat for the Foreperson and the seat for the Alternate. Other than that, please feel free to sit wherever you are comfortable sitting.

We tend to be creatures of habit. My wife and I have been attending the same church about thirteen years, and, of course, there is no assigned seating in church, but if we walk in and someone is sitting in our seat we look around like we're lost, and we're not lost; we just need to grab a seat.

There is no assigned seating in the jury box except for the two I told you about, and later on I will deal with

the Foreperson issue and get a Foreperson in place.

Like I said, feel free to flow in and out as is most comfortable for you. Don't think you have to sit where you are right now. Some people may take a hankering to where they're at and don't want to move, and if you like the place you're sitting and don't want to give it up that's fine too. I'm not going to force you to do anything but I just want you to know as you come in and out to sit where you are comfortable sitting.

Ladies and gentlemen, we are now about to begin the trial of the case of the State of South Carolina versus Elizabeth Dinkins.

Before we begin this trial, I want to tell you that this trial more than likely is going to be very different from what you may have expected if you have never sat in on a real trial.

Most peoples' experience with regards to jury trials is what they've read in books or what they've seen on television. Those trials are always full of high drama and tense action and riviting circumstances because they are there to entertain you.

While any number of those things may occur during the course of a trial, I have no idea what is going to occur, but what I want you to understand and know is that this trial is not for your entertainment.

This trial is a fundamental part of our democracy. It is a search for the truth in an effort to make sure justice is done between the parties before the Court.

Searching for the truth and making sure justice is done oftentimes can be slow, deliberate, sometimes repetitive. In other words, very different from what you have seen or experienced on television, movies or in books.

This Courtroom is a place of honor that is dedicated to the protection and the preservation of citizens' rights through what many have called the greatest justice system ever created.

The attorneys who appear before you during the case are advocates for the parties they represent, but, first and foremost, they are officers of the Court, sworn to uphold the integrity and fairness of our judicial system and help you in a search for the truth.

You should expect them to be professional, competent and ethical in the performance of their duties.

Now, in just a moment you are going to take an oath to try this case and to reach a fair and a just verdict. You are also expected to be professional, reasonable and ethical in the performance of your duties. I have no doubt you will do just that, and I want to thank you again for your service to Colleton County and to the State of South Carolina.

Now, before we go any further, I'm going to ask Madam Clerk to place you under oath.

(Whereupon, jury was sworn by the Clerk for the trial of this case)

THE COURT: Ladies and gentlemen, what I'm going to say to you now is intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law. I will instruct you on the law that is applicable to this case at the end of the trial before you consider your verdict, before you deliberate.

What I'm going to go over with you now is simply an explanation of the procedures that we're going to follow as we go through this case, so you may better understand what's happening as we go through the case.

The Defendant in this case, Ms. Dinkins, is charged by the Indictment which was filed with this Court with the crime of forgery.

The elements of that crime will be explained to you later when I charge you on the law. What I said to you on yesterday I'm going to go over with you again, and that is this. The Indictment in this case is simply the charge which brings this case into Court. It is not in any sense evidence of any of the allegations contained in this Indictment.

The Defendant has pled not guilty to this Indictment,

and the State therefore has the burden of proving each of the elements of the Indictment beyond a reasonable doubt.

It is going to be your duty, ladies and gentlemen, to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts of the case.

You, ladies and gentlemen, are the sole judges of the facts in this case. If at any time I make a comment regarding the facts, you must disregard those comments.

You are to determine the facts and the testimony you hear and any other evidence that is presented during the trial of this case.

It is going to be up to you to determine what inferences you feel may properly be drawn from the evidence. It is especially important that you perform your duty of determining the evidence diligently and conscientiously because ordinarily there is not any mechanism -- there is no way we can correct an erroneous determination of facts by a jury.

Now, on the other hand, but with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law as given to you by the Court is the only law that you can consider. You must accept and follow it, even though you may disagree with it.

I am not allowed to tell you about the facts in this case or make a comment on the facts, and you, on the other hand, are not allowed to disagree with me about what the law is or what you think the law should be.

Your job is to take the law as we give it to you, apply it to the facts as you find the facts to be, from the evidence that is introduced. After doing that, you will return a verdict in this case, a verdict which speaks the truth under the solemn oath that you took.

Now, until I tell you begin deliberations, you are not to discuss this case with anyone, and that includes your fellow jurors. After you have gotten the case, or after the case has been submitted to you, you must then confine your conversations about the case solely to the jury room and nowhere else.

Ladies and gentlemen, during the trial of this case, you will be in and out of the Courtroom. At lunchtime we will break for lunch. You will go and take care of that.

If you should in coming in and out of the Courtroom or the Courthouse run into any of the attorneys or the parties in the case and they don't speak to you, they are not being rude. They are nice folks.

They are just doing what they are instructed to do, and that is to not have any communication with the jurors.

So please do not hold that against them. They are just doing what they are supposed to do.

What is important in the trial of this case is that you keep an open mind and do not decide any issue in this case until all the evidence has been presented, the parties have had an opportunity to make their closing arguments to you, and then I have charged you on the law.

It is your solemn responsibility to determine the guilt or innocence of the Defendant, and your verdict must be based solely on the evidence presented to you here in this Courtroom and on the law as I instruct it to you at the close of the trial.

Now, in just a moment the Solicitor will have an opportunity to make what we call an opening statement in this case. In this statement, he will basically explain to you the issues -- what the issues are in the case or at least what he believes the issues are in this case.

After he concludes his opening remarks, then the attorney for the Defendant, Mr. Matthews, will have an opportunity to also make an opening statement although he is not required to do so.

What you need to understand about the opening statements of the lawyers, ladies and gentlemen, is that what they tell you in their opening statements is not evidence. It is only their contentions as to what they believe the

evidence will show.

The evidence in this case, the things that you are going to consider in determining the facts of the case, will be presented to you in a couple of ways, the testimony by witnesses who are sworn and placed under oath and take the witness stand, their testimony, and then any exhibits which may come in during the course of the trial. That is the evidence in this case.

From time to time during this trial you may hear one of the lawyers say something along these lines, Judge, I believe we have a question of law we need to take up with the Court, or, Your Honor, may we approach the bench.

During those times, ladies and gentlemen, I might find it necesssary to ask you to step back into your jury room for a moment. If I do that -- if I can handle the matter over here at side bar, I will try to do that, but if I need to send you to your jury room the reason I would do that is simply this.

As I have told you earlier, I am not to have any influence over you about the facts of the case. I am not supposed to make any comments about evidence or anything that is presented

Sometimes when I'm having to make a ruling on the law, it is necessary for me to make a comment about either the testimony or some of the evidence which has been

put into the trial in connection with a ruling that I am required to make.

So in an effort to protect you from those comments, I may have to ask you to step into your jury room so I can hear whatever the motion is or whatever the issue is to make my decision. Then once I've done that I will bring you back out and let the trial resume.

So if I ever ask you to step back to your jury room, that would be the reason, simply to protect you as the fact-finders.

Now, in determining what the facts are in this case, you are going to have to decide whether the testimony of a witness is believable or not.

It is going to be my responsibility to rule as a matter of law whether any testimony is admissible into this Court, but once testimony is admitted, once a witness is allowed to testify, whether or not you believe that witness is going to be solely up to you to decide.

In deciding whether to believe a witness, you have the right to consider the interest of a witness, the bias of any witness, the opportunity for the witness to have seen the matters and the things about which the witness testified, the way the witness acts on the witness stand.

You have the right, ladies and gentlemen, to consider anything that is in this record that will help you in

evaluating the testimony of the witnesses. That means that it is your duty to pay close attention to the witnesses, observe them, listen carefully to the witnesses, and pay close attention the attorneys and to the Court.

Please do not let your thoughts wander, but give careful and strict attention to all the testimony and the evidence in this case, so that at the end of this trial after the attorneys have presented their closing arguments to you and I've given you the law you will then be in a position to take all that, discuss the case and deliberate, to reach a verdict in this case.

Now, before I turn it over to the attorneys, let me first ask of the State, are there any exceptions or objections to the Court's opening remarks?

SOLICITOR: None from the State, Your Honor.

THE COURT: Anything from the Defense?

MR. MATTHEWS: No, sir.

THE COURT: Thank you, ladies and gentlemen. Now I am going to recognize the State for their opening statement. Please, if you would, give the attorneys your undivided attention.

SOLICITOR: May it please the Court, Your Honor?

Ladies and gentlemen of the jury, this case is about forgery, and essentially His Honor will charge you much better than I can tell you right now.

What we've got to prove is that the Defendant knowingly uttered and published as true a document that was forged, a writing or document, on October 26 of 2011, here in the City of Walterboro.

We allege and intend to prove that the Defendant took in a forged satisfaction of title from Title Max and presented it to the South Carolina Highway Department up here right down the road.

The Highway Department has its responsibility to check and see if in fact this lien was satisfied, so that is what they did.

You will also hear testimony from the lender, Title Max, that it wasn't satisfied; that it was an open account. That's the testimony you will hear.

The police officer will testify, but this is not a long trial. Let me stop right here and tell you just because it is not long, does not have a lot of witnesses, it is not important.

This is an important case to the State of South Carolina, and this is an important case to the Defendant.

Now, you all are here in a search for the truth. You are not searching for anything else. (Portion inaudible) You were given an oath which also has some other things underneath it.

Number one, that you would listen. Number two, that

two, you would look, and, most importantly, that you would remember all the testimony and evidence that comes in this trial. That's your obligation.

How would you do that? Please, listen, look and remember. Thank you.

MR. MATTHEWS: Ladies and gentlemen of the jury, Mr. Knight is right. This isn't a particularly complicated case. I think the evidence is going to show and I believe the evidence is going to show that the one element that the State is not going to be able to prove beyond a doubt is knowingly.

Unless the State can prove that, which I do not believe they will be able to, who wrote this document and whether or not Ms. Dinkins knew that it was forged when it was presented -- I think the evidence will show, the circumstance will indicate, that she probably did not, in which case you have to find the Defendant not guilty.

Listen carefully to the evidence, listen carefully and consider the inferences from the evidence.

Listen carefully.

Thank you.

THE COURT: Call your first witness.

SOLICITOR: Laurie Minus.

LAURIE MINUS, being duly sworn, testified as follows:

CLERK: State your name, please.

WITNESS: My name is Laurie Minus.

DIRECT EXAMINATION

BY SOLICITOR:

Q. Ms. Minus, where do you reside?

A. In Reevesville, South Carolina.

Q. Where are you employed?

A. At the Department of Motor Vehicles here in Walterboro.

Q. Is that in the City of Walterboro?

A. Yes, sir.

Q. Is that in the County of Colleton?

A. Yes, sir.

Q. How long have you been employed there?

A. I've been at the Walterboro DMV since November of 1999, so a little bit over ten years.

Q. And as a part of your responsibilities, are you responsible for accepting satisfactions of liens and titles?

A. They are actually presented at the front counter to the clerks, but it is policy that if they come up with a form 450 we do have to call and verify with the lien holder

Q. Were you working here in Walterboro at the DMV on October 26, 2011?

A. I was.

Q. I ask you if you can identify what is marked as State's Exhibit 1. Tell me whether or not you can identify that?

A. That's the form 450, which is a satisfaction of lien.

Q. And who presented that Exhibit Number 1 to you?

A. Ms. Elizabeth Dinkins. She actually presented it to my CSR there at the front counter.

Q. Did you observe her present it to your CSR?

A. Yes, sir.

Q. And your CSR gave it to you?

A. Yes, sir.

Q. And what is your CSR's name?

A. I believe it was actually Darlene Herndon.

SOLICITOR: The State would move State's Exhibit 1 into evidence.

THE COURT: Any objection?

MR. MATTHEWS: No, sir.

THE COURT: Without objection, State's 1 is in evidence.

(Satisfaction of lien form admitted in evidence as State's Exhibit 1)

BY SOLICITOR:

Q. I show you State's Exhibit Number 1, and that was presented to you?

A. Yes, sir.
Q. And what is it actually called?
A. It's a form 450, which is a satisfaction of a lien?
A. And the name that is the form 450?
A. Elizabeth M. Dinkins.
Q. Does it show who the lien holder is?
A. Title Max.
Q. And what date is on it?
A. October 25, 2011.
Q. Is the person who presented State's Exhibit Number 1 in the Courtroom today?
A. Yes, sir.
Q. Who is it?
A. The Defendant -- the lady sitting next to Mr. Matthews.
Q. Once you received State's Exhibit 1, the satisfaction of lien, what did you do?
A. I went to my assistant to find out which Title Max and verified it was Title Max of Hampton.

I then contacted them, who advised me that it was not a true lien release; that there was still an open account.

Q. And at this point what did you do?
A. I contacted my fraud unit, which is the policy of DMV, and the Walterboro PD arrived.

Q. Do you recall which officer came?
A. There were several officers. The gentleman in the suit -- I can't remember his name. He was the first one who got there.
Q. Okay, anybody else?
A. And Sergeant Sweat then was the one who came in and actually did a report. That's this gentleman here.
Q. Did you personally talk to the Defendant, Ms. Dinkins?
A. I didn't actually talk to her at her seat. Once the PD had got there, they (inaudible).
Q. Did Ms. Dinkins make any inquiries of you?
A. Actually, when I was at the counter talking to the officer she did come up and asked if we ewre talking about her lien release.
Q. So the Defendant, Ms. Dinkins, was there when the police arrived?
A. She was in the lobby the whole time.
Q. To the best of your recollection, was she by herself?
A. Yes, to my knowledge. Yes, sir.
Q. Did you see her where she was seated? Did you observe that?
A. Yes, sir. She was the only one there, so to my knowledge she was the only one there.
Q. Thank you, Ms. Minus. If you would answer any

questions Mr. Matthews has.

A. Yes, sir.

(State's Exhibit 1 published to the jury)

MR. MATTHEWS: I'm going to give the jury a chance to look at that document so I can ask the witness some questions about it.

THE COURT: The State has requested the opportunity to ask another question.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR:

Q. I ask you if you can identify State's Exhibit Number 2?

A. Yes, sir.

Q. What is that?

A. A title application, a form 400.

Q. Where did you receive that?

A. From Ms. Dinkins along with the lien release.

SOLICITOR: I would move State's Exhibit 2 into evidence.

MR. MATTHEWS: I don't think a proper foundation has been laid, but I don't object to her looking at it. I have some problem with admissibility.

BY SOLICITOR:

Q. Who did you receive this from?

A. Ms. Dinkins.

MR. MATTHEWS: No objection.

THE COURT: State's Exhibit Number 2.

(Title application admitted without objection as State's Exhibit 2 in evidence)

BY SOLICITOR:

Q. Was it filled out like it is when you received it?

A. Yes, sir.

Q. And does it have the address of Ms. Dinkins on it?

A. It has an address on it.

Q. Does it have her telephone number?

A. It has a telephone number.

Q. And what is the telephone number?

A. It's 843 .

Q. Does it have anything about the vehicle?

A. It has the vin number, the make, the style.

Q. And what is the vin number?

A. F foxtrot, M Mike, D Delta, K kilo, 46, C Charlie, 0813, A alpha, 76800.

Q. On the back of it, it has a line that says signature of owner. Is it signed like it was when you received it?

A. Yes.

Q. What name appears above the signature?

A. It's definitely Elizabeth -- Well, I guess that's Dinkins -- it's not legible.

Q. Thank you. That's all I have.
CROSS EXAMINATION
BY MR. MATTHEWS:
MR. MATTHEWS: May it please the Court? May I approach the jurors to get those copies?
THE COURT: Yes.
Q. Ms. Minus, I'm handing you back State's 1 and 2 and asking you on State's 1 . .
MR. MATTHEWS: May I approach the witness?
Q. On State's 1, you said that's the form 450?
A. Yes, sir.
Q. Do you know who signed that?
A. I have no clue who this is.
Q. And is it your job to know who signed it?
A. No.
Q. And you say you were not the person who waited on Ms. Dinkins? You were or were not the person who waited on Ms. Dinkins?
A. I was not the CSR, customer service rep. I'm the manager in the back. Any time there is a lien release they come and get me, which is, like I said, office policy, and it was turned in to me at that time right there at the counter.
Q. And that was Darlene Herndon?
A. I believe it was Darlene. I'd have to go back and

look at my paperwork to see. I think it was Darlene Herndon who had her that day but I could be wrong. We see three hundred customers a day so I'm really not sure.

Q. Your ability to identify Ms. Dinkins obviously comes from the fact that she's sitting here at the defense table?

A. Yes, sir.

Q. There is no way that you can identify her, is there? There's no way you would be able to say that?

A. I do not know her personally, no, sir.

Q. You said your office is here in Walterboro, and in the back of the building?

A. My office is the front counter and there's a doorway. I sit right there. I can actually see the front counter from my desk.

Q. And this Ms. Herndon, is she an African-American or what is her . .

A. She's caucasian.

Q. So your testimony here is that there was a caucasian woman that dealt with Ms. Dinkins?

A. I could be wrong, like I said. We handle 300 customers a day. I'd have to go back and look at my paperwork. I just happen to remember this because we've locked up I think four for the same thing, and I'd have to see who actually was the one who waited on her, because it is not on this form. We never got that far.

Q. You . .
A. We didn't actually process the transaction so on the back of the form when we process it it would be who had actually processed the transaction.
Q. So noone ever actually accepted it?
A. We never made it that far once I confirmed it was not a true release of lien we could not process it. Like I said, . .
Q. So you didn't see Ms. Dinkins or anyone else sign those forms?
A. She's the one presented them.
Q. And you know that from Ms. Herndon telling you that?
A. No. Actually, when she came in I just -- I'm not always in my office. I'm everywhere in the office.

Any time we have a disgruntled customer or have some sort of problem I come to the counter.

Q. Was she disgruntled?
A. No, but any time we have these it is our office policy that I have to call and confirm them.
Q. And I think you testified that this second form, State's 2, you received it -- these were both there at the counter when you came to the counter so you did not receive those from Ms. Dinkins?
A. They were presented at the counter.
Q. They were on the counter?

A. But I didn't take them out of her hands.
Q. And as far as any comments made, you weren't there so you couldn't know?
A. No.
Q. And at the time you say you came back out, at some point, you told Ms. Dinkins . .
A. We told her then at that time. The customer service representative had already told her to have a seat; that we had to check some paperwork.

I went in the back, made the phone call, and I never actually talked to Ms. Dinkins.

Q. But at some point somebody told her that you had to check on something, check on the paperwork?
A. We told her to have a seat while we were checking on the paperwork. We didn't tell -- we don't tell customers what we are trying to learn so they won't get disgruntled.
Q. But I think you indicated you had to check something as she went and sat down?
A. Yes.
Q. And she waited how long? Ten minutes, fifteen?
A. I don't know how long it actually took but it wasn't very long.
Q. Ten minutes?
A. Maybe, yeah.

Q. And she was there when the officers arrived or an officer arrived?
A. Yes.
Q. And I guess initially you were talking to Officer Chapman and she walked up at that point?
A. Yes, and she asked was anything wrong, and I think it was Mr. Chapman that told her that we'd talk to her in a minute.
Q. Well, she didn't run or anything like that?
A. No.
Q. She just stayed sitting. Correct?
A. Yes, which I had not notified her either that they were there for her. We just . .
Q. I understand, but nothing you saw indicated a guilty conscience or anything like that?
A. Not really.
MR. MATTHEWS: Your Honor, that may be it, if I may have just a moment.
(Brief pause in proceeding)
MR. MATTHEWS: Nothing further, Your Honor.
THE COURT: Anything on Redirect?
SOLICITOR: Briefly.
REDIRECT EXAMINATION
BY SOLICITOR:
Q. I know Mr. Matthews asked you but I just want to

make sure. Is it my understanding you saw the Defendant hand forms 450 and 400 to your customer service representative?

A. Yes, sir.

Q. And you got it in turn?

A. Correct.

Q. That's all I have. May she be excused, Your Honor?

THE COURT: Any objection?

MR. MATTHEWS: No, sir.

THE COURT: Thank you very much.

(Witness excused by the Court)

THE COURT: Next witness.

SOLICITOR: Tamika White.

TAMIKA WHITE, being duly sworn, testified as follows:

CLERK: State your name, please.

WITNESS: Tamika White. Tamika Sherie White.

DIRECT EXAMINATION

BY SOLICITOR:

Q. WHere do you reside?

A. Varnville, South Carolina.

Q. Who are you employed with?

A. Title Max of Hampton.

Q. How long have you been with them?

A. Almost five years.

Q. In what capacity are you employed? Explain what your job description is.
A. I'm the store manager.
Q. Is a part of your duties when a customer pays off a lien for you to sign that satisfaction?
A. Yes, sir.
Q. Is there any other person in your office that can satisfy a lien?
A. Yes, one.
Q. Who?
A. Sonya Williams.
Q. Does Ms. Williams work with you everyday?
A. Most of the time, yes.
Q. Do you see her signature often?
A. Yes.
Q. Would you recognize her signature based on the number of years you and Ms. Williams have worked together?
A. Yes, sir.
Q. Do you know the Defendant? Other than business-wise, do you know the Defendant?
A. No, sir.
Q. Did you know her from her coming into Title Max?
A. Just that one time.
Q. On or about October 25, 2011, did Ms. Dinkins owe

Title Max any money?
A. Yes.
Q. On October 26, 2011, did Ms. Dinkins owe Title Max any money?
A. Yes.
Q. And what was the amount that she owed Title Max?
A. It was a little over Four Thousand.
Q. And was that loan secured by a lien on the vehicle?
A. Yes, sir.
Q. What type of vehicle?
A. A 2008 Ford Edge.
Q. Let me ask if you can identify this? Can you identify this lien that you recorded with the South Carolina Department of Motor Vehicles?
A. Yes, sir.
SOLICITOR: Offer State's 3 into evidence.
THE COURT: Objection?
MR. MATTHEWS: No objection.
THE COURT: Admitted without objection.
(Lien on vehicle admitted in evidnece without objection as State's Exhibit 3)
BY SOLICITOR:
Q. Can you identify the vehicle you had the lien on by title number?
A. It's a 2008 Ford Edge, 770250238504634.

Q. And in your capacity as manager, you filed that lien with the Department of Motor Vehicles?
A. Yes, sir.
Q. Let me show you State's Exhibit Number 1, and ask you if you can identify it?
A. Yes, this is a satisfaction of a title lien form.
Q. And is your signature on there?
A. No, sir.
Q. Is Sonya Williams' signature on there?
A. No, sir.
Q. How many employees work there at Title Max with you?
A. There are three.
Q. And those are who? Yourself and who else?
A. Sonya Williams and Sharika Smart.
Q. Can Ms. Sharika Smart satisfy a lien?
A. No.
Q. And Ms. Sharika Smart -- how long has she worked for you?
A. Since August of 2011.
Q. And have you had an occasion to see her signature?
A. Yes.
Q. On a daily or weekly basis?
A. Daily.
Q. So you would recognize her signature?

A. Yes.
Q. On State's Exhibit 1 where it says the name of the manager, is that Sharika's signature?
A. No, sir.
Q. On State's Exhibit 1 it indicates that person is a manager at Title Max of Hampton. Does that person work for Title Max of Hampton?
A. No.
Q. Did that person work there effective October 25th of 2011?
A. No, sir.
SOLICITOR: Your Honor, please indulge us one moment. We won't be long.
(Brief pause in proceeding)
BY SOLICITOR:
Q. Do you recall whether or not Ms. Dinkins' account was current?
A. It was current,yes.
Q. Please answer any questions Defense may ask.
CROSS EXAMINATION
BY MR. MATTHEWS:
Q. Ms. White, if you were to take a lien on a car for a loan that you make, is the person seeking the loan required to fill out a contract?
A. Yes.

MR. MATTHEWS: Your Honor, may I approach the witness?

THE COURT: Yes.

BY MR. MATTHEWS:

Q. Ms. White, are you familiar with the terms of the contract which is Defendant's Exhibit 1?

A. Yes, sir.

Q. And you review that at any time you make a loan and get a lien on a contract?

A. Yes.

Q. So any time you issue or get a lien on something, you have to have a contract?

A. Yes.

Q. What were the -- who were the signatories on this particular loan?

A. Elizabeth Dinkins and Sharika Smart.

Q. And were you present when Ms. Smart negotiated this?

A. Yes.

Q. And what was the amount of the loan annual percentage rate? Ten percent, twenty percent . .

A. One hundred nineteen percent.

Q. Is one of the terms of the loan that the person hold title to the car that you take the lien on, and you look at the title?

A. Yes.

Q. And I show you the title -- I think this is State's 3.

MR. DINKINS: May I approach?

I show you State's 3. Is that a copy or photocopy of the title?

A. Yes.

Q. Once the South Carolina form 400 has been sent to the Department of Motor Vehicles -- who owned the car?

A. Elizabeth Dinkins or Leroy Dinkins.

Q. And Ms. Dinkins was current on her loan as of October 25, 2011?

A. Yes.

Q. And in fact even after she was arrested she made another payment?

A. No, sir.

Q. But she was current on that date?

A. Yes.

Q. Was Mr. Dinkins a signatory?

A. No, sir.

Q. And in fact, the contract requires that you be the owner of the motor vehicle?

A. Correct.

Q. If you'll look at the last line of the form if it says and, he would have to be a signatory?

A. Yes.

Q. And read what it says there on the line just above the signature?

A. . .

Q. The fine print just above the signature.

A. Owners and S is in parenthesis.

Q. Okay. In fact, it says you verify that you are the rightful owner of the motor vehicle. Is that not in fact what it says?

A. No, it does not.

Q. Does not?

A. No.

Q. I'm looking at right above Sharika Smart's name. Look at where it says Title Max of South Carolina, Sharika Smart, and then there's one paragraph beside there.

By signing this loan agreement you acknowledge that it was filled in before you did so, and that you have received an exact copy of it. You also warrant and represent that you are not a debtor under any proceeding in bankruptcy and have no intention to file a petition for relief under any chapter of the United States Bankruptcy Code.

A. . .

Q. Really, if you read along with me, does it in fact say by signing this loan agreement you acknowledge that

it was filled in before you did so and that you did receive an exact copy of it?

Does it say that?

A. Yes.

Q. And then does it also say that you warrant and represent that you are not a debtor under any proceeding in bankruptcy and have no intention to file a petition for relief under any chapter of the United States Bankruptcy Code?

A. Yes.

Q. You verify that you are the rightful owner of the motor vehicle?

A. Yes.

Q. You verify you are eighteen years of age or older? You further acknowledge that you have read, understand and agree to all of the terms of this loan agreement, including the waiver of jury trial and arbitration provision above?

A. Yes.

Q. Okay, having had a chance to review that, do you agree that it says that you are the rightful owner of the motor vehicle?

A. Yes, it does.

Q. And in fact she was one of the owners?

A. Yes.

Q. So obviously you sent a copy of this agreement to Mr. Dinkins?
A. No.
MR. MATTHEWS: One moment, Your Honor.
Nothing further, Your Honor.
THE COURT: Redirect, Mr. Knight?
REDIRECT EXAMINATION
BY SOLICITOR:
Q. Briefly, Mr. Matthews presented you with the contract and copy of the title?
A. Yes, sir.
Q. The contract was entered into by who? Who entered the contract for Title Max?
A. Sharika Smart.
Q. And who is the borrower?
A. Elizabeth Dinkins.
Q. And did you have any dealings with Leroy Dinkins?
A. No, sir.
Q. Thank you, maam. That's all I have.
THE COURT: Mr. Matthews?
MR. MATTHEWS: Yes, sir.
RECROSS EXAMINATION
BY MR. MATTHEWS:
Q. Ms. White, do you care who makes payments on the loans that you make?

A. No, sir.
Q. So if Mr. Dinkins had sent in a payment, you would take that?
A. Yes.
THE COURT: Let's take just a short break, ladies and gentlemen, so if you would return to your jury room.
Remember, no conversation about the case. We'll take a short break.
(Jury excused from Courtroom)
(Court stood in recess for brief period, after which the matter resumed)
THE COURT: If you would bring in our jury.
(Jury returned to Courtroom)
THE COURT: All right, ladies and gentlemen, we will continue with this case. As you recall, we are still in the State's case.
All right, Mr. Knight.
SOLICITOR: The State would call Jason Chapman.
JASON CHAPMANT, being duly sworn, testified as follows:
CLERK: Please state your name for the record.
WITNESS: Sergeant Jason Walker Chapman.
DIRECT EXAMINATION
BY SOLICITOR:

Q. Mr. Chapman, who are you employed with?
A. Walterboro Public Safety.
Q. Is that the police department?
A. Yes, sir.
Q. How long have you been employed with the Walterboro Police Department?
A. This is my fifteenth year.
Q. Were you employed by them on October 26, 2011?
A. Yes, sir.
Q. Did you receive a call to come to the Department of Motor Vehicles in the City of Walterboro on that day?
A. Yes, sir, I did.
Q. When you got there, who did you speak with?
A. When I first got on scene, I spoke with a customer service representative at the counter. She advised me that she would get the office manager, Ms. Minus, and I got with Ms. Minus and began talking about the case. It went on from there.
Q. Was the Defendant, Ms. Dinkins, there?
A. Yes, sir, she was.
Q. Elizabeth Dinkins?
A. Yes, sir.
Q. Can you point her out for us, please?
A. She is seated next to Mr. Matthews.

Q. Subsequently, did you make an inquiry as to what type of vehicle she was driving?
A. Yes, sir.
Q. And what type of vehicle was she driving?
A. A 2008 Ford Edge that was parked outside the Department of Motor Vehicles.
Q. Was Ms. Dinkins alone inside the Department of Motor Vehicles?
A. Yes, sir, she was.
Q. Please answer any questions the Defense may have.
MR. MATTHEWS: May it please the Court?

CROSS EXAMINATION

BY MR. MATTHEWS:

Q. Sergeant Chapman, how you doing today?
A. All right. (portion inaudible)
Q. All right, were there other people in the Department of Motor Vehicles when you went in there on this occasion?
A. Just Ms. Dinkins.
Q. And what did you do?
A. I spoke with Ms. Minus and looked at the paperwork.
Q. Did you ask Ms. Dinkins where she got the paperwork?
A. I did.

Q. And what did she say?
A. She said her husband had given it to her that morning.
Q. And in a case like this -- let me ask you this. Had the results come back from SLED on the handwriting analysis?
A. No, sir, not to my knowledge.
Q. Nothing further.
SOLICITOR: That's all. May he be excused?
THE COURT: Any objection?
MR. MATTHEWS: No objection.
THE COURT: You are excused.
(Witness excused)
SOLICITOR: Elbert Sweat.

ELBERT SWEAT, being duly sworn, testified as follows:

CLERK: Please state your name for the record.
WITNESS: Elbert Sweat.

DIRECT EXAMINATION

BY SOLICITOR:

Q. Obviously, you are employed by law enforcement?
A. Yes, sir. Walterboro Public Safety.
Q. How long have you been employed by the Walterboro Public Safety?
A. Fourteen years.

Q. On or about October 26, 2011, were you on duty?
A. Yes, sir.
Q. Did you respond to a call at the Department of Motor Vehicles
A. Yes, sir.
Q. When you got there, what did you find?
A. I spoke with Ms. Minus from the Department of Motor Vehicles and Sergeant Chapman, and also was told that Ms. Dinkins was on scene.
Q. Ms. Dinkins -- would you point her out for the jury?
A. She's the female sitting next to Mr. Matthews.
Q. Was she by herself?
A. Yes, sir.
Q. What type of vehicle was she driving?
A. She had driven a black 2008 Ford Edge to the Department of Motor Vehicles.
Q. Did she have the keys to that vehicle?
A. Yes, sir.
Q. Was anyone in the vehicle waiting for her?
A. No, sir.
Q. Please answer any questions the Defense may have for you.
THE COURT: Mr. Matthews?
MR. MATTHEWS: No questions.

SOLICITOR: May he be excused, Your Honor?

MR. MATTHEWS: No objection.

THE COURT: You are excused.

(Witness excused)

SOLICITOR: Your Honor, the State rests.

THE COURT: Ladies and gentlemen, the State has rested their case, so at this time I have to take up motions at the close of the State's evidence, so I am going to -- I hate to do this again. I know it can seem you are like a yo yo going back and forth, back and forth, but I do need to take up these motions.

Please step to your jury room. Of course, have no conversation about this case, please, while you are back there.

I'm going to give you a task so that way you will have something to do while you're back there.

I'm going to ask you, if you would, to elect amongst you a Foreperson. Now, let me tell you a little bit about the Foreperson and the role of that position.

A Foreperson of a jury is basically the person that communicates between the jury panel and the Court. Basically when you are dealing with a group of folks, it is easier to deal with one person to speak for the group than to have to deal with individuals.

So the Foreperson, any time the jury needs to

communicate with the Court or the jury has a question for the Court, then the Foreperson would just write the question out on a piece of paper and pass it out to me. I would take the question and look at it, and, depending on the question, I may have just the Foreperson come out and respond. I may actually write my answer and pass it back into the jury room, or I may have you all come back into the Courtroom as a panel and answer the question.

It all depends on what the question might be, but that is the main role of the Foreperson, to be the person who communicates between the jury panel and the Court.

Usually whenever you have a group of folks that are discussing a matter, you need someone who can start and stop the deliberations. So the Foreperson would start the deliberations; say, okay, let's begin the deliberations, and you will get started.

I will tell you now that whenever you are deliberating -- when you reach that point in this case where you are going to be deliberating, it is very important that you understand that all of you must be present.

So if someone, for example, has to use the restroom, and they excuse themselves to use the restroom, the Foreperson would say, okay, let's stop conversation; let's stop deliberations, and then when that person returns

you would go ahead and start back.

So that's kind of the role of the Foreperson. Also, you will have a verdict form when you go back there, and the Foreperson will be in charge of the verdict form and will record on the verdict form whatever your verdict is of the jury.

What is importa t for you to understand is this. You all are equal members of this jury panel, and no one person's decisions or opinions or vote carries any more weight than the other person.

Your verdict in this case must be unanimous, so what that tells you is that every person's vote carries the same weight.

A Foreperson has no more authority than any other person on the jury. You are all equal. When the Court is dealing with a jury panel is it always easier to deal with one person than it is with every individual, so that is kind of what it is.

I used to appoint the Foreperson. I would -- it's not rocket science. I would get your forms that you turn in and look at them and try to ask somebody to serve as the Foreperson, and a couple of years ago I had a jury where the -- I asked this young lady would she serve as the Foreperson, and she said she would rather not, so that was fine. Then I asked a gentleman would he serve,

as he was my backup, and he said he would rather not. I did not have a backup to my backup, so I said, well, listen, here's the thing. We've got to have a Foreperson, so go back there and elect one.

So from that day forward I have let jurors elect their own Foreperson. I don't want to force anybody to do something they don't want to do.

So I will tell you the only thing you need to understand when you go back to elect a Foreperson is that the Alternate is not eligible to serve as the Foreperson but everyone else is eligible.

I know that people sometimes need fresh air, so if that becomes an issue just let me know.

What I need you to do first is elect a Foreperson, and then after that -- Mr. Padgett, do you have a way to take the jury out so they can stretch their legs a little bit?

Any time that you do that, ladies and gentlemen, you must stay together. I'm not talking about bundled up, but no one can wander off. You've got to stay together as a group.

But I will let you do that after you elect a Foreperson. Okay.

(Jury excused from Courtroom)

THE COURT: All right, at this time I will take up

any motions there may be at the close of the State's case.

MR. MATTHEWS: I would make a motion for directed verdict. There is no evidence whatsoever that this was a knowing forgery. There was no evidence that my client ever wrote anything, no evidence that there was knowledge that any document which was presented was forged.

So I would move for a directed verdict.

MR. KNIGHT: Taking the evidence in the light that is most favorable to the State, I think we have presented evidence that a forged document was presented by her, and there was evidence the lien had not been released.

THE COURT: As Mr. Knight pointed out, at this stage of a trial, the existence or non-existence of evidence is what the Court must consider.

I think there is. Depending on how the jury views it, there is evidence in the case that the signature on the document was, in fact, not the signature of the person it purports to be, and it was presented.

So I think it is a factual question and is appropriate for the jury. I am going to respectfully deny your motion.

Anything else?

MR. MATTHEWS: Since the jury is out, I don't intend to put up any witnesses, and would close.

Just for the record, I would go ahead and renew

that motion.

I've talked with Ms. Dinkins. She does not desire to testify, and this would probably be a good time if the Court wants to address that with her.

THE COURT: Ms. Dinkins, let me speak with you for just a moment with regard to that.

I ask if you would please stand.

You have talked with your attorney with regards to whether or not you intend to testify, is that right?

DEFENDANT: Yes, sir.

THE COURT: All right. Now, Mr. Matthews has indicated to the Court that you have expressed your decision to not testify, is that correct?

DEFENDANT: Yes, sir.

THE COURT: What I want to do is I just want to make sure that you understand what rights you do have. Obviously, you have the right to remain silent. Everyone has the right, so the fact that you chose to exercise the right is absolutely appropriate.

You also need to understand though that you do have the right to testify. You do understand that?

DEFENDANT: Yes, sir.

THE COURT: And that if you wanted to testify the State -- well, obviously your lawyer would ask you questions, and then the State's attorney would have an opportunity

to ask you questions, and you would be required to respond to those questions truthfully. Do you understand that?

DEFENDANT: Yes, sir.

THE COURT: I don't know if you have a prior criminal history or not, and if you don't, of course, that would not be a factor.

If you did, depending on what that history is, it may be appropriate for the State to ask you whether or not you have been convicted of certain crimes, if you have.

Do you understand that?

DEFENDANT: Yes.

THE COURT: Of course, all that comes into play if you testify. You have indicated to the Court that you wish to exercise your right to remain silent, and I certainly would honor that.

Also, let me point out that if you do go forward with your decision to not testify I would instruct the jury that they cannot in any way hold that against you. I will tell the members of the jury that the burden of proof is on the State to prove guilt and that you don't have to prove anything.

The fact that you have chosen not to testify cannot even be discussed in the jury room, and I would instruct

them of that. Do you understand?

DEFENDANT: Yes, sir.

THE COURT: Your lawyer has a duty to give you his advice and thoughts on it, but the bottom line is that it is a constitutional right that you possess, and so the only person who can really make the call is you.

Am I correct in assuming that you have made this decision of your own free will?

DEFENDANT: Yes.

THE COURT: And no one has forced you, of course, into that?

DEFENDANT: No, they haven't.

THE COURT: Thank you very much.

BAILIFF: May I approach?

THE COURT: Yes, sir.

(The Court speaking with Bailiff)

THE COURT: All right. Just for your information, the ladies and gentlemen of the jury have elected Juror 137 as the Foreperson of the jury, Brian Nash.

Mr. Matthews, after the jury takes a break, you can close in front of them, and we can then move on to closing arguments, and you have renewed your motion for a directed verdict at the close of all the evidence in the case. I will recognize you when the jury returns to the Courtroom.

Now, having said those things, if you have any specific requests to charge you wish me to consider, I will be happy to do that. From what I've already got here, it won't take but a few minutes to finish my charge. I'm going to try to print out a copy of that so you can look at it.

I'll try to get that together shortly, and while I'm doing that we will remain at ease.

(The Court took brief recess, after which the case was resumed)

THE COURT: I'm going to pass this to you and ask if you would look at it.

SOLICITOR: No objections from the State.

THE COURT: Any objections from the State?

MR. MATTHEWS: Your Honor, I'd like it if the Court would charge the criminal intent element of knowing and the different levels of intent. In this case it must be knowing and differentiating between negligent, reckless or negligent or reckless, but knowing.

The Court's charge -- whatever the standard charge is on the element of intent, knowingly.

THE COURT: Anything else, Mr. Matthews? I will, of course, give you an opportunity to re-read it,especially the intent charge that I have.

Anything else?

MR. MATTHEWS: As far as the intent charge is concerned ..

THE COURT: I'll read it to you right now. This is what I have.

In order establish criminal liability, criminal intent is required. Criminal intent must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed.

This is how you make a determination of whether or not the element requiring intent was present. It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all the facts and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed.

Criminal intent can arise from from actions or a failure to act. It may arise from negligence, recklessness or an indifference to duty, or to consequences that is considered by the law to be the equivalent of criminal intent.

MR. MATTHEWS: And, Your Honor, obviously I want a charge on intent. However, my fear is the difference is (portion inaudible) in the different levels of intent. It is no longer just a general/criminal intent. I think the General Assembly changed things a little bit in 2010, and that charge would actually be a little bit worse because it would imply that negligence would be enough; that criminal negligence is obviously a different standard in negligence. It is a higher intent

You might have an idea that something is wrong, but it is different from intending something is wrong, and I think it is important that the jury understand the difference between knowing -- a knowing act -- I know that is worse than they might should have known.

THE COURT: I don't know how to make it -- criminal intent is a mental state, a conscious wrongdoing . .

MR. MATTHEWS: It may be negligence, indifference to duty, but that is where the different layers of it gets mixed together.

THE COURT: Any objection to removing that list.

SOLICITOR: I don't have any problem with it.

I've got one potential request to charge. You may not give it to me but I'm going to ask for it.

THE COURT: All right.

SOLICITOR: There was testimony by the Officer that in response to questions he addressed to Ms. Dinkins that Ms. Dinkins said, my husband gave me this satisfaction. Her husband was listed as a witness by the Defendant.

What I want is if the Defense goes on to reference that statement to the jury -- then I want a charge that says a failure to call that witness -- you know what I'm asking for -- is not favorable to the Defendant. It's been used against me over the years.

Again, it's something to think about. If he doesn't use it, I don't have a problem, but if he uses it then I think since he listed Mr. Dinkins, her husband, as a witness, that I'm entitled to it since he didn't call him.

MR. MATTHEWS: The Defense is not obligated to put up anything.

THE COURT: I understand that and when I call out the witnesses, or potential witnesses, in a case, in a criminal case, I never reference which are State's witnesses and which are Defense witnesses. I just call out the names of possible witnesses.

SOLICITOR: I understand that.

THE COURT: The jury has no idea that they listed Mr.

Dinkins, her husband, as a potential witness.

SOLICITOR: I understand that.

THE COURT: So I'm not understanding what it is you're asking for.

SOLICITOR: What I'm asking for is -- that statement that was made by the Defendant to law enforcement -- law enforcement truthfully testified, and I don't have any problem with that.

My problem is that Dr. Leroy Dinkins, her husband, was called as a potential witness, and that failure to call him to substantiate what she told Officer Sweat obviously . .

THE COURT: She doesn't have any obligation to substantiate what anybody says, and there is nothing to prevent the State from calling Mr. Dinkins.

SOLICITOR: I understand that. I just thought I'd ask, Your Honor.

THE COURT: I'm going to deny that.

What I'm going to do is -- I've taken that paragraph out, Mr. Matthews, regarding the negligence and left it as criminal intent, conscious wrongdoing -- it's up to you to determine the intent based on the circumstances.

MR. MATTHEWS: Thank you.

THE COURT: Now, let me -- I'm going to have to send this downstairs to be printed because the printer up here isn't made for something like that.

I believe it's run out of ink or something. So take a few minutes while I do that. When they bring it back up you can take a look at that portion that I've added and then let me know.

Anything else?

MR. MATTHEWS: No, sir.

SOLICITOR: No, Your Honor.

(Whereupon, the Court took a brief recess and the matter then resumed)

THE COURT: Let me mention this to you. I didn't think there was anything complicated about the verdict form. It's just one of two options. She's either guilty or she's not guilty.

It's a little after twelve so I'm going to let the jury go to lunch until one thirty.

(Jury returned to Courtroom)

THE COURT: All right, ladies and gentlemen. I appreciate your patience. I've taken up the motions I need to take at the close of the State's case.

Having said that, I notice it is lunchtime and I don't want you all sitting in here with your stomachs growling and you getting upset with me because you're hungry.

We're going to break at this time for lunch, and we'll start back after lunch. I'm going to ask you, if you would, to be back in your jury room at two forty-five, which

gives you an hour and a half for lunch. Sorry, one forty-five. Not two forty-five. Quarter to two, so please be back and we'll get started then.

You have information on the case but you only have some information, so what I need you to do is really guard and protect your ability to be fair and impartial. Have no conversation with anybody about this case when you are at lunch. Just forget this matter, go to lunch, enjoy your lunch.

If anyone tries to speak with you about it, you tell them you are a member of the jury and you can't talk about it. If they continue to try to talk to you about it, you get their name and let me know who it is. I've got a place I can send them where they won't be so inquisitive.

So please do that for me. Enjoy your lunch and don't discuss the case. Be back at one forty-five.

(Jury excused for lunch period)

THE COURT: All right, Ms. Dinkins, technically when the jury is sworn, your bond is extinguished so you are no longer on your bond and you remain in custody until the case is over.

However, I'm going to let you go to lunch. You need to be back at one forty-five. I just have to tell you out of an abundance of caution if you don't return the case will proceed in your absence.

I would also issue a bench warrant for your arrest and hold you in contempt. I know you'll be back, but I have to tell you that on the record.

At this point we'll adjourn until one forty-five.

(Court stood in recess until the matter was resumed after the lunch break)

THE COURT: Gentlemen, I will ask you to look at this charge again regarding intent.

(Brief pause)

THE COURT: Mr. Knight, any objections or exceptions to the charge?

SOLICITOR: No, sir.

THE COURT: Mr. Matthews?

MR. MATTHEWS: Judge, just what I've said -- I think it's better. I would like a charge on what knowingly means, the different levels -- I understand the Court has ruled and I'm not going to belabor the point.

THE COURT: All right, sir. As I mentioned before we broke for lunch, whenever we get everyone here we will bring them out, and I will recognize you, Mr. Matthews, so you can rest on the record.

Then rather than send them back out, you have already renewed your motions at the close of all the evidence, and that's noted for the record as well.

Then I will explain to the jury that we are entering

into the phase of closing argument.

(Jury returned to Courtroom)

THE COURT: All right, ladies and gentlemen, if you recall when we broke for lunch the State had rested their case, and I have taken up motions at the closing of the State's case.

So we are ready to proceed now, and I would recognize Mr. Matthews for the Defendant.

MR. MATTHEWS: Thank you, Your Honor. The Defense rests.

THE COURT: Thank you, Mr. Matthews.

Ladies and gentlemen, the Defense has rested their case, and the next thing that would occur at this point normally is that I would send you back out and take up any motions at the close of all the evidence. Mr. Matthews was kind enough to inform the Court during the break that the Defense was going to rest, so we have already taken up those motions.

Since that has been taken care of, we are now at the portion of the trial where all the evidence is in. The evidence that you will have to decide this case is in evidence; that is, the testimony you heard from witnesses and any exhibits which came in during the course of the testimony.

So now we are at the point in time for the lawyers to argue to you what they perceive this evidence has shown.

Once they have completed their arguments -- remember what I told you earlier about their opening statements? I told you that what the lawyers tell you in their opening statements is not evidence. What they tell you in their closing arguments is not evidence either, but it is important that you give it your attention because it is their opportunity to argue to you and share with you what they believe the evidence has shown.

Once they have concluded their remarks I will then give you the law that is applicable to this case, and once you have that you will be in a position to deliberate and make your decision.

Now, if you will, please give your attention to the attorneys as they give you their closing remarks.

SOLICITOR: May it please the Court, Your Honor.

Mr. Foreman, ladies and gentlemen of the jury, it was not a long trial, but it was an important trial, and I know you listened intently to the witnesses.

I observed you, and I thank you in behalf of the State of South Carolina. I'm sure Ms. Dinkins does also.

So what do we know, what was presented to you from the witness stand?

Number one, Ms. Dinkins arrived at the Department of

motor vehicles on October 26th, somewhere around twelve o'clock during the daytime.

She presented to the customer service representative who, in turn, presented to Ms. Minus a satisfaction of title which has been introduced into evidence as State's Exhibit Number 1, which you have seen, saying that the lien on the title of her vehicle, a 2008 Edge, was satisfied.

In addition, she filled out, while she was at the Department of Motor Vehicles, State's Exhibit Number 2.

No one else was there with her, assisting her, prodding her, coaching her, or telling her what to do.

Of her own volition, she took this to the Department of Motor Vehicles to get another title, to get it satisfied.

If you recall, Ms. Minus said she was there, she was waiting, and she only talked to Ms. Minus one time, to ask if there was a problem, and Ms. Minus said--I think she said I'm checking now.

That is a part of the program, what the Department of Motor Vehicles does with satisfactions of liens.

No one was sitting out there with her at all. She was by herself.

Even when law enforcement arrived, she was still sitting there.

She drove to the Department of Motor Vehicles in her 2008 Ford Edge. No one was with her.

Of course, Ms. White testified, you know, there are only two people who can satisfy titles. I'm one of them and I didn't sign it.

Ms. Sonya Williams is the other one, and she didn't sign it. There were only three employees who worked there during this time period. This person, whoever she may be, didn't work there.

So it makes it pretty clear as to what occurred. In addition, and this is interesting -- the loan was current at the time this was done. They weren't in default, they weren't behind. They were current at that time.

So we get to the issue at hand. Knowingly -- I've got to prove that she knowingly presented this document knowingly; that she uttered a document she said was true but it was a forged document.

Now knowingly -- I can't look into her mind and you can't look into her mind. You have to look at her actions, and her actions were what?

Here it is; I want to satisfy this on my title. Nothing else.

There is not a scientific method I know of -- and if I'm wrong the Court will correct me in the charge to the jury -- by which you can look at somebody and know what

their intentions are. Say, we know what you did.

Then we move to criminal intent. Criminal intent is another mind thing, you know. Science cannot determine what is in somebody's mind when they are doing something, like in this instance.

What you must do is you must infer from his or her actions. In this case, it's a lady -- from her actions in presenting this document to the Department of Motor Vehicles. Now, what is an inference?

An inference is a piece of evidence that you can deal with any way you want to. You can agree or disagree with it. Give it whatever weight you want to. That's up to you.

The Judge will tell you that it is in your province to make that decision. That's just the way it is.

When one presents a forged instrument -- that's what this is, an instrument -- there is an inference that the Defendant either forged it or knew that it was forged -- again, inference. Again, inference.

It's like any other piece of evidence. You can give it any weight you want.

So that is the bottom line in this case. You can't look in her mind. There is no scientific method for you to determine what her intentions were, other than to get her a clear title, because no one was there prodding her or

assisting her, telling her what she should or shouldn't do. She's on her own, and this occurred, as we know, here in Colleton County on the 25th of October of 2011.

I ask you to consider more than inferences that actions speak louder than words, and in this instance Ms. Dinkins is guilty of forgery.

Thank you.

MR. MATTHEWS: Mr. Foreman, ladies and gentlemen of the jury, thank you very much.

In any case, the State has to prove beyond a reasonable doubt each of the elements of the case.

At the beginning of this case, Mr. Knight told you he would be able to prove beyond a reasonable doubt that Ms. Dinkins knowingly forged a document and presented it for payment -- not payment -- there's no payment.

The Judge will tell you what the law is and that one of the things the State has to prove is that the Defendant had the intent to defraud any person -- any person.

Now, whose signature was forged, and for what purpose?

And is there any information at all that Ms. Dinkins knew what she was presenting -- there is no evidence she forged anything, no testimony from any person that she forged it; no person saw her sign anything.

In fact, when Jason Chapman appeared on the scene, what did she tell him? She said my husband gave me this.

Now, were her actions the actions of someone who knew that she was doing something wrong?

She went there to the Department of Motor Vehicles with a paper. She presented it and she waited. They said there is a problem.

Ms. Minus said she approached her, have a seat; I've got to look at the paperwork. Now, she knew she was holding a forged document? Did she know she was holding a forged document, trying to get away with something?

If that's the case, would she have just sat down and waited? Okay. Waited for the police to come?

And when the police got there, when she sees Jason's car pull out, did she say, excuse me; I've got to go? I've got to walk out the door? I've got to get something?

No, she sat there and she waited and after a little while she walked up and said, is there a problem? She walked up to them -- my husband gave me this. Is there a problem?

She was current on her payments. Mr. Knight brought that up because he knew I was going to bring it up. Why? She was current.

Now, look at the document, the contract, first entered. Ms. White told you the terms, the awful terms in that awful contract. There are two names on the title even though the contract says that you have to be the owner of the title.

The owner of the motor vehicle. It's right there on the title -- two names, not one. Her husband's name -- he is not a member of the contract, but Ms. White says that they will be happy to take his money, so they probably weren't in too big a hurry at a hundred nineteen percent interest. Not ten or fifteen but 119 percent interest. They were in a hurry to get that back.

So she's current, and she goes there and she presents a document. There is no indication she signed it. No indication she signed this other section -- no indication of it again. No indication -- is it even a person? We don't know.

And, you see, Ms. Dinkins doesn't have to prove a thing. She doesn't have to prove a thing. She is here being charged with this, and it's up to the State to prove beyond a reasonable doubt.

Sergeant Chapman also plainly admitted that that he didn't send this off to SLED for the signatures to be analyzed. That might have been helpful. We don't have that information, and it might have been helpful.

There is simply nothing here to suggest that Ms. Dinkins knowingly tried to defraud any person of anything. She was current. She stayed, she didn't leave. Nobody saw her sign anything.

The Court will tell you to use your common sense when

you go back there to talking about this. Using your common sense, why would anybody try to get away with something like this?

(Portion not audible)

That's a reasonable doubt right there. That's all you need, and every single one of you has to decide whether the State has proved its case beyond a reasonable doubt.

The Judge will tell you what the law is, and he will tell you any reasonable doubt that you have you must give to the Defendant.

Never do any of us have to prove anything in a criminal case. I don't have to prove I didn't do something.

I've got papers in my pocket. Do I know what they're about, do I know what they're like? I don't know. I don't know. She said she got it from her husband. We don't know she didn't. We don't know who signed the papers.

We don't know -- there has been absolutely no proof, none. Even Ms. Minus on the stand -- I asked her, did she act in a way that her conscience was bothering her; that she had done something wrong, and what did she say? No. No.

Take as long as you need to decide this case, but, really, there is nothing here. Each and every one of you look at this, because it takes all twelve of you on the jury, and when you do I am confident you will come back and find

that the State has not proven its case beyond a resaonable doubt, and that Ms. Dinkins is not guilty of the charge.

THE COURT: Ladies and gentlemen, I'm coming around to give you the charge on the law.

As I told you when we got started here, ladies and gentlemen, you are the judges of the facts in this case, and throughout the trial I have attempted to not weigh into that area.

So it is appropriate that the Judge sits on the bench away from the area where the witnesses are testifying or giving you the evidence because that is your job.

We now come to the portion of this trial where you and I are in this together. You as the judges of the facts, and me as the judge of the law.

So I am going to give you the charge. I'm going to read it to you verbatim so I don't miss anything.

Mr. Foreman and members of the jury, you have heard all the evidence and heard the arguments of both parties. I will now explain to you the law which applies to this action.

The Indictment charges the Defendant, Elizabeth Dinkins, with the charge of forgery. I remind you that the fact that the Defendant was arrested, charged and indicted in this case is not evidence in this case, and it cannot be construed by you as evidence of guilt in this case, nor does

it create any presumption or inference of guilt.

The Indictment is simply the formal written instrument which contains the charge made against the Defendant. It is the formal document by which this case is brought into the Court.

Now, I will give you a copy of these instructions in written form to have with you in the jury room. During your deliberations, you may refer to the instructions to guide you in your decision-making. You must, however, consider the instructions as a whole and not follow some and ignore others.

The Defendant has pled not guilty to this Indictment, and that plea puts the burden on the State to prove the Defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove him or herself innocent.

I charge you that it is an important rule of law that the Defendant in a criminal trial, no matter what the seriousness of the crime charged, will always be presumed to be innocent of the crime for which the Indictment was issued, unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations but it accompanies the Defendant throughout the trial until you reach a verict of guilt

based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase, but it is a substantial right to which every Defendant is entitled unless you, the jury, are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

The State has the burden of proving the Defendant guilty beyond a reasonable doubt.

Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. Now, there are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, you must find the Defendant guilty. If, on the other hand, you think that there is a real possibility that the Defendant is not guilty, then you must give

the Defendant the benefit of the doubt and find her not guilty.

I remind you that during the trial you and I have certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence that's offered during the trial.

You are to consider only the competent evidence that's before you. You are to consider only the testimony which has been presented from this witness stand, any exhibits which may have been made a part of this record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law of this case, and it is your duty to accept as jurors and apply the law as I now state it to you.

If you already have an idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon your idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case that's tried in this Court before a jury, the jury becomes the sole and exclusive judges of the facts in a case. A trial judge cannot intimate, state, comment on or make any statement to a trial jury about the facts in

the case. The law does not allow me to have an opinion about the facts of this case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, value, weight and truth of the evidence presented during the trial.

Necessarily, you must determine the credibility of witnesses who have testified in this case, and credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In evaluating eye-witness testimony, you should remember that the State must prove the identity of the Defendant as the person who committed the crime beyond a reasonable doubt.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness.

You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness, or you may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

You may consider whether any witness has exhibited to you any interest, bias, prejudice or other motive in the case. You may also consider the appearance and the manner

of a witness while on the witness stand.

Now, in order to establish criminal liability, criminal intent is required. Criminal intent must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present.

It is not necessary to establish intent by direct or positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all the facts and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed.

Now, the Defendant is charged with forgery. The State must prove beyond a reasonable doubt that the Defendant with

the intent to defraud any person falsely made, forged or counterfeited, or caused to be falsely made, forged or counterfeited; or wilfully acted or assisted in the false making, forging or counterfeiting of any writing or instrument of writing.

Intent may be shown by acts and conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent.

Where the Defendant is in possession of a forged instrument of which the Defendant claims to be the beneficiary, and applies it to his or her own use, there is an inference that the Defendant forged the instrument or was aware of the forgery.

However, this inference is simply an evidentiary fact to be considered by you, along with the other evidence in this case, and it is to be given the weight that you determine it should receive.

It is not necessary that anyone was actually injured or defrauded by the false instrument. The mere possibility of injury is enough if there is an intent to defraud.

Mr. Foreman and ladies and gentlemen of the jury, as you retire to begin your deliberations, I want to express the hope that each of you will be mindful of the importance of your responsibility.

You are not called upon to serve as jurors very often,

and the proper performance of your duty requires each of you to reach the height of freeing your mind of all improper influences. You and I are acting for the community and that is why we must see to it that the trial is fair and the verdict is just.

You have observed that the presiding officer of this Court is always addresed as Your Honor. Well, the reason is not because of the person wearing this robe but that the Court is entrusted with the honor of this community, the honor of this state, and the honor of this country, in seeing that every case tried here receives fair and impartial justice.

Now, do not get the idea that I am trying to intimate to you how I might think you should decide this case. As I have already told you, under the laws of the Stae of South Carolina you, the jury, are the sole judges of all questions of fact. It would be highly improper for me to influence you in the performance of that duty.

But as the presiding officer of this Court, I am vitally concerned that whatever verdict you find will be the result of your going into that jury room and confining your consideration to the evidence and to the law that you've heard in this Courtroom, weighing it fairly and impartially, as I have every confidence that you will.

Your verdict in this case cannot be based on sympathy,

compassion, prejudice or emotion, or some other consideration not found in the evidence. The Court is of the firm opinion that whatever verdict you reach will represent truth and justice for all parties involved.

Remember, as I said earlier, your verdict must be unanimous.

I am now going to explain the verdict form or the possible verdicts. You have one of two options as far as your verdict in this case. Either the Defendant is not guilty or the Defendant is guilty. Those are the possibilities you have.

Once the jury has deliberated and once you have reached a unanimous decision, Mr. Foreman, if you will then just check the appropriate spot and sign as the Foreperson.

Then knock on the door and let the bailiff know you have a verdict. Then we will bring you back out and receive your verdict.

I'm going to have the exhibits collected and send them back to the jury room with you. First, I'm going to send you back there, and I'm going to ask that you not begin your deliberations yet.

I need to ask the attorneys and make sure I have not left anything out or that there is not anything I need to add to the charge.

If there is something I need to correct, I will bring

you back out and do that. If not, I will send these items back. When you receive this notebook and these forms, that will be your cue to begin your deliberations.

Please, if you would, retire to your jury room.

(Jury excused from Courtroom at 2:25 P.M.)

THE COURT: All right, are there any exceptions or additions to the charge from the State?

SOLICITOR: No, sir.

THE COURT: Any from the Defense?

MR. MATTHEWS: No, sir.

THE COURT: All right, Mr. Matthews, you discussion about knowingly is certainly noted for the record. Please come up here with Debbie and check to make sure that all of the exhibits that came into evidence are there. Then we will send this back.

(Jury taken exhibits and verdict form and instructed to commence deliberations)

(Alternate juror brought out of jury room and excused by the Court)

(Court stood in recess until the matter was resumed)

THE COURT: Mr. Knight and Mr. Matthews, the jury has passed out a question. The question I will read to you -- do we have a copy of the contract.

I have written a response, and what I've written is the only items entered into evidence in this case were

were the three items that you have.

The contract you referred to was testified to but the document itself was not placed into evidence. You will have to rely on your recollection of the testimony regarding the contract.

Is that appropriate?

SOLICITOR: Yes, Your Honor.

MR. MATTHEWS: Yes, sir.

THE COURT: We'll send this back there then.

(Court again stood in recess until the matter was resumed)

THE COURT: I understand the jury has reached a verdict. Let me just say this. I say this in every case, whether a criminal case or civil trial, so it is not particular to this case.

It is just the way it has to be, and that is, I don't know what the jury's verdict is. I sit here as you all do, and I have no idea.

Whatever that verdict, and this is usually always the case -- one side is going to be fine with it and one side is not going to be fine with it. Regardless of what the verdict is, I tell everyone that the jury deserves to have their verdict received in a professional manner.

Now, that doesn't mean I am asking anybody to agree with the jury's verdict. I'm not asking anybody to agree

with it. All I'm saying is that whether you agree or not at least it should be received in a professional manner.

So no outbursts, no emotional actions or whatever. Just allow the verdict to be received, and if you don't think you can do that I would ask that you remove yourself from the Courtroom. I am very serious about that.

I have locked people up who do not follow my instructions when it comes to receiving the verdict of the jury, so if you don't want to spend the evening in the Colleton County Hilton here maintain your emotions or let yourself out:

Okay, bring the jury.

(Jury returned to Courtroom at 3:35 P.M.)

CLERK: Mr. Foreman, have you reached a verdict?

FOREPERSON: Yes, maam.

THE COURT: All right, Madam Clerk, if you would please publish the verdict.

CLERK: Indictment Number 2011 GS 15 0769, Stae of South Carolina versus Elizabeth Dinkins. We, the jury, find the Defendant guilty of forgery. Signed by the Foreperson, Brian Nash.

If this be your verdict, raise your right hands.

(Jurors raising their hands)

THE COURT: Ladies and gentlemen, I want to thank you for your service this week.

(Jury excused by the Court)

THE COURT: All right, proceed. I'll hear from the State as well as the Defense with regard to sentencing. I will do that at this time.

You have asked for a pre-sentence investigation, and I would respectfully decline to do that.

Mr. Knight, at this time I am happy to hear from the State, if anything, with regard to sentencing.

SOLICITOR: The Defendant has two convictions, prior convictions. One in 2009 that appears to be forgery, petit larceny, petit larceny.

Then on October 17, some nine days prior to this, she was convicted in Jasper County and sentenced to five years and five years probation.

This is the situation, Your Honor, and this is why the State called this case. When you see someone that just gets probation and then they go out and do it again -- it shocked my conscience, although some people would say I don't have a conscience.

The long and the short of it is that it does bother me, and I think it bothers the honest citizens of Colleton County.

I know that case was disposed of on October 17 of 2011 in Jasper, and the same conduct nine days later -- I couldn't believe it.

THE COURT: Thank you, Mr. Knight. I'll be happy to hear from you and from anyone else in behalf of Ms. Dinkins.

MR. MATTHEWS: Your Honor, Ms. Dinkins is thirty. She was born in Beaufort but Ridgeland has always been her home.

She's married to Dr. Leroy Dinkins who is the Vice Principal of Ridgeland High School. She has been married to him for the last five years.

She completed high school at Jasper County High School, and is enrolled in (inaudible) Technical College of the Lowcountry.

She did spend two days in jail on the prior offense. She has never been to prison. The victim is out of nothing and, of course, she has contested her guilt and remains contesting that.

However, there really is not a victim. There's not a victim because there was no criminal intent. It never actually went through. If it had gone through there would have been a victim out some Four Thousand One Hundred Dollars.

The lien would have been satisfied, but the debt would have remained, so there are always civil remedies.

Title Max has the car so if they are out anything on this hundred and nineteen percent loan, I'm unaware of it. They might be out some interest.

THE COURT: I know you asked about the hundred and

nineteen percent loan, but, guess what? I heard no testimony that someone held a gun to their head and made them take that loan at 119 percent.

MR. MATTHEWS: She's got three children, eight years old, five years old, two years old. Her father is here. Dr. Dinkins is here. She is asking the Court for whatever mercy it can find.

(Portion not audible)

Retribution for a thirty year old -- ninety days would probably be plenty, but whatever the Court orders -- the jury has spoken.

I would ask the Court to consider that she is the mother of three and she has a loving father with her, a loving husband with her.

There is no restitution. The only victim I guess would be society as a whole, and I would ask the Court to take that into consideration and give her the lightest possible sentence.

Thank you.

THE COURT: Ms. Dinkins, anything you wish to say? It's not required but I'd be happy to hear from you.

DEFENDANT: I just want to say I'm truly sorry. I ask the Court to have mercy in sentencing.

THE COURT: I don't understand but there is a lot in this world I don't understand.

She seems like a very intelligent young lady, and I'm confident you are. That doesn't mean -- there are a lot of intelligent people that make bad decisions. Typically, intelligent folks learn from their mistakes, and you are just -- six days before you do this, you are actually in Court on another matter, getting the mercy of the Court and being placed on probation.

I don't know anything about the facts of that case but the fact that I'm told there's a breach of trust tells me you are -- the nature of that is you were entrusted with something of value and you breached that trust.

Then you turn right around and do this. I think that there may be an issue here that you need to deal with. I think there are any number of reasons but I don't know.

Did you serve any time in jail on that charge?

DEFENDANT: Overnight.

THE COURT: On Indictment 2011 GS 15 0769, the sentence of the Court is that you be committed to the South Carolina Department of Corrections for a period of two years.

You will be given credit for any time served.

Good luck to you, maam.

-----END OF REQUESTED TRANSCRIPT OF RECORD-----

CERTIFICATE

I, HARRIET P. BENNETT, Official Court Reporter for South Carolina Court Administration, do hereby certify that the foregoing Transcript was prepared from the records of Deborah Everett to the best of my ability, having been heard in the Court of General Sessions for Colleton COunty on January 31 and February 1, 2012.

FURTHER, I certify that I am neither of kin nor of counsel to any party to this action, nor do I have any interest in the same.

March 18, 2013

Harriet P Bennett

WITNESSES

B. Sweat

ARREST WARRANT NUMBER

I863144

October 27, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 11/17/2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS1500769

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Elizabeth Dinkins

Indictment for

Forgery / Forgery, value less than $5,000

SC Code: 16-13-0010(B)(2)
CDR Code:2427

COLLETON COUNTY
GENERAL SESSIONS COURT
2011 NOV 17 PM 3:44

100

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT

2011GS1500769

At a Court of General Sessions, convened on November 17, the Grand Jurors of Colleton County present upon their oath:

Forgery / Forgery, value less than $5,000

That in Colleton County, South Carolina, on or about October 26, 2011, the Defendant, Elizabeth Dinkins, with intent to defraud, falsely did make, forge, counterfeit or cause or procure to be falsely made, forged, or counterfeited a writing, or knowingly did utter and publish as true a forged, false or counterfeited writing, or did act or assist in any of the foregoing, to wit: the Defendant did forge the name of the manager of Title Max of Hampton on a Satisfaction of Title Lien to Department of Motor Vehicles and did receive the sum of none; all in violation of Section16-13-10, Code of Laws of South Carolina, (1976, as amended)

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

Isaac M. Stone
Solicitor

FGYLTR

TRUE BILL

STATE OF SOUTH CAROLINA)
COUNTY OF Colleton)
STATE VS.)
Elizabeth Dinkins)
AKA:)
Race: B Sex: F Age: 30)
DOB: SS#:)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS1500769
A/W#: I863144
Date of Offense: 10/26/2011
S.C. Code § : 16-13-0010(B)(2)
CDR Code #: 2427

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS TO: Forgery

in violation of § 16-13-0010(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2427

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Knight, Steve	SC Bar#	Defendant	Attorney for Defendant	SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**

for a determinate term of 2 ~~days/months~~ years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit for 2 days time Served.

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

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

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

Clerk of Court/ ~~Deputy Clerk~~: Patricia C. Grant
Court Reporter: Deborah Everett

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Presiding Judge
Judge Code: 2141
Sentence Date: 2-1-2012

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."

February 21st, 2014

Carmen V. Ganjehsani
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

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."

February 21st, 2014

Carmen V. Ganjehsani
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

RECEIVED
FEB 21 2014
SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ELIZABETH M. DINKINS,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Julie Kate Keeney, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 21st day of February, 2014.

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 21st day of February, 2014.

(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.

RECEIVED
FEB 21 2014
SC Court of Appeals