

21437

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GOWNDELL DEON CADES,

APPELLANT

APPELLATE CASE NO. 2013-002327

SUPPLEMENTAL RECORD ON APPEAL

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SC Court of Appeals

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VOIR DIRE TRANSCRIPT DATED OCTOBER 21, 20131

STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE)	2013-GS-21-0485
)	
)	
)	
State Of South Carolina))
)	
vs.)	TRANSCRIPT OF RECORD
)	
Gowndell Deon Cades))
DEFENDANT)	October 21, 2013
		Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE; and a jury.

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

TODD TUCKER, ASSISTANT SOLICITOR
Attorney for the State

KAREN PARROTT, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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I N D E X

(WHEREUPON, there were no witnesses.)

1 THE COURT: All right. State ready to proceed?

2 MR. TUCKER: Ready, Your Honor.

3 THE COURT: Defense counsel ready to proceed?

4 MS. PARROTT: Yes, Your Honor.

5 THE COURT: All right, call your first case
6 please.

7 MR. TUCKER: Your Honor, at this time the state
8 calls the State of South Carolina vs. Gowndell Deon Cades
9 indictment 2013-GS-21-0485 for trial.

10 THE COURT: All right. Ladies and gentlemen,
11 the State of South Carolina has called the case of the
12 State vs. Gowndell Deon Cades. Mr. Cades is charged by an
13 indictment which I hold in my hand the offense of arson
14 third degree. The indictment read as follows: That
15 Gowndell Deon Cades did in Florence County, South
16 Carolina, on or about November 19th 2012, willfully and
17 maliciously cause an explosion, set fire to burn or cause
18 to be burn or aided counsel or procured the burning of a
19 residence located at 605 South Jeffords Street, Florence,
20 South Carolina, that was occupied by the victim, Rachel
21 Paul, in violation of section 16-11-110(c) of the South
22 Carolina Code of Laws.

23 Please understand, ladies and gentlemen, that
24 this indictment that I hold in my hand is not evidence in
25 this case. It is simply the charging document by which

1 this case is brought into this court. The defendant in
2 this case, Mr. Gowndell Deon Cades, has pled not guilty to
3 this charge. He has pled not guilty. Therefore, the
4 State of South Carolina bears the burden of proving his
5 guilt to you, the jury, beyond a reasonable doubt. Now,
6 before we select a jury in this case, ladies and
7 gentlemen, there's certain questions that I must ask of
8 you. Please listen very carefully to these questions. Is
9 there any member of the jury panel that has ever been
10 related by blood, connected by marriage, had a close
11 personal, business or social relationship with
12 Mr. Gowndell Deon Cades or Ms. Rachel Paul, if so please
13 stand?

14 (WHEREUPON, there were none.)

15 THE COURT: The following, ladies and gentlemen,
16 is a list of potential witnesses in this case: They
17 include Deputy Jason Pate Florence County Sheriff's
18 Office, Deputy Mike Gifford Florence County Sheriff's
19 Office, Investigator Pat O'Hara Florence County Sheriff's
20 Office, Rachel Paul, Jaquan Mumford, Jarrell Mumford. Is
21 there any member of the jury panel that's ever been
22 related by blood, connected by marriage, had a close
23 personal, business or social relationship with any of the
24 potential witnesses in this case if this case, if so
25 please stand?

1 (WHEREUPON, there were none.)

2 THE COURT: All right. Mr. Tucker, if you would
3 introduce yourself followed by you Ms. Parrott.

4 MR. TUCKER: Thank you, Your Honor. My name is
5 Todd Tucker, I'm an assistant solicitor with the Twelfth
6 Circuit, which is comprised of both Florence and Marion
7 Counties. Here seated next to me is the Solicitor Ed
8 Clements. Also working in our office is Bob Wells, Pat
9 Parr, Matt Ozment, Emily Crayton, Catherine Anderson Wyse
10 and John Jepertinger how can I forget that.

11 THE COURT: Ms. Parrott.

12 MS. PARROTT: Good morning, ladies and
13 gentlemen, my name is Karen Parrott and I'm a public
14 defender here in Florence, other members of the staff in
15 the public defender's office are Scott Floyd, Michael
16 Bell, Vick Meetze, Jay Jordan, Daniel Jordan, Will Grove
17 and Scott Suggs.

18 THE COURT: Ladies and gentlemen, are there any
19 members of the jury panel ever been related by blood,
20 connected by marriage, had a close personal, business or
21 social relationship with any of the attorneys involved in
22 this case, if so please stand?

23 Yes, sir, your name and number please.

24 PROSPECTIVE JUROR: 110 Charles Murrow.

25 THE COURT: If you come forward please, sir.

1 PROSPECTIVE JUROR: Mr. Clements and my son
2 going through a proceeding against him over in Marion.

3 THE COURT: Is he being prosecuted for
4 something?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: All right. What's he being
7 prosecuted or?

8 PROSPECTIVE JUROR: Child molestation. Mrs. Pat
9 Parr prosecuting the case.

10 THE COURT: I'm going set him aside. I think we
11 can transfer him to a common pleas term of court. Since,
12 you have some ongoing criminal matters up here. I
13 appreciate you doing that.

14 I'm going to transfer him to civil court.

15 Any objection to that by State or defense
16 counsel?

17 MR. TUCKER: None from the State, Your Honor.

18 MS. PARROTT: No, Your Honor.

19 THE COURT: Step right over here. She will
20 transfer you to another term of court. You are done up
21 here for the balance of the week.

22 Is any member of the jury panel a member of or
23 contributor to any group which has as its primary concern
24 the promotion of law enforcement? These groups may
25 include, but certainly are not limited to MADD, SADD OR

1 CAVE, citizens against violent crime, if so please stand?

2 (WHEREUPON, there were none.)

3 THE COURT: Is any member of the jury panel know
4 of any reason why he or she should not serve as a juror in
5 this case with particular emphasis being placed upon your
6 ability to be fair and impartial to both the State and the
7 defense, if so please stand?

8 (WHEREUPON, there are none.)

9 THE COURT: Okay. Any further voir dire from
10 the State?

11 MR. TUCKER: No, Your Honor.

12 THE COURT: Defense counsel?

13 MS. PARROTT: If any member has been the victim
14 of a violent crime, Your Honor.

15 THE COURT: All right. Is any member of the
16 jury panel or their immediate family ever been the victim
17 of a violent crime, if so please stand?

18 (WHEREUPON, there are none.)

19 THE COURT: All right. Ms. Parrott, anything
20 further?

21 MS. PARROTT: No, Your Honor.

22 THE COURT: Defense counsel?

23 MR. TUCKER: No, Your Honor.

24 THE COURT: All right. I will ask the clerk to
25 produce a jury list at this time five and ten on the

1 strikes, Mr. Tucker?

2 MR. TUCKER: That's correct.

3 THE COURT: Ms. Parrott.

4 MS. PARROTT: Yes, Your Honor.

5 THE COURT: One alternate, one and two on the
6 strikes with regard to alternates.

7 Ladies and gentlemen, let me tell you what's
8 happening now pursuant to my questioning of you, the
9 clerk's office is producing a juror list of potential
10 jurors to serve in this particular case, not all of you
11 all names will be on that list, okay. Once that list is
12 generated, a copy will be given to the State as well as
13 defense counsel, myself and the court reporter. And we
14 will go through the list until we have a jury selected in
15 this case.

16 (WHEREUPON, a pause in the proceedings.)

17 THE COURT: All right, madam clerk.

18 THE CLERK: When I call your name, if you will
19 bring all of your belongings with you and come to the
20 center of the courtroom please and just face the back of
21 the courtroom.

22 130 Sharon Smith.

23 (WHEREUPON, a white female, comes forward.)

24 THE CLERK: What say the State?

25 MR. TUCKER: Please swear Ms. Smith.

1 THE CLERK: What say the defendant?

2 MS. PARROTT: Please seat Ms. Smith.

3 THE CLERK: Please have a seat the jury box,
4 ma'am.

5 Thirty-five Mary Edwards.

6 (WHEREUPON, a white female, comes forward.)

7 THE CLERK: What say the State?

8 MR. TUCKER: Please swear Ms. Edwards.

9 THE CLERK: What say the defendant?

10 MS. PARROTT: Please seat Ms. Edwards.

11 THE CLERK: Please have a seat in the jury box,
12 ma'am.

13 Twenty-five Maurice Cooper.

14 (WHEREUPON, a black male, comes forward.)

15 THE CLERK: What say the State?

16 MR. TUCKER: Please excuse Mr. Cooper from the
17 trial of this particular case.

18 THE CLERK: You been excuse from this trial
19 only, sir. You may return to your seat.

20 155 Erin Witherspoon.

21 (WHEREUPON, a black female, comes forward.)

22 THE CLERK: What say the State?

23 MR. TUCKER: Please excuse Ms. Witherspoon from
24 the trial of this case.

25 THE CLERK: You been excuse from this trial

1 only, ma'am. You may return to your seat.

2 106 Walter Miles.

3 (WHEREUPON, a white male, comes forward.)

4 THE CLERK: What say the State?

5 MR. TUCKER: Please present Mr. Miles.

6 THE CLERK: What say the defendant?

7 MS. PARROTT: Please seat Mr. Miles.

8 THE CLERK: Please have a seat in the jury box,
9 sir.

10 Thirteen Nellie Brown.

11 (WHEREUPON, a black female, comes forward.)

12 THE CLERK: What say the State?

13 MR. TUCKER: Please present Ms. Brown.

14 THE CLERK: What say the defendant?

15 MS. PARROTT: Please excuse Ms. Brown.

16 THE CLERK: You been excused from this trial
17 only, ma'am. You may return to your seat.

18 Fifty Alexa Gordon.

19 (WHEREUPON, a black female, comes forward.)

20 THE CLERK: What say the State?

21 MR. TUCKER: Please present Ms. Gordon.

22 THE CLERK: What say the defendant?

23 MS. PARROTT: Please seat Ms. Gordon.

24 THE CLERK: Please have a seat in the jury box,
25 ma'am.

1 147 Gerald Weaver.

2 (WHEREUPON, a white male, comes forward.)

3 THE CLERK: What say the State?

4 MR. TUCKER: Please present Mr. Weaver.

5 THE CLERK: What say the defendant?

6 MS. PARROTT: Please seat Mr. Weaver.

7 THE CLERK: Please have a seat in the jury box,

8 sir.

9 Forty-six Douglas Gainey.

10 (WHEREUPON, a white male, comes forward.)

11 THE CLERK: What say the State?

12 MR. TUCKER: Please present Mr. Gainey.

13 THE CLERK: What say the defendant?

14 MS. PARROTT: Please excuse Mr. Gainey.

15 THE CLERK: You been excused from this trial

16 only, sir. You may return to your seat.

17 Seventy-five David Jones.

18 (WHEREUPON, a white male, comes forward.)

19 THE CLERK: What say the State?

20 MR. TUCKER: Please present Mr. Jones.

21 THE CLERK: What say the defendant?

22 MS. PARROTT: Please excuse Mr. Jones.

23 THE CLERK: You been excused from this trial

24 only, sir. You may return to your seat.

25 Twenty-seven James Creel.

1 (WHEREUPON, a white male, comes forward.)

2 THE CLERK: What say the State?

3 MR. TUCKER: Please excuse Mr. Creel from the
4 trial of this case.

5 THE CLERK: You been excused from this trial
6 only, sir. You may return to your seat.

7 150 Janet Wiggins.

8 (WHEREUPON, a white female, comes forward.)

9 THE CLERK: What say the State?

10 MR. TUCKER: Please present Ms. Wiggins.

11 THE CLERK: What say the defendant?

12 MS. PARROTT: Please seat Ms. Wiggins.

13 THE CLERK: Please have a seat in the jury box,
14 ma'am.

15 146 Terry Watford.

16 (WHEREUPON, a white male, comes forward.)

17 THE CLERK: What say the State?

18 MR. TUCKER: Please excuse Mr. Watford from the
19 trial of this case.

20 THE CLERK: You been excused from this trial
21 only, sir. You may return to your seat.

22 88 Amy Lynch.

23 (WHEREUPON, a white female, comes forward.)

24 THE CLERK: What say the State?

25 MR. TUCKER: Please present Ms. Lynch.

1 THE CLERK: What say the defendant?

2 MS. PARROTT: Please seat Ms. Lynch.

3 THE CLERK: Please have a seat in the jury box,
4 ma'am.

5 124 Jamar Shefton.

6 (WHEREUPON, a black male, comes forward.)

7 THE CLERK: What say the State?

8 MR. TUCKER: Please excuse Mr. Shefton from the
9 trial of this case.

10 THE CLERK: You been excuse from this trial
11 only, sir. You may return to your seat..

12 80 Kerry Kale.

13 (WHEREUPON, a white male, comes forward.)

14 THE CLERK: Does the State wish to challenge
15 this juror for cause?

16 MR. TUCKER: No, ma'am.

17 THE CLERK: What say the defendant?

18 MS. PARROTT: Please seat Mr. Kale.

19 THE CLERK: Please have a seat in the jury box,
20 sir.

21 74 Jerrold Johnson.

22 (WHEREUPON, a white male, comes forward.)

23 THE CLERK: Okay. Does the State wish to
24 challenge this juror for cause?

25 MR. TUCKER: No, ma'am.

1 THE CLERK: What say the defendant?

2 MS. PARROTT: Please seat Mr. Johnson.

3 THE CLERK: Please have a seat in the jury box,
4 sir.

5 119 Theresa Riley.

6 (WHEREUPON, a white male, comes forward.)

7 THE CLERK: Does the State wish to challenge
8 this juror for cause?

9 MR. TUCKER: No, ma'am.

10 THE CLERK: What say the defendant?

11 MS. PARROTT: Please excuse Ms. Riley.

12 THE CLERK: You been excuse from this trial
13 only, ma'am. You may return to your seat.

14 64 Drake Hoffman.

15 (WHEREUPON, a white female, comes forward.)

16 THE CLERK: Does the State wish to challenge
17 this juror for cause?

18 MR. TUCKER: No, ma'am.

19 THE CLERK: What say the defendant?

20 MS. PARROTT: Please seat Mr. Hoffman.

21 THE CLERK: Please have a seat in the jury box,
22 sir.

23 114 Barbara Pecca.

24 (WHEREUPON, a white female, comes forward.)

25 THE CLERK: Does the State wish to challenge

1 this juror for cause?

2 MR. TUCKER: No, ma'am.

3 THE CLERK: What say the defendant?

4 MS. PARROTT: Please excuse Ms. Pecca.

5 THE CLERK: You been excused for this trial
6 only, ma'am. You may return to your seat.

7 160 Danny Jeffords.

8 (WHEREUPON, a white male, comes forward.)

9 THE CLERK: Does the State wish to challenge
10 this juror for cause?

11 MR. TUCKER: No, ma'am.

12 THE CLERK: What say the defendant?

13 MS. PARROTT: Please seat Mr. Jeffords.

14 THE CLERK: Please have a seat in the jury box,
15 sir.

16 131 Archie Sox.

17 (WHEREUPON, a white male, comes forward.)

18 THE CLERK: Does the State wish to challenge
19 this juror for cause?

20 MR. TUCKER: No, ma'am.

21 THE CLERK: What say the defendant?

22 MS. PARROTT: Please seat Mr. Sox.

23 THE CLERK: Please have a seat in the jury box,
24 sir.

25 One alternate?

1 THE COURT: Yes, ma'am.

2 THE CLERK: 148 John Weaver.

3 (WHEREUPON, a white male, comes forward.)

4 THE CLERK: What say the State?

5 MR. TUCKER: Please present Mr. Weaver.

6 THE CLERK: What say the defendant?

7 MS. PARROTT: Please excuse Mr. Weaver.

8 THE CLERK: You been excused for this trial
9 only, sir. You may return to your seat.

10 Number eight Gene Benton.

11 (WHEREUPON, a white male, comes forward.)

12 THE CLERK: What say the State?

13 MR. TUCKER: Please present Mr. Benton.

14 THE CLERK: What say the defendant?

15 MS. PARROTT: Please seat Mr. Benton.

16 THE CLERK: Please have a seat in the jury box,
17 sir.

18 THE COURT: All right. There any matters of law
19 we need to take up with regards to jury selection from the
20 State?

21 MR. TUCKER: Not from the State.

22 THE COURT: Defense counsel?

23 MS. PARROTT: No, Your Honor.

24 THE COURT: Can the lawyers approach just a
25 minute please.

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: Ladies and gentlemen, you all have
5 been selected as fair and impartial jurors in this
6 particular case. What we're going to do at this time
7 there are some pretrial matters that we need to deal with
8 on the tenth floor, that's where we're going to try this
9 case is on the tenth floor. So what I'm going to do
10 rather than have you all wait, I am going to go ahead and
11 excuse you for all lunch.

12 I'm going to ask that you be back downstairs on
13 the tenth floor. On the tenth floor when you get off the
14 elevator, there will be a bailiff on the tenth floor
15 instructing you where you need to go, but be back on the
16 tenth floor at one o'clock, at one o'clock and we will
17 start the trial of this case as promptly at that time as
18 possible.

19 During your break, during your break and you'll
20 hear my instructions throughout this week that you'll hear
21 while you're serving. Do not discuss this case at all
22 with anyone, with anyone. You know very little about this
23 case at this time other than what I have told you, but you
24 are instructed to not discuss this case at all with anyone
25 until you are instructed to do so. Furthermore, you're

1 instructed not to do any independent investigation on your
2 own. You are to decide this case, ladies and gentlemen,
3 base solely, base solely upon the evidence and testimony
4 that's presented in the courtroom during the course of
5 this trial and nowhere else, nowhere else. Please be back
6 on the tenth floor at one o'clock. Everybody else in the
7 courtroom remain seated while this jury panel exits the
8 courtroom. I'll see you at one o'clock.

9 (WHEREUPON, the jury excused for lunch.)

10 END OF REQUESTED TRANSCRIPT

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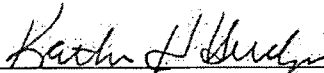
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CERTIFICATE OF COUNSEL FOR APPELLANT

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.

January 16, 2015



Kathrine H. Hudgins
Appellate Defender

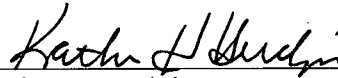
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ATTORNEY FOR APPELLANT.

CERTIFICATE OF COUNSEL FOR APPELLANT

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January 16, 2015



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ATTORNEY FOR APPELLANT.

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CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of January, 2015.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of January, 2015.

Bailey Reed (L.S.)

Notary Public for South Carolina
My Commission Expires: October 24, 2021