

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2019-001499

WILLIAM O. DICKERSON PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

APPENDIX
VOLUME 15 OF 22

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INDEX

CHARLESTON COUNTY RECORD ON APPEAL.....	1
PRETRIAL HEARING, APRIL 3, 2009.....	31
TRIAL TRANSCRIPT DATED APRIL 17- MAY 7, 2009	
JURY QUALIFICATION.	254
VOIR DIRE	
JUROR #383	
Examination by the Court.	486
Examination by Ms. Wilson.	491
Examination by Mr. Bloom.	496
JUROR #370	
Examination by the Court	504
Examination by Mr. Bloom.	515
Examination by Ms. Wilson.	524
Examination by Mr. Bloom.	530
JUROR #377	
Examination by the Court.	567
Examination by Ms. Wilson.	569
Examination by Mr. Bloom.	570
JUROR #278	
Examination by the Court.	574
Examination by Mr. Bloom.	576
JUROR #386	
Examination by the Court.	582
Examination by Ms. Wilson.	591
Examination by Mr. Bloom.	594
JUROR #228	
Examination by the Court.	611
Examination by Mr. Bloom.	622
Examination by Ms. Wilson.	634

JUROR #133	
Examination by the Court.	642
Examination by Ms. Wilson.	652
Examination by Mr. Bloom.	657
JUROR #227	
Examination by the Court.	679
Examination by Mr. Bloom.	687
Examination by Ms. Wilson.	706
JUROR #372	
Examination by the Court.	712
Examination by Ms. Wilson.	722
Examination by Mr. Bloom.	727
Examination by Ms. Wilson.	734
Examination by Mr. Bloom.	740
JUROR #134	
Examination by the Court.	748
Examination by Mr. Bloom.	757
Examination by Ms. Wilson.	766
JUROR #19	
Examination by the Court.	772
Examination by Ms. Wilson.	781
JUROR #280	
Examination by the Court.	792
Examination by Mr. Bloom.	792
JUROR #232	
Examination by the Court.	800
Examination by Ms. Wilson.	814
Examination by Mr. Bloom.	820
JUROR #37	
Examination by the Court.	831
Examination by Mr. Bloom.	843
JUROR #65	
Examination by the Court.	854
Examination by Ms. Wilson.	856
Examination by Mr. Bloom.	857

JUROR #389	
Examination by the Court.	861
Examination by Mr. Bloom.	864
JUROR #197	
Examination by the Court.	870
Examination by Ms. Wilson.	871
Examination by Mr. Bloom.	874
JUROR #66	
Examination by the Court.	877
Examination by Mr. Bloom.	879
JUROR #101	
Examination by the Court.	884
Examination by Ms. Wilson.	896
JUROR #160	
Examination by the Court.	912
Examination by Mr. Bloom.	924
Examination by Ms. Wilson.	930
Examination by Mr. Bloom.	933
JUROR #207	
Examination by the Court.	941
Examination by Mr. Durant.	951
Examination by Mr. Bloom.	956
JUROR #92	
Examination by the Court.	960
Examination by Mr. Bloom.	973
Examination by Ms. Wilson.	980
JUROR #256	
Examination by the Court.	987
Examination by Ms. Wilson.	998
Examination by Mr. Bloom.	1001
Examination by Ms. Wilson.	1007
JUROR #402	
Examination by the Court.	1010
Examination by Mr. Bloom.	1022

JUROR #385	
Examination by the Court.	1040
Examination by Ms. Wilson.	1043
JUROR #363	
Examination by the Court.	1048
Examination by Mr. Bloom.	1092
Examination by Ms. Wilson.	1101
JUROR #378	
Examination by the Court.	1106
Examination by Ms. Wilson.	1119
Examination by Mr. Bloom.	1124
MOTIONS.	1140
JUROR #315	
Examination by the Court	1146
Examination by Mr. Bloom.	1148
Examination by Ms. Wilson.	1156
Examination by the Court.	1160
Examination by Ms. Wilson.	1166
JUROR #306	
Examination by the Court.	1183
Examination by Mr. Durant.	1196
Examination by Mr. Bloom.	1200
JUROR #398	
Examination by the Court	1209
Examination by Mr. Bloom.	1213
Examination by Mr. Durant.	1216
JUROR #124	
Examination by the Court	1226
Examination by Mr. Bloom.	1242
JUROR #330	
Examination by the Court	1253
Examination by Mr. Bloom.	1268
JUROR #121	
Examination by the Court	1278

JUROR #209	
Examination by the Court.	1282
Examination by Ms. Wilson.	1295
Examination by Mr. Bloom.	1300
JUROR #54	
Examination by the Court.	1314
Examination by Mr. Bloom.	1316
JUROR #343	
Examination by the Court.	1328
Examination by Ms. Wilson.	1343
Examination by Mr. Bloom.	1346
JUROR #358	
Examination by the Court.	1354
Examination by Ms. Wilson.	1358
JUROR #149	
Examination by the Court.	1362
Examination by Mr. Bloom.	1377
Examination by Ms. Wilson.	1385
JUROR #314	
Examination by the Court.	1389
Examination by Ms. Wilson.	1403
Examination by Mr. Bloom.	1409
JUROR #157	
Examination by the Court.	1420
Examination by Mr. Bloom.	1437
JUROR #392	
Examination by the Court.	1449
Examination by Ms. Wilson.	1452
JUROR #381	
Examination by the Court.	1461
Examination by Ms. Wilson.	1477
Examination by Mr. Bloom.	1485

JUROR # 247	
Examination by the Court.	1491
Examination by Mr. Bloom.	1506
Examination by Ms. Wilson.	1510
JUROR #177	
Examination by the Court.	1513
Examination by Ms. Wilson.	1517
JUROR #221	
Examination by the Court.	1524
Examination by Mr. Bloom.	1539
Examination by Ms. Wilson.	1544
JUROR #289	
Examination by the Court.	1552
Examination by Ms. Wilson.	1561
JUROR #364	
Examination by the Court.	1570
Examination by Mr. Bloom.	1584
Examination by Ms. Wilson.	1588
Examination by the Court.	1626
Examination by Ms. Wilson.	1626
JUROR #234	
Examination by the Court.	1643
Examination by Ms. Wilson.	1665
Examination by Mr. Bloom.	1669
JUROR #8	
Examination by the Court.	1667
Examination by Mr. Bloom.	1692
Examination by Mr. Durant.	1698
JUROR #50	
Examination by the Court.	1703
Examination by Mr. Durant.	1709
Examination by Mr. Bloom.	1711
JUROR #262	
Examination by the Court.	1715

JUROR #4	
Examination by the Court	1719
Examination by Mr. Bloom.	1735
Examination by Mr. Durant.	1741
JUROR #72	
Examination by the Court	1746
Examination by Mr. Durant.	1765
Examination by Mr. Bloom.	1768
JUROR #246	
Examination by the Court	1787
Examination by Mr. Durant.	1804
Examination by Mr. Bloom.	1806
JUROR #331	
Examination by the Court	1815
Examination by Mr. Bloom.	1829
Examination by Mr. Durant.	1834
JUROR #264	
Examination by the Court	1840
Examination by Mr. Durant.	1851
JUROR #272	
Examination by the Court	1859
Examination by Mr. Bloom.	1861
JUROR #148	
Examination by the Court	1868
Examination by Mr. Durant.	1886
Examination by Mr. Bloom.	1888
JUROR #357	
Examination by the Court	1895
Examination by Mr. Bloom.	1898
JUROR #11	
Examination by the Court	1905
Examination by Mr. Durant.	1924
Examination by Mr. Bloom.	1927

JUROR #104	
Examination by the Court	1935
Examination by Mr. Bloom.....	1953
Examination by Mr. Durant.....	1958
JUROR #69	
Examination by the Court	1962
Examination by Mr. Durant.....	1981
Examination by Mr. Bloom.....	1985
JUROR #22	
Examination by the Court	1992
Examination by Mr. Bloom.....	1995
JUROR #252	
Examination by the Court	1998
Examination by Mr. Bloom.....	2000
JUROR #90	
Examination by the Court	2005
Examination by Mr. Durant.....	2023
Examination by Mr. Bloom.....	2024
JUROR #287	
Examination by the Court	2029
Examination by Mr. Bloom.....	2033
JUROR #317	
Examination by the Court	2036
Examination by Mr. Bloom.....	2038
JUROR #63	
Examination by the Court	2040
JUROR #319	
Examination by the Court	2045
Examination by Mr. Durant.....	2053
Examination by Mr. Bloom.....	2055
JUROR #38	
Examination by the Court	2060
Examination by Mr. Bloom.....	2062

JUROR #26	
Examination by the Court	2066
Examination by Mr. Durant.	2079
JUROR #281	
Examination by the Court	2084
Examination by Mr. Bloom.	2094
Examination by Mr. Durant.	2096
JUROR #304	
Examination by the Court	2099
Examination by Mr. Durant.	2107
COLLOQUY.	2112
JUROR #133	
Examination by the Court	2120
JUROR #19	
Examination by the Court	2152
JUROR #247	
Examination by the Court	2157
COLLOQUY.	2158
SELECTION OF JURY.	2166
OPENING REMARKS BY THE COURT.	2183
OPENING STATEMENTS BY MS. WILSON.	2215
OPENING STATEMENTS BY MR. CARROLL.	2230
KANESHIA SINGLETON	
Direct Examination by Ms. Wilson.	2254
Cross Examination by Mr. Bloom.	2266
Redirect Examination by Ms. Wilson.	2266
SHAREEN ROPER	
Direct Examination by Ms. Wilson.	2267

STEVO RIVERS

Direct Examination by Mr. Durant.	2281
Cross Examination by Mr. Carroll.	2299
Redirect Examination by Mr. Durant.	2306
Recross Examination by Mr. Carroll.	2314

BENJAMIN DRAYTON

Direct Examination by Mr. Durant.	2318
Cross Examination by Mr. Carroll.	2328

ANTONIO NELSON

Direct Examination by Ms. Wilson.	2339
Cross Examination by Mr. Carroll.	2392
Redirect Examination by Ms. Wilson.	2412

DEVON KEELING

Direct Examination by Mr. Durant.	2415
Cross Examination by Mr. Carroll.	2431
Redirect Examination by Mr. Durant.	2443

COLLOQUY.	2459

TOMISHA “SHELLEY” NELSON

Direct Examination by Mr. Durant.	2494
Cross Examination by Mr. Bloom.	2535
Redirect Examination by Mr. Durant.	2571
Recross Examination by Mr. Bloom.	2579

DARREN PROIETTI

Direct Examination by Ms. Wilson.	2584
Cross Examination by Mr. Bloom.	2594
Redirect Examination by Ms. Wilson.	2603

KIMBERLY RENEE GREGG

Direct Examination by Ms. Wilson.	2603

STEVEN ARCHIE

Direct Examination by Mr. Durant.	2614
Cross Examination by Mr. Carroll.	2631
Redirect Examination by Mr. Durant.	2641
Recross Examination by Mr. Carroll.	2649

TYRE JOHNSON	
Direct Examination by Ms. Wilson.	2648
OCTAVIO FABISIEWICZ	
Direct Examination by Ms. Wilson.	2685
Cross Examination by Mr. Bloom.	2690
DONTAIRE ANDERSON	
Direct Examination by Mr. Durant.	2701
Cross Examination by Mr. Carroll.	2711
Redirect Examination by Mr. Durant.	2716
MARLINA PINCKNEY	
Direct Examination by Mr. Durant.	2717
Cross Examination by Mr. Carroll.	2726
Redirect Examination by Mr. Durant.	2730
PATRICK PONTERI, SR.	
Direct Examination by Ms. Wilson.	2732
Cross Examination by Mr. Carroll.	2741
STEVEN HOOD	
Direct Examination by Mr. Durant.	2745
Cross Examination by Mr. Bloom.	2843
Redirect Examination by Mr. Durant.	2885
JEFFERY MILLER	
Direct Examination by Mr. Durant.	2892
Cross Examination by Mr. Bloom.	2916
JUDITH GORDON	
Direct Examination by Mr. Durant.	2920
MICHAEL R. SHERMAN	
Direct Examination by Mr. Durant.	2930
Cross Examination by Mr. Hood.	2943
Redirect Examination by Mr. Durant.	2946
COLLOQUY.	2949
JUROR #234	
Examination by the Court.	2950

JENNIFER WOOLEY	
Direct Examination by Mr. Durant.	2956
Cross Examination by Mr. Bloom.	2962
ANITA MAESTAS	
Direct Examination by Mr. Durant.	2965
Cross Examination by Mr. Bloom.	2972
RENEE CHARLES	
Direct Examination by Mr. Durant.	2974
RANDY UNTERBRINK	
Direct Examination by Mr. Durant.	2977
KINNEY KINSEY	
Direct Examination by Mr. Durant.	2979
Cross Examination by Mr. Bloom.	3010
LILLY SMALL GALLMAN	
Direct Examination by Mr. Durant.	3030
Cross Examination by Mr. Bloom.	3068
Redirect Examination by Mr. Durant.	3094
Recross Examination by Mr. Bloom.	3096
CYNTHIA SCHANDL	
Direct Examination by Ms. Wilson.	3098
Cross Examination by Mr. Bloom.	3157
Proffer Examination by Mr. Bloom.	3163
Proffer Cross Examination by Ms. Wilson.	3165
ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.	3171
MOTIONS.	3268
ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.	3275
Cross Examination by Mr. Carroll.	3288
Redirect Examination by Mr. Durant.	3331
COLLOQUY.	3334

ARMON RASHAD DICKERSON	
Redirect Examination.....	3353
Cross Examination by Mr. Carroll.....	3354
SELENA KERISE ROUSE	
Direct Examination by Ms. Wilson.....	3356
Cross Examination by Mr. Carroll.....	3423
Redirect Examination by Ms. Wilson.....	3451
Recross Examination by Mr. Carroll.....	3455
RASHID ABDUL MALIK	
Direct Examination by Ms. Wilson.....	3468
Cross Examination by Mr. Carroll.....	3513
SANDRA FOKES	
Direct Examination by Ms. Wilson.....	3529
Cross Examination by Mr. Bloom.....	3536
AVEN ROPER	
Direct Examination by Ms. Wilson.....	3543
Cross Examination by Mr. Bloom.....	3542
MOTIONS.....	3566
EXAMINATION OF DEFENDANT.....	3569
COLLOQUY.....	3581
CLOSING ARGUMENTS BY MS. WILSON.....	3605
STATEMENT BY MR. DICKERSON.....	3641
CLOSING ARGUMENT BY MR. CARROLL.....	3644
JURY CHARGE.....	3682
VERDICT.....	3762
MOTIONS.....	3770
IN CHAMBERS CONFERENCE.....	3786

LEESTER WILLIAMS (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3791
Cross Examination by Mr. Carroll	3804
MICHAEL HUGGINS (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3821
Cross Examination by Mr. Carroll	3824
MOTIONS (<i>IN CAMERA</i>).....	3828
SENTENCING PHASE	
OPENING STATEMENT BY MR. DURANT.....	3851
OPENING STATEMENT BY MR. BLOOM.....	3856
EDWARD HASELDEN, JR.	
Direct Examination by Mr. Durant.	3865
Cross Examination by Mr. Carroll.....	3869
IAN F. TRAYNOR	
Direct Examination by Mr. Durant.	3870
Cross Examination by Mr. Carroll	3889
RONALD HULL (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3887
Cross Examination by Mr. Carroll.....	3889
Redirect Examination by Mr. Durant.....	3891
GEORGE FORDHAM (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.....	3895
Proffer Examination by Mr. Carroll.....	3900
Proffer Redirect Examination By Mr. Durant.	3904
LEON FLUDD	
Direct Examination by Mr. Durant.	3911
Cross Examination by Mr. Carroll.....	3915
ANTONIO NELSON	
Direct Examination by Ms. Wilson.	3918
Cross Examination by Mr. Carroll.....	3928

RASHID MALIK	
Direct Examination by Ms. Wilson.	3930
Cross Examination by Mr. Carroll.	3935
Redirect Examination by Ms. Wilson.	3936
JOHN SCARBOROUGH	
Direct Examination by Mr. Durant.	3937
Cross Examination by Mr. Carroll.	3947
CAROLS CESPEDES	
Direct Examination by Mr. Durant.	3953
Cross Examination by Mr. Carroll.	3963
JEFFERY MILLER	
Direct Examination by Mr. Durant.	3967
MOTIONS.	3972
CEDEDRIK DAVIS (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.	3980
Cross Examination by Mr. Bloom.	3982
Redirect Examination by Mr. Durant.	3985
JUROR #234 (<i>IN CAMERA</i>)	
Examination by the Court.	3992
LAWRENCE GAINEY	
Direct Examination by Mr. Durant.	3995
Cross Examination by Mr. Bloom.	4007
CEDERICK DAVIS	
Direct Examination by Mr. Durant.	4008
Cross Examination by Mr. Bloom.	4012
Redirect Examination by Mr. Durant.	4015
Recross Examination by Mr. Bloom.	4015
TOMIESHA NELSON	
Direct Examination by Mr. Durant.	4016
Cross Examination by Mr. Bloom.	4022
LESTER WILLIAMS	
Direct Examination by Mr. Durant.	4026
Cross Examination by Mr. Carroll.	4033

Redirect Examination by Mr. Durant.	4037
Recross Examination by Mr. Carroll.	4038
MICHAEL HUGGINS	
Direct Examination by Mr. Durant.	4039
Cross Examination by Mr. Bloom.	4043
Redirect Examination by Mr. Durant.	4048
MOTIONS (<i>IN CAMERA</i>)	4049
SHAREEN ROPER	
Direct Examination by Ms. Wilson.	4084
CYNTHIA SCHANDL, MD	
Direct Examination by Ms. Wilson.	40110
MOTIONS (IN CAMERA).	4136
WILLIAM DICKERSON (<i>IN CAMERA</i>)	
Examination by the Court.	4140
JOSEPH LADSON	
Direct Examination by Mr. Bloom.	4146
Cross Examination by Mr. Durant.	4149
JOHN HEWITT	
Direct Examination by Mr. Bloom.	4151
Cross Examination by Ms. Wilson.	4153
STACY SIMMONS	
Direct Examination by Mr. Bloom.	4154
Cross Examination by Ms. Wilson.	4155
CURTIS HOOD	
Direct Examination by Mr. Bloom.	4156
Cross Examination by Mr. Durant.	4158
DAVID GADEIC	
Direct Examination by Mr. Bloom.	4159
Cross Examination by Mr. Durant.	4161

JAMES AIKEN

Direct Examination by Mr. Bloom.	4163
Cross Examination by Mr. Durant.	4186
Redirect Examination by Mr. Bloom.	4193
Recross Examination by Mr. Durant.	4196

BARRY BRITT

Direct Examination by Mr. Carroll.	4205
Cross Examination by Mr. Durant.	4210

ALEXANDER MORTON

Direct Examination by Mr. Bloom.	4214
Cross Examination by Mr. Durant.	4283
Redirect Examination by Mr. Bloom.	4293

JOHNETTE R. WATSON

Direct Examination by Mr. Bloom.	4295
Cross Examination by Ms. Wilson.	4303

TIERRA MCINTOSH

Direct Examination by Mr. Bloom.	4304

JOHNNIE K. RIVERS

Direct Examination by Mr. Bloom.	4311
Cross Examination by Mr. Durant.	4328
Redirect Examination by Mr. Bloom.	4339
Recross Examination by Mr. Durant.	4343

MOTIONS.	4346

MARY E. RANKIN

Direct Examination by Mr. Bloom.	4357
Cross Examination by Mr. Durant.	4365
Redirect Examination by Mr. Bloom.	4368

MARJORIE HAMMOCK

Direct Examination by Mr. Bloom.	4369
Cross Examination by Mr. Durant.	4425
Redirect Examination by Mr. Bloom.	4440

DORIS GAMBLE

Direct Examination by Mr. Bloom.	4445
Cross Examination by Ms. Wilson.	4448

Redirect Examination by Mr. Bloom.....	4449
JIMMY MITCHELL	
Direct Examination by Mr. Bloom.	4450
JAMES DUNN	
Direct Examination by Mr. Bloom.	4453
Cross Examination by Ms. Wilson.	4461
Redirect Examination by Mr. Bloom.....	4465
ROBERT PHILLIPS	
Direct Examination by Mr. Bloom.	4472
Cross Examination by Ms. Wilson.	4508
MARK CUMMINGHAM	
Direct Examination by Mr. Bloom.	4530
Cross Examination by Ms. Wilson.	4580
ADELE WATSON	
Direct Examination by Mr. Bloom.	4603
WILLIAM DICKERSON	
Examination by the Court.	4608
MOTIONS.....	4615
CLOSING ARGUMENT BY MR. DURANT.	4632
CLOSING ARGUMENT BY MR. BLOOM.....	4646
JURY CHARGE.	4671
VERDICT SENTENCING PHASE.....	4699
MOTION FOR A NEW TRIAL HEARING, JULY 7, 2009.....	4711
INDICTMENTS.....	4722
MOTION FOR A NEW TRIAL.	4728

EXHIBITS

STATE’S EXHIBIT 307, TRANSCRIPT OF PHONE CALL BETWEEN WILLIAM DICKERSON AND TOMISA NELSON.	4731
STATE’S EXHIBIT 319, AUTOPSY DIAGRAM.	4733
STATE’S EXHIBIT 320, AUTOPSY DIAGRAM.	4734
STATE’S EXHIBIT 321, AUTOPSY DIAGRAM.	4735
STATE’S EXHIBIT 322, AUTOPSY DIAGRAM.	4736
JUROR QUESTIONNAIRES.	4737
STATE’S EXHIBITS 141, 153, 160, 162, 166, 171, 172, 173, 177, 178, 181, 184, 335, AND 336 (AUTOPSY PHOTOGRAPHS ADMITTED DURING PENALTY PHASE); AND STATE’S EXHIBIT 78 (PHOTOGRAPH OF VICTIM’S BODY AT DISCOVERY SITE) HAVE BEEN TRANSPORTED TO THE COURT	
<i>STATE V. WILLIAM O. DICKERSON, JR.</i> , 395 S.C. 101, 716 S.E.2d 895 (2011).	5203
THIRD APPLICATION FOR POST-CONVICTION RELIEF.....	5212
STATE’S MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.....	5222
MEMORANDUM IN RESPONSE STATE’S MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.	5281
REPLY TO RESPONSE TO MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.	5289
JULY 15, 2014 HEARING.	5297
FEBRUARY 2, 2015 HEARING.	5332
MAY 8, 2015 HEARING.	5359
SEPTEMBER 18, 2015 HEARING.....	5376
NOVEMBER 20, 2015 HEARING.....	5422

DECEMBER 7- 8,2015 HEARING.....	5441

RICHARD R. CANFIELD

Voir Dire Examination by Mr. Grose.	5448
Direct Examination by Mr. Grose.	5450
Cross Examination by Mr. Zelenka.	5537
Redirect Examination by Mr. Grose.	5572

MARLYNE K. ISRAELIAN

Voir Dire Examination by Mr. Grose.	5578
Direct Examination by Mr. Grose.	5585
Cross Examination by Mr. Mabry.	5664
Redirect Examination by Mr. Grose.	5725

CALVIN A. CARROLL

Direct Examination by Ms. Franklin-Best.....	5809
Cross Examination by Mr. Mabry.	5820

JEFFERY BLOOM

Direct Examination by Ms. Franklin-Best.....	5827
Cross Examination by Mr. Mabry.	5851
Redirect Examination by Ms. Franklin-Best.	5870
Recross Examination by Mr. Mabry.	5876

ROBERT DUDEK

Direct Examination by Ms. Franklin-Best.....	5878
Cross Examination by Mr. Zelenka.	5885

EXHIBITS

APPLICANT’S EXHIBIT #1, LEAD TEST.....	5908

APPLICANT’S EXHIBIT #2, USING GEOGRAPHIC INFORMATION SYSTEMS TO ASSESS RISK FOR ELEVATED BLOOD LEAD LEVELS IN CHILDREN.....	5909

APPLICANT’S EXHIBIT #3, CHILDHOOD LEAD EXPOSURE: CAUSES AND CONSEQUENCES	5918

APPLICANT’S EXHIBIT #4, CV OF DR. MARLYNE ISRAELIAN.....	6021

APPLICANT’S EXHIBIT #5, CHARLESTON COUNTY MAP.....	6027

APPLICANT’S EXHIBIT #6, MAP OF 20 ORRS COURT.....	6028

APPLICANT’S EXHIBIT #7, PSYCHIATRIC EXAMINATION OF WILLIAM DICKERSON, DATED 5/12/88.....	6029
APPLICANT’S EXHIBIT #8, SOCIAL HISTORY OF WILLIAM DICKERSON.....	6032
APPLICANT’S EXHIBIT #9, WILLIAM S. HALL PSYCHIATRIC INSTITUTE DOCUMENTS.....	6035
APPLICANT’S EXHIBIT 10, MEDICAL RECORD.....	6038
APPLICANT’S EXHIBIT #11, PSYCHOLOGICAL EVALUATION.....	6040
APPLICANT’S EXHIBIT #12, WECHSLER INTELLIGENCE TESTING.	6046
APPLICANT’S EXHIBIT #13, SOCIAL WORK REPORT.	6054
APPLICANT’S EXHIBIT #14, PSYCHOLOGICAL EVALUATION MARCH 31,2016 HEARING.	6057
APPLICANT’S EXHIBIT #15, LETTER TO OFFICE OF APPELLATE DEFENSE FROM DEFENSE COUNSEL, BLOOM.	6060
APPLICANT’S EXHIBIT #16, <i>WHEN LIGHTNING STRIKES BACK: SOUTH CAROLINA’S RETURN TO THE UNCONSTITUTIONAL STANDARDLESS CAPITAL SENTENCING REGIME OF THE PRE-FURMAN ERA</i> , 4 CHARLESTON L.REV. 479 (2010).	6064
RESPONDENT’S EXHIBIT #1, HOSPITAL DISCHARGE SUMMARY.....	6123
RESPONDENT’S EXHIBIT #2, ADMISSION TO ADDICTION TREATMENT UNIT....	6186
RESPONDENT’S EXHIBIT #3, <i>JONES V. GDCP WARDEN</i> , 753 F. 3D 1171 (11 TH CIR. 2014).	6191
RESPONDENT’S EXHIBIT #4, <i>K.C. V. FULTON COUNTY SCHOOL DIST.</i> , NOT REPORTED IN F.SUPP.2D (2006).	6209
RESPONDENT’S EXHIBIT #5, PSYCHIATRIC EVALUATION, 5/12/88.....	6222
RESPONDENT’S EXHIBIT #6, APPLICATION FOR EMERGENCY ADMISSION.....	6225
RESPONDENT’S EXHIBIT #7, MOTION TO BAR THE DEATH PENALTY BASED UPON RACE.....	6237

RESPONDENT’S EXHIBIT #8, ROBERT DUDEK NOTES.	6246
MARCH 31, 2016 HEARING.....	6268
BARBARA O’BRIEN	
Direct Examination by Ms. Franklin-Best.	6299
Voir Dire by Ms. Brown.	6308
Direct Continued by Ms. Franklin-Best.....	6312
Cross Examination by Ms. Brown.	6347
Redirect Examination by Ms. Franklin-Best.	6388
Recross Examination by Ms. Brown.	6396

EXHIBITS

APPLICANT’S EXHIBIT #1, CV FOR BARBARA O’BRIEN.....	6432
APPLICANT’S EXHIBIT #2, MARCH 8, 2016 REPORT ON JURY SELECTION STUDY.	6438
APPLICANT’S EXHIBIT #3, JUROR SELECTION MATERIAL (ON FILE AT THE CHARLESTON COUNTY COURTHOUSE)	
APPLICANT’S EXHIBIT #4, ADDITIONAL JUROR SELECTION MATERIAL (ON FILE AT THE CHARLESTON COUNTY COURTHOUSE)	
APPLICANT’S EXHIBIT #6, EDDIE HASELDEN AFFIDAVIT.....	6465
APPLICANT’S EXHIBITS #7-#11 SEALED AND FILED WITH THE CHARLESTON COUNTY CLERK OF COURT’S OFFICE	
APPLICANT’S EXHIBIT #12, RONALD COULTER JURY SELECTION.....	6466
APPLICANT’S EXHIBIT #13, JEMOL BROWN JURY SELECTION.	6647
APPLICANT’S EXHIBIT #14, ETHAN MACK JURY SELECTION.	6686
APPLICANT’S EXHIBIT #15, MICHAEL JETER JURY SELECTION.	9569
APPLICANT’S EXHIBIT #16—FLASH DRIVE, IN THE POSSESSION OF THE CHARLESTON COUNTY CLERK OF COURT’S OFFICE	
APPLICANT’S EXHIBIT #17—SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SUBPOENA PRIVILEGE LOG	6755

MAY 12-13, 2016 HEARING.....	6760
BARBARA O'BRIEN (VIA SKYPE)	
Direct Examination by Ms. Franklin-Best.....	6772
Cross Examination by Ms. Brown.....	6775
Redirect Examination by Ms. Franklin-Best.....	6806
Recross Examination by Ms. Brown.....	6808
SCARLETT WILSON	
Direct Examination by Mr. Grose.....	6809
Cross Examination by Ms. Brown.....	6860
Redirect Examination by Mr. Grose.....	6872
Recross Examination by Ms. Brown.....	6882
JEFFERY BLOOM	
Direct Examination by Ms. Brown.....	6909
Cross Examination by Mr. Grose.....	6970
Redirect Examination by Ms. Brown.....	7003

EXHIBITS

APPLICANT'S EXHIBIT #1, AMENDED REPORT ON JURY SELECTION STUDY, DATED MAY 5, 2016.....	7011
APPLICANT'S EXHIBIT #2, APPLICANT'S STANDARD INTERROGATORIES.	7035
APPLICANT'S EXHIBIT #3, APPLICANT'S REQUEST TO PRODUCE.....	7038
APPLICANT'S EXHIBIT #4, SUBPOENA.....	7041
APPLICANT'S EXHIBIT #5, INCIDENT REPORT.....	7046
APPLICANT'S EXHIBIT #6, INCIDENT REPORT.....	7049
APPLICANT'S EXHIBIT #7, INCIDENT REPORT.....	7052
APPLICANT'S EXHIBIT #8, INCIDENT REPORT.....	7054
APPLICANT'S EXHIBIT #9, INCIDENT REPORT.....	7058
APPLICANT'S EXHIBIT #10, INCIDENT REPORT.....	7061
APPLICANT'S EXHIBIT #11, INCIDENT REPORT.....	7063

APPLICANT’S EXHIBIT #12, INCIDENT REPORT	7071
APPLICANT’S EXHIBIT #13, INCIDENT REPORT	7073
APPLICANT’S EXHIBIT #14, INCIDENT REPORT.	7078
APPLICANT’S EXHIBIT #15, INCIDENT REPORT.	7091
APPLICANT’S EXHIBIT #16, INCIDENT REPORT	7094
APPLICANT’S EXHIBIT #17, PROSECUTOR’S DESKBOOK, 2010 EDITION.	7095
APPLICANT’S EXHIBIT #18, MOTION TO DISMISS THE DEATH PENALTY DUE TO UNCONSTITUTIONALITY OF STATE PROPORTIONALITY REVIEW.	7119
APPLICANT’S EXHIBIT #19, MOTION TO BAR THE DEATH PENALTY BASED UPON RACE.	7131
RESPONDENT’S EXHIBIT #1, DOCUMENTS.	7145
RESPONDENT’S EXHIBIT #2, CJIS SECURITY POLICY.	7165
RESPONDENT’S EXHIBIT #3, EMAIL CHAIN.	7165
RESPONDENT’S EXHIBIT #4, BOOKING REPORT.	7187
COURT’S EXHIBIT #1, TABLE, MSU REPORT.	7190
MAY 27,2016 HEARING.	7194
DR. WILLIAM NORTON	
Direct Examination by Ms. Scrantom.	7204
Cross Examination by Mr. Grose.	7225
Redirect Examination by Ms. Scrantom.	7248
Examination by the Court.	7255
MOTIONS.	7260
<u>EXHIBITS</u>	
STATE’S #1, CV OF DR. NORTON.	7280
STATE’S #2, EMAILED OPINION.	7287

STATE’S #3, FORMAL REPORT.	7285
MARCH 16, 2017 HEARING.....	7288
OCTOBER 23,2017 HEARING.	7315
BARBARA O’BRIEN	
Direct Examination by Ms. Franklin-Best.	7323
Cross Examination by Ms. Scrantom.....	7338

EXHIBITS

APPLICANT’S EXHIBIT #1 DR. O’BRIEN’S REPORT.	7362
APPLICANT’S EXHIBIT #2 FLASH-DRIVE LOCATED AT CHARLESTON COUNTY COURTHOUSE	
<i>STATE V. COLIN BROUGHTON</i> JURY SELECTION, 06-GS-08, 2164 B.....	7386
POST-TRIAL BRIEFING ON BEHALF OF PETITIONER.	9237
POST-TRIAL BRIEFING ON BEHALF OF RESPONDENT (SEALED).	
ORDER OF DISMISSAL.	9314
59(E) MOTION.	9394
ORDER DENYING 59(E) MOTION.	9488
<i>STATE V. JALAL BEYAH</i> , 2001-GS-10-1736.....	9605

1 It's nine strikes for
2 defendant Coulter.
3 Juror number thirty,
4 Patsy Butler.
5 What say you for the
6 State?
7 MS. WILSON: Please
8 present Miss Butler.
9 CLERK OF COURT: What say
10 you for defendant Coulter?
11 MR. DAVIS: Please seat
12 the juror.
13 CLERK OF COURT: What say
14 you for defendant Croker?
15 MR. SMILEY: Please seat
16 the juror.
17 CLERK OF COURT: Miss
18 Butler, please have a seat in the
19 jury box. You've been selected
20 as a juror in the trial of this
21 case.
22 Juror number one
23 seventy-two, Joyce Stone.
24 What say you for the
25 State?

1 MS. WILSON: Please
2 present Miss Stone.

3 CLERK OF COURT: What say
4 you for defendant Coulter?

5 MR. DAVIS: Please present
6 th juror.

7 CLERK OF COURT: What say
8 you for defendant Croker?

9 MR. SMILEY: Please seat
10 the juror.

11 CLERK OF COURT: Miss
12 Stone, please have a seat in the
13 jury box. You've been selected
14 as a juror in this case.

15 Juror number one
16 sixty-four, Rhondette Smiley.

17 What say you for the
18 State?

19 MR. SMILEY: For the
20 Court's information, there is no
21 relationship.

22 CLERK OF COURT: What say
23 you for the State?

24 MS. WILSON: Please
25 present Miss Smiley.

1 CLERK OF COURT: What say
2 you for defendant Coulter?

3 MR. DAVIS: Please present
4 the juror.

5 CLERK OF COURT: What say
6 you for defendant Croker?

7 MR. SMILEY: Beg the
8 Court's indulgence.

9 Please excuse the juror.

10 CLERK OF COURT: Miss
11 Smiley, please have a seat back
12 in the audience. You've been
13 excused as a juror from the trial
14 of this case.

15 That's nine strikes for
16 defendant Croker.

17 Juror number one
18 seventy, Willie Staggers.

19 What say you for the
20 State?

21 MS. WILSON: Please excuse
22 Mr. Staggers.

23 CLERK OF COURT: Mr.
24 Staggers, please have a seat back
25 in the audience.. You've been

1 excused as a juror from the trial
2 of this case.

3 Eight strikes for the
4 State.

5 Juror number
6 twenty-seven, Doyle Burlison.

7 What say you for the
8 State?

9 MS. WILSON: Please
10 present Mr. Burlison.

11 CLERK OF COURT: What say,
12 you for defendant Coulter?

13 MR. DAVIS: Please excuse
14 the juror from this case.

15 CLERK OF COURT: Mr.
16 Burlison, please have a seat back
17 in the audience. You've been
18 excused from the trial of this
19 case.

20 That's ten strikes for
21 defendant Coulter.

22 Juror number
23 fifty-seven, Jodi Fogle.

24 What say you for the
25 State?

1 MS. WILSON: Please
2 present Miss Fogle.
3 CLERK OF COURT: Any
4 challenge from defendant Coulter?
5 MR. DAVIS: No challenge.
6 CLERK OF COURT: What say
7 you for defendant Croker?
8 MR. SMILEY: Please seat
9 the juror.
10 CLERK OF COURT: Miss
11 Fogle, please have a seat in the
12 jury box. You've been selected
13 as a juror in the trial of this
14 case.
15 Alternates, two or
16 three?
17 THE COURT: Three.
18 CLERK OF COURT: Now
19 picking for alternates. Strikes
20 are one, two, and two.
21 First alternate is juror
22 number one hundred, Jack Kemp.
23 What say you for the
24 State?
25 MS. WILSON: Please

1 present Mr. Kemp.

2 CLERK OF COURT: What say
3 you for defendant Coulter?

4 MR. DAVIS: Please excuse
5 the juror from this case.

6 CLERK OF COURT: Mr. Kemp,
7 please have a seat back in the
8 audience. You've been excused as
9 a juror from the trial of this
10 case.

11 Juror number
12 twenty-four, Richardine Britt.

13 What say you for the
14 State?

15 MS. WILSON: Please
16 present Miss Britt.

17 CLERK OF COURT: What say
18 you for defendant Coulter?

19 MR. DAVIS: Please present
20 the juror.

21 CLERK OF COURT: What say
22 you for defendant Croker?

23 MR. SMILEY: Please seat
24 the juror.

25 CLERK OF COURT: Miss

1 Britt, please have a seat in the
2 jury box. You've been selected
3 as a juror in the trial of this
4 case.

5 Now picking for the
6 second alternate.

7 Juror number
8 twenty-eight, Robert Burnell.

9 What say you for the
10 State?

11 MS. WILSON: Please excuse
12 Mr. Burnell.

13 CLERK OF COURT: Mr.
14 Burnell, please have a seat back
15 in the audience. You've been
16 excused as a juror from the trial
17 of this case.

18 Juror number one
19 ninety-five, Wilma Wilson.

20 Any challenge from the
21 State?

22 MS. WILSON: No, sir.

23 THE COURT: What say you
24 for defendant Coulter?

25 MR. DAVIS: Please present

1 the juror.

2 CLERK OF COURT: What say
3 you for the defendant Croker?

4 MR. SMILEY: Please excuse
5 the juror.

6 CLERK OF COURT: Miss
7 Wilson, please have a seat back
8 in the audience. You've been
9 excused from the trial of this
10 case.

11 Juror number sixty-four,
12 Frank Gadson.

13 Any challenge from the
14 State?

15 MS. WILSON: No, sir.

16 CLERK OF COURT: What say
17 you for defendant Coulter?

18 MR. DAVIS: Please present
19 the juror.

20 CLERK OF COURT: What say
21 you for defendant Croker?

22 MR. SMILEY: Please seat
23 the juror.

24 CLERK OF COURT: Mr.
25 Gadson, please have a seat in the

1 jury box. You've been selected
2 as a juror in this case.
3 Picking for third
4 alternate.
5 Juror number forty,
6 Matthew Compton.
7 What say you for the
8 State?
9 MS. WILSON: Please
10 present the juror.
11 CLERK OF COURT: What say
12 you for defendant Coulter?
13 MR. DAVIS: Please present
14 the juror.
15 CLERK OF COURT: What say
16 you for defendant Croker?
17 MR. SMILEY: Please seat
18 the juror.
19 CLERK OF COURT: Mr.
20 Compton, please have a seat in
21 the jury box. You've been
22 selected as a juror in this case.
23 Your Honor, the jury has
24 been select and are seated.
25 THE COURT: Any motions

1 regarding selection of the jury?

2 From the State?

3 MS. WILSON: No, ma'am.

4 THE COURT: Any from the
5 defendant Coulter?

6 MR. DAVIS: Just one
7 moment, your Honor.

8 No motions at this time,
9 your Honor.

10 THE COURT: Mr. Smiley?

11 MR. SMILEY: None from
12 Mr. Croker, your Honor.

13 THE COURT: Ladies and
14 gentlemen, the remaining members
15 of the panel, we appreciate your
16 patience and your time. Today it
17 has taken a lot longer than it
18 would normally take. Generally
19 we are done by about noon.

20 We appreciate your
21 patience. We know that we've
22 probably worn on it a little bit
23 today. You all are excused for
24 the remainder of the day.

25 I suspect that Judge



VOLUME 1 OF 2

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

JEMOL HAMILTON BROWN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
APPLICATION FOR POST-CONVICTION RELIEF.....	475
RETURN.....	496
POST-CONVICTION RELIEF HEARING TRANSCRIPT.....	503
ORDER OF DISMISSAL.....	540
CLERK OF COURT RECORDS.....	547

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

VS.)

Case No.: 2006--10-1270

JEMOL HAMILTON BROWN,)

DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 2

held before the Honorable Deadra L. Jefferson
Mia Perron, Official Court Reporter, 14th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Monday, October 23, 2006, Commencing at 11:56 a.m.

SUSAN "MIA" PERRON, CCR, CVR-CM
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MIA PERRON, CCR, CVR-CM

-2-

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	5
VOIR DIRE OF THE JURY PANEL	5
STRIKING OF THE JURY	21
OPENING STATEMENT BY MS. WILSON	58
OPENING STATEMENT BY MR. WILSON	69
<u>WITNESSES FOR THE STATE</u>	
FELICIA TAYLOR	
Direct Examination by Ms. Wilson	76
Cross-Examination by Mr. Wilson	87
Redirect Examination by Ms. Wilson	104
LORNE JOSHUA FRASIER	
Direct Examination by Ms. Wilson	110
Cross-Examination by Mr. Wilson	140
Redirect Examination by Ms. Wilson	164
DURAND L. WINE	
Direct Examination by Ms. Wilson	170
Cross-Examination by Mr. Wilson	189
Redirect Examination by Ms. Wilson	209
CERTIFICATE OF COURT REPORTER	214

MIA PERRON, CCR, CVR-CM

-3-

INDEX TO EXHIBITS

MARKED/ADMITTED

State's

State's Exhibit Number 1 [Photograph]	108 / 108
State's Exhibit Number 2 [Photograph]	108 / 108
State's Exhibit Number 24 [Photograph]	109 / 109
State's Exhibit Number 25 [photograph]	109 / 109
State's Exhibit Number 26 [Photograph]	109 / 109
State's Exhibit Number 27 [Photograph]	109 / 109
State's Exhibit Number 28 [Photograph]	109 / 109
State's Exhibit Number 29 [Photograph]	109 / 110
State's Exhibit Number 30 [Photograph]	108 / 108

Court's

Court's Exhibit Number 1 .. [Note from jury/ foreperson selection]	47

MIA PERRON, CCR, CVR-CM

-4-

PROCEEDINGS

VOIR DIRE OF THE JURY PANEL

THE COURT: As I indicated this morning, we are going to select a criminal jury. This jury will be for the State of South Carolina vs. Jemol H. Brown, and that is an indictment for murder. That indictment alleges as follows: that in Charleston County, on or about January 30, 2005, with malice aforethought Jemol Hamilton Brown did kill Kenneth Patrick by shooting him and that Kenneth Patrick did die in Charleston County as a proximate result thereof, on or about January 30th, 2005, alleging a violation of code section 16-3-10 of the code of laws as amended.

Ladies and gentlemen, as a part of the jury selection process, there are certain questions that I'm going to ask of you. We call these questions voir dire. Some of these questions I know may seem intensely personal to you. If there is any question that you do not want to answer in the presence of your fellow jurors, I would ask that you make me aware of it so that I can speak with you privately with the court reporter and the attorneys for the State and the attorney for the defense. We don't want any of you to suffer any embarrassment, but it is essential that we

MIA PERRON, CCR, CVR-CM -5-

1 have accurate information so that the attorneys will be
2 able to select a jury accordingly.

3 I would ask counsel for the State to introduce
4 themselves, as well as anyone who will be assisting
5 them in the trial of the case, and also list the
6 members of your office. And I would also ask counsel
7 for the defense to introduce himself, the members of
8 his office, as well as his client, to the panel after
9 which we will continue with voir dire. Ms. Wilson?

10 MS. WILSON: Thank you, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. WILSON: My name is Scarlet Wilson. I'm a
13 chief deputy solicitor here in the Ninth Circuit. This
14 is Trip Lawton. He is an assistant solicitor in the
15 solicitor's office, and together we'll be trying this
16 case.

17 I'm going to read you a list of the attorneys
18 who are currently working in our office: Brian Alfaro,
19 Nick Bianci, Stephanie Bianco, Julie Cordello, Jack
20 Daniel, Michael DeWay, Bruce DuRant, Shaw Goodrich, Amy
21 Harrell, Ed Knisley, Debbie Herring-Lash, Peter McCoy,
22 Michael Nelson, Joy Sanders, Chad Simpson, Kim Steele,
23 Jim Stack, Gregory Voigt, Burns Wetmore, David
24 Williams, Rutledge Young, Ann Seymore, Shawn Barfield,
25 Elliott Epps.

MIA PERRON, CCR, CVR-CM

-6-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006.

1 THE COURT: Thank you. Mr. Wilson?

2 MR. WILSON: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 MR. WILSON: My name is Ralph Wilson. I'm an
5 attorney. I practice primarily in Morgan County. I
6 represent -- I'm a sole practitioner, and I represent
7 the defendant -- stand up, if you would, please --
8 Jemol Brown.

9 THE COURT: Thank you very much.

10 MS. WILSON: Your Honor?

11 THE COURT: Yes.

12 MS. WILSON: I failed to mention to Ralph
13 Hoisington is the solicitor, who is the boss of all of
14 us, and he also obviously works in our office.

15 THE COURT: You're welcome.

16 Is there any member of the panel related by
17 blood or marriage to either Jemol Hamilton Brown or
18 Kenneth Patrick? If so, please stand at this time.

19 [Whereupon, there is no response]

20 THE COURT: Is there any member -- does any
21 member of the panel have a close personal, social, or
22 business relationship with Jemol Hamilton Brown or with
23 the family of Kenneth Patrick? If so, please stand at
24 this time.

25 [Whereupon, there is no response]

MIA PERRON, CCR, CVR-CM

-7-

1 THE COURT: The following are a list of
2 potential witnesses in this case. I would ask that you
3 listen very carefully: Lorne Joshua Frasier, Deidra
4 Brown, Ellen Grampus, Felicia Taylor, Durand Lamar
5 Wine, Nikki Taylor, Reynard "Marty" Hammond, Terry
6 Taylor, Rommel Drayton, Brittany Grant, Ellen Grampus,
7 Detective Eugene Magwood, Detective D.E. Turner, Deputy
8 Hurn, spelled H-U-R-N. CST Paul McManigal, Detective
9 D. Stanley, Investigator B. Roy, Sergeant D.
10 Willoughby, Detective Matt Laficcia, Detective S.W.
11 Rywelski, and Detective Christian Bunce, all of the
12 Charleston, South Carolina Sheriff's Department.
13 Durand Wine, Lovine Frasier, Vinson Simmons, Richard
14 Waring, Remus Fraiser, Joey Simmons, Elijah Jones,
15 Devon White, Cleveland Lloyd Brown, Mantez White.

16 Again, these are a list of potential witnesses
17 that may be testifying in this matter. Is there any
18 member of the panel related by blood or marriage to any
19 of the people that I have just listed, or does anyone
20 have a close personal or social relationship with any
21 of these individuals? If so, please stand at this
22 time.

23 [Whereupon, there is no response]

24 THE COURT: Has any member of the panel ever
25 been represented by any of the attorneys involved in
MIA PERRON, CCR, CVR-CM

-8-

1 this case or by anyone with whom they practice law? If
2 so, please stand at this time.

3 [Whereupon, there is no response]

4 THE COURT: Does any member of the panel have a
5 close personal, social, or business relationship with
6 any of the attorneys involved in this case or anyone
7 with whom they practice law? If so, please stand at
8 this time.

9 Yes, sir. If you would give me your name and
10 your juror number and the relationship.

11 MR. LAWTON: I'm Marion Lawton. I'm number 127,
12 and I'm sort of related to Trip Lawton over there.

13 THE COURT: Sort of? All right. Do you know
14 the nature of -- are you being funny, or are you --

15 MR. LAWTON: Well, I don't know whether it's
16 third cousin or what.

17 THE COURT: Okay. How often would you say you
18 see him?

19 MR. LAWTON: I don't see him.

20 THE COURT: Okay. If you would remain standing
21 for me.

22 Yes, sir, Mr. Tarlton. Your number?

23 MR. TARLTON: Yes. 281. I know Ralph
24 Hoisington well, personal and social relationship with
25 him. I also know Debbie Herring-Lash and Robbie --

MIA PERRON, CCR, CVR-CM

-9-

1 THE COURT: Okay. As a result of these
2 relationships, do you both feel that you can remain
3 fair and impartial and render a fair and impartial
4 decision in this case based solely on the evidence as
5 it will be presented and on the law as the Court will
6 charge? If your answer is yes, please take your seat.

7 Okay. Thank you. Let the record reflect that
8 both indicated yes.

9 Has any member of the panel formed or expressed
10 an opinion about any issue or matter involved in this
11 case? If so, please stand at this time.

12 [Whereupon, there is no response]

13 THE COURT: Is there any member of the panel
14 aware of any bias or prejudice toward either the State
15 or the defendant in this case? If so, please stand at
16 this time.

17 [Whereupon, there is no response]

18 THE COURT: Is there any member of the panel who
19 was a member of the grand jury which issued the
20 indictment in this case? If so, I would ask that you
21 stand at this time.

22 [Whereupon, there is no response]

23 THE COURT: Is there any member of the panel who
24 is a member of or contributor of any group which has as
25 its primary concern the enforcement and promotion of

1 victim's rights? These groups would include but are
2 certainly not limited to Mothers Against Drunk Driving,
3 Students Against Drunk Driving, People Against Rape,
4 Citizens Against Violent Crime, or Citizens Advocating
5 a Return to Decency and Ethics. If so, please stand at
6 this time.

7 [Whereupon, there is no response]

8 THE COURT: This case involves the alleged
9 shooting death of Kenneth Chuck Patrick on January
10 30th, 2005, at [REDACTED] at [REDACTED] on Johns
11 Island. Is there anyone that has seen, heard, or read
12 anything about this case through the media, Internet,
13 or other source? If so, please stand at this time.

14 Okay. If you would give me your name and your
15 juror number.

16 MR. TARLTON: Larry Tarlton, 281.

17 THE COURT: And what would be the extent of your
18 knowledge, sir?

19 MR. TARLTON: Just what I've read in the
20 newspaper.

21 THE COURT: Mr. Tarlton, as a result of what you
22 have read in the newspaper, have you formed any fixed
23 opinion about the facts in this case?

24 MR. TARLTON: No. I have not.

25 THE COURT: Do you feel that you can remain fair

MIA PERRON, CCR, CVR-CM

-11-

1 and impartial?

2 MR. TARLTON: Yes.

3 THE COURT: Do you feel that you can render a
4 fair and impartial decision in this case based solely
5 on the evidence as it will be presented and on the law
6 as the Court will charge?

7 MR. TARLTON: Yes.

8 THE COURT: Thank you, sir. You may take your
9 seat.

10 Yes, sir?

11 MR. SMALLS: Derrick J. Smalls, juror 208.

12 THE COURT: And, sir, what would be the source
13 of what you read or heard?

14 MR. SMALLS: I just read it in the newspaper.

15 THE COURT: Sir, as a result of what you read in
16 the newspaper, have you formed any fixed opinion about
17 the facts in this case?

18 MR. SMALLS: No.

19 THE COURT: Do you feel that you can remain fair
20 and impartial?

21 MR. SMALLS: Yes.

22 THE COURT: Do you feel that you can render a
23 fair and impartial decision in this case based solely
24 on the evidence as it will be presented and on the law
25 as the Court will charge?

MIA PERRON, CCR, CVR-CM

-12-

1 MR. SMALLS: Yes, ma'am.

2 THE COURT: Thank you, sir. You may take your
3 seat.

4 Is there any member of the panel who has any
5 religious, moral, or ethical considerations or
6 political orientations that would affect your ability
7 to be fair and impartial and render a fair and
8 impartial verdict in this case? If so, please stand at
9 this time.

10 [Whereupon, there is no response]

11 THE COURT: Is there any member of the panel --
12 has any member of the panel or any member of your
13 family ever been the victim of a violent crime? If so,
14 please stand at this time.

15 Yes, ma'am?

16 MS. EARL: I'm number 59, Rita Earl, and I have
17 a sister in Ohio that was recently had -- has a gunshot
18 wound.

19 THE COURT: Ma'am, as a result of this
20 experience, do you feel that you can remain fair and
21 impartial, and render a fair and impartial decision in
22 this case, based solely on the evidence as it will be
23 presented and on the law as the Court will charge?

24 MS. EARL: Yes, ma'am.

25 THE COURT: Thank you, ma'am. If you would take

MIA PERRON, CCR, CVR-CM

-13-

1 your seat.

2 Is there any member of the panel who has a
3 religious or moral opposition to the consumption of
4 alcohol? If so, please stand at this time.

5 [Whereupon, there is no response]

6 THE COURT: Is there any member of the panel who
7 has exceptionally strong feelings about the use of
8 firearms? If so, please stand at this time.

9 [Whereupon, there is no response]

10 THE COURT: Is there any member of the panel who
11 has any opinions about law enforcement officers, either
12 positive or negative, that might affect your ability to
13 be fair and impartial as a juror? If so, please stand
14 at this time.

15 [Whereupon, there is no response]

16 THE COURT: Is there any member of the panel who
17 has ever been the member of a neighborhood watch,
18 local, state, or nationwide crime prevention watch, or
19 victim's rights organization? If so, please stand at
20 this time.

21 [Whereupon, there is no response]

22 THE COURT: Is there any member of the panel who
23 has any firsthand knowledge of the alleged facts in
24 this case? If so, please stand at this time.

25 [Whereupon, there is no response]

NIA PERRON, CCR, CVR-CM

-14-

1 THE COURT: Is there any member of the panel who
2 has ever worked in a job where they were involved in
3 investigations of any sort? If so, please stand at
4 this time.

5 Yes, ma'am. If you would tell me your name and
6 your juror number.

7 MS. ROGERS: Karen Rogers, juror number 188.

8 THE COURT: And that was previously you worked
9 in investigations? And where was that?

10 MS. ROGERS: I don't know if this applies. I
11 worked at Medical University Dental Clinic, and Edward
12 Kerscheck [phonetic] was a dentist there, and he did
13 forensic whatever, skulls and things like that --

14 THE COURT: Okay.

15 MS. ROGERS: -- marks, things like that.

16 THE COURT: If you would remain standing for me.
17 Yes, ma'am?

18 MS. BROWNING: Judith Browning, juror number 22.
19 For fourteen years I worked for U.S. Customs in the
20 office of investigations.

21 THE COURT: If you would remain standing for me.
22 Yes, ma'am?

23 MS. EARL: I'm juror number 59, and I used to be
24 a sexual-assault nurse examiner. I would collect
25 evidence from rape victims, and we would have to

MIA PERRON, CCR, CVR-CM

-15-

1 testify periodically.

2 THE COURT: As a result of -- oh, I'm sorry.
3 Yes, ma'am?

4 UNIDENTIFIED JUROR: I don't know if this
5 applies. My purse was stolen at work and so that was
6 under investigation, and it went to trial.

7 THE COURT: What I'm asking is if you were ever
8 involved as an investigator or worked in any
9 investigatory capacity.

10 UNIDENTIFIED JUROR: [Indicates negatively]

11 THE COURT: As a result of these experiences, do
12 you-all feel that you can remain fair and impartial and
13 render a fair and impartial decision in this case based
14 solely on the evidence as it will be presented and on
15 the law as the Court will charge? Number 1887

16 MS. ROGERS: Yes, ma'am.

17 THE COURT: Number 22?

18 MS. BROWNING: Yes.

19 THE COURT: And number 59?

20 MS. EARL: Yes, ma'am.

21 THE COURT: Thank you. You may all take your
22 seats.

23 Is there any member of the panel or a member of
24 your family ever been accused of a violent crime? If
25 so, please stand at this time.

MIA PERRON, CCR, CVR-CM

-16-

1 I'm sorry. Yes, ma'am?

2 MS. BROWNING: Judith Browning; 22. I had a
3 sister that was tried and convicted for homicide.

4 THE COURT: Ma'am, as a result of this
5 experience, do you feel that you can remain fair and
6 impartial and render a fair and -- I'm sorry. That's
7 okay. It's a long question -- and remain fair and
8 impartial based on the evidence that will be presented
9 -- render a fair and impartial verdict based on the
10 evidence that will be presented and on the law as the
11 Court will charge?

12 MS. BROWNING: Yes, ma'am.

13 THE COURT: Thank you, ma'am. You may take your
14 seat. We appreciate your candor.

15 Is there any member of the panel who has ever
16 studied law or worked in a law office? If so, please
17 stand at this time.

18 Yes, sir?

19 MR. QUIRK: Juror number 180, James Quirk.

20 THE COURT: And you are a practicing attorney;
21 is that --

22 MR. QUIRK: No. I'm not a practicing attorney.
23 I'm general counsel for an investment company.

24 THE COURT: Thank you, sir. If you would remain
25 standing.

MIA PERRON, CCR, CVR-CM

-17-

1 Yes, sir?

2 MR. BRYAN: Juror number 23. I'm a practicing
3 attorney in Charleston County.

4 THE COURT: And your name, sir?

5 MR. BRYAN: Charlie Bryan.

6 THE COURT: If you would remain standing.

7 MS. BROWNING: Judith Browning, number 22. In
8 the late '70s and early '80s I was a secretary in
9 several law firms, one in Louisiana, once in -- one in
10 North Carolina.

11 THE COURT: As a result of these experiences, do
12 you-all feel that you can remain fair and impartial and
13 render a fair and impartial decision in this case based
14 solely on the evidence as it will be presented and on
15 the law as the Court will charge? Number 180?

16 MR. QUIRK: Yes, Your Honor.

17 THE COURT: Okay. You may take your seat.
18 Number 23?

19 MR. BRYAN: Yes, ma'am.

20 THE COURT: And number 22?

21 MS. BROWNING: Yes, ma'am.

22 THE COURT: Thank you. You may take your seat.

23 Is there any member of the panel who is employed
24 or who has formerly been employed as a member of law
25 enforcement? If so, please stand at this time.

MIA PERRON, CCR, CVR-CM

-18-

1 Yes, sir?

2 MR. BURRIDGE: Juror number 255.

3 THE COURT: I'm sorry. Say that for me one more
4 time.

5 MR. BURRIDGE: 255.

6 THE COURT: Yes, sir?

7 MR. BURRIDGE: I'm currently employed with the
8 United States Air Force. I work in corrections.

9 THE COURT: Sir, as a result of this experience,
10 do you feel that you can remain fair and impartial and
11 render a fair and impartial decision in this case based
12 solely on the evidence as it will be presented and on
13 the law as the Court will charge?

14 MR. BURRIDGE: Yes, ma'am.

15 THE COURT: Thank you, sir. You may take your
16 seat.

17 Is there any member of the panel who has ever
18 had law enforcement training? If so, please stand at
19 this time.

20 [Whereupon, there is no response]

21 THE COURT: Is there any member of the panel who
22 watches television shows, such as CSI and Law and
23 Order, and you feel that affects your ability to be
24 fair and impartial as a juror in this case? If so,
25 please stand at this time.

MIA PERRON, CCR, CVR-CM

-19-

1 [Whereupon, there is no response]

2 THE COURT: Does any member of the panel know of
3 any reason whatsoever why he or she should not serve as
4 a juror in this case, with particular emphases being
5 placed on your ability to be fair and impartial to both
6 the State and the defendant? If so, please stand at
7 this time.

8 [Whereupon, there is no response]

9 THE COURT: Any additional questions from the
10 State?

11 MS. WILSON: Your Honor, may we approach?

12 THE COURT: You may.

13 [Whereupon, a bench conference is held]

14 THE COURT: Are there any additional questions
15 from the defense?

16 MR. WILSON: None, Your Honor...

17 THE COURT: Ladies and gentlemen, through my
18 oversight, I apologize. I need to ask an additional
19 question. I omitted some potential witnesses. I would
20 ask that you listen very carefully. Corporal A.
21 Hallman, of the North Charleston Police Department;
22 Illa Simmons or Illa Simmons, of the South Carolina Law
23 Enforcement Division; Dan DeFreese, South Carolina Law
24 Enforcement Division; Lechondria Taylor; Tereze Legare;
25 Kim Collins, MD, Medical University of South Carolina;
MIA PERRON, CCR, CVR-CM

-20-

1 Bradley J. Marcus, MD, Medical University of South
2 Carolina; and Nancy Peacock, of the Charleston County
3 Sheriff's Office.

4 Is there any member of the panel related by
5 blood or marriage to any of the people that I have just
6 listed, or does anyone have a close personal or social
7 relationship with any of these individuals? If so,
8 please stand at this time.

9 [Whereupon, there is no response].

10 - - - - -
11 STRIKING OF THE JURY

12 THE COURT: As I understand it, strikes are ten
13 and five; is that correct?

14 THE CLERK OF COURT: Yes, ma'am.

15 THE COURT: Ladies and gentlemen, if you would
16 listen very carefully. In criminal juries, each juror
17 is presented as a part of the selection process, which
18 is a little different than civil juries. In civil
19 juries we do what are called strike sheets, and nobody
20 has to come and present themselves.

21 If your name is called, I need for you -- could
22 Mr. Gettis or Mr. Brown demonstrate for me?

23 [Whereupon, Mr. Brown complies]

24 THE COURT: If your name is called, please bring
25 all of your personal belongings and come forward, as

MIA PERRON, CCR, CVR-CM

-21-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 Mr. Brown is demonstrating, stand where he is standing,
2 and turn forward facing back out toward the panel. We
3 appreciate your time and your patience.

4 Mr. Wilson, you may proceed when you are ready.

5 THE CLERK OF COURT: Juror number 22, Judith
6 Browning.

7 [Whereupon, Ms. Browning comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MS. WILSON: Please present Ms. Browning.

10 THE CLERK OF COURT: What say ye for the
11 defendant?

12 MR. WILSON: We excuse the juror from the trial
13 of this particular case.

14 THE CLERK OF COURT: Ma'am, you've been excused
15 from the trial of this case. If you would please have
16 a seat back in the audience.

17 [Whereupon, Ms. Browning returns to the
18 audience]

19 THE CLERK OF COURT: Juror number 74, Gwenetta
20 Frasier.

21 [Whereupon, Ms. Frasier comes forward]

22 THE CLERK OF COURT: What say ye for the State?

23 MS. WILSON: Please excuse Ms. Frasier.

24 THE CLERK OF COURT: Ma'am, you've been excused
25 from the trial of this case. If you would please have

MIA PERRON, CCR, CVR-CM

-22-

State v. Jemol R. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 a seat back in the audience.

2 [Whereupon, Ms. Frasier returns to the audience]

3 THE CLERK OF COURT: Juror number 164, Dorothy
4 Netherland.

5 [Whereupon, Ms. Netherland comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MS. WILSON: Please present Ms. Netherland.

8 THE CLERK OF COURT: What say ye for the
9 defendant?

10 MR. WILSON: Seat the juror.

11 THE CLERK OF COURT: Ma'am, you've been selected
12 for the trial of this case. Please have a seat in the
13 jury box.

14 [Whereupon, Ms. Netherland is seated in the jury
15 box]

16 THE CLERK OF COURT: Juror number 79, Romona
17 Ganzy.

18 [Whereupon, Ms. Ganzy comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. WILSON: Please present Mr. Ganzy.

21 THE CLERK OF COURT: What say you for the
22 defendant?

23 MR. WILSON: Seat the juror.

24 THE CLERK OF COURT: Sir, you've been selected
25 for the trial of this case. Please have a seat in the

MIA PERRON, CCR, CVR-CM

-23-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 jury box.

2 [Whereupon, Mr. Ganzy is seated in the jury box]

3 THE CLERK OF COURT: Juror number 206, Torrie
4 Singleton.

5 [Whereupon, Mr. Singleton comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MS. WILSON: Please excuse Mr. Singleton.

8 THE CLERK OF COURT: Sir, you've been excused
9 from the trial of this case. If you would please have
10 a seat back in the audience.

11 [Whereupon, Mr. Singleton returns to the
12 audience]

13 THE CLERK OF COURT: Juror number 107,
14 Christopher Holster.

15 [Whereupon, Mr. Holster comes forward]

16 THE CLERK OF COURT: What say ye for the State?

17 MS. WILSON: Please present Mr. Holster.

18 THE CLERK OF COURT: What say you for the
19 defendant?

20 MR. WILSON: Excuse the juror from the trial of
21 this particular case.

22 THE CLERK OF COURT: Sir, you've been excused
23 from the trial of this case. If you would please have
24 a seat back in the audience.

25 [Whereupon, Mr. Holster returns to the audience]

MIA PERRON, CCR, CVR-CM

-24-

FORM 10-100

1 THE CLERK OF COURT: Juror number 23, Charles
2 Bryan, Jr.

3 THE COURT: Tell me that number again, please.

4 THE CLERK OF COURT: 23.

5 THE COURT: Thank you.

6 THE CLERK OF COURT: What say you for the State?

7 MS. WILSON: Please present Mr. Bryan.

8 THE CLERK OF COURT: What say you for the
9 defendant?

10 MR. WILSON: Please excuse the juror from the
11 trial of this particular case.

12 THE CLERK OF COURT: Sir, you've been excused
13 from the trial of this case. If you would please have
14 a seat back in the audience.

15 [Whereupon, Mr. Bryan returns to the audience]

16 THE CLERK OF COURT: Juror number 162, Debra
17 Mullins.

18 [Whereupon, Ms. Mullins comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. WILSON: Please present Ms. Mullins.

21 THE CLERK OF COURT: What say you for the
22 defendant?

23 MR. WILSON: Seat the juror.

24 THE CLERK OF COURT: Ma'am, you've been selected
25 for the trial of this case. Please have a seat in the

MIA PERRON, CCR, CVR-CM

-25-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 jury box.

2 [Whereupon, Ms. Mullins is seated in the jury
3 box]

4 THE CLERK OF COURT: Juror number 161, Linda
5 Moyer.

6 [Whereupon, Ms. Moyer comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MS. WILSON: Please present Ms. Moyer.

9 THE CLERK OF COURT: What say ye for the
10 defendant?

11 MR. WILSON: Please excuse the juror from the
12 trial of this particular case.

13 THE CLERK OF COURT: Ma'am, you've been excused
14 from this trial. If you would please have a seat back
15 in the audience.

16 [Whereupon, Ms. Moyer returns to the audience]

17 THE CLERK OF COURT: Juror number 48, Louise
18 Daisy.

19 [Whereupon, Ms. Daisy comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MS. WILSON: Please present Ms. Daisy.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MR. WILSON: Seat the juror.

25 THE CLERK OF COURT: Ma'am, you've been selected

MIA PERRON, CCR, CVR-CM

-26-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 for the trial of this case. Please have a seat in the
2 jury box.

3 [Whereupon, Ms. Daisy is seated in the jury box]

4 THE CLERK OF COURT: Juror number 169, Kay D.
5 Parker.

6 [Whereupon, Ms. Parker comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MS. WILSON: Please present Ms. Parker.

9 THE CLERK OF COURT: What say you for the
10 defendant?

11 MR. WILSON: Please excuse Ms. Parker from the
12 trial of this particular case.

13 THE CLERK OF COURT: Ma'am, you've been excused
14 from the trial of this case. If you would please have
15 a seat back in the audience.

16 [Whereupon, Ms. Parker returns to the audience]

17 THE CLERK OF COURT: Juror number 180, James
18 Quirk.

19 [Whereupon, Mr. Quirk comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MS. WILSON: Please present Mr. Quirk.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MR. WILSON: Please excuse the juror from the
25 trial of this particular case.

MIA FERRON, CCR, CVR-CM

-27-

1 THE CLERK OF COURT: Sir, you've been excused
2 from the trial of this case. If you would please have
3 a seat back in the audience.

4 [Whereupon, Mr. Quirk returns to the audience]

5 THE CLERK OF COURT: Juror number 281, Larry
6 Tarleton.

7 [Whereupon, Mr. Tarleton comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MS. WILSON: Please present Mr. Tarleton.

10 THE CLERK OF COURT: What say ye for the
11 defendant?

12 MR. WILSON: Excuse the juror from the trial of
13 this particular case.

14 THE CLERK OF COURT: Sir, you've been excused
15 from the trial of this case. If you would please have
16 a seat back in the audience.

17 [Whereupon, Mr. Tarleton returns to the
18 audience]

19 THE CLERK OF COURT: Juror number 274, Emma
20 Petit.

21 [Whereupon, Ms. Petit comes forward]

22 THE CLERK OF COURT: What say ye for the State?

23 MS. WILSON: Please present Ms. Petit.

24 THE CLERK OF COURT: What say ye for the
25 defendant?

1 MR. WILSON: Seat the juror.

2 THE CLERK OF COURT: Ma'am, you've been selected.
3 for the trial of this case. Please have a seat in the
4 jury box.

5 [Whereupon, Ms. Petit is seated in the jury box]

6 THE CLERK OF COURT: Juror number 59, Rita Earl.

7 [Whereupon, Ms. Earl comes forward]

8 THE CLERK OF COURT: What say you for the State?

9 MS. WILSON: Please present Ms. Earl.

10 THE COURT: What say you for the defendant?

11 MR. WILSON: Excuse the juror from the trial of
12 this particular case.

13 THE CLERK OF COURT: Ma'am, you've been excused
14 from the trial of this case. If you would please have
15 a seat back in the audience.

16 [Whereupon, Ms. Earl returns to the audience]

17 THE CLERK OF COURT: Juror number 263, Mary
18 Jackson.

19 [Whereupon, Ms. Jackson comes forward]

20 MR. WILSON: What number, Mr. Clerk?

21 THE CLERK OF COURT: 263.

22 MR. WILSON: Thank you.

23 THE CLERK OF COURT: What say you for the State?

24 MS. WILSON: Please excuse Ms. Jackson.

25 THE CLERK OF COURT: Ma'am, you've been excused

MIA PERRON, CCR, CVR-CM

-29-

1 from the trial of this case. If you would please have
2 a seat back out in the audience.

3 [Whereupon, Ms. Jackson returns to the audience]

4 THE CLERK OF COURT: Juror number 261,
5 Christopher Hobbs.

6 [Whereupon, Mr. Hobbs comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MS. WILSON: Please present Mr. Hobbs.

9 THE CLERK OF COURT: What say ye for the
10 defendant?

11 MR. WILSON: Seat the juror.

12 THE CLERK OF COURT: Sir, you've been selected
13 for the trial of this case. Please have a seat in the
14 jury box.

15 [Whereupon, Mr. Hobbs is seated in the jury box]

16 THE CLERK OF COURT: Juror number 208, Derick
17 Smalls.

18 [Whereupon, Mr. Smalls comes forward]

19 THE CLERK OF COURT: What say you for the State?

20 MS. WILSON: Please excuse Mr. Smalls.

21 THE CLERK OF COURT: Sir, you've been excused
22 from the trial of this case. If you would please have
23 a seat back in the audience.

24 The State has one strike remaining.

25 [Whereupon, Mr. Smalls returns to the audience]

MIA PERRON, CCR, CVR-CM

-30-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 THE CLERK OF COURT: Juror number 256, Patrick
2 Button.

3 [Whereupon, Mr. Button comes forward].

4 THE CLERK OF COURT: What say ye for the State?

5 MS. WILSON: Please present Mr. Button.

6 THE CLERK OF COURT: What say ye for the
7 defendant?

8 MR. WILSON: Seat the juror.

9 THE CLERK OF COURT: Sir, you've been selected
10 for the trial of this case. Please have a seat in the
11 jury box.

12 [Whereupon, Mr. Button is seated in the jury
13 box]

14 THE CLERK OF COURT: Juror number 273, Tameka
15 Parker.

16 [Whereupon, Ms. Parker comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MS. WILSON: Please present Ms. Parker.

19 THE CLERK OF COURT: What say you for the
20 defendant?

21 MR. WILSON: Seat the juror.

22 THE CLERK OF COURT: Ma'am, you've been selected
23 for the trial of this case. Please have a seat in the
24 jury box.

25 [Whereupon, Ms. Parker is seated in the jury

MIA PERRON, CCR, CVR-CM

-3-

1 box]

2 THE CLERK OF COURT: Juror number 128, Robert
3 Leonard.

4 [Whereupon, Mr. Leonard comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MS. WILSON: Please present Mr. Leonard.

7 THE CLERK OF COURT: What say you for the
8 defendant?

9 MR. WILSON: Excuse the juror from the trial of
10 this particular case.

11 THE CLERK OF COURT: Sir, you've been excused
12 from the trial of this case. Please have a seat back
13 in the audience.

14 [Whereupon, Mr. Leonard returns to the audience]

15 THE CLERK OF COURT: Defendant has one strike
16 remaining.

17 Juror number 188, Karen Rogers.

18 [Whereupon, Ms. Rogers comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. WILSON: Please present Ms. Rogers.

21 THE CLERK OF COURT: What say ye for the
22 defendant?

23 MR. WILSON: Seat the juror.

24 THE CLERK OF COURT: Ma'am, you've been selected
25 for the trial of this case. Please have a seat in the
MIA PERRON, CCR, CVR-CM

-32-

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 jury box.
2 [Whereupon, Ms. Rogers is seated in the jury
3 box]
4 THE CLERK OF COURT: Juror number 174, Gregory
5 Poetz.
6 [Whereupon, Mr. Poetz comes forward]
7 THE CLERK OF COURT: What say ye for the State?
8 MS. WILSON: Please present Mr. Poetz.
9 THE CLERK OF COURT: What say ye for the
10 defendant?
11 MR. WILSON: Excuse the juror from the trial of
12 this particular case.
13 THE CLERK OF COURT: Sir, you've been excused
14 from the trial of this case. Please have a seat back
15 in the audience.
16 [Whereupon, Mr. Poetz returns to the audience]
17 THE CLERK OF COURT: That exhausts all of your
18 strikes.
19 Juror number 100, Frank Harris.
20 [Whereupon, Mr. Harris comes forward]
21 THE CLERK OF COURT: What say ye for the State?
22 MS. WILSON: Please present Mr. Harris.
23 THE CLERK OF COURT: Any challenge from the
24 defendant?
25 MR. WILSON: Seat the juror.

MIA PERRON, CCR, CVR-CM

-3

1 THE CLERK OF COURT: Sir, you've been selected
2 for the trial of this case. Please have a seat in the
3 jury box.

4 [Whereupon, Mr. Harris is seated in the jury
5 box]

6 THE CLERK OF COURT: Juror number 283, Valerie
7 Turner.

8 [Whereupon, Ms. Turner comes forward]

9 THE CLERK OF COURT: What say ye for the State?

10 MS. WILSON: Please excuse Ms. Turner.

11 THE CLERK OF COURT: Ma'am, you've been excused
12 from the trial of this case. If you would please have
13 a seat back in the audience.

14 [Whereupon, Ms. Turner returns to the audience]

15 THE CLERK OF COURT: The State has exhausted
16 their strikes.

17 Juror number 110, Cassandra Infinger.

18 MR. WILSON: What number, Mr. Clerk?

19 THE CLERK OF COURT: 110.

20 [Whereupon, Ms. Infinger comes forward]

21 THE CLERK OF COURT: Any challenge from the
22 State?

23 MS. WILSON: No, sir.

24 THE CLERK OF COURT: Any challenge from the
25 defendant?

MIA PERRON, CCR, CVR-CM

-34-

State v. Jemol R. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 MR. WILSON: None.

2 THE CLERK OF COURT: Ma'am, you've been selected
3 for the trial of this case. Please have a seat in the
4 jury box.

5 [Whereupon, Ms. Infinger is seated in the jury
6 box]

7 THE CLERK OF COURT: Juror number 53, Dana
8 Doran.

9 [Whereupon, Ms. Doran comes forward].

10 THE CLERK OF COURT: Any challenge from the
11 State?

12 MS. WILSON: No, sir.

13 THE CLERK OF COURT: Any challenge from the
14 defendant?

15 MR. WILSON: None.

16 THE CLERK OF COURT: Ma'am, you've been selected
17 for the trial of this case. If you would please have a
18 seat in the jury box.

19 [Whereupon, Ms. Doran is seated in the jury box]

20 THE CLERK OF COURT: Your Honor, those are our
21 twelve jurors.

22 THE COURT: One, or two, alternates?

23 MS. WILSON: One should be fine.

24 THE COURT: One alternate. Strikes are one and
25 two. You may proceed.

MIA PERRON, CCR, CVR-CM

-3

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1 THE CLERK OF COURT: Juror number 130, Rebecca
2 Linnville.

3 [Whereupon, Ms. Linnville comes forward]

4 THE CLERK OF COURT: What say ye for the State?

5 MS. WILSON: Please present Ms. Linnville.

6 THE CLERK OF COURT: What say ye for the
7 defendant?

8 MR. WILSON: Please excuse the juror from the
9 trial of this particular case.

10 THE CLERK OF COURT: Ma'am, you've been excused
11 from this case. If you would please have a seat back
12 in the audience.

13 [Whereupon, Ms. Linnville returns to the
14 audience]

15 THE CLERK OF COURT: Juror number 148, Rosalyn
16 McPhail.

17 [Whereupon, Ms. McPhail comes forward]

18 THE CLERK OF COURT: What say you for the State?

19 MS. WILSON: Please present Ms. McPhail.

20 THE CLERK OF COURT: What say you for the
21 defendant?

22 MR. WILSON: Seat the juror.

23 THE CLERK OF COURT: Ma'am, you've been selected
24 for the trial of this case. If you would please have a
25 seat in the jury box.

State v. Jemol H. Brown
Jury Trial - Volume 1 of 2
October 23, 2006

1 [Whereupon, Ms. McPhail is seated in the jury
2 box]

3 THE CLERK OF COURT: Your Honor, the jury has
4 been selected.

5 THE COURT: Any motions regarding the selection
6 of the jury? From the State?

7 MS. WILSON: None from the State, Your Honor.

8 THE COURT: From the defense?

9 MR. WILSON: Nothing, Your Honor.

10 THE COURT: To the balance of the panel, you-all
11 are excused for the remainder of the day. We
12 appreciate your time and your patience as we have gone
13 through this process. Please call the jury information
14 line after six o'clock this evening, and there will be
15 further instructions regarding your service. I
16 anticipate that we will begin the trial of this case on
17 today, and that Judge Nicholson will be selecting a
18 civil jury on Wednesday.

19 So, again, things are always subject to change,
20 however, and I would ask again that you be diligent and
21 check with the jury information line after six o'clock
22 this evening. Sometimes technology fails us, and if
23 that be the case please make sure that if you have any
24 questions regarding the message or if you do not
25 understand it, please err on the side of caution and

MIA PERRON, CCR, CVR-CM

-3



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) COURT OF GENERAL SESSIONS

State of South Carolina,)
)
Plaintiff,)
)
vs.) Case No. 10-GS-10-1265
)
Ethan Mack,)
)
Defendant.)

TRANSCRIPT OF JURY TRIAL

The within Jury Trial was held commencing October 4, 2010 through October 15th, 2010, before the Honorable J.C. Nicholson, Jr., in Courtroom 4C of the Court of General Sessions for Charleston County, 100 Broad Street, Charleston, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Scarlett Wilson, Solicitor
Bruce Durant, Chief Deputy Solicitor
9th JUDICIAL CIRCUIT
100 Broad Street, 4th Floor
Charleston, SC 29401
Appearing for State of South Carolina

David Aylor, Esq.
Charleston, South Carolina

-and-

Steven Harris, Esq.
Charleston, South Carolina
Appearing for Defendant

VIVIAN CROSS - OFFICIAL COURT REPORTER

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INDEX

Index of Testimony	3
Index of State's Exhibits	5
Index of Defense Exhibits	10
Index of State's Exhibits	10
Jury Qualification	11
Opening Statement by State	75
Opening Statement by Defense	90
Defense Motion for Directed Verdict	1582
Examination of Defendant	1768
Defense Motion for Directed Verdict	1918
Charge Conference	1914
Closing Argument by Defense	1921
Closing Argument by State	1961
Charge by The Court	2020
Notification by Jury of Verdict	2046
Sentence	2059

STATE'S WITNESSES

Thomas Waring	107
Janice Waring	164
Darlene Moak, M.D.	216
Kelly Stone, Charleston Police Department	223
Shone Green	247
Larry Colson	272
Trisha Smith	284
John Milazzo	297
Heather Kamp	311
Isaac Washington	909
Shontez Commodore	928
Dr. Donna Schwartz-Watts	946
Howard Gatch, Jr.	994
Kenneth Lee Aycock	1041
Jason S. Luck	1068
Barry Goldstein	1099
Antjuan Green	1108
Linda Reed	1179
William Capps	1192
Brenda Heath	1221
Michael Lyczany	1253
Robert Minter	1283
Jeffrey Miller	1312
JoAnne Goodhope	1333
Randall Unterbrink	1348
Michael Sherman	1356
David Osborne	1391
Erin Presnell	1506

DEFENSE WITNESSES

Corrine Mack Dean	1534
Tischka Mack	1571
Jamie Brown	1599
Kimberly Bennett Williams	1608
Eugene Frazier	1628
James Randolph	1636
Isaac Washington	1690
Matthew Barba	1693
Donald Moore	1699
Anthony Boling	1709
Yolanda Whitaker	1745
Jesikah Porter	1756
Stephanie Stanley	1774
Jennifer Stoner	1804
Antjuan Green	1827
Tristan Cheek - called, no appearance -	
Ernest Lowe	1852
Robert Bennett	1863
David Osborne	1915

INDEX OF STATE'S EXHIBITS

Number	Description	Reference
1	Photo of Kate Waring w/dog	1427
2	Photo of Kate Waring w/sunglasses	185
3	Photo of Kate Waring	185
4	Photo of Kate Waring	186
6	Photo of Chevrolet front of car	186
7	Photo of Chevrolet rear of car	1405
8	Photo of Chevrolet trunk area	1405
9	Photo of Ethan Mack at Bank of America	1188
10	Photo of Ethan Mack at SC Federal Credit Union	1197
11	Photo of Riley Road exterior	911
12	Photo of Riley Road exterior	911
13	Photo of Riley Road	136
14	Photo of Riley Road	136
15	Photo of Riley Road	136
16	Photo of Riley Road	136
17	Photo of Riley Road	136
18	Photo of Riley Road	136
19	Photo of Riley Road	136
20	Photo of Riley Road	136
21	Photo of Riley Road	136
22	Photo of Riley Road	136
23	Photo of Riley Road	1350
24	Photo of Riley Road	1350
25	Photo of Riley Road	1350
26	Photo of Riley Road	1350
27	Photo of Riley Road	1350
28	Photo of Riley Road	1350
29	Photo of Riley Road	1364
30	Photo of Riley Road	1364
31	Photo of Riley Road	911
32	Photo of Riley Road	1364
33	Photo of Riley Road	911
34	Photo of Riley Road	1364
35	Photo of Riley Road	1364
36	Photo of Riley Road	1364
37	Photo of Riley Road	1364
38	Photo of Riley Road	1364
39	Photo of Riley Road	1364

INDEX OF STATE'S EXHIBITS

(Continued)

Number	Description	Reference
40	Photo of Riley Road	1364
41	Photo of Riley Road	1364
42	Photo of Riley Road	1364
43	Photo of Riley Road	1364
44	Photo of Riley Road	1364
45	Photo aerial of Polly Point Rd	1323
46	Photo aerial of Polly Point Rd	1323
47	Photo aerial of Polly Point Rd	1337
48	Photo of Waring remains	1287
49	Photo of Waring remains	1287
50	Photo of Waring remains	1327
51	Photo of Waring remains	1327
52	Photo of Waring remains	1327
53	Photo of Waring remains	1327
54	Photo of Waring remains	1327
55	Photo of Waring remains	1327
56	Photo of Waring remains	1327
57	Photo of Waring remains	1327
58	Photo of Waring remains	1327
59	Photo of Waring remains	1327
60	Photo of Waring remains	1327
61	Photo of Green home on Meridian	254
62	Photo of Green home on Meridian	254
63	Photo of Green home on Meridian	254
64	Photo of Green home on Meridian	254
65	Photo of Green home on Meridian	254
66	Photo Autopsy - skeleton upper body	1511
67	Photo Autopsy - skeleton middle body	1511
68	Photo Autopsy - skeleton lower body	1511
69	Photo Autopsy - bone w/carnivore damage	1511
70	Photo Autopsy - skull from front	1511
71	Photo Autopsy - skull right side	1511
72	Photo Autopsy - skull left side	1511
73	Photo Autopsy - upper teeth	1511
74	Photo Autopsy - lower teeth #2	1511
75	Photo Autopsy - lower teeth #1	1511
76	Photo Autopsy	1511
77	Photo Autopsy	1511

INDEX OF STATE'S EXHIBITS

(Continued)

Number	Description	Reference
78	CVS Video	233
79	Chanel sunglasses	186
80	Wasabi Receipt (check)	288
81	Wasabi Receipt (credit card)	290
82	Lease for 678-B1 Riley Road	914
83	Handwriting - Mack & Kamp	919
84	Pawn receipt #718456	1102
85	Pawn envelope #718456	1101
86	Ring found at pawn shop	1108
87	Check No. 1083	134
88	Bank of America Video	1185
89	Signature Ethan Mack, SCDMV	1249
90	Check No. 1107, 1109, 1111	149
91	Check No. 1088	126
92	Check No. 1100	126
93	Copy of Ethan Mack's Social Security card and SC driver's license	1249
94	Handwriting Standard for Ethan Mack	1249
95	Handwriting Standard for Heather Kamp	1249
96	Letter, Mack to Green - original	1112
97	Letter, Mack to Green - copy	1126
98	Letters of 8/23 and 8/27/10 Ethan Mack to Antjuan Green	1249
99	Video of Crime Scene, Polly Point Rd	1323
100	Diagram of apartment, 687-B1 Riley Road	146
101	Bulldog key chain	146
102	Sabre Taser	1426
103	SCFCU Bank Statement of Ethan Mack	1432
104	Receipt from Wal-Mart	1433
105	7/8/10 Letter of Kamp to mack	526
106	CD of phone messages, Warings to Mack	190
107	CD of Kate Waring phone records	312
108	Printout of Waring phone records	312
109	Printout of Waring texts	301
110	Texts captioned Gatch 1	1023
111	Texts captioned Gatch 2	1023
112	Texts captioned Mack 1	312
113	Texts captioned Mack 2	312

INDEX OF STATE'S EXHIBITS

(Continued)

Number	Description	Reference
114	CD of Ethan Mack phone records	312
115	Printout of Mack phone records	312
116	Map, Polly Point Road to Downtown Charleston	238
117	Map with Mack's phone calls	1049
118	Map with Waring's phone calls	1053
119	Black Cab records	1459
120	6/16/09 Statement of Ethan Mack	1377
121	Letter, Green to Solicitor	1126
122	Discover Card Statement of Waring	140
123	Nordstrom statement of Waring	140
124	Calendars for May and June 2009	140
125	Kate Waring annotated call log	1037
126	/22/09 Letter, Waring to Boling	188
127	5/30/09 Letter, Waring to Boling	188
128	6/5/09 Letter, Waring to Boling	188
129	Shontez Commodore Interview	Withdrawn
130	Letter, Antjuan Green to Ethan Mack	1145
131	Earring found at Polly Point site	190
132	Cell Phone Records, Mack to Kate Waring	312
133	5/30 Letter, Waring to Boling	188
134	Letters, Waring to Boling	ID Only
135	Photo of Recreation Yard at CCDC	483
136	Photo of Recreation Yard at CCDC	483
137	6/6/09 Amtrak Records	359
138	5/7/09 Amtrak Records	359
139	Letter from Ethan Mack	481
140	Holiday Inn Employment Records	376
141	Google Map of Polly Point area	439
142	Hand-drawn map of recovery site on Polly Point Road by Heather Kamp	443
143	NotePad edited drawn map	443
144	Proffer of Heather Kamp	451
145	Plea Agreement with Heather Kamp	454
146	Phone records of Kate Waring	1047
147	Memoranda re Jason Luck	1098
148	Letter, Antjuan Green to Solicitor	ID Only
149	Phone Records for Ethan mack	1200

INDEX OF STATE'S EXHIBITS

(Continued)

Number	Description	Reference
150	SLED Enlargement of Checks 1083, 1088, 1100	1237
151	SLED Enlargement of Kamp's handwriting	1237
151	SLED Enlargement of Waring checks	1237
152	SLED Enlargement of Mack checks	1237
153	SLED Enlargement of Check Endorsement	1237
154	SLED Enlargement of Mack's handwriting	1237
155	SLED Enlargement of Mack to Green Letter	1237

DEFENSE EXHIBITS

1	Transcript	
	State of California v Cutlip	1532
	* Same as Court's Exhibit 1	
2	CD of Kamp at crime scene	1532
3	CD of Kamp at crime scene	1532
4	Photo board, photos of home	1536
5	Photograph, Waring w/child	1577
6	Photograph, Waring by fireplace	1577
7	Photograph, Waring w/child	1577
8	Photograph, glass	1811
9	Photograph, glass	1814
10	Policies & Procedures	1814
	J. Reuben Long Detention Center	
11	Booking Sheet for Heather Kamp	1858

COURT'S EXHIBITS

1	Transcript	591
	State of California v Cutlip	
	* Same as Court's Exhibit 1	
2	File on Tristan Cheeks	1852
3	CV of Michael Bennett, Ph.D.	1897
4	Jury Note	2041
5	Jury Note	2046

State of South Carolina v. Ethan Carlos Mack
Case No. 10-GS-10-1265 et al
Jury Trial of October 4-15, 2010
Before The Honorable J.C. Nicholson, Jr.

11

1 OCTOBER 4, 2010

9:30 A.M.

2

3

(ROLL CALL)

4

(STATUTORY JURY QUALIFICATION

5

BY THE HONORABLE DEADRE JEFFERSON)

6

(DEFENDANT PRESENT)

7

THE COURT: Ladies and

8

Gentlemen, I am Judge Nicholson. I am holding

9

criminal court this week. The solicitor will be

10

calling a case very shortly.

11

Before we do that, this case is going

12

to last longer than -- it's probably going to

13

last three or four days. Some people have been

14

excused for certain days. If the Clerk would,

15

go ahead and call those names out at this time.

16

CLERK: As I call your name, please

17

stand -- (calling the names of Jurors 71, 92,

18

98, 212, 329 and 317).

19

THE COURT: Okay, I am going to

20

excuse the six of you since you've had days

21

previously protected by Judge Jefferson. I know

22

this will go through Wednesday, so we can't draw

23

you on this jury because you're protected.

24

However, there's a card -- has

25

everybody got that phone number? Call in after

1 6:00 o'clock tonight. There will be a message
2 for the jury panel. Follow those instructions.

3 Is there anybody that does not
4 understand. (No verbal response). I'll excuse
5 you. You're free to go as far as today.

6 (JURORS EXCUSED)

7 SOLICITOR WILSON: Could we get the
8 numbers of those jurors?

9 CLERK: Yes. 71, 92, 98, 212, 329 and
10 317.

11 THE COURT: Solicitor, call your
12 case, please.

13 SOLICITOR WILSON: Thank you, Your
14 Honor. Ladies and Gentlemen, this is the State
15 of South Carolina versus Ethan Mack, Indictment
16 2010-GS-10-1823, an indictment for Murder;
17 Indictment 2010-GS-10-1270, an indictment for
18 Forgery; and Indictment 2010-GS-10-1265, an
19 indictment for obstruction of justice.

20 THE COURT: Ladies and Gentlemen of
21 the jury panel, this is concerning a case. The
22 Defendant's name is, as the Solicitor said,
23 Ethan Mack. She's read out the indictments.
24 The indictment is not proof. It is
25 merely the means by which the individual is

1 brought before the court for trial. It is not
2 to be considered as any indication of the
3 Defendant's innocence or guilt. It's just
4 administratively how a defendant is brought
5 before the court. It's called an "indictment."
6 That's what she has called. The Solicitor
7 called the indictments by the State of South
8 Carolina for trial.

9 This particular case is concerning the
10 death of a Katherine P. Waring, who was also
11 known as Kate Waring. She disappeared on or
12 about June 13th, 2009. I believe that her body
13 was found on October 10th, 2009. During that
14 timeframe, shortly after that timeframe, there's
15 been a lot of publicity, on the television and
16 probably some on the radio stations about the
17 case. I believe the most publicity on this
18 occurred -- I don't know if they used "Katherine
19 P. Waring" or "Kate Waring" but she -- my
20 question to you is, how many people have heard
21 anything about the case? Either read anything
22 in the paper, heard anything on television or
23 heard anyone talk about the case, today or any
24 time prior to today? Please stand.

25 All right. Out of the people that have

1 stood, is there anybody, based on what you have
2 read or what you've seen on television, or heard
3 about the case, formed an opinion as the
4 innocence or guilt of the Defendant? If you've
5 formed that opinion based on what you've read or
6 heard, please raise your right hand.

7 Okay, I see that there is a gentleman
8 in the back, a lady in the back. Anyone else?
9 If you've formed any type of opinion at all
10 about the case, please raise your right hand.

11 All right. The people that raised
12 their right hand, please come out and stand
13 against the wall, please.

14 I will ask again, is there anybody else
15 who would like to join the people standing by
16 the wall as your opinion based on what you've
17 seen or heard about this case? Anyone else?
18 All right, we've got one more. You want to go
19 for two? Anybody else? (No response).

20 The Court's concern is that if you've
21 formed that opinion, one way or the other, then
22 I need to discuss it with you more in detail.
23 That's what I am trying to determine. If you
24 feel like you have formed some type of opinion,
25 please raise your hand. I see someone in the

1 back.

2 It seems like every time that I ask the
3 question that I get someone else raising their
4 hand. So, I need to ask the question again.

5 Now, of the people that are standing
6 and the people that have raised their right
7 hand, can you set aside what you've heard or
8 what you've read or what you've seen on
9 television and make a decision based upon what
10 you hear in the courtroom? If you cannot do
11 that, raise your right hand. I'm talking about
12 the people standing.

13 Do you want to me to call their number
14 and y'all write that down? I mean, it's
15 probably three-fourths of the panel.

16 SOLICITOR DURANT: If they would
17 just give us their number.

18 THE COURT: I am not going to call
19 the ones that are raising their right hand.
20 Anyone else who feels like they have been
21 prejudiced or who are biased as a result of what
22 they know about the case? If you have, raise
23 your right hand.

24 Out of the people that are standing,
25 can you be fair to both the State and the

1 Defendant? If you cannot, raise your right
2 hand. I'm asking you that in light of what you
3 have read or seen or heard about the case. (No
4 response). All right. Everybody standing may
5 have a seat.

6 Somebody raised their hand? Who? Go
7 stand over there.

8 Mr. Bailiff, if you would line them up
9 and call the name and number out for me, then
10 bring them forward one at a time, please.

11 BAILIFF: Juror Number 223.

12 (SIDEBAR WITH JUROR 223)

13 (JUROR NUMBER 223 EXCUSED)

14 BAILIFF: Juror Number 302?

15 THE COURT: What?

16 BAILIFF: Juror Number 302, Bair.

17 (SIDEBAR WITH JUROR 302)

18 (JUROR NUMBER 302 EXCUSED)

19 BAILIFF: Juror Number 64.

20 (SIDEBAR WITH JUROR 64)

21 (JUROR NUMBER 64 EXCUSED)

22 BAILIFF: Juror Number 137.

23 (SIDEBAR WITH JUROR 137)

24 (JUROR NUMBER 137 EXCUSED)

25 BAILIFF: Juror Number 308.

1 (SIDEBAR WITH JUROR NUMBER 308)

2 (JUROR NUMBER 308 EXCUSED)

3 BAILIFF: Juror Number 233.

4 (SIDEBAR WITH JUROR 233)

5 (JUROR NUMBER 233 EXCUSED)

6 BAILIFF: Juror Number 309.

7 (SIDEBAR WITH JUROR NUMBER 309)

8 (JUROR NUMBER 309 EXCUSED)

9 BAILIFF: Juror Number 154.

10 (SIDEBAR WITH JUROR NUMBER 154)

11 (JUROR NUMBER 154 EXCUSED)

12 BAILIFF: Juror Number 140.

13 (SIDEBAR WITH JUROR NUMBER 140)

14 (JUROR NUMBER 140 EXCUSED)

15 THE COURT: Ladies and Gentlemen of
16 the jury panel. I am going to call out a list
17 of names. I am basically going to ask you the
18 same question about each name. I am going to
19 ask you if you're related by blood or marriage,
20 or you know the individual, or if you've had any
21 type of contact with the individual. When I say
22 marriage, I am talking about present marriages,
23 past marriages, future marriages -- if one is
24 the future -- of the individuals' names that I
25 call out.

1 The first name is Tom Waring. Mr.
2 Waring is in the courtroom. Please stand and
3 face the jury. Thank you, Mr. Waring. Is
4 anybody related by blood or marriage to Mr. Tom
5 Waring? Does anybody know Mr. Waring or had any
6 contact with Mr. Waring? If so, please stand.
7 (No response).

8 The next name is Mrs. Janice Waring.
9 Mrs. Waring, would you please stand. Thank you,
10 Mrs. Waring. Is anybody related by blood or
11 marriage to Janice Waring? Does anybody know
12 Janice Waring or had any contact with Janice
13 Waring. If so, please stand. (No response).

14 The next name is Linda Reed, who works
15 at the Bank of America, Folly Road branch. Is
16 anybody related by blood or marriage, or does
17 anybody know Linda Reed? Has anybody had any
18 contact with Linda Reed? If so, please stand.
19 (No response).

20 The next name is Harold Gatch. Is
21 anybody related by blood or marriage to Harold
22 Gatch, G-a-t-c-h?

23 SOLICITOR WILSON: It's Howard.

24 THE COURT: Howard?

25 SOLICITOR WILSON: (Affirmative)

1 nod).

2 THE COURT: Okay. Howard Gatch.

3 Anybody know, related or had any contact with
4 Howard Gatch? If so, please stand. (No
5 response).

6 The next name is Davis Osborne with the
7 Charleston Police Department. Is anybody
8 related by blood or marriage, does anybody know
9 Davis Osborne or had any contact with Davis
10 Osborne? If so, please stand. (No response).

11 The next name is Heather Kamp. Is
12 anybody related by blood or marriage, does
13 anybody know Heather Kamp? If so, please stand.
14 (No response).

15 The next name is Henry Middleton,
16 Charleston Police Department. Is anybody
17 related by blood or marriage? Does anybody know
18 Henry Middleton? Had any contact with Mr.
19 Middleton? If so, please stand. (No response).

20 The next name is Trisha Smith. Is
21 anybody related by blood or marriage to Trisha
22 Smith? Had any contact with Trisha Smith? If
23 so, please stand. (No response).

24 The next name is Kelly Stone,
25 Charleston Police Department. Is anybody

1 related by blood or marriage? Has anybody had
2 any contact or know Kelly Stone? If so, please
3 stand. (No response).

4 The next name is Terry Williams.
5 Anybody related by blood or marriage? Know
6 Terry Williams? Any contact with Terry
7 Williams? If so, please stand. (No response).

8 The next name is Jeffrey Frye. Is
9 anybody related by blood or marriage or know
10 Jeffrey Frye, had any contact with Mr. Frye? If
11 so, please stand. (No response).

12 Mark Seifts. How do you pronounce
13 that, Solicitor?

14 SOLICITOR WILSON: That's good.

15 THE COURT: Mark Seifts. Is anybody
16 related by blood or marriage, anybody know Mark
17 Seifts? (No response).

18 The next name is Mike Lyczany,
19 Charleston Police Department. Is anybody
20 related by blood or marriage? Does anybody know
21 or had any contact with Mike Lyczany? If so,
22 please stand. (No response).

23 Mr. Durant, what is that last name?

24 SOLICITOR WILSON: Daquigan.

25 THE COURT: Daquigan. Donald

1 Daquigan. Is anybody related by blood or
2 marriage? Does anybody know Donald F. Daquigan
3 or had any contact? If so, please stand. (No
4 response).

5 The next name is Sarah Braswell. Is
6 anybody related by blood or marriage? Does
7 anybody know Sarah Braswell? If so, please
8 stand. (No response).

9 The next name is Frank Brisbane. Is
10 anybody related by blood or marriage to Frank
11 Brisbane? Or had any contact with Frank
12 Brisbane? Is so, please stand. (No response).

13 The next name is Robert York,
14 Charleston Police Department. Is anybody related
15 by blood or marriage? Does anybody know Robert
16 York? Had any contact with Robert York? If so,
17 please stand. (No response).

18 The next name is Robert Minter. Is
19 anybody related by blood or marriage to Robert
20 Minter? Does anybody know Robert Minter? If
21 so, please stand. (No response).

22 The next name is Bill Capps.

23 JUROR NUMBER 209: Yes, sir.

24 THE COURT: What is your name and
25 number?

1 JUROR NUMBER 209: Thomas Ridenour,

2 209.

3 THE COURT: 209?

4 JUROR NUMBER 209: Yes, sir. He
5 lives in the same neighborhood I do.

6 THE COURT: Hold on just a second.
7 How do you know him?

8 JUROR NUMBER 209: He is my
9 neighbor, grew up together, known him all my
10 life. He's a private investigator now.

11 THE COURT: Does he still live close
12 by?

13 JUROR NUMBER 209: Two or three
14 doors.

15 THE COURT: You want to come around
16 up front, please, sir?

17 (SIDEBAR WITH JUROR NUMBER 209)

18 THE COURT: The next name is Robert
19 Minter. Is anybody related by blood or marriage
20 or does anybody know Robert Minter? If so,
21 please stand. (No response).

22 The next name is Bill Capps. Is
23 anybody related by blood or marriage to Bill
24 Capps? Does anybody know Mr. Capps? If so,
25 please stand. (No response).

1 The next name is Gene Frazier. Is
2 anybody related by blood or marriage or does
3 anybody know Gene Frazier? Had any contact with
4 Mr. Frazier? If so, please stand. (No
5 response).

6 The next name is James Randolph. Is
7 anybody related by blood or marriage to Mr.
8 Randolph? Does anybody know Mr. Randolph or had
9 any contact with Mr. Randolph? If so, please
10 stand. (No response).

11 The next name is Phillip Palmer, works
12 for the State Law Enforcement Division, commonly
13 referred to as SLED. Is anybody related by
14 blood or marriage to Mr. Palmer? Does anybody
15 know Phillip Palmer? If so, please stand. (No
16 response).

17 The next name is Jeff Miller,
18 Charleston Police Department. Is anybody
19 related by blood or marriage or does anybody
20 know Jeff Miller? If so, please stand. (No
21 response).

22 Next is JoAnn Goodhope. Is anybody
23 related by blood or marriage, does anybody know
24 JoAnn Goodhope? If so, please stand. (No
25 response).

1 The next name is Nicholas Marrone. Is
2 anybody related by blood or marriage to Nicholas
3 Marrone? Does anybody know Mr. Marrone? If so,
4 please stand. (No response).

5 The next name is Dr. Wolf Bueschgen.
6 Is anybody related by blood or marriage to Dr.
7 Wolf Bueschgen? If so, please stand. (No
8 response).

9 The next name is Bonnie Snyder with the
10 Virginia Beach Police Department in Virginia
11 Beach, Virginia. Is anybody related by blood or
12 marriage or does anybody known Bonnie Snyder?
13 If so, please stand. (No response).

14 The next name is Steve Hood, Charleston
15 Police Department. Is anybody related by blood
16 or marriage or does anybody know Steve Hood? If
17 so, please stand. (No response).

18 The next name is Mike Sherman with the
19 Charleston Police Department. Is anybody
20 related by blood or marriage or does anybody
21 know Mike Sherman? If so, please stand. (No
22 response).

23 The next name is John Boling. Is
24 anybody related by blood or marriage or does
25 anybody know John Boling? If so, please stand.

1 (No response).

2 The next name is Shontez Commodore. Is
3 anybody related by blood or marriage to Shontez
4 Commodore, or know Shontez Commodore? If so,
5 please stand. (No response).

6 Cecile Stokes. Is anybody related by
7 blood or marriage, does anybody know Cecile
8 Stokes? If so, please stand. (No response).

9 The next name is Jermaine Turner. Is
10 anybody related by blood or marriage to Jermaine
11 Turner? Does anybody know Jermaine Turner? If
12 so, please stand. (No response).

13 The next name is Antjuan Green. Is
14 anybody related by blood or marriage or does
15 anybody know Antjuan Green? If so, please
16 stand. (No response).

17 The next name is W. Scott Washington.
18 Is anybody related by blood or marriage or does
19 anybody know W. Scott Washington? If so, please
20 stand. (No response).

21 The next name is Stephanie Stanley with
22 State Law Enforcement Division. Is anybody
23 related by blood or marriage to Stephanie
24 Stanley, or know Stephanie Stanley who works
25 with SLED? If so, please stand. (No response).

1

2 The next name is Erin Presnell, a
3 doctor at MUSC. What type of doctor is he
4 (sic)?

5 SOLICITOR DURANT: Pathologist.

6 THE COURT: A pathologist at MUSC.
7 Is anybody related by blood or marriage to Dr.
8 Presnell or does anybody know Dr. Presnell? I
9 won't ask if anybody has been treated by her.

10 The next name is Connie (sic) Mack
11 Dean. Is anybody related by blood or marriage
12 or does anybody know Connie Mack Dean? If so,
13 please stand. (No response).

14 The next name is Tischka S. Mack. Is
15 anybody related by blood or marriage to Tischka
16 ---

17 MR. AYLOR: It is Tischka.

18 THE COURT: Tischka Mack. Is anybody
19 related by blood or marriage or does anybody
20 know Tischka Mack? If so, please stand.

21 The next name is Barry Goldstein,
22 Charleston Police Department. Anybody related
23 by blood or marriage or does anybody know Barry
24 Goldstein? If so, please stand. (No response).

25

1 The next name is John Milazzo. Does
2 anybody know John Milazzo? Is anybody related
3 by blood or marriage? If so, please stand. (No
4 response).

5 The next name is Randy Unterbrink,
6 Charleston Police Department. Is anybody
7 related by blood or marriage? Does anybody know
8 Randy Unterbrink? If so, please stand. (No
9 response).

10 The next name is Gail Heath with State
11 Law Enforcement Division. Is anybody related by
12 blood or marriage or does anybody know Gail
13 Heath? If so, please stand. (No response).

14 The next name is Leroy Mack. Is
15 anybody related by blood or marriage or does
16 anybody know Leroy Mack?

17 Yes, ma'am, your name?

18 JUROR NUMBER 245: Linda Snipe.

19 THE COURT: Do you know your number?

20 JUROR NUMBER 245: 245.

21 THE COURT: 245. How do you know?

22 JUROR NUMBER 245: I work with him.

23 THE COURT: How long ago?

24 JUROR NUMBER 245: Right now.

25 THE COURT: Right now?

1 JUROR NUMBER 245: (Affirmative
2 nod).

3 THE COURT: Where do you work?

4 JUROR NUMBER 245: Roper Hospital.

5 THE COURT: What does he do at Roper?

6 JUROR NUMBER 245: We don't work at
7 the same time. I work days and he works at
8 night.

9 THE COURT: Do you see him?

10 JUROR NUMBER 245: Every once in a
11 while.

12 THE COURT: Do you see him outside of
13 Roper Hospital?

14 JUROR NUMBER 245: No.

15 THE COURT: Are you close personal
16 friends?

17 JUROR NUMBER 245: No.

18 THE COURT: You say that very
19 emphatically. Do you not like Mr. Mack?

20 JUROR NUMBER 245: No, I like him.
21 We talk.

22 THE COURT: Y'all talk?

23 JUROR NUMBER 245: Yes.

24 THE COURT: Can you set that
25 relationship aside and be fair to both the State

1 and the Defendant in this case?

2 JUROR NUMBER 245: Yes, sir.

3 THE COURT: Can you base your
4 decision on the testimony here in the courtroom?

5 JUROR NUMBER 245: Yes, I can.

6 THE COURT: Thank you, Ms. Snipe.

7 The next name is Shone Green. Is anybody
8 related by blood or marriage to Shone Green?
9 Does anybody know Shone Green? If so, please
10 stand. (No response).

11 The next name is Anthony Boling. Is
12 anybody related by blood or marriage or does
13 anybody know Anthony Boling? If so, please
14 stand. (No response).

15 The next name is Tina Atkins, who works
16 at LaQuinta Inn. Is anybody related by blood or
17 marriage, does anybody know Tina Atkins? If so,
18 please stand. (No response).

19 The next name is Donna Schwartz-Watts.
20 A doctor, a psychiatrist. Is anybody related by
21 blood or marriage to Dr. Schwartz-Watts?
22 Anybody know Dr. Schwartz-Watts? Been treated
23 by Dr. Schwartz-Watts? If so, please stand.
24 (No response).

25 The next name is Dr. Susan Knight. Is

1 anybody related by blood or marriage to Dr.
2 Knight? Been treated by Dr. Knight? If so,
3 please stand. (No response).

4 The next name is Jason Luck. Is
5 anybody related by blood or marriage to Jason
6 Luck? Does anybody know Jason Luck? If so,
7 please stand. (No response).

8 The next name is Nichole Robbins. Is
9 anybody related by blood or marriage, does
10 anybody know Nichole Robbins? If so, please
11 stand. (No response).

12 The next name is Suzanne Ables. Is
13 anybody related by blood or marriage to Suzanne
14 Ables? Does anybody know Suzanne Ables? If so,
15 please stand. (No response).

16 The next name is Matt Barbra. Is
17 anybody related by blood or marriage to Matt
18 Barbra? Does anybody know Matt Barbra? If so,
19 please stand. (No response).

20 Next name is Chris Beard. Is anybody
21 related by blood or marriage to Chris Beard?
22 Does anybody know Chris Beard? If so, please
23 stand. (No response).

24 The next name is Lori Beard. Is
25 anybody related by blood or marriage to Lori

1 Beard? Does anybody know Lori Beard? If so,
2 please stand. (No response).

3 The next name is Dr. Robert Bennett.
4 Does anybody know Dr. Robert Bennett? Anybody
5 related by blood or marriage to Dr. Bennett? If
6 so, please stand. What type of doctor is he?
7 Is he an M.D. or a Ph.D.?

8 MR. AYLOR: Ph.D.

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

10 JUROR NUMBER 254: Karen Tarpey,
11 254.

12 THE COURT: Yes, ma'am, how do you
13 know ---

14 JUROR NUMBER 254: I don't
15 personally know of him. I believe that he does
16 substance abuse evaluations.

17 THE COURT: What do you know -- how
18 do you know of him?

19 JUROR NUMBER 254: Because of the
20 kind of work that I do.

21 THE COURT: What kind of work do you?

22 JUROR NUMBER 254: Social work,
23 private practice.

24 THE COURT: So you just know of him?

25 JUROR NUMBER 254: (Affirmative

1 nod):

2 THE COURT: Have you ever used him
3 professionally?

4 JUROR NUMBER 254: I might have
5 talked to him once, a long time ago, but I
6 really don't -- I don't refer to him. I don't
7 have any cases -- I have people that might have
8 seen him for an evaluation before.

9 THE COURT: Okay. Do you have an
10 opinion about his evaluations, from people that
11 have seen him, one way or the other?

12 JUROR NUMBER 254: Uh, ---

13 MR. AYLOR: Your Honor, may we
14 approach?

15 THE COURT: Yes, sir.

16 (OFF RECORD BENCH CONFERENCE)

17 THE COURT: Ms. Tarpey, is the
18 relationship that you have with Mr. Bennett,
19 would that affect you in any way, sitting on
20 this jury?

21 JUROR NUMBER 254: No.

22 THE COURT: Could you be fair to both
23 the defendant and the State?

24 JUROR NUMBER 254: Yes.

25 THE COURT: Could you base your

1 decision on the testimony here in the courtroom?

2 JUROR NUMBER 254: Yes.

3 THE COURT: Thank you so very much.

4 All right. The next name is Kimberly Bennett.

5 Is anybody related by blood or marriage to

6 Kimberly Bennett? Does anybody know Kimberly

7 Bennett? If so, please stand. (No response).

8 The next name is Kelly Brewer. Is

9 anybody related by blood or marriage to Kelly

10 Brewer? Does anybody know Kelly Brewer. If so,

11 please stand. (No response).

12 The next name -- yes, sir, your number?

13 JUROR NUMBER 338: 338, Dan Walker.

14 THE COURT: How do you know Ms.

15 Brewer?

16 JUROR NUMBER 338: Is she a nurse,

17 with a cancer group? That's the only way I know

18 her.

19 THE COURT: Is she a nurse?

20 MR. AYLOR: She is.

21 THE COURT: How old is the Kelly that

22 you know?

23 JUROR NUMBER 338: Forty, forty-

24 five.

25 THE COURT: Is that the same person?

1 MR. AYLOR: May we approach, Your
2 Honor?

3 THE COURT: Yes, sir.

4 (OFF RECORD BENCH CONFERENCE)

5 THE COURT: Apparently, Mr. Walker,
6 this is a different Kelly Brewer. Okay? But
7 thank you for standing.

8 The next name is Jamie Brown. Is
9 anybody related by blood or marriage to Jamie
10 Brown? Does anybody know Jamie Brown? If so,
11 please stand. (No response).

12 The next name is Rashad Champagne. Is
13 anybody related by blood or marriage to Rashad
14 Champagne or does anybody know him? If so,
15 please stand. (No response).

16 The next name is Eugene Frazier. Is
17 anybody related by blood or marriage to Eugene
18 Frazier? Does anybody know Eugene Frazier? If
19 so, please stand. (No response).

20 The next name is -- Mr. Mack. Would
21 you stand and face the jury, please?

22 DEFENDANT: (Complies).

23 THE COURT: Thank you, Mr. Mack. Is
24 anybody related by blood or marriage to Ethan
25 Mack who just stood in front of the jury, or

1 does anybody know Ethan Mack? If so, please
2 stand. Yes, sir, your number?

3 JUROR NUMBER 237: 237.

4 THE COURT: 237?

5 JUROR NUMBER 237: Yes, sir.

6 THE COURT: All right, you want to
7 come up?

8 (SIDEBAR WITH JUROR NUMBER 237)

9 THE COURT: The next name is Ken
10 Burkel. Is anybody related by blood or marriage
11 or does anybody know Ken Burkel? If so, please
12 stand. (No response).

13 The next name is Don Moore. Is anybody
14 related by blood or marriage to Don Moore, or
15 does anybody know Don Moore? If so, please
16 stand. (No response).

17 The next name is Ramona Osborne. Is
18 anybody related by blood or marriage to Ramona
19 Osborne, or does anybody know Ramona Osborne?
20 If so, please stand. (No response).

21 The next name is Steve Perry. Is
22 anybody related by blood or marriage to Steve
23 Perry, or know Steve Perry? If so, please
24 stand. (No response).

25 Is anybody related by blood or marriage

1 to Jesikah Porter? Does anybody know Jesikah
2 Porter? If so, please stand. (No response).

3 The next name is Curt Royster. Is
4 anybody related by blood or marriage to Curt
5 Royster? Does anybody know Curt Royster? If
6 so, please stand. (No response).

7 The next name is Patricia Stanley. Is
8 anybody related by blood or marriage to Patricia
9 Stanley? Does anybody know Patricia Stanley?
10 If so, please stand. (No response).

11 The next name is Gordon Fisher. Is
12 anybody related by blood or marriage to Gordon
13 Fisher? Does anybody know Gordon Fisher? If
14 so, please stand. (No response).

15 The next name is Sara Yeager. Is
16 anybody related by blood or marriage to Sara
17 Yeager. If so, please stand. (No response).

18 The next name is Dr. Darlene Moak. Is
19 anybody related by blood or marriage to Dr.
20 Moak? Does anybody know Dr. Moak? If so,
21 please stand. Yes, ma'am, your name?

22 JUROR NUMBER 321: Shanon Honney,
23 I'm 321.

24 THE COURT: How do you know Dr. Moak?

25 JUROR NUMBER 321: I am an

1 internist and we have patients together.

2 THE COURT: Do you see her socially?

3 JUROR NUMBER 321: No.

4 THE COURT: Just through business?

5 JUROR NUMBER 321: Yes, sir.

6 THE COURT: How often do you see her?

7 JUROR NUMBER 321: Never.

8 THE COURT: Pardon?

9 JUROR NUMBER 321: We have patients
10 together. That's the only way that I know her.

11 THE COURT: How would that affect
12 you, sitting on this jury?

13 JUROR NUMBER 321: It wouldn't.

14 THE COURT: You could be fair to both
15 the State and the Defendant, and based your
16 decision on the testimony here in the courtroom?

17 JUROR NUMBER 321: Yes, sir.

18 THE COURT: Thank you, Ms. Honney.
19 Okay. The next name is Matt Casey. Is anybody
20 related by blood or marriage, or does anybody
21 know Matt Casey? If so, please stand. (No
22 response).

23 The next name is Jeff Osborne. Is
24 anybody related by blood or marriage to Jeff
25 Osborne? Or does anybody know Jeff Osborne? If

1 so, please stand. (No response).

2 Is any member of the jury panel, your
3 close friends or relatives had any contact with
4 law enforcement officials that would affect your
5 view of law enforcement, either favorably or not
6 favorably?. If so, please stand.

7 (No response).

8 Has any member of the jury panel,
9 member of your family or close personal friend
10 been the victim or a witness to a violent crime?
11 If so, please stand.

12 JUROR NUMBER 312: 312, Duane
13 Gehlken.

14 THE COURT: Yes, sir. Tell me about
15 it, please, sir.

16 JUROR NUMBER 312: My uncle, the
17 trial was earlier this year, was killed in
18 Easton.

19 THE COURT: Where?.

20 JUROR NUMBER 312: Easton.

21 THE COURT: Do you know anything
22 about it? Was anybody ever arrested or ---

23 JUROR NUMBER 312: We had the trial
24 earlier this year.

25 THE COURT: Oh, the trial was earlier

1 this year. Did you participate in it?

2 JUROR NUMBER 312: I went to the
3 trial every day.

4 THE COURT: Did you sit through the
5 whole trial?

6 JUROR NUMBER 312: Yes, sir.

7 THE COURT: How would that affect
8 you, sitting on this jury?

9 JUROR NUMBER 312: I don't believe that
10 it would, sir.

11 THE COURT: Do you have any bias or
12 prejudice as a result of that experience?

13 JUROR NUMBER 312: I don't think
14 so.

15 THE COURT: Do you think that you
16 could be fair in this case?

17 JUROR NUMBER 312: Yes, sir.

18 THE COURT: You could be fair to both
19 the State and the Defendant?

20 JUROR NUMBER 312: Yes, sir.

21 THE COURT: Thank you so very much.
22 That was Juror 312. Yes, ma'am, your name?

23 JUROR NUMBER 273: Carlotta
24 Washington, 273.

25 THE COURT: 233 (sic)?

State of South Carolina v. Ethan Carlos Mack
Case No. 10-GS-10-1265 et al
Jury Trial of October 4-15, 2010
Before The Honorable J.C. Nicholson, Jr.

40

1 JUROR NUMBER 273: No, -- 273.

2 THE COURT: Yes, ma'am, Ms.

3 Washington. Tell me about it, please, ma'am.

4 JUROR NUMBER 273: I had a cousin
5 who was murdered, and the murder was never
6 solved.

7 THE COURT: How long ago?

8 JUROR NUMBER 273: 1992.

9 THE COURT: How much involvement did
10 you have in it, Ms. Washington?

11 JUROR NUMBER 273: I remember
12 getting a call when it happened, but there was a
13 lot that ---

14 THE COURT: Do you think that you
15 could be fair in this case?

16 JUROR NUMBER 273: Yes, sir.

17 THE COURT: And you'd base your
18 decision on the testimony you hear here in the
19 courtroom?

20 JUROR NUMBER 273: Yes, I can.

21 THE COURT: Do you have any bias or
22 prejudice for or against the State as a result
23 of this experience?

24 JUROR NUMBER 273: No, I ---

25 THE COURT: Do you have any bias or

1 prejudice towards defendants in general as a
2 result of your experience?

3 JUROR NUMBER 273: No.

4 THE COURT: Thank you so very much.
5 Yes, ma'am, your name and number?

6 JUROR NUMBER 254: Karen Targey,
7 254.

8 THE COURT: Yes, ma'am?

9 JUROR NUMBER 254: I used in live
10 in Washington, D.C. and I was held at gunpoint,
11 right behind my house. That was twenty-five
12 years ago.

13 THE COURT: Do you have any bias or
14 prejudice as a result of that experience, for or
15 against defendants?

16 JUROR NUMBER 254: I hope not.

17 THE COURT: Well, I don't know if you
18 do or not. When you say you hope not, I hope
19 not either. If you do, that's fine. If you
20 don't, that's fine too.

21 JUROR NUMBER 254: (No verbal
22 response).

23 THE COURT: Do you think that
24 experience would cause you problems sitting on
25 this jury?

1 JUROR NUMBER 254: No.

2 THE COURT: Pardon?

3 JUROR NUMBER 254: No.

4 THE COURT: Do you have any bias or
5 prejudice against defendants in general as a
6 result of somebody holding you at gunpoint?

7 JUROR NUMBER 254: No.

8 THE COURT: You think you can be fair
9 in this case?

10 JUROR NUMBER 254: Yes.

11 THE COURT: Thank you. Your number?

12 JUROR NUMBER 331: Juror 331, Renee
13 Salisbury.

14 THE COURT: 331?

15 JUROR NUMBER 331: Yes, sir.

16 THE COURT: Yes, ma'am?

17 JUROR NUMBER 331: My friend lived
18 in Walterboro. There was a murder.

19 THE COURT: How long ago?

20 JUROR NUMBER 331: I think maybe
21 three, three and a half years ago.

22 THE COURT: Were you involved in the
23 case at all?

24 JUROR NUMBER 331: No, I was just a
25 friend.

1 THE COURT: Was anybody involved in
2 the case, anybody arrested?

3 JUROR NUMBER 331: Yes, and he pled
4 guilty at the trial.

5 THE COURT: Did you go to the trial?

6 JUROR NUMBER 331: No, I did not.

7 THE COURT: Would that cause you any
8 difficulty in sitting on this jury?

9 JUROR NUMBER 331: No, sir.

10 THE COURT: You could be fair to both
11 the State and the Defendant?

12 JUROR NUMBER 331: Yes, Your Honor.

13 THE COURT: Thank you, Ms. Salisbury.

14 Is there any member of the jury panel, a member
15 of your family or close personal friend who has
16 been accused of a violent crime? If so, please
17 stand. Yes, sir, Mr. Smalls. What is your
18 number?

19 JUROR NUMBER 237: 237.

20 THE COURT: Yes, sir?

21 JUROR NUMBER 237: My brother-in-law
22 was charged with murder.

23 THE COURT: Your brother-in-law was
24 charged with murder?

25 JUROR NUMBER 237: Yes, sir.

1 THE COURT: When?
2 JUROR NUMBER 237: September?
3 THE COURT: September of this year?
4 JUROR NUMBER 237: Just happened.
5 THE COURT: September of this year?
6 Last month? .
7 He was arrested?
8 JUROR NUMBER 237: Yes, sir.
9 THE COURT: How would that affect
10 you, sitting on this jury?
11 JUROR NUMBER 237: It wouldn't.
12 THE COURT: It wouldn't? You could
13 be fair to both parties?
14 JUROR NUMBER 237: Yes, sir.
15 THE COURT: All right, thank you, Mr.
16 Smalls.
17 What is your number?
18 JUROR NUMBER 11: Number 11, Mary Ann
19 Bates.
20 THE COURT: Number 11?
21 JUROR NUMBER 11: Yes, sir.
22 THE COURT: Yes, ma'am?
23 JUROR NUMBER 11: I have a son in
24 prison for four years, for drug trafficking?
25 THE COURT: How long ago?

1 JUROR NUMBER 11: He's served four
2 years.

3 THE COURT: Did he enter a guilty
4 plea or did he have a trial?

5 JUROR NUMBER 11: He entered a guilty
6 plea.

7 THE COURT: Was that here in
8 Charleston?

9 JUROR NUMBER 11: No.

10 THE COURT: How would that affect you
11 in this case?

12 JUROR NUMBER 11: I don't think that
13 it would.

14 THE COURT: Do you have any bias or
15 prejudice towards the solicitor's office for
16 prosecuting your son?

17 JUROR NUMBER 11: He pled guilty.

18 THE COURT: So you think that you can
19 be fair to both parties?

20 JUROR NUMBER 11: I think that I can,
21 yes.

22 THE COURT: Thank you, Ms. Bates,
23 Juror Number 11. Is there any member of the
24 jury panel or member of your immediate family,
25 close personal friend, been the victim of or

1 witness to a sexual assault? If so, please
2 stand. (No response).

3 Is there any member of the jury panel,
4 a member of your family or close personal friend
5 been accused of a sexual assault? If so, please
6 stand. (No response).

7 Is there anyone who has previously been
8 a witness in a civil or criminal case other than
9 the people who have already stood up on the
10 other questions? Please stand. (No response).

11 Is there any member of the jury panel
12 who has a religious conviction, philosophical,
13 moral beliefs, or political orientations that
14 would make it difficult for you to sit in
15 judgment of another person? If so, please
16 stand. (No response).

17 JUROR NUMBER 331: Renee Salisbury,
18 331.

19 THE COURT: Yes, ma'am, Ms.
20 Salisbury?

21 JUROR NUMBER 331: My religious
22 beliefs, I don't believe that I could ever
23 sentence anyone to death, if it came down to
24 that, I couldn't.

25 THE COURT: Just to death?

1 JUROR NUMBER 331: Yes, sir.

2 THE COURT: The death penalty is not
3 involved. This is not a death penalty case.
4 Okay?

5 JUROR NUMBER 331: All right.

6 THE COURT: Is that the only
7 philosophy that you have, concerning the death
8 penalty?

9 JUROR NUMBER 331: Yes, sir.

10 THE COURT: You're opposed to the
11 death penalty?

12 JUROR NUMBER 331: Yes, sir. No,
13 no. I am not opposed to it. I just don't want
14 to be the one to do it. I believe that would be
15 your job. You're the judge and you're the one
16 that went to school and know -- I believe that
17 people can't -- I'm just saying that we're just
18 a group of people out there, we have no
19 training, and I'm just -- that's all.

20 THE COURT: Thank you very much. Let
21 me ask you one more question. Would your
22 philosophy about the death penalty affect you in
23 this case, as far as the penalty is concerned?
24 In this case it could be up to life in prison.
25 Do you have the same philosophy about that?

1 JUROR NUMBER 331: I wouldn't have
2 a problem with that.

3 THE COURT: Can you be fair to both
4 the State and the Defendant in this case?

5 JUROR NUMBER 331: Absolutely.

6 THE COURT: You want to say
7 something?

8 SOLICITOR WILSON: May we approach?

9 THE COURT: Yes, ma'am.

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: Does any member of the
12 jury panel have a family member or close friend
13 who is incarcerated in a state or federal
14 prison, other than the lady who stood up and
15 told us about her son? If so, please stand.
16 (No response). Yes, ma'am?

17 JUROR NUMBER 324: Octavia
18 Jefferson, Juror Number 324.

19 THE COURT: Who do you know that's in
20 prison?

21 JUROR NUMBER 324: My brother.

22 THE COURT: Your brother?

23 JUROR NUMBER 324: Federal prison,
24 (affirmative nod).

25 THE COURT: How long has he been in

1 federal prison?

2 JUROR NUMBER 324: Over a year.

3 THE COURT: Do you have any bias or
4 prejudice towards the state -- the prosecutor --
5 as a result of your brother being in prison?

6 JUROR NUMBER 324: No.

7 THE COURT: Could you be fair in this
8 case?

9 JUROR NUMBER 324: Yes.

10 THE COURT: Thank you very much.

11 Yes, ma'am, Ms. Salisbury?

12 JUROR NUMBER 331: My first cousin.

13 THE COURT: What is he in for?

14 JUROR NUMBER 331: Drugs.

15 THE COURT: Would that cause you any
16 problem, sitting on this jury?

17 JUROR NUMBER 331: No. That's
18 pretty much where he belongs.

19 THE COURT: Yes, ma'am, your name and
20 number?

21 JUROR NUMBER 273: Carlotta
22 Washington, 273. My brother.

23 THE COURT: What did he do?

24 JUROR NUMBER 273: I don't know.

25 THE COURT: Stealing?

1 JUROR NUMBER 273: Yeah.

2 THE COURT: How long has he been in
3 jail?

4 JUROR NUMBER 273: He's been in and
5 out, revolving door, goes in, comes back out,
6 goes in, comes back out. He went back in a
7 little while ago.

8 THE COURT: Would that cause you any
9 problem in sitting on this jury?

10 JUROR NUMBER 273: No.

11 THE COURT: You could be fair to both
12 the State and the Defendant?

13 JUROR NUMBER 273: Yes.

14 THE COURT: Does any member of the
15 jury panel have a family member of close friend
16 who is being prosecuted or who was formerly
17 prosecuted by the 9th Circuit Solicitor's Office,
18 the 9th Circuit Solicitor's Office is Charleston
19 County and Berkeley County. If so, please
20 stand. (No response). (No response).

21 THE COURT: Has any member of the
22 jury panel previously been a witness in a trial
23 in a civil or criminal case? If so, please
24 stand. (No response).

25 Has any member of the jury panel been

1 represented by the law firm of Savage & Savage?
2 If so, please stand. (No response). Yes,
3 ma'am?

4 JUROR NUMBER 11: Mary Ann Bates. Mr.
5 Savage represented my son.

6 THE COURT: In the criminal
7 prosecution?

8 JUROR NUMBER 11: Yes.

9 THE COURT: All right. Any member of
10 the jury panel been represented by Mr. Tom
11 Waring or his firm, Moore & Van Allen; either
12 presently or in the past been represented? If
13 so, please stand. (No response).

14 Is there any member of the jury panel
15 who routinely watches *Law & Order* or *C.S.I.* on
16 television? If so, please stand. (Multiple
17 jurors respond).

18 Is there any member of the jury panel
19 who believes that everything you see on
20 television programs are nonfiction or are true?
21 If you believe that it is all true, raise your
22 right hand. (No response). Okay.

23 You do understand that it is make
24 believe, that it is produced by Hollywood, that
25 someone writes a script and puts it together in

1 forty-five minutes and all the little pieces
2 fall in place? That it is not real life? If
3 anybody doesn't understand that, raise your
4 right hand. (No response).

5 As far as the issue that was raised
6 with the lady talking about the death penalty
7 and penalties, let me say this for the jury.
8 The court does the sentencing. The legislature
9 passes a range of time and that range of time
10 depends on the crime. For murder, the sentence
11 could be anywhere from thirty to life. The
12 court makes that determination, not the jury.
13 The jury just makes the determination,
14 factually, of a defendant's guilt or innocence -
15 - that the State has proven a defendant guilty
16 beyond a reasonable doubt or that the State has
17 not proven a defendant beyond a reasonable
18 doubt. I will get into that more later, but I
19 just wanted to inform you that the jury does not
20 sentence but that the court does.

21 Has any member of the jury panel formed
22 or expressed an opinion about any issue or
23 matter involved in this case? If so, please
24 stand. (No response).

25 Is there any member of the jury panel

1 aware of any bias or prejudice towards either
2 the State or the Defendant in this case? If so,
3 please stand. (No response).

4 Is there any member of the jury panel
5 who is a member of or who contributes to any
6 group that has as its primary concern the
7 promotion of law enforcement or victim's rights?
8 These groups would include but are not limited
9 to MADD, SADD, CAVC or CADRE. If you are a
10 member of any of those organizations or you
11 contribute to them, please stand. (No
12 response).

13 Is there any member of the jury panel
14 who knows of any reason, personal or otherwise,
15 as to why they could not serve on this jury? If
16 so, please stand. (No response).

17 All right. Mr. Aylor and Mr. Harris,
18 would you stand and introduce yourselves,
19 please.

20 MR. AYLOR: My name is David Aylor. I
21 practice here in Charleston.

22 MR. HARRIS: My name is Steven Harris.
23 I am also in private practice here in
24 Charleston.

25 THE COURT: Has any member of the

1 jury panel been represented by Mr. Aylor or Mr.
2 Harris, presently or in the past? If so, please
3 stand. (No response).

4 THE COURT: Solicitor?

5 SOLICITOR WILSON: Thank you, Your
6 Honor. My name is Scarlett Wilson. I'm the
7 Solicitor here in Charleston County and we also
8 have Berkeley County. This is Bruce Durant.
9 He's my Chief Deputy Solicitor. Together we
10 will be prosecuting this case.

11 THE COURT: All right. Is any member
12 of the jury panel close personal friends with
13 the Solicitor or anyone in the Solicitor's
14 office? If so, please stand.

15 JUROR NUMBER 327: Your Honor, you
16 asked if anyone had been represented by Mr.
17 Harris. I know Mr. Harris. I've never been
18 represented by him. We've played golf, things
19 like that.

20 THE COURT: You play golf with him?

21 JUROR NUMBER 327: No.

22 THE COURT: So he hasn't beat you?

23 JUROR NUMBER 327: He probably
24 plays a lot more golf than I do, he probably
25 would beat me.

1 THE COURT: All right. The only
2 place that you've seen him is at the golf
3 course?

4 JUROR NUMBER 327: Yes, sir. I
5 just know who he is. I've seen him there
6 before.

7 THE COURT: Would that affect you in
8 any way, in sitting on this jury?

9 JUROR NUMBER 327: No, sir.

10 THE COURT: Could you be fair to both
11 the State and the Defendant?

12 JUROR NUMBER 327: Yes, sir.

13 THE COURT: What was your name and
14 number?

15 JUROR NUMBER 327: 327, Your Honor,
16 John Owens.

17 THE COURT: Thank you very much. Is
18 there any member of the jury panel who has a
19 special or particular interest in the outcome of
20 this case? If so, please stand. (No response).

21

22 Any further questions from the State?

23 SOLICITOR WILSON: No, sir.

24 THE COURT: Any further questions?

25 MR. AYLOR: No, Your Honor.

1 THE COURT: State ready to strike?

2 SOLICITOR WILSON: One minute.

3 THE COURT: You need to take a short
4 break? Five minutes?

5 SOLICITOR WILSON: No, sir, I just
6 need one minute.

7 THE COURT: Defense ready to strike?

8 MR. HARRIS: Yes, sir.

9 MR. AYLOR: We're ready, Your Honor.

10 THE COURT: Okay. Ladies and
11 Gentlemen, when you come forward, bring all your
12 personal belongings. You'll come around and
13 stand right here, in the middle of the
14 courtroom, in front of the table where the State
15 is sitting, in front of the table where the
16 Defendant is sitting -- if they call your name.
17 They won't be calling everyone's name.

18 Three alternates. Okay?

19 CLERK: Yes, sir.

20 THE COURT: Two and one on the
21 alternates.

22 CLERK: Yes, sir.

23 THE COURT: Ten and five on the
24 other.

25 CLERK: Ladies and Gentlemen, as I

1 call your name, gather your belongings and come
2 up to this podium, turn and face the parties. I
3 will then ask the parties some questions, and
4 then I will either direct you to have a seat
5 back in the audience or I'll direct you to have
6 a seat in the jury box. Juror Number 316, Mary
7 Hashem.

8 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

9 CLERK: What say you for the State?

10 SOLICITOR WILSON: Please present
11 Ms. Hashem?

12 CLERK: What say you for the
13 Defendant?

14 MR. AYLOR: Please seat the juror.

15 CLERK: Ms. Hashem, please have a seat
16 in the jury box. You've been selected as a
17 juror in this case?

18 (JUROR NUMBER 316 SEATED)

19 CLERK: Juror Number 199, Myron
20 Ravenel.

21 (JUROR 199, BLACK MALE, BEFORE COUNSEL)

22 CLERK: What say you for the State?

23 SOLICITOR WILSON: Please
24 present Mr. Ravenel.

25 CLERK: What say you for the

1 Defendant?

2 MR. AYLOR: Please seat the juror.

3 CLERK: Mr. Ravenel, please have a
4 seat in the jury box. You've been selected as a
5 juror in this case.

6 (JUROR NUMBER 199 SEATED)

7 CLERK: Juror Number 276, Julius
8 Washington.

9 (JUROR 276, BLACK MALE, BEFORE COUNSEL)

10 CLERK: What say you for the State?

11 SOLICITOR WILSON: Please present
12 Mr. Washington.

13 CLERK: What say you for the
14 Defendant?

15 MR. AYLOR: Please seat the juror.

16 CLERK: Mr. Washington, please have a
17 seat in the jury box. You've been selected as a
18 juror in this case.

19 (JUROR NUMBER 276 SEATED)

20 CLERK: Juror Number 69, John
21 Foertsch.

22 (JUROR 69, WHITE MALE, BEFORE COUNSEL)

23 CLERK: What say you for the State?

24 SOLICITOR WILSON: Please present
25 the juror.

1 CLERK: What say you for the
2 Defendant?

3 MR. AYLOR: Excuse the juror.

4 CLERK: Mr. Foertsch, please have a
5 seat back in the audience. You've been excused
6 from the trial of this case.

7 (JUROR NUMBER 69 EXCUSED)

8 CLERK: Juror Number 152, Michael
9 Mayer.

10 (JUROR 152, WHITE MALE, BEFORE COUNSEL)

11 CLERK: What say you for the State?

12 SOLICITOR WILSON: Please present
13 Mr. Mayer.

14 CLERK: What say you for the
15 Defendant?

16 MR. AYLOR: Please seat the juror.

17 CLERK: Mr. Mayer, please have a seat
18 in the jury box. You've been selected as a
19 juror in this case.

20 (JUROR NUMBER 152 SEATED)

21 CLERK: Juror Number 273, Carlotta
22 Washington.

23 (JUROR 273, BLACK FEMALE, BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR WILSON: Please excuse

1 Ms. Washington.

2 CLERK: Ms. Washington, please have a
3 seat back in the audience. You've been excused
4 from the trial of this case.

5 (JUROR NUMBER 273 EXCUSED)

6 CLERK: Juror Number 326, Michelle
7 Nutt.

8 (JUROR NUMBER 326, WHITE FEMALE, BEFORE COUNSEL)

9 CLERK: What say you for the State?

10 SOLICITOR WILSON: Please present
11 Ms. Nutt.

12 CLERK: What say you for the
13 Defendant?

14 MR. AYLOR: Please excuse the juror.

15 CLERK: Ms. Nutt, please have a seat
16 back in the audience. You've been excused from
17 the trial of this case.

18 (JUROR NUMBER 326 EXCUSED)

19 CLERK: Juror Number 238, Oclelia
20 Smalls.

21 (JUROR 238, BLACK FEMALE, BEFORE COUNSEL)

22 CLERK: What say you for the State?

23 SOLICITOR WILSON: Please seat Ms.
24 Smalls.

25 CLERK: What say you for the

1 Defendant?

2 MR. AYLOR: What was the juror's
3 number again?

4 CLERK: 238.

5 MR. AYLOR: Please seat the juror.

6 CLERK: Ms. Smalls, please have a seat
7 in the jury box. You've been selected as a
8 juror in this case.

9 (JUROR NUMBER 238 SEATED)

10 CLERK: Juror Number 58, James Dawson.

11 (JUROR 58, WHITE MALE, BEFORE COUNSEL)

12 CLERK: What say you for the State?

13 SOLICITOR WILSON: Please present
14 Mr. Dawson.

15 CLERK: What say you for the
16 Defendant?

17 MR. AYLOR: Please seat the juror.

18 CLERK: Mr. Dawson, please have a seat
19 in the jury box. You've been selected as a
20 juror in this case.

21 (JUROR NUMBER 58 SEATED)

22 CLERK: Juror Number 332, Thomas
23 Stutts.

24 (JUROR 332, WHITE MALE, BEFORE COUNSEL)

25 CLERK: What say you for the State?

1 SOLICITOR WILSON: Please present

2 Mr. Stutts.

3 CLERK: What say you for the
4 Defendant?

5 MR. AYLOR: Please seat the juror.

6 CLERK: Mr. Stutts, please have a seat
7 in the jury box. You've been selected as a
8 juror in this case.

9 (JUROR NUMBER 332 SEATED)

10 CLERK: Juror Number 15, Sally Bedard.

11 (JUROR 15, WHITE FEMALE, BEFORE COUNSEL)

12 CLERK: What say you for the State?

13 SOLICITOR WILSON: Please present
14 the juror.

15 CLERK: What say you for the
16 Defendant?

17 MR. AYLOR: Please excuse the juror.

18 CLERK: Ms. Bedard, please have a seat
19 back in the audience. You've been excused from
20 the trial of this case.

21 (JUROR NUMBER 15 EXCUSED)

22 CLERK: Juror Number 204, Mary
23 Retherford.

24 (JUROR 204, WHITE FEMALE, BEFORE COUNSEL)

25

State of South Carolina v. Ethan Carlos Mack
Case No. 10-GS-10-1265 et al
Jury Trial of October 4-15, 2010
Before The Honorable J.C. Nicholson, Jr.

63

1 CLERK: What say you for the State?

2 SOLICITOR WILSON: Please present

3 Ms. Retherford.

4 CLERK: What say you for the

5 Defendant?

6 MR. AYLOR: Please present the juror.

7 CLERK: Ms. Retherford, please have a
8 seat in the jury box. You've been selected as a
9 juror in this case.

10 (JUROR NUMBER 204 SEATED)

11 CLERK: Juror Number 293, Johnny
12 Wilson.

13 (JUROR 293, BLACK MALE, BEFORE COUNSEL)

14 CLERK: What say you for the State?

15 SOLICITOR WILSON: Please excuse

16 Mr. Wilson.

17 CLERK: Mr. Wilson, please have a seat
18 back in the audience. You've been excused from
19 the trial of this case.

20 (JUROR NUMBER 293 EXCUSED)

21 CLERK: Juror Number 301, Janet
22 Bailey.

23 (JUROR 301, WHITE FEMALE, BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR WILSON: Please present

1 the juror.

2 CLERK: What say you for the
3 Defendant?

4 MR. AYLOR: Please present the juror.

5 CLERK: Ms. Bailey, please have a seat
6 in the jury box. You've been selected as a
7 juror in this case.

8 (JUROR NUMBER 301 SEATED)

9 CLERK: Juror Number 161, Stephen
10 Meyer.

11 (JUROR 161, WHITE MALE, BEFORE COUNSEL)

12 CLERK: What say you for the State?

13 SOLICITOR WILSON: Please present
14 Mr. Meyer.

15 CLERK: What say you for the
16 Defendant?

17 MR. AYLOR: Please seat the juror.

18 CLERK: Mr. Meyer, please have a seat
19 in the jury box. You've been selected as a
20 juror in this case.

21 (JUROR NUMBER 161 SEATED)

22 CLERK: Juror Number 127, Allison
23 Kaushagen.

24 (JUROR 127, WHITE FEMALE, BEFORE COUNSEL)

25 CLERK: What say you for the State?

1 SOLICITOR WILSON: Please present
2 the juror.

3 CLERK: What say you for the
4 Defendant?

5 MR. AYLOR: Please excuse the juror.

6 CLERK: Ms. Kaushagen, please have a
7 seat in the jury box. You've ---

8 MR. AYLOR: Excuse the juror.

9 CLERK: I'm sorry. My fault.

10 (JUROR NUMBER 127 EXCUSED)

11 CLERK: Juror Number 333, Gloria
12 Taylor.

13 (JUROR 333, WHITE FEMALE, BEFORE COUNSEL)

14

15 CLERK: What say you for the State?

16 SOLICITOR WILSON: Please present
17 Ms. Taylor.

18 CLERK: What say you for the
19 Defendant?

20 MR. AYLOR: Please seat Ms. Taylor.

21 CLERK: Ms. Taylor, please have a seat
22 in the jury box. You've been selected as a
23 juror in this case.

24 (JUROR NUMBER 333 SEATED)

25 CLERK: Juror Number 166, Mary Moore.

1 (JUROR 166, WHITE FEMALE, BEFORE COUNSEL)

2 CLERK: What say you for the State?

3 SOLICITOR WILSON: Please present
4 Ms. Moore.

5 CLERK: What say you for the
6 Defendant?

7 MR. AYLOR: Please excuse the juror.

8 CLERK: Ms. Moore, please have a seat
9 back in the audience. You've been excused from
10 the trial of this case.

11 (JUROR NUMBER 166 EXCUSED)

12 CLERK: That's five strikes for the
13 Defendant. Juror Number 14, Francoise Beaver.

14 (JUROR 14, WHITE FEMALE, BEFORE COUNSEL)

15 CLERK: What say you for the State?

16 SOLICITOR WILSON: Please excuse
17 Ms. Beaver.

18 CLERK: Ms. Beaver, please have a seat
19 back in the audience. You've been excused from
20 the trial of this case.

21 (JUROR NUMBER 14 EXCUSED)

22 CLERK: Juror Number 336, Jesse Tuten.

23 (JUROR 336, WHITE MALE, BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR WILSON: Please present

1 Mr. Tuten.

2 CLERK: What say you for the
3 Defendant?

4 MR. AYLOR: Please seat the juror.

5 CLERK: Mr. Tuten, please have a seat
6 in the jury box. You've been selected as a
7 juror in this case.

8 (JUROR NUMBER 336 SEATED)

9 THE COURT: Three alternates, two and
10 one.

11 CLERK: Juror Number 173, Ajah Myers.

12 (JUROR 173, BLACK FEMALE, BEFORE COUNSEL)

13 CLERK: What say you for the State?

14 SOLICITOR WILSON: Please present
15 Ms. Myers.

16 CLERK: What say you for the
17 Defendant?

18 MR. AYLOR: Please seated the juror.

19 CLERK: Ms. Myers, please have a seat
20 in the jury box. You've been selected as a
21 juror in this case.

22 (JUROR NUMBER 173 SEATED, ALTERNATE #1)

23 CLERK: Juror Number 32, Emily Brown.

24 (JUROR 32, BLACK FEMALE, BEFORE COUNSEL)

25 CLERK: What say you for the State?

State of South Carolina v. Ethan Carlos Mack
Case No. 10-GS-10-1265 et al
Jury Trial of October 4-15, 2010
Before The Honorable J.C. Nicholson, Jr.

68

1 SOLICITOR WILSON: Please present

2 Ms. Brown.

3 CLERK: What say you for the
4 Defendant?

5 MR. AYLOR: Please seat the Juror.

6 CLERK: Ms. Brown, please have a seat
7 in the jury box. You've been selected as a
8 juror in this case.

9 (JUROR NUMBER 32 SEATED, ALTERNATE #2)

10 CLERK: Juror Number 338, Dan Walker,

11 III.

12 (JUROR 338, WHITE MALE, BEFORE COUNSEL)

13 CLERK: What say you for the State?

14 SOLICITOR WILSON: Please present

15 Mr. Walker.

16 CLERK: What say you for the
17 Defendant?

18 MR. AYLOR: Please seat the juror.

19 CLERK: Mr. Walker, please have a seat
20 in the jury box. You've been selected as a
21 juror in this case.

22 (JUROR NUMBER 338 SEATED, ALTERNATE #3)

23 CLERK: Your Honor, the jury has been
24 selected and are seated.

25 (JURY SEATED @ 4:54 P.M.)

1 THE COURT: Mary Hashem, I'm going to
2 appoint you as forelady. I see that a couple of
3 the jury members have computers with you. Going
4 in the jury room, you have to leave your
5 computer and your cell phone with the bailiffs.
6 However, -- we will send you at the jury room at
7 this time. Please don't be using your cell
8 phones or the computers. I'll let you take them
9 in the jury room but -- because we're about to
10 let you go home. But tomorrow when we start the
11 testimony of the trial, you'll have to leave
12 your cell phones and computers with the bailiff,
13 not in the jury room. Okay? Leave them at home
14 or -- whatever you want to do. Please don't
15 discuss the case. Follow the bailiffs and they
16 will show you to the jury room. But don't talk
17 about the case amongst yourselves.

18 (JURY OUT @ 4:55 P.M.)

19 THE COURT: Other than the Motions
20 made at the bench during the questioning of the
21 jurors, does the State have any other Motions
22 regarding the jury?

23 SOLICITOR WILSON: No, sir.

24 THE COURT: Does the defense?

25 MR. AYLOR: No, Your Honor.

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Subpoena Privilege Log

(Documents Covered by Privilege or Other Protection, including Work-Product and Copyright/Intellectual Property Interests)

Pages Found on in FOIA Response	Document (Author and/or Presenter, Name/Year or Date of Training)	How Many Pages (How Long)	Notes
1-4	"Jury Selection and Batson Issues" Ted N. Lupton 2001 TSRP Training (Columbia)	4	
5-6	"Jury Selection in DUI Cases" W. Jeffrey Weston 2001 TSRP Training (Columbia)	2	
7-19	"Jury Selection in DUI Cases" W. Jeffrey Weston 2001 TSRP Training (Greenville)	13	Includes "Chapter III Jury Selection" (Hon. M. Duane Shuler)
20-23	"Jury Selection and Batson Issues" Ted N. Lupton 2002 TSRP Training (Columbia)(District 1)	4	
24-34	"Chapter III Jury Selection" Hon. M. Duane Shuler 2002 TSRP Training (Florence)	11	
35-48	"Chapter III Jury Selection" Hon. M. Duane Shuler 2002 TSRP Training (Greenwood)(District 2)	14	Has attachments (sample info sheet, jury list, and voir dire)
49-52	"Jury Selection and Batson Issues" Jonathan Harling 2002 TSRP Training (Greenwood)(District 2)	4	
53-69	"Jury Selection in DUI Cases" David Schwacke 2003 TSRP Training (Columbia)	17	Includes "Chapter III Jury Selection" (Hon. M. Duane Shuler)
70-	"Jury Selection in DUI Cases" Ted N. Lupton 2003 TSRP Training (Greenville)		Used for presentation by W. Jeffrey Weston
71-74	"Jury Selection and Batson Issues" W. Jeffrey Weston 2003 TSRP Training (Greenville)	4	
75-85	"Chapter III Jury Selection" Hon. M. Duane Shuler 2003 TSRP Training (Greenville)	11	
86-102	"Jury Selection in DUI Cases" Dudley Saleeby 2003 TSRP Training (Myrtle Beach)	17	Includes "Chapter III Jury Selection" (Hon. M. Duane Shuler)
103-107	Untitled Elizabeth O'Neal 2004 South Carolina Solicitors' Association Annual Conference	5	

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Subpoena Privilege Log

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108-123	"Jury Selection in DUI Cases" Jason Davis 2004 TSRP Training (Charleston)	16	Includes "Jury Selection and Batson Issues" (Ted N. Lupton) and "Chapter III Jury Selection" (Hon. M. Duane Shuler)
124-139	"Jury Selection in DUI Cases" Heather Weiss 2004 TSRP Training (Columbia)(HP)	16	Includes "Jury Selection and Batson Issues" (Ted N. Lupton) and "Chapter III Jury Selection" (Hon. M. Duane Shuler)
140-155	"Jury Selection in DUI Cases" David Schwacke 2004 TSRP Training (Myrtle Beach)	16	Includes "Jury Selection and Batson Issues" (Ted N. Lupton) and "Chapter III Jury Selection" (Hon. M. Duane Shuler)
156-160	"Jury Selection and Batson Issues" ? Green 2005 TSRP Highway Patrol Training (Columbia & Greenville)	5	
161-165	"Jury Selection and Batson Issues" ? Green 2005 TSRP Highway Patrol Training (Columbia June)	5	
166-170	"Jury Selection and Batson Issues" ? Green 2005 TSRP Highway Patrol Training (Columbia March)	5	
171-186	"Jury Selection in DUI Cases" ? Green 2005 TSRP Training (Charleston)	16	Includes "Chapter III Jury Selection" (Hon. M. Duane Shuler)
187-202	"Jury Selection in DUI Cases" ? Green 2005 TSRP Training (Columbia)	16	Includes "Chapter III Jury Selection" (Hon. M. Duane Shuler)
203-218	"Jury Selection in DUI Cases" [see notes] 2003 TSRP Training (Greenville)	16	Includes, it seems, like 3 different outlines, including "Chapter III Jury Selection" by Hon. M. Duane Shuler – only 1 has a name (Shuler). Not clear who actually made the presentation.
219-223	"Jury Selection and Batson Issues" ? Green 2005 TSRP Training (Florence)	5	
224-241	Jury Charges and Voir Dire 2005 TSRP Magistrate training (Columbia)	19	Sample jury questions
242-291	"Selecting a Capital Jury" Greg Hembree 2007 Capital Litigation Seminar	49	General qualifications/death qualifications/general

SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION

Subpoena Privilege Log

(Documents Covered by Privilege or Other Protection, including Work-Product and Copyright / Intellectual Property Interests)

			considerations/appellate cases
292-308	"Jury Charges and Voir Dire" Todd Wagoner & Jim Huff 2005 TSRP Magistrate training (Greenville)	16	Voir dire
310-342	"Jury Selection Issues" Todd Wagoner Criminal Domestic Violence Cases (2008)(Columbia)	32	Includes Yvonne Rushton's outline on "Jury Section Issues in Criminal Domestic Violence Cases"; General considerations: includes Batson issues
343-360	"Jury Qualification and Selection" Tommy Scott & Glenn Justis 2009 Prosecution Bootcamp	17	Jury qualification and selection/statutes/ sample voir dire/ Batson issues
361-372	"Jury Selection in Capital Cases" Solicitors David Pascoe & Duffie Stone Capital Litigation for Prosecutors Part I: Overview (2010) (Myrtle Beach)	11	General considerations
373-389	"Jury Selection in DUI Cases" Solicitor Ed Clements TSRP Training	16	Includes "Jury Selection and Batson Issues" (Ted N. Lupton) and "Chapter III Jury Selection" (Hon. M. Duane Shuler); voir dire/ includes Batson issues
390-406	2010 Prosecution Bootcamp "Jury Qualification and Selection" Tommy Scott and Glenn Justis	26	General considerations/ voir dire/ Batson issues
408-421	2010 Prosecutor's Deskbook	13	Jury selection/ Batson issues
422-432	2010 TSRP Training (Anderson) "Jury Selection and Batson Issues" Mattison Gamble	10	Jury selection/Batson overview
433-436	2010 TSRP Training (Columbia) "Jury Selection and Batson Issues" Will Bryant	3	same
437-452	2010 TSRP Training (Columbia) Jury Selection in DUI Cases Will Bryant (with outline by Ted Lupton and Judge Shuler)	15	Jury selection/ Batson issues
453-469	2010 TSRP Training ((Florence) Jury Selection in DUI Cases Ed Clements (with outline by Lupton and Shuler)	16	Jury selection and Batson issues
470-557	Jury Charges and Voir Dire 2010 TSRP Magistrate training "Jury Charges and Voir Dire" Jim Huff	87	Voir Dire / general and cases/ voir dire

SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION

Subpoena Privilege Log

(Documents Covered by Privilege or Other Protection, including Work-Product and Copyright / Intellectual Property Interests)

558-574	2011 Prosecution Bootcamp "Jury Qualification and Selection" (Thomas Scott and Glenn Justis)	16	Selection/ voir dire/ Batson issues
575-586	"Jury Selection and Batson" 2011 TSRP Magistrate training (Myrtle Beach) (Mattison Gamble)	11	Jury selection/Batson overview
587-778	"Jury Charges and Voir Dire" 2011 TSRP Magistrate training (Jennifer Kinzeler and Jim Huff)	191	Voir Dire / general and cases/ voir dire/ general Batson
779-818	2012 Capital Litigation for Prosecutors: Basic Issues "Jury Selection: Special Issues in Capital Cases" (Kellie Johnson) and "Jury Qualification and Selection in Capital Cases" (SCCPC)	29	Death qualification/ voir dire/ Batson issues
819-834	2012 Prosecution Bootcamp "Jury Qualification and Selection" (Thomas Scott and Glenn Justis)	15	Jury selection/ voir dire/ Batson issues
835-840	2013 Capital Litigation for Prosecutors: Advanced Training "The Capital Jury: An Insider's Perspective" (Kirk Brown)	5	general
841-856	2013 Prosecution Bootcamp "Jury Qualification and Selection" (Thomas Scott and Glenn Justis)	15	Jury selection/ Batson issues

SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION	
SUPPLEMENTAL SUBPOENA PRIVILEGE LOG (Documents Covered by Privilege or other Protection, including Work-Product and Copyright/Intellectual Property Interests)	
Document	Notes
1991 Solicitors' Conference "Jury Selection and 'Batson' Issues" (Donnie Myers)	
1997 Solicitors' Conference "Jury Selection" (Carrington Baker, Ferrell Cothran, Wade Kolb, Honorable Paul Burch, Francis Humphries	
2014 Ethics for Government Attorneys "Ethics Issues for Government Attorneys: Jury Selection and Communication" (Amie L. Clifford	

State of South Carolina) In the Court of Common Pleas
County of Charleston) Ninth Judicial Circuit

William O. Dickerson,) Transcript of Record
 Applicant,) 2012-CP-10-3216
 v.)
State of South Carolina,)
 Respondent.)

May 12 & 13, 2016

Charleston, South Carolina

b e f o r e:

The Honorable G. Thomas Cooper, Presiding Judge

A p p e a r a n c e s:

Charles Grose, Esquire

Elizabeth Franklin-Best, Esquire

Attorneys for the Applicant

Melody Brown, Assistant Attorney General

Anthony Mabry, Attorneys for the State

SHARON L. VIZER

CIRCUIT COURT REPORTER

I N D E X

	PAGE
Post-conviction relief hearing	---5

WITNESSESBarbara O'Brien (via Skype):

Direct examination by Ms. Franklin-Best	--13
Cross-examination by Ms. Brown	--16
Redirect examination by Ms. Franklin-Best	--47
Recross-examination by Ms. Brown	--49

Scarlett Wilson:

Direct examination by Mr. Grose	--50
Cross-examination by Ms. Brown	-101
Redirect examination by Mr. Grose	-113
Recross-examination by Ms. Brown	-123

Jeffrey Bloom:

Direct examination by Ms. Brown	-150
Cross-examination by Mr. Grose	-211
Redirect examination by Ms. Brown	-244

Certificate of reporter	-251

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
<u>FOR THE APPLICANT:</u>			
1 -	Report of Barbara O'Brien		--15
2 -	Standard Interrogatories	---6	
3 -	Request to Produce	---6	
4 -	Subpoena	--77	
5 -	Incident Report	--86	-101
6 -	Incident Report	--88	-101
7 -	Incident Report	--91	-101
8 -	Incident Report	--92	-101
9 -	Incident Report	--93	-101
10 -	Incident Report	--94	-101
11 -	Incident Report	--95	-101
12 -	Incident Report	--96	-101
13 -	Incident Report	--96	-101
14 -	Incident Report	--97	-101
15 -	Incident Report	--98	-101
16 -	Incident Report	--99	-101
17 -	Prosecutor's Desk Reference pages	-126	
18 -	Motion to Dismiss	-214	
19 -	Motion to bar DP based on race	-220	

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
<u>FOR THE STATE:</u>			
1 -	Compilation List	--22	--32
2 -	Security Policy		-105
3 -	E-mails and other documents	-155	-158
4 -	Booking Report	-176	-178
 <u>FOR THE COURT:</u>			
1 -	Demonstrative copies	-250	

**COURT REPORTER'S NOTE: Unless specified, exhibits were marked pretrial for identification.

1 Thursday, May 12, 2016

2 THE COURT: Morning, Counsel.

3 MR. GROSE: Morning.

4 MR. MABRY: Morning, Your Honor.

5 THE COURT: Is Mr. Dickerson present?

6 MR. GROSE: They are bringing him in right now,
7 Your Honor.

8 (WHEREUPON, Mr. Dickerson enters the courtroom.)

9 MS. FRANKLIN-BEST: Your Honor, we would ask that
10 DOC can take his cuffs off. Well, one set off.

11 THE COURT: All right. Mr. Dickerson can be -- his
12 handcuffs can be released so he can assist his counsel.

13 Let the record show Mr. Dickerson is present.

14 Is the State ready to proceed?

15 MS. BROWN: Yes, sir, Your Honor.

16 THE COURT: The defense ready to proceed -- I mean,
17 the applicant ready to proceed.

18 MR. GROSE: Yes, sir, and I think we probably have
19 some matters we need to put on the record before we
20 start.

21 THE COURT: All right.

22 MR. GROSE: If I could, I'd like to mark two
23 exhibits for the Court.

24 THE COURT: Any objection?

25 MS. BROWN: I don't know what the exhibits are,

1 Your Honor.

2 (PAUSE.)

3 MS. BROWN: Yes, sir. I object because those are
4 discovery requests. There's not a motion to compel.

5 MR. GROSE: Well, there's about to be, and they
6 relate to the issue with the expert. I just want to mark
7 them --

8 THE COURT: Mark them for identification.

9 MR. GROSE: -- for identification. That's fine.

10 (WHEREUPON, Applicant's Exhibit Numbers 2 and 3,
11 Documents, were marked for identification only.)

12 MR. GROSE: I think the first thing we need to do,
13 Your Honor, is put on the record what's transpired over
14 the last couple of days with regard to the State naming
15 an expert, and what I've done -- and these were e-mailed
16 to you and counsel earlier in the week. Applicant's
17 Exhibit Number 2 is our standard interrogatories served
18 in January of 2013, and applicant's request to produce is
19 Exhibit Number 3, which was served contemporaneously.

20 As you know, these documents ask that they identify
21 experts. On, I guess, Tuesday afternoon the State
22 identified an expert, Dr. Norton, that they wanted to
23 call on Friday and we had made a motion to exclude that
24 expert because they had not been disclosed under these
25 discovery requests; alternatively, to be allowed to

1 depose the expert and be able to present a defense, and I
2 just thought that that needed to get on the record.

3 I'm not sure that you've made a final ruling on
4 that. I'm not sure that it's necessarily -- I don't know
5 at what point you wanted to address it but I thought we
6 needed to make a record of --

7 THE COURT: Well, there's been a lot of discussion
8 about that --

9 MR. GROSE: Yes, sir.

10 THE COURT: -- since that e-mail and we have
11 proceeded as though I were going to allow that witness to
12 testify and allow you sufficient time to do your
13 discovery with that expert witness. If you need a
14 specific ruling that's it.

15 MR. GROSE: I think just for the record we need to
16 get a ruling on the motion to exclude altogether which I
17 think is implicit --

18 THE COURT: Denied.

19 MR. GROSE: -- with the ruling that you just made.

20 THE COURT: Denied.

21 MR. GROSE: But just to make sure the record is
22 complete.

23 THE COURT: That's fine.

24 MR. GROSE: Also, since we spoke in chambers this
25 morning another issue has arisen. Ms. Brown gave me the

1 paper documents of the exhibits that she had used at the
2 last hearing and I asked her if she had documents that
3 she intended to use today that had not been disclosed,
4 and her response was, Well, if they become relevant in
5 impeachment.

6 The applicant's standard interrogatory number two
7 asked for to identify all documents that relate to the
8 claim of the defense in this case. Request to produce
9 number one requested the production of those same
10 documents. You'll recall in the last hearing they used
11 at least -- well, they used four transcripts during the
12 cross-examination of our expert that turned out to be
13 relevant to the claim. We want that information to the
14 extent possible to be included in the study.

15 Very arguably, that should have been produced prior
16 to the hearing once they were on notice of what our claim
17 was and what our expert report was, and my concern is is
18 that they are telling me here today depending on what
19 happens that they may come out with more documents that
20 they haven't produced which we believe are relevant and
21 discoverable under Applicant's Exhibits 2 and 3 to
22 today's hearing, and so our motion would be to compel
23 production of those documents and alternatively to
24 exclude them.

25 We may have -- after we see them we may have

1 additional motions but we don't want surprises in the
2 middle of the hearing today like what happened last time,
3 and if I could --

4 THE COURT: What documents are you referring to?

5 MR. GROSE: I don't know what documents. She told
6 me.

7 THE COURT: You said she produced some documents.

8 MR. GROSE: Well, she produced -- to be clear what
9 she produced was the paper, 8 and a half by 11 documents
10 of the exhibits that she used, various exhibits.

11 THE COURT: Okay.

12 MR. GROSE: I asked her if there's anything else
13 that hasn't been produced and she said that it could come
14 up in impeachment in cross-examination. Under the civil
15 rules they have to turn that information over, and so
16 that's our motion because we don't want any surprises
17 today.

18 THE COURT: Let me hear from the State. I didn't
19 know if any sufficient documents exist.

20 MR. GROSE: And I'll just return these to the court
21 reporter unless you want to see them.

22 THE COURT: No.

23 Are there more documents?

24 MS. BROWN: Well, Your Honor, if things become
25 relevant during impeachment then --

1 THE COURT: For example? Just give me a wild
2 example.

3 MS. BROWN: Sure. Things that they have already
4 given me such as a spreadsheet, things that they gave me
5 such as their May -- I believe it's May 5th, 2016 amended
6 report. There are documents within that. There are
7 statements that she may have made that are inconsistent
8 with what she may say on the first part.

9 THE COURT: But those are not --

10 MS. BROWN: Not discovery, Your Honor. And may I
11 clarify, too? They are basing this on --

12 THE COURT: You say they are their documents?

13 MS. BROWN: Right.

14 THE COURT: That you may use for cross-examination
15 -- sit down, please.

16 MS. BROWN: Or articles where she's made statements
17 that may be contrary to her testimony today. I mean,
18 that's basic impeachment, Your Honor. That's all I'm
19 asking.

20 THE COURT: But you don't have a treasure trove of
21 documents that you are going to spring on them?

22 MS. BROWN: Never have. I was responding to their
23 subpoena which was from their Freedom of Information Act
24 request, not discovery in this case. When I found those
25 other documents I even gone so far as to give

1 Ms. Franklin-Best the appellate case court number so she
2 could go look at the appellate court files, the PCR case
3 number so she could go look at that. I listed out
4 defense attorneys so she could go look at that. Your
5 Honor, that's far beyond discovery.

6 THE COURT: All right. Well, if it becomes an
7 issue I'll rule on it but I don't have anything -- you
8 are saying they might come up with something and I'm not
9 confronted with that now.

10 MR. GROSE: I understand and I just want to be
11 clear if they are our documents that's one thing but she
12 is saying she has articles. So we would request a ruling
13 on whether or not they have to turn over those articles.

14 THE COURT: Articles of?

15 MR. GROSE: From our expert, is what I understood
16 it to be. I would move that those be turned over so we
17 can show them to our expert before she testifies today.

18 MS. BROWN: Your Honor, she would be aware of her
19 own articles.

20 MR. GROSE: But I'm not and Ms. Franklin-Best is
21 not.

22 THE COURT: All right. If it becomes an issue I'll
23 rule.

24 MR. GROSE: Yes, sir.

25 THE COURT: This what might be is hard to put --

1 anything further before you call your witness?

2 MS. BROWN: Your Honor, if I might add, because I
3 don't want this to seem like I'm coming up with something
4 tomorrow, I wanted to put on the record that we have
5 already discussed that there has been a discovery
6 violation by opposing counsel and I need to put that on
7 the record tomorrow through Jeff Bloom because he
8 disclosed to us lead poisoning investigation notes and
9 reports that he had in his file during his -- or excuse
10 me, immediately after his December testimony and because
11 they are contemporaneous and support his testimony we
12 will be offering them tomorrow. So we are reopening for
13 that limited purpose based on the discovery violation.

14 THE COURT: All right.

15 MR. GROSE: And I would just say, Judge, we
16 overlooked those documents. Had we had those documents
17 we would have produced them and put them in through
18 Mr. Bloom's testimony. We want them in the record. This
19 may be the only thing we agree about these two days but
20 we agree that those need to be in the record.

21 THE COURT: All right. Thank you. Let's proceed.

22 MS. FRANKLIN-BEST: Your Honor, and if I may just
23 take a minute to get the Skype going.

24 (PAUSE.)

25 DIRECT EXAMINATION

1 BY MS. FRANKLIN-BEST:

2 Q. Okay. Good morning, Dr. O'Brien.

3 A. Good morning.

4 Q. And can everyone hear?

5 All right. Does somebody want to swear the
6 witness?

7 BARBARA O'BRIEN, after having been duly
8 sworn, testified as follows:

9 THE CLERK: Thank you. And for the record, if you
10 could state your first and last name and spell out your
11 last name, please.

12 THE WITNESS: Barbara O'Brien, O-'-B-r-i-e-n.

13 MS. FRANKLIN-BEST: Okay. We are going to just
14 take a minute to do something about the volume.

15 (PAUSE.)

16 BY MS. FRANKLIN-BEST:

17 Q. Okay. Good morning. And I believe you just stated
18 your name for the record. Can you please tell everyone
19 where you are employed.

20 A. (There was no response).

21 Q. Can you hear me? Can you hear me?

22 A. I'm sorry. You are cutting out.

23 Q. I'm sorry. Can you hear me?

24 A. I can hear you now.

25 Q. Okay. Can you please state where you are employed?

1 A. Michigan State University College of law.

2 Q. And what is your occupation? What do you do there?

3 A. I am an associate professor of law and the
4 associate dean for research.

5 Q. Okay. And can you please describe what your
6 involvement has been with William Dickerson's case.

7 A. I was contacted by Mr. Dickerson's attorney about
8 doing a study of jury selection for Solicitor Wilson's --

9 THE COURT REPORTER: I'm sorry. She's breaking up.

10 Q. I'm sorry. Can you repeat that? It broke up a
11 little.

12 A. Yes. I was contacted by Mr. Dickerson's attorneys
13 along with my colleague, Catherine Grosso, and asked to
14 do a study of jury selection in Solicitor Wilson's cases.

15 Q. And did you perform that study?

16 A. Yes, I did.

17 Q. And did you testify at the last evidentiary hearing
18 that was held in this case on March 31st?

19 A. Yes, I did.

20 Q. And as a result of that hearing and with the
21 Attorney General's disclosure of some additional cases
22 have you done any further work with the study that you
23 and Professor Grosso have developed?

24 A. Yes. We incorporated two additional cases for
25 which we received materials on both the strikes and the

1 race of the participants. Those cases were Mr. Jeter and
2 Mr. Ethan Mack.

3 THE COURT: What was that last name?

4 MS. FRANKLIN-BEST: Ethan Mack, M-a-c-k.

5 Q. And have you now created an amended report that
6 includes these two additional cases?

7 A. Yes, I have.

8 Q. And I don't know that it makes much sense to ask
9 you to authenticate this but is it the Michigan State
10 amended report dated May 5th, 2016?

11 A. Yes.

12 MS. FRANKLIN-BEST: And, Your Honor, I have this
13 marked Applicant's 1, and I would like to move this into
14 evidence.

15 THE COURT: Any objection?

16 (PAUSE.)

17 MS. BROWN: No objection, Your Honor.

18 THE COURT: Without objection.

19 (WHEREUPON, Applicant's Exhibit Number 1, a
20 Document, was admitted into evidence.)

21 Q. Okay. If we could discuss the results of the
22 amended report. In light of these two additional cases
23 that have now been included if you could answer the
24 following questions: Do you believe that race was a
25 factor in Solicitor Wilson's use of peremptory challenges

1 taking into account the entire universe of cases?

2 A. Yes. I do I believe it was a factor.

3 Q. And do you believe that race was a factor in
4 Solicitor Wilson's use of peremptory challenges in
5 William Dickerson's capital case?

6 A. Yes. I do believe it was a factor.

7 Q. And are these results taking into account the new
8 cases consistent with the finding that Solicitor Wilson
9 intentionally excluded qualified African American venire
10 persons from William Dickerson's capital trial?

11 A. Yes. They are consistent.

12 Q. So did the inclusion of these new cases change your
13 opinion in any respect?

14 A. No, it did not.

15 Q. So the opinions that you rendered back on March
16 31st are still the same today, having taken into account
17 these two additional cases?

18 A. Yes, they are.

19 MS. FRANKLIN-BEST: And I have no further
20 questions.

21 THE COURT: Cross-examination?

22 MS. BROWN: Yes, sir, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. BROWN:

25 Q. Good morning, Professor O'Brien. This is Melody

1 Brown. Can you see me okay?

2 A. Yes.

3 Q. Okay. I have a few questions for you this morning.

4 Now, you've changed some things from your initial report,

5 left some things as originally in your report of March

6 8th but the new report has changed, correct?

7 A. Yes, it has.

8 Q. Okay. And on page two of your report if we can

9 just go through it a few minutes here. You got a copy of
10 your report in front of you from May 5th?

11 A. I do.

12 Q. Okay. On page two you have not changed your

13 introduction, the statement that this is a study, quote,

14 Based on trials of all defendants for which Scarlett

15 Wilson has served as lead prosecutor and for which the

16 materials were available.

17 That's the exact same statement that was in the

18 first report, right?

19 A. Yes.

20 Q. And that was wrong in the first report, wasn't it?

21 A. Well, they were all those available to me.

22 Q. Available to you. Okay. All right. Who is the

23 best person to answer how those cases were selected?

24 A. Well, the cases were selected based on the

25 attorneys for Mr. Dickerson's identification of the cases

1 litigated by Solicitor Wilson.

2 Q. Okay. Do you know the criteria they used?

3 A. I believe it was all the cases that were available
4 to them -- all the cases during her tenure at -- if I
5 could have just a moment.

6 Q. Yes, sir.

7 (PAUSE.)

8 A. I believe as set forth in footnote one on page two
9 it was -- they identified the cases in which Solicitor
10 Scarlett Wilson had served as the lead attorney during
11 her tenure at the Ninth Circuit Solicitor's Office.

12 Q. Okay. So it's true, Professor O'Brien, that these
13 were not randomly selected cases; isn't that correct?

14 A. They were not randomly selected. They were in -- I
15 tried to identify the entire universe of cases in which
16 Solicitor Wilson was the lead attorney.

17 Q. Okay. And can you verify under oath today that the
18 statements that you make in footnote one talking about
19 the universes of cases would be true and correct of your
20 own personal knowledge?

21 A. Yes. They are true to my personal knowledge.

22 Q. Okay.

23 A. I have not been able to properly verify which cases
24 -- excuse me, Solicitor Wilson litigated.

25 Q. Okay. And who wrote that footnote?

1 A. I wrote it with Professor Grosso and with input
2 from the attorneys because they were the source of the
3 cases they had identified and the materials they were
4 able to obtain.

5 Q. Okay. So this footnote is based on information
6 that opposing counsel gave you and then they helped you
7 write the footnote to describe the information that's the
8 basis of your opinion?

9 A. I believe I wrote it. I don't remember the exact
10 process but I believe I wrote it based on some of the
11 information they had given me and asked them to ensure
12 that it was correct.

13 Q. Okay. Okay. And you were commissioned, I believe
14 you testified, to do this study, and how much were you
15 paid?

16 A. Personally, I was paid nothing.

17 Q. How much did your law school or lab receive?

18 A. I don't recall the exact amount. They were paid my
19 fee --

20 MS. FRANKLIN-BEST: You're breaking up.

21 MS. BROWN: She's trying to answer, Your Honor.
22 It's not working.

23 A. There were three attorneys I had work under me were
24 paid \$15 an hour.

25 THE COURT REPORTER: I'm sorry?

1 A. I don't recall exactly how much it all came to.

2 They were paid \$15 an hour.

3 Q. Would it sound correct to you that you were
4 commissioned to do this study and it was going to cost
5 about \$10,000?

6 A. I believe that was our rough estimate, yes.

7 Q. Okay. So you were commissioned for purposes of
8 commenting on possibility of race and you took all the
9 information from the people who commissioned you to study
10 and you didn't independently verify any of the
11 information coming to you, correct?

12 A. Well, I didn't think of verifying what the universe
13 of cases were that Solicitor Wilson has litigated but in
14 terms of who was struck and what their race was and who
15 was strike eligible that was done entirely based on
16 official court documents.

17 Q. Okay. Now, on page two of your report, again,
18 going down to note three you cite an article that you,
19 yourself, had written, a Stubborn Legacy article, and
20 that was a study that you had published, correct?

21 A. Yes.

22 Q. And isn't it true that you accounted for variables
23 other than race in that study?

24 A. Yes.

25 Q. And isn't it true that you stated, quote, To

1 account for other factors that might bear on the decision
2 to strike more detailed investigation about individual
3 venire members must be considered?

4 A. Ideally --

5 Q. Professor O'Brien, just a moment.

6 (Technical difficulties with Skype.)

7 A. Would it help if I spoke up?

8 Q. No. I don't think so. It was more of a breaking
9 up on the connection, Professor.

10 A. I understand.

11 Q. I'm sorry. Would you please repeat your response.

12 A. Yes. Ideally, we would have all the information
13 available to the prosecutor through the solicitor in
14 making strike decisions to be able to control that
15 information. If that information were to be available to
16 us we would be absolutely willing to go back and code
17 those variables and control for other potential
18 explanatory variables.

19 Q. It was explanatory variables at the end, correct?

20 A. Yes.

21 Q. Because you said those must be considered?

22 A. Ideally, if you have the information, and not just
23 information that's just out there but information
24 available to the decision maker in terms of what was
25 available to the solicitor in deciding whether to strike

1 a juror or not. Ideally, we would have the variables in
2 the analysis.

3 Q. Okay. Well, in your study published in the article
4 that we just referenced you coded approximately 65
5 variables, correct? .

6 A. That's right. Those were all capital cases where
7 there was extensive voir dire of all of the venire
8 members and also questionnaires were available, so for
9 that it was a great deal more information that came out
10 during the jury selection process that was available to
11 the decision makers and also available to us to code and
12 account for.

13 Q. Okay. I wanted to ask you about your spreadsheet
14 of information. Do you have that with you?

15 A. Yes. Could you give me a moment to open it on my
16 computer?

17 Q. Yes, ma'am.

18 (PAUSE.)

19 A. Okay. I have it open.

20 Q. We are marking it for identification, Professor.
21 If you will give me just a moment.

22 (WHEREUPON, Defendant's Exhibit Number 1, a
23 Document, was marked for identification only.)

24 Q. Well, actually, before we get to that if we can go
25 back to your report. You have some attachments to that

- 1 report?
- 2 A. Yes.
- 3 Q. And you have told us on page three of that report
- 4 that you created forms for data collection, right?
- 5 A. That's correct.
- 6 Q. And your first form, the four-page first form, I
- 7 think it's appendix A, You're asking for information
- 8 about the defendant and victim, correct?
- 9 A. Yes.
- 10 Q. And you have included in your form, quote, Decedent
- 11 victim. Not just victim, correct?
- 12 A. Let me take a look.
- 13 Q. Sure.
- 14 (PAUSE.)
- 15 A. Yes.
- 16 Q. Now, you've told us that counsel gathered and
- 17 selected cases, gave to you the cases. You didn't know
- 18 the criteria other than they were cases by Solicitor
- 19 Wilson. Why is this form geared specifically to death
- 20 cases?
- 21 A. Yeah. This case is -- this form ultimately wasn't
- 22 all that useful to us and it was something that I took
- 23 from the North Carolina data collection and adapted it
- 24 but ultimately didn't use it except just to get some
- 25 basic information about the case. But I agree that there

1 are items on here that aren't really -- don't really
2 pertain to the cases in the study.

3 Q. So, Professor O'Brien, perhaps that refreshes your
4 recollection. When did you know about that criteria for
5 the cases?

6 A. By the criteria of the cases that were included?

7 Q. Uh-huh.

8 A. I don't recall. I'm sure it was early on. I
9 believe this was more of an oversight on my part rather
10 than counsel not informing me of the cases that we had
11 used.

12 Q. How was that an oversight?

13 A. Well, it was me trying to not duplicate work and
14 taking the DCI, the data collection instrument, that we
15 used in North Carolina just -- just for the sake of in
16 case it might be useful to have our coders fill it out.
17 It turned out not to be particularly useful, but if there
18 are items on there that aren't really pertinent then they
19 just don't get coded. So it's not -- it's really just a
20 question of efficiency.

21 Q. Okay. Or what you are looking for, correct,
22 because you weren't looking for whether it was a murder
23 case?

24 A. Pardon?

25 Q. I'm sorry. You weren't looking for whether it was

- 1 a murder case, correct?
- 2 A. I think that that would be captured in this, but
- 3 you are right. They weren't all murder cases.
- 4 Q. Okay. Now, you've read all the transcripts at this
- 5 point, correct?
- 6 A. I have not read them cover to cover. I have
- 7 definitely read sections of them as questions arose
- 8 during coding.
- 9 Q. Sure. Okay. And transcripts will tell you what
- 10 the charge would be, correct?
- 11 A. That's right.
- 12 Q. And Barnes was murder, wasn't it, Michael Barnes?
- 13 A. I don't know. I'm sorry.
- 14 Q. Can we rely on the transcript to establish that
- 15 that was a murder case?
- 16 A. It was a murder case?
- 17 Q. Sure. I mean, you would rely on the transcript --
- 18 A. Oh, yeah.
- 19 Q. -- to determine whether it was a murder case,
- 20 correct?
- 21 A. Yeah. Yeah.
- 22 Q. Okay. And Colin Broughton was murder and --
- 23 A. Yes.
- 24 Q. Ryan Deleston was murder?
- 25 A. Yes, if the transcript says so. I mean, I don't

1 recall everything.

2 Q. If the transcript reflects it. Okay. And
3 Derricotte, and, of course, Mr. Dickerson.

4 A. Right.

5 Q. Mr. Mack, Mr. Shine. In fact, there are only two
6 cases here that are not murder cases. One is Simons and
7 that's an ABWIK, and the other would be Beyah. Beyah is
8 not ABWIK or murder. But there seems to be a common
9 theme in the cases that they are murder cases, correct?

10 A. Yes.

11 Q. And you have a form that asks for information on a
12 deceased victim, correct?

13 A. Yes.

14 Q. So there was a criteria for these cases?

15 A. This data collection instrument was again not
16 designed from scratch for this study. This was something
17 that I adapted from the North Carolina city which were
18 all murder cases. In terms of selection of the cases in
19 this study, that's based on what counsel for
20 Mr. Dickerson -- Mr. Dickerson identified as Solicitor
21 Wilson's cases as lead counsel.

22 Q. Okay. So you are depending or you are basing your
23 opinion on the fact that this is the entire universe of
24 cases that the Solicitor tried while being in the
25 Solicitor's Office in Charleston, correct?

1 A. Well, my opinion is in these cases that I examined
2 that, yes. I mean, it's based on the cases that I
3 examined and I have no reason to doubt that these were
4 the cases in which she was lead counsel, but I do not
5 have independent -- I do not independently -- I have not
6 independently verified that myself.

7 Q. And when we spoke before in the prior proceeding I
8 asked you about looking at United States cases when she
9 was in the United States Attorney's Office. Have you
10 done that?

11 A. I'm sorry. I don't recall that line of questioning
12 but I did not.

13 Q. Okay. Or any time during her career that she might
14 have tried another case. I asked you if you had looked
15 back in her career; do you remember that?

16 A. I'm sorry. I don't specifically remember that and
17 I have not looked at that.

18 Q. Okay. Going back to your form, this is the second
19 attachment, it's also four pages, and you are asking
20 about some information on the jurors themselves such as
21 age, and marital status, that sort of thing?

22 A. Yes.

23 Q. Okay. So you wanted that coded from your -- the
24 individuals who were helping you, correct?

25 A. Ideally, but we weren't able to reliably code that

1 so that is primarily a missing variable.

2 Q. Okay. And in your spreadsheet, which we have
3 marked as Defendant's Exhibit 1 for this proceeding, and
4 I don't even know if you can see this, Professor O'Brien,
5 because it's very small print due to the fact that it is
6 a spreadsheet, but this is the one that has V1001, V2003.
7 Does that sound familiar?

8 A. Yes. Yes. I have that open on my computer.

9 Q. Okay. And that would have been the information
10 that you were working on in this case, right?

11 A. Yes.

12 Q. Okay. And on that spreadsheet you actually have
13 collected data under gender, correct?

14 A. Yes.

15 Q. It looks like a pretty good bit of data on gender,
16 correct?

17 A. Yes. That we were able to reliably code.

18 Q. And that could be a variable, could it not?

19 A. It could be a predictor of strikes. Are you asking
20 whether or not there could be a disparity based on
21 gender?

22 Q. No. My question is simply statistics, not the
23 legal ramifications or anything else. If you know that
24 there is a variable that exists don't you usually account
25 for that variable when you have sufficient information?

1 A. Well, it wouldn't -- it wouldn't explain any of the
2 race effected unless there was a disparity based upon
3 gender. So the only way it would matter in a statistical
4 analysis would be if the prosecutor -- the solicitor was
5 striking just strictly based on gender. So it actually
6 isn't really separate from the disparity opinion. But,
7 no, we did not control for gender.

8 Q. Okay. And you had age. It looks like you had a
9 pretty good bit of information on age or at least a
10 range?

11 A. Well, that was hit or miss.

12 THE COURT REPORTER: That was what? I'm sorry.

13 Q. Hit or miss.

14 Was that correct, Professor?

15 A. That's right. We did not have reliable information
16 on age. Sometimes we had it, sometimes we didn't.

17 Q. Okay. And you also had marital status. Is that --

18 A. That's even less information on it. That was very
19 erratic when we would get it or not.

20 Q. But you identified that as an area of possible
21 variable that you would want information on if you could
22 account for it.

23 A. Absolutely. All the information, all the things we
24 asked for here -- you know, we talked about leaving this
25 in the DCI but the hope is that if more information were

1 to become available later that we'd go through and code
2 more thoroughly. We'd rather be working from the same
3 DCI. As it stands now because so much of that
4 information is missing that a lot of these variables are
5 just missing. But ideally, if you have more information,
6 sure, we'd be happy to code that.

7 Q. Why would you be going back to the study after
8 you've introduced it and we've argued it in this case?

9 A. Well, in case -- just like what happened in the
10 last case where there was new information provided that
11 we could go back and code that information. If somehow
12 more information came forward that the solicitor had
13 access to and there's a question about whether we should
14 account for it we want to leave that open. If we get
15 more information and the Court wanted us to revisit it we
16 could -- we'd be in a position to be able to do that.

17 Q. So you are telling us you are only talking about
18 this case. You don't intend to use this study for
19 something else, do you?

20 A. I have no immediate plans to use this study for
21 something else.

22 Q. Do you have any plans?

23 A. Well, this would be something that perhaps -- you
24 know, I've written quite a bit about jury selection.
25 This would be something I could use. I have no plans to

1 do that because it's -- you know, it's a fairly -- I just
2 don't have that on my agenda right now but that would be
3 something that I could easily see myself talking about if
4 I was writing an article on jury selection.

5 Q. Okay. If you were, hypothetically, writing an
6 article and you wanted to compare what you did in this
7 case with what you did in the article mentioned in
8 footnote three and you don't have any variables accounted
9 for how would you reconcile that?

10 A. Well, part of what I would try to do is I would
11 hope I could get more information. Like I said, I'm
12 always perceptive to more information or more cases to
13 code. More information is always a benefit.

14 MS. BROWN: Your Honor, after identification we
15 would move in Defendant's Exhibit 1.

16 A. I don't have any plans, and like I said, I don't, I
17 mean, in the near future of writing the study up.

18 Q. Of writing the study up, correct?

19 I'm sorry, Professor. We have a little bit of a
20 break-up issue and we are trying to get your testimony
21 down accurately.

22 THE COURT: Repeat the last sentence.

23 Q. Would you please repeat the last sentence.

24 A. Yes. I have no plans any time in the near or
25 intermediate future to write this study up for

1 publication.

2 Q. Or to use this information, correct?

3 A. No. I don't know how I would use it.

4 MS. BROWN: Your Honor, we'd move in Defendant's
5 Exhibit 1.

6 THE COURT: Any objection?

7 MS. FRANKLIN-BEST: No objection, Your Honor.

8 THE COURT: Without objection.

9 (WHEREUPON, Defendant's Exhibit Number 1, a
10 Document, was admitted into evidence.)

11 BY MS. BROWN:

12 Q. Okay. Professor, if we could move on to page six
13 of your report. You included to two cases you discussed
14 earlier this morning.

15 A. Yes.

16 Q. And when you added those two cases your numbers
17 started to decrease, didn't they?

18 A. Yes. They did slightly.

19 Q. And on page seven there's also a little bit of a
20 decrease as well, and that's that first paragraph on page
21 seven?

22 A. Yes, I believe so.

23 Q. Okay. And then you added two new paragraphs on
24 page seven: We also analyzed, and the average strike
25 rate paragraphs.

1 A. Yes --

2 Q. Okay. In the we also analyzed paragraph you
3 compared applicant's case to the others that you had.
4 And, now, you hadn't done that before and why did it
5 become important?

6 A. Just to clarify, are you talking about looking at
7 the cases with Mr. Dickerson's and those that preceded
8 that?

9 Q. Um, this is --

10 THE COURT: Yes.

11 Q. We also analyzed the data from only Mr. Dickerson's
12 case --

13 A. Yes.

14 Q. -- and those that preceded it.

15 A. Yes. We had presented in the March 31st hearing
16 this table four and five in response to, I think, some
17 objections or some concerns that had been raised about
18 the timing of the cases in comparison to Mr. Dickerson's,
19 so I thought it was important to include that here
20 because I know that had been a concern before and I
21 talked about it in my testimony so I included that here
22 just to be more thorough.

23 Q. Okay. Did you also consider it may affect
24 admissibility?

25 A. No. I did not concern myself with questions of

1 admissibility.

2 Q. So this was just a scientific approach. There
3 would be no reason for you to stop it at that point, the
4 2009 period, would it, from a scientific approach?

5 A. Well, I didn't -- I mean, the original approach is
6 to look at all the cases and the study and this was
7 responsive to the concerns I had --

8 Q. I'm sorry, Professor. Would you please repeat for
9 the court reporter.

10 A. Yes. The original analysis, which we present here
11 as well, is that we would look at the whole variable of
12 cases, the whole universe of cases that we had to work
13 with. This was simply to be responsive to the concern
14 that I believe that your office had raised at the --
15 prior to and at the March 31st hearing. So rather than
16 simply just offer another table I put some paragraphs and
17 text explaining that.

18 Q. And do you remember that the Judge actually
19 excluded that at the last hearing?

20 A. No. I'm sorry. I don't recall. I'm sure I was
21 there for it but I just don't recall.

22 Q. Okay. And if we could move on to page nine of your
23 report. And, Professor, just so you know we are almost
24 at the end.

25 A. Okay.

1 Q. On table one I want to go over a few of the cases
2 that you've included. Now, you've talked a good bit
3 about p-values, correct?

4 A. Yes.

5 Q. And if I understand your testimony -- and I'm not
6 very good with statistics so please listen carefully and
7 make sure I'm saying this is right. If it is a small
8 p-value that is an indication that it may not be just
9 luck for this correlation to exist; is that correct?

10 A. That's right. The smaller the p-value the more
11 certain you are that the patterns you are observing
12 aren't just by fluke.

13 Q. Okay. Well, in Mr. Barnes' case, this is the first
14 one on table one, that p-value is not so great, is it?

15 A. Mr. Barnes' case -- I'm sorry. We're looking at
16 table one?

17 Q. Yes, ma'am.

18 A. And the 40 percent versus 15 percent?

19 Q. Yes, ma'am.

20 A. I don't have a p-value for that there.

21 Q. Well, you are very familiar with, you know, these
22 calculations. That's going to be not very much of a
23 difference as far as p-values, is it?

24 A. No. I wouldn't expect any individual case to give
25 a particularly small p-value.

1 Q. Okay. But if you average them all together you
2 might be able to see a small p-value because those cases
3 that have a high one will average out the ones that have
4 a low one?

5 A. Well, it's an average. So you have the low ones,
6 they're pulling it down, and the high ones are pulling it
7 up. I tried to address that by -- so I think table one
8 is offered mostly for just transparency in terms of what
9 the numbers are in each case.

10 Q. Except --

11 A. The difference between table two and table three
12 is, in part -- the reason I offer both of these is to
13 sort of account for that. All right. So that's just
14 sort of how you look at it. You just pull them all
15 together, you get a number, and then if you just look at
16 an average for each case to see if they look similar or
17 to see if there are outliers. There's one or two cases
18 that are kind of pulling it one way or the other, and I
19 feel that if I offer those two to sort of address that
20 concern that the disparities that we are observing aren't
21 simply because there's a couple of cases that are pulling
22 it one way or the other. You can look at it both ways
23 and you see a similar result. Not identical but similar.
24 Q. Okay. And just to be clear, table two, table three
25 are just redundant. They are from the same information

1 on table one, right?

2 A. Well -- oh, so table two and table three are not
3 redundant. They are drawn from the same information but
4 a slightly different calculation. That was what I was
5 just talking about, sort of two different ways to show
6 it's consistent. Table three is very similar to table
7 one. The table one just breaks it down so you can see
8 case by case what's going on.

9 Q. So you took an average of an average to come up
10 with table three?

11 A. Yes.

12 Q. And the two cases that you added, Michael Jeter and
13 Ethan Mack, are on -- let's see, lines eight and nine of
14 table one?

15 A. Yes.

16 Q. Those are some of the lowest percentages for the
17 mean strike rate for black qualified venire members,
18 aren't they?

19 A. Yes. Relative to the other ones you've only got a
20 ratio of about four to one for Jeter and about four and a
21 half to one for Mack.

22 Q. And those are the ones --

23 A. Slightly lower than the others.

24 Q. Those are the ones that were not provided to you
25 for your initial report, correct?

1 A. That's right. There are still large disparities
2 but they are slightly lower than the other cases.

3 Q. And, for example, Michael Jeter's case, if I'm
4 reading it correctly the solicitor struck one African
5 American and one Caucasian.

6 A. That's right.

7 Q. Two strikes?

8 A. That's right.

9 Q. Equal?

10 A. Well, one out of five or one out of 19.

11 Q. But she only struck two --

12 A. That's what those percentages are giving me.

13 Q. Okay. And on table two, passed, struck, roughly
14 two thirds and one third. So you are only striking one
15 third of the African Americans who are even presented.
16 Not qualified, nothing else, but actually presented,
17 correct?

18 A. Well, they are all qualified except that they are
19 all strike eligible. So anybody who was excused for
20 cause or the prosecutor -- the solicitor had one other
21 strike wouldn't be included here. So all the people on
22 this table were people for whom the prosecutor made the
23 strike or pass decision.

24 Q. And she only struck about a third of the African
25 American jurors who are presented, correct?

- 1 A. That's right.
- 2 Q. And you say that that shows racial disparity?
- 3 A. Yes, because I'm looking at it in comparison to the
- 4 strike rate against the white members.
- 5 Q. And an average of the average?
- 6 A. Well, the table two is just --
- 7 Q. Excuse me. I'm very sorry but that answer broke up
- 8 and the court reporter needs you to repeat from the
- 9 beginning, please.
- 10 A. Okay. Thank you. I'm comparing the strike rates
- 11 between -- the table two is compiling all the jurors
- 12 across all of the 12 proceedings, and what I'm looking at
- 13 when I'm testifying to the disparity is not just the raw
- 14 number on a third because if they were striking a third
- 15 of the white venire members then there wouldn't be a
- 16 disparity, but if they were striking a third of the black
- 17 venire members and only 5.7 between the white venire
- 18 members that's where I'm drawing the conclusion of a
- 19 disparity.
- 20 Q. Okay. And you have a presumption in there that the
- 21 jurors are otherwise equal.
- 22 A. Otherwise equal -- well, they are qualified.
- 23 Q. Right. And we haven't accounted for any variables
- 24 and that's the way you would distinguish it, correct?
- 25 A. Well, ideally, I have information that was

1 available to the solicitor, that information that would
2 be relevant to the strike decision.

3 Q. Okay.

4 A. However, I had what was said during voir dire.

5 Q. Yes, ma'am. And I want to talk just a few minutes
6 about your opinion. You said you believe race was a
7 factor?

8 A. Yes.

9 Q. What does that mean?

10 A. I don't think that you see disparities like this by
11 accident. Maybe one case, sure, a few jurors, you may
12 have a big percentage on one or the other, but when I
13 look across all these cases and I see the disparities of
14 this size it raises an inference for me that race is a
15 factor because I would expect that if there was a cross
16 of cases you would see some disparities, some not. It
17 would go different ways.

18 Q. Okay. When you say --

19 A. When I see it across 12 --

20 Q. I'm sorry. The last answer, could you repeat?

21 A. Yes. I appreciate being able to testify by Skype.

22 Q. Yes, ma'am, it happens and --

23 MS. FRANKLIN-BEST: Can you also just slow down
24 just a little bit.

25 A. Yes.

1 MS. FRANKLIN-BEST: They may help.

2 A. If I were to look at any one case I would expect
3 that you'd see a disparity one way or the other and when
4 I see a disparity going in the same direction of a big
5 difference across multiple cases I would expect that if
6 race was not a factor -- even if there are not this
7 amount of cases. One case you'd have a greater
8 percentage of African Americans struck, another case
9 you've have a greater percentage of white potential
10 jurors struck, but when you when I see disparities of
11 this size across cases that's -- it's from that that I'm
12 drawing my conclusion that race was a factor.

13 Q. Okay. And I'm trying to kind of zero in, put a
14 fine point on what a factor means to you. Are you saying
15 you can predict behavior and intent?

16 A. What I will predict is sort of a precise term of
17 art so I don't want to -- I want to be careful using that
18 word. What this tells me, this is consistent with race
19 being a factor, race being a motivating factor in the
20 decision to strike and it's the Court's collusion that
21 race is a factor in the decision to strike.

22 Q. Okay. And so under your theory if you have these
23 same numbers race could still be a factor that you could
24 identify even if there are Batson motions and the reason
25 for the strikes are on the record and those reasons are

1 race neutral, you'd still consider it it could be a
2 factor because of the strike, correct?

3 A. I don't quite follow. Could you repeat the
4 question, please.

5 Q. Absolutely. Under your definition of a factor
6 because you can identify race even if there is a legal
7 proceeding, a motion under Batson and the reason for the
8 strikes are on the record and the Judge finds that was a
9 non racially motivated strike you would still say, Well,
10 the solicitor struck three African American jurors,
11 therefore, that could be consistent with an exclusion for
12 an improper basis?

13 A. Well, I took it clear that what this can tell me,
14 what it can tell us is that race is a factor in the jury
15 selection. It doesn't necessarily tell us whether it was
16 a factor in a particular decision to strike. So a strike
17 could be race neutral and what this pattern tells us
18 though is it's unlikely that they are all -- that you
19 would see a disparity like this if they were all race
20 neutral.

21 Q. But if your variables were coded and available and
22 they did show race neutral what would that --

23 A. Yeah. Those variables would have to be information
24 that was available to the solicitor in the decision
25 making process and if there's information available to

1 the solicitor that's not in the record that we couldn't
2 code for, yes, we could code for that.

3 Given the size of these disparities and given my
4 prior experience being a fully controlled study in North
5 Carolina with much smaller disparities than this but
6 still quite large the explanatory variables while they
7 did account for some of the strike decisions did not meet
8 the rate effect. Race was still a strong factor to be
9 accounted for that so I would be more than happy to look
10 at that additional information if it was available and to
11 control for it but I would not expect that it would
12 account for a disparity of this magnitude.

13 Q. And the North Carolina study that you referenced,
14 that was 170 some odd cases, right?

15 A. Yes.

16 Q. And how many variables did you account for in those
17 calculations?

18 A. Well, as was mentioned earlier, we screen for about
19 65 potential variables. Some just didn't end up
20 mattering. I believe that the final model -- I don't
21 recall off the top of my head exactly how many variables
22 came in but they were the variables you'd expect to come
23 in, people with prior criminal accusations, people who
24 had death penalty reservations, because they were all
25 death penalty cases so that was relevant, and those did

1 predict strike decisions but they didn't negate the race
2 effect. The race was still used for a variable even in
3 controlling for that, for those variables --

4 Q. Thank you. And the science that you used in the
5 North Carolina study allowed you to extract a random
6 sample and apply these variables, correct?

7 A. Yes. Ideally, what you want is the whole universe.
8 We started with a random sample because we didn't know
9 how much coding needed to get done but since -- at the
10 more county level analysis that we did we did a hundred
11 percent. I mean, what you always would rather have is
12 the universe, the whole. A random sample is next best
13 thing to the universe basis.

14 Q. So you don't have the universe and you don't have
15 random sample. Your study is not scientifically sound,
16 is it?

17 A. Well, it depends on the way that you are missing,
18 and if you are missing cases because of something that's
19 associated with what you are trying to study then that
20 can be a problem. If you are missing for reasons that
21 are random like the transcript is missing or the
22 defendant --

23 Q. Professor.

24 THE COURT: Tell her to slow down.

25 Q. I'm sorry, Professor, to interrupt but the court

1 reporter asked that you repeat and slow down, please.

2 A. Yes.

3 Q. Thank you.

4 A. I apologize. It only matters if they are missing
5 -- if you are missing cases in a way that is related to
6 the phenomenon that you are studying. So if you are
7 missing a case because of court record keeping processes
8 in some courthouse that have nothing to do in the
9 question you are studying you can be confident that your
10 sample of cases accurately represents the universe.

11 Q. Okay. You've said in some of your paperwork that
12 you'll talk to attorneys to get their notes.

13 A. I beg your pardon?

14 Q. You've said in your paperwork that you'll talk to
15 attorneys sometimes to get their notes for different
16 information on the jurors, correct? That's in --

17 A. The only notes -- I should be clear. I'm not
18 relying on their assertions but if they have saved
19 questionnaires, for instance, that could be -- that was a
20 source in North Carolina where we could get access to
21 questionnaires, but then you are relying on what the
22 jurors filled out, not what the attorneys notes were --

23 Q. Okay.

24 A. -- necessarily.

25 Q. Do you know if anybody contacted the defense

1 attorneys in Mr. Coulter's case that was identified but
2 not used?

3 A. I do not know the specifics of that.

4 Q. And when we last met we were talking about
5 different information that comes just from the
6 transcripts. We identified one, two, three, four, five
7 Batson hearings. Do you remember that?

8 A. Five Batson hearings?

9 Q. Uh-huh.

10 A. No. I recall the four transcripts. I don't recall
11 the five Batson hearings.

12 Q. Well, these were within the transcripts that you
13 had originally listed. Mr. Beyah --

14 A. I recall Mr. Beyah had a Batson hearing. I do
15 recall that.

16 Q. And Colin Broughton, Ryan Deleston, and I believe
17 Mr. Dickerson.

18 A. Okay.

19 Q. Did you look at the reasons that were put on the
20 record under oath as to -- as an officer of the court as
21 to why those jurors were struck?

22 A. No, I did not.

23 Q. Thank you for your time, Professor.

24 MS. BROWN: No further questions, Your Honor.

25 THE COURT: Redirect?

1 MS. FRANKLIN-BEST: Yes, Your Honor. May it please
2 the Court?

3 REDIRECT EXAMINATION

4 BY MS. FRANKLIN-BEST:

5 Q. Professor O'Brien, could you just sort of generally
6 describe the difference between an adjusted and
7 unadjusted study.

8 A. Yes. An unadjusted study is what I -- what we have
9 presented in this report where you just look at the raw
10 numbers, the raw disparity, and the adjusted study refers
11 to something like a regression equation where you're
12 controlling for the presence of other factors to see if
13 that might explain some of the differences that you are
14 seeing.

15 Q. So, for example, if you had access to the juror
16 criminal histories could you have controlled for that in
17 this case?

18 A. Yes.

19 Q. And if you had, say, the solicitor's notes
20 regarding the jurors, potential jurors, could you have
21 controlled for that?

22 A. Yes.

23 Q. And so if you were to receive those would you be
24 able to control for that?

25 A. Yes, I would.

1 Q. Now, are unadjusted statistical studies still
2 statistically valid?

3 A. Yes.

4 Q. And do you recall how many strike decisions there
5 were in this case?

6 A. In this date set?

7 Q. Yes.

8 A. I believe there were 318.

9 Q. And is that a sufficient universe of strike
10 decisions for a valid statistical study?

11 A. Yes.

12 Q. And do you recall in the case -- because you are an
13 attorney?

14 A. Yes.

15 Q. And do you recall in the case Miller-El V. Dretke
16 that Justice Souter relied on an unadjusted statistical
17 study in finding purposeful discrimination?

18 A. Yes.

19 MS. BROWN: Objection, Your Honor. She's not
20 testifying as an expert on the law --

21 THE COURT: Well --

22 MS. BROWN: -- it's the case that you can have.

23 THE COURT: I'll allow it. Go ahead.

24 MS. FRANKLIN-BEST: I have no further questions,
25 Your Honor.

1 MR. GROSE: He allowed it so. . .

2 MS. FRANKLIN-BEST: But she answered it.

3 BY MS. FRANKLIN-BEST:

4 Q. I'm sorry. Can you answer that again.

5 A. Yes, I do.

6 MS. FRANKLIN-BEST: And that is it.

7 THE COURT: Anything further?

8 MS. BROWN: Just a follow up.

9 THE COURT: Go ahead.

10 RECROSS-EXAMINATION

11 BY MS. BROWN:

12 Q. You are familiar with Miller-El?

13 A. Yeah.

14 Q. And you also know that the United States Supreme

15 Court found like a 99 percent issue was just a bear

16 statistical analysis and found much more compelling the

17 fact that there was a comparative juror analysis?

18 A. Yes. I do recall the comparative juror analysis

19 was important.

20 MS. BROWN: No further questions. Thank you, Your

21 Honor.

22 MS. FRANKLIN-BEST: Do you have any questions for

23 her?

24 THE COURT: No.

25 MS. FRANKLIN-BEST: All right. Thank you,

1 Professor O'Brien.

2 THE WITNESS: Thank you.

3 MS. FRANKLIN-BEST: And that is it.

4 THE COURT: Next witness?

5 MR. GROSE: We would call Solicitor Scarlett
6 Wilson.

7 SCARLETT WILSON, after having been duly
8 sworn, testified as follows:

9 THE CLERK: And for the record, if you could state
10 your first and last name and spell out your last name for
11 the record, please.

12 MS. WILSON: Scarlett Wilson, W-i-l-s-o-n.

13 DIRECT EXAMINATION

14 BY MR. GROSE:

15 Q. Let me know when you are situated.

16 A. I'm good.

17 Q. Solicitor Wilson, I want to start by asking some
18 background questions. Where are you originally from?

19 A. Hemingway, South Carolina.

20 Q. And is that where you grew up?

21 A. It is.

22 Q. And where did you graduate from high school?

23 A. I finished high school at Williamsburg Academy in
24 Kingstree.

25 Q. And what year was that?

- 1 A. In '85.
- 2 Q. And then I believe you went on to Clemson?
- 3 A. That's right.
- 4 Q. And you graduated from Clemson?
- 5 A. Right.
- 6 Q. And what year was that?
- 7 A. '89.
- 8 Q. Okay. And then I believe you went on to the South
- 9 Carolina -- University of South Carolina School of Law?
- 10 A. Yes, sir.
- 11 Q. And what year did you graduate from --
- 12 A. '92.
- 13 Q. All right. And when were you admitted to the South
- 14 Carolina Bar?
- 15 A. I guess that would have been the -- I finished in
- 16 '92, took the bar in '92. I think I was admitted later
- 17 that year in '92.
- 18 Q. So --
- 19 A. Just took it once.
- 20 Q. So you took the bar exam right after you graduated,
- 21 and then I believe you were a law clerk for a circuit
- 22 court judge.
- 23 A. Judge Rushing.
- 24 Q. And how long did you do that?
- 25 A. '92 to '93.

1 Q. And then what was your first professional
2 employment after completing your clerkship with Judge
3 Rushing?

4 A. The Fifth Circuit Solicitor's Office.

5 Q. And what was your position there?

6 A. I was an assistant solicitor.

7 Q. And how were cases assigned when you were an
8 assistant solicitor?

9 A. I believe besides the most serious we had a call
10 system. It was called and ELA; and I think we got cases
11 based on if we had that week of ELA where we consulted
12 with law enforcement. They issued warrants, we'd get
13 assigned the case.

14 Q. All right. And so it was by a system that was
15 designed by somebody other than you?

16 A. Right. I didn't have any supervisory role in
17 Richland County.

18 Q. Okay. And how long did you work -- when you say --
19 let's just clarify that. You worked for the Fifth
20 Circuit Solicitor in Richland County?

21 A. Right.

22 Q. Okay. And then after your tenure at the Fifth
23 Circuit Solicitor's Office where did you go to work next?

24 A. I went to the U. S. Attorney's Office in Columbia.

25 Q. And you started there in approximately 1995?

- 1 A. Yes.
- 2 Q. And I believe you started in Columbia then you
- 3 eventually moved to the U. S. Attorney's Office in
- 4 Charleston?
- 5 A. That's right.
- 6 Q. And that was during the time that Pete Strom was
- 7 the U. S. Attorney, I believe?
- 8 A. That's right.
- 9 Q. Was he through your whole tenure there?
- 10 A. No. Rene Josey from Florence became the U. S.
- 11 Attorney while I was there and he was U. S. Attorney when
- 12 I left.
- 13 Q. And after working in the U. S. Attorney's Office I
- 14 believe your next professional employment was with the
- 15 Ninth Circuit Solicitor?
- 16 A. That's right.
- 17 Q. And if I understand the chronology correctly it was
- 18 a general election of the year 2000 that Ralph Hoisington
- 19 was elected solicitor?
- 20 A. Yes.
- 21 Q. And so he would have taken office in January of
- 22 2001?
- 23 A. Right.
- 24 Q. And he had recruited you or asked you to be his
- 25 chief deputy solicitor?

1 A. That's right.

2 Q. And so you came in with Solicitor Hoisington in
3 January of 2001?

4 A. Yes, sir.

5 Q. And at that time you did have some supervisory role
6 in the Ninth Circuit Solicitor's Office?

7 A. Yes.

8 Q. And could you tell the Court what that included.

9 A. Basically, I was -- my title was chief deputy and I
10 helped supervise people with trials, trial questions,
11 things like that, evidentiary issues.. I helped Solicitor
12 Hoisington in hiring decisions and firing decisions. He
13 was pretty hands-on so I wouldn't say that I had a
14 special criteria or duty list but I assisted him in a
15 number of ways administrative and case work wise.

16 Q. Okay. And then at some point Solicitor Hoisington
17 unfortunately became ill and passed away?

18 A. That's right.

19 Q. And then you were appointed the Solicitor for the
20 Ninth Judicial Circuit?

21 A. Yes, sir. Solicitor Hoisington got sick in 2006
22 and was diagnosed and it didn't take long, about six
23 months. He died. There was a gap where we were in limbo
24 and then finally I was appointed I believe in July of
25 2007.

1 Q. All right. And it may not be that important but do
2 you recall the exact date in July of 2007?

3 A. I don't.

4 Q. Okay. Now, you have served in that capacity as
5 Ninth Circuit Solicitor ever since?

6 A. That's right.

7 Q. Re-elected in 2008 and 2012; is that correct?

8 A. I guess I was elected in 2008 because that was the
9 first time I had to run for it.

10 Q. Fair enough.

11 A. Then 2012 I was up again unopposed and I'm
12 unopposed this term. I'm up now but I'm unopposed.

13 Q. And I believe through some of this you've also
14 maintained the status as a special U. S. Attorney?

15 A. Yes.

16 Q. I want to transition a little bit and talk about
17 how the office is organized under you as the Solicitor.
18 I'll start with who is your deputy solicitor?

19 A. My chief deputy is Bruce DuRant. I have a deputy
20 in Berkeley named Brian Alfaro.

21 Q. And I want to talk about the organization of the
22 Charleston office in a little bit more detail. I believe
23 that you have the office divided into teams?

24 A. Yes.

25 MS. BROWN: Your Honor, may I object, simply

1 because I'm not sure if this is from 2009, which would be
2 relevant to the case. So I'm a little lost. I don't
3 know whether I should object now or getting to the dates.

4 THE COURT: Overruled. Go ahead.

5 BY MR. GROSE:

6 Q. You can answer the question.

7 A. We do have teams.

8 Q. And has that concept been in place the entire time
9 you've been in charge of the office?

10 A. Yes.

11 Q. So to get to Ms. Brown's question it would have
12 been in place in 2009 and before?

13 A.. When Solicitor Hoisington was solicitor and I was
14 chief deputy we had teams but they weren't designed quite
15 the same way. We had two or three teams then but they
16 got a myriad of cases. When I took over I changed the
17 association of the attorneys and while it's loose what
18 I've tried to do is have each team sort of married or
19 teamed up with a law enforcement agency so that they can
20 build rapport, things like that.

21 So while we had teams before when I took over we
22 still had teams but their case assignment was different.
23 For example, we have a team, because a little more than a
24 third of our cases are North Charleston cases, so that
25 one team has all North Charleston cases. Now, if the

1 defendant gets rearrested for anything else and he gets
2 new warrants that team would still handle it.

3 I have a team that handles Charleston Police
4 Department cases, College of Charleston cases, Folly
5 Beach cases, SLED cases, and that makes up about a third.
6 Then I have a team that does Mount Pleasant Police
7 Department and the county's cases, and that makes up
8 about a third so. . .

9 Q. And so pretty much that's done on a system that
10 you've created?

11 A. Yes.

12 Q. Now, the --

13 A. Let me add.

14 Q. Yes, ma'am.

15 A. I also have two women who do child sexual assaults
16 and elder abuse cases. They are assigned to a team just
17 so they will be on a trial rotation but their cases come
18 from many agencies.

19 Q. And there's grants that come into play as to how
20 their caseloads have to be?

21 A. Not theirs but we have had grants in the past. We
22 are -- I think we are pretty much out of grants at this
23 point.

24 Q. Okay. And at times you've had specialist in DUI
25 and CDV, and again, that was related to funding, right?

1 A. Yes.

2 Q. Thank you. I forget'to speak up sometimes when I
3 testify myself. Now, the murder cases are handled a
4 little differently, aren't they?

5 A. Right. Murder and criminal sexual conduct first
6 degree.

7 Q. Okay. And how are those handled?

8 A. They come to me or to Bruce to be assigned and I
9 still try to keep them on a team but I want to try to get
10 those assigned to a more senior person.

11 Q. So you take into account the experience of the
12 lawyers on the team?

13 A. Uh-huh.

14 Q. Is that fair to say?

15 A. Yes. Definitely.

16 Q. And you take into account the jurisdiction?

17 A. Yes.

18 Q. When I mean that, the law enforcement jurisdiction?

19 A. Right. Right.

20 Q. And take into account, I believe, what you
21 testified about a little earlier, whether or not that
22 person is already in the office on another case and
23 already assigned to a team?

24 A. Yes.

25 Q. And so as the Solicitor for the Ninth Judicial

1 Circuit you are in control of which cases are assigned to
2 you personally for prosecution?

3 A. Yes.

4 Q. Now, when we had your deposition we had asked some
5 questions about the -- a little bit about the composition
6 of the office, and at the time I believe you said you had
7 40 lawyers in the office?

8 A. I don't remember then how many we had.

9 Q. Well, let me ask you this. How many do you have
10 now?

11 MS. BROWN: Objection to relevance, Your Honor.
12 We've gone into a lot of background and history with --

13 THE COURT: Overruled. Go ahead.

14 BY MR. GROSE:

15 Q. How many lawyers do you have now?

16 A. In the whole office I think in the mid 40's.

17 Q. And how many of those lawyers are minorities?

18 MS. BROWN: Objection, Your Honor. It doesn't go
19 to any issue before the Court.

20 MR. GROSE: I think it goes to the totality of the
21 circumstances that you can take into consideration.

22 THE COURT: Well, let's try to focus on 2009.

23 MR. GROSE: Okay.

24 THE COURT: We can be here all day if you -- or all
25 week or all month if you don't focus your direct

1 examination.

2 BY MR. GROSE:

3 Q. All right. Let me ask you in 2009 how many lawyers
4 did you have in the office?

5 A. I don't know exactly. Probably in the 30's.

6 Q. All right. And how many of those were minorities?

7 A. I don't know. I'm not sure when we had people who
8 were there who left and when the make up of what was.

9 Q. Well, I guess if we are going to get to some
10 information then we can probably look at what you said in
11 your deposition.

12 A. I'm not sure if in the deposition we talked about
13 2009 or whenever the deposition was.

14 Q. Well, let's -- if it's all right I want you to take
15 a look at it. And I don't think we did talk about 2009
16 but if you can look -- you are welcome to look at any of
17 it but starting approximately there on page 236 going
18 over to the next page.

19 (PAUSE.)

20 A. Okay.

21 Q. And at that time I believe you told me that you had
22 40 lawyers in the office?

23 A. I think I said about 40.

24 Q. Okay. And that two were minorities?

25 A. Yes.

1 Q. All right. And the date of your deposition, it
2 would be on the front, but I believe it was March --

3 A. 2013. March 25th of 2013.

4 Q. So that's after 2009. In 2009, we understand you
5 would have had probably a handful less lawyers in the mid
6 30's, mid to high 30's. Would the number of minorities
7 that you had in 2009 be any more or less than two?

8 A. It could have been. I don't think it would be
9 dramatically different but it could have been one or two
10 more or one less. I'm not sure.

11 Q. All right. So --

12 A. For 2009.

13 Q. So it could have been one or it could have been
14 three or maybe four?

15 A. Right.

16 Q. But we can agree it would not be dramatically
17 different?

18 A. Right.

19 Q. Now, I want to switch and talk about training for
20 the office. And, of course, as lawyers and as
21 supervisors you are mindful of the continuing legal
22 education requirements, right?

23 A. Right.

24 Q. And you know there are training opportunities for
25 your lawyers in your office?

- 1 A. Yes, sir.
- 2 Q. Okay. One of the main opportunities for training
3 is the Annual Solicitors' Convention?
- 4 A. Yes, sir.
- 5 Q. And that's sponsored either by the Prosecution
6 Coordination Commission or the Solicitors' Association,
7 or a combination of both?
- 8 A. That's right.
- 9 Q. And Ms. Clifford, Amy Clifford, who is in the
10 courtroom today, is one of the people that puts on that
11 training?
- 12 A. Yes, sir.
- 13 Q. Have you also -- and she works for the Prosecution
14 Coordination Commission?
- 15 A. I'm not sure if she is employed by the Association
16 or the Commission because we kind of look at them the
17 same but --
- 18 Q. They work hand in hand?
- 19 A. Right.
- 20 Q. All right. But she does provide other training
21 throughout the year?
- 22 A. Yes.
- 23 Q. And has your office made use of that training?
- 24 A. Yes. Often times Ms. Clifford will send out
25 blanket e-mails to all the solicitors about -- and law

1 enforcement, about various trainings throughout the State
2 and if it's pertinent or somebody needs hours, or
3 whatever the case may be, I sometimes will let people go
4 to those trainings.

5 Q. Okay. And have there been times where your office
6 has made use of training provided by the Attorney
7 General's Office?

8 A. I believe so. Yes. I think the AG put on some
9 death penalty training at some point, and I think they've
10 put on DUI trainings, domestic violence training. It
11 kind of blurs whether Ms. Clifford is sponsoring it or
12 whether the AG is sponsoring it but it's coming out of
13 Columbia. They've been certified or approved for CLE
14 credit and that's the main thing I'm looking at.

15 Q. Well, and most of them are -- most of the training
16 that your office is involved in is local South Carolina
17 training; is that fair to say?

18 A. Right. There has been on occasion national
19 training that was located in Charleston. In other words,
20 I don't know if it's NDAA, the National District
21 Attorneys Association, or other groups like that have
22 chosen Charleston for their seminar and on occasion,
23 because we get a discount and we don't have to provide
24 lodging or any of that, I've allowed people to go to that
25 kind of training. And sometimes I've sent people, like

1 for example, my child sexual assault folks because that
2 is so specialized. I've sent folks to training in other
3 states but mostly local.

4 Q. All right. And mostly sponsored by one of those
5 three organizations --

6 A. Yeah.

7 Q. -- that kind of overlap at times?

8 A. Right.

9 Q. And I would imagine corroborate -- or collaborate
10 at times?

11 A. Uh-huh.

12 Q. Is that a yes?

13 A. Yes. I'm sorry.

14 Q. Now, the as part of going to those trainings and
15 the resources that are provided from those organizations
16 your office makes use of the Solicitor's Desk Book; is
17 that correct?

18 A. I think it's called the Prosecutor's Desk Manual.

19 Q. And at least at the time of your deposition it's
20 available on the shared drive?

21 A. That's right.

22 Q. In your office?

23 A. We used to get hard copies at the Solicitors'
24 Conference and eventually they started putting it on
25 disks. I'm not sure if that's when it changed from

1 Solicitor Hembree, now Senator Hembree, to the new
2 solicitor and then Amy Clifford took that over, I
3 believe. At some point it went from hard copies to disk
4 copies.

5 Q. Okay. And how long has, you know, this been
6 available that you know of?

7 A. At least 2010. I was trying to look and see what
8 copies we had of it and the oldest one I saw was 2010. I
9 don't remember if it existed before then or not. I know
10 that -- I think it's Caroline Fishburn Fox from Horry
11 County started it for Solicitor Hembree. She was in my
12 class in law school but I don't remember when she started
13 it.

14 MR. GROSE: Beg the Court's indulgence a moment.

15 MS. BROWN: Your Honor, may we have a small break
16 to bring Ms. Clifford up. Mr. Grose has handed me a copy
17 of some kind of desk book that I'm not familiar with but
18 she asked for intervener status and we might be at a
19 point where that is necessary.

20 MR. GROSE: I'm not going to introduce it at this
21 time. I'm just going to ask her if this refreshed her
22 memory.

23 MS. BROWN: I don't know anything about it so if
24 Your Honor wanted to allow that question I would leave
25 that to your discretion.

1 THE COURT: Go ahead.

2 MR. GROSE: Thank you, Your Honor.

3 BY MR. GROSE:

4 Q. I want to -- I've got, I guess five sheets of paper
5 here, and obviously, this is not the complete desk book
6 but if you could look at those.

7 A. Am I looking for anything in particular?

8 Q. Well, I could point some things out to you that
9 might help.

10 A. Okay.

11 Q. If you look at the, I guess second page -- I'm
12 sorry, the third page of what I handed you. Okay. The
13 second page of what I handed to you, does that look
14 familiar with the exception of this on the top, which was
15 added for pleading purposes? Does that look like the
16 cover of the 2010 solicitors' or the South Carolina
17 Prosecution's Desk Book?

18 A. I don't know. I don't have any reason to doubt it
19 but I don't know.

20 Q. All right.

21 A. This first page does.

22 Q. The first page which is the cover page. All right.
23 Then if you look at the second page and what I have
24 handed to you does that refresh your memory that it was
25 available in 2007 and before?

1 A. No. No. Only because I don't know when they
2 started sharing it with everybody. I don't know when it
3 stopped being a 15th Circuit book and started being
4 shared with all the other solicitors. Again, I don't
5 challenge it but I don't know that.

6 Q. Well, I'm going to show you what we have added the
7 label Petition to Review Assignment of PCR Judge Appendix
8 page 114 and ask if you would read that page.

9 (PAUSE.)

10 A. Okay.

11 Q. Does that help refresh your memory?

12 A. Not really. Again, I don't have any reason to
13 challenge that. I just don't remember all that.

14 Q. All right. Well, let me ask you this. Whether it
15 was something that was published by the 15th Circuit
16 Solicitor's Office or something that was published by
17 either the Solicitors' Association or the Prosecution
18 Coordination Commission is it fair to say that prior to
19 William's trial in 2009 that a version of the
20 Prosecutor's Desk Book was available to you and your
21 office?

22 A. I don't recall that. It would not surprise me but
23 I don't remember that independently.

24 Q. Okay. I believe you testified a little earlier
25 that these used to be handed out in paper copies?

1 A. Right.

2 Q. And that's back in the days when we used to go to
3 CLE and if it was a big one we would be lugging around a
4 bunch of books, right?

5 A. Right. Right.

6 Q. And this is a pretty big book. I mean, it's a
7 several hundred page book if you have the whole thing,
8 right?

9 A. Right.

10 Q. And so is it fair to say that the procedure would
11 be that you and your lawyers would go to the Solicitors'
12 Convention and if there was a new edition that that would
13 be in the papers that they gave you?

14 A. I don't recall whether or not they would give -- I
15 just don't remember how that worked. I don't remember if
16 they would give each of the 16 solicitors a copy or -- I
17 can't imagine that they ran that many copies. I mean,
18 that would be hundreds and hundreds of copy of that. I
19 just don't remember how that worked, but I don't doubt
20 that it was made available before this trial. I just
21 don't remember all those details.

22 Q. So whether it was one copy for the circuit --

23 A. Right.

24 Q. -- or 35 or 40 for the whole office we can agree
25 that that would be distributed at the Solicitors'

1 Conference?

2 A. I believe so.

3 Q. Okay. And certainly with what you looked at in
4 this it talks about 2007 and earlier editions being
5 handled by Ms. Fishburn Fox with the 15 Circuit
6 Solicitor's Office, right?

7 A. That's what it says.

8 Q. And that in 2008 the Commission accepted the
9 responsibility of maintaining and updating the desk book?

10 A. That's what it says.

11 Q. And you agree that's what it says?

12 A. Yeah.

13 Q. I'm happy to let you look at it again if you want.

14 A. No.

15 Q. All right. And so based on that it's fair to say
16 that the desk book was available to you at the time --
17 whatever edition was in print was available to you at the
18 time of William's trial in May of 2009?

19 A. I would imagine that it was. I don't have any
20 recollection of using it but I would imagine it was
21 available to my office then, especially since the latest
22 -- or the earliest, I guess you say, version that I found
23 that we had was 2010. So I don't think that was the
24 first version we ever had because we didn't get it at
25 first in PDF. At first it was hard copies.

1 Q. And certainly looking at the history you would be
2 shocked if you hadn't gotten the prior versions?

3 A. That's right.

4 Q. Okay. I want to transition a little bit and talk
5 about your policy with regard to discovery. As I
6 understand it, you do not have an open file policy?

7 A. Correct.

8 Q. Okay. And with regard to information that -- let
9 me back up. Let's talk about procedures for General
10 Sessions terms of court May 2009 before -- we are not
11 talking about capital cases at this point. We'll get to
12 that. When you get -- when your office receives a jury
13 list of potential jurors what do you do?

14 A. Before 2009?

15 Q. Yes, ma'am.

16 A. I really don't remember what our procedure was then
17 and in what form we received it from the clerk's office.
18 I don't know if that's changed over the years. I know
19 that what we do with it has changed over the years but I
20 don't remember before 2009 exactly what form it took.

21 Q. All right. Well, let's talk about whatever the
22 form from the clerk's office you get a list of potential
23 jurors; is that correct?

24 A. Right. That's right.

25 Q. And in the last few years Court Administration has

1 changed things as far as how those are generated?

2 A. Right.

3 Q. And that's been since 2009, I believe. Well, going
4 back, you've gotten the printouts of the list?

5 A. Right.

6 Q. It has the names of the jurors, addresses and
7 certain demographic --

8 A. Date of birth.

9 Q. Date of birth, and certain demographic information,
10 right?

11 A. Right.

12 Q. Does your office run criminal histories on those
13 jurors?

14 A. Yes, and that has been going on for sometime,
15 forever.

16 Q. I mean, we started practicing about the same time.
17 I don't remember a time that that hasn't happened in the
18 Solicitor's Office.

19 A. Right. Right. We've always run rap sheets based
20 on what the clerk gave us.

21 Q. All right. And do you ever share any of that
22 information with the presiding judges?

23 A. Yes.

24 Q. And what information do you share with the
25 presiding judges?

1 A. Usually what would happen if a judge is qualifying
2 the jury and someone doesn't volunteer information about
3 their criminal history we'll let the judge know that this
4 person might have an issue because sometimes you've got
5 the wrong person, same name or somebody got arrested
6 under their brother's name or whatever; but we'll let the
7 judge know so that they can call that person up and
8 question them about it.

9 Q. And that's in the general qualifications?

10 A. Right. Right.

11 Q. Before a particular case is called to trial?

12 A. Right.

13 Q. Do you share the jurors' criminal histories with
14 defense counsel?

15 A. No, not unless we get to that point. If everybody
16 is coming up to talk with the judge I'm sure that the
17 defense lawyer would know what our issue is or what the
18 problem is but as far as handing them a rap sheet or
19 providing them all the rap sheets, no.

20 Q. Okay. And there's different purposes that you have
21 those rap sheets for, correct?

22 A. The juror rap sheets?

23 Q. Let me ask you a different question. The jurors'
24 rap sheets will help you determine whether or not they
25 have a conviction that excludes them from jury service by

1 statute?

2 A. That's right.

3 Q. But we also know that not every conviction excludes

4 somebody from jury service.

5 A. Right.

6 Q. And we also know that an arrest with no conviction

7 doesn't exclude somebody from jury service.

8 A. Right.

9 Q. And the criminal histories that you get would have

10 the convictions for a year or less that would not

11 disqualify them for service, it would show those?

12 A. It should.

13 Q. It should.

14 A. It should show all of their arrests.

15 Q. And you are using the NCIC system?

16 A. That's right.

17 Q. Which is the FBI system that has information across

18 the Country; is that correct?

19 A. That's right.

20 Q. And it should also show the arrests that haven't

21 resulted in convictions; is that fair to say?

22 A. It should. It should.

23 Q. It should. And you have looked at rap sheets that

24 contained those two classes of information?

25 A. Yes.

1 Q. And if I understand your testimony from a minute
2 ago the defense counsel might be privy if they are at the
3 bench and the conversation with the judge about a
4 disqualifying conviction, right?

5 A. That's right. It's not provided as part of the
6 discovery or anything else.

7 Q. Right. And you don't provide the information
8 regarding the non disqualifying convictions and the
9 arrest to defense counsel, do you?

10 A. We don't provide any information from the rap sheet
11 to defense counsel.

12 Q. All right. Fair enough. And what is your reason
13 for having that policy?

14 A. The main reason is it's my understanding from NCIC
15 that we aren't supposed to share that information, that
16 we aren't supposed to distribute rap sheets.

17 Q. And the information as I understand prior testimony
18 in this case in depositions that NCIC policy requires
19 those criminal histories to be destroyed?

20 A. Upon the completion, yes.

21 Q. Okay. Well, in William's case we were originally
22 told that those rap sheets had been destroyed. Were you
23 aware of that?

24 A. I was aware of that after, after the fact.

25 Q. Okay.

- 1 A. Yes.
- 2 Q. But at some point you were aware of that?
- 3 A. Yes.
- 4 Q. And you knew we were asking for that information?
- 5 A. At some point. I believe I became aware of that
- 6 when we found rap sheets that there had been some issue.
- 7 I believe that was with deputy -- Chief Deputy DuRant.
- 8 Q. And did you recall the initial subpoena for records
- 9 custodian deposition?
- 10 A. I don't.
- 11 Q. Would it surprise you that that was in 2012?
- 12 A. No.
- 13 Q. Would it surprise you that you designated Deputy
- 14 Solicitor DuRant as the records custodian?
- 15 A. No, now that you mentioned it.
- 16 Q. Does that help refresh your memory?
- 17 A. Yeah. That helps refresh my memory.
- 18 Q. And you were aware of when the rap sheets were
- 19 found?
- 20 A. I'm aware that they were found.
- 21 Q. Would that have been in the fall of 2015?
- 22 A. I don't know.
- 23 Q. Would it have been after we sent you another
- 24 subpoena?
- 25 A. I don't remember the chronology. I just remember

1 they were found.

2 Q. Well, you've gotten a number of subpoenas from us,
3 haven't you?

4 A. Yes.

5 Q. And it was at that time, would you agree or
6 disagree, that that's when the rap sheets were found?

7 A. I don't know the time frame of it. I just know
8 that they were found.

9 Q. So is that a violation of the policy?

10 A. I think so. Of FBI policy or the NCIC policy? I
11 think it is.

12 Q. Now, are you aware that with regards to William's
13 case that you have asserted the work product privilege?

14 A. Yes.

15 Q. And that was your decision to do that; is that
16 correct?

17 A. Yes.

18 Q. And you used or asked Deputy Solicitor DuRant to
19 handle those matters for you?

20 A. The privilege log that was to go to the Judge,
21 those things?

22 Q. Yes, ma'am.

23 A. Yes.

24 Q. So he did the privilege log?

25 A. Yes.

1 Q. And I think we've refreshed your memory that he did
2 the records custodian deposition in December of 2012
3 where he asserted that privilege?

4 A. I'm not good on the date but I know that he was in
5 charge of all that, whenever it happened.

6 Q. And you aware that he went to a status conference
7 in St. Mathews on your behalf?

8 A. Yes.

9 Q. And that he's attended hearings in Lexington and
10 Kershaw on your behalf?

11 A. I don't remember Lexington. I do remember Kershaw.

12 Q. And certainly he's been the one that's communicated
13 with the Judge with the privilege logs?

14 A. Yes, sir.

15 Q. And he's the one that's handled distributing the
16 information when the Judge ruled that some of it was
17 ultimately discoverable?

18 A. Yes.

19 Q. Okay. Now, one of the subpoenas that we sent to
20 you also included information about other cases.

21 (WHEREUPON, Applicant's Exhibit Number 4, a
22 Document, was marked for identification only.)

23 Q. Solicitor Wilson, I'm going to hand you what's been
24 marked as Applicant's Exhibit 4, which is a five-page
25 document beginning with my cover letter dated August 27th

1 of 2015. Did you receive those documents?

2 A. I'm not sure. I thought that y'all had done a
3 freedom of information. Did y'all do --

4 Q. The cover letter is also a freedom of information.

5 A. Oh, okay.

6 Q. It all came in one --

7 A. In one package.

8 Q. And once again, with regard to these cases, was it
9 your decision to assert the work product privilege?

10 A. Yes. Any decision about the work product privilege
11 would have been mine.

12 Q. And with regard to this subpoena the Charleston
13 County Attorney's Office handled both the FOIA aspect and
14 the subpoena aspect?

15 A. Yeah. I'm with you now. Yeah.

16 Q. All right. Now, there's been some questions asked
17 about what other information we could have controlled for
18 in our study. Not all the information in that request,
19 August 2015 request, not all the information in your
20 files has been disclosed to us, has it?

21 A. I don't know because I thought that -- I thought
22 that things were being submitted to the Court for review
23 and then some things were provided and some things
24 weren't and I haven't been made privy as to what y'all
25 were given and what you weren't.

1 Q. Fair enough. I think it's a fair statement that
2 all the materials have been disclosed to Judge Cooper?

3 A. I think so, yeah.

4 Q. Okay. You don't know what Judge Cooper has ruled
5 to be disclosed to us or not?

6 A. That's right.

7 Q. And so if there was information in there that could
8 have put into our study but wasn't disclosed there's no
9 way we could make use of that, is there, disclosed by
10 Judge Cooper to us?

11 A. If he didn't --

12 MS. BROWN: Objection. Speculation.

13 THE COURT: Overruled.

14 A. The information that we asserted the privilege
15 over, that's what we are talking about, right?

16 Q. Yes, ma'am.

17 A. And if Judge Cooper didn't disclose it to you then
18 I don't think you would have had access to it except
19 through transcripts.

20 Q. Okay. Well, we wouldn't of had access to -- if
21 your notes weren't disclosed with regards to criminal
22 histories of jurors we wouldn't be able to include that
23 in the study, would we?

24 A. Well, I think a transcript would have revealed if I
25 were asked at the time, especially through a

1 Batson motion, what my reasons were and that would have
2 been on the record.

3 Q. But if you weren't asked that that wouldn't be on
4 the record.

5 A. Probably not, unless it came up somehow in jury
6 selection.

7 Q. And it wouldn't be on the record for every juror
8 that you had a decision to make a strike on.

9 A. Right.

10 Q. You could have not asserted the privilege and just
11 given us access to everything, couldn't you?

12 A. Sure. Yeah.

13 Q. And it was your decision not to do that?

14 A. It was my decision not to do that. Now, grant it,
15 at the time that I made that decision I didn't know
16 anything about a statistical study.

17 Q. Well, you know about it now.

18 A. I know about it now.

19 Q. And have you been given copies of the study?

20 A. Yeah. I think I've been given both of them. I
21 know I read the first one. I haven't read the addendum
22 or redo or whatever it was.

23 Q. All right. Have you and Ms. Brown or anybody else
24 from the Attorney General's Office had a conversation
25 about you knowing that there was more information that

1 could have been put into the study?

2 A. No.

3 Q. Okay. Have they asked you, Solicitor Wilson, is
4 there any more information that you would like included
5 in this study?

6 A. No.

7 Q. Okay. Now, if you look at that last page --

8 A. Let me --

9 Q. Yes, ma'am?

10 A. -- clarify that. We've discussed how I believe the
11 study is flawed. We haven't discussed about me providing
12 more information or if there is more information. I
13 haven't looked at the notes that the Court has, if there
14 are even any notes that you have, Chief Deputy DuRant may
15 have. I have not. But I have certainly discussed with
16 Ms. Brown the fact that I don't think just looking at one
17 factor tells the complete story and my frustration with
18 that.

19 Q. Fair enough. Has she asked you, Solicitor, is
20 there any other factor that might help tell more of that
21 information that we can ask them to control for and can
22 we get that information?

23 A. She hasn't asked me for information.

24 Q. Okay.

25 A. To provide information. Except, I think she did

1 ask me if I had -- I take that back. She asked me if I
2 had any juror information on one of the cases and I got
3 that pulled from the archives and there was no jury
4 information in it at all, not just I didn't -- not my
5 notes, not the initial roster. There was nothing in
6 there about jury selection.

7 Q. Do you know which case that was?

8 A. I know it was -- I believe it was the case -- I
9 don't remember the name but the defense attorney was
10 Ralph Wilson. It might have been Jamol Brown.

11 Q. Okay. Jamol Hamilton Brown was tried October 23,
12 2006. Does that sound right?

13 A. Yeah.

14 Q. Okay. All right.

15 A. And then I think that's the only one that she asked
16 me about and I offered to pull the file to see if there
17 was anything else in it and there wasn't.

18 Q. Did she ask you about Bradley Lindsey?

19 A. No.

20 Q. Did she ask you about Ronald Coker?

21 A. I believe she had -- I believe she mentioned that
22 she had talked to the Public Defender's Office about that
23 one.

24 Q. All right. Did she mention whether she found out
25 any information as far as the jury strike?

- 1 A. No.
- 2 Q. And Ivory Crocker was --
- 3 A. Croaker.
- 4 Q. Croaker. I'm sorry.
- 5 A. Co-defendant.
- 6 Q. Was a co-defendant?
- 7 A. Uh-huh.
- 8 Q. So that jury information would have been the same?
- 9 A. Yes.
- 10 Q. Okay. Let me go back and ask you just some
- 11 questions about a follow-up about William's trial which I
- 12 think is probably apparent from your other answers but
- 13 you did run the criminal histories for William
- 14 Dickerson's capital trial; is that right?
- 15 A. Right.
- 16 Q. And you did some additional things with that
- 17 information that you don't typically do?
- 18 A. Well, we had a lot more information on those jurors
- 19 because of the questionnaires.
- 20 Q. Right, and I think that everybody whose -- I mean,
- 21 there's a lot of experience with criminal jury trials in
- 22 this courtroom and it's fair to say that the ordinary
- 23 voir dire that we get is very limited in a normal case?
- 24 A. That's right.
- 25 Q. And so what you did for William's trial was you

1 took the information from the questionnaires and from the
2 NCIC histories and developed some spreadsheets?

3 A. Yes.

4 Q. And I believe that the spreadsheets is what you
5 actually used during the jury selection?

6 MS. BROWN: Your Honor, I object. Could he please
7 present it in question form. It seems to me it's
8 testifying.

9 MR. GROSE: All right. I'll rephrase.

10 Q. During the jury selection in William's --

11 THE COURT: Go ahead.

12 Q. I'm sorry. During jury selection in William's case
13 did you use spreadsheets?

14 A. I believe we had spreadsheets.

15 Q. And did you rely on them as opposed to the other
16 documents?

17 A. The other documents being the --

18 Q. Questionnaires and the NCIC histories.

19 A. If I recall, the way the spreadsheets worked is we
20 used the spreadsheets to sort of synthesize what we had
21 from the questionnaires and what we had from the rap
22 sheets. I haven't looked at those questionnaires -- I
23 mean, those spreadsheets since then but that's how I
24 believe we did it, so that you didn't have three or four
25 documents you were referring back to one spreadsheet.

1 You could have all the information in one place.

2 Q. And it would take up less room on the table?

3 A. Right.

4 Q. Yes. Okay. Did you provide those criminal

5 histories to Jeff Bloom and Drew Carroll?

6 A. I wouldn't think so.

7 Q. And that would -- not doing it would be consistent

8 with your policy?

9 A. That's right.

10 Q. Okay. All right.

11 A. Again, until -- unless and until there was a

12 challenge on somebody. If there were a challenge we

13 might show it to them. At no point do I see us giving

14 the rap sheet but I can see if there were a discussion

15 might we have gone over it together but I don't recall

16 that specifically, if that happened.

17 Q. All right. The record might reflect what actually

18 happened.

19 A. Sometimes that part is off the record. If there's

20 a Batson challenge sometimes the Judge will say, Y'all

21 talk about it. I just don't know.

22 Q. All right. Well, we'll just look at the record

23 later. Okay. What I want to do now is transition and

24 talk about some of the jury trials that you were involved

25 in other than Mr. Dickerson's trial, okay?

1 MS. BROWN: Objection. Relevance.

2 THE COURT: Overruled.

3 MS. BROWN: Your Honor, may I also renew my
4 objection to the study that I originally put on the
5 record back in March, March 31st. If any of this goes to
6 any of the studies used in there we still object because
7 the statistical studies should not have been admitted for
8 the arguments we made on March 31st.

9 THE COURT: Let's -- before you start, let's just
10 take a short break.

11 (WHEREUPON, a brief recess was taken.)

12 THE COURT: You may proceed. Mr. Dickerson has
13 returned to the courtroom.

14 MR. GROSE: Thank, Your Honor.

15 (WHEREUPON, Applicant's Exhibit Number 5, a
16 Document, was marked for identification only.)

17 BY MR. GROSE:

18 Q. Solicitor Wilson, I want to show you what's been
19 marked as Applicant's Exhibit Number 5, which is already
20 in the record. This has been -- I'm sorry. My mistake.

21 A. That's all right.

22 Q. It's our understanding this is an incident report
23 from the carjacking, kidnapping, armed robbery trial of
24 Jalal Beyah.

25 A. Uh-huh.

1 Q. Do you recognize it as that?

2 A. I don't see his name.

3 Q. Right. It does say that it's unknown, doesn't it?

4 I have a transcript of this trial and I'm looking at page

5 11 of the transcript, I believe, and I apologize that

6 it's small but it does identify who the victims were in

7 the case.

8 A. Yeah. I remember the victims but I don't see their

9 names on here.

10 Q. Let me direct you, perhaps. That would be victim

11 number one.

12 A. I see it. I got it.

13 Q. And who is listed as victim number one?

14 A. Reed Messer.

15 Q. And what is her race?

16 A. White.

17 Q. And victim number two might be on the next page.

18 A. Marisa Raymond.

19 Q. And what was her race?

20 A. White.

21 Q. Okay. And do you recall the race of Mr. Beyah?

22 MS. BROWN: Your Honor, I just wanted to interject

23 a continuing objection to cases not related to

24 Mr. Dickerson.

25 THE COURT: All right. Overruled.

1 A. He was black -- or is black. This was from what
2 year? From the year 2000?

3 Q. My information is that the trial was June 10th,
4 2004. Of course, the incident report would have been
5 from before the trial.

6 A. I believe it says year 2000, and I think we tried
7 him twice because the first time I think we got a hung
8 jury and he fled during deliberations. I believe that's
9 right, and then we had the second trial.

10 Q. Okay. All right.

11 (PAUSE.)

12 MS. BROWN: Your Honor, why they are marking that
13 can I make one other objection I wanted to put on the
14 record?

15 THE COURT: Hold on.

16 MR. GROSE: She can't write and --

17 THE COURT: While you're talking.

18 (WHEREUPON, Applicant's Exhibit Number 6, a
19 Document, was marked for identification only.)

20 THE COURT: All right. Now, Ms. Brown.

21 MS. BROWN: Thank you, Your Honor. I do object to
22 information that is outside of the statistical study.
23 I've already made an objection there that is continuing
24 but I'm hearing information that doesn't go into the
25 study and I just want to object to anything that doesn't

1 go to an allegation that's already in the record. I am
2 not consenting to any kind of amendment or any
3 information coming in that would lead to an amendment at
4 a later time. So I just want to put that -- clarify that
5 on the record.

6 THE COURT: Let me understand your objection
7 because some of these cases are listed on the opinion and
8 study.

9 MS. BROWN: And I asked Professor O'Brien, I
10 believe both times, March 31st and this morning about
11 different race of the victim and the defendant and she
12 says she did not have the information for that or did not
13 use that in the study, and that's what we are going into
14 there in this line of questioning. So just to make sure,
15 I'm not consenting to any trial by amendment to some kind
16 of allegation outside of what they've already done.

17 THE COURT: All right.

18 MS. BROWN: Thank you.

19 THE COURT: You may proceed.

20 MR. GROSE: Thank you, Your Honor.

21 BY MR. GROSE:

22 Q. I'm going to hand you what's been marked as
23 Applicant's Exhibit Number 6.

24 A. Okay.

25 Q. And the victim is listed in that case as Anthony

- 1 Gambrel?
- 2 A. Robert Kinneman is the victim.
- 3 Q. Let me see which one I handed to you. I'm sorry.
- 4 I'm sorry. I think I handed you the wrong one. I
- 5 apologize. Do you remember trying a case where Anthony
- 6 Gambrel was the victim?
- 7 A. Do you know who the defendant was?
- 8 Q. Michael Dunham?
- 9 A. Yes.
- 10 Q. And Michael Jeter?
- 11 A. Yes.
- 12 Q. Do you recall the races of the two defendants?
- 13 A. They were black -- are black.
- 14 Q. And do you recall the race of the victim,
- 15 Mr. Gambrel?
- 16 A. No.
- 17 Q. I'm not going to introduce this but it is --
- 18 because I've marked it up, but if I show you that
- 19 document would that refresh your memory?
- 20 A. I don't doubt -- I mean, it says Anthony Gambrel is
- 21 a black male.
- 22 Q. And you don't dispute the incident report?
- 23 A. No. What year was that one?
- 24 Q. My information is the trial -- there were two
- 25 trials in February 13th of 2006 and March 20th, 2006, and

1 the incident report has a dispatch day of September 14th
2 of 2000.

3 A. The incident was 2000 and the trials were in
4 2000 --

5 Q. And six, according to the information I have.

6 A. That doesn't seem like that's right but. . .

7 Q. I'm sorry. My apologies. I was looking at the
8 Beyah incident report. The 2000 -- December 13, 2004 was
9 the dispatch date for Mr. Gambrel as the victim.

10 A. Okay.

11 (WHEREUPON, Applicant's Exhibit Number 7, a
12 Document, was marked for identification only.)

13 Q. Let me show you what's been marked as Applicant's
14 Exhibit Number 7, which is an incident report with a
15 dispatch date of December 23rd, 2005. Do you see that?

16 A. December. Yeah. I can't make that out but
17 December 2005, yes.

18 Q. And who is the victim that's listed on that report?

19 A. Kyle Clark.

20 Q. And what is Mr. Clark's race?

21 A. White male.

22 Q. All right. And do you recall trying the defendant
23 named Michael Barnes?

24 A. I know that I tried somebody named Michael Barnes.

25 I'm trying to get the facts to make sure I've got the

1 right case with the right people. Okay.

2 Q. All right. Do you see where Mr. Barnes is listed
3 as the suspect on page two of that document?

4 A. Yes.

5 Q. And what does it identify his race as being?

6 A. Black male.

7 (WHEREUPON, Applicant's Exhibit Number 8, a
8 Document, was marked for identification only.)

9 Q. I'm going to hand you what's been marked as
10 Applicant's Exhibit Number 8. I'm sorry. I put the
11 sticker on upside down. That one identifies the victim
12 as being Ronald Schafer?

13 A. Yes. White male.

14 Q. All right. And do you recall the defendant in that
15 case?

16 A. I think there were two co-defendants in that case.

17 Q. Okay. Do you recall that Michael Shine was one of
18 the co-defendants and that you tried his case?

19 A. Yes. I have tried somebody named Michael Shine and
20 I remember, if this is the one, involving duck tape in
21 the Meeting Street apartment.

22 Q. All right. And do you recall Mr. Shine's race?

23 A. Black male, but I think he had a co-defendant, too.

24 Q. All right. Do you recall who the co-defendant was?

25 A. No.

1 Q. And do you recall if that is a trial?

2 A. I can't remember. I can't remember but I thought
3 he had a co-defendant who we either tried or maybe
4 cooperated. That's from 2006 and I haven't researched
5 that so I just don't remember.

6 Q. Okay. And do you recall that co-defendant's name
7 sitting here?

8 A. No.

9 Q. Okay.

10 A. He may have turned out to be a witness. I know
11 there was some finger pointing going on in that case.
12 Maybe Fullmore. Yeah, Mr. Fullmore.

13 Q. And was he a witness?

14 A. I can't remember if he was charged or a witness but
15 I remember that there were two people involved.

16 (WHEREUPON, Applicant's Exhibit Number 9, a
17 Document, was marked for identification only.)

18 Q. I'm going to show you Applicant's Exhibit Number 9,
19 which is an incident report with a dispatch date of
20 October 7th, 2006.

21 A. Okay.

22 Q. Who is the victim in that case?

23 A. Jennifer Skurow.

24 Q. And what is her race?

25 A. White.

- 1 Q. And who is the defendant in that case?
- 2 A. Dominic Derricotte.
- 3 Q. And what is his race?
- 4 A. Black.
- 5 Q. And that's one of the cases that you tried?
- 6 A. Yes.
- 7 (WHEREUPON, Applicant's Exhibit Number 10, a
- 8 Document, was marked for identification only.)
- 9 Q. I'm going to hand you what's been marked
- 10 Applicant's Exhibit Number 10, which is an incident
- 11 report with a dispatch date of 4-10-2007. Have you had a
- 12 chance to look at that?
- 13 A. Uh-huh.
- 14 Q. And who is the victim in that case?
- 15 A. Elizabeth Ferguson.
- 16 Q. And what is her race?
- 17 A. White female.
- 18 Q. And the defendant?
- 19 A. Lemar Mack.
- 20 Q. And what was his race?
- 21 A. Black.
- 22 Q. Okay. Is this one of the cases that you tried?
- 23 A. Yes.
- 24 Q. And this involved a kidnapping at a florist shop?
- 25 A. That's right.

1 Q. All right. After the trial did Ms. Ferguson ever
2 appear in a TV commercial, campaign commercial for you?

3 A. Yes, she did.

4 Q. She did.

5 (WHEREUPON, Applicant's Exhibit Number 11, a
6 Document, was marked for identification only.)

7 Q. I'm going to hand you what's been marked as
8 Applicant's Exhibit Number 11, with a dispatch date of
9 September 18 of 2006.

10 A. Okay.

11 Q. Do you recognize that as an incident report from
12 the Colin Broughton case?

13 A. Colin Broughton, yes.

14 Q. And what was Mr. Broughton's race?

15 A. Black.

16 Q. And what was the race of the victim?

17 A. Two.

18 Q. Huh?

19 A. There were two victims and they both were black.

20 Q. Okay. And what were the names of the victims?

21 A. Shirley Birch and Sheirrse Birch.

22 Q. Were they both decedents?

23 A. No. The daughter survived. She was attacked
24 brutally but she survived.

25 (WHEREUPON, Applicant's Exhibit Number 12, a

1 Document, was marked for identification only.)

2 Q. Solicitor, I'm going to hand you what's been marked
3 Applicant's Exhibit Number 12, which is an incident
4 report with a date time reported 6-15-2009. Have you had
5 a chance to look at that?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes.

9 Q. Okay. And that's from the incident report for the
10 prosecution of Ethan Mack?

11 A. It is.

12 Q. And what is Mr. Mack's race?

13 A. Black.

14 Q. And who was the victim in that case?

15 A. Katherine Waring.

16 Q. And what was her race?

17 A. White.

18 (WHEREUPON, Applicant's Exhibit Number 13, a
19 Document, was marked for identification only.)

20 Q. I'm going to hand you what's been marked as
21 Applicant's Exhibit Number 13, which is an incident
22 report with a dispatch date of January 21, 2010, and this
23 gets a little confusing but that's an incident report of
24 a drug investigation but if you look at page two this was
25 what involved -- this case involved the assault and

- 1 battery with intent to kill charge with officer -- Deputy
2 Jay Degraw.
- 3 A. That's right.
- 4 Q. Okay. And the defendant that you prosecuted was
5 Brandon Simmons?
- 6 A. Yes, sir.
- 7 Q. And do you recall what Mr. Simmons' race was?
- 8 A. He's black.
- 9 Q. And do you recall Deputy Degraw's race?
- 10 A. He's white.
- 11 Q. Okay.
- 12 (WHEREUPON, Applicant's Exhibit Number 14, a
13 Document, was marked for identification only.)
- 14 Q. I'm going to hand you what's been marked as
15 Applicant's Exhibit Number 14, which is a report dated --
16 date time recorded is on 6-16-2012.
- 17 A. Okay.
- 18 Q. Do you recall prosecuting Ryan Deleston?
- 19 A. I do.
- 20 Q. And this is the incident report from that
21 prosecution?
- 22 A. It is.
- 23 Q. And do you recall his race?
- 24 A. Deleston's race, he's black.
- 25 Q. And who is the victim in that case?

- 1 A. Marley Lion.
- 2 Q. And what is his race?
- 3 A. He's white.
- 4 Q. Now, we may have covered some of this earlier. I
- 5 think we talked about there was a trial, a joint trial of
- 6 Ronald Coulter and Ivory Croker?
- 7 A. Croaker.
- 8 Q. Croaker. I'm sorry. Do you recall Mr. Coulter's
- 9 race?
- 10 A. He's black.
- 11 Q. And do you recall Mr. Croaker's race?
- 12 A. He's black.
- 13 Q. Do you recall the victim in that case?
- 14 A. Yes. Edwina Sims.
- 15 Q. And what was her race?
- 16 A. She's black. She was black.
- 17 (WHEREUPON, Applicant's Exhibit Number 15, a
- 18 Document, was marked for identification only.)
- 19 Q. I'm going to hand you what's been marked as
- 20 Applicant's Exhibit 15, which is an incident report with
- 21 a dispatch date of 11-25-2003.
- 22 A. I think you already handed me this one.
- 23 Q. All right. Well. This one --
- 24 A. Robert Kinneman. We talked about that one.
- 25 Q. Okay. And that may have been the one I handed you

1 by mistake earlier.

2 A. Okay.

3 Q. This was one with Bradley Lindsey as a defendant.

4 A. I don't see his name on here but I think that
5 Bradley Lindsey killed Robert Kinneman. If his name is
6 in there I'm not seeing it.

7 Q. Okay. So that would match up the prosecution of
8 the defendant and the victim, correct?

9 A. Right.

10 Q. Mr. Lindsey, do you remember his race?

11 A. I think he was white.

12 Q. And Mr. Kinneman, the victim in this case?

13 A. He is white.

14 (WHEREUPON, Applicant's Exhibit Number 16, a
15 Document, was marked for identification only.)

16 Q. And I'm going to hand you Applicant's Exhibit
17 Number 16, which is an incident report with a dispatch
18 date of January 30th of 2005. Do you recognize that as a
19 report from the prosecution of Jamol Brown?

20 A. I don't, but I did prosecute Jamol Brown and I
21 can't tell if this was at a bar. I believe this was the
22 one I was referring to earlier that was defended by Ralph
23 Wilson, I think.

24 Q. Okay. Were you involved in the prosecution of
25 Mr. Brown?

1 A. Yes. Yes.

2 Q. And Ralph -- well, former Solicitor Wilson was the
3 defense lawyer?

4 A. That's right.

5 Q. And you recall Mr. Brown's race?

6 A. He's black.

7 Q. And the victim in the case, Mr. Patrick?

8 A. It says on here that he's black.

9 Q. You testified earlier that you had seen at least
10 the initial report by Professor O'Brien and Professor
11 Grosso, the March report?

12 A. Yes.

13 Q. All right. Have you gone back and compared the
14 information about your strikes that's listed in that
15 report with the transcripts?

16 A. No.

17 Q. All right.

18 MR. GROSE: Beg the Court's indulgence for a
19 moment.

20 (PAUSE.)

21 MR. GROSE: Your Honor, I don't have any further
22 questions. I would just move the incident reports that
23 were exhibits into evidence with the exception of the one
24 that I withdrew.

25 THE COURT: Subject to the State's objection?

1 MS. BROWN: Yes, sir. I'd like to maintain the
2 objections.

3 THE COURT: All right. Admitted.

4 (WHEREUPON, Applicant's Exhibit Numbers 5 through
5 16 were admitted into evidence.)

6 THE COURT: Cross-examination?

7 CROSS-EXAMINATION

8 BY MS. BROWN:

9 Q. Solicitor Wilson, I think you told us earlier that
10 you graduated from the school of law in 1992?

11 A. USC, not Charleston.

12 Q. Thank you. USC School of Law.

13 A. I'd still be in debt.

14 Q. So when you graduated in '92 you were probably
15 taught Batson. This isn't new to you, is it?

16 A. No.

17 Q. Batson is a 1986 case.

18 A. No, it's not new.

19 Q. And we listed a lot in your direct examination
20 about the accredited courses that you attend or you send
21 your people in your office to attend. You value
22 training, don't you?

23 A. I do.

24 Q. Have you ever trained any attorney to strike solely
25 on the basis of race or gender?

- 1 A. No. Not solely or not in any way.
- 2 Q. And do you believe you should?
- 3 A. No. I don't think you should.
- 4 Q. And are you careful not to?
- 5 A. I am careful not to.
- 6 Q. Because it's not right?
- 7 A. Because I don't think it's right. I don't think
- 8 it's right for the defendant. I don't think it's right
- 9 for the juror who has a right to be a part of our system.
- 10 Q. It's not a legal maneuver, is it?
- 11 A. It is not.
- 12 Q. Okay. And I think you said before in your
- 13 testimony about the desk book that you had maybe a desk
- 14 book in 2009, maybe?
- 15 A. I would imagine. I don't recall that specifically
- 16 but it would not shock me since they were being shared at
- 17 some point around then.
- 18 Q. Well, in preparation for the strikes in
- 19 Mr. Dickerson's case would you have gone to that desk
- 20 book, made copies, made sure that you followed any
- 21 instruction that desk book may have inferred even from
- 22 the paragraphs?
- 23 A. I wouldn't have made copies just for that case. I
- 24 knew that we didn't need to strike on the basis of race
- 25 and we didn't need to strike on the basis of gender, and

1 we didn't. I didn't need to go to the desk book to learn
2 that.

3 Q. Because that is actually a moral decision for you?

4 A. It is.

5 Q. Okay. You were talking about the jury list that
6 the clerk of court gives to you before any case. The
7 jury list, the basic information, the name, that sort of
8 thing, that's shared with defense counsel, isn't it?

9 A. Yes. We can all pick it up and it has that
10 biographical information, sometimes has employment
11 information.

12 Q. And you run the rap sheets and then you inform
13 either the clerk of court or the presiding judge if there
14 is a disqualifying offense and the juror didn't tell
15 anybody about it?

16 A. Right, or if there is an offense that we are not
17 sure about sometimes they'll call us up.

18 Q. You don't embarrass the juror but give that
19 information to the judge?

20 A. I try not but sometimes it's awkward.

21 Q. And that basically is to preserve the integrity of
22 the judicial system, is it not?

23 A. Sure.

24 Q. It's not any kind of advantage to you, is it?

25 A. Not that I know of, no.

1 Q. And you don't normally provide rap sheets to the
2 defendant. You mentioned earlier, I believe, that that
3 information is just what you are given. You don't verify
4 what's in there, do you?

5 A. In the rap sheet?

6 Q. In the rap sheet.

7 A. No. Occasionally, if we are in jury qualification,
8 as I said before, sometimes we have to use the juror to
9 help verify the information because the juror will say,
10 Wait a minute. No, I've never been convicted of that.
11 I've never been arrested.

12 But as far as independently going further beyond
13 the rap sheet, no, it's quite voluminous.

14 Q. And yesterday I believe that you provided to me and
15 I provided to counsel a copy of the Criminal Justice
16 Information Services Security Policy; would that be
17 correct?

18 A. Yes.

19 Q. Specifically, about retention and destruction?

20 A. Yes.

21 MS. BROWN: May I approach the witness, Your Honor?

22 THE COURT: Yes.

23 Q. Can you identify these documents?

24 A. Those are the documents that we printed out
25 yesterday and gave to you.

1 MS. BROWN: Okay. And I'd like to move these into
2 evidence.

3 THE COURT: Any objection?

4 MR. GROSE: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, Defendant's Exhibit Number 2, a
7 Document, was marked and admitted into evidence.)

8 BY MS. BROWN:

9 Q. And, Solicitor, could you just publish the relevant
10 portions there that talk about what you are supposed to
11 do with those NCIC records, and this is after the trial
12 is over.

13 A. 5.8.3 is entitled Electronic Media Sanitization and
14 Disposal. The agency shall sanitize, that is overwrite
15 at least three times or degauss, d-e-g-a-u-s-s,
16 electronic media prior to disposal or release for reuse
17 by unauthorized individuals. Inoperable electronic media
18 shall be destroyed, cut up, shredded, etcetera. The
19 agency shall maintain written documentation of the steps
20 taken to sanitize or destroy electronic media. Agencies
21 shall ensure the sanitization or destruction as witnessed
22 or carried out by authorized personnel.

23 5.8.4 Disposal of Physical Media. Physical media
24 shall be securely disposed of when no longer required
25 using formal procedures. Formal procedures for the

1 secure disposal or destruction of the physical media
2 shall minimize the risk of sensitive information
3 compromised by unauthorized individual. Physical media
4 shall be destroyed by shredding or incineration.
5 Agencies shall ensure the disposal or destruction is
6 witnessed or carried out by authorized personnel.

7 Q. And those are the regulations that have been in
8 place and were in place in 2009, been in place until
9 today, correct?

10 A. I don't know when they came into place. It's what
11 we are trying to comply with now, which is quite
12 frustrating.

13 Q. But you didn't have any input in that?

14 A. No, and I'm not pleased with those regulations.

15 Q. Okay. And you were asked a little bit about your
16 assertion of work product privilege. You asserted the
17 privilege but also created or had your deputy create a
18 privilege log and you provided a copy of all the
19 documents to both of the judges that have been in this
20 litigation and you had no problem with that, did you?

21 A. No --

22 MR. GROSE: I'm just going to object to the
23 compound question, Your Honor.

24 THE COURT: Overruled. Go ahead.

25 A. I don't have any problem at all with the Courts

1 looking at whatever the Court wants to look at. I do
2 have a problem sharing my work product with the defense,
3 and we support any ruling that the Judge makes, either
4 Judge, as far as revealing what they think is relevant
5 but I don't think it's right for the prosecution to have
6 to open up their entire work product file in any case.

7 Q. Isn't it true in this particular action they are
8 asking for a new trial?

9 A. Yes. That's true. And so that, you know,
10 strategy, confidential information, those types of things
11 I think should be filtered through the Court.

12 Q. And you were also asked about subpoenas and freedom
13 of information requests. Isn't it true that you got a
14 freedom of information request from opposing counsel in
15 this case for documents that the Judge had already said
16 was privileged -- or were privileged?

17 A. I don't know. I don't know if they asked for more
18 than that. I do know that if we are talking about
19 Applicant's 4 it was for a list of 14 cases that are
20 trials, which is not even close to the number of cases
21 I've tried much less the number of cases I've handled.

22 Q. And I do want to ask you about that, too, but do
23 you remember the freedom of information request about
24 your jury information for this case?

25 A. Yes. Yes.

1 Q. And that was after you had submitted everything for
2 the Judge to review under an assertion of privilege?

3 A. I believe it was, yes.

4 Q. And I would like to ask you about your cases. How
5 many cases have you tried just while you have been in the
6 Ninth Circuit Solicitor's Office?

7 A. I think it's over 30.

8 Q. And you've seen the report. All the cases that
9 you've tried while you've been here are not in that
10 report, are they?

11 A. No, they are not.

12 Q. And as far as some of the juror information, race,
13 gender; sometimes marital status or some other
14 information, the defense takes notes during voir dire,
15 correct?

16 A. Sure. Absolutely.

17 Q. So all that information about jurors isn't just in
18 your file, correct?

19 A. Correct.

20 Q. And if the defense wants a background check can
21 they not run a SLED check?

22 A. It's my understanding they can, that anybody can.

23 Q. Okay. And let's go back and talk about the study
24 for a little bit. Were you asked what info should go in
25 their study?

1 A. I didn't know a study was happening until right
2 before y'all had the hearing. I found out like a day or
3 two before the hearing that there was a study. So, no, I
4 wasn't asked by you or them or anybody.

5 Q. Do you know what the criteria was for the selection
6 of the cases included in the study?

7 A. I don't know. I don't know what this criteria was
8 either for the FOIA, for the freedom of information, and
9 subpoena. It certainly isn't inclusive of all the work
10 I've done in this Circuit, at the U. S. Attorney's Office
11 or before.

12 Q. In fact, you have a case at the U. S. Attorney's
13 Office that went through the Fourth Circuit, right?

14 A. I had several of them.

15 Q. And one in particular that reviewed a Batson issue
16 with the nurse case, sound familiar to you?

17 A. Yes. I remember the nurse case.

18 Q. And that was found to be race neutral reasons for
19 the strikes, right, and upheld on appeal?

20 A. Yes.

21 Q. That's not included in the study?

22 A. I don't know which cases exactly. I just know that
23 it was a small number compared to what I've done.

24 Q. And you were asked specifically if you had ever
25 done anything to attempt to reach out to make the study

1 better. What can they do to make the study better?

2 A. I think reviewing the transcripts and I think
3 taking a look at other factors besides just race. I
4 certainly understand that that is something that they
5 need to look at and I don't have a problem with that but
6 when you don't look further at criminal history,
7 employment, other connections to the case, whatever,
8 there are a whole lot of other things that go into jury
9 selection, and I think you brought that out on cross of
10 the lady that usually she looks at a lot of factors.

11 In this case, it seems to me -- and, again, I
12 haven't studied it. I skimmed over the report. But it
13 seems to me that they looked at one factor, and that was
14 race, and then decided that I was a racist, and I've got
15 a huge problem with that, and I've got a problem with the
16 selection of those cases.

17 I don't know what those cases -- I don't know where
18 he's going with that but when I've handled hundreds of
19 cases that involve black people, white people, Hispanic
20 people, you name it, and they are just not included?
21 That's just not right.

22 Q. And if, for example, these attorneys came to you
23 and they asked you, Solicitor, can you reach out to
24 defense counsel in a certain case because he didn't want
25 to talk to me, or whatever, would you have helped them?

1 A. I don't know at this point but I certainly don't
2 want to stop them from getting information. I don't want
3 to be an obstructionist. It's pretty tough when people
4 use the tactics that they have used but I do know that we
5 have a very robust Public Defender's Office here, a very
6 resourceful Public Defender's Office here that I am
7 certain would have been happy to help them, and I think
8 they've been involved in a large number of my cases.

9 So it wouldn't have just had come to me. Probably
10 what would have happened is I would have moaned and
11 groaned and complained about it and then I would have
12 asked you and you would have said you don't have to but
13 you probably need to and then I would have. That's how
14 that probably would have worked out.

15 Q. Okay. You were also asked did you provide the
16 criminal histories to Jeff Bloom, Drew Carroll for
17 Mr. Dickerson's 2009 trial, and I just want to ask you,
18 did they ask you for them?

19 A. I have no idea.

20 Q. Now, I raised an objection to some of the exhibits
21 and the questions and information coming in because it
22 wasn't in the study but I do want to ask you just for
23 completeness -- well, as preserving the objection, Your
24 Honor -- you are not the only one with access to those
25 reports, correct?

1 A. Those incident reports?

2 Q. All those incident reports --

3 A. No.

4 Q. -- we went over.

5 A. No. I mean, the public as a whole has access, law
6 enforcement has access, the defense bar has access,
7 anybody who wants to go to the police department can take
8 a look at them.

9 Q. So if whatever they found suitable to include in
10 whatever study is in those reports they could have gotten
11 them from a lot of different sources, correct?

12 A. A lot of different sources. I don't know if they
13 can use the newspaper for a source but certainly that
14 information would be there, too, through Google and
15 whatever else you wanted to look at.

16 Q. And those incident reports don't always tell what
17 happened afterwards. For instance, co-defendants who are
18 added or, you know, who actually stands trial and all
19 that, that doesn't affect what's -- or the incident
20 report doesn't affect what goes on at trial?

21 A. And it's not -- they don't always reveal -- they
22 usually don't reveal what happens at trial.

23 Q. Do you recall if Ethan Mack had a white female
24 co-defendant?

25 A. She was white or Hispanic, depended on her state of

1 bipolar that day. She was --

2 Q. And that wasn't reflected in the incident report
3 that you read off for the Court today, was it?

4 A. No. I don't know what her ethnicity was and it's
5 hard to know from her sometimes.

6 MS. BROWN: Beg the Court's indulgence.

7 (PAUSE.)

8 Q. Thank you, Solicitor Wilson.

9 MS. BROWN: No further questions, Your Honor.

10 THE COURT: Mr. Grose?

11 MR. GROSE: Thank you, Your Honor. May it please
12 the Court.

13 REDIRECT EXAMINATION

14 BY MR. GROSE:

15 Q. Mr. Mack's co-defendants, whose race you do not
16 recall --

17 A. I'm not saying that -- what I'm saying is she
18 appeared white. She talked about being Hispanic but I
19 don't know, and she had a lot of issues.

20 Q. Was her case a jury trial?

21 A. No.

22 Q. So there would be no jury strikes regarding her?

23 A. That's right.

24 Q. Okay. Now, when you've been in the Solicitor's
25 Office, you know, some of your trials were second chair

1 with Solicitor Hoisington, weren't they?

2 A. We did a death penalty case together that I guess
3 you would call me second chair. I don't remember how
4 many cases we tried together.

5 Q. Okay.

6 A. And, you know, at that point and at that level
7 first, second chair, it's not that differentiated, I
8 guess. Certainly Chief Deputy DuRant may technically
9 sometimes be a second chair but he is not a potted plant
10 and I see him as my equal.

11 Q. But you were the one who made the decisions, the
12 final decisions on jury strikes in William's case?

13 A. I mean, I take responsibility for them, sure.

14 Q. Okay.

15 A. But we had lots of discussion during the process.

16 Q. But the final decision was yours?

17 A. Yeah.

18 Q. All right. I want to focus on the cases where --
19 that were actually jury trials, that you were actually
20 involved in as lead counsel, okay? Of the list that we
21 read off earlier going through those incident reports
22 only Mr. Kinneman and Bradley Lindsey's case -- I'm
23 sorry. Only Mr. Bradley Lindsey who was the only white
24 person on that list that we went through, what --

25 A. The only white defendant?

1 Q. The only white defendant, yes, ma'am. What other
2 cases have you --

3 MS. BROWN: Your Honor, I'm going to object.
4 That's outside the scope of redirect. It sounds like
5 it's getting very complicated.

6 MR. GROSE: She asked about --

7 THE COURT: Overruled.

8 MR. GROSE: Thank you.

9 BY MR. GROSE:

10 Q. All right. Can you name us a defendant that you
11 prosecuted as lead counsel in a jury trial other than
12 Mr. Lindsey that was white?

13 A. Anthony Mann.

14 Q. All right. Anybody else?

15 A. Anthony Mann had a couple of co-defendants, several
16 co-defendants. They all were white.

17 Q. Now, what year was that trial?

18 A. I don't remember, sometime before Solicitor
19 Hoisington died when I was chief deputy. I would have to
20 research that and I could get a close number of the
21 number of white defendants and white victims that I've
22 had as far as trials. Now, as far as people who pled on
23 the eve of trial or people who, you know, the case got
24 dismissed I couldn't give you a good number on that.

25 Q. All right. You said that Mr. Anthony Mann and his

1 co-defendants were prosecuted before Solicitor Hoisington
2 died?

3 A. That's right.

4 Q. And, of course, Bradley Lindsey was prosecuted
5 before Mr. -- or Solicitor Hoisington died?

6 A. That's right.

7 Q. Since you have been the Solicitor for the Ninth
8 Circuit can you name us one non African American
9 defendant that had a jury trial where you were the lead
10 counsel?

11 A. I don't recall. I just don't know. There is
12 another one -- you are talking about just trials not just
13 that I prosecuted?

14 Q. Jury trials.

15 A. I haven't had that many trials since I've been
16 Solicitor. I don't know if there have been any white
17 defendants since I've been Solicitor.

18 Q. And you brought up the media. I'm not the first
19 one to ask you this question. I mean, you've been asked
20 that question by the Huffington Post before, haven't you?

21 A. The Huffington Post --

22 MS. BROWN: Objection, relevance.

23 THE COURT: Overruled. Go ahead.

24 A. The Huffington Post sent me an e-mail -- or
25 somebody claiming to be the Huffington Post. I don't

1 know. Sent me an e-mail asking how I could explain -- I
2 think it had to do with white victims not white
3 defendants. I don't -- I'm not sure.

4 Q. Okay.

5 A. And sort of making an allegation and I just
6 responded, I can tell you that your facts are mistaken.
7 I don't have time to research this right now but I
8 suggest you be very careful before you make a blanket
9 statement like you did.

10 I think it had to do with victims, though, not
11 defendants.

12 Q. And after they asked you that question did you
13 research it?

14 A. No.

15 Q. Did you research it knowing that you might be asked
16 questions about that here today?

17 A. No. I didn't know I was going to be asked
18 questions about that here today.

19 Q. You said you testified on direct that there has
20 been over 30 cases that were jury trials. I would like
21 for you to give us -- since you've been in the
22 Solicitor's Office in the Ninth Circuit I'd like for you
23 to give us the names of those defendants, please.

24 A. Of all of my 30 trials?

25 Q. Yes, ma'am.

1 MS. BROWN: Your Honor, I'm going to object. It's
2 way out of any kind of allegation. It doesn't go to the
3 study. It's taken the witness by --

4 THE COURT: All right. Okay. What's the
5 relevance?

6 MR. GROSE: I want to find out who they were. I
7 want to see if she can name them. I mean, this is
8 directly responsible -- they brought up on
9 cross-examination that she had other trials that we
10 didn't include. I want to know the names of them. I
11 want to go look at the public index.

12 THE COURT: Well, you can provide that information.
13 You don't have to answer it at this point. If necessary
14 for the purpose of trial you can get it by motion or
15 something.

16 MR. GROSE: Well, I would make that motion.

17 THE COURT: At the appropriate time.

18 MR. GROSE: Yes, sir.

19 THE COURT: Move on.

20 BY MR. GROSE:

21 Q. You were asked some questions about running NCIC
22 rap sheets; is that correct?

23 A. Yes.

24 Q. All right. How much does it cost you to run those
25 rap sheets?

- 1 A. I don't believe it costs us anything.
- 2 Q. Do you know --
- 3 A. I mean, besides incidentals.
- 4 Q. Okay. Paper?
- 5 A. We might have to pay for some kind of license but I
- 6 don't think it costs per --
- 7 Q. Well, that's what I'm getting at.
- 8 A. Yeah.
- 9 Q. There's no a per --
- 10 A. Not that I'm aware of.
- 11 Q. Per each juror that you put in there's not a
- 12 charge?
- 13 A. I don't think so.
- 14 Q. Do you know what it costs to run a SLED catch rap
- 15 sheet?
- 16 A. I don't.
- 17 Q. And do you know if there's a difference between the
- 18 SLED catch rap sheets and the rap sheets that you are
- 19 able to run?
- 20 A. The SLED -- you are talking about like what is
- 21 available to the general public?
- 22 Q. Right.
- 23 A. I don't know the name of it but the ones that the
- 24 general public can run I believe just have convictions
- 25 not arrest information. I'm not positive. I don't know

1 that I've ever seen one but. . .

2 Q. And do you know whether or not it contains
3 information from out of state, too?

4 A. I don't know.

5 Q. But yours does?

6 A. Yes, it should. It should.

7 Q. Yes. Now, as far as the regulations
8 notwithstanding if a lawyer asked a judge during a
9 Batson hearing to let them look at the rap sheets for all
10 the jurors would you comply with that request or not?

11 A. If the judge told me to? Sure.

12 Q. But the judge would have to tell you to? Is that
13 what you are saying? .

14 A. Yeah. I don't believe we are supposed to give out
15 rap sheets. I don't even think they want us to give them
16 out for the defendant himself.

17 Q. But, of course, we have a rule that requires that?

18 A. I know. I know, and it should. I think you should
19 get that. .

20 Q. And you were asked a question about whether or not
21 you would provide us with information. Do you recall
22 Ms. Franklin-Best e-mailing you and asking to meet with
23 you?

24 A. I don't dispute that.

25 Q. Do you recall declining that meeting?

1 A. I don't. That doesn't surprise me but I don't.

2 Q. You talked about the Public Defender's Office,
3 didn't you?

4 A. I said that they -- we had a robust and resourceful
5 Public Defender's Office that I think would cooperate if
6 y'all needed information, it was another way to get
7 information.

8 MR. GROSE: Beg the Court's indulgence.

9 (PAUSE.)

10 BY MR. GROSE:

11 Q. Just a couple more questions. Initially, you were
12 asked about training with regards to Batson, right?

13 A. I think Ms. Brown asked me about -- if I knew about
14 Batson from getting out of law school.

15 Q. Okay. Have you ever been instructed or instructed
16 your lawyers that the State does not have to indicate
17 whether the same standards used to strike black jurors
18 were applied to white jurors who were seated since the
19 defense has the burden to prove the State's allegedly
20 neutral reasons were pretextual because they were not
21 applied in a neutral manner?

22 A. That doesn't sound like something I would say. I
23 don't --

24 Q. Are you familiar with anything like that or not?

25 A. I'm not.

1 Q. Okay.

2 A. I'd have to -- I'm not.

3 Q. Have you ever -- well, let me back up. I want to
4 read a statement. The proponent of the strike need not
5 present evidentiary support for the strike. That, in
6 fact, is your policy, isn't it?

7 A. I don't have a policy per se.

8 Q. Well --

9 A. I don't understand what you mean.

10 Q. Well, if you strike and give the reason as criminal
11 history it's your policy not to provide the criminal
12 history of that juror unless ordered by the Court?

13 A. Well, the way it usually works -- I've never really
14 had that come up. What happens is there's a strike,
15 there's a challenge, and as I said before, sometimes a
16 judge will say, Y'all talk about it. You show them the
17 reason and see if they want to pursue this Batson motion
18 or not. And sometimes that gets worked out once I tell
19 what my strikes are and vice versa.

20 I've had it the other way where I thought I might
21 want to make a Batson but let me talk to the defense and
22 see if they can enlighten me and they did I didn't make
23 the motion. So it's worked both ways.

24 At that point, the reason if it involved criminal
25 history would be revealed. Whether or not they were --

1 actually shown, whether or not they asked to see it I
2 wouldn't have a big issue with that. I'd probably rather
3 have a court order just because of all of that stuff, all
4 of the regulations but. . .

5 Q. But you wouldn't do it unless ordered to do so?

6 A. No, that's not what I'm saying. I'm saying that a
7 lot of times what happens is the judge says, Y'all go
8 talk about it. And we talk about it and I say, Okay,
9 this person had this, that and the other.

10 If the defense wanted a copy of the rap sheet to
11 have and to hold I would probably ask the Court to order
12 me to do that.

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

14 MS. BROWN: Your Honor, may I have two questions?

15 THE COURT: Yes, ma'am.

16 RECROSS-EXAMINATION

17 BY MS. BROWN:

18 Q. Solicitor, can you make a defendant go to trial no
19 matter if they are white, black, Asian, Hispanic, male or
20 female?

21 A. No.

22 Q. And you would never deny a plea or force a trial
23 just to manipulate numbers, would you?

24 A. No.

25 Q. You take these cases as they come?

1 A. That's right.

2 Q. And you try for a fair resolution?

3 A. That's right.

4 MS. BROWN: Thank you. No further questions.

5 THE COURT: All right. You may come down.

6 THE WITNESS: Thank you, Judge.

7 THE COURT: Approach the bench, please, Counsel.

8 (WHEREUPON, a bench trial was had.)

9 THE COURT: All right. We'll stand at ease until

10 2:30.

11 (WHEREUPON, a lunch break was taken.)

12 THE COURT: Is the State ready to proceed?

13 MS. BROWN: Yes, Your Honor.

14 THE COURT: Applicant ready to proceed?

15 MR. GROSE: Yes, sir.

16 THE COURT: Mr. Dickerson is present.

17 Mr. Grose, you may proceed.

18 MR. GROSE: Your Honor, we discussed it at lunch.

19 We are not going to call any more witnesses. We are

20 going --

21 THE COURT: Today?

22 MR. GROSE: Today, yes, sir. We had Mr. Bruce

23 DuRant under subpoena. We are not going to call him

24 today. And Rutledge DuRant, I didn't think he was going

25 to be available until tomorrow. He made it back here.

1 We've released him from his subpoena. I think he was
2 going to inquire whether they still needed him or not.
3 We do not intend to call those two witnesses.

4 We do intend to make the motion about the
5 additional cases. We should be able to get that to you
6 in written form next week. And I want to remind the
7 Court that we still have kind of looming out there the
8 United States Supreme Court's decision in Foster vs.
9 Chapman that will come this term and I don't know what
10 additional issues that that might create for us. So with
11 that we don't have any more witnesses. I do want to take
12 up the Prosecutor's Desk Book issue.

13 THE COURT: All right.

14 MR. GROSE: And what I would like to do is mark as
15 an exhibit to this hearing what has been identified in
16 the pleadings that are filed with the Supreme Court of
17 South Carolina as Appendix to Review Assignment of PCR
18 Judge, appendix page 111 through 134. And I can for
19 identification make that the next exhibit in order, if
20 that suits the Court, applicant's exhibit.

21 THE COURT: All right. I don't know what it is.

22 MS. BROWN: We object. It's hearsay. It's never
23 been authenticated. It's never been relevant for any
24 other proceeding --

25 THE COURT: What is it? I'll find out what it is.

1 I don't know what it is. It's an appendix to a case in
2 Supreme Court?

3 MS. BROWN: It was kind of an intermediate action
4 in this very case and the attorneys for Mr. Dickerson
5 just attached some things to a petition and submitted it
6 to the Supreme Court.

7 THE COURT: Is that -- not the recussal but the
8 removal?

9 MS. BROWN: I believe the removal action, yes, sir.
10 And since it's never been authenticated, it's never been
11 actually presented, we don't know which addition or
12 anything it is and we've never had any testimony on it so
13 it's hearsay, Your Honor, and we object to the
14 admissibility, at least that way.

15 THE COURT: Okay.

16 MR. GROSE: Well, we're just marking it for
17 identification and its relevance will become apparent in
18 a second.

19 (WHEREUPON, Applicant's Exhibit Number 17, a
20 Document, was marked for identification only.)

21 THE COURT: What number is it?

22 MR. GROSE: It's Applicant's Exhibit Number 17,
23 Your Honor, and what it is or what it appears to us to be
24 is selected pages from the Prosecutor's Desk Book. I
25 didn't realize authentication was an issue. I mean,

1 Ms. Clifford can probably identify it and authenticate it
2 while she's here.

3 THE COURT: Do you know which addition?

4 MR. GROSE: It is the 2010 addition and it is also
5 copyrighted in 2010 which -- and there's nothing that
6 we've been able to see on it that claims that it was
7 prepared in anticipation of litigation or as otherwise
8 privilege. In fact, the copyright notice would tend to
9 put non prosecutors on notice that it has been
10 copyrighted. It is significant because the relevant
11 pages that we've introduced go to jury selection.

12 THE COURT: That you've introduced?

13 MR. GROSE: Or that we've marked for
14 identification. My apologies. What we've marked for
15 identification goes to --

16 THE COURT: That's 17?

17 MR. GROSE: Yes, sir. Yes.

18 THE COURT: Okay. Go ahead.

19 MR. GROSE: And it has in it as guides for
20 prosecutors what have been deemed acceptable reasons for
21 strikes and what have been deemed not acceptable reasons
22 for strikes.

23 THE COURT: Is it based on case law?

24 MR. GROSE: It does cite case law but it also -- a
25 reading of it would be this is how to respond to a

1 Batson motion if the other side makes it and --

2 THE COURT: All you have to do is read Ralph King
3 Anderson to know that.

4 MR. GROSE: Well, I understand but this is the
5 training stuff they've said has always been available in
6 their offices and under the Miller-El case you are
7 entitled to look at training materials and manuals. And
8 it does, in fact, suggest that the State does not have to
9 indicate whether the same standards used to strike black
10 jurors were applied to white jurors who were seated since
11 the defendant has the burden to prove the State's
12 allegedly neutral reasons were pretextual because they
13 were not applied in a neutral manner.

14 THE COURT: Does that cite case law?

15 MR. GROSE: It does cite a case but it's also
16 giving the blueprint to say that you can take race into
17 account, you just need to make sure that you give another
18 to get around it and you don't have to say, for
19 example --

20 THE COURT: I would not interpret it that way.

21 MR. GROSE: Well, we do and we think it needs to be
22 in the record for your consideration and for any future
23 reviewer of the record. And it does also talk about not
24 having to provide the evidence that supports your strike,
25 which we think clearly is what the Solicitor's policy is

1 with the rap sheets of jurors that have been issued in
2 this -- been of an issue in this case.

3 The document also indicates that editions earlier
4 than 2007 were written by Caroline Fishburn Fox, then an
5 assistant solicitor with the 15th Judicial Circuit, and
6 published by then Solicitor Hembree, and there is a --
7 you know, a whole page, which is appendix page 114
8 talking about how the prior 2007 and earlier editions
9 were handled and how the 2010 edition and post 2007
10 editions were handled, and we think that any issue that
11 was in publication and available through the Solicitors'
12 Conference, the Solicitors' Association, Prosecution
13 Coordination, the Attorney General's Office that was in
14 existence at the time of William's jury trial in 2009
15 need to be made part of the record, and to limit it we
16 would say between 2001 when Solicitor Wilson returned to
17 the State system and May of 2009 when William's trial
18 took place.

19 Our position also is is that these are documents
20 that have been created by public employees with public
21 funding for use by public officers, solicitors and their
22 employees, and that this is clearly the type of document
23 that's contemplated under the Freedom of Information Act
24 to be available to the general public for inspection. So
25 we object to -- we object to sealing this information

1 because this information should be part of the open
2 courtroom and available to the public.

3 And as I said, you know, this appendix is contained
4 in these documents that are Applicant's Exhibit Number 7
5 have been on Supreme Court's website under the C-Track
6 System for three years now. So that would be our
7 position, and so we would like those documents to be
8 produced by whoever has them, whether it's the 15th
9 Circuit Solicitor --

10 THE COURT: Which documents?

11 MR. GROSE: The 2001 to 2009 South Carolina
12 Prosecutor's Desk Book or the precursor to it that's
13 identified that Ms. Fox was doing for Solicitor Hembree.

14 THE COURT: You want the State to produce that --

15 MR. GROSE: Yes, sir.

16 THE COURT: What are you asking?

17 MR. GROSE: I'm asking that the State produce it
18 and that they be put in as part of the record for your
19 consideration for whatever weight you might give it after
20 you've had a chance to consider it. It's relevant under
21 the Miller-El case. They are fighting extremely hard to
22 keep us from getting it so it's going to have to come
23 from the State to be able to get beyond what we have from
24 2010.

25 THE COURT: What's the State's position?

1 MS. BROWN: Well, Your Honor, I think we are kind
2 of bifurcated here. I might ask Ms. Clifford to come
3 join me about the sealing argument but as far
4 as admissibility --

5 THE COURT: I'm going call her next.

6 MS. BROWN: As far as admissibility, Your Honor, I
7 think that Your Honor is absolutely right. We can look
8 at Judge Anderson, we can look at retired Judge Shuler.
9 They all have outlines about here's what the cases say on
10 Batson and this is what is good, this is found bad, this
11 tells you what to look out for. I mean, that's
12 interpretation of case law.

13 We even have in Purkett V. Elam the United States
14 Supreme Court saying it doesn't have to be plausible
15 either. Well, of course, the United States Supreme Court
16 isn't telling you how to defeat Batson but they are
17 telling you a structure that has to be followed and
18 analysis. So we haven't heard anything today that looks
19 like some kind of instruction on how to defeat Batson,
20 and the marked evidence up there, number 17, admittedly
21 is from 2010 which is after the March -- I mean, the May
22 2009 trial of Mr. Dickerson in this matter. That can't
23 possibly be relevant to the ineffective assistance of
24 counsel claim or if we are going to revisit the Batson
25 motion made at that time it's certainly not relevant to

1 that.

2 And, Your Honor, bottom line is this horrible
3 precedent to allow somebody to attach something to a
4 pleading and then make it admissible in all other
5 proceedings it just -- it's just bad precedent for them.

6 THE COURT: All right. Ms. Clifford, do you have a
7 motion?

8 MS. CLIFFORD: Thank you, Your Honor.

9 THE COURT: You can come on up.

10 MS. CLIFFORD: Your Honor, I filed a motion this
11 morning. We received notice of the subpoena issued to
12 Solicitor Wilson for the copies of the Prosecutor's Desk
13 Book on Tuesday morning, Tuesday --

14 THE COURT: Just for my information what did that
15 subpoena require?

16 MS. CLIFFORD: The subpoena required -- I'm sorry.
17 I'll actually read the wording.

18 THE COURT: Yeah, please do.

19 MS. CLIFFORD: The subpoena required her to produce
20 copies of the Solicitor's/Prosecutor's Desk Book that has
21 been available to you and the lawyers in the Ninth
22 Circuit Solicitor's Office from January 2001 to the
23 present.

24 THE COURT: Okay. It didn't cut it off at 2009?

25 MS. CLIFFORD: No, they did not, and we were

1 forwarded a copy of that subpoena on Tuesday. It was a
2 state holiday so our office was closed. I got into the
3 office yesterday and started looking at it, figured out I
4 need to do a motion to intervene to appear as a third
5 party to challenge --

6 THE COURT: By the way, just for the record you
7 better identify.

8 MS. CLIFFORD: Oh, I'm sorry. My name is Amy
9 Clifford, C-l-i-f-f-o-r-d. I'm with the South Carolina
10 Commission on Prosecution Coordination. And I figured I
11 better do a motion to intervene as a third party to
12 challenge a subpoena, and so we prepared one yesterday
13 and I e-mailed it out to everyone last night, your law
14 clerk included, and this morning after arriving here in
15 Charleston I filed it with the Court and gave clocked
16 copies to everyone.

17 The Commission's position is, first of all, in
18 regards to the desk book it was done by Caroline Fox in
19 the 15th Judicial Circuit Solicitor's Office up through
20 2008. In 2008, after I had joined the Commission, that
21 responsibility was turned over to me and the Commission.
22 We did not issue one, I do not believe, from the
23 Commission until 2010. That was the first edition that
24 we had issued.

25 THE COURT: So the extant version at the time of

1 this trial would have been?

2 MS. CLIFFORD: Would have been the 2008, I believe,
3 that would have been for the 15th Circuit.

4 THE COURT: Were they issued annually?

5 MS. CLIFFORD: They were. Well, and back then
6 there was a book that had been issued originally, in the
7 early 2000's. Then each year Caroline sent pages to
8 update, so just pages to insert to update. When we took
9 it over in 2008, with the first issue in 2010, each year
10 we issue a new book so that we can incorporate the
11 changes instead of just adding pages to make them.

12 THE COURT: Well, I guess what we are driving at,
13 what was extant in May 2009?

14 MS. CLIFFORD: It's my understanding the latest
15 edition as of May 2009 would have been the 2008 version
16 because there was a year that one was not produced.

17 THE COURT: As supplemented by you in 2009?

18 MS. CLIFFORD: No. There was no supplementation by
19 the Commission.

20 THE COURT: Okay.

21 MS. CLIFFORD: We took a year to look at it to do
22 some rewriting, some reformatting and issued a new manual
23 in 2010.

24 THE COURT: An all new manual?

25 MS. CLIFFORD: All new -- well, it's based on the

1 old but we made changes.

2 THE COURT: I understand.

3 MS. CLIFFORD: Instead of trying to cram changes
4 onto a single page we just incorporated them.

5 Your Honor, we take the position that the manual
6 is, in fact, work product and we don't have to label it
7 work product when we distribute it to the people for whom
8 it's intended. It's prepared in anticipation of
9 litigation to help prosecutors --

10 THE COURT: Who can claim that? Who can claim that
11 privilege?

12 MS. CLIFFORD: It's my understanding that the
13 creators of it can as well as those who receive the
14 benefit. And that's just from looking at some of the
15 cases that I cite in the motion to intervene. One of
16 them is the National Association of Criminal Defense
17 Lawyers vs. Executive Office for the U. S. Attorneys, and
18 that's at 75 F. Supp 3d 352.

19 Those cases seem to indicate that the Department of
20 Justice or other entities that prepare manuals for use by
21 their lawyers in trial can claim the attorney work
22 product privilege to prevent those documents from being
23 accessible to others.

24 THE COURT: Well, does that mean Ms. Fox must claim
25 the privilege?

1 MS. CLIFFORD: No, I think that that --

2 THE COURT: She's the author.

3 MS. CLIFFORD: She is the author but the book was
4 transferred to the Commission so it then becomes our
5 product, so I think we have an interest that would be
6 protected for purposes of Rule 24 under the Rules of
7 Civil Procedure to intervene.

8 THE COURT: Okay.

9 MS. CLIFFORD: We also, in addition, we have the
10 copyright interest that we've raised earlier in the March
11 hearing. We are concerned the book may not be marked
12 attorney work product. It is copyrighted. It does state
13 on the book that it's intended for prosecutors for use by
14 prosecutors to help them in the prosecution of cases.
15 They are not to be distributed elsewhere. I know you
16 received --

17 THE COURT: At that time.

18 MS. CLIFFORD: Yes.

19 THE COURT: I mean, when you took over.

20 MS. CLIFFORD: Yes. And it's my understanding Mark
21 Rappaport (phonetic) in my office talked to Caroline Fox
22 this morning on the phone. She says that as far as she's
23 aware the versions of her book that were distributed by
24 Solicitor Hembree were only done after they started doing
25 the trial notebook in 2010. That's just based on what

1 she said. I don't have any knowledge of that.

2 But the prosecutors aren't supposed to disclose it,
3 and the fact that someone has attached -- the fact that
4 Mr. Grose was able to get a copy from someone and then
5 attach an excerpt from that copy to a document that was
6 filed in the Supreme Court without notice to us or our
7 knowledge doesn't waive any privilege that may exist. I
8 mean, as we talked about this morning we may actually
9 move to see if the Supreme Court can take that part down.

10 Your Honor, we would ask that if you are inclined
11 to let them have just those pages that relate to issues
12 involved in this case that you make an in-camera review
13 to determine if, in fact, they are relevant, if they
14 existed at the time, if, in fact, they contain incorrect
15 information as they allege and if --

16 THE COURT: Incorrect?

17 MS. CLIFFORD: Incorrect. They are saying that
18 basically the knowledge, the information that's in there
19 is wrong, that we are telling people how to circumvent
20 the constitutional law. Instead of just containing
21 recitations of what the law is and what the courts have
22 held in cases they are saying we are trying to
23 manipulate, we are trying to help prosecutors manipulate
24 the law so they can get around Batson, and that's clearly
25 neither the intent nor I think what any reasonable person

1 would get from a plain reading of the materials in the
2 book.

3 But if you are inclined to let them use those we
4 would ask that they be limited to only those materials
5 that the trial attorneys in this case actually used, and
6 I don't know if there's been any testimony that anybody
7 in the Ninth Circuit who was involved in jury selection
8 actually looked at, read or relied upon the desk book in
9 any form.

10 We would also ask that if you are going to let them
11 use it that you seal the documents and instruct counsel
12 that they are not to share them with others outside this
13 proceeding so that if any work product privilege and
14 copyright or intellectual property rights that are there
15 can be further protected.

16 THE COURT: All right. Anything further on that
17 issue?

18 MR. GROSE: Yes, sir. By marking those as Exhibit
19 Number 17 we are not intending to attach something to a
20 pleading and then make it evidence, but what we are
21 intending to do is to help lay the foundation that there
22 is information there that is relevant to this proceeding.
23 And from what we've just heard there was an annual book
24 prior to 2000 and up to 2008 and then there was a gap.
25 After Solicitor Wilson became a solicitor -- again,

1 came back to the state system in 2001. Those documents
2 were handed out at the Solicitors' Conference either to
3 all the participants or one copy for each office. She
4 testified that her office has primarily relied on
5 training provided by the Commission, the Solicitors'
6 Association and the Attorney General's Office. Clearly,
7 this was information that was coming to her at some
8 particular point in time, so we do think that at minimum
9 Your Honor needs to make an in-camera review.

10 THE COURT: Well, that's fine. I don't know if I
11 can -- let me ask Ms. Clifford. Is there a library that
12 contains all issues up from 2001 until 2008, within your
13 knowledge?

14 MS. CLIFFORD: I have, I believe, on my computer
15 the 2008 edition that was given to me by Caroline Fox
16 when we took it over. I would imagine that she may have
17 prior versions. I am not sure but I can check. I can
18 find out for Your Honor.

19 THE COURT: Well, it seems like we are getting down
20 a path that we don't need to go down. I'm cognizant and
21 understanding your position and I think if there's some
22 way to get those pages of the prior issues of the desk
23 manual that they should be at least reviewed by the Court
24 and, as you say, in-camera. And if your argument
25 supports what you say it does then they may be placed in

1 evidence in this case but with some sort of
2 confidentiality protection, so that they are not, frankly,
3 in the press the next day.

4 And I'm sympathetic with Ms. Clifford's argument.
5 We got a multi-edge sword here. They were produced by
6 lawyers for other lawyers to look at yet they were
7 frankly disseminated and I can't ignore the fact that
8 they sent them to me and I had nothing to do with
9 preparation, I had nothing to do with using it other
10 than, quite frankly, let my law clerk read it just to get
11 some general information about how to try a case, and
12 that's what the predominant theme of the books are, if I
13 recall, is that it's putting a young lawyer through --
14 basically, through a trial and what you can and cannot do
15 and what you should and should not do. But my
16 recollection is that almost every citation in there or
17 any instruction in there is based on some interpretation
18 of the case that the Court had said this is proper and
19 this is not proper so. . .

20 MR. GROSE: And I think that procedure suits us.
21 We would just ask that if they don't ultimately become an
22 evidentiary exhibit that they be treated like the other
23 matters that are under seal.

24 THE COURT: In this case.

25 MR. GROSE: In this case, yes, sir.

1 THE COURT: All right. Let me get -- I don't want
2 to take this Court and start ordering an attorney in the
3 15th Circuit to try to -- Ms. Brown?

4 MS. BROWN: I'm listening. Yes, sir.

5 THE COURT: I'm going to ask -- order, not ask,
6 that the State try to identify these manuals, whatever
7 additions there are. All you have to do is inquire
8 somewhere. Your office may never have seen them either,
9 for that matter.

10 MS. BROWN: Well, I'm not aware but I don't know.

11 THE COURT: But you are the only party that I can
12 go to and try to locate editions, and then I'm not sure
13 what Mr. Grose has there but there obviously is a section
14 on Batson issues, and that's what I think the Court
15 should review in-camera.

16 MS. BROWN: I'd be happy to work with Ms. Clifford
17 and see if I can get what I understand to be the 2008
18 edition that would have been available --

19 THE COURT: Well, if there's something prior to --
20 if you get the relevant pages out of 2001, 2004, 2000 --
21 they are probably all the same but I don't know.

22 MS. BROWN: Your Honor, just because we have been
23 talking about the subpoena I just want to put on the
24 record that the Solicitor was here and complied with the
25 subpoena, had the books, had the disk and was available

1 for whatever you were going to order. So there was no
2 noncompliance with that subpoena. I wanted that to be on
3 the record.

4 And secondly, we would ask that the Court consider
5 ordering the applicant to withdraw the just marked
6 Exhibit 17 until we get the relevant copies and you do an
7 in-camera review and perhaps admit that, depending on
8 your ruling.

9 THE COURT: I don't think that's necessary. It's
10 not going anywhere. It's not being -- it's in the
11 custody of the Clerk of Court for Charleston County.

12 MR. GROSE: We would just ask that if there's any
13 documents that the Solicitor brought today in response to
14 the subpoena that are responsive to what we just
15 discussed that she go ahead and give those to you for
16 your review.

17 MS. BROWN: Well, that's not responsive because
18 she -- as I understood her testimony on the stand 2010
19 and beyond, and Your Honor has just limited it to 2008
20 and before, so there's nothing to take --

21 THE COURT: You just said she brought a bunch of
22 documents today, and he's saying where are they. That's
23 all.

24 MR. GROSE: And if there's any in that time frame
25 from one -- 2001 and 2008 we'll save a lot of time if

1 they give them to you now.

2 MS. BROWN: And, again, I understood it was 2010
3 and beyond, so I just wanted the Court to know that the
4 Solicitor certainly was trying to comply.

5 Excuse me just a moment. If I may have a moment.

6 (PAUSE.)

7 MS. BROWN: Yes, sir, Your Honor. I just made
8 sure. It's 2010 to 2014 and possibly '15, but that was
9 the only thing before.

10 THE COURT: Don't want it.

11 MS. BROWN: Okay. I just wanted to let you know.
12 Thank you, sir.

13 THE COURT: Now, anything else, Mr. Grose?

14 MR. GROSE: No, sir, not at this time.

15 THE COURT: Okay. Ms. Brown, your witness?

16 MS. BROWN: Yes, sir. We have Mr. Bloom coming in
17 the morning at 10 o'clock.

18 THE COURT: All right. And what about -- what's
19 the status of your expert's report?

20 MS. BROWN: We were going to meet with him this
21 afternoon at 3:30, which we had to reschedule. So I am
22 thinking the report will be -- I have some thoughts. I
23 have shared an opinion already. I was hoping for
24 something a little more formal. I hope to get to him
25 first of next week at the latest.

1 I also have a list of cases where he's been an
2 expert before and contact information and I advised
3 opposing counsel that I do have that and they have
4 consented to allow me to send that to them when I get
5 back to my office, as I obviously cannot work the remote
6 e-mail access for my own office computer.

7 THE COURT: Well, Mr. Grose, once you --
8 Ms. Franklin-Best, receive that report you've indicated
9 you wish to share it with your expert and that you may
10 wish to depose the witness, the expert. I will tell you
11 that I have a nonjury term the week of the 23rd of May,
12 which is two weeks away, and I would like to, if you are
13 going to do that, have that done by the 27th. And so let
14 me -- actually, we'd prefer that it be done before then
15 so we can call this witness and just perhaps wind up the
16 hearing portion of this application.

17 MR. GROSE: I'm pulling up my calender.

18 MS. FRANKLIN-BEST: I mean, the one thing I'm
19 concerned about is I have two pleadings due in Federal
20 Court but if we can --

21 THE COURT: You can work tonight.

22 MS. FRANKLIN-BEST: I'm sorry?

23 THE COURT: You can work tonight.

24 MS. FRANKLIN-BEST: Tonight?

25 THE COURT: This afternoon.

1 MS. FRANKLIN-BEST: If I could get an opinion we
2 could start doing some work.

3 MR. GROSE: I possibly have a trial next week but
4 that's still going to give us some time. I doubt it's
5 going to happen. It's the one that we got moved from
6 this week which is a back up for next week and it's first
7 up at some week in June.

8 I assume that implicit in that is you are expecting
9 them not to hold tight to the 10 or 15 days notice under
10 the Rules of Civil Procedure, that we schedule it as
11 quickly as we can when we can get calenders to work.

12 MS. BROWN: Oh, as I said the other day, we are
13 ready to go. I mean, he's already reviewed everything.
14 This is a matter of just --

15 MR. GROSE: No, I'm talking about for the
16 deposition.

17 THE COURT: If they choose to depose him.

18 MS. BROWN: Yeah. We are ready to go whenever you
19 are.

20 MR. GROSE: All right. Fair enough then. We'll
21 give them some dates.

22 THE COURT: Okay. Anything further for today?

23 MS. BROWN: Not from the State, Your Honor.

24 THE COURT: From the applicant?

25 MS. FRANKLIN-BEST: Not from the applicant, Your

1 Honor.

2 THE COURT: All right. 10 o'clock. Thank you very
3 much.

4 MR. GROSE: Thank you, Your Honor.

5 (WHEREUPON, the hearing was recessed for the day.)

6 Friday, May 13, 2016

7 THE COURT: Morning, Counsel. The State ready to
8 proceed?

9 MS. BROWN: Yes, sir.

10 THE COURT: The defense ready to proceed -- I mean,
11 the applicant ready to proceed?

12 MR. GROSE: Yes, sir.

13 THE COURT: All right.. Let the record show that
14 the applicant, Mr. William Dickerson, is present in the
15 courtroom. One thing I want to do before we start -- or
16 when we start, which is now, I'm going to grant -- since
17 I didn't do it formally yesterday, I'm going to grant
18 Prosecution Commission's -- I don't see their full name
19 on here, motion to intervene. That's granted.

20 All right. Anything of a preliminary matter before
21 we continue with the testimony?

22 MS. BROWN: Nothing from the State, Your Honor.

23 MR. GROSE: There's one matter I would probably be
24 remiss if I didn't call to your attention and I will just
25 do it now so I don't forget. It has to do -- we've

1 already had testimony about the appellate claims and the
2 photographs. It's number 10-C and 11-C-5 that lists the
3 photographs that were objected to at trial that we felt
4 should be appealed.

5 THE COURT: Were they?

6 MR. GROSE: They were not appealed. At some point
7 Your Honor will need to actually look at those
8 photographs to be able to size them up yourself. The
9 last time Betsy and I --

10 THE COURT: Procedurally, did trial counsel object
11 to them?

12 MR. GROSE: Yes, sir. Yes, sir.

13 THE COURT: Okay.

14 MR. GROSE: The last time Betsy and I looked at
15 them, which admittedly has been more than a couple of
16 years ago, it was early on in the case when we were
17 putting together the initial claims, they were still at
18 the South Carolina Supreme Court. They had been
19 transported there for the appeal. I don't think they've
20 been sent back to Charleston but I also don't know. They
21 could have been sent back without my knowledge. I doubt
22 it, but I wanted to make sure since we are in
23 Charleston --

24 THE COURT: What were the numbers, 10-C --

25 MR. GROSE: It's claim 10-C and 11-C, and the

1 photographs are listed in number 5 under 11-C, and they
2 are exhibits numbers 141, 153, 160, 161, 162, 166, 171,
3 172, 173, 177, 178, 181, 184, 335, and 336.

4 THE COURT: And for what purpose would you have the
5 Court review those?

6 MR. GROSE: Well, the claim is is that they were
7 unduly prejudicial and shouldn't have been admitted.

8 THE COURT: Well, how does that affect this
9 proceeding, I mean, if they were --

10 MR. GROSE: Well, it's a claim of ineffective
11 assistance of counsel for not appealing the
12 admissibility --

13 THE COURT: Oh, appellate counsel.

14 MR. GROSE: Appellate counsel, yes, sir.

15 THE COURT: I'm sorry. Okay.

16 MR. GROSE: Yes, sir. Trial counsel objected,
17 appellate counsel did not appeal. Mr. Dudek had
18 testified about that, I believe in the December hearing,
19 and so in order for -- I mean, you just need to look at
20 them at your convenience at some point.

21 THE COURT: Any objection from the State?

22 MS. BROWN: None at all, Your Honor. In fact, I
23 would offer - we can probably have somebody go down today
24 during the proceedings to see in the photographs have
25 been returned to the clerk's office here and if not I can

1 request a transportation order and get those photographs
2 from the Supreme Court and bring them down here so you'll
3 have them for the next hearing, if you like.

4 THE COURT: Well, you can take them to me in
5 Columbia, too.

6 MS. BROWN: I'd be glad to, wherever you want to
7 review them.

8 THE COURT: If somebody is going down. I'm going
9 to get the deputy clerk to come up. We'll have him check
10 it. He's -- Mr. Michel is right on top of everything
11 that goes on in this courthouse.

12 MS. BROWN: Agreed.

13 THE COURT: Thank you, Mr. Grose.

14 MR. GROSE: Well, I just didn't want us to get out
15 of here and if they turned out to be here creating an
16 inconvenience.

17 THE COURT: All right. Ms. Brown?

18 MS. BROWN: Thank you, Your Honor. Respondent, the
19 State, would call Mr. Jeff Bloom.

20 JEFFREY BLOOM, after having been duly sworn,
21 testified as follows:

22 THE CLERK: And for the record, if you could state
23 your first and last name and spell out your last name,
24 please.

25 THE WITNESS: Yes. Jeffrey Bloom, B-l-o-o-m.

1 THE COURT: .You may proceed.

2 MS. BROWN: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. BROWN:

5 Q. Good morning, Mr. Bloom.

6 A. Good morning, Ms. Brown.

7 Q. I know that you have testified before in December
8 and I'm trying not to go over too many of the same things
9 but just by way of introduction so we can kind of focus
10 this morning on particular issues your general education,
11 law education, would you start with your law school and
12 any other educations that you've had after that.

13 A. Yes. I attended the Columbus School of Law at
14 Catholic University in Washington D. C. from 1980 to
15 1983. I graduated in 1983 with juris doctorate. I
16 proceeded to take the North Carolina and the South
17 Carolina Bar examines. I have taken continuing legal
18 education courses since then, mostly in the areas of
19 criminal law and litigation.

20 I have instructed in the areas of criminal law and
21 litigation including capital defense. I am also an
22 associate clinical professor of neuropsychiatry and
23 behavioral science at the South Carolina University
24 School of Medicine in Columbia. It's an honorary
25 position not a paid position. I lecture about once a

1 year to the graduate fellows on issues pertaining to
2 psychiatry and the law.

3 Q. Okay. And when did you begin the assistant
4 professor position?

5 A. Dr. Jeff McKey got me involved in that when he was
6 at William S. Hall. I believe it was around 1999,
7 roughly.

8 Q. 1999. Okay. So you had been a professor for
9 sometime when you represented Mr. Dickerson in his 2009
10 trial?

11 A. Yes, and again, it's an honorary title.

12 Q. Yes, sir. And moving specifically to capital
13 litigation, how many cases have you handled in total?

14 A. Capital cases?

15 Q. Uh-huh.

16 A. Probably well over 50, and probably over 15 of
17 those have been jury trials, between 15 and 20.

18 Q. That actually went through the full trials?

19 A. Right, and probably 50 -- well, somewhere between
20 50 or 60 capital cases in all.

21 Q. And could you share with us how many appeals you
22 have been involved in from capital trials?

23 A. That are included in that number appeals would be
24 half a dozen maybe, six, seven.

25 Q. And how many times have you been a jury consultant

- 1 for others?
- 2 A. Probably a couple dozen, two or three dozen times.
- 3 Q. And do you also advise informally?
- 4 A. Yes.
- 5 Q. And have you testified before in this State as an
- 6 expert in capital litigation?
- 7 A. I have, prior to Green vs. State.
- 8 Q. And prior to the 2009 trial at issue in this
- 9 proceeding?
- 10 A. Correct.
- 11 Q. Okay. And have you actually taught at capital CLE
- 12 seminars?
- 13 A. Yes.
- 14 Q. Have you taught about creating themes and
- 15 maintaining themes within the capital trial?
- 16 A. Yes.
- 17 Q. And have you also taught about selection of jurors
- 18 in capital trials?
- 19 A. Yes.
- 20 Q. And would that include reference to
- 21 Batson and Batson motions?
- 22 A. Yes.
- 23 Q. And do you have handouts that you give to the
- 24 attendees of the seminars?
- 25 A. Usually.

1 Q. Do you happen to have those with you today?

2 A. No. I don't have any handouts with me today that
3 I've used in the past.

4 Q. Would you share those handouts with us at a later
5 time?

6 A. I'm not sure I can. Usually, they are the property
7 of the organization putting on the seminar and they are
8 included overall in those materials and they are for
9 defense attorneys attending those seminars. So I'm not
10 sure I'm at liberty to share them.

11 Q. They are restricted by intent to the defense
12 attorneys attending?

13 A. They may be, yes, ma'am.

14 Q. Well, let me just ask you generally when you
15 prepare a handout and you would reference
16 Batson would you explain the case law that was relevant
17 to Batson motions?

18 A. Yes. I'm not trying to be cagey about that. I
19 mean, generally, the content of those handouts are of an
20 outline nature. It would outline case law relevant to
21 voir dire starting with Morgan vs. Illinois, as well as
22 state case law, and things of that nature.

23 Q. Holdings and what was there and what was
24 acceptable?

25 A. Yes, ma'am.

1 Q. And I need to get into some lead information I
2 believe we've all talked about, and I'll have another
3 exhibit admitted. And just by way of explanation, we
4 took your deposition earlier?

5 A. Yes, ma'am.

6 Q. And you had declined to speak with us outside of
7 the deposition because of Mr. Grose's motion for court
8 supervision of the release of documents, correct?

9 A. I was available to speak with anybody in the case
10 but I wanted attorneys from both sides present. I
11 believe that's my recollection of what I asked.

12 Q. Okay. And you did not release anything to us
13 during the deposition but we discussed matters in your
14 privilege log, right?

15 A. I think that's correct.

16 Q. And just for the record, did you make the privilege
17 log or were you involved in the privilege log creation?

18 A. No. No to all those questions. I was not involved
19 in the making of it and did not prepare it.

20 Q. Yes, sir. In December you talked about some of
21 your investigation into possible lead exposure or issues
22 stemming from lead exposure, correct?

23 A. Yes, ma'am.

24 Q. And you recall consultation with an expert, as the
25 notes seem to reflect from the December hearing, but

1 after that hearing did I contact you and ask you for
2 particular documents in your file that would have
3 supported that testimony?

4 A. Yes, ma'am.

5 Q. And did you provide that?

6 A. Yes, ma'am.

7 Q. And at the same time did I also ask opposing
8 counsel to review the privilege log and provide the
9 documents that should be provided for the lead poisoning
10 issue?

11 A. I believe you did.

12 MS. BROWN: And, Your Honor, may I approach?

13 MR. GROSE: Can we see what you are approaching
14 with?

15 MS. BROWN: Yeah, this is yours.

16 MR. GROSE: Well, I can't see it from there. I've
17 got reading glasses.

18 MS. BROWN: This is your e-mail to me and
19 attachment.

20 (WHEREUPON, Defendant's Exhibit Number 3, a
21 Document, was marked for identification only.)

22 BY MS. BROWN:

23 Q. Mr. Bloom, I'm handing you what's marked as State's
24 Exhibit 3.

25 A. Yes, ma'am.

- 1 Q. And ask if you could identify that.
- 2 A. Yes. This appears to be -- well, it doesn't appear
3 to be it is the documents from my file in the case marked
4 Dr. Needleman, and Needleman is spelled
5 N-e-e-d-l-e-m-a-n, except for the first two pages which
6 is an e-mail between you and Charles Grose.
- 7 Q. And the date of that e-mail was?
- 8 A. March 28th, 2016.
- 9 Q. Okay.
- 10 A. That obviously was not a part of my file but
11 everything behind those first two pages are from my file
12 on Dr. Needleman in this case.
- 13 Q. Okay. And those were the documents that you were
14 referencing in your December testimony about contacting a
15 lead exposure expert?
- 16 A. That's correct.
- 17 Q. And I have tabbed in that selection one e-mail and
18 I wonder if you can share that with us.
- 19 A. Sure. Do you want me to just read it?
- 20 Q. Sure.
- 21 A. It is dated October 24th, 2007, the time is 10:41
22 a.m. Eastern. It is from Dr. Herbert Needleman to me.
23 It says, Jeff: A blood level of eight -- and I don't
24 recall the chemical terms he uses here but it's eight,
25 and I believe it's UG/DL, which would be deciliters, I

1 believe, at age eight suggests that it was higher in
2 infancy but there is no certainty to the statement.
3 Anymore info?

4 I'm sorry. Let me read that again so it's all in
5 one phrase. It says, quote, Jeff: A blood level of
6 eight UG/DL at age eight suggests that it was higher in
7 infancy, but no certainty to this statement. Anymore
8 info? End quote.

9 Q. So you were, is it fair to say, looking not only at
10 past records but what you could extrapolate from those
11 records as well?

12 A. Yes.

13 Q. And you were also looking at modern testing, you
14 attempted to do that as well?

15 A. Yes.

16 Q. And Dr. Needleman is a well-regarded expert in this
17 field, correct?

18 A. He is. Dr. Herbert Needleman is an expert in blood
19 levels, lead poisoning and the effects of lead poisoning
20 on brain development, especially in children. He is a
21 professor of psychiatry in pediatrics at the University
22 of Pittsburgh School of Medicine in Pittsburgh,
23 Pennsylvania, and I have a professional association with
24 him in this regard. I don't know him personally.

25 Q. And you've worked with him before, I believe?

1 A. I have worked with him one time before.

2 MS. BROWN: Your Honor, we would move State's
3 Exhibit 3 into evidence.

4 MR. GROSE: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, Defendant's Exhibit Number 3, a
7 Document, was admitted into evidence.)

8 BY MS. BROWN:

9 Q. Mr. Bloom, I just want to go back to how the
10 defense team came together. You and Mr. Carroll have
11 worked together before, I believe, you expressed in
12 December?

13 A. That's correct.

14 Q. And you had the greater experience with capital
15 cases; is that correct?

16 A. That's correct.

17 Q. But when you talked about themes or evidence or
18 what you wanted to do in the case was it equal, was it
19 divided? Can you share that with us?

20 A. The short answer is it was equal. The long answer
21 is when I have a capital case we put together a team. I
22 don't ever try to control that team. I do direct it but
23 we all have an equal voice at the table, if that makes
24 sense, and everybody from paralegals through
25 investigators, through mental health experts, through

1 co-counsel have equal opportunity to speak up during team
2 meetings about different issues, strategies, things like
3 that. Often times, if there is a legal or strategic
4 decision that has to be made obviously the two lawyers
5 make that, not the paralegals. That would be me and
6 Mr. Carroll. I cannot recall any instance in this case
7 where we had strong disagreements about any strategy
8 decision.

9 Q. Now, there's been an allegation that counsel was
10 ineffective because there was a disconnect between your
11 first phase theme and second phase theme. Why did you
12 want to favor an accessory defense to begin with and the
13 move to the history or story of Mr. Dickerson in
14 sentencing?

15 A. Well, Mr. Dickerson wanted a full defense at trial
16 in terms of contesting the State's evidence and the
17 burden of proof beyond a reasonable doubt. The accessory
18 theme we felt fit best with his stated desire and what
19 the forensic evidence could prove, and so our argument in
20 the first phase was the most the State could prove with
21 its burden in the case, is that he was an accessory and
22 not the principal.

23 Q. And did you advise your client of the danger of
24 having a bit of inconsistency?

25 A. We met with William on a regular basis. He

1 accepted our recommendation to proceed with an accessory
2 defense, if that answers your question.

3 Q. I believe it does. Thank you very much.

4 Mr. Dickerson was very active in the representation?

5 A. Yes, ma'am. He was very much involved in strategy
6 decisions, what we intended to do at the trial phase to
7 defend him and contest the State's case. He was very
8 supportive of not conceding anything of guilt but for the
9 limited accessory issue since that's the most forensic
10 evidence could prove.

11 Q. And have you had other cases where your clients
12 request that trial and you also are preparing for
13 mitigation and there's a little disconnect? Have you had
14 other trials like that?

15 A. Yes, but it's -- they are rarer. Most of the times
16 the cases I have had the guilt evidence is extremely
17 overwhelming, including confessions and things of that
18 nature. There was no confession, obviously, in this
19 case.

20 Q. Do you recall a trial for Mr. Cheeseborough?

21 A. I'm sorry?

22 Q. Mr. Cheeseborough.

23 A. Yes, ma'am.

24 Q. Did you have a similar situation in that?

25 A. Yes, ma'am.

1 Q. Did it ultimately affect the outcome in your
2 opinion?

3 A. Well, Mr. Cheeseborough -- it was a hung jury at
4 sentencing, so I think in Mr. Cheeseborough's case
5 obviously the themes we had at the first trial phase and
6 the mitigation phase worked.

7 Q. And because you were aware of the possible
8 disconnect of that effect did you try to mitigate that a
9 bit?

10 A. This was a really difficult case in that regard. I
11 never felt a hundred percent comfortable that we had the
12 theme for the first trial phase and the themes for the
13 mitigation phase successfully woven together --

14 Q. But the decision --

15 A. -- but it is what it is.

16 Q. Yes, sir. And the decision to actually have that
17 full trial would remain with the client?

18 A. That's true. That's true. As I said,
19 Mr. Dickerson was adamant about not conceding guilty and
20 maintained that he was guilty as a principal.

21 Q. And when Mr. Carroll is sort of prominent in the
22 first phase and you are prominent in the second phase is
23 that part of your strategy to sort of mitigate the
24 impact?

25 A. I would acknowledge that, yes, ma'am.

1 Q. I'd like to move on to the Batson allegation, and
2 I've provided you a copy of the most recent application,
3 correct?

4 A. Yes, ma'am.

5 Q. And there's an ineffective assistance of counsel
6 allegation that you did not make a complete
7 Batson motion. Do you recall the Batson motion in this
8 case?

9 A. I don't. I would have to look at the transcript
10 and, you know, the transcript, whatever I did in the
11 record of the case is what I did.

12 Q. Okay. Do you recall that there were only three
13 jurors that you referenced in your Batson motion?

14 A. I do not recall the numbers. As I said, I think
15 before we started today we weren't on the record yet I
16 had made a search for the box that had all the juror
17 information in my juror notes. Where I store my files,
18 it has been misplaced. It is not among all the other
19 Dickerson boxes so it's buried among some of the other
20 past cases I've had, both capital and federal cases, and
21 other cases. So I know it's there somewhere but there's
22 over a hundred boxes so I have not been able to unearth
23 it. So I haven't been able to look at any of my jury
24 information in a very long time.

25 Q. That is okay. We will approach this from a little

1 bit different angle. I would like for you to look at
2 volume 10 from the record on appeal, and this is from the
3 direct appeal, and ask if you --

4 MS. BROWN: Well, first of all, this is already
5 part of the record, Your Honor.

6 THE COURT: Yes. Go ahead.

7 (The document was handed to the witness.)

8 A. Sure.

9 Q. And just tell me if you recognize that.

10 A. Sure.

11 Q. Please ignore the yellow stickies. Those are mine.

12 A. That's all right. Yes, I do.

13 Q. And you were actually co-counsel on appeal,
14 correct?

15 A. Yes.

16 Q. And I'd ask you to flip through that and see if you
17 can identify the handwriting on the juror questionnaires.

18 A. Yes. I am looking at page 4561 of volume 10 of 10
19 of the record on appeal and, yes, that's my handwriting
20 on the juror questionnaires.

21 Q. Can you share with us why you wanted to put your
22 juror notes, and at least the numbers from your system,
23 in the record on appeal?

24 A. And let me back up because all the juror
25 questionnaires also have the jurors' handwriting. So let

1 me specify, my handwriting appears at the top of the
2 juror questionnaire among the preprinted paragraphs and
3 instructions. The handwriting for the numbered questions
4 is obviously the jurors'. And I'm sorry, I just wanted
5 to clarify that. So I'm sorry. Ask that question again.

6 Q. Could you tell us why you wanted to include your
7 notes with the juror questionnaires in the record on
8 appeal?

9 A. I don't have an answer for that. I don't know. I
10 assume that might have been Mr. Dudek or Ms. Hudgins'
11 decision to include some of the juror questionnaires for
12 issues on appeal. I was serving on the appeal as pro
13 bono counsel. There were just a handful of issues I had
14 concern about, and I often do that for Mr. Dudek, who is
15 the chief attorney at Appellate Defense.

16 I say often, I haven't had that many death
17 verdicts, quite frankly, so when there is a death verdict
18 I often associate with pro bono counsel on the appeals so
19 that if Mr. Dudek wants me to argue a particular issue
20 during oral argument or things like that I'm available to
21 do that. I really leave to Mr. Dudek's judgment what to
22 include on the record on appeal and so forth.

23 So I apologize but I cannot answer why the juror
24 questionnaires would have been included in the record on
25 appeal other than to address Batson or voir dire or other

1 issues that have to do with the jury.

2 Q. Okay. And on several of those sheets there is a
3 number and that would be your own personal rating system
4 for the juror, correct? This would be at the top of the
5 pages.

6 A. Yes. If there's a number at the top of the juror
7 questionnaire in handwriting and usually circled, but not
8 always circled, that would be my number in a juror rating
9 system that we use in voir dire in capital cases.

10 Q. And just to let you know, I'm not asking you for
11 your system --

12 A. Right. No. I don't mind.

13 Q. -- but just generally speaking, you have a number
14 system?

15 A. Right, and that's not, you know, a military secret.
16 The numbering system was developed by others well before
17 me. I don't claim it. It is on a scale of one to seven,
18 one being a person who would never vote for death, seven
19 being a person who would always vote for death, and the
20 numbers in between, obviously, are on that scale, and
21 then sometimes we use pluses and minuses after the
22 number.

23 Q. So there's a rating system but would you agree with
24 me there's a good bit of subjectivity?

25 A. Oh, absolutely it's subjective. It's our

1 impressions. When I say our, it would be mine; in this
2 case, obviously, Mr. Carroll, my co-counsel. It would be
3 anyone we have sitting at the table with us or in the
4 audience who are also rating it.

5 We often use some of our non lawyer team members to
6 help us rate, too, because we value their judgment since
7 obviously most jurors are non lawyers. So we might have
8 an investigator in the audience doing his or her own
9 ratings. We may have a paralegal, other people on the
10 team then we all get together and kind of compare who
11 rated what, and that takes some of the subjectivity out
12 because if, you know, five people have the person rated
13 as a four and one person has them rated as a two, for
14 example, it kind of -- we are able to average it out.

15 Q. And if there is a disagreement would you be the tie
16 breaker having the experience in jury selection?

17 A. I think Mr. Carroll and I would be but I would
18 acknowledge that, yes, since I've don't this a number of
19 times I kind of -- I use my own judgment but, again, if
20 my number is way off, if I have missed something and have
21 rated the juror either higher or lower and everybody else
22 on the team doesn't we talk about it and we try to
23 justify and figure out who's more on target.

24 Q. Okay. And I note you've shared with us that you
25 don't have your file with this but if you recall were you

1 generally happy with the jurors selected and seated?

2 A. I am never generally happy with the jurors seated
3 in a capital case because obviously for a juror to be
4 seated they all have to say they can oppose the death
5 penalty, but levy aside there were a handful of jurors
6 that we thought were very open to mitigation, and when I
7 say a handful, three or four that we thought might be
8 very open to our mitigation case.

9 Q. Would satisfied with the jury sound better? Could
10 we agree satisfied?

11 A. You know, I really can't answer that. I'm really
12 not trying to dodgey. I really am never satisfied with
13 the jury in the capital case because, again, to be seated
14 they have to say they can vote for the death penalty and
15 obviously if they can do that my client's in jeopardy.
16 So I am never fully satisfied with the jury in a capital
17 case.

18 Q. Be the lower the number that you would have
19 assigned to that juror the more favorable you would have
20 viewed that juror for selection?

21 A. I think the best way I can answer that is in this
22 particular case I believed we had three or four jurors
23 who would be very open to mitigation based upon their
24 answers in voir dire.

25 Q. Okay. I would like to turn to the Batson motion.

1 This is volume five of the record on appeal that is
2 already part of the record here and I would ask you to
3 look at 2028 and see if this refreshes your recollection
4 somewhat about the Batson motion.

5 A. Okay.

6 MS. BROWN: May I approach, Your Honor?

7 THE COURT: Certainly.

8 (A document was handed to witness.)

9 A. Sure.

10 (PAUSE.)

11 A. I'm sorry. How far did you want me -- do you want
12 me to keep reading until the end of the motion?

13 Q. Just until Judge Dennis denies the motion, please.
14 I think it's about four pages.

15 A. Okay.

16 Q. It goes to maybe page 2031.

17 A. Okay.

18 (PAUSE.)

19 A. All right. I've read from page 2028 to 2031.

20 Q. Does that refresh your recollection a bit?

21 A. Generally.

22 Q. Oh, okay. Now, you made a Batson motion. You
23 noted that four strikes were used and only three of those
24 were the ones you are contesting, and they were the
25 strikes against three African American female jurors; is

- 1 that fair?
- 2 A. Yes, ma'am.
- 3 Q. Okay. I want to ask you --
- 4 A. And that's reflected on page 2028.
- 5 Q. Thank you, sir. And the Court asked the Solicitor
- 6 to give the reason for the strikes and I just want to
- 7 look at the individual reasons, and this is 2028 at line
- 8 24 and the first juror is number 101, a Ms. Gadsden?
- 9 A. Actually, juror number 10, as I'm reading it.
- 10 Q. That I believe -- well, let me back up so I can
- 11 explain this for the Court. You had a strike sheet with
- 12 new numbers that you used for this jury strike; is that
- 13 correct?
- 14 A. I don't recall.
- 15 Q. Okay.
- 16 A. If that's in the record I accept that. I just
- 17 don't have it -- I don't remember.
- 18 Q. I can tell you it is in the record. I just want to
- 19 get the sheet to see if that will refresh your
- 20 recollection.
- 21 A. Sure.
- 22 MS. BROWN: May I approach, Your Honor?
- 23 THE COURT: Sure.
- 24 Q. I am showing you volume nine and page 4469-447 and
- 25 see if that refreshes your recollection of the strike

- 1 number.
- 2 A. Okay. Yes. This is the strike sheet.
- 3 Q. Okay. And the number referenced refers --
- 4 A. Oh, I see. Yes, ma'am.
- 5 Q. Do you remember? Okay.
- 6 A. Right. There is -- on a strike sheet there is a
- 7 chronological number of the jurors qualified starting
- 8 with one and going up through, it appears -- it's a
- 9 little cut off on the flip side but it looks like 43, and
- 10 then on the right-hand column is their actual juror
- 11 number as summoned. So in the transcript for page 2028
- 12 juror number 10 and 101 are one in the same so. . .
- 13 Q. And that's a Ms. Gadsden?
- 14 A. Correct, and Ms. Gadsden is G-a-d-s-d-e-n.
- 15 Q. Okay. And the reason reflected in the transcript,
- 16 do you recall Solicitor Wilson stating her reason?
- 17 A. Well, it's in the transcript so that's her reason.
- 18 Q. Okay. And that is a work issue conflict with
- 19 employment possibly, single mother, two children, and
- 20 then a problem with the way that she responded in voir
- 21 dire. I just wanted to ask you to also look at the
- 22 record on page 4561, and that's in the prior volume I
- 23 handed you.
- 24 A. Okay.
- 25 Q. And that's Ms. Gadsden's juror information,

1 correct?

2 A. Correct.

3 Q. And you have some handwriting at the top of that

4 page?

5 A. Correct.

6 Q. Okay. And what does the handwriting at the very

7 top of that page reflect?

8 A. In terms of my rating of her I gather you are

9 asking?

10 Q. It's a quotation, I believe, at the very top that

11 you have noted, right at the very top of the page.

12 A. Quote, I never really thought that much of it, end

13 quote.

14 Q. If I may approach and I might help.

15 A. I have several entries on that. I'm not sure --

16 Q. I know. It's a lot on there.

17 A. I'm not sure which one you are asking --

18 Q. It's right here, the very, very top.

19 A. Oh, the very top. Okay.

20 Q. Yes, sir.

21 MR. GROSE: And what page of the record are we on,

22 again?

23 A. 4561.

24 It says, Note to Judge: Need to be at work at 1:00

25 p.m.

1 Q. So your information and what the Solicitor is
2 saying, very compatible, isn't it?

3 A. I don't know. I have a note here that apparently
4 the juror sent a note to the Judge that she needed to be
5 at work at 1:00 p.m. That could be just the day of voir
6 dire. I don't have any independent recollection of what
7 that means, if she was trying to tell the Judge she had
8 to be there at work every day or just that day that we
9 were doing voir dire of her. I would assume the way I
10 wrote that it would be that she needed to get out of voir
11 dire that particular day by 1:00 p.m. and she was asking
12 the Judge if he could hurry up with her.

13 Q. So you noted that and the Solicitor also referenced
14 a problem possibly with having to get out for employment
15 as well. So my question to you, was there anything that
16 you could say that would somehow undermine the factual
17 basis for the reason given?

18 A. Well, you know, I don't know if I can answer that
19 question. . Again, I'm not trying to be cagey. I mean,
20 you're asking me to go back to, you know, jury selection
21 10 years ago and see if I have a response to Solicitor
22 Wilson's comments now, and I can't do that.

23 I mean, I don't have any notes from that time. I
24 see my jury sheet here. I would have to say I don't
25 think my note at the top of the page that she needs to be

1 to work at 1:00 p.m. supports Solicitor Wilson's
2 position. That to me indicated she needed to be out that
3 particular day at 1:00 p.m. If she had to leave every
4 day at 1:00 p.m. I would have said juror has to leave
5 every day at 1:00 p.m. So I don't think I can -- I can't
6 rebut Solicitor Wilson's comments in the record as I sit
7 here today.

8 Q. I think that's a very fair characterization and it
9 has been very many years --

10 A. Yeah.

11 Q. -- but at the time you had all that information and
12 there was nothing in there that caused you to say, Wait a
13 minute, my information is different, because that's not
14 reflected in the record, contemporaneous record of the
15 Batson motion, right?

16 A. Well, again, I think Solicitor Wilson's reasons
17 were her reasons. I think I made the motion and I
18 obviously felt --

19 Q. Let me clarify. I'm just looking at this one
20 juror, nothing else.

21 A. Sure.

22 MR. GROSE: I'd like for him to finish his answer.

23 A. I believe since I didn't make any further comment
24 my motion on its face was sufficient.

25 Q. In fact --

1 A. I felt the issue had been preserved.

2 Q. Okay. In fact, when asked if there was any other
3 thing you wanted to put on the record you said, No, sir,
4 to Judge Dennis on line 14 of the record, correct?

5 A. Well, that was my answer. Again, I can't speak to
6 what was in my head 10 years ago or more.

7 Q. Understood. Understood.

8 Okay. I'd like to go to the next one, and I think
9 we need to flip over to the next page. You started
10 actually on line 25 and you said also number 11, and that
11 would be on the strike sheet that you identified,
12 correct?

13 A. Right. So the last one we just talked about is
14 juror number 10 in sequence, Ms. Gadsden, whose juror
15 number was 101. The next one appears to be, in the
16 record, going by the strike sheet on page 4470, would be
17 in sequential order juror 11, Ms. Fields-Copeland, and
18 that's F-i-e-l-d-s-C-o-p-e-l-a-n-d, and her actual juror
19 number was 92.

20 Q. Okay. And the reason for the strike there was the
21 number of charges for prostitution, a charge for
22 shoplifting, concealed weapon, though she had qualified
23 convictions to be considered. And you were asked if you
24 had knowledge of anyone else, any juror who had a prior
25 arrest, I suppose such as these, and you said, I don't

1 know of any. I wanted to ask you, if you recall, did you
2 have any concern about the fact that those charges
3 existed?

4 A. I took Solicitor Wilson at her word. If Solicitor
5 Wilson stood in court and said that juror had those
6 charges I didn't think Solicitor Wilson was making that
7 up. I'm not sure what you are asking.

8 Q. Right. No, that's --

9 A. Right.

10 Q. I understand your response specifically. Now, you
11 are aware that NCIC reports are run by the prosecution
12 for all jurors?

13 A. Yes.

14 Q. Have you ever asked for all of them?

15 A. Yes.

16 Q. And what was the response?

17 A. Sometimes we would get them, sometimes we didn't.
18 Sometimes the judge would order the solicitor to give
19 them to us as the juror came up.

20 Q. And in this case you didn't ask for any of that; am
21 I correct?

22 A. I don't recall. I really don't. I mean, if there
23 is nothing in the record where I moved for the Court to
24 have the Solicitor give us criminal records then it
25 wasn't done. I just don't recall. I don't know if I

1 asked Solicitor Wilson independently out of court. I
2 just don't recall independently.

3 Q. Okay. If you did -- well, let me back up for a
4 minute. You have reviewed an NCIC report. I mean,
5 you've worked in Federal Court?

6 A. Sure.

7 Q. And you've reviewed those before. Some of the
8 entries are correct and some are not correct, right?

9 A. Sure.

10 Q. It's a law enforcement tool. It's as good as the
11 information that goes in?

12 A. Right.

13 Q. But if you wanted to determine whether the charges
14 existed or not you would go to the individual counties,
15 correct?

16 A. Correct.

17 Q. Are you familiar with booking reports?

18 A. Yes.

19 MS. BROWN: Okay. Your Honor, I'd like to have
20 this document marked as an exhibit for I. D.

21 THE COURT: Go ahead.

22 (WHEREUPON, Defendant's Exhibit Number 4, a
23 Document, was marked for identification only.)

24 BY MS. BROWN:

25 Q. Mr. Bloom, I'd like to show you what's been marked

1 as the State's Exhibit Number 4 and ask if that kind of
2 form is something you are familiar with.

3 A. Yes, ma'am.

4 Q. Okay. And can you tell us what that form is?

5 A. It is a North Charleston Police Department booking
6 report. It appears to be on this juror. The names
7 match, and the gender matches. I'm trying to see if they
8 have it. Yeah, and the race matches. And it states this
9 booking report is for prostitution -- or soliciting
10 prostitution, excuse me, is the first charge, and the
11 second charge is resisting arrest. Tickets were issued.

12 There is another booking report. I'm just seeing
13 if the incident dates are different or if they are all
14 the same. Then there is a separate booking report, it
15 appears for this juror. The names match, the race and
16 gender match, and it is for shoplifting.

17 And the third page is for this juror. The race and
18 gender match and it is for -- and the name matches, and
19 it is for possession of concealed weapon and possession
20 of drug paraphernalia. They all appear to be magistrate
21 level or municipal level charges.

22 Q. Okay. And the documents that you hold, state's
23 exhibit for identification, do they reflect a true copy
24 seal from the clerk?

25 A. Yes.

1 MS. BROWN: Your Honor, we would move State's
2 Exhibit 4 into evidence.

3 MR. GROSE: No objection based on them being true
4 copies, Your Honor.

5 THE COURT: Without objection.

6 (WHEREUPON, Defendant's Exhibit Number 4, a
7 Document, was admitted into evidence.)

8 BY MS. BROWN:

9 Q. Mr. Bloom, may I ask you, if you wanted to
10 determine whether the Solicitor was correct in her
11 recitation that there were multiple charges and these
12 kinds of charges noted for this juror could you have
13 looked at this booking report and determined that that
14 would have been correct?

15 A. Yes. But, again, I have no -- I did not question
16 Solicitor Wilson's representation that she had legitimate
17 information that a juror had a prior record. I would not
18 have questioned her on that. And, obviously, she was
19 right if that -- I mean, does that make sense?

20 Q. Yes.

21 A. I mean, if Solicitor Wilson stands up in court and
22 says the juror has a prior record I take her at her word
23 on that.

24 Q. Absolutely, and you had a good working relationship
25 with the Solicitor's Office as far as discovery or

1 responding to your requests?

2 A. Ms. Wilson and Mr. DuRant treated Mr. Carroll and I
3 with every courtesy and professionalism. I've dealt with
4 other solicitors who did not do so much, but they were
5 very courteous and professional with us and met with us
6 on a number occasions over a number of issues.

7 Q. Okay. And the last juror, the strike that you
8 questioned is on 2031. The reason for the strike is
9 listed starting on line 4. This is juror number 315, a
10 Ms. Toomer?

11 A. Yes. On the juror strike sheet, again, on page
12 4470 in sequential order is juror 16. The last name
13 Toomer, T-o-o-m-e-r. Her juror number is 315. So I
14 believe that's who we are referring to in this Batson
15 issue on page 2030 and 2031 from the record on appeal.

16 Q. Okay. And at line 4, page 2031 Solicitor Wilson's
17 response is that the juror essentially was waffling a
18 bit, and starting on line 12 and reading through line 15
19 would you please publish Judge Dennis' response.

20 A. Okay. On page 2031 of the record of appeal line 12
21 through 15 reads by Judge Dennis, quote, That's fine. I
22 recall that she was inconsistent and I find that to be a
23 race neutral and gender neutral reason. Your motion is
24 denied.

25 Q. Okay. Thank you, Mr. Bloom.

1 A. Uh-huh.

2 Q. Now, I'd also like to ask you about your use of
3 statistical studies and arguments in Batson. Have you
4 used statistical studies in Batson arguments in other
5 cases?

6 A. That's a really good question. I am trying to
7 recall in other cases if I have, and by statistical
8 studies I take it you mean that I introduce into the
9 record to the Judge a study which shows that a particular
10 solicitor or geographic area or state exercises jury
11 strikes in a racially unconstitutional manner? Is that
12 what you are generally asking or --

13 Q. Generally. Anything that would study gender or
14 study race and strike method.

15 A. I know I've done it in two North Carolina cases
16 that I still have and that remains one of the issues in
17 one of those cases. I'm trying to recall if I've done it
18 in South Carolina cases in terms of a solicitor's or
19 geographic area strikes, and I am not sure. I mean, I'd
20 have to ponder that for a while and go back through all
21 the cases I've had to see if I ever did that.

22 Q. Well, let me ask you --

23 A. I don't recall. I mean, I know it's an issue. I
24 just don't recall as I sit here. As I say, I've done it
25 in two North Carolina cases. We did an extensive study

1 regarding them. They were both capital cases in post
2 conviction and habeas phase.

3 Q. Does the defendant's name of Blakeney --

4 A. Roger Blakeney. That's one of the North Carolina
5 cases. And Blakeney is spelled B-l-a-k-e-n-e-y.

6 Q. Okay. And do you recall who would have helped you
7 with that statistical study in that particular case?

8 A. Generally, they are known as the North Carolina
9 Death Penalty Resource Center. That's not their name,
10 they've changed it. I think it's CDPL now, Center For
11 Death Penalty Litigation, and they assisted with that.
12 They actually commissioned various statistical experts to
13 do both county, geographic and statewide studies.

14 Q. Now, was that in connection with just PCR actions
15 as you were handling it at that time or was that also in
16 connection with the Racial Justice Act?

17 A. North Carolina for a time -- I'm also licensed in
18 North Carolina. North Carolina for a time had something
19 known as the RJA, the Racial Justice Act, and when that
20 passed it allowed defendants both at the trial level and
21 state capital post-conviction level to introduce both
22 direct evidence as well as statistical evidence if there
23 had been a history of racial discrimination by
24 prosecutors' offices in selecting juries.

25 Subsequently, the Racial Justice Act was repealed

1 by the North Carolina Legislature a few years later. And
2 so to answer your question -- I'm sorry to give that
3 context but since it's another state I felt it proper to
4 do so. Roger Blakeney's case fell within the Racial
5 Justice Act while it was an active statute, and so that
6 statistical evidence was gathered in his case and over a
7 hundred other cases to my knowledge.

8 Q. Are you familiar with the Michigan State University
9 School of Law in connection --

10 A. Yes.

11 Q. -- in connection with those cases that you
12 mentioned?

13 A. Yeah.

14 Q. Okay. And in Mr. Blakeney's case would that have
15 been prior to your representation of Mr. Dickerson?

16 A. That's a good question. I am trying to think. Can
17 you refresh my memory? I'm embarrassed to ask but what
18 was the year of Mr. Dickerson's trial?

19 Q. It was 2009, and it was -- jury selection began in
20 April and sentencing went through May. And I'm not
21 trying to put you on the spot but --

22 A. Right. Yeah. I'm trying recall if the RJA was in
23 affect in 2009. I know that they were advocating for it.
24 I guess my short answer is this. In Roger Blakeney's
25 case he had some particularly unique Batson issues. The

1 prosecutor had struck all the black jurors and he had an
2 all white jury. So we had been litigating that
3 particular issue in his case since I was appointed to his
4 case in the state post-conviction in North Carolina, and
5 I was appointed to Mr. Blakeney's case in the early
6 2000's. I want to say 2001 or 2. I don't think the RJA
7 study had been done in North Carolina, which impacted
8 Mr. Blakeney's case by the time of Mr. Dickerson's trial
9 in 2009.

10 Q. Okay.

11 MS. BROWN: Beg the Court's indulgence for just a
12 moment.

13 A. But I could be wrong on that.

14 Q. A lot of cases, a lot of time.

15 A. Yeah, I'm just -- yes.

16 (PAUSE.)

17 MS. BROWN: If I may approach the witness, Your
18 Honor?

19 THE COURT: Yes, ma'am.

20 Q. This is not something that we necessarily will
21 introduce but can you tell us what that appears to be to
22 you?

23 A. This is Roger Blakeney's case out of the Western
24 District of North Carolina, the United States District
25 Court, Federal Court there. This is the habeas decision

1 that was issued by Judge Vorhees. Then we appealed to
2 the Fourth Circuit.

3 Q. And just the date on that order would have been --
4 well; what year is it?

5 A. 2007.

6 Q. And that's available on Westlaw?

7 A. Yes.

8 Q. And the Westlaw number on that particular order,
9 could you read that for us.

10 A. Westlaw. Citation you mean?

11 Q. Yes, sir, just so it's in the record.

12 A. 2007 WL 311-2457.

13 Q. Does that help to refresh your recollection a
14 little bit around the 2007 time period?

15 A. Well, right. As I said, I clearly had been
16 representing Mr. Blakeney since the early 2000's and
17 a Batson issue was very prominent in his case. What I
18 don't recall is that at the time of Mr. Dickerson's trial
19 if the Racial Justice Act in North Carolina was yet
20 established law and whether these statistical studies had
21 been commenced at that point.

22 Q. I understand. You are making the distinction
23 statistical studies can be used in a regular
24 Batson motion and that would be for purposes of
25 establishing step one, a prima facie case, possible

1 racial or gender discrimination?

2 A. Yes.

3 Q. Okay. And you would have used that in cases -- at
4 least this case but maybe possibly one other case in
5 North Carolina?

6 A. Well, and I may not have communicated clearly. Let
7 me back up.

8 Q. Sure.

9 A. While there was a very prominent Batson issue in
10 Mr. Blakeney's case from beginning of when I represented
11 him in the early 2000's and on through his state
12 post-conviction and federal habeas what I don't recall is
13 at what point the Racial Justice Act and statistical
14 studies came into play in his case.

15 Q. I understand. Okay.

16 A. It would have been after 2007 because the Racial
17 Justice Act was not a component of his habeas case so the
18 Racial Jut Act would not be have been in existence at
19 that time. And I apologize, I just don't remember --

20 Q. No, it's a lot of cases.

21 A. -- when the Racial Justice Act came into being and
22 when we commenced the statistical studies.

23 Q. But would it be fair to say that it's important to
24 keep those two separate because the Racial Justice Act
25 actually allowed statistics to be used by the text?

1 A. Right. I take your point. Yes, ma'am. What the
2 Batson doesn't allow because of McKlesky, the McKlesky
3 case, is it does not allow statistical evidence to be
4 used to show racial discrimination in terms of a broad
5 sense. I'm not going to get into an lecture on McKlesky
6 and Batson here. I don't mean that. What the Racial
7 Justice Act did was to allow those statistical studies on
8 a wider geographic and state level to be used.

9 Q. And if I may take that, unless you need that for
10 anything else.

11 A. No, ma'am.

12 Q. Thank you, Mr. Bloom. And let's see, just a few
13 more questions. Are you aware of a study by Professor
14 John Blume for the Ninth Circuit cases talking about
15 racial overtones and selection of the death penalty
16 cases?

17 A. Oh, my goodness. I've read a lot of articles by
18 John Blume, and his Blume is B-l-u-m-e.

19 Q. Your brother?

20 A. No. But I started to say that just because it's
21 easier than the real explanation. I've read a lot of
22 articles by John Blume. I don't off the top of my head
23 recall the specific one you are referencing.

24 Q. That's okay. Do you recall in your deposition that
25 you had recollection that Mr. Blume had conducted a study

1 and that he had sent in law clerks and law students to go
2 over all the records available and the public records and
3 get information and crunch those numbers for a study?

4 A. I know that John Blume has been piloting a project
5 of that type. He's also a part-time professor at Cornell
6 University in Ithaca, New York. So I know he's been
7 using his law students in that regard.

8 Q. And do you happen to have your copy of the PCR
9 application with you?

10 A. I brought a stack of materials. Let me see.

11 Q. And I'll be happy to give you one to look over. I
12 just wanted to go over the allegations against appellate
13 counsel now.

14 A. I do not. I'm sorry. I have the transcript
15 sections.

16 Q. Not a problem at all?

17 MS. BROWN: If I may approach, Your Honor?

18 THE COURT: Yes.

19 MS. BROWN: Thank you, sir.

20 BY MS. BROWN:

21 Q. This is a copy of the third amended application for
22 post-conviction relief.

23 A. All right.

24 Q. And if you would please turn to page four.

25 A. Okay.

1 Q. Okay. We have a listing of allegations against
2 appellate counsel and I would just like to go over one by
3 one and ask you if you discussed the issue with
4 Mr. Dudek, if you have any recollection of why the issue
5 was not included. And the first one is failing to
6 present for appellate review the motion to dismiss the
7 death penalty due to the unconstitutionality of South
8 Carolina's proportionality review?

9 A. Yes. I'm sorry. What was -- do I remember it?

10 Yes.

11 Q. And did you have discussions with Mr. Dudek about
12 this issue?

13 A. Yes.

14 Q. And why was the issue not included on the appeal?

15 A. I defer to whatever answer he gave because I can't
16 speak for him. I felt very strongly about this issue and
17 when the initial briefs came out I was rather distressed
18 that it was not included.

19 Q. Could you have written an issue and submitted it
20 for inclusion in the brief?

21 A. You know, that's a good question. I don't know how
22 to answer that. In the handful of times that I have
23 helped Appellate Defense with a capital appeal -- again,
24 I serve as pro bono. They write the briefs, they prepare
25 the record on appeal. I do meet with them. Since I was

1 trial counsel I'm familiar with the issues and they are
2 fresh in my mind, and I know I met with Mr. Dudek at
3 least once and expressed some strong opinions on certain
4 issues that could be included. I think I wrote a memo on
5 it, and I may have met with Joey Savitz on this case, and
6 that's S-a-v-i-t-z, because I think he was at Appellate
7 Defense during this time also, then left before the
8 appeal was final.

9 In those instances where I've helped I have not
10 taken part in writing the appeal even though I'm counsel
11 on the appeal with them as pro bono counsel, and I don't
12 know how Appellate Defense would take it if I wrote an
13 independent appeal as it were. So I'm not trying to
14 dodge your question. I'm just not sure how to answer it.

15 Q. Okay. But you did participate in the appeal, did
16 you not? Weren't you part of the oral argument team in
17 the South Carolina Supreme Court?

18 A. Yes. I was present during the oral argument. I
19 can't remember if I addressed any of the issues in oral
20 argument or not. I just don't recall. I may have. I
21 don't recall.

22 Q. And let's go to issue two, failed to present
23 defense counsel's motion to bar the death penalty based
24 on race. Now, that would have been your motion as trial
25 counsel, and can you tell us just briefly what that is

1 based upon. Is this selection of the cases for capital
2 proceedings?

3 A. You know, I'd have to go back and look at the
4 written motion we made in that regard. I don't
5 specifically recall as I sit here the foundation for that
6 motion. I know it was another one I felt somewhat
7 strongly about but I don't remember the exact foundation
8 and the particulars of this case. I mean, I don't want
9 to expound on how such an issue applies to cases in
10 general. We'd be here, you know, until next week, and I
11 know Judge Cooper doesn't want to do that. I can't
12 remember the foundation in this particular case.

13 Q. Is it fair to say that you would have discussed the
14 issues that you thought were strongest with Mr. Dudek?

15 A. Yes.

16 Q. And on three, failing to present defense counsel's
17 Batson motion?

18 A. I would have discussed that with him.

19 Q. Did you feel strongly that that should have been
20 taken on appeal?

21 A. I do not independently remember.

22 Q. And failing to present defense counsel's objection
23 to admission of Keeling and Arman Dickerson's statements
24 into evidence; do you recall if you felt strongly about
25 this or discussed that with Mr. Dudek?

1 A. I do not independently remember that.

2 THE COURT: Hold on a minute. Has that not been
3 abandoned?

4 MR. GROSE: I think we did abandon that one.

5 THE COURT: They abandoned number four and number
6 six.

7 MS. BROWN: Thank you.

8 BY MS. BROWN:

9 Q. And -- well, let's go right in the middle of that.

10 A. Can I do this, and I'm sorry to interrupt your
11 flow.

12 Q. Not at all.

13 A. I did bring with me, because I thought I was
14 supposed to, a memo from my file and I think you all have
15 it, from July 22nd of 2009 that I wrote to Joey Savitz,
16 who was then chief attorney at Appellate Defense, and it
17 lists some of the issues that I though were important and
18 in between your questions I was skimming it and if I
19 could go back to number two, the appellate issue
20 regarding defense counsel's motion to bar the death
21 penalty based on race.

22 Just looking at my memo I see that I have this
23 listed on page two of my memo to Mr. Savitz, and I do
24 recall this now. At the time of this trial or right
25 before it there had been a large number of homicides in

1 Charleston County in 2006. The local newspaper ran
2 headlines on it all the time. There were comments on
3 talk radio, the TV stations were covering it, and
4 William's trial kind of fell right after this huge issue
5 in the media about Charleston and a large number of
6 homicides, particularly gun homicides, I recall.

7 In fact, it was a topic in the State Legislature in
8 Columbia. We had a state senator down here, then State
9 Senator Robert Ford, who was in media on it talking about
10 it and one of the things he kept highlighting was why
11 does the solicitor always seek the death penalty when
12 there's a white victim and not a black victim, and again,
13 William's case kind of fell in the middle of that media
14 firestorm. And so I think part of our basis to dismiss
15 the death penalty based on race at that time is that
16 given that media publicity that the Solicitor felt she
17 needed to find a case to prosecute in the death penalty
18 context where there had been a black victim.

19 And I do not mean to malign her in that way. I
20 don't mean anything by that. Solicitors are elected
21 officials and feel those public currents just as any
22 elected official.

23 Q. But it is fair to say that contemporaneous with the
24 trial you did an investigation and you made a motion for
25 that?

1 A. That's correct.

2 Q. Okay.

3 A. Right. So thank you for letting me go back and
4 belabor on that.

5 Q. Absolutely.

6 A. I'm sorry. That was my answer. Thank you.

7 Q. That's okay.

8 MS. BROWN: Your Honor, I recognize that issue four
9 and issue six have been abandoned and I don't want to
10 waste the Court's time but I wanted to make one point and
11 that is the discussions and why some would be included
12 and some would not. It goes to the weight of the
13 discussions that he had with Mr. Dudek. It will not be
14 long.

15 THE COURT: Go ahead.

16 MS. BROWN: Thank you, Your Honor.

17 BY MS. BROWN:

18 Q. Now, if we could go back just briefly to four and
19 if you could explain if you did discuss allegations four
20 and six with Mr. Dudek and if you felt strongly about
21 those two.

22 A. Okay. In number four appellate issue in the PCR
23 application has to do with defense counsel's objections
24 to the admission of Devin Keeling, K-e-e-l-i-n-g, and
25 Arman Dickerson's statements into evidence. And if

1 you'll give me a moment because I don't independently
2 remember talking to Mr. Savitz or Mr. Dudek about that.

3 I don't have an independent memory of talking about
4 issue number four with anyone at Appellate Defense. I
5 can see in my memo of July 22nd, 2009 that I have listed
6 on page three a reference to the admission of Arman
7 Dickerson's statement into evidence.

8 Q. Okay. And just briefly the same type of analysis
9 for six, whether you would have considered raising the
10 issue based on defense counsel's objection to the DNA
11 sample obtained from William Dickerson and the fact that
12 didn't have a copy of the hearing for the appeal or for
13 the Schmerber order.

14 A. Right. Number six has to do with DNA. From my
15 memo, again, July 29, 2009, I don't see the DNA listed at
16 all so I probably would not have discussed that with
17 anyone at Appellate Defense. My recollection of that is
18 that that was a non issue, that we had a pretrial hearing
19 and Judge Dennis ordered the DNA collection and they had
20 a buccal swab and did it right in the courtroom.

21 What that issue had to do with is, I think, if I'm
22 not mistaken, law enforcement has taken William's DNA
23 before he had counsel appointed and pursuant to a search
24 warrant or some other authorization they thought they
25 had. So to clean things up Solicitor Wilson and

1 Assistant Solicitor DuRant held a pretrial hearing, had
2 Judge Dennis find probable cause.

3 They put up -- the Solicitors put up testimony and
4 Judge Dennis found probable cause, ordered DNA, and they
5 took the buccal swab back, again, I believe right in the
6 courtroom and voided that earlier sample. So to me it
7 was a non issue.

8 Q. And there are two other objections that are listed
9 as ineffective assistance of counsel claims. Let's go
10 back up to five.

11 A. Okay.

12 Q. This is with the photographs.

13 A. Right.

14 Q. And there were a number of photographs admitted in
15 this case.

16 A. Yes.

17 Q. And do you recall objecting to the listed
18 photographs, and I will not test you on the numbers
19 but --

20 A. Right.

21 Q. -- you objected to a number of photographs coming
22 in.

23 A. Right. Again, I recall discussing the photographs
24 with the folks at Appellate Defense and on my memo of
25 July 22nd, 2009 on page four I list the photos at autopsy

1 as an issue. That's all I recall about it.

2 Q. Okay.

3 A. I know some of the photographs were really
4 horrendous.

5 Q. And these are photographs in sentencing?

6 A. In sentencing, yes.

7 Q. And lastly, your objection at trial to the
8 Solicitor's questioning of Dr. Phillips about whether
9 Mr. Dickerson knew right from wrong is that an issue that
10 you felt strongly about that you would have discussed
11 with Appellate Defense?

12 A. Yes. And, again, it's listed on my July 22nd, 2009
13 memo on page four.

14 Q. Okay.

15 A. And that's an issue I've objected to in all my
16 capital trials. I think it confuses a jury when we are
17 getting into insanity issues, difference between right
18 and wrong at sentencing, and so that's what I would have
19 discussed with Appellate Defense.

20 Q. And this wasn't the first time that you raised
21 that. You had raised that consistently in cases before
22 Mr. Dickerson's case and cases after?

23 A. That's correct.

24 Q. So it's fair to say that in your memo those are the
25 strongest issues that you thought to discuss with

1 Appellate Defense?

2 A. Well, there are other issues in my memo, too, some
3 of which were raised on appeal, and so the short answer
4 would be yes.

5 Q. And to sort of wrap it up, there were a lot of
6 objections made?

7 A. Yes.

8 Q. And we've seen in four and six and this listing
9 that it's preserved but you don't raise everything on
10 appeal, correct?

11 A. You know, I'm going to defer to Mr. Dudek's answers
12 on that. I'm not going to try to answer for him. He was
13 lead counsel on the appeal.

14 Q. But you discussed what you thought was important?

15 A. Yes.

16 MS. BROWN: May I have a moment, Your Honor?

17 THE COURT: Yes, ma'am.

18 MS. BROWN: To confer with counsel.

19 (PAUSE.)

20 BY MS. BROWN:

21 Q. And just for clarification in the record, the memo
22 was admitted as Applicant's Exhibit 15 from the December
23 hearing?

24 A. The memo?

25 Q. That's for clarification for the Judge, I believe,

1 more than -- probably more than you.

2 A. Is that the memo I've been referring to --

3 Q. Yes, sir.

4 A. The July 2009 memo?

5 Q. Yes.

6 A. Okay.

7 Q. Do you remember authenticating that at the December
8 hearing, or you may not?

9 A. I vaguely do now.

10 Q. Okay.

11 A. You know, when you are a witness not a litigant
12 after you leave the witness stand this kind of fades and
13 you move on to your next case. So I apologize if my
14 recollection has not been as sharp as it should be.

15 MS. BROWN: One moment, please, Your Honor.

16 (PAUSE.)

17 MS. BROWN: Your Honor, I'm probably about five
18 questions away from finishing.

19 THE COURT: You need a break?

20 MS. BROWN: No, sir. I was just letting you know
21 it's not going to be much longer for my direct.

22 THE COURT: All right.

23 BY MS. BROWN:

24 Q. Mr. Bloom, I did want to ask you about a few things
25 going back to the fact -- well, going back to the

1 strikes, and we used this demonstrative aid at the last
2 hearing and I don't believe you attended the last
3 hearing.

4 A. No, ma'am. I don't recall that.

5 Q. But this essentially is just a listing of the
6 jurors and it probably follows what you have in front of
7 you there where the Judge created a list or the clerk
8 created a list then you struck from that list. And one
9 thing we asked or we were looking at when we are talking
10 about statistics is the fact -- and I'll get this closer.
11 It may help you. That in selecting the primary jury it
12 looks like every single defense strike was against a
13 Caucasian juror member.

14 A. If you can give me a minute.

15 Q. Absolutely.

16 A. On page 4470 I'm looking --

17 THE COURT: Why don't you give him that to look at
18 that.

19 MS. BROWN: I've got one that -- actually, a
20 smaller one that I can hand up if that would be okay.

21 THE COURT: Let him look at that. The court
22 reporter needs to take a break.

23 A. I've got it. I've got the small strike sheet.

24 Q. The Judge wants to take a break.

25 A. Yes, sir.

1 THE COURT: Look over these.

2 THE WITNESS: Yes, sir.

3 THE COURT: Get familiar with them.

4 THE WITNESS: I'll be glad to.

5 THE COURT: And the court reporter needs a break.

6 THE WITNESS: Yes, sir.

7 THE COURT: We'll stand at ease for about 10
8 minutes.

9 (WHEREUPON, a brief recess was taken.)

10 THE COURT: Mr. Michel is present as a
11 representative of the Clerk of Court's Office and we
12 asked him to try to respond to your request, Mr. Grose,
13 and I'm going ask Mr. Michel just for the record to state
14 what is in the clerk's file here with regard to this
15 request.

16 So what did you find, Don?

17 MR. MICHEL: Well, sir, the exhibit list that
18 Christine provided me had a number of exhibits and all of
19 the exhibits listed on the request were on an order dated
20 February 11, 2011 signed by Chief Justice Toal releasing
21 these exhibits to be transported to the Supreme Court.
22 We have that they were signed out on March 11th and March
23 28th by representatives of the Attorney General's Office.
24 The exhibits listed on the order are State's
25 Exhibits 78, 141, 153, 160, 161, 162, 166, 171, 172, 173,

1 177, 178, 181, 184, 335, and 336.

2 THE COURT: And what was 10-C and 11-C, Mr. Grose?

3 MR. GROSE: Well, 10-C and 11-C refer to the
4 paragraph numbers in the post-conviction relief
5 application.

6 THE COURT: Oh.

7 MR. GROSE: It's just identifying the grounds for
8 relief, and I apologize if I wasn't clear about that. I
9 was just trying to direct you to which claim it was.

10 THE COURT: All right. So are you telling the
11 Court that there are no photographs in the possession of
12 the Charleston County Clerk's Office?

13 MR. MICHEL: Oh, no, sir. There are numerous
14 photographs. I mean, we have the entire box of evidence,
15 two boxes of evidence that were admitted at trial. Those
16 are the ones I think I was given that were asked for
17 specifically and those are the ones that have been
18 transported to the Supreme Court.

19 THE COURT: They have all been transported to the
20 Supreme Court and have not been returned?

21 MR. MICHEL: They have not been returned, no, sir.

22 THE COURT: Is that satisfying?

23 MR. GROSE: That's consistent with what we thought.
24 We just didn't know if there had been any follow up since
25 we viewed them at the Supreme Court. We just wanted Your

1 Honor to know where they were so if they had been sent
2 back you could view them while you are here if you were
3 so inclined or either get them from the Supreme Court or
4 look at them at the Supreme Court. Whatever suits you is
5 good for us.

6 THE COURT: Any problem one way of the other?

7 MS. BROWN: No, sir. We can request a
8 transportation order from the Supreme Court Clerk's
9 Office to where they need to be. I might suggest it
10 would be easier to have the order from the Supreme Court
11 that they be returned to the clerk's office and perhaps
12 have them for the next hearing, if we are going to be
13 back in Charleston.

14 THE COURT: Well, it's not a bad idea. They are a
15 part of the PCR application. I mean, they are referred
16 to in the PCR application so I guess they ought to be
17 with the PCR file.

18 MR. MICHEL: Yes, sir. Once transported to us I
19 can notify your clerk once we have them back in our
20 possession.

21 MS. BROWN: They will actually go back to the trial
22 file but there's no problem, I don't think.

23 MR. MICHEL: Well, correct. They would be part of
24 original exhibits entered at the original trial but any
25 time you would need them for a hearing we would be able

1 to bring them up for any hearing.

2 THE COURT: All right. Good enough. Thank you
3 very much, Mr. Michel.

4 MR. GROSE: Thank you.

5 THE COURT: All right, Ms. Brown. You may
6 continue.

7 MS. BROWN: Thank you, Your Honor.

8 BY MS. BROWN:

9 Q. Mr. Bloom, during the break you were able to review
10 the demonstrative aid that we've used, correct?

11 A. Yes, ma'am.

12 Q. And that appeared to be correct to you?

13 A. Yes, ma'am.

14 Q. And I wanted to ask you, is it correct that you
15 used all 10 of your strikes against Caucasian jurors who
16 were presented?

17 A. Yes, ma'am.

18 Q. And you told us earlier that you have a rating
19 system?

20 A. Yes, ma'am.

21 Q. And I wondered if you would just look at a few of
22 these. I won't go through all 10 but just starting at
23 the last juror on the list, number 11. If you would
24 please turn to the record page 4713, and that would be
25 juror information where you had your notes across the

- 1 top.
- 2 A. Yes, ma'am.
- 3 Q. And do you have a number written down for that
- 4 juror?
- 5 A. This was juror number --
- 6 Q. Number 11. I'm sorry. Ms. Barker.
- 7 A. Yes, ma'am.
- 8 Q. And how did you rate that juror on a scale from one
- 9 to seven?
- 10 A. She was a six plus with seven being automatic death
- 11 penalty.
- 12 Q. That's arguably the highest unless you are
- 13 disqualified from serving?
- 14 A. Correct.
- 15 Q. And the next one up is juror number 157, Mike
- 16 Johnson. Would you turn to record page 4704.
- 17 A. Okay.
- 18 Q. And do you have a number that you have rated this
- 19 juror?
- 20 A. Five plus.
- 21 Q. And five plus would mean what?
- 22 A. Most likely going to vote for death. They are not
- 23 going to be someone who is going to be receptive to
- 24 mitigation. They are very much pro prosecution, pro
- 25 death juror but they are not automatically disqualified.

1 Q. And, again, that is a combination of factors that
2 you and your team discussed?

3 A. Right, and if I had a five plus I'm sure other
4 members of the team probably had this juror as a six or
5 more.

6 Q. And just one more. Number 314 is Ms. Thompson.
7 If you would turn to record page 4694.

8 A. Got it.

9 Q. And do you have a number for this juror?

10 A. Five plus.

11 Q. So what we see from just this little random sample
12 you have already determined you did not want those jurors
13 on the jury for your own reasons or your team's reasons?

14 A. Correct.

15 Q. And they are varied?

16 A. Correct.

17 Q. So had a motion been made against you, the prima
18 facie case which under our case law was anything from
19 just race, Caucasian, white, a racial basis, you would
20 have been able to respond --

21 MR. GROSE: I'm going to object to relevance, but
22 this has nothing to do with the claims we've raised.

23 THE COURT: Overruled. Go ahead.

24 Q. You would have been able to respond specifically a
25 reason for each of the jurors that you struck; is that

1 correct?

2 A. Absolutely.

3 Q. Okay.

4 A. And if I may, when we do voir dire education at
5 capital defense training and what I also instruct other
6 lawyers is when we are striking jurors there is this myth
7 that minority jurors, predominantly African American
8 jurors are going to be opposed to the death penalty or
9 not inclined to the death penalty and you want them on
10 the jury, and I try to teach folks you have to put gender
11 and race and ethnicity aside and really listen to their
12 answers. And so I -- yes, I would have been able to
13 respond to that because during the break I was just
14 randomly going down and looking at some of the jurors and
15 as you noted some of them I had five plus.

16 Juror number 37, for example, who is 8 in sequence
17 we have at a six. Juror 160, who is nine in sequence, we
18 had at a six. Juror 402, who we struck in sequence, was
19 13. Number actually 402 we had at a seven.

20 So even though I acknowledge all 10 strikes were
21 used on Caucasian jurors from their answers these were
22 jurors we felt who would be very pro prosecution in the
23 case, pro death penalty, not open to mitigation and
24 that's why we used that rating system so hopefully it is
25 gender and race neutral and then we can justify that if a

1 motion is made.

2 Q. And there can be a correlation with the variables
3 and race, correct? You could have someone who has a
4 criminal history, for instance, that the prosecution
5 would want to strike and that could correlate with a
6 certain race. You could have a higher number of racial
7 individuals who have that criminal history. You could
8 have -- of course, you'll have a higher number of people
9 -- of women who are caretakers and may not want to serve
10 on a jury. There can be correlations, can't there?

11 A. I can't answer that. I don't feel I'm qualified to
12 answer that question, if there's correlation.

13 Q. Statistically speaking if we look that you struck
14 all Causations that may give someone pause, correct?

15 A. Well, the Solicitor certainly could have made a
16 motion if she wanted to. Yes, ma'am. I would
17 acknowledge that.

18 Q. But your individual reasons would have controlled
19 why you struck jurors, correct?

20 A. Yes, ma'am.

21 Q. Okay. And just going back just briefly to
22 Blakeney, that went up to the Fourth Circuit, correct?

23 A. Yes, ma'am.

24 Q. And some of the factual findings -- well, first of
25 all, you said you used a statistical analysis and that

1 was from other strikes in the county, other strike
2 patterns in the county?

3 A. Yes, and after reflecting on it that came after the
4 Fourth Circuit appeal because the Racial Justice Act was
5 not part of the Fourth Circuit appeal.

6 Q. And you were relying on Batson and Miller-El in
7 some of your documents using the statistics, correct?

8 A. In the appeal to the Fourth Circuit?

9 Q. Uh-huh.

10 A. Yes. Whatever the appeal reflects. I mean, I
11 can't remember the specifics but, yes. I know there was
12 what we thought was a strong Batson issue and Miller-El
13 issue in Blakeney.

14 Q. And that's why you were using the statistics?

15 A. I don't know if we -- well, in Blakeney?

16 Q. Uh-huh.

17 A. Well, we were arguing the prosecutor struck a
18 hundred percent of African Americans for Blakeney's jury
19 so that was the --

20 Q. In his actual trial?

21 A. In the actual trial so that was a pretty easy
22 statistical measurement. We did not have a statistician
23 at that point in Blakeney's cases.

24 Q. What about the three other Union County cases as
25 well as Blakeney's case?

1 A. Yes. There were three other capital cases in the
2 same county where Roger Blakeney's trial was held in
3 North Carolina, that would be Union County, and so part
4 of Blakeney's Batson issue was that not only had the
5 prosecutor in Blakeney's case struck all African
6 Americans so Blakeney had an all white jury there are
7 three other capital cases in that same county where the
8 prosecutor had also struck all African Americans and they
9 had all white juries.

10 So part of our argument in Blakeney was that there
11 were four death penalty trials in the same county in
12 North Carolina by the same prosecutor within a period of,
13 I want to say roughly five years, I can't remember the
14 exact period, where the prosecutor had in every case
15 struck all African Americans and had four all white death
16 penalty juries back to back with any type time frame.

17 Q. And regarding the weight or value of the statistics
18 the Court has observed that the three other Union County
19 cases, as well as Blakeney's own cases, are matters of
20 record affirmatively showing an absence of prosecutorial
21 misconduct during the jury selection. Do you recall
22 that?

23 A. I'm not going to comment on the Fourth Circuit's
24 decision. Their decision is what their decision is.

25 Q. But do you remember the factual finding? I just

1 mean the factual finding.

2 A. Yes, ma'am. The Court ruled how it ruled. We did
3 not win either in the District Court and we did not win
4 in the Fourth Circuit. And by win, I don't mean to make
5 this a win, lose what we do in court. I mean, we were
6 not successful --

7 Q. If the decision is accepted --

8 A. We were not successful on appeal either in the
9 District Court or the Fourth Circuit.

10 Q. Okay. And the District Court in that case had
11 actually said it matters not about what the statistics
12 would show in any case because Batson makes it case
13 specific. That was the finding of the District Court in
14 North Carolina.

15 A. I would acknowledge that the District Court opinion
16 and the Fourth Circuit opinion are what they are.

17 Q. And this was knowledge that you had and the
18 treatment that -- the problems that you had in this case.
19 You had it before you went into representation for
20 Mr. Dickerson's case.

21 A. I'm not sure what you asked me, what knowledge.

22 Q. Okay. Obviously, you knew statistics could be used
23 in argument for Batson and you could rely on Miller-El
24 and try to use statistics to show at least a prima facie
25 case?.

1 A. Yes, ma'am.

2 Q. And you had done that before?

3 A. Yes, ma'am.

4 Q. But it has also been rejected before?

5 A. Yes, ma'am.

6 Q. Thank you very much, Mr. Bloom. I appreciate it.

7 MS. BROWN: No further questions, Your Honor.

8 THE COURT: Cross-examination?

9 MR. GROSE: Thank you, Your Honor, may it please
10 the Court.

11 CROSS-EXAMINATION

12 BY MR. GROSE:

13 Q. Certainly you are familiar with the Miller-El
14 decision?

15 A. Yes, sir, and for the benefit of the court reporter
16 Miller-El is M-i-l-l-e-r-E-l.

17 Q. And Miller-El was from the United States Supreme
18 Court?

19 A. Yes, sir.

20 Q. And it did look at statistical analysis?

21 A. Yes, sir.

22 Q. Where statisticians were employed?

23 A. Yes, sir.

24 Q. And if I understand your testimony about the
25 Blakeney case in North Carolina, what she presented you

1 with in the Direct Court and Fourth Circuit, that was
2 prior to the Racial Justice Act?

3 A. Yes. I mean, I know in my initial testimony I
4 wasn't sure but during the break I've thought on it and
5 since the Racial Justice Act was not an issue in the
6 habeas case in either the District Court or Fourth
7 Circuit the Racial Justice Act came after the Fourth
8 Circuit opinion in Blakeney.

9 Q. Okay.

10 A. So that was 2010 or later.

11 Q. So in the District Court case you had not employed
12 any statisticians?

13 A. Correct. We just went by the record because it was
14 pretty obvious they were for all white juries.

15 Q. Then I believe you all testified -- that you
16 testified earlier that you were familiar with the
17 Michigan State University Law School?

18 A. Yes.

19 Q. Professor Barbara O'Brien?

20 A. Yes.

21 Q. Professor Catherine Grasso?

22 A. Yes.

23 Q. And you were familiar with them being used in North
24 Carolina?

25 A. Yes.

- 1 Q. And, of course, their work was accepted by the
2 courts in North Carolina, the trial courts?
- 3 A. Yes. And, again, that would have been post 2010 --
- 4 Q. Right.
- 5 A. -- roughly.
- 6 Q. And what I'm getting at is, you know, in the
7 Blakeney case it sounds like even though you -- whether
8 you call it win or lost, or prevail or not prevail you
9 could have continued to litigate this issue under the
10 Racial Justice Act?
- 11 A. And we have. I have filed a motion in Blakeney's
12 case under the Racial Justice Act.
- 13 Q. And there was in response to one of the questions
14 earlier you talked about perhaps having done a
15 statistical study in two cases in North Carolina?
- 16 A. Right.
- 17 Q. And do you recall the other case?
- 18 A. Well, it would be Blakeney and then the other is
19 Andre Fletcher, F-l-e-t-c-h-e-r, out of Rutherford
20 County, North Carolina.
- 21 Q. Okay. And is that still ongoing?
- 22 A. Yes.
- 23 Q. And does that raise statistical challenges or use
24 statistical information in support of your claim?
- 25 A. Yes.

1 Q. Do you have that appellate memo in front of you? I
2 know it's already in their record as an exhibit.

3 A. I do.

4 Q. If I can just take a look at that for a second.

5 A. Sure..

6 Q. What you did after the case was is you wrote what
7 looks like a four-page memo to then Chief Attorney Joey
8 Savitz listing some of the issues that you thought should
9 be brought up on appeal.

10 A. Yes.

11 Q. On page two of the memo, Roman numeral one, number
12 two there was a motion to prohibit the death penalty
13 based on unconstitutionality proportion --
14 unconstitutional proportionality review in South
15 Carolina; is that correct?

16 A. Yes.

17 (WHEREUPON, Applicant's Exhibit Number 18, a
18 Document, was marked for identification only.)

19 Q. Mr. Bloom, I'm going to present you with what has
20 just been marked as Applicant's Exhibit Number 18 for the
21 hearing this week and ask if you recognize that document.

22 A. Yes, sir.

23 Q. And what is it?

24 A. This was -- well, it's captioned, quote, Motion to
25 Dismiss the Death Penalty Due to Unconstitutionality of

1 State Proportionality Review, end quote. It's a motion

2 Mr. Carroll and I filed in Mr. Dickerson's case.

3 Q. All right. And what was the issue that you and

4 Mr. Carroll were trying to raise by that motion?

5 A. Well, the short answer first is to dismiss the

6 death penalty.

7 Q. Right.

8 A. The second answer was we felt there were three

9 grounds to do that under proportionality analysis, which

10 the United States Supreme Court mandated in the 70's

11 under Gregg vs. Georgia and a plethora of cases which

12 initially addressed the constitutionality of the death

13 penalty, and there were three prongs we were arguing.

14 Q. And what were those prongs?

15 A. The first was -- well, generally, the prongs were

16 aimed at how our South Carolina Supreme Court evaluates

17 the death penalty.

18 Q. Okay.

19 A. They are mandated to look in every capital appeal

20 where a death sentence is issued whether the sentence is

21 proportional or not and we felt --

22 Q. And, of course -- if I can just interrupt you for a

23 second.

24 A. Sure.

25 Q. That's an Eighth Amendment concern as well as a

1 statutory mandate?

2 A. Correct, both Eighth Amendment and our statute.

3 And there's three prongs where -- and I submit this very
4 humbly. I'm not on the State Supreme Court, obviously,
5 but I think there are three prongs in which our State
6 Supreme Court are deficient, and I think given some of
7 the decisions which have been decided recently by the
8 United States Supreme Court it has given some impetus to
9 these three prongs.

10 The first is that our State Supreme Court when
11 comparing the death sentence in appeal only looks at
12 other capital cases. So the pool of cases they look at
13 are cases where the death penalty has been imposed. Our
14 court does not look at capital cases where the death
15 penalty was not imposed. So I think that is a defect in
16 the legal analysis. I would add other states do that.
17 They widen the pool and look at capital cases where life
18 was imposed.

19 Second, our court conducts what may be
20 constitutionally called a very perfunctory review. If
21 you read the capital cases it's usually one or two
22 sentences: We've looked at this case. We find it
23 proportional, and they cite a string of cases. The other
24 courts take a more in depth analysis, fact based
25 analysis.

1 Third, and I think this is one of the stronger
2 ones, our court has never found a case disproportional.
3 Even our sister states, Georgia and North Carolina, have
4 on occasion found the imposition of the death sentence in
5 a particular case disproportionate and remanded it for
6 resentencing to a sentence other than death.

7 I would add Georgia and North Carolina also look at
8 a pool of cases that began as capital but through a jury
9 verdict or whatever were sentenced to life without
10 parole. So I think the whole proportional review process
11 that our State Court engages in -- and, again, I say this
12 very humbly and with respect, is constitutionally
13 defective, and I think in time with the U. S. Supreme
14 Court issuing opinions of recent which address
15 proportionality and related issues that this is a coming
16 issue in death penalty litigation and it's something that
17 needs to be addressed, and I would hope at some point our
18 State Court -- State Supreme Court would kind of step
19 back and say, Hey, maybe we need to relook at how we are
20 looking at these cases. So I felt pretty strongly about
21 this issue.

22 Q. Right.

23 A. It's an issue that is percolating up among other
24 states and other federal circuits and that's I why filed
25 the motion. It had nothing to do with Solicitor Wilson

1 or her office. It was strictly what we felt was a legal
2 and constitutional issue on how the State Supreme Court
3 does its job under the Eight Amendment and the statute.
4 And I didn't meant to make that such a long answer but
5 that's why we presented that issue and that's why we felt
6 strongly about it.

7 Q. Okay. And when you said you felt strongly, you
8 felt strongly that it should have been included in the
9 appeal?

10 A. Yes. And quite frankly, I'm not naive. I've been
11 doing this a while. I did not think our State Supreme
12 Court would address it. I felt that they probably would
13 not even grant cert on that particular issue.

14 Q. Well, in a direct appeal you get an appeal --

15 A. Right. What I meant was that they wouldn't want to
16 entertain oral argument or, you know, extensive briefing
17 on it, it wouldn't need to be. I felt though it should
18 have been preserved in the appeal even if just under one
19 or two paragraphs citing to the Eighth Amendment and
20 other applicable law for potential federal habeas review
21 because, again, I think this is a coming issue that will
22 be addressed by if not the circuits ultimately the United
23 States Supreme Court in coming years, and so I felt
24 strongly that it should have been reserved for
25 Mr. Dickerson in the direct appeal.

1 Q. Do you recall footnote eight from the direct
2 appeal?

3 A. I do not independently.

4 MR. GROSE: Do you mind if I show him on my laptop?

5 MS. BROWN: Not at all.

6 A. Okay. Thank you. I've read it.

7 Q. And, in fact, the Supreme Court in that footnote
8 indicated that your motion -- recognized your motion that
9 had been raised in the trial court?

10 A. Right.

11 Q. And they recognized that that issue was not before
12 the Court in the briefings?

13 A. Correct.

14 Q. And they went on to indicate that they may in
15 future cases that they may have it wrong, that they may
16 in future cases consider handling the proportionality
17 review differently, didn't they?

18 A. Yes.

19 Q. All right. And if I can go back to your memorandum
20 for a second. I'm sorry. Do you still have it? That's
21 the application --

22 A. Uh-huh.

23 Q. Thank you, sir. Still looking at page two Roman
24 numeral one, number four you raised your motion to bar
25 the death penalty based on race; is that correct?

1 A. Right. Right.

2 (WHEREUPON, Applicant's Exhibit Number 19, a
3 Document, was marked for identification only.)

4 Q. Mr. Bloom, I'm going to hand you what's been marked
5 as Applicant's Exhibit Number 19. Can you take a look at
6 that, please, sir.

7 A. Yes. This is, quote, Motion to Bar the Death
8 Penalty Based Upon Race, end quote.

9 Q. And so earlier you were testifying about that
10 motion when the Attorney General was asking you questions
11 and I believe that that's the written motion that goes
12 with testimony you gave earlier; is that correct?

13 A. Correct.

14 Q. And, again, this is something that you felt
15 strongly about?

16 A. Yes.

17 Q. And you talked about their being public sentiment
18 about what was going on with homicides in Charleston
19 County at the time; is that correct?

20 A. Yes.

21 Q. And you talked about a senator making comments
22 about prosecutors not seeking the death penalty when
23 black victims were involved?

24 A. Yes.

25 Q. And that was Senator Ford at the time; is that

1 right?

2 A. That's correct, State Senator Ford at the time.

3 Q. And you attached articles in support of that
4 motion, didn't you?

5 A. Yes, sir. I actually had forgotten we had done
6 that.

7 Q. And Senator Ford is in one of those articles, isn't
8 he?

9 A. I believe that's correct, yes, sir.

10 Q. And this was a motion that you felt strongly should
11 be included in the appeal?

12 A. Yes.

13 Q. Earlier Ms. Brown asked you some questions about
14 the Batson motion that you made and I believe you
15 testified that you thought that that issue was preserved
16 for appeal?

17 A. Yes.

18 Q. And you reviewed the transcript today, didn't you?

19 A. Yes.

20 Q. And that sort of refreshed your memory that the
21 Batson motion was actually heard on the record?

22 A. Yes.

23 Q. And there's no indication of any off-the-record
24 discussions. Everything was on the record?

25 A. I believe that's correct. I don't have an

1 independent recollection if there was anything discussed
2 at the bench or off the record.

3 Q. Well, and certainly everything in the transcript
4 reflects that it was on the record?

5 A. Correct, and the transcript reflects we did not
6 take a break or have a bench conference. So I'm assuming
7 it was all on the record.

8 Q. All right. And so when you are dealing with the
9 Batson motion there's really three aspects of it,
10 correct?

11 A. Yes.

12 Q. The first you make the motion, identify the jurors
13 to make up a prima facie case; is that correct?

14 A. Correct.

15 Q. And then the opponent of the motion has the
16 opportunity -- is given the opportunity to put their
17 reasons on the record?

18 A. Yes, sir.

19 Q. And then the third step is where you can actually
20 look underneath what may appear to be race neutral or
21 gender neutral reasons on the record; is that right?

22 A. Yes. Yes.

23 Q. Or in the statement that was made?

24 A. Correct.

25 Q. And you can look at a number of sources for that,

- 1 can't you?
- 2 A. Sure.
- 3 Q. You can look at the answers to the questions that
- 4 the jurors gave in the courtroom?
- 5 A. Right.
- 6 Q. And you are not just looking at the jurors that are
- 7 struck. At that point, you are looking at the jurors who
- 8 are actually sat?
- 9 A. Right.
- 10 Q. You can look at objective information about
- 11 criminal histories, right?
- 12 A. Yes.
- 13 Q. And you didn't run independent criminal histories
- 14 in this case, did you?
- 15 A. I don't think we did.
- 16 Q. And you didn't see it anywhere in your file?
- 17 A. No.
- 18 Q. Preparing for today?
- 19 A. No, and we would have -- no, we did not.
- 20 Q. And Ms. Brown asked you if you had gotten those in
- 21 other cases and you had gotten them from solicitors in
- 22 other cases?
- 23 A. Yes.
- 24 Q. And if you had made a motion that would be
- 25 somewhere in all these volumes?

- 1 A. Yes.
- 2 Q. And are you aware or do you recall that Solicitor
3 Wilson's policy is not to share that information unless
4 ordered by the Court?
- 5 A. I don't recall.
- 6 Q. And when the Batson motion was made you didn't ask
7 for her to turn over the criminal histories for all the
8 jurors including the ones that had been seated?
- 9 A. Obviously not. It's not in the record.
- 10 Q. There was some questions on one of the issues that
11 you had objected to appellate issue number five. It has
12 to do with the photographs.
- 13 A. Yes..
- 14 Q. And I believe on your direct examination -- I don't
15 remember your exact words, some of these photographs were
16 pretty graphic and pretty gruesome, weren't they?
- 17 A. They were. They were horrendous.
- 18 Q. And that is an issue that you felt strongly about
19 too, isn't it?
- 20 A. I know it's in my memo. I remember discussing it,
21 the photographs, with someone at Appellate Defense. I
22 don't remember the details of that discussion.
- 23 Q. And, of course, the photographs are what they are
24 and --
- 25 A. Sure.

1 Q. -- you can -- the Judge can view those?

2 A. Sure.

3 Q. The seventh issue listed has to do with
4 Dr. Phillips' testimony and this sounds like something
5 that you feel pretty strongly about, too; is that
6 correct?

7 A. That's correct.

8 Q. And it has to do with what's confusing the
9 different standards involved with what we deal with at
10 mental health issues in court; is that right?

11 A. Right. I mean, it's been my experience that
12 solicitors often in cross-examination engage mental
13 health experts in a discussion of the defendant knew
14 right from wrong, and I don't blame solicitors for that.
15 It's an easy target and usually something that is in
16 their favor because if a defendant did not know right
17 from wrong then you have an insanity defense or at
18 minimum a guilty but mentally ill defense.

19 And so I've often argued in trials -- well, not
20 often, in each and every trial that I've had, that at
21 sentencing if insanity has not been raised as a defense
22 in the trial phase and guilty but mentally ill has not
23 been raised as a defense at the trial phase and the
24 defendant is convicted of murder then at sentencing a
25 prosecutor should be prohibited from going into the right

1 versus wrong question and answer, and the reason for that
2 is it confuses juries. We are not in an insanity defense
3 mitigation. There's plenty of other areas solicitors can
4 cross-examine on so I try to bar that. I have had some
5 trial judges agree with me. Here, obviously, Judge
6 Dennis did not.

7 Q. And if guilty but mentally ill and insanity is not
8 raised in phase one it's really not a relevant issue in
9 phase two, right?

10 A. It's not a relevant issue because -- correct. If a
11 defendant knows right from wrong then he doesn't have an
12 insanity defense and he doesn't have a guilty but
13 mentally ill defense. So to bring that up in mitigation
14 is really -- well, it fools a jury into this thinking,
15 well, if he knew right from wrong there's, you know, no
16 mental health problem here.

17 So, again, I don't fault solicitors for going
18 there. It's an easy target for them, but I have had some
19 trial judges sustain that objection and prohibit
20 solicitors from going here. Judge Dennis did not so I
21 felt that was a legitimate appeal issue.

22 Q. Well, and to complicate or confuse, rather, things
23 even more there's some similarity in some of the language
24 to the standard for guilty but mentally ill and one of
25 the statutory mitigating factors?

1 A. I acknowledge that but that's a statutory
2 mitigating factor and the language is different from
3 right versus wrong. It's capacity to conform which is
4 closer to the guilty but mentally ill standard. It's not
5 right from wrong.

6 Q. Right. But the mitigating factors even differ from
7 the guilty but mentally ill statute?

8 A. Correct.

9 Q. And so it makes more sense from an advocacy
10 standpoint and for what jurors need to understand to talk
11 about what is actually the statutory standard?

12 A. Correct.

13 Q. And what's actually in front of them at sentencing?

14 A. Correct.

15 Q. And that's kind of what the argument is?

16 A. Correct. I would agree with that.

17 Q. And you talked earlier, you were asked some
18 questions about your training as a jury consultant, some
19 of the seminars and your system for picking juries,
20 right?

21 A. Right.

22 Q. And one of the things that you know from these
23 seminars and questioning mock jurors and questioning
24 actual jurors is is that sometimes jurors do get confused
25 over some of these mental health issues?

1 A. Sure. We are using terms of art and they are not
2 used to the terms of art.

3 Q. Right. And it's really important in the voir dire
4 stage for the Court and counsel to make sure that the
5 jurors understand the difference between what they have
6 to find in order to have a conviction for murder as
7 opposed to the addition of an aggravating factor and then
8 what's mitigating.

9 A. Yes. I would agree with that.

10 Q. Because some jurors mistakenly think that if
11 somebody is acting in self defense that would be a reason
12 to impose a life sentence?

13 A. Right.

14 Q. And some jurors mistakenly think -- potential
15 jurors think that if the person is insane and doesn't
16 know the difference between right and wrong that that's a
17 reason to impose a life sentence?

18 A. Right. They don't have an understanding of the
19 distinctions in the law, the terms of art so, yes, I
20 would agree with all of that.

21 Q. So when you make that motion you are bringing all
22 that experience to it?

23 A. Yes, sir.

24 Q. Okay. I want to ask you some questions about your
25 history as being a jury consultant.

1 A. All right.

2 Q. And I'm actually one of the lawyers who hired you.

3 A. That's right.

4 Q. I won't say how long ago it was because it makes me
5 old but we worked on a case, State vs. Barry Ervin?

6 A. Yes.

7 Q. Okay. And what you were doing as a jury consultant
8 is you actually provide a couple of services. One is you
9 -- at the time you were able to help lawyers with mock
10 jurors and learning how to -- practicing to do this type
11 of questioning for voir dire?

12 A. Correct.

13 Q. And the other thing that you did was focus groups?

14 A. Correct.

15 Q. And this gets into some of the questions that
16 Ms. Brown asked you about earlier about themes and
17 connecting themes and using them through the trial,
18 right?

19 A. Correct.

20 Q. And the focus group and your consulting with themes
21 and theories is not something you do at the beginning of
22 the case. It's something you do later in the case after
23 you've had investigation?

24 A. Correct.

25 Q. Because you want to know not only what the evidence

1 is and what a guilty phase defense might be you also want
2 to know what the mitigation might be?

3 A. Right. You can't have your theme until you know
4 what the jury is going to be hearing. Correct.

5 Q. And you would actually bring in mock jurors that
6 were regular members of the community?

7 A. Correct.

8 Q. Because sometimes us lawyers who do this all time
9 kind of get lost in our own little world and we want
10 fresh opinions?

11 A. Right.

12 Q. All right. And what you are testing is not so much
13 ultimately how they vote but how they react to your
14 presentations of your themes and your mitigation?

15 A. That's absolutely right. What I would do is bring
16 in roughly, you know, 10 to 15 lay people from the
17 community who we didn't know. We would screen to make
18 sure they were death penalty qualified and then we do a
19 little mini mock trial in half a day get their responses.
20 And we are not interested in how they vote because it's a
21 sterile environment not seeing the photographs, not
22 hearing the live witnesses. What we want is their
23 overall reaction and how they process the general facts
24 they hear and what themes resinate with them.

25 Q. And what resinates with them and what questions

1 they still have left that are unanswered?

2 A. I would agree with that.

3 Q. And those unanswered questions sometimes lead you
4 to do additional work in the months or weeks before
5 trial?

6 A. Sure. They hear the facts and they want to know
7 about A, B, and C when we are focussed on X, Y, and Z, so
8 it teaches us.

9 Q. And one of the themes that often comes back, in
10 your experience, I believe, is that jurors ask questions
11 about other family members?

12 A. You talking about mock juries?

13 Q. Mock juries.

14 A. Yes. Yes.

15 Q. And so if, for example, there's mental health
16 issues jurors might look to see if there's a history of
17 mental health in the family, mock jurors, because that
18 can be genetic?

19 A. Sure.

20 Q. As can there can be a genetic component to lower
21 IQ's and intellectual disabilities?

22 A. Sure.

23 Q. And as well as environmental components, people
24 growing up in the same household?

25 A. Sure.

1 Q. Do you have, I believe it was State's Exhibit
2 Number 3, still? This is the package with Dr. Needleman
3 exhibits and I want to go back to -- and by the way, you
4 looked at this earlier?

5 A. Right.

6 Q. Is this your complete file on Dr. Needleman?

7 A. Yes.

8 Q. And you have it here today so you have been able to
9 compare that?

10 A. Yes.

11 Q. And if I look at -- there's a letter in here that's
12 dated sort of a memo fax transmission to Dr. Needleman
13 dated October 11, 2007.

14 A. Okay. Yes.

15 Q. Can you take a look at that?

16 A. Yes.

17 Q. And does that reflect the information that you sent
18 to Dr. Needleman?

19 A. Yes.

20 Q. And what did you provide Dr. Needleman with?

21 A. I provided him with a 1988 lead level report when
22 William Dickerson was 11 years old.

23 Q. And, of course, that report is in that packet of
24 information in that Dr. Needleman file?

25 A. Right. Right.

- 1 Q. Okay. And we've kind of gone through the
2 chronology a little bit. This would have been early in
3 the case in October 2007?
- 4 A. All right. Yes.
- 5 Q. Because the trial wasn't until May of 2009?
- 6 A. Right.
- 7 Q. And then there was a memo -- I believe not a memo
8 but an e-mail. I believe this one because it still has
9 Ms. Brown's tab on it that she asked you to look at
10 before.
- 11 A. Right.
- 12 Q. And what was, again, the date of that?
- 13 A. Of the e-mail?
- 14 Q. Yes, sir.
- 15 A. 10-24-2007.
- 16 Q. And it's a fairly short e-mail, correct?
- 17 A. Yes.
- 18 Q. And it acknowledges receiving William's lead level,
19 doesn't it?
- 20 A. Yes.
- 21 Q. And it indicates that for his age that that's
22 actually a high lead level?
- 23 A. Yes.
- 24 Q. And it also, in his expert opinion, says that, you
25 know, it could have been higher when he was younger or

1 when he was an infant?

2 A. Yes.

3 Q. And he asked for more information?

4 A. Yes.

5 Q. And you never sent him any more information, did
6 you?

7 A. That's correct.

8 Q. But you, in fact, did have more information at some
9 point?

10 A. I don't recall.

11 Q. All right. I want to turn you -- I don't want to
12 stop you from looking at something but I do want to
13 direct you to a couple other documents.

14 A. Go ahead.

15 Q. All right. And I'm going to go get my copy but if
16 you look at what's been labeled Bloom box one, 1229.

17 A. Right.

18 Q. And 1230, that's just our numbering for discovery.

19 A. Right.

20 Q. Can you take a moment and look at those two pages.

21 A. Right. Right. I see these. It's a two-page memo
22 dated April 2 of 2009 that lists -- it's a summary we
23 made which lists various blood lead levels for both
24 William and his brother, Arman, A-r-m-a-n, from different
25 residences they lived at different years and different

1 chronological ages of the two.

2 Q. And this goes back to what you learned from mock
3 jurors about siblings being exposed to similar types of
4 environments?

5 A. Probably.

6 Q. Based on this you have test data with regard to the
7 Bogart Street residence and the Orr Court residence,
8 don't you?

9 A. Right.

10 Q. And that takes up most of page one and goes on to
11 page two?

12 A. Right.

13 Q. And that actually tracks what Arman's levels and
14 William's levels -- or what Arman's levels were?

15 A. Right.

16 Q. Right. And, you know, you have in sort of the same
17 chronology, you know, when the one test that we have from
18 William in 1988 which was -- actually, is in bold on page
19 two of what we are talking about.

20 A. Right.

21 Q. All right. And you have nothing in your file that
22 indicates that you ever sent Dr. Needleman the
23 information about Arman's levels?

24 A. I'm sorry. Ask me that again.

25 Q. Yes, sir. In your file on Dr. Needleman there's

1 absolutely nothing that indicates that you sent

2 Dr. Needleman the information about William's brother,

3 Arman's lead levels?

4 A. That appears correct.

5 Q. There's nothing in your file to Dr. Needleman that

6 indicates that you sent Dr. Needleman information about

7 the Bogart Street residence, is there?

8 A. That appears correct.

9 Q. There's nothing in your file that indicates you

10 sent Dr. Needleman anything about the Orr Court

11 residence, is there?

12 A. That appears correct.

13 Q. And on page two of the memo you have housing

14 projects areas and DHEC notes; is that correct?

15 A. Correct.

16 Q. And there's nothing in your file that indicates

17 that you sent Dr. Needleman information about the housing

18 project areas or the DHEC notes, is there?

19 A. That appears correct.

20 Q. And that documents that there was failure of people

21 to take some corrective action with the lead levels?

22 A. Correct.

23 Q. That's right?

24 A. Yep. Yes, sir.

25 Q. And it provides information, for example, about

1 there being peeling paint?

2 A. Yes, sir.

3 Q. And as a part of your investigation you learned
4 that the poorer areas of Charleston County had issues
5 with high lead levels?

6 A. Yes.

7 Q. And, of course, that's been in the news recently in
8 Flint, Michigan with some of the problems that they are
9 having even today?

10 MS. BROWN: Your Honor, I object because it's
11 redundant. We opened the lead poisoning issue up for the
12 purpose of the contemporaneous notes that Mr. Bloom
13 actually referenced or eluded to in his December hearing.
14 We've already presented the issue on lead poisoning in
15 December.

16 MR. GROSE: Well --

17 THE COURT: Overruled.

18 MR. GROSE: Thank you, Your Honor.

19 MS. BROWN: Thank you, Your Honor.

20 BY MR. GROSE:

21 Q. You are familiar with that being a new issue in
22 Flint as being in the media a lot?

23 A. Certainly, certainly.

24 Q. So when you look at things like Flint and what you
25 discovered about the poor communities in Charleston

1 County during William's childhood that's actually a
2 failure of the community, isn't it?

3 A. I would acknowledge that.

4 Q. And sometimes with jurors, you know, from your mock
5 jurors' experience, that system failure, community
6 failure can be highly mitigated?

7 A. Yes.

8 Q. At the bottom of page two you have a bullet point
9 that says, Summary Points from Lead Levels and Housing
10 Records; is that correct?

11 A. Yes.

12 Q. And one of the things that you talk about is, you
13 know, children eating lead paint chips because it tastes
14 sweet like candy?

15 A. That's correct.

16 Q. And the next sub bullet point for a five year
17 period evidence of peeling paint and leads hazard at
18 residence?

19 A. Yes.

20 Q. And that's plural. We are talking about Bogart
21 Street and Orr Court?

22 A. Right.

23 Q. And this is a memo, by the way, that was current as
24 of April 2nd, 2009, right?

25 A. Yes.

- 1 Q. The same month that jury selection began?
- 2 A. Right.
- 3 Q. And the third sub bullet point is documented lead
- 4 levels are unacceptable by current standards?
- 5 A. Yes.
- 6 Q. And so that was information available to you at the
- 7 time that the problem in Charleston was outside of what's
- 8 medically accepted?
- 9 A. Yes.
- 10 Q. And the next level is lead poisoning causes brain
- 11 damage?
- 12 A. Yes.
- 13 Q. And we are not just talking about lead poisoning.
- 14 We are talking about lead poisoning in children, right?
- 15 A. Correct.
- 16 Q. And that's when children are going through the
- 17 developmental stage?
- 18 A. Correct, their brain is developing.
- 19 Q. And we know, for example, that one of the
- 20 constitutional bars for death penalty is mental
- 21 retardation because it focusses on what's happening with
- 22 the child that happens in the developmental period?
- 23 A. I would acknowledge that. Yes, sir.
- 24 Q. And while we -- well, you have been involved in
- 25 some of these cases with the juvenile -- of course,

- 1 juveniles can't be sentenced to death.
- 2 A. Right.
- 3 Q. And now it's only going to be in rare circumstances
- 4 that they can be sentenced to life for a homicide
- 5 offense?
- 6 A. Right.
- 7 Q. And that's again because of the brain development?
- 8 A. Right.
- 9 Q. So that has a legal significance?
- 10 A. Correct.
- 11 Q. It also has a factual significance because you know
- 12 from using mock jurors that what happens to a child is
- 13 important?
- 14 A. Yes.
- 15 Q. In fact, when we go to some of these seminars one
- 16 of the themes is childhood matters?
- 17 A. Certainly.
- 18 Q. Because at that point the child is not in control
- 19 of his or her environment?
- 20 A. I agree with that, yes.
- 21 Q. And that was the case that you had here?
- 22 A. Yes.
- 23 Q. And if you have evidence of brain damage that can
- 24 be mitigating, can't it?
- 25 A. Yes.

- 1 Q. And it can particularly be mitigating if it
2 interferes with somebody's executive functioning?
- 3 A. Yes.
- 4 Q. Because that's what controls their impulses?
- 5 A. Yes.
- 6 Q. The ability to make decisions?
- 7 A. Certainly.
- 8 Q. The ability to think through consequences?
- 9 A. Yes.
- 10 Q. The types of things that go to those three mental
11 health statutory mitigating circumstances?
- 12 A. Certainly.
- 13 Q. The ones that were confused somewhat in
14 Dr. Phillips' cross-examination?
- 15 A. Yes, sir.
- 16 Q. And from your experience with mock jurors the
17 impairment to executive functioning, particularly when it
18 starts in childhood, can be highly mitigating?
- 19 A. Yes, sir.
- 20 Q. Okay. And you have another bullet point on page
21 two, sub bullet point on that last section, Evidence of
22 Possible Organic Brain Impairments, right?
- 23 A. Yes.
- 24 Q. And then the last one is Other, followed by three
25 question marks?

1 A. Yes:

2 Q. And this is information, this memo documents
3 information that you had available on the eve of trial
4 that hadn't been sent to Dr. Needleman?

5 A. Correct.

6 Q. And Dr. Needleman is one of the, I guess, founding
7 fathers of the lead study?

8 A. Yes.

9 Q. And perhaps Dr. Needleman could have answered that
10 question about other -- what else to look at?

11 MS. BROWN: Speculation, Your Honor.

12 THE COURT: Well, I'm going to overrule that but
13 where are you going with this, Mr. Grose? It seems that
14 we are straying from --

15 MR. GROSE: I'm sorry.

16 THE COURT: From the merits of this case. I mean,
17 I appreciate you and Mr. Bloom having this discussion but
18 I don't see where it is getting us. Where are you headed
19 with this? What's the point of it?

20 MR. GROSE: That we have a claim that trial counsel
21 is ineffective for not raising the childhood exposure to
22 lead and having experts, and we have a memorandum from --
23 I'm sorry, an e-mail from Mr. Needleman requesting more
24 information that Mr. Bloom ultimately had available --

25 THE COURT: Well, I understand that, and focus on

1 that instead of just rehashing the whole lead issue.

2 MR. GROSE: I'm really pretty much at the end of
3 that line of questioning so. . .

4 THE COURT: Thank you. I don't mean to cut you
5 off.

6 MR. GROSE: No. I understand that. I understand
7 that. I was using the memo as an outline and we are on
8 the last line of the two-page memo, so I'm pretty much
9 done.

10 BY MR. GROSE:

11 Q. So just to summarize, you don't know what an expert
12 would say if they are presented with this additional
13 evidence on the two-page memo that's labeled Bloom Box
14 One 12-29 to 12-30?

15 A. No, other than what our experts testified to at
16 trial, but a specific lead expert, no.

17 Q. And that's the point. Your experts at trial were
18 not specific lead experts, were they?

19 A. I acknowledge that, yes, sir.

20 MR. GROSE: Beg the Court's indulgence for a
21 moment.

22 (PAUSE.)

23 BY MR. GROSE:

24 Q. I think Ms. Brown asked you, had you used
25 Dr. Needleman in another case?

1 A. Yes, sir.

2 Q. Was that Lamar Bryant?

3 A. It was.

4 Q. And Lamar Bryant had a death penalty trial?

5 A. Yes, sir.

6 Q. And he was sentenced to life?

7 A. That's correct.

8 MR. GROSE: Thank you. That's all I have.

9 THE COURT: Redirect?

10 MS. BROWN: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. BROWN:

13 Q. Mr. Bloom, just a few questions.

14 A. Sure, ma'am. That's all right.

15 Q. Kind of in reverse order to address some of the
16 things on cross-examination. You were asked about legal
17 significance and juveniles and that sort of thing. Was
18 Mr. Dickerson a juvenile at the time of this crime?

19 A. No, ma'am.

20 Q. And so nothing that applies of legal significance
21 from your last discussion actually applies to
22 Mr. Dickerson?

23 A. Right. The Adkins case does not apply.

24 Q. And you were asked a little bit about whether you
25 forwarded things to Dr. Needleman. Can you say that you

1 never forwarded anything else to Dr. Needleman?

2 A. I have not thought about that. Give me a moment,
3 if I can review the file.

4 Q. Sure.

5 A. I don't know. I don't print every e-mail. I don't
6 save every e-mail. So I don't know whether I sent
7 anything further to Dr. Needleman or not. I assume not
8 because I don't have any further response from him and I
9 didn't call him as a witness, but to answer your question
10 fairly I don't know.

11 Q. Okay. And you all were investigating DHEC records
12 and that sort of thing and you had an investigator to
13 help you and the defense team?

14 A. Yes. Ms. Davis was our mitigation investigator and
15 this was one of the things she and I worked on together.

16 Q. And you were asked a little bit about different
17 jurors, what jurors may know coming in, what they
18 understand about mitigation, what they understand about
19 the law. Wouldn't you say that there is some
20 misunderstanding when somebody comes into a legal setting
21 and they are not familiar with the legal setting; that
22 would apply across the board, would it not?

23 A. Oh, sure. Yeah.

24 Q. And the law is given by instruction by the trial
25 judge, not necessarily questions.

1 A. Certainly.

2 Q. Okay. And our court has recently affirmed that in
3 State vs. Bixby, and that was a capital case, correct?

4 A. Certainly.

5 Q. And on the photographs I believe you said they were
6 pretty horrendous?

7 A. Yes, ma'am.

8 Q. And I wanted to clarify these are photographs that
9 came in to show the nature of the crime in sentencing,
10 correct?

11 A. That's correct.

12 Q. And it reflects the crime? I'm sorry. It reflects
13 the crime?

14 A. Yes, ma'am.

15 Q. Then you were asked about your argument on
16 proportionality review.

17 A. Yes, ma'am.

18 Q. And, of course, you had preserved that. It did not
19 go up on appeal. You were asked about the footnote but
20 do you recall the decent by now Chief Justice Pleicones?

21 A. You know, I haven't read the Dickerson decision in
22 a long time. I did not read it in advance of this
23 hearing. So I don't remember the decent in that case.
24 Quite frankly, I didn't remember the footnote until
25 Mr. Grose showed to it me. So I don't remember the

1 details of the opinion.

2 Q. Well, would it surprise you for me to say that he
3 agreed the system was acceptable?

4 A. It is whatever it is. I just don't remember the
5 opinion. I haven't read it but, yes, ma'am, I would
6 acknowledge that.

7 Q. The reason I was asking you that is that you had
8 said that most of your comments were based on recent
9 cases and there may be movement in this and it's a coming
10 issue. This isn't necessarily something that would be
11 indicative of an issue that should be raised in 2009?

12 A. Well, I thought it was a -- when I say coming issue
13 all I know is that in death penalty litigation sometimes
14 issues percolate for 10, 15 years or more before they
15 become the law. Mental retardation is an excellent
16 example of that. Youth is an excellent example of that
17 where you've seen a shift on the United State Supreme
18 Court under decades.

19 So I believed -- if I can clarify my remarks. The
20 proportionality issue is an issue that's been percolating
21 up through the courts since the mid to late 2000's, I
22 think. So I certainly felt that it was a strong issue at
23 the time of William's trial and should have been
24 preserved.

25 Q. And strong enough to flesh it out and actually put

1 it together in a motion?

2 A. Right. And, again, while the footnote and your
3 questions to me refresh me memory that the Court gave
4 some attention to it I did not at the time after
5 William's trial think that the South Carolina Supreme
6 Court was going to suddenly shift 180 degrees and adapt
7 my humble constitutional arguments about proportionality
8 but I certainly felt it should be something that should
9 have been preserved for potential federal habeas review
10 for William; if that answers your question.

11 Q. Yes, sir. Thank you. One more question.

12 A. Sure. Oh, never say one more.

13 Q. North Carolina, you've made that distinction
14 between what you can use for Batson claims and then what
15 you can use under their particular Racial Justice Act?

16 A. Right.

17 Q. And it's been repealed you mentioned before?

18 A. Correct.

19 Q. So anything that you are going forward on would be
20 the Racial Justice Act. The Batson issue was rejected in
21 District Court and the Fourth Circuit Court of Appeals?

22 A. Correct.

23 Q. And the reason I'm going there is to ask you this.
24 Even the Racial Justice Act being repealed actually could
25 affect the use of statistics because there's some

1 question about the viability of the existing lawsuits now
2 that it's been --

3 MR. GROSE: Objection. Leading, argumentive.

4 THE COURT: Overruled.

5 A. Yeah. I mean, there is a lot of litigation still
6 going on in North Carolina in the courts over Racial
7 Justice Act. One of them retroactivity even though it's
8 been appealed. If those defendants like Mr. Blakeney and
9 the other one I referred to, Mr. Fletcher, since they
10 filed their motions within the time frame the statute was
11 in existence do they still get a hearing. So all of
12 those issues are still percolating.

13 Mr. Blakeney actually may have a supplemental
14 Batson motion because what came out of the litigation in
15 discovery was some particular racially discriminatory
16 practices by a particular prosecutor including the one in
17 his county and circuit which may revive his Batson
18 motions. So that's all, a lot going on still on those
19 issues. I'll leave it there.

20 Q. Okay. I appreciate your attention to this,
21 Mr. Bloom.

22 A. Thank you, ma'am.

23 MS. BROWN: No further questions, Your Honor.

24 THE COURT: Mr. Grose?

25 MR. GROSE: No, sir. Thank you.

1 THE COURT: All right. You may come down, sir.

2 Thank you very much.

3 Next witness?

4 MS. BROWN: Your Honor, those would be -- that
5 would be the only witness for today. We still have our
6 expert. But I did want to ask the Court if the Court
7 would accept smaller copies of the demonstrative aids
8 that we have used in court in the last session and in
9 this session regarding the statistics.

10 THE COURT: Any objection?

11 MR. GROSE: No.

12 THE COURT: Thank you.

13 MS. BROWN: May we make this a court's exhibit?

14 THE COURT: Please.

15 (WHEREUPON, Court's Exhibit Number 1, Demonstrative
16 Copies, were marked and made a part of the record.)

17 MS. BROWN: Your Honor, I think that's all we have
18 for today.

19 THE COURT: Anything for the record for today from
20 the applicant?

21 MR. GROSE: No, sir.

22 THE COURT: All right.

23 (WHEREUPON, the hearing was concluded.)
24
25

C E R T I F I C A T E

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I, Sharon L. Vizer, Official Court Reporter for the
Ninth Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete transcript of record of all the proceedings had
and the evidence introduced in the hearing of the
captioned case in Circuit Court on the 12th and 13th day
of May 2016.

I do further certify that I am neither of kin, counsel
nor have an interest to any party hereto.

August 16, 2016

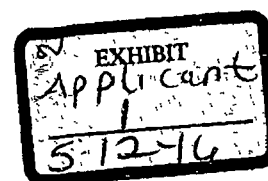
s/Sharon L. Vizer

SHARON L. VIZER

CIRCUIT COURT REPORTER



**MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW**



**Amended Report on Jury Selection Study
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

Barbara O'Brien & Catherine M. Grosso

Associate Professors of Law

May 5, 2016

Table of Contents

I.	Introduction	2
II.	Study Design	2
A.	Study Population	3
B.	Data Collection.....	3
C.	Overview of Database Development	3
1.	Development of Data Collection Instruments	3
D.	Steps for Ensuring Accuracy of Data.....	4
III.	Analysis and Results.....	5
IV.	Summary of Findings	7

Appendices

I. Introduction

This report documents the design, methodology, analysis, and results for a study on the exercise of peremptory challenges during jury selection in trials of all defendants for which Solicitor Scarlett Wilson served as lead prosecutor and for which materials were available.¹ The study examined how the state exercised peremptory challenges in criminal cases to assess whether potential jurors' race played any role in those decisions. The primary investigators for the study are Barbara O'Brien and Catherine Grosso. Both are associate professors of law at Michigan State University College of Law.

II. Study Design

Our goal was to design and conduct a study that would rigorously analyze the role of race in the exercise of peremptory challenges in cases prosecuted by Solicitor Wilson. This study coded and analyzed race and strike information for all qualified venire members in the study. This report presents the methodology, analysis, and results.

Several earlier jury selection studies informed our study design. The most important among these included a study examining strike decisions over a 17-year period in 317 Philadelphia County, Pennsylvania, capital murder trials² and our study of the exercise of peremptory challenges during jury selection in trials of all defendants on death row in North Carolina as of July 1, 2010.³

¹ Attorneys for Mr. Dickerson reviewed the Clerk of Court records in Charleston County to identify the universe of jury trials in which Solicitor Scarlett Wilson served as lead attorney during her tenure at the Ninth Circuit Solicitor's Office. They identified 12 cases in addition to Mr. Dickerson's eligible for inclusion in the study. They then subpoenaed all available jury information for these trials from Solicitor Wilson. A copy of the subpoena/FOIA request is attached as Appendix A. The Charleston County Attorney's Office informed Mr. Dickerson's attorneys that they could not locate the case file for State v. Ivory Coker and Ronald Coulter. Additionally, they informed Mr. Dickerson's attorneys that they could not locate the jury lists for Michael Dunham or Jemol Brown. Bradley Lindsey committed suicide shortly after being incarcerated, and so there was no transcript of his case available. The Court of Appeals informed Mr. Dickerson's counsel that Mr. Lindsey did not appeal this case and thus there is no transcript of the voir dire in existence. These cases could not be included in the study. Jury information in Mr. Dickerson's case was obtained by separate litigation.

During Mr. Dickerson's PCR hearing on March 31, 2016, the Attorney General's Office produced four additional voir dire transcripts for the following cases: Ethan C. Mack, Michael T. Jeter, Ronald Coulter, and Jemol Brown. Information about venire members' race was available only for Ethan Mack and Michael Jeter. This amended report incorporates the data from those two cases.

² David C. Baldus, George Woodworth, David Zuckerman, Neil Alan Weiner & Barbara Broffitt, *The Use of Peremptory Challenges in Capital Murder Trials: A Legal and Empirical Analysis*, 3 U. PA. J. CONST. L. 3 (2001).

³ Catherine M. Grosso & Barbara O'Brien, *A Stubborn Legacy: The Overwhelming Importance of Race in Jury Selection in 173 Post-Batson North Carolina Capital Trials*, 97 IOWA L. REV. 1531 (2012).

A. Study Population

This study examined jury selection in 11 cases, for a total of 12 jury selection proceedings.⁴ For each proceeding we sought to include every venire member who faced peremptory challenges as part of jury selection. For the purposes of this report a “venire member” includes anyone who was subjected to voir dire questioning and not excused for cause, including alternates.

Each proceeding involved an average of 26.8 venire members eligible to be struck by the state, producing a database of 321 state strike decisions. (See Appendix B for the complete database.) Of these, 181 (56.4%) were women, and 140 (43.6%) were men. The venire members’ racial composition was as follows: white (228, 71.0%); black (90, 28.0%); Asian (1, 0.3%); and unknown (2, 0.6%).

B. Data Collection

We created an electronic and paper case file for each proceeding and venire member in the study. The case file contains the primary data for every coding decision. The materials in the case file typically include some combination of juror lists, individual juror questionnaires, and attorneys’ or clerks’ notes. Each case file also includes an electronic copy of the jury selection transcript and the jury summons list, when available.

C. Overview of Database Development

Staff attorneys completed all coding and data entry at Michigan State University College of Law in East Lansing, Michigan, under the direct supervision of the primary investigators. As set forth more fully below, staff attorneys received detailed training on each step of the coding and data entry process. A total of three staff attorneys worked on this project.

i. Development of Data Collection Instruments

Data collection instruments (DCIs) are forms that staff attorneys completed based on the primary documents and transcripts. We created two data collection instruments for coding data in this study: (1) South Carolina (County of Charleston) Defendant Level Data Collection Instrument, Jury Selection Study (6 November 2015) (“D-Level DCI”), and (2) South Carolina (County of Charleston) Venire Member Level Data Collection Instrument, Jury Selection Study (17 November 2015) (“VM-Level DCI”). (See Appendix C for both DCIs.)

⁴ Jalal Beyah’s case had two jury selection proceedings. After the jury was selected, the judge granted the defendant’s *Batson* motion and jury selection started anew. Beyah Trial Tr, 61. We have coded and analyzed both jury selection proceedings in this case. We consider Beyah’s case to be two proceedings.

The D-Level DCI collected information about the proceeding generally, including the number of peremptory challenges used by each side, and the name of the judge and attorneys involved in the proceeding.

Questions 1-7 of the VM-Level DCI documented basic procedural information specific to each venire member.

Question 5 of the VM-Level DCI required the staff attorney to determine strike eligibility for each potential juror. "Strike eligibility" refers to which party or parties had the chance to exercise a peremptory strike against a particular venire member. For instance, if the prosecution struck someone before the defense had a chance to strike that person, that juror would be strike eligible to the prosecution only. Likewise, if a party had exhausted its peremptory challenges by the time it reached a potential juror, the failure to strike reveals nothing about how that party exercised its discretion. That juror would therefore be coded as not eligible to be struck by that party. This determination refines the analysis of strike decisions to examine only those instances in which that party actually had a choice to pass or strike a juror, and excludes those when the decision was out of the party's hands.

Questions 8-22 of the VM-Level DCI documented basic demographic information specific to each venire member.

Question 12 documents the race of the venire member. Staff attorneys completed this question using the race information provided in Charleston County summons lists for most of the venire members eligible to be struck by the state (63.6%, 204/321).⁵ When that information was not available from the summons lists, staff attorneys relied on information contained in the transcript (24.0%, 77/321), or on notes in the jury lists or questionnaires (11.8%, 38/321). We are missing race information for 2 venire members (0.6%, 2/321).

D. Steps for Ensuring Accuracy of Data

We took several steps to minimize coding errors. We also developed systematic procedures to catch and correct errors in coding and data entry.

To ensure reliability, we instituted double coding procedures for all coding in this study. Under these procedures, two different staff attorneys separately coded strike information for each venire member to ensure accuracy and intercoder reliability. The first staff attorney identified all

⁵ The Clerk of Court informed Mr. Dickerson's attorneys that the office does not have the juror lists for the remaining cases because of records retention policies. See S.C. App. Ct. Rule 607(i).

potential jurors and assigned each juror a study identification number. This attorney completed the D-Level DCI and the VM-Level DCI. A second staff attorney used the list of jurors provided by the first to code a second VM-Level DCI for each juror. Other than the list of potential jurors created by the first staff attorney, the second staff attorney did not have access to the first staff attorney's codes. A staff attorney then compared and reviewed their codes for consistency and noted any discrepancy, which a primary investigator reviewed and resolved.

To minimize data entry errors, a primary investigator created a Microsoft Excel spreadsheet with data validation restrictions in place to allow us to transfer the data that staff attorneys coded on paper DCIs into a machine-readable format. The data entry fields accepted only valid responses in order to minimize errors. For instance, if an item on the DCI allowed for only three possible responses (0 = No, 1 = Yes, and 9 = Unknown), then entering anything other than 0, 1, or 9 would be rejected and the person entering the data would be prompted to re-enter an acceptable value for that question. Although this mechanism could not prevent all data entry errors (e.g., it could not catch a staff attorney's misspelling of a venire member's name), it provided one line of defense against human error.

We used several other methods to catch and correct other errors in coding or data entry. Using the SPSS statistical program, we could identify instances where inconsistencies in data indicated possible errors and established a process for review and, where appropriate, correction.⁶

III. Analysis and Results

This report presents unadjusted racial disparities in prosecutorial strikes. Throughout this section, we report the disparities observed as well as a measure of the likelihood that the finding would occur as a result of chance. This measure, called a *p*-value, reflects the probability of observing a disparity of a given magnitude simply by luck of the draw. The lower the *p*-value, the lower the chance that an observed disparity was due merely to chance. The *p*-values for the racial disparities observed in this study are consistently well below the standard scientific

⁶ For example, we could identify all instances in which it appeared that a party exercised fewer than the peremptory strikes usually allotted to determine whether there was an error or if the party failed to use all strikes.

benchmarks for reliability.⁷ (See Appendix D for a Codebook defining each variable used in the analyses.)

The database includes information about 334 venire members. Of those, 321 (96.1%) were eligible to be struck by the state. We analyzed prosecutorial strike patterns for only those venire members who were eligible to be struck by the state.

Among state strike-eligible venire members, the overwhelming majority were either white (228/321, 71.0%) or black (90/321, 28.0%); just 1 (0.3%) was of another race.⁸ As of the writing of this report, we are missing race information for 2 (0.6%, 2/321) venire members who were eligible to be struck by the state.

The analyses below compare strike decisions relating to 318 black or white state strike-eligible venire members. Table 1 presents the comparative strike rates for each of the 12 cases in the study. As a preliminary matter, Table 1, Line 7, shows the strike rates in Mr. Dickerson's case. The state struck 50% of eligible black venire members (4/8) and 4.5% of eligible white venire members (1/22). This is a difference of 45.5 percentage points in the strike rates (50.0 – 4.5) and a ratio between the strike rates of 11.1 (50.0/4.5). This disparity is statistically significant ($p < 0.02$). The numbers in Mr. Dickerson's case are consistent and stronger than the overall strike pattern reported below.

Prosecutors exercised peremptory challenges at a significantly higher rate against black venire members than against other venire members. Across all strike-eligible venire members in the study, prosecutors struck 36.7% (33/90) of eligible black venire members, compared to only 5.7% (13/228) of eligible white venire members. This disparity reflects a difference of 31.0 percentage points in the strike rates (36.7– 5.7) and a ratio between strike rates of 6.4 (36.7/5.7). This difference is statistically significant: $p < .001$. Put differently, there is less than a one in one thousand chance that we would observe a disparity of this magnitude if the jury selection process were actually race neutral.⁹ (See Table 2.)

The average rate per case at which prosecutors struck eligible black venire members is significantly higher than the rate at which they struck other eligible venire members. The

⁷ David H. Kaye and David A. Freedman, *Reference Guide on Statistics*, in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE: THIRD EDITION 251-52 (National Research Council, The National Academies Press, 2011).

⁸ For the sake of simplicity, the analysis we present below examines strikes against black potential jurors with those against white potential jurors.

⁹ Several different chi square tests (Pearson Chi-Square, Continuity Correction, Likelihood Ratio, Fischer's Exact Test, and Linear-by-Linear Association) were used to calculate the p -values, and the results were consistent regardless of the test used.

analysis presented above (and in Table 2) examines strikes across all venire members in the study, pooled across cases. To assess whether the effect is robust, we also compared the strike rates calculated for each proceeding, so that each represents one data point. Of the 12 proceedings we analyzed, prosecutors struck an average of 34.1% of eligible black venire members, compared to only 5.1% of all other eligible venire members. This disparity reflects a difference of 29.0 percentage points in the strike rates ($34.1 - 5.1$) and a ratio between strike rates of 6.7 ($34.1/5.1$). This difference is statistically significant, $p < .001$. (See Table 3.)

We also analyzed the data from only Mr. Dickerson's case and those that preceded it.¹⁰ The racial disparity of strikes was slightly more pronounced in this subsample. Across all strike-eligible venire members in these eight cases, prosecutors struck 37.5% (21/56) of eligible black venire members, compared to only 4.6% (7/152) of eligible white venire members. This disparity reflects a difference of 32.9 percentage points in the strike rates ($37.5 - 4.6$) and a ratio between strike rates of 8.2 ($37.5/4.6$). This difference is statistically significant, $p < .001$. (See Table 4.)

The average strike rate per case at which prosecutors struck eligible black venire members is also significantly higher than the rate at which they struck other eligible venire members. Of the 8 proceedings we analyzed, prosecutors struck an average of 33.5% of eligible black venire members, compared to only 4.1% of all other eligible venire members. This disparity reflects a difference of 29.5 percentage points in the strike rates ($33.5 - 4.1$) and a ratio between strike rates of 8.2 ($33.5/4.1$). This difference is statistically significant, $p < .01$. (See Table 5.)

IV. Summary of Findings

We have documented the strike decisions and race for 318 potential black or white jurors eligible to be struck by the state in 12 proceedings from 2004 to 2013. In every analysis that we performed, race was a significant factor in prosecutorial decisions to exercise peremptory challenges in jury selection in these proceedings. Regardless of how one looks at the data, a robust and substantial disparity in the exercise of prosecutorial strikes against black venire members compared to others persists.

¹⁰ For these analyses, we excluded the cases of Colin J. Broughton (2009), Ethan C. Mack (2010), Brandon J. Simmons (2010), and Ryan P. Deleston (2013).

A statistically significant disparity persists at a magnitude of more than six to one whether calculated by looking at all strike decisions pooled across cases (a disparity of 6.4 to 1, 36.7/5.7), or by comparing the mean strike rates for each case (a disparity of 6.7 to 1, 34.1/5.1).

The effect of race was statistically significant across analyses. Thus, for each of these analyses, the chances that we would see a disparity of that magnitude in a race-neutral jury selection system are slight. The robustness of our findings of racial disparities across a variety of analyses provides powerful evidence that race was a substantial factor in prosecutorial strike decisions in the 12 proceedings in Charleston County.

TABLE 1
Rates of State Strikes for Cases in Study

	Defendant	Year	Mean Strike Rate	
			Black Qualified Venire Members	White Qualified Venire Members
1.	Michael Barnes	2006	40.0% (2/5)	15.0% (3/20)
2.	Jalal F. Beyah (first jury selection)	2004	55.6% (5/9)	0% (0/18)
3.	Jalal F. Beyah (second jury selection)	2004	37.5% (3/8)	0% (0/19)
4.	Colin J. Broughton	2009	50.0% (4/8)	14.8% (4/27)
5.	Ryan P. Deleston	2013	33.3% (3/9)	0% (0/18)
6.	Dominic M. Derricotte	2008	37.5% (3/8)	0% (0/16)
7.	William O. Dickerson	2009	50.0% (4/8)	4.6% (1/22)
8.	Michael T. Jeter	2006	20.0% (1/5)	5.3% (1/19)
9.	Ethan C. Mack	2010	28.6% (2/7)	6.3% (1/16)
10.	Lemar T. Mack	2008	0% (0/2)	8.0% (2/25)
11.	Michael G. Shine	2007	27.3% (3/11)	0% (0/13)
12.	Brandon J. Simmons	2010	30.0% (3/10)	6.7% (1/15)
	Totals		36.7% (33/90)	5.7% (13/228)

TABLE 2
Prosecutorial Peremptory Strike Patterns
(Strikes against venire members aggregated across cases)

		A	B	C
		Black Venire Members	White Venire Members	Total
1.	Passed	63.3% (57)	94.3% (215)	85.5% (272)
2.	Struck	36.7% (33)	5.7% (13)	14.5% (46)
3.	Total	100% (90)	100% (228)	100% (318)

*Chi square tests (Pearson Chi-Square, Continuity Correction, Likelihood Ratio, Fischer's Exact Test, and Linear-by-Linear Association) indicate that these differences in strike rates are significant at $p < .001$.

TABLE 3
Average Rates of State Strikes
(Average of strike rates calculated in individual cases and number of proceedings averaged)

	A	B
	Average Strike Rate	Number of Proceedings
1. Strike Rates Against Black Qualified Venire Members	34.1%	12
2. Strike Rates Against White Qualified Venire Members	5.1%	12

*A paired-sample t-test indicates that this difference in strike rates is significant at $p < .001$.

TABLE 4**Prosecutorial Peremptory Strike Patterns excluding Post-Dickerson Cases***(Strikes against venire members aggregated across cases)*

		A	B	C
		Black Venire Members	White Venire Members	Total
1.	Passed	62.5% (35)	95.4% (145)	86.5% (180)
2.	Struck	37.5% (21)	4.6% (7)	13.5% (28)
3.	Total	26.9% (56)	73.1% (152)	100% (208)

*Chi square tests (Pearson Chi-Square, Continuity Correction, Likelihood Ratio, Fischer's Exact Test, and Linear-by-Linear Association) indicate that these differences in strike rates are significant at $p < .001$.

TABLE 5**Average Rates of State Strikes excluding Post-Dickerson Cases***(Average of strike rates calculated in individual cases and number of proceedings averaged)*

	A	B
	Average Strike Rate	Number of Proceedings
1. Strike Rates Against Black Qualified Venire Members	33.5%	8
2. Strike Rates Against White Qualified Venire Members	4.1%	8

*A paired-sample t-test indicates that this difference in strike rates is significant at $p < .01$.

Appendix A

SOUTH CAROLINA (COUNTY OF CHARLESTON)
JURY SELECTION STUDY
Defendant Level Data Collection Instrument
Version: 6 November 2015

Please fill in the blanks as legibly as possible in capital letters with a sharp dark pencil. For the questions that present multiple answer options, please circle the number of the single most appropriate answer unless otherwise instructed.

I. Identifying and Procedural Information

1. Defendant Study ID Number: V1001
2. Defendant's Name:

[V1002] Last

[V1003] First
[V1004] MI
3. Date of Offense V1007 / /
MM DD YEAR
4. Date of Indictment V1008 / /
MM DD YEAR
5. Date of Guilt Verdict or Plea V1009 / /
MM DD YEAR
6. Date Sentence Imposed V1010 / /
MM DD YEAR
7. Defendant's Date of Birth V1011 / /
MM DD YEAR
8. Defendant's Age at Date of Offense (circle one) V1012
0 = Under 17 2 = 18-29 4 = 60+
1 = 17 3 = 30-59 9 = Unknown
9. Defendant's Sex (circle one) V1013
0 = Female 1 = Male 9 = Unknown

10. Race/Ethnicity of Defendant (circle one)

V1014

- 1 = White/Caucasian 4 = Pacific Islander 7 = Other (specify) _____
2 = Black/African American 5 = Latino/Hispanic 8 = Mixed (self-reported) _____
3 = Asian/Asian American 6 = Native American 9 = Unknown

Source of information: _____

11. List all of the Charges in Indictment (circle one)

V2001

a.	f.
b.	g.
c.	h.
d.	i.
e.	j.

12. List all of the Charges of which Defendant was Convicted: (enter "none" if appropriate)

a.	f.
b.	g.
c.	h.
d.	i.
e.	j.

13. Does this case have more than one decedent victim? (circle one)

V1015

0 = No 1 = Yes

14. Number of Decedent Victim(s) (circle one)

V1016

1 = One 3 = Three 9 = Unknown
2 = Two 4 = Four or more

15. Juror Decedent Victim One Race/Ethnicity (circle one)

V1021

1 = White/Caucasian	4 = Pacific Islander	7 = Other (specify) _____
2 = Black/African American	5 = Latino/Hispanic	8 = Mixed (self-reported) _____
3 = Asian/Asian American	6 = Native American	9 = Unknown

Source of information: _____

16. Decedent Victim One Sex (circle one)

V1022

0 = Female	1 = Male	9 = Unknown

17. Decedent Victim One Age (circle one)

V1023

0 = Infant (Under 2)	2 = Young Adult (18-29)	4 = Older Adult (60+)
1 = Child (2-17)	3 = Adult (30-59)	9 = Unknown

~~~~~ Begin Decedent Victim Two ~~~~~

**18. Decedent Victim Two Name**

\_\_\_\_\_  
LAST [V1024]

\_\_\_\_\_  
FIRST [V1025]

\_\_\_\_\_  
MI [V1026]

**19. Decedent Victim Two Race/Ethnicity (circle one)**

V1027

- |                            |                      |                           |
|----------------------------|----------------------|---------------------------|
| 1 = White/Caucasian        | 4 = Pacific Islander | 7 = Other (specify) _____ |
| 2 = Black/African American | 5 = Latino/Hispanic  | 8 = Mixed (self-reported) |
| 3 = Asian/Asian American   | 6 = Native American  | 9 = Unknown               |

Source of information: \_\_\_\_\_

**20. Decedent Victim Two Sex (circle one)**

V1028

- |            |          |             |
|------------|----------|-------------|
| 0 = Female | 1 = Male | 9 = Unknown |
|------------|----------|-------------|

**21. Decedent Victim Two Age (circle one)**

V1029

- |                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| 0 = Infant (Under 2) | 2 = Young Adult (18-29) | 4 = Older Adult (60+) |
| 1 = Child (2-17)     | 3 = Adult (30-59)       | 9 = Unknown           |

**II. Jury Selection Data**

22. How many peremptory strikes did the prosecution have in this case? V1011 \_\_\_\_/\_\_\_\_
23. How many peremptory strikes did the defense have in this case? V1012 \_\_\_\_/\_\_\_\_
24. Number of Jurors in the Venire V1005 \_\_\_\_/\_\_\_\_/\_\_\_\_  
*If unknown code 999.*
25. Number of Jurors Excused for Cause V1006 \_\_\_\_/\_\_\_\_  
*If unknown code 99.*
26. Number of Peremptory Challenges Used by the State V1007 \_\_\_\_/\_\_\_\_  
*If unknown code 99.*
27. Number of Peremptory Challenges Used by the Defense V1008 \_\_\_\_/\_\_\_\_  
*If unknown code 99.*
28. Number of Venire Members Not Reached During Voir Dire V1009 \_\_\_\_/\_\_\_\_  
*If unknown code 99.*
29. Which parties exhausted their peremptory challenges? (circle one) V1010
- 0 = Neither side exhausted peremptory challenges      3 = Both sides exhausted peremptory challenges
- 1 = Only the State exhausted peremptory challenges      9 = Unknown
- 2 = Only the defense exhausted peremptory challenges

**Coder's Name**

\_\_\_\_\_  
[V1030] Last

\_\_\_\_\_  
[V1031] First

\_\_\_\_\_  
[V1032] MI

**Date Coded**

V1033 \_\_\_\_/\_\_\_\_/\_\_\_\_  
MM DD YEAR

## **Appendix B**

Please see electronic file.

## Appendix C

**SOUTH CAROLINA (COUNTY OF CHARLESTON)**  
**JURY SELECTION STUDY**  
**Venire Member Level Data Collection Instrument**  
Version: 17 November 2015

Please fill in the blanks as legibly as possible in capital letters with a sharp dark pencil. For the questions that present multiple answer options, please circle the number of the single most appropriate answer. Otherwise, follow the instructions provided.

**I. IDENTIFYING INFORMATION**

1. Venire Member's Study Identification Number V2002

2. Defendant's Name

LAST [V2003]

FIRST [V2004] MI [V2005]

3. Venire Member's Name

LAST [V2011]

FIRST [V2012] MI [V2013]

**II. CHALLENGES TO VENIRE MEMBER**

4. Excused for Cause (circle one) V2006

0 = No 1 = Yes 9 = Unknown

5. Peremptory strike eligibility<sup>1</sup> (circle one) V2007

1 = Both Defense & State 2 = State 3 = Defense 4 = Neither 9 = Unknown

6. Peremptory Challenge by State (circle one) V2008

0 = No 1 = Yes 9 = Unknown

<sup>1</sup> A venire member is "strike eligible" to a party when that party has the choice to either accept the juror or exercise a peremptory challenge against them. The State and Defense take turns going first in jury selection. Pay attention as to who went first and whether or not that party passed.

For instance, if the State goes first and strikes a juror before the Defense has a chance to strike or accept that juror, code that juror's strike eligibility as "State." If the Defense had gone first and used a strike, the juror's strike eligibility would be "Defense." If the State accepts a juror and the Defense then strikes or passes on them, code that juror's strike eligibility as "Both Defense and State." Likewise, if the Defense passes the juror to the State, that juror's strike eligibility is "Both Defense and State."

Availability of strikes also impacts eligibility. If one party has exhausted its strikes, the juror is not strike eligible to that party. Once both have exhausted, a juror would be strike eligible to neither.

7. Peremptory Challenge by Defense (circle one) V2009  
0 = No 1 = Yes 9 = Unknown

**III. VENIRE MEMBER CHARACTERISTICS**

8. What was this venire member's ultimate status? (circle one) V2014  
0 = Neither seated on the jury nor selected as alternate 2 = Selected as an alternate  
1 = Seated on the jury 9 = Unknown

9. Number of seat to which venire member was called for questioning. *If unknown code 99.* V2015 \_\_\_\_/\_\_\_\_

10. Venire Member's Gender (circle one) V2016  
0 = Female 1 = Male 9 = Unknown

11. Source of information for Gender (circle one) V2017  
1 = Indicated Explicitly 2 = Inferred from other information (e.g., name) 9 = Gender unknown

12. Venire Member's Race (circle one) V2018  
1 = White/Caucasian 5 = Latino/Hispanic 8 = Mixed (self-reported)  
2 = Black/African American 6 = Native American \_\_\_\_\_  
3 = Asian/Asian American 7 = Other (specify) 9 = Unknown  
4 = Pacific Islander \_\_\_\_\_

13. Please indicate the source of information for race. Choose the lowest number that applies, even if a subsequent foil is also applicable (circle one) V2045  
1 = Juror summons list 2 = Noted by court or counsel in transcript and no dispute about characterization 3 = Noted on a jury chart or in counsel's notes and verified by another source.  
8 = N/A because race is unknown

14. Please indicate proper age range (circle one) V2019  
1 = 19 or younger 2 = 20-35 3 = 36-50 4 = 51-75 5 = Over 75 9 = Unknown

15. Marital Status (circle one) V2020  
1 = Married 3 = Separated or divorced 5 = Living unmarried with a significant other

- 2 = Single                      4 = Widowed                      9 = Unknown
16. Children (circle one) V2021
- 0 = Does not have children      1 = Has children                      9 = Unknown
17. Belongs to a religious organization (circle one) V2022
- 0 = No                      1 = Yes                      9 = Unknown
18. Education (circle highest level of education obtained) V2023
- 1 = Attended grade school      4 = Attended college                      6 = Attended graduate school
- 2 = Attended high school (9-12)      5 = College graduate                      7 = Other
- 3 = High school graduate                      9 = Unknown
- (including GED)
19. Has served in military (circle one) V2024
- 0 = No                      1 = Yes                      9 = Unknown

**Employment Information:** Use the code from Employment Code Appendix that provides the most detailed information. Use the more general code (i.e., 10, 20, etc.) only if more precise information is unavailable. If the venire member or spouse has more than one job, choose the one at which he or she spends the most time or otherwise indicates is primary.

20. Venire Member's Employment (enter code from list in Employment Code Appendix) V2025 \_\_\_\_/\_\_\_\_  
*If unknown code 99.*

21. Spouse's Employment (enter code from list in Employment Code Appendix) V2026 \_\_\_\_/\_\_\_\_  
*If unknown code 99. If not applicable, code 88.*

22. **Descriptive Characteristics:** Enter the code from the Descriptive Characteristics Appendix for whichever characteristics apply in the slots V2027 through V2036, as needed. Use the code that provides the most detailed information possible. Use the more general code (e.g., 100, 200) only if more precise information is unavailable.

V2027 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2031 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2035 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2028 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2032 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2036 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2029 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2033 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

8888 = No factors apply (enter in V2027, leave rest blank)

V2030 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

V2034 \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|

9999 = Responses unknown (enter in V2027, leave rest blank)

24. Venire Member Questioned for V2037

1 = Both guilt and penalty phase      2 = Guilt phase only      3 = Penalty phase only      8 = Not capital



**Coder's Name**

\_\_\_\_\_  
LAST [V2038]

\_\_\_\_\_  
FIRST[V2039]

\_\_\_\_\_  
MI [V2040]

Date Coded           /        /         
                  MM    DD    YEAR

V2041

## Appendix D .

**South Carolina Jury Selection Study  
CODEBOOK  
(7 March 2016)**

|     | Variable Label         | Ques. No.       | Variable No. | Coding Instruction or Recoding Syntax                                                                                                                                                                                                                     | Explanation                                                                                                                                               |
|-----|------------------------|-----------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Age                    | 14              | 2019         | 1 = 19 or younger; 2 = 20-35; 3 = 36-50; 4 = 51-75; 5 = Over 75; 9 = unknown                                                                                                                                                                              | VM's age                                                                                                                                                  |
| 2.  | Black                  | 12              |              | RECODE V2018 ('Black/African American'=1) ('White/Caucasian'=0) (MISSING=SYSMIS) INTO Black.                                                                                                                                                              | Recodes V2018 into Black or all others.                                                                                                                   |
| 3.  | BlackEligibleState     | 5, 12           |              | IF (Black=1 & StateEligible=1) BlackEligibleState=1. IF (Black=9   StateEligible=9) BlackEligibleState=9. IF (Black=0 & (StateEligible = 0   StateEligible =1)) BlackEligibleState=0. IF ((Black=0   Black = 1) & StateEligible = 0) BlackEligibleState=0 | VM is both black and eligible to be struck by state                                                                                                       |
| 4.  | BlackEligibleState_sum | 5, 12           |              | /BlackEligibleState_sum=SUM(BlackEligibleState)                                                                                                                                                                                                           | Sum of black VMs eligible to be struck by the state in that case.                                                                                         |
| 5.  | Children               | 16              | 2021         | 0 = no children, 1 = children, 9 = unknown                                                                                                                                                                                                                | VM has children                                                                                                                                           |
| 6.  | CoderFirst             | NA              | 2039         |                                                                                                                                                                                                                                                           | Coder's first name                                                                                                                                        |
| 7.  | CoderLast              | NA              | 2038         |                                                                                                                                                                                                                                                           | Coder's last name                                                                                                                                         |
| 8.  | CoderMiddle            | NA              | 2040         |                                                                                                                                                                                                                                                           | Coder's middle initial                                                                                                                                    |
| 9.  | StudyID                | 1 (D-level DCI) | 1001         | Study Identification Number                                                                                                                                                                                                                               | Identification number assigned case.                                                                                                                      |
| 10. | DateCoded              | NA              | 2041         |                                                                                                                                                                                                                                                           | Date coded                                                                                                                                                |
| 11. | DefEligible            | 5               |              | RECODE V2007 (SYSMIS=9) (9=9) (4=0) (3=1) (1=1) (2=0) INTO DefEligible.                                                                                                                                                                                   | Indicates whether VM was strike eligible to defense                                                                                                       |
| 12. | Descriptive1           | 23              | 2027         |                                                                                                                                                                                                                                                           | Descriptive information about individual VMs. Coders instructed to enter missing (9999) code unless more data become available (Applies to Vs 2027-2036.) |
| 13. | Descriptive2           | 23              | 2028         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 14. | Descriptive3           | 23              | 2029         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 15. | Descriptive4           | 23              | 2030         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 16. | Descriptive5           | 23              | 2031         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 17. | Descriptive6           | 23              | 2032         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 18. | Descriptive7           | 23              | 2033         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 19. | Descriptive8           | 23              | 2034         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 20. | Descriptive9           | 23              | 2035         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 21. | Descriptive10          | 23              | 2036         |                                                                                                                                                                                                                                                           |                                                                                                                                                           |
| 22. | DFirst                 | 3               | 2004         |                                                                                                                                                                                                                                                           | Defendant's first name                                                                                                                                    |
| 23. | DLast                  | 3               | 2003         |                                                                                                                                                                                                                                                           | Defendant's last name                                                                                                                                     |
| 24. | DMiddle                | 3               | 2005         |                                                                                                                                                                                                                                                           | Defendant's middle initial                                                                                                                                |
| 25. | Education              | 18              | 2023         | 1 = Attended grade school, 2 = Attended high school (9-12), 3 = High school graduate, 4 = Attended college, 5 = College graduate, 6 = Attended graduate school, 7 = Other, 9 = Unknown                                                                    | Highest level of education VM achieved.                                                                                                                   |
| 26. | Employment             | 21              | 2025         |                                                                                                                                                                                                                                                           | Employment of VM. Coders instructed to enter missing (9999) code unless more data become available.                                                       |
| 27. | Excused                | 4               | 2006         | 0 = No; 1 = Yes, 9 = Unknown                                                                                                                                                                                                                              | VM excused for cause (for data cleaning purposes only)                                                                                                    |
| 28. | Gender                 | 10              | 2016         | 0 = Female, 1 = Male, 9 = Unknown                                                                                                                                                                                                                         | VM's gender                                                                                                                                               |
| 29. | GenderSource           | 11              | 2017         | 1 = Indicated explicitly, 2 = Inferred from other information (e.g., name), 9 = Gender unknown                                                                                                                                                            | Source of information for gender                                                                                                                          |
| 30. | Marital                | 15              | 2020         | 1 = Married, 2 = Single, 3 = Separated/divorced, 4 = Widowed, 5 = Living with significant other, 9 = Unknown                                                                                                                                              | VM's marital status                                                                                                                                       |
| 31. | Military               | 19              | 2024         | 0 = No; 1 = Yes, 9 = Unknown                                                                                                                                                                                                                              | VM has served in military                                                                                                                                 |
| 32. | N_Break                | NA              |              |                                                                                                                                                                                                                                                           | Calculated by SPSS to reflect the number of VMs in a case.                                                                                                |

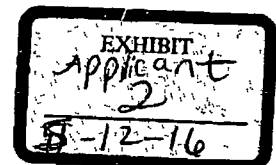
|     | Variable Label         | Ques. No. | Variable No. | Coding Instruction or Recoding Syntax                                                                                                                                                                                                                      | Explanation                                                                                                                                                                                                  |
|-----|------------------------|-----------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 33. | QuestionedFor          | 24        | 2037         | 1 = Both guilty and penalty phase, 2 = Guilt phase only, 3 = Penalty phase only; 8 = Not Capital                                                                                                                                                           | Phase for which VM was questioned.                                                                                                                                                                           |
| 34. | Race                   | 12        | 2018         | 1 = White/Caucasian, 2 = Black/African American, 3 = Asian/Asian American, 4 = Pacific Islander, 5 = Latino/Hispanic, 6 = Native American, 7 = Other (specify), 8 = Mixed (self-reported), 9 = Unknown                                                     | VM's race                                                                                                                                                                                                    |
| 35. | RateProsStruckBlacks   | 5, 6, 12  |              | COMPUTE RateProsStruckBlacks=StrikeBlack_sum / BlackEligibleState_sum.                                                                                                                                                                                     | Rate state struck eligible black jurors: calculated by dividing sum of black VMs state struck by sum of black VMs eligible to be struck                                                                      |
| 36. | RateProsStruckWhites   | 5, 6, 12  |              | COMPUTE RateProsStruckWhites=StrikeWhite_sum / WhiteEligibleState_sum.                                                                                                                                                                                     | Same as above but using sums for whites                                                                                                                                                                      |
| 37. | ReligiousOrg           | 17        | 2022         | 0 = No; 1 = Yes; 9 = Unknown                                                                                                                                                                                                                               | VM belongs to religious organization                                                                                                                                                                         |
| 38. | Seat                   | 9         | 2015         |                                                                                                                                                                                                                                                            | Number of seat to which VM was called for questioning. If unknown code 99.                                                                                                                                   |
| 39. | RaceSource             | 13        | 2045         | 1 = Juror summons list; 2 = Noted by court or counsel in transcript and no dispute about characterization; 3 = Noted on a jury chart or in counsel's notes and verified by another source; 8 = N/A because race is unknown                                 | Indicates source of information for race. Coders instructed to choose lowest number that applied, even if a subsequent foil also applied (such as when multiple sources of race information were available). |
| 40. | StateEligible          | 17        |              | RECODE V2007 (SYSMIS=9) (9=9) (1=1) (2=1) (3=0) (4=0) INTO StateEligible.                                                                                                                                                                                  | Recodes StrikeEligible to indicate whether VM was strike eligible to state                                                                                                                                   |
| 41. | Status                 | 8         | 2014         | 0 = Neither seated on jury nor selected as alternate; 1 = Seated on jury; 2 = Selected as alternate; 9 = Unknown                                                                                                                                           | VM's ultimate status                                                                                                                                                                                         |
| 42. | StrikeBlack            | 6, 12     |              | IF (Black=1 & V2008 = 1) StrikeBlack=1.<br>IF (Black=9   V2008 = 9) StrikeBlack=9.<br>IF (Black=0 & (V2008 = 0   V2008 = 1)) StrikeBlack=0.<br>IF ((Black=0   Black = 1) & V2008 = 0) StrikeBlack=0.                                                       | VM was both black and struck by the state.                                                                                                                                                                   |
| 43. | StrikeBlack_sum        | 6, 12     |              | AGGREGATE /OUTFILE=* MODE=ADDVARIABLES /BREAK=StudyID /StrikeBlack_sum=SUM(StrikeBlack) /N BREAK=N.                                                                                                                                                        | Computes sum of black VMs state struck in that case.                                                                                                                                                         |
| 44. | StrikeState            | 6         | 2008         | 0 = No; 1 = Yes; 9 = Unknown                                                                                                                                                                                                                               | VM was struck by state.                                                                                                                                                                                      |
| 45. | StrikeWhite            | 6, 12     |              | IF (White=1 & V2008 = 1) StrikeWhite=1.<br>IF (White=9   V2008 = 9) StrikeWhite=9.<br>IF (White=0 & (V2008 = 0   V2008 = 1)) StrikeWhite=0.<br>IF ((White=0   White = 1) & V2008 = 0) StrikeWhite=0.                                                       | VM was both white and struck by state                                                                                                                                                                        |
| 46. | StrikeWhite_sum        | 6, 12     |              | /StrikeWhite_sum=SUM(StrikeWhite)                                                                                                                                                                                                                          | Sum of white VMs struck by state.                                                                                                                                                                            |
| 47. | VMFirst                | 3         | 2012         |                                                                                                                                                                                                                                                            | VM's first name.                                                                                                                                                                                             |
| 48. | VMLast                 | 3         | 2011         |                                                                                                                                                                                                                                                            | VM's last name.                                                                                                                                                                                              |
| 49. | VMMiddle               | 3         | 2013         |                                                                                                                                                                                                                                                            | VM's middle initial.                                                                                                                                                                                         |
| 50. | VMStudyID              | 1         | 2002         | Venire Member's Study Identification Number                                                                                                                                                                                                                | Unique identifier of VM                                                                                                                                                                                      |
| 51. | White                  | 12        |              | RECODE V2018 ('Black/African American'=0) ('White/Caucasian'=1) (MISSING=SYSMIS) INTO White.<br>VARIABLE LABELS White 'White'.                                                                                                                             | Recodes V2018 into White or all others                                                                                                                                                                       |
| 52. | WhiteEligibleState     | 5, 12     |              | IF (White=1 & StateEligible=1) WhiteEligibleState=1. IF (White=9   StateEligible=9) WhiteEligibleState=9. IF (White=0 & (StateEligible = 0   StateEligible = 1)) WhiteEligibleState=0. IF ((White=0   White = 1) & StateEligible = 0) WhiteEligibleState=0 | VM is both white and eligible to be struck by the state.                                                                                                                                                     |
| 53. | WhiteEligibleState_sum | 5, 12     |              | AGGREGATE /OUTFILE=* MODE=ADDVARIABLES /BREAK=CSStudyID /WhiteEligibleState_sum=SUM(WhiteEligibleState)                                                                                                                                                    | Sum of white VMs eligible to be struck by the state in that case.                                                                                                                                            |

|                             |   |                                      |
|-----------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA     | ) | IN THE COURT OF COMMON PLEAS         |
|                             | ) | FOR THE NINTH JUDICIAL CIRCUIT       |
| COUNTY OF CHARLESTON        | ) |                                      |
|                             | ) |                                      |
| William O. Dickerson, #6030 | ) | Cases Number: 2012-CP-10-3216        |
|                             | ) |                                      |
| v.                          | ) |                                      |
|                             | ) |                                      |
|                             | ) | Applicant's Standard Interrogatories |
| State of South Carolina,    | ) |                                      |
| Defendant                   | ) |                                      |
| _____                       | ) |                                      |

Pursuant to Rule 33(b), SCRCP, the Applicant serves the following standard interrogatories on the State of South Carolina.

Pursuant to Rule 33, SCRCP, "[e]ach interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer an interrogatory.

(1) Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.



(2) Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

(3) Not Applicable.

(4) Not Applicable.

(5) Not Applicable.

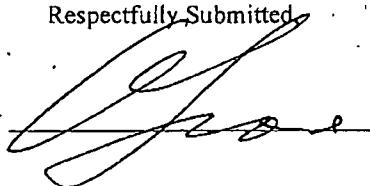
(6) List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

(7) For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

(8) Not Applicable.

Respectfully Submitted,

By



E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 992-3433

Elizabeth A. Franklin-Best  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Ave, Ste. 101  
Columbia, SC 20201  
(803) 765-1044

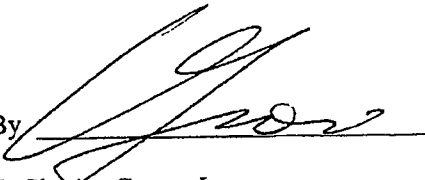
January 17, 2013

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA     | ) | IN THE COURT OF COMMON PLEAS   |
|                             | ) | FOR THE NINTH JUDICIAL CIRCUIT |
| COUNTY OF CHARLESTON        | ) |                                |
|                             | ) |                                |
| William O. Dickerson, #6030 | ) | Cases Number: 2012-CP-10-3216  |
|                             | ) |                                |
| v.                          | ) |                                |
|                             | ) |                                |
| State of South Carolina,    | ) |                                |
| Defendant                   | ) |                                |

---

I certify that I have served a copy of this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on date reflected below, addressed as follows:

Melody J. Brown, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

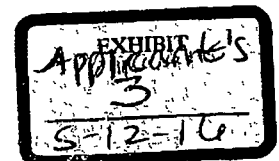
By   
E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 538-4466

January 17, 2013  
Greenwood, South Carolina

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA     | ) | IN THE COURT OF COMMON PLEAS   |
|                             | ) | FOR THE NINTH JUDICIAL CIRCUIT |
| COUNTY OF CHARLESTON        | ) |                                |
|                             | ) |                                |
| William O. Dickerson, #6030 | ) | Cases Number: 2012-CP-10-3216  |
|                             | ) |                                |
| v.                          | ) |                                |
|                             | ) |                                |
|                             | ) | Applicant's Request to Produce |
| State of South Carolina,    | ) |                                |
| Defendant                   | ) |                                |
| _____                       | ) |                                |

Pursuant to Rule 34, SCRCP, the Applicant serves the following standard interrogatories on the State of South Carolina.

Pursuant to Rule 34, SCRCP, "a written response [is due] within 30 days after the service of the request, except that a defendant may serve a response within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, including an objection to the requested form or forms for producing electronically stored information, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. If objection is made to the requested form or forms for producing electronically stored information (or if no form was specified in the request) the responding party must state the form or forms it intends to use. The party submitting the request may move for an order under Rule 37(a) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested. A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request."





(1) All photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

(2) All written or recorded statements of witnesses.

(3) The reports and/or summaries of the experts retained and consulted in preparation for the post-conviction relief hearing and any and all documents, notes, files, tests, reports and/or other written or recorded materials upon which the expert has relied in reaching his or her opinion.

(4) A current *curriculum vitae* of all experts consulted in preparation for the post-conviction relief hearing.

(5) All documents or other information known to the State that should be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83, (1963), *Kyles v. Whitley*, 514 U.S. 419, (1995), *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (2006).

(6) All documents identified in the State's responses to Applicant's Supplemental Interrogatories.

Respectfully Submitted,

By

E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 992-3433

Elizabeth A. Franklin-Best  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Ave, Ste. 101  
Columbia, SC 20201  
(803) 765-1044

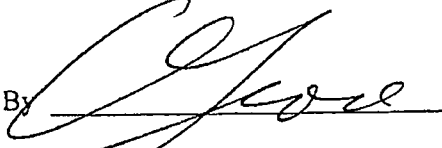
January 17, 2013

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA     | ) | IN THE COURT OF COMMON PLEAS   |
|                             | ) | FOR THE NINTH JUDICIAL CIRCUIT |
| COUNTY OF CHARLESTON        | ) |                                |
|                             | ) |                                |
| William O. Dickerson, #6030 | ) | Cases Number: 2012-CP-10-3216  |
|                             | ) |                                |
| v.                          | ) |                                |
|                             | ) |                                |
|                             | ) |                                |
| State of South Carolina,    | ) |                                |
| Defendant                   | ) |                                |

---

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Melody J. Brown, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

By   
E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 538-4466

January 17, 2013  
Greenwood, South Carolina

**The Grose Law Firm, LLC**  
404 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.  
Phone: 864-538-4466 Fax: 864-538-4405  
E-mail: charles@groslawfirm.com  
Web: GroseLawFirm.com

August 27, 2015

CERTIFIED MAIL – RETURN RECEIPT

The Honorable Scarlett A. Wilson  
Solicitor for the Ninth Judicial Circuit  
101 Meeting St., Ste. 400  
Charleston, SC 29401

Re: *William O. Dickerson, v. State*  
Case Number: 2012-CP-10-3216

Dear Solicitor Wilson:

Enclosed for service, please find a subpoena for certain records from various cases that are listed in the attachment to the subpoena. You may comply by providing the records by email or US Mail. I could also arrange for the records to be picked up at your office.

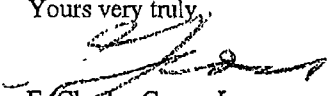
In addition to discovery under the South Carolina Rules of Civil Procedure, please consider this request to be a request for records pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et. seq.*

By copy of this letter to Ms. Brown, I am providing notice of this subpoena to opposing counsel.

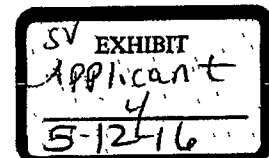
Thank you for your attention to this matter.

With kindest regards, I am

Yours very truly,

  
E. Charles Grose, Jr.

cc: Elizabeth A. Franklin-Best, Esquire (via email only)  
Melody J. Brown, Esquire (via US Mail)



STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF CHARLESTON

William O. Dickerson, #6030, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

State of South Carolina, Defendant

Case Number: 2012-CP-10-3216

Pending in Charleston County

TO: The Honorable Scarlett A. Wilson, Solicitor of the Ninth Judicial Circuit

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

|                    |                    |
|--------------------|--------------------|
| PLACE OF TESTIMONY | COURTROOM          |
|                    | DATE AND TIME , AM |

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

|                     |                    |
|---------------------|--------------------|
| PLACE OF DEPOSITION | DATE AND TIME , AM |
|---------------------|--------------------|

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

Please see the attachment.

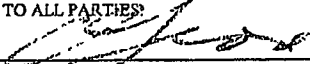
|                                               |                                                        |
|-----------------------------------------------|--------------------------------------------------------|
| PLACE<br>Charleston County Solicitor's Office | DATE AND TIME Friday September 11, 2015, at<br>2:00 PM |
|-----------------------------------------------|--------------------------------------------------------|

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

|          |                    |
|----------|--------------------|
| PREMISES | DATE AND TIME , AM |
|----------|--------------------|

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

|                                                                                     |                 |                      |
|-------------------------------------------------------------------------------------|-----------------|----------------------|
|  | August 27, 2015 | E. Charles Grose, Jr |
| Attorney/Issuing Officer's Signature                                                | Date            | Print Name           |
| Indicate if Attorney for Plaintiff or Defendant                                     |                 |                      |
| Attorney's Address and Telephone Number :                                           |                 |                      |
| 404 Main Street, Greenwood SC, 29646, 864-538-4466, Attorney for the Applicant.     |                 |                      |

|                                                        |      |            |
|--------------------------------------------------------|------|------------|
| Clerk of Court/Issuing Officer's Signature             | Date | Print Name |
| Pro Se Litigant's Name, Address and Telephone Number : |      |            |

### PROOF OF SERVICE

|           |       |                                                                                                                                     |
|-----------|-------|-------------------------------------------------------------------------------------------------------------------------------------|
| SERVED    | DATE  | FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL<br><input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ |
|           | PLACE |                                                                                                                                     |
| SERVED ON |       | MANNER OF SERVICE                                                                                                                   |
| SERVED BY |       | TITLE                                                                                                                               |

### DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d).

#### (c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

SCCA 254 (05/2015)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions

**(d) Duties in Responding to Subpoena.**

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

### **Attachment**

**To: The Honorable Scarlett A. Wilson, Solicitor of the Ninth Judicial Circuit**

For each of the cases listed below, you are instructed to produce the incident report, complete and accurate copies of the jury list(s) prepared by the Clerk of Court, your juror strike sheet, all information created or assembled about all potential jurors (regardless of whether it was prepared by you or by someone else and given to you), and your notes made during the roll call of jurors, juror qualification, voir dire, and jury selection.

#### List of Cases

1. *State v. Ivory Croker and Ronald Coulter*, 2002-GS-10-2441
2. *State v. Jalal Beyah*, 2001-GS-10-1733 (Tried 2004)
3. *State v. Bradley Lindsey*, 2004-GS-10-2619 (Tried 4/25/05)
4. *State v. Michael Dunham*, 2005-GS-10-8285 (Tried 2/13/06)
5. *State v. Michael Jeter*, 2005-GS-10-8240 (Tried 3/20/06)
6. *State v. Michael Shine*, 2007-GS-10-4275 (Tried 3/5/07)
7. *State v. Dominic Derricotte*, 2007-GS-10-3281, -84 (Tried 1/7/08)
8. *State v. Michael Barnes*, 2006-GS-10-2169 (Tried November 1, 2006)
9. *State v. Jemol Brown*, 2006-Gs-10-1271 (October 23, 2006)
10. *State v. Ryan Deleston* (Tried 10/7/13)
11. *State v. Brandon Simmons*, 2010-GS-10-4574 (Tried 12/13/10)
12. *State v. Ethan Mack*, 2010-GS-10-1823 (Tried 10/4/10)
13. *State v. Lemar Mack*, 2007-GS-10-8279- 81) (Tried 3/19/08)
14. *State v. Colin Broughton*, 2006-GS-08-2164-66, 2182-85, 218 and 2009-GS-08-1199 (Resolved September 29, 2009)

AGENCY I.D. SC0100100 INCIDENT REPORT  
CHARLESTON POLICE DEPARTMENT

11/19/14 11:11 NCIC  
INQ. ENTD.

| INCIDENT TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | COMPLETED                                                                                                 | FORCED ENTRY                                                        | PREMISE TYPE                                            | UNITS ENTERED | TYPE VICTIM                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|---------------|------------------------------------------------|
| 1. Car Jacking / Kidnapping                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                       | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | City Street                                             | 0             | <input checked="" type="checkbox"/> Individual |
| 2. Armed Robbery                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                       | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | City Street                                             | 0             | <input type="checkbox"/> Business              |
| 3. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                                                  | <input type="checkbox"/> YES <input type="checkbox"/> NO            |                                                         |               | <input type="checkbox"/> Financial Inst.       |
| INCIDENT LOCATION (STREET AND NUMBER) (AND NUMBER)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | ZIP CODE                                                                                                  |                                                                     | WEAPON TYPE                                             |               |                                                |
| 9 Morris Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | (Chas SC) 29403                                                                                           |                                                                     | Knife                                                   |               |                                                |
| COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | RELATIONSHIP TO SUBJECT                                                                                   |                                                                     | RESIDENT                                                |               |                                                |
| Chapin, Russell                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | #1 ST                                                                                                     |                                                                     | 050U WM                                                 |               |                                                |
| ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | CITY                                                                                                      |                                                                     | STATE                                                   |               |                                                |
| 1 Morris Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | Chas SC                                                                                                   |                                                                     | 29403                                                   |               |                                                |
| VICTIM'S NAME (LAST, FIRST, MIDDLE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | RELATIONSHIP TO SUBJECT                                                                                   |                                                                     | RESIDENT                                                |               |                                                |
| Messer, Reed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | #1 ST                                                                                                     |                                                                     | 050U WF                                                 |               |                                                |
| HEIGHT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | WEIGHT                                                                                                    |                                                                     | HAIR                                                    |               |                                                |
| 505                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | 115                                                                                                       |                                                                     | Brn                                                     |               |                                                |
| EYES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.                              |                                                                     |                                                         |               |                                                |
| Haz                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | CITY                                                                                                      |                                                                     | STATE                                                   |               |                                                |
| 1 Morris Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | Chas SC                                                                                                   |                                                                     | 29403                                                   |               |                                                |
| VISIBLE INJURY (MCT 1) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                     |                                                         |               |                                                |
| VICTIM (NO. 1) USNO ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK    |                                                                     | TYPE                                                    |               |                                                |
| TWO-WAY VEH. <input type="checkbox"/> ONE-WAY VEH. <input type="checkbox"/> DETECTIVE/SPL ASMT <input type="checkbox"/> OTHER <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>                                          |                                                                     | J-This Jurisdiction, S-State, O-Out of State, U-Unknown |               |                                                |
| CHASUSPECT NAME (LAST, FIRST, MIDDLE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | RACE                                                                                                      |                                                                     | SEX                                                     |               |                                                |
| UNK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | B M                                                                                                       |                                                                     | 22                                                      |               |                                                |
| FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | DATE OF BIRTH                                                                                             |                                                                     | HEIGHT                                                  |               |                                                |
| dark complexioned, Gold front tooth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | UNK                                                                                                       |                                                                     | 600                                                     |               |                                                |
| ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | CITY                                                                                                      |                                                                     | STATE                                                   |               |                                                |
| UNK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Chas SC                                                                                                   |                                                                     | 29403                                                   |               |                                                |
| SUBJECT (NO. 1) USNO ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO           |                                                                     | DATE/TIME OF OFFENSE                                    |               |                                                |
| DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | TOTAL # ARRESTED                                                                                          |                                                                     | DATE/TIME OF ARREST                                     |               |                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| <p><b>NARRATIVE</b></p> <p>McChapin (w/m) and Mr Odell (comp) informed RPD that on 09/14/00 at approximately 0050 hours while driving west on Morris Street toward Rutledge Ave Chas SC 29403 they observed a black male subject approximately (6'00") in height, weighing approximately (170) pounds, with short black hair, brown eyes, dark complexioned, wearing a white-in-color tank top and dark colored shorts or pants. The subject is (20) to (27) years of age. As the complainants parked on Morris Street at Rutledge Ave the subject began to approach them stating "Yo Yo you all want do buy some dope". The SC 0100-100</p> |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| PROPERTY EST.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | TOTAL VALUE                                                                                               |                                                                     |                                                         |               |                                                |
| TYPE (GROUP)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | US Currency                                                                                               |                                                                     | -200. -100                                              |               |                                                |
| STOLEN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| DAMAGED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| BURNED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| RECOVERED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| SEIZED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                           |                                                                     |                                                         |               |                                                |
| SUBJECT IDENTIFIED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | SUBJECT LOCATED                                                                                           |                                                                     |                                                         |               |                                                |
| <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                       |                                                                     |                                                         |               |                                                |
| REASON FOR EXCEPTIONAL CLEARANCE: 1 <input type="checkbox"/> OFFENDER DEATH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 2 <input type="checkbox"/> NO PROSECUTION                                                                 |                                                                     | 3 <input type="checkbox"/> EXTRADITION DENIED           |               |                                                |
| REPORTING OFFICER(S)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | DATE                                                                                                      |                                                                     | UNIT NUMBER                                             |               |                                                |
| J Weiss                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | 9/14/00                                                                                                   |                                                                     | 864                                                     |               |                                                |
| APPROVING OFFICER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | DATE                                                                                                      |                                                                     | UNIT NUMBER                                             |               |                                                |
| M. L. Jones                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 9/14/00                                                                                                   |                                                                     | 0579                                                    |               |                                                |
| FOLLOW UP INVESTIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                       |                                                                     |                                                         |               |                                                |

EXHIBIT  
Applicant  
5  
5-12-10



AGENCY  
SCO 100100

SUPPLEMENTAL INCIDENT REPORT  
CHARLESTON POLICE DEPARTMENT

NCIC  
IND. ENTD  
OCA 0 0 1 9 9 4 1 1 1 1 1 1  
ARR 1 1 1 1 1 1 1 1 1 1 1 1

☒ ORIGINAL REPORT  
☐ MODIFIED ORIGINAL  
☐ SUPPLEMENTAL REPORT  
☐ CASE STATUS CHANGE  
☐ ADDITIONAL VICTIMS  
☐ ADDITIONAL OFFENDERS  
☐ ADDITIONAL STOLEN PROPERTY  
☐ ADDITIONAL RECOVERED PROPERTY  
PAGE 2 of 6 PAGES

**COMPLAINANT**  
VICTIM # 2  
NAME (LAST, FIRST, MIDDLE) Raymond, Marissa  
HEIGHT 5'05" WEIGHT 125 HAIR Brn EYES Haz  
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.  
ADDRESS [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] LOCATION NO. [REDACTED] DAY PHONE [REDACTED] EVENING PHONE [REDACTED]  
WARRANT [REDACTED]  
ARREST [REDACTED]  
JAIL [REDACTED]  
SUMMONS [REDACTED]  
EXPLAIN: VICTIM INJURY: ☒ NO ☐ YES  
NON-VISIBLE INJURIES: ☒ NO ☐ YES  
VICTIM USING ALCOHOL: ☒ NO ☐ YES ☐ UNK. ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASHT. ☐ ALONE  
DRUGS ☒ NO ☐ YES TYPE [REDACTED] ☐ UNK. ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED  
SUBJECT NO. [REDACTED] USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.  
USING DRUGS: ☐ NO ☐ YES ☐ TYPE [REDACTED] ☐ UNK.

**COMPLAINANT**  
VICTIM # 1  
NAME (LAST, FIRST, MIDDLE) Ddell, Jason  
HEIGHT 6'02" WEIGHT 170 HAIR Brn EYES Brn  
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.  
ADDRESS [REDACTED] Apt B CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] LOCATION NO. [REDACTED] DAY PHONE [REDACTED] EVENING PHONE [REDACTED]  
WARRANT [REDACTED]  
ARREST [REDACTED]  
JAIL [REDACTED]  
SUMMONS [REDACTED]  
EXPLAIN: VICTIM INJURY: ☐ NO ☐ YES  
NON-VISIBLE INJURIES: ☐ NO ☐ YES  
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASHT. ☐ ALONE  
DRUGS ☐ NO ☐ YES TYPE [REDACTED] ☐ UNK. ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED  
SUBJECT NO. [REDACTED] USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.  
USING DRUGS: ☐ NO ☐ YES ☐ TYPE [REDACTED] ☐ UNK.

complainants stated "no" and walked into their residence before the subject could get close to them. Once in their residence the complainants looked out a window to see what the suspect was doing. At this time the complainants observed a dark colored new model Honda Accord park in front of 98 Morris Street Chas SC 29401. The complainants stated that two white females were in the vehicle. The subject walked in front of [REDACTED] SC 29401-100

**VEH./GUN/ETC. 1**  
STATUS TYPE  
☐ STOLEN ☐ VEHICLE  
☐ RECOVERED ☐ GUN  
☐ FOUND ☐ BOAT  
☐ TOWED ☐ LICENSE PLATE  
☐ SUSPECT ☐ SECURITIES/BONDS/STOCKS  
☐ VICTIM ☐ ARTICLE  
VIN AND/OR LICENSE NO. [REDACTED] BOAT HULL NO. AND/OR REG. NO. [REDACTED]  
SERIAL AND/OR OWNER APPLIED NO. [REDACTED] STATE [REDACTED]  
YEAR OF REGISTRATION [REDACTED] YEAR OF EXPIRATION [REDACTED] MAKE [REDACTED] TYPE [REDACTED]  
MODEL [REDACTED] STYLE [REDACTED] COLOR [REDACTED] BRAND NAME [REDACTED] CALIBER [REDACTED]  
NC NO. [REDACTED] DENOMINATION [REDACTED] ISSUER [REDACTED] SECURITIES DATE [REDACTED]  
MISCELLANEOUS [REDACTED]

**PROPERTY EST.**  
TYPE (GROUP)  
STOLEN [REDACTED] TOTAL VALUE [REDACTED]  
DAMAGED [REDACTED]  
BURNED [REDACTED]  
RECOVERED [REDACTED]  
SEIZED [REDACTED]  
SUBJECT IDENTIFIED ☐ YES ☒ NO  
SUBJECT LOCATED ☐ YES ☒ NO  
☐ ACTIVE ☐ ADM. CLOSED ☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18  
☐ UNFOUNDED ☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER  
REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE - NO CUSTODY  
REPORTING OFFICER(S) [REDACTED] DATE 9/14/00 UNIT NUMBER 864  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO ☐

AGENCY  
SC0 100100

SUPPLEMENTAL INCIDENT REPORT  
CHARLESTON POLICE DEPARTMENT

NCIC  
OCC 0101199411  
ARR  
INQ ENT

|                                                                                                   |  |                                                                                             |  |                                                                                              |  |                                                                                                               |  |                   |  |
|---------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------|--|-------------------|--|
| <input checked="" type="checkbox"/> ORIGINAL REPORT<br><input type="checkbox"/> MODIFIES ORIGINAL |  | <input type="checkbox"/> SUPPLEMENTAL REPORT<br><input type="checkbox"/> CASE STATUS CHANGE |  | <input type="checkbox"/> ADDITIONAL VICTIMS<br><input type="checkbox"/> ADDITIONAL OFFENDERS |  | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY |  | PAGE 3 of 6 PAGES |  |
|---------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------|--|-------------------|--|

|                           |             |                            |        |      |                                |                                                                              |                                   |             |                      |     |                 |     |          |
|---------------------------|-------------|----------------------------|--------|------|--------------------------------|------------------------------------------------------------------------------|-----------------------------------|-------------|----------------------|-----|-----------------|-----|----------|
| VICT./SUBJ. I.D. OVERFLOW | COMPLAINANT | NAME (LAST, FIRST, MIDDLE) |        |      | VICTIM RELATIONSHIP TO SUBJECT |                                                                              |                                   | RESIDENT    | RACE                 | SEX | AGE             | DOB | ETH      |
|                           | VICTIM #    | Dawson George              |        |      | ST                             |                                                                              |                                   | DOU         | W                    | M   | 22              |     | B N      |
|                           | SUBJECT #   | HEIGHT                     | WEIGHT | HAIR | EYES                           | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                   |             |                      |     |                 |     |          |
|                           | RUNAWAY     | 603                        | 180    | Blk  | Blu                            |                                                                              |                                   |             |                      |     |                 |     |          |
|                           | WANTED      | ADDRESS                    |        |      | CITY                           | STATE                                                                        | ZIP CODE                          | LOCATION NO | DAY PHONE            |     | EVENING PHONE   |     |          |
|                           | WARRANT     | Apt 15                     |        |      | Chas                           | SC                                                                           | 29403                             |             |                      |     | 77-2542         |     |          |
|                           | ARREST      | VICTIM NO.                 |        |      | VISIBLE INJURY                 |                                                                              | COMPLAINT OF NON-VISIBLE INJURIES |             | VICTIM USING ALCOHOL |     | ONE-MAN VEHICLE |     | OTHER    |
|                           | JAIL        | EXPLAIN                    |        |      | NO                             |                                                                              | YES                               |             | NO                   |     | YES             |     | ASSISTED |
|                           | SUMMONS     | SUBJECT NO.                |        |      | USING ALCOHOL                  |                                                                              | NO                                |             | YES                  |     |                 |     |          |
|                           |             | USING DRUGS                |        |      | NO                             |                                                                              | YES                               |             | TYPE                 |     | UNIK            |     |          |

|                           |             |                            |        |      |                                |                                                                              |                                   |             |                      |     |                 |     |                   |
|---------------------------|-------------|----------------------------|--------|------|--------------------------------|------------------------------------------------------------------------------|-----------------------------------|-------------|----------------------|-----|-----------------|-----|-------------------|
| VICT./SUBJ. I.D. OVERFLOW | COMPLAINANT | NAME (LAST, FIRST, MIDDLE) |        |      | VICTIM RELATIONSHIP TO SUBJECT |                                                                              |                                   | RESIDENT    | RACE                 | SEX | AGE             | DOB | ETH               |
|                           | VICTIM #    |                            |        |      |                                |                                                                              |                                   | DOU         |                      |     |                 |     |                   |
|                           | SUBJECT #   | HEIGHT                     | WEIGHT | HAIR | EYES                           | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                   |             |                      |     |                 |     |                   |
|                           | RUNAWAY     |                            |        |      |                                |                                                                              |                                   |             |                      |     |                 |     |                   |
|                           | WANTED      | ADDRESS                    |        |      | CITY                           | STATE                                                                        | ZIP CODE                          | LOCATION NO | DAY PHONE            |     | EVENING PHONE   |     |                   |
|                           | WARRANT     |                            |        |      |                                |                                                                              |                                   |             |                      |     |                 |     |                   |
|                           | ARREST      | VICTIM NO.                 |        |      | VISIBLE INJURY                 |                                                                              | COMPLAINT OF NON-VISIBLE INJURIES |             | VICTIM USING ALCOHOL |     | TWO-MAN VEHICLE |     | DETECTIVE/SPLASMT |
|                           | JAIL        | EXPLAIN                    |        |      | NO                             |                                                                              | YES                               |             | NO                   |     | YES             |     | ASSISTED          |
|                           | SUMMONS     | SUBJECT NO.                |        |      | USING ALCOHOL                  |                                                                              | NO                                |             | YES                  |     |                 |     |                   |
|                           |             | USING DRUGS                |        |      | NO                             |                                                                              | YES                               |             | TYPE                 |     | UNIK            |     |                   |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  |  |  |  |  |  |  |  |  |  |  |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|
| NARRATIVE | the Honda and then made his way to the drivers side of the vehicle. Mr Chapin then went to call CPD. At this time Mr Dawson joined Mr Odell at the window to relay information to Mr Chapin. Mr Dawson and Mr Odell observed the subject enter the drivers side front of the vehicle. While the subject was entering the vehicle the complainant heard the horn approximately (3) to (4) times. The vehicle then pulled off and turned south on Rutledge Ave. SC 0100-100 |  |  |  |  |  |  |  |  |  |  |  |  |
|           | JURISDICTION OF RECOVERY - LAW ENFORCEMENT AGENCY                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |  |  |  |  |  |  |  |  |  |  |
|           | JURISDICTION OF THEFT - LAW ENFORCEMENT AGENCY                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |  |  |  |  |  |  |  |  |  |  |
|           | VIN AND/OR LICENSE NO                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |  |  |  |  |  |  |  |  |
|           | BOAT HULL NO AND/OR REG NO                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |  |  |  |  |  |  |  |  |  |  |
|           | SERIAL AND/OR OWNER APPLIED NO                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |  |  |  |  |  |  |  |  |  |  |
|           | STATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |  |  |  |  |  |  |  |  |
|           | YEAR OF REGISTRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |
|           | YEAR OF EXPIRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |  |  |  |  |  |  |  |  |  |  |
|           | YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |

|                 |                                    |                                                   |  |  |  |  |  |  |  |  |  |  |
|-----------------|------------------------------------|---------------------------------------------------|--|--|--|--|--|--|--|--|--|--|
| VEH./GUN/ETC. 1 | STATUS                             | TYPE                                              |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> STOLEN    | <input type="checkbox"/> VEHICLE                  |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> RECOVERED | <input type="checkbox"/> GUN                      |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> FOUND     | <input type="checkbox"/> BOAT                     |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> TOWED     | <input type="checkbox"/> LICENSE PLATE            |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> SUSPECT   | <input type="checkbox"/> SECURITIES/BONDS, STOCKS |  |  |  |  |  |  |  |  |  |  |
|                 | <input type="checkbox"/> VICTIM    | <input type="checkbox"/> ARTICLE                  |  |  |  |  |  |  |  |  |  |  |
|                 | MISCELLANEOUS                      |                                                   |  |  |  |  |  |  |  |  |  |  |
|                 | TOTAL VALUE                        |                                                   |  |  |  |  |  |  |  |  |  |  |
|                 |                                    |                                                   |  |  |  |  |  |  |  |  |  |  |

|               |                    |  |  |  |  |  |  |  |  |  |  |
|---------------|--------------------|--|--|--|--|--|--|--|--|--|--|
| PROPERTY EST. | TYPIC (GROUP)      |  |  |  |  |  |  |  |  |  |  |
|               | STOLEN             |  |  |  |  |  |  |  |  |  |  |
|               | DAMAGED            |  |  |  |  |  |  |  |  |  |  |
|               | BURNED             |  |  |  |  |  |  |  |  |  |  |
|               | RECOVERED          |  |  |  |  |  |  |  |  |  |  |
|               | SEIZED             |  |  |  |  |  |  |  |  |  |  |
|               | SUBJECT IDENTIFIED |  |  |  |  |  |  |  |  |  |  |
|               | SUBJECT LOCATED    |  |  |  |  |  |  |  |  |  |  |
|               | ACTIVE             |  |  |  |  |  |  |  |  |  |  |
|               | ADJ. CLOSED        |  |  |  |  |  |  |  |  |  |  |

|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|----------------|-----------------------------------------------------|--|-------------------|--|-----------------------|--|--------------------------------|--|--------------------------|--|
| ADMINISTRATIVE | REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH |  | 2. NO PROSECUTION |  | 3. EXTRADITION DENIED |  | 4. VICTIM DECLINES COOPERATION |  | 5. JUVENILE - NO CUSTODY |  |
|                | REPORTING OFFICER(S)                                |  | DATE              |  | UNIT NUMBER           |  | APPROVING OFFICER              |  | DATE                     |  |
|                | J Weiss                                             |  | 9/14/00           |  | REV                   |  | OFFICER                        |  | 0379                     |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |
|                |                                                     |  |                   |  |                       |  |                                |  |                          |  |

F-274

ORIGINAL

I.D.  
0300INCIDENT REPORT  
MT. PLEASANT POLICE DEPARTMENT

COPY

Case Number  
03-011271NCIC  
Inq Encl

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                                       |                             |                                                 |                                                                 |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------|-----------------------------|-------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------|
| Incident Type<br>Death Investigation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Completed<br>Yes | Entry<br>No                           | Premise Type<br>House       | Entered<br>No                                   | X Individual<br>Business<br>Fin Inst<br>Government<br>Religious | Soc/Public<br>Other<br>Unknown<br>Police Off<br>Organizatio |
| Subdivision, Apartment and Number, Street Name and Number<br>Takes, Mt Pleasant SC Area 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |                                       |                             | Zip Code<br>29464                               | Neopon Type                                                     |                                                             |
| Incident Date<br>11/21/03                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 24 Hr<br>23:00   | Time Arrived<br>08:43                 |                             | Location No.<br>517                             |                                                                 |                                                             |
| Complainant's Name (Last, First, Middle)<br>Scott Osment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  | Relationship to Subj.<br>FR           | Reg.<br>J                   | Race<br>W                                       | Sex<br>M                                                        | Age<br>39                                                   |
| State<br>SC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  | Zip Code<br>29464                     | Location No.<br>517         |                                                 |                                                                 |                                                             |
| Victim's Name (Last, First, Middle)<br>Kinneman, Robert Eugene                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  | Relationship to Subj.<br>AQ           | Reg.<br>J                   | Race<br>W                                       | Sex<br>M                                                        | Age<br>39                                                   |
| Height<br>506                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  | Weight<br>140                         | Hair<br>BRO                 | Eyes<br>BRO                                     | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc.            |                                                             |
| Address<br>1720 Nantahala Blvd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  | City<br>Mt Pleasant                   | State<br>SC                 | Zip Code<br>29464                               | Location No.<br>517                                             |                                                             |
| Visible Injury? Yes Explain: Death                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Complaint of Non-visible Injuries? No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Using Alcohol? Unk<br>Drugs? Unk Type:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Two-man Vehicle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  | One-man Vehicle                       | Detective/SPLASMT           | Other                                           | Alone                                                           | Assisted                                                    |
| X Suspect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  | Name (Last, First, Middle)<br>Unknown | Race                        | Sex                                             | Age                                                             | Eth.                                                        |
| Runaway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  | Height                                | Weight                      | Hair                                            | Eyes                                                            | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc.        |
| Wanted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  | City                                  |                             | State                                           | Zip Code                                                        | Location                                                    |
| Arrest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  | Address                               |                             | Using Alcohol? Type:                            |                                                                 |                                                             |
| Jail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  | Arrested Near Scene                   |                             | Total # Arrested                                |                                                                 |                                                             |
| Summons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  | Date/Time of Offense                  |                             | Date/Time of Arrest                             |                                                                 |                                                             |
| <p>On 11/25/03 I, officer AJ Santos was dispatched to 1720 Nantahala Blvd in reference to a missing person. Upon speaking with the complainant, Scott Osment, he told me that he hadn't seen his friend Robert Kinneman (victim) since Saturday night (11/22/03). Mr Osment stated that he and a couple of friends were at Mr Kinneman's house watching a football game. Mr Osment also worked with the victim. Mr Osment also told me that Mr Kinneman did not show up for work on Monday. Being that Mr Kinneman is a supervisor, it's unlike him not to call if he's not going to work. When the victim failed to report to work today and did not call, Mr Osment when to Mr Kinneman's house looking for him. After arriving at the house, Mr Osment noticed that Mr Kinneman's new Chevy truck was not in the driveway. Mr Osment stated that he called the victim at the house number along with his cell phone with no answer. Also, Mr Kinneman's dog was inside the house. Mr Osment stated that Mr Kinneman would not leave the house without taking the dog. At this time, I had Mr Osment enter</p> |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Jurisdiction of Theft Law Enforcement Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                       |                             | Jurisdiction of Recovery Law Enforcement Agency |                                                                 |                                                             |
| Type (Group)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                       |                             |                                                 |                                                                 | Total Value                                                 |
| Stolen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Damaged                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Burned                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Recovered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Seized                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                                       |                             |                                                 |                                                                 |                                                             |
| Subj. Identified No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | X Active         | Admin                                 | Arrested                    |                                                 | Ex. Clearance                                                   |                                                             |
| Subj. Located No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Unfounded        | Closed                                | Under 18 18 & Over          |                                                 | Und 18 18&Over                                                  |                                                             |
| Reason for Ex. Clearance:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |                                       | Offender Death              |                                                 | No Prosecution                                                  |                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                                       | Victim Declines Cooperation |                                                 | Extradition Denied                                              |                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                                       |                             |                                                 | Juvenile-No Custody                                             |                                                             |
| Reporting Officers<br>PFC AJ SANTOS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  | Date<br>11/25/03                      | Unit Nr<br>2135             | Approving Officer<br>M. Santos                  | Date<br>11/25/03                                                | Signature<br>[Signature]                                    |
| Follow-up Investigation:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                                       |                             |                                                 |                                                                 |                                                             |

EXHIBIT  
Applicant  
5-12-16

|             |      |       |
|-------------|------|-------|
| Case Number | NCIC |       |
| 03-011271   | Ing. | Entd. |

|                |                           |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|----------------|---------------------------|---------------------------------------------------------|---------------------------------|-------------------------------|-----------------|------------------------------------------------------|--------------------------|----------------|---------------|
| X              | Original Report           | Supplemental Report                                     | Additional Victims              | Additional Stolen Property    | PAGE 2 OF 3     |                                                      |                          |                |               |
|                | Modifies Original         | Case Status Report                                      | Additional Offenders            | Additional Recovered Property |                 |                                                      |                          |                |               |
| VICTIM/SUBJECT | Complainant               | Name (Last, First, Middle)                              |                                 |                               | Eth             | Race                                                 | Sex                      | Age            | Date of Birth |
|                | Victim #                  | Height                                                  | Weight                          | Hair                          | Eyes            | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc. |                          |                |               |
|                | Subj #                    | Address                                                 |                                 |                               | City            | State                                                | ZipCode                  | Location       | Day Phone     |
|                | Runaway                   |                                                         |                                 |                               |                 |                                                      |                          | Eve Phone      |               |
|                | Wanted                    | Visible Injury? Explain:                                |                                 |                               |                 |                                                      |                          | Resident: JSOU |               |
|                | Warrant                   | Complaint of Non-visible Injuries?                      |                                 |                               |                 |                                                      |                          |                |               |
|                | Arrest                    | Using Alcohol? Drugs? Type:                             |                                 |                               |                 |                                                      |                          |                |               |
|                | Jail                      | Victim Relationship to Subject #1 #2 #3                 |                                 |                               |                 |                                                      |                          |                |               |
|                | Summons                   | Two-man Vehicle One-man Vehicle Detective/SPLASMT Other |                                 |                               |                 |                                                      |                          |                |               |
|                | VICTIM/SUBJECT            | Complainant                                             | Name (Last, First, Middle)      |                               |                 | Eth                                                  | Race                     | Sex            | Age           |
| Victim #       |                           | Height                                                  | Weight                          | Hair                          | Eyes            | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc. |                          |                |               |
| Subj #         |                           | Address                                                 |                                 |                               | City            | State                                                | ZipCode                  | Location       | Day Phone     |
| Runaway        |                           |                                                         |                                 |                               |                 |                                                      |                          | Eve Phone      |               |
| Wanted         |                           | Visible Injury? Explain:                                |                                 |                               |                 |                                                      |                          | Resident: JSOU |               |
| Warrant        |                           | Complaint of Non-visible Injuries?                      |                                 |                               |                 |                                                      |                          |                |               |
| Arrest         |                           | Using Alcohol? Drugs? Type:                             |                                 |                               |                 |                                                      |                          |                |               |
| Jail           |                           | Victim Relationship to Subject #1 #2 #3                 |                                 |                               |                 |                                                      |                          |                |               |
| Summons        |                           | Two-man Vehicle One-man Vehicle Detective/SPLASMT Other |                                 |                               |                 |                                                      |                          |                |               |
| VEHICLE        |                           | Stolen                                                  | X Vehicle                       | VIN and/or License No.        |                 |                                                      | Boat Hull and/or Reg No. |                |               |
|                | Recovered                 | Gun                                                     | 1GCHK29153E187828/ 254-HES      |                               |                 | State SC                                             |                          |                |               |
|                | Found                     | Boat                                                    | Serial and/or Owner Applied No. |                               |                 | Year Registered 2003                                 |                          |                |               |
|                | Towed                     | License                                                 | Expiration Year 2004            |                               |                 | Year 2003                                            |                          |                |               |
|                | Suspect                   | Plate                                                   | Model Silverado                 |                               |                 | Make Chevy                                           |                          |                |               |
|                | X Victim                  | Securities, Bonds, Stocks, Article                      | Style Truck                     |                               |                 | Type                                                 |                          |                |               |
|                |                           |                                                         | Color Gold                      |                               |                 | Brand Name                                           |                          |                |               |
|                |                           |                                                         | NIC No.                         |                               |                 | Caliber                                              |                          |                |               |
|                |                           |                                                         | Denomination                    |                               |                 | Securities Database                                  |                          |                |               |
|                |                           |                                                         | Issuer                          |                               |                 | Miscellaneous                                        |                          |                |               |
| PROPERTY       | Type (Group)              |                                                         |                                 |                               |                 |                                                      |                          | Total Value    |               |
|                | Stolen                    |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|                | Damaged                   |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|                | Burned                    |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|                | Recovered                 |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|                | Seized                    |                                                         |                                 |                               |                 |                                                      |                          |                |               |
| ADMIN          | Subj. Identified No       | X Active                                                | Admin                           | Arrested                      |                 | Ex. Clearance                                        |                          |                |               |
|                | Subj. Located No          | Unfounded                                               | Closed                          | Under 18 18 & Over            |                 | Und 18 18&Over                                       |                          |                |               |
|                | Reason for Ex. Clearance: |                                                         |                                 | Offender Death No Prosecution |                 | Extradition Denied                                   |                          |                |               |
|                |                           |                                                         |                                 | Victim Declines Cooperation   |                 | Juvenile-No Custody                                  |                          |                |               |
|                | Reporting Officers        |                                                         |                                 | Date                          | Unit Nr         | Approving Officer                                    | Date                     |                |               |
| PFC AJ SANTOS  |                           |                                                         | 11/25/03                        | 2135                          | MENDEZ S.D. SST | 11/25/03                                             |                          |                |               |
|                |                           |                                                         |                                 |                               |                 |                                                      |                          |                |               |
|                |                           |                                                         | Follow-up Investigation? (o)    |                               |                 |                                                      |                          |                |               |

0009

AGENCY I.D.  
SCO100300

SUPPLEMENTARY REPORT  
MT. PLEASANT POLICE DEPARTMENT

Case Number  
03-011271

NCIC  
Inq. Entd.

|   |                 |                     |                   |                    |             |
|---|-----------------|---------------------|-------------------|--------------------|-------------|
| X | Original Report | Supplemental Report | Modifies Original | Case Status Report | Page 3 of 3 |
|---|-----------------|---------------------|-------------------|--------------------|-------------|

Mr Kinneman house thru a rear door. Mr Osment went inside the house to check on the dog and to see if Mr Kinneman was inside. Mr Osment also told me that Mr Kinneman has a roommate named Brad. Mr Osment stated that Brad works for his company and that he only lived with Mr Kinneman for about a week. At this time Brad can not be located, the only information that Mr Osment has on Brad is that he's from Tennessee, and, that Brads mothers phone number is saved in Mr Kinneman's cell phone. Shortly after entering the house, Mr Osment came running out of the house and told me that he found Mr Kinneman dead in the back bedroom. Upon requesting additional units, Officer Reason and Lt Ritchie responded to the scene. Upon an internal check of the residence, Officer Reason and I found the victim laying on the floor of the rear bedroom, the victim appeared to be deceased. At this time all officer cleared from inside the house and established a crime scene. Sgt Meadows was call to report to the incident location along with Crime Scene units. Sgt Meadows advised Investigators to report to incident location along with County Corner Wouten. Mr Kinneman vehicle, a 2003 Chevy Silverado tan in-color with SC tag of 254-HES was place into NCIC as a nationwide BOLO of a Death Investigation. At this time the incident in under investigation. Nothing Follows.

|                                                                                                                               |          |           |                   |                    |                |
|-------------------------------------------------------------------------------------------------------------------------------|----------|-----------|-------------------|--------------------|----------------|
| Subj. Identified                                                                                                              | No       | X Active  | Admin             | Arrested           | Ex. Clearance  |
| Subj. Located                                                                                                                 | No       | Unfounded | Closed            | Under 18 18 & Over | Und 18 18&Over |
| Reason for Ex. Clearance: Offender Death No Prosecution Extradition Denied<br>Victim Declines Cooperation Juvenile-No Custody |          |           |                   |                    |                |
| Reporting Officer                                                                                                             | Date     | Unit Nr   | Approving Officer | Date               | Unit Nr        |
| PFC AJ SANTOS                                                                                                                 | 11/25/03 | 2135      | MEADOWS S. ASGT   | 11/25/03           | 8621           |
| Follow-up Investigation?                                                                                                      |          |           |                   |                    |                |



AGENCY I.D.  
SC0100800

# INCIDENT REPORT

CASE NUMBER  
2005047702

UNO  
Yes ☐ No ☐

| INCIDENT TYPE              | COMPLETED                                                           | FORCED ENTRY                                                        | PREMISE TYPE       | UNITS ENTERED | TYPE VICTIM                                                                                                                                                                                                                         |
|----------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|--------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. MURDER                  | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | PARKING LOT/GARAGE |               | <input type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst.<br><input type="checkbox"/> Government<br><input type="checkbox"/> Religious<br><input type="checkbox"/> Other |
| 2. ATTEMPTED ARMED ROBBERY | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | HIGHWAY/ROAD/ALLEY |               | <input type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst.<br><input type="checkbox"/> Government<br><input type="checkbox"/> Religious<br><input type="checkbox"/> Other |
| 3.                         | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                    |               | <input type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst.<br><input type="checkbox"/> Government<br><input type="checkbox"/> Religious<br><input type="checkbox"/> Other |

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
5533 DOBSON ST NORTH CHARLESTON SC

| INCIDENT DATE | 24 HR. CLOCK | TO | DATE       | 24 HR. CLOCK | DISPATCH DATE/TIME | 24 HR. CLOCK | TIME ARRIVED | DEPART. TIME | LOCATION NO. |
|---------------|--------------|----|------------|--------------|--------------------|--------------|--------------|--------------|--------------|
| 12/23/2005    | 14:39        |    | 12/23/2005 | 14:47        | 12/23/2005         | 14:41        | 14:42        | 15:47        |              |

| COMPLAINANT | UP TO SUBJECT | RESIDENT                              | RACE | SEX | AGE | ETH. | DAYTIME PHONE | EVENING PHONE |
|-------------|---------------|---------------------------------------|------|-----|-----|------|---------------|---------------|
|             |               | <input checked="" type="checkbox"/> S | W    | M   | 20  | H    |               |               |

| CITY | STATE | ZIP CODE | LOCATION NO. |
|------|-------|----------|--------------|
|      | SC    | 29464    |              |

| NAME (LAST, FIRST, MIDDLE) | RELATIONSHIP TO SUBJECT | RESIDENT                              | RACE | SEX | AGE | ETH. | DAYTIME PHONE | EVENING PHONE |
|----------------------------|-------------------------|---------------------------------------|------|-----|-----|------|---------------|---------------|
| CLARK, KYLE G              | OK ST ST                | <input checked="" type="checkbox"/> S | W    | M   | 22  | N    |               |               |

| HEIGHT | WEIGHT | HAIR | EYES | FACE, HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |
|--------|--------|------|------|-----------------------------------------------------------------------------|
|        |        | BRO  | UNK  |                                                                             |

| ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO. |
|---------|------|-------|----------|--------------|
|         |      | SC    | 29461    |              |

| VISUAL HAZARD (VICT 1) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN | COMPLAINT OF ANY NON-VICTIM (VICT 2) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|                                                                                                                             |                                                                                                          |

| VICTIM (NO. 1) USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE | COMPLAINT OF ANY NON-VICTIM (VICT 2) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                             |                                                                                                          |

| TYPE OF VEH. <input type="checkbox"/> ONE-WAY VEH. <input type="checkbox"/> DETECTOR <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/> | This Jurisdiction <input type="checkbox"/> State <input type="checkbox"/> Out of State <input type="checkbox"/> Unknown <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                               |                                                                                                                                                  |

| SUSPECT NAME & LAST | RACE | SEX | AGE | HEIGHT | WEIGHT | HAIR | EYES |
|---------------------|------|-----|-----|--------|--------|------|------|
|                     | B    | M   | 13  | 504    | 125    | BLK  | BRO  |

| DAYTIME PHONE | EVENING PHONE |
|---------------|---------------|
| 843-747-8525  |               |

| CITY | STATE | ZIP CODE | LOCATION NO. |
|------|-------|----------|--------------|
|      | SC    |          |              |

| ARRESTED (HEAR OFFENSE SCENE) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | DATE/TIME OF OFFENSE | DATE/TIME OF ARREST |
|----------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|
|                                                                                                                            |                      |                     |

| ARRESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> | TOTAL # ARRESTED |
|------------------------------------------------------------------------------------------------------------------------------------|------------------|
|                                                                                                                                    |                  |

\*\*\*\*\*  
Narrative Title: SUPPLEMENTAL BY PFC C JOHNSON  
Date Entered: 12/23/2005 4:51:27 PM

ON THE INCIDENT DATE AND TIME OFFICERS RESPONDED TO AN UNKNOWN SITUATION IN REFERENCE TO AN ACCIDENT INVOLVING A PICK UP TRUCK THAT STRUCK A RESIDENCE AND THAT THE DRIVER OF THE VEHICLE HAD POSSIBLY BEEN SHOT. MYSELF, K-9 CPL BLAIR ARRIVED INITIALLY ON SCENE AND OBSERVED THAT THE LISTED VEHICLE RAN THROUGH THE FENCE AND STRUCK A RESIDENCE AND REMAINED AGAINST THE BUILDING. WE FURTHER VERIFIED THAT THE VICTIM HAD BEEN SHOT IN THE HEAD AND WAS SLUMPED

| JURISDICTION OF THEFT<br>LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY<br>LAW ENFORCEMENT AGENCY |
|-------------------------------------------------|----------------------------------------------------|
|                                                 |                                                    |

| TYPE (GROUP) | TOTAL VALUE |
|--------------|-------------|
| STOLEN       |             |
| DAMAGED      |             |
| RETURNED     |             |
| RECOVERED    |             |
| SEIZED       |             |

| SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | ACTIVE <input type="checkbox"/> ADJ. CLOSED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> | ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER <input type="checkbox"/> | EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|                                                                                                                 |                                                                                                              |                                                                                                         |                                                                                          |                                                                                          |

| REASON FOR EXCEPTIONAL CLEARANCE: 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION 3 <input type="checkbox"/> EXTRACTION DENIED 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION 5 <input type="checkbox"/> JUVENILE - NO CUSTODY | REPORTING OFFICER(S) | DATE       | UNIT NUMBER | APPROVING OFFICER | DATE       | UNIT NUMBER |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------|-------------|-------------------|------------|-------------|
|                                                                                                                                                                                                                                                                            | BLAIR, TIMOTHY       | 12/23/2005 | 01          | DARRYL HOUSTON    | 12/24/2005 | 37          |

| HOLLOWELL, CHRISTOPHER <td>12/23/2005</td> <td>102</td> <td>FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></td> <td>OFFICER</td> <td></td> <td></td> | 12/23/2005 | 102 | FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | OFFICER |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----|---------------------------------------------------------------------------------------------------------------------|---------|--|--|
|                                                                                                                                                                                                                           |            |     |                                                                                                                     |         |  |  |

AGENCY - NORTH CHARLESTON POLICE DEPARTMENT  
ORI #: SC0100800  
Report Date / Time : 12/23/2006 2:39:17 PM  
Incident #: 2006047702

INCIDENT REPORT  
ADDITIONAL OTHERS

|                                                                                                                                                                                                                                                                               |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------|-------------|-------------|------------------------------------------------------------------------------|-------------|-------------------|---------------|-----------|---------------|-----------|----------------------|----------|------------------------------------------------------------------------------------------------------------------------------------|--|
| PERSON<br>TYPE<br>V2                                                                                                                                                                                                                                                          | NAME (LAST, FIRST, MIDDLE)<br>VIERA, DOBRY       |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 DK #2 ST #3 ST                          |             |                   | RESIDENT<br>S | RACE<br>W | SEX<br>M      | AGE<br>28 | D.O.B.               | ETH      |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT<br>609                                    | WEIGHT<br>175 | HAIR<br>BLK | EYES<br>BRD | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE<br>SC | ZIP CODE<br>28484 | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-- Minor                                                                                                                                                   |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
| PERSON<br>TYPE<br>S3                                                                                                                                                                                                                                                          | NAME (LAST, FIRST, MIDDLE)<br>SUMMERS, QUINTON R |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 #2 #3                                   |             |                   | RESIDENT<br>J | RACE<br>B | SEX<br>M      | AGE<br>15 | D.O.B.<br>08/09/1990 | ETH<br>N |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT<br>606                                    | WEIGHT<br>140 | HAIR<br>BLK | EYES<br>BRD | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE       | ZIP CODE          | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN--                                                                                                                                                         |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
| PERSON<br>TYPE<br>S2                                                                                                                                                                                                                                                          | NAME (LAST, FIRST, MIDDLE)<br>BARNES, MICHAEL T. |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 #2 #3                                   |             |                   | RESIDENT<br>J | RACE<br>B | SEX<br>M      | AGE<br>18 | D.O.B.<br>07/02/1987 | ETH<br>N |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT<br>600                                    | WEIGHT<br>160 | HAIR<br>BLK | EYES<br>BRD | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE       | ZIP CODE<br>29406 | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN--                                                                                                                                                         |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
| PERSON<br>TYPE                                                                                                                                                                                                                                                                | NAME (LAST, FIRST, MIDDLE)                       |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 #2 #3                                   |             |                   | RESIDENT      | RACE      | SEX           | AGE       | D.O.B.               | ETH      |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT                                           | WEIGHT        | HAIR        | EYES        | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE       | ZIP CODE          | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN--                                                                                                                                                         |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
| PERSON<br>TYPE                                                                                                                                                                                                                                                                | NAME (LAST, FIRST, MIDDLE)                       |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 #2 #3                                   |             |                   | RESIDENT      | RACE      | SEX           | AGE       | D.O.B.               | ETH      |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT                                           | WEIGHT        | HAIR        | EYES        | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE       | ZIP CODE          | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN--                                                                                                                                                         |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
| PERSON<br>TYPE                                                                                                                                                                                                                                                                | NAME (LAST, FIRST, MIDDLE)                       |               |             |             | VICTIM RELATIONSHIP TO SUBJECT<br>#1 #2 #3                                   |             |                   | RESIDENT      | RACE      | SEX           | AGE       | D.O.B.               | ETH      |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | HEIGHT                                           | WEIGHT        | HAIR        | EYES        | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |
|                                                                                                                                                                                                                                                                               | ADDRESS                                          |               |             |             | CITY                                                                         | STATE       | ZIP CODE          | LOCATION NO.  | DAY PHONE | EVENING PHONE |           | H<br>B               | H<br>B   |                                                                                                                                    |  |
| VISIBLE INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN--                                                                                                                                                         |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          | COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  |
| USING ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE: |                                                  |               |             |             |                                                                              |             |                   |               |           |               |           |                      |          |                                                                                                                                    |  |

V.I.D.

## Incident Report

UCL

0002071

INQ.

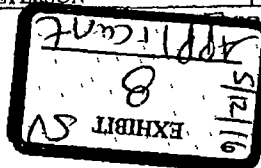
ENTD.

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Charleston Police Department

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Incident Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                  | Completed                                                                                         | Potential                                                                             | Premise Type                                                                                                                                               | Units Entered        | Type Victim                                                                                                                                                                                                                                                                                                                                                                |
| 1. POSSIBLE HOMICIDE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                               | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                   | RESIDENCE                                                                                                                                                  | 0                    | <input checked="" type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst.<br><input type="checkbox"/> Government<br><input type="checkbox"/> Religious Org.<br><input type="checkbox"/> Soc./Public<br><input type="checkbox"/> Other<br><input type="checkbox"/> Unknown<br><input type="checkbox"/> Police Officer |
| 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No                                          | <input type="checkbox"/> Yes <input type="checkbox"/> No                              |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No                                          | <input type="checkbox"/> Yes <input type="checkbox"/> No                              |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Incident Location (Subdivision, Apartment and Number, Street and Number)                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                  | Zip Code                                                                                          |                                                                                       | Weapon Type                                                                                                                                                |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| CHARLESTON, SC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                  | 29403                                                                                             |                                                                                       | UNKNOWN                                                                                                                                                    |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Incident Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 24 Hr. Clock                                                                                                                     | Date                                                                                              | 24 Hr. Clock                                                                          | Dispatch Date/Time                                                                                                                                         | 24 Hr. Clock         | Location No.                                                                                                                                                                                                                                                                                                                                                               |
| 1/30/06                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1130 HRS                                                                                                                         | 01/30/06                                                                                          | 1800 HRS                                                                              | N/A                                                                                                                                                        | N/A                  | 1130 HRS                                                                                                                                                                                                                                                                                                                                                                   |
| Complainant's Name (Last, First, Middle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                  | Relationship To Subject                                                                           |                                                                                       | Resident                                                                                                                                                   | Race                 | Sex                                                                                                                                                                                                                                                                                                                                                                        |
| TUCKER, YVONNE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                  | #1 #2 #3                                                                                          |                                                                                       | J                                                                                                                                                          | W                    | F                                                                                                                                                                                                                                                                                                                                                                          |
| Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                  | City                                                                                              |                                                                                       | State                                                                                                                                                      | Zip Code             | Location No.                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                  | CHARLESTON                                                                                        |                                                                                       | SC                                                                                                                                                         | 29401                |                                                                                                                                                                                                                                                                                                                                                                            |
| Victim's Name (Last, First, Middle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                  | Relationship To Subject                                                                           |                                                                                       | Resident                                                                                                                                                   | Race                 | Sex                                                                                                                                                                                                                                                                                                                                                                        |
| SHAFFER, RONALD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                  | #1 #2 #3                                                                                          |                                                                                       | J                                                                                                                                                          | W                    | M                                                                                                                                                                                                                                                                                                                                                                          |
| Height                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Weight                                                                                                                           | Hair                                                                                              | Eyes                                                                                  | Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.                                                                               |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| 5'7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 160                                                                                                                              | BROWN                                                                                             | BLUE                                                                                  |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                  | City                                                                                              |                                                                                       | State                                                                                                                                                      | Zip Code             | Location No.                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                  | CHARLESTON                                                                                        |                                                                                       | SC                                                                                                                                                         | 29401                |                                                                                                                                                                                                                                                                                                                                                                            |
| Visible Injury (Vict. I):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                  | Explain                                                                                           |                                                                                       | Complaint of Any Non-Injuries:                                                                                                                             |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                  |                                                                                                   |                                                                                       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                        |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Victim (No. 1) Using Alcohol                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. |                                                                                       | Drugs: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk.                                                   |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Two-Man Vehicle <input type="checkbox"/> One-Man Veh. <input type="checkbox"/> Detective/Spl. Asmt. <input type="checkbox"/> Other                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                  | <input type="checkbox"/> Alone <input type="checkbox"/> Assisted                                  |                                                                                       | <input type="checkbox"/> J-This Jurisdiction <input type="checkbox"/> S-State <input type="checkbox"/> O-Out of State <input type="checkbox"/> U-Unknown   |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/> Suspect                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Name                                                                                                                             | Race                                                                                              | Sex                                                                                   | Age                                                                                                                                                        | Eth.                 | Date of Birth                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> Runaway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | UNK                                                                                                                              | U                                                                                                 |                                                                                       |                                                                                                                                                            | N                    |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Wanted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.                                                     |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Warrant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | n/a                                                                                                                              |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Arrest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Address                                                                                                                          |                                                                                                   | City                                                                                  |                                                                                                                                                            | State                | Zip Code                                                                                                                                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> Jail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Summons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Subject (No. 1) Using Alcohol: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. |                                                                                                   | Arrested Near Offense Scene: <input type="checkbox"/> Yes <input type="checkbox"/> No |                                                                                                                                                            | Date/Time of Offense |                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Drugs: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. Type                    |                                                                                                   | Total # Arrested: 0                                                                   |                                                                                                                                                            | Date/Time of Arrest  |                                                                                                                                                                                                                                                                                                                                                                            |
| <p>ON THE ABOVE DATE AND TIME, LT. WRIGHT, PFC. DASHER, PFC. PETERSON, ALONG WITH HOUSING SOCIAL WORKER (YVONNE TUCKER) ARRIVED AT THE ABOVE INCIDENT LOCATION IN REFERENCE TO A WELFARE CHECK. UPON INVESTIGATION THESE OFFICERS MADE SEVERAL ATTEMPTS TO MAKE CONTACT, BUT DID NOT GET A RESPONSE AT THE DOOR. THESE OFFICERS USED THE MANAGEMENT'S MASTER KEY TO MAKE ENTRY INTO THE APARTMENT AND ONCE INSIDE THESE OFFICERS OBSERVED A UNK PARTY LYING ON THE FLOOR WHO WAS UNRESPONSIVE. (SEE SUPPLEMENTAL)</p> |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Jurisdiction of Theft Law Enforcement Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                  |                                                                                                   |                                                                                       | Jurisdiction of Recovery Law Enforcement Agency                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Type (Group)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      | Total Value                                                                                                                                                                                                                                                                                                                                                                |
| Stolen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Damage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Burned                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Recovered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Seized                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Subject Identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  | Subject Located                                                                                   |                                                                                       | <input type="checkbox"/> Active <input type="checkbox"/> Adm. Closed <input type="checkbox"/> Arrested Under 18 <input type="checkbox"/> Ex-Clear Under 18 |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                               |                                                                                       | <input type="checkbox"/> Unfounded <input type="checkbox"/> Arrested 18 and Over <input type="checkbox"/> Ex-Clear 18 and Over                             |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Reason For Exceptional Clearance: 1. <input type="checkbox"/> Offender Death 2. <input type="checkbox"/> No Prosecution 3. <input type="checkbox"/> Extradition Denied 4. <input type="checkbox"/> Victim Declines Cooperation 5. <input type="checkbox"/> Juvenile-No Custody                                                                                                                                                                                                                                        |                                                                                                                                  |                                                                                                   |                                                                                       |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |
| Reporting Officer(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Date                                                                                                                             | Unit Number                                                                                       | Approving Officer                                                                     |                                                                                                                                                            | Date                 | Unit Number                                                                                                                                                                                                                                                                                                                                                                |
| PFC. T. DASHER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 01-30-06                                                                                                                         | 1066                                                                                              | [Signature]                                                                           |                                                                                                                                                            | 01/30/06             | 587                                                                                                                                                                                                                                                                                                                                                                        |
| PFC. N. PETERSON                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 01-30-06                                                                                                                         | 1129                                                                                              | Follow-up Investigation <input type="checkbox"/> Yes <input type="checkbox"/> No      |                                                                                                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                            |

ORIGINAL ☒ DETECTIVES ☐ SLED ☐ MISC.

0003

6010 STEIN 0057



**NARRATIVE**

Schaffner, Ronald (Victim)

ON 2/3/06 260 was notified that suspect Michael Shade B/M 44 had been arrested in reference to the above incident. Shade had been taken to C.I.O.D. by Pte. T. Rivers who gave Shade his Miranda warnings. 260 took Shade to the Detective Office where he stated he would talk about the incident and his involvement, and also clarify some date and time if say words which were incorrect on the arrest. Shade maintained that the arrest was unlawful and continued some charges concerning time and date and that he (Shade) wanted to give a statement as a reference when 260 and he talked. 260 used a large desk-top calendar for Shade to refer to his needs. Shade began the interview stating that on Wednesday 25 January "MR. RON" (Victim) had given him and co-defendant Wendell Fulmore \$100.00 to purchase some liquor and food to bring back to the apartment. Shade stated he and Fulmore bought liquor at the store at King's Midway's streets and some chicken from Church's on Meeting Street and brought same to "MR. RON." Shade said this next encounter with the victim occurred on Thursday 26 January when Shade and Fulmore took his apartment and

|                |                                                                                                                            |  |                                                          |  |                                                                                                           |  |                                                                                                        |  |                                                                                             |  |                                                 |  |
|----------------|----------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------|--|-------------------------------------------------|--|
| ADMINISTRATIVE | SUBJECT IDENTIFIED                                                                                                         |  | SUBJECT LOCATED                                          |  | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input checked="" type="checkbox"/> ARRESTED UNDER 18<br><input type="checkbox"/> ARRESTED 18 AND OVER |  | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |  |                                                 |  |
|                | <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                   |  | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |                                                                                                           |  |                                                                                                        |  |                                                                                             |  |                                                 |  |
|                | REASON FOR EXCEPTIONAL CLEARANCE. 1. <input type="checkbox"/> OFFENDER DEATH    2. <input type="checkbox"/> NO PROSECUTION |  |                                                          |  | 3. <input type="checkbox"/> EXTRADITION DENIED                                                            |  |                                                                                                        |  | 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION                                     |  | 5. <input type="checkbox"/> JUVENILE/NO CUSTODY |  |
|                | REPORTING OFFICER(S)                                                                                                       |  | DATE                                                     |  | UNIT NUMBER                                                                                               |  | APPROVING OFFICER                                                                                      |  | DATE                                                                                        |  | UNIT NUMBER                                     |  |
|                |                                                                                                                            |  |                                                          |  |                                                                                                           |  | <br>OFFICER        |  | 2/3/06                                                                                      |  | 0066                                            |  |
|                |                                         |  | 2/3/06                                                   |  | 0066                                                                                                      |  | FOLLOW UP<br><input type="checkbox"/> YES <input type="checkbox"/> NO                                  |  | 0029                                                                                        |  |                                                 |  |

AGENCY I.D.  
SCO 100160

SUPPLEMENTARY REPORT

|     |         |      |     |     |
|-----|---------|------|-----|-----|
| OCA | 0602091 | NCIC | INO | ENT |
| ARR |         |      |     |     |

☐ ORIGINAL  
REPORT  
☐ MODIFIED  
ORIGINAL

☒ SUPPLEMENTAL  
REPORT  
☐ CASE STATUS  
CHANGE

☐ ADDITIONAL  
VICTIMS  
☐ ADDITIONAL  
OFFENDERS

☐ ADDITIONAL  
STOLEN PROPERTY  
☐ ADDITIONAL  
RECOVERED PROPERTY

PAGE 2 of 3 PAGES

NARRATIVE

cross the hallway to "Mr. Row's". SHANE STATED  
FOLMOS was carrying a roll of duct tape  
when FOLMOS "threw" on "Mr. Row's" door.  
SHANE STATED he was behind FOLMOS  
and saw FOLMOS attack the victim in the  
victim's doorway. SHANE STATED he saw FOLMOS  
and the victim "tussling" and wrestling on  
the floor of the victim's apartment.  
SHANE STATED he yelled at FOLMOS "WHAT  
THE F\*CK YOU DOING?" but got no reply.  
SHANE STATED he returned to FOLMOS  
apartment, not remembering how long it  
was before FOLMOS returned as well.  
SHANE SAID on Tuesday, 27 January he and  
FOLMOS returned to enter the victim's  
apartment using a key that FOLMOS had  
in his possession. When entering, SHANE  
STATED he saw the victim on the floor  
"taped up". SHANE STATED the victim's face  
bloody. SHANE STATED he checked the  
victim's "vital signs" and informed FOLMOS  
that the victim was dead. SHANE SAID  
so that he checked the victim thoroughly  
for signs of life and that his "parents"  
(Folm's parents) "should be all over the tape".  
SHANE STATED he and FOLMOS then left  
the victim's apartment. SHANE STATED he  
saw FOLMOS a couple of times over the  
next few days but never re-entered the  
victim's apartment. He asked several  
questions of SHANE which were included  
in the written statement. SHANE FURTHER

ADMINISTRATIVE

|                                                                             |        |                                                          |                                                                        |                                                                     |        |                                                        |  |                                                |  |
|-----------------------------------------------------------------------------|--------|----------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------|--------|--------------------------------------------------------|--|------------------------------------------------|--|
| SUBJECT IDENTIFIED                                                          |        | SUBJECT LOCATED                                          |                                                                        | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED |        | <input type="checkbox"/> ARRESTED UNDER 18             |  | <input type="checkbox"/> EX-CLEAR UNDER 18     |  |
| <input type="checkbox"/> YES <input type="checkbox"/> NO                    |        | <input type="checkbox"/> YES <input type="checkbox"/> NO |                                                                        | <input type="checkbox"/> UNFOUNDED                                  |        | <input type="checkbox"/> ARRESTED 18 AND OVER          |  | <input type="checkbox"/> EX-CLEAR 18 AND OVER  |  |
| REASON FOR EXCEPTIONAL CLEARANCE. 1 <input type="checkbox"/> OFFENDER DEATH |        | 2 <input type="checkbox"/> NO PROSECUTION                |                                                                        | 3 <input type="checkbox"/> EXTRADITION DENIED                       |        | 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION |  | 5 <input type="checkbox"/> JUVENILE-NO CUSTODY |  |
| REPORTING OFFICER(S)                                                        | DATE   | UNIT NUMBER                                              | APPROVING OFFICER                                                      |                                                                     | DATE   | UNIT NUMBER                                            |  |                                                |  |
| MINOR (Folm's)                                                              | 2/3/06 | 0060                                                     | FOLLOWUP OFFICER                                                       |                                                                     | 2/3/06 | 0060                                                   |  |                                                |  |
|                                                                             |        |                                                          | INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO |                                                                     |        |                                                        |  |                                                |  |

AGENCY I.D.  
SC0 100100

SUPPLEMENTARY REPORT

OCA 06 0209  
ARR

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☐ ORIGINAL  
REPORT  
☐ MODIFIES  
ORIGINAL

☒ SUPPLEMENTAL  
REPORT  
☐ CASE STATUS  
CHANGE

☐ ADDITIONAL  
VICTIMS  
☐ ADDITIONAL  
OFFENDERS

☐ ADDITIONAL  
STOLEN PROPERTY  
☐ ADDITIONAL  
RECOVERED PROPERTY

PAGE 2 of 3 PAGE

NARRATIVE

told me that he wrote several checks  
that belonged to the victim. SHINE stated  
FELMORE would bring him the checks and  
he would write the checks out payable  
to FELMORE.

At the conclusion of the interview  
SHINE signed the statement acknowledging  
its accuracy but declined to have it  
read on audio-tape.

ADMINISTRATIVE

|                                                                                                                                                                                                                                                                             |  |                                                                                     |                               |                                                                                                           |                                                                                             |                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| SUBJECT IDENTIFIED<br><input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                              |  | SUBJECT LOCATED<br><input type="checkbox"/> YES <input type="checkbox"/> NO         |                               | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED<br><input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ARRESTED UNDER 18<br><input type="checkbox"/> ARRESTED 18 AND OVER | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE-NO CUST |  |                                                                                     |                               |                                                                                                           |                                                                                             |                                                                                             |
| REPORTING OFFICER(S)<br><u>MIKE GORDON</u>                                                                                                                                                                                                                                  |  | DATE<br><u>2/2/06</u>                                                               | UNIT<br>NUMBER<br><u>0031</u> | APPROVING OFFICER<br><u>[Signature]</u>                                                                   |                                                                                             | DATE<br><u>2/2/06</u><br>UNIT<br>NUMBER<br><u>0066</u>                                      |
|                                                                                                                                                                                                                                                                             |  | FOLLOW UP<br>INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO |                               |                                                                                                           |                                                                                             |                                                                                             |

AGENCY I.D.  
SC0100800

# INCIDENT REPORT

CASE NUMBER  
2006038043

NCIC  
REQ No. ENTD. No.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| EVENT                                                                                                                                                                                                                                                                                                                                                                                                                                                         | INCIDENT TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            | COMPLETED                                                           | FORCED ENTRY                                                        | PREMISE TYPE                                                         | UNITS ENTERED     | TYPE VICTIM                                                                                                                                                                                                                                                                                                                                               |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1. MURDER                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | RESTAURANT                                                           |                   | <input type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst.<br><input type="checkbox"/> Government<br><input type="checkbox"/> Relig. Org.<br><input type="checkbox"/> Soc./Public<br><input type="checkbox"/> Other<br><input type="checkbox"/> Unknown<br><input type="checkbox"/> Police Off. |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2. ARMED ROBBERY                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | RESTAURANT                                                           |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| VICTIM NO. 1                                                                                                                                                                                                                                                                                                                                                                                                                                                  | INCIDENT DATE 24 HR. CLOCK TO DATE 24 HR. CLOCK                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     | DISPATCH DATE/TIME 24 HR. CLOCK                                      |                   | LOCATION NO.                                                                                                                                                                                                                                                                                                                                              |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10/07/2006 01:55 10/07/2006 01:55                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                     |                                                                     | 10/07/2006 01:58 01:56 04:30                                         |                   | 008                                                                                                                                                                                                                                                                                                                                                       |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                                                                     |                                                                     | RELATIONSHIP TO SUBJECT                                              |                   | RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE                                                                                                                                                                                                                                                                                                     |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                                                     |                                                                     | CITY                                                                 |                   | STATE ZIP CODE LOCATION NO.                                                                                                                                                                                                                                                                                                                               |  |
| SUBJECT NO. 1                                                                                                                                                                                                                                                                                                                                                                                                                                                 | VICTIM'S NAME (LAST, FIRST, MIDDLE)                                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                                                                     |                                                                     | RELATIONSHIP TO SUBJECT                                              |                   | RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE                                                                                                                                                                                                                                                                                                     |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                     |                                                                     | OK                                                                   |                   | S W F 32 N 84 008                                                                                                                                                                                                                                                                                                                                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.                                                                                                                                                                                                                                                                                                                                                                  |            |                                                                     |                                                                     | CITY                                                                 |                   | STATE ZIP CODE LOCATION NO.                                                                                                                                                                                                                                                                                                                               |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 502 130 BLK BRO                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     | HANAHAN                                                              |                   | SC 28408- 008                                                                                                                                                                                                                                                                                                                                             |  |
| NARRATIVE                                                                                                                                                                                                                                                                                                                                                                                                                                                     | VISIBLE INJURY (MOT. I) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> EXPLAIN- Other<br>COMPLAINT OF ANY NON-VISIBLE INJURIES: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                     |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE<br>TWO-WAY VEH. <input type="checkbox"/> ONE-WAY VEH. <input type="checkbox"/> DETECTIVE/PLASMIT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>                                                                               |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | SUSPECT NAME (LAST, FIRST, MIDDLE) RACE SEX AGE ETH DATE OF BIRTH HEIGHT WEIGHT HAIR EYES<br>DERRICOTTE, DOMINIC MARSHALL B M 21 N 610 160 BLK BRO<br>FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. DAYTIME PHONE EVENING PHONE                                                                                                                                                                                                        |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | WARRANT <input type="checkbox"/> ARREST <input type="checkbox"/> JAIL <input type="checkbox"/> SUMMONS <input type="checkbox"/><br>SUBJECT (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE<br>ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> DATE/TIME OF OFFENSE DATE/TIME OF ARREST |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| *****<br>Narrative Title:<br>Date Entered: 10/07/2006 2:21:49 AM                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| ON THE ABOVE DATE AND TIMES R/O WAS DISPATCHED TO THE PERKINS RESTAURANT LOCATED AT 7541 RIVERS AVENUE IN REFERENCE TO A POSSIBLE ARMED ROBBERY IN PROGRESS. SECONDS PRIOR TO BEING DISPATCHED TO THIS CALL OFFICER REID WAS STATIONARY IN THE PARKING LOT OF THE ROSS DRESS FOR LESS SUPER STORE, JUST ACROSS FROM THE INCIDENT LOCATION AND HEARD A VEHICLES TIRE SQUEAL, HOWEVER NEVER SAW THE VEHICLE PASS. UPON ARRIVAL OFFICERS COVERED THE EXTERIOR OF |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| PROPERTY EST.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | TYPE (GROUP)                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            | TOTAL VALUE                                                         |                                                                     | TOTAL VALUE                                                          |                   | TOTAL VALUE                                                                                                                                                                                                                                                                                                                                               |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | STOLEN                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DAMAGED                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | BURNED                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| ADMINISTRATIVE                                                                                                                                                                                                                                                                                                                                                                                                                                                | RECOVERED                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | SEIZED                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | SUBJECT IDENTIFIED                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            | SUBJECT LOCATED                                                     |                                                                     | ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> |                   | ARRESTED UNDER 16 <input type="checkbox"/> EX-CLEAR UNDER 16 <input type="checkbox"/>                                                                                                                                                                                                                                                                     |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                               | YES <input type="checkbox"/> NO <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                              |            | YES <input type="checkbox"/> NO <input type="checkbox"/>            |                                                                     | UNFOUNDED <input type="checkbox"/>                                   |                   | ARRESTED 16 AND OVER <input type="checkbox"/> EX-CLEAR 16 AND OVER <input type="checkbox"/>                                                                                                                                                                                                                                                               |  |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                     |                                                                     |                                                                      |                   |                                                                                                                                                                                                                                                                                                                                                           |  |
| REPORTING OFFICER(S)                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DATE       |                                                                     | UNIT NUMBER                                                         |                                                                      | APPROVING OFFICER |                                                                                                                                                                                                                                                                                                                                                           |  |
| REID, RODEZ LAMONT                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 10/07/2006 |                                                                     | 209                                                                 |                                                                      | JOHN REYNOLDS     |                                                                                                                                                                                                                                                                                                                                                           |  |
| WIDMER, CHRISTOPHER                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 10/07/2006 |                                                                     | 65                                                                  |                                                                      | FOLLOW-UP         |                                                                                                                                                                                                                                                                                                                                                           |  |

EXHIBIT  
9  
Applicant  
5/12/10

AGENCY: NORTH CHARLESTON POLICE DEPARTMENT

Jurisdiction: SC0100800

Report Date / Time: 10/07/2006 1:55:41 AM

Incident/Case Number: 2006038043

Case Description: CAD Entry, C4BJ - ROBBERY TO BUSINESS IN PROGRESS

Primary Officer Name/ID: REID, RODEZ LAMONT/289

Approved By: JOHN REYNOLDS

Date/Time Printed: 10/20/2006 8:29:38 AM

## Narrative: Page 2

THE BUSINESS. OFFICER REID WAS LOCATED ON THE SIDE OF THE BUSINESS CLOSET TO DUNLAP STREET AND OBSERVED THAT GLASS TO THE SIDE DOOR OF THE BUSINESS WAS BROKEN. OFFICER REID TOOK A QUICK GLANCE INTO THE BUSINESS AND WAS UNABLE TO SEE ANYTHING OUT OF THE ORDINARY. NORTH CHARLESTON POLICE DISPATCHERS NOTIFIED OFFICERS THAT THERE WAS STILL AN EMPLOYEE INSIDE THE BUSINESS, WHO WAS LATER IDENTIFIED AS ALVIN STORY. STORY WAS THEN ORDERED TO COME TO THE FRONT DOOR OF THE BUSINESS. STORY EXITED THE BUSINESS AND WAS DETAINED BY OFFICERS MAINTAINING THE PERIMETER. AT 0203 HOURS, OFFICER REID, SERGEANT WIDMER, OFFICER WEBB, AND SEVERAL CHARLESTON COUNTY DEPUTIES ENTERED THE BUSINESS AND BEGAN TO CONDUCT A PROTECTIVE SWEEP. WHILE DOING SO SERGEANT WIDMER AND I APPROACHED TO THE DOOR TO THE OFFICE AND OPENED IT TO FIND A WHITE FEMALE ON THE FLOOR LAYING IN A POOL OF BLOOD. CHARLESTON COUNTY EMS WAS IMMEDIATELY NOTIFIED. OFFICERS CONTINUED THE PROTECTIVE SWEEP OF THE BUSINESS AND SECURED THE BUSINESS. NORTH CHARLESTON POLICE CRIME RESPONDED AND THE CRIME SCENE WAS TURNED OVER TO SERGEANT HALLMAN. NORTH NOTIFICATIONS WERE MADE BY NCPD DISPATCH.

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Narrative Title: WIDMER SUPPLEMENT

Date Entered: 10/07/2006 7:32:09 AM

RESPONDED TO THE PERKINS RESTAURANT. POSITIONED MY VEHICLE IN THE PARKING LOT OF THE VITAMIN SHOP WHICH SITS BESIDE PERKINS. OFFICERS TOLD ME THAT THE BUILDING, ENTRANCES AND EXITS, HAD BEEN COVERED. I APPROACHED THE BUSINESS FROM THE VITAMIN SHOP AND DURING MY APPROACH I SAW A SUBJECT IN THE BANQUET ROOM OF THE BUSINESS WAVING HIS ARMS, AND WHAT I THOUGHT, POINTING TO ANOTHER PART OF THE RESTAURANT. I NOTIFIED UNITS AND DISPATCH THAT I HAD A SUBJECT INSIDE. I KEPT VISUAL CONTACT WITH THE SUBJECT AND DIRECTED HIM TO COME TO THE FRONT DOOR. HE CAME TO THE DOOR AND OPENED THE INNER DOORS AND HE TOLD ME THAT THE OUTER DOORS WERE LOCKED AND HE DID NOT HAVE A KEY. I WAS ADVISED THAT THERE WAS A DAMAGED SIDE DOOR.

ENTRY WAS MADE INTO THE BUSINESS THROUGH THIS SIDE DOOR. OFFICER REID AND WEBB WERE BEHIND ME. I FIRST CHECKED THE RESTROOMS WHICH WERE TO MY LEFT AS I WENT THROUGH THIS SIDE DOOR (FIRE EXIT) AND BOTH RESTROOMS WERE CLEAR. IT WAS AT THIS TIME THAT I WAS TOLD THAT A FEMALE WAS SOMEWHERE IN THE BUSINESS AND THE SUBJECT I FIRST HAD SEEN DID NOT KNOW WHERE SHE WAS. THE NEXT AREA TO BE CHECKED NEAR THE RESTROOMS WAS AN ENTRANCE TO THE KITCHEN. THERE WAS AN OFFICE DOOR BARELY OPEN TO MY LEFT. THE OPENING WAS MAYBE A HALF INCH OR SO. A BULLET WAS ON THE GROUND IN FRONT OF THIS DOOR. IT WAS A WHOLE BULLET, NOT AN EXPENDED ROUND. IT DID NOT LOOK TO BE A LARGE ROUND, MAYBE A 9MM OR .380 CALIBER.

2,

## Narrative: Page 3

ONCE I SAW THE BULLET I SHINED MY LIGHT THROUGH THE CRACK IN THE DOOR AND SAW BLOOD ON THE FLOOR. I OPENED THE DOOR AND LAYING ON THE FLOOR WAS A FEMALE THAT I KNEW WAS THE NIGHT MANAGER SINCE I HAD SPOKE WITH HER SEVERAL TIMES IN THE PAST WHEN GOING TO THE BUSINESS. SHE WAS ON THE FLOOR IN FRONT OF AN OPEN SAFE. SHE WAS LYING SOMEWHAT FACE DOWN ON HER SIDE. HER HEAD WAS TURNED TO THE LEFT, WITH HER RIGHT SIDE OF HER HEAD ON THE FLOOR. IT WAS NOT A LARGE OFFICE AREA AND I KNEW SHE WAS A SMALL PERSON. IT LOOKED AS IF SHE HAD BEEN KNEELING BY THE WAY HER BODY WAS ON THE FLOOR. THERE WAS AN OFFICE CHAIR IN THE ROOM WITH HER. THE SPACE WAS SMALL AND CROWDED.

BLOOD WAS COMING FROM AN UNKNOWN LOCATION ON HER BODY. I COULD ONLY ASSUME THAT SHE WAS BLEEDING FROM THE HEAD OR NECK AREA SINCE HER HEAD WAS IN THE BLOOD. HER GLASSES WERE STILL ON. I DID NOT SEE ANY INJURY TO THE LEFT SIDE OF HER HEAD WHICH WAS FACING ME. OFFICER REID WAS BEHIND ME WHEN WE FOUND THE MANAGER, JENNIFER. I CALLED FOR EMS, DETECTIVES AND ADVISED DISPATCH TO MAKE NOTIFICATIONS. I YELLED OUT TO THE OTHER OFFICERS SEARCHING THE BUSINESS THAT I HAD FOUND THE OTHER PARTY. THE REST OF THE BUSINESS WAS CLEARED. I DID NOTICE THAT THERE WERE ONE DOLLAR BILLS IN THE SAFE MONEY TRAY, ALONG WITH ROLLED CHANGE. I DID NOT SEE ANY OTHER CURRENCY. I NOTICED ON THE FLOOR NEAR THE POOL OF BLOOD WHAT APPEARED TO BE COPPER JACKETS FROM A BULLET. I COULD NOT DETERMINE IF IT WAS ONE OR TWO BULLETS. THIS WAS EVENTUALLY PASSED ON TO RESPONDING CRIME SCENE.

I SAW OFFICER T. KIKER OUTSIDE THE SIDE DOOR AND ADVISED HER TO BEGIN A CRIME SCENE LOG. DEPUTIES AND OTHER NCPD OFFICERS BEGAN TO LEAVE THE BUSINESS ONCE IT WAS DETERMINED THAT NO ONE ELSE WAS INSIDE. THE WITNESS I SAW AS I FIRST APPROACHED THE BUILDING WAS SECURED AND PLACED INTO A PATROL CAR.

EMS ARRIVED AND I TOOK THEM TO THE VICTIM. AFTER LOOKING AT THE VICTIM THEY LEFT THE CRIME SCENE. THEY DID NOT TOUCH THE VICTIM.

IT WAS AT THIS TIME THAT I WAS TOLD THAT THE SUBJECT WHO HAD BEEN WAVING AT ME IN THE BUSINESS STATED THAT AN EMPLOYEE WHO WORKED THIS NIGHT HAD DONE THIS.

I RELEASED THE SCENE TO CRIME SCENE INVESTIGATOR BUNKER AND CRIME SCENE INVESTIGATOR WYANT.

NO FURTHER ACTION TAKEN.

AGENCY I.D.  
BCA100300

# INCIDENT REPORT

CASE NUMBER  
2007015054

INC. Yes  
EXTD. Yes

|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| INCIDENT TYPE                                                                                     |                       | COMPLETED                                                                                          | FORCED ENTRY                                                        | PREMISE TYPE                                                                                                                               | UNITS ENTERED                  | TYPE VICTIM                                                                                                                                                                                                                                                                                                                                              |
| 1. 100 KIDNAPPING/ABDUCTION                                                                       |                       | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | SPECIALTY STORE                                                                                                                            |                                | <input type="checkbox"/> Individual<br><input type="checkbox"/> Business<br><input type="checkbox"/> Financial Inst<br><input type="checkbox"/> Government<br><input type="checkbox"/> Relig. Org.<br><input type="checkbox"/> Soc./Public<br><input type="checkbox"/> Other<br><input type="checkbox"/> Unknown<br><input type="checkbox"/> Police Off. |
| 2. 240 MOTOR VEHICLE THEFT                                                                        |                       | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | SPECIALTY STORE                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| 3. 35A PWID MARIJUANA                                                                             |                       | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | SPECIALTY STORE                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| ZIP CODE<br>29408-                                                                                |                       |                                                                                                    |                                                                     |                                                                                                                                            | WEAPON TYPE<br>PERSONAL WEAPON |                                                                                                                                                                                                                                                                                                                                                          |
| INCIDENT DATE<br>04/10/2007                                                                       | 84 HR. CLOCK<br>16:00 | TO<br>04/10/2007                                                                                   | 24 HR. CLOCK<br>17:51                                               | DISPATCH DATE<br>04/10/2007                                                                                                                | DISPATCH TIME<br>17:52         | LOCATION NO.<br>6                                                                                                                                                                                                                                                                                                                                        |
| COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)                                                          |                       | RELATIONSHIP TO SUBJECT                                                                            |                                                                     | RESIDENT                                                                                                                                   | RACE                           | SEX                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| ADDRESS                                                                                           |                       | CITY                                                                                               |                                                                     | STATE                                                                                                                                      | ZIP CODE                       | LOCATION NO.                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| VICTIM'S NAME (LAST, FIRST, MIDDLE)<br>FERGUSON, ELIZABETH MORSE                                  |                       | RELATIONSHIP TO SUBJECT                                                                            |                                                                     | RESIDENT                                                                                                                                   | RACE                           | SEX                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| HEIGHT<br>506                                                                                     | WEIGHT<br>128         | HAIR<br>BLN                                                                                        | EYES<br>GRN                                                         | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.                                                               |                                |                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| CITY<br>GOOSE CREEK                                                                               |                       | STATE<br>SC                                                                                        |                                                                     | ZIP CODE<br>29445-                                                                                                                         | LOCATION NO.<br>6              |                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                   |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| VICTIM INJURY (WCT. 1) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO        |                       | EXPLAIN - Lacerations Bones Other                                                                  |                                                                     | COMPLAINT OF ANY NON-VISIBLE INJURIES: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                 |                                |                                                                                                                                                                                                                                                                                                                                                          |
| VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                       | DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                         |                                                                     | TYPE:                                                                                                                                      |                                |                                                                                                                                                                                                                                                                                                                                                          |
| TWO-MAN YES <input type="checkbox"/>                                                              |                       | ONE-MAN YES <input type="checkbox"/>                                                               |                                                                     | DETECTIVE/PLAINT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/> |                                |                                                                                                                                                                                                                                                                                                                                                          |
| SUSPECT                                                                                           |                       | NAME (LAST, FIRST, MIDDLE)<br>MACK, LEMAR                                                          |                                                                     | RACE<br>B                                                                                                                                  | SEX<br>M                       | AGE<br>45                                                                                                                                                                                                                                                                                                                                                |
| RUNAWAY                                                                                           |                       | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.                       |                                                                     | ETH.<br>U                                                                                                                                  | WEIGHT<br>170                  | HAIR<br>BLK                                                                                                                                                                                                                                                                                                                                              |
| WANTED                                                                                            |                       | DAYTIME PHONE<br>843-442-5331                                                                      |                                                                     | ETH.<br>U                                                                                                                                  | WEIGHT<br>170                  | HAIR<br>BLK                                                                                                                                                                                                                                                                                                                                              |
| WARRANT                                                                                           |                       | EVENING PHONE<br>843-478-7118                                                                      |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| ARREST                                                                                            |                       | ADDRESS                                                                                            |                                                                     | CITY                                                                                                                                       | STATE                          | ZIP CODE                                                                                                                                                                                                                                                                                                                                                 |
| JAIL                                                                                              |                       |                                                                                                    |                                                                     |                                                                                                                                            |                                |                                                                                                                                                                                                                                                                                                                                                          |
| SURRENDER                                                                                         |                       | SUBJECTING: 1) USING: ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                     | ARRESTED IN/AR OFFENSE SCENE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                          |                                | DATE/TIME OF OFFENSE                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                   |                       | DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                         |                                                                     | TOTAL # ARRESTED                                                                                                                           |                                | DATE/TIME OF ARREST                                                                                                                                                                                                                                                                                                                                      |

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Narrative Title: SUPPLEMENT//STURKIE, J.  
Date Entered: 04/10/2007 9:51:30 PM

ON APRIL 10 2007 AT 1751HRS. NORTH CHARLESTON WERE DISPATCHING A CALL FOR AN UNKNOWN SITUATION AT CAROLINA FLORISTS. AT THIS SAME TIME, DET. STURKIE WAS APPROACHING THE SCENE AND OBSERVED THE VICTIM STANDING OUTSIDE THE BUSINESS WHILE BAREFOOTED AND WEARING ONLY HER BLUE JEANS AND A BRA. THE VICTIM WAS BLEEDING FROM THE LEFT SIDE OF HER HEAD AND HER LEFT EYE WAS COMPLETELY SWOLLEN SHUT. THE VICTIM WAS BRUISED ON HER ARMS

|                                                                                                                                                                                                                                                                                 |             |                                                                                          |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------|-------------------|
| JURISDICTION OF THEFT<br>LAW ENFORCEMENT AGENCY<br>SC0100300                                                                                                                                                                                                                    |             | JURISDICTION OF RECOVERY<br>LAW ENFORCEMENT AGENCY                                       |                   |
| TYPE (GROUP)                                                                                                                                                                                                                                                                    | AUTOMOBILE  | DRUGS/NARCOTICS                                                                          | TOTAL VALUE       |
| STOLEN                                                                                                                                                                                                                                                                          | \$19,700.00 | \$0.00                                                                                   | \$19,700.00       |
| DAMAGED                                                                                                                                                                                                                                                                         |             |                                                                                          |                   |
| BURNED                                                                                                                                                                                                                                                                          |             |                                                                                          |                   |
| RECOVERED                                                                                                                                                                                                                                                                       |             |                                                                                          |                   |
| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                       |             | SUBJECT LOCATED<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |                   |
| ACTIVE <input type="checkbox"/> ADM. CUSTOD <input type="checkbox"/> UNFORWARDED <input type="checkbox"/>                                                                                                                                                                       |             | ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER <input type="checkbox"/> |                   |
| EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER <input type="checkbox"/>                                                                                                                                                                                        |             |                                                                                          |                   |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINE COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY |             |                                                                                          |                   |
| REPORTING OFFICER(S)                                                                                                                                                                                                                                                            | DATE        | UNIT NUMBER                                                                              | APPROVING OFFICER |
| WARE, CHRISTOPHER PATRICK                                                                                                                                                                                                                                                       | 04/10/2007  | 253                                                                                      | DARRYL HOUSTON    |
| STURKIE, JAMES W.                                                                                                                                                                                                                                                               | 04/10/2007  | 180                                                                                      |                   |
| FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                     |             | OFFICER                                                                                  |                   |

EXHIBIT  
10  
APPI. conf

AGENCY: NORTH CHARLESTON POLICE DEPARTMENT  
Jurisdiction: SC0100800  
Report Date / Time: 04/10/2007 5:50:24 PM  
Incident/Case Number: 2007016064  
Case Description: CAD Entry, C8 - ASSAULT  
Primary Officer Name/ID: WARE, CHRISTOPHER PATRICK/253  
Approved By: DARRYL HOUSTON  
Date/Time Printed: 04/10/2007 11:28:52 PM

## Narrative: Page 2

AND HER SHIRT WAS RIPPED AND HANGING FROM HER BODY. EMS WAS REQUESTED AS WELL AS A SUPERVISOR. THE VICTIM ADVISED THIS OFFICER THAT SHE HAD ENTERED THE BUSINESS AROUND 1710HRS TO MAKE A PURCHASE. THE VICTIM FURTHER STATED THAT WHEN SHE ENTERED, A BLACK MALE SUBJECT WEARING A RED SHIRT AND BLACK SHORTS WAS STANDING ON THE SECOND FLOOR BALCONY AND TOLD HER HE WOULD BE WITH HER MOMENTARILY. THE VICTIM STATED THAT THE SUBJECT CAME DOWN STAIRS AND ASKED HOW HE COULD HELP. WHEN SHE ASKED FOR A CORSAGE, THE VICTIM STATED THAT THE SUBJECT POINTED TOWARDS A BOOK AND TOLD HER IT WAS INSIDE THE BOOK. AS THE VICTIM BEGAN LOOKING THROUGH THE BOOK, SHE STATED THAT THE SUBJECT GRABBED HER SHOWED HER AN 8-10 INCH KNIFE AND TOLD HER TO GO WITH HIM TO THE BACK ROOM. THE VICTIM STATED THAT SHE OFFERED HIM HER PURSE AND TRIED TO GET AWAY FROM THE SUBJECT WHO WAS TRYING TO DRAG HER TOWARDS THE COOLER AREA BEHIND THE CASH REGISTER. THE VICTIM STATED THAT SHE THEN BEGAN TO FIGHT WITH THE SUBJECT AS HE TRIED TO DRAG HER TO THE BACK. THE VICTIM STATED THAT HE THEN BEGAN CHOKING HER UNTIL SHE BLACKED OUT. THE SUSPECT THEN TOOK HER UPSTAIRS WHERE THE FIGHT CONTINUED. AS THE VICTIM ATTEMPTED TO RUN AWAY TO THE BATHROOM, SHE WAS ABLE TO KNOCK THE SCREEN OUT BEFORE THE SUBJECT GRABBED HER FROM BEHIND. THE VICTIM STATES THAT THE SUSPECT WAS TELLING HER TO GIVE HIM THE CORRECT P.I.N. NUMBER TO HER ATM CARD. THE VICTIM STATED THAT THE SUSPECT THEN USED KEYS FROM HIS POCKET TO OPEN A CLOSET LOCATED NEXT TO THE BATHROOM UPSTAIRS. THE VICTIM STATED THAT WHEN THE SUBJECT OPENED THE DOOR, THERE WAS A CHAIR LOCATED IN THE CLOSET THAT HAD ROPE ALREADY ATTACHED TO IT AS IF IT WAS USED TO TIE SOMEONE DOWN. AFTER TYING HER TO THE CHAIR, THE VICTIM STATED THAT HE LOCKED HER IN THE CLOSET. AS SHE BEGAN MOVING AROUND IN THE CLOSET TRYING TO FREE HERSELF, THE VICTIM STATED THAT THE SUBJECT TOLD HER THAT HE COULD HEAR HER MOVING AROUND AND IT WAS MAKING HIM MAD. THE VICTIM STATED THAT THE SUBJECT THEN TOOK HER OUT THE CLOSET AND BEGAN HITTING AND KICKING HER BEFORE HE PLACED HER BACK IN THE CLOSET. THE VICTIM STATED THAT WHEN SHE NO LONGER HEARD THE SUBJECT, SHE ATTEMPTED TO OPEN THE DOOR, WHICH WAS STILL LOCKED. THE VICTIM STATED THAT SHE THEN CLIMBED THROUGH THE CEILING TILE AND FELL THROUGH INTO THE BATHROOM WHERE SHE WAS ABLE TO EXIT. THE VICTIM STATED THAT SHE ATTEMPTED TO CALL 911 FROM THE FAX MACHINE UPSTAIRS BUT WAS UNABLE TO. THE VICTIM STATED THAT SHE WENT DOWNSTAIRS AND CALLED 911 BEFORE TRYING TO BREAK THE WINDOW TO EXIT THE BUSINESS, WHICH WAS LOCKED. THE VICTIM BROKE THE WINDOW OUT AND EXITED AS THIS OFFICER WAS PULLING UP TO THE BUSINESS. THE VICTIM ADVISED THAT HER 2002 LEXUS LS300 WAS MISSING. THE VICTIM FURTHER DESCRIBED THE SUSPECT AS A BLACK MALE, APPROXIMATELY 40 YEARS OLD WEARING A RED SHIRT, BLACK SHORTS AND WITH CROSSED EYES.

THE OWNER OF THE BUILDING WAS ON SCENE AND ADVISED THAT HE CONTACTED THE OWNER OF THE BUSINESS. THE OWNER OF THE BUSINESS ADVISED THAT HER HUSBAND LIVED AT THE BUSINESS AND THE DESCRIPTION SHE PROVIDED MATCHED THAT OF THE VICTIM.



# INCIDENT REPORT

NCI C

|           |            |
|-----------|------------|
| IND,<br>N | ENTO,<br>N |
|-----------|------------|

SV EXHIBIT  
11  
Applicant

**SUPPLEMENTAL INCIDENT REPORT**

NGXC

|      |       |
|------|-------|
| INO. | ENTO. |
| N    | N     |

7064

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

200609033674

NCIC

NO. ENTD.  
N N

|                                            |                                                         |                                               |                                                        |
|--------------------------------------------|---------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> ORIGINAL REPORT   | <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT | <input type="checkbox"/> ADDITIONAL VICTIMS   | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY    |
| <input type="checkbox"/> MODIFIES ORIGINAL | <input type="checkbox"/> CASE STATUS CHANGE             | <input type="checkbox"/> ADDITIONAL OFFENDERS | <input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY |

PAGE 1 of 1 PAGES.

Investigator: Muckelvaney (55690)

Reference: MURDER

ASSAULT AND BATTERY WITH INTENT TO KILL

VICTIM: BIRCH, SHIRLEY

BIRCH, SHERISSE D.

SUSPECT: BROUGHTON, COLIN JAMES

LOCATION: 1

ON 09/18/2006 AT 09:28 AM, THIS INVESTIGATOR RESPONDED TO 1042 BALDWIN CORNER ROAD IN REFERENCE TO A HOMICIDE AND ASSAULT AND BATTERY WITH INTENT TO KILL. UPON ARRIVAL, THIS INVESTIGATOR OBSERVED SEVERAL SHERIFFS OFFICE PERSONNEL AT THE SCENE. THE SCENE HAD BEEN TAPED OFF AND THE CRIME SCENE INVESTIGATOR WAS EN ROUTE. THIS INVESTIGATOR WAS ADVISED THAT PATROL UNITS HAD ENTERED THE RESIDENCE, OBSERVING ONE FEMALE VICTIM (BIRCH-SHIRLEY MAE) LYING FACE DOWN AND UNRESPONSIVE. ANOTHER FEMALE VICTIM (BIRCH-SHERISSE D.) WAS INJURED, BUT STILL CONSCIOUS IN A FORWARD BEDROOM. THIS INVESTIGATOR WAS THEN ADVISED THAT PRIOR TO MY ARRIVAL, THAT EMS ARRIVED ON SCENE, PRONOUNCED SHIRLEY BIRCH AND HAD TRANSPORTED SHERISSE D. BIRCH TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA. LOOKING AT THE RESIDENCE, A WINDOW AT THE FRONT OF THE RESIDENCE WAS OBSERVED OPEN, WITH THE SCREEN LYING ON THE GROUND AGAINST THE MOBILE HOME.

THIS INVESTIGATOR THEN OBSERVED A MEAT CLEAVER, A LARGE SPOON AND A BUTTER KNIFE SITTING ON THE GROUND, NEXT TO THE SCREEN. I THEN WENT OUT TO THE ROADWAY IN FRONT OF THE RESIDENCE IN AN ATTEMPT TO LOCATE ANYONE WITH PERTINANT INFORMATION TO THIS CASE. I WAS DIRECTED TO THE DECEASED SISTER (BROUGHTON, ANTIONETTE) WHO STATED THAT SHE WAS THE LAST INDIVIDUAL TO SPEAK TO SHIRLEY BIRCH. A. BROUGHTON STATED THAT SHIRLEY BIRCH USUALLY COMES BY HER RESIDENCE EACH DAY PRIOR TO HER GOING TO WORK AT AN UNKNOWN ASSISTED LIVING HOME IN MOUNT PLEASANT AND SHE ALWAYS CALLS IF SHE IS NOT. SHE STATED THAT ON 09/17/2006 SHE SPOKE TO SHIRLEY BROUGHTON AROUND 13:00 PM ABOUT HER NOT GOING TO CHURCH. SHE STATED THAT THE CONVERSATION WAS CIVIL, WITH NO PROBLEMS BEING DISCUSSED OR NOTED. A. BROUGHTON THEN STATED THAT AROUND 13:40 PM, SHIRLEY BIRCH CAME BY THE RESIDENCE, WITH NORMAL CONVERSATION AND LEFT AROUND 14:00 PM TO GO TO WORK.

ON THIS MORNING, SHE STATED THAT SHE WAS BRINGING HER MOTHER TO ANOTHER FAMILY MEMBERS HOUSE, DUE TO HER MOTHER HAVING PHYSICAL AILMENTS, AND OBSERVED EMS PULLING ONTO HER STREET. SHE THEN STATED THAT SHE WAS LATER TOLD THAT VICTIM SHERISSE D. BIRCH'S BOYFRIEND DONNELL WASHINGTON HAD CALLED 911 IN

|                                                                                           |                                                                                        |                                                                                                                       |                                                                                                        |                                                                                             |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ ARREST - NO CUSTODY

|                      |      |             |                   |      |             |
|----------------------|------|-------------|-------------------|------|-------------|
| REPORTING OFFICER(S) | DATE | UNIT NUMBER | APPROVING OFFICER | DATE | UNIT NUMBER |
|----------------------|------|-------------|-------------------|------|-------------|

MUCKELVANEY, PHILLIP

09/19/06

FOLLOW UP INVESTIGATION ☐ YES ☒ NO OFFICER

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

200609033674

NCIC

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☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIM ☐ ADDITIONAL STOLEN PROPERTY  
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY  
PAGE 2 OF 2 PAGES

REFERENCE TO THE INCIDENT AT THE LOCATION. THIS INVESTIGATOR THEN ASKED HER IF ANYTHING SUSPICIOUS HAD HAPPENED AT HER RESIDENCE, WITH HER STATING THAT SHE SMOKED A CIGARETTE AROUND 22:15 09/17/2006 AND THIS MORNING SHE WALKED OUT ONTO HER PORCH TO SMOKE A CIGARETTE AND OBSERVED A 5 INCH STRAIGHT CUT( UP AND DOWN) IN THE SCREEN DOOR. SHE STATED THAT THIS CUT WAS WHERE THE LOCK ON THE SCREEN DOOR. NO INFORMATION ABOUT WHETHER THE DOOR WAS STILL LOCKED THIS MORNING OR NOT WAS AVAILABLE. DUE TO NO OTHER INDIVIDUALS HAVING INFORMATION, THIS INVESTIGATOR RESPONDED BACK TO THE INCIDENT LOCATION. CRIME SCENE ARRIVED ON SCENE AND BEGAN PROCESSING THE SCENE. I WAS THEN ADVISED THAT A GREEN IN COLOR TOYOTA CAMERY, BELONGING TO VICTIM SHIRLEY BIRCH WAS MISSING FROM THE SCENE. THIS INVESTIGATOR WAS ADVISED THAT THE VEHICLE HAD BEEN ENTERED INTO NCIC.

WHILE CRIME SCENE WAS PROCESSING, THIS INVESTIGATOR WAS ADVISED TO QUESTION ANTIONETTE BROUGHTON AGAIN, IN REFERENCE TO A FAMILY MEMBER (COLIN JAMES BROUGHTON) STEALING HER VEHICLE EARLIER THIS YEAR (200807024196). THIS INVESTIGATOR SPOKE TO A. BROUGHTON (1052 BALDWIN CORNER RD), WHO STATED THAT ON 07/10/2006 SHE WENT OUT ONTO THE FRONT PORCH OF HER RESIDENCE AND OBSERVED HER VEHICLE MISSING. SHE STATED THAT THE NIGHT BEFORE, SHE HAD GONE TO A FAMILY MEMBERS RESIDENCE AND OBSERVED JENNIFER AND ALLEN BROUGHTON AT THE RESIDENCE. SHE STATED THAT COLIN JAMES BROUGHTON HAD USED HIS VEHICLE WITHOUT THE CONSENT OF HIS PARENTS AND HAD RUN INTO THE WOODED AREA, WITH AN UNKNOWN FRIEND, BEHIND THE FAMILY MEMBERS RESIDENCE TO GET AWAY FROM THE PARENTS. AN ARGUMENT ENSUED, WITH THE FRIEND LEAVING WITH ANOTHER PARTY. SHE THEN STATED THAT LATER THIS EVENING, SHE BELIEVED THAT HER SON CAME HOME AND FORGOT TO LOCK THE FRONT DOOR. SHE STATES THAT SHE OBSERVED HER KEYS MISSING FROM THE KITCHEN TABLE WHERE SHE LEFT THEM.

LATER THE SAME DAY, SHE STATED THAT SHE SPOKE TO HER BROTHER, WHO WAS SUSPICIOUS THAT C. BROUGHTON MIGHT HAVE TAKEN THE VEHICLE. ALLEN BROUGHTON THEN CALLED FAMILY IN THE SNOWDEN COMMUNITY (MOUNT PLEASANT) WHO WERE ABLE TO LOCATE C. BROUGHTON IN THE PARKING LOT OF THE FOOD LION (LONG POINT RD). UPON CONFRONTING C. BROUGHTON, SHE STATED THAT HE GAVE THE KEYS TO A FAMILY MEMBER, WHO WAS ABLE TO LOCATE THE VEHICLE OFF OF EGYPT RD. (MOUNT PLEASANT). A. BROUGHTON STATED THAT SHE DID NOT PURSUE CHARGES IN THIS INCIDENT, DUE TO HIM BEING FAMILY. SHE COULD PROVIDE NO OTHER INFORMATION ON C. BROUGHTON. THIS INVESTIGATOR THEN RESPONDED BACK TO THE SCENE. ONCE AT THE SCENE, I OBSERVED CRIME SCENE STILL PROCESSING THE SCENE. UPON WALKING UP TO THE OPEN FRONT DOOR, I OBSERVED A BURNT CIGARETTE SITTING ON A CENTER PIECE OF CARPET IN THE LIVING ROOM, ALONG WITH AN OPEN RED BOTTLE OF STP FUEL TREATMENT. A STRONG ODOR OF THE FUMES FROM THE FUEL TREATMENT WAS SMELLED COMING FROM INSIDE THE RESIDENCE.

SUBJECT IDENTIFIED  
☒ YES ☐ NO

SUBJECT LOCATED  
☒ YES ☐ NO

☒ ACTIVE ☐ ADJ. CLOSED  
☐ UNFOUNDED

☐ ARRESTED UNDER 16  
☒ ARRESTED 16 AND OVER

☐ EX-CLEAR UNDER 16  
☐ EX-CLEAR 16 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE (NO CUSTODY)

REPORTING OFFICER(S)  
MUCKELVANEY, PHILLIP

DATE  
09/19/06

UNIT NUMBER

APPROVING OFFICER

UNIT NUMBER

FOLLOW-UP INVESTIGATION ☐ YES ☒ NO OFFICER

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

200609033674

NO.

ENTD.  
N N

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY  
☐ MODIFIED ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

PAGE 3 OF 4 PAGES

IN AN ATTEMPT TO LOCATE C. BROUGHTON, I RESPONDED TO THE MOUNT PLEASANT POLICE DEPARTMENT TO RETRIEVE A CURRENT PHOTO OF C. BROUGHTON FROM A RECENT ARREST. WHILE EN ROUTE TO THE DEPARTMENT, I DROVE THROUGH THE SNOWDEN COMMUNITY IN AN ATTEMPT TO LOCATE THE MISSING TOYOTA CAMERY WITH NEGATIVE RESULTS. AS I WAS DRIVING DOWN MATHIS FERRY ROAD, I OBSERVED OAKDALE HEIGHTS SENIOR LIVING. I THEN TELEPHONED THEM, WITH THEM STATING THAT SHIRLEY BIRCH DID WORK AT THIS BUSINESS AND THAT SHE CLOCKED OUT AT EXACTLY 23:00 PM. I SPOKE TO HUMAN RESOURCE SUPERVISOR MICHELLE NELSON WHO STATED THAT SHE DID NOT KNOW OF ANY PROBLEMS THAT SHIRLEY BIRCH WAS HAVING WITH ANYONE. ONCE AT THE MOUNT PLEASANT POLICE DEPARTMENT, I MET WITH INVESTIGATOR TYRONE SIMMONS WHO PROVIDED ME WITH A CURRENT PHOTO AND A PHOTO LINE UP USED IN THEIR PRIOR ARREST. CAPT. R. OLLIC THEN TELEPHONED ME AND STATED THAT THEY HAD LOCATED THE MISSING VEHICLE WITH A DRIVER IN THE AREA OF RENOLDS AVE ((NORTH CHARLESTON) AND TO GET THE PHOTO LINE UP TO THE INVESTIGATORS ON SCENE. I THEN RESPONDED TO THE SCENE, HANDING INVESTIGATOR F. DRENNON THE LINE UP.

THE SUBJECT BEING DETAINED STATED THAT HE HAD RENTED THE VEHICLE FROM A BLACK MALE FOR 20.00. WHEN HE WAS PROVIDED WITH THE PHOTO LINE UP, HE POINTED OUT C. BROUGHTON AS THE BLACK MALE. HE THEN CIRCLED AND SIGNED HIS CHOICE. HE ALSO PROVIDED INVESTIGATORS WITH AN EXACT LOCATION (3336 KRAFT AVE UNIT B, NORTH CHARLESTON) OF C. BROUGHTON. INVESTIGATORS ALONG WITH NORTH CHARLESTON POLICE OFFICERS RESPONDED TO THE AREA AND LOCATED C. BROUGHTON, TAKING HIM INTO CUSTODY AND TRANSPORTING HIM TO THE BERKELEY COUNTY SHERIFFS OFFICE. THIS INVESTIGATOR THEN RESPONDED TO THE KRAFT AVE LOCATION. UPON ARRIVAL, I OBSERVED SEVERAL NORTH CHARLESTON OFFICERS STILL ON SCENE ALONG WITH BERKELEY COUNTY NARCOTICS PERSONNEL. INVESTIGATOR MURPHY WAS WALKING AROUND THE OUTSIDE AREA AND LOCATED (IN PLAIN VIEW) A CLAW HAMMER, TWO UNUSED CONDOMS AND A PAIR OF SHOES NEXT TO 3336 KRAFT AVE. THESE ITEMS WERE RETRIEVED BY NORTH CHARLESTON CRIME SCENE OFFICER CPL. ANDREW COKER AND RELEASED TO THIS INVESTIGATOR. I THEN SPOKE TO LT M. MASON WHO, AFTER BEING GIVEN SPECIFIC INFORMATION, COMPLETED A SEARCH WARRANT FOR 3336 KRAFT AVE, NORTH CHARLESTON.

I WAS THEN INSTRUCTED BY MASON TO RESPOND TO THE NORTH CHARLESTON POLICE DEPARTMENT TO RETRIEVE A SEARCH WARRANT (SENT VIA EMAIL) FOR THE RESIDENCE. I RETRIEVED THE SEARCH WARRANT, HAVING IT SIGNED BY CHARLESTON COUNTY JUDGE GOSNELL AND RETURNING TO THE RESIDENCE. UPON ARRIVAL, INVESTIGATOR MURPHY, NORTH CHARLESTON CRIME SCENE OFFICERS SCOTT WYANT, ANDREW COKER AND THIS INVESTIGATOR CONDUCTED A SEARCH OF THE RESIDENCE. DURING THIS SEARCH, WYANT AND COKER LOCATED IN THE BATHROOM, SOME BLOOD TRACES ON THE FLOOR, TRACES ON THE SINK AND A WET WASH RAG WITH BLOOD TRACE. THE TRACES WERE SWABBED

|                |                                                                                                                                                                                                                                                                                  |  |                                                                                        |  |                                                                                                                       |  |                                                                                                        |  |                                                                                             |  |
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| ADMINISTRATIVE | SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                        |  | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |  | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER |  | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |  |
|                | REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY |  |                                                                                        |  | REPORTING OFFICER(S)                                                                                                  |  | DATE                                                                                                   |  | UNIT NUMBER                                                                                 |  |
|                | MUCKELVANEY, PHILLIP                                                                                                                                                                                                                                                             |  |                                                                                        |  | 09/19/06                                                                                                              |  |                                                                                                        |  |                                                                                             |  |
|                |                                                                                                                                                                                                                                                                                  |  |                                                                                        |  |                                                                                                                       |  | FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO            |  | OFFICER                                                                                     |  |

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

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HCIC

INQ. ENTD  
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☐ ORIGINAL  
REPORT  
☐ MODIFIED  
ORIGINAL

☒ SUPPLEMENTAL  
REPORT  
☐ CASE STATUS  
CHANGE

☐ ADDITIONAL  
VICTIMS  
☐ ADDITIONAL  
OFFENDERS

☐ ADDITIONAL  
STOLEN PROPERTY  
☐ ADDITIONAL  
RECOVERED PROPERTY

PAGE 4 of \_\_\_\_\_ PAGES.

AND THE WASH RAG WAS PLACED INTO A PAPER BAG. ALSO INSIDE THE RESIDENCE WAS A CLAW HAMMER WHICH WAS ALSO PLACED INTO A PAPER BAG. A COPY OF THE SEARCH WARRANT WAS LEFT INSIDE THE RESIDENCE. INVESTIGATOR MURPHY THEN RESPONDED BACK TO JUDGE GOSNELLS OFFICE FOR HIM TO SIGN THE SEARCH WARRANT RELEASE. THIS INVESTIGATOR THEN RESPONDED TO THE BERKELEY COUNTY SHERIFFS OFFICE TO PLACE ALL ITEMS INTO EVIDENCE. ALL EVIDENCE SUBMISSION FORMS WERE COMPLETED AND THE ITEMS WERE RELEASED TO FORENSICS OFFICER TABITHA THOMAS.

NARRATIVE

Rule 5

|                |                                                                                                                                                                                                                                                                                      |  |                                                                                        |  |                                                                                                                       |  |                                                                                                        |  |                                                                                             |  |
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| ADMINISTRATIVE | SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                            |  | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |  | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER |  | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |  |
|                | REASON FOR EXCEPTIONAL CLEARANCE. 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY |  |                                                                                        |  |                                                                                                                       |  |                                                                                                        |  |                                                                                             |  |
|                | REPORTING OFFICER(S)<br>MUCKELVANEY, PHILLIP                                                                                                                                                                                                                                         |  | DATE<br>09/19/06                                                                       |  | UNIT<br>NUMBER                                                                                                        |  | APPROVING OFFICER                                                                                      |  | DATE<br>UNIT<br>NUMBER                                                                      |  |
|                | FOLLOW UP<br>INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OFFICER                                                                                                                                                                               |  |                                                                                        |  |                                                                                                                       |  |                                                                                                        |  |                                                                                             |  |

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

2 0 0 6 0 9 0 3 3 6 7 4

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| <input type="checkbox"/> ORIGINAL REPORT   | <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT | <input type="checkbox"/> ADDITIONAL VICTIMS   | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY    | PAGE 15 of _____ PAGES. |
| <input type="checkbox"/> MODIFIES ORIGINAL | <input type="checkbox"/> CASE STATUS CHANGE             | <input type="checkbox"/> ADDITIONAL OFFENDERS | <input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY |                         |

Reference: Homicide, ABWIK and CSC

Victim: Birch, Shirley

Victim: Birch, Sherisse D.

Location:

On 09-18-2006 I (Det. Merrithew) responded to the above address in reference to a Homicide and a Sexual Assault. Upon arrival I made contact with witness Donnell M. Washington II. Mr. Washington told me he called 911 about this incident at the request of Sherisse Birch. I asked Mr. Washington to provide us with a written statement reference to any information that he may have. Mr. Washington agreed and provided us with a written statement.

The following is a brief synopsis of Mr. Washington statement both written and verbal:

I have lived in South Carolina all of my life. I work for Charleston Freight Company. I have worked there for over 8 years; I am a supervisor there. In 1997, I met Sherisse Birch & Shirley Birch. They had just moved down here from New York. Sherisse and I have dated off and on from 1997 until the present. Sherisse very busy, but I talk to her three or four times a week. Sherisse works for The South Carolina Department Of Social Services in Charleston County. She also goes to Webster University & has an Internship with the Crisis Ministries in Charleston. On Saturday night Sherisse went to the South Carolina State football game in Charleston. Sherisse like to eat at Apple Bees in N. Charleston, she may have went there too. She got to my house after midnight on Sunday morning. She got up about 0600 hours and went home. I had my child by another woman on Sunday, so I did not talk with Sherisse again until this morning (Monday 09-18-2006). She called me from her cell phone around 0900 hours. She said that she was bleeding and could not get up. She asked me to call 911 for help. I asked her what was wrong and she answered, "I am bleeding". I hung up and called 911. After talking with the 911 operators, I called Sherisse back. Again I asked her what was wrong? She told me she was bleeding and her mother was on the floor. I could tell something was wrong, because she was a confused and just repeating things over and over. I hung up and told my boss I had to leave. I tried to call Sherisse on my way over here, but got no answer. When I got here Sherisse's aunt Juanita met me at the head of the road and told no one could go down to the house until the police get there. I pulled my vehicle over to the side of the road and waited until I could talk with the police. While giving this statement I noticed Sherisse's 1997 or 99 Toyota Camry was missing from their yard. It is a green in color, four doors, with tinted windows. Shirley drives the Camry most of the time. I have never known Sherisse to loan her car to anyone. Shirley is the only person who drives it. I don't know where Shirley works, and I have never known her to have a boyfriend. Sherisse and her mother have family here and they are the people, I have known them to hang out with. I don't know anyone who had a problem with them. Sherisse has a Version phone #843-817-3670, that the one she called me from today. In July of 2005, Sherisse and Ms. Khsandra Rouse got into an argument. Ms. Rouse is the mother of my child. Ms. Rouse and Sherisse have not had any problems since that time. Ms. Rouse phone #843-330-5580, she lives in downtown Charleston, but I don't know her address. Ms. Rouse is 28 years old, but I don't think she would anything to do with what happened here. I don't know what happened here, or who did it, but I will help the police anyway I can.

NARRATIVE

ADMINISTRATIVE

|                                                                                                                                                                                                                                   |          |                                                                                        |                                                                                             |                                                                                                                       |                                                                                                        |                                                                                             |
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| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                         |          | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |                                                                                             | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ARRESTED UNDER 19<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH, 2. <input type="checkbox"/> NO PROSECUTION, 3. <input type="checkbox"/> EXTRADITION DENIED, 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION |          |                                                                                        |                                                                                             |                                                                                                                       |                                                                                                        |                                                                                             |
| REPORTING OFFICER(S)                                                                                                                                                                                                              | DATE     | UNIT NUMBER                                                                            | APPROVING OFFICER                                                                           |                                                                                                                       |                                                                                                        |                                                                                             |
| MERRITHEW, GERALD                                                                                                                                                                                                                 | 09/19/06 |                                                                                        | ALTERI, GENO                                                                                |                                                                                                                       |                                                                                                        |                                                                                             |
|                                                                                                                                                                                                                                   |          |                                                                                        | FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                                                                       | OFFICER                                                                                                | UNIT NUMBER<br>61                                                                           |

AGENCY I.D.  
SC0080000

SUPPLEMENTARY REPORT

CASE NUMBER

2 0 0 6 0 9 0 3 3 6 7 4

NOIO

NO. ENTD.  
N N

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY  
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PAGE 16 of PAGES.

Next, I assisted with the execution of a search warrant at #119 Sykes Lane Huger SC 29450. There, I discovered a copy of a book about serial killer Pee Wee Gaskins on a couch in Collin's bedroom. I found no other items during the search.

Suspect: Broughton, Collin James, B/M, 22, N. [redacted] K/Bro, [redacted]

Witness: Washington, - Donell M. II, B/M, [redacted] 280, Blk/Bro [redacted]

Status: Cleared by arrest.

NARRATIVE

Rule 5

|                |                                                                                                                                                                                                                                                                                      |  |                                                                                        |             |                                                                                                                       |  |                                                                                                        |      |                                                                                             |  |
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| ADMINISTRATIVE | SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                            |  | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |             | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER |      | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |  |
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|                | REPORTING OFFICER(S)                                                                                                                                                                                                                                                                 |  | DATE                                                                                   | UNIT NUMBER | APPROVING OFFICER                                                                                                     |  |                                                                                                        | DATE | UNIT NUMBER                                                                                 |  |
|                | MERRITHEW, GERALD                                                                                                                                                                                                                                                                    |  | 09/19/06                                                                               |             | ALTERI, GENO                                                                                                          |  |                                                                                                        |      | 61                                                                                          |  |

FOLLOW UP INVESTIGATION ☐ YES ☒ NO



|                                                              |                                                                                                                                                                    | INCIDENT/INVESTIGATION<br>REPORT                                          |                                           |                                              |                                  | Cntrl/ 09-11299 |                      |            |                              |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------|----------------------------------|-----------------|----------------------|------------|------------------------------|
|                                                              |                                                                                                                                                                    | Agency Name<br>Charleston Police Department                               |                                           | Date / Time Reported<br>06/15/2009 13:00 Mon |                                  |                 |                      |            |                              |
| I<br>N<br>C<br>I<br>D<br>E<br>N<br>T<br><br>D<br>A<br>T<br>A | ORI<br>SC0100100                                                                                                                                                   |                                                                           | Last Known Secure<br>06/15/2009 13:00 Mon |                                              | At Found<br>06/15/2009 13:00 Mon |                 |                      |            |                              |
|                                                              | Location of Incident                                                                                                                                               |                                                                           | Premise Type<br>Residence/home            | Zone/Tract<br>221                            | Activity                         |                 |                      |            |                              |
|                                                              | #1                                                                                                                                                                 | Crime Incident(s)<br>Missing Person<br>979                                | (Com)                                     | Weapon / Tools                               | Entry                            | Exit            | Security             |            |                              |
|                                                              | #2                                                                                                                                                                 | Crime Incident                                                            | ( )                                       | Weapon / Tools                               | Entry                            | Exit            | Security             |            |                              |
|                                                              | #3                                                                                                                                                                 | Crime Incident                                                            | ( )                                       | Weapon / Tools                               | Entry                            | Exit            | Security             |            |                              |
| MO                                                           |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
| V<br>I<br>C<br>T<br>I<br>M                                   | # of Victims 1                                                                                                                                                     |                                                                           | Type: INDIVIDUAL/ NOT LAW                 |                                              | Injury:                          |                 |                      |            |                              |
|                                                              | V1                                                                                                                                                                 | Victim/Business Name (Last, First, Middle)<br>WARING, KATHERINE PERONNEAU |                                           | Victim of Crime #                            | Age 28                           | Sex F           |                      |            |                              |
|                                                              | Home Address                                                                                                                                                       |                                                                           | Home Phone                                |                                              |                                  |                 |                      |            |                              |
|                                                              | Employer Name/Address<br>(WRITER)                                                                                                                                  |                                                                           | Business Phone                            |                                              | Mobile Phone                     |                 |                      |            |                              |
|                                                              | VYR Make Model Style Color                                                                                                                                         |                                                                           | Lic/Lis                                   |                                              | VIN                              |                 |                      |            |                              |
| O<br>T<br>H<br>E<br>R<br>S                                   | CODES: V- Victim (Denote V2, V3) O= Owner (if other than victim) R= Reporting Person (if other than victim)                                                        |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              | Type: INDIVIDUAL/ NOT LAW ENFORCEMENT                                                                                                                              |                                                                           | Injury:                                   |                                              |                                  |                 |                      |            |                              |
|                                                              | Code                                                                                                                                                               | Name (Last, First, Middle)<br>WARING, THOMAS                              |                                           | Victim of Crime #                            | DOB                              | Sex M           |                      |            |                              |
|                                                              | CO                                                                                                                                                                 | Home Address                                                              |                                           | Home Phone                                   |                                  |                 |                      |            |                              |
|                                                              | Employer Name/Address<br>Moore & Van Allen, 40 Calhoun St (ATTORNEY)                                                                                               |                                                                           | Business Phone                            |                                              | Mobile Phone                     |                 |                      |            |                              |
| I<br>N<br>V<br>O<br>L<br>V<br>E<br>D                         | Type: INDIVIDUAL/ NOT LAW ENFORCEMENT                                                                                                                              |                                                                           | Injury:                                   |                                              |                                  |                 |                      |            |                              |
|                                                              | Code                                                                                                                                                               | Name (Last, First, Middle)<br>MACK, ETHAN                                 |                                           | Victim of Crime #                            | DOB                              | Sex M           |                      |            |                              |
|                                                              | OT                                                                                                                                                                 | Home Address                                                              |                                           | Home Phone<br>343-442-9479                   |                                  |                 |                      |            |                              |
|                                                              | Employer Name/Address<br>Holiday Inn, Folly Beach                                                                                                                  |                                                                           | Business Phone                            |                                              | Mobile Phone                     |                 |                      |            |                              |
|                                                              | 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown<br>("OJ" = Recovered for Other Jurisdiction) |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
| P<br>R<br>O<br>P<br>E<br>R<br>T<br>Y                         | V1                                                                                                                                                                 | Code                                                                      | Status                                    | Value                                        | OJ                               | QTY             | Property Description | Make/Model | Serial Number                |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
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|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
|                                                              |                                                                                                                                                                    |                                                                           |                                           |                                              |                                  |                 |                      |            |                              |
| Officer/ID#                                                  |                                                                                                                                                                    | ODELL, C. E. (PATL, TM2P) (1341)                                          |                                           |                                              |                                  |                 | Supervisor           |            | HURTEAU, T. J. (TM2P) (1035) |
| Invest ID#                                                   |                                                                                                                                                                    | STONE, K. S. (CENT, SYU) (1244)                                           |                                           |                                              |                                  |                 | Case Status          |            | Pending Active 06/15/2009    |
| Status                                                       | Complainant Signature                                                                                                                                              |                                                                           | Case Disposition:                         |                                              | Page 1                           |                 |                      |            |                              |

8V EXHIBIT  
 12  
 Applicant

## INCIDENT/INVESTIGATION REPORT

By: STONEK, PCID3779 10/07/2009 20:36

Charleston Police Department

Page 4

Case# 09-11299

| Status Codes              | 1 = None | 2 = Burned | 3 = Counterfeit / Forged | 4 = Damaged | 5 = Recovered | 6 = Seized | 7 = Stolen | 8 = Unknown |
|---------------------------|----------|------------|--------------------------|-------------|---------------|------------|------------|-------------|
| IBR                       |          |            |                          |             |               |            |            |             |
| Status                    |          |            |                          |             |               |            |            |             |
| Quantity                  |          |            |                          |             |               |            |            |             |
| Type Measure              |          |            |                          |             |               |            |            |             |
| Suspected Type            |          |            |                          |             |               |            |            |             |
| Up to 3 types of activity |          |            |                          |             |               |            |            |             |
| D                         |          |            |                          |             |               |            |            |             |
| R                         |          |            |                          |             |               |            |            |             |
| U                         |          |            |                          |             |               |            |            |             |
| G                         |          |            |                          |             |               |            |            |             |
| S                         |          |            |                          |             |               |            |            |             |

Assisting Officers

HURTEAU, T.J. (1035), THOM, J.D. (1484)

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 09-11299

Charleston Police Department

Page 4

## NARRATIVE

On 15 June 2009 at approximately 1300 hours R/O, Officer J. Thom and Cpl. Hurteau responded to 40 Calhoun Street in reference to a possible missing person. Upon arrival responding officers spoke with the complainant/victim's father, Thomas Waring (M, 03/15/44), who advised that he had not heard from or been able to reach his daughter since Friday 12 June 2009 at 1800 hours. The victim, Katherine Peronneau Waring (WF, 05/05/81), resides in her father's house located at 48 Murray Blvd. and according to her father speaks with her parents atleast once a day. The complainant has been repeatedly trying to reach the victim on her cell phone (843-991-9543), but he states that the phone now goes directly to voice mail. The complainant advised that the victim has a history of PTSD related to childhood molestation and does take medication for this condition (medication unknown). The complainant also advised the victim has an outstanding DUI with MPPD and currently takes a taxi everywhere she goes as she does not have a current DL. The complainant stated that the victim has been arrested previously for CDV and drug paraphernalia, though he believes that she is not a drug user. The complainant provided further background on the victim to include text messages she supposedly received within the past 2 weeks on her cell phone. Mr. Waring advised that his daughter told him that she received texts that stated, "If you caused this to happen you will be the first to die" and another that told her when she came home and what she was wearing to imply that someone was watching her. Mr. Waring stated that his daughter never said who sent her the messages. Mr. Waring is suspicious of a "friend" his daughter spends time with, Ethan Carlos Mack (DM, 12/15/75) and his girlfriend or possible wife Angelica Lopez (no other information on her). Mr. Waring stated that recently his daughter had indicated that she was afraid of Ethan and Angelica based on an incident that had occurred. Mr. Waring stated that his daughter would not tell him what had happened, but that it was obvious that Katherine was shaken up by it and was wanting to distance herself from them as a result. Ethan C. Mack (CDL 097683311) has an address in DMV of 1677 Pineland Drive on Johns Island. Charleston County Sheriff's office stopped by the Pineland Drive address earlier this morning (15 June 2009) and advised that no one was at that location. Neighbors stated that he lives with his mother at that address and that some one is usually home around 1700 hours. An NCIC check on Ethan C. Mack revealed that he has 2 drug convictions for PWID cocaine and simple possession marijuana, a shoplifting charge with NCPD, a receiving stolen goods with CPD, a grand larceny with CCSD, and a pending possession of a stolen firearm with CPD from 08/06/07. Mr. Waring also advised that he was notified by Bank of America (one of the locations on Folly Road) at approximately 1030 hours on 15 June 2009 that Ethan Carlos Mack attempted to cash one of Katherine's personal checks in the amount of \$4500.00. The bank declined to cash the check and Mr. Waring was advised by bank teller Linda Reed that Mack entered the bank alone and left in a silver in color chevy malibu with georgia tags (unknown exact tags). Mr. Waring was unable to provide information on whether or not there was anyone else in the malibu. Mr. Waring was issued an OCA and advised. Officer Odell contacted Investigator K. Stone with Missing Persons and advised her of the pending case. A missing person report was filed with the Identification Unit for NCIC entry. A BOLO was issued for the victim on all channels. Nothing further.

R5 SAW: 00683

INCIDENT REPORT

|                                                                                                                                                                                                                                                                                                                                    |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------|--|----------------------------------------------------------|--|----------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SC0100000                                                                                                                                                                                                                                                                                                                          |  | DISPATCH NUMBER<br>2010-001103                                      |  | ORIGINAL CASE NUMBER                                     |  | PAGE 1 OF 1 PAGES                                                                |  | SHERIFF<br>INC. ENT.                                                                                                                                                                                                                                                                                                                                                        |  |
|                                                                                                                                                                                                                                                                                                                                    |  | INCIDENT TYPE<br>1. Drug Investigation                              |  | INCIDENT CODE                                            |  | COMPLETED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |  | FORCED ENTRY<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                         |  |
| 2.                                                                                                                                                                                                                                                                                                                                 |  |                                                                     |  |                                                          |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO              |  | PREMISE TYPE<br>Business                                                                                                                                                                                                                                                                                                                                                    |  |
| 3.                                                                                                                                                                                                                                                                                                                                 |  |                                                                     |  |                                                          |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO              |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                         |  |
| INCIDENT LOCATION                                                                                                                                                                                                                                                                                                                  |  | 30                                                                  |  | ZIP CODE<br>29406                                        |  | WEAPON TYPE<br>None                                                              |  | TYPE VICTIM<br><input type="checkbox"/> INDIVIDUAL<br><input type="checkbox"/> BUSINESS<br><input type="checkbox"/> FUNDAMENTAL<br><input type="checkbox"/> GOVERNMENT<br><input type="checkbox"/> RELIG. ORG<br><input checked="" type="checkbox"/> SOC. PUB<br><input type="checkbox"/> OTHER<br><input type="checkbox"/> UNKNOWN<br><input type="checkbox"/> POLICE OFF. |  |
| BEGINNING INCIDENT DATE<br>01/21/10                                                                                                                                                                                                                                                                                                |  | 24 HRL. CLOCK<br>2300                                               |  | ENDING INCIDENT DATE<br>01/21/10                         |  | 24 HRL. CLOCK<br>2330                                                            |  | DISP. DATE<br>01/21/10                                                                                                                                                                                                                                                                                                                                                      |  |
|                                                                                                                                                                                                                                                                                                                                    |  |                                                                     |  |                                                          |  |                                                                                  |  | DISP. TIME<br>2300                                                                                                                                                                                                                                                                                                                                                          |  |
|                                                                                                                                                                                                                                                                                                                                    |  |                                                                     |  |                                                          |  |                                                                                  |  | TIME ARRIVED<br>2330                                                                                                                                                                                                                                                                                                                                                        |  |
|                                                                                                                                                                                                                                                                                                                                    |  |                                                                     |  |                                                          |  |                                                                                  |  | DEPART TIME<br>172F                                                                                                                                                                                                                                                                                                                                                         |  |
| NAME (LAST, FIRST, MIDDLE)<br>Charlesston County Sheriff's Office                                                                                                                                                                                                                                                                  |  | RELATIONSHIP TO SUBJECT                                             |  | RESIDENT                                                 |  | RACE                                                                             |  | SEX                                                                                                                                                                                                                                                                                                                                                                         |  |
| HEIGHT                                                                                                                                                                                                                                                                                                                             |  | WEIGHT                                                              |  | HAIR                                                     |  | EYES                                                                             |  | BLK                                                                                                                                                                                                                                                                                                                                                                         |  |
| FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC                                                                                                                                                                                                                                                        |  | DRIVERS LIC / ID & STATE                                            |  | SOCIAL SECURITY #                                        |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| ADDRESS #<br>8506                                                                                                                                                                                                                                                                                                                  |  | STREET NAME<br>PINE HAVEN DRIVE                                     |  | CITY<br>CHAS                                             |  | STATE<br>SC                                                                      |  | ZIP CODE<br>29405                                                                                                                                                                                                                                                                                                                                                           |  |
| OCCUPATION                                                                                                                                                                                                                                                                                                                         |  | EMPLOYER                                                            |  | ALIAS                                                    |  | NIC #                                                                            |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| NAME (LAST, FIRST, MIDDLE)<br>SOCIETY                                                                                                                                                                                                                                                                                              |  | RELATIONSHIP TO SUBJECT                                             |  | RESIDENT                                                 |  | RACE                                                                             |  | SEX                                                                                                                                                                                                                                                                                                                                                                         |  |
| HEIGHT                                                                                                                                                                                                                                                                                                                             |  | WEIGHT                                                              |  | HAIR                                                     |  | EYES                                                                             |  | BLK                                                                                                                                                                                                                                                                                                                                                                         |  |
| FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC                                                                                                                                                                                                                                                        |  | DRIVERS LIC / ID & STATE                                            |  | SOCIAL SECURITY #                                        |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| ADDRESS #                                                                                                                                                                                                                                                                                                                          |  | STREET NAME                                                         |  | CITY                                                     |  | STATE                                                                            |  | ZIP CODE                                                                                                                                                                                                                                                                                                                                                                    |  |
| DAY PHONE                                                                                                                                                                                                                                                                                                                          |  | EVENING PHONE                                                       |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| <input type="checkbox"/> VISIBLE INJURY                                                                                                                                                                                                                                                                                            |  | <input type="checkbox"/> NO <input type="checkbox"/> YES            |  | <input type="checkbox"/> COMPLAINT OF NON-ASSAULT INJURY |  | <input type="checkbox"/> NO <input type="checkbox"/> YES                         |  | <input type="checkbox"/> USING ALCOHOL                                                                                                                                                                                                                                                                                                                                      |  |
| <input type="checkbox"/> EXPLAIN                                                                                                                                                                                                                                                                                                   |  | <input type="checkbox"/> NO <input type="checkbox"/> YES            |  | <input type="checkbox"/> COMPLAINT OF NON-ASSAULT INJURY |  | <input type="checkbox"/> NO <input type="checkbox"/> YES                         |  | <input type="checkbox"/> USING ALCOHOL                                                                                                                                                                                                                                                                                                                                      |  |
| OCCUPATION                                                                                                                                                                                                                                                                                                                         |  | EMPLOYER                                                            |  | ALIAS                                                    |  | NIC #                                                                            |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| <input type="checkbox"/> COMPLAINT                                                                                                                                                                                                                                                                                                 |  | <input type="checkbox"/> VICTIM #                                   |  | <input type="checkbox"/> SUSPECT #                       |  | <input type="checkbox"/> SUBJECT #                                               |  | <input type="checkbox"/> WITNESS #                                                                                                                                                                                                                                                                                                                                          |  |
| <input type="checkbox"/> WANTED                                                                                                                                                                                                                                                                                                    |  | <input type="checkbox"/> WARRANT                                    |  | <input type="checkbox"/> ARREST                          |  | <input type="checkbox"/> RUNAWAY                                                 |  | <input type="checkbox"/> MISSING PERSON                                                                                                                                                                                                                                                                                                                                     |  |
| NAME (LAST, FIRST, MIDDLE)<br>PENDING                                                                                                                                                                                                                                                                                              |  | RELATIONSHIP TO SUBJECT                                             |  | RESIDENT                                                 |  | RACE                                                                             |  | SEX                                                                                                                                                                                                                                                                                                                                                                         |  |
| HEIGHT                                                                                                                                                                                                                                                                                                                             |  | WEIGHT                                                              |  | HAIR                                                     |  | EYES                                                                             |  | BLK                                                                                                                                                                                                                                                                                                                                                                         |  |
| FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC                                                                                                                                                                                                                                                        |  | DRIVERS LIC / ID & STATE                                            |  | SOCIAL SECURITY #                                        |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| ADDRESS #                                                                                                                                                                                                                                                                                                                          |  | STREET NAME                                                         |  | CITY                                                     |  | STATE                                                                            |  | ZIP CODE                                                                                                                                                                                                                                                                                                                                                                    |  |
| DAY PHONE                                                                                                                                                                                                                                                                                                                          |  | EVENING PHONE                                                       |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| <input type="checkbox"/> VISIBLE INJURY                                                                                                                                                                                                                                                                                            |  | <input type="checkbox"/> NO <input type="checkbox"/> YES            |  | <input type="checkbox"/> COMPLAINT OF NON-ASSAULT INJURY |  | <input type="checkbox"/> NO <input type="checkbox"/> YES                         |  | <input type="checkbox"/> USING ALCOHOL                                                                                                                                                                                                                                                                                                                                      |  |
| <input type="checkbox"/> EXPLAIN                                                                                                                                                                                                                                                                                                   |  | <input type="checkbox"/> NO <input type="checkbox"/> YES            |  | <input type="checkbox"/> COMPLAINT OF NON-ASSAULT INJURY |  | <input type="checkbox"/> NO <input type="checkbox"/> YES                         |  | <input type="checkbox"/> USING ALCOHOL                                                                                                                                                                                                                                                                                                                                      |  |
| OCCUPATION                                                                                                                                                                                                                                                                                                                         |  | EMPLOYER                                                            |  | ALIAS                                                    |  | NIC #                                                                            |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| (A) CHARGE                                                                                                                                                                                                                                                                                                                         |  | (B) CHARGE                                                          |  | (C) CHARGE                                               |  | (D) CHARGE                                                                       |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| (E) CHARGE                                                                                                                                                                                                                                                                                                                         |  | (F) CHARGE                                                          |  | (G) CHARGE                                               |  | (H) CHARGE                                                                       |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| <p>NORTH CHARLESTON- On above date and time, Charleston County Metro Major Case Unit Detectives Initiated a drug investigation. The case is active and ongoing.</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>8V EXHIBIT</p> <p>13</p> <p>5/12/16</p> <p>Applicant</p> </div> |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| TYPE (GROUP)                                                                                                                                                                                                                                                                                                                       |  |                                                                     |  |                                                          |  |                                                                                  |  | TOTAL VALUE                                                                                                                                                                                                                                                                                                                                                                 |  |
| STOLEN                                                                                                                                                                                                                                                                                                                             |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| DAMAGED                                                                                                                                                                                                                                                                                                                            |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| BURNED                                                                                                                                                                                                                                                                                                                             |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| RECOVERED                                                                                                                                                                                                                                                                                                                          |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| SEIZED                                                                                                                                                                                                                                                                                                                             |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |
| SUBJECT IDENTIFIED                                                                                                                                                                                                                                                                                                                 |  | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |  | SUBJECT LOCATED                                          |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO              |  | <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADJ. CLOSED                                                                                                                                                                                                                                                                                             |  |
| REASON FOR EXCEPTIONAL CLEARANCE:                                                                                                                                                                                                                                                                                                  |  | 1. <input type="checkbox"/> OFFENDER DEATH                          |  | 2. <input type="checkbox"/> NO PROSECUTION               |  | 3. <input type="checkbox"/> EXTRADITION DENIED                                   |  | 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION                                                                                                                                                                                                                                                                                                                     |  |
| REPORTING OFFICER(S)                                                                                                                                                                                                                                                                                                               |  | DATE                                                                |  | BADGE NUMBER                                             |  | APPROVING OFFICER                                                                |  | DATE                                                                                                                                                                                                                                                                                                                                                                        |  |
| F Waddell                                                                                                                                                                                                                                                                                                                          |  | 01/22/2010                                                          |  | 0810                                                     |  | Sgt D Stanley                                                                    |  | 1/22/10                                                                                                                                                                                                                                                                                                                                                                     |  |
| T Costanzo                                                                                                                                                                                                                                                                                                                         |  | 01/22/2010                                                          |  | 0880                                                     |  | FOLLOW-UP INVESTIGATION                                                          |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                    |  |
| CCSO-100                                                                                                                                                                                                                                                                                                                           |  |                                                                     |  |                                                          |  |                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                             |  |

INCIDENT SUPPLEMENT

|           |                        |                                     |                   |               |               |
|-----------|------------------------|-------------------------------------|-------------------|---------------|---------------|
| SC0100000 | DISPATCH NUMBER<br>N/A | ORIGINAL CASE NUMBER<br>2010-001103 | PAGE 1 OF 3 PAGES | FILED<br>DATE | FILED<br>DATE |
|-----------|------------------------|-------------------------------------|-------------------|---------------|---------------|

|                                                                                        |                                                                                                                   |                                                                                              |                                                                                               |                                                                                                               |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> ORIGINAL REPORT<br><input type="checkbox"/> MODIFIES ORIGINAL | <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT<br><input checked="" type="checkbox"/> CASE STATUS CHANGE | <input type="checkbox"/> ADDITIONAL VICTIMS<br><input type="checkbox"/> ADDITIONAL OFFENDERS | <input type="checkbox"/> ADDITIONAL WITNESSES<br><input type="checkbox"/> ADDITIONAL SUBJECTS | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|

Reference: Execution of Drug Search Warrant

Incident Date: January 21, 2010

Incident Location: F...

On January 21, 2010, while actively attempting to locate a subject involved in the shooting of Charleston County Sheriff's Office Deputy J. Degrow, Detectives of the Metro Major Case Unit and members of the K9 Unit were led to the location of 2215 Hayne Street Lot #42, in the North Charleston section of Charleston County. Investigation had determined that a subject directly involved in the above referenced shooting, identified as a Brandon Simmons, was possibly inside the above referenced residence, (See supplement by Lt. Whited and Detective Burke). Once on scene, subjects inside the residence were requested over loudspeaker to exit the residence. After a significant amount of time elapsed from the initial request, two subjects, later identified as Kadeem Simmons and Wesley Jacobs, exited the residence separately. Detective Waddell, (R/D), heard from a point of observation one of the two subjects who had exited state that Brandon Simmons was inside the residence at that time. Additional announcements were made over loudspeaker for Brandon Simmons to exit the residence. An additional significant amount of time elapsed prior to Brandon Simmons subsequently exiting the residence. All three subjects were detained in handcuffs at which time members of the Charleston County Sheriff's Office SWAT team, detectives from the Metro Major Case Unit and members of the K9 Unit entered the residence to conduct a protective sweep for additional subjects who may have posed an immediate threat to law enforcement personnel on scene as well as civilians in and around the area who had gathered in the mobile home park.

At the time of the protective sweep, the three subjects who had exited the residence with delayed reaction due to trying to destroy evidence of an unrelated crime, had not been positively identified. It was officer's on scene's belief that the subject or subject's responsible for the shooting of Deputy Degrow were at that location and had already shown a disregard for the safety and well-being of human life. Due to the potential threat believed to be present at that critical moment and acting in good faith established by facts provided law enforcement officers on scene, the protective sweep was conducted for the safety and well-being of all parties at and around that location.

As members of the Charleston County Sheriff's Office exited the residence, other units on scene were advised of a large quantity of a green, plant-like material which was observed strewn throughout the residence which through their training and experience was believed to be a large quantity of marijuana. Also observed in plain view inside the residence during the protective sweep was a handgun. R/D was further advised that the plumbing in the residence had overflowed and the residence was currently flooded as it appeared the subjects inside the residence had attempted to conceal and destroy evidence of illegal drugs. Additionally, after the residence was cleared for additional threats, a dog which R/D had observed inside the residence through the storm door on the side of the mobile home from a point of observation, prior to the protective sweep, was seen outside the residence. R/D then was able to grab the dog's collar and secure him back inside the residence. While doing so, without entering the residence at any point, R/D was able to slightly open the storm door to the residence and allow the dog to re-enter the residence. While doing so, R/D observed a strong, distinct and definitive odor emanating from the interior of the residence which R/D knew through training and experience to be raw marijuana. At that time, due to the firearm being observed during the protective sweep of the residence, it was determined that SLED, who was assisting in the investigation of the above referenced, officer involved shooting, had requested that Charleston County Sheriff's Office Criminal Investigations Division, prepare a search warrant for the residence to further the initial investigation.

|                   |                                                                                                                                                                                                                                                                                |                                                                                        |                                                                                                            |                                                                                                        |                                                                                                        |              |                                                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------|------------------------------------------------|
| PROPERTY EVIDENCE | TYPE (GROUP)                                                                                                                                                                                                                                                                   | Marijuana                                                                              |                                                                                                            |                                                                                                        |                                                                                                        | TOTAL VALUE  | JURISDICTION OF THEFT (LAW ENFORCEMENT AGENCY) |
|                   | STOLEN                                                                                                                                                                                                                                                                         |                                                                                        | N/A                                                                                                        |                                                                                                        |                                                                                                        |              | N/A                                            |
|                   | DAMAGED                                                                                                                                                                                                                                                                        |                                                                                        |                                                                                                            | N/A                                                                                                    |                                                                                                        |              |                                                |
|                   | BURNED                                                                                                                                                                                                                                                                         |                                                                                        |                                                                                                            |                                                                                                        | N/A                                                                                                    |              |                                                |
|                   | RECOVERED                                                                                                                                                                                                                                                                      |                                                                                        |                                                                                                            |                                                                                                        |                                                                                                        | N/A          | N/A                                            |
|                   | SEIZED                                                                                                                                                                                                                                                                         | 932.76 Grams                                                                           |                                                                                                            |                                                                                                        |                                                                                                        | \$9,327.60   |                                                |
| ADMINISTRATIVE    | SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                      | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ARRESTED UNDER 16<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER | <input type="checkbox"/> EX CLEAR UNDER 16<br><input checked="" type="checkbox"/> EX CLEAR 18 AND OVER |              |                                                |
|                   | REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY |                                                                                        |                                                                                                            |                                                                                                        |                                                                                                        |              |                                                |
|                   | REPORTING OFFICER(S)                                                                                                                                                                                                                                                           | DATE                                                                                   | BADGE NUMBER                                                                                               | APPROVING OFFICER                                                                                      | DATE                                                                                                   | BADGE NUMBER |                                                |
|                   | F.B. Waddell                                                                                                                                                                                                                                                                   | 01/21/10                                                                               | 0310                                                                                                       | Sgt. Stanley                                                                                           | 01/21/10                                                                                               | 9612         |                                                |
|                   | T.S. Costanzo                                                                                                                                                                                                                                                                  | 01/21/10                                                                               | 9880                                                                                                       | FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO                       | OFFICER                                                                                                |              |                                                |

INCIDENT SUPPLEMENT

J. Al Gannon, Jr.  
Sheriff

|                                                                                                                                                |                                                                                                                                                                           |                                                                                                                                                      |                                                                                                                                                       |                                                                                                                                                                       |      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| SC0100000                                                                                                                                      | DISPATCH NUMBER<br>N/A                                                                                                                                                    | ORIGINAL CASE NUMBER<br>2010-001103                                                                                                                  | PAGE 2 of 3 PAGES                                                                                                                                     | FIELD OFFICE                                                                                                                                                          | SIG. | CHK. |
| <input type="checkbox"/> ORIGINAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> MODIFIES<br><input type="checkbox"/> ORIGINAL | <input checked="" type="checkbox"/> SUPPLEMENTAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> CASE STATUS<br><input checked="" type="checkbox"/> CHANGE | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> VICTIMS<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> OFFENDERS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> WITNESSES<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> SUBJECTS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> RECOVERED PROPERTY |      |      |

Approximately 10 to 15 minutes later R/D was advised that the Brandon Simmons who had exited the residence, was in fact not the Brandon Simmons that was being sought in reference to initial shooting of Deputy Degrow incident. At that time R/D responded to the Criminal Investigations Division office and obtained pertinent information to the suspect residence and prepared a search warrant. It was also later confirmed that we had in fact encountered Brandon Lamar Simmons, Kadeem Simmons and Wesley Louis Jacobs who were still being lawfully detained pending an investigation into the illegal drugs observed inside the residence during the lawful protective sweep that had been conducted.

The search warrant was based on probable cause established through observations during the protective sweep of the residence. The protective sweep was conducted prior to any law enforcement officers on scene having any knowledge or belief that we had in fact encountered another subject named Brandon Simmons who was not being sought in connection with the original shooting incident.

The obtained search warrant was then executed at 2215 Mayfield Street, which had been secured by officers still on scene. Detective Prindle left a copy of the search warrant at the residence for the residents to have upon their return. Metro Detectives F. Waddell, (R/D), T. Costanzo, J. Prindle, A. Miller, M. Euper, A. Foster, D. Stanley and Forensic Services Unit Deputy B. Roy were also present.

The following items were seized from the residence:

FRONT BEDROOM:

- Plastic bags with green plant-like material, (GPM) and scale on top of upside down clothes basket on floor. US currency, RG .22 caliber revolver, (serial number #W003717), with 6 rounds located on box spring, pictures, social security card, South Carolina ID in name of Kadeem Simmons and PPP card on wall. A scale, miscellaneous paperwork in name of Kadeem Simmons in top dresser drawer. A Play Station III, (serial number #CG213209733), with 4 games, 1 skateboard and a turntable. Plastic baggies from bottom dresser drawer.

KITCHEN:

- 2 clear plastic baggies containing GPM in middle drawer left of stove. Loose GPM in and around brown oilgar paper on countertop left of sink, green in color scale and black and silver motorolla cell phone on breakfast bar and miscellaneous paperwork on table.

BACK BEDROOM:

- Miscellaneous paperwork on bottom of tv stand, Smith & Wesson 357 Magnum, (serial number #1AK52169), on bed. US Currency on box spring under mattress, 1 bag of GPM on top of bed, 2 Pioneer 800 Watt TS-W302R subwoofers and 4 rims with tires.

|                |                                                                                                                                                                                                                                                                                |                                                                                        |                                                                                                            |                                                                                                        |                                                                                             |              |                                                     |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------|-----------------------------------------------------|
| PROPERTY EST.  | TYPE (GROUP)                                                                                                                                                                                                                                                                   | N/A                                                                                    |                                                                                                            |                                                                                                        |                                                                                             | TOTAL VALUE  | QUOTATION OF SHEET<br>LAW ENFORCEMENT AGENCY        |
|                | STOLEN                                                                                                                                                                                                                                                                         |                                                                                        | N/A                                                                                                        |                                                                                                        |                                                                                             |              | N/A                                                 |
|                | DAMAGED                                                                                                                                                                                                                                                                        |                                                                                        |                                                                                                            | N/A                                                                                                    |                                                                                             |              |                                                     |
|                | BURNED                                                                                                                                                                                                                                                                         |                                                                                        |                                                                                                            |                                                                                                        | N/A                                                                                         |              | JUSTIFICATION OF RECOVERY<br>LAW ENFORCEMENT AGENCY |
|                | RECOVERED                                                                                                                                                                                                                                                                      |                                                                                        |                                                                                                            |                                                                                                        | N/A                                                                                         |              | N/A                                                 |
| SEIZED         |                                                                                                                                                                                                                                                                                |                                                                                        |                                                                                                            |                                                                                                        |                                                                                             | N/A          |                                                     |
| ADMINISTRATIVE | SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                      | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER | <input type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |              |                                                     |
|                | REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY |                                                                                        |                                                                                                            |                                                                                                        |                                                                                             |              |                                                     |
|                | REPORTING OFFICER(S)                                                                                                                                                                                                                                                           | DATE                                                                                   | BADGE NUMBER                                                                                               | APPROVING OFFICER                                                                                      | DATE                                                                                        | BADGE NUMBER |                                                     |
|                | F.B. Waddell                                                                                                                                                                                                                                                                   | 01/21/10                                                                               | 0310                                                                                                       | Sgt. Stanley                                                                                           | 3/22/10                                                                                     | 9612         |                                                     |
|                | T.S. Costanzo                                                                                                                                                                                                                                                                  | 01/21/10                                                                               | 9880                                                                                                       | FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO                        | OFFICER                                                                                     |              |                                                     |

CCSO-101 3/1/09

# INCIDENT SUPPLEMENT

|                                                                                                                                                |                                                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                       |                                                                                                                                                                       |      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| SC0100000                                                                                                                                      | DISPATCH NUMBER<br>N/A                                                                                                                                                               | SERIAL CASE NUMBER<br>2010-001103                                                                                                                    | PAGE 3 OF 3 PAGES                                                                                                                                     | NEW ENTRY                                                                                                                                                             | REV. | ENT. |
| <input type="checkbox"/> ORIGINAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> MODIFIED<br><input type="checkbox"/> ORIGINAL | <input checked="" type="checkbox"/> SUPPLEMENTAL<br><input checked="" type="checkbox"/> REPORT<br><input type="checkbox"/> CASE STATUS<br><input checked="" type="checkbox"/> CHANGE | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> VICTIMS<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> OFFENDERS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> WITNESSES<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> SUBJECTS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> RECOVERED PROPERTY |      |      |

## BATHROOM:

- 2 plastic baggies containing GPM and US Currency in top drawer of vanity. Loose and bagged GPM in toilet bowl and plastic bags containing GPM on floor next to toilet.

## LIVING ROOM:

- Red Nokia cell phone on floor and Play Station III, (serial number #CE735990287), with one controller.

## HALLWAY LEADING TO BACK BEDROOM:

- Multiple bags containing GPM on floor.

No other items were seized from the residence. All items of evidence that were seized from the residence were photographed and placed into the evidence locker by Deputy Roy with the exception of the electronics and rims/tires which were stored at Metro compound. The green plant-like material located throughout the residence, which field tested presumptive for THC marijuana, was photographed and submitted for weight/I.D. analysis to FSU. Once the residence and subjects on the property were secured, the three subjects occupying the residence at the time of entry, Brandon Simmons, Kadeem Simmons and Wesley Jacobs were placed under arrest according to CCSO policy and procedure and transported to the Charleston County Detention Center to await a bond hearing.

Criminal Charges were filed as follows:

### Brandon Simmons:

- Possession with intent to distribute marijuana.
- Possession with intent to distribute marijuana within 1/2 mile proximity of a school.

### Kadeem Simmons:

- Possession with intent to distribute marijuana.
- Possession with intent to distribute marijuana within 1/2 mile proximity of a school.

### Wesley Jacobs:

- Possession with intent to distribute marijuana.
- Possession with intent to distribute marijuana within 1/2 mile proximity of a school.

Investigation determined that the incident location, 2216 Hayne Street, Lot #42 is located approximately 0.469 from Trident Technical College. This was obtained through Google Earth Distance Locator. A print out of this distance calculation has been placed with the case file for future reference. Results of the FSU analysis totalled the green plant-like material to be 932.76 grams which tested positive for marijuana. The seized US Currency totalled \$2,920.00. NOTHING FURTHER.

|                |                                  |                                            |                                            |                                                |                                                         |                                                          |                                            |                                                 |
|----------------|----------------------------------|--------------------------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|--------------------------------------------|-------------------------------------------------|
| PROPERTY EST.  | TYPE (GROUP)                     | N/A                                        |                                            |                                                |                                                         |                                                          | TOTAL VALUE                                | JURISDICTION OF THIS LAW ENFORCEMENT AGENCY     |
|                | STOLEN                           |                                            | N/A                                        |                                                |                                                         |                                                          |                                            | N/A                                             |
|                | DAMAGED                          |                                            |                                            |                                                |                                                         | N/A                                                      |                                            | JURISDICTION OF REGIONAL LAW ENFORCEMENT AGENCY |
|                | BURNED                           |                                            |                                            |                                                |                                                         | N/A                                                      |                                            | N/A                                             |
|                | RECOVERED                        |                                            |                                            |                                                |                                                         |                                                          | N/A                                        |                                                 |
| ADMINISTRATIVE | SEIZED                           |                                            |                                            |                                                |                                                         |                                                          |                                            |                                                 |
|                | SUBJECT IDENTIFIED               | <input checked="" type="checkbox"/> YES    | SUBJECT LOCATED                            | <input checked="" type="checkbox"/> YES        | <input type="checkbox"/> ACTIVE                         | <input type="checkbox"/> ADM. CLOSED                     | <input type="checkbox"/> ARRESTED UNDER 18 | <input type="checkbox"/> EX-CLEAR UNDER 18      |
|                | REASON FOR EXCEPTIONAL CLEARANCE | 1. <input type="checkbox"/> OFFENDER DEATH | 2. <input type="checkbox"/> NO PROSECUTION | 3. <input type="checkbox"/> EXTRADITION DENIED | 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION | 5. <input type="checkbox"/> JUVENILE NO CUSTODY          |                                            |                                                 |
|                | REPORTING OFFICER(S)             | F.B. Waddell                               | DATE                                       | 01/21/10                                       | BADGE NUMBER                                            | 0310                                                     | APPROVING OFFICER                          | Sgt. Stanley                                    |
|                | DATE                             | 01/21/10                                   | BADGE NUMBER                               | 9880                                           | FOLLOW-UP INVESTIGATION                                 | <input type="checkbox"/> YES <input type="checkbox"/> NO | DATE                                       | 3/22/10                                         |

CHARLESTON COUNTY SHERIFF'S OFFICE  
8605 PINEHAVEN DRIVE CHARLESTON HEIGHTS, S.C. 29405-7709 (843) 202-1700

J. Al Cannon, Jr.  
Sheriff

PERSON SUPPLEMENT

|                                                                                      |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|--------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--|
| SC0100000                                                                            |                                                 | DISPATCH NUMBER<br>N/A                                                                                            |                                                                     | ORIGINAL CASE NUMBER<br>2010-001103                                                          |                                                            | PAGE 1 OF 1 PAGES                                                                             |                                                                     | NCID ENTRY                                                                                                    |               | IND. ENT.                                                                    |                                                                                                  |  |
| <input type="checkbox"/> ORIGINAL REPORT<br><input type="checkbox"/> MODIFIES REPORT |                                                 | <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT<br><input checked="" type="checkbox"/> CASE STATUS CHANGE |                                                                     | <input type="checkbox"/> ADDITIONAL VICTIMS<br><input type="checkbox"/> ADDITIONAL OFFENDERS |                                                            | <input type="checkbox"/> ADDITIONAL WITNESSES<br><input type="checkbox"/> ADDITIONAL SUBJECTS |                                                                     | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | <input type="checkbox"/> COMPLAINANT            | NAME: P. [redacted]                                                                                               |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> VICTIM #               | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 1 | 607                                                                                                               |                                                                     | 128                                                                                          |                                                            | BLK                                                                                           |                                                                     | BRO                                                                                                           |               | N/A                                                                          |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> SUBJECT #              | ADDRESS #                                                                                                         |                                                                     | STREET NAME                                                                                  |                                                            | CITY                                                                                          |                                                                     | STATE                                                                                                         |               | ZIP CODE                                                                     |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> WITNESS #              | 9878                                                                                                              |                                                                     | [redacted]                                                                                   |                                                            | Charleston                                                                                    |                                                                     | SC                                                                                                            |               | 29410                                                                        |                                                                                                  |  |
| <input type="checkbox"/> WANTED                                                      | DAY PHONE                                       |                                                                                                                   | 563-2253                                                            |                                                                                              | EVENING PHONE                                              |                                                                                               | H                                                                   |                                                                                                               | Same          |                                                                              | H                                                                                                |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | SIMMONS, Kadeem Desmond                                                                                           |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 2 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 500                                             |                                                                                                                   | 125                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     | (D) CHARGE                                                                                   |                                                            | N/A                                                                                           |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input type="checkbox"/> COMPLAINANT            | NAME: (LAST, FIRST, MIDDLE)                                                                                       |                                                                     | RELATIONSHIP TO SUBJECT                                                                      |                                                            | RESIDENT                                                                                      |                                                                     | RACE                                                                                                          |               | AGE                                                                          |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> VICTIM #    | JACOBS, Wesley Louis                                                                                              |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | <input checked="" type="checkbox"/> SUSPECT # 3 | HEIGHT                                                                                                            |                                                                     | WEIGHT                                                                                       |                                                            | HAIR                                                                                          |                                                                     | EYES                                                                                                          |               | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. |                                                                                                  |  |
| <input type="checkbox"/> SUBJECT #                                                   | 511                                             |                                                                                                                   | 185                                                                 |                                                                                              | BLK                                                        |                                                                                               | BRO                                                                 |                                                                                                               | N/A           |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> WITNESS #                                                   | ADDRESS #                                       |                                                                                                                   | STREET NAME                                                         |                                                                                              | CITY                                                       |                                                                                               | STATE                                                               |                                                                                                               | ZIP CODE      |                                                                              | DAY PHONE                                                                                        |  |
| <input type="checkbox"/> WANTED                                                      | 77                                              |                                                                                                                   | Burnt Mill Road                                                     |                                                                                              | Goose Creek                                                |                                                                                               | SC                                                                  |                                                                                                               | 29445         |                                                                              | 926-2067                                                                                         |  |
| <input type="checkbox"/> WARRANT                                                     | <input type="checkbox"/> VISIBLE INJURY         |                                                                                                                   | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                              | <input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES |                                                                                               | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES |                                                                                                               | USING ALCOHOL |                                                                              | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> UNK |  |
| <input type="checkbox"/> ARREST                                                      | EXPLAIN                                         |                                                                                                                   | OCCUPATION                                                          |                                                                                              | EMPLOYER                                                   |                                                                                               | ALIAS                                                               |                                                                                                               | N/A           |                                                                              | N/A                                                                                              |  |
| <input type="checkbox"/> RUNAWAY                                                     | Unknown                                         |                                                                                                                   | Unknown                                                             |                                                                                              | Unknown                                                    |                                                                                               | Unknown                                                             |                                                                                                               |               |                                                                              |                                                                                                  |  |
| <input type="checkbox"/> MISSING PERSON                                              |                                                 |                                                                                                                   |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
| SUBJ. ID.                                                                            | (A) CHARGE                                      | PWID Marijuana                                                                                                    |                                                                     | (C) CHARGE                                                                                   |                                                            | PWID Marijuana 1/2 Mile Prox                                                                  |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |
|                                                                                      | (B) CHARGE                                      | N/A                                                                                                               |                                                                     |                                                                                              |                                                            |                                                                                               |                                                                     |                                                                                                               |               |                                                                              |                                                                                                  |  |

| INCIDENT/INVESTIGATION<br>REPORT                                                                 |                                                                                                                                                                 | Case# 12-09910                                                  |                                                                                                                                         |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Agency Name<br><b>Charleston Police Department</b>                                               |                                                                                                                                                                 | Date / Time Reported<br><b>06/16/2012 04:05 Sat</b>             |                                                                                                                                         |
| ORI<br><b>SC0100100</b>                                                                          |                                                                                                                                                                 | Last Known Secure<br><b>06/16/2012 03:45 Sat</b>                |                                                                                                                                         |
| Location of Incident<br><b>1662 Savannah Hwy, Charleston SC 29407-</b>                           |                                                                                                                                                                 | Premise Type<br><b>Parking Lot/parking</b>                      | Zono/Tract<br><b>423</b>                                                                                                                |
| At Found<br><b>06/16/2012 04:05 Sat</b>                                                          |                                                                                                                                                                 | Activity<br><b>N</b>                                            |                                                                                                                                         |
| INCIDENT DATA                                                                                    | #1 Crime Incident(s) (Com)<br><b>Murder / Non-negligent Manslaughter 09A</b>                                                                                    | Weapon / Tools <b>Handgun</b>                                   |                                                                                                                                         |
|                                                                                                  | #2 Crime Incident ( )                                                                                                                                           | Entry Exit Security                                             |                                                                                                                                         |
|                                                                                                  | #3 Crime Incident ( )                                                                                                                                           | Weapon / Tools                                                  |                                                                                                                                         |
|                                                                                                  | #4 Crime Incident ( )                                                                                                                                           | Entry Exit Security                                             |                                                                                                                                         |
|                                                                                                  | #5 Crime Incident ( )                                                                                                                                           | Weapon / Tools                                                  |                                                                                                                                         |
|                                                                                                  | #6 Crime Incident ( )                                                                                                                                           | Entry Exit Security                                             |                                                                                                                                         |
| MO                                                                                               |                                                                                                                                                                 |                                                                 |                                                                                                                                         |
| VICTIM                                                                                           | # of Victims <b>1</b> Type: <b>INDIVIDUAL/ NOT LAW</b> Injury: <b>Death</b>                                                                                     |                                                                 |                                                                                                                                         |
|                                                                                                  | Victim/Business Name (Last, First, Middle)<br><b>LIC. MARLEY KANEOELANI</b>                                                                                     | Victim of Crime # <b>1</b>                                      | DOB <b>Age 11</b> Race <b>W</b> Sex <b>M</b> Relationship To Offender <b>IRU</b> Resident Status <b></b> Military Branch/Status <b></b> |
|                                                                                                  | Home Address <b>[REDACTED]</b>                                                                                                                                  | Home Phone <b>843- -</b>                                        |                                                                                                                                         |
|                                                                                                  | Employer Name/Address <b>[REDACTED]</b>                                                                                                                         | Business Phone <b>[REDACTED]</b> Mobile Phone <b>843- -</b>     |                                                                                                                                         |
|                                                                                                  | VYR Make Model Year Style Color Lic/Lis VIN                                                                                                                     |                                                                 |                                                                                                                                         |
|                                                                                                  | CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) <b>09A</b>                                        |                                                                 |                                                                                                                                         |
| OTHERS                                                                                           | Type: <b>LAW ENFORCEMENT</b> Injury: <b></b>                                                                                                                    |                                                                 |                                                                                                                                         |
|                                                                                                  | Code Name (Last, First, Middle)<br><b>CO DEAL, ROBERT D JR.</b>                                                                                                 | Victim of Crime # <b>1</b>                                      | DOB <b>Age 11</b> Race <b>W</b> Sex <b>M</b> Relationship To Offender <b>IRU</b> Resident Status <b></b> Military Branch/Status <b></b> |
|                                                                                                  | Home Address <b>[REDACTED]</b>                                                                                                                                  | Home Phone <b>[REDACTED]</b>                                    |                                                                                                                                         |
|                                                                                                  | Employer Name/Address <b>[REDACTED]</b>                                                                                                                         | Business Phone <b>[REDACTED]</b> Mobile Phone <b>[REDACTED]</b> |                                                                                                                                         |
|                                                                                                  | Type: <b>INDIVIDUAL/ NOT LAW ENFORCEMENT</b> Injury: <b></b>                                                                                                    |                                                                 |                                                                                                                                         |
|                                                                                                  | Code Name (Last, First, Middle)<br><b>OT MULLENBINE, ROBERT ARNOLD</b>                                                                                          | Victim of Crime # <b>1</b>                                      | DOB <b>Age 11</b> Race <b>W</b> Sex <b>M</b> Relationship To Offender <b>IRU</b> Resident Status <b></b> Military Branch/Status <b></b> |
| PROPERTY                                                                                         | Home Address <b>[REDACTED]</b>                                                                                                                                  | Home Phone <b>[REDACTED]</b>                                    |                                                                                                                                         |
|                                                                                                  | Employer Name/Address <b>[REDACTED]</b>                                                                                                                         | Business Phone <b>[REDACTED]</b> Mobile Phone <b>[REDACTED]</b> |                                                                                                                                         |
|                                                                                                  | National Business Computers, 1703 Savannah Hwy Ste 6 (COMPUTER TECH) <b>843-763-3917</b>                                                                        |                                                                 |                                                                                                                                         |
|                                                                                                  | 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction) |                                                                 |                                                                                                                                         |
|                                                                                                  | V/I # Code Status From To Value OJ QTY Property Description Make/Model Serial Number                                                                            |                                                                 |                                                                                                                                         |
|                                                                                                  | 77 EVID \$0.00 1 ANONYMOUS TIP 9MM/SIG SAUER/P232 S275151                                                                                                       |                                                                 |                                                                                                                                         |
| 13 EVID \$50.00 1 FIREARMS 2000 WIL. DHV783 SC NISS Pathfi JNBAR0780YV407962                     |                                                                                                                                                                 |                                                                 |                                                                                                                                         |
| 17 EVID \$0.00 1                                                                                 |                                                                                                                                                                 |                                                                 |                                                                                                                                         |
| Officer/ID# <b>DEAL, R D (WPTL TM4P) (1979)</b>                                                  |                                                                                                                                                                 |                                                                 |                                                                                                                                         |
| Invest ID# <b>BURKHARDT, R. J. (CENT, VCU) (443)</b>                                             |                                                                                                                                                                 | Supervisor <b>HULL, R. W. (WPTL, TM P) (454)</b>                |                                                                                                                                         |
| Complainant Signature <b>[REDACTED]</b> Case Status <b>Pending Active</b> Date <b>06/16/2012</b> |                                                                                                                                                                 | Case Disposition: <b></b> Page 1                                |                                                                                                                                         |

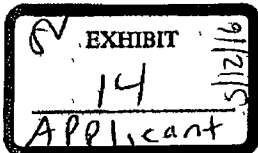
Printed By: OSBORNED,

Sys#: 73970

08/23/2012 08 49 46

R5 SAW/DBD 1

7078





# Incident Report Additional Name List

Charleston Police Department

OCA: 12-09910

Additional Name List

Page 2

| NameCode/# | Name (Last, First MI)                                                                | Victim of Crime # | DOB        | Age | Race | Sex |
|------------|--------------------------------------------------------------------------------------|-------------------|------------|-----|------|-----|
| 1) WT 1    | [REDACTED]<br>Address: [REDACTED]<br>Empl/Addr: Retired                              |                   | 11/20/19   |     |      |     |
| 2) OT 2    | [REDACTED]<br>Address: 1612 Mulberry St Charleston SC 29407<br>Empl/Addr: [REDACTED] |                   | [REDACTED] |     |      |     |
| 3) OT 3    | RIVERS, BRYAN LATRELL<br>Address: [REDACTED] 03-<br>Empl/Addr: Unemployed            |                   | [REDACTED] |     |      |     |
| 4) OT 4    | SIMMONS, TIMOTHY JAMIL<br>Address: 1430 [REDACTED]<br>Empl/Addr: [REDACTED]          |                   | 10/11/1981 |     |      |     |
| 5) OT 5    | SIMMONS, JASON CHRISTOPHER<br>Address: [REDACTED] 407-<br>Empl/Addr: [REDACTED]      |                   | [REDACTED] |     |      |     |
| 6) OT 6    | BROWN, STEPHANIE DELORES<br>Address: 642 [REDACTED]<br>Empl/Addr: [REDACTED]         |                   | [REDACTED] |     |      |     |
| 7) OT 7    | DELESTON, RYAN P<br>Ac: [REDACTED] 29407-<br>Wash, Savannah                          |                   | [REDACTED] |     |      |     |
| 8) CO 2    | HILL, CORY<br>Address: [REDACTED]<br>Empl/Addr: [REDACTED]                           |                   | [REDACTED] |     |      |     |
| 9) OT 8    | BOLGER, JOSHUA RYAN<br>Ad: [REDACTED]<br>Empl/Addr: Carter                           |                   | [REDACTED] |     |      |     |

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08/23/2012 08:49

R5 SAW/DBD 2

OCA: 12-09910

Page 3

### Additional Name List

| NameCode/# | Name (Last, First, Middle)                 | Victim of Crime # | DOB             | Age Race Sex |
|------------|--------------------------------------------|-------------------|-----------------|--------------|
| 10 ) OT 9  | CONYERS, RYAN CHRISTOPHER                  |                   | 06/11/1987      | 30 B M       |
|            | Address [REDACTED]                         |                   | B:              |              |
|            | Empl/Addr [REDACTED]                       |                   | Mobile #:       |              |
| 11 ) OT 10 | TAYLOR, THERAN BERNARD                     |                   | 06/04/1987      | 30 B M       |
|            | Address [REDACTED] St Charleston SC 29407- |                   | B:              |              |
|            | Empl/Addr Wenays [REDACTED]                |                   | Mobile #:       |              |
| 12 ) OT 11 | WARTHAW, BOBBY EUGENE                      |                   | [REDACTED]      |              |
|            | [REDACTED]                                 |                   | H: 843          |              |
|            | [REDACTED]                                 |                   | B:              |              |
|            | [REDACTED]                                 |                   | Mobile #:       |              |
| 13 ) OT 12 | MIDDLETON, FRANK                           |                   | [REDACTED]      |              |
|            | Address 16 [REDACTED]                      |                   | B: 242-175-0155 |              |
|            | Empl/Addr N/A                              |                   | Monitors:       |              |
| 14 ) OT 13 | TURNER, SHON                               |                   | 05/05/1988      | 24 B M       |
|            | Address [REDACTED]                         |                   | B: 043-330-0702 |              |
|            | Empl/Addr [REDACTED]                       |                   | B:              |              |
|            | [REDACTED]                                 |                   | Mobile #:       |              |
| 15 ) OT 14 | GLADDEN, GLENDELL JR                       |                   | [REDACTED]      |              |
|            | Address [REDACTED]                         |                   | B:              |              |
|            | Empl/Addr [REDACTED]                       |                   | Mobile #:       |              |
| 16 ) OT 15 | PONDER, TYRONE                             |                   | [REDACTED]      |              |
|            | Address 127-D [REDACTED]                   |                   | H: [REDACTED]   |              |
|            | Empl [REDACTED]                            |                   | B:              |              |
|            | [REDACTED]                                 |                   | Mobile #:       |              |
| 17 ) OT 16 | BROWN, JULIUS TERRELL                      |                   | 06/11/1960      | 32 B M       |
|            | No Name                                    |                   | [REDACTED]      |              |
|            | [REDACTED]                                 |                   | Mobile #:       |              |
| 18 ) OT 17 | GLADDEN, JEROD SHARIFF                     |                   | [REDACTED]      |              |
|            | Add [REDACTED]                             |                   | B:              |              |
|            | Empl/Addr [REDACTED]                       |                   | Mobile #:       |              |

# Incident Report Additional Name List

Charleston Police Department

OCA: 12-09910

Additional Name List

Page 4

| NameCode/# | Name (Last, First, Middle)   | Victim of Crime # | DOB                  | Age | Race | Sex |
|------------|------------------------------|-------------------|----------------------|-----|------|-----|
| 19 ) OT 18 | CAPERS, RHAKYM QWAMINE       |                   |                      |     |      |     |
|            | Address: [REDACTED]          |                   | H: [REDACTED]        |     |      |     |
|            | Empl/Addr: None              |                   | B: [REDACTED]        |     |      |     |
|            |                              |                   | M: [REDACTED]        |     |      |     |
| 20 ) OT 19 | MILLIGAN, RAYSHAWN BROWN     |                   |                      |     |      |     |
|            | Address: [REDACTED] SC 29407 |                   | H: [REDACTED]        |     |      |     |
|            | Empl/Addr: South [REDACTED]  |                   | B: [REDACTED]        |     |      |     |
|            |                              |                   | Mobile #: [REDACTED] |     |      |     |

# INCIDENT/INVESTIGATION REPORT

By: OSBORNED,

08/23/2012 08:49

Page 5

Charleston Police Department

Cash# 12-09910

| Status Codes                        | 1 = None | 2 = Burned | 3 = Counterfeit / Forged | 4 = Damaged / Vandalized | 5 = Recovered | 6 = Seized | 7 = Stolen                | 8 = Unknown |
|-------------------------------------|----------|------------|--------------------------|--------------------------|---------------|------------|---------------------------|-------------|
| IBR                                 | Status   | Quantity   | Type Measure             | Suspected Type           |               |            | Up to 3 types of activity |             |
| D<br>R<br>U<br>G<br>S               |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
|                                     |          |            |                          |                          |               |            |                           |             |
| Assisting Officers                  |          |            |                          |                          |               |            |                           |             |
| Suspect Hate / Bias Motivated: None |          |            |                          |                          |               |            |                           |             |

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 12-09910

Charleston Police Department

Page 5

### NARRATIVE

On 06/16/2012 at 0405 Responding Officer (R/O) R. Deal responded to the area of 708 Yew Street, Charleston, SC 29401 in response to possible shots being fired in the area. R/O arrived in the area and began a sweep of the area for possible gun shots being fired. R/O traversed up Yew Street from Balsam Street to find a white male laying on the ground beside a white in color Nissan Pathfinder in the parking lot of Famous Joe's.

R/O arrived in the parking lot of Famous Joe's to find a white male laying on the ground on his left side with visible abrasions and some blood to his forehead. I spoke with the subject who advised that he had been shot. R/O requested EMS at that time and informed Control that the victim reported being shot.

R/O spoke with the victim who advised while lying on the ground that he was sleeping in his vehicle due to being too intoxicated to drive home when two unknown black males approached and one wearing all black with blue jeans began to fire at him. Victim stated to R/O that he was shot five times prior to the unknown subjects leaving the area by means of the gravel path leading from Famous Joe's parking lot toward Yew Street.

EMS arrived on scene and transported the victim to MUSC. R/O notified Sgt. Hull who responded to the location and requested that Crime Scene and Central respond.

R/O turned crime scene over to Crime Scene and Central upon their arrival.

R5 SAW/DBD 5

# REPORTING OFFICER NARRATIVE

Charleston Police Department

|                         |                        |                      |
|-------------------------|------------------------|----------------------|
| Victim                  | Offense                | OCA                  |
| LION, MARLEY KANEOELANI | MURDER / NON-NEGLIGENT | 12-09910             |
|                         |                        | Date / Time Reported |
|                         |                        | Sat 06/16/2012 04:05 |

THE INFORMATION BELOW IS CONFIDENTIAL FOR USE BY AUTHORIZED PERSONNEL ONLY

On 06/16/2012 at 0405 Responding Officer (R/O) R. Deal responded to the area of 708 Yew Street, Charleston SC 29407 in reference to possible shots being fired in the area. R/O arrived in the area and began a sweep of the area for possible gun shots being fired. R/O traversed up Yew Street from Balsam Street to find a white male laying on the ground beside a white in color Nissan Pathfinder in the parking lot of Famous Joe's.

R/O arrived on scene to find a white male lying on his left side with his legs fully extended and his head propped up on his left arm with his right arm lying over the top of his side extended outward. The victim's head was pointing toward the rear of the vehicle with the feet pointing toward the front of the vehicle. The victim was wearing a black in color shirt and khaki pants. Additionally the victim was wearing a blue knit sock with strips on his left foot and a tan in color sock on the right foot. While R/O was speaking with the victim R/O noticed that he had a gunshot wound to the left arm near the elbow region. Additionally R/O noticed while EMS was working and getting the victim ready for transport the victim sustained a gunshot wound to the left upper mid region of his abdominal area. Further-more as the victim's pants were removed R/O was able to observe several more gunshot wounds to the left thigh region to include several abrasions to groin region.

While R/O was speaking with the victim waiting for EMS arrival on scene the victim stated that he was sleeping in the back of the vehicle because he was too intoxicated to drive home. Victim stated that two black males approached him and one wearing all black along with blue jeans pulled a gun out that appeared to him to be all black and began to fire at him. The victim stated "he was shot (5) five times" to the R/O. Victim then began to complain of chest pains and that he was wanted to know where EMS was. R/O attempted to gain more information about if he was robbed but the victim would never answer. R/O asked the victim which direction the subjects when after they shot him and he pointed with his right arm in the direction of the gravel path leading toward Yew Street that goes in the general direction of Balsam Street.

On several occasions the victim attempted to get up but R/O advised the victim to stay on the ground until EMS arrived on scene.

R/O attempted several times to obtain the name of the victim while waiting on EMS to arrive. The victim never gave his name or anything to lead to his identification.

Once EMS arrived on scene R/O began to take several photographs of the general area to include several of the victim's injuries as EMS was packaging him up for transport. EMS transported the victim to MUSC.

Photographs will be made available to Crime Scene and Central.

R/O preformed a crime scene survey of the scene to find (6) six spent cartridge casings lying on the ground. The casings were marked for crime scene preservation purposes.

Sgt. Salkeid responded to the scene with K-9 Winslow.

Crime Scene Investigator Rene Charles responded to process the scene.

Jennings was called to the location to tow the vehicle to the Crime Scene Office and R/O (R. Deal) followed the vehicle to the location to keep the vehicle in his chain of custody until Crime Scene Investigator Rene Charles took custody.

During the processing of the vehicle Crime Scene Investigator Charles found a wallet in the center console of the

Reporting Officer: DEAL, R. D.

Page 6

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R5 SAW/DBD 6

# REPORTING OFFICER NARRATIVE

Charleston Police Department

|                                          |                                          |                                                     |
|------------------------------------------|------------------------------------------|-----------------------------------------------------|
| Victim<br><b>LION, MARLEY KANEOELANI</b> | Offense<br><b>MURDER / NON-NEGLIGENT</b> | OCA<br><b>12-09910</b>                              |
|                                          |                                          | Date / Time Reported<br><b>Sat 06/16/2012 04:05</b> |

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vehicle which contained a SC DL with the following information:

Marley Kanoelani Lion

6'

Ch...

E... 01/21/1994

Reporting Officer: **DEAL, R. D.**

Printed By: **OSBORNED,** 08/23/2012 08:49

Page 7

R5 SAW/DBD 7

# Incident Report Suspect List

Charleston Police Department

OCA: 12-09910

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                        |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------|------------------|-----------------|-----------------|-------------------|-------------------|--------------------|-------------------|--------------------|---------------------------------------------------|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--|--------|--|-----|--|--|--------------|---------|------|--|-------|--|-------|--|---------|---------------|--|----------------|--|--|------------------|--|-----|-------|--|-------|--|--------|--|-----|--|--|--|--|
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Name (Last, First, Middle)<br><i>Unknown</i>           |                  |                  |                 |                 | Also Known As     |                   |                    |                   |                    | Home Address<br><i>UNKNOWN<br/>CHARLESTON, SC</i> |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Business Address                                       |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DOB.<br><i>//</i>                                      | Age<br><i>25</i> | Race<br><i>B</i> | Sex<br><i>M</i> | Eth<br><i>N</i> | Hgt<br><i>505</i> | Wgt<br><i>150</i> | Hair<br><i>BLK</i> | Eye<br><i>BRO</i> | Skin<br><i>LGT</i> | Driver's License / State                          |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Scars, Mkns, Tattoos, or other distinguishing features |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| <table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> <td colspan="3">Mode of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="5">VIN</td> </tr> </table> |                                                        |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  | Reported Suspect Detail |  | Suspect Age |  | Race | Sex | Eth | Height |  | Weight |  | SSN |  |  | Weapon, Type | Feature | Make |  | Model |  | Color |  | Caliber | Dir of Travel |  | Mode of Travel |  |  | VehYr/Make/Model |  | Drs | Style |  | Color |  | Lic/St |  | VIN |  |  |  |  |
| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                        | Suspect Age      |                  | Race            | Sex             | Eth               | Height            |                    | Weight            |                    | SSN                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Feature                                                | Make             |                  | Model           |                 | Color             |                   | Caliber            | Dir of Travel     |                    | Mode of Travel                                    |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                        | Drs              | Style            |                 | Color           |                   | Lic/St            |                    | VIN               |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                        |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Physical Char                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                        |                  |                  |                 |                 |                   |                   |                    |                   |                    |                                                   |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                         |             |                  |                 |                 |                   |                   |                    |                   |                    |                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------|------------------|-----------------|-----------------|-------------------|-------------------|--------------------|-------------------|--------------------|-----------------------------------------------|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--|--------|--|-----|--|--|--------------|---------|------|--|-------|--|-------|--|---------|---------------|--|----------------|--|--|------------------|--|-----|-------|--|-------|--|--------|--|-----|--|--|--|--|
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Name (Last, First, Middle)<br><i>Ryan P Deleston</i>    |             |                  |                 |                 | Also Known As     |                   |                    |                   |                    | Home Address<br><i>[Redacted]</i>             |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Business Address <i>CACTUS CAR WASH, SAVANNAH</i>       |             |                  |                 |                 |                   |                   |                    |                   |                    | <i>678-720-1501</i>                           |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DOB.<br><i>[Redacted]</i>                               | Age         | Race<br><i>B</i> | Sex<br><i>M</i> | Eth<br><i>N</i> | Hgt<br><i>600</i> | Wgt<br><i>215</i> | Hair<br><i>BLK</i> | Eye<br><i>BRO</i> | Skin<br><i>BLK</i> | Driver's License / State<br><i>[Redacted]</i> |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Scars, Marks, Tattoos, or other distinguishing features |             |                  |                 |                 |                   |                   |                    |                   |                    |                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         | Suspect Age |                  | Race            | Sex             | Eth               | Height            |                    | Weight            |                    | SSN                                           |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Feature                                                 | Make        |                  | Model           |                 | Color             |                   | Caliber            | Dir of Travel     |                    | Mode of Travel                                |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                         | Drs         | Style            |                 | Color           |                   | Lic/St            |                    | VIN               |                    |                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                         |             |                  |                 |                 |                   |                   |                    |                   |                    |                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |
| Physical Char                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |             |                  |                 |                 |                   |                   |                    |                   |                    |                                               |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |  |              |         |      |  |       |  |       |  |         |               |  |                |  |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |  |

# Incident Report Suspect List

Charleston Police Department

OCA: 12-09910

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                           |             |          |          |            |                                                            |            |               |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------|----------|----------|------------|------------------------------------------------------------|------------|---------------|------------|------|---------------------------------|--|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--------|-----|--------------|---------|------|--|-------|--|-------|---------|---------------|--|------------------|--|-----|-------|-------|--|--------|-----|--|--|
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Name (Last, First, Middle)<br><i>Julius Terrell Brown</i> |             |          |          |            | Also Known As<br><i>BLETZ; JOE; BLITZ; BLIZZ;<br/>BIZZ</i> |            |               |            |      | Home Address<br><i>635 WEST</i> |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business Address <i>NO NAME, LANDSCAPING</i>              |             |          |          |            |                                                            |            |               |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DOB                                                       | Age         | Race     | Sex      | Eth        | Hgt                                                        | Wgt        | Hair          | Eye        | Skin | Driver's License / State.       |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                           | <i>B</i>    | <i>M</i> | <i>N</i> | <i>507</i> | <i>160</i>                                                 | <i>BLK</i> | <i>BRO</i>    | <i>BLK</i> |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Scars, Marks, Tattoos, or other distinguishing features                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                           |             |          |          |            |                                                            |            |               |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                           | Suspect Age |          | Race     | Sex        | Eth                                                        | Height     | Weight        | SSN        |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Feature                                                   | Make        |          | Model    |            | Color                                                      | Caliber    | Dir of Travel |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                           | Drs         | Style    | Color    |            | Lic/St                                                     | VIN        |               |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                           |             |          |          |            |                                                            |            | Physical Char |            |      |                                 |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                              |             |          |          |     |               |         |               |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------|----------|----------|-----|---------------|---------|---------------|-----|------|--------------------------------|--|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--------|-----|--------------|---------|------|--|-------|--|-------|---------|---------------|--|------------------|--|-----|-------|-------|--|--------|-----|--|--|
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Name (Last, First, Middle)<br><i>Unknown</i> |             |          |          |     | Also Known As |         |               |     |      | Home Address<br><i>UNKNOWN</i> |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business Address                             |             |          |          |     |               |         |               |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DOB                                          | Age         | Race     | Sex      | Eth | Hgt           | Wgt     | Hair          | Eye | Skin | Driver's License / State.      |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>/ /</i>                                   | <i>00</i>   | <i>B</i> | <i>M</i> |     |               |         |               |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Scars, Marks, Tattoos, or other distinguishing features                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |             |          |          |     |               |         |               |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              | Suspect Age |          | Race     | Sex | Eth           | Height  | Weight        | SSN |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Feature                                      | Make        |          | Model    |     | Color         | Caliber | Dir of Travel |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                              | Drs         | Style    | Color    |     | Lic/St        | VIN     |               |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                              |             |          |          |     |               |         | Physical Char |     |      |                                |  |  |  |  |                         |  |             |  |      |     |     |        |        |     |              |         |      |  |       |  |       |         |               |  |                  |  |     |       |       |  |        |     |  |  |



# Incident Report Suspect List

Charleston Police Department

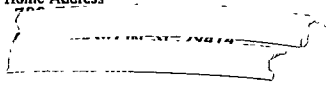
OCA: 12-09910

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------|-------|-------|-------------------------------|---------------------------------------------------------------------|---------|---------------|--------------|----------------|---------------------------|-------------------------|--|-------------|--|------|-----|-----|--------|--------|-----|--|--|--|--|----|--|---|---|--|-----|-----|--|--|--|--------------|---------|------|--|-------|--|-------|---------|---------------|--|----------------|--|------------------|--|-----|-------|-------|--|--------|-----|--|--|--|--|
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Name (Last, First, Middle)<br><i>* No name *</i>        |             |       |       | Also Known As                 |                                                                     |         |               | Home Address |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Business Address                                        |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DOB.                                                    | Age         | Race  | Sex   | Eth                           | Hgt                                                                 | Wgt     | Hair          | Eye          | Skin           | Driver's License / State. |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Scars, Marks, Tattoos, or other distinguishing features |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         | Suspect Age |       | Race  | Sex                           | Eth                                                                 | Height  | Weight        | SSN          |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         | 25          |       | B     | M                             |                                                                     | 511     | 220           |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Feature                                                 | Make        |       | Model |                               | Color                                                               | Caliber | Dir of Travel |              | Mode of Travel |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| VchYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                         | Drs         | Style | Color |                               | Lic/St                                                              | VIN     |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |             |       |       |                               | Physical Chnr                                                       |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| BLK BAGGY T-SHIRT, LONG, BLK SHORTS, AND BLK HIGH-TOP SHOES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                         |             |       |       |                               | Build, LARGE<br>HAIR STYLE / TWISTS, READLOCKS<br>Hair Length, LONG |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Name (Last, First, Middle)<br>Bryan Latrell Rivers      |             |       |       | Also Known As<br>LIL B; LIL B |                                                                     |         |               | Home Address |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Business Address UNEMPLOYED ,                           |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DOB.                                                    | Age         | Race  | Sex   | Eth                           | Hgt                                                                 | Wgt     | Hair          | Eye          | Skin           | Driver's License / State. |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |             | B     | M     | N                             | 511                                                                 | 162     | BLK           | BRO          | MBR            |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| Scars, Marks, Tattoos, or other distinguishing features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| TATT RFOR ARM / "CTC"; SCAR LEFT CHEEK / SMALL SCAR ON CHEEK; TATT LFOR ARM / "FSP"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                         |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         | Suspect Age |       | Race  | Sex                           | Eth                                                                 | Height  | Weight        | SSN          |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |             |       |       |                               |                                                                     |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Feature                                                 | Make        |       | Model |                               | Color                                                               | Caliber | Dir of Travel |              | Mode of Travel |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| VchYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                         | Drs         | Style | Color |                               | Lic/St                                                              | VIN     |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |             |       |       |                               | Physical Char                                                       |         |               |              |                |                           |                         |  |             |  |      |     |     |        |        |     |  |  |  |  |    |  |   |   |  |     |     |  |  |  |              |         |      |  |       |  |       |         |               |  |                |  |                  |  |     |       |       |  |        |     |  |  |  |  |

# Incident Report Suspect List

Charleston Police Department

OCR: 12-09910

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                            |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------|-------|------|-------|---------------------|--------|-------|--------|---------|-------------------------------------------------------------------------------------|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--|--------|--|-----|--|--------------|--|---------|--|------|--|-------|--|-------|--|---------|---------------|--|------------------|--|-----|-------|--|-------|--|--------|--|-----|--|--|--|
| 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Name (Last, First, Middle) |             |       |      |       | Also Known As       |        |       |        |         | Home Address                                                                        |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | George Ellis Brown         |             |       |      |       | BROWN, GEORGE ELLIS |        |       |        |         |  |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Business Address           |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | DOB                        | Age         | Race  | Sex  | Eth   | Hgt                 | Wgt    | Hair  | Eye    | Skin    | Driver's License / State                                                            |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| B M N 510 300                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Scars, Marks, Tattoos, or other distinguishing features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            | Suspect Age |       | Race | Sex   | Eth                 | Height |       | Weight |         | SSN                                                                                 |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | Feature     |       | Make |       | Model               |        | Color |        | Caliber | Dir of Travel                                                                       |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                            | Drs         | Style |      | Color |                     | Lic/St |       | VIN    |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Physical Char                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |             |       |      |       |                     |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------|-------|------|-------|---------------|--------|-------|--------|---------|-------------------------------------------------------------------------------------|--|--|--|-------------------------|--|-------------|--|------|-----|-----|--------|--|--------|--|-----|--|--------------|--|---------|--|------|--|-------|--|-------|--|---------|---------------|--|------------------|--|-----|-------|--|-------|--|--------|--|-----|--|--|--|
| 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Name (Last, First, Middle) |             |       |      |       | Also Known As |        |       |        |         | Home Address                                                                        |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | * No name *                |             |       |      |       |               |        |       |        |         |  |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Business Address           |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | DOB                        | Age         | Race  | Sex  | Eth   | Hgt           | Wgt    | Hair  | Eye    | Skin    | Driver's License / State                                                            |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| B M N 507 150                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Scars, Marks, Tattoos, or other distinguishing features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
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| Reported Suspect Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            | Suspect Age |       | Race | Sex   | Eth           | Height |       | Weight |         | SSN                                                                                 |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Weapon, Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | Feature     |       | Make |       | Model         |        | Color |        | Caliber | Dir of Travel                                                                       |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| VehYr/Make/Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                            | Drs         | Style |      | Color |               | Lic/St |       | VIN    |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Physical Char                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| WHI T-SHIRT, LONG, BLACK SHORTS, AND BLK SHOES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |
| Build, SMALL<br>HAIR STYLE / BRAIDED, ORNROWS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |             |       |      |       |               |        |       |        |         |                                                                                     |  |  |  |                         |  |             |  |      |     |     |        |  |        |  |     |  |              |  |         |  |      |  |       |  |       |  |         |               |  |                  |  |     |       |  |       |  |        |  |     |  |  |  |

# Incident Report Related Vehicle List

Charleston Police Department

OCA: 12-09910

|                                                          |                                       |                    |             |               |                         |                                                         |       |
|----------------------------------------------------------|---------------------------------------|--------------------|-------------|---------------|-------------------------|---------------------------------------------------------|-------|
| 1                                                        | VehYr/Make/Model<br>2000 NISS, Pathfi |                    | Style<br>SU |               | Color<br>W/Hi           | Lie/Lis                                                 | Vin   |
| IBR Status<br>Evidence (non Scibr)                       |                                       | Date<br>06/16/2012 |             | Location      |                         |                                                         |       |
| Condition                                                |                                       | Value<br>\$0 00    |             | Offense Code  | Jurisdiction<br>Locally | State #                                                 | NIC # |
| Name (Last, First, Middle)<br>Livengood, Harry Samuel Sr |                                       |                    |             | Also Known As |                         | Home Address<br>LITTLEWOOD                              |       |
| Business Address                                         |                                       |                    |             |               |                         |                                                         |       |
| DOB.<br>/ /                                              | Age<br>0                              | Race               | Sex         | Hgt           | Wgt                     | Scars, Marks, Tattoos, or other distinguishing features |       |

Notes

# Incident Report Related Property List

Charleston Police Department

OCA: 12-09910

|   |                                              |                           |                        |                     |                 |                                |         |  |
|---|----------------------------------------------|---------------------------|------------------------|---------------------|-----------------|--------------------------------|---------|--|
| 1 | Property Description<br><b>ANONYMOUS TIP</b> |                           | Make                   |                     | Model           |                                | Caliber |  |
|   | Color<br><b>White</b>                        | Serial No.                | Value<br><b>\$0.00</b> | Qty<br><b>1.000</b> | Unit            | Jurisdiction<br><b>Locally</b> |         |  |
|   | Status<br><b>Evidence (non</b>               | Date<br><b>06/24/2012</b> | NIC #                  | State #             | Local #         | OAN                            |         |  |
|   | Name (Last, First, Middle)                   |                           |                        | DOB                 | Age<br><b>0</b> | Race                           | Sex     |  |

## Notes

anonymous crime stoppers tip on notebook paper

|   |                                         |                              |                          |                     |                      |                                |                       |  |
|---|-----------------------------------------|------------------------------|--------------------------|---------------------|----------------------|--------------------------------|-----------------------|--|
| 2 | Property Description<br><b>FIREARMS</b> |                              | Make<br><b>SIG SAUER</b> |                     | Model<br><b>P232</b> |                                | Caliber<br><b>9MM</b> |  |
|   | Color<br><b>Black/Black</b>             | Serial No.<br><b>S275151</b> | Value<br><b>\$50.00</b>  | Qty<br><b>1.000</b> | Unit                 | Jurisdiction<br><b>Locally</b> |                       |  |
|   | Status<br><b>Evidence (non</b>          | Date<br><b>07/15/2012</b>    | NIC #                    | State #             | Local #              | OAN                            |                       |  |
|   | Name (Last, First, Middle)              |                              |                          | DOB                 | Age<br><b>0</b>      | Race                           | Sex                   |  |

## Notes

I.D.  
03000INCIDENT REPORT  
MT. PLEASANT POLICE DEPARTMENT

COPY

Case Number

03-011271

NCIC

Ing. Entd

|                                                                                                                            |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
|----------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------|
| Incident Type<br>Death Investigation                                                                                       | Completed<br>Yes | Filed Entry<br>No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Premise Type<br>House | Entered<br>Yes                                  | X Individual<br>Business<br>Fin Inst<br>Government<br>Religious | Soc/Public<br>Other<br>Unknown<br>Police Off<br>Organizatr |
| Incident Location (Department and Number, Street Name and Number)<br>11/21/03 23:00 To 11/25/03 08:43 11/25/03 08:27 08:43 |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 | Zip Code<br>29464                                               | Weapon Type<br>517                                         |
| Complainant's Name (Last, First, Middle)<br>Scott Osment                                                                   |                  | Relationship to Subj.<br>FR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reg.<br>J             | Race<br>W                                       | Sex<br>M                                                        | Age<br>39                                                  |
| State<br>SC                                                                                                                |                  | Zip Code<br>29464                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Location No.<br>517   |                                                 |                                                                 |                                                            |
| Victim's Name (Last, First, Middle)<br>Kinneman, Robert Eugene                                                             |                  | Relationship to Subj.<br>AQ                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reg.<br>J             | Race<br>W                                       | Sex<br>M                                                        | Age<br>39                                                  |
| Height<br>506                                                                                                              |                  | Weight<br>140                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Hair<br>BRO           | Eyes<br>BRO                                     | Facial<br>I                                                     |                                                            |
| Address<br>J                                                                                                               |                  | City<br>Mt Pleasant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | State<br>SC                                     |                                                                 |                                                            |
| Visible Injury? Yes Explain: Death                                                                                         |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Complaint of Non-visible Injuries? No                                                                                      |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Using Alcohol? Unk<br>Drugs? Unk Type:                                                                                     |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Two-man Vehicle                                                                                                            |                  | One-man Vehicle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       | Detective/SPLASMT                               |                                                                 | Other                                                      |
| X Suspect                                                                                                                  |                  | Name (Last, First, Middle)<br>Unknown                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       | Race Sex Age Eth. Date of Birth                 |                                                                 |                                                            |
| Runaway                                                                                                                    |                  | Height Weight Hair Eyes Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                 |                                                                 |                                                            |
| Wanted                                                                                                                     |                  | Address City State Zip Code Location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                 |                                                                 |                                                            |
| Arrest                                                                                                                     |                  | Using Alcohol? Drugs? Type: Arrested Near Scene Total # Arrested                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                 |                                                                 |                                                            |
| Jail                                                                                                                       |                  | Date/Time of Offense Date/Time of Arrest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                                                 |                                                                 |                                                            |
| Summons                                                                                                                    |                  | On 11/25/03 I, officer AJ Santos was dispatched to in reference to a missing person. Upon speaking with the complainant, Scott Osment, he told me that he hadn't seen his friend Robert Kinneman (victim) since Saturday night (11/22/03). Mr Osment stated that he and a couple of friends were at Mr Kinneman's house watching a football game. Mr Osment also worked with the victim. Mr Osment also told me that Mr Kinneman did not show up for work on Monday. Being that Mr Kinneman is a supervisor, it's unlikely him not to call if he's not going to work. When the victim failed to report to work today and did not call, Mr Osment when to Mr Kinneman's house looking for him. After arriving at the house, Mr Osment noticed that Mr Kinneman's new Chevy truck was not in the driveway. Mr Osment stated that he called the victim at the house number along with his cell phone with no answer. Also, Mr Kinneman's dog was inside the house. Mr Osment stated that Mr Kinneman would not leave the house without taking the dog. At this time, I had Mr Osment enter |                       |                                                 |                                                                 |                                                            |
| Jurisdiction of Theft Law Enforcement Agency                                                                               |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       | Jurisdiction of Recovery Law Enforcement Agency |                                                                 |                                                            |
| Type (Group)                                                                                                               |                  | Total Value                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                 |                                                                 |                                                            |
| Stolen                                                                                                                     |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Damaged                                                                                                                    |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Burned                                                                                                                     |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Recovered                                                                                                                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Seized                                                                                                                     |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |
| Subj. Identified No                                                                                                        |                  | X Active                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       | Admin                                           |                                                                 | Arrested                                                   |
| Subj. Located No                                                                                                           |                  | Unfounded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       | Closed                                          |                                                                 | Under 18 18 & Over                                         |
| Reason for Ex. Clearance:                                                                                                  |                  | Offender Death                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       | No Prosecution                                  |                                                                 | Extradition Denied                                         |
|                                                                                                                            |                  | Victim Declines Cooperation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                 |                                                                 | Juvenile-No Custody                                        |
| Reporting Officers<br>PFC AJ SANTOS                                                                                        |                  | Date<br>11/25/03                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Unit Nr<br>2135       | Approving Officer<br>MEANING-5.5157             |                                                                 | Date<br>11/25/03                                           |
| Follow-up Investigation                                                                                                    |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                 |                                                                 |                                                            |

CY I.D.  
100300

SUPPLEMENTAL INCIDENT REPORT  
MT. PLEASANT POLICE DEPARTMENT

Case Number

03-011271

NCIC

Ing. Entd

|   |                   |                     |                      |                               |             |  |
|---|-------------------|---------------------|----------------------|-------------------------------|-------------|--|
| X | Original Report   | Supplemental Report | Additional Victims   | Additional Stolen Property    | PAGE 2 OF 3 |  |
|   | Modifies Original | Case Status Report  | Additional Offenders | Additional Recovered Property |             |  |

|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|---------------------------------|---------------------------------|-----------------------------------|----------------------------|--------|-----------------|-------|------------------------------------------------------|-------------------|---------------|--|--|
| V<br>I<br>C<br>T<br>I<br>M<br>/ | S<br>U<br>B<br>J<br>E<br>C<br>T | Complainant                       | Name (Last, First, Middle) |        | Eth             | Race  | Sex                                                  | Age               | Date of Birth |  |  |
|                                 |                                 | Victim #                          | Height                     | Weight | Hair            | Eyes  | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc. |                   |               |  |  |
|                                 |                                 | Subj #                            | Address                    |        | City            | State | ZipCode                                              | Location          | Day Phone     |  |  |
|                                 |                                 | Runaway                           |                            |        |                 |       |                                                      |                   | Eve Phone     |  |  |
|                                 |                                 | Wanted                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Warrant                           |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Arrest                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Jail                              |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Summons                           |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Alone                             |                            |        |                 |       |                                                      |                   |               |  |  |
| V<br>I<br>C<br>T<br>I<br>M<br>/ | S<br>U<br>B<br>J<br>E<br>C<br>T | Assisted                          |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Using Alcohol?                    |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Drugs?                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Type:                             |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Victim Relationship to Subject #1 |                            |        | #2              |       |                                                      | #3                |               |  |  |
|                                 |                                 | Two-man Vehicle                   |                            |        | One-man Vehicle |       |                                                      | Detective/SPLASMT | Other         |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |

|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|---------------------------------|---------------------------------|-----------------------------------|----------------------------|--------|-----------------|-------|------------------------------------------------------|-------------------|---------------|--|--|
| V<br>I<br>C<br>T<br>I<br>M<br>/ | S<br>U<br>B<br>J<br>E<br>C<br>T | Complainant                       | Name (Last, First, Middle) |        | Eth             | Race  | Sex                                                  | Age               | Date of Birth |  |  |
|                                 |                                 | Victim #                          | Height                     | Weight | Hair            | Eyes  | Facial Hair, Scars, Tattoos, Glasses, Clothing, Etc. |                   |               |  |  |
|                                 |                                 | Subj #                            | Address                    |        | City            | State | ZipCode                                              | Location          | Day Phone     |  |  |
|                                 |                                 | Runaway                           |                            |        |                 |       |                                                      |                   | Eve Phone     |  |  |
|                                 |                                 | Wanted                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Warrant                           |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Arrest                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Jail                              |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Summons                           |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Alone                             |                            |        |                 |       |                                                      |                   |               |  |  |
| V<br>I<br>C<br>T<br>I<br>M<br>/ | S<br>U<br>B<br>J<br>E<br>C<br>T | Assisted                          |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Using Alcohol?                    |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Drugs?                            |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Type:                             |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 | Victim Relationship to Subject #1 |                            |        | #2              |       |                                                      | #3                |               |  |  |
|                                 |                                 | Two-man Vehicle                   |                            |        | One-man Vehicle |       |                                                      | Detective/SPLASMT | Other         |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |
|                                 |                                 |                                   |                            |        |                 |       |                                                      |                   |               |  |  |

|                                 |             |   |           |                                 |                            |                 |                          |                   |      |            |         |      |
|---------------------------------|-------------|---|-----------|---------------------------------|----------------------------|-----------------|--------------------------|-------------------|------|------------|---------|------|
| V<br>E<br>H<br>I<br>C<br>L<br>E | G<br>U<br>N | X | Stolen    | VIN and/or License No.          | 1GCHK29153E187828/ 254-HES |                 | Boat Hull and/or Reg No. |                   |      |            |         |      |
|                                 |             |   | Recovered | Serial and/or Owner Applied No. |                            |                 | State                    |                   |      |            |         |      |
|                                 |             |   | Found     | Year Registered                 | 2003                       | Expiration Year | 2004                     | Year              | 2003 | Make       | Chevy   | Type |
|                                 |             |   | Towed     | Model                           | Silverado                  | Style           | Truck                    | Color             | Gold | Brand Name | Caliber |      |
|                                 |             |   | Suspect   | NIC No.                         | Denomination               |                 | Issuer                   | Securities Dealer |      |            |         |      |
|                                 |             |   | x Victim  | Miscellaneous                   |                            |                 |                          |                   |      |            |         |      |
|                                 |             |   |           |                                 |                            |                 |                          |                   |      |            |         |      |
|                                 |             |   |           |                                 |                            |                 |                          |                   |      |            |         |      |
|                                 |             |   |           |                                 |                            |                 |                          |                   |      |            |         |      |
|                                 |             |   |           |                                 |                            |                 |                          |                   |      |            |         |      |

|              |  |  |  |  |  |             |
|--------------|--|--|--|--|--|-------------|
| Type (Group) |  |  |  |  |  | Total Value |
| Stolen       |  |  |  |  |  |             |
| Damaged      |  |  |  |  |  |             |
| Burned       |  |  |  |  |  |             |
| Recovered    |  |  |  |  |  |             |
| Seized       |  |  |  |  |  |             |

|                           |          |              |                              |                |                      |         |
|---------------------------|----------|--------------|------------------------------|----------------|----------------------|---------|
| Subj. Identified No       | X Active | Admin Closed | Arrested Under 18            | 18 & Over      | Ex. Clearance Und 18 | 18&Over |
| Subj. Located             | No       | Unfounded    |                              |                |                      |         |
| Reason for Ex. Clearance: |          |              | Offender Death               | No Prosecution | Extradition Denied   |         |
|                           |          |              | Victim Declines Cooperation  |                | Juvenile-No Custody  |         |
| Reporting Officers        | Date     | Unit Nr      | Approving Officer            | Date           | Unit Nr              |         |
| PFC AJ SANTOS             | 11/25/03 | 2135         | MAGALUS S.D. ST              | 11/25/03       | 2135                 |         |
|                           |          |              | Follow-up Investigation? fol |                |                      |         |

0009

AGENCY I.D.  
SC0100300

SUPPLEMENTARY REPORT  
MT. PLEASANT POLICE DEPARTMENT

Case Number  
03-011271

NCIC  
Inq. Entd.

| X | Original Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Supplemental Report | Modifies Original | Case Status Report                   | Page .3 of 3                     |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------|--------------------------------------|----------------------------------|
|   | <p>Mr Kinneman house thru a rear door. Mr Osment went inside the house to check on the dog and to see if Mr Kinneman was inside. Mr Osment also told me that Mr Kinneman has a roommate named Brad. Mr Osment stated that Brad works for his company and that he only lived with Mr Kinneman for about a week. At this time Brad can not be located, the only information that Mr Osment has on Brad is that he's from Tennessee, and, that Brads mothers phone number is saved in Mr Kinneman's cell phone. Shortly after entering the house, Mr Osment came running out of the house and told me that he found Mr Kinneman dead in the back bedroom. Upon requesting additional units, Officer Reason and Lt Ritchie responded to the scene. Upon an internal check of the residence, Officer Reason and I found the victim laying on the floor of the rear bedroom, the victim appeared to be deceased. At this time all officer cleared from inside the house and established a crime scene. Sgt Meadows was call to report to the incident location along with Crime Scene units. Sgt Meadows advised Investigators to report to incident location along with County Corner Wouten. Mr Kinneman vehicle, a 2003 Chevy Silverado tan in-color with SC tag of 254-HES was place into NCIC as a nationwide BOLO of a Death Investigation. At this time the incident in under investigation. Nothing Follows.</p> |                     |                   |                                      |                                  |
|   | <p>Subj. Identified No<br/>Subj. Located No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |                   |                                      |                                  |
|   | <p>X Active Admin Closed<br/>Unfounded</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |                   |                                      |                                  |
|   | <p>Arrested Under 18 18 &amp; Over<br/>Ex. Clearance Und 18 18&amp;Over</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |                   |                                      |                                  |
|   | <p>Reason for Ex. Clearance: Offender Death No Prosecution Extradition Denied<br/>Victim Declines Cooperation Juvenile-No Custody</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                   |                                      |                                  |
|   | Reporting Officer<br>PFC AJ SANTOS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Date<br>11/25/03    | Unit Nr<br>2135   | Approving Officer<br>MEADOWS S. OSBY | Date<br>11/25/03 Unit Nr<br>8621 |
|   | Follow-up Investigation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |                   |                                      |                                  |

APR-29-2005 16:14

CCSO RECORDS MAN'S HALL CLUB

P.02/10

3806 PINEHAVEN DRIVE - NORTH CHARLESTON, S.C. 29405-7789 - (843) 554-4700

J. Al Cannon, Jr.  
Sheriff

## INCIDENT REPORT

|                                                   |  |                               |  |                          |  |                          |  |                                      |  |
|---------------------------------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------------------|--|
| SC0100000                                         |  | DISPATCH NUMBER 2005-002306-B |  | PAGE 1 OF 1 PAGES        |  | HCO NO                   |  | HIT                                  |  |
| 1. Homicide Investigation                         |  |                               |  | INCIDENT CODE            |  | COMPLETION               |  | FORCED ENTRY                         |  |
| 2. N/A                                            |  |                               |  | N/A                      |  | N/A                      |  | N/A                                  |  |
| 3. N/A                                            |  |                               |  | N/A                      |  | N/A                      |  | N/A                                  |  |
| INCIDENT LOCATION                                 |  |                               |  | ZIP CODE 29455           |  | WEAPON TYPE N/A          |  |                                      |  |
| DATE 01/30/05 TIME 01:21                          |  |                               |  | DATE 01/30/05 TIME 05:38 |  | DATE 01/30/05 TIME 01:21 |  | DATE 02:10                           |  |
| NAME (LAST FIRST, MIDDLE) Legare-Teresa           |  |                               |  | RELATIONSHIP TO SUBJECT  |  | RESIDENT                 |  | PAGE                                 |  |
| HEIGHT 6'0" WEIGHT 300 HAIR BLK EYES BRN          |  |                               |  | N/A                      |  | N/A                      |  | N/A                                  |  |
| ADDRESS                                           |  |                               |  | CITY John's Island       |  | STATE S.C.               |  | ZIP CODE 29455                       |  |
| OCCUPATION Manager                                |  |                               |  | EMPLOYER Bernard's Place |  | N/A                      |  | N/A                                  |  |
| NAME (LAST FIRST, MIDDLE) Patrick-Kenneth Charles |  |                               |  | RELATIONSHIP TO SUBJECT  |  | RESIDENT                 |  | PAGE                                 |  |
| HEIGHT 5'11" WEIGHT 300 HAIR BLK EYES BRN         |  |                               |  | N/A                      |  | N/A                      |  | N/A                                  |  |
| ADDRESS                                           |  |                               |  | CITY Jose Ck.            |  | STATE S.C.               |  | ZIP CODE 29445                       |  |
| OCCUPATION Unknown                                |  |                               |  | EMPLOYER Unknown         |  | N/A                      |  | N/A                                  |  |
| NAME (LAST FIRST, MIDDLE) Brown-Jemol             |  |                               |  | RELATIONSHIP TO SUBJECT  |  | RESIDENT                 |  | PAGE                                 |  |
| HEIGHT 6'1" WEIGHT 186 HAIR BLK EYES BRN          |  |                               |  | N/A                      |  | N/A                      |  | N/A                                  |  |
| ADDRESS                                           |  |                               |  | CITY John's Island       |  | STATE S.C.               |  | ZIP CODE 29455                       |  |
| OCCUPATION N/A                                    |  |                               |  | EMPLOYER N/A             |  | N/A                      |  | N/A                                  |  |
| TYPE (GROUP)                                      |  |                               |  | TOTAL VALUE              |  | JURISDICTION OF TREATY   |  | LAW ENFORCEMENT AGENCY               |  |
| STOLEN                                            |  |                               |  |                          |  | CCSO                     |  |                                      |  |
| DAMAGED                                           |  |                               |  |                          |  | JURISDICTION OF RECOVERY |  | LAW ENFORCEMENT AGENCY               |  |
| RECOVERED                                         |  |                               |  |                          |  | N/A                      |  |                                      |  |
| REASON FOR EXCEPTIONAL CLEARANCE                  |  |                               |  | OFFENDER DEATH 2         |  | NO PROSECUTION 3         |  | EXTRADITION DENIED 4                 |  |
| REPORTING OFFICER(S)                              |  |                               |  | DATE                     |  | RADIO NUMBER             |  | ANALYST OFFICER                      |  |
| DETECTIVE EUGENE MAGWOOD                          |  |                               |  | 01/31/05                 |  | 89118                    |  | SGT NAOMI MORRIS / SGT ROBERT WALKER |  |
| DATE                                              |  |                               |  | 01/31/05                 |  | 8747                     |  |                                      |  |
| FOLLOW UP INVESTIGATION                           |  |                               |  | YES                      |  | NO                       |  |                                      |  |

(John's Island) Charleston County Deputies were dispatched to the listed location in reference to a shooting. Upon arrival the victim was found out side the front door of the aforementioned address. Upon arrival to the scene it was apparent that the victim suffered multiple gunshot wounds. Through the preliminary examination of B.M.S, Coroner. He was pronounced dead on scene. (This investigation continues)

ORIGINAL COPY

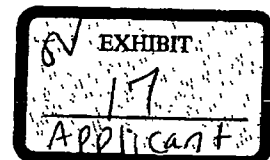
EXHIBIT 8  
16  
Applicant  
01/25



# South Carolina Commission on Prosecution Coordination



## SOUTH CAROLINA PROSECUTOR'S DESKBOOK 2010 Edition



# **SOUTH CAROLINA PROSECUTOR'S DESKBOOK 2010 Edition**

**Revised, Updated, and Published in 2010 by**  
South Carolina Commission on Prosecution Coordination  
Columbia, South Carolina

**2007 and Earlier Editions Written by**  
Caroline Fishburne Fox  
Assistant Solicitor  
Fifteenth Judicial Circuit Solicitor's Office

**and Published by**  
Honorable J. Gregory Hembree  
Office of the Solicitor of the Fifteenth Judicial Circuit

For more information on the South Carolina Commission on Prosecution Coordination, please contact the Commission at:

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1401 Main Street, Suite 825  
Post Office Box 11561  
Columbia, South Carolina 29211-1561

NOTICE

The 2010 edition of the *South Carolina Prosecutor's Deskbook* replaces all previous versions.

The *Deskbook* is a pdf document. This format will allow you to not only search for text, but also copy text for insertion into other documents (from those documents created as pdfs from Word™ Documents).

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This publication is intended for use by members of the South Carolina Solicitors' Offices. Because of the rapidly changing nature of the law, information contained in this publication may become outdated.<sup>4</sup> As a result, a prosecutor using this material must always research original sources of authority and update information to ensure accuracy when dealing with a specific legal matter. The views expressed herein are not necessarily those of the South Carolina Commission on Prosecution Coordination.

## ACKNOWLEDGEMENTS

### 2007 and Earlier Editions:

The South Carolina Prosecutor's Deskbook had its beginnings in a notebook Caroline Fishburne Fox started several years ago, primarily using Ferguson's *Criminal Offenses in South Carolina* as a basis for a "cheat-sheet manual" of the most common offenses and issues, and adding topics and cases as new advance sheets came out. In compiling information for the *Prosecutor's Deskbook*, she relied upon the following sources as well: the NDAA's *National Prosecution Standards*; McAninch & Fairey's *Criminal Law of South Carolina*; Swerling's *South Carolina Criminal Trial Notebook*; Robert Farb's *North Carolina Prosecutors' Trial Manual*; and the 1997 and 2002 Annual Solicitors' Conference materials. She also incorporated material from the DUI trial notebook for police officers created by the Honorable J. Gregory Hembree, Solicitor of the Fifteenth Judicial Circuit, and Deputy Solicitor Fran Humphries' inner-office materials on predicate questions for confessions, competency, identification, search warrants, and the introduction of evidence.

Although Solicitor Hembree was the ultimate editor, every Assistant Solicitor in the Fifteenth Judicial Circuit provided reviews and input. Assistant Solicitor Nadia Black did the final editing of the 2007 Edition.

### 2010 Edition and Post-2007 Editions:

In 2008, the Commission accepted the responsibility of maintaining and updating the *Deskbook*. Under the direction of William D. Bilton, Executive Director of the Commission, Amie L. Clifford has over the years rewritten the ethics chapter and other portions of the *Deskbook*, reformatted the *Deskbook*, and updated the *Deskbook* to reflect changes in the statutory and case law.

This most recent edition of the *Deskbook* is current through the 2009 Session of the South Carolina General Assembly, as well as the cases issued by United States Supreme Court and the South Carolina appellate courts through the end of March 2010. It is hoped that the updates and the changes that have been made, and will be made in the future, will make the *Deskbook* even more useful to South Carolina's prosecutors.

Editor's Note

Every effort has been made to ensure that the information contained in the *South Carolina Prosecutor's Deskbook* is accurate and current as of the date of publication. Please send any comments or suggestions concerning the *Deskbook* to the South Carolina Commission on Prosecution Coordination, Attention: Amie L. Clifford, 1401 Main Street, Suite 825, Post Office Box 11561, Columbia, South Carolina 29211-1561.

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ADVOCATE

April 2010

Dear South Carolina Prosecutors,

The Commission is pleased to provide South Carolina's prosecutors with this new edition of *The South Carolina Prosecutor's Deskbook*. It is our hope that it will assist you in your day-to-day pursuit of justice for the citizens of our state.

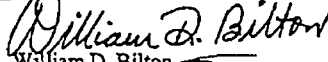
In 2002, after learning many other states had a standard prosecutors' deskbook and realizing the benefit of having such a manual for South Carolina's prosecutors, the Honorable J. Gregory Hembree, Solicitor of the Fifteenth Judicial Circuit, took action. He asked Senior Assistant Solicitor Caroline Fishburne Fox, an exceptionally talented lawyer, to take on the task of writing a deskbook. She willingly did so and created a tremendous resource. *The South Carolina Prosecutor's Deskbook* was first published in 2003 by the Fifteenth Judicial Circuit Solicitor's Office. The *Deskbook* was updated by Mrs. Fox, edited by Solicitor Hembree, and reviewed by many members of the Fifteenth Judicial Circuit Solicitor's Office from that time through the 2007 update. They are to be commended for their hard work and their dedication to South Carolina's prosecutors.

In 2008, the Commission accepted the responsibility of maintaining and updating the *Deskbook*. We have rewritten some portions, reformatted the *Deskbook*, and updated the *Deskbook* to reflect the 2009 Session of the South Carolina General Assembly, as well as the cases issued by United States Supreme Court and the South Carolina appellate courts through the end of March 2010. It is our hope that the updates and the changes we have made, and will make in the future, will make the *Deskbook* even more useful to you.

The 2010 edition of *The South Carolina Prosecutor's Deskbook* replaces all previous versions (printed and on CD). It is being electronically published, on CD, and its pdf format will allow you to not only search for text, but also copy text for insertion into other documents. The electronic publication will also allow for updates and inclusion of additional forms, sample pleadings, and appendices.

I want to thank you for your service as a South Carolina prosecutor. Please contact me at (803) 343-0765 if you have any suggestions for the *Deskbook* or if I can ever be of assistance.

Sincerely,

  
William D. Bilton  
Executive Director

## South Carolina Prosecutor's Deskbook Table of Contents

|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| Chapter 1: Ethics and Professionalism .....                              | 1   |
| Ethics .....                                                             | 1   |
| Standards and Professionalism .....                                      | 11  |
| Resources .....                                                          | 12  |
| Chapter 2: File Development .....                                        | 13  |
| Arrest .....                                                             | 13  |
| Bonds .....                                                              | 22  |
| Preliminary Hearing .....                                                | 30  |
| Pretrial Intervention .....                                              | 33  |
| Chapter 3: Charging Decisions .....                                      | 37  |
| Screening and Charging .....                                             | 37  |
| Burden of Proof .....                                                    | 39  |
| <i>Corpus Delecti</i> .....                                              | 42  |
| Double Jeopardy .....                                                    | 44  |
| Indictment .....                                                         | 48  |
| Joinder of Charges & Defendants .....                                    | 54  |
| Jurisdiction: Remand/Transfer/Waiver .....                               | 63  |
| Parties to Crime (Principal, Accessory, Accomplice and Conspiracy) ..... | 69  |
| Two-Three Strikes Law/Violent Crimes .....                               | 76  |
| Venue .....                                                              | 82  |
| Chapter 4: Pretrial Issues .....                                         | 87  |
| Competency .....                                                         | 87  |
| Confessions .....                                                        | 96  |
| Discovery .....                                                          | 112 |
| Extradition .....                                                        | 120 |
| Hearsay .....                                                            | 123 |
| Identification .....                                                     | 138 |
| Impeachment .....                                                        | 152 |
| Pre-Trial Motions: .....                                                 | 176 |
| Conflicts in Hearing Dates .....                                         | 177 |
| Continuances and Relief Of Counsel .....                                 | 178 |
| Non-Testimonial Evidence .....                                           | 183 |
| Sequestration of Witnesses .....                                         | 186 |
| Speedy Trial .....                                                       | 186 |
| Priority Case Scheduling .....                                           | 192 |
| Stipulations .....                                                       | 192 |
| Privilege .....                                                          | 193 |
| Immunity .....                                                           | 195 |
| Search And Seizure Issues .....                                          | 195 |
| Search Warrants .....                                                    | 195 |
| Warrantless Searches .....                                               | 205 |
| Search Incident to Arrest .....                                          | 206 |
| Hot Pursuit .....                                                        | 207 |

Table of Contents

South Carolina Prosecutor's Deskbook

|                                                                         |     |
|-------------------------------------------------------------------------|-----|
| Stop and Frisk .....                                                    | 207 |
| Automobile Exception .....                                              | 210 |
| Plain View Doctrine .....                                               | 212 |
| Consent to Search .....                                                 | 212 |
| Abandoned Property .....                                                | 214 |
| Exigent Circumstances .....                                             | 215 |
| Criminal Domestic Violence Cases .....                                  | 215 |
| Traffic Stops .....                                                     | 215 |
| Suppression Hearing .....                                               | 220 |
| Suppression Hearing Procedure .....                                     | 223 |
| Seizure .....                                                           | 226 |
| Search/Seizure of Person .....                                          | 226 |
| Bodily Samples .....                                                    | 226 |
| Handwriting Exemplars .....                                             | 228 |
| Defendant's Swallowing Evidence .....                                   | 228 |
| Waiver of Counsel .....                                                 | 228 |
| Right to Counsel .....                                                  | 229 |
| Interrogations .....                                                    | 230 |
| Pro Se Representation .....                                             | 231 |
| Waiver of Sixth Amendment Right to Counsel .....                        | 232 |
| Hybrid Representation .....                                             | 234 |
| Witnesses/Out of State Witnesses .....                                  | 234 |
| Defendant's Right to Confront and Call Witnesses .....                  | 235 |
| Witness' Competency .....                                               | 236 |
| Testimony of Child Witness Through Videotape or Closed Circuit TV ..... | 236 |
| Psychiatric Evaluation of Child Victim .....                            | 238 |
| New Law: Out-of-Court Statements Of Child Under 12 .....                | 238 |
| Post-Hypnotic Testimony .....                                           | 239 |
| Improper Coaching of Witnesses .....                                    | 239 |
| Solicitor as A Witness .....                                            | 239 |
| Judge as Witness .....                                                  | 239 |
| Affidavits and Depositions .....                                        | 239 |
| Defendant's Right to Call Witnesses .....                               | 240 |
| Out-of-State Witnesses .....                                            | 240 |
| Another State's Request for S.C. Witness .....                          | 240 |
| South Carolina Request for Out-Of-State Witness .....                   | 241 |
| Defendant's Request for Out-Of-State Witness .....                      | 242 |
| Victims .....                                                           | 243 |
| Victim's Statutory Rights .....                                         | 243 |
| Chapter Five: Guilty Pleas .....                                        | 251 |
| National Prosecution Standards .....                                    | 251 |
| Guilty Pleas Generally .....                                            | 253 |
| Chapter 6: Trial .....                                                  | 265 |
| Trial in Absence .....                                                  | 265 |
| Arraignment .....                                                       | 268 |
| Jury Selection: Preemptory Challenges and <i>Bruton</i> Issues .....    | 268 |
| Opening Statements .....                                                | 281 |
| Case In Chief .....                                                     | 284 |



|                                                 |     |
|-------------------------------------------------|-----|
| Direct Examination .....                        | 284 |
| Introduction of Evidence Generally .....        | 285 |
| Introduction of Physical Evidence .....         | 296 |
| Introduction of Photographic Evidence .....     | 302 |
| Witnesses/Experts .....                         | 304 |
| Witnesses .....                                 | 304 |
| Expert Evidence and Witnesses .....             | 309 |
| Motions for Directed Verdict .....              | 316 |
| Defendant's Case: .....                         | 318 |
| Objections .....                                | 319 |
| Cross-Examination .....                         | 321 |
| Defenses .....                                  | 324 |
| Accident .....                                  | 324 |
| Alibi .....                                     | 324 |
| Coercion/Duress .....                           | 324 |
| Defense of Others .....                         | 325 |
| Defense of Habitation/Property .....            | 325 |
| Intoxication .....                              | 325 |
| Lack of Intent .....                            | 326 |
| Mental Health Defenses .....                    | 328 |
| Mere Presence .....                             | 331 |
| Necessity .....                                 | 331 |
| Self-Defense .....                              | 332 |
| Entrapment .....                                | 338 |
| Reply .....                                     | 338 |
| Closing Arguments .....                         | 341 |
| Jury Instructions .....                         | 347 |
| Chapter 7: Post-Trial .....                     | 361 |
| Mistrial .....                                  | 362 |
| New Trial .....                                 | 371 |
| Sentencing .....                                | 374 |
| Post-Conviction DNA Testing .....               | 385 |
| Chapter 8: Appeals .....                        | 389 |
| Appeals of Pre-Trial Orders .....               | 389 |
| Post-Conviction Appeals .....                   | 389 |
| Waiver of Right to Direct Appeal .....          | 390 |
| Pro Se Representation on Appeal .....           | 390 |
| Appeal Bonds .....                              | 390 |
| Jurisdiction after Appeal .....                 | 391 |
| Sentencing Remand .....                         | 391 |
| Chapter 9: Bench Warrants .....                 | 393 |
| Issuing A Bench Warrant .....                   | 393 |
| Processing and Maintaining Bench Warrants ..... | 393 |
| Penalty for Failure To Appear .....             | 393 |
| Right to Estreatment .....                      | 393 |
| Jurisdiction .....                              | 393 |
| Bond Estreatment Procedure .....                | 394 |
| Consent Orders .....                            | 394 |

Table of Contents

South Carolina Prosecutor's Deskbook

|                                                                                                    |     |
|----------------------------------------------------------------------------------------------------|-----|
| Remitting All or Part of The Judgment .....                                                        | 395 |
| Defenses to Estreatment .....                                                                      | 395 |
| Chapter 10: Forfeiture of Property .....                                                           | 397 |
| Drug Statutes .....                                                                                | 397 |
| DUI/DUS Statute .....                                                                              | 400 |
| Bombs/Destructive Devices Statute .....                                                            | 400 |
| Gun Statutes .....                                                                                 | 401 |
| Vehicle Used in Larceny ..                                                                         | 402 |
| Chapter 11: Testing & Registering The Defendant .....                                              | 405 |
| HIV Testing .....                                                                                  | 405 |
| Sex Offender Registry .....                                                                        | 406 |
| Child Abuse and Neglect Registry .....                                                             | 410 |
| DNA Database .....                                                                                 | 411 |
| Chapter 12: Criminal Offenses .....                                                                | 413 |
| ABIK/ABHAN .....                                                                                   | 413 |
| Alcohol-Related Driving Offenses .....                                                             | 417 |
| Arson .....                                                                                        | 421 |
| Breach of Trust .....                                                                              | 423 |
| Burglary .....                                                                                     | 426 |
| Child Abuse .....                                                                                  | 430 |
| Criminal Domestic Violence .....                                                                   | 434 |
| Drug Offenses .....                                                                                | 438 |
| Forgery .....                                                                                      | 445 |
| Hit And Run .....                                                                                  | 447 |
| Larceny ..                                                                                         | 448 |
| Murder and Manslaughter .....                                                                      | 452 |
| Police (Crimes Against) .....                                                                      | 461 |
| Reckless Homicide .....                                                                            | 467 |
| Robbery .....                                                                                      | 469 |
| Sex Crimes .....                                                                                   | 472 |
| Appendix .....                                                                                     |     |
| South Carolina Rules of Criminal Procedure .....                                                   | 483 |
| South Carolina Rules of Evidence .....                                                             | 493 |
| South Carolina Rules of Professional Conduct (Excerpts from Rule 407, SCACR) .....                 | 513 |
| Sample Pleadings and Other Documents<br>(from Supreme Court and Various Solicitors' Offices) ..... | 555 |

should not have allowed solicitor to argue defendant's "flight" from courtroom was evidence of guilt because this is not same as flight from scene of crime).

#### B. ARRAIGNMENT

An arraignment is a proceeding in which the defendant is brought before the judge having jurisdiction to try the offense, and the prosecutor advises the defendant on the record of the offense for which he has been indicted and directs the defendant to plead guilty or not guilty. This is usually done immediately before a jury is chosen to hear the trial of the case.

A defendant does not have a constitutional or statutory right to be arraigned and cannot argue that the State's failure to arraign him invalidates his conviction. The failure to arraign does not result in a due process violation as long as it appears that the defendant had sufficient notice of the accusation and an adequate opportunity to defend himself in the prosecution. *Garland v. Washington*, 232 U.S. 642, 34 S. Ct. 456 (1913); *State v. Ariail*, 311 S.C. 35, 426 S.E.2d 751 (1993).

Arraignment is a mere formality, and a waiver of being arraigned need not be established as being knowingly and intelligently made. *State v. Ariail*, *supra*.

The solicitor should be prepared anyway with the appropriate verbiage in case the defendant requests to be arraigned before trial.

#### C. JURY SELECTION: PREEMPTORY CHALLENGES and BRUTON ISSUES

##### Constitutional Guarantee

The Constitution does not give a defendant the right to either a perfect jury or a "handpicked" jury, but only to an fair and impartial jury. *State v. Stanko*, 376 S.C. 571, 658 S.E.2d 94 (2008); *Smith v. State*, 375 S.C. 507, 654 S.E.2d 523 (2007)

##### Trial by Jury Rule 14, SCRCrImP

In all cases, the trial judge shall ensure that the defendant's rights under the state and federal constitutions to a trial by jury are preserved.

##### Number of Jurors

A jury is composed of 12 members, but at any time before verdict, the parties may agree in writing with the approval of the court that the jury shall consist of any number less than 12 or that a valid verdict may be returned by a jury of less than 12 if one or more jurors are excused for just cause after the trial begins.

##### Waiver of Right to Trial by Jury

A defendant may waive his right to a jury trial only with the approval of the solicitor and the trial judge. Rule 14, SCRCrImP.

Acceptance of a jury trial waiver must be based upon a written record clearly demonstrating that the waiver is made knowingly and voluntarily. This can be done only through a searching interrogation of the accused by the trial court itself. Therefore, before accepting a proffered jury trial waiver in a criminal proceeding, the trial court must conduct its own direct and independent interrogation of the defendant. *State v. Arthur*, 296 S.C. 495, 374 S.E.2d 291 (1988).

Chapter 6

Trial

Although the trial court must strive to ensure that a defendant's waiver of a jury trial is knowing and voluntary, the court should never inject its personal opinion into that decision. *State v. Owens*, 362 S.C. 175, 607 S.E.2d 78 (2004).

The fact that a defendant cannot waive the right to trial by jury without the State's and judge's consent does not create a constitutional impediment, since the result of their refusal to consent is that the accused is subject to trial by an impartial jury, a right to which he is constitutionally guaranteed. *State v. Whitted*, 279 S.C. 260, 305 S.E.2d 245 (1983).

A capital defendant's right to a jury selected from a representative cross-section of the community is not compromised by the exclusion from the panel of those opposed to the death penalty. *State v. Kornahrens*, 290 S.C. 281, 350 S.E.2d 180 (1986), *cert. denied*, 480 U.S. 940, 107 S. Ct. 1592 (1987).

Grand Jury (Alleged Racial Discrimination in Selecting and Seating Grand Jury)

A defendant must establish the presumption of racial discrimination based on the statistical data available. The test is found in *State v. George*, 331 S.C. 342, 503 S.E.2d 168 (1998), *citing Castaneda v. Partida*, 430 U.S. 482, 97 S. Ct. 1272 (1977); *Sheppard v. State*, 357 S.C. 646, 594 S.E.2d 462 (2004).

Jury List

The trial court can make a defendant disclose his witness list before trial for the purposes of jury selection only. *State v. Powers*, 331 S.C. 37, 501 S.E.2d 116 (1998).

VOIR DIRE

Upon motion of a party, the trial court must examine all potential jurors under oath to find out if any juror:

1. is related to either party,
2. has any interest in the case,
3. has expressed or formed any opinion, or
4. has any bias or prejudice.

S.C. Code Section 14-7-1020

The objecting party must present competent evidence to get a juror excused for cause. *Id.*

The scope of *voir dire* and the manner in which it is conducted is left to the sound discretion of the trial court. *State v. Stanko, supra*.

Apart from capital cases, South Carolina judges traditionally conduct the examination of prospective jurors. S.C. Code Section 14-7-1020 & 16-3-20(D).

The use of paper strikes (where parties note their selections on paper list of jurors) does not deprive a capital defendant of a fair trial by an impartial jury where he has had ample opportunity to examine jurors in individual *voir dire* previously and has access to juror sheets and information forms. *State v. Bryant*, 372 S.C. 305, 642 S.E.2d 582 (2007)

There is no right of the parties to face potential jurors before exercising preemptory challenges. *State v. Potts*, 347 S.C. 126, 554 S.E.2d 38 (2001). Often, in Magistrate and Municipal Court, jurors are selected from a preprinted list and the jurors are not present.

Chapter 6

Trial

Jury selection is considered part of trial strategy, and even if counsel does not show he had a trial strategy for jury selection, PCR will not be granted unless the defendant can show the trial outcome would have been different if the attorney had used all available strikes. *Magazine v. State*, 361 S.C. 610, 606 S.E.2d 761 (2004).

**Extensive Questioning**

Attorneys may submit additional questions for the jury to the trial judge, but the scope of such questions and the manner in which the *voir dire* is conducted is within the judge's discretion. The judge does not need to allow lengthy interviews of jurors for the purpose of developing "personality profiles." *State v. Smart*, 278 S.C. 515, 299 S.E.2d 686 (1982).

**Examples:**

**1. Questions about Race**

During *voir dire*, the trial judge may ask if any potential juror has any biases or prejudices that would cause him to favor or disfavor any person associated with this case, based upon that person's race. *State v. Vang*, 353 S.C. 78, 577 S.E.2d 225 (Ct. App. 2003).

However, specific individual questions designed to reveal racial prejudices of the particular juror are required only when "special circumstances" exist. *State v. Cason*, 317 S.C. 430, 454 S.E.2d 888 (1995). A special circumstance exists when race is an integral part of the case, not when the only racial fact in the case is that the defendant and the victim are of different races. *Id.*

The proponent of a specific question regarding race must show that there is reasonable possibility that racial or ethnic prejudice would affect the jury. *Id.* (where, although defendant made offensive statement about victim, no evidence that motive for killing her was her race).

In order to protect a capital defendant's right to an impartial jury, he is entitled to have prospective jurors informed of the race of the defendant and questioned on their racial biases. If a juror is shown through *voir dire* to exhibit bias, the trial judge must exercise his discretion by disqualifying such a juror. A juror must be excused if his opinions would prevent or substantially impair the performance of his duties as a juror in accordance with the oath and instructions. *State v. Green*, 301 S.C. 347, 392 S.E.2d 157 (1990).

**2. Hypothetical Questions** *State v. South*, 285 S.C. 529, 331 S.E. 775 (1985).

**3. Whether the juror would believe testimony of one class of people (e.g., police) over another.**  
*State v. Adams*, 279 S.C. 228, 306 S.E.2d 208 (1983).

Trial judge did not abuse his discretion in refusing defense attorney's request to ask jurors whether they would give up their vote in order to go with the majority, where the jury panel had already been questioned as to their impartiality. *State v. Hill*, 361 S.C. 297, 604 S.E.2d 696 (2004) (death penalty case).

**Oath**

A juror cannot be dismissed for being unwilling to take a religious oath; he should be allowed to make an affirmation instead. *State v. Floyd*, 353 S.C. 55, 577 S.E.2d 215 (2003).

Chapter 6

Trial

Reasons for Disqualification S.C. Code Section 14-7-810

1. the juror has been convicted in state or federal court of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty;
2. he is unable to read, write, speak, or understand the English language;
3. he is incapable by reason of mental or physical infirmities to render efficient jury service (legal blindness is not enough); or
4. he has less than a sixth grade education or its equivalent.

Any person called to jury service who knows or has good reason to suspect that he is disqualified under this section, upon questioning by court, must state the disqualifying facts or the reasons for his suspicions and any failure to do so is punishable as contempt of court. The trial judge will make the final determination of the qualifications of a juror.

Challenges for Cause

The following jurors should be excused for cause:

1. clerks /deputy clerks of court, constables, deputy sheriffs, probate judges, county commissioners, magistrates, county officers and those employed within the walls of the courthouse (S.C. Code Section 14-7-820);
2. highway patrol officers (*State v. Cooper*, 291 S.C. 332, 353 S.E.2d 441 (1986)); and
3. biased jurors (S.C. Code Section 14-7-1020; *State v. Green*, 301 S.C. 347, 392 S.E.2d 157 (1990)).

*Sufficient reason to excuse juror for cause:* juror who states, during lengthy colloquy with judge, that she would be unable to render a guilty verdict under any circumstances. Such a juror is disqualified by law and does not need to be questioned by defense attorney. *State v. Wise*, 359 S.C. 14, 596 S.E.2d 475 (2004).

*Insufficient reason to excuse juror for cause:* juror is a friend or acquaintance of a victim, witness; officer or attorney in the case. *State v. Jones*, 298 S.C. 118, 378 S.E.2d 594 (1989); *Wilson v. Childs*, 315 S.C. 431, 434 S.E.2d 286 (1993)

Time for Objection

An objection to a juror is deemed waived if not made before the juror is impaneled, including objections that the party knew or would have known if due diligence had been exercised. S.C. Code Section 14-7-1030; *Creighton v. Coligny Plaza*, 334 S.C. 96, 512 S.E.2d 510 (1998).

Number of Preemptory Strikes S.C. Code Section 14-7-1110

The State gets five strikes. In joint trials for felonies, the State gets 10 strikes.

The defendant gets five strikes, *except* he gets 10 strikes when the charge is one of the following:

- murder;
- manslaughter;
- burglary;
- arson;
- criminal sexual conduct;
- armed robbery;
- grand larceny;
- breach of trust over \$1000;
- forgery; and

- perjury.

In joint trials, no more than 20 strikes are allowed in all to the defendants. However, in misdemeanor joint trials, no more than 10 strikes are allowed in all to the defendants.

For alternate jurors, the State gets one strike and the defendant gets two for each alternate.

**Failure of a Juror to Disclose Information in Voir Dire**

To protect both parties' right to an impartial jury, the trial judge must ask potential jurors whether they have formed an opinion about a case or are aware of any bias or prejudice against a party. *State v. Kelly*, 331 S.C. 132, 502 S.E.2d 99 (1998).

It is expected and required that jurors will answer truthfully and that they will disclose, upon a general question, any matters which might tend to disqualify them from sitting on the case for any reason. It is therefore imperative that the jurors' answers be truthful and complete. *Id.*

Where the court is informed of a matter that may justify the discharge of a juror, it must take some action and inquire into the matter, at least where juror competency is in question. *State v. Ivey*, 331 S.C. 118, 502 S.E.2d 92 (1998).

The right to a new trial in circumstances relating to improper juror silence during *voir dire* is not absolute: relief is required only when the court finds the concealed information would have supported a challenge for cause, or would have been a material factor in the use of the party's peremptory challenges; the inquiry must focus on the character of the concealed information, not on the mere fact that a concealment occurred. *Long v. Norris & Associates, Ltd.*, 342 S.C. 561, 538 S.E.2d 5 (Ct. App. 2000).

**Examples:**

1. New trial was required where a juror failed to disclose her work with victim's advocacy program through local solicitor's office, despite having been specifically asked on *voir dire* about having contributed to or supported victim's rights organization. *State v. Woods*, 338 S.C. 561, 527 S.E.2d 128 (Ct. App. 2000), *affirmed*, 345 S.C. 583, 550 S.E.2d 282 (2001).
2. New trial was not required because a juror in capital murder case did not, during *voir dire*, intentionally conceal information concerning his views on death penalty, even though he failed to disclose that he had several years earlier attended death penalty rally. *State v. Kelly*, 331 S.C. 132, 502 S.E.2d 99 (1998), *cert. denied*, 525 U.S. 1077, 119 S. Ct. 816 (1999).
3. Juror's failure to reveal during *voir dire* that she was acquainted with the lead detective is irrelevant to the *Batson* analysis, which focuses upon a party's knowledge of a potential juror and reason for exercising a peremptory challenge. *State v. Haigler*, 334 S.C. 623, 515 S.E.2d 88 (1999).
4. New trial not required. juror's unintentional failure to disclose attack 40 years ago (no jury member said this juror's comments about never forgetting face of his attacker persuaded them to convict defendant). *State v. Sparkman*, 358 S.C. 491, 596 S.E.2d 375 (2004).
5. New trial not required: where no juror responded to the following questions: (1) whether anyone had any type of personal, business or social relationship with either the defendant or any of the potential witnesses and (2) if anyone for whatever reason could not give both the state and the defendant a fair and impartial trial, defendant was not prejudiced

Chapter 6

Trial

where juror failed to state that she knew a witness but did not have a social relationship with him. *State v. Guillebeaux*, 362 S.C. 270, 607 S.E.2d 99 (Ct. App. 2004).

Procedure:

1. Get a copy of the jury panel list and their information sheets from the clerk of court, listing their place of employment, education level, marital status and number of children.
2. Run a rap sheet on each juror, and inform the judge before *voir dire* if there is anyone who should be excused because of his or her prior criminal record.
3. Encourage officers, victims and witnesses to review the list and be present during jury qualification to see whether they recognize anyone and if so, whether they can give a specific reason why a particular person should not be seated on the jury.
4. Keep a record of which jurors were picked on previous juries, and whether those trials resulted in guilty verdicts (can be used as a neutral reason for a strike in *Batson* motion).
5. In the typical jury qualification, the judge or clerk of court will ask each juror to state their name, place of employment, and their spouses' employment. The judge will determine whether anyone is exempt from serving (e.g., over 65, having powers of arrest, or sole caretaker of a child under six) or disqualified to serve. (See disqualifications below.)
6. The judge will usually ask jurors to approach the bench to discuss any matters they wish to keep private – this is usually the time jurors will reveal information about a prior record or ask to be excused. This information may give the attorneys ammunition for challenges for cause or preemptory strikes during jury selection.
7. In the *voir dire* for a particular case, the judge will ask whether there is anyone related by blood or marriage or who has a close personal relationship with either of the parties (this includes witnesses, which is why it is a good idea to argue that the defense should disclose their potential witness list), or if there is anyone who knows of any reason why they cannot be a fair and impartial juror in the trial of this defendant.
8. The judge will ask the State and defense whether they have any additional *voir dire*. If you wish the judge to ask questions beyond the usual boilerplate *voir dire*, submit the questions in writing. However, most judges will not allow questions that look like "personality profiling" of the jury. Sample questions that judges usually allow:
  - a. has anyone been a victim of a crime or is related to someone who has?
  - b. has anyone been arrested for or convicted of a crime or is related to someone who has? (the judge may limit this question to an arrest for the type of crime charged or an arrest by the law enforcement agency involved)
  - c. has anyone been represented by the defense attorney or been represented or prosecuted by the State?
  - d. is anyone a member of a victims' rights group?The judge will ask each person who responds affirmatively whether they can set this factor aside and decide the case based on the evidence presented.
9. When a juror is called, the State may present, or accept, the juror or excuse the juror, using a preemptory strike.
10. If there is a challenge for cause (a good reason to believe the potential juror could not be impartial), approach the bench out of the jury's hearing and put the issue on the record later. Be careful: if your challenge for cause is not good enough, you will have to put someone on the jury that now knows you did not want him.
11. Keep a good record of which juror was struck by which party, along with a notation of the reason for striking a juror, making sure to be consistent in your strikes.
12. If the defense begins a pattern of striking a certain type of person based on race or gender, you can either immediately make a *Batson* motion (which should keep him from