

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenwood County  
Honorable Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

V.

FELIX BOWEN PRICE,

APPELLANT

APPELLATE CASE NO 2018-000855

\_\_\_\_\_  
RECORD ON APPEAL  
\_\_\_\_\_

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RESPONDENT,

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STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
)  
PLAINTIFF, )  
)  
)  
-VS- )  
)  
FELIX BOWEN PRICE, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )

CASE NO.: 2017-GS-24-2175  
2017-GS-24-2176

TRANSCRIPT OF RECORD

APRIL 11, 2018  
GREENWOOD, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

APPEARANCES:

ATTORNEYS FOR PLAINTIFF:

ANNA SUMNER, ASSISTANT SOLICITOR  
JOSH THOMAS, ASSISTANT SOLICITOR

ATTORNEYS FOR DEFENDANT:

CHRIS FEDALEI, ESQUIRE  
SHANE GORANSON, ESQUIRE

TARA T. SCOTT, CVR  
CIRCUIT COURT REPORTER

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1           THE COURT: The next case that's up for trial is the  
2   *State vs Felix Bowen Price*. The record will reflect that  
3   the jury is outside the presence of the Court. They're in  
4   the holding room just outside. Mr. Price is charged with  
5   malicious injury to property and petit larceny. Apparently,  
6   these are third or subsequent offenses, so they are  
7   enhanced. I did have a meeting with the attorneys in  
8   chambers briefly prior to coming out here, and I did receive  
9   an email last evening from Mr. Fedalei about this case.  
10   It's my understanding that the Defendant, of course, is not  
11   present. A bench warrant has been issued for his arrest.  
12   It's the State's intention to move forward with the trial in  
13   absence. And, I believe, Mr. Fedalei, you had a motion for  
14   a continuance that we needed to -- or, I'm sorry, Mr.  
15   Goranson. You had a motion for a continuance?

16           MR. GORANSON: Yes, sir. Let's just take it from the  
17   top. I actually asked for the Court to dismiss this case  
18   based on a failure to turn over and disclose evidence in  
19   this case. As the email you referenced earlier stated, we  
20   were given videos of the crime scene, of the actual event in  
21   question, and a dash cam from the police officer's car --  
22   Officer Crockett's car, a Sheriff's deputy. And I think  
23   that Mr. Price was arrested on October 3rd of last year --  
24   October 9th of last year. I checked the county records  
25   website and we filed a motion for Rule 5, the Brady material

1 I believe, on November 2nd and we were given an initial  
2 response today in the form of an incident report and a  
3 criminal history for Mr. Price.

4 And one of the last things that I argued about before I  
5 left Greenwood in 2015 was this issue of late disclosure of  
6 discovery, and this is actually the first thing that I'm  
7 arguing in court when I return. From what I understand,  
8 this has been an ongoing issue.' And I don't think that the  
9 Solicitors in this case had any malicious intent in not  
10 providing that material, but it is their job to get it to us  
11 and we, I don't think, can help them prosecute our clients.  
12 So I would just ask that the Court take notice of that and  
13 dismiss the case. If the Court is not willing to dismiss  
14 the case based on that late disclosure of evidence, I ask  
15 that you either suppress the evidence or give us a  
16 continuance so that we can work on incorporating the  
17 material that's been disclosed to us into our defense. I  
18 think that's Mr. Price's right to have that done.

19 Additionally, in regard to the continuance, we have not  
20 been able to discuss with Mr. Price the nature of the things  
21 that were just disclosed to us yesterday and we have been  
22 unable to get his side of things. So I don't see how we can  
23 really do our jobs and present his defense without being  
24 able to talk to him about these things.

25 So based on those grounds, I'd ask for -- as I said,

1 for the Court either to dismiss the case, suppress the  
2 evidence that was lately disclosed, or continue the case.

3 THE COURT: Okay. For my discussion in chambers, you  
4 indicated that, apparently, Mr. Price is under supervision  
5 from the Probation Pardon and Parole Department out of  
6 Pickens. Your efforts to get in touch with him have  
7 basically -- they start faltering, I think, you indicated  
8 about two or three weeks ago; is that correct? He stopped  
9 responding to your efforts to reach him? Mr. Fedalei kind  
10 of nodded a moment ago, but what is the situation as far as  
11 contact with Mr. Price?

12 MR. GORANSON: Well, to be honest, I think there was  
13 some contact last week. I don't know what the contents of  
14 that conversation were. I also think that we're putting Mr.  
15 Fedalei in a very difficult predicament if he were asked to  
16 be -- to disclose that information without his client's  
17 permission.

18 THE COURT: No, I understand. But part of the  
19 question, or part of my understanding for the reason the  
20 continuance was requested is that there was a lack of actual  
21 notice under that Court of Appeals case from a year ago or  
22 two years ago, which I think is still pending cert in the  
23 Supreme Court. It is or it is not?

24 MR. FEDALEI: It is.

25 THE COURT: Okay. Ms. Sumner, what is the State's

1 position on this?

2 MS. SUMNER: Yes, Your Honor. We received a Rule 5 and  
3 Brady request from Mr. Fedalei back on November the 9th is  
4 when it was received in my office, 2017. On November the  
5 13th we did respond with everything we had in our file,  
6 which was the incident report and warrant, his bond  
7 information, criminal history, things of that nature.

8 It does mentioned in the incident report there is a  
9 surveillance video, as well as a dash cam. The State did  
10 not have possession of those items, and to be quite honest  
11 with the Court, we had not even attempted to access those as  
12 Mr. Price had appeared in court numerous times since his  
13 arrest and I was always told he would plea. Recently, I was  
14 told that he wanted to plea, as well. I did access those  
15 videos yesterday. They are being housed at the evidence  
16 room by Mr. Greg Allison, the technician over there at the  
17 Sheriff's Department. So they were readily available to  
18 anyone who wanted to go look at those, both the Prosecution  
19 and Defense in this case. Also, it's very clear, as I said,  
20 in the incident report that these things did exist.

21 Another piece of evidence in this case is a statement  
22 given by the Defendant in Magistrate Court incriminating  
23 himself. I became aware of that by the investigating  
24 officer in this case, Crockett, who's here with me today,  
25 back on November 21st. As soon as I became aware of it, I

1 requested a copy from Magistrate Court and I received a link  
2 via email of it and that was forwarded to Mr. Fedalei the  
3 same day, November 21st, at 3:13 p.m. So the State's  
4 position would be that there have been no discovery  
5 violations here.

6 Also, this case is on a trial docket. We were in  
7 discussions last week with Mr. Fedalei letting him know this  
8 was on the trial docket and if things -- before it's on the  
9 trial docket, to plea or resolve this would be -- so this is  
10 -- should not be a surprise.

11 THE COURT: Okay. But when you responded -- when you  
12 responded to the email on November the 13th, what did --  
13 what was it that you said again? That all the information's  
14 in your file? Is it a kind of an open file response, feel  
15 free to take a look, or --

16 MS. SUMNER: It was sent -- what is was is, in our new  
17 case management system --

18 THE COURT: Okay.

19 MS. SUMNER: -- is we receive the Rule 5 that way. It's  
20 uploaded in our system. That's when I receive notice  
21 there's an attorney on the case and they've requested this  
22 information. So at that point I collect everything I have  
23 in the case at this point in the system, send it back out to  
24 them. So it's all electronic.

25 THE COURT: Okay.

1 MS. SUMNER: I shared to them everything I had at that  
2 point. I was not even in possession nor reviewed these  
3 videos until yesterday when it apparent that Mr. Price was  
4 not going to plea, could not be located, and we were going  
5 to have try this.

6 THE COURT: And all --

7 MS. SUMNER: And, in fact --

8 THE COURT: All indications were that this was most  
9 likely going to be a plea based upon the strength of the  
10 evidence against Mr. Price?

11 MS. SUMNER: That's correct, Your Honor. And I --  
12 December and in January, that was what was told to me when  
13 he appeared in Court at that time. And, Your Honor, there  
14 is nothing exculpatory in these videos.

15 Also, once I located them in evidence yesterday, I  
16 called Mr. Fedalei. We went over there together. We made  
17 copies for them, made it readily available to them at the  
18 same time that I accessed it.

19 THE COURT: All right. The -- does the Clerk has his  
20 bond paperwork? Mr. Price's bond paperwork?

21 MS. SUMNER: Your Honor, I have a copy --

22 THE COURT: Okay.

23 MS. SUMNER: -- that's been marked as Court's Exhibit.  
24 If I may approach.

25 THE COURT: Please.

1 MS. SUMNER: And just for the record, what I'm handing  
2 up is going to be a bench warrant for both charges, bond  
3 paperwork, and his appearance sheet information.

4 THE COURT: Let me take a look at that real quick, if I  
5 may.

6 MR. GORANSON: Judge, I'll let you read that, but I do  
7 want to address something that Ms. Sumner said at the  
8 appropriate moment.

9 THE COURT: It looks like he has a surety bond. Have  
10 any efforts have been made to contact the bondsman on this  
11 and see if they could track him down?

12 MS. SUMNER: I have not, Your Honor. If you would like  
13 us to make that phone call, we are happy to do so.

14 THE COURT: Okay.

15 MS. SUMNER: It's also my understanding from Mr.  
16 Fedalei that, at some point in the past month, that this  
17 gentleman was homeless and possibly in Spartanburg.

18 THE COURT: I've looked at the paperwork, the record of  
19 appearance, which is marked as Court's No. 1, dated December  
20 8th, 2017. Has a big, bold section. "Failure to appear as  
21 directed above may result in your case being tried in your  
22 absence, a bench warrant being issued for failure to appear,  
23 and bond estreatment proceedings being commenced." The bond  
24 paperwork completed by Judge Martin also has the standard  
25 language. "I understand and have been informed that I have

1 a right and obligation to be present at trial and should I  
2 fail to attend to the Court, the trial will proceed in my  
3 absence." I assume, in the conversations that your office  
4 has had with Mr. Price before he stopped responding to you,  
5 that he was informed that this matter would be -- or had the  
6 potential to be tried this week; is that correct, somebody?

7 MR. GORANSON: I don't think we have anything we can  
8 add to that.

9 THE COURT: I'm sorry?

10 MR. GORANSON: I don't think we have anything that we  
11 could add to that discussion.

12 THE COURT: Okay.

13 MS. SUMNER: Your Honor, may I add something?

14 THE COURT: Sure.

15 MS. SUMNER: The last time he was in Court, I believe,  
16 it would have been in February, is the last that he appeared  
17 as he was instructed to. At that time, I told Mr. Fedalei  
18 to please instruct the client that he did have an offer. I  
19 believe it was a cap of seven years. I'll have to go back  
20 and open that offer back up, Your Honor. But that when he  
21 left the courtroom that day the offer would be gone and that  
22 he would be placed on the trial docket if he did not plea  
23 straight up to these charges.

24 THE COURT: All right.

25 MR. GORANSON: Can -

1 THE COURT: That was communicated, though, to Mr. Price  
2 with Mr. Fedalei being there?

3 MS. SUMNER: I communicated that to Mr. Fedalei.

4 THE COURT: Okay.

5 MS. SUMNER: I don't know what was communicated to the  
6 Defendant, but I did communicate that to his attorney.

7 THE COURT: All right. You wanted to say something  
8 else?

9 MR. GORANSON: Yes. In relation to the discovery  
10 issue. Ms. Sumner said we didn't have possession of that  
11 and that's -- I get that's a little ambiguous. It means  
12 different things in different contexts. But, of course, we  
13 know from constitutional law and criminal law that the State  
14 did have possession of these items, they did say they sent  
15 us everything they had, apparently, and that didn't include  
16 those videos. So what are we supposed to make of that? I'm  
17 not really sure. But, again, it's in their possession even  
18 though it's not sitting in their office, and I think they  
19 have a duty to get that stuff and give it to us.

20 Now, we've -- I've also played the game where we  
21 subpoena stuff from the Sheriff's Office, and then there's a  
22 motion to quash because we're trying to circumvent  
23 discovery. So I'm not really sure what we're supposed to do  
24 if we can't rely on the Solicitor's Office to provide all of  
25 the evidence that the State has. And I mean that in the

1 sense that they have control over law enforcement. They can  
2 provide that information to us very readily. So I'm not  
3 sure what measures are in place to ensure that they get all  
4 the evidence at the Solicitor's Office. Perhaps that needs  
5 to be addressed by the Sheriff's Office or Solicitor's  
6 Office. But they did have possession of it and they gave us  
7 some stuff, but they didn't give us everything that the  
8 State had. And so, I just think that that's a point that  
9 bears some clarification.

10 And I have here a record from the Department of Mental  
11 Health regarding Mr. Price. I'll proffer that to Court as a  
12 Court's Exhibit. We would get him to testify to it if he  
13 were here. But as such, I'd just pass it out for your  
14 consideration if that's okay.

15 THE COURT: Okay.

16 MR. GORANSON: Just -- it shows that he's been  
17 diagnosed as bipolar in the past and I figured that might  
18 that might interfere with his ability to understand some  
19 things that were on the paperwork that Your Honor referenced  
20 earlier.

21 MS. SUMNER: Your Honor, if I may respond to that. I  
22 --

23 THE COURT: Let me ask a question first. Let's perhaps  
24 get to the heart of this. You indicated that the incident  
25 report, which was provided in November of last year,

1 referenced the dash cam, referenced the surveillance  
2 footage. Did it also -- did the narrative in the incident  
3 report also indicate what was depicted on those videos?

4 MS. SUMNER: Your Honor, I would say yes, because the  
5 dash cam is, basically, the deputy's narrative that he  
6 includes in the incident report. It depicts all of that.  
7 And in regards to the surveillance video, it does not give  
8 great description as to what occurs, but it does give a  
9 synopsis of the fact that it shows Mr. Price breaking in to  
10 this vending machine.

11 THE COURT: All right. As it relates to the disclosure  
12 of the video yesterday, Mr. Goranson, you do make a valid  
13 point concerning the need to get this discovery to you in a  
14 prompt fashion, and if this were a case where the incident  
15 report was completely silent as to the existence of the  
16 video, either the dash cam video or the surveillance video,  
17 if the incident report were completely silent as to that,  
18 then in all likelihood, I would, at the very least, be  
19 prohibiting the State from using those at trial and,  
20 perhaps, would be inclined to even take you up on your  
21 suggestion that the case against Mr. Price should be  
22 dismissed. If it's in the incident report and the incident  
23 report reflects what was said, and most importantly,  
24 everyone in this case, I think, indicated that they thought  
25 this case was going to end up as a plea. I can't really

1     fault the State for going and tracking down this video -- or  
2     these videos only yesterday. The key thing here, though, is  
3     that they were referenced in the incident report. The  
4     narrative, apparently, includes -- it's being represented to  
5     me that the narrative in the incident report includes a  
6     synopsis of what was presented. Clearly, Mr. Price has  
7     received notice that this case would be going forward this  
8     week both from the Solicitor, apparently, and from your  
9     office. He received notice from the judge, he signed the  
10    notice -- or rather, he was given a notice indicating that  
11    he understood he needed to appear. Last time he was excused  
12    from court. I'm not inclined to continue the case and I'm  
13    not inclined to dismiss it for those reasons, and I do find  
14    that Mr. Price did receive -- based upon the representations  
15    made to me and the paperwork that's been provided to me,  
16    that Mr. Price did receive actual notice of trial this week.  
17    So I think that's where things stand. I'm not hearing that  
18    anyone failed to give him notice. I'm hearing quite the  
19    opposite. That in discussions with him, clearly, he got  
20    notice that this case was going to be tried this week.

21           You raised the question -- or you, rather than raising  
22    the question, you provided me a copy of his mental health  
23    diagnoses. Is there any possibility, do you think, that  
24    perhaps he's been committed somewhere?

25           MR. GORANSON: I think that is a possibility and -

1 THE COURT: I mean, I know that we checked earlier on  
2 NCIC to see if he had been picked up or put in jail  
3 anywhere. That came back negative. Do you know -- have you  
4 all worked with Mr. Price before? Do you know if he's had  
5 any previous mental health commitments through DMH or --

6 MR. GORANSON: I don't know. But I know that, you  
7 know, DMH is usually discerning in how they classify people.  
8 So I would say if they said that he was bipolar, I would say  
9 that it was probably -- what I would consider to be a  
10 pronounced and serious problem.

11 MS. SUMNER: Your Honor, his probation agent may be  
12 able to speak to this. He was recently released from the  
13 Department of Corrections in August.

14 THE COURT: Okay.

15 MS. SUMNER: He is on supervision in Pickens. So I  
16 feel like if we could get this individual on the phone, may  
17 be able it shed some light on this.

18 THE COURT: Has anybody been able to be in touch to  
19 actually communicate with the parole agent or the probation  
20 agent up in Pickens?

21 MS. SUMNER: I had made contact with him early on in  
22 this case and I will tell you it was not very successful  
23 and, I believe, Mr. Fedalei has also made attempts.

24 THE COURT: Okay. What happened?

25 MR. FEDALEI: We made -- earlier in the case, as

1     Solicitor Sumner indicated, we did make contact with him,  
2     but our efforts in the past few weeks have not been  
3     successful. It's included at least three or four phone  
4     calls from me. As of this morning, we've tried to get our  
5     Greenwood office to reach out to the Pickens office in hopes  
6     of finding more information about what's going on.

7           THE COURT: All right. Well, let me do this. Out of  
8     an abundance of caution. Let me -- if you all could,  
9     provide me with Mr. Price's identifying information, his  
10    Social and his date of birth. Let me call down to DMH.  
11    I've got a contact down there, she'll answer my call, and  
12    see if he is, perhaps, a patient in DMH at this point in  
13    time. If he is, that may explain his absence and,  
14    obviously, if he's involuntarily committed, then the Court  
15    has no choice but to -- I want to try and deal with this on  
16    the front end instead of, at some point in time, him getting  
17    picked up on a bench warrant and this trial simply have to  
18    be aborted or a retrial granted. So give me that  
19    information if somebody's got it. Let me make this call.  
20    We'll be right back.

21           You all try one more time with his probation agent,  
22    too, and see if they can enlighten us.

23           (Whereupon, a recess was held.)

24           (Whereupon, Court's Exhibit No. 5 was marked for  
25    identification.)

1           THE COURT: Okay. Just to let -- we're back on the  
2 record on Mr. Price's case. I did speak with my contact,  
3 Ms. Sipes, S-I-p-e-s, down at the Department of Mental  
4 Health and she checked with inpatient admissions. Although,  
5 Mr. Price, apparently, does have a history of some inpatient  
6 admissions at DMH, he is not currently a patient in any of  
7 their network and Court's 5, which was handed up to me a few  
8 moments ago, is, of course, a DMH plan of care sheet. So I  
9 would presume that if Mr. Price were having a delusional  
10 moment or some mental health crisis necessitating  
11 commitment, in all likelihood, DMH would be the place that  
12 he would go to. Ms. Sipes indicated he had been a patient  
13 in the past, according to the records that they had.

14           The Clerk also indicated to me, and I asked her to  
15 share with you all, that she had contacted the bondsman and  
16 the bondsman had responded to her, I think, via text that  
17 he'd had some contact with Mr. Price about three weeks ago,  
18 but has not had anything recent.

19           Anything else that you all needed to put on the record  
20 as far as efforts to reach him with the probation agent?

21           MS. SUMNER: Your Honor, Investigator Chappell with my  
22 office, also talked to Matt Horne, the bondsman, and he says  
23 he's actively looking for him.

24           THE COURT: Okay.

25           MR. GORANSON: And just to settle up, Your Honor. I

1 just -- we don't know whether it's voluntary or involuntary  
2 that he's not here and I just ask that you take that into  
3 consideration as we object to the trial going forward at  
4 this time.

5 THE COURT: All right. Your objection is noted.  
6 Again, all indications are that Ms. Price -- Mr. Price did  
7 receive notice. I know that he is not -- we know he's not  
8 in jail anywhere. We know he's not in a mental hospital  
9 anywhere. If there is, ultimately, a conviction in this  
10 case, Mr. Goranson, I'll retain jurisdiction to impose  
11 sentence and entertain any motions for a new trial should it  
12 become apparent that he was otherwise incapacitated in some  
13 other hospital. But, obviously, that's going to be a pretty  
14 -- I'm going to need positive documentation indicating  
15 exactly that if we go that route or if you move to -- if we  
16 even reach that point.

17 MR. GORANSON: I understand.

18 THE COURT: Let's have the jury in, please. My  
19 intention is to select, and then we'll address *Jackson v.*  
20 *Denno*.

21 MR. GORANSON: Thank you.

22 (Whereupon, a brief recess was held.)

23 (Whereupon, the jury panel entered the courtroom.)

24 THE COURT: All right. Ladies and gentlemen of the  
25 jury panel, thank you for your patience. Thank you for

1           THE COURT: Well, that is so cool. All right.  
2           Technology at it's finest. If you -- if this is the third  
3           day you're with us, it should be 45 bucks. If it was Monday  
4           and today, it should be 30 bucks. If there is some  
5           discrepancy, let the Clerk know, she'll fix it. I'm not  
6           keeping you any longer, get out of here. Take care of  
7           yourselves. Have a great week. Thank you for coming.

8           (Whereupon, the jury panel was released at 11:53 am.)

9           THE COURT: How long should the *Jackson v. Denno* take?

10          MS. SUMNER: Your Honor, it should be extremely brief.

11          THE COURT: Let's go ahead and do that.

12          MS. SUMNER: Okay. No, Your Honor, it's actually going  
13          to be Cheryl that's listed. The Clerk from Magistrate  
14          Court.

15          THE COURT: Okay.

16          (Whereupon, a recess was held from 11:53 a.m. until  
17          12:01 p.m.)

18          THE COURT: Okay. We'll go back on the record. My  
19          Clerk tells me that -- I think, that, perhaps, there was  
20          some misunderstanding about how I was suggesting we address  
21          the Fourth Amendment seizure issue. The way I was planning  
22          a on addressing it is simply allowing -- instead of doing a  
23          motion to suppress outside the presence of the jury, simply  
24          let any relevant witnesses go ahead and testify and if  
25          inadequate constitutional basis for seizing any item becomes

1     apparent, than, obviously, you know, this case is probably  
2     going to end up going away in some way, shape, or form is  
3     what I was expecting to -- or how I was planning on doing  
4     it. Is there an issue with that or did you all want me to  
5     go ahead and release the jury and we do a suppression  
6     hearing or -- what is it exactly there they're seeking to --

7             MR. THOMAS: I'm not sure, Your Honor, even if you  
8     suppress the things from -- I don't think it goes away,  
9     because he's kind of caught on video doing it, so...

10            THE COURT: Well, that's true, too.

11            MS. SUMNER: And that's why I would just say it's  
12     substantially different, because that was a drug case, that  
13     -- since we have surveillance video that these items, they'd  
14     be looking to suppress.

15            THE COURT: What is it that you're seeking to suppress  
16     and why?

17            THE GORANSON: The fruit of the messenger, which would  
18     be any statements he made after he was detained.

19            THE COURT: Okay. I don't think they're going to use  
20     those.

21            MR. GORANSON: They're not. I don't -- I don't think  
22     they're --

23            THE COURT: Okay.

24            MR. GORANSON: And then, anything that he said that led  
25     them further along in their search -- seizure investigating

1     this case.

2           THE COURT:   What are the facts?

3           MS. SUMNER:   Your Honor, in this situation where Deputy  
4     Crockett is on 72, he's already made one traffic stop that  
5     evening.  He is just watching the road.  He sees a car do a  
6     U-turn.  He sees -- then sees a gentleman run up to the car  
7     that has just made the U-turn.  He turns his lights on,  
8     approaches the car.  When he gets out of his vehicle, walks  
9     up to the car, Mr. Price is not even in this vehicle yet and  
10    he's standing there.  These two larger items -- this one  
11    here and the much larger, these are marked 11 and 12.  
12    State's 11 and 12 are on the grass beside the vehicle,  
13    State's 8 is visible in the backseat of the vehicle, and  
14    then, I believe, State's 13 and 14 are also going to be  
15    visible inside the backseat of the vehicle.  And then there  
16    are also pictures.

17          MR. GORANSON:  So, I have an idea.

18          THE COURT:   Sure.

19          MR. GORANSON:  How -- I was just wondering if we could  
20    maybe have the State move to introduce these items into  
21    evidence before the testimony is actually finished,  
22    concluded, I've had an opportunity to argue whether it comes  
23    in --

24          THE COURT:   Fair enough.

25          MR. GORANSON:  -- all at once.

Cheryl Warren: Direct Examination

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1           THE COURT: If there's a problem with it -- if -- yeah.  
2   If you see a problem with -- with any of it, then,  
3   obviously, I will -- if there is a problem with introduction  
4   of any of those items, then I'll rule they can't be admitted  
5   and we'll handle it that way. I think that's a good idea.

6           MR. GORANSON: Okay. Thank you.

7           THE COURT: We'll handle it that way.

8           MR. GORANSON: One other suggestion I have.

9           THE COURT: Yes, sir.

10          MR. GORANSON: I talked to Ms. Sumner earlier. She  
11   said she was not planning on eliciting any statements that  
12   were made by the Defendant in this case while he was on the  
13   dash cam video from the officers as they testified. Not  
14   planning on using any of audio from the dash cam.

15          THE COURT: Correct.

16          MR. GORANSON: So I just wanted to make sure that  
17   everybody was on the same page in terms of not saying  
18   anything about Mr. Price having any kind of a criminal  
19   record or where he's been in the last few years, or any of  
20   that information.

21          MS. SUMNER: Your Honor, the State's informed their  
22   witnesses not to mention his record, prior arrests or any  
23   statements made on the dash cam. I've already talked to  
24   Deputy Crockett about that.

25          THE COURT: It sounds like we're on the same sheet of

1 music then. Do you want to call the witness on the Denno?

2 MS. SUMNER: Yes, Your Honor. We could go ahead and  
3 take care of that.

4 THE COURT: Come on up, please.

5 MS. SUMNER: All right. The State calls Ms. Cheryl  
6 Warren to the stand.

7 THE COURT: If you'll just come up and have seat up  
8 here, ma'am.

9 THE WITNESS: Okay.

10 THE COURT: Just raise your right hand so I can put you  
11 under oath.

12 CHERYL WARREN, having first been  
13 duly sworn, testified as follows:

14 (IN CAMERA) DIRECT EXAMINATION

15 BY MS. SUMNER:

16 Q Can you give us your name, please?

17 A Cheryl Warren.

18 Q And where are you employed?

19 A At Greenwood County Magistrate's Office.

20 Q And what are some of your duties at the Magistrate's  
21 Office?

22 A I'm a criminal court clerk.

23 Q And what are some of those duties that you do as the  
24 criminal clerk?

25 A I sit in with the judges as the hearings go and I

Cheryl Warren: Direct Examination

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1     operate the recordings and entering their dispositions.

2     Q     And were you in Magistrate Court on November 13th of  
3     2017?

4     A     I was.

5     Q     Were you actually in the Magistrate courtroom that day?

6     A     I was.

7     Q     And was that courtroom equipped with audio recording  
8     equipment?

9     A     Yes, ma'am.

10    Q     Also, on November 13th of 2017, did you come in contact  
11    with a Mr. Felix Price?

12    A     I did.

13    Q     Okay. And what was the nature of your contact with  
14    him?

15    A     His wife was there for a hearing that day and he  
16    actually spoke for her because she was hard of hearing.

17           MS. SUMNER: Okay. Your Honor, may I approach the  
18    witness?

19    Q     Does this look familiar to you?

20    A     Yes, ma'am.

21    Q     And what is that?

22    A     That is the disc that comes off the -- our recording  
23    that we do after each week.

24    Q     Okay. And did you have an opportunity to listen to  
25    this this morning?

1 A I did.

2 Q And is that your initials and date right here on this  
3 disc?

4 A Yes, ma'am.

5 MS. SUMNER: All right. Your Honor, at this time we  
6 would publish it for you to hear.

7 THE COURT: Go ahead, please.

8 MR. GORANSON: I think, Your Honor, we've had some  
9 concerns that maybe the volume on the TV is a little loud  
10 and the jury can hear it. So, I guess --

11 THE COURT: I'll just step down there and you can play  
12 it from there.

13 MR. GORANSON: Well, I was going to walk up there.

14 (Whereupon, State's Exhibit, recording from  
15 Magistrate's Court, was published for the Court.)

16 THE COURT: All right. The record will reflect that we  
17 all listened to the relevant portion of the audio from  
18 Magistrate's Court.

19 MS. SUMNER: Thank you, Your Honor.

20 Q Now, back on November 13th of 2017, was Mr. Price in  
21 custody when you saw him that day?

22 A No, ma'am.

23 Q Was he transported from the Detention Center, that day,  
24 over to Magistrate Court?

25 A No, ma'am.

## Cheryl Warren: Cross Examination

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1 Q Was he in handcuffs?

2 A No.

3 Q Was he asked a question?

4 A No. It was his wife's case.

5 Q Okay. So from your perspective, it was a voluntary  
6 statement?

7 A Absolutely.

8 MS. SUMNER: Nothing further, Your Honor.

9 THE COURT: Any questions?

10 CROSS-EXAMINATION

11 BY MR. GORANSON:

12 Q Good morning, Ms. Warren. How are you?

13 A Good morning. I'm good. Thank you.

14 Q Was that a day for bench trials or -- what was going on  
15 that day in Magistrate Court?

16 A Yes, it was. It was a day for bench trial and Ms.

17 Price's case was heard that day. He came up with her

18 because he said she was hard of hearing on he was trying to,  
19 you know, talk for her actually.

20 Q Okay. How many people were summoned to be in Court  
21 that day?

22 A It was her.

23 Q Just her?

24 A Just her.

25 Q That was the only case?

1     A     Yeah -- no. It was -- oh, my goodness. For different  
2     cases. I don't know that particular day. It was a pretty  
3     big court.

4     Q     Okay.

5     A     Yeah.

6     Q     So the courtroom was full, half full with people --

7     A     We had already heard some cases before he came up. So  
8     probably fourth.

9     Q     And would you say -- do you pay attention more to  
10    what's going on in the case in front of you or what's going  
11    on in the courtroom as a whole?

12   A     The case that's really going on in front of me --

13   Q     Okay.

14   A     -- is what I'm listening for. Because I'm -- I'm  
15   listening as the judge is listening, so he can -- whatever  
16   he does, I can go ahead and put the disposition in --

17   Q     That's what I figured.

18   A     -- after he's done, yeah.

19   Q     And so, your -- but your -- so you didn't see any  
20   interaction between Mr. Price and Officer Crockett that  
21   could have occurred earlier that afternoon?

22   A     No, I didn't.

23   Q     And you didn't see them -- if they were outside of the  
24   courtroom talking, you wouldn't have seen that either?

25   A     No.

## Cheryl Warren: Cross Examination

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1 Q While you're working on the case in front of you, does  
2 that involve doing multiple things? In other words, do you  
3 -- are you writing things down? Are you keeping track of --

4 A I'm listening and when he starts to give his ruling,  
5 then I'll start typing in his disposition. But, usually,  
6 I'm sitting there. Especially, if -- a lot of times if, you  
7 know, they go ahead on and plead guilty to the charge or --  
8 you know, then if anybody has anything to say, then I'm  
9 listening.

10 Q Okay. And what was the outcome of Mrs. Price's  
11 hearing?

12 A She actually got time served and a court cost. She had  
13 to pay the court cost. And --

14 Q So she was found guilty after a bench trial?

15 A She was.

16 MR. GORANSON: Okay. That will be it. Thank you.

17 THE WITNESS: You're welcome.

18 THE COURT: All right. Thank you, ma'am. You can step  
19 down.

20 THE WITNESS: Thank you.

21 (Whereupon, the witness stepped down from the witness  
22 stand.)

23 THE COURT: Any additional witnesses?

24 MS. SUMNER: No, Your Honor.

25 THE COURT: Anything from the Defense?

1           MR. GORANSON: Nothing from the Defense.

2           THE COURT: All right. Any argument that anybody wants  
3 to put forward on this particular question? No?

4           MS. SUMNER: Nothing from the State, Your Honor.

5           MR. GORANSON: I would love to think of one, but I  
6 can't.

7           THE COURT: I understand. All right. It certainly  
8 appears that Mr. Price's statement in the Magistrate's  
9 Office -- or Magistrate Court that day was voluntary. It  
10 was spontaneous. It was not the result of any interrogation  
11 whatsoever. He was speaking on behalf of his wife and he  
12 said what he said and it is what it is. So I see no basis  
13 to suppress that statement. Anything further before we  
14 bring the jury out from the State?

15          MS. SUMNER: None from the State.

16          THE COURT: From the Defense?

17          MR. GORANSON: After conferring with Mr. Fedalei, I  
18 would like to just put on the record that this case, I  
19 think, came up in October of last year. And -- and I  
20 apologize as to the most timely manner or moment to bring  
21 this issue up. But, I think, there have been people who are  
22 at the jail who have been in jail longer than this case has  
23 been around and the Solicitor's Office has tried -- elected  
24 to try this case and I -- I think they're using this as a  
25 convenient opportunity to try Mr. Price when there are more

1 pressing matters to the County of Greenwood. So we would  
2 just raise the issue of *Langford* and say our objection going  
3 forward with this trial at this time.

4 THE COURT: I appreciate your position. I actually  
5 think it's, perhaps, to everyone's credit that the State is  
6 making an effort to make sure the cases do not get old, and  
7 I do agree that there are, perhaps, older cases on the trial  
8 docket. But, maybe, the wiser -- and, perhaps, even more  
9 serious cases. But, perhaps, the wiser course of action is  
10 to go ahead and sprinkle a few easier cases into the trial  
11 docket that are relatively brief, relatively short, and then  
12 address those cases if we have an opportunity to. So the  
13 motion's noted, but I'm going to decline to continue the  
14 case even though this is a more recent case than, perhaps,  
15 we've heard in the past.

16 Your first witness, can it be a very brief one? I'd  
17 like to go ahead and do opening remarks.

18 MS. SUMNER: Unfortunately, no, Your Honor. My first  
19 witness is going to be Deputy Crockett and most of the  
20 evidence is coming in through him. So that will be the  
21 longest witness.

22 THE COURT: All right. I'll kick the jury out and have  
23 them come back in an hour, quarter after 1:00 and we'll  
24 proceed in earnest at that point in time. I do have drug  
25 court at 4:00, but, perhaps, there's some possibility. It

1 sounds like this is not a terribly protracted case. I would  
2 like to get it to them today and, perhaps, their  
3 deliberations can begin around 4:00 if we move this along a  
4 little bit. Okay?

5 MS. SUMNER: Yes, Your Honor.

6 THE COURT: Let me have the jury, please.

7 (Whereupon, the jury entered the courtroom 12:20 p.m.)

8 THE COURT: All right. The jury is back and seated.

9 Ladies and gentlemen, after I released the jury, I was  
10 addressing a few matters, pretrial, with the attorneys  
11 involved in this case and, honestly, I think it's good --  
12 it'd be good for us to go ahead and take a break for lunch.  
13 Let you get some lunch, and then come back. I talked to the  
14 attorneys involved in this case and it's my intention to get  
15 this case to you today. It's not going to be a very  
16 protracted case. Okay? So it is my intention to have this  
17 case submitted to you for your deliberations sometime this  
18 afternoon. All right? And I don't think it will take -- or  
19 I don't anticipate going into tomorrow on it.

20 If you would, go ahead and take your lunch break. If  
21 you could, be back at 1:15. At that point in time, we'll  
22 begin the case in earnest with opening arguments and  
23 testimony. Don't discuss, obviously, the case with anyone  
24 while we're on break and I will see you all at 1:15. Okay?  
25 Thank you very much.

1 (Whereupon, the jury exited the courtroom at 12:21 p.m)

2 THE COURT: All right. We'll be at ease on this until  
3 around 1:15.

4 (Whereupon, a lunch recess was held from 12:21 p.m  
5 until 1:15 p.m)

6 THE COURT: All right. We'll go back on the record. I  
7 think we do have all jurors here. Anything we need to  
8 address before we --

9 MR. GORANSON: Yes, sir.

10 THE COURT: Go ahead.

11 MR. GORANSON: Just briefly. As Mr. Fedalei and I were  
12 walking in the back door to the courthouse, a juror  
13 approached us and asked if she could come in with us. I had  
14 to tell her no and that she needed to use the front  
15 entrance. I just don't want her to think that we were being  
16 rude about that.

17 THE COURT: Sure. I'll take care of it. All right.  
18 Let us have the jury, please.

19 (Whereupon, the jury entered the courtroom at 1:27  
20 p.m.)

21 THE COURT: All right. The record will reflect that  
22 the jury is back and seated. Ladies and gentlemen, thank  
23 you for being back and thank you for being on time. First,  
24 just one quick housekeeping matter. I was told by some of  
25 the attorneys that when they were coming back from lunch,

1 one of the jurors had requested that they let them in and  
2 come up the back way. Understand that pretty much every  
3 lawyer here and all staff personnel have been told, out of a  
4 concern for security and that kind of a thing, keeping guns  
5 out of the courthouse, that if you don't work here, you've  
6 got to use the front entrance. Okay? So the lawyers  
7 weren't being rude to you. Please, don't think they were  
8 being rude. I think I saw one of you coming in and I would  
9 have otherwise offered to take you up the back way if I  
10 could have and saved a few steps. I noticed one of you all  
11 walking in about the same time I was walking in. So please  
12 understand, the lawyers weren't being rude by asking that  
13 you use the front door, they were following directions from  
14 the Sheriff and other Court personnel and security people.

15 Now, before we begin the trial of this case, I need to  
16 appoint a foreperson, and Merv Rollison, okay. You, I  
17 believe, were a coach and a teacher for my law clerk,  
18 Daenaya Hudson, who maybe you don't recognize. Daenaya, go  
19 look at Coach Rollison. Yeah. She said you were the best  
20 teacher she ever had, so I'm going to make you the  
21 foreperson. And as I explained yesterday, obviously, your  
22 vote counts no more, no less than anybody else's. Just to  
23 make sure everybody has a chance to have a fair say. Okay?

24 Now, ladies and gentlemen, I'm going to ask that you  
25 stand where you are, raise your right hand and the Clerk

1 will administer your oath to you as jurors.

2 (Whereupon, the jury was sworn at 1:28 p.m.)

3 THE COURT: Thank you. You can have a seat.

4 Now, ladies and gentlemen, I have just a few brief

5 comments to make before we begin with the trial in this

6 particular case. And for those of you who were on the jury

7 yesterday, this is going to sound somewhat familiar. So

8 please, just bear with me for the benefit of those who did

9 not participate in the case on Monday and Tuesday.

10 Understand that, again, these remarks are not an instruction

11 on the law. I'll instruct you on the law at the conclusion

12 of the trial. Again, this is just an overview of the

13 procedure that we're going to use. I see some of you have

14 already gotten some more notepads. Same rules as before, if

15 you choose to take notes, that's perfectly fine. Just don't

16 let the taking of notes distract you from the testimony. Do

17 leave those notepads here anytime that we take a brief

18 break, and any notes that you take, you can take those home

19 this afternoon when we conclude the trial. Okay?

20 Now, ladies and gentlemen, the Defendant in this case,

21 Mr. Price, has been charged by indictments filed with this

22 Court with the offenses of malicious injury to personal

23 property and the offense of petit larceny. I'll explain the

24 elements of those offenses to you later.

25 Again, ladies and gentlemen, the fact that Mr. Price is

1 not present for these proceedings is not a factor to be  
2 considered by you and he is entitled to as much -- as much  
3 of a presumption of innocence as any other citizen. Again,  
4 the proper procedure has been followed so that this trial  
5 can take place, even though Mr. Price is not present for  
6 these proceedings.

7 Now, again, ladies and gentlemen, these indictments are  
8 merely the means by which these cases are brought into Court  
9 and they are not, in any sense of the word, proof of the  
10 allegations contained in the indictments. Mr. Price has  
11 pled not guilty to these charges and that plea, of course,  
12 puts the burden on the State. It's up to you to decide  
13 whether the State has met their burden of proving Mr.  
14 Price's guilt beyond a reasonable doubt.

15 Now, again, as jurors, your job is to find and  
16 determine the facts. You are, of course, the sole judges of  
17 the facts. So if I make any comment concerning the facts,  
18 you have to disregard any comment that I make. You'll  
19 determine the facts from the testimony that you hear and the  
20 other evidence which is presented. Understand it's up to  
21 you to determine the inferences which you feel can be drawn  
22 from the evidence presented. Of course, it is important  
23 that you perform your duty of determining the facts  
24 diligently and conscientiously because under the law there  
25 is no way to correct an erroneous determination of facts by

1 a trial jury.

2 Now, you are the judges of the facts and understand  
3 that I am the judge of the law. The law as I give at the  
4 conclusion of the trial is the only law that you can  
5 consider. You'll have to accept and apply the law as I  
6 state it to you then. Again, I am not permitted to tell you  
7 what the facts are, you're not allowed to disagree with me  
8 about what the law is or what it should be. Your job will  
9 be to take the law as I give it to you, apply them to the  
10 facts as you find them to be and thus render your verdict  
11 under the oath that you have just taken.

12 Now, again, please don't begin any deliberations.  
13 Don't discuss this case with anyone, not even your fellow  
14 jurors, until such time as I tell you you can. During the  
15 trial, I don't anticipate there's any media coverage. But,  
16 obviously, please don't conduct any sort of independent  
17 research. Keep an open mind during the course of the trial  
18 and don't decide any issue in this case until all the  
19 evidence has been presented, you've heard my instruction on  
20 the law and you've heard the argument of counsel.

21 Now, understand that it is your solemn responsibility  
22 to determine the guilt or the innocence of Mr. Price and  
23 your verdict has to be based solely on the evidence  
24 presented and on the law as I instruct you.

25 Now, in a moment, the attorneys will make their opening

1 statements and I'll tell you that as it relates to their  
2 opening statements and their closing statements, of course,  
3 those statements are not evidence. The evidence is  
4 presented through this witness stand. Even though it's not  
5 evidence, you should pay attention to their openings and  
6 their closings because it will be an overview or a roadmap  
7 of what they anticipate proving to you.

8 Now, ladies and gentlemen, understand that in  
9 determining what the true facts are, you have to decide  
10 whether or not the testimony of witnesses is believable. It  
11 is my job to determine whether testimony can be admitted.  
12 But once it's admitted, whether you choose to believe it is  
13 up to you. In deciding whether to believe a witness, you  
14 have the right to consider the interest of that witness, the  
15 bias of that witness, any prejudice of the witness, the  
16 opportunity for the witness to have seen the things about  
17 which they testify and you can consider the way the witness  
18 acts while on the witness stand. You can consider anything  
19 that's in the record in this case that will help you  
20 evaluate the testimony of the witnesses. That means it's  
21 your duty to pay close attention to them, listen to them,  
22 observe them and pay close attention to the attorneys and  
23 the Court. Don't let your thoughts wander. Instead, just  
24 give strict attention to the proceedings here and at the  
25 conclusion of the trial, you'll be in as best a position as

1 possible to determine what the facts are and thus render  
2 your verdict. All right.

3 With that, Solicitor, you're recognized for your  
4 opening, ma'am.

5 MS. SUMNER: Thank you, Your Honor. May it please the  
6 Court?

7 THE COURT: Yes, ma'am.

8 OPENING STATEMENT

9 BY MS SUMNER: Ladies and gentlemen, good afternoon.  
10 First I'd like to thank you for being here with us. Some of  
11 you, quite frankly, have now spent the majority of your week  
12 with us and we do appreciate that.

13 Why are we here today? Back on October the 9th of 2017  
14 Felix Price, who the Judge explained to you is not with us  
15 today. He would normally be seated over here with his  
16 attorney. He was charged with petit larceny and malicious  
17 injury to property. What happened? Law enforcement sees a  
18 vehicle picking up someone running from Lakelands Cycle.  
19 Law enforcement approaches, they see some things that are  
20 suspicious to them. They do a little further investigation.  
21 And Mr. Price has broken into a vending machine outside of  
22 Lakelands Cycle and taken some items out of the vending  
23 machine, to include the cash box.

24 Now, who are you going to hear from? What are you  
25 going to get to see today? So, first of all, you're going

1 to hear from Deputy Crockett. He was the investigating  
2 officer on scene. He's the one that did most of the work on  
3 this case. You're also going to be able to review the dash  
4 cam videos. You're going to see exactly what Deputy  
5 Crockett saw that evening out there on Highway 72. You're  
6 also going to get to see the surveillance video from  
7 Lakelands Cycle. Then you're also going to get to hear from  
8 Mr. Boggs. He's a businessman here in our community. He's  
9 the owner of Lakelands Cycle, owner of those vending  
10 machines. Okay? Lastly, you're also going to hear from a  
11 lady, Ms. Warren. She works with Magistrate Court here at  
12 the Greenwood County Courthouse. And that's in regards to a  
13 statement that was made.

14 Now, I'm going to briefly go over the law with you.  
15 Petit larceny, taking something that doesn't belong to you.  
16 Malicious injury -- injuring some property that does not  
17 belong to you. At the end of this case the Judge is going  
18 to give you the law, so I ask you to pay close attention to  
19 what he gives you on what the law is in this case.

20 Now, reasonable doubt. What is that? The State has  
21 the burden in this case to prove this happened belonged a  
22 reasonable doubt. It's not all doubt. It's not every  
23 doubt. It's not any doubt. Beyond a reasonable doubt. And  
24 also, the Judge is going to explain that further to you at  
25 the end of -- at the end of this case. What that is,

1     though, is when you are firmly convinced. Okay? And that's  
2     what you're going to hear from the Judge. What I like to  
3     think of it as in my mind, you come to a four-way stop.  
4     Okay? You're going to look in all directions before you  
5     proceed. Well, in this case, I ask you to pay close  
6     attention to what you're going to hear from the witness  
7     stand, any items you see, any video you watched. And after  
8     you've taken it all in, after you've looked all directions,  
9     I ask you to proceed though that intersection, and at the  
10    end of this case we'll be asking you to find Mr. Price  
11    guilty of these crimes. Thank you for your time.

12           THE COURT: Thank you, Ms. Sumner. Mr. Fedalei, you're  
13    recognized for your opening, sir.

14           MR. FEDALEI: Thank you, Your Honor. May it please the  
15    Court.

16           THE COURT: Yes, sir.

17                    OPENING STATEMENT

18           BY MR. FEDALEI: Good afternoon, everyone. Thank you  
19    for being here. I'm going to tell you all a little story  
20    about my mom. My mom's one of 11 children. She was born  
21    into a big Irish Catholic family. Her dad worked for the  
22    church, so growing up they did not have a lot of money. A  
23    chicken dinner for them meant one chicken, 13 mouths. A  
24    typical school lunch for her was a bag of Frito's and a  
25    mayonnaise sandwich. Not a ham and mayonnaise sandwich. A

1     mayonnaise sandwich. That experience of growing up hungry  
2     stayed with her the rest of her life. So even when we go  
3     out to eat as a family today, she will clean her plate, and  
4     I mean clean it. But if my sister or I say something to her  
5     about it she'll always be very quick to remind us, you don't  
6     know what it's like to be hungry. And she's right. I don't  
7     know what it's like to be hungry. But I know there are  
8     people who do. As a Public Defender, those are the people  
9     that I represent. The people who know what hunger is, who  
10    know what hardship is, who know what poverty and mental  
11    illness is. People like Felix Price.

12           Now, the State would only have you know him as the guy  
13    accused of breaking into a vending machine, and throughout  
14    this trial that's all you're going to get to hear about.  
15    They would rather your perspective stay narrow. But what  
16    I'm asking all of you today is to open your eyes to the big  
17    picture here and keep in mind what is really going on today.  
18    I ask that you think about that, you'll consider everything  
19    that you hear and see today deeply, and that you will hold  
20    the State to its burden beyond a reasonable doubt. Thank  
21    you.

22           THE COURT: Thank you, Mr. Fedalei. Solicitor, call  
23    your first witness, please.

24           MS. SUMNER: Thank you, Your Honor. The State calls  
25    Deputy Crockett to the stand.

## Michael Crockett: Direct Examination

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1 THE COURT: Come up and be sworn, please.

2 MICHAEL CROCKETT, having first been  
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SUMNER:

6 Q Would you give us your name, please.

7 A Sure. It's Michael Crockett.

8 Q Where are you employed?

9 A With the Greenwood County Sheriff's Office.

10 Q What is your position there?

11 A I am assigned to the uniform patrol duty.

12 Q How long have you been with Greenwood County Sheriff's?

13 A It'll be two and a half years this month.

14 Q What is your total law enforcement experience?

15 A Going on eight years.

16 Q Now, where were you employed back on the evening of  
17 October 9th of 2017?

18 A At the Greenwood County Sheriff's Office.

19 Q And were you working that evening?

20 A I was.

21 Q What was your duty that night?

22 A My normal course of duty would be, with uniform patrol,  
23 is to answer calls for service, any calls that may come in  
24 through out dispatch, as well as to patrol, do business  
25 checks, monitor traffic, that sort of thing.

1 Q During the course of your shift on October 9th did you  
2 come in contact with a Felix Price?

3 A I did.

4 Q Would you lead us through how that contact was made?

5 A Sure. Like I said, one of my responsibilities as a  
6 uniform patrol officer is to monitor some traffic, monitor  
7 violations, speeding, any kind of equipment violations, that  
8 sort of thing. It was -- if I'm not mistaken, I think it  
9 was a relatively slow evening as far as calls for service  
10 was concerned. I was parked at the Greenwood Equipment,  
11 which is almost directly across the road from Lakelands  
12 Cycle, monitoring traffic. I had my vehicle blacked out. I  
13 witnessed a vehicle approaching, coming up 72/221 coming  
14 from the direction of Laurens County towards Greenwood. The  
15 vehicle immediately stood out to me because it was driving  
16 extremely slow. Usually people that hour of the morning  
17 don't expect law enforcement and they're kind of cruising  
18 through there. However, this vehicle was approaching  
19 extremely slow, to the point where it almost came to an  
20 immediate stop in the middle of the roadway. Immediately it  
21 peaked my curiosity. I watched the vehicle for a few more  
22 moments. There was no other traffic around to cause any  
23 more issues or hazardous. I watched the vehicle as it  
24 conducted a U-turn in the middle of the road, and it came to  
25 a stop indirectly in front of Lakelands Cycle. As it

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1     stopped in the roadway I didn't know what was going on with  
2     the vehicle and I proceeded to put my vehicle in drive. Did  
3     not turn the headlights on or anything at that point in time  
4     yet. I was getting ready to make contact with the vehicle.  
5     When I looked across the parking lot of Lakeland Cycle from  
6     -- in front of the business itself I saw an individual  
7     running from in front of the business and it ran directly to  
8     that vehicle that was stopped directly in front of the  
9     business there in the middle of the roadway. At that time I  
10    initiated my emergency lights. My blue lights. I got  
11    behind the vehicle, provided my dispatchers with the  
12    information on the vehicle, and I witnessed a male subject,  
13    the one that had run from the front of the business, he was  
14    stuffing stuff into the vehicle. Exited my patrol vehicle.  
15    Requested another deputy to respond as well due to the  
16    nature of the call, knowing that there was more than one  
17    individual there. Made contacts with the individuals. The  
18    two individuals. The driver of the vehicle was a Sue Price,  
19    and the individual that had run from Lakelands Cycle  
20    direction was identified as Felix Price.

21    Q     I'm going to stop you right there --

22    A     Sure.

23    Q     -- for a second, Deputy Crockett.

24           MS. SUMNER: Your Honor, permission to approach the  
25    witness.

1 THE COURT: Please.

2 Q Deputy Crockett, will you take a look at this?

3 A Sure.

4 Q I believe this picture is familiar to you.

5 A It is.

6 Q Who is that?

7 A That's Mr. Price. That's the individual that was seen  
8 running from the business.

9 Q So that is the individual that you saw that evening?

10 A That's correct.

11 MS. SUMNER: Your Honor, at this time the State would  
12 move to enter the identification photo of the Defendant in  
13 this case.

14 MR. GORANSON: We would object. Improper foundation.

15 THE COURT: Overruled. State's 1 is in evidence.

16 MS. SUMNER: Your Honor, just for the record, that's  
17 going to be State's 15.

18 THE COURT: State's 15. I'm sorry.

19 (Whereupon, State's Exhibit No. 15 was admitted into  
20 evidence.)

21 Q Now, Deputy Crockett, after you made the initial  
22 contact with the vehicle, what happened after that?

23 A Making initial contact with the vehicle, obviously I  
24 wanted some additional officers on scene to provide some  
25 assistance for me. Again, I was unsure of what was going

Michael Crockett: Direct Examination

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1 on. It was like 2:00 o'clock in the morning, which was very  
2 abnormal to have anybody out there, so I definitely wanted  
3 another set of eyes on scene to provide me with some  
4 assistance. I proceeded to speak to the individuals, both  
5 Ms. Price and Mr. Price. I noticed Mr. Price was sweating  
6 profusely. I mean, almost to -- almost to the point that,  
7 you know, I was almost concerned for him he was sweating to  
8 hard. I noticed that he was not quite dressed for the  
9 weather as well. That stuck out in my mind. And I also --  
10 out of caution, again, when I -- when I saw him running to  
11 the vehicle, I saw him stuffing stuff into the vehicle. So  
12 my -- my attention not only was on them, but I also was  
13 suspicious as far as what was, you know, in the vehicle. So  
14 from my vantage point outside of the vehicle, while speaking  
15 with the individuals on scene, I tried to examine as best I  
16 could inside the vehicle as well.

17 Q What could you see from inside the vehicle while you  
18 were still standing outside the vehicle?

19 A There were some items in the backseat, some of which  
20 were definitely a concern to me. I believe there was a --  
21 either a black stocking cap or a -- I can't remember if it  
22 was a stocking cap or maybe a face mask. Some -- a small  
23 pry bar. I believe there was also a glove in the backseat,  
24 as well as a -- I want to say it was a coat or something  
25 with a bulge in it sitting in the backseat where I saw Mr.

1 Price putting items.

2 MR. SUMNER: Your Honor, again, permission to approach  
3 the witness?

4 Q Deputy Crockett, are these items familiar to you?

5 A Yes, they appear to be.

6 Q And can you describe what those items are to the jury?

7 A Sure. This one, I believe, it was in the backseat of  
8 the vehicle, and I believe this was the hat, or the face  
9 mask -- I guess it's a hat, that was also located in the  
10 backseat. There was a glove there. I can't remember  
11 exactly the location of these gloves. But I do recall  
12 seeing both the pry bar and the hat, and a couple of other  
13 items. I believe it was that bulge in the backseat under  
14 the other articles of clothing that they were located.  
15 These are the items that I viewed in the backseat of the  
16 car.

17 Q So those would appear to be items that you reviewed in  
18 the vehicle?

19 A Correct.

20 Q Let's talk about the bulge you mentioned.

21 A Uh-huh.

22 Q At a later point did you investigate that further?

23 A Absolutely.

24 Q Tell us about that.

25 A Having seen the items in the vehicle, as well as the

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1     time of day, as well as the clothing that was worn by Mr.  
2     Price, along with the other -- other deputies showed up. I  
3     believe my lieutenant and my sergeant showed up on scene as  
4     well. I asked them to immediately check the business to  
5     ensure that the business had not been burglarized.  
6     Obviously seeing these items in the vehicle at that time,  
7     that was my number one concern was that the vehicle -- or  
8     that the business had been vandalized and/or broken into,  
9     and I wanted to ensure that that had not been the case. It  
10    was determined at that time that a vending machine -- I  
11    believe it was a Coca-Cola machine that stood in front of  
12    the business, outside of the business. The latch or the  
13    door had been opened and there were items that appeared to  
14    have been missing from that. That, along with all of the  
15    information that I obtained on scene, I determined that  
16    probable cause was provided to me at that point in time to  
17    ensure that there was no items missing from the business  
18    inside that vehicle. And when I opened -- checked that  
19    bulge that was in back of the vehicle I did locate a part of  
20    what appeared to be the machine that had a cable coming to  
21    it, and it contained, I believe, all of the change  
22    associated with that vending machine. And that was actually  
23    the bulge that I saw in the backseat where Mr. Price was  
24    placing items.  
25    Q     And let's back up a second.

1     A     Sure.

2     Q     Did you notice any items near the vehicle when you  
3     approached it that were outside the vehicle?

4     A     Yeah. There were also some large pry bars, like a  
5     larger pry bar and another metal object that were sitting in  
6     the grass almost directly beside where the other vehicle had  
7     come to a stop.

8     Q     Does this look familiar to you at all?

9     A     I believe that was one of the items. Yes, ma'am.

10    Q     So is that one of the items that you located outside of  
11   the vehicle that day?

12   A     Correct, yes. I believe that was laying on the ground  
13   adjacent to the vehicle.

14   Q     And then you said there was another item located there  
15   by the vehicle?

16   A     Yes, ma'am. It appeared to be, I don't know, five foot  
17   or so pry bar, or a -- yeah, that's what I noticed. A pry  
18   bar or Jimmy.

19   Q     I'm going to do my best to lift it. I'm not the  
20   strongest. All right, Deputy Crockett. Does this appear to  
21   be the item that you located --

22   A     Yes, ma'am.

23   Q     -- outside of the vehicle?

24   A     That's the other item that was laying adjacent to the  
25   vehicle in the grass alongside the vehicle.

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- 1 MS. SUMNER: Your Honor, for the record, the large  
2 crowbar is going to be State's 12. The smaller, State's 11.  
3 Hat is 14. The gloves are going to be marked as State's 13.  
4 And then the black small crowbar is going to be State's 8.  
5 (Whereupon, State's Exhibit Nos. 8, 11, 12, 13 and 14  
6 were marked for identification.)  
7 Q And, Deputy Crockett, are you the one who gathered all  
8 these items --  
9 A Yes.  
10 Q -- at the scene? So you would have been the one to  
11 take them to evidence at the Sheriff's Department?  
12 A Correct. I believe I was. Yes, ma'am.  
13 Q Was your patrol vehicle equipped with a dash camera  
14 that evening?  
15 A Yes, ma'am. It was.  
16 Q Was it working that evening?  
17 A It was.  
18 Q And did you, in fact, have a dash cam video of this  
19 incident?  
20 A Yes, ma'am. Like I stated, when -- anytime when we do  
21 a traffic stop, or anytime our -- there's a switch that  
22 turns the blue lights on in my vehicle. Anytime that switch  
23 comes on the video is actually activated. It actually  
24 records, if I'm not mistaken, 24/7. But yes, ma'am. It  
25 was, in fact, working that night.

1 MS. SUMNER: Your Honor, permission to approach the  
2 witness.

3 THE COURT: Please.

4 Q Deputy Crockett, this has been marked as State's 7. Is  
5 this familiar to you?

6 A Yes, ma'am. It is.

7 Q And what is that?

8 A I believe this is a copy of the video from my dash cam  
9 video.

10 Q And did you have an opportunity to watch that earlier  
11 today?

12 A Yes, ma'am.

13 Q Did you initial and date that for us?

14 A I did.

15 Q Is it a true and accurate depiction of your dash cam  
16 from that evening?

17 A Yes, ma'am. It was.

18 MS. SUMNER: Your Honor, at this time the State would  
19 enter this into evidence and ask for permission to publish  
20 to the jury.

21 THE COURT: All right. Any objection?

22 MR. FEDALEI: No objection.

23 THE COURT: You may publish. And ladies and gentlemen,  
24 the audio, the part that was recorded in the audio, there's  
25 nothing said that's relevant, so I told the attorneys just

Michael Crockett: Direct Examination

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1 to cut that down, and they're just going to play you the  
2 visual part of it but not the audio. Okay?

3 THE WITNESS: Your Honor, may I move so I can --

4 THE COURT: Yes. If you want to step down, or if you  
5 need to step down, that's fine.

6 (Whereupon, the witness steps down from the witness  
7 stand.)

8 (Whereupon, State's Exhibit No. 7 was published for the  
9 jury.

10 Q Deputy Crockett, I'm going to back it up to the very  
11 beginning. If you don't mind stepping over to the screen  
12 just so you can explain to the jury what's happening in the  
13 first couple of minutes to this.

14 A Sure. You see the video. The vehicle that's  
15 approaching very slowly. Again, like I said, it was  
16 immediately apparent to me that there was something up with  
17 that vehicle. You'll see that it makes a U-turn here.  
18 Slows down considerably and it'll make a U-turn here right  
19 now. And if you'll watch from the right-hand portion, where  
20 the white portion of the building is you'll actually see a  
21 figure of an individual running from the business. That's  
22 what I'm focusing on. You'll see it almost as soon as it  
23 comes to a stop here. It should be in a second. You can  
24 see the figure running across the front of the business.  
25 Through the parking lot of the business. That's when I

1 decided to make my approach on the vehicle. Again, I was,  
2 waiting to see what was going on with it before I  
3 approached.

4 MS. SUMNER: Deputy Crockett, you can return to the  
5 stand at this point.

6 (Whereupon, the witness returned to the witness stand.)

7 Q Just so we're clear, Deputy Crockett, what county did  
8 this occur in?

9 A Excuse me?

10 Q What county did this occur in?

11 A Sorry. In the county of Greenwood.

12 Q Thank you.

13 A Yes, ma'am.

14 Q If the video had continued beyond where stopped it,  
15 what would the jury have seen?

16 A I took some pictures of the items that were inside of  
17 the vehicle on the floorboard, to include that small pry  
18 bar, and the article of clothing that I believe were in  
19 there. Other than that, the -- due to the arrests that were  
20 made, a tow service was called to secure the vehicle. Once  
21 the tow service arrived, towed the vehicle out of the way.  
22 I believe there shouldn't be a whole lot more seen on that  
23 video. It took a while before the wrecker showed up.

24 MS. SUMNER: Your Honor, permission to approach the  
25 witness.

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1 THE COURT: Please.

2 Q Deputy Crockett, are these two photos familiar to you?

3 A Yes, ma'am.

4 Q Can you -- let's start with this one right here.

5 Exhibit -- State's Exhibit No. 1. Can you tell the jury  
6 what that's a picture of?

7 A Sure. This is one of those gloves that -- again, that  
8 was presented earlier, and that small crowbar we found in  
9 the backseat of the vehicle.

10 Q And you, in fact, took that picture?

11 A I did. Yes, ma'am.

12 Q And that is how things appeared in the backseat of that  
13 vehicle that evening?

14 A Yes, ma'am. I actually don't even believe I touched  
15 those. Again, that bulge was located almost further behind  
16 or close to the side panel of the door of the vehicle on  
17 that back passenger seat.

18 Q I'm handing you what's State's Exhibit 2. What is  
19 that?

20 A That is the, for lack of a better term, I would call it  
21 a coin catcher, I guess. It was the device that contained a  
22 bunch of the coins that came from the vending machine.

23 Q And then this is State's 3 through 6, additional  
24 pictures. Could you tell the jury what those depict?

25 A One of -- a front view of the vending machine. This

1     one is a view of the -- when we approached the vending  
2     machine -- let me add that, too. I was advised by  
3     Lieutenant Tarleton that the door was ajar, or open. And  
4     this picture shows, I believe, what was the latching  
5     mechanism. It held the door closed. It shows the lock, but  
6     I think the whole mechanism was defeated. Not the lock  
7     itself, but the latching mechanism inside the machine.  
8     That's what that one shows.

9     Q     In 3 through 6 you can just talk about those more. Are  
10    those all pictures of the vending machine?

11   A     Yes, ma'am. They are.

12   Q     And these State's Exhibits 1 through 6, all pictures,  
13   you took these that evening?

14   A     Yes, ma'am. I did.

15           MS. SUMNER: Your Honor, permission to publish these to  
16   the jury.

17           THE COURT: Without objection?

18           MR. GORANSON: Without objection.

19           THE COURT: All right. State's 1 through 6 are in  
20   evidence. You may publish.

21           (Whereupon, State's Exhibit Nos. 1, 2, 3, 4, 5 and 6  
22   were admitted into evidence.)

23   Q     Officer Crockett, this is just a picture inside the  
24   vehicle that you took that evening?

25   A     Correct. That's the backseat with the crowbar.

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1 Q And this would be the crowbar right here?

2 A Correct.

3 Q And again, this is the money box, as you describe it, I  
4 believe, from the --

5 A Yeah, the coin catcher.

6 Q -- vending machine?

7 A Yes, ma'am.

8 Q And where did you take this picture?

9 A That was, I believe, on top of the vehicle. I think  
10 you saw in the video where I removed it from the backseat  
11 and set it on top of -- on the roof of the vehicle. That's  
12 where that one was taken. Either on the roof or on the  
13 truck. I can't quite recall.

14 Q And you inspected the vending machine that evening?

15 A Yes, ma'am.

16 Q Did it have a coin catcher in it at the time you  
17 approached it?

18 A No, ma'am. It did not.

19 Q And what is this, for the jury?

20 A That's the front view of the vending machine. The  
21 Coca-Cola machine.

22 Q Please describe this for us.

23 A Sure. If you can see --

24 Q If you need to step down and use the pointer --

25 A Sure, if you don't mind.

1 Q -- you're more than welcome to do so.

2 (Whereupon, the witness stepped down from the witness  
3 stand.)

4 A And I'm no vending machine expert, by any means. But  
5 when you -- when you approach it you can see that there's a  
6 lock on the side. When you undo that lock it allows you  
7 access into the machine itself. But you can kind of see  
8 that square right there. And I believe there's another  
9 picture here in a minute will show that that square actually  
10 goes into another portion of the machine. And that's what,  
11 in my -- from looking at it, that's what it appeared to have  
12 held it closed. And that's another view of it. And that's  
13 the -- that square part actually -- that square part  
14 actually was supposed to be inside that, if I'm not  
15 mistaken. That's what it appeared to be, holding the  
16 vending machine door closed.

17 Q So this was a damaged vending machine by the time you  
18 made contact with it?

19 A Absolutely! Yes, ma'am.

20 MS. SUMNER: You can return to the stand.

21 (Whereupon, the witness returns to the witness stand.)

22 Q Now, did you make contact with the owner of the vending  
23 machine?

24 A I don't remember if I personally made contact, but  
25 contact was made. Yes, ma'am.

Michael Crockett: Direct Examination

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1 Q Did you ever receive any surveillance video of any type  
2 from the business?

3 A Yes, ma'am. I believe once contact was made we advised  
4 the business owner what had happened, or what we suspected  
5 had happened basically on the evidence that I obtained on  
6 scene. He actually responded and the surveillance was  
7 viewed and a copy was produced. I'm not sure if it was that  
8 night or at another time, but a copy. There was video  
9 surveillance -- close to where that vending machine was  
10 there's actually a camera right there close to it that  
11 caught it and we requested a copy of that.

12 Q And did you, in fact, put a copy of that into evidence  
13 in this case?

14 A I did.

15 MS. SUMNER: Permission to approach the witness, Your  
16 Honor.

17 THE COURT: Please.

18 Q Deputy Crockett, this is marked as State's 9. Are you  
19 familiar with that?

20 A Yes, ma'am.

21 Q And what is that?

22 A This is a copy of the surveillance video from Lakelands  
23 Cycle.

24 Q And you viewed this at some point after the arrest?

25 A Yes, ma'am.

1 Q And did you view it again this morning?

2 A Yes, ma'am.

3 Q And are those your initials, as well as the date for  
4 today?

5 A Yes, ma'am.

6 MS. SUMNER: Your Honor, at this time permission to  
7 publish this for the jury and have it entered in evidence.

8 THE COURT: No objection to State's -- subject to any  
9 earlier hearings, etcetera, State's 9 will be in evidence.

10 MR. FEDALEI: That's correct.

11 (Whereupon, State's Exhibit No. 9 was admitted into  
12 evidence.)

13 (Whereupon, State's Exhibit No. 9 was published for the  
14 jury.)

15 THE COURT: Forgive me. Is that even playing?

16 MS. SUMNER: It is, Your Honor.

17 THE COURT: I see it. Okay.

18 Q Deputy Crockett, you mentioned earlier that you noticed  
19 Mr. Price's clothing that evening?

20 A Uh-huh.

21 Q What was it about your noticed?

22 A I don't know if you remember, but when you looked at  
23 the video you saw that all the other deputies, we were all  
24 wearing short sleeved tee shirts. Ms. Price, who was the  
25 driver of the vehicle of the vehicle, she was also wearing a

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1     tee shirt. He had heavy clothing on, to include a heavy  
2     jacket. And again, when I made contact with him I noticed  
3     that he was just pouring sweat. So he was sweating  
4     profusely. So I found it odd that he had so much clothing  
5     on. It just was a trigger for me. When I -- when I -- when  
6     I do an investigation I look at -- I try to look at  
7     everything. I don't know if you remember looking at -- when  
8     I was looking at the -- or when I was at the vehicle, excuse  
9     me, speaking with the occupants of the vehicle, you see my  
10    flashlight moving to the backseat. You see my eyes are all  
11    over the place. Again, that's for several reasons. One is  
12    a safety reason for me. I want to make sure that there's  
13    nothing there that's going to harm me. But we try and  
14    observe everything.

15   Q     So the clothing that Mr. Price had on when you made  
16   contact with him, does that match the clothing of the  
17   individual in the video we just watched?

18   A     Yes, ma'am, it does.

19   Q     Also, was Mr. Price searched incident to arrest that  
20   evening?

21   A     Yes, ma'am. When Sergeant Young -- he was the  
22   individual that actually had him exit the vehicle. He  
23   conducted a frisk to make sure that there were no weapons on  
24   him. After it was determined that the vending machine had  
25   been broken into, my lieutenant, you saw him on the screen

1 as well, he walked away and he saw that the vending machine  
2 had been broken into. After the coin catcher -- again, I  
3 don't know what it's called, but the portion that caught all  
4 the coins was located in the vehicle. A more thorough  
5 search of his person was done and I located a lot of paper  
6 money, one dollar bills.

7 Q On Mr. Price?

8 A Yes, ma'am.

9 MS. SUMNER: Please answer any questions the Defense  
10 has for you.

11 THE WITNESS: Sure.

12 MS. SUMNER: Your Honor, the State will move for the  
13 evidence to be entered at the close of cross-examination.

14 THE COURT: Go ahead.

15 MR. GORANSON: Thank you.

16 CROSS-EXAMINATION

17 BY MR. GORANSON:

18 Q Good afternoon, Officer Crockett.

19 A Yes, sir.

20 Q When we watched the video from your dash cam --

21 A Uh-huh.

22 Q -- were you surprised how far down the car went?

23 A I'm sorry. I'm not understanding.

24 Q Well, you were explaining what happened in the video.

25 The second time we watched the first part of the video --

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1 A Okay.

2 Q -- when Ms. Sumner asked you to narrate a little bit  
3 about what was going on.

4 A Okay.

5 Q You came down and you narrated what happened. And I  
6 was just wondering -- it sounded to me like you were a  
7 little bit surprised observing how far down the car drove  
8 before it stopped going away from you on 72. Is that true?  
9 Is that accurate?

10 A I was just surprised to see the vehicle stop in the  
11 middle of the road.

12 Q Great. But I'm talking about your reaction today  
13 watching the video.

14 A I just -- I don't recall my reaction. I'm sorry.

15 Q That's fine. That's fine. I was just wondering. I  
16 think earlier you testified that you had -- you were parked  
17 at Greenwood Equipment Rental and you described it as like  
18 just across the street from Lakelands Cycle.

19 A Across and just up a little bit, yes.

20 Q Earlier you said across the street.

21 A Almost directly across, yeah.

22 Q But then you can see from the video that it's a little  
23 ways down. You're viewing it from a diagonal angle, right?  
24 You're viewing Lakelands Cycle from Greenwood Equipment,  
25 it's diagonal, correct?

1 A Correct. I believe there -- if I'm not mistaken,  
2 they're actually two entrances into Lakelands Cycle. I  
3 think there was actually one that's up closer to where I was  
4 as well. And Greenwood Equipment extends past the parking  
5 lot into where all of their equipment is stored. So  
6 directly across -- I mean, it was extremely close.

7 Q So if Google Map said 213 feet from door to door, you  
8 wouldn't dispute that?

9 A I didn't measure. I'm not 100 percent sure.

10 Q Would you dispute that?

11 A If it says 213 feet?

12 Q Yes, sir.

13 A From the front door of Greenwood Equipment to --

14 Q Correct.

15 A Again, I don't -- I don't recall. I mean, I'd have to  
16 look at it and see.

17 Q Very well. Now, you have been to the Criminal in South  
18 Carolina?

19 A That's correct.

20 Q And that was, what, eight years ago?

21 A 2004. On the road, I believe it was 2011, I believe.

22 Q Okay. Seven years ago, something like that?

23 A Uh-huh.

24 Q And you spent, what, six weeks down there?

25 A Twelve.

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1 Q Twelve weeks. And you learned how to become a police  
2 officer essentially, right, a first responder?

3 A Essentially. Yes, sir.

4 Q They teach you how to write reports?

5 A Somewhat, yeah.

6 Q They teach you how to do investigations?

7 A Uh-huh.

8 Q And they teach you --

9 A Yes. I'm sorry. Yes, sir. {

10 Q And do they -- do they teach you about observations,  
11 like what the power of observation is? Like looking around  
12 like you were saying earlier with your eyes at things?

13 A Yeah. I mean, that's one of the --

14 Q And making notes?

15 A -- things that they want you -- to ensure that you do  
16 is to make sure that you look around and observe your  
17 surroundings.

18 Q Right.

19 A Observational awareness, yes.

20 Q And when you combine all three of those things you've  
21 got an investigation, right?

22 A Correct.

23 Q And so, you want good reports, you want good pictures,  
24 and you want good observations, right? Quality  
25 observations, correct?

1 A That's part of it. Yes, sir.

2 Q And so then, what you want to do ideally is make your  
3 observations and then document them in a police report?

4 A Correct.

5 Q So when a prosecutor looks at it, or defense attorney  
6 looks like at, or just or whoever, they can get an idea of  
7 what happened in the case, right?

8 A A synopsis, yes.

9 Q And also what happens is -- I think you and I were just  
10 talking -- chatting earlier, and you respond to anywhere, I  
11 don't know, 10, 12 calls per shift sometimes?

12 A Depending on the type of season. But yeah, it could --  
13 could be five. It could go up to 13, 14, 15. Yes, sir.

14 Q And not all those are going to generate a police report  
15 you said?

16 A Correct.

17 Q But a fair amount of them do?

18 A I don't know if I'd say a fair amount, but some of them  
19 do. Yes, sir.

20 Q And your job is to respond to these calls, make notes  
21 and observations about what's going on. If there's some --  
22 some activity that's questionable you document it, right?

23 A Correct.

24 Q Some of them might be prosecuted later on, right?

25 A Potentially.

## Michael Crockett: Cross Examination

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- 1 Q Based on what you're seeing and responding to?
- 2 A Uh-huh. Yes, sir. Sorry.
- 3 Q And so, that's important, right? I mean, if you make
- 4 -- you work 10 shifts a month, 12 shifts a month?
- 5 A We work, I think, 15.
- 6 Q Fifteen shifts a month?
- 7 A Uh-huh.
- 8 Q So, you know, you could be responding to 150 a month,
- 9 right? 150 calls a month?
- 10 A I guess, potentially.
- 11 Q And that ends up being a lot of different people, a lot
- 12 of different places, a lot of different interactions, right?
- 13 A Correct.
- 14 Q And so, what you need is a good incident report so you
- 15 can remember everything?
- 16 A Correct.
- 17 Q And you want to document the things that are relevant
- 18 to the case?
- 19 A Correct.
- 20 Q And you've been on the road as a patrolman or as an
- 21 officer for how long?
- 22 A In Greenwood?
- 23 Q Or just until -- how long have you served as like a
- 24 deputy on the road or officer on the road?
- 25 A I served for a few years in another agency. Worked

1 investigations in another agency. And then came here to  
2 patrol. So I don't -- I would estimate five years.

3 Q And you were watching for traffic violations and things  
4 of that nature? That was part of your duty?

5 A Correct.

6 Q And so you're familiar with estimating vehicle speeds?

7 A Yes.

8 Q Are you using radar?

9 A Yes.

10 Q Pacing vehicles?

11 A Yes.

12 Q All right. When you wrote up your report in this case  
13 did you write up your report before watching the video,  
14 after -- or after watching the video?

15 A Which video?

16 Q The dash cam or the surveillance video.

17 A Probably would have been before.

18 Q You wrote your report before you watched that?

19 A Correct. I mean, I may have -- I don't want to  
20 misquote, but I may have reviewed some of the -- we have the  
21 ability to review some of the video in our vehicle. So  
22 sometimes if I -- if I get a report and I want to go back  
23 and look at some things, I have the ability to review on a  
24 tiny screen.

25 Q You have a laptop in your vehicle?

## Michael Crockett: Cross Examination

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- 1 A Yes, but it won't show on the laptop.
- 2 Q So let's talk about that night. That was your
- 3 training. Let's talk about that night. You were stationed
- 4 at Greenwood Equipment?
- 5 A I was sitting stationary at Greenwood Equipment.
- 6 Q Yeah. And what kind of vehicle you in?
- 7 A I operate a Ford Explorer.
- 8 Q And obviously it's a police equipped vehicle?
- 9 A It is.
- 10 Q It has a dash cam in it?
- 11 A It does.
- 12 Q It's got blue lights?
- 13 A It does.
- 14 Q And What were you doing that night? Were you just
- 15 sitting there watching the road, were you doing some
- 16 paperwork? What were you doing?
- 17 A At that particular time I was monitoring traffic. I
- 18 believe, if I'm not mistaken, I just finished a traffic stop
- 19 for speeding.
- 20 Q And what time did you get to that location that night,
- 21 Greenwood Equipment?
- 22 A I don't recall. I don't -- I don't know how long I'd
- 23 been sitting there. I know I had done -- or I'd conducted
- 24 at least one traffic stop prior to this encounter.
- 25 Q Did you have your dome light on in the car?

1 A I don't recall.

2 Q Were you filling out paperwork at all that night?

3 A I don't recall.

4 Q Were you working on a computer at all that night?

5 A I'm sure at some point in time I did, but I don't  
6 recall if at that instant I was. I know that when I sit  
7 stationary like that -- and I remember that particular  
8 evening backing up with the camera pointed straight down --

9 Q Right.

10 A -- 72/221 and I'd cut my lights off.

11 Q And you say that camera stays recording? It's just a  
12 matter of when you turn the lights on, that's when it starts  
13 being preserved?

14 A It's my understanding that once -- that if the vehicle  
15 is on, then the camera records the entire time. But it  
16 sends -- I think it's a marker of some sort, something like  
17 that, where it will indicate that a -- you have to go in and  
18 clear it before it'll stop recording.

19 Q Okay. And I think the first thing you mentioned seeing  
20 in that video is a white car driving towards you on 72  
21 towards Greenwood, right?

22 A I witnessed a vehicle, yes.

23 Q And you said it was driving extremely slowly?

24 A Yes.

25 Q The speed limit in that section there is 45?

## Michael Crockett: Cross Examination

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- 1 A Forty.
- 2 Q It's 40?
- 3 A Uh-huh.
- 4 Q And the car ended up doing a U-turn on the road, right?
- 5 A Correct.
- 6 Q A car can't do a U-turn at 40 miles an hour on that
- 7 road safely, could it?
- 8 A I've not tried, so I don't --
- 9 Q You probably wouldn't try it because it's probably not
- 10 a very prudent thing to do behind the wheel?
- 11 A To do a U-turn at 40 miles an hour?
- 12 Q Yeah.
- 13 A I wouldn't -- I wouldn't recommend it.
- 14 Q Right. So were you pulling -- did you all stop the
- 15 vehicle and ticket them for some kind of traffic violation
- 16 or --
- 17 A There were traffic violations.
- 18 Q Is that why you stopped the vehicle?
- 19 A I got up with the vehicle -- the reason I got up with
- 20 the vehicle was because I witnessed it approaching at a slow
- 21 rate of speed. There are some indicators that we're taught
- 22 going through the Academy, some things to look for to look
- 23 for possible impaired drivers. That sort of thing. One of
- 24 them is to look for an individual driving at a slow rate of
- 25 speed. He was in the -- I believe it's called the number

1 two lane. So a traffic violation was he crossed without --  
2 he made an illegal turn basically in the intersection. That  
3 was an infraction. But the impeding the flow of traffic, I  
4 guess, would be the most important infraction that I  
5 witnessed when the vehicle stopped in the roadway.

6 Q So that was --

7 A So that's -- that's what really initially -- again, I  
8 look at many things. Initially the slow speed of the  
9 vehicle. The fact that it came to almost a stopped --  
10 stopped in the roadway. They traveled over several lanes of  
11 traffic to conduct the U-turn, and it stopped. Those were  
12 all concerns for me. Yes, sir.

13 Q And I think earlier you described seeing a figure on  
14 the dash cam running from the right side of the screen  
15 towards the left side of the screen?

16 A I witnessed -- even before I watched the video I saw  
17 that was another very suspicious, very unusual thing at 2:00  
18 in the morning to see somebody run from a business to a  
19 vehicle that parked in the middle of the roadway.

20 Q There's Coke machine in front of that building, right?

21 A Yes.

22 Q And the first time you noticed anybody moving away from  
23 the business was, as we saw in the video, like a minute  
24 before you drove up to that white car?

25 A I'm sorry?

## Michael Crockett: Cross Examination

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1 Q You didn't see anybody get dropped off at Lakelands

2 Cycle, did you?

3 A No, I did not.

4 Q You didn't see a white car stop there earlier and drop  
5 anybody off?

6 A I did not.

7 Q And you didn't see anybody run towards Lakelands Cycle?

8 A No.

9 Q You didn't see anybody carrying anything towards  
10 Lakelands Cycle?

11 A I did not witness anybody carrying -- in person, no.

12 Q And I think you even made the observation that night  
13 that you were surprised you didn't see anything happening at  
14 Lakelands Cycle?

15 A I don't recall saying that.

16 Q Okay. Well, let me ask you this. In your report you  
17 didn't -- you didn't document seeing anybody mess with the  
18 vending machine, did you? Did you report that you saw  
19 firsthand any --

20 A I've got -- I've got a copy. I don't know if I can  
21 review it, or if you want an official copy or --

22 Q Would that refresh your recollection if you --

23 A Sure.

24 Q Go ahead. And just when you're ready just let me know  
25 if you made a note of seeing somebody mess with the vending

1 machine from your position in front of Greenwood Equipment.

2 A From my position in front of Greenwood Equipment?

3 Q Right.

4 A I did not have firsthand visual observation of that at  
5 that time. However, it was later while on scene -- I  
6 believe it was another deputy. I don't want -- I don't  
7 recall. I think it might have been Sergeant Young who spoke  
8 to the business owner, actually reviewed the video and  
9 relayed that information to me that somebody was witnessed  
10 tampering with that vending machine.

11 Q Right. but I just want to make sure that we're clear  
12 that from your vantage point on Greenwood Equipment -- at  
13 Greenwood Equipment, you did not see anybody messing with  
14 the vending machine?

15 A What I witnessed was an individual running from the  
16 parking lot. I don't -- I don't even know if the video  
17 showed it or not. The surveillance video. But I -- if I'm  
18 not mistaken, I recall that if it played for a second longer  
19 you may have seen it where the blue lights actually come on.  
20 I'm not sure if it played that part. I couldn't really see  
21 from here. But the time that I saw the individual running  
22 from the direction of the vending machine to the roadway I  
23 saw the individual actually running across the parking lot,  
24 and that's when I activated my blue lights.

25 Q And there's no doubt about it, that person was running

## Michael Crockett: Cross Examination

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1 across the parking lot?

2 A Correct.

3 Q You stopped the vehicle after observing some traffic  
4 infractions, right?

5 A I stopped the vehicle -- or the occupants, after  
6 viewing suspicious activity.

7 Q And what -- the suspicious activity of driving --  
8 slowing down and turning around?

9 A Slowing -- driving slow on the roadway, turning in the  
10 roadway, stopping in the roadway. And again, a suspicious  
11 person running from a known business -- or a business that  
12 is known to be closed at 2:00 o'clock in the morning, 2:30  
13 in the morning, yes. That is why I made contact with the  
14 vehicle.

15 MR. GORANSON: Your Honor, if I may have just one  
16 moment, please.

17 THE COURT: Sure.

18 MR. GORANSON: No further questions, thank you.

19 THE COURT: Nothing else?

20 MS. SUMNER: Your Honor, no redirect. At this time,  
21 though, the State would enter some of the items into  
22 evidence.

23 THE COURT: Which items do you want to move in that you  
24 haven't already?

25 MR. GORANSON: I would like to be heard on that.

1 THE COURT: Okay. Tell me which items you want to move  
2 in.

3 MS. SUMNER: Yes, Your Honor. It would be State's  
4 Exhibit 13. Those are the gloves. State's Exhibit 14.  
5 That would be the hat. 1 through 6 should have already been  
6 moved to be entered.

7 THE COURT: Those are in.

8 MS. SUMNER: Those are the pictures. 15 is the  
9 photograph of Mr. Price, also previously entered.

10 THE COURT: That's in evidence.

11 MS. SUMNER: Also, I believe State's 8 has already been  
12 entered. Actually, I believe it has not.

13 THE COURT: It has not, no.

14 MS. SUMNER: We'd move to enter that at this time.  
15 That is the black crowbar. State's 11, the spiral crowbar.  
16 And then lastly, State's 12, the large bar. And previously  
17 entered were the surveillance video and the dash cam.

18 THE COURT: All right, sir. You can step down.

19 THE WITNESS: Yes, sir.

20 (Whereupon, the witness steps down from the witness  
21 stand.)

22 THE COURT: Ladies and gentlemen, what we're going to  
23 do, I'm going to need to take a brief break, and you all may  
24 need a brief comfort break. I'm going to let you adjourn to  
25 the back for just a few moments and rule on that quick

1 question.

2 One question I do need to address to the jury members.  
3 Mr. Foreman, I think that there are only a couple of  
4 witnesses left in the State's case in chief at this point in  
5 time. I do have drug court at 4:00 o'clock. Typically that  
6 lasts between 30 and 45 minutes. If we get the additional  
7 two witnesses done, we would have to do closing argument and  
8 instructions. That would probably talk about altogether 30  
9 minutes. What I'm asking is if anybody has any pressing  
10 obligations at 5:00 or 5:30, or close thereafter, that they  
11 had to get to tonight. Okay? I do realize it's Wednesday  
12 night. Some people have services on a Wednesday night. I'd  
13 like for you guys to not have to come back in the morning,  
14 is what I'm saying. Take a survey. Find out if somebody  
15 has something that they've got to get to, choir, kids,  
16 whatever, and then kind of let me know what the collective  
17 decision is. Not really now, but maybe later, because I'm  
18 still hopeful I can get it to you.

19 Go back there, don't talk about it, use the facilities,  
20 and we'll be back on the record here ASAP.

21 (Whereupon the jury exited the courtroom at 3:00 p.m.)

22 THE COURT: All right. You want to be heard on State's  
23 13, 14, 11 and 8?

24 MR. GORANSON: Yes, sir.

25 THE COURT: Go ahead.

1           MR. GORANSON: The defense would move to suppress all  
2 of those items, as well as the --

3           THE COURT: And 12. I'm sorry.

4           MR. GORANSON: And 12, as well as the video, on the  
5 grounds that the Fourth Amendment rights, to be free from  
6 unreasonable search and seizure, of Mr. Price had been  
7 violated in this case.

8           Essentially what we heard is testimony that the officer  
9 was seated approximately 200 feet away from Lakelands Cycle  
10 at an angle and was not able to see the vending machine that  
11 was being tampered with. Did not see anybody approach the  
12 vending machine. Didn't see anybody walk up to it with  
13 tools to commit a crime. Didn't see anybody get dropped  
14 off. Didn't hear a commotion or a ruckus. Basically saw  
15 somebody slowing down so that they could turn around. And  
16 the witness said that the person was running from Lakelands  
17 Cycle, but -- and I don't know how you make this a part of  
18 the record, but to me it appeared as if he were walking  
19 around in the surveillance video. And I would just submit  
20 to the Court that there's nothing suspicious -- particularly  
21 suspicious about that. I think the officer was acting on a  
22 hunch. He's got a person walking away from a vending  
23 machine that is turned on, that's out in front of a  
24 business. I think people can use that vending machine if  
25 it's open for business. So I don't think there's anything

1 beyond a hunch there for -- for a seizure of Mr. Price. So,  
2 therefore, we would ask that these items be suppressed.

3 I'd also -- and maybe this happened while I was taking  
4 notes about something else. But I didn't hear where the --  
5 where a couple of these items were taken from. State's  
6 Exhibit 11 and State's Exhibit 12. I don't know if a proper  
7 foundation has been laid for each of those items. So we  
8 would object to admission of those items on evidentiary  
9 grounds, as well.

10 THE COURT: My notes reflect that the officer testified  
11 that 11 and 12 were recovered outside on the grass right  
12 next to where the car stopped and the Defendant was next to.

13 You want to speak to any of their issues?

14 MS. SUMNER: In regard to the evidentiary issue, that's  
15 my understanding as far as the record. I think it's very  
16 clear where those items were located. I think Mr. Thomas  
17 would like to address the Fourth Amendment issue.

18 THE COURT: Sure. Go ahead, Mr. Thomas.

19 MR. THOMAS: Okay, sure. Let's see. Well, he had --  
20 the officer's sitting. He sees a car. He testified that  
21 several traffic violations; second lane to the first lane,  
22 coming to a standstill, that peaked his interest, he sees  
23 the individual running across. He's got probably cause to  
24 stop the vehicle for impeding the flow of traffic and for  
25 committing those other infractions.

1       He gets there. Mr. -- the Defendant in this case, who  
2       he's identified, is standing beside the car putting stuff in  
3       the back of it. If he'd just gotten a soda out of the  
4       machine, I would think he probably wouldn't be acting that  
5       way. But at that point he looks in the backseat. In plain  
6       view is a crowbar. Obviously he knows from his training and  
7       experience that that's a tool of crime. At that point he  
8       gets them out of the vehicle. Pats then down for safety. I  
9       think Lieutenant Tarleton - he did testify that Lieutenant  
10      Tarleton arrived at some point while he had them out of the  
11      car, and Lieutenant Tarleton looked at the vending machine  
12      and noticed that it had been broken into. So I think at  
13      that point, with the plain view of the items on the  
14      backseat, the suspicious behavior, stopping in the middle of  
15      the road to pick somebody up, him coming and running out,  
16      obviously, Your Honor, I think at that point there's  
17      probable cause to believe that's something is going on, that  
18      a further investigation is needed. Coupled with Lieutenant  
19      Tarleton's discovery of a thing being -- a vending machine  
20      being pried open. It's inevitable, you know, during the  
21      time they're conducting a traffic stop, they discover this  
22      other crime has been freshly committed. There's an object  
23      in the car that could have been used to do it. Probable  
24      cause to search that vehicle to seize it, Your Honor. We're  
25      not even going to get into the fact that I think at some

1 point Officer Crockett asked for permission to search. It's  
2 kind of vague on that. But probable cause to search the  
3 vehicle. The automobile exception inevitable discovery. No  
4 Fourth Amendment violation.

5 MR. GORANSON: If I could just address one aspect of  
6 that.

7 THE COURT: Please.

8 MR. GORANSON: Mr. Thomas said he wasn't going to get  
9 into consent to search, and there's a good reason for that.  
10 The reason is the officer felt he should ask for consent to  
11 search. He asked Ms. Price, do you mind if I search your  
12 vehicle, and the answer was yes.

13 THE COURT: Good answer on her part. All right. What  
14 we have, basically, is this thing taking place at 2:00  
15 o'clock in the morning. I'm very familiar with that stretch  
16 of roadway. It is commercial primarily. There is very  
17 little reason for anyone to be out there at 2:00 o'clock in  
18 the morning. The officer observes a vehicle making a  
19 strange suspicious turn after driving slowly. As he put it,  
20 it peaked his curiosity. Upon getting up where the vehicle  
21 stops in the median -- the grassy median between the  
22 sidewalk and the roadway lies State's 12 and State's 11. I  
23 don't know that there's really any grounds to object to  
24 those two items, because obviously they weren't located  
25 anywhere in the car. They were located on public property,

1 on the median or the right-of-way that's owned by the state.  
2 So State's 11 and 12 are certainly not subject to any sort  
3 of search argument. 13, 14 and 8, the items that were  
4 discovered in the back of the car, the State's point, I  
5 think, is a good one. After getting there, after calling  
6 for backup, they find that a vending machine outside the  
7 business has been broken into. They noticed a large bulge  
8 back at the car, and it's every so coincidental that the car  
9 just happened to stop next to State's 12 and State's 11, a  
10 very large pry bar and then a piece of rebar. And it just  
11 happens to be laying there right in the roadway, right next  
12 to where the Defendant -- Defendant's wife stops. They had  
13 probably cause to search. They had reasonable articulable  
14 suspicion. And this is, of course, an automobile, not a  
15 home. And, of course, these items are in plain view.

16 As far as the admission of them, they are admissible in  
17 the Court's opinion. So your objection is noted, but 13, 14  
18 and 8 will be in evidence.

19 (Whereupon, State's Exhibit Nos. 8, 13 and 14 were  
20 admitted into evidence.)

21 THE COURT: We'll take a few moments for ourselves and  
22 -- maybe like five or 10 minutes. You've got two other  
23 witnesses?

24 MS. SUMNER: Yes, Your Honor. And I should be able to  
25 knock them both out in 10 minutes.

1 THE COURT: Ten minutes?

2 MS. SUMNER: Yes.

3 THE COURT: Okay. Well, while we're on the record, I  
4 went ahead and sent you all the jury instructions. They  
5 should be on your computers. I don't know if you have  
6 checked them yet. Go ahead and take a quick look. If you  
7 want a hard copy, my Clerk will provide one for you. Okay?

8 MR. GORANSON: If I could ask --

9 THE COURT: Sure.

10 MR. GORANSON: -- just go ahead and request a hard  
11 copy, because our emails don't work over here.

12 THE COURT: Oh, okay. We'll go ahead and make that  
13 happen for you.

14 MR. GORANSON: Thank you.

15 THE COURT: You can have the copies that -- the copy I  
16 printed out. I'll get Freda to do another one.

17 MR. GORANSON: Thank you.

18 THE COURT: All right. We're off the record for a few  
19 moments.

20 (Whereupon, a recess was held until 3:23 p.m.)

21 THE COURT: Let's have the jury, please. /

22 (Whereupon, the jury entered the courtroom at 3:23  
23 p.m.)

24 THE COURT: The jury is back and seated. Foreman,  
25 after talking to the attorneys I'm confident that we can get

1     this to you this evening. Okay? So we're just going to  
2     keep on pushing as best we can. Call your next witness,  
3     please.

4             MS. SUMNER: The State calls Ms. Warren to the stand.

5                     CHERYL WARREN, having first been  
6     duly sworn, testified as follows:

7                     DIRECT EXAMINATION

8     BY MS. SUMNER:

9     Q     Could you give us your name, please?

10    A     Cheryl Warren.

11    Q     And where are you employed?

12    A     I'm employed at Greenwood County Magistrate's Office.

13    Q     And what is your job?

14    A     I'm a criminal court clerk.

15    Q     And what are some of the duties that are involved with  
16    your job?

17    A     I am sitting with the judge to listen to trials and do  
18    the recorder and putting dispositions.

19    Q     And were you working back on November 13th of 2017 in  
20    that position?

21    A     I was.

22    Q     And were you in Court in Magistrate Court that day?

23    A     I was.

24    Q     Okay. And while you were working that day did you come  
25    in contact with a Felix Price?

Cheryl Warren: Direct Examination

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1 A I did.

2 Q What was the nature of your contact with him?

3 A His wife was on trial that day and he was with her.

4 Q Okay. Now, are there audio recordings done at  
5 Magistrate Court here in Greenwood County?

6 A It is.

7 Q Could you explain to the jury how that system works?

8 A Yes. When I go in for the trial I will put that  
9 recorder on and it records everything that's the process of  
10 that day, and then we save it and keep it.

11 MS. SUMNER: Permission to approach this witness.

12 THE COURT: Sure.

13 Q Ms. Warren, this is State's Exhibit 10. Does this look  
14 familiar to you?

15 A Yes.

16 Q What is that?

17 A This is a disc of the process that happened that day.  
18 This is the Court hearing for that day.

19 Q Did you have an opportunity to listen to that this  
20 morning?

21 A I did.

22 Q Is that a true and accurate recording of what occurred  
23 that day in Magistrate Court?

24 A It is.

25 Q And did you, in fact, initial and sign that for us this

1 morning?

2 A I did.

3 MS. SUMNER: Your Honor, at this time the State would  
4 move this into evidence with permission to publish to the  
5 jury.

6 THE COURT: Subject to all the previous hearings and  
7 rulings and objections you may proceed. It is in evidence.

8 (Whereupon, State's Exhibit No. 10 was admitted into  
9 evidence.)

10 (Whereupon, State's Exhibit No. 10 was published for  
11 the jury.)

12 Q All right. Ms. Warren, back on November 13th of 2017  
13 was Mr. Price in handcuffs?

14 A No, ma'am.

15 Q Was he in custody that day?

16 A No, he was not.

17 Q From your perspective, did he give this voluntarily?

18 A He did.

19 MS. SUMNER: Nothing further from the State. Please  
20 answer any questions Defense may have for you.

21 THE COURT: And, Mr. Fedalei, just for the record,  
22 before you ask a question. At what point is that recording  
23 cut off? Because you cut it off before the proceedings  
24 concluded.

25 MS. SUMNER: Around 29:20, Your Honor.

1 THE COURT: 29:20. All right, thank you.

2 MS. SUMNER: 26:30 to 29:20.

3 THE COURT: 26:30 to 29:20. All right, Mr. Fedalei.

4 CROSS-EXAMINATION

5 BY MR. FEDALEI:

6 Q Good afternoon, Ms. Warren.

7 A Hi. How are you?

8 Q Good. How are you doing?

9 A I'm good.

10 Q Excellent. We established that you were -- you were in  
11 Court that day on November the 13th?

12 A Correct.

13 Q And did you see the Prices arrive together?

14 A I did.

15 Q Did they -- when they walked in were they -- could you  
16 tell they were a couple?

17 A You could, yes.

18 Q They were sort of affectionate with one another? They  
19 were close?

20 A Very.

21 Q When the proceeding actually started for Ms. Price we  
22 all heard Mr. Price talk about that she had some health  
23 issues. She had four strokes; is that right?

24 A That's correct.

25 Q And he said that she had trouble hearing?

- 1 A Yes.
- 2 Q He said she had trouble speaking?
- 3 A He did.
- 4 Q And that he was there to speak on her behalf?
- 5 A Yes.
- 6 Q Is that something that you see often in Court?
- 7 A No, it's not.
- 8 Q Was it the first time you had seen that?
- 9 A Actually it was, yes.
- 10 Q In the course of that whole proceeding, did it seem
- 11 like Mr. Price was concerned for his wife?
- 12 A Very much so.
- 13 Q He was there -- he was there to be her voice,
- 14 literally?
- 15 A Yes.
- 16 Q He was there to help her?
- 17 A He was.
- 18 Q He was there to protect her?
- 19 A Yes.
- 20 Q In the course of the proceeding he was polite?
- 21 A He was.
- 22 Q He wasn't a menace to anyone?
- 23 A No.
- 24 Q He didn't create a disturbance?
- 25 A He did not.

## Cheryl Warren: Cross Examination

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1 Q And he didn't create any sort of disruption or anything  
2 like that?

3 A He did not.

4 Q It was a fairly ordinary proceeding overall?

5 A Yes.

6 Q Aside from --

7 A From him helping her, yes.

8 Q -- the first time of seeing that. He seemed like a  
9 doting affectionate husband to you?

10 A He did.

11 MS. SUMNER: Your Honor, objection. It's relevancy.

12 THE COURT: I think it goes to the voluntariness of the  
13 statement that was made. I'll allow it. Go ahead.

14 Q And in Court that day he fulfilled that role?

15 A He did.

16 MR. FEDALEI: Thank you. No further questions.

17 THE COURT: Anything in redirect?

18 MS. SUMNER: No, Your Honor.

19 THE COURT: All right, ma'am. You can step down. You  
20 are free to go. Thank you very much for coming.

21 (Whereupon, the witness stepped down from the witness  
22 stand.)

23 THE COURT: Call your next witness, please.

24 MS. SUMNER: Your Honor, at this time the State calls  
25 Mr. Boggs to the stand.

1 THE COURT: Come over here first, please.

2 BRADLEY BOGGS, having first been  
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SUMNER:

6 Q Would you introduce yourself to the jury for us?

7 A My name is Brad Boggs. I'm the owner of Lakelands  
8 Cycles here in Greenwood.

9 Q How long have you been the owner of that business?

10 A Eight and a half years.

11 Q Were you working back on the early morning of October  
12 9th, 2017 at that business?

13 A Working at the business?

14 Q Were you there --

15 A I wasn't working at --

16 Q -- in the earlier morning hours?

17 A No, I was not.

18 Q Where were you?

19 A Home in bed.

20 Q Were you there on October 8th?

21 A Yeah.

22 Q The preceding day?

23 A Uh-huh.

24 THE COURT: That's a yes.

25 A Yes.

## Bradley Boggs: Direct Examination

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1 Q If you could, just give us yes or no answers for the  
2 record. Okay, sir? Now, when you were there on the 8th did  
3 you have a chance to see the vending machine?

4 A Yes, I did.

5 Q Was it intact?

6 A It was.

7 Q Was there anything wrong with it?

8 A No.

9 Q Had you given anyone permission to take money out of  
10 that vending machine?

11 A No, I did not.

12 Q And did you, in fact, get a call from law enforcement  
13 on October 9th?

14 A Yes, I did.

15 Q What was the nature of that call?

16 A About like 2:00 o'clock in the morning my son come and  
17 got me up. It rang on his phone, and he says law officers  
18 were wanting us at the business. He didn't say what -- what  
19 the reason was, so we were very alarmed and got up real  
20 quick and headed that way.

21 Q And do you have a surveillance system at that business?

22 A I do.

23 Q Was it working on the early morning hours of October  
24 the 9th?

25 A Yes, ma'am.

1 Q And did you, in fact, give law enforcement a copy of  
2 some footage from October the 9th?

3 A Yes, I did.

4 Q Who owns that vending machine?

5 A Coca-Cola, Incorporated.

6 Q Do you stock that machine?

7 A I do.

8 Q Is the machine affixed to your property?

9 A Yes.

10 MS. SUMNER: Nothing further, Your Honor. Please  
11 answer any questions the Defense has. Okay?

12 CROSS-EXAMINATION

13 BY MR. FEDALEI:

14 Q Good afternoon, Mr. Boggs. We've established that  
15 you're the owner of Lakelands Cycle --

16 A Correct.

17 Q -- is that right?

18 A Yes.

19 Q And you have a surveillance system in place there?

20 A Yes.

21 Q That surveillance system is important because you want  
22 to protect your business?

23 A Absolutely.

24 Q And security is always a concern for you?

25 A Yes.

## Bradley Boggs: Cross Examination

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1 Q And you -- and you had put that surveillance system in  
2 place to prevent losses to your business?

3 A That is correct.

4 Q And we also established that Coco-Cola owns the vending  
5 machine?

6 A Yes.

7 Q After this incident happened, what were the -- what  
8 were the losses to you from this incident happening, besides  
9 losing a few hours of sleep that night?

10 A I don't think physically there was any losses to me at  
11 all.

12 MR. FEDALEI: No further questions, thank you.

13 THE COURT: Sir, thank you. You can step down.

14 (Whereupon, the witness stepped down from the witness  
15 stand.)

16 THE COURT: Any other witnesses?

17 MS. SUMNER: Nothing from the State, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, we're  
19 going to adjourn. I'm going to send you back for just a few  
20 moments. I'm going to have you right back out here, and  
21 then I intend to proceed with argument and instructions to  
22 you. Okay? So adjourn to the back for two seconds and I'll  
23 bring you right back ASAP.

24 (Whereupon, the jury exited the courtroom at 3:34 p.m.)

25 THE COURT: The Defense, of course, renews all previous

1 motions and also moves for a directed verdict, correct?

2 MR. FEDALEI: That's correct, Your Honor.

3 THE COURT: Same rulings as before. Did you have  
4 something else, Mr. Goranson or --

5 MR. FEDALEI: We'd like to present, as far as a  
6 directed verdict goes, testimony that was just given to the  
7 Court was that this piece of property was affixed to the  
8 real property of Lakelands Cycle, which we would argue does  
9 not make it a piece of personal property and, therefore, we  
10 ask for directed verdict on the malicious injury to personal  
11 property charge.

12 THE COURT: You want to speak to that, Solicitor?

13 MS. SUMNER: Your Honor, it's not a fixture like it's a  
14 porch, but it's personal property would be the State's  
15 position. Also, you know, it doesn't have to be Mr. Boggs'  
16 property, it's any property.

17 THE COURT: All right. I imagine it's probably bolted  
18 to the side of the building to keep it from tipping over on  
19 people or from keeping people from backing a truck up to it  
20 and making off with it. Even though it's attached somehow  
21 to the property, I don't know that the fact that it's  
22 affixed to the property necessarily makes it -- necessarily  
23 makes it part of the real property, but that's an  
24 interesting motion and an interesting argument and I  
25 appreciate that very much. The Court will deny the motion

1 for a directed verdict. And, of course, all previous  
2 motions are reaffirmed -- or all previous rulings are  
3 reaffirmed.

4 I assume you have no witnesses, so we'll go straight  
5 into it. The State will go first to be followed by your  
6 last argument.

7 Anything, Ms. Sumner?

8 MS. SUMNER: Yes, Your Honor, the State would just like  
9 to address one issue. I just want to head off any issues  
10 that would occur in closing argument. The State's position  
11 would be that the Defense opening argument was -- really  
12 went to jury nullification. And so, we would just ask that  
13 nothing that's not in evidence be presented as a fact and  
14 that we avoid anything of that nature, asking the jury to  
15 disregard their oath and the law due to other circumstances.

16 THE COURT: I don't think that the Defense is  
17 necessarily going to go there. To the extent that they want  
18 to characterize the Defendant in this case as a modern day  
19 Jean Valjean, maybe they should be given that latitude. I  
20 don't know. If they ever step the line I'm sure I'll hear  
21 it from you. But I'll be reminding the jury, of course,  
22 that closing argument is not evidence. And obviously the  
23 individual who -- if in fact was Mr. Price, the individual  
24 who broke into the machine was stealing coins and not a bag  
25 of chips. I think that the jury is smart enough to make

1     that distinction. And you might even point that out to them  
2     yourself.

3             MS. SUMNER: Thank you, Your Honor.

4             THE COURT: Let us have the jury, please.

5             (Whereupon, the jury entered the courtroom 3:49 p.m.)

6             THE COURT: Now, ladies and gentlemen, we've -- I'm  
7     sorry. The Defense rests; is that correct?

8             MR. FEDALEI: That's correct, Your Honor.

9             THE COURT: Ladies and gentlemen, we've reached that  
10    portion in the case where, of course, you've got all the  
11    evidence that you're going to have in order to judge this  
12    case and render your verdict, and now the lawyers will give  
13    you their closing arguments.

14            I'll remind you, of course, that what the lawyers say  
15    during their closings is not evidence. You have to judge  
16    the case based solely on the testimony and the evidence  
17    which is presented on the record or in open Court here.  
18    Okay?

19            With that, the order that we'll proceed, Ms. Sumner  
20    will go first on behalf of the State, to be followed by Mr.  
21    Fedalei for the Defense.

22            Solicitor, you're recognized for your closing, ma'am.

23            MS. SUMNER: Thank you, Your Honor. May it please the  
24    Court?

25            THE COURT: Yes, ma'am.

1

## CLOSING ARGUMENT

2 BY MS. SUMNER: Ladies and gentlemen, I was here  
3 talking to you, it seems like, thirty minutes ago. What we  
4 talked about then was what you were going to hear and what  
5 Mr. Price was charged with. What we are here for today.  
6 You all are here for today. So what we have, we're back at  
7 -- we have two charges, a petit larceny and a malicious  
8 injury to property. Mr. Price, as you have been able to  
9 view for yourselves on screen, you see him walk up to the  
10 vending machine. You see he's got something and he is  
11 pulling on that machine. And, in fact, it's almost like  
12 fireworks go off with the lighting when it opens and you see  
13 it all open. So you've gotten the benefit of seeing that.  
14 You heard from the officer. A very diligent officer who's  
15 been on the force for a long time. He seems something  
16 suspicious. He says I've got to check this out. He makes  
17 contact with him. What does he see? A crowbar. This one  
18 right here, in the backseat. It looks a little bit like  
19 what you see this gentleman pulling on the vending machine  
20 with. Also he found this right beside the vehicle, and you  
21 find this right beside the vehicle. Pretty scary looking  
22 objects to me. Now, all of this will be going back with  
23 you. You're happy to look at it, happy to look at the  
24 pictures that we showed you earlier. But ladies and  
25 gentlemen, most importantly, it's 2:00 a.m. in the morning.

1 It's a four lane road. Most of us travel that probably  
2 pretty often. Mr. Price at a vending machine. You see him  
3 rip it open. You see him take off. You see him approach  
4 the vehicle. He's trying to get in and he has these items  
5 with him at 2:00 a.m. in the morning. Ladies and gentlemen,  
6 you also got to hear his own statement where he tells you I  
7 did this, trying to help his wife out. He tells you I did  
8 this.

9 Now, what I'm going to ask each of you to do is to  
10 listen very carefully to the law Judge Addy's going to give  
11 you. He's going to tell you exactly what malicious injury  
12 to property and petit larceny is. Like I told you earlier,  
13 I'll simplify it down. He's going to give you all of the  
14 law. But petit larceny, taking something of someone else's  
15 property. You heard from Mr. Boggs that this was a vending  
16 machine like many. A regular ole vending machine outside  
17 his business for people to be able to go up at their  
18 convenience and get a beverage if they're at his business,  
19 owned by Coca-Cola, sitting right there. Also you have seen  
20 pictures of the damage that was done to this piece of  
21 property. The malicious injury. I ask each of you, don't  
22 leave your common sense at the door of that jury room.  
23 That's why we have a jury. You all have so many life  
24 experiences that you can use when you go back there to  
25 discuss this case.

1           Now, reasonable doubt. I told you that we had a burden  
2 of proof beyond a reasonable doubt. We welcome that burden.  
3 It's our job. I'll present to you that in this case I  
4 believe we have met that burden from the evidence in this  
5 heard, whether it be on audio or whether it be from the  
6 witness stand and what you've seen here today. Ladies and  
7 gentlemen, what I ask of you, to go back in that jury room  
8 and find that Mr. Price is guilty of these two crimes for  
9 what he did in that early morning hour of October 9th.  
10 Thank you.

11           THE COURT: Thank you, Ms. Sumner. Mr. Fedalei, you're  
12 recognized for your closing, sir.

13           MR. FEDALEI: Thank you, Your Honor. May it please the  
14 Court?

15           THE COURT: Yes, sir.

16                                   CLOSING ARGUMENT

17           BY MR. FEDALEI: When I first spoke with y'all earlier  
18 today I told you that you were never going to get to know  
19 about Felix Price. But we did learn something about him  
20 today. We learned that he is a doting and caring husband.  
21 That he's somebody that will stick with his wife through  
22 thick and thin, through health problems that prevent her  
23 from navigating the water around her. Even doing things as  
24 simple as hearing and speaking. He's someone that will even  
25 come to Court with her to be her voice and her shield, even

1 at expense and risk to himself. That's the kind of person  
2 we're talking about.

3 Now, Mr. Price is charged with petit larceny, and  
4 you've just heard from the State they have to prove each and  
5 every element of that crime to you beyond a reasonable  
6 doubt. He's accused of taking items from a vending machine.  
7 Yet despite all the evidence that you saw today, what did  
8 they not have? The things that were taken. You would think  
9 that would be an important piece, and you'd think that would  
10 be an important piece, and you'd think with everything  
11 that's been presented to you that might be something that  
12 maybe was important to bring up. But we don't have any of  
13 that. It's not a crime for Mr. Price to be in the car with  
14 his own property. And if they can't prove to you beyond a  
15 reasonable doubt that he had stolen property, that he took  
16 that property, they have not met their burden. He's also  
17 charged with malicious injury to property. You heard the  
18 owner of Lakelands Cycle, Mr. Boggs, say that he suffered no  
19 losses from this, meaning he didn't have to pay to have the  
20 machine repaired. It didn't cost him any money to deal with  
21 the results of this incident. You also heard the officer  
22 say that on the recording from Court with Ms. Price. Again,  
23 the State has not proved to you that there was damage to  
24 this property. They have not met their burden of malicious  
25 injury to property.

1           One of the great things about our system is that -- our  
2 justice system that is, is that at the end of the day the  
3 ultimate most important decision that can be made, the  
4 decision of guilt or innocence, is not left up to lawyers.  
5 It's not left up to judges. It's not left up to law  
6 enforcement. The only people who can make that ultimate  
7 decision, that most important decision, that most important  
8 determination, is each and every one of you individually. A  
9 group of people selected from this community to represent  
10 his interests and to make this decision. I hope that each  
11 and every one of you individually will think about that  
12 burden very heavily. Think about if every aspect of these  
13 charges have been proven to you beyond a reasonable doubt,  
14 and I hope that you'll make the right decision. Thank you.

15           THE COURT: Thank you , Mr. Fedalei.

16                           CHARGE OF THE COURT

17           THE COURT: Now, ladies and gentlemen, again, those of  
18 you who served on the jury from yesterday and the day  
19 before, some of these instructions are going to sound very  
20 familiar. Okay? And other portions, especially when I  
21 describe these offenses, because obviously these offenses  
22 are different from what we tried yesterday. That's --  
23 that's going to be different. So if you'll just bear with  
24 me, please, those of you who were on my jury yesterday.

25           Now, again, Mr. Foreman, as you know, I make it a

1 practice to send back copies of these instructions. Again,  
2 if you have any questions about these instructions, let me  
3 know by way of a note. I'll answer a question. Obviously,  
4 we cannot reopen the case. We can not offer additional  
5 evidence or bring in additional witnesses. So if you've got  
6 factual questions, I won't be able to help you, but any  
7 questions with the law, I can.

8 Now, again, ladies and gentlemen, the indictments in  
9 this case charge the Defendant, Mr. Price, with the offenses  
10 of petit larceny and malicious injury to personal property.  
11 I'll remind you that the fact that Mr. Price was arrested,  
12 charged and indicted is, of course, not evidence, nor do the  
13 indictments create any inference or presumption in this  
14 case. The documents are merely the formal written  
15 instruments which contain the charges made against Mr.  
16 Price. They're the means by which these cases are brought  
17 into Court.

18 Again, the Defendant has pled not guilty to these  
19 charges and that plea puts the burden on the State to prove  
20 his guilt. A person charged with committing an offense in  
21 this State is never required to prove himself innocent.  
22 It's an important rule of law the Defendant in a criminal  
23 trial, no matter what the seriousness of the charge may be,  
24 will always be presumed to be innocent of the crime for  
25 which the charge was issued, or the indictment was issued,

1 unless guilt has been proven by evidence satisfying you of  
2 his guilt beyond a reasonable doubt. This presumption of  
3 innocence does not end when you begin your deliberations,  
4 but it accompanies the Defendant throughout the trial until  
5 you reach a verdict of guilt based on evidence satisfying  
6 you of his guilt beyond a reasonable doubt. Again, the  
7 presumption of innocence is often described as being like a  
8 robe of righteousness placed about the shoulders of the  
9 Defendant. It remains with him unless it's stripped from  
10 him by evidence satisfying you of his guilt beyond a  
11 reasonable doubt.

12 Now, ladies and gentlemen, the presumption of innocence  
13 is not merely a legal theory. It's not just a legal phrase.  
14 It's a substantial right to which everyone is entitled  
15 unless you're satisfied from the evidence of the Defendant's  
16 guilt beyond a reasonable doubt.

17 Well, what is a reasonable doubt in the law? A  
18 reasonable doubt is the kind of doubt that would cause a  
19 reasonable person to hesitate to act. Understand that the  
20 State has the burden of proving the Defendant's guilt beyond  
21 a reasonable doubt. And some of you may have served as  
22 jurors in civil cases where you were told that it's  
23 sufficient to prove that a fact is more likely true than not  
24 true. So just by the great weight or the preponderance of  
25 the evidence. In criminal cases the State's proof has to be

1 more powerful than that. It has to be proof beyond a  
2 reasonable doubt. Proof beyond a reasonable doubt is proof  
3 that leaves you firmly convinced of the Defendant's guilt.

4 Now, there are few things that we know of in this world  
5 with absolute certainty, and understand that in criminal  
6 cases the law does not require proof that overcomes every  
7 possible doubt. If, based on your consideration of the  
8 evidence you're firmly convinced that the Defendant's  
9 guilty, you should find him guilty. If on the other hand  
10 you think there's the reason possibility that the  
11 Defendant's not guilty, you should give him the benefit of  
12 the doubt and find him not guilty.

13 Now, again, ladies and gentlemen, you and I have  
14 certain different duties to perform. Understand that it's  
15 been my responsibility to preside over the trial and rule on  
16 the admissibility of evidence. You're to consider only the  
17 competent evidence before you. You're to consider only the  
18 testimony which has been presented from the witness stand,  
19 as well as any exhibits which have been made a part of the  
20 record in this case. I also have the duty to charge the  
21 law, and as the Judge, I'm the sole judge of the law. You  
22 have to accept and apply the law as I state it to you know.  
23 So if you've already got some idea as to what the law is or  
24 what it should be and that idea differs from what I tell you  
25 the law is, you have to abandon this idea because, again,

1 you're sworn to accept and apply the law as I state it to  
2 you now. Again, you are the sole and exclusive judges of  
3 the facts in this case. Understand that a trial judge is  
4 never permitted to intimate, state, comment on or make any  
5 statement to a trial jury about the facts. Since you're the  
6 sole judges of the facts, please don't infer from what I've  
7 said during the progress of this trial in ruling upon the  
8 admissibility of evidence or otherwise, or anything that I  
9 saw now that I have any opinion about the facts. Ladies and  
10 gentlemen, the law does not permit me to have any opinion  
11 about the facts. This is solely for you to determine. As  
12 jurors it's your duty to determine the effect, value, weight  
13 and truth of the evidence presented during the trial.

14 Now, there are typically two types of evidence  
15 presented during a trial, direct evidence and circumstantial  
16 evidence. Direct evidence directly proves the existence of  
17 a fact and does not require deduction, such as testimony by  
18 an eyewitness. Circumstantial evidence is proof of a chain  
19 of facts and circumstances indicating the existence of a  
20 fact. Crimes may be proven by circumstantial evidence, and  
21 the law makes no distinction between the weight or value to  
22 be given to either direct or to circumstantial evidence.  
23 However, to the extent the State relies on circumstantial  
24 evidence, all the circumstances must be consistent with each  
25 other, and when taken together, point conclusively to the

1 Defendant's guilt beyond a reasonable doubt. If these  
2 circumstances merely portray the Defendant's behavior as  
3 suspicious then the proof has failed. Again, the State has  
4 the burden of proving the Defendant guilty beyond a  
5 reasonable doubt, and this burden rests with the State  
6 regardless of whether the State relies on direct evidence,  
7 circumstantial evidence, or some combination of the two.

8 Now, necessarily, ladies and gentlemen, part of your  
9 job is to determine the credibility of the witnesses who  
10 have testified. And, of course, credibility just means  
11 believability. It becomes your duty as jurors to analyze  
12 and to evaluate the evidence and determine which evidence  
13 convinces you of it's truth. In determining the  
14 believability of witnesses who have testified, you may  
15 believe on witness over several witnesses, or several  
16 witnesses over one. You may believe a part of the testimony  
17 of a witness and reject the remaining part of the testimony  
18 of that same witness. You can believe the testimony of a  
19 witness in its entirety or reject it in its entirety. You  
20 may consider whether any witness has exhibited to you any  
21 interest, bias, prejudice or other motive in this case, and  
22 you may also consider the appearance and manner of a witness  
23 while on the witness stand.

24 Now, ladies and gentlemen, I instruct you that under  
25 the laws of this state a Defendant may be tried even if he

1 does not attend the trial, but the fact that the Defendant  
2 is not present may not be considered against him in any  
3 manner whatsoever. Similarly I instruct you and emphasize  
4 that the fact that the Defendant in this case did not  
5 testify is not a factor to be considered by you in any way  
6 during your deliberations and in your consideration on the  
7 question of the guilt or the innocence of the Defendant. It  
8 must not be considered by you in any way whatsoever. A  
9 Defendant has the constitutional right to remain silent and  
10 the assertion of this right must not be considered by you in  
11 your deliberations. I repeat, under your oath you're to  
12 take -- you are to draw no conclusions whatsoever from the  
13 fact that this Defendant did not testify. The fact that he  
14 did not testify shouldn't even be discussed in the jury. As  
15 I've said before, the burden of proof is on the State. The  
16 Defendant is not required to prove his innocence. The  
17 burden of proof remains on the State to prove guilt beyond a  
18 reasonable doubt.

19 Now, in this case, ladies and gentlemen, one of the  
20 charges that the Defendant faces is petit larceny. To prove  
21 petit larceny the State must prove beyond a reasonable doubt  
22 that the Defendant took and carried away the property of  
23 another against the will or without the consent of the other  
24 person. The slightest removal of the property, or the  
25 complete possession of the property, even for an instant by

1 the Defendant, is enough to show that a taking and carrying  
2 away of the property occurred. The State must also prove  
3 beyond a reasonable doubt that the Defendant intended to  
4 permanently deprive the owner of the property. Finally the  
5 State must prove that the value of the thing taken was  
6 \$2,000 or less.

7 In this case the Defendant is also charged with  
8 malicious injury to personal property. To prove that  
9 charge, the State must prove beyond a reasonable doubt that  
10 the Defendant willfully and maliciously cut, mutilated,  
11 defaced, damaged or otherwise injured the personal property  
12 of another person. Willfully means voluntarily and  
13 intentionally with the specific intent to do something which  
14 the law forbids. Maliciously means involving malice.  
15 Malice is hatred, ill-will or hostility. It's the  
16 intentional doing of a wrongful act with just cause or  
17 excuse and with an intent to inflict an injury, or under  
18 circumstances that the law will infer an evil intent.

19 Now, malice may be expressed or inferred. These terms  
20 expressed or inferred don't mean different kinds of malice,  
21 but merely the manner in which malice may be shown to exist,  
22 that is either by direct evidence or by inference from the  
23 facts and circumstances proven. Expressed malice is shown  
24 when a person speaks words which express hatred or ill-will,  
25 or when the person prepared beforehand to do the act which

1 was later accomplished. Any acts or preparation going to  
2 show that the deed was within the Defendant's mind would be  
3 expressed malice. The State must also prove that the value  
4 of the property involved that was damaged is less than  
5 \$2,000.

6 Now, ladies and gentlemen, there are four possible  
7 verdicts in this case that you can potentially find, and  
8 obviously you have to judge these two charges separately and  
9 independently of each other based solely on the evidence as  
10 it may apply to each separate charge. And again, Mr.  
11 Foreman, this is the verdict form I've worked up for you.  
12 It's quite similar to the one that was submitted to you all  
13 yesterday. The first statement on the verdict form is, "We  
14 the jury in the above-captioned case on the charge of  
15 malicious injury to personal property unanimously find Felix  
16 Bowen Price, and then there are two mutually exclusively  
17 options, either guilty or not guilty. If you find that the  
18 State has met its burden of proving the Defendant's guilt  
19 beyond a reasonable doubt and all 12 of you agree, initial  
20 next to guilty and proceed to the second statement, okay, as  
21 it relates to the petit larceny charge. If you find the  
22 State has failed to meet its burden of proving the  
23 Defendant's guilty beyond a reasonable doubt and all 12 of  
24 you agree, initial not guilty and then go to the next  
25 question. Answer that second question in the exact same way

1 as the first, of course. There's no significance, of  
2 course, to the order in which I state these verdicts. It's  
3 simply that one has to be stated first.

4 Now, again, ladies and gentlemen, as I've explained,  
5 all 12 of you must agree. Your verdict has to be unanimous.  
6 We do not have majority verdicts in this state, so all 12 of  
7 you must agree on the ultimate outcome in this case. Please  
8 understand that as jurors you have been selected as fair and  
9 impartial individuals. In other words, you've got no  
10 enemies to punish, you have no friends to reward in this  
11 case. Your verdict is based -- is to be based solely on the  
12 law and on the evidence that has been presented to date.

13 Now, ladies and gentlemen, if you would, adjourn to the  
14 jury room. Your cue to begin your deliberations will be my  
15 asking the alternate to step out and your receipt of these  
16 instructions and the verdict form back there in the jury  
17 room. Okay? So that will be your cue to begin your  
18 deliberations.

19 (Whereupon, the jury exited the courtroom to begin  
20 deliberations at 4:00 p.m.)

21 THE COURT: Let's send it on back to them. If they  
22 request to watch the video, we'll just bring them back out  
23 here. But I don't know that they would necessarily make  
24 that request. I'm sure they're smart enough to ask us if  
25 they need to. Let's make sure we're good on the evidence.

1           (Whereupon, deliberations were held from 4:00 p.m.  
2   until 4:05 p.m.)

3           THE COURT: We'll go back on the record in State vs.  
4   Mr. Price. Apparently the jury has reached a verdict.  
5   Bring them into the courtroom, please.

6           (Whereupon, the jury entered the courtroom at 4:05  
7   p.m.)

8           THE COURT: The record will reflect that the jury is  
9   back and seated. Mr. Foreman, I'm told the jury has reached  
10   a verdict on both charges, correct?

11          MR. FOREMAN: Yes, sir, we have.

12          THE COURT: If you would hand the verdict form to the  
13   bailiff. And I assume that all 12 of you agree on this  
14   outcome?

15          MR. FOREMAN: Yes, sir.

16          THE COURT: Madam Clerk, if you'll publish, please.

17          MADAM CLERK: State of South Carolina, County of  
18   Greenwood in the Court of General Sessions in indictment  
19   numbers 2017-GS-24-2175 and 2176, the State vs. Felix Price,  
20   we, the jury in the above-captioned case on the charge of  
21   malicious injury to personal property, unanimously find  
22   Felix Price guilty. We, the jury in the above-captioned  
23   case of the charge of petit larceny, unanimously find Felix  
24   Price guilty. Signed, Foreperson Merv Rollison.

25          THE COURT: Ladies and gentlemen, if this is, in fact,

1 your verdict, please indicate by raising your right hand.

2 (Whereupon, all jury members raise their hands.)

3 THE COURT: All right. The record will reflect all 12  
4 jurors did, in fact, raise their hand. Anything prior to  
5 discharge of the jury from the State? Nothing from the  
6 State?

7 MS. SUMNER: No, Your Honor.

8 THE COURT: Nothing from the Defense?

9 MR. FEDALEI: Nothing from the Defense.

10 THE COURT: Very good. Ladies and gentlemen, at this  
11 point in time I'll let you know that the procedure for the  
12 Court to follow is the State, if they have not already done  
13 so, will print out some sentencing sheets, and once I  
14 sentence Mr. Price those sentences will be sealed in an  
15 envelope, and only when he is picked up on the bench warrant  
16 that has already been issued for him, at that point in time  
17 the sentences will be unsealed. So basically the sentence  
18 imposed will be known only to myself and my law clerk.

19 At this point in time, Solicitor, would you go ahead  
20 and apprise me of Mr. Price's prior criminal history, please  
21 ma'am.

22 MS. SUMNER: Yes, Your Honor. I would first -- we're  
23 going to mark for an exhibit for prior convictions.

24 THE COURT: Very good.

25 MS. SUMNER: For Pickens County. We can do that for a

1 later date. Can we pass this up?

2 THE COURT: Sure.

3 MS. SUMNER: Your Honor, in regards to a criminal  
4 history, it was discussed before we got this trial started.  
5 It was pretty troubling. This occurred in October. He was  
6 released from the Department of Corrections in August and on  
7 parole at the time this occurred. Your Honor, I believe at  
8 best -- I have a summary of his convictions. It spans back  
9 to '88. Everything to burglaries to prostitution to grand  
10 larceny, breaking into automobiles, drug convictions, and  
11 the list goes on and on. So at this time I believe it best  
12 to just hand this up to Your Honor for your review. Also  
13 notably, he has an '89 escape. And as you said, he's  
14 currently out on a bench warrant. May I approach, Your  
15 Honor?

16 THE COURT: Please. From review of the sentencing  
17 sheets out of Pickens County alone it would indicate that  
18 Mr. Price has two prior property offenses making this a  
19 third property offense. And his other offenses obviously  
20 are extensive. So the penalty on these offenses would be up  
21 to 10 years. Do both sides concur on that assessment?

22 MS. SUMNER: Yes, Your Honor.

23 THE COURT: Happy to hear anything, Mr. Fedalei, that  
24 you're in a position to offer in terms of mitigation, sir.

25 MR. FEDALEI: Thank you, Your Honor. As we discussed

1 before, Mr. Price does have diagnosed mental health issues.  
2 He is diagnosed bipolar and PTSD by the Department of Mental  
3 Health. So we certainly would submit to the Court that Mr.  
4 Price is somebody who has really survived life more than  
5 he's lived it. He is married to Sue Price who, certainly in  
6 my interactions with him and throughout the course of this  
7 trial even, it's become very apparent that she is sort of  
8 his one lifeline that he really sticks out for and cares  
9 about. So this is somebody who is certainly not perfect, by  
10 any means, but does care about other people. Is willing to  
11 put others before himself in certain situations. Does  
12 suffer from mental issues that is diagnosed. Coincided with  
13 that are substance abuse issues, which are just -- are long  
14 running. He's one of those guys that, you know, we can  
15 characterize as saying he really never had a shot, and  
16 that's the person that was found guilty earlier today. So  
17 we ask that imposing a sentence that give him some mercy.

18 And, of course, none of those are any sort of excuses  
19 or justification, but he is more than the person that was  
20 presented today.

21 THE COURT: Certainly. All right. Solicitor, anything  
22 that you wanted to say, ma'am?

23 MS. SUMNER: I was just going to add that his record is  
24 over 45 pages long. I would just like to reiterate he was  
25 recently released from the Department of Corrections, I

1 believe, for a grand larceny was the most recent offense.  
2 He is someone that has just become a nuisance to our society  
3 with repeated property crimes over and over again, doing  
4 this to people like Mr. Boggs, and even more serious  
5 offenses. So we would just ask for a sentence that reflects  
6 his history and what he did in this incident.

7 THE COURT: Very good. The Court will complete the  
8 sentencing sheets. Do you have them ready?

9 MS. SUMNER: Your Honor, may I approach?

10 THE COURT: Thanks.

11 THE COURT: Prior to completing the sentencing sheet,  
12 since this will be a sealed sentence and it will be sealed  
13 here momentarily, I'm going to go ahead and release the jury  
14 from any further obligations. Mr. Foreman, I will need your  
15 signature on the actual indictments before you go. Okay?

16 Ladies and gentlemen, I'll let you know that those of  
17 you who had been here these three days, thank you again for  
18 your work. Those of you who were here just for today, thank  
19 you certainly for your attention on this case. I will let  
20 you know that the debit cards that you received earlier,  
21 they'll be loaded sometime on Friday. So if you've been  
22 here for two days you'll get 30 bucks, 40 days -- or, sorry,  
23 three days, \$45. They'll be loaded sometime on Friday. So  
24 I assume that after 5:00 on Friday you can use them. If  
25 there's any problem using them -- there shouldn't be, but if

1     there is, talk to the Clerk about it.

2             With that, you are done for the week. Okay? We have  
3     no other cases to try this week. This was going to be our  
4     last case, so you are done. If you are summoned for jury  
5     duty in the Court of general sessions or the Court of Common  
6     Pleas during the next three years, remember what I told you  
7     on Monday. You get a get out of jury service free card  
8     because you came here and you served as a jury this  
9     particular week. Now, if it's Magistrate's Court, Federal  
10    Court, City Court, can't help you. You've got to show up.  
11    But you come back to this courtroom or you get summoned back  
12    to this courtroom, call the Clerk. Let them know that on  
13    April of 2018 you were qualified, you served. She won't  
14    even make you show up on the first day. Okay? You'll also  
15    get letters from me, all of you, and anyone who was on the  
16    trial that got completed yesterday. The purpose of the  
17    letter is twofold. It's to formally thank you again for  
18    your service. But it's also, most importantly, to solicitor  
19    feedback. So if there's anything you didn't like, anything  
20    you didn't like about what I did, anything you didn't like  
21    about Court, I definitely want to know about it. Anything  
22    that you liked, hey, tell me or don't tell me. I don't  
23    care. But if you didn't like something I definitely want to  
24    know about it so that maybe I can change it. All right.

25            With that, I'm not going to keep you any longer. It's

1 beautiful outside. Enjoy the rest of your work. If you  
2 need an excuse for work or school, the Clerk can hand one to  
3 you. And we will need those badges back. And, Mr. Foreman  
4 Coach, I need your signature, and I think my Clerk wants to  
5 say hello to you. Okay?

6 (Whereupon, the jury was released.)

7 THE COURT: Before we go off the record on this --  
8 before we go off the record on this case I need one more  
9 thing on the record. Okay? Understand, Mr. Fedalei, at the  
10 conclusion of this week's term of Court the capacity that I  
11 have to alter what I'm about to do is more limited, shall we  
12 say, or perhaps it's an arguable grey area. Should Mr.  
13 Price, you know, find the wherewithal to make contact with  
14 you and to get here before Friday and Court being adjourned,  
15 then perhaps the Court is going to be in more of a position  
16 to revisit what is being done here before I seal this up.  
17 You understand what I'm saying, I'm sure.

18 MR. FEDALEI: I understand, Your Honor. Thank you.

19 THE COURT: Good deal. See if you can find him. We're  
20 off the record on this case.

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

22

23

24

25

State of South Carolina                    )  
                                              ) Court of General Sessions  
County of Greenwood                    )

2017-GS-24-2176, 2175

State of South Carolina                    )  
                                              ) vs.                    ) Transcript of Record  
                                              )  
                                              )  
Felix Bowen Price                        )  
                                              ) Defendant            )  

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April 23, 2018  
Laurens, South Carolina

B E F O R E:

Honorable Frank R. Addy, Judge

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

Anna Sumner, Assistant Solicitor  
Attorney for the State

Elizabeth Able, Assistant Public Defender  
Attorney for the Defendant

Joy E. Holston  
Official Court Reporter

EXHIBITS

(There were no exhibits introduced.)

1 THE COURT: We will go on the record and this is in  
2 the matter of the State versus Felix Bowen Price. This is  
3 a trial in absence. The case numbers are 17-GS-24-2176  
4 and 2175. Again, this was a trial in absence that was  
5 completed on April the 11th of 2018. I did try the case,  
6 I think Tara was the Court Reporter. And this is for  
7 purposes of unsealing the sentence. Is that correct,  
8 Solicitor?

9 MS. SUMNER: That's correct, Your Honor.

10 THE COURT: Anything before the Court proceeds with  
11 sentencing?

12 MS. ABLE: Your Honor, I would just add to the  
13 record, as of today Mr. Price is entitled to 25 days  
14 credit. I will, of course, reiterate all that I know Mr.  
15 Fedalei said during mitigation and the prior part of the  
16 sentencing hearing. I have had the opportunity to speak  
17 to Mr. Price this morning. I will just add that he is in  
18 bad health, so is his wife. He was unable to be in court  
19 due to the fact that his wife was having medical problems.  
20 He wanted to ensure she was taken care of before he came  
21 down to Greenwood. I know it was relayed at the trial,  
22 Mr. Price intended to plead guilty so we certainly would  
23 ask that that to be taken into consideration. Judge, as I  
24 said, I will just reiterate all that Mr. Fedalei said. We  
25 certainly would ask for leniency and ask for that 25 days

1 credit.

2 THE COURT: All right. Mr. Price, anything that you  
3 want to say before I proceed with unsealing the sentence,  
4 sir?

5 MR. PRICE: Yes, sir. Like I said, I have never  
6 missed a court date before in my life. And this was my  
7 first time. And my wife had strokes and she was having  
8 delusional thoughts. We ended up being homeless and I  
9 ended up having to chase her around for about two months  
10 trying to get somebody to put her somewhere where she  
11 would be all right, with family members until they could  
12 figure out what was going on. And that was the reason why  
13 I didn't show up for court. And my intention was to plead  
14 guilty but I was trying to get help for my drug and  
15 alcohol problem before I get sentenced. But I was given  
16 no lead way on that and I was planning on trying to do it  
17 on my own until my wife started, you know, having these  
18 problems. And things just went down hill, down hill. And  
19 Thursday I had got her situated and my bondsman, I had  
20 called him and I was, you know, that afternoon was  
21 planning on, you know, working it out for him to come pick  
22 me up and turn myself in. But I ended up getting arrested  
23 anyway about the same time so it kind of worked out. And  
24 I am just, you know, sir, I am just asking for any  
25 leniency I can get in this situation. All my life, I have

1 always had a drug problem and it has been continuously  
2 over and over and over. And I have never had any kind of  
3 help before. And this time I was kind of following my  
4 heart at the same time with my wife and I just didn't want  
5 to leave my wife out there on the street by herself and  
6 she didn't know what was going on.

7 THE COURT: I do understand. All right. Mr. Price,  
8 the sentence that I imposed, you were charged with  
9 malicious injury to personal property third and petty  
10 larceny. And the sentence that the Court imposed on these  
11 indictments is 10 years concurrent. And I asked that you  
12 be screened for the addictions treatment unit. I will  
13 note here that you are to receive credit for 25 days in  
14 jail. I take Ms. Able's statement and your statement as a  
15 motion for reconsideration, Mr. Price, of this 10 year  
16 sentence. The Court is empowered to change it, I am going  
17 to decline to change it though, okay, Mr. Price. As you  
18 well know, you have got a substantial criminal history. I  
19 am sorry about your substance abuse issues. You should  
20 have sought help much, much sooner and perhaps you  
21 wouldn't have gotten in trouble with the law last year  
22 like you did. Had you plead guilty and accepted the  
23 State's offer in a timely manner you probably would have  
24 gotten a much better deal. So 10 years is what you have  
25 got to do and at least is concurrent for you and I am

1 asking that you be screened for the addictions treatment  
2 unit. Good luck to you, Mr. Price.

3 MS. ABLE: Thank you, Your Honor.

4 MS. SUMNER: Thank you, Your Honor.

5 \*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*  
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## 1 CERTIFICATE OF REPORTER

2  
3  
4 State of South Carolina )  
5 County of Newberry )  
6  
7

8 I, Joy E. Holston, Official Court Reporter for the  
9 Eighth Judicial Circuit of the State of South Carolina, do  
10 hereby certify that the foregoing is a true, accurate and  
11 complete transcript of record of the proceedings had and  
12 evidence introduced in the trial of the captioned case,  
13 relative to appeal, in the County of Greenwood, South  
14 Carolina on the 23rd day of April, 2018.

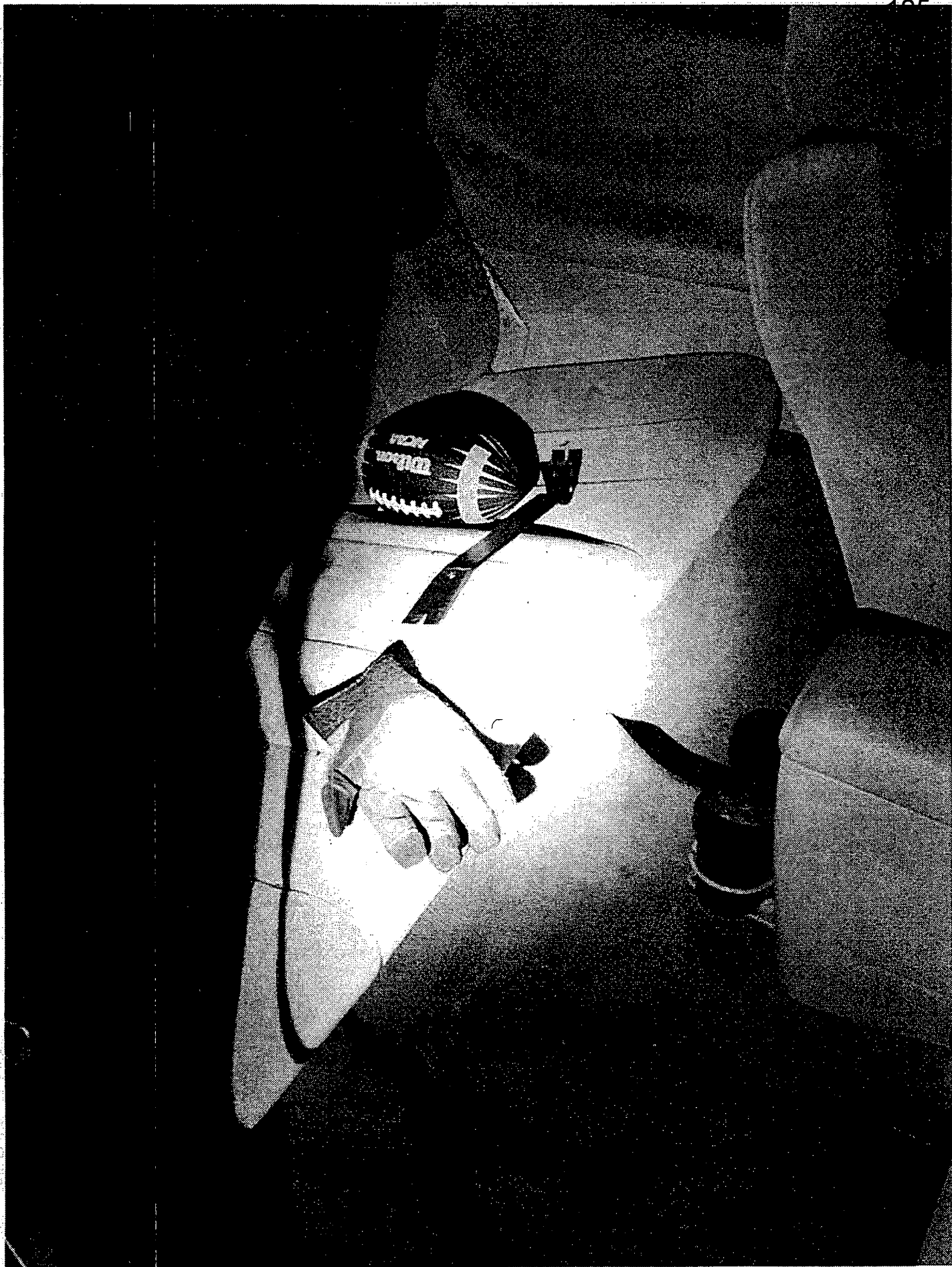
15 I do further certify that I am neither of kin,  
16 counsel nor interest to any party hereto.  
17

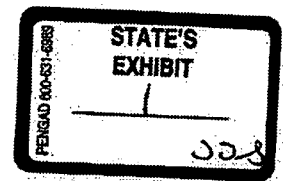
18 May 19, 2018  
19

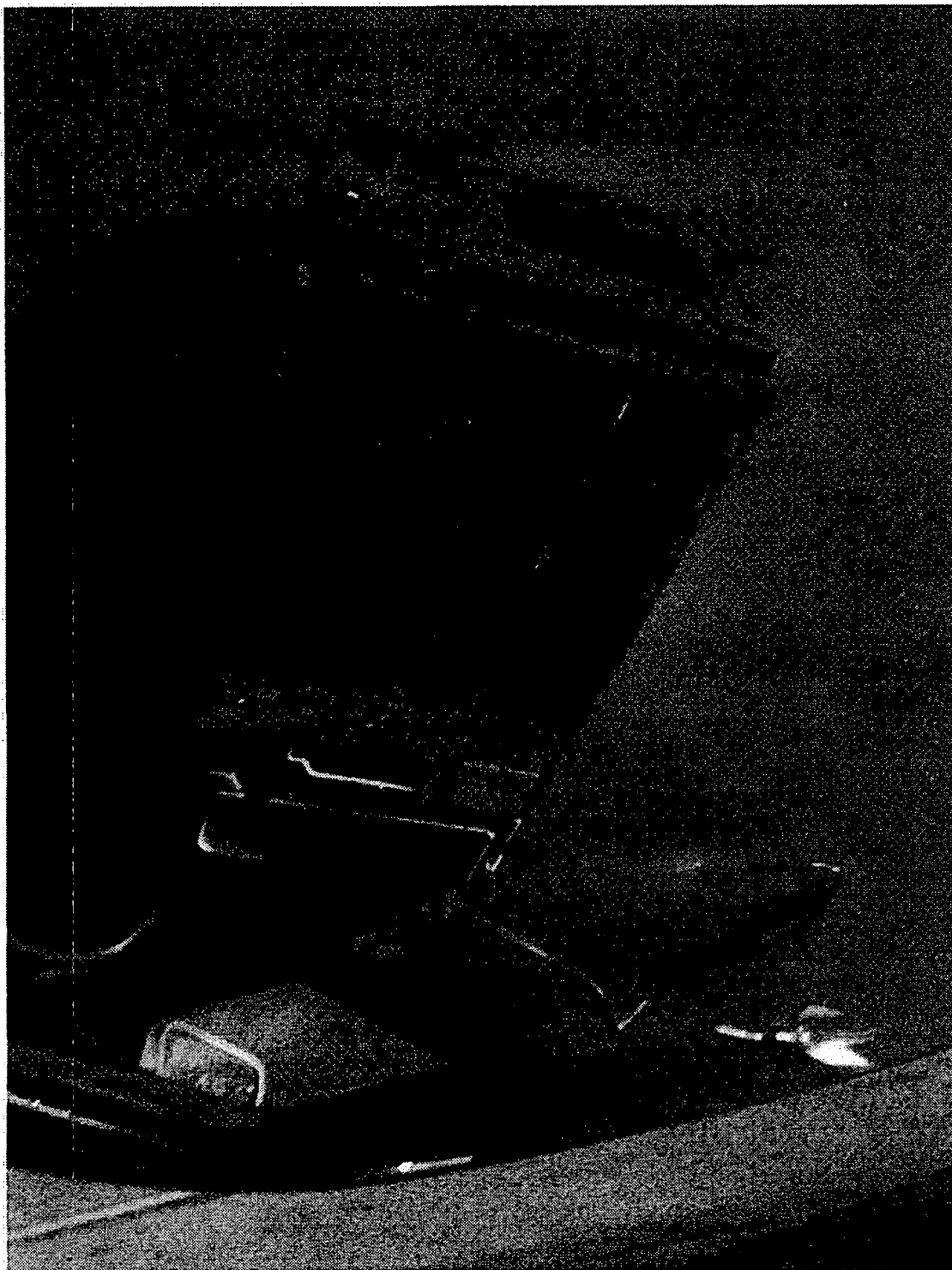
20 *Joy Holston*  
21

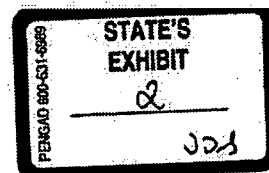
22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026  
24  
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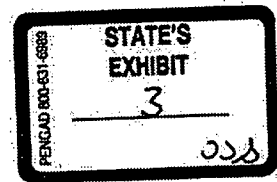




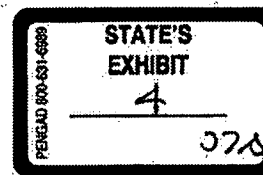


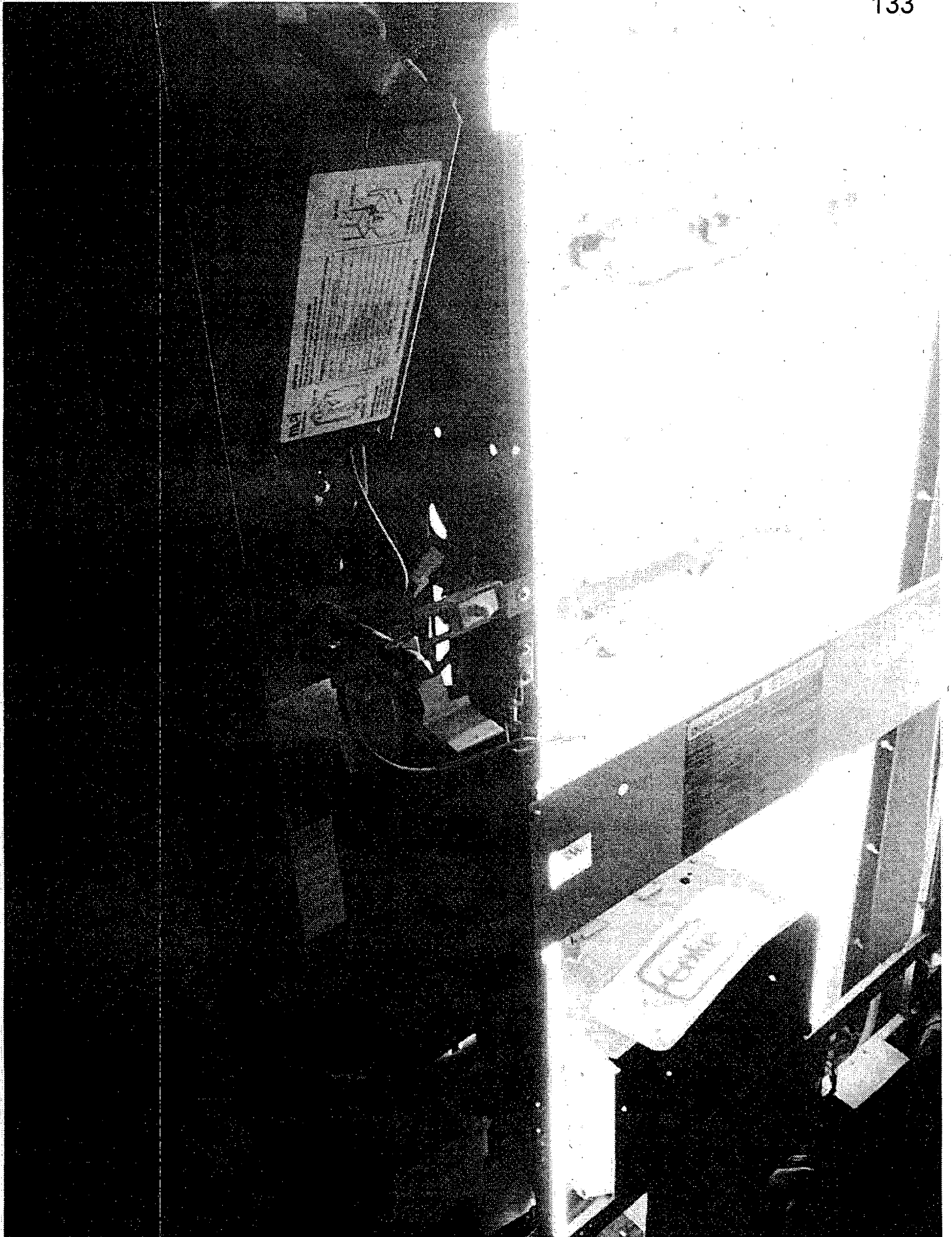


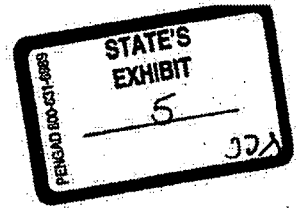


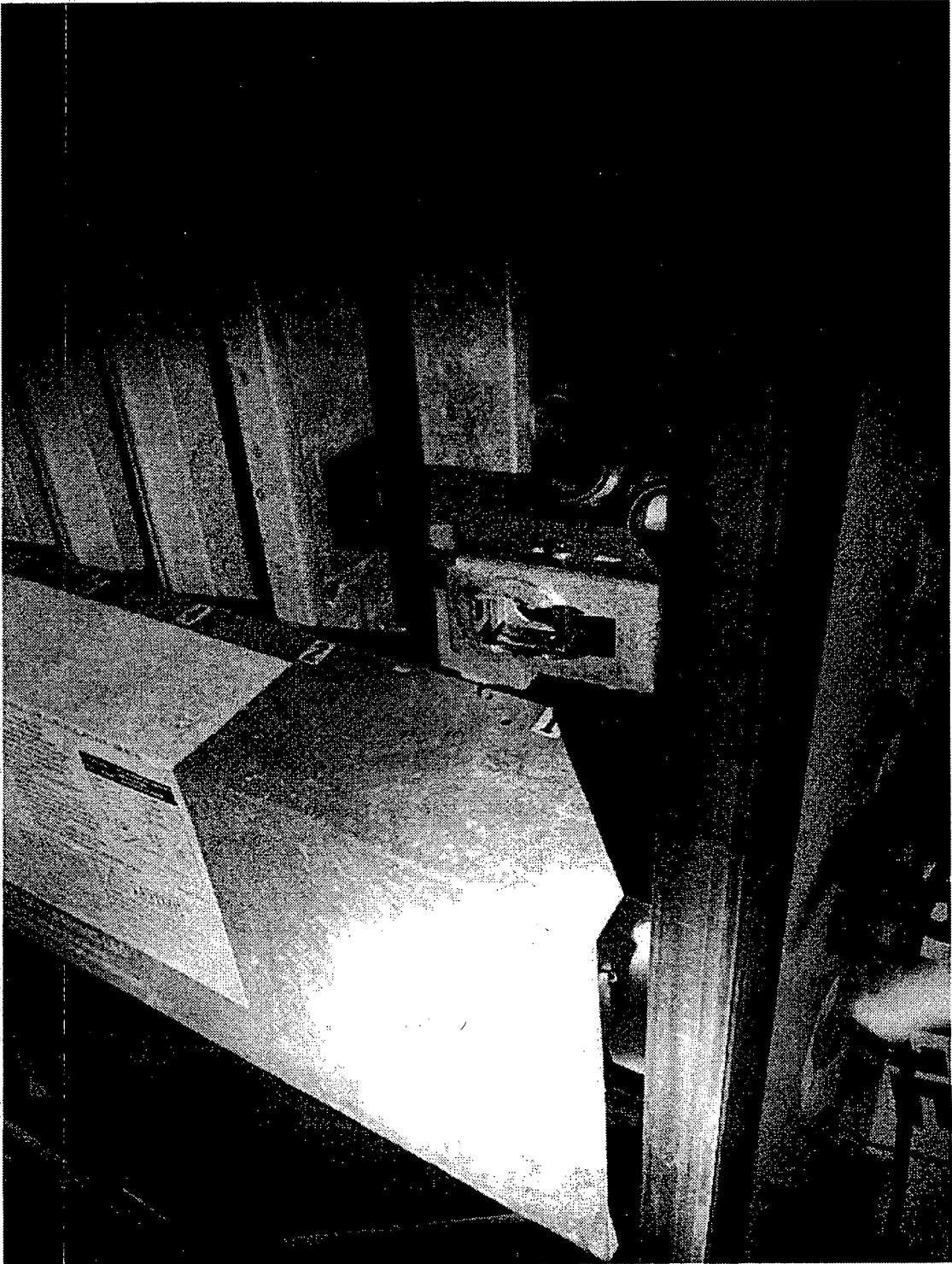














WITNESSES

Jimmy Boggs  
Greenwood County Sheriff's Department

WARRANT NUMBER

2017A2410201116

TRUE BILL

*Crystal D Proctor*  
Foreman of the Grand Jury

Date: *12-11-17*

VERDICT

*Gaulty*  
*Mar Ballins*

Foreman

*4-11-18*

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

December Term, 2017

Indictment #2017GS24- *2176*

THE STATE

vs.

FELIX BOWEN PRICE

INDICTMENT FOR

Malicious Injury to Property

Third or Subsequent Property Crime

SC Code: § 16-11-0510(A) and 16-1-57

CDR: 3594

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

## THE STATE OF SOUTH CAROLINA

## INDICTMENT FOR

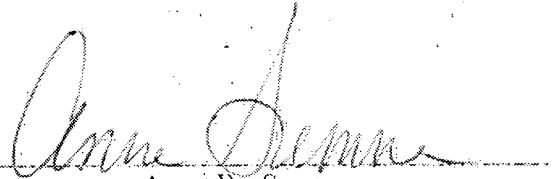
COUNTY OF GREENWOOD

Malicious Injury to Property  
Third or Subsequent Property Crime  
§16-11-0510(A) and 16-1-57

At a Court of General Sessions, convened on the 11th day of December, 2017, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Felix Bowen Price, did on or about October 9, 2017 in Greenwood County, willfully, unlawfully and maliciously do damage to personal property described as a vending machine belonging to Lakelands Cycle; the damage being Two Thousand Dollars (\$2,000.00) or less. The defendant has been convicted of two or more crimes for which punishment is contingent on the value of the property involved. All in violation of 16-11-0510(A) and 16-1-57, Code of Laws of South Carolina, (1976), as amended.

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

  
\_\_\_\_\_  
Anna W. Sumner  
Assistant Solicitor

WITNESSES

Jimmy Boggs  
Greenwood County Sheriff's Department

WARRANT NUMBER

2017A2410201115

TRUE BILL

*Crystal D. Proctor*  
Foreman of the Grand Jury  
Date: *12-11-17*

VERDICT

*Guilty*  
*Mr. Hallen*  
Foreman *4-11-18*

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

December Term, 2017  
Indictment #2017GS24- *2175*

THE STATE

vs.  
FELIX BOWEN PRICE

INDICTMENT FOR

Petit Larceny, Third or Subsequent Property Crime  
SC Code: § 16-13-6030(A) and 16-1-57

CDR: 3596

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD.

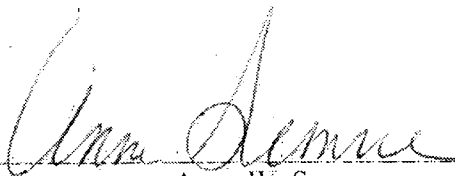
## INDICTMENT FOR

Petit Larceny  
Third or Subsequent Property Crime  
§16-13-0030(A) and 16-1-57

At a Court of General Sessions, convened on the 11th day of December, 2017, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Felix Bowen Price, did on or about October 9, 2017, in Greenwood County, South Carolina, feloniously take and carry away the personal property of Lakelands Custom Cycles, to wit: **change from a vending machine**, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, Code of Laws of South Carolina, (1976, as amended).

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



Anna W. Sumner  
Assistant Solicitor

## COUNTY OF GREENWOOD

STATE VS.

FELIX BOWEN PRICE

AKA: \_\_\_\_\_  
 Race: White Sex: M Age: 47  
 DOB: 1/1971 SS#: ██████████  
 Address: Nations Way, ██████████  
 City, State, Zip: Easley, SC 29642  
 DL# ██████████ SID# ██████████

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: **Malicious Injury to Property, Third or Subsequent Property Crime**

In violation of § 16-11-0510(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3594

INDICTMENT/CASE#: 2017GS24-2176  
 A/W: 2017A2410201116  
 Date of Offense: 10/09/2017  
 S.C. Code §: 16-11-0510(A) and 16-1-57  
 CDR Code #: 3594

## SENTENCE SHEET

☒ CONVICTED OF or

☒ PLEADS

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation,

☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Anna W. Sumner 101888  
 Anna W. Sumner, Assistant Solicitor SC Bar #

Defendant

102239  
 Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,  
 for a determinate term of 10 (Ten) days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
 are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
 Department of Corrections. Credit 25 days.

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

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

☐ Ordered PTUP

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED ☐

☐ Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

Random Drug/Alcohol Testing ☐

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100-

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Other: ATU

Proviso 61.6 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25-

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

☐ Appointed PD or appointed other counsel.

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

Proviso §61.6 requires \$500 be paid to Clerk

3% to County (if paid in installments) \$ 375

during probation and shall be collected before

TOTAL \$ 128.75

any other fees.

Clerk of Court/Deputy Clerk: Christy Copeland

Presiding Judge: [Signature]

Court Reporter: Joy Holston

Judge Bar ID: \_\_\_\_\_

Judge Code: 2159

Sentence Date: 4/23/2018

## STATE OF SOUTH CAROLINA

142  
COUNTY OF GREENWOOD  
STATE VS.

FELIX BOWEN PRICE

AKA: \_\_\_\_\_  
Race: White Sex: M Age: 47  
DOB: /1971 SS#: [REDACTED]  
Address: Nations Way, [REDACTED]  
City, State, Zip: Easley, SC 29642  
DL# [REDACTED] SID# \_\_\_\_\_INDICTMENT/CASE#: 2017GS24-2175  
A/W: 2017A2410201115  
Date of Offense: 10/09/2017  
S.C. Code §: 16-13-0030(A) and 16-1-57  
CDR Code #: 3596

## SENTENCE SHEET

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Petit Larceny, Third or Subsequent Property CrimeIn violation of § 16-13-0030(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3596☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, \_\_\_\_\_ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Anna W. Sumner, Assistant Solicitor 101888 SC Bar # \_\_\_\_\_ Defendant \_\_\_\_\_ Attorney for Defendant 102239 SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 (ten) days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Credit 25 dgs.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Obtain GED ☐☐ Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: ATU☐ Appointed PD or appointed other counsel,Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees. [Signature]Presiding Judge: [Signature]Judge Bar ID: \_\_\_\_\_ Judge Code: 2159Sentence Date: 4/23/18

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100-

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

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§14-1-212 (Law Enforce. Funding) \$25 \$ 25-

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§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

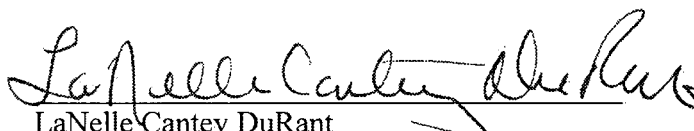
3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/Deputy Clerk: Charity CopelandCourt Reporter: Jay Holston

SCCA/217 (07/2016)

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

  
LaNelle Cantey DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

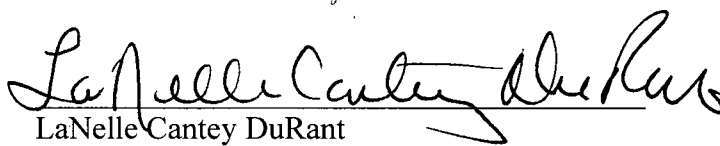
ATTORNEY FOR APPELLANT

This 19th day of April, 2019.

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

  
LaNelle Cantey DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of April, 2019.

**RECEIVED**  
APR 19 2019  
SC Court of Appeals