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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

J. C. Buddy Nicholson, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILTON Q. GREENE,

APPELLANT

APPELLATE CASE NO. 2013-001184

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	INDICTMENT #: 2013-GS-08-0755
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
WILTON Q. GREENE	)	
	)	
Defendant	)	
	)	
	)	

JURY TRIAL

VOLUME 1 (OF 3)

held before the Honorable J.C. Nicholson, Jr.
Mia Perron, Official Court Reporter, 9th Judicial Circuit
in the Berkeley County Courthouse
Moncks Corner, South Carolina
on May 20, 2013 Commencing at 10:25 a.m.

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1 then we'll start opening statements after we have done
2 it. Everybody who wants a notepad feel free to take it.

3 [Whereupon, notepads and pens are provided to the
4 jury]

5 THE COURT: Does everybody have pads and something
6 to write with? If you don't have it raise your hand. If
7 you'll write your name on the front of the pad so we can
8 make sure you get your notes. Everybody just write their
9 name on the front of the pad please.

10 [Whereupon, the jury complies]

11 THE COURT: Is the State ready for opening
12 statements?

13 MR. DEJEU: Yes, sir.

14 THE COURT: Yes sir, please proceed.

15 OPENING STATEMENT

16 BY MR. DEJEU:

17 It's May 22, 2012. It's around 10 in the morning.
18 The weather is quite hot and Mr. Bing Zhang is on his way
19 to work. He works as a cook at an Asian restaurant in
20 Moncks Corner. But before he gets to work he decides to
21 get some gas.

22 So he stops at the gas station on old Highway 52,
23 it's called the Corner Stop, right behind CVS here in
24 Moncks Corner. He prepays the gas, he's at his car and a
25 man approaches him. The man is asking him for a ride to

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1 McDonalds. Mr. Zhang kindly agrees and says take the
2 front passenger seat and I will take you. Minutes later
3 they both drive away from the gas station. They proceed
4 to the first traffic light and immediately the man pulls
5 out a knife puts it to Mr. Zhang's side, gets his money,
6 gets his wallet.

7 Repaying good with evil; that's what this case is
8 all about. The man who decided to do good by offering a
9 ride is paid back not with a thank you but with a knife
10 to his side. Ladies and gentlemen, this case has violent
11 facts but the case is not one of those week long trials
12 where you have a lot of witnesses coming in and a case
13 that you can read in the newspapers about.

14 But please do not let this fact make you think that
15 this is not an important case. It is a very important
16 case for the city of Moncks Corner for the Berkeley
17 County citizens, for Ms. Zhang; the victim in the case.
18 And I'm sure it's an important case for this defendant.

19 As you heard the defendant is charged with Armed
20 Robbery and Kidnapping. The State we have to prove
21 regarding Armed Robbery that this defendant committed a
22 robbery while armed with a pistol, dirk, sling shot,
23 metal knuckles, razor or other deadly weapon. Regarding
24 Kidnapping we have to prove that this defendant
25 unlawfully seized, confined, inveigled, or enticed,

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1 decoy, kidnap, abduct or carry away any other person by
2 means whatsoever without the authority of law. These are
3 the elements that we have to prove beyond a reasonable
4 doubt. Now what's reasonable doubt? Well, reasonable
5 doubt is a doubt that would cause a reasonable person to
6 hesitate to act.

7 And we have to prove all this beyond a reasonable
8 doubt. That's our burden; the State's burden. And we
9 are embracing it. We are embracing it because at the end
10 of the trial you will be firmly convinced that this
11 defendant committed these crimes. That's what proving
12 beyond a reasonable doubt means. It means that after you
13 hear all the evidence and you hear all the testimony you
14 are firmly convinced of the defendant's guilt. Now proof
15 beyond a reasonable doubt does not mean proof beyond all
16 doubt or proof beyond any shadow of a doubt. No, it's
17 proof beyond a reasonable doubt.

18 Ladies and gentlemen you are the best people in this
19 county to judge the facts. And the only tools you need
20 is your common sense. Please use your common sense in
21 this case. And also don't be afraid of the obvious in
22 deliberating. Thank you.

23 THE COURT: Mr. Shelton.

24 MR. SHELTON: Thank you, Your Honor. May it please
25 the court?

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Miscommunication; that's what this case is about.

My freshman year of college I worked at a gas station. It was a small town gas station. It was family owned and there's not much of those around anymore. It had three bays to it where we could fix flat tires and that sort of thing at night. It actually had a full service pump to it too. So we'd have to go out and fill up the car and clean the windshields.

I had to tell people to go down to the next stop light and take a right, go down two stop lights and actually as similar in this case there was actually a bank in the middle of town. And we'd tell people go to the bank, turn right if you take a left there are some little shops and some places to eat. So that was a popular place for people to go and ask for directions how to get there. But I remember because when I started learning the streets I would try to use the street names

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1 and people would just get confused; they weren't
2 understanding, so I would stick to the landmarks. And
3 actually learned over time to not even use left and right
4 because I remember a car going and doing a circle even
5 though I said left then right, and ended up doing left,
6 left, left, and ended up doing a circle.

7 So I learned that you say behind the bank. You say
8 next to the bank. Or there was a restaurant that had a
9 clock and it was go to the restaurant with the clock.
10 And so I learned some valuable lessons from that in
11 giving directions and communication.

12 This trial, Mr. Zhang, he's going to take the
13 witness chair. He's going to sit up here. He's going to
14 tell you that he was robbed. If he didn't tell you that
15 we wouldn't be here. He's going to tell you that.
16 Wilton pled not guilty. He's telling you he didn't do
17 this.

18 This is a miscommunication. It's not the jury's job
19 to solve the crimes, to figure out what happened. It's
20 your job to see that the State has met their burden. And
21 it's a high burden. They have to prove the case beyond a
22 reasonable doubt.

23 And I'm confident when you hear -- and all I can ask
24 is that you listen to how everything was given at the
25 time and how confusing everybody was. How confused

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1 everybody was at the time because today they've had
2 chances to think about everything, had chances to go over
3 everything. But listen to how everything was done at the
4 time and I'm confident that when you do that you'll find
5 that the State has not met their burden. You'll find
6 Wilton not guilty. Thank you.

7 THE COURT: If you'll call your first witness
8 please?

9 MR. DEJEU: The State calls Bing Ho Zhang.

10 [Whereupon, Mr. Zhang comes forward]

11 [Whereupon, the witness is duly sworn by the Clerk
12 of Court]

13 CLERK OF COURT: Please be seated. State your
14 name, spell your name for the court reporter.

15 THE WITNESS: My name is Bing Zhang. Bing is
16 B-I-N-G; Zhang is Z-H-A-N-G.

17 - - - - -

18 BING ZHANG,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DEJEU:

23 Q. Mr. Zhang?

24 A. Yes?

25 Q. Good morning.

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1 A. Good morning.
2 Q. How old are you?
3 A. 39.
4 Q. And you are a chef correct?
5 A. Yes, I'm a chef, yes.
6 Q. How long -- where do you work?
7 A. I work in Moncks Corner at the Kobe Restaurant.
8 Q. And do you have any kids?
9 A. Yes, two kids.
10 Q. What are their ages?
11 A. They are eight -- they both is ten.
12 Q. Okay. How long have you been in the United States?
13 A. About 17 or 18 years.
14 Q. Where do you live now?
15 A. Now in Moncks Corner here.
16 Q. And back in May 22, 2012 where did you live?
17 A. Moncks Corner too.
18 Q. Tell us -- do you remember that day?
19 A. Yes.
20 Q. Tell us what happened on that day?
21 A. Okay. Every day the cell phones -- is 10 o'clock.
22 So every morning I get in about 10 o'clock -- about ten
23 minutes in the car outside, to the gas station about
24 10:15; like that. And that day I go to the gas station,
25 pay the money and come back and enter the gas. I just

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1 entered the gas at the time and one guy is across from
2 the other street, across the street he come down here and
3 he tell me he said today is very hot.

4 He said today is very hot could you ride me a little
5 bit down to the McDonalds Restaurant. I say its okay, no
6 problem. By the way I say okay sit down in my car.

7 And then he sit in the car. And then I just left
8 the gas station -- the gas station just a little bit; one
9 traffic light. I just passed one traffic light he pulled
10 a knife to under here [indicates] --

11 Q. Mr. Zhang, where was the gas station located?

12 A. The gas station is Citgo.

13 Q. Citgo?

14 A. Yes, Citgo just across the Bi-Lo shopping center --
15 no, no it's Big Lot, Big Lot shopping center.

16 Q. Across from Big Lots here in Moncks Corner?

17 A. Yes, yes.

18 Q. So you said you paid for gas and you were -- where
19 were you when the man came to you? When the man came and
20 asked for a ride did he ---

21 A. --- yes, he just -- I don't know, he's from across
22 the street. He's just asking me to ride a little bit
23 down to the McDonalds, the restaurant there.

24 Q. So he came from across the street. And where were
25 you -- were you at the car at that point? Were you

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1 pumping the gas ---

2 A. --- I was just pumping the gas at the time.

3 Q. So he asked you for a ride to you said to McDonalds?

4 A. Yes, McDonalds Restaurant -- I --

5 Q. What happened? What happened next? You said you
6 got in the car with him and started driving.

7 A. Okay. I start my car driving and it just passed
8 the one light he just take a knife from his right hand
9 here [indicates] and he say go to your bank. First time
10 right -- I mean this morning -- nobody robbed me so I
11 didn't believe.

12 He say it one more time a little bit louder, he say
13 go to your bank. I said wow, what happened to you. Then
14 I said I didn't have any account in a bank because I just
15 work in the restaurant.

16 He don't believe me, he say you have money. I take
17 the money I said this is my all money -- my money you can
18 take it because that time the money only 20 dollars --
19 something. Maybe he see -- he said you have wallet. I
20 said okay wallet in the right -- here.

21 I give him the wallet and then he open the wallet
22 and just take a look because my wallet don't have the
23 money; just my I.D. everything inside. And at that time
24 I keep trying to stop the car. He said don't stop the
25 car, keep moving. But that time he was still putting

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1 always the knife here [indicates].
2 Q. Mr. Zhang, did you see the knife?
3 A. Yes, I did see the knife. He put it right here
4 [indicates].
5 Q. And he said -- he told you to go to your bank?
6 A. Yes.
7 Q. He said your bank?
8 A. Yes, he said to my bank. Yes, he said go to your
9 bank. Always he say it.
10 Q. And you said I don't have a bank?
11 A. Yes, I said I just working here. You know working
12 here not long time I don't have any open -- any account
13 in this bank.
14 Q. Is that when he asked you for your wallet ---
15 MR. SHELTON: --- objection, Your Honor ---
16 Q. [Mr. Dejeu] --- for the money?
17 THE COURT: I'm sorry, what?
18 MR. SHELTON: Leading.
19 THE COURT: Don't lead your witness please.
20 Q. [Mr. Dejeu] So he said go to your bank. And what
21 happened next?
22 A. He said go to my bank. I told him I don't have any
23 account here. Then he say you have the money. And then
24 at that time I scared. He always put a knife here
25 [indicates]. I said okay I give you all money here. I

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1 take money to him. He said maybe too less 25 dollar --
2 20 bucks; something. Then he asked me you have the
3 wallet. I said I have the wallet too yes, I give you the
4 wallet.

5 And then I tell him I don't have any money in the
6 wallet. Just my I.D. in the wallet. He opened it to
7 take a look. Then he pushed my wallet and my money all
8 to him -- and at that time I tell him you can get the
9 money, go away, give me the I.D. back right. I can stop
10 and you can go away.

11 But he said -- he didn't answer anything. He just
12 put the knife here [indicates] and he said go to your
13 bank; he still say that. And at that time I don't have
14 any idea.

15 And then I keep trying to find some police car. I
16 know a lot of police cars go through there. I keep
17 trying to find one police to help me. But that time no
18 way. He said still go, go, keep move, don't stop.

19 And then I driving not too fast. Then about almost
20 go to the McDonalds there the traffic light is red so I
21 stopped there.

22 I saw the left side had the one police car stopped
23 there and wait for the light too and a lot of customers.
24 And when the light turned green I quickly turned left, go
25 to the middle of the road and then pressed the horn. I

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1 keep doing it so everybody know what happened to my car.
2 And then I always press the horn right at that time the
3 other way the police and a lot of cars.

4 He stopped there and said what happened to this car
5 and then my car turned a little bit just like to go to
6 that side. At that time I quick opened the window and
7 that somebody robbed me and he held me.

8 And then that guy he saw the police car there he
9 quickly opened the door and run out. And the police they
10 know what happened. He quickly turned around -- for the
11 guy.

12 And then at that time I wanted to try to get my
13 wallet and I.D. back and I followed the police car to the
14 place. And I saw the police catch the guy.

15 Q. Mr. Zhang, when the man that you had in your car
16 pulled a knife were you afraid?

17 A. Yes, I'm afraid. I'm afraid so I give him all the
18 money -- I said that's all. That's all I have. You can
19 take it all.

20 Q. And then you said you said you were driving and you
21 saw a police car coming on the other lane?

22 A. Yes.

23 Q. And you drove towards the police car and honked the
24 horn ---

25 MR. SHELTON: --- objection, leading.

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1 MR. DEJEU: The witness already testified...

2 THE COURT: Overruled. Go ahead.

3 Q. [Mr. Dejeu] Is that your testimony you just gave?

4 Were you able -- you said you followed the police car.

5 Were you able to -- you said you followed the police car
6 correct?

7 MR. SHELTON: Objection ---

8 A. --- yes, they drive ---

9 THE COURT: --- hold on a second. What's your
10 legal objection?

11 MR. SHELTON: Leading.

12 THE COURT: I think he was summarizing and asking
13 another question. Overruled. Go ahead.

14 Q. [Mr. Dejeu] So you testified you followed the
15 police car isn't that right Mr. Zhang?

16 A. I was following the same way because the police car
17 they drive away quickly. I just same way go to there
18 because not far on the right side the police catch him
19 and take him. I drive car and stop there too.

20 Q. Were you able to recover your I.D. and wallet?

21 A. Yes.

22 Q. Who gave it to you?

23 A. The police and then they take the I.D. and the money
24 from the guy that take it and they show me that's you? I
25 say yes, this is mine and the police take a picture and

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1 they give me the I.D. and the money back.

2 Q. Mr. Zhang, I want to show you a picture that has
3 been previously marked as State's exhibit 2. Do you
4 recognize this picture?

5 [Whereupon, the witness is shown photograph]

6 A. Yes, that's my I.D. and the money. They are all
7 from my pocket.

8 Q. Is that -- so that's your money and your I.D.

9 A. Yes.

10 Q. Did you see the man being arrested by the police?

11 A. [No response]

12 Q. Did you see the police catching the guy that day?

13 A. Yes.

14 Q. You did?

15 MR. DEJEU: Beg the court's indulgence.

16 [Whereupon, Mr. Dejeu and Mr. Alfaro confer]

17 Q. [Mr. Dejeu] So this picture I just showed you is
18 this a fair and accurate representation? Is this what
19 belonged to you?

20 A. That's mine, yes.

21 Q. And you recovered this stuff?

22 A. Yes.

23 MR. DEJEU: Your Honor, the State is moving to have
24 State's Exhibit 2 admitted.

25 THE COURT: Any objection?

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1 MR. SHELTON: No objection.

2 THE COURT: Okay. State's exhibit number 1 [sic]
3 admitted without objection.

4 [Whereupon, State's exhibit number 2 is entered into
5 evidence by the court]

6 MR. DEJEU: It's 2.

7 Q. [Mr. Dejeu] Please answer any questions Mr. Shelton
8 may have.

9 CROSS-EXAMINATION

10 BY MR. SHELTON:

11 Q. Mr. Zhang, how you doing?

12 A. Good. How about you sir?

13 Q. Good. You said you've been in the United States
14 about 17 years?

15 A. About, yes 17 or 18 years. I've been a long time
16 here.

17 Q. But you're here undocumented?

18 A. What?

19 Q. Illegally?

20 A. Illegal, yes.

21 Q. You don't have the -- you haven't gone through the
22 proper procedures to become a legal citizen of the United
23 States?

24 A. Say -- please repeat again?

25 Q. You have not gone through the procedures to become

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1 and fill out paperwork to become a legal United States
2 citizen?
3 A. You mean -- now I have the green card for the --
4 citizen something.
5 Q. Are you aware of the U-Visa?
6 A. Huh?
7 Q. A U-Visa?
8 A. At immigration?
9 Q. Where if you are a victim of a crime then you can
10 become and fill out paperwork to become a legal U.S.
11 citizen?
12 A. No, my father is an immigrant. My father before
13 they have the citizen -- so I am immigration.
14 Q. Has the Solicitor helped you with any procedures to
15 become a legal citizen?
16 A. Please repeat again -- I can't understand what
17 you...
18 Q. We'll move on. Let's go to the incident. This
19 isn't the first time you've given somebody a ride
20 correct? You've given other people rides?
21 A. Yes, first time, yes.
22 Q. But this is not the first time that you've given
23 people rides?
24 A. You mean the first -- not first time gave the people
25 ride right?

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- 1 Q. Not the first time you've given a stranger a ride?
- 2 A. It's the first time --
- 3 Q. You met -- this was the first time you ever met Mr. ~
- 4 Green?
- 5 A. First time, yes.
- 6 Q. Okay. It was the first time you ever gave him a
- 7 ride?
- 8 A. Yes.
- 9 Q. But you've given other people rides?
- 10 A. No, I didn't give other people ride.
- 11 Q. Okay.
- 12 A. Because you know ---
- 13 Q. --- do you remember meeting with a police officer
- 14 Scarborough? You went to the -- after the incident you
- 15 went to the police station and you met with a bigger guy
- 16 and you gave a statement?
- 17 A. Police station?
- 18 Q. You went to the police station -- the Moncks Corner
- 19 police station.
- 20 A. You mean the day of?
- 21 Q. Yes, the day of?
- 22 A. The day, yes I go to the police station, yes and
- 23 take the record.
- 24 Q. And you talked with a bigger guy about the incident,
- 25 about what just happened?

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- 1 A. Yes.
- 2 Q. Okay. Do you remember doing that?
- 3 A. I remember. Yes, I had the record in my pocket too.
- 4 Q. You have what?
- 5 A. The police gave me the record, yes.
- 6 Q. Okay. And you know that the police officer was
- 7 recording that conversation that y'all were having?
- 8 A. Yes.
- 9 Q. Have you had a chance to listen to that recording?
- 10 A. You mean me or the police?
- 11 Q. You?
- 12 A. Yes.
- 13 Q. Okay. And so you remember that you told him that
- 14 you've given other people rides before?
- 15 A. Give other people rides? I didn't tell him I give
- 16 other people rides.
- 17 Q. You didn't -- you said that you went to -- you gave
- 18 somebody a ride to Walmart because they were tired?
- 19 A. To Walmart retired?
- 20 Q. Because they were tired?
- 21 A. To Walmart? I didn't say they go to Walmart -- its
- 22 tired...
- 23 Q. Would it be helpful -- can you ---
- 24 A. --- I can't understand what ---
- 25 Q. --- you can read English, correct?

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- 1 A. Huh?
- 2 Q. You can read English?
- 3 A. Just a little bit maybe. I try this -- maybe --
- 4 Q. Would it be helpful for your memory to see a
- 5 transcript of that conversation you had with the officer?
- 6 A. I go to the police officer right?
- 7 Q. Right.
- 8 A. He just ask me what happened today.
- 9 Q. Right.
- 10 A. Okay. So I just tell them -- just like I say what
- 11 happened today.
- 12 Q. Right. And he asked you a bunch of questions and
- 13 you answered the questions and he tried to help out maybe
- 14 some confusing parts of what you were saying happened
- 15 right?
- 16 A. What do you mean this one because ---
- 17 Q. --- he asked you questions?
- 18 A. Uh huh.
- 19 Q. And he wanted to get clarification -- he drew a
- 20 picture for you.
- 21 A. Police officer take picture, no ---
- 22 Q. --- he drew a picture?
- 23 A. Huh?
- 24 Q. He drew a picture on a piece of paper.
- 25 A. Drew whose picture?

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1 Q. Drew a picture of the area like the gas station,
2 where you were living.

3 A. Uh huh.

4 Q. He drew a picture trying to get a better idea of
5 exactly what you were saying?

6 A. No, I tell police where I living. I say I living
7 here. I go to the gas station. He said how far? I said
8 depends on which way.

9 [Whereupon, defendant's exhibit number 1 is marked
10 for I.D. only by the court reporter]

11 THE COURT: Do you have an extra copy of the
12 statement?

13 MR. SHELTON: It's the transcript.

14 THE COURT: Is that the only one you have? How
15 about give him a copy of it and just give him a few
16 minutes to read it please?

17 [Whereupon, the witness reviews document]

18 THE COURT: Mr. Zhang, do you need some time to
19 read it? Can you read it okay? You can't read it?

20 THE WITNESS: I can't read it.

21 THE COURT: You can't read the English, okay.

22 Q. [Mr. Shelton] So your testimony today ---

23 THE COURT: --- hold on just a second. Mr.

24 Foreman, ladies and gentlemen of the jury I'm going to
25 have to ask you to go to the jury room. I need to take

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1 up a matter. Leave your notepads in the chairs.

2 [Whereupon, the jury exits at 10:30 a.m.]

3 THE COURT: Solicitor, who wrote the statement? Is
4 it typed or what?

5 MR. DEJEU: I believe it -- I've never seen that
6 transcript. It's probably the audio recording of the
7 interview he gave right after the police ---

8 THE COURT: --- now he says he can't read it.

9 MR. SHELTON: Yes, Your Honor.

10 THE COURT: And I know you probably don't have an
11 interpreter available do you?

12 MR. SHELTON: No, Your Honor.

13 THE WITNESS: Sir?

14 THE COURT: Pardon?

15 THE WITNESS: Can I try it because...

16 THE COURT: What I'm going to do is I think I'm
17 going to get somebody to read it to you and take a break
18 while they read it to him. I'm not trying to interfere
19 with your cross-examination. My concern is I don't think
20 he understands what anybody is even asking him, okay.

21 MR. SHELTON: Yes, Your Honor, absolutely.

22 THE COURT: What nationality is he?

23 MR. DEJEU: He's from China.

24 THE COURT: Pardon?

25 MR. DEJEU: Chinese.

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1 THE COURT: Chinese?
2 THE WITNESS: Chinese.
3 THE COURT: Mandarin or what Chinese do you speak?
4 THE WITNESS: Mandarin.
5 THE COURT: Mandarin?
6 THE WITNESS: Uh huh.
7 THE COURT: I'm sure we couldn't find a Mandarin
8 interpreter on short notice I'm sure. Solicitor, I'm
9 going to take a break. Read the English to him and then
10 I'll let him continue his cross okay.
11 MR. DEJEU: Yes, Your Honor.
12 THE COURT: If you would please? Or do you want to
13 do this on the record?
14 MR. SHELTON: I trust the...
15 MR. DEJEU: No, I'm fine just reading it to him. I
16 don't want to put it on the record.
17 THE COURT: Pardon?
18 MR. DEJEU: I don't want to put it on the record.
19 THE COURT: All right. Just read it to him
20 because he says he can't read English. Let me see the
21 attorneys up here just a second.
22 [Whereupon, an off the record bench conference is
23 held]
24 THE COURT: All right. We'll take a short break
25 while you take a look at it okay. Mr. Zhang, take your

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1 time and read what you can okay?

2 THE WITNESS: Okay.

3 THE COURT: And we're going to take a short break.

4 [Whereupon, court is in recess from 10:36 a.m. to
5 10:44 a.m.]

6 THE COURT: All right. I understand after our
7 conference in chambers you have found an interpreter is
8 that correct?

9 MR. DEJEU: Yes, Your Honor.

10 THE COURT: You want to talk to me up here first?

11 MR. DEJEU: Yes, sir.

12 THE COURT: Okay.

13 [Whereupon, an off the record bench conference is
14 held]

15 MR. SCHWACKE: Your Honor, can we approach?

16 THE COURT: You don't want to put it on the record?

17 MR. SCHWACKE: Yes sir, just one more thing I
18 guess.

19 [Whereupon, an off the record bench conference is
20 held]

21 THE COURT: All right. For the record the court
22 stopped the trial during the middle of the cross-
23 examination by defendant's attorney because the court was
24 concerned about having observed Mr. Zhang's ability to
25 understand the English language and respond as far as his

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1 ability in communicating through the English language.
2 And I stopped the testimony and asked to see if the State
3 could find an interpreter. And I understand the State
4 has found an interpreter is that correct?

5 MR. ALFARO: Yes, Your Honor.

6 THE COURT: Would you bring her around please and
7 let me ask her some questions.

8 [Whereupon, the interpreter comes forward]

9 THE COURT: Yes ma'am, what is your name?

10 INTERPRETER: My name is Xu Na.

11 THE COURT: And you work I believe at Tricounty --
12 where are you employed?

13 INTERPRETER: Yes I work as a -- teacher to teach
14 Mandarin Chinese at Berkeley High.

15 THE COURT: Okay. And you speak what dialect of
16 Chinese?

17 INTERPRETER: It doesn't matter in Chinese.

18 THE COURT: It doesn't matter in Chinese, okay. Do
19 you think you are able to communicate with Mr. Zhang in
20 Chinese?

21 INTERPRETER: I will try. I will try to help him to
22 interpret.

23 THE COURT: Because what I would like for you to do
24 is interpret the question as given in English by the
25 attorneys to him in his dialect of Chinese.

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1 INTERPRETER: Okay.

2 THE COURT: And then let him respond. Now if he
3 can respond in English that's fine. If he has to respond
4 in Chinese through you, that's fine too. I just was not
5 real clear about whether he could understand the English
6 questions that were being asked and interpret that
7 question, convert it to Chinese, convert it back to
8 English and then give the answer.

9 INTERPRETER: Okay. I will try.

10 THE COURT: Will it help for you to talk to him in
11 Chinese very briefly to see if you think you can
12 interpret for him?

13 INTERPRETER: Okay. I think maybe I need a few
14 minutes to talk to him.

15 THE COURT: Okay. Why don't you come around and
16 talk to him in Chinese and see if y'all can converse,
17 okay, in Chinese if you would and then I'll swear you as
18 an interpreter, okay.

19 INTERPRETER: Thank you so much.

20 THE COURT: If you'll come around and talk with
21 him. Mr. Zhang, do you understand what's happening?
22 Did you understand what I said?

23 THE WITNESS: Yes, yes.

24 [Whereupon, the Interpreter and the witness confer]

25 THE COURT: Yes ma'am, were you able to communicate

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1 with him?

2 INTERPRETER: Yes. I think I got what happened to
3 -- I know what happened to the -- yes -- to the person.

4 THE COURT: So you think you can understand what
5 he's saying to you Chinese and he can understand what
6 you're saying to him in Chinese?

7 INTERPRETER: Yes.

8 THE COURT: And then you can convert that to
9 English for the court and the jury?

10 INTERPRETER: Yes.

11 THE COURT: All right. Would you raise your right
12 hand?

13 [Whereupon, the Interpreter was duly sworn by the
14 court as follows: do you swear to interpret correctly
15 and interpret to Mr. Zhang everything that is said in
16 English, convert it to Chinese to him, and then correctly
17 interpret from him back to English for the court and the
18 jury and the lawyers? Yes or no?

19 INTERPRETER: Yes.

20 THE COURT: All right. Now, you can go have a
21 seat.

22 INTERPRETER: Okay, thank you.

23 [Whereupon, the Interpreter complies]

24 THE COURT: Let me put on the record I think I put
25 very briefly on the record that the court on its own

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1 initiative stopped the testimony and raised the issue of
2 whether Mr. Zhang -- I think he has -- I think he can
3 communicate in simple English language. But the court
4 was of the opinion that anything other than very simple
5 sentences and simple words he was not able to interpret.

6 And the court talked to the attorneys and the
7 Interpreter has been found and the court finds that the
8 Interpreter is competent to interpret for the court and
9 the jury as well as the attorneys involved. Now is there
10 anything that the State would like to put on the record?

11 MR. ALFARO: Your Honor, the State would just like
12 to reiterate its position that Mr. Zhang was responsive
13 on direct to the questions that were asked and the State
14 believes that he did understand the questions that were
15 asked and did accurately respond to the questions as they
16 were asked and responded in a responsive manner.

17 We understand the court's concern was to ensure that
18 the jury understood what was being said as well as the
19 defendant was given a fair trial because questions were
20 being accurately asked and accurately answered without
21 any difficulty in translation and we understand.

22 The State believes that because -- based on Your
23 Honor's request that the clarity of an Interpreter might
24 be beneficial that the court has inquired correctly as to
25 her qualifications as well as her ability to effectively

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1 translate the remainder of this witness's cross-
2 examination and his redirect.

3 THE COURT: Okay. Anything that the defense would
4 like to put on the record?

5 MOTION FOR MISTRIAL

6 MR. SCHWACKE: Your Honor, the defense would object
7 to bringing an Interpreter into the process at this
8 point. As we mentioned at sidebar this isn't golf; there
9 is no mulligan's. The State had the opportunity on
10 direct examination; they were satisfied with their direct
11 examination as they in fact concluded it and passed the
12 witness to the defense.

13 We are in the middle of our cross-examination. It
14 would be a different tenor to now have an Interpreter
15 suddenly introduced into this process. We believe that
16 the State should have realized during their preparation
17 with the witness that an Interpreter was necessary, that
18 they failed to do so and that the court at this time
19 should not be correcting their error.

20 And we believe because of that that the case should
21 be mistried with prejudice to the State based on the fact
22 that they should have realized and known that they needed
23 the Interpreter. One moment, Your Honor.

24 [Whereupon, Mr. Schwacke and Mr. Shelton confer]

25 MR. SCHWACKE: Your Honor, in the event that you

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1 overrule that part of our argument we still believe that
2 the woman who has appeared this morning to act as an
3 Interpreter has not yet been certified or demonstrated to
4 the court that she is in fact able to adequately state to
5 the court and to the jury an actual verbatim recital of
6 what the witness will be testifying to ---

7 THE COURT: --- well, let me ask you this ---

8 MR. SCHWACKE: --- she is not in fact certified by
9 the ---

10 THE COURT: --- I understand you saying you don't
11 think she's qualified to interpret. Is there anything
12 else that you would like for me to ask her or is there
13 anything that you would like to ask her about her ability
14 to interpret? She -- I don't understand Chinese so I
15 couldn't understand the conversation between the two of
16 them.

17 But she has had a conversation with the defendant
18 and she tells me that she understands what he is saying.
19 He understands her and she said under oath that she will
20 do it correctly and truthfully. Now what else would you
21 like for the court to ask her or I'll give you an
22 opportunity to ask any questions you would like to ask of
23 her about her ability to interpret pursuant to your
24 motion.

25 MR. SCHWACKE: The motion -- just understand ---

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1 THE COURT: --- I know it's a motion for a
2 mistrial.

3 MR. SCHWACKE: Yes, sir.

4 THE COURT: And I'm going to rule on it very
5 shortly.

6 MR. SCHWACKE: That's the first part of it. The
7 other is dealing with what her qualifications are. She's
8 not in fact a licensed certified Interpreter. It's my
9 understanding and if we're going to get to that point and
10 you're going to overrule me that there is in fact a Court
11 Administration certified Interpreter available to the
12 State tomorrow.

13 I'm just -- in terms of this particular person who
14 seeks to act as an Interpreter that we've had no
15 demonstration that she is able to follow up with one
16 requirement that she be able to not only translate what
17 he's saying but communicate it to the court and to the
18 jury. And that's not been demonstrated at this point yet
19 this morning.

20 THE COURT: Okay.

21 [Whereupon, the court reviews documents]

22 THE COURT: All right. Before I -- ma'am, would
23 you come back around for a minute please and would you
24 come over by the witness?

25 [Whereupon, the Interpreter complies]

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1 THE COURT: What I'm going to do for the record I'm
2 going to ask you some questions to ask Mr. Zhang and I
3 want you to ask him that question in Chinese and get his
4 response. But before I do that I would like for you to
5 tell him that his response can be in English if he so
6 chooses or his response can be in Chinese to you. Would
7 you explain that to him please, ma'am.

8 INTERPRETER: Your Honor, could you repeat it again?
9 I'm sorry.

10 THE COURT: Pardon?

11 INTERPRETER: Could you repeat it? Could you repeat
12 it?

13 THE COURT: My question for you to ask him is does
14 he understand that he can respond in English to your
15 Chinese question or he can respond in Chinese.

16 INTERPRETER: Okay.

17 [Whereupon, the Interpreter and the witness confer]

18 INTERPRETER: He said in Chinese.

19 THE COURT: Which does he prefer respond in Chinese
20 or respond in English? Ask him that?

21 INTERPRETER: In Chinese.

22 THE COURT: In Chinese? He would prefer responding
23 in Chinese. All right, I'm going to ask you some
24 questions to ask him and let him respond and then you
25 state what is answered, okay. Would you ask him where

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1 was he was born?

2 THE WITNESS [through Interpreter]: China.

3 THE COURT: Where in China?

4 THE WITNESS [through Interpreter]: Fujian
5 [phonetic] province.

6 THE COURT: Will he tell me where in China -- where
7 is that physically located?

8 INTERPRETER: In southern part of China ---

9 THE COURT: --- I want you to ask him that
10 question.

11 THE WITNESS [through Interpreter]: In the southern
12 part of China and opposite to Taiwan.

13 THE COURT: Will you ask him how many brothers and
14 sisters he has and what are they names?

15 THE WITNESS [through Interpreter]: He said he has
16 three older brothers and one younger brother.

17 THE COURT: Does he know their ages?

18 [Whereupon, the Interpreter and witness confer]

19 THE COURT: What is his response?

20 THE WITNESS [through Interpreter]: The younger
21 brother is 37 years old. And his older brother he did
22 not remember clearly but just two or three years between
23 the ages.

24 THE COURT: All right. Will you please tell him if
25 he doesn't know the answer or doesn't remember the answer

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1 he is free to say that okay, to any question asked of
2 him. Just explain that to him.

3 [Whereupon, the Interpreter and witness confer]

4 INTERPRETER: Your Honor, could you say that
5 sentence again because I explained to him -- I remember
6 you say --

7 THE COURT: Tell him when a question is asked he
8 can respond to it yes or no or he doesn't know or he
9 doesn't remember okay.

10 [Whereupon, the Interpreter and witness confer]

11 THE WITNESS [through Interpreter]: He said he
12 doesn't remember his youngest brother -- the age of his
13 youngest brother but his older brother he didn't remember
14 the age clearly.

15 THE COURT: Okay. Ask him if he is married?

16 THE WITNESS [through Interpreter]: Yes.

17 THE COURT: How long has he been married?

18 THE WITNESS [through Interpreter]: He got married
19 in 1997.

20 THE COURT: Is his wife in the United States or in
21 China?

22 THE WITNESS [through Interpreter]: In the United
23 States.

24 THE COURT: How many children does he have?

25 THE WITNESS [through Interpreter]: Two.

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1 THE COURT: Two, okay. All right. When you're
2 interpreting what I need you to do is don't have a little
3 conversation with him just interpret what he says okay?

4 INTERPRETER: Okay.

5 THE COURT: Ask him a question that is asked by the
6 attorneys and then repeat in English what his answer is
7 okay? In other words don't have a little conversation
8 with him. Can you do that?

9 INTERPRETER: Yes.

10 THE COURT: Do you have any questions about the
11 process that we go through when the jury is here?

12 INTERPRETER: No.

13 THE COURT: What I'm going to do is have you sit by
14 him and the attorney will ask the question, you'll tell
15 him what the question is in Chinese let him respond in
16 Chinese and then you tell the attorney, the jury, and the
17 court reporter what his response was. Do you think you
18 can do that?

19 INTERPRETER: Thank you.

20 THE COURT: Are you confident of that? And how
21 long have you been teaching? How long have you been
22 teaching?

23 INTERPRETER: I have been an English teacher in
24 China for almost -- for nine years.

25 THE COURT: Nine years.

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1 INTERPRETER: And then in 2012 in June -- sorry, in
2 July I came to the United States. And in August I teach
3 students Mandarin Chinese.

4 THE COURT: Have you ever interpreted in the court
5 before?

6 INTERPRETER: No.

7 THE COURT: Have you ever interpreted any type of
8 formal proceedings?

9 INTERPRETER: In China I have interpreted some
10 papers, just for school not -- yes.

11 THE COURT: All right. The court makes a finding
12 she is qualified as an Interpreter and the court is not
13 going to require a State certified Interpreter and we're
14 going to proceed with this Interpreter. Your motion to
15 find her non-qualified is denied. Your motion for --
16 anything else you want to tell me before I rule on your
17 mistrial?

18 MR. SCHWACKE: Well, Your Honor, if I could just
19 revisit just briefly ---

20 THE COURT: --- yes sir ---

21 MR. SCHWACKE: --- her qualifications ---

22 THE COURT: --- yes, sir. I'll be glad for you to.

23 MR. SCHWACKE: Just to put on the record again our
24 objection to her being qualified. As you have observed
25 there were a number of conversations that went back and

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1 forth between them that were not translated to us. They
2 were having a colloquy among themselves and it happened
3 on at least five different questions. And because of
4 that unless our court reporter has suddenly become
5 competent in Mandarin Chinese there would be an absence
6 in the record of the exact conversation.

7 And that's why she is not a court certified -- South
8 Carolina Court Administration certified Interpreter --
9 does not know how to do that and one that would be
10 available to us.

11 THE COURT: Well, I think I have instructed her
12 what to do. She's never done it before. I think I have
13 told her don't have the conversation with him. Interpret
14 what he says, interpret what the lawyer says and I think
15 she understands that and she's willing to do that. I
16 agree with you and I viewed that as a problem but I think
17 I have corrected it and she's agreed to do it properly.

18 MR. SCHWACKE: Yes, sir. To just note our objection
19 to her ---

20 THE COURT: --- I understand. I'll note your
21 objection. Anything else you'd like to put on the
22 record?

23 MR. SCHWACKE: Not related to that, Your Honor.

24 THE COURT: Okay. Anything else you want to put
25 on the record as far as your mistrial is concerned?

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1 MR. SCHWACKE: I think I've covered that.

2 THE COURT: Okay. I'll be glad to hear from the
3 State on both motions.

4 MR. ALFARO: Your Honor, regarding her
5 qualification as an Interpreter I believe Your Honor has
6 asked the appropriate follow up questions and instructed
7 her on the proper manner in which to conduct the
8 interpretation.

9 Regarding the mistrial motion regarding it would be
10 the State's error that an Interpreter was not provided at
11 the beginning of trial. During the course of preparation
12 for trial Mr. Dejeu has had conversations with the victim
13 without the use of an Interpreter and was able to
14 communicate with him to the extent that he believed that
15 one was not necessary for the trial.

16 And what I observed during the direct examination
17 was the questions were asked in English to the witness,
18 he responded in English, and as I said was responsive to
19 the questions that were asked, which at the end of direct
20 as Mr. Schwacke indicated we were satisfied with the
21 direct because we ended the direct.

22 We believe that he was able to articulate his
23 responses and that he was a competent witness to the
24 extent that he understood what was asked and responded
25 appropriately. We don't think there was any error by the

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1 State in not providing an Interpreter. At the initial
2 stages Your Honor has indicated that one may be -- we
3 made phone calls required to find Ms. Na. But as Your
4 Honor stated there was no error on our part in not having
5 an Interpreter in the beginning stages of the trial.

6 THE COURT: Okay. Thank you very much. Anything
7 in reply to his response?

8 MR. SCHWACKE: Other than obviously the State had
9 the opportunity to prepare the witness for his direct
10 examination. There is no way they could fully prepare
11 him for cross-examination but that is something that the
12 defendant is entitled to is to unfettered cross-
13 examination.

14 The State chose to bring him as their witness
15 without the benefit of an Interpreter. And because of
16 that we feel like the remaining testimony of the witness
17 should proceed in a like manner.

18 THE COURT: Okay.

19 [Whereupon, the court reviews documents]

20 THE COURT: All right. Let me put on the record
21 that during the first portion of trial the witness, Mr.
22 Zhang was responsive to simple questions on direct and
23 the attorney summarized questions and asked a simple
24 question -- summarized testimony and asked a simple
25 question and Mr. Zhang did appear to understand. However

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1 during the course of the testimony the court became
2 concerned about the ability of the defendant to express
3 himself completely and his limited ability of
4 understanding the English language and interpreting the
5 questions.

6 So the court sua sponte stopped the trial and
7 discussed the matter with the attorneys and ultimately an
8 Interpreter has been brought into the court by the State
9 at the court's request. The court finds that the State
10 has done no wrong in initially calling the witness. It
11 was the court's decision in an effort to make hopefully
12 allow the testimony to be clear to the jury, to the
13 court, and everyone else.

14 And under Rule 611 the court shall exercise
15 reasonable control over the mode and order of presenting
16 evidence. And under Rule 611 the court took this step to
17 bring an Interpreter into the trial at this time to
18 assist the triers of the fact in making a determination
19 in listening to the testimony and be fully appraised of
20 the testimony based upon the interpretation by the
21 Interpreter. And the motion for mistrial is denied.

22 MR. SCHWACKE: Thank you, Your Honor. Just note
23 our objection.

24 THE COURT: Pardon?

25 MR. SCHWACKE: Just note our objection.

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1 THE COURT: I think you've made it several times.
2 It's been noted, okay. Anything else? It's now five
3 minutes to 12. The jury -- I'm not sure what time we
4 broke. Does anybody know? About 11 o'clock, 10:30?

5 THE COURT REPORTER: 10:36.

6 THE COURT: So they've been in the jury room for
7 about an hour and a half. Are y'all ready to proceed or?

8 MR. DEJEU: The State is ready, Your Honor.

9 THE COURT: Is the defense ready to proceed on your
10 cross-examination?

11 MR. SCHWACKE: Yes, Your Honor.

12 THE COURT: All right. Do you understand what I'm
13 asking you to do? I don't want you to have a private
14 conversation with him. I just want you to interpret what
15 is being said to him and interpret what his response is.
16 Now, Interpreters do it different ways. They wait until
17 the end of the sentence and then interpret or they
18 interpret as they go along. In other words when the
19 attorney is asking a question which do you prefer doing?

20 INTERPRETER: [No response]

21 THE COURT: Which would be easier for you?

22 INTERPRETER: As process goes.

23 THE COURT: Pardon?

24 INTERPRETER: As process goes. I like to interpret
25 maybe one or two sentence and then I translate.

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1 THE COURT: Okay. Then what I'm going to do with
2 the attorneys I'm going to tell them to pause during
3 their question, give you a chance to interpret and then
4 continue the question, do you understand because
5 different Interpreters do it different; I've seen it done
6 both ways. But she prefers for you to start the
7 question, ask a few words and then let her interpret and
8 then pick up. Okay. Can you do that Mr. Shelton?

9 MR. SHELTON: I'll try my best. Yes, Your Honor.

10 THE COURT: Okay. Now if the attorney is going
11 too fast for you to interpret let me know and I'll slow
12 them down okay?

13 INTERPRETER: Okay. Thank you.

14 THE COURT: Please don't be bashful about doing
15 that okay?

16 INTERPRETER: Thank you.

17 THE COURT: Anything else before we bring the jury?

18 MR. DEJEU: No, Your Honor.

19 MR. SHELTON: No, Your Honor.

20 THE COURT: All right. Bring us the jury please.

21 [Whereupon, the jury enters at 11:57 a.m.]

22 THE COURT: Can you sort of move around so that
23 when you're interpreting the jury will be able to hear
24 you? Can you do it there? Come forward so he can hear
25 you and she -- in other words when you interpret it look

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1 at the jury so they can hear you okay?

2 INTERPRETER: Okay.

3 THE COURT: All right. Mr. Foreman and ladies and
4 gentlemen of the jury I apologize for keeping you in the
5 jury room so long. But during the testimony the court
6 was of the opinion that Mr. Zhang's English --
7 interpretation of English and responding in English was
8 somewhat limited.

9 So the court has brought in an Interpreter that is
10 going to interpret for Mr. Zhang. And the attorney is
11 going to ask questions, the Interpreter is going to tell
12 Mr. Zhang the question in Chinese, he is going to respond
13 in Chinese and the Interpreter is going to tell you his
14 answer. Please continue cross-examination please.

15 MR. SHELTON: Thank you, Your Honor.

16 CROSS-EXAMINATION RESUMES

17 BY MR. SHELTON:

18 Q. Mr. Zhang, you had the chance to review the
19 transcript?

20 A. [Through Interpreter] He said no thank you.

21 Q. Have you read the transcript?

22 A. [Through Interpreter] He said he needed to review
23 that again because at the police station he had not said
24 that and also understands what is shown here.

25 Q. I'm sorry, could you repeat that?

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1 INTERPRETER: I'm sorry. Mr. Zhang said...
2 A. [Through Interpreter] He needed to read it again
3 because what he said at the police station is true.
4 Q. [Mr. Shelton] So what he said at the police station
5 is true?
6 A. [Through Interpreter] What happened on that day he
7 said he told it to the police and what he said was true.
8 Q. Okay. And you had a chance to read page 21?
9 [Whereupon, the witness is shown document]
10 Q. And line 11. That's when you say you had taken
11 somebody to Walmart.
12 A. [Through Interpreter] He said last year on 22nd in
13 May he didn't take anybody to Walmart.
14 Q. Right. When you talked with the police officer at
15 the station -- the police station you told them you met
16 Mr. Greene at a Sonoco.
17 A. [Through Interpreter] Could you repeat the place?
18 Q. Sonoco Gas Station.
19 A. [Through Interpreter] He said not a Sonoco.
20 Q. You told the police that you met him at the Sonoco
21 Gas Station.
22 A. [Through Interpreter] He said when the police asked
23 him he didn't remember the place clearly so he told the
24 police officer the place should be Sonoco. But after
25 that he realized it's not the place.

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1 Q. You realized that it was not Sonoco when the police
2 officer told you that it couldn't have been Sonoco?

3 A. [Through Interpreter] He said when he told the
4 police where it happened he said just the place beside
5 the CVS.

6 Q. The first thing you told police was it happened at
7 Sonoco.

8 A. [Through Interpreter] He said he was very nervous
9 when the police asked him and he didn't remember the name
10 clearly. But it seems like a Sonoco but it turned out
11 not. It's Cico, C-I-C-O [sic].

12 Q. And the police officer told you that that's was what
13 the gas station was.

14 THE COURT: No conversations; question and answer
15 okay.

16 A. Okay.

17 A. [Through Interpreter] He said no.

18 Q. Okay.

19 A. [Through Interpreter] He said when the police asked
20 him he answered Sonoco. But the policeman asked him
21 there is no Sonoco gas station here so then he answered
22 the place say the Citgo.

23 Q. After the police officer said corner station that's
24 when you then said it was the Citgo?

25 A. [Through Interpreter] When he told the police

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1 officer it happened in the place of Sonoco the police
2 officer said there should be no Sonoco gas station. So
3 he just explained it's just beside -- it's a place beside
4 CVS.

5 And then the police officer asked him whether it is
6 corner station he answered it's the place opposite to the
7 corner station.

8 Q. When you talked with Officer Scarborough --

9 A. [Interpreter] Sorry?

10 Q. When you talked with Officer Scarborough --

11 A. [Interpreter] Could you repeat the name?

12 Q. Scarborough at the police department -- you
13 indicated that Mr. Greene came from inside the store?

14 A. [Through Interpreter] He said he didn't say Mr. --
15 I'm sorry, I didn't remember the name -- Mr. Greene he
16 said he didn't say that Mr. Greene entered the store and
17 he just -- he entered the store and then paid the money
18 and then come out to get some gas.

19 Q. If he would turn to page 11 of the transcript?

20 [Whereupon, the witness reviews document]

21 Q. Line 8 and line 9 it says he comes out of the gas
22 station. And your response was uh huh.

23 A. [Through Interpreter] He said he didn't say he come
24 out the gas station.

25 Q. The officer didn't say that -- or that's not what

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1 happened? That's not what happened? He didn't come out
2 the gas station; he came across the street from Big Lots?
3 A. [Through Interpreter] He said he just come out from
4 the opposite street. He didn't know where he -- which
5 the exact place.
6 Q. Okay. Officer at the police department asked you
7 to describe the person that was in the car with you and
8 you gave a description of someone wearing a white shirt.
9 Is that true?
10 A. [Through Interpreter] Yes.
11 Q. And then you talk about how he asked for a ride
12 towards the McDonalds?
13 A. [Through Interpreter] Yes.
14 Q. And then very soon after that you see a knife?
15 A. [Through Interpreter] Yes.
16 Q. You have to speak okay. Do you mind saying yes or
17 no?
18 A. Yes, yes.
19 Q. And when you talked to -- you described the knife as
20 a fold out knife?
21 A. [Interpreter] I'm sorry -- is a?
22 Q. A knife that opens up.
23 A. Yes, I said open -- the fold out, yes.
24 Q. That's how you describe the knife. And you're
25 pretty sure about that?

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1 A. [Through Interpreter] He described it yes; this size
2 [indicates] the knife.

3 Q. And the knife opened up?

4 A. [Through Interpreter] He said he didn't notice that
5 whether it's open or not but the knife is already to him.

6 Q. Okay. We'll get to that part. The officer at the
7 police department he pulled out his own knife to ask you
8 if it was like this [indicates] type of knife.

9 A. [Through Interpreter] He said the police officer
10 asked him whether it is of similar shape and he said yes.

11 Q. And he asked you if it folded out; if it opened up?

12 A. [Through Interpreter] Could you repeat that again?

13 Q. You -- he also asked you if it folded up -- if it
14 folded out -- opened up.

15 A. [Through Interpreter] Yes.

16 Q. And that was the type of knife that he showed you
17 that he gave -- the officer pulled a knife out of his
18 pocket.

19 A. [Through Interpreter] He said the police didn't get
20 his own knife out. Is this your question just ask me to
21 say the police officer got his own knife out.

22 Q. Yes, the police officer got his own knife out?

23 A. [Through Interpreter] He said in the police station
24 the police officer got something like a pen to ask him to
25 see whether it is the similar size. And he didn't

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1 remember clearly whether the police officer got a knife.
2 Q. Okay. But you're sure that when you're in the car
3 the person uses his right hand to get the knife out of
4 his right pocket?
5 A. [Through Interpreter] Yes.
6 Q. And he leans across the car and puts the knife to
7 you?
8 A. [Through Interpreter] Yes.
9 Q. And at some point in time he gets money from him.
10 A. [Interpreter] Sorry -- at some point ---
11 Q. --- at some point in time he gets money from you.
12 INTERPRETER: Could you explain he got the money or
13 he won't get the money? How can I explain to him?
14 Q. [Mr. Shelton] At some point in time he had gotten
15 the money?
16 INTERPRETER: He has got his money?
17 A. [Through Interpreter] He asks me whether the person
18 get money before he pull his knife or after he pull his
19 knife.
20 Q. [Mr. Shelton] Is it before or after he pulled the
21 knife?
22 A. [Through Interpreter] After he pulled his knife, yes
23 got his money.
24 Q. And he also got your wallet at some point in time?
25 A. [Through Interpreter] Yes.

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1 Q. This is while you were driving?

2 INTERPRETER: This is while you are driving?

3 Q. [Mr. Shelton] He had gotten both of those things
4 while you're driving?

5 A. [Through Interpreter] Could you repeat your question
6 because Mr. Zhang said while he is driving he -- what do
7 you want to know whether he gave the money and also with
8 his wallet to that person.

9 Q. You were driving the car.

10 A. [Through Interpreter] Yes.

11 Q. He had a knife to you.

12 A. [Through Interpreter] Yes.

13 Q. You were giving your wallet and your money to give
14 to him.

15 A. [Through Interpreter] First time he told Mr. Zhang
16 let him drive to the bank -- to his bank. The first time
17 he didn't take any notice because it's daytime and he
18 just think the person is kidding.

19 Q. You didn't take what?

20 A. [Through Interpreter] He didn't take seriously
21 because he think its daytime and the person asked him to
22 drive to the bank to get money. He just think he's
23 kidding.

24 Q. Right. And you didn't really understand what he was
25 saying?

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- 1 A. [Through Interpreter] He said he understand what the
2 person talk about but he think maybe he's just kidding
3 for just for the first time.
- 4 Q. The first thing he asks you is to go to the bank.
- 5 A. [Interpreter indicates affirmatively]
- 6 Q. And then he asked you for money?
- 7 A. [Through Interpreter] And then because the person
8 just say very low wise after the first time and to see
9 Mr. Zhang didn't pay attention.
- 10 So he just raise his voice to say it again to go to
11 your bank. And then Mr. Zhang turned to see yes, it's a
12 robbery. And he also asked what happened.
- 13 Q. Well, at some point in time he had to put the knife
14 away.
- 15 INTERPRETER: Sorry -- put...
- 16 Q. [Mr. Shelton] At some point in time while you're in
17 the car the knife had to have been taken -- he had to
18 have taken the knife away from you?
- 19 A. [Through Interpreter] He said no, the person keep
20 the knife to him all the time.
- 21 Q. Okay. When you stopped for the police you started
22 -- you moved from -- strike that. The road that you are
23 going down 52, Highway 52?
- 24 A. [Through Interpreter] Yes.
- 25 Q. Has two lanes and a middle lane?

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- 1 A. [Interpreter indicates affirmatively]
- 2 Q. And you go -- when you see the police officer you go
3 from the right lane to the middle lane.
- 4 A. Yes.
- 5 Q. Okay. And at that point in time Mr. Greene asked
6 you what are you doing.
- 7 A. [Through Interpreter] He said when Mr. Greene saw
8 the police and he just said shit, the bad word, and then
9 opened the door and run away.
- 10 Q. You work for Mr. Hibachi correct?
- 11 A. At Kobe.
- 12 Q. I'm sorry, I apologize. You work at Kobe. And
13 that's in the area with Ye Ole Fashion. Isn't that in
14 the area with Ye Ole Fashion?
- 15 A. Ye Ole.
- 16 Q. The complex with -- where is Kobe?
- 17 A. Highway 52 right -- go down to the McDonald, go to
18 left maybe one more block, little bit on the right side.
- 19 Q. On the right side?
- 20 A. Yes.
- 21 Q. There is a place Ye Ole Fashion Restaurant -- the
22 restaurant Ye Ole Fashion.
- 23 A. Ye Ole Fashion.
- 24 Q. Okay. There is also as you're going down towards
25 Kobe there is a Bojangles on your right?

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1 A. You know Hibachi right? Hibachi on this side.
2 [indicates] Kobe on the other side.
3 Q. Right.
4 A. The road the other side.
5 Q. Right. But as you're going towards Kobe there is a
6 Bojangles on your right.
7 INTERPRETER: Bojangles?
8 Q. Bojangles, a chicken restaurant.
9 A. Oh Bojangles, yes.
10 Q. Okay.
11 A. Go a little bit more.
12 Q. And right next to that is a bank?
13 A. Right next is a bank, yes.
14 Q. Okay. And behind that are some apartments?
15 A. Apartments -- no apartments is a little bit before.
16 Apartments? Yes there are apartments there, yes.
17 Q. So if you're going down the road towards Bojangles
18 towards the bank and then you start getting over into the
19 left lane that would mean that you're not going to the
20 bank. That means you're turning; you're going somewhere
21 else.
22 A. Go to the bank.
23 Q. Sorry, I'll strike that. At some point in time Mr.
24 Greene was getting frustrated.
25 A. [Through Interpreter] Mr. Zhang said how can he tell

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1 Mr. Greene is frustrated? Mr. Zhang said the person who
2 feel very sad should be him because Mr. Greene had a
3 knife just point at him.

4 Q. When you testified earlier with Mr. Dejeu, earlier a
5 couple of hours ago you testified with Mr. Dejeu?

6 INTERPRETER: Could you repeat the name -- the
7 person's name?

8 Q. [Mr. Shelton] Dejeu.

9 INTERPRETER: Could you repeat the person's name?
10 You said Mr. Zhang passed to who?

11 Q. [Mr. Shelton] Mr. Dejeu was asking you questions.

12 INTERPRETER: Asking me?

13 Q. [Mr. Shelton] Asking Mr. Zhang.

14 A. No.

15 Q. Did you not say earlier that Mr. Greene when you
16 were stopped by the police told you to run?

17 INTERPRETER: Could you...

18 Q. [Mr. Shelton] Did you say that -- when you were
19 stopped by the police did you say that Mr. Greene told
20 you to run?

21 A. [Through Interpreter] Mr. Zhang said when he saw the
22 policeman he just get the windows down and raise his hand
23 to say robbery. And Mr. Greene saw that and then run
24 away. And he also keep the horn, yes, keep the horn;
25 just press the horn.

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1 Q. You never got out the car.
2 A. No.
3 Q. The police never searched your car.
4 A. No.
5 Q. You could have at any point in time pulled over and
6 ran from the car.
7 A. [Through Interpreter] He said when Mr. Greene saw
8 the police he run away. He didn't.
9 Q. But Mr. Greene didn't control the steering wheel.
10 Mr. Green didn't control the locks in the car.
11 INTERPRETER: The locks right?
12 Q. The locks.
13 A. [Through Interpreter] No.
14 Q. You could have gotten out of your car.
15 INTERPRETER: I think Mr. Zhang didn't understand it
16 clearly because he just answered my question saying Mr.
17 Greene has already run away. He didn't run again. But I
18 think I can explain to him just while driving -- can I do
19 that again.
20 Q. That's all right. That's all right.
21 INTERPRETER: Okay.
22 Q. You never -- in this transcript you never tell the
23 police that he had a knife to you.
24 A. [Through Interpreter] He said he told the policeman
25 that the knife just pointed at him.

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1 [Whereupon, Mr. Shelton and Mr. Schwacke confer]

2 MR. SHELTON: No further questions.

3 THE COURT: Redirect?

4 MR. DEJEU: Very briefly, Your Honor.

5 THE COURT: Pardon?

6 MR. DEJEU: Very briefly.

7 REDIRECT EXAMINATION

8 BY MR. DEJEU:

9 Q. Mr. Zhang, you are here legally correct?

10 A. Yes.

11 Q. In fact on this picture that's your green card is
12 that right?

13 [Whereupon, the witness is shown photograph]

14 A. Yes.

15 Q. And you said you've been here for 18, 19 years and
16 that green card you had it the day this thing happened is
17 that right -- when you were robbed.

18 INTERPRETER: Could you repeat it again?

19 Q. [Mr. Dejeu] When you were robbed you had your green
20 card with you in your wallet -- your I.D.?

21 A. [Through Interpreter] He said he just bring the
22 copy for his green card.

23 Q. So you do have a green card?

24 A. Yes.

25 Q. And the Solicitor's Office did not help you in any

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1 way to get anything like that is that right?
2 A. [No response]
3 Q. Our office did not give you the green card?
4 INTERPRETER: Your office didn't give him the green
5 card?
6 Q. [Mr. Dejeu] The green card, yes. We did not help
7 you get the green card. You already had it.
8 A. [Through Interpreter] Yes, he has his green card.
9 Q. That's it. Thank you.
10 THE COURT: Any recross?
11 MR. SHELTON: No, Your Honor.
12 THE COURT: You may step down. Thank you so very
13 much. And ma'am you may step down.
14 THE INTERPRETER: Thank you.
15 THE COURT: Thank you very much for interpreting.
16 THE INTERPRETER: Thank you.
17 THE COURT: Can I see the attorneys up here just a
18 second. Tell him he may step down and go back and have a
19 seat.
20 THE WITNESS: Take this all ---
21 THE COURT: --- just leave it there.
22 [Whereupon, the witness and the Interpreter are
23 excused and exit the witness stand]
24 THE COURT: If you would just hang on just a second
25 okay?

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1

- - - - -

2

ANTHONY S. JUDY,

3

Having been first duly sworn

4

Was examined and testified as follows:

5

DIRECT EXAMINATION

6

BY MR. DEJEU:

7

Q. Officer Judy, tell us where you work.

8

A. Moncks Corner Police Department.

9

Q. Before getting into the facts of what happened and

10

why we are here today tell us a little bit about your

11

experience in law enforcement. How long have you been in

12

law enforcement?

13

A. I started my law enforcement career in 1996 with the

14

Berkeley County Sheriff's Department. I worked for

15

Branchville P.D.

16

I transferred to Dorchester County Sheriff's

17

Department, was hired by the Highway Patrol in 1999, left

18

the Highway Patrol in 2007, did a year contract over in

19

Afghanistan and came back and I've been presently

20

employed with Moncks Corner Police Department since 2008;

21

now five years.

22

Q. What's your rank within Moncks Corner Police

23

Department?

24

A. It's patrolman.

25

Q. Were you working on -- back on May 22, 2012?

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1 A. Yes, I was.

2 Q. Please tell us how you got involved in this case.

3 A. I was on routine patrol. I was headed southbound on
4 U.S. 52; actually I was just patrolling. I didn't have
5 anywhere I was going until I arrived at Walgreens.

6 I came through the red light and had a dark in color
7 vehicle; it was a green vehicle, approach me head-on from
8 the oncoming lane.

9 Q. And what did you -- where did the green vehicle come
10 -- how far from its lane came on your lane?

11 A. When I caught notice of the vehicle I had just come
12 through the traffic light and I was parallel with the
13 Walgreens parking lot on my right.

14 And when I caught notice of the vehicle the nose of
15 the vehicle was coming through the median. And I locked
16 the brakes up and that's where -- it was about five feet,
17 he stopped five feet from me. There was about five feet
18 distance between us.

19 Q. What happened next?

20 A. As I exited the vehicle -- I didn't want to be
21 caught in my vehicle in case I was being ambushed I got
22 out of my vehicle very quickly to not be caught in the
23 car. I noticed the driver had a very wild look in his
24 face. And I got out and retreat -- was about to retreat
25 to the rear of my vehicle and the driver bailed out

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1 yelling he robbed me, he robbed me. At this time I took
2 notice of the car and noticed that there was a black male
3 passenger. The black male exited the vehicle quickly and
4 began running towards the Huddle House northbound.

5 Q. What did you do once you saw the black male running
6 out the vehicle?

7 A. Seeing how frantic the driver was I realized there
8 definitely was a problem and the black male was exiting
9 and leaving the area.

10 I got back in my vehicle and quickly turned around,
11 went around his vehicle and proceeded back northbound in
12 behind the subject. At one point I was actually running
13 parallel with him down the sidewalk, lights on siren
14 flashing -- siren on.

15 We passed in front of the Huddle House and coming up
16 on the old Thornley Oil parking lot I saw an entrance to
17 turn in. And he was cutting across at an angle and I
18 cut into the parking lot and cut him off in the parking
19 lot.

20 Q. You already testified other than the driver and the
21 man that got out of the passenger seat did you see
22 anybody else getting out of that car?

23 A. No.

24 Q. Just the two individuals?

25 A. Just the two individuals.

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1 Q. I want to show you some pictures. They have been
2 marked State's exhibit 7 -- 5, 6, 7, and 8. Take a look
3 at them and see if you can recognize them.

4 [Whereupon, the witness is shown photographs]

5 A. This one here is a southbound ---

6 Q. --- just -- do you recognize them?

7 A. Yes.

8 Q. Are they -- how do you recognize them?

9 A. I took those pictures.

10 Q. And are they a fair and accurate representation of
11 what you saw that day?

12 A. Yes, sir.

13 MR. DEJEU: The State would move to have State's
14 exhibits 5 through 7 admitted -- and 8 as evidence.

15 THE COURT: What numbers?

16 MR. DEJEU: 5, 6, 7, and 8.

17 THE COURT: 5, 6, 7, and 8. Any objection?

18 MR. SHELTON: No objection, Your Honor.

19 THE COURT: State's exhibits 5, 6, 7, and 8
20 admitted without objection.

21 [Whereupon, State's exhibit numbers 5, 6, 7, and 8
22 are entered into evidence by the court]

23 MR. DEJEU: And requesting permission to publish
24 for the jury?

25 THE COURT: Yes, sir.

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1 Q. [Mr. Dejeu] On number 5 tell us what -- if you're
2 looking back on the screen over there [indicates] tell us
3 a little bit of what that [indicates] is representing.

4 A. That's the southbound view coming up on Walgreens.
5 The Huddle House is on the left. This is the view I had
6 just before I proceeded through the traffic light and met
7 the subject 100 yards up.

8 MR. DEJEU: May I approach the witness, Your Honor?

9 THE COURT: Yes, sir.

10 Q. [Mr. Dejeu] I have here a laser pointer if it works.
11 So this [indicates] is the location where you encountered
12 the other vehicle correct?

13 A. Right, well about 100 yards up. I was about right
14 there [indicates] is where we ran -- where we come head
15 on with each other.

16 Q. So you saw -- you said you saw the man getting out
17 the car. What happened next? Did you pursue him?

18 A. When he exited the car -- remember this thing
19 happened fast, the driver bails out yelling he robbed me,
20 he robbed me.

21 I didn't exactly get my bearings together to why he
22 was running head on with me other than just trying to
23 avoid being hit.

24 When I realized that there was a subject running
25 from the car it -- I knew that I had to pursue him being

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1 that he was fleeing.

2 Q. And were you able to catch him?

3 A. Yes.

4 Q. At any point did you lose sight of the man that was
5 running away?

6 A. No, I did not.

7 Q. And what happened next as you caught him?

8 A. I cut across the parking lot -- are there more
9 pictures I can...

10 Q. This is State's 7.

11 [Whereupon, photographs are shown]

12 A. As he -- this is the entrance right here [indicates]
13 where I entered with my vehicle. These trucks
14 [indicates] were not here. This was a vacant lot. This
15 man was here [indicates] but these trucks [indicates]
16 were not here; it was a vacant lot.

17 The subject was running. This is [indicates] the
18 Huddle House. The subject came off the sidewalk and was
19 running across this lot [indicates] this way. I turned
20 my vehicle up into here [indicates] and cut him off at an
21 angle and I caught him right here [indicates].

22 And I stopped my car and he ran into the side of my
23 car. When he ran into the front right corner of my car
24 he fell off the car onto the ground. I exited my vehicle
25 and came around the rear of the vehicle and drew my taser

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1 because at this time I had not seen a weapon in his hands
2 at all during the run. I drew my taser and ordered him
3 to stop. The subject got up and started running again.

4 At this time we probably had about three feet from
5 each other. I'm trying to keep up with him and where
6 this truck [indicates] is parked at right here
7 [indicates] about where the rear of this truck
8 [indicates] is we're running this distance across here
9 [indicates] because he's stumbling getting up.

10 About this point here [indicates] at the corner of
11 the parking lot the subject turns and looks at me.
12 While he's running he turns towards me and he reaches in
13 his right pocket.

14 As he's pulling his hand out of his right pocket I
15 see a shiny metal. I drop my taser, I pull my .45 issued
16 Gap -- issued .45 Gap pistol and I shouted orders to
17 stop, put the weapon down ---

18 Q. --- did he ---

19 A. --- and at this time he started -- as this time he
20 was trying to run, pull the item out of his pocket and he
21 tripped over his feet and went into a barrel roll on the
22 ground.

23 I covered him at a safe distance. And the knife --
24 when he hit the ground the knife fell out of his hand and
25 rolled across the parking lot.

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- 1 Q. Did you get to see the knife?
- 2 A. I did.
- 3 Q. Were you able to recover the knife?
- 4 A. I did. I never touched it. I covered him. Deputy
5 Taylor who is the S-R-O at Timberland High School Deputy
6 Taylor saw the incident going on and I was on top of the
7 subject trying to keep him under control. And Deputy
8 Taylor pulled in and helped me restrain the subject.
- 9 The knife stayed there until my supervisor got there
10 and we were able to get a grasp of what was going on
11 because it was still chaos at that time.
- 12 Q. Other than Deputy Taylor did any other officer come
13 to help you?
- 14 A. Tony Edwards was my corporal. He's the one that
15 processed the knife and the pictures at the scene.
- 16 Q. Is -- it was Officer Taylor -- Edwards that took the
17 knife into evidence?
- 18 A. Right; Corporal Edwards.
- 19 Q. Obviously this happened in Moncks Corner. Is that
20 in Berkeley County?
- 21 A. Yes.
- 22 Q. Officer Judy, do you see the man that you chased and
23 arrested that day in court?
- 24 A. Yes, sir.
- 25 Q. Where is he?

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1 A. He's seated at the defendant's table.

2 MR. DEJEU: He -- may the record reflect the
3 officer indicated the defendant -- pointed at the
4 defendant.

5 THE COURT: Okay. The record shall so reflect.

6 Q. [Mr. Dejeu] What did you do after you arrested the
7 defendant?

8 A. Of course you know he's handcuffed, double lock...

9 Q. Were you involved in collecting any other evidence?

10 A. At that moment you have to understand my adrenalin
11 is pumping so I stepped away from the scene and allowed
12 other officers to process the scene.

13 My job was more to keep control of him and the
14 evidence gathering was done by Corporal Edwards.

15 Q. After this incident you say you took these pictures.
16 Did you try -- did you take any other pictures?

17 A. I took the view -- the pictures of the highway, the
18 scene from the store all the way back to the highway
19 where it ended up at. I did not take the -- the pictures
20 of the knife were taken by Corporal Edwards.

21 Q. Let me show you State's exhibits 3 and 4 and see if
22 you recognize them.

23 [Whereupon, the witness is shown photographs]

24 A. Yes sir, I do.

25 Q. How do you recognize them?

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- 1 A. Because I took them.
- 2 Q. Are those again a fair and accurate representation?
- 3 A. Yes, sir.
- 4 Q. What are they?
- 5 A. That's the pictures of the store in which Mr. Zhang
6 stated that he had picked the subject up at.
- 7 MR. DEJEU: Your Honor, the State is moving to have
8 State's exhibits 3 and 4 admitted into evidence.
- 9 THE COURT: Any objection?
- 10 MR. SHELTON: No objection, Your Honor.
- 11 THE COURT: All right, 3 and 4 admitted without
12 objection.
- 13 [Whereupon, State's exhibit numbers 3 and 4 are
14 entered into evidence by the court]
- 15 MR. DEJEU: Request to publish for the jury?
- 16 THE COURT: Yes, sir.
- 17 [Whereupon, photographs are shown]
- 18 Q. [Mr. Dejeu] About how long after this incident did
19 you go and take these pictures of the store if you can
20 remember?
- 21 A. I think it may have been a week, two weeks.
- 22 Q. A week after?
- 23 A. Yes. My lieutenant contacted me and asked me to go
24 take the pictures.
- 25 Q. Please look at the -- what is that [indicates]?

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1 [Whereupon, the witness views photographs]

2 A. That's the store front. That's the front door. I
3 took it that way because of the numerics on the building.

4 Q. And State's 4?

5 A. That's the view from the Big Lots. There's a car
6 wash here [indicates] on the left and Big Lots is here
7 [indicates] on the right, a Sears Center. But that's the
8 view of the storefront.

9 Q. Did you try to obtain any surveillance, video
10 surveillance from this location from the gas station?

11 A. I asked the owner if he had any video surveillance
12 and he stated no.

13 MR. DEJEU: Beg the court's indulgence.

14 THE COURT: Yes, sir.

15 [Whereupon, Mr. Dejeu and Mr. Alfaro confer]

16 Q. [Mr. Dejeu] Please answer any questions Mr. Shelton
17 may have.

18 THE COURT: Cross-examination?

19 CROSS-EXAMINATION

20 BY MR. SHELTON:

21 Q. Officer Judy, you were not in the car so you don't
22 know what was said or what took place inside the car?

23 A. In...

24 Q. Mr. Zhang's car?

25 A. No, I was not.

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1 Q. And you have no idea how long they were in the car
2 together, where they had been?

3 A. I don't.

4 Q. Okay. But at some point in time you learned that
5 Mr. Zhang told maybe Officer Scarborough that it started
6 at the corner store?

7 A. The -- all the information running around that
8 afternoon I already knew that it had started from there
9 when they were asking Mr. Zhang.

10 Truthfully after we were removed from the scene and
11 I turned him over to the county jail I didn't -- I never
12 talked to patrolman Scarborough or anything about any
13 further information.

14 Q. Okay. But you went there to try to find some video
15 and there was no video to the outside?

16 A. Right. The lieutenant asked me to go back up and
17 take pictures of the store front and ask if there was any
18 video surveillance.

19 Q. Okay. What about on the inside of the store?

20 A. I asked the owner do you have video surveillance and
21 he stated no.

22 Q. All together ---

23 A. --- all together ---

24 Q. --- outside or inside? And you did have -- you
25 booked Mr. Green into the jail?

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1 A. Yes.

2 Q. And you did ask him some questions, talk to Mr.
3 Greene?

4 A. I asked him name and date of birth and his
5 information.

6 Q. Well, you did -- he did maintain to you that he was
7 a victim of circumstance?

8 A. I think he -- in the middle of rambling yes, he may
9 have said something like that.

10 Q. And that he wanted to be dropped off by the bank?

11 MR. DEJEU: Objection. That calls for hearsay.

12 THE COURT: Overruled. Go ahead.

13 Q. [Mr. Shelton] That he wanted to be dropped off by
14 the bank?

15 A. I don't remember.

16 Q. You completed a report correct?

17 A. Right.

18 Q. And so you have a -- you put in your report what you
19 talked about.

20 [Whereupon, the witness is shown documents]

21 A. Okay.

22 Q. And so he said that he -- he asked him to take him
23 to Bojangles and to drop him off by the bank beside it.

24 A. Yes, he did. He said this is bull. I asked him to
25 take me to Bojangles and drop me off by the bank beside

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1 it.

2 Q. Right. And he said he was a victim of circumstance.
3 And you asked him about the knife and he said that he was
4 sitting on it. It was in his back pocket and he
5 retrieved it so it wouldn't cut him?

6 A. Yes, that's what he had quoted to me.

7 Q. Okay. Are you aware that Mr. Zhang gave a complete
8 wrong description of the knife?

9 A. I don't -- again, I wasn't there for the interview
10 and I...

11 Q. What about the shirt that Wilton was wearing, do you
12 remember that?

13 A. No, I don't. I think he had on dark colored
14 clothes.

15 Q. Like a grayish shirt?

16 A. Yes, it was dark colored clothes.

17 Q. And you also in your report mentioned that Mr. Zhang
18 didn't have any injuries or any complaint of any
19 injuries.

20 A. No.

21 Q. But Mr. Zhang had left -- he had actually gotten out
22 of the car? He had started running away from the car?

23 A. I remember Mr. Zhang exiting the car and stating he
24 robbed me, he robbed me; screaming, the horn was blowing.
25 When the car was coming across the median and the horn

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1 was on I just knew I was getting ready to get hit and I
2 didn't know what was going on. I was in more of a
3 retreat mode at first until I realized that there was
4 more to it.

5 Q. And then all of a sudden two people just take off
6 running outside ---

7 A. --- well, not two people running. It was one exited
8 the car frantic, the other exited running.

9 Q. Okay. But you never searched Mr. Zhang's car or
10 had any reason to?

11 A. I didn't have time and really I didn't have reason
12 to. My attention was on the suspect that was fleeing.

13 Q. Right. And that was based off what Mr. Zhang was
14 telling you.

15 A. That was just based off common sense.

16 Q. Okay.

17 A. You had somebody that was scared. He looked like --
18 I mean he had a deer in the headlight look. It was
19 enough to get my attention much less the car head-on with
20 me.

21 Q. But that's what he -- that's what he was telling you
22 occurred?

23 A. Yes.

24 Q. And Wilton said something later different?

25 A. Yes.

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1 Q. Okay.

2 THE COURT: Any redirect?

3 MR. DEJEU: No, Your Honor.

4 THE COURT: Okay. You may step down. Thank you

5 very much.

6 [Whereupon, the witness is excused and exits the

7 witness stand]

8 THE COURT: Call your next witness.

9 MR. DEJEU: The State calls Tony Edwards to the

10 stand.

11 [Whereupon, Mr. Edwards comes forward]

12 [Whereupon, the witness is duly sworn by the Clerk

13 of Court]

14 CLERK OF COURT: Please be seated and state your

15 name spelling your last name for the record.

16 THE WITNESS: Tony Edwards, E-D-W-A-R-D-S.

17 - - - - -

18 TONY EDWARDS,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DEJEU:

23 Q. Officer Edwards, how long have you been in the line

24 of duty?

25 A. Close to forty years.

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1 Q. And how long with the Moncks Corner Police
2 Department?

3 A. Twenty-two.

4 Q. Were you working on May 22, 2012?

5 A. Yes, sir.

6 Q. How did you get involved in this case?

7 A. I heard Judy's radio transmission that he was in
8 foot pursuit of a suspect near the Huddle House. I was
9 maybe three or four blocks away.

10 Q. Tell us what you did -- what did you see once you
11 arrived?

12 A. When I got to the what is a vacant lot now directly
13 behind the Huddle House Officer Judy's car was there. He
14 was standing just a very short distance in front of the
15 car and had a black male in custody. When I got out he
16 told me basically what he knew. He said the victim, Mr.
17 Zhang ---

18 MR. SHELTON: --- objection, Your Honor, hearsay.

19 THE COURT: Pardon?

20 MR. SHELTON: Hearsay.

21 THE COURT: Well, I don't know what he's going to
22 say at this point in time. Overruled.

23 Q. [Mr. Dejeu] Please go on.

24 A. He said Mr. Zhang almost hit him head-on almost in
25 front of Walgreens on 52. He got out the car and another

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1 fellow got out of the car and ran. And Mr. Zhang told
2 him that the man had robbed him.

3 Q. So Officer Judy already had somebody in custody?

4 A. He had that gentleman [indicates] in custody.

5 Q. Did you get involved in collecting any evidence?

6 A. Yes, sir. There was a knife laying no further from
7 me to you apart on the ground that Judy said he dropped.

8 Q. I'll show you what's marked as State's exhibit 1 and
9 see if you can recognize it.

10 [Whereupon, the witness is shown photograph]

11 A. Yes sir, this is the photo I took. This is the
12 knife.

13 Q. Is that a fair and accurate presentation?

14 A. Yes, sir.

15 MR. DEJEU: The State moves to have State's 1
16 admitted.

17 THE COURT: Any objection?

18 MR. SHELTON: No objection.

19 THE COURT: State's number 1 admitted without
20 objection.

21 [Whereupon, State's exhibit number 1 is entered into
22 evidence by the court]

23 Q. [Mr. Dejeu] I want to show you another exhibit
24 Officer. I'll show you what is marked State's 9 for
25 identification and see if you recognize this --

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1 [Whereupon, the witness is shown exhibit]

2 A. Yes, this is my handwriting indicating where the
3 knife was found, the case number, I believe a brief
4 description of it.

5 Q. Can you open it and take a look at it and see if you
6 can...

7 [Whereupon, the witness complies]

8 A. Yes sir, that's it.

9 Q. When did you see that knife the first time?

10 A. Laying on the ground about from me to you when you
11 was at the podium behind Officer Judy.

12 Q. Is that the same knife as you found it?

13 A. Yes, sir.

14 MR. DEJEU: The State moves to have State's
15 exhibit...

16 THE COURT: Any objection to State's exhibit number
17 9?

18 MR. DEJEU: Nine.

19 MR. SHELTON: No objection.

20 THE COURT: All right. Number 9 admitted without
21 objection.

22 [Whereupon, State's exhibit number 9 is entered into
23 evidence by the court]

24 THE COURT: Are you going to use the knife anymore?

25 MR. DEJEU: Excuse me, Your Honor?

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1 THE COURT: Are you going to use it anymore in the
2 courtroom?
3 MR. DEJEU: No, Your Honor.
4 THE COURT: Hand it up here please sir.
5 [Whereupon, Mr. Dejeu complies]
6 THE COURT: Thank you. If you need it it will be
7 up here okay.
8 MR. DEJEU: Request to publish -- yes, sir --
9 publish number 1; the picture of the knife?
10 [Whereupon, the photograph is shown]
11 Q. [Mr. Dejeu] Is this [indicates] the knife?
12 A. Yes, sir.
13 Q. I'll show you a picture that has already been
14 admitted into evidence as State's number 2 and see if you
15 recognize this?
16 [Whereupon, the witness is shown photograph]
17 A. Yes, sir. This is a picture that I took on the hood
18 of one of the cars of the victim's wallet. I believe it
19 was some type of Chinese I.D. card and about twenty-two
20 dollars in cash.
21 Q. Where did you find all these items? How did you...
22 A. Officer Judy and myself found the wallet in his
23 right front pocket, in Mr. Greene's right front pocket,
24 and the money was in the left front pocket.
25 Q. The defendant's correct?

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1 A. Yes, sir.

2 Q. Were you involved in this case in any other way?

3 A. Other than helping Officer Judy get the photos I
4 took some of the photos and logged them into evidence.
5 And after he made the trip to Berkeley County jail and
6 back we secured all the evidence and put it up in the
7 evidence locker.

8 Q. The I.D. and the money belonged to the victim you
9 said.

10 A. We returned it to him then.

11 Q. That day the day of the incident?

12 A. Yes sir, as far as I know.

13 Q. Tell me again where did you find them?

14 A. Found the wallet in his right front pocket and the
15 money was in the left front pocket.

16 Q. And him you mean the defendant?

17 A. Yes, Wilton Greene's pocket.

18 MR. DEJEU: Court's indulgence.

19 Q. Thank you Mr. Edwards. Please answer any questions
20 Mr. Shelton may have.

21 CROSS-EXAMINATION

22 BY MR. SHELTON:

23 Q. Officer Edwards that knife it can't be folded. It's
24 a straight knife?

25 A. Yes, sir. It looks like a paring knife out of a

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1 the jury I have to take up certain motions with the
2 parties at this time. It's some legal matters that I
3 have to deal with so I'm going to ask you to go to the
4 jury room and I will get you back just as soon as I have
5 finished. Please leave your notepads and don't discuss
6 the case amongst yourselves.

7 [Whereupon, the jury exits at 3:10 p.m.]

8 THE COURT: All right. First of all does the
9 State have any motions?

10 MR. DEJEU: No, Your Honor.

11 THE COURT: Does the defense have any motions?

12 MR. SHELTON: Yes, Your Honor. First...

13 [Whereupon, Mr. Shelton and Mr. Schwacke confer]

14 THE COURT: First of all Mr. Schwacke if you want
15 to renew your previous motions I'll be glad to hear from
16 you.

17 MR. SHELTON: Yes, Your Honor.

18 THE COURT: And I'll let him take the other motions
19 but do you want to renew your motion?

20 MR. SCHWACKE: I do, Your Honor. We would move to
21 renew our motion that the court improperly authorized an
22 interpreter who was not qualified and that the court
23 failed to grant a mistrial upon the State's self
24 determined failure to use an Interpreter in their direct
25 testimony to begin with.

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1 THE COURT: Okay. That motion for mistrial is
2 denied.

3 MR. SCHWACKE: Yes, Your Honor.

4 THE COURT: I'll be glad to hear you. Do you have
5 any motions?

6 MR. SHELTON: Yes, Your Honor, toward the directed
7 verdict motion I move that both the Kidnapping and Armed
8 Robbery be dismissed and that our directed verdict be
9 granted. Viewing the evidence most favorable to the
10 State I don't believe that there has been -- the evidence
11 would rise for the Kidnapping specifically.

12 The testimony of the victim had the ability to
13 leave. He was in control of the vehicle at all points in
14 time. He could have left so there -- was an ability for
15 him to leave and he was in essence not kidnapped. Your
16 Honor, for the Armed Robbery just that, Your Honor ---

17 THE COURT: --- I'm sorry. What about the Armed
18 Robbery?

19 MR. SHELTON: For the Armed Robbery, Your Honor we
20 just move that the State hasn't met their burden for a
21 directed verdict on any of the elements.

22 THE COURT: Okay. As far as the Armed Robbery,
23 motion denied. I'll be glad to hear you on the
24 Kidnapping.

25 MR. DEJEU: Thank you, Your Honor. May it please

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1 THE COURT: Okay. Bring us the jury please.

2 [Whereupon, the jury enters at 3:41 p.m.]

3 THE COURT: Does everybody have their pads? Y'all
4 are getting to where you file in just like you know which
5 way to file in to get the right pad without swapping them
6 around. Would you call your first witness please?

7 MR. SHELTON: Yes, Your Honor. May it please the
8 court? The defense calls D. Manigault.

9 [Whereupon, Mr. Manigault comes forward]

10 [Whereupon, the witness is duly sworn by the Clerk
11 of Court]

12 CLERK OF COURT: Please be seated. State your name
13 and spell your last name for the record.

14 THE WITNESS: My last name -- D. Manigault.

15 CLERK OF COURT: Spell your last name?

16 THE WITNESS: M-A-N-I-G-A-U-L-T.

17 - - - - -

18 D. MANIGAULT,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. SHELTON:

23 Q. Mr. Manigault, speak clearly into the microphone and
24 if you don't mind speak to the jury. How old are you?

25 A. Eighty two years old.

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1 Q. You have a lot of life experience.

2 A. Very much so.

3 Q. Did you graduate high school?

4 A. Yes, I did.

5 Q. Did you graduate college?

6 A. Yes.

7 Q. What college?

8 A. City College in New York City.

9 Q. And what has been your experience in New York? What
10 did you do in New York?

11 A. In New York I've always worked as a youth counselor
12 for the New York Police dealing with kids from 16 to 21
13 as a go-between between the police and the parent who
14 couldn't relate; and that was the connection I did.

15 Q. Did you also serve in the military?

16 A. Yes. I served in Korea in 1951 through '53.

17 Q. And how long did you work with New York Police?

18 A. I worked for New York near 25 years -- 25 years.

19 Q. And at some point you found yourself down here in
20 the Lowcountry?

21 A. Yes. After I had left the New York Police
22 Department I moved to Chicago and I worked with Barak O.
23 as -- when he was an organizer.

24 And I joined with him and we were travelling all
25 over the United States in every state except Hawaii and

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1 Alaska voter registration. And that's what I did and I
2 still do that even now.

3 Q. And you worked with Foster Adopt --

4 A. Then in Chicago -- in Illinois I'm a licensed
5 counselor so I dealt with foster care dealing with the
6 courts, dealing with adoptive parents, foster parents,
7 caseworker, social worker and so forth.

8 So in that case I was under a 24-hour call if
9 something happened that we need a parent, a caseworker,
10 or something happen with a child then I would be called
11 to pick them up and to place them with somebody or in the
12 care of somebody else.

13 Q. At some point in time it was through you voter
14 registration I believe that you met Wilton's father.

15 A. Oh, yes. In voter registration I met Wilton's
16 father. That was what fifteen years ago -- sixteen years
17 ago.

18 And he joined with me in voter registration and we
19 became very good friends and as a result I met the older
20 brother and the father and the whole family. So I got
21 involved with the whole family as a result of that.

22 Q. So how long have you known -- would you say you've
23 known Wilton then?

24 A. Wilton? I've known him seven and half years now.

25 Q. He's the III -- Wilton the III because he's named

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- 1 after his father?
- 2 A. There are three Wiltons. The oldest father is
- 3 Wilton Greene, I. His father is the II, and this is
- 4 Wilton Greene the III.
- 5 Q. And did at some point in time you take in Wilton?
- 6 A. Yes, Wilton -- I lived at [REDACTED] Plantation
- 7 Gardens and Wilton lived with me for a while.
- 8 Q. And...
- 9 A. At that address.
- 10 Q. For the members of the jury can you explain where
- 11 that address is -- is located?
- 12 A. It's right near where Bojangles is. Bojangles or
- 13 the motor vehicle Bureau.
- 14 Q. The D-M-V?
- 15 A. The D-M-V, they are right together.
- 16 Q. It's right off 52?
- 17 A. I think that is 52, yes.
- 18 Q. And there is a bank also?
- 19 A. There is a what?
- 20 Q. Is there a bank in there?
- 21 A. Yes, there is a bank which is the -- what's the name
- 22 of the bank -- I have --
- 23 Q. Is it maybe First Federal?
- 24 A. Yes.
- 25 Q. You remember when Wilton was arrested for this

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1 offense that we are here today?

2 A. The morning of -- yes, I do.

3 Q. May 22nd?

4 A. Yes, 9:30 that morning.

5 Q. Okay. And ---

6 A. --- he left me at 9:30 that morning.

7 Q. He left at 9:30?

8 A. He left me at 9:30 in the morning and I asked him

9 where he was going. He told me that he had to make a

10 stop near Big Lots -- he was going to Big Lots and he

11 would be back within an hour. And the next thing I heard

12 that he had been arrested.

13 Q. And was he with you the night before?

14 A. Yes, the night before he was with me.

15 Q. Was his girlfriend also staying with you?

16 A. His girlfriend who works -- I forgot what the

17 company she works for, she was with me -- they spent the

18 night at my house that night.

19 And she left -- she gave him some money, which was a

20 total of -- I think she gave him 150 dollars and I gave

21 him some money. When he left he had about supposedly

22 about 300 dollars.

23 Q. Okay. And you gave Wilton money when he asked

24 and...

25 A. At all times. Money was no problem.

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1 Q. Money was no problem?

2 A. No.

3 Q. Wilton was staying with you?

4 A. Yes; at the time when he got arrested.

5 Q. No further questions.

6 THE COURT: Cross-examination?

7 MR. DEJEU: Thank you, Your Honor. May it please
8 the court?

9 CROSS-EXAMINATION

10 BY MR. DEJEU:

11 Q. Mr. Manigault, you don't have -- you don't exactly
12 what happened that day -- what the defendant did do you?

13 A. I wasn't with him. I told you he left me at 9:30;
14 only what he told me and what I heard about.

15 Q. So you don't know anything about the incident that
16 we're here in court today -- about the facts about what
17 happened that day?

18 A. What do you mean the facts? What do you mean?

19 Q. You don't know anything about how he took a ride
20 with this man [indicates] and put the gun -- the knife to
21 him?

22 A. I was told. I spoke to Detective Roach. Detective
23 Roach and I talked and he explained to me what had
24 happened.

25 Q. So somebody else told you about what happened? You

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1 don't know ---
2 A. --- no, I was not there.
3 Q. Thank you. Thank you, sir.
4 THE COURT: Any redirect?
5 MR. SHELTON: No, Your Honor.
6 THE COURT: You may step down. Thank you very
7 much.
8 MR. SHELTON: May Mr. Manigault be excused, Your
9 Honor?
10 THE COURT: Mr. Manigault you are welcome to say if
11 you so choose otherwise you may be excused. Thank you so
12 very much.
13 [Whereupon, the witness is excused and exits the
14 witness stand]
15 MR. SHELTON: Your Honor, at this time...
16 THE COURT: You're going to call the defendant?
17 MR. SHELTON: Yes, Your Honor.
18 THE COURT: All right. Mr. Foreman and ladies and
19 gentlemen of the jury y'all are going to need some
20 skates; I'm going to have to send you back out to the
21 jury room very briefly. Leave your notepads in the
22 chair..
23 [Whereupon, the jury exits at 3:52 p.m.]
24 THE COURT: Bring the defendant around to the
25 witness stand please? He's just on leg chains is that

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1 all?

2 DEPUTY: Yes, sir.

3 [Whereupon, Mr. Greene takes the witness stand]

4 THE COURT: Are you ready to proceed?

5 MR. SHELTON: Yes, Your Honor.

6 THE COURT: Bring us the jury please?

7 [Whereupon, the jury enters at 3:54 p.m.]

8 THE COURT: Okay. Your witness?

9 MR. SHELTON: Thank you, Your Honor. Your Honor.

10

- - - - -

11

WILTON GREENE

12

DIRECT EXAMINATION

13 BY MR. SHELTON:

14 Q. Wilton, how you doing?

15 A. Doing all right.

16 Q. Tell the jury -- how old are you?

17 A. Twenty-four.

18 Q. And how far did you get in school?

19 A. Twelfth grade.

20 THE COURT: You want to swear the witness please?

21 I'm sorry.

22 [Whereupon, the witness is duly sworn by the Clerk

23 of Court]

24 CLERK OF COURT: Please state your name for the

25 record.

1 THE WITNESS: Wilton Greene.

2 THE COURT: How do you spell your last name Mr.
3 Greene?

4 THE WITNESS: G-R-E-E-N-E.

5 - - - - -

6 WILTON GREENE,

7 Having been first duly sworn,

8 Was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SHELTON:

11 Q. [Mr. Shelton] Wilton, how old are you?

12 A. Twenty-four.

13 Q. And how far did you get in school?

14 A. Twelfth.

15 Q. Where did you grow up?

16 A. Mostly St. Stephen and Alvin.

17 Q. And is that where you went to school -- Timberland
18 area?

19 A. Yes, sir.

20 Q. And then right before this incident on May 22, 2012
21 where were you staying?

22 A. I was staying in Jamestown for a little bit but most
23 of the time I was staying in Moncks Corner with my
24 Godfather.

25 Q. With D?

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- 1 A. Yes, sir.
- 2 Q. And your girlfriend stayed with you?
- 3 A. Yes. We was at my father's house but he didn't
- 4 allow us having sex in the house so that's why I started
- 5 going over to his house more often.
- 6 Q. Okay. Where was Mr. Manigault's place?
- 7 A. Behind Bojangles next to a South Carolina Federal I
- 8 think.
- 9 Q. Okay. And the night before did you go out with
- 10 your girlfriend the night before?
- 11 A. We went to the bank.
- 12 Q. And what happened when you went to the bank?
- 13 A. Got some money out.
- 14 Q. Okay. And what happened that morning?
- 15 A. That morning I told my girl I would be back. I took
- 16 100 dollars with me. Before I left I went to my
- 17 Godfather and asked him did he have an extra pair of
- 18 pants because I had basketball shorts on when I came
- 19 there the 21st on that night I already had those pants
- 20 on.
- 21 So I asked him if he extra pants. He had other
- 22 nephews that stay over there so he gave me some pants to
- 23 put on and then I left.
- 24 Q. And then where did you go?
- 25 A. I went to Big Lots..

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1 Q. Okay. And what else do you want to tell us about
2 this incident?

3 A. I went to Big Lots. I went -- with the 100 dollars
4 I took 80 dollars of it, I bought drugs; about 3 grams
5 worth of crack cocaine.

6 Q. Okay. What else?

7 A. And I started waiting out there for a sale. It was
8 hot. I had two pants on. I probably stood out there
9 probably 30 minutes; it wasn't long. I didn't stay out
10 there pretty much long. My girlfriend told me to be back
11 at a certain time.

12 So I saw time was running down so I decided to
13 leave. When I started leaving Big Lots parking lot
14 that's when I saw Mr. Bing. I met with Mr. Bing before.
15 I did business with Mr. Bing.

16 And I saw his car facing the way going back to
17 Bojangles so when I approached him he smiled at me. He
18 asked me if I was working. In other words he asked me
19 did I have drugs on me. I told him yes. So I asked him
20 could he give me a ride.

21 He asked me where did I need to go and I said
22 Bojangles. He said Bojangles?. When he said Bojangles he
23 said it like he didn't understand me. I said yes,
24 Bojangles. Then he said Bojangles again. So I stepped
25 away from his car and walked closer to the sidewalk to

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1 the left to see if I could see Bojangles so I could point
2 it out for him but I saw McDonalds. I told him yes, it
3 is near McDonalds.

4 He said okay so he started pumping his gas. So I
5 waited while he pumped his gas and after he finished he
6 went in the front seat and started clearing out stuff in
7 the front seat. He had a lot of junk in the front seat.

8 So I sat in the car and we drive off. Before we
9 drive off though we was riding real slow and I asked him
10 what did he want. He said first he said 40 but I tell
11 him how about 60.

12 But he told me he didn't have much money at the time
13 and I tell him if you credit from me you'll have to pay
14 me 120 if I give you 60. He said all right but he didn't
15 have money.

16 So when I did business with him the first time he
17 gave me his wallet for collateral. He had a green card
18 in his wallet. So that's what he gave me the first time
19 and he give it to me again. So while we was riding he
20 told me to hold the steering wheel while he was driving.

21 And while he was driving he lit up -- he told me to
22 cut the piece and he told me to go under the seat and he
23 said something about a kitchen knife. So I reached under
24 the seat and I cut pieces of the crack cocaine and I gave
25 it to Mr. Bing. He hit it and then we started driving.

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1 And then I started moving in the front seat because he
2 had a lot of junk in there so I got up and I moved some
3 things in the back. I sloughed up and I moved some stuff
4 in the back.

5 There was stuff still poking me so when I got up I
6 reached up again like this [indicates] and I had a Swiss
7 Army blade in my pocket and a small Swiss probably about
8 this big right here [indicates], small fold knife in my
9 pocket.

10 And when I pulled it out that's when Mr. Bing said
11 what happened to you? I said just drop me off to the
12 bank. Then he said to the bank. I said yes, drop me off
13 by the bank.

14 He said why you want me to drop you at the bank. I
15 said just drop me off to the bank because that's where I
16 want to go. He said no McDonalds. I said no, the bank.
17 I said its close by McDonalds.

18 That's when he said oh I get it you want all the
19 money. You want all the money. I said no; just take me
20 to the bank. That's where I want to go at. So once I
21 told him that Mr. Bing -- I'm trying to remember, I'm
22 trying to remember.

23 He started acting a little funny. I kept telling
24 him go to the bank. He would keep saying I don't got no
25 money. I told him I didn't want his money. When I had

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1 the knife I folded the knife up and I put it inside the
2 bag with the drugs. I put it inside the bag with the
3 drugs.

4 And then that's when he reached in his pocket and he
5 pulled out like -- it was five dollar bill and a couple
6 of ones. He handed the money to me and I said I don't
7 want the money. I said you don't got all my money I want
8 all my money.

9 Then he was like take the money. I was like no, I
10 want all the money. I said when you pay me I want all
11 the money. And he said here, this is all I have. Then I
12 was like when you give me this money you still going to
13 owe me 160 -- I mean 120.

14 He was like okay and he said give me my wallet. I
15 said I can't give you your wallet until you pay me my
16 money like we did last deal.

17 So then I cut him another piece and I gave him the
18 drug -- I cut him another piece and put the folded knife
19 back inside. And the knife that he gave me was in -- he
20 told me to get from under the seat it was in the console
21 where the cup holder be at.

22 So he took another hit and he was driving real slow
23 and I know I had drugs on me and I know when I stay at
24 Bojangles the police they eat at Bojangles they eat
25 breakfast there and it was in the morning. I was telling

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1 him drive faster, drive faster but he still kept going
2 real slow. So when he hit it again that's when he starts
3 saying give me my wallet. I said I tell you you already
4 got my drugs. You got to give me 160 and I'll give you
5 wallet back.

6 So then that's when he saw the police. I said if
7 the police stop us we got to run. Then he said I'm not
8 going to run. I said well you're going to get locked up
9 I told him I was going to run.

10 So he said he wasn't going to run and when we saw
11 the police off in the distance we was driving real slow.
12 So then he looked at the knife -- he still was asking me
13 for my wallet.

14 He looked at the knife that he had in the console --
15 he looked at it and I'm watching him because he -- after
16 he started acting funny. When he looked at it I'm
17 looking at him and when he go to reach for the knife I
18 snatched it.

19 I moved his arm out the way. With my left arm I
20 moved it out the way and that's when he swerved. And as
21 soon as he stopped I ran to get the drugs off me; that I
22 could throw the drugs off me.

23 Q. And you have a conviction?

24 A. Yes, sir.

25 Q. What's the conviction for?

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1 A. I plead to Strong Armed Robbery.

2 Q. No further questions.

3 THE COURT: Cross-examination?

4 MR. ALFARO: Yes, Your Honor.

5 THE COURT: Before you start I want to ask one
6 question. Mr. Greene, do you spell your name G-R-E-E-N-E
7 -- have an E after the N?

8 THE WITNESS: It is. Originally it was not
9 supposed to have E on the end but my father changed it; I
10 don't know why. But it was without the E.

11 THE COURT: But your father's name has an E after
12 the N?

13 THE WITNESS: Yes, he changed it legally.

14 THE COURT: And that's the name you go by?

15 THE WITNESS: Well most people call me by my
16 nickname?

17 THE COURT: I know. But what does your driver's
18 license say?

19 THE WITNESS: Wilton Greene.

20 THE COURT: Does it show G-R-E-E-N-E?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. Thank you. Please proceed.

23 MR. ALFARO: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. ALFARO:

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- 1 Q. Mr. Greene, before we get to the drug deal story
2 that you told on direct I want to ask you a couple of
3 questions and see if we can agree on some things. You
4 admit you met the victim in the parking lot of that gas
5 station correct?
- 6 A. Yes, sir.
- 7 Q. Not inside, but outside in the parking lot?
- 8 A. Yes, outside.
- 9 Q. And you asked him if he would give you a ride?
- 10 A. Yes.
- 11 Q. And he smiled at you and agreed to give you a ride?
- 12 A. Yeah.
- 13 Q. And you waited for him to pump the gas?
- 14 A. Yes, sir.
- 15 Q. And then got in the car with him?
- 16 A. Yes, sir.
- 17 Q. Just you two in the car correct?
- 18 A. Yes, sir.
- 19 Q. Him driving and you in the passenger seat?
- 20 A. Yes, sir.
- 21 Q. And at some point during your ride from the gas
22 station towards up 52 at some point you came into
23 possession of the victim's wallet correct?
- 24 A. Before we even pulled out.
- 25 Q. Before you even left the parking lot?

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1 A. Yes. Basically before we left out he gave me his
2 wallet because that's the deal we had last time I dealt
3 with him.

4 Q. Okay. So he's pumping gas. You come up and ask
5 for a ride. He gets in the car and in the middle of a
6 parking lot -- this is daytime correct?

7 A. Yes, sir.

8 Q. In the middle of the parking lot in the daytime he
9 just pulls his wallet out and hands it to you?

10 A. No, once we get inside the car. Before we left the
11 parking lot that's when he gave me the wallet. I gave
12 him the drugs first, he gave me the wallet.

13 Q. So you get in the car with him and then he hands you
14 his wallet?

15 A. Yes, sir.

16 Q. And that's the wallet that had his green card, some
17 looks like some Band-Aids, and an identification card;
18 State's exhibit 2? Is that what was in the wallet?

19 [Whereupon, the witness is shown photograph]

20 A. Yes. The money was not in the wallet.

21 Q. Okay. So you got the money from him separately.
22 You got the wallet from him in the parking lot?

23 A. No, I get money from him -- he handed me a five
24 dollar bill and some ones but he didn't have no money in
25 the wallet. I checked the wallet and he didn't have no

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1 money in the wallet.

2 Q. Do you know where the victim lives?

3 A. No.

4 Q. So under your drug deal story you were going to take
5 a wallet that had a green card, Chinese identification
6 card, give him drugs and that was the collateral?

7 A. That was the collateral.

8 Q. With no way to collect because you had no idea where
9 he lived?

10 A. I collected -- the first time I collected from Mr.
11 Bing we would meet. Sometimes he would pay me that same
12 day but he would let me know when to meet him back.

13 Wherever he dropped me off at he would tell me to
14 come back in an hour or so and I would wait there.
15 Mostly at Big Lots; I would wait at Big Lots.

16 Q. But supposedly if you had done this before this time
17 was different because you didn't wait.

18 A. That's what I'm saying. He wouldn't drop me off.
19 He said he didn't have much money then on him. So I was
20 going to go back -- tell him to drop me off at Bojangles
21 and then we was going to meet wherever he dropped me off
22 at.

23 Q. And can we also agree that you had the knife in your
24 hand at the time that he swerved towards where the cops
25 were?

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1 A. No, sir. I had the knife in my pocket.

2 Q. Which knife did you have in your pocket?

3 A. I had the folded knife. I had the folded knife in
4 the bag inside my pocket.

5 Q. Are you saying full knife or folding knife?

6 A. Folding knife; the folding knife.

7 Q. What about the knife that doesn't fold?

8 A. The knife that doesn't fold I first took that from
9 under the seat when he told me to cut the drugs. When I
10 cut it I took it from under the seat and I put it in the
11 console where the cup -- the cup holder.

12 Q. I thought you testified on direct that when he
13 started going towards the cops you saw him look at the
14 knife and you picked that knife up.

15 A. That's when we swerved. When we swerved that was
16 the last -- that's when I picked the knife -- I picked
17 the knife up at the last moment. That's when I picked
18 the knife up.

19 Q. Okay. And that's what I asked you. When the time
20 that you swerved at the cops you had that knife in your
21 hand?

22 A. But I put it in my pocket, yes.

23 Q. Which pocket did you put it in?

24 A. I think I put in my right pocket, my right pocket.

25 MR. ALFARO: Can I see the knife, Your Honor?

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1 Q. [Mr. Alfaro] I'm going to show you what is in
2 evidence as State's exhibit number 9.

3 [Whereupon, the witness is shown exhibit]

4 Q. Is this the knife that you said was in the cup
5 holder that you took at the time that he swerved?

6 A. Yes, sir.

7 Q. Okay. Then you took this knife that doesn't fold
8 and put it in your pocket?

9 A. Yes because he was reaching for it so I took it out
10 of his reach. I guess he was tripping off the drugs so I
11 took it out of his reach.

12 Q. Okay. So you're swerving -- you're coming towards
13 the cops and you're swerving towards the cops and you
14 decide you're going to grab the knife? Not throw it in
15 the backseat, not throw it back under the seat, you're
16 just going to grab a knife and put it in your pocket?

17 A. Because we -- when he panicked I panicked. That's
18 when I grabbed -- I grabbed the knife at the last moment.
19 I didn't think about throwing the knife inside the car.
20 I was thinking about just getting away from the police
21 because I had drugs on me.

22 Q. So you were just getting away not because you robbed
23 him at knifepoint but because you had drugs?

24 A. No, I never did rob him. I had no use to rob him.
25 My girl gave me money and my Godfather gave me money. I

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1 didn't need to rob him.

2 Q. You said you left the house that morning with 100
3 dollars.

4 A. I left with 100 and spend 80. I had 20 left over.

5 Q. Okay. But you didn't need any money?

6 A. I didn't need no money. I left money at the house.

7 Q. And the wallet was just collateral?

8 A. Yes, collateral.

9 Q. Okay. Now, you remember speaking to Officer Judy
10 at the time that you were arrested correct?

11 A. Yes, sir.

12 Q. Let me backtrack one second. That knife that I
13 showed you that's the knife that you had in your
14 possession when you ran from the police?

15 A. Yes, sir.

16 Q. And that's the knife you pulled out of your pocket
17 at the time the officer challenged you with his weapon
18 and told you to drop it?

19 A. Yes, sir. It was poking me so I took it out my
20 pocket.

21 Q. What happened to the folding knife that you were
22 talking about?

23 A. I put it inside the bag with the drugs and that's
24 why I wanted to run just to get the drugs off me.

25 Q. Okay. So you threw the drugs away while you were

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1 running?
2 A. I didn't really like toss it but when I was running
3 I didn't want him to see me throw it so when I'm running
4 I like dropped it. I didn't toss it. I didn't want him
5 to see me doing it.
6 Q. What pocket were you carrying your drugs in?
7 A. I had them in my right.
8 Q. Which pocket were you carrying that knife in?
9 A. Right.
10 Q. And so you reached into your pocket with that knife
11 that doesn't fold?
12 A. Yeah.
13 Q. Did you cut your hand?
14 A. I had cuts on my hand but I don't know if it was
15 from the knife.
16 Q. And all this is going on while you're running away
17 from the police?
18 A. Yes, sir.
19 Q. You're being chased?
20 A. Yes, sir.
21 Q. Okay. And you while running go into your pocket
22 and pull the bag of drugs with the folding knife out,
23 don't cut yourself on that knife, take that out and throw
24 that as you're running. That's your story today?
25 A. Yes. The sandwich bag is pretty big -- that knife

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1 can't really cut me like that. And I didn't have no
2 tight jeans on. I had big jeans that I got from my
3 Godfather was big loose jeans. The knife had plenty of
4 space in my pants; it couldn't cut me.

5 Q. So that reaching in while you're running because --
6 I mean you may run different than me but when I run my
7 leg moves.

8 A. Yeah.

9 Q. And when my leg moves my pocket moves.

10 A. Yeah.

11 Q. And if I'm reaching in my pocket while my legs are
12 moving I'm not doing that with a knife that doesn't fold
13 that's sticking up or down ---

14 A. --- the knife was sticking down. And that's why --
15 when I was running -- when I ran into the car that's when
16 I took it out. It was downward -- the blade was downward
17 so it was impossible to cut me.

18 The only thing it was doing was poking my leg. So
19 when he hit me I know he would have seen me throw the
20 knife so I wasn't trying to throw the knife to hide it
21 from him. I was taking the knife out because it was
22 poking me.

23 Q. So you cut your leg while you were running?

24 A. No, it was just poking me. I didn't feel it until
25 after he hit me. When he hit me that's when I felt it.

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1 I felt the knife poke me and that's when I took the knife
2 out.

3 Q. So you had the presence of mind and the eye hand
4 coordination and the ability to pull the drugs out, drop
5 the drugs, didn't cut yourself and also didn't think to
6 drop that knife at the same time?

7 A. I don't see why -- it wasn't -- my knife I wasn't
8 using it for no type of harm. The knife was pointed
9 downward so the handle is going to be the first thing I
10 touched and it was a sandwich bag so I touched the bag
11 before I touched the knife. The blade was downward; I
12 touched the handle.

13 Q. Would it -- so you're saying that you were thinking
14 enough and had enough life experience to know that you
15 didn't want the cops to catch you with drugs in your
16 pocket.

17 A. Yeah.

18 Q. But you didn't have enough life experience and
19 knowledge to know that you didn't want the police to
20 catch you with a knife in your pocket after they are
21 chasing you.

22 A. Because I'm not thinking I'm going to get in trouble
23 for a knife that wasn't mine. I'm thinking I got 3 grams
24 of drugs on me -- a little less since I gave him some.
25 I'm thinking about getting the drugs off me. I'm not

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1 thinking about a knife that wasn't mine.

2 Q. You don't think that -- so you weren't concerned
3 that if the cops are chasing you, and he chased you a
4 good way; from the Walgreens, past the Huddle House to
5 that parking lot correct?

6 A. Yeah.

7 Q. And at some point during that run is when you
8 managed to get the drugs out and drop them?

9 A. Yeah.

10 Q. You didn't think that cops get nervous when someone
11 they are chasing has a knife in their pocket and that's
12 how people sometimes get shot? You weren't thinking
13 about that?

14 A. He didn't know I had no knife in my pocket so I
15 don't see why he would get nervous. He got nervous once
16 I took it out my pocket.

17 He never knew I had a knife in my pocket because I
18 never -- when I exited the car I had the knife in my
19 pocket. I didn't have it in my hand.

20 Q. Now do you remember Officer Judy asking you -- he
21 asked you how you got the wallet and the money that
22 belonged to Mr. Zhang?

23 A. Yes.

24 Q. Do you remember what you told him?

25 A. I told him he gave it to me.

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1 Q. Okay. And do you remember him then asking you how
2 come he says you had a knife to his belly? Do you
3 remember what you told him then?

4 A. Yes. But I looked at my motion like forty times
5 and what he is saying doesn't make sense. That's
6 something almost a retarded person would say.

7 The answer doesn't match up with his question he was
8 saying. So I did not say that. I know what I said to
9 him. But in that motion I did not say that.

10 Q. So you didn't say I sat on it in my back pocket and
11 I retrieved it so it wouldn't cut me?

12 A. No, that doesn't make sense. He asked me how -- why
13 did the victim said the knife get in your belly -- how
14 did the knife get to his belly.

15 So the correct answer for that or response would be
16 I took the knife out and put it to his belly. But in the
17 motion he's saying that I said oh, the knife was poking
18 me so I took it out. That doesn't make sense. I'm a
19 little more intelligent than that.

20 Q. So you -- when the cops -- when you came into
21 contact with the cops you ran, didn't leave the drugs or
22 the knife in the car; you took those with you?

23 A. Yes. I don't see why I would leave it. I panicked.

24 Q. You didn't want the cops to catch you with the drugs
25 right?

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1 A. Yes, I just wanted to get out. I already had it on
2 me. I'm not going to take it and throw it inside a car
3 and take off running.

4 I know I wasn't going to get away. Bojangles was
5 all the way down there; I know I wasn't going to get
6 away. I just wanted to get the drugs off me.

7 Q. So you wanted to get the drugs off of you but you
8 didn't want to get them off of you by just leaving them
9 in the car?

10 A. I wasn't thinking about that. When I see the police
11 I got drugs on me; I'm not thinking. I'm not thinking
12 too correctly at the time so I'm not thinking about
13 leaving it inside the car.

14 Q. And I believe on your direct you said that the
15 victim started acting funny when you pulled out the
16 pocket knife?

17 A. He started acting a little funny before that when --
18 once he tested the drug. But when I put the knife and I
19 tell him to drop me off by the bank that's when he went
20 what happened to you? What happened to you. So I keep
21 telling him to drop me off to the bank.

22 Q. I want to make sure I understood your direct
23 testimony correctly. Before you got to the cops or
24 before you got out of the car and ran you told the victim
25 you wanted all the money?

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- 1 A. Yes, all the money that he owed me.
- 2 Q. So you told him you wanted all the money that he
3 had.
- 4 A. I told him I wanted all the money that he owned me;
5 not that he had. He didn't have no much money. He
6 pulled him money out.
- 7 Q. Okay. And you got out of the car, ran with the
8 drugs and the knife, dropped them when the cops were
9 chasing you correct?
- 10 A. Correct.
- 11 Q. And how long did you talk to Officer Judy after you
12 were arrested?
- 13 A. I can't say. It wasn't long. It wasn't long at
14 all.
- 15 Q. Just an estimate -- how many, ten minutes, twenty
16 minutes, thirty minutes?
- 17 A. Five, ten minutes; no more than that I don't think.
- 18 Q. How long would you say you were around Officer Judy
19 from the time he took you into custody until the time you
20 made it to the jail were you around Officer Judy or other
21 cops?
- 22 A. I think like fifteen minutes. I can't really -- I
23 can remember his face but not that good. I remember
24 Detective Roach more than him. I can't really...
- 25 Q. You talked to Detective Roach that day too?

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1 A. Yes, I think I talked to Detective Roach first. I
2 talked to him once he was transporting me to Berkeley
3 County. I talked to Detective Roach first.
4 Q. Then is it fair to say that today is the first time
5 you've told anybody about this being a drug deal gone
6 bad?
7 A. Say again?
8 Q. Is it fair to say that today is the first time
9 you've told anybody about this being a drug gone bad?
10 A. No, this is not my first day.
11 Q. But you didn't tell Officer Judy that did you?
12 A. I told Detective Roach.
13 Q. Okay. But Officer Judy was the one you were
14 talking to about -- when Judy asked you how you got the
15 wallet and the money that belonged to Mr. Zhang you
16 didn't tell him at that time that it was a drug deal?
17 A. To be honest ---
18 Q. --- yes or no. Did you tell him it was a drug deal
19 gone bad?
20 A. I have to explain because to be honest I don't
21 remember Judy asking me that. Detective Roach asked me
22 those questions. He did not ask me -- he asked me my
23 name and date of birth. He didn't really ask me no
24 questions. Detective Roach was the one that asked me
25 that question.

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- 1 Q. So you don't remember -- even though you testified a
2 little bit different earlier you don't remember Judy
3 saying how come he says you had a knife to his belly?
4 A. No, I can remember him asking questions but he never
5 -- Detective Roach asked me those questions.
6 [Whereupon, Mr. Alfaro and Mr. Dejeu confer]
7 Q. [Mr. Alfaro] So we're clear the wallet and the
8 collateral that the victim -- or the wallet and the I.D.
9 that the victim gave you that was just collateral for
10 your drug deal?
11 A. Yes. He had no money. I don't need a wallet.
12 Q. I'm sorry?
13 A. I said I don't need a wallet. He had no money in
14 there. If it's a robbery I'm not going to take his
15 wallet.
16 Q. Well, if you don't need the wallet -- you just said
17 you took the wallet.
18 A. For collateral. He's got a green card. That's the
19 only reason I took the wallet. That's the only thing he
20 had in the car that was important to him when I first did
21 business with him I think in February. Other than that
22 there was no money in the wallet, but to be robbing him
23 for a wallet...
24 Q. So he's got no money.
25 A. He had a five dollar bill and some ones. But when I

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1 took the money from him some change fall. All he had was
2 five dollar bill and some ones that I saw.

3 Q. So you took the five dollar bill and some ones from
4 him?

5 A. He handed it to me and I took -- first I told him
6 no. I told him several times no. I told him I wanted
7 all my money.

8 Q. Okay. So how much crack cocaine are we supposedly
9 talking about here?

10 A. Three grams; but it was less than three grams after
11 I gave Bing...

12 Q. How much is 3 grams of crack cocaine?

13 A. I don't -- 3 grams you can get it differently. Some
14 people charge higher, some people don't. Some people for
15 a gram you can get a hundred.

16 Q. What were you supposedly charging him?

17 A. Sixty dollars worth of drugs. I didn't get him a
18 gram. Sixty dollars is you cut it into sizes of twenty
19 pieces.

20 Q. So you were supposedly selling him sixty dollars
21 worth of drugs not in exchange for sixty dollars but in
22 exchange for a Chinese I.D. card, a green card, and a
23 wallet with no money in it?

24 A. No, I'm exchanging it for money. I did business
25 with him before and he paid me back so I trusted him. As

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1 long as I got his wallet he would give me my money.

2 Q. Thank you.

3 THE COURT: Any redirect?

4 MR. SHELTON: No, Your Honor.

5 THE COURT: All right. You may step down. Mr.

6 Foreman and ladies and gentlemen of the jury I'm going to

7 have to ask you to step out just very...

8 [Whereupon, the jury exits at 4:21 p.m.]

9 THE COURT: All right. Mr. Greene, you may step
10 down.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 THE COURT: Can I see the attorneys up here just a
14 second.

15 [Whereupon, an off the record bench conference is
16 held]

17 THE COURT: Bring us the jury please.

18 [Whereupon, the jury enters at 4:23 p.m.]

19 THE COURT: All right. Mr. Foreman, ladies and

20 gentlemen of the jury we may have some additional

21 testimony in the morning or we may not. If we do we'll

22 listen to that testimony and then we will have closing

23 arguments and the charge. If we don't have any

24 additional testimony in the morning we will have closing

25 arguments and charge in the morning. Please leave your

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1 CHRIS SCARBOROUGH

2 Having been first duly sworn,

3 Was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SHELTON:

6 Q. Officer Scarborough, bear with me. I'm usually on
7 the other side of this.

8 A. Yes, sir.

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

10 A. Twelve years.

11 Q. Okay. And with Moncks Corner?

12 A. I've been with Moncks Corner for four years.

13 Q. Okay. Where were you working before?

14 A. I worked for four years in Rome County, Tennessee
15 which is east Tennessee for the Sheriff's Department and
16 four years at the Cobb County Sheriff's Department in
17 Georgia.

18 Q. Okay. And how did you become involved in this
19 case?

20 A. I was asked by Sergeant Norvel [phonetic] to
21 interview the victim in the case.

22 Q. And that's Mr. Zhang?

23 A. Yes, sir.

24 Q. Okay. And how did you -- did you use any type of
25 materials to help in your interview?

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1 A. I used a digital voice recorder, audio recorder.

2 Q. Okay. And you had a chance to review the audio
3 recording?

4 A. Yes, sir.

5 Q. And you've had a chance to review a transcript very
6 briefly?

7 A. Yes, sir.

8 Q. And you remember talking to Mr. Zhang on May 12th --
9 or May 22nd?

10 A. Yes, sir.

11 Q. Was he hard to understand?

12 A. It was a little challenging but not overly so.

13 Q. Okay. Going into the interview did Mr. Zhang talk
14 to you about giving other people rides?

15 A. Yes, sir.

16 Q. Okay. Can you explain that?

17 A. When I first went into the interview room I didn't
18 know a whole lot about the case beforehand. And so I
19 just simply asked him to tell me what happened. And he
20 said that he was giving a gentleman a ride.

21 Q. Did he talk to you about maybe at the end of the
22 interview about giving other people rides?

23 A. I don't recall that.

24 Q. Okay. Would it help to see the transcript?

25 A. Yes, sir.

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1 Q. If you would turn to page 21. It starts with line
2 11.

3 [Whereupon, the witness reviews documents]

4 A. Yes, sir.

5 Q. Did that refresh your memory?

6 A. Yes, sir.

7 Q. Okay. And so he talked about giving at least one
8 other person a ride?

9 A. Yes, sir.

10 Q. At the beginning of the interview was Mr. Zhang was
11 he confused about the gas station?

12 A. Yes, sir. He at first when he was telling me what
13 happened he said that he was at the Sonoco gas station.
14 There's two Sonoco's in Moncks Corner; one at the Tail
15 Race and one at 6 and 17.

16 And then as he was telling the story it was a little
17 bit confusing to me where he was at. And so I asked him
18 which gas station it was and he said it was the one
19 across from the Big Lots.

20 Well, there is not a Sonoco across from Big Lots so
21 I asked him -- I thought maybe he was talking about
22 Walmart. So I asked him if it was the one across from
23 Walmart and he said no, it was the one across from Big
24 Lots behind the CVS Pharmacy. So then through a little
25 bit more conversation I figured out he was talking about

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1 the Corner Stop gas station.

2 Q. And you told him about the Corner Stop.

3 A. Yes, sir.

4 Q. Where did Mr. Zhang tell you that Mr. Greene came

5 from?

6 A. He said that Mr. Greene was in the store and Mr.

7 Zhang had gone in to prepay for his gas. And he said he

8 had seen Mr. Greene in there and when he came out to

9 start pumping his gas he said that Mr. Greene came out

10 and approached him about a ride.

11 Q. And he came out of the store -- he didn't mention

12 anything about Big Lots?

13 A. No, sir. My understanding was that -- what he said

14 was that Mr. Greene had come out of the gas station and

15 approached him.

16 Q. And you were trying to get some more information

17 about the incident about getting specific details down.

18 A. Yes, sir.

19 Q. And one of those details was you wanted him to

20 describe the knife.

21 A. Yes, sir.

22 Q. What did he -- how did he describe the knife?

23 A. It was -- at first I had an ink pen in my hand and

24 he said it was about the size of an ink pen; maybe a

25 little bit bigger. And I was asking him questions trying

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1 to see if it was a pocket knife or what kind of knife it
2 was. I had a pocket knife in my pocket at the time so I
3 asked him if it was one that had a blade that opened and
4 closed or if it was a fixed blade or whatever.

5 And he indicated it was a -- at first he indicated
6 it was like a pocket knife that had a foldable blade. I
7 asked him if he could remember the color of the handle or
8 anything and he said he couldn't remember because the guy
9 had his hand on it and he couldn't see it.

10 Q. But he was sure that it was a folded knife. It was
11 one that opened.

12 A. He was pretty sure. It was shortly after the
13 incident had occurred and he was appeared to be still
14 anxious and...

15 Q. You also asked him to describe Mr. Greene or the
16 person that was in the car.

17 A. Yes, sir.

18 Q. And so do you remember what that description was?

19 A. I remember he said it was a black man tall and
20 skinny I believe was...

21 Q. Do you remember what he said he was wearing?

22 A. I believe he said it was a white shirt, maybe a
23 white t-shirt and dark colored pants. I remember he said
24 they weren't black pants but sort of dark and through a
25 conversation with him it was more like a dark charcoal

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1 grey I guess.

2 Q. And so at this point in time that you were giving --
3 you are talking with Mr. Zhang you don't have any
4 physical evidence or pictures of any evidence?

5 A. No sir, I didn't have anything.

6 Q. So you wouldn't have been able to tell if he was
7 mistaken or anything like that?

8 A. Not at that time, no sir.

9 Q. Do you remember what Mr. Zhang -- how Mr. Zhang
10 described Mr. Greene holding the knife?

11 MR. DEJEU: Objection, Your Honor. May we
12 approach?

13 THE COURT: Yes, sir.

14 [Whereupon, an off the record bench conference is
15 held]

16 Q. [Mr. Shelton] Do you remember -- do you remember
17 what hand Mr. Zhang kept the knife in?

18 MR. DEJEU: Objection, leading.

19 THE COURT: I'll sustain the objection.

20 Q. [Mr. Shelton] Do you remember Mr. Zhang talking
21 about the incident and ---

22 MR. DEJEU: --- objection, Your Honor, that's
23 hearsay.

24 THE COURT: I'll sustain the objection.

25 [Whereupon, Mr. Shelton and Mr. Schwacke confer]

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1 Q. [Mr. Shelton] What did -- you were trying to get
2 some final information from Zhang at the end of the
3 interview, some final description of what happened and
4 just tie up some loose ends.

5 A. Yes, sir.

6 Q. Do you remember -- what did Mr. Zhang say about
7 change, coins?

8 A. During that conversation he had told me that the
9 individual in the car had asked for his money and that he
10 had given him money out of his pocket.

11 And I asked him if he could remember how much money
12 or what kind of money it was. And to the best of my
13 recollection he said that he gave him some dollar bills,
14 some bills, and also some coins. I don't remember
15 exactly.

16 Q. Would it help to refresh it on page 23?

17 [Whereupon, the witness reviews documents]

18 Q. Its line 22 and 23.

19 A. Yes sir, I remember.

20 Q. Okay. So what did that say about the coins?

21 A. That he -- the suspect didn't want the coins.

22 Q. Okay. No further questions.

23 THE COURT: Cross-examination.

24 MR. DEJEU: Just briefly, Your Honor.

25 CROSS-EXAMINATION

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1 BY MR. DEJEU:

2 Q. Detective Scarborough, you said that Sergeant Norvel
3 told you to meet with this victim correct?

4 A. He asked me if I would, yes sir.

5 Q. And you didn't know anything about the incident at
6 that point?

7 A. No, sir.

8 Q. When you talked to Mr. Zhang obviously -- you've
9 already said that he looked agitated; he obviously went
10 through an armed robbery. But did he -- did you see
11 anything that would indicate that he was under the
12 influence of drugs or alcohol?

13 A. No, sir.

14 Q. Thank you.

15 THE COURT: Any redirect?

16 MR. SHELTON: Nothing, Your Honor.

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

19 [Whereupon, the witness is excused and exits the
20 witness stand]

21 THE COURT: Any further witnesses?

22 MR. SHELTON: The defense rests, Your Honor.

23 THE COURT: Okay. Does the State have any reply
24 witnesses?

25 MR. DEJEU: Yes, Your Honor. The State has one

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1 enforcement?

2 A. August will make 24 years.

3 Q. And where are you working now?

4 A. Moncks Corner Police Department.

5 Q. You were involved in -- obviously you were working
6 on -- were you working on May 22, 2012?

7 A. I was.

8 Q. Were you involved in any way in this case?

9 A. I prepared the arrest warrants.

10 Q. Did you have a chance to talk to -- to speak to the
11 defendant, Mr. Greene?

12 A. I did.

13 Q. At any point in the conversation did he mention to
14 you anything about this was a drug deal that went bad or
15 a drug transaction?

16 A. He made no indications of any kind. We would have
17 followed up on it.

18 Q. Thank you. No other questions.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION

21 BY MR. SHELTON:

22 Q. You did talk to Mr. Greene?

23 A. Briefly.

24 Q. Okay. You didn't write any reports?

25 A. No. My involvement in the case was very limited.

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1 end of the reply testimony. I'll be glad to hear you on
2 your motions.

3 MR. SHELTON: Thank you, Your Honor. Renew all
4 motions made specifically the motions for the use of
5 improper Interpreter and the denial of the mistrial
6 motion, Your Honor. In addition renew our motion for
7 directed verdict specifically for the kidnapping.

8 There was testimony from the witnesses that he
9 invited the defendant into his car. He did have -- the
10 doors weren't locked. He would have had opportunity to
11 leave. And I'd ask that the directed verdict be directed
12 on the Kidnapping charge and just that they haven't
13 proven the elements of the Armed Robbery, Your Honor.

14 THE COURT: Okay. All those motions are denied.
15 I think there were four of them if I remember correctly.
16 But all the motions are denied.

17 MR. SHELTON: Thank you, Your Honor.

18 THE COURT: All right. Are ya'll ready -- do y'all
19 need some time to get ready for your closing statements
20 or do y'all ---

21 MR. DEJEU: --- the State is ready, Your Honor.

22 THE COURT: Pardon?

23 MR. DEJEU: The State is ready.

24 THE COURT: Is the defense ready?

25 MR. SHELTON: I'm practically ready in like five or

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1 ten minutes.

2 THE COURT: You want about ten minutes?

3 MR. SHELTON: Yes, Your Honor.

4 THE COURT: That's fine. I'll give you about ten
5 minutes. We'll adjourn until five minutes after ten
6 okay?

7 MR. SHELTON: Thank you, Your Honor.

8 THE COURT: I'll give you ten minutes. Thank you
9 very much.

10 [Whereupon, court is in recess from 9:55 a.m. until
11 10:10 a.m.]

12 THE COURT: Is the State ready to proceed?

13 MR. DEJEU: Yes, Your Honor.

14 THE COURT: Is the defense ready to proceed?

15 MR. SHELTON: Yes, Your Honor.

16 THE COURT: Okay. Bring us the jury please.

17 [Whereupon, the jury enters at 10:10 a.m.]

18 THE COURT: Solicitor?

19 MR. DEJEU: Thank you, Your Honor. May it please
20 the court?

21 CLOSING ARGUMENTS

22 MR. DEJEU: Ladies and gentlemen, now I have
23 opportunity to talk to you a little bit about the law in
24 the case. As you already know the defendant is charged
25 with Armed Robbery and Kidnapping. The Armed Robbery in

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1 South Carolina the law requires that the defendant -- the
2 State has to prove that the defendant committed a robbery
3 while armed with a pistol, dirk, slingshot, metal
4 knuckles, razors, or other deadly weapon. What is a
5 robbery? Robbery is a larceny from a person or in the
6 immediate presence of another by violence, intimidation,
7 or by putting such person in fear. What's Larceny?
8 Well, Larceny is the taking and carrying away property of
9 another against the will of the owner and with intent to
10 steal.

11 The violence and intimidation can be a personal
12 violence or threat of violence. The degree of force used
13 does not matter as long as the force of the threat is
14 actually sufficient to overcome the victim's resistance.
15 So all you need -- all the State needs to show is that
16 the defendant was afraid. He felt threatened, he felt
17 like he couldn't do anything but to comply. And the
18 second element of Armed Robbery is obviously the deadly
19 weapon. There are some examples, pistols, a knife can be
20 a deadly weapon.

21 Regarding Kidnapping; Kidnapping as you can see is
22 defined in South Carolina as an unlawfully seizing,
23 confining, inveigling, or enticing, decoying, kidnapping,
24 abducting or carrying away any other person. One thing I
25 would like to mention about kidnapping this is not like

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1 in Hollywood movies where somebody gets kidnapped, tied,
2 taken from the street, put in a place maybe a room or the
3 trunk of a car or something and kept there. That's not
4 what South Carolina law requires.

5 The law requires that somebody be taken away and
6 kept in -- abducted or seizing, unlawfully seizing
7 somebody by means whatsoever; whatever the defendant can
8 use to unlawfully seize a person that counts. And
9 without authority of law that means basically that the
10 defendant, the person that commits the Kidnapping does
11 not have authority by law to seize a person. Obviously
12 an officer has an authority of law when he is
13 investigating a crime and he's catching somebody.

14 Only two more things I'd like to mention in my
15 opening on the law is that I mentioned to you in the
16 beginning about common sense. That's all you need when
17 you listen to the facts and when you go to deliberate now
18 just think about common sense and do not disregard the
19 obvious.

20 This element that I just showed we have to prove,
21 the State has to prove it beyond a reasonable doubt. And
22 maybe you remember I told you what reasonable doubt it.
23 It's that doubt that causes a reasonable person to
24 hesitate. It's not proof beyond all doubt; it's not
25 proof beyond any shadow of doubt. It's just proof beyond

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1 a reasonable doubt. Common sense and don't be afraid --
2 don't disregard the obvious. Thank you.

3 THE COURT: Mr. Shelton.

4 MR. SHELTON: Thank you, Your Honor. May it please
5 the court?

6 CLOSING ARGUMENTS

7 MR. SHELTON: I'll bring my notes up. He gets to
8 come back up but this is the only time I can talk to
9 y'all so I want to make sure I get everything up to you.

10 Miscommunication. There are reasons not to believe
11 Mr. Zhang. Now Wilton testified; you don't have to
12 believe anything he says. That does not change the
13 burden of the case. The burden is on the State. They
14 have to prove beyond all reasonable doubt what Mr. Zhang
15 said.

16 First, I was confused. I don't know if y'all were
17 confused but it was a very confusing testimony by Mr.
18 Zhang. I told you that -- look at -- in the opening I
19 told you to look at what he said right after the incident
20 compared to today because he's going to have a chance to
21 prepare with the State. That was quite obvious.

22 You notice he didn't have an Interpreter when the
23 State was asking him questions. But when he wasn't
24 anticipating certain questions or didn't know what type
25 of question was going to be asked that's when he needed

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1 an Interpreter. It's confusing; he's confused. Common
2 sense. What's common sense? Well, let's think about
3 this. The chain of events is very weird. What person
4 that is going to rob somebody first asks to go to the
5 bank. And then asks for what money you have. And then
6 ask for the wallet. If you're robbing somebody you're
7 going to ask for their money first and then go to the
8 bank and then I guess -- but going to the bank first
9 almost leads right to the miscommunication; directions.

10 What about driving strangers around; drive some
11 strangers around this -- doesn't know -- not taking any
12 money. Somebody that is committing a robbery and he's
13 not taking any money. He refuses. And Mr. Zhang said it
14 on direct if you caught it, but he said that Mr. Greene
15 or the person in the car, Mr. Greene told him to run.
16 Why would he tell him to run? And when he testified he
17 said he didn't leave the car. Well, that's not what
18 Officer Judy said. Officer Judy said he bailed out; took
19 off running.

20 Why should we focus on the little things? I know I
21 went into a lot with the knife. Why should we focus on
22 that? Well, the little things are what can be verified.
23 You notice the State didn't call Officer Scarborough.
24 They called Officer Judy, Officer Edwards, then
25 Lieutenant Roach but they rested their case before they

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1 called Officer Scarborough. Why not? It's because as we
2 saw his testimony about what Zhang said after the
3 incident was different than what he testified to there's
4 some differences in there. Some things that don't make
5 sense. Was that why they didn't call him? They decided
6 not to call him. They have to prove their case beyond
7 all reasonable doubt; a high, high burden. So what was
8 different? The gas station, Sunoco; maybe Sunoco. And
9 then Mr. Zhang yesterday morning was pretty clear that it
10 was Citgo because that's what the officer told him it
11 was. He was wrong at first but the officer had to get
12 some more information from him and draw a picture. I'm
13 just asking you not to forget how confusing yesterday
14 morning was.

15 What about where Mr. Greene came from? You heard
16 Officer Scarborough today that Mr. Zhang the day of the
17 incident said that Mr. Greene came out of the store but
18 yesterday he said he came from Big Lots across the
19 street; not from outside the store. And you saw the
20 pictures, the picture of the store; and Officer Judy said
21 Big Lots is across the street.

22 What about the knife? Hold that knife; you'll get
23 the knife in evidence. That's not a fold out knife.
24 That's a straight knife; that can't be folded in and out.
25 I asked Mr. Zhang if he remembered Officer Scarborough

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1 showing him an example of his knife and that was
2 confusing. He didn't I guess understand what I was
3 asking. But he said no, he didn't remember that.
4 Officer Scarborough today testified that yes, he did. He
5 showed him an example of his knife that was a fold out
6 knife and he said it was like that. He remembered the
7 pen because that's about how the length of it was.

8 But a fold out knife the State is going to want to
9 tell you that it doesn't matter. Maybe he didn't
10 understand what was going on or couldn't see it. But
11 they are going to tell you it didn't matter because it's
12 wrong. So that's why they are going to tell you it
13 doesn't matter.

14 Keeping the knife in his right hand the whole time?
15 The officers testified that they found a wallet in his
16 right pocket. How do you keep a knife in your right hand
17 the whole time and then somehow get the wallet in your
18 pocket. At some point in time you've got to take that
19 knife away.

20 Kidnapping? He let him in. He takes other people,
21 gives strangers a ride. He let him go in that car; he
22 gave him a ride. He had control of that car. The locks
23 weren't locked. He could have got out and he could have
24 ran. Not kidnapped. So what do we know? Mr. Zhang had
25 a tough time understanding. Maybe it's just the way I

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1 talk but he couldn't understand my questions. Could he
2 understand Wilton? Mr. Manigault testified that he lives
3 behind the bank. That is where Mr. Manigault testified
4 Wilton was going. He lives behind the bank.

5 We know that Wilton was asking for a ride because it
6 was hot. At some point in time he's getting a ride.
7 When you get a ride you have to give them directions.
8 Bottom line is the State has the burden of proof. There
9 are some weird things in the case.

10 The benefit of the doubt does not go to Mr. Zhang.
11 The Interpreter wanted to try to ask me questions to then
12 try to explain it to Mr. Zhang better. The benefit
13 doesn't go to him. This [indicates] is Mr. Greene. This
14 is Wilton's life and freedom at stake. The benefit of
15 the doubt goes to him. At the end of the day due to all
16 this confusing testimony of Mr. Zhang the State has not
17 reached their burden. You must find Wilton not guilty.
18 Thank you.

19 THE COURT: Solicitor?

20 CLOSING ARGUMENTS

21 MR. DEJEU: Repaying good with evil. That's what I
22 said yesterday this case is all about. Here we have Mr.
23 Zhang, normal day he goes to work at 10 a.m., he stops to
24 get some gas, a man comes and says hey, can I get a ride
25 to McDonalds? What does Mr. Zhang do? He could have

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1 said. He says yes. He wants to help him. He gets in
2 the car and they start driving. As soon as they go
3 through the first traffic light the man he just picked up
4 and tried to help pulls a knife and puts it to his
5 stomach. What does that tell you about this defendant's
6 intention?

7 So Mr. Zhang is a little confused. I mean you heard
8 him on the stand. He says you know I thought it was a
9 joke. I mean it's 10 in the morning, broad daylight.
10 Who would rob somebody like that in broad daylight?
11 Well, this defendant would and he did it.

12 So what does Mr. Zhang do next? What does he do?
13 He complies you know he gives him cash and he gives him
14 his wallet. And you heard him he said he's reluctant to
15 give away his wallet because his I.D.'s are there. Now
16 we all know how frustrating and difficult it is to get
17 new I.D.'s so you can understand Mr. Zhang's reluctance
18 in handing those out. But he has nothing else -- has no
19 other option. The knife is to his to his stomach so he
20 complies.

21 But you know the defendant doesn't care about how
22 difficult it is to get some I.D.'s if you lose them or --
23 after all he's just robbing a good Samaritan; a man who
24 tried to help him. Let's go a little bit to the
25 testimony just briefly because I'm sure y'all paid

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1 attention. But I want to go over briefly the testimony
2 that was provided yesterday and just kind of show you how
3 -- what the witnesses said on the stand ties in with what
4 the elements that the State has to prove are. And here's
5 a -- so we already talked about this.

6 Mr. Zhang, so he is going to work and he stops,
7 defendant comes and asks for a ride, as soon as he drives
8 through the traffic light here's a knife, tells him to go
9 to the bank, takes his cash, takes his wallet, tells Mr.
10 Zhang not to stop and actually that came across when
11 defense counsel asked him on cross-examination Mr. Zhang
12 said he told him not to stop the car when he was slowing
13 down.

14 And then keeps the knife to his stomach and drives
15 towards -- and what does he do? He drives towards the
16 police in the other lane. He sees a police -- Mr. Zhang
17 sees a police so he drives in the other lane, blows the
18 horn, yells for help says he robbed me, I was robbed.
19 And the defendant says shit and gets out of the car
20 running. That was Mr. Zhang's testimony.

21 Officer Judy, he's in the car and was about to -- he
22 thought he was going to get hit. He sees the car driving
23 towards him, the car is blowing the horn, driver sees --
24 the victim, Mr. Zhang and sees the defendant, a black
25 man, getting out the passenger side and starts running,

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1 sees Mr. Zhang with a wild look on his face. That's what
2 actually Officer Judy said yesterday; Mr. Zhang had a
3 wild look on his face. And you can understand why.

4 Here's Mr. Zhang saying he robbed me, he robbed me
5 pursues the defendant who is running away and sees the
6 defendant pulling a knife from his pocket and that's when
7 Officer Judy said he transitioned and dropped the taser
8 and got a gun because he saw the blade and he saw the
9 knife and arrests the defendant.

10 Officer Edwards hears the call on the radio. He
11 comes to help Officer Judy. He sees the suspect in
12 custody, sees the knife, takes pictures of the knife, and
13 then takes the knife into evidence. And what else? He
14 finds Mr. Zhang's wallet and money in the defendant's
15 pockets and then returns them to the victim, Mr. Zhang.

16 There are some undisputed facts. And when the
17 defendant took the stand he didn't dispute the fact that
18 he took a ride from Mr. Zhang. The defendant said he was
19 at the Corner Stop so whether it was Sonoco or whatever;
20 that doesn't matter. The defendant said it was the
21 Corner Stop and the victim said it was the Corner Stop.

22 The defendant took Mr. Zhang's wallet and cash. He
23 said that Mr. Zhang did drive across the middle lane
24 towards Officer Judy's police car and defendant, Mr.
25 Greene did have the knife on him when Officer Judy chased

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1 him. And the defendant still had Mr. Zhang's cash and
2 wallet on him when he was arrested.

3 Ladies and gentlemen, the Judge will instruct you
4 about creditability or believability of a witness. So
5 when you deliberate you will think about all the
6 witnesses that took the stand, what they said, what
7 reason do they have, were they telling the truth, how did
8 they come across to you. And you can factor all that in
9 in your deliberations.

10 And we heard in this case from the defendant: The
11 defendant took the stand. So you're going to have on one
12 hand you have a victim, Mr. Zhang. A married man, two
13 kids, works, Good Samaritan who says the same thing today
14 as he said it on May 22, 2012 you know. He offers to
15 help somebody. He's robbed. He goes towards the police
16 car.

17 Then you have Officer Judy, fifteen years in law
18 enforcement. He sees with his own eyes, he sees this guy
19 the defendant getting out the victim's car running. He
20 sees him with the knife. Officer Edwards finds the money
21 in the defendant's pocket. The victim's I.D. is still
22 there. This is minutes after this incident -- after this
23 crime occurred. You have Lieutenant Roach -- Officer
24 Edwards said he has forty years in law enforcement
25 experience. So you have in one hand -- in one hand you

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1 have all these officers and all these witnesses. And the
2 other hand what do we have? Well, the defendant's story.
3 It's nothing else but a story.

4 And what does he want you to believe? Do you want
5 to believe this story that he did not tell Officer Roach,
6 and that's why we called him, because he said, the
7 defendant said yesterday that yes I talked to Lieutenant
8 Roach and I told him this was a drug deal. Well, that's
9 why we brought Officer Roach. Did he talk to you? Yes.
10 Did he say anything about drugs? No. So this is --
11 yesterday was the first time we hear about this imaginary
12 drug deal that occurred.

13 This defendant did commit an armed robbery and
14 here's why. He took the victim's cash and wallet, put in
15 his knife, put the knife to the victim's stomach. He
16 tried to get away and call police. He was scared. He
17 yelled. Those are the elements of the robbery. Here's
18 the cash and the I.D. Here's the knife he used.

19 The second element armed with a deadly weapon.
20 Well, that knife qualifies as a deadly weapon. The
21 elements of the Armed Robbery are met. Kidnapping,
22 unlawfully seized, confined. Well, what did he do? He
23 used a pretext I need a ride to McDonalds to get close to
24 the victim. And then what did he do? He pulls a knife,
25 put it to his stomach, got his money, got his cash, his

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1 wallet, told him not to stop. Well, I don't know about
2 you but when somebody has a knife to you and you're
3 driving it doesn't matter whether the doors of the car
4 are locked or unlocked. What else can you do? Here's a
5 guy with a knife to your stomach. What are you supposed
6 to do; jump out of the car as the car is moving. He was
7 trying to slow down and the defendant said no, don't
8 stop. So he seized him.

9 The second element of Kidnapping by means whatsoever
10 while threatening the victim with a knife qualifies as a
11 way of kidnapping somebody. We've already talked about
12 authority of law. He's not an officer and he has no
13 authority to seize.

14 Common sense, creditability, just a few things you
15 should consider. Ladies and gentlemen, we live today in
16 a diverse world. We just had a case that happened in
17 Moncks Corner in Berkeley County. The victim is born in
18 China. The case is prosecuted by a prosecutor born in
19 Romania assisted by a prosecutor who has roots in the
20 Philippines.

21 Yes, we do live in a diverse world; people of
22 different languages and shapes and sizes. But you know
23 there is a universal language. It doesn't matter where
24 you are whether in Romania, in China, Philippines; when
25 somebody sticks a knife to your stomach you know what

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1 that means. You don't need an Interpreter to tell you
2 you're being robbed. But that's exactly what happened in
3 this case.

4 And it's wrong, it's wrong in Romania and China it's
5 wrong here in Moncks Corner Berkeley County. But you
6 know what? Today you have a chance to make this -- to
7 right this wrong. And that's your job and you can do
8 this. You can make a thing that's wrong make it right.
9 Thank you.

10 CHARGE OF THE COURT

11 THE COURT: All right. Mr. Foreman and ladies and
12 gentlemen of the jury the court has permitted you to take
13 notes during the course of the trial. You've not been
14 obligated to take notes. But if you have taken notes
15 these notes should be used only as memory aids. You
16 should not give your notes precedent over your
17 independent recollection of the evidence.

18 If you have chosen not to take notes you should rely
19 on your own independent recollection of the proceedings
20 and you should not be influenced by the notes of other
21 jurors. I emphasize that notes are not entitled to any
22 greater weight than the recollection and impression of
23 each juror as to what the testimony may have been.
24 Whether these notes are your notes and you may destroy
25 them yourselves or the court will destroy them for you.

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1 I'll give you a copy of these instructions in written
2 form. During your deliberations you may refer to the
3 instructions to guide your decision making. You must
4 consider the instructions as a whole and not follow some
5 and ignore others. Please return the instructions to the
6 court after you've reached a verdict, Mr. Foreman.

7 The defendant has pled not guilty to these
8 indictments, which places the burden on the State to
9 prove the defendant guilty. A person charged with
10 committing a criminal offense in South Carolina is never
11 required to prove himself innocent. I charge you that it
12 is a vital important rule of the law that the defendant
13 in a criminal trial, no matter what the seriousness of
14 the charge may be, must always be presumed to be innocent
15 until his guilt has been proven beyond a reasonable
16 doubt.

17 His presumption of innocence remains with the
18 defendant at all times from the moment he appears in this
19 court throughout the trial and until you, the jury, reach
20 a verdict of guilty beyond a reasonable doubt based on
21 the testimony and the evidence presented. The
22 presumption of innocence is a substantial right to which
23 every defendant is entitled unless and until you reach a
24 verdict of guilty beyond a reasonable doubt. If you,
25 the jury do not find the defendant guilty beyond a

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1 reasonable doubt it is your duty to acquit the defendant.
2 Now what is reasonable doubt? A reasonable doubt is the
3 kind of doubt that would cause a reasonable person to
4 hesitate to act.

5 The State has the burden of proving the defendant
6 guilty beyond a reasonable doubt. Some of you may have
7 served as jurors in civil cases where you were told it's
8 only necessary to prove that a fact is more likely true
9 than not true, such as by the greater weight or
10 preponderance of the evidence.

11 In criminal cases the State's proof must be more
12 powerful than that. It must be beyond a reasonable
13 doubt. Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the defendant's guilt.
15 There are very few things in this world that we know with
16 absolute certainty.

17 And in criminal cases the law does not require proof
18 that overcomes every possible doubt. If based on your
19 consideration of the evidence you are firmly convinced
20 the defendant is guilty of the crime charged you must
21 find the defendant guilty.

22 On the other hand if you think there is a real
23 possibility the defendant is not guilty you must give the
24 defendant the benefit of the doubt and find him not
25 guilty. Now there are two types of evidence which is

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1 generally presented during a trial; direct evidence and
2 circumstantial evidence. Direct evidence is the
3 testimony of a person who claims to have actual knowledge
4 of a fact such as an eyewitness. It is evidence which
5 immediately establishes the main fact to be proved.
6 Circumstantial evidence is proof of a chain of facts and
7 circumstances indicating the existence of a fact. It is
8 evidence which immediately establishes collateral facts
9 from which a main fact may be inferred.

10 Circumstantial evidence is based on inference and
11 not on personal knowledge or observation. The law makes
12 absolutely no distinction between the weight or value to
13 be given to either direct or circumstantial evidence, nor
14 is a greater degree of certainty required of
15 circumstantial evidence than of direct evidence. You
16 should weigh all the evidence in the case. After
17 weighing all the evidence if you're not convinced of the
18 defendant's guilt beyond a reasonable doubt you must find
19 the defendant not guilty.

20 The evidence or lack of evidence on which you are to
21 decide the facts include the following: the sworn
22 testimony of the witness both on direct and cross
23 examination regardless of who called the witness, the
24 exhibits that have been received into evidence by the
25 court, and any facts agreed to or stipulated to by the

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1 lawyers. The following things are not evidence and you
2 may not consider them in deciding the facts: arguments
3 and statements made by the lawyers are not evidence. The
4 lawyers are not witnesses. Their opening statements,
5 closing arguments and other statements are intended to
6 help you interpret the evidence, but are not evidence.

7 If the facts as you remember them differ from the
8 lawyer's statement, your memory controls. Questions and
9 objections by the lawyers are not evidence. Lawyers have
10 a duty to their client to make objections when they
11 believe a question is improper under the rules of
12 evidence.

13 You should not allow any objections, or the court's
14 ruling on the objections to influence you. Testimony
15 that has been stricken that you may have been instructed
16 to disregard is not evidence and must not be considered.
17 Anything that you may have seen on television, read in
18 the paper or on the Internet or heard from others when
19 court is not in session is not evidence.

20 You should base your decisions solely on the sworn
21 testimony of the witnesses, exhibits received into
22 evidence by the court, and any facts agreed to or
23 stipulated by all the attorneys. The fact that the
24 defendant was arrested, charged, and indicted in this
25 case is not evidence and cannot be considered as evidence

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1 of guilt, nor does it create any presumption or inference
2 of guilt. The indictment is simply the formal written
3 instrument which contains the charges made against the
4 defendant.

5 Under our Constitution and Code of Laws only you the
6 jury can make findings of facts in this case. I'm not
7 permitted to indicate to you how I may feel about the
8 testimony and evidence which has been presented.
9 Throughout the trial it's been my intention to be fair
10 and impartial towards each of the parties involved.

11 Necessarily you must determine the creditability of
12 the witnesses who have testified in this case.
13 Creditability simply means believability. It's your duty
14 as jurors to analyze and evaluate the evidence and
15 determine which evidence convinces you of its truth. As
16 you decide whether or not to believe a witness's
17 testimony about a particular matter you may consider the
18 following:

19 The manner and appearance of the witness while on
20 the witness stand. Was he or she straight forward or
21 hesitant in answering? The testimony of a witness. Was
22 it consistent or inconsistent? How the witness came to
23 know the facts that he or she testified to. Was the
24 witness present during the incident, or did the witness
25 happen on the scene after the incident occurred. The

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1 reason the witness would give testimony which would help
2 or hurt one side or the other. Has the witness exhibited
3 to you any interest, bias, prejudice or other motive in
4 the case that you may consider whether a particular
5 witness may gain some other reward, payment, personal
6 advantage, or vindication throughout his or her
7 testimony.

8 The strength of the witness -- the testimony of the
9 witness. Was the testimony of the witness strengthened
10 or weakened by other testimony or evidence. The duration
11 and length of time between the incident and when they
12 were reported. Would the duration or length of the time
13 weaken or strengthen the witness's memory of the
14 incident.

15 All prior statements. Were prior statements made by
16 the witness consistent or inconsistent with the witness's
17 testimony. In determining the believability of a witness
18 who has testified in this case you may believe one
19 witness over several witnesses or several over one. You
20 may believe a part of the testimony of a witness and
21 reject the remaining part of the testimony of the same
22 witness. You may believe the testimony of a witness in
23 its entirety or reject the testimony of a witness in its
24 entirety. The same Constitution and laws which
25 designate and make you the finders of fact make me the

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1 sole instructor of the law. It's my duty to charge you
2 on the law applicable to this case and it's your duty as
3 jurors to accept and apply the law as I now state it to
4 you. The lawyers are not the instructors of the law.
5 You must accept the law and apply the law exactly as I
6 state it to you. You must not base your decision making
7 on your idea of what the law is or what you think the law
8 should be.

9 Kidnapping. The defendant is charged with
10 Kidnapping. The State must prove beyond a reasonable
11 doubt that the defendant knowingly and unlawfully seized,
12 confined, inveigled, decoyed, kidnapped, abducted or
13 carried away another person without authority of law.
14 Knowingly means with knowledge or consciously not
15 accidentally.

16 Seize means to take hold suddenly or forcibly.
17 Confine means to limit, restrict, or enclose within
18 bounds in prison or shut or keep in. Inveigle means to
19 lure, entice, or lead astray by false representation,
20 promises or other deceitful means.

21 Decoy means to lure by or if by decoy you decoy
22 something to entice a person to a trap. Kidnap is to
23 remove a person against his will by unlawful force or by
24 fraud. Abduct means to carry off secretly or by force
25 for illegal purpose. Carry away means to remove. The

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1 State does not have to prove that the defendant did all
2 these things. Instead if you find beyond a reasonable
3 doubt that the defendant did any of these things you may
4 find the defendant guilty of Kidnapping.

5 Something done without authority of law is something
6 which the law does not sanction, permit, allow, condone
7 or provide justification for. Kidnapping does not have
8 to be for any personal or monetary gain, for any illegal
9 purpose but may be for any reason whatsoever.

10 Armed Robbery. The defendant is charged with Armed
11 Robbery. In order to prove this offense the State must
12 prove beyond a reasonable doubt that the defendant took
13 personal property from a person or presence of another
14 person.

15 Property is in the presence of a person if it is
16 within the person's reach, inspection, observation, or
17 control so that the person could, if not overcome with
18 violence or prevented by fear, keep possession of the
19 property.

20 The State must also prove beyond a reasonable doubt
21 that the defendant carried the property away, intended to
22 permanently deprive the owner of the property and to keep
23 the property for the defendant's own use. The slightest
24 removal of the property or the complete possession of the
25 property even for an instant by the defendant is

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1 sufficient to show a taking and carrying away of the
2 property. The taking and carrying away of the property
3 must have been done with violence or by putting the owner
4 of the property in fear of violence.

5 Finally the defendant [sic] must prove beyond a
6 reasonable doubt that the defendant was armed with a
7 deadly weapon during the robbery. A deadly weapon is any
8 instrument or article or substance which is likely to
9 cause death or great bodily harm. Whether an instrument
10 has been used as a deadly weapon depends on the facts and
11 circumstances of each case.

12 The following are examples of instruments which may
13 be deadly weapons: a pistol, a shotgun, a rifle, a dirk,
14 a dagger, a knife, a slingshot, metal knuckles, a razor,
15 gasoline, a firebomb, Molotov cocktail, and lighter
16 fluid. A gun may be a deadly weapon even if it is not
17 operating.

18 Now you've been selected as fair and impartial
19 jurors to impartiality try and determine the facts of
20 this case. And when you have complied with your oath to
21 do so then no one will have the right to criticize your
22 verdict and you will have fully discharged your duties as
23 jurors. You will decide this case according to testimony
24 that you've heard from the sworn witnesses along with the
25 other evidence introduced. I charge you as jurors you

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1 must make your decision in this case without bias and
2 without prejudice to any party. You cannot allow
3 yourself to be governed by sympathy, prejudice, passion,
4 public opinion, or any other arbitrary factor.

5 Both the State and the defendant have the right to
6 expect that each one of you will carefully and
7 impartially consider all the evidence in this case and
8 that you will follow the law as I have explained it to
9 you.

10 Nothing I may have said or done during the course
11 of this trial has been in any way intended to express or
12 suggest a view of this case or an opinion as to the
13 facts, the weight of the evidence or creditability of the
14 witnesses. If you believe any of my actions or words
15 have indicated otherwise you must disregard such and form
16 your own view of this case or your own opinion as to the
17 facts, the weight of the evidence, or the creditability
18 of the witnesses.

19 Now Mr. Foreman and ladies and gentlemen of the jury
20 I have prepared two verdict forms. At the top it has the
21 State of South Carolina versus Wilton Q. Greene. It has
22 the case number at the top. As to Kidnapping we the jury
23 by unanimous consent find the defendant guilty of
24 Kidnapping or not guilty, a place for the Foreman to sign
25 and date. The other verdict form is as to Armed Robbery

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1 and is exactly like it. We the jury by unanimous consent
2 find the defendant guilty of Armed Robbery or not guilty
3 and a place to sign and date. As I said in the verdict
4 form your verdict has to be unanimous; all twelve of you
5 have to agree.

6 I will tell you to respect each other's opinions.
7 It's a give and take process. It's a collective
8 reasoning process on the twelve of y'all's part. Listen
9 to each other's opinion and if possible if necessary
10 possibly reevaluate your opinion if you think that's
11 necessary. If not, don't reevaluate those opinions. But
12 as I said it is a collective reasoning process on your
13 twelve people's part and I would ask you to review the
14 evidence and reach a fair and just verdict.

15 Now, Mr. Foreman I am going to ask you to go to the
16 jury room. You may take your notes with you but please
17 don't begin your deliberations because I have to take my
18 charge up with the lawyers. I may have to bring you back
19 and add something or take something away and you may
20 begin your deliberations after the Bailiff has brought
21 the verdict form, the charge book and all the evidence
22 that has been introduced at the trial. And the two
23 alternates if you'll just keep your seats please. You
24 may follow the bailiff to the jury room.

25 [Whereupon, the jury exits at 10:50 a.m.]

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1 THE COURT: I normally let knives go back okay.

2 MR. SCHWACKE: Yes, sir. I just -- because there
3 is an exhibit number 1 that has a photograph of it.

4 [Whereupon, counsel review the exhibits]

5 THE COURT: All right. Are all the exhibits
6 present?

7 MR. DEJEU: Yes, Your Honor.

8 THE COURT: Would you take the -- have they already
9 taken them? Tell them to begin their deliberations.

10 [Whereupon, exhibits to the jury at 10:53 a.m.]

11 THE COURT: The two alternates if y'all will step
12 out in the hall I'll speak with you very briefly. We'll
13 stand at ease awaiting the jury verdict. Whenever you're
14 ready for whatever you got to do let me know. I'll be in
15 the office.

16 MR. DEJEU: Yes, sir.

17 [Whereupon, court is in recess from 10:53 a.m. until
18 3:29 p.m.]

19 [Whereupon, the testimony of the defendant, Wilton
20 Greene and the victim, Bing Zhang are played for the
21 jury]

22 THE COURT: Okay. As you know Judge Nicholson had
23 to go to the doctor. The jury sent in a note saying
24 they're decided on one charge, deadlocked on another.
25 They voted three times; some are unwavering. Judge

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1 Nicholson asked me to take up anything that came up. So
2 I propose to give an Allen Charge on the second charge.
3 He's asked if I would take the first verdict and I'll be
4 glad to take it and hold onto it. I won't announce what
5 it is until we either get a second verdict or declare a
6 mistrial on it. Does that work for everybody?

7 MR. SHELTON: Yes, Your Honor.

8 MR. DEJEU: Yes, sir.

9 THE COURT: Okay. Let's bring the jury in.

10 [Whereupon, the jury enters at 3:29 p.m.]

11 ALLEN CHARGE

12 THE COURT: Well welcome back, folks. You didn't
13 think you'd see me again did you? Judge Nicholson had to
14 go to a doctor's appointment this afternoon. It's not
15 life threatening or anything like that but it did need to
16 get taken care of this afternoon. And so he asked me to
17 take over until tomorrow to handle anything that come up
18 this afternoon on this.

19 So y'all have sent in a note that says you've
20 decided on one charge. You're deadlocked on the second
21 charge and that you voted a couple of times. That's
22 fine. I don't want to ask you what your verdict is on
23 the one that you're deadlocked on what the charge is.
24 What I would like you to do the one -- do you have the
25 verdict form?

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1 THE FOREPERSON: I have it in there.

2 THE COURT: Okay. What I'd like you to do is --
3 go get that and then bring that back and then I will hold
4 on to that and seal it until we figure out what we're
5 doing on the second charge. All right. Would you hand
6 that to the Bailiff please?

7 [Whereupon, the documents are provided to the court]

8 THE COURT: Okay. What I'm going to do is hold
9 onto this. I will seal it and give it to the Clerk until
10 we decide what we're going to do about the second charge.
11 What I'd like to do about the second charge is this.
12 There are twelve of you here deliberating. It's not easy
13 as you've figured out to decide what to do on some of
14 these things.

15 And it sounds like you got some pretty firmly held
16 decisions or opinions about the outcome of that second
17 charge should be. That's fine; we respect that. We've
18 asked y'all to come in do a very, very difficult job and
19 that is listen to what the evidence is, listen to what
20 the Judge tells you the law is, and come up a unanimous
21 decision.

22 That is not easy under the best of circumstances.
23 Obviously there are some very contested facts here. What
24 we ask when we ask you folks to come in is when you go
25 back in that jury room you express your views. But we

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1 also ask you to listen to the views of other folks,
2 listen to what they have to say, and listen and discuss
3 with an open mind. That's all we can ask people to do.
4 Everybody on this jury individually has a right to your
5 own opinion. And we would never ask you to give up a
6 firmly held conviction at all. That is your right.

7 The only thing that we do ask you to do is to keep
8 an open mind and consider with an open mind the views of
9 others. Don't feel like you need so come to a decision
10 just because you want to get along with everybody. If
11 you're in the majority consider the views of the
12 minority. If you're in the minority consider the views
13 of the majority. But just listen and discuss this with
14 an open mind.

15 The -- everybody's position hopefully is based on
16 reasonableness, on correctness, on impartiality. You're
17 not being influenced by outside influences. Make sure
18 that your opinion is based on those things and not things
19 that are unreasonable or that you bring in with a
20 partiality or a prejudice or there is some kind of
21 outside influence.

22 Check yourself, listen to what other people have to
23 say and go does that sound reasonable to me. All we're
24 asking you to do is deliberate with an open mind all
25 right. If y'all can't resolve this charge then I'll have

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1 to declare a mistrial as to that second charge all right.
2 And what that means is we'll have to bring another jury
3 in, they'll hear the same evidence essentially that you
4 heard. There won't be anything new. The same lawyers
5 will be here, the same witnesses, the Judge will charge
6 the same law.

7 We don't really have any reason to expect that we're
8 going to find twelve fairer people than we got for this
9 jury all right. So if we have to declare a mistrial then
10 that's what the result will end up being. But we don't
11 have any reason to suspect that they can do a better job
12 than you do.

13 So what I would like you to do is go back and give
14 it another try. Listen to what the other people say.
15 Speak your mind. Speak it openly and freely. Consider
16 though what the other people are saying and after that
17 then see if you can come to an agreement.

18 If you can't then you've done all that we ask you to
19 do. But I would ask that you go back and try a little
20 bit more. And listen to those things that I asked you to
21 listen to but most importantly listen to the opinions of
22 other people and see if y'all can't come to some sort of
23 agreement on the second charge okay. Thank you for your
24 patience.

25 [Whereupon, the jury exits at 3:35 p.m.]

State v Wilton Greene
(2013-GS-08-00755)
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1 [Whereupon, the defendant stands]

2 THE COURT: On Indictment 2013-GS-08-0755 State of
3 South Carolina versus Wilton Q. Green as to the charge of
4 Armed Robbery the verdict is guilty; signed and dated by
5 the Foreman.

6 On Indictment 2013-GS-08-0756 the charge is
7 Kidnapping. The State of South Carolina versus Wilton Q.
8 Greene the verdict is guilty of Kidnapping; also signed
9 by the Foreman of the jury. You may be seated.

10 [Whereupon, the defendant complies]

11 THE COURT: All right. Let's poll the jury to
12 make sure that this is in fact your verdict.

13 POLLING OF THE JURY

14 CLERK OF COURT: Starting with the Foreperson juror
15 number 70, William Harder. Is this your verdict?

16 MR. HARDER: It is.

17 CLERK OF COURT: Is it still your verdict?

18 MR. HARDER: It is.

19 THE COURT: Juror 192, Kevin Tingler. Is this your
20 verdict?

21 MR. TINGLER: Yes.

22 CLERK OF COURT: Is it still your verdict?

23 MR. TINGLER: Yes.

24 CLERK OF COURT: Juror 42, Nicole Cox. Is this
25 your verdict?

State v Wilton Greene
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1 not that interesting. But this you know sounds like it
2 was probably a pretty interesting trial. So I hope you
3 enjoyed your jury service. I hope that you will -- if
4 you did tell other people about it because you know
5 that's the way we get people to show up is we have things
6 that we can do if they don't show up that we sometimes
7 have to send Sheriff's deputies out and stuff like that.

8 But primarily we count on people to do it out of a
9 sense of civic duty and that you know it helps when
10 they've talked to other people that have been on a jury
11 and spoke favorably of the experience. And I hope that
12 you did. And if you don't well let us know so we can
13 always figure out ways to improve.

14 But again, I won't take up any more of your time.
15 You are free to go. Thank you for your service. And
16 again if you want to come back tomorrow for sentencing I
17 believe Judge Nicholson will probably be here by 10
18 o'clock or so okay. Thank you for your patience.

19 [Whereupon, the jury exits at 4:50 p.m.]

20 THE COURT: All right. Well, the defendant will
21 remain in the custody of the Berkeley County Sheriff's
22 Office tonight and they will bring him back over tomorrow
23 morning. Judge Nicholson will impose sentencing in the
24 morning. He also said to tell you he will hear any
25 motions I guess that you have on other cases or anything

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1 like that; any motion you have on this case and any other
2 okay.

3 MR. SCHWACKE: And I just want us to, Your Honor
4 because we were not asked if we had any objections to
5 your Allen charge. At the conclusion of it we would not
6 have had any for the record.

7 THE COURT: Well, thank you for pointing that out
8 all right. Well, I'm getting so absent minded it seems
9 like I forgot to introduce the defendants and their
10 lawyers on both my cases this morning but it's been that
11 kind of day you know. So hopefully it's just one of
12 those stressful days. The computer system was down; I
13 was trying to draw two juries. Hopefully it's not a sign
14 of old age. Thank you.

15 MR. SCHWACKE: Thank you.

16 MR. DEJEU: Thank you.

17 [Whereupon, court's exhibit numbers 1, 2 and 3 are
18 marked by the court reporter]

19 [Whereupon, jury trial concludes at 4:57 p.m.]
20
21
22
23
24
25

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) 2013-GS-08-0755 and
 COUNTY OF BERKELEY) 2013-GS-08-0756

The State of South Carolina,)
)
 vs.)
)
 Wilton Q. Greene, III,) TRANSCRIPT OF RECORD
)
 Defendant.)
)
 _____)

May 23, 2013
 Moncks Corner, South Carolina

B E F O R E:

HONORABLE J. C. NICHOLSON, JR., JUDGE.

A P P E A R A N C E S:
 ADRIAN G. DEJEU, ESQUIRE
 Attorney for the State

CHAD S. SHELTON, ESQUIRE
 Attorney for the Defendant

Crystal Holmes
 Official Court Reporter

1 Thursday, May 23, 2013:

2 THE COURT: Did y'all make your motions
3 yesterday or do you need to make those this morning?

4 MR. SHELTON: We need to make those, Your Honor.

5 THE COURT: That's what I thought. Since Judge
6 Young hadn't heard the case, I didn't think he should
7 hear the motions.

8 MR. SHELTON: Yes, sir.

9 THE COURT: I will be glad to hear your motions
10 from the convictions on Mr. Greene on the armed robbery
11 and apparently the conviction on Mr. Greene on the
12 kidnapping.

13 MR. SHELTON: Yes, Your Honor.

14 THE COURT: I believe they returned the armed
15 robbery first and later the kidnapping, is that correct?

16 MR. SHELTON: I wasn't sure of the order but
17 that was a guess.

18 THE COURT: All right. I will be glad to hear
19 any motions. Do you want the 10 days to put them in
20 writing or do you want to make them today?

21 MR. SHELTON: Your Honor ---

22 THE COURT: I will be happy to give you the 10
23 days if you want it.

24 MR. SHELTON: No, I think we can make the
25 post-trial motions, Your Honor.

1 THE COURT: Okay. I will be glad to hear.

2 MR. SHELTON: In addition to the post-trial
3 motions, I just want to put on the record, because I
4 don't think it was on the record, of the first note by
5 the jury was for the police report and the transcript.
6 And the police report, I think the response by the Court
7 was that the police report was hearsay and the transcript
8 was not introduced into evidence.

9 And then the second not was ---

10 THE COURT: Do we have the notes? Do we have
11 ---

12 MR. SHELTON: I'm not sure if they were.

13 THE COURT: Well, let's see if we can't find
14 them and I'll mark them as Court's Exhibits. There were
15 two or three notes that the jury wrote. Did y'all throw
16 those away?

17 THE CLERK: No, sir, they're downstairs with the
18 evidence.

19 THE COURT: Go down and get them and what I'll
20 do is mark them as Court's Exhibits.

21 MR. SHELTON: Yes, sir.

22 THE COURT: But you referred to the note where
23 they asked for the police report and the transcript of
24 the oral conversation between your client and the police,
25 right?

1 MR. SHELTON: Yes, sir.

2 THE COURT: And the Court's response was ---

3 MR. DEJEU: No.

4 MR. SHELTON: It's with the victim.

5 MR. DEJEU: The victim.

6 THE COURT: The victim, excuse me. The Court's
7 response in writing was that the police report was not
8 admissible and the transcript had not been offered into
9 evidence. Therefore, they could not see it.

10 MR. SHELTON: Right, yes, Your Honor.

11 THE COURT: Okay.

12 MR. SHELTON: And the second note that they
13 wanted to hear the testimony of the victim and the
14 Defendant. And I believe the Court's response was that
15 they would have to listen to all of the testimony and
16 they could not deliberate during the testimony.

17 THE COURT: And I think that's what they did.

18 MR. SHELTON: Yes, I believe so.

19 THE COURT: Okay.

20 MR. SHELTON: And then the third note I believe
21 Judge Young was -- did put on the record that they had
22 one verdict and they were deadlocked on the second and so
23 he took the one ---

24 THE COURT: He gave them an Allen charge ---

25 MR. SHELTON: And gave them an Allen charge on

1 the second.

2 THE COURT: --- on the second ---

3 MR. SHELTON: Yes, sir.

4 THE COURT: --- indictment.

5 MR. SHELTON: So I just want to place those on
6 the record, make sure those are on the record.

7 But we respectfully renew all motions including
8 the directed verdict motion with the previous argument,
9 Your Honor, and the motion that the use of the improper
10 interpreter and renew our mistrial motion -- and renew
11 the motion, that mistrial motion, based on the
12 interpreter, Your Honor.

13 And so we renew all of those motions and
14 previous motions.

15 THE COURT: All right. Those motions are
16 denied.

17 MR. SHELTON: Thank you, Your Honor.

18 THE COURT: All right. Do you have any other
19 motions?

20 MR. SHELTON: No, Your Honor.

21 THE COURT: Okay. All right, Solicitor, what's
22 his prior criminal history?

23 MR. DEJEU: Your Honor, his prior record is a
24 strong armed robbery. The date of that incident is July
25 8, 2011. He received a YOA suspended. And then

1 MR. DEJEU: Randomness, he just picked up this
2 guy he never met and robbed him.

3 THE COURT: Okay.

4 MR. DEJEU: And because of that, I believe that
5 the range between 25, 30 years would be appropriate, Your
6 Honor, just because of that and the seriousness of the
7 charges.

8 THE COURT: Okay. Anything else?

9 MR. DEJEU: No, that's it, thank you.

10 THE COURT: I'll be glad to hear you..

11 MR. SHELTON: Thank you, Your Honor. And -- and
12 I do apologize, I do need to put on the record a motion
13 for a new trial, based on the previous motions, Your
14 Honor.

15 THE COURT: Well, that's what I asked you
16 earlier ---

17 MR. SHELTON: I'm sorry, Your Honor.

18 THE COURT: --- if you had anymore motions.
19 Motion for a new trial is denied.

20 MR. SHELTON: Thank you, Your Honor. As it
21 regards to sentencing, Wilton is 24 years of age, Your
22 Honor.

23 THE COURT: All right. Let me just back up just
24 a second. I've got all three of these -- all three of
25 these notes from the jury, they're marked Court's Exhibit

1 1, 2 and 3.

2 Okay.

3 MR. SHELTON: Thank you, Your Honor.

4 Wilton is 24 years old, Your Honor. He is from
5 the Jamestown area of Berkeley County. Your Honor, his
6 father was in the courtroom yesterday during jury
7 deliberations, during the closings. I have had
8 conversations with his mother. Mr. Manigault, his
9 godfather, has been at all proceedings. He had been ---

10 THE COURT: Are they here today?

11 MR. SHELTON: --- proceedings. They're not here
12 today, Your Honor.

13 THE COURT: Okay.

14 MR. SHELTON: He does have a family member that
15 is in the courtroom today.

16 THE COURT: I'll be glad to hear from them if
17 you want me to hear from them.

18 MR. SHELTON: No -- no one wants to necessarily
19 address the Court, Your Honor.

20 THE COURT: Okay.

21 MR. SHELTON: However, I have represented Wilton
22 for this -- for this last year. It's been an up and down
23 relationship. At one point in time he was in the
24 Department of Corrections where we were communicating
25 through letters. I know that that was difficult in

1 itself.

2 But, Your Honor, when Wilton brings the wall
3 down and -- puts up a wall, when he brings the wall down,
4 he is a very good person. There is something in there
5 that's good.

6 Your Honor, I -- I would -- he is 24 years of
7 age. I would ask Your Honor to take that into
8 consideration, take into consideration his age. I do
9 believe that drugs were a part of this. Your Honor, the
10 victim did receive their stuff back, it doesn't excuse
11 what happened to them. The victim wasn't injured in this
12 and Wilton was caught right away.

13 But I would ask -- ask Your Honor to have as
14 much mercy as possible. He did testify so you were able
15 to hear at least what he had to say. But I would ask
16 Your Honor to have as much mercy as possible.

17 THE COURT: Mr. Greene, anything you would like
18 to say?

19 THE DEFENDANT: I would like to say ---

20 THE COURT: I'm sorry, what?

21 THE DEFENDANT: I just want to say it was a
22 misunderstanding.

23 THE COURT: What was a misunderstanding?

24 THE DEFENDANT: The whole -- the whole incident,
25 that it was a misunderstanding. Never intended on

1 robbing him. It was on \$22, 20 of it was mine. I only
2 took \$2 from him. It was a misunderstanding. The wallet
3 had no money so I -- I wouldn't of took a wallet that had
4 no money. There's a reason for everything, the wallet
5 had no money, I would not have took the wallet that
6 didn't have no money.

7 That's all I want to say.

8 THE COURT: Anything else?

9 THE DEFENDANT: No, sir.

10 THE COURT: So you want -- you still refute --
11 you still deny what occurred?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Pardon?

14 THE DEFENDANT: Yes, sir.

15 (Pause.)

16 THE COURT: All right, Mr. Greene, indictment
17 number 0755, that's the armed robbery, sentenced to the
18 State Department of Corrections for period of 20 years,
19 run that concurrent, give you credit for jail time since
20 May 22nd, 2012. The indictment number 0756, that's the
21 kidnapping, sentenced to the Department of Corrections
22 for a period of 20 years, that's concurrent, give you
23 credit for jail time since May the 22nd, 2012.

24 Thank you very much.

25 MR. SHELTON: Your Honor, just for record, the

1 kidnapping is not sexual in nature.

2 THE COURT: Yeah, I'll write that on there.

3 MR. DEJEU: Yes, sir.

4 THE COURT: Thank you.

5 MR. SHELTON: Thank you, Your Honor.

6 MR. DEJEU: Thank you, sir.

7 ----- END OF TRANSCRIPT OF RECORD -----

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INTERVIEW

OF

PING ZANG

CASE NO. 12-1058

Transcribed by Trisha G. Rarick, Court Reporter and Notary
Public, on Wednesday, May 15, 2013.

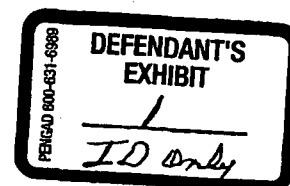
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1 SPEAKER: Today is May the 22nd. It's
2 10:50 a.m. I'm at the Moncks Corner Police
3 Department talking to Ping Zang, reference case
4 number 12-1058.

5 Okay, Mr. Zang?

6 MR. ZANG: Uh-huh.

7 SPEAKER: Just tell me what happened
8 today. Just tell me about the incident that
9 occurred.

10 MR. ZANG: Okay. Today, earlier, I was
11 just driving around, right? And I go to the
12 Sunoco gas station and to get gas, and then
13 just adding the gas at the time, the guy come
14 here, he said, today is too warm, too hot.
15 Could you drive me a little bit to the
16 McDonald's?

17 I said, okay. And then he get in the car,
18 and just (undecipherable), he take a knife out.
19 He said, go to your bank. Okay? I said, I
20 don't have any bank. I'm just working here.
21 There's no bank. He said, I don't believe you.
22 You no bank. You -- get your money. Okay?
23 Money, and I -- all money right here. Okay.
24 I'll give it.

25 And then how about your wallet? I said,

1 my wallet, no money. He said, give me your
2 money -- wallet, and I take the wallet to him.
3 And then he take the wallet to the parking. I
4 said, could you give me the wallet there? I
5 wallet -- I have the i.d. in there. You can
6 take the -- my money out. I said, okay? He
7 said, no.

8 Okay. Go to your bank. He still give me
9 a ride to my next here, and I saw the -- I
10 drive -- an automobile, I saw the one police
11 car, and I drive in the middle. And the home,
12 and then he scared the police in there. He go
13 out.

14 SPEAKER: Okay. Where was the gas station
15 at? Which Sunoco was it?

16 MR. ZANG: Sunoco just across the Big Lot
17 -- Big Lot shopping center.

18 SPEAKER: Across from the Wal-Mart?

19 MR. ZANG: No. Big Lot, behind the CVS.
20 Behind the CVS is the pharmacies.

21 SPEAKER: Uh-huh. Behind the CVS?

22 MR. ZANG: Uh-huh.

23 SPEAKER: There's not -- there's not a
24 Sunoco over by the CVS.

25 MR. ZANG: There's some -- well, what's

1 that station?

2 SPEAKER: Was it over close to where you
3 live at? You live on Hickory Drive?

4 MR. ZANG: Yeah, yeah, yeah, yeah.

5 SPEAKER: So was it over on that part of
6 Moncks Corner?

7 MR. ZANG: Yeah, yeah.

8 SPEAKER: Okay. When you -- when you --
9 when you went to -- where was you coming from
10 when you went to the gas station? From your
11 house or --

12 MR. ZANG: No. I live -- I live in the --
13 the --

14 SPEAKER: In the trailer park?

15 MR. ZANG: Shannonwood trailer Park,
16 starting out, make a left turn in the right
17 side -- just on the right side. The gas
18 station --

19 SPEAKER: The gas station right there
20 before you get to the red light on the right
21 side?

22 MR. ZANG: Yeah, yeah.

23 SPEAKER: Okay. Yeah. That's the Corner.
24 Stop.

25 MR. ZANG: Corner Stop?

1 SPEAKER: That's the name of it. It's the
2 Corner Stop. And you go past that gas station,
3 and you come up to the red light, right? Okay.
4 And at that gas station is where you -- where
5 this guy approached you?

6 MR. ZANG: Corner Stop.

7 SPEAKER: That's the gas station?

8 MR. ZANG: Corner Stop have another gas
9 station.

10 SPEAKER: Huh?

11 MR. ZANG: Cit- -- they call it the Citgo?

12 SPEAKER: Yeah. I think it may be also
13 called a Citgo.

14 MR. ZANG: Yeah, yeah. Citgo. Citgo.
15 Yeah.

16 SPEAKER: Yeah. I'm going to draw a
17 little picture right here. Okay? This right
18 here is the road.

19 MR. ZANG: Uh-huh.

20 SPEAKER: Okay. And this is the -- where
21 Big Lots is.

22 MR. ZANG: Uh-huh. Yeah, yeah.

23 SPEAKER: And over here is Shannonwood
24 back over here, right?

25 MR. ZANG: Uh-huh.

1 SPEAKER: And Shannonwood Drive comes up.

2 MR. ZANG: Uh-huh.

3 SPEAKER: And so you're coming this way?

4 MR. ZANG: Yeah.

5 SPEAKER: And here's the red light,

6 correct?

7 MR. ZANG: Yeah, yeah.

8 SPEAKER: And right before you get to the
9 red light on the right side is where that gas
10 station is?

11 MR. ZANG: Yeah, yeah.

12 SPEAKER: Okay. Yeah, yeah. I'm just
13 making sure we're talking about the same place.

14 MR. ZANG: Yeah, yeah.

15 SPEAKER: Okay. So you go to the gas
16 station?

17 MR. ZANG: Uh-huh.

18 SPEAKER: And were you getting gas or went
19 inside to get something?

20 MR. ZANG: Yeah. I go to the inside to
21 pay the gas, but that guy, he -- when I pay
22 already, right, when I come out --

23 SPEAKER: Uh-huh.

24 MR. ZANG: -- from paying the gas, that
25 guy from the other side, maybe corner station

1 there, go that way.

2 SPEAKER: Okay.

3 MR. ZANG: Over here.

4 SPEAKER: So -- so you went back out to --
5 you went in and paid for your gas, and came
6 back out to pump?

7 MR. ZANG: Yes.

8 SPEAKER: And then that's when he
9 approached you?

10 MR. ZANG: Yes.

11 SPEAKER: Correct? What did he look like?

12 MR. ZANG: At that time, nobody there.

13 SPEAKER: Huh?

14 MR. ZANG: At that time, nobody there.

15 SPEAKER: No, no, no. The guy that asked
16 you for a ride, that got in the car with you.

17 MR. ZANG: Oh, pay the guy gas?

18 SPEAKER: No, no, no. After you -- when
19 you were getting gas --

20 MR. ZANG: Uh-huh..

21 SPEAKER: -- and you said that this guy
22 asked you for a ride to McDonald's, right? Is
23 that where he asked you? Is that the gas
24 station?

25 MR. ZANG: Yes, yeah.

1 SPEAKER: What did he look like? What did
2 the guy look like?

3 MR. ZANG: The guy?

4 SPEAKER: Uh-huh.

5 MR. ZANG: The black man.

6 SPEAKER: A black man?

7 MR. ZANG: Yeah. A black man, not the --
8 not small -- skinny, tall.

9 SPEAKER: Tall and skinny?

10 MR. ZANG: Uh-huh.

11 SPEAKER: What was he wearing? Do you
12 remember his clothing?

13 MR. ZANG: Clothes?

14 SPEAKER: Uh-huh.

15 MR. ZANG: T-shirt.

16 SPEAKER: What color was the T-shirt? Do
17 you remember?

18 MR. ZANG: White color.

19 SPEAKER: White T-shirt?

20 MR. ZANG: White color, yeah.

21 SPEAKER: Uh-huh. What about his --

22 MR. ZANG: Pants?

23 SPEAKER: -- pants?

24 MR. ZANG: Pants is jean like a --

25 SPEAKER: Do you remember what color they

1 were or --

2 MR. ZANG: The color like the -- the color
3 is not black. It's not black. It's darker
4 than this color, but it's not black.

5 SPEAKER: It's actually like a charcoal,
6 like a gray, dark gray?

7 MR. ZANG: Like the dark gray, yeah. It's
8 just --

9 SPEAKER: Did he have anything -- did he
10 have a hat or anything on, glasses or --

11 MR. ZANG: No glasses, wear short hair.

12 SPEAKER: Short hair?

13 MR. ZANG: Uh-huh.

14 SPEAKER: So he asked you if you could
15 give him a ride to McDonald's because it's too
16 hot, correct?

17 MR. ZANG: Yeah. It's too warm to walk --

18 SPEAKER: Did you -- did you see him as he
19 was approaching the car? When did you first
20 notice him? You're putting gas in your car.

21 MR. ZANG: Uh-huh.

22 SPEAKER: Well, had you finished putting
23 gas in your car before he asked for a ride, or
24 were you still putting gas in?

25 MR. ZANG: No. I already to put gas in.

1 SPEAKER: Uh-huh. And then he come up?

2 MR. ZANG: Uh-huh.

3 SPEAKER: Okay. Where did he -- did he
4 come from the store? Did he come out of the
5 service station or from the road?

6 MR. ZANG: I saw from the -- out the
7 corner station.

8 SPEAKER: He come out of the gas station?

9 MR. ZANG: Uh-huh.

10 SPEAKER: Okay. So he was in the gas
11 station, and he came out and asked for a ride.
12 Okay. So you-all get in the car. He gets in.
13 Where does he get in the car at? Where does he
14 sit at in your car?

15 MR. ZANG: Oh, to the front side.

16 SPEAKER: The passenger's front?

17 MR. ZANG: Yeah, yeah.

18 SPEAKER: Okay. So you-all pull out and
19 go towards McDonald's, correct? And you go
20 straight down 52?

21 MR. ZANG: Uh-huh.

22 SPEAKER: How far down before he -- you
23 said he pulled a knife?

24 MR. ZANG: Yeah. Pulled a knife.

25 SPEAKER: How far down did you get before

1 he pulled a knife out?

2 MR. ZANG: He just -- I just drive one
3 light, and the gas station, one light, just one
4 light.

5 SPEAKER: Uh-huh.

6 MR. ZANG: He pulled the knife out.

7 SPEAKER: So as soon as you got to that
8 light, he pulled --

9 MR. ZANG: I still drive, he say, keep
10 going, keep driving.

11 SPEAKER: And he pulled a knife at you?

12 MR. ZANG: Yeah.

13 SPEAKER: What did the -- what did the
14 knife look like? Did you see the knife or
15 anything?

16 MR. ZANG: Yes.

17 SPEAKER: Can you describe it for me?

18 MR. ZANG: Like -- just about -- the
19 holder -- hold, to pull out --

20 SPEAKER: Uh-huh.

21 MR. ZANG: -- the hold about just a little
22 bit -- little bit longer like that.

23 SPEAKER: Just a little bit longer than
24 that ink pen?

25 MR. ZANG: Uh-huh. Just a little bit.

1 Uh-huh.

2 SPEAKER: Okay. Was it a -- was it a
3 knife that folds?

4 MR. ZANG: Yeah, yeah.

5 SPEAKER: Okay. Let's see if I have -- so
6 it was a knife like this that folds open?

7 MR. ZANG: Yes, sir.

8 SPEAKER: What did the -- did you see what
9 color it was or what it looked like? Could you
10 tell?

11 MR. ZANG: It's kind of --

12 SPEAKER: If you can't, that's fine. If
13 you --

14 MR. ZANG: No.

15 SPEAKER: -- didn't get a good look at it
16 --

17 MR. ZANG: No. Because he -- he hold it
18 in hand.

19 SPEAKER: Right, right. When he first
20 pulled the knife out, did you see him -- did --
21 where did he get it from? Out of his pocket?
22 Did he have --

23 MR. ZANG: Pocket, from this pocket.

24 SPEAKER: From his right, front pocket?

25 MR. ZANG: Yeah, yeah, yeah.

1 SPEAKER: So he takes the knife out and
2 opens it up? Do you remember?

3 MR. ZANG: I see that it open already,
4 because I driving, right? I driving. He does
5 it --

6 SPEAKER: He just kind of pulled it out in
7 the car?

8 MR. ZANG: Yeah. Right. He just put it
9 here. He said, go to your bank. I said, what
10 happened you?

11 SPEAKER: So it was either already opened
12 when he pulled it out, or he just did it really
13 fast?

14 MR. ZANG: He did it really fast.

15 SPEAKER: He opened it? Okay.

16 MR. ZANG: Yeah.

17 SPEAKER: So he just -- it was like one
18 fluid motion. He just kind of pulled it out
19 and --

20 MR. ZANG: Yeah, yeah, yeah.

21 SPEAKER: Which hand did he have it in
22 when he stuck it towards you? You said he
23 pulled it out of his right, front pocket,
24 right? Did he use his right hand or his left
25 hand?

1 MR. ZANG: Right hand.

2 SPEAKER: So he takes it out with his
3 right hand?

4 MR. ZANG: Yeah.

5 SPEAKER: And takes it out, and it's
6 already opened or --

7 MR. ZANG: Already opened. I saw it then,
8 already opened.

9 SPEAKER: And then did he keep it in his
10 right hand, or did he switch it over?

11 MR. ZANG: No. Just keep it in his right
12 hand.

13 SPEAKER: So he kept it in his right hand
14 leaning across?

15 MR. ZANG: Yeah, yeah, yeah. That's
16 right.

17 SPEAKER: Okay. And he said, go to the
18 bank, and then that's when you-all -- you said
19 you didn't have a bank, and --

20 MR. ZANG: Yeah. I told him -- because I
21 had to find some police just driving, right?

22 SPEAKER: Right. So you just happened to
23 see the officer -- well, what -- do you
24 remember where you were at when you saw that
25 officer? How far down 52 before you saw him?

1 MR. ZANG: Saw what? Saw the --

2 SPEAKER: The police officer.

3 MR. ZANG: The police -- that time, we're
4 almost in the McDonald's there. I saw the
5 light of the police as they come that way.

6 SPEAKER: Okay. So you're almost to the
7 McDonald's?

8 MR. ZANG: Yeah, yeah.

9 SPEAKER: And you can see the red light?

10 MR. ZANG: Yeah.

11 SPEAKER: And you see the police officer
12 coming at you. What did you do when you saw
13 the police officer?

14 MR. ZANG: That time, right -- I saw
15 behind and no car. I -- at that time, try and
16 keep the right side, and I move the left side
17 -- moved to the middle.

18 SPEAKER: The middle?

19 MR. ZANG: And --

20 SPEAKER: Kind of like you're going to
21 turn left or something?

22 MR. ZANG: Yeah. Back -- I saw the middle
23 have the one car come here. I don't want to go
24 to there -- to there. I want to go -- because
25 at that time, I'm driving really slow, the car.

1 SPEAKER: Uh-huh.

2 MR. ZANG: I just go that way, and then
3 the guy in the car -- want me to stop there,
4 right? Because I keep that way, not the
5 straight, keep little bit that way.

6 SPEAKER: Uh-huh.

7 MR. ZANG: He thought that maybe I go in
8 that way. He start there -- the police is --
9 and I started honking horn.

10 SPEAKER: Okay. And when you started
11 honking the horn --

12 MR. ZANG: Yeah. Honk the horn, and then
13 I thought the -- that the guy -- the black guy
14 says the police is coming, open the door, and
15 run out.

16 SPEAKER: So as soon as you started
17 honking the horn and he saw the cops, he's
18 opening the door and --

19 MR. ZANG: Yeah, yeah, yeah.

20 SPEAKER: What happened after -- after he
21 got out of the car and took off running, what
22 happened next? What did you do?

23 MR. ZANG: Before, right?

24 SPEAKER: After -- after the guy got out
25 of your car --

1 MR. ZANG: Uh-huh.

2 SPEAKER: -- and took off running, what
3 happened next? What did you do?

4 MR. ZANG: I stopped there. I told the
5 police that that guy taking my wallet and my
6 money out.

7 SPEAKER: Oh, okay. So you -- you got --

8 MR. ZANG: Yeah, yeah.

9 SPEAKER: -- the police officer's
10 attention.. Do you get out of the car, or were
11 you still in the car?

12 MR. ZANG: No. I not get out of car. I
13 stayed in the car.

14 SPEAKER: You never got out? You just --

15 MR. ZANG: Yeah, yeah, yeah, yeah, yeah.

16 SPEAKER: And then -- then the officer
17 turned around?

18 MR. ZANG: Yeah. Turned around.

19 SPEAKER: Okay. After the cop turned
20 around and took off, did you stay there, or did
21 you go --

22 MR. ZANG: No. Then the police drive the
23 car, and I saw the behind, no car, right? And
24 I followed the car to over there.

25 SPEAKER: Okay. So you followed the

1 police officer over?

2 MR. ZANG: Yeah, yeah, yeah.

3 SPEAKER: Okay. Okay. Over to that
4 parking lot by the red light I guess?

5 MR. ZANG: Yeah.

6 SPEAKER: Did -- the guy -- the black guy
7 that got in your car, did he say anything other
8 than -- I know you're saying that he said, go
9 to the bank --

10 MR. ZANG: Uh-huh.

11 SPEAKER: -- and give me your money and --

12 MR. ZANG: Uh-huh.

13 SPEAKER: Did you say -- did you hear
14 anything -- him say anything else?

15 MR. ZANG: No, no, no. He kept --

16 SPEAKER: That's pretty much it, just go
17 to your bank?

18 MR. ZANG: Yeah.

19 SPEAKER: How did he say it? You know
20 what I'm saying? I mean --

21 MR. ZANG: First time, he said, go to your
22 bank. You know, at that time, I -- I can't
23 understand you. I said, what? Go to your
24 bank.

25 SPEAKER: Uh-huh.

1 MR. ZANG: Go bank for what? I got to
2 drive you to one or two place, and I saw him
3 mad, go to your bank. The second, this is a
4 little bit higher. Go to your bank.

5 SPEAKER: A little bit louder?

6 MR. ZANG: Oh, yeah.

7 SPEAKER: Yeah. So --

8 MR. ZANG: So I know -- oh, you want
9 money? And at that time, I drive very slow.
10 Keep you drive, keep drive. Don't stop.

11 SPEAKER: Okay. So -- so when he first
12 said, go to your bank, did you think he was
13 just kidding or goofing around or --

14 MR. ZANG: No. Actually, after he said,
15 go to your bank. I said, what? A little bit,
16 he's -- I hear.

17 SPEAKER: Uh-huh. So --

18 MR. ZANG: He says, not kidding you. I'm
19 not kidding.

20 SPEAKER: Yes, sir.

21 MR. ZANG: He says, I no lie, go to your
22 bank. All right. He's no funny, he's not
23 kidding me.

24 SPEAKER: Right. So after you saw the
25 knife, you knew it wasn't a joke?

1 MR. ZANG: Yeah.

2 SPEAKER: Yeah. And then he started
3 getting louder by the way he was talking. Did
4 he ever say his name? Do you know his name?
5 Have you ever seen him before, this black guy?

6 MR. ZANG: No. No. Just black guy. I
7 mean this -- you know, this is small town.

8 SPEAKER: Right.

9 MR. ZANG: And at that time --

10 SPEAKER: Uh-huh.

11 MR. ZANG: -- and at that street, hey,
12 drive me a little bit before. I have drive
13 somebody here to Wal-Mart. I'm so tired, and
14 then would you drive me a little bit? I say,
15 okay. No problem. It's on the way.

16 SPEAKER: This same guy, or is this
17 different?

18 MR. ZANG: No, no. Different.

19 SPEAKER: So you don't think you've ever
20 seen this guy before, or you don't recognize
21 him -- didn't recognize him?

22 MR. ZANG: I never seen him there, you
23 know.

24 SPEAKER: Okay. So you -- you told him
25 you didn't have a bank. Did -- after you told

1 him you didn't have a bank, did you tell him
2 that you'd give him money, or did he -- well,
3 what happened when you said you didn't have a
4 bank?

5 MR. ZANG: Okay.

6 SPEAKER: He said, go to your bank, and
7 you said, I don't have a bank.

8 MR. ZANG: Yeah. I said, I have to walk
9 in here. I don't have any bank. He still say,
10 go to your bank, go to your bank.

11 SPEAKER: Uh-huh.

12 MR. ZANG: Right? I said, I don't have
13 any bank. He said, how about money? I said,
14 if you want money, okay, all -- the pocket, I
15 go all here. You want to take it, take it.

16 SPEAKER: Uh-huh.

17 MR. ZANG: And he started -- this is a
18 little bit money, right. He said, how about
19 your wallet? I said, well, my wallet, there's
20 no money. He said, give me your wallet, and I
21 take your wallet. Okay. He took the wallet.
22 He check it. No money. But he still wanted to
23 take it. I said, you can take my money. Okay?
24 Give me back the wallet. My wallet had the
25 i.d. in there.

1 SPEAKER: Uh-huh.

2 MR. ZANG: And he still put it in.

3 SPEAKER: Okay. So he --

4 MR. ZANG: Pulled out the wallet.

5 SPEAKER: So he put your wallet in his
6 pocket?

7 MR. ZANG: Uh-huh.

8 SPEAKER: Which pocket did you see him put
9 that wallet in? Do you remember?

10 MR. ZANG: Right side.

11 SPEAKER: You think it was the right
12 front?

13 MR. ZANG: Right side, yeah.

14 SPEAKER: What about the money? You gave
15 him some money out of your pocket at first?

16 MR. ZANG: Yeah.

17 SPEAKER: What did he do with that money?
18 Where --

19 MR. ZANG: He took it and he -- I gave him
20 money, and he take the money.

21 SPEAKER: Uh-huh.

22 MR. ZANG: And then all the coins, he
23 don't want it.

24 SPEAKER: Uh-huh.

25 MR. ZANG: He didn't want to take it or

1 what. He said, the hold the hand. I forget,
2 he hold the money in all.

3 SPEAKER: He had the money in his hand?

4 MR. ZANG: Yeah. I just saw he's put my
5 wallet in the pocket.

6 SPEAKER: Okay. Is there anything else
7 that you can't think of that we haven't talked
8 about pertaining to this? Is there anything
9 else that you can think of to add that you
10 might have forgotten to name, or is that pretty
11 much -- we pretty much covered everything?

12 MR. ZANG: Everything okay.

13 SPEAKER: You think we pretty much --

14 MR. ZANG: Yeah.

15 SPEAKER: -- got it all?

16 MR. ZANG: Yeah. Obviously, I know you're
17 a policy and around here, right?

18 SPEAKER: Yes.

19 MR. ZANG: I'm happy, yeah.

20 SPEAKER: Okay. This concludes this
21 interview for right now. Thank you.

22 (Taped Transcript was concluded.)

23

24

25

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON)

3 I, Trisha G. Rarick, a Court Reporter and Notary
4 Public of the State of South Carolina at Large, do hereby
5 certify that the witness in the foregoing deposition was by
6 me duly sworn to testify to the truth, the whole truth and
7 nothing but the truth in the within-entitled cause; that
8 said deposition was taken at the time and location therein
9 stated; that the testimony of the witness and all objections
10 made at the time of the examination were recorded
11 stenographically by me and were thereafter transcribed by
12 computer-aided transcription; that the foregoing is a full,
13 complete and true record of the testimony of the witness and
14 of all objections made at the time of the examination; and
15 that the witness was given an opportunity to read and
16 correct said deposition and to subscribe the same.

17 Should the signature of the witness not be affixed
18 to the deposition, the witness shall not have availed
19 himself of the opportunity to sign or the signature has been
20 waived.

21 I further certify that I am neither related to nor
22 counsel for any party to the cause pending or interested in
23 the events thereof.

24 Witness my hand, I have hereunto affixed my
25 official seal on _____, 2013, at Charleston,
Charleston County, South Carolina.

26
27

Trisha G. Rarick
Court Reporter

28 My commission expires:
29 April 9, 2019
30
31
32
33
34
35

Is there a possibility of a
Lesser included charge

William J Harder

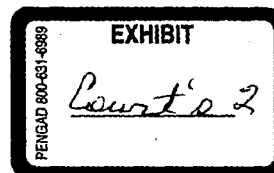
MO



Can we have MR Zhang and MR Green
testomy Read Back to US or a
copy

William J. Hand

THE court reporter will play
back ALL the testimony to you
in the jury room.

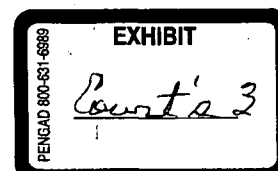


We would like to see the police
Report of the incident and
transcript

William J. Hard

A police report is not admissible
in SC because it is hearsay.
The transcript was not admitted
in evidence.

Therefore, you cannot have
either. You are to decide the case
on the evidence & testimony presented.
J. W. Hard
Circuit Judge
5/22/13



DEJ2012-05-00716

WITNESSES

Moncks Corner Police Department

AGENCY CASE NUMBER

12-1058

ARREST WARRANT NUMBER

2013GS0800755

DATE OF ARREST

May 22, 2012

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 04-17-13

VERDICT

Guilty

Foreperson of Petit Jury

5-22-13
Date:

INDICT

DOCKET NO. 2013GS0800755

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term

THE STATE

vs.

WILTON Q. GREENE

DOB: [REDACTED]

B/M

Indictment for

Armed Robbery

§16-11-0330(A)

CDR: 0139

FILED
13 APR 17 AM 11:41
CLERK OF COURT
BERKELEY COUNTY S.C.

JAN

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

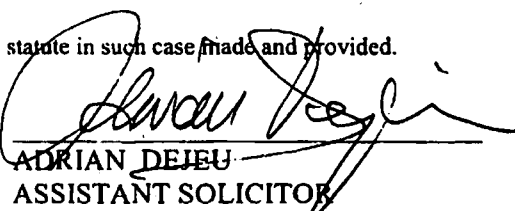
INDICTMENT

At a Court of General Sessions, convened on April 17, 2013 the Grand Jurors of Berkeley County present upon their oath:

Armed Robbery

That WILTON Q. GREENE did in Berkeley County, South Carolina, on or about May 22, 2012, by use of force, threats or intimidation and while armed with a deadly weapon, to wit: a knife, the Defendant, WILTON Q. GREENE, did take and carry away goods and/or monies from the person or immediate presence of Bing Hao Zhang, with the intent to permanently deprive him of possession thereof, in violation of §16-11-0330(A) of the South Carolina Code of Laws (1976) as amended.

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


ADRIAN DEJEU
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley
STATE VS.Wilton Q. Greene

AKA:

Race: BLACK Sex: M Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Jamestown, SC 29453DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0800755A/W#: 2013GS0800755Date of Offense: 5/22/2012S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Dejeu, Adrian765241
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 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. SINCE 5/22/12☐ 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 PTUP

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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter: Cystal Holmes

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 1Sentence Date: 5/23/13

DEJ2012-05-00716

WITNESSES

Moncks Corner Police Department

AGENCY CASE NUMBER

12-1058

ARREST WARRANT NUMBER

2013GS0800756

DATE OF ARREST

May 22, 2012

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

04-17-13

VERDICT

Guilty

Foreperson of Petit Jury

Date:

5-22-13

INDICT

DOCKET NO. 2013GS0800756

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term

THE STATE

vs.

WILTON Q. GREENE

DOB:

B/M

Indictment for

Kidnapping

§16-03-0910

CDR: 0095

FILED
13 APR 17 AM 11:41
CLERK OF DISTRICT COURT
BERKELEY COUNTY, S.C.

1/201

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

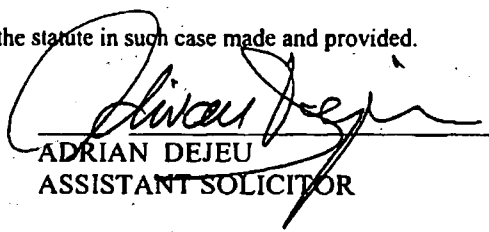
INDICTMENT

At a Court of General Sessions, convened on April 17, 2013 the Grand Jurors of Berkeley County present upon their oath:

Kidnapping

That WILTON Q. GREENE did in Berkeley County, South Carolina, on or about May 22, 2012, willfully, unlawfully and feloniously kidnap, seize or confine Bing Hao Zhang without authority of law and against said Bing Hao Zhang's will and/or consent. This action is in violation of §16-03-0910 of the South Carolina Code of Laws (1976) as amended.

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


ADRIAN DEJEU
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley
STATE VS.
Wilton Q. Greene

AKA: _____

Race: BLACK Sex: M Age: 24

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Jamestown, SC 29453

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0800756

A/W#: 2013GS0800756

Date of Offense: 5/22/2012

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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: Dejeu, Adrian SC Bar# 70541 Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 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. SINCE 5/22/12

☐ 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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: \$ _____ Substance Abuse Counseling ☐

§ 14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol testing ☐

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: THERE WAS NO

Proviso 47.9 (Public Def/Prob) \$500 \$ _____ SEXUAL ACTIVITY WITH

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00 THE KIDNAPPING

§ 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 Linda J. Hill

Court Reporter: Crystal Holmes

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: _____

Sentence Date: 5/23/13

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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 12th, 2014

RECEIVED

SEP 12 2014

Susan B. Hackett
Appellate Defender

SC Court of Appeals

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

ATTORNEY FOR APPELLANT