

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Honorable D. Craig Brown, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLYDE DEVON SINGLETARY,

APPELLANT

APPELLATE CASE NO 2018-000175

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE) 2016-GS-21-01313

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

September 14, 2017

CLYDE DEVON SINGLETARY,)

Defendant.)

B E F O R E:

Honorable D. Craig Brown
Florence County Courthouse
Florence, South Carolina

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

Todd S. Tucker, Esquire
Attorney for Plaintiff

Scott P. Floyd, Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

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E X H I B I T S

No.

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EV

(No exhibits were marked or admitted.)

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1 SEPTEMBER 14, 2017 - 3:52 P.M.

2 THE COURT: Yes, sir.

3 MR. TUCKER: Thank you, Your Honor. Standing before you
4 is Clyde Devon Singletary. He's been indicted on 2016-GS-21-
5 1313, 2017-GS-21-0774, and 0775. On 1313, he is indicted for
6 malicious injury to utilities. On 0774, he has been indicted
7 for one count of burglary second degree nonviolent. And on
8 0775, also, that is an indictment for burglary second degree
9 nonviolent.

10 We are here today pursuant to, I believe, a motion by the
11 public defender's office regarding Mr. Singletary's current
12 attorney status.

13 THE COURT: Yes, sir. Mr. Floyd?

14 MR. FLOYD: Yes, sir, Your Honor. May it please the
15 Court?

16 THE COURT: Yes, sir.

17 MR. FLOYD: Your Honor, Mr. Singletary was appointed to
18 our office on these cases. He was assigned one of my public
19 defenders who works in my office, female. Your Honor, I see
20 numerous letters that were sent to her and other female
21 attorneys in my office which frankly were just inappropriate.
22 I won't go into details here in the courtroom but they were --
23 some were extremely inappropriate and offensive. And frankly,
24 I don't think they should have to put up with that. I mean,
25 certainly they have to put up with a lot in their job, but

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1 they shouldn't be subjected to that sort of thing. I don't
2 feel comfortable with them representing Mr. Singletary. They
3 don't feel comfortable representing Mr. Singletary. And upon
4 reading these letters, which I have read quite a few, he has
5 constructed in his mind some delusion that I and other members
6 of my office are working with the solicitor's office to
7 persecute him somehow, which of course is not true, but that's
8 what's in his mind. I don't believe he would cooperate with
9 me or any other member of my office at this point and there --
10 I think it would just be in his best interest if he got
11 appointed a lawyer outside of our office.

12 THE COURT: All right.

13 Mr. Singletary?

14 MR. SINGLETARY: Yes, sir.

15 THE COURT: How you doing today, sir?

16 MR. SINGLETARY: I'm doing excellent, sir. How about
17 you?

18 THE COURT: I'm doing fine. Thank you.

19 Anything you wish to tell me?

20 MR. SINGLETARY: I can tell you however you want to --
21 however you want me to tell you. And it wasn't a problem when
22 -- what was going on, it took -- I put a motion in to have my
23 case dismissed, that's when the problem came up about the
24 female. And if I write females inappropriate, tell of them to
25 produce their letters. And when I explained to situation to

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1 Emily, I told her that she was bait, either way it was, she
2 was coming at me. She told me I didn't even have to worry
3 about that, she wasn't from the '80s. So, I'm the one being
4 prosecuted here for nothing and everybody else trying to hide
5 the dirt that's going on and I ain't got nothing to hide. I'm
6 telling you the way it is the way it is. I'm gonna keep it
7 real.

8 THE COURT: I previously signed an order to have him
9 evaluated, correct?

10 MR. FLOYD: Yes, sir, Your Honor;, I believe you did.

11 THE COURT: And he was evaluated; is that correct?

12 MR. SINGLETARY: That's right.

13 MR. FLOYD: He was.

14 THE COURT: And he was determined to be competent by ---

15 MR. SINGLETARY: To stand trial..

16 MR. FLOYD: He was, Your Honor.

17 MR. SINGLETARY: Self-representation.

18 THE COURT: Self-representation?

19 MR. SINGLETARY: Yeah, because I asked you last time in
20 front of you to have -- for self-representation because I was
21 dealing with a wicked court system and the only way I would be
22 able to free myself was I represent my own self. And I'm
23 still in here again with a prosecutor on this misconduct that
24 I wouldn't -- that utility service charge, I wouldn't -- I
25 didn't have a preliminary hearing on that charge, yet, so how

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1 is I'm still indicted on the charge I didn't have a
2 preliminary hearing on yet?

3 THE COURT: Well, hold on a minute. Okay?

4 Constitutionally, you're not entitled to a preliminary
5 hearing?

6 MR. SINGLETARY: Yes, I am. Rules of criminal procedure,
7 Rule Book 6.

8 THE COURT: The Constitution preempts criminal rules of
9 procedure. Okay? I'm not gonna sit here and go back and
10 forth with you over what the law is. I'm not sure if you went
11 to law school or not, but I'm going to relieve the public
12 defender's office of any further representation.

13 You're asking me to allow you to represent yourself?

14 MR. SINGLETARY: That's right.

15 THE COURT: You don't want me to appoint somebody to
16 represent you?

17 MR. SINGLETARY: I don't want no one appoint to me. I
18 can ---

19 THE COURT: Even outside of the public defender's office?

20 MR. SINGLETARY: I don't like doing that. I don't like
21 doing that.

22 THE COURT: You want me to do that?

23 MR. SINGLETARY: No, sir. I want to represent my own
24 self.

25 THE COURT: All right. Let's see here.

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1 All right. If you'll raise your right hand, please, sir,
2 Mr. Singletary.

3 CLYDE DEVON SINGLETARY, HAVING BEEN
4 DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE COURT: All right. You are Clyde Singletary?

6 MR. SINGLETARY: Clyde Devon Singletary.

7 THE COURT: All right. How old are you, Mr. Singletary?

8 MR. SINGLETARY: Thirty-six.

9 THE COURT: And how far did you go in school?

10 MR. SINGLETARY: I went to 10th grade.

11 THE COURT: All right. What kind of work have you done
12 in the past?

13 MR. SINGLETARY: Self-employed, I've been weed-eating. I
14 had -- I weed-eated every trailer park there was in Lake City
15 and I had -- I was dealing with building four-wheelers,
16 motorcycles, as in small engines to go-carts and dirt bikes.

17 THE COURT: Okay. Tell me how far you went in school
18 again. You said the 10th grade?

19 MR. SINGLETARY: 10th grade.

20 THE COURT: 10th?

21 MR. SINGLETARY: Yes.

22 THE COURT: Did you complete that grade?

23 MR. SINGLETARY: No, I ain't complete it.

24 THE COURT: Okay.

25 MR. SINGLETARY: You ain't got to go to college to be

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1 what you want to be. Just find your hustle and what moves
2 you.

3 THE COURT: I'm sorry; what was that?

4 MR. SINGLETARY: You ain't got to go college to be what
5 you want to be. Just find your hustle and what moves you.

6 THE COURT: Have you ever been treated for any alcohol
7 abuse, drug abuse, or mental illness?

8 MR. SINGLETARY: I don't drink, sir.

9 THE COURT: All right. You answered one of my questions.
10 How about alcohol -- any drug abuse?

11 MR. SINGLETARY: I ain't never been on no drug abuse.

12 THE COURT: How about any mental illness?

13 MR. SINGLETARY: I went to a -- I been evaluated for
14 that. I been to Pee Dee Mental Health. I had some people
15 died in my arms. It's in my doctor report.

16 THE COURT: I'm sorry. What was that?

17 MR. SINGLETARY: I been -- I been evaluated through Pee
18 Dee Mental Health. I used to go when I was a little kid. I
19 had some people died in my arms while I was a youth.

20 THE COURT: Have you ever been declared incompetent by
21 any court?

22 MR. SINGLETARY: I ain't never been declared incompetent.
23 I don't been down there and evaluated twice, come back both
24 times, I could stand trial.

25 THE COURT: When is the last time you had any kind of

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1 mental health treatment?

2 MR. SINGLETARY: I don't go through that no more.

3 THE COURT: When is the last time you had it?

4 MR. SINGLETARY: It been 2014.

5 THE COURT: 2014? Okay. Have you taken any medication,
6 drugs, or alcohol within the last 24 hours?

7 MR. SINGLETARY: No, sir.

8 THE COURT: You're not on any kind of medication out at
9 the jail?

10 MR. SINGLETARY: Not on any kind of medication. I only
11 take medicine when I'm feeling bad.

12 THE COURT: Okay. Are you aware of any physical,
13 emotional, or nervous problem that would keep you from
14 understanding what's going on here ---

15 MR. SINGLETARY: No, sir.

16 THE COURT: --- or what you're doing?

17 MR. SINGLETARY: No, sir.

18 THE COURT: Have you ever studied any kind of law?

19 MR. SINGLETARY: I've been to prison. I did two state
20 bids and a federal bid.

21 THE COURT: Okay. My question, though, is, did you ever
22 ---

23 MR. SINGLETARY: Yes, I -- yeah.

24 THE COURT: Well, let me finish my question.

25 MR. SINGLETARY: The law library was my main place.

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1 THE COURT: Let me finish my question. Have you ever
2 studied law?

3 MR. SINGLETARY: Yes, I studied law.

4 THE COURT: What have you studied, sir?

5 MR. SINGLETARY: I studied on how to write the file
6 motions, I studied a lot of federal law because I was on
7 federal probation that was violated, and I had pending charges
8 when I was down the road, and I was fighting them back through
9 that. The fellows in the law library taught me how to fight.

10 THE COURT: Okay.

11 MR. SINGLETARY: And they told me don't give up your
12 freedom.

13 THE COURT: What's his record, Mr. Tucker?

14 MR. SINGLETARY: He can't use it; it's too old.

15 THE COURT: I'm not talking to you right now, Mr.
16 Singletary. Just hold on. I'll come back to. Okay?

17 MR. SINGLETARY: Yes, sir.

18 THE COURT: Just hold one. Because this answers the next
19 question I was gonna ask you.

20 MR. TUCKER: Looks like -- the first conviction I'm
21 showing, Your Honor, was for breach of peace and resisting
22 arrest. It looks like he got 90 days and \$50 in restitution.
23 Failure to stop for a blue light in 2001 as well, it looks
24 like he got 90 days suspended to 18 months' probation. It
25 looks like several magistrate/municipal level convictions.

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1 2003, I'm showing a burglary third, first offense conviction.
2 It looks like he got 30 months. Grand larceny in 2013. Then
3 it looks like in 2004 burglary third, two more counts. 2005,
4 fraudulent check. Then looks like in 2008, manufacture and
5 possession of a Schedule I, II, or III substance with intent
6 to distribute. It looks like he got 18 months on it.

7 THE COURT: Well, that answers -- and I don't need to
8 hear any more.

9 MR. TUCKER: Yes, sir.

10 THE COURT: Because my next question to Mr. Singletary is
11 whether or not you've ever been in criminal court before and
12 obviously it appears that you have. Is that correct, Mr.
13 Singletary?

14 MR. SINGLETARY: Yes, and most them charges he talking
15 about, they dismissed. He ain't talked about the ones that
16 was dismissed.

17 THE COURT: Now, in this particular, what you stand
18 before me on right now, is -- tell me again, Mr. Tucker?

19 MR. TUCKER: Your Honor, on 16-1313, malicious injury to
20 utilities, and two counts of burglary second on 0774, 0775.

21 THE COURT: Violent or nonviolent?

22 MR. TUCKER: Nonviolent, Your Honor.

23 THE COURT: Okay. You understand, Mr. Singletary, that
24 you currently have charges pending against you, one being
25 malicious injury to utilities. You understand that?

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1 MR. SINGLETARY: Yes, I understand that.

2 THE COURT: And you understand it carries up to 10 years?

3 MR. SINGLETARY: Yes, I understand that.

4 THE COURT: And you also have two burglary second
5 charges.

6 MR. SINGLETARY: Yes, I understand that.

7 THE COURT: Which are nonviolent; you understand?

8 MR. SINGLETARY: Yes, sir.

9 MR. TUCKER: And, Your Honor, if I may, it looks like
10 that's he was arrested for but it looks like he was indicted
11 for violent burglaries due to his record. So, those would be
12 violent.

13 THE COURT: Okay. So, you understand that each of those
14 particular burglary second charges carry up to 15 years?

15 MR. SINGLETARY: Yes, I understand that.

16 THE COURT: So, you're looking at a total of 40 years on
17 what charges you have pending on you right now.

18 MR. SINGLETARY: You taught me image could be anything.

19 THE COURT: Sir?

20 MR. SINGLETARY: Taught me image can be anything.

21 THE COURT: Well, you understand what penalty you're
22 facing?

23 MR. SINGLETARY: I understand everything, sir.

24 THE COURT: Okay.

25 MR. SINGLETARY: And they ain't no burglaries. They

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1 fake.

2 THE COURT: Now, you understand that each of these
3 charges has certain elements to those charges, which the state
4 would have to prove beyond a reasonable doubt?

5 MR. SINGLETARY: And I understand that. And like you
6 say, ain't nobody above the law.

7 THE COURT: Has he already been indicted on all of these?

8 MR. TUCKER: He has, Your Honor.

9 THE COURT: Can I see the indictment?

10 MR. TUCKER: Yes, sir.

11 MR. SINGLETARY: And the officer, he went to my house on
12 they own and he didn't have permission to be out there at my
13 house. And I got paperwork that show the suspect, whoever
14 they say it was, can't be identified. Also, the photo that
15 they got, the deer camera didn't take pictures of the upper
16 part of the body. So, how could you put somebody on something
17 and the pictures show that there was never a crime committed.
18 All they show was the person walking down a state road.

19 THE COURT: Hold on, Mr. Singletary. I don't want you to
20 say something that can be used against you.

21 MR. SINGLETARY: I gotta ---

22 THE COURT: Okay. Do you know what the elements of each
23 of these charges are, Mr. Singletary?

24 MR. SINGLETARY: What it consist of?

25 THE COURT: What the state would have to prove?

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1 MR. SINGLETARY: Yes, I know what the state would have to
2 prove.

3 THE COURT: Do you know what they would ---

4 MR. SINGLETARY: In order to convict me ---

5 THE COURT: Tell me what they'd have to prove on ---

6 MR. SINGLETARY: I'm gonna ---

7 THE COURT: Hold on. Hold on. Let me finish my question
8 and then I'll let you talk. Okay?

9 MR. SINGLETARY: Go ahead.

10 THE COURT: As far as this malicious injury to utility
11 systems, tell me what the state would have to prove to prove
12 your guilt in that case.

13 MR. SINGLETARY: The state would have to prove that I
14 destroyed a utility system, which the state can't do because I
15 didn't destroy a utility system. That utility box stayed out
16 there. Ain't no power -- never went off power. If the power
17 would've went off out there, then nobody would've had power
18 out there.

19 THE COURT: Okay. Well, I'm gonna read the indictment to
20 you. Okay? On the malicious injury to utility system alleges
21 that you did on Florence County on or about May 11, 2016,
22 without consent of Santee Electric Company -- so, first they
23 got to prove you didn't any kind of consent by them; you
24 understand that? You understand that?

25 MR. SINGLETARY: I didn't destroy nothing. I understand

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1 what you saying. They can't prove ---

2 THE COURT: Let me finish. That you didn't have consent
3 and that you willfully destroyed damaged or injured
4 telephone/electric utility system, satellite dish, or cable
5 television system including poles, cables, wires, fixtures,
6 antennas, amplifiers, or other apparatus, equipment, or
7 appliances. They don't have to prove all of those, they got
8 to prove some of it. You understand that?

9 MR. SINGLETARY: They gonna need some witnesses.

10 THE COURT: Okay. Or that you obstructed, impede, or
11 impair the service or transmission of a telephone, electric
12 utility system, satellite dish, or cable television system.
13 You understand that?

14 MR. SINGLETARY: I understand that.

15 THE COURT: Or that you aided, agreed with, employed, or
16 conspired with another person to cause the above-mentioned
17 acts. Either you did it by yourself or you aided or somebody
18 helped you; you understand that?

19 MR. SINGLETARY: I ain't did nothing. Ain't nobody --
20 how can somebody help me do something I ain't do.

21 THE COURT: All right. In other words, they -- and they
22 say that you did the above by pulling the power ---

23 MR. SINGLETARY: That's what they ---

24 THE COURT: Listen to me. By pulling the power lines
25 down from the power line pole and cutting the power line pole

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1 down with a chainsaw causing an interruption in electrical
2 service to the area adjacent to 1065 Rodman Road in Lake City.
3 Do you understand that?

4 MR. SINGLETARY: Yes, sir.

5 THE COURT: All right. That's what they got to prove to
6 prove you guilty of that charge, and they got to prove it to a
7 jury beyond a reasonable doubt. You understand that?

8 MR. SINGLETARY: Yes, sir.

9 THE COURT: Now, on these burglary second degree charges,
10 one allegedly occurred on January 10, 2017, and that
11 particular offense alleges that you entered without consent,
12 that you didn't have permission and that you had the intent to
13 commit a crime involving a building belonging to Ms. Theresa
14 Bennett Yates located at 1259 Rodman Road. And that you did
15 in fact enter that building at nighttime. You understand
16 that?

17 MR. SINGLETARY: It didn't say nothing about nighttime on
18 mine, my paperwork. It actually state -- that's what second
19 degree burglary consist of.

20 THE COURT: That's what they've alleged in this
21 indictment. You understand that?

22 MR. SINGLETARY: Yes.

23 THE COURT: And that's that they got to prove; you
24 understand that?

25 MR. SINGLETARY: Yes.

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1 THE COURT: And finally, they allege on another burglary
2 second degree violent that on or about January 16th of 2017,
3 that you entered without consent and with the intent to commit
4 a crime by entering a building, another -- same building
5 belonging to -- I guess it's the same building, belonging to
6 Theresa Bennett Yates located at 1259 Rodman Road. You
7 understand that?

8 MR. SINGLETARY: Yes, I understand.

9 THE COURT: And that you entered that building at
10 nighttime. That's what they got to prove. You understand
11 those elements?

12 MR. SINGLETARY: I understand that. I understand that.

13 THE COURT: Okay. Now, And you understand that if you're
14 convicted on each of these charges, me or whatever judge may
15 be presiding over those charges that you could face up to 40
16 years?

17 MR. SINGLETARY: Yes.

18 THE COURT: Okay.

19 MR. SINGLETARY: I got motions in to have them charges
20 dismissed on plenty of grounds, tampering with evidence, false
21 imprisonment ---

22 THE COURT: All right. Listen to me now. You understand
23 if you represent yourself, that you're asking me to let you do
24 ---

25 MR. SINGLETARY: That's right.

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1 THE COURT: --- that you're on your own?

2 MR. SINGLETARY: I'm on my own.

3 THE COURT: You understand that me nor any other judge
4 can tell you how you should try your case or even advise you
5 as to how you should try your case. You understand that?

6 MR. SINGLETARY: I understand that.

7 THE COURT: All right. And you still want to represent
8 yourself?

9 MR. SINGLETARY: Yes. Have the public defender office
10 turn over all my evidence to me.

11 THE COURT: Now, you understand -- let me ask you this,
12 you understand that we have certain rules of procedure as well
13 as certain rules of evidence that you're gonna have to comply
14 with; you understand that?

15 MR. SINGLETARY: Yes, sir.

16 THE COURT: You understand that the rules of evidence --
17 I mean, you've mentioned some statements or some things that
18 you may have, you understand to get that stuff admitted, you
19 got to do it in accordance with the rules of evidence; you
20 understand that?

21 MR. SINGLETARY: I understand that. I got law numbers
22 and codes and bookcases on my motions.

23 THE COURT: And I'm not -- that's not what I'm telling
24 you. Now, you can't ---

25 MR. SINGLETARY: Yeah, I know you can't ---

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1 THE COURT: You got to comply with the rules of evidence,
2 and if you don't then that stuff doesn't come in.

3 MR. SINGLETARY: Well, I'm gonna ---

4 THE COURT: And if you're represented by a lawyer, they
5 gonna know those rules better than you ---

6 MR. SINGLETARY: I can't really say that because I see --
7 I see a lot of lawyers ain't doing what they supposed to be
8 doing.

9 THE COURT: Okay.

10 MR. SINGLETARY: They let the prosecutor run all over
11 them and they supposed to be attorneys.

12 THE COURT: Now, you understand if you don't comply with
13 the rules of evidence, that any items of evidence that you may
14 want to introduce, not gonna get into evidence; you understand
15 that?

16 MR. SINGLETARY: My ---

17 THE COURT: And never would be heard by a jury; you
18 understand that?

19 MR. SINGLETARY: I understand that. I can put most of it
20 in during trial and after trial.

21 THE COURT: That's not what I'm telling you.

22 MR. SINGLETARY: I'm depending on my motion. I'm
23 depending on what the law state. I'm fighting from the law; I
24 ain't fighting from the jury. I'm fighting from what the law
25 state.

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1 THE COURT: Do you know what hearsay is?

2 MR. SINGLETARY: I know what hearsay is.

3 THE COURT: Tell me what that is.

4 MR. SINGLETARY: The hearsay rule, they -- somebody say
5 this person did that and that person did that.

6 THE COURT: Say that again.

7 MR. SINGLETARY: What I say -- I see him shot somebody, I
8 see him throw two ounces of crack to that person, that's
9 hearsay. Somebody talking about that.

10 THE COURT: I'm not exactly sure that's the correct
11 definition of hearsay.

12 MR. SINGLETARY: Trying to say conspiracy.

13 THE COURT: Hold on a minute now. I'm giving you a
14 chance to talk. When I start talking, you got to give me a
15 chance to talk and then I'll give it back to you. Okay?

16 MR. SINGLETARY: I thank you for that then.

17 THE COURT: All right. All right. And you know why I do
18 that? Because you see this young lady seated over here, she's
19 my court reporter.

20 MR. SINGLETARY: That's what ---

21 THE COURT: And she takes down everything that's said in
22 here.

23 MR. SINGLETARY: I appreciate that.

24 THE COURT: And if you and I both are talking at the same
25 time, it makes it really difficult for her. Okay?

State v. Singletary - 2016-GS-21-01313

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MOTIONS

1 MR. SINGLETARY: You right.

2 THE COURT: So, if you'll just let me finish my
3 questions, I will give you every opportunity to talk to me.
4 Okay?

5 MR. SINGLETARY: I got much respect for that, sir.

6 THE COURT: Okay. Now, let's go back to this hearsay
7 thing. All right. And I'm gonna try to explain it as -- in
8 simplest terms as I can for you. If Mr. Floyd were to tell me
9 something, anything, okay, I couldn't come into court and sit
10 on that witness stand and say, well, Mr. Floyd told me so-and-
11 so about your case. You understand that?

12 MR. SINGLETARY: Yes, sir.

13 THE COURT: I mean, that's hearsay. Now, there's certain
14 exceptions that fall under the hearsay rule but I'm not giving
15 you anything at this point that would fall under those
16 exceptions. So, in other words, unless it falls under an
17 exception, you couldn't come in here and testify and say Mr.
18 Floyd, Mr. McKenzie, or anybody else said so-and-so about it;
19 you understand that?

20 MR. SINGLETARY: Yes, sir.

21 THE COURT: Unless it falls under those exceptions.
22 Okay? You understand that?

23 MR. SINGLETARY: Yeah, I understand that clearly.

24 THE COURT: Okay. And do you know any of those
25 exceptions?

State v. Singletary - 2016-GS-21-01313
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1 MR. SINGLETARY: I studied that through the conspiracy
2 law.

3 THE COURT: Okay. I'm not sure it applies through the
4 conspiracy law. I'm not exactly sure what you're talking
5 about. But if you're saying you studied it, I mean, I'm gonna
6 trust you on that. Okay?

7 Now, you aware of any rules of criminal procedure in this
8 state?

9 MR. SINGLETARY: I studied the handbook rule criminal
10 procedure.

11 THE COURT: Okay. Have you filed any discovery motions
12 in this case?

13 MR. SINGLETARY: Yes, I filed a lot of discovery motions
14 in this case (inaudible) ---

15 THE COURT: Okay. Did you get that Ms. Kay?

16 COURT REPORTER: No, sir.

17 MR. SINGLETARY: Probable cause ---

18 THE COURT: Hold on. Fruit of the poisonous tree
19 doctrine. Okay.

20 MR. SINGLETARY: Doctrine. I learn that from filing PCRs
21 for other brothers that was locked up. I filed probable
22 cause, no probable cause evidence to have the case dismissed.
23 I filed to have my case dismissed under illegal search and
24 procedure of the Fourth Amendment, I filed that, too.

25 THE COURT: Okay.

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23.

1 MR. SINGLETARY: And I filed some extra motions, too,
2 prosecutorial [sic] misconduct, and I filed some motions on
3 bill of rights, no true bill of rights.

4 THE COURT: Okay. Now, you understand -- let me ask you
5 this, I asked you about rules of procedure. Do you know that
6 those rules of procedure set forth the method and manner in
7 which a criminal case is tried in courts; you understand that?

8 MR. SINGLETARY: Yes, I understand that.

9 THE COURT: And you understand that you're gonna have to
10 comply with those?

11 MR. SINGLETARY: Yes.

12 THE COURT: You understand that under those rules of
13 procedure that certain motions can be made before, during, and
14 after trial?

15 MR. SINGLETARY: Yes, sir. I studied a couple cases on
16 -- I see how it work.

17 THE COURT: Can you name any of those motions that you
18 could file?

19 MR. SINGLETARY: I could file like -- I can ask to have
20 my case dismissed, what I just was talking about.

21 THE COURT: Okay. Anything else?

22 MR. SINGLETARY: On the fruit of the poisonous tree. I
23 can, I can file for a change of venue because I feel like I'm
24 being treated wrong in the courtroom. I could file for a
25 speedy trial, Rule 6. North Carolina made that law because

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1 they feel like a inmate shouldn't be sitting in jail over six
2 months, that's constitutional. And you locking one up and you
3 keeping them locked up, that's costing taxpayers money and the
4 taxpayers want to build up the community, that's what the
5 county councilmans for to keep money in the community, not
6 take money out the community. And when you got people in
7 prison and in jail and you steady hold them in jail wasting
8 taxpayer money, that's taking away from our community.

9 THE COURT: All right. Now, you understand if you
10 represent yourself, that you would have a right to testify or
11 not testify in your case?

12 MR. SINGLETARY: Yes, sir.

13 THE COURT: And you understand if you went to trial and
14 didn't testify, I'd tell the jury they couldn't hold that
15 against you; you understand that?

16 MR. SINGLETARY: Yes, sir.

17 THE COURT: Now, you understand if I allow you to proceed
18 pro se, allow you to represent yourself, that you'd have a
19 right to question witnesses against you; you understand that?

20 MR. SINGLETARY: Yes, sir.

21 THE COURT: And you understand that you would not, in
22 questioning witnesses, you would not be allowed to testify
23 yourself in questioning the witnesses, you understand that?

24 MR. SINGLETARY: Yes, sir.

25 THE COURT: All right. Now, you understand that if you

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25

1 testify in your trial -- now, I've heard a portion of your
2 criminal record, your past record, you understand it would be
3 up to me or whatever judge that may be presiding over your
4 trial ---

5 MR. SINGLETARY: Yes, sir.

6 THE COURT: --- that they would make a determination if
7 at all if anything would be admitted concerning your prior
8 record; you understand that?

9 MR. SINGLETARY: Yes, sir. And I'm gonna ask for the
10 liminance [sic], that mean it's too remote, old, to be used in
11 something.

12 THE COURT: Okay. Where there is certainly a rule that
13 provides that certain impeachment information concerning prior
14 convictions can't be used if it's outside of a certain time
15 period. You understand that?

16 MR. SINGLETARY: Yes, sir.

17 THE COURT: Those are the rules of evidence.

18 MR. SINGLETARY: 18 U.S. ---

19 THE COURT: Well, you're citing the federal statute.
20 We're talking about South Carolina state rules of evidence.
21 Okay?

22 Now, as it relates to these charges against you, were you
23 aware of any defenses that you may have to these charges?

24 MR. SINGLETARY: If the prosecutor abide by the law, then
25 I wouldn't be locked up.

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1 THE COURT: Okay. You understand if a lawyer represented
2 you, that they may discover certain defenses that you may have
3 or issues concerning other matters as it relates to these
4 charges against you, that could ultimately even dismiss those
5 charges; I don't know. I don't know what the facts of these
6 cases are.

7 MR. SINGLETARY: I only had one good lawyer in my life
8 and I ain't wanting play with my life that like no more with
9 another lawyer.

10 THE COURT: Who was that lawyer?

11 MR. SINGLETARY: I'm gonna keep that to myself.

12 THE COURT: Okay. You understand that if you had a
13 lawyer that they could help you with many of the things I've
14 discussed with you here today concerning motions, rules of
15 evidence, rules of procedure, questioning witnesses; you
16 understand all that?

17 MR. SINGLETARY: Yes, I understand.

18 THE COURT: And you want to give that all up?

19 MR. SINGLETARY: Yes. I want to represent myself.

20 THE COURT: You ever had a -- let me ask you this. Have
21 you ever had to go to the doctor?

22 MR. SINGLETARY: For what level -- on what ---

23 THE COURT: For being sick. You ever had to go to the
24 dentist?

25 MR. SINGLETARY: Actually, sir, I'm vegetarian; I don't

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1 get sick.

2 THE COURT: Okay. Have you ever had to go to the
3 dentist?

4 MR. SINGLETARY: The last time I went to the doctor was,
5 I laid up in the hospital about two weeks, that was a case I
6 had and I was charged with something and I was in the hospital
7 about died, near about killed me, 'swole my arm up, but I end
8 up with a charge through that situation.

9 THE COURT: Well, have you ever been to the dentist? You
10 ever had a toothache?

11 MR. SINGLETARY: The last time I had a teeth problem, I
12 was in state prison. I got three teeth cut out my mouth.

13 THE COURT: Did you cut them out or did you get some --
14 one of the inmates?

15 MR. SINGLETARY: They took me to Columbia, they put me to
16 sleep, and they cut my three back teeth out my mouth.

17 THE COURT: You understand what I'm getting at here?

18 MR. SINGLETARY: I'm listening.

19 THE COURT: When you had a tooth issue, you didn't take
20 care of it, did you?

21 MR. SINGLETARY: No, my wisdom teeth was grown cutting
22 into -- coming up gonna cut into my other teeth and they
23 caught it and they tooked it out.

24 THE COURT: Well, I mean, you had to go to a doctor to
25 get that dealt with?

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1 MR. SINGLETARY: Yes, sir.

2 THE COURT: You understand? And that doctor went to
3 school so that he could help people in the predicament that
4 you were with your teeth; you understand that?

5 MR. SINGLETARY: Yes, sir.

6 THE COURT: And what I tell people in the courtroom, when
7 you had a tooth problem, you went to somebody that specialized
8 in that area that knew how to help you. If you have a lawyer
9 in the courtroom, those are people that are specialized, that
10 know how to help you best. You understand that? And you're
11 shaking -- you understand that?

12 MR. SINGLETARY: I understand, sir, yes.

13 THE COURT: And you want to give up that right and take
14 it on yourself understanding that you're looking at 40 years.

15 MR. SINGLETARY: Yes, sir.

16 THE COURT: And I want you to understand -- I don't want
17 you to do that. I mean, I would advise you not to, but I
18 can't -- you have a right to if you want to. Just like if you
19 -- with your toothache, if you wanted to cut your own teeth
20 out, that's up to you. But, I can promise you, I sure
21 wouldn't advise that either. But I think you'd be making a
22 huge mistake, Mr. Singletary, in representing yourself.

23 You know one of the toughest things about my job is
24 seeing what I perceive to be people making just terrible
25 mistakes that have terrible consequences. And I think you'd

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1 be making a mistake.

2 MR. SINGLETARY: Bill Clinton -- when Bill Clinton became
3 president, he said you ain't had to go school to run no
4 business, all you got to do is have the law books in your
5 business, and that'll teach you how to run your business.

6 THE COURT: Well, Bill Clinton went to law school.

7 MR. SINGLETARY: I know that.

8 THE COURT: He in a different position to say that than
9 you are.

10 MR. SINGLETARY: But he made the point clear, that you
11 don't have to go to college to get no law degree, just have
12 law books in your business and you can run your own business,
13 and he the president and stated that statement. And I say on
14 another level, ain't no attorneys gonna file no motion that
15 I'm gonna ask for them to be filed. I got to file them on my
16 own.

17 THE COURT: Well, let me explain this to you, you ever
18 heard of Rule 11 in the rules of criminal procedure?

19 MR. SINGLETARY: I don't know what Rule 11 is in the
20 criminal procedure.

21 THE COURT: Okay. Well, I'm gonna break it down for you.

22 MR. SINGLETARY: Thank you, sir.

23 THE COURT: They are not required to file every motion
24 that you want them to file. And they ethically cannot file
25 what they believe based upon their training and experience to

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1 file frivolous motions or motions that they believe have no
2 merit. Do you understand that?

3 MR. SINGLETARY: Yes, sir.

4 THE COURT: I mean, when I practiced law, I practiced
5 criminal -- I did a lot of criminal defense work. And I can
6 remember representing a gentleman that was in Department of
7 Corrections at Broad River. And I'd go up there and meet with
8 him some days, Mr. Singletary, and he -- he'd want me to file
9 these what I thought was frivolous motions. And I'd tell him,
10 I can't do it. I'm not doing it. And some of those days when
11 I'd tell him that, within five minutes, we were bickering back
12 and forth and I'd left the Department -- Broad River
13 Correctional and I was on my way back to Florence. I mean, a
14 lawyer is not obligated, nor are they required, nor or they
15 ethically allowed just to file any and everything that a
16 defendant wants them to file. When they believe based upon
17 their schooling, experience, et cetera, that it has no merit;
18 do you understand that?

19 MR. SINGLETARY: Yes, sir. I ain't gonna ask my attorney
20 to file no motions that ain't gonna benefit me.

21 THE COURT: Well, I mean, you may think that they're
22 appropriate but they've been down those roads before. They
23 know or have from their legal experience what they believe
24 based upon your case, what motions are appropriate and which
25 ones aren't. You know, that's the benefit of having someone

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1 who has studied hard and worked hard and practiced law for
2 years. I've known Mr. Floyd and about all of those lawyers in
3 that office for years. I've known, worked with these lawyers
4 in the solicitor's office for years. They in the court --
5 they do a great job for their clients. You might not see it
6 that way and that's -- I understand that. Okay? But I've
7 been all over the state handling cases as a judge. They do as
8 fine a job or finer job than any in this state because they in
9 the courtroom more than certainly than you are, as much or
10 more than I am. You know? I mean, I'm telling you that I do
11 not believe that it would be in your best interest to
12 represent yourself and that you would be making a grave
13 mistake that would open the door and subject you to a
14 potential penalty of up to 40 years if all of this stuff was
15 run consecutively. You understand that?

16 MR. SINGLETARY: I understand all that and I understand
17 that the burglaries definitely can't be run consecutive.

18 THE COURT: Yes, they can.

19 MR. SINGLETARY: No, they can't. They can't for the same
20 crime.

21 THE COURT: I promise you they can.

22 MR. SINGLETARY: All right.

23 THE COURT: Any sentence can be run consecutive. The
24 only time it's got to be concurrent is on a weapon's charge;
25 isn't that right, Mr. Tucker?

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1 MR. TUCKER: That's correct, Your Honor.

2 MR. SINGLETARY: I can handle consecutive.

3 THE COURT: Okay. I don't believe that you're adequately
4 schooled or knowledgeable enough on the rules of evidence, the
5 rules of procedure, or the method and manner in which trials
6 are conducted. And I'm just telling you, I'd urge you not to
7 do it. You understand that? You understand that?

8 MR. SINGLETARY: (Indicates affirmatively.)

9 THE COURT: I see you shaking your head yes, but I need a
10 yes or no whether ---

11 MR. SINGLETARY: I'll make a statement for you -- make a
12 statement just like the last time I was before you.

13 THE COURT: Okay.

14 MR. SINGLETARY: That case got thrown out. And I'm back
15 here again and I'm gonna tell you these cases here ain't gonna
16 go to trial.

17 THE COURT: Okay. Well, Mr. Tucker, when you gonna call
18 this first case up for trial?

19 MR. TUCKER: It'll be the first of the year, Your Honor,
20 would be my priority.

21 THE COURT: Now, in light of everything I've talked to
22 you about, in light of the potential penalties you face, in
23 light of all the difficulties that I, I believe you would have
24 in representing yourself, is it still your desire to represent
25 yourself and give your right to be represented by a lawyer up?

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RULING OF THE COURT

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1 MR. SINGLETARY: I'm all right, sir.

2 THE COURT: What's that mean?

3 MR. SINGLETARY: I'm gonna take care -- I'll represent
4 myself. I don't trust nobody with my life.

5 THE COURT: Is your decision to represent yourself
6 entirely your voluntary decision?

7 MR. SINGLETARY: Yes, sir.

8 THE COURT: Mr. Tucker, anything?

9 MR. TUCKER: No, Your Honor.

10 THE COURT: Mr. Floyd?

11 MR. FLOYD: I don't have anything further, Your Honor.

12 RULING OF THE COURT:

13 THE COURT: You know, Mr. Singletary, I do find that
14 you're knowingly and voluntarily waiving your right to
15 counsel, and I'm gonna allow you to proceed pro se, represent
16 yourself.

17 One of the hardest parts of my job is sentencing,
18 obviously. It's been a long day today. I got a felony DUI,
19 two people got killed, gave a guy 14 years. Another guy gets
20 convicted on a murder case today, gets 30 years. You stand
21 before this Court wanting to represent yourself, which I found
22 that you've voluntarily given up that right, knowingly and
23 intelligently doing so, but I go back to one of the most
24 difficult parts of my job is seeing young people make terrible
25 decisions that have terrible consequences and I think you're

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RULING OF THE COURT

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1 making a terrible decision that could result in some terrible
2 consequences for you, but you have that right. It's kind of
3 like I used to -- and I don't by any stretch of the
4 imagination am I comparing you to this situation or comparing
5 you to what I'm getting ready to give the example to. But,
6 there's an old saying that you can lead a mule to water, but
7 you can't make them drink. And again, I am not in any way
8 comparing you to a mule, but what I'm saying is, I've told you
9 before that you're making a mistake. I can't make you have a
10 lawyer except under certain circumstances. There are
11 circumstances I could deny your request. Okay? If you want
12 that choice, which you've adequately and thoroughly conveyed
13 to me that you want to do this by yourself, I'm gonna let you
14 do it even though I think you're making a grave mistake.

15 So, I'm relieving the public defender's office. You
16 know, you can try this case in front of me if you want to, I
17 don't know what our schedule is the first of the year. I
18 tried a case in Sumter the last time I was over there on a
19 murder case where a defendant represented himself and it was
20 conveyed to me when I got over there that Judge Young, who I'm
21 sure thoroughly went through what I just went through with
22 this defendant but I still didn't feel real great taking that
23 ball from that point and going forward. I felt like that I
24 wanted to go back through all of that stuff again to give me
25 some comfort and peace about thoroughly going through his

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RULING OF THE COURT

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1 rights, the dangers, et cetera, but I didn't. And so, I don't
2 want to put that on another judge.

3 MR. TUCKER: Yes, sir.

4 THE COURT: Of feeling like, you know, maybe Judge Brown,
5 or Craig left something out when he questioned him and the
6 case might get reversed on something else. And I'll tell you
7 that guy got convicted on the murder and I gave him life. I
8 advised him not to represent himself there. If you want to
9 make that choice, which you have, I'm gonna let you do it.

10 Good luck to you.

11 MR. TUCKER: Thank you, Your Honor.

12 THE COURT: Make sure, Mr. Floyd, that you give him any
13 and every bit of the discovery y'all have pertaining to any
14 and all charges he has.

15 MR. FLOYD: I'll give him our entire file, Your Honor.

16 THE COURT: Thank you very much.

17 ADJOURNED - 4:32 P.M

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State v. Singletary - 2016-GS-21-01313
CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the motion hearing held in the case of State of South Carolina v. Clyde Devon Singletary, held in the Court of General Sessions for Florence County, Florence County Courthouse, Florence, South Carolina, on September 14, 2017.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson

Official Court Reporter

September 27, 2018.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE) 2016-GS-21-01313

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record
(Pretrial Conference)

vs.)

January 22, 2018

CLYDE D. SINGLETARY,)

Defendant.)

B E F O R E:

Honorable D. Craig Brown
Florence County Courthouse
Florence, South Carolina

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

Todd S. Tucker, Esquire
Attorney for Plaintiff

Clyde D. Singletary
Pro Se Defendant

Kay H. Richardson
Circuit Court Reporter

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(No exhibits were marked or admitted.)

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PRETRIAL CONFERENCE

3

1 (JANUARY 22, 2018 - 10:58 A.M.)

2 THE COURT: Mr. Singletary, can you come up here, please,
3 sir. How you doing today?

4 MR. SINGLETARY: Doing great. Yourself?

5 THE COURT: I'm doing good.

6 I was gonna ask Mr. Tucker, how long is it gonna take to
7 try y'all's case?

8 MR. TUCKER: I'd say no more than a day and a half, at
9 least from my end, Your Honor.

10 THE COURT: All right. How about it, Mr. Singletary?

11 MR. SINGLETARY: It depend on how long he want to stretch
12 it. I can ride it two days or I can ride a week.

13 THE COURT: You can ride it till next week, whatever
14 y'all want to do.

15 MR. TUCKER: I can promise you it's ---

16 THE COURT: How many witnesses you gonna have?

17 MR. TUCKER: I have six total, Your Honor. And it may be
18 that I don't call all six or those. It could be four.

19 THE COURT: All right. Well, what I anticipate, we're
20 gonna pick a jury in this first case that I have up for trial.
21 I wanted you in here while we went through the qualification
22 process. You're entitled to be in here. We're gonna pick
23 this jury and then I'm gonna go downstairs and we're gonna try
24 this first case in front of me. And so, you're number two up
25 behind that first trial. Okay? So, I suspect, we may pick

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PRETRIAL CONFERENCE

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1 your jury Wednesday afternoon or Thursday morning. Okay?

2 If you have any specific questions that you want me to
3 ask the jury during the qualification process, when we get
4 ready to pick them, you need to reduce those to writing and
5 make sure you get Mr. Tucker -- you don't -- I know you don't
6 have access to a copy machine but get them to him and he can
7 make a copy for me and a copy for him and give you the
8 original back. Okay, sir?

9 MR. SINGLETARY: That'll work. I appreciate that.

10 THE COURT: You'll have -- what he's charged -- I don't
11 even know what he's charged with.

12 MR. TUCKER: Malicious injury to utility lines.

13 THE COURT: Which carries what?

14 MR. TUCKER: Up to 10 years.

15 THE COURT: Okay. So, you'll five and five on the
16 strikes, okay, when we pick a jury.

17 Is there anything else?

18 MR. TUCKER: Nothing from the state, Your Honor.

19 THE COURT: Do you have any intended witnesses?

20 MR. SINGLETARY: I don't need no witnesses in this case.

21 THE COURT: Okay. I was just asking because if you were,
22 I need to know your witness list because -- and if you want to
23 sit in here while we pick this first jury, so you can kind of
24 get an idea of what goes on when we pick a jury so you'll have
25 an idea. Okay?

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PRETRIAL CONFERENCE

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1 MR. SINGLETARY: All right.

2 THE COURT: Because the reason I ask you about witnesses
3 is because when we go through this qualification process, I
4 read out the list of witnesses because I ask the jury if they
5 know them in any capacity, okay, and it's important that they
6 know who the potential -- that I know and that they know who
7 the potential witnesses are so they can let me know whether or
8 not they know any of them. Okay. But you can sit through
9 here -- I'm gonna ask law enforcement to let you sit in here
10 while we pick this first jury so you can kind of get an idea
11 of what's going on as we go through this process. Okay?

12 MR. SINGLETARY: All right.

13 THE COURT: And do you have any questions?

14 MR. SINGLETARY: I don't have no questions. I understand
15 that you a fair judge and that you will abide by the law and
16 they got to produce evidence.

17 THE COURT: That's right.

18 MR. SINGLETARY: And as long as you abide by the rules,
19 then it's all go get em.

20 THE COURT: I'm gonna -- my job -- you like basketball
21 and you like football and baseball, you like sports?

22 MR. SINGLETARY: I like football, I like basketball, I
23 like to play baseball with a team.

24 THE COURT: Okay. Well, my job is kind of like the
25 referee or the umpire in these things, kind of the analogy

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PRETRIAL CONFERENCE

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1 that I give. I make sure that they play fair and I make sure
2 that you play fair or the other side plays fair.

3 MR. SINGLETARY: All right.

4 THE COURT: That's what my job is.

5 MR. SINGLETARY: And the evidence that they you didn't
6 got in the case? Because, there's evidence that I didn't
7 receive in the case.

8 THE COURT: Okay. Well, we'll address that kind of
9 pretrial and we'll hear that out and I'll make -- we'll go
10 from there. Okay?

11 MR. SINGLETARY: Yes, sir.

12 THE COURT: All right. Well, I'm gonna let you sit in
13 here during jury -- while we select this first jury so you can
14 kind of get an idea of what's going on.

15 MR. SINGLETARY: All right. Thank you, sir.

16 THE COURT: Okay?

17 MR. TUCKER: Thank you, Your Honor.

18 (ADJOURNED - 11:07 A.M.)

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State v. Singletary - 2016-GS-21-01313
CERTIFICATE OF COURT REPORTER

7

C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina v. Clyde D. Singletary, held in the Court of General Sessions for Florence County, Florence County Courthouse, Florence, South Carolina, on January 22, 2018.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson

Official Court Reporter

May 2, 2018.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE) 2016-GS-21-01313

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

January 24, 2018

CLYDE D. SINGLETARY,)

Defendant.)

B E F O R E:

Honorable D. Craig Brown
Florence County Courthouse
Florence, South Carolina

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

Todd S. Tucker, Esquire
Attorney for Plaintiff

Clyde D. Singletary
Pro Se Defendant

Kay H. Richardson
Circuit Court Reporter

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BY THE COURT

5

1 (JANUARY 24, 2018 - 9:50 A.M.)

2 (REPORTER'S NOTE: Jury Venire present in courtroom.)

3 BY THE COURT:

4 THE COURT: Good morning, ladies and gentlemen. I
5 apologize for you all having to wait, but it's my
6 understanding that we were waiting on one juror, one juror.
7 And I would ask the Clerk's Office to provide that juror's
8 name to the Sheriff's Department. We need to find out what's
9 going with that, okay.

10 Mr. Tucker, Mr. Singletary, can y'all approach, please?

11 (REPORTER'S NOTE: Sidebar conference is held on the record in
12 the presence of but outside the hearing of the jury.)

13 THE COURT: How you doing this morning?

14 MR. SINGLETARY: I'm doing good, sir.

15 THE COURT: I'm gonna go ahead and advise the jury about
16 you representing yourself, that you have a right to do that,
17 that I had on a hearing on to determine that you were
18 certainly entitled to represent yourself and that's why you're
19 seated at the table by yourself. Okay?

20 MR. SINGLETARY: Okay.

21 THE COURT: How the case will proceed, we'll pick a jury,
22 five and five on the strikes.

23 MR. TUCKER: Yes, sir.

24 THE COURT: Five and five on the strikes. Do you have
25 any questions before we start?

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BY THE COURT

6

1 MR. SINGLETARY: Yes. I wasn't given certain information
2 here.

3 THE COURT: All right. Well, let's do this. Let's pick
4 the jury and then we'll send them to the jury room and we'll
5 address all the concerns that you may have.

6 MR. SINGLETARY: All right. Thank you, sir.

7 THE COURT: Okay.

8 (REPORTER'S NOTE: End of sidebar.)

9 THE COURT: All right. Mr. Tucker, if you would call the
10 case, please, sir.

11 MR. TUCKER: Thank you, Your Honor, may it please the
12 Court. At this time the state calls the following case for
13 trial, 2016-GS-21-1313, State of South Carolina versus Clyde
14 Devon Singletary.

15 THE COURT: All right, ladies and gentlemen, the state
16 has called the case, the State of South Carolina versus Mr.
17 Clyde Devon Singletary. Mr. Singletary has been charged by
18 indictment, which I hold in my hand, which is not evidence in
19 this case. The indictment reads as follows, that Clyde Devon
20 Singletary, did in Florence County, on or about May 11, 2016,
21 without consent of Santee Electric Company, willfully destroy,
22 damage or injure, telephone, electric utility system,
23 satellite dish or cable television system including poles,
24 cables, wires, fixtures, antennas, amplifiers, or other
25 apparatus equipment or appliances; obstruct, impede or impair

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BY THE COURT

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1 the service or transmission of a telephone, electrical utility
2 system, satellite dish, or cable television system, or aid,
3 agree with, employ, or conspire with a person to cause the
4 abovementioned acts, to wit, by pulling the power lines down
5 from the power line pole and cutting the power line pole down
6 with a chainsaw, causing an interruption in electrical service
7 to the area adjacent to 1065 Rodman Road, Lake City, South
8 Carolina in violation of Section 16-11-740 of South Carolina
9 Code of Laws.

10 Now, ladies and gentlemen, as I've told you before and
11 I'll tell you again, this indictment that I hold in my hand is
12 simply the charging document which brings this case into this
13 court. It is not in any sense, evidence in this case. To
14 this charge, the defendant, Mr. Singletary, has pled not
15 guilty. Therefore, the State of South Carolina bears the
16 burden of proving his guilt beyond a reasonable doubt.

17 And before we move forward in selecting a jury, let me
18 tell you this real quick and it's I've spoke with Mr. Tucker
19 and Mr. Singletary up here at side bar. In this country,
20 ladies and gentlemen, an individual has the right to represent
21 themselves, have the right to represent themselves. Mr.
22 Singletary is seated to your left or to my right at the table
23 by himself. He has chosen to represent himself and in this
24 country, individuals have that right, have the right to do so,
25 if they so choose.

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VOIR DIRE

8

1 A hearing was held concerning this issue several months
2 ago in front of me and I made a determination that he was
3 doing so; he was making this choice to represent himself
4 freely, voluntarily, knowingly, and intelligently and so,
5 therefore, if you have a question as to why Mr. Singletary is
6 seated there by himself, before we select a jury, I had told
7 Mr. Tucker and Mr. Singletary that I was going to advise you
8 of that. Okay?

9 VOIR DIRE:

10 THE COURT: So, before we move forward with selecting a
11 jury in this case, there's certain questions that I must ask
12 of you. Is there any member of the jury panel that's ever
13 been related by blood, connected by marriage, had a close
14 personal, business, or social relationship with Mr. Clyde
15 Devon Singletary? If so, please stand.

16 (REPORTER'S NOTE: No response.)

17 THE COURT: All right. The following, ladies and
18 gentlemen, is a list of potential witnesses in this case.
19 They include Investigator Roger Tilton; Trixie Ussery,
20 Florence County Sheriff's Department; Channing Matthews,
21 Santee Electric, and Glenda Singletary.

22 Is there any member of the jury panel that's ever been
23 related by blood, connected by marriage, had a close personal,
24 business, or social relationship with any of those potential
25 witnesses? If so, please stand.

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JURY SELECTION

17

1 CLERK: What say the defendant?
2 MR. SINGLETARY: Present.
3 CLERK: Have a seat in the jury box, please.
4 Number 44, Stephanie Foster.
5 JUROR 44: It's Stacy.
6 CLERK: Ma'am?
7 JUROR 44: Stacy, you called me Stephanie.
8 CLERK: I'm sorry, Stacy. What say the state?
9 MR. TUCKER: Please present Ms. Foster.
10 CLERK: What say the defendant?
11 MR. SINGLETARY: Present.
12 CLERK: Have a seat in the jury box.
13 Number 28, Nadaydra Davis.
14 What say the state?
15 MR. TUCKER: Please present Ms. Davis.
16 CLERK: What say the defendant?
17 MR. SINGLETARY: Present.
18 CLERK: Please have a seat in the jury box.
19 THE COURT: One alternate, please.
20 CLERK: Rosa Gerald.
21 What say the state?
22 MR. TUCKER: Please present Ms. Gerald.
23 CLERK: What say the defendant?
24 MR. SINGLETARY: Present.
25 CLERK: Please have a seat in the jury box.

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JURY SELECTION

18

1 THE COURT: All right. Are there any matters of law we
2 need to take up with regards to the jury selection from the
3 state?

4 MR. TUCKER: None from the state, Your Honor.

5 THE COURT: Defense counsel?

6 MR. SINGLETARY: Law.

7 THE COURT: Will you stand please, sir?

8 MR. SINGLETARY: Law.

9 THE COURT: Can y'all approach for a minute, please.

10 (REPORTER'S NOTE: Sidebar conference is held on the record in
11 the presence of but outside the hearing of the jury.)

12 THE COURT: I didn't understand; what did you say?

13 MR. SINGLETARY: You said there was any law that need to
14 be take up.

15 THE COURT: Any matters of law that we need take up in
16 regards to jury selection?

17 MR. SINGLETARY: No, no, sir.

18 THE COURT: Okay.

19 (REPORTER'S NOTE: End of sidebar.)

20 THE COURT: All right. Defendant has indicated there's
21 no matters of law, as well as the state has indicated there
22 are no matters of law we need to take up with regard to jury
23 selection.

24 All right. Ladies and gentlemen, you all have been
25 selected as fair and impartial jurors in this case. What I'm

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BY THE COURT

19

1 going to do, I'm gonna send you to the jury room for just a
2 few minutes. There's something I need to handle outside your
3 presence. Do not, do not discuss the case at all. I'll get
4 you back out here in just a minute and we'll start the trial
5 of this case. Please step to the jury room.

6 (REPORTER'S NOTE: Jury exits courtroom @ 10:18 A.M.)

7 BY THE COURT:

8 THE COURT: All right. Those of you who were seated out
9 in the audience, you all were not selected as jurors in this
10 case. What I'm gonna do is I'm gone excuse you for the
11 balance of the day. Please call that number back tonight
12 after 6 o'clock. Call that number back after 6 o'clock and
13 it'll give you instructions as far as what you are to do with
14 regards to tomorrow and potentially the remainder of the week.

15 Anything from the state before I release the panel?

16 MR. TUCKER: No, Your Honor.

17 THE COURT: Defense?

18 MR. SINGLETARY: No, sir.

19 THE COURT: Okay. Thank you all. Have a nice day.

20 (REPORTER'S NOTE: Jury Venire exits courtroom @ 10:19 A.M.)

21 The following takes place outside the presence of the jury.)

22 MOTIONS:

23 THE COURT: All right. Before we started selection, in
24 talking with Mr. Tucker and Mr. Singletary up here at side
25 bar, up at side bar, Mr. Singletary indicated he had an issue

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MOTIONS

20

1 concerning discovery and I told him we'd handle that after
2 we'd picked the jury.

3 Mr. Singletary, I'd be happy to hear from you, sir?

4 MR. SINGLETARY: Yes, sir. I was not given the written
5 statements in this case right here from the light man light
6 man. I wasn't given all the -- Tilton said he had access to
7 talk (inaudible) ---

8 THE COURT: I'm sorry, what was that? Go ahead. You can
9 stand where you are and talk. I just didn't hear you because
10 you were talking down.

11 MR. SINGLETARY: Officer Tilton said he was provided with
12 copies of these statements that he had, but I was never
13 provided with them. I was never provided with the photo
14 lineups neither ---

15 THE COURT: Okay.

16 MR. SINGLETARY: --- in this case right here.

17 THE COURT: All right. Mr. Tucker?

18 MR. TUCKER: Your Honor, in talking to Investigator
19 Tilton, there was a written statement, and Mr. Singletary is
20 correct, I have not provided that to him. I didn't have it in
21 my possession until just a few seconds ago. Certainly,
22 everything I believe that's in this statement is in the
23 incident report as to what he told law enforcement, but
24 certainly I'll be happy to give Mr. Singletary that
25 opportunity to look at it.

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MOTIONS

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1 With regards to the photo lineup, there was no photo
2 lineup conducted. I know there was a reference of maybe
3 possibly conducting one, but no photo lineup never took place.

4 THE COURT: Okay. Is that your only copy, Mr. Tucker?

5 MR. TUCKER: It is, Your Honor.

6 THE COURT: Make a copy of that, please, Madam Clerk, for
7 Mr. Singletary. Mr. Singletary, do you need some time to look
8 at that statement?

9 MR. SINGLETARY: About five minutes, sir.

10 THE COURT: Okay. I'll give you that, okay.

11 MR. SINGLETARY: Thank you, sir.

12 THE COURT: Is there anything else, Mr. Singletary?

13 MR. SINGLETARY: I never had a chance to look at the
14 photos that they are presenting except today in court.

15 THE COURT: Mr. Tucker, if you'll ---

16 MR. TUCKER: I let Mr. Singletary look at those and I
17 explained to Mr. Singletary, those are just for background
18 purposes. I believe he indicated that he might want to use
19 those too and I believe he stipulated that those could be put
20 into evidence. They've been pre-marked as State's exhibits.

21 THE COURT: You want to look at these, Mr. Singletary?

22 MR. SINGLETARY: Yes, sir.

23 THE COURT: If you would hand those to him, please.

24 You need some more time?

25 MR. SINGLETARY: No, sir.

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MOTIONS

22

1 THE COURT: You sure?

2 MR. SINGLETARY: Yes, sir, let me just read over this,
3 about five minutes.

4 THE COURT: Okay. We'll stand down for about five
5 minutes or so to let you take a look at that and I'll come
6 back out.

7 Is there any -- before I step down, is there anything
8 else, Mr. Singletary?

9 MR. SINGLETARY: That's it, sir.

10 THE COURT: Okay. We'll stand down for just a few
11 minutes. I'm gonna let him look at that.

12 You take your time. Okay?

13 **(RECESS - 10:23 A.M.)**

14 *******OFF THE RECORD*******

15 **(On the Record - 10:35 A.M.)**

16 MOTIONS:

17 THE COURT: All right. Mr. Singletary, have you had
18 enough time to look at that statement?

19 MR. SINGLETARY: Yes, sir, I looked over that. And while
20 you was gone, Officer Tilton gave the prosecution some more
21 information and some pictures and he asked me if that would be
22 all right if he entered it into court. I feel like since this
23 case is 20 months old and I filed motions on motion for
24 inspection and motion for a 44 Rule 5 and check out all my
25 evidence that all this information should have got to me

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MOTIONS

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1 before then instead of waiting, trying to push it on me before
2 trial. That's trying to delay my trial and I feel like for
3 this to be entered into court at this late, that's
4 prosecutorial misconduct.

5 THE COURT: Mr. Tucker?

6 MR. TUCKER: Your Honor, the pictures I showed Mr.
7 Singletary after you stepped off were three pictures that were
8 taken by Mr. Matthews on the night that this happened. The
9 first two photos show the junction box where the power cord
10 was disconnected. The last one shows the saw mark on the
11 pole. In the incident report, and talking with Investigator
12 Tilton initially, we thought that Mr. Matthews or Mr. Matthews
13 had taken the photos. We thought he still had them. When I
14 talked to him, he wasn't sure whether he gave them to Mr.
15 Tilton or whether he still had them. Apparently, he did print
16 copies off again and gave them to Mr. Tilton. I can assure
17 the Court there was no sort of intention on my part to hide
18 that. In fact, I'm just looking at them this morning for the
19 first time myself, but certainly we would ask -- I don't think
20 there's any prejudice to Mr. Singletary. What was in the
21 photo -- what's in the photo was described actually in the
22 incident report, which he did get.

23 THE COURT: Let me see the photographs.

24 And who had these photographs, Mr. Tucker?

25 MR. TUCKER: Mr. Matthews with Santee Coop took them, but

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MOTIONS

24

1 apparently I think he printed those and gave those to
2 Investigator Tilton at some point. I believe it may've been
3 at the same time he took the statement, it was not clear in
4 the incident report and my conversations with him about
5 whether the photos or who had them, whether they'd been
6 printed off.

7 THE COURT: And how long has law enforcement had them?

8 MR. TILTON: Your Honor, when I took the statement from
9 Mr. Matthews ---

10 MR. TUCKER: And I believe that was on the 25th of May.

11 MR. TILTON: And they had been -- they were in my case
12 file. That's -- they just didn't get sent to the Solicitor's
13 office.

14 THE COURT: Since when, May of when?

15 MR. TILTON: When the incident occurred.

16 MR. TUCKER: 2016.

17 THE COURT: And whose responsibility is it to give this
18 information to the Solicitor's office?

19 MR. TILTON: It's mine, Your Honor.

20 THE COURT: Anything further from the state?

21 MR. TUCKER: Nothing further from the state, Your Honor.

22 THE COURT: Anything further, Mr. Singletary?

23 MR. SINGLETARY: I feel like this evidence being this
24 late, that's injustice.

25 THE COURT: Let me see the incident report.

1 MR. TUCKER: Yes, sir.

2 THE COURT: It does -- it is, it bothers me that it's
3 been in whoever's file for whatever period of time and hadn't
4 been turned over. I do think that it's -- the damage that's
5 shown in the pictures is similar to the damage laid out in the
6 incident report.

7 Mr. Singletary, do you need some more time this morning
8 to look at them? I mean, they've got to lay a proper
9 foundation to introduce the items or introduce the photos. Do
10 you want some more time this morning to look at them?

11 MR. SINGLETARY: I'd like to still proceed on this. I'd
12 like to go ahead and proceed on this. I ain't -- I don't want
13 no more delays in this case.

14 THE COURT: Well, I'm gonna allow it, but they got to lay
15 the proper -- I'm not saying I'm letting them in right now,
16 but they -- when you say -- what I'm saying is, they got to
17 lay the proper foundation to actually introduce these
18 pictures. If they can't do it, then the pictures aren't
19 coming in, okay. But what I'm asking you is do you want some
20 more time this morning to look at these pictures?

21 MR. SINGLETARY: No, I done looked at them.

22 THE COURT: Okay. All right. I will note your objection
23 for the record and, so if I'm wrong in making my ruling,
24 you're protected there. Okay. Anything else? Yes?

25 MR. TUCKER: Your Honor, I was just gonna ask if you

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MOTIONS

26

1 wanted me to approach and remove those things from the bench
2 there.

3 THE COURT: That's fine. Yes. Yes, sir. Anything else,
4 Mr. Singletary?

5 MR. SINGLETARY: That's it, Judge.

6 THE COURT: Let me ask this question and I'm just raising
7 this because I saw it within that report. Any *Jackson v.*
8 *Denno* -- now, you're not under arrest at that point based upon
9 what was said out there.

10 MR. TUCKER: That's correct, Your Honor, that's the
11 state's position. He wasn't in custody and he was talking to
12 Mr. Matthews, obviously who is not a law enforcement officer
13 nor an agent of the state at that point.

14 THE COURT: Okay. All right. Anything else, Mr.
15 Singletary?

16 MR. SINGLETARY: Yeah, there's something else. Everybody
17 involved in this case, I feel like for them to be hearing
18 what's talked about in this case, I feel like that's my Sixth
19 Amendment right to a fair trial.

20 THE COURT: Well, here's the deal. I can't, it's not my
21 requirement to tell the state who they need to put up to prove
22 their case. They get to choose, pick and choose. Now, I'm
23 not gonna allow them unless it falls under some exception to
24 the rules, they can't come in here, and Officer Tilton, he
25 can't take the stand and say -- and I'm just giving examples

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MOTIONS

27

1 here, okay -- but he can't come in here and take that stand
2 and start naming all of these people and all of these people
3 saying that you did so and so or, I mean, that's hearsay. You
4 understand?

5 MR. SINGLETARY: Yes, sir.

6 THE COURT: So, you know, I'm not gonna allow that to
7 happen. You have a right to cross examine any witnesses
8 against you and I'm gonna give you that right, okay.

9 MR. SINGLETARY: Yes, sir.

10 THE COURT: And I'll tell that jury that you don't have
11 to put up a defense, you don't have to testify and if you
12 decide to testify and I'll advise you of this at some point.
13 I mean, you'll have a right to come around here and take the
14 stand and be sworn in just like any other witness, and you can
15 tell that jury your side of the story and Mr. Tucker will have
16 a right to cross examine you. Okay? He'll have a right to
17 cross examine you. And if there are any issues pertaining to
18 prior criminal record, you know, that carries offenses more
19 than a year and I think the probative value is outweighed by
20 the prejudicial effect to you, I can very well let it in.
21 Okay? I don't know what -- if that's an issue, we'll deal
22 with that as we get into the trial. I'm certainly not gonna
23 allow the state to come in here and get up on that stand and
24 testify, you know, as to matters that are outside of what our
25 rules allow. Okay? All right.

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BY THE COURT

28

1 All right. Anything else before I bring the jury out?

2 MR. TUCKER: Your Honor, if I could just add these three
3 photos. I know they're not in evidence yet, but just have
4 them marked as State's Exhibits, so when I lay the foundation,
5 I'll have something to refer to.

6 THE COURT: All right. Go ahead, sir.

7 Anything else before I bring the jury out, Mr. Tucker?

8 MR. TUCKER: Nothing from the state, Your Honor.

9 THE COURT: Mr. Singletary?

10 MR. SINGLETARY: No, Your Honor.

11 BY THE COURT:

12 THE COURT: All right. You can be seated. That podium,
13 is it in -- I know it's not -- well, somewhat maybe obstructs
14 your view, Mr. Tucker, of those seated on the left side of the
15 jury box, and it I think completely obstructs Mr. Singletary's
16 view.

17 MR. TUCKER: Yes, sir.

18 THE COURT: Can y'all move that?

19 MR. TUCKER: I was going to after opening. I didn't know
20 what Mr. Singletary's preference was, but I was gonna just
21 kind of lay something here on opening, and then when -- when I
22 start with witnesses, I can pull it back further and hopefully
23 it wouldn't obstruct anything at that point.

24 THE COURT: Why don't you kind of pull it between the
25 tables right there.

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BY THE COURT

29

1 Mr. Singletary, is that okay where it is right there?

2 MR. SINGLETARY: Yeah, that good. That good, Your Honor,
3 I can see the jury.

4 THE COURT: Okay. Well, can you see them when you're
5 sitting down?

6 MR. SINGLETARY: No, sir, I can't see them when I'm
7 sitting down.

8 THE COURT: All right. Well ---

9 MR. TUCKER: We can kind of push it a little forward.

10 THE COURT: That thing is about 15 feet tall. I'm sorry,
11 what was that?

12 MR. TUCKER: I was just saying, Your Honor, we can
13 certainly move it a little bit when we get witnesses on the
14 stand there.

15 THE COURT: Yeah, you can do that. But I want him to be
16 able to see the jury, you know, while you're doing your
17 opening as well.

18 MR. TUCKER: Yes, sir. Yeah, we can't put it over there.

19 THE COURT: Why don't you do that.

20 How about that, Mr. Singletary?

21 MR. SINGLETARY: That perfect there.

22 THE COURT: Okay. All right. If you'd bring me the
23 jury, please, ma'am.

24 (REPORTER'S NOTE: Jury enters courtroom @ 10:48 A.M.)

25 THE COURT: All right, Madam Clerk, would you swear the

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BY THE COURT

30

1 jury, please?

2 (REPORTER'S NOTE: Jury duly sworn.)

3 THE COURT: All right, ladies and gentlemen, we're about
4 to try the case of the State of South Carolina versus Mr.
5 Clyde Devon Singletary. Before we begin the trial, I want to
6 tell you this trial will probably be different from what you
7 might expect. Many people do not have the chance to attend
8 actual court sessions as you're doing now and may think from
9 watching television, reading books or watching movies, that
10 trials are always full of intense action, riveting
11 circumstances and riveting circumstances. Now although all of
12 these things may be true at times, this trial, ladies and
13 gentlemen, is not for entertainment. It is a fundamental part
14 of our democracy in effort to make sure justice is done
15 between the parties before the Court. In making sure that
16 justice is done between the parties, the process is often
17 slow, deliberate, and repetitive; the opposite of what you may
18 have seen in movies, on television, or read in books. This
19 place, ladies and gentlemen, is a place of honor, dedicated to
20 the protection and preservation of citizens' rights through
21 what many have called the greatest justice system ever
22 created.

23 The attorneys appearing before you, ladies and gentlemen,
24 are advocates for the parties they represent, but first and
25 foremost, they are officers of the court, sworn to uphold the

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OPENING BY TUCKER

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1 MR. TUCKER: There is no place like home. It's a place
2 of safety; it's a place of tranquility; it's a place of
3 serenity. Truly, there's no place like home. That is unless
4 you live near a person like the defendant in this case, Clyde
5 Singletary. Then a home is hardly safe. Then a home is
6 hardly tranquil and a home is hardly serene. This is case
7 about living in proximity to danger. This is a case about
8 living in proximity to the unpredictable and this, sadly, is a
9 case about living next to an individual with attitude and a
10 chainsaw.

11 May the 11th, 2016, that was a day like any other for
12 Glenda Singletary until she came home that evening from
13 church, just like she had done a million times before and she
14 noticed something right away was amiss on her property. The
15 utility pole that sets adjacent to her front door looked as if
16 it had been tampered with. She saw a line that had run from
17 that power pole, to another residence that was on the property
18 inhabited by her nephew, Clyde Singletary. Now, she knew
19 something was wrong right away because that's not how the
20 utility line was supposed to be run and the line itself looked
21 like it already had problems; it was smoking and she became
22 concerned. She did what most of us would do under that same
23 or similar circumstance, she called Santee Electric Company,
24 who provided the service to that pole, on the pole, maintained
25 it and serviced it.

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1 Now, when they arrived, you'll hear from the service rep
2 who responded out, Mr. Channing John Matthews. Now, when he
3 got there, it's up in the evening about 10 o'clock by this
4 point. When he pulls up, he sees Ms. Singletary, he asked Ms.
5 Singletary what the problem is and she directs his attention
6 to the pole. He immediately sees what's going on. Now, what
7 caught his attention also, as you will hear, he goes to the
8 defendant, who is already on the property, Mr. Clyde
9 Singletary. Now, at this point, Mr. Singletary tells Mr.
10 Matthews that he's not afraid of the police, he's not afraid
11 of the electric company, and if Santee doesn't remove the
12 power poles from his property, he's gonna chop them down.

13 Now, at that point, Mr. Matthews, being no fool, got in
14 his truck, backed out into the roadway and did what most of us
15 would do under similar circumstance, he called law
16 enforcement. Now, you'll hear from the deputy who responded,
17 Trixie Ussery. When she got there, Mr. Singletary had already
18 left the area, had run into the adjacent woods, but she stood
19 by while Mr. Matthews made the necessary repairs to the power
20 pole and got everything under control. He went home thinking
21 everything was great and that he was done for the evening.
22 But Clyde Singletary wasn't done, not by a long shot. No more
23 than Mr. Matthews had been home by 15 minutes, he gets another
24 call directing him back out to the property of Ms. Singletary
25 at 1065 1/2 Rodman Road in Lake City, which is in Florence

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1 County. This time, Clyde had actually taken a chainsaw to the
2 pole.

3 Now, when Mr. Matthews arrives again, he calls the deputy
4 because of the earlier incident he had with Mr. Singletary
5 and, at this point, he sees that the pole has been sawed
6 almost halfway into and he sees the broken chain there and
7 surmises that the chain broke, which is why the pole wouldn't
8 saw all the way into. And you thought your job was
9 challenging.

10 At any rate, Mr. Singletary is nowhere on the property at
11 this point, he's fled into the woods again, although Deputy
12 Ussery will tell you she heard the chainsaw crank up and cut
13 off, but they weren't able to find Mr. Singletary. Now,
14 unfortunately this time, the damage to the power pole was so
15 bad that they couldn't make the repairs that night. Mr.
16 Matthews will tell you had to come back with a crew a couple
17 of days later and replace the entire pole that Santee Electric
18 owned and that was put there for the benefit of Ms.
19 Singletary, who got her power from that pole and he'll tell
20 you that the pole costs around \$5,000 to install. A man with
21 a bad attitude and a chainsaw.

22 Now, after all of the evidence, I am sure you will agree
23 there's no place like home, but when you have someone living
24 in proximity to you like Clyde Singletary, home isn't safe,
25 home isn't tranquil, and home isn't serenity, and at the end

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1 of this case, we'll gonna ask you to return the verdict and
2 we're gonna ask you to give Glenda Singletary back her peace
3 and quiet and, more importantly, give her a peace of mind.

4 THE COURT: Mr. Singletary, anything you want to tell the
5 jury in your opening?

6 OPENING BY SINGLETARY:

7 MR. SINGLETARY: Yeah, I'm here to prove to y'all today
8 that I'm innocent and when you're on your own property, your
9 property is for you, your property ain't against you. And
10 when you own property, how can your property testify against
11 you and how can your property be against you? And I'm gonna
12 prove to y'all that I didn't commit no crime; there never was
13 a crime committed. And the prosecutor is out to make me look
14 like I'm a bad person, which I'm not. I'm a good guy. And
15 I'm gonna prove to y'all that's my property and Santee don't
16 own no property out there.

17 THE COURT: All right. Mr. Tucker, call your first
18 witness.

19 MR. TUCKER: Thank you, Your Honor, may it please the
20 Court, at this time, the state would call to the stand Glenda
21 Singletary.

22 CLERK: Please place your left hand and raise your right
23 hand. Left hand on the Bible and raise your right.

24 GLEND SINGLETARY, HAVING BEEN SWORN
25 TESTIFIES AS FOLLOWS:

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1 CLERK: Thank you. You may be seated in the witness box
2 and state your name for the record.

3 MS. SINGLETARY: Glenda Singletary.

4 THE COURT: Go ahead.

5 MR. TUCKER: Thank you, Your Honor. May it please the
6 Court?

7 DIRECT EXAMINATION OF GLENDA SINGLETARY BY MR. TUCKER:

8 Q: Ms. Singletary, where do you currently live?

9 A: At 1065 1/2 Rodman Road, Lake City.

10 Q: And is that in Florence County?

11 A: Yes.

12 Q: And how long have you lived there?

13 A: Ever since '82.

14 Q: Now, you say you live there, do you actually own that
15 property?

16 A: No.

17 Q: Who owns that property?

18 A: It was my father's and sister.

19 Q: Okay. Who pays the taxes on the property now?

20 A: My sister sends me the money to pay the taxes.

21 Q: Who primarily resides there?

22 A: Right now, just me.

23 Q: Now, at any time, did Clyde Singletary reside there?

24 A: Yes.

25 Q: Now, did he pay any taxes or did he help with the upkeep

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1 of the property?

2 A: No tax.

3 Q: Now, when you were talking about your property, could you
4 kinda describe that to the ladies and gentlemen of the jury?

5 Is it a single residence there on the property or are there
6 more?

7 A: At one time, it was two acres until an acre of it got
8 sold and right now I'm on an acre and the trailer that was on
9 the property, it was in front of me. And then my brother, he
10 had a -- the trailer that's on there now is my brothers, which
11 was in the front of the trailer that Clyde was in.

12 Q: Okay. Now, did Mr. Singletary pay any sort of utilities
13 or anything, any incidental costs to the property?

14 A: There was no electricity to it.

15 Q: Now, I want to approach and show you what's been marked
16 State's Exhibits 2, 3, 4, 5, 6, and 1, and ask if you
17 recognize what is in the photos?

18 A: Yes.

19 Q: Okay. And what's in the photos?

20 A: A picture of the trailer that he had electricity hook up
21 to.

22 Q: Okay. Before you get too far into that, do they
23 accurately reflect the property as it exists today?

24 A: Yes.

25 MR. TUCKER: Your Honor, at this time, I would move

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1 State's Exhibits 1 through 6 into evidence?

2 THE COURT: Any objection?

3 MR. SINGLETARY: I object, Your Honor, leading the
4 witness.

5 THE COURT: Are there any objections though, Mr.
6 Singletary, to the admission of the pictures, sir?

7 MR. SINGLETARY: Object to the pictures.

8 THE COURT: Overruled. I do find that the state has laid
9 a proper foundation for the introduction of the photographs.
10 I'll allow them in, but your objection is so noted for the
11 record.

12 STATE'S EXHIBITS NUMBERS 1 THROUGH 6

13 ADMITTED INTO EVIDENCE

14 BY MR. TUCKER:

15 Q: Ms. Singletary, I'm showing you what's now State's
16 Evidence 1, if you could explain what's in that photo?

17 A: It's the trailer that Clyde used to live in.

18 Q: Okay. Now, there are two there; is it the one on the
19 left or the one on the right?

20 A: It's that one right there.

21 Q: Okay. And, Your Honor, permission to publish this
22 picture to the jury?

23 THE COURT: What exhibit is that?

24 MR. TUCKER: This is State's 1.

25 THE COURT: All right, yes, sir.

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1 BY MR. TUCKER:

2 Q: And you were pointing to this one?

3 A: That one.

4 Q: Now, I hand you what's State's -- what's been marked
5 State's Exhibit 2 and ask you if you recognize what's in that
6 photo?

7 A: That's the new light pole in that one.

8 Q: Okay. Now, just to the right of the light pole, what is
9 that?

10 A: That's the trailer that I stay in.

11 Q: Okay. And the one that's in photograph 1 where Clyde was
12 staying, was it kind of across the way there?

13 A: It was further -- it was along, probably along in here.

14 MR. TUCKER: And, Your Honor, permission to publish this
15 to the jury as well?

16 THE COURT: What number is that?

17 MR. TUCKER: And this is State's Number 2.

18 THE COURT: All right. Go ahead, sir.

19 BY MR. TUCKER:

20 Q: Now, in State's 3, Ms. Singletary, I'll ask again if you
21 can identify what's in that?

22 A: That's the trailer that Clyde was in.

23 MR. TUCKER: And, Your Honor, also permission to publish
24 this one to the jury; this is State's 3?

25 THE COURT: All right. Go ahead, sir.

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1 BY MR. TUCKER:

2 Q: And State's 4, Ms. Singletary, if you would take a look
3 and explain what's in that photo?

4 A: This is my sister's house on the other lot and that what
5 he used to stay in.

6 MR. TUCKER: And this is State's 4, Your Honor, I'd ask
7 to publish?

8 THE COURT: Yes, sir.

9 BY MR. TUCKER:

10 Q: And State's Exhibit 5?

11 A: That's the trailer right there what Clyde was in and
12 that's the water pump.

13 MR. TUCKER: And permission to publish this, State's
14 Exhibit 5, Your Honor.

15 THE COURT: Yes, sir.

16 BY MR. TUCKER:

17 Q: And lastly, State's Exhibit 6?

18 A: That's where Clyde used to stay.

19 MR. TUCKER: And, Your Honor, also permission to publish
20 6 to the jury.

21 THE COURT: Yes, sir.

22 BY MR. TUCKER:

23 Q: Now, Ms. Singletary, I want to go back State's Evidence 2
24 and that's the power you indicated?

25 A: Yes.

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- 1 Q: And your place is right to the right of that?
- 2 A: Right.
- 3 Q: Now, is this the power pole in question?
- 4 A: No, that's the new one.
- 5 Q: That's the new one, but it's in the place of where the
- 6 other one was?
- 7 A: Yes.
- 8 Q: And again, that's just right almost in front of your
- 9 front door, isn't it?
- 10 A: It was.
- 11 Q: I want to draw your attention to the events of May the
- 12 11th, 2016. You were living on the property at that time?
- 13 A: Yes.
- 14 Q: Was anyone staying with you?
- 15 A: A friend.
- 16 Q: Was Mr. Singletary, Clyde Singletary, there as well?
- 17 A: Yes.
- 18 Q: Now, directing your attention specifically to the evening
- 19 of May the 11th, 2016. Were you out somewhere and came home?
- 20 A: Yes.
- 21 Q: Where had you been?
- 22 A: Church.
- 23 Q: Now, when you arrived back at your property at 1065 1/2
- 24 Rodman Road, did you notice anything out of the ordinary?
- 25 A: Yes.

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1 Q: Would you describe what you saw?

2 A: Well, before we got to the house, you could see like a
3 haze of smoke that was coming across the road and I said,
4 well, God, my trailer is on fire, like that, but when we drove
5 up in the yard, we seen lights in the trailer that Clyde was
6 in.

7 Q: But had there been lights previously to that trailer?

8 A: No.

9 Q: And what, if anything, you saw after that?

10 A: There was smoke was coming out of it and that's when I
11 went in and called Santee because I request for them to come
12 and loose a wire because it was -- they had wrapped it up in
13 the wind -- we had a lot of strong wind and the wind had
14 blowed it loose and it was down kinda low and if more wind get
15 in it, it probably would hit the ground. So, I put in a
16 request for them to come and move that wire.

17 Q: Had you done that previously or was this on that night?

18 A: Previously.

19 Q: And that night, when you saw the smoke and everything,
20 did you become concerned?

21 A: Oh, yes.

22 Q: Now, at that point, did you notice anything else about
23 the way in which the wire was run and the power was run to Mr.
24 Singletary's trailer?

25 A: Yes, I looked up and I seen the wire that was supposed to

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1 be hanging, it was hooked up to another service pole and to
2 the trailer.

3 Q: And that hadn't previously been done before you had left
4 earlier that day?

5 A: No, it wasn't done while I was there, and when I came
6 back it was there.

7 Q: Okay. And nobody from Santee had contacted you to tell
8 you that they were coming out to rectify that, did they?

9 A: No.

10 Q: Now, after you called Santee, what, if anything happened
11 after that?

12 A: Well, my rememories [sic] is hazy because it's been a
13 long time and I have COPD.

14 Q: Yes, ma'am.

15 A: So ---

16 Q: Take your time.

17 A: --- I'll remember -- what I can remember, I know when I
18 called -- when I went in the house and called them and I
19 reported it that I told them that light line that I told them
20 to come and remove, that somebody already had it hooked up and
21 she said, well she'll send somebody out and she did.

22 Q: Now, when you say somebody had hooked it up, did you have
23 an idea as to who that was?

24 A: Yes.

25 Q: Who was it?

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1 MR. SINGLETARY: Objection, Your Honor.

2 THE COURT: Hold on a minute.

3 Sir?

4 MR. SINGLETARY: Objection, Your Honor, leading the
5 witness?

6 THE COURT: Objection overruled. You may continue, sir.

7 BY MR. TUCKER:

8 Q: Did you have an idea as to who had hooked that wire up?

9 A: Yes, sir.

10 Q: Who was that?

11 A: Clyde.

12 Q: When you say Clyde, are you referring to the defendant,
13 Clyde Singletary?

14 A: Yes.

15 Q: Now, after Santee arrived on the scene, again, going back
16 to what, if anything happened at that point?

17 A: Well, when he, the Santee guy, got there, he drove up in
18 the yard and he said that he would have to back up to cut the
19 transformer off to loose the wire, but before he could get
20 back up, Clyde snatched the wire loose.

21 Q: From the utility pole that was in front of your trailer?

22 A: From the pole that he had hooked up to his trailer.

23 Q: Yes, ma'am.

24 A: He snatched it loose and that throwed the lights out.

25 Q: Okay. And then what happened?

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1 A: Then he backed up and he cut the transformer off and he
2 cut the -- and he come back and he got the wire and he took
3 the wire with him.

4 Q: And when you say he, you're referring to ---

5 A: Santee. Santee.

6 Q: Okay. And what happened after that?

7 A: And we thought everything was okay. We went in the house
8 and all of a sudden we heard the chainsaw cranked up and we
9 came to the door and looked out the door. Clyde was at the
10 light pole with the chainsaw, cutting the pole.

11 Q: Okay. Let me back up just a little bit. Now, did the
12 Sheriff's office respond out there at some point?

13 A: Yes, that was when in between him snatching the wire down
14 and him changing -- him cutting the thing off. No, he left --
15 he had left.

16 Q: After he got the power back on?

17 A: After he got the power back on and then after he left,
18 that's when Clyde had the chainsaw to the light pole and we
19 was in the house. We thought every -- like I said, we thought
20 everything was okay and then we heard the chainsaw and we
21 said, well what he's doing with the chainsaw and we ---

22 Q: You said you heard the chainsaw and you got up and went
23 to the front door?

24 A: We went to the door.

25 Q: And could you see clearly who it was with the chainsaw?

1 A: Yes, we could see -- we could see Clyde with the chainsaw
2 cutting -- cutting on the light pole.
3 Q: Okay. And what after that did you do?
4 A: We just cracked the door open and I went back in and I
5 called Santee and said that he's out here cutting the light
6 pole down.
7 Q: Now, and let me be clear, Ms. Singletary, and ask you,
8 that power pole principally was there to service your property
9 and provide power to your home; is that right?
10 A: Yes.
11 Q: Now, after you called Santee and told them that the pole
12 was being cut into, what, if anything happened after that?
13 A: Santee, they came back.
14 Q: Was it the same individual who had been there previously?
15 A: Yes.
16 Q: Do you recall what time of evening this was now?
17 A: It was dark. All I can say it was dark.
18 Q: Okay.
19 A: And it probably was late, kinda late. It wasn't like
20 first dark. First dark had gone. Somewhere in the -- it was
21 dark.
22 Q: I understand. Now, at this point, when Santee showed
23 back up, what, if anything, happened after that?
24 A: Well, he had -- he had the chainsaw and he was -- if the
25 chainsaw hadn't have cut off, he would've cut the light pole

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1 down.

2 MR. SINGLETARY: I object, Your Honor.

3 THE COURT: Wait, hold on. What's your grounds for your
4 objection?

5 MR. SINGLETARY: All this is hearsay.

6 THE COURT: Over your objection, I'll allow it. Go
7 ahead, Mr. Tucker.

8 BY MR. TUCKER:

9 Q: Okay. And after Santee showed back up, you said that if
10 it had not been for the chainsaw cutting off, it would've --
11 the pole would've been cut down?

12 A: It would've cut the pole all the way down.

13 Q: Now, what, if anything, did the Santee representative do
14 at that point?

15 A: Well, he came and he looked at where the chainsaw had cut
16 it and then Clyde cranked up the chainsaw again and said that
17 Santee don't own no light poles on his property and all this.
18 And the guy, I guess got kind of upset, so he called the
19 sheriff. He said I didn't have to do it; he would call them.

20 Q: And then the Sheriff showed back up?

21 A: Showed back up.

22 Q: Now, was Clyde still in the area at this point?

23 A: Yes.

24 Q: Now subsequently, did Clyde leave the area before the
25 Sheriff's Deputy responded?

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1 A: Yes, he went over in the woods.

2 Q: Did he take the chainsaw with him?

3 A: Yes.

4 Q: Now, once the Deputy Sheriff got back and the Santee rep
5 was there, what, if anything, happened after that with regards
6 to your utility pole?

7 A: Well, they said they couldn't put me another one up until
8 the next day, but they said that that one would be all right,
9 but the wind was blowing and anything with a cut on it and the
10 wind blowing and it's got electricity running through it, you
11 ain't gonna sleep good at night until you that's a solid pole
12 there. And so they said they would -- they would try and get
13 another one maybe the next day and the next day they did come
14 and removed it and put another one.

15 Q: So, this was something that caused you some concern and
16 some worry.

17 A: I didn't sleep none -- I didn't sleep none that night.

18 Q: Now, and you said ultimately they came back the next day
19 or the day after and replaced that pole?

20 A: Yes.

21 Q: And that's the pole that's depicted in that picture ---

22 A: Yes.

23 Q: --- that I showed you?

24 A: Yes.

25 Q: Okay. Do you have any idea how much that pole costs to

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1 replace?

2 A: No, I have no idea.

3 Q: Okay. And again, just so I'm clear, Ms. Singletary,
4 Clyde Singletary does not own that property at 1065 1/2 Rodman
5 Road?

6 A: No, he does not.

7 Q: And the power pole, that was for your benefit there and
8 is owned by Santee Electric ---

9 A: Yes.

10 Q: --- as far as you know?

11 A: Yes.

12 Q: I believe that's all the questions I have, Your Honor.

13 THE COURT: All right. Mr. Singletary, cross
14 examination?

15 CROSS EXAMINATION OF GLENDA SINGLETARY BY MR. SINGLETARY:

16 Q: What address do you live on?

17 A: 1065 1/2 Rodman Road.

18 MR. SINGLETARY: May I use those exhibits?

19 THE COURT: Yes, sir. If you'll please refer to the
20 numbers because I think there's six of them, Mr. Singletary.
21 And if you're referring to a specific picture, please refer to
22 the number that you're referring to when questioning the
23 witness.

24 BY MR. SINGLETARY:

25 Q: Who live in that trailer right there?

1 THE COURT: Hold on a minute. Hold on a minute. What
2 number is that, Mr. Singletary?

3 MR. SINGLETARY: This is Number 4.

4 THE COURT: Okay.

5 BY MR. SINGLETARY:

6 Q: Who live in that trailer right there?

7 A: Your mother.

8 Q: There's a driveway beside that trailer right there; what
9 address is on that address, side the trailer, that road?

10 A: On the side of the trailer, it's 1065 1/2.

11 Q: 1065 1/2. Now, I have another picture right here,
12 Exhibit Number 2, this is my grandfather address; what address
13 is that?

14 A: That's 1065.

15 Q: That's 1058 Rodman Road.

16 A: 1058 is where your mother lives.

17 Q: My mother live on 1065 Rodman Road; your address is 1065
18 1/2 Rodman Road. Your trailer burnt down in 2008. The
19 propane tank blowed up ---

20 THE COURT: Hold on a minute. Hold on a minute. Mr.
21 Singletary, I need you to ask questions. You can't testify
22 yourself. You cross examine; you ask questions. Okay?

23 BY MR. SINGLETARY:

24 Q: What happened to your trailer in 2008?

25 A: It burned.

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1 Q: All right. And you moved in your brother trailer?

2 A: Yes.

3 Q: Your brother trailer is 1065?

4 A: 1065.

5 Q: You're sure?

6 A: I'm sure.

7 Q: You sure it ain't 1058?

8 A: I'm sure.

9 Q: So, whose property is 1058?

10 A: My sister's and father's.

11 Q: Your sister's and father, which sister you talking about?

12 A: Johnnie.

13 Q: Johnnie lives in Martinsville, Virginia; she is not here.

14 A: So, she can own property there.

15 Q: She don't own no property there. All right. I'm gonna
16 ask further questions. My brother died in 2014, the taxes was
17 behind two years on the land; is I'm wrong or is I'm right?

18 A: Wrong.

19 Q: My brother had a motor out there and a transmission that
20 I took out a green truck. The taxes was \$360 behind on the
21 land?

22 A: I don't know who tax -- who pays it.

23 Q: I know you don't know who paid them; I fixing to tell
24 you who paid them.

25 A: I don't know who taxes you paid, but it wasn't for

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1 Johnnie.

2 Q: All right. What happened to that motor what was out
3 there that was on that property?

4 A: I have no idea.

5 Q: Who paid the tax on the land?

6 A: I gets the money and I go pay it.

7 Q: Can you pay the ---

8 A: I'm sorry I didn't bring my tax receipt.

9 Q: Can you pay the taxes ---

10 THE COURT: Hold on. Hold on a minute. I can't have
11 both of you talking at the same time. Okay.

12 MR. SINGLETARY: I'm gonna move further -- I'm gonna move
13 further off that question.

14 THE COURT: Hold on. Let her finish her response. And
15 Ms. Singletary ---

16 A: I'm sorry I didn't bring the tax papers to show.

17 THE COURT: Hold on. That's okay. Let him finish his
18 question before you start talking and let her finish her
19 answer before you start talking. Okay.

20 All right, Mr. Singletary, you may continue.

21 BY MR. SINGLETARY:

22 Q: I'll move further. All right. Is this the property --
23 is this the property you currently staying in right now, this
24 Exhibit 2?

25 A: Yes.

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1 Q: All right. Who gray truck is that, Exhibit 2?

2 A: It's in my name.

3 Q: Whose truck is that?

4 A: Mines.

5 Q: All right. This pole right here, this pole right here,
6 whose pole is that?

7 THE COURT: What exhibit is that?

8 MR. SINGLETARY: Exhibit 2.

9 A: Santee Electric.

10 BY MR. SINGLETARY:

11 Q: It's the new pole Santee Electric put down?

12 A: The old one Santee Electric put down, too.

13 Q: The pole is 40 foot. Did you witness anybody tampering
14 with them power wires?

15 A: No, I didn't.

16 Q: Exhibit 2, she didn't witness nobody tamper with power
17 wires. I'm charged with tampering with ---

18 MR. TUCKER: Your Honor, that's ---

19 THE COURT: Hold on. Hold on.

20 MR. TUCKER: --- before the jury.

21 THE COURT: Mr. Singletary, you ask questions and she
22 answers.

23 MR. SINGLETARY: All right.

24 THE COURT: And that's the way the process works. Okay?

25 MR. SINGLETARY: All right.

1 BY MR. SINGLETARY:

2 Q: Let me go to another exhibit. Whose trailer house is
3 that right there, Exhibit 1?

4 A: That's the trailer you were staying in, but it belongs to
5 your sister.

6 Q: All right. It belongs to my sister. Let me ask another
7 question. Exhibit 1, who building is that back there?

8 A: That's the shack that you built.

9 Q: And that's Exhibit 1; who lives in that?

10 A: You were living in it, but you moved out of that into
11 your sister trailer, when she left.

12 Q: All right. Another exhibit. Exhibit 5, whose pump house
13 is that?

14 A: Mines.

15 Q: Who dig the well right there?

16 A: Bobby Matthews.

17 Q: And who is Bobby Matthews?

18 A: My son's father.

19 Q: All right. I wanted to make sure I get all this right
20 here cleared up because he dead; he ain't here.

21 A: That's right.

22 Q: All right.

23 I got no further questions, Your Honor.

24 THE COURT: Okay. Any redirect?

25 MR. TUCKER: Nothing further, Your Honor. I would ask

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GLENDA SINGLETARY - CROSS BY SINGLETARY

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1 that this witness be released from her subpoena.

2 THE COURT: Any objection to her being released, Mr.
3 Singletary?

4 MR. SINGLETARY: No, sir.

5 THE COURT: Ma'am, you may step down and you're free to
6 go. Thank you for being here.

7 A: Thank you.

8 MR. TUCKER: And, Your Honor, if I may, before I call the
9 next witness, if I can have the photos moved into evidence
10 marked as such?

11 THE COURT: Items 1 through 6?

12 MR. TUCKER: Yes, sir.

13 Your Honor, at this time, the state would call to the
14 stand ---

15 THE COURT: Hold on.

16 MR. TUCKER: I'm sorry.

17 THE COURT: You ready?

18 COURT REPORTER: I'm good.

19 THE COURT: Go ahead; I'm sorry.

20 MR. TUCKER: At this time, the state would call to the
21 stand Channing Tatum Matthews.

22 CLERK: Please place your left hand on the Bible and
23 raise your right hand.

24 JOHN CHANNING MATTHEWS, HAVING BEEN
25 DULY SWORN TESTIFIES AS FOLLOWS:

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JOHN CHANNING MATTHEWS - DIRECT BY TUCKER

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1 CLERK: Please be seated in the witness box and state
2 your name for the record.

3 MR. MATTHEWS: John Channing Matthews.

4 MR. TUCKER: Maybe it's the resemblance that threw me off
5 there.

6 DIRECT EXAMINATION OF JOHN CHANNING MATTHEWS BY MR. TUCKER:

7 Q: Now it's Channing Matthews, but you go by John?

8 A: I go by Channing.

9 Q: Channing?

10 A: Yes.

11 Q: I'm sorry. Now, Mr. Matthews, your uniform kind of gives
12 it away, but could you tell us where you work currently?

13 A: I work for Santee Electric Coop.

14 Q: And how long have you worked there?

15 A: Eighteen years.

16 Q: And what are your duties and responsibilities there?

17 A: I'm over a line crew, it's changing out poles. We build
18 services to the house, storm restoration, just ---

19 Q: Okay. Now, when you say install poles, are you referring
20 to electrical and utility poles?

21 A: Yes, sir, electrical utility poles.

22 Q: Now, were you working in that capacity on or about May
23 the 11th of 2016?

24 A: Yes, sir.

25 Q: Now, do you recall specifically getting that call and

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JOHN CHANNING MATTHEWS - DIRECT BY TUCKER

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1 directing you to 1065 1/2 Rodman Road in Lake City?

2 A: Yes, sir.

3 Q: And do you recall responding over there?

4 A: Yes, sir.

5 Q: And what did you do, if anything, when you got there?

6 A: When I got there, I couldn't see any wire down. The call
7 was we had a wire down. So, I went up to his aunt's house,
8 which was Ms. Glenda, I think. She said the wire is down
9 right over there. Well, when I went and looked at the wire
10 and found what I needed to do with it ---

11 Q: Now, when you say look at a wire, did you notice anything
12 amiss at that point?

13 A: Yeah, the wire was, I mean it was down on the dirt. It
14 was down on the dirt and it was hooked to a black extension
15 cord.

16 Q: Now, again when you say down, was it alive at this point?

17 A: It was live wire; yes, sir.

18 Q: Okay. And did that cause you any concern as a repairman?

19 A: Well, yeah, surely it did, yeah. Whoever hooked it up,
20 could've been killed.

21 Q: And again, you said an electrical cord, so it didn't look
22 like this was any kind of an accident where wind blew it down
23 or anything of that nature?

24 A: No, sir.

25 Q: And when you said a utility cord, could you tell what the

1 person was attempting to do with regards to this contraption?

2 A: Trying to get power to their house.

3 Q: From the utility pole?

4 A: Yes, sir.

5 Q: All right. Now, you mentioned that you install poles.

6 When you install these poles, who actually owns the utility

7 pole and the power lines themselves?

8 A: Santee Electric.

9 Q: Now, again would Santee Electric, they're putting these

10 poles on property for the benefit of the customer?

11 A: Yes, sir, we got property releases signed and easements

12 signed before we put a pole down.

13 Q: And you maintain those, Santee does?

14 A: Yes, sir.

15 Q: And then you repair them obviously if they malfunction?

16 A: Yes, sir.

17 Q: Now, once you saw the electrical cord and the power line

18 down, what, if anything, did you do at that point?

19 A: I talked to Ms. Glenda and told her I was gonna have to

20 disconnect her power to -- in order to fix it.

21 Q: Now, when you say Ms. Glenda, you're referring to Glenda

22 Singletary that just testified?

23 A: Yes, ma'am -- I mean, yes, sir, his aunt.

24 Q: And after you told her that, what, if anything did you

25 do?

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JOHN CHANNING MATTHEWS - DIRECT BY TUCKER

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1 A: I backed up to disconnect the transformer and Mr.

2 Singletary was trying to crank a chainsaw.

3 Q: Now, when you say Mr. Singletary, you're referring to the
4 defendant, Clyde Singletary?

5 A: Yes, sir.

6 Q: Now, from where you were and from your interactions with
7 Mr. Singletary, could you get a good look at him?

8 A: From 40 foot away, yes, sir, pretty good look..

9 Q: Is he the same man sitting at the table here today?

10 A: Yes, sir.

11 Q: No doubt in your mind?

12 A: No doubt.

13 Q: Now after you say he cranked the chainsaw up, what, if
14 anything, did you do?

15 A: I said let me see what this guy is gone do and when he's
16 gone cut into a power pole, and he went to telling me that
17 none of the poles were -- the poles were on his land, he
18 didn't want any on his land and he was gonna cut them all
19 down. And I said ---

20 Q: Did you try to explain that Santee actually owned the
21 power poles to him?

22 A: It wouldn't have done any good, no, sir.

23 Q: And he was holding a chainsaw too, huh?

24 A: Yes, sir.

25 Q: All right. Now, once he told you that if you didn't get

1 the poles off, to that effect, he was gonna cut them all down,
2 what, if anything, did you do?

3 A: I called the Sheriff's office.

4 Q: Now, did you get in your truck at this point?

5 A: Yes, sir, I was in the truck. I was in the truck. I
6 didn't get out the truck because I had backed out the driveway
7 and I was gonna have to cross the ditch to disconnect the
8 transformer.

9 Q: Okay.

10 A: So, when he started this, I said let me just call the
11 Deputy Sheriff.

12 Q: How would you describe his demeanor at this point; did he
13 seem agitated?

14 A: He was very agitated.

15 Q: Now, once you called law enforcement, did they
16 subsequently arrive?

17 A: Yeah, it wasn't too long before they came.

18 Q: And what, if anything, happened at that point?

19 A: Mr. Singletary was gone. I mean, he was -- he was gone.

20 Q: And at that point, were you able to make any sort of
21 repairs to the downed line?

22 A: I did. I disconnected the transformer, so I could work
23 on the power lines. I went to where the power line was hooked
24 up at and it had been snatched loose. It was hooked up when I
25 got there and then it was snatched loose.

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1 Q: And if I may approach, Mr. Matthews, I want to show you
2 what's been marked State's Evidence Number 1 and ask, do you
3 see the trailer that the power line was run to in this
4 picture?

5 A: Yes, sir.

6 Q: Okay. Is it the one on the right?

7 A: Yes, sir.

8 Q: Okay. And the power line was just kinda laying on the
9 ground that he had run to it?

10 A: It was pulled off of our pole, because it had been -- it
11 had been disconnected. It was wrapped up and when we
12 disconnect them, we'll roll them up 20-foot high on our pole.
13 Our poles are 30-foot tall, so probably 15-foot high, just in
14 case somebody wants a new trailer there, you don't have to run
15 new wire, you can just grab the old wire and hook to it. It
16 was down across the ground, wrapped around another pole, and
17 draped across the ground and hooked to an extension cord.

18 Q: Okay. Now, once you restored power and got everything
19 fixed, what, if anything, did you do at this point?

20 A: I left and went home.

21 Q: Now, subsequently, did you have to come back?

22 A: Yes, sir.

23 Q: About how long was it before you had to come back?

24 A: Forty-five minutes. It takes me 25 minutes to get there
25 and I was home for 15 minutes. So ---

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1 Q: Now, were you informed as to the nature of this
2 particular call?

3 A: Yeah, they -- his aunt had called in to our dispatchers
4 and told them that he was sawing the pole.

5 Q: Now, again, directed you back to 1065 1/2 Rodman Road?

6 A: Yes, sir.

7 Q: And again, I know it seems like a stupid question, but
8 that's in Florence County, is it not?

9 A: Yes, sir.

10 Q: Now, when you arrived this second time, what, if
11 anything, did you encounter?

12 A: The pole had sawed, started sawing and the chain had came
13 off the saw.

14 Q: Now, while you were doing all of this, were you able to
15 take any pictures?

16 A: I did take some pictures.

17 Q: And if I may approach, Your Honor?

18 I want to show you what's been marked as ---

19 MR. SINGLETARY: Objection, Your Honor.

20 THE COURT: What's your objection?

21 MR. SINGLETARY: The pictures.

22 THE COURT: You previously objected. Overruled, but your
23 objection is so noted for the record.

24 BY MR. TUCKER:

25 Q: I want to show you what's been marked as State's Exhibit

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1 7, 8, and 9, Mr. Matthews and ask you if you recognize the
2 photos?

3 A: Yes, sir.

4 Q: How do you recognize them?

5 A: The pole being sawed in two.

6 Q: Are these the photos you took out there that night?

7 A: Yes, sir.

8 Q: And do these three photos accurately depict what you
9 encountered in the course of your trying to repair both the
10 pole and the utility meter and the wire itself?

11 A: Yes, sir.

12 Q: Okay. And these are photos you took?

13 A: Yes, sir.

14 Q: And did you provide these photos subsequently to law
15 enforcement?

16 A: Yes, sir.

17 MR. TUCKER: Your Honor, at this time, I would ask that
18 State's Exhibit 7, 8, and 9 be moved into evidence.

19 THE COURT: Over the defendant's objection, they are so
20 admitted.

21 STATE'S EXHIBITS NUMBERS 7, 8, AND 9

22 ADMITTED INTO EVIDENCE

23 BY MR. TUCKER:

24 Q: Now, beginning with what now is State's Evidence 9, could
25 you explain what we're looking at in this photo?

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JOHN CHANNING MATTHEWS - DIRECT BY TUCKER

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1 A: This is, you got your meter base and you got your triplex
2 wire, which is your two hot wires and your one ground wire
3 that's supposed to be at the top of a pole. Actually, this
4 right here, the way it's looked, you can't see it, but it's
5 actually wrapped around and to where it comes -- it's coming
6 down to the dirt and hooked into an extension cord.

7 Q: Okay. Somebody obviously intended to do it this way,
8 correct?

9 MR. SINGLETARY: Objection Your Honor, speculation.

10 THE COURT: Objection overruled.

11 BY MR. TUCKER:

12 Q: All right. And I'll ask you to identify what's in
13 State's Evidence 8 now?

14 A: This is the same pole, but this is the wire and you can
15 see where it comes and you can't see where it's wrapped, but
16 you can see the bottom piece on the dirt where it's going to
17 his -- his home.

18 Q: Okay. And if you would take a look at what's now State's
19 Evidence Number 7?

20 A: Yes, sir. That's the pole that the triplex wire was on.

21 Q: And that's the same pole that we're looking at in State's
22 8 and 9?

23 A: No, sir.

24 Q: This is a different pole?

25 A: Yes, sir. That's -- that's a -- pole right there.

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1 Q: Okay.

2 A: People have them at their houses. This is where it comes
3 from the transformer to this pole, and that's from this pole
4 to that pole.

5 Q: Gotcha. Now who owns that pole?

6 A: Santee does.

7 Q: Okay. Now, Mr. Matthews, after you ascertained that the
8 pole had been sawed like that, what, if anything, did you do
9 at that point?

10 A: I spoke with his aunt and I looked at the pole and it was
11 cut two inches deep or maybe three, and it -- the way it -- it
12 had a guide anchor on it and the wire, it wasn't going
13 anywhere that night. And I mean it was already after 12:00
14 anyway.

15 Q: Okay. And did you make any sort of plans or ---

16 A: I told her -- I told her, I said the pole will be fine.
17 I mean, cause she was worried. She told me that her house had
18 burnt in the past. I said, this pole is not going anywhere.
19 You know, we'll actually -- we'll come out here tomorrow and
20 change it.

21 Q: And did you subsequently come out the next day and change
22 it out?

23 A: Yes, sir.

24 Q: All right. And did you have a crew with you or did you
25 do it all by yourself?

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JOHN CHANNING MATTHEWS - DIRECT BY TUCKER

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1 A: No, I took my crew with me.

2 Q: You know, Channing Tatum could've changed that pole out
3 by himself. Now, with regards to the replacement costs to
4 change that pole out completely. What does that run Santee?

5 A: If we would've -- to do it in the daytime like we did it
6 was probably 3 or \$4,000.

7 Q: Okay. So, it's not cheap to replace one of those?

8 A: It's a lot cheaper for us to do it in the day than it is
9 at night.

10 Q: And with regards to having to run new wires, does that
11 factor into that cost or was that extra because you have to
12 have people to help you?

13 A: No, that factors into that cost, yes, sir.

14 Q: Okay. And again, this may seem like a repetitive
15 question, but that pole itself that had the saw marks, that's
16 actually Santee property, right?

17 A: Yeah or no -- yes, sir, the pole is Santee's, yes, sir.

18 Q: Okay. And the wires that were tampered with when you
19 came out the first time, the actual wires belong to Santee, do
20 they not?

21 A: Yes, sir.

22 MR. TUCKER: I believe that's all the questions I have,
23 Your Honor.

24 THE COURT: Cross examination?

25 CROSS EXAMINATION OF JOHN CHANNING MATTHEWS BY MR. SINGLETARY:

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JOHN CHANNING MATTHEWS - CROSS BY SINGLETARY

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1 Q: I have a property sheet here that says construction of
2 pole, I'm gonna ask you this question, How much a value is a
3 light pole?

4 A: How much value is that pole or a light pole; I mean they
5 vary ---

6 Q: The value of that light pole?

7 A: That light pole right there is probably \$1800 just for
8 the naked pole, just to buy the pole.

9 Q: And how much damage was done to the property, I mean the
10 wires?

11 A: The wires were burnt. I mean, they were burnt up. So,
12 60-foot of wire wasn't any good anymore.

13 Q: You don't have evidence to that. I'm gone ask you this
14 question here. I've got a statement right here for you that
15 say, make sure you get to read it, too; you can read it
16 yourself. Also provided me with a copy of the costs of the
17 damage of the property, a total of \$1700. Is that what you
18 write up a total of \$1700?

19 A: No, that's what it was written up. If it were an
20 estimated cost, if it'd been changed right then, what it would
21 have cost.

22 Q: Well, this isn't -- but we dealing with facts right here?

23 A: Exactly.

24 Q: All right. And this is what -- this is what the officer
25 wrote up and this is your statement that you wrote it up?

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JOHN CHANNING MATTHEWS - REDIRECT BY TUCKER

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1 A: Right. Didn't I just tell you the pole was around \$1800.

2 Q: All right. I'm making sure I get this into the jury that
3 explain this to the jurors because there's a value on things.
4 So, I want to make sure.

5 A: I understand.

6 Q: All right. Did you witness any crime during -- while you
7 was out there on the property?

8 A: I didn't witness him sawing the pole. I didn't witness
9 him hooking the, the power line to the extension cord. I did
10 witness him snatching it loose and that -- and that's it.

11 MR. SINGLETARY: I got no further questions, Your Honor.

12 THE COURT: Any redirect?

13 MR. TUCKER: Just one on redirect.

14 REDIRECT EXAMINATION OF JOHN CHANNING MATTHEWS BY MR. TUCKER:

15 Q: Mr. Matthews, you did see Mr. Singletary with the
16 chainsaw and hear it, did you not?

17 A: Yes, sir; I did see him with the chainsaw.

18 MR. TUCKER: That's all I have, Your Honor.

19 THE COURT: Mr. Singletary, any other questions?

20 RE CROSS EXAMINATION OF JOHN CHANNING MATTHEWS BY MR.

21 SINGLETARY:

22 Q: Did you see Mr. Singletary cut any light pole?

23 A: I did not see you cut a light pole. I saw you trying to
24 crank a chainsaw, and I saw you -- and you told me that you
25 wanted all these poles off of your property or -- and if they

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JOHN CHANNING MATTHEWS - RECROSS BY SINGLETARY

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1 weren't removed that night, you would saw them all down.

2 Q: How did you identify me?

3 A: I was -- I mean, I was 40 foot away from you and you had
4 no shirt on and a pair of jeans.

5 Q: I got on, in the statement you say I was later
6 identified; you say I was later identified?

7 A: I didn't say later. I said I mean you were ---

8 Q: I got this on the statement ---

9 THE COURT: Hold on, let him finish his answer, Mr.
10 Singletary.

11 BY MR. SINGLETARY:

12 Q: Go ahead, finish your answer?

13 A: I mean, I -- we were looking dead at each other. You
14 were hollering about you were gone saw the poles down if they
15 weren't off your property and if -- I mean, and when you went
16 to disconnect the wire, I was right there, and I told you,
17 leave those wires alone or it will kill you.

18 Q: All right. I got on Wednesday, May the 11th, 2016 at
19 2300 hours, Deputy Ussery respond to 1065 Rodman Road in the
20 County of Florence ---

21 MR. TUCKER: Your Honor, he's reading from the incident
22 report, which is not into evidence at this time.

23 THE COURT: Objection sustained.

24 BY MR. SINGLETARY:

25 Q: I saw the male cutting power lines up ---

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BY THE COURT

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1 MR. TUCKER: Objection.

2 THE COURT: Mr. Singletary, I just made a ruling now.

3 MR. SINGLETARY: Well, no further questions.

4 THE COURT: Sir, you may step down. Thank you.

5 MR. TUCKER: Your Honor, I would ask that Mr. Matthews be
6 released from his subpoena at this time?

7 THE COURT: Any objection, Mr. Singletary? Any
8 objection?

9 MR. SINGLETARY: No objection, Your Honor.

10 THE COURT: Sir, you may step down and you're free to go.
11 You have no further responsibilities here.

12 BY THE COURT:

13 THE COURT: Anybody on the jury need a break?

14 MR. TUCKER: Your Honor, that may lead to what I was
15 gonna ask, if we could take a short break, I believe someone
16 on this side have to take one at least anyway.

17 THE COURT: All right. All right. We'll step down for
18 just a moment and take a break. Do not discuss the case at
19 all and I'll get you back out here as quickly as possible.
20 Do not discuss the case.

21 (REPORTER'S NOTE: Jury exits courtroom @ 11:45 A.M. The
22 following takes place outside the presence of the jury.)

23 THE COURT: All right. We'll stand down a few minutes.
24 Mr. Singletary, you need to go to the restroom or anything?

25 MR. SINGLETARY: I'm good, Your Honor.

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BY THE COURT

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1 THE COURT: All right. If he needs to go, how about take
2 him.

3 BAILIFF: We got some asking can they go outside for a
4 smoke break?

5 THE COURT: No, we're gonna stop -- how many more
6 witnesses you got?

7 MR. TUCKER: I've got two more, Your Honor. Well, I was
8 gonna say, I don't think they'll be long, but you never know
9 with these things.

10 THE COURT: Okay. Just see if they can -- just tell them
11 we're gonna -- just tell them to see if they can wait a little
12 bit.

13 **(RECESS - 11:46 A.M.)**

14 *******OFF THE RECORD*******

15 **(On the Record - 11:58 A.M.)**

16 THE COURT: All right. The state ready to proceed?

17 MR. TUCKER: We are, Your Honor.

18 THE COURT: Defense counsel?

19 MR. SINGLETARY: Ready, Your Honor.

20 THE COURT: Defendant; I'm sorry.

21 MR. SINGLETARY: Ready, Your Honor.

22 THE COURT: All right. Bring me the jury, please.

23 BAILIFF: Yes, sir.

24 **(REPORTER'S NOTE: Jury enters courtroom @ 11:59 A.M.)**

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

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TRIXIE USSERY - DIRECT BY TUCKER

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1 MR. TUCKER: Yes, Your Honor.

2 THE COURT: Ladies and gentlemen on the jury, I know a
3 couple of you wanted a smoke break maybe. I'll get you that
4 here shortly. Okay? You'll get a long smoke break. Plow a
5 little bit farther and I'm gonna give you that long smoke
6 break. All right?

7 Call your next witness please.

8 MR. TUCKER: Thank you, Your Honor.

9 At this time, the state would call Deputy Trixie Ussery
10 to the stand.

11 CLERK: Place your left hand on the Bible and raise your
12 right hand.

13 TRIXIE USSERY, HAVING BEEN SWORN
14 TESTIFIES AS FOLLOWS:

15 CLERK: Thank you. Be seated in the witness box and
16 state your name for the record.

17 MS. USSERY: Trixie Ussery.

18 THE COURT: Yes, sir.

19 MR. TUCKER: Thank you, Your Honor, may it please the
20 Court?

21 DIRECT EXAMINATION OF TRIXIE USSERY BY MR. TUCKER:

22 Q: Deputy Ussery, again, this may sound like a silly
23 question given the uniform, but where do you currently work?

24 A: Florence County Sheriff's Office.

25 Q: And how long have you worked for the sheriff's office?

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TRIXIE USSERY - DIRECT BY TUCKER

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1 A: For the sheriff's office, five years.

2 Q: And did you have any prior law enforcement experience
3 prior to that time?

4 A: Nothing other than the Florence County Detention Center
5 for four years.

6 Q: Don't make that sound like nothing, that's a tough job.

7 A: It is.

8 Q: Now, were you working in the Patrol Division on or about
9 May the 11th of 2016?

10 A: Yes, sir; I was.

11 Q: Now, do you recall receiving dispatch out to 1065 1/2
12 Rodman Road?

13 A: Yes, sir.

14 Q: And that's in Lake City?

15 A: Lake City, county of Florence.

16 Q: And again, I was gonna ask you, it may sound like a
17 stupid question, but that is in Florence County, right?

18 A: Yes, sir.

19 Q: Now, do you recall what the nature of the complaint was?

20 A: The call came in as a disorderly male cutting power
21 lines.

22 Q: Okay. And when you responded out, what did you see, if
23 anything?

24 A: When I responded out, I met with Channing Matthews, an
25 employee of Santee Electric. He was at the end of the

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TRIXIE USSERY - DIRECT BY TUCKER

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1 driveway of 1065 Rodman Road.

2 Q: And did you ascertain was he the one who actually called
3 law enforcement?

4 A: Yes, sir.

5 Q: And did he tell you why in fact he had called law
6 enforcement?

7 A: Yeah, he stated that he received a call in reference to a
8 power outage and located at 1065 Rodman Road. And, when he
9 went up there, he noticed that the power lines were down and a
10 black male subject was on scene, who was being very disorderly
11 and saying he wasn't scared of law enforcement and that if he
12 didn't remove the pole off the property that he was gonna cut
13 it down.

14 Q: Now, was this individual who made that statement, was he
15 there at the property when you first arrived?

16 A: No, he was already gone.

17 Q: Now, after talking to Mr. Matthews, did you also speak to
18 Ms. Glenda Singletary?

19 A: Yes, sir, I spoke with Glenda Singletary, and she's the
20 one that advised me that it was her nephew Clyde Singletary,
21 that was the one that was cutting the lines.

22 Q: Okay. And what, if anything, did you do after she
23 informed you of that?

24 A: I stayed on the property until Channing Matthews was able
25 to collect all the lines and do what he needed to do, you know

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TRIXIE USSERY - DIRECT BY TUCKER

1 that a long as, you know, so he'll feel safe and go ahead do
2 what he needed to do so he could go ahead and leave.

3 Q: And did he in fact leave after he had restored that
4 situation?

5 A: He did.

6 Q: And did you subsequently clear the scene yourself?

7 A: I did.

8 Q: Now, what, if anything, did you do after that?

9 A: I filed a report in reference to the malicious injury to
10 the power lines.

11 Q: Now, but prior to filing the report, did you get
12 dispatched back out to 1065 1/2 Rodman Road that night?

13 A: I did, approximately an hour later, I got dispatched back
14 out to that residence.

15 Q: And do you recall what the nature of this complaint was?

16 A: That Clyde Singletary was cutting the power lines -- I'm
17 sorry, cutting the pole with a chainsaw.

18 Q: And did you respond back to 1065 1/2 Rodman Road?

19 A: Yes, sir.

20 Q: Did you make contact with anyone on this time?

21 A: I spoke with Matthew and I spoke with ---

22 Q: Is that Channing Matthews?

23 A: Yes, sir, I spoke with Channing Matthews and with Ms.
24 Glenda again.

25 Q: And what, if anything, did they tell you with regards to,

1 particularly Ms. Singletary?

2 A: Matthews said he received a call in reference to Clyde
3 cutting the pole with a chainsaw. Ms. Glenda told me that
4 Clyde was cutting the pole with a chainsaw and the chain
5 happened to pop off of the chainsaw and it cut off.

6 Q: And Ms. Singletary, Glenda Singletary, told you she
7 actually saw Clyde doing this?

8 A: Yeah.

9 Q: Okay. And with regards to the pole that had been sawed,
10 did you actually look at that yourself?

11 A: I did look at the pole and it was halfway cut through.

12 MR. TUCKER: If I may approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. TUCKER:

15 Q: And Deputy Ussery, I want to ask you if you'll take a
16 look at State's Evidence Number 7?

17 A: Uh-huh, (affirmative response).

18 Q: Does that photo depict the power pole that had been sawed
19 that night when you responded?

20 A: Yes, sir; that's the pole.

21 Q: Now, the second time that you go out, did you make
22 contact with Mr. Clyde Singletary at any point during this
23 second time?

24 A: He was already gone.

25 Q: Now, was there anything, did you hear anything that would

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1 lead you to believe he may've been in the adjacent area?

2 A: Yes, sir. Ms. Glenda stated before we had arrived that
3 Clyde and ran into the woods and while we -- I was waiting for
4 Matthew to inspect the pole and do what he needed to do, I
5 heard the chainsaw crank up in the woods.

6 Q: You heard that?

7 A: Yes, sir; I heard it crank up and then shut back off.

8 Q: Okay. After that, did Mr. Singletary ever materialize
9 that night?

10 A: I'm sorry, say that again.

11 Q: Did he appear back at that property that night while you
12 were there?

13 A: He stayed around in the area. I received another call
14 shortly after I had cleared the second time and that was
15 around 2 o'clock and that was Ms. Glenda calling me, stating
16 that Clyde was in the area and she could hear the chainsaw
17 running again and she feared that he was coming back to cut it
18 down.

19 Q: Okay. But you didn't make any contact with Mr.
20 Singletary himself that night?

21 A: No.

22 MR. TUCKER: I believe those are all the questions I
23 have, Your Honor.

24 THE COURT: Cross examination, sir?

25 CROSS EXAMINATION OF TRIXIE USSERY BY MR. SINGLETARY:

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TRIXIE USSERY - CROSS BY SINGLETARY

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1 Q: Let me ask you a question. Do you know the statutational
2 [sic] limit on the values of property?

3 A: Yes.

4 Q: I want you to explain to us right here ---

5 MR. TUCKER: Your Honor, I would object to the question.
6 I think it's a little confusing.

7 THE COURT: Restate -- hold on a second. Restate your
8 question?

9 MR. SINGLETARY: I was asking her do she know the value
10 of the properties and she said yes.

11 MR. TUCKER: I heard something prior to that, but if
12 that's what he's asking, I'm sure she can ---

13 A: You're talking about the value of the pole?

14 BY MR. SINGLETARY:

15 Q: The value of property, the offense offense when you being
16 charged ---

17 A: Uh-huh, (affirmative response).

18 Q: --- there's certain statutes from misdemeanors to
19 felonies?

20 A: Uh-huh, (affirmative response).

21 THE COURT: Hold on a minute, ma'am. Come here a minute.
22 (REPORTER'S NOTE: Sidebar conference is held on the record in
23 the presence of but outside the hearing of the jury.)

24 MR. TUCKER: This particular statute is not dependent on
25 the value ---

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1 THE COURT: Under what you've been indicted for, the
2 value has nothing to do with the events. Do you understand
3 that?

4 MR. SINGLETARY: No, no, no. That ain't how it work.

5 THE COURT: It is how it works.

6 MR. SINGLETARY: There's a value to everything.

7 THE COURT: It's not relevant in this case is what I'm
8 telling you. This is the statute under which you have been
9 indicted.

10 MR. SINGLETARY: That just go under electrical system.

11 THE COURT: And that's what you were indicted for.

12 MR. SINGLETARY: The light man just say it wasn't no
13 electrical system destroyed. The electrical system is the
14 transformer.

15 (REPORTER'S NOTE: End of sidebar.)

16 THE COURT: Objection sustained. Move on to your next
17 question, please.

18 BY MR. SINGLETARY:

19 Q: All right. I'm gonna move on to the next question. This
20 incident is a Florence County Sheriff's report?

21 A: Uh-huh (affirmative response).

22 Q: Your Honor?

23 THE COURT: Go ahead, sir.

24 Q: It say subject identified, no. Subject located, no.

25 Arrest near scene, no. Would you explain that to the -- would

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TRIXIE USSERY - CROSS BY SINGLETARY

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1 you explain that?

2 A: Where at on the report are you talking about?

3 Q: Right there on mine just as it on yours. Subject
4 identified, no. Subject located, no. Subject arrest, no.

5 A: That has to do with the records department. In my
6 report, it says that you are identified as Clyde Singletary
7 and you were not arrested that night. It actually says on the
8 report you were arrested two days later.

9 Q: I was arrested a day later?

10 A: Uh-huh, (affirmative response).

11 THE COURT: Is that a yes or a no? Is that a yes or a
12 no?

13 A: It says date time of arrest is May 13th. The incident
14 happened May 11th.

15 Q: We have another offense case note right here.

16 A: Uh-huh, (affirmative response).

17 Q: And I was served a warrant while I was in jail. I can
18 read that out to you.

19 THE COURT: You can point her to it and if you have a
20 question about it, Mr. Singletary, ask her a question.

21 BY MR. SINGLETARY:

22 Q: All right. Deputy -- right there, where it says the
23 subject was incarcerated on May the 12th for breach of peace.
24 I was served the warrant.

25 THE COURT: What's your question? I need you to speak up

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TRIXIE USSERY - CROSS BY SINGLETARY

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1 and ask a question, okay, Mr. Singletary?

2 BY MR. SINGLETARY:

3 Q: I just want to point to the picture.

4 THE COURT: Sir?

5 MR. SINGLETARY: I just want to point the picture. I'm
6 gonna read this right here on out, too. That's for Officer
7 Tilton. All right.

8 MR. TUCKER: Your Honor, I believe he's going into the
9 supplemental that Investigator Tilton did. I think those
10 questions would probably be best ---

11 THE COURT: Until he asks the question, the objection is
12 not proper. So, I'm gone overrule your objection at this
13 point. I'm not sure where -- ask your next question, okay,
14 Mr. Singletary?

15 MR. SINGLETARY: All right.

16 BY MR. SINGLETARY:

17 Q: When you traveled down here, was you traveling on 52
18 today?

19 A: Was I traveling down 52?

20 Q: Yeah, was you traveling down 52 today?

21 A: Yes.

22 Q: Well, you know, there's -- was there light poles all down
23 52?

24 A: Uh-huh, (affirmative response).

25 Q: Did you look at any of the light poles?

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TRIXIE USSERY - CROSS BY SINGLETARY

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1 A: Not really.

2 Q: You can't miss them.

3 A: Yeah. But you can't miss them?

4 Q: All right. I got a property sheet, I want to know why
5 there isn't a model number of these property on this because
6 when you got light poles, they got a yellow stamp and a civil
7 stamp on it that say South Carolina, six numbers ---

8 MR. TUCKER: Your Honor, I object.

9 THE COURT: Hold on a minute. I'm gonna let him ask the
10 question; if she knows it ---

11 BY MR. SINGLETARY:

12 Q: --- with six numbers on them.

13 A: Uh-huh, (affirmative response).

14 Q: Why wasn't this recorded on the property sheet you have?
15 I'm gonna keep -- I'm gonna ask you a question and you can
16 explain it. You have personal property and South Carolina
17 statulation [sic] have their own property, so why wasn't they
18 numbers recorded on the property sheet?

19 MR. TUCKER: And, Your Honor, I would object. At this
20 point, this is outside the scope of this Deputy's knowledge.
21 She testifies to ---

22 THE COURT: She can answer it that way if that's the
23 case.

24 MR. TUCKER: Yes, sir.

25 THE COURT: All right. I'm gonna allow the question.

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1 Answer the question please if you know the answer.

2 A: I don't have any knowledge of that. That's something
3 that Santee Electric should have noted in their notes in
4 reference to a pole number and all of that.

5 BY MR. SINGLETARY:

6 Q: So, the one out there, is there a fact that a crime had
7 been committed?

8 A: Yes.

9 Q: How -- how -- how could that be if you didn't recorded
10 the numbers?

11 A: Uh-huh, (affirmative response).

12 Q: You got to make a recording of everything like you go to
13 Walmart and you bought something ---

14 A: Uh-huh, (affirmative response).

15 Q: --- and if something wrong with that, you can take it
16 back and there's a receipt that will show that that's yours.
17 I'm the defendant, I don't have to prove nothing; it's the
18 state's burden to prove. The state's got to prove that that's
19 Santee Electric.

20 A: Uh-huh, (affirmative response).

21 Q: And from this property sheet, without -- without being
22 recorded into the evidence, does the state prove that this is
23 Santee property?

24 THE COURT: Hold on a minute now.

25 A: Channing Matthews, the one who testified earlier this

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TRIXIE USSERY - CROSS BY SINGLETARY

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1 morning, stated that it was Santee Electric's property.

2 BY MR. SINGLETARY:

3 Q: But we going off of facts, and we can't go off of
4 hearsay.

5 A: I mean that's ---

6 Q: Hearsay is inadmissible. Anybody can say what he did and
7 he said he did that; isn't that right?

8 MR. TUCKER: Judge, again I would object ---

9 THE COURT: Objection sustained. Can y'all come up here
10 please?

11 (REPORTER'S NOTE: Sidebar conference is held on the record in
12 the presence of but outside the hearing of the jury.)

13 THE COURT: Mr. Singletary, she can't -- she can give her
14 opinion or she can testify as to what she saw, what you were
15 charged with but that's up to the jury to believe whether or
16 not you committed the crime. Okay? So, I'm not gonna let you
17 sit here and ask her that line of questioning. Okay? You're
18 right, you don't have to prove a thing. The state's got to
19 prove whether you're guilty. Okay? What you're asking her
20 about, those may be some issues but those are arguments that
21 you can make to the jury in closing argument on that issue
22 about property, what they put as property. That's for them to
23 decide. Okay?

24 MR. SINGLETARY: No further questions, Your Honor.

25 (REPORTER'S NOTE: End of sidebar.)

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1 THE COURT: Next question. You got any more questions?

2 MR. SINGLETARY: No further questions, Your Honor.

3 THE COURT: All right.

4 Any redirect?

5 MR. TUCKER: Nothing on redirect, Your Honor.

6 THE COURT: Ma'am, you may step down.

7 MR. TUCKER: And, Your Honor, I would ask that Deputy
8 Ussery be released from her subpoena as well?

9 THE COURT: Any objection, Mr. Singletary?

10 MR. SINGLETARY: No objection, Your Honor.

11 THE COURT: Okay. Ma'am, you are free to go. You have
12 no further responsibility here. Have a nice day.

13 Next witness?

14 MR. TUCKER: At this time, the state would call
15 Investigator Roger Tilton.

16 CLERK: Place your left hand on the Bible and raise your
17 right hand.

18 ROGER WILLIAM TILTON, HAVING BEEN

19 SWORN TESTIFIES AS FOLLOWS:

20 CLERK: Please be seated in the witness box and state
21 your name for the record.

22 MR. TILTON: My name is Roger William Tilton.

23 DIRECT EXAMINATION OF ROGER WILLIAM TILTON BY MR. TUCKER:

24 Q: Investigator Tilton, where are you currently employed?

25 A: I work with the Florence County Sheriff's Department

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1 Investigations Unit.

2 Q: And how long have you been employed with the Florence
3 County Sheriff's Office Investigations Unit?

4 A: I went back to work with Florence County in 2015.

5 Q: And you said back to work; that implies you were working
6 elsewhere; where was that?

7 A: I started at the Florence County Sheriff's Office in
8 1996. I spent most of my time with the Lake City Police
9 Department as a criminal investigator and then eventually came
10 back to the sheriff's office in 2015.

11 Q: Now, can you tell the folks of the jury a little bit
12 about what an investigator does at the sheriff's office?

13 A: My job is to -- cases get assigned to me. When I come in
14 the mornings, I get a list of incident reports. I read over
15 the reports, I contact victims, either make arrangements to
16 meet with them or their witnesses, may meet with defendants,
17 take statements, gather evidence, determine whether a case can
18 be prosecuted, and if warrants are able to be signed, I sign
19 warrants and then arrest the subjects that the warrants are
20 signed on.

21 Q: Now, were you working in that capacity as an investigator
22 on or about May the 11th, 2016?

23 A: I was; yes, sir.

24 Q: Now, do you recall, perhaps not that evening, but
25 subsequently being involved in an investigation involving

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1 malicious injury to a utility pole?

2 A: Yes. On the morning of May the 12th, I was assigned an
3 incident report of malicious injury to some telephone pole,
4 communication lines and stuff, at the 1065 1/2 Rodman Road,
5 Lake City address.

6 Q: Now, when you say telephone pole, that's how the statute
7 is worded; were these in fact utility poles?

8 A: Utility poles, yes, sir.

9 Q: Now, what did you do after receiving that incident
10 report?

11 A: I read the incident report. I spoke with Mr. Matthews,
12 gathered some -- a statement from him, gathered some pictures
13 from him that he had taken. Once I got his information, I did
14 call Ms. Glenda Singletary and speak with her on the phone.

15 Q: And Investigator Tilton, if I could interject just one
16 moment -- if I may approach, Your Honor. When you said you
17 got a statement and some pictures from Mr. Matthews, you were
18 referring to Channing Matthews?

19 A: That's correct.

20 Q: And I want to show you what's been marked State's 7, 8,
21 and 9 and ask if these are in fact the pictures you got from
22 Mr. Matthews?

23 A: State's Exhibit 7 was from Mr. Matthews, a picture of the
24 power pole cut at the bottom. State's Exhibit Number 8 was
25 provided by Mr. Matthews showing the utility pole along with

1 the electronic equipment on it and then State Exhibit Number 9
2 was provided to me from Mr. Matthews, showing where the lines
3 had been cut on the power pole.

4 Q: Okay. And you mentioned that you took a statement from
5 Mr. Matthews?

6 A: I did.

7 Q: In essence, what did he tell you happened out there on
8 May the 11th?

9 A: He told me he responded out there the first time in
10 reference to a power outage. When he got there, he observed
11 the damage to the pole, damage to the wires running to the
12 house, said that Mr. Singletary -- he didn't know his name at
13 the time, but he said the gentleman that was there that Ms.,
14 Ms. Glenda had told him was Clyde Singletary, her nephew --
15 had approached him and said that this was his land, he wanted
16 the poles off of his land or else he was gonna cut them down.
17 At which time, he decided to call law enforcement is when
18 Deputy Ussery responded and filed an initial police report.
19 He repaired what he could, he left, got another call to come
20 back. When he got back the second time, he noticed that the
21 pole had been cut with a chainsaw or with a -- with something.
22 And then he had also called law enforcement to meet him there
23 the second time to avoid a confrontation.

24 Q: And 1065 1/2 Rodman Road, that is in Florence County; is
25 it not?

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1 A: Yes, it is.

2 Q: Okay. After you got the statement from Mr. Matthews, you
3 mentioned that you spoke to Ms. Glenda Singletary?

4 A: I called her on the phone just to confirm who she was
5 talking about and she said her nephew, Clyde Singletary.

6 Q: And she was able -- was she able to corroborate any of
7 the information that Mr. Matthews had told you?

8 A: She did.

9 Q: Okay. After you spoke to Ms. Singletary, what, if
10 anything, did you do from an investigative standpoint?

11 A: I spoke with a magistrate and she issued the arrest
12 warrant for Mr. Singletary.

13 Q: Okay. And were you able to locate Mr. Matthews -- I
14 mean, Mr. Singletary rather?

15 A: Yes, I was.

16 Q: And was he served with the arrest warrant at that time?

17 A: He was.

18 MR. TUCKER: Okay. I believe those are all the questions
19 I have, Your Honor.

20 THE COURT: Cross examination, sir?

21 CROSS EXAMINATION OF ROGER WILLIAM TILTON BY MR. SINGLETARY:

22 Q: You was the one that originally wrote these charges up,
23 right?

24 A: Yes, sir.

25 Q: All right. This say destroy, damage electrical system

1 and telephone pole?

2 A: Uh-huh, (affirmative response).

3 Q: Could you explain damage and destroy electrical system?

4 A: Electricity provided from a pole to a house is an
5 electrical system.

6 Q: Let me ask you this, How can a pole provide electricity?

7 A pole can't carry electricity, all it can do is hold a wire.

8 A: I don't work for Santee Electric, I can't tell you how
9 the pole works. The pole attached to the electrical
10 equipment.

11 Q: Well, let me ask you this right here, How long you been
12 in law enforcement office?

13 A: Twenty-two years.

14 Q: Can you prove to the jury, you a law enforcement officer?

15 A: I have my credentials on me, yes, sir.

16 Q: You have your credentials on you; that's facts?

17 A: Yes.

18 Q: That ain't hearsay; that's facts?

19 A: That's correct.

20 Q: All right. That's something that we can go off of?

21 A: That's right.

22 Q: So, if you didn't had that, we couldn't go off you being
23 an investigator, could it?

24 A: I have witnesses that can testify that I went to the
25 Criminal Justice Academy ---

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ROGER WILLIAM TILTON - CROSS BY SINGLETARY

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1 Q: Well, you ---

2 A: --- and I worked with them.

3 THE COURT: Let him finish his answer.

4 Q: We talking about facts then; we ain't talking about
5 witnesses. A witness can say anything. Our forefathers
6 fought for freedom of speech, a man can say what he want to
7 say, but that don't prove that that person committed a crime.

8 A: Okay. What's your question?

9 Q: My question is, You say \$5,000 damage of property and
10 then the property sheet say a dollar in damage?

11 A: Well, the initial incident report, the deputy had no idea
12 how much it cost. I was provided with a receipt for \$1,798.94
13 at the time of the warrant. If something else costs more
14 after that, I don't have a copy of that receipt.

15 Q: And the law state anything \$2,000 or less is to be tried
16 in misdemeanor court?

17 MR. TUCKER: Objection ---

18 THE COURT: Hold on. Objection sustained.

19 BY MR. SINGLETARY:

20 Q: It's a magistrate charge anything less than \$2,000 ---

21 THE COURT: Hold on. Objection -- Mr. Singletary.
22 Objection sustained. Move on to your next question.

23 BY MR. SINGLETARY:

24 Q: All right. I'll move on. Where was you first employed
25 at when you was in law enforcement business?

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BY THE COURT

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1 A: Florence County Detention Center.

2 Q: Florence County Detention Center. Have you ever worked
3 for Lake City Police Department?

4 A: Fifteen years.

5 Q: Fifteen years. And was you forced to resign for slamming
6 a black boy on the arm breaking his shoulder?

7 MR. TUCKER: Objection, Your Honor?

8 THE COURT: Objection sustained.

9 MR. SINGLETARY: I got no further questions, Your Honor.

10 THE COURT: All right.

11 Any redirect?

12 MR. TUCKER: No redirect, Your Honor.

13 THE COURT: Sir, you may step down, thank you.

14 Any other -- next witness?

15 MR. TUCKER: And, Your Honor, at this time, the state
16 would rest.

17 BY THE COURT:

18 THE COURT: All right. All right, ladies and gentlemen,
19 the state has rested its case. There are some matters that we
20 need to take up outside of your presence. I told you I'd give
21 you a smoke break here shortly. I'm gonna let you go to
22 lunch. Be back here at 2:30, at 2:30.

23 Do not discuss the case. Do not do any independent
24 investigation on your own. As I told you, you're to decide
25 this case based solely upon the testimony and evidence in this

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1 courtroom and nowhere else. Thank you. I'll see you back at
2 2:30.

3 (REPORTER'S NOTE: Jury exits courtroom @ 12:22 P.M. The
4 following takes place outside the presence of the jury.)

5 THE COURT: All right. Anything further from the state
6 at this time?

7 MOTIONS:

8 MR. TUCKER: Your Honor, just one housekeeping matter.
9 With regards to that last question that Mr. Singletary
10 attempted to ask Investigator Tilton, I would simply ask that
11 the Judge issue an instruction to the jury that they are to
12 disregard that. There is no factual basis; it's irrelevant.
13 And, further admonish Mr. Singletary from bringing that up
14 should he do so if he testifies or during closing statement.

15 THE COURT: I'm sorry, Mr. Tucker, I was looking at
16 something else. Say that again.

17 MR. TUCKER: Your Honor, I would ask the Court to
18 instruct the jury to disregard that last question that Mr.
19 Singletary attempted to ask Mr. Tilton. It's improper, it's
20 irrelevant, and certainly there's no basis from him asking the
21 question. I would also ask the Court to admonish Mr.
22 Singletary for mentioning that again, if he chooses to
23 testify, either in his direct testimony or in closing remarks
24 he may make to the jury.

25 THE COURT: Mr. Singletary, anything in response?

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1 MR. SINGLETARY: I asked him for information revealing to
2 everybody that was testifying, asked for their background
3 record for everybody that was gonna be testifying on the stand
4 today. I was not given none of that information from the
5 prosecution.

6 THE COURT: What, what relevance is that in regards to
7 why we are here, Mr. Singletary?

8 MR. SINGLETARY: Because it was in my motion for motion
9 to discovery and inspect.

10 THE COURT: Well, just because you asked for it, doesn't
11 mean you're entitled to it now.

12 MR. SINGLETARY: Well, the law says ---

13 THE COURT: Why is that relevant, that's my question to
14 you?

15 MR. SINGLETARY: Why is that relevant?

16 THE COURT: Yes, sir.

17 MR. SINGLETARY: Because he's taking the stand. If I
18 take the stand, my background gonna be used against me.

19 THE COURT: Not necessarily. I mean, it's gonna be up to
20 me as to what they can ask you about. I don't know what your
21 record is. You know, what may be admissible and what may not
22 be. I mean, I haven't seen it.

23 MR. SINGLETARY: All right.

24 THE COURT: But certainly if you take the stand, that's
25 something I, as Trial Judge, I mean I got to look into it and

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1 look at it.

2 MR. SINGLETARY: What I'm saying it's called testimony
3 being entered without evidence in *Crawford vs. United States*
4 states that all evidence in state cases must be excluded from
5 testimony and can't be admissible in court. It's no good; you
6 can't rely on testimony coming from a police officer or
7 someone other than a police officer. Federal State Law 2,
8 17th Edition back this up.

9 THE COURT: I'm not exactly sure what you're arguing here
10 or what you're telling me.

11 MR. SINGLETARY: Because testimony being entered without
12 evidence.

13 THE COURT: Okay. And you're saying that's improper?

14 MR. SINGLETARY: I'm saying that's improper. I feel like
15 the whole testimony should not even be entered in court.
16 Ain't no one never produced no evidence.

17 THE COURT: Okay. Well, over your objection, what I
18 asked you about is in regards to the last question that you
19 asked of Investigator Tilton. I am inclined to, at the
20 request of the state to advise the jury of such and I'm gonna
21 do so when we reconvene.

22 Does defense have any motions at this time?

23 MR. SINGLETARY: I ask the case be dismissed on injust
24 [sic].

25 THE COURT: On what?

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1 MR. SINGLETARY: On injustice.

2 THE COURT: Okay.

3 MR. SINGLETARY: My, my indictment right here, 2016-GS-
4 21-01313 is a bogus indictment. It ain't been true-billed; it
5 ain't stamped. And the Fifth Amendment say, ain't no way it
6 can be brought the trial and be tried unless this case is
7 being indicted and true-billed before a Grand Jury and I have
8 the fake indictment right here.

9 THE COURT: All right. Well, I'm holding the -- as it
10 relates to the indictment, I'm holding the original
11 indictment, which has been true-billed for which you are on
12 trial here today. So, I am going to respectfully deny your
13 motion with regards to that.

14 And with regards to your request that the case be
15 dismissed based upon injustice, I'm gonna -- the Court is
16 going to view that as a motion for a directed verdict. Under
17 our rules, that's what the Court's gonna view it as, and
18 that's the way the Court is gonna rule upon it. The Court
19 would respectfully deny Defendant's motion for directed
20 verdict. At this stage, I believe the state has produced
21 sufficient evidence for the case to go to the jury. The Court
22 is not concerned with the weight, but the existence and
23 certainly believe that there is sufficient existence of
24 evidence for the case to go to the jury. And therefore, the
25 Court is required by law to submit the case to a jury in that

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1 situation and therefore, your request of dismissal or as the
2 Court views it a directed verdict, is respectfully denied.
3 Okay?

4 Now, what I'm gonna do at this time, Mr. Singletary, I'm
5 gone advise you of your rights. If you'll raise your right
6 hand to be sworn please, sir.

7 CLYDE DEVON SINGLETARY, HAVING BEEN
8 SWORN TESTIFIES AS FOLLOWS:

9 THE COURT: All right. You can put your hand down.
10 You're Clyde Devon Singletary?

11 MR. SINGLETARY: Yes, sir.

12 THE COURT: All right. We have at this time, reached the
13 stage where I'm going to advise you of your rights. I want
14 you to understand anything I say -- if you don't understand
15 anything I say, please let me know. Okay?

16 MR. SINGLETARY: Yes, sir.

17 THE COURT: I you want me to explain anything in more
18 detail, please let me know as well; do you understand that?

19 MR. SINGLETARY: Yes, sir.

20 THE COURT: All right. All right. We've now reached the
21 stage of the trial where you may present your defense. You
22 have the right, however, to claim the protections given to you
23 by the Fifth Amendment to the Constitution of the United
24 States, which states in part that no person, no person shall
25 be compelled in any case, in any criminal case, to be a

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1 witness against himself. This means that you cannot be
2 required to testify in this case. You have the right to
3 testify on your behalf; however, no one can make you testify.
4 This is a personal right and no one can waive this right
5 except you. If you decide to testify, you will be subject to
6 the same rules that govern other witnesses and you may be
7 examined and cross examined on any relevant issue in this
8 case. In addition, if you have any convictions involving
9 dishonesty or false statement or for crimes punishable by
10 imprisonment for more than a year and this Court determines
11 that the probative value of admitting that evidence outweighs
12 its prejudicial effect to you, the prosecutor will be able to
13 introduce your record to attack your credibility.

14 If you decide to testify, this decision on your part must
15 be freely, voluntarily and intelligently made with the
16 knowledge of the protections given to you by the Fifth
17 Amendment and the consequences of your decision to testify.

18 If you do not testify, if you decide not to testify, I
19 will instruct the jury that they cannot, that they cannot give
20 the fact that you did not testify any consideration whatsoever
21 and that there is to be absolutely no prejudice to you because
22 you did not testify.

23 Now, it is left entirely up to you whether or not you
24 testify. You may talk with your family, your friends, or
25 whoever else you want to talk to, but the final decision is

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CLYDE D. SINGLETARY - BY THE COURT

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1 left entirely up to you; do you understand that?

2 MR. SINGLETARY: Yes, sir.

3 THE COURT: Do you have any questions about what I have
4 explained to you?

5 MR. SINGLETARY: No, sir.

6 THE COURT: Do you wish to testify in the trial of your
7 case?

8 MR. SINGLETARY: No, sir.

9 THE COURT: Okay. All right. Well, what we're going to
10 do, since you've indicated that you do not wish to testify in
11 the trial of your case, we're gonna break for lunch. My law
12 clerk is now working on the charge, and I'm gonna simply, as
13 far as the offense for which we are here, I'm gonna charge on
14 the statute Section 16-11-740.

15 If you would, Emily, go make me a copy of this.

16 Do you have a copy of that statute, Mr. -- you probably
17 don't. That's what you're indicted for.

18 MR. SINGLETARY: On my warrant?

19 THE COURT: Sir?

20 MR. SINGLETARY: On my warrant?

21 THE COURT: No, sir. Go make a copy of that statute
22 for him, please.

23 I'm gonna give you a copy of the statute, the South
24 Carolina Statute under which you're being tried here today and
25 that statute -- I'm not gonna charge the entire statute

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MOTIONS

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1 because there's some provisions in there or some things in
2 there that don't apply and we'll address that when my clerk
3 gets back here, okay, with your copy.

4 MR. TUCKER: Your Honor, if I may, just from a
5 housekeeping standpoint. This is a little different since Mr.
6 Singletary is acting in his capacity as his own defense
7 lawyer, when the jury comes back, he will just formally for
8 the record state he's gonna rest and then kinda go from there?

9 THE COURT: Yes.

10 Do you understand that, Mr. Singletary?

11 MR. SINGLETARY: Yeah, I understand that.

12 May I make another motion?

13 THE COURT: Yes, sir.

14 MOTION:

15 MR. SINGLETARY: Motion for prosecutorial misconduct.

16 THE COURT: Based upon?

17 MR. SINGLETARY: Wait till I got to trial and evidence
18 was entered to me, when I filed a motion to have all of that
19 before trial.

20 THE COURT: Okay. All right. I somewhat heard that, I
21 guess, before we started, but I do not find that there's been
22 any intentional conduct on the part of the prosecution, nor do
23 I believe that there have been any prejudice to you. But,
24 your objection and your motion is noted for the record. Okay?

25 CHARGE CONFERENCE:

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CHARGE CONFERENCE

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1 MR. TUCKER: One question I have, Your Honor, with
2 regards to the jury instructions. Obviously malice is a
3 component of this particular statute. What definition with
4 regards to malice will you be using?

5 THE COURT: I'm not sure, Mr. Tucker. I haven't looked
6 at it yet.

7 MR. TUCKER: Okay. Just that's obviously gonna be a part
8 of my closing and I want to make sure I didn't misstate what
9 His Honor was gonna give the jury.

10 THE COURT: It seems like to me we can give -- the
11 typical malice charge could be tailored in a fashion that's,
12 you know, appropriate here.

13 The statute or actually the title of the statute is
14 Malicious Injury to Telegraph, Telephone, or Electric Utility
15 System. The statute simply says it's unlawful for a person,
16 without the consent of the owner, to willfully ---

17 MR. TUCKER: Yes, sir.

18 THE COURT: --- destroy, damage or in any way injure a
19 telegraph, telephone, or electric utility system, satellite
20 dish, or cable television system, including poles, cables,
21 wires, fixtures, antennas, amplifiers, or other apparatus
22 equipment or appliances. Obstruct, impede, or impair their
23 services or transmission. There's not a conspiracy here, so I
24 think the only -- that which needs to be charged are the first
25 two sections of that statute. I don't see that you

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1 necessarily need a malice charge in there.

2 MR. TUCKER: And I didn't know, Your Honor, since the
3 statute used the term, malice, if Your Honor had intended to
4 give a separate malice charge; if not, certainly I understand
5 the Court's ruling and I'm fine with that.

6 THE COURT: I mean, I don't think it's necessary for a
7 separate malice charge here because the statute, for instance
8 in murder, it says malice aforethought ---

9 MR. TUCKER: Yes, sir.

10 THE COURT: --- which necessitates the defining of
11 malice.

12 MR. TUCKER: Yes, sir.

13 THE COURT: But I don't think it's necessary here, so I'm
14 not gone charge any separate malice.

15 MR. TUCKER: Yes, sir. Good enough, Your Honor, that
16 certainly satisfies me.

17 THE COURT: Mr. Tucker, is there -- what about Section
18 16-11-750, is that a lessor included of 740?

19 MR. TUCKER: I certainly don't read it that way, Your
20 Honor. I certainly take 770 as a stand-alone statute.

21 THE COURT: 7 what?

22 MR. TUCKER: Hang on one second. 740, I'm sorry, 16-11-
23 740 is kind of a stand-alone statute with regards to this
24 matter.

25 THE COURT: All right. Anything else?

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1 MR. TUCKER: Nothing from the state, Your Honor.

2 THE COURT: Mr. Singletary, anything else?

3 MR. SINGLETARY: Nothing, Your Honor.

4 THE COURT: We'll stand down at this time. I want to
5 look at that statute a little bit closer.

6 MR. TUCKER: We're breaking for lunch, Your Honor?

7 THE COURT: Yeah, 2 o'clock. Be back at 2 o'clock.

8 MR. TUCKER: Yes, sir.

9 (RECESS - 12:42 P.M.)

10 *****OFF THE RECORD*****

11 (On the Record - 2:33 P.M.)

12 THE COURT: Thank you. Be seated please.

13 All right. Mr. Tucker, I am somewhat perplexed a little.
14 And I have a question for you. In looking at the statute
15 under which Mr. Singletary has been indicted here.

16 MR. TUCKER: Yes, sir.

17 THE COURT: And I asked before we broke about the Section
18 16-11-750; is that right?

19 MR. TUCKER: Yes, Your Honor.

20 THE COURT: The heading to 16-11-740 is entitled
21 malicious injury to telegraph, telephone, or electric utility
22 system.

23 MR. TUCKER: Yes, sir.

24 THE COURT: Okay. Now, certainly not an issue pertaining
25 to a telegraph, which is kinda outdated or a telephone, okay.

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1 So, we boil down to electric utility system?

2 MR. TUCKER: Yes, sir.

3 THE COURT: Okay. Now, the statute does not define what
4 an electric utility system is. We agree?

5 MR. TUCKER: I agree.

6 THE COURT: Now, in doing a little research of my own and
7 it's not -- it wasn't in Black's Dictionary, and there was no
8 definition of such in Black's Dictionary -- Law Dictionary.
9 So, you type it into a computer and you have all of these,
10 which y'all are welcome to come up here and look at these
11 images that come up on the computer ---

12 MR. TUCKER: Yes, sir.

13 THE COURT: --- about what an electric utility system is.
14 Those are just images of stuff.

15 MR. TUCKER: Yes, sir.

16 THE COURT: Okay.

17 MR. TUCKER: Here's one that I ---

18 THE COURT: Well ---

19 MR. SINGLETARY: That's a transformer.

20 THE COURT: There was testimony that he had to cut the
21 transformer off ---

22 MR. TUCKER: Yes, sir.

23 THE COURT: --- to be able to work on the line.

24 MR. TUCKER: And the transformer was attached to the
25 pole that he was trying to saw down.

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1 THE COURT: But there wasn't any damage to the
2 transformer.

3 MR. TUCKER: Correct, but the intent was there, malicious
4 intent was there.

5 THE COURT: Sit back down. I'll hear from you in a
6 second.

7 MR. TUCKER: They had to wind up replacing the pole and
8 clearly the statute indicates poles in addition to the
9 electronics.

10 THE COURT: Poles pertaining to telegraph, telephone, or
11 an electric utility system?

12 MR. TUCKER: Yes, sir.

13 THE COURT: Now, had he cut the pole with the transformer
14 on it, is there any difference -- you understand what I'm
15 saying?

16 MR. TUCKER: Yes, sir.

17 THE COURT: Now, you look at Section 16-11-750, yeah,
18 750, unlawful injury or interference with electrical lines.
19 Within that statute, it's unlawful for one to willfully and
20 wantonly, and without consent, to take down, remove, injure,
21 obstruct, displace, destroy -- some of the same terminology
22 and language in 740.

23 MR. TUCKER: Yes, sir.

24 THE COURT: --- any line erected or constructed for the
25 transmission of electrical current; is that not we have here?

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1 MR. TUCKER: Well, this is a little different, Your
2 Honor. I took a look at that statute. In looking at 740, the
3 malicious aspect of 740 is -- is -- again, I am focusing on
4 and also with regards to the electric utility system ---

5 THE COURT: Hold on a minute. Where within the body of
6 the statute does it say malicious? I mean, I get the title, I
7 get that and understand that, but -- but the -- there's
8 certainly case law out there that says you can't just rely on
9 the title.

10 MR. TUCKER: Yes, sir.

11 THE COURT: Okay. That you got to look to the body of
12 the statute, but there's nowhere in the statute that says
13 malicious, which would necessitate what I said before we broke
14 for lunch, you know, possibly the charge on malice.

15 MR. TUCKER: Yes, sir.

16 THE COURT: Okay? So, it's really, once you get into the
17 body of the two statutes, you know, the bottom line is, I
18 think, because 740 is a felony offense, which carries up to 10
19 years and you're dealing under 740 with lines of
20 communication, so to speak.

21 MR. TUCKER: Yes, sir.

22 THE COURT: It would affect more than one person for
23 instance. You know, your ability to communicate with somebody
24 via telegraph. Your ability to communicate via telephone, the
25 ability or the injuring or tearing up or destroying of a

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1 utility system, which affects a multitude of people; does that
2 make sense?

3 MR. TUCKER: Yes, sir.

4 THE COURT: And so, what I'm struggling with here is I
5 don't know that it is under 740 here based upon the testimony
6 I've heard.

7 MR. TUCKER: Yes, sir.

8 THE COURT: Help me out here.

9 MR. TUCKER: Yes, sir. We're talking about two separate
10 poles here and I read system to include a series or at least
11 more than one thing uniting for a common cause. And here we
12 had the initial call where the power pole that was adjacent to
13 Ms. Singletary's trailer, where Mr. Singletary had yanked the
14 power lines down and made some attempt to try to run that
15 power to his trailer. So, that was the basis for the first
16 call. Now, when they had to come back out, Mr. Singletary has
17 taken a chainsaw to the pole that's out closest to the road
18 that has the transformer on it. Now, that one could have very
19 well affect power to there and to other places as well.

20 THE COURT: But there's been no testimony about that.

21 MR. TUCKER: But they did argue or there was testimony
22 that there was a transformer affixed to that and, of course,
23 that this thing fed the power pole into Ms. Singletary's
24 trailer. So, again, we've got more -- and I read 750 more of
25 somebody stealing power; somebody taking power and running it

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CHARGE CONFERENCE

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1 into a trailer. But, 740 I think embraces what we've got here
2 which is a person taking a chainsaw ---

3 THE COURT: You just hold on a minute now. I mean, you
4 said you read 750 more as stealing power?

5 MR. TUCKER: Right.

6 THE COURT: Isn't that what he did? I mean, he unhooked
7 it and hooked it up -- that's stealing power.

8 MR. TUCKER: Well, in addition, Your Honor, once he was
9 caught and once the power company arrived and he wound up
10 snatching that away, he winds up taking a chainsaw to the
11 power pole that had the transformer on it. And so that's
12 where I think implicates 740. So, I think maybe I would argue
13 that perhaps maybe the jury have 750 as a lessor included and
14 let them decide, but I certainly think the state's met its
15 burden with regards to, again, because the electric utility
16 system, again, does have several meanings, but certainly one
17 is a transformer and the pole in which the transformer is
18 attached and lines run from the transformer to other places.

19 THE COURT: All right. Mr. Singletary?

20 MR. SINGLETARY: Your Honor, we have photos that was
21 allowed into evidence. If you look at those photos that was
22 allowed into evidence and the pole that was replaced and you
23 see there never was no transformer on that pole.

24 THE COURT: Let me see.

25 MR. SINGLETARY: The transformer, the pole that the

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CHARGE CONFERENCE

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1 transformer was on is on the outer limits by the ditch on the
2 road and ain't no problems with that. Also the ---

3 THE COURT: All right. What I'm gonna do is in looking
4 further at Section 16-11-750, as well as 740, I'm gonna charge
5 740 and 750. In looking at 750, it's unlawful for any person
6 within the state to willfully and wantonly, without consent,
7 take down, remove, injure, obstruct, displace, or destroy, and
8 it goes any line erected or constructed for the transmission
9 of electrical current, and it says any poles, towers, wires,
10 conduits, cables, insulators, or support, which I'm reading
11 the statute of which are each in some capacity for the purpose
12 of transmitting electrical current. The picture in State's
13 Exhibit 8 and 9 are outside of the lines. There's been
14 testimony about the lines. There's been testimony concerning
15 State's Exhibit 8 and State's Exhibit 9, which are beyond
16 simply the line that was erected for the transmission of
17 electrical current. It's beyond any poles, towers, wires,
18 conduits, cables, insulators, or support for the transmission
19 of electrical current. So, I'm gonna -- I'm gonna charge both
20 of them.

21 Mr. Singletary?

22 MR. SINGLETARY: Yes, sir, Your Honor.

23 THE COURT: Anything you want to say?

24 MR. SINGLETARY: No, sir, Your Honor.

25 THE COURT: Okay. Sir, you may be seated. Okay?

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BY THE COURT

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1 All right. I'm gonna stand down while I finish this
2 charge here and I'll be back in a few minutes. All right?

3 MR. TUCKER: Thank you.

4 (RECESS - 2:22 P.M.)

5 *****OFF THE RECORD*****

6 (On the Record - 2:33 P.M.)

7 THE COURT: All right. I have changed my thoughts on
8 this. Looking at the statute -- statutes again and looking at
9 what is the determining factor of a lessor included offense,
10 under *State v. McFadden*, 342 S.C. 629 and *State v. Bland*, 318
11 S.C. 315, the test for determining when a crime is a lessor
12 included offense of the crime charged is whether the greater
13 of the two offenses, which in this case would be 16-11-740,
14 does the greater of the two offenses include all the elements
15 of the lessor included offense. In this case, it does not.
16 It does not include, the greater does not include the elements
17 of the lessor, and so I am not -- I'm gonna charge 16-11-740.
18 I believe that's what I'm obligated to do under the law and so
19 that's what I'm gonna charge.

20 BY THE COURT:

21 THE COURT: Anything else before I bring the jury out,
22 Mr. Tucker?

23 MR. TUCKER: No, Your Honor.

24 THE COURT: Mr. Singletary?

25 MR. SINGLETARY: Yes, Your Honor. I was asking to

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BY THE COURT

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1 challenge the validity of this indictment but I never was
2 given that opportunity.

3 THE COURT: I've given you that opportunity at the very
4 beginning of this case, any motions that you may have, may
5 have had and, I mean, it wasn't done so then. But even though
6 you're waiting at this late stage, I do believe that the
7 indictment is sufficient. The indictment is required to
8 advise you of the charge that you face and the potential
9 penalty for the Court to impose if you are convicted of such.
10 But your objection to that --, I'm gonna allow you to make the
11 objection, I've ruled on it, and if I'm wrong, it's noted for
12 the record. Okay?

13 MR. SINGLETARY: All right. I had filed the motion
14 through the Clerk of Court that would give the prosecutor
15 enough time to prepare this for me.

16 THE COURT: I'm sorry, what was that?

17 MR. SINGLETARY: I had filed it through the Clerk of
18 Court, Delores [sic] Poulos O'Hara asking to challenge my
19 indictment because I felt like the prosecutor was doing
20 something funny in my case.

21 THE COURT: Okay. Well, I've allowed you -- I'll allow
22 you to put on the record anything you want to concerning that
23 issue, but I've ruled on the sufficiency of the indictment
24 issue. Okay?

25 Now, the order in which we'll go here because the defense

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BY THE COURT

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1 -- do you have any witnesses you gone put up, Mr. Singletary?

2 MR. SINGLETARY: Taking the stand right there?

3 THE COURT: Yes, sir.

4 MR. SINGLETARY: No, I ain't putting up none.

5 THE COURT: And you've told me you're not gonna testify;
6 is that right?

7 MR. SINGLETARY: I'm not gonna testify.

8 THE COURT: Okay. Well, when the jury comes out, I'm
9 gone say, Mr. Singletary, you're recognized. I'm gonna
10 recognize you. And at that point, under the rules, I want you
11 to tell me that you're resting your case.

12 MR. SINGLETARY: All right. Yes, sir.

13 THE COURT: Okay. And once -- and also I want you to say
14 or if you don't say it, I'll help you along with it here, that
15 you're renewing all your prior motions and objections. Okay?

16 MR. SINGLETARY: All right.

17 THE COURT: And I'll address that issue and then we'll
18 move right into closing arguments in this case. Mr. Tucker
19 will go first and because you're not putting up any evidence,
20 you have the last argument here.

21 MR. SINGLETARY: Yes, sir.

22 THE COURT: Okay. I'll remind each of you that your
23 arguments are confined to the evidence in the record and the
24 reasonable inferences to be drawn from them. Okay?

25 Anything further from the state before I bring the jury

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BY THE COURT

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1 out?

2 MR. TUCKER: And, Your Honor, just out of an abundance of
3 precaution so I don't step over the line here with regards to
4 that. In light of or going back to your previous ruling with
5 regards to which offenses you're charging, you're charging 15-
6 11-750 the lessor included, the one-year statute?

7 THE COURT: I'm not charging that. That's what I said.
8 I don't think that under the law, the law requires that the
9 greater offense include all the elements of the lessor and it
10 doesn't.

11 MR. TUCKER: Yes, sir.

12 THE COURT: It just doesn't.

13 MR. TUCKER: And I just wanted to make sure I'm clear on
14 that. The jury is only gonna see or the only thing submitted
15 will be 16-11-740, which is the more serious?

16 THE COURT: Correct.

17 MR. TUCKER: Okay. Nothing else, Your Honor.

18 THE COURT: Is it still the state's desire that I give
19 the jury some instruction concerning the question to Mr.
20 Tilton?

21 MR. TUCKER: Your Honor, if Mr. Singletary can assure the
22 Court he's not gonna bring that up again, then certainly I'm
23 good with just leaving it as it is, but I just want some
24 assurances from him that he's gonna bring that up during
25 closing.

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BY THE COURT

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1 THE COURT: Mr. Singletary?

2 MR. SINGLETARY: No, sir, Your Honor, I'm not gonna bring
3 that up in closing.

4 THE COURT: all right. We'll leave at that. If you do
5 bring that up, it's improper, all right, and I'll have to
6 address -- have to deal with it if you do; do you understand?

7 MR. SINGLETARY: Yes, Your Honor.

8 THE COURT: Okay. Thank you, sir.

9 All right. If you'll bring me the jury please, ma'am.

10 BAILIFF: Yes, sir.

11 (REPORTER'S NOTE: Jury enters courtroom @ 2:39 P.M.)

12 THE COURT: All right, ladies and gentlemen, I hope you
13 all had a nice lunch and are ready to proceed. Prior to you
14 -- to us breaking for lunch, the state rested its case.

15 At this time, Mr. Singletary, you are so recognized?

16 Hold on a minute. Hold on a minute.

17 Can y'all approach for a minute, please?

18 MR. TUCKER: Yes, sir.

19 (REPORTER'S NOTE: Sidebar conference is held on the record in
20 the presence of but outside the hearing of the jury.)

21 THE COURT: At this stage, all you need to do is rest
22 your rest your case. Say, I rest my case. And then I'll
23 instruct them on a couple of things. And then he'll go first
24 and then you'll ---

25 MR. SINGLETARY: Yes, sir.

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CLOSING BY TUCKER

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1 THE COURT: Okay?

2 MR. SINGLETARY: All right.

3 (REPORTER'S NOTE: End of sidebar.)

4 THE COURT: All right, Mr. Singletary, you're recognized.

5 MR. SINGLETARY: I rest my case.

6 THE COURT: Okay. All right, ladies and gentlemen, you
7 have heard all the testimony and evidence that you're going to
8 hear in this case. That which remains is closing arguments by
9 the parties and then my charge on the law to you. Before we
10 do that, I'll remind you, closing arguments are not evidence
11 in this case. All right?

12 Having said that, with Mr. Singletary, with you resting,
13 for the record, all of his prior objections and motions are
14 noted again for the record. The Court's rulings as to each
15 remain the same, but those objections and motions are noted
16 for the record again. Okay?

17 Ladies and gentlemen, the order of this will be Mr.
18 Tucker will go first in closing arguments and Mr. Singletary
19 will go next or last so to speak, and then I'm gonna give you
20 the charge on the law. Okay?

21 Mr. Tucker, you are so recognized.

22 CLOSING BY TUCKER:

23 MR. TUCKER: There's no place like home unless you live
24 next to a guy like Clyde Singletary. This is a case about
25 living next to danger. This is a case about living next to

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CLOSING BY TUCKER

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1 unpredictability and, sadly, unfortunately, this is a case
2 about living next to a person with a bad attitude and a
3 chainsaw. I told you that this morning and the evidence has
4 borne that out at every turn. And despite what Mr. Singletary
5 may tell you, evidence is or testimony is evidence. What you
6 heard from the seat as His Honor will instruct you, is
7 evidence.

8 Now, when going to back to what you heard and what you
9 saw, we need to be concerned about the statute that Mr.
10 Singletary is charged under, 16-11-740, malicious injury to a
11 utility system. It is unlawful for a person, without the
12 consent of the owner, to willfully, destroy, damage, or any
13 way injure a telegraph, electric utility system, satellite
14 dish, or cable television system including poles, cable wires,
15 fixtures, antennas, amplifiers, or other apparatus, equipment
16 or appliances, or obstruct, impede, or impair those services
17 or transmissions. Now, folks, this may not be the crime of
18 the century, but it is a crime. Now, it may not be the most
19 important crime when you stack it up against murder, rape,
20 armed robbery, but it is still an important matter. It's
21 important to Glenda Singletary. It was important to Channing
22 Matthews, who had to go out and work in that aftermath of what
23 Mr. Singletary did, and it's important to Mr. Singletary.
24 He's on trial here for it. Again, it's not the crime of the
25 century, but it is a crime.

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CLOSING BY TUCKER

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1 Now, when we talk about the definition and what he's on
2 trial for and what the state has proved, it's unlawful for a
3 person without the consent of the owner. Now, we heard from
4 Ms. Glenda Singletary to begin with. Now, I submit it took
5 great courage for her to come in here and testify against a
6 family member. But what did she tell you on the stand? She
7 told you, she left to go to church on May the 11th, 2016, and
8 when she returned she could already tell there were problems.
9 There was a wire leading from where she normally gets her
10 power from that pole and you'll see the pictures, but there
11 was a wire going back to where Mr. Singletary was staying.
12 There was no power there previously. It was kind of abandoned
13 and then all of a sudden there are lights on and she saw smoke
14 when she turned in, and she called the electric company, just
15 like anybody would.

16 Now, when the electric company gets there, they start to
17 inspect. And then it's at that point, that Mr. Singletary
18 yanks the wire out and it's at that point that Mr. Matthews
19 tried to make repairs and Mr. Singletary left. Now, Mr.
20 Singletary, when he was talking to Ms. Singletary and Mr.
21 Matthews, he went on and on about who owns the property, who
22 owns the property. Well, it's the owner -- without the
23 consent of the owner. I submit that the pole belongs to Ms.
24 Glenda Singletary and Santee Power Coop. Because you heard
25 him testify, the pole itself is the one that they replaced.

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1 They own it, they maintain it, and they service it, which is
2 what they did on that night. And of course again, the power
3 line that goes from that pole to Ms. Glenda Singletary's
4 trailer, she has an interest in it as well. She pays the
5 power bill as she testified to. So, Clyde certainly did not
6 have consent of the owner, either Ms. Glenda Singletary or
7 Channing Matthew and Santee Cooper, or Santee Electric. So we
8 know that element is met; he did not have any consent of the
9 owner.

10 Now, he went to great lengths talking to Glenda
11 Singletary about who owns the property. Well, Ms. Singletary
12 told him, and even though Mr. Singletary was asking her rather
13 heatedly, who owns the property? She pays the taxes on that
14 property. She has a sister that sends her money to help pay
15 for the taxes on that property, not Mr. Clyde Singletary.
16 Glenda Singletary owns the property. Her sister owns the
17 property. They're the ones that pay taxes there, not Clyde
18 Singletary. And if Mr. Singletary was so in the right, and if
19 you thought that he was in the right that night, why did he
20 run into the woods two times when law enforcement showed up.
21 That's not somebody -- that's not the actions of somebody who
22 thinks they're in the right; that's somebody who knows they've
23 done wrong and want to get out of Dodge before the cops show
24 up.

25 Now, when we talk about destroying, damaging, or in any

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1 way injuring telegraph, electric utility system. Now, folks,
2 it doesn't get more intentional, it doesn't get more wanton,
3 it doesn't get more malicious than a man that takes a chainsaw
4 to a pole. A man with a bad attitude and a chainsaw.

5 Now, again the electric utility system, you head Channing
6 Matthews, when he got on the stand, he testified that he had
7 to cut off the transformer, he had to get lines, he was
8 actually admonishing Mr. Singletary, hey, you're gonna kill
9 yourself. I mean, he had a live electric line laying down
10 based on his actions. And so we know that in that case, he
11 had a live power line. He also on the second time that the
12 came back, Mr. Singletary had already fired up the chainsaw
13 and had actually cut into that power pole that Santee Electric
14 had to bear the expense of and that they had to replace and
15 thank God, that the thing didn't fall over. Noe, he said that
16 they were guide wires and he felt pretty sure it wouldn't, but
17 what if a strong wind had come up? I mean, it certainly, Ms.
18 Glenda Singletary didn't rest, as she told you, she'd didn't
19 rest to well with that thing in the shape that it was. But
20 again, these are items that were maintained and owned by
21 Santee Electric and Glenda Singletary, not Clyde Singletary.
22 Now again, with the power pole, they had to come out and
23 replace it, and you saw pictures of the new one. Again, he
24 told you that they cost between 1800, 1700 and \$1800, but as
25 you will see, the statute doesn't have any reference to how

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1 much the dollar amount is before one is prosecuted up under
2 it. It's one of this situations where, you know, if you do
3 it, you meet the elements, you can be charged and prosecuted
4 for it regardless of dollar amount and that's what this
5 statute says.

6 Now, when we go to what Channing Matthews said on the
7 stand, when he was talking about when he first pulled up, he
8 walked up and said I was as close to him as 40 feet. Yeah,
9 that's him. He identified him in court; that's the guy I saw
10 out there that night and that's the guy that told me in his
11 own words, get those power poles off my property or I'll chop
12 them down. Now, again, in exactly as soon as he cleared the
13 scene and he went back home, he said he'd been home 15 minutes
14 and got another call to come right back because Clyde had
15 apparently tried to make good on his word. He took a chainsaw
16 to that pole. A man with a chainsaw.

17 Now, again, this is the power pole. You will see the
18 transformer, all the other items that are attached to it, the
19 lines that go back and you'll see the other photos as well.
20 This is an electric utility system. This one fed to the other
21 pole and, like Mr. Matthews said, when he had to go out and
22 replace it, they had to turn everything off and even when they
23 made the repairs the first time they were there. So again,
24 Mr. Singletary tried on several occasions, there with the pole
25 and then pulling the wires down when they first went.

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1 Now, cables, wires, fixtures, antennas, amplifiers, or
2 other apparatus equipment or appliances, again, Mr. Matthews
3 testified that he had to replace 60 feet of wire based on what
4 Mr. Singletary did the first time that he tried to run power
5 from that pole to his abandoned trailer. So, again, we not
6 only have damage to the power line at the initial call, but we
7 also have damage to the power pole that he tried to saw down
8 when they had to come back out that second time. So, he tried
9 to obstruct, impede, or impair these services or transmission.
10 I would submit he has satisfied both of those parts of the
11 statute because, again, what he did obstructed, impeded, the
12 services and transmission to the extent that Ms. Singletary
13 had to call Santee Electric out there, not once, but twice.

14 Now, again, there's no place like home. There really
15 isn't. It's a place of safety. It's a place of tranquility.
16 It's a place of serenity unless you live next door to somebody
17 like Clyde Singletary. Now, again, it isn't the crime of the
18 century, but, folks, it is a crime.

19 Now, after you've heard everything, I want you to take
20 what you heard from the witness stand from Glenda Singletary,
21 from Channing Matthews, from Deputy Ussery, and from Roger
22 Tilton, who said that they talked to the witnesses and they
23 verified everything again through them exactly what happened
24 out there. Clyde even told them he was gonna cut the power
25 pole down and that's what he tried to do. So, folks, what I'm

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1 asking you to do is find this man guilty. Give Glenda
2 Singletary a peace of mind and give her some peace and quiet
3 finally. Let her enjoy her home because I said, there's no
4 place like home.

5 THE COURT: All right, Mr. Singletary, you're recognized
6 for closing arguments, sir.

7 CLOSING BY SINGLETARY:

8 MR. SINGLETARY: I'm asking y'all jurors today, my fate
9 lies in y'all hands. I'm gonna talk about Law and Order. I'm
10 pretty sure y'all familiar with Law and Order. Not nary piece
11 of evidence in this courtroom. They say I destroyed a pole.
12 They say I cut a light wire. I ain't never seen a light wire
13 came in this courtroom as evidence to show that something had
14 took place and committed a crime. And here again, they say my
15 aunt say that I cut in a pole, I destroyed an electricity
16 wire. Well, here again, when you listen to what my aunt say,
17 I want you to also take in mind that this is testimony; this
18 is hearsay, this is not evidence. This is somebody saying
19 something about somebody. Anybody can say something to get
20 somebody jammed up in something. There never was no evidence
21 produced in this case. I also want y'all to understand that
22 when you got somebody and you fixing to rule on him in favor
23 or against him, you gonna want to make the right decision in
24 life because if you make the wrong decision in life, you
25 sending a man to jail. So, that's why I picked the jurors,

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1 because I wanted a fair chance at life. And so that's why I'm
2 here today producing my case before y'all and you listened to
3 my aunt speak and she say, the power lines had fell on down,
4 but this is not evidence; this is only testimony. She said
5 the wind could've blowed it down. You also listened to the
6 testimony that she say that she moved in her brother house
7 that was out there. You also heard her state that her trailer
8 burnt down. And when you can put two and two together, common
9 sense will get you further than book smarts when you using
10 your sense, you would understand that she didn't have a place
11 and got a place to stay. And when you got all odds against
12 you, you try to put other people down, and you listen, you
13 also hear her say that that place out there, what was built,
14 that was my shack I lived in, and I moved in my sister
15 trailer. So that's two points against me for two places to
16 stay. But also like I say again, if she say there's a power
17 line that laid down. There's never no proof of no power being
18 hooked up to no trailer. There's never no proof, there was
19 never no pictures of me cutting the power line. There's never
20 been no pictures of me cutting a chain -- taking a chainsaw
21 and cutting a chain pole. So, what I ask y'all, I ask y'all
22 to make the right decision and make the proper decision and
23 when y'all traveling home today, I want y'all to look at those
24 light poles and y'all will see that Santee Electric S.C. have
25 a six-digit number of their light pole. And if y'all need to,

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1 y'all can look at the pictures again. There's no numbers on
2 no pictures of no light pole out there on that property. When
3 you have personal property, personal property is yours, and
4 when you got property, your property can't testify against
5 you. And if any of y'all got a house, any of y'all got land,
6 can y'all land come in here and testify against you. The
7 officers, Mr. Prosecutor had his chance to have the
8 electricity man bring the 60 foot power wire in here to
9 evidence to produce it, to have some type of evidence. They
10 didn't produce no evidence. All they did was produce some
11 pictures. Anybody can doctor a picture up to be what you what
12 it to be. That's what with the world now, they take
13 technology over for they new dictatorship. And we was better
14 off in the old, relying on the old, but we're living in the
15 future now trying to depend on the future. We can't depend on
16 the future like that because technology what got the world in
17 a bad place that it is now. So, that's why I come to y'all
18 and ask for y'all to make the right decision in this here and
19 I ask for y'all to move in my favor. I rest.

20 THE COURT: Thank you, Mr. Singletary.

21 CHARGE TO JURY:

22 THE COURT: Ladies and gentlemen, ordinarily, at some
23 point, when I give you a break, I asked you to select a
24 foreperson. I hadn't done that yet. What I'm gonna do, Mr.
25 Thomas, where are you? Mr. Thomas? You were the first juror

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1 picked in this case, so I'm gonna appoint you, Mr. Thomas, as
2 the foreperson of this jury. Okay? So you'll be the one and
3 I'll give you some further instruction at the conclusion of my
4 charge to you, but you'll be the foreperson. You'll be the
5 one to sign the verdict form, et cetera, and when y'all come
6 back out, you'll sit where this young lady is closest to me on
7 the front row in the end. Okay?

8 JUROR 138: Yes, sir.

9 THE COURT: All right. It is now my duty as the trial
10 judge under the Constitution of this state to charge and
11 instruct you on the law applicable to this case. It is your
12 duty as jurors to accept and apply the law as I will now state
13 it to you.

14 Furthermore, it is your duty, your exclusive duty to
15 decide all the issues of fact in this case and to determine
16 the effect, value, and weight of the evidence. Both the state
17 and the defendant have a right to expect that you will
18 carefully consider and evaluate the evidence and apply the law
19 of the case to it so that in the end, both the State of South
20 Carolina and the defendant will receive a fair and impartial
21 trial.

22 I want you to understand that when I use the word
23 defendant, I refer to Mr. Clyde Devon Singletary.

24 Furthermore, the charge alleged in the indictment is
25 malicious injury to telegraph, telephone, or electric utility

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1 system. To this charge, the defendant has entered a plea of
2 not guilty. This plea of not guilty places the burden of
3 proof on the State of South Carolina to prove the guilt of the
4 defendant to you, ladies and gentlemen, beyond a reasonable
5 doubt.

6 Now, during this trial, ladies and gentlemen, you and I
7 have had separate duties. As the trial judge, it is my
8 responsibility to preside over this trial and I also have the
9 duty to rule upon the admissibility of the evidence offered
10 during the process of this trial. In that regard, you are
11 only to consider the competent evidence before you and you are
12 to disregard from your mind any testimony ordered stricken
13 from the record of the case during the progress of the trial,
14 if there was any. And you are to consider only the testimony
15 which has been presented from this witness stand together with
16 any exhibits admitted into the record of this case and any
17 stipulations of counsel made into the record, if there were
18 any.

19 Furthermore, I have the additional duty to charge you on
20 the applicable law of this case and in that regard I am the
21 sole and exclusive judge of the law. It is your duty to
22 accept and apply the law as I state it to you. If you have
23 any preconceived ideas as to what the law is or what the law
24 ought to be and it does not agree with what I tell you the law
25 is, you are obligated, under your oath, to abandon these

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1 preconceptions because you are sworn to accept the law
2 precisely as I state it to you.

3 Now, as I told you, you and I, ladies and gentlemen, have
4 separate duties. Your duty, your duty is that of sole and
5 exclusive finders of the fact. You, ladies and gentlemen, are
6 the exclusive judge of the facts; and I, as I told you a
7 minute ago, I'm the judge of the law. Do not infer that I
8 have an opinion about the facts of this case from anything
9 that I've said during the course of this trial in ruling upon
10 the admissibility of evidence, or otherwise, or from anything
11 that I say during the course of this charge to you. In that
12 regard, the law simply does not permit me to have an opinion
13 about the facts. As jurors, it is your duty alone to
14 determine the effect, value, and weight of the evidence
15 presented during the course of this trial.

16 Now, in determining what the facts in this case are, you
17 must judge the credibility which simply means the
18 believability of the witnesses and the value of weight to be
19 given to their testimony. You, alone, must decide the force,
20 effect, and effect of the testimony. In making this decision,
21 there are many things that you may take into consideration
22 such as the appearance and manner of the witness on the stand,
23 a characteristic often referred to as the demeanor of the
24 witness. Was the witness forthright or hesitant? Was the
25 witness' testimony consistent or did it contain discrepancies?

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1 What was the ability of the witness to know the facts about
2 which he or she testified? Did the witness have a cause or
3 reason to be biased and prejudiced in favor of the testimony
4 he or she gave? Was the testimony of the witness corroborated
5 or made stronger by other testimony and evidence or was it
6 made weaker or impeached by such other testimony and evidence?

7 As jurors, please understand that you have the right to
8 believe a small portion of a witnesses' testimony and discard
9 the larger portion or vice versa. You may believe all of a
10 witness' testimony or none. You may believe the testimony of
11 a single witness against that of many witnesses or the other
12 way around. In exercising your mental processes and
13 attempting to decide the verdict, the law simply requires that
14 you exercise your good judgment, your common sense, your sense
15 of logic and reason, and your experiences in life. You then
16 apply these attributes to the evidence and apply the law as I
17 state it to you and thus arrive at a verdict.

18 Now, ladies and gentlemen, I tell you that the fact that
19 the defendant was arrested, charged, and indicted in this case
20 is not evidence in this case and it cannot be considered by
21 you as evidence of guilt in this case. Nor does it create any
22 presumption or inference of guilt. The indictment, as I have
23 told you from the outset, is simply the formal written
24 instrument, which contains the charge made against the
25 defendant. It is the formal document by which this case is

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1 brought into this court.

2 It is vitally important, ladies and gentlemen, that you
3 understand that the defendant is presumed under the law to be
4 innocent of the charge against him. The defendant has no
5 obligation to prove his innocence. It is a fundamental rule
6 of our law that a defendant, irrespective of the seriousness
7 of the charge against him, is always presumed innocent of the
8 crime for which he is charged unless and until his guilt has
9 been proven by evidence that satisfies you, the jury, beyond a
10 reasonable doubt. The presumption of innocence is not a mere
11 legal theory or a legal phrase. The presumption of innocence
12 is very important and you need to understand that this
13 presumption accompanies the defendant from the time of his
14 arrest and appearance in this court and continues with the
15 defendant even after you retire to the jury room to
16 deliberate. In other words, the defendant receives the
17 benefit of the presumption of innocence until the very end of
18 this trial when you, the jury, will deliberate upon the
19 evidence and decide whether the state has proven his guilt
20 beyond a reasonable doubt.

21 Now, what is a reasonable doubt in the law? A reasonable
22 doubt is the kind of doubt that would cause a reasonable
23 person to hesitate to act. Proof beyond a reasonable doubt is
24 proof that leaves you firmly convinced of the defendant's
25 guilt. Now, there are very few things in this world that we

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1 know with absolute certainty, so even in criminal cases, the
2 law does not require proof that overcomes every possible
3 doubt. If based on your consideration of the evidence, you
4 are firmly convinced that the defendant is guilty of the crime
5 charged, you must find him guilty. If on the other hand, you
6 think there is a real possibility that he is not guilty, you
7 must give him the benefit of the doubt and find him not
8 guilty. Please understand that reasonable doubt may arise
9 from evidence which has been presented in the case or from the
10 lack of the evidence presented in the case. It is your
11 responsibility to determine whether or not reasonable doubt
12 exists as to the guilt of the defendant. I charge you that
13 the defendant is entitled to every reasonable doubt arising in
14 the whole case. If upon any issue of fact essential to
15 conviction and a verdict of guilty, you have a reasonable
16 doubt as to how that issue should be resolved, it would be
17 your duty to resolve that doubt in favor of the defendant.

18 Thus, it is important to understand again that the
19 defendant is not required to prove his innocence. Instead,
20 the state is required by law to prove every essential element
21 of the offense charged against the defendant by evidence which
22 satisfies you, the jury, beyond a reasonable doubt. Only then
23 can you convict the defendant and find him guilty.

24 Now, there are two types of evidence, ladies and
25 gentlemen, which are generally presented during a trial;

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1 direct evidence and circumstantial evidence. Direct evidence
2 directly proves the existence of a fact and does not require
3 deduction. Circumstantial evidence is proof of a chain of
4 facts and circumstances indicating the existence of a fact.
5 Crimes may be proven by circumstantial evidence. The law
6 makes absolutely no distinction between the weight or value to
7 be given to either direct or circumstantial evidence.
8 However, to the extent the state relies on circumstantial
9 evidence, all of the circumstances must be consistent with
10 each other and when taken together, point conclusively to the
11 guilt of the accused beyond a reasonable doubt. If these
12 circumstances merely portray the defendant's behavior as
13 suspicious, the proof has failed. The state has the burden of
14 proving the defendant guilty beyond a reasonable doubt. This
15 burden rests with the state regardless of whether the state
16 relies on direct evidence, circumstantial evidence, or a
17 combination of the two.

18 Now, in order, ladies and gentlemen, to establish
19 criminal liability, criminal intent is required. For example,
20 the mental state required to be proven by the state for a
21 particular crime might be purpose, intent, knowledge,
22 recklessness, or criminal negligence. Criminal intent must be
23 proven by the state beyond a reasonable doubt. Criminal
24 intent is always a matter that must be determined by the jury
25 from the circumstances surrounding the situation. There is no

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1 way, ladies and gentlemen, to prove intent to a mathematical
2 certainty. There is no way that medical science can dissect a
3 person's brain and determine what the person had in mind. So,
4 the law says that criminal intent may be inferred from the
5 circumstances shown to have existed. This is how you make a
6 determination of whether or not the element requiring intent
7 was present. It is not necessary to establish intent by
8 direct and positive evidence, but intent may be established by
9 inference in the same way as any other fact, by taking into
10 consideration the acts of the parties and all the facts and
11 circumstances of the case. Criminal intent is a mental state,
12 a conscious wrongdoing. It is up to you to determine what the
13 defendant intended to do based on the circumstances shown to
14 have existed. Criminal intent can arise from action or a
15 failure to act. It may arise from negligence, recklessness,
16 or an indifference to duty or to consequences; that is
17 considered by the law to be equivalent of criminal intent.

18 Now, ladies and gentlemen, the defendant in this case
19 chose not to testify. I instruct you and I emphasize to you
20 that the fact that the defendant did not testify is not, is
21 not a factor to be considered by you in any way in your
22 deliberation and in your consideration on the question of the
23 guilt or innocence of the defendant. It must not be
24 considered by you in any manner whatsoever. A defendant has
25 the constitutional right to remain silent and the assertion of

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1 this right must not be considered by you in your
2 deliberations. I repeat, under your oath, you are to draw no
3 conclusion whatsoever from the fact that the defendant in this
4 case did not testify. The fact that this defendant did not
5 testify should not even be discussed in the jury room. The
6 burden of proof, as I have said, is on the state, not the
7 defendant. The defendant is not required to prove his
8 innocence. The burden of proof remains on the state to prove
9 guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, the defendant has been charged
11 with malicious injury to telegraph, telephone, or electric
12 utility system. The state, the state must prove beyond a
13 reasonable doubt that the defendant, without the consent of
14 the owner, did willfully destroy, damage, or in any way injure
15 a telegraph, telephone, electric utility system, satellite
16 dish, or cable television system including poles, cables,
17 wires, fixtures, antennas, amplifiers, or other apparatus,
18 equipment, or appliances, or obstructed, impede, or impaired
19 their service or transmission.

20 Now, ladies and gentlemen, I am now drawing near the end
21 of my charge and I want you to understand that you are not
22 partisans or advocates for the State of South Carolina or for
23 the defendant. It is your duty to determine the facts and
24 then take the law, which has been given to you by this Court,
25 and thus arrive at a verdict. Once you retire to the jury

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1 room, the bailiff will give the verdict form to the foreman.
2 When you, the jury, arrive at a verdict as to the offense
3 charged in this case, the foreman will indicate the verdict on
4 the verdict form. If the state has failed to prove the guilt
5 of the defendant beyond a reasonable doubt, you will indicate
6 your verdict by placing an X beside not guilty. Likewise, if
7 the state has proven the guilt of the defendant beyond a
8 reasonable doubt, your verdict will be an X beside guilty.
9 Once a decision has been made, you, Mr. Foreman, will indicate
10 the verdict of the jury. The verdict, ladies and gentlemen,
11 that you render in this case, must be the verdict of each and
12 every juror. It must be your unanimous verdict. All 12 of
13 you must agree on the verdict that you authorize the foreman
14 to write for the jury.

15 Now, ladies and gentlemen, I want you to further
16 understand that the order in which the choices of verdict
17 appear on the verdict form are not suggestive of any verdict
18 on the part of the Court. The verdict in this case is to be
19 determined by you, the jury, not the Court. Furthermore,
20 please understand that even though I will give the verdict
21 form to the foreman, it is not his verdict alone; it is the
22 verdict of all 12 of you. And, I emphasize again that it must
23 be unanimous.

24 I am also going to give you all a copy of these
25 instructions in written form. During your deliberations, you

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1 may refer to the instructions to guide your decision making.
2 You must consider the instructions as a whole and not follow
3 some and ignore others.

4 At the conclusion or when you all have reached a verdict,
5 Mr. Foreman, if you'll return the copy of the instructions
6 that I am giving you all. Please return those to the Court.

7 Now, I am going to ask you all to retire to the jury
8 room, but before I do, anyone -- everyone on the jury feeling
9 okay; anyone not feeling well?

10 Okay. I'm gonna ask that you step to the jury room for
11 just a minute, but do not, do not begin your deliberations
12 until you're instructed to do so. The law requires that I
13 consult with the parties to make sure that I have not left
14 anything out of these instructions. Once I've done that, the
15 items of evidence will be brought in to you along with a
16 verdict form and a copy of these instructions. The items of
17 evidence, my instructions, and the verdict form will be
18 brought back to you and you will be instructed at that time to
19 begin your deliberations.

20 Now, during your deliberations, should you have a
21 question, it will be your responsibility, Mr. Foreman, to
22 reduce that question to writing, let the bailiff know, knock
23 on the door and let my bailiff know that you have a question,
24 give it to her, she will in turn give it to me, and I will
25 answer the question how I deem appropriate. Okay?

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1 Now, also, once you all have reached a verdict in this
2 case, if you will fill out the verdict form, sign and date the
3 verdict form, knock on the door, let the bailiff know that you
4 have reached a verdict and I will get you all back in here as
5 quickly as possible for the verdict to be rendered.

6 Anything from the state before I release the jury to the
7 jury room?

8 MR. TUCKER: Nothing, Your Honor.

9 THE COURT: Defense counsel or defendant?

10 MR. SINGLETARY: Yes, Your Honor, could you explain to
11 them ---

12 THE COURT: Can y'all approach, please?

13 (REPORTER'S NOTE: Sidebar conference is held on the record in
14 the presence of but outside the hearing of the jury.)

15 THE COURT: Sir?

16 MS. SINGLETARY: Yes. Could you explain to them that if
17 one chose that I'm not guilty, they don't have to -- if two
18 chose ---

19 THE COURT: I already told them that. I told them it's
20 got to be unanimous. All of them have to agree on it.

21 MR. SINGLETARY: But there's ---

22 THE COURT: If one doesn't ---

23 MR. SINGLETARY: If one don't, then that don't mean I
24 would have to agree if the rest of them agree.

25 THE COURT: I've instructed them how to -- how the law

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1 requires me to instruct them.

2 MR. SINGLETARY: All right.

3 THE COURT: All right, ladies and gentlemen, I'm gone ask
4 you to step to the jury room, but do not begin your
5 deliberations until instructed to do so.

6 (REPORTER'S NOTE: Jury exits courtroom @ 3:15 P.M. The
7 following takes place outside the presence of the jury.)

8 BY THE COURT:

9 THE COURT: All right. Any objection, exception to the
10 charge to the jury by the state?

11 MR. TUCKER: None from the state, Your Honor.

12 THE COURT: Defendant?

13 MR. SINGLETARY: I don't object, Your Honor.

14 THE COURT: Okay. Items of evidence, just simply the
15 photographs?

16 MR. TUCKER: That's correct, Your Honor.

17 THE COURT: Make sure -- y'all can come up here and make
18 sure that they got all the photographs.

19 Here's the verdict form as well as my charge.

20 (REPORTER'S NOTE: Counsel and Defendant review and consent to
21 exhibits to be submitted.)

22 THE COURT: The photos are going back to the jury room
23 right now, okay.

24 CLERK: I've got a notepad here too, Judge.

25 THE COURT: All right. If you will get Ms. Gerald out.

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 She's my alternate, Ms. Rosa Gerald.

2 THE COURT: All right. Do I need to tell her to call
3 back or ---

4 MR. TUCKER: Yes, Your Honor, I think there may be
5 another case behind this one.

6 (REPORTER'S NOTE: Juror 50 enters courtroom.)

7 THE COURT: Come on up here. I'm gonna let you go.

8 JUROR 50: Okay.

9 THE COURT: Our law does not permit the alternate to stay
10 in there once it goes to the jury.

11 JUROR 50: Okay.

12 THE COURT: I appreciate your attentiveness today. When
13 I release you here, if you want to talk about the case, you
14 can, but you can't be made to. I'm gonna have to get you to
15 call back later after 6:00. I'm sorry.

16 JUROR 50: Okay.

17 THE COURT: But we have one other trial this week.

18 JUROR 50: It's the phone number that they sent out?

19 THE COURT: She's got a little ---

20 JUROR 50: Okay.

21 THE COURT: But nobody can make you talk about this. If
22 somebody is trying to talk to you about it and you tell them
23 you don't want to talk about it and they don't leave you
24 alone, you let us know and we'll let the clerk's office handle
25 that.

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 JUROR 50: All right.

2 THE COURT: Hope to see you -- I know you don't hope to
3 come back up here. But, hopefully, I'll see you again.

4 JUROR 50: Okay. Thank you.

5 THE COURT: All right. We'll stand at ease for the time
6 being.

7 (REPORTER'S NOTE: Deliberations commence at 3:18 P.M.)

8 (RECESS - 3:18 P.M.)

9 *****OFF THE RECORD*****

10 (On the Record - 3:59 P.M.)

11 THE COURT: Thank you. Be seated please. It's my
12 understanding that the jury has reached a verdict in this
13 case; is that correct?

14 BAILIFF: Yes, sir.

15 THE COURT: All right. Anything from the state before I
16 bring the jury back out?

17 MR. TUCKER: No, Your Honor.

18 THE COURT: Defendant?

19 MR. SINGLETARY: No, Your Honor.

20 THE COURT: All right. If you'll bring me the jury
21 please, ma'am.

22 BAILIFF: Yes, sir.

23 (REPORTER'S NOTE: Jury enters courtroom @ 4:00 P.M.)

24 THE COURT: All right. You want to publish the verdict
25 or you want me to?

State v. Singletary - 2016-GS-21-01313
VERDICT OF JURY

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1 VERDICT OF THE JURY:

2 CLERK: The State of South Carolina, County of Florence,
3 in the Court of General Sessions Indictment Number 2016-GS-21-
4 01313, State of South Carolina versus Clyde Devon Singletary.
5 Count 1, as of the charge of malicious injury to telegraph,
6 telephone, or electric utility service -- system, I'm sorry --
7 We, the jury, unanimously find the defendant, Clyde Devon
8 Singletary, guilty, dated 1/24/2018, Foreperson Henry Thomas,
9 Jr.

10 BY THE COURT:

11 THE COURT: All right. Anything from the state before I
12 release the jury?

13 MR. TUCKER: Nothing from the state, Your Honor.

14 THE COURT: Anything from the defendant?

15 MR. SINGLETARY: No, Your Honor.

16 THE COURT: All right, ladies and gentlemen, you all have
17 fulfilled your responsibilities as jurors in this case. I am
18 getting ready -- I've told you from the outset of this case
19 not to discuss the case at all. However, when I release you
20 here today, if you want to talk about it as much or as little
21 as you want to. All right? It's up to you.

22 Having said that, no one can make you talk about it if
23 you don't want to talk about it. So if anyone approaches you
24 to talk to you about it and you tell them you don't want to
25 talk about it and they don't leave you alone, you let the

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 Clerk's office know and it'll -- it'll be taken care of.

2 Okay?

3 Now, having said that, a couple of things, you're gonna
4 have to call back tonight after 6 o'clock. You may have to
5 come back tomorrow. We've got cases to try and we can't try
6 them without you. Okay? So, I need you to call that number
7 back tonight after 6:00 and it'll give you instructions as to
8 what you are to do with regards to tomorrow. Having fulfilled
9 your responsibilities in this case as jurors, it will now --
10 we will now move into the sentencing phase. Okay? You all
11 are free to stay here for sentencing. However, you're not
12 required to. I encourage juries to stay for sentencing to
13 hear, you know, what else goes on with the case, to not -- to
14 just to have an idea and know.

15 Does the state have a sentence sheet?

16 MR. TUCKER: Yes, Your Honor.

17 THE COURT: All right. Is the state ready to proceed
18 with sentencing?

19 MR. TUCKER: Ready, Your Honor.

20 THE COURT: All right. Before we do that, I'll give you
21 an opportunity, if you want to leave, now is your opportunity
22 to leave. If you want to stay, you can stay as well. I'll
23 give you that opportunity. All right?

24 (REPORTER'S NOTE: Jury is excused but remains in courtroom.)

25 SENTENCING:

State v. Singletary - 2016-GS-21-01313
SENTENCING

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1 THE COURT: All right, Mr. Tucker.

2 MR. TUCKER: And, Your Honor, having set and presided
3 over the trial, certainly you heard all the facts giving rise
4 to Mr. Singletary's conviction. As the sentencing sheet
5 indicates, he faces up to 10 years in this offense.

6 With regards to a prior record, Your Honor, it goes back,
7 it looks like his first series of convictions occurred in
8 2001. It looks like the first is resisting arrest. It looks
9 like he received a 90-day sentence and 18 months probation; a
10 DUS 3rd convicted to run concurrent. The next series of
11 convictions look like 2003, burglary third, convicted,
12 sentenced to 30 months in jail. It looks like there may've
13 been a grand larceny; they dismissed it. It looks like two
14 counts of burglary third in that case. The next conviction
15 looks like in 2004, two additional counts of burglary third.
16 His next conviction looks like fraudulent check in 2005. In
17 2008, it looks like he was convicted of possession with intent
18 to distribute Schedule I, II, III -- III substance. It looks
19 like he received an 18-month sentence on that. It looks like
20 there was a concurrent sentence for malicious injury to
21 personal property greater than a 1,000 and less than 5,000 and
22 received 18 months for it. The next conviction, possession of
23 an ounce or less of marijuana, that was in 2012. Malicious
24 injury to real property less than \$2,000, that was a
25 conviction in 2013. His next conviction, failure to stop for

State v. Singletary - 2016-GS-21-01313
SENTENCING

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1 a blue light in 2013. And then the incident offense which
2 brings us here today. I would also like to inform the Court
3 he also has two counts of burglary second degree non-violent,
4 which are still pending. He picked those up while he was out
5 on bond for this particular offense. He was arrested on this
6 particular offense on May the 13th, 2016. It looks like he
7 made bond on August the 9th of 2016. He was subsequently
8 picked up on the burglary warrants and he's being held on
9 those. So, in terms of credit for time served, it looks like
10 from May the 13th to August the 9th with regards to the
11 malicious injury to utilities charge.

12 Your Honor, I can also tell you, having spoken to Ms.
13 Glenda Singletary with regards to your -- she testified. I
14 think she got a sense of what she's had to endure with Mr.
15 Singletary out there, and I can tell you that, you know, she
16 was racked with having to come to court and testify but, you
17 know, she told me, she goes I got to come to court and tell
18 the truth, but -- but I certainly think she was certainly
19 afraid of Mr. Singletary while he was out there and certainly
20 was in fear of what he would do.

21 THE COURT: All right. He bonded out August 9th of 2016?

22 MR. TUCKER: That's correct, Your Honor.

23 THE COURT: You said he's in right now on two pending
24 burglary charges?

25 MR. TUCKER: Yes, Your Honor. He got picked up, I

State v. Singletary - 2016-GS-21-01313
SENTENCING

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1 believe, in January of 2017 on the two burglary charges and
2 he's been in on those ever since, and those were was still
3 pending -- are pending.

4 THE COURT: All right. Anything from the state?

5 MR. TUCKER: No, Your Honor.

6 THE COURT: Mr. Singletary, anything you wish to say,
7 sir?

8 MR. SINGLETARY: Yes, Your Honor. Here again, I'm still
9 being harassed by the same office for 17 years. And again,
10 I'm being convicted on my record. Seems like the way I'm
11 being judged and the law state that you can't go back on the
12 defendant record over 10 years. But again I'm being convicted
13 for who I am. Other than that, I got nothing else to say.

14 THE COURT: All right.

15 Anything further from the state?

16 MR. TUCKER: Nothing further, Your Honor.

17 THE COURT: All right. On indictment 2016-GS-21-01313,
18 the defendant is hereby committed to the State Department of
19 Corrections for a period of seven years, give him credit for
20 89 days.

21 Good luck to you, Mr. Singletary.

22 MR. TUCKER: Thank you, Your Honor.

23 (REPORTER'S NOTE: Defendant exits courtroom.)

24 BY THE COURT:

25 THE COURT: All right, ladies and gentlemen, you may

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 wonder about this gentleman representing himself. I had a
2 hearing on that months ago. He had more than one lawyer that
3 was appointed to represent him over a period of time. He
4 wanted nothing to do with any of them. He was sent off for an
5 evaluation to determine his competency. All of this took
6 place in front of me. Okay? He was sent off to be evaluated
7 to determine his competency. He was determined to be
8 competent, obviously. If he wasn't determined to be
9 competent, he wouldn't have been in here. But he was
10 determined to be competent. I all but begged him not to
11 represent himself, but he -- he made that choice and, you
12 know, the threshold of allowing individuals to represent
13 themselves is not a very high threshold. You know, you
14 explain to them the dangers of it. You explain to them the
15 fact that they have to, under our laws, they are held to the
16 same standards. I mean, they got to abide by the rules of
17 evidence and everything else. And while I think he very
18 appropriately conducted himself in this court during this
19 trial and I appreciated that, we deal with some individuals up
20 here that do not do so, but at sentencing, he -- he raised
21 this issue about his prior record, but y'all heard none of
22 that, none of that during the course of his trial. In fact,
23 even if he had taken the stand, there's certain rules and
24 exceptions as to when someone's prior record can come in. Had
25 he even -- had he taken the stand in this -- in this case, and

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 I explained this to him, it was to me what would have come in.
2 I'm not sure that any of that would've come in. I don't think
3 that probably none of that would have come in for you all to
4 even hear. The rules provide that a prior record wherein
5 someone has been convicted of some type of crime involving
6 dishonesty, regardless of what the punishment is, that can
7 come in, but I would have instructed you all that you can only
8 consider it for purposes of determining whether or not you
9 believe the testimony of that witness or not. Okay? One of
10 the things he brought up was his prior record, that he was
11 convicted of a prior record. Again, y'all didn't hear any of
12 that and that certainly wasn't anything you based your
13 conviction on, but under our laws, I can certainly take that
14 into consideration for sentencing purposes, okay, and I did
15 take into consideration. Some of you may think that seven
16 years is a long time, is a harsh sentence for that record.
17 The hardest part of my job is sentencing. I can promise you
18 that, the hardest part of my job is sentencing. Seven years
19 in our system for this particular offense does not mean he'll
20 do seven years. Okay? Those of you who sat on that case and
21 initially started that case with me on Monday with the
22 kidnapping, kidnapping and carjacking, the 25-year sentence I
23 imposed in that case, he can pretty much count on doing day-
24 for-day of that sentence, because under our law, it's the type
25 of offense that is. It's classified a certain way under our

State v. Singletary - 2016-GS-21-01313
BY THE COURT

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1 law. As you set on as a juror in any case, punishment or
2 anything such as that is not that within your purview and it's
3 not proper for you to even think about sentencing. You know,
4 and as I told you, you're to decide cases based on facts,
5 based on the facts and you decide guilt or innocence.

6 So, I want to thank you for your service in this case.
7 You know, this isn't television, it's not television. Not
8 every case up here, very few cases, in fact, since I've been
9 on the bench in 2010, that may be the second case -- is that
10 right? Did you have one, Mr. Jeppertinger, where an
11 individual represented themselves?

12 MR. JEPPERTINGER: Oh, yes.

13 THE COURT: But, and listen, this is few and far between,
14 but it happens. It happens and he had every right to
15 represent himself. And again, I thought it was a bad choice
16 and I told him that when he made that choice, but people are
17 free in this country to make bad choices every day, every day.

18 So, call that number back after 6:00. There's a good
19 chance you're gonna have to see me one more day maybe. I'm
20 sorry, but like I said, we can't -- we can't do it without
21 you. We can't do it without you and these are cases that have
22 to be dealt with in some way, shape or form.

23 You all have a good evening. You might as well just tell
24 them to be here at 9:30 in the morning in this courtroom.

25 (ADJOURNED - 4:14 P.M.)

State v. Singletary - 2016-GS-21-01313
CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina v. Clyde D. Singletary held in the Court of General Sessions for Florence County, Florence County Courthouse, Florence, South Carolina, on January 24, 2018.

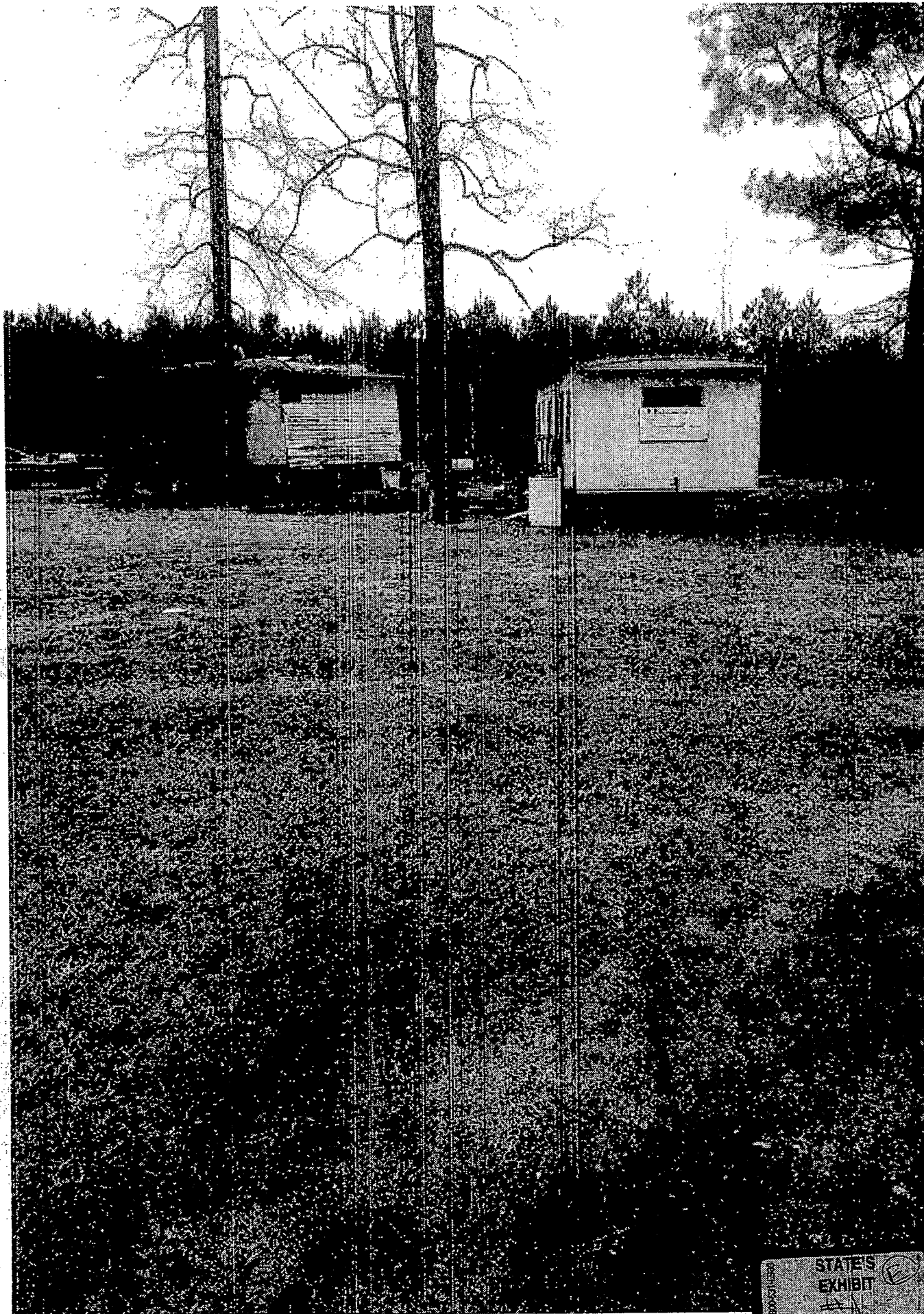
I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



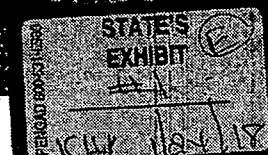
Kay H. Richardson

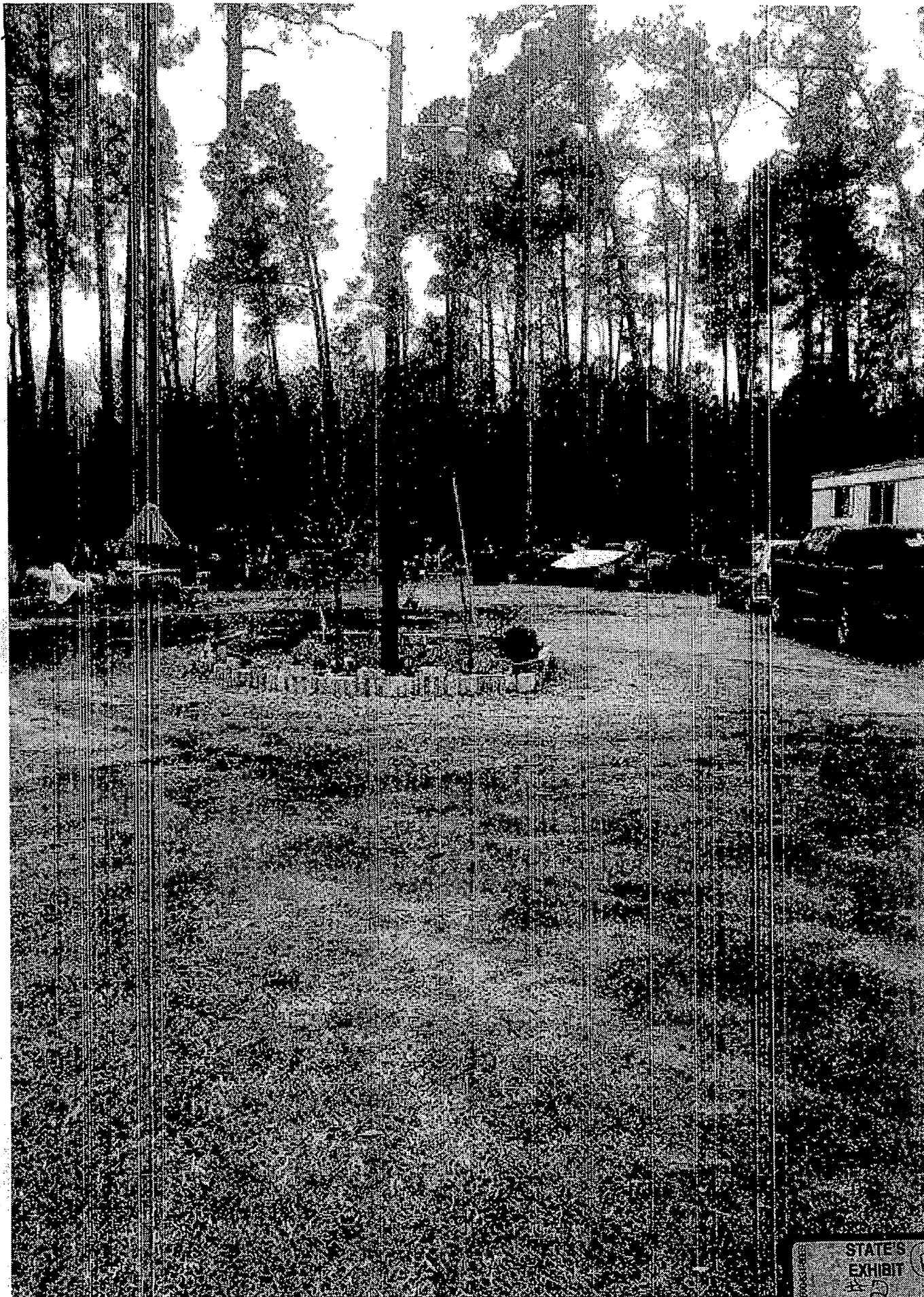
Official Court Reporter

May 1, 2018.

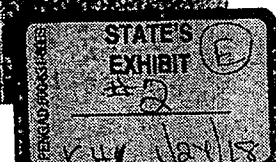


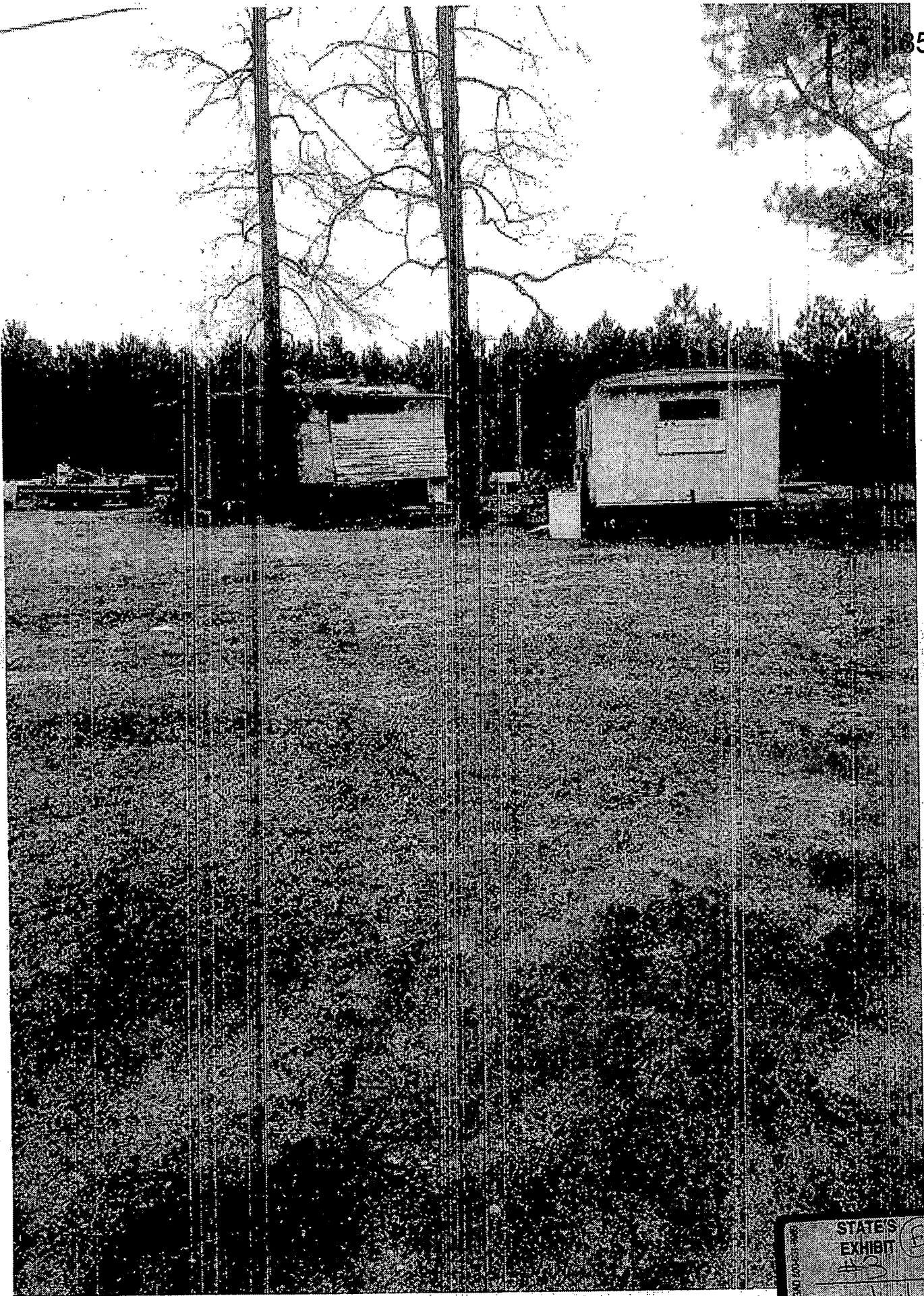
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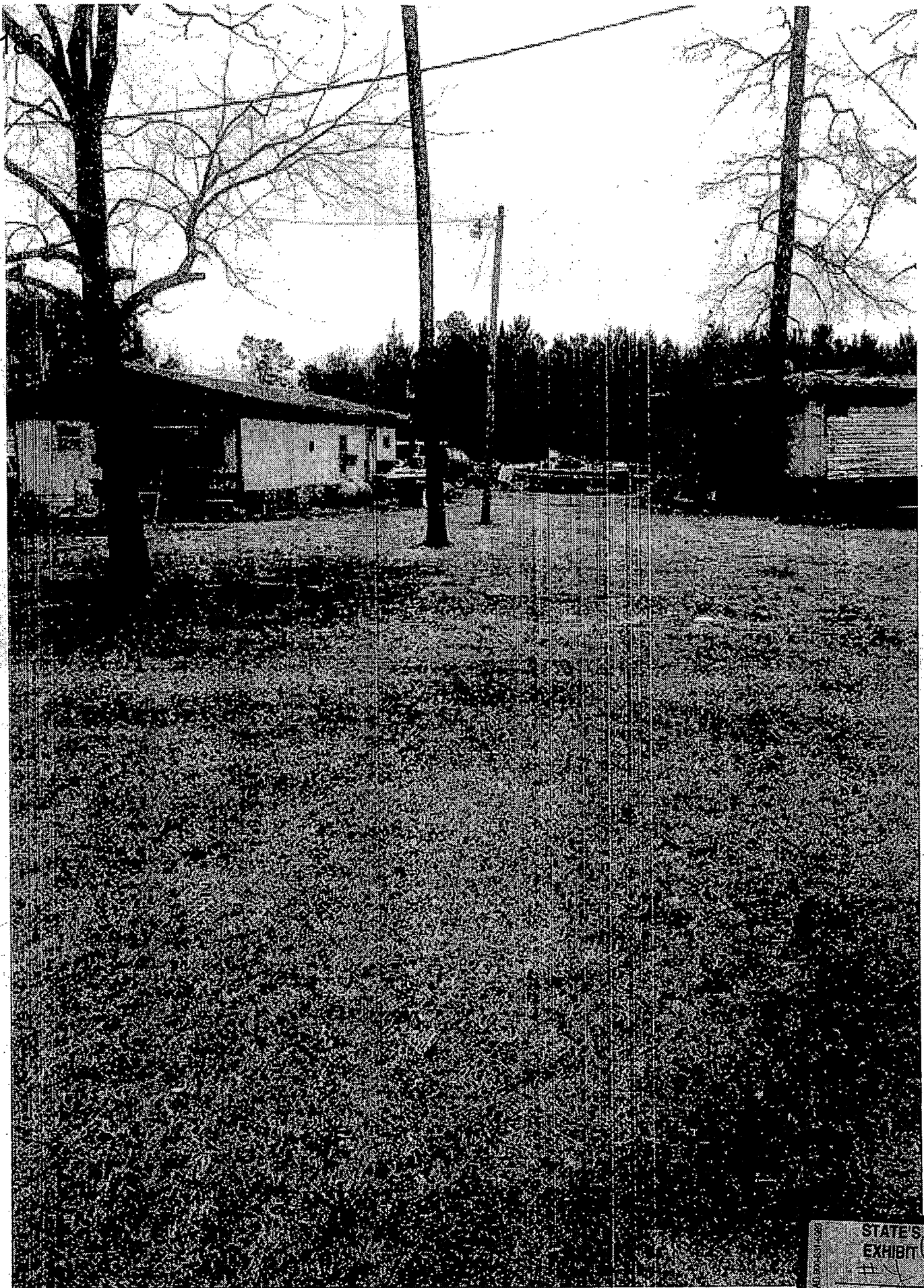
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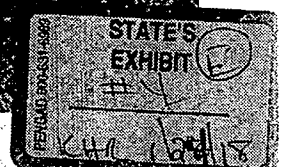


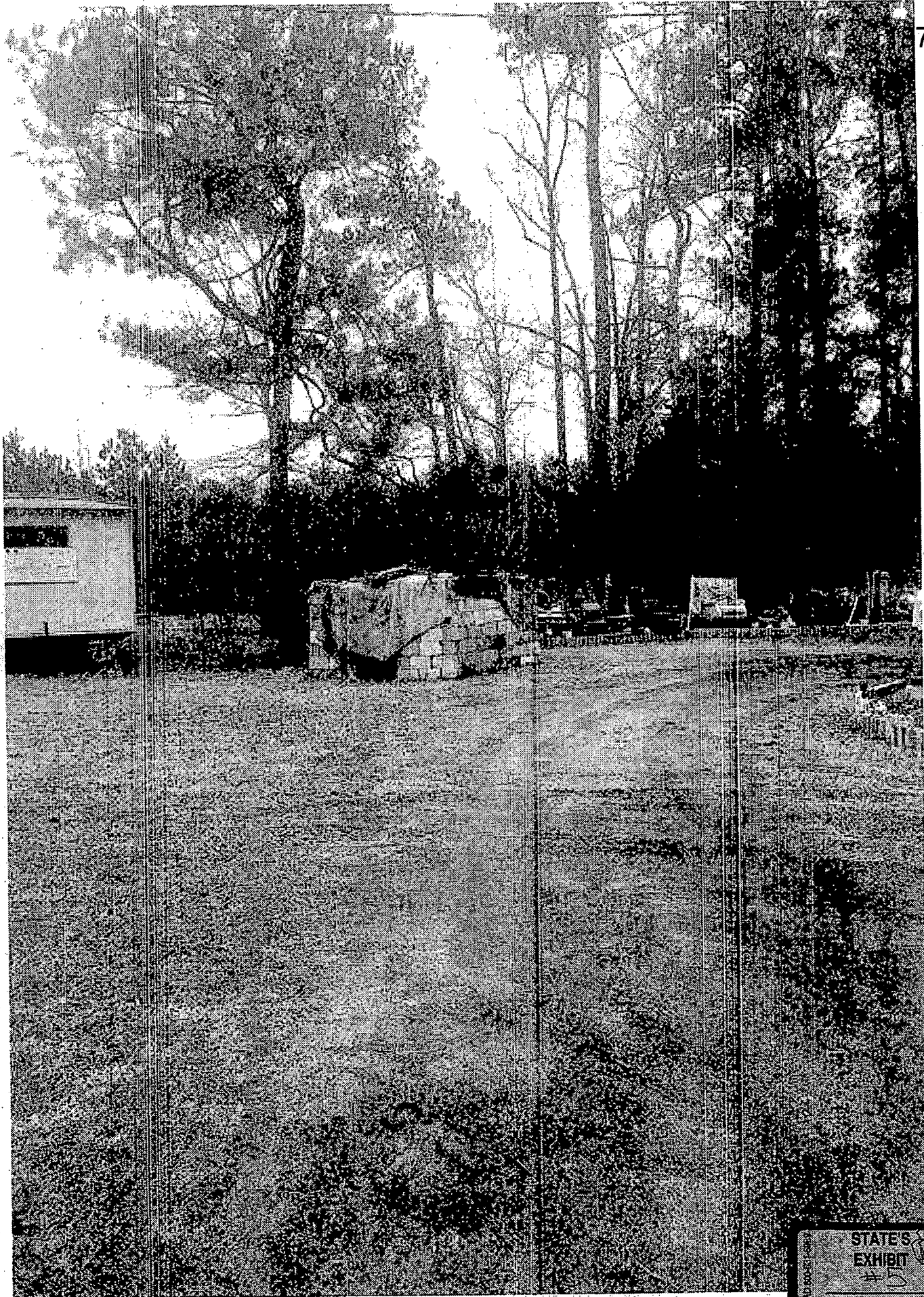
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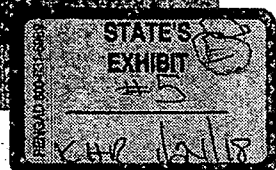


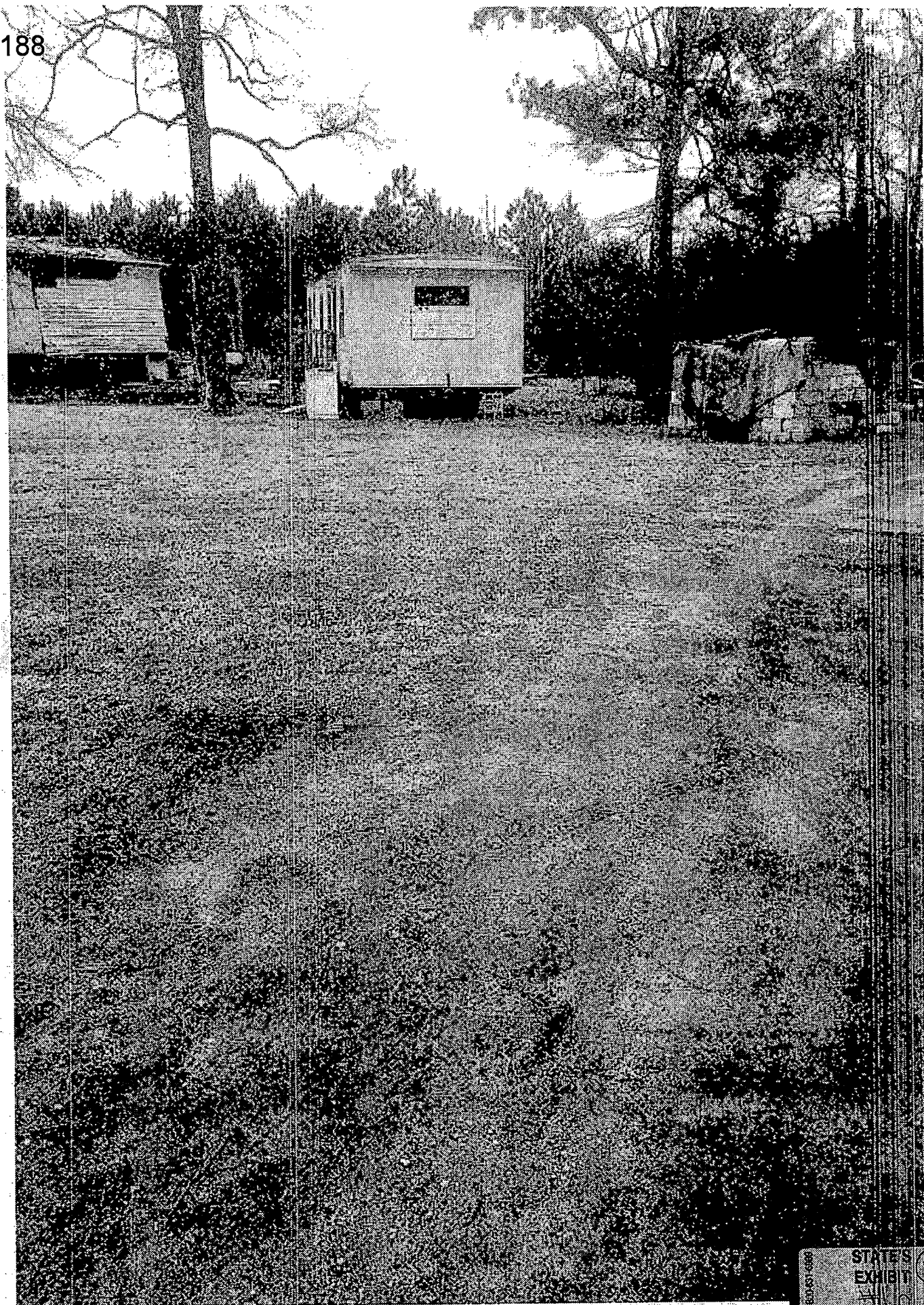
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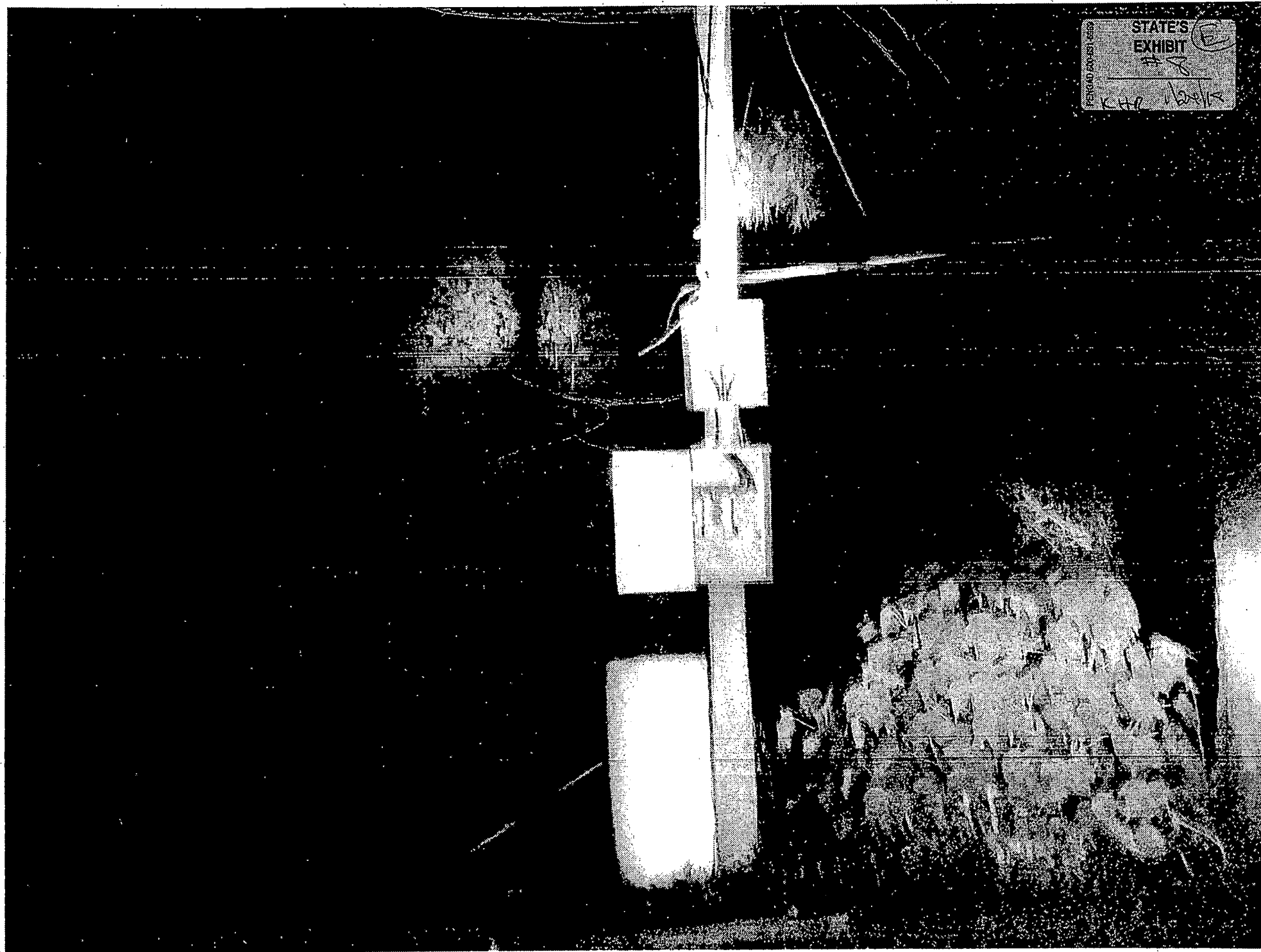
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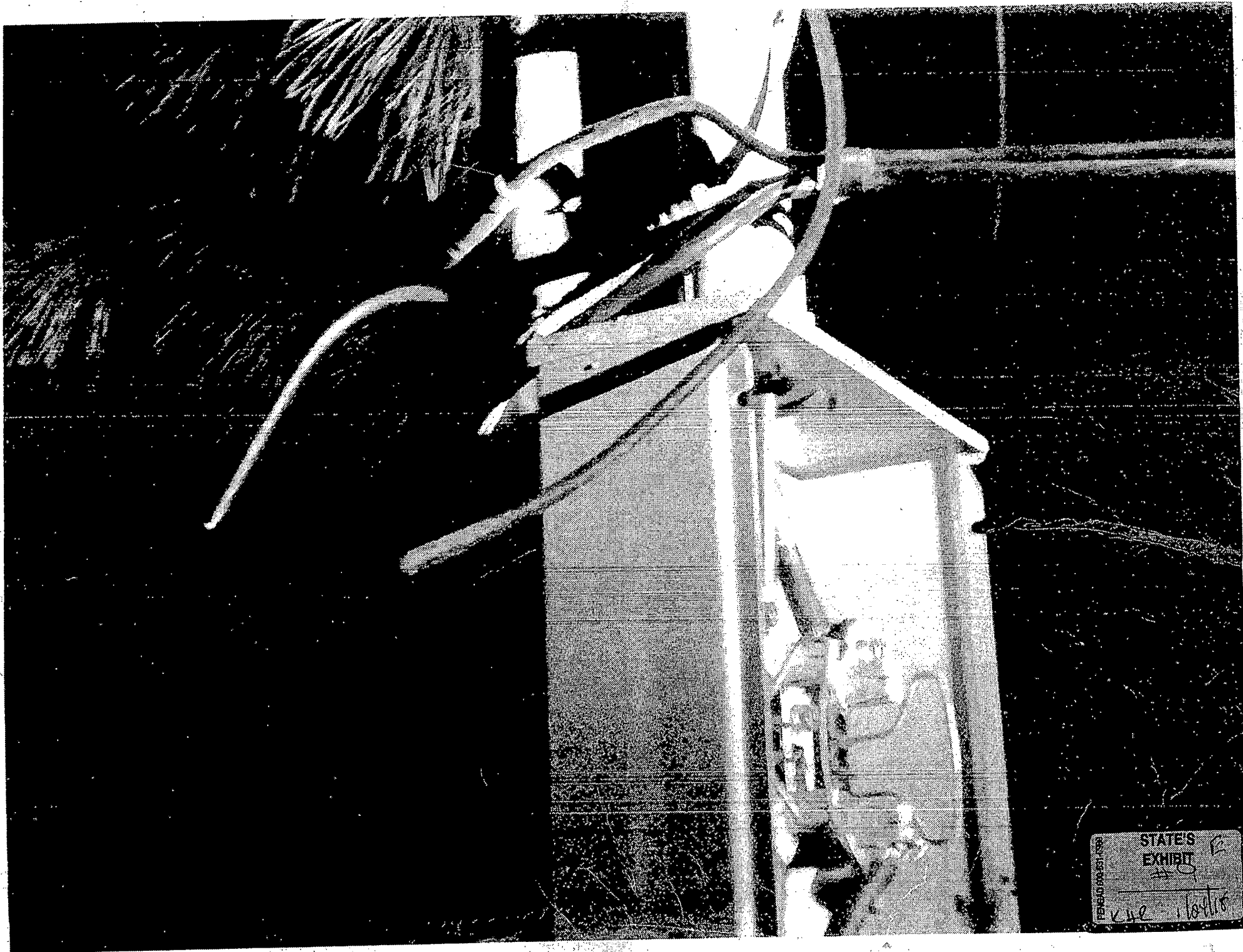


STATE'S EXHIBIT (2)
#7
K 42 1/2 1/5



STATE'S
EXHIBIT
8
K.H.R. 1/24/12





STATE'S
EXHIBIT
10
Kue 10/1/15

WITNESSES

R W Tilton

Florence County Sheriff

Todd Tucker

ARREST WARRANT NUMBER

2016A2110200435

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 8-25-16

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-21-01313

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

AUGUST

TERM

2016

THE STATE

vs.

CLYDE DEVON SINGLETARY

Indictment for

MALICIOUS INJURY TO UTILITY SYSTEM

CERTIFIED: A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

RECEIVED
FEB 07 2018
SC Court of Appeals

2016 AUG 25 PM 11:40
JOHNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

MALICIOUS INJURY TO UTILITY SYSTEM

At a Court of General Sessions, convened on AUGUST 25, 2016 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MALICIOUS INJURY TO UTILITY SYSTEM

That CLYDE DEVON SINGLETARY did in Florence County on or about May 11, 2016, without consent of SANTEE ELECTRIC COMPANY, willfully destroy, damage or injure [telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances] [obstruct, impede or impair the service or transmission of a telephone, electrical utility system, satellite dish or cable television system] or [aid, agree with, employ or conspire with a person to cause the above mentioned acts]. To wit: by pulling the power lines down from the power line pole and cutting the power line pole down with a chain saw, causing an interruption in electrical service to the area adjacent to 1065 Rodman Road, Lake City, South Carolina, in violation of Section 16-11-0740, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFIED: A TRUE COPY
Donna Paula Offner
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

COUNTY OF
STATE

Florence

VS.

Clyde Devon Singletary

AKA:

Race: Black Sex: M Age: 36

DOB: SS#:

Address:

City/State/Zip: Lake City, SC 29560-5708

DL#: SID#:

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

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

TO: Utilities / Malicious injury to telephone, telegraph, or electric utility system

INDICTMENT/CASE#: 2016-GS-21-01313

A/W#: 2016A2110200435

Date of Offense: 5/11/2016

S.C. Code §: 16-11-0740

CDR Code #: 0111

RECEIVED
FEB 07 2018
SC Court of Appeals

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

In violation of § 16-11-0740 of the S.C. Code of Laws, bearing CDR Code # 0111

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Tucker, Todd

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment

of \$ plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 89 days

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk:

Court Reporter:

SCCA/217/(07/2016)

PTUP

days/hours Public Service Employment

Obtain GED ☐

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:

☐ 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.

Presiding Judge

Judge Code:

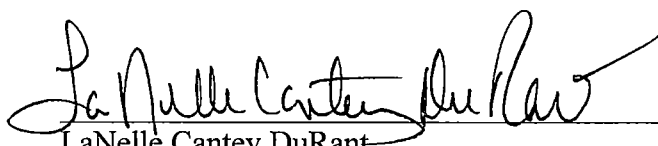
Sentence Date:

CERTIFIED: A TRUE COPY
CLERK OF COURT C. & G.S.
FLORENCE COUNTY, S.C.

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 3rd day of June, 2019.

RECEIVED
JUN 03 2019
SC Court of Appeals