

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

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S.C. SUPREME COURT

CHAD P. STALNAKER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000184

APPENDIX

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

CHAD PATRICK STALNAKER

Defendant

COURT OF GENERAL SESSIONS

DOCKET NO. 2014-GS-10-5431
2015-GS-10-5434

TRANSCRIPT OF RECORD

September 12, 2016
Charleston, South Carolina

VOLUME 1 (OF 3)

B E F O R E:

THE HONORABLE W. JEFFREY YOUNG, JUDGE

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

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No exhibits were introduced.

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PROCEEDINGS

1
2 THE COURT: Good afternoon ladies and gentlemen.
3 As they said I'm Jeff Young. I'm a Circuit Court judge
4 from Sumter and I'm down here to work in Charleston. I
5 always look forward to coming to Charleston. I have two
6 cadets over at the Citadel and I went there so it's kind
7 of like old home week for me.

8 Now we're about to -- and I understand y'all are
9 pretty experienced in being on a jury panel since y'all
10 have been -- probably about four juries have been
11 selected out of y'all today. But the first case we have
12 Solicitor, do you want to call your case or are you ready
13 to start?

14 MR. COOPER: Your Honor, this is the State of South
15 Carolina versus Chad Stalnaker.

16 THE COURT: All right. Ladies and gentlemen as
17 the Solicitor stated this is the case of the State versus
18 Chad Stalnaker and he's charged with attempted murder and
19 possession of a weapon during the commission of a violent
20 crime. Now the indictments read as follows: That in
21 Charleston County South Carolina on or about May 18, 2014
22 the defendant Chad Patrick Stalnaker did with intent to
23 kill with malice aforethought attempt to kill Desmond
24 Casey, this being in violation of section 16-3-29 of the
25 South Carolina Code of Laws 1976. Under indictment 2014-

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1 GS-10-5434 it reads that in Charleston County South
2 Carolina on or about May 18, 2014 the defendant Chad
3 Patrick Stalnaker did possess a shun culinary knife or
4 visibly display what appeared to be a knife during the
5 commission or attempted commission of attempted murder, a
6 violent crime in violation of section 23-490 of the South
7 Carolina Code of Laws 1976 as amended.

8 Now ladies and gentlemen let me remind you the fact
9 that this defendant was arrested, charged, and indicted
10 of these crimes is no way indicative that he has
11 committed these crimes. The defendant has pled not
12 guilty and therefore the State has the burden of proving
13 each and every allegation of each of these offenses
14 beyond a reasonable doubt. The defendant never has to
15 prove anything. The burden is completely on the State to
16 prove the defendant guilty beyond a reasonable doubt.

17 And these indictments are only the charging papers
18 that bring this case into court and again in no way is
19 indicative that he committed these crimes. Now, this
20 jury panel is already under oath is that correct?

21 CLERK OF COURT: Yes, Your Honor.
22
23
24
25

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VOIR DIRE

THE COURT: Ladies and gentlemen before we select the jury panel for this case there are a number of questions that I need to ask you but I wanted to make sure you were under oath from earlier court sessions because this is such a crucial stage of the trial.

You know just like a house must have a firm foundation to be protective and strong for those who live in it so must a jury be strong as the basis of a fair and impartial trial for those who participate; the Solicitor's office for the State and the defendant who is on trial. And your answers to these questions will be the foundation by which these attorneys will build a jury that they believe will be fair and impartial to both sides in this case. That's why it is so important that you listen to the questions carefully and answer them as truthful as you can be.

Now the first question is anyone ever been related by blood or marriage with the defendant -- or related by personal or business -- or related by blood or marriage with the defendant Chad Stalnaker? Would the defendant please stand and face the jury panel?

[Whereupon, the defendant stands]

THE COURT: You may be seated. Or with the alleged victim Desmond Casey? Is he present today?

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1 MR. COOPER: No, Your Honor.

2 THE COURT: He's not? Okay. So anybody related by
3 blood or marriage or close personal relationship with the
4 defendant who stood or the alleged victim, Mr. Desmond
5 Casey? If so, please stand.

6 [Whereupon, no one stands]

7 THE COURT: Thank you. No one is standing. Now
8 ladies and gentlemen I am going to go through a long list
9 of potential witnesses in this case and then I'm going to
10 ask you basically the same question but let me go through
11 the list.

12 George Bradley Hutchinson, Reid Riddle, Daniella
13 Jimenez, Desmond Casey, Officer Shelby Storen of the
14 Charleston Police Department, Officer Adam Deming of the
15 Charleston Police Department, Deputy Coroner Sara Senn of
16 the Charleston County Coroner's office, Chief Gregory
17 Mullen of the Charleston Police Department, Doctor Evert
18 Eriksson of the Medical University of South Carolina,
19 Officer Edward Gilliard of the Sumter Police -- excuse
20 me, Charleston Police Department, Officer Heather Marcell
21 of the Charleston Police Department, Officer Jason
22 Shepherd of the Charleston Police Department, Detective
23 Richard Holmes of the Charleston Police Department,
24 Sergeant Michael Niblock of the Charleston Police
25 Department, Sergeant Craig Kosarko of the Charleston

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1 Police Department, and Investigator Ray Haupt of the
2 Ninth Circuit Solicitor's Office, Eric Stalnaker, and
3 Theresa Stalnaker.

4 Has any member of the jury panel ever been related
5 by blood or marriage or had a close personal or business
6 relationship with any of these potential witnesses? If
7 so, please stand.

8 [Whereupon, a juror stands]

9 THE COURT: Yes sir, state your name and number.

10 MR. HOWELL: John Howell, 164.

11 THE COURT: And Mr. Howell who do you know?

12 MR. HOWELL: Reid Riddle. I am friends with his
13 family. He was one of the first ones you mentioned. And
14 his brother Seth and I were roommates 20 years ago.

15 THE COURT: Would the fact that you know Mr. Reid
16 Riddle and know his family make it so that you can't be
17 fair and impartial to the State or the defendant who is
18 on trial in this case?

19 MR. HOWELL: No sir, I don't think so.

20 THE COURT: Okay. Thank you very much. Anyone
21 else?

22 [Whereupon, a juror stands]

23 THE COURT: Yes sir? Your name and number?

24 MR. ATHERTON: Number 11.

25 THE COURT: What's your name?

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1 MR. ATHERTON: John Atherton.

2 THE COURT: Yes, sir?

3 MR. ATHERTON: I know a Shepherd. I don't know if
4 it's the Shepherd is ---

5 THE COURT: --- Officer Jason Shepherd?

6 MR. ATHERTON: I don't know his first name but I
7 know he's a Shepherd.

8 THE COURT: Okay. Would the fact that you know
9 Officer Shepherd make is so that you can't be fair and
10 impartial to the State or the defendant who is on trial?

11 MR. ATHERTON: I can be fair.

12 THE COURT: Very good, sir. Thank you very much.
13 Ladies and gentlemen the attorneys who will be trying
14 this case I think lead attorney for the State is Mr.
15 Daniel Cooper. Mr. Cooper, would you like to introduce
16 yourself and your co-counsel and your team?

17 MR. COOPER: Thank you, Your Honor. As the Judge
18 said my name is Daniel Cooper and this [indicates] is
19 David Osborne. We both work for the 9th Circuit
20 Solicitor's Office and serve under your elected Solicitor
21 Scarlett Wilson.

22 THE COURT: Thank you very much. Mr. Runyon, I
23 believe you are lead counsel for the defense. Would you
24 like to introduce your co-counsel and your team please?

25 MR. RUNYON: Thank you, Your Honor. My name is

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1 William Runyon of the Charleston Bar and I along with Mr.
2 Stan Jaskiewicz represent the defendant Mr. Chad
3 Stalnaker.

4 THE COURT: Thank you. Ladies and gentlemen has
5 any member of the jury panel ever been related by blood
6 or marriage or had a close personal or business
7 relationship or ever been represented by any of these
8 attorneys or the 9th Circuit Solicitor's office? If so,
9 please stand?

10 [Whereupon, no one stands]

11 THE COURT: Thank you. No one is standing. Has
12 any member of the jury panel formed or expressed an
13 opinion about any issue or matter in this case? If so,
14 please stand.

15 [Whereupon, a juror stands]

16 THE COURT: Yes, sir? State your name and number.

17 MR. HOWELL: John Howell, 164. I do know some of
18 the facts of this case from Reid Riddle's brother Seth.

19 THE COURT: Okay. So you have evidence outside of
20 what would be presented in here?

21 MR. HOWELL: Yes, sir.

22 THE COURT: Do you think knowing that you could
23 still be fair and impartial?

24 MR. HOWELL: Likely not, sir.

25 THE COURT: Okay. Any objection to removing this

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1 juror for cause?

2 MR. COOPER: No, Judge not from the State.

3 MR. RUNYON: None from the defense, Your Honor.

4 THE COURT: Thank you. This juror will -- just
5 remain seated but you will not be selected on this panel.
6 Is there any member of the jury panel who knows any
7 information about the events that occurred on the day of
8 May 18, 2014 at all? If so, please stand.

9 [Whereupon, no one stands]

10 THE COURT: Thank you. No one is standing. Have
11 you or any member of your immediate family ever been the
12 victim of or charged with a violent crime? If so, please
13 stand.

14 [Whereupon, no one stands]

15 THE COURT: Thank you. No one is standing. Is
16 there any member of the jury panel who is aware of any
17 bias or prejudice towards either the State or the
18 defendant in this case? If so, please stand.

19 [Whereupon, no one stands]

20 THE COURT: Thank you. No one is standing. Is
21 there any member of the jury panel who is also a member
22 of the Grand Jury which issued the indictments in this
23 case? If so, please stand.

24 [Whereupon, no one stands]

25 THE COURT: Thank you. No one is standing. Is

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1 there any member of the jury panel who is also a member
2 of or a contributor to any group which has as its primary
3 concern the promotion of law enforcement or victim's
4 rights? These groups would include, but certainly not be
5 limited to, Mothers Against Drunk Drivers, Students
6 Against Drunk Drivers, or Citizens Against Violent Crime?
7 If so, please stand.

8 [Whereupon, a juror stands]

9 THE COURT: Yes ma'am, state your name and number.

10 MS. KALISKY: My name is Phillis Kalisky Mayer
11 [phonetic]. My number is 180.

12 THE COURT: Yes, ma'am.

13 MS. KALISKY: When I was a student at the College of
14 Charleston, I graduated in '93; I was charge of the
15 Lead's [phonetic] Program which we were adamant about
16 enforcing no drinking, drugs, or alcohol; anything on
17 campus.

18 THE COURT: Okay. Would the fact that you were a
19 leader in that in 1993 make it so that you can't be fair
20 and impartial in this case today?

21 MS. KALINSKY: No, sir.

22 THE COURT: Thank you very much. Ladies and
23 gentlemen have you or any member of your family or any of
24 your close personal friends ever had any criminal charges
25 adjudicated by the 9th Circuit Solicitor's office? If

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1 so, please stand.

2 [Whereupon, a juror stands]

3 THE COURT: Yes ma'am, state your name and number
4 please?

5 MS. WEBB: Miriam Webb, 369. There is a possibility
6 but I'm not sure that there is a friend of mine that was
7 in court.

8 THE COURT: Would the fact that you had a friend
9 who might have been in the court make it so that you
10 can't be fair and impartial to the State or the defense
11 in this case?

12 MS. WEBB: No, Your Honor.

13 THE COURT: Thank you, ma'am.

14 [Whereupon, a juror stands]

15 THE COURT: Yes, ma'am.

16 MS. LEMON: Sharitta Lemon, 197. My brother was
17 locked up for drugs and he was --

18 THE COURT: Okay. Would the fact that you had a
19 brother who was prosecuted by the 9th Circuit Solicitor's
20 office make it so that you can't be fair and impartial to
21 the State or the defendant in this case?

22 MS. LEMON: No.

23 THE COURT: So you can listen to the evidence and
24 be fair and impartial?

25 MS. LEMON: Yes.

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1 THE COURT: Thank you.

2 MR. JASKIEWICZ: Your Honor, what was her number
3 please?

4 THE COURT: 197.

5 MR. JASKIEWICZ: Thank you, sir.

6 THE COURT: Do you or any member of your family or
7 any of your close personal friends live in or near Coming
8 Street in downtown Charleston? If so, please stand.

9 [Whereupon, a juror stands]

10 THE COURT: Yes ma'am, state your name and number.

11 MS. GREENKINLOCH: Margaret Greenkinloch, 133.

12 THE COURT: And where do you live?

13 MS. GREENKINLOCH: On Cannon Street between Ashley
14 and Rutledge Avenue.

15 THE COURT: Thank you.

16 [Whereupon, a juror stands]

17 THE COURT: Yes, ma'am?

18 MS. HUGHES: Kay Hughes, 165. My son lives on
19 Wentworth Street.

20 THE COURT: Okay. Which is right around the
21 corner?

22 MS. HUGHES: Uh Huh.

23 THE COURT: Thank you. Does any member of the
24 jury panel have any personal, political, or religious
25 beliefs or convictions that would make it difficult for

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1 you to sit in judgment of another person? If so, please
2 stand.

3 [Whereupon, no one stands]

4 THE COURT: Thank you. No one is standing. Does
5 the State have any additional questions it would like me
6 to ask?

7 MR. COOPER: Not from the State, Judge.

8 THE COURT: Does the defense have any additional
9 questions?

10 MR. RUNYON: None from the defense, Your Honor.

11 THE COURT: There is one final question. Does any
12 member of the jury panel know of any reason why he or she
13 should not serve as a juror in this case with particular
14 emphasis being placed on your ability to be fair and
15 impartial to both the State and the defendant? If so,
16 please stand.

17 [Whereupon, no one stands]

18 THE COURT: Thank you. Now ladies and gentlemen,
19 what is going to happen now as you've probably seen
20 several times today the computer is going to come up with
21 a list of names. If your name is called please come to
22 the podium, face the exit. The attorneys will then have
23 an opportunity to strike you from this case. Please do
24 not take it personally if you are stricken as a juror in
25 this case. Each side has some idea as to what they

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1 believe the optimum jurors would be for this case and
2 they can strike you for any reason or no reason except
3 for race or gender. I will tell the first juror to come
4 up and you may have seen this. When you face they are
5 going to say what sayeth the State. I had a juror come
6 up one time and they thought they were speaking to the
7 juror and they said, very proudly said the state is South
8 Carolina. Well, that's not the right answer to that
9 question so it's for you to speak but someone else. The
10 strikes are five and five and we'll have two alternates.

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Striking of the Jury
September 12, 2016

1 STRIKING OF THE JURY.

2 CLERK OF COURT: Ladies and gentlemen juror 279

3 Sean Rheaume.

4 [Whereupon, the juror comes forward]

5 CLERK OF COURT: What say you for the State?

6 MR. COOPER: Please seat the juror.

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

8 MR. RUNYON: Please seat the juror.

9 CLERK OF COURT: Please have a seat in the jury

10 box. You've been selected as a juror in the trial of

11 this case.

12 [Whereupon, the juror is seated in the jury box as a

13 juror]

14 CLERK OF COURT: Juror 271 Michael Protopapa.

15 [Whereupon, the juror comes forward]

16 CLERK OF COURT: What say you for the State?

17 MR. COOPER: Please seat the juror.

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

19 MR. RUNYON: Please seat the juror.

20 CLERK OF COURT: Please have a seat in the jury

21 box. You've been selected as a juror in the trial of

22 this case.

23 [Whereupon, the juror is seated in the jury box as a

24 juror]

25 CLERK OF COURT: Juror number 7 Earthalee Alston.

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1 [Whereupon, the juror comes forward]
2 CLERK OF COURT: What say you for the State?
3 MR. COOPER: Please seat the juror.
4 CLERK OF COURT: What say you for the defendant?
5 MR. RUNYON: Please excuse the juror.
6 CLERK OF COURT: Ms. Alston, please have a seat
7 back in the audience. You've been excused from the trial
8 of this case.
9 [Whereupon, the juror returns to the audience]
10 CLERK OF COURT: Juror 180 Phillis Kalisky.
11 [Whereupon, the juror comes forward]
12 CLERK OF COURT: What say you for the State?
13 MR. COOPER: Please seat the juror.
14 CLERK OF COURT: What say you for the defendant?
15 MR. RUNYON: Please seat the juror.
16 CLERK OF COURT: Please have a seat in the jury
17 box. You've been selected as a juror in the trial of
18 this case.
19 [Whereupon, the juror is seated in the jury box as
20 a juror]
21 CLERK OF COURT: Juror 266 Yolonda Phoenix.
22 [Whereupon, the juror comes forward]
23 CLERK OF COURT: What say you for the State?
24 MR. COOPER: Please seat the juror.
25 CLERK OF COURT: What say you for the defendant?

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1 MR. RUNYON: Please seat the juror.

2 CLERK OF COURT: Please have a seat in the jury
3 box. You've been selected as a juror in the trial of
4 this case.

5 [Whereupon, the juror is seated in the jury box as
6 a juror]

7 CLERK OF COURT: Juror number 17 Herbert Lee
8 Barron.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MR. COOPER: Please excuse the juror.

12 CLERK OF COURT: Mr. Barron, please have a seat
13 back in the audience. You've been excused from the trial
14 of this case.

15 [Whereupon, the juror returns to the audience]

16 CLERK OF COURT: Juror 141 Lauren Hammond.

17 [Whereupon, the juror comes forward]

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

19 MR. COOPER: Please seat the juror.

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

21 MR. RUNYON: Please seat the juror.

22 CLERK OF COURT: Please have a seat in the jury
23 box. You've been selected as a juror in the trial of
24 this case.

25 [Whereupon, the juror is seated in the jury box as

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1 a juror]

2 CLERK OF COURT: Juror 138 Kristin Hackler.

3 [Whereupon, the juror comes forward]

4 CLERK OF COURT: What say you for the State?

5 MR. COOPER: Please seat the juror.

6 CLERK OF COURT: What say you for the defendant?

7 MR. RUNYON: Please excuse the juror.

8 CLERK OF COURT: Please have a seat back in the

9 audience. You've been excused from the trial of this

10 case.

11 [Whereupon, the juror returns to the audience]

12 CLERK OF COURT: Juror 122 Krystal Gillet.

13 [Whereupon, the juror comes forward]

14 CLERK OF COURT: What say you for the State?

15 MR. COOPER: Please seat the juror.

16 CLERK OF COURT: What say you for the defendant?

17 MR. RUNYON: Please seat the juror.

18 CLERK OF COURT: Please have a seat in the jury

19 box. You've been selected as a juror in the trial of

20 this case.

21 [Whereupon, the juror is seated in the jury box as

22 a juror]

23 CLERK OF COURT: Juror 175 Julius Johnson.

24 [Whereupon, the juror comes forward]

25 CLERK OF COURT: What say you for the State?

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1 MR. COOPER: Please excuse the juror.

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

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: Juror 293 David Rose.

7 [Whereupon, the juror comes forward]

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

9 MR. COOPER: Please excuse the juror.

10 CLERK OF COURT: Please have a seat back in the
11 audience. You've been excused from the trial of this
12 case.

13 [Whereupon, the juror returns to the audience]

14 CLERK OF COURT: The State has exhausted three
15 strikes. Juror 376 George Whitton.

16 [Whereupon, the juror comes forward]

17 CLERK OF COURT: What say you for the State?

18 MR. COOPER: Please seat the juror.

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

20 MR. RUNYON: Please seat the juror.

21 CLERK OF COURT: Please have a seat in the jury
22 box. You've been selected as a juror in the trial of
23 this case.

24 [Whereupon, the juror is seated in the jury box as
25 a juror]

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1 CLERK OF COURT: Juror 233 Teresa Miller.
2 [Whereupon, the juror comes forward]
3 CLERK OF COURT: What say you for the State?
4 MR. COOPER: Please seat the juror.
5 CLERK OF COURT: What say you for the defendant?
6 MR. RUNYON: Please excuse the juror.
7 CLERK OF COURT: Please have a seat back in the
8 audience. You've been excused from the trial of this
9 case.
10 [Whereupon, the juror returns to the audience]
11 CLERK OF COURT: The defendant has exhausted three
12 strikes. Juror 36 Karie Brewer.
13 [Whereupon, the juror comes forward]
14 CLERK OF COURT: What say you for the State?
15 MR. COOPER: Please seat the juror.
16 CLERK OF COURT: What say you for the defendant?
17 MR. RUNYON: Please seat the juror.
18 CLERK OF COURT: Please have a seat in the jury
19 box. You've been selected as a juror in the trial of
20 this case.
21 [Whereupon, the juror is seated in the jury box as
22 a juror]
23 CLERK OF COURT: Juror 197 Sharitta Lemon.
24 [Whereupon, the juror comes forward]
25 CLERK OF COURT: What say you for the State?

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1 MR. COOPER: Please excuse the juror.

2 CLERK OF COURT: Please have a seat back in the
3 audience. You've been excused from the trial of this
4 case.

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: Juror 237 Joanna Mosgo.

7 [Whereupon, the juror comes forward]

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

9 MR. COOPER: Please seat the juror.

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

11 MR. RUNYON: Please seat the juror.

12 CLERK OF COURT: Please have a seat in the jury
13 box. You've been selected as a juror in the trial of
14 this case.

15 [Whereupon, the juror is seated in the jury box as
16 a juror]

17 CLERK OF COURT: Juror 292 Katrina Rogers.

18 THE COURT: Did we lose one?

19 CLERK OF COURT: Possibly. We'll just move on to
20 the next one. Juror 47 Steven Cain.

21 [Whereupon, the juror comes forward]

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

23 MR. COOPER: Please seat the juror.

24 CLERK OF COURT: What say you for the defendant?

25 MR. RUNYON: Please seat the juror.

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1 CLERK OF COURT: Please have a seat in the jury box.
2 You've been selected as a juror in the trial of this
3 case.

4 [Whereupon, the juror is seated in the jury box as a
5 juror]

6 CLERK OF COURT: Juror 65 Ginger Coffey.

7 [Whereupon, the juror comes forward]

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

9 MR. COOPER: Please seat the juror.

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

11 MR. RUNYON: Please seat the juror.

12 CLERK OF COURT: Please have a seat in the jury
13 box. You've been selected as a juror in the trial of
14 this case.

15 [Whereupon, the juror is seated in the jury box as
16 a juror]

17 CLERK OF COURT: Juror 399 Barbara Zuercher.

18 [Whereupon, the juror comes forward]

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

20 MR. COOPER: Please seat the juror.

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

22 MR. RUNYON: Please seat the juror.

23 CLERK OF COURT: Please have a seat in the jury
24 box. You've been selected as a juror in the trial of
25 this case.

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1 [Whereupon, the juror is seated in the jury box as
2 a juror]

3 CLERK OF COURT: We'll now move on to the
4 selection of our first alternate. The strikes are one
5 and two. Juror 243 William Netherland.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MR. COOPER: Please excuse the juror.

9 CLERK OF COURT: Please have a seat back in the
10 audience. You've been excused from the trial of this
11 case.

12 [Whereupon, the juror returns to the audience]

13 CLERK OF COURT: Juror 133, Margaret Greenkinloch.

14 [Whereupon, the juror comes forward]

15 CLERK OF COURT: Any challenge from the State?

16 MR. COOPER: Please seat the juror.

17 CLERK OF COURT: What say you for the defendant?

18 MR. RUNYON: Please excuse the juror.

19 CLERK OF COURT: Please have a seat back in the
20 audience. You've been excused from the trial of this
21 case.

22 [Whereupon, the juror returns to the audience]

23 CLERK OF COURT: Juror 392 Ward Worthington, 392.

24 [Whereupon, the juror comes forward]

25 CLERK OF COURT: Any challenge from the State?

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Striking of the Jury
September 12, 2016

1 MR. COOPER: Please seat the juror.
2 CLERK OF COURT: What say you for the defendant?
3 MR. RUNYON: Please excuse the juror.
4 CLERK OF COURT: Please have a seat back in the
5 audience. You've been excused from the trial of this
6 case.
7 [Whereupon, the juror returns to the audience]
8 CLERK OF COURT: Juror 160 Marshall Hills.
9 [Whereupon, the juror comes forward]
10 CLERK OF COURT: Any challenge from the State?
11 MR. COOPER: Please seat the juror.
12 CLERK OF COURT: Any challenge from the defendant?
13 MR. RUNYON: Please seat the juror.
14 CLERK OF COURT: Please have a seat in the jury
15 box. You've been selected as a juror in the trial of
16 this case.
17 [Whereupon, the juror is seated in the jury box as
18 an alternate juror]
19 CLERK OF COURT: Moving on to the second alternate.
20 Again, the strikes are one and two. Juror number 11 John
21 Atherton.
22 [Whereupon, the juror comes forward]
23 CLERK OF COURT: What say you for the State?
24 MR. COOPER: Please excuse the juror.
25 CLERK OF COURT: Please have a seat back in the

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1 audience. You've been excused from the trial of this
2 case.

3 [Whereupon, the juror returns to the audience]

4 CLERK OF COURT: Juror 201 Martha Lisicki.

5 [Whereupon, the juror comes forward]

6 CLERK OF COURT: Any challenge from the State?

7 MR. COOPER: Please seat the juror.

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

9 MR. RUNYON: Please excuse the juror.

10 CLERK OF COURT: Please have a seat back in the
11 audience. You've been excused from the trial of this
12 case.

13 [Whereupon, the juror returns to the audience]

14 CLERK OF COURT: Juror 188 Shoba Kousik.

15 [Whereupon, the juror comes forward]

16 CLERK OF COURT: Any challenge from the State?

17 MR. COOPER: Please seat the juror.

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

19 MR. RUNYON: Please seat the juror.

20 CLERK OF COURT: Please have a seat in the jury
21 box. You've been selected as a juror in the trial of
22 this case.

23 [Whereupon, the juror is seated in the jury box as
24 an alternate juror]

25 CLERK OF COURT: The jurors are selected and

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1 seated, Your Honor.

2 THE COURT: Would you please call out the names.

3 CLERK OF COURT: Juror Sean Rheume.

4 THE COURT: Just raise your hand.

5 CLERK OF COURT: Just raise your hand as your name

6 is called to make sure we have the right jurors seated.

7 Juror 271 Michael Protopapa, juror 180 Phillis Kalisky.

8 MS. KALISKY: Kalisky Mair.

9 CLERK OF COURT: Mayer? And that's M-A-Y-E-R?

10 MS. KALISKY: M-A-I-R.

11 CLERK OF COURT: Thank you very much. Juror 266

12 Yolanda Phoenix, juror 141 Lauren Hammond, juror 122

13 Krystal Gillet, juror 376 George Whitton, juror 36 Karie

14 Brewer, juror 237 Joanna Mosgo, juror 47 Steven Cain,

15 juror 65 Ginger Coffey, juror 399 Barbara Zuercher, juror

16 160 Marshall Hills, and juror 188 Shoba Kousik.

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State v Chad Stalnaker
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1 THE COURT: Thank you. Ladies and gentlemen I'm
2 going to send you back to the jury room for just a minute
3 while I speak to the attorneys and the other jurors.
4 While y'all are back there if y'all could select amongst
5 the 12 primary jurors who you want to be the Foreperson
6 of this jury and that Foreperson will sit in this seat
7 when you come back down. Please do not discuss anything
8 about the case; but you won't be back there very long and
9 then I'll bring you right back out and I'm going to
10 release you for the day as well. Thank you.

11 [Whereupon, the jury exits at 4:58 p.m.]

12 THE COURT: Is there any objection to the jury that
13 has been selected or the manner in which they have been
14 selected from the State?

15 MR. COOPER: No, Your Honor.

16 THE COURT: From the defense?

17 MR. RUNYON: None whatsoever from the defense, Your
18 Honor.

19 THE COURT: Very well. Then that will be our jury.
20 Ladies and gentlemen that is all the juries that we will
21 be selecting for today. You've had a full day of jury
22 selection for sure. Do you want them to call back after
23 6:00?

24 CLERK OF COURT: Yes, sir.

25 THE COURT: Please call back after 6:00. I'm sorry

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1 for some reason y'all didn't selected today; you had many
2 opportunities. But maybe during this week you'll have
3 another opportunity to serve as jurors. Have a nice
4 evening and have a nice afternoon.

5 [Whereupon, the jury panel exits at 5:00 p.m.]

6 THE COURT: I'm going to give them just a few
7 moments back there to select a Foreperson. Is there
8 anything we need to take up at this point in time?

9 MR. RUNYON: Judge, as a matter of housekeeping I
10 believe we've raised this issue with the court in
11 pretrial discussions. Mr. Stalnaker's bondsman has
12 filed with the Clerk written confirmation that he will
13 continue upon the bond upon the same terms and
14 conditions.

15 And we would ask the court now that the case has
16 been called to allow Mr. Stalnaker to continue on the
17 bond since in fact he has been in faithful attendance for
18 two years now and we'd ask that the court allow him to
19 continue on the bond under the same terms and conditions?

20 THE COURT: Do y'all have any objection to that?

21 MR. COOPER: Judge, in all candor when the defense
22 first asked about that I was inclined to go along with it
23 given that he has been out of trouble for two years. But
24 given the seriousness of the charge which he is charged
25 with my position has to be Judge that he needs to be

State v Chad Stalnaker
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1 taken into custody during the course of the trial.

2 THE COURT: Mr. Runyon, I have never on a case of
3 this magnitude, this carries up to 30 years in jail I
4 have never allowed a defendant on a case of this
5 magnitude to go home once the trial starts so I am not
6 going to extend his bond. His bond will be revoked as of
7 tonight. And if you would like I'll give you extra time
8 in the morning to get things arranged so why don't we
9 plan on starting at 10 o'clock; that will give you some
10 extra time if you need to talk with him.

11 MR. RUNYON: Thank you, Your Honor; we will need it
12 because we're going to have to bring in clothes.

13 THE COURT: That's why I was going to give you
14 extra time in the morning. We will take him into
15 custody.

16 MR. STALNAKER: Can I see my parents before I go
17 back? They are right in the hall.

18 THE COURT: You'll have to talk with the jail about
19 that. Anything further?

20 MR. RUNYON: Nothing further from the defense at
21 this point, Judge.

22 MR. COOPER: Nothing from the State, Your Honor.

23 THE COURT: Let's bring our jury in.

24 [Whereupon, the jury enters at 5:04 p.m.]

25 THE COURT: Thank you. Ladies and gentlemen thank

State v Chad Stalnaker
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1 you for being the jurors on this case. This case won't
2 start until 10 o'clock tomorrow morning. So I am going
3 to send you home with strict instructions that you not
4 talk to anybody about this case, that you not go and try
5 to get any information about this case because everything
6 that you're going to need to decide this case will come
7 from within the four walls of this courtroom.

8 And please don't go out and tell everybody that you
9 got jury duty on this case because what will happen is
10 that person in a very friendly way will say you know, I
11 had jury duty one time and this is what happened in that
12 case. Well, you really don't need to hear that, okay.

13 What I need for you to do is go home and get a good
14 night's rest. This case is probably going to go for a
15 couple of days so you're going to need to be rested when
16 you come in here tomorrow. We'll have a full day. So
17 have a nice evening. If you see anything in the
18 newspaper about this case please do not read it. I'm
19 ordering you not to read it. But again, have a nice
20 evening and we'll see you tomorrow at 10 o'clock. Yes,
21 ma'am?

22 UNIDENTIFIED JUROR: What exactly is the role of the
23 alternate?

24 THE COURT: You will sit as an alternate and you
25 will listen to the evidence just like every other juror.

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1 And if something happens to one of these jurors then you
2 will be required to sit and deliberate as well. In fact
3 I had a trial in Clarendon County that went on for two
4 weeks. We had five alternates and by the time it went to
5 the jury there were no alternates left. So y'all's role
6 is just as important as everyone else on that jury
7 because you don't know; you may be required to deliberate
8 on this. Anything else? Ladies and gentlemen have a
9 wonderful evening ---

10 UNIDENTIFIED JUROR: --- where do we report?

11 THE COURT: They will give you all those
12 instructions. I don't even know so they will tell you
13 where to park and where to do all that okay. Thank you
14 ladies and gentlemen.

15 [Whereupon, the jury exits at 5:07 p.m.]

16 THE COURT: Court is adjourned until 10 o'clock
17 tomorrow morning. Thank you.

18 [Whereupon, court adjourns at 5:07 p.m.]
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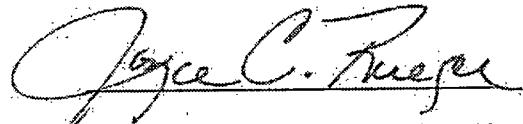
State v Chad Stalnaker
Certificate of the Court Reporter
September 12, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 12th day of September, 2016.

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

March 22, 2017



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

DOCKET NO. 2014-GS-10-5431

2015-GS-10-5434

STATE OF SOUTH CAROLINA)

vs.)

CHAD PATRICK STALNAKER)

Defendant)

TRANSCRIPT OF RECORD

September 13, 2016

Charleston, South Carolina

VOLUME 2 (OF 3)**B E F O R E:**

THE HONORABLE W. JEFFREY YOUNG, JUDGE

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Circuit Court Reporter

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1 PROCEEDINGS

2 [Whereupon, State's exhibit numbers 1 through 36 are
3 marked by the court reporter]

4 THE COURT: Anything before we bring our jury in?
5 I understand there was a jury inquiry?

6 UNIDENTIFIED SPEAKER: Yes, sir.

7 THE COURT: And I haven't seen it. I didn't want
8 to have any private communications. Y'all can come up if
9 you want to.

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: Let me put something on the record.
13 Y'all can come up. This juror needs to say something.

14 [Whereupon, juror number 266 enters the courtroom]

15 JUROR NUMBER 266: Good morning.

16 THE COURT: Good morning. Yes, ma'am?

17 JUROR NUMBER 266: Judge, on yesterday when I was
18 actually chosen I didn't actually thought I was going to
19 get chosen.

20 THE COURT: Well nobody ever does.

21 JUROR NUMBER 266: Yes, right. I kind of feel not
22 comfortable because I have two brothers that already had
23 did time in jail. One did ten, one did six.

24 THE COURT: But you said you could be fair and
25 listen to the evidence in this case and make a decision

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1 in this case. Can you do that?

2 JUROR NUMBER 266: Well, I can but I still I just
3 don't feel comfortable with myself. I just -- when I do
4 things I want to be honest, I want to have ---

5 THE COURT: --- why didn't you tell us this
6 yesterday when you could have been honest in front of a
7 group of people and we could have resolved it and not had
8 you on the jury. Now I've got 14 people sitting back
9 there and I've got two of them who are going to have to
10 be taken off probably.

11 JUROR NUMBER 266: Well, I'll go ahead with the
12 trial, sir. I'm not trying to get you upset or nothing.

13 THE COURT: Do y'all have any objection to that at
14 this point? I have a problem with it. I've got two
15 alternates; thank goodness.

16 JUROR NUMBER 266: I'm sorry, Your Honor.

17 MR. JASKIEWICZ: We're okay taking the alternates,
18 Your Honor; seating the alternates.

19 THE COURT: That's what we will do. Keep both of
20 these jurors back there. I'm going to put something on
21 the record later; I may hold them in contempt I don't
22 know. But bring that other juror in here as well. Thank
23 you; you will not be on this jury.

24 JUROR NUMBER 266: I'm in trouble?

25 THE COURT: No, you're not in trouble. What's your

State v Chad Stalnaker
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September 13, 2016

1 juror number?

2 CLERK OF COURT: 266.

3 JUROR NUMBER 266: Your Honor, I apologize. I'm
4 sorry.

5 THE COURT: Thank you. All right take her back
6 and bring that other juror up here. Don't let her go
7 back in with the other jurors.

8 [Whereupon, juror number 266 exits the courtroom]

9 [Whereupon, juror number 279 enters the courtroom]

10 THE COURT: You are Mr. Sean...

11 JUROR NUMBER 279: Rheaume.

12 THE COURT: Rheaume. Are these your Facebook?

13 JUROR NUMBER 279: Yes, sir.

14 THE COURT: Didn't I tell you not to go out and
15 tell the world and make comments about you being on a
16 jury?

17 JUROR NUMBER 279: Yes, sir.

18 THE COURT: Okay. Why did you do that?

19 JUROR NUMBER 279: I was already -- a lot of my
20 people already knew I was on the jury before you ---

21 THE COURT: --- but you violated my order. I
22 ordered you not do that.

23 JUROR NUMBER 279: Yes, sir.

24 THE COURT: Why shouldn't I hold you in contempt of
25 this court because you're no longer capable of being a

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1 juror because you violated my order? You were the
2 Foreperson of this jury and you went and did this. What
3 do you have to say?

4 JUROR NUMBER 279: I totally apologize. I...

5 THE COURT: Well, now I'm down to no alternates
6 because I had to dismiss another one. And this was your
7 chance to shine and you did not. Put him in a back room.
8 I'm going to deal with him a little later. Just have him
9 sit back there in a separate jury room.

10 [Whereupon, juror number 279 exits the courtroom]

11 THE COURT: Anything before we bring our qualified
12 jurors out?

13 MR. RUNYON: Judge, I think it would be appropriate
14 at this time we talked before about sequestering the
15 witnesses of both the State and the defendant other than
16 the victim and the case agent.

17 THE COURT: That's right. Anybody who is not the
18 victim and is not the case agent needs to stay out of the
19 courtroom during the trial and opening arguments.

20 MR. RUNYON: If they're going to be witnesses.

21 THE COURT: Right. If they're not going to be
22 witnesses they are welcome to say and anyone else is.

23 MR. COOPER: Judge, I would ask that -- my
24 investigator is on the witness list and I ask that he
25 also be an exception to that.

State v Chad Stalnaker
Proceedings
September 13, 2016

1 MR. RUNYON: I have no objection to that.

2 THE COURT: I figured you wouldn't. Anything
3 further? Let me see the attorneys for just a second.

4 [Whereupon, an off the record bench conference is
5 held]

6 THE COURT: Let's bring our jurors in.

7 [Whereupon, the jury enters at 10:59 a.m.]

8 THE COURT: Good morning ladies and gentlemen.
9 Some things have happened while y'all were out. Next
10 time y'all go out if you could please select a new
11 Foreperson. Your Foreperson is no longer on the jury.
12 Also, I think you asked what the role is of an alternate.
13 Well you don't need to worry about that because the
14 alternates are now primary jurors. So I've got 12 of
15 you. Please do not get sick over the next couple of
16 days. You can't have any family crisis. There can be
17 no outside emergencies; you've got to be here until it's
18 over.

19 I hope you got a good night's rest. We're going to
20 be here for a long day today. You'll have about an hour
21 and half lunch break. I think the last time I was here
22 it was Spoleto so they bought us all lunch every day but
23 I don't know that they are going to do that since Spoleto
24 is not going on. But I will give you plenty of time to
25 get a good lunch. Would you please swear our jurors?

State v Chad Stalnaker
Jury Sworn
September 13, 2016

1 JURY SWORN

2 CLERK OF COURT: Please have the defendant stand.

3 [Whereupon, the defendant stands]

4 CLERK OF COURT: We don't have a Foreman but ladies
5 and gentlemen of the jury please stand and raise your
6 right hands to be sworn.

7 [Whereupon, the jury stands]

8 CLERK OF COURT: Do you swear or affirm that you
9 shall well and truly try and a true deliverance make
10 between the State of South Carolina and the defendant at
11 the bar whom you shall have in charge and a true verdict
12 render according to the evidence and the laws so help you
13 God. Please evidence that by saying I do.

14 [Whereupon, all jurors comply]

15 THE COURT: Thank you. You may be seated.

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State v Chad Stalnaker
Court-Introduction to Jury
September 13, 2016

1 THE COURT: Ladies and gentlemen before we begin
2 this trial I want to tell you this trial might be
3 different from what you might expect. You know most
4 people never had an opportunity to participate in an
5 actual court session as you are today and may think from
6 watching T.V., movies, or reading in books that trials
7 are always full of high drama, intense action, and
8 riveting circumstances.

9 While these things might be true at times this trial
10 is not for entertainment. This is a real trial which is
11 a fundamental part of our democracy and a search for the
12 truth to ensure that justice is done. And searching for
13 the truth and ensuring that justice is done is often
14 slow, deliberate, and repetitive; the exact opposite of
15 what you have seen on movies, T.V., or read in books.

16 Ladies and gentlemen this courtroom is a place of
17 honor that is dedicated to the protection and the
18 preservation of our citizen's rights what has been called
19 and I truly believe in the bottom of my heart to be the
20 greatest justice system ever created. The attorneys who
21 are appearing before you are advocates for the parties
22 that they represent but first and foremost ladies and
23 gentlemen they are officers of this court who are sworn
24 to uphold the integrity and the fairness of our judicial
25 system and to help you as jurors in your search for the

State v Chad Stalnaker
Court-Introduction to Jury
September 13, 2016

1 truth. Ladies and gentlemen you should expect them to be
2 professional, competent, and ethical in the
3 representation of their client's interest. And remember
4 ladies and gentlemen you also just a few minutes ago took
5 an oath to listen to the evidence in this case and reach
6 a just and fair verdict. And you are expected to be
7 professional, reasonable and ethical as well. Ladies and
8 gentlemen again thank you for accepting this very high
9 responsibility of jury service and your contribution to
10 our justice system.

11 Now ladies and gentlemen what I'm going to tell you
12 now is just intended to serve as an introduction to the
13 trial of this case. These remarks are not a charge on
14 the law and I'll charge you on the law that is to be
15 applied in this particular case at the end of this trial.
16 This is merely an explanation of the procedures that we
17 will follow so you may better understand what is
18 happening. Let me say upfront during this trial you will
19 not be allowed to take notes therefore it is very
20 important that you listen closely throughout this trial.

21 Now ladies and gentlemen the defendant is charged by
22 indictments filed in this court with attempted murder and
23 possession of a weapon during the commission of a violent
24 crime. The specific elements of this charge will be
25 explained to you later and as we go through the trial.

State v Chad Stalnaker
Court-Introduction to Jury
September 13, 2016

1 But I want to remind you again that the indictments
2 charging the defendant are simply the documents by which
3 this case gets here into court and is not in any sense
4 evidence of any of the allegations contained therein.
5 The defendant has pled not guilty to the charges in the
6 indictment so the State therefore has the burden of
7 proving each and every element of each of the indictments
8 beyond a reasonable doubt. And ladies and gentlemen it
9 will be your duty to decide whether the State has met
10 that burden.

11 Now your purpose in this trial is to determine the
12 facts of this case. You will determine the facts from
13 the testimony that you will hear from the witness stand
14 and any other evidence that is introduced here in court.
15 And it will be up to you as jurors to determine the
16 inferences which you feel may be properly drawn from the
17 evidence that is presented.

18 Now ladies and gentlemen it is especially important
19 that you perform your duty diligently and conscientiously
20 because ordinarily there is no way to correct an
21 erroneous determination of facts by jurors. On the other
22 hand but with equal emphasis the same law that makes you
23 the judges of the facts makes me the judge of the law.
24 And the law as given to you by me is the only law that
25 you may consider. You must accept the law as I give it

State v Chad Stalnaker
Court-Introduction to Jury
September 13, 2016

1 to you and follow it; even though you might disagree.
2 And I'll make a deal with you right now. I will not tell
3 you what the facts are and you will not disagree with me
4 about the law is or what the law ought to be. Your job
5 is to take the law as I give it to you, apply it to the
6 facts as you find them from the evidence and the
7 testimony presented and then after hearing the evidence
8 you will deliberate and render a just verdict under the
9 solemn oath that you just took as jurors.

10 Now ladies and gentlemen until I advise you to begin
11 your deliberations at the conclusion of this case you
12 must not discuss the case with others including your
13 fellow jurors unless authorized to do so by me and me
14 alone. You may not use a computer, cellular phone or
15 other electronic device with communications capabilities
16 while in attendance here at this trial or during your
17 deliberations.

18 Now you may use these items when you take a lunch
19 break or go home for the evening but even then you may
20 not use these devices to disclose any information about a
21 trial or do any research that you think would be helpful
22 in deciding anything. You may not -- and again, the
23 information that you could not disclose would be
24 information about a party, a witness, an attorney, or a
25 court officer. Any news accounts about this case, any

State v Chad Stalnaker
Court-Introduction to Jury
September 13, 2016

1 information collected through juror research again that
2 you think again might be helpful in deciding this case.
3 Again, as I've said earlier you will get all the
4 information that you will need to decide this case within
5 the four walls of this courtroom and we must preserve the
6 sanctity of that so that there is no outside information
7 that has not been vetted coming in here for you to hear.

8 Now as I said after the case is submitted to you,
9 you must discuss it only in the jury room with your
10 fellow jurors. And the attorneys and the parties in this
11 case are advised that they are not to talk to you at all.
12 So if you see somebody that is involved in this case in
13 this small courthouse here in the middle of Charleston
14 and they don't even say hello well, they are not being
15 unfriendly; they are just following my orders.

16 Now ladies and gentlemen it is very important that
17 you keep an open mind throughout this trial and not
18 decide any issue until all of the evidence has been
19 presented, the attorneys have made their closing
20 arguments and I have instructed you on the law of this
21 case. Now ladies and gentlemen it's your solemn
22 responsibility to determine the guilt or innocence of the
23 defendant and your verdict must be based solely on the
24 evidence as it is presented in this courtroom and on the
25 law as I give it to you. Now ladies and gentlemen in

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1 just a moment the Solicitor will make what is called an
2 opening statement in which he will tell you and explain
3 what he believes the issues are in this case. The
4 attorney for the defendant may also make an opening
5 statement however he is not required to do so.

6 Let me tell you what the attorneys tell you during
7 their opening statements and remind you that it is not
8 evidence. It's only their contention as to what they
9 believe the issues are in this case. Now from time to
10 time during this trial you may hear one of the lawyers
11 say something like Your Honor, I believe we have a
12 question or a matter of law to discuss with you or Your
13 Honor may we approach the bench.

14 Or sometimes I may find it necessary to excuse you
15 from the courtroom for a few minutes while the attorneys
16 and I discuss a matter of law. And the reason for this
17 as I've said I am the judge of the law but you are the
18 judges of the facts. And sometimes when I'm discussing a
19 matter of law with the attorneys it may be necessary for
20 me to make some comment on the facts in connection with
21 whether a particular law applies. And so what I will do
22 is I will excuse you from those conversations so that you
23 will in no way be influenced by anything that I say or do
24 concerning the facts in this case. Now also during this
25 trial you may hear one of the attorneys make an objection

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1 to certain evidence which is about to be presented. Now
2 whether I sustain which would be to grant the objection
3 or overrule the objection which would be to deny it
4 should not be construed that I favor one side over the
5 other; I do not. Nor should you infer that the objecting
6 party is trying to hide something from you.

7 You know ladies and gentlemen in this court as in
8 all situations in life there are specific rules that must
9 be followed and the attorneys as officers of this court
10 are merely trying to follow the rules of evidence of this
11 court when making their objections and I am only ruling
12 based upon what I believe the law of the state of South
13 Carolina to be concerning the evidence being presented.

14 Now ladies and gentlemen in determining what the
15 facts are in a case you must decide whether or not the
16 testimony of a witness is believable. It will be my
17 responsibility as the presiding judge to rule as a matter
18 of law as to whether certain testimony is admissible.
19 But once the testimony is admitted whether or not you
20 decide to believe it is solely for you to determine.

21 And in deciding whether to believe a witness you
22 have a right to consider the interest of any particular
23 witness, the bias of any particular witness, the
24 prejudice of any particular witness and the opportunity
25 for the witness to have actually observed and seen things

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1 which the witness might testify against, and you may
2 consider the way the witness acts on the witness stand.
3 Now ladies and gentlemen you have a right to consider
4 anything that is in the record that will help you
5 evaluate the testimony. So that means it's your duty as
6 jurors to pay close attention to the witnesses, to
7 observe the witnesses, to listen to the witnesses and pay
8 close attention to the attorneys and the court.

9 Ladies and gentlemen please do not let your thoughts
10 wander but give strict attention to the testimony so that
11 at the end of all the testimony after the argument of
12 counsel and the charge on the law by me you will then be
13 in a position to apply the facts to the law and thus
14 render a true and just verdict.

15 Now in order to preserve everyone's rights I will
16 give the parties an opportunity to object to anything
17 that I've stated. Does the State have any objection to
18 anything I've stated to this jury?

19 MR. COOPER: No, Your Honor.

20 THE COURT: Does the defense have any objection?

21 MR. RUNYON: None from the defense, Your Honor.

22 THE COURT: Okay. We will begin the trial of this
23 case. Solicitor?

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1 OPENING STATEMENTS

2 BY MR. COOPER:

3 MR. COOPER: Thank you, Your Honor. May it please
4 the court?

5 THE COURT: Yes, sir.

6 MR. COOPER: Mr. Runyon, Mr. Jaskiewicz, ladies and
7 gentlemen of the jury good morning. On Saturday, May 17,
8 2014 Desmond Casey went to work. He worked at Lee Lee's
9 Hot Kitchen, which is an upscale Chinese restaurant on
10 President Street, which is if you don't know is in the
11 area of the Citadel, Burke High School, RiverDogs
12 stadium. He worked there as a prep cook and a
13 dishwasher. He was living at his aunt's house at the
14 time on Killian Street, which is just a few doors down
15 from Lee Lee's.

16 He went to work that night and he got off around
17 midnight and some of his co-workers asked him and said
18 Desmond, we're going to go out and get some drinks come
19 with us. Now Desmond as he will tell you usually did not
20 go out and get drinks late night after work but that
21 night he decided to anyway. So he met some of his
22 friends and co-workers at Recovery Room, which is a bar
23 located on the upper end of King Street under the I-26
24 overpass. They had drinks, they hung out, and they
25 stayed until the place closed down at 2 a.m. Now when

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1 everybody was leaving his friends and co-workers they
2 were headed to an after party. They invited Desmond.
3 Desmond declined having to go to work the next morning.
4 Desmond grabbed some food, took a stroll down King Street
5 and headed on his way home. The route he took that night
6 took him down Coming Street and to an encounter with the
7 defendant that was going to change his life forever.

8 Now that same night the defendant was a bartender at
9 A C's Bar and Grill which is a dive bar on King Street in
10 the area of the American Theatre and the Children's
11 Museum and the Visitor's Center; that area of King
12 Street. He was working that night. His girlfriend
13 Daniella Jimenez who also worked in the food and beverage
14 industry had gotten off a little bit earlier but had come
15 by to hang out with Chad until Chad got off work. Now
16 this becomes important later but she had a lot to drink
17 that night waiting on him.

18 Now he gets off right after 2 a.m. and him and her
19 make their way home to their house at [REDACTED] Coming Street,
20 the yellow house right there [indicates]. They lived on
21 the second floor apartment of that house. And the way
22 you get there is the grey cement wall there is a
23 driveway. You walk to the driveway go around the back of
24 the house up the stairs and it takes you to that balcony
25 you see right there [indicates]. That's how you get

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1 upstairs. Well, they headed on their way home. As they
2 were getting close to home they began to argue, they
3 began to argue violently and at that point Chad starting
4 getting physical with Daniella. Now this is the part
5 where the paths of Chad Stalnaker and Desmond Casey
6 cross. It's just before 3 a.m. on what is now Sunday
7 morning, May 18, 2014.

8 Desmond is on the other side of the street. He
9 hears a lot of yelling. He looks over and he sees the
10 couple that is Chad and Daniella. Now Desmond didn't
11 know who they were at the time. He didn't recognize
12 them, had never met them before, to him they were
13 strangers. But none the less as he's going to tell you
14 today he saw the way Chad was acting towards Daniella and
15 he became concerned; concerned for her safety, concerned
16 for what might happen to her.

17 So he decides to intervene. He yells hey and he
18 walks across the street hoping that just the knowledge
19 that somebody else is watching, that somebody else is
20 there was somehow going to de-escalate or calm the
21 situation. It didn't happen. When Desmond walked over
22 to Chad and Daniella Chad stopped yelling at Daniella and
23 turned his attention to Desmond. Now things escalated
24 quickly and got out of hand and they began to fight and
25 ended up scuffling on the ground. Now at this time one

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1 of the neighbors on Coming Street a guy named Reid Riddle
2 was coming home from hanging out with his friends
3 downtown that night and he walks up heading home onto the
4 fight. He helps to break it up and gets everybody
5 separated and then everybody continues on seemingly on
6 their way home.

7 Chad and Daniella were on the left side of the
8 street heading up to their house; Reid had crossed the
9 street heading to his house. Desmond was also heading in
10 this direction [indicates] because if you continue to the
11 right of the screen it takes you to Line Street and the
12 Crosstown which is how he was headed home. They were
13 almost home but Desmond still had a little ways to go.

14 Now as the parties are moving up Coming Street
15 toward this residence [indicates] another neighbor a guy
16 by the name of Brad Hutchinson who lives across the
17 street from the defendant but just two doors down from
18 Reid Riddle was at home, he had been home for a while.
19 He had been watching T.V. with his roommates but he heard
20 the commotion outside so he went outside to see what was
21 going on and he saw the parties making their way up
22 Coming Street.

23 Now as the defendant and his girlfriend Daniella
24 came up to that retaining wall to that driveway the
25 defendant disappeared behind the house. He left his

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1 girlfriend standing at the corner on the sidewalk at the
2 corner of the house. Now just a few seconds later he
3 reappears but he's not standing in the driveway where he
4 left he's now up on the balcony. And then as the
5 witnesses will tell you he jumped off the balcony, he
6 made his way after Desmond and the two had a second
7 altercation.

8 Now while Chad as you'll see is shorter than Desmond
9 Casey he had the advantage at that moment. He had the
10 upper hand. He had stacked the odds in his favor because
11 as you'll hear when he went upstairs it was for one
12 reason and that was to grab his five inch kitchen knife.
13 So once he armed himself with that knife he jumped off
14 the balcony, set a goal for his target, chased after
15 Desmond. He had taken a knife to a fistfight. Desmond
16 had no idea what was coming. Desmond had no weapons and
17 Desmond was going to have no way to defend himself.

18 Now Desmond was able to break away from Chad and his
19 knife and he made his way to the right of the screen
20 towards Line and Crosstown running as he could. Brad and
21 Reid were still across the street watching what was
22 happening; not knowing there was a knife involved yet and
23 not knowing it was a stabbing and just saw the victim
24 take off and saw the defendant standing there and heard
25 Chad scream call 911 my girlfriend has been injured. Now

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1 Brad and Reid don't know what's going on so they walk
2 over to see what is going on. They walk across the
3 street to the house where the defendant and Daniella are.
4 And they will testify for you so listen and pay close
5 attention to what they tell you about what they saw.
6 They'll walk across the street.

7 Daniella is on the sidewalk crouched leaning up
8 against the house. Her hand is bleeding. She was also
9 the victim of Chad's knife. Then they look at Chad. His
10 face, his hands, and his arms are covered in blood,
11 Desmond's blood. Then they look on the ground and on the
12 sidewalk in front of them is that same five inch kitchen
13 knife also covered in Desmond's blood. Brad called 911
14 after hearing the defendant say I stabbed him, I just
15 stabbed that guy he called 911 and police were on the
16 scene before you know it.

17 Now Desmond had run off. He actually made his way a
18 couple of streets over to Fishburne Street where he
19 collapsed on the curb in front of a parked truck bleeding
20 profusely from 16 different stab wounds, 16; four to his
21 right arm and chest area, six in the face and mouth, and
22 six in the back.

23 Now EMS came to the scene. They got Desmond and
24 they rushed him to MUSC where doctors literally saved his
25 life. You'll hear from one of the trauma surgeons during

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1 this case who will detail for you Desmond's injuries. He
2 will detail you what they did to literally save his life.
3 Now that night Desmond as you'll hear did what he thought
4 was right. He did the right thing. He saw a bad
5 situation that he thought was going to get worse so he
6 intervened and it nearly cost him his life.

7 So at the end of the trial once you've heard all the
8 evidence or seen all the evidence and heard all the
9 testimony from the witnesses I'm going to come back up
10 here and I'm going to ask you that you hold Chad
11 accountable for his senseless, his unnecessary, and his
12 unprovoked act of violence. I'm going to ask that you
13 find him guilty for possession of a weapon during the
14 commission of a violent crime and for the attempted
15 murder of Desmond Casey. Thank you.

16 THE COURT: Thank you Mr. Cooper. Mr. Runyon?

17 MR. RUNYON: Mr. Jaskiewicz will open ---

18 THE COURT: Mr. Jaskiewicz?

19 MR. JASKIEWICZ: May it please the court?

20 THE COURT: Yes, sir.
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State v Chad Stalnaker
Opening Statements-Remarks by Mr. Jaskiewicz
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OPENING STATEMENTS

BY MR. JASKIEWICZ:

We've been introduced the other day. My name is Stan Jaskiewicz. It's very difficult; I'll try not to talk as fast as Mr. Cooper. I'm not saying anything bad about him; he's a good attorney and a good prosecutor but what he says it's like one-sided. Each side wants to win this because there is a lot at stake.

And what we've promised to do is to present evidence that contradicts what the Solicitor or Associate Solicitor -- I don't know your title Daniel -- has stated. That will be put to you through live testimony mainly from the only witness we have other than family and that's Chad because this scenario doesn't favor the defendant, if you listen to the Solicitor.

But you can believe one person as opposed to 10. That's your right and prerogative. This is like Goliath versus David. I mean it's the State versus Chad. It's one thing that the Judge tells you is good and that's that the State has leveled the playing field by making the prosecution carry the burden of proof. And you should never ever hold them less to the burden of proof that is ordered. That is they must prove beyond a reasonable doubt where there is no reasonable man could doubt what had happened. We have our client who was not

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1 drunk or drinking at the Recovery Room. He's going home.
2 He did have an argument with Daniella; that's his
3 roommate and former girlfriend. You'll hear about that.
4 You'll hear a different story than that was posited to
5 you by the Solicitor. You'll hear that the aggressor in
6 this was Desmond, that Chad acted to defend her and then
7 to defend himself.

8 That is going to be unequivocally proven to you.
9 It's not going to be something that was coached. It's
10 going to come natural. There have been no sessions with
11 Daniella saying you say this and this and this. It
12 doesn't work that way. This system is such that the
13 client wants help, he says I did it, and we work out a
14 plea if we could. But you know he said I didn't do it
15 and he tells us a very convincing story. And I want you
16 to listen to all the evidence to the very end. I want to
17 ask three things of you.

18 Number one that you remember to hold the State to
19 the standard of proof being beyond a reasonable doubt;
20 and they have the burden, they have the burden. Second,
21 that you remember that you are the sole determiners of
22 the facts. That's been told to you by the Judge. And
23 thirdly, is that you hold the State again to that burden.
24 I may have said before but it comes again. The Judge is
25 going to charge you with the law. The only thing you

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1 have to concern yourself with is once you found the facts
2 and determine what they are and applied the law you
3 render what is called a verdict. It comes from the Latin
4 word veredicto or truth. You are the triers of the
5 facts, the finders of truth and that's what you will
6 render at the end of this whole proceeding.

7 So when the time comes for you to do that we submit
8 that we will absolutely have our young man uncoached tell
9 you afresh what happened. He fought for his life. He
10 was rushed by a drinking, maybe drunk; probably drunk
11 Desmond Casey. He is not a bartender. He is a cook.
12 That is Chad; he had not been drinking. He had a shot
13 and a beer with his girlfriend before they left. He was
14 not like the alleged victim heavily drinking for -- well,
15 we assume that because he was at the Recovery Room which
16 is a bar for several hours with several of his friends.

17 So I'm not saying he can't be believed but I'm
18 saying you have a fresh source because Chad is much
19 smaller and Chad didn't do anything but protect his
20 girlfriend and himself. This jumping down off the
21 banister or balcony was when the victim, the alleged
22 victim Desmond Casey attacked Daniella within the sight
23 of Chad's second floor balcony. When he saw this and he
24 had a previous confrontation with him earlier on that
25 night he realized what he would be up against he grabbed

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1 a knife to defend Daniella and that's when Desmond rushed
2 at him and they tussled again for the second time. But
3 this time our client Chad had tried to level the field
4 because he couldn't take this guy Casey but he was going
5 to protect his girlfriend. He was going to protect
6 himself when the time came.

7 And when you listen to this evidence we're confident
8 and we hope beyond all hope that you hold the State to
9 their burden of proof that is beyond a reasonable doubt.
10 If we create a doubt you are charged by your oath as
11 jurors to acquit, that is find him not guilty, and set
12 him free. And that's what we ask of you. Thank you.

13 THE COURT: Thank you.
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1 THE COURT: We'll take a ten minute recess before
2 we start the testimony. Please do not discuss anything
3 about the case while you're back there. You're going to
4 get tired of hearing me say that but I'm going to keep
5 saying it. Thank you.

6 [Whereupon, the jury exits at 11:28 a.m.]

7 THE COURT: Court will be in recess for ten
8 minutes. Bring those other jurors out here.

9 [Whereupon, the two jurors earlier dismissed from
10 the jury enter the courtroom]

11 THE COURT: I'm dismissing y'all from this case and
12 I'm going to dismiss you for the rest of the week. I'm
13 not going to -- you should have spoken up earlier ---

14 JUROR NUMBER 266: --- yes sir, and I apologize,
15 Your Honor ---

16 THE COURT: --- and you should not have done this
17 so I'm not going to accept y'all as jurors for this week.

18 JUROR NUMBER 279: I'm so sorry.

19 THE COURT: You can't serve as a juror for the next
20 year and you don't have to for the next three years. But
21 don't do this again. It really messes up the process
22 when you do that. Thank you. Y'all have a good day.

23 JUROR NUMBER 266: Okay. And I apologize, Your
24 Honor.

25 THE COURT: I accept your apology.

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1 [Whereupon, the two jurors exit the courtroom]

2 [Whereupon, court is recess from 11:30 a.m. until
3 11:40 a.m.]

4 THE COURT: Let's bring our jury in.

5 [Whereupon, the jury enters at 11:41 a.m.]

6 THE COURT: I understand you are going to be our
7 Foreperson so you've had a very quick advance from being
8 our alternate to our Foreperson in about a 30 minute
9 timeframe. Thank you for taking on the responsibility
10 and I'll give you instructions on your specific duties.
11 Thank you. The State may call its first witness.

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State v Chad Stalnaker
Shelby Storen-Direct Examination by Mr. Osborne
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1 MR. OSBORNE: The State calls Officer Shelby
2 Storen.

3 [Whereupon, Officer Storen comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name please?

8 THE WITNESS: Shelby August Storen. My last name
9 is S-T-O-R-E-N.

10 THE COURT: Mr. Osborne, you may proceed.

11 MR. OSBORNE: Thank you, Your Honor.

12 - - - - -

13 SHELBY STOREN,

14 Having been first duly sworn,

15 Was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. OSBORNE:

18 Q. Officer Storen, where do you work?

19 A. I work for the City of Charleston Police Department.

20 Q. And how long have you worked there?

21 A. About four and a half years.

22 Q. What have been some of the various assignments that
23 you've held while at CPD?

24 A. I've been a team one patrol officer as well as on
25 the crisis intervention team, a patrol training officer

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1 and currently in team two patrol.

2 Q. The crisis intervention team what do you do on that
3 team?

4 A. In reference to that we get specialized training
5 with individuals who have mental and physical
6 disabilities. It's just an in-depth training with
7 autism, so it allows us to be able to handle the
8 situation a little bit better.

9 Q. Additional training maybe in dealing with
10 individuals with special needs and ---

11 A. --- of course; yes sir ---

12 Q. --- things of that nature. You said you were a
13 field training officer?

14 A. Yes sir. I've been that for about two years. What
15 that is we train officers who get out of the Academy,
16 they come to me I teach them policy and procedure and how
17 to become a police officer on the streets.

18 Q. So you're a team one patrol so where is that
19 located?

20 A. Team one is everything north of Calhoun Street up to
21 the North Charleston line.

22 Q. Downtown Charleston?

23 A. Yes, sir.

24 Q. Okay. And you are a patrol officer so I think it
25 sort of speaks for itself but what are some of your

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1 duties and responsibilities as a patrol officer?

2 A. Regular calls for service, I pull traffic stops,
3 anything you call 911 for I will respond to.

4 Q. Okay. Let's go to the night of May the 17th going
5 into the early morning hours of May the 18th. Were you
6 working that night?

7 A. Yes, sir.

8 Q. What was your assignment then?

9 A. I was in team one patrol. I was Beat 121.

10 Q. Okay. Well, Beat 121 where is that area?

11 A. That area is from Calhoun Street to the Crosstown
12 and then King up to Lockwood Boulevard.

13 Q. Okay. That square area?

14 A. Yes, sir.

15 Q. Did you have the occasion to respond to a call for
16 service at 266 Coming?

17 A. Yes, sir.

18 Q. What was the nature of that call?

19 A. It was a stabbing call.

20 Q. Do you recall about what time the call was
21 dispatched?

22 A. I believe it was 2:56 in the morning.

23 Q. All right. 266 Coming is that downtown Charleston?

24 A. Yes, sir.

25 Q. Is that in the city and county of Charleston?

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1 A. Yes, sir.

2 Q. All right. What intersection is that about or the
3 closest intersection?

4 A. It's approximately at Coming and Line.

5 Q. Just tell the jury what happened when you got on
6 scene?

7 A. I was approached by a white male. He was visibly
8 intoxicated and upset and he was covered in blood from
9 head to toe.

10 Q. Now you say that he was visibly intoxicated. Why do
11 you say that?

12 A. I could smell alcohol on him. I could tell that
13 everything that had happened he was really overwhelmed at
14 the situation.

15 Q. Was the smell of alcohol apparent to you?

16 A. Yes sir, very much so.

17 Q. Okay. Were you the first officer that responded on
18 scene?

19 A. Yes, sir.

20 Q. Do you see the individual in the courtroom here
21 today that approached you?

22 A. Yes, sir. It was that gentleman there [indicates]
23 wearing the blue shirt and tie.

24 Q. All right.

25 THE COURT: The record will reflect that the

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1 witness identified the defendant.

2 MR. OSBORNE: Thank you, Your Honor.

3 Q. [Mr. Osborne] Okay. Did you have the occasion to
4 ask him any more questions about what happened?

5 A. Yes. I asked him what happened. He stated he
6 stabbed a black male three times in the face and chest.

7 Q. Did he, the defendant, appear injured in any way?

8 A. No, he did not.

9 Q. Did he complain of being injured in any way?

10 A. No, sir.

11 Q. Did he say where he was coming from?

12 A. Yes. He said he was walking on Coming Street, he
13 was walking home with his girlfriend, they were coming
14 home from the bars that evening.

15 Q. Okay. Did he say anything happened between he and
16 his girlfriend while they were walking home?

17 A. Yes, sir. There was a verbal argument between the
18 two on their way home.

19 Q. Okay. What did he say happened during or after
20 that verbal argument?

21 A. He said during that verbal argument a black male
22 came up to him and his girlfriend, a verbal argument
23 ensued, then a physical altercation ensued between him
24 and the black male.

25 Q. Okay. So he said the defendant came up to him

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1 while he was arguing with his girlfriend?

2 A. Yes.

3 Q. Did he say his girlfriend's name?

4 A. Daniella...

5 Q. Jimenez?

6 A. Jimenez, yes.

7 Q. So during this first encounter did he say that he
8 had stabbed the black male during the first account?

9 A. No, he did not.

10 Q. So how did it come about that he stabbed him?

11 A. Well, what he said once the black male came up and
12 then there was the altercation between him and the black
13 male he went inside of his residence, he picked up a
14 kitchen knife, he jumped from the second floor balcony of
15 the residence onto the sidewalk and that's when he
16 stabbed him the three times in the face and the chest.

17 Q. Did he say what the black male was doing when he
18 jumped from the balcony?

19 A. He said the black male was in his girlfriend's face.

20 Q. In her face?

21 A. Yes, sir.

22 Q. Did he say if the black male was assaulting his
23 girlfriend?

24 A. No.

25 Q. Touching her?

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1 A. No.

2 Q. Yelling at her in any way?

3 A. No.

4 Q. Did he say the black male was armed in any way?

5 A. No.

6 Q. After he stabbed the black male did he say which
7 direction the black male went?

8 A. He said he went north towards the Crosstown.

9 Q. Did you broadcast that information over the
10 dispatch?

11 A. No sir, not at that time. I didn't have enough time
12 to plus at that point the victim had already -- was
13 almost already located at that point.

14 Q. Do you know who located him?

15 A. Officer Adam Deming.

16 Q. Does the officer work downtown?

17 A. Yes, sir.

18 Q. So you're having a conversation with the defendant
19 and he says he stabbed somebody. Did you arrest him?

20 A. No sir, I did not.

21 Q. At that time?

22 A. No.

23 Q. Why not?

24 A. At that point we were still assessing the situation
25 trying to speak with witnesses and seeing what was going

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1 on on the scene.

2 Q. It was still an ongoing investigation?

3 A. Yes, sir.

4 Q. Did you locate any independent witnesses to the
5 incident?

6 A. Yes, we did. One was George Hutchinson as well as
7 Reid Riddle.

8 Q. And where did they reside or do you know?

9 A. They resided on Coming Street. I'm not sure the
10 addresses but they were on Coming Street.

11 Q. Okay. After you located those two witnesses what
12 did you do then?

13 A. At that point I went upstairs or up into the
14 residence to try and locate Mr. Stalnaker's girlfriend.

15 Q. Okay. The defendant's residence you entered?

16 A. Yes.

17 Q. Did you locate her?

18 A. Yes. She was upstairs on the porch visibly upset.
19 She was intoxicated as well and she had a cut on her
20 finger.

21 Q. Okay. Was she treated?

22 A. EMS came to the scene and then she was transported
23 to MUSC.

24 Q. Did crime scene ever respond to the incident?

25 A. Yes, sir.

State v Chad Stalnaker
Shelby Storen-Direct Examination by Mr. Osborne
September 13, 2016

1 Q. And who was that?

2 A. Crime scene tech Sara Senn.

3 Q. Okay. Now at some point later on that night was
4 the defendant arrested?

5 A. Yes, sir.

6 MR. OSBORNE: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 Q. [Mr. Osborne] I'm showing you what has been marked
10 as State's exhibit number 1 through number 12.

11 THE COURT: Any objection?

12 MR. RUNYON: No objection, Your Honor.

13 THE COURT: Without objection State's exhibit 1
14 through 12 are admitted.

15 [Whereupon, State's exhibit numbers 1 through 12 are
16 entered into evidence by the court]

17 MR. OSBORNE: Your Honor, request to publish?

18 THE COURT: You may publish.

19 Q. [Mr. Osborne] I'm going to show you this is State's
20 exhibit 1, Officer. Do you recognize that?

21 A. Yes, I do.

22 Q. If you could just point on there when you arrived on
23 scene where the white male approached you.

24 A. Yes, sir. This should be Coming Street right here
25 [indicates]. This [indicates] is a gravel lot right here

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1 [indicates] I believe.

2 Q. When the white male said the direction the black
3 male fled what direction would that have been?

4 A. It would have been north on Coming Street.

5 Q. And which direction would that have been?

6 A. North on Coming Street [indicates] -- sorry north on
7 Coming [indicates]; my bad.

8 Q. And State's exhibit 2. Would that have been headed
9 toward what direction?

10 A. North.

11 Q. Okay. I'm going to show you State's exhibit 4. Do
12 you recognize that?

13 A. Yes sir that is the residence of the defendant.

14 Q. State's exhibit 8 do you recognize that?

15 A. Yes sir the steps going up to the residence.

16 Q. Are those the steps that you took to go up to check
17 on Ms. Jimenez?

18 A. Yes, sir.

19 Q. State's exhibit 11 do you recognize that?

20 A. Yes, sir.

21 Q. And what is that?

22 A. That is the knife and the blood from the incident.

23 Q. Is that how it was when you arrived on scene?

24 A. Yes, sir.

25 MR. OSBORNE: No further questions, Your Honor.

State v Chad Stalnaker
Shelby Storen-Cross-Examination by Mr. Runyon
September 13, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Good morning Officer.

4 A. Good morning, sir.

5 Q. Now you patrol from -- at that point in time you
6 were assigned to patrol the downtown area, the peninsula
7 area?

8 A. Yes, sir.

9 Q. Now King Street -- and so you're familiar with King
10 Street from Calhoun north correct?

11 A. Yes, sir.

12 Q. And King Street from Calhoun north is pretty active
13 with a lot of very classy businesses that cater to
14 tourists, restaurants and things of that sort.

15 A. Yes, sir.

16 Q. Are you familiar with the location of the A C's Bar?

17 A. Yes, sir.

18 Q. A C's Bar is located on the corner of Radcliffe and
19 King?

20 A. Yes, sir.

21 Q. And that's kind of across the street from the
22 American Theatre?

23 A. Yes, sir.

24 Q. Next to a restaurant?

25 A. Yes, sir.

State v Chad Stalnaker
Shelby Storen-Cross-Examination by Mr. Runyon
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- 1 Q. So that would be south of this location?
- 2 A. Yes, sir.
- 3 Q. Now the Recovery Room is far north almost to the end
- 4 of your patrol area correct?
- 5 A. Yes.
- 6 Q. And so that as a practical matter when you arrived
- 7 Mr. Stalnaker told you that he had this problem with
- 8 somebody. He basically told you what had happened from
- 9 his perspective?
- 10 A. Yes.
- 11 Q. He was visibly upset.
- 12 A. Yes.
- 13 Q. And he had had something to drink.
- 14 A. Yes.
- 15 Q. Okay. And he was very shaken by the whole
- 16 situation.
- 17 A. Yes.
- 18 Q. And as a person who was trained in crisis
- 19 intervention so to speak he was emotional about the
- 20 situation wasn't he?
- 21 A. Yes.
- 22 Q. It wasn't just a situation where it was rolling off
- 23 his back?
- 24 A. No. He was on his feet.
- 25 Q. No, I mean he was concerned about the situation?

State v Chad Stalnaker
Shelby Storen-Cross-Examination by Mr. Runyon
September 13, 2016

1 A. Yes.

2 Q. All right. And he was totally cooperative with you
3 as much as he could be.

4 A. Yes.

5 Q. Now he told you that he had jumped from the second
6 floor balcony with the knife because the alleged victim
7 was quote in his girlfriend's face.

8 A. Yes.

9 Q. Now what did that -- what did he say that meant?

10 A. What he meant by in his face -- in her face?

11 Q. In her face?

12 A. That he was in front of her like this [indicates] in
13 her face.

14 Q. And what was he trying to do did Mr. Stalnaker tell
15 you?

16 A. No, he didn't say what he was trying to do.

17 Q. Okay. Now, at some time subsequent to this the
18 alleged victim was in fact found.

19 A. Yes.

20 Q. And subsequently you arrested Mr. Stalnaker and
21 charged him.

22 A. Yes, sir.

23 Q. Okay. And -- but during the first altercation it
24 was clear that he did not have a knife.

25 A. Which altercation are you talking about?

State v Chad Stalnaker
Shelby Storen-Cross-Examination by Mr. Runyon
September 13, 2016

1 Q. You said there were two incidents between he and
2 Desmond.

3 A. Yes, the first incident there was no knife, no sir.

4 Q. Right. And he said he went into his house.

5 A. Yes, sir.

6 Q. And Ms. Jimenez stayed on the street.

7 A. Yes.

8 Q. And he didn't come back down until he saw Desmond in
9 his girlfriend's face.

10 A. Yes.

11 Q. Was there anything that he told you that physical
12 evidence didn't indicate was accurate?

13 A. No, everything he said made sense.

14 Q. Did you ascertain where Desmond lived?

15 A. No.

16 Q. So you don't know where he was coming from or where
17 he was going to?

18 A. No.

19 Q. Okay. And you have no concept of how Mr. Stalnaker
20 and Ms. Jimenez got to where they got to on Coming
21 Street?

22 A. No, he said they were walking home from the bars.

23 Q. But he didn't tell you the route they took.

24 A. No.

25 Q. And that could have been up King Street.

State v Chad Stalnaker
Shelby Storen-Cross-Examination by Mr. Runyon
September 13, 2016

1 A. I don't know. He didn't tell me what the route is.

2 Q. He didn't tell you but it could have been up King
3 Street. You're familiar with the area aren't you?

4 A. Yes, sir.

5 Q. So he could have walked from A C's up King Street
6 then down Line to Coming or he could have walked up
7 Coming Street after walking down ---

8 A. --- there are multiple different ways to get there.

9 Q. Right.

10 MR. RUNYON: One moment, Your Honor.

11 THE COURT: Yes, sir.

12 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

13 Q. [Mr. Runyon] On this particular night the victim was
14 located by another police officer.

15 A. Yes, sir.

16 Q. Did you have any contact with that victim?

17 A. No, sir.

18 Q. So you didn't see him?

19 A. No, sir.

20 Q. You have no knowledge of where he was, what he might
21 have said or what he didn't say or anything of that sort?

22 A. No, sir.

23 MR. RUNYON: No further questions, Your Honor.

24 THE COURT: Thank you. Any redirect?

25 MR. OSBORNE: Just one.

State v Chad Stalnaker
Shelby Storen-Redirect Examination by Mr. Osborne
September 13, 2016

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q.. So while we're talking about what the defendant did
4 or did not say at any point did he tell you I had to jump
5 down there. I had to stab him. I thought he was going
6 to hurt my girlfriend?

7 A. No.

8 MR. OSBORNE: No further questions, Your Honor.

9 THE COURT: Any recross based on his redirect?

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State v Chad Stalnaker
Shelby Storen-Recross Examination by Mr. Runyon
September 13, 2016

1 RECROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Response to that question. He told you he jumped
4 from the balcony to go to the aid of his girlfriend.

5 MR. OSBORNE: Objection, Your Honor. That's not
6 what she said.

7 A. That's not what I said, sir.

8 THE COURT: She can answer.

9 A. No, sir. He jumped down from the balcony. He told
10 me he jumped down from the balcony and stabbed the black
11 male three times in the face and the chest.

12 Q. Okay. Thank you.

13 THE COURT: Thank you. You may step down. Any
14 objection to this witness being excused?

15 MR. OSBORNE: None from the State, Your Honor.

16 MR. RUNYON: None from the defense, Your Honor.

17 THE COURT: Thank you. You're excused.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 THE COURT: The State may call its next witness.

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State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 MR. OSBORNE: The State calls Officer Adam Deming.

2 [Whereupon, Officer Deming comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: State your full name and spell
6 your last name please.

7 THE WITNESS: Adam Deming; its spelled D-E-M-I-N-G.

8 - - - - -

9 ADAM DEMING,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION :

13 BY MR. OSBORNE:

14 Q. Officer Deming where do you work?

15 A. City of Charleston Police Department.

16 Q. And how long have you worked there?

17 A. I've worked there for almost nine years.

18 Q. Okay. Tell the jury what have been some of the
19 various assignments that you've filled during that nine
20 year period.

21 A. For the first six years I was strictly assigned to a
22 patrol setting with the last three being team
23 investigations.

24 Q. All right. So a team investigator what are your
25 duties and responsibilities as a team investigator?

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 A. Team investigations is normally simple assaults,
2 basic property crimes, car break-ins; normally
3 misdemeanor crimes.

4 Q. Okay. And you investigate those types of crimes?

5 A. Yes, I do.

6 Q. On the night of this incident on May the 17th going
7 into early morning hours of May the 18th where were you
8 working then?

9 A. At that particular time I was currently assigned --
10 just for that evening I was assigned to the King Street
11 business district just for that night.

12 Q. Okay. So do they sometimes pull you from your
13 regular duties to help out with the King Street?

14 A. That particular night it was in reference to
15 coverage just to add in some extra officers onto the
16 street.

17 Q. Okay. And what were your duties in that capacity
18 that night?

19 A. That night was strictly visibility for the most part
20 and as well as responding to in progress calls and what
21 have you.

22 Q. And did you have occasion to respond to an in
23 progress call?

24 A. I did.

25 Q. And what was the nature of that call?

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 A. A stabbing that had just occurred.

2 Q. And what was the general location of the incident?

3 A. It was in the area of Coming Street and Line Street
4 in downtown Charleston.

5 Q. Do you recall where you were responding from when
6 the call came out?

7 A. Yes, sir. I was in the area of King Street and
8 Mary, King, and Morris; they intersect together.

9 Q. Tell the jury what you saw and what you did when you
10 responded to the scene.

11 A. I proceeded down Morris Street. From Morris I
12 turned onto Coming Street. As I neared the incident
13 location I observed two maybe three marked police
14 cruisers that were at the incident location. And there
15 was enough officers on the scene so I proceeded away from
16 the scene.

17 Q. Okay. Did you know at that time whether the
18 officers had located a victim or a suspect and whether
19 they had been able to identify him?

20 A. I did not.

21 Q. What information did you have at that time?

22 A. The only information that was relayed by our
23 dispatchers was that a black male with dreadlocks was
24 seen running from the area.

25 Q. And you didn't know whether it was a suspect or a

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 victim or anything is that correct?

2 A. No sir, not at that time.

3 Q. I'm showing you State's exhibit 2.

4 [Whereupon, the witness is shown photograph]

5 Q. Can you tell the jury the direction that you
6 responded? There is a pointer right there in front of
7 you.

8 A. I believe this [indicates] is Line Street if I'm not
9 mistaken and this [indicates] is Coming. I proceeded
10 down Coming Street.

11 This [indicates] is the Crosstown getting onto I-26.
12 I proceeded north on Coming Street until I reached
13 Fishburne Street and turned left or west onto Fishburne
14 Street.

15 Q. Okay. As you were heading down Fishburne Street
16 did you see anything of interest?

17 A. I did.

18 Q. All right. What did you see?

19 A. I observed in the area of one zero three Fishburne
20 Street a black male with dreadlocks lying on the ground.

21 Q. Did you get out of your car?

22 A. I did. I positioned my car at an angle to use my
23 headlights to illuminate him.

24 Q. Okay. Tell the jury what you saw when you got out
25 the car.

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 A. When I got out the car I observed a black male with
2 dreadlocks bleeding profusely from both his face and
3 arms.

4 Q. Could you tell if he was injured and if so what type
5 of injuries he had sustained?

6 A. I could tell that he was bleeding profusely from the
7 face from possible stab wounds is what it looked like to
8 me. There were pools of blood around him as well.

9 Q. Okay. Do you remember what he was wearing?

10 A. If I recall correctly a short sleeve shirt on and
11 maybe some long shorts.

12 Q. How was he behaving? What was his demeanor?

13 A. In and out of consciousness, labored breathing, and
14 just seemed to be in very bad condition.

15 Q. Okay. What was his voice like? Was he yelling I
16 just got stabbed? Was he loud?

17 A. Very low speech.

18 Q. Did you try to speak to him and ask him what
19 happened?

20 A. I did.

21 Q. What did he say?

22 A. He said that he was walking on Coming Street and was
23 stabbed by a white male on the other side of the
24 Crosstown.

25 Q. What did you do then?

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 A. At that point I advised my dispatcher that I had
2 located the male bleeding and that I needed EMS and Fire
3 because of his injuries.

4 MR. OSBORNE: Your Honor, I'd like to publish
5 State's exhibit 13 and 14. I think it's going to be
6 admitted without objection.

7 THE COURT: Any objection?

8 MR. RUNYON: No objection, Your Honor.

9 THE COURT: All right. 13 and 14 are admitted
10 without objection.

11 [Whereupon, State's exhibit numbers 13 and 14 are
12 entered into evidence by the court]

13 Q. [Mr. Osborne] I'm showing you State's exhibit 13.
14 Do you recognize that?

15 [Whereupon, the witness is shown photograph]

16 A. I do.

17 Q. And what is that?

18 A. That's the truck; just in front of the truck is the
19 location where I located the victim.

20 Q. All right. And State's exhibit 14 what is that?

21 [Whereupon, the witness is shown photograph]

22 A. This is a vehicle that was just closer to Coming
23 Street that was just before that truck. I believe that
24 was in front of 101 Fishburne Street if I'm not mistaken.

25 Q. Okay. You're sitting there with him. He's

State v Chad Stalnaker
Adam Deming-Direct Examination by Mr. Osborne
September 13, 2016

1 bleeding profusely. You had already called EMS. Is that
2 all correct?

3 A. That's correct.

4 Q. So what are you doing with him while you're waiting
5 for EMS?

6 A. At that point I still didn't know if he was a
7 suspect or a witness -- excuse me, suspect or a victim.
8 At that point I was just keeping him alert getting him to
9 talk to me.

10 I asked him what his name was, what his date of
11 birth was, where he lived; just some pertinent
12 information and just tried keeping him talking, keeping
13 him alert and conscious until EMS and Fire arrived on the
14 scene.

15 Q. Why were you concerned about keeping him conscious?

16 A. Because of the blood loss I thought he may die.

17 MR. OSBORNE: No further questions, Your Honor.

18 THE COURT: Cross-examination?

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State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Officer, good morning. Obviously you were concerned
4 about the well-being of this individual whether he was
5 suspect or a victim or what have you this was of some
6 concern to you.

7 A. Correct. Yes, sir.

8 Q. And you of course you don't have medical training to
9 make a determination of just how serious the condition is
10 but it looked bad.

11 A. Yes, sir. Correct.

12 Q. So you are going to react as if it was bad.

13 A. Yes, sir.

14 Q. Now, did you say he told you where he lived?

15 A. Yes sir, he did.

16 Q. Did you recall where he lived?

17 A. I believe it was 3 Killian if I'm not mistaken.

18 Q. Where is that?

19 A. It's in the general area of where I located him.

20 Q. In the general area of where you located him?

21 A. Yes, sir.

22 Q. And just so I can make clear you went north on
23 Coming Street?

24 A. Yes, sir.

25 Q. So you went up Coming Street.

State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

- 1 A. Yes sir, beyond the incident location.
- 2 Q. You said you had gone down.
- 3 A. I meant up, correct.
- 4 Q. Down south north is usually up and south is down
- 5 right?
- 6 A. Correct.
- 7 Q. Now he said he had been stabbed by a white man and
- 8 that's all he said.
- 9 A. That's correct.
- 10 Q. Didn't say anything about interceding in anything?
- 11 A. No, sir.
- 12 Q. And EMS came.
- 13 A. Yes, sir.
- 14 Q. And once you had completed -- once EMS had taken him
- 15 to the hospital you ultimately had to make your report.
- 16 A. That's correct.
- 17 Q. Now as part of the team 3 investigation -- as a team
- 18 3 investigator; excuse me, you were assigned to that
- 19 general area anyway aren't you?
- 20 A. That's correct.
- 21 Q. And just -- are you aware of any cameras in the
- 22 area?
- 23 A. None that I'm aware of, no sir.
- 24 Q. None where you found him.
- 25 A. None where I found him, no sir.

State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

- 1 Q. But certainly King Street has them.
- 2 A. I believe they do, yes sir.
- 3 Q. King and Spring for example.
- 4 A. There should be one there. No, there's not one
- 5 actually at King and Spring, no sir.
- 6 Q. Okay. Do you know where they are?
- 7 A. I believe one close to that intersection is King and
- 8 Cannon I believe is the closest.
- 9 Q. King and Cannon?
- 10 A. Yes, sir.
- 11 Q. So let me understand this from your general
- 12 knowledge of geography. Are you familiar with a location
- 13 known as the Recovery Room?
- 14 A. I am.
- 15 Q. That would be north of the location where you found
- 16 the victim?
- 17 A. Yes sir it would.
- 18 Q. So you said he was walking on Coming Street.
- 19 A. Yes, sir.
- 20 Q. And he was stabbed by a white man.
- 21 A. Yes, sir.
- 22 Q. So the general location -- so if someone was at the
- 23 Recovery Room they would have had to walk all the way
- 24 down to that general area.
- 25 A. That's correct.

State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

- 1 Q. And then over to Coming Street.
- 2 A. Yes, sir.
- 3 Q. Okay. Now you were assigned that night to just be
4 visible on King Street were you not?
- 5 A. That's correct.
- 6 Q. There are lots of tourists in the area and that's a
7 very trendy upscale area isn't it sir?
- 8 A. Yes, sir.
- 9 Q. You got to answer me. She...
- 10 A. Yes, sir.
- 11 Q. And so the businesses on that street service this
12 very lucrative business enterprise of the city of
13 Charleston so to speak.
- 14 A. That's correct.
- 15 Q. And y'all were there to make sure that everybody
16 knows the police are there to keep them safe.
- 17 A. That's correct.
- 18 Q. And you've got places like Halls Chop House, Fish
19 Restaurant, American Theatre and all sorts of other
20 places.
- 21 A. Yes, sir.
- 22 Q. And are you familiar with A C's Bar and Grill?
- 23 A. I am.
- 24 Q. And that's located in that same district.
- 25 A. Yes, sir.

State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

1 MR. RUNYON: One moment, Your Honor.

2 THE COURT: All right.

3 Q. [Mr. Runyon] By the way did you attempt to lift
4 this gentleman?

5 A. The victim did I lift him?

6 Q. Yes, sir?

7 A. No sir, I did not. At that time I was just keeping
8 him conscious and alert before the EMS got there.

9 Q. Do you have any concept of how big he was or how
10 much he weighed or anything of that sort?

11 A. I don't recall, no sir.

12 Q. Thank you.

13 MR. RUNYON: One moment, Your Honor.

14 THE COURT: Yes, sir.

15 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

16 Q. [Mr. Runyon] Do you have any recollection other
17 than the obvious medical emergency of this gentleman did
18 you have any other impressions or recollections of his
19 condition such as whether or not he had drinking or
20 anything of that sort?

21 A. I did not.

22 Q. And generally speaking what time do bars close in
23 Charleston?

24 A. I believe -- I'm not sure about last call but I
25 believe bars if I'm not mistaken close around 2 o'clock

State v Chad Stalnaker
Adam Deming-Cross-Examination by Mr. Runyon
September 13, 2016

1 in the morning.

2 Q. So that would be the Recovery Room too or also?

3 A. I believe anything inside the city.

4 MR. RUNYON: Thank you, Your Honor.

5 THE COURT: Any redirect?

6 MR. OSBORNE: Briefly, Your Honor.

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State v Chad Stalnaker
Adam Deming-Redirect Examination by Mr. Osborne
September 13, 2016

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. So you work down there you're more familiar with the
4 bars set up than I am.

5 A. Yes, sir.

6 Q. Are you familiar with a place called Macintosh?

7 A. I've heard of it but I can't recall where it is.

8 Q. Okay. And you're an investigator?

9 A. Yes, sir.

10 Q. And as an investigator sometimes when you're taking
11 statements don't you record them?

12 A. I do.

13 Q. And you also take written statements too correct?

14 A. That's correct.

15 Q. But you didn't do either one in this case did you?

16 A. No, sir.

17 Q. Why not?

18 A. That night I was not assigned as an investigator.

19 That wasn't my task on that particular night.

20 Q. Had it been your task with the condition of the
21 victim would you have recorded his statement?

22 A. Given his condition I probably wouldn't have pushed
23 that issue on scene no sir. I would have waited until he
24 was stable before I got him to take a statement from him.

25 MR. OSBORNE: No further questions, Your Honor.

State v Chad Stalnaker
Adam Deming-Redirect Examination by Mr. Osborne
September 13, 2016

1 THE COURT: Any recross Mr. Runyon?

2 MR. RUNYON: No further questions, Your Honor.

3 THE COURT: Thank you. Any objection to this
4 witness being excused?

5 MR. OSBORNE: No, Your Honor.

6 MR. RUNYON: No, Your Honor.

7 THE COURT: Have a nice day.

8 [Whereupon, the witness is excused and exits the
9 witness stand]

10 THE COURT: Let me see the attorneys just a second.

11 [Whereupon, an off the record bench conference is
12 held]

13 THE COURT: The State may call its next witness.
14 Ladies and gentlemen this will be the last witness before
15 we break for lunch.

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State v Chad Stalnaker
Sara Senn-Direct Examination by Mr. Cooper
September 13, 2016

1 MR. COOPER: The State calls Deputy Coroner Sara
2 Senn.

3 [Whereupon, Ms. Senn comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court].

6 CLERK OF COURT: Please state your full name and
7 spell your last name please.

8 THE WITNESS: My name is Sara Senn, S-E-N-N.

9 MR. COOPER: Beg the court's indulgence one second.

10 THE COURT: Yes, sir.

11 [Whereupon, Mr. Cooper and Mr. Runyon confer]

12 MR. COOPER: Sorry about that Judge.

13 - - - - -

14 SARA SENN,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. COOPER:

19 Q. Ms. Senn, where do you currently work?

20 A. I work for the Charleston County Coroner's Office.

21 Q. How long have you been there?

22 A. About a year.

23 Q. Where did you work before being at the Coroner's
24 Office?

25 A. The City of Charleston Police Department.

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1 Q. And how long were you there?

2 A. About four years.

3 Q. And can you tell the jury about whatever assignments
4 and duties you held while you were at CPD?

5 A. I was a crime scene technician at CPD.

6 Q. What does that mean?

7 A. We respond to anything from car break-ins, to
8 burglaries, to assaults, to homicides to document the
9 scene with photographs or diagrams, collect and preserve
10 the integrity of the evidence that we find, and then if
11 it calls for it process for fingerprints just to help
12 figure out what happened and who did it.

13 Q. Did you have the occasion to become involved in this
14 case?

15 A. I did.

16 Q. How did you become involved in this case?

17 A. I was working and was called by officers and people
18 on scene to come process the scene at [REDACTED] Coming Street.

19 Q. What was the address again?

20 A. [REDACTED] Coming Street -- or [REDACTED] sorry; [REDACTED] Coming
21 Street.

22 Q. Do you remember when you responded to the scene?

23 A. It was approximately 3:10 in the morning.

24 Q. Can you tell the jury what you did when you arrived
25 on the scene?

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1 A. When we arrive on scene we just meet with the
2 officers that respond to just kind of get an
3 understanding of what went on and then I start processing
4 the scene.

5 Q. Now I'm showing you State's exhibit 4.

6 [Whereupon, the photograph is shown]

7 Q. Is that a picture of the location where you
8 responded?

9 A. It is, yes sir.

10 Q. Now what part of the scene did you start to process
11 first?

12 A. I first started processing the sidewalk in front of
13 the scene.

14 Q. What did you observe on the sidewalk?

15 A. There was a large pool of blood and then a few small
16 drops as well as a knife, a keychain, a watch, and a
17 white shirt and all four of those items also had blood on
18 them.

19 Q. I'm showing you State's exhibit 6.

20 [Whereupon, the photograph is shown]

21 Q. Can you see those items in this picture?

22 A. I can, yes sir.

23 Q. Using that pointer that's right in front of you --
24 and Judge if she may approach the screen?

25 THE COURT: She certainly may; whatever you're

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1 comfortable with.

2 Q. [Mr. Cooper] If you could just point on the screen
3 where you located those items.

4 A. They were all in this general area right here
5 [indicates] right under this third window [indicates].
6 Here's the white shirt and the knife [indicates] and all
7 that in that area.

8 Q. Okay. I'm showing you State's exhibit 11.

9 [Whereupon, the photograph is shown]

10 Q. Is that a close up view of where you were looking at
11 those items?

12 A. It is, yes sir.

13 Q. And can you again orient the jury as to what items
14 you located?

15 A. The knife was here [indicates] and then the white
16 shirt and key chain and watch were in this general area
17 [indicates].

18 Q. Did you take this picture before you moved or
19 altered any of the items on scene?

20 A. Yes, we take initial overalls right before anybody
21 touches anything. This is how I saw it when I got there.

22 Q. And then did you collect those items afterwards?

23 A. I did, yes sir.

24 Q. And did you place them into evidence?

25 A. I did.

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1 Q. Regarding the white shirt, what kind of shirt was
2 it?

3 A. It was a size four. It appeared to be a women's cut
4 button down; no other real distinctive markings on it.

5 MR. COOPER: Your Honor, if I may approach the
6 witness?

7 THE COURT: You may.

8 Q. [Mr. Cooper] I'm showing you what has been marked
9 for identification purposes only as State's exhibit 28.
10 Do you recognize what that item is?

11 [Whereupon, the witness is shown exhibit]

12 A. I do, yes sir.

13 Q. Can you tell the jury what this is?

14 A. This is a sharp's box we put -- what I put the knife
15 in at the time.

16 Q. How do you know that's what that is?

17 A. Because it has a label on it that has the case
18 number and item number, my name on it and also has it in
19 multiple places. And it also has my initials on it and
20 that's how I seal the box.

21 Q. I'm going to give you some gloves. If you will look
22 inside and tell the jury if that's the items you
23 collected. And before you pull it out if you will just
24 tell the jury is that's...

25 A. It is.

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1 MR. COOPER: Your Honor, at this time I believe
2 without objection the State would offer State's exhibit
3 28 into evidence.

4 THE COURT: Any objection?

5 MR. RUNYON: Your Honor, just for the record we not
6 only don't object to this being introduced into evidence
7 we also stipulate to the chain as to it's safe keeping
8 and the chain of evidence having been maintained.

9 THE COURT: All right.

10 MR. RUNYON: That obviates the necessity for the
11 chain witness.

12 THE COURT: It will be without objection State's
13 exhibit 28 is admitted. Thank you. You may proceed.

14 [Whereupon, State's exhibit number 28 is entered
15 into evidence by the court]

16 MR. COOPER: May I publish the item to the jury?

17 THE COURT: You certainly may.

18 [Whereupon, the knife is shown to the jury]

19 Q. [Mr. Cooper] I'm showing you State's exhibit 12.

20 [Whereupon, the witness is shown photograph]

21 Q. Is that a picture of the knife that you collected?

22 A. It is.

23 Q. Are you able to tell about how long in length the
24 blade is?

25 A. It's approximately 135 millimeters long which is

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1 about five point three inches.

2 Q. Now Ms. Senn taking you back to as you were
3 processing the scene where did you go after the sidewalk?

4 A. I followed a blood trail up the back stairs or
5 stairs on the back up to a balcony or a breezeway at that
6 location.

7 Q. I'm showing you -- did you find stairs at the top or
8 were their stairs behind the house?

9 A. Yes.

10 Q. And did you go up those stairs?

11 A. I did.

12 Q. And at this point I'm showing you State's exhibit 9.

13 [Whereupon, the witness is shown photograph]

14 Q. Is this the view at the top of the stairs?

15 A. It is, yes sir.

16 Q. And if you look over the railing what street would
17 that be?

18 A. That's Coming Street.

19 Q. Now did you collect any evidence from up on the
20 balcony?

21 A. I did. There was multiple blood drops throughout
22 that balcony breezeway area and there was a white shirt
23 on a chair that had blood on it and I collected that.

24 Q. I'm showing you State's exhibit 10.

25 [Whereupon, the witness is shown photograph]

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1 Q. Is the white shirt you collected in this picture?

2 A. Yes.

3 Q. If you will indicate for the jury where that shirt
4 was.

5 A. That white shirt right there [indicates]. I
6 collected that one.

7 Q. Okay. Now after you finished on the balcony where
8 did you go next?

9 A. I was informed where EMS picked up the victim and so
10 I was able to follow a blood trail to that location.

11 Q. And do you know whether or not that blood trail was
12 from the eventual victim?

13 A. Based on where he ended up and then we had no other
14 indication that anyone else was bleeding I was able to
15 follow it there.

16 Q. And that blood trail led from [REDACTED] Coming to the
17 location where the victim was found?

18 A. Correct. I started at [REDACTED] Coming and headed north.
19 I crossed over both of the lanes on the Crosstown until I
20 got to Fishburne. I took a left on Fishburne.

21 And then I was -- located a car that had a pretty
22 good amount of blood on the trunk and that's where I
23 believe he stopped for a minute to catch himself and then
24 collapsed at another location that there were officers
25 there that had assisted him there and so I met them

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1 there.

2 Q. Was the victim still on scene when you arrived on
3 Fishburne?

4 A. He was not. EMS had transported him to MUSC before
5 I arrived.

6 Q. I'm showing you State's exhibit 14.

7 [Whereupon, the witness is shown photograph]

8 Q. Was that the car that you located?

9 A. It was. Yes, that car was on Fishburne.

10 Q. Now did you test that blood to see if it was blood?

11 A. I did not because of the severity of the injuries
12 that I was told there was no question in my opinion if
13 that was blood or not so it was just documented.

14 Q. Every time you find a red substance when you are
15 processing a scene do you always test it for blood?

16 A. No, we do not.

17 Q. Why would you not?

18 A. If there is injury, significant injury especially in
19 this situation we know that we are looking for blood and
20 we know blood should be there.

21 If there is a situation where there is only a single
22 red substance or a single smear that we're trying to
23 figure out was the suspect or the victim bleeding then we
24 would test it and collect it. But in this case there was
25 no reason to find out if the victim was bleeding or if

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1 someone was bleeding.

2 Q. Now after you finished on Fishburne Street where did
3 you respond next?

4 A. I responded then to Roper downtown to photograph
5 another individual involved.

6 Q. I'm showing you State's exhibit 15.

7 [Whereupon, the witness is shown photograph]

8 Q. Was this the individual that you photographed?

9 A. Yes.

10 Q. Do you know who this individual is?

11 A. Daniella Jimenez.

12 Q. How did you observe her reacting when you responded
13 to the hospital?

14 A. She appeared to be intoxicated. We tried -- I tried
15 to have a little bit of -- ask her questions of where her
16 injuries are and she was kind of not able to tell me
17 exactly where she was hurt or anything like that.

18 Q. Were you able to ascertain her injuries?

19 A. I was.

20 Q. What injuries did she have?

21 A. She had a cut on her right thumb and then also a
22 small one to her left wrist.

23 Q. I'm showing State's exhibit 16.

24 [Whereupon, the witness is shown photograph]

25 A. That's the cut on her right thumb.

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1 Q. And I'm showing you State's exhibit 17.

2 [Whereupon, the witness is shown photograph]

3 A. And that's the one on her left wrist.

4 Q. Did you collect any evidence from Ms. Jimenez?

5 A. I did not.

6 Q. Were you instructed to collect evidence from Ms.
7 Jimenez?

8 A. No.

9 Q. Is that usually how you go about collecting evidence
10 unless it's on scene you're requested to by detectives?

11 A. Right, if it will be of any evidentiary value.

12 Q. Now once you finished at Roper Hospital with Ms.
13 Jimenez where did you go next?

14 A. I went across the street to MUSC. That's where the
15 victim had been taken.

16 Q. What were you requested to do at MUSC?

17 A. I collected his clothing from in the emergency room.
18 There was an officer stationed there so I collected the
19 clothing from him -- from her. And then we try to
20 photograph injuries but at that moment he had been taken
21 up to surgery so I did not see him.

22 Q. What items did you collect from the victim?

23 A. I believe it was two shoes, two socks a pair of
24 shorts, jeans, boxers, and I believe he had a wallet and
25 its contents and a lighter.

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1 Q. Did he have a weapon at all in his possession?

2 A. He did not; not that I collected.

3 Q. Now I'm going to show you State's exhibit -- what
4 has been marked as State's exhibit 29.

5 [Whereupon, the witness is shown exhibit]

6 Q. Do you recognize that item or that package?

7 A. I do.

8 Q. What does it say it is?

9 A. It's what I packaged items in -- and I can recognize
10 it from my name, case number, item number and things like
11 that.

12 Q. And you placed that item into evidence as well?

13 A. I did, yes.

14 Q. Did you place all the items collected from the
15 victim into evidence?

16 A. From the victim, yes.

17 Q. Can you look inside the bag and tell us if the item
18 in there is what it says on the bag?

19 A. I can and it is.

20 MR. COOPER: Your Honor, at this time I believe
21 without objection the State would offer exhibit 29 into
22 evidence.

23 THE COURT: Any objection?

24 MR. RUNYON: That's correct, Your Honor. We offer
25 the same stipulation as it relates to the chain ---

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1 THE COURT: --- very well, thank you. 29 is
2 admitted without objection.

3 [Whereupon, State's exhibit number 29 is entered
4 into evidence by the court]

5 MR. COOPER: May I publish to the jury?

6 THE COURT: You may.

7 [Whereupon, the exhibit is shown to the jury]

8 Q. [Mr. Cooper] Now Ms. Senn what is this brown red
9 substance on the bottom of the shoe?

10 A. It appears to be blood.

11 Q. Again, did you test this for blood?

12 A. We did not.

13 Q. And why not in this case?

14 A. The victim was bleeding and so there was no question
15 as to whether or not it was blood and what value it would
16 have had if it was tested and it was --

17 Q. Again, did you collect his other shoe as well?

18 A. I did, yes sir.

19 Q. I'm showing you what has been marked as State's
20 exhibit 30.

21 [Whereupon, the witness is shown exhibit]

22 Q. Does that appear to be his other shoe?

23 A. It does.

24 MR. COOPER: Your Honor, at this time the State
25 would offer exhibit 30 into evidence.

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1 MR. RUNYON: Same stipulation.

2 THE COURT: Which ones are you going -- admitted.

3 [Whereupon, State's exhibit number 30 is entered
4 into evidence by the court]

5 THE COURT: Why don't we go ahead and admit them
6 all if they are without objection.

7 MR. RUNYON: We have no objection to those being
8 admitted and our stipulation goes to the chain, Judge.

9 THE COURT: What's going ---

10 MR. COOPER: --- it will be this Judge, 30 and then
11 31 and 32.

12 THE COURT: Then 31 and 32 are admitted without
13 objection. Thank you.

14 [Whereupon, State's exhibit numbers 31 and 32 are
15 entered into evidence by the court]

16 MR. COOPER: Judge, may I publish those items to
17 the jury?

18 THE COURT: You may.

19 [Whereupon, exhibits are shown to the jury]

20 Q. [Mr. Cooper] Does that all appear to be the same
21 brown red substance?

22 A. Yes, sir.

23 MR. COOPER: Beg the court's indulgence.

24 Q. [Mr. Cooper] I'm showing you State's exhibit 32. Do
25 these appear to be the victim's jeans that you collected?

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1 A. They do.

2 Q. Now why would they be cut like this?

3 A. EMS and or the doctors at the hospital usually cut
4 in that way just to administer medical care as soon as
5 possible just to get the clothing off the individual so
6 they can administer care.

7 Q. And this dark red and brown substance would be blood
8 again?

9 A. It appears to be blood, yes sir.

10 Q. Now after you collected the evidence from the victim
11 at MUSC where did you respond to next?

12 A. I responded to the central investigations at the
13 City of Charleston Police Department.

14 Q. And what did you respond back to that department
15 for?

16 A. They had an individual that they were questioning
17 about the incident.

18 Q. Did you collect any evidence from him?

19 A. I did.

20 Q. What evidence did you collect?

21 A. I believe it was two boots, two shoes, shirts -- two
22 shirts, pants, I believe a necklace and I swabbed both
23 his hands.

24 Q. What would you have swabbed his hands for?

25 A. In instances that there is an altercation evidence

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1 can get transferred whether it's blood or DNA or anything
2 like that and I swabbed that as soon as I saw him because
3 as soon as he washes his hands it's gone. So I just
4 collected that as soon as I could.

5 MR. COOPER: Your Honor, at this time I would also
6 move State's exhibit 33 into evidence.

7 THE COURT: No objection.

8 THE COURT: Without objection, State's exhibit 33
9 is admitted.

10 [Whereupon, State's exhibit number 33 is entered
11 into evidence by the court]

12 MR. COOPER: And may I also publish that item?

13 THE COURT: You may.

14 Q. [Mr. Cooper] I'm showing you first State's exhibit
15 32.

16 [Whereupon, the witness is shown exhibit]

17 Q. What does this item appear to be?

18 A. The shirt I collected at the station.

19 Q. Do you know if this would have been his top or his
20 undershirt?

21 A. I believe it was his undershirt.

22 Q. And this brown and red substance?

23 A. Appears to be blood.

24 Q. Now did you ask the defendant about his injuries
25 while at the police department?

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1 A. I did. Anytime we photograph injuries on anyone
2 because some of them might not be visible to me I say are
3 there any other injuries that you'd like me to -- that I
4 can document. And I was shown to one on his elbow and
5 also one on his hand and I photographed those.

6 Q. I'm showing you State's exhibit 18.

7 [Whereupon, the witness is shown photograph]

8 Q. Would that be the injury to his elbow?

9 A. It would.

10 Q. I'm showing you State's exhibit 19.

11 [Whereupon, the witness is shown photograph]

12 Q. Would that have been the injury to his finger?

13 A. Yes, that's the injury to his finger.

14 Q. And those are the only injuries he complained of?

15 A. Yes.

16 Q. With the blood on the white t-shirt did he complain
17 of any injuries around his abdomen or his chest?

18 A. No, no sir, no other injuries.

19 Q. I'm showing you now State's exhibit 33.

20 [Whereupon, the witness is shown exhibit]

21 Q. What does this appear to be?

22 A. The exterior shirt that I collected from the station
23 from him.

24 Q. Did you have any further involvement in this case

25 Ms. Senn?

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1 A. No, sir.

2 MR. COOPER: Beg the court's indulgence.

3 [Whereupon, Mr. Cooper and Mr. Osborne confer]

4 Q. I have no further questions for you ma'am. If you
5 will answer any that the defense may have for you.

6 THE COURT: Mr. Runyon?

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State v Chad Stalnaker
Sara Senn-Cross-Examination by Mr. Runyon
September 13, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Good afternoon Ms. Senn.

4 A. Good afternoon.

5 Q. In handling these pieces of evidence did you
6 ascertain for example with the knife, which is State's
7 exhibit 28, what kind of knife that was?

8 A. I believe -- I don't remember if I said a butcher
9 knife in my report.

10 Q. Culinary knife?

11 A. It appears to be.

12 Q. Kitchen knife or something.

13 A. Yes, something like that.

14 Q. It's not something you carry in your pocket.

15 A. Correct.

16 Q. Now as a practical matter I think you indicated that
17 you followed a blood trail up a set up steps.

18 A. Correct.

19 Q. You also followed a blood trail to where the
20 gentleman was found north of the Crosstown.

21 A. Correct.

22 Q. Were those part of the same blood trails or were
23 they two blood trails?

24 A. They were two separate blood trails.

25 Q. Two separate blood trails?

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- 1 A. Yes, sir.
- 2 Q. So someone who went up the steps was bleeding.
- 3 A. It appears so.
- 4 Q. And that was probably not the same person who went
5 north on Coming Street based on your experience in
6 reviewing the scene.
- 7 A. Sure, yes sir.
- 8 Q. All right. So whoever went up to the porch had
9 been injured in some fashion.
- 10 A. Yes, it appears so.
- 11 Q. Okay. And you don't know who that was.
- 12 A. No..
- 13 Q. And you don't know anything about this case other
14 than the fact that you went and you collected all this
15 stuff.
- 16 A. Correct.
- 17 Q. And you took very good care of it; you packaged it.
- 18 A. Yes, sir.
- 19 Q. And you put it into evidence.
- 20 A. Yes, sir.
- 21 Q. And you made sure that it stayed secure.
- 22 A. Yes, sir.
- 23 Q. And insofar as who did what and why you have no
24 knowledge of that.
- 25 A. As far as -- can you clarify that like as in who?

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- 1 Q. You didn't interview witnesses.
- 2 A. No, sir. No, sir.
- 3 Q. And so you don't know whether this one is saying one
4 thing or that one is saying another thing.
- 5 Q. No. No, sir.
- 6 Q. Now you photographed the scene as you found it when
7 you came to the -- for example the knife on the sidewalk.
8 You don't know how it arrived there. You just know it
9 was there when you came and it was cordoned off in the
10 crime scene.
- 11 A. Correct.
- 12 Q. And there was no determination made as to whose
13 blood went up the stairwell?
- 14 A. No, sir.
- 15 Q. And as to whose shirt it was did you take that shirt
16 into evidence?
- 17 A. I did, yes sir.
- 18 Q. And did you ascertain whose shirt that was?
- 19 A. No.
- 20 Q. Whether it was a male or female.
- 21 A. No, it just appeared to be a white t-shirt.
- 22 Q. A white t-shirt.
- 23 A. Uh Huh.
- 24 Q. And certainly the young lady that you photographed
25 at the hospital had some smaller injuries?

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1 A. Uh Huh.

2 Q. And Mr. Stalnaker had some injuries?

3 A. Yes, sir.

4 Q. And of course you weren't able to photograph the
5 injuries of the gentleman from north of the Crosstown
6 because he was in the operating room being medically
7 attended to.

8 A. Yes.

9 MR. RUNYON: Beg the court's indulgence.

10 THE COURT: Yes, sir.

11 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

12 MR. COOPER: Beg the court's indulgence.

13 [Whereupon, Mr. Cooper and Mr. Osborne confer]

14 Q. [Mr. Runyon] You photographed Daniella did you not?

15 A. I did.

16 Q. And did you see any marks on her face for example?

17 A. No. Anything that would have been visible I would
18 have photographed.

19 Q. And so if you had seen a mark you would have made
20 sure that you had a photograph of that mark.

21 A. Correct.

22 MR. RUNYON: No further questions at this time,
23 Your Honor.

24 THE COURT: Any redirect?

25 MR. COOPER: Yes, Your Honor, briefly.

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1 REDIRECT EXAMINATION

2 BY MR. COOPER:

3 Q. I'm showing you State's exhibit 16 ---

4 THE COURT: The ones you talking about have they
5 been put into evidence? There are several photographs
6 that I didn't have marked down as being in evidence yet.

7 MR. COOPER: Judge, I may have done them out of
8 order but I believe at this time we would offer 15
9 through 19 into evidence I believe without objection.

10 THE COURT: Is that correct?

11 MR. RUNYON: That's correct, Your Honor.

12 THE COURT: Okay. Those were not in evidence
13 before but they are now in evidence; 15 through 19
14 without objection.

15 [Whereupon, State's exhibit numbers 15 through 19
16 are entered into evidence by the court]

17 Q. [Mr. Cooper] Was that the injury that you
18 photographed of Ms. Jimenez's thumb?

19 A. Yes.

20 Q. Do you know what treatment she received to that
21 injury?

22 A. It appeared that she had gotten a couple of
23 stitches.

24 Q. And I'm showing you State's exhibit 17.

25 [Whereupon, the witness is shown photograph]

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1 Q. That was her other injury?

2 A. Correct.

3 Q. And did she receive any treatment to that?

4 A. It didn't appear so; just a band aid.

5 Q. And other than that that was all the injuries that
6 you were able to find on her?

7 A. Yes. And like I said before we ask if anything else
8 hurts or anything like that that we can photograph and
9 those were the only two that I photographed.

10 MR. COOPER: No further questions, Your Honor.

11 THE COURT: Any recross?
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RECROSS EXAMINATION

BY MR. RUNYON:

Q. You don't know how Ms. Jimenez got those injuries do you?

A. No, sir.

MR. RUNYON: No further questions, Your Honor.

THE COURT: Any objection to this witness being excused.

MR. COOPER: None from the State, Your Honor.

MR. RUNYON: None from the defense, Your Honor.

THE COURT: Thank you. Have a nice day.

[Whereupon, the witness is excused and exits the witness stand]

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1 THE COURT: Ladies and gentlemen we will break for
2 lunch now so I'm going to send you out and order that you
3 be back here at 2:30. Please don't eat a huge lunch
4 because jurors tend to get bobble heads in the afternoon.
5 In fact, I've had jurors flat out fall asleep after
6 eating a big meal no matter how the intriguing the
7 evidence might be. So have a nice lunch. Do not discuss
8 the case with anyone and I'll see you back here just a
9 little bit -- well, let's say 2:15. That will give you
10 an hour and a half. Just be back here a little bit
11 before 2:15. Thank you.

12 [Whereupon, the jury exits at 12:46 p.m.]

13 THE COURT: Court is in recess until 2:15.

14 [Whereupon, court is in recess from 12:46 p.m. until
15 2:19 p.m.]

16 THE COURT: Is there anything we need to take up
17 before we bring our jury in?

18 MR. RUNYON: Yes, Your Honor. Your Honor, prior --
19 at the conclusion of this morning's testimony the
20 Solicitor's office informed us that a member of their
21 staff informed them -- I know the court is going to love
22 to hear this -- that a member of the jury is related to
23 someone on the Solicitor's staff.

24 MR. COOPER: One of our paralegals her husband --
25 she thinks it is her husband's great niece and she just

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1 brought that to our attention out of an abundance of
2 caution ---

3 THE COURT: --- do they even know them? I mean a
4 great niece is pretty far.

5 MR. COOPER: She was able to give us her last name
6 after a few seconds so I don't think the connection is
7 that close but out of an abundance of caution...

8 MR. RUNYON: We wanted to bring that to the court's
9 attention. We can't of course advise the court and it
10 would be -- obviously we're not suggesting there has been
11 an wrongdoing or anything of that sort as far as the
12 Solicitor's office. But since it was brought to our
13 attention we thought we would put it on the record and
14 make the record for the purpose of appeal to bring it to
15 the attention of the court so the court if it felt it
16 could make inquiry as to number 36 I believe it is, juror
17 number 36 as to whether or not out of an abundance of
18 caution that juror has some knowledge.

19 MR. COOPER: I will say too, her name was JoAnn
20 Gold, the paralegal who advised us, she wasn't even sure
21 whether or not that individual knew that she worked for
22 the Solicitor's office. So I don't know if it is a
23 situation where she didn't answer one of your questions
24 appropriately.

25 THE COURT: Well I think my question was I asked

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1 about y'all or did -- they related to anyone who works in
2 the Solicitor's office with is a lot of people. And I
3 imagine they were probably looking at y'all. But I will
4 inquire of that juror.

5 MR. RUNYON: Thank you, Your Honor.

6 THE COURT: Why don't we bring that juror in real
7 quick and make sure there is not a problem.

8 MR. COOPER: And I do have one scheduling matter if
9 you want to do that afterwards?

10 THE COURT: Yes. Which juror is this?

11 MR. JASKIEWICZ: Juror 36.

12 MR. COOPER: Karie Brewer is her name, Judge.

13 [Whereupon, the jury enters at 2:23 p.m.]

14 THE COURT: Juror Brewer, Ms. Brewer could you step
15 down here for just a second? You're not in trouble;
16 believe me, we've just got to inquire. Don't even fret.

17 [Whereupon, an off the record bench conference is
18 held with the court, juror number 36 and counsel]

19 MR. COOPER: Judge, did you want to handle this
20 scheduling conference real quick so I can advise...

21 THE COURT: Yes. Come on back up.

22 [Whereupon, an off the record bench conference is
23 held]

24 THE COURT: I hope y'all had a good lunch and
25 didn't go out and eat a big lunch like I did. Even

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1 though I told you not to I ended up doing it. Portions
2 are so big anymore. If you get a little sleepy or
3 something like that raise your hand and we'll get you
4 some water. If I see your head bobbing and somebody
5 hands you water that means you need it. Is the State
6 ready to call its next witness?

7 MR. OSBORNE: Your Honor, our witness is actually
8 walking into the building this minute. I thought he was
9 outside but he's not.

10 THE COURT: Okay. We'll just stand at ease. And
11 I'll go ahead and tell you between witnesses if you want
12 to get up and stretch feel free to do that. I don't
13 think we're going to have that long an afternoon. I
14 think we've just got four witnesses for the afternoon.

15 [Off the record momentarily]

16 THE COURT: And who would this witness be?
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1 MR. OSBORNE: The State calls Reid Riddle.
2 [Whereupon, Mr. Riddle comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: My name is Reid Harvey Riddle. My
8 last name is spelled R-I-D-D-L-E.

9 THE COURT: You may proceed.

10 MR. OSBORNE: Thank you, Your Honor.

11 - - - - -

12 REID RIDDLE,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. OSBORNE:

17 Q. All right Mr. Riddle, let's just talk about your
18 background a little bit and introduce yourself to the
19 jury a little. How old are you?

20 A. I'm 27.

21 Q. And where are you from?

22 A. I'm from Greer, South Carolina.

23 Q. And did you graduate from high school?

24 A. I actually got a GED from high school.

25 Q. And that was in Greer.

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- 1 A. That was in Greer.
- 2 Q. Okay. Any college?
- 3 A. Went to school at the University of South Carolina.
- 4 Q. Okay. Do you live in Charleston?
- 5 A. I do.
- 6 Q. And how long have you lived in Charleston?
- 7 A. I've lived in Charleston for four years.
- 8 Q. What have been some of the types of jobs that you've
- 9 held since you've been in Charleston?
- 10 A. I worked with -- I was the bar manager at Kudu
- 11 Coffee and Craft Beer. I worked doing some construction.
- 12 I'm currently the manager with Louis's Barbeque.
- 13 Q. Any children?
- 14 A. No children.
- 15 Q. Married?
- 16 A. No, sir.
- 17 Q. Okay. Let's talk about this case. Back in May of
- 18 2014 did you live downtown Charleston at that time?
- 19 A. Yes, sir.
- 20 Q. And where did you live?
- 21 A. I lived at 270 Coming Street.
- 22 Q. How long had you been living there in May of 2014?
- 23 A. I had been living there for -- I lived there for a
- 24 total of a year I believe -- six months.
- 25 Q. Okay. 270 Coming do you know where that is in

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1 relation to ■ Coming?

2 A. Yes, sir.

3 Q. And where is that?

4 A. It is directly across the street.

5 Q. Did you know who lived at ■ Coming?

6 A. I did not.

7 Q. Were you familiar with them at all?

8 A. No, sir.

9 Q. Had you seen them around at all?

10 A. I hadn't.

11 Q. On the night of the incident on May the 17th going
12 into May the 18th did you have the occasion to witness an
13 altercation?

14 A. I did.

15 Q. The two individuals -- were there two individuals
16 involved in the altercation?

17 A. Yes, sir.

18 Q. Had you seen either one of those individuals in the
19 past?

20 A. No, sir.

21 Q. Do you see one of the individuals that was involved
22 in the altercation in the courtroom here today?

23 A. Yes, sir.

24 Q. Can you point him out and describe him to the jury?

25 A. It was this gentleman at the desk here [indicates].

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1 Q. Can you describe what he is wearing?

2 A. He's wearing a blue shirt.

3 MR. OSBORNE: Let the record reflect the witness
4 has identified the defendant.

5 THE COURT: The record will so reflect.

6 Q. [Mr. Osborne] So you said you had witnessed an
7 altercation. Prior to witnessing -- and he was one party
8 involved correct?

9 A. That's correct.

10 Q. Prior to witnessing that altercation where were you
11 coming from?

12 A. I was coming from a friend's birthday party.

13 Q. Okay. Where was that?

14 A. That was at the Warehouse.

15 Q. And where is the Warehouse?

16 A. That is on the corner of Spring and Saint Phillips
17 Street.

18 Q. And so it's not too far from your house?

19 A. Not too far; two blocks away.

20 Q. Oh, two blocks. When you were coming back home were
21 you walking or driving?

22 A. I was walking.

23 Q. Had you been drinking that night?

24 A. A little bit.

25 Q. Were you intoxicated?

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1 A. Legally, yes sir.

2 Q. You're a young guy so you've probably been out
3 drinking before?

4 A. Yes, sir.

5 Q. Would you say that your level of intoxication that
6 night was to the point to where you can't remember what
7 happened?

8 A. No, sir.

9 Q. I want to show you State's exhibit number 2. It's
10 already been marked and admitted.

11 [Whereupon, the photograph is shown]

12 Q. It's over here behind you. Can you get your
13 bearings from that and tell me where you lived or point
14 to it?

15 A. Yes, sir. Line Street [indicates]. So here's
16 Coming Street [phonetic], here's Line Street here
17 [indicates]. I lived here [indicates].

18 Q. Okay. Let's go to -- let's try a little closer --
19 State's exhibit 3.

20 [Whereupon, the photograph is shown]

21 Q. Does that help out a little bit?

22 A. Yes sir, it does.

23 Q. Can you show the jury where you lived at that time?

24 A. I lived here [indicates].

25 Q. Okay. And [REDACTED] Coming where was that located?

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- 1 A. [REDACTED] is across the Street here [indicates].
- 2 Q. Okay. When you were walking home from the
- 3 Warehouse which direction were you heading?
- 4 A. I was heading towards Line Street.
- 5 Q. You were coming...
- 6 A. From Coming Street so I was going this direction
- 7 [indicates].
- 8 Q. Heading up Coming toward Line.
- 9 A. Correct.
- 10 Q. Okay. So as you're walking up Coming headed
- 11 towards your house tell the jury what you saw.
- 12 A. I saw two people in a kind of wrestling on the grass
- 13 median between the sidewalk and the road that is Coming
- 14 Street.
- 15 Q. The two individuals describe them. Was one the
- 16 defendant?
- 17 A. Yes, sir.
- 18 Q. Okay. The other individual describe him, his race?
- 19 A. He was an African American.
- 20 Q. You said that -- walk the jury through what you saw
- 21 them doing.
- 22 A. It looked like they were -- they were on -- I think
- 23 there was one guy on his back and they were kind of at
- 24 each other. They were kind of choking each other and
- 25 they were on the ground between the road and sidewalk.

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1 They were both lying down like on their backs.

2 Q. Did you think they were playing?

3 A. I didn't think they were playing at all.

4 Q. Why not?

5 A. It scared me it being so close to my house. I mean
6 I live there; it's where I go to sleep at night and they
7 were clearly were fighting each other in front of my
8 house.

9 Q. Could you hear either one of them saying anything?

10 A. Not really, no. It was a struggle. It wasn't
11 really talking.

12 Q. Did you see who or what started it?

13 A. No, sir.

14 Q. When this was going on did you see a girl around?

15 A. I did not.

16 Q. What did you do then?

17 A. I tried to break the fight up.

18 Q. How?

19 A. By getting in between and pushing them apart to
20 break up the fight.

21 Q. Did they willingly break up the fight or were they
22 still going at each other?

23 A. I pushed them apart and I remember saying please
24 don't hit each other and don't hit me. I remember saying
25 that specifically don't hit me and kind of pushed them

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1 apart. It didn't seem like they were going back at each
2 other. And then once I broke the fight up they went in
3 different directions down the road.

4 Q. I don't want to put words in your mouth. Would you
5 say it was relatively easy to break them up?

6 A. I don't really remember -- I don't remember it being
7 very easy. I do remember having to push them apart. I
8 don't remember ---

9 Q. --- but once you got inbetween them -- oh, I sorry
10 go ahead.

11 A. I was done.

12 Q. Once you got inbetween them and you physically
13 pushed them apart that was it?

14 A. Yes, sir.

15 Q. You said they went off in separate directions. I
16 hate to ask you to go back to the map but which direction
17 did the white male go?

18 A. Okay. So the white male -- I guess the altercation
19 was here [indicates] around there and then the white male
20 went here [indicates].

21 Like I said I didn't know that he lived -- I didn't
22 know that his girlfriend lived there; I guess it was his
23 girlfriend's house. So he ran here [indicates] and then
24 the African American went down this way [indicates].

25 Q. Okay. When the African American or black male he

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1 was walking towards Line?

2 A. Yes, sir.

3 Q. Did you notice anything about him as he was walking
4 away?

5 A. I noticed that he was throwing up.

6 Q. Okay. Did you see what the white male did after he
7 went to the side of the house?

8 A. No.

9 Q. Did you see him go up the stairs or did he hang out
10 on that sideway?

11 A. No, sir.

12 Q. Not sure? What did you do then?

13 A. I walked across the street thinking what I had seen
14 was very bizarre and I was going to go -- I was opening
15 the door to the porch to my house ---

16 Q. --- let me stop you right there for one second.

17 When you walked across the street and the white male
18 walked in that direction and the black male walked in the
19 other direction did you believe the fight to be over?

20 A. I believed the fight to be over, yes sir.

21 Q. Go ahead. I'm sorry; now continue. You said you
22 were going to your house?

23 A. I was going to my house.

24 Q. Then what happened?

25 A. I saw something that caught my attention out of the

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1 corner of my eye from that apartment and it was like
2 across the street of the balcony across the street.

3 Q. And what was it?

4 A. It was a person.

5 Q. And what were they doing?

6 A. They were crawling over the balcony and jumped down
7 from the balcony to the sidewalk is what I saw.

8 Q. I'm going to show you State's exhibit 5.

9 [Whereupon, the photograph is shown]

10 Q. Does this photograph depict where you saw this
11 individual?

12 A. Yes, sir.

13 Q. Was this the white male or black male?

14 A. The white male.

15 Q. The defendant?

16 A. Yes, sir.

17 Q. All right. So you said you saw him crawling over a
18 balcony?

19 A. Yes, sir.

20 Q. Is that the balcony [indicates]?

21 A. That's the balcony.

22 Q. So describe to the jury -- I know it's kind of hard
23 to demonstrate or anything but what was he doing using
24 this picture to kind of illustrate.

25 A. Okay. So from this point of view that would have

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1 been where my front door is to my old apartment but just
2 a little closer up. He crawled over the balcony from
3 what I recall, crawled over the balcony. I think he kind
4 of like put his feet above the door and then jumped down
5 onto the sidewalk.

6 Q. At that moment did you see the black male?

7 A. No, sir.

8 Q. Okay. Did you see a female?

9 A. No, sir.

10 Q. Okay. What happened then?

11 A. And then he yelled at the black male.

12 Q. Do you know what he said?

13 A. I don't remember what he said.

14 Q. Okay. Go ahead.

15 A. And from what I recall I think they maybe they
16 started yelling at each other.

17 Q. At that moment when you first saw the black male
18 point to the map and show where he was.

19 A. He would have been on the corner of the road where
20 Line and Coming Street meet.

21 Q. I hate to ask you to do this but can you point out
22 on there where he was?

23 A. The black male?

24 Q. Uh Huh. Yes, sir.

25 A. Around here [indicates].

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1 Q. Okay. And where was the white male?

2 A. Around here [indicates].

3 Q. Okay. And so the white male -- and at that moment
4 when you saw the black male down there and the white male
5 here did you see a female?

6 A. No, sir. Not that I recall.

7 Q. Okay. So the white male yelled that's where you
8 left off.

9 A. Yes, sir.

10 Q. Did the black male yell back?

11 A. From what I remember I think so, yes.

12 Q. Okay. What was going on in your mind at that time?

13 A. At that point I was still thinking that it was
14 bizarre to see. It was not something I had ever been a
15 part of. And I remember thinking I'm not going to get in
16 the way again; that I have already broken a fight; let's
17 let them fight.

18 Q. And did you think they were going to fight again?

19 A. Yes, sir.

20 Q. What happened then?

21 A. It looked like they fought with each other. It
22 looked like the white male punched the black male in the
23 stomach. It looked like he was punching him in the
24 stomach.

25 Q. Okay. So they get involved in another physical

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1 altercation?

2 A. Yes, sir.

3 Q. I know its cumbersome. Where do you think that
4 occurred about?

5 A. I want to say that it was like here [indicates]
6 somewhere; I think I want to say it was somewhere right
7 in here [indicates].

8 Q. Okay. Now once they engage each other ---

9 A. --- or maybe here [indicates] further this way. And
10 I think I remember it kind of going back this way
11 [indicates].

12 Q. Okay. And that's what I was going to ask you.
13 Once they engaged each other were they static or did they
14 move?

15 A. They moved.

16 Q. And you said they moved back.

17 A. Yes, sir.

18 Q. Which would be to the left looking at this picture?
19 So now we have this second physical altercation between
20 the white male and the black male. Go ahead and describe
21 that to the jury as best you can remember.

22 A. From what I remember they -- it was dark and I was
23 across the street -- it looked like the white male was
24 punching the black male in the stomach. It didn't look
25 like anything. It didn't look like he was even punching

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1 him hard you know. But it didn't last very long and I
2 remember ---

3 Q. --- let me stop you right there one second. How
4 long do you think it lasted?

5 A. I want to say less than ten seconds.

6 Q. And you said it didn't look like he was punching him
7 very hard.

8 A. It didn't.

9 Q. Well what did it look like then?

10 A. It looked like they were fighting each other. It
11 looked like he was punching him in the stomach. And then
12 the black male held his belly and he ran down the road
13 back towards Line Street on Coming Street.

14 Q. Okay. On this picture right here [indicates]?

15 A. Yes, sir.

16 Q. Would it be back toward that intersection where we
17 were looking at?

18 A. Yes, sir.

19 Q. Okay. So the black male went off in this direction
20 [indicates] is that correct towards the intersection?

21 A. Yes, sir.

22 Q. What did the white male do?

23 A. The white male yelled belligerent that his
24 girlfriend's finger was cut off.

25 Q. Had you seen a girl up until this point?

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1 A. I didn't see a girl. So once he said that I'm still
2 thinking this is just bizarre to see and then I started
3 looking for the girl to see where this girl comes from.

4 And I noticed her and then he like bent down and she
5 was on the ground with her back against the brick wall
6 and he knelt down over her and said my girlfriend's
7 finger is cut off. Help, help; my girlfriend's finger is
8 cut off.

9 And so the first thing I think is I want to go help
10 this girl figure out what happened to this girl's finger
11 because I never saw a girl and I was thinking where did
12 the girl's finger get cut off. And so I went across the
13 street and I think at this point there was a neighbor too
14 and we both walked across the street together.

15 And the first thing I did was look at her fingers to
16 see if her fingers were there and when I looked down
17 there was a butcher -- there was a big knife on the
18 ground and a bunch of blood on the ground.

19 Q. Let me ask you one quick question before I
20 backtrack. You said you saw a knife on the ground?

21 A. Yes, sir.

22 Q. Is that the first time you had saw that knife?

23 A. Yes, sir.

24 Q. During the physical altercation did you see the
25 white male or the black male with the knife?

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1 A. No.

2 Q. Okay. Does this picture right here [indicates]
3 show the location of the white female when you first saw
4 her or do you need to go further to the left?

5 A. I think that she would have been right on the edge
6 of that [indicates] left frame.

7 Q. I'm showing you State's exhibit 4.

8 [Whereupon, the photograph is shown]

9 A. So I want to say that it was like underneath the
10 second window from the left, right there [indicates]
11 somewhere.

12 Q. Okay. The first time that you saw the white female
13 was when the white male yelled I think my girlfriend's
14 finger got cut off?

15 A. Yes, sir.

16 Q. You said that you were going to go over there. Did
17 you go over there and see her?

18 A. I did.

19 Q. What was her condition? What did you observe?

20 A. It seemed like she was I don't know maybe passed out
21 against the wall.

22 Q. Was she bleeding at all? Did you notice any
23 injuries?

24 A. No, sir.

25 Q. I want to show you State's exhibit 11.

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1 [Whereupon, the photograph is shown]

2 Q. Does this photograph right here depict the knife
3 that you mentioned?

4 A. Yes, sir.

5 Q. Did you touch it or move it?

6 A. I don't remember doing so.

7 Q. Did someone call 911?

8 A. Yes, sir.

9 Q. Did you have the occasion to speak to the defendant
10 at any point?

11 A. I spoke with the defendant after the fact. I
12 remember my neighbor was like dude, I'm calling 911. And
13 so he called 911 and so I stood there and made sure the
14 white male didn't go anywhere. I stood there and waited.
15 And the cops were there in 30 seconds.

16 Q. While you were waiting for the police to arrive did
17 the defendant say anything?

18 A. I remember asking him what he did. And he said that
19 he just stabbed that guy. He said I just stabbed that
20 guy. And I said why did you do that? And I don't really
21 remember anything else that he said.

22 I could tell there wasn't any ill -- there wasn't
23 any like maliciousness going towards me. He was very
24 calm and he just stood there. That's all.

25 Q. Go ahead.

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1 A. That's all.

2 MR. OSBORNE: Beg the court's indulgence.

3 [Whereupon, Mr. Cooper and Mr. Osborne confer]

4 Q. [Mr. Osborne] The defendant when -- after the black
5 male ran off and he makes the comment about his
6 girlfriend's finger getting cut off did you notice any
7 blood on him?

8 A. Yes. After he yelled that his girlfriend's finger
9 was cut off I noticed there was blood on his shirt and on
10 his face.

11 MR. OSBORNE: No further questions, Your Honor.

12 THE COURT: Mr. Runyon?
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1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Good afternoon Mr. Riddle.

4 A. Good afternoon, sir.

5 Q. Just so I understand it -- and I understand it's
6 been a couple of years and I'm a little bit slow so just
7 bear with me. We'll get through this. There was a
8 struggle, a fight or whatever you want to call it when
9 you first came out.

10 A. Yes, sir.

11 Q. Is that what I understand?

12 A. Yes, sir.

13 Q. And you went over there and you separated the two
14 people.

15 A. Yes, sir.

16 Q. And the black male then went to that intersection
17 [indicates].

18 A. Yes, sir.

19 Q. And was on his way away.

20 A. Yes, sir.

21 Q. And the white male disappeared into the alleyway or
22 whatever to wherever he was going.

23 A. Yes, sir.

24 Q. And you didn't see anybody at that point in time.

25 A. I don't remember seeing anyone. I heard a recording

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1 of the night that this happened and clearly it was my
2 voice saying that at one point inbetween the time of the
3 stabbing and the time they were in the fight I said that
4 the girl pushed me across the street initially. I then
5 remember that happening; like you said it's been two and
6 half years.

7 Having heard it and it being my voice on the
8 recorder and thinking about it in retrospect I remember
9 that happening because I remember thinking that was one
10 of the things that I thought contributed to how weird the
11 night was.

12 And I remember saying -- I remember telling her that
13 I was trying to help, I was just trying to help and I
14 remember she pushed me across the street.

15 Q. Okay.

16 A. So I didn't remember seeing the girl until I heard
17 myself on the recording.

18 Q. Anytime you want to stop and drink a little water or
19 anything just relax. Everything -- we're going to get
20 you off there pretty soon, okay.

21 So the African American gentleman or black male left
22 or was leaving. He was all the way up to that
23 intersection across the street from that little
24 convenience store right?

25 A. Yes, sir.

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1 Q. Do we -- do you know -- did you see him come back?

2 A. Not that I recall I didn't see him come back. I
3 wasn't looking to see if somebody was coming back. My
4 focus was on the white male coming off of the balcony so
5 my focus was to the left.

6 Q. Okay. So the white male had gone into the house
7 for lack of a better expression.

8 A. Yes, sir.

9 Q. That's the only way to get up to that balcony right?

10 A. Yes, sir.

11 Q. And if the girl was there she was still on the
12 street right?

13 A. Yes, sir.

14 Q. And you don't recall specifically her being there?

15 A. No, sir.

16 Q. How long was it between the time that you started
17 across the street and the time you saw the white male
18 jumping off the balcony roughly; two or three minutes?

19 A. I want to say maybe a minute and a half because I
20 think the reason I stayed outside so long was because I
21 was locked out of my house. I didn't have my key to my
22 apartment so I was outside and I saw this happen.

23 Q. So it was one of those embarrassing times when you
24 didn't have your key with you. Did you have a roommate
25 at the time?

State v Chad Stalnaker
Reid Riddle-Cross-Examination by Mr. Runyon
September 13, 2016

1 A. I had a roommate at the time and I actually didn't
2 have the key to my apartment because I remember after I
3 talked to the police officers after the fact and told
4 them what I saw I couldn't get my roommate to let me in
5 my house because he was asleep and I waited outside my
6 room until like 3:30 in the morning; I was trying to get
7 into my house.

8 Q. So that was not a good night for you was it?

9 A. It wasn't the best. I think I could have been in
10 better places other than that -- better time.

11 Q. Now so the black gentleman went on up to the
12 intersection after the first altercation.

13 A. Yes, sir.

14 Q. Clearly you witnessed two altercations.

15 A. Yes, sir.

16 Q. As I understand your testimony. Don't let me put
17 words in your mouth; I'm trying to understand it too.

18 A. Yes sir, that's correct.

19 Q. You clearly saw two altercations and after the first
20 altercation the black gentleman appeared to be
21 withdrawing and going away.

22 A. Yes, sir..

23 Q. You then went across the street.

24 A. Yes, sir.

25 Q. Either because you were directed to by some female

State v Chad Stalnaker
Reid Riddle-Cross-Examination by Mr. Runyon
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1 or because you were going across the street to go home
2 and go to bed right.

3 A. Yes, sir.

4 Q. And you approached your door and you tried to go in.

5 A. Yes, sir.

6 Q. You couldn't get in because you were locked out.

7 A. That's true.

8 Q. Okay. And then you noticed at some point in time
9 the white male jumping from the balcony.

10 A. Yes, sir.

11 Q. Where was the black male at the time he jumped from
12 the balcony?

13 A. I want to say that he was on the corner of -- I
14 don't remember him being in view. I remember the white
15 male yelling and I remember the black male yelling back.
16 I don't remember where exactly he was standing.

17 Q. So you don't remember where the black male was at
18 that time because the last time you saw him he appeared
19 to be leaving?

20 A. Yes, sir.

21 Q. The next time you saw him they were engaged there in
22 front of, roughly in front of the house.

23 A. Yes, sir.

24 Q. And then the first time according to your testimony
25 that you really saw the young lady was I think they

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Reid Riddle-Cross-Examination by Mr. Runyon
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1 showed you State's exhibit number 4 in which you said you
2 saw her on the ground under the window so to speak.

3 A. Yes, sir.

4 Q. And up to that time you had no -- strike that. So
5 after the first altercation both parties appeared to
6 withdraw.

7 A. After the first altercation.

8 Q. Yes sir, they both left.

9 A. Yes, sir.

10 Q. Okay. And you have no idea why they came back
11 together.

12 A. I know why -- well because the white male yelled at
13 the black male to come back.

14 Q. He yelled at him to come back. You heard him yell?

15 A. Yes.

16 Q. What did he yell?

17 A. I don't remember what he said.

18 Q. Okay. When was the first time you saw the female?

19 A. Well, the first time I saw the female initially I
20 remember the first time being when Chad yelled that his
21 girlfriend's finger was cut off.

22 After hearing the recording of me telling what I saw
23 that night after the fact I remember seeing her for the
24 first time after I broke up the fight. And I remember
25 seeing her because I remember she pushed me to go across

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Reid Riddle-Cross-Examination by Mr. Runyon
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1 the street.

2 Q. Okay. So at some point in time she wound up on the
3 ground under the window.

4 A. Yes, sir.

5 Q. And you don't know how or why.

6 A. No, sir.

7 Q. And by the way I know it's in the city and I know
8 you got a lot of quote neighbors around but you don't
9 really know all your neighbors when you lived there did
10 you?

11 A. No, sir. I didn't know any. I saw my neighbors but
12 I didn't know them.

13 Q. So the African American gentleman, the black
14 gentleman had you ever seen him in the neighborhood
15 before?

16 A. No, sir.

17 Q. Did you know whether or not he was one of your
18 neighbors?

19 A. No, sir.

20 Q. How about the white gentleman?

21 A. No, sir.

22 Q. The defendant?

23 A. No, sir.

24 Q. You didn't know him at all?

25 A. Didn't know him.

State v Chad Stalnaker
Reid Riddle-Cross-Examination by Mr. Runyon
September 13, 2016

1 MR. RUNYON: Excuse me one second. Beg the court's
2 indulgence.
3 THE COURT: Yes, sir.
4 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]
5 Q. [Mr. Runyon] Now I believe you said you saw after
6 the first altercation you saw the African American
7 gentleman walking away and he kind of threw up.
8 A. Yes, sir.
9 Q. And he threw up somewhere between there and the
10 corner?
11 A. Yes, sir.
12 Q. And that was before you saw them engage in the
13 second confrontation.
14 A. Yes, sir.
15 Q. And as a -- did you see that night, did you see the
16 crime scene roped off with the yellow tape?
17 A. Yes, sir.
18 Q. Did the police rope off the area where the African
19 American gentleman, black gentleman threw up?
20 A. I don't remember.
21 Q. You don't remember.
22 A. I don't remember them roping that part off.
23 Q. And you of course had been to a party at the
24 Warehouse.
25 A. Yes, sir.

State v Chad Stalnaker
Reid Riddle-Cross-Examination by Mr. Runyon
September 13, 2016

1 Q. Just a few blocks down the street.

2 A. Yes, sir.

3 Q. And you had something to drink which you're old
4 enough to right?

5 A. I am.

6 Q. And you were feeling pretty good looking to go home
7 and have a nice restful sleep and sleep it off right.

8 A. Absolutely.

9 Q. And then you couldn't get in your apartment and this
10 happens.

11 A. Yes, sir.

12 Q. And that's all you really know about this.

13 A. That's all I know.

14 Q. Did you ever hear anyone yell call 911?

15 A. I remember hearing my neighbor say I'm calling 911.

16 He said dude I'm calling 911 and he walked away and
17 called 911 and I stayed with the white male.

18 Q. So you heard the neighbor say I'm going to call 911.

19 You didn't hear anyone else calling to say call 911.

20 A. No, sir.

21 Q. Okay.

22 MR. RUNYON: Thank you. No further questions,
23 Your Honor.

24 THE COURT: Any redirect?

25 MR. OSBORNE: Just one, Your Honor.

State v Chad Stalnaker
Reid Riddle-Redirect Examination by Mr. Osborne
September 13, 2016

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. So Mr. Runyon elicited testimony under cross that
4 dealt with, and I just want to clarify this, you're
5 testifying now that your memory is the first time you
6 recall seeing the white female was after the second
7 altercation is that correct?

8 A. I think initially the first time I remember seeing
9 her was after the first altercation.

10 Q. Okay. So you recall that now seeing the white
11 female after the first altercation.

12 A. Yes, sir.

13 Q. So after the first altercation that's when you first
14 remember seeing the white female and her pushing you
15 across the street?

16 A. Yes, sir.

17 MR. OSBORNE: No further questions, Your Honor.

18 THE COURT: Any recross?

19 MR. RUNYON: No recross, Your Honor.

20 THE COURT: Thank you. Any objection to this
21 witness being excused?

22 MR. OSBORNE: None, Your Honor.

23 MR. RUNYON: None from the defense, Your Honor.

24 THE COURT: Have a nice day sir. Thank you.

25 [Whereupon, the witness is excused and exits the

State v Chad Stalnaker
Reid Riddle-Redirect Examination by Mr. Osborne
September 13, 2016

1 witness stand]

2 THE COURT: Why don't we take a ten minute recess.
3 Please do not discuss anything about the case while you
4 are back there.

5 [Whereupon, the jury exits at 3:04 p.m.]

6 THE COURT: Court will be in recess for ten
7 minutes. Thank you.

8 [Whereupon, court is in recess from 3:05 p.m. until
9 3:16 p.m.]

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State v Chad Stalnaker
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September 13, 2016

1 THE COURT: Anything we need to bring up before we
2 bring in our jury?

3 MR. COOPER: Nothing from the State, Your Honor.

4 MR. RUNYON: Nothing from the defense, Your Honor.

5 THE COURT: Very good. Let's bring our jury in.

6 [Whereupon, the jury enters at 3:17 p.m.]

7 THE COURT: The State may call its next witness.
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State v Chad Stalnaker
Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

1 MR. COOPER: The State calls Daniella Jimenez.

2 [Whereupon, Ms. Jimenez comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Daniella Noelle Jimenez, J-I-M-E-N-E-Z.

8 THE COURT: You may proceed.

9 MR. COOPER: Thank you, Your Honor.

10 - - - - -

11 DANIELLA JIMENEZ,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. COOPER:

16 Q. Daniella, could you tell the jury how old you are.

17 A. I'm 25.

18 Q. Are you from the Charleston area?

19 A. I've been here five years.

20 Q. Where are you from?

21 A. Virginia.

22 Q. Okay. And do you work here in Charleston?

23 A. Yes.

24 Q. Where do you work?

25 A. Indaco --

State v Chad Stalnaker
Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

- 1 THE COURT REPORTER: At where?
- 2 A. Indaco. It's on upper King; like King and Woolfe.
- 3 Q. [Mr. Cooper] Okay. And where do you live?
- 4 A. Downtown at Coming and Line.
- 5 Q. What's the street address?
- 6 A. [REDACTED] Coming Street.
- 7 Q. Is that where you lived back in May of 2014?
- 8 A. Yes.
- 9 Q. Now did you at one time were you romantically
- 10 involved with the defendant?
- 11 A. Yes.
- 12 Q. When did y'all -- when were y'all -- back in May
- 13 2014 were y'all dating?
- 14 A. I believe so.
- 15 Q. At the time of this incident were y'all dating?
- 16 A. Yes.
- 17 Q. Do you remember when y'all started dating?
- 18 A. Like a year maybe before that; maybe a year and
- 19 half.
- 20 Q. And are y'all still dating now?
- 21 A. No.
- 22 Q. Focusing your attention to that night, that Saturday
- 23 night had you worked at Indaco that night?
- 24 A. I believe so.
- 25 Q. Do you remember approximately when you got off?

State v Chad Stalnaker
Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

1 A. Probably like 10:00. I was never -- I was -- back
2 then so I got off pretty early.

3 Q. Where did you go once you got off?

4 A. To A C's.

5 Q. Why did you go there?

6 A. He was working there at the time. I would get off
7 and I would go sit with him until he got off and then
8 we'd go home.

9 Q. Would you drink?

10 A. Yes.

11 Q. Do you remember how much you had to drink that
12 night?

13 A. I had a lot. A few beers and some like ruffle mint
14 shots I think.

15 Q. So you had a lot of alcohol?

16 A. [Nods affirmatively]

17 THE COURT REPORTER: Is that yes?

18 A. Yes.

19 Q. Do you remember -- you've just to say yes or no;
20 they're typing down what you say. Do you remember when
21 y'all left A C's?

22 A. I feel like he got off work early for some reason
23 that night so probably like 1:30 but I'm not positive.

24 Q. And y'all lived together?

25 A. Uh Huh.

State v Chad Stalnaker
Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

- 1 Q. And where did you go once you left A C's?
- 2 A. I guess we were heading home. We got on a pedicab
3 and then I don't really remember much of anything.
- 4 Q. Okay. Do you remember where you got off the
5 pedicab?
- 6 A. I was told we got off on like right on Spring and
7 King.
- 8 Q. Now just so when we're moving forward and I ask you
9 questions just tell me what you remember. If you don't
10 remember that's fine just say you don't remember but
11 don't say what someone else told you. Do you remember
12 anything after you got off the pedicab?
- 13 A. No. The next thing I remember is talking to my
14 neighbor briefly on the porch like after everything
15 happened.
- 16 Q. Would police have been around at that time?
- 17 A. [Nods affirmatively]
- 18 THE COURT REPORTER: Is that yes?
- 19 A. Yes; I'm sorry.
- 20 Q. Do you remember if that was before you went to the
21 hospital?
- 22 A. Yes.
- 23 Q. Do you remember -- what do you remember after
24 sitting on your porch?
- 25 A. Nothing.

State v Chad Stalnaker
Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

1 Q. What is the next thing you remember after sitting on
2 your porch?

3 A. Waking up in the hospital.

4 Q. Okay. Why did you go to the hospital?

5 A. I cut my finger somehow.

6 Q. What kind of injury did you have to your finger?

7 A. It was like a little cut.

8 Q. Did you get any stitches?

9 A. Two.

10 Q. Did you have any other injuries from that night that
11 you remember?

12 A. There was like a tiny little wound over here

13 [indicates] maybe; no, not that I remember.

14 Q. Okay. And you don't remember how you cut yourself?

15 A. No.

16 Q. Okay. Do you remember -- you said you remember
17 talking to your neighbor on your porch. Do you remember
18 if your hand was cut at that point?

19 A. Yes.

20 Q. And that was upstairs on your balcony?

21 A. Yes.

22 Q. And so on your way home do you remember arguing with
23 the defendant?

24 A. I really do not; no.

25 MR. COOPER: Beg the court's indulgence.

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Daniella Jimenez-Direct Examination by Mr. Cooper
September 13, 2016

1 THE COURT: Yes, sir.

2 [Whereupon, Mr. Cooper and Mr. Osborne confer]

3 Q. [Mr. Cooper] No further questions. Ms. Jimenez if
4 you will answer any the defense may have for you.

5 THE COURT: Mr. Runyon?

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State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. You still live close by the defendant right now?

4 A. I'm not sure where he lives right now.

5 Q. Where do you live again?

6 A. [REDACTED] Coming Street.

7 Q. [REDACTED] Coming. So it's my understanding that you have
8 absolutely no recollections of from the time you got off
9 the pedicab until the time of when?

10 A. Until -- I faded in and out talking to my porch --
11 talking to my neighbor on the porch after everything
12 happened and then I woke up in the hospital.

13 Q. Okay. Did you ever see Mr. Casey that night?

14 A. I don't remember anything.

15 Q. Do you remember -- and I hate to keep asking you
16 this but this is the only chance we get to ask you. Do
17 you have any recollection of how you injured yourself in
18 any way?

19 A. No.

20 Q. Do you have -- how long did you live with the
21 defendant?

22 A. I think a year.

23 Q. And what was his job at A C's?

24 A. He would check I.D.'s and bar back.

25 Q. The bar back. Did he cook?

State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

- 1 A. Oh yes, he would cook too.
- 2 Q. And he did other jobs at A C's?
- 3 A. Just those. He was like a bouncer I guess.
- 4 Q. Okay. So you have absolutely no recollection of any
5 disagreement or dispute between you and Mr. Stalnaker
6 that night?
- 7 A. It wouldn't be uncommon but no I don't remember. We
8 fought a lot.
- 9 Q. Okay. And y'all didn't have a car that night?
- 10 A. No.
- 11 Q. So when you got out the pedicab you would have
12 walked from Spring Street to however you walked you
13 walked from Spring Street to say Coming and then towards
14 the house. And you were able to walk that far?
- 15 A. I guess. I made it home.
- 16 Q. All right. And did you have any recollection of
17 Mr. Stalnaker talking to Mr. Casey or anyone else?
- 18 A. No, sir.
- 19 Q. Do you have any recollection of you talking to
20 anyone else that night?
- 21 A. No.
- 22 Q. Until what time?
- 23 A. Until I was talking to my neighbor. I don't know
24 what time that was.
- 25 Q. Okay. Now you were talking to your neighbor, which

State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

- 1 neighbor was that?
- 2 A. Rajiv [phonetic].
- 3 Q. Reggie?
- 4 A. Rajiv [phonetic]; it's Indian.
- 5 Q. Let me ask you this just so I can understand because
- 6 I'm a little bit slow and you have to help me okay.
- 7 Would that be -- that wouldn't be Mr. Riddle would it?
- 8 A. No.
- 9 Q. Would that be Mr. Hutchinson?
- 10 A. I don't know his last name.
- 11 Q. But it would be Reggie?
- 12 A. It's Rajiv [phonetic].
- 13 Q. Regene?
- 14 A. Rajiv [phonetic].
- 15 Q. Rajiv [phonetic]. Where does he live?
- 16 A. We share a porch together. It's the same address.
- 17 Q. He lives at the same address. And you don't know if
- 18 he was around at the time or not. You just remember
- 19 talking to him sometimes after -- before you went to the
- 20 hospital or after the hospital?
- 21 A. Before.
- 22 Q. Before? Were you on the porch talking to Rajiv
- 23 [phonetic]?
- 24 A. Yes.
- 25 Q. You were fairly intoxicated that night is that

State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

1 correct?

2 A. Yes.

3 Q. Okay. If I correct you to say something it's
4 because she's got to take it down okay. Now, when did
5 you and the defendant break up so to speak; roughly in
6 relation this incident? Was it shortly thereafter or?

7 A. We weren't like together but I would still allow him
8 to stay because he didn't have anywhere to live so it
9 probably went on for like another couple of months; maybe
10 even a year.

11 Q. Okay. Now I take it that you drink a lot.

12 A. I was drinking heavily then.

13 Q. You were drinking heavily then. Do you drink less
14 heavily now?

15 A. Yes.

16 Q. You certainly aren't drinking now today are you?

17 A. No.

18 Q. And so you indicate that your lack of recollection
19 is because you were just in an alcoholic blackout that
20 night?

21 A. Yes.

22 Q. You have to speak up.

23 A. Yes.

24 Q. Okay. And I'm going to ask you a series of

25 questions just to see if it jogs your memory. Do you

State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

1 ever remember being on the sidewalk?

2 A. No.

3 Q. Do you ever remember talking to Mr. Casey or him
4 trying to get you to go with him or anything like that?

5 A. No ---

6 MR. COOPER: --- objection, Your Honor.

7 THE COURT: Sustained.

8 Q. [Mr. Runyon] Do you remember Mr. Casey at all?

9 A. No.

10 Q. Okay. And you have absolutely no recollection of
11 Mr. Stalnaker doing anything wrong that night?

12 A. I really don't remember.

13 MR. RUNYON: Beg the court's indulgence.

14 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

15 Q. [Mr. Runyon] I'm sorry, I'm not trying to -- do you
16 need a tissue? Here's a tissue right here. I know this
17 is upsetting and I'm going to ask you one more question
18 if I can just intrude upon your anguish okay. And I
19 apologize for making you cry. I didn't make you cry did
20 I?

21 A. [Nods negatively]

22 Q. Okay. That makes me feel better. Do you remember
23 how you hurt yourself that night?

24 A. No.

25 Q. Okay.

State v Chad Stalnaker
Daniella Jimenez-Cross-Examination by Mr. Runyon
September 13, 2016

1 MR. RUNYON: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. COOPER: Nothing from the State, Your Honor.

4 THE COURT: Thank you. You may step down. This
5 witness is excused unless there is an objection.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 THE COURT: The State may call its next witness.

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State v Chad Stalnaker
Brad Hutchinson-Direct Examination by Mr. Cooper
September 13, 2016

1 MR. COOPER: The State calls Brad Hutchinson.

2 [Whereupon, Mr. Hutchinson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: George Bradley Hutchinson, H-U-T-C-H-
8 I-N-S-O-N.

9 THE COURT: You may proceed.

10 MR. COOPER: Thank you, Your Honor.

11 - - - - -

12 BRAD HUTCHINSON,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. COOPER:

17 Q. You go by Brad don't you?

18 A. Yes.

19 Q. Okay. Brad, will you tell us how old you are?

20 A. I'm 25.

21 Q. And are you from Charleston?

22 A. Not originally.

23 Q. When did you come to Charleston?

24 A. About eight years ago.

25 Q. Where are you from?

State v Chad Stalnaker
Brad Hutchinson-Direct Examination by Mr. Cooper
September 13, 2016

- 1 A. Orangeburg.
- 2 Q. What do you do in Charleston now?
- 3 A. I work at a retail store.
- 4 Q. Did you go to school down here too?
- 5 A. I did.
- 6 Q. Where did you go?
- 7 A. I went to the Art Institute.
- 8 Q. Did you graduate?
- 9 A. I did.
- 10 Q. Back in May of 2014 where were you living?
- 11 A. I was living at 266 Coming Street.
- 12 Q. How long had you been there?
- 13 A. Three weeks or so; not very long.
- 14 Q. Now can you explain to the jury where in relation to
- 15 your house is [REDACTED] Coming Street located?
- 16 A. It's diagonally across the street almost directly
- 17 but a little bit diagonal.
- 18 Q. And did you happen to witness an incident involving
- 19 the defendant who lived -- the defendant from that house?
- 20 A. I did ---
- 21 Q. --- back in May of 2014?
- 22 A. Yes.
- 23 Q. Is that individual in the courtroom today?
- 24 A. Yes, he is.
- 25 Q. Can you identify him by what he is wearing?

State v Chad Stalnaker
Brad Hutchinson-Direct Examination by Mr. Cooper
September 13, 2016

1 A. He's wearing a blue shirt and looks like a darker
2 navy blue tie.

3 MR. COOPER: Your Honor let the record reflect that
4 the witness has identified the defendant ---

5 THE COURT: --- the record will so reflect.

6 Q. [Mr. Cooper] Now I want to take you back to the
7 night before May 17, 2014. What were you doing earlier
8 that night?

9 A. I have gotten off work about midnight and closed up
10 shop and I went and had a couple of beers with some of my
11 friends.

12 Q. Okay. And then when did you head home?

13 A. I got home about 1:15.

14 Q. Okay. And do you remember about when this incident
15 occurred?

16 A. It was close to about 3 a.m. if I remember
17 correctly.

18 Q. Okay. Now did you have anything to drink from the
19 time you got home until the incident?

20 A. No, I did not.

21 Q. What were you doing?

22 A. Just watching television with my roommate.

23 Q. Now if you will tell the jury what first drew your
24 attention to something going on outside?

25 A. We were sitting in the living room and I was laying

State v Chad Stalnaker
Brad Hutchinson-Direct Examination by Mr. Cooper
September 13, 2016

1 on the couch and we were watching a movie and we just
2 heard a bunch of commotion outside, yelling it sounded
3 kind of like arguing going on. So we walked outside to
4 see what was going on.

5 Q. Can you tell the jury what you saw when you walked
6 outside?

7 A. When I walked outside as I looked down my street
8 towards Bogard I saw a white male, a black male, and a
9 white female coming down the street towards my house but
10 on the other side of the sidewalk.

11 And the white male and the black male were kind of
12 arguing with each other, yelling. They weren't fighting
13 anything physical; just verbally kind of arguing with
14 each other.

15 Q. I'm showing you State's exhibit 3.

16 [Whereupon, the photograph is shown]

17 Q. Now before we go back to your story can you see any
18 part of the house at [REDACTED] Coming Street in this picture?

19 A. Yes, I can.

20 Q. Can you tell the jury where that is in the picture?

21 A. It's the far right yellow house with the white on
22 the side.

23 MR. COOPER: Your Honor, may I approach the
24 witness?

25 THE COURT: You may.

State v Chad Stalnaker
Brad Hutchinson-Direct Examination by Mr. Cooper
September 13, 2016

1 Q. [Mr. Cooper] There is going to be a pointer right
2 there [indicates]. I'm going to have you if you can go
3 up and point on the television screen where that part of
4 the house is.

5 A. Right here [indicates].

6 Q. Now can you show on the screen where you first
7 observed the defendant, the victim, and Ms. Jimenez?

8 A. It was just a little bit further down Coming Street
9 here [indicates] before you would get to Bogard so it was
10 less than a block.

11 Q. In what direction were they headed?

12 A. They were heading towards [REDACTED]

13 Q. And were they all on looking at the picture the
14 right side of the street?

15 A. So the white female and white male were on this
16 sidewalk [indicates] and the black male was a little bit
17 further over almost into the street and they were all
18 kind of walking towards that way of the house.

19 Q. Okay. What did you observe as they made their way
20 towards [REDACTED] Coming Street?

21 A. They were kind of yelling, arguing with each other.
22 Still nothing physical had happened and then right when
23 they got near to approaching the driveway of the house
24 the black male threw up into the street. And then it
25 wasn't like a second later or so the white male had

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1 disappeared.

2 Q. Did you see where he disappeared to or which way he
3 disappeared?

4 A. Down the back -- down the side driveway right there
5 beside the house.

6 Q. Between the concrete wall and the yellow house?

7 A. Yes.

8 Q. Okay. Where was the female at this time?

9 A. She was leaning right there near where that part of
10 the window is that you can see on the yellow house.

11 Q. Okay. And then where was the African American
12 male?

13 A. He was standing on the curb basically in the street
14 just a little bit further down past where you can view in
15 the picture.

16 Q. Okay. Now what did you observe happened next?

17 A. Next it must have been ten or 15 seconds later I
18 witnessed the white male jump from a second story balcony
19 to the sidewalk where him and the black male started to
20 argue again and then it looked as if they were getting
21 into a physical altercation.

22 Q. Okay. I'm showing you State's exhibit 4.

23 [Whereupon, the photograph is shown]

24 Q. Does this picture show you from where the defendant
25 jumped from?

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1 A. Yes, it does.

2 Q. And where did he jump from?

3 A. It's that half balcony right there [indicates].

4 Q. Okay. Now when he jumped down where was the
5 African American male at that time?

6 A. He was just a little left of where that door
7 [indicates] is but still on the curb basically in the
8 street.

9 Q. And where was the white female at that time?

10 A. She was still leaning up against the house near that
11 window [indicates].

12 Q. And then what happened as -- can you describe the
13 altercation as you saw it once the defendant jumped down?

14 A. After he jumped down it was a second or so later
15 they started -- well they were arguing and a second or so
16 later it looked like they were getting into a physical
17 altercation. I thought they were just getting into a
18 fight. I thought they were having a fist fight.

19 Q. Could you hear any yelling between the two of them?

20 A. There was some yelling and things going on. There
21 wasn't a whole lot that I could really understand because
22 it was a little bit of a commotion going on.

23 Q. Could you tell one way or the other if one person
24 was winning over the other?

25 A. Yes, it looked like the white male was winning. The

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1 black male it looked like he was trying to fight back but
2 it didn't look like he was really having much of a
3 chance.
4 Q. Okay. How did the altercation end?
5 A. The black male ran away and clearly he was gone. In
6 the blink of an eye he was gone.
7 Q. Now which way did he head in this picture?
8 A. Down to the right here [indicates].
9 Q. What street is that way?
10 A. Line Street and then the Crosstown.
11 Q. What happened after the African American male ran
12 off.
13 A. The white male started screaming call 911, call 911.
14 He was saying his girlfriend had had her finger cut off.
15 Q. Now as this is going on where are you?
16 A. By that time I am basically in the middle of the
17 street.
18 Q. Okay. So you have approximately the same view as
19 the picture?
20 A. Pretty much, yes.
21 Q. Now once the defendant starts yelling about calling
22 911 what do you do?
23 A. I was a little confused. Plus someone was yelling
24 call 911 so it was obvious someone needed help so I
25 walked across the street to see what was going on.

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1 Q. Will you describe for the jury what you saw as you
2 walked across the street?

3 A. Well, in that area it's not the most well lit. It's
4 lit enough but it's pretty kind of dim warm street
5 lighting. And as I got over there I could see the white
6 male and white female but not in great detail.

7 So I turned the flashlight on on my phone and I
8 immediately pointed it at her who she at that time had
9 kind of slumped against the house and she was holding her
10 hand and she had a good bit of blood on her.

11 And she was still basically in that same spot with
12 the white male standing to the right of her and I shined
13 my flashlight on him and he had blood covering his face,
14 his arms, his shirt; just blood all over him.

15 By that time I kind of started to back away a little
16 piece and I pointed my flashlight over to the right a
17 little bit further and that's when I saw a pretty large
18 knife on the ground covered in blood. There was blood
19 puddled up on the sidewalk, on the side of the house; it
20 was everywhere.

21 Q. I'm showing you State's exhibit 11.

22 [Whereupon, the photograph is shown]

23 Q. Does that reflect the area where you saw the knife
24 and the blood?

25 A. Yes.

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1 Q. Can you see the knife in this picture?

2 A. Yes, I can.

3 Q. Did the defendant say anything to you once you
4 walked over?

5 A. As I walked over he just kept saying I stabbed him,
6 I stabbed him, I stabbed him. He repeated that a few
7 times.

8 Q. And then what did you do?

9 A. I called 911.

10 Q. Okay. And were you there on the scene until police
11 arrived?

12 A. Yes, I was.

13 Q. Did the defendant ever disappear anywhere after
14 that?

15 A. No, he stayed pretty much right there. I think the
16 furthest he kind of walked to the middle of his driveway
17 but he was there at the house the whole time.

18 Q. Did the white female go anywhere?

19 A. Yes, she disappeared. I don't know if she went to
20 the back of the house. I believe that's where she went
21 but yes, she left.

22 Q. When you saw her hands covered in blood could you
23 tell if she had any injuries?

24 A. Not exactly but from the blood it looked like she
25 appeared to have an injury but I didn't know for sure.

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1 Q. Now did you ever see the white female get inbetween
2 the altercation with the white male and the black male?

3 A. I didn't.

4 Q. Did you see how she may have been injured?

5 A. I have no idea.

6 Q. Okay. At any point during your observation that
7 night did you ever see the black male have any physical
8 altercation with the white female?

9 A. No.

10 Q. Did they ever get close enough to possibly have a
11 physical altercation?

12 A. Not really.

13 Q. Now did you know at that time who any of those three
14 people were?

15 A. I did not.

16 Q. Since then have you -- what did you think happened
17 to the black male that night?

18 A. I thought he was dead.

19 Q. Why did you think that?

20 A. Seeing that amount of blood from being puddled up
21 there leading all the way down the street as far as I
22 could see, seeing how large the knife was and the amount
23 of blood that was on it I didn't really think it would be
24 possible for someone to survive that.

25 Q. When did you happen to find out that he had not

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1 died?

2 A. It was a few days to a week or so later I found out
3 he was alive.

4 Q. Okay. And then what did you do at that point?

5 A. So I saw that he was alive. There was a Facebook
6 group trying to raise some money for him and I got in
7 contact with them because I did, I thought he was dead.

8 And so I got in contact with them because I wanted
9 to find out how he was finding out he was alive I wanted
10 to know what kind of condition he was in. As that all
11 played out they actually got me in contact with his
12 family and they invited me and told me if I would like to
13 I could come visit him in the hospital.

14 Q. Did you do that?

15 A. I did.

16 Q. Did you happen to speak with him?

17 A. Yes, we spoke for about 10 or 15 minutes that day.

18 Q. Did y'all speak at all about what happened that
19 night?

20 A. Not really, no.

21 Q. Okay.

22 MR. COOPER: Beg the court's indulgence.

23 THE COURT: Yes, sir.

24 [Whereupon, Mr. Cooper and Mr. Osborne confer]

25 Q. Brad, I don't have any further questions for you.

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1 If you will answer any the defense may have for you.

2 A. Okay.

3 THE COURT: Mr. Runyon?

4 MR. RUNYON: Thank you, Your Honor.

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State v Chad Stalnaker
Brad Hutchinson-Cross-Examination by Mr. Runyon
September 13, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. The fact of the matter is as I understand your
4 testimony; you correct me if I don't understand your
5 testimony okay.

6 A. Yes, sir.

7 Q. You didn't see either party with weapons until you
8 saw the knife on the ground correct?

9 A. Yes, sir.

10 Q. So you didn't see the defendant with a weapon
11 really.

12 A. No sir, I did not see the weapon in his actual hand.

13 Q. And you didn't see whether or not the alleged victim
14 had a weapon.

15 A. No.

16 Q. But you saw them coming down the street. Did you
17 hear anything about what the argument was about?

18 A. I didn't hear exactly what the argument was about
19 but the white male was being rather aggressive towards
20 the white female and so that's the only thing I could
21 imagine.

22 Q. Okay. And at no time did she get involved in this
23 fight that you ultimately witnessed?

24 A. No.

25 Q. And prior to the situation whether it was the

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1 stabbing or the cutting or whatever you want to call it
2 was there ever a time when the black gentleman, the
3 alleged victim, and Mr. Stalnaker ever had a fight where
4 they were rolling around on the ground or anything of
5 that sort?

6 A. Not that I saw.

7 Q. Not that you saw or did it happen. If you didn't
8 see it then you don't know it happened. You have to
9 answer.

10 A. No, sir.

11 Q. This nice lady over here has to take it down. So I
12 understand when you shake your head but she can't put
13 that in the record.

14 A. Yes, sir.

15 Q. And so after the black gentleman ran away, the
16 alleged victim ran away you heard Chad Stalnaker
17 hollering -- what was he hollering?

18 A. He was saying call 911 because he thought his
19 girlfriend's finger had been cut off.

20 Q. And so he was insistent that 911 be called, the
21 proper authorities or what have you?

22 A. Yes.

23 Q. And that's what you did isn't it?

24 A. Yes, sir.

25 Q. And you waited around so that you could report what

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1 you saw, what you thought you saw, your impressions and
2 things of that sort.

3 A. Yes, sir.

4 Q. And the police arrived fairly promptly.

5 A. Yes, sir.

6 Q. And then EMS came and what have you.

7 A. Yes.

8 Q. Okay. Later on you found out that the African
9 American person did not die.

10 A. Yes.

11 Q. And you actually visited him in the hospital.

12 A. I did.

13 Q. Never discussed with him the facts situation about
14 what happened that night.

15 A. I think I explained a little bit about what had
16 happened but we did not talk about it as if it was a
17 situation like it is today, like a court situation. He
18 didn't know too much of all of the details because of his
19 injuries and so I told him kind of what I saw and what I
20 thought about that night.

21 But for the most part we weren't really talking
22 about that night because I don't think he really wanted
23 that being put back into his brain laying there in the
24 hospital.

25 Q. Now did you say you watched these folks come up the

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1 street for at least a block?

2 A. It was less than a block, yes sir.

3 Q. Less than a block. And at any time did you see Chad
4 Stalnaker do anything other than talk to the female?

5 A. There was a couple of times he had her by the arm
6 and he was kind of aggressively pulling her down the
7 sidewalk.

8 Q. But he wasn't striking her or anything of that sort.

9 A. No, he wasn't.

10 Q. And Desmond, as you later find out who he is,
11 Desmond was coming down the street saying something to
12 them.

13 A. They were both exchanging words, yes sir.

14 Q. But you didn't hear what the words were.

15 A. Not exactly.

16 Q. When you say not exactly what ---

17 A. --- no, I did not hear the exact words they were
18 saying.

19 Q. Do you recall any of the words that were being said?

20 A. There was at one point in time after or during the
21 actual stabbing had occurred through the commotion and
22 everything that had been happening I did hear a couple of
23 words that were said; not complete sentences or the exact
24 context of what was being said but yes, there were a
25 couple of words during the actual stabbing that I heard.

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1 Q. Did you hear Desmond say anything to this couple at
2 any time that you can recall those words?

3 A. No.

4 Q. And do you know who said the words that you say you
5 heard?

6 A. Yes.

7 Q. And who was that?

8 A. It was Chad.

9 Q. And what did he say?

10 A. I did hear him say a few times during the actual
11 stabbing he did say the N word towards the black
12 gentleman.

13 Q. Okay. So he used a racial epithet.

14 A. Yes.

15 Q. Towards him. Now, you had only lived in the
16 neighborhood a short period of time.

17 A. Yes.

18 Q. Had you ever seen Mr. Stalnaker in the neighborhood?

19 A. No, not that I remember.

20 Q. Okay. Had you ever seen Desmond in the
21 neighborhood?

22 A. No.

23 Q. Do you know where Killian Street is?

24 A. I do not.

25 MR. RUNYON: No further questions, Your Honor.

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1 THE COURT: Any redirect?

2 MR. COOPER: Just one question, Judge.

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State v Chad Stalnaker
Brad Hutchinson-Redirect Examination by Mr. Cooper
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1 REDIRECT EXAMINATION

2 BY MR. COOPER:

3 Q. Brad, I just want to make sure I have the timing
4 right. Was it during the stabbing when the defendant
5 would utter the N word?

6 A. Yes.

7 Q. Thank you.

8 MR. COOPER: No further questions, Your Honor.

9 THE COURT: Any recross?

10 MR. RUNYON: No recross, Your Honor.

11 THE COURT: Thank you. This witness is excused
12 unless there is an objection.

13 MR. COOPER: None from the State, Your Honor.

14 MR. RUNYON: None, Judge.

15 THE COURT: Thank you, sir.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

18 THE COURT: The State may call its next witness.
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State v Chad Stalnaker
Desmond Casey-Direct Examination by Mr. Cooper
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1 MR. COOPER: At this time, Judge the State would
2 call Desmond Casey.

3 THE COURT: Mr. Casey, come forward and be sworn.

4 [Whereupon, Mr. Casey comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please state your full name and
8 spell your last name please.

9 THE WITNESS: My name is Desmond Casey, Desmond
10 Andron [phonetic] Casey, C-A-S-E-Y.

11 THE COURT: You may proceed.

12 MR. COOPER: Thank you, Your Honor.

13 - - - - -

14 DESMOND CASEY,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. COOPER:

19 Q. Desmond, would you tell the jury how old you are?

20 A. Yes, sir. I'm 24 years old.

21 Q. Okay. Where are you from?

22 A. I'm originally from downtown, Charleston.

23 Q. So you've lived here your whole life?

24 A. Some of it, most of it, yes sir.

25 Q. Now where do you currently live?

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- 1 A. I just moved to Hollywood like a month ago.
- 2 Q. And who do you live with?
- 3 A. I live with my mother.
- 4 Q. Okay. Did you graduate high school?
- 5 A. Yes, sir.
- 6 Q. When did you graduate high school?
- 7 A. In 2009 when I was 15.
- 8 Q. When you were how old?
- 9 A. Fifteen.
- 10 Q. Did you graduate early?
- 11 A. Yes, sir.
- 12 Q. How early did you graduate?
- 13 A. At least like three years.
- 14 Q. Why did you graduate early?
- 15 A. Because I went to summer school. Even though I
- 16 passed I went to summer school to get extra credits.
- 17 Q. Okay. What did you do after you graduated?
- 18 A. I tried to go to the Pensacola Christian College for
- 19 awhile but I didn't like it, their setting and being far
- 20 away from home was hard.
- 21 Q. So you came home?
- 22 A. I came back home.
- 23 Q. What did you do once you came back home?
- 24 A. I picked me up a job and started lifeguarding for
- 25 like three years.

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- 1 Q. And what did you do after you were a lifeguard for
2 three years?
- 3 A. I went back to school. I went to Trident Tech for a
4 while.
- 5 Q. Did you finish that?
- 6 A. No, sir.
- 7 Q. What did you do when you left Trident?
- 8 A. I picked up another job.
- 9 Q. Are you in school now?
- 10 A. No sir, but I want to go back.
- 11 Q. What do you want to go back for?
- 12 A. Hopefully business.
- 13 Q. When do you plan on going back?
- 14 A. In January; the next semester.
- 15 Q. Okay. What do you want to do with business?
- 16 A. I'm not yet too sure but I just know that's the way
17 to go. I want to own my own business one day.
- 18 Q. And where do you currently work now?
- 19 A. I currently work at Walmart as an overnight stocker.
- 20 Q. So you work third shift?
- 21 A. Yes, sir.
- 22 Q. Did you work this week?
- 23 A. Yes sir, I worked seven days this week.
- 24 Q. Did you work last night?
- 25 A. Yes sir, I worked from 10 last night until like 8

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1 o'clock this morning.

2 Q. Okay. Did you have a second job for a while?

3 A. Yes. I try to keep me a second job.

4 Q. Why do you try to keep a second job?

5 A. One job just isn't enough most of the time.

6 Q. Now I want to take you back to May 2014 around the
7 time of this incident okay.

8 A. Okay.

9 Q. Where were you living at the time?

10 A. I was living with an aunt on downtown on the west
11 side on 3 Killian Street.

12 Q. Around May 2014 how long had you been living with
13 your aunt?

14 A. Since January; so about four months.

15 Q. Where were you living before you lived with your
16 aunt?

17 A. I was living in Summerville.

18 Q. Why did you leave Summerville?

19 A. We lost our home so I had to leave, we had to leave
20 and my aunt took me in so.

21 Q. Were you working while you were living with your
22 aunt?

23 A. Not right away but I was determined to find me a job
24 so I did end up finding a job and working while I stayed
25 with her.

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- 1 Q. Where did you end up finding a job?
2 A. At Lee Lee's -- Kitchen.
3 THE COURT REPORTER: Tell me the name of it again.
4 A. Lee Lee's Hot Kitchen.
5 Q. [Mr. Cooper] Can you describe for the jury what kind
6 of place Lee Lee's Hot Kitchen is?
7 A. I would say like a high scale Chinese restaurant.
8 Q. What would you do at Lee Lee's?
9 A. I would dish wash and prep.
10 Q. What do you mean by prep?
11 A. Like cut up veggies and stuff like that; garlic.
12 Q. Did you work -- focus your attention to May 17th the
13 night before the incident were you working that night?
14 A. Yes, I was.
15 Q. Do you remember what hours you worked that night?
16 A. My normal hours I worked I believe was like 1
17 o'clock in the afternoon until about 10 or 11.
18 Q. So when you got off work that night what did you do?
19 A. I went home and washed up and played my video games
20 a little bit and then --
21 Q. Would you repeat that last part again?
22 A. I proceeded to go out that night.
23 Q. Who did you go out with?
24 A. Some co-workers.
25 Q. Did they invite you out?

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- 1 A. Yes.
- 2 Q. Did you go out with them often?
- 3 A. No, I never went out.
- 4 Q. Why did you never go out?
- 5 A. It's not good going out places in Charleston.
- 6 Q. What do you mean by that? Can you explain that for
- 7 the jury?
- 8 A. A lot of things be going on at the parties that be
- 9 going on so I just choose not to go at all.
- 10 Q. Do you mean bad things?
- 11 A. Yes. Like shootings and fights so I just never go
- 12 out. I'm not the type to go out.
- 13 Q. What made you want to go out that night?
- 14 A. My co-workers had always wanted me to go out with
- 15 them one weekend since I started working with them. I've
- 16 always told them that I would go with them one night so I
- 17 said I'll go with y'all tonight.
- 18 Q. And by this night how long had you been working
- 19 there?
- 20 A. About four months.
- 21 Q. Okay. Where did y'all go?
- 22 A. It's a club called Rehab on King Street.
- 23 Q. Could it possibly be Recovery Room?
- 24 A. Yes, Recovery Room; I'm sorry, Recovery Room.
- 25 Q. Did you walk there?

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- 1 A. Yes, sir.
- 2 Q. Why did you not drive there?
- 3 A. Because I was planning on drinking that night and
4 it's so close so.
- 5 Q. About how far of a walk from your aunt's house on
6 Killian Street to Recovery Room was it?
- 7 A. I would say about 10 blocks.
- 8 Q. Okay. Do you remember about what time you got to
9 Recovery Room?
- 10 A. No sir --
- 11 Q. Say again?
- 12 A. No sir, I can't say that I can.
- 13 Q. Do you remember how much you had to drink while you
14 were at Recovery Room?
- 15 A. No, sir.
- 16 Q. Can you give an estimate?
- 17 A. Probably about four or five shots probably. I don't
18 drink beer.
- 19 Q. Do you remember when you left Recovery Room?
- 20 A. Yes, I do. I remember leaving, yes.
- 21 Q. Would it have been as they were closing?
- 22 A. Yes, I left after they closed.
- 23 Q. Were your friends going somewhere else after the bar
24 closed?
- 25 A. Yes, they invited me to an after party.

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- 1 Q. Did you go?
- 2 A. No.
- 3 Q. Why not?
- 4 A. I had to work the next morning.
- 5 Q. Where did you go once you left Recovery Room?
- 6 A. I still wasn't ready to go home but I wanted to see
7 what the lights what was on King Street. I wanted to see
8 what else was open but everything was closed -- well,
9 closing around that time.
- 10 Q. Because you haven't been out in downtown Charleston
11 at that time of night before?
- 12 A. Uh Uh.
- 13 Q. Where did you walk do you remember?
- 14 A. I walked down Coming Street.
- 15 Q. Did you also walk down King Street?
- 16 A. Yes, that's what I mean; King Street.
- 17 Q. Did you happen to run into the Chief of Police that
18 night?
- 19 A. Yes, sir..
- 20 Q. Did you have a conversation with him?
- 21 A. Yes, sir.
- 22 Q. Okay. After that conversation where did you go?
- 23 A. I went home. I proceeded to walk home.
- 24 Q. Now as you were heading home did you happen to
25 witness an altercation involving the defendant?

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1 A. I heard the argument and that's what caught my
2 attention.

3 Q. Can you explain to the jury what you heard?

4 A. Just loud commotion going on.

5 Q. Did it sound good or bad?

6 A. Yes, it sounded bad.

7 Q. Okay ---

8 A. --- it was loud ---

9 Q. --- did -- I'm sorry?

10 A. It was loud and disruptive and it sounded bad.

11 Q. Were you able to see where it was coming from?

12 A. Yes, because it was right across the street from
13 where I was.

14 Q. What did you see?

15 A. I just saw a guy and a lady and they were arguing
16 and it kind of seemed like somebody needed to step in or
17 whatever.

18 Q. So you saw a guy and a girl. Can you describe both
19 of them?

20 A. They were white, Caucasian.

21 Q. Okay. Was the white male -- is the white male in
22 the courtroom today?

23 A. Yes, sir.

24 Q. Can you identify him for me?

25 A. us He's got on the blue shirt.

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1 MR. COOPER: Your Honor let me record reflect the
2 witness identified the defendant.

3 THE COURT: The record will so reflect.

4 Q. [Mr. Cooper] Do you remember the defendant getting
5 physical at all with the woman?

6 A. No, I do not remember him getting physical.

7 Q. Since this incident happened have you tried to
8 forget about it?

9 A. Yes.

10 Q. Have you tried to move on?

11 A. Yes.

12 Q. Why?

13 A. Because it's painful to remember at first.

14 Q. Once you -- what do you do once you see the
15 altercation what do you do?

16 A. Before I proceeded to walk over I tried to catch
17 their attention. I was like hey and tried to say it loud
18 enough so they could hear me.

19 Q. Why did you want to catch their attention?

20 A. Because I didn't want to just walk up on them. I
21 didn't know who they were.

22 Q. What were you hoping you could accomplish by trying
23 to get their attention?

24 A. I mean maybe they would be like somebody is watching
25 us and we need to take this inside the house.

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- 1 Q. What were you concerned might happen?
- 2 A. I don't know. He could have hurt her. It could
- 3 have escalated pretty much. That's what --
- 4 Q. I'm sorry?
- 5 A. It sounded like it would have escalated.
- 6 Q. So you yelled hey and then you walk over. What
- 7 happens once you walk over?
- 8 A. It's like flashes. I just remember starting to
- 9 fight.
- 10 Q. Do you remember who started the fight?
- 11 A. I can't say who threw the first punch.
- 12 Q. But you just remember fighting.
- 13 A. Yes.
- 14 Q. Do you remember anything that was said?
- 15 A. No, not really no sir; sorry.
- 16 Q. That's fine. I just want you to tell us what you
- 17 remember. How do you remember the fight ending?
- 18 A. I remember some people coming to break us up. I
- 19 didn't know where they come from or who they was but they
- 20 tried to break us up.
- 21 Q. Did y'all end up being separated?
- 22 A. Yes.
- 23 Q. What happened after y'all were separated?
- 24 A. I tried to get away. That's all I remember.
- 25 Q. Do you know what direction you were heading in?

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1 A. Walking towards Line Street coming up Coming.

2 Q. Were you on the sidewalk?

3 A. I can't say for sure.

4 Q. Do you remember where the defendant and the white
5 female were at this time?

6 A. No, sir.

7 Q. Tell us the next thing you remember.

8 A. The next thing I remember Mr. Stalnaker was behind
9 me and I was trying to figure out what he was doing
10 behind me so we started fighting again.

11 Q. Do you remember how he got behind you?

12 A. No.

13 Q. How did you notice he was behind you?

14 A. I guess in my peripheral vision out the side of my
15 eye.

16 Q. What happened when he caught up to you?

17 A. We started fighting again.

18 Q. Do you remember how that fight ended?

19 A. No sir, not exactly.

20 Q. Did you know at the time of that fight while it was
21 going on that you were being stabbed?

22 A. No sir, I didn't know I was being stabbed.

23 Q. What happened after the fight?

24 A. I just remember trying to go home and I remember
25 falling down.

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1 Q. Before you get to that point what did you begin to
2 notice as you were heading home? How did you feel?

3 A. I felt like out of breath. I didn't know why I was
4 feeling like short of breath.

5 Q. Did you notice blood anywhere?

6 A. Yes, I noticed blood on my shirt and I thought he
7 had knocked out my tooth.

8 Q. Why do you say that?

9 A. Because my tooth was dangling in my mouth so I just
10 pulled it out.

11 Q. Did you notice any other injuries at that point?

12 A. No.

13 Q. Where did you -- did you cross Line Street?

14 A. Yes to get home, yes.

15 Q. Did you cross the Crosstown?

16 A. Yes.

17 Q. Where did you go after the Crosstown?

18 A. I made a left on Fishburne Street and I was trying
19 to make it home. I didn't have a cell phone or anything
20 so I tried to get home and let my family know that I got
21 into a fight or whatever.

22 Q. Now, I'm going to just pause you real quick. Did
23 you know how to get home from where you were?

24 A. Yes, I knew.

25 Q. Were you familiar with the street names?

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1 A. No.

2 Q. What happened once you were on Fishburne Street?

3 A. I passed out by the time I got to like the second or
4 third house on that street.

5 Q. Do you remember when you came to, when you woke up?

6 A. The next thing I remember I was inside an ambulance.

7 Q. Before the ambulance do you remember anything?

8 A. No.

9 Q. Do you remember when you fell to the ground?

10 A. I do remember falling on the ground and thinking
11 like this is it; I'm about to die.

12 Q. Why did you think that?

13 A. Because I was very sleepy. I can't explain it why I
14 was falling asleep. Like I wanted to get up; like why am
15 I laying on the ground.

16 Q. Can you describe that feeling for the jury? You
17 said being sleepy; what do you mean by that?

18 A. Just like being very tired and you try to stay awake
19 as much as you can but you just have to fall asleep.

20 When you wake up you didn't even notice you went to
21 sleep; just like falling asleep.

22 Q. And you didn't know why that was happening.

23 A. Yes.

24 Q. You said the next thing you remember was being in
25 the ambulance. What do you remember about that?

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1 A. I remember looking out and seeing a white light;
2 that was it. I blacked out again.

3 Q. What's the next thing you remember?

4 A. I remember being rolled into the hospital and the
5 nurse saying we have a victim stabbed nine times and
6 that's the first time I realized I was stabbed.

7 Q. What was going through your head at that point?

8 A. A lot of things I guess; I don't know.

9 Q. What's the next thing you remember?

10 A. I guess I went out again because they had me in
11 surgery and I woke up and my family was there. That's
12 the next thing I remember.

13 Q. Now I know this is going to be tough but I want to
14 talk with you just a minute about your injuries. How
15 many total times were you stabbed?

16 A. Sixteen I think.

17 Q. Can you tell the jury where you were stabbed?

18 A. Six times in my face, six times in my back, and four
19 times in my arm.

20 Q. I'm showing you State's exhibit 20 -- hold on a
21 second.

22 MR. COOPER: Your Honor, I believe I want to offer
23 State's exhibit 20 through 24 into evidence without
24 objection.

25 THE COURT: Is that correct?

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

2 THE COURT: State's exhibits 20 through 24 are
3 admitted without objection. You may proceed to publish.

4 MR. COOPER: Thank you, Judge.

5 [Whereupon, State's exhibit numbers 20 through 24
6 are entered into evidence by the court]

7 Q. [Mr. Cooper] I'm now showing you State's exhibit 20.

8 [Whereupon, the photograph is shown]

9 Q. Was this a picture of you in the hospital?

10 A. Yes.

11 Q. Is that your right arm that is wrapped up?

12 A. Yes, sir.

13 Q. Was that the arm that you were cut in?

14 A. Yes, sir.

15 Q. Just above where your hand is at what is that; looks
16 like a white mark on the screen what is that?

17 A. That's a stab wound.

18 Q. Now I don't know if you can tell in there but do you
19 have a tattoo right there above that wound?

20 A. Yes, that's my mom's name.

21 Q. What's her name?

22 A. Sandra.

23 Q. I'm showing you State's exhibit 21.

24 [Whereupon, the photograph is shown]

25 Q. Can you tell the jury what's in this picture?

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1 A. A slash to my forehead and my eyebrow and another
2 slash to my nose.

3 Q. There is a pointer with an eraser on top, if you
4 will walk in there and point to the different wounds on
5 the screen for the jury please.

6 A. This [indicates] is the one on my forehead, and the
7 one on my eyebrow [indicates] and then the one on my nose
8 [indicates].

9 Q. I'm showing you State's exhibit 22.

10 [Whereupon, the photograph is shown]

11 Q. Can you tell the jury what wounds this picture
12 shows?

13 A. Another slash to the upper lip and another slash to
14 the bottom lip. A stab wound on my teeth. You can't see
15 it but I got a slash on my tongue.

16 Q. Your tongue got cut too?

17 A. Yes, because the knife went in my mouth.

18 Q. How many teeth did you lose?

19 A. I lost one but they had to remove two.

20 Q. They removed two at the hospital?

21 A. Yes.

22 Q. I'm showing you State's exhibit 23.

23 [Whereupon, the photograph is shown]

24 Q. Does that picture show the wound to your tongue?

25 A. Yes, sir.

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1 Q. Can you point to that?

2 A. Right there [indicates].

3 Q. I'm showing you State's exhibit 24.

4 [Whereupon, the photograph is shown]

5 Q. Can you point out your wounds on that picture for
6 the jury?

7 A. This is my back [indicates]. I got one right there
8 [indicates], one right here [indicates], another one
9 right there [indicates] and one right here [indicates].

10 Q. Do you remember how many stitches and staples you
11 received that night?

12 A. I received 150 stitches and 50 staples.

13 Q. How long were you in the hospital?

14 A. I would say about five or six days.

15 Q. Did you have to do any rehab once you got out the
16 hospital?

17 A. Yes, I think about six weeks of rehab.

18 Q. What injury were you having to do rehab for?

19 A. My arm was partially paralyzed.

20 Q. Was that your right arm?

21 A. Yes, sir.

22 Q. Can you describe for the jury what kind of
23 difficulties you had with it when you first got out of
24 the hospital?

25 A. Right hand opening doors because my arm was stuck in

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1 the air. I had a hard cast so everywhere I walked around

2 I walked around with my arm here like this [indicates].

3 So I had to do everything with one hand.

4 Q. Were you right handed?

5 A. Yes sir, originally.

6 Q. You said originally?

7 A. Yes, but now I've learned how to do things like
8 write with my left hand since the accident so.

9 Q. Because you can't use your right hand.

10 A. Uh Huh.

11 Q. How long were you in the hard case?

12 A. I'd say about a month.

13 Q. Did you have to wear anything once the arm cast came
14 off?

15 A. After the hard arm cast they gave me an arm cast
16 about this long [indicates]. Even though he took it off
17 my arm was still stuck from the muscle being so tight so.

18 Q. Were you able to work at all during this time?

19 A. No, sir. I was out of work for about a year.

20 Q. And did you like being out of work?

21 A. No. I'm a hard worker; I love working. I love
22 making my own money so.

23 Q. Was it hard to be without the income?

24 A. Yes, of course. I was living with somebody else
25 helping them pay bills so yes.

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1 Q. Are you still suffering -- are you still not able to
2 use your hand fully like you were before?

3 A. Not 100 percent, no.

4 Q. On a scale of zero to 100 where would you say your
5 hand is recovered to?

6 A. I'd say about 70 percent.

7 Q. I've just got a few more questions for you. You
8 said you worked nights at Walmart. You're working this
9 week?

10 A. Yes, sir. I work at night.

11 Q. Now taking you back to that night one more time did
12 you at any point hit or strike the female?

13 A. No, sir.

14 Q. How are you so sure?

15 A. Because that's not like my character. I never would
16 hit a female with all the sisters I got.

17 Q. And had you ever seen either the defendant or that
18 female before that night?

19 A. No, sir.

20 Q. And then the last thing I want to ask you can you
21 just explain for the jury because you didn't know these
22 people, 3 o'clock in the morning why would you walk
23 across the street and try to intervene in that?

24 A. I'm just a concerned citizen. I've always been like
25 that. Like if I see somebody that needs help I'm going

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1 to help them. That's just type of person I am.

2 MR. COOPER: Beg the court's indulgence.

3 [Whereupon, Mr. Cooper and Mr. Osborne confer]

4 Q. [Mr. Cooper] Desmond, I don't have any other
5 questions for you but if you will answer any questions
6 the defense may have for you.

7 A. Yes, sir.

8 THE COURT: Mr. Runyon?

9 MR. RUNYON: Yes, Your Honor.

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CROSS-EXAMINATION

BY MR. RUNYON:

Q. Mr. Casey, I need to take you back a little bit. I apologize for making you go over things but I've got to get some things clear in my head too, okay.

A. It's fine.

Q. Now you got off work and you went home to Killian Street and you took a shower and got on some clean clothes and what have you, correct?

A. Correct.

Q. And then you went over to the Recovery Room.

A. Correct.

Q. And this was back in 2014. How old were you then?

A. Twenty-two -- no 21.

Q. Okay, 21. And you went over to the Recovery Room and you have drinks with your friends until closing time?

A. Uh Huh.

Q. How many drinks did you have do you recall?

A. We had about four or five drinks, five shots.

Q. You had at least four or five?

A. Yes, sir.

Q. Did you have anything else that night? Did you eat dinner or did you have a pizza or did anything of that sort?

A. Well, they feed us at work so they had us some

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1 Chinese food. They allow us to take food home.

2 Q. I mean at the Recovery Room?

3 A. No sir, I didn't eat at the Recovery Room.

4 Q. Okay. All you did at the Recovery Room was drink
5 with your friends?

6 A. Uh Huh.

7 Q. And is there -- is there a big screen T.V. in the
8 Recovery Room?

9 A. Not to my memory.

10 Q. So you weren't watching T.V. or anything; just
11 sitting there talking to your friends and ---

12 A. --- and having a great time.

13 Q. Listening to music?

14 A. Yes, listening to music and dancing.

15 Q. Okay. Because they have a sound system; they don't
16 have juke box right?

17 A. They do have a juke box.

18 Q. They do have a juke box? Now after closing time,
19 which is about what 2 o'clock?

20 A. Two o'clock, yes sir.

21 Q. You and your friends -- your friends wanted to go to
22 another party.

23 A. Well, my co-workers they wanted to go to an after
24 party.

25 Q. An after party?

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1 A. Uh Huh.

2 Q. And there is nothing wrong with that. You're 21 and
3 if there is a party someplace ---

4 A. --- I had a good enough time so I thought it was
5 time to go home.

6 Q. But you didn't go to it?

7 A. Uh Uh.

8 Q. So you walked down King Street. Where is the
9 Recovery Room?

10 A. The Recovery Room is underneath the bridge. I can't
11 say exactly where at on King Street but down there.

12 Q. Well, the Recovery Room would it be up near Mount
13 Pleasant Street?

14 A. Yes, like the beginning of King Street.

15 Q. Right, the beginning of Mount Pleasant and King
16 Street so that's where the Recovery Room is?

17 A. Uh Huh.

18 Q. So you walked all the way down King Street?

19 A. Yes, sir.

20 Q. And you went all the way down King Street to where?

21 A. All the way to like where I didn't see nobody else
22 and all the stores were closed and then I turned around
23 because there was nothing else down there to see.

24 Q. How far down did you go do you recall?

25 A. I can't say as I do, no sir.

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1 Q. Okay. And how would you ordinarily go back to
2 Killian Street if you were on King Street?

3 A. It depends on where I'm at. I could take any road
4 to get to Killian Street. They all lead to the same...

5 Q. I understand but how would you usually go back to
6 Killian Street? How would you usually go home?

7 A. I don't take no exact route. It's just wherever I'm
8 at I know how to find my way home so I just take that
9 way.

10 Q. And somehow or another you wound up over on Coming
11 Street?

12 A. Yes, sir.

13 Q. And you saw a couple who were at least arguing?

14 A. Uh Huh.

15 Q. There was no physical altercation.

16 A. To my memory, no.

17 Q. And at some point in time you went across the
18 street.

19 A. Yes, sir.

20 Q. And you're not sure how the fight started.

21 A. No, sir.

22 Q. But you got into a fight with this individual.

23 A. Yes, sir.

24 Q. And did someone stop the fight? How many fights
25 were there?

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- 1 A. There were two.
- 2 Q. There were two fights.
- 3 A. Yes, sir.
- 4 Q. And so someone stopped the first fight, correct?
- 5 A. Right.
- 6 Q. And they sent you on so to speak or you were able to
- 7 go on.
- 8 A. Yes, sir.
- 9 Q. And so you went on.
- 10 A. Yes, sir.
- 11 Q. As a matter of fact this was around Line Street?
- 12 A. Yes, sir.
- 13 Q. And did you come back for any reason?
- 14 A. To my memory I can't remember. I don't remember
- 15 coming back but I know I did because we had a second
- 16 fight.
- 17 Q. But you went back for the second fight.
- 18 A. Yes.
- 19 Q. And you didn't have a weapon that night.
- 20 A. No, sir.
- 21 Q. And of course you sustained some serious injuries.
- 22 Q. Yes, sir.
- 23 Q. And so in the second fight when someone came out did
- 24 someone break you up at that time?
- 25 A. At the second fight?

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- 1 Q. Yes?
- 2 A. No, sir.
- 3 Q. You just got up and ran?
- 4 A. Yes, sir. I left on my own.
- 5 Q. You left on your own?
- 6 A. Uh Huh.
- 7 Q. Were you able to -- strike that. Where was the
- 8 young lady at this time when the second fight occurs if
- 9 you can recall?
- 10 A. I don't recall her being around the second fight.
- 11 Q. So somehow or another you wound up on Coming Street
- 12 and you saw this white couple kind of across the street
- 13 and they were arguing.
- 14 A. Uh Huh.
- 15 Q. And was Mr. Stalnaker walking ahead of her or asking
- 16 her to keep up or what?
- 17 A. I don't remember that to say exactly.
- 18 Q. Okay. Now previous to this you had seen the police
- 19 chief on King Street hadn't you?
- 20 A. Yes, sir.
- 21 Q. Where on King Street did you see him?
- 22 A. In front of one of the nightclubs. I can't say
- 23 exactly.
- 24 Q. You don't remember which nightclub?
- 25 A. No, sir.

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- 1 Q. You hadn't gone into any of those nightclubs.
- 2 A. No sir. The only one I had been in was the Recovery
- 3 Room.
- 4 Q. Okay. And you'd had several drinks that night.
- 5 A. Yes, sir.
- 6 Q. So you were feeling pretty good.
- 7 A. Yes, sir.
- 8 Q. And the alcohol maybe clouded your memory a little
- 9 bit.
- 10 A. Yes, sir.
- 11 Q. So you see the couple waling up Coming Street.
- 12 A. Uh Huh.
- 13 Q. And they're talking about something in a loud
- 14 fashion and you went over there and quote interceded in
- 15 what was not a physical confrontation correct?
- 16 A. Yes, sir.
- 17 Q. And you and Mr. Stalnaker got into a fight, a
- 18 wrestling match.
- 19 A. Yes, sir.
- 20 Q. And when the first gentleman or somebody broke it up
- 21 you had every opportunity to leave.
- 22 A. Yes sir, I did leave.
- 23 Q. And you did leave.
- 24 A. Yes, sir.
- 25 Q. Why did you come back?

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- 1 A. I don't remember why I came back. I don't remember
2 coming back; like I don't remember turning around and
3 walking back. I do remember the second fight.
- 4 Q. So there is no question in your mind that there were
5 two fights.
- 6 A. Yes, sir.
- 7 Q. And you do remember coming back?
- 8 A. No, sir.
- 9 Q. You don't remember coming back.
- 10 A. No, sir.
- 11 Q. And you don't remember where the young lady was at
12 the time.
- 13 A. I don't recall her being around, no sir.
- 14 Q. You don't recall her being around at all.
- 15 A. Right.
- 16 Q. And you don't live in that neighborhood do you?
- 17 A. No, sir.
- 18 Q. You don't really walk through that neighborhood do
19 you?
- 20 A. No sir, not there.
- 21 Q. Okay. And how would you get to Killian Street from
22 the corner of Line and Coming Street?
- 23 A. Like I said I don't know the streets names but I
24 know how to find my way home from pretty much anywhere
25 downtown. I've spent half of my life down there so.

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1 Q. You've lived down there most of your life haven't
2 you?

3 A. Yes, sir.

4 Q. And we still don't know why you were coming up
5 Coming Street from your visit to King Street.

6 A. I just took the next road like going home. So it
7 just happened to be Coming Street.

8 Q. Well, the next road from King Street is really Saint
9 Phillip Street isn't it?

10 A. Depending on where you're at, yes sir.

11 Q. Well, if you're on King Street the next road over
12 from King Street going that direction is Saint Phillip
13 isn't it?

14 A. Yes, sir.

15 Q. But you didn't turn up Saint Phillip Street.

16 A. No, sir.

17 Q. You went on over to Coming Street.

18 A. Yes, sir.

19 Q. And you don't know where when you went over to
20 Coming Street?

21 A. I don't understand your question.

22 Q. Well, let me ask you this. Would you have been on
23 King Street and seen Mr. Stalnaker and the young lady get
24 out of the pedicab?

25 A. Well, I didn't know them at that time.

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1 Q. Well I know you didn't know them at that time but
2 did you see them get out of the pedicab?

3 A. No, sir.

4 Q. You didn't follow them down Spring Street to Coming?

5 A. No, sir.

6 Q. But somewhere along the line on Coming Street y'all
7 came together?

8 A. Yes, sir.

9 Q. Now, did you lose anything that night?

10 A. Not to my recall, no sir.

11 Q. Were you wearing a wristwatch?

12 A. I was wearing a watch, yes sir.

13 Q. Did you lose your wristwatch that night?

14 A. No, sir. They took it in as evidence.

15 Q. They took it as evidence.

16 A. Yes, sir.

17 Q. Because that was on the street or that was where you
18 were found?

19 A. I can't say exactly.

20 Q. Okay. Now --

21 MR. RUNYON: Excuse me, Your Honor, one moment.

22 THE COURT: Yes, sir.

23 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

24 Q. [Mr. Runyon] Now let's go back to -- at some point
25 you crossed the street at Coming Street to intercede, to

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1 talk to, or do whatever with the white couple right?

2 A. Yes, sir.

3 Q. And at some point in time did you not get in the
4 girl's face?

5 A. No, sir.

6 Q. You specifically remember that?

7 A. I don't specifically remember but I know me and
8 knowing me I didn't.

9 Q. Okay. So based upon what you feel you didn't get
10 in her face but that doesn't mean you didn't get in her
11 face.

12 A. I didn't get in her face.

13 Q. Okay. Now you went to school here in Charleston.

14 A. Yes, sir.

15 Q. And you lived on Killian Street with your aunt.

16 A. Yes, sir.

17 Q. And were you a member of any groups or social clubs
18 or anything like that at that time?

19 A. Yes sir, plenty.

20 Q. Beg your pardon?

21 A. Plenty, yes sir.

22 Q. What sorts of clubs or organizations were you a
23 member of?

24 A. NAACP, I helped coach boys basketball team, I went
25 to church on Line Street.

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- 1 Q. Okay. So you are familiar with Line Street.
2 A. Yes, sir.
3 Q. Because you went to church on Line Street.
4 A. Yes, sir.
5 Q. And you would have been in that area before wouldn't
6 you?
7 A. Yes, sir.
8 Q. Okay. So it's not like you hadn't been there
9 before was it?
10 A. Yes, I've been there plenty of times before.
11 Q. Been there plenty of times.
12 A. Yes, plenty of times. But Line Street stretches.
13 Line Street is very long.
14 Q. Well, Line Street stretches basically all the way
15 from the Crosstown all the way across King and Meeting
16 and right onto the east side right?
17 A. Yes, sir.
18 Q. And where on Line Street is your church?
19 A. It is all the way by Burke High School next to my
20 job and next to my house.
21 Q. So that's on the west side basically in the general
22 area of where this happened.
23 A. No.
24 Q. When I say general area it was the west side of
25 Charleston.

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1 A. Yes, sir.

2 Q. I'm not trying to trick you. I'm just trying to get
3 an idea in my own head. Now and you hadn't eaten that
4 night but you did have your share of alcohol. You didn't
5 have anything else of any kind of substance or anything.

6 A. No, sir.

7 Q. Okay. Now and you have no recollection of quote
8 getting in the girl's face.

9 A. No, sir.

10 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

11 Q. [Mr. Runyon] Are you familiar with Summertime Bound
12 [phonetic]?

13 A. Summertime Bound [phonetic]?

14 Q. Yes.

15 A. I can't say.

16 Q. You can't say ---

17 A. --- I've heard of it, yes sir.

18 Q. But that's all you did was heard of it.

19 A. Yes, I've heard of it.

20 Q. Of course you had a time at the hospital and you had
21 to go through recovery and what have you. A lot of these
22 wounds you had were actually cuts versus stabs isn't that
23 correct?

24 A. Well, I did get stabbed in the lungs so.

25 Q. Well, you did get stabbed in the lungs but I'm

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1 talking about ---

2 A. --- most of them were slashes, yes sir.

3 Q. Most of them were. Doesn't make it any easier but
4 they're slices right.

5 A. Uh Huh.

6 Q. Okay.

7 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

8 Q. [Mr. Runyon] Do you recall throwing up that night?

9 A. Yes, sir.

10 Q. Where did you throw up do you recall?

11 A. No, sir. But I do recall throwing up, yes sir.

12 Q. Before you met the folks or after you met them,
13 before fight or after fight?

14 A. Between fights.

15 Q. Between the fights?

16 A. Yes, sir.

17 Q. Out there on the corner of Line and Coming Street.

18 A. I can't say exactly where I threw up at but I do
19 recall throwing up, yes sir.

20 Q. But you were sick but you didn't go on home.

21 A. I wasn't sick. I threw up because of the fight;
22 from being punched in the stomach and being shaken up.

23 Q. And you're not suggesting -- and you don't know who
24 started that do you?

25 A. No sir, I can't say who threw the first punch.

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1 Q. And you're not suggesting that anyone started it.
2 You just can't testify to who started what?

3 A. No, sir.

4 MR. RUNYON: No further questions, Your Honor.

5 THE COURT: Any redirect?

6 MR. COOPER: Yes, Your Honor.

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Desmond Casey-Redirect Examination by Mr. Cooper
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1 REDIRECT EXAMINATION

2 BY MR. COOPER:

3 Q. I'm showing you State's exhibit 2.

4 [Whereupon, the witness is shown photograph]

5 Q. Using that same pointer you used earlier can you --
6 do you see Line Street on this map?

7 A. Line Street stretches right there [indicates].

8 Q. Okay. Do you see Coming Street at all?

9 A. Coming Street is right here [indicates].

10 Q. Do you see King Street?

11 A. Yes sir, King Street is right here [indicates].

12 Q. And at the top of the screen is that King Street --
13 where I-26 goes over King Street?

14 A. Yes sir, right here [indicates] and that's where the
15 club would have been at.

16 Q. The Recovery Room?

17 A. Yes, sir.

18 Q. Now you talked about or Mr. Runyon asked you about
19 church on Line Street. Did this map show where that
20 church would have been?

21 A. No, it doesn't. It's all the way down Line Street
22 right here [indicates].

23 Q. What's over towards that area?

24 A. Burke High School and the city gym.

25 Q. Is that kind of the same area as the Citadel and the

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1 RiverDogs and all that is?

2 A. Yes, sir.

3 Q. Is that where your aunt's house was?

4 A. Yes, sir.

5 Q. And is that where Lee Lee's Hot Kitchen was?

6 A. Yes, sir.

7 Q. Now showing us back where you said the club was on
8 the map can you point to that again?

9 A. Right in there [indicates].

10 Q. And then when you left which way on King Street did
11 you go?

12 A. Well before I left they had a hot dog stand
13 underneath the bridge and I stopped and got a hot dog and
14 I kept on walking eating my hot dog and that's when I
15 bumped into Chief Mullen ---

16 Q. --- you don't remember exactly where on King Street
17 you bumped into the Chief?

18 A. No, sir.

19 Q. Okay. And then you would have headed back home?

20 A. Yes, because everything was closing so.

21 Q. Now do you remember what street or where on that map
22 you first observed or heard the defendant and his
23 girlfriend?

24 A. I can't say as I do, no sir.

25 Q. Could it possibly have been on Coming Street?

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- 1 A. Yes, sir.
- 2 Q. Would it have been on King Street?
- 3 A. No, sir.
- 4 Q. Did you follow them any distance?
- 5 A. No, sir.
- 6 Q. When you saw them and heard them what did you do?
- 7 A. I tried to grab their attention. It was like ---
- 8 Q. --- did you try to grab their attention and you try
- 9 to cross the street when you first observed them?
- 10 A. Yes.
- 11 MR. COOPER: Beg the court's indulgence.
- 12 THE COURT: Yes.
- 13 [Whereupon, Mr. Cooper and Mr. Osborne confer]
- 14 Q. [Mr. Cooper] Just one last thing. Mr. Runyon asked
- 15 you about why you couldn't take or if you took Saint
- 16 Phillips Street home. Could you have taken Saint
- 17 Phillips Street home?
- 18 A. No sir that would have been out of the way. That
- 19 would have been going out of the way. That would have
- 20 been a longer way ---
- 21 Q. --- where is Saint Phillips Street on the map?
- 22 A. This [indicates] is King Street so Saint Phillips
- 23 Street is right here [indicates].
- 24 Q. Does that stop at the Crosstown?
- 25 A. No, sir. The Crosstown is right here [indicates].

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1 Q. Is that Coming Street or Saint Phillips Street?

2 A. This is Saint Phillips Street [indicates] and Saint
3 Phillips Street ends right here [indicates].

4 Q. Okay. And Coming Street goes across the Crosstown?

5 A. Yes, sir.

6 MR. COOPER: No further questions, Your Honor.

7 THE COURT: Any redirect or recross; excuse me?

8 MR. RUNYON: No further questions, Your Honor.

9 THE COURT: Okay. Thank you. You may step down.

10 [Whereupon, the witness is excused and exits the
11 witness stand]

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1 MR. COOPER: Your Honor, may we approach?

2 THE COURT: You may.

3 [Whereupon, an off the record bench conference is
4 held]

5 THE COURT: Ladies and gentlemen as I said that's
6 all the testimony you're going to hear for today. Get a
7 good night's rest and be back here just a little bit
8 before 9:30 so we can start right at 9:30. I don't think
9 I'm going to have anybody doing anything in front of me
10 tomorrow so we'll start right then. Have a nice evening.
11 Get a good supper and a good night's rest and I'll see
12 you in the morning. Thank you ladies and gentlemen.
13 Please do not discuss the case with anyone or talk about
14 the case with anyone or do any research. Thank you.

15 [Whereupon, the jury exits at 4:39 p.m.]

16 THE COURT: Court is adjourned until 9:30 tomorrow
17 morning. Thank you.

18 [Whereupon, court adjourns at 4:40 p.m.]
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State v Chad Stalnaker
Certificate of the Court Reporter
September 13, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 13th day of September, 2016.

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

March 22, 2017

A handwritten signature in cursive script, reading "Joyce C. Rueger".

Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

DOCKET NO. 2014-GS-10-5431
2015-GS-10-5434

STATE OF SOUTH CAROLINA)

vs.)

CHAD PATRICK STALNAKER)

Defendant)

TRANSCRIPT OF RECORD

September 14, 2016

Charleston, South Carolina

VOLUME 3 (OF 3)

B E F O R E:

THE HONORABLE W. JEFFREY YOUNG, JUDGE

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[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

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PROCEEDINGS

THE COURT: Good morning. Let's bring our jury in.

[Whereupon, the jury enters at 9:45 a.m.]

THE COURT: Good morning ladies and gentlemen. I hope you had a nice evening's rest. This could be a nice place to be on jury duty today because it's going to be a nasty day out there all day it appears so this is the best place for you to be. Is the State ready to proceed?

MR. COOPER: Yes, Your Honor.

THE COURT: Is the defense ready to proceed.

MR. RUNYON: Almost, Judge.

THE COURT: Let me see the attorneys for just a moment.

[Whereupon, an off the record bench conference is held]

THE COURT: Ladies and gentlemen I see that you have filled out your lunch orders. We're going to try to expedite the day so rather than y'all getting lost in traffic -- but you won't be sequestered when you eat your lunch so anywhere you want to go -- if you want to go out in the rain you can do that or on the porches or whatever. The State may call its next witness.

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1 MR. COOPER: The State calls Doctor Evert Eriksson.

2 [Whereupon, Doctor Eriksson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Evert Eriksson, E-R-I-K-S-S-O-N.

8 THE COURT: You may proceed.

9 MR. COOPER: Thank you, Your Honor.

10 - - - - -

11 EVERT ERIKSSON,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. COOPER:

16 Q. Doctor Eriksson, would you please tell the jury
17 where you are currently employed?

18 A. I'm a surgeon down at the Medical University of
19 South Carolina here in Charleston.

20 Q. Specifically what kind of surgeon are you; what kind
21 of surgery do you do?

22 A. I do a combination of surgeries. I do general
23 surgery as well as traumatic surgery and care of patients
24 in a critical care unit as well.

25 Q. Would you discuss with the jury your educational

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1 background?

2 A. Sure. I graduated from medical school from the
3 University of Colorado. After that I completed a
4 residency in general surgery at Michigan State University
5 Training Center in Grand Rapids, Michigan.

6 After that I did another fellowship in surgical
7 critical care also in Grand Rapids, Michigan. And then
8 upon completing my training I came down to Charleston and
9 began working down in Charleston as a general surgeon and
10 surgical critical care doctor at the University.

11 Q. Can you tell us of any licenses or certifications
12 that you currently hold?

13 MR. RUNYON: I hate to interrupt but we would offer
14 to stipulate to the good doctor's qualifications as a
15 medical doctor ---

16 THE COURT: --- and you're seeking to have him
17 qualified?

18 MR. COOPER: Yes, Your Honor, in general surgery
19 and critical care.

20 THE COURT: Okay. Then I will deem him to be an
21 expert in surgery and critical care. Now ladies and
22 gentlemen ordinarily a witness can only testify as to
23 what they have heard, smelled, tasted, felt. But certain
24 times when somebody has an extra level of academic
25 achievement and expertise and conduct they are considered

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1 to be an expert and they can give their opinion on
2 certain issues. Now whether or not you decide to accept
3 his opinion will be up to you. And ladies and gentlemen
4 you should not give it any greater weight or lesser
5 weight simply because he's an expert but give it the
6 weight you think is appropriate when considering all of
7 the evidence in this case. You may proceed.

8 MR. COOPER: Thank you, Your Honor.

9 Q. [Mr. Cooper] Doctor, given your role as a trauma
10 surgeon do you often also work in the emergency room?

11 A. I do. I am called down to the emergency room on
12 occasion when we have patients who are brought to the
13 emergency room when they are concerned about a high level
14 of injury.

15 When that occurs they activate the trauma system.
16 If you are in a trauma hospital and that mobilizes
17 different resources depending on the severity of illness
18 the ER anticipates arriving.

19 And if they think that a patient is moderately
20 injured or severely injured they will activate the trauma
21 system which will bring me, my house staff and residents
22 down as well as pharmacy support and additional nursing
23 support; that type of thing so that we have all the
24 resources necessary to care for critically injured
25 patients at the bedside when they arrive to the emergency

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1 room. It's a real important function of a high level
2 trauma center to do that in order to save as many lives
3 as possible.

4 Q. Now focusing your attention back to May 18th, 2014
5 were you working in the ER that night or that morning?

6 A. I was.

7 Q. Did you have the occasion to treat Desmond Casey?

8 A. I did.

9 Q. Could you tell the jury how he arrived at the ER?

10 A. So he arrived in the early morning hours of May 18th
11 in 2014. Approximately 3:20 in the morning he was
12 brought into the emergency room. I was notified of him
13 coming in about seven minutes prior to that.

14 I don't recall what I was doing before that but I
15 came down to the bedside and I was there when he arrived
16 in the emergency room. He was brought in by EMS and
17 placed on the examination table in the emergency room in
18 the trauma bay.

19 Q. Can you describe to the jury what his condition was
20 like when he was brought to the ER?

21 A. So when he arrived in the emergency room initially
22 evaluating him we found that his blood pressure was quite
23 low. His lowest blood pressure had a systolic number in
24 the 50 over 40 which usually as many of y'all know blood
25 pressure should be about 120 over 80. His had dropped

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1 down to 50 over 40. His heart rate was also elevated
2 early on. He had clear bleeding from his right arm from
3 a laceration that was there and multiple other
4 lacerations on his body.

5 In between that blood pressure and the initial view
6 of him I felt that he had lost a considerable amount of
7 blood and that this was truly a high level trauma.

8 Q. Did you give him blood in the ER?

9 A. I did give him blood in the emergency room, yes.

10 Q. Did you cross match it?

11 A. We did not initially give him cross matched blood.
12 Initially he received three units of uncross matched
13 blood in the emergency room. That's something that we do
14 in the emergency room; we give universal donor blood if
15 we feel someone has lost so much blood that waiting for
16 the cross match could either cause them to pass away
17 before they receive the blood or cause them other harm.

18 By not giving blood early on the risk of not cross
19 matching the blood is worth it to give them the blood to
20 get enough blood back in the body so that the body can be
21 perfused and resuscitated adequately so that they can
22 overcome whatever injury they have. So he did receive
23 blood emergently, yes.

24 Q. Now how bad was his blood loss?

25 A. It was fairly severe. When you have someone come in

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1 with blood pressures that low you're concerned about a
2 serious amount of blood loss. And I would say that on
3 average when you see somebody with those numbers they've
4 lost somewhere around 40 percent or more of their blood
5 volume and that needs to be replaced.

6 When you start losing more than about 15 or 20
7 percent you start seeing some major changes in the vital
8 signs and he had a very low blood pressure when he
9 arrived.

10 Q. Did you also do a CAT scan of the victim when he
11 came in?

12 A. We did. After initially giving him the fluid and
13 the blood his heart rate and blood pressure became more
14 acceptable in my mind and with the number of injuries
15 that he had we had to triage the importance of each
16 injury and what we really had to attack first.

17 The bleeding from the arm is obvious; that's coming
18 out and everybody can see it. The bleeding that could
19 exist inside is not as evident and I felt that it was an
20 acceptable risk to take him to the CAT scan to try and
21 figure out where we needed to go instead of doing
22 exploration surgery from the get go on him. So we did do
23 a CAT scan initially.

24 Q. What, if anything did the CAT scan show?

25 A. So the CAT scan showed an injury to his left check

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1 including a collapse of his lung, a laceration that was
2 evident on the CAT scan into his left chest as well as
3 some evidence of injury other places on his left back
4 consistent with the other stab wounds that he had
5 received.

6 Noting that we knew that we needed to go to the
7 operating room and look at and check for potential injury
8 into the abdomen as CAT scans aren't real good at showing
9 injury in the abdomen to one of the parts of the bowel,
10 the stomach or the colon or the small bowel. It's very
11 good at telling us if hard things are injured, lungs,
12 livers, spleens but not kind of soft parts of the bowel.

13 Q. What affect would a punctured or a collapsed lung
14 have on an individual?

15 A. So it could make it very difficult to breathe
16 initially. If -- most of us rely on having both lungs.
17 If one lung collapses all the blood flow goes to that
18 lung.

19 Obviously if it does not receive oxygen it would not
20 get rid of the carbon dioxide in the body so that can
21 cause a large stress on the body and can be a potentially
22 life threatening situation. Re-examining that lung and
23 to restore that physiology is really the most important
24 thing to do at that time.

25 Q. Now once you took him up to the operating room what

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1 work did you perform?

2 A. So I looked at the penetrating wounds to his torso.
3 So he had multiple wounds to his back and flank on his
4 left side so we positioned him where I could get access
5 to those wounds.

6 We explored all those wounds and determined which
7 ones of those penetrated just skin, skin and fat, and
8 skin, fat and muscle and which ones penetrated into the
9 thoracic cavity.

10 Q. Did you also operate on the wounds to his arm and to
11 his face?

12 A. I did not operate on those. Three other surgical
13 teams ultimately cared for his arm and his face. While I
14 was doing the chest exploration I had asked our hand
15 specialist to come in and look at the arm wound as he was
16 actively bleeding from that and I had two fields that I
17 felt needed to be addressed in an urgent manner.

18 So Doctor Coco, one of our hand surgeons came in and
19 addressed the bleeding from the right arm while I was
20 addressing the injuries to the chest.

21 Q. Now is it unusual in the ER for two surgeons to work
22 at the same time?

23 A. It's uncommon in normal circumstances, yes. If we
24 feel that the severity of the illness of the patient is
25 such that we need two surgical teams in the operating

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1 room at one time we will perform that. But to be honest
2 it's a lot of people around one person trying to do a lot
3 of work and it becomes somewhat confusing at times and
4 very stressful to the nursing staff because they have to
5 work two separate sites at one time.

6 And usually in the operating room we're doing single
7 operations in a single operating room with one team. So
8 when you start doubling teams it doubles the complexity
9 of it. But in his case I felt that bleeding from the arm
10 and the potential injury to the chest necessitated both
11 teams working at the same time.

12 Doctor Coco and I had worked out how to facilitate
13 that to ensure that he received the optimal care we could
14 deliver in an optimal way.

15 Q. Were you able to repair the collapsed lung?

16 A. We were. Ultimately that was treated by placing a
17 thoracostomy tube, which is the tube that goes into the
18 chest and sucks out all around the lung allowing the lung
19 to fully expand.

20 We did that after exploring the chest and
21 identifying there was a puncture wound to his left lung
22 but there was not an injury through the diaphragm into
23 the abdomen, which was the big thing that we needed to
24 rule out was did it go through the diaphragm, which is
25 the muscle between the chest and the abdomen. If it

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1 doesn't penetrate that then we don't worry as much about
2 abdominal wounds and we did not find a laceration there.
3 What we did find with the injury to the lung it didn't
4 require any surgical repair but it did require the
5 thoracostomy tube where you expand the lungs.

6 Q. Do you remember how many wounds you operated on on
7 his back?

8 A. I believe it was six.

9 Q. Okay. What happened to Mr. Casey after you and the
10 other surgical teams finished in the ER?

11 A. After we addressed his back, his arm, and his face
12 he was taken to the ICU recovery unit and was ultimately
13 admitted to the hospital for a few days to allow him to
14 continue to recover from his injuries, for us to try to
15 finish managing the traumatic injuries and then
16 ultimately releasing him.

17 Q. Now in your professional medical opinion what would
18 have happened to Mr. Casey had he not been transported to
19 the ER that night?

20 A. Given the injury to his lung as well as the injury
21 to the artery of his arm and the amount of blood loss he
22 had had in the field I feel these were life threatening
23 injuries for him.

24 MR. COOPER: Beg the court's indulgence.

25 THE COURT: Yes, sir.

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1 [Whereupon, Mr. Cooper and Mr. Osborne confer]

2 Q. [Mr. Cooper] Doctor Eriksson, I don't have any
3 further questions for you. Please answer any questions
4 the defense has.

5 THE COURT: Mr. Runyon?
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State v Chad Stalnaker
Evert Eriksson-Cross-Examination by Mr. Runyon
September 14, 2016

1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Doctor Eriksson, how are you doing this morning?

4 A. I'm very good. How are you?

5 Q. You're going to have to bear with me. Fifty years
6 ago it took me three semesters to get credit for two
7 semesters of freshman biology, okay.

8 A. Okay.

9 Q. Now as a practical matter this person that you're
10 operating on, Mr. Casey, he was hurt bad.

11 A. Yes, sir.

12 Q. And he had -- and I noticed in your testimony you
13 seemed to differentiate between lacerations and stab
14 wounds. Is there a medical difference between a
15 laceration and a stab wound?

16 A. There is not much of a difference between a
17 laceration and a stab wound; a cut is a cut is a cut. I
18 think that there could be connotation differences between
19 the two but from my perspective in fixing it a cut is a
20 cut.

21 Q. Okay. So maybe it was a term of art when you were
22 testifying about stab versus laceration.

23 A. Yes, sir. If I used them interchangeably it was
24 simply because a laceration or a cut is the penetration
25 of the skin.

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1 Q. Like I said I'm a slow learner. Now when Mr. Casey
2 was brought into the emergency room y'all do a full
3 assessment as much as possible at all times trying to be
4 responsive to the urgent needs of the patient.

5 A. Yes, sir.

6 Q. Now, did you do laboratory tests on him of any kind?

7 A. We did. He had multiple lab tests through his
8 hospitalization.

9 Q. Did he have anything as a result of a lab test which
10 caused you to be concerned about for example what kind of
11 anesthesia to use or anything of that sort?

12 A. I'm not an anesthesiologist so I can't tell you
13 whether they made subtle changes in their management plan
14 for his anesthesia.

15 From my perspective when he arrived he was bleeding
16 so regardless of any of his labs we needed to go to the
17 operating room and operate on him. But I can't tell you
18 whether they changed his anesthetic based off any of his
19 labs.

20 Q. Let me put it like this. Are you familiar with his
21 laboratory reports?

22 A. I know that he had many labs done. I didn't go
23 through and memorize all of them, no.

24 Q. Do you have his lab reports with you?

25 A. Not in front of me, no.

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1 Q. Do you know whether or not he had ethanol in his
2 system?

3 A. He did have alcohol in his system, yes.

4 Q. Did he have any other substances in his system?

5 A. Not that I recall. If you have a tox screen I can
6 take a look at it. I don't recall any other drugs.

7 Q. But you don't recall anything from the other tox
8 screens?

9 A. No, sir.

10 Q. Okay. Now, and of course because of the blood loss
11 there is no way for you to tell what that blood alcohol
12 content would be because with the loss of blood the
13 chemistry is all out of whack.

14 A. Right. Without knowing his rate of consumption and
15 the amount of blood loss and everything else it is
16 impossible to really know what that number truly means.

17 Q. But he still had it in his system?

18 A. Yes, sir.

19 Q. Now, do you recall did you evaluate when these
20 wounds were inflicted whether or not he was defending
21 himself or not defending himself or anything of that
22 sort?

23 A. I did not. I have no background in classifying
24 wounds. I can tell you what parts of the body were
25 injured or how the cuts appeared but I have no way of

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1 saying were they defensive or anything like that. I have
2 no forensics training at all.

3 Q. Well, no forensic training but you've got lots of
4 training don't you?

5 A. Yes, sir. I know how to fix people who are broken,
6 yes sir.

7 Q. And if somebody is hurt really bad you do a pretty
8 good job of fixing them don't you?

9 A. I like to think I do a good job doing my job, yes
10 sir.

11 Q. So as a practical matter and you know when to call
12 somebody to help. For example, you evaluated and thought
13 maybe the hand surgeon or the hand specialist would best
14 be the one to look at his hand.

15 Q. Yes, sir.

16 Q. Now, as a practical matter was his recovery
17 otherwise normal?

18 A. Yes. He spent I believe it was five or six days in
19 the hospital, which after these types of injuries is a
20 reasonable hospital stay.

21 To recover it usually takes three to four days to
22 get that tube out of the chest and make sure that that
23 lung stays expanded and also to get him working with
24 physical therapy and occupational therapy to help with
25 his rehab.

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1 Q. Now you don't know anything about what happened that
2 night do you, sir?

3 A. No, sir.

4 Q. You didn't have any conversation with Mr. -- with
5 Desmond?

6 A. No sir, at least not that I can recall and not that
7 I wrote down in the record. I can tell you I was not
8 there when whatever happened to him before he arrived. I
9 can tell you what happened after he arrived in the
10 emergency room.

11 Q. So as a practical matter you don't know how he got
12 broken but you sure knew how to fix him up.

13 A. I knew he had a lot of holes. How he got those
14 holes I do not know, sir.

15 Q. Okay.

16 MR. RUNYON: Beg the court's indulgence.

17 THE COURT: Yes, sir.

18 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

19 Q. [Mr. Runyon] And the toxicology reports who would
20 have those, sir?

21 A. They would be in the medical record if a tox screen
22 was performed.

23 Q. All right.

24 MR. RUNYON: No further questions of this witness,
25 Your Honor.

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1 THE COURT: Any redirect?

2 MR. COOPER: Nothing from the State, Your Honor.

3 THE COURT: Thank you, Doctor. You may step down.
4 You're excused unless there is an objection.

5 MR. COOPER: Not from the State, Your Honor.

6 MR. RUNYON: Not from the defense.

7 THE COURT: Thank you. Have a nice day.

8 [Whereupon, the witness is excused and exits the
9 witness stand]

10 THE COURT: The State may call your next witness.

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1 MR. COOPER: The State calls Chief Gregory Mullen.

2 [Whereupon, Chief Mullen comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Gregory G. Mullen, M-U-L-L-E-N.

8 THE COURT: You may proceed.

9 MR. COOPER: Thank you, Your Honor.

10 - - - - -

11 GREG MULLEN,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. COOPER:

16 Q. Good morning Chief Mullen.

17 A. Good morning.

18 Q. Could you please tell the jury where you are
19 currently employed?

20 A. I am currently the Chief of Police in the city of
21 Charleston.

22 Q. How long have you served in that capacity?

23 A. I have been in this capacity for almost ten years.

24 Next month will be ten years.

25 Q. Were you previously in law enforcement before you

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1 were appointed chief here?

2 A. I was. I served over 20 years with the Virginia
3 Beach Police Department in Virginia Beach, Virginia and
4 was a Deputy Chief of Police when I retired there.

5 Q. Now focusing your attention to May of 2014 did you
6 happen to respond to the scene in this case?

7 A. Yes, I did.

8 Q. Why did you respond?

9 A. I was on King Street that night. Routinely I go
10 down to King Street or my officers to see what is
11 occurring in that area. And on this particular occasion
12 I was on King Street and I heard this call go out and I
13 responded over to that call once I heard it on the radio.

14 Q. Why did you respond to the scene in reference to
15 that call?

16 A. Earlier in the evening I had had the opportunity to
17 have a conversation with whom I knew at that point as
18 Casey. When this call went out the description that was
19 put over the radio was very similar to what I had
20 observed when I had the conversation with this young man.

21 So I responded over because I did not know at that
22 time what the detectives knew or what the officers knew
23 and if they needed that information I was going to
24 provide it to them.

25 Q. About how long before the call came out did you have

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1 the interaction with Mr. Casey?

2 A. I had had a conversation with him on King Street a
3 little after 2:00 and then I had actually seen him again
4 about 15 minutes later so it was about 30 to 40 minutes
5 prior to the call coming out that I had my last encounter
6 with him on King Street.

7 Q. Where on King Street were you at the time of the
8 interaction?

9 A. I was in the block where McIntosh is located and
10 that's between Ann Street and Wentworth.

11 Q. Can you describe for the jury how Mr. Casey appeared
12 when you were talking with him?

13 A. Yes, I was standing on the sidewalk and he walked by
14 and when he did I said hello, how are you or hi and his
15 response to me was are you racially profiling me. And at
16 that point if I get that response from people and when I
17 do I try to have a conversation with them to understand
18 better why that would be a perception.

19 So we spoke for a few minutes about that and then he
20 left and I stayed there in the area because it was bar
21 closing.

22 Q. Did he appear intoxicated when you spoke to him?

23 A. He had certainly been drinking; I could tell that.
24 He did not appear over intoxicated. His words were not
25 slurring, he was not staggering and he did not appear to

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1 be in a position that I would have arrested him for being
2 intoxicated in public.

3 Q. Now when you responded to the scene did you know
4 whether or not the individual they were looking for on
5 the radio was the suspect or the victim?

6 A. I did not. The information that came over the radio
7 was that there had been a stabbing and that one of the
8 individuals that was described as I had seen Casey at the
9 time it was related he had been seen leaving the scene.
10 At that point I did not know whether he was a suspect or
11 a victim.

12 Q. After your two interactions on King Street did you
13 happen to see Mr. Casey again that night?

14 A. I did not.

15 Q. Have you seen or talked with him since?

16 A. I have. I have seen him at our headquarters when he
17 was coming down to interact with the detectives related
18 to this case and I have also seen him at various events
19 that I have been a participant. And he and I have
20 conversed on the telephone on several occasions just to
21 interact.

22 Q. Now Chief I want to direct your attention to a map
23 of downtown Charleston. Are you familiar as Chief with a
24 map of downtown Charleston?

25 A. I am.

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1 Q. Would you be able to locate McIntosh on a map?

2 A. I would.

3 Q. Would you be able to locate Killian Street?

4 A. I would.

5 MR. COOPER: Beg the court's indulgence.

6 [Whereupon, State's exhibit number 35 is marked by
7 the court reporter]

8 MR. COOPER: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 Q. [Mr. Cooper] Chief, do you recognize what this is?

12 [Whereupon, the witness is shown photograph]

13 A. It is a map of a portion of the peninsular of the
14 city of Charleston.

15 MR. COOPER: Your Honor, at this time I would like
16 to introduce what has been premarked as State's exhibit
17 35 into evidence.

18 THE COURT: Any objection?

19 MR. RUNYON: I'd like to see it.

20 [Whereupon, Mr. Cooper and Mr. Runyon confer]

21 MR. RUNYON: No objection, Your Honor.

22 THE COURT: Without objection State's exhibit
23 number 35 is admitted.

24 [Whereupon, State's exhibit number 35 is entered
25 into evidence by the court]

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1 Q. [Mr. Cooper] I want to place a picture of this on
2 the screen. It will make it a little bit easier to see.

3 [Whereupon, the photograph is shown]

4 Q. Sir, if you would please point out on that map where
5 Killian Street is located?

6 A. I believe it's right here [indicates].

7 Q. And you may have to walk past the door to get to the
8 other part but will you show us where the intersection of
9 Coming and Line Street is located?

10 [Whereupon, the witness indicates]

11 Q. And then where approximately is McIntosh located?

12 A. McIntosh is about right here [indicates].

13 Q. And that is on King Street right, sir.

14 A. That's right.

15 MR. COOPER: Beg the court's indulgence.

16 [Whereupon, Mr. Cooper and Mr. Osborne confer]

17 MR. COOPER: Thank you Chief Mullen, I have no
18 further questions for you. Please answer any questions
19 the defendant may have for you.

20 THE COURT: Mr. Runyon?

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1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Has it really been ten years?

4 A. Yes, sir.

5 Q. Just seemed like yesterday you came down here from
6 Virginia.

7 A. Sometimes it's a lifetime.

8 Q. All right. Good to see you Chief. As a practical
9 matter contrary to some city officers that get to leave
10 City Hall at 5 o'clock you're on duty 24 hours a day
11 right?

12 A. Yes, sir.

13 Q. And as a part of your duties you will on occasion be
14 out on patrol at night and sometimes during the day
15 you'll be out checking things?

16 A. Yes.

17 Q. I mean that's your job right?

18 A. Well, I think it's important for me to be out in the
19 areas where my officers work so I can see what they are
20 doing and they have an opportunity to interact with me so
21 I think that makes for a good organization.

22 Q. Right. And insofar as the King Street corridor so
23 to speak is concerned that's important because you've got
24 lots of tourists and lots of economic activity. That's
25 important to the city and that's important to the Police

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1 Department is it not?

2 A. Well every area of the city is important. That
3 certainly is an area where we have a lot of resources and
4 we certainly look at that from an economic perspective in
5 terms of how it impacts the city.

6 Q. I'm not suggesting favoritism Chief, okay; just
7 relax. Now as a practical matter by 2:30 in the morning
8 -- by 2, 2:30 in the morning if you're talking to
9 somebody on King Street in that area a lot of them have
10 been drinking right?

11 A. That's correct.

12 Q. Okay. So when you talked to Mr. Casey at that
13 point in time the fact that he may have been drinking
14 would not be unusual.

15 A. That's correct.

16 Q. And so you had an interaction with him. You greeted
17 him?

18 A. [Nods affirmatively]

19 Q. You've have to say yes or no because she can't take
20 down your head nod.

21 A. I didn't know if you were going to say something
22 else so I wanted to let you finish. I did greet him and
23 had the conversation, yes.

24 Q. And he came back with a comment about are you
25 profiling me or something like that?

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1 A. That's correct.

2 Q. And so you engaged him in conversation just as a PR
3 campaign correct?

4 A. I try to interact with people that I see on the
5 street and that's part of what I do is that I greet the
6 people when I see them and try to have a conversation,
7 yes.

8 Q. Right. And so you talked with him for what five
9 minutes or so?

10 A. Five or ten minutes, yes.

11 Q. And this is roughly what time?

12 A. It was roughly around bar closing so it would have
13 been between 2:00 and 2:10 probably.

14 Q. Okay. And then sometime later you heard this call.

15 A. Yes.

16 Q. And you responded to the call.

17 A. That's correct.

18 Q. About what time was that roughly?

19 A. Like I said I had a conversation with him and then I
20 saw him again about ten minutes later. Then about 30 to
21 40 minutes after that I heard the call go out so it would
22 have been around 2 o'clock, 3 o'clock in the morning.

23 Q. All right. So you were around King Street. Could
24 you take that pointer again and kind of go over there?

25 Could I trouble you to do that?

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- 1 A. Sure.
- 2 Q. You were in the -- could you point out where you met
3 with him?
- 4 A. Right about here [indicates].
- 5 Q. And can you point out where Killian Street is?
- 6 A. Over here [indicates].
- 7 Q. Right there. And then the area of the incident
8 where is that on that map?
- 9 A. I don't know exactly where it's at on the map but it
10 was on ---
- 11 Q. --- let's say Coming and Line Street ---
- 12 A. --- it was in this area [indicates].
- 13 Q. Okay. So that's north of Killian Street or east of
14 Killian Street roughly.
- 15 A. I don't know the east, north, west, and south on
16 this. Killian Street is right here [indicates] and
17 Coming Street is right here [indicates]. I'm not sure
18 whether it is east or west.
- 19 Q. Okay. I just needed that clarified for myself.
20 And as a practical matter -- you're familiar with the
21 camera systems in Charleston?
- 22 A. The systems that Charleston owns.
- 23 Q. That Charleston, the Highway Department and anybody
24 has.
- 25 A. I'm familiar with the system that the city of

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1 Charleston Police Department manages, yes.

2 Q. And do you have cameras on the corner of the
3 Crosstown and Coming Street?

4 A. No, I do not.

5 Q. You do not?

6 A. I do not.

7 Q. And where is the nearest camera for Coming and Line
8 Street, if any?

9 A. That the police department manages?

10 Q. That anybody has.

11 A. I'm not familiar with anybody else's cameras. I'm
12 only familiar with what I manage.

13 Q. Tell us what the police department manages.

14 A. We have cameras on King Street and we have cameras
15 over in the Gadsden area.

16 Q. Now, after that night you became friendly with Mr.
17 Casey correct?

18 A. That's correct.

19 Q. Of course you're friendly with everybody right? I
20 mean you're a nice guy correct?

21 A. I guess that depends on who you ask.

22 Q. Well, you go to Baskin Robbins. Anybody who likes
23 Baskin Robbins can't be bad right?

24 A. Probably not.

25 Q. Okay. And you talked to Mr. Casey about this

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1 situation over the past few years have you not?

2 A. I talked to him about his condition. I have not
3 talked to him about the case.

4 Q. What do you mean his condition?

5 A. I talk to him about how he is managing to move
6 through this situation.

7 Q. All right. Now you've made -- in furtherance of
8 your duties you've made ---

9 MR. COOPER: --- objection, Your Honor. May we
10 approach?

11 THE COURT: You may.

12 [Whereupon, an off the record bench conference is
13 held]

14 THE COURT: Counsel, proceed as directed.

15 Q. [Mr. Runyon] Chief, when you responded to the scene
16 that night how much time did you spend at the scene?

17 A. About 10 or 15 minutes.

18 Q. Did you provide information at the scene or did you
19 take a directorial role or what did you actually do?

20 A. I spoke with the officers there just to find out
21 exactly what was occurring on the scene. And once they
22 told me they had located the individual who had left the
23 area that was pretty much the extent of my involvement.
24 They told me what the initial circumstances around the
25 case was and at that point I left.

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1 MR. RUNYON: No further questions, Your Honor --
2 excuse me, Your Honor. Beg the court's indulgence.

3 [Whereupon, Mr. Runyon and Mr. Jaskiewicz confer]

4 Q. [Mr. Runyon] Prior to this night in question -- this
5 is so can clarify it -- did you know Mr. Casey at all?

6 A. I did not.

7 Q. Not even to see him on the street?

8 A. Not that I ---

9 Q. --- not that you recall?

10 A. Right.

11 Q. So you had no knowledge of even -- he was just
12 another citizen working in the community as far as you
13 knew?

14 A. Prior to that night?

15 Q. Prior to that night.

16 A. Prior to that night I had no knowledge about him; I
17 had never met him before.

18 MR. RUNYON: Thank you, Your Honor. No further
19 question.

20 THE COURT: Any redirect?

21 MR. COOPER: No further questions, Your Honor.

22 THE COURT: Thank you. You may be excused unless
23 there is an objection.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

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1 MR. COOPER: Your Honor, at this time the State
2 would rest.

3 THE COURT: Ladies and gentlemen the State has
4 rested and therefore we need to take a break so we can
5 take up some matters of law. I'm going to send you back
6 to the jury room. Please do not discuss anything about
7 the case and then I'll bring you back out. Thank you.

8 [Whereupon, the jury exits at 10:26 a.m.]

9 THE COURT: Are there any motions to be made at
10 this time?

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State v Chad Stalnaker
Motion for Directed Verdict-Remarks by Mr. Runyon
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1 MOTION FOR DIRECTED VERDICT

2 MR. RUNYON: Yes, Your Honor. Maybe I should make
3 this motion at this time, Your Honor. We would move for
4 a directed verdict as to the indictment as to attempted
5 murder. And I say that seriously because usually at this
6 point in time, Judge we make these motions and the
7 Supreme Court requires us too and we go through them and
8 what have you. But here's the problem with this case
9 that we have that was testified to yesterday.

10 We have the State painting a scenario with their
11 witnesses. One witness who said he saw two fights; one
12 that he broke up and then Mr. Casey left and then Mr.
13 Casey returned. Mr. Casey testified that had a struggle
14 or a fight with the defendant and then he left and he
15 went to Line Street and then he turned around and he
16 returned to fight.

17 Judge that sets up a mutual combat scenario. Now
18 Judge, in State v Avery our Supreme Court recognizes the
19 doctrine of mutual combat applies to South Carolina.
20 They also struggle with the situation and it was much
21 like this case, Judge where there was drinking involved,
22 there was some talking going back and forth and then
23 there was a struggle and the person said -- in the Avery
24 case the person died. The court gave a mutual combat
25 instruction to the jury. The defendant had asserted a

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1 defense of self-defense. And the court -- I've got a
2 copy of Avery right here Judge to hand up to you.

3 [Whereupon, Mr. Runyon provides documents to the
4 court]

5 MR. RUNYON: The court reversed among other reasons
6 they said that the mutual combat charge in effect shifted
7 the burden of proof to the defendant on the self-defense
8 defense and the court reversed and remanded for a new
9 trial. Now, Judge at this point in time we've got to go
10 based on what the State has proven; what the State has
11 presented. The State has presented a clear cut picture
12 with their witnesses of quote mutual combat.

13 Now mutual combat if you read Avery what they are
14 saying is that it wouldn't be murder; it would be
15 manslaughter. And since he's charged with attempted
16 murder -- and we don't have a problem with attempted
17 manslaughter -- we think we are entitled to a directed
18 verdict as it relates to the attempted murder charge and
19 we may be facing with the court reducing it down to
20 aggravated assault or some of the other assaults.

21 But I think under Avery -- and the other problem we
22 have Judge -- and I don't mind telling you at the present
23 time the defendant plans to testify. He is going to
24 assert the defense of self-defense. Now we are going to
25 be back in the same situation as Avery. Now we can't ask

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1 a court to give an instruction on mutual combat and we
2 would respectfully request that the court should not give
3 an instruction under Avery to the jury because that would
4 be burden shifting and would be reversible error. So we
5 think the only reasonable solution is to grant a directed
6 verdict as to the attempted murder at this time and go
7 forward as it relates to aggravated assault or the lesser
8 included because that way our burden is not shifted to us
9 -- I mean it's a constitutional issue of due process when
10 the burden is shifted to us as Avery points out.

11 And I was for effect -- and I say this with some
12 humor Judge I was going to go down and see if she was
13 available and get Justice Toal to give me an autograph on
14 my copy of Avery but I wasn't going to -- I wasn't going
15 to ---

16 THE COURT: --- she's busy doing PCR's.

17 MR. RUNYON: Right, she's busy doing PCR's. But I
18 think at this point in time Judge we have a serious
19 question as to whether or not the matter should be
20 continued under the indictment for attempted murder. And
21 I think we're entitled to a directed verdict as to
22 attempted murder. That doesn't mean the case is over
23 obviously.

24 THE COURT: All right. Let me hear from the
25 State.

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1 MR. COOPER: Thank you, Your Honor. First and
2 foremost obviously the court is concerned in a motion for
3 directed verdict with the existence or non-existence of
4 facts; not it's weight. And it is considered in the
5 light most favorable to the non-moving party, which in
6 this case is the State.

7 Regarding the attempted murder charge obviously the
8 State has to prove beyond a reasonable doubt that Chad
9 Stalnaker with the intent to kill intended to kill
10 somebody with malice aforethought. In this case Judge,
11 and I'll get to Mr. Runyon's mutual combat conversation
12 in a second, I think the fact that there was an initial
13 altercation, and that very may well have been mutual
14 combat the first fight. That was broken up, that was
15 done; parties had left and there was no longer an
16 altercation.

17 Mr. Stalnaker then ran up to his balcony, grabbed a
18 weapon, jumped off a balcony, yelled at the victim and
19 engaged in stabbing that victim 16 times. I think the
20 malice is clear cut in grabbing a knife jumping off a
21 balcony and stabbing him 16 times; six which are in the
22 back.

23 THE COURT: He didn't even take the time to come
24 back down the steps. He came over the balcony.

25 MR. COOPER: And I think the shear fact that he

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1 stabbed him 16 times implies malice. And malice can be
2 inferred from his use of a deadly weapon by itself. I
3 think the severity of the injuries to the argument that
4 it absolutely is malice aforethought. Again, the law
5 doesn't require that malice exist for any period of time
6 before the act, just so long as it is present before the
7 act. And I think grabbing the knife, jumping off a
8 balcony and then chasing him down is the malice.

9 With regards to Mr. Casey coming back Mr. Casey
10 testified that he remembered the defendant coming up
11 behind him and then the combat, the altercation started.
12 Reid Riddle testified that he saw the victim come back to
13 the defendant. Brad did not testify to that. So we've
14 got one of three witnesses that say that.

15 And their testimony is that he came back and the
16 defendant yelled out for him. There is no indication or
17 no way Mr. Riddle could even testify to what Mr. Casey's
18 intentions were. So for all we know he heard the
19 defendant yell, turned around and came back to see what
20 was going on and the fight began. Now my understanding
21 from a very quick -- beg the court's indulgence.

22 [Whereupon, Mr. Cooper reviews documents]

23 MR. COOPER: Just from a very quick read of Avery
24 Judge it looks like the court overturned the lower court
25 because there wasn't malice in the case. And this case

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1 stands for the principle that mutual combat if you use
2 that you can't use self-defense. And I don't know if it
3 exactly fits Mr. Runyon's argument. Mr. Casey did not
4 voluntarily engage in that altercation.

5 And I think that is one of the components of mutual
6 combat. He was attacked. He turned around and had an
7 individual come at him with a knife. Now whether the six
8 wounds to his back were from the beginning before he
9 turned around or whether they were as he was trying to
10 get away there is nothing voluntary about Mr. Casey's
11 participation in that altercation.

12 And then again Judge it talks about engaging
13 voluntarily for anything other than protection. Without
14 a doubt once Mr. Stalnaker brought the knife Mr. Casey's
15 only motive at that point was to get away, which he did.
16 So I do not think we have a mutual combat situation here
17 Judge. And I don't think the facts here fit them as Mr.
18 Runyon would like them to for us to use Avery so I think
19 we do not have a mutual combat situation.

20 And regarding the attempted murder charge, Your
21 Honor I would ask that you deny the directed verdict
22 motion. I think the witness proved one that Mr.
23 Stalnaker had the malice aforethought, did attempt to
24 kill with the intent to kill and very nearly succeeded.
25 With regards to possession of a weapon during the

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1 commission of a violent crime he had a weapon, this was a
2 violent crime, if the jury finds him guilty of a violent
3 crime the weapon follows suit because he had a knife by
4 his own admission to officers and witnesses on the scene.
5 But I would ask that you deny the defense's motion for
6 directed verdict.

7 THE COURT: Mr. Runyon?

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Motion for Directed Verdict-Reply by Mr. Runyon
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1 MR. RUNYON: Your Honor, my learned colleague ought
2 to work for the Clinton campaign with his ability to spin
3 there. The simple fact Judge is that Mr. Casey testified
4 that he had left. He had gone to the corner of Line and
5 Coming Street. And I asked him specifically I said and
6 you turned around. Yes. And you went back. Yes. He
7 went back to fight; that's what he said.

8 Now the reasonable inferences from all the facts are
9 that there was mutual combat. If you read Avery that's
10 exactly what happened in Avery. And so the conundrum is
11 that we can't ask -- it would be error for us to ask the
12 court to charge mutual combat to the jury. The way Avery
13 reads it would be reversible error if we present self-
14 defense to a charge of mutual combat.

15 But the simple fact is mutual combat, which is what
16 they've proven; we don't control what they prove. They
17 brought these witnesses in here and these witnesses
18 testified and their testimony, conflicting as it may be
19 and yet Mr. Stalnaker might have jumped off the thing but
20 he didn't go to the corner of Line and Coming Street.
21 The man came back to him.

22 Now the fact that he had a knife, we talked about
23 inferring malice and all that sort of stuff that's fine.
24 But the simple fact is that there was mutual combat and
25 under -- a jury can conclude for example that there was

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Motion for Directed Verdict-Reply by Mr. Runyon
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1 mutual combat. If Mr. Casey had passed away, if he had
2 died what our argument is -- and to make it clear because
3 I don't know if I can make things clear; I'm not as smart
4 as Mr. Cooper -- if Mr. Casey had died what we would be
5 arguing at this point in time is that this is a
6 manslaughter case because of the mutual combat involved;
7 that's what we're saying. Because he didn't die, and we
8 don't have attempted manslaughter in this state, this
9 becomes aggravated assault and that's what we're saying.
10 And of course we're going to repeat the motion again ---

11 THE COURT: --- certainly ---

12 MR. RUNYON: --- because we're -- once he testifies
13 -- if the defendant takes the stand and pleads self-
14 defense then we're going to be on all fours with Avery as
15 it relates to the question of burden shifting and the
16 involvement of any charge or non charge as to mutual
17 combat.

18 THE COURT: All right. Yes, sir?
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State v Chad Stalnaker
Motion for Directed Verdict-Response by Mr. Cooper.
September 14, 2016

1 MR. COOPER: Honestly, Judge if I could just read
2 the last part of Avery I think it would shed some light
3 on the motion. The case ---

4 THE COURT: --- slowly please.

5 MR. COOPER: I'm sorry -- contemplated this
6 situation where the State could not prove malice, could
7 not prove any ill will prior to the fight. That is the
8 first issue with Avery and why they went to the
9 manslaughter. In this case obviously we have the malice.
10 But the other part Judge the court said that in their
11 determination of mutual willingness to fight the South
12 Carolina cases discussed emphasis and each party knows
13 the other is armed.

14 And in this case they say here there is no
15 indication that Kevin knew the petitioner was armed with
16 a knife and there was no pre-existing ill will between
17 the parties. Here there was obviously the malice but
18 there was no indication from Desmond that he knew Chad
19 was armed until the stabbing began.

20 And the court said under these circumstances there
21 is insufficient evidence of mutual willingness to fight
22 to submit the issue of mutual combat to the jury. Judge,
23 we have half of that here where Desmond did not know
24 there was a weapon involved. The court has said that
25 knowing both parties are armed and then the combat gives

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1 an indication it could be mutual. In this case Desmond
2 had no idea. There is no indication that Desmond
3 voluntarily joined the fight. The evidence suggests that
4 he protected himself against what he did not know at the
5 time to be a knife fight but soon found out very quickly.
6 And for that reason Judge we think the mutual combat does
7 not apply in this case under State v Avery.

8 THE COURT: At this stage of the trial the court is
9 more concerned about the existence of evidence; not the
10 weight of evidence. And the State certainly has
11 presented more than just a mere suspicion so I am going
12 to respectfully deny your motion for directed verdict.

13 MR. RUNYON: Thank you very much, Your Honor.
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State v Chad Stalnak
Fifth Amendment Rights
September 14, 2016

1 FIFTH AMENDMENT RIGHTS

2 THE COURT: If you would place the defendant under
3 oath so that I can question him concerning his wanting to
4 testify.

5 [Whereupon, the defendant is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: State your name and spell your
8 last name.

9 MR. STALNAKER: Chad Patrick Stalnak.

10 THE COURT: Remain standing as I speak.

11 MR. STALNAKER: Yes, sir.

12 THE COURT: Mr. Stalnak, at this time I am going
13 to explain to you certain of your rights. If you do not
14 understand anything that I am getting ready to tell you
15 please let me know. And if you want me to explain in
16 greater detail I will be happy to do so. Do you
17 understand?

18 MR. STALNAKER: Yes, sir.

19 THE COURT: We've now reached the stage of your
20 trial where you may present your defense. You have a
21 right to claim the protections granted to you by the
22 Fifth Amendment of the United States Constitution that
23 states in part that no person shall be compelled in any
24 criminal case to be a witness against himself. Now this
25 means that you cannot be required to testify in this

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1 court but you do have a right to testify on your own
2 behalf. Again, no one can make you testify; this is a
3 personal right and no one can waive this right except for
4 you. Now if you decide to testify you'll be subjected to
5 the same rules that apply to all other witnesses and you
6 may be examined and cross-examined on any relevant issue
7 in this case.

8 In addition, if you have any convictions involving
9 dishonesty or false statements or for crimes punishable
10 by imprisonment of more than one year and I determine
11 that the probative value of admitting these convictions
12 outweighs the prejudicial effect on you then the State
13 will be able to use them to bring out your character and
14 attack your creditability.

15 If you decide to testify this decision on your part
16 must be freely and voluntarily and knowingly and
17 intelligently made from the protections given to you by
18 the Fifth Amendment. Now if you decide not to testify I
19 will instruct the jurors that they cannot give the fact
20 that you do not testify any consideration whatsoever and
21 there is to be absolutely no prejudice to you because you
22 do not testify. It is left entirely up to you. You may
23 talk with your attorney and your family members but the
24 final decision will be up to you. So what I'm going to
25 do is we're going to take about a ten minute recess. I'm

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1 going to let you talk to your client and before we start
2 back I'll ask him the ultimate question. The court will
3 be in recess for ten minutes.

4 [Whereupon, court is in recess from 10:45 a.m. until
5 11:30 a.m.]

6 [Whereupon, an off the record in chambers conference
7 is held]

8 MR. OSBORNE: Your Honor, may we approach?

9 THE COURT: You may.

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: We will be in recess for ten more
13 minutes to give you time.

14 [Whereupon, court is in recess from 11:38 a.m. until
15 12:01 p.m.]

16 MR. COOPER: Your Honor, may I approach.

17 [Whereupon, Mr. Cooper provides documents to the
18 court]

19 THE COURT: The maximum on the assault and battery
20 of a high and aggravated nature is 20, is that correct?

21 MR. COOPER: Yes, Your Honor.

22 MR. RUNYON: Correct, Your Honor.

23 THE COURT: Yes, sir?
24
25

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1 MR. RUNYON: Your Honor, we have after consultation
2 with our client and his family who is present we have
3 tendered -- Mr. Stalnaker wishes to plead to the
4 sentencing sheet to the reduced charge of aggravated
5 assault or assault and battery of a high and aggravated
6 nature, Judge that is before the court.

7 THE COURT: The defendant is currently under oath.
8 Please stand.

9 [Whereupon, the defendant stands]

10 THE COURT: You are Chad Patrick Stalnaker?

11 MR. STALNAKER: Yes, Your Honor.

12 THE COURT: Mr. Stalnaker, you've had an
13 opportunity to meet with your attorneys to decide what to
14 do in this case is that correct?

15 MR. STALNAKER: Yes, Your Honor.

16 THE COURT: Do you need any more time to do that?

17 MR. STALNAKER: No, Your Honor.

18 THE COURT: And you understand that you are now
19 pleading even though you were on trial for attempted
20 murder and possession of a weapon during the commission
21 of a violent crime the State has now offered to let you
22 plead to assault and battery of a high and aggravated
23 nature.

24 MR. STALNAKER: Yes, Your Honor.

25 THE COURT: And still to possession of a weapon

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1 during the commission of a violent crime.

2 MR. STALNAKER: Yes, Your Honor.

3 THE COURT: Now has anybody threatened you in any
4 way to get you to plead guilty?

5 MR. STALNAKER: No, sir.

6 THE COURT: Has anybody promised you anything to
7 get you to plead guilty?

8 MR. STALNAKER: No, sir.

9 THE COURT: And you fully understand the nature of
10 the charges in the indictments and I'm going to go back
11 and read the indictments one more time so there is no
12 question.

13 Under indictment 2014-GS-10-5431 that was the
14 attempted murder which has been reduced to assault and
15 battery of a high and aggravated nature that in
16 Charleston County South Carolina on or about May 18, 2014
17 the defendant Chad Patrick Stalnakar did with intent to
18 kill and malice aforethought attempt to kill Desmond
19 Casey. As far as the indictment is concerned you are
20 inflicting injury of a high and aggravated nature. Is
21 what is stated in this indictment the truth?

22 MR. STALNAKER: Yes, sir.

23 THE COURT: Okay. As far as the indictment 2014-
24 GS-10-5434 that reads that in Charleston County South
25 Carolina on or about May 18, 2014 the defendant Chad

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1 Patrick Stalnak did possess a shun culinary knife or
2 visibly display what appeared to be a knife during the
3 commission or attempted commission of attempted murder or
4 assault and battery of a high and aggravated nature in
5 violation of section 16-23-490 of the South Carolina
6 Code. Is what's stated in this indictment the truth?

7 MR. STALNAKER: Yes, sir.

8 THE COURT: Would you like to go over any of the
9 facts? I think they are all in the record from what
10 y'all have shown already so is there anything y'all need
11 to add to that?

12 MR. COOPER: No, Your Honor, there is nothing we
13 need to add regarding the facts.

14 THE COURT: The facts that have been presented by
15 the State in their case in chief do you agree with the
16 facts?

17 MR. STALNAKER: Yes, sir.

18 THE COURT: And are you under the influence of
19 alcohol or drugs?

20 MR. STALNAKER: No, sir.

21 THE COURT: Are you taking any medications that
22 would cloud your judgment?

23 MR. STALNAKER: No, sir.

24 THE COURT: Are you aware of any physical,
25 emotional, or nervous condition that would keep you from

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1 understanding what is happening?

2 MR. STALNAKER: No, sir.

3 THE COURT: Again, you understand we have a jury of
4 12 people who have only heard one side of the case but
5 you're willing to take it from those jurors and plead
6 guilty today is that correct?

7 MR. STALNAKER: Yes, sir.

8 THE COURT: And you understand under the assault
9 and battery of a high and aggravated nature that carries
10 up to 20 years in jail.

11 MR. STALNAKER: Yes, sir.

12 THE COURT: And there is no recommendation from the
13 State is that correct?

14 [Whereupon, Mr. Cooper and Mr. Osborne confer]

15 MR. COOPER: I'm sorry, Judge.

16 THE COURT: There is no recommendation from the
17 State?

18 MR. COOPER: No, sir. We're just taking the
19 position of no recommendation.

20 THE COURT: You're also facing the charge of
21 possession of a weapon during the commission of a violent
22 crime which carries five years. Do you understand that?

23 MR. STALNAKER: Yes, Your Honor.

24 THE COURT: And you understand that I could put
25 those and run those consecutively so you could be

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1 sentenced to 25 years without my violating the law in any
2 way. Do you understand?

3 MR. STALNAKER: Yes sir, Your Honor.

4 THE COURT: Now you understand that when you plead
5 guilty you're waiving certain constitutional rights. The
6 first right you waive is your right against self-
7 incrimination. Not in this court or any other court in
8 this great land would you ever be required to testify
9 against yourself. However, when you plead guilty you're
10 doing exactly that. Do you understand?

11 MR. STALNAKER: Yes sir, Your Honor.

12 THE COURT: So you wish to waive that right?

13 MR. STALNAKER: Yes sir, Your Honor.

14 THE COURT: You also understand that you are
15 waiving your right to continue with your jury trial where
16 only 12 citizens would determine whether you are guilty
17 or not. And again, you've asked questions about the
18 evidence that they have presented but you have foregone
19 your right to present your side of the case. Do you
20 understand?

21 MR. STALNAKER: Yes sir, Your Honor.

22 THE COURT: Okay. So again, has anybody
23 threatened you in any way to get you to ---

24 MR. STALNAKER: --- no sir, Your Honor.

25 THE COURT: You're doing this freely and

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1 voluntarily?

2 MR. STALNAKER: Yes, sir.

3 THE COURT: Are you satisfied with the services of
4 your attorneys?

5 MR. STALNAKER: Yes, sir.

6 THE COURT: Have they done everything that you've
7 asked them to do?

8 MR. STALNAKER: Yes sir, Your Honor

9 THE COURT: And do you need any more time to speak
10 with your attorneys?

11 MR. STALNAKER: No, sir.

12 THE COURT: Okay. Have you understood all of my
13 questions?

14 MR. STALNAKER: Yes, sir.

15 THE COURT: Do you have any questions for the
16 court? I'm going to give you an opportunity to speak.
17 I'm just -- as to what I've talked to you about so far?

18 MR. STALNAKER: I have no questions.

19 THE COURT: And you understand if you change your
20 mind about your decision to plead guilty or the sentence
21 I give you, you will only have 10 days in which to file
22 an appeal?

23 MR. STALNAKER: Yes sir, Your Honor

24 THE COURT: Under indictment 2014-GS-10-5431
25 charging you with the lesser included offense of assault

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1 and battery of a high and aggravated nature how do you
2 plead; guilty or not guilty?

3 MR. STALNAKER: Guilty, Your Honor.

4 THE COURT: Under indictment 2014-GS-10-5434
5 charging you with possession of a weapon during the
6 commission of a violent crime how do you plead; guilty or
7 not guilty?

8 MR. STALNAKER: Guilty, Your Honor.

9 THE COURT: I find there is a substantial factual
10 basis for the plea. I find that the defendant has
11 entered into the plea freely, voluntarily, knowingly and
12 intelligently. He has had the advice of counsel who he
13 says he is well pleased. Gentleman, do you need to ask
14 your client any questions on the record?

15 MR. JASKIEWICZ: Nothing, sir.

16 THE COURT: Anything further from the State? What
17 is his criminal history?

18 MR. COOPER: Your Honor, in 2003 he has entering
19 premises after warning, 2004 resisting arrest, 2005
20 simple assault and battery and 2010 public disorderly
21 conduct. And Your Honor, if I may at this time or
22 whenever you would like me to I'd like to speak on behalf
23 of the victim.

24 THE COURT: Now would be a good time.
25

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1 SENTENCING

2 MR. COOPER: Mr. Casey has been here the entire
3 time. He has been involved in our case Judge since the
4 beginning. Even as he has worked third shift he's been
5 here; lack of sleep and everything.

6 What he wanted me to say Judge and he's just a
7 little bit nervous about being up in the court and that's
8 understandable for those of us who don't do this every
9 day. He has moved on. He testified to that a little bit
10 yesterday. This was a painful experience for him. This
11 was probably as you can imagine, I can't even imagine,
12 this was a terrible experience for him; nearly coming
13 into losing his life but he's tried to put that behind
14 him.

15 He's tried to become better from it and I think
16 certainly he has. And I think those in my office who
17 have met with him would say the same thing and I think
18 Chief Mullen would say the same thing as they have kept
19 up with each other.

20 To his credit he has also forgiven the defendant for
21 what he has done. And I think that just speaks volumes
22 about his character and the character that led him to
23 intervene that night to prevent something bad happening
24 to Ms. Jimenez. I think that also speaks to his
25 character, Judge. But he has moved on from this to be a

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1 better person and he has forgiven the defendant. He has
2 been bothered persistently by the lack of remorse and the
3 lack of bearing responsibility on behalf of the
4 defendant. Judge, the State did offer to allow him to
5 plead to ABHAN recognizing various issues with the case
6 whereas the jury very well may come back with ABHAN or
7 less. We've taken that possibility into consideration.

8 But Judge given the seriousness of the injuries
9 suffered by Mr. Casey and the placement of those injuries
10 in the back and the face, the facts of the case as you
11 well know having listened to the testimony Judge it just
12 was as I said before senseless, it was unnecessary and it
13 was unprovoked Judge. Judge, I ask that you just take
14 that into consideration.

15 We have allowed him to plead to the lesser included
16 of ABHAN and it lowers the cap, the max to 20. Given the
17 facts of the case, given the testimony of the witnesses,
18 given what we think our case is at Judge the State is
19 asking you to sentence him in the 15 to 20 year range.
20 I've spoken with the victim at length, the case agent as
21 well and they are all on board with that position taken
22 by the State.

23 THE COURT: Thank you. Mr. Runyon?

24 MR. RUNYON: Your Honor, I don't wish to take issue
25 with the position of a victim in a case; they have their

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1 particular emotional position. I'm always concerned when
2 the State talks about the defendant not expressing
3 remorse because in the course of litigation it's kind of
4 difficult to do without compromising your position. And
5 since this is the first opportunity we've had to really
6 address this issue I would suggest that our client is in
7 fact remorseful, has been remorseful, had suggested that
8 he was sorry this whole thing had occurred. He was
9 concerned at the time.

10 I think the court has listened to the evidence. And
11 I think in the final analysis the court well understands
12 that alcohol played a role in everybody's role in this
13 situation. He was at his house right there at his house
14 when this happened. And Mr. Casey's injuries and the
15 theory of this plea quite frankly is even if Mr.
16 Stalnaker was able to quasi prevail under a self-defense
17 theory that a jury could conclude that it was excessive
18 force utilized in the actions that he took that night.

19 And we're not going to rehash what could or was or
20 might have happened that night. They were serious
21 situations. Mr. Stalnaker has worked successfully in the
22 food industry at the same place for 10 years. He's
23 settled down from his early transgressions well over 10
24 years ago. He was in the military. He had a double MOS
25 Judge. He was a medic and then he was cross-trained to

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1 be a combat engineer, which the court well may understand
2 they train them how to diffuse mines and explosives. He
3 is a very responsible individual. He's got a younger
4 brother who is at the Naval Academy. He comes from a
5 very excellent family. His mother and father are in
6 court today. He father holds an extremely serious
7 position in Charlotte in the aviation industry. They
8 have been very supportive of him.

9 And Chad has in fact been very, very concerned about
10 what could have happened that night which could have been
11 much more serious and he is going to address that when he
12 gets an opportunity to speak Judge. I think you can see
13 he is visibly upset about this and has been upset about
14 it in both of our offices when we've met and what have
15 you.

16 Your Honor, obviously the sentencing authority of
17 the court is from zero to the maximum. We think under
18 the circumstances of this case and under the
19 circumstances where people have chosen to kind of come to
20 some serious middle ground that the court should fashion
21 a sentence that is appropriate versus being very, very
22 heavy handed. I just remember Mr. Casey indicating he
23 went back; he shouldn't have. Mr. Stalnaker shouldn't
24 have gotten the knife. It was a culinary knife that was
25 in his house because he's a cook as well as a bar back at

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1 A C's. So, Your Honor, we would ask you to fashion a
2 sentence that tries to meet all the criteria of
3 sentencing and we'd ask that you hear from our client and
4 hear from his family prior to deciding on that sentence.

5 THE COURT: Yes, sir?

6 MR. STALNAKER: Your Honor, I am sorry. I've
7 always wanted to say I'm sorry to Mr. Casey but I was
8 always told that I was not allowed to have contact with
9 the victim. And I am sorry for the whole incident that
10 happened. I don't like seeing people get hurt. I don't
11 kill cockroaches and spiders in my own home. I catch
12 them and let them go and people laugh at me. I don't
13 like the violence. I try to be a good person.

14 Yes, I wasn't always the best; especially with my
15 previous girlfriend Daniella. We drank and argued.
16 Since then I've moved on to a great life. I got a rescue
17 dog and another dog and we go to the dog park all day and
18 I've got a wonderful girl and we don't drink or do
19 anything. We watch American Idol and go to bed at 8:30.
20 You know I did my service time and I just want to be a
21 good person. I don't want to lose the rest of my life.
22 I don't know what to say but I'm sorry.

23 THE COURT: Would any of his family members like to
24 say anything. Identify yourself for the court please.

25 MR. STALNAKER: Eric Stalnaker; I'm Chad Stalnaker's

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1 father and a ten year Marine Corp veteran. Chad has
2 always been a responsible person. He left home at 18
3 years old and has worked and supported himself this whole
4 time never asking for anything. He's been a productive
5 person always working and paying his taxes. He tried to
6 live life the right way.

7 I feel like this was just circumstances that came up
8 and they all got turned into this thing together; not
9 something that he had planned, not something he was
10 looking for. It happened and I know there is nothing you
11 can do about it now but just move forward.

12 But I believe that he can still be productive in
13 society and we all love him. His family loves him and
14 he's loved by all of our neighbors where we live. I'm
15 just asking you to give him a reasonable chance to make
16 his life work again after this is over with. Thank you.

17 THE COURT: Yes ma'am, would you like to say
18 anything? Please state your name for the record.

19 MS. STALNAKER: Theresa Stalnaker; I'm Chad's
20 mother. He's always been kind and loving; a wonderful
21 person. He would give somebody off the street the shirt
22 off his back if they needed it. If he has a couple of
23 bucks in his pocket he hands them to a homeless person.
24 He's always the first one to volunteer to help whether
25 it's family, friends, or stranger. He has an older

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1 sister and two younger brothers who all get along
2 wonderfully. And he's not even a person of possessions.
3 Whether it be birthday or holiday he doesn't want gifts.
4 He wants to hang out with his family and friends and
5 pets. He loves the animals. My heart goes out to him
6 because I know in his heart that he had to have felt fear
7 in order for this to have happened; not just for himself
8 but someone else also because that's not the kind of
9 person he is. He does not intentionally hurt anything or
10 anybody. I love him too.

11 THE COURT: Anyone else like to say anything?
12 State your name for the record.

13 MS. ZEIGLER: Ashley Zeigler.

14 THE COURT: Ashley, what do you have to say?

15 MS. ZEIGLER: I'm from Raleigh and I moved here
16 about a year ago and I met Chad before I moved here.
17 Shortly after meeting him I found out about this
18 situation that occurred.

19 And I still consented to build a friendship with him
20 that later led to a relationship because I knew after
21 getting to know him that he was not the person that the
22 media portrayed and he was 100 percent honest with me
23 about the whole situation and was very remorseful to what
24 took place. And meeting all his friends and co-workers
25 I've never heard one single person have anything bad to

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1 say about him. I just ask that you're lenient with him
2 because he's not a terrible person. He didn't intend on
3 killing anyone.

4 THE COURT: Thank you.

5 MR. JASKIEWICZ: Your Honor, it has been my
6 privilege to represent Chad. He is a contemporary and
7 friend to my son Trey and that's how I came to represent
8 Chad. He's always been timely with his visits. He's
9 been candid with his information. These tears are not
10 crocodile tears. I think the court can see that they are
11 from the heart.

12 If he could un-paint the picture he would; no
13 question about that. I think there are lots of people
14 who would do that in this situation on both sides. Chad
15 is entirely a sincere individual. He has been honest
16 with us. I can't speak any better than to say what his
17 parents said and they said it well. I'd ask for mercy
18 for my client.

19 THE COURT: Anything further?

20 MR. RUNYON: No, Your Honor. I think the time has
21 come as the poem says to stop talking about many things
22 and have the bell tolled.

23 THE COURT: Thank you. Anything further from the
24 State?

25 MR. COOPER: Not from the State, Judge.

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1 [Whereupon, the court reviews documents]

2 THE COURT: How much time did the defendant do?

3 MR. JASCIIEWICZ: Two months.

4 MR. STALNAKER: It was less than three months, Your
5 Honor.

6 THE COURT: They will compute that. You know it's
7 never easy to sentence somebody on such a serious case as
8 this. This is just one that just didn't need to be here.
9 I mean I understand a skirmish started but why Mr.
10 Stalnak once he was out of the fight gets a weapon and
11 goes back in to the point of jumping off of a balcony. I
12 mean he didn't even go back down the steps; he was ready
13 to get back into this fight and attacks a man who he
14 didn't know other than five minutes earlier who was
15 trying to be a good Samaritan it sounds like as far as
16 trying to help Ms. Jimenez.

17 I'd like to be able to say well, never mind I'm
18 sorry it happened, it was a misunderstanding. But you
19 have a man who was cut 16 times. You were a walking
20 chainsaw that day. It's just unbelievable. And you're
21 really fortunate, you're so fortunate that he didn't die.
22 The Lord shined His light on you when he didn't die.

23 MR. STALNAKER: Yes, sir.

24 THE COURT: Because otherwise the best you could
25 hope for probably would be 30 years day for day. So I'm

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1 not taking this lightly and I don't take it likely when
2 people use weapons in a fight. The sentence I think is
3 just. You're going to think it's harsh. I don't care
4 what anybody else thinks because I'm the judge in this
5 matter but I think a message has to be sent.

6 The sentence of this court on the assault and
7 battery of a high and aggravated nature is that you are
8 committed to the State Department of Corrections for a
9 period of 10 years. On the possession of a weapon during
10 the commission of a violent crime you are sentenced to
11 five years. They shall run consecutive for a total term
12 of 15 years. Good luck.

13 MR. RUNYON: Thank you very much, Your Honor.

14 THE COURT: Let's bring our jury back in. Let me
15 say this before the jury comes in. It has been an
16 absolute pleasure trying this case with you gentlemen.
17 And I'll say this the last case I had was the worse dad-
18 gum case I've ever tried in Charleston County so it has
19 just been nice to have gentlemen who uphold their
20 civility so thank you.

21 MR. RUNYON: Thank you, Your Honor.

22 MR. COOPER: Thank you, Your Honor.

23

24

25

State v Chad Stalnaker
Proceedings
September 14, 2016

1 [Whereupon, the jury enters at 12:29 p.m.]

2 THE COURT: Ladies and gentlemen do not -- although
3 y'all have been sitting back there drinking Coca-Cola's
4 and eating potato chips or something like that we have
5 been working and if you'll notice the courtroom posture
6 is a little bit different now because the defendant is no
7 longer in court.

8 During the break that we've had the defendant
9 decided to change his plea from not guilty to guilty of
10 assault and battery of a high and aggravated nature. I
11 have sentenced him to a cumulative of 15 years in jail
12 and he has headed to Department of Corrections at this
13 time; 10 years on the assault and battery of a high and
14 aggravated nature and five years on the possession of a
15 weapon during the commission of a violent crime to run
16 consecutively.

17 But do not think you did not do your job or that you
18 have been robbed of some opportunity to make a decision
19 in this. Believe me; a heavy burden has been lifted from
20 you because of this. But again, the fact that you
21 listened to the evidence intently, the fact that you were
22 ready to do whatever was necessary to resolve this case
23 is what induced the defendant to change his plea. So
24 again when you go out of here know that you did
25 everything possible that you were supposed to do. Now

State v Chad Stalnaker
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1 let me remind you that this counts as your time as a
2 juror so you cannot be a juror for the next year and you
3 don't have to be a juror for the next three years if you
4 don't want to after this week. So what I'm going to have
5 to order you to do is call back after 6 o'clock tonight
6 to see if it is going to be necessary for you to serve on
7 another jury. The odds are probably pretty low on that.
8 Yes; I think the odds are pretty low. If I have anything
9 to do with it, it will be zero but we'll just see.

10 But throughout this trial I've been telling you
11 don't talk to anybody. You can talk to anybody you want
12 to now. What makes America great is not the lawyers,
13 it's not the politicians, it's not the judges but it's
14 people like y'all who take time out of your busy days and
15 come in here with 11 other people that you don't know
16 from Adam's house cat and come together to solve one
17 problem. You can't solve all the problems in Charleston
18 or the United States but you came here to resolve this
19 one issue. And again, that's what makes America great.

20 And the other thing is the fact that in our country
21 only a free citizen gets to determine whether another
22 citizen is guilty or not. It's not the police, it's not
23 the prosecutors, and it's not the judges; only free
24 citizens as y'all are. And I tell people I have the best
25 job in the world because I get to sit between these two

State v Chad Stalnaker
Proceedings
September 14, 2016

1 flags every day. These flags are cloth but what they
2 stand for is so much greater than all of us. People have
3 bled and died for what these stand for of freedom. And I
4 want you to go out of here today and I want you to think
5 of yourselves as the very threads that make this flag
6 what it is and make this a great country.

7 So ladies and gentlemen it will be my honor to shake
8 your hand as you go out of here. You got a lunch out of
9 this. They are going to give you 10 dollars and box
10 lunch from Jimmy Johns today. Again, you are free to go
11 for the rest of the day. Take the lunch and you can eat
12 it around here if you want to but you probably will not.
13 I think the parks are all wet so there is no place to go
14 around here. But thank you ladies and gentlemen. It has
15 been my honor to serve with you.

16 [Whereupon, the jury exits at 12:33 p.m.]

17 THE COURT: Court is adjourned.

18 [Whereupon, the jury trial concludes at 12:34 p.m.]

19 [Whereupon, court's exhibit numbers 1 and 2 are
20 marked by the court reporter]

21

22

23

24

25

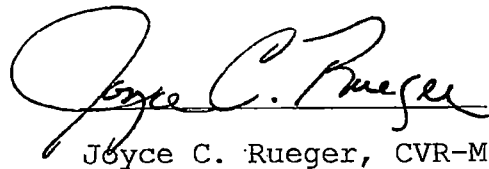
State v Chad Stalnaker
Certificate of the Court Reporter
September 14, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 14th day of September, 2016.

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

March 22, 2017

A handwritten signature in cursive script, reading "Joyce C. Rueger", written over a horizontal line.

Joyce C. Rueger, CVR-M

Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

County of Charleston)Chad Patrick Stalnaker)

Full name and prison number (if any) of Applicant)

369754)

v.)

State of South Carolina)

2017-CP-10-272
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

JULIE L. FOSTER
CLERK OF COURT

2017 JAN 18 PM 4:21

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Institution
4460 Broad River Road Columbia S.C. 29210
2. Name and location of Court which imposed sentence Charleston General
Sessions ; 100 Broad St. Charleston S.C. 29403
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) ABHAN - 14GS1005431
 - (b) Firearms Provision - 14GS1005434

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) September 15 2016 - ARHAN - 10 years
- (b) September 15 2016 - Firearms Provision - 5 years
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty I went to trial and half way through took a plea deal
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
I wasn't aware I could - No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. NA
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. NA
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. NA
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NA
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I did not know I could appeal. I did not understand.
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See attachment pgs 1-22 IAC - New evidence
- (b) See attachment pgs 23-33 State misconduct - New evidence
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attachment pgs 1-22
- (b) See attachment pgs 23-33
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. NA
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. NA
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. NA
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. NA
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. NA
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. NA
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. NA
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) I didn't know how to. My lawyer never explained anything to me.
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? yes
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NA
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NA

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Ben Lewis Charleston County public defender
 ii. Stanley Jaskiewicz ~~Diana Rd~~ Charleston
1253 Dickson Ave Ches. South Carolina 29410
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Ben Lewis - arraignment and plea (public defender)
 ii. Stanley - trial, sentencing
 iii. _____

19. State clearly the relief you seek in filing this application:

A new trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

I, Chad Patrick Stalwater, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Chad Patrick Stalwater

SWORN to and subscribed before me this 13
day of January, 2017.

[Signature] (L.S.)
Notary Public

My Commission Expires:

9/16/2026

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

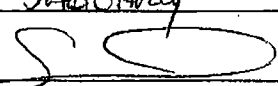
I, Chad Patrick Stalnake, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this

13 day of JANUARY, 2017.


Notary Public

My Commission Expires:

9/16/2020

I believe there are additional claims for P.C.R. but I do not yet have collateral counsel, access to the discovery process, the trial transcript, funds for expert services to investigate these claims.

This application does not include every ground for vacating, setting aside or correcting the conviction and sentence attacked in this application for I am just a common man and not a lawyer and therefore do not know the entirety of the claims to state.

Furthermore, I ask that you view all of the claims and supporting facts that I have presented in this application for truly there are more than one viable claims. Proper review of all my claims and supporting facts is necessary.

10(a.)

Applicant was denied [but not limited to] the right to effective assistance of counsel and the right to due process of law, and the right to a fair trial guaranteed by the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and by the South Carolina Constitution.

Defense counsel's insufficient performance fell below the standard of "effective", adversely affecting the defense. But for [but not limited to] counsel's errors, numerous deficiencies, and inadequate defense the result of the proceeding would have been different. Counsel's failure to investigate, plan, and present a defense.

constitutes a classic example of a complete breakdown in the adversarial process.

Counsel's errors prevented the jury from forming a reasonable doubt as to guilt. Counsel's performance fell below an objective standard of reasonableness; prejudicing the defendant's ability to receive a fair trial.

11(c)

① Applicant's defense counsel failed to move for a change in venue, rendering ineffective assistance, depriving the right to a fair trial.

The case generated a very large amount of media attention. All regional news stations covered the story. Journalists painted the alleged victim as a "good samaritan hero" presuming guilt upon the defendant - before the trial ever had a date set. - Charleston Thuglife is one source [an internet forum] which posted very biased and slanderous remarks against the defendant, for the general public to view. - The alleged victim made several inconsistent testimonial hearsay statements to the local media which were widely broadcast throughout the low country as well [but not limited to] the State of South Carolina.

The alleged victim was awarded a Martin Luther King Picture award at a local area high school. Many members of the community attended and the ceremony was broadcast throughout the area. The award is beyond a presumption of guilt for the defendant.

A video of the police Chief of Charleston was discovered. The testimony being in the context of extremely damaging to the defendant, without any factual basis. Its recording was established (app) one

year after the charges were raised against the defendant as the trial was still awaiting a date to be determined. The video was filmed during a local Charleston community rally for Project Unity. The video was uploaded to share on two very large social media's sites: Youtube and Facebook.

Despite the saturation defense counsel did not move for a change of venue. Thus no hearing was held to determine the extent to which

[Continued to next page]
[Pg 4]

the defendant. For the defendant plead guilty to a lesser charge and would have been ~~was~~ inclined to have continued the trial if [but not limited to] the jury had been truly impartial, without any conflicts as guaranteed by his Fifth, Sixth, and Fourteenth Amendments of the United States Constitution.

③

Counsel ineffective and deficient for failing to object to attempted murder indictment, which alleged intent of murder but the evidence revealed that the alleged victim began the confrontation, started the fight, and was the aggravating force.

The defendant was the one who initiated the 911/ Emergency Medical Services to the scene and told police where the alleged victim had appeared to flee to. The evidence obtained supports the defendant's initial statement as he, I did not want anyone to be murdered. Further more there is a reasonable belief that the attempted murder indictment is not of a true bill. For defendant was initially charged with assault and battery in the 1st degree, [with ^{evidence} witnesses to testify] The defendant was given his charge papers reading assault and battery 1st then 15 minutes after, while still sitting in booking the defendant was called up to the desk and handed a new set of papers which read attempted murder. This claim shall be addressed again in a separate claim of state misconduct as for the initial claim of ineffective assistance of counsel I stand strong upon the prejudice of defense counsel's failure to object and preserve the claim for later review. And failing to challenge the Attempted murder indictment when there was no evidence of.

④

Instructions/

Defense Counsel ineffective and deficient for failing to request charges to the court on self defense/stand your ground, defense of others and protection of persons and property with the Castle Doctrine. Counsel's conduct was below standard

because the evidence and testimony of the defendant supported such ^{instructions} charges. The alleged victim had stated he was the aggressor being the one in bringing on the difficulty. The incident took place at the defendant's home, on his property. Counsel should have been aware of the elements of self-defense set forth by State v. Fuller, 297 S.C. 440, 377 S.E. 2^d 328 (1989), the elements of defense of others approved in State v. Hays, 121 S.C. 163, 168, 113 S.E. 362, 363 (1922), and [but not limited to] defense of property recognized in State v. Hiber, 79 S.C. 170, 60 S.E. 438 (1907) and in turn obtained proper ^{instruction} charge from the court, which the facts clearly supported such instruction. Defendant was standing his ground.

⑤

Defense Counsel ineffective for failing to move/motion for a Stand Your Ground hearing.

Defense counsel was extremely deficient for failing to investigate, or observe the facts of the case. Counsel did not care what the defendant had to say - for I begged for a Stand Your Ground hearing. If counsel had cared to investigate, there would have been substantial evidence to support a Stand Your Ground claim as with the defendant's defense which counsel agreed was: defense of self, defense of others, protection of persons and property with the Castle doctrine. A Stand Your Ground hearing was ideal in the defendant's situation, that happened at the defendant's home where the alleged victim stated he had stalked the defendant's girlfriend and the defendant himself, and then stated it was "his duty to be a man" and attacked the defendant. The alleged victim was extremely intoxicated and told to leave the premises of the defendant's residence but instead chose to attack the defendant then aggressively engage the defendant's girlfriend, and then again proceed to again attack the defendant. Defendant's girlfriend stated the alleged victim was in her face and stopped her.

As McAninch and Fahey identify a whole host of situations where the duty of retreat is not applicable to include (but not limit) "In addition to no duty to retreat in one's home, no duty to retreat within the home's curtilage." State V. Jackson, *supra* or beyond the curtilage." State V. Quick 138 S.C. 147, 135 S.E. 800 (1926). The incident took place on defendant's curtilage where he was not engaged in any illegal activity. He and his girlfriend were merely walking home when to the doorstep a drunk hostile individual [the alleged victim] brought on the aggressing force and attacked the defendant.

Section 16-11-420 states it is the intent of the General Assembly to codify the common law Castle Doctrine which recognizes that a person's home is his castle. The General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families and others from intruders without fear of prosecution or civil action for acting in self-defense of themselves and/or others.

The General Assembly finds that Section 20 Article I of the South Carolina Constitution guarantees the right of the people to bear arms, and this right shall not be infringed. As defendant chose this right to protect himself and his girlfriend when he grabbed a knife that was near by.

The General Assembly finds that no person should be required to surrender his/her personal safety to a criminal, nor should a person be required to needlessly retreat in the face of intrusion or attack.

Therefore A person who is not engaged in an unlawful activity and who is attacked in another place where she/he has a right to be has no duty to retreat and has the right to stand his/her ground and meet force with force, including deadly force if he/she reasonably believes it is necessary to prevent death or great bodily

injury to him/herself or another person.

A Stand Your Ground hearing could have rendered the defendant immune from prosecution. Counsel's failure was extremely, Super prejudice to the defendant.

⑥

Counsel ineffective for un-objected trial error. For Counsel failed to object to inadmissible hearsay evidence. Counsel was deficient for failing to object and properly preserve [the] claims for appellate review and therefore the applicants sentence was obtained in violation of the Sixth Amendment's Confrontation Clause [but not limited to]

Counsel failed to object to solicitors opening remarks of hearsay, in which he stated the alleged victim was stabbed 16 times. The discovery disclosed by the state claims 4 times. The states own expert witness who was part of the medical team to operate on the alleged victim testifies to 6 Stabs. Counsel was deficient for failing to investigate / to discover the true extent of how many stab wounds the alleged victim received. Even if defense counsel had only looked at the discovery file he would of known the states ~~opening~~ opening remarks to be false hearsay and then should of objected. For there is a grave prejudice of presenting such an erroneous number of stab wounds to the jury and to the court.

Counsel as well failed to object to the alleged victim who testified to 16 Stabs. the same amount as the prosecutor stated which both were grossly miscalculated. ~~For~~ The states own medical expert ~~was~~ stated 6 stab wounds. Counsel failed to object and correct the states and alleged victim's hearsay which ultimately mistook the judge in understanding. Whereas he believed the alleged victim had been stabbed 16 times which was contradictory and flat out

wrong according to the States own evidence, and own expert witness. The prejudice is very exstenuating for not only the inadmissible hearsay of the State and alleged victim, but also as its obmission to the jury and the judge. The judge based a true harshness in a heavy sentence using his misunderstanding of the amount of times the alleged victim was stabbed. There is an extreme indifference of 16 stab wounds to 4-6 stab wounds. [Counsel cannot assert trial strategy as a defense for failure to object to comments which constitute an error of law and are inherently prejudicial]

⑦ [There exists evidence of material facts not previously presented and heard, that requires vacation of the sentence in the interest of justice.] There are several parts to discuss with the claim of new evidence. In this section it shall be predicated to ineffective assistance of counsel. To come later shall be the States misconduct as in a violation of Brady v. Maryland. And ultimately that there is new evidence.

Defense Counsel ineffective for failing to object to State's failure to disclose potentially exculpatory evidence. The State failed to disclose several items of evidence violating Brady v. Maryland. Defense Counsel was made very aware of such evidence that exists, by me the defendant and by my father. Evidence that was never disclosed. The evidence supports the defendant, would impeach the alleged victim. Defense had no reason to not object to the States failure to disclose other than he simply just forgot or just didn't care - which is significant prejudice. Counsel failed his role as defense Counsel and in fact helped bolster the case against his client.

The evidence the State failed to disclose shall be discussed in further claims. The claim here is defense Counsel's

ineffective assistance. Defense Counsel knew material evidence was not disclosed and did not object. There is no strategic reason, there is no reason except ineffective assistance of counsel. Defense counsel failed to object and failed to preserve the error for later review. ---

⑧

Counsel failed to obtain, investigate, introduce newly discovered evidence. Evidence not heard nor presented to the court asserts a very strong prejudice.

Counsel failed to obtain, investigate, and introduce the alleged victim's toxicology report. The report was never disclosed by the State, Defense Counsel was very aware of its nondisclosure as well as its existence.

A couple weeks before trial my counsel informed me that the toxicology report had been subpoenaed [I do not know how to spell the past tense of subpoena] Subpoenaed. - I was told there had been a subpoena filed to obtain the toxicology report. Counsel exclaimed a week before trial that he had received the toxicology report. Counsel told on individual accounts to me, and my father - Counsel said twice that the report showed several illegal narcotics i.e. drugs in the alleged victim's system, and that his Blood Alcohol Level was way beyond the legal limit. During the trial, while the State's expert medical witness testified I asked my counsel about introducing the toxicology report - I was plainly told that he forgot to bring it.

The toxicology report was/is key evidence. It would show the extreme level of intoxication, and ~~is~~ drug use of the alleged victim. Alcohol to the extent of intoxicating creates all types of behavioral problems including [but not limited to] dilution, paranoid, aggressive,

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hostile... Alcohol alone affects the mind and memory in a hurtful way. The combination of drugs establishes a whole different [but some similar] list of harmful effects on the mind and body such as [but not limited to] blurred vision, scotophobia, confusion, anger, rage, and many more.

The toxicology report would have been in great support of the defendant who's initial testimony stated he, I was scared defending myself and my girlfriend from a crazed street person, potentially a homeless drunk ~~or~~ drug crazed individual.

Counsel fell way below the mark of effective when he simply "forgot" to bring material evidence that was in great support of the defense. The evidence as well as very great impeaching strength of the alleged victim which shall be discussed in a later claim. The claim here is that defense counsel was ineffective with assistance for failing to obtain, and introduce newly discovered evidence.

Counsel failed to obtain and introduce medical reports of the alleged victims injuries. Which would identify the true nature and extent of his wounds. For there was much hearsay, and speculation from the media, the state, and the alleged victim concerning the number of stab wounds. Each opinion conflicted with the evidence disclosed in the discovery file which was disclosed by the state and all was contradictory to the states medical expert witness who was hands-on at the operation.

Counsel failed to investigate and/or obtain any true medical report to determine the exact number of stab wounds as well details such as [but not limited to] whether the stabs were through and through or entry and exit. The size of the knife was $5\frac{1}{2}$ inches and as such kind of culinary profession knife - very sharp.

Counsel did not only fail to object to inconsistent hearsay testimony to preserve it for later review but counsel failed to do any investigation on the medical/forensic evidence which played a huge role in the case. Defense counsel easily prejudiced the defendant - for but not limited to - The defendant would never have plead guilty if the true number of stab wounds had been ~~affirmed~~ affirmed to the jury. At the same time defendant would not have received such a heavy/harsh sentence from the judge if the judge had been made aware of the true number of stab wounds. The extent of injuries has a very pressing role.

Counsel failed to obtain, investigate and introduce the Police Chief's involvement. The police chief never disclosed any statements from the incident until I personally discovered a video of him telling his version of the story of the case at hand. At a ~~status~~ Status Conference Judge Harrington ordered the State to disclose all involvement of the Police Chief. The State said the video was nothing more than material for cross. The State disclosed its notes from a meeting with the Chief that ~~were~~ ^{were} very vague and nothing more.

The Chief of Police states he knew the alleged victim by name, met with the alleged victim several times after the incident, was the last person to talk to the alleged victim before the incident, tells a very damaging story with regards to the defendant which is also very inconsistent with the Police Chief's meeting with the solicitor and testimony at trial. The Chief states he is very good friends with the alleged victims family. The State merely disclosed a few scarce notes from a meeting with the Chief when Judge Harrington had ordered all involvement disclosed. [a State misconduct claim I have for later] Defense counsel failed to object to the states failure to produce as ordered by the

judge. Furthermore defense counsel was made very aware where to locate the said video but did not retrieve/introduce the video because he did not understand how to obtain it from the internet. Defense counsel could have made the judge aware of such troubles and/or counsel should of sought the help of an expert. Defense Counsels performance was beyond deficient and in fact it was absolutely unexcusable.

Prejudice for violating the constitutional guarantee of effective assistance of counsel and for the video has great impeaching capabilities, establishes a friendship of the alleged victim and the Police Chief, a member of the arresting police force which is a representation of the state thus being a conflict of interest, the alleged victim and Chiefs meetings can be said to been used for corroboration.

9

Counsel was extremely deficient when attempting to use, explain and identify the map graphic the state introduced as evidence to illustrate the locations, and routes of defendant and alleged victim. Counsel acted as if it was the first time ever seeing the display, not knowing streets, locations, or understanding the routes. Counsel failed to discredit the alleged victim who stated he was heading home but went the total opposite direction. Counsel should have studied the evidence before hand instead of just guessing. The map shows the alleged victim going way, way, way outta the way to go home. Counsel should have been able to easily discredit the witness. Counsel ineffective for failing to investigate the evidence, impeach the witness and (but not limited to) support the defense.

(10)

Counsel was ineffective and deficient for failing to interview and or call any defense witnesses. Counsel did not interview not even one defense witness. I informed my counsel that there was a mass of available defense witnesses an overloading abundance of public officials such as [but not limited to] police officers, the States own private investigator, Councilmen, there is local business owners, local non profits, animal rescue services, city residents, pillars of the community that would not be friends of mine but references: appearance and conduct, testimony that I am a hard working, productive member of Society, that gives to the community, that helps clean the city, polite and giving to all, helpful to the homeless and needy, one who is gentle and never abusive, one who is kind and respectful. ~~Every~~ Most every business in the downtown community would attest to my overall being to be positive and hard working. ~~There~~ Then there is just as many individuals to call me a good friend. That would deny any allegation of me to be a monster of menace, to wish any harm or hurt to any individual or creature. That I'm loving, compassionate and caring. With such a wide range of witnesses Counsel failed to interview not even one. Character defense witnesses can be used not only to sway the belief of the jury but also in mitigation. Counsel failed to present any defense witness when there was an abundance to ~~also~~ choose from.

Counsel exerted prejudice by failing to have a compulsory process for obtaining witnesses in favor of the defense as guaranteed by the Sixth Amendment in the United States Constitution.

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⑪ Counsel deficient and ineffective for failure to investigate the states witnesses. Counsel failed to investigate the alleged victim, the states main witness. If counsel had investigated, listened to the audio disclosed by the state, or read any of the statements made, Counsel would have been able to impeach the alleged victim for inconsistent testimony and police corroboration. For the initial interview done by the police, in its audio - the alleged victim states he has no knowledge, no remembrance of what happened. He states all he knows is what the police told him. With that testimony a few days later the alleged victim gives a completely different testimony to a local media source. In between the two inconsistent statements the Police Chief meets with the alleged victim and then continues to meet with him.

Defense Counsel is terribly deficient for not impeaching the witness, identifying the relationship and corroboration between ~~the~~ him; the alleged victim and police Chief. Even more plainly the alleged victim states he was drunk and defense counsel still fails to impeach him, and to discredit further with the alleged victims prior drug convictions and evidentiary [fact] based gang involvement.

Defense Counsel failed to impeach all the states main eye-witness witnesses who all openly admitted to consuming alcohol beyond a clear point. As well all witness stories / testimony were inconsistent. Defense counsel yet again failed his client miserably.

If counsel had done any true investigation into a certain eye-witness' testimony as to with the scene it would have been evident that the witness' line of sight was obscure, he was from a great distant, it was completely dark outside with the absence of street lights, the witness wears glasses and had been drinking, and was inside. Counsel failed to cross all witnesses on material points. Counsel

Failed to object to all inconsistent witness statements, contradictory testimony and failed to impeach all witnesses who were ~~had~~ been drinking alcohol. Counsel failed to expose, object and impeach all inconsistencies of witness statements/testimony.

(12) Counsel failed to interview/call an independent expert witness.

Counsel never investigated the state's medical witness, and was taken by surprise at the state's experts testimony. Counsel did not seek an independent witness to challenge or agree with the state's expert. Counsel's conduct was deficient for failing to interview the state's expert or to cross examine him on points pertaining to the extent of the alleged victims injuries.

Prejudice. Foul because properly interviewing or cross-examining the state expert and hiring an independent expert would have revealed that the alleged victims injuries were not as conclusive as the state revealed.

(13) Counsel was ineffective for failing to present any mitigation evidence that would have helped with plea negotiations as well as sentencing. There is a great amount of evidence and witnesses that would/was available but counsel failed to obtain or research any. Things like defendant having a good military record and being a good soldier for the United States of America, defendant has no violent record; no real serious record at all, defendant used to always have a job ~~to~~ to be hardworking, a tax paying member of the community he works together with several animal rescue organizations and even ~~at~~ adopts abused dogs, he restores houses in the downtown area, and [but not limited to] was on bond for nearly 3 years without one missed payment or failure. In fact the bonds company Dinkler Bonding wanted

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to testify to the upstanding great character of the defendant - Counsel failed to introduce any mitigation evidence. Such a failure is very prejudicial for such mitigation could allow for a better plea deal or lighter sentence than what the defendant received. Defendant comes from a great home and long, long line of honorable military men and women.

[I've tried to write neatly but prison conditions stipulate so you'll please bear with it. Thank you]

(14)

Defense Counsel failed to properly advise client of plea deal. During the trial defense counsel informed defendant that the State had just offered a plea deal. Defense Counsel said the deal was if I, the defendant plead guilty the State would reduce the charge from attempted murder to Assault and Battery High and Aggravated Nature. ~~Defense~~ Defense Counsel advised the defendant that Assault and battery high and aggravated nature was a common misdemeanor, that it would be a non-violent sentence and that I would do 55% of the time. Defense Counsel also advised defendant that he would - that I would be eligible for parole every year, with work credits and good time then sentence could even be less than 55%. Defendant plead guilty with that understanding. Once defendant was at Kirkland Road E defendant's father discovered defendant's max out date. It was 2030. - Defendant plead guilty September 15 2016, was sentenced to 10 years on ABHAM and 5 years on possession of a weapon to run consecutively. Defendant's sentence was not non-violent like his counsel said and defendant was/is not eligible for parole until after 8.5 years

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Defense counsel promised defendant the charge of ABHAN was a non-violent sentence and that he would be eligible - every year, starting with the first year for parole. Defense counsel was wrong and lied to the defendant - I only plead guilty because I was led to believe that I would be given a non-violent sentence, to do 55% of the time and be eligible for parole every year. I was given a violent-serious sentence at 88% with no parole eligibility. Prejudice affirmed - for I would never have plead guilty if my lawyer had told me the truth. Defense counsel promised - I was led to believe I'd do 55% of ~~whatever the judge sentenced~~ with parole eligibility every year. My sentence max out date has me doing 13 to 14 years with no parole until after I max out the 10 years. That is not what I agreed to plead guilty to, it's not right, it's not fair.

Furthermore my sentence I plead to was ABHAN and possession of a weapon. I am being held in SCD for ABHAN and ~~possession~~ a firearms provision. There was never any gun of any sort or relevance. There is no gun - the instrument used was a knife. Prejudice for being detained for such an erroneous charge. How can I be sentenced/charged for a gun. In ~~the~~ the interest of justice this sentence should be vacated. Counsel ineffective for failing to adequately advise defendant prior to plea.

⑮ Defense Counsel ineffective and deficient for failing to advise client of the right to withdraw his plea - which I wanted to once understanding that my plea deal was different than what I agreed to. My Counsel gave me no understanding, didn't speak a word of appealing or plea withdrawing. Defendant had no advisement from

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his counsel of his right to appeal or withdraw his plea. Once defendant was sentenced, he, I never heard from my counsel again.

(16) Counsel extremely ineffective by failing to communicate. Not only failed to communicate but in fact had a complete breakdown in communication. I met with my lawyer two times to discuss the case, one hour each time - this was in the period of ~~one~~ ^(app) one year. Both times I told my lawyer that there was evidence and witnesses to advise, that the discovery was incomplete - Both meetings he ignored my requests and just told stories of old bank robbery cases. I then had a 3rd meeting with my lawyer at another lawyer's office - I was told the other lawyer was going to help us. I told them about the case and that I wanted a stand your ground hearing and that there was evidence to obtain and witnesses to subpoena. Both lawyers told me to "relax" and then told old "war stories". Once my trial was placed on the docket I met with both lawyers again this was about a week before my trial. I arrived at the office and met them inside, I cried and told them I was scared - They told me to "go fishing and catch nothing" that was the last time we spoke before trial. Trial lasted for almost four days. My counsel told me I would not be remanded - I was. Defense counsel never came to speak with me in between any of the days or even between recesses. Counsel failed to communicate miserably.

(17) Defense Counsel failed to tell me he was no longer my active counsel. At some point the lawyer I hired, stepped down and passed the role to a different lawyer. I had no knowledge of this until after the trial.

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⑮ Defense Counsel Failed to advise me of the right to testify. I wanted to testify but was never informed or prepared to. I had always thought before trial my lawyer would go over ~~how~~ ~~to~~ ~~to~~ to testify and he never did. During trial after the state had rested I had thought that I was going to get a chance to testify - to tell my side but instead my Counsel told me to take the plea deal offer. I was advised that the plea deal was one thing that it wasn't. I feel like my Counsel had other engagements and just wanted my trial to be over with. He told me not to testify and take the deal and said I had no time to think it over. I ~~was~~ was told "take the deal". The plea deal turned out to be not even what I was told it was. It's not fair that I didn't get to tell my side. That the judge had only heard one side and that he the judge used erroneous hearsay when sentencing me that my lawyer did not object to. My Counsel just lied to me, pushed me to end the trial so they could go do other things - my Counsel and the State worked together to end the trial so they could fulfill the rest of their schedule for the week. That is not anything close to justice. It's just wrong.

⑯ Defense Counsel suffered from serious health problems and was on medication. Counsel never informed me that he was on serious prescription medication that altered the state of his mind. Counsel suffered from extreme pain that as well altered his state of mind. It is inexcusable for Counsel to ~~be~~ not inform me of his condition or for him to represent me while on such strong medication that alters the mind and memory.

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(20)

Defense Counsel beyond ineffective and deficient for failing to obtain complete discovery, failed to interview witnesses - State and defense, failed to move for a stand your ground hearing, failed to move for a change in venue, failed to properly ^{instruct} change the jury, failed to introduce material evidence, failed to object - Failed to object to States Failure to disclose evidence and States failure to correct false evidence, failed to advise client ~~of~~ on: testifying, plea deal, appeal, failed to investigate the scene, failed to communicate, failed to disclose medication usage and condition. ← [to cite a few]

Defense Counsel failed to expose and impeach witness who visited the alleged victim in the hospital potentially corroborating stories, Counsel failed to cross defendant's girlfriend and ask about her statements originally ~~made~~ made that were a large man [the alleged victim] grabbed her and strangled her. Counsel failed to investigate any prior statements of any witnesses as well failed to interview any witnesses. Counsel failed to challenge States expert witness with independent expert.

(21) Counsel Failed to interview detectives [who interviewed the defendant] on points of conduct. As the video/audio picks up the detective on the recording as he exits the door saying "Fuck this cry baby I'm going to smoke a blunt" - because I was crying and confused - The detective would rather partake in illegal drug use than investigate ← [Prejudice to the max] and charge me first with Assault Battery 1st then change to Attempted murder

[#20 is not an inclusive recap just an overall statement of defense counsel] was ineffective

(22) Counsel Failed to call EMS to testify who would of testified that the alleged victim did not know what happened. The alleged victim had several inconsistent statements should have been impeached discredited and his omission should of been he did not know as he originally stated.

(23) Trial Counsel found ineffective for failing to raise a meritorious Fourth Amendment claim that defendant was improperly detained, where the only evidence of the defendants guilt was determined as a result of the unlawful detention ~~by~~.

Defendant was ^{also} ~~remanded~~ ^{remanded} for trial and did not ~~even~~ ^{even} receive a bed and could not sleep. Defendant sat in booting after the first day until the next and was not fed for meal time had come and gone he, I was told. The first day of court lasted until mid day, then I was remanded and eventually transported. I did not receive a bed, instead had to sit in a seat and wasn't allowed to sleep. On the second day I received a bed at 12 am - and was woken up at 2:30 am to be placed back in booting until the transport for court came. This happened the next day as well. I was completely sleep deprived and only fed a couple sandwiches for I was at court all the day and seemed to never get back to the jail intimes to eat. I was sleep deprived and starved and I told my Counsel but he didn't care. :-

(24) With regards to defense counsel failing to advise me of an appeal. Applicant was denied the right to a direct appeal of his sentence. The right to a direct appeal was not knowingly and intelligently waived and trial counsel failed to properly perfect the appeal. In *White v. State* the S.C. Supreme court held that trial counsel is obligated to make certain that a defendant is aware of his/her right to appeal by either pursuing an appeal on the defendants behalf or if appropriate complying with the procedure set forth in *Anders v. State of California*.

- I don't mean to undermine who it is that shall read this. I'm certain you know the law. I am not a lawyer and do not know how to properly address all my claims. - I'm trying my best -

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(25) Trial Counsel did not attempt to prepare applicant to testify in his own defense, only for about 15 minutes did Counsel speak to the defendant about testifying. It was Counsel's obligation to me, to prepare me to testify if it was so my decision to do so.

10(b)

Applicant's right to due process of law and the right to a fair trial guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and South Carolina's Constitution ^{were} ~~was~~ violated as a result of the State's misconduct [but not limited to]

(11b.) Supporting Facts: [but not limited to]

Under Brady v. Maryland, the prosecution has an affirmative duty to make available to the defense any evidence which is exculpatory for the defendant in a criminal trial.

① The State failed to disclose a ~~news~~ news broadcast of the alleged victim and State's main witness. The statements made are material testimony evidence. The testimony in the video are extremely inconsistent with the alleged victim's original statement/testimony. The State failed to disclose material impeachment evidence related to the State's primary witness who is also the alleged victim. The material change in the testimony should have been disclosed to the defense. A Brady violation

is material in the context of a guilty plea case when there is a reasonable probability that, but for the government's failure to disclose Brady evidence the defendant would have refused to plead guilty and continued trial. As I would have.

- This is only one violation out of several I am to list -

The material change in testimony of the alleged victim is a huge piece of evidence and the State failed to disclose it. The evidence has great power to impeach the States main witness being the alleged victim.

There is also evidence of the Police Chief meeting with the alleged victim. Before the alleged victim meets the Chief he is interviewed by the police and he gives his testimony - and it is that he doesn't know anything about what happened all he knows is what the police ~~have~~ have told him, and he just doesn't remember the incident. Then the Chief of Police meets / goes to visit the alleged victim in the hospital. [and I have to wonder if the Chief of Police visits all alleged victims in the hospital or if this time was different and the meaning with in that] A few days after they meet, the alleged victim gives a completely ~~new~~ new statement that is very, very inconsistent with the first. It's as if the Chief of Police told him what to say or to say helped corroborate the ^{alleged} victims testimony. The grave issue that I know to be true is that the state failed to disclose the video of the alleged victim giving his statement, and or what the statement was.

The witness had made a prior inconsistent statement that was not disclosed to the defense and the solicitor failed to correct this false testimony. The

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Solicitor may have thought either that the witness, and alleged victim who testified at trial to another inconsistent testimony - [all three statements were inconsistent from each other] - that the witness misunderstood or that he simply did not recall the events. This is/was error because the issue is not why the witness failed to tell the truth: rather it is why the solicitor, who knew testimony to be false, failed to correct it. The failure to correct false evidence is as reprehensible as its presentation.

If the state claims to not know of the video or inconsistent change in testimony then I move for the introduction of newly discovered evidence.

② The State failed to disclose the alleged victims toxicology report and by doing so violated Brady v. Maryland. The toxicology report/documentation is exculpatory evidence. The toxicology report can be used to impeach the alleged victim, to show the consumption of alcohol by the ~~alleged~~ victim until he was way beyond the legal realm of "drunk", the report would also demonstrate narcotics as in drug use by the alleged victim. The consumption of alcohol alone causes many problems in the mind and body some of those examples are memory loss, illogical thought process, ~~aggression~~ aggression, agitation, hostility, confusion... all which would be relevant to the case and further support the defense as well further discredit and impeach the alleged victim.

The addition of narcotics can further affect the mind, the body, eyes, ears, the perception of reality, cause hallucinations... Such evidence would benefit the defense in support of the alleged victim to have been drunk and on drugs, to be the initial aggressor, the aggravating cause and very intimidating to the defendant. The States failure to disclose such evidence is thus very prejudicial to the defendant and unconstitutional. The defendant who originally

Stated - which was disclosed by the state, as the initial interrogation by the detectives was, that the defendant was standing his ground, protecting his girlfriend, defending himself, and his home against a drunk, drug crazed individual, whilst being on his property of his home which is located on a very dark street, in a crime ridden area. The toxicology report would support the defendant and his defense, impeach the alleged victim. Showing the alleged victim would not have been of a "sound mind" but "wasted" and intoxicated. The evidence could be used to motion for a Stand Your Ground hearing. It compromises the states claim of the alleged victim being a "good Samaritan hero". And further allows investigation of the character of the alleged victim who has prior drug conviction(s) and is a known member of the gang Sumner Town Band. A Brady Violation is in result to the states failure to disclose evidence. It is inexcusable and unjust to the defendant. Further more if the state denies the knowing of such evidence then it move for the introduction of newly discovered evidence.

③ The State Failed to disclose any medical/forensic report(s), specifically to the extent, and true nature of the alleged victims injuries. The state began the trial with its opening remarks stating inadmissible hearsay of the alleged victim being stabbed 16 times. The alleged victim states his injuries consistently with the state. Both statements are speculative hearsay. The states own expert witness and medical professional who was "hands on" during the alleged victims surgical operation testifies to the amount of stab wounds as 6 (six). The state submitted hearsay and it failed to correct the false testimony of how many stab wounds the alleged victim said he received. Failing to correct false testimony evidence. The presiding judge became misinformed and uncorrected. He understood the falsified submission

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of 16 Stabs as factual. The judge used the false hearsay testimony evidence with "harshening" the defendant's sentence; increasing the punishment. Thus being extremely prejudicial to the defendant.

The State failed to disclose the medical evidence which would be used to object to the States inadmissible hearsay to the jury. The actual report would give impeachment to the alleged victim for his testimony of stab wounds. The report would show the jury and the judge that the true extent of the injuries were not as horrific as the state and alleged victim elaborated them to be. The judge would have the facts of the injuries and not be represented some wild number of stab wounds. The report will/would show if wounds were through and through or just entry. The State failed to disclose evidence violating Brady and the state failed to correct false evidence of its own opening statement and the alleged victim's testimony of 16 stab wounds - for the States own expert witness testified to 6 stab wounds, the discovery the State disclosed represented ~~4~~ 4 stab wounds. Either the disclosed discovery of the medical expert witness should have been what the state used and allowed as to the amount of stab wounds.

Police talking to doctor/nurse as true medical report

The report would also further the support of the defense who admitted to 3 to 4 Stabs, and discredit of the alleged victim.

Prejudice is that the judge would not of sentenced the defendant so heavily if he had been informed and retained the knowledge of the true number of stab wounds, nor would the defendant have plead guilty if the true extent of the stab wounds had been

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precisely identified to the jury - For there is a grave difference between 4 to 6 and 16 stab wounds. It is prejudice to falsify facts and harmful to the defendant.

The State failed to correct false testimony, the State gave omission of hearsay to the jury and judge. [without challenge [IAC]], the State failed to correct the judge's misunderstanding. I received a heavy sentence, for stabbing a man because [but not limited to] the State did not correct false testimony evidence that led the judge to understand an erroneous amount of stabs, that were incorrect and said to be incorrect by the States own expert witness.

The number of stab wounds is very much prejudice for 16 stabs does not sound like self defense while 4 stabs does. ~~The ~~my~~ defense~~ gives much more of a belief in defense. I was charged with attempted murder - and the State falsified facts and evidence to place me in that category. All I was doing was protecting myself and my girlfriend. I stated initially to the police that I stabbed the man 3 to 4 times and dropped the knife when the alleged victim let go of me and ran off.

The correct number of stab wounds is very important.

④ The State failed to disclose potentially exculpatory evidence of the Police Chief of Charleston's: notes, speeches, meetings with the alleged victim, videos - any and all involvement of the Chief in the case at hand.

A video of the Police Chief is posted on Facebook and Youtube. It is of the Chief about a year after said incident and about one year before said trial. He is speaking to the general public, telling a story

of/about when the alleged victim was stabbed. There was never any mention of the Chief's involvement. His name appeared one time to say he was on scene. Nothing more. I personally discovered the video shortly before my trial. I made my lawyers aware of its existence and my lawyers in turn made mention to the judge at our "Status Conference". The prosecution claimed they were aware of the video and then denied it had any relevance to the case. The judge then ordered all involvement of the chief to be disclosed to the defense.

The State failed to obey the judge's order. The State produced ~~four~~ a few very vague sentences from a meeting with the chief. The judge ordered the chief's notes, rallies, meetings full involvement - which was never disclosed. The Chief stated he had no part in the case, just he was routinely on scene.

In the video the chief says he knew the alleged victim prior to the incident, says he is friends with the alleged victim, and alleged victim's family. The chief says he met with the victim numerous times after the incident. The chief then makes very specific testimony inconsistent with the whole case. The video and ~~the~~ involvement of the chief are very very important pieces of the evidence. And as the state was ordered to produce all evidence it failed to do so. How come the state can just ignore the judge's order. It's not the state's job to opinionize - if evidence is important or not, it's their duty to disclose all potentially exculpatory evidence. Prejudice only begins to address the state's misconduct.

The Chief's statements on the video are widely accusational, prejudicial slander with no merit.

to fact. Spoken by the Chief of Police to the general public of an ongoing investigation is extremely prejudicial.

I am unaware where the Chief would have obtained any knowledge of the incident for he stated at trial that he was very limited with any involvement in the case. The police Chief's testimony from trial is very inconsistent with his prior statement in the video. Thus the state failed to collect false evidence, and the state failed to disclose Brady material. The states misconduct of failing to correct and disclose evidence is extremely prejudicial. The video could be used to impeach the Chief of Police, it would have perpetuated a charge of venue. The disclosing of the video and Chief's full involvement would have led to further identifying and investigating the Chief's true involvement with the alleged victim - further questioning the Chief's character. The Chief can be factually said as having a very close relationship with the alleged victim which is very unbecoming of his position in the community for the alleged victim is a known gang member. Any and all evidence of any involvement with the alleged victim was ordered to be produced and disclosed by Judge Harrington be it notes, phone calls, meetings, groups he and the alleged victim are members of, how he first became to know the alleged victim and so forth are all very relevant. There are a wide variety of presumptions between the Chief and alleged victim, one being that the alleged victim was, or is a confidential informant for the Chief, and well the alleged victim and Chief's relationship is prejudicial to the defense for the alleged victim and Chief corroborated their stories together - the Chief says he's not involved on the record but then is caught saying he was involved. There is just too much evidence that the state

[but not
limited
to]

failed to disclose, and failed to correct with a huge conflict of interest with the Chief and alleged victim. The Chief who ~~inturns~~ is part of the State should of disclosed all involvement with the alleged victim. Even the Chief says the alleged victim was drunk and aggressive.

⑤ The State held misconduct for the prosecuting Solicitor Daniel Cooper should of either recused himself or disclosed a conflict of interest. There is direct evidence of Mr. Cooper having several conversations with a mutual friend. The subject matter of those conversations is me, the defendant. Mr. Cooper assured our mutual friend that I should not worry about the trial. That I will be okay. He led me to believe that because of all our mutual friends [which is more than a few], ~~that~~ ^{and} the fact that he has been a customer of mine and really enjoys my place of employment for (app) 8 years that he was going to help me out, that he was going to be a friend to me. He communicated several times with the same reassurance.

I've known Mr. Cooper since he was the general manager at the Publix on James island and since has been coming to A.C.'s Bar and Grill, where I have been employed for nearly 10 years. Mr. Cooper and myself have a ton of mutual friends, attend the same social gatherings, and hang out at the same places.

He led me on to believe that he was on my side - looking back now I can't say if he was acting as a concerned friend or if he held a grudge against me. As an employee of A.C.'s I held a variety of positions. One of my duties was to sometimes cook. Mr. Cooper ate there alot. How do I know he is not just holding a grudge over a bad meal, or poor customer service.

Or because he would get intoxicated, stumble around drunk wearing a Superman shirt but barely able to walk and we - myself and other employees would laugh at him. It can't be said that his intentions of interest were merely of the law. I do not know if Mr. Cooper wanted to punish me or help me out. He did convey messages through a third party to be named that I had nothing to worry about as in the ongoing case that I would not receive any prison time was my understanding. Regardless of if he wanted to help me or hinder me - this is a serious error of misconduct. Daniel and I share a strong conflict of interest. Mr. Cooper was not the original prosecutor of the case and it is unclear if he was assigned or if he petitioned for my case. Why he did not disclose the conflict of interest, I do not know, but his misconduct is a serious matter.

⑥ The state failed to uphold their plea deal offer ~~in~~ in which was detrimentally relied on by the defendant. The offer informed was a non-violent sentence at 55% with parole eligibility every year, starting with the first year. That is not what the sentence became. It ended up to be a violent serious sentence with no parole. I would have never plead guilty knowing such.

⑦ The judge never questioned the defendant or informed that the charge and sentence were of great severity. I was understanding that Assault and Battery High and Aggravated Nature was a common misdemeanor. I was unaware that

It was a serious violent charge that carried up to 20 years.
I would of never plead guilty knowing such.

⑧ The state forced the alleged victim to testify. He did not want to go to the trial, he did not want to be there and in one way or another Mr. Cooper and the State Coerced the alleged victim to testify

- Further more if defense counsel had interviewed the alleged victim it would have been known that he, the alleged victim had moved on with his life, didnt want to be a part of the trial nor sought to help the state with its erroneous charges on the defendant.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Chad Patrick Stalnaker, #369754,	)	Case No. 2016-CP-10-0272
	)	
Applicant,	)	
	)	RETURN AND PARTIAL MOTION
v.	)	TO DISMISS
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent (the "State"), making its Return to the Application for post-conviction relief filed on January 18, 2017, would respectfully show this Court:

I.

Chad Patrick Stalnaker ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. During its September 2014 term of court, the Charleston County Grand Jury indicted Applicant for attempted murder (2014-GS-10-5431) and possession of a weapon during the commission of a violent crime (2015-GS-10-5434). William Runyon, Esquire, and Stan Jaskiewicz, Esquire, represented Applicant. Assistant Solicitors Daniel W. Cooper, Esquire, and David Osborne, Esquire, prosecuted the case. On September 12, 2016, Applicant proceeded to trial before the Honorable W. Jeffrey Young. However, on September 14, 2016, Applicant opted to forgo his jury trial and pled guilty to the lesser included offense of assault and battery of a high and aggravated nature and as indicted to possession of a weapon during the commission of a violent crime. Judge Young sentenced Applicant to imprisonment for concurrent terms of ten years for assault and battery of a high and aggravated nature and five years for possession of a weapon during the commission of a violent crime, with both sentenced to be served consecutively. Applicant did not appeal his

conviction or sentence.

II.

At approximately 3 a.m. on May 18, 2014, Applicant and his girlfriend were walking home when they became engaged in an altercation that turned physical. (Tr. p. 55). Victim, an unrelated bystander, saw the argument from across and out of concern for the girlfriend's safety, crossed the street to intervene. (Tr. pp. 54-55). As Victim approached, Applicant began attacking Victim until another bystander broke up the fight; Applicant and Victim then separated and went in different directions. (Tr. pp. 55-56). Applicant then disappeared behind a house and then reappeared, this time with a knife. (Tr. pp. 56-57). He approached Victim, who was without a weapon and unable to escape. (Tr. pp. 56-57). Applicant stabbed Victim numerous times, resulting in sixteen different stab wounds. (Tr. p. 58).

III.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failed to move for a change in venue as a result of a large amount of media attention towards the case and the victim
 - b. Failed to object to attempted murder indictment, which alleged intent of murder, but the evidence revealed that the alleged victim began the confrontation, started the fight, and was the aggravating force.
 - c. Failed to request charges to the court on self defense/stand your ground, defense of others and a protection of persons and property within the Castle Doctrine
 - d. Failed to move/motion for a Stand Your Ground hearing
 - e. Failed to investigate or observe the facts of the case
 - f. Failed to object to inadmissible hearsay evidence
 - g. Failed to object and properly preserve the claims for appellate review
 - h. Failed to object to the alleged victim who testified
 - i. Failed to object to the State's failure to disclose potentially exculpatory evidence that violated Brady v. Maryland

- j. Failed to obtain, investigate, introduce newly discovered evidence, including the victim's toxicology report and medical reports of the victim's injuries
- k. Failed to obtain, investigate, and introduce the police chief's involvement
- l. Deficient when attempting to use, explain, and identify the map graphic the State introduced as evidence to illustrate the locations and routes of defendant and alleged victim
- m. Failed to discredit the victim and investigate him
- n. Failed to interview and call any defense witnesses
- o. Failed to investigate the State's witnesses
- p. Failed to impeach all the State's main eye witnesses
- q. Failed to interview/call an independent expert witness
- r. Failed to present any mitigation evidence that would have helped with plea negotiations as well as sentencing
- s. Failed to properly advise client of plea deal
- t. Failed to inform client of the right to withdraw his plea
- u. Failed to communicate
- v. Failed to tell me he was no longer my active counsel
- w. Failed to advise me of the right to testify
- x. Never informed defendant that Counsel was on serious prescription medication that altered his state of mind
- y. Failed to obtain complete discovery
- z. Failed to interview detectives
- aa. Failed to call EMS to testify who would have testified that the victim did not know what happened
- bb. Failed to raise a meritorious Fourth Amendment Claim that the defendant was improperly detained
- cc. Failed to advise him of an appeal
- 2. State's misconduct result in a due process violation and right to fair trial violated
 - a. Failed to disclose the victim's toxicology report and other medical evidence
 - b. Failed to correct false testimony
 - c. Gave omission of hearsay to the jury
 - d. Failed to correct the judge's misunderstanding
 - e. Failed to disclose potentially exculpatory evidence of the police chief of Charleston's notes
 - f. Failed to obey the judge's order
 - g. Prosecutor should have recused himself or disclosed a conflict of interest
 - h. Failed to uphold their plea deal offer
 - i. Never questioned the defendant or informed him that the charge and sentence were of great severity
 - j. Forced the victim to testify

Attached to this Return and incorporated by reference are the records of the Charleston

County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial/plea transcript, and the post-conviction relief application. The State reserves the right to amend this Return upon receipt of any relevant materials.

IV.

The State submits Applicant's allegations of ineffective assistance of counsel are without merit. In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, Applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the

proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 (1985).

The State submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the State requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989). Therefore, the State submits this allegation should be summarily dismissed.

VI.

The State therefore requests this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis there is no genuine issue of

material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

Additionally, Applicant must specify any claims he intends to raise at the post-conviction relief evidentiary hearing. Any claims not specifically laid out in this post-conviction relief application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCPP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCPP. Pro se filings will not be considered at the post-conviction relief hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. See Rule 15(a), SCRCPP.

VIII.

Each and every allegation contained within the post-conviction relief application not expressly admitted, qualified, or explained in this Return is hereby denied.

[Signature block on following page]

IX.

WHEREFORE, the State requests that an evidentiary hearing be held on the claims of ineffective assistance of trial/plea counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

By: Megan Harrigan Jameson
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July 6, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	
	)	
	)	2017-CP-10-0272
CHAD PATRICK STALNAKER,	)	
S.C.D.C. No. 369754,	)	
	)	
Applicant,	)	
	)	
vs.	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Partial Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James Falk, Esquire
Falk Law Firm
PO Box 1058
Charleston, SC 29402

DATED this 6th day of July, 2017.


 Brianna Arnone, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2017-CP-10-0272
	)	
	)	
CHAD P. STALNAKER	)	
	)	
Applicant	)	
	)	
vs.	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

July 23, 2018
Charleston, South Carolina

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON, JUDGE

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

JAMES K. FALK, ESQ.
Attorney for the Applicant

KELLY OPPENHEIMER, ESQ.
Attorney for the Respondent

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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PROCEEDINGS

THE COURT: This is Chad Patrick Stalnaker verses the State; 2017-CP-10-272. He filed his application on January 18th of 2017. I have a copy of the Return but I don't have a filed copy of the Return because they're looking for the file.

But I do have the Applicant's Return to the Respondent's partial Motion to Dismiss and Amended PCR. So do I have the amended application or do I just have this original application? Did you all know there was an amended application apparently? Yes ma'am?

MS. OPPENHEIMER: Your Honor should have a copy in your file. If not I can give you ---

THE COURT: --- Clerk's Office can't locate the file; they're looking for it. They printed out for me what they thought was germane to my determination. But they wouldn't know to print out an amended copy.

MS. OPPENHEIMER: May I approach, Your Honor?

THE COURT: Yes. An amended petition rather.

[Whereupon, Ms. Oppenheimer provides documents to the Court]

THE COURT: It doesn't have his amended -- it says here Applicant's Return to Respondent so that means there must have been an amended PCR.

MS. OPPENHEIMER: I believe the amendment was

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1 incorporated within this. This is all that our office
2 received was in this document.

3 THE COURT: So y'all never got the amended PCR?

4 MS. OPPENHEIMER: No, Your Honor. I believe this
5 is the amendment.

6 THE COURT: It's your amendment or his amendment is
7 what I'm saying.

8 MS. OPPENHEIMER: It's the Applicant's amendment.

9 THE COURT: But I don't have his actual amendment
10 is what I'm saying. Do you have the amended application
11 Mr. Falk?

12 [Whereupon, an off the record bench conference is
13 held regarding the Applicant's application]

14 THE COURT: Is the State ready to proceed?

15 MS. OPPENHEIMER: We are, Your Honor.

16 THE COURT: Is the defense ready to proceed?

17 MR. FALK: We are, Your Honor.

18 THE COURT: Who do you want to call first Mr. Falk?

19 MR. FALK: Could I call my client to the stand?

20 THE COURT: Sure. Sir, stand for me and raise your
21 right hand to be sworn.

22 [Whereupon, the Applicant complies]

23 [Whereupon, the witness is duly sworn by the Court]

24 THE COURT: You can put your right hand down, sir.
25 State your full name for the record.

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1 THE APPLICANT: Chad Patrick Stalnaker.

2 THE COURT: You can take your seat Mr. Stalnaker.

3 If you could, spell your last name for the court
4 reporter.

5 THE APPLICANT: S-T-A-L-N as in November, A-K-E-R.

6 THE COURT: And the Court appreciates you speaking
7 loudly and clearly.

8 THE APPLICANT: Yes, ma'am.

9 THE COURT: And the court reporter she is shaking
10 her head. She appreciates it too. You may proceed, Mr.
11 Falk.

12 MR. FALK: Mr. Murphy did it this way and this is
13 your preferred way?

14 THE COURT: It is. It's just much easier than them
15 trying to walk in shackles.

16 MR. FALK: Sure.

17 THE COURT: You may proceed.

18

19

20

21

22

23

24

25

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1 CHAD STALNAKER,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. FALK:
6 Q. Mr. Stalnaker, how did you -- who represented you in
7 this case?
8 A. Mr. Stan Jaskiewicz, Stanley Jaskiewicz.
9 Q. Okay. And ---
10 A. --- was my retained lawyer.
11 Q. And did anyone else assist him in the case?
12 A. Mr. Bill Runyon assisted him.
13 Q. Okay. And in your application for PCR you had
14 suggested there should have been a change of venue. What
15 is your recollection of -- why did you think there should
16 have been a change of venue?
17 A. I think more not that I was guaranteed to have a
18 change of venue but that the jury pool be interviewed to
19 see how saturated or contaminated from the media or
20 ongoing events ---
21 Q. --- what's your recollection of the media coverage of
22 this event?
23 A. Well, there were several videos. There is a project
24 unity video, a Channel Five live news broadcast, a couple
25 of Internet forum sites like Charleston Thug Life. The

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1 alleged victim also received a donation of like a new
2 smile and he was just accredited to be a good Samaritan
3 hero in the community before the trial or anything ever
4 commenced.

5 Q. Was there a Go Fund Me page?

6 A. There was a Go Fund Me. A dentist volunteered to do
7 work on his mouth and give him a new mouth. There was a
8 Go Fund Me.

9 He participated with police chief Mullen in a lot of
10 area events like Project Unity like I mentioned, which I
11 think is like outreach in the community against violence
12 so to say.

13 And they gave a lot of hearsay I guess you could
14 say, a lot of unsubstantiated claims throughout these
15 videos to the community.

16 And I used the Project Unity one specifically
17 because it took place a fifth of mile away from my house
18 a year before the trial commenced by the police chief who
19 was part of the case ongoing.

20 Also he was awarded a Martin Luther King picture
21 award at Burke High School. Now this is all before the
22 trial or any conviction or any plea or anything.

23 This is still where I believed that I was innocent
24 until proven guilty. But the conduct and the demeanor of
25 these videos are just placing guilt upon me. And so I

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1 think that the change of venue, not that I should have
2 been guaranteed the change of venue but just that the
3 jury pool it should have been found out if they were
4 poisoned or contaminated by all of this saturation.

5 Q. And did you discuss that with your lawyer?

6 A. I did vaguely. I mentioned all the videos and
7 everything. I didn't -- a lot of this stuff I found out
8 after the fact too.

9 I didn't know some things existed right away. But I
10 spoke of that there was a large presumption in the
11 community of guilt upon me before the trial; yes sir.

12 Q. Okay. So why don't you tell me -- so as I read
13 through the transcript it looked like the State put on
14 their case and they rested. And then Judge Young read
15 you your rights as far as testifying, is that correct?

16 A. Yes, sir.

17 Q. And then there seems to be a gap in the process and
18 were there settlement discussions?

19 A. I'm not sure who initiated what but the State after
20 they rested their case and the Judge had instructed I
21 believe that the prosecution and my attorneys they met in
22 the back of the courtroom and I believe that the State
23 offered ---

24 MS. OPPENHEIMER: --- objection, Your Honor. It
25 calls for speculation. He wasn't ---

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1 MR. FALK: --- he just means what his recollection
2 of the ---

3 HE COURT: --- yes. He can only say what he
4 rationally perceived or what he knows of his own personal
5 knowledge. He can't say what he believes happened
6 because there is no factual basis for that. So if you
7 want ---

8 Q. [Mr. Falk] --- were you told what the plea offer
9 would be?

10 A. Yes. I was told that the State offered a plea deal.

11 Q. And what were you told that the deal was?

12 A. I was told that I could plead guilty to assault and
13 battery of a high and aggravated nature and that that --
14 and I asked my lawyers several times what that would
15 mean.

16 And they pronounced it as meaning that I would do
17 about 55 percent of the time served, that it would be
18 non-violent, parole eligible, and work release
19 eligibility.

20 Q. And when did they tell you that?

21 A. After the State rested and they had their discussion
22 I was informed.

23 Q. Was there anyone else present when they were
24 discussing it with you?

25 A. Yes, sir. My girlfriend at the time Ashley Zeigler,

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1 my father Eric Stalnaker, and my mother Theresa

2 Stalnaker, Mr. Stan, and Mr. Bill.

3 Q. Okay. Had there been a plea offer in this case
4 earlier?

5 A. At the very, very beginning of the case I had a
6 public defender, Benjamin Lewis. And he told me he had
7 spoke with the Solicitor and the Solicitor said that he
8 could talk to his boss about a ten year plea. And I told
9 them that I did not want to take a plea of ten years.

10 Q. Why was that?

11 A. Well, also at the time I was under the assumption I
12 didn't understand that there was percentages and violent
13 verse non violent. I was under the assumption that a ten
14 year plea was ten years day for day.

15 And I thought I had a good enough case and I wanted
16 to testify and tell my story that I was just standing my
17 ground and so I didn't want to plead to anything. I was
18 terrified of going to prison.

19 You know I've never been or anything and I didn't
20 want to plead to ten years. I didn't think that was a
21 good thing to do at all; especially when I believed that
22 I was in the right.

23 Q. Okay. So then why did you go ahead and plead guilty
24 with no plea offer on the table; as far as no
25 recommendation for sentencing on the table?

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1 A. Well, my counsel had informed me that they wouldn't
2 give me the max, that they would most likely give me ten
3 years on assault and battery of a high and aggravated
4 nature and in turn they informed me that that meant I
5 would only do about five years.

6 But I would be eligible for parole every year
7 starting with the first year. And I thought I would be
8 an outstanding candidate for parole.

9 You know I had never been to prison. I have a
10 military record; my whole family has a military career.
11 You know I adopt ---

12 MS. OPPENHEIMER: --- objection, Your Honor.
13 Relevance ---

14 THE COURT: --- basis? I'm going to give him a
15 little latitude. Sir, you may continue your answer.

16 A. I thought I was an upstanding citizen in the
17 community and I figured when I get to prison I might be
18 able to help and shine out as I did.

19 I've been a teacher assistant helping inmates get
20 their GED. And I thought I would be a good candidate for
21 parole and make it after the first year and just be done
22 with all this.

23 Q. [Mr. Falk] But again, you were told that you would
24 be paroled -- that you would be up for parole every year
25 and that you would only serve about five years of that

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1 sentence, is that correct?

2 A. Yes, sir.

3 Q. Okay. So you thought you would only serve -- you
4 talked about you weren't familiar about percentages. But
5 did your trial counsel tell you something about
6 percentages when they're talking about ---

7 A. --- yes sir. They informed me that it would be non-
8 violent and non-violent meant 55 percent or possibly
9 could be worked down even further with certain programs
10 or good time and good behavior.

11 Q. Okay. Now you talked about stand your ground.

12 A. Yes, sir.

13 Q. And you never really got an opportunity to testify
14 at trial. What would your story have been if you were,
15 why do you think you had rights under the South Carolina
16 Stand Your Ground, Castle --

17 A. Because I was on my property at my home that me and
18 my girlfriend -- I had all the right to be there. I was
19 sober minded just coming home from work and an individual
20 attacked me and then attacked my girlfriend and then
21 attacked me again; all on the property of my own home.

22 And I feel like I didn't have to retreat, that I had
23 the duty to stand my ground; especially since I wasn't
24 the aggravated factor.

25 Q. Okay. So let's go through this. Obviously, the

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1 Judge has as she said about reading the trial transcripts
2 so generally there was a discussion of two parts, is that
3 correct?

4 A. Yes, sir.

5 Q. Two altercations?

6 A. Yes, sir.

7 Q. How did it -- what would your testimony have been of
8 how the first altercation started?

9 A. The first altercation started as I was walking up to
10 my house probably 50 feet away from my house and there
11 was a gentleman standing in front of it on the sidewalk,
12 on the curb.

13 Q. Who were you walking with?

14 A. Who was I walking with?

15 Q. Yes.

16 A. My girlfriend trailed behind me several feet.

17 Q. Okay.

18 A. But as I got to the house there was a guy there and
19 he mumbled something to me; I couldn't understand what it
20 was. And I just assumed that he was kind of like a
21 street person.

22 The area where we lived on is Coming at Line and at
23 the time it had a lot of bums and crime and stuff like
24 that. And you know I'm used to getting hassled about
25 money or cigarettes especially wearing my work outfit.

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1 And I just assumed that it was some bum asking for money.
2 But then he attacked me. He hit me and we fell to the
3 ground.

4 And at that time another neighbor came and broke up
5 the fight kind of thing; hey, hey break it up you guys.
6 And at that time we got up and I said this is my house, I
7 live here; I just want to go home.

8 I've been a work all night you know I'm tired and I
9 just want to go home. This is my house. And at that
10 time the guy who I just got into it with was throwing up
11 on the grass and the sidewalk.

12 And I went on to my porch and I looked out over
13 because my girlfriend Daniella has the keys to get into
14 the house; we only had the one set. I look over and see
15 her and I see the guy who I just got attacked by run up,
16 grab her and slam her into the brick wall.

17 And at that time I grabbed my work knife off the
18 porch and I jumped down and then at that time the guy ran
19 at me and I stabbed him three or four times is what I
20 remember. He ran off, I dropped the knife and I shouted
21 for someone to call 911.

22 Q. Okay. And you talked to your lawyer about a stand
23 your ground hearing?

24 A. I did. I did. I asked for a stand your -- I didn't
25 know exactly how it all worked. But I believe that we

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1 could just motion for a stand your ground hearing and
2 that's what I really, really wanted.

3 I believed that I could speak to a Judge and convey
4 my story and show the evidence and all with the witness
5 testimony and everything that I had the right to protect
6 myself and my girlfriend and my home; you know protection
7 of myself and protection of persons and property and the
8 Castle Doctrine all seemed to be fitting the
9 circumstances. And I believed that that all entails into
10 stand your ground.

11 Q. Do you recall any testimony about a toxicology
12 report?

13 A. I remember talking to Mr. Runyon on the phone and
14 him telling me that he had subpoenaed for a toxicology
15 report.

16 Q. Okay.

17 A. And then I remember him telling me that he had
18 received the toxicology report and it had showed the
19 illicit drug activity and the alcohol consumption.

20 Q. By who?

21 A. Desmond Casey, the alleged victim. Now during the
22 trial the hands on doctor was testifying, Doctor Eric
23 something I think is his name. And at that time I asked
24 my counsel about introducing the toxicology report and
25 they didn't have it. And they asked the doctor about it

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1 who was testifying and he said it was out of his scope of
2 practice that that would have been an anesthesiologist
3 and so it was never introduced or heard by the court.

4 Q. And what did you believe the toxicology report
5 showed?

6 A. I definitively knew that it would show alcohol
7 consumption for Desmond Casey admits to drinking four to
8 five shots in the period of less than an hour. And so I
9 believed that it would show intoxication.

10 I'm not exactly sure what the blood alcohol would
11 be. And also at the bar that he was hanging out in is
12 called the Recovery Room and I know the owner really well
13 and the kind of crowds there and stuff. And I would
14 assume that there would be cocaine ---

15 MS. OPPENHEIMER: --- objection, Your Honor. Calls
16 for speculation.

17 THE COURT: Sustained. Lack of foundation.

18 A. Well, I believe Desmond Casey also has a prior drug
19 conviction ---

20 MS. OPPENHEIMER: --- objection, Your Honor.

21 THE COURT: Sustained. Lack of foundation.

22 Q. [Mr. Falk] But the toxicology report was not
23 introduced?

24 A. No, sir. I believe that the toxicology report ---

25 Q. --- what was your understanding of what the defense

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1 was going to do? Were you going to call witnesses?

2 A. We did not have any witnesses scheduled to call, no
3 defense witnesses or no character witnesses with the
4 exception of my mother and father.

5 Right before the trial my lawyers opted to put them
6 on. But they never got to testify because I spoke to
7 them on the phone. I didn't understand the rules and
8 neither did they.

9 And I guess since I spoke to them on the phone
10 before they testified when I was in the jail that they
11 couldn't testify. So we had no witnesses whatsoever.

12 Even though I gave a whole slew of witnesses be it
13 private investigators and police officers who aren't my
14 friend by any means but that would give a good character
15 reference of me from work relations and being part of the
16 community. Kenny Barnhill [phonetic] who works at -- I
17 think he's a private investigator ---

18 Q. --- so you had character witnesses that you wanted
19 to call?

20 A. Yes, sir.

21 Q. Okay. So when you were pleading guilty did you have
22 any conversations with the Judge as to whether this would
23 be a serious offense ---

24 A. --- no sir ---

25 Q. --- non-parole 85 percent or anything like that?

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1 A. No, sir. The Judge never gave me any kind of
2 information about severity or not of the sentence or what
3 it all entailed.

4 Q. Okay. Do you recall a situation coming up in the
5 trial regarding Juror 36 and you probably would have
6 known her by her number but it was a juror who possibly
7 was related to somebody who works ---

8 A. --- family was related to the prosecution's office.

9 Q. What's your recollection of that?

10 A. My recollection of that is that the juror I wanted
11 to be removed for potential bias for being the family
12 related to the prosecution.

13 My understanding was if that juror had been removed
14 it would have been a hung jury and we would have had to
15 go through the process completely again because the two
16 alternates had already been replaced. The Foreman of the
17 jury was dismissed ---

18 Q. --- let me back up. Do you think he said hung jury
19 or mistrial?

20 A. I don't know the answer to that.

21 Q. But what -- so without the terminology you thought
22 do it all over again ---

23 A. --- I thought we would have to have a whole another
24 jury pool of a whole bunch of people and go through all
25 the process of it completely again because we used the

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1 two alternates. So a removal of one more would have
2 caused...

3 Q. Is it your recollection that the Foreman had already
4 been struck because he was on Facebook telling his
5 friends that he was the Foreman of the jury?

6 A. Yes, sir. And then another juror had a family
7 emergency.

8 Q. Or was it the other juror said they had issues or
9 they didn't think they could be fair?

10 A. I don't know the exact reason to why ---

11 Q. --- but you knew that two jurors had been struck.

12 A. Yes, sir.

13 Q. And so that had Juror 36 been struck you couldn't
14 have gone forward that day.

15 A. Yes, sir.

16 Q. And what was the discussion you had with your lawyer
17 about that?

18 A. I don't remember a real discussion about that. I
19 remember that what was in the discussion was that the
20 schedule of the prosecution and my attorneys they had
21 appointments later on in the week and that prolonged my
22 trial would have conflicted with those appointments.

23 Q. Did you -- were you out on bond?

24 A. Yes, sir. I was out on bond for nearly -- over two
25 years.

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1 Q. Your bond was revoked when the trial started but you
2 had been out ---

3 A. --- but I was told that I wouldn't be revoked and to
4 even get a letter from Sinkler Bonding ---

5 Q. --- no, no, listen. But you had been out on bond up
6 until the time of the trial.

7 A. Yes, sir. And I was remanded that day and I didn't
8 know that it was going to happen like that.

9 Q. Okay. But again was it your decision not to seek a
10 mistrial or not to do something about Juror 36?

11 A. Could you say that one more time, sir?

12 Q. What options did your lawyer give you about Juror
13 36?

14 A. I wasn't given any option.

15 Q. And what were you told?

16 A. I was told that we were just going to proceed.

17 Q. Okay. What types or how many times had you met with
18 your lawyers prior to trial?

19 A. With Mr. Stan three office visits.

20 Q. Okay. When you say office visits what do you ---

21 A. --- we met first in the office for retainment; to
22 pay and to retain and have the contract signed with me
23 and my mother and my father.

24 And then I met him another time to tell him my
25 story. And then I met him another time with Mr. Runyon.

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1 Q. Okay. And what type of discussions did you have
2 about what your defense was going to be in this trial?

3 A. They believed the defense to be the same as I did;
4 that it was a self-defense stand your ground Castle
5 Doctrine, protections of persons or property or other
6 parties.

7 Q. Okay.

8 MR. FALK: I have no further questions at this time.

9 THE COURT: Any questions for the witness?

10 MS. OPPENHEIMER: Yes, Your Honor.

11 THE COURT: Sure. You may proceed.

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1 CROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. Okay. So in these meetings with your counsel did
4 you, do you recall reviewing the discovery with them?

5 A. I recall that we did not review the discovery with
6 them; that I was the one who submitted the discovery
7 packet to them that I had received from Ben Lewis, my
8 public defender.

9 Upon his termination I asked for all the discovery
10 so I could have it. And it was a stack of Rule 5 and
11 audio/video C.D.'s. And in turn I handed that over to
12 Mr. Stan.

13 Q. Okay. Now I want to go into the facts. There were
14 two fights. The first was a fist fight, correct?

15 A. Yes.

16 Q. And the testimony presented at trial was that the
17 victim was walking up to your house, correct; was walking
18 by when you and your girlfriend were?

19 A. There isn't any testimony that says he was walking
20 by but he was lingering.

21 Q. Okay. Well, anything in the trial transcript would
22 have been a contradiction to your testimony today right?

23 A. I don't know where in the trial transcript it says
24 that he was walking by my house. Now he says that he was
25 leaving a bar to go home but that would contradict him

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1 because my residence is nowhere near any route to get to
2 his house. But his statement was also determined to be
3 untrue by the police chief Mullen statement ---

4 Q. --- all right. Well, we'll get into that. So the
5 first fight was with your fists right? .

6 A. Yes.

7 Q. No weapons whatsoever were involved?

8 A. Well, I didn't know if there was any weapons.

9 Q. But he never brandished a weapon during the ---

10 A. --- not at that time.

11 Q. And you never saw a weapon?

12 A. No.

13 Q. And y'all were separated by a neighbor?

14 A. Yes. Reed Riddle [phonetic]. . .

15 Q. And you were retreated into your home at that point

16 ---

17 A. --- no, I didn't retreat ---

18 Q. --- you went to your porch, correct?

19 A. Yes. I mean I thought it was over with. You know I
20 thought it was just some drunk crazed street person and
21 he would be on his way. But I went onto my porch and he
22 started throwing up on the sidewalk.

23 Q. Okay. And then you jumped down from the second
24 floor ---

25 A. --- not immediately. I looked over the banister and

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1 saw Desmond Casey, the alleged victim, run and grab my
2 girlfriend Daniella and slam her into the brick retaining
3 wall which is on my property. And the other witnesses
4 also corroborate that in their testimony.

5 Q. Well, your girlfriend testified at trial, right?

6 A. That's correct.

7 Q. And she testified extensively that she didn't
8 remember anything, right?

9 A. She -- at trial, yes. She said that she was
10 intoxicated and ---

11 Q. --- she didn't remember ---

12 A. --- she barely remembered a black guy in her face
13 touching her.

14 Q. So she didn't testify that the victim had approached
15 her, right? She didn't remember any of your story?

16 A. I don't know the answer to that because I haven't
17 ever seen the transcript from the trial.

18 Q. Okay. But if it's in the trial transcript that
19 would be what was said ---

20 A. --- that would be what was said at the trial if it
21 was in the transcript, correct.

22 Q. And when you jumped off your balcony you had a knife
23 in your hand.

24 A. Yes, my work knife that I carry with me daily.

25 Q. And you have never seen a weapon up until this

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1 point, correct?

2 A. No.

3 Q. And there were no injuries to your girlfriend,
4 correct?

5 A. Correct.

6 Q. And there was extensive testimony at trial that
7 everyone involved was intoxicated, correct?

8 A. Except for me.

9 Q. Well, if there was something in the transcript that
10 was testified to that would be different?

11 A. Excuse me? I don't understand what you ---

12 Q. --- if someone testified that you were drunk that
13 night that would be different?

14 A. The only testimony of any alcohol in me was Officer
15 Shelby or August [phonetic] whichever her name is now.
16 She was the officer who first arrested me, and she said
17 that she noticed I was visibly upset and appeared
18 intoxicated.

19 By appearing intoxicated I don't know what she
20 means. But I do work in a bar and bar back and get
21 alcohol all over me. But as for the witnesses they all
22 admitted to have been drinking and being intoxicated.

23 Q. So that testimony that the victim was intoxicated
24 was brought out in your trial?

25 A. That the victim was?

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1 Q. Yes.

2 A. Yes, ma'am. He stated that he had been drinking.

3 Q. Okay. So ---

4 A. --- and the police chief Gregory Mullen also stated

5 that the alleged victim Desmond Casey was intoxicated.

6 Q. Okay. On the third day of trial you decided to

7 plead guilty, correct?

8 A. Intermittently yes, I did.

9 Q. Okay. And so that was after the State had presented

10 its case.

11 A. Yes.

12 Q. And that was after your attorney had made a motion

13 for a directed verdict?

14 A. On mutual combat, yes.

15 Q. And then that was after Judge Young had advised you

16 of your rights, correct?

17 A. Yes.

18 Q. So you were aware that you could testify to your

19 story?

20 A. I didn't really understand or know because I was

21 never properly advised about testifying. I didn't know

22 how it all worked; I wasn't prepared in any way. I

23 understood that it was my right to testify but that was

24 just all I understood.

25 Q. Okay. So you told Judge Young that you understood

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1 that you had the right to testify?

2 A. Correct as I just said; yes ma'am.

3 Q. And you said that you had discussed that decision
4 with your counsel and your family.

5 A. At that time after the State rested, yes ma'am.

6 Q. So you understood that the decision was yours.

7 A. Yes, ma'am.

8 Q. And after Judge Young advised you of your rights you
9 took a recess so that you could further discuss with your
10 counsel, right?

11 A. At that time they were advising me of the plea deal.

12 Q. But you ---

13 A. --- testifying wasn't the topic or subject; it was
14 the plea deal.

15 Q. But you were aware at that time you could have said
16 no, I'm not going to take that plea. I want to testify.

17 A. Yes.

18 Q. And you told Judge Young that you were satisfied
19 with your counsel during your plea, correct?

20 A. No. I never made any statement I don't believe. I
21 remember being asked if I had ever been threatened or --
22 I think it's something that a general statement that
23 Judges state to the individual if you've been threatened,
24 promised or such.

25 MS. OPPENHEIMER: Your Honor, may I approach the

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1 witness?

2 THE COURT: You may.

3 Q. [Ms. Oppenheimer] Page 285, lines 3 through 8 do you
4 recall Judge Young asking you if you were satisfied with
5 your counsel?

6 [Whereupon, the witness is shown document]

7 A. I didn't recall. I'm sorry. You know I was nervous
8 that day. But I mean it's here, yes ma'am.

9 Q. And you said that you were satisfied?

10 A. Yes, ma'am.

11 Q. That they had done everything that you asked?

12 A. The Court: Have they done everything that you asked
13 them to do? Yes sir, Your Honor.

14 Q. And Judge Young told you that assault and battery of
15 a high and aggravated nature carries up to 20 years,
16 correct?

17 A. I don't recall him telling me that. I recall my
18 counsel telling me. I've never seen the transcript of
19 the trial.

20 I don't know if you guys can understand how nerve
21 racking it might be and how hard to recall that from
22 memory. I sit in the jail and only have the Rule 5
23 material and my counsel's notes.

24 Q. But he did tell you that ABHAN carried up to ---

25 A. --- carried up to 20 years.

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1 Q. And possession of a weapon carried up to five years?

2 A. Yes, ma'am. But I believe that's incorrect. It
3 doesn't carry up to five years; it's a mandatory five
4 years. But I was told that it carried up to five years.

5 Q. And you understood those potential sentences?

6 A. I understood them to be non-violent at 55 percent of
7 say 20 years or 55 percent of five years would be the
8 time served.

9 Q. Okay. And you understood that these could run
10 consecutive, right?

11 A. No.

12 Q. You did not understand that?

13 A. No.

14 Q. Well, if you told Judge Young that you understood
15 that would that be a contradiction today?

16 A. I mean I still don't really understand consecutive
17 verses concurrent. No, I really don't understand what it
18 all meant or means.

19 Q. Okay. And was it your decision to plead guilty?

20 A. Yes.

21 Q. And you told Judge Young that you had enough time to
22 go over your options and that you wanted to plead?

23 A. I don't remember telling him I had enough time. I
24 remember my counsel telling me that I didn't have very
25 much time, I didn't have any time to think about it; that

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1 I had to make a decision.

2 Q. If you told Judge Young that you had enough time to
3 talk with your counsel at the plea that would be a
4 contradiction today?

5 A. Correct. I understand what you're saying, yes
6 ma'am.

7 Q. And you told Judge Young that no one had threatened
8 you, coerced you or promised you anything, right?

9 A. Yes, ma'am.

10 Q. And you told Judge Young twice that no one had
11 threatened you, right?

12 A. Yes, ma'am.

13 Q. And you told him that you were pleading freely and
14 voluntarily?

15 A. Yes, ma'am.

16 Q. And Judge Young told you that the jury had only
17 heard one side of the story but even though they only
18 heard the State's side that you wanted to plead guilty,
19 right?

20 A. I don't remember that but if that's what the
21 transcript says, then yes. Like I said it's been a
22 couple of years and that day was the most nervous day of
23 my life definitely.

24 Q. And you wanted to waive your right to self-
25 incrimination, correct?

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1 A. I don't know what that means.

2 Q. Well, at trial you have a right not to incriminate
3 yourself. You don't have to take the stand if you don't
4 want to. You can stay silent ---

5 A. --- your question was if I waived that right?

6 Q. You understood you were waiving that right?

7 A. Yes, ma'am.

8 Q. And you understood that you were waiving your right
9 to present your side of the story?

10 A. Yes, ma'am.

11 Q. Okay. And do you recall before sentencing that you
12 addressed the Court?

13 A. Yes, ma'am.

14 Q. And you apologized for what you did?

15 A. Yes, ma'am.

16 Q. And your mother, father, and your new girlfriend all
17 testified as to your character, correct?

18 A. Yes, ma'am.

19 Q. Okay. And Mr. Runyon informed the Court that you
20 had been working at the same place for ten years and that
21 you were a responsible individual, correct?

22 A. Yes, ma'am.

23 Q. And that you had an excellent family. So you pled
24 guilty before the jury could hear your side of the story
25 and about you as a person.

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July 23, 2018

1 A. Yes, ma'am.

2 MS. OPPENHEIMER: Your Honor, I have no further
3 questions.

4 THE COURT: Any redirect?

5 MR. FALK: Just briefly.

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Chad P. Stalnaker

Post Conviction Relief-Chad Stalnaker-Redirect Examination by Mr. Falk

July 23, 2018

1 REDIRECT EXAMINATION

2 BY MR. FALK:

3 Q. When you said that you were satisfied with your

4 lawyer you thought that you were going to be able to

5 plead to a lesser included offense at that time ---

6 A. --- correct, sir. I was satisfied with the

7 understanding of the plea to be non-violent and parole

8 eligible, correct. I would never have pled if it was

9 anything other than that.

10 Q. So that's the part that you were addressing as far

11 as being satisfied.

12 A. Correct, yes sir.

13 MR. FALK: Nothing further.

14 MS. OPPENHEIMER: Just briefly, Your Honor.

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1 RECROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. You were originally charged with attempted murder,
4 correct?

5 | A. Yes.

6 Q. And you pled to a lesser included ABHAN, right?

7 A. I did not know what the lesser includeds are but I
8 did plead to assault and battery of a high and aggravated
9 nature.

10 MS. OPPENHEIMER: No further questions, Your Honor.

11 THE COURT: Any further questions Mr. Falk?

12 MR. FALK: No, Your Honor.

13 THE COURT: Any further witnesses from the
14 Applicant?

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1 MR. FALK: Yes, Your Honor. We would call Eric
2 Stalnaker to the stand.

3 THE COURT: Sir, come to the witness stand to be
4 sworn.

5 [Whereupon, Mr. Eric Stalnaker comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: State your first and last name and
9 spell your last name loudly and clearly into the
10 microphone.

11 THE WITNESS: Eric Stalnaker, S-T-A-L-N-A-K-E-R.

12 THE COURT: You may proceed.

13 - - - - -

14 ERIC STALNAKER,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. FALK:

19 Q. And just for the record are you E-R-I-C or E-R-I-K?

20 A. E-R-I-C.

21 Q. E-R-I-C, thank you. What is your recollection of
22 sort of the media attention that this case had gotten?

23 A. It was everywhere. Anywhere I looked I'd see an
24 article about it; I'd see a news article about it. It
25 was all over everywhere.

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1 Q. Okay.

2 A. I'd see it online. Yes, it was heavily assaulted
3 with my son's picture.

4 Q. And do you remember any statements made by Chief
5 Mullen?

6 A. Chief Mullen gave a speech at a park and said that
7 Desmond was ---

8 MS. OPPENHEIMER: --- objection, Your Honor. It
9 calls for hearsay.

10 THE COURT: Sustained. Hearsay.

11 Q. [Mr. Falk] Do you recall any statement that Chief
12 Mullen made where he was sort of endorsing the victim in
13 this case?

14 A. He was a hero.

15 MS. OPPENHEIMER: Objection, Your Honor. Hearsay.

16 THE COURT: Sustained. Hearsay.

17 Q. [Mr. Falk] Now you were not in the courtroom for the
18 trial, is that correct?

19 A. At the end of the trial I was because Mr. Stan was
20 going to use us as character witnesses because there
21 wasn't anybody else there.

22 Q. Okay.

23 A. But he brought us in at the end when he realized we
24 were not going to be character witnesses.

25 Q. What was your recollection -- so why were you --

Chad P. Stalnaker

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1 when you came into the courtroom what was your
2 recollection of what was going on?

3 A. Chad was going to go and testify. But just at that
4 time they offered, the prosecutor offered the plea deal.
5 And so we were right there like where I'm sitting now and
6 he was right next to us so only a few feet away.

7 And they were going through and explaining to Chad
8 what that plea deal meant. And then went over it maybe
9 four times, maybe five times that it would be non-violent
10 ---

11 MS. OPPENHEIMER: --- objection, Your Honor ---

12 Q. [Mr. Falk] --- what was your recollection ---

13 THE COURT: --- sustained. Hearsay ---

14 Q. [Mr. Falk] --- without saying what they said did you
15 think it was going to be a good deal?

16 A. Yes. Everybody seemed very excited and happy. It
17 seemed like it was going to be a good deal. By the way I
18 felt it seemed like it was going to be -- they were happy
19 about it.

20 Q. Did you think that he was going to have to be able
21 to -- have to serve the entire sentence?

22 A. No. When I left the courtroom I thought he was
23 going to do around six years or seven years at the most;
24 at the very most.

25 Q. And you got that impression from overhearing the

Chad P. Stalnaker
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1 conversations?

2 A. Mr. Runyon told me ---

3 MS. OPPENHEIMER: --- objection.

4 THE COURT: Sustained. Hearsay. You can't repeat
5 what anyone said.

6 A. I felt like that was what it was going to be from
7 the reactions.

8 Q. [Mr. Falk] Did he have any -- did either of the
9 lawyers have any conversations with you?

10 A. With me? Yes.

11 Q. Okay.

12 THE COURT: It's hearsay unless it's an admission
13 against interest and you will have to establish the
14 foundation for asking those questions.

15 Q. [Mr. Falk] My question only is did -- were you
16 consulted?

17 A. Consulted?

18 Q. By his lawyers?

19 A. They included us in the conversation. Because it
20 wasn't until afterwards, a couple of weeks afterwards
21 that we realized that it wasn't correct. It was
22 incorrect information.

23 Q. Why did you think it was incorrect information?

24 A. I went to the website where he had been processed at
25 Kirkland. It took a couple of weeks until you could see

Chad P. Stalnaker

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1 actually how much time he would have to serve. And I
2 said that's wrong; that's not what we thought it was
3 going to be. And I called Mr. Stan who said that ---

4 Q. --- don't tell me what he said. What did you call
5 Mr. Stan about?

6 A. I called Mr. Stan to find out why it wasn't as we
7 thought it was going to be. And then I called Mr. Runyon
8 and Mr. Runyon said it was a clerical ---

9 MS. OPPENHEIMER: --- objection, Your Honor.
10 Hearsay.

11 THE COURT: Sustained. Hearsay.

12 A. So they said it was just a mistake and it was going
13 to be cleared up and fixed and that he would ---

14 MS. OPPENHEIMER: --- objection, Your Honor.
15 Hearsay.

16 THE COURT: Sustained. Hearsay.

17 A. I'm sorry; I can't talk....

18 MR. FALK: I have no further questions of this
19 witness.

20 THE COURT: Any questions for the witness?

21 MS. OPPENHEIMER: No questions, Your Honor.

22 THE COURT: Sir, you may step down.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: Call your next witness.

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1 MR. FALK: I call Mr. Runyon -- no, Mr. Stan
2 Jaskiewicz.

3 THE COURT: Mr. Jaskiewicz, will you come to the
4 stand to be sworn please.

5 MR. JASKIEWICZ: I would defer to be second if it's
6 deemed in Mr. Runyon's best interest because he has been
7 in bad health. Otherwise, I will testify.

8 THE COURT: Who do you want to call first?
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Chad P. Stalnaker

Post Conviction Relief-William Runyon-Direct Examination by Mr. Falk

July 23, 2018

1 MR. FALK: We'll call Mr. Runyon.

2 THE COURT: Sir, if you would come to the stand and
3 be sworn.

4 [Whereupon, Mr. Runyon comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Sir, if you would state your first
8 and last name spelling your last name for the record.

9 THE WITNESS: My name is William L. Runyon, Jr.,
10 R-U-N-Y-O-N and I'm a lawyer.

11 MR. FALK: Thank you.

12 THE COURT: You may proceed.

13 - - - - -

14 WILLIAM RUNYON,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. FALK:

19 Q. Mr. Runyon, how did you become involved in this
20 case?

21 A. I got a call from Stan Jaskiewicz who asked me to
22 assist him and become involved in the trial of this case.
23 We had pretty extensive conversations about it before I
24 met Mr. Stalnaker who was a fine young man as far as I
25 was concerned. We got involved in the case.

Chad P. Stalnaker

Post Conviction Relief-William Runyon-Direct Examination by Mr. Falk

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1 A. Were you aware that there was some media attention
2 about this case?

3 A. Yes, sir.

4 Q. What is your recollection of that?

5 A. Okay. There was -- the case got complicated along
6 those lines because of the personal attention that the
7 then police chief took in the victim or the alleged
8 victim. And they had him at some community meetings.

9 We saw this on YouTube I believe it is and all this
10 social media stuff. And there was some conversation or
11 at least media coverage of the incident. The incident
12 itself was pretty gruesome.

13 I don't recall exactly how many wounds the alleged
14 victim had but I think it was more than four. He was
15 fortunate to have not bled to death and things of that
16 sort.

17 And, of course, as we approached the jury draw you
18 just don't get a change of venue because you ask for a
19 change of venue. And as we approached the jury draw we
20 were anticipating that somebody out in the jury panel
21 might have remembered the case.

22 As it turned out it didn't exactly come out that
23 way. The transcript is whatever the transcript says.
24 And of course I've been in several cases where media
25 attention was in fact a focus point and you have to show

Chad P. Stalnaker

Post Conviction Relief-William Runyon-Direct Examination by Mr. Falk

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1 something more than just that there was media attention.
2 The cable television coverage from the Lowcountry covers
3 pretty much the entire coast and up to about Aiken.

4 And so if you're talking about a change of venue
5 you're talking about really a new jury pool. And of
6 course in order to show that you're entitled to a new
7 jury pool you got to show that the jury pool is in fact
8 tainted.

9 Well, the transcript reflects that there wasn't that
10 much -- there wasn't very much knowledge of this case,
11 which was not unusual to me because the case was three
12 years old. And so we proceeded to in essence draw a
13 jury.

14 The real problem with the jury draw came afterwards
15 with -- I mean I've never had a case where you had at
16 least two jurors just voided their service.

17 I believe the Foreman was an assistant Pastor out on
18 James Island and he immediately went on T.V. that night
19 talking about -- I mean on social ---

20 Q. --- he went on Facebook right?

21 A. Yes.

22 Q. And said that he's ---

23 A. --- he said I'm on the jury and I'm the Foreman and
24 what have you. And it became kind of problematical even
25 before we started the trial.

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Post Conviction Relief-William Runyon-Direct Examination by Mr. Falk
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1 Q. And another one of the jurors indicated that she may
2 have answered incorrectly to the statement could you be
3 fair in this case because she did have family members who
4 had been in custody or been in prison?

5 A. Yes.

6 Q. Okay. And so you went forward and then you really
7 -- so both of the alternates got struck, is that correct?

8 A. To be honest with you I'm not sure whether they were
9 alternates or whether they were ---

10 Q. --- I'm sorry, you're absolutely right. Of course
11 you're right. One was the Foreman.

12 A. Right. One was the Foreman ---

13 Q. --- two of the jurors got struck and both of the
14 alternates advanced to the jury?

15 A. Right. And then there was the third juror but I
16 referred to at the time as the masked juror who just all
17 of a sudden said that they had a relative who worked for
18 the Solicitor's office kind of distantly or what have
19 you. I don't recall the circumstances of that third
20 juror but that juror stayed.

21 But in any event we had the jury draw questions.
22 But they weren't pervasive so that you were going to be
23 able to entertain getting a jury pool, new jury pool from
24 somewhere else.

25 As a matter of fact the only case I've had where the

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1 -- where we got the new jury pool is when we had a
2 capital case and we just flat moved the jury -- moved the
3 case to like Aiken.

4 Q. Let me just find this page.

5 [Whereupon, Mr. Falk reviews documents]

6 Q. Okay. Did you get a chance to see the transcript?

7 A. Not...

8 Q. I was just ---

9 A. --- not really in all candor.

10 Q. If I could just show you a couple of pages to kind
11 of remind you what was going on with Juror number 36.

12 A. Well, the transcript speaks for itself.

13 [Whereupon, the witness is shown document]

14 A. Correct. That's where the Solicitor came up and
15 wasn't making fun of it. We just had this nightmare
16 of...

17 Q. Right.

18 A. And then the Solicitor comes along -- someone from
19 the Solicitor's office comes along and says ---

20 Q. --- and what page are you on?

21 A. I'm on page 123 lines 19 -- excuse me 18 through 23.
22 I said I know the Court is going to love to hear this
23 that a member of the jury is related to someone on the
24 Solicitor's staff. And then there was the colloquy
25 continued thereafter and that juror wound up staying.

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1 Q. Well, that's the thing. Did Judge Young ask him --
2 ask that juror to come out and say whether or not they
3 could still be fair?

4 A. I don't know. You want me to turn the page?

5 Q. Well, let me just show you something if I could.

6 [Whereupon, the witness is shown document]

7 A. Yes, at page 125 starting at line 16 and there is a
8 reference to one of what I call Judge Fields famous off
9 the record or sidebar conversations with the Court and I
10 don't recall what was talked about. But then there was a
11 conversation about whether or not the juror would stay or
12 not.

13 Q. Right. I'm just saying because I don't see anywhere
14 in the record that the Judge actually asked the juror
15 whether or not they had talked to the person in the
16 Solicitor's office, whether or not they were aware there
17 was a relationship, whether or not that juror answered
18 correctly to the question asked or the voir dire. There
19 was not.

20 A. Well, I'm not speculating about what the transcript
21 means. I informed the Judge that there was a question.
22 As I recall the Solicitor's office informed I believe
23 either me or Stan, Stan or I that there was a possibility
24 of a relationship. I then informed the Judge after we
25 had the two jurors to go.

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1 Q. Right.

2 A. And then there was this sidebar. And I wasn't being
3 critical; Judge Richard Fields had a very good way to
4 keep the record straight with his sidebars. And you do
5 an awful of trying in his Court with sidebars.

6 Judge Cooper [sic] did a sidebar on this and some of
7 which I testified probably came from the sidebar.

8 Q. Okay.

9 A. And frankly we didn't get -- we didn't step back and
10 say now off the record the Court considered at a sidebar.

11 Q. Okay.

12 A. We didn't vouch the record which quite frankly
13 should have been done.

14 Q. Yes.

15 A. Even myself and Mr. Jaskiewicz. Mr. Jaskiewicz was
16 letting me take the lead so I assume it's my
17 responsibility that it wasn't vouched.

18 Q. Okay. If I could grab that back from you?

19 A. Sure.

20 [Whereupon, Mr. Falk retrieves document]

21 Q. Did you consider asking for a mistrial at that time?

22 A. [No response]

23 Q. Were you -- excuse me, were you satisfied with Juror
24 36's responses?

25 A. As I recall I thought we were satisfied with Juror

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1 36's responses.

2 Q. Okay. Did you discuss that with your client?

3 A. Mr. Stalnaker was present. Quite frankly he was a
4 nervous wreck. I'm not sure what he recalls of us
5 talking about it. I'm not being sarcastic. I mean he
6 was ---

7 Q. --- sure ---

8 A. --- he was under the gun and we had a conversation
9 about that. But Juror 36 stayed. I mean I have a rule.
10 The case that ain't been tried is the case that ain't
11 been lost.

12 Q. Uh Huh.

13 A. And if I had followed my general rule I should have
14 said Judge we're -- I mean it's still up to Judge Cooper
15 [sic] -- I mean Judge Young I should say.

16 Judge Young didn't necessarily have to agree that
17 Juror 36 should be dismissed. And I don't recall my or
18 Stan having moved to dismiss the juror.

19 Q. Okay.

20 A. The transcript will speak for itself.

21 Q. Okay.

22 A. We're bound by the transcript.

23 Q. Was there any thought of trying to get a stand your
24 ground hearing at the beginning of this trial?

25 A. Well, yes. As a practical matter Stan did a lot of

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1 research and he had a whole set of instructions that he
2 had been -- for ultimate jury charge as to -- I'm not
3 sure we -- I shouldn't say we discussed stand your
4 ground. We discussed defense of a third party.

5 Q. Okay.

6 A. You got to understand this alleged victim had
7 encountered the police chief in an unpleasant way on King
8 Street. The alleged victim wasn't exactly at that point
9 in time a nice guy.

10 There was -- the picture was more like he had
11 followed them for some distance and therefore -- and then
12 there was the confrontation with the girlfriend to quote
13 get her away from Mr. Stalnaker.

14 So whether you want to call it a stand your ground
15 or defense of a third party I think we were if you read
16 the transcript we were talking more about defense of a
17 third party, which frankly I think is stronger than stand
18 your ground.

19 Q. Uh Huh.

20 A. Because you've got to remember Mr. Stalnaker jumped
21 off the porch in the second confrontation. He had a
22 knife. He brought a knife to a fistfight that sort of
23 thing.

24 But when you have the situation where you have a
25 female who is drunk and he was trying to get her away

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1 from Mr. Stalnaker for whatever purpose good, bad, or
2 indifferent, stand your ground is not as strong as
3 defense of a third party.

4 Q. Okay.

5 A. At least that was the theory of the case going in.
6 And up until the point then that a decision was made to
7 plead.

8 Q. What was your understanding of him pleading guilty
9 to assault and battery of a high and aggravated nature?

10 A. Well, it was my -- as I recall the -- he was
11 indicted for attempted murder. And the reason he was
12 indicted for attempted murder was because he didn't just
13 stab the gentleman.

14 The wounds were pretty extensive and they found the
15 victim by following a blood trail. And frankly, I think
16 the doctor's testimony was that he was surprised he
17 hadn't bled to death.

18 MR. STALNAKER: But Mr...

19 MS. OPPENHEIMER: Your Honor?

20 THE COURT: Sir, don't interrupt.

21 A. And so as a practical matter Mr. Stalnaker had been
22 involved -- had been charged with attempted murder. And
23 of course our defense to that was if he was entitled to
24 defend himself or someone else it didn't matter how many
25 times he stabbed him or how quote vicious they were. If

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1 you're entitled to stab him one time you're entitled to
2 stab him as many times as necessary to get rid of the
3 threat. But the point is he was indicted for attempted
4 murder as I recall.

5 Q. Did he plead guilty to assault and battery of a high
6 and aggravated nature?

7 A. He pled guilty to assault and battery of a high and
8 aggravated nature and possession of the weapon.

9 Q. What was your understanding of the sentencing
10 exposure that he had?

11 A. My understanding of the sentencing was there was no
12 guarantee of what the sentencing would be. My
13 understanding was that it was entirely up to Judge Young.
14 And that's Judge Young from Sumter not Judge Young from
15 Charleston.

16 Sometimes you can predict if you've been before some
17 judges more than one time what they might do. But in
18 this case we had Judge Young from Sumter who never made
19 any promises.

20 And when the deal was offered ultimately it was
21 accepted. It was accepted because Mr. Stalnaker himself
22 he was a nice young man but he was just a wreck
23 emotionally.

24 He was -- my recollection was that he said more than
25 one I can't -- because he was going to have to get on the

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1 stand and testify; no question about that. He could have
2 refused if he wanted to legally. But I mean defense of a
3 third party -- his girlfriend had sat there and frankly
4 his girlfriend lied.

5 She professed to have no recollection of anything
6 and she was crucial to this whole incident. And she just
7 didn't want to be involved.

8 And she was just hanging him out to dry if I can be
9 so -- that was -- and so he was going to have to testify.
10 And Mr. Stalnaker was extremely emotional about this
11 whole situation.

12 Q. Did you have any conversations with him about
13 whether or not he would have to serve 55 percent of the
14 sentence or 60 percent of the sentence?

15 A. There was no conversation of what he would get
16 because he could get -- he could get the weapon charge
17 stacked on top. And of course we didn't have any -- I
18 have to say this.

19 Judge Young never said this is my usual practice or
20 this is what I'm going to do or this is what I have done
21 in the past. He just said here's the deal. He said I
22 will take a plea.

23 The only chambers conversation we had is he
24 indicated he would take the plea. If the State offered
25 that and we took it he wasn't going to deny the plea.

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1 Q. As far as whether or not this was a serious offense
2 85 percent time did you have that conversation with Mr.
3 Stalnaker?

4 A. Do I have an independent recollection of having that
5 conversation? No.

6 Q. Thank you.

7 A. I do not have an independent recollect. We talked
8 about that most probably but I can't sit here and tell
9 you today that I recall specifically that conversation.

10 Q. Mr. Stalnaker testified that you told him it would
11 be 55 percent time or he would have to serve about six
12 years if he got a ten year sentence. Do you recall that?

13 A. No. I don't recall that because there was no way to
14 say what he was going to get.

15 Q. But as far as the percentage of time that he would
16 have to serve?

17 A. No, because one of the things which I recall telling
18 him is what the Judge tells you may be what statutorily
19 it says but when you get to the South Carolina Department
20 of Corrections they have this strange computer that
21 figures it out much, much differently.

22 And so I don't think I've ever told anybody 55
23 percent of the time where you have two sentences that may
24 be run consecutive because it just can't work that way as
25 I recall. And if you check with the South Carolina

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1 Department of Corrections and the South Carolina
2 Probation and Parole office they had two different
3 companies do their programming for figuring times. And
4 so those two programs don't coincide with each other.

5 So you can't really tell somebody 55 percent of the
6 time or 65 percent of the time. And then if you're
7 talking about consecutive sentences who knows.

8 Q. Do you recall having a conversation with his father?

9 A. I don't recall specifically the conversation but I
10 do recall having Mr. Stalnaker was present because he was
11 a potential witness.

12 And the State wanted I believe prior to the start of
13 the trial we said because we wanted the chief out of the
14 -- because we said we wanted the State's witnesses to be
15 sequestered, they wanted our witnesses to be sequestered.
16 So Mr. and Mrs. Stalnaker spent most of the trial sitting
17 in the hallway.

18 Q. But were they present when conversations were going
19 on about Chad taking the plea?

20 A. Part of them. I don't recall them being present all
21 the time but I can tell you that when it became clear
22 that Chad was probably going to take the plea they came
23 in because they needed to be part of the conversation.

24 Q. Did Judge Young ever ask as we were getting -- as
25 you were getting ready to plea whether or not this was a

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1 most serious offense, an 85 percent offense or a 55
2 percent offense?

3 A. You know I can't recall what Judge Young asked. I'm
4 bound by the transcript. I've been doing this for 50
5 years and in all candor I'm not just touting my
6 experience.

7 I don't know how many times I've appeared before
8 Judge Jefferson and I couldn't tell you -- I can tell you
9 what she ordinarily does and she's very thorough about
10 that. But I can't tell you in a particular case if I
11 recollect her saying X, Y, or Z.

12 Q. Sure. It's not in -- I don't believe it's in the
13 transcript but then we talked that there had been some
14 sidebar conversations. And so I just didn't know if some
15 conversations had happened if you recall any
16 conversations?

17 A. I do not recall those conversations. And like I
18 said I think Judge Young was trained by Judge Fields to
19 keep the record clean. And that's a compliment not a
20 criticism.

21 Q. Did you subpoena the toxicology report in this case?

22 A. I think we did but the record is the record. If
23 it's in the file, it's in the file. I turned over my
24 file to Mr. Stalnaker I believe. He called and the
25 Supreme Court says it's their file and so I gave it to

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1 him. And if there is a subpoena there, the subpoena is
2 there.

3 The problem with toxicology report in this case was
4 there had been such a massive loss of blood that didn't
5 know what was going to be reflected by a toxicology
6 report. But we did have plenty of testimony as to the
7 alleged victim indulging in alcohol.

8 And we had the police chief who was candid about how
9 rude the victim had been to the Chief of Police on King
10 Street, which indicated -- our argument was what drunk
11 goes up and insults the Police Chief. Or actually more
12 importantly does a sober person go up and insult the
13 Police Chief.

14 Q. Do you recall the toxicology report showing any
15 controlled substances in the victim?

16 A. I don't recall no sir, I don't recall the -- I
17 recall the number of physical wounds, roughly the number
18 of physical wounds and the massive blood loss. I don't
19 recall the specific substances the guy indulged in, no.
20 Not today.

21 Q. Was there some recollection, do you have any
22 recollection that some racial epithets were uttered by or
23 alleged to have been uttered by your client?

24 A. There was as I recall I thought there was some talk
25 about that, yes sir. But I'm not sure whether that came

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1 from a neighbor, one of the neighbors across the street
2 or who.

3 MR. FALK: Your Honor, may I approach the witness?

4 THE COURT: You may.

5 Q. [Mr. Falk] This is your cross-examination of Brad
6 Hutchinson. It's on page 186.

7 [Whereupon, the witness is shown document]

8 A. That's the neighbor across the street.

9 Q. Right. Yes. Well, I couldn't tell. One was across
10 the street, he said it was kind of across and diagonal so
11 I'm not sure who was who.

12 A. Okay. So he used a racial epitaph and the answer
13 was yes.

14 Q. Okay.

15 A. Like I said ---

16 Q. --- was your strategy to try to draw that out of him
17 because he -- I could tell you in Mr. Hutchinson's first
18 testimony, I mean his direct examination and there was no
19 mention of the racial epitaph.

20 A. Frankly I didn't -- that wouldn't have been part of
21 my strategy to draw that out ---

22 Q. --- okay ---

23 A. --- but once it came out I felt I had to address it
24 somehow.

25 Q. Uh Huh. But if it hadn't been mentioned prior to

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1 that point in the trial would there have been any reason
2 to try to draw that out of him?

3 A. No. And if I did that then that wasn't a very smart
4 thing for me to do.

5 Q. And just to be clear are you saying that you did not
6 tell Mr. Stalnaker that he would only have to serve 55
7 percent of the sentence?

8 A. I'm saying I have no recollection of tying it down
9 to 55 percent of the time.

10 Q. Okay.

11 A. Particularly in light of the fact that it would have
12 been a potential for a consecutive sentence.

13 Q. Now you're saying you have no recollection of having
14 that same conversation with Eric Stalnaker?

15 A. Yes, sir. But at the same time I'm not going to
16 tell you I didn't try to quantify it. I mean I don't
17 know how many times a year I have a conversation with
18 people about what a sentence may be.

19 But, I would say that there is no way that we can
20 tell them what the sentence would be because -- but when
21 you have potential consecutive sentences because only the
22 Judge is going to know what he's going to give him.

23 And Judge Young never indicated a practice of
24 running things concurrent or anything of that sort. So
25 we were facing a consecutive sentencing at the worst.

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1 Q. And were you preparing to impeach one of the State's
2 witnesses with the -- did you have the toxicology report
3 with you to try to impeach the State's witness?

4 A. I don't know. Mr. Stalnaker called the office. He
5 said he wanted the file. And ordinarily the only thing
6 we retain at that point in time would be our individual
7 contract.

8 Since I'd gotten into the case with Stan I don't
9 even know if I had an individual contract in this case.

10 Q. Okay.

11 A. And of course the Supreme Court says it's your file
12 and we turned it over to him. There may be a receipt for
13 the file at the office. I'm not sure about that.

14 Q. Do you recall any conversations with Eric Stalnaker
15 that there was a mistake in the way he was going to be
16 sentenced or classified?

17 A. No, I wouldn't have said it was a mistake that he
18 was classified.

19 Q. As far of how much time -- what percentage of the
20 sentence that he would have to serve?

21 A. No, I wouldn't say I characterized it as a mistake.
22 I would have characterized it as that's SCDC. You're
23 going to have to talk to their classification office.

24 Q. Did you say that you would look into that?

25 A. I did tell him I would check on it if he wanted to

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1 call me back. I don't know if I ever got a call back.

2 We, of course, what I call the magic box -- I've got one
3 young lady that does the magic box, the computer.

4 And I am certain that I had her check on what the
5 classification office would have put Mr. Stalnaker at.

6 So I would have been familiar with that had Mr. Stalnaker
7 called me back. And that would have shown potential
8 release dates and what have you.

9 Q. But you did not tell him that there was a mistake
10 and that you were going to look into it using the word
11 mistake?

12 A. I don't recall using the word mistake. And if I did
13 maybe that was a mistake. But the simple fact is I don't
14 recall using the word mistake.

15 Q. Okay.

16 A. Because the South Carolina Department of Corrections
17 when you go into their classification system sometimes
18 it's like doing a Ouija board.

19 Q. But you are aware that some are classified that you
20 have to serve 85 percent of the sentence?

21 A. Absolutely. You've got 85 percenters. And then of
22 course you have the complication if you have multiple
23 offenses whether it's arising out of the same fact
24 situation or multiple offenses it depends upon whether a
25 Judge particularly in weapons cases runs the weapons

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1 charge consecutive or not.

2 Q. Did you tell Mr. Stalnaker that this would be a non-
3 violent charge, not serious charge?

4 A. No, I wouldn't have told him that, no. Anytime you
5 stab somebody that many times and you've been charged
6 originally with attempted murder and you get it down to
7 aggravated assault, now lots of times what happens is if
8 you're talking about -- and I have no recollection of
9 having this conversation with Mr. Stalnaker -- lots of
10 times when you start talking about say for example
11 attempted murder versus reducing it to aggravated
12 assault, aggravated assault is a far less serious crime
13 than attempted murder. And we may have had that
14 conversation. But I don't recall that specifically.

15 MR. FALK: One moment, please.

16 [Whereupon, Mr. Falk reviews documents]

17 MR. FALK: Your Honor, may I approach the witness?

18 THE COURT: Uh Huh.

19 Q. [Mr. Falk] Do you recognize that document?

20 [Whereupon, the witness is shown document]

21 A. This document was probably prepared by my erstwhile
22 associate counsel Mr. Jaskiewicz I would assume.

23 Q. Okay.

24 A. Based upon -- because he had this, he had prepared a
25 thick ---

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1 Q. --- charge book?

2 A. Charge book on the -- because see we were facing
3 attempted murder.

4 Q. Sure.

5 A. That and the lesser included offenses. So I didn't
6 prepare this.

7 Q. Okay.

8 A. But ---

9 Q. --- and what is that?

10 A. This is Defendant's request to instruct number
11 blank. It refers to assault and battery with intent to
12 kill.

13 MS. OPPENHEIMER: Your Honor, at this point I
14 object. He just testified that he did not prepare this
15 document so any reading of it into the record at this
16 time would be ---

17 MR. FALK: --- if I could just mark that as ---

18 THE COURT: --- I think you need to ask the person
19 who prepared it. Wouldn't that be more efficient? He
20 says he wasn't involved in preparing it.

21 MR. FALK: Okay.

22 THE COURT: So what can he really offer as to ---

23 MR. FALK: --- he can't. I was just going to have
24 it as an exhibit.

25 THE COURT: No need to. If you're going to call

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1 Mr. Jaskiewicz you can ask him about it.

2 MR. FALK: Thank you.

3 Q. [Mr. Falk] Mr. Stalnaker was originally charged with
4 like aggravated assault right but then they were moved up
5 to attempted murder?

6 A. My recollection was it was basically always charged
7 with attempted murder but I could be mistaken about that.

8 Q. Okay.

9 A. Like I said they followed the blood trail in order
10 to find the victim and this was always viewed as an
11 attempted murder.

12 Now he may have originally been charged with
13 aggravated assault and then moved up by indictment but I
14 don't recall.

15 Q. Okay.

16 MR. FALK: One moment, Your Honor.

17 [Whereupon, Mr. Falk confers with his client]

18 MR. FALK: Your Honor, I have no further questions
19 for Mr. Runyon.

20 THE COURT: You may proceed.

21

22

23

24

25

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1 CROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. Let's go back to the beginning. How many times did
4 you meet with the applicant prior to trial?

5 A. I have a recollection of, which may or may not be
6 accurate, but I have a recollection of meeting with Mr.
7 Stalnaker in my office with the two of us.

8 But then I also know that Stan and I met with him at
9 least once if not twice in the office. And then of
10 course my recollection is Stan indicated that he had a
11 meeting with Mr. Stalnaker on location and they drove
12 around the route that he would have followed home.

13 Q. Okay. And did you file any Brady or Rule 5 motions?

14 A. I'm not sure which of us filed the motions. But we
15 had everything with the exception of this question about
16 the toxicology report we had everything that the cops had
17 with the exception of the YouTube video.

18 Frankly, the YouTube video was found by Stanley.
19 I'm not sure whether he found it before I got into the
20 case or afterwards.

21 Q. Okay.

22 A. But he found that because we heard that there was
23 something, we knew there was something and there are
24 certain folks in the courthouse who would not be above
25 not giving it to us. So Stan made sure to search it and

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1 he found it.

2 Q. Okay. But regardless, you had everything to prepare
3 for trial?

4 A. Yes, I think we had everything to prepare for trial.

5 Q. And with regard to the toxicology report the victim
6 never denied being drunk that night, right?

7 A. No, he never denied imbibing and you know.

8 Q. So would it have been necessary to introduce the
9 toxicology report if he never denied being drunk?

10 A. I don't know that it would have been necessary to
11 introduce it. It would have been nice if we had it, but
12 of course we never finished the trial.

13 Q. Right. Did you review the discovery materials with
14 the Applicant?

15 A. I think we did. I think we thoroughly went over it
16 with Chad; at least the times that Stan and I met with
17 him.

18 Q. Did you do any independent investigation?

19 A. I know both of us did. Stan went from where Mr.
20 Stalnaker worked and he actually drove the route that --
21 see the problem with it was this alleged victim didn't
22 just happen upon these people having some disagreement.

23 As I recall and that's my recollection, as I recall
24 this fellow more or less saw this couple who were
25 squabbling and my recollection is he kind of followed

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1 them all the way to Line Street to where Chad lived.

2 Q. Okay. Well, let's go through the facts a little
3 bit. So the victim came upon Mr. Stalnaker and his
4 girlfriend, right?

5 A. At some point in time, yes.

6 Q. And they got into a fist fight, right?

7 A. That's correct. They got into a fist fight at some
8 point in time.

9 Q. And then a neighbor had broken that fight up?

10 A. That's correct.

11 Q. And the Applicant retreated onto his porch?

12 A. He retreated to upstairs and his girlfriend for
13 whatever reason stayed on the street; on the sidewalk.

14 Q. And the victim walked away.

15 A. He withdrew some distance. He didn't withdraw that
16 far.

17 Q. And then all of a sudden the Applicant jumps down
18 from his balcony.

19 A. That's because the victim went to the girlfriend
20 according to Chad, and it seemed to if you listened to
21 the girlfriend's testimony she was saying how he got in
22 her face and what have you.

23 So he -- we surmised that he then re-approached her
24 attempting to get her to accompany him for whatever
25 purpose to wherever. And that's when Chad brought a

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1 knife to a fist fight so to speak.

2 Q. Now there was no evidence presented at trial that
3 the victim got into the girlfriend's face, right?

4 A. I haven't read that transcript and it seemed like I
5 recalled that she had some recollection of him being
6 right there.

7 I don't -- I mean when you've been through as many
8 assault cases and attempted murders and what have you
9 that I have you know I could be confusing it with another
10 case. I thought she testified to some recollection of
11 him being in her face.

12 Q. Would looking at the transcript refresh your
13 recollection?

14 A. It sure would.

15 MS. OPPENHEIMER: May I approach, Your Honor?

16 THE COURT: Uh Huh.

17 [Whereupon, the witness is shown document]

18 Q. [Ms. Oppenheimer] Looking at page 163 of the
19 transcript. This is your cross-examination of the
20 girlfriend.

21 You asked her about the victim, correct, line 13 I
22 believe.

23 A. Line 13.

24 [Whereupon, the witness reviews document]

25 Q. Does reviewing that refresh your recollection?

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- 1 A. Yes. She says I don't remember anything.
- 2 Q. And that's in regards to seeing the victim that
3 night, correct?
- 4 A. That's right. That was our problem with the
5 girlfriend. She don't remember anything.
- 6 Q. So once the girlfriend testified that she did not
7 recall anything did that hurt your trial strategy at all?
- 8 A. Yes, ma'am; absolutely.
- 9 Q. And what was that strategy again?
- 10 A. Defense of a third party.
- 11 Q. So there was no evidence presented of that correct;
12 at that point in time?
- 13 A. Well, now wait a second. There was no evidence
14 presented but the simple fact is that up until the point
15 of plea offer and acceptance of the plea Chad was going
16 to have to testify as to why he jumped down and went
17 after a man with his work knife.
- 18 Q. But he did not testify, correct?
- 19 A. But he did not testify, no.
- 20 Q. So his story was never presented.
- 21 A. No, his story was never presented because it was
22 aborted by a decision to plead.
- 23 Q. Now going back -- so regarding the Applicant's
24 decision to plead what were the circumstances surrounding
25 that decision?

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1 A. The State had I believe had rested. The transcript
2 is going to reflect that. The State had, and I'm not
3 sure whether it was before lunch or after lunch.

4 At some point we had this break and there was a
5 conversation in chambers about what the next witness
6 would be. And of course we were making a request that
7 the Court inquire on the record of the Defendant about
8 the Defendant's choice to testify or not testify.

9 And frankly I believe I had a conversation with
10 Judge Young about I was sorry that we didn't have the
11 Harris charge anymore. But the simple fact is there was
12 that conversation and there was some chambers talk.

13 And ultimately we talked with the State and then
14 there was communication back to us and there was an
15 offer. And then that started the conversation about a
16 potential plea.

17 Q. Did you inform the Applicant of the consequences of
18 his plea?

19 A. Yes. We informed, both of us informed the Applicant
20 that he was facing maximum penalty for essentially
21 aggravated assault plus five years for the weapon.

22 And we couldn't guarantee what the Judge was going
23 to do because I have to underscore Judge Young never took
24 part in the plea negotiations. They may have started in
25 his chambers but he never took part in the plea

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1 negotiations, never indicated what he was going to do
2 sentence wise.

3 Q. Right. So did you ever promise the Applicant
4 anything with regards to the plea?

5 A. No. Last time I checked I didn't have the ability
6 to promise him what the Judge was going to do.

7 Q. Did you make him aware of the potential sentence
8 that he was facing?

9 A. Yes. I mean he was facing a consecutive sentence on
10 both these charges.

11 Q. Was it ultimately the Applicant's decision to plead
12 guilty?

13 A. Yes, it was.

14 MS. OPPENHEIMER: Beg the court's indulgence.

15 [Whereupon, Ms. Oppenheimer reviews documents]

16 Q. [Ms. Oppenheimer] Going back to the voir dire do you
17 recall Judge Young asking the jury pool if they had any
18 prior knowledge of this case?

19 A. Specifically no, I don't recall that. But I think
20 the transcript probably will reflect it because the Court
21 asked some fairly standard questions in every case.

22 Q. And would one of those standard questions ask about
23 potential biases of the jurors?

24 A. Biases, prejudice; any knowledge of the case
25 etcetera.

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1 Q. And you brought to the Court's attention the
2 relationship that Juror I believe 36 had with the
3 Solicitor's office?

4 A. Yes.

5 Q. And do you recall was she brought out from the
6 deliberation room to talk with counsel and Judge Young?

7 A. Yes, she was brought out. I believe we did it at
8 the bench.

9 Q. And at that time you were satisfied with her
10 responses that she would be able to give the Applicant a
11 fair trial?

12 MR. FALK: I would object to leading. It calls for
13 speculation with no foundation.

14 THE COURT: She can lead him. She's cross-
15 examining him. She can lead him. You can answer the
16 question to the best of your knowledge.

17 A. Well, as a practical matter I don't believe jurors
18 coming into this courthouse really are expecting to give
19 Defendants a fair trial but that's beside the point.

20 I think she honestly said that she could give him a
21 fair trial as I recall. But most jurors don't come to
22 this courthouse to find Defendants not guilty.

23 Q. [Ms. Oppenheimer] And did you inform the Applicant
24 of his right to testify?

25 A. Yes. And as a matter of fact I always ask the Court

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1 to inform the -- and of course usually the trial judges
2 do that. But I always ask the Court to do it because the
3 Judges generally give a stronger bit of advice than
4 defense counsel does.

5 Q. So he was aware that he could get up there and tell
6 his story?

7 A. Yes. And we had been through half the case.

8 Q. Were you prepared to present a defense had he
9 decided not to plead guilty?

10 A. Our defense was defense of a third party. Now
11 whether or not you want to characterize that as stand
12 your ground law or what have you you know that's fine.

13 Defense of a third party; and if you want to put it
14 in its very basic terms you had a total stranger coming
15 after his girlfriend and that's how we were going to
16 argue it to the jury.

17 And for some purpose with the argument to the jury
18 that a lot of drunken people, a lot of drunken men are in
19 fact just hound dogs looking for a cheap thrill. And he
20 saw a chance to get a cheap thrill that night.

21 Q. Well, that was your theory but that evidence wasn't
22 presented at trial, right?

23 A. That evidence wasn't presented because Mr. Stalnaker
24 didn't testify. I mean you don't jump -- if you go over
25 on Line Street and see where he lived that's about a 20

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1 foot jump. He jumped 20 feet to the ground below to
2 defend his girlfriend. I mean you don't do that unless
3 you have some pretty serious concerns about her being in
4 jeopardy. And that was going to be his testimony.

5 Q. But he did not testify, correct?

6 A. But he didn't testify.

7 MS. OPPENHEIMER: No further questions, Your Honor.

8 THE COURT: Any redirect?
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1 REDIRECT EXAMINATION

2 BY MR. FALK:

3 Q. Just regarding his pleading, did you have a specific
4 conversation with him about what his parole eligibility
5 would be?

6 A. No. I can't recall a specific conversation about
7 when his parole eligibility would be. I'm certain that
8 someone would probably say can I be paroled, can I be you
9 know but I don't recall that having come up; and
10 particularly not in a situation where you might have a
11 consecutive sentence.

12 Q. But you said somebody might have asked could he be.
13 Did he ask whether or not he could be paroled?

14 A. I don't recall. I honestly don't recall. But if
15 you want to know the honest truth he probably did. I
16 don't recall what the question was and I don't recall
17 what my answer was.

18 Q. Okay.

19 A. But he probably did.

20 Q. Okay. And it's not clear to me regarding Juror 36
21 did you ask Judge Jeffrey Young that she be excused?

22 A. I'm bound by the record. Whatever the record says I
23 did I did.

24 Q. This is a situation where I think we have to maybe
25 what your recollection is because I'm afraid that might

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1 be part of the record that wasn't -- you know that might
2 have been part of the...

3 A. I don't recall either myself or Mr. Jaskiewicz
4 saying Judge, please excuse this juror and declare a
5 mistrial.

6 Q. Okay.

7 A. Now I did I will tell you this. I've said it a
8 thousand times. I ain't going with less than 12.

9 Q. Right.

10 A. And I know I would have told the Judge that at the
11 bench. We ain't going with less than 12. And so if I
12 asked for her to be excused the next step would have been
13 if he had granted it would have been to have a mistrial.

14 MR. FALK: No further questions.

15 THE COURT: Any objection to Mr. Runyon being
16 excused from the State?

17 MS. OPPENHEIMER: No, Your Honor. He's just a
18 witness in another case for today.

19 THE COURT: He sure is. I guess you've got to
20 stick around with us for a little while longer.

21 [Whereupon, the witness is excused and exits the
22 witness stand]

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Post Conviction Relief-Stanley Jaskiewicz-Direct Examination by Mr. Falk
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1 MR. FALK: I call Stan Jaskiewicz.

2 THE COURT: Sir, if you would come to the stand and
3 be sworn.

4 [Whereupon, Mr. Jaskiewicz comes forward]

5 THE COURT: We're going to take a brief comfort
6 break for my court reporter. It will literally be two
7 minutes and we'll be back.

8 [Whereupon, Court is in recess from 12:50 p.m. until
9 1:18 p.m.]

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1 THE COURT: I did not realize how close we were to
2 lunch when we took a comfort break for the court
3 reporter. How long is Mr. Jaskiewicz's testimony going
4 to be?

5 MR. FALK: I'm assuming about as long as Mr.
6 Runyon's was.

7 THE COURT: And that took about -- it took an hour.
8 Don't y'all think we need to break for lunch?

9 MR. FALK: Yes, Your Honor.

10 THE COURT: Yes, I'm hungry. Y'all hungry? Let's
11 ask a quick question though before we do that.

12 [Whereupon, the Court confers with the Attorney
13 General regarding the docket]

14 THE COURT: That leaves us finishing with
15 Stalnaker, which after we do Mr. Jaskiewicz that will be
16 the last witness, correct?

17 MR. FALK: Well, we'll have rebuttal witnesses.

18 THE COURT: Okay. Why don't we break for lunch for
19 an hour? Let's come back at -- why don't we just call it
20 even at 2:30.

21 [Whereupon, Court is in recess from 1:24 p.m. until
22 2:48 p.m.]

23 THE COURT: I'm the chief Judge in Berkeley and
24 something came up that I needed to deal with during the
25 lunch break. If it's any consolation I didn't really

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1 have a lunch. Y'all ready? Mr. Jaskiewicz if you would
2 take the stand and have the Clerk swear you and we'll
3 resume your testimony.

4 [Whereupon, Mr. Jaskiewicz comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: If you could state your first and
8 last name and spell your last name loudly and clearly
9 into the microphone.

10 THE WITNESS: Stan Jaskiewicz, Jr. Last name is
11 spelled J-A-S-K-I-E-C-I-C-Z.

12 THE COURT: You may proceed.
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1 stabbed severely and more times than Chad probably
2 realized and that in fact did happen.

3 He lost a lot of blood and as Mr. Runyon testified
4 that trail of blood led to the victim and to his
5 hospitalization. The defense was going to be a
6 protection of a third party..

7 That fell through when the girlfriend of Chad all of
8 a sudden could not remember anything and testified she
9 knew nothing. That coupled with the gore of the victim,
10 his testimony, led us to probe for a plea.

11 Q. Okay. Was there -- but there was also a thought
12 that this could also be a self-defense case was it not?

13 A. Well, it started off that we were going to explore
14 that.

15 Q. Okay.

16 A. But then as we got in to the development of the
17 issues it had to be defense of others.

18 Q. Why was that?

19 A. Well, because that was the real arena where he and
20 the victim clashed.

21 Q. But he was still on his own property, is that right?

22 A. Well, the house fronts on the sidewalk. And Chad
23 even stood on the sidewalk in front of his house and said
24 this is my property. Well, obviously it was City's. But
25 we walked off where his girlfriend was thrown against the

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1 wall to where the encounter was had with the victim. And
2 after I did all that I said this is going to be much more
3 than I thought so I called Bill.

4 Q. What did you mean it was going to be much more than
5 that?

6 A. Well, we had -- Bill gave me some information about
7 the media involvement; he knew that. So I figured he
8 could handle that and the voir dire and I would take the
9 rest of it.

10 Q. Okay. But were you still going to try to go forward
11 -- had the case gone to a jury would you have been
12 looking for a charge on self-defense?

13 A. We would have had self-defense and defense of a
14 third party, yes.

15 Q. Okay. What conversations did you have with Chad
16 about the charges he was going to be pleading to?

17 A. You mean after the State rested?

18 Q. Right, well you said there was, the State came back
19 I guess and said they would let him plead to the lesser
20 included offense?

21 A. Right.

22 Q. Okay. What explanation did you give to Chad about
23 the lesser included offense?

24 A. Again, Bill and I both did that but Bill was lead
25 counsel on that and he explained it to Chad and we went

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1 from there.

2 Q. Do you have a recollection of telling him about what
3 the parole eligibility would be if he pled guilty to
4 ABHAN?

5 A. I don't do that. I did not do that.

6 Q. Because that wasn't your role in this defense or
7 because you never ever do that? I'm not sure I
8 understand you ---

9 A. --- I don't ever tell a person who is charged with a
10 crime that he could be convicted for that he will be
11 eligible or she will be eligible for 55 percent, 85
12 percent when I'm not sure. I don't do that.

13 Q. Okay. Did you know whether or not somebody who
14 pleads guilty to ABHAN would have been eligible for
15 parole ever?

16 A. I assume they would not if they have a consecutive
17 sentencing of a gun possession on it.

18 Q. Okay. But is it your understanding that if he pled
19 guilty to assault and battery of a high and aggravated
20 nature and he did not have another potential charge that
21 you would be parole eligible or not?

22 A. Yes. I would find that out before.

23 Q. So that he would have enough information in order to
24 know the consequences of his plea?

25 A. As I stated Bill talked to him about that.

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1 Q. Okay. I just -- I'm just trying to get your
2 recollection of any conversation ---

3 A. --- I understand ---

4 Q. --- that you had.

5 A. And I'm trying to give you the information because
6 you know Chad needs every break he can get.

7 Q. As far as finding the toxicology report did you get
8 the medical information, the medical records as part of
9 the discovery in this case?

10 A. I didn't. He was at first represented by a public
11 defender and they did the discovery motion. We inherited
12 that.

13 Q. Okay. But prior to trial did you have the medical
14 records?

15 A. I didn't.

16 Q. Did Mr. Runyon have them?

17 A. Yes.

18 Q. Did you review -- so were you reviewing the medical
19 records prior to while preparing for ---

20 A. --- I just talked to Bill about his synopsis of what
21 he found.

22 Q. Okay. Okay. Did you play any role in a discussion
23 of what to do with Juror number 36? That was the -- you
24 recall there were two problem jurors at the very
25 beginning of this case, is that correct?

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1 A. Yes.

2 Q. There was a problem with the Foreman went and
3 posting on Facebook and then the second juror came back
4 and told Judge Young that she had problems that she
5 didn't think she could be fair, is that correct?

6 A. That's correct.

7 Q. And then there was a third juror that came out that
8 was related to someone who was working in the Solicitor's
9 office, is that correct ---

10 A. --- right, that was disclosed. Right.

11 Q. Okay. So at that time when Juror 36 came forward
12 there were only 12 jurors left, is that right?

13 A. That is my recollection, yes.

14 Q. Okay. Did you play any role in the decision of what
15 to do once you found out this potential conflict of Juror
16 number 36?

17 A. No, sir.

18 Q. Okay. All that decision making was left to Mr.
19 Runyon?

20 A. Right, but he would inform me of his concerns and we
21 would discuss it.

22 Q. Sure.

23 A. That's how it went.

24 Q. Okay. Going into the trial had you been suffering
25 from any health issues prior to the trial?

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1 MS. OPPENHEIMER: Objection, Your Honor.

2 THE COURT: Basis?

3 MS. OPPENHEIMER: Relevance.

4 THE COURT: How is that relevant Mr. Falk?

5 MR. FALK: May I approach?

6 THE COURT: Sure.

7 [Whereupon, and on the record bench conference is
8 held as follows:

9 MR. FALK: He was under pain management care.

10 THE COURT: Half the lawyers I deal with are under
11 pain management care on some kind of mood elevator or
12 some serotonin inhibitor or producer. You have to tell
13 me it's relevant to something. He sat second chair.
14 He's already said they delegated the bulk of the case to
15 Mr. Runyon. You have to let me know it's relevant and
16 it's not just character that it somehow diminished his
17 capacity.

18 MR. FALK: Can I ask him that?

19 THE COURT: No, you're going to have to have some
20 good faith basis or a proffer. I mean there are a lot of
21 people with back problems that are on pain management.

22 MR. FALK: Thank you.

23 THE COURT: I just -- you would have to tell me it
24 was abused in some way and that it rendered him
25 incoherent or something for it to be relevant.

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1 [End of bench conference]

2 THE COURT: The objection is sustained subject to
3 the establishment of foundation making the question
4 relevant.

5 Q. [Mr. Falk] Did you prepare the charge book Mr.
6 Runyon talked about?

7 A. I did.

8 Q. Okay.

9 MR. FALK: Can I approach?

10 THE COURT: You may.

11 [Whereupon, Mr. Falk and Ms. Oppenheimer review
12 document]

13 [Whereupon, Applicant's exhibit number 1 is marked
14 by the court reporter]

15 [Whereupon, the witness is shown document]

16 Q. [Mr. Falk] Now there are some handwritten -- first
17 of all do you recognize that page?

18 A. I do.

19 Q. Now there is some handwriting on that page.

20 A. Yes.

21 Q. That's not yours.

22 A. It's not mine.

23 Q. Okay. But what is that page?

24 A. This page is Defendant's requested instruction
25 number and a blank is left for the Court to number

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1 whichever.

2 Q. Okay. So were you going to ask for an instruction
3 on assault and battery with intent to kill?

4 A. I prepare charges at the very onset of the trial
5 with a plethora of issues. I wanted to cover everything
6 so that's what this was for.

7 Whether or not we used it if it went to jury
8 consideration would be determined at that time or shortly
9 before that time.

10 Q. Right. But was that part of your -- was it your
11 understanding that assault and battery with intent to
12 kill was a lesser included offense of what he was charged
13 with?

14 A. No. This has nothing to do with that..

15 Q. Okay. So what is that then?

16 A. Well, assault and battery with intent to kill -- you
17 don't want me to read the whole thing do you?

18 Q. No, that's a standard charge on assault and battery
19 with intent to kill.

20 A. Right, right.

21 Q. Okay. And you had it prepared as part of a book in
22 getting prepared for this case, is that right?

23 A. It was an eventuality and if it came to that we
24 would have used it. If it didn't come to that or render
25 itself to that need we wouldn't have done it.

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1 Q. What circumstances would have come that you would
2 need it?

3 A. Well, if the testimony of the victim had not been so
4 -- it was absolutely gory. And the doctor heightened it;
5 it was just magnified to the point that if you could
6 establish he was defending the third party; even though
7 he had a knife and the third party -- or the victim did
8 not it would be excessive use of that deadly force.

9 Q. So had that testimony played out a particular way
10 that might have been a consideration is that what you're
11 saying?

12 A. Right.

13 Q. Thank you. Now what kind of discussions did you
14 have with Mr. Stalnaker, with Chad Stalnaker as far as
15 pleas in this case, plea offers; plea discussions prior
16 to the trial?

17 A. It looks like I'm putting everything on Bill but he
18 was lead counsel and when he got to that point he
19 discussed it with Chad. I was there with him after we
20 bounced if off each other and he explained it to Chad.

21 Q. No, I'm not talking about -- I'm talking six months
22 before trial. Were there any discussions getting a plea
23 offer ---

24 A. --- no ---

25 Q. --- in this case?

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1 A. No.

2 Q. Were you aware of any offers that the Solicitor had
3 made in this case?

4 A. I was aware of all communication between him and
5 Bill.

6 Q. You took notes after your first meeting with him,
7 with Mr. Stalnaker?

8 A. Yes.

9 Q. Okay.

10 A. And we took measurements too.

11 Q. Does that look like your notes?

12 [Whereupon, the witness is shown document]

13 A. It does.

14 Q. Okay. And so anywhere on the top of that page is
15 there any discussion or any notes regarding plea offers
16 because this is back on -- what is the date of that page?

17 A. January 31, 2016.

18 Q. Okay. So is there any indication on there that
19 there was a discussion of a plea offer?

20 A. I don't see any.

21 Q. Beg your pardon?

22 A. I don't see any.

23 Q. Right above that line [indicates]?

24 A. Oh, I didn't read the scratched through part. That
25 would be what we would settle for if they offered that.

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1 Q. Okay. So there was some kind of discussion?

2 A. Not with -- Chad was definitely on the go for a
3 defense of self-defense or defense of a third person.

4 Q. Okay.

5 A. This was what Bill and I talked about when I got
6 Bill on the phone. I was taking notes. That was added
7 afterwards.

8 But it was talking about seeking that as a fall-back
9 position if we had to go to trial or avoid a trial by
10 accepting a ten year sentence.

11 Q. Okay, fair enough. Now are these additional notes
12 of yours?

13 [Whereupon, the witness is shown documents]

14 Q. I'm just looking at something on the back page of
15 that. Is that your handwriting?

16 A. Yes.

17 Q. And so there is that Delta sign and the equal with a
18 line crossed through it ---

19 MS. OPPENHEIMER: --- Your Honor, the State has not
20 seen those documents.

21 THE COURT: Please show it to counsel.

22 [Whereupon, Mr. Falk provides documents to Ms.
23 Oppenheimer].

24 Q. [Mr. Falk] So again, my reading is you have a Delta
25 sign and an equals crossed out.

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1 A. Defendant does not want a ten year plea. Will
2 consider a five year plea.

3 Q. Okay. So you knew going in to this he was not
4 interested even in a ten year plea and he was maybe
5 thinking of a five year plea, is that fair to say?

6 A. That was before the horses were run, right.

7 Q. Okay. Did you have any conversations after the
8 sentencing with Eric Stalnaker?

9 A. Chad's Dad?

10 Q. Chad's Dad.

11 A. I have some conversations with him. I don't know
12 what point in the trial that was though.

13 Q. Do you recall ---

14 A. --- because they were sitting right behind the
15 defense table in the first row of seats.

16 Q. Did he call you on the phone a couple weeks
17 afterwards?

18 A. I think I had several phone calls with him before
19 and after if I'm not mistaken.

20 Q. Did you have a conversation with him explaining that
21 there was a mistake in Chad's sentence that he was
22 getting from SCDC?

23 A. No.

24 Q. Did you have a conversation with him where you told
25 him that you were going to take care of it and weren't

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1 going to let Chad fall through the cracks?

2 A. If there was a mistake we as the lawyers who
3 represented him we would do something about it, yes.

4 Q. Okay. Did you believe that there was a mistake?

5 A. No.

6 Q. Did you when he went up to plea when he pled guilty
7 did you think he was going to be ever parole eligible on
8 this case?

9 A. Again, I ---

10 MS. OPPENHEIMER: --- that's been asked and
11 answered.

12 THE COURT: Sustained.

13 Q. [Mr. Falk] Did you have a conversation with Mr.
14 Stalnaker, Eric Stalnaker telling him that you would look
15 into it or call SCDC?

16 A. I said if there was something wrong I would do that.

17 Q. Okay.

18 MR. FALK: No further questions.

19 THE COURT: Any questions of the witness?

20 MS. OPPENHEIMER: Briefly, Your Honor.

21 THE COURT: You may proceed.
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Chad P. Stalnaker

Post Conviction Relief-Stan Jaskiewicz-Cross-Examination by Ms. Oppenheimer
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1 CROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. As what point did you get Mr. Runyon involved in
4 this case?

5 A. Within -- when Chad came by initially and it was a
6 weekend, it was either Saturday or Sunday; it was cold as
7 the dickens, we went to the scene of the incident marking
8 where with the diagram where his girlfriend was thrown
9 against the wall and stepped it off to where he jumped
10 down from the second story porch with his knife.

11 We had some conversations. At that time I think is
12 when I told him I was going to get Mr. Bill Runyon
13 involved if he Bill was available and willing to do it.

14 And I ran it by Bill after I took these measurements
15 and thought we had a shot at a defense and Bill said he
16 was interested.

17 Q. Okay. And your defense at trial was the defense of
18 others?

19 A. Right.

20 Q. Was there any evidence to support that effort?

21 A. If one side is taken as true, yes. I mean this
22 Defendant, Chad is a good guy. He really is. He
23 overreacted with that knife and he hurt the victim more
24 than he thought he did.

25 Q. Okay. So after the State had rested had anyone

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1 testified that the Applicant was in his -- or excuse me,
2 the victim was in his girlfriend's face?

3 THE COURT: You want to rephrase that? It confused
4 me so I know it confused him. Did you understand the
5 question ---

6 MS. OPPENHEIMER: --- yes, sorry. I apologize,
7 Your Honor ---

8 THE COURT: --- I was just having a hard time
9 following it. If you could, rephrase the question
10 please.

11 Q. [Ms. Oppenheimer] Was there any testimony presented
12 that the victim was in Mr. Stalnaker's face?

13 A. No.

14 Q. And was there any evidence presented that the victim
15 initially attacked Mr. Stalnaker?

16 A. No. The defense that we had we did not put Chad or
17 his defense on the stand. The case was resolved after
18 the State rested and essentially after the lack of
19 testimony from his girlfriend, a lack of supported
20 testimony, and also the extent of the injuries to the
21 victim.

22 Q. So Mr. Stalnaker decided to plead guilty in the
23 middle of trial before his story could be presented,
24 correct?

25 A. Right.

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1 Q. And did you ever promise him anything in exchange
2 for his plea?

3 A. No, ma'am.

4 Q. Now going back to voir dire do you recall Judge
5 Young questioning the jury pool about potential bias?

6 A. I remember that he did that, yes ma'am.

7 Q. And was there any response from the jury that you
8 recall?

9 A. There was none that I recall.

10 MS. OPPENHEIMER: Beg the court's indulgence.

11 [Whereupon, Ms. Oppenheimer reviews documents]

12 Q. [Ms. Oppenheimer] Besides walking through the scene
13 what other investigation did you do?

14 A. Well, we called the girlfriend or we tried to. She
15 was not very cooperative. We had a difficult time
16 getting a hold of her. In fact I haven't reviewed the
17 file in a while but I don't even know if she called us
18 before the trial came to be had.

19 We talked to -- we went through discovery with --
20 Bill and I discussed that and then we gave it -- I don't
21 know if we gave a copy to Chad or not but we discussed
22 the discovery with Chad.

23 Q. Okay. And was there ever any indication that the
24 victim had a weapon?

25 A. No, ma'am.

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1 Q. And Mr. Falk asked you about the proposed charges
2 you prepared. That was before trial?

3 A. Yes.

4 Q. And you would have narrowed that down?

5 A. We would have culled through it and gotten rid of
6 what was not workable and find something that was
7 appropriate.

8 Q. And ultimately Mr. Stalnaker pled guilty before any
9 jury charge could be had.

10 A. Correct.

11 MS. OPPENHEIMER: I have no further questions, Your
12 Honor.

13 THE COURT: Any redirect?

14 MR. FALK: One moment, Your Honor.

15 [Whereupon, Mr. Falk confers with his client]

16 MR. FALK: No redirect, Your Honor.

17 THE COURT: Any objection to the witness being
18 excused?

19 MS. OPPENHEIMER: None from the State, Your Honor.

20 MR. FALK: No, Your Honor.

21 THE COURT: You're excused.

22 THE WITNESS: Thank you, Your Honor.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: Anything further?

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1 MR. FALK: Yes, Your Honor. I'd like to recall my
2 client.

3 THE COURT: Well, let's see. The State hasn't
4 provided any information so you don't get rebuttal. You
5 get to present your case. They get to present their case
6 and then you get to call him in rebuttal. Or did I miss
7 something?

8 MR. FALK: No, Your Honor. I guess I wanted to put
9 up regarding prior inconsistent statements by witnesses.

10 THE COURT: You would have to have had those -- you
11 would have to have done that with the witness wouldn't
12 you? You have to give them the opportunity to admit or
13 refute it and then ---

14 MR. FALK: --- and both Mr. Runyon denied having a
15 conversation about ---

16 THE COURT: --- your client already testified he
17 had a conversation. So does he need to reiterate that?

18 MR. FALK: And then my client's father would also
19 have that same ---

20 THE COURT: --- if he was present and the
21 conversation was with him but he can't repeat what
22 someone else said. You've already attempted to elicit
23 that from him. I assume his statement would be that he
24 observed -- based on the way you phrased the question
25 that it would be the opposite of what the witnesses have

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1 testified to, is that accurate?

2 MR. FALK: And then Mr. Stalnaker would testify to
3 conversations that he had with defense counsel after as
4 far as cleaning up the problem and ---

5 THE COURT: --- hasn't he already testified to
6 that? And isn't the calculation of credits isn't that an
7 Administrative Law Judge issue? The Court is not in the
8 posture of calculating credits. Doesn't he have a
9 process that he can avail himself of administratively?

10 MR. FALK: Your Honor, the issue here is that he
11 did not realize that he was pleading to a no-parole
12 offense. And there is nothing in the record that showed
13 that he was advised by anybody that this was a non-
14 paroleable offense. If you look at the colloquy from
15 Judge ---

16 THE COURT: --- I've read the transcript. But my
17 question is what is he going to say that is different
18 than what he has already said on direct because he's
19 already said he had the conversation with them. He's
20 already said they made those representations to him.
21 They say they have no recollection of it. So are you
22 going to elicit something new that he hasn't already
23 said?

24 MR. FALK: No, Your Honor. Not...

25 THE COURT: I mean if there is something new I'll

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1 be glad to entertain it. But I don't think he gets to
2 repeat what he said on direct.

3 MR. FALK: Thank you.

4 THE COURT: That's not what the rules contemplate.
5 Is his father -- are you going to elicit something
6 different from his dad that he didn't already testify to
7 in direct exam?

8 MR. FALK: I did not ask him on direct examination
9 conversations that he had with Stan Jaskiewicz. If he
10 talks about ---

11 THE COURT: --- I'm trying to remember ---

12 MR. FALK: --- conversations ---

13 THE COURT: --- I thought he did say he did call
14 them and that they said they were going to do certain
15 things.

16 MR. FALK: I'm just saying he spoke with Mr.
17 Runyon. I asked him about Mr. Runyon but not about the
18 other counsel.

19 THE COURT: Does the State have any exception?

20 MS. OPPENHEIMER: Your Honor, anything that Mr.
21 Stalnaker's father is going to testify to we believe
22 would be hearsay.

23 THE COURT: Well, if -- what Mr. Falk is saying is
24 that he is not eliciting what happened between the two of
25 them. He's saying that representations were made to Mr.

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1 Stalnaker, Sr. and that those are under Rule 609
2 statements that would contradict statements of a witness
3 as extrinsic statements.

4 MS. OPPENHEIMER: In my notes Your Honor I have
5 that he already asked Mr. Stalnaker regarding ---

6 THE COURT: --- Mr. Runyon and Mr. Jaskiewicz?

7 MS. OPPENHEIMER: Yes, that's what I have in my
8 notes.

9 THE COURT: That's what I thought too but I didn't
10 want to rely just on my notes.

11 [Whereupon, the Court confers with the law clerk]

12 THE COURT: I'm going to give him a little
13 latitude. You may recall the witness but only on that
14 limited issue. Sir I'll remind you, you are still under
15 oath.

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Chad P. Stalnaker
Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk
July 23, 2018

1 [Whereupon, Mr. Stalnaker comes forward]
2 THE COURT: And when you get on the stand if you
3 will tell us your name again for the record.
4 THE WITNESS: Eric Stalnaker.
5 THE COURT: You may proceed.
6 - - - - -
7 ERIC STALNAKER,
8 Having been previously duly sworn,
9 Was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. FALK:
12 Q. Mr. Stalnaker I just want to talk about
13 conversations that you had after the sentencing with Mr.
14 Jaskiewicz. And do you recall calling him on the phone?
15 A. Yes, about I'd say two and half weeks after the
16 sentencing when the information became available online
17 and I saw that it wasn't as we believed it should be I
18 call Mr. Stan and Mr. Stan said that I should call Mr.
19 Bill.
20 So I explained it to Mr. Stan a little bit more and
21 he said check with Mr. Bill and then get back to me.
22 Then I called Mr. Bill, Mr. Runyon who said he would take
23 care of it. It was a clerical administrative error and
24 he would take care of it ---
25 MS. OPPENHEIMER: --- objection, Your Honor.

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Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk
July 23, 2018

1 Hearsay.

2 THE COURT: Well, now it's in the nature of him of
3 an extrinsic statement for creditability purposes so.

4 A. So Mr. Runyon said he would take care of it. It was
5 an administrative problem. A couple of weeks went by and
6 nothing changed. I called Mr. Stan again and I said Mr.
7 Stan nothing has changed; it's still the same.

8 He said Mr. Bill said he's working on it, he's
9 working on it. And I said well, I don't want Chad to
10 fall through the cracks and he said we won't let that
11 happen.

12 And so I called Mr. Runyon again. He says he's in
13 contact with the records people and he's going to get it
14 worked out. After a few weeks I called the records
15 people and they said they didn't know anything about him
16 or anything about that.

17 Q. So you thought that there was a problem with the way
18 he was -- when they were showing his parole eligibility
19 ---

20 A. --- Mr. Runyon said it was a clerical error.

21 Q. And what was the nature of the error? What did you
22 think it should show?

23 A. Non-violent. He should have done -- I thought it
24 would have been a lot less years in time. I didn't know
25 he was going to have a gun charge on him because we never

Chad P. Stalnaker

Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk

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1 discussed that weapons charge at all; it never came up
2 even in the Court when they were talking about what
3 Chad's sentence where they were going to tell him what
4 the plea deal was.

5 Q. But as far -- did you get the impression that Mr.
6 Runyon or Mr. Jaskiewicz understood what you were talking
7 about?

8 A. Oh, they knew exactly what I was talking about.
9 Absolutely, they knew what I was talking about. Then Mr.
10 Runyon said that he was in touch with Judge Young's
11 office. After a few weeks ---

12 Q. --- they're not going to let us talk about that ---

13 A. --- well, I called his office and they had never
14 heard of him and they didn't know anything about it.

15 Q. But I'm just trying to go back. So you had a
16 conversation with Mr. Jaskiewicz and there was a -- you
17 advised him that you thought there was a mistake because
18 of the way he was classified and his eligibility date for
19 whether he was parole eligible?

20 A. Right, that's exactly right. He wasn't parole
21 eligible. It said it right there on the website.

22 Q. And based on -- and why did you think he would be
23 parole eligible?

24 A. Because that's what they told us in the ---

25 MS. OPPENHEIMER: --- objection ---

Chad P. Stalnaker

Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk

July 23, 2018

1 THE COURT: --- now that's sustained. He can't ---

2 A. --- in the conversation ---

3 Q. [Mr. Falk] --- that's...

4 A. While we were discussing his plea deal that was what
5 was said that he would be eligible for parole ---

6 MS. OPPENHEIMER: --- objection. Hearsay.

7 THE COURT: Sustained.

8 MR. FALK: That's just contradicting their -- they
9 were specifically asked that they make comments about
10 parole eligibility and they said ---

11 THE COURT: --- you've not established pursuant to
12 any foundation that they were actually a part of this
13 conversation, that they didn't hear it peripherally. The
14 testimony is that they were on the first pew. They were
15 not a part of that attorney client privileged
16 communication. So far all I've heard is that it was
17 communicated to him that this took place.

18 A. Well, I can verify ---

19 THE COURT: --- sir, do not speak. If you can
20 establish the foundation for the question that he was
21 part of a one-on-one conversation where this was
22 specifically said to him; that's different. What he
23 overheard...

24 Q. [Mr. Falk] Where were you -- did you have a
25 discussion with Mr. Runyon and Mr. Jaskiewicz?

Chad P. Stalnaker

Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk

July 23, 2018

1 A. Yes. I was asking them questions while the plea
2 deal was going on and they were answering my questions.

3 Q. Where were you standing?

4 A. Right behind them. Right where like my wife is they
5 were just on the other side of the barricade there; the
6 wall there [indicates].

7 Q. So you were leaning -- they were leaning over the
8 bar?

9 A. Yes, we were all standing.

10 Q. And so you had a conversation with him?

11 A. Yes.

12 Q. And they told you he would be parole eligible?

13 A. Yes.

14 Q. And that was the confusion?

15 A. And the time, the amount of time because they said
16 55 percent and it wasn't 55 percent. It was 85 percent.

17 Q. And so when you called them on the phone and you
18 said there was a problem.

19 A. They said it was a clerical error and Mr. Runyon
20 said he would take care of it; that he was going to go
21 talk to the records people.

22 Q. And did they understand that you were talking about
23 the parole eligibility?

24 A. Yes, oh yes, the whole thing.

25 MR. FALK: No further questions.

Chad P. Stalnaker
Post Conviction Relief-Eric Stalnaker-Direct Examination by Mr. Falk
July 23, 2018

1 THE COURT: Any questions?

2 MS. OPPENHEIMER: Just briefly, Your Honor.

3 THE COURT: You may proceed.

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Chad P. Stalnaker

Post Conviction Relief-Eric Stalnaker-Cross-Examination by Ms. Oppenheimer

July 23, 2018

1 CROSS-EXAMINATION

2 BY MS. OPPENHEIMER:

3 Q. Your son was charged with attempted murder right?

4 A. Yes.

5 Q. And he had stabbed an individual 16 times

6 approximately?

7 A. I don't believe that's the correct number.

8 Q. Okay. Well, he stabbed someone, right?

9 A. Yes.

10 Q. And did you go to law school?

11 A. No.

12 MS. OPPENHEIMER: No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MR. FALK: No, Your Honor.

15 THE COURT: Sir, you may step down.

16 [Whereupon, the witness is excused and exits the

17 witness stand]

18 THE COURT: Anything further?

19 MR. FALK: No, Your Honor.

20 THE COURT: Any further witnesses -- any witnesses

21 from the State?

22 MS. OPPENHEIMER: No, Your Honor.

23 THE COURT: All right. Is there any argument?

24 MR. FALK: Yes, Your Honor.

25 THE COURT: Proceed.

Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Mr. Falk
July 23, 2018

1 CLOSING ARGUMENTS

2 BY MR. FALK:

3 This is a case, Your Honor where we were going
4 through a trial and it appeared that -- well, first of
5 all I think there has been evidence testified to that my
6 client did not want to take the plea deal. Mr.
7 Jaskiewicz testified that he had notes that his client
8 would not take a 10 year deal and maybe would take a five
9 year deal.

10 There was testimony from my client that said that he
11 was told by his lawyers that he would be parole eligible
12 had he pled guilty to assault and battery of a high and
13 aggravated nature. If you look at the transcript in this
14 case although it says that ---

15 THE COURT: --- I need his sentence sheets. James,
16 let me give you the indictment numbers. Its 2014-CP-10-
17 5431 and 2015-CP -- GS; I'm sorry; I've been doing CP so
18 long -- 2014-GS-10-5431 and 2015-GS-10-5434. It's in the
19 file somewhere but the file is voluminous and I don't
20 feel like digging through it; I'm sorry. I'm sure it's
21 probably attached to his application as well but I want
22 the ones from the file. You may continue Mr. Falk.

23 MR. FALK: My client testified that when he pled
24 guilty that he did not know that he would not be parole
25 eligible. He did not know that he would have to serve 85

Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Mr. Falk
July 23, 2018

1 percent of the sentence. And that is consistent with
2 really the whole theory of this case that my client
3 wanted to assert a self-defense case or a defense of
4 others case. This is an accident that happened adjacent
5 to possibly on his property or near his property, whether
6 or not he was defending his girlfriend at the time or
7 defending himself from an attacker. He was at his
8 property and somebody was coming to him.

9 Now whether or not he was entitled to an instruction
10 on a Castle Doctrine, defense of others, self-defense;
11 these are all claims that my client wanted to assert had
12 he gone forward to the jury. But he was told that he
13 could plead to assault and battery of a high and
14 aggravated nature, ABHAN and that it would be parole
15 eligible.

16 And that made all the difference in the world. That
17 even though the only thing he was told by the Judge going
18 into this was that it was a 20 year sentencing range.
19 Nobody told my client the significance of a 20 year
20 sentencing range, that that would then be a non-parole
21 offense.

22 So my client that's what his testimony was. I
23 believe that testimony is supported by the testimony of
24 his father and conversations that his father had with
25 counsel afterwards that possibly counsel understood that

Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Mr. Falk
July 23, 2018

1 they had a -- or that they had a misunderstanding of what
2 the significance of the sentence was. As a point I'm not
3 sure why he would have been preparing a charge for
4 assault and battery with intent to kill because at the
5 time of the trial that was no longer a charge in South
6 Carolina.

7 THE COURT: Well, it depends on the date it was
8 done. It depends on the date the offense happened; not
9 on when omnibus was passed. So it may well have been; I
10 don't know. But you know when you prepare jury charges
11 you prepare everything but the kitchen sink and then it
12 depends on how the facts develop in the trial as to what
13 ends up being charged.

14 MR. FALK: Still going back I think my client has
15 provided ample testimony that he was not advised of the
16 significance of the sentence. This was not -- had this
17 been a normal sentencing probably before Judge Young on a
18 normal day when there is a plea there probably would have
19 been a full colloquy.

20 And it's typical that most Circuit Court judges are
21 going to tell them that you understand this is a no-
22 parole offense and that this is a strike offense. There
23 was none of that conversation was done in this case.
24 There was no reason to think that my client with no prior
25 criminal record would have had any understanding of the

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Post Conviction Relief-Closing Arguments-Remarks by Mr. Falk
July 23, 2018

1 consequences of this plea under these facts in this case.
2 My client, the only reason why he pled guilty was because
3 he would sort of kind of would have agreed to a five-year
4 sentencing deal and thought that's about what he would
5 get in this case; had he gotten ten years or more and
6 pled and then only served 55 percent. There is no part
7 of this record that he was advised that this was an 85
8 percent charge.

9 THE COURT: Did your client sign the sentence
10 sheets? This is his signature on the sentence sheet
11 isn't it?

12 CLERK OF COURT: Yes, Your Honor.

13 THE COURT: And isn't the box for violent and
14 serious marked on each one of them and there is the
15 lesser included? Wouldn't they have gone over that with
16 him? Wouldn't he have read what he was signing?

17 MR. FALK: I think he signed the sentencing sheet.
18 And there was no testimony that this was gone over with
19 him.

20 THE COURT: I think you can assume that they went
21 over the sentence sheets with him before he signed them.
22 Based on what I've observed I don't think it would have
23 been palatable to him to sign something without it being
24 explained to him.

25 MR. FALK: Well, I think they explained to him that

Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Mr. Falk
July 23, 2018

1 they thought he was parole eligible. And I think that's
2 supported by the conversations that they had with him
3 later that they were going to try to fix this because
4 otherwise they would have no reason for a conversation
5 with Mr. Stalnaker -- I mean if the issue was whether or
6 not he was parole eligible had they known that this case
7 -- that he was not parole eligible. And I think Mr.
8 Runyon does not have a specific recollection of telling
9 him that.

10 THE COURT: Anything further?

11 MR. FALK: No, Your Honor.

12 THE COURT: Would you like to respond?

13 MS. OPPENHEIMER: Yes, Your Honor.

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Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Ms. Oppenheimer
July 23, 2018

CLOSING ARGUMENT

BY MS. OPPENHEIMER:

I'll go kind of -- contain my remarks to what Mr. Falk brought up. With regards to the plea there is no indication that anyone made any promises to the Applicant regarding parole eligibility, the sentencing what have you. He pled without recommendations after the State had rested, after he was advised of his right to testify at trial. And he made the decision to plead to the lesser included offense of ABHAN.

He indicated during the plea that no one had threatened him, coerced him or promised him anything in exchange for his plea. And Judge Young did review the potential sentences with him and he indicated that he understood those potential sentences.

Moreover, he was charged with attempted murder for stabbing a victim approximately 16 times. If -- there is a strong indication that this was a violent crime obviously. He signed the sentencing sheet indicating that he knew what he was pleading to; this was filled out so his signature I think is very telling.

In terms of self-defense and defense of others there was no evidence presented at trial. The girlfriend testified at length that she did not remember anything. She testified that she didn't even recall seeing the

Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Remarks by Ms. Oppenheimer
July 23, 2018

1 victim that night. She definitely didn't recall him
2 being in her face at all. None of the eyewitnesses
3 testified that they saw the victim in the girlfriend's
4 face.

5 And then there was a first fight, it was a fist
6 fight, it was finished. And then the Applicant
7 reinitiated that fight. There is no indication
8 whatsoever that the victim had a weapon so there is
9 nothing to support these allegations.

10 But regardless he could have testified at trial to
11 his side of the story. He chose not to. He chose to
12 plead guilty in the middle of trial. He made a solemn
13 admission of his guilt. And Your Honor, we would ask
14 that you deny the application. Thank you.

15 THE COURT: Anything further?
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Chad P. Stalnaker
Post Conviction Relief-Closing Arguments-Reply by Mr. Falk
July 23, 2018

CLOSING ARGUMENT REPLY

BY MR. FALK:

Your Honor, there was no testimony from the doctor saying that there were 16 stab wounds in this case.

There was testimony that he got stabbed; it wasn't --

There was testimony that he got stabbed possibly six times in the back with some other lacerations. We appreciate that this was a serious offense and that he did say that the injuries were life threatening. It certainly wasn't as violent as the prosecution was allowed to characterize because there was no testimony about 16 stab wounds.

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Post Conviction Relief-Ruling by the Court
July 23, 2018

1 RULING BY THE COURT

2 THE COURT: In considering a motion -- an
3 application for post-conviction relief the Court is
4 required to look at standard of performance for -- and I
5 now understand; the light bulb came on about the heading
6 on your motion. I understand now; I was confused
7 originally. I apologize.

8 The Court is required to look at the performance of
9 counsel and whether that performance fell below an
10 objective standard of reasonableness and whether it would
11 have made in my words, not the words of case law, any
12 appreciable difference in the outcome.

13 And where you have a hybrid such as this where it
14 didn't actually -- the trial was not completed the issue
15 becomes whether he would have insisted on going forward
16 in his trial or whether he would have pled guilty and
17 whether there is some doubt about that.

18 And just going in the order of what has been raised
19 in the argument and the questioning of the witnesses I
20 will start with the media issue with voir dire. While a
21 specific question was not asked about media there was a
22 question asked regarding whether anyone had any knowledge
23 of the facts and circumstances of the case.

24 One juror did stand and indicated that as a result
25 of media exposure he had some knowledge of the case and

Chad P. Stalnaker
Post Conviction Relief-Ruling by the Court
July 23, 2018

1 he was excused without objection. So that clearly did
2 not affect the disposition of the case. In addition to
3 that even if there was extensive media coverage as long
4 as a juror could have articulated that they did not have
5 a fixed opinion, and even if they did have a fixed
6 opinion that they could set that aside and make a
7 decision based on the facts, the evidence and the law.

8 I don't know that it would have made an appreciable
9 difference but I find that jurors are very transparent.
10 If they know something about a case they are more than
11 happy to tell you about it especially because most of
12 them are trying to get out of jury duty. And if they can
13 find a way to do it they will.

14 And generally they are astute enough to know that
15 exposure to the facts and circumstances of a case once
16 divulged generally will provide a reason for them to be
17 excused as a juror. But I find that most people are
18 incredibly honest about that and disclose what they know
19 and you had one juror stand. So while the specific
20 question was not asked I think it was more than
21 adequately covered in voir dire.

22 The next issue that was raised was about whether
23 some testimony was elicited regarding racial slurs. When
24 I look at the totality of the transcript that reference
25 is really taken out of context and I cannot take it out

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1 of context. Within the context of the case is not
2 dispositive and would not have had any bearing on how
3 this all played out. The trial, of course, started on
4 the 12th. The Defendant decided -- well the Applicant
5 decided to enter a plea on the 14th. And just again I'm
6 kind of going out of order and I apologize. I just made
7 some notes to myself as the arguments were being made and
8 testimony was being elicited.

9 While Mr. Stalnaker's father has testified that some
10 representations were made that he would only have to do
11 55 percent I do not find that convincing or compelling.
12 We don't have any offenses that are calculated at 55
13 percent. We have offenses that are calculated at 65
14 percent and 85 percent.

15 But nobody has a crystal ball. That portion or any
16 calculation of sentence is within the sole regulatory
17 authority of the Department of Corrections. And I don't
18 know any lawyer that makes promises or guarantees to a
19 client as to how something is going to be calculated. So
20 I do not find that testimony to be persuasive.

21 And there is no indication that he was a part of the
22 confidential conversations that would have taken place
23 between he and his son and I would not expect that to
24 happen because it would be vitiate privilege and it would
25 not make sense. And regarding the juror that's page 9

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1 lines 11 through 14, and 16 through 25 and page 10 lines
2 1 through 8. What is of most and particular interest in
3 this case because we've heard a lot about stand your
4 ground and self-defense Mr. Stalnaker's biggest issue is
5 the fact that his girlfriend, Ms. Jimenez [phonetic]
6 feigned no memory of the issue, no memory of the
7 incident.

8 And that created the greatest challenge and
9 strategic deficit for his lawyers because while he may
10 have gotten on the stand and testified that he was
11 defending himself or defending her without corroboration
12 it's unlikely that a jury would have given it much weight
13 and would have considered it in its very nature a self-
14 serving statement; especially in light of the injuries
15 that were suffered by the victim in this case.

16 Whether it was 16 or six I don't know that it makes
17 that great of a difference with the testimony regarding
18 the blood loss regarding these injuries and the implement
19 that was used. And then you have two other eyewitnesses
20 who observed this who had no dog in the fight and who
21 testified regarding Mr. Stalnaker being the aggressor.

22 And in addition to the fact that he had a period to
23 cool off before he then re-entered this incident. All of
24 those things mitigate against a self-defense and
25 certainly a stand your ground. I just don't see any

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1 evidence in the record of a stand your ground defense.
2 Really stand your ground and self-defense all morph into
3 one another. And even if you have a pretrial hearing on
4 a stand your ground and it's denied you still can pursue
5 a self-defense but there were great deficits in them
6 trying to assert that.

7 And I think they quite frankly in light of the
8 testimony that had been placed in the record prior to
9 made an appropriate strategic decision in their client's
10 best interest. I think ultimately it was his decision as
11 to whether he decided to plead guilty.

12 But when you look at the argument regarding the
13 directed verdict when the State rested, which is at pages
14 269 through 276 that really is what is most glaring in
15 terms of the deficits of any defenses on stand your
16 ground or self-defense.

17 And the most critical being him being without fault
18 in bringing on the difficulty; and the cooling off period
19 regarding the time that he had to reflect potentially
20 before he reentered this circumstance.

21 Of course self-defense is determined based on what
22 you perceive but it is problematic when you have an
23 unarmed victim and you have a victim -- I mean an
24 Applicant with a knife that created significant injury to
25 this person whether he realized it or not. You have to

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1 look at this objectively the way a jury would perceive
2 it. But all of the arguments that have been articulated
3 Mr. Runyon raised in pages 269, starting at page 269
4 regarding self-defense or defense of others and really
5 speaks very clearly about the viability of that argument.

6 The record does not support and I find credible both
7 Mr. Runyon and Mr. Jaskiewicz's testimony that they would
8 not have made any representations regarding calculation
9 of sentence or any guarantees to him.

10 I don't know any defense lawyer that does that
11 because first of all you can't guarantee what a Judge is
12 going to do especially when there is no recommendation or
13 negotiation. And you certainly can't guarantee what an
14 administrative body that being the Department of
15 Corrections is going to do.

16 Now there has also been talk about the toxicology
17 results and whether it would have been admitted or not.
18 When you're dealing with self-defense whether the parties
19 are impaired or whether what would be characterized as
20 the aggressor is impaired is potentially relevant.

21 But under these circumstances where there was a loss
22 of blood, an extensive loss of blood I'm not certain how
23 if they could have even gotten an accurate measure of any
24 sorts of impairment levels. But I think it's clear from
25 the record based on the independent witnesses that

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1 alcohol played a part in this entire incident and not
2 just of the victim.

3 Now, there has also been talk about Juror 36 who was
4 potentially the paralegal, the paralegal's husband's
5 great niece. The record reflects that the paralegal
6 could not even remember the person's last name and that
7 they apparently did not have any close ties or
8 relationship. That's at page 123, 124, and 125 of the
9 transcript.

10 And it appears that the Court made inquiry of her
11 regarding her ability to be fair and impartial. I don't
12 see any findings regarding that. But it seems such a
13 tangential relationship that it apparently did not, he
14 did not have any response from the juror that it affected
15 her ability to be fair and impartial or that she even
16 knew Ms. Gould [phonetic] or her husband.

17 And I looked in the record to see, and that's why I
18 always have the State introduce everybody in their office
19 as well as the people who are in court with them. But
20 having tried more cases than I care to remember generally
21 Ms. Gould [phonetic] sits at counsel table with the State
22 in all cases.

23 She's their paralegal so she would have been present
24 in the courtroom although I can't make any findings based
25 on that because I don't know that that's in fact what

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1 took place. And there have been no witnesses called to
2 corroborate that. But it would seem to me that she would
3 have recognized her if they were that close. But clearly
4 there is nothing in the record regarding that.

5 But I don't see anything in the record regarding
6 Juror 36 that causes me any pause or any concern.
7 Apparently they were not close relatives. And also it is
8 reflected that she may well have had no clue that Ms.
9 Gould [phonetic] was employed with the Solicitor's
10 office. And out of an abundance of caution it was
11 disclosed by the State to the defense and the defense
12 brought it to the Court's attention.

13 Regarding his plea he agreed with the facts of the
14 case at page 281 lines 9 through 5 [sic]. He indicated
15 he had nothing to add to the facts at page 282 lines 8
16 through 17 and lines 1 through 17 and that he understood
17 the facts when given the opportunity to supplement them,
18 contradict them or add anything to the record.

19 He indicated that he had adequately met with counsel
20 at page 280 lines 12 through 17. That he understood he
21 was entering a plea and that he was doing it freely and
22 voluntarily free of threats or promises. That's at page
23 280 lines 18 through 25, 281 lines 1 through 2, 281 lines
24 3 through 5, and 281 lines 6 through 8. That he was not
25 under the influence of any drugs or alcohol or otherwise

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1 impaired at page 282 lines 18 through 20, 21 through 23
2 and 24 through 25 and page 283 lines 1 through 2. That
3 he understood that he had a right to continue with his
4 jury trial at page 283 lines 3 through 7, that he clearly
5 understood the penalty page 283 lines 8 through 11.

6 That there was no recommendation from the State at
7 283 lines 12 through 23. And Judge Young carefully
8 instructed him regarding the consecutive nature of
9 offenses and that he could have imposed that and what
10 that would have meant.

11 Which really renders the argument that he didn't
12 understand what was going on it really diminished that
13 argument because even if I were to believe him the Judge
14 clearly indicated he could run those sentences
15 consecutive, which means he would be -- they're back to
16 back, he understood what that meant which means that he
17 would have been -- this argument that it was no parole in
18 the grand scheme of calculating sentences makes no sense
19 because he was clearly advised that it could be run
20 consecutive. And that's at page 283 lines 24 through 25
21 and page 284 lines 1 through 3.

22 He understood his constitutional rights page 284
23 lines 4 through 21, again that he was not threatened in
24 any way; he did it freely and voluntarily with the advice
25 of counsel that he was satisfied page 284 lines 22

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1 through 24, page 284 line 25, page 285 lines 1 through 2
2 and page 285 line 3 through 11. That he understood he
3 was pleading guilty at page 285 lines 24 through 25 and
4 286 lines 1 through 8.

5 In addition to that his family was given ample
6 opportunity to speak in mitigation at page 291 through
7 293 through 294 and that he was allowed to speak and
8 again, add anything to the facts or otherwise that he
9 wanted the Court to consider. And that was at page 291
10 lines 16 through -- or 6 through 22.

11 Mitigation was extensively argued by counsel and
12 that included self-defense. What was perceived again as
13 a deficit in trial strategy that being the excessive
14 force of an unarmed victim. And that was a large chance
15 to take and I think was appropriately articulated and
16 really quite frankly wise on the part of his counsel at
17 page 289 lines 10 through 25, page 290 and page 291 lines
18 1 through 4.

19 The Court clearly went through his right to testify
20 at page 277 lines 1 through 25 and 278 and 279 lines 1
21 through 3. There were two recesses taken for him to have
22 the opportunity to discuss that with counsel and that
23 took place from 10:45 to 11:30 whereupon he asked for
24 more time and they broke from 11:38 to 12:01 and that's
25 at line 12 through 14 on page 279.

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1 I think what best encapsulates the entire picture of
2 this situation is found at the Court's observations on
3 page 295. And I think without me going into any great
4 detail it's very clear what the Court premised its
5 decision on.

6 That he was very clear that he had made no promises
7 to the Defendant. And that based on his interpretation
8 of the facts and he had heard the entire State's case at
9 that point of what he thought was appropriate under the
10 circumstances.

11 Again, there has been a great amount of talk about
12 self-defense, defense of others. But what is very
13 problematic I think I've already indicated what the
14 deficits were in pursuing that line of inquiry. And
15 quite frankly based on the Court's observations if it had
16 gone he may well have been entitled to a self-defense
17 charge if he had testified.

18 But I am very skeptical as to whether it would have
19 been beneficial to him in the long run and whether it
20 would have convinced a jury, especially again regarding
21 bringing on the difficulty in having -- although you have
22 no duty to retreat on your own property it is also
23 problematic as to whether he was in fact on his own
24 property; especially when you leap off of the balcony of
25 a residence and reinsert yourself on a City street

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1 regarding an incident. Again, it being his perception
2 but you have to take all these things into consideration
3 when you look at the common sense element in dealing with
4 a jury.

5 I hope that I covered everything. If I did not I
6 apologize. I find that he has failed to meet his burden
7 of proof and the relief is denied. The State is to
8 provide the Court with a proposed order within 15 days
9 and copy Mr. Falk on that order. It is to be sent to
10 djeffersonsc@sccourts.org in Word format.

11 [Whereupon, Mr. Falk stands]

12 THE COURT: You're standing. Is there a reason?

13 MR. FALK: Yes, Your Honor. I did not -- there is
14 a point regarding Juror number 36 that I don't think was
15 made.

16 THE COURT: What's that?

17 MR. FALK: The reason why we had to take these
18 assumptions about whether or not there was a problem with
19 Juror ---

20 THE COURT: --- well, it was a bench conference.
21 Even when I do bench conferences if it is problematic I
22 put it on the record. I can't -- you know you can't make
23 a Judge put it on the record even if they have requested
24 it.

25 THE APPLICANT: Your Honor?

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1 THE COURT: Sir, don't.

2 THE APPLICANT: I was told that I would have a
3 chance to speak and there is ---

4 THE COURT: --- no sir, there is no hybrid
5 representation. Your lawyer speaks for you and you've
6 testified. And also the record is also clear that the
7 serious and violent boxes were checked on his sentence
8 sheet.

9 *****END OF TRANSCRIPT OF RECORD*****
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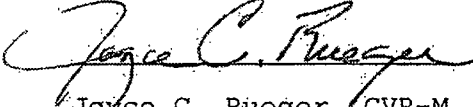
Chad P. Stalnaker
Certificate of the Court Reporter
July 23, 2018

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of Common Pleas for Charleston County, South
Carolina on the 23rd day of July, 2018.

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

April 6, 2019


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Chad P. Stalnaker, #369754,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2017-CP-10-272

ORDER OF DISMISSAL

Presiding Judge:
Applicant's Attorney:
Respondent's Attorney:
Trial/Plea Counsel:

Date of Hearing:
Court Reporter:

Honorable Deadra L. Jefferson
James K. Falk, Esq.
Kelly Oppenheimer, Esq.
William L. Runyon, Jr., Esq.
Stan W. Jaskiewicz, Jr., Esq.
July 23, 2018
Joyce C. Rueger

This matter comes before the Court by way of an application for post-conviction relief filed January 18, 2017, by Chad P. Stalnaker (Applicant). The State (Respondent) made its Return and Partial Motion to Dismiss on June 21, 2017, requesting an evidentiary hearing be held on Applicant's allegations of ineffective assistance of counsel and requesting Applicant's allegations of prosecutorial misconduct be summarily dismissed. Thereafter, on July 10, 2017, through his counsel, Applicant filed "Applicant's Return to Respondent's Partial Motion to Dismiss and Amended PCR." An evidentiary hearing into the matter was convened on July 23, 2018, at the Charleston County Courthouse before the Honorable Deadra L. Jefferson. Applicant was present at the hearing and was represented by James K. Falk, Esquire. Assistant Attorney General Kelly Oppenheimer of the South Carolina Attorney General's Office represented Respondent.

PROCEDURAL HISTORY

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The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. During its September 2014 term, the Charleston County Grand Jury indicted Applicant for Attempted Murder¹ (2014-GS-10-05431) and Possession of a Weapon During the Commission of a Violent Crime² (2014-GS-10-05434). William L. Runyon, Jr., Esquire, and Stan W. Jaskiewicz, Jr., Esquire, represented him on these charges. Assistant Solicitors Daniel W. Cooper and David L. Osborne, both of the Ninth Circuit Solicitor's Office, prosecuted the case. On September 12-14, 2016, Applicant proceeded to a jury trial before the Honorable W. Jeffrey Young. On the third day of trial and following the State's case-in-chief, on September 14, 2016, Applicant decided to enter a guilty plea to the weapons charge and to assault and battery of a high and aggravated nature, a lesser-included offense of attempted murder. Judge Young accepted the plea and sentenced Applicant to a term of imprisonment of ten years for assault and battery of a high and aggravated nature and five years for the weapons charge. The sentences were to be served consecutively. Applicant did not appeal.

ALLEGATIONS

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following allegations:

1. Ineffective Assistance of Counsel
 - a. "Applicant's defense counsel failed to move for a change in venue, rendering ineffective assistance, depriving the right to a fair trial;"
 - b. "Defense Counsel ineffective and deficient for failing to object and/or remove a juror who had a conflict of interest;"

¹ Attempted Murder is a most serious felony and any person who violates this section must be imprisoned for not more than thirty years upon conviction. See S.C. CODE ANN. § 16-3-29 (2003).

² Possession of a Firearm During the Commission of a Violent Crime is a felony punishable by a mandatory minimum five (5) years' imprisonment in addition to the sentence imposed for the principal crime. See S.C. CODE ANN. § 16-23-490(A) (2003).

- c. "Counsel ineffective and deficient for failing to object to attempted murder indictment, which alleged intent of murder but the evidence revealed that the alleged victim began the confrontation, started the fight, and was the aggravating force;"
- d. "Defense Counsel ineffective and deficient for failing to request charges to the court on self-defense/stand your ground, defense of others and protection of persons and property with the Castle Doctrine;"
- e. "Defense Counsel ineffective for failing to move/motion for a Stand Your Ground hearing;"
- f. "Counsel ineffective for un-objected trial error. For counsel failed to object to inadmissible hearsay evidence. . . . Counsel failed to object to solicitors [sic] opening remarks of hearsay, which he quoted the alleged victim was stabbed 16 times;"
- g. "Defense Counsel ineffective for failing to object to State's failure to disclose potentially exculpatory evidence;"
- h. "Counsel failed to obtain, investigate, introduce newly discovered evidence. . . . Counsel failed to obtain, investigate, and introduce the alleged victims [sic] toxicology report;"
- i. "Counsel failed to obtain and introduce medical reports of the alleged victims [sic] injuries. . . . Counsel failed to investigate and or obtain any true medical report to determine the exact number of stab wounds as well details such as [but not limited to] whether the stabs wore [sic] through and through or entry and exit;"
- j. "Counsel failed to obtain, investigate and introduce the Police Chief's involvement. The police chief never disclosed any statements from the incident until I personally discovered a video of him telling his version of the story of the case at hand;"
- k. "Counsel was extremely deficient when attempting to use, explain and identify the map graphic the State introduced as evidence to illustrate [sic] the locations and routes of defendant and alleged victim. . . . Counsel failed to discredit the alleged victim who stated he was heading home but went the total opposite direction;"
- l. "Counsel was ineffective and deficient for failing to interview and or call any defense witnesses;"
- m. "Counsel deficient and ineffective for failure to investigate the State's witnesses. Counsel failed to investigate the alleged victim, the State's main witness. . . . Defense Counsel failed to impeach all the State's main eye-witness witnesses who all openly admitted to consuming alcohol beyond a clear point;"
- n. "Counsel failed to interview/call an independent expert witness. Counsel never investigated the State's medical witness, and was taken by surprise at the State's expert testimony. Counsel did not seek an independent witness to challenge or agree with the State's expert;"

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- o. "Counsel was ineffective for failing to present any mitigation evidence that would have helped with plea negotiations as well as sentencing;"
- p. "Defense Counsel failed to properly advise client of plea deal. . . . Defense Counsel said the deal was if I, the defendant plead guilty the State would reduce the charge from attempted murder to Assault and Battery High and Aggravated Nature. Defense Counsel advised the defendant that [ABHAN] was a common misdemeanor, that it would be a non-violent sentence and that I would do 55% of the time. Defense Counsel also advised defendant that he would be eligible for parole every year. With work credits and good time the sentence could even be less than 55%;"
- q. "Defense Counsel ineffective and deficient for failing to advise client of the right to withdraw his plea;"
- r. "Counsel extremely ineffective by failing to communicate. Not only failed to communicate but in fact had a complete breakdown in communication;"
- s. "Defense Counsel failed to tell me he was no longer my active counsel;"
- t. "Defense Counsel failed to advise me of the right to testify;"
- u. "Defense Counsel suffered from serious health problems and was on medication. Counsel never informed me that he was on serious prescription medication that altered the state of his mind;"
- v. "Defense Counsel beyond ineffective and deficient for failing to obtain complete discovery, failed to interview witnesses – State and defense, failed to move for a stand your ground hearing, failed to move for a change of venue, failed to properly instruct/charge the jury, failed to introduce material evidence, failed to object – failed to object to State's failure to disclose evidence and State's failure to correct false evidence, failed to advise client on: testifying, plea deal, appeal, failed to investigate the scene, failed to communicate, failed to disclose medication usage and condition. . . . Defense Counsel failed to expose and impeach witness who visited the alleged victim in the hospital potentially corroborating stories, Counsel failed to cross defendant's girlfriend and ask about her statements originally made;"
- w. "Counsel failed to interview detectives;"
- x. "Counsel failed to call EMS to testify who would of [sic] testified that the alleged victim did not know what happened;"
- y. "Trial Counsel found ineffective for failing to raise a meritorious Fourth Amendment claim that defendant was improperly detained;"
- z. "With regards to defense counsel failing to advise me of an appeal. Applicant was denied the right to a direct appeal of his sentence;" and
- aa. "Trial Counsel did not attempt to prepare Applicant to testify in his own defense."

2. Prosecutorial Misconduct

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- a. "The State failed to disclose a news broadcast of the alleged victim and States [sic] main witness. . . . The State failed to disclose material impeachment evidence related to the States [sic] primary witness who is also the alleged victim;"
- b. "The State failed to disclose the alleged victims [sic] toxicology report;"
- c. "The State failed to disclose any medical/forensic report(s);"
- d. "The State failed to correct false testimony, the State gave omission of hearsay to the jury and judge . . . the State failed to correct the judge's misunderstanding;"
- e. "The State failed to disclose potentially exculpatory evidence of the Police Chief of Charleston's: notes, speeches, meetings with the alleged victim, video(s) - any and all inadvertent of the Chief in the case at hand;"
- f. "The State held misconduct for the prosecuting solicitor Daniel Cooper should of [sic] either recused himself or disclosed a conflict of interest;"
- g. "The State failed to uphold their plea deal offer in which was detrimentally relied on by the defendant. The offer informed was a non-violent sentence at 55% with parole eligibility every year, starting with the first year;"
- h. "The judge never questioned the defendant or informed that the charge and sentence were of great severity;" and
- i. "The State forced the alleged victim to testify."

In his amendment to the original application for post-conviction relief, submitted through his counsel, Applicant raised the following additional grounds for relief:

1. "Trial counsel provided ineffective assistance of counsel for failing to make contemporaneous objections to the conduct described in the above paragraph and thereby failed to preserve these issues for appellate review;" and
2. "Applicant further alleges that trial counsel's failure to preserve these issue[s] for appellate review diminished his options for direct review and coerced him to accept a guilty plea."

At the evidentiary hearing, Applicant proceeded forward on the following allegations of ineffective assistance of counsel:

1. Failing to move for a change in venue based on the media attention this case received;
2. Failing to strike a juror who had a conflict of interest;
3. Eliciting testimony Applicant had uttered racial slurs prior to attacking the victim;
4. Failing to accurately inform Applicant of the consequences of his plea;

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5. Failing to request charges of self-defense or defense of others;
6. Failing to introduce evidence of the victim's toxicology report;
7. Failing to present mitigation evidence at the plea; and
8. Failing to properly advise Applicant of his right to testify.

Applicant also proceeded forward on an allegation his plea was involuntarily made.

STATEMENTS OF FACTS ADDUCED AT THE TRIAL/PLEA³

In the early morning hours of May 18, 2014, Applicant and his girlfriend, Daniella Jimenez, were heading to their home on Coming Street from a bar where Applicant worked. (Transcript of Trial/Plea at 159:1 – 160:3, State v. Chad Stalnaker, September 12, 2016). Desmond Casey (hereinafter "Victim") was also walking down Coming Street, on the way home from a bar⁴. (*Id.* at 194:13 – 196:23). As Victim was walking home, he heard an argument between Applicant and Ms. Jimenez, and it appeared to Victim that someone needed to break up the fight. (*Id.* at 197:1-17). Victim walked over to Applicant and Ms. Jimenez, and he and Applicant began fighting and wrestling on the grass between the road and the sidewalk. (*Id.* at 132:10-25); (*Id.* at 199:1-13). A neighbor, Reid Riddle, broke up the fight by pushing Applicant and Victim apart. (*Id.* at 133:17-24); (*Id.* at 145:13-15); (*Id.* at 199:16-22).

After Mr. Riddle broke up the fight, Applicant and Victim walked in different directions, Victim walked towards Line Street and Applicant went back towards his home. (*Id.* at 134:15 – 135:2); (*Id.* at 145:16-23); (*Id.* at 147:6-10); (*Id.* at 216:20-14). It appeared as though both Applicant and Victim withdrew from the first altercation. (*Id.* at 135:17-20); (*Id.* at 150:4-9).

After Victim had withdrawn from the first fight and Applicant had retreated into his home, Applicant was next seen jumping down from his balcony to the sidewalk. (*Id.* at 136:4-7); (*Id.* at

³ During his guilty plea, Applicant agreed with the facts as presented during the State's case-in-chief. See Transcript of Trial/Plea at 282:14-17, State v. Chad Stalnaker, September 12, 2016.

⁴ Victim had consumed approximately four to five shots of liquor earlier that evening. *Id.* at 195:13-18.

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147:3-5); (Id. at 149:8-10); (Id. at 174:17-21). As he jumped down, Applicant yelled at Victim and reinitiated the fight. (Id. at 137:11-13); (Id. at 138:7 – 140:13); (Id. at 150:10-15); (Id. at 200:8-17). The second fight occurred in front of Applicant's home. (Id. at 149:21-23). During this fight, Applicant stabbed Victim sixteen times: six times in the face, six times in the back, and four times in the arm. (Id. at 203:17-19); (Id. at 241:1 – 142:25); (Id. at 244:1-23). Victim did not have a weapon and was not acting aggressively towards Ms. Jimenez or the Applicant. (Id. at 214:19-20); (Id. at 208:11-16); (Id. at 220:3-12).

After the second fight, Victim ran away. (Id. at 176:4-6), (Id. at 200:24-25); (Id. at 215:3-5). Mr. Riddle and another neighbor, Brad Hutchinson, then walked across the street to Applicant's home. (Id. at 176:24-25). Ms. Jimenez was slumped against the house, holding her hand, and had blood on her. (Id. at 142:12-24); (Id. at 177:7-10). Ms. Jimenez had a cut on her right thumb and left wrist, for which she received a couple of stitches. (Id. at 107:20-22); (Id. at 120:17-23). Ms. Jimenez had no other injuries. (Id. at 119:14-21); (Id. at 121:1-9). Applicant had blood covering his face, arms, and shirt and was stating: "I stabbed him." (Id. at 143:16-20); (Id. at 144:8-10); (Id. at 178:3-7). There was also a large knife on the ground, covered in blood. (Id. at 141:16-18); (Id. at 177:15-18).

When law enforcement arrived on scene, Applicant approached them, visibly intoxicated and upset. (Id. at 69:5-9); (Id. at 77:11). Applicant was neither injured nor complained of being injured. (Id. at 70:7-10). However, Applicant did have some injuries to his elbow, hand, and finger, but did not have any injuries to his abdomen or chest. (Id. at 114:1-18). Applicant then proceeded to tell Officer Shelby Storen he stabbed a black male three times in the face and chest. (Id. at 70:5-6). He further indicated he and Ms. Jimenez were arguing on their way home when Victim

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approached them and an altercation ensued between Applicant and Victim. (Id. at 70:15-18). Applicant also told Officer Storen after the first fight, he went into his home, grabbed a kitchen knife, jumped from the balcony, and stabbed Victim. (Id. at 71:11-16); (Id. at 78:5 – 79:10), (Id. at 82:9-11). Applicant alleged Victim was in Ms. Jimenez's face but did not indicate whether he believed Victim was assaulting, touching, or yelling at Ms. Jimenez nor that he believed Victim was going to harm Ms. Jimenez. (Id. at 71:19 – 72:5); (Id. at 81:3-7). Applicant never stated he believed Victim was armed. (Id. at 72:4-5).

Later, law enforcement observed Victim lying on the ground on Fishburne Street, some distance from the crime scene. (Id. at 86:19-20). Victim was bleeding from his face and arms, fading in and out of consciousness, breathing laboriously. (Id. at 87:1-14). Victim was able to indicate he was stabbed by a white male. (Id. at 87:22-24); (Id. at 91:7-9). Victim was in the hospital for five to six days, received 150 stitches, fifty staples, his arm was partially paralyzed, and two teeth had to be removed. (Id. at 206:10-21); (Id. at 205:18-21). Furthermore, Victim suffered from severe blood loss due to multiple lacerations and a collapsed lung. (Id. at 239:24 – 241:5).

Crime scene technicians were also called out to the crime scene in front of Applicant's home. (Id. at 99:5-25). There was a large pool of blood and a knife with blood on it on the sidewalk. (Id. at 100:15-18); (Id. at 118:6-11). The knife was approximately 5.3 inches. (Id. at 103:23 – 104:1). There was also a blood trail up the back stairs of Applicant's home leading to the balcony and another blood trail leading to Victim's location. (Id. at 104:4 – 105:18); (Id. at 117:1-10).

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf and presented the testimony of his father, Eric Stalnaker, trial counsel William L. Runyon, Jr., Esquire, and trial counsel Stan W. Jaskiewicz, Jr., Esquire. This Court also had before it a copy of Applicant's trial and plea transcript, the records of the Charleston County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified at the very beginning, Assistant Public Defender Benjamin C. Lewis was appointed to represent him. He testified during this time, the State offered him a plea for ten years, but he did not want to take the offer. He elaborated he did not understand percentages and the violent or non-violent classification. He further testified he did not want to take the offer because he wanted to testify on his own behalf in order to tell his side of the story. He explained he believed he was in the right. He testified he then retained Mr. Jaskiewicz to represent him, and Mr. Runyon assisted. He also testified he was out on bond prior to his trial, and counsel told him his bond would not be revoked.

Applicant testified he met with Mr. Jaskiewicz three times in his office. He elaborated during the first meeting, they discussed the contract. He further elaborated during their second meeting, they discussed Applicant's version of events, and during the third meeting, Mr. Runyon became involved. He further testified during these meetings, they discussed defenses of self-defense and Stand Your Ground. Applicant also testified he and counsel did not review the discovery, but he provided them a copy of the discovery, which he received from Mr. Lewis.

He also testified he wanted a change of venue due to the media attention his case drew. He further testified he wanted the jury pool to be questioned as to any media exposure, particularly if

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they had seen any video coverage of the circumstances around his case. Applicant elaborated that in the media the Victim was portrayed as a Good Samaritan, and the media was placing guilt upon him. He further elaborated a GoFundMe page was established for Victim, and Victim and the City of Charleston Police Chief appeared at events together. Applicant also testified he, Mr. Runyon, and Mr. Jaskiewicz vaguely discussed these videos, but he discovered them after his trial.

He testified juror number thirty-six was related to the prosecution. He further testified he wanted this juror removed; and he believed had she been removed, the jury trial would have resulted in a hung jury, due to the fact the foreman and another juror had been previously struck from the jury. He elaborated he did not want to proceed with juror number thirty-six on his jury, but he and counsel never discussed removing her. He further elaborated he was told he had no option with regards to juror number thirty-six, and they would have to proceed with the trial.

Applicant testified he was on his property and sober at the time of the commission of these crimes. He testified everyone involved that night was drunk, except for him, and all of the eyewitnesses to this encounter and Victim admitted to consuming alcohol that evening. He explained Victim attacked him, attacked Ms. Jimenez, and then attacked Applicant again. He further explained he had no duty to retreat. Applicant also testified he and Victim got into two fights that evening. He testified the first fight occurred when he and Ms. Jimenez were walking up to their home, and Victim was standing in the front. He testified Victim was not walking by when the fight ensued, but rather Victim was leaving a bar to go home, although his home was nowhere near Applicant's home. He elaborated Victim mumbled something, then attacked Applicant. He testified this was a fist fight. He further elaborated a neighbor broke up the first fight. Applicant also testified after the first fight, Victim was throwing up and Applicant went

onto his porch, and he thought the fight was finished. He further testified Ms. Jimenez had the keys to the house. He testified then Victim grabbed Ms. Jimenez and slammed her into a wall, at which point Applicant grabbed a knife and stabbed Victim three to four times. Applicant testified he did not see any weapons and did not know whether or not Victim had a weapon. Applicant further testified he discussed his right to defend himself, Ms. Jimenez, and his property with Mr. Runyon and Mr. Jaskiewicz, and they also discussed making a motion for a Stand Your Ground hearing. He explained based on this conversation, he believed counsel would make this motion.

Applicant testified he discussed obtaining Victim's toxicology report with Mr. Runyon, and Mr. Runyon subpoenaed the report. He elaborated Mr. Runyon received the report, and it revealed Victim had both alcohol and drugs in his system. He further elaborated the doctor who treated Victim testified, and he thought Mr. Runyon would have introduced the toxicology report, but Mr. Runyon did not have the report, so it was not introduced. He explained Victim had consumed alcohol on the night of these crimes, approximately four to five shots of liquor.

He further testified they had no witnesses to call in his defense, and only had his mother and father available as character witnesses. He testified, however, he gave counsel a slew of witnesses to testify. Applicant also testified Ms. Jimenez testified at trial, and she testified she did not remember anything from that night. He testified she did not have any injuries. He also testified he was unable to testify, and he did not understand the rules. He elaborated he was not advised of his right to testify and was not prepared to testify. He testified, however, the trial court did, indeed, inform him he had the right to testify in his own defense, and he could discuss with his counsel and family regarding this decision, but the final decision was his. He further testified he

informed the trial court he wanted to waive his right to self-incrimination and also wanted to waive his right to present his side of the story.

Applicant also testified after the State rested, the trial court instructed counsel for both the defense and the State to meet in chambers. He elaborated he decided to plead guilty after the State had rested, after counsel had made directed verdict motions, and after he was advised of his rights. He further elaborated after that meeting, the State offered him a plea deal, which would allow him to plead to ABHAN. Applicant explained it was his decision to plead guilty, and he informed the trial court no one had threatened him or promised him anything to plead guilty. He further explained he informed the trial court twice no one had threatened him, and he was pleading guilty freely and voluntarily.

He further elaborated he believed this plea would require him to serve fifty-five percent of his sentence, would be a non-violent classification, would allow him to be parole eligible, and would also allow him to be eligible for work release. He further testified he, his mother, his father, his girlfriend, Mr. Runyon, and Mr. Jaskiewicz were present when they discussed the plea offer. Applicant testified Mr. Runyon and Mr. Jaskiewicz informed him he would not be sentenced to the maximum sentence, and he most likely would be sentenced to ten years imprisonment. He elaborated they informed him he would serve approximately five years and would be eligible for parole every year, and he would be an outstanding candidate for parole. He further elaborated they informed him he would plead to a non-violent crime, and, therefore, he would serve fifty-five percent or less of his sentence. Applicant also testified he recalled the trial court telling him ABHAN carried up to twenty years imprisonment and the weapons charge carried up to five years. He explained he informed the trial court he understood those potential sentences, but he did not

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understand consecutive or concurrent sentences. Applicant further testified the trial court never discussed with him the fact he was pleading to a serious offense, and he believed he was pleading to a non-violent, parole eligible offense, though he was charged with attempted murder.

Applicant also testified he addressed the court prior to sentencing, and he apologized for committing these crimes. He testified his mother, father, and new girlfriend also addressed the court and had the opportunity to explain Applicant was a good person. He further testified Mr. Runyon addressed the court and highlighted Applicant's military history, work ethic, and excellent familial relationships.

Following Applicant's testimony, his father, Eric Stalnaker, testified. Mr. Stalnaker testified this story was constantly in the media, and the Police Chief of the City of Charleston depicted Victim as a hero.

He also testified he was in the courtroom only at the end, because he was going to be used as a character witness for Applicant. He further testified Applicant was going to testify, but the State offered a plea. He elaborated counsel explained the plea deal, and he thought it was a good deal because everyone seemed happy about it. He further elaborated he believed Applicant would serve six to seven years imprisonment, at most. Mr. Stalnaker also testified it was not until after the plea, he realized the information provided by counsel was incorrect. He explained he looked on the South Carolina Department of Corrections (SCDC) website and thought Applicant's sentence was lengthier than what it should have been. He testified because of this, he called Mr. Jaskiewicz and Mr. Runyon, who told him it was a mistake.

Then, Applicant presented the testimony of Mr. Runyon. He testified he has been practicing law for fifty years. He further testified Mr. Jaskiewicz reached out to him and asked

him to assist with Applicant's trial, and he took the lead at trial. He testified he and Mr. Jaskiewicz had extensive conversations about Applicant's case. He further testified this incident was gruesome, as Victim had more than four wounds. He further testified he met Applicant in his office both with Mr. Jaskiewicz and without. Mr. Runyon also testified Mr. Jaskiewicz and Applicant reviewed the crime scene and also reviewed Applicant's route home together.

Mr. Runyon testified they had all discovery materials needed to prepare for trial, and they thoroughly reviewed the discovery with Applicant. He testified he conducted an independent investigation, and Mr. Jaskiewicz drove the route which Victim allegedly took home. He elaborated their theory was Victim did not happen upon Applicant and Ms. Jimenez having a disagreement. He further elaborated Victim saw the two arguing and followed them to Applicant's home.

He testified Applicant was indicted for Attempted Murder, as Victim's wounds were extensive. He further testified Applicant was always charged with Attempted Murder. He elaborated law enforcement found Victim by following a blood trail. He further elaborated the doctor was surprised Victim did not bleed out. He explained, however, their theory was Applicant was entitled to defend himself, despite the viciousness of the wounds.

Mr. Runyon also testified there was some media attention with respect to Applicant's case. He elaborated this complicated things, particularly in light of the fact the Police Chief took in Victim. He further elaborated they would appear at community meetings together, and there were videos of the Police Chief on YouTube, which they did not have originally but Applicant found. Mr. Runyon testified he did not ask for a change of venue, because he would have had to show there was something more than mere media attention. He testified he had no specific recollection

of the jury pool, but the standard questions were asked during *voir dire*, which would have revealed any potential juror bias. He explained he anticipated someone in the jury pool would remember this case in the media, but no one answered that they did remember the media attention of this case. He further explained there was, therefore, no jury taint, as there was no knowledge of the case by the jury pool and the case was three years old.

He testified two jurors were struck from the jury. He elaborated the foreman of the jury was struck because he commented about the case on Facebook, which was problematic. He further elaborated, however, juror number thirty-six remained on the jury. Mr. Runyon testified he informed the trial court of the distant relationship this juror had with an employee of the Solicitor's Office, and they had a sidebar at the bench regarding whether or not this juror should remain on the jury. He elaborated they were satisfied with juror number thirty-six's responses to their questions, and Applicant was present for that conversation. He elaborated juror number thirty-six honestly indicated she could give Applicant a fair trial. He explained, however, the record does not reflect what occurred at the sidebar, but they should have placed the content of the conversation on the record. He further explained he does not recall what the trial court said at the sidebar, but the trial court was trained by the Honorable Richard Fields to keep the record clean. Mr. Runyon also testified he did not recall asking juror number thirty-six to be excused, but he informed the trial court they would not proceed with less than twelve jurors.

Mr. Runyon testified Mr. Jaskiewicz researched possible defenses and possible jury instructions. He elaborated they discussed a defense of defense of a third party, which they believed was a stronger defense than Stand Your Ground. He further elaborated Victim encountered the Police Chief on King Street, and they had an unpleasant interaction, about which

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the Police Chief was candid. He explained Victim was not a nice guy, Victim followed Applicant and Ms. Jimenez, and Victim confronted Ms. Jimenez. He also testified Applicant jumped off his porch with a knife, and Applicant brought a knife to a fist fight. He elaborated Ms. Jimenez was drunk, and Victim was attempting to get away from Applicant. Mr. Runyon further testified based on this information, their theory of the case was Applicant was defending Ms. Jimenez when he attacked Victim, and this theory remained until Applicant decided to plead guilty.

Mr. Runyon further testified the first fight between Applicant and Victim was a fist fight, and a neighbor broke up that fight. He testified afterwards, Applicant retreated upstairs, while Ms. Jimenez remained outside. He also testified Victim withdrew from the fight as well. He testified according to Applicant, Victim approached Ms. Jimenez and got in her face. He elaborated then Applicant brought a knife to the fight. Mr. Runyon also testified there was no evidence of defense of a third party presented at trial.

He testified Ms. Jimenez did not recall anything from that night, which hurt their defense of others theory. He elaborated because of this, Applicant was going to have to testify, which he explained to Applicant. He further elaborated Applicant decided not to testify, therefore, his story was not presented. He explained his story was also not presented because Applicant decided to plead guilty. He further explained the trial court informed Applicant of his right to testify on the record, and Applicant was aware he could tell his side of the story.

He also testified he subpoenaed Victim's toxicology report, and does not recall drugs appearing on the report. He explained the fact Victim had lost a massive amount of blood presented a problem with the accuracy of the toxicology report. He testified, however, Victim did

indulge in alcohol, which was reflected during Victim's testimony. He elaborated Victim never denied being drunk. He further testified he did not know whether or not he had the report at trial.

Mr. Runyon testified there was testimony Applicant made racial epithets, but he did not recall from whom that information came. He elaborated once the information came out, it needed to be addressed. He further elaborated there was no strategy with respect to raising this information, and there was no reason to draw it out of a witness.

He further testified Applicant pled to ABHAN and possession of a weapon during the commission of a violent crime. He testified he did not make any guarantees to Applicant regarding his sentence and informed him the sentence was up to the trial court. He elaborated he did not make Applicant any promises. He also testified Applicant accepted the plea offer because he was a wreck emotionally. He explained Applicant was going to have to testify, because Ms. Jimenez did not provide helpful information; and, in his opinion, lied. He further explained Ms. Jimenez did not want to be involved and was hanging Applicant out to dry.

Mr. Runyon testified they did not have a conversation with Applicant as to what he would be sentenced, but Applicant was facing the maximum sentence for an aggravated assault plus an additional five years. He elaborated he made Applicant aware of these potential sentences and also informed Applicant of the consequences of his plea. He testified Applicant could have received a consecutive sentence for the weapons charge. He explained the trial court informed them he would accept a plea, if the State offered and Applicant decided to take the offer. He further explained he did not recall whether or not he and Applicant had a conversation with respect to the eighty-five percent rule or serious offense, but they probably discussed it. He further testified he did not recall telling Applicant he would receive a six to seven years sentence at fifty-

five nor sixty-five percent, as there was no way to tell what Applicant's sentence would be and no way to tell what amount of time he would actually be required to serve. He elaborated SCDC determines the amount of time served. He further elaborated he has never told any client he or she would serve fifty-five percent of these sentence, and he does not inform any client he or she will serve fifty-five or sixty-five percent of their sentence. Mr. Runyon testified he had no recollection of tying down the sentence to fifty-five or sixty-five percent, as he had no way to tell them what the sentence would be. He explained only the trial court knows what the sentence will be. He further explained he informed Applicant at the very worst, he would be sentenced to consecutive sentences. He further testified he would not have told Applicant he was pleading to a non-violent offense, as these were serious offenses. He elaborated ABHAN is far less serious than Attempted Murder. Mr. Runyon testified he did not make any promises to Applicant, as he did not have the ability to make any such promises. He further testified it was Applicant's decision to plead guilty.

He testified he did not have a conversation with Applicant regarding parole eligibility, as he did not recall parole eligibility coming up. He elaborated they did not have a conversation regarding Applicant's parole eligibility due to the fact he was facing consecutive sentences.

Mr. Runyon also testified he did not recall the specifics of any of his conversations with Mr. Eric Stalnaker. He elaborated Mr. Stalnaker was a potential witness, so he was sequestered for the majority of the trial. He further elaborated Mr. Stalnaker was present for part of the discussions with Applicant regarding the plea offer. He also testified initially, Applicant was not going to take the plea, at which point his parents became involved in the conversation.

He testified Mr. Eric Stalnaker called his office for the file, and he gave his file to Mr. Stalnaker. He also testified he would not have told Mr. Stalnaker the SCDC classification was a

mistake. He elaborated he told Mr. Stalnaker he would check on the classification with SCDC if Mr. Stalnaker called him back, but he never received another call. He further elaborated he did not recall telling Mr. Stalnaker this was a mistake, as Applicant would serve eighty-five percent of the sentence based on multiple offenses and the factual scenario. He testified the weapons charge was also run consecutively.

Following Mr. Runyon's testimony, Mr. Jaskiewicz testified. Mr. Jaskiewicz testified he was retained to represent Applicant, and he informed Applicant he was going to bring Mr. Runyon on as lead counsel. He explained he contacted Mr. Runyon two to three weeks after his initial meeting with Applicant.

He testified they inherited the discovery from Applicant's first attorney, and Mr. Runyon had the medical records, which they discussed. He testified they reviewed the discovery with Applicant. He also testified he walked through the crime scene with Applicant. He elaborated at the scene, he marked the locations of everyone, and based on the complexity of the facts, he decided to get Mr. Runyon involved. He also testified he attempted to get in contact with Ms. Jimenez prior to trial, but she was not cooperative.

Mr. Jaskiewicz also testified six months prior to trial, the State did not make any plea offers. He testified after his initial meeting with Applicant, on January 31, 2016, he indicated in his notes there were no plea offers but also indicated what they would settle for in considering an offer. He explained these notes indicated Applicant would not accept a ten year plea offer, but would consider an offer for five years. He elaborated he and Mr. Runyon discussed this possibility. He further testified after this initial meeting, they were going to present defenses of self-defense and defense of others.

He testified there was some media involvement, which was explored during *voir dire*. He elaborated the trial court questioned the jury pool about any potential biases, and he did not recall any potential juror expressing bias. He also testified they disclosed to the trial court that juror number thirty six was related to someone in the Solicitor's Office. He elaborated Mr. Runyon expressed concerns with this.

Mr. Jaskiewicz also testified they were going to explore a defense of self-defense, but they had to present a defense of others defense. He testified after Victim's testimony, however, which highlighted he was stabbed severely and had lost a lot of blood, coupled with the fact that Ms. Jimenez testified that she did not remember anything, Applicant decided to plead guilty. He elaborated Applicant used an excessive amount of deadly force, and Applicant overreacted. He also testified there was no indication the Victim had a weapon. He further elaborated there was no evidence of defense of others or self-defense presented at trial. He explained the lack of testimony from Ms. Jimenez and the extent of Victim's injuries presented a critical problem with their defense. He further explained Applicant did not testify on his own behalf.

He testified had they proceeded with the trial, he would have requested charges on self-defense and defense of others. He further testified he prepared the charge book at the onset of trial, and what he would request would be determined as the trial progressed. He explained he did not believe assault and battery with intent to kill, which appeared on his list of potential charges, was a lesser included offense of attempted murder.

He testified the State would let Applicant plead to the lesser-included offense of attempted murder, ABHAN. He elaborated Mr. Runyon explained this to Applicant. He also testified they did not discuss parole eligibility with Applicant, but he never tells a client he is going to serve a

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specific percentage of his sentence. He further elaborated he assumed Applicant would not be parole eligible, particularly if the trial court sentenced Applicant to a consecutive sentence for the weapons charge. He testified he told Applicant he would find out about his parole eligibility. He further testified Mr. Runyon informed Applicant of the consequences of the plea. He testified he did not make any promises to Applicant.

He also testified he had a conversation with Mr. Eric Stalnaker at some point, and they had several conversations via telephone before and after the trial. He testified he did not tell Mr. Stalnaker SCDC's classification of Applicant was a mistake. He elaborated he informed Mr. Stalnaker if there was a mistake, he would do something about it, but there was no mistake.

Following Mr. Jaskiewicz's testimony, Applicant recalled Mr. Eric Stalnaker. He testified he called Mr. Jaskiewicz, and Mr. Jaskiewicz instructed him to call Mr. Runyon. He elaborated Mr. Jaskiewicz informed him they "were working on it," and they would not let Applicant fall through the cracks. He further testified he called Mr. Runyon, who informed him he "would take care of it." He elaborated Mr. Runyon informed him Applicant's SCDC classification was a clerical error, and he should have been listed as non-violent. He also testified Applicant is not parole eligible.

He also testified they had a discussion with Mr. Runyon during the plea, as they were sitting on the first row behind the defense table. He elaborated Mr. Runyon told him Applicant would be parole eligible. He testified Applicant was always charged with attempted murder, and Applicant stabbed Victim.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. CODE ANN. §17-27-80 (1985).

I. Ineffective Assistance of Counsel

The Applicant seeks relief from his conviction on the basis that he received ineffective assistance of counsel at his criminal trial and plea in violation of the Sixth Amendment. The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. CONST. Amend. VI; Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland, 466 U.S. at 686, 104 S. Ct. at 2064; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

In evaluating allegations of ineffective assistance of counsel, the reviewing court must apply a two-pronged test. Strickland, 466 U.S. 668, 104 S. Ct. at 2064. First, the applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690, 104 S. Ct. at 2064). The proper measure of performance is

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whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690, 104 S. Ct. at 2064). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Once the Applicant has established deficient performance by counsel, he must then establish that counsel's performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland, 466 U.S. at 694, 104 S. Ct. at 2068). After careful review based on the above standard, this Court finds that the Applicant has failed to carry her burden in this action. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

A. Counsels' alleged failure to move for a change in venue

Applicant alleges counsels were ineffective for failing to move for a change in venue, particularly in light of the media attention his case received. A defendant has the right to be tried in the county in which the alleged crime was committed. State v. Manning, 329 S.C. 1, 8, 495 S.E.2d 191, 194 (1997). This right, however, "is conditioned upon the possibility of empaneling an impartial jury in that county." Id. (citing Tate ex rel. Sullivan v. Patterson, 165 P.2d 309 (Ariz. 1946). "When jurors have been exposed to pretrial publicity, a denial of a change of venue is not error when the jurors are grounds to have the ability to set aside any impressions or opinions and