

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Berkeley County

Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRIS NATHANIEL WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2017-001668

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
2 COUNTY OF BERKELEY) CASE NO. 2016-GS-08-02106
3 through 2016-GS-08-02113

4 STATE OF SOUTH)
CAROLINA,)
5 Plaintiff,) Transcript of Record
6 vs.)
7 Date: July 24, 2017 -
8 CHRIS NATHANIEL) July 26, 2017
WILLIAMS,)
9 Defendant.

10 * * * * *

13 B E F O R E:

14 The Honorable Kristi Harrington

18 * * * * *

20 Denise J. Lauder, RPR

21 Ninth Judicial Circuit

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A P P E A R A N C E S .

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1 (The following proceedings were had
2 July 24, 2017, 2:14 p.m., Berkeley County General
3 Sessions Court, in re: State v. Williams.)

4 (PLF. EXH. 1 - 42,, were premarked for
5 identification.)

6 THE COURT: Anything before we bring in
7 the jury?

8 MR. CANNON: Nothing at this time, Your
9 Honor.

10 THE COURT: Mr. Smaldone.

11 MR. SMALDONE: Nothing at this time,
12 Your Honor.

13 THE COURT: All right. So strikes are
14 five and five. Was there any --

15 MR. CANNON: I believe it's five and
16 ten.

17 THE COURT: I mean, sorry, ten and
18 five. And any objection to the proposed voir dire
19 by the defendant?

20 MR. CANNON: Just the concerns we had,
21 I think, in the status conference, which we cleared
22 up and we're good.

23 THE COURT: Mr. Cannon, the offer was
24 rejected on the record; is that right?

25 MR. CANNON: In front of you, Your

1 Honor.

2 THE COURT: Mr. Smaldone, anything?
3 Nothing further? Ready to go forward?

4 MR. SMALDONE: The defendant is ready
5 to pick a jury.

6 THE COURT: Any challenges to the
7 indictment being read to the jury?

8 MR. CANNON: No challenge.

9 THE COURT: Does your client waive
10 formal arraignment?

11 MR. SMALDONE: We'll waive that.

12 MR. CANNON: Your Honor, just for
13 scheduling purposes, we're going to hopefully get
14 started by 2:30. I would assume it will take
15 30 minutes, at the most, to pick our jury, and then
16 I would assume you would go with the next two
17 juries.

18 What's our expectation about today? We
19 have witnesses ready to go. I wanted to know so I
20 could kind of coordinate that so we're not sitting
21 around waiting.

22 THE COURT: It's the nature of this
23 business.

24 MR. CANNON: I understand; hurry up and
25 wait.

VOIR DIRE

1 THE COURT: I would plan on doing your
2 opening and at least one witness today.

3 MR. SMALDONE: There is one scheduling
4 matter I wanted to run by Your Honor, just because
5 I'm 90 percent sure of the Rule. I'm scheduled as
6 a witness in a PCR hearing tomorrow morning. I
7 know if I was the lawyer, I would be good under
8 601. I assume as a witness I would be too, but I
9 wanted to bring it to Your Honor's attention and
10 let you know that.

11 THE COURT: In Charleston?

12 MR. SMALDONE: Sumter.

13 THE COURT: Who is your judge?

14 MR. SMALDONE: Judge Craig Brown.

15 THE COURT: We'll send a note to his
16 law clerk. You can arrive when we're done with
17 you.

18 MR. SMALDONE: That's perfect...

19 (Jury panel in, 2:22 p.m.)

20 THE COURT: Any jurors that feel you
21 need a little more elbow room, please come have a
22 seat in the jury box. It's not a permanent seat
23 assignment.

24 Thank you, sir. Everybody wanted you
25 to do it and nobody was brave enough to do it, so

VOIR DIRE

1 thank you.

2 Is that everybody, Marvin?

3 MR. GONZALEZ: That's everybody.

4 THE COURT: We have 44.

5 MR. GONZALEZ: 45.

6 THE COURT: Okay. All right. Ladies
7 and gentlemen, I'm Judge Kristi Harrington. I am
8 your resident circuit judge for the Ninth Circuit.
9 My office is just right next door. I have the
10 pleasure this week of presiding over a term of
11 general sessions, otherwise known as criminal
12 court.

13 So I did not have the pleasure of
14 qualifying you, but I do have the pleasure -- I am
15 now going to select a jury to try a particular
16 case.

17 Ladies and gentlemen, I understand some
18 of you were protected for Wednesday. Is there any
19 member of the jury panel who, for whatever reason,
20 can't continue the trial of this case throughout
21 this week? If so, please stand.

22 Thank you. There are none.

23 Ladies and gentlemen, please remember
24 that you are still under oath to give me your
25 complete and truthful responses.

VOIR DIRE

1 Mr. Smaldone, if you would please
2 stand, introduce yourself and your client.

3 MR. SMALDONE: All right. Good
4 afternoon. My name is Grant Smaldone; I'm an
5 attorney. My office is located in West Ashley.

6 Stand up, Chris. Just face them and
7 I'll introduce you.

8 This is my client. His name is
9 Christopher Williams.

10 THE COURT: Thank you.

11 Is there any member of the jury panel
12 related by blood, marriage; close personal friends;
13 ever have any business, personal, or professional
14 dealings with Mr. Chris Williams? If so, please
15 stand.

16 Thank you. There are none.

17 Is there any member of the jury panel
18 related by blood, marriage; close personal friend;
19 ever have any business, personal, or professional
20 dealings; or ever been represented by Mr. Smaldone?
21 If so, please stand.

22 Thank you. There are none.

23 Mr. Cannon, if you would please stand,
24 introduce yourself, your co-counsel, and tell us a
25 little bit about your office.

VOIR DIRE

1 MR. CANNON: My name is Chip Cannon.
2 I'm an assistant solicitor here in Berkeley County
3 working under the elected official Scarlett Wilson,
4 who is the Solicitor, that covers Charleston and
5 Berkeley. I prosecute cases here in Berkeley
6 County. There is an office in Charleston.

7 Assisting me on this case will be
8 Kamila Sas. She's also an assistant solicitor in
9 our office. From time to time, you may see Denita
10 Brown, she's not in here currently, but she may be
11 in here. She helps us with the computer, she is
12 from our office as well.

13 THE COURT: Thank you.

14 Is there any member of the jury panel
15 related by blood marriage; close personal friend;
16 ever have any business, personal, or professional
17 dealings or ever been represented by Mr. Cannon or
18 Ms. Sas? If so, please stand.

19 Yes, sir, your juror number.

20 PROSPECTIVE JUROR: 119, Brian Johnson,
21 Your Honor. I have cases against Berkeley County.

22 THE COURT: All right. So,
23 Mr. Johnson, the question to you, is there anything
24 about that that would affect your ability to be
25 fair and impartial in this case?

VOIR DIRE

1 PROSPECTIVE JUROR: No, there is not.

2 THE COURT: You will be able to listen
3 to the facts from the witness stand, apply the law
4 as I give it, and render a verdict based only upon
5 those things?

6 PROSPECTIVE JUROR: Absolutely.

7 THE COURT: And your juror number is?

8 PROSPECTIVE JUROR: 119.

9 THE COURT: Thank you.

10 Is there anyone else?

11 Thank you. There are none.

12 Is there any member of the jury panel
13 ever been employed by, a member of your family been
14 employed by the Ninth Circuit Solicitor's Office in
15 any capacity? And, again, there is an office in
16 Charleston and Berkeley. If so, please stand.

17 Thank you. There are none.

18 PROSPECTIVE JUROR: Can I -- I don't
19 know if -- my daughter just went to the solicitor's
20 office --

21 THE COURT: If you would please stand
22 and state your name.

23 PROSPECTIVE JUROR: My name is Marilyn
24 Mizzell, 149, and my daughter is Karen Clark. She
25 used to work in the Clerk of Court with Miss Ollie

VOIR DIRE

1 downstairs.

2 MR. CANNON: She works in our office,
3 Your Honor.

4 THE COURT: What does she do there,
5 Mr. Cannon?

6 MR. CANNON: She is newly added to our
7 office and does some case management system in our
8 office.

9 THE COURT: And I would ask you an odd
10 question, how often do you see your daughter?

11 PROSPECTIVE JUROR: A good little bit.

12 THE COURT: Do you live together?

13 PROSPECTIVE JUROR: No.

14 THE COURT: If you were selected for
15 the jury, would it be -- will you be able to follow
16 the Court's instruction and not speak to your
17 daughter about this case?

18 PROSPECTIVE JUROR: Yes, Your Honor.

19 THE COURT: Do you know anything about
20 this case other than --

21 PROSPECTIVE JUROR: Just what I've
22 heard today.

23 THE COURT: Perfect. Tell me your
24 juror number.

25 PROSPECTIVE JUROR: 149.

VOIR DIRE

1 THE COURT: Thank you.

2 Is there anyone else?

3 Thank you. There are none.

4 Ladies and gentlemen, it's more
5 important for us to have more information than not
6 enough. If you think you need to answer the
7 question, I want you to stand up and answer the
8 question. The rules are pretty simple; stand up so
9 I can see you, and if you will state your juror
10 number and your name so that the attorneys --
11 they're going to be taking notes.

12 Some of you are much more qualified to
13 serve and may be better suited to serve on
14 different types of cases. So the attorneys are
15 taking notes. And this is my court reporter, Ms.
16 Denise. She is taking down everything that I say
17 as well as everything that you say.

18 She is able to do what we call real
19 time and what I'm saying is actually popping up on
20 the screen. So she's not up here playing whatever
21 the current game is. She's actually working, and
22 I'm able to look down and see it.

23 So if I have you repeat something,
24 please just repeat it, we didn't understand it.

25 All right. Ladies and gentlemen, I'm

VOIR DIRE

1 now going to read the indictments. The indictment
2 is simply the piece of paper that brings us to
3 court here today.

4 In the State of South Carolina, County
5 of Berkeley, Court of General Sessions, docket
6 number 2016-GS-08-2106, the indictment for armed
7 robbery; that on or about May 7th, 2016, in
8 Berkeley County, South Carolina, the defendant,
9 Chris Nathaniel Williams, by use of force, threats
10 or intimidation, and while armed with a deadly
11 weapon or while alleging, either by action or
12 words, he was armed while using a representation of
13 a deadly weapon or any object which a person
14 present during the commission of the robbery
15 reasonably believed to be a deadly weapon, did take
16 and carry away monies from the persons or immediate
17 presence of Sho and Lili Lord with the intent to
18 permanently deprive the victims of possession
19 thereof and/or defendant did conspire with others
20 to accomplish the same.

21 And this is in violation of Statute
22 16-11-33(a) of the South Carolina Code of Laws
23 (1976) as amended. Mr. Williams has pled not
24 guilty to that indictment.

25 The State further alleges in

VOIR DIRE

1 2016-GS-08-2107, that in Berkeley County, South
2 Carolina, on or about May 7, 2016, the defendant,
3 Chris Nathaniel Williams, did commit an unlawful
4 act of injury upon the victim, Sho Lord, and the
5 act occurred during the commission of a robbery,
6 kidnapping, or theft, or the defendant offered or
7 attempted to injure the victim with the present
8 ability to do so, and the act was accomplished by
9 means likely to produce death or great bodily
10 injury.

11 This is in violation of Section
12 16-3-600(c)(1) of the South Carolina Code of Laws
13 (1976) as amended. Mr. Williams has pled not
14 guilty to this indictment for assault and battery,
15 first degree.

16 The State further alleges in
17 2016-GS-08-2108, that in Berkeley County, South
18 Carolina, on or about May 7th, 2016, the defendant,
19 Chris Nathaniel Williams, unlawfully did seize,
20 confine, inveigle, decoy, kidnap, abduct or carry
21 away the victim, Lili Lord, without authority of
22 law, all in violation of Section 16-3-91 of the
23 South Carolina Code of Laws (1976) as amended.

24 Mr. Williams had pled not guilty to
25 this indictment for kidnapping.

VOIR DIRE

1 The State further alleges in
2 2016-GS-08-2109, that in Berkeley County, South
3 Carolina, on or about May 7th, 2016, the defendant,
4 Chris Nathaniel Williams, unlawfully did seize,
5 confine, inveigle, decoy, kidnap, abduct or carry
6 away the victim, Sho Lord, without authority of
7 law, all in violation of Section 16-3-910, South
8 Carolina Code of Laws (1976) as amended.

9 Mr. Williams has pled not guilty to
10 this indictment for kidnapping.

11 The State further alleges in
12 2016-GS-08-2110, that in Berkeley County, South
13 Carolina, on or about May 7th, 2016, the defendant,
14 Chris Nathaniel Williams, did physically display a
15 knife during the commission of or attempted
16 commission of a violent crime, to wit: Armed
17 robbery, in violation of Section 16-23-490, Code of
18 Laws of South Carolina (1976) as amended.

19 Mr. Williams has pled not guilty to
20 this indictment for possession of a weapon during
21 the commission of a violent crime.

22 The State further alleges in
23 2016-GS-08-2111, that on or about June 10, 2016, in
24 Berkeley County, South Carolina, the defendant,
25 Chris Nathaniel Williams, by use of force, threats,

VOIR DIRE

1 or intimidation, and while armed with a deadly
2 weapon or while alleging, either by actions or
3 words, he was armed while using a representation of
4 a deadly weapon, or any objects which a person
5 present during the commission of a robbery
6 reasonably believed to be a deadly weapon, did
7 attempt to take away and carry goods and/or monies
8 from the person or immediate presence of Sho Lord,
9 with the intent to permanently deprive the victim
10 of possession thereof, and/or the defendant
11 conspired with others to accomplish the same; in
12 violation of Section 16-11-330(b) of the South
13 Carolina Code of Laws (1976) as amended.

14 Mr. Williams has pled not guilty to
15 this indictment for attempted armed robbery.

16 The State further alleges in
17 2016-GS-08-2112, that in Berkeley County, South
18 Carolina, from May 2016 until June 10, 2016, the
19 defendant, Chris Nathaniel Williams, did conspire,
20 combine, confederate, agree, or have tacit
21 understanding with another or others for the
22 purposes of accomplishing an unlawful object or a
23 lawful object by unlawful means, in violation of
24 Section 16-17-410 Code of Laws of South Carolina
25 (1976) as amended.

VOIR DIRE

1 Mr. Williams has pled not guilty to
2 this indictment for criminal conspiracy.

3 The State further alleges in
4 2016-GS-08-2113, that in Berkeley County, South
5 Carolina, on or about June 10, 2016, the defendant,
6 Chris Nathaniel Williams, did visibly display a
7 knife during the commission of, or attempted
8 commission of a violent crime, to wit: Attempted
9 armed robbery in violation of Section 16-23-490,
10 Code of Laws (1976) as amended.

11 Mr. Williams has pled not guilty to
12 this indictment for possession of a weapon during
13 the commission of violent crime.

14 Is there any member of the jury panel
15 that knows anything about this case other than what
16 I have just read to you? If so, please stand.

17 Thank you. There are none.

18 Ladies and gentlemen I'm now going to
19 read a list of potential witnesses. These
20 witnesses may be called to testify in this case.
21 If you are related by blood, marriage; close
22 personal friend, know these individuals in any way,
23 please stand as I call their names. Sho Lord; Lili
24 Lord; Tiffany Ravenell; Private First Class Nick
25 Smith with the Goose Creek Police Department;

VOIR DIRE

1 Private First Class Greg Jones with the Goose Creek
2 Police Department; Private First Class Shawn
3 Wegner, Goose Creek Police Department --

4 Yes, sir.

5 PROSPECTIVE JUROR: I used to work --

6 THE COURT: I need your number and
7 name.

8 PROSPECTIVE JUROR: Robert Taylor, 202.
9 I used to work at Goose Creek Police Department
10 with Shawn Wegner.

11 THE COURT: What did you do at Goose
12 Creek Police Department?

13 PROSPECTIVE JUROR: I was a police
14 officer.

15 THE COURT: And how long has it been
16 since you have worked with Officer -- which one?

17 PROSPECTIVE JUROR: Wegner. About 13
18 years.

19 THE COURT: How long have you been out
20 of the Goose Creek Police Department?

21 PROSPECTIVE JUROR: Same amount of
22 time.

23 THE COURT: Is there anything about
24 your relationship with Goose Creek Police
25 Department and Officer Wegner, in particular, that

VOIR DIRE

1 would affect your ability to be fair and impartial
2 in this case?

3 PROSPECTIVE JUROR: Yes, I would say
4 so. I would lean more towards believing Wegner.

5 THE COURT: And based upon that
6 response, I will protect you from the trial of this
7 case. I need you to stay right there.

8 PROSPECTIVE JUROR: Thank you, ma'am.

9 THE COURT: Do not answer any further
10 questions.

11 Anyone else know anyone on the list
12 that I just called? Thank you. We will continue.

13 Sergeant Robert Vazquez, Goose Creek
14 Police Department; Private First Class Scott
15 Hydrick, Goose Creek Police Department;
16 Investigator Justin Hart, Goose Creek Police
17 Department; Crime Scene Investigator Sandy Favero,
18 Goose Creek Police Department; Wendy Myers, Goose
19 Creek Police Department; Investigator Nicholas
20 Powell, Goose Creek Police Department; Allison
21 Gibson, Goose Creek Police Department as a crime
22 analyst; Private First Class Christopher McElman,
23 Goose Creek Police Department; Private First Class
24 Alex Erickson, Goose Creek Police Department;
25 Investigator Paul Tremblay, Goose Creek Police

VOIR DIRE

1 Department; Private First Class David Mitchum,
2 Goose Creek Police Department; Sean McWilliams,
3 formerly of Goose Creek Police Department; Jeremy
4 Sandahl; Amy Fox.

5 Anyone related by blood, marriage;
6 close personal friend; ever have any business,
7 personal, professional dealings with any of those
8 individuals? Please stand.

9 PROSPECTIVE JUROR: Juror 64, Mary
10 Evans, I did stand earlier. Lili Lord was a
11 previous customer of mine when I worked at State
12 Farm.

13 THE COURT: She was a previous
14 customer?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Do you know anything about
17 the case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: And she received her
20 insurance through you?

21 PROSPECTIVE JUROR: Yes, she did. She
22 had a bunch of rental property through us.

23 THE COURT: When was the last time that
24 you had contact with her?

25 PROSPECTIVE JUROR: I left State Farm

VOIR DIRE

1 in March, so --

2 THE COURT: March of this year?

3 PROSPECTIVE JUROR: -- probably six
4 months ago.

5 THE COURT: Is there anything about
6 your relationship with Mrs. Lord that would affect
7 your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Tell me your juror number.

10 PROSPECTIVE JUROR: 64, Mary Evans.

11 THE COURT: Thank you. Is there anyone
12 else?

13 Thank you. There are none.

14 Ladies and gentlemen, is there any
15 member of the jury panel that has ever been
16 employed with Goose Creek Police Department in any
17 capacity, or a member of your immediate family? If
18 so, please stand.

19 Thank you. There are none.

20 Is there any member of the jury panel
21 that has ever been a witness in a criminal case
22 before? If so, please stand.

23 Thank you. There are none.

24 Is there any member of the jury panel,
25 you, a relative, or a close personal friend, that

VOIR DIRE

1 you were employed with some form of law
2 enforcement? If so, please stand.

3 Yes, juror number and name.

4 PROSPECTIVE JUROR: James Breaux, juror
5 number 18. My son is with the -- I think it's
6 Dorchester County Detention Center, Al Cannon.

7 THE COURT: I'm sorry, say that one
8 more time.

9 PROSPECTIVE JUROR: Al Cannon Detention
10 Center.

11 THE COURT: All right. That would be
12 Charleston County.

13 PROSPECTIVE JUROR: Charleston County.

14 THE COURT: Is there anything about
15 that that would affect your ability to be fair and
16 impartial in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: And your juror number, sir?

19 PROSPECTIVE JUROR: 18.

20 THE COURT: Yes, ma'am.

21 PROSPECTIVE JUROR: Laura Croft, 43.
22 My husband is a police officer for the State Port
23 Authority.

24 THE COURT: Is there anything about
25 that that would affect your ability to be fair and

VOIR DIRE

1 impartial in this case?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Juror number?

4 PROSPECTIVE JUROR: 43.

5 THE COURT: You may have a seat.

6 PROSPECTIVE JUROR: Juror 1, Austen

7 Adcock. My grandpa was a guard at Lieber Prison.

8 THE COURT: And is he still a guard at

9 Lieber?

10 PROSPECTIVE JUROR: No, he's retired.

11 THE COURT: Is there anything about
12 that that would affect your ability to be fair and
13 impartial in this case?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Thank you, juror number 1.

16 Mr. Johnson?

17 PROSPECTIVE JUROR: 119, I was a former
18 prosecutor at the Attorney General's Office.

19 THE COURT: Anything about that that
20 would affect your ability to be fair and impartial
21 in this case?

22 PROSPECTIVE JUROR: Nothing.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR: Number 71, Amy
25 Fletcher. I work for the Charleston County 911

VOIR DIRE

1 Dispatch Center.

2 THE COURT: Do you ever have any
3 occasion to work with Goose Creek Police Department
4 in your capacity as a dispatcher?

5 PROSPECTIVE JUROR: I do accounting
6 so -- but, no, we don't work with Goose Creek.

7 THE COURT: Anything about that that
8 would affect your ability to be fair and impartial
9 in this case?

10 PROSPECTIVE JUROR: No.

11 THE COURT: And tell me your juror
12 number.

13 PROSPECTIVE JUROR: 71.

14 THE COURT: Thank you.

15 Yes, sir.

16 PROSPECTIVE JUROR: I'm juror number
17 118, and my daughter-in-law is an attorney with the
18 Secret Service, Washington, DC.

19 THE COURT: Anything about that that
20 would affect your ability to be fair and impartial
21 in this case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: And your juror number.

24 PROSPECTIVE JUROR: 118.

25 THE COURT: Thank you, sir.

VOIR DIRE

1 PROSPECTIVE JUROR: My name is Rebecca
2 Taylor, my juror number is 201. My uncle is a
3 police officer in Hampton County.

4 THE COURT: Anything about that that
5 would affect your ability to be fair and impartial
6 in this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And your juror number?

9 PROSPECTIVE JUROR: 201.

10 THE COURT: Yes, ma'am.

11 PROSPECTIVE JUROR: Colleen Gray, 86.
12 My brother is NYPD.

13 THE COURT: Same question for you;
14 anything about that that would affect your ability
15 to be fair and impartial in this case?

16 PROSPECTIVE JUROR: No, ma'am.

17 THE COURT: And your juror number?

18 PROSPECTIVE JUROR: 86.

19 THE COURT: Anyone else?

20 Thank you. There are none.

21 Is there any member of the jury panel
22 that's had any formal or even some informal legal
23 training, such as attending law school, any college
24 level business course, a paralegal training, law
25 enforcement training, or any legal training in the

VOIR DIRE

1 course of your employment? If so, please stand.

2 PROSPECTIVE JUROR: I'm Laura Croft,
3 juror number 43. I'm a paralegal at Rosen, Rosen,
4 Hagood downtown.

5 PROSPECTIVE JUROR: Brady Miller, juror
6 number 144; business law class.

7 THE COURT: In college?

8 PROSPECTIVE JUROR: Yes, ma'am.

9 THE COURT: How did you do?

10 PROSPECTIVE JUROR: I made an A.

11 THE COURT: Juror number?

12 PROSPECTIVE JUROR: 144.

13 THE COURT: Thank you.

14 Yes, sir.

15 PROSPECTIVE JUROR: Roy Jenrich, juror
16 number 118. Besides business law in college, I
17 also worked in risk management, which I had --
18 attorneys reported to me in support of my business
19 operations.

20 THE COURT: Juror number?

21 PROSPECTIVE JUROR: 118.

22 PROSPECTIVE JUROR: 132, Anna

23 Marquardt. I'm a political science major, I'm on
24 mock trial, I used to work for Elizabeth --

25 (inaudible.)

VOIR DIRE

1 THE COURT: Your juror number?

2 PROSPECTIVE JUROR: 132.

3 THE COURT: Mr. Johnson.

4 PROSPECTIVE JUROR: Juror 119. I've
5 been practicing law for 17 years, and I also teach
6 legal classes at Southern Wesleyan.

7 PROSPECTIVE JUROR: I'm not sure this
8 counts. Juror number 182, Kimberly Sanderson. I
9 used to work for the District Attorney's Office and
10 I used to work for the Department of State, so I
11 have training with fraud and case management and
12 creating cases for court.

13 THE COURT: Okay. And your juror
14 number?

15 PROSPECTIVE JUROR: 182.

16 THE COURT: Yes, ma'am.

17 PROSPECTIVE JUROR: Juror 61, Eleanora
18 Ellington. I have experience in school law.

19 THE COURT: In school law?

20 PROSPECTIVE JUROR: School law.

21 THE COURT: Tell me about that.

22 PROSPECTIVE JUROR: Leadership
23 administration.

24 THE COURT: Thank you.

25 Is there any member of the jury panel,

VOIR DIRE

1 or member of your immediate family, you donate
2 money to or receive any assistance from a community
3 law enforcement or victim's advocacy group, such as
4 Mother's Against Drunk Driving, South Carolina Law
5 Enforcement Officer's Association, Alcoholics
6 Anonymous, State Office of Victim's Assistance?
7 Anything of that nature? If so, please stand.

8 Mr. Johnson.

9 PROSPECTIVE JUROR: 119. My law firm
10 donates to Scarlett Wilson.

11 THE COURT: Anything about that that
12 would affect your ability to be fair and impartial
13 in this case?

14 PROSPECTIVE JUROR: None.

15 THE COURT: Okay. Mr. Johnson, is that
16 during the election season?

17 PROSPECTIVE JUROR: It is.

18 THE COURT: Thank you. Is there anyone
19 else?

20 Thank you. There are none.

21 Ladies and gentlemen, I have some
22 personal questions that I need you to come forward,
23 and this courtroom is very awkwardly constructed,
24 so I'm just going to have you come forward and
25 stand pretty much where Miss Ollie is standing to

VOIR DIRE

1 answer the question for me.

2 So if you -- I have two questions, so
3 please listen very carefully. If you or a member
4 of your immediate family have ever been the victim
5 of criminal conduct, or you have been the victim of
6 an armed robbery, I need -- specifically, I will
7 need you to come forward.

8 My final question to you: Is there
9 anything about this case that you have heard either
10 through the indictments or my questions to you that
11 you feel you would be unable to listen to the facts
12 from the witness stand, apply the law as I give it,
13 and render a verdict based only upon those things
14 free from any personal, political, religious, or
15 moral beliefs?

16 If you need to address any of those
17 issues, the previous questions, or you just need to
18 ask me a question about the remainder of your jury
19 service, if you will please -- is there anybody
20 here in this row that needs to answer those
21 questions?

22 If you're guessing, I need you to come
23 forward. Okay.

24 And your juror number?

25 PROSPECTIVE JUROR: 82.

VOIR DIRE

1 THE COURT: 82.

2 THE COURT REPORTER: I can't -- I need
3 to get --

4 THE COURT: You'll just have to do the
5 best you can.

6 (Bench conference.)

7 PROSPECTIVE JUROR: Somebody broke into
8 our home and stole some computers. This was in
9 Kansas, and we walked in on them and they ran. And
10 so I don't know if that counts for anything.

11 THE COURT: Did you go to court?

12 PROSPECTIVE JUROR: We didn't go to
13 court. The police officers caught them and they
14 caught them with the computers. And it was, like,
15 stuff from our house on them, but they decided not
16 to prosecute because they didn't feel there was
17 enough evidence.

18 THE COURT: Is there anything about
19 that experience that would affect your ability to
20 be fair and impartial in this case?

21 PROSPECTIVE JUROR: I don't think so.

22 THE COURT: Okay. And so I just need a
23 yes or no. Can you be a fair and impartial juror
24 in this case?

25 PROSPECTIVE JUROR: Yes, I can be fair

VOIR DIRE

1 and impartial.

2 THE COURT: Okay. Thank you.

3 (Open court.)

4 THE COURT: Is there anyone else on
5 this row?

6 Your juror number.

7 PROSPECTIVE JUROR: 149.

8 (Bench conference.)

9 PROSPECTIVE JUROR: I've had two
10 break-ins myself in my own home when I was at work.
11 First time I didn't have the alarm system and they
12 came in and stole a lot of my jewelry and a laptop.
13 I don't have a whole lot of electronic stuff, but
14 it was an invasion, you know. And so that was in
15 2012.

16 And then again this past May of 2017,
17 there was nobody home. They took fingerprints, but
18 they couldn't find anything. And so -- cost me a
19 lot to have to secure -- (inaudible)...

20 THE COURT: Is there anything about
21 that experience that would affect your ability to
22 be fair and impartial in this case?

23 PROSPECTIVE JUROR: I think it would.
24 I think I would have a problem with that.

25 (Open court.)

VOIR DIRE

1 THE COURT: All right. Juror 149 is
2 excused from the trial of this case.

3 Mr. Cannon, and, Mr. Smaldone, you may
4 approach.

5 (Bench conference out of the hearing of
6 the court reporter.)

7 (Open court.)

8 THE COURT: Front row.

9 PROSPECTIVE JUROR: Juror 78.

10 THE COURT: Juror 78. Thank you.

11 (Bench conference.)

12 PROSPECTIVE JUROR: I'm a victim of a
13 violent crime. When I was 17, my stepfather tried
14 to murder (inaudible) and myself, and he was
15 convicted of attempted murder.

16 THE COURT: Was that in Berkeley?

17 PROSPECTIVE JUROR: No. I'm from
18 Indiana.

19 THE COURT: Is there anything about
20 that experience that would affect your ability to
21 be fair and impartial in this case?

22 PROSPECTIVE JUROR: Absolutely.

23 THE COURT: And so you think that you
24 would not be --

25 PROSPECTIVE JUROR: Able to be

VOIR DIRE

1 impartial.

2 THE COURT: Thank you. I'm going to
3 protect you from the trial of this case.

4 (Open court.)

5 THE COURT: Thank you. 78 is excused
6 from the trial of this case.

7 Second row. Is there anybody on the
8 second row? Miss Teresa is going to help you out.

9 Thank you. How about the third row?

10 PROSPECTIVE JUROR: 130.

11 THE COURT: Juror 130.

12 (Bench conference.)

13 PROSPECTIVE JUROR: (Inaudible) --
14 judgment from anyone.

15 THE COURT: What you're doing is
16 listening to the facts (inaudible) and as I give
17 them to you. So you're able to take the
18 (inaudible) and answer those questions. So it's
19 the same concept --

20 PROSPECTIVE JUROR: And if there is
21 going to be a conflict between my Bible and --

22 (Inaudible.)

23 (Open court.)

24 THE COURT: All right. 130 will
25 remain. Thank you.

VOIR DIRE

1 Mr. Smaldone, Mr. Cannon.

2 (Bench conference out of the hearing of
3 the court reporter.)

4 (Open court.)

5 THE COURT: All right. Next row, Ms.
6 Teresa?

7 And the final row.

8 PROSPECTIVE JUROR: Juror 121.

9 THE COURT: Thank you.

10 (Bench conference.)

11 PROSPECTIVE JUROR: I was robbed. My
12 house was robbed, so I'm just not the type of
13 person to be (inaudible) charged with it or not.

14 THE COURT: So would that apply to all
15 charges or just --

16 PROSPECTIVE JUROR: Just the ones
17 dealing with property.

18 THE COURT: All right.

19 (Open court.)

20 THE COURT: 121 is excused from the
21 trial of this case. Go ahead and have a seat.

22 PROSPECTIVE JUROR: Juror 97.

23 THE COURT: Juror 97.

24 (Bench conference.)

25 PROSPECTIVE JUROR: A guy tried to

VOIR DIRE

1 break in and I was at home by myself here in
2 Berkeley. And they tried to break in on me and I
3 called 911. And the whole time the dispatcher was
4 on the phone with me, but he was trying to break in
5 and -- and just -- I don't know.

6 THE COURT: And so do you feel that
7 that would affect your ability to be fair and
8 impartial in this case?

9 PROSPECTIVE JUROR: No, it wouldn't do
10 that, but I was --

11 THE COURT: Could you listen to the
12 facts as the witnesses present them from the
13 witness stand and the law as I gave it to you?

14 PROSPECTIVE JUROR: Yes, ma'am.

15 THE COURT: Okay. So some jurors are
16 better suited for a particular case than other
17 cases. Now is your chance to tell me if you would
18 be better suited for another case. Once I seat
19 you, you can't get unseated.

20 PROSPECTIVE JUROR: I don't want to be
21 in here today. I just don't want to be in here for
22 this one.

23 THE COURT: I will protect you from the
24 trial of this case. Do you think you could sit on
25 a different type of case or --

VOIR DIRE

1 PROSPECTIVE JUROR: I don't know. I
2 would try.

3 (Open court.)

4 THE COURT: Thank you. Stay with us.
5 Have a seat.

6 Yes, ma'am.

7 PROSPECTIVE JUROR: Juror 182.

8 THE COURT: Juror 182.

9 (Bench conference.)

10 PROSPECTIVE JUROR: I have a couple of
11 family members that were raped. I have one that
12 was kidnapped with a knife.

13 THE COURT: Okay. Was that here in
14 Berkeley County?

15 PROSPECTIVE JUROR: It was in
16 California. And I know that I would favor the
17 victim and the prosecutor.

18 THE COURT: Okay. And do you feel that
19 would be in all instances?

20 PROSPECTIVE JUROR: Pretty much.

21 (Open court.)

22 THE COURT: Juror 182 is excused from
23 the trial of this case. You can go back to your
24 seat. Thank you.

25 PROSPECTIVE JUROR: Thank you.

VOIR DIRE

1 THE COURT: Is there anyone else? Now
2 is the time to tell me. Thank you.

3 Mr. Cannon, and, Mr. Smaldone, any
4 challenges? Any additional questions challenges
5 for cause?

6 MR. CANNON: We would challenge juror
7 97.

8 THE COURT: We discussed her.

9 MR. CANNON: Juror 130. We would
10 challenge that one if she told you she has a
11 conflict with anything.

12 THE COURT: She said she could be fair
13 and impartial.

14 Mr. Smaldone, anything further at this
15 time?

16 MR. SMALDONE: Nothing further at this
17 time.

18 THE COURT: No challenges for cause,
19 Mr. Smaldone?

20 MR. SMALDONE: No challenge for cause.

21 THE COURT: All right.

22 State ready?

23 MR. CANNON: State's ready.

24 THE COURT: Mr. Smaldone?

25 MR. SMALDONE: Defense is ready.

JURY SELECTION

1 THE COURT: So I excused -- who did I
2 excuse for the remainder? So if I excused you from
3 this trial, please stand. If I excused you from
4 this trial, please stand.

5 (Standing.)

6 THE COURT: So if you will please go
7 with Miss Teresa -- put them back in the jury panel
8 room -- and I just need you to remain in a group
9 together.

10 THE CLERK: Members of the jury panel,
11 as I call your name, please come forth and bring
12 your personal belongings with you. If I say,
13 excuse the juror, please return to your original
14 seating in the audience. If I say, seat the juror,
15 please have a seat in the jury box and follow the
16 instructions of the lady in the burgundy jacket.

17 Juror 122, Larry Khun.

18 What says the State?

19 MR. CANNON: Seat the juror.

20 THE CLERK: What says the defense?

21 MR. SMALDONE: Beg the Court's
22 indulgence? Seat the juror.

23 THE CLERK: Seat the juror.

24 Juror 61, Eleanora Ellington.

25 What says the State?

JURY SELECTION

1 MR. CANNON: Please excuse this juror.

2 THE CLERK: Excuse the juror.

3 Juror 104, Johnathan Hendrix.

4 What says the State?

5 MR. CANNON: Seat the juror.

6 THE CLERK: What says the defense?

7 MR. SMALDONE: Beg the Court's
8 indulgence. Please seat the juror.

9 THE CLERK: Seat the juror.

10 Juror 157, Crystal Nettles.

11 What says the State?

12 MR. CANNON: Seat the juror.

13 THE CLERK: What says the defense?

14 MR. SMALDONE: Seat the juror.

15 THE CLERK: Seat the juror.

16 Juror 189, Geoffrey Sklar.

17 What says the State?

18 MR. CANNON: Seat the juror.

19 THE CLERK: What says the defense?

20 MR. SMALDONE: May I inquire as to the
21 juror number?

22 THE CLERK: 189.

23 MR. SMALDONE: Seat the juror.

24 THE CLERK: Seat the juror.

25 Juror 179, Sandra Royals.

JURY SELECTION

1 What says the State?

2 MR. CANNON: Seat the juror.

3 THE CLERK: What says the defense?

4 MR. SMALDONE: Excuse the juror.

5 THE CLERK: Excuse the juror.

6 Juror number 39, Christopher Craven.

7 What says the State?

8 MR. CANNON: Seat the juror.

9 THE CLERK: What says the defense?

10 MR. SMALDONE: Seat the juror.

11 THE CLERK: Seat the juror.

12 Juror number 168, Jerry Quick.

13 What says the State?

14 MR. CANNON: Seat the juror.

15 THE CLERK: What says the defense?

16 MR. SMALDONE: Seat the juror.

17 THE CLERK: Seat the juror.

18 Juror number 86, Colleen Gray.

19 What says the State?

20 MR. CANNON: Seat the juror.

21 THE CLERK: What says the defense?

22 MR. SMALDONE: Excuse the juror.

23 THE CLERK: Excuse the juror.

24 Juror number 64, Mary Evans.

25 What says the State?

JURY SELECTION

1 MR. CANNON: Seat the juror.
2 THE CLERK: What says the defense?
3 MR. SMALDONE: Excuse the juror.
4 THE CLERK: Excuse the juror.
5 Juror number 95, Sandra Hamby.
6 What says the State?
7 MR. CANNON: Seat the juror.
8 THE CLERK: What says the defense?
9 MR. SMALDONE: Seat the juror.
10 THE CLERK: Seat the juror.
11 Juror number 98, Brandee Harris.
12 What says the State?
13 MR. CANNON: Seat the juror.
14 THE CLERK: What says the defense?
15 MR. SMALDONE: Excuse the juror.
16 THE CLERK: Excuse the juror.
17 Juror number 132, Anna Marquardt.
18 What says the State?
19 MR. CANNON: Seat the juror.
20 THE CLERK: What says the defense?
21 MR. SMALDONE: Seat the juror.
22 THE CLERK: Seat the juror.
23 Juror number 79, Eric Gehringer.
24 What says the State?
25 MR. CANNON: Excuse the juror.

JURY SELECTION

1 THE CLERK: Excuse the juror.
2 Juror number 13, Rachel Bird.
3 What says the State?
4 MR. CANNON: Excuse the juror.
5 THE CLERK: Excuse the juror.
6 Juror 70, Steven Fish.
7 What says the State?
8 MR. CANNON: Seat the juror.
9 THE CLERK: What says the defense?
10 MR. SMALDONE: Excuse the juror.
11 THE CLERK: Excuse the juror.
12 Juror number 119, Brian Johnson.
13 What says the State?
14 MR. CANNON: Seat the juror.
15 THE CLERK: What says the defense?
16 MR. SMALDONE: Excuse the juror.
17 THE CLERK: Excuse the juror.
18 Juror 165, Carey Phillips.
19 What says the State?
20 MR. CANNON: Excuse the juror.
21 THE CLERK: Excuse the juror.
22 Juror number 201 Rebecca Taylor.
23 What says the State?
24 MR. CANNON: Seat the juror.
25 THE CLERK: What says the defense?

JURY SELECTION

1 MR. SMALDONE: Was that 201?
2 THE CLERK: Yes.
3 MR. SMALDONE: Excuse the juror.
4 THE CLERK: Excuse the juror.
5 Juror 118, Roy Jenrich.
6 What says the State?
7 MR. CANNON: Please seat the juror.
8 THE CLERK: What says the defense?
9 MR. SMALDONE: Excuse the juror.
10 THE CLERK: Excuse the juror.
11 Juror 1, Austen Adcock.
12 What says the State?
13 THE COURT: State has four strikes,
14 defendant has eight.
15 THE CLERK: What says the State?
16 MR. CANNON: Seat the juror.
17 THE CLERK: What says the defense?
18 MR. SMALDONE: Excuse the juror.
19 THE CLERK: Excuse the juror.
20 Juror number 110, Alisha Howard.
21 What says the State?
22 MR. CANNON: Seat the juror.
23 THE CLERK: What says the defense?
24 MR. SMALDONE: Seat the juror.
25 THE CLERK: Seat the juror.

JURY SELECTION

1 Juror number 227, Evan Woods.
2 What says the State?
3 MR. CANNON: Seat the juror.
4 THE CLERK: What says the defense?
5 MR. SMALDONE: Seat the juror.
6 THE CLERK: Seat the juror.
7 Juror 146, Annette Morris Mims.
8 What says the State?
9 MR. CANNON: Seat the juror.
10 THE CLERK: What says the defense?
11 MR. SMALDONE: Seat the juror.
12 THE CLERK: Seat the juror.
13 Juror number 177, Loretta Rockel.
14 What says the State?
15 MR. CANNON: Seat the juror.
16 THE CLERK: What says the defense?
17 MR. SMALDONE: Seat the juror.
18 THE CLERK: Seat the juror.
19 First alternate; juror number 144,
20 Brady Miller.
21 What says the State?
22 MR. CANNON: Seat the juror.
23 THE CLERK: What says the defense?
24 MR. SMALDONE: Seat the alternate.
25 THE CLERK: Seat the juror.

JURY SELECTION

1 For the next alternate; juror 71, Amy
2 Fletcher.

3 What says the State.

4 MR. CANNON: Seat the juror.

5 THE CLERK: What says the defense?

6 MR. SMALDONE: Seat the juror.

7 THE CLERK: Seat the juror.

8 THE COURT: Ladies and gentlemen, you
9 have been selected as the jury to try this case.

10 Is there any member in the box that,
11 for whatever reason, you feel now you would be
12 unable to complete your service to this case? Now
13 is the time to tell me.

14 If you feel that you cannot serve as a
15 juror in this case, please stand.

16 Thank you. All 14 jurors have
17 indicated that they are able to complete their
18 service.

19 Any motions or matters pertaining to
20 the jury as selected? Mr. Cannon?

21 MR. CANNON: None to the jury
22 selection, Your Honor.

23 THE COURT: Mr. Smaldone.

24 MR. SMALDONE: None from the defendant.

25 THE COURT: Ladies and gentlemen, we

JURY SELECTION

1 are going to begin the trial of this case this
2 afternoon. So I'm going to allow you to make phone
3 calls; please make the necessary arrangements.
4 We'll probably go until about 6:30.

5 It's going to be a long evening, but we
6 have a lot to accomplish and so we're going to go
7 ahead so we're not here into the weekend.

8 So if you would please make the
9 arrangements. Please let the bailiffs know if you
10 need to utilize your phone.

11 So please be excused.

12 Please remain seated.

13 Please follow Miss Teresa.

14 (Jury out, 3:20 p.m.)

15 THE COURT: Outside the presence of the
16 jury, any motions or matters?

17 MR. CANNON: Just before we start our
18 case being called, there are motions to be made.

19 THE COURT: Pertaining to the jury
20 selection.

21 MR. CANNON: No.

22 MR. SMALDONE: No, Your Honor.

23 THE COURT: All right. All right. You
24 were not selected. I am picking another jury, so
25 if you will please go back to the jury room, and

1 then we're going to bring you back -- some of you
2 will come back in. See you in just a moment.

3 (Remaining jury panel out, 3:21 p.m.)

4 THE COURT: What motions are pending?

5 MR. CANNON: It's not a motion pending.

6 I just want to bring it to the Court's attention,
7 in my opening I plan to use the blow-up that was
8 mentioned in my trial brief. That was it.

9 THE COURT: You have an objection?

10 MR. SMALDONE: May I inquire what the
11 blow-up is?

12 MR. CANNON: It's just a map.

13 MR. SMALDONE: Right. No objection to
14 that.

15 THE COURT: No objection to the use of
16 the map?

17 MR. SMALDONE: That's correct.

18 THE COURT: Thank you.

19 (A recess transpired, 3:22 p.m.)

20 THE COURT: Anything from the State?

21 MR. CANNON: Nothing from the State,
22 Your Honor.

23 MR. SMALDONE: Nothing from the
24 defense.

25 THE COURT: All right.

COURT'S OPENING

1 (Jury in, 4:29 p.m.)

2 THE COURT: Thank you. Please be
3 seated.

4 Ladies and gentlemen, you've been
5 selected as the jury to try this case. We are
6 going to administer an oath to you at this time.

7 Madame Clerk.

8 THE JURY,

9 being first duly sworn, testified as follows:

10 THE COURT: Ladies and gentlemen, I've
11 provided notepads; that means you may take notes
12 throughout the progress of this trial. Remember,
13 one juror's note is no more correct or accurate
14 than another juror's notes. It's for you to use as
15 you see fit. You may have the notes with you when
16 you retire to consider your verdict.

17 Ms. Rockel, you've been selected as the
18 jury's foreperson, which simply means you're the
19 spokesperson. So your responsibility is to act as
20 the spokesperson. You must always sit in that seat
21 and there will always be a bailiff close to you, so
22 if, at any time, you need any extra breaks or
23 anything like that, if you will alert the bailiff
24 we will handle that matter.

25 If anyone needs an extra break or you

COURT'S OPENING

1 can't hear or see something, please let your
2 foreperson know and she will let us know.

3 To my two alternates, those are your
4 assigned seats. You may alternate with each other,
5 but the two of you must always be on the end seats
6 as well.

7 You are also, Madame Foreperson,
8 responsible for writing the verdict in this case.
9 Madame Foreperson, I will give you further
10 instructions when I instruct the entire jury on the
11 law applicable to this case.

12 Ladies and gentlemen, you may see some
13 evidence being admitted into evidence in this case.
14 You may not have the opportunity to view that.
15 Please do not be concerned about that. We -- that
16 evidence that is admitted will go back with you
17 into the jury room when you retire to consider.

18 A lot of times the attorneys may move
19 to have it admitted and not show it to you. Please
20 don't be concerned about that.

21 If, at any time, you need any
22 additional testimony when you're retired to
23 consider your verdict, we simply -- my court
24 reporter will come back to the jury room and play
25 the audio to you or we will receive you back into

COURT'S OPENING

1 the courtroom and play it back for you. Please
2 don't think you have to take down notes word for
3 word. It is more important, I think, for to you
4 pay attention as to what's going on, because
5 sometimes when you're taking notes, you may miss
6 what is happening before you.

7 What I now say is intended to serve as
8 an introduction to the trial of this case. Please
9 remember these remarks are not a charge on the law
10 in this case. I will instruct you on the law
11 applicable to the case at the end of the trial
12 before you retire to consider the verdict. I
13 simply want to take this opportunity to explain the
14 procedures that we were going to be following.

15 The defendant is charged with eight
16 indictments filed in this court with the crimes of
17 one count of armed robbery; one count of assault
18 and battery, first degree; two counts of
19 kidnapping; two counts of possession of a weapon
20 during the commission of a violent crime; one count
21 of attempted armed robbery; and one count of
22 criminal conspiracy.

23 I will explain the elements of the
24 charges at a later time. Please remember the
25 indictment is the charge by which the case is

COURT'S OPENING

1 brought into court. It is not in any sense
2 evidence of the allegations that it contains.

3 The defendant has pled not guilty to
4 each indictment. The State has the burden of
5 proving each of the elements of each indictment
6 beyond a reasonable doubt. It is your duty, ladies
7 and gentlemen, to determine whether the State has
8 met its burden.

9 Your purpose as jurors is to find and
10 determine the facts. You are now the sole judges
11 of the facts in this case. You may have noticed
12 when you came in, the parties involved in, and the
13 members of the audience were standing. This is out
14 of respect for your new position as judges of the
15 facts. So please come in and take your seats
16 quickly, because everybody will remain standing
17 until all of you are seated.

18 If, at any time, I make any comment
19 regarding the facts of the case, you must disregard
20 it. You are to determine the facts from the
21 testimony you hear and other evidence that is
22 introduced in court. It is up to you to determine
23 the inferences which you feel may be properly drawn
24 from the evidence.

25 It is important that you perform your

COURT'S OPENING

1 duty in determining the facts diligently and
2 conscientiously, because, ordinarily, there is no
3 way to correct an erroneous determination of the
4 facts by a jury.

5 On the other hand, and with equal
6 emphasis, the same law that makes you the judges of
7 the facts makes me the judge of the law. The law
8 as given by this court is the only law that you may
9 consider. You must accept it and follow it even
10 though you may disagree with it. I cannot tell you
11 what I think the facts are, and you cannot disagree
12 with me about what the law is or what the law
13 should be.

14 Your job is to take the law as I give
15 it to you, apply it to the facts as you find it
16 from the testimony of the witnesses and any other
17 evidence that is introduced, and after doing that
18 you will render your verdict, a verdict under the
19 solemn oath that you just took.

20 Until I advise you to begin the
21 deliberations, you must not discuss the case with
22 anyone. That includes your fellow jurors, your
23 friends, family members, or anyone else. It
24 includes face-to-face conversations, but it also
25 does include any electronic communication. You may

COURT'S OPENING

1 not text about this case, blog about this case,
2 make any entry on any social media. Simply put,
3 you may not discuss the case with anyone in any
4 form until I tell you otherwise.

5 You must decide this case based solely
6 on the evidence presented here in the courtroom.
7 You may not conduct any independent research about
8 the case, either together or as a group. You may
9 not do any Google search or anything of that nature
10 concerning the facts of the case, the evidence
11 presented in the case, the people or the
12 organizations involved in this case. Simply put,
13 do not do any independent research. Everything you
14 need to know about the case will be presented to
15 you.

16 Do not go to the scene where the
17 alleged events are said to have taken place; and,
18 most importantly, do not read, watch any news
19 accounts concerning this case should there be any.

20 Ladies and gentlemen, if you become
21 aware of another juror's violation of the rules,
22 you must tell me immediately.

23 It is important that you keep an open
24 mind and not decide any issue in the case until all
25 of the evidence has been presented, the parties

COURT'S OPENING

1 have made their closing arguments, and I have
2 instructed you on the law applicable to this case.
3 It is your solemn responsibility to determine the
4 guilt or innocence of the defendant, and your
5 verdict must be based solely on the evidence as it
6 is presented to you during this trial, and on the
7 law as I instruct you during trial and at the close
8 of the trial before you retire to consider your
9 verdict.

10 In just a moment, the Solicitor is
11 going to make what's called an opening statement in
12 which the Solicitor will explain to you the issues
13 in this case, or at least what the Solicitor
14 believes the issues to be. The attorney for the
15 defendant may also make an opening statement;
16 although, he's not required to do so at this time.

17 Please remember what the attorneys tell
18 you in their opening statements as well as their
19 closing arguments is not evidence in this case.
20 The evidence in this case will be presented to you
21 by the testimony of the sworn witnesses from the
22 witness stand, as well as the exhibits that will be
23 introduced into evidence.

24 From time to time, one of the attorneys
25 may make an objection or ask to approach the bench.

COURT'S OPENING

1 If I have them approach the bench, please do not
2 try to overhear what we're saying. If I excuse you
3 from the courtroom for a short while, please do not
4 think I'm trying to hide anything from you.

5 The reason that I must do this is
6 sometimes it is necessary for me to make a comment
7 on the facts in order to issue a ruling in the law.
8 So I will excuse you so that, in no way, anything
9 that I say or do throughout the progress of the
10 trial indicates to you that I have any opinion
11 about the facts in this case. The law does not
12 allow me to have an opinion about the facts in this
13 case.

14 In determining what the true facts are,
15 you must decide whether or not the testimony you
16 hear is believable. It is my responsibility to
17 rule as a matter of law whether certain testimony
18 is admissible. Once the testimony is admitted,
19 whether or not you believe it is solely for you to
20 determine.

21 In deciding whether to believe a
22 witness, you have the right to consider the
23 interest of a witness, the bias of a witness, the
24 prejudice of the witness, the opportunity for the
25 witness to have seen the matters and things about

OPENING STATEMENT BY MR. CANNON

1 which the witness testifies, as well as the way the
2 witness acts on the witness stand. You have a
3 right to consider anything in the record that would
4 help you evaluate the testimony. That means it's
5 your duty to pay close attention. Please do not
6 let your thoughts wander so at the end of the trial
7 after I've instructed you on the law applicable to
8 this case, you will be in a position to determine
9 what the facts are, apply the law to those facts
10 and render a verdict based only upon those things.

11 Please give your strict attention.

12 Mr. Cannon.

13 MR. CANNON: Afternoon, everyone.

14 Chris Williams thought he was
15 untouchable. Chris Williams is greedy and tried to
16 take advantage of hard-working people, but what
17 Chris Williams didn't know was the police were
18 watching the entire time. Now, you've heard a lot
19 of the indictment reading already, and this is not
20 a one-day event. This is a crime that took place
21 over the course of five weeks that terrorized the
22 family of the Lords. Sam and Lili Lord, sitting on
23 the second row, were terrorized for five weeks by
24 Chris Williams.

25 Right here (indicating) is a map of the

OPENING STATEMENT BY MR. CANNON

1 Lord's neighborhood. That's going to be a big key
2 to this case. May 7, 2016, the Lords were in their
3 convenience store on Remount Road. They left for
4 home, they pulled in to their driveway in the back
5 of _____ in Goose Creek, the
6 Hamlets.

7 Mr. Lord gets out of the vehicle, walks
8 around to the passenger side to pull out a bag when
9 he's approached from behind with a man wielding a
10 knife at his chest. Lili screaming, fearful for
11 what's going on, unable to get out of the vehicle,
12 eventually relinquishes the money bag she's
13 holding. Chris Williams runs into the night.

14 That might be where the story ends, but
15 it's not where it ends. You see, a couple of weeks
16 later, the police had no leads. They didn't know
17 who to look for, but what the Lords did, they set
18 up home surveillance to give themselves some peace
19 of mind at their home, their sanctuary.

20 On June 2nd, looking at that AT&T
21 surveillance system, they see none other than Chris
22 Williams walking down the driveway of his house in
23 his neighborhood. Mr. Lord knew right then these
24 people didn't belong because he knows the people on
25 the street. What he did do is call the police. He

OPENING STATEMENT BY MR. CANNON

1 called Goose Creek and said, I've got some
2 suspicious people, check it out.

3 Goose Creek, doing their due diligence,
4 set up a surveillance system. And for the next
5 week, for the most part, every day, they had two
6 officers hiding underneath the stairs of the
7 next-door house. They had people hiding in
8 unmarked cars down the street. We had officers
9 hiding in a garage down the street. They set up
10 trail cams, pictures of stills of Chris Williams in
11 that neighborhood casing the house.

12 And why is that important? Because
13 Chris Williams doesn't live there. Goose Creek was
14 able to finally figure out how he was getting there
15 and were able to determine the vehicle he was
16 arriving in, was the license plate,
17 registered to Tiffany Ravenell.

18 You are going to hear from the Lords
19 that they know Tiffany Ravenell because she shops
20 in the convenience store that they own.

21 Goose Creek started tracking this.
22 Ultimately, they were able to catch, on June 10th,
23 Tiffany Ravenell dropping off Chris Williams and a
24 third man -- a second man, third of the
25 conspirators to rob the Lords.

OPENING STATEMENT BY MR. CANNON

1 On June 10th, Mr. Lord pulled into his
2 driveway and as he pulled into his driveway, Chris
3 Williams ran out from the backyard holding a Taser
4 and knife and a can of Mace ready to do it all
5 again.

6 What Chris Williams didn't know is the
7 police were right there watching this unfold and
8 pounced on him. Under arrest in the backyard of
9 the Lords, ready to rob the man again.

10 While that's the facts of the case,
11 you're going to hear from several people. You will
12 hear from Tiffany Ravenell herself who drove Chris
13 Williams there on May 7th, throughout the week of
14 early June and June 10th. You're going to hear
15 from her tell you her side of the story and what
16 happened.

17 Now, before I go any further with that,
18 I want to give you a brief synopsis on the law in
19 this case. There are a lot of charges here, but I
20 want to talk to you real quickly about that. Those
21 are the charges that you've already heard. I'm
22 going to give you a little bit of a legal
23 background of what they are.

24 We're going to start with armed
25 robbery. A person who commits an armed robbery are

OPENING STATEMENT BY MR. CANNON

1 armed with a pistol, dirk, slingshot, metal
2 knuckles, razor or deadly weapon. The taking or
3 seizing their money with a weapon is considered an
4 armed robbery.

5 Now, I told you already this is a week
6 -- excuse me, a month of a conspiracy. This charge
7 pertains to the first night May 7th, 2016, where
8 Christopher Williams was able to take the money --

9 THE DEFENDANT: Chris Williams.

10 MR. CANNON: -- was able to take the
11 money and leave the scene. Now, to be an armed
12 robber -- to be convicted of armed robbery, you
13 have to be alleged to have those deadly weapons, or
14 while alleging by actions or words to make the
15 person believe that you are armed. That qualifies
16 as an armed robbery.

17 Assault and battery, first degree, how
18 do we get to this? Assault and battery is a person
19 who commits an assault and battery, first, if one
20 injures another person and if the act occurred
21 during the commission of a robbery. There is an
22 injury that's occurred during the commission of a
23 robbery; assault and battery, first degree.

24 Or offers or attempts to injure a
25 person during the commission of a robbery. So you

OPENING STATEMENT BY MR. CANNON

1 can have an injury or you can have an alleged act
2 or wanting to commit the injury during the
3 commission of a robbery, and that can qualify as an
4 assault and battery, first degree.

5 Kidnapping. Everyone has a vision of
6 what kidnapping is. It's probably tying you up,
7 putting you down in the pit, and keeping you
8 hidden, kidnapped, away. The law in South Carolina
9 not -- that is a kidnapping, but you can also be
10 kidnapped in other ways. Kidnapping, best defined,
11 is someone who feels they are confined and can't
12 leave a space for a moment in time. It could be
13 brief, it could be short, it could be a few
14 seconds, or it could be several days.

15 In this case, Chris Williams was
16 charged with two counts of kidnapping to Sho and
17 Lili Lord. Remember, I told you on May 7th when he
18 approached from the back of Sam Lord, Sho Lord, Sho
19 is going to tell you that he didn't feel like he
20 could leave. He was wrapped with an arm around his
21 throat and a knife to his chest; he was seized, he
22 was confined.

23 Lili, in the vehicle, couldn't get out
24 because Chris Williams was standing right there
25 blocking her from getting out of the vehicle.

OPENING STATEMENT BY MR. CANNON

1 Again, a person who is unlawfully seized, confined,
2 that is a kidnapping, however brief, however short.

3 Attempted armed robbery. Again, this
4 was a long six-week period. This goes to the
5 June 10th attempted armed robbery where Chris
6 Williams, along with the co-defendant, rushed from
7 the backyard to try to take Sam Lord down again and
8 get his money. You will hear from Goose Creek, he
9 had a Taser, he had a knife and a can of Mace. All
10 were ready to do it on June 10th.

11 And, again, just like the armed
12 robbery, if you're armed, an attempt can occur
13 while armed with that weapon, or while alleging
14 either by actions or words that you're armed;
15 that's an attempted armed robbery.

16 Now, two more charges, the possession
17 of a weapon during the commission of a violent
18 crime. Statutorily defined in South Carolina,
19 armed robbery and attempted armed robbery are
20 violent crimes as defined by the State General
21 Assembly.

22 If you're convicted of that and you
23 possess a weapon, you're guilty of possession of a
24 weapon during the commission of a violent crime.

25 Criminal conspiracy. Conspiracy is two

OPENING STATEMENT BY MR. CANNON

1 -- more than one, two people, at least, conspiring
2 to do an unlawful object. In this case, we have an
3 armed robbery and we have an attempted armed
4 robbery. We have multiple people involved. Again,
5 you heard me tell you Tiffany Ravenell is going to
6 testify. She's one involved. We have Chris
7 Williams who also is involved. We have another
8 co-defendant who is involved as well.

9 That is the conspiracy. The conspiracy
10 lasts from May 7th, 2016, for that six-week period,
11 to June 10, 2016. That whole time frame two
12 conspired to do that unlawful object of robbing the
13 Lords at their house.

14 Beyond a reasonable doubt. What is
15 that? That's the burden in criminal cases. You've
16 probably heard, burden beyond a reasonable doubt in
17 television, Law and Order. What is beyond a
18 reasonable doubt? It's hard to define. When I try
19 to talk to juries and explain to them what beyond a
20 reasonable doubt is, it's after you've viewed the
21 evidence, you being the judge of the facts, you
22 take the law as the judge law gives it to you, the
23 judge of the law, and apply those two things
24 together.

25 After you've taken the facts with the

OPENING STATEMENT BY MR. SMALDONE

1 law she gives you, if you're firmly convinced that
2 the State has proven their burden, then
3 Mr. Williams is guilty of all those charges we just
4 talked about; you have no choice but to find him
5 guilty on those charges.

6 Now, you're going to hear a lot of
7 witnesses that are going to be -- it's not going to
8 be long, but it's a lot of redundancy. What I mean
9 is, we're going to be beating a dead horse. It's
10 not because I want to do that, I'm not trying to
11 bore you, it's my job to prove the case to you.

12 I have to do that as thoroughly as
13 possible to make you firmly convinced that after
14 you have heard the facts, seen the pictures, heard
15 the testimony, that you're going to be firmly
16 convinced that Chris Williams is guilty of those
17 charges.

18 And I'll tell you now, when it comes
19 time for you to render your decision, I believe
20 you're going to be firmly convinced.

21 THE COURT: Thank you.

22 Mr. Smaldone.

23 MR. SMALDONE: May it please the Court.

24 Mr. Cannon, Ms. Sas, ladies and gentlemen of the
25 jury, afternoon.

OPENING STATEMENT BY MR. SMALDONE

1 It's been a long day. I'm going to try
2 to be as brief as possible, but I ask that you
3 listen and pay attention. I ask that you listen
4 and pay attention throughout the course of this
5 case.

6 Because it's been a long day, I'm going
7 to start with the easy part. I'm going to start
8 with the easy part. I'm going to start with what
9 we can all agree on. I'm going to start with what
10 I'm not going to fight. I'm going to start with
11 what we could say is pretty much an agreement.

12 We can agree that the family, the
13 Lords, were robbed in May of last year. Not a
14 dispute. They were robbed. We could agree that it
15 was terrible what happened. We could agree that
16 they lost money. We could agree that Mr. Lord was
17 injured. And it's okay to feel bad about that.
18 It's okay to feel sorry for them.

19 What we're not here to do and what the
20 State came here to do is to confuse those feelings
21 of how bad it is to be robbed, how bad it is to be
22 injured, how scary it is to be injured or robbed
23 with the guilt or innocence of Mr. Williams.

24 Because what we don't agree on and what
25 this trial is all about, and what I'm going to be

OPENING STATEMENT BY MR. SMALDONE

1 talking a lot about probably, is the fact that the
2 State thinks that Mr. Williams is guilty of the
3 offenses.

4 I can tell you loudly, probably, I can
5 tell you that Mr. Williams is not guilty of this
6 offense. And we actually right now agree he's not
7 guilty of the offenses because he's innocent until
8 proven guilty. But it's not just that. It's not
9 just the constitution.

10 It's not just, oh, he's not guilty
11 because he's not guilty yet. It's not that he's
12 not guilty yet; it's that he's not guilty. Because
13 what happened on that day in June of last year was,
14 Mr. Williams didn't have a car, was brought to a
15 neighborhood, was brought to a neighborhood by
16 someone you already heard about, Ms. Ravenell, and
17 all of a sudden gets swarmed by the police and
18 blamed for everything bad that's happened in that
19 neighborhood.

20 Mr. Williams was at the wrong place at
21 the wrong time, but probably more importantly than
22 that, he was with the wrong person. He was with
23 Miss Ravenell. When Miss Ravenell felt the heat
24 and felt the pressure, who was easy to blame? Who
25 was the easiest person to blame? Little Chris

OPENING STATEMENT BY MR. SMALDONE

1 Williams, scapegoat for everything bad that's
2 happened in the neighborhood. Chris Williams.

3 Ladies and gentlemen, I told you I
4 would be brief, and I'm going to stick to my word.
5 So I'm just going to ask that you pay close
6 attention to this case.

7 Consider all the witnesses, consider
8 what motives they have, what motives they have to
9 tell the truth, what motives they have to lie. And
10 then I want you to go back there, I want you to
11 deliberate, and she is going to make you do it; you
12 are going to deliberate, and when you see that the
13 evidence doesn't add up, that the facts don't add
14 up, that the State can't prove that it was Chris
15 Williams because it wasn't, not just because they
16 can't prove it, but because it wasn't, then you
17 return a verdict of not guilty on everything.

18 Because Chris Williams is innocent.
19 Chris Williams was set up, and when it was easy to
20 close the case and easy to see -- to figure out and
21 easy to blame someone for what I've already said
22 was a terrible incident, they just stopped. It
23 doesn't add up.

24 So, ladies and gentlemen, Chris
25 Williams is not guilty of all these offenses. And

SHO LORD - DIRECT EXAM BY MR. CANNON

1 I ask you, at the end of all the evidence, at the
2 end of when you've heard what people say and what
3 they don't say, I ask you to return a verdict that
4 reflects those facts, and that verdict is not
5 guilty. Thank you.

6 THE COURT: Call your first witness.

7 MR. CANNON: State calls Sam Lord,
8 Sho Lord.

9 SHO LORD,

10 being first duly sworn, testified as follows:

11 THE CLERK: Please have a seat, state
12 your full name and spell your last.

13 THE WITNESS: My name is Sho Lord and
14 Sam Lord too. Lord is L-O-R-D, last name.

15 DIRECT EXAMINATION

16 BY MR. CANNON:

17 Q. Mr. Lord, how are you?

18 A. Good, thank you.

19 Q. Sorry you have to be here under these
20 circumstances.

21 How old are you?

22 A. I'm 65 today.

23 Q. Where were you born?

24 A. I born in Taiwan, ROC.

25 Q. When did you come to the United States?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. I come into the United States, 1984,
2 December.

3 Q. Okay. Are you married?

4 A. Yes, I do.

5 Q. What is your wife's name?

6 A. My wife's name is Lili Lord.

7 Q. Is she present in the courtroom today?

8 A. Yes. She is right there.

9 Q. Okay. What do you do for a living
10 here?

11 A. I was working for steam shipping line,
12 but after I retired from them, I have a convenience
13 store on Remount Road.

14 Q. What is the name of that convenience
15 store?

16 A. Convenience store name is SS Mart.

17 Q. And who works at the SS Mart with you?

18 A. Me and my wife.

19 Q. What does S. S. stand for?

20 A. I had -- I have -- I had a partner
21 named Shung. So the SS Mart mean Shung and Sam.

22 Q. You made mention, Sam -- what do people
23 in the store call you?

24 A. They call me Sam. Everybody on Remount
25 Road call me Sam.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. Okay. And who works at the SS Mart
2 currently?

3 A. I have employee right now.

4 Q. Okay. And outside of that employee,
5 who else works there?

6 A. Me and my wife.

7 Q. And so if you're not there, who is
8 there to run the business?

9 A. You know, before I have a partner and
10 he has brothers work for us, but since my partner
11 is moved out of town, moved out of state, and so
12 she quit. So I own by myself right now. So me and
13 my wife work from 5:30 to 10, 9:30 or 10:00.

14 Q. How many days a week do you work?

15 A. Seven days.

16 Q. Are days at the SS Mart busier than
17 others?

18 A. Yes. Like Friday, Saturday more busy
19 than normal day.

20 Q. Why is that?

21 A. Because S. S. Mart not only do the
22 convenience store. We sell some groceries, beer,
23 wine, cigarettes, we do check cashing.

24 Q. Okay. And Friday corresponds with
25 payday for some people?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. Yeah. Friday, Saturday people get
2 paycheck so they need some cash so they come to me.
3 Saturday most banks closed. If they have a check,
4 they come to me.

5 Q. I see. And what other businesses are
6 around the SS Mart on Remount Road?

7 A. We've got a -- the reason we have it
8 there, we have a temp service there called Staffing
9 Zone.

10 Q. In relation to the S. S. Mart, where is
11 the Staffing Zone?

12 A. Staffing Zone only two doors next to
13 us.

14 Q. Okay. Do you know who Tiffany Ravenell
15 is?

16 A. Yes, I do.

17 Q. Who is Tiffany Ravenell?

18 A. Tiffany Ravenell, she is the driver for
19 Staffing Zone. Take workers to and back to work.

20 Q. Okay. How you ever seen Tiffany
21 before?

22 A. Yes.

23 Q. Where have you seen her before?

24 A. In the parking lot of the Staffing
25 Zone.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. Okay. Has Tiffany ever been to your
2 store?

3 A. Yes, couple of times.

4 Q. For what reason?

5 A. I think she cashed a check one time
6 before.

7 MR. CANNON: Permission to approach
8 the witness, Your Honor?

9 THE COURT: You may.

10 BY MR. CANNON:

11 Q. I'm showing you what was premarked as
12 Exhibit 1. Do you recognize that?

13 A. Yes.

14 Q. What is that?

15 A. This is my neighborhood.

16 Q. Okay. Does that --

17 MR. CANNON: Will you put that up
18 please?

19 BY MR. CANNON:

20 Q. Does that neighborhood accurately
21 reflect the neighborhood in May of 2016?

22 A. Yes.

23 MR. CANNON: At this time, the State
24 would move to enter Exhibit 1 into evidence.

25 THE COURT: Any objection?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 MR. SMALDONE: No objection.

2 THE COURT: State's 1 into evidence
3 without objection.

4 BY MR. CANNON:

5 Q. Real briefly, I want to show you the
6 picture that you just saw. I made the mistake of
7 taking it down. That is State's Exhibit 1. Right
8 here to your left, my right, is a blowup. Do you
9 recognize this?

10 A. Yes.

11 Q. Okay. I'm going to give you this laser
12 pointer. If you hit the red button, you can zoom
13 in. Would you say that this map is a close-up of
14 Exhibit 1?

15 A. Yeah.

16 Q. Okay. Do you recall May 7, 2016?

17 A. Yes. May 7th, yeah, 2016. Yes, of
18 course.

19 Q. And what were you doing on May 7th,
20 2016?

21 A. I -- this is not a working day for me,
22 and we leave our store around 8:00 that night and
23 we're going to look at property, potential buying
24 property on Read Street off of Remount Road.
25 Another property off Remount Road nearby the trophy

SHC LORD - DIRECT EXAM BY MR. CANNON

1 shop.

2 Q. Do you recall what time you left your
3 business that day?

4 A. Around 8, 8:30.

5 Q. Okay. And you said you went to look at
6 some property in the area?

7 A. Yes.

8 Q. Where was that property in relation to
9 the SS Mart?

10 A. Just nearby.

11 Q. What street was that on?

12 A. Read Street, R-E-A-D, Street.

13 Q. Who was with you?

14 A. My wife, Lili.

15 Q. Lili. And what type of vehicle were
16 you driving that day?

17 A. I was driving my Lexus 300 IX.

18 Q. Is that a sedan or SUV?

19 A. SUV.

20 Q. And do you recall the path you took
21 home that day to get home?

22 A. You mean the path -- yeah. I drive
23 from Remount Road to I26 and get off at College
24 Park Road.

25 Q. Yes, sir.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. And then go into the Hamlets, Crowfield
2 Plantation and back home Hamlet Circle.

3 Q. All right. I apologize for the
4 technical difficulties we're having.

5 On the big map to our left, do you
6 recognize where Hamlet Circle is?

7 A. Here is the Hamlet Circle.
8 (Indicating.)

9 Q. Which direction would you have been
10 coming from May 7th, 2016?

11 A. Coming from here, passing by the Hamlet
12 Park. Come to the Norfolk Way and then come to
13 North Norfolk Way and go home here. Here's my
14 home. (Indicating.)

15 Q. Okay. And that home you're pointing to
16 or circling is which has the
17 bolded label?

18 A. Yes.

19 Q. What personal items do you have in your
20 vehicle that night?

21 A. In my vehicle that night, because we
22 just get off work, I have my check cash bag. My
23 wife have the store cash bag and computers, this
24 and that.

25 Q. Where was the SS Mart -- you said you

SHC LORD - DIRECT EXAM BY MR. CANNON

1 had two different businesses at the S. S. Mart.
2 You have a convenience store and a check-cashing
3 business?

4 A. Yes, sir.

5 Q. Do you keep those bags separate?

6 A. Yes, sir.

7 Q. And your wife had what bag?

8 A. She got SS Mart cashbox.

9 Q. The cash derived from the convenience
10 store of the business?

11 A. Yes.

12 Q. What county is your home in?

13 A. Berkeley County.

14 Q. And do you know what city?

15 A. Goose Creek city.

16 MR. CANNON: Permission to approach
17 the witness, Your Honor?

18 THE COURT: You may.

19 BY MR. CANNON:

20 Q. I'm going to show you what was
21 premarked as Exhibits 3 through 9. Take a look at
22 those and tell me if you recognize them.

23 A. I recognize all these because this is
24 my home.

25 Q. Do you know when the pictures were

SHC LORD - DIRECT EXAM BY MR. CANNON

1 taken?

2 A. Yeah, from this blood on the floor --

3 Q. Just talk to me right now. We'll show
4 the pictures, but talk to me. Do you recognize the
5 pictures?

6 A. Yes.

7 Q. And when were they taken?

8 A. May 7, 20 -- last year.

9 Q. 2016?

10 A. Yeah, 2016.

11 Q. Do these pictures accurately reflect
12 your house on May 7, 2016?

13 A. Yes, sir.

14 Q. Do they appear to be altered in any
15 way? Changed in any way?

16 A. No. No, no change.

17 MR. CANNON: At this time, the State
18 would move to enter State's 3 through 9 into
19 evidence.

20 THE COURT: Any objection?

21 MR. SMALDONE: No objections.

22 THE COURT: State's 3 through 9 into
23 evidence without objection.

24 MR. CANNON: Thank you.

25 BY MR. CANNON:

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. When you pulled into
2 , what happened that night?

3 A. We pulled in that way almost -- home,
4 almost around 10:00. It was so dark. I don't have
5 lights on because our house near water so many
6 mosquitoes coming. If I have lights on, mosquitoes
7 come, so I don't have the lights on that night.

8 I pull in, when I park the car, I get
9 out from my driver's side and go to the passenger
10 side and tried to get my bag and go home, and
11 somebody come from my back.

12 Q. Let me stop you right there. Where did
13 you park the car that night? Take the laser
14 pointer and --

15 A. Right now -- usually -- usually, before
16 this case happened, I always park my car in the
17 back side because the garage is in the back. Okay.
18 I don't park it in the front side. I park in the
19 back side.

20 Q. Did you park in the back side on May 7,
21 2016?

22 A. Yes, I parking back side May 7, 2016.

23 Q. When you got out, you said somebody
24 came from behind?

25 A. Yes. I get out of the car from the

SHC LORD - DIRECT EXAM BY MR. CANNON

1 driver's side, go to the passenger side, the rear
2 seat, tried to grab my bag, somebody show up right
3 behind me.

4 MR. CANNON: Okay. Permission to
5 publish these?

6 THE COURT: You may.

7 MR. CANNON: Exhibit 3, please.

8 BY MR. CANNON:

9 Q. And do you recognize that image?

10 A. Yes, that's my house.

11 Q. That's from the packet of pictures I
12 gave you right here?

13 A. Yes, sir.

14 Q. And that's the front of your house?

15 A. Yes, that's from the front view of my
16 house.

17 MR. CANNON: Could we go to 4, please?

18 BY MR. CANNON:

19 Q. What is that?

20 A. My driveway.

21 Q. Okay. And can you point on the map,
22 point with the laser where that would be standing?

23 A. This is my -- here's my house. That
24 picture was taken from here. That's the driveway
25 going to the back yard.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 MR. CANNON: Exhibit 5, please.

2 BY MR. CANNON:

3 Q. Okay.

4 A. That is my backyard.

5 MR. CANNON: Okay. Next one, please.

6 Exhibit 6.

7 THE WITNESS: That's my backyard.

8 BY MR. CANNON:

9 Q. Exhibit 7?

10 A. That's my backyard. That's where I'm
11 parking my car May 7th last year.

12 Q. Okay. Now, let's talk real quick as
13 the gentlemen approached you from behind. You said
14 a male approached you from behind?

15 A. Yes. A black male approached behind
16 me.

17 Q. Okay. Did you see who that person was?

18 A. It's so dark I cannot see very clear.

19 Q. How did you know it was a black male?

20 A. Because I turned my head back and I saw
21 her -- I saw him.

22 Q. Did he say anything to you at that
23 moment?

24 A. Yeah, he said something. He say --
25 because when approaching me with the arm over my

SHC LORD - DIRECT EXAM BY MR. CANNON

1 neck and knife in front of my chest, and I grabbed
2 him. And he said -- I tried to fight with him and
3 he said -- I've got people in front. I got people
4 at front.

5 Q. How did you know there was a knife?

6 A. Because I grabbed -- I thought I
7 grabbed his hand, but it's so dark. I grabbed his
8 hand, but actually I grabbed his knife.

9 Q. Okay. And what did that knife do to
10 you?

11 A. It cut my hand right here.

12 (Indicating.) I have to go to the emergency room
13 have ten stitches on it.

14 Q. Okay. As he reached around -- the
15 person reached around you with the knife and you
16 grabbed it, what did you do?

17 A. You know, I tried to protect my wife
18 and my property, so I tried to hold the knife and
19 don't -- cannot let it go.

20 Q. How did you feel at that time?

21 A. I was so scared because my life was
22 flashing. I could be killed at that moment.

23 Q. How old are you?

24 A. I'm 65 years old.

25 Q. How big are you?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. I'm only five, three.

2 Q. How much do you weigh?

3 A. 135.

4 Q. Okay. And were you able to get away
5 from him at all?

6 A. No way, because he got arm, he got
7 knife on his hand, and I got so much things I have
8 to protect, I cannot leave.

9 Q. How long did you remain in that
10 position?

11 A. Probably, just a few seconds.

12 Q. Okay. And what happened next?

13 A. I grabbed his -- I grabbed the hand,
14 the knife, I cannot let it go. And he saw my wife
15 get out of the car with a bag. So he turned around
16 to get -- to rob my wife, to get the bag from her.
17 I still not released the knife because if I release
18 the knife he will -- he might hurt somebody. My
19 wife say, let him have it, let him have it.

20 Q. Have what?

21 A. Have the bag.

22 Q. And what did the bag contain?

23 A. That bag contains SS Mart that day's
24 money.

25 Q. Okay. After she -- that was said, what

SHC LORD - DIRECT EXAM BY MR. CANNON

1 happened next?

2 A. So my wife tell me, let him go, let him
3 have the bag. So -- so I release the knife. And
4 he got -- before fighting with him, he said, I've
5 got people at front. He tried to tell me, don't
6 fight, because he said we've got more people
7 coming. That's what he tried to tell me.

8 Q. What did he do next?

9 A. He grabbed the bag. When he grabbed
10 the bag, he run from my driveway. He grabbed the
11 bag here and tried to run away from here and go
12 here. (Indicating.)

13 Q. What did you do?

14 A. I was not chasing him. I tried to find
15 out where he go. So I run to here, and was -- I
16 was bleeding bad so I have to go home to try to
17 stop my bleed -- my blood.

18 MR. CANNON: Please publish Exhibit 8.

19 BY MR. CANNON:

20 Q. Do you recognize this? I will show you
21 the hard copy. That is what is on the screen. Do
22 you recognize that?

23 A. Yeah, our car. I cannot forget that.

24 Q. What stands out in that picture?

25 A. See all my blood there and my bags,

SHC LORD - DIRECT EXAM BY MR. CANNON

1 other things from falling out from the bag --

2 Q. Okay.

3 A. -- during the fighting.

4 Q. Does this image capture the entire
5 space where the robbery took place?

6 A. This -- not whole majority.

7 Q. Okay. I'm going to show you State's
8 Exhibit 9. Do you recognize that?

9 A. Yeah. This is my -- that's my back
10 door.

11 Q. Okay.

12 A. Usually I go home from this before the
13 robbery.

14 Q. So you said you went here before the
15 robbery?

16 A. No. I went home -- I use this door
17 before the accident happened, but now I do not use
18 this door no more.

19 Q. I understand what you're saying. I
20 understand what you're saying, but I want to clean
21 this up. Where is this door located on your house?

22 A. Located at the back side.

23 Q. Yes, sir. When you come home at night
24 now, do you use this door still?

25 A. No. I use the front door now.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. Okay. And how did all the blood get on
2 the door?

3 A. Because my hand was cut so I tried to
4 go home and clean it up and stop the bleeding. And
5 that's why.

6 Q. Okay. After that night, what was the
7 next thing you did as a result of this robbery?

8 A. After this robbery, my life changed. I
9 try to go home before the sun go down. And so
10 we're so scared we not go nowhere. After work we
11 come from work and go home straight, and no more
12 restaurants, no more leisure time, no.

13 And then we started to install more
14 lights in my backyard and then I installed a
15 security camera from ADT to monitor the house. I
16 went to buy my gun and I went to get my concealed
17 weapons permit too to protect me and my wife and my
18 property.

19 Q. I see. Did you ever talk to the
20 police?

21 A. Yes. You know, after this happened, of
22 course, my wife called the police and the police
23 come to the site help us, this and that. And after
24 we install the camera, we found out this guy come
25 back again.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. Okay.

2 MR. CANNON: Permission to approach
3 the witness?

4 THE COURT: You may.

5 BY MR. CANNON:

6 Q. Do you recognize this?

7 A. Yes, sir.

8 Q. What is this?

9 A. This is the video recording from my
10 security camera.

11 Q. How do you know it?

12 A. Because we saw it.

13 Q. How do you know that?

14 A. We review this at your office.

15 Q. Is that your signature on the disk?

16 A. Yes.

17 Q. Does it appear to be the complete
18 surveillance video from June 2, 2010?

19 A. Yes, sir.

20 Q. You made mention that you installed
21 surveillance video?

22 A. Yes, sir.

23 Q. What did that do to help you with this
24 case?

25 A. That security camera system helped me a

SHC LORD - DIRECT EXAM BY MR. CANNON

1 lot. We can see life or we can see anything happen
2 there. They will send me a text message to my cell
3 phone so we can open up and see who is there. If
4 no activity -- when there is activity, they would
5 record and it would alert me so I could open it up
6 and see what happened there.

7 So I see couple of times the people
8 come back again, so I was so scared.

9 Q. When you saw -- I'm sorry to cut you
10 off. When you saw that, what did you do?

11 A. I called Goose Creek Police Department.

12 Q. Okay. And this video that you have
13 seen --

14 MR. CANNON: Permission to publish
15 Exhibit 12 to the jury?

16 THE COURT: You may.

17 (Video playing.)

18 BY MR. CANNON:

19 Q. What did you see on June 2nd of 2016?

20 A. I saw two guys walking down from my
21 driveway towards my backyard.

22 Q. Okay. Will you show us on the map
23 where you installed the cameras?

24 A. Yeah. I installed three cameras: One
25 at the front door; one at the driveway, right here

SHC LORD - DIRECT EXAM BY MR. CANNON

1 (indicating), at the corner pointed to the
2 driveway. Anybody walk down the driveway they will
3 record. I installed a camera at the back of my
4 house in that corner, so they would cover this
5 area. (Indicating.)

6 Q: I'm playing for you what was marked as
7 State's Exhibit 12.

8 (Video played.)

9 THE WITNESS: I see those two guys
10 there.

11 BY MR. CANNON:

12 Q: Do you know who those two people are?

13 A: Those people, they intend to rob me.

14 Q: Do you know -- do you know who they
15 are?

16 A: At that time, I really don't know who
17 are they, but I'm so scared.

18 Q: Had you ever seen those people before?

19 A: Just to be honest with you, when I come
20 -- after I install the camera, I tried to go home
21 before -- before it get dark. I saw those people
22 in my neighborhood a couple of times. One time
23 only maybe five feet away from them I'm driving my
24 car.

25 Q: I will get to that, but my question to

SHC LORD - DIRECT EXAM BY MR. CANNON

1 you is, have you ever seen those people before that
2 day?

3 A. No.

4 Q. Okay. Do you know all your neighbors
5 on the street?

6 A. Yeah, I know most of them.

7 Q. How long have you lived at
8 ?

9 A. About five or six years, I think.

10 Q. Have you ever seen people walking on
11 the street that you didn't know before?

12 A. Not many.

13 Q. Okay. And why is that?

14 A. Because people -- mostly people there,
15 they have a car. They don't walk around except to
16 take a leisure walking, but I know most people. I
17 have a dog. I walk my dog every day.

18 Q. Okay. If you pulled into -- my
19 question is, what is south here on Norfolk Way?

20 A. Both end is dead end. Nowhere to go.
21 Only one way to get in or out Norfolk Way. This
22 side -- this side is dead end. That side is dead
23 end too. (Indicating.)

24 Q. Do you see a bunch of foot traffic on
25 Norfolk Way?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. No. I can actually mention one thing.
2 In May, the weather is so hot. When people walk
3 down the street that day I saw them, they even wear
4 the jacket and hood. Why they do that? It's very
5 strange. Automatic draw your attention; who are
6 they? What are they doing?

7 Q. After you saw this video of your ADT
8 system, what did you do with it?

9 A. What do you mean?

10 Q. Who did you contact as a result of
11 seeing that video in June?

12 A. I called the Goose Creek Police
13 Department right away.

14 Q. Who did you speak with?

15 A. I speak to Powell.

16 Q. Powell?

17 A. Powell.

18 Q. Do you see Powell here today?

19 A. Yeah, right there. (Indicating.)

20 Q. And I'm pointing to this gentleman
21 right here. (Indicating.)

22 A. Yeah. Yeah.

23 Q. After you contacted Goose Creek and
24 spoke to Powell, what did they do?

25 A. Powell -- they set up a system to

SHC LORD - DIRECT EXAM BY MR. CANNON

1 monitor my house, nearby the house. So they got --
2 every day they have police officers there.

3 Q. Okay. Did you -- when you came home,
4 did you see these police officers?

5 A. They are hiding somewhere. You don't
6 see them on the street.

7 Q. I see. You made mention -- you made
8 mention earlier that one day you were driving and
9 saw two individuals you did not recognize.

10 A. Yeah. You know, I saw them. I was
11 driving down to go home and I saw two guys, two
12 black, walking here. So I -- I don't turn to left
13 side to my home, I turn this side. (Indicating.)
14 And they come to this side too. They're close,
15 maybe only five feet away from me.

16 Q. So what did you do?

17 A. I called the police. I didn't go home.

18 Q. When was that date in relation to when
19 this video of June 2nd was filmed?

20 A. That was before June 2nd.

21 Q. Okay. I want to now talk to you about
22 June 10, 2016. Do you remember that day?

23 A. Of course.

24 Q. Okay. What were you doing that day?

25 A. That day I still working. Officer

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Powell called me. He asked me, what time I go
2 home. And I say, pretty soon. I got maybe another
3 20 minutes.

4 Q. About what time would that have been?

5 A. I'm not recalling. Probably like 7:30,
6 8:00. Six -- around 7:00.

7 Q. When you got that phone call, what did
8 you do?

9 A. When I got the phone call, I know
10 something is going on. So my wife was with me, so
11 I don't want her getting involved. It's dangerous
12 situation. So I drop my wife at her brother's
13 house. Only me going home that night.

14 So I drive just like every day. I used
15 Remount Road, I26, College Park Road, then go to
16 Crowfield Plantation, then go Hamlet Circle, then
17 go home. When I'm driving home passing by the
18 Hamlet Park, I saw a car parked in there. So I'm
19 driving -- Powell tell me to drive home like usual,
20 like normal.

21 So I'm driving home, I turned to my
22 backyard and drive, parking the car right in the
23 front side because after that I never use my rear
24 door, my back door.

25 Q. When you say, after that, what are you

SHC LORD - DIRECT EXAM BY MR. CANNON

1 referring to?

2 A. After May 7th, the day I was robbed.

3 Q. Okay. So on June 10th, when you came
4 home, you did not park in the back like you had
5 said in the past?

6 A. Yeah.

7 Q. When you pulled into your driveway,
8 what did you see?

9 A. After I pulled into -- when I pulled
10 into my driveway, I saw two police officers hiding
11 here, behind the bush. (Indicating.) So I drive
12 there and turn around and go out, parking in front,
13 not in back.

14 Q. What do you see in your back yard?

15 A. Two guys in the backyard near the water
16 in this area. (Indicating.)

17 Q. What were they doing?

18 A. I don't know. I'm so scared, I just
19 drive and park and let police officers handle that.

20 Q. Do you recall what they were wearing?

21 A. They were wearing the jacket and put
22 hood on in the middle of June.

23 Q. Whenever you turned around in your
24 backyard in the driveway, you pulled back out into
25 the front of your driveway?

SHC LORD - DIRECT EXAM BY MR. CANNON

1 A. I pulled about right here.

2 (Indicating.)

3 Q. What did you do next?

4 A. I stayed in the car and waited to see
5 what happened.

6 Q. Okay. Did you ever get out of the
7 vehicle?

8 A. Never. I stayed in the car. I don't
9 want to get out.

10 Q. Okay. How long did you stay in your
11 vehicle?

12 A. Probably 30, 40 minutes.

13 Q. Okay. And after that 30, 40 minutes,
14 what happened next?

15 A. I saw the police arrest two guys and
16 put them in the police car.

17 Q. Okay. Did you recognize those two
18 guys?

19 A. Yeah. Those are the guys -- they are
20 the guys walking in the videotape, those are the
21 two guys.

22 Q. And had you seen those two guys before?

23 A. Yeah. I saw them just that day I was
24 walking down here -- driving down here, I saw them
25 walking on the street.

SHC LORD - DIRECT EXAM BY MR. CANNON

1 Q. Do you know who Chris Williams is?

2 A. I know him now.

3 Q. Did you know before?

4 A. No.

5 Q. Do you still have surveillance video at
6 your house?

7 A. Yes.

8 Q. What has happened since June 10?

9 A. After that, now it's peace and quiet.

10 Q. Okay. Peace and quiet.

11 A. I want to add something. Those two
12 guys come to my house not one time, three or four
13 times.

14 Q. And on June 10, 2016, when you pulled
15 down the driveway back around to the front of your
16 house, why did you not get out of your vehicle?

17 A. I was scared I get hurt. You know, one
18 time is enough. My life was threatened by a knife.
19 I'm only five, three, 130 pounds. One Chris
20 Williams I cannot handle. Now I have two, two
21 guys.

22 MR. CANNON: At this time, the State
23 would move Exhibit 12 into evidence.

24 THE COURT: Any objection?

25 MR. SMALDONE: No objection.

SHC LORD - CROSS EXAM BY MR. SMALDONE

1 THE COURT: State's 12 into evidence
2 without objection.

3 MR. CANNON: Thank you, Mr. Lord.
4 Please answer any questions that Mr. Smaldone may
5 have for you.

6 THE WITNESS: Okay.

7 CROSS-EXAMINATION

8 BY MR. SMALDONE:

9 Q. Good afternoon.

10 A. Yes, sir.

11 Q. I just want to clear a few things up.
12 I won't take much of your time.

13 You didn't know Chris Williams before
14 this, right?

15 A. Yeah.

16 Q. You did not know him?

17 A. I don't know him.

18 Q. You never got a good look at the
19 robber's face the first time?

20 A. Yeah.

21 Q. You did not?

22 A. I turned my head back. I saw a black
23 male, you know, age about 45, 50. That's all.

24 Q. Okay. And when you spoke to law
25 enforcement previously, just to clear it up, did

SHC LORD - CROSS EXAM BY MR. SMALDONE

1 you not say it was 35 to 40, the age?

2 A. Actually, I didn't speak to them. My
3 wife spoke to them. I was in the hospital.

4 Q. Okay. But you never saw the face of
5 the person that robbed you the first time?

6 A. You mean before the --

7 Q. During the first robbery, you saw a
8 brief face, but you couldn't pick him out of a
9 lineup, could you?

10 A. No.

11 Q. And you never talked to a sketch artist
12 or anything like that? They never drew a picture
13 of the description, right?

14 A. (Shaking head.)

15 Q. That's okay.

16 And was there not -- was there someone
17 else that came to your house around this time
18 trying to sell you air-conditioning?

19 A. No, that's before.

20 Q. Before the robbery?

21 A. Yeah, before robbery. Not after or
22 during the time.

23 Q. So before you were robbed, someone came
24 to your house and tried to sell you
25 air-conditioning?

SHC LORD - CROSS EXAM BY MR. SMALDONE

1 A. That is the -- they went to a guy. I
2 met him over Remount Road.

3 Q. Right. And he came to your house to
4 try to do something with air-conditioning?

5 A. Yes.

6 Q. And --

7 A. Repair or -- you know.

8 Q. And he was trying to sell that to you,
9 right?

10 A. Yeah.

11 Q. And did you learn later on that he
12 doesn't have anything to do with air-conditioning
13 sales?

14 A. It will never happen. He was just
15 talking.

16 Q. He came to your house and talked to
17 you?

18 A. At Remount Road.

19 Q. Right.

20 A. Yeah.

21 Q. Okay. And he was -- but did you learn
22 that he doesn't sell air-conditioning later on?

23 A. Yes.

24 Q. You did learn that?

25 A. His business -- his job is related to

SHC LORD - REDIRECT EXAM BY MR. CANNON

1 the air-conditioning.

2 Q. But he would not make money by trying
3 to sell you air-conditioning, right?

4 A. No.

5 Q. So he just showed up to talk about
6 air-conditioning?

7 A. On Remount Road.

8 Q. Right. And did you learn his name?

9 A. No.

10 Q. Okay. And just to be clear, to make
11 sure that we're on the same page and make sure your
12 answers are what I think they are, you did not --
13 you did not have a good enough look at the person
14 that robbed you the first time to be able to tell
15 who it was that robbed you, right?

16 A. Yes.

17 MR. SMALDONE: And that's all the
18 questions I have for you right now.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MR. CANNON:

22 Q. Mr. Lord, on May 7, 2016, what was the
23 lighting like in your back yard?

24 A. There's no light there.

25 MR. CANNON: Okay. No further

LILI LORD - DIRECT EXAM BY MS. SAS

1 questions.

2 THE COURT: Re-cross?

3 MR. SMALDONE: No re-cross.

4 THE COURT: Sir, you may step down.

5 Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: I plan to call one more
8 witness before we break. Do you all need a comfort
9 break?

10 JURY FOREPERSON: We're good.

11 THE COURT: Call your next witness.

12 MS. SZYMCZYNSKA-SAS: The State calls

13 Lili Lord.

14 LILI LORD,

15 being first duly sworn, testified as follows:

16 THE CLERK: Please state your full name
17 and spell your last.

18 THE WITNESS: Okay. My name is Lili
19 Lord. Last name is L-O-R-D.

20 DIRECT EXAMINATION

21 BY MS. SZYMCZYNSKA-SAS:

22 Q. Afternoon, Mrs. Lord. Can you tell
23 jury how old you are?

24 A. How old I am?

25 Q. Yes, ma'am.

LILI LORD - DIRECT EXAM BY MS. SAS

- 1 A. I'm 60 years old now.
- 2 Q. All right. And can you tell them where
- 3 you are originally from?
- 4 A. Taiwan, ROC.
- 5 Q. Okay. And how long ago did you come to
- 6 the United States?
- 7 A. 31 years.
- 8 Q. Okay. And where do you live now?
- 9 A. Goose Creek, South Carolina. Berkeley
- 10 County.
- 11 Q. Okay... And what's that address?
- 12 A. , Goose Creek.
- 13 Q. How long have you lived at that house?
- 14 A. Five years.
- 15 Q. Okay. Who did you live there with?
- 16 A. Husband.
- 17 Q. What is his name?
- 18 A. Sam Lord, Sho Lord.
- 19 Q. How long have you been married?
- 20 A. 35 years.
- 21 Q. And do you work anywhere?
- 22 A. Yes.
- 23 Q. Where do you work?
- 24 A. SS Mart.
- 25 Q. Okay. And what is SS Mart?

LILI LORD - DIRECT EXAM BY MS. SAS

1 A. Convenience store.

2 Q. Okay. And where is it located?

3 A. 1639 Remount Road.

4 Q. Okay. And what kind of business do you
5 and your husband do there?

6 A. We sell groceries and beer and wine,
7 cigarettes, like a convenience store, but no gas,
8 and do some check-cashing business.

9 Q. And do you work every day?

10 A. Almost.

11 Q. Okay. How long have you been in
12 business?

13 A. Since year 2013.

14 Q. Okay. And do you recall a chain of
15 incidents that brings us here today for the trial?

16 A. Yes.

17 Q. Specifically, do you recall May 7th of
18 2016?

19 A. Yes.

20 Q. Did you work on that day?

21 A. Yes.

22 Q. Okay. And you worked at the
23 convenience store?

24 A. Yes.

25 Q. Okay. How long did you work that day?

LILI LORD - DIRECT EXAM BY MS. SAS

1 A. Since about 3:00 p.m., until nighttime,
2 probably 8:30.

3 Q. Okay. And do you remember what you did
4 that day after work?

5 A. My husband and me drove to Read Street
6 to meet an owner there and have some conversation
7 over there. And then we stopped by the coffee
8 store on Remount to make a phone call to the owner
9 and ask some questions on the property and went
10 home.

11 Q. Okay. And what happened when you got
12 home?

13 A. When I get home about 9:54, my husband
14 drive the car to the backyard. And then my husband
15 get out of the car, tried to get -- grab the bag
16 from the trunk.

17 Q. Okay. So you brought things back home
18 with you?

19 A. Yes.

20 Q. Some bags?

21 A. Yes.

22 Q. And what was in the bags?

23 A. I have two bags every day.

24 Q. Okay.

25 A. One bag for the computer and one bag

LILI LORD - DIRECT EXAM BY MS. SAS

1 for the daily transactions received.

2 Q. Did you have any money?

3 A. Yes.

4 Q. Okay. Do you recall how much money
5 approximately you had that day?

6 A. Yeah. I got \$3,621.

7 Q. Was the money all in one bag?

8 A. Two bags.

9 Q. Two bags?

10 A. Two bags.

11 Q. Okay. So you arrived home, your
12 husband got out of the car. Where were you?

13 A. I'm on the right side, the passenger
14 front side.

15 Q. Okay. And where did you park the car?

16 A. Backyard.

17 Q. Was there a light out in the backyard?

18 A. No. That night we didn't turn on the
19 lights.

20 Q. Why not?

21 A. Because the mosquitoes keep coming.

22 Q. Okay.

23 A. A lot of insects. We turn it off.

24 Q. You parked the car -- your husband
25 parked the car and he gets out. What happens after

LILI LORD - DIRECT EXAM BY MS. SAS

1 that?

2 A. Yeah. He -- he get out of the car
3 earlier than me. I think I either sending some
4 text message to somebody else, I forgot, but after
5 two -- two minutes, I get out of the car. I open
6 the door and I heard my husband screaming.

7 So that time I found out something is
8 going on. I found out the robber comes to my side,
9 tried to rob my bag.

10 Q. Okay. And were you able to get away
11 from him? Were you able to get out of the car?

12 A. No. Just -- I just stepped the right
13 foot out of the car, and I had one bag with me.
14 Computer bag I have still in the car. So the money
15 bag he took away, right away.

16 My husband screaming and I don't know
17 what is going on. Never happen this before. And
18 he's screaming. And I heard the guy either say,
19 somebody on the front waiting there, or somebody
20 has gone over there.

21 So I'm scared I tell my husband, just
22 let him get the bag.

23 Q. Was the guy who was robbing you taking
24 the bag away from you, was he in your way?

25 A. Yeah.

LILI LORD - DIRECT EXAM BY MS. SAS

1 Q. Were you able to get away?

2 A. I tried to step out, the robber come to
3 my side. And I have bag on this hand (indicating,
4 and he took my bag.

5 Q. So he was in your way --

6 A. Yeah.

7 Q. -- blocking you?

8 A. Yes.

9 Q. What happened after he was able to take
10 the bag away?

11 A. He took the bag away and he run from
12 the backyard to the driveway and to the front. My
13 husband got hurt from the hand. I didn't know at
14 that time. So I opened the back door, tried to get
15 my dog out chasing the robber.

16 Q. What kind of dog do you have?

17 A. Golden retriever.

18 Q. What did you do after you let the dog
19 out?

20 A. The dog go halfway and come back.

21 Q. Did you call law enforcement?

22 A. Yeah. After that, I called police
23 department and they respond very quick and come to
24 my home. And then my -- my husband got bleeding on
25 the hand so he goes upstairs to clean the hand.

LILI LORD - DIRECT EXAM BY MS. SAS

1 And there's a lot of blood on the downstairs.

2 So police come in, do the report, and
3 the police see my husband got injury, so he called
4 911 to send him to the Trident Hospital.

5 Q. Okay. And what did you do when he went
6 to the hospital?

7 A. I had to do the police and talk with
8 police.

9 Q. You talked to law enforcement?

10 A. Yes.

11 Q. Did you do anything after that night
12 with law enforcement?

13 A. Yeah. After police come, I went to the
14 Trident Hospital to pick up my husband.

15 Q. Okay. And I want to go back a little
16 bit to the individual that was there who took the
17 bag away. Did you make any observations about that
18 individual that you can recall?

19 A. It was so dark. I know he's a black
20 guy, tall guy. It's about his size, tall guy.

21 Q. Okay. And as a result of the robbery,
22 did you do anything to your house?

23 A. Yeah. We called ADT to schedule and
24 install security camera. And they came probably
25 five days later install everything. And then after

LILI LORD - DIRECT EXAM BY MS. SAS

1 that, I found the robber came to my house again.

2 Q. There were some people on the
3 surveillance --

4 A. Yeah, and we called police. There was
5 one female police servicing the same street of my
6 home. So she come back to my home about midnight.

7 Q. And you turned all the surveillance
8 videos to them?

9 A. Yes.

10 Q. I want to talk a little bit more about
11 June 10, 2016.

12 A. Uh-huh.

13 Q. Do you recall that day?

14 A. Yeah.

15 Q. Were you working that day?

16 A. Yes.

17 Q. Did you go home after work that day?

18 A. No. My husband got phone call from
19 Powell, say something happening there. So my
20 husband scared, want me not go home directly with
21 him.

22 Q. Okay.

23 A. So he send me to my brother's home,
24 stay there.

25 Q. He took you home -- to your brother's

LILI LORD - DIRECT EXAM BY MS. SAS

1 house --

2 A. Yeah.

3 Q. -- and he left?

4 A. Yes.

5 MS. SZYMCZYNSKA-SAS: Beg the Court's
6 indulgence?

7 BY MS. SZYMCZYNSKA-SAS:

8 Q. Ms. Lili, when you were in the car --

9 A. Uh-huh.

10 Q. -- and the bag was being taken away
11 from you, I think you mentioned that you were
12 scared?

13 A. Yes.

14 Q. Were you able to get up and run away,
15 or was the person in your way and you were too
16 scared?

17 A. No. The guy took the bag and run away.
18 He pulled the bag very hard until the hanger is
19 broken. You see on the floor is a lot of stuff
20 dropped.

21 Q. When you were sitting in the car and he
22 was in front of you --

23 A. Yeah, by the car.

24 Q. -- were you scared?

25 A. Of course very, very scared.

LILI LORD - CROSS EXAM BY MR. SMALDONE

1 Q. So you were not really able to go
2 anywhere?

3 MR. SMALDONE: Objection; leading.

4 THE WITNESS: No.

5 MR. SMALDONE: Objection.

6 THE COURT: Overruled.

7 BY MS. SZYMCZYNSKA-SAS:

8 Q. Were you able to go anywhere?

9 A. No, I'm scared. It never happened. I
10 live in USA, Charleston, Hanahan, Goose Creek for
11 30 years, never happened to me.

12 MS. SZYMCZYNSKA-SAS: No further
13 questions, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. SMALDONE:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. I just want to clear a few things up.
19 Just one thing, actually. You said you did not see
20 who it was that took the bag?

21 A. I just know he's a black guy.

22 Q. Okay.

23 A. Okay. Very dark.

24 Q. I understand. I understand.

25 MR. SMALDONE: And that's all the

1 questions I have for you.

2 THE WITNESS: All right.

3 MS. SZYMCZYNSKA-SAS: No further
4 questions, Your Honor.

5 THE COURT: You may step down.

6 THE WITNESS: Okay. Thank you.

7 THE COURT: Thank you.

8 Did you have another short witness
9 ready?

10 MR. CANNON: We don't, Your Honor. We
11 sent them away until the morning.

12 THE COURT: All right. Ladies and
13 gentlemen, we have reached the conclusion for
14 today. You are going to get to go home now and so
15 this is where the -- all of my admonitions are
16 really important, because someone is going to ask
17 you what you did today.

18 And your response is, the judge says I
19 can't talk about it. So when you get your phones
20 back, don't start texting or posting anything on
21 Facebook saying that you're serving jury duty. You
22 may not discuss this case with anyone in any format
23 until I tell you otherwise.

24 Ladies and gentlemen of the jury,
25 please do not do any independent research regarding

1 this case. Don't look up -- if there was a word
2 that you were unfamiliar with, don't go home and
3 look it up. I will give you all the information
4 that you need when I instruct you on the law
5 applicable to this case.

6 Ladies and gentlemen, please be back
7 and report -- we're going to start at -- if you
8 will report at 8:30 in the morning. Please be
9 mindful of each other's time. We can't start until
10 all 14 of you are here. Miss Teresa and Mr. Justin
11 is going to tell you where to report and then bring
12 you up as a group.

13 You know how to dress appropriately for
14 this courtroom. Some of you may be hot or cold or
15 uncomfortable or not dressed appropriately for
16 court as instructed. So please make sure that you
17 bring whatever it is that you need to bring.

18 We will not go as long as we did today.
19 I just needed to get a few things -- to get this
20 case started.

21 Thank you for your patience with the
22 Court. We had a lot going on today. Thank you so
23 much.

24 Please report back at 8:30 in the
25 morning. Again, my bailiffs will instruct you on

1 where to show up. Thank you.

2 Please rise for the jury.

3 (Jury out, 5:48 p.m.)

4 THE COURT: Thank you. Please be
5 seated.

6 Mr. Cannon, how many witnesses do you
7 have left?

8 MR. CANNON: About 12. And I think
9 the majority of them we will zip right through.

10 THE COURT: All right. And how many
11 witnesses do you anticipate calling, Mr. Smaldone?

12 MR. SMALDONE: Your Honor, between zero
13 and one.

14 THE COURT: All right. Have you
15 advised your client of his right to testify?

16 MR. SMALDONE: We have spoken about it
17 in the past, but not today or any time close to
18 this week.

19 THE COURT: And Mr. Williams has a
20 prior record as I understand it; is that correct?

21 MR. CANNON: He does, Your Honor.

22 THE COURT: And you have gone over that
23 with him?

24 MR. SMALDONE: I have spoken about
25 that, not today or last week, but in the past I

CHRIS WILLIAMS - EXAM BY THE COURT

1 have talked about it.

2 THE COURT: Let's swear Mr. Williams.

3 CHRIS NATHANIEL WILLIAMS,

4 being first duly sworn, testified as follows:

5 EXAMINATION

6 BY THE COURT:

7 Q. Mr. Williams, please remain standing.

8 So I'm going to advise you of your right to testify
9 and the consequences and benefits of doing that. I
10 don't expect an answer. The State has not rested,
11 but I like to advise you as early as I can so you
12 have the opportunity to speak to your attorney
13 about what I'm going to instruct you. Do you
14 understand?

15 A. Yes.

16 Q. If you don't understand anything I
17 explain to you, I need you to let me know. And if
18 you have any further questions, I need you to let
19 me know. Can you do that?

20 A. Yes.

21 Q. Okay. Some time tomorrow or perhaps
22 Wednesday morning, we are going to reach the stage
23 of the trial where you may present your own
24 defense. Do you understand what that means?

25 A. Me or my lawyer?

CHRIS WILLIAMS - EXAM BY THE COURT

1 Q. You. This is you. These are all your
2 rights.

3 A. Okay. Yes.

4 Q. Mr. Smaldone is here to be your zealous
5 advocate, but the decision you make on whether or
6 not you're going to testify is solely yours.

7 A. Yes.

8 Q. Did that answer that question?

9 A. Yes.

10 Q. You understand what a defense is?

11 A. Yes.

12 Q. All right. And so at some point, you
13 are going to -- we're going to reach the stage of
14 the trial where the State will have presented all
15 of their evidence and rested, and then I'm going to
16 look to you and ask if you wish to present a
17 defense. Do you understand?

18 A. Yes.

19 Q. It's not today.

20 A. Right.

21 Q. It's coming soon.

22 A. Uh-huh.

23 Q. Okay. So you will be able to present
24 your defense. You have a right to claim the
25 protections given to you by the Fifth Amendment of

CHRIS WILLIAMS - EXAM BY THE COURT

1 the Constitution of the United States. This
2 amendment states in part that no person shall be
3 compelled in any criminal case to be a witness
4 against himself.

5 That means that you cannot be required
6 to testify in this case. You do have the right to
7 testify on your own behalf. No one can make you
8 testify. This is your personal right, and no one
9 can waive this right except for you.

10 So even if Mr. Smaldone says, I don't
11 think you should testify, or I think you should
12 testify, he can't physically put you on the stand
13 or physically take you off. Do you understand?

14 A. Yes.

15 Q. If you decide to testify, you will be
16 subject to the same rules that govern other
17 witnesses and you may be examined and
18 cross-examined on any relevant issue in this case.

19 In addition, if you have any
20 convictions involving dishonesty or false
21 statements, or for crimes punishable by
22 imprisonment for more than one year, and I
23 determine the probative value of admitting that
24 evidence outweighs its prejudicial effect to you,
25 the Solicitor will be able to present your record

CHRIS WILLIAMS - EXAM BY THE COURT

1 to attack your credibility. Do you understand?

2 A. Yes.

3 Q. If you decide to testify, this decision
4 on your part must be freely, voluntarily,
5 intelligently made with the knowledge of the
6 protections given to you by the Fifth Amendment and
7 the consequences in your decision to testify.

8 If you decide not to testify, I will
9 instruct the jury that they cannot give the fact
10 that you did not testify any consideration
11 whatsoever, and there is to be absolutely no
12 prejudice to you because you did not testify.

13 It is left entirely up to you whether
14 or not you testify. You may talk to your attorney,
15 family, friends, or anyone else, but the final
16 decision is left entirely up to you.

17 Do you understand what I have explained
18 to you?

19 A. Yes.

20 Q. Do you have any questions about what I
21 have explained to you?

22 A. No.

23 Q. All right. And so at the appropriate
24 time, I will ask you whether or not you have
25 decided that you're going to testify and what that

1 decision is. All right?

2 A. Okay. Thank you.

3 THE COURT: Anything before we break
4 for the day?

5 MR. CANNON: The only thing I would
6 bring up is the Lords do run their own business.
7 They have a new employee of two days. We would ask
8 to excuse them from coming back tomorrow so they
9 could operate their business as usual.

10 THE COURT: Mr. Williams, I appreciate
11 -- I know that you're trying to be involved in
12 this, but please let your attorney speak.

13 So interrupting Mr. Cannon during his
14 opening statement is not appropriate, and I
15 understand you may not like what he's saying, but
16 you don't get to correct him. Let's practice that
17 right now. I know it's difficult.

18 THE DEFENDANT: Yes, ma'am. Yes,
19 ma'am.

20 THE COURT: Have a seat.

21 MR. SMALDONE: Your Honor, I will leave
22 it to the Court's discretion. My client wishes for
23 them to be here, but I will let Your Honor decide.

24 THE COURT: Is there any reason they
25 need to be here?

1 MR. SMALDONE: There is no legal
2 reason.

3 THE COURT: You've had an opportunity
4 for meaningful cross-examination, which is all that
5 the law requires. I'm going to release them. If
6 at some point you needed to call them in your case
7 in chief, I'm sure Mr. Cannon would make them
8 available and we will make that --

9 MR. CANNON: We can certainly
10 accommodate that.

11 MR. SMALDONE: I would ask they be
12 excused for tomorrow, but not completely released
13 from the Subpoena.

14 THE COURT: Thank you. Anything
15 further?

16 MR. CANNON: Nothing further, Your
17 Honor.

18 THE COURT: Anything further,
19 Mr. Smaldone?

20 MR. SMALDONE: Not today. Thank you.

21 THE COURT: Thank you. We'll be at
22 ease.

23 (These proceedings were recessed at
24 6:00 p.m. to be continued 7/25/17.)

25

1 (The following proceedings were held
2 July 25, 2017, at 9:02 a.m., Berkeley County
3 General Sessions Court, in re: State v. Chris
4 Williams.

5 THE COURT: All right. Anything before
6 we bring in the jury? Mr. Cannon?

7 MR. CANNON: Ready, Your Honor.

8 THE COURT: Mr. Smaldone.

9 MR. SMALDONE: Your Honor, there is one
10 matter. I believe, the first witness will be
11 Ms. Ravenell. I have not been made aware of any
12 deal that she has made, and I know she has pled
13 guilty, so I don't know what she plead guilty to.
14 I believe pursuant to Giglio, I'm entitled to know
15 what terms of any agreements, if any, she had with
16 the solicitor's office.

17 MR. CANNON: At this time, she has not
18 been sentenced. There's been no deal, there's been
19 no offer made. She pled guilty to one count of
20 criminal conspiracy and one count of attempted
21 armed robbery.

22 MR. SMALDONE: All right. No problem.

23 THE COURT: Anything before we bring in
24 the jury?

25 MR. CANNON: No, Your Honor.

1 THE COURT: All right. Let's bring
2 them in.

3 (Jury in, 9:03 a.m.)

4 THE COURT: Thank you. Please be
5 seated.

6 Morning, ladies and gentlemen. First
7 of all, thank you for being so prompt. All of my
8 bailiffs had let me know that you complied with my
9 instructions and so thank you for doing that. It
10 is really important for you to listen and to
11 follow, and I know that was an early hour for most
12 of you to be up, so thank you for complying with my
13 instructions.

14 As far as my other instructions, did
15 every juror comply with my instruction over the
16 evening hour? If you did any independent
17 investigation or talked about this case, did
18 anything that violated my instructions, please
19 stand at this time.

20 Thank you. All 14 jurors have
21 indicated they've complied with the Court's
22 instructions over the evening hours.

23 We will continue the trial of this
24 case. Call your next witness.

25 MS. SZYMCZYNSKA-SAS: The State calls

AMY FOX - DIRECT EXAM BY MS. SAS

1 Amy Fox.

2 AMY FOX,

3 being first duly sworn, testified as follows:

4 THE CLERK: Please state your full name
5 and spell your last.

6 THE WITNESS: Amy Fox, F-O-X.

7 DIRECT EXAMINATION

8 BY MS. SZYMCZYNSKA-SAS:

9 Q. Morning, Ms. Fox. Can you please tell
10 the jury how old you are.

11 A. 26.

12 Q. And where do you live currently?

13 A. Currently, Crowfield Village.

14 Q. Where do you work?

15 A. I'm a realtor.

16 Q. And how long have you been a realtor?

17 A. About three months.

18 Q. Okay. And did you have an occasion to
19 be near the Hamlet subdivision back May 7th of
20 2016?

21 A. Yes, I was out there fishing. I grew
22 up in the neighborhood across from the lake, so...

23 Q. So you're familiar with the area?

24 A. Uh-huh.

25 MS. SZYMCZYNSKA-SAS: Permission to

AMY FOX - DIRECT EXAM BY MS. SAS

1 approach?

2 THE COURT: You may.

3 BY MS. SZYMCZYNSKA-SAS:

4 Q. I'm going to give you this little
5 pointer to click on the red button.

6 Is that the area?

7 A. Yes.

8 Q. Okay. And I think that area may not be
9 visible on the map, but can you kind of show on the
10 map where you were that day?

11 A. Yeah. There's a dock when you get
12 right in that area (indicating), like a little
13 trail that comes down this way.

14 Q. Okay. And what approximate time of the
15 day were you out there?

16 A. I know it was after dark. It was
17 probably -- I had been out there maybe 30 or
18 40 minutes, so probably after 9:00 sometime.

19 Q. And were you alone?

20 A. No. I was out there with a friend
21 fishing.

22 Q. And did you hear any -- or see anything
23 unusual that night?

24 A. Well, at first I didn't see anything.
25 We were just out there and we could hear people,

AMY FOX - DIRECT EXAM BY MS. SAS

1 you know, having a good time, but then we heard a
2 scream and it was not a good scream. After that,
3 it kind of went silent for a second and then the
4 crickets started going again, but you could tell
5 everything stopped for a second when we heard the
6 scream.

7 Q. And did you see anything?

8 A. Well, we looked around because then it
9 started sounding like there was someone in the
10 woods behind us. And we got our flashlight and
11 kind of looked around and didn't see anything, but
12 then it sounded like someone was there and then
13 there were blue lights in the parking lot.

14 Q. Did you have occasion to talk to law
15 enforcement?

16 A. They did come to the dock and they came
17 and talked to us.

18 Q. Okay. Did you provide a written
19 statement to them?

20 A. Not a written, but he was writing it
21 down as we were speaking to him, so I don't know if
22 that counts or not.

23 MS. SZYMCZYNSKA-SAS: Okay. Court's
24 indulgence?

25 No further questions.

AMY FOX - CROSS EXAM BY MR. SMALDONE

1 THE COURT: Mr. Smaldone.

2 CROSS-EXAMINATION

3 BY MR. SMALDONE:

4 Q. Just to be clear, you didn't see anyone
5 in the woods?

6 A. I didn't see anyone in the woods, no,
7 sir.

8 Q. All you did was hear a scream?

9 A. Yes, sir.

10 MR. SMALDONE: Thank you. No further
11 questions.

12 THE COURT: Redirect?

13 MS. SZYMCZYNSKA-SAS: No further
14 questions, Your Honor.

15 THE COURT: You may step down. You are
16 free to stay, but you are free to leave.

17 Call the next witness.

18 THE COURT: State calls Tiffany
19 Ravenell.

20 TIFFANY RAVENELL,

21 being first duly sworn, testified as follows:

22 THE CLERK: Please state your full name
23 and spell your last.

24 THE WITNESS: Tiffany Ravenell,

25 R-A-V-E-N-E-L-L.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1

2

DIRECT EXAMINATION

3

BY MR. CANNON:

4

Q. Morning, Ms. Ravenell. How are you?

5

A. I'm fine. How are you?

6

Q. How old are you?

7

A. 24.

8

Q. And where are you from?

9

A. Summerville, South Carolina.

10

Q. Where did you go to high school?

11

A. Cane Bay High School.

12

Q. Okay. Do you work?

13

A. Yes, I do.

14

Q. Where?

15

A. At Shamono. It's a warehouse on

16

Palmetto Commerce.

17

Q. How long have you worked there?

18

A. I just started last Tuesday.

19

Q. What do you do at Shamono?

20

A. I'm a quality assurance technician.

21

Q. Okay. And prior to Shamono, where did

22

you work?

23

A. At Staff Zone.

24

Q. Let's talk about Staff Zone. Do you

25

recall when you started working at Staff Zone?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. In June of 2015.

2 Q. Okay. And how long did you work at
3 Staff Zone?

4 A. Almost a year.

5 Q. Do you recall when you left?

6 A. In April of 2016.

7 Q. Why did you leave?

8 A. They changed insurance companies -- I
9 was a van driver, and they changed insurance
10 companies, and you couldn't have any tickets or
11 anything on your record, so they just let me go.

12 Q. Okay. Were you fired?

13 A. I was let go, yes.

14 Q. Because of your driving record?

15 A. Because of my driving record, yes.

16 Q. And when was -- when did you leave
17 Staff Zone?

18 A. In April of 2016.

19 Q. Okay. I want to talk roughly about
20 that time frame. Did you own a car at that time?

21 A. Yes.

22 Q. What kind of car did you own?

23 A. 2008, it was a gray Chevy Impala.

24 Q. And how long had you owned that
25 vehicle?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. I would say going on about a month or
2 so, two months.

3 Q. Two months?

4 A. Yes. I had just gotten it.

5 Q. Do you have, roughly, about a date when
6 you got that Chevrolet Impala? I don't need a
7 specific date, but just --

8 A. I would say it was before April, before
9 I got let go. Yes.

10 Q. How do you know Chris Williams?

11 A. I met him when I was working at Walmart
12 in Moncks Corner.

13 Q. And about roughly what time period was
14 that?

15 A. This was almost five years ago.

16 Q. And what did you do at Walmart at the
17 time?

18 A. I was a sales associate.

19 Q. How did you make contact or come to
20 know him at that time?

21 A. I was an employee and Chris, he was a
22 customer. He came in as a customer.

23 Q. And tell me how that interaction began.

24 A. I was stocking the ice cream at the
25 time, and he came up to me and just started talking

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 to me. And ever since then, we were friends.

2 Q. Okay. And that relationship -- how
3 long did that last?

4 A. About five years.

5 Q. Were you ever more than just friends
6 with Chris?

7 A. No, we were not.

8 Q. Define what the relationship was.

9 A. We were just friends.

10 Q. Okay. Like a brotherly/sisterly type?

11 A. Just friends.

12 Q. Okay. What did Chris want in the
13 relationship?

14 A. I mean, in the beginning he liked me,
15 but I didn't like him like that. But he was a cool
16 guy and we just remained friends.

17 Q. I understand. And after you left
18 Walmart, how did you remain as friends? Did you
19 stay -- how often were you -- did you remain in
20 contact with each other?

21 A. I would say almost every day.

22 Q. Do you recall where he worked about
23 that time period when you were at Staff Zone?

24 A. If I recall, I don't think he was -- he
25 was working at Sanders Brothers, but he left there.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 He got -- yes.

2 Q. And let's move forward to April of 2016
3 when you say you were let go by the Staff Zone.

4 A. Yes, sir.

5 Q. What were times like for you at that
6 point in time in your life?

7 A. It was hard.

8 Q. Why?

9 A. Because I was looking for a job and I
10 couldn't find one.

11 Q. Okay. Have you ever been to the SS
12 Mart before?

13 A. Yes, I have.

14 Q. Tell me your experience at the SS Mart
15 and what you would do around the SS Mart.

16 A. Well, I worked at Staff Zone. Staff
17 Zone and SS Mart are right nearby each other. I
18 would go there and cash my checks and buy snacks
19 and things I needed for work.

20 Q. The period you were looking for a job,
21 how were you getting money?

22 A. Can you break it down?

23 Q. If you weren't working for Staff Zone,
24 how were you getting -- where were you getting an
25 income from?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. I wasn't.

2 Q. Okay. Did you come up with an idea to
3 -- how did you come up with an idea to make money?

4 A. Well, I heard -- I heard some guys
5 around Staff Zone and they were talking about, you
6 know, Mr. Lord was making -- doing a lick on the
7 guy that worked there.

8 Q. Okay. Let me stop you right there.
9 Define what a lick is.

10 A. Rob someone.

11 Q. Okay.

12 A. Yes.

13 Q. While you were around the Staff Zone
14 April of 2016, you heard people talking about
15 robbing somebody?

16 A. I actually heard about it in December,
17 around Christmastime.

18 Q. Who was this person they were talking
19 about?

20 A. Sam.

21 Q. Sam Lord?

22 A. Sam Lord.

23 Q. Okay. Do you know Sam Lord?

24 A. Yes, I do.

25 Q. When you heard that information, what

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 did you do with it?

2 A. I took it back to Chris Williams.

3 Q. What did you say to Chris?

4 A. That I heard these guys, you know, that
5 you can get money -- we can get money real quick.

6 And I went to him about it and he was down for it.

7 Q. Okay. How did you explain to him how
8 to get money?

9 I'll ask the question differently.

10 A. Thank you.

11 Q. You heard the people talking about
12 robbing Sam?

13 A. Yes.

14 Q. And you took information to --

15 A. Back to.

16 Q. -- Chris?

17 A. Yes.

18 Q. What did you talk about?

19 A. About how to do it and how we would go
20 about doing it.

21 Q. Okay. What did Chris say to you?

22 A. He was down for it.

23 Q. Okay. Do you recall about when that
24 conversation took place?

25 A. It was towards the end of April, if I'm

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 not mistaken.

2 Q. Okay.

3 A. Going into May.

4 Q. Going into May?

5 A. Yes.

6 Q. After you had that conversation with
7 Chris about robbing Sam, what did you do?

8 A. We started going up to Remount Road and
9 just sitting there waiting.

10 Q. And what -- where did you live at the
11 time?

12 A. In Summerville.

13 Q. Where did Chris Williams live at the
14 time?

15 A. In Moncks Corner.

16 Q. How did Chris Williams get to Remount
17 Road?

18 A. I would go and pick him up.

19 Q. And what vehicle would you drive at
20 that time?

21 A. My 2008 Chevy Impala.

22 Q. At that time period in May, was that
23 the only vehicle you drove?

24 A. That's the only vehicle I had.

25 Q. So when you say you went to Remount

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Road and sat to watch, do you recall roughly when
2 you first did that?

3 A. May 6th was the first day.

4 Q. And how did you -- why did you go to
5 Remount Road?

6 A. To see when the Lords were leaving just
7 to scope out things basically.

8 Q. And in that -- on Remount Road where
9 did you park?

10 A. Across the street from the SS Mart.

11 Q. And who was with you at that time?

12 A. Chris Williams.

13 Q. Okay. Who was driving?

14 A. I was.

15 Q. What did you see on May 6th of 2016?

16 A. Can you rephrase.

17 Q. Okay. You arrived at Remount Road and
18 parked across from the SS Mart with Chris
19 Williams --

20 A. Yes.

21 Q. -- in the Chevy Impala. Do you recall
22 roughly what time you got there?

23 A. I don't recall the time; no, I don't.

24 Q. Was it dark outside?

25 A. It was -- it was still light outside,

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 but it was getting dark.

2 Q. Did you ever observe anything that day?

3 A. The Lords leaving, yes.

4 Q. What did you do when they left?

5 A. Followed them.

6 Q. Where did you follow them?

7 A. To Goose Creek, to Crowfield.

8 Q. Do you see that map to your left?

9 A. Yes, I do.

10 Q. Do you recognize that?

11 A. Yes, I do.

12 Q. You say you followed the Lords to Goose
13 Creek. At any point would you have followed them
14 to this map?

15 A. Yes, sir.

16 MR. CANNON: Permission to approach
17 the witness, Your Honor?

18 THE COURT: You may.

19 BY MR. CANNON:

20 Q. I'm going to hand you this pointer.

21 The top button is a red button; if you hold it
22 down, it shoots light.

23 Can you describe for the jury, please,
24 on May 6, 2016, how you arrived on that map?

25 A. Came down this road right here, all the

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 way down here, and the Lords were turning down here
2 and I turned behind them. (Indicating.) And as
3 they were turning in, I looped around, and by the
4 time that, you know, anything had happened, they
5 were already gone.

6 Q. What did Chris Williams say at that
7 time?

8 A. We couldn't get them at this point in
9 time because they were already gone.

10 Q. Did you see where they went?

11 A. They went this way. (Indicating.) I
12 know that much, yes.

13 Q. Did anyone get out of the car that
14 night?

15 A. No, sir.

16 Q. As a result of that day, what did you
17 do?

18 A. Left the same way I came out. Left out
19 and went back to Moncks Corner.

20 Q. What happened next?

21 A. On the same day?

22 Q. Just what was the -- after that day --
23 clearly, no one got out of the vehicle you just
24 testified to.

25 A. Right.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. Where did you go that night?

2 A. Back to Moncks Corner, and I dropped
3 him off and I went home.

4 Q. What was the next thing you did in
5 regards to this case?

6 A. The next day, May 7th?

7 Q. Yes.

8 A. I left my house in Summerville, went to
9 pick up Chris Williams in Moncks Corner, and we
10 went back to Remount Road.

11 Q. Okay. Who was with you that day?

12 A. Chris Williams was.

13 Q. Who was driving?

14 A. I was driving.

15 Q. What vehicle were you in?

16 A. My 2008 Chevy Impala.

17 Q. Okay. Did you observed the Lords that
18 day?

19 A. Yes, we did.

20 Q. Do you recall about what time that
21 would have been?

22 A. I know it was getting dark outside on
23 May 7th, and we sat and waited for the Lords to
24 leave. And as they were leaving, they went to a
25 street over from down by the S&S. It was a street

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 called Read Street. And they -- it was a dead end
2 road, and we went down there and the Lords were
3 parked on the -- when you came in, they were parked
4 on the right-hand side.

5 And I went and I turned around and I
6 parked like, as I'm coming out, three car lengths
7 back. And Chris got out of the car and he told me
8 just to stay right here. And as we was going, he
9 picked up -- it was a rock or a brick or something
10 like that.

11 And he went up to the car and he tried
12 to break the back passenger driver's side window,
13 but it wouldn't break.

14 Q. What was he trying to get to?

15 A. The money that was in their car.

16 Q. How do you know there was money in the
17 car?

18 A. Because they -- we watched the Lords
19 when they came out, and they had the money bags in
20 their hands.

21 Q. Had they done this on May 6th?

22 A. Yes.

23 Q. Did they do this on May 7th?

24 A. Yes, sir.

25 Q. When Chris Williams was unsuccessful in

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 breaking that window, what happened next?

2 A. He came back to the car.

3 Q. What did he say?

4 A. We were going to wait and follow them
5 and then that's what we did. And then when the
6 Lords left, we knew where they lived, so we left
7 Read Street and we came back to Goose Creek right
8 here in the same -- in this location right here. I
9 drove down this road and I parked off right here.
10 (Indicating.)

11 Q. Okay. And who was with you at that
12 time?

13 A. Chris Williams.

14 Q. What did he do?

15 A. He was about -- he got out of the car.
16 I parked right here. I stayed right here, and the
17 Lords came not too long later. And they turned
18 down this road, and Chris got out and he went
19 across and that's when the robbery occurred.
20 (Indicating.)

21 Q. Okay. Did you know what Chris was
22 going to do?

23 A. Yes, I did.

24 Q. Do you know if Chris had anything on
25 him?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. I know that he always carried a pocket
2 knife.

3 Q. Have you seen it before?

4 A. Yes, I have.

5 Q. Can you describe that knife?

6 A. It's retractable; it folds in and folds
7 out. I know it had a thick blade.

8 Q. Do you know if he had it on him that
9 night?

10 A. I'm pretty sure. He always carries it.

11 Q. Okay. And on that night, what did he
12 say as he got out of the vehicle?

13 A. To stay right there, he'll be right
14 back.

15 Q. Okay. How long was he gone?

16 A. He wasn't gone -- it wasn't even ten
17 minutes.

18 Q. When did you actually next see him
19 again?

20 A. When he came out, because he called me
21 and told me to pull around. And as I pulled out of
22 here, I met him right here (indicating). And he
23 was coming down here, like, breathing hard, you
24 know, picking up things as he came along, and he
25 got back in the car and we left.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. What did he have with him?

2 A. He had -- it was a money bag. It was a
3 blue and black money bag.

4 Q. Okay. What did he say when he got back
5 in the car?

6 A. To get me the hell out of here.

7 Q. What did you do?

8 A. Got out of there.

9 Q. Okay. Which direction did you go from
10 there?

11 A. I left -- well, this road came out and
12 I made a right on -- I think that's Crowfield
13 Boulevard, if I'm not mistaken.

14 Q. Okay. What was he saying while you
15 were getting out of there on Crowfield?

16 A. That the lady wouldn't let the money
17 go, that he had to hit her, and he cut Sam.

18 Q. Okay.

19 A. Yes.

20 Q. Did you see anything else while you
21 were leaving the neighborhood?

22 A. I saw police coming, yes. They were
23 coming in the direction that we were going and they
24 were coming.

25 Q. Were their lights on?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. Yes, there were.

2 Q. What did you think when you saw that?

3 A. I knew what they were coming.

4 Q. Sorry?

5 A. I said, I knew what they were coming
6 for.

7 Q. After you picked up Chris and left the
8 neighborhood, where did you go?

9 A. Back to Moncks Corner.

10 Q. Okay. When you got there, what did you
11 do?

12 A. I went down a dead end street looking
13 for his cousin's house, and I parked backwards.
14 And I took the money out of the bag, and Chris took
15 the blue bag that the money was in. And there was
16 a black floppy disk -- or a black hard drive. And
17 he took all of that and he went in the woods --
18 kind of in the woods and he burned it.

19 Q. What did he burn?

20 A. The black and blue money bag, the
21 disks, and papers that were in the bag.

22 Q. What did he do with the money?

23 A. The money was in the car.

24 Q. Do you recall roughly how much it was?

25 A. Like almost \$3,000.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. I'm sorry?

2 A. Almost \$3,000.

3 Q. \$3,000?

4 A. Yes, sir.

5 Q. How do you know that?

6 A. Counted it.

7 Q. How did you split -- what did you do
8 with the money?

9 A. We split it.

10 Q. How much did you get?

11 A. About eight.

12 Q. \$800?

13 A. Uh-huh.

14 Q. And after you split the money, what did
15 he say?

16 A. Nothing. We went our separate ways
17 after that.

18 Q. Where did you go?

19 A. I went home.

20 Q. After that night, did you ever come in
21 contact with Chris Williams again?

22 A. Yes, sir, I did.

23 Q. When was that?

24 A. A couple of days later.

25 Q. Can you tell us what that conversation

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 was about?

2 A. It wasn't really nothing like that. It
3 wasn't really -- just regular conversation at that
4 point in time.

5 Q. Okay. And after you had the
6 conversation with him, what did you do with your
7 money?

8 A. I spent it.

9 Q. How quickly did you spend it?

10 A. I wouldn't say too fast.

11 Q. Moving forward, did you ever talk about
12 this event?

13 A. Not really, no. No, sir.

14 Q. What was the next thing -- when was the
15 next time that you talked about this robbery?

16 A. This one? This same one?

17 Q. Yes.

18 A. Towards the end of the month.

19 Q. Why was that?

20 A. To do it again.

21 Q. Whose idea was that?

22 A. Mr. Williams.

23 Q. You say Mr. Williams; you're talking
24 about Chris Williams?

25 A. Yes.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. How did that conversation come about?

2 A. We were talking about it and it just
3 came up again. Didn't have any money and wanted to
4 do the same thing again.

5 Q. Right. Did you talk about this May 7th
6 robbery?

7 A. No.

8 Q. Mr. Williams wanted to talk about --
9 Chris Williams wanted to talk about doing this
10 again, what did he say about it?

11 A. This is when -- well, I mean, I know
12 another guy got involved with it.

13 Q. Who was that?

14 A. Terry Lewis.

15 Q. What is -- who is Terry Lewis?

16 A. It's actually Chris's cousin.

17 Q. Had you ever met Terry before?

18 A. Yes.

19 Q. What was your relationship like with
20 Terry?

21 A. I mean, I knew him.

22 Q. Okay. Was it on the same level as your
23 relationship with Chris Williams?

24 A. No, it was not.

25 Q. Did he say why Terry Lewis was coming

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 on board?

2 A. I mean, at one point in time he said
3 that he just wanted somebody else for help.

4 Q. Okay. Why was that?

5 A. To help with another robbery with the
6 next one.

7 Q. Okay. Did you talk about who that
8 person was going to be?

9 A. Sam Lord.

10 Q. Okay. Lets talk about the next time --
11 when was the next time you showed up at the SS
12 Mart?

13 A. I think June 2nd.

14 Q. Okay. Who was with you that day?

15 A. Chris Williams and Terry Lewis.

16 Q. Okay. What vehicle were you driving?

17 A. 2008 Chevy Impala.

18 Q. What did you observe that day?

19 A. Well, them leaving again.

20 Q. Okay. What did you do?

21 A. Well, as they were leaving, we left so
22 we could go back to Goose Creek so that they could
23 go and set up.

24 Q. Okay. Did you do that back on June
25 2nd?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. Yes, sir.

2 Q. Can you walk us on that map where you
3 showed up?

4 A. Came down here, the same main road, and
5 I parked in this parking lot. (Indicating.)

6 Q. Yes.

7 A. And then they exit the car and they
8 would come up this way I know. (Indicating.)

9 Q. Okay.

10 A. And down this street right here.
11 (Indicating.)

12 Q. All right. And you -- where did you
13 remain during that whole period?

14 A. In that parking lot. (Indicating.)

15 Q. Who was with you that day?

16 A. Chris Williams and Terry Lewis.

17 Q. Okay. I'm going to show you what was
18 previously marked and entered into evidence as
19 State's Exhibit 12, and ask you the question while
20 I'm loading this, do you recall if anybody, Terry
21 Lewis or Chris Williams, took anything with them --
22 what they took with them from the vehicle?

23 A. I had a Taser and pepper spray in my
24 center console.

25 Q. Did Chris have anything with him?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. I know he had his pocket knife and my
2 Taser and pepper spray, yes.

3 Q. How long were they gone from your
4 vehicle?

5 A. I would say almost 30 minutes.

6 Q. Okay. What did Chris Williams say when
7 he left the vehicle?

8 A. They were going to set up.

9 Q. Okay.

10 A. And that he would call me. He would
11 call me.

12 Q. When you say, set up, what do you mean?

13 A. On the Lord's premises.

14 Q. Do you know where they went?

15 A. When they got out -- they got out of
16 the car and came around here (indicating), and like
17 I said, I'm in the parking lot so I can't really
18 see around there.

19 Q. I understand. I'm going to play you
20 what's been marked as State's Exhibit 12. Do you
21 recognize the people?

22 A. Yes, I do.

23 Q. Who is the guy in the front?

24 A. That's Chris Williams.

25 Q. What is he wearing?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. A jacket, a hat, khaki pants and
2 sneakers.

3 Q. And who is that in back of him?

4 A. That's Terry Lewis.

5 Q. What is he wearing?

6 A. Looks like a hoodie and khaki pants.

7 Q. And you say this was -- this was -- for
8 the purpose of this hearing -- or for this trial,
9 this video was taken on June 2, 2016. Have you
10 ever seen this video before?

11 A. No, I have not.

12 Q. After they got out of your car and
13 left, you said they were gone about 30 minutes?

14 A. Yes.

15 Q. Did Chris Williams ever call you?

16 A. Yes, he did.

17 Q. What did he say?

18 A. That they were still there.

19 Q. Okay. Did you ever see the Lords that
20 night?

21 A. I do not remember seeing them at all
22 that night.

23 Q. Okay. What happened next?

24 A. They come back to the car.

25 Q. What did they say?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. That they were there, it was a dry run,
2 so they got in the car and we left and I dropped
3 them off in Moncks Corner.

4 Q. Who did you drop off?

5 A. Chris Williams and Terry Lewis.

6 Q. Okay. What did you do next?

7 A. The same thing happened again.

8 Q. Okay. And do you recall roughly -- now
9 this was June 2nd you said. When was the next time
10 that you had gone to the Lord's property?

11 A. I don't recall.

12 Q. Okay. You were arrested June 10th?

13 A. Right.

14 Q. This was June 2nd when you dropped them
15 off and were unsuccessful. Did you go to the
16 property ever again?

17 A. Yes, sir.

18 Q. How many times would you have gone to
19 that property?

20 A. I would say about four or five.

21 Q. Okay.

22 A. If I'm not mistaken, yeah.

23 Q. And when you went to the property, do
24 you recall who would go with you?

25 A. Chris Williams and Terry Lewis, yes.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. Okay. Let's talk about -- let's talk
2 about your -- you called it a dry run?

3 A. Yes.

4 Q. What is a dry run?

5 A. Well, basically they were unsuccessful
6 at getting the Lords basically.

7 Q. Okay. And what would be your mode of
8 operation? Where would you go first?

9 A. Moncks Corner to pick them up.

10 Q. To pick up Terry and Chris?

11 A. Yes, sir.

12 Q. Where would you go next?

13 A. We would go to Remount Road or
14 sometimes we would just go straight to Hamlet Park.

15 Q. Okay. When you would go -- what was
16 your purpose of going to the neighborhood?

17 A. To the neighborhood?

18 Q. Yeah.

19 A. To set up to do the same thing.

20 Q. Every time you went would Terry Lewis
21 always be with you?

22 A. No, he would not.

23 Q. Why was that?

24 A. It was just some days that he wouldn't
25 go.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. Who would go?

2 A. Chris Williams.

3 Q. Okay. And, again, we saw the video of
4 June 2nd and you were arrested --

5 A. June 3rd.

6 Q. -- 10th?

7 A. Yes, sir.

8 Q. That's roughly eight days?

9 A. Yes, sir.

10 Q. I know it's been over a year ago. How
11 many times would you say you had gone to the
12 property during that eight-day period?

13 A. About four or five that I can recall.
14 You know what I mean?

15 Q. I understand.

16 A. Yes, sir.

17 Q. Let's talk about June 10th.

18 A. Yes.

19 Q. What time did you go to Moncks Corner
20 to get Chris Williams that day?

21 A. I don't recall at the time.

22 Q. Was it light outside?

23 A. Yes, it was.

24 Q. Who got in the car with you?

25 A. Chris Williams and Terry Lewis did.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. What vehicle were you driving?

2 A. 2008 Chevy Impala.

3 Q. On June 10th, which is the day that you
4 got arrested, what did you do when you picked them
5 up?

6 A. We went to Remount Road.

7 Q. And what did you observe at Remount
8 Road?

9 A. The Lords leaving, and as they were
10 leaving, we went back to Hamlet Park and Chris and
11 Terry went to set up.

12 Q. Let's walk through that map. Where did
13 you -- where did you park that day?

14 A. Right here at Hamlet Park (indicating),
15 and we got out and they went to the premises over
16 here.

17 Q. Okay. Do you know what they had with
18 them?

19 A. I know Taser and pepper spray, yes,
20 sir.

21 Q. What about Chris Williams?

22 A. He had the Taser and pepper spray.

23 Q. Did you see the knife?

24 A. His knife was always in his pocket.

25 Q. So you never saw it. You're just

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 assuming that he had a knife on him?

2 A. Yes, sir.

3 Q. Okay. What did Chris Williams say when
4 he got out of the vehicle?

5 A. They went to set up, and when they got
6 back to where they were, Chris called me and he
7 told me to honk my horn when I saw the Lords.
8 While we were on the phone, he told me to honk it
9 to see if he could hear it. And I did and he
10 could. And he told me to honk it when they were
11 passing by.

12 Q. What was the next thing you remember
13 that night?

14 A. The Lords passed by and I remember
15 honking my horn. And as I went to leave out of the
16 parking -- well, the parking spot, I was travelling
17 down this road right here (indicating), and that's
18 when I got intercepted by police.

19 Q. Did you ever see Chris Williams again?

20 A. No, I did not.

21 Q. Did he ever call you on the phone?

22 A. Before that.

23 Q. What did he say?

24 A. Before we got arrested?

25 Q. Yes.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. This was before, when the Lords were
2 passing by, what I did -- I called him and told him
3 they were passing by again. And after that, I
4 pulled out and that's when I got intercepted by
5 police.

6 Q. Okay. What was the next thing that
7 happened?

8 A. I got transported to Goose Creek Police
9 Department.

10 Q. Did you speak with law enforcement that
11 night?

12 A. Yes, I did.

13 Q. Who did you speak with?

14 A. Investigator Powell.

15 Q. What did you tell Powell that night?

16 A. That --

17 MR. SMALDONE: Objection.

18 THE COURT: What's the basis?

19 MR. SMALDONE: Hearsay.

20 THE COURT: Is there an exception?

21 MR. CANNON: I will withdraw the
22 question.

23 THE COURT: All right.

24 BY MR. CANNON:

25 Q. Over the course of the time from

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 May 7th to June 10, 2016, who gave you directions
2 on what to do?

3 A. I mean, Chris gave some directions. I
4 mean, I had my own inputs, but Chris would be the
5 one to tell me he would like to have eyes on them
6 and things like that or how to do certain things,
7 yes.

8 Q. When you say, tell me he would like to
9 have eyes on them --

10 A. He would like to see where the Lords
11 were at all times basically.

12 Q. Okay. How did he act about this whole
13 robbery?

14 A. I can't really -- I don't know how to
15 answer that question.

16 MR. CANNON: Okay. Beg the Court's
17 indulgence?

18 BY MR. CANNON:

19 Q. During that time period, what kind of
20 car did Chris have?

21 A. A car?

22 Q. Yes.

23 A. He did not have a car.

24 Q. What was his mode of transportation?

25 A. I was his mode of transportation.

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 Q. And what kind of phones were you using
2 during this time period?

3 A. Well, I had a regular phone through a
4 company, and then I had an EBT phone. It was a
5 touchscreen black phone.

6 Q. What about Chris; do you know?

7 A. He had an EBT phone.

8 Q. Okay. Are those known as burner
9 phones?

10 A. Yes, sir.

11 Q. And so they're bought in the store, and
12 that's where you get --

13 A. No. They actually had a tent set up on
14 the side of the road for people that get EBT, and
15 you can get a phone through them like that.

16 Q. Okay. And you are here today, but have
17 you been charged in this case?

18 A. No, I have not.

19 Q. You have not been charged in the
20 robberies of the Lords?

21 A. Oh, yes, I have. I'm sorry.

22 Q. Are you nervous today?

23 A. Yes, I am.

24 Q. Have you ever testified in court
25 before?

TIFFANY RAVENELL - DIRECT EXAM BY MR. CANNON

1 A. No, I have not.

2 Q. And you say -- I asked you if you were
3 charged, you said yes. Have you plead guilty in
4 this case?

5 A. Yes, I have.

6 Q. Has the State promised you anything for
7 your guilty plea?

8 A. No, they have not.

9 Q. Are you relying on the State to make a
10 promise to you?

11 A. No, I'm not.

12 Q. And you pled guilty. What did you
13 plead guilty to?

14 A. Criminal conspiracy and attempted armed
15 robbery.

16 Q. How do you feel about what happened?

17 A. Very remorseful. If I could do it all
18 over again, I wouldn't do it. I feel bad about the
19 whole situation.

20 MR. CANNON: No further questions at
21 this time.

22 THE COURT: Mr. Smaldone.

23 CROSS-EXAMINATION

24 BY MR. SMALDONE:

25 Q. The State hasn't promised you anything

TIFFANY RAVENELL - CROSS EXAM BY MR. SMALDONE

1 to testify?

2 A. No, they have not.

3 Q. Did you plead guilty to armed robbery?

4 A. No, I did not.

5 Q. Did you plead guilty to kidnapping?

6 A. No, I did not.

7 Q. Did you plead guilty to another count
8 of kidnapping?

9 A. No, I did not.

10 Q. Okay. Did they dismiss those charges?

11 A. I don't have -- I didn't have those
12 charges.

13 Q. You weren't charged with those?

14 A. No, I was not.

15 Q. You were never charged with armed
16 robbery?

17 A. With armed robbery, yes.

18 Q. You were charged with armed robbery?

19 A. Yes.

20 Q. Did you plead guilty to armed robbery?

21 A. No, I did not.

22 Q. Okay.

23 A. Attempted armed robbery.

24 Q. Attempted armed robbery. And you know
25 that armed robbery carries 10 to 30 years?

TIFFANY RAVENELL - CROSS EXAM BY MR. SMALDONE

1 A. Yes, sir.

2 MR. CANNON: Objection, Your Honor.

3 THE COURT: Sustained.

4 MR. CANNON: Punishment is not
5 relevant.

6 THE COURT: Counsel, do you want to
7 approach?

8 MR. SMALDONE: I do.

9 (Bench conference.)

10 THE COURT: You've heard testimony
11 about potential punishment that someone may face
12 for a particular charge. That is not to be
13 discussed in your determination on the defendant's
14 guilt or innocence. It is used to show bias in
15 this particular instance.

16 Note your exception to my ruling. You
17 may continue.

18 BY MR. SMALDONE:

19 Q. You were originally charged with armed
20 robbery?

21 A. Yes, sir.

22 Q. Okay. You did not plead to that armed
23 robbery?

24 A. No, sir.

25 Q. You made a deal?

TIFFANY RAVENELL - CROSS EXAM BY MR. SMALDONE

1 A. No, I did not.

2 Q. They just dismissed it?

3 A. I don't know the answer to that
4 question.

5 Q. Why are you testifying today?

6 A. I don't know how to answer that
7 question.

8 Q. You answer the question that I asked
9 you. That's how you answer it. You talk. You see
10 the microphone in front of you?

11 MR. CANNON: Objection, Your Honor.

12 He has no reason to badger the witness.

13 THE COURT: Watch your attitude.

14 BY MR. SMALDONE:

15 Q. You didn't plead guilty to armed
16 robbery?

17 A. No, I did not.

18 Q. Okay. The State dismissed that charge.
19 Did it?

20 A. I'm -- if I plead guilty to attempted
21 armed robbery, then, yes.

22 Q. And you've already pled guilty to
23 attempted armed robbery?

24 A. Yes.

25 Q. And you know that charge carries no

TIFFANY RAVENELL - CROSS EXAM BY MR. SMALDONE

1 mandatory minimum?

2 A. Yes.

3 Q. So you know that by testifying you
4 could avoid prison?

5 A. No.

6 Q. Do you know what a mandatory minimum
7 is?

8 A. Yes, I do.

9 Q. You know what something without a
10 mandatory minimum is?

11 A. I've never been in this situation so
12 I'm still learning.

13 Q. You pled guilty?

14 A. Yes.

15 Q. Is that right?

16 A. Yes.

17 Q. All right. So you know that you could
18 possibly avoid going to prison by testifying?

19 Right?

20 A. I guess so.

21 Q. You just showed up today to testify?

22 A. Yes.

23 Q. Is that right? Are you under Subpoena?

24 A. Yes.

25 Q. Did you plead guilty to this offense in

TIFFANY RAVENELL - CROSS EXAM BY MR. SMALDONE

1 exchange for your testimony?

2 A. No, sir.

3 MR. SMALDONE: Okay. All right. Beg
4 the Court's indulgence?

5 THE COURT: Take your time.

6 BY MR. SMALDONE:

7 Q. All right. Just as to clarify, what
8 were you originally charged with in this case?

9 A. Armed robbery, criminal -- two armed
10 robberies, criminal conspiracy.

11 Q. Two armed robberies and two criminal
12 conspiracies?

13 A. Yes.

14 Q. You weren't charged with attempted
15 armed robbery?

16 A. No, sir.

17 Q. Okay. You were charged with
18 kidnapping?

19 A. No, sir.

20 Q. All right. Two armed robberies, right?

21 A. Yes.

22 Q. Two conspiracies?

23 A. Yes.

24 Q. And what did you plead guilty to?

25 A. Criminal conspiracy and an attempted

TIFFANY RAVENELL - REDIRECT EXAM BY MR. CANNON

1 armed robbery.

2 Q. So the State dismissed charges?

3 A. I guess so.

4 MR. SMALDONE: All right. No further
5 questions.

6 THE COURT: Mr. Cannon.

7 REDIRECT EXAMINATION

8 BY MR. CANNON:

9 Q. Ms. Ravenell, do you know what your
10 sentence could be?

11 A. No, I do not.

12 Q. Has the State made you any promises?

13 A. No, they have not.

14 Q. How does it feel to tell the truth?

15 A. It's what you're supposed to do.

16 Q. Have you done so today?

17 A. Yes, I have.

18 Q. To both attorneys' questions?

19 A. Yes, I have.

20 MR. CANNON: No further questions for
21 this witness.

22 THE COURT: Mr. Smaldone, any re-cross?

23 MR. SMALDONE: No re-cross.

24 THE COURT: Ms. Ravenell, you may step
25 down. This is an appropriate time for us to take a

NICHOLAS SMITH - DIRECT EXAM BY MR. CANNON

1 break. Are we good?

2 THE JURY FOREPERSON: We're good.

3 THE COURT: Call your next witness.

4 MR. CANNON: Judge, may Ms. Ravenell
5 be released from --

6 THE COURT: Any objection,
7 Mr. Smaldone? She's still under subpoena. We'll
8 do it that way.

9 MR. SMALDONE: All right.

10 THE COURT: You're free to go. Step
11 outside; you're free to go.

12 THE COURT: Who is your next witness?

13 MR. CANNON: Nick Smith.

14 NICHOLAS SMITH,

15 being first duly sworn, testified as follows:

16 THE CLERK: Please state your full name
17 and spell your last.

18 THE WITNESS: Nicholas Smith, last name
19 is S-M-I-T-H.

20 DIRECT EXAMINATION

21 BY MR. CANNON:

22 Q. Good afternoon, Nick. How are you?

23 A. Good. How are you?

24 Q. Doing well. Thanks.

25 Where are you currently employed?

NICHOLAS SMITH - DIRECT EXAM BY MR. CANNON

1 A. City of Goose Creek Police Department.

2 Q. How long have you been there?

3 A. Almost a year and nine months.

4 Q. Okay. Do you recall roughly when you
5 started?

6 A. The beginning of November 2015.

7 Q. Okay. And what are your
8 responsibilities currently with the Goose Creek
9 Police Department?

10 A. I'm a patrol officer.

11 Q. Were those -- can you tell us what
12 those responsibilities entail?

13 A. I patrol throughout the city, respond
14 to crimes, investigate certain crimes, conduct
15 traffic stops and stuff like that.

16 Q. Were those responsibilities the same
17 back in May of 2016?

18 A. Yes, sir.

19 Q. Have you ever testified in a trial
20 before?

21 A. Trial like this, no, but trial to my
22 court, yes.

23 Q. When you say your court, are you
24 talking about magistrate court?

25 A. Municipal court.

NICHOLAS SMITH - DIRECT EXAM BY MR. CANNON

1 Q. Were you working on May 7, 2016?

2 A. Yes.

3 Q. What were you doing that night?

4 A. I was in field training with Officer
5 Elder. We had just gotten to the station.

6 Q. Okay. What do you remember from that
7 night?

8 A. As soon as we got to the station, we
9 were still in the station and our dispatchers
10 dropped tones and told us that there was an armed
11 robbery in progress in the Hamlets. We responded
12 to , which is where the armed
13 robbery was at.

14 Q. Who was driving?

15 A. I was.

16 Q. Okay. And you say you were with Larry
17 Elder?

18 A. Yes, sir.

19 Q. Who is Larry Elder?

20 A. Currently, he's overseas.

21 Q. Okay. Do you know what he's doing
22 there?

23 A. He's in the Air Force, I believe.

24 Q. When you got to , what
25 did you first observe?

NICHOLAS SMITH - DIRECT EXAM BY MR. CANNON

1 A. When I first got there, I observed
2 several officers on scene already as well as
3 medical personnel to attend to one of the victims
4 who had a stab wound to his hand.

5 Q. What did you learn on scene?

6 A. I learned that a black male had
7 presented a knife and cut one of the victims on the
8 hand and then fled from the scene with two or three
9 money bags.

10 Q. Okay. I'm going to show you what's
11 been entered as Exhibit 3. Do you recognize that?

12 A. Yes, sir.

13 Q. What is that?

14 A. This is the house,
15

16 Q. And is that the house you responded to
17 on May 7, 2016?

18 A. Yes.

19 Q. And do you recall that area?

20 A. Yes, sir. That's the driveway that
21 leads to the back of the house.

22 Q. Okay. Thumbing through to Exhibit 8.
23 Do you recognize that picture?

24 A. Yes.

25 Q. What is that on the ground right there?

NICHOLAS SMITH - DIRECT EXAM BY MR. CANNON

1 A. Blood from the victim.

2 Q. Okay. And where was the victim
3 injured?

4 A. In his hand.

5 Q. Okay. What all did you do on scene
6 that night?

7 A. Once we got on scene, we were advised
8 that the suspects had fled through the woods. So
9 once Officer Jones got on scene, we conducted a K9
10 track through the woods which didn't lead anywhere.
11 And then after that, I took a statement from Lili
12 Lord, one of the victims, and I also gathered a
13 cheek swab from Lili as well.

14 Q. Did you ever locate any suspects that
15 night?

16 A. No, sir.

17 Q. After responding to
18 , and you did the duties and responsibilities
19 you just discussed, what else did you do on the
20 case?

21 A. Nothing.

22 Q. Okay. One more question here, Officer
23 Smith. What county is this address in?

24 A. Berkeley County.

25 Q. What city?

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 A. Goose Creek.

2 MR. CANNON: No further questions.

3 THE COURT: Mr. Smaldone.

4 MR. SMALDONE: No questions for this
5 witness.

6 THE COURT: Okay. You may step down.

7 Feel free to stay with us, but also free to go.

8 Call your next witness.

9 MR. CANNON: State calls Justin Hart.

10 JUSTIN HART,

11 being first duly sworn, testified as follows:

12 THE CLERK: Please state your full name
13 and spell your last.

14 THE WITNESS: Justin Lee Hart. Last
15 name is spelled, H-A-R-T.

16 DIRECT EXAMINATION

17 BY MR. CANNON:

18 Q. Good morning, Investigator Hart. How
19 are you?

20 A. Fine. How are you?

21 Q. Doing well.

22 Where are you currently employed?

23 A. Currently employed with the Goose Creek
24 Police Department. Been employed for approximately
25 six years now.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Q. And what is your current capacity at
2 Goose Creek?

3 A. I'm currently an investigator with
4 Goose Creek. I've been an investigator coming up
5 on six months now.

6 Q. Prior to you becoming an investigator,
7 what was your role with Goose Creek?

8 A. Just prior, I spent three years on
9 patrol. During the time frame of this incident, I
10 was a strategically assigned officer. It was a
11 unit where we were put in high crime areas and we
12 did answer citizens' complaints and tried to answer
13 questions.

14 Q. Was that the role you were in on May 7,
15 2016?

16 A. Correct. It's similar to a patrol
17 function, but slightly different.

18 Q. Was there anything special about your
19 vehicle you were operating at that time?

20 A. Yes. My vehicle was outfitted with an
21 automatic license plate reader. It's the only
22 vehicle in the City of Goose Creek that had that
23 system on it.

24 Q. Okay. And let's bring your attention
25 to May 7, 2016. Where were you that evening?

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 A. I was working an off-duty assignment at
2 Chick-fil-A in Goose Creek located on Saint James
3 Avenue. And at that time I heard the dispatch call
4 out that there had been an armed robbery in the
5 location of the Hamlet and I responded.

6 Q. Okay. Roughly, how far is it from that
7 Chick-Fil-A to that address?

8 A. I would guess approximately four ad to
9 five miles.

10 Q. Do you recall what route you took that
11 night?

12 A. I did. Traffic was probably light to
13 medium. I left the Chick-fil-A parking lot, took a
14 left onto Saint James Avenue, made a right onto
15 Gainsborough Boulevard, make another right to
16 Centennial Boulevard, which is the most direct
17 route to the Hamlets.

18 Made a right onto Crowfield Boulevard,
19 and then I actually proceeded to the Stratford High
20 School parking lot to set up perimeter.

21 Q. Were you successful in locating anybody
22 that night?

23 A. That night there was a suspicious
24 vehicle in the parking lot of Stratford High
25 School. I got out with the vehicle and determined

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 that it didn't have anything to do with the
2 incident. So my primary role that night was to
3 provide security on the perimeter.

4 Q. What was traffic like that night?

5 A. It was light to medium. It was pretty
6 well traveled on Saint James Avenue, but once you
7 get onto Crowfield Boulevard side, it was very
8 light traffic.

9 Q. Was it light outside?

10 A. No, it was dark, sir.

11 Q. Okay. When you arrived on scene, what
12 did you learn?

13 A. I had learned -- it was more just
14 regurgitation from what dispatch had told over the
15 radio, that there had been an armed robbery on
16 Norfolk Way. The suspect was armed with a knife,
17 and after the robbery had occurred, he had fled
18 into the wood line toward Hamlet Park which was
19 adjacent to the victim's residence.

20 Q. And what were your responsibilities
21 that night arriving on scene?

22 A. It was simply perimeter. I was just
23 going off of the information that I had heard on
24 the radio and from what officers had told me, and I
25 just created a perimeter and was on the lookout.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 We had no idea where the subject had fled to.

2 Q. Did you do anything else that night on
3 this case?

4 A. I did. I ended up in Hamlet Park. I
5 made contact with Officer Wegner and he, again,
6 regurgitated the information that I had learned
7 over the radio. We did a cursory search of
8 anything that might have been missed by the K9 or
9 the officers that initially responded, and I met
10 briefly with officers on scene at the victim's
11 residence, but I didn't have any direct interaction
12 with the victims.

13 Q. Was that the last time you had any
14 interaction in this case -- involvement in this
15 case?

16 A. No, no, sir.

17 Q. What was the next point during your job
18 where you got involved in this case?

19 A. I want to say it was June 6th was my
20 next interaction. There was an operation conducted
21 based off the victim's observations, suspicious
22 activity at the residence. And I was not present
23 for the first couple of days because I was on
24 vacation during that time.

25 Q. I see. And when you say

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 surveillance -- you got involved with the
2 surveillance you said?

3 A. That's correct.

4 Q. And what was your role in that?

5 A. It was looking out. I was located on
6 Norfolk Way at a residence facing toward Hamlet
7 Park. We were observing the vehicle pulling into
8 the park and had observed the suspects exit the
9 vehicle and walk down Hamlet Park as they were
10 conducting their own surveillance on the victim's
11 residence.

12 MR. CANNON: Okay. Permission to
13 approach the witness?

14 THE COURT: You may.

15 BY MR. CANNON:

16 Q. I'm going to show you this laser
17 pointer. Do you recognize this map?

18 A. I do, sir.

19 Q. I'm not going to block the jury, but
20 does this map accurately reflect Hamlet Park in May
21 of 2016?

22 A. Yes.

23 Q. The top button will shoot a red laser.

24 A. Okay.

25 Q. You say you were there as part of

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 surveillance on June 6, 2016?

2 A. Yes, sir; 6th through the 10th, if I
3 recall correctly.

4 Q. Okay.

5 A. I believe, if I recall, June 5th was
6 the first sighting of the vehicle. I wasn't
7 present for that, but the following day I was.
8 That was with Investigator Tremblay and
9 Investigator Powell on the 5th.

10 Q. And on that map; can you position where
11 you were located? Or show where you were located.

12 A. Right here. (Indicating.)

13 Q. What vehicle were you in?

14 A. We were in a Town and Country van, one
15 of our unmarked vehicles, undercover vehicles. We
16 were pulled forward into the driveway looking at
17 the parking lot of Hamlet Park.

18 Q. Which part of the vehicle were you
19 facing?

20 A. I was positioned in the driver's seat
21 facing forward with the direct line of sight to the
22 parking lot, and Investigator Powell was in the
23 rear of the vehicle facing out for any potential
24 foot traffic that was observed.

25 Q. What did you observe that day?

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 A. June 6th -- I believe the 6th and 7th
2 nothing was observed on those two days.

3 MR. CANNON: I'm going to show him --
4 this is his report.

5 MR. SMALDONE: Okay.

6 MR. CANNON: Permission to approach
7 the witness?

8 THE COURT: You may.

9 BY MR. CANNON:

10 Q. You mentioned June 5th. I'll let you
11 look at that to refresh your memory on the report
12 to be certain on dates.

13 A. This was on June 10th. It was the
14 night of the actual takedown.

15 Q. All right. And it tells -- what were
16 the dates the surveillance started?

17 A. I believe it was June 3rd through the
18 10th.

19 Q. What were your observations in the back
20 of the unmarked van faced towards Hamlet Park?

21 A. At that time the vehicle had been
22 recognized as Tiffany Ravenell's. So it was the
23 day -- the 5th, as I recall correctly, the license
24 plate was taken from that vehicle and the vehicle
25 was identified.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Q. Okay. And with that information, what
2 did you do?

3 A. With me having the access to the
4 automatic license plate reader database, I used
5 that vehicle tag and put it into the database, and
6 it was at that time that we recognized that same
7 vehicle we had been watching in the Hamlet Park was
8 associated with the initial incident back in May.

9 Q. And real quickly, can you tell the jury
10 what the automatic license plate reader is?

11 A. Yes. It's a camera system. They're
12 throughout the tri-county area; some are mobile and
13 some of them are stationary. What these cameras do
14 is they capture the license plates from the back of
15 the vehicles. And it doesn't take any personal
16 data from vehicles. It simply logs the license
17 plates that are collected and it also takes a
18 picture of the vehicle at the time the license
19 plate is collected.

20 The GPS coordinates, as well as the
21 date and time of those pictures are logged as well
22 in the database.

23 Q. Okay. And you said some of these are
24 mobile and some are stationary?

25 A. Correct.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Q. You mentioned earlier that your vehicle
2 was outfitted with ALPR?

3 A. Yes, it was the only one. And it's
4 still the only one outfitted in Goose Creek.

5 Q. After you were able to determine the
6 license plate, what did you do with that
7 information?

8 A. The information was then run through
9 the database, and it was observed that that vehicle
10 on the May date was on Remount Road at
11 approximately 9:26 p.m., roughly, and the vehicle
12 was then seen again roughly a half hour later about
13 9:58, 9:57 p.m. when my mobile unit collected data
14 from it.

15 MR. CANNON: Permission to approach?

16 THE COURT: You may.

17 BY MR. CANNON:

18 Q. I'm going to show you what was
19 premarked as Exhibits 10 and 11. Do you recognize
20 those?

21 A. I do, sir.

22 Q. What are they?

23 A. Those would be the photographs that I
24 just described from the license plate reader
25 capturing the vehicle from the GCPD mobile one,

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 which would be my vehicle, and the NCPD which would
2 be North Charleston Police Department, Remount
3 Road.

4 Each of these license plate readers as
5 well, they're all uniquely identified by their
6 location, what they're used for. So it would be
7 GCPD mobile for a mobile unit in Goose Creek.

8 Q. How are these documents generated?

9 A. I'm not a tech expert so I can't tell
10 you how they're uploaded into the system, but I do
11 know that SLED maintains the database.

12 Q. But would you have to input that
13 information to actually get the populated document
14 of these printouts?

15 A. That's correct.

16 MR. CANNON: At this time, the State
17 would move to enter 10 and 11 into evidence.

18 THE COURT: Any objection?

19 MR. SMALDONE: No objection.

20 THE COURT: At this time, State's 10
21 and 11 into evidence without
22 objection.

23 (PLF. EXH. 10 in evidence.)

24 (PLF. EXH. 11 in evidence.)

25 MR. CANNON: At this time, I would

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 like to publish 10 and 11 to the jury.

2 THE COURT: You may.

3 BY MR. CANNON:

4 Q. I'm going to show you Exhibit 10. Can
5 you use the laser pointer and show us the dates and
6 locations that you were referencing?

7 A. Yes, sir. It's not -- it's not working
8 on the TV.

9 Q. Are you able to -- the third line down,
10 the capture date, is that what you're referencing?

11 A. That is the capture date of May 7,
12 2016, at 9:29 p.m.

13 Q. And what was the location of this
14 camera?

15 A. That was Remount Road in North
16 Charleston.

17 Q. Okay. Are you able to determine what
18 kind of vehicle this is?

19 A. Yes. It's a silver Impala.

20 Q. I'm going to show you the next exhibit
21 which is Exhibit 11. Again, that's the same
22 license plate as the previous exhibit?

23 A. That is the same license plate.

24 Q. And where was this captured?

25 A. It was captured on Centennial

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Boulevard.

2 Q. Okay. And what date and time?

3 A. That was going to be on May 7th at
4 9:58 p.m.

5 Q. Okay. And it says, rear traffic. What
6 does the rear traffic mean?

7 A. So the vehicle is outfitted with four
8 cameras. You have a parking camera that runs --
9 shoots directly perpendicular from the vehicle for
10 parking lots. You have a forward facing camera on
11 the passenger side that faces forward so I can
12 capture vehicles as I pass them or they pass me.
13 And you have a rear facing camera on the back side
14 of the driver's side that captures the vehicles
15 going away. And then there's another forward
16 facing camera on the driver's side as well.

17 And so what that was, that would be the
18 left rear driver's side camera that captured that
19 vehicle. So the vehicle was approaching me in the
20 opposite direction.

21 MR. CANNON: Okay. All right. Thank
22 you.

23 Permission to approach the witness.

24 THE COURT: You may.

25 MR. CANNON: Thank you.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 BY MR. CANNON:

2 Q. Do you recognize this?

3 A. I do.

4 Q. What is that?

5 A. That would be the DVD of my in-car
6 video the night of the May 7th incident.

7 Q. How do you know that?

8 A. Because I've reviewed it.

9 Q. Is that a complete and accurate
10 depiction of your in-car video from May 7, 2016?

11 A. Yes.

12 Q. Does it appear to be altered in any
13 way?

14 A. No.

15 MR. CANNON: At this time, the State
16 would move Exhibit 2 into evidence.

17 THE COURT: Any objection?

18 MR. SMALDONE: No objection.

19 THE COURT: State's 2 into evidence
20 without objection. You may publish.

21 (PLF. EXH. 2 in evidence.)

22 BY MR. CANNON:

23 Q. Investigator Hart, these are the two
24 ALPR reports. The second one, Exhibit 11, had a
25 time of 9:58 which would have captured your -- from

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 your in-car -- your camera.

2 A. Yes, sir.

3 Q. I'm going to play you your in-car video
4 from that night.

5 A. I do apologize. My sirens were not
6 working, so I was a little confused in the initial
7 response. A little comic relief for you all.

8 (Video played in open court.)

9 BY MR. CANNON:

10 Q. I want to pause right there. Do you
11 know what road you were on at that point?

12 A. At Centennial Boulevard that I'm
13 currently on.

14 Q. Where is Centennial in relation to the
15 Chick-fil-A and then ?

16 A. I would say maybe a half -- Centennial
17 is probably about a half mile from Chick-fil-A
18 roughly and maybe three-ish miles from the Hamlets.

19 Q. I don't think your sirens were working
20 that night?

21 A. No. The issue was resolved after that.

22 (Video played in open court.)

23 BY MR. CANNON:

24 Q. Are you able to -- I'm sorry, I
25 apologize, it's really hard to see on that TV, but

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 on the bottom of that in-car video, you may be able
2 to get down and see better, what time is that right
3 there?

4 A. Is it okay if I kind of lean over?

5 Q. You can step down if you need to.

6 A. It's going to be 9:57 p.m.

7 Q. Okay. And it says .0257?

8 A. Or 21:57.

9 Q. And that equates to 9:57?

10 A. P.M.

11 Q. If we look back at Exhibit 11 on the
12 ALPR report, it did have a time stamp on there.
13 Here it is 9:58, which is roughly about 30 seconds,
14 maybe a minute off that?

15 A. Correct.

16 Q. Do you know if those clocks are synced?

17 A. No, I do not know how close they're
18 synced. The ALPR unit from my understanding goes
19 off the satellite time like your cell phone would.
20 The in-car camera is manually programmed. It's
21 going to be roughly off 30 seconds to a minute.

22 Q. This vehicle that is approaching you,
23 do you know what type of vehicle it is?

24 A. I can't tell you looking at the video
25 alone, no.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Q. Roughly, though, that's within 30
2 seconds of where the ALPR from your vehicle latched
3 on to the Chevrolet Impala .

4 A. Correct.

5 (Video played in open court.)

6 BY MR. CANNON:

7 Q. I'm going to stop it right there, but
8 for that minute and a half after we paused it
9 before, did you observe any vehicles coming in your
10 direction?

11 A. No.

12 Q. Okay. What is your assumption then
13 from reviewing that in-car video?

14 A. That the vehicle we witnessed last on
15 Centennial Boulevard was the suspect vehicle
16 fleeing the scene.

17 Q. Okay. Did you have -- at that time
18 period, did you have a description of any vehicles?

19 A. We had no vehicle description. The
20 last known information we had was that the suspect
21 had run into the wood line towards the Crowfield
22 lake system.

23 Q. Okay. You stated earlier -- I want to
24 move back into the surveillance aspect of this
25 case, your involvement. You made mention of being

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 parked in a van viewing Hamlet Park. Did you do
2 anything else in this case?

3 A. I did. For the later few days, we
4 conducted the surveillance. It was a rolling
5 surveillance that was conducted, as well, on the
6 vehicle where we followed it into Moncks Corner.

7 Q. Do you recall when that was?

8 A. I would have to refer to the incident
9 report. I want to say it was June 8th, but just to
10 be 100 percent, I would like to refer to the
11 incident report.

12 Q. Were you in charge of this
13 investigation?

14 A. I was not. I was simply another set of
15 eyes.

16 Q. If dates were misstated, is that
17 because -- what would be the reason for you
18 misstating dates?

19 A. It would be because I wasn't the
20 initial investigator on the scene. I was a second
21 set of eyes.

22 Q. Who was involved in that rolling
23 surveillance?

24 A. Investigator Powell and Sergeant
25 McElman and PFC Mitchum and myself.

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 Q. How many days were rolling surveillance
2 conducted?

3 A. We did one day of rolling surveillance.

4 Q. Where did that start?

5 A. It started in Hamlets -- from the
6 Hamlet subdivision and followed them -- it was the
7 same direction of travel that was located on the
8 ALPR. They took a right onto Crowfield Boulevard,
9 a left onto Centennial Boulevard, followed that to
10 Gainsborough Boulevard, where they took a left,
11 they took another left onto Saint James Avenue, and
12 we followed them into Moncks Corner from that.

13 Q. Okay. Was that the only thing -- was
14 that the last thing you did in the case?

15 A. No. The final day -- as I recall,
16 June 10th was the final day of the surveillance
17 when they attempted a second armed robbery on
18 Mr. Lord's --

19 Q. Where were you positioned that day?

20 A. That same location; we were in the
21 driveway of this residence here. We observed the
22 silver Impala approximately in this location of the
23 park. I observed two black males exit the vehicle
24 and there was another suspect, which was later
25 determined to be Ms. Ravenell. She had exited

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 briefly and walked around and gotten back in the
2 vehicle.

3 We were in communication with Mr. Lord
4 that whole time. Investigator Powell was. I
5 remember as Mr. Lord's vehicle passed the park, we
6 heard a very loud honk. It wasn't like a normal
7 get-out-of-the-way. It was probably a good second,
8 two-second honk, blaring honk, and we all -- I
9 remember locking eyes with Investigator Powell and
10 we knew that the show was about to start.

11 Q. What was the next thing you did?

12 A. The next thing we did, hear radio
13 communication. I can't recall who -- Sergeant
14 McElman saying that they had made contact with two
15 subjects in the bushes.

16 Q. What did you do?

17 A. I threw the van in reverse and we came
18 to a stop right here, at which time I exited the
19 van and ran to provide support for Sergeant McElman
20 and PFC Mitchum. We had to triangulate them.

21 When I made contact, the two suspects
22 were in the prone position just outside the bushes.

23 Q. Was anybody with you at that time?

24 A. Yes. I was accompanied by Sergeant
25 McElman, PFC Mitchum, and Investigator Powell was

JUSTIN HART - DIRECT EXAM BY MR. CANNON

1 closely behind.

2 Q. After they were in that position, what
3 did you do next?

4 A. I assisted with the arrest. We jointly
5 placed them under arrest. I remember putting
6 Mr. Lewis in handcuffs. I can't recall who put
7 Mr. Williams in handcuffs.

8 We escorted them from the rear of the
9 residence to the front where they were searched
10 incident to arrest and placed in separate patrol
11 vehicles and they were transported to the Goose
12 Creek Police Department.

13 PFC Mitchum also, at the time, had
14 mentioned that when they made contact they observed
15 the two suspects.

16 MR. SMALDONE: Objection; hearsay.

17 THE COURT: Is there an exception?

18 MR. CANNON: There isn't, Your Honor.

19 THE COURT: Sustained.

20 BY MR. CANNON:

21 Q. Did you make any observations after you
22 approached them where they were in that initial
23 prone position?

24 A. I did. We searched the area of the
25 bushes, and a Taser, a pink can of Mace, and a

JUSTIN HART - CROSS EXAM BY MR. SMALDONE

1 knife was located in the bushes.

2 Q. Can you point with that laser pointer
3 where you're talking about?

4 A. This thicket of bushes where they had
5 been crouched in just prior to them coming out.

6 Q. Again, what did you observe in that
7 area?

8 A. It was a pink Mace can, a knife, and a
9 Taser.

10 Q. Okay. After they were placed in cars
11 and taken to Goose Creek, did you do anything else
12 in this case?

13 A. I didn't have any involvement with the
14 questioning or anything with that investigation.

15 Q. You never spoke to any of the
16 defendants?

17 A. No.

18 MR. CANNON: No further questions.

19 THE COURT: Mr. Smaldone.

20 CROSS-EXAMINATION

21 BY MR. SMALDONE:

22 Q. I want to clear a few things up. You
23 did not observe the initial attack, correct?

24 A. Correct.

25 Q. All right. And I'm a little confused.

JUSTIN HART - CROSS EXAM BY MR. SMALDONE

1 The second incident, you did not personally observe
2 anyone until they were already under arrest or
3 about to be under arrest?

4 A. Correct.

5 Q. So you never witnessed anyone approach
6 the Lords, right?

7 A. No.

8 Q. You just got there afterwards?

9 A. Well, we were in -- right. Right.

10 Observation? No, I did not observe them come out
11 of the bushes.

12 Q. You got to the immediate area
13 afterwards, right?

14 A. Right.

15 Q. You were in the general area?

16 A. Yes.

17 Q. Okay. And with the license plate
18 reader, you were the only car in Goose Creek that
19 has that?

20 A. Correct.

21 Q. And you can't see who's in the car,
22 correct?

23 A. Correct.

24 Q. All right. And you can't see the
25 passengers, right?

JUSTIN HART - CROSS EXAM BY MR. SMALDONE

1 A. Correct.

2 Q. You can't see if there are passengers?

3 A. Correct.

4 Q. All it is is a license plate reader?

5 A. It is a license plate reader.

6 Sometimes you can see -- based on lighting
7 conditions, you can see objects in the vehicle and
8 passengers, but on these occasions you can't see
9 inside the vehicle.

10 Q. I have one more question. There was a
11 knife located in the area?

12 A. Yes.

13 Q. All right. And that was alongside the
14 pepper spray or the Mace or whatever it was?

15 A. It was pepper spray, Taser and I recall
16 there being a knife in the bushes.

17 Q. And all three were in the bushes?

18 A. In the general area.

19 MR. SMALDONE: All right. No further
20 questions for you.

21 THE COURT: Redirect?

22 MR. CANNON: No further questions for
23 Investigator Hart.

24 THE COURT: You may step down. Feel
25 free to stay with us, but you are also free to

1 leave.

2 Need a break?

3 THE JURY FOREPERSON: Sure.

4 THE COURT: Please remember all my
5 admonitions. You may leave your notepads right in
6 your chair or take them with you.

7 Please rise for the jury.

8 (Jury out, 10:25 a.m.)

9 THE COURT: Thank you. Be seated.
10 Anything before we take the break?

11 MR. CANNON: No, Your Honor.

12 THE COURT: How many witnesses do you
13 have left?

14 MR. CANNON: Eight. And the next
15 several will be rather quick.

16 THE COURT: Okay.

17 MR. CANNON: Nick Powell is the last
18 witness that will have some length to it, but the
19 others should be kind of short.

20 THE COURT: Okay. Mr. Smaldone,
21 anything before we take the break?

22 MR. SMALDONE: Nothing before the
23 break, Your Honor.

24 THE COURT: Ten minutes. Thank you.

25 MR. SMALDONE: Thanks.

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 (A recess transpired.)

2 THE COURT: Mr. Cannon, anything before
3 we bring in the jury?

4 MR. CANNON: No, Your Honor.

5 THE COURT: Mr. Smaldone?

6 MR. SMALDONE: No, Your Honor.

7 THE COURT: Bring in the jury.

8 (Jury in, 10:42 a.m.)

9 THE COURT: Call your witness.

10 MR. CANNON: State calls Investigator
11 Paul Tremblay.

12 PAUL TREMBLAY,

13 being first duly sworn, testified as follows:

14 THE CLERK: Please state your full name
15 and spell your last.

16 THE WITNESS: Paul Joseph Tremblay,
17 T-R-E-M-B-L-A-Y.

18 DIRECT EXAMINATION

19 BY MS. SZYMCZYNSKA-SAS:

20 Q. Morning, Mr. Tremblay. Please tell the
21 jury, where are you currently employed?

22 A. I'm employed with the Goose Creek
23 Police Department.

24 Q. And how long have you been with Goose
25 Creek Police Department?

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 A. I've been with the Goose Creek Police
2 Department eight years, seven months.

3 Q. And what is your current rank and job
4 responsibilities?

5 A. I'm an investigator and my
6 responsibilities are basically to investigate cases
7 forwarded by the patrol division.

8 Q. Can you tell the jury what your
9 experience and background is as a law enforcement
10 officer?

11 A. I'm a graduate of the South Carolina
12 Criminal Justice Academy; I served four years as a
13 patrolman and four years, seven months as an
14 investigator with the City of Goose Creek.

15 Q. What position were you in back in
16 May/June of 2016?

17 A. I was an investigator.

18 Q. Do you recall how you first became
19 involved in the case which brings us here today?

20 A. On May 7th, the victim Sho Lord was
21 burglarized at his residence located at

22 . After the burglary, on June 2nd,
23 Mr. Lord observed via video surveillance two
24 suspicious black males on his property.

25 Between the robbery at his residence

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 and the suspicious activity at his residence, this
2 prompted Investigator Powell to conduct a
3 surveillance operation on Mr. Lord's residence.

4 Q. So the surveillance that was turned in,
5 that was surveillance from June 2nd?

6 A. The surveillance was from June 2nd, and
7 it was reported June 3rd to the Goose Creek Police
8 Department.

9 Q. And you were involved in some of the
10 surveillance operations?

11 A. I was.

12 Q. Do you recall what dates you were
13 involved in the operation?

14 A. The 4th of June and the 6th of June.

15 MS. SZYMCZYNSKA-SAS: Okay. Permission
16 to approach the witness?

17 THE COURT: You may.

18 BY MS. SZYMCZYNSKA-SAS:

19 Q. We have a pointer over here. I will
20 ask you a few questions. If any of the locations
21 on the map are relevant to your testimony, you can
22 point for the jury. You have to hold on to the red
23 clicker.

24 On June 4th, can you tell the jury what
25 position you were in and what observations you made

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 on June 4th of 2016?

2 A. Okay. So June 4th, myself and
3 Investigator Powell were in a van conducting a
4 surveillance operation here at North Norfolk
5 Way. This right here would be
6 , which is the victim's residence.

7 (Indicating.)

8 Q. And how long were you in that van?

9 A. I can't recall exactly how long we were
10 in the van.

11 Q. Was it a few minutes? Hours?

12 A. It was a considerable amount of time.

13 Q. And did anything happen on June 4th?

14 A. Yeah. While seated in the van,
15 Investigator Powell was facing the direction of
16 , I was facing the direction of
17 Hamlet Park located right here. (Indicating.)

18 While seated in the van, I observed a
19 silver in color Chevy Impala back into this spot
20 right here. (Indicating.)

21 Q. And do you recall what time of day that
22 was? Was it light outside, dark?

23 A. I believe it was approximately 8:00 at
24 night.

25 Q. Was it still light or dark?

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 A. Still light.

2 Q. Okay. And what were the conditions?

3 Was it raining? Foggy?

4 A. No. The conditions were clear, no
5 rain.

6 Q. And did you see any people or did you
7 just observe the vehicle?

8 A. I saw the vehicle and I did observe a
9 black male approach the vehicle from this direction
10 (indicating) into the vehicle. He was in the
11 vehicle for a short period of time. He then exited
12 the vehicle and walked down towards the -- he
13 walked down to the lake this way, and then he
14 walked back and re-entered the vehicle, at which
15 point, a short time later, the vehicle exited
16 Hamlet Park and made a right onto Hamlet Circle.

17 Q. On that map, we can see that there's a
18 wooded area between where you were stationed and
19 where the cars were. We don't have a view through
20 the trees. Can you describe the visibility from
21 your location to the Hamlet Park?

22 A. There were trees and there were times,
23 for instance, when the black males walking towards
24 the silver in color Chevy Impala when I couldn't
25 see them. There were times when I lost visibility

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 when he was walking down towards the lake, for
2 instance.

3 I did have binoculars. The distance
4 was approximately 300 feet, but, again, I did have
5 binoculars as well.

6 Q. But there were times when there was
7 clear visibility in between the trees?

8 A. That's correct.

9 Q. Did you do anything else on June 4th?

10 A. On June 4th, no.

11 Q. And you said you were involved in
12 another operation?

13 A. That's correct, on June 6th.

14 Q. And can you tell us about that
15 surveillance operation?

16 A. That surveillance operation we found a
17 resident of the Hamlets who allowed us to utilize
18 her garage for surveillance. I can't recall the
19 exact residence, but I want to say it was one of
20 these two right here (indicating). And it allowed
21 me to see the entrance to North Norfolk Way, and on
22 that day it was raining really hard and there was
23 really no activity observed that day.

24 Q. Okay. Were you involved in any other
25 operations?

PAUL TREMBLAY - DIRECT EXAM BY MS. SAS

1 A. No.

2 Q. Okay. Did you have any other
3 involvement with this case?

4 A. I did. On June 7th, I had contacted
5 the victim, Sho Lord. And at that time we had
6 discussed the Chevy Impala with him and we talked
7 with him about the suspicious activity that we
8 observed on the 4th.

9 Q. And at that time, were you already --
10 did you have knowledge already who was the owner of
11 the Impala?

12 A. Yes. Yes, ma'am.

13 Q. And who was the owner?

14 A. Tiffany Ravenell.

15 Q. And did you provide that name to the
16 victim?

17 A. I did.

18 Q. Okay. And did they acknowledge whether
19 they knew or did not know Ms. Ravenell?

20 A. He said, yes, the name is familiar.

21 Q. Okay. Did you ever do anything else on
22 this case other than being here today testifying?

23 A. No.

24 MS. SZYMCZYNSKA-SAS: Okay. Please
25 answer any questions that the defense attorney may

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 have.

2 THE COURT: Mr. Smaldone.

3 MR. SMALDONE: No questions for this
4 witness.

5 THE COURT: You may step down. Thank
6 you.

7 Call your next witness.

8 MR. CANNON: The State calls Sergeant
9 Christopher McElman.

10 CHRISTOPHER MCELMAN,

11 being first duly sworn, testified as follows:

12 THE CLERK: Please state your full name
13 and spell your last.

14 THE WITNESS: Christopher McElman,
15 M-C-E-L-M-A-N.

16 DIRECT EXAMINATION

17 BY MR. CANNON:

18 Q. sergeant McElman, where are you
19 currently employed?

20 A. City of Goose Creek.

21 Q. How long have you been employed with
22 the City of Goose Creek?

23 A. Fifteen years.

24 Q. What are your current responsibilities
25 at Goose Creek?

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 A. Currently, a sergeant supervisor over a
2 select enforcement team.

3 Q. Were you currently in that capacity in
4 May of 2016?

5 A. Yes.

6 Q. What training and experience do you
7 have as an officer?

8 A. Radar, LIDAR, DUI enforcement, some
9 selective enforcement courses.

10 Q. Did you ever go to the academy?

11 A. Yes, sir; 2001.

12 Q. And that's when you graduated, 2001?

13 A. Yes, sir.

14 Q. When did you first get involved in this
15 case?

16 A. On June 3rd.

17 Q. How did you get to be involved?

18 A. I was notified by the investigations
19 bureau that we had a suspect showing back up at the
20 victim's house from an armed robbery we had back in
21 May. They were going to start the surveillance
22 operation on the house on Norfolk.

23 Q. When you say back in May, did you ever
24 respond to a robbery back in May?

25 A. I did not; I was off. I was off duty

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 that day.

2 Q. So your involvement in this case is the
3 beginning of the surveillance?

4 A. Yes, sir.

5 Q. And you said you began that June 3rd.
6 What were your responsibilities with the
7 surveillance starting June 3rd?

8 A. On June 3rd, myself and Mitchum, we
9 were deployed on foot in the area. We attempted to
10 get eyes on the house on So we
11 were on foot in the area; we were trying to locate
12 our best position which ended up being . . . Norfolk.

13 On that first day, Officer Mitchum was
14 set up on the back side of the house and I was set
15 up on the front side of the house.

16 Q. What county is that home in?

17 A. Berkeley County.

18 MR. CANNON: Permission to approach?

19 THE COURT: You may.

20 BY MR. CANNON:

21 Q. I'm going to give you this pointer, if
22 you would just touch the red button right there, it
23 will shoot a laser. Does this map accurately
24 reflect the Hamlets in June of 2016?

25 A. Yes.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. You mentioned that you began your
2 surveillance on June 3rd. Where were you
3 positioned on June rd?

4 A. On June 3rd, we deployed on foot in
5 this area right here. Officer Mitchum was set up
6 on the back side of this house and I was set up
7 under a -- under a porch on the front side of this
8 house. (Indicating.)

9 Q. Okay. Did you make any observations
10 that day?

11 A. We did not on that day. We were set up
12 -- approximately, around 7:00 is what time we tried
13 to do this every night. We knew that the victim
14 arrives home between 8:00 and 8:15 each night.
15 That night they arrived home, and they felt like
16 they were being followed.

17 They had pulled in and we observed them
18 pull in right here and kind of go down this way.
19 (Indicating.) And then they made a turn back, but
20 we never observed any activity that day other than
21 that.

22 Q. What day was that?

23 A. June 3rd.

24 Q. But you didn't see anything that day.
25 You just saw the victims turn the wrong way on the

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 road?

2 A. Yes, sir.

3 Q. After that June 3rd, what else did you
4 do as part of the surveillance?

5 A. We decided -- again, we had someone set
6 up here and someone set up here and then Officer
7 Powell was over here. (Indicating.) We were
8 trying to get more eyes on this area up here.

9 Being a part of the selective enforcement
10 team, we have access to some different types of
11 surveillance equipment. We ended up deploying deer
12 cams, if you're familiar with those for trails and
13 surveillance and stuff. We ended up deploying two
14 of those in this area right here (indicating) to
15 try to capture more activity in the area during
16 this process.

17 MR. CANNON: Permission to approach
18 the witness, Your Honor?

19 THE COURT: You may.

20 BY MR. CANNON:

21 Q. Look through these and tell me if you
22 recognize what they are. Do you recognize them?

23 A. These were taken on June 4th from the
24 deer cam.

25 Q. Look through all of them. I don't want

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 you to go into the dates yet, but do you recognize
2 what these pictures are?

3 A. Yes, sir. These would be the pictures
4 that we recovered from the deer cams.

5 Q. Okay. Do they appear to accurately
6 reflect the deer cams that you set up in the
7 surveillance?

8 A. Yes, sir.

9 Q. Do they appear to be altered in any
10 way?

11 A. No, sir.

12 MR. CANNON: At this time, the State
13 would move Exhibits 13 through 25 into evidence.

14 THE COURT: Any objection?

15 MR. SMALDONE: No objection.

16 THE COURT: 13 through 25 into evidence
17 without objection.

18 (PLF. EXH. 13 - 25 in evidence.)

19 BY MR. CANNON:

20 Q. You said you did set up trail cams in
21 the area. I'm going to put up Exhibit 13 which
22 would be the first picture that you have in front
23 of you. Do you recognize that?

24 A. Yes, sir. That would be the
25 gray/silver Impala that's associated with the case.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. And what is that on the bottom of the
2 screen to the right?

3 A. The date and time that the picture was
4 taken.

5 Q. And does that accurately reflect
6 June 4th, 2016?

7 A. Yes, sir.

8 Q. Okay. And can you show us where this
9 deer cam would have been set up on the map to the
10 left?

11 A. Yes, sir. There is a group of trees
12 right in this area. What I was trying to capture
13 was any activity that was occurring in this
14 intersection, whether it be on the bike trail, the
15 walking trail right there, or vehicles in the area.
16 (Indicating.)

17 Q. And, again, this was on June 4th. You
18 made mention earlier that the day before, on June
19 3rd, you were positioned in the house but didn't
20 observe anything?

21 A. Yes.

22 Q. Did you observe anything on June 4th?

23 A. Yes, sir. On June 4th, we observed two
24 black males walk in from Hamlet Circle right down
25 the side bike trail right there. (Indicating.)

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 This date sticks out in my head because it was very
2 noisy when we were setting up in this cul-de-sac.
3 I believe this guy right here (indicating) was
4 pressure washing his driveway, and there were a few
5 other people out in this area. They kind of stuck
6 out in our heads when we were trying to get set up.

7 Q. Where were you set up on that map?

8 A. On that same day -- we only put Officer
9 Mitchum back here one day. We weren't happy with
10 the covering. Again, we were unknown where anybody
11 was coming from in reference to this house right
12 here. So we ended up moving him back up under here
13 with me.

14 We had a very good spot where we could
15 see a lot from this area right there. So we had
16 moved him back up under here -- (Indicating.)

17 Q. When you say under here, what are you
18 under?

19 A. I'm going to try to describe it the
20 best I can. It's an elevated porch. It's brick
21 underneath on there. It's good-size gaps in the
22 bricks. We were standing there and in this uniform
23 right here under the area where the air-conditioner
24 is.

25 Q. Okay. I'm going to show you

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Exhibit 14. This appears again to be June 4, 2016?

2 A. Yes.

3 Q. On that trail cam, what observations
4 can you make?

5 A. Those would be the two black males that
6 I saw walking down from Hamlet Circle to Norfolk
7 Way.

8 Q. Okay. And I'm going to show you 15.
9 Again, what observations are you able to make in
10 this image?

11 A. They were still proceeding towards our
12 location. Again, we were right under this porch.
13 In this picture they were about in this area right
14 there. (Indicating.)

15 Q. At this point in time on June 4th,
16 2016, what did -- these two gentlemen right here in
17 the middle of the picture, what did they do?

18 A. As I previously stated, the cul-de-sac
19 was very noisy. When they got to this area right
20 here, they decided to turn around and they walked
21 away back out the way they had came.

22 Q. Did you make any other observations
23 that day?

24 A. No, sir, not from where I was.

25 Q. Okay. The next exhibit, which is 16,

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 this is a trail cam in a different area. Where was
2 this trail cam set up?

3 A. Over the next couple of days, we had
4 tracked, again, to figure out patterns and figure
5 out the best way to get any activity on video. We
6 realized that the Impala was parking over at the
7 park, which is this area right here. (Indicating.)

8 So at that time I decided to move one
9 of the deer cams to the park to try and capture
10 anything in that area. This particular camera was
11 set up in this tree line right here, just to the
12 right of that right here. And they ended up
13 parking within view of that camera, and this is a
14 picture from that camera.

15 Q. On June 8th of 2016, where were you
16 positioned that day?

17 A. I would be positioned back under here.
18 (Indicating.) This particular day, the vehicle was
19 already at the park upon our arrival. So in fear
20 of not knowing where anybody was, we actually
21 passed our point of -- each day we got dropped off
22 in an undercover vehicle to try to conceal our
23 presence.

24 And we drove past Norfolk Way back to
25 Warwick Trace, which is the next cul-de-sac down on

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 the left. We actually deployed through the woods
2 and came up behind the house at this time and got
3 back into our position.

4 Q. When you say we, who is we?

5 A. Me and Officer Mitchum.

6 Q. This is on June 8th?

7 A. Yes, sir.

8 Q. I will move to Exhibit 17. Again, this
9 is the same location, but it's a few minutes past
10 the time stamp on the previous exhibit?

11 A. Yes, sir.

12 Q. And, again, a couple minutes later. Do
13 you recognize the individual in that picture?

14 A. Yes, sir.

15 Q. Had you seen him before?

16 A. Just on the pictures. And on the 4th,
17 he was one of the gentlemen that walked down the
18 edge of that Norfolk Way.

19 Q. You're talking about June 4th trail cam
20 pictures where he was seen with another individual?

21 A. Yes, sir.

22 Q. Okay. This is Exhibit 19. Again, this
23 is the trail cam with the Chevrolet Impala leaving.
24 What is this?

25 A. That will be Mr. Williams. You're

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 still on that one there. That's the gray/silver
2 Impala.

3 Q. I will move forward. What is this
4 image?

5 A. Mr. Williams walking on the walking
6 path.

7 Q. Okay.

8 A. On the Hamlet Circle right at the
9 entrance to Norfolk Way.

10 Q. I want to draw your attention to the
11 bottom of the screen. What is that -- that is the
12 time stamp of June 7th. What is going on here?

13 A. The date was off on this one. There
14 was a battery change issue, an oversight on my
15 part. Each night I would gather the cameras up and
16 bring them back into the station and download the
17 cameras.

18 Of course, the battery changes needed
19 to happen over this long period. That was an
20 oversight on my part that the date was wrong on
21 that one.

22 Q. What date is this trail cam image from?

23 A. That should be the June 8th.

24 Q. So you're saying that Exhibit 20, which
25 has this image, is the same date as the June 8th

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 image right here which is Exhibit 18?

2 A. Yes, sir. I had -- I had set the
3 cameras up approximately 6:00 that afternoon prior
4 to us going out there.

5 Q. Moving forward to Exhibit 21. Again,
6 this has June 7th. Same trail cam, I believe?

7 A. Yes, sir. That would be after he
8 apparently walked down and was on his way back.

9 Q. Did you make any observations that day
10 from your position underneath the stairwell?

11 A. No, sir. Just to clarify, the cameras
12 are motion activated, so the motion sets the
13 cameras off.

14 Q. Okay. This appears to be June 9th.
15 Were you -- what was your operation that night?
16 What was your duty that night?

17 A. After the 8th, when we got there and
18 the suspect vehicle was already there, we decided
19 the next night that we were going to change it up
20 and do a rolling observation. So all of us were in
21 unmarked vehicles.

22 We were prepared to follow the vehicle
23 out of there that night and see where the vehicle
24 was going. So we were set up a little bit
25 differently. I still had the cameras out there,

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 but that particular night, we were not set up under
2 the porch. We were actually throughout the area in
3 unmarked vehicles.

4 Q. Okay. And your location on June 9th,
5 is it on that map to your left?

6 A. I was down here a little bit. I was
7 across from Hamlet Circle watching the area. I was
8 in an unmarked vehicle watching this area as well
9 as what I could see from right there.

10 (Indicating.)

11 Q. What did you do that night?

12 A. That particular night, I observed
13 Mr. Williams walking on the walking trail.

14 MR. SMALDONE: Objection. I would
15 object to him identifying the client. No ID has
16 been made.

17 THE COURT: Overruled.

18 THE WITNESS: I observed a black male
19 walking on the walking trail. He walked past
20 Norfolk Way down to Warwick Trace and then walked
21 back, at which time he got in his vehicle and we
22 followed the vehicle out of there.

23 BY MR. CANNON:

24 Q. Where did the vehicle go?

25 A. Left out on Hamlet Circle, went out to

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Crowfield Boulevard, took a right on Crowfield, a
2 left on Centennial, a left on Gainsborough, and a
3 left on 176, right on Old Mount Holly.

4 Q. I'm just curious as to where you
5 ultimately ended up.

6 A. We ended up on Minton Road up here in
7 Moncks Corner.

8 Q. Did you observe who was in the vehicle
9 that night? Did you observe the sex of the -- who
10 was in the vehicle that night?

11 A. A female driver and a black male
12 passenger.

13 Q. Okay. Had you seen the individuals
14 before?

15 A. From our surveillance, yes.

16 Q. Okay. The individual that you saw that
17 night, when had you seen him previously?

18 A. Walking on the trails.

19 Q. Okay. On the trail cams?

20 A. Yes, sir. And what I observed on the
21 4th in this area right here.

22 Q. Did you do anything else that night?

23 A. No. Once we wrapped up surveillance, I
24 came back and grabbed the deer cams and we locked
25 everything.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. Okay. Again, this is June 9th,
2 Exhibit 23. What observations are you able to make
3 on this trail cam image?

4 A. That was the vehicle parked in the
5 Hamlet Park.

6 Q. Okay. Was it the vehicle that you
7 followed into Moncks Corner?

8 A. Yes, sir.

9 Q. This is June 10th. What were your
10 duties June 10th?

11 A. June 10th, we set back up as we
12 previously were. Me and Officer Mitchum were under
13 the front porch of this area, and we also had
14 Investigator Powell and Hart over here. We were in
15 position, approximately, about 7:30 p.m.

16 Q. Okay. And this image appears to be
17 about 7:43 on June 10th?

18 A. Yes, sir.

19 Q. And, finally, Exhibit 25, what -- why
20 is there a change in color?

21 A. It would be later, 8:40 p.m. time.

22 Q. Why does the camera change from color
23 to black and white?

24 A. I don't know.

25 Q. Okay. On June 10th, you said you had

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 relocated back to the stairwell of the house next
2 door?

3 A. Yes, sir.

4 Q. Okay. What did you observe from that
5 position that evening?

6 A. That evening we observed -- like I
7 said, we were in position about 7:30 p.m. About
8 7:45 or so we had contact with the victim.
9 Investigator Powell advised over the radio to us
10 that he was en route to the house, and he also
11 advised us that a vehicle was parking at Hamlet
12 Park that matched the suspect vehicle.

13 Q. Okay. Can you describe -- was it light
14 outside at the time?

15 A. Yes, sir.

16 Q. What was the next thing that you
17 remember?

18 A. Two black males walking down from
19 Norfolk Way in this area right here. (Indicating.)

20 Q. Okay.

21 A. Right towards our position.

22 Q. Okay. Where did they go?

23 A. They proceeded to take a left on
24 Norfolk Way and they proceeded to walk past our
25 position. Again, we were right here.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. Do you recall -- I'm sorry, go ahead.

2 A. And they proceeded to walk down the
3 driveway of .

4 Q. Do you recall what they were wearing?

5 A. I know blue pants and a black shirt was
6 one of them and another one had a do rag on. I
7 can't recall exactly what he was wearing.

8 Q. What was the temperature like?

9 A. It was hot, very hot; I was soaked in
10 sweat and, again, this is what I was wearing.

11 Q. Did you make any observations about
12 their wardrobe in relation to the weather?

13 A. Yes, sir. It seemed off to me, which
14 again raised my awareness.

15 Q. Okay. After they walked down the
16 driveway, where did they go?

17 A. We lost visual when they walked past us
18 going back this way. (Indicating.) After that, we
19 don't know where they went.

20 Q. Okay. What was the next thing you
21 remember?

22 A. Probably about right around 8:00, 8:05,
23 we heard a loud distinct horn beeping, a honk
24 coming from this area over here (indicating) which,
25 again, startled us and -- and got our attention.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. How did it make it you feel?

2 A. My heart started pumping thinking that
3 something was about to happen.

4 Q. Okay. What happened next?

5 A. The victim -- after I heard the horn
6 beep, a very short time after, the victim pulled in
7 this way and came into their driveway.

8 (Indicating.)

9 Q. Okay. What did you do?

10 A. Me and Officer Mitchum -- again, it
11 felt to us that the horn beep was an alert. We
12 exited from where we were and kind of got in this
13 area right here (indicating) and kind of followed
14 the victim as they came down here to turn around in
15 this area.

16 Q. What observations did you make at that
17 point?

18 A. The victim had come around the back
19 side of his house and he made a turn around right
20 here (indicating) and started coming back this way,
21 which is right where me and Officer Mitchum were.
22 At that time we started hearing a lot of rustling
23 over in the bushes in this area.

24 Do you want me to keep going?

25 Q. Yeah, you can.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 A. We started hearing a lot of rustling in
2 the bushes, and from where we were, you could see
3 the trees swaying around. And it got our attention
4 to that location, at which time we observed two
5 black males exiting the bushes right here and
6 approaching this area right here. (Indicating.)

7 Q. Okay. Were you armed that night?

8 A. I was.

9 Q. What did you do with your weapon?

10 A. We had our weapons out ready for
11 anything, not knowing what was coming.

12 Q. What observations did you make after
13 you saw the trees rustling?

14 A. That the victim was about to get robbed
15 right in this area.

16 Q. What did the individuals do?

17 A. They were a little surprised to see us.
18 We started on foot headed this way. (Indicating.)
19 Again, they were coming right towards us at that
20 point. I believe we startled them right in this
21 area.

22 They both tried to retreat back to the
23 bushes, at which time they laid down in the prone
24 and started listening to our voice commands that we
25 gave.

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 Q. Did the defendants say anything
2 initially when they came out of the woods?

3 A. Just that they were in the trees trying
4 to look out at the water.

5 Q. What other observations did you make at
6 that point?

7 A. It appears they had thrown something in
8 the bushes. I couldn't make out what it was at the
9 time. A search of the bushes revealed later that
10 we found a couple of weapons in the bushes.

11 Q. How were they acting?

12 A. Nervous and scared. Just like us.

13 Q. Okay. After they laid on the ground,
14 what happened next?

15 A. We detained them both. Officer Powell
16 and Hart were there within seconds after we had
17 them in custody.

18 Q. Okay. After they were in custody, what
19 did you do next?

20 A. We escorted them from where we were
21 right here, to the curb side up here (indicating),
22 and then that's when we turned them over to road
23 units that arrived on scene to put them in their
24 vehicles and transported them.

25 Q. Okay. After you walked them to the

CHRISTOPHER MCELMAN - DIRECT EXAM BY MR. CANNON

1 transport vehicles, what did you do next on the
2 scene?

3 A. That's pretty much all I did.

4 Q. You said you saw weapons down in the
5 tree line. What observations did you make in the
6 tree line?

7 A. Yes, sir. After we put them in their
8 -- we did do a check on the tree line at which time
9 we located a Taser and Mace. They stayed there
10 until we could get some photographs of them.

11 Q. Did you participate in any interviews?

12 A. No, sir.

13 Q. Did you do anything else in the case?

14 A. I believe it was the 13th we went back
15 to this area, me and Officer Mitchum and
16 Investigator Powell, and we took photographs of the
17 area to put with the case.

18 Q. Did you ever interview Chris Williams?

19 A. No, sir.

20 Q. On June 10th, when you saw him coming
21 out of the bushes, was that the first time that you
22 had seen him before?

23 A. No, sir.

24 Q. How many times roughly had you seen
25 him?

CHRISTOPHER MCELMAN - CROSS EXAM BY MR. SMALDONE

1 A. On those surveillance footage as well
2 as in person again on the 4th, and then I think it
3 was the 8th, the day we did the rolling
4 surveillance with him walking on the trail. And I
5 was actually set up over here. (Indicating.) I
6 actually saw him that day, and then the other day
7 when we were down here.

8 Q. Did you ever touch the weapons in the
9 bushes?

10 A. I never touched them.

11 Q. Okay. And you didn't do anything else
12 in this case?

13 A. No, sir.

14 MR. CANNON: No further questions for
15 Sergeant McElman.

16 THE COURT: Mr. Smaldone.

17 CROSS-EXAMINATION

18 BY MR. SMALDONE:

19 Q. Good morning.

20 A. Good morning.

21 Q. You witnessed someone who you say is my
22 client about a week before June 10th?

23 A. On the 4th.

24 Q. The 4th. Was that the first time that
25 you made contact with the person you think is my

CHRISTOPHER MCELMAN - CROSS EXAM BY MR. SMALDONE

1 client?

2 A. Yes, sir.

3 Q. You didn't personally observe him break
4 any laws before allegedly June 10, right?

5 A. That's right.

6 Q. How many times did you see him on
7 surveillance or someone you think is him?

8 A. It was over that week-long period.

9 Q. So during the week-long period no laws
10 were really broken?

11 A. No, sir.

12 Q. You just thought it was suspicious?

13 A. Yes, sir.

14 Q. And then June 10th, you were there?

15 A. Yes, sir.

16 Q. And you see someone who is my client,
17 right?

18 A. Yes, sir.

19 Q. And you see another person?

20 A. Yes, sir.

21 Q. And see them walk out of this area,
22 right?

23 A. Yes, sir.

24 Q. Okay. You didn't hear them say, give
25 it up, did you?

CHRISTOPHER MCELMAN - CROSS EXAM BY MR. SMALDONE

1 A. No, sir.

2 Q. You didn't hear anyone say, give me
3 your purse?

4 A. No, sir.

5 Q. You didn't hear anyone say, this is a
6 robbery?

7 A. No, sir.

8 Q. You didn't hear him say anything?

9 A. No, sir.

10 Q. You didn't hear them say anything to
11 indicate that they wanted stuff, did you?

12 A. No, sir.

13 MR. SMALDONE: Okay. No further
14 questions for you.

15 THE COURT: Mr. Cannon.

16 MR. CANNON: No further questions.

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

19 Call the next witness.

20 MR. CANNON: Officer David Mitchum.

21 DAVID MITCHUM,

22 being first duly sworn, testified as follows:

23 THE CLERK: Please state your full name
24 and spell your last.

25 THE WITNESS: David Mitchum,

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 M-I-T-C-H-U-M.

2 DIRECT EXAMINATION

3 BY MS. SZYMCZYNSKA-SAS:

4 Q. Good morning, Officer Mitchum. That
5 chair is a little small.

6 Where are you currently employed?

7 A. City of Goose Creek Police Department.

8 Q. And how long have you been employed
9 there?

10 A. The last go-around, getting on five
11 years now.

12 Q. And what is your current rank and job
13 responsibilities?

14 A. Current rank is PFC, and I'm assigned
15 to a special team called the Strategically Assigned
16 Officers. It's kind of like a set team.

17 Q. What is the goal of that team?

18 A. We hit high crime areas and, basically,
19 help out the road as a function. We actually have
20 a little bit more time to spend on certain areas
21 where the road wouldn't have time to focus on.

22 Q. And were you in the same role and
23 capacity back in May and June of 2016?

24 A. Yes.

25 Q. Okay. And were you involved in the

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 investigation of the case which brings us here
2 today?

3 A. Yes, sir.

4 Q. And do you recall how you became
5 involved?

6 A. I got called by my sergeant and we came
7 in for a meeting. And, supposedly, there was some
8 suspicious activity going on at
9 and we were going to be setting up on the house and
10 surveilling it to see what was going on with it.

11 Q. You were involved in the surveillance
12 operation?

13 A. Yes, sir.

14 Q. Do you recall how many specific times
15 you were involved in the surveillance operation?

16 A. From the 3rd until the 10th, every day
17 we were out there.

18 Q. Do you recall what happened during
19 those surveillance operations?

20 MS. SZYMCZYNSKA-SAS: Your Honor,
21 permission to approach?

22 THE COURT: You may.

23 BY MS. SZYMCZYNSKA-SAS:

24 Q. There is a clicker here, and if you
25 hold on to that red button, you can use the map on

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 your left to point out and tell the jury what
2 happened during each of the operations from what
3 you recall.

4 A. From the 3rd to the 10th, every day we
5 were -- myself and Sergeant McElman, and I was
6 assisting him with setting up deer cameras in
7 different spots of the area so that we could locate
8 anybody walking in to the road or to the residence
9 which is right here (indicating) at Norfolk Way.

10 After the cameras were set in place
11 sometime in the evening, you know, before the
12 victim would leave work, about an hour before,
13 sometimes hit or miss, we would set up right here
14 at Norfolk Way, the neighbor of .

15 And there is a brick pillar where the
16 AC units are underneath the front porch, and
17 there's a gate access that you can actually go
18 inside there and hide out. We were set up
19 underneath that house. Just in case anything
20 happened at , we would be close to the
21 residence.

22 Q. Were you visible from that location?

23 A. Not from the roadway.

24 Q. Okay. But can you see out to the
25 roadway?

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 A. Yes. There was probably four by four
2 holes that was concreted in that we could see out
3 of.

4 Q. Did you use any equipment to look out
5 to the roadway?

6 A. We had binoculars with us.

7 Q. Okay. And going back to the deer
8 cameras, do you recall which locations you set
9 those up?

10 A. Not as far as datewise. We set them up
11 here on one day. They were set up here in the
12 bushes here once. And there is a fence right here,
13 that on one of the last days we were able to set it
14 up on the fence catching anybody walking down the
15 actual hiker/biker trail. (Indicating.)

16 Q. Do you recall any specific instances of
17 what happened during those surveillance operations?
18 Did you ever observe anything unusual?

19 A. Well, we observed -- first, we observed
20 a gray Chevy that had come down, traveled down and
21 went back. And we noticed that same vehicle on
22 other dates parked at the actual park that we have
23 on surveillance cameras too that we had taken
24 pictures.

25 And on other days, we had actually had

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 -- I think on the 4th maybe, there was two
2 gentlemen, two bravo males that were actually
3 coming from that area. I didn't have eyes on the
4 actual park so I couldn't tell if they came from
5 that car, but as far as where we sitting at the
6 house, we saw the two black males turn here and
7 come down the road and then they actually turned
8 and went back. I think it was the 4th.

9 Q. Okay. Do you recall any other
10 incidents of other suspicious activity?

11 A. There was another incident where we --
12 I don't know the exact date, but I remember there
13 was another black male that was dropped off at the
14 park and he ended up walking all the way down. And
15 we actually saw him cross the road and continue
16 straight, and then he turned around and went back
17 on that date.

18 Q. Okay. And were you involved in the
19 operation on June 10, 2016?

20 A. Yes, ma'am.

21 Q. Can you tell the jury what your
22 involvement was and where you were positioned and
23 describe the circumstances?

24 A. On the 10th, I was set up in the same
25 spot, right in here with Sergeant McElman.

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 (Indicating.) We were, you know, just like I have
2 now with the radio communications with Investigator
3 Powell. We -- I think Powell was set up where he
4 could have visual on the park maybe, but we were
5 strictly at the house.

6 We got word that there was a car that
7 was parked there and two black males that had
8 gotten out of the vehicle and were walking down the
9 hiker/biker trail. So myself and Sergeant McElman
10 are right here (indicating) looking out.

11 We saw the two males walk down. One
12 had dark-colored pants on and a dark long-sleeved
13 jacket. Another one had khaki pants with a black
14 shirt and a do-rag on his head.

15 They ended up walking all the way down
16 the road so we can get -- we had a visual on them
17 as soon as they were right here. They ended up
18 walking right by us. They walked down the driveway
19 of the victims' house, which -- I mean, looking,
20 they came from me to you.

21 Q. Pretty close?

22 A. Walking right down, yeah. We were kind
23 of just with our backs up because we didn't want to
24 be seen if they did look through. They ended up
25 walking down the driveway, and then we lost visual

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 once they got past the pillar of the house, and
2 they went to the back somewhere unknown at that
3 time.

4 We then got word from Investigator
5 Powell that the victim was leaving --

6 Q. I'm going to interrupt you for a
7 minute. Approximately, what was the time span from
8 the time that these two individuals arrived at the
9 residence and you get the word that the victims are
10 on the way?

11 A. I don't recall the exact time. I know
12 we were probably there -- you know, they were there
13 a pretty good while we were set-up on it. Probably
14 30, maybe an hour.

15 Q. Okay.

16 A. Then we got a phone call that the
17 victim was leaving the place of work. We were
18 constantly getting indicators of where they were.
19 We got told that he was turning into Hamlet Park.
20 I mean, into Hamlet Circle, into the Hamlets, and
21 we also got word that he was coming up on the park.

22 As they were passing the park, we heard
23 the horn go off of a vehicle. I can't -- like I
24 say, I wasn't at the car, but it was coming from
25 the direction of the park. And it wasn't just a

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 get-out-of-my-way-squirrel. It was a loud
2 continuous bonk (indicating), as to signal
3 something.

4 At that time, because of the reason we
5 were there, and all of the indicators that we had,
6 it was kind of, uh-oh, this might be it. So after
7 the horn went off, then the victim drove in. And
8 when the victim pulled into the driveway, they
9 turned all the way to the back and then turned
10 around and was coming back out; because after the
11 first robbery, they stopped parking in the back.
12 They started parking in the front.

13 And myself and McElman -- Sergeant
14 McElman, we came out as they were back here and we
15 made a tactical approach on the side of the
16 house --

17 Q. I'm going to interrupt. What does that
18 mean, a tactical approach?

19 A. Very -- you know, guns to the side, we
20 were foot to foot, very like low crawling kind of,
21 just making it. We weren't just running with our
22 hands going. You know, we were tactfully going
23 because we didn't know what we were going to see
24 once we got back there.

25 When we got to the corner right here.

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 (indicating), the victim was pulling back out. As
2 they were pulling back out, there was nothing here,
3 but we were still concentrating on that area
4 because we didn't know where the two black males
5 were:

6 Then in this patch of woods right here
7 (indicating), it sounded like a herd of elephants
8 were coming out of it. I mean, things were
9 breaking; I mean, it was very loud. And, then,
10 that's when the two black males came out of the
11 bushes, looked right at us, we had our guns drawn
12 and we told them to get down on the ground.

13 They both turned, threw something out
14 of his hand, and then they went prone facing the
15 woods. Instead of looking right at us going prone,
16 they actually turned around and kind of dove and
17 they put their hands out and that's when we
18 detained them.

19 Q. Okay. Did you make any observations
20 about the two males, and did you make any
21 observations about who threw something towards the
22 bush line?

23 A. The guy that I had, which was not --
24 which was the second guy with the actual do-rag on
25 was the one that I was focused on on the right-hand

DAVID MITCHUM - DIRECT EXAM BY MS. SAS

1 side. He turned around and tossed something. I
2 wasn't really focused on the one on the left
3 because that's who Sergeant McElman was with; but
4 he did throw something out of his hand, the guy I
5 was concentrating on.

6 After they were detained, placed in
7 handcuffs, I went back out, myself and Investigator
8 Powell was back over there and there was a stun gun
9 and a thing of Mace that was photographed and
10 collected by Investigator Powell.

11 Q. There were multiple things?

12 A. Yes.

13 Q. Did you touch any of those items?

14 A. No, ma'am.

15 Q. So you just identified the location of
16 the items?

17 A. Yes, ma'am.

18 Q. And did you make any other observations
19 about the two males that you encountered that day?

20 A. It was -- one of them I observed had
21 gloves on, which it was weird, especially how hot
22 it was. We were sweating profusely, especially
23 with the long sleeves and pants on. It was the
24 same two that actually we saw walking through that
25 went back there. So it was the same two that we

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 detained and placed under arrest.

2 MS. SZYMCZYNSKA-SAS: Okay. Court's
3 indulgence?

4 No further questions of this witness.

5 THE COURT: Mr. Smaldone.

6 MR. SMALDONE: No questions for this
7 witness.

8 THE COURT: You may step down. Thank
9 you.

10 Call your next witness.

11 MR. CANNON: State calls Greg Jones.

12 GREGORY JONES,

13 being first duly sworn, testified as follows:

14 THE CLERK: Please state your full name
15 and spell your last.

16 THE WITNESS: Gregory Jones, J-O-N-E-S.

17 DIRECT EXAMINATION

18 BY MR. CANNON:

19 Q. Officer Jones, where are you currently
20 employed?

21 A. City of Goose Creek Police Department.

22 Q. How long have you been employed with
23 Goose Creek?

24 A. Six years.

25 Q. What is your current role at Goose

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 Creek?

2 A. I'm signed to the K9 unit.

3 Q. K9?

4 A. Yes.

5 Q. How long have you been assigned to the
6 K9 unit?

7 A. Five years.

8 Q. What are your roles and duties as a K9
9 officer handler?

10 A. I care and handle a police K9 which
11 conducts narcotics sniffs, conducts criminal
12 tracks, building searches.

13 Q. What's the name of your K9?

14 A. K9 Dex.

15 Q. Were you working in May of 2016?

16 A. Yes.

17 Q. And what was your involvement in the
18 case while we're here that happened back in May of
19 2016?

20 A. During the initial incident, the first
21 incident, I was called to the scene to conduct a
22 criminal track. From the residence, my K9 tracked
23 from the rear of the house near the lake, through
24 the woods, through the Hamlet Park parking lot
25 where the track was -- where the track ended there.

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 Q. Let's talk about that. You're
2 referencing the -- May, the initial incident. Do
3 you recall what day that was?

4 A. Not the -- not the date, no.

5 Q. And when you arrived on scene, what did
6 you learn?

7 A. That the victim was robbed at knife
8 point. He was arriving home that night, two
9 individuals got him at the rear of the house and
10 robbed him of his business earnings and then fled
11 the area, which is why I conducted a criminal
12 track.

13 Q. Who was present when you arrived?

14 A. There was a bunch of police officers.
15 I believe Patrolman Smith, Patrolman Elder. I
16 can't recall the other ones.

17 MR. CANNON: Okay. Permission to
18 approach the witness?

19 THE COURT: You may.

20 BY MR. CANNON:

21 Q. Do you recognize this map to your left?

22 A. Yeah. It's the Hamlets.

23 Q. If you hit the red button, it will show
24 a laser. I want you to take that and aim at the
25 map and I will ask you some questions.

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 When you arrived in May, May 7, 2016,
2 you said you had K9 Dex. You employed K9 Dex to do
3 a track?

4 A. Yes.

5 Q. Where did that take you?

6 A. It started here where the -- oh, here,
7 right here (indicating) where the incident
8 occurred. It tracked this way, past the lake
9 behind these two houses into the woods, and then
10 through the Hamlet Park parking lot where it ended
11 right around here. (Indicating.)

12 Q. Did you locate anyone that night?

13 A. Negative.

14 Q. Okay. Did you do anything else that
15 night?

16 A. No, not that night. No.

17 Q. What was the next involvement you had
18 in this case?

19 A. I was contacted by our criminal
20 investigations bureau to help them with a special
21 operation where they were going to, I guess, set up
22 an operation in the Hamlets, and they wanted me as
23 a perimeter unit.

24 Q. Okay. Employed as a K9 handler still?

25 A. Yes.

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 Q. If you look at the map, where were you
2 positioned during this operation that took place?

3 A. It's not on the map. I was positioned
4 down here to the south on Warwick Trace.
5 (Indicating.) I was a perimeter unit in case the
6 suspects ran.

7 Q. What type of vehicle were you in?

8 A. A marked patrol vehicle.

9 Q. What were you wearing?

10 A. My regular duty uniform.

11 Q. Did you make any observations during
12 the course of your surveillance?

13 A. Not until the last night. Most of my
14 surveillance I did not see anything. It was mostly
15 out of sight.

16 Q. And you say, the last night. I'm
17 assuming that you're talking about June 10, 2016?

18 A. Yes.

19 Q. What observations -- what were your
20 duties that night?

21 A. That night I was switched over to
22 Gateshead Crossing. They wanted me to move from my
23 original spot to another spot, just in case I was
24 seen. And that night I was in Gateshead Crossing,
25 which is south but over to the left more.

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 Q. Okay.

2 A. I don't remember the exact time, but as
3 it was approaching the incident time, Officer --
4 they observed the victim coming home and they
5 observed the vehicle following the victim. I
6 believe it was an Impala, a blue one. And at that
7 time the blue Impala pulled into the Hamlet Park.

8 And then we heard a car horn beep, and
9 then Investigator Powell advised that two suspects
10 were under arrest and for me to conduct a traffic
11 stop on the blue Impala what was leaving and making
12 a left and heading down Hamlet Circle.

13 Q. What time of day was it whenever you --

14 A. It was dusk. It was not quite dark,
15 but it was approaching.

16 Q. Okay. And this Chevy Impala, you
17 executed a traffic stop on it?

18 A. I executed a traffic stop and -- yeah,
19 I conducted a traffic stop. They stopped at Amanda
20 Circle and the Hamlets.

21 Q. Who was with you?

22 A. Officer Erickson was with me. He was
23 also a perimeter unit.

24 Q. What is Officer Erickson's job at Goose
25 Creek?

GREGORY JONES - DIRECT EXAM BY MR. CANNON

1 A. He's also a K9 handler.

2 Q. Was his K9 on scene that night?

3 A. Yes. He was not -- oh, yes.

4 Q. When you made the traffic stop of that
5 vehicle, who was present in the vehicle?

6 A. Tiffany Ravenell was the only occupant
7 of the vehicle.

8 Q. Okay. When you made contact with her,
9 how was she acting?

10 A. She was extremely nervous; she was
11 nervous.

12 Q. Okay. How long did you remain in that
13 position, that traffic stop?

14 A. We were there about 30 minutes until
15 Investigator Powell advised us to place her under
16 arrest and transport her to the Goose Creek Police
17 Department.

18 Q. Did you talk to her on scene?

19 A. Yes.

20 Q. What did you talk to her about on
21 scene?

22 A. I asked Ms. Ravenell why was she in the
23 Hamlets.

24 Q. Okay. How long did that interaction
25 with her take place?

GREGORY JONES - CROSS EXAM BY MR. SMALDONE

1 A. It was about ten minutes.

2 Q. All right. Did you do anything else
3 after Officer Powell advised you to place her under
4 arrest?

5 A. We placed her under arrest -- me and
6 Officer Erickson placed her under arrest. She was
7 placed in a vehicle to be transported back to the
8 Goose Creek Police Department. We called for a tow
9 truck and we towed the blue Impala to the city
10 impound yard.

11 Q. Okay. Did you ever go to
12 ?

13 A. Only the -- only on that initial
14 incident when I conducted the K9 track.

15 Q. Back in May of 2016?

16 A. Yes.

17 Q. Did you ever speak with Chris Williams?

18 A. No.

19 MR. CANNON: No further questions for
20 Officer Jones.

21 CROSS-EXAMINATION

22 BY MR. SMALDONE:

23 Q. Good morning. I just want to be clear,
24 you did not observe Mr. Williams at the scene on
25 June 10th?

GREGORY JONES - CROSS EXAM BY MR. SMALDONE

1 A. No.

2 Q. Okay. You were -- where were you
3 located?

4 A. It was not on this map. It's south
5 about the next street down.

6 Q. Okay. So the only interaction you had
7 on June 10th was to pull a traffic stop on the
8 silver Impala?

9 A. Yes.

10 Q. And arrest Ms. Ravenell?

11 A. Ms. Ravenell, yes.

12 MR. SMALDONE: No further questions.

13 THE COURT: Redirect.

14 MR. CANNON: No redirect.

15 THE COURT: You may step down. Thank
16 you.

17 Call your next witness.

18 MS. SZYMCZYNSKA-SAS: The State calls
19 Officer Alex Erickson.

20 ALEXANDER ERICKSON,

21 being first duly sworn, testified as follows:

22 THE CLERK: Please state your full name
23 and spell your last.

24 THE WITNESS: Alexander Erickson,
25 E-R-I-C-K-S-O-N.

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 DIRECT EXAMINATION

2 BY MS. SZYMCZYNSKA-SAS:

3 Q. Officer Erickson, can you please tell
4 the jury where you are currently employed.

5 A. City of Goose Creek Police Department.

6 Q. And how long have you been with Goose
7 Creek?

8 A. Four years.

9 Q. And what is your current rank and job
10 responsibilities?

11 A. PFC traffic officer and K9 handler.

12 Q. And how long have you been in that
13 position?

14 A. I've been in that position two years.

15 Q. And were you in that position back in
16 May of 2016?

17 A. I was.

18 Q. Okay. And were you involved in any of
19 the investigation operations that bring us here
20 today?

21 A. Surveillance operations leading to the
22 arrest.

23 Q. Do you recall how many surveillance
24 operations you were involved in?

25 A. Two. And plus the arrest incident, so

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 three total.

2 Q. That would have been June 10th of 2016?

3 A. Yes.

4 Q. Okay. Can you tell us a little bit
5 about the surveillance operations?

6 MS. SZYMCZYNSKA-SAS: Permission to
7 approach, Your Honor?

8 THE COURT: You may.

9 BY MS. SZYMCZYNSKA-SAS:

10 Q. I have a pointer here and you can use
11 the map if it's applicable, just hold on to the red
12 button. I understand that some of the areas might
13 be out of the map, if you can just point to the
14 general direction.

15 Can you tell the jury during those
16 operations where you were stationed and what your
17 role was and what observations you made?

18 A. So the position that I was at was
19 actually further down here, just this road --
20 excuse me. I'm actually backwards here. This is
21 Hamlet Circle, and the position I was at was up
22 kind of at the top left corner, which is not
23 actually in the map.

24 There's -- the entrance to the Hamlet
25 has a dialysis clinic at 100 Hamlet Circle. And my

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 role was to sit in that parking lot. I would wait
2 in that parking lot until I received information
3 that the victim's vehicle would pull in. I would
4 relay that information to the investigator who was
5 -- on scene with us was Investigator Powell.

6 After I would observe the vehicle go
7 by, the victim's vehicle, I was following behind it
8 in an unmarked police vehicle and follow it down
9 Hamlet Circle. The vehicle would then make a left
10 onto this street right here. (Indicating.) I
11 would proceed past the vehicle and the vehicle was
12 handed off to the investigators on the scene.

13 Q. Okay. And do you recall if you made
14 any -- if you seen anything unusual during the
15 surveillance operations that you participated in?

16 A. There was one incident. I believe it
17 was the first time, I don't remember the date, but
18 it was the first day that I was involved in this
19 operation. There was a silver Impala that I had
20 learned was parked somewhere over here in this park
21 area. (Indicating.)

22 I had received information that the
23 vehicle was leaving. I was still in that
24 stationary spot, the dialysis clinic. I was given
25 instructions to follow the vehicle at a distance to

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 try to obtain the vehicle license tag. The vehicle
2 made -- I actually observed the vehicle come past
3 me, past the dialysis clinic.

4 The vehicle made a right on Crowfield
5 Boulevard, which is not pictured here. I followed
6 the vehicle at an extremely far distance away. I
7 was able to approach the vehicle close enough to
8 get the tag. The tag was provided to the
9 investigators, and then I just followed the vehicle
10 out of the general area and that was pretty much
11 it.

12 Q: You mentioned that you were involved in
13 the June 10, 2016, surveillance. Can you tell us
14 on that specific date where you were located and
15 what your role was?

16 A. So June 10th was the same thing. I was
17 located at the dialysis clinic which is not
18 pictured. Same thing as the first time; I received
19 information that the victim's vehicle was entering
20 the Hamlets neighborhood.

21 I followed the vehicle in the same
22 fashion that I had before; however, this time we
23 had prior knowledge that the silver Impala was
24 already here in the Hamlet Park.

25 I believe -- well, it was believed that

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 that day was going to be the day the robbery was
2 going to take place due to the vehicle already
3 being there. So the only thing different I did
4 this time was instead of going and just letting the
5 vehicle pull in, at this little cut-through road
6 right here (indicating), I waited.

7 The reason I waited there was I was
8 able to see if and when that silver Impala was able
9 to come out. I had a clear line of sight on it.
10 Moments after the victim had pulled back into his
11 house, the Impala made a left turn. The vehicle
12 passed my stationary position right here.
13 (Indicating.)

14 I observed a heavy-set black female
15 driving the vehicle. I relayed the information to
16 PFC Jones who was further down the road driving a
17 marked police vehicle. We were then given
18 instructions from the investigators on scene to
19 stop the vehicle, at which time the other officer
20 stopped the vehicle.

21 I got out with him and the case went
22 forward. The driver was detained based on the
23 conspiracy.

24 Q. And who was the driver of the vehicle?

25 A. Ms. Ravenell.

ALEXANDER ERICKSON - DIRECT EXAM BY MS. SAS

1 Q. Okay. And did you have any further
2 involvement that night with any evidence or any
3 interviews?

4 A. Yes. So the vehicle -- after it was
5 determined that Ms. Ravenell was going to be
6 arrested, the vehicle needed to be removed from the
7 scene. Typically, we will do an inventory of the
8 vehicle incident to arrest on somebody, but based
9 on the circumstances that were involved, the only
10 thing that we had done was -- obviously, wearing
11 gloves -- open the doors and make sure there was
12 nothing that would obstruct the tow truck driver
13 from loading the vehicle on the truck.

14 The tow truck Harris Towing was
15 requested and responded. They loaded the vehicle
16 onto the tow truck. I followed the vehicle in my
17 direct eye contact to the Goose Creek Police
18 Department. The vehicle was then unloaded, secured
19 in a secured facility. The keys and the evidence
20 form were completed and submitted into evidence.

21 Q. Was it submitted into an evidence room
22 or --

23 A. We have an evidence locker that we
24 secure all evidence that goes into. So we complete
25 a form, with the keys, and once the vehicle was

ALEXANDER ERICKSON - CROSS EXAM BY MR. SMALDONE

1 secured, it was put in that locker.

2 Q. And you testified about the
3 observations you have made that day on June 10th.
4 Did you hear any noises on that day that were out
5 of ordinary?

6 A. I do. I remember hearing a horn, but I
7 don't remember where the horn exactly originated
8 from. I believe it was somewhere from this general
9 area. (Indicating.) Sounded like it came from the
10 left side.

11 Q. So based on the observations that you
12 made and the time line, when did you hear that
13 horn?

14 A. It was right kind of like as the victim
15 was entering his residence. It just kind of seemed
16 weird, like it was connected to what was going on
17 at the victim's house.

18 MS. SZYMCZYNSKA-SAS: Beg the Court's
19 indulgence?

20 No further questions. Answer any
21 questions Mr. Smaldone might have.

22 CROSS-EXAMINATION

23 BY MR. SMALDONE:

24 Q. To clarify, you didn't see what
25 happened over here? (Indicating.)

ALEXANDER ERICKSON - CROSS EXAM BY MR. SMALDONE

1 A. No, sir.

2 Q. So you didn't see my client there this
3 night?

4 A. No.

5 Q. The only interaction you had was with
6 Tiffany Ravenell, right?

7 A. Correct.

8 MR. SMALDONE: No further questions.

9 THE COURT: Redirect?

10 MR. CANNON: No further questions.

11 THE COURT: You may step down.

12 Call your next witness?

13 MR. CANNON: The State calls Sean
14 McWilliams.

15 THE COURT: Ladies and gentlemen, we've
16 been sitting a long time. Anybody want to take a
17 moment and stand up and stretch?

18 (Short break.)

19 SEAN MCWILLIAMS

20 being first duly sworn, testified as follows:

21 THE CLERK: Please state your full name
22 and spell your last.

23 THE WITNESS: My name is Sean Michael
24 McWilliams, M-C-W-I-L-L-I-A-M-S.

25 DIRECT EXAMINATION

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 BY MR. CANNON:

2 Q. Sean, where are you currently employed?

3 A. I'm currently unemployed.

4 Q. Okay. Where were you last employed?

5 A. City of Goose Creek Police Department.

6 I retired in February of this year for medical
7 reasons.

8 Q. Okay. How long were you employed with
9 Goose Creek?

10 A. 14 days shy of 11 years.

11 Q. What were your responsibilities while
12 you were employed with Goose Creek?

13 A. I was an investigator, general
14 investigator in the investigations unit.

15 Q. How long were you in that position?

16 A. Close to 10 years.

17 Q. What were your responsibilities as an
18 investigator?

19 A. To investigate crimes. I would get
20 assigned a case, interview witnesses, process
21 evidence, obtain evidence, assist other
22 investigators, execute search warrants.

23 Q. When did you have a chance to get
24 involved in this case?

25 A. The night the arrest was made. The

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 night the arrest was made. I noticed that they
2 were bringing in three suspects in and I offered to
3 help book them.

4 Q. Okay. And who did you book that night?

5 A. I assisted with booking all three of
6 the defendants.

7 Q. Okay. Did you do anything else
8 involving this case?

9 A. After I booked them that night, I also
10 -- the following day I -- Investigator Powell
11 provided me with a search warrant for the vehicle
12 that was seized, and I executed the search warrant.

13 Q. How did you catalog or inventory that
14 vehicle?

15 A. Before I began, I took pictures of the
16 overall outside, different angles, and then as I
17 searched the vehicle; if anything was pertinent to
18 the investigation, I would photograph it in place,
19 remove it from the vehicle, and place it in a bag,
20 note it on the search warrant return.

21 Q. Okay. And do you recall who assisted
22 you in documenting the contents of the vehicle that
23 you executed the search warrant on?

24 A. 90 percent of the time I was by myself.
25 Investigator Powell did come out for a brief time

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 while doing the search.

2 MR. CANNON: Permission to approach?

3 THE COURT: You may.

4 BY MR. CANNON:

5 Q. Do you recognize that?

6 A. Yes. It's the search warrant that
7 Investigator Powell gave me, the original. That's
8 my handwriting.

9 Q. And what was that search warrant giving
10 you entitlement to search?

11 A. The entire vehicle.

12 Q. Okay. And do you recall what kind of
13 vehicle it was?

14 A. Not offhand. It was a smaller vehicle.

15 Q. I'm going to hand you some pictures.
16 Do you recognize those pictures?

17 A. Yes.

18 Q. Okay. What are those pictures of?

19 A. These are pictures of the vehicle. I
20 would have taken these photos.

21 Q. Do they appear to be altered in any
22 way?

23 A. Not so far. Let me finish looking at
24 them. No.

25 Q. Are they a complete and accurate

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 depiction of the items that you -- are the pictures
2 that you took in regard to the search warrant?

3 A. Yes, it appears so.

4 MR. CANNON: At this time, I would
5 like to move State's 26 through 32 into evidence.

6 THE COURT: Any objection?

7 MR. SMALDONE: No objection.

8 THE COURT: State's 26 through 32 into
9 evidence without objection. You may
10 publish.

11 (PLF. EXH. 26 - 32 in evidence.)

12 BY MR. CANNON:

13 Q. Can you walk us through what the
14 process is like to execute a search warrant on a
15 vehicle?

16 A. Once the search warrant is obtained,
17 when we have a vehicle, when it's seized it's
18 placed in a locked roll-up at our agency. It's
19 locked with keys which are kept secure.

20 When you go to execute the search
21 warrant, you obtain the keys from evidence, you
22 open the roll-up. And what I do is I just
23 photograph the vehicle from every angle,
24 conceivable angle, and then open the doors and take
25 photographs.

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 And I start -- I start searching front
2 driver's side, front passenger side, and then back
3 driver's side and back passenger side, and then the
4 trunk and the -- under the hood.

5 Q. Do you recall roughly how many pictures
6 you took in this case? Just guesstimate?

7 A. It could have been as few as 20 or as
8 many as 30.

9 Q. Okay. I'm going to show you -- this is
10 -- do you recognize this picture right here,
11 State's Exhibit 26?

12 A. Yes.

13 Q. All right. And this is -- is this the
14 vehicle that was mentioned in the search warrant
15 that you just touched a second ago?

16 A. It appears to be, yes.

17 Q. And Exhibit 27 is the license plate?

18 A. Yes. I remember it was very tight up
19 against the wall. It was hard to shoot that
20 picture.

21 Q. What were you trying to capture with
22 this Exhibit 29?

23 A. I can't see all that well. Do you mind
24 if I --

25 Q. I will give you the hard copies. That

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 way you can -- they should be in order. That's 26
2 on top. 29 is what we're looking at. What was the
3 purpose of that picture?

4 A. That was to document what appeared to
5 be in the -- in the seat, just overall.

6 Q. Okay. And Exhibit 30, what were you
7 trying to capture here?

8 A. That -- the stun gun that was -- the
9 box that was in the center console. Also the cash
10 there, I wanted to make sure that was documented.

11 Q. And when you document that, what do you
12 do with those items?

13 A. Once I photograph them -- the search is
14 executed while I'm wearing gloves. I put on gloves
15 before I even go into the car. I obtained the item
16 with a pair of gloves, put them in a paper bag and
17 set them aside in a secure area where I'm at.

18 Q. Exhibit 31 appears to be a close-up?

19 A. Yes.

20 Q. What were you trying to capture here?

21 A. Just to show if the other photo didn't
22 show that it was a stun gun.

23 Q. Okay. Did you locate a stun gun in the
24 vehicle?

25 A. No. It was just the empty box.

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 Q. Okay. And this is a picture of a
2 registration. Where was this recovered?

3 A. This was in the vehicle. It was either
4 in the center console or the glove box, I don't
5 recall which, but it was in the vehicle.

6 Q. Okay. After you executed the search
7 warrant on the vehicle and took those images and
8 inventory, did you do anything else in this case?

9 A. I placed the items into evidence,
10 prepared an evidence control form, and placed that
11 into evidence with them.

12 Q. Did you happen to view any other items
13 in the case?

14 A. When Investigator Powell did an
15 interview the night before, I think -- I think I
16 burned the video for him.

17 Q. Okay. Did you ever go to
18 ?

19 A. No.

20 Q. Okay. Did you ever have a chance to
21 speak with Chris Williams in this case?

22 A. Yes.

23 Q. And where did that discussion or
24 interaction take place?

25 A. At the station.

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 Q. Did you conduct an interview with him?

2 A. No. It was more of a booking process.

3 Q. Okay. Was he under arrest at that
4 time?

5 A. Yes.

6 Q. Other than the booking and inventory of
7 the vehicle, did you do anything else in this case?

8 A. Some of the items -- the booking
9 involves taking people's -- whatever they have in
10 their possession and logging that on the booking
11 form. There were cell phones that I took, and I
12 placed those into evidence.

13 MR. CANNON: Okay. Permission to
14 approach?

15 THE COURT: You may.

16 BY MR. CANNON:

17 Q. Do you recognize that?

18 A. It's an evidence control form that I
19 filled out for two cell phones, a charger cord, and
20 a black razor knife.

21 Q. Where was that stuff recovered?

22 A. That was recovered from the person on
23 the scene and given to me. Whatever property was
24 given to me, I was told who it belonged to.

25 Q. And what name is associated with who

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 would have been in possession of those items?

2 A. Chris Williams.

3 Q. And you say there was a -- what was the
4 first thing identified on that list?

5 A. It's one in quantity black razor knife.

6 Q. Okay. And down here at the bottom --

7 A. That's my name printed and that's my
8 signature. That indicates that I'm the one placing
9 it into evidence.

10 Q. Okay.

11 A. And then down below that is a chain of
12 custody after that.

13 Q. Okay. You appear to be the initial
14 intake on that razor knife that was recovered?

15 A. Yes.

16 Q. Do you recognize this?

17 A. Yes, I sure do.

18 Q. What is that?

19 A. A black razor knife. That's the one
20 that is listed on there. I recall it because there
21 was a red spot on it that I thought might be blood.

22 Q. Does it appear to be an accurate
23 depiction of the knife from the day that you took
24 it from Chris Williams?

25 A. Yes, sir.

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 Q. Does it appear to be altered in any
2 way?

3 A. No.

4 MR. CANNON: At this time, the State
5 would move 33 into evidence.

6 THE COURT: Any objection?

7 MR. SMALDONE: Without objection.

8 THE COURT: State's 33 into evidence.
9 without objection.

10 (PLF. EXH. 33 in evidence.)

11 MR. CANNON: Permission to publish it
12 to the jury?

13 THE COURT: You may.

14 BY MR. CANNON:

15 Q. This is the image of the knife that you
16 recovered?

17 A. That one is, yes.

18 Q. Do you recall where that was on
19 Mr. Williams?

20 A. No. I wasn't on the scene when it was
21 removed from his person.

22 Q. Okay. I'm going to let you look at
23 that, but I will open it up for you and hold it.
24 Do you recognize that? That writing?

25 A. From the label, it appears to be a --

SEAN MCWILLIAMS - DIRECT EXAM BY MR. CANNON

1 that writing is not my writing.

2 Q. Right.

3 A. That's put on there by the evidence
4 control technician.

5 Q. Right. But this would be the black
6 knife that you collected?

7 A. It should be, yes.

8 Q. Okay. Is this the knife?

9 A. Can you hold it long?

10 Q. (Complies.)

11 A. Yep, that's it.

12 Q. And if you look closely, there's a red
13 mark. Is that the blood that you were talking
14 about?

15 A. Yeah, I thought it was blood. I don't
16 believe that it was.

17 Q. Okay. And this is the knife that you
18 identified in this picture and what was recovered
19 into evidence?

20 A. Yes.

21 Q. Okay. Or placed into evidence.

22 MR. CANNON: No further questions for
23 Mr. McWilliams.

24 THE COURT: Mr. Smaldone.

25 CROSS-EXAMINATION

SEAN MCWILLIAMS - CROSS EXAM BY MR. SMALDONE

1 BY MR. SMALDONE:

2 Q. Just a few questions to clear things
3 up. You never personally removed the knife from
4 Mr. Williams?

5 A. No. When he was arrested on scene, you
6 always -- you search the people that you arrest and
7 it was removed.

8 Q. You didn't see that, though, it just
9 came along with him?

10 A. No. I wasn't there.

11 Q. And what items did you take out of the
12 car?

13 A. I listed them on the search warrant
14 return. I know that there was the box for the stun
15 gun. I think -- I would hate to -- I would hate to
16 conjecture. If I could look at the search warrant
17 return and tell you.

18 Q. Sure. I can refresh your memory.

19 A. The stun gun box; marijuana grinder
20 with green leafy plant residue; Piggly Wiggly
21 receipt from a cigarette pack dated June 8, 2016;
22 Food Lion receipt dated June 10, 2016, from a coin
23 machine; a top lid of a cup holder; a cell phone in
24 a case from the front -- passenger front
25 floorboard; a digital scale; from the glove box

SEAN MCWILLIAMS - CROSS EXAM BY MR. SMALDONE

1 another black cell phone; and from the driver's
2 side seat, a pair of shoes.

3 Q. All right. And this was all out of
4 Tiffany Ravenell's car?

5 A. The car that was in the roll-up, yes.

6 Q. And out of those items, you placed them
7 all into evidence?

8 A. Yes.

9 Q. And were those items tested for
10 fingerprints, as far as you know?

11 A. I didn't do that, so I don't know.

12 Q. Normally, when they go to evidence, is
13 that the last stop, or do people pull it out to
14 test it?

15 A. The evidence technicians are also the
16 people that -- if it's fingerprinting, they'll do
17 that. If it needs to be sent off for chemical
18 testing or firearms testing, I'm sure they'll send
19 that off; but for fingerprint testing, they'll do
20 that.

21 Q. Okay. But you don't do any of that?

22 A. No.

23 Q. So as far as you know --

24 A. I do with fingerprints, but I didn't
25 lift fingerprints in this case.

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 Q. As far as you know, none of them were
2 tested, or do you know if any of them were tested?

3 A. I don't know.

4 Q. Okay.

5 A. Once I placed them into evidence, my
6 involvement in the case ended.

7 Q. Okay. And all of these were out of
8 Tiffany Ravenell's car?

9 A. They were out of the car in the
10 roll-up.

11 Q. How did the knife arrive?

12 A. One of the arresting officers had it
13 with him.

14 MR. SMALDONE: All right. Okay. No
15 further questions.

16 MR. CANNON: No further questions for
17 this witness.

18 THE COURT: You may step down.

19 THE WITNESS: Thank you. Am I
20 dismissed?

21 THE COURT: You are free to go.
22 Call your next witness.

23 MR. CANNON: State calls Wendy Myers.

24 WENDY MYERS,
25 being first duly sworn, testified as follows:

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 THE CLERK: Please state your full name
2 and spell your last.

3 THE COURT: Wendy Kristin Myers,
4 M-Y-E-R-S.

5 DIRECT EXAMINATION

6 BY MS. SZYMCZYNSKA-SAS:

7 Q. Afternoon, Ms. Myers. Can you tell the
8 jury where you are currently employed?

9 A. I'm employed with the Goose Creek
10 Police Department.

11 Q. And how long have you been with the
12 Goose Creek Police Department?

13 A. I've been with Goose Creek almost
14 13 years.

15 Q. And can you tell us what role you're
16 employed with at the Goose Creek Police Department?

17 A. I'm an evidence technician and crime
18 scene investigator.

19 Q. What does that mean?

20 A. I go to the crime scenes and assist the
21 investigators with the crime scene processing and I
22 maintain the integrity of the evidence that comes
23 into the evidence room.

24 Q. And what kind of training and education
25 did you receive to be in that position?

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 A. I have an associate's in criminal
2 justice; I graduated from the Criminal Justice
3 Academy in South Carolina in 1993. Since then, I
4 worked ten years on the road in North Charleston
5 doing crime scene processing and 13 years here.
6 I've also had training in advanced sexual assault
7 investigations, latent fingerprint recovery and
8 child fatalities investigation.

9 Q. And were you in that position back in
10 May and June of 2016?

11 A. Yes, I was.

12 Q. And did you at some point become
13 involved in a case that brings us here today?

14 A. I did.

15 Q. And do you recall when you became
16 involved?

17 A. That was June 13th of 2016.

18 Q. And how did you become involved?

19 A. I retrieved evidence items from our
20 locker.

21 Q. Okay. And where is that evidence
22 locker located?

23 A. It's located inside of the evidence
24 room at the Goose Creek Police Department.

25 Q. Okay. Who has access to it?

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 A. At that time it was myself,
2 Investigator Favero, Sandy Favero, and Captain
3 Soderberg.

4 Q. You were the only ones able to retrieve
5 the items?

6 A. Correct, we were the only three at the
7 time with access to the evidence room.

8 Q. What items did you retrieve from the
9 evidence locker?

10 A. Do you mind if I refer to my report?

11 Q. And I can refresh you with a copy of
12 your report.

13 A. It was a Guard Dog stun gun box, Guard
14 Dog stun gun, pink OC spray canister, and a locked
15 blade razor knife.

16 MS. SZYMCZYNSKA-SAS: Permission to
17 approach?

18 THE COURT: You may.

19 BY MS. SZYMCZYNSKA-SAS:

20 Q. I'm going to show you what has been
21 previously premarked as State's Exhibits 34 and 35.
22 Can you look at these photographs? Do they appear
23 to be familiar to you --

24 A. Yes.

25 Q. -- the items in the photographs?

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 A. They do.

2 Q. Do they -- are those the items that you
3 -- or two of the items that you retrieved from the
4 evidence locker?

5 A. Yes, ma'am.

6 Q. Do they accurately depict the items
7 that you took out of the evidence locker?

8 A. Yes, they do.

9 MS. SZYMCZYNSKA-SAS: At this point,
10 the State moves Exhibits 34 and 35 with the Court's
11 permission into evidence.

12 THE COURT: Any objection?

13 MR. SMALDONE: None.

14 THE COURT: State's 34 and 35 are into
15 evidence without objection.

16 (PLF. EXH. 34 in evidence.)

17 (PLF. EXH. 35 in evidence.)

18 MS. SZYMCZYNSKA-SAS: Permission to
19 approach, Your Honor?

20 THE COURT: You may.

21 BY MS. SZYMCZYNSKA-SAS:

22 Q. Can you tell us what that item is?

23 A. That's the razor knife that was also in
24 the evidence locker.

25 Q. How are you able to tell that?

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 A. The packaging that's with it is
2 packaging that I put it in and then also the
3 markings on it.

4 Q. Does the bag have a label on the
5 outside?

6 A. Yes, it does.

7 Q. And what would you have done with those
8 items?

9 A. I would have processed this -- I would
10 have processed this for DNA, and the other items I
11 would have processed for latent fingerprints.

12 Q. What do you mean processed for DNA?

13 A. We would swab either that item itself
14 would have been sent to SLED forensic laboratory
15 for them to process and analyze what they
16 recovered, or I would have swabbed it and sent the
17 swabs to SLED.

18 Q. So you didn't do the actual testing,
19 you do the swabbing?

20 A. Correct.

21 Q. And you mentioned latent prints. What
22 did you do with those for those items? Did you
23 lift any prints?

24 A. I did lift five areas of ridge details
25 from the stun gun box.

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 Q. Did you have any results from those
2 prints that you were able to lift?

3 A. We did. They came back as no value for
4 comparisons.

5 MS. SZYMCZYNSKA-SAS: Beg the Court's
6 indulgence?

7 THE COURT: Take your time.

8 BY MS. SZYMCZYNSKA-SAS:

9 Q. As for those latent print results, you
10 do that on a lot of cases --

11 A. Correct.

12 Q. -- during the course of your job at
13 Goose Creek? Is it common that you don't get any
14 results back?

15 A. It is possible to not get results back.

16 Q. And why would that be?

17 A. How it was handled, how long it was
18 touched, whether the person's hand had oils on them
19 to leave that on the item, placed into another
20 item. Possibly, you know, for instance, in a
21 vehicle, if it was shoved between seats or
22 something like that, that could wipe off the latent
23 prints.

24 MS. SZYMCZYNSKA-SAS: Permission to
25 approach, Your Honor?

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 THE COURT: You may.

2 BY MS. SZYMCZYNSKA-SAS:

3 Q. I'm going to show you what was
4 premarked for identification only as State's
5 Exhibit 37. Do you recognize that item?

6 A. Yes, I do.

7 Q. Is that the same item that was on the
8 photograph that was previously shown to you?

9 A. Yes, it is.

10 Q. What is that item?

11 A. It is the OC spray.

12 Q. That would have been the item that you
13 picked from the evidence locker?

14 A. That's correct.

15 Q. And where were all these items stored?

16 A. They were stored inside of the evidence
17 room.

18 MS. SZYMCZYNSKA-SAS: Court's
19 indulgence?

20 THE COURT: Take your time.

21 BY MS. SZYMCZYNSKA-SAS:

22 Q. What is this item?

23 A. That's the box with the stun gun, and
24 that should be the stun gun inside there, yes.

25 Q. Can you open it up? And that has been

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 previously premarked as State's 38.

2 A. Yes, that is the stun gun.

3 Q. Okay. And would you have received both
4 of these items from the same location?

5 A. They were actually in two separate
6 evidence lockers.

7 Q. Okay. Did you receive them on the same
8 date or separate dates?

9 A. I received them on the same date,
10 June 13th.

11 Q. But they came from two different
12 evidence lockers?

13 A. Correct.

14 Q. Okay. And so how many lockers are
15 located at Goose Creek Police Department?

16 A. There are ten evidence lockers.

17 Q. Okay. What do you do with these items
18 when you receive them after you process them?

19 A. They would be -- if they were being
20 transported to SLED, they would be packaged
21 appropriately for SLED submission and taken to
22 SLED; otherwise, they would be secured in the
23 evidence room sealed inside of a paper bag, or
24 depending if it needed to be in plastic.

25 Q. Who would have access to these items in

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 the evidence room?

2 A. Myself, CSI Favero, and Captain
3 Soderberg at that time.

4 Q. Did any of these items actually went to
5 SLED for the testing?

6 A. I believe that besides the latent
7 prints, only the locked blade knife. The rest were
8 secured in the evidence room.

9 Q. Was that knife returned to you from
10 SLED?

11 A. Yes, it was.

12 Q. Okay. And what happened when it was
13 returned?

14 A. It was secured back in the evidence
15 room.

16 MS. SZYMCZYNSKA-SAS: Beg the Court's
17 indulgence?

18 Your Honor, at this time, the State
19 would like to move State's Exhibits Number 36, 37,
20 and 38 into evidence.

21 THE COURT: Any objection?

22 MR. SMALDONE: Without objection.

23 THE COURT: 36, 37, 38 into evidence
24 without objection.

25 (PLF. EXH. 36 in evidence.)

WENDY MYERS - DIRECT EXAM BY MS. SAS

1 (PLF. EXH. 37 in evidence.)

2 (PLF. EXH. 38 in evidence.)

3 MS. SZYMCZYNSKA-SAS: No further
4 questions for this witness.

5 THE COURT: Mr. Smaldone?

6 MR. SMALDONE: No questions for this
7 witness.

8 THE COURT: Thank you. You may step
9 down.

10 Madame Foreperson, we have a witness
11 that is going to take about 45 minutes. Do you
12 want to do that or do you want to break for lunch
13 at this time?

14 THE JURY FOREPERSON: Can we break for
15 lunch?

16 THE COURT: All right. Ladies and
17 gentlemen, please remember all of my admonitions.
18 Please take your notepads with you. We're going to
19 lock them up over the evening hour. Please be back
20 at 1:30, and we will begin promptly after you are
21 all back at 1:30.

22 Please rise for the jury.

23 (Jury out, 12:17 p.m.)

24 THE COURT: Please be seated. You have
25 one witness and then you're going to rest.

1 MR. CANNON: That's the plan.

2 THE COURT: Okay. And, Mr. Smaldone,
3 have you had an opportunity to speak with
4 Mr. Williams about whether or not you will testify?

5 MR. SMALDONE: I honestly have not had
6 that opportunity, Your Honor, to do that.

7 THE COURT: All right. We'll see you
8 back at 1:30.

9 Are there any additional witnesses?

10 MR. SMALDONE: No.

11 (A luncheon recess transpired.)

12 THE COURT: Anything before we bring in
13 the jury?

14 MR. CANNON: Your Honor, as you were
15 aware, we had a sleeping juror before we broke.
16 And I was aware he was out for about ten minutes.
17 I'm not sure how long the Court was aware of it.

18 At this point, we would ask for him to
19 be dismissed from the jury. At this point, it's
20 just a precautionary measure based on him being
21 inattentive. We have two alternates, we're pretty
22 far along in the trial, and we don't anticipate but
23 one more witness.

24 So we do have the alternates, and based
25 on him sleeping through some testimony, the State

1 would request him to be dismissed.

2 MR. SMALDONE: Your Honor, I didn't
3 witness it. I don't know which juror it is, so I
4 really have no opinion on it. It's Your Honor's
5 discretion. I didn't see it.

6 THE COURT: I did observe him. I don't
7 have his juror number. I'm going to inquire in the
8 back hallway and see what he says and then I will
9 report back.

10 MR. CANNON: Thank you, Your Honor.

11 (A recess transpired.)

12 THE COURT: Mr. Kuhn, 122, has been
13 removed. I asked him. He said he'd only nodded
14 off. He showed me his notebook; he's been taking
15 significant notes, but out of an abundance of
16 caution, I excused him.

17 His understanding is that he had been
18 taking some medication and he may have dosed off
19 longer than he thought he had. Mr. Miller was
20 randomly selected out of the two alternates.

21 Anything further?

22 MR. CANNON: Nothing further from the
23 State, Your Honor.

24 MR. SMALDONE: Nothing further from the
25 defense.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 THE COURT: Anything before we bring in
2 the jury?

3 MR. CANNON: Nothing from the State.

4 MR. SMALDONE: Nothing from the
5 defense.

6 (Jury in, 1:44 p.m.)

7 THE COURT: Thank you. Please be
8 seated.

9 Ladies and gentlemen, did every member
10 of the jury comply with my instructions over the
11 lunch hour? If you did, please raise your right
12 hand. All right. All 13 jurors have indicated
13 they complied with my instructions.

14 Call your next witness.

15 MR. CANNON: Thank you, Your Honor.
16 The State calls Investigator Nick Powell.

17 NICHOLAS POWELL,

18 being first duly sworn, testified as follows:

19 THE CLERK: Please state your full name
20 and spell your last.

21 THE WITNESS: Nicholas Ryan Powell,
22 P-O-W-E-L-L.

23 DIRECT EXAMINATION

24 BY MR. CANNON:

25 Q. Investigator Powell, how are you?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. Good. How are you?

2 Q. Doing well, thank you.

3 You have been here for the last two
4 days sitting in the courtroom. So you've heard a
5 lot of the testimony so far.

6 Where are you currently employed?

7 A. Goose Creek Police Department.

8 Q. How long have you been employed with
9 Goose Creek?

10 A. Ten years.

11 Q. What is your role at Goose Creek?

12 A. I'm a narcotics investigator.

13 Q. And what duties and responsibilities
14 does that give you?

15 A. What I do is I get cases forwarded to
16 me from the patrol division that I have to follow
17 up on. I also field complaints from citizens and
18 address residences and individuals involved in drug
19 activities.

20 Q. Is your work limited to drug activity?

21 A. No. I work in the criminal
22 investigations division. So in addition to my
23 collateral duties as a narcotics investigator, I
24 also handle general cases. I'm also required to be
25 on call to assist patrol with any incidents that

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 they have.

2 Q. What training and experience do you
3 have as a law enforcement officer?

4 A. Certified through the South Carolina
5 Criminal Justice Academy. I worked on the patrol
6 division for approximately two and a half years;
7 I've been in the criminal investigations for four
8 and a half years; I've received training in
9 investigations and crime scene processing,
10 interview, things of that nature.

11 Q. Were you working in May of 2016 in
12 Goose Creek?

13 A. I was.

14 Q. Specifically May 7, 2016?

15 A. Yes. I was the on-call investigator
16 that evening.

17 Q. What were your duties as on-call
18 investigator of Goose Creek that night?

19 A. My duties, again, if I was contacted
20 generally by the supervisor on duty, they would
21 have me respond out to a scene and assist patrol
22 with whatever they had going on.

23 Q. Did you have opportunity to respond to
24 a robbery that night?

25 A. Yes, I did.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 Q. Where was that located?

2 A. At . That's
3 located in Goose Creek, South Carolina, county of
4 Berkeley.

5 Q. When you arrived on scene, who was
6 present?

7 A. Sergeant Vasquez was on scene along
8 with Officer Elder and Officer Smith.

9 Q. Okay. And upon your arriving on scene,
10 what did you learn?

11 A. What I had learned is that there were
12 two victims present during the robbery. One of the
13 victims, Mr. Lord, was transported to the hospital
14 due to a laceration he sustained to the hand. His
15 wife, the other victim, was still on scene.

16 What I had learned is that they had
17 arrived home after their workday, and they were
18 approached by an unknown black male suspect, and
19 that individual had robbed them at knifepoint and
20 then fled from the scene following the incident.

21 Q. Were you able to locate any suspects
22 that evening?

23 A. I was not able to locate any suspects
24 that evening.

25 Q. What was roughly the next thing that

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 you did to have involvement in the case?

2 A. That evening, again, I went out to the
3 scene, and upon obtaining the information from the
4 officers on scene, I requested a crime scene
5 investigator respond out to assist with scene
6 processing. CSI Favero responded out to the scene
7 to deal with that.

8 I also learned that evening that there
9 was a K9 track that proceeded behind the residence
10 towards Hamlet Park. I went to that area and
11 photographed and collected some items there for
12 further processing.

13 Q. What leads did you have in the case at
14 that point?

15 A. I did not have any leads at that point.

16 Q. What did you do as a result?

17 A. Based on the information I obtained
18 that evening, again, only one of the victims was on
19 scene. I set up an interview which occurred on
20 May 10th. I conducted that interview at the Goose
21 Creek Police Department where I spoke with Mr. and
22 Mrs. Lord in regards to the incident.

23 Q. Were you able to gather any additional
24 information about what had occurred?

25 A. I did. Again, pursuant to these

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 interviews I do, I try to get a background on the
2 victims to see what was going on that evening and
3 the sequence of events that occurred prior to and
4 leading up to the robbery.

5 In speaking with the Lords, I
6 understood they operated a convenience store on
7 Remount Road, that they would take the proceeds
8 home from the business that evening. I asked them
9 who would be aware of their residence as far as
10 knowing where they lived.

11 And I obtained a suspect; I actually
12 got a phone number at the time from an individual.
13 Mr. Lord indicated he had a subject come to his
14 residence in regards to AC repair. He didn't have
15 a name, but he provided me a telephone number.

16 Q. What did you do with that telephone
17 number?

18 A. That information was provided for our
19 crime analyst. She did a query through Facebook.
20 Most people associate their Facebook accounts with
21 telephone number, and so it's a quick general
22 database search for us. From there, I was able to
23 develop a suspect. I had a name at that time.

24 And, again, that was information based
25 off of information provided by the victim regarding

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 who would actually know where he lived.

2 Q. As a result of developing the suspect,
3 what did you do with that information?

4 A. Once I got that information, I do
5 what's called a background check. I get from
6 various local state databases to get an idea of who
7 I'm dealing with. Again, I get all the information
8 as far as race, age, height, weight; I get DMV, I
9 do background checks to see if there was any prior
10 criminal acts, anything of that nature.

11 I was also able to determine a place of
12 employment regarding his AC work, so I was able to
13 follow up on that.

14 Q. Okay. Did he make contact with this
15 individual?

16 A. I did not make contact with him, but I
17 made contact with his boss which is Fogel heating
18 and air. It was Randall Fogel that I spoke to and
19 just to get some preliminary information on him, to
20 get an idea of who this individual was, if he
21 actually worked there and what kind of work he did
22 for the company.

23 Q. After you had done that much of an
24 investigation, what other leads did you have at
25 that time of the investigation?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. I didn't have any other leads at that
2 time. Again, we were still trying to see if there
3 was anything in the victim's background that might
4 suggest who would be targeting them at this point;
5 because, again, based on the information that I
6 got, I felt due to it being a cash business,
7 someone knew who they were and knew where they
8 lived for that matter. But that was the only lead
9 I had developed at the time.

10 Q. After you had spoken with Randall Fogel
11 -- I'm sorry, Fogel heating and air?

12 A. That's correct.

13 Q. Randal Fogel is the name. When you met
14 with them and after you spoke with them, what did
15 you do with that information?

16 A. What I did was, based on the
17 information provided to me from the victim and some
18 of the background that I got from Fogel heating and
19 air, I requested what's called a lineup through
20 SLED. And basically what it is is a six-pack of
21 photos that they prepare.

22 And I was -- I was going to attempt to
23 use that and see if the victims in this case could
24 identify the attacker that came out that night.

25 Q. And you mentioned the six-pack lineup,

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 I understand what that is, but can you explain to
2 the jury what a six-pack lineup is?

3 A. Absolutely. SLED being the South
4 Carolina Law Enforcement Agency, they prepare these
5 six-packs for us. And it's one piece of paper and
6 it has six different photos on there. We submit
7 the information for the individual that we think
8 may be involved in the incident. And basically
9 there are five other photographs that prepare along
10 with it. Those have similar characteristics and
11 features about them.

12 So, again, if somebody were to look at
13 this, they would hone in on who that individual was
14 based on the specific characteristics. But, again,
15 we submit a request via e-mail to SLED and then
16 they send us that information back.

17 Q. After you did that, did you present
18 that six-pack lineup to the Lords?

19 A. I did. I met with them at their
20 convenience store to show them those lineups. What
21 we do is we meet with each individual separately
22 out of eye and earshot, so they don't attempt to
23 influence each other's decisions on those.

24 We also have an advisement form that
25 we're required to read them by departmental policy.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 I have to read that out loud to them and then I
2 actually have them sign indicating, and I sign as
3 well.

4 Q. And after -- you said -- I think you
5 just mentioned that you did it separately. You
6 kept them separate from each other?

7 A. Yeah. I met with them -- although we
8 were at their store, I made sure that they were
9 separated from each other, again, when I'm allowing
10 them to view these things. That way, one is not
11 listening on the other, because, again, the photos
12 are the same, the numbers, everything.

13 Q. After you showed that to the victims
14 independently of each other -- or independent of
15 each other, what were they able to ascertain?

16 A. I met with Mrs. Lord and showed her the
17 photographs on the lineup. She viewed that and she
18 wasn't able to make an identification that night.
19 She didn't indicate any of the individuals pictured
20 on there or the suspect.

21 I also showed it to Mr. Lord that
22 evening and he looked at that. He was unable to
23 make an identification; although, he indicated
24 number 3 which was Mr. Kit, was indeed the AC guy,
25 but he had previously identified, but didn't

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 indicate that was the suspect.

2 Q. After you did that, you were
3 unsuccessful in identifying the possible suspect of
4 the May 7th robbery, what was the next thing you
5 did in the case?

6 A. The next thing I did in this case, I
7 received information on June 3rd from the victim,
8 Mr. Lord. He had obtained some video surveillance
9 footage from his home surveillance system, in which
10 case there were two individuals observed walking
11 down his driveway.

12 And he believed, again, another robbery
13 was going to take place, in his mind, which is why
14 he contacted me and provided me with that.

15 Q. You sat in here already and you've
16 actually seen what's been marked as State's Exhibit
17 12, which was a video surveillance of the Lords'
18 home at on June 2nd. When was this
19 received again?

20 A. I received this information on June
21 3rd.

22 Q. Okay. And you have -- how many times
23 have you seen this video?

24 A. Multiple times since that day, along
25 with sitting down and viewing the video that's on

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 the disk that you have.

2 Q. Okay. Whenever you -- (playing video)
3 whenever you saw this video, I'm going to pause it
4 right there, had you ever seen either of the
5 individuals before?

6 A. I had not.

7 Q. Okay. And was this the first time that
8 you had actually seen people in the area?

9 A. This is the first time that I observed
10 them in the area, that's correct.

11 Q. After you saw this video, what did you
12 do next?

13 A. Based on this information provided, I
14 got what is called an operational plan, and
15 basically it allows us to conduct surveillance in
16 the area. I tasked certain officers with
17 assignments.

18 The purpose of it was, again, based off
19 of the observations made on the video in the
20 previous robbery, was to see if we could catch the
21 suspects perhaps in the act to determine, again, if
22 this was going to happen and tie it into the
23 original robbery.

24 Q. Okay. As a result, when did this plan
25 start?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. This started on June 3rd, the same day
2 that I received the video surveillance from the
3 victim.

4 Q. Okay.

5 MR. CANNON: Permission to approach
6 the victim?

7 THE COURT: You may.

8 BY MR. CANNON:

9 Q. On June 3rd, when you began the
10 investigation, where were you positioned in the
11 area?

12 A. Myself and Officer Wegner, who was with
13 me, we were in an unmarked vehicle and we
14 positioned ourselves in the driveway here. And
15 this was North Norfolk Way. (Indicating.)

16 Q. On June 3rd what observations did you
17 make from that position?

18 A. I myself didn't make any observations
19 based on that, but I learned that the victim in
20 this case who, again, I maintained telephone
21 contact during the surveillance, while driving home
22 down Hamlet Circle and then coming on Norfolk Way,
23 he observed two black males in the area.

24 Rather than turning left, I learned
25 that he made a right turn onto South Norfolk Way

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 and learned that these two individuals followed him
2 in that direction. Once he proceeded back to the
3 residence, I did not observe either one of these
4 individuals in the area at the time from my vantage
5 point.

6 Q. And as a result of that day, your
7 inability to see anybody, what did you do to change
8 your plans?

9 A. Again, I, myself, was positioned down
10 here with some officers over here. We deployed a
11 deer cam down in Hamlet Park, but, again, based off
12 of the information that we learned, we decided to
13 place officers in some other locations to have a
14 more advantageous view of this location.

15 And we also deployed a deer cam here at
16 the intersection in hopes of capturing individuals,
17 again, if they returned to that area.

18 Q. Okay. Again, this was on June 3rd?

19 A. Well, June 3rd is when the initial took
20 place and then there was subsequent surveillance
21 conducted on the 4th.

22 Q. Let's talk about the 4th now.

23 A. Okay.

24 Q. On June 4th, do you recall what time
25 you got to the area?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. It was, approximately, 7:00. We would
2 brief every day at 6:00 at the police department
3 with the officers who were involved and then we
4 would go out shortly after that.

5 Q. On June 4th, when you arrived on scene,
6 where did you position yourself?

7 A. Again, I positioned myself in the
8 driveway here at North Norfolk Way.

9 Q. Okay. On that date, who was with you;
10 do you recall?

11 A. I want to say Investigator Tremblay was
12 with me in the vehicle that day. His viewpoint was
13 of the park area and mine was looking down the
14 street, which obviously allowed me a view of
15 anybody breaking the plain here from Norfolk onto
16 North Norfolk and then the victim's residence.

17 Q. On June 4th, from your position in that
18 driveway, what observations did you make?

19 A. My observations that day, I observed
20 two black males. They had come down Norfolk to --
21 towards North Norfolk Way in this area
22 (indicating).

23 As previously testified by one of the
24 officers, there was activity in the area at that
25 time. There was an individual in front of this

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 residence down here (indicating) that was pressure
2 washing, and so these individuals stopped where
3 they were at and they returned back towards Hamlet
4 Circle.

5 Q. What other information were you able to
6 gather on June 4th?

7 A. Additionally, I learned that there was
8 a vehicle that was pulled into Hamlet Park that day
9 and identified as a silver Chevy Impala. Officer
10 Erickson, who was on the operation that day, he was
11 also in an unmarked vehicle. That vehicle was
12 observed leaving Hamlet Park, taking a right onto
13 Hamlet Circle.

14 I instructed Officer Erickson over the
15 radio to follow the vehicle out and obtain a tag
16 number for us, which he was able to do.

17 Q. Okay. As a result of that information
18 gathered, what did you do with that information?

19 A. Based on that information, obviously,
20 having the vehicle tagged, I was able to determine
21 who the registered owner was, obtain a photograph
22 of that individual and conducted a background
23 check.

24 Q. What was the next thing you did in the
25 case?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. The next thing I did in this case, we
2 did not conduct an operation on June 5th, but we
3 did one on June 6th. We set ourselves up in the
4 same area, but on that day there was heavy
5 rainfall, so we were unable to observe anything.

6 And, additionally, I had another
7 officer in a residence over here (indicating),
8 again, who would provide a viewpoint of this area,
9 but nothing was observed that day.

10 Q. Okay. When was the next time that you
11 initiated a surveillance plan?

12 A. The next surveillance plan was
13 conducted the following day, which would have been
14 June 7th. Again, we positioned ourselves in the
15 area, and I put myself back over here in the
16 driveway. No observations were made that day as
17 well.

18 Q. All right. And then, again, when was
19 the next time you did anything in the case?

20 A. June 8th. On that date and time, I
21 chose to have Sergeant McElman and Officer Mitchum
22 in the vehicle with me. And what I did was, I was
23 going to deploy them out from the vehicle I was in
24 and allow them to put themselves into position of
25 the residence.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 While we were doing that, we were
2 driving down Hamlet Circle and we observed a black
3 male that was walking along the sidewalk here on
4 Hamlet Circle. (Indicating.) We proceeded past
5 North Norfolk Way and went down to the next one,
6 which would be Warwick Trace, and allowed them to
7 exit the vehicle at that time, and then proceeded
8 back in this direction and positioned ourselves in
9 the driveway over here. (Indicating.)

10 Q. And you say it was one individual you
11 saw?

12 A. Yes. That day was one individual.

13 Q. Had you seen that individual before?

14 A. Yeah. That individual had been
15 observed before and, again, during our previous
16 surveillance where this individual was over here.
17 (Indicating.) And there is also corresponding deer
18 cam images to go along with that.

19 Q. On June 8th, the observations you made
20 with dropping off Sergeant McElman and PFC Mitchum
21 on Warwick Trace and you returned to your spot in
22 the driveway, did you make any other observations
23 that day?

24 A. There was also observations of the
25 vehicle. Again, the same Impala that was observed

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 over in the park are that day.

2 Q. What was the next thing that you did in
3 this case?

4 A. The next thing I did in this case, we
5 had subsequent surveillance I was conducting on the
6 following day, June 9th. Based on the information
7 that we got regarding the vehicle, I had attempted
8 to go to the registered address of the vehicle to
9 see if I could locate it. I went to the residence
10 several times and didn't observe the vehicle.

11 So we decided we were going to conduct
12 what's considered rolling surveillance where you
13 would use vehicles to follow it. We were trying to
14 determine potentially where it was coming from or
15 where it was going after these. So rather than
16 placing myself in the driveway here (indicating), I
17 actually positioned myself at the entrance to the
18 Hamlets.

19 As soon as you turn on Hamlet from
20 Crowfield, there is a dialysis clinic, and I
21 positioned myself there which would allow me a view
22 of any vehicles coming into the subdivision.

23 MR. CANNON: Permission to approach
24 the witness?

25 THE COURT: You may.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 BY MR. CANNON:

2 Q. I show you what was previously marked
3 as State's Exhibit 42. Do you recognize this?

4 A. I do recognize this.

5 Q. We watched that earlier today. It
6 contains some videos. What were on those videos?

7 A. There is a trail cam video. Again,
8 there was a trail cam that we deployed at the
9 intersection which would have been positioned on
10 this side. I believe Officer Mitchum mentioned
11 that earlier in his testimony.

12 Rather than having static images which
13 were associated with the other deer cams we were
14 using, this one would actually shoot video. Again,
15 it was motion activated.

16 Q. Have you had a chance to view these
17 videos?

18 A. I have.

19 Q. Do they appear to be a complete and
20 accurate depiction of the trail cams involved in
21 your investigation in this case?

22 A. Yes, they do.

23 Q. Do they appear to be altered or
24 manipulated in any way?

25 A. They do not.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 MR. CANNON: At this time, the State
2 would move to enter -- push into -- put into
3 evidence Exhibit 42.

4 THE COURT: Any objection?

5 MR. SMALDONE: None from the defense.

6 THE COURT: State's 42 into evidence
7 without objection.

8 (PLF. EXH. 42 in evidence.)

9 MR. CANNON: Permission to publish to
10 the jury?

11 THE COURT: You may.

12 (Video played in open court.)

13 BY MR. CANNON:

14 Q. This was a trail cam image from
15 June 9th, 2016. Where was this camera or trail cam
16 positioned on the map to your left?

17 A. Yes. The trail cam was positioned here
18 along the fence line, which would allow view from
19 the Norfolk area out towards Hamlet Circle. It
20 would capture anybody walking from this direction
21 down towards Warwick Trace.

22 Q. And this video is clearly not a static
23 -- it's moving, it's an image, it's a video. Had
24 you seen this person before?

25 A. Yes. This individual had been observed

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 before on the surveillance operations that we
2 conducted.

3 Q. Back it up for a second. Again, this
4 is what day?

5 A. This is June 9, 2016.

6 Q. Okay. And this is a little bit later
7 in time based on the time stamp at the bottom, but
8 who is this person?

9 A. Again, this is the same individual that
10 we just previously observed on the other video.
11 This would obviously depict him walking back the
12 other direction which would be back towards Hamlet
13 Park.

14 Q. Okay. And that was June 9th which was
15 the day you did the rolling surveillance?

16 A. Yes, sir. The day we conducted the
17 surveillance.

18 Q. Okay. After that image was taken,
19 where did you move into position from?

20 A. Where I was in position from, again, I
21 observed the vehicle coming into the subdivision
22 from the front of the Hamlets. I positioned myself
23 back into the driveway here.

24 Obviously, since there was concern that
25 this individual may come to the victim's residence,

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 so I put myself in a position to be able to observe
2 the intersection along with the victim's residence.

3 Q. And as a result of being involved in
4 the rolling surveillance, where did you go?

5 A. Subsequently, after we observed the
6 vehicle exit the subdivision, again, myself,
7 Investigator Hart, were in a vehicle together.
8 Sergeant McElman and Officer Mitchum were in
9 separate vehicles. We traded off as we continued
10 to continuously observe the vehicle. Subsequently,
11 pursuant to our route, we ended up on Minton Lane
12 in Moncks Corner.

13 Q. Were you able to identify how many
14 people were in the vehicle?

15 A. I believe there was two people in the
16 vehicle at the time. When the vehicle initially
17 entered the subdivision, I was able to positively
18 identify Tiffany Ravenell as the driver at the time
19 based on my observation point, and I observed a
20 black male passenger in the vehicle.

21 Q. As a result of your rolling
22 surveillance on June 9th, what did you do next?

23 A. Additional information was obtained by
24 Officer Hart in reference to this. Specifically in
25 regards to Minton Lane, the association with

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 Tiffany Ravenell and the address on that location,
2 but following that event we conducted another
3 surveillance operation on June 10th in the same
4 area.

5 Q. As a result of that surveillance, when
6 did you arrive on scene?

7 A. Again, we arrived on scene
8 approximately 7:00 as we often did at that time.
9 Again, 6:00 briefing and 7:00 we would put
10 ourselves in the area.

11 Q. Who was present at that time?

12 A. So, again -- and I'll show you based on
13 the positions we were in. Myself and Officer Hart,
14 we were in the driveway here at North Norfolk
15 Way. Sergeant McElman and Officer Mitchum were in
16 the residence here at .

17 Additionally, we had Officer Erickson
18 in an unmarked vehicle. He had placed himself near
19 the entrance area and then we also had Officer
20 Jones who was in a marked unit. We had positioned
21 him further down Hamlet Circle.

22 Q. Do you know how many people arrived on
23 that date?

24 A. As far as the individuals that arrived
25 at the park and subsequently ended up on North

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 Norfolk, there were two black males that arrived on
2 that day along with the driver that was in the
3 vehicle.

4 Q. Were trail cams set up that day?

5 A. Yes, we did have trail cams set up that
6 day.

7 Q. I'm still going to play for you
8 Exhibit 42 which is marked the June 10, 2016.

9 (Playing video in open court.)

10 What is that an image of?

11 A. That's an image of Hamlet Park which is
12 where we positioned one of the deer cams that day,
13 and what you observed on there was the silver
14 Impala.

15 Q. Okay. Do you recognize these people?

16 A. Yes. These are the two defendants in
17 this case, Chris Williams and Terry Lewis. And,
18 again, this is captured on a deer cam positioned
19 here on North -- or correction, on Norfolk facing
20 out towards Hamlet Circle.

21 Q. What day was this?

22 A. This would have been on June 10, 2016.

23 Q. Okay. How did you know where the
24 victims were at the time?

25 A. I maintained telephone contact with the

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 victims. And in speaking with Mr. Lord, who was
2 operating his business, I would know when he was
3 departing his business and, subsequently, when he
4 arrived in the area and was returning home. We
5 would stay on the phone the whole time.

6 Q. Okay. Do you recall about what time
7 the victim arrived?

8 A. I want to say the victim arrived
9 approximately 8:30, 8:45 that evening, if I recall.

10 Q. And where were you positioned on
11 June 10th?

12 A. Again, in the driveway here at
13 North Norfolk Way, along with Officer Hart who was
14 in the front of the van.

15 Q. And can you describe -- can you
16 identify on the map where other people were
17 positioned that day?

18 A. Absolutely. Again, we were positioned
19 here in the driveway; there were two of us.
20 Sergeant McElman and Officer Mitchum were under the
21 front stairs of this residence here. (Indicating.)
22 Subsequently, we had Officer Erickson who was
23 initially positioned up near the entrance. And
24 then, again, Officer Jones in a marked unit was
25 further down, the next street over from where we

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 were at.

2 Q. Okay. What observations did you make
3 from your position on June 10th?

4 A. Specifically, from my position, what I
5 was observing that day, again, the two previously
6 identified individuals on the video that you just
7 saw subsequently came down Norfolk.

8 They took a left here on North Norfolk
9 Way and then those two individuals proceeded down
10 the driveway at . And then,
11 obviously, passing this position on the residence,
12 I was unable to maintain visual contact at that
13 time.

14 Q. Do you know where the victims were at
15 that time?

16 A. The victims, I believe, were departing
17 the business and were getting ready to come home.

18 Q. How long before was it between the time
19 you lost sight of the two individuals walking
20 between the houses until the time the victims
21 entered the neighborhood?

22 A. Approximately, 30 to 45 minutes.

23 Q. Okay. What was the next thing that you
24 remember observing?

25 A. The next thing I remember observing,

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1. again, I was maintaining telephone contact with
2 Mr. Lord, was that the vehicle he was operating,
3 while it was passing by Hamlet Park, I heard a loud
4 honk coming from that direction. And the way I
5 would describe it, it sounded like had depressed
6 the horn and held it, sustained that as to alert
7 somebody.

8 Q. What was the next thing observed?

9 A. The next thing I observed in this case
10 was the victim in this incident. He arrived on
11 North Norfolk Way and was heading back to his
12 residence, and observed his vehicle turning right
13 and going down the driveway.

14 MR. CANNON: Permission to approach
15 the witness?

16 THE COURT: You may.

17 BY MR. CANNON:

18 Q. Do you recognize this disk?

19 A. I do recognize this disk.

20 Q. What is this?

21 A. This disk is from the home surveillance
22 footage.. This was on June 10th, the date that we
23 were referencing.

24 Q. When did you see this footage?

25 A. I obtained that footage following the

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 incident.

2 Q. Have you had a chance to review this
3 disk?

4 A. I have.

5 Q. And how do you know what is on the
6 disk?

7 A. Again, I have observed the video on
8 that disk.

9 Q. Is that your signature on the disk?

10 A. It is.

11 Q. Does it appear to be a complete and
12 accurate depiction of the June 10th surveillance?

13 A. Yes.

14 Q. Does it appear to be altered or
15 manipulated in any way?

16 A. It does not.

17 MR. CANNON: At this time, the State
18 would move to enter State's Exhibit 39 into
19 evidence.

20 THE COURT: Any objection?

21 MR. SMALDONE: No objection.

22 THE COURT: State's 39 into evidence.

23 You may publish.

24 (PLF. EXH. 39 in evidence.)

25 BY MR. CANNON:

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 Q. Do you recall about what time it was
2 whenever the two males were seen walking between
3 the houses?

4 A. Approximately, 7:45.

5 Q. And this is in June?

6 A. This is in June.

7 Q. Did you make any observations about the
8 two -- the two men?

9 A. Yeah. Aside from, again, where they
10 were going that evening, their apparel didn't seem
11 consistent with the weather. They were wearing
12 long sleeves and long pants. And, again, it was
13 quite hot and humid that time of year, so it seemed
14 a little strange.

15 Q. Do you recognize these two individuals?

16 A. Yes. These are the two individuals in
17 this action, Chris Williams and Terry Lewis.

18 Q. Can you distinguish who is who?

19 A. Unfortunately, I've got a glare from
20 this side.

21 Q. You can step down if you need to.

22 A. Absolutely, I would appreciate it.
23 Based on the video that I'm observing here, the
24 first one that you see closest to the bottom of the
25 frame would be Chris Williams and then the subject

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 behind him would be Terry Lewis.

2 Q. I'm going to pause it right there. Are
3 you able to see what this video image is?

4 A. This is video surveillance from the
5 rear of the residence.

6 Q. Okay. And that image, the last image
7 we just observed, can you pinpoint where that
8 camera would be positioned on the back of the
9 house?

10 A. The camera itself would be positioned
11 on the rear of the residence which would allow view
12 in this direction. (Indicating.)

13 Q. Okay. Looking back towards the water?

14 A. Yes, that's correct.

15 Q. After you observed the two individuals
16 go between the house, and you said it was about 30,
17 45 minutes before the victim came home and you
18 heard the horn honk, what was the next thing you
19 observed?

20 A. The next thing I observed, proceeding
21 the horn honk was the victim in this case arriving
22 home in his driveway and turning down past my
23 viewpoint.

24 Q. Did you maintain visual contact with
25 him?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. I maintained visual contact as far as I
2 could with the victim in this case. Once he
3 proceeded down the driveway, what he would do is
4 turn around and come back up the driveway. Once
5 his vehicle, the nose of his vehicle came back out,
6 I was able to observe him at that time.

7 Q. What did you do as a result of him
8 pulling into the driveway?

9 A. As a result of that, again, I was -- I
10 learned that the other officers, Sergeant McElman
11 and Officer Mitchum, based on their viewpoints,
12 provided me the information that there were two
13 individuals exiting the brush over here.
14 (Indicating.)

15 Officer Hart, who was with me, placed
16 the vehicle in reverse, positioned ourselves just
17 to the left of the residence here (indicating), in
18 which case we exited the vehicle. Officer Hart
19 went back to assist with the detaining of these
20 individuals, and I spoke with the victim over here
21 (indicating) just advising him what was going on.

22 Q. Did you make any contact with the two
23 males in the back yard at that time?

24 A. I proceeded back there and observed
25 where they had been and the fact that they had been

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 placed in handcuffs at the time.

2 Q. What observations were you able to make
3 at that time?

4 A. The observations at that time,
5 obviously, these were the two individuals we had
6 previously observed that were coming into the area
7 proceeding down the driveway corresponding with the
8 deer cam footage we had to go along with that.

9 And then I further learned that there
10 was some objects that they threw into the brush
11 back there. Sergeant McElman and Officer Mitchum
12 notified me of these objects, subsequently showed
13 me where they were at. They turned out to be a
14 stun gun and a can of Mace.

15 I subsequently photographed those items
16 in place, collected them, and then submitted them
17 into evidence.

18 Q. And those items have been moved into
19 evidence as Exhibits 35 -- excuse me, 37 and 38.
20 I'm not going to pull them out, but you have seen
21 them. Are those the items that you had recovered
22 or saw that night?

23 A. Yes, those were the items we recovered
24 from the brush area.

25 Q. After you made those observations, what

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 did you do next?

2 A. Based on -- again, after I had
3 collected the evidence from the scene, I
4 coordinated with the patrol division to transport
5 these individuals back. I also notified -- again,
6 you have to understand there were a lot of things
7 going on at the same time.

8 Officer Erickson observed the Chevy
9 Impala exiting Hamlet Park taking a left,
10 maintained visual contact with that vehicle.
11 Officer Jones who was involved in the operation
12 conducted the traffic stop on the vehicle in which
13 Tiffany Ravenell was found to be the driver.

14 I advised him to place her under arrest
15 into custody, have her transported back along with
16 the two other individuals, all of which were
17 separated in separate vehicles, and then have her
18 vehicle towed and secured in our lock-up area for a
19 search warrant later on.

20 Q. You made mention that you made contact
21 with the victim in the case. Who was in that
22 vehicle when it arrived home earlier that night?

23 A. That was Sho Lord.

24 Q. What was his demeanor that night?

25 A. He was extremely fearful for himself.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 In fact, him and Mrs. Lord usually come home
2 together, but, again, he knew of the two
3 individuals that were there based on him pulling up
4 the footage that you had previously observed, so he
5 actually had her go to -- I believe it was her
6 sister's house that night, so she wouldn't be in
7 the vehicle.

8 The entire time he was extremely
9 fearful of his safety; hence, why he changed his
10 pattern of not parking around the back of the
11 residence and installing lights and things of that
12 nature.

13 Q. After you made contact with the
14 individuals in the back yard and kind of closed up
15 the scene there, what was the next thing you did in
16 the case?

17 A. I proceeded back to the police
18 department there, and I conducted interviews
19 separately with each of the co-defendants in this
20 case.

21 Q. After you conducted those interviews,
22 did you do anything else in this case?

23 A. Subsequently, pursuant to those
24 interviews, I was able to obtain particular
25 information, specifically, details not only

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 concerning, obviously, the surveillance we
2 conducted, but information specifically tying this
3 back to the first incident.

4 So arrest warrants were drafted for
5 each of the individuals based off of, again, this
6 arrest along with the May 7th incident. So drafted
7 search warrant for the vehicle, which was executed
8 on the following day by Investigator McWilliams.

9 And subsequently to that, I also went
10 back to the victim's residence on June 13th wherein
11 I videoed the exterior of the residence and
12 obtained some measurements regarding the evidence
13 and to further document the scene.

14 MR. CANNON: Permission to approach
15 the witness?

16 THE WITNESS: You may.

17 BY MR. CANNON:

18 Q. Do you recognize this?

19 A. I do.

20 Q. I've handed you what was previously
21 marked as State's Exhibit 40. What is this?

22 A. This is a video that I took of the
23 residence. Again, this would have been June 13th
24 for documentation purposes.

25 Q. How do you know that?

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 A. I've observed the video on the disk and
2 I also signed and dated it.

3 Q. Does it appear to be a complete and
4 accurate depiction of the video you did on June
5 13th, 2016?

6 A. It does.

7 Q. Does it appear to be altered or
8 manipulated in any way?

9 A. It does not.

10 MR. CANNON: At this time, the State
11 requests for State's Exhibit 40 to be moved into
12 evidence.

13 THE COURT: Any objection?

14 MR. SMALDONE: No objection.

15 THE COURT: State's 40 into evidence
16 without objection. You may publish.

17 (PLF. EXH. 40 in evidence.)

18 BY MR. CANNON:

19 Q. On June 13th, when you arrived at the
20 scene, do you recall who was present with you?

21 A. I had Sergeant McElman and Officer
22 Mitchum were present with me. And I also had Sho
23 Lord present with me that day as well.

24 Q. Do you recall what time of day it was?

25 A. I believe it was early afternoon when

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 we arrived at the residence.

2 (Video played in open court.)

3 MR. CANNON: I'm not sure what's
4 happening. I will stop that.

5 BY MR. CANNON:

6 Q. After you filmed this on June 13th, did
7 you do anything else in this case?

8 A. Following that, no.

9 MR. CANNON: Beg the Court's
10 indulgence?

11 THE COURT: Take your time.

12 BY MR. CANNON:

13 Q. The person seen in the videos on
14 several occasions, were you able to identify who
15 that person was?

16 A. Yes. The individual that's observed --
17 again, there are several times we observed a single
18 black male and other times it was two. On each
19 occasion we were able to positively identify that
20 individual as the defendant in this case, Chris
21 Williams.

22 Q. Okay. Do you see Chris Williams today?

23 A. I do.

24 Q. Where is he seated?

25 A. Seated to my left.

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 Q. What is he wearing?

2 A. He's wearing a multicolored shirt, long
3 sleeves.

4 Q. There were dates -- during that early
5 June, there was sometimes two, sometimes one
6 individual in the scene. How many times did you
7 see Chris Williams at the scene?

8 A. Again, going back, based on the
9 surveillance ops that were conducted, initially the
10 June 3rd, we didn't make any observations. On
11 June 4th, Mr. Williams was observed. Again, he was
12 the individual that we observed coming down to the
13 corner that day.

14 We didn't conduct operation on June 5th
15 and then, subsequently, on June 6th and June 7th,
16 no observations, no activity occurred. We moved
17 forward to the next one, which would have been
18 June 8th, where I observed him walking down the
19 sidewalk. He was observed on that day.

20 Subsequently, we also observed him on
21 the 9th, which is the day that we conducted the
22 rolling surveillance. And then June 10th, where he
23 was observed walking down the driveway
24 corresponding with the video.

25 Q. Were you able to identify who the other

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 males in the case were?

2 A. Yes. We were able to identify him as
3 Terry Lewis.

4 Q. How many times was Terry Lewis seen at
5 area or in the area without
6 Chris Williams?

7 A. He was not seen in the area without
8 him.

9 Q. Were there times when Chris Williams
10 was seen in the area without Terry Lewis?

11 A. That's correct.

12 Q. How many times did you see Tiffany
13 Ravenell on foot in the area?

14 A. I didn't observe her on foot. The time
15 that I specifically observed her, that would have
16 been on the 9th when she came into the front of the
17 subdivision. I had a vantage point of her vehicle
18 pulling in.

19 Q. And Chris Williams has been charged
20 with several things in this case. Specifically,
21 armed robbery, attempted armed robbery, two counts
22 of kidnapping, two counts of possession of a weapon
23 during the commission of a violent crime and
24 criminal conspiracy.

25 Why was Tiffany Ravenell not charged

NICHOLAS POWELL - DIRECT EXAM BY MR. CANNON

1 with all of those charges?

2 A. Again, Tiffany Ravenell was charged
3 appropriately based on the offenses that occurred.
4 Specifically, she was charged with the initial
5 armed robbery where she was a participant to. But
6 in our determination, based on the investigation
7 and information that we obtained, Mr. Williams was
8 determined as the primary actor, specifically the
9 individual that robbed Mr. Lord on the 7th.

10 So based on the offenses that occurred
11 there, specifically the kidnapping, the assault,
12 the weapons charge, that's why he was charged with
13 those offenses. Subsequently, fast forward to
14 June 10th, based on the information and, again, who
15 was doing what on that day, that's how those
16 charges were applied, which we moved forward into
17 the attempted armed robbery and then the weapons
18 charge.

19 Q. Okay. Have you made a promise to
20 Tiffany Ravenell?

21 A. I have not.

22 MR. CANNON: Nothing further of this
23 witness.

24 THE COURT: Mr. Smaldone.

25 CROSS-EXAMINATION

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 BY MR. SMALDONE:

2 Q. Afternoon.

3 A. Afternoon.

4 Q. How are you?

5 All right. Let's go over a few things.

6 You charged Tiffany Ravenell with two armed
7 robberies?

8 A. Yes. I charged her with an armed
9 robbery regarding to the May 7th incident and then
10 she was charged subsequently with the attempted
11 armed robbery in regards to the June 10th incident.

12 Q. All right. And, to your knowledge, she
13 pled guilty to the attempted armed robbery?

14 A. Along with criminal conspiracy, that's
15 correct.

16 Q. She has not pled guilty to the armed
17 robbery, correct?

18 A. That's my understanding at this time.

19 Q. Okay. Fair to say that armed robbery
20 is a more serious offense than attempted armed
21 robbery?

22 MR. CANNON: Objection, Your Honor.

23 THE COURT: What's the basis?

24 MR. CANNON: I don't think Mr. Powell
25 is knowledgeable as to the extent of the law in

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 terms of sentencing; that's left in the court's
2 discretion. He's not here to --

3 THE COURT: Sustained. Rephrase your
4 question, Mr. Smaldone.

5 BY MR. SMALDONE:

6 Q. All right. I'll just pass on that.

7 I want to go back to May of 2016. You
8 arrived shortly after the initial -- the initial
9 incident, correct?

10 A. Yes. I responded out that evening.

11 Q. Okay. And you tried to make contact
12 with subjects in the area?

13 A. I learned information from the officers
14 on scene, and I conducted an investigation based on
15 that information.

16 Q. Okay. No one was located on scene --
17 no suspect was located after the initial robbery,
18 correct?

19 A. That evening, no.

20 Q. Okay. And fair to say that no
21 significant evidence -- no significant physical
22 evidence was found at the scene of the initial
23 robbery, right?

24 A. Nothing significant, no.

25 Q. Okay. Fair to say that it's just based

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 on the victim's description?

2 A. Correct. Based on the subsequent
3 interview along with the information obtained.

4 Q. And the victim's description at the
5 time, too, right?

6 A. The victim wasn't present that night,
7 but I did do a subsequent interview and obtain that
8 information.

9 Q. At that interview you learned what the
10 -- the pieces to start your investigation, right?

11 A. Yes. To gain some preliminary
12 information from the victim at that time.

13 Q. You learned that the suspect was
14 between -- you learned from Mr. Lord the suspect
15 was probably between 35 and 40 years old?

16 A. Based on the description he provided at
17 that time.

18 Q. Right. You learned that the suspect
19 was clean shaven?

20 A. Yes. He stated that during the
21 interview.

22 Q. And one of your initial possible
23 suspects was someone named Monday. Not named
24 Monday. Someone with the nickname of Monday?

25 A. If you're referring to Quintero Kit,

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 : then that would be correct.

2 Q. Was there not someone else, a frequent
3 customer of the store, that Mr. Lord referred to as
4 Monday?

5 A. There might have been. If that's what
6 he stated during the interview, yes.

7 Q. Okay. Fair to say you never made
8 contact with Monday?

9 A. I did not.

10 Q. After your initial -- after the first
11 alleged incident, you continued your investigation
12 and learned about Quintero Kit?

13 A. Yes, I did.

14 Q. You learned that he was at the
15 residence of the Lords'?

16 A. According to the information from
17 Mr. Lord, yes, he had gone there.

18 Q. And that was before the first robbery?

19 A. Yes. That would have been
20 approximately three months prior to the incident.

21 Q. And you learned he was trying to sell
22 them air-conditioning?

23 A. Yeah. Yes.

24 Q. And you learned that he doesn't sell
25 air-conditioning, didn't you?

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 A. No, I don't think that's his purpose
2 for the company.

3 Q. Right. So he was at the house, right?

4 A. Yes.

5 Q. Fair to say he was outside the scope of
6 his employment at the house, right?

7 A. Again, if that was his intended purpose
8 of the company, then, yes.

9 Q. What did you learn his purpose for the
10 company was?

11 A. I believe he was either a warehouse
12 employee or maintenance worker, if I remember
13 correctly.

14 Q. Right. And he's at the house trying to
15 sell them stuff?

16 A. Yes.

17 Q. Okay. All right. And you never
18 actually made contact with Mr. Quintero, did you?

19 A. I did not speak to him, no.

20 Q. Okay. And, again, throughout the
21 course of your investigation, you drafted warrants
22 obviously at the end of everything, right?

23 A. Upon the conclusion, I did, yes.

24 Q. And really fair to say the real basis
25 for the first warrant, the first armed robbery,

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 really was Tiffany Ravenell, right?

2 A. Her statement corroborated the details
3 of the robbery as far as the date and time frame.
4 And then, obviously, with the observations that we
5 made going into the -- what we call the MO, the
6 modus operandi, basically how the crime would have
7 occurred, we used those details to draft the
8 warrants.

9 Q. That's correct, right?

10 A. Yes.

11 Q. But no physical evidence was found at
12 the first armed robbery?

13 A. There was nothing that was found
14 physically, forensically, to tie this case
15 together, that's correct.

16 Q. In fact, there was no -- at the time,
17 there was no surveillance of the first -- of before
18 or during the first robbery, right?

19 A. There was not. The victim in this case
20 didn't install surveillance until after the primary
21 incident on the 7th.

22 Q. Really, what you were working with was
23 just a subject description, right?

24 A. Based on the information provided by
25 the victim at the time.

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 Q. Right. And that information was that
2 he was clean shaven?

3 A. Yes, based on his description.

4 Q. And between 35 and 40 years old?

5 A. Yeah. According to the information
6 provided by him, that's correct.

7 Q. And throughout the course of your
8 surveillance after that, did you ever see
9 Mr. Williams or who you believe to be Mr. Williams
10 as a clean-shaven male?

11 A. Not that I recall, no.

12 Q. Okay. And you thought it was
13 suspicious that two people are walking around in
14 that neighborhood, right?

15 A. Again, based off of the surveillance
16 provided to us by the victim in this case, the
17 direction that they came from which corresponds
18 with previous information he provided to us, we did
19 find it suspicious at the time; and, obviously, the
20 further along we went into the surveillance, the
21 more suspicious it became.

22 Q. Right. So it was suspicious that two
23 males were walking around the area?

24 A. Again, yes.

25 Q. Okay. And you know this area is near a

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 park?

2 A. I do.

3 Q. You know the area is near water?

4 A. I do.

5 Q. And sometimes you can park at the park?

6 A. Yes.

7 Q. And, in fact, fair to say that where
8 those images were taken, there four cars at the
9 park? Five?

10 A. Yeah.

11 Q. Okay. So this is not an area that's
12 out in the middle of nowhere, fair to say?

13 A. No. I mean, it's its own community,
14 but it's in the city.

15 Q. City of Goose Creek?

16 A. That's correct, city of Goose Creek.

17 Q. All right. All right. And you've been
18 here the whole time; you are the chief
19 investigator. You heard me ask this before, but
20 you never personally witnessed on those
21 surveillance tapes anyone break any laws, did you?

22 A. No.

23 Q. Right. So you never saw Mr. Williams
24 or who you think was Mr. Williams break the law on
25 that camera?

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 A. Not in the images or videos that we
2 obtained.

3 Q. He's just walking around?

4 A. At those times, yes.

5 Q. Walking around an area with a park?

6 A. Yeah. Again, there along with Norfolk
7 Way, yes.

8 Q. And I want to talk about -- you have a
9 few physical items that you found, right?

10 A. Yes.

11 Q. Fair to say as chief investigator of
12 the case, you know the status of the items and what
13 was found on them, right?

14 A. Concerning the forensics?

15 Q. Yes.

16 A. Yes.

17 Q. You found this knife, right?

18 A. It was retrieved from Mr. Williams the
19 night of the 10th.

20 Q. That's right.

21 A. Yes.

22 Q. And initially you thought there was
23 blood on the knife, right?

24 A. Yes. Yes, I did.

25 Q. Okay. And you thought that would be a

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 pretty key piece of evidence, didn't you?

2 A. Corresponding with the initial robbery,
3 yes.

4 Q. Right. Fair to say that's what really
5 tied him to the initial robbery at the time, right?

6 A. Concerning the type of knife, yeah,
7 that would be one of the details.

8 Q. Especially with blood on it, right?

9 A. If there had been blood, yes.

10 Q. A slam dunk case if there was blood,
11 right?

12 A. It would be nice. It would be another
13 key piece of evidence.

14 Q. There was no blood on the knife, was
15 there?

16 A. No, there was not.

17 Q. Even though you thought there was?

18 A. Yes, I did. You're correct.

19 Q. It was tested?

20 A. Yes, and no blood.

21 Q. Tested in Columbia?

22 A. I believe SLED, if that's what the
23 reports indicate.

24 Q. No blood?

25 A. No blood.

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 Q. I want to make that clear.

2 You learned that all of the items in
3 Tiffany Ravenell's car were also testified -- I'm
4 sorry, you learned that several of the items were
5 tested?

6 A. Specifically, the stun gun box was
7 processed for latent prints.

8 Q. You learned there were no prints on the
9 stun gun?

10 A. No identification was made, that's
11 correct.

12 Q. And you have never witnessed Chris
13 Williams and Tiffany Ravenell's car?

14 A. No, I can't specifically indicate that
15 he was in the vehicle.

16 Q. Right. You know that Tiffany was in
17 the vehicle?

18 A. Yes.

19 Q. In fact, you said before -- I believe,
20 before the arrest you witnessed her in the car,
21 right?

22 A. That was on June 9th when she was
23 entering the subdivision.

24 Q. But never saw Chris in the car?

25 A. I can't say that we observed him.

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 specifically in that vehicle.

2 Q. Fair to say that if something was found
3 with his prints in the car, you could definitely
4 tie him to being in the car, right?

5 A. Again, it would be on an object in the
6 vehicle.

7 Q. An object in the vehicle with his
8 prints, right?

9 A. Yeah, absolutely.

10 Q. None of that was found, was it?

11 A. No. Again, there was no forensics in
12 this case.

13 Q. No forensics in this case. Okay. A
14 few other things, I believe. And one last
15 question; you didn't personally witness anyone
16 throw the items in the air, did you?

17 A. I was not present during that time. I
18 didn't have a vantage point of that area.

19 Q. Right. By the time you got there, some
20 stuff was on the ground, right?

21 A. Yeah, it was already on the ground when
22 I got there.

23 Q. And the stuff didn't have prints, did
24 it?

25 A. No. No latents were obtained.

NICHOLAS POWELL - CROSS EXAM BY MR. SMALDONE

1 Q. And no touch DNA either, right?

2 A. No touch DNA.

3 Q. So no evidence, no forensic evidence
4 tying those items to anyone?

5 A. Forensically, correct.

6 MR. SMALDONE: Okay. Beg the Court's
7 indulgence?

8 THE COURT: Take your time.

9 BY MR. SMALDONE:

10 Q. I said last question; I lied. When you
11 arrested my client, was he wearing gloves?

12 A. I believe Terry was wearing gloves, but
13 I don't believe Mr. Williams was at the time.

14 MR. SMALDONE: Okay. All right.
15 That's the last question I have.

16 THE COURT: Redirect.

17 MR. CANNON: Just a couple, Your
18 Honor.

19 REDIRECT EXAMINATION

20 BY MR. CANNON:

21 Q. Investigator Powell, on May -- when you
22 arrived on May 7th of the initial robbery, how well
23 lit was the backyard?

24 A. It was poorly lit, very hard to see
25 back there.

NICHOLAS POWELL - REDIRECT EXAM BY MR. CANNON

1 Q. Okay. Did you learn anything about the
2 light in the back part of the house?

3 A. As far as preceding the incident, the
4 victim in this case had installed additional
5 lighting in the back yard. Again, in general, just
6 changed what he was doing based on that incident.

7 Q. Okay. Did you have problems viewing
8 distances while you were there on May 7th?

9 A. Absolutely. Again, based on the
10 location and poor lighting in that area, it was
11 very difficult to see anything. We all had to use
12 our flashlights to get around.

13 Q. I understand. This neighborhood right
14 here, are you aware of any cut-through to other
15 neighborhoods?

16 A. No. Again, the Hamlets is a very large
17 circle. If you were to look at it from Google
18 Maps, you could see a better perspective on it.
19 It's a large area, but there is only one way in or
20 out of the Hamlets, which is off of Crowfield
21 Boulevard, and it's very prominently marked,
22 Hamlets.

23 Q. Needless to say, is there a lot of foot
24 traffic from one neighborhood to other
25 neighborhood?

NICHOLAS POWELL - REDIRECT EXAM BY MR. CANNON

1 A. Again, no because you would have to
2 exit the subdivision to obtain access to other
3 subdivisions.

4 Q. How big is that lake?

5 A. It's a very large lake. Again, this is
6 the Hamlet subdivision. This lake spans across and
7 it runs into Lakeview Terrace, which is a very
8 large body of water.

9 Q. Briefly, before, Mr. Smaldone asked you
10 if you had ever personally seen the defendant
11 inside the vehicle. During your surveillance from
12 June 3rd through June 10th, did you ever observe
13 the defendant inside the vehicle?

14 A. The defendant was there on deer cam
15 footage from those evenings, and that was
16 specifically at the park. Again, the officers
17 testified they observed him enter around that
18 vehicle, and those would have been Officer Hart,
19 who had the vantage point to the park. So he would
20 have made those observations.

21 Q. I'm going to show you what was
22 premarked -- or sorry, moved into evidence as
23 Exhibit 16. Do you recognize that?

24 A. Yes. This is the footage -- this is
25 marked June 8, 2016. This is from Hamlet Park, and

NICHOLAS POWELL - REDIRECT EXAM BY MR. CANNON

1 in this case -- and you'll see it up on the screen
2 here, this is the defendant in this case, Chris
3 Williams, and he's standing just outside of the
4 driver's door of the silver Impala. And, again,
5 that is the vehicle that we identified in this
6 case.

7 Q. Okay. Did you ever, during your
8 surveillance, witness Chris Williams driving a
9 vehicle?

10 A. I didn't observe him driving a vehicle.

11 Q. Okay. Whatever came of Quintero Kit?

12 A. Again, subsequent to the background
13 investigation, we attempted to see if he was a
14 potential suspect in this case. The victims,
15 Mr. and Mrs. Lord, didn't identify him via a
16 photographic lineup, but again indicated he may
17 have been the AC worker that came out to the house.

18 If you fast forward into the
19 investigation, on the surveillance and everything
20 we conducted, subsequent interviews and information
21 obtained from those, there was no reason to believe
22 at the time Mr. Kit was involved.

23 He was determined as a preliminary
24 suspect solely based off of information obtained
25 from the victim at that time. We vetted him out

NICHOLAS POWELL - RECROSS EXAM BY MR. SMALDONE

1 regarding that as far as what was done, but there
2 was no reason upon conclusion to believe he was
3 involved in the case.

4 MR. CANNON: No further questions for
5 Investigator Powell.

6 THE COURT: Re-cross.

7 RECROSS-EXAMINATION

8 BY MR. SMALDONE:

9 Q. Regarding Mr. Kit, you ran a background
10 check on him?

11 A. I did.

12 Q. And you found multiple drug
13 convictions?

14 A. Yeah, along with other offenses.

15 Q. Okay. And did you learn that he had --
16 he knew -- he personally knew Tiffany Ravenell?

17 A. I don't recall that information.

18 MR. SMALDONE: Okay. No further
19 questions.

20 THE COURT: You may step down.

21 Call your next witness.

22 MR. CANNON: Your Honor, at this time
23 the State rests its case.

24 THE COURT: Thank you.

25 Ladies and gentlemen, there is a matter

1 of law that I need to take up outside of your
2 presence. Do not begin your deliberations. Do not
3 discuss the case amongst yourselves. You may take
4 your notepads or leave them where they are.

5 Please rise for the jury.

6 (Jury out, 2:47 p.m.)

7 THE COURT: Please be seated.

8 Any motions or matters?

9 MR. SMALDONE: Your Honor, at this time
10 the defense moves for a directed verdict on all
11 counts and -- on the general, but also more
12 specifically on both counts -- I believe, there's
13 two -- both counts of kidnapping.

14 Your Honor, there is no evidence that
15 anyone was kidnapped, anyone was confined, even for
16 a brief moment. No testimony about any of the
17 elements of kidnapping that have been met.

18 THE COURT: Anything further,
19 Mr. Smaldone?

20 MR. SMALDONE: Also, I move for a
21 directed verdict on the attempted armed robbery.
22 There is no evidence that any attempt of an armed
23 robbery took place. What we have through the
24 evidence, through the testimony, is my client and
25 another person basically, I believe, hiding in the

1 bushes; they may have come out of the bushes
2 briefly.

3 We don't know what would have happened.
4 We don't know what was attempted. They were
5 basically intercepted before anything could be made
6 or inferred by that. I will point out
7 specifically, there is -- very difficult to find
8 cases on attempted armed robbery. I did find one;
9 it is not a South Carolina case. It's a North
10 Carolina case; South Carolina cases are cited to
11 it. It's called State v Parker.

12 In that case someone was basically
13 laying in wait with a gun -- I can't remember if it
14 was outside of a store or outside of a residence; I
15 don't want to misrepresent that -- police
16 intercepted him, and, basically, he filed a motion
17 to dismiss, which is apparently common in North
18 Carolina, and appellate court ruled it should have
19 been granted.

20 There was no outward -- there was no
21 outward act to be able to infer an attempted armed
22 robbery. And I believe that's just like this case.

23 THE COURT: All right. Mr. Cannon, you
24 know my preference on ruling on motions for a
25 directed verdict. If you will go through, and I

1 don't care how you do it, go through each
2 indictment, and I don't care the order, and tell me
3 the elements and the testimony that has been
4 presented that establishes --

5 MR. CANNON: I just want to be clear.
6 I believe, he only made a motion for directed
7 verdict on three indictments --

8 THE COURT: I think he did a general
9 one.

10 MR. CANNON: Okay.

11 MR. SMALDONE: Correct, I made a
12 general --

13 THE COURT: And narrowed down
14 specifically to --

15 MR. CANNON: As Your Honor is aware,
16 the State gets the benefit in that the Court must
17 view the evidence in light most favorable to the
18 State at this point of the trial, motion for a
19 directed verdict from the defense, and we'll
20 address these indictments individually.

21 As to the initial armed robbery on
22 May 7, 2016, without question a robbery took place.
23 Money was taken, a knife was used, testified by Sho
24 Lord. He was actually sliced in the hand in the
25 presence of his wife while that occurred. His

1 movement was confined as he was wrapped around his
2 throat with one arm and a knife brought to his
3 chest with the other.

4 The armed robbery requires that the
5 property be taken by use of force with a deadly
6 weapon. The knife qualifies as a deadly weapon in
7 this case. There has been testimony from Tiffany
8 Ravenell who states that Chris Williams was the
9 person that did the robbery that night.

10 There's been testimony of Sho Lord that
11 he, in fact, was robbed at knifepoint by a black
12 male. There has been no identification of anyone
13 else other than Chris Williams involved in that
14 night.

15 As to the assault and battery, first,
16 the statute is clear when there is injury that
17 takes place during the commission of a robbery, any
18 injury or an attempt to injury would then qualify
19 as an assault and battery, first.

20 Sho Lord had stitches in his hand,
21 which were -- he was taken to Trident to be
22 medically cleared from Trident Hospital after
23 having had his hand sliced open. Therefore, the
24 assault and battery in the light in favor of the
25 State would push past directed verdict.

1 As to the two kidnapping counts, Your
2 Honor, Mr. Lord's testimony was that the arm of the
3 defendant was wrapped around his neck and that he
4 was confined. He grabbed the knife in an attempt
5 to prevent further damage.

6 Even for a split second a kidnapping
7 can occur. At that point, Mr. Lord was kidnapped.
8 He was not free to leave; he was held and
9 restrained by the defendant; therefore, the
10 kidnapping as to Sho Lord should move past direct
11 verdict.

12 As to the kidnapping of Lili Lord, she
13 testified she was in the front passenger seat of
14 her vehicle and was trying to get out of the
15 vehicle when the defendant approached her looking
16 for the money bags. She was confined to that
17 immediate area; she was unable to flee to the other
18 side of the vehicle; she was confined to that area
19 blocked by the defendant.

20 You heard testimony from Tiffany
21 Ravenell that the defendant said he had to punch
22 her to grab the bag. That comes from a
23 co-defendant in this case; and, therefore, again,
24 there has been testimony that the defendant did, in
25 fact, confine and kidnap, so to speak, under the

1 laws of South Carolina as to Lili Lord.

2 As to the criminal conspiracy, which
3 would cover the entirety of the events, it's
4 without question that on several dates,
5 particularly May 7th, June 2nd, June 3rd, June 4th,
6 June 8th, June 9th, and June 10th, Chris Williams
7 was in the area with Tiffany Ravenell for the
8 purpose of robbing or hitting a lick as the
9 defendant stated on the Lords.

10 This is documented through testimony of
11 a co-defendant, testimony of officers, and it's
12 been visually seen on numerous trail cams and other
13 officers who were in position to witness the event
14 with the purpose of robbing the Lords and depriving
15 him of his money. That is the conspiracy itself.
16 The language in the indictment covers that broad
17 range of dates from May 7th to June 10th when they
18 were finally caught.

19 As to the attempted armed robbery, the
20 defense wants to harp on the fact that nothing was
21 done, that they laid in wait. There has been
22 testimony from officers, as well as the victim in
23 this case, that on June 10 when he arrived home,
24 when he turned around, that's when he saw the
25 defendant at that time moving out of the brush in

1 his backyard, approaching towards him armed.

2 That was observed by Officer Mitchum
3 and Sergeant McElman, who then saw -- when they
4 approached, saw the defendant throw weapons, which
5 was later determined to be weapons, back into the
6 brush and lay down to try to conceal what they had
7 done. There was an effort towards the attempt of
8 trying to rob.

9 Sho Lord had stated -- testified that
10 he knew something was going on. That's why he
11 dropped his wife off at her brother's house. He
12 observed that there were two individuals. He knew
13 that he had been robbed previously. He knew that
14 they were armed. He knew that there was going to
15 be a potential for some sort of confrontation, and
16 that's why he did what he did with his wife.

17 His testimony is that he was scared at
18 the time, and -- and the movement out of the brush,
19 I think the testimony of Officer Mitchum was that
20 it sounded like a herd of elephants, I believe,
21 running out of the bush line coming towards the
22 victim to at least attempt to armed rob him, and
23 but for the Goose Creek Police in position to
24 prevent any injury from actually taking place.

25 As to the two weapons charges, it's

1 unequivocal that armed robbery and attempted armed
2 robbery are violent crimes, statutorily defined.
3 Without question, there was a knife used in the
4 first incident. Mr. Lord was sliced. So
5 Mr. Williams being in possession of a knife during
6 the armed robbery that was completed on May 7 would
7 qualify the elements for possession of a weapon
8 during the commission of a violent crime would be
9 satisfied.

10 As to the attempted armed robbery, Your
11 Honor, without question, again, it's another
12 violent crime. We have documentation that a knife
13 was found on Chris Williams that night, as well as
14 a Taser and a can of Mace in the immediate area
15 which was observed as being thrown back into the
16 brush line as the victim made his way around the
17 house and before the defendants were taken into
18 custody.

19 In total and final, Your Honor, the
20 elements for all of these indictments that the
21 State has moved forward on have been met and based
22 on the evidence through testimony and exhibits
23 presented, we -- the State would state that the
24 elements have been met and, therefore, we have met
25 our burden and should move past directed verdict on

1 all charges.

2 THE COURT: Response, Mr. Smaldone?

3 MR. SMALDONE: Your Honor, nothing --
4 one thing in response that I didn't argue the first
5 time, and I should have with the assault and
6 battery, first, there was no testimony that there
7 was any -- there was never any overt intent to
8 assault. There was no intent made. I believe it
9 was basically whatever happened during the first
10 armed robbery, whoever did it, Mr. Lord accidentally
11 grabbed the knife.

12 So, Your Honor, I believe that that --
13 I would move for a directed verdict on that case
14 due to those reasons, as well as renew my previous
15 motions for a directed verdict.

16 THE COURT: Isn't the intent element
17 met by the fact that it occurred during the
18 commission of a robbery or kidnapping?

19 MR. SMALDONE: Your Honor, I don't know
20 any case law on the assault and battery, first, but
21 there was no intent to assault. Whoever did the
22 first armed robbery may have had the -- certainly
23 had the intent to arm rob, but there was no intent
24 to assault or commit an assault.

25 THE COURT: All right. So the

1 defendant is charged with attempted armed robbery
2 -- in no particular order I'm going to address
3 these. The statements proved beyond a reasonable
4 doubt that the defendant's attempt included a
5 specific intent to commit armed robbery along with
6 an act falling short of the armed robbery.

7 As to the indictment for attempted
8 armed robbery, the State has, under Rule 19 of the
9 Rules of Criminal Procedures, has produced the
10 existence of evidence. I'm not concerned with the
11 weight, just the existence or nonexistence of the
12 fact that there was an armed robbery and that there
13 was a specific intent to commit armed robbery
14 taking all the facts and circumstances that were
15 presented.

16 As to the kidnapping charges, the State
17 -- the elements of kidnapping -- doesn't have to
18 show all of them, but the ones that I think are
19 applicable are seize and confine. Seize means to
20 take hold of suddenly or forcibly. Confined means
21 to limit, restrict, or enclose within bounds,
22 imprison or shut or keep in.

23 The testimony that was presented by
24 Mr. and Mrs. Lord, both indicated that they were
25 either seized or confined, or both. And based upon

CHRIS WILLIAMS - EXAM BY THE COURT

1 that, the State has met its burden for a directed
2 verdict.

3 As to the remaining indictments, there
4 has been significant testimony to establish those.

5 Your motion for directed verdict on the
6 indictments -- on all the pending indictments are
7 denied.

8 Note your exception to my ruling.

9 Any other motions or matters?

10 MR. SMALDONE: None at this time, Your
11 Honor.

12 THE COURT: All right. Mr. Williams,
13 please stand. I will place you back under oath for
14 today.

15 CHRIS WILLIAMS,

16 being first duly sworn, testified as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. Have you made a decision as to whether
20 or not you will testify?

21 A. One second.

22 Q. Mr. Williams, do you have any questions
23 or do you need time to meet with your attorney?

24 A. Yeah, I need a little -- yeah, because
25 -- and the reason why I'm asking, we both didn't

CHRIS WILLIAMS - EXAM BY THE COURT

1 know we was coming to trial. We knew -- I rejected
2 the plea, the plea bargain that they gave me, and
3 we didn't know we was coming to trial.

4 We didn't know we was going to be
5 picking a jury and starting a trial immediately the
6 day after.

7 Q. That may be your belief, but I've had
8 this case docketed for a month, I believe, so --

9 A. Well, they never told me or my lawyer.

10 Q. That is incorrect. And, as a matter of
11 fact, I know that I sent out several notices --

12 A. Nobody --

13 Q. I'm not going to argue with you, sir.

14 A. I'm not trying to argue.

15 Q. I want --

16 A. Excuse me, I'm not trying to argue.

17 Q. I want the record to be clear.

18 THE COURT: Do you know when we set
19 this for trial?

20 MR. CANNON: It's in the trial brief,
21 Your Honor. I do have a copy of the date the
22 rejection took place. The case was docketed for
23 trial that day.

24 MR. SMALDONE: Your Honor, I did know
25 he was on the list, but I think what my client is

1 referring to, we thought we were second for a time
2 and then we were first, which certainly happens all
3 the time in criminal court, but this has been a
4 very long time since he was in criminal court.

5 MR. CANNON: June 30th.

6 THE COURT: June 30th?

7 MR. CANNON: Was the day it was
8 rejected. The offer has been in place.

9 Mr. Smaldone got the case based on a conflict out
10 of the public defender's office. The offer was
11 re-extended and finally, again, rejected on the
12 record June 13th, at which time -- the case was
13 already docketed, but we gave him one last
14 opportunity to plea before going to trial this
15 week.

16 THE COURT: How much time do you need,
17 Mr. Smaldone?

18 MR. SMALDONE: I think if we get ten
19 minutes, but, Your Honor, I would ask if maybe, if
20 it please Your Honor and please the Solicitor, that
21 we could settle his record before I speak with him.

22 THE COURT: All right.

23 Why don't you read out what you believe
24 to be admissible?

25 MR. CANNON: Your Honor, the defendant

1 has been convicted of a 1985 armed robbery, house
2 breaking; 2007, assault; 2011, failure to comply
3 with police direction. I would -- the State would
4 argue that based on his history of being a
5 convicted felon, if he were to take the stand, we
6 could ask him about whether -- maybe the armed
7 robbery itself would be prejudicial, but we would
8 be entitled to ask him if he was a convicted felon.

9 THE COURT: What was the date of that
10 conviction?

11 MR. CANNON: 1985.

12 THE COURT: And what was the sentence?

13 MR. CANNON: Twenty-one years, I
14 believe, Your Honor.

15 THE COURT: All right. Mr. Smaldone.

16 MR. SMALDONE: Your Honor, I would
17 vehemently oppose asking if he was a convicted
18 felon particularly since this case does not involve
19 firearms. There's no issue of that element.

20 Under Rule 403, as well as 404(b), I
21 would object. Prior bad act, that's far more --
22 far more prejudicial than probative.

23 MR. CANNON: I think if he took the
24 stand and tried to say that he would never rob
25 somebody, I think it comes in as being relevant to

1 the case.

2 THE COURT: At this time, without
3 hearing further argument, I would allow at a
4 minimum for the State to inquire that he was
5 convicted in 1985 of a felony.

6 MR. SMALDONE: All right. I would ask
7 that you note my objection.

8 THE COURT: It's noted. You've been
9 objecting; it's noted.

10 All right. We will be at ease.

11 MR. SMALDONE: All right. Thank you.

12 MR. CANNON: One more thing, Your
13 Honor. I could have done this when we come back,
14 but for the Court to be aware the State moved into
15 evidence Exhibit 40 and 42. On those -- they are
16 disks, there are multiple files in that disk, but
17 for the purpose of what we moved into evidence, on
18 those disks were -- on Exhibit 40 was the
19 walk-through video of the property on June 13,
20 2016.

21 And then on Exhibit 41, the only file
22 we moved into evidence were the trail cam videos.

23 THE COURT: There are other items on 40
24 and 41.

25 MR. CANNON: Correct; 40 and 42.

1 THE COURT: I'm sorry, 40 and 42 are in
2 evidence. Mr. Smaldone did not object. So the
3 only way to cure that is that they have to come in
4 and we will have to play them and you will have to
5 do that.

6 MR. CANNON: That's fine. I just
7 wanted to make the Court aware.

8 THE COURT: Okay.

9 MR. SMALDONE: I want to make sure I
10 understand your ruling.

11 THE COURT: Which ruling?

12 MR. SMALDONE: The one you just said.
13 The only way for the jury -- to clarify my
14 understanding of your ruling, the only way for the
15 jury to witness what's on those disks is to come in
16 and be played a specific file.

17 THE COURT: Correct.

18 MR. SMALDONE: I'm happy -- yes.

19 THE COURT: Okay. Waiting on you and
20 Mr. Williams.

21 MR. SMALDONE: Nothing further at this
22 time. I will just talk with him.

23 (A recess transpired.)

24 THE COURT: Just a procedural history,
25 Mr. Williams was indicted in September 2016; a plea

1 offer, according to my record, was made on
2 October 17th, 2016. A new offer was extended
3 February 7, 2017. Mr. Williams got new counsel,
4 and on June 30th, the defendant rejected the offer
5 and it was placed on the trial docket. He was then
6 served with the LWOP notice.

7 Is that your understanding, Mr. Cannon?

8 MR. CANNON: That's correct, Your
9 Honor.

10 THE COURT: Mr. Smaldone, I know you
11 can't speak to whatever happened before you were
12 retained.

13 MR. SMALDONE: As far as after
14 everything I was appointed, that's correct.

15 THE COURT: Okay. And you've had
16 sufficient time to meet with Mr. Williams?

17 MR. SMALDONE: I have.

18 THE COURT: And what is your
19 understanding of what he wishes to do at this time?

20 MR. SMALDONE: My understanding as of a
21 few minutes ago, he wishes to testify.

22 THE COURT: All right.

23 And, Mr. Williams, please stand. I
24 remind you that you are still under oath.

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: You have made the decision
2 to testify?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And is the 1985 conviction
5 the only one --

6 MR. CANNON: 1987.

7 THE COURT: Well, it was a 1987
8 conviction, but we don't have his release date.

9 MR. CANNON: I just have it based on
10 the 21 years from February 22nd, 1987.

11 THE COURT: But that's not what the
12 rule requires.

13 MR. CANNON: It's ten years from the
14 release date, and my understanding is 21 years
15 would be 2008, if my math is correct.

16 THE COURT: He could have received
17 early release or something of that nature.

18 Do you have any verification of when he
19 was released?

20 MR. CANNON: I do not, Your Honor.

21 THE COURT: Mr. Smaldone?

22 MR. SMALDONE: Your Honor, I would move
23 that that would be past the ten years, and under
24 Rule 404(b) prior bad act is inadmissible, and,
25 obviously, it's more prejudicial than probative

1 under Rule 403.

2 THE COURT: So, Mr. Cannon, as I
3 understand it, that was not contained in your trial
4 brief under 609(b) that you provide reasonable
5 written notice of the intent to use those.

6 MR. CANNON: I never -- not in the
7 trial brief, Your Honor. The defense has been
8 aware of the prior conviction based on the LWOP
9 notice, specifically in the LWOP notice provided
10 June 30th of the prior armed robbery.

11 So, therefore, they are on notice that
12 he has the criminal conviction in his history which
13 makes him eligible for life without parole. The
14 State would argue he was aware and on notice that
15 there is a possibility should he take the stand --
16 I don't believe unequivocally you have to put them
17 verbatim, but they're aware of what's going on
18 based on the language --

19 THE COURT: The rule requires evidence
20 of a conviction more than ten years old is not
21 admissible unless the proponent gives to the
22 adverse party sufficient, advanced written notice of
23 the intent to use such evidence, to provide the
24 adverse party with a fair opportunity to contest
25 it.

1 I don't believe that there's any wiggle
2 room there. So the question to me -- and you have
3 been unable to provide the evidence of when his
4 release date was. Everybody in the room agrees
5 that 1987 is more than ten years, so then it's --
6 the time limit is when the release is. I have to
7 place on the record the facts and circumstances
8 that would allow me to allow you to introduce that
9 for purposes of impeachment, and then undergo the
10 Rule 403 balancing test.

11 So based upon those factors, I find
12 that admitting that evidence is more prejudicial
13 than probative. You will not be allowed to inquire
14 of the conviction.

15 Note your exception to my ruling.

16 You may have a seat. Please explain
17 that to your client.

18 MR. SMALDONE: Yes. Thank you.

19 THE COURT: I also need you to explain
20 to your client, if he should open the door, okay,
21 and those things -- then Mr. Cannon will be -- I'm
22 assuming, Mr. Cannon, you're doing the
23 cross-examination?

24 MR. CANNON: Assuming he takes the
25 stand, yes, Your Honor.

1 THE COURT: Mr. Cannon would be allowed
2 to have liberal inquiry into that conviction.

3 MR. SMALDONE: That's just what I was
4 explaining, Your Honor. So I've instructed him --
5 I'll place on the record, I've instructed him to
6 not say anything like, I've never robbed anybody,
7 or I've never been in trouble with the law, or I'm
8 not the kind of guy that would rob somebody.

9 He knows to stay away from those waters
10 because that's just -- those waters are filled with
11 land mines.

12 THE COURT: That's what I advised him
13 yesterday. He will be treated under the same rules
14 as any other witness that has appeared.

15 Mr. Williams, do you understand and you
16 still wish to testify at this time?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Thank you.

19 Do you need to place anything on the
20 record at this time?

21 MR. SMALDONE: No, Your Honor. I'm all
22 right.

23 THE COURT: Okay. Don't draw attention
24 to that monitor, Mr. Williams.

25 THE DEFENDANT: Okay.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 (Jury in, 3:30 p.m.)

2 THE COURT: Thank you.

3 Please be seated.

4 Mr. Smaldone, call your first witness.

5 MR. SMALDONE: All right. Defense

6 calls Mr. Chris Williams.

7 THE COURT: We have tight quarters.

8 Can you come out? Come on in this way so she can

9 swear you in.

10 CHRIS WILLIAMS,

11 being first duly sworn, testified as follows:

12 THE CLERK: Please state your full name

13 and spell your last.

14 THE COURT: Chris Williams,

15 W-I-L-L-I-A-M-S.

16 DIRECT EXAMINATION

17 BY MR. SMALDONE:

18 Q. Mr. Williams, good afternoon.

19 A. Afternoon.

20 Q. Are you doing all right this afternoon?

21 A. Nervous, but I'm all right.

22 Q. I understand. I understand. May of

23 last year, do you remember?

24 A. Not too much, but I know I didn't do

25 any crime.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 Q. That was my next question: Did you rob
2 the Lord family in May of last year?

3 A. No, sir, I did not.

4 Q. Did you rob the Lord family in June of
5 last year?

6 A. No, sir, I did not.

7 Q. Have you ever robbed the Lord family?

8 A. No, sir, I have not. I did not.

9 Q. When was the first that you were in
10 this neighborhood of what I believe is called the
11 Hamlets?

12 A. June 1st, I believe.

13 Q. June 1st?

14 A. Yeah.

15 Q. Do you remember that day?

16 A. Yes, uh-huh.

17 Q. What do you remember about that day?

18 A. I just got a little piece of change,
19 some money, and Tiffany wanted me to ride with her.
20 So we rode over that side to meet some fellow, the
21 fellow sells marijuana. I gave -- well, first, I
22 gave her some money, but she gave it to me and said
23 for me to do the transaction.

24 I went and did the transaction. The
25 dudes robbed me of the money. They didn't show no

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 marijuana and they hit me in the back of the head.
2 I still have the knot now.

3 Q. Right. Do you want to stand up?

4 MR. SMALDONE: Your Honor, permission
5 for my client to stand up?

6 THE DEFENDANT: Oh, yeah.

7 BY MR. SMALDONE:

8 Q. There's that knot?

9 A. Yes..

10 Q. How did you get that knot?

11 A. When the dudes tried to rob me and the
12 little beige car, or gold car, whatever color it
13 was, one of the fellows hit me in the back of the
14 head with some type of little rod.

15 Q. A rod?

16 A. Some type of rod or a slap jack,
17 whatever you want to call it.

18 Q. Did you see it?

19 A. No, I didn't see it. I felt it because
20 he hit me twice. He hit me here and a little graze
21 in here where I have a scratch. (Indicating.)

22 Q. Is it visible?

23 A. The scratch? I don't know.

24 (Indicating.)

25 THE COURT: Mr. Williams, you have to

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 ask him -- just as all the other witnesses, you
2 have to ask him if you move around. Have a seat.

3 THE WITNESS: Okay.

4 BY MR. SMALDONE:

5 Q. And is that scratch visible? Before we
6 start, is that scratch visible?

7 A. You know, I haven't looked at it in a
8 while. It was visible. I don't know if it's still
9 a mark or not.

10 Q. Okay. Is it fair to say that knot on
11 your head is visible?

12 A. Yes.

13 Q. All right. And when was this?

14 A. This was June 1st.

15 Q. Of last year?

16 A. Of last year.

17 Q. Do you remember what the guys looked
18 like?

19 A. No, I can't recall.

20 Q. Okay. And how did -- how did you have
21 occasion to meet them?

22 A. Through Tiffany.

23 Q. Did you know them before Tiffany?

24 A. No, huh-uh.

25 Q. That was June -- that was June 1st?

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 here. (Indicating.) By a little -- it's a little.
2 -- almost -- it's not a parking area like that, but
3 it's a little grassy area where people pull up and
4 they go fishing and stuff like that. That's where
5 we meet the fellows.

6 When I got back to the car and I
7 weighed out the weed, it didn't weigh out right.
8 And I said, hey, this ain't right. They have to
9 come up with some more weed. And we followed them
10 to this area.

11 By the time she parked and them fellows
12 got out and came up to here (indicating), this is a
13 little area where everybody jogs, walk the dogs, or
14 whatever the case may be.

15 Q: Is that a crosswalk for the trail?

16 A: Yeah, that's a crosswalk for the trail.

17 Q: All right.

18 A: I met the fellow. I stopped the
19 fellows here (indicating) calling their names --
20 calling them, because I didn't know his name. All
21 I knew, one dude's names was Q. And she said,
22 that's Q right there.

23 But, anyway, up in this area is where I
24 accosted them, and that's where they hit me at and
25 said they weren't giving me no more money and

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 snatched the -- giving me no more marijuana and
2 snatched the marijuana back out of my hands that
3 they had already given me.

4 Q. Did you come back to the area after
5 that?

6 A. I came back quite a few times looking
7 for them because I was heard this -- this -- okay.
8 This house here, and this house here, and that
9 house there (indicating) was supposed to have been
10 no one lived there. That's what Tiffany told me.

11 And she -- so she told me, she said --
12 and that's the reason why she normally parks there
13 is because if they're not there, they're in this
14 area -- in these three areas right here.

15 (Indicating) That they would be selling the
16 marijuana or meeting the people. They roll in and
17 make the transaction and roll out.

18 And I believe she told me that's where
19 they was going the day when they hit me and took
20 the marijuana.

21 Q. Do the people have cars?

22 A. Yeah. They got out of a beige car.
23 They say gold; I'm thinking it's a beige car.

24 Q. Do you know what kind of car?

25 A. It was a Cadillac.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 Q. Do you know, was it like a new
2 Cadillac?

3 A. It was an older model. One of them, I
4 think, it was a Fleetwood. I think it's a longer
5 version, I think.

6 Q. Okay.

7 A. I'm not sure.

8 Q. Okay. That's all right. And what
9 happened after that?

10 A. After?

11 Q. After -- well, the last time -- after
12 you got beat up by the guy, what did you do after
13 that?

14 A. I believe -- I went there a couple of
15 times, I went there by myself, and a couple of
16 times I went there with my cousin. When Tiffany
17 said they were going to be over there, that she got
18 word they were going to be over there.

19 And one day she had his phone. That's
20 the day you see me walking with the phone. And
21 I'm, hey, I'm over here now. If you don't bring me
22 my money, you can bring me the weed. You know what
23 I mean? And they wouldn't show.

24 I would walk -- after she parked and I
25 get out of the car, I would walk over here where:

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 they got a little parking space over here and see
2 if the car was over here. (Indicating.) And then
3 I would even walk down -- if you go down this area,
4 there's another little cul-de-sac, something like
5 that there, down -- a little further down --

6 Q. South?

7 A. Yeah. And I walked down there looking
8 for the car and I didn't see it. And so I always
9 come back up in this area (indicating) because
10 that's where they said the car -- where the people
11 usually be at.

12 Q. How long do they usually spend there,
13 in the driveway of the park?

14 A. I honestly don't know. They were
15 supposed to have been meeting us there, and
16 whenever they do go there whenever they go in the
17 park or that area there, so Tiffany told me, said
18 they come in and make the transaction and leave
19 out.

20 I don't know how long they sit or wait
21 on the people or they get there before the people
22 or whatever the case may be.

23 Q. How long have you known Tiffany
24 Ravenell?

25 A. I've known Tiffany for five years.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 Q. How did you meet her?

2 A. I met her at Walmart.

3 Q. And did she work at the Walmart?

4 A. Yes, she did.

5 Q. What was your relationship like?

6 A. At first, it was -- it was -- it was
7 fine. I mean, you know, I met her, I thought she
8 was older than what she was, you know, when I
9 approached her, you know, to go out and stuff like
10 that. And once she -- she never told me her age
11 until -- that didn't come in until later. She told
12 me she was 19 or 20, somewhere in that area, and I
13 told her, no, we couldn't -- we couldn't get
14 intimate like that no more because I was 49. Well,
15 I'm 50 now, but, you know.

16 And I told her I was older than she
17 was, and she's saying that -- what shocks me is she
18 says that I threatened her life and her mom's life.
19 To me, that's a lie. I've got letters where she
20 wrote me, you know -- it's just a bunch of
21 craziness to me. I don't understand it.

22 And here it is, I'm fighting for my
23 life because of something that she probably did --
24 or I can't say that she did, but I know she knew
25 Quintero because she was the one that introduced me

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 to him because she called him Q.

2 Q. Who is Quintero?

3 A. Quintero Kit was the guy when I was
4 talking to Sam -- she was talking about going to
5 see Sam, we were supposed to be going to see Sam to
6 get the weed. That's the people we met up here,
7 Quintero -- they call him Q -- and Sam. I met the
8 both of them up there.

9 The weed wasn't right, the weight of
10 it. I got the grinder and the scale in the car.
11 By the time we -- I told her to follow them. We
12 got up in here (indicating). She parked, and I met
13 them right about in here calling them. They kept
14 walking.

15 What did she bring him around here for?
16 And I said, yo, she brought me over here because
17 this ain't right. What you mean it ain't right?
18 Yo, it don't weigh up for the money, you know. You
19 ain't getting nothing.

20 When the guy was saying, what you mean
21 it ain't right, you know, the other guy come back
22 on this side. That's when he hit me.

23 Q. And you never saw what he hit you with?

24 A. No, I actually didn't see. I thought
25 it was a little rod or something because it kind of

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 snagged. It hit me, and as I was falling, it hit
2 again. And my neck was bleeding. It snagged my
3 neck right there, and it had a scar. I don't know
4 if the scar is still there or not. I haven't
5 looked at it in a while.

6 Q. But the knot on your head is still
7 there?

8 A. It never went down -- well, it went
9 down, but it never disappeared. Most bumps it
10 get -- it will go down and disappear. This one
11 hasn't disappeared.

12 Q. Okay. Do you remember June 10th of
13 last year?

14 A. Yeah.

15 Q. Do you remember what happened that day?

16 A. Yeah.

17 Q. Tell me about that day.

18 A. On June 10th, Tiffany came to pick me
19 up. She said, hey, the fellows are supposed to be
20 there. I said, are you sure? She said, yeah.

21 I said, look -- I told her she could
22 keep the money. I said, don't worry about it. If
23 you get the money back for me, you get the money
24 back from them. I wasn't worried about it. She
25 said, no, he's going to be there.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 So we went over there and right -- you
2 know, right there. (Indicating.)

3 Q. Right.

4 A. And she normally parks there. She
5 normally doesn't leave. I don't understand,
6 because every time -- after I always come and
7 surveillance this area looking for them fellows,
8 she's always back right there. You know, I've
9 never seen her leave. I have not known her to
10 leave from there.

11 So, anyway, when I come on around this
12 way, I ain't see nobody. I ain't see nobody. I
13 think I stopped here (indicating,) then I walked on
14 to the back and I said, nobody is here. And I
15 stayed right over here. And then somebody was over
16 there or something like that, but my cousin wanted
17 to go into those little bushes there to smoke a
18 blunt.

19 And before you know it, the guy --
20 what's his name? Sho Lord -- Mr. Sho Lord, his
21 truck came in, which I didn't know that was his
22 truck at the time.. His truck came in. And I said,
23 hey, one of the fellows is right here. And he
24 said, no, that's not the car.

25 So -- so when the truck left out of

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 here and passed us, and I said, come on, let's walk
2 up there and go and see what's going on. The truck
3 left from my sight, and me and my cousin came out
4 and we was right -- probably about right here.
5 (Indicating.)

6 Q. Right there? (Indicating.)

7 A. No, a little closer. We was just
8 coming out when we saw the fellows coming from
9 around the building, the house. But the car had
10 already left because I mentioned it to Mr. Powell.
11 I said, the guy had already left. It's right there
12 in my notes.

13 And he said, no, the guy never left. I
14 said, yes, he did. I said, you think if I -- if I
15 wanted to rob the dude, I would have never let him
16 leave. The space that they've got here, when I was
17 over on this side, I would never have been over
18 there. I would have been by that van right there
19 obscured from him. And whenever he come in, I
20 would have probably went around. That's not
21 something that I would have done.

22 And then I wouldn't have do it in the
23 daytime. You know what I would have done? If it
24 was me, if I wanted to rob him, if I wanted to rob
25 him, I would have robbed the store. That's where

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 the money at before he -- he does checks, you know.
2 When he come home he ain't got nothing but checks.
3 They're stupid.

4 And that's what pisses me off, because
5 I didn't do it. And if I had known that she was
6 actually going to do it, if she did it, because I
7 didn't never see her do it, I just got an idea that
8 she probably did because she's putting it on me. I
9 wouldn't have ever done that.

10 Q. Do you have any idea or personal
11 knowledge as to why she was blaming you for this?

12 A. Well, I honestly don't know, other than
13 for the fact that they was asking questions around
14 the job --

15 Q. What job?

16 A. Where her and Q worked at. Then for
17 the point of fact that I kept telling her, me and
18 her, you know, we -- at least for the last two
19 years and a half that we couldn't be intimate
20 anymore after I found out her real age. Because
21 she never did tell me her age.

22 We would meet -- there is a tiki bar --
23 we used to do a lot of drinking. And I used to
24 have been a drunk, you know. That -- I used to
25 have been drunk. We would get together and drink

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 and smoke weed, this, that and the other. When her
2 age came up and I said, I know, girl, we can't,
3 uh-uh. I've got kids. You know what I mean. No.

4 We still remained friends, and I always
5 tell her, don't bring up us being intimate and all
6 that there, or trying to. And she honestly and
7 truly didn't always do that, you know. Every now
8 and again when we would get to drinking, yeah.

9 And so -- well, when we got to smoking,
10 so I stopped smoking with her. You get your smoke
11 and you go by yourself. Me and you can drink
12 together, but we ain't going to smoke. So she
13 actually quit, and she quit because of the job. So
14 it wasn't no problem.

15 But every now and again, she would --
16 let's get together and do something. I know you be
17 thinking about it. Yeah, I think about you all the
18 time, but not like that. Not anymore. It was that
19 age thing that threw me off. I mean, it just threw
20 me off.

21 Q. Did you ever meet Quintero?

22 A. No, I never met him before.

23 Q. Do you know if Tiffany knew him or not?

24 A. I'm thinking she had to know him
25 because she would -- they was working at the same

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 place. I think she was the driver that takes them
2 -- the same way she takes them to come to -- at the
3 Staff Zone, they take drivers to work and they
4 bring them back from work at the little plant.

5 Q. Is that her job?

6 A. That was her job. She was a driver,
7 yes, sir.

8 Q. Did you learn that was Quintero's job?

9 A. I don't know -- I don't know anything
10 about Quintero's job. I'm just saying that if he
11 worked for the staffing agency because that's where
12 she said that he worked, then she took him to and
13 from work. Or she was at the place he was -- they
14 were both at the same staffing agency. That's
15 where -- the temporary service is where they
16 worked.

17 Q. Okay. What else do you remember about
18 June 10th? The last time we talked about that a
19 few minutes ago you were by the bushes.

20 A. Uh-huh.

21 Q. What happened when you tried to leave
22 the bushes?

23 A. When I left -- when I came out from on
24 the side of the bushes -- because I was in the
25 bushes and I came over on this side. And when I

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 came -- when I came around on this side -- after
2 the -- after the truck left, there was an SUV
3 truck.

4 After the truck left, I got about right
5 here in front of the bushes, and that's when
6 somebody said, hey, hey, hey. And when I seen a
7 gun -- I didn't know it was the police at the time.
8 When I seen the gun, I turned around and dropped.

9 Q. Were you scared?

10 A. Yeah, I was scared.

11 Q. Okay. How did you drop? How did you
12 turn around?

13 A. I think I just spun around, you know,
14 and dropped down.

15 Q. Did you have a knife on you?

16 A. Yes, I did.

17 Q. Okay. How often do you carry that
18 knife?

19 A. It's a utility knife that I use at work
20 painting, cutting the tape. Whenever you tape
21 something up, getting ready to paint it so the
22 paint doesn't smear on the object that you don't
23 want painted, you cut a fine line into it or you
24 edge it out. So it's only -- (indicating.)

25 Q. Is there paint on the knife?

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 A. Yes. I was -- just got through
2 painting a house. I hadn't finished it, but I was
3 in the process of painting a house.

4 Q. Do you remember what color the paint
5 was?

6 A. Yeah. Burgundy. I told them that.

7 Q. All right. After -- did you have any
8 anything else on you?

9 A. No, huh-uh.

10 Q. Did Terry?

11 A. I can't say whether he did or not.

12 Q. Did he have Mace on him?

13 A. Well, if they found the Mace there, he
14 might have did. You know, I can't really -- all I
15 know is I had the knife. That's what I know for a
16 fact. They said they got it off of me because I
17 gave it to them. They couldn't get it out of my
18 pocket; I had to get it out of my pocket. I had to
19 -- excuse me, if you-all don't mind.

20 You know, the towels and papers that
21 you wipe stuff down for some paint that does leak
22 or something like that? When I use them, I push
23 them in my pocket, push them in my pocket. So it
24 was buried down under -- the knife was buried down
25 under that.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 So I took the knife -- I had to take
2 the knife out after taking the papers out, and I
3 handed it to them. And they said, oh, you got
4 blood on it. I said, that's not blood. I said,
5 that's paint. That's what I told the officer.

6 And they said, well, what are you doing
7 here? I said, well, I'm looking at the water right
8 now, or I was. You know.

9 Q. You told them that you were looking at
10 the water?

11 A. Yeah, that's what I told them.

12 Q. Were you scared to talk to them about
13 weed?

14 A. Yes, I was. I honestly was. Because
15 -- because of the amount, you know. Even though I
16 didn't have it, because of the amount I thought I
17 would have been arrested for the weed.

18 Q. How much was the weed that you
19 initially bought?

20 A. \$250.

21 Q. Do you know what quantity that was? Do
22 you know what quantity that was supposed to be?

23 A. Yeah. Yeah. It was supposed to be a
24 half an ounce.

25 Q. Do you know what quantity it was?

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 A. It was approximately three grams less
2 than a half ounce.

3 MR. SMALDONE: Beg the Court's
4 indulgence?

5 BY MR. SMALDONE:

6 Q. Obviously, you've been here the whole
7 time?

8 A. Yes.

9 Q. Is that you on the surveillance?

10 A. Yes.

11 Q. Okay. And, again, what were you doing
12 each of those days?

13 A. Looking for them fellows.

14 Q. And you don't know their names?

15 A. I know Sammy and Q, but I don't know
16 them. Do you understand? I know -- I know -- I
17 know their names because Tiffany told me their
18 names. I never -- I never met them before.

19 Q. Do you know their last names?

20 A. Well, by looking at the -- you know,
21 the -- Quintero Kit. I don't know Sammy's last
22 name.

23 Q. Okay. Do you know where they're from?

24 A. They're from Remount Road, as far as I
25 know.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 Q. Okay. And you've heard -- do you know
2 if there is a gas station on Remount called S&S
3 Mart?

4 A. Yes, uh-huh.

5 Q. Did you learn that in this trial?

6 A. No. Actually, to be honest, Tiffany
7 came to pick me up. She called me and said, hey,
8 they have a job. I had lost my job at Sanders
9 Brothers. And she called me and said, hey, they've
10 got a construction job, a placement. Can you get
11 out here? And I said, no. You know I ain't got no
12 car.

13 My old job used to come pick me up from
14 home and bring me back after work. And so she came
15 out to pick me up and took me, and since I was
16 already applied there and had an application
17 already on -- with the staffing company with her,
18 because I -- you know, I used to ride around with
19 her.

20 I got my little equipment that they
21 give you, and then she took me on out to the job.
22 And I was supposed to keep the job. Actually, they
23 wanted me to keep the job, but I couldn't get back
24 and forth and because of her hours were different
25 from mine.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 So I never -- even though they rung the
2 bell and all that for a bonus, something or other,
3 and a prize, I couldn't because -- even though I
4 got it, I couldn't because I didn't have a ride
5 back and forth.

6 Q. Okay. Have you ever met the Lord
7 family?

8 A. No, never met them.

9 Q. Okay.

10 A. If I must say this, I cash my check at
11 that convenience store. And as a young guy, I
12 don't know if it was one of the two, and he says
13 that they have nobody there, but it was two young
14 guys working there.

15 Q. When was that?

16 A. That was when I was -- when I was
17 working, the one day that I worked for the staffing
18 agency.

19 Q. And you don't remember about when that
20 was?

21 A. No, I can't really remember. But I
22 know it was two guys there. There were two young
23 guys there that came and -- one that was at the
24 window doing the regular stuff, and when I bought
25 my stuff, when I put my stuff down and gave it to

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 him, he said, no, you have to go to the other
2 window.

3 The other window, that was the other
4 young guy that was the check-cashing window, but I
5 didn't know.

6 Q. Okay. Were you complete -- were you
7 always completely honest with law enforcement about
8 the weed stuff?

9 A. No.

10 Q. Do you wish you had been?

11 A. Yeah. Yeah, in hindsight, I wish I had
12 did had gone ahead and speak up instead of -- well,
13 I was scared, but I wouldn't say instead of being
14 scared because I probably still would have been
15 scared, but I do wish I had been honest with them.
16 I do wish that.

17 Q. All right. Did you ever rob the Lord
18 family?

19 A. No, sir; I did not. I had not. Never
20 saw them before.

21 Q. All right. Is there anything else that
22 you would like the jury to know?

23 A. Yes. If -- if I had robbed or intended
24 to rob the Lord family, I would have never done it
25 like that and I would never have been canvassing.

CHRIS WILLIAMS - DIRECT EXAM BY MR. SMALDONE

1 the area that much and not for those many days.

2 Let's see, it was something -- it was
3 something important that I was thinking about, but
4 I'm so nervous because -- oh, this is what it is.
5 They came at me with 20 years. I'm 50 years --

6 MR. CANNON: Objection, Your Honor;
7 relevance.

8 THE COURT: Sustained. Strike that
9 from your notes.

10 THE DEFENDANT: Okay. Can I change
11 what I'm saying?

12 THE COURT: Why don't you ask a
13 question?

14 BY MR. SMALDONE:

15 Q. Right. Right.

16 A. Yeah. Yeah.

17 Q. I'll just add this. You didn't rob Sam
18 Lord, did you?

19 A. No, sir; I did not.

20 Q. And did you take a money bag from Lili
21 Lord?

22 A. No, sir; I did not.

23 MR. SMALDONE: That's all the questions
24 I have right now.

25 THE COURT: Mr. Cannon.

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 CROSS-EXAMINATION

2 BY MR. CANNON:

3 Q. Mr. Williams?

4 A. Yes, sir.

5 Q. You realize the entire time that you
6 were pointing on this, you were actually pointing
7 to the wrong house that you were caught at?

8 A. No, I didn't know.

9 Q. Okay. And you want this jury to
10 believe that this was a drug deal went bad, and
11 then you trying to be the tough guy tried to go in
12 and get your money back?

13 A. I wasn't --

14 Q. It's a yes or no question,
15 Mr. Williams.

16 MR. SMALDONE: I will object to that,
17 Your Honor; badgering.

18 THE COURT: Overruled. Answer the
19 question.

20 BY MR. CANNON:

21 Q. I'll ask the question again. You want
22 this jury to believe that your experience in the
23 Hamlets neighborhood was a drug deal that went bad
24 where you continued to go back to find your money?

25 A. Yes, sir.

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 Q. After you had been hit in the head?

2 A. Yes.

3 Q. Did you report that to police?

4 A. No, I did not.

5 Q. Did you call 911?

6 A. No, I did not.

7 Q. Did you go to a hospital?

8 A. No, I did not.

9 Q. Did you ask Tiffany to take you to a
10 hospital?

11 A. No, I did not.

12 Q. What medical assistance did you get
13 after you had been clubbed in the head over some
14 weed?

15 A. It ain't the first time I was clubbed
16 in the head.

17 Q. Okay. And you also want this jury to
18 believe that Tiffany Ravenell was the one who knew
19 the drug dealer?

20 A. Yes, she was.

21 Q. And her drug dealer was a guy she
22 worked with at Staff Zone?

23 A. They both worked at Staff Zone.

24 Q. Okay. And would you agree that Staff
25 Zone, a place where Tiffany Ravenell works, makes

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 more sense where to go meet someone who works
2 there?

3 A. I would not know.

4 Q. Okay. So you also want the jury to
5 believe that Tiffany Ravenell set up a drug deal
6 and sent you along with the money to get the drugs
7 from someone you had no idea she was meeting with?
8 Yes or no, Mr. Williams.

9 A. Yes.

10 Q. Okay. Makes sense to you.

11 And after you had been clubbed in the
12 head and sold a little bit of weed and had your
13 money taken from you, you went back by yourself
14 looking for someone you didn't know who you were
15 looking for?

16 A. I knew --

17 Q. Yes or no. It's a yes or no question.

18 A. Repeat the question.

19 Q. After you had bought some weed, got
20 clubbed in the head, realized I have less weed than
21 what I bought, you went back to the spot looking
22 for these guys, for someone you didn't know who you
23 were looking for?

24 A. I knew who I was looking for. I had
25 done seen them already.

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 Q. Mr. Williams, your first time in the
2 neighborhood was June 1st, you say?

3 A. Yes, sir.

4 Q. And what time was it when you were
5 there?

6 A. Oh, might have been about 7, 7:30.

7 Q. And that was the same time you went all
8 those other days we've seen pictures of images with
9 you there; it was always the same time, correct?

10 A. Quite possibly. I'm not sure.

11 Q. Roughly within 30 minutes or so.

12 A. Yes, sir.

13 Q. Always late in the afternoon, early
14 evening, sun's going down, that time of day?

15 A. No, a lot of times it was -- a lot of
16 times the sun was not going down.

17 Q. Okay. But it's late in the afternoon?

18 A. Because the -- the daylight savings, it
19 don't get dark until what, 8:00? 8:30?

20 Q. That's correct. That's correct, in the
21 summertime. You never went there in the morning
22 time, did you?

23 A. No, sir.

24 Q. And do you have -- you didn't have a
25 car either, did you?

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 A. No, sir.

2 Q. So your only way to get around was
3 Tiffany to drive you around?

4 A. Yes, sir.

5 Q. And you lived in Moncks Corner?

6 A. Yes, sir.

7 Q. And Tiffany lived in Ladson?

8 A. Sangaree, Summerville.

9 Q. And during your relationship with
10 Tiffany, she always drove you around, didn't she?

11 A. Yes.

12 Q. And she would come and pick you up from
13 Moncks Corner?

14 A. Yes.

15 Q. And then you drove to Remount Road on
16 June 2, 2016?

17 A. No. If I'm not mistaken, we drove
18 straight to the Hamlet Park.

19 Q. On June 2nd, 2016?

20 A. I'm thinking so.

21 Q. Okay. But you were with Tiffany
22 June 2, 2016, is what you're saying?

23 A. Yes.

24 Q. Okay. Well, I'm going to show you
25 what's marked as State's Exhibit 10. Pull that up

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 please, State's 10, which is the ALPR report that
2 puts you on Remount Road on May 7, 2016; does it
3 not?

4 A. No, it doesn't.

5 Q. Mr. Williams, didn't you go to school?

6 A. Yes.

7 Q. How far along did you get?

8 A. To 12th grade. Well, to be honest, the
9 ninth grade.

10 Q. Are you able to read?

11 A. I completed the eighth grade and I took
12 the GED course.

13 Q. Are you able to read?

14 A. Yes. But I can't see that far.

15 Q. I'll hand you the exhibit. This is
16 what's on the screen right here. What road does
17 that tell you that you're on, on June 2, 2016?

18 A. It doesn't tell me I'm on any road. It
19 says Remount Road.

20 Q. Okay. Thank you.

21 So, in fact, you were on Remount Road
22 on May 7, 2016, weren't you?

23 A. No, sir, I was not.

24 Q. You just testified that you were with
25 Tiffany Ravenell on May 7th, 2016; did you not?

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 A. No. I was with Tiffany -- I thought
2 you were saying May 10th. I misunderstood what you
3 were saying.

4 Q. I'm sorry. I'll repeat my questions
5 again and I'll start back from the beginning. On
6 May 7, 2016, you said you were with Tiffany
7 Ravenell, correct?

8 A. Okay. No. I didn't understand what
9 you were saying.

10 Q. Okay. I may have misspoke. Okay.
11 Were you with Tiffany Ravenell on May 7, 2016?

12 A. I don't believe so.

13 Q. Okay. And on June 1st, when you
14 brought the marijuana from Q --

15 A. And Sammy.

16 Q. And that was in this neighborhood?

17 (Indicating.)

18 A. That was a little further up.

19 Q. Over here. (Indicating.)

20 A. Somewhere up in there wherever they got
21 the little fence, and then they've got the little
22 park where they throw the fishing rods over.

23 Q. Are you talking about the dock?

24 A. I don't know. I don't know the area.

25 Q. Do you realize this lake goes up north

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 about a mile?

2 A. About a mile?

3 Q. Yes.

4 A. Listen, there's a little -- there's a
5 little spot over there on the side where they do
6 little fishing and stuff. That's all I know. I
7 don't know the area.

8 Q. And after that weed deal gone bad, you
9 brought Terry Lewis with you to the scene?

10 A. Yes.

11 Q. Okay. And Terry is your cousin?

12 A. Yes, he is.

13 Q. Okay. By blood or just a close friend
14 that you call cousin?

15 A. By blood.

16 Q. How so?

17 A. He's my first cousin.

18 Q. Okay. Terry like to smoke weed?

19 A. Yeah.

20 Q. You like to smoke weed?

21 A. Well, I started getting off of the
22 weed. My thing was drinking.

23 Q. You were there to buy some weed?

24 A. Yes.

25 Q. And you were upset because you didn't

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 get the right amount of weed?

2 A. Well, I wasn't upset at first. I
3 wasn't upset about not getting the weed --

4 Q. It's a yes or no question, Mr.
5 Williams.

6 A. -- I didn't get my money's worth.

7 Q. You were upset about not getting the
8 money's worth of weed, correct?

9 A. Okay. Yes.

10 Q. Okay. And you want this jury to
11 believe for the week -- the first week of June of
12 2016 that you were walking up and down on numerous
13 trail cams, on numerous days, sometimes by yourself
14 and sometimes with your cousin, you were looking
15 for a drug dealer?

16 A. I was looking for a drug dealer, yes.

17 Q. And a drug dealer that you had never
18 met before, correct?

19 A. That's correct.

20 Q. At a house that you had never been
21 before?

22 A. Well, we --

23 Q. Mr. Williams --

24 A. No, because --

25 Q. -- you testified earlier on direct that

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 sometimes they would pull into these driveways and
2 make transactions; did you not?

3 A. Yes. It was hearsay that they would
4 be --

5 Q. Mr. Williams, did you not testify to
6 that?

7 A. I said -- excuse me, can you say the
8 question again, please?

9 Q. You were there the first week of June
10 looking for drug dealers who perhaps did drug deals
11 in these driveways right here? (Indicating.)

12 A. In the roadways. I never said the
13 driveways.

14 Q. Okay. Mr. Williams, I have a couple of
15 more questions.

16 On June 10th, you were seen on
17 surveillance video walking down the driveway of the
18 Lords' right here with your cousin, Terry, correct?

19 A. Yes, sir.

20 Q. You were wearing clothes, correct?

21 A. Yes, sir.

22 Q. And I'm talking about long clothes,
23 pants, long-sleeved shirts?

24 A. Yes, sir.

25 Q. And you've already admitted to me that

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 it was daylight savings time. This was June, it's
2 hot.

3 A. To me, it's not hot. I have to -- I
4 take blood thinners. So I'm -- like now, I'm
5 chilly.

6 Q. Okay. And you were wearing those
7 clothes -- you were seen wearing those clothes at
8 that time of the year on video on June 10th in this
9 area right here?

10 A. I don't know if I wore a jacket. I
11 don't think I wore a jacket on June 10th.

12 Q. Okay.

13 A. But I have worn jackets whenever I feel
14 cold. I take a jacket with me and I may have it on
15 and I may not.

16 Q. And you walked into these bushes right
17 here? (Indicating.)

18 A. Well, no. To be honest, if you had
19 watched the tape, we stood out there watching the
20 water, and then I heard a noise. And then my
21 cousin said, well --

22 Q. Mr. Williams, the testimony -- you sat
23 right here this entire day, and you heard Officer
24 Mitchum, Sergeant McElman talk about a herd of
25 elephants coming out of that rumble of bushes right

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 there; did you not?

2 A. Yes, I did.

3 Q. Was that the testimony?

4 A. Yes, that was the testimony.

5 Q. But your testimony right now is that
6 you were looking at the water?

7 A. I told them then I was looking at the
8 water. You can read it right in the paperwork --

9 Q. I thought you just told me you were
10 looking for a drug dealer?

11 A. When the -- yes. When the officer
12 came --

13 Q. It's a yes or no question.

14 A. -- asked me --

15 Q. Were you looking for a drug dealer --

16 A. -- I told --

17 THE COURT: Mr. Cannon, please don't
18 speak over each other.

19 THE DEFENDANT: I told the officer I
20 was looking at the water, but I was looking for
21 drug dealers. I didn't want to tell the officers
22 at the time, because I was scared, that I was
23 looking for the drug dealer that cheated me out of
24 some marijuana.

25 BY MR. CANNON:

CHRIS WILLIAMS - CROSS EXAM BY MR. CANNON

1 Q. Did you tell Nick Powell that when we
2 interviewed you?

3 A. No, sir, I did not.

4 Q. Did you tell any of the police officers
5 there that day that arrested you for those charges
6 while you were there?

7 A. No, because they didn't --

8 Q. Yes or no, Mr. Williams.

9 A. No, sir.

10 Q. So your testimony today is that -- your
11 testimony today is that you were lying then, but
12 you're telling the truth now?

13 A. I wasn't lying. I wasn't lying then.
14 I was covering up the fact that I was buying weed.

15 Q. So that's not telling the truth,
16 Mr. Williams. Would you agree?

17 A. I wouldn't say that's lying.

18 Q. It's not telling the truth, would you
19 agree?

20 A. Okay. Not telling the whole truth.

21 Q. Yes or no, Mr. Williams.

22 A. Not telling the whole truth.

23 Q. Okay. Not telling any part of the
24 truth is a lie; is it not, Mr. Williams?

25 A. I couldn't say that.

CHRIS WILLIAMS - REDIRECT EXAM BY MR. SMALDONE

1 MR. CANNON: Beg the Court's
2 indulgence?

3 THE COURT: Take your time.

4 MR. CANNON: No further questions for
5 this witness.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. SMALDONE:

9 Q. Why didn't you tell the whole truth
10 then?

11 A. I was scared.

12 Q. What were you scared of?

13 A. I was scared of getting arrested.

14 Q. For what?

15 A. For drugs. For marijuana.

16 Q. Were you under oath when you -- did you
17 swear an oath when you talked to the police the
18 first time?

19 A. No, sir.

20 Q. Did you swear an oath today?

21 A. Yes, sir.

22 Q. Have you told the truth today?

23 A. Yes, I have to. I took an oath. And
24 any time I got in trouble, if I may expound --

25 Q. We don't need to go there. Are you

CHRIS WILLIAMS - REDIRECT EXAM BY MR. SMALDONE

1 telling the whole truth today?

2 A. Yes, the whole truth.

3 MR. SMALDONE: No further questions.

4 THE COURT: Mr. Cannon?

5 MR. CANNON: No further questions.

6 THE COURT: All right. You may step
7 down. Call the next witness.

8 MR. SMALDONE: At this time, the
9 defense rests.

10 THE COURT: Okay. Reserving all
11 motions and matters. Any rebuttal?

12 MR. CANNON: No rebuttal at this time,
13 Your Honor.

14 THE COURT: Ladies and gentlemen, you
15 have now heard all of the testimony and received
16 into evidence all the exhibits that have been made
17 part of the record of this case. There is a matter
18 of law that I have to take up outside of your
19 presence.

20 So, again, do not begin your
21 deliberations; do not begin discussing the case
22 amongst yourselves. What remains of the trial is
23 closing argument on behalf of counsel and my
24 instruction on the law applicable to this case.

25 Please leave your notepads in your

1 chair or take them with you. We will receive you
2 back in just a few moments.

3 (Jury out, 4:07 p.m.)

4 THE COURT: Thank you. Please be
5 seated.

6 Any motions or matters?

7 MR. SMALDONE: Your Honor, at this
8 time, I renew all of my objections and previous
9 motions and I move for a directed verdict on all
10 accounts.

11 THE COURT: Okay. Mr. Cannon.

12 MR. CANNON: Your Honor, just our
13 previous rebuttal to those objections previously
14 stated on the record.

15 THE COURT: Under Rule 19, I have heard
16 no additional evidence that would make me change my
17 ruling at the close of the State's case, so I deny
18 your motion for directed verdict after the close of
19 the defendant's case.

20 Any other motions or matters? We now
21 just need to deal with scheduling.

22 MR. CANNON: Your Honor, the State is
23 ready to close right now.

24 THE COURT: Are you ready?

25 MR. SMALDONE: Your Honor, I would just

1 ask for a brief recess.

2 THE COURT: I will give you some time.

3 Any lesser includeds?

4 MR. SMALDONE: Your Honor, I would ask
5 for a lesser included of common law robbery.

6 There's been some testimony that the knife may have
7 been found in the bushes by one of the officers.
8 We're not sure that he ever --

9 THE COURT: I think he testified that
10 he always has a knife on him, so that's enough for
11 the jury to make that determination.

12 Unless you needed something else to
13 add, Mr. Cannon.

14 MR. CANNON: No, Your Honor.

15 THE COURT: Is that the only lesser
16 included?

17 MR. SMALDONE: Your Honor, that, I
18 believe -- I've looked into the assaults, and I
19 don't believe that I have a good faith basis to ask
20 for any lesser included on the assaults. And I
21 will note for the record that's because of not the
22 injury element of the assault, first, but the -- I
23 believe, it's a felony element or a -- I can't
24 remember what the term is.

25 THE COURT: The way the statute is

1 written, that there is an armed robbery or
2 kidnapping occurring and there is an injury, then
3 it makes it.

4 MR. SMALDONE: Yes. So I would love to
5 ask for lesser included on the assaults, seems they
6 always back with assault, second, regardless of
7 what happens, but in this case I can't really ask
8 for it, and that's why.

9 THE COURT: It doesn't go to the injury
10 level.

11 MR. SMALDONE: The facts, not the
12 injury, correct.

13 THE COURT: So Mr. Williams raised an
14 issue that -- would you like for me to charge
15 identification?

16 MR. SMALDONE: Yes, Your Honor.

17 THE COURT: All right. Any objection
18 to charging identification?

19 MR. CANNON: No objection. But he --
20 I mean, he did place himself there, so I don't
21 think identification is an issue.

22 THE COURT: Okay. Based upon the way
23 he phrased his statement, I'm going to include the
24 identification. It's an element that you have to
25 prove, so I'm going to instruct the jury on that.

1 Hand of one is the hand of all.

2 MR. SMALDONE: I wouldn't ask for that.

3 I don't know if they would ask for that.

4 MR. CANNON: I think that was included
5 in the brief, but I think -- I don't think it
6 hurts. I don't think it harms anything. You have
7 -- the one aspect of the case that you have is
8 Tiffany Ravenell honking the horn, which is the
9 conspiracy aspect of the case, but I think her
10 actions -- the hand of one hand of all doesn't hurt
11 to have it in there for the basis of what her
12 actions did to go towards some of the case. I
13 think the hand of one hand of all could apply
14 technically.

15 THE COURT: Isn't just what you told me
16 encompassed in the conspiracy language?

17 MR. CANNON: It is, Your Honor.

18 THE COURT: So I charge -- I had in
19 there based upon your request hand of one and mere
20 presence. Both -- so I will remove hand of one
21 based on Mr. Smaldone in your acquiescence that
22 it's consumed in the conspiracy.

23 What about mere presence?

24 MR. SMALDONE: That was my next request
25 after a mere presence charge. So it's obvious from

1 the defendant's testimony and the State's testimony
2 that he was present. My client says that he didn't
3 do anything, so I believe he was merely present,
4 and that's exactly what the charge is for.

5 THE COURT: Mr. Cannon, happy to hear
6 from you on that one.

7 MR. CANNON: Out of an abundance of
8 caution, the State would go ahead and allow to
9 charge that. It would argue, though, that there
10 has been testimony of the officers that the
11 defendant did throw something in the bushes
12 immediately as he did come out. So I wouldn't say
13 that the mere presence argument did apply.

14 THE COURT: Based on the testimony, I'm
15 going to go ahead and charge mere presence. Note
16 your exception.

17 Anything else?

18 MR. SMALDONE: Your Honor, may I
19 inquire what does -- does Your Honor use firmly
20 convinced or hesitate?

21 THE COURT: If you will come look at
22 the verdict forms while we take our comfort break.

23 You can take Mr. Williams for his
24 comfort break. We're just looking at paperwork.

25 MR. SMALDONE: I would ask that they

1 include the language, find the defendant guilty
2 beyond a reasonable doubt on the verdict forms.

3 MR. CANNON: I think the first not
4 guilty is sufficient. It's always been used. I
5 don't have a problem with the way that it already
6 is.

7 THE COURT: So Mr. Smaldone, I have
8 never had that request. I'm going through in my
9 head, just because it's never been done before or
10 done a certain way. I typically don't need to fix
11 a wheel that's not broken; however, I'm happy to
12 hear from you.

13 MR. SMALDONE: Yes, Your Honor. I know
14 at least one circuit judge that does that is
15 actually now an AG, I think, but I just think it's
16 important for the jury to know to find someone
17 guilty, it has to be beyond a reasonable doubt.

18 THE COURT: I instruct them and I think
19 use that term, beyond a reasonable doubt, about 15,
20 if not 20, times during my 20-page charge. I do
21 that in civil cases where the burden is different.
22 Like on a punitive, I show that way then I could
23 understand if we had a different burden, but
24 there's just one burden in criminal cases.

25 So I note your request, and it may be

1 that this may be the moment that we need to start
2 putting it on everyone. Right?

3 MR. SMALDONE: I agree.

4 THE COURT: All right. Okay. So it is
5 preserved for appellate purposes.

6 Anything else before we break?

7 MR. CANNON: Your Honor, the order
8 would be the State, Mr. Smaldone, and then rebuttal
9 to Mr. Smaldone's closing.

10 THE COURT: Say that one more time.

11 MR. CANNON: The order of closing
12 would be the State, Mr. Smaldone, and then the
13 State rebutting Mr. Smaldone.

14 THE COURT: Yes.

15 MR. CANNON: Pursuant to the new case
16 law.

17 THE COURT: Yes. Do you agree?

18 MR. SMALDONE: I agree, Your Honor.
19 And I just ask for no sandbagging of their final
20 argument.

21 THE COURT: So that's why he did it.
22 He has -- in his last close he has to do both; you
23 are the middle. He has to do both and his final,
24 his second has to be a rebuttal.

25 MR. SMALDONE: I've been burned on that

1 before, Your Honor.

2 THE COURT: Which I think is why it was
3 preserved and somebody addressed it in Beatty.

4 MR. SMALDONE: Yes.

5 THE COURT: 15 minutes.

6 I'm going to inquire how long the jury
7 wishes to stay. What I may do is let you do your
8 closing and then I will just charge in the morning.

9 Or I may charge and then let you argue
10 in the morning. Okay.

11 MR. CANNON: I would rather do it all
12 at the same time, but I would defer to the Court.

13 THE COURT: That's fine if they want to
14 stay for a significant amount of time, but I only
15 have one alternate now.

16 MR. CANNON: I got you.

17 THE COURT: 15 minutes.

18 (A recess transpired.)

19 THE COURT: Thank you. Be seated.

20 They want to break for the evening,
21 which I think is -- we started super early.

22 Whenever they're ready.

23 Mr. Cannon, or Ms. Brown, he needs to
24 be dressed out and brought over at 8:30.

25 MR. CANNON: Yes, ma'am.

1 THE COURT: Please rise for the jury.

2 (Jury in, 4:38 p.m.)

3 THE COURT: Thank you. Please be
4 seated.

5 So your foreperson has indicated to me
6 that you wish to break now and come back in the
7 morning. I think that an appropriate response.
8 And so we will begin -- if you will report in the
9 morning at 8:45 and we will begin at 9:00 a.m.

10 Ladies and gentlemen, my admonitions to
11 you -- you haven't heard the instruct on the law,
12 you have not heard closing argument. Do not begin
13 your deliberations. Please follow all of my
14 admonitions.

15 When you come back, you will hear
16 closing arguments on behalf of counsel, and I will
17 instruct you on the law applicable to this case,
18 then you will retire to consider your verdict. All
19 of the evidence will go back to the jury room with
20 you.

21 Ladies and gentlemen, have a restful
22 night. We have done a lot of work today. Go home
23 and just rest, rest your brains, and come back
24 fresh and ready to start in the morning. Have a
25 wonderful evening.

1 Please take your notepads. We will
2 lock those up for you.

3 (Jury out, 4:45 p.m.)

4 THE COURT: Thank you. Please be
5 seated.

6 The alternate inquired if she would --
7 if she goes into the deliberation. And I told her
8 I could not answer that at that time with the
9 understanding that who knows, she may actually be
10 back in the deliberation. So I don't like to tell
11 them that they will not be back there. It has a
12 potential for them to either not show up or not pay
13 attention. So I hope that no one has an objection
14 to how the Court handled it.

15 Anything before we break?

16 MR. CANNON: Nothing from the State.

17 MR. SMALDONE: Nothing from the
18 defense.

19 THE COURT: Okay. Please be here at
20 8:45.

21 Mr. Cannon, please make sure that
22 Mr. Williams is transported. He needs to be
23 transported and dressed out no later than 8:30 in
24 the morning. When you take Mr. Williams back, that
25 needs to be conveyed. I will not tolerate another

1 late day.

2 Mr. Williams, I was given some
3 information that you were a little reticent about
4 coming over. I will not tolerate that at all. If
5 you're not ready or you cause any holdup, we're
6 beginning promptly. I've made arrangements for you
7 to be here in a timely fashion. We will proceed in
8 your absence. So it's your choice whether or not
9 -- I'm not arguing. I'm just telling you.

10 THE DEFENDANT: But I wasn't.

11 THE COURT: It's not up for debate.

12 Thank you.

13 I would say that same thing, whether
14 you were in custody or not, to all defendants.

15 THE WITNESS: Right. Yes, ma'am.

16 THE COURT: We're at ease.

17 (These proceedings were recessed at
18 4:47 p.m. to be continued 7/26/17 at 8:45 a.m.)

19

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1 (The following proceedings were had
2 7/26/17, 9:05 a.m., Berkeley County General
3 Sessions, in re: State v. Williams.)

4 THE COURT: Anything before we bring in
5 the jury?

6 MR. CANNON: Nothing from the State.

7 MR. SMALDONE: Nothing from the
8 defense.

9 THE COURT: Jury here?

10 (Jury in, 9:06 a.m.)

11 THE COURT: Good morning. Please be
12 seated.

13 Good morning, ladies and gentlemen.

14 THE JURY: Good morning.

15 THE COURT: Did you comply with my
16 instructions over the evening hours? If you did,
17 please raise your right hand.

18 Thank you. All 13 jurors have complied
19 with the Court's instructions.

20 Ladies and gentlemen, as I indicated to
21 you, what is left of the trial is closing arguments
22 on behalf of counsel and then the instruction on
23 the law. Please remember what was contained in
24 opening statement and in closing argument is not
25 evidence in this case. It is only the attorneys'

CLOSING ARGUMENT BY MR. CANNON

1 contention as to what the issues have been.

2 In this case, Mr. Cannon will give his
3 closing argument first, Mr. Smaldone will give his
4 closing argument, and then Mr. Cannon will have an
5 opportunity for rebuttal. At that time, I will
6 then instruct you on the law applicable to this
7 case. Please remember, I am the sole judge of the
8 law applicable to this case.

9 Please give your strict attention.

10 Mr. Cannon.

11 MR. CANNON: Thank you, Your Honor.

12 Morning everyone.

13 THE JURY: Morning.

14 MR. CANNON: When I stood up here on
15 Monday afternoon, I told you that Chris Williams
16 thought he was untouchable. I stand here Wednesday
17 morning, Chris Williams still thinks he's
18 untouchable. He's a greedy man who tormented a
19 couple for five weeks.

20 Now we've gone through the testimony
21 for this case for the last two days. This is my
22 chance to speak to you and argue my case to you,
23 the jury, the judge of the facts. The judge just
24 told you she is going to instruct you on the law
25 when it comes time after we're finished. You're

CLOSING ARGUMENT BY MR. CANNON

1 the judge of the facts.

2 I'm going to walk through a little bit
3 of the law real quick just to refresh your memory.
4 We did go through this in opening. I'm going to go
5 a little slower this time and then the judge will
6 instruct you in the end. If she says anything that
7 is contrary or different from me, defer to her.

8 Again, she is the judge of the law.
9 I'm communicating to you what I interpret the law
10 to be, hopefully, correctly, but you're the judge
11 of the facts.

12 Mr. Williams has been charged with
13 several crimes. As I told you before, this is not
14 a one-day event. This was an event that led over
15 the course of five weeks, from May until June of
16 2016.

17 He's been charged with armed robbery,
18 assault and battery first, two counts of
19 kidnapping, attempted armed robbery, possession of
20 a weapon during the commission of a violent crime,
21 two times, and criminal conspiracy. Those charges
22 relate to certain dates; we should all be familiar
23 with those dates at this point in time.

24 May 7, 2016, was an armed robbery;
25 June 10, 2016, was an attempted armed robbery. I'm

CLOSING ARGUMENT BY MR. CANNON

1 going to walk through those, and we're going to go
2 through those dates rather quickly.

3 Armed robbery: A person who commits an
4 armed robbery while armed with a pistol, dirk,
5 slingshot, metal knuckles, razor, or other deadly
6 weapon. So the taking away of items, depriving the
7 person of those items with a deadly weapon.

8 May 7th, Sam Lord testified that he was
9 stabbed and money was taken away. This relates to
10 the May 7th robbery. Further, in the armed
11 robbery, you have the armed taking away or while
12 alleging either by actual words, you're armed.
13 That could be considered an armed robbery.

14 In our case, May 7th, we're focused on
15 the top part, assault and battery, first. This is
16 a rather simple statute in that if you're injured
17 during the commission of a robbery, you're hurt,
18 then you can be charged with assault and battery,
19 first. That's what happened in this case.

20 There is no question that Sam Lord was
21 injured, had to go to the hospital during that
22 robbery on May 7th. That's why the defendant's
23 been charged with assault and battery, first.

24 Again, we're focused on the top because
25 there was an injury that did occur during the

CLOSING ARGUMENT BY MR. CANNON

1 commission of a robbery.

2 There's other parts to this statute
3 which offers or attempt to injure someone, but
4 that's not the case. We have an actual injury
5 here. That's why assault and battery first is
6 applicable.

7 Kidnapping: Again, this is back to the
8 May 7th, 2016, robbery. Kidnapping, the statute
9 requires a person who he is unlawfully seized,
10 confined, inveigled, decoy, kidnapped, or abducts.
11 I told you before, everyone thinks that kidnapping
12 is tying someone up, throwing them into a pit for a
13 long period of time, "Silence of the Lamb" style.

14 That is a kidnapping, but you can also
15 be seized or confined for a short period of time.
16 It could be for one second. If that person who has
17 been the victim of a kidnapping felt they were
18 confined or seized for a moment in time, that's a
19 kidnapping.

20 Attempted armed robbery: Now, we're
21 now moving into the June 10, 2016, robbery, and
22 that's the case where, but for Goose Creek Police,
23 this probably could have been an armed robbery.
24 The movement towards the anticipation of the victim
25 coming down the driveway, that's why we have an

CLOSING ARGUMENT BY MR. CANNON

1 attempted armed robbery here.

2 A person who commits an attempted armed
3 robbery while armed with a pistol, dirk, slingshot,
4 metal knuckles, razor, or other deadly weapon,
5 attempting to commit the robbery. Making an act
6 toward what you're trying to do, the final
7 objective, which is the robbery. The movement in
8 that direction is attempted armed robbery while
9 armed.

10 Mr. Williams had a knife on him. There
11 was also a Taser and a can of Mace in the bushes
12 close by. Again, this is related to the June 10,
13 2016, incident.

14 There's the bottom half of that statute
15 (indicating) alleging, either by actions or words;
16 he was armed. He didn't get that far. There's
17 arguments made that he's alleged -- he's armed,
18 but, again, we're focused on while armed with the
19 knife and making an act towards the attempt to
20 commit the robbery; that's an attempted armed
21 robbery on June 10, 2016.

22 Possession of a weapon during the
23 commission of a violent crime. I told you before
24 and I'll say again, armed robbery and attempted
25 armed robbery are statutorily defined as violent

CLOSING ARGUMENT BY MR. CANNON

1 crimes. If you have a weapon during the commission
2 of those, that's why this charge would apply. A
3 person who is in possession of a knife or visibly
4 displays what appears to be a knife during the
5 commission of a violent crime is guilty of
6 possession of a weapon during the commission of a
7 violent crime.

8 Finally, criminal conspiracy: A
9 culmination between two or more persons for the
10 purpose of accomplishing an unlawful object. There
11 is no question that the object was to rob the
12 Lords, two times. And the language in the
13 indictment, that conspiracy lasted five weeks, from
14 May 7th to June 10th.

15 We're going to talk more about that,
16 but two people, Tiffany Ravenell, Chris Williams
17 you've seen. There's been a third person who will
18 have his day in court, but that's two or more that
19 conspired to do the event, the unlawful object. To
20 commit the robbery and then later to commit an
21 attempted armed robbery.

22 I'm going to transition off the charges
23 into the burden. I mentioned this earlier, beyond
24 a reasonable doubt, we've all heard that. It's
25 hard to define; the Judge is going to instruct you

CLOSING ARGUMENT BY MR. CANNON

1 on that. And, again, I've always used the firmly
2 convinced, after viewing the evidence, hearing the
3 evidence, the testimony, you make a decision. You
4 have to be firmly convinced that the State has
5 proven their case.

6 It's my job, not the defense's job,
7 it's my job to prove that case to you. And that's
8 why we've been so thorough with all of the officer
9 testimony because it's my job and duty as a
10 prosecutor to prove those things to you. It's my
11 job to meet that burden. If not, I failed to do my
12 job.

13 So the State must prove the burden
14 beyond a reasonable doubt. That's not all doubt.
15 It's not all doubt, it's not 100 percent, but if
16 there's enough that you're firmly convinced, then I
17 have met that burden.

18 We're criminal court which requires --
19 everyone thinks of the scales of justice. In
20 criminal court, that scale is very steep. It's not
21 all the way to the ground, but it's to the point
22 where you're firmly convinced. If the testimony
23 leaves you firmly convinced, then you must return a
24 verdict of guilty on those charges.

25 Now, I've talked to you about the law

CLOSING ARGUMENT BY MR. CANNON

1 in this case, we've gone through the different
2 charges, what Mr. Williams has been charged with.
3 I'm going to talk to you about the facts, the
4 testimony that you heard, the exhibits that you've
5 seen, some of the videos and pictures that you've
6 seen on the video as well.

7 May 7, 2016: The Lords, not knowing
8 what they were walking into, left their business on
9 Remount Road, went to look at a rental property,
10 came home. They come home and Mr. Lord is attacked
11 from the back with a knife to his chest. You saw
12 Mr. Lord, all five foot three, 130 pounds maybe.
13 Arm around his neck, knife in his chest. Not
14 knowing what's going on out there.

15 It's dark. He's on the back of a lake.
16 You can't see what's going on. He doesn't know
17 what he just walked into. He's afraid for his
18 life; he's afraid for his wife's life. There is a
19 struggle that ensues.

20 Instinctively he grabs the knife, cuts
21 his left hand, starts to bleed all over the back of
22 his driveway. He's injured; he's cut. During that
23 struggle, Mr. Lord told you he couldn't go
24 anywhere. He was wrapped up; he couldn't leave.
25 His objective was to grab the knife and protect his

CLOSING ARGUMENT BY MR. CANNON

1 wife.

2 And you heard from Lili Lord who said
3 she was sitting in the passenger seat when the
4 attack took place. She was stuck in the car, the
5 door swung open, there was the attacker right
6 there. Mr. Williams standing right there,
7 confining her in an instance to that car for a
8 brief moment in time.

9 It wasn't an hour-long attack. It was
10 within a matter of minutes. Very short span of
11 time, but she was confined in that area. She was
12 seized. She was kidnapped. Sho Lord was
13 kidnapped. He was assaulted in the first degree
14 with the knife that cut his hand.

15 During the commission of that robbery
16 where money was taken out of their car,
17 Mr. Williams then ran around the back of the house,
18 down the driveway and down the street to a car
19 waiting for him. That happened May 7, 2016.

20 Mr. Lord testified that he chased the
21 attacker down the street and identified right where
22 he ran. That's important, because that's
23 information that Tiffany Ravenell gave you, that
24 same information. She picked up Chris Williams
25 right there. He was picking up things on the

CLOSING ARGUMENT BY MR. CANNON

1 ground, running to her to climb into her car.

2 May 7th, she picked him up, they rode
3 to Moncks Corner, divvied up the money. You know
4 what's crazy in the whole situation or story that
5 was told by Tiffany? It was about \$3,000, roughly,
6 stolen. The Lords testified to that as well.

7 Tiffany got 800 bucks. Greedy Chris Williams,
8 untouchable, got more. What's Tiffany going to do?
9 Is she going to go to police? Is she going to say,
10 hey, we robbed somebody. I got less money than
11 him, but the guy got the money. Think about that.

12 You know, as jurors -- you always come
13 into the courtroom as jurors, fresh minds, not
14 knowing the facts until you hear them from the
15 witness stand, but you do come into this courtroom
16 with your common sense. And you should go back
17 into that jury room and deliberate with that common
18 sense, because you walk in and you take that into
19 the jury room and you use that and apply it. Does
20 that make sense?

21 Now the next time we actually see or
22 hear from -- on camera at least, of the defendant,
23 Chris Williams, is June 2. And this is the date
24 that Sho Lord, Sam, testified that he had his newly
25 installed ADT system and captured two guys walking

CLOSING ARGUMENT BY MR. CANNON

1 down the driveway. He knew the people in his
2 cul-de-sac. He knew they didn't live there. They
3 had no reason to come into the back of his yard
4 walking down his driveway.

5 What does he do? He calls law
6 enforcement. He calls Nick Powell and says, hey,
7 you might want to check this out. I don't know who
8 they are. They shouldn't be here.

9 Well, Nick Powell has been trying to
10 find out -- tried to gather some leads. He tried
11 to find some connection in Mr. Lord's history,
12 unsuccessful. So he sets up surveillance, and a
13 very thorough surveillance for that point. He
14 brings in several officers. You heard the
15 testimony of where they were all scattered over a
16 number of a course of days they were there. Pretty
17 thorough, unmarked cars hiding under houses,
18 climbing through the woods, hiding in garages,
19 setting up trail cams. It was a lot of work.

20 June 2nd, they were observed on camera.
21 June 3rd, the following day when that surveillance
22 was in place, they didn't know to what extent where
23 to set up completely at that point. You heard Sam
24 Lord testify that he came home, drove down Norfolk
25 Way, saw two individuals right here; instead of

CLOSING ARGUMENT BY MR. CANNON

1 turning left, he turned right to avoid them. They
2 followed. They were blocked in a cul-de-sac when
3 he left. He saw him.

4 Goose Creek didn't see them, but what
5 that did do is that helped them gain an advantage
6 about where to set things up. What would be a
7 better vantage point for this operation?

8 June 4th, that operation is still in
9 place. Trail cams are set up -- are moved into
10 different areas now to capture what's going on.
11 You heard Nick Powell testify that he was sitting
12 in a driveway not too far in an unmarked car with
13 several officers around who observed this. Chris
14 Williams is in the area with another man walking in
15 an area that he was seen the last two days.

16 You heard Goose Creek talk about
17 June 5th they didn't do anything. June 6th it
18 rained. Officer Tremblay sat in a garage that day,
19 but it rained. Can't blame the defendant for not
20 showing up in the rain. That's what happened on --
21 the next time he's seen is June 8th.

22 Let me step back in time. June 7th,
23 nobody was seen. June 8th comes around,
24 surveillance is back into place. Mitchum and
25 McElman are right here under the stairwell

CLOSING ARGUMENT BY MR. CANNON

1 watching. You have your unmarked cars with two
2 officers in, you have your trail cam set up. Who
3 shows up? Chris Williams. Again.

4 Dropped off by Tiffany Ravenell in her
5 car in the park around the corner. Convenient. He
6 walks down the street, walks back, casing the area.
7 Ready to set up and do it again. He doesn't do it
8 that day, though. He doesn't. Time's not right,
9 people aren't in place, victims aren't home. Can't
10 do it.

11 June 9th, shows up again. This is the
12 day that the surveillance altered a little bit.
13 This is the day they did the rolling surveillance.
14 They followed the car into Moncks Corner, but you
15 did have officers in place who did witness Tiffany
16 Ravenell drop off Chris Williams, who walked up and
17 down Norfolk Way casing the area.

18 At some point, he gets back in the car
19 and the car drives into Moncks Corner. Goose Creek
20 changing who their unmarked cars are, following
21 them all the way into Moncks Corner.

22 Chris Williams thought he was
23 untouchable. He didn't have an idea of what was
24 going on. He was being watched.

25 That brings us to June 10th. Who shows

CLOSING ARGUMENT BY MR. CANNON

1 up? Chris Williams. This is the day that
2 everything goes down. Nick Powell is on the phone
3 with the victims. He knows where they are. He
4 knows they're on Remount Road. He knows there's
5 two guys that are here. He knows the history of
6 what's happened. Sho Lord knows what happened.

7 Sam dropped off his wife because he
8 knew what he was walking into. He was scared. He
9 knew he had been stabbed once in the hand. He knew
10 there were two people in his backyard now. He
11 testified that he looked at his phone and saw them
12 on the ADT system. You saw the video of them
13 walking down the street together, walking through
14 the backyard having a lovely time.

15 This is also the day that, after Sam
16 Lord comes into the neighborhood, the horn is
17 honked by Tiffany Ravenell in the park from right
18 here (indicating,) the entry of the victim. You
19 know, that's when everything starts to get really
20 -- it moves really quick.

21 The victim pulls into his driveway.
22 Sam pulls around, he sees the officers approaching.
23 As he's turning around, which he changed the way he
24 did things procedurally because he knew what
25 happened in the past. He's pulling out and he sees

CLOSING ARGUMENT BY MR. CANNON

1 the two guys running, coming out of the bushes in
2 his backyard. He sees them and, lo and behold,
3 what do they have? What is found next to them? A
4 can of Mace, Taser, lookie-lookie, a knife. A
5 knife. Who is it on? It's on Chris Williams.

6 The common denominator here is every
7 day that we just walked through, Chris Williams is
8 always the one there. Yeah, there's another guy
9 there some days. There is. But it's always Chris
10 Williams dropped off by Tiffany Ravenell. She told
11 you that. She sat in that chair and told you he
12 didn't have a car. He told you he didn't have a
13 car and she drove him everywhere.

14 Chris Williams with a knife in the
15 bushes in the backyard trying to approach the
16 victim as he's pulling into his driveway, his home,
17 sanctuary, where he had just been tormented a
18 couple of weeks earlier.

19 Now, I want to talk about Tiffany
20 Ravenell a little bit because she was a big witness
21 in this case. She puts Chris Williams there on
22 May 7th. There is no physical evidence that day in
23 terms of being able to link. Unfortunately, there
24 was no blood recovered on anything that Chris
25 Williams had or fingerprints that puts him on the

CLOSING ARGUMENT BY MR. CANNON

1 scene.

2 In fact, the description given by Sam
3 Lord, who is in a struggle in a dark place, puts
4 the person maybe at 35, 40, give or take. But, you
5 know, he's under stress of being attacked. It's
6 dark. He had his lights turned off because of the
7 mosquitoes. He told you that.

8 He was looking at someone who was
9 behind his back trying to figure out who this
10 person is. He's not concerned with trying to
11 figure out who this person is. He's struggling for
12 his life. That explains how he's not clear on who
13 he saw or what he saw. He's able to identify the
14 race and it's a male much larger than him.

15 But Tiffany Ravenell is key in this
16 case. Yes, she pled guilty to some charges. She's
17 not been sentenced yet, but she was charged just
18 like Chris Williams with armed robberies from two
19 days and a criminal conspiracy charge. She pled
20 guilty to those charges and she will have her day
21 in court too at some point. She is not avoiding --
22 she is avoiding a trial from what we're here today,
23 that's why she chose to plead guilty.

24 You know, she talked about, and Chris
25 talked about too, that they had known each other

CLOSING ARGUMENT BY MR. CANNON

1 since Walmart for five years. For five years
2 Tiffany drove from Moncks Corner to Ladson to get
3 Chris. Call him and say, hey, there's possibly a
4 job here. Five years she was doing the best she
5 could to help her friend out. They were friends.

6 So why is it now that Tiffany Ravenell
7 wants to take the stand and throw her friend under
8 the bus? Because she's telling you the truth on
9 what happened. For five years they knew each
10 other. She took the idea to Chris. She heard it
11 at Staff Zone about people -- Sho had -- Sam had
12 money. He had money.

13 You heard her say that they saw some
14 money bags. They knew they were on to something.
15 She took that idea to Chris and he ran with it.
16 Tiffany is responsible for a lot of things. She's
17 taken Chris there and she's parked and watching,
18 you know. But Chris is the one leading the charge
19 and telling her where to go.

20 Tiffany talked about May 7th where she
21 went to Reed Street. She wasn't in here when the
22 Lords were telling you what they had done that day,
23 but she walked in and told you that because that's
24 the truth. Tiffany followed them to Reed Street
25 and then went to Goose Creek to the Hamlets and

CLOSING ARGUMENT BY MR. CANNON

1 parked close by so that Chris Williams could later
2 attack the Lords that night.

3 Remember, they had done it the day
4 before too as well. They knew where to go, but she
5 knew that. She also told about the unfair split in
6 the lick, from the robbery. She has 800. He got
7 more than her. I'm not sure clearly how much, but,
8 again, what's she supposed to do? Go to the
9 police? Throw her friend under the bus? She was
10 just as responsible. She can't do anything; she's
11 helpless.

12 She made the comment that Chris wanted
13 to lay eyes on them. See, again, Chris being
14 greedy wanted to keep his eye on the Lords. They
15 cased them. They would go to Remount Road and park
16 and watch, set up shop. We just saw pictures of
17 the days that Chris Williams -- sometimes he would
18 be with Terry Lewis, but every day someone was seen
19 it was always Chris Williams.

20 Tiffany talked about all the dry runs.
21 They called them the dry runs. Tiffany took the
22 stand. She made no mention of any weed drug deal
23 about this incident. That's important because
24 that's what Chris Williams wants to latch onto,
25 that this was a drug deal. Tiffany Ravenell pled

CLOSING ARGUMENT BY MR. CANNON

1 guilty to serious charges, an attempted armed
2 robbery, but no mention of a weed deal. Don't you
3 think if that was the truth she would have said
4 something out here? She would have said something
5 to police. During that whole encounter she had
6 leading up to this, she never did. No mention of
7 the drug deal by Tiffany Ravenell.

8 And then, again, finally she honked the
9 horn on June 10th signaling Chris. She told you
10 that Chris told her to honk the horn, test, test,
11 boom, there's the test. And then it happens again.
12 You heard several officers describe that horn for
13 you. It wasn't just a one touch. It was a lay on
14 that horn, here they come, be ready.

15 Conveniently, the Lords pulled into the
16 driveway right as Chris Williams comes out of those
17 bushes with a knife in his pocket, a Taser and a
18 can of Mace right by, and another guy. It's the
19 same thing that happened five weeks earlier.

20 Chris Williams believable. Now, I put
21 that up there initially because your job as jurors,
22 you are the judge of the facts, but you're also
23 able to judge the credibility and believability of
24 someone. So you're entitled to believe who you
25 want to believe. Is Chris Williams believable?

CLOSING ARGUMENT BY MR. CANNON

1 Chris Williams testified that they
2 wanted some weed. And what I mean by that is, he
3 wanted some weed, she wanted some weed, but Tiffany
4 knew the drug dealer. Why would Tiffany send Chris
5 to buy weed from someone that Chris didn't know,
6 but Tiffany knew at a place they don't live.

7 Why would you go from Ladson to Moncks
8 Corner to Remount Road to the Hamlets to buy weed?
9 That makes no sense, but that's what Chris Williams
10 wants you to believe. Is that believable?

11 Now, this is a small thing, and I'm not
12 sure it was a very small thing and subtle thing he
13 said during his testimony yesterday. He gave you
14 two different weed stories that day. When he first
15 was telling you the story that there was a drug
16 deal, while he was there he bought the weed from Q,
17 what did he tell you? That he was clubbed in the
18 head and Q took his money. He didn't get any weed.

19 A little bit later in his testimony, he
20 changed his story. He was clubbed in the head and
21 he got some weed, but it was less weed; so he went
22 back to the car after being clubbed in the head,
23 weighed his weed and realized, we got shorted, but
24 I got clubbed in the head. Is that believable? He
25 gave you two versions of that weed deal.

CLOSING ARGUMENT BY MR. CANNON

1 Now, he also told you that he was
2 attacked by Q. Told you he didn't call EMS. He
3 didn't call police. He didn't call no hospital; he
4 didn't go to no hospital. He didn't go to urgent
5 care or anything to look at the whelp on his head
6 that he still has today, that he alleged has. He
7 never sought any help. He didn't do any of that,
8 but he was attacked by a club over some weed.

9 He testified that that day on June 10th
10 he was in the trees for a view. Now, is that
11 believable? If you were there for the view, aren't
12 you there for the view instead of hiding in a clump
13 of bushes hanging out, smoking a blunt supposedly?
14 You're there for the view. You're sitting on the
15 bank watching what's going on in someone's
16 backyard, albeit. You're there for the view.

17 Now, he never told the police about the
18 weed until after he had been charged with armed
19 robbery. He told you that. That was important
20 because, again, just like Tiffany Ravenell, he's
21 facing serious charges. Why not say, this is all a
22 drug deal that I'm looking for the guys. Is that
23 believable? You would rather be scared about a
24 drug deal, but yet not -- is that believable? I
25 don't even know what to say. Is that believable?

CLOSING ARGUMENT BY MR. SMALDONE

1 As a juror, that's your job to believe
2 or figure out. I'm going to close and sit down and
3 let Mr. Smaldone have his chance to speak with you.
4 But all along, this conspiracy that lasted five
5 weeks terrorized the Lords.

6 You know, Chris Williams thought he was
7 slick; he thought he was untouchable. He thought
8 that he was going to get away with it. He thought
9 he was getting away with it. He took advantage of
10 people who were terrorized, who had money, who work
11 hard, who aren't here this week because they're
12 working their business. If it wasn't for the one
13 person they had working for them had to close down
14 the business to be here, that's why they're not
15 here. Hardworking people. He terrorized them.

16 He thought he was untouchable. He
17 thought that he wasn't going to get caught. He's
18 greedy and selfish. He thought those things then
19 and he's still that way now. Thank you.

20 THE COURT: Mr. Smaldone.

21 MR. SMALDONE: Thank you, Your Honor.

22 May it please the Court. Counsel. Madame
23 Forelady; Ladies and gentlemen of the jury.

24 Seems like a long time ago, just a
25 couple of days ago, the beginning of this case when

CLOSING ARGUMENT BY MR. SMALDONE

1 I first addressed you, stood up here. What did I
2 say? There's things that we are going to agree on
3 and there's things we're going to disagree on. We
4 agree that the Lords were robbed. I agree that a
5 robbery occurred. I agree that it was bad. I
6 agree that it happened. I agree that he got his
7 hand slashed. I agree on all that. So I agree
8 with actually everything the Lords said just about.

9 Because, keep in mind, the Lords never
10 could identify who robbed them. All they said was,
11 they were robbed. They believe it was someone, a
12 black male between the ages of 35 and 40 who was
13 clean-shaven. So everything the Lords said was
14 true, to the best of their knowledge.

15 So what happened after the robbery?
16 The police set up surveillance; they set up
17 surveillance. What did they see? They saw
18 suspicious activity. Right. They saw who they
19 thought was Chris Williams, sometimes with someone
20 else; they thought it was suspicious activity.

21 What do they do? They got excited.
22 They got excited. They thought that they had their
23 guy. Someone suspicious. Someone walking around.
24 You heard testimony from at least two officers that
25 witnessed everything; they didn't see any laws

CLOSING ARGUMENT BY MR. SMALDONE

1 broken on those surveillance cameras. They saw a
2 guy walking around.

3 So what did they do? They watched him
4 walk around. And then what happened? He was
5 walking around, he came out of the bushes, and they
6 swarmed. They jumped on him, they swarmed, they
7 had their guns drawn, he laid down. He tells you
8 he had a knife on him; he always carried a knife.
9 The police, again, got excited.

10 They got excited just like they did
11 when they first saw him walk around. They found
12 the knife and, lo and behold, they thought there
13 was blood on the knife. They thought, we got our
14 guy, we got blood on the knife. Just like there
15 should be, right? Just like there should be. If
16 he slashed somebody, there should be blood on the
17 knife. Whether or not it's visible, whether or not
18 there's trace amounts or microscopic DNA, there
19 should be blood on the knife. They got excited.

20 But what happened? What happened?
21 They tested their knife. They tested their knife
22 they found. What do they find? They found paint.
23 Just like Chris says, paint. Red paint. He's a
24 painter. So that's what happened.

25 They jumped on the opportunity as soon

CLOSING ARGUMENT BY MR. SMALDONE

1 as they saw him because of suspicious activity.
2 Suspicious activity. And that's what the Lords
3 said -- the Lords said they were robbed. They
4 don't know what happened afterwards. They don't
5 know who it was. They never identified him from
6 the first robbery, and they were never robbed the
7 second time so they can't identify him from that.

8 The State wants you to believe that
9 because he was hiding in the bushes and walked out,
10 all of a sudden, that's an attempted armed robbery.
11 That doesn't make sense. They just want to put it
12 on him. They want you to assume. They assumed.
13 They want to shift that assumption over to all 13
14 of you right now. They want you all to assume just
15 like they did, just like the police did. So that's
16 their case.

17 So what do they do? They put the Lords
18 on the stand. Nice people, I'm not going to trash
19 the Lords, very nice people. They were robbed.
20 They didn't deserve it, but they don't know who did
21 it. They put Goose Creek Police Department on the
22 stand. What do they say? A whole lot of, lots and
23 lots and lots of, we saw him walking around.

24 You're allowed to walk around. No one
25 is saying that walking around is against the law.

CLOSING ARGUMENT BY MR. SMALDONE

1 They saw him walking around. That's all they
2 testified to at first. And then what else did they
3 say? Towards the end, we learned that after he was
4 walking around. He comes out of the bushes when he
5 was walking around, and then he was swarmed and
6 arrested.

7 He's got a knife in his pocket; it's
8 not even visible. Does that make sense? You ride
9 up on a robbery with a knife in your pocket and not
10 ready to go? Come on, man. They find some Mace or
11 pepper spray, or whatever it is, and a Taser. That
12 is -- I believe testimony in the case indicates
13 that the other guy had that.

14 No fingerprints, no DNA on that. We
15 don't know who had that. What do they use that
16 for? Well, Chris said, listen, we got a guy in the
17 neighborhood who owes us some money, whatever.
18 Maybe things happened, maybe not. I don't know,
19 but it's his to carry a Taser and pepper spray.
20 There's nothing illegal about that.

21 They got excited. They thought they
22 got the guy. They don't have the guy. What do
23 they do? They realize they don't have the guy,
24 they don't have their airtight case; they put the
25 squeeze on. Put the squeeze on. They put the

CLOSING ARGUMENT BY MR. SMALDONE

1 squeeze on Tiffany. Tiffany thought she was
2 onboard a sinking ship. She thought her sinking
3 ship was not only sinking, but on fire.

4 What does she do? What's that word you
5 see? Plea agreement. Help me out. Plea
6 agreement. She hasn't been sentenced yet. Do you
7 think her sentence will be heavy or light after her
8 testimony? Do you think she will get helped out or
9 not helped out after her testimony? Plea
10 agreement.

11 So they put lying T. Rav on the stand,
12 and she wants to put Chris on that sinking ship.
13 Once she saw the cuffs on him, she knew. Well,
14 he's done for. I'm just going to unload everything
15 on him and that way protect whoever else is out
16 there. I'm just going to unload on poor Chris
17 Williams. Unload it.

18 So the lying T. Rav does that. Puts it
19 all on Chris Williams. Didn't talk a whole lot
20 about the fact that he didn't know the Lord family.
21 She didn't want to talk too much about the fact
22 that she did know the Lord family. She didn't --
23 remember, she was like, I can't remember that
24 question. Please rephrase it.

25 How many times did she say that? I

CLOSING ARGUMENT BY MR. SMALDONE

1 can't answer that. Please rephrase it. And they
2 were happy to do that. Oh, yeah.

3 So she doesn't want to answer those
4 questions. She doesn't want to answer the question
5 -- remember, at the beginning she said she heard
6 everyone talking at the temp agency how the Lords
7 were a good target. She only mentioned that once.
8 The Lords were a target, other people were talking
9 about it. Not Chris, other people.

10 And how do you think Chris, if he was
11 involved, he wasn't -- she thinks Chris -- Chris
12 doesn't know the people. How does he get their
13 address? How does she get their home address?
14 Come on. She wants to unload all of her baggage on
15 Chris to protect whoever else is out there.

16 Ridiculous. And that's their star
17 witness, a convicted robber. Star witness. A
18 convicted robber will say anything to get out of
19 trouble. That's their star witness. That's who
20 put everything together, convicted robbery.
21 Because every other witness that you heard from
22 didn't connect the dots. They're saying he's
23 walking around. They're saying he's walking around
24 outside. That's really it. They're saying he came
25 out of the bushes, so it must be an attempted armed

CLOSING ARGUMENT BY MR. SMALDONE

1 robbery.

2 Smarter than that, we're all smarter
3 than that. Ladies and gentlemen of the jury, the
4 State wants to convict my client beyond a
5 reasonable doubt because he was walking around.
6 Because he was walking around. What did he say he
7 was doing? He said he was walking around. Every
8 single piece of his story matches exactly with what
9 the evidence shows.

10 Think about it, he'll tell you the
11 dates he was doing whatever. He was doing -- he
12 showed the houses. He showed -- I think, at one
13 point he showed the wrong house, yeah, because he
14 didn't rob that house. That house isn't that
15 memorable. If you rob the house, you'd probably
16 know which house it was. He doesn't know.

17 His story matches exactly up with the
18 facts. The State might want you to think it's
19 improbable, impracticable, impractical, but have
20 they proven that story's false beyond a reasonable
21 doubt? The State has the burden of proof. The
22 State has to get up here, cross their Ts, dot their
23 I's.

24 The State has the ball on the one-yard
25 line, and they have to score a touchdown. And they

CLOSING ARGUMENT BY MR. SMALDONE

1 think that they may have scored a field goal
2 possibly, but they want you to do the extra work.
3 They want you to go back there and make their case
4 for them. You're not employees of the Solicitor's
5 office. You're jurors; you're independent; you
6 don't do their work for them.

7 So I say, reasonable doubt. And they
8 like to minimize that sometimes and say, well, it's
9 not all doubt. And it's not, I agree. I'm not
10 misstating the law.

11 What is reasonable doubt, though? What
12 is reasonable doubt? Oh, before I explain that, I
13 have one thing. They're saying the weed story is
14 impractical, improbable, all that stuff. Tiffany
15 never mentioned weed, right? It's a small thing,
16 and they mentioned it -- small thing. Remember
17 what -- I think it was Detective -- no. It was the
18 evidence custodian, a bigger fellow from Goose
19 Creek.

20 What did he find in that car? He found
21 a few things, one of which was a marijuana grinder.
22 Two of which, second of which, a digital scale in
23 her car. Grinder, scale in her car. What did
24 Chris say? Well, they weighed out the weed and it
25 wasn't right. What do you weigh out weed with?

CLOSING ARGUMENT BY MR. SMALDONE

1 Digital scale or a regular scale. Her scale,
2 right?

3 What do you smoke weed with? You grind
4 up the little things and -- in your grinder and
5 smoke it. Digital scale, grinder with some -- I
6 believe, he said there was some plant material on
7 it, weed on it. Maybe not. I think so. Well,
8 that adds up with exactly what he said. They don't
9 want you to believe that. It adds up with exactly
10 what he said.

11 What about that big knot on his head?
12 It's exactly what he said. What about the fact
13 that he didn't get medical treatment? We haven't
14 heard testimony, but does everybody have health
15 insurance in this country? Have we heard anything
16 about that lately? Is health insurance maybe
17 expensive in this country? Is health care
18 expensive in this country?

19 Got whacked on the back of the head, no
20 blood. You didn't see blood everywhere. He just
21 got whacked on the back of the head. Took it like
22 a pro, I guess. Moved on. And you saw the knot.
23 Hopefully, you could all see it. It's visible.

24 You've got the knot, you've got the
25 scale they don't want to talk about, and you've got

CLOSING ARGUMENT BY MR. SMALDONE

1 the grinder they don't want to talk about, and you
2 have the surveillance of him walking around lining
3 up with exactly what he said. They don't want you
4 to believe it. They want you to think it's
5 impractical, but they have the burden to disprove
6 it.

7 Everything lines up. Everything lines
8 up exactly. Have crazier things happened? It's
9 not even a crazy story. It's believable.

10 Mr. Williams gets the benefit of reasonable doubt.
11 They don't. In fact, if you get back there as
12 jurors and you say, well, their story is more
13 believable, the definition of that is not guilty.

14 If you probably believe them, that's
15 not guilty. They haven't proven it. They have to
16 prove their case beyond a reasonable doubt. If you
17 think he's most likely probably guilty and those
18 scales are 51 percent, 49 percent and not fully
19 down like a reasonable doubt should be, the
20 definition of that is not guilty.

21 You might like it, you might not like
22 it, you might think it's great, you might think
23 it's horrible, but that's your job as jurors; not
24 guilty.

25 So I was saying earlier, what is

CLOSING ARGUMENT BY MR. SMALDONE

1 reasonable doubt? It's not a percentage; it's not
2 a number. The Judge will read you the law on that.
3 Obviously, defer to her. I believe she'll say that
4 it's doubt -- it's something that leaves you firmly
5 convinced of guilt.

6 Sometimes I like to give an example of
7 reasonable doubt. I'll do it now because I think
8 it displays it pretty well. So reasonable doubt is
9 like this: If you have a crate or a box, right?
10 Picture yourself in your living room. You have a
11 box, a wood box, big crate with a lid on top. Open
12 up the lid, and you put a mouse in the box. Keep
13 the lid open, and you put a cat in the box. Then
14 you shut the lid.

15 You go take a break, you go to bed, you
16 come back the next morning and go see the box is
17 still there. You lift up the lid off the box and
18 look in there. You see the cat in the box.
19 There's no mouse in the box. You look around and
20 you see the cat is pretty happy-looking. That's a
21 proven case. Right? That's a proven case. That
22 could probably maybe probably leave you firmly
23 convinced that that cat ate that mouse.

24 All right. You take a box and you do
25 the same thing. Put the mouse in the box, you put

CLOSING ARGUMENT BY MR. SMALDONE

1 the cat in the box, put the lid on, go to sleep,
2 check it the next morning just like you did last
3 time. You look, the cat is still in the box and
4 the mouse is gone, but you look closer at the box.
5 In the corner there's a mouse-sized hole, and that
6 hole is reasonable doubt.

7 That hole is Chris's story. That hole
8 is no surveillance of a crime happening. That hole
9 is no surveillance of the robbery. That hole is no
10 video of the alleged attempted armed robbery. That
11 hole is paint is on the knife. That hole is
12 everything in this case. That's reasonable doubt.
13 That's not guilty.

14 I think I've covered just about
15 everything that I have to cover, and this is the
16 hardest. This is the hardest part for me because I
17 have to sit down, and afterwards you're probably
18 going to hear from Mr. Cannon, and I'm not going to
19 be able to talk to you anymore. So I ask you as
20 jurors that if I forget something or if you have
21 questions, questions about anything, I ask that you
22 answer them for me.

23 I ask that you answer them for me,
24 because my client is not guilty. Chris is not
25 guilty. The State has failed to prove their case.

CLOSING ARGUMENT BY MR. CANNON

1 The State has failed to prove that my client is
2 guilty beyond a reasonable doubt.

3 And throughout the course of my
4 representation of Mr. Williams, it's been good.
5 I've had him; I've protected him. I've been his
6 attorney. Just like all my clients, I feel like
7 they're in my hand. And that's why I say it's the
8 hardest part because in a few seconds he won't be
9 in my hands anymore.

10 I won't be able to answer those
11 questions; that kills me. So I'm going to place
12 him in your hands. I'm placing Mr. Williams in
13 your hands, each of you individually as jurors, and
14 as a jury as a whole. He's now in your hands.

15 I ask that when you have questions and
16 you have those reasonable doubts, you have them
17 now. You have them back there. Because you can't
18 have those doubts later. It's too late. So I ask
19 that you consider the facts, consider the case, and
20 consider all of the evidence and make the right
21 verdict, the only verdict, and that's not guilty.
22 Thank you.

23 THE COURT: Mr. Cannon.

24 MR. CANNON: I will be brief. You've
25 heard primarily everything that I wanted to say. I

CLOSING ARGUMENT BY MR. CANNON

1 will address a few things that Mr. Smaldone brought
2 up.

3 Laws being broken. Yeah, there was
4 testimony of him walking around. It's not breaking
5 the law. They caught him in the act on June 10th.
6 They weren't set up to catch him May 7th. He was
7 getting ready for that June 10th.

8 You know, that Taser, that was found in
9 the bushes right along June 10th, right as he comes
10 out of the bushes like a herd of elephants, as
11 Officer Mitchum testified. Turned around, things
12 go flying back into the bushes, he lays down on the
13 ground.

14 If he's there for the view, is that
15 your natural reaction? He's there for the view.
16 Is that believable.

17 That Taser fits the box found in
18 Tiffany Ravenell's car that Chris Williams is seen
19 getting out of several times in the past --
20 previous week. Fits the box. I'm sure there's
21 some confusion about who had the Taser, but Chris
22 Williams has always been there and that Taser has
23 always been in that car. You make that conclusion.

24 Poor Chris Williams. That's what I
25 have written here; poor Chris Williams, in the

CLOSING ARGUMENT BY MR. CANNON

1 wrong spot at the wrong time. Poor Chris Williams,
2 just going for a stroll, looking for a drug dealer.
3 Doesn't make any sense. After you've been clubbed
4 in the head over a drug deal, you show up twice by
5 yourself.

6 There were some days he brought Terry
7 Lewis with him. The very following day after the
8 drug deal on June 1st. On June 2nd they're seen on
9 surveillance together. June 6th, not there.
10 June 7th, not there.

11 June 8th, who shows up by himself
12 looking for those drug dealers? Chris Williams who
13 has already been beat up. Going to really show
14 some force by himself. Does it again the next day.
15 Doesn't make sense.

16 Poor Chris Williams; wrong spot at the
17 wrong time. Good thing that Goose Creek was there
18 that day because, if not, we don't know what could
19 have happened, the danger that Sam was in. And,
20 you know, that knife was found on him, there's some
21 paint. There was no DNA found, but it had been
22 five weeks since this had been used. If he's a
23 painter, as all painters do, they clean their
24 utensils, their materials, which explains why no
25 blood was found on the knife. Five weeks, that's a

JURY CHARGE

1 long time. Who knows what the knife was used for.
2 One thing certain, Sam Lord was sliced
3 in the hand May 7th, and Chris Williams was found
4 with it on June 10th. Without question, that's
5 what happened.

6 I'm going to close right here, but I
7 will tell you this: Chris Williams thinks he's
8 untouchable. He thinks no one is going to catch
9 him.

10 But you got caught. They were watching
11 you.

12 And the State has proven their case,
13 and he's guilty of all the charges he's been
14 charged with in this case. Thank you.

15 THE COURT: Ladies and gentlemen, I'm
16 now going to instruct you on the law applicable to
17 this case. Ladies and gentlemen, I do not
18 typically send a copy back of these instructions,
19 so please listen very carefully.

20 Madame Foreperson, as I indicated to
21 you, you are responsible for writing the verdict.
22 I'm going to go over the verdict form so that
23 you'll know what to be listening for as I'm giving
24 you the instructions.

25 So there are eight indictments. I have

JURY CHARGE

1 prepared a separate verdict form for each
2 indictment. Madame Foreperson, you must complete
3 each verdict form separately and independent of
4 your decision on the others. Once you complete
5 each of the verdict forms, and there again, there's
6 one verdict form for each of the charges against
7 Mr. Williams, you will sign that verdict form and
8 date it. It is a unanimous decision, meaning all
9 12 of you must agree.

10 Ladies and gentlemen, I remind you that
11 during this trial you and I've had certain duties
12 to perform. As the trial judge it is my
13 responsibility to preside over the trial of this
14 case, and I also have the duty to rule on the
15 admissibility of the evidence offered during this
16 trial.

17 You are to consider only the competent
18 evidence before you. If there was any testimony
19 ordered stricken from the record, you must
20 disregard that testimony. You are to consider only
21 the testimony that has been presented from the
22 witness stand as well as the exhibits that have
23 been made part of the record in this case. And all
24 of those exhibits will go back with you while
25 deliberating.

JURY CHARGE

1 I have the additional duty to charge
2 you the law applicable to this case. As the
3 presiding judge, I'm the sole judge of the law of
4 this case. It is your duty as jurors to accept the
5 law and apply the law exactly as I state it to you
6 now.

7 If you already have any idea as to what
8 the law is or what the law ought to be, and it does
9 not agree with what I'm about to tell you, you must
10 abandon your own ideas because you were sworn as
11 jurors to accept the law and apply it exactly as I
12 state it to you now.

13 In every case tried in this court
14 before a jury, the jury becomes the sole and
15 exclusive judges of the facts. A trial judge may
16 never make any comment regarding the facts in this
17 case. You, the jury, are the sole judges of the
18 facts in this case. You are not to infer from
19 anything that I have said or done throughout the
20 progress of this trial or in issuing my
21 instructions on the law that I have any opinion
22 about the facts in this case. The law does not
23 allow me to have an opinion about the facts in this
24 case. This is solely a matter for you to
25 determine.

JURY CHARGE

1 The eight indictments charged the
2 defendant with one count of armed robbery; one
3 count of assault and battery, first degree; two
4 counts of kidnapping; two counts of possession of a
5 weapon during the commission of a violent crime;
6 one count of attempted armed robbery; and one count
7 of criminal conspiracy.

8 I remind you the fact that the
9 defendant was arrested, charged, and indicted in
10 this case is not evidence in this case and cannot
11 be considered by you as evidence in any way, nor
12 does it create any presumption or inference of
13 guilt. The indictment is simply the formal
14 document which contains the charge made against the
15 defendant. It is the formal document which brings
16 this case into court.

17 Just as the indictments in the case are
18 not evidence, any terminology or labels used in
19 this case to refer to the individuals involved
20 cannot be considered as evidence. For example, the
21 use of the words defendant and victim are merely
22 formal labels and may not be considered by you as
23 evidence.

24 The indictments in this case alleged
25 eight different offenses against the defendant.

JURY CHARGE

1 The charges are, Indictment 2016-GS-08-2106, armed
2 robbery; Indictment 2016-GS-08-2107, assault and
3 battery, first degree; Indictment 2016-GS-08-2108,
4 kidnapping; Indictment 2016-GS-08-2109, kidnapping;
5 2016-GS-08-2110, possession of a weapon during the
6 commission of a violent crime; Indictment
7 2016-GS-08-2111, attempted armed robbery;
8 Indictment 2016-GS-08-2112, criminal conspiracy;
9 Indictment 2016-GS-08-2113, possession of a weapon
10 during the commission of a violent crime.

11 Each indictment charges a separate and
12 distinct offense. You must decide each indictment
13 separately on the evidence and the law applicable
14 to it uninfluenced by your decision on the other
15 indictments.

16 You will be asked, Madame Foreperson,
17 to write a separate verdict of guilty or not guilty
18 to each indictment.

19 The defendant has pled not guilty to
20 each indictment. A person charged with committing
21 a criminal offense in South Carolina is never
22 required to prove himself innocent. I charge you,
23 it is an important rule of law that the defendant
24 in a criminal trial, no matter what the seriousness
25 of the charge may be, will always be presumed to be

JURY CHARGE

1 innocent of the crime for which the indictment was
2 issued unless guilt has been proven by evidence
3 satisfying you of that guilt beyond a reasonable
4 doubt.

5 This presumption of innocence does not
6 end when you begin your deliberations, but it
7 accompanies the defendant throughout the trial
8 until you each a verdict of guilty based upon
9 evidence satisfying you of that guilt beyond a
10 reasonable doubt.

11 The State has the burden of proving the
12 defendant guilty beyond a reasonable doubt. Some
13 of you may have served as jurors in civil cases
14 where you were told that it was only necessary to
15 prove that a fact is more likely true than not
16 true, such as by a greater weight or preponderance
17 of the evidence.

18 In criminal cases, the State's proof
19 must be more powerful than that. It must be beyond
20 a reasonable doubt. Proof beyond a reasonable
21 doubt is proof that leaves you firmly convinced of
22 the defendant's guilt. There are very few things
23 in this world that we know with absolute certainty,
24 and in criminal cases the law does not require
25 proof that overcomes every possible doubt.

JURY CHARGE

1 If based upon your consideration of the
2 evidence you are firmly convinced that the
3 defendant is guilty of the crime charged, you must
4 find the defendant guilty. If, on the other hand,
5 you think there is a real possibility that the
6 defendant is not guilty, you must give the
7 defendant the benefit of the doubt and find him not
8 guilty.

9 There are two types of evidence
10 generally presented throughout a trial; direct
11 evidence and circumstantial evidence. Direct
12 evidence directly proves the existence of a fact
13 and does not require deduction.

14 Circumstantial evidence is proof of a
15 chain of facts and circumstances indicating the
16 existence of a fact. Crimes may be proven by
17 circumstantial evidence. The law makes no
18 distinction between the weight or value to be given
19 either direct or circumstantial evidence; however,
20 to the extent the State relies on circumstantial
21 evidence, all of the circumstances must be
22 consistent with each other, and when taken
23 together, point conclusively to the guilt of the
24 accused beyond a reasonable doubt.

25 If the circumstances merely portray the

JURY CHARGE

1 defendant's behavior as suspicious, the proof will
2 fail. The State has the burden of proving the
3 defendant guilty beyond a reasonable doubt. This
4 burden rests with the State regardless of whether
5 the State provides on direct, circumstantial
6 evidence, or a combination of the two.

7 Necessarily, you must determine the
8 credibility of the witnesses who have testified.
9 Credibility simply means believability. It becomes
10 your duty as jurors to analyze the facts and
11 determine which evidence convinces you.

12 In determining the believability of the
13 witnesses who have testified, you may believe one
14 witness over several, or several witnesses over one
15 witness. You may believe a part of the testimony
16 of a witness and reject the remaining part of the
17 testimony of that same witness. You may believe
18 the testimony of a witness in its entirety or
19 reject the testimony of a witness in its entirety.
20 You also may consider whether the witness has
21 exhibited to you any interest, bias, prejudice, or
22 other motive in this case, and you may also
23 consider the appearance and manner of a witness
24 while that witness was testifying.

25 A person who has a prior criminal

JURY CHARGE

1 record is competent to testify during a trial. A
2 past record or criminal history does not affect the
3 ability of that witness to testify.

4 You have heard evidence that a witness
5 committed a bad act not the subject of a
6 conviction. This prior bad act and record may only
7 be considered by you, if at all, in determining the
8 witness's believability. Remember, you are the
9 sole judges of the facts in this case and the
10 believability of any and all of the witnesses.

11 An issue in this case is the
12 identification of the defendant as the person who
13 committed the crimes charged. The State has the
14 burden of proving identity beyond a reasonable
15 doubt. You must be satisfied beyond a reasonable
16 doubt of the identity of the defendant before you
17 may convict the defendant.

18 Identification testimony is an
19 expression of belief or impression of a witness.
20 You must determine the accuracy of the
21 identification of the defendant. You must consider
22 the believability of each identification witness in
23 the same way as any other witness.

24 You may consider whether the witness
25 had an adequate opportunity to observe the offender

JURY CHARGE

1 at the time of the offense. This would be affected
2 by things like, how long or short time was
3 available; how far or close the witness was; the
4 lighting conditions; and whether the witness had
5 the chance to see or know the person in the past.

6 Once again, I instruct you, the burden
7 of proof is on the State and extends to every
8 element of the crime charged, and this specifically
9 includes the burden of proving beyond a reasonable
10 doubt the identity of the defendant as the person
11 who committed the crime charged.

12 If after examining the testimony you
13 have a reasonable doubt as to the accuracy of the
14 identification, you must find the defendant not
15 guilty.

16 You have heard testimony concerning the
17 penalty a person can serve for the crimes alleged
18 in the indictment. In determining the guilt or
19 innocence of the defendant, you cannot consider any
20 possible penalty for any particular crime. The
21 punishment for the crimes is a matter for me to
22 determine, and you should never consider the
23 punishment in evaluating and arriving at a verdict
24 as to the guilt or innocence of the defendant.

25 Madame Foreperson, that issue may not

JURY CHARGE

1 be discussed in the jury room.

2 In order to establish criminal
3 liability, criminal intent is required. For
4 example, the mental state to be proven by the State
5 for a particular crime might be purpose, intent,
6 knowledge, or recklessness. Criminal intent must
7 be proven by the State beyond a reasonable doubt.

8 Criminal intent is always a matter that
9 must be determined by you from the circumstances
10 surrounding this situation. There is no way to
11 prove intent to a mathematical certainty. There is
12 no way that medical science can dissect a person's
13 brain and determine what the person had in mind.
14 So the law says criminal intent may be inferred
15 from the circumstances shown to have existed. This
16 is how you make a determination of whether or not
17 the element of intent is present.

18 It is not necessary to establish intent
19 by direct and positive evidence. But intent may be
20 established by inference in the same way as any
21 other fact by taking into consideration the acts of
22 the parties and all of the facts and circumstances
23 of this case.

24 Criminal intent is a mental state. It
25 is a conscious wrongdoing. It is up to you to

JURY CHARGE

1 determine what the defendant intended to do based
2 upon the circumstances shown to have existed.
3 Criminal intent can arrive from actions or a
4 failure to act. It may rise from negligence or
5 indifference to duty or to consequences that is
6 considered by the law to be the equivalent of
7 criminal intent.

8 Mere presence at the scene is not
9 sufficient to prove someone guilty of a crime. A
10 defendant's presence where a crime is being
11 committed or mere association with the person who
12 commits a crime does not make a defendant an
13 accomplice or an aider and abetter of the person
14 committing the crime.

15 The burden is on the State to prove
16 every element of the crime charged. If you find
17 after reviewing all of the evidence that the State
18 has proved that the defendant was only present at
19 the scene of the crime and that they have not
20 proved beyond a reasonable doubt any other
21 participation in the crime, then you must find the
22 defendant not guilty.

23 The law is, the proof of being at the
24 scene of the crime is not sufficient to find
25 someone guilty.

JURY CHARGE

1 The defendant is charged with one count
2 of armed robbery. In order to prove this offense,
3 the State must first prove beyond a reasonable
4 doubt that the defendant took personal property
5 from the personal presence of another person.
6 Property is in the presence of another person if it
7 is within the person's reach, inspection,
8 observation, or control so that the person could,
9 if not overcome with violence or prevented by fear,
10 keep possession of the property.

11 The State must also prove beyond a
12 reasonable doubt that the defendant carried the
13 property away intending to permanently deprive the
14 owner of the property and to keep the property for
15 the defendant's own use. The slightest removal of
16 the property or the complete possession of the
17 property, even for an instance, by the defendant is
18 sufficient to show a taking and carrying away of
19 the property.

20 The taking and carrying away of the
21 property must have been done with violence or by
22 putting the owner of the property in fear of
23 violence.

24 Finally, the State must prove beyond a
25 reasonable doubt that the defendant was armed with

JURY CHARGE

1 a deadly weapon during the robbery. A deadly
2 weapon is any article, instrument, or substance
3 which is likely to cause death or great bodily
4 harm. Whether an instrument has been used as a
5 deadly weapon depends upon the facts and
6 circumstance of each case.

7 The following are examples of
8 instruments which may be deadly weapons: A pistol,
9 a shotgun, a rifle, a dirk, dagger, knife,
10 slingshot, metal knuckles, razor, gasoline fire
11 bomb, or lighter fluid.

12 The defendant is charged with one count
13 of attempted armed robbery. An attempt is an
14 effort to accomplish a crime which does not
15 succeed. An attempt includes a specific intent to
16 do a particular criminal act along with an act
17 falling short of the act intended.

18 The State must show more than mere
19 preparation and intent. There must be some overt
20 act committed in the effort to commit the crime.
21 Intent means intending the result which actually
22 occurs; not accidentally or involuntarily. Intent
23 may be shown by acts and conduct of the defendant
24 and other circumstances from which you may
25 naturally and reasonably infer intent.

JURY CHARGE

1 The defendant is charged with attempted
2 armed robbery. The State must prove beyond a
3 reasonable doubt that the defendant's attempt
4 included a specific intent to commit armed robbery
5 along with an act falling short of that armed
6 robbery.

7 The elements of the offense of armed
8 robbery are as follows: The State must prove
9 beyond a reasonable doubt that the defendant took
10 personal property from the person or presence of
11 another person. Property is in the presence of a
12 person if it is within the person's reach,
13 inspection, observation, or control so that the
14 person could, if not overcome -- so that the person
15 could not keep -- or could not keep -- could not
16 overcome with violence or prevented by fear keep
17 possession of the property.

18 To prove the offense of armed robbery,
19 the State must also prove beyond a reasonable doubt
20 that the defendant carried the property away
21 intending to permanently deprive the owner of the
22 property and to keep the property for the
23 defendant's own use.

24 The slightest removal of the property,
25 even for an instance, by the defendant is

JURY CHARGE

1 sufficient to show a taking and carrying away of
2 the property. The taking and carrying away of the
3 property must have been done with violence or by
4 putting the owner of the property in fear of
5 violence.

6 Finally, to prove the offense of armed
7 robbery -- attempted armed robbery, the State must
8 prove beyond a reasonable doubt that the defendant
9 was armed with a deadly weapon during the armed
10 robbery.

11 Once again, a deadly weapon is any
12 article, instrument, or substance which is likely
13 to cause death or great bodily harm. Whether an
14 instrument has been used as a deadly weapon depends
15 on the facts and circumstances of each case.

16 The defendant is charged with one count
17 of assault and battery, first degree. In order to
18 prove assault and battery in the first degree, the
19 State must prove, and the statute reads: A person
20 commits the offense of assault and battery in the
21 first degree if the person unlawfully injures
22 another person, and the act occurred during the
23 commission of a robbery, burglary, kidnapping or
24 theft.

25 A person may also commit the offense of

JURY CHARGE

1 assault and battery in the first degree if the
2 person unlawfully offers or attempts to injure
3 another person with the present ability to do so
4 and the act either is accomplished by means likely
5 to produce death or great bodily injury, or that
6 occurred during the commission of a robbery,
7 burglary, kidnapping, or theft.

8 Great bodily injury means bodily injury
9 which causes a substantial risk of death or which
10 causes serious permanent disfigurement or
11 protracted loss or impairment of the function of a
12 bodily member or organ.

13 The defendant is charged with two
14 counts of kidnapping. The State must prove beyond
15 a reasonable doubt that the defendant knowingly and
16 unlawfully seized, confined, inveigled, decoyed,
17 kidnapped, abducted, or carried away another person
18 without authority of law.

19 To do a thing unlawfully is to do it
20 willfully against the law. Knowingly means with
21 knowledge, consciously, not accidentally. Seize
22 means to take hold of suddenly or forcibly.
23 Confine means to limit, restrict, or enclose within
24 bounds, imprison or shut, or keep in. Inveigle
25 means to lure, entice, or be led astray by false

JURY CHARGE

1 representations, promises or other deceitful means.

2 Decoy means to lure by, as if by a decoy. A decoy

3 is something to entice a person into a trap.

4 Kidnap is to remove a person against his will by

5 unlawful force or by fraud. Abduct means to carry

6 off secretly or by force for an illegal purpose.

7 Carry away means to remove.

8 The State does not have to prove that

9 the defendant did all of these things. Instead, if

10 you find beyond a reasonable doubt that the

11 defendant did any of these things, you may find the

12 defendant guilty of kidnapping.

13 Something done without authority of law

14 is something which the law does not sanction,

15 permit, allow, condone, or provide justification

16 for. The kidnapping does not have to be for any

17 personal or monetary gain, for any illegal purpose,

18 but may be for any reason whatsoever.

19 The defendant is charged with one count

20 of criminal conspiracy. The State must prove

21 beyond a reasonable doubt that the defendant

22 committed -- or excuse me, combined with one or

23 more persons for the purpose of accomplishing an

24 unlawful object or lawful object by unlawful means.

25 There must be a mutual understanding,

JURY CHARGE

1 agreement, or a common intention in plan. Mere
2 passive knowledge or consent to the criminal
3 conduct of another is not enough to make a person a
4 conspirator. There must be guilty knowledge and
5 participation.

6 Similarly, the mere fact that the
7 defendant may have associated with another person
8 or met with another person and discussed common
9 aims and interests doesn't necessarily establish
10 proof of the existence of a conspiracy, or that the
11 defendant was involved in the conspiracy.

12 On the other hand, it is not necessary
13 that the agreement be a formal one, that it be in
14 writing, that the person hold a meeting and
15 expressly state the terms of the common plan, or
16 that the agreement be stated in words between them.

17 The agreement of a criminal conspiracy
18 may come into being through implied mutual
19 understanding. The willful, intentional and
20 knowing adoption by two or more persons of a common
21 plan is sufficient. No overt acts need to be shown
22 to establish a conspiracy. A conspiracy may be
23 shown by circumstantial evidence and the conduct of
24 the parties.

25 In order to convict the defendant of

JURY CHARGE

1 conspiracy, the State must prove beyond a
2 reasonable doubt not only that the defendant knew
3 of the unlawful conduct, but that the defendant
4 agreed to combine with the other person for the
5 purpose of accomplishing the unlawful conduct.

6 The defendant is charged with two
7 counts of possession of a weapon during the
8 commission of, or attempt to commit a violent
9 crime. The State must prove beyond a reasonable
10 doubt that the defendant visibly displayed a knife
11 during the commission of a violent crime.

12 In order to find the defendant guilty
13 of possession of a weapon during the commission of
14 a violent crime, you must first find the defendant
15 guilty of either committing a violent crime or
16 attempting to commit a violent crime.

17 Armed robbery, kidnapping, and
18 attempted armed robbery are violent crimes under
19 the laws of the state of South Carolina. The State
20 must prove beyond a reasonable doubt that the
21 weapon furthered, advanced or helped in the
22 commission of that crime.

23 Ladies and gentlemen, I'm going to go
24 over the verdict forms once again with you now that
25 I have given you the instructions on the law.

JURY CHARGE

1 In the Court of General Sessions for
2 the Ninth Judicial Circuit, case number
3 2016-GS-08-2106 -- please remember that there is no
4 significance in the way that these are ordered. I
5 simply have gone -- taken the indictment number and
6 put them on a piece of paper. There is no
7 significance in the way that I place these on the
8 paper. Simply something has to go first -- we, the
9 jury, find the defendant, Chris Nathaniel Williams,
10 not guilty; or, we, the jury, find the defendant,
11 Chris Nathaniel Williams, guilty of armed robbery.

12 Once again, once you have reached a
13 verdict on that, a unanimous verdict meaning all 12
14 of you agree, you will sign that verdict form and
15 date it uninfluenced by any of the other verdict
16 forms.

17 In the Court of General Sessions for
18 the Ninth Judicial Circuit, 2016-GS-08-2107; we,
19 the jury, find the defendant, Chris Nathaniel
20 Williams, not guilty; or, we, the jury, find the
21 defendant, Chris Nathaniel Williams, guilty of
22 assault and battery, first degree. Once again,
23 once you have reached that unanimous verdict, sign
24 and date that verdict form.

25 In the Court of General Sessions for

JURY CHARGE

1 the Ninth Judicial Circuit, 2016-GS-08-2108; we,
2 the jury, find the defendant, Chris Nathaniel
3 Williams, not guilty; or, we, the jury, find the
4 defendant, Chris Nathaniel Williams, guilty of the
5 kidnapping of Lili Lord. Once you have reached the
6 unanimous verdict, sign and date that verdict form.

7 In the Court of General Sessions for
8 the Ninth Judicial Circuit, 2016-GS-08-2109; we,
9 the jury, find the defendant, Chris Nathaniel
10 Williams, not guilty; or, we, the jury, find the
11 defendant, Chris Nathaniel Williams, guilty of the
12 kidnapping of Sho Lord. Once again, on a unanimous
13 verdict, you will sign and date that verdict form.

14 In the Court of General Sessions for
15 the Ninth Judicial Circuit, 2016-GS-08-2110; we,
16 the jury, find the defendant, Chris Nathaniel
17 Williams, not guilty; or, we, the jury, find the
18 defendant, Chris Nathaniel Williams, guilty of
19 possession of a weapon during the commission of a
20 violent crime on May 7, 2016.

21 In the Court of General Sessions for
22 the Ninth Judicial Circuit, 2016-GS-08-2111; we,
23 the jury, find the defendant, Chris Nathaniel
24 Williams, not guilty; or, we, the jury, find the
25 defendant, Chris Nathaniel Williams, guilty of

JURY CHARGE

1 attempted armed robbery. Once you have reached a
2 unanimous verdict on that verdict, sign and date
3 that verdict form.

4 In the Court of General Sessions for
5 the Ninth Judicial Circuit, 2016-GS-08-2112; we,
6 the jury, find the defendant, Chris Nathaniel
7 Williams, not guilty; or, we, the jury, find the
8 defendant, Chris Nathaniel Williams, guilty of
9 criminal conspiracy. Once you have reached a
10 unanimous verdict on that indictment, you sign and
11 date the verdict form.

12 In the Court of General Sessions for
13 the Ninth Judicial Circuit, 2016-GS-08-2113; we,
14 the jury, find the defendant, Chris Nathaniel
15 Williams, not guilty; or, we, the jury, find the
16 defendant, Chris Nathaniel Williams, guilty of
17 possession of a weapon during the commission of a
18 violent crime on June 10, 2016. Once you have
19 reached a unanimous decision on that verdict, you
20 will sign and date the verdict form.

21 Please remember, in order to complete
22 this verdict form you will have had to have made a
23 finding of guilt on a statutorily violent crime.

24 Ladies and gentlemen, that completes my
25 charge on the law. Is there any member of the

JURY CHARGE

1 first 12 who feel for whatever reason you would not
2 be able to complete deliberations in this case?

3 If you feel that you would not be able
4 to complete deliberations, please stand. Thank
5 you. All 12 have indicated that they are able to
6 begin and complete deliberations in this matter.

7 To my alternate, I'm not releasing you
8 yet, and I will come and give you further
9 instructions. You will be placed in a separate
10 room until the first 12 begin deliberations, and
11 then I will come and give you further instructions.

12 Ladies and gentlemen, this is the last
13 time that I will say this to you: Do not begin
14 your deliberations. Do not begin discussing this
15 case amongst yourselves. I'm gathering the verdict
16 forms and the evidence to go back with you, and
17 once we have done that, the bailiff will bring the
18 evidence to you and they will indicate that you may
19 begin your deliberations.

20 Ladies and gentlemen, please take all
21 of your belongings back with you. Please rise for
22 the jury.

23 (Jury out, 10:25 a.m.)

24 THE COURT: Thank you. Be seated. Any
25 objection, correction to the charges read from the

1 State?

2 MR. CANNON: No. The armed robbery --
3 attempted armed robbery, I don't know, I think you
4 went into language of an armed robbery, then
5 followed back up with the overt act. I'm thinking
6 that's how you did it. If that's the case, then
7 the State is satisfied.

8 MR. SMALDONE: No objection.

9 THE COURT: All right. And you have
10 viewed the verdict forms:

11 MR. SMALDONE: Yes.

12 THE COURT: And there were no
13 objections to the verdict forms; is that correct?

14 MR. CANNON: No, Your Honor.

15 MR. SMALDONE: No, Your Honor.

16 THE COURT: All right. And all of the
17 evidence has been agreed to, and we know what is
18 going back and what's -- there is nothing on the
19 table that's not going back; is that correct?

20 THE COURT REPORTER: Correct.

21 (Jury deliberating, 10:35 a.m.)

22 (3:26 p.m.)

23 THE COURT: I understand we have a
24 verdict. Anything before we bring in the jury?

25 MR. CANNON: Nothing from the State,

VERDICT

1 Your Honor.

2 THE COURT: Mr. Smaldone?

3 MR. SMALDONE: Nothing on the defense
4 end.

5 THE COURT: All right.

6 (Jury in, 3:22 p.m.)

7 THE COURT: Thank you. Please be
8 seated.

9 Ladies and gentlemen, while you've been
10 deliberating we've been busy working in this
11 courtroom, so there are some people remaining in
12 the courtroom from the hearing that I was having
13 while you were deliberating that are unrelated to
14 this case.

15 I understand that you have reached a
16 verdict; is that correct, Madame Foreperson?

17 JURY FOREPERSON: Yes, Your Honor.

18 THE COURT: Mr. Williams, please stand.

19 THE CLERK: In the State of South
20 Carolina, County of Berkeley versus Chris Nathaniel
21 Williams, in the Court of General Sessions, case
22 number 2016-GS-08-2106; we, the jury, find the
23 defendant, Chris Nathaniel Williams, guilty of
24 armed robbery.

25 State of South Carolina versus

VERDICT

1 Nathaniel Williams, General Sessions, case number
2 2016-GS-08-2107; we, the jury, find the defendant,
3 Chris Nathaniel Williams, guilty of assault and
4 battery, first degree.

5 The State of South Carolina, County of
6 Berkeley versus Chris Nathaniel Williams, in the
7 Court of General Sessions, case number
8 2016-GS-08-2108; we, the jury, find the defendant,
9 Chris Nathaniel Williams, guilty of kidnapping of
10 Lili Lord.

11 State of South Carolina, County of
12 Berkeley versus Chris Nathaniel Williams, in the
13 Court of General Sessions, case number
14 2016-GS-08-2109; we, the jury, find the defendant,
15 Chris Nathaniel Williams, guilty of kidnapping of
16 Sho Lord.

17 State of South Carolina, County of
18 Berkeley versus Chris Nathaniel Williams, in the
19 Court of General Sessions, case number
20 2016-GS-08-2110; we, the jury, find the defendant,
21 Chris Nathaniel Williams, guilty of possession of a
22 weapon during the commission of a violent crime on
23 May 7, 2016.

24 In the State of South Carolina, County
25 of Berkeley versus Chris Nathaniel Williams, the

VERDICT

1 Court of General Sessions, case number
2 2016-GS-08-2111; we, the jury, find the defendant,
3 Chris Nathaniel Williams, guilty of attempted armed
4 robbery.

5 State of South Carolina, County of
6 Berkeley versus Chris Nathaniel Williams, in the
7 Court of General Sessions, case number
8 2016-GS-08-2112; we, the jury, find the defendant,
9 Chris Nathaniel Williams, guilty of criminal
10 conspiracy.

11 In the State of South Carolina, County
12 of Berkeley versus Chris Nathaniel Williams, in the
13 Court of General Sessions, case number
14 2016-GS-08-2113; we, the jury, find the defendant,
15 Chris Nathaniel Williams, guilty of possession of a
16 weapon during the commission of a violent crime on
17 June 10, 2016.

18 Ladies and gentlemen of the jury, if
19 this is your verdict, please signify by raising
20 your right hand.

21 THE JURY: (Raised hands.)

22 THE CLERK: Thank you.

23 THE COURT: Anything further required
24 of the jury from the defendant?

25 MR. SMALDONE: Please poll the jury.

VERDICT

1 THE COURT: Using juror numbers, please
2 poll the jury.

3 You may have a seat, Mr. Williams.

4 THE CLERK: Juror number 177, is this
5 your verdict?

6 JUROR NUMBER 177: Yes.

7 THE CLERK: Is this still your verdict?

8 JUROR NUMBER 177: Yes.

9 THE CLERK: Juror 104, is this your
10 verdict?

11 JUROR NUMBER 104: Yes.

12 THE CLERK: Is this still your verdict?

13 JUROR NUMBER 104: Yes.

14 THE CLERK: Juror 157, is this your
15 verdict?

16 JUROR NUMBER 157: Yes.

17 THE CLERK: Is this still your verdict?

18 JUROR NUMBER 157: Yes.

19 THE CLERK: Juror 189, is this your
20 verdict?

21 JUROR NUMBER 189: Yes.

22 THE CLERK: Is this still your verdict?

23 JUROR NUMBER 189: Yes.

24 THE CLERK: Juror 39, is this your
25 verdict?

VERDICT

1 JUROR NUMBER 39: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR NUMBER 39: Yes.

4 THE CLERK: Juror 168, is this your
5 verdict?

6 JUROR NUMBER 168: Yes.

7 THE CLERK: Is this still your verdict?

8 JUROR NUMBER 168: Yes.

9 THE CLERK: Juror 95, is this your
10 verdict?

11 JUROR NUMBER 95: Yes.

12 THE CLERK: Is this still your verdict?

13 JUROR NUMBER 95: Yes.

14 THE CLERK: Juror 132, is this your
15 verdict?

16 JUROR NUMBER 132: Yes.

17 THE CLERK: Is this still your verdict?

18 JUROR NUMBER 132: Yes.

19 THE CLERK: Juror 110, is this your
20 verdict?

21 JUROR NUMBER 110: Yes.

22 THE CLERK: Is this still your verdict?

23 JUROR NUMBER 110: Yes.

24 THE CLERK: Juror 227, is this your
25 verdict?

VERDICT

1 JUROR NUMBER 227: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR NUMBER 227: Yes.

4 THE CLERK: Juror 146, is this your
5 verdict?

6 JUROR NUMBER 146: Yes.

7 THE CLERK: Is this still your verdict?

8 JUROR NUMBER 146: Yes.

9 THE CLERK: Juror 144, is this your
10 verdict?

11 JUROR NUMBER: 146: Yes, ma'am.

12 THE CLERK: Is this still your verdict?

13 JUROR NUMBER 146: Yes.

14 THE CLERK: Your Honor, the jury has
15 been polled and the verdict stands.

16 THE COURT: Anything further, Mr.
17 Smaldone?

18 MR. SMALDONE: Nothing at this time.

19 THE COURT: Mr. Cannon?

20 MR. CANNON: Nothing further at this
21 time.

22 THE COURT: All right. Thank you.

23 Ladies and gentlemen of the jury, this
24 concludes your service to the case and it also
25 concludes your service for the week. If you will

1 please go back to your jury room, I will be there
2 in just a few moments to thank you for your service
3 to Berkeley County.

4 Please rise for the jury.

5 (Jury out, 3:28 p.m.)

6 THE COURT: Please be seated.

7 Outside of the presence of the jury,
8 anything further, Mr. Smaldone?

9 MR. SMALDONE: Renew all my motions and
10 objections. Nothing further, other than that.

11 THE COURT: All right.

12 MR. CANNON: Just my response being my
13 opposition to his objections made earlier as
14 previously in this trial.

15 THE COURT: I deny to -- change any of
16 my previous rulings. Note your exception to my
17 ruling.

18 Are you ready for sentencing? Do you
19 want to wait for the Lords?

20 MR. CANNON: I don't think the Lords
21 are interested in coming back. They are interested
22 in the case, but they're okay with me going
23 forward. They have been in the past. They just
24 want me to follow-up with them on the case. MS.
25 SZYMCZYNSKA-SAS went downstairs to get the

1 sentencing sheets.

2 THE COURT: All right. Mr. Smaldone,
3 are you ready for sentencing?

4 MR. SMALDONE: Defense is ready.

5 THE COURT: I have little discretion in
6 this case, because you agree that the LWOP notice
7 was properly served.

8 MR. SMALDONE: I agree it was properly
9 served.

10 THE COURT: So then it's an LWOP on
11 everything but the attempted armed robbery,
12 conspiracy, and possession?

13 MR. CANNON: It's life without parole
14 on --

15 THE COURT: On the attempted armed
16 robbery as well.

17 MR. CANNON: Armed robbery, attempted
18 armed robbery, and the kidnapping charges.

19 THE COURT: So the criminal conspiracy
20 and possession of a weapon are not LWOP.

21 MR. CANNON: That's correct.

22 THE COURT: You're asking to sentence
23 him --

24 MR. CANNON: As to those charges, Your
25 Honor?

1 THE COURT: Yes.

2 MR. CANNON: The State would be asking
3 for the maximum sentence on those charges.

4 THE COURT: All right. I'm going to go
5 release the jury, unless there's any objection.

6 MR. SHELTON: No objection to the
7 release of the jury.

8 THE COURT: Mr. Cannon.

9 MR. CANNON: No objection, Your Honor.

10 THE COURT: We'll be at ease.

11 (A recess transpired.)

12 THE COURT: Mr. Cannon, I heard the
13 testimony; I'm familiar with Mr. Williams' prior
14 record; I understand the State's position to
15 sentencing. Anything else?

16 MR. CANNON: No, Your Honor. The
17 Court is aware of the egregious facts in this case,
18 as well as his criminal record. I did -- there
19 were two -- excuse me, three charges on this case
20 -- four charges in this case, the two weapons
21 charges that carry zero to five, which is mandatory
22 after the service of the underlying offense; as
23 well as the criminal conspiracy, which is zero to
24 five; and the assault and battery, first, which is
25 zero to 10 years.

1 THE COURT: Mr. Smaldone.

2 MR. SMALDONE: Your Honor, there's --
3 unfortunately, there's not a whole lot at this
4 point that I can argue. I would ask that the
5 record please note my exception to the life without
6 parole under separation of powers in the Eighth
7 Amendment, cruel and unusual. So I would ask the
8 Court to note my exception to that.

9 I stand here, and my sympathy goes out
10 to the Lord family. I hope throughout this whole
11 process they can find some closure, and we'd just
12 ask Your Honor to be as merciful as you could be.

13 It's been a pleasure representing
14 Mr. Williams. I wish things went differently, but
15 I ask Your Honor for the most discretionary mercy
16 Your Honor can show in this case.

17 THE COURT: I have no discretion or
18 mercy in this case; it's life without the
19 possibility of parole. That's what it is.

20 Mr. Cannon, you're not indicating to
21 the Court that I have -- that the weapons charges
22 must run consecutive?

23 MR. CANNON: I defer to the Court's
24 discretion how to handle that sentence.

25 THE COURT: All right. Mr. Williams,

1 please stand. You understand that you have been
2 found guilty.

3 THE DEFENDANT: Yes.

4 THE COURT: And I'm sure that
5 Mr. Smaldone has advised you of your appellate
6 rights. You understand that you have the right to
7 appeal this sentence?

8 THE DEFENDANT: Yes.

9 THE COURT: But you must do so within
10 ten days. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: Any questions about that?

13 THE DEFENDANT: No.

14 THE COURT: Okay. You understand that
15 you have been found guilty and served with a notice
16 of life without the possibility of parole?

17 THE DEFENDANT: Yes.

18 THE COURT: I have no discretion to
19 give. I must sentence you on the armed robbery,
20 the two counts of kidnapping, and the attempted
21 armed robbery to life without the possibility of
22 parole. You understand that?

23 THE DEFENDANT: No, I don't understand
24 that.

25 THE COURT: Mr. Smaldone, did you not

1 explain to him --

2 MR. SMALDONE: I did, Your Honor. And
3 I think he just means -- I'm not sure what he
4 means. Maybe he's not happy about it. I certainly
5 wouldn't be either, but...

6 THE COURT: Mr. Williams, do you recall
7 being served with that notice?

8 THE DEFENDANT: I don't recall being
9 served.

10 THE COURT: I recall you being served
11 with that notice.

12 THE DEFENDANT: I don't recall it.
13 Remember -- if I may? Can I? Remember, I was
14 mentioning to you that I didn't know I was coming
15 to be -- to pick the jury or even to start trial.
16 Ever since I rejected the plea, the plea bargain, I
17 never talked to my lawyer since then.

18 THE COURT: So, Mr. Williams, you were
19 served without -- with the notice of life without
20 the possibility of parole in open court, and I
21 observed that service.

22 Anything you wish to tell me before I
23 impose sentence?

24 THE DEFENDANT: Is there something I
25 had to sign or something?

SENTENCING

1 THE COURT: No, sir.

2 THE DEFENDANT: I don't recall. I
3 mean, I will go with what you say, but I don't
4 recall it ma'am, Your Honor.

5 THE COURT: Is there anything you wish
6 to tell me before I impose sentence?

7 THE DEFENDANT: Other than I didn't do
8 it, I'm innocent.

9 THE COURT: Sir, the jury has spoken
10 and they have found you guilty. It is the order of
11 the Court on 2016-GS-08-2106, 2108, 2019, and 2111,
12 that you be comitted to the State Department of
13 Corrections for a term of life without the
14 possibility of parole.

15 It's the order of the Court on
16 2016-GS-08-2110, 2107, 2112, and 2113 that you be
17 committed to the State Department of Corrections
18 for a term of five years. Those will all run
19 concurrent and concurrent with your life without
20 the possibility of parole sentence.

21 Good luck to you, sir.

22 THE DEFENDANT: Thank you.

23 THE COURT: Thank you, Mr. Smaldone,
24 Mr. Cannon, and Mrs. Sas.

25 (These proceedings were concluded at

SENTENCING

1 3:50 p.m.)

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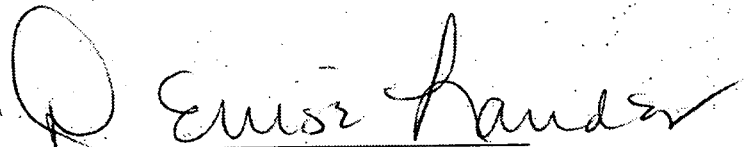
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CERTIFICATE OF REPORTER

I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 3rd day of November, 2017 at Charleston, Charleston County, South Carolina.



Carol Denise Lauder
Registered Professional
Reporter, CP

CC/0318777
WITNESSES

Goose Creek Police Department

INV. S. McWILLIAMS / 12

AGENCY CASE NUMBER

2016-2187

ARREST WARRANT NUMBER

2016A0820200392

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hardy *Sept 13, 2016*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02106

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS

B/M DOB:

Indictment for

ARMED ROBBERY

SC Code: § 16-11-0330(A)

CDR Code: 0139

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

ARMED ROBBERY

That on or about May 7, 2016, in Berkeley County, South Carolina, the Defendant, Chris Nathaniel Williams, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away monies from the persons or immediate presence of Sho and Lili Lord with the intent to permanently deprive the victims of possession thereof, and/or Defendant conspired with others to accomplish the same; in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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


CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

MV. S. McWilliam / B

AGENCY CASE NUMBER

2016-2187

ARREST WARRANT NUMBER

2016A0820200393

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Harvey *Sept 13 2016*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02107

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS
B/M DOB:

Indictment for

ASSAULT & BATTERY, 1ST DEGREE

SC Code: § 16-03-0600(C)(1)
CDR Code: 3412

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

0317

INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

ASSAULT & BATTERY, 1ST DEGREE

That in Berkeley County, South Carolina, on or about May 7, 2016, the Defendant, Chris Nathaniel Williams, did commit an unlawful act of injury upon the victim, Sho Lord, and the act occurred during the commission of a robbery, kidnapping, or theft; or the Defendant offered or attempted to injure the victim with the present ability to do so, and the act was accomplished by means likely to produce death or great bodily injury. This is in violation of Section 16-3-600(C)(1) of the South Carolina Code of Laws (1976) as amended.

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



CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

INV. S. MCWILLIAMS / *[Signature]*

AGENCY CASE NUMBER
2016-2187

ARREST WARRANT NUMBER
2016A0820200394

DATE OF ARREST
06/11/2016

ACTION OF GRAND JURY

True Bill

St Augustine Hardy *Sept 13, 2016*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2016-GS-08-02108

The State of South Carolina
County of Berkeley

COURT OF GENERAL SESSIONS
SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS
B/M DOB:

Indictment for

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095

NATY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

[Signature]
FILED

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

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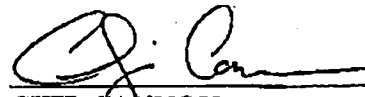
SEP 13 2016 INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

KIDNAPPING

That in Berkeley County, South Carolina on or about May 7, 2016, the Defendant, Chris Nathaniel Williams, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Lili Lord, without authority of law; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

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



CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

INV. S. MCWILLIAMS / 8

AGENCY CASE NUMBER

2016-2187

ARREST WARRANT NUMBER

2016A0820200395

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Havelg
Foreperson of Grand Jury

Sept 13, 2016
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02109

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS

B/M DOB:

Indictment for

KIDNAPPING

SC Code: § 16-03-0910

CDR Code: 0095

MARY R. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

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INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

KIDNAPPING

That in Berkeley County, South Carolina on or about May 7, 2016, the Defendant, Chris Nathaniel Williams, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Sho Lord, without authority of law; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

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



CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

IAN. S. McWILLIAMS / *[Signature]*

AGENCY CASE NUMBER
2016-2187

ARREST WARRANT NUMBER

2016A0820200396

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

[Signature] *Sept 13, 2016*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02110

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS
B/M DOB:

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

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INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Berkeley County, South Carolina, on or about May 7, 2016, the Defendant, Chris Nathaniel Williams, did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Armed Robbery; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

IAN S. McWILLIAMS / *[Signature]*

AGENCY CASE NUMBER
2016-2187

ARREST WARRANT NUMBER

2016A0820200399

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

SA Augustine Harbey *Sept 13, 2016*
Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-02112

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS
B/M DOB:

Indictment for

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410
CDR Code: 0049

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 SEP 13 PM 2:55

[Signature]
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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

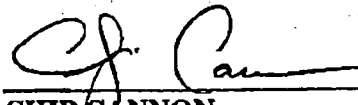
INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

CRIMINAL CONSPIRACY

That in Berkeley County, South Carolina from May 2016 until June 10, 2016, the Defendant, Chris Nathaniel Williams, did combine, conspire, confederate, agree or have tacit understanding with another or others for the purpose of accomplishing an unlawful object or a lawful object by unlawful means in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

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



CHIP CANNON
ASSISTANT SOLICITOR

CC/0318777
WITNESSES

Goose Creek Police Department

INV. S. MCWILLIAMS / *[Signature]*

AGENCY CASE NUMBER

2016-2187

ARREST WARRANT NUMBER

2016A0820200400

DATE OF ARREST

06/11/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hardy *Sept 13, 2016*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02113

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

CHRIS NATHANIEL WILLIAMS
B/M DOB:

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

[Signature]
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16 SEP 13 PM 2:55

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

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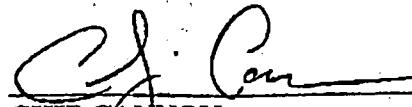
INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Berkeley County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Berkeley County, South Carolina, on or about June 10, 2016, the Defendant, Chris Nathaniel Williams, did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Attempted Armed Robbery; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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

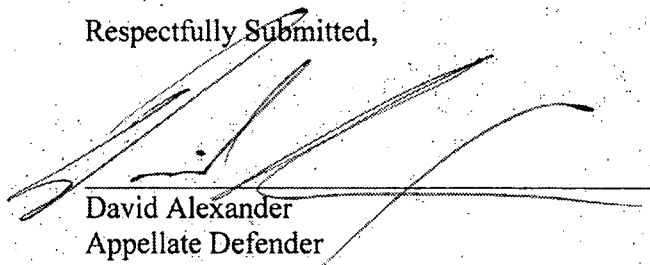


CHIP CANNON
ASSISTANT SOLICITOR

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,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line. The signature is stylized and somewhat cursive.

David Alexander
Appellate Defender

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

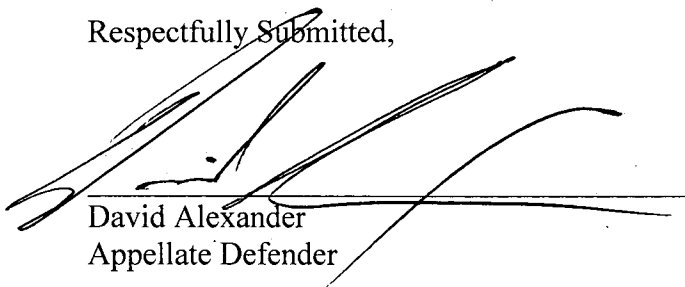
ATTORNEY FOR APPELLANT

This 9th day of May, 2018.

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,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 9th day of May, 2018.

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