

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Aiken County

Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM TIAY CHANDLER,

APPELLANT

APPELLATE CASE NO 2018-000455

RECORD ON APPEAL

RECEIVED
SEP 27 2019
SC Court of Appeals

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #80 (CD AUDIO)**

State of South Carolina) In the Court of General Sessions
) Second Judicial Circuit
 County of Aiken) 2016-GS-02-02054
) 2016-GS-02-02055
) 2016-GS-02-02056
) 2016-GS-02-02057
) 2018-GS-02-00508

State of South Carolina,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 William Tiay Chandler,)
)
 Defendant.)
)
)

February 26-March 1, 2018
 Aiken, South Carolina

B e f o r e:

The Honorable William P. Keesley, Judge; and a jury

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

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 Cassie W. Hall, Assistant Solicitor
 Attorneys for the Plaintiff

Michael W. Chesser, Esquire
 Attorney for the Defendant

Maryann S. Nevers, CVR-M-CM
 Circuit Court Reporter

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P R E T R I A L E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
S-1	Photograph	79	
S-2	Photograph	79	

T R I A L E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
S-1	Photograph	99	144
S-2	Photograph	99	144
S-3	Photograph	99	144
S-4	Photograph	99	144
S-5	Photograph	99	144
S-6	Photograph	99	144
S-7	Photograph	99	144
S-8	Photograph	99	144
S-9	Photograph	99	144
S-10	Photograph	99	144
S-11	Photograph	99	144
S-12	Photograph	99	144
S-13	Photograph	99	144
S-14	Photograph	99	144
S-15	Photograph	99	144
S-16	Photograph	99	144

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
1				
2				
3				
4	S-17	Photograph	99	144
5	S-18	Photograph	99	144
6	S-19	Photograph	99	144
7	S-20	Photograph	99	144
8	S-21	Photograph	99	144
9	S-22	Photograph	99	144
10	S-23	Photograph	99	161
11	S-24	Photograph	99	161
12	S-25	Photograph	99	161
13	S-26	Photograph	99	161
14	S-27	Photograph	99	161
15	S-28	Photograph	99	161
16	S-29	Photograph	99	161
17	S-30	Photograph	99	161
18	S-31	Photograph	99	161
19	S-32	Photograph	99	161
20	S-33	Photograph	99	161
21	S-34	Photograph	99	161
22	S-35	Photograph	99	161
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25	S-38	Photograph	99	161

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	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
1				
2				
3				
4	S-39	Photograph	99	144
5	S-40	DVD	99	183
6	S-41	Map Enlargement	99	205
7	***S-42 INTENTIONALLY OMITTED***			
8	S-43	Photograph	99	212
9	S-44	Photograph	99	202
10	S-45	Photograph	99	218
11	S-46	Photograph	99	218
12	S-47	Gloves	192	257
13	S-48	Photograph	99	229
14	S-49	Photograph	99	229
15	S-50	Photograph	99	229
16	S-51	Photograph	99	229
17	S-52	Photograph	99	229
18	S-53	Photograph	99	229
19	S-54	Photograph	99	229
20	S-55	Photograph	99	229
21	S-56	Photograph	99	229
22	S-57	Photograph	99	229
23	S-58	Photograph	99	229
24	S-59	Photograph	99	246
25	S-60	Photograph	99	246

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
1				
2				
3				
4	S-61	Photograph	99	246
5	S-62	Photograph	99	246
6	S-63	Photograph	99	246
7	S-64	Photograph	99	246
8	S-65	Photograph	99	246
9	S-66	Photograph	99	246
10	S-67	Photograph	99	246
11	S-68	Photograph	99	246
12	S-69	Photograph	99	246
13	S-70	Photograph	99	246
14	S-71	Photograph	99	246
15	S-72	Photograph	99	246
16	S-73	Photograph	99	246
17	S-74	Photograph	99	246
18	S-75	Unfired Round	192	252
19	S-76	Gloves	192	253
20	S-77	Gloves	192	254
21	S-78	Black Gun	192	235
22	S-79	Casing	192	301
23	S-80	CD Audio	99	309
24	S-81	Interview Transcript	99	
25	S-82	Miranda Waiver	99	306

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
1				
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3				
4	S-83	Consent to Search	99	222
5	S-84	Photograph	99	167
6	S-85	Purple Gun	192	312
7	S-86	Casing	192	254
8	S-87	Unfired Rounds	192	236
9	S-88	Unfired Rounds	192	237
10	S-89	Gloves	192	255
11	S-90	Photograph		239
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13	S-92	Photograph	292	300
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1 TRIAL DAY 1 - 02/26/18

2 (Whereupon, the proceedings were commenced at 10:59 a.m.)

3 THE COURT: I've been advised by the attorneys that
4 the first that's scheduled for trial involves multiple
5 indictments, one of which is a direct indictment that was
6 handed February the 8th, 2018. It is for failure to stop
7 for a blue light. It does not appear to be a felony.
8 But my understanding, from Mr. Chesser, is that his
9 client, Mr. Chandler, wishes to be arraigned on this
10 charge. Will he come around, please.

11 (Whereupon, the defendant came forward.)

12 WILLIAM CHANDLER, having been first duly sworn,
13 testified and stated as follows:

14 CLERK OF COURT: He's been sworn, Your Honor.

15 THE COURT: Thank you. Are you William Tiay
16 Chandler, sir?

17 THE DEFENDANT: Yes, sir..

18 THE COURT: I have an indictment. It reads: "State
19 of South Carolina, County of Aiken; Indictment for
20 failure to stop motor vehicle when signaled by a law
21 enforcement officer or law enforcement vehicle; Section
22 56-5-750(D)(1); at a Court of General Sessions convened
23 on February 12, 2018, the grand jurors of Aiken County
24 present under their oath that William Tiay Chandler did,
25 in Aiken County, South Carolina, on or about June 9,

1 2016, in the absence of mitigating circumstances,
2 unlawfully fail to stop while driving a motor vehicle on
3 a road, street, or highway of the state where a law
4 enforcement vehicle, after being signaled to do so by
5 means of a flashing light and/or siren and the road
6 conditions were such that a reasonable driver could hear
7 and/or see the signals, all in violation of Section 56-5-
8 750 of the Code of Laws of South Carolina, 1976, as
9 amended, against the peace and dignity of the state and
10 contrary to the statute in such case made and provided."

11 It is signed by the solicitor's office, Elizabeth B.
12 Young. The foreperson of the grand jury signed,
13 indicating a true bill was entered on February the 8th,
14 2018, which would've been the, as I understand it, term
15 of the grand jury meeting, which coincides with the
16 February 12th, 2018, general-sessions term.

17 You understand the charge against you, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And how do you plead, guilty or not
20 guilty?

21 THE DEFENDANT: I plead guilty.

22 THE COURT: You plead guilty?

23 THE DEFENDANT: (No audible response.)

24 THE COURT: Talk to your lawyer.

25 (Off the record briefly.)

1 THE COURT: You ---

2 THE DEFENDANT: Not guilty.

3 THE COURT: You plead not guilty?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. And the question
6 traditionally is: How will you be tried? And the
7 traditional answer is: By God and my country.

8 Is that what you want to assert?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: God send you good deliverance.

11 Are you ready for trial, Mr. Chesser?

12 MR. CHESSER: Yes, Your Honor.

13 THE COURT: All right. He's been arraigned.

14 (Off the record briefly.)

15 THE COURT: All right. Is there anything I need to
16 address before I bring the jury panel back in? Venire?

17 MR. WEEKS: Not from the state, Your Honor.

18 MR. CHESSER: No, Your Honor.

19 THE COURT: All right. I need the jurors that were
20 assigned to General Sessions back in the courtroom,
21 please.

22 (Off the record briefly.)

23 (Whereupon, the jury panel entered the courtroom at
24 11:04 a.m.)

25 THE BAILIFF: The jury is in, sir.

1 THE COURT: Thank you. That's everybody?

2 CLERK OF COURT: Yes, sir.

3 THE COURT: All right. Members of the jury panel, I
4 want to welcome you into General Sessions court. My name
5 is Billy Keesley; I live in Edgefield. I'm a resident
6 judge of the eleventh circuit. That means my home
7 circuit is Lexington, McCormick, Saluda, and Edgefield
8 Counties.

9 The Chief Justice has assigned me to your circuit
10 for this six months: Aiken, Bamberg, and Barnwell. And
11 I've been assigned specifically to preside over General
12 Sessions court in Aiken this week. General Sessions
13 court is typically called criminal court.

14 You will be asked to serve as jurors in cases in
15 which a person has been charged with a crime. Now, I
16 don't know what Judge Early covered with you. So if I
17 repeat some of the things you already know, I apologize
18 to you. But I have to make sure that certain things are
19 covered.

20 First, I assume that you were placed under oath.
21 You have an obligation to be completely truthful and
22 honest with the Court. If I ask you anything and you
23 have doubt about whether it applies to you, you need to
24 discuss it with me and let me resolve the doubt.

25 If I ever ask you anything that you prefer to

1 discuss more privately, just let me know you want to come
2 down front and we'll talk about it on the side. This is
3 a court of record. And what that means is that we have a
4 court reporter taking down everything we say. Part of my
5 job is to make sure that she's able to put an accurate
6 record down.

7 So if you're going to speak, first thing I have to
8 do is identify who is speaking. So I need you to tell me
9 who you are and your juror number and then listen
10 carefully to the questions I ask of you and answer the
11 question.

12 Now, the way this is going to work is that I will be
13 posing questions to you. If they apply to you or you
14 have doubt about whether they apply to you, you'll need
15 to stand. Once you're identified, you'll need to listen
16 very carefully to the question I ask of you and answer
17 that question.

18 There may be times when I limit your response. For
19 example, I may say just to answer a question "yes" or
20 "no." If you feel that you cannot adequately answer the
21 question within the limitation, please come down front to
22 give me the full explanation.

23 Don't -- don't say it out loud in front of everybody
24 else. That defeats the purpose of the limitation. So I
25 want you to give me the full explanation. But if it's --

1 if I restrict you to "yes" or "no," for example, please
2 come down front to give me that full explanation.

3 Now, what we're going to be doing is I'm going to
4 read to you certain charges for the first case. These
5 are allegations in the form of indictments, which I will
6 explain to you. Then I'll go through introducing you to
7 certain people, asking you questions. And the goal of
8 all of this is for us to have a jury serving that is fair
9 and impartial. If you keep that goal in mind, I think
10 the questions will make more sense to you as we go along.
11 Okay.

12 Now, the first case that's been called for trial is
13 a case which has five separate and distinct indictments,
14 each of which must be evaluated on its own merit or lack
15 of merit. Each of these indictments captioned the *State*
16 *of South Carolina v. William Tiay -- T-i-a-y -- Chandler.*
17 And in an -- I'm going to read them to you in the order
18 in which they're numbered.

19 There is an indictment for burglary in the first
20 degree. That indictment reads that William Tiay Chandler
21 did, along with others in Aiken County, on or about June
22 9, 2016, willfully and unlawfully enter the dwelling of
23 Arthur Boyce, located at [REDACTED], Aiken
24 County, South Carolina, without consent and with the
25 intent to commit a crime therein; and the defendant

1 and/or other participants were armed with a handgun,
2 which is alleged to be in violation of Section 16-11-311,
3 Code of Laws of South Carolina, 1976, as amended.

4 Indictment -2055 charges possession of a firearm or
5 knife during the commission of a violent crime. That
6 indictment alleges that Mr. Chandler, along with others
7 in Aiken County, on or about June 9, 2016, possessed or
8 visibly displayed a firearm or visibly displayed a knife
9 during the commission or attempted commission of a
10 violent crime; specifically, burglary in the first degree
11 of a dwelling, located at [REDACTED],
12 Wagener, South Carolina, which is alleged to be in
13 violation of Section 16-23-490 of the code.

14 Indictment -2056 charges burglary in the first
15 degree.

16 (Off the record briefly.)

17 THE COURT: This indictment charges that Mr.
18 Chandler, along with others in Aiken County, on or about
19 June 9, 2016, willfully and unlawfully entered a dwelling
20 of Doug Busbee, located at [REDACTED],
21 Aiken County, South Carolina, without consent and with
22 the intent to commit a crime therein; and the defendant
23 and/or other participants were armed with a handgun,
24 which alleged to be -- is alleged to be in violation of
25 Section 16-11-311 of the code.

1 Indictment -2057 charges possession of a firearm or
2 knife during the commission or attempted commission of a
3 violent crime. It reads that Mr. Chandler, along with
4 others in Aiken County, on or about June 9, 2016,
5 possessed or visibly displayed a firearm or visibly
6 displayed a knife during the commission or attempted
7 commission of a violent crime; specifically, burglary in
8 the first degree of a dwelling located at [REDACTED]
9 [REDACTED], Wagener, South Carolina, which is alleged to
10 be in violation of Section 16-23-490 of the code.

11 And I have an indictment for failure to stop for a
12 pursuing law enforcement officer. It's alleged that Mr.
13 Chandler did in Aiken County, South Carolina, on or about
14 June 9, 2016, in the absence of mitigating circumstances,
15 unlawfully fail to stop while driving a motor vehicle on
16 a road, street, or highway of the state for a law
17 enforcement after being signaled to do so by means of a
18 flashing light and/or siren; and the road conditions were
19 such that a reasonable driver could hear and/or see the
20 signals, which is alleged to be in violation of Section
21 56-5-750 of the code.

22 Now, upon his arraignment on these charges, Mr.
23 Chandler has entered pleas of not guilty. He is presumed
24 to be innocent. It is incumbent upon the State of South
25 Carolina, having brought these charges, to prove each

1 charge and every essential element of each charge beyond
2 a reasonable doubt.

3 I'm going to pose questions to you, as I said. And
4 if the question applies to you or you have doubt about
5 whether it applies to you, please stand and let me know.

6 Is Mr. Chandler -- William -- am I pronouncing your
7 middle name correctly? How do you pronounce it?

8 THE DEFENDANT: It's -- it's Tiay.

9 THE COURT: Tiay?

10 THE DEFENDANT: Tiay.

11 THE COURT: All right. William Tiay Chandler in the
12 courtroom?

13 THE DEFENDANT: (Gestured.)

14 THE COURT: Would you stand and face the jury,
15 please, sir.

16 THE DEFENDANT: (Complied.)

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

18 Is there any member of the jury panel who is related
19 by blood or marriage or connected by employment with the
20 defendant, William Tiay Chandler? If so, please stand.

21 (Whereupon, no potential juror stood.)

22 THE COURT: All right. Mr. Chandler will be
23 represented by Mr. Michael Chesser.

24 MR. CHESSER: (Stood.)

25 THE COURT: Thank you, sir.

1 MR. CHESSER: (Resumed seat.)

2 THE COURT: The following persons have been
3 identified as potential witnesses in the case. If any of
4 these people happen to be in the courtroom at this time,
5 I need that person to stand as his or her name is called
6 and face the jury. Now, ladies and gentlemen, I'm going
7 to read out, looks like, 22 names. If I read a name and
8 it's a name that you're not sure if you have some
9 connection to that person or not, if you'll just let me
10 know, I'll try to get more identifying information for
11 you. And if I mispronounce any of these, I apologize.

12 Brielle Busbee.

13 (Whereupon, the potential witness stood.)

14 THE COURT: Would you face that way for me, please?

15 (Whereupon, the potential witness complied.)

16 THE COURT: Doug Busbee.

17 (Whereupon, the potential witness stood.)

18 THE COURT: Thank you, sir. Arthur Boyce; Sheran --
19 S-h-e-r-a-n -- Boyce; Jacob Johnson; Investigator Stuart
20 Graybeal with the Aiken County Sheriff's Office.

21 (Whereupon, the potential witness stood.)

22 THE COURT: Thank you, sir.

23 Investigator Mary Francis O'Grady in the Aiken
24 County Sheriff's Office; Investigator Chuck Cain of the
25 Aiken County Sheriff's Office; Investigator Steven -- is

1 that -- Havasy, H-a-v-a-s-y, Aiken ---

2 MR. WEEKS: Havasy, Your Honor.

3 THE COURT: Havasy?

4 MR. WEEKS: Yes, sir.

5 THE COURT: --- Aiken County Sheriff's Office.

6 Captain Mike Powell of the Aiken County Sheriff's Office;
7 Investigator John Harvey of the Aiken County Sheriff's
8 Office; Investigator Christopher Johnson of the Aiken
9 County Sheriff's Office; Lieutenant Clay Adams, Aiken
10 County Sheriff's Office; Corporal Daniel Byrd, Aiken
11 County Sheriff's Office; Deputy Felton Craig, Aiken
12 County Sheriff's Office; Deputy Kevin Lively, Aiken
13 County Sheriff's Office; Deputy William Smith, Aiken
14 County Sheriff's Office; Trooper Matthew Butler, South
15 Carolina Highway Patrol; Trooper Josh Vargo, South
16 Carolina Highway Patrol; Lieutenant Tracy Thrower of
17 SLED; Doris Yarborough, who is with SLED; Amy Stephens
18 Black, also with SLED.

19 And I'm going to ask you -- about the names of some
20 additional persons: David Capell; Jacob Johnson; Jarius
21 Glover; Joseph Glover; Faith Chandler; or Heather
22 Collins.

23 Ladies and gentlemen of the jury, to the best of
24 your knowledge, are any of you related by blood or
25 marriage or connected by employment with any of these

1 names that I just read out to you? If so, please stand.

2 (Whereupon, no potential juror stood.)

3 THE COURT: Mr. Weeks, who's going to try this case?

4 MR. WEEKS: Your Honor, myself, Bill Weeks; and
5 Cassie Hall.

6 THE COURT: Okay. Thank you. Mr. Weeks and Ms.
7 Hall are members of the solicitor's office of the Second
8 Judicial Circuit.

9 Are any of you or any of your immediate family
10 members or anybody very close to you employed in any
11 capacity, currently or formerly, with the Aiken County
12 Sheriff's Department, the Wagener Police Department, or
13 the Aiken County Solicitor's Office? If so, please
14 stand.

15 (Whereupon, a potential juror stood.)

16 THE COURT: What's your name, please?

17 POTENTIAL JUROR: It's Juror 5, Lee Atkinson. My
18 adopted sister -- well, my -- my parents adopted her.
19 Cheyenne Atkinson works for dispatch, Aiken County
20 Sheriff's Office.

21 THE COURT: Is -- is dispatch with Aiken County
22 involved in this case in any way?

23 MR. WEEKS: No, Your Honor. There is a -- there's a
24 potential piece of evidence where ---

25 THE COURT: Well ---

1 MR. WEEKS: --- there may be some traffic.

2 THE COURT: I'm going to set you aside on this case,
3 Mr. Atkinson. And just stay with us. All right?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: It's Juror No. 5, set aside.

6 Are any of you or is anybody very close to you
7 affiliated with any organization that has as one of its
8 primary purposes the support of law enforcement and
9 victims' assistance? That would include such things as
10 being an auxiliary police officer, any group that has as
11 a primary aim prosecution or pursuit of individuals
12 involved in alleged criminal activity like Citizens
13 Against Violent Crime, Students Against Drunk Driving,
14 Mothers Against Drunk Driving, being a member of
15 organization or volunteer of any such organization or any
16 shelter for abused or neglected people? If you have any
17 connection with any such organization, either you or
18 somebody very close to you, either by being a volunteer,
19 a member of, a contributor to financially, or any kind of
20 connection, please let us know about it.

21 (Whereupon, no potential juror stood.)

22 THE COURT: Do any of you know anything at all about
23 this matter? Do you -- have you heard, seen, or read
24 anything about it? Have you heard anybody discuss it?
25 Do you know anything whatsoever about the underlying

1 factual allegations in the case?

2 (Whereupon, a potential juror stood.)

3 THE COURT: Would you come down front for me,
4 please. The lawyers may join me on the side.

5 (Whereupon, the potential juror came forward.)

6 THE COURT: Right about here. What's your name?

7 POTENTIAL JUROR: Bonnie Sharpe. I'm Juror 153.

8 MS. HALL: I'm sorry. What number?

9 THE COURT: 153.

10 POTENTIAL JUROR: 153.

11 MS. HALL: Thank you.

12 THE COURT: Okay, Ms. Sharpe. What's your
13 situation?

14 POTENTIAL JUROR: The Busbees are my neighbors.
15 They live on -- our properties actually butt up to each
16 other. And so I've heard their -- you know, their say
17 from their side of the story.

18 THE COURT: I'm going to set you aside on this case,
19 ma'am.

20 POTENTIAL JUROR: Okay.

21 THE COURT: Don't discuss any of that with your
22 fellow jurors. Okay?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Thank you.

25 (Whereupon, the potential juror returned to the jury

1 panel.)

2 THE COURT: 153, Ms. Sharpe, is set aside on this
3 trial.

4 All right. I've asked you if you are related by
5 blood or marriage or connected by employment. What I
6 need to do now is expand that out as broadly as I can. I
7 need to know about any connection you might have with any
8 of the people involved in the case or any of the
9 organizations or agencies involved in the case.

10 So, for example, if you're a -- if you're a -- a
11 friend, attend the same church or civic clubs, if you're
12 a neighbor, if you are a current or former client of one
13 of these attorneys or anyone with whom they're
14 affiliated, if you've ever been involved on the opposite
15 side of a case with any of these attorneys or anyone with
16 whom they're affiliated, if you've got any connection at
17 all to the Aiken County Sheriff's Office, SLED, the
18 highway patrol, Wagener Police Department, any connection
19 of any kind that you might have or anybody very close to
20 you might have, you need to let us know about it. Please
21 stand.

22 (Whereupon, potential jurors stood.)

23 POTENTIAL JUROR: You did.

24 THE COURT: Okay. If I set you aside -- I -- I
25 didn't make that clear. I'm sorry. You -- you don't

1 have to answer once I set you aside.

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: Your name, sir?

4 POTENTIAL JUROR: Terrence Smith, Juror 159. I'm a
5 member of a camping club that has a lot of Aiken County
6 deputies in it.

7 THE COURT: Did you say a camping club?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: Do you know any of these folks whose
10 names I read out?

11 POTENTIAL JUROR: No, sir. Not right offhand.

12 THE COURT: Is there anything at all about your
13 relationship with that club or anybody in it,
14 specifically including the deputies, that might affect
15 your ability to be a fair and impartial juror in this
16 case?

17 POTENTIAL JUROR: Not that I can think of.

18 THE COURT: You have any doubt at all about your
19 ability to be fair and impartial as a juror in this case?

20 POTENTIAL JUROR: I tend to side ---

21 THE COURT: No. Whoa. Don't tell me. Just ---

22 POTENTIAL JUROR: Yes.

23 THE COURT: You do?

24 POTENTIAL JUROR: (No audible response.)

25 THE COURT: Okay. I'll set you aside on this case.

1 158 is set aside on this case. Thank you, Mr. Smith.

2 Just have -- just have a seat right there.

3 Your name in the front row, please?

4 POTENTIAL JUROR: Kellie Prescott, Juror 134.

5 THE COURT: Okay, Ms. Prescott. What's your
6 situation?

7 POTENTIAL JUROR: I know Doug and Brielle sitting
8 right over here.

9 THE COURT: Okay. And what relationship do you have
10 with them -- friends? acquaintances? what?

11 POTENTIAL JUROR: I've known them pretty much all my
12 life.

13 THE COURT: Anything about that that affects your
14 ability to be fair and impartial in the case?

15 POTENTIAL JUROR: I just feel like ---

16 THE COURT: Don't -- don't -- don't tell me what it
17 is. Anything about that that affects your ability to be
18 fair and impartial in the case?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Thank you, ma'am. Ms. Prescott is 134.
21 I'm going to set you aside on this case. All right?

22 POTENTIAL JUROR: Brian Bell, No. 12. I know -- I
23 know -- I know Mr. Busbee, the one right there.

24 THE COURT: Mr. Bell is Juror No. 12. I didn't
25 understand what you said, sir. I'm sorry.

1 POTENTIAL JUROR: I said I know Mr. Doug Busbee.

2 THE COURT: Okay. How do you know him? You're a
3 friend or what?

4 POTENTIAL JUROR: Work in Wagener. Go to their shop
5 and stuff down there.

6 THE COURT: Okay. And is there anything about your
7 relationship or experiences with Mr. Busbee that might
8 affect your ability to be fair and impartial in this
9 case?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: You can decide the case without regard
12 to what he may think of your decision?

13 POTENTIAL JUROR: Yes, sir.

14 THE COURT: You won't be concerned about -- if
15 you're on the jury, it won't be a concern of yours as to
16 the next time you may see Mr. Busbee?

17 POTENTIAL JUROR: Yes, sir.

18 THE COURT: It would?

19 POTENTIAL JUROR: (No audible response.)

20 THE COURT: All right. I'm going to set you aside.
21 Just stay with us for further instructions. All right.
22 Juror No. 12 is set aside.

23 Your name, sir?

24 POTENTIAL JUROR: I'm Juror 43, Scott Elliott.

25 THE COURT: Hold on, Mr. Elliott.

1 POTENTIAL JUROR: All right.

2 THE COURT: What's your situation, please?

3 POTENTIAL JUROR: I just -- the -- my church has a
4 gentleman that's law enforcement officer and -- Jim
5 Harris. I'm not sure who he ---

6 THE COURT: I didn't hear the first part, what you
7 said. You're what with him?

8 POTENTIAL JUROR: We're at the same church.

9 THE COURT: Oh. Church.

10 POTENTIAL JUROR: It's Jim Harris. And I don't know
11 who he works for, but I know he's law enforcement
12 officer.

13 THE COURT: Do y'all know who he works for?

14 MR. WEEKS: Yes, sir. I know Jim, and he's not
15 involved in this case.

16 THE COURT: They tell me he's not involved in this
17 particular case, Mr. Elliott. Is there anything at all
18 about your relationship with him or experience with him
19 or law enforcement in general that might affect your
20 ability to be fair and impartial in the case?

21 POTENTIAL JUROR: No, sir.

22 THE COURT: Have any doubt in your mind?

23 POTENTIAL JUROR: No, sir.

24 THE COURT: Thank you, sir. Number 43, Mr. Elliott,
25 is eligible to serve. Just have a seat.

1 POTENTIAL JUROR: (Complied.)

2 THE COURT: All right. Folks, I'm going to pose
3 this question. I -- I -- it's going to be multiple parts
4 to it. I need you to please pay close attention so that
5 you pick up all the parts. I'm trying to address it from
6 different angles.

7 And we're not going to discuss this openly. What's
8 going to happen is if the question applies to you or you
9 have doubt about whether it applies to you, I'll need for
10 you to stand and then we're going to come -- have you
11 come down front to talk about it.

12 Have any of you or any -- has anybody very close to
13 you ever been the victim of a burglary or a break-in? Or
14 have any of you or has anybody very close to you ever
15 been accused of committing a burglary or a break-in? Or
16 have any of you or anybody very close to you ever been
17 the victim of or accused of committing any crime
18 involving property violations? That is, stealing, breach
19 of trust, breaking into motor vehicle, anything like
20 that.

21 (Whereupon, potential jurors stood.)

22 THE COURT: Okay. All right. What we'll do is
23 we'll go row by row. I need for the first row to start
24 and just filter in and come down here. The rest of you
25 can sit.

1 Just come in row by row. All right? This lady over
2 here in the blue, will you come first?

3 (Whereupon, the potential juror came forward.)

4 THE COURT: Right about there, that's good. What's
5 your name, ma'am?

6 POTENTIAL JUROR: Nancy Flippin, 155.

7 THE COURT: 155? What's your situation, ma'am?

8 POTENTIAL JUROR: My home was burglarized while I
9 was at work.

10 THE COURT: How long ago?

11 POTENTIAL JUROR: Oh, 20 years ago.

12 THE COURT: Aiken County?

13 POTENTIAL JUROR: No. This was in Atlanta.

14 THE COURT: Did they arrest anybody?

15 POTENTIAL JUROR: No.

16 THE COURT: Anything at all about that experience
17 that affects your ability to be fair and impartial in
18 this case?

19 POTENTIAL JUROR: I don't think so.

20 THE COURT: Do you have any doubt?

21 POTENTIAL JUROR: Little bit.

22 THE COURT: All right. That's understandable. I
23 need to set you aside on this case, okay?

24 POTENTIAL JUROR: Yeah.

25 THE COURT: Just have a seat. Don't discuss that

1 with your fellow jurors. 155 is set aside on this trial.

2 (Whereupon, the potential juror returned to the jury
3 panel.)

4 THE COURT: Yes, ma'am. Y'all can come around and
5 form a line if you'd like.

6 (Whereupon, the potential juror came forward.)

7 THE COURT: How you doing? Right about here.

8 What's your name, please?

9 POTENTIAL JUROR: Savannah.

10 THE COURT: Last name?

11 POTENTIAL JUROR: Oh. Savannah Andrews, No. 3.

12 THE COURT: Three.

13 POTENTIAL JUROR: Can I ask a question, please?

14 This is -- does this have to do with my -- anything,
15 like, if I'm being or anything or it doesn't have to do
16 with . . .

17 THE COURT: Have to do with what, now?

18 POTENTIAL JUROR: Does this have to do with me
19 getting, like, kicked off of the jury or anything? These
20 questions, like that? Because if it's not, I can sit.

21 I'm -- I just don't have anybody to -- a lot of people
22 here. My mom -- like, everybody in North Carolina is --
23 and broken into my family and everybody. So I don't know
24 how to, like -- and I'm from Florida. I -- so it's been
25 there and here in Aiken. Because that's ---

1 THE COURT: Would that affect your ability to be
2 fair and impartial as a juror in the case?

3 POTENTIAL JUROR: I don't know. I don't -- I mean,
4 no, I guess not.

5 THE COURT: I can't have you guessing. You have any
6 -- you have any doubt?

7 POTENTIAL JUROR: Does -- will I have -- do I have
8 to come back or change to a different thing?

9 THE COURT: No, ma'am. You -- you don't -- I mean,
10 I don't know what they might do this week. But if you're
11 talking about coming back another term, no, you don't
12 have to do that.

13 POTENTIAL JUROR: I wouldn't like to come back. I
14 don't know. Like, you know, I -- I mean, in a way, yeah.
15 I do feel like it -- but, like, on another -- I feel like
16 -- yeah. I -- I do feel like I would -- like, I might
17 just have to -- yeah.

18 THE COURT: Okay. I'm going to set you aside on
19 this trial. Just have a seat back there, okay?

20 (Whereupon, the potential juror returned to the jury
21 panel.)

22 THE COURT: Juror No. 3 is set aside on the trial of
23 this case.

24 (Whereupon, the potential juror came forward.)

25 THE COURT: What's your name, sir?

1 POTENTIAL JUROR: Keith Downs. They got me down as
2 Larry Downs, Juror No. 40.

3 THE COURT: Okay. Mr. Downs is 40. What's your
4 situation?

5 POTENTIAL JUROR: When I lived at home, my family's
6 been victims of burglaries of a couple different times.

7 THE COURT: Aiken County?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: How long ago?

10 POTENTIAL JUROR: In the '90s.

11 THE COURT: Anything about those experiences affect
12 your ability to be fair and impartial in the case?

13 POTENTIAL JUROR: No, sir.

14 THE COURT: Any doubt in your mind?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: Anybody arrested on those cases?

17 POTENTIAL JUROR: Yes.

18 THE COURT: Do you know what happened to them?

19 POTENTIAL JUROR: I don't.

20 THE COURT: How old were you at the time?

21 POTENTIAL JUROR: I was 14 -- 13/14 years old.

22 THE COURT: Okay. You sure you can be fair and
23 impartial?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: All right. Thank you, sir.

1 Forty is eligible to serve, Mr. Downs.

2 (Whereupon, the potential juror returned to the jury
3 panel.)

4 THE COURT: Yes, sir.

5 (Whereupon, the potential juror came forward.)

6 THE COURT: Right about here, please. What's your
7 name, please.

8 POTENTIAL JUROR: I'm Travis Vail.

9 THE COURT: Travis what?

10 POTENTIAL JUROR: Vail, V-a-i-l, 178.

11 THE COURT: 178, Mr. Vail. What's your situation?

12 POTENTIAL JUROR: I was charged in a theft by taking
13 when I didn't -- they didn't have no evidence of me
14 really doing anything. But I was charged. And I don't
15 feel like it would affect me.

16 THE COURT: Would that affect your ability to be
17 fair and impartial in this case?

18 POTENTIAL JUROR: Yeah, it would. Because I don't
19 know if he did it or not.

20 THE COURT: You said yes?

21 POTENTIAL JUROR: (Nodded head up and down.)

22 THE COURT: Is that -- I need you to speak your
23 answer. She's -- she takes down what we say.

24 POTENTIAL JUROR: Oh. Yes.

25 THE COURT: Okay. All right. Thank you. I'll set

1 you aside on this case. 178, Mr. Vail, is set aside on
2 this trial.

3 (Whereupon, the potential juror returned to the jury
4 panel.)

5 THE COURT: Yes, sir.

6 (Whereupon, the potential juror came forward.)

7 THE COURT: What's your ---

8 POTENTIAL JUROR: 98, Bart Little.

9 THE COURT: Mr. Little is Juror No. 98. What's your
10 situation?

11 POTENTIAL JUROR: I was prior military police
12 officer for 22 years. Investigated break-ins, robberies,
13 held hostage at gunpoint, other circumstances.

14 THE COURT: You yourself were held hostage?

15 POTENTIAL JUROR: Correct.

16 THE COURT: Is there anything about any of those
17 experiences or your relationship with the police that
18 affects your ability to be fair and impartial in this
19 case?

20 POTENTIAL JUROR: I don't feel so. I don't feel so.
21 No, sir.

22 THE COURT: You don't feel what?

23 POTENTIAL JUROR: I don't feel that it would.

24 THE COURT: Okay. You have any doubt about your
25 ability to be fair and impartial?

1 POTENTIAL JUROR: No, sir.

2 THE COURT: Thank you, sir. Stay with us. Juror
3 No. 98 is eligible to serve.

4 (Whereupon, the potential juror returned to the jury
5 panel.)

6 THE COURT: Yes, sir.

7 (Whereupon, the potential juror came forward.)

8 THE COURT: What's your name?

9 POTENTIAL JUROR: D'montave Glover.

10 THE COURT: Glover?

11 POTENTIAL JUROR: I'm No. 61.

12 THE COURT: 61, Mr. Glover. What's your situation?

13 POTENTIAL JUROR: I have a couple of family members
14 and friends that was involved in a burglary and robbery.

15 THE COURT: They were the victim of it ---

16 POTENTIAL JUROR: No.

17 THE COURT: --- or accused?

18 POTENTIAL JUROR: It's -- accused. And I had a
19 friend that was murdered in one of them.

20 THE COURT: Anything about that experience that
21 affects your ability to be fair and impartial ---

22 POTENTIAL JUROR: Like I said, it makes me
23 uncomfortable.

24 THE COURT: 61, Mr. Glover is set aside. Just stay
25 with us, okay?

1 (Whereupon, the potential juror returned to the jury
2 panel.)

3 THE COURT: Yes, ma'am.

4 (Whereupon, the potential juror came forward.)

5 POTENTIAL JUROR: I'm Neatree Rankin, Juror 137.

6 THE COURT: 137?

7 POTENTIAL JUROR: Yeah. And it's my son. He's been
8 in a lot of different trouble. He's even been in this
9 courtroom before. Actually, he's in jail right now in
10 Lexington County.

11 THE COURT: Okay. Is there anything about that
12 relationship or your experiences with him that might
13 affect your ability to be fair and impartial in this
14 case?

15 POTENTIAL JUROR: No.

16 THE COURT: Okay. You can decide the case without
17 regard to anything your son's been through?

18 POTENTIAL JUROR: Uh-huh. Yeah.

19 THE COURT: Okay.

20 POTENTIAL JUROR: He made his own decision.

21 THE COURT: You have any doubt whatsoever about your
22 ability to be fair and impartial in the case?

23 POTENTIAL JUROR: No, sir.

24 THE COURT: Thank you. Ms. Rankin is 137, eligible
25 to serve.

1 (Whereupon, the potential juror returned to the jury
2 panel.)

3 THE COURT: Yes, ma'am.

4 (Whereupon, the potential juror came forward.)

5 THE COURT: What's your name?

6 POTENTIAL JUROR: Katie Glenn, Juror 59.

7 THE COURT: Ms. Glenn is Juror No. 59. What's your
8 situation, please?

9 POTENTIAL JUROR: My grandparents' house has been
10 broken into, and the truck was stolen out of the front
11 yard.

12 THE COURT: How long ago?

13 POTENTIAL JUROR: Six-plus years ago.

14 THE COURT: Aiken County?

15 POTENTIAL JUROR: Yes, sir.

16 THE COURT: Were you involved in the -- did they
17 arrest anybody?

18 POTENTIAL JUROR: No, sir.

19 THE COURT: Okay. Is there anything at all about
20 that experience or your relationship with that individual
21 that affects your ability to be fair and impartial in ---

22 POTENTIAL JUROR: No, sir.

23 THE COURT: --- the case?

24 Any doubt in your mind?

25 POTENTIAL JUROR: No, sir.

1 THE COURT: Thank you. Ms. Glenn is Juror No. 59.
2 She's eligible to serve.

3 (Whereupon, the potential juror returned to the jury
4 panel.)

5 THE COURT: Yes, ma'am.

6 (Whereupon, the potential juror came forward.)

7 THE COURT: What's your name, please?

8 POTENTIAL JUROR: Kathleen Neu, 124.

9 THE COURT: 124, Ms. Neu?

10 POTENTIAL JUROR: Uh-huh.

11 THE COURT: What's your situation, please?

12 POTENTIAL JUROR: My daughter, Michelle Cobb, was
13 charged with larceny and only two or three different
14 occasions, one in Edgefield and one in Aiken.

15 THE COURT: How long ago?

16 POTENTIAL JUROR: The last one, probably within ten
17 years.

18 THE COURT: Were the victim of any of that?

19 POTENTIAL JUROR: No, sir.

20 THE COURT: Anything about that relationship or your
21 experiences with her that might affect your ability to be
22 fair and impartial in the case?

23 POTENTIAL JUROR: I just feel uneasy about the whole
24 situation.

25 THE COURT: You have some doubt about your ability

1 to be fair and impartial?

2 POTENTIAL JUROR: (Nodded head up and down.)

3 THE COURT: You need to speak your answer.

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: Okay. Thank you. I'll set you aside on
6 this case, ma'am.

7 POTENTIAL JUROR: Uh-huh.

8 THE COURT: Thank you.

9 POTENTIAL JUROR: Uh-huh.

10 THE COURT: 124, Ms. Neu, is set aside of the trial
11 of this case.

12 (Whereupon, the potential juror returned to the jury
13 panel.)

14 THE COURT: And ---

15 (Whereupon, the potential juror came forward.)

16 POTENTIAL JUROR: It's Ronald Wood, 195.

17 THE COURT: Hold on just a moment. 195, Mr. Wood.
18 What's your situation, please?

19 POTENTIAL JUROR: My wife's family, their home was
20 broken into, armed robbery, before we were married, 35
21 years ago.

22 THE COURT: They arrest anybody?

23 POTENTIAL JUROR: Two individuals.

24 THE COURT: Was that in Aiken County or ---

25 POTENTIAL JUROR: Yes, it was.

1 THE COURT: What happened to those people?

2 POTENTIAL JUROR: They went to jail.

3 THE COURT: Okay. Anything at all about your
4 relationship with these folks or your experience that
5 might affect your ability to be fair and impartial in the
6 case?

7 POTENTIAL JUROR: No, sir.

8 THE COURT: Any doubt in your mind?

9 POTENTIAL JUROR: No, sir.

10 THE COURT: Thank you, sir.

11 (Whereupon, the potential juror returned to the jury
12 panel.)

13 THE COURT: Mr. Wood is Juror No. 195. He's
14 eligible to serve.

15 (Whereupon, the potential juror came forward.)

16 Yes, sir. What's your name, please?

17 POTENTIAL JUROR: John Weldon; it's No. 186.

18 THE COURT: Okay.

19 POTENTIAL JUROR: Excuse me.

20 THE COURT: 186, Mr. Weldon. What's your situation,
21 please?

22 POTENTIAL JUROR: I had several vehicles, personal
23 vehicles, broken into within the last three years. My
24 next-door neighbor was burglarized approximately five
25 years ago.

1 THE COURT: Anything about any of those experiences
2 or relationships that affects your ability to be fair and
3 impartial in this case?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: Okay. So you can decide the case
6 without regard to your personal experiences?

7 POTENTIAL JUROR: Yes, sir.

8 THE COURT: Without regard to your neighbors'
9 experiences?

10 POTENTIAL JUROR: That's right.

11 THE COURT: Any doubt at all?

12 POTENTIAL JUROR: Not a bit.

13 THE COURT: Thank you, sir. 186, Mr. Weldon, is
14 eligible to serve.

15 (Whereupon, the potential juror returned to the jury
16 panel.)

17 THE COURT: Yes, sir.

18 (Whereupon, the potential juror came forward.)

19 POTENTIAL JUROR: Hey, how you doing?

20 THE COURT: What's your name, please?

21 POTENTIAL JUROR: Damian Green, Juror 64.

22 THE COURT: 64?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Mr. Green, 64. What's your situation?

25 POTENTIAL JUROR: Yes. I been a victim of a

1 burglary maybe about a year ago.

2 THE COURT: Anybody arrested?

3 POTENTIAL JUROR: They -- they got the juvenile that
4 did it.

5 THE COURT: Juvenile?

6 POTENTIAL JUROR: Uh-huh.

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

10 POTENTIAL JUROR: No, sir.

11 THE COURT: You have any doubt in your mind about
12 that?

13 POTENTIAL JUROR: No, sir.

14 THE COURT: Thank you, sir.

15 POTENTIAL JUROR: All right.

16 THE COURT: Mr. Green is Juror No. 64. He's
17 eligible to serve.

18 (Whereupon, the potential juror returned to the jury
19 panel.)

20 THE COURT: Yes, ma'am?

21 (Whereupon, the potential juror came forward.)

22 THE COURT: What's your name, please?

23 POTENTIAL JUROR: Valeria Robinson, Juror No. 144.

24 I was the victim ---

25 THE COURT: Hold -- hold on one second. I have to

1 make notes or I'll forget this.

2 POTENTIAL JUROR: You and me both.

3 THE COURT: Okay. Ms. Robinson is 144. Go ahead,
4 please, ma'am.

5 POTENTIAL JUROR: I was the victim of a strong-arm
6 robbery about two years ago.

7 THE COURT: Aiken County?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: Anybody arrested?

10 POTENTIAL JUROR: Three people. So ---

11 THE COURT: What happened to them?

12 POTENTIAL JUROR: Not enough.

13 THE COURT: Okay. Anything about that experience
14 that affects your ability to be fair and impartial as a
15 juror in the case?

16 POTENTIAL JUROR: Probably.

17 THE COURT: Okay. I'll set you aside on this case.
18 Just ---

19 POTENTIAL JUROR: Okay.

20 THE COURT: --- don't discuss anything with your
21 fellow jurors, okay?

22 POTENTIAL JUROR: Thank you.

23 THE COURT: 144, Ms. Robinson, is set aside on the
24 trial of this case.

25 (Whereupon, the potential juror returned to the jury

1 panel.)

2 THE COURT: Yes, ma'am?

3 (Whereupon, the potential juror came forward.)

4 THE COURT: Yes, ma'am. What's your name?

5 POTENTIAL JUROR: 170, Tiea Thomas.

6 THE COURT: Okay. Ms. Thomas is 170. What's your
7 situation?

8 POTENTIAL JUROR: My brother-in-law has been jailed
9 before for armed robbery. He's been out now for about 15
10 years.

11 THE COURT: Okay. Anything about that relationship
12 or experience that affects your ability to be fair and
13 impartial ---

14 POTENTIAL JUROR: No.

15 THE COURT: --- in the case?

16 POTENTIAL JUROR: (Shook head from side to side.)

17 THE COURT: You have any doubt in your mind?

18 POTENTIAL JUROR: No, sir.

19 THE COURT: I'm sorry?

20 POTENTIAL JUROR: No, sir.

21 THE COURT: Thank you. 170, Ms. Thomas, is eligible
22 to serve.

23 (Whereupon, the potential juror returned to the jury
24 panel.)

25 THE COURT: Yes, sir.

1 (Whereupon, the potential juror came forward.)

2 THE COURT: Your name, please?

3 POTENTIAL JUROR: James Sparks, No. 161 -- Donald
4 Sparks.

5 THE COURT: 161, Mr. Sparks. What's your situation,
6 please?

7 POTENTIAL JUROR: A year ago my farm was robbed. I
8 had electric-fence chargers stolen and a battery charger
9 stolen. And in college, when I was working as a night
10 auditor, I was robbed by gunpoint. And they stole my car
11 also.

12 THE COURT: Okay. The -- the -- your farm in Aiken
13 County?

14 POTENTIAL JUROR: Edgefield.

15 THE COURT: Okay.

16 POTENTIAL JUROR: Johnston.

17 THE COURT: Did they arrest anybody?

18 POTENTIAL JUROR: They told me they did.

19 THE COURT: But that's all you heard?

20 POTENTIAL JUROR: That's all I know. I got my
21 property back, though.

22 THE COURT: Okay. Is there anything at all about
23 either of those experiences that affects your ability to
24 be fair and impartial in this case?

25 POTENTIAL JUROR: No, sir.

1 THE COURT: Any doubt in your mind?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: Thank you, sir.

4 (Whereupon, the potential juror returned to the jury
5 panel.)

6 THE COURT: 161, Mr. Sparks is eligible to serve.

7 Anybody else on those?

8 (Whereupon, no potential juror stood.)

9 CLERK OF COURT: Judge, I need to talk with you.

10 (Off the record from 11:44 until 11:46 a.m.)

11 THE COURT: Have any of you formed or expressed any
12 opinions about the case? If so, please stand.

13 (Whereupon, no potential juror stood.)

14 THE COURT: Are any of you aware of any interest,
15 bias, or prejudice that you might have, for or against
16 the state or, for or against the defendant, Mr. Chandler,
17 for or against anyone or any entity involved in the case?
18 If so, please stand.

19 (Whereupon, no potential juror stood.)

20 THE COURT: Can each of you give both the State of
21 South Carolina and the defendant, Mr. Chandler, a fair
22 and impartial trial? If you know of any reason why you
23 cannot, please stand now.

24 (Whereupon, no potential juror stood.)

25 THE COURT: Further questions from the state?

1 MR. WEEKS: No, Your Honor.

2 THE COURT: Further questions from the defense?

3 MR. CHESSER: No, Your Honor.

4 THE COURT: Thank you very much. The jury panel is
5 qualified.

6 All right. So the strikes are what?

7 MR. WEEKS: Five and ten, Your Honor.

8 THE COURT: Have y'all already drawn the list?

9 CLERK OF COURT: We're drawing it right now, Your
10 Honor. It'll take just a minute.

11 THE COURT: All right. Ladies and gentlemen, if --
12 if you've seen jurors drawn in civil court in South
13 Carolina, you will know that it's different than what we
14 do in criminal court. What's going to happen is that the
15 clerk is telling the computer to randomly select a list
16 of jurors from those of you who have not been set aside
17 on this case. So the computer will randomly pick the
18 names of the remaining people in the jury pool. She will
19 start or Mr. -- Mr. Harte -- one of them will start
20 reading at the top of that list.

21 As your name is called, if you hear your name
22 called, you need to gather your personal belongings and
23 you need to come down front. Just come to the center so
24 that you're straight in front of me and I'm looking at
25 your back. Turn around and face back that way.

1 When you get down here, the clerk will ask questions
2 of the state's attorney and the defense attorney. And
3 based on their responses, you'll either be told to return
4 to your seat in the courtroom or to have a seat over here
5 in the jury box. So that's why you need to bring your
6 personal belongings: because the next stop may be over
7 here in the jury box.

8 The strikes will be five for the state, ten for the
9 defense? Everybody's in agreement?

10 MR. WEEKS: Yes.

11 MR. CHESSER: Yes.

12 (Off the record from 11:48 a.m. until 11:56 a.m.)

13 CLERK OF COURT: Okay. We're ready -- ready, Your
14 Honor.

15 THE COURT: Yes, sir.

16 CLERK OF COURT: Thank you for your patience, ladies
17 and gentlemen. As I call your name, please come forward;
18 stand right here, and face the clock.

19 Juror No. 39, Sheila Dicks.

20 (Whereupon, the potential juror came forward.)

21 CLERK OF COURT: What says the state?

22 MR. WEEKS: Please present Ms. Dicks.

23 CLERK OF COURT: What says the defense?

24 MR. CHESSER: Please seat the juror.

25 CLERK OF COURT: Please have a seat in the jury box.

1 (Whereupon, the juror came forward into the jury
2 box.)

3 CLERK OF COURT: Juror No. 6, Annette Baker.

4 (Whereupon, the potential juror came forward.)

5 CLERK OF COURT: What says the state?

6 MR. WEEKS: Please excuse Ms. Baker from this trial.

7 CLERK OF COURT: Please return to your seat, Ms.
8 Baker.

9 (Whereupon, the potential juror returned to the jury
10 panel.)

11 CLERK OF COURT: Number 141, Brandon Ricks.

12 (Whereupon, the potential juror came forward.)

13 CLERK OF COURT: What says the state?

14 MR. WEEKS: Please excuse Mr. Ricks from this trial.

15 CLERK OF COURT: Please return to your seat.

16 (Whereupon, the potential juror returned to the jury
17 panel.)

18 CLERK OF COURT: Juror No. 1, Katedra Adams.

19 (Whereupon, the potential juror came forward.)

20 CLERK OF COURT: What says the state?

21 MR. WEEKS: Please present Ms. Adams.

22 CLERK OF COURT: What says the defense?

23 MR. CHESSER: Please seat the juror.

24 THE COURT: Please have a seat in the jury box.

25 (Whereupon, the juror came forward into the jury

1 box.)

2 CLERK OF COURT: Juror No. 7, Jack Baker.

3 (Whereupon, the potential juror came forward.)

4 CLERK OF COURT: What says the state?

5 MR. WEEKS: Please present Mr. Baker.

6 CLERK OF COURT: What says the defense?

7 MR. CHESSER: Please excuse Mr. Baker.

8 THE COURT: Please return to your seat.

9 (Whereupon, the potential juror returned to the jury
10 panel.)

11 CLERK OF COURT: Juror No. 45, Angela Etterle.

12 (Whereupon, the potential juror came forward.)

13 CLERK OF COURT: What says the state?

14 MR. WEEKS: Please present Ms. Etterle.

15 CLERK OF COURT: What says the defense?

16 MR. CHESSER: Please seat Ms. Etterle.

17 CLERK OF COURT: Please have a seat in the jury box.

18 (Whereupon, the juror came forward into the jury
19 box.)

20 CLERK OF COURT: Juror No. 66, Anthony Gregory.

21 (Whereupon, the potential juror came forward.)

22 CLERK OF COURT: What says the state?

23 MR. WEEKS: Please present Mr. Gregory.

24 CLERK OF COURT: What says the defense?

25 MR. CHESSER: Please excuse Mr. Gregory.

1 CLERK OF COURT: Please return to your seat.
2 (Whereupon, the potential juror returned to the jury
3 panel.)
4 CLERK OF COURT: Juror No. 154, Michael Sides.
5 (Whereupon, the potential juror came forward.)
6 CLERK OF COURT: What says the state?
7 MR. WEEKS: Please present Mr. Sides.
8 CLERK OF COURT: What says the defense?
9 MR. CHESSER: Please excuse Mr. Sides.
10 CLERK OF COURT: Please return to your seat.
11 (Whereupon, the potential juror returned to the jury
12 panel.)
13 CLERK OF COURT: Number 98, Bart Little.
14 (Whereupon, the potential juror came forward.)
15 CLERK OF COURT: What says the state?
16 MR. WEEKS: Please present Mr. Little.
17 CLERK OF COURT: What says the defense?
18 MR. CHESSER: Please excuse Mr. Little.
19 THE COURT: Please return to your seat.
20 (Whereupon, the potential juror returned to the jury
21 panel.)
22 CLERK OF COURT: I have the state having used two
23 strikes and the defense four.
24 Juror 126, Seth Nielsen.
25 (Whereupon, the potential juror came forward.)

1 CLERK OF COURT: What says the state?

2 MR. WEEKS: Please present Mr. Nielsen.

3 CLERK OF COURT: What says the defense?

4 MR. CHESSER: Please seat Mr. Nielsen.

5 CLERK OF COURT: Please have a seat in the jury box.

6 (Whereupon, the juror came forward into the jury
7 box.)

8 CLERK OF COURT: Juror No. 186, John Weldon.

9 (Whereupon, the potential juror came forward.)

10 CLERK OF COURT: What says the state?

11 MR. WEEKS: Please present Mr. Weldon.

12 CLERK OF COURT: What says the defense?

13 MR. CHESSER: Please excuse Mr. Weldon.

14 CLERK OF COURT: Please return to your seat.

15 (Whereupon, the potential juror returned to the jury
16 panel.)

17 CLERK OF COURT: Juror No. 156, Sheila Smalley.

18 (Whereupon, the potential juror came forward.)

19 CLERK OF COURT: What says the state?

20 MR. WEEKS: Please present Ms. Smalley.

21 CLERK OF COURT: What says the defense?

22 MR. CHESSER: Please seat Ms. Smalley.

23 CLERK OF COURT: Please have a seat in the jury box.

24 (Whereupon, the juror came forward into the jury
25 box.)

1 CLERK OF COURT: Juror No. 59, Katie Glenn.
2 (Whereupon, the potential juror came forward.)
3 CLERK OF COURT: What says the state?
4 MR. WEEKS: Please present Ms. Glenn.
5 CLERK OF COURT: What says the defense?
6 MR. CHESSER: Please excuse Ms. Glenn.
7 CLERK OF COURT: Please return to your seat.
8 (Whereupon, the potential juror returned to the jury
9 panel.)
10 CLERK OF COURT: Juror No. 137, Neatree Rankin.
11 (Whereupon, the potential juror came forward.)
12 CLERK OF COURT: What says the state?
13 MR. WEEKS: Please excuse Ms. Rankin from this
14 trial.
15 CLERK OF COURT: Please return to your seat.
16 (Whereupon, the potential juror returned to the jury
17 panel.)
18 CLERK OF COURT: Juror No. 194, William Winkler.
19 (Whereupon, the potential juror came forward.)
20 CLERK OF COURT: What says the state?
21 MR. WEEKS: Please present Mr. Winkler.
22 CLERK OF COURT: What says the defense?
23 MR. CHESSER: Please seat Mr. Winkler.
24 CLERK OF COURT: Please have a seat in the jury box.
25 (Whereupon, the juror came forward into the jury

1 box.)

2 CLERK OF COURT: Juror No. 170, Tiea Thomas.

3 (Whereupon, the potential juror came forward.)

4 CLERK OF COURT: What says the state?

5 MR. WEEKS: Please present Ms. Thomas.

6 CLERK OF COURT: What says the defense?

7 MR. CHESSER: Please seat Ms. Thomas.

8 CLERK OF COURT: Please have a seat in the jury box.

9 (Whereupon, the juror came forward into the jury
10 box.)

11 CLERK OF COURT: Juror No. 182, Rebecca Wall.

12 (Whereupon, the potential juror came forward.)

13 CLERK OF COURT: What says the state?

14 MR. WEEKS: Please present Ms. Wall.

15 CLERK OF COURT: What says the defense?

16 MR. CHESSER: Please seat Ms. Wall.

17 CLERK OF COURT: Please have a seat in the jury box.

18 (Whereupon, the juror came forward into the jury
19 box.)

20 CLERK OF COURT: Juror No. 96, Frendena Lewis.

21 (Whereupon, the potential juror came forward.)

22 CLERK OF COURT: What says the state?

23 MR. WEEKS: Please seat Ms. Lewis.

24 CLERK OF COURT: What says the defense?

25 MR. CHESSER: Please seat the juror.

1 CLERK OF COURT: Please have a seat in the jury box.

2 (Whereupon, the juror came forward into the jury
3 box.)

4 CLERK OF COURT: Juror 118, Martin Moreno.

5 (Whereupon, the potential juror came forward.)

6 CLERK OF COURT: What says the state?

7 MR. WEEKS: Please seat Mr. Moreno.

8 CLERK OF COURT: What says the defense?

9 MR. CHESSER: Please seat Mr. Moreno.

10 CLERK OF COURT: Please have a seat in the jury box.

11 (Whereupon, the potential juror returned to the jury
12 panel.)

13 CLERK OF COURT: Juror No. 150, Felicia Schneider.

14 (Whereupon, the potential juror came forward.)

15 THE COURT: Wait a minute. You skip one?

16 CLERK OF COURT: Yes, sir. That -- that was one of
17 the ones that went to the ---

18 THE COURT: Okay. That's another civil?

19 CLERK OF COURT: Yes, sir.

20 THE COURT: Okay.

21 CLERK OF COURT: What says the state?

22 MR. WEEKS: Please present Ms. Schneider.

23 CLERK OF COURT: What says the defense?

24 MR. CHESSER: Please excuse Ms. Schneider.

25 CLERK OF COURT: Please return to your seat.

1 (Whereupon, the potential juror returned to the jury
2 panel.)

3 CLERK OF COURT: I have the state as using three
4 challenges and the defense seven.

5 MR. WEEKS: I have a different number than what was
6 said.

7 CLERK OF COURT: Which do you have?

8 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

9 MR. WEEKS: Okay.

10 THE COURT: That's what I've got.

11 CLERK OF COURT: Is that -- is that correct?

12 THE COURT: Three and seven.

13 CLERK OF COURT: Yes. Thank you.

14 THE COURT: I don't know if I'm right, but that's
15 what I got.

16 CLERK OF COURT: Juror No. 40, Larry Downs.

17 (Whereupon, the potential juror came forward.)

18 CLERK OF COURT: What says the state?

19 MR. WEEKS: Please present Ms. Downs ---

20 CLERK OF COURT: What ---

21 MR. WEEKS: --- Mr. Downs.

22 CLERK OF COURT: --- says the defense?

23 MR. CHESSER: Please excuse Mr. Downs.

24 CLERK OF COURT: Please return to your seat.

25 (Whereupon, the potential juror returned to the jury

1 panel.)

2 CLERK OF COURT: Juror No. 195, Ronald Wood.

3 (Whereupon, the potential juror came forward.)

4 CLERK OF COURT: What says the state?

5 MR. WEEKS: Please present Mr. Wood.

6 CLERK OF COURT: What says the defense?

7 MR. CHESSER: Please excuse Mr. Wood.

8 CLERK OF COURT: Please return to your seat.

9 (Whereupon, the potential juror returned to the jury
10 panel.)

11 CLERK OF COURT: Juror No. 43, Scott Elliott.

12 (Whereupon, the potential juror came forward.)

13 CLERK OF COURT: What says the state?

14 MR. WEEKS: Please present Mr. Elliott.

15 CLERK OF COURT: What says the defense?

16 MR. CHESSER: Please excuse Mr. Elliott.

17 CLERK OF COURT: Please return to your seat.

18 (Whereupon, the potential juror returned to the jury
19 panel.)

20 CLERK OF COURT: Juror 161, Donald Sparks.

21 (Whereupon, the potential juror came forward.)

22 CLERK OF COURT: What says the state?

23 MR. WEEKS: Please present Mr. Sparks.

24 CLERK OF COURT: What says the defense?

25 MR. CHESSER: Please seat Mr. Sparks.

1 CLERK OF COURT: Please have a seat in the jury box.

2 (Whereupon, the juror came forward into the jury

3 box.)

4 CLERK OF COURT: Juror No. 64, Damian Green.

5 (Whereupon, the potential juror came forward.)

6 CLERK OF COURT: What says the state?

7 MR. WEEKS: Please excuse Mr. Green from this trial.

8 CLERK OF COURT: Please have a -- return to your

9 seat.

10 (Whereupon, the potential juror returned to the jury

11 panel.)

12 CLERK OF COURT: Juror No. 46, Karl Evans.

13 (Whereupon, the potential juror came forward.)

14 CLERK OF COURT: What says the state?

15 MR. WEEKS: Please present Mr. Evans.

16 CLERK OF COURT: What says the defense?

17 MR. CHESSER: Please seat Mr. Evans.

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

19 (Whereupon, the juror came forward into the jury

20 box.)

21 (Whereupon, the Court conferred with the clerk of

22 court.)

23 THE COURT: All right. We'll see if we can get an

24 alternate. Strikes are one for the state, two for the

25 defense.

1 CLERK OF COURT: Juror No. 44, Tonya Ennis.
2 (Whereupon, the potential juror came forward.)
3 CLERK OF COURT: What says the state?
4 MR. WEEKS: Please present Ms. Ennis.
5 CLERK OF COURT: What says the defense?
6 MR. CHESSER: Please seat Ms. Ennis.
7 CLERK OF COURT: Please have a seat in the jury box.
8 (Whereupon, the juror came forward into the jury
9 box.)
10 THE COURT: Are there any matter to take up,
11 including composition of the jury prior to the jury being
12 sworn? From the state?
13 MR. WEEKS: Not from the state, Your Honor.
14 THE COURT: From the defense?
15 MR. CHESSER: No, Your Honor.
16 THE COURT: Thank you. Jury panel once again is
17 declared qualified.
18 Ladies and gentlemen, my understanding is that we're
19 going to start the trial with -- as far as your
20 concerned, in the morning. I'm going to work on the
21 pretrial matters that are in every case. It doesn't
22 require you to be here. Matter of fact, it has to be
23 done outside your presence.
24 So I'm going to work on those things today. We've
25 got other people here, cases completely unrelated to

1 these cases, that I'll be doing matters on those. And
2 we'll start with you folks in the morning at ten o'clock.

3 Now, do not discuss this case in any way among
4 yourselves. Don't discuss it with anybody else until the
5 week is over and you've been -- you've been discharged
6 from the jury.

7 You can tell a spouse or friend, an employer, you're
8 on a jury. But you cannot tell them the -- the people
9 involved in the case, the type of case it's alleged to
10 be. You can't discuss the case in any way at all.

11 If anybody attempts to contact you and discuss the
12 case with you, report it to me so that I can deal with
13 it. I never know if there's media coverage of a trial or
14 not. I -- I'm not aware of any with this trial. But if
15 -- if there should be any and you are exposed to it, get
16 away from it immediately and report to me at the first
17 opportunity what you may have seen, heard, or read
18 through the media. Don't let yourselves be exposed to it
19 any further.

20 Do no do any independent investigation. Don't go
21 look up law. Don't go look up names. Don't do word
22 searches, name searches, anything about the law.

23 When you take your oath as a trial jury, you're
24 going to swear to us that you will decide the cases based
25 on the evidence and the law. And those things are going

1 to come to you in the courtroom.

2 Once you have figured out where these things are
3 alleged to have occurred, don't go out there and look
4 around. Don't go to the scene. Don't -- don't look
5 around. Don't do any independent investigation.

6 As far as social media is concerned, I've told you
7 not to discuss the case with anybody and to avoid any
8 kind of media coverage. Don't go on social media and
9 write anything about your juror experience until the week
10 is over. Just stay off social media, as far as making
11 any comments about jury service or anything related to
12 these cases.

13 All right. Now, without discussing the case, before
14 I let you go, what I want you to do is to go back into the
15 jury room. And I want you to pick the person that you
16 want to serve as the foreperson of your jury. It cannot
17 be the alternate. So it cannot be Ms. Ennis. But it can
18 be any of the other twelve.

19 You all are perfectly qualified to do what it is
20 that you're going to be asked to do. And so what I need
21 for you to do is just choose the person that you've
22 chosen to be the foreperson of the jury. Write the name
23 and the juror number on a piece of paper and give that to
24 me. Then I'll bring you back out here and discharge you
25 until in the morning. All right?

1 Okay. Now, don't discuss the case in any way among
2 yourselves. You won't be allowed to do that until the
3 very end of the trial. You'll have no doubt about when
4 that is.

5 All right. Would you follow the bailiff, please.

6 (Whereupon, the jury exited the courtroom at 12:11
7 p.m.)

8 (Off the record briefly.)

9 THE COURT: Ladies and gentlemen, if you were not
10 selected on either of these juries -- there's one in
11 civil court on a sexually-violent-predator case or this
12 case here -- the instructions I have are that we do not
13 need you for jury duty any more this week. So in a
14 moment, I'm going to discharge you. You're through with
15 jury service.

16 You have an exemption for the calendar years 2018,
17 2019, and 2020. That means if you're called for state-
18 court jury duty, civil or criminal, in -- before 2021,
19 you do not have to serve. Try to remember when you
20 served. It's not a disqualification. You can serve if
21 you want to. But you -- you have an exemption.

22 They will mail the little checks to you. It won't
23 be much. Don't plan on anything with it. It's a
24 service, folks. And I'm sorry, but you -- you'll get
25 those checks in the mail.

1 If you need a slip for work, what you need to do is
2 go into that jury-assembly room, that room right next to
3 this one, and wait in there. And somebody will come in
4 there and give you a slip to certify that you were here
5 so you can have that for your employer.

6 I used to take questions, comments, criticisms, and
7 complaints at this point. But I've been instructed, even
8 though we were trained to do that years ago when I was
9 becoming a judge, that they don't want us doing that
10 anymore.

11 So if you have something that's particular bad that
12 you experienced this week or particularly good, if you
13 want to let me know about it, I will try my best to
14 attend to it. But you have to do it by writing me. So
15 my name is Keesley; I live in Edgefield. You can find me
16 pretty easily on the Internet.

17 I thank you very much for your service. You're
18 through. You can go.

19 (Whereupon, the unselected jury panel exited the
20 courtroom at 12:15 p.m.)

21 (Off the record briefly.)

22 THE COURT: We've got an issue with one of the
23 jurors. I've told the juror to write down what --
24 whatever he needs to talk to me about. Soon as I get it,
25 I'll share it with the attorneys. We'll be at ease. I

1 didn't know it until I had let everybody go.

2 (Off the record from 12:23 until 12:27 p.m.)

3 THE COURT: I received a note from a juror. It
4 reads: "I, Karl L. Evans, No. 46, have knowledge of the
5 defendant and plaintiff."

6 So I would propose to bring him out here and ask him
7 questions. Do either of you want to have any input on
8 this right now, state or defense?

9 MR. WEEKS: No. We're kind of like. We kind of got
10 to got to hear his answers to your questions.

11 MR. CHESSER: Yes. We don't have any input at this
12 point.

13 THE COURT: Bring him in, please.

14 (Whereupon, the juror entered the courtroom at 12:28
15 p.m.)

16 THE COURT: Mr. Evans, just have a seat in one of
17 those seats there for me.

18 JUROR: Yes, sir.

19 THE COURT: You're Karl Evans, sir?

20 JUROR: Yes, sir.

21 THE COURT: And you've sent me a note indicating
22 that you have knowledge of the defendant and the
23 plaintiff; is that right?

24 JUROR: Yes, sir.

25 THE COURT: And what do you know about them or this

1 situation?

2 JUROR: Well, I'm from the same town of Wagener.
3 I've been to Mr. Busbee's store. So I don't know him,
4 per se. But I know, you know -- I know who he is. But I
5 don't know him, you know.

6 THE COURT: Okay.

7 JUROR: And as far as the defendant, I know of his
8 family.

9 THE COURT: And do you -- what do you know about Mr.
10 Chandler himself?

11 JUROR: Nothing.

12 THE COURT: You don't know anything about him and
13 his life or anything at all?

14 JUROR: No, sir.

15 THE COURT: You know his family, you said?

16 JUROR: Yes, sir.

17 THE COURT: What do you know about his family?

18 JUROR: I grew up with -- I don't know, per se. I'm
19 not exactly sure which part of -- what do you call the --
20 I'm not exactly sure where he falls as far as the family
21 line. But I do know -- I used to go to school with --
22 would be, I guess, his cousins or -- I'm not sure where,
23 you know . . .

24 THE COURT: All right. So you've been to Mr.
25 Busbee's store. You know who he is.

1 JUROR: Right.

2 THE COURT: Would you describe yourself as being a
3 friend of his?

4 JUROR: No.

5 THE COURT: Are you a friend of the defendant's?

6 JUROR: No.

7 THE COURT: You a friend of any of the family
8 members of the defendant?

9 JUROR: I would say probably. I'm not sure who
10 exactly he's related to in his family. But I'm --
11 probably am.

12 THE COURT: All right. Do you go to any of the same
13 churches, clubs, civic clubs, or organizations, anything
14 like that, with anybody that might be involved in the
15 case?

16 JUROR: Nobody that's involved in the case, no.

17 THE COURT: Is there anything at all about your
18 relationship with the Busbees that affect your ability to
19 be fair and impartial in the case?

20 JUROR: No.

21 THE COURT: Anything at all about your relationship
22 with the -- the Chandler family that affects your ability
23 to be fair and impartial in this case?

24 JUROR: No.

25 THE COURT: You can decide the case without regard

1 to what anyone else may think of your decision?

2 JUROR: Yes, sir.

3 THE COURT: You have any doubt at all about any of
4 that?

5 JUROR: No.

6 THE COURT: And you said you grew up in the -- or
7 you live in the same community in Wagener. Is there
8 anything at all about living there that might affect your
9 ability to be fair and impartial in the case?

10 JUROR: No.

11 THE COURT: So if you're on the jury, for example,
12 you won't be concerned at all about the -- it won't enter
13 your mind to think about, What about the next time I go
14 to Mr. Busbee's store?

15 JUROR: Yes.

16 THE COURT: It will?

17 JUROR: (No audible response.)

18 THE COURT: I noticed, during the time I was
19 qualifying the jury, that you got up and started in the
20 opposite direction. I didn't -- I thought maybe you were
21 trying to go going restroom or something. I saw the
22 bailiff stop you. Is that what you were wanting to tell
23 the bailiff?

24 JUROR: Yes.

25 THE COURT: Okay. Mr. Evans, would you just step

1 back where you were outside the jury room and -- and I'll
2 get right back to you. Okay? Thank you.

3 (Whereupon, the juror exited the courtroom at 12:27
4 p.m.)

5 THE COURT: Based on his responses, I've got to set
6 him aside. Substitute the alternate in his place.

7 Does the state have anything?

8 MR. WEEKS: No, Your Honor. I think you're correct.

9 THE COURT: Defense have anything?

10 MR. CHESSER: No, Your Honor.

11 THE COURT: Thank you. Madam court reporter, there
12 is his note.

13 THE COURT REPORTER: Yes, Your Honor.

14 THE COURT: Make it the Court's exhibit.

15 THE COURT REPORTER: I'll mark this as Court's 1.

16 (Whereupon, Court's Exhibit 1 was marked for
17 identification.)

18 THE COURT: All right. Would you bring him back in,
19 please, ma'am.

20 (Whereupon, the juror entered the courtroom at 12:28
21 p.m.)

22 THE COURT: All right. Based on the response, Mr.
23 Evans, about being concerning about the next time you go
24 in the store, I have to set you aside.

25 JUROR: Okay.

1 THE COURT: We'll put the alternate in your place.

2 JUROR: Yes, sir.

3 THE COURT: You -- you're through with jury duty.

4 Everybody's been released that wasn't picked on a jury

5 ---

6 JUROR: Uh-huh.

7 THE COURT: --- today. So you don't have to come
8 back in. You don't have to call in or anything like
9 that. They'll mail a little check to you for today. And
10 if you need a slip for work ---

11 CLERK OF COURT: Do you need one?

12 JUROR: No, sir.

13 THE COURT: Okay. All right. Thank you very much.
14 You're free to go.

15 (Whereupon, the juror exited the courtroom at 12:29
16 p.m.)

17 (Off the record briefly.)

18 THE COURT: All right. Mr. Whittle, would you tell
19 the jury that the alternate is now one of the twelve and
20 if she wants to be the foreman, she can -- she's
21 eligible. Will you tell the jury that Ms. Ennis, the
22 alternate, is one of the twelve and -- well, it looks
23 like they've already said.

24 (Off the record briefly.)

25 THE COURT: All right. Bring the jury in, please.

1 (Off the record briefly.)

2 (Whereupon, the jury entered the courtroom at 12:32
3 p.m.)

4 THE COURT: All right. I've received a note that
5 you've selected -- first of all, before I do that, I had
6 to set aside one of the jurors, based on something he
7 advised me. And so I've substituted Ms. Ennis in his
8 place. Ms. Ennis, you're one of the twelve jurors now.

9 I received a note from the jury that Ms. Adams ---

10 JUROR: (Raised hand.)

11 THE COURT: That you?

12 JUROR: (Nodded head up and down.)

13 THE COURT: You've been selected to be the
14 foreperson of the jury.

15 Now, folks, the information I have at this point --
16 and none of us knows for sure. But the information I
17 have is, most likely, you're going to get this case late
18 -- late Wednesday or on Thursday morning. So for
19 planning purposes, that's what I can tell you at this
20 point.

21 I need you here tomorrow at 10 a.m. Please remember
22 all those admonitions. If you have some true emergency
23 that arises that prevents you from being here, please let
24 us know. Because I can't do anything until I account for
25 where you are, what's going on. So please have somebody

1 call the clerk's office if -- if you have some true
2 emergency that arises.

3 Based on the information I have about the Court's
4 scheduling, I think what will happen is that you -- we
5 will go all day tomorrow with this case. Wednesday
6 morning, we will not be working on this case. Wednesday
7 afternoon we will. So that's why I say it may be
8 Thursday before you get the case.

9 Okay. Thank you so much. Any questions?

10 (Whereupon, no juror responded.)

11 THE COURT: When you come back, report to this jury
12 room. The bailiff will tell you how to get to where you
13 need to report. Don't come into the courtroom until
14 you're sent for.

15 Thank you, folks. Follow the bailiffs, please.

16 (Whereupon, the jury exited the courtroom at 12:36
17 p.m.)

18 THE COURT: All right. Madam court reporter,
19 there's another one.

20 THE COURT REPORTER: Yes, Your Honor. Thank you.

21 (Whereupon, Court's Exhibit 2 was marked for
22 identification.)

23 THE COURT: Is Mr. Chandler on bail or is he in
24 custody? Is he on bail or is he in custody?

25 MR. CHESSER: Your Honor, he's in custody.

1 THE COURT: Okay. Thank you. So y'all want to meet
2 back on this case at two?

3 MR. WEEKS: Yes, sir.

4 THE COURT: All right. Now, we're in recess on this
5 case till 2 p.m.

6 (Off the record from 12:37 p.m. until 2:24 p.m.)

7 THE COURT: All right. We're back on the record in
8 the matter of *State v. Chandler*. What matters do I need
9 to address?

10 MR. WEEKS: Your Honor, in reference to the case,
11 the defense has made a motion in limine to redact a
12 portion of some video that was taken during an interview
13 of the defendant. They've also told me orally that they
14 -- well, I would agree we need to have a *Jackson v. Denno*
15 motion. And we are prepared to go forward with that
16 motion at this time.

17 Your Honor, generally, I think judges know more
18 about my case than they actually know. And I'd like to
19 tell you briefly about what it's -- what's involved here.

20 THE COURT: I -- I don't know anything about the
21 case.

22 MR. WEEKS: That's what I thought. Your Honor, this
23 occurred on June the 9th of 2016. The -- five people
24 were ultimately arrested for conducting a series of
25 burglaries in Aiken County. Two of the burglaries

1 occurred on Holiness Church Road, a couple of other
2 burglaries occurred in the city of -- or town of -- of
3 Wagener. We are proceeding today on the two burglaries
4 that occurred on Holiness Church Road, as well as a
5 failure to stop for blue light and siren that resulted
6 from the officer's getting behind the vehicle which
7 contained suspects from the last burglary on Holiness
8 Church Road.

9 So the -- the five charges before you in this trial
10 are going to be two burglary first-degrees and two
11 possession of a weapon in the commission of a violent
12 crime, and one failure to stop for a blue light. The
13 chase ultimately ended in a wreck. And the five
14 codefendants ran. Dog team was called. Ultimately, all
15 of them were apprehended later on that day.

16 About five days after the incident, Investigator
17 Graybeal from the sheriff's department conducted a
18 interview with Mr. Chandler. He was -- the interview was
19 audiotaped and ultimately transcribed by my office in
20 preparation of trial. We've given copies of that through
21 discovery to Mr. Chesser on behalf of his defendant.

22 The *Denno* hearing is about the statement given to
23 Mr. Graybeal on the 14th of June, 2016. And the -- the
24 motion in limine concerns things that were discussing
25 during that interview and which we have subsequently kind

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1 of highlighted out and labeled as to what we agree to and
2 what we don't in regard to Mr. Chessser's motion in
3 limine.

4 If that gives you a little more -- if you got any
5 questions before we get started with the *Denno*, I'd be
6 happy to answer them.

7 THE COURT: No, sir. I'm fine. You ready, Mr. --
8 Mr. Chessser?

9 MR. CHESSER: We're ready to go forward, Your Honor.

10 THE COURT: Call your first witness on the *Denno*
11 hearing.

12 MR. WEEKS: Thank you, Your Honor. The state calls
13 Stuart Graybeal.

14 (Whereupon, the witness came forward.)

15 STUART GRAYBEAL, having been first duly sworn,
16 testified as follows:

17 THE WITNESS: Investigator Stuart Graybeal of the
18 Aiken County Sheriff's Office. My last name is spelled
19 G-r-a-y-b-e-a-l.

20 DIRECT EXAMINATION

21 BY MR. WEEKS:

22 Q Stuart, what is your role with the Aiken County
23 Sheriff's Office?

24 A I'm currently employed as a criminal investigator
25 with the Investigations Divisions, adult investigations.

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1 Q And how long have you been doing that?

2 A All told, I believe approximately 16 years.

3 Q Okay. Is that the length of time you've been in law
4 enforcement, or were you there longer than that?

5 A No, sir. I've served a little over 24 years as a
6 certified law enforcement officer with approximately one
7 year prior to that as a reserve officer.

8 Q And on June the 9th of 2016, was that the duties you
9 had -- your current job as an investigator, were those
10 the duties that you had?

11 A Yes, sir.

12 Q Were you assigned or were you involved in a criminal
13 case occurring on June the 9th of 2016?

14 A Yes, sir, I was.

15 Q And what was your role in that, Stuart?

16 A That afternoon, there was a series of burglaries
17 reported in the Wagener area -- I believe two in the town
18 of Wagener, two out in the county nearby -- in close
19 succession. Since that's my area, I had monitored the --
20 the calls on the radio. At one point I heard the patrol
21 division -- I believe it was Deputy Smith -- become
22 involved in a vehicular pursuit with what was described
23 as a possible suspect vehicle in the -- in those
24 burglaries.

25 Q Did you proceed toward that direction?

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1 A I proceeded towards the Wagener -- or -- excuse me
2 -- the Windsor community. I was fairly close. I was
3 trying to get ahead of the chase.

4 Q All right. And ultimately, did you come up on the
5 wreck scene where the car wrecked?

6 A I did. My first stop was on State Park Road near
7 its intersection with Oak Ridge Club, where the vehicle
8 had wrecked and the -- was told several suspects had left
9 on foot.

10 Q Okay.. With -- specifically, for the purposes of
11 this motion, at some point later, did you interview the
12 defendant in this case, William Tiay Chandler?

13 A Yes, sir, I did.

14 Q And where did that interview take place at?

15 A That was at the Aiken County Detention Center on
16 Wire Road.

17 Q And was it on June the 14th, 2016?

18 A Yes, sir, it was.

19 Q And did you audiotape that interview?

20 A Yes, sir.

21 Q And have you reviewed a transcript of that interview

22 ---

23 A Yes, sir, I have.

24 Q --- for the purposes of this -- this trial and this
25 hearing?

1 A Yes, sir.

2 Q And does it fairly accurately, as close as possible,
3 represent the audio ---

4 A Yes, sir.

5 Q --- that you took that day?

6 A Yes, sir.

7 Q Stuart, tell me how you proceeded with Mr. Chandler.
8 What did you do when you began talking to him at the
9 Aiken County Detention Center?

10 A Since Mr. Chandler was already in custody prior to
11 conducting a formal interview, I read his *Miranda* rights
12 to him. Specifically, I -- I speak with him, explain the
13 process. I ascertain whether he can read or write, what
14 his educational level is. And I ask him to follow along
15 with me as I read the *Miranda* rights. And I ask him to
16 stop me if there's something he doesn't understand.

17 We begin with the warning itself. After I've read
18 the warning to him, I asked him to read it back to me as
19 he understood it in his own words so I would know that he
20 understood the concepts. And then we'll clear up any
21 misunderstanding.

22 Once I'm satisfied that he understands what his
23 rights are under *Miranda*, I ask him to read the waiver if
24 he is able that. That lets me know whether he's able to
25 actually read and write.

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1 As I recall, Mr. Chandler had some difficulty with
2 reading the waiver. So I read it to him, and we
3 discussed it. I explained what the -- the nature of it
4 was. And I asked him if he did want to waive his rights
5 or if he wanted to have representation by his attorney
6 before he spoke to me.

7 Q Is the transcript that ---

8 THE COURT REPORTER: Mr. Weeks, may I mark this as
9 State's 1 for identification?

10 MR. WEEKS: That would be great.

11 (Whereupon, State's Exhibit 1 was marked for
12 identification.)

13 MR. WEEKS: Also, I have one that's premarked
14 State's Exhibit No. 82, if you want to mark that just for
15 identification -- or for the purposes of this hearing. I
16 don't know. However you want to mark it, that's going to
17 be an exhibit in the actual trial.

18 (Whereupon, State's Exhibit 2 was marked for
19 identification.)

20 Q Stuart, I'm going to hand you what's marked State's
21 Exhibit No. 2 for purposes of this hearing. Do you
22 recognize that document?

23 A Yes.

24 Q Is it a true and accurate copy of what it purports
25 to be?

1 A Yes, sir, it is.

2 Q And what is it?

3 A That is a photocopy of the *Miranda* warning that I
4 read to the defendant. It has his initials by each of
5 the elements of the warning and the waiver. Has his
6 signature at the bottom, along with my own signature, and
7 the date and time where appropriate.

8 Q Okay. And was this -- when was this purported to be
9 signed by the defendant?

10 A Morning of the June the 14th. I began the -- the
11 process of reading it to him at 11:14 hours. And he
12 signed the waiver of his rights at 11:17.

13 Q All right. And you said you read *Miranda* to him.
14 Did you read it from this form?

15 A Yes, sir.

16 Q All right.

17 MR. WEEKS: Your Honor, we move, for purposes of
18 this hearing, to enter this piece of evidence.

19 MR. CHESSER: No objection.

20 THE COURT: All right.

21 Q Now, Stuart, did you read this and have him read it
22 at the beginning of your interview with him?

23 A The *Miranda* form?

24 Q Yes.

25 A Yes, sir.

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1 Q Did he at any time ask for an attorney to be
2 present?

3 A No, sir.

4 Q If he had asked, what would you have done?

5 A I would've immediately terminated the -- the
6 interview and . . .

7 Q At any time did you threaten him or coerce him in
8 any way?

9 A No, sir.

10 Q And I believe the one word he had difficulty with in
11 the waiver was the word "coercion."

12 A Yes, sir.

13 Q And did you explain that to him?

14 A I did.

15 Q And did he appear to understand that?

16 A Yes, sir.

17 Q And after you read him his *Miranda* warnings and he
18 waived the right to have an attorney present, did he
19 cooperate and talk to you?

20 A Yes, sir.

21 Q At any time during the time you were interviewing,
22 did he want to terminate for any reason?

23 A No, sir, not at all.

24 Q Okay. And I believe you've acknowledged that you've
25 read this transcript?

1 A Yes, sir, that's correct.

2 Q And it's a true and accurate transcript of the
3 audiotape that was done?

4 A Yes, sir.

5 MR. WEEKS: Your Honor, we'd move to introduce
6 State's Exhibit No. 1 for purposes of this hearing.

7 MR. CHESSER: No objection.

8 THE COURT: Just -- just mark these for ID. Just
9 mark them for ID. They're not going to be in evidence.

10 MR. WEEKS: Yeah. She's marked them, Your Honor.

11 THE COURT: Okay. I mean, I'm not saying they
12 ultimately will or won't. But right now ---

13 MR. WEEKS: No. I understand. I understand.

14 THE COURT: Okay.

15 MR. WEEKS: I said it wrong.

16 Q Stuart, is the statement that William Chandler gave
17 to you completely encompassed in that transcription?

18 A Yes, sir.

19 Q All right. Mr. Chandler was under arrest at the
20 Aiken County Detention Center; is that correct?

21 A Yes, sir.

22 Q And ---

23 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

24 Q I'm assuming he didn't appear to be under the
25 influence of any alcohol or drugs. But I guess it's

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1 possible. Did he appear to be clearheaded and understand
2 what was going on?

3 A Yes, sir. I saw ---

4 Q Did you ---

5 A --- no indications that he wasn't.

6 Q Okay. Did you promise him anything in order to get
7 him to give you the statement that he gave?

8 A No, sir.

9 Q And did you make that clear to him that you weren't
10 promising him anything?

11 A Yes, sir. On -- at several times.

12 Q Okay.

13 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

14 Q Stuart, answer any questions the defense would have
15 for you.

16 MR. CHESSER: I don't have any questions for this
17 witness.

18 THE COURT: Thank you, sir. You may step down.

19 (Whereupon, the witness exited the witness stand.)

20 THE COURT: Anything else on *Denno*?

21 MR. WEEKS: No, Your Honor.

22 (Whereupon, Mr. Chessser and the defendant
23 conferred.)

24 THE COURT: Mr. Chessser, you have anything ---

25 MR. CHESSER: No, Your Honor.

1 THE COURT: --- any evidence on the *Denno* hearing?

2 MR. CHESSER: No. Mr. Chandler indicates he doesn't
3 want to testify at this point, Your Honor.

4 THE COURT: Is that right, Mr. Chandler?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. So are there any issues that
7 I need to address on this?

8 (Whereupon, Ms. Hall and Mr. Chesser conferred.)

9 MR. WEEKS: There are no issues on the *Denno*, Your
10 Honor. It kind of melts into the next motion.

11 THE COURT: Based upon what's been presented, the
12 Court finds that the state has established by the
13 requisite degree of proof that the defendant was properly
14 advised of his rights under the constitution,
15 specifically including his rights under *Miranda v.*
16 *Arizona*; that he made a free, knowing, voluntary, and
17 intelligent decision to waive those rights and -- and --
18 and make the statement. He was not compelled in any way.
19 There was no duress, no promise or hope of reward. He
20 was not under the influence of any substances that would
21 adversely affect his thinking.

22 He understood that he had a right to have an
23 attorney; if he could not afford one, that one would be
24 appointed for him. He understood that any statement he
25 made would be used against him in court. He understood

1 that he had the right to stop questions at any time and
2 ask for an attorney at any time.

3 He has the right -- he understood he had the right
4 to remain silent and that he freely, knowingly,
5 voluntarily, and intelligently waived those rights and
6 gave the statement of his own volition. If the proper
7 foundation is established before the jury, the statement
8 will be admissible under *Jackson v. Denno*.

9 All right. So what's the motion in limine?

10 MR. CHESSER: Your Honor, I had drafted this up. I
11 would hand this up.

12 This was provided the prosecution a couple weeks
13 ago. And it appears that there are certain parts of it
14 that they have consented to.

15 THE COURT: All right.

16 MR. CHESSER: Specifically, Grounds 1 and 2 for
17 redaction. There were some references to probation,
18 which the state has agreed to take out. There's
19 references to -- as the state indicated, the actual
20 incident as a whole -- the state alleges there were five
21 break-ins. And the state is trying two of those.

22 And so it's our position that talking about other
23 burglaries that are not going to be prosecuted, we would
24 object to the admissibility of that. And the state
25 agreed -- agreed to redact that, in any even. And that

1 is indicated by a marked-up transcript, where the orange
2 indicates what I objected to, what Mr. Chandler objected
3 to, and the green indicates what they agreed to take out.

4 The issue that remains -- that is, the objection
5 that remains -- that the state did not agree to is an
6 objection to a discussion which takes places, referencing
7 the transcript, from page 7, line 38, to page 10, line
8 15, where there is a reference to -- there's a lot of
9 discussion about a mission. Looking at the transcript,
10 line 38 on page 7, it says -- it indicates that Mr.
11 Chandler said (As read): "Okay. Well, Joe had come
12 back. And Joe was, like, 'What's up with the mission?'"

13 And the state indicates, by some green highlighting,
14 that they're going to take out a reference to probation.

15 And the next statement that they propose to
16 introduce would be Investigator Graybeal asking: "Now,
17 tell me what a mission is."

18 And then, going to page 8: "A mission is breaking
19 in door -- yeah, like breaking in doors."

20 And then Investigator Graybeal says: "And did y'all
21 talk about it earlier?" and so on, as it is indicated by
22 the transcript.

23 But it actually references a prior conversation
24 that, according to this transcript, that Chandler had
25 with a codefendant, again about a -- a mission. And

1 again, for example, on line 40 on page 8, it says: "Did
2 he ask you to break into houses? Is that how you came up
3 with the term 'mission'?"

4 And it continues on page 9. And so the --
5 Chandler's objection to that is: (1) It -- it really
6 references some prior conversation that they had, and
7 it's not a part of -- of this particular burglary. That
8 is, it's referencing some prior conversation that they
9 had.

10 And the reflection -- it indicates a state of mind,
11 a sort of really -- to a certain extent, a criminal state
12 of mind that is not relevant to this particular case in
13 that under 404(b), if a jury hears this discussion, as
14 proposed by the state, from pages 7 to page 10, about a
15 mission, I don't think they'll be able to seriously
16 consider that the defendant might not be guilty in this
17 case. This type of talk is something the jury has not
18 been exposed to before. And when they hear that this is
19 just a discussion of a mission of breaking in houses and
20 so forth, I don't think that -- I think they will -- I --
21 I -- the right -- his right to a fair trial will be
22 eviscerated.

23 So I would propose, again, as stated in the -- in
24 the motion, to redact from page 7, line 38, to page 10,
25 line 15, this discussion of a mission, which I don't

1 think the jury will be able to get over.

2 THE COURT: All right. Just to go back, the motion
3 in limine, Paragraph 1 asks to delete page 7, line 42,
4 which is agreed; page 9, line 15 through 25, which was
5 agreed; page 10, line 12, which was agreed. This second
6 paragraph asked to redact references to other burglaries
7 for which the defendant is not being tried.

8 Pages 1 through 13 of the transcript could be
9 classified as an introduction of sorts, according to this
10 motion. The description of the actual burglaries begins
11 on page 14. Beginning on line 8 of page 14, Mr. Chandler
12 begins talking about a burglary in Pelion.

13 Now, the copy that I have indicates that the state
14 agrees to redact page 14, line 8 to the bottom of the
15 page; beginning on the top of page 15, that entire page;
16 the entire page 16; the entire page 17; entire page 18;
17 the entire page of 19; entire page 20; entire page of 21;
18 and on page 22, to redact the first eight lines. It
19 really -- there's really nothing on line 9. That's a
20 blank line.

21 So the motion is seeking to redact -- it -- it
22 states: "The description of the burglaries for which the
23 defendant is being tried begins on page 22, line 10." It
24 appears the state is redacting everything up until that
25 point within this objection in Paragraph 2. The

1 reference to the mission is Paragraph 3 of the motion to
2 redact the video in limine. That begins on page 7.

3 All right. So page 7, line 38, the question before
4 this is -- Investigator Graybeal is stating: "Just tell
5 me what happened in order so I can understand it and
6 we'll go back and let you explain and fill in."

7 Mr. Chandler's response, beginning on line 38:
8 "Okay. Okay. Well, Joe had came back. And Joe was,
9 like, 'Well, what's up with the mission?'"

10 Then, there's a sentence that's being redacted. And
11 then Mr. Chandler says: "I was, like" -- and Mr.
12 Graybeal interrupted and said: "Now, tell me what the
13 mission is."

14 Page 8, line 1: "The mission is, uh, like, breaking
15 in doors. Like, yeah, breaking in doors."

16 Investigator Graybeal: "And did y'all talk about it
17 earlier? Did he talk about it earlier? How did he come
18 up with the term 'the mission'?"

19 Mr. Chandler, on line 8: "That's what I was about
20 to, uh -- that's what I was going to tell you."

21 Investigator Graybeal: "Now you can tell me."

22 Line 13, Mr. Chandler: "Well, a week before that,
23 maybe a week and a half before that day, my sister had
24 brought him down to the house and whatever they was going
25 to do."

1 Investigator Graybeal states: "Brought Joe down or
2 brought everybody?"

3 Mr. Chandler: "She brought Joe down. She had
4 brought Joe to the house and me and everybody who knows
5 me. I mean, I like being around older people. I mean,
6 that's just me. And I thought Joe was cool. I thought
7 Joe was cool, so I was, you know what I'm saying, just --
8 you know what I'm saying?"

9 Investigator Graybeal: "So she brought him to the
10 house a week ago?"

11 Mr. Chandler: "A week before the 9th."

12 Investigator Graybeal: "Yeah. And tell me what
13 happened then."

14 Mr. Chandler: "And we was just chilling outside.
15 My sister, she was going to get her some food. And I
16 came outside and I was, like, 'What's up, Joe?' And that
17 was, like, my fourth time seeing him. I was, like -- I
18 was like, 'Hey, I got a mission.'

19 And he was, 'Oh, you got a mission?'

20 I was, like, 'Yeah.'

21 And he was, like, 'Well, when you trying to do it?'

22 And I was, like, 'I don't know. I don't know.' I
23 kept trying to throw it off because, like, I" ---

24 Then Investigator Graybeal: "Did he ask you to
25 break into houses? Is that how you came up with the term

1 'mission'?"

2 Mr. Chandler: "Yes. Well, yes, sir."

3 Investigator Graybeal: "What exactly did he ask you
4 to do?"

5 Then, we're on page 9. "Are you talking about that
6 day?" This is Mr. Chandler. "Are you talking about that
7 day, the week before the 9th, or the 9th?"

8 Investigator Graybeal: "The week before, what did
9 he tell you? What were his words?"

10 Mr. Chandler: "Well, his words were, after I told
11 him that I had a mission, he was, like, 'Well, what are
12 you trying to do? Are you trying to break in houses?'

13 'I was, like, well, like I said, I was bluffing him,
14 basically. I was bluffing him. I didn't really have a
15 mission. He was, like, 'Well, let's go break into houses
16 now. Let's go do it now. Let's go do it now.'

17 And I was, like, 'Well just me and you.'

18 He was, like, 'Yeah. Let's go do it now. Let' just
19 me and you go do it now and then threw him off all, like,
20 naw.'"

21 And then, there's a portion of the sentence that's
22 agreed to be redacted, which follows the word "naw,"
23 n-a-w: "I'm on probation. I get off of probation on the
24 17th, though. I can do it -- let me do it after I get
25 off probation."

1 So the state's agreed to take that portion of the --
2 that portion of the sentence and the following sentence
3 out.

4 So then, it picks back up: "He didn't know, though,
5 on the 17th I was going back to my uncle house so I could
6 just throw him off. So after that, you know what I'm
7 saying -- after the -- that we'd take it back to the 9th.
8 They had say what's up with the mission. And I was,
9 like, well, I tried to play it off again."

10 Then, there's another portion of a sentence the
11 state agrees to redact dealing with probation. And it
12 picks up in the middle of that sentence: "And then
13 everybody was, like, what, you got a mission. You got a
14 mission. You got a mission. I was, like, yeah, I got a
15 mission. But like I said, even my sister -- my sister --
16 I mean, I got witnesses are always -- I don't know why --
17 but I've always been like that. I just, you know, I like
18 -- just like to bluff with people to make me seem cool."

19 Investigator Graybeal: "So to go back to the 9th,
20 and he asked you. What was his exact words?"

21 Mr. Chandler: "Yes. That was his exact words,
22 exact words that came out of his mouth. He came out of
23 that back room. And he was, like, 'Oh, what's up with
24 the mission?'

25 And everybody was, like, 'Where you got a mission?

1 I want to come on. I want to come. Let's go on a
2 mission."

3 Investigator Graybeal: "Okay. At that point it was
4 you, Bat, Joe, Capell, Jacob?"

5 Mr. Chandler: "And Jacob. We were all sitting in
6 the den."

7 Investigator Graybeal: "Where was Faith then? Was
8 she with y'all or was -- or -- or she was" ---

9 Mr. Chandler interrupted: "She was in the back
10 room."

11 So we're on page 10 now. "Okay. What did y'all
12 decide to do?" Investigator Graybeal asked that.

13 Mr. Chandler: "What did we decide to do?"

14 Investigator Graybeal: "Yes. You decided there to
15 go find a house?"

16 Mr. Chandler: "Well, I told them then -- I told
17 them -- I was, like, 'Man' -- and I'm pretty sure -- I
18 mean, if my sister were here, she could get -- she could
19 be my backup because I said it loud enough."

20 And then, there's a portion of a sentence that they
21 agree to take out, which reads: "I said, 'Man, I get off
22 probation on the 17th.'"

23 Then, it picks back up with portions they agree to
24 let in if the state -- I mean, the state agrees to let
25 in. "But if y'all want to go hit a mission, I can just

1 drive y'all. I told him I can just drive, because I was,
2 like, really -- though I don't really feel like doing it
3 today anyway."

4 All right. So this conversation is discussing what
5 took place on the -- the 9th of -- of -- prior to the 9th
6 of ---

7 MS. HALL: Your Honor, the ---

8 THE COURT: --- June?

9 MS. HALL: These -- these statements that he's
10 talking about, this conversation happened on the 9th,
11 immediately before all five of them got into the car to
12 go commit these burglaries. This was the conversation
13 immediately preceding them getting into the car.

14 THE COURT: And you want to exclude it because you
15 think the term 'mission' is too prejudicial?

16 MR. CHESSER: Yes, sir. The -- the discussion of
17 mission and the idea that the definition of mission is
18 breaking into a house and that they had discussed it
19 before, and then they discussed on this particular day.
20 Again, I think that it is prejudicial. And we would
21 submit that it shouldn't come in. It reflects on his
22 character, rather than on the -- the actual event at
23 issue. And we submit that it should not come in under
24 404(b) and 403.

25 THE COURT: And the state's position is?

1 MS. HALL: Your Honor, his reference to mission and
2 knowledge of what they were getting in the car to do goes
3 directly to his intent and knowledge of what was about to
4 transpire. As the interview goes on, his statement is
5 that he was the driver and he never entered into any of
6 the houses.

7 So this merely-present defense, if it were to come
8 up, this is probative of the fact that he knew what he
9 was going into. He knew what they were going to do. He
10 was part of the conversation planning what they were
11 about to do. He then immediately got into the car with
12 them to go commit burglaries with knowledge that that's
13 what they were going to do.

14 THE COURT: Anything else, Mr. Chesser?

15 MR. CHESSER: No, Your Honor.

16 THE COURT: Based on what's been presented, the
17 motion in limine is denied. It appears to be relevant,
18 does not appear to be unduly prejudicial, does not appear
19 to be excluded under any of the rules cited, including
20 404(b) and 403 of the South Carolina Rules of Evidence.

21 This -- the defense cite is *State v. King* for the
22 proposition that defendant's admissions are subject to
23 those two rules. I've considered the rules. I don't
24 think it reflects on his character.

25 It seems to be part of a -- part of a scheme or a

1 plot. It goes to the issue of intent. It goes to
2 knowledge. It goes to various things.

3 And as far as the term "mission" being unduly
4 prejudicial, it's -- it's not unduly prejudicial in the
5 Court's view.

6 The motion is denied. Anything else in limine?

7 MR. CHESSER: Your Honor, in that regard, just so
8 the record will be more intelligible, I would move to
9 offer this as a Court's exhibit: a copy of my motion and
10 a copy of the transcript with the red and green markings.

11 THE COURT: Okay. They're not in as exhibits? I
12 mean -- marked for ID? (To the court reporter) Do you
13 have these things?

14 MS. HALL: I believe the copy that was entered
15 previously as part of the *Denno* hearing is not marked.

16 THE COURT: Here. This one's marked. (To the court
17 reporter) Mark this as a Court's exhibit and -- and your
18 motion. You can mark those together.

19 THE COURT REPORTER: Okay.

20 MR. CHESSER: Your Honor, I would ---

21 THE COURT: Well, hold -- hold on a second. She's
22 got to mark it.

23 (Whereupon, Court's Exhibit 3 was marked for
24 identification.)

25 THE COURT: Yes, sir.

1 MR. CHESSER: One more issue: In cases like this,
2 I've had the issue come up before where somehow it came
3 up that codefendants had pled guilty. There's three of
4 them in this case that actually have pled guilty. And I
5 would -- it's my position, of course, that that doesn't
6 -- that that's inadmissible.

7 And I really just wanted to make sure that the
8 prosecution and I were on the same page, if there's any
9 difference of opinion. The idea that a codefendant pled
10 guilty, I think, is -- would -- would be completely
11 irrelevant and highly prejudicial. And I just wanted to
12 make that point, instead of waiting for it to come up in
13 trial.

14 MR. WEEKS: Your Honor, it's not our intention,
15 unless the defense opens the door in some fashion, to ask
16 him about the -- the disposition in codefendant cases.
17 It would be the first question the jury would want to
18 know, but it's not our intent to bring it up.

19 THE COURT: All right. Are going to -- are they
20 expected to testify?

21 MR. WEEKS: No, Your Honor.

22 THE COURT: Okay.

23 MR. WEEKS: They're not expected to.

24 THE COURT: Doesn't sound like I have anything to
25 rule on, then. Anything else?

1 MR. CHESSER: That's all we have, Your Honor.

2 THE COURT: All right. So that's it on this case
3 till 10 a.m.

4 MR. WEEKS: Thank you, Your Honor.

5 THE COURT: All right. Thank you.

6 (Whereupon, the proceedings were adjourned at 3:01 p.m.)
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1 TRIAL DAY 2 - 02/27/18

2 (Whereupon, the proceedings were resumed at 10:08 a.m.)

3 (Whereupon, State's Exhibits 1 through 74 and 80
4 through 84 were premarked for identification.)

5 MR. CHESSER: Your Honor, of course, my client's not
6 here. But we do have one matter we can take up before
7 the jury gets in.

8 THE COURT: Okay. Well, bring him, then, please.
9 Thank you.

10 (Off the record briefly.)

11 MR. CHESSER: Your Honor?

12 THE COURT: Yes, sir. Yes, sir.

13 MR. CHESSER: For Mr. Chandler, he had indicated to
14 me back in the holding cell that he had an issue
15 regarding his representation. I will tell the Court I'm
16 ready to go forward. But I thought that it might be best
17 if the Court would hear from Mr. Chandler.

18 THE COURT: What do you need to tell me, Mr.
19 Chandler?

20 THE DEFENDANT: Judge Keesley, sir, I would -- I'm
21 just having a little problem with my attorney. I mean, I
22 feel like he's not representing me right. I feel as if I
23 could speak for myself and let the jury and everybody in
24 this Court to hear from me from my point of view a little
25 -- I mean, just hear from my point of view. I feel like

1 I have a better -- better advantage in this trial.

2 THE COURT: You're saying you want to represent
3 yourself?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How old are you?

6 THE DEFENDANT: Sir?

7 THE COURT: How old are you?

8 THE DEFENDANT: I'm 19 of age, sir.

9 THE COURT: How much education do you have?

10 THE DEFENDANT: Till the tenth grade.

11 THE COURT: What type of work have you done?

12 THE DEFENDANT: Sir?

13 THE COURT: What type of work have you done?

14 THE DEFENDANT: Well, I've never been employed in
15 work.

16 THE COURT: Have you ever been diagnosed as having
17 any type of mental illness?

18 THE DEFENDANT: Well, yes, sir. But not -- my
19 mother's not -- my mother took care of that situation.
20 All I know is that I been on medicine for a little bit of
21 mental disorder. Just a little bit, though.

22 THE COURT: Say that again?

23 THE DEFENDANT: I said coming up, I used to take
24 medicine for my mental issues. But I don't really know
25 whereabouts the name, you know. I used to take

1 counseling. But my mother took care of all my -- my
2 work.

3 THE COURT: You don't know what you have been
4 diagnosed as having?

5 THE DEFENDANT: I mean, I know I have ADHD. I'm
6 been -- I know diagnosed with ADHD. And far -- that's
7 about far as I know.

8 THE COURT: Are you supposed to be taking
9 medication?

10 THE DEFENDANT: Well, I haven't taken -- I haven't
11 taken medication for a while.

12 THE COURT: How long is a while?

13 THE DEFENDANT: I'll say four or five years.

14 THE COURT: Have you taken any medications or had
15 any substances within the last few days that might affect
16 your thinking?

17 THE DEFENDANT: No, sir.

18 THE COURT: Do you feel like you're clearheaded and
19 you know what you're doing?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You feel like you understand what's
22 going on here today?

23 THE DEFENDANT: No, sir.

24 THE COURT: Do you know of any of physical,
25 emotional, or nervous problem that you might have that

1 would keep you from knowing what you're doing?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you ever studied law?

4 THE DEFENDANT: Somewhat. Yes, sir.

5 THE COURT: Tell me about it.

6 THE DEFENDANT: I studied in my two-year stay in
7 Aiken County -- Aiken County Detention Center with the
8 law book, far as -- were is my case, just far as burglary
9 and accessory.

10 THE COURT: So what resources did you use to study
11 in the Aiken County Jail?

12 THE DEFENDANT: The 2017 law book and that's --
13 that's about it.

14 THE COURT: You understand -- well, let me ask you
15 this: Do you know what the charges are against you?

16 THE DEFENDANT: Far as I know, the new one that they
17 just indicted me on is failure to stop for blue lights
18 and first-degree burglary.

19 THE COURT: Anything else?

20 THE DEFENDANT: That's just far as I know, so far as
21 first -- I mean, besides what I been charged with. I
22 know I been charged with, through a counsel, first-degree
23 and one count of second and grand larceny and possession
24 of a weapon during a violent crime. But far as I know, I
25 been charged with -- far as I know, for what I'm in here

1 on is possession of a weapon during a violent crime,
2 first-degree burglary, and -- and failure to stop for
3 blue lights.

4 THE COURT: And how many first-degree burglaries and
5 possession of a weapon during a violent crime are they
6 intending to try you for now?

7 THE DEFENDANT: If I'm not mistaken, two -- two
8 first-degrees and two possession of a weapon during a
9 violent crime.

10 THE COURT: Do you know what burglary is?

11 THE DEFENDANT: Burglary is where it's he or she
12 forced entry without consent into a dwelling.

13 THE COURT: Do you know what possible punishment
14 burglary in the first degree carries?

15 THE DEFENDANT: Fifteen to life, minimum.

16 THE COURT: You understand, if you have two charges,
17 that you're facing two life sentences on the burglary
18 charges?

19 THE DEFENDANT: I understand, sir.

20 THE COURT: All right. Do you know what possession
21 of a firearm during the commission of a violent crime
22 carries?

23 THE DEFENDANT: From my understanding, if I'm not
24 wrong, zero to five.

25 THE COURT: All right. And do you know what failure

1 to stop for a blue light carries?

2 THE DEFENDANT: My -- from my understanding again, a
3 90-day charge.

4 THE COURT: It carries up to three years.

5 THE DEFENDANT: Three years. Okay.

6 THE COURT: Do you understand that burglary in the
7 first degree is a violent crime?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand that it's a no-parole
10 offense, which means you have to serve at least 85
11 percent of the time, day for day, before you could be
12 released?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: That's no guarantee 85 percent's the
15 amount you would serve. That's the least you could
16 serve. You understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You understand all these sentences could
19 be run consecutively?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You know what consecutive means?

22 THE DEFENDANT: Consecutive is, like, I do ---

23 THE COURT: I could give you -- if you were found
24 guilty of everything, I could give you every sentence
25 stacked on top of each other, so two life sentences plus

1 additional time. You understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You understand that if you represent
4 yourself, you're on your own? I cannot advise you about
5 anything you should do. I can't tell you how to try your
6 case. You're on your own.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you have any familiarity with the
9 South Carolina Rules of Evidence?

10 THE DEFENDANT: I -- come again, sir?

11 THE COURT: The South Carolina Rules of Evidence, do
12 you have any familiarity with those?

13 THE DEFENDANT: Not too much.

14 THE COURT: Do you know what hearsay is?

15 THE DEFENDANT: Hearsay is if someone can -- if
16 someone said that they see me there on the scene or can
17 prove that I was there, that's enough evidence to arrest
18 me.

19 THE COURT: You know anything about the South
20 Carolina Rules of Criminal Procedure?

21 THE DEFENDANT: No, sir.

22 THE COURT: You understand that those rules provide
23 the method by which people proceed in trials, the rules
24 of evidence and the rules of criminal procedure?

25 THE DEFENDANT: (No audible response.)

1 THE COURT: They apply to the trial. You understand
2 that?

3 THE DEFENDANT: Okay. Yes, sir.

4 THE COURT: You understand you have a right to
5 testify or not to testify in the case?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you have a prior criminal record?

8 THE DEFENDANT: Far as -- well, adult charges, no,
9 sir. But I been arrested one time as a juvenile.

10 THE COURT: Do you know any possible defenses that
11 might exist in your case?

12 THE DEFENDANT: In my defense?

13 THE COURT: Yes, sir.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You know defenses that exist?

16 THE DEFENDANT: (Nodded head up and down.)

17 THE COURT: Like what?

18 THE DEFENDANT: My defense is that they -- they --
19 the prosecutor -- they don't have enough evidence to
20 really say that I committed a burglary. The only -- only
21 -- I'm only being charged for what my codefendants have
22 done and that I was there. It doesn't mean that I forced
23 entry into a burglary. I'm charged with burglary and
24 possession with a weapon during a violent crime.

25 They cannot prove that I committed a burglary. And

1 the Constitution -- on the Constitution that holds that
2 law, burglary, which I stated before, is that they have
3 to prove that he or she entered a dwelling or forced
4 entry into a dwelling. I didn't. I was -- I didn't -- I
5 didn't -- I didn't force entry into no dwelling.

6 They don't have no evidence that I forced entry
7 there. They knew that I was on the scene. They knew
8 that I was there. But they don't have no evidence that I
9 have broken into a house.

10 THE COURT: You think that in order for you to be
11 convicted of burglary, you have to have actually gone
12 inside the house?

13 THE DEFENDANT: I mean, yes, sir.

14 THE COURT: That's not true. If you were present
15 and you aided, abetted, and assisted in the commission of
16 a crime, regardless of whether you went inside that
17 dwelling or not, you could be convicted of burglary. And
18 the jury is going to be told that. You understand?

19 THE DEFENDANT: Understood.

20 THE COURT: Does that change your mind?

21 THE DEFENDANT: Somewhat. Yes, sir. But I -- from
22 my understanding, I thought that was just -- that just a
23 accessory.

24 THE COURT: No, sir. If you were present at the
25 scene of the crime and you aided, abetted, and assisted

1 in the commission of the crime, you are as guilty as
2 anybody else who did anything in that crime.

3 And if it were -- somebody were shot, you -- and
4 killed, you could be prosecuted for murder. It's called
5 "the hand of one is the hand of all."

6 THE DEFENDANT: From my understanding, that's not a
7 law. There is no statute that holds that law in the
8 state of South Carolina. That's just a theory.

9 THE COURT: Well, I'm going to tell you, that jury's
10 going to be told exactly those words. Because that's the
11 law. You can argue with me all day long. But that's ---

12 THE DEFENDANT: I ---

13 THE COURT: --- the law.

14 THE DEFENDANT: --- I understand. I understand.
15 I'm not saying that you're wrong. I'm just saying that
16 that's not a law.

17 THE COURT: It is the law.

18 THE DEFENDANT: I mean, do you have a statute that
19 -- can you show me a statute that shows that law?

20 THE COURT: It doesn't have to be a statute. It can
21 be a principle of law. It's -- it's been recognized for
22 hundreds of years in -- in the law.

23 You -- I -- I don't have any position in this case.
24 But ---

25 THE DEFENDANT: Yes, sir.

1 THE COURT: --- I'm not going to let you be under
2 the misconception that you can -- you can escape
3 responsibility because you did not go inside the house
4 yourself.

5 Now, I'm not saying you're guilty.

6 THE DEFENDANT: I understand.

7 THE COURT: The state's ---

8 THE DEFENDANT: I understand

9 THE COURT: --- got to prove that not only were you
10 present at the scene of the crime, but that you aided and
11 abetted and assisted in the commission of the crime.

12 THE DEFENDANT: Understood.

13 THE COURT: Now, accessory may be for things that
14 are done after a crime is committed, accessory after the
15 fact. There may things, accessory before the fact. I
16 don't know anything about your cases.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: But if you're laboring under a
19 misapprehension that somebody has to physically go inside
20 a dwelling to be convicted of burglary, that's not true.

21 Do you want to talk to your lawyer some more?

22 THE DEFENDANT: I mean, I can. But . . .

23 THE COURT: I -- I don't make the law. I'm just
24 telling you what the ---

25 THE DEFENDANT: I don't ---

1 THE COURT: --- law is. But ---

2 THE DEFENDANT: Yeah.

3 THE COURT: --- if you're going to build your house
4 on a foundation of sand and -- and -- and think that
5 that's your defense, you're going to have some troubles,
6 sounds like.

7 THE DEFENDANT: Understood.

8 THE COURT: All right. I've got some more questions
9 I've got to go through with you. But if -- if -- if
10 that's one of your chipping points with your attorney, if
11 your attorney is telling you what I just said and you
12 don't believe him, I hadn't talked to your attorney about
13 this. You're getting it from two different sources, if
14 that's what's going on.

15 You and Mr. Chesser talk for a few minutes and let
16 me know if you still want to go forward without an
17 attorney.

18 I don't bring charge books around anymore. Y'all
19 might have a charge book.

20 MR. CHESSER: Thank you.

21 THE COURT: Mr. Chandler?

22 THE DEFENDANT: Sir?

23 THE COURT: There's a copy of the charge that's
24 typically given. The charge is an instruction to the
25 jury. I used to have charge books I carried around, but

1 they're all on the computer now. So that's just
2 something that's been printed out. You can look at it
3 and tell we didn't just make it up.

4 MR. CHESSER: Thank you, Your Honor.

5 THE COURT: We're at ease.

6 (Off the record from 10:24 a.m. until 10:37 a.m.)

7 THE COURT: All right, Mr. Chandler. Do you still
8 want to represent yourself, or do you want to have Mr.
9 Chesser represent you?

10 THE DEFENDANT: May I say one thing, if I could?

11 THE COURT: Sure.

12 THE DEFENDANT: I was just informed that I have
13 another lawyer; that he's not my attorney. I have
14 another lawyer.

15 THE COURT: You have another lawyer?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Who is that?

18 THE DEFENDANT: His name is -- what -- what -- I --
19 I can't pronounce his name. But if it -- if -- if it's
20 possible, can my mother say his name? Because she's the
21 one who paid for him.

22 THE COURT: Where is your mother?

23 THE DEFENDANT: My mother is sitting right here.

24 THE COURT: Do you know the name of another lawyer,
25 ma'am?

1 MS. CHANDLER: (Nodded head up and down.)

2 THE COURT: What -- what's your ---

3 MS. CHANDLER: We have ---

4 THE COURT: --- what's ---

5 MS. CHANDLER: --- spoken with a lawyer. My name is
6 Vanessa Chandler.

7 THE COURT: Yes, ma'am. You've spoken with a
8 lawyer?

9 MS. CHANDLER: Yes.

10 THE COURT: Have you hired the other lawyer?

11 MS. CHANDLER: We're in the process of doing that.
12 We haven't actually did the paperwork on it, but we're in
13 the process of doing that. We just came -- came up --
14 the court date came up before we could finalize anything.

15 THE COURT: And who is the lawyer?

16 MS. CHANDLER: Can I get the phone -- can I use my
17 phone to -- because I don't know his name right offhand.

18 THE COURT: Do you want to look up his name?

19 MS. CHANDLER: Yes. I got his name on the phone.
20 On the -- can I use the phone?

21 THE COURT: You can -- you can look his name up on
22 the phone.

23 (Off the record briefly.)

24 MS. CHANDLER: Oh. Stanley Myers.

25 THE COURT: All right. Thank you, ma'am.

1 Mr. Chandler, what your mother is telling me is that
2 they've talked to Stanley Myers, but they haven't
3 retained him yet.

4 THE COURT: Yes, sir. I'm just asking if you could
5 find it in your heart to push this date back till I can
6 get me this lawyer. It's -- it's basically finalized.
7 It's just they couldn't get him because this date came up
8 too quick. If it's any way possible, can you spare a day
9 or two?

10 THE COURT: No, sir. This happened in June of 2016.
11 Everybody is here. We've drawn a jury.

12 If -- if Mr. Myers was close to being hired, he
13 would have contacted the Court. So what do you want to
14 do with Mr. Chesser? You want to represent yourself, or
15 you want to have Mr. Chesser represent you, or what?

16 THE DEFENDANT: I'll let Mr. Chesser represent me.

17 THE COURT: All right, sir. Now, he can -- he's
18 explained to you about what accessory before and after
19 the fact is?

20 THE DEFENDANT: Yes, sir. Yes, sir.

21 THE COURT: And -- and -- and he's explained to you
22 about "the hand of one is the hand of all"?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Like I said, I don't know the facts of
25 your case, so I don't know if -- what you admit that you

1 did, if anything, falls more under accessory before the
2 fact or if you're a principal -- be treated a principal
3 in the crime by virtue of being present and aiding,
4 abetting, and assisting in the commission of the crime.
5 I don't know that. I'm just telling you the principles
6 of law. All right?

7 But I -- I mean, the next thing I was going to talk
8 to you about is that you don't know the rules of
9 evidence; you don't know the rules of criminal procedure.
10 You -- you seem to have a fundamental misunderstanding
11 about a defense that you seem to think is critical. And
12 I've got a script up here I have to read from when
13 anybody tells me they want to represent themselves.

14 And -- and I was going to tell you that I thought
15 you were making a big mistake, if you went forward with
16 -- without having Mr. Chesser represent you.

17 All right. Have a seat. Thank you.

18 THE DEFENDANT: (Complied.)

19 THE COURT: Is the state ready for the jury?

20 MR. WEEKS: State is, Your Honor.

21 THE COURT: Defense ready for the jury?

22 MR. CHESSER: Yes, Your Honor.

23 THE COURT: You need any more time to talk to him
24 about anything?

25 MR. CHESSER: No, sir.

1 THE COURT: All right. Do y'all want me to call Mr.
2 Myers or have my law clerk call Mr. Myers?

3 THE DEFENDANT: You say do ---

4 THE COURT: I -- I can't imagine he -- he would've
5 been here if he was -- was ready to go on the case.

6 Hearing nothing, all right. Bring the jury in,
7 please.

8 THE BAILIFF: Okay.

9 (Off the record briefly.)

10 (Whereupon, the jury entered the courtroom at 10:37
11 a.m.)

12 THE COURT: Madam Foreman and members of the jury,
13 the first order of business is that I have to have you
14 placed under a different oath. I need you under the oath
15 of a trial jury. Would you please stand and raise your
16 right hand.

17 (Whereupon, the trial jury was duly sworn at 10:38
18 a.m.)

19 THE COURT: All right. Ladies and gentlemen, what
20 I'm going to do is I'm going to go through and explain to
21 you how I expect the case to begin. I won't go through
22 all the different parts of it at this point, but I'll
23 tell you how we'll get started. And then I'm going to
24 give you some instructions you have to follow throughout
25 the trial.

1 INTRODUCTION BY THE COURT

2 The first thing that's going to happen is that
3 you're going to hear the opening statements from the
4 attorneys. In these opening statements, the attorneys
5 are not permitted to engage in what we refer to as
6 argument. An opening statement is permitted to be an
7 outline, an overview. Typically, it's said to be what
8 each side believes the evidence will show.

9 Now, the burden of proof in these cases is entirely
10 on the state. The state has the entire burden of proof,
11 and the state has to prove every essential element of
12 each offense charged beyond a reasonable doubt.

13 I told you at the outset of the trial that there are
14 five separate and distinct indictments, each of which has
15 to be evaluated on its own merit or lack of merit.
16 Sometimes when I use the word "case," I may use it in the
17 singular. I may use it in the plural. But regardless of
18 whether I say "case" or "cases," never forget that each
19 indictment is separate and distinct.

20 Now, when the opening statements are finished, then
21 I will call upon the state to present its evidence. The
22 state will be given an opportunity to attempt to meet its
23 burden of proof by producing evidence for you to
24 consider. When the state has concluded presenting its
25 case-in-chief, the -- the solicitor will advise me that

1 the state rests.

2 At that point I have to send you out of the
3 courtroom. And I have to discuss legal issues with the
4 attorneys. When you come back from that, I'll tell you
5 where we go from there. But that's how we're going to
6 get started. Those are the landmarks you can look for as
7 we go along.

8 Now, it's really important that you understand some
9 things. That oath that you just took was an oath in
10 which you promised us that you're going to decide these
11 cases based on the evidence and the law. So you need to
12 know where those things come from.

13 The evidence comes from the sworn testimony of the
14 witnesses. Evidence may also come in the form of
15 exhibits. An exhibit can be anything tangible that's
16 marked in the record. It can be something like a
17 photograph or a map or a chart, anything tangible.

18 If something is an exhibit, it will go back with you
19 in the jury room when you decide the case. The reason
20 I'm telling you that is because it's not unusual for an
21 attorney to have something like a small photograph or a
22 document and show it you from a distance or hand it into
23 the jury box and ask you to circulate it around so that
24 you're trying to look at the thing that's being
25 circulated while you're also trying to pay attention to

1 what's going on up here on the witness stand. So just
2 understand, ladies and gentlemen, that all the exhibits
3 will be back with you when you decide the case.

4 What the lawyers say is not evidence. I want you to
5 pay close attention to them. They facilitate the
6 introduction of the evidence. But what comes out of
7 their mouths is not evidence. The evidence comes from
8 the witnesses and the exhibits.

9 There is one exception to that rule about what the
10 lawyers saying not being evidence. If it happens in this
11 case, I'll tell you about it. Otherwise, I won't burden
12 you with it.

13 It's also really important that you understand that
14 there are two judges in the courtroom. I'm the judge of
15 the law. It's my job to decide what law applies to the
16 case and tell it to you at the end of the case. I
17 preside over the trial. I rule on legal issues as they
18 arise. I'm the judge of the law.

19 You're the other judge. And you must understand
20 that you are the only judge of the facts. Only you are
21 going to get to decide such things as whether evidence is
22 believable or not. Only you get to decide what weight,
23 if any, to put on evidence.

24 Those things are entirely your prerogative. And I'm
25 not going to invade your province.

1 Now, while you've promised us that you're going to
2 decide the cases based on the evidence and the law and
3 you must do that, I am not telling you to leave your
4 common sense at home. We want you to use your common
5 sense. We want you to use your sense of logic and reason
6 and your good judgment.

7 It just makes good common sense that you keep an
8 open mind about the case and you don't make up your mind
9 until you've heard all the evidence and you know what law
10 applies to the cases. So there's a rule that I've
11 mentioned to you that we insist that you follow. It's
12 very difficult to follow, but you must do that.

13 And that rule is that you're not to discuss these
14 cases in any way until I tell you to. Don't talk about
15 the people involved, the type of case it's alleged to be.
16 Don't discuss the case in any way at all until I tell you
17 to.

18 Now, that's hard to follow because you twelve folks
19 may feel you have little in common except you all live in
20 Aiken County and you all got picked on this jury. So the
21 logical thing you're going to want to talk about during
22 any break or anytime you're together is what you just saw
23 or heard in the courtroom. You have to resist that
24 temptation and not talk about anything related to the
25 case until I tell you to.

1 Do not discuss this case with anyone else until the
2 week is completely over and -- and you are through with
3 your jury duty. So only discuss the cases among
4 yourselves when I tell you to begin your deliberations.
5 Don't talk about it with family members, friends, anybody
6 else until the term is over and you've been discharged
7 from the case.

8 If anybody attempts to contact you and discuss the
9 case with you, report that to me so I can deal with it.
10 I don't know if there'll be media coverage. If there is,
11 get away from it and report to me at the first
12 opportunity what you may have seen, heard, or read
13 through the media.

14 I mentioned to you yesterday not to do any
15 independent investigation. I told you don't go on the
16 Internet and look up law. Don't do word searches, name
17 searches. Don't try to find out anything that relates to
18 the case or anybody in it.

19 I warned you also about the use of social media, and
20 I instructed you not to go on social media and comment in
21 any way about your jury service or anything that's
22 happened in the case until you've been completely
23 discharged from the jury.

24 Now, folks, I'm supposed to read to you a script
25 that's been given to us by the Chief Justice of the state

1 Supreme Court. It is redundant of much of what I've just
2 told you. It's written in a little bit more legalese
3 than what I have explained -- the method I've used to
4 explain. But I have to read this to you one time. So
5 please give me your attention.

6 Until your jury service is concluded, you're not to
7 discuss the case with others, including other jurors,
8 except as authorized by the Court. You're not to read or
9 listen to any news reports about the case. You're not to
10 use a computer, a cell phone, or other electronic device
11 with communication capabilities while attending the trial
12 or during deliberations. Those devices may be used
13 during lunch breaks or extended breaks but may not be
14 used to obtain or disclose prohibited information.

15 You're not to use a computer, a cell phone, or other
16 electronic device with communication capabilities, nor
17 are you to use any other method to obtain or disclose
18 information about the case when you're not in court.
19 Information about the case includes, but is not limited
20 to, the following types of things: any information about
21 a party, a witness, an attorney, or a court officer; any
22 news accounts of the case; any information collected
23 through juror research on any topics raised or testimony
24 offered by a witness; any information collected through
25 juror research on any other topic that a juror might

1 think would be helpful in deciding the case.

2 Now, the last thing I want to tell you, ladies and
3 gentlemen, is I want to thank you. I'm not going to sit
4 here and repeatedly thank you. Because I think that's
5 cheapens it.

6 I know you have other places to be and other things
7 to do. And I can tell you that one of my pet peeves is
8 having a juror -- jury wait on us. Now, you've already
9 had to wait on us some this morning. We had something
10 arise earlier this morning that I had to deal with.

11 I wouldn't dealt with it yesterday, but I didn't
12 know it was coming up, no -- nor did anybody else. So
13 I've dealt with that. And if this case is like every
14 other case I've ever done, there's going to be "hurry up
15 and wait" involved in it. I -- I can almost promise you
16 that.

17 So I can't do anything about that. But what I can
18 do is promise you this: If you're waiting on us, we're
19 working. There's never going to be a time when you're
20 back there, waiting on us, and we're out here, goofing
21 off. That's not going to happen.

22 If you're waiting, we're working. And we'll get you
23 out here just as quickly as we can.

24 If -- if something comes up and it's going to take
25 an extended period of time to take, I'll try to send

1 information in by that bailiff to let you know. If it's
2 going to be a real long time, I will -- and I know that,
3 I will try to let you get out of the jury room so that
4 you won't be cooped up in there so long. But I'll never
5 forget that you're back there, waiting on us.

6 All right. To honor my commitment to you not to
7 waste your time, I'll do what I should do now: be quiet.
8 And I'll invite your close attention.

9 Mr. Weeks, you're going to open?

10 MR. WEEKS: Yes, Your Honor.

11 THE COURT: You're recognized for your opening
12 statement.

13 MR. WEEKS: Thank you, Your Honor. Please the
14 Court?

15 THE COURT: Yes, sir.

16 MR. WEEKS: Mr. Chesser.

17 OPENING STATEMENT BY MR. WEEKS

18 MR. WEEKS: Good morning.

19 JURORS: Good morning.

20 MR. WEEKS: Y'all have been called into service by
21 your county to sit in judgment of the defendant in this
22 case. And I get to tell you a little bit about the case
23 that's coming forward. I don't like to do like they do
24 in the movie. They give you the best scenes in the
25 trailer so that, you know, you watch the movie and

1 thought, Well, gosh, wasn't nothing else at it.

2 But I am going to tell you a little bit about it.
3 And the reason I'm going to tell you a little bit about
4 it is because I want you to be looking at the evidence in
5 light of what I'm telling you here in opening statements.

6 In this case Mr. Chandler is charged with two
7 counts, two separate burglary in the first degrees. He's
8 charged with two counts -- or two separate possession of
9 weapons during the commission of a violent crime. And
10 burglary in the first degree is defined by our law as a
11 violent crime.

12 And he's also charged with failure to stop when
13 signaled to do so by sirens and blue lights, or what we
14 normally -- we call failure to stop for blue light and
15 siren. So those five indictments are going to be before
16 you back in the jury room at the conclusion of this case.

17 And in a little bit -- you know, a lot of times,
18 people have different perceptions of what the law is.
19 People think they know what burglary is. They think they
20 know what possession of a weapon is. And they think they
21 know what failure to stop for blue light is. But
22 oftentimes, it's a broader meaning in the law than what
23 it sounds like on its face.

24 But -- so I'm going to tell you a little bit in the
25 opening about burglary in the first degree. For my

1 entire career, burglary has been defined as breaking into
2 a dwelling house. A dwelling house is kind of common
3 sense. But it's a house where people live. It's
4 breaking into a dwelling house with the intent to commit
5 a crime there.

6 Well, you think, Well, why would anybody break into
7 a dwelling house if they didn't intend to steal something
8 or commit a crime therein? But there are examples of --
9 of times where, you know, there might not be -- they
10 might be breaking in abandoned -- what they think is an
11 abandoned house to go to sleep, catch a nap -- you know,
12 to eat some food or whatever.

13 That's not the case here. Breaking into a dwelling
14 house with the intent to commit a crime therein, and
15 either being armed or becoming armed during the
16 commission of that burglary are elements that can be used
17 to make a burglary in the first degree.

18 The state in this case is going to rely on the law
19 that the judge will charge you at the end of this to
20 define what burglary in the first degree the defendant
21 committed.

22 We also have a law in this state that the parties in
23 a crime, the people who commit a crime -- and it's kind
24 of like our mothers used to tell you. The people you get
25 into can get you in a bunch -- the people you hang with

1 can get you in a bunch of trouble.

2 Well, it's a little more specific than that. But
3 it's the general principle that when a group of people --
4 in this case, the state will present evidence that five
5 people met together at a separate location; that they
6 planned to go on a mission. A mission would be to kick
7 in some doors, break into some houses, commit some
8 crimes. And they met at a location; came together at a
9 location; decided on a vehicle to take; armed themselves
10 with deadly weapons, handguns that could kill anybody;
11 and elected to break the law, chose to break the law.

12 They, in this case the testimony will show, gathered
13 together at a location; got in a vehicle, all five of
14 them; go to a location in Aiken County; burglarize that
15 location; go to another location in Aiken County;
16 burglarize that location. And then police, just
17 responding incredibly fast for the area in which these
18 burglaries occurred, see the vehicle; get behind the
19 vehicle. The vehicle accelerates; goes just incredibly
20 fast, trying to escape the officer following them.

21 And Mr. Chandler, driving that vehicle, wrecks;
22 flips it. Officer didn't touch him. You'll see it all
23 on videotape during the evidence presentation in this
24 case. It's amazing Mr. Chandler's sitting over there.
25 But there's -- it's a tremendous wreck.

1 But once he wrecks, he gets out and runs. Police,
2 doing their job, call in dog-tracking team. Called in
3 SLED helicopters -- a SLED helicopter. They called in
4 the troops, trying to set up a perimeter around where
5 these men ran. And all five of them ran behind the car.
6 And they ultimately apprehend all five of them.

7 Now, you're going to hear testimony as to all of
8 that. You're going to hear testimony as to the type guns
9 that were recovered. You're going to hear testimony
10 about the burglaries that occurred.

11 Now, I've said this for a long time. Because
12 burglary is a crime that a lot of people don't it
13 serious, until they have one, until somebody's house is
14 burglarized, somebody's house that they sleep in,
15 somebody's house that they raise their children in, that
16 they believe is a sanctuary, their sanctuary, their place
17 of peace.

18 But on June the 9th of 2016, this man sitting over
19 there asking for a trial in front of y'all didn't care
20 about that. He forever changed the lives of two people.
21 Well, forever changed the lives of a family -- two
22 families because of his participation in these two
23 burglaries. That's why we're here today. Because
24 burglary in the first degree is about as serious as it
25 gets.

1 You're going to hear from Brielle Busbee, the young
2 lady that was home. Fortunately, she was home by
3 herself, watching TV, going to summer school, and hears a
4 shot -- it's ultimately determined to be a pistol shot --
5 in her front yard. She goes to the window, looks out the
6 window, sees a couple guys putting on gloves. This ain't
7 going good.

8 She sees a car parked in the yard. She runs
9 upstairs in her house; calls her dad, who, fortunately,
10 has a business a short distance away; and tells her dad,
11 "Come home quick," you know.

12 So her dad, hearing that, does that. He gets home
13 very quickly. And in the meantime, she gets a weapon of
14 her own, a personal-protection weapon in her house -- I
15 hope all y'all got one -- but in her house.

16 She goes to the landing. They got a -- a stairway
17 that goes up and breaks up and goes to -- she goes down
18 to the landing, a very narrow stairwell. She gets down
19 there.

20 She hears them kick the door in to her house. I'll
21 say kick the door in. She hears the door being smashed
22 in. And she hears them rumbling around the house.

23 She doesn't know how many. She had just seen two in
24 the yard. She don't know how many is out there.

25 But she hears that going on. Well, her dad's not

1 here yet. But she yells out to them, you know, "Y'all
2 better get out of here." She hears a whistle. Then they
3 take off.

4 They run, jump in the car. She goes back up the
5 stairs to her room, looking out, front yard; sees them
6 drive away. Can't tell how many is in this car. And
7 you'll see the pictures of the car. It's a Dodge Magnum,
8 I -- what I'd call a station-wagon-looking car. Sees
9 them pulling away and more gunshot -- another gunshot.

10 They go out the driveway and go down. They go left
11 out of the driveway. They got a big horseshoe driveway.
12 into this house.

13 They go left, which would heading in the direction
14 of Victim No. 2, which is Mr. Boyce. And coming in the
15 other direction is Mr. Busbee, Doug Busbee. And Aiken
16 County Sheriff's Department is literally right behind
17 him.

18 They get there. Of course, Brielle is upset. She
19 tells them what she saw. She gives them a description of
20 car that -- that looks like what ultimately the car was.
21 But she calls it something different.

22 And they sit there and figured -- I don't know that
23 I'll ever own a Dodge Magnum. But some people think it's
24 a very ugly car. But Brielle said, "Dad, your
25 secretary's got the kind of car these folks were

1 driving." So they figured out it was a Dodge Magnum,
2 which is a long, white, station-wagon-looking, four-door
3 car.

4 Police put out initially the BOLO, be on the lookout
5 for a white Primus or something. I mean, it's a
6 different Chrysler product. And then the -- after
7 sitting around, talking, they decide it's a Dodge Magnum.

8 So they put it out. And you're going to literally
9 hear that BOLO go out and be changed. And almost
10 instantaneously, another officer coming to this burglary
11 sees this car.

12 And he turns around on them. And when he turns
13 around on them, he had just cut out his lights. Because
14 he was getting so close to the scene, he didn't want to
15 run anybody away. Didn't know about Mr. Boyce's burglary
16 yet. This is all based on Brielle calling the law.

17 Well, what they did, when they left Brielle Busbee's
18 home, that wasn't enough. They didn't get nothing out of
19 that home because she was being home and being brave.

20 They go down the road a short distance. And they
21 pull into the house of Arthur Boyce, who, fortunately,
22 nobody was home. His wife and two kids were at school
23 and at work and another place.

24 Mr. Chandler is driving the car, by his own
25 admission, driving the car. They throw a brick, a cinder

1 block, through the back window of Mr. Boyce's residence.
2 And they go in and snatch what they can snatch quick: a
3 couple of TVs, a big, 55-inch, flatscreen TV, a big --
4 another brand, but, like 35-inch TV; the kids'
5 PlayStation; and a jar of coins. You know, everybody
6 does like me. They put their coins in a jar so the wife
7 can take them to the grocery store and cash them in; go
8 on vacation or whatever. But they take this car of coins
9 from the Boyces, along with the TV and -- along with the
10 two TVs.

11 And you can tell from the pictures you're going to
12 see, they didn't take a lot of time. They just grabbed
13 and ran. Well, they threw all that in the back of
14 this Dodge Magnum or in the various seats in this Dodge
15 Magnum. And they come out the driveway, and they take a
16 left. And they go down the road.

17 Well, the road that they're on ultimately intersects
18 with Salley Road, which goes down and intersects with
19 Aiken State Park Road. And as it so happens, Trooper
20 Smith from the -- or not Trooper Smith -- Officer Smith
21 from the Aiken County Sheriff's Department, coming to
22 that scene, is going lights and sirens on the same road.
23 Wow. They pass him.

24 Right at that time he cuts off his lights and siren.
25 He turns around and starts high-speed pursuit of them.

1 They literally go the path that he just came from,
2 because he's responding from the Windsor substation.

3 And speeds -- extremely high speeds on a very -- in
4 a very dangerous place to be going extremely high speeds,
5 but the they get ahead of him. He catches up. He's
6 calling it out to dispatch, how fast he's going, how fast
7 he thinks they're going.

8 And all -- all of a sudden, they go off the right
9 side of the road, overcorrect, go to the left side of the
10 road, and then the car just flips. Well, as fast as they
11 were going, it's a miracle. But the car flips and lands
12 on all four wheels. It kind of rolls off the road.

13 When it rolls off the road, the deputy stops behind
14 the car. And five people get out and run. He don't know
15 how many people got out and run. Because two of them get
16 out the far side from him, and three get out this side.

17 So he tells the dispatch that three people have run.
18 And, you know, just in the law enforcement world, what
19 all this precipitates is the calling out of dog teams,
20 SLED, reserve deputies, crime-scene people. All of them
21 center in on Oak Ridge -- I mean, Club Road and State
22 Park Road and start pursuing the people that have just
23 robbed, have just burglarized two residences.

24 And of this, literally, folks, is in a matter of
25 minutes -- ten minutes, fifteen minutes. And then the

1 chase of the five people ultimately concluded that night,
2 and they get all five. And here we are.

3 So after the evidence and testimony and -- and --
4 has been presented to you and y'all have had a chance to
5 review it, this case ain't complicated. The law is not
6 complicated. Mr. Chandler's activities in this thing
7 aren't complicated.

8 You will hear his statement. You will hear him
9 talking about a mission, talking about driving the five
10 -- the four other people and him through these two
11 burglaries and then running from the police and flipping
12 the car, the car loaded with the stolen merchandise,
13 stolen goods from the homes of -- or from the home of
14 Mr. Boyce. And ultimately, his statement, minimizing as
15 it may be, admitted to the violation of our law in this
16 country and this state called -- or described as "the
17 "hand of one is the hand of all."

18 The state's not going to have to prove he ever
19 stepped foot in that -- either one of these houses.
20 Whether he did or didn't is not something we have to
21 prove. Because we do prove beyond any reasonable doubt
22 that he was driving the car. And these officers will
23 testify as to -- to -- to just a short time frame between
24 the two burglaries and the time they got on the car,
25 apprehended the car. It's tremendous police work, ladies.

1 and gentlemen.

2 So listen carefully to the evidence and testimony as
3 it comes out over the next day or so. And at the end,
4 we'll come back in front of you again, tell you what we
5 think the evidence showed. Appreciate your time.

6 THE COURT: Thank you, Mr. Weeks.

7 Mr. Chesser, you're recognized for your opening
8 statement.

9 MR. CHESSER: May it please the Court? Mr. Weeks.

10 THE COURT: Yes, sir.

11 OPENING STATEMENT BY MR. CHESSER

12 MR. CHESSER: Good morning, ladies and gentlemen.

13 JURORS: Good morning.

14 MR. CHESSER: Thank you for being here.

15 To a certain extent, this is not a question about
16 what happened. It's not going to be challenged that the
17 homes were entered into. It's really a question about
18 who was there and who did what. So I would ask you to --
19 and I know you will -- pay close attention to this
20 testimony and the details: who did what and who was
21 there.

22 The judge has instructed you -- and I know you're
23 aware of the presumption of innocence. And the way that
24 that applies is that you apply it while you're listening
25 to all the evidence. You apply it even at such time

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1 after the presentation of all the evidence when the judge
2 gives you permission to deliberate. You continue to
3 apply this presumption of innocence.

4 You've been sworn to take into account all the
5 evidence and the law and to listen closely and to
6 deliberate true and fairly at such time as the judge
7 tells you that's appropriate. And what we would ask you
8 to do is simply to do your duty. And we know you will.
9 Thank you.

10 THE COURT: Thank you, Mr. Chesser.

11 The state will call its first witness, please.

12 MR. WEEKS: Thank you, Your Honor. The state will
13 call Brielle Busbee.

14 THE COURT: I need you to come up to the clerk,
15 please.

16 CLERK OF COURT: Right up here, ma'am.

17 (Whereupon, the witness came forward.)

18 BRIELLE BUSBEE, having been first duly sworn,
19 testified as follows:

20 THE WITNESS: My name is Elizabeth Brielle Busbee.

21 DIRECT EXAMINATION

22 BY MR. WEEKS:

23 Q Brielle, how old are you?

24 A I am 22.

25 Q And where do you live?

- 1 A [REDACTED].
- 2 Q And is that Aiken County? Is it in ---
- 3 A Wageners.
- 4 Q We call it Wagener, but it is outside Wagener?
- 5 A Yes, sir.
- 6 Q And how long have you lived there?
- 7 A Twenty-two years.
- 8 Q Who do you live there with?
- 9 A My father and my mother.
- 10 Q Okay. And do you have another sibling?
- 11 A I do. I have an older brother.
- 12 Q Does he not live there anymore?
- 13 A He didn't at the time.
- 14 Q Okay. And June 9th of 2016, were you living in that
- 15 residence?
- 16 A Yes, sir.
- 17 Q Brielle, I'm going to ask you, if you would, to tell
- 18 us what happened in your own words on June the 9th, 2016.
- 19 What were you doing home?
- 20 A I just got home from summer school. And I was
- 21 sitting in my dad's chair, watching TV.
- 22 Q Where were you going to summer school?
- 23 A USC Aiken.
- 24 Q Other than being the greatest college in the world,
- 25 what were you studying there?

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1 A I studied exercise science.

2 Q And did you ultimately graduate from USC Aiken?

3 A Yes, sir.

4 Q And you're working now ---

5 A Yes, sir.

6 Q --- full-time?

7 A I'm a high school teacher.

8 Q Okay. Well, on that summer afternoon, June 9th,
9 2016, you were home. Tell me what you were doing.

10 A I was sitting there, watching TV, and I hear a
11 gunshot go off.

12 Q Okay.

13 A So I get up, and I look out of the front window.
14 And I see two men putting on gloves. So I run upstairs

15 ---

16 Q Did you notice anything about the color of the
17 gloves?

18 A No, sir.

19 Q Okay. And did you notice -- did you know any of the
20 men?

21 A No, sir.

22 Q All right. Can you describe for me, just in general
23 terms, the layout of your home and your property there?
24 Do you have a big, horseshoe driveway?

25 A Yes, sir, we do have a big, horseshoe driveway.

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1 Q Did you see a car?

2 A I did. I saw a white vehicle.

3 Q Okay. And where was it parked in related to the
4 front of your house?

5 A It was parked -- if our -- we have a loop around the
6 house. And so it was parked above, in front of the loop.

7 Q Okay. But on the front side of ---

8 A Yes, sir.

9 Q --- the house?

10 A Front side of the house.

11 Q And the car you were driving that day, where would
12 it have been ---

13 A It was in ---

14 Q --- parked?

15 A --- the back of the house, under the carport.

16 Q Kind of out of side from the front of the house?

17 A Yes, sir. It could not be seen from the front of
18 the house.

19 Q Okay. Tell me what happened, Brielle. Well, let me
20 ask you this: Do y'all have a -- some dogs?

21 A We got lots of dogs.

22 Q How many did you have at that time?

23 A Five.

24 Q Okay. And they are -- will they bark ---

25 A Mutts.

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 139

1 Q --- when people ---

2 A Yes.

3 Q --- come up? Okay.

4 A They're guard dogs.

5 Q Okay. And you heard a gunshot. What'd you do when
6 y'all heard the gunshot?

7 A I ran upstairs, called my dad, and grabbed my gun.

8 Q What'd you tell your daddy? Do you remember?

9 A I said, "Come home quick."

10 Q Okay. And where was -- where did you think your
11 daddy was?

12 A He was at his shop.

13 Q All right. And his shop is how far from y'all's
14 house?

15 A Mile or two.

16 Q Okay. It's up closer to town in ---

17 A Yes, sir.

18 Q --- Wagener?

19 A It's in town.

20 Q Okay. What did he say to do? Or did you do
21 something ---

22 A I didn't ---

23 Q --- else?

24 A I hung up the phone with him and I looked back out
25 of the window ---

1 Q Okay.

2 A --- and saw the people coming around.

3 Q When you said they were coming around, they were
4 parking in the front. The car was in the front. How
5 many people did you see?

6 A Two.

7 Q Did they go left or right?

8 A I saw one go left.

9 Q Okay. If you follow around the contour of your
10 house, what -- what do you come to on the left side of
11 your house?

12 A We have a ramp with a side door.

13 Q Okay. Now, what did you do during this time?

14 A I grabbed my gun. And I -- I went back down,
15 halfway down the steps, and stood there.

16 Q And what kind of gun do you own?

17 A A .380 Bodyguard.

18 Q All right. And had you shot that gun before?

19 A Yes, sir.

20 Q Had you heard guns all your life?

21 A Yes, sir.

22 Q So you were pretty certain that was a gunshot you
23 heard out front?

24 A Yes, sir.

25 Q Okay. Well, what did you do when you got your gun

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 141

1 and you went to the -- it's kind of a landing there on
2 your stairway, isn't it?

3 A Yes, sir.

4 Q What'd you do then?

5 A I waited. And then I heard the door being slammed
6 in.

7 Q All right. And did -- what'd you hear?

8 A I heard -- I heard footsteps into the kitchen area,
9 which is right beside the stairwell. And I told them
10 that they needed to leave. And ---

11 Q Did you ---

12 A --- then I ---

13 Q --- shout it or ---

14 A Yes, sir.

15 Q Okay. And what'd you hear then?

16 A I heard a whistle. And then I heard running out.

17 Q Okay. You don't know how many people came in the
18 house, do you?

19 A No, sir. I knew there was at least two people and
20 they had a gun.

21 Q Okay. Did they ever come back in the house?

22 A No, sir. Not ---

23 Q All right.

24 A --- that I know of.

25 Q What did you do?

1 A After -- after they whistled and ran out, I went
2 back upstairs, looked out the window, and I was calling
3 911.

4 Q All right. And did you see anything else?

5 A I saw them leave out of the driveway.

6 Q All right. Did you hear anything else?

7 A I heard a gunshot. Yes, sir. Once they shot --
8 once they were leaving out of the driveway.

9 Q Okay. Did you hear any more or do you remember
10 hearing your dogs? What were they doing?

11 A I do not remember. Once everything went on, I don't
12 -- do not remember the dogs.

13 Q Okay. And were you able to -- well, how long did it
14 take your daddy to get there?

15 A Less than five minutes.

16 Q Okay. And who was right behind him?

17 A The police officer.

18 Q And that was Mr. ---

19 A Uh-huh.

20 Q --- Deputy Lively there?

21 A Uh-huh.

22 Q Okay.

23 THE COURT: Try -- try to say "yes" or "no."

24 THE WITNESS: Yes, sir.

25 THE COURT: Thank you.

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1 Q All right. Did you see which direction the car went
2 when it left your driveway?

3 A It left out of the -- it went left.

4 Q It went left?

5 A (Nodded head up and down.)

6 Q And if it went left, would it be going down Holiness
7 Church Road?

8 A Yes, sir.

9 Q If it went right?

10 A It would go back to town.

11 Q Okay. So it was going away from town?

12 A Yes, sir.

13 Q All right. Did you know what kind of car it was?

14 A I knew it was a white car and the -- kind of like a
15 SUV at the time.

16 Q All right. Did you have an idea of somebody who may
17 have had a car like that?

18 A Yes, sir. Once my daddy got there, I told him it
19 looked exactly like his secretary's car, except white.

20 Q Okay. And is -- dad's secretary's car was Dodge
21 Magnum?

22 A Magnum. Yes, sir.

23 Q Okay. And when the police officer was there along
24 with your dad, did y'all tell him that at some point?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 144

1 Q Okay. Brielle, what approximately time was this?

2 A About 3:30.

3 Q Okay. Brielle, let me show you some pictures that
4 are in evidence.

5 MR. WEEKS: Without objection, Your Honor.

6 THE COURT: These are in evidence?

7 MR. CHESSER: Your Honor, I don't have an objection
8 to them.

9 MR. WEEKS: I'm moving them into evidence without
10 the objection. I've showed them to them.

11 THE COURT: Tell -- tell me the numbers.

12 MR. WEEKS: Yes, sir. They are 1 through -- 1
13 through 22, inclusive; and separate 39.

14 THE COURT: Madam court reporter, mark those into
15 evidence, please.

16 (Whereupon, State's Exhibits 1 through 22 and
17 Exhibit 39 were entered into evidence.)

18 MR. WEEKS: Your Honor, permission to publish these

19 ---

20 THE COURT: Sure.

21 MR. WEEKS: --- on this monstrous TV?

22 (Off the record briefly.)

23 Q Can you see that, Brielle? Do you need to ---

24 A A little bit.

25 Q --- slide over.

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 145

1 MR. WEEKS: Can y'all all see?

2 Q Brielle, I'm going to hand you what's marked State's
3 Exhibit No. 1 and ask you: Is that identified on the
4 monitor there?

5 A Yes, sir.

6 Q Now, what does that picture represent?

7 A That is our front -- one of our driveways.

8 Q Okay. That's one of the ways you ---

9 A Yes, sir.

10 Q --- enter towards your house?

11 A Yes, sir.

12 Q Okay. State's No. 2.

13 A That's the same driveway.

14 Q All right. Just a little further ---

15 A Uh-huh. Further ---

16 Q --- on?

17 A --- down. Yes, sir.

18 Q State's No. 3?

19 A It's the same driveway further down, closer to the
20 house.

21 Q All right. What does State's 4 show you?

22 A That's getting closer to the house, and that's
23 approximately where they parked.

24 Q All right. State's 5?

25 A That is looking back. We're standing in the other

1 driveway with this one.

2 Q Okay. But you're still looking toward the house?

3 A Towards the house. Yes, sir.

4 Q All right. And the house? What is depicted in
5 State's 6?

6 A That's the front of the house.

7 Q And where were the cars parked in -- or the car
8 parked in regard to that photograph?

9 A Approximately right where the cameraman is.

10 Q Okay. And you indicated that you went to the front
11 window and looked out. Which window?

12 A That one.

13 Q You're pointing to the window on the left-hand side?

14 A Right beside the tree.

15 Q Okay.

16 MR. WEEKS: Your Honor, with her permission -- with
17 your permission, could she step down?

18 THE COURT: Sure. Just keep your voice up.

19 THE WITNESS: Yes, sir.

20 (Whereupon, the witness exited the witness stand.)

21 MR. CHESSER: Can I stand over here, Your Honor?

22 THE COURT: Yes, sir.

23 THE BAILIFF: Watch your step.

24 Q All right. Just for the record, Brielle, I'm going
25 to ask you again: Where did you view out to -- to look

DIRECT EXAMINATION BY MR. WEEKS -- BRIELLE BUSBEE 147

1 at the car?

2 A That window.

3 Q The window on the left side of the picture?

4 THE COURT: Speak out loudly, please.

5 THE WITNESS: I'm sorry.

6 THE COURT: You -- you ---

7 A Left -- the left window.

8 Q Okay. And I'm going to hand you what's marked --
9 and it's going to come up on the scene -- State's No. 7.
10 Now, you indicated you saw at least one person walk
11 around to the left.

12 A Yes, sir.

13 Q And what is State's No. 7?

14 A That's our side door with our ramp on it.

15 Q All right. And where does that ramp lead?

16 A That ramp leads to the side door. It's from our
17 carport to the side door.

18 Q Okay. State's No. 8, can you tell me what that
19 picture depicts?

20 A That's still part of the ramp and the side door.

21 Q State's No. 9, what does it show?

22 A That's the door -- the side door, still, and the
23 ramp.

24 Q Okay. Okay. On at the -- next to the blue bucket
25 in State's No. 9, do you know what that little piece of

- 1 metal-looking thing is?
- 2 A That's the hinge for the door.
- 3 Q And State's No. 10?
- 4 A That's part of the door.
- 5 Q Okay. Was that like that before they ---
- 6 A No, sir.
- 7 Q --- came in the house?
- 8 A No, sir.
- 9 Q All right. What does State's No. 11 show?
- 10 A That's the door frame from it being kicked in.
- 11 Q All right. State's No. 12?
- 12 A That's the door that they kicked in.
- 13 Q All right. They didn't kick in the screen door?
- 14 A No, sir. The -- the screen door was unlocked.
- 15 Q Okay. And does State's No. 10 show any damage to
- 16 that door? I mean -- sorry -- State's No. 12.
- 17 A Yes, sir.
- 18 Q All right. And how about State's No. 13? Does it
- 19 show any damage to the door?
- 20 A Yes, sir.
- 21 Q And if you go in that door, where do you -- take me
- 22 through your house.
- 23 A If you enter through this door and take a left and
- 24 then take a -- back a right, that will be into the
- 25 kitchen.

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 149

1 Q All right. State's No. 14, does it kind of show
2 that path?

3 A Yes, sir. That's the room that they entered into.

4 Q State's 15?

5 A That's the kitchen right here. And this is the room
6 that they entered from into the kitchen.

7 Q All right. State's 16?

8 A The camera is in this kitchen, and this is the
9 window that I looked out of.

10 Q All right. What is to the left there where you see
11 the little slice of blue wall?

12 A That's the stairwell.

13 Q And is that ---

14 A That's ---

15 Q --- stairwell ---

16 A --- where ---

17 Q --- significant?

18 A Yes, sir. That's where I was standing.

19 Q All right. State's 17?

20 A That's the stairwell.

21 Q State's 18?

22 A I was standing right here.

23 Q Okay. Is that where you were standing when you
24 yelled?

25 A Yes, sir.

1 Q All right. If you take a right, does that go up to
2 your room?

3 A Yes, sir.

4 Q State's 19?

5 A That's -- that door right there is in my room. And
6 that's the door that I -- or the window I used to look
7 out of once I came back up the steps.

8 Q All right. Is that the window you were looking out
9 of when you saw the car leave?

10 A Yes, sir.

11 Q Is that where you heard another gunshot?

12 A Yes, sir.

13 Q Okay. State's No. 20?

14 A That's looking out of my door. And right in here is
15 where they were parked.

16 Q All right. And kind of show the jury which
17 direction they left the ---

18 A So they were parked here. And then they came
19 through those trees and went out that way.

20 Q All right. What does State's 21 show?

21 A That is our driveway coming out. They came from
22 this way and came out this way.

23 Q State's 22?

24 A That's still the same driveway that they had left
25 from.

DIRECT EXAMINATION BY MR. WEEKS - BRIELLE BUSBEE 151

1 Q In State's 39 what does it depict? All right.

2 Right around there.

3 A That's the car that I saw.

4 Q All right. Have a seat, if you would, back ---

5 A Thank you.

6 Q --- up there and watch your step.

7 (Whereupon, the witness entered the witness stand.)

8 Q Now, the car wasn't in that condition ---

9 A No, sir.

10 Q --- when you saw it ---

11 A No, sir.

12 Q --- was it?

13 Okay. Brielle, could you tell how many people were
14 in the car when it left?

15 A No, sir. I knew there was at least two.

16 Q Could you tell how many people were in your house
17 when they were in there?

18 A I knew there was at least one.

19 Q Okay. And how many total gunshots did you hear?

20 A Two.

21 Q Did you shoot at anybody?

22 A No, sir.

23 Q Who, if anybody else, arrived after Officer Lively
24 to your house? Did anybody else come ---

25 A My mom eventually came.

1 Q Okay. How about anybody else from the sheriff's
2 department?

3 A The investigator.

4 Q All right. Would that be Stuart Graybeal ---

5 A It is. Yes, sir.

6 Q --- right there?

7 Okay. Brielle, answer any questions the defense has
8 for you, okay?

9 A Yes, sir.

10 THE COURT: Cross-examination?

11 MR. CHESSER: Your Honor, I don't have any -- I
12 don't have any questions for this witness.

13 THE COURT: Thank you, ma'am. You may step down.

14 (Whereupon, the witness exited the witness stand.)

15 THE COURT: Call your next witness, please.

16 MR. WEEKS: Your Honor, the state would call Doug
17 Busbee.

18 THE COURT: Come around, please.

19 (Whereupon, the witness came forward.)

20 DOUG BUSBEE, having been first duly sworn,
21 testified as follows:

22 THE WITNESS: My name is Carl Douglas Busbee.

23 DIRECT EXAMINATION

24 BY MS. HALL:

25 Q Good morning, Mr. Busbee.

DIRECT EXAMINATION BY MS. HALL - DOUG BUSBEE 153

1 A Morning.

2 Q How are you related to Brielle?

3 A She's my daughter.

4 Q And were you living with her at [REDACTED]

5 [REDACTED] back in June 9th of 2016?

6 A Yes, ma'am.

7 Q Is that your family's home?

8 A Yes, ma'am.

9 Q You own that home?

10 A Yes, ma'am.

11 Q How long have you lived in Wagener?

12 A I've lived in Wagener for 53 years -- almost 53
13 years.

14 Q Do you also work in Wagener?

15 A Yes, ma'am.

16 Q Okay. Where do you work?

17 A I work at -- at Busbee Truck Parts. It's ---

18 Q About how far is that from your house?

19 A It's about a mile and a half to two miles.

20 Q Okay. And how did you become aware of the home
21 invasion on June 9th of 2016?

22 A Brielle called me on her cell phone and called me on
23 my cell phone.

24 Q What did she tell you?

25 A She says, "Come home quick."

1 Q How long did it take you to get home after you got
2 that call?

3 A Less than five minutes.

4 Q Okay. When you got there, had law enforcement
5 gotten there yet?

6 A No, sir. No, ma'am.

7 Q Did they arrive shortly after?

8 A They did. They came in right after -- right after I
9 got there, less than a minute.

10 Q Once you got home, did Brielle talk to you about
11 what had happened?

12 A Yes, ma'am.

13 MR. CHESSER: Your Honor, I would object to the
14 relevance. And I would consider this bolstering and
15 hearsay.

16 THE COURT: Relevance is denied. Bolstering is
17 denied. What's hearsay, now?

18 MR. CHESSER: Well, what he proposed to do at this
19 point is to testify as to what Brielle told him.

20 MS. HALL: No, Your Honor. We're not intending to
21 get into that.

22 THE COURT: All right. Ask a question.

23 MS. HALL: Thank you, Your Honor.

24 Q Based on what she told you, were you able to help
25 provide a description of the suspect vehicle to law

DIRECT EXAMINATION BY MS. HALL - DOUG BUSBEE 155

1 enforcement?

2 A Yes, ma'am.

3 Q Okay. And while law enforcement was there, did they
4 collect any evidence from your house, in the front yard
5 or ---

6 A Yes, they did. They found several shell casings.

7 Q Okay. And do you own some handguns ---

8 A Yes, ma'am.

9 Q --- yourself?

10 Do you ever shoot those handguns in your front yard?

11 A No, ma'am.

12 Q All right. I'm going to show you a few exhibits
13 real quick. Mr. Busbee, I'm showing you what's
14 previously been marked and entered into evidence and
15 State's Exhibits 11 through 13. If you could look
16 through those for me.

17 A Yes, ma'am. This is the -- the side door or -- at
18 the ramp where the -- where the door casing has been
19 broken. It was kicked in. And this is the door if you
20 -- and it's got a dent in it where it was kicked or hit.

21 Q Was that dent there before you left for work that
22 day?

23 A No, ma'am.

24 Q All right.

25 A This is ---

1 Q State's 13?

2 A This is also the same -- same door, different
3 perspective, with the -- with the door being dented and
4 the door casing broken.

5 Q Okay. When you left for work, was that door casing
6 busted up?

7 A No, ma'am.

8 Q All right. Thank you. Have you ever given William
9 Chandler or any of these other guys involved permission
10 to be at your house or permission to kick in that door?

11 A No, ma'am.

12 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

13 Q That's all the questions I have for ou, Mr. Busbee.
14 Please answer any Mr. Chesser may have.

15 A Yes, ma'am.

16 THE COURT: Cross?

17 MR. CHESSER: No questions, Your Honor.

18 THE COURT: Thank you, sir. You may step down.

19 (Whereupon, the witness exited the witness stand.)

20 THE COURT: Call your next witness.

21 MR. WEEKS: The state would call Arthur Boyce.

22 (Whereupon, the witness came forward.)

23 ARTHUR BOYCE, having been first duly sworn,
24 testified as follows:

25 THE WITNESS: My name is Arthur L. Boyce.

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 157

DIRECT EXAMINATION

1
2 BY MR. WEEKS:

3 Q Mr. Boyce, where do you live?

4 A [REDACTED], Aiken County.

5 Q And how long have you lived there?

6 A About 15 years.

7 Q Who do you live there with?

8 A My wife and two kids.

9 Q And how old are your kids?

10 A At the time they was 15 and 16.

11 Q All right. Is your house in Aiken County?

12 A Yes.

13 Q And where do you work?

14 A I work for Lexington County District 1, Gilbert

15 Middle ---

16 Q Say that a little slower for me, Arthur.

17 A Lexington County District 1 at Gilbert Middle

18 School.

19 Q Okay. Do you work at different locations or is that
20 your sole location?

21 A The sole location.

22 Q Okay. Were you living -- you say you lived there
23 about 15 years?

24 A Yes, sir.

25 Q Were you living there on June the 9th, 2016?

1 A Yes, sir.

2 Q Do you remember that day?

3 A Yes, sir.

4 Q What happened that day?.

5 A I got call from my wife to say come home, the house
6 had been broken in.

7 Q Okay. And did you go immediately home?

8 A Yes, sir.

9 Q And when you got to your house, what did you find?

10 A When I got to my house, I -- my wife -- the front
11 door was open. I told her not to go in; wait till the
12 sheriff come. I think that an investigator came first
13 and told her they was in pursuit of the ---

14 Q Okay. But what did you see at your house when you
15 got there?

16 A When I was -- as I saw my house, I walked around the
17 outskirts of the house. And I saw the whole back -- my
18 French-door glass, a -- a big old cinder block was
19 throwed through it.

20 Q Cement block?

21 A Uh-huh.

22 Q Did you go in your house?

23 A No, sir. Not at ---

24 Q At some point ---

25 A --- the time.

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 159

1 Q --- when the deputy got there?

2 A When the deputy came, yes, sir, we did.

3 Q All right. And was anything ---

4 A Yes, sir.

5 Q --- changed?

6 A Yes, sir. They kind of trashed the house. The back
7 French-door glass, a big cinder block was thrown on the
8 kitchen table. Because when you go through that door,
9 it's a kitchen table there. And it was a big block with
10 glass all over the place in there.

11 And then, we -- on into that, to the right it's the
12 living room. It's a open living room and dining room
13 area. I think they snatched my 55-inch smart TV and ---

14 Q Okay. Say that slower.

15 A My 55-inch smart TV. It was a Vizio television.

16 And when you go in through the kitchen, it's our
17 bedroom. And on our dresser it was another television,
18 which stood on the stand. And they snatched that down
19 too. That was thrown in the center of the floor. They
20 took that TV as well. They ---

21 Q What was thrown in the center of the floor?

22 A The TV stand.

23 Q Okay.

24 A Thrown in the center of the floor.

25 Q All right.

1 A Because I -- I guess they just snatched it and ran.
2 And they went in my son's room, which is across the
3 kitchen, across the living room area. His bedroom is to
4 the right. They took his PlayStation games and kind of
5 trashed his room too. I think they took some other items
6 too, like I think he had a pair of boots or something
7 they took, some of his games. And we had a change jar
8 with some change, and they took that too.

9 Q Well, ultimately, were any of those items recovered
10 and returned to you?

11 A Yes, sir. They told us to just take the TVs home
12 and his game home to see if we can get it to play. It
13 was some change. I mean, it was all over the place.
14 They didn't get it all, so it was some change.

15 But we took it home to try to plug it up. Nothing
16 worked, so we end up taking it to the dumps.

17 Q Okay. If you take a left out of your driveway,
18 where -- what road are you on?

19 A I think that's Salley Road, I think.

20 Q Okay. If you go down Holiness Church Road for a
21 little ways?

22 A Yeah.

23 Q Do you ultimately get on Salley Road or ---

24 A No, sir.

25 Q --- can you ultimately get on Salley Road?

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 161

1 A You can. Yeah.

2 Q Okay. And how far is that away from your house?

3 A Like minutes.

4 Q Minutes?

5 A Yeah.

6 Q Okay. Mr. Boyce, I'm going to ask you to step down
7 here, if you would, and identify some of these pictures.

8 (Whereupon, the witness exited the witness stand.)

9 Q Mr. Boyce, I'm handing you what's marked State's
10 Exhibits 23 through 38 ---

11 A All right.

12 Q --- inclusive.

13 MR. WEEKS: And these are without objection, Your
14 Honor.

15 THE COURT: 23 ---

16 MR. WEEKS: And we move ---

17 THE COURT: --- to 38?

18 MR. WEEKS: --- them into evidence.

19 THE COURT: These are in evidence without objection,
20 Mr. Chesser?

21 MR. CHESSER: No objection, Your Honor.

22 THE COURT: Mark those in evidence, please.

23 (Whereupon, State's Exhibits 23 through 38 were
24 entered into evidence.)

25 MR. WEEKS: (To his assistant) If you could go to

1 23.

2 Q Mr. Boyce, can you identify what's in State's
3 Exhibit 23? You can look on there.

4 A Yes, sir. That is my -- coming in off the road on
5 the front driveway ---

6 Q All right.

7 A --- to my house.

8 Q That's your house?

9 A Yes, sir.

10 Q State's 24?

11 A That's the driveway around the house, going to the
12 back part of the house.

13 Q State's 25?

14 A Still going around the backside of the house, then
15 close to the back deck around.

16 Q All right. Speak up a little louder for the young
17 lady there. What's State's 26?

18 A That's going up the back steps to the back French
19 door to my dining room there.

20 Q All right. State's 27?

21 A That's the -- going into the back door is my kitchen
22 to -- where they ---

23 Q But ---

24 A --- threw the -- where they threw that big cinder
25 block.

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 163

1 Q Two little -- well, was that door like that when you
2 and your wife left for work that day?

3 A No, sir.

4 Q Okay. State's 28?

5 A That's into the little dining room area we had. And
6 that's the big block sitting right there on the bench.

7 They threw it through the glass.

8 Q The cinder block sitting on the bench?

9 A Yes, sir.

10 Q Okay. What is depicted in State's 29?

11 A That there is the converter box that we had with the
12 TV and then ---

13 Q Which TV was that?

14 A I think that's the -- the TV -- that one was to the
15 big, 55-inch smart TV.

16 Q It was for one of them. Did you have similar boxes
17 on ---

18 A Yes, sir. The one -- I think that -- no. Actually,
19 that one came out of the bedroom because they probably
20 drug it because they didn't take it apart. That one came
21 out of the bedroom, because they didn't have -- the smart
22 TV what they need for that, it was the one in the
23 bedroom.

24 Q All right. What -- whichever TV it was from, it
25 wasn't there when you left that morning, was it?

1 A No, sir.

2 Q Okay. State's 30, just a closer-up picture of it?

3 A Yes, sir. That's the one that's in the bedroom.

4 Q All right. State's 31, what does that depict?

5 A That's the bedroom where we had the TV sitting on
6 that stand that's on the floor. And the TV was on the
7 dresser. Looked like they just -- they snatched it all
8 and ran.

9 Q All right. You mentioned some TV frame, State's 32.

10 A Yeah. That's the -- that's the stand that the TV
11 was on.

12 Q Okay.

13 A Yeah.

14 Q It wasn't like that when you left that morning?

15 A No, sir.

16 Q Okay. State's 33?

17 A That's my son's bedroom where he had his PlayStation
18 and stuff -- I mean, that stand ---

19 Q Those ---

20 A --- or his ---

21 Q --- a little bat-looking things there, what are
22 they?

23 A Those are remote controls to his game.

24 Q Okay. Were there also some games taken?

25 A Yeah, it was.

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 165

1 Q State's 34, do you recognize what's depicted in that
2 picture?

3 A That's the TV that was in the bedroom.

4 Q Okay. And State's 35?

5 A That's the TV, I think, that's in the living room.

6 Q Okay. And if you can see in the State's 36, the ---

7 A That's -- that's the -- that's the smart TV ---

8 Q Is that ---

9 A --- the 55 ---

10 Q --- the big one?

11 A The 55. Yes.

12 Q Okay. And State's 37?

13 A Yes, sir.

14 Q Is that the big one also?

15 A That's the big one also. Yes, sir.

16 Q What is State's 38, if you can tell me?

17 A That's the PlayStation3 game.

18 Q PlayStation 3, that's your son's video game?

19 A Yes, sir.

20 Q Okay. You can have a seat back up there, please.

21 (Whereupon, the witness entered the witness stand.)

22 Q Mr. Boyce, do you know the defendant?

23 A No, sir, I don't.

24 Q Did you ever give him permission to be at your house
25 or in your house?

1 A No, sir, I didn't.

2 Q Okay. And approximately, if you recall, what time
3 did you get home?

4 A About 5:45, I think.

5 Q 5:45 approximately?

6 A Yes.

7 Q And was there an officer already there?

8 A There was just my wife standing in the driveway.

9 Q Okay. And did a officer arrive there shortly?

10 A I think the detective did, I think.

11 Q All right.

12 A And he told us they was in pursuit, because we had
13 to call. And they said they already was in pursuit.

14 Q Don't tell me what he told you. But the detective
15 arrived there?

16 A Yes, sir.

17 Q Okay. And the pictures that I've shown you, he took
18 those pictures?

19 A Yes, sir. I think he did.

20 Q Okay.

21 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

22 Q I left one out of the stack, Mr. Boyce. I'm handing
23 you what's marked State's Exhibit 84. What does that
24 show?

25 A That's shows ---

DIRECT EXAMINATION BY MR. WEEKS - ARTHUR BOYCE 167

1 MR. WEEKS: It's in evidence, Your Honor, without
2 objection.

3 A It shows where we had our 55-inch smart TV.

4 Q It was on that ---

5 A It was on that ---

6 Q --- dresser?

7 A Yeah. It's on that TV stand. Yes.

8 Q Okay.

9 THE COURT: Is that in evidence?

10 MR. CHESSER: I don't ---

11 MR. WEEKS: I think ---

12 MR. CHESSER: --- know.

13 MR. WEEKS: --- it's without objection, Your Honor.

14 (Whereupon, Mr. Weeks and Mr. Chesser conferred.)

15 MR. CHESSER: We don't have an objection to State's
16 No. 84.

17 THE COURT: Mark it into evidence, please.

18 (Whereupon, State's Exhibit 84 was entered into
19 evidence.)

20 Q Answer any questions the defense has for you, Mr.
21 Boyce.

22 MR. WEEKS: You ---

23 A Yes, sir.

24 MR. WEEKS: --- want that up, Mike?

25 MR. CHESSER: No.

1 CROSS-EXAMINATION

2 BY MR. CHESSER:

3 Q Good morning, Mr. Boyce.

4 A Morning.

5 Q You stated that you got a call from your wife that
6 afternoon?

7 A Yes, sir.

8 Q Okay. Do you know what time she got home to your --
9 to your house?

10 A I want to say a little bit after five.

11 Q May I ask you: I -- I have a little -- I'm hard of
12 hearing very bad in this ---

13 A Uh-huh.

14 Q --- ear. And I've got -- I use this one. Can you
15 speak up just a little more?16 A I think a little after -- about five, I think, a
17 little after five.

18 Q She called you when she got home, though?

19 A Yeah.

20 Q Okay. And so how long had you and she been out of
21 the house?

22 A Well, I don't usually get off till six.

23 Q Sir?

24 A I don't usually get off of work till six.

25 Q Yes, sir. What I was asking is how long had y'all

CROSS-EXAMINATION BY MR. CHESSER - ARTHUR BOYCE 169

1 both been out of the house? In other words, she came
2 home and found the house changed and broken into, right?

3 A Yes, sir.

4 Q So how long had the house been without an occupant
5 or with nobody home?

6 A Practically all day. They was at school all that
7 morning. I -- could've been eight/nine hours, I'm ---

8 Q In other words, it -- there was this period of eight
9 or nine hours when no one was there, right?

10 A Yes.

11 Q And then your wife came home around five?

12 A Yes.

13 Q All right. And so obviously, you didn't see anybody
14 doing this?

15 A No, sir. How could I?

16 Q Right. So you just came home -- your wife came home
17 and she found it like this, right?

18 A Yeah. Yes, sir.

19 Q Okay. Thank you, Mr. Boyce.

20 A Uh-huh.

21 THE COURT: Redirect?

22 MR. CHESSER: No redirect, Your Honor.

23 THE COURT: Thank you, sir. You may step down.

24 THE WITNESS: All right. Thank you, Your Honor.

25 (Whereupon, the witness exited the witness stand.)

1 THE COURT: All right. Ladies and gentlemen, we'll
2 take a ten-minute break. Don't discuss the case. I'll
3 get you back out here as quickly as I can. Follow the
4 bailiff, please.

5 (Whereupon, the jury exited the courtroom at 11:44
6 a.m.)

7 THE COURT: Court's in recess for ten minutes.
8 (Off the record from 11:44 a.m. until 12:01 p.m.)

9 THE COURT: State is ready for the jury?

10 MR..WEEKS: State is ready, Your Honor.

11 THE COURT: Defense?

12 MR. CHESSER: Yes, Your Honor.

13 THE COURT: All right. Bring the jury in, please.

14 THE BAILIFF: Yes, sir.

15 (Off the record briefly.)

16 (Whereupon, the jury entered the courtroom at 12:01
17 p.m.)

18 THE COURT: Call your next witness, please.

19 MS. HALL: The state calls Deputy Lively.

20 THE COURT: Come around, please, sir.

21 CLERK OF COURT: Deputy?

22 (Whereupon, the witness came forward.)

23 KENNETH LIVELY, having been first duly sworn,
24 testified as follows:

25 THE WITNESS: Kenneth T. Lively.

DIRECT EXAMINATION BY MS. HALL - KENNETH LIVELY 171

1 DIRECT EXAMINATION

2 BY MS. HALL:

3 Q Deputy Lively, where are you employed?

4 A Aiken County Sheriff's Office.

5 Q In what capacity?

6 A I'm a road-patrol deputy.

7 Q What all does that entail? What's your job duties?

8 A Emergency first responder, any call for service.

9 Anybody calls 911, we respond. We're the first ones on
10 scene.

11 Q How long have you held that position?

12 A Ten years now.

13 Q And what is your prior work history?

14 A About a year with Richland County Sheriff's
15 Department. And before that I did four years in the
16 Marine Corps. Before that I was a construction worker.

17 Q Okay. And were you working with Aiken County
18 Sheriff's Office as a deputy on June 9th, 2016?

19 A That's correct.

20 Q How did you become involved in this case?

21 A There was a tone drop, which is all cars respond
22 when a tone drop is -- is happening. It's threatening to
23 life or property, which is -- can be considered as
24 capacity.

25 You turn on your emergency equipment. You go as

DIRECT EXAMINATION BY MS. HALL - KENNETH LIVELY 172

1 fast as you can. Do -- do regard the public's safety.
2 And it's all -- all available cars on that end of the
3 county will respond to it.

4 Q And were you called out to [REDACTED] ?

5 A That's correct.

6 Q To the Busbees?

7 A That's correct.

8 Q And where were you when you got that call initially?

9 A The Wagener substation.

10 Q Okay. And about how long did it take you to get to
11 the Busbees' residence?

12 A Approximately five minutes.

13 Q Okay. And who was at the residence when you
14 arrived?

15 A Mrs. Busbee.

16 Q Okay. And did anybody arrive shortly thereafter?

17 A Her father and I arrived within a short time frame
18 of each other.

19 Q Okay. And what was Brielle's demeanor when you
20 arrived or when you got there?

21 A She was very upset, visibly upset.

22 Q Were you able to get a report from her of what
23 happened?

24 A Yes, ma'am.

25 Q And did she provide you with a description of the

DIRECT EXAMINATION BY MS. HALL - KENNETH LIVELY 173

1 suspect's vehicle?

2 A A white SUV, possibly station wagon, at the time.

3 Q Okay. And were y'all able to get more details as to
4 the specifics of that car?

5 A Yes, ma'am.

6 Q Okay. And what car ultimately were you able to
7 determine it was?

8 A A white Dodge Magnum.

9 Q Okay. And did you relay that over the radio to
10 other law enforcement?

11 A Yes, ma'am. I gave a BOLO, which is standard
12 protocol for any vehicle that we're looking for involved
13 in a crime.

14 Q After you were able to give out that BOLO, did you
15 observe any damage to the Busbees' residence?

16 A There was a door that -- that had a fresh kick mark,
17 a -- a dent in it. And the -- the doorjamb had been
18 busted open.

19 Q All right. Deputy Lively, I'm showing you what has
20 previously been marked and entered into evidence as
21 State's 11 through 13. If you could look at these
22 pictures for me.

23 A (Complied.)

24 Q Is that how the side door of the Busbees' looked
25 when you got there?

1 A That's correct.

2 Q And once you arrived, did you secure the scene?

3 A Yes, ma'am.

4 Q Okay. And what's the purpose of that?

5 A So no evidence is tampered with. We try to keep
6 everything as fresh as possible for investigators showing
7 up.

8 Q And did an investigator then show up?

9 A Yes, ma'am.

10 Q Okay. Who was that?

11 A Investigator Graybeal.

12 Q Okay. And did you personally check for or look for
13 any evidence, collect any evidence?

14 A I looked for it. I just pointed it to out to the
15 investigator what -- what we had on the crime scene.

16 Q Okay. And then the investigator took over the
17 scene?

18 A Yes, ma'am.

19 Q Okay. Do you remember about how long you stayed at
20 the house with Brielle and her family?

21 A I think just over an hour.

22 Q Okay. And when you left their residence, where did
23 you go?

24 A Just down the road, at [REDACTED], for
25 another burglary.

DIRECT EXAMINATION BY MS. HALL - KENNETH LIVELY 175

1 Q Okay. Before that, did you go anywhere else related
2 to this case?

3 A I was catching up with the vehicle pursuit that was
4 in progress with the white Dodge Magnum. It was just
5 maybe eight minutes down the road. By the time I caught
6 up with it, it flipped over. And they were on foot then.
7 So it -- I turned over all that to other responding units
8 and a dog team.

9 Q Okay. And then you went to [REDACTED]

11 A That's correct.

12 Q And where is that residence in relation to the
13 Busbees' residence?

14 A Maybe one mile down the road, possibly.

15 Q Okay. Same road, just down the road?

16 A Yes, ma'am.

17 Q Okay. Deputy Lively, I'm showing you what is
18 previously entered into evidence as State's 23, 27, and
19 28. If you would look at those photos for me.

20 A (Complied.)

21 Q Is that the residence you responded to at [REDACTED]

23 A That is it.

24 Q Okay. And is that how the back door appeared when
25 you arrived?

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 177

1 testified as follows:

2 THE WITNESS: William D. Smith.

3 DIRECT EXAMINATION

4 BY MR. WEEKS:

5 Q Deputy Smith, where are you employed?

6 A The Aiken County Sheriff's Office.

7 Q And how long have you been employed there?

8 A Three years.

9 Q And were you unemployed there June the 6th of --

10 June the 9th -- I'm sorry -- of 2016?

11 A I was.

12 Q What were your duties on June the 9th of 2016 with
13 the sheriff's department?

14 A It was just a regular day. Deputy Lively hit on
15 what routine, you know, patrol duties are. They notified
16 us of a burglary in progress. They dropped tones for a
17 burglary in progress, and ---

18 Q What do ---

19 A --- I was ---

20 Q --- mean by dropping tones, for those of us that
21 don't wear one of those things on us?

22 A A -- a standard call, if you would. They would just
23 notify us to prepare to copy a call. We would respond,
24 driving in a normal fashion. Dropping tones means that
25 somebody's life is in danger. It's a serious crime in

1 progress. Somebody's in danger; property's in danger.

2 And they sound actual tones on the radio, emergency-
3 sounding tones, which signifies to everybody that there's
4 an emergent situation. It goes on. Everybody pays
5 attention. And multiple units respond, driving, like he
6 said, as fast as we can. So ---

7 Q And before you started heading toward those -- the
8 location given to you, where were you at?

9 A I was at the Windsor EMS substation at Cedar Road
10 and Wren Road in Windsor.

11 Q Okay. And to proceed toward that location, did you
12 go down Aiken State Park Road?

13 A I did. Yes, sir.

14 Q And what did you do when you got to the intersection
15 of State Park Road and what I would call Highway 4? I'm
16 not sure -- Salley Road?

17 A Yes, sir. That's -- it's still -- it's 302, Highway
18 4. It's all those in one. At State Park and 302, I
19 turned right. And then at the next intersection up,
20 which is Salley Road veering off to the left, S.C. 394,
21 that is the road that I turned left on, was 394.

22 Q Okay. And while you were traveling that direction,
23 did you have your blue lights and siren on?

24 A For a certain amount of time, yes, sir.

25 Q And were you videotaping?

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 179

1 A Yes, sir.

2 Q All right. All right. Can you tell me what, if
3 anything, happened on Salley Road that changed your path?

4 A When I was traveling down Salley Road, I heard
5 Deputy Lively put out a BOLO for the subject vehicle
6 being a white-in-color Dodge Magnum. As I was nearing
7 the incident location that I was responding to, I
8 deactivated my emergency equipment. Because I was in the
9 area; I didn't want to, you know, spook anybody off if
10 they were still in the area.

11 And it was a -- a very, very, very short time frame
12 that passed from the time that he updated us on the
13 subject vehicle being a white Dodge Magnum that I saw a
14 white-in-color Dodge Magnum traveling in the opposite
15 lane as me at a high rate of speed, passing me. At that
16 point in time, I turned around near the intersection of
17 Kitchens Mill and activated all my emergency equipment
18 again when I followed behind him.

19 Q Okay. And did you converse with dispatch, telling
20 them what you were doing?

21 A I did. Yes, sir.

22 Q And was your videotape machine on in the car at that
23 time?

24 A Yes, sir. It was -- it was on continuously.

25 Q All right. Were you able to catch up to that

1 vehicle?

2 A I was.

3 Q Tell me how you did that, and tell me how it
4 progressed.

5 A I turned around. Like I said, I was on Salley Road.
6 I turned around near the intersection of Kitchens Mill.
7 Whenever I arrived back at the intersection where it
8 comes back out to Highway 4, as you mentioned earlier, I
9 -- I pulled out into the intersection.

10 I couldn't see if they had turned left or right. I
11 checked my left. I didn't see anything. I looked right.
12 I saw that vehicle traveling down that way. So I turned
13 right and followed it.

14 I started to catch back up to it near the
15 intersection of 302 and State Park, the same route that I
16 had traveled to the incident location from. I saw it
17 turn left on State Park Road. And I continued to pursue
18 it down State Park Road, eventually catching up to it on
19 State Park Road, and maintaining a safe distance behind
20 it.

21 Q And what kind of speeds were you up while you were
22 pursuing this vehicle?

23 A Very high speeds, sir. Speeds well in excess of 100
24 miles an hour -- 115, if I would say.

25 Q All right. And what were the visual conditions on

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 181

1 the roadway at that time?

2 A They were fine. It was a -- it was a nice day. It
3 was during day shift. I had nothing that would impair my
4 -- my -- my line of sight to the car.

5 Q And how about their line of sight to your blue
6 lights and -- your blue lights?

7 A There ---

8 Q Was there ---

9 A --- was nothing -- there was nothing that would have
10 impaired them being able to see it or hear the siren.

11 Q And how close did you get to them before the
12 ultimate end of the chase?

13 A I was within a -- once I caught back up to them, I
14 stayed within 100 yards of the car.

15 Q And you didn't do anything to the car? You didn't
16 bump it or ---

17 A No, sir. There was never any contact between my
18 vehicle and theirs.

19 Q All right. Did you have any idea how many people
20 were in that car, or what was the situation ---

21 A I knew that ---

22 Q --- with the ---

23 A --- there was multiple people inside the car. But I
24 did not know an exact number.

25 Q Okay. In the entire time that you pursued up until

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 182

1 the crash and, really, 'even for a long time after that,
2 was your videotape playing ---

3 A Yes, sir ---

4 Q --- or running?

5 A --- it was.

6 Q And have you watched the videotape of that incident?

7 A I have.

8 Q And I'm going to hand you what's marked State's
9 Exhibit No. 40 and ask if you know what that CD contains.

10 A Yes, sir, I do.

11 Q How do you know that's the one?

12 A I've initialed this -- this exact copy.

13 Q And you've viewed it?

14 A Yes, sir.

15 Q And is it a true and accurate copy of your
16 automobile -- your patrol-car videotape?

17 A Yes, sir, it is.

18 (Whereupon, Mr. Weeks and Mr. Chessser conferred.)

19 MR. WEEKS: The state moves to enter Exhibit No. 40
20 into evidence. And ---

21 THE COURT: Any ---

22 MR. WEEKS: --- I understand ---

23 THE COURT: --- objection?

24 MR. WEEKS: --- that's without objection.

25 MR. CHESSER: No objection.

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 183

1 THE COURT: Mark it into evidence, please.

2 (Whereupon, State's Exhibit 40 was entered into
3 evidence.)

4 MR. WEEKS: Your Honor, the state would be -- could
5 be allowed to publish it. It's not particularly long,
6 five or six minutes.

7 THE COURT: Sure.

8 MR. WEEKS: My computer guy tells me it's 15
9 minutes, so ---

10 THE COURT: Okay.

11 (Off the record briefly.)

12 (Whereupon, a portion of video was published in open
13 court.)

14 Q Deputy Smith, since the audio is not working right
15 now on this video, is your car going lights and sirens
16 right now?

17 A Yes, sir, it was.

18 Q And is that State Park Road you were heading, I
19 guess, north on?

20 A Yes, sir, it is.

21 (Whereupon, a portion of video was published in open
22 court.)

23 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

24 Q Deputy Smith, are you going through Aiken State Park
25 there on that video?

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 184

1 A Yes, sir.

2 Q How fast are you going there?

3 A About 90/95 miles an hour.

4 (Whereupon, a portion of video was published in open
5 court.)

6 Q And at that stop sign that just flashed by, are you
7 taking a right there?

8 A Yes, sir.

9 Q Okay.

10 MR. WEEKS: Your Honor, we have a technological
11 moment.

12 THE COURT: Sure.

13 MR. WEEKS: We need a break to ---

14 THE COURT: Ladies and ---

15 MR. WEEKS: --- produce the audio.

16 THE COURT: --- gentlemen, please step in the jury
17 room. Don't discuss the case.

18 (Whereupon, the jury exited the courtroom at 12:23
19 p.m.)

20 THE COURT: We're at ease.

21 MR. WEEKS: Sir?

22 THE COURT: We're at ease.

23 MR. WEEKS: Okay. Thank you.

24 (Off the record from 12:23 p.m. until 12:26 p.m.)

25 THE COURT: You ready?

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 185

1 MR. WEEKS: Yes, sir. And for -- for the record,
2 we're going to move to substitute the original for the
3 copy that was not playing on the VCR like it should've.

4 THE COURT: Any objection to that?

5 MR. CHESSER: Sir?

6 THE COURT: Any objection to putting the original as

7 ---

8 MR. CHESSER: No, sir.

9 THE COURT: --- in its place?

10 MR. WEEKS: And that would be State's Exhibit 40.

11 THE COURT: Okay. All right. So it's cued up and
12 you're ready to go?

13 MR. WEEKS: We're ready, Your Honor.

14 THE COURT: Bring the jury, please.

15 (Off the record briefly.)

16 (Whereupon, the jury entered the courtroom at 12:26
17 p.m.)

18 THE COURT: I don't see but eleven.

19 CLERK OF COURT: Yeah. We got one in the restroom.

20 (Off the record from 12:26 p.m. until 12:29 p.m.)

21 THE COURT: All right. You may continue, Mr. Weeks.

22 MR. WEEKS: Your Honor, we had stopped the video and
23 have now determined that we do have audio. And we're
24 going to continue the video from the -- approximately the
25 same spot.

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 186

1 THE COURT: Yes, sir.

2 (Whereupon, a portion of video was published in open
3 court.)

4 Q Deputy Smith, after that time depicted in the
5 videotape counter, your 15:50:50, did your videotape
6 continue to operate for some period of time thereafter?

7 A It did.

8 Q And did you dance in front of it or do anything that
9 we need to see?

10 A No, sir. Nothing ---

11 Q All right.

12 A --- special.

13 Q So after that you weren't able to catch somebody on
14 foot, were you?

15 A That is correct. I gave chase. I pursued after one
16 of the suspects into the woods. Whenever I was in the
17 woods, I tripped over a log and fell. Whenever I got
18 back up, I didn't see anybody. So I returned back up to
19 my car, the vehicle-crash site, and secured that scene.

20 Q Okay. And did other people arrive very shortly ---

21 A Yes, sir.

22 Q --- after that?

23 By other people, I mean other deputies, other law
24 enforcement.

25 A Yes, sir.

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 187

1 Q Okay. And the video that we've watched, other than
2 the audio not working the first few miles there, is that
3 a true and accurate depiction of what happened that day?

4 A Yes, sir.

5 Q Okay. There appears to be some debris in the road
6 there. Is the area where the car flipped over?

7 A Yes, sir.

8 Q Okay. And did you notice how many people bailed out
9 of that car?

10 A It was numerous. I believe, whenever -- after
11 reviewing the tape, you can see, you know, five subjects.
12 Whenever I originally radioed into dispatch, I believe I
13 told dispatch it was at least three. Because I could see
14 -- I saw for myself three people exit the right side of
15 the car.

16 But due to all the dust, debris, and -- and all that
17 -- and as you can see on the driver's side -- they
18 actually got out the car before it quit moving. I didn't
19 see everybody get out. I told dispatch that it was at
20 least three subject. But I didn't know an -- an accurate
21 total.

22 MR. WEEKS: One second, Your Honor, if you would.

23 THE COURT: Yes, sir.

24 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

25 Q The wreck scene right there that's depicted in the

1 video while it's stopped, Officer Smith, have you passed
2 by that previously on the same video going the other
3 direction?

4 A Yes, I did.

5 Q Okay. And how far do you estimate your total chase
6 was?

7 A Far?

8 Q (Nodded head up and down.)

9 A I don't know. It was -- the chase probably lasted
10 five minutes. At the speed we were going, I'd say -- I
11 don't know -- seven/eight miles maybe.

12 Q Okay. And the -- where the car is -- just this side
13 of where the car is, is that the intersection of -- what?

14 A That is the intersection of State Park Road and Oak
15 Ridge Club Road.

16 Q Okay. And Oak Ridge Club Road, is there a crossways
17 or ---

18 A Yes, sir.

19 Q --- complete intersection there?

20 A Yes, sir. Yes, sir. It's an intersection. You can
21 -- you can turn right on Oak Ridge Club. And I believe
22 at the it was a dirt road.

23 Q Dirt road?

24 A Yes, sir.

25 Q And if you go out, do you know what happens when you

DIRECT EXAMINATION BY MR. WEEKS - WILLIAM SMITH 189

1 go out Oak Ridge Church Road where you -- Oak Ridge
2 Hunting Club Road, do you know what you hit?

3 A Oak Ridge Club Road. It's been a while since I've
4 worked Windsor. If I'm not mistaken, whenever you go
5 down Oak Ridge Club Road, you go through a bunch of rural
6 area. A potato farm, I think, is out there now. And
7 that eventually comes back out to Highway 78.

8 Q All right. The car that you were chasing -- I'm
9 going to hand you what's marked State's No. 39 and ask
10 you if you can identify that.

11 A Yes, sir. That's the car that I chased that day.

12 Q That's the way it looked after it did ---

13 A After it ---

14 Q --- the somersaults?

15 A --- crashed. Yes, sir.

16 Q Okay.

17 A That's what it looked like.

18 Q And after you got there and secured the scene, other
19 participants from the sheriff's department collected
20 stuff and did their thing; is that right?

21 A Yes, sir.

22 Q Okay. Officer Smith, answer any questions that Mr.
23 Chesser has for you.

24 THE COURT: Cross?

25 MR. CHESSER: Thank you, Your Honor.

CROSS-EXAMINATION BY MR. CHESSER - WILLIAM SMITH 190-

CROSS-EXAMINATION

1

2 BY MR. CHESSER:

3 Q Deputy Smith, on that date, June 9th, you got a BOLO
4 before to be the lookout for a vehicle?

5 A Yes, sir.

6 Q And then you've testified you were looking for a
7 vehicle similar to that in the area?

8 A Yes, sir.

9 Q Okay. At some point you saw this white vehicle; is
10 that right?

11 A Yes, sir.

12 Q Okay. And the extent your involvement, then, was
13 this chase that we've seen on the video, correct?

14 A That is correct.

15 Q All right. Thank you. Nothing further.

16 THE COURT: Redirect?

17 MR. WEEKS: No further questions of Officer Smith,
18 Your Honor.

19 THE COURT: You may step down. Thank you.

20 (Whereupon, the witness exited the witness stand.)

21 THE COURT: How long is your next witness?

22 MR. WEEKS: My next witness isn't here, Judge.

23 THE COURT: Okay. Then, that answers my question.

24 MR. WEEKS: I thought it might. Thank you.

25 THE COURT: What time will the witness be here, at

1 two?

2 MR. WEEKS: Yes, sir. We're going a little faster
3 than I thought.

4 THE COURT: Ladies and gentlemen of the jury, we're
5 going to break for lunch till two o'clock. You're on
6 your own for lunch. I need you back in the jury room,
7 please, at two.

8 Remember, if you have some true emergency that
9 prevents you from being here on time, let us know. And
10 remember all those admonitions about not discussing the
11 case and avoiding media coverage and not doing
12 independent investigation.

13 Thank you so much. We'll see you at 2 p.m.

14 (Whereupon, the jury exited the courtroom at 12:42
15 p.m.)

16 THE COURT: All right. Ladies and gentlemen, if
17 you're involved in this case in any way or even if you're
18 not involved in the case in any way, be very careful as
19 you leave, that you don't have any contact with a juror
20 and that you're not talking about the case -- the case or
21 anybody in it in any way that might be overheard by a
22 juror. You may think the jurors are cleared out and
23 gone. But typically, they go through the same common
24 areas and use the same parking lots as everybody else.

25 Also, if you go to a local restaurant to eat, be

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 192

1 careful that you don't have any conversations that might
2 be overheard by a juror that relate to the case in any
3 way or anybody in the case. And don't have any contact
4 with a juror, please.

5 We're in recess till 2 p.m.

6 (Off the record from 12:43 p.m. until 2:06 p.m.)

7 (Whereupon, State's Exhibits 47, 75 through 79, and
8 85 through 89 were premarked for identification
9 while off the record.)

10 THE COURT: State ready for the jury?

11 MR. WEEKS: Yes, Your Honor.

12 THE COURT: Defense ready for the jury?

13 MR. CHESSER: Yes, Your Honor.

14 THE COURT: Bring them in, please.

15 (Off the record briefly.)

16 (Whereupon, the jury entered the courtroom at 2:06
17 p.m.)

18 THE COURT: Call your next witness, please.

19 MS. HALL: State calls Deputy Felton Craig.

20 (Whereupon, the witness came forward.)

21 FELTON CRAIG, having been first duly sworn,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MS. HALL:

25 Q Deputy Craig, where are you employed?

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 193

1 A With the Aiken County Sheriff's Office.

2 Q In what capacity?

3 A Member of the Aiken County bloodhound-tracking team.

4 Q How long have you been employed with the Aiken
5 County Sheriff's Office?

6 A I was hired March 3rd, 2016, with the sheriff's
7 office.

8 Q Was that road patrol?

9 A Yes, ma'am, that was road patrol.

10 Q And when did you become part of the bloodhound-
11 tracking team?

12 A October 31st, 2008, is when I became a member of the
13 tracking team.

14 Q If you could explain for the jury exactly what is
15 the bloodhound-tracking team? What do those dogs do?

16 A The bloodhounds we use are last-scent tracking dogs.
17 They're specifically trained to track the last scent of a
18 human, whether it be criminal or missing person or --
19 that's what we use them for, just to track people.

20 Q And what specialized training do you have as part of
21 the bloodhound-tracking team?

22 A Well, most of the members -- I think all of the
23 members now are a member of the SWAT team. But we also
24 have to attend an annual tracking school that's a
25 week-long accredited course where we specialize in hand

1 tracking, as well as working with the dogs and various
2 different wood tactics.

3 Q What's hand tracking?

4 A Hand tracking is pretty much looking for evidence
5 that -- that a person has left behind, whether it be what
6 we call signs. Could be something as easy as a toe dig
7 or crushed vegetation, any disturbance that is left by a
8 human.

9 Q And what are wood tactics?

10 A That's just different tactics we teach to -- when
11 you encounter someone -- maybe a dangerous subject or
12 something like that in the woods where we use --
13 utilize -- we teach to use different types of cover,
14 whether it be trees, different elevations. One of the
15 things we basically teach is if you have no cover,, get
16 low, and then find cover.

17 Q And is this training held for other agencies, or is
18 it just the Aiken County Sheriff's Office?

19 A Yes, ma'am. We hold the annual tracking school
20 every year around March, end of March, and it's opened up
21 for basically all agencies within the state of South
22 Carolina. Also, we do have some that come from various
23 other states. But mostly South Carolina ---

24 Q You're actually -- at this point, you're teaching
25 that training?

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 195

1 A Yes, ma'am.

2 Q And do y'all also do weekly training within the
3 sheriff's office?

4 A Yes, ma'am. We -- we train every -- Mondays as a
5 team.

6 Q How long has the bloodhound-tracking team been
7 utilized by the Aiken County Sheriff's Office?

8 A I believe it actually started in 1985 by our current
9 Sheriff Hunt.

10 Q And at that point, was it being used by other
11 agencies already?

12 A I believe so, yes.

13 Q Okay. And widely used?

14 A I would say so.

15 Q Okay. And proven to be accurate?

16 A Yes, ma'am. Uh-huh.

17 Q Can you estimate approximately how many times you've
18 been called out with the bloodhound-tracking team?

19 A I can't really give you an exact number. I would
20 probably say -- definitely in the hundreds.

21 Q Okay.

22 MS. HALL: Your Honor, at this time, the state moves
23 to have Deputy Felton Craig qualified as an expert in
24 human trafficking (sic) in the use of canines.

25 THE COURT: Voir dire?

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 196

1 MR. CHESSER: No, Your Honor.

2 THE COURT: Any objection?

3 MR. CHESSER: No objection.

4 THE COURT: So recognized. You may continue.

5 Q Deputy Craig, I'd like to talk a little bit about
6 the dogs that y'all use for tracking. What exactly are
7 the dogs detecting as they're tracking a human?

8 A They're tracking the skin cells of a human being.
9 We don't train them on an article of clothing, like you
10 typically see on TV. We just need a last known direction
11 of -- a person went, and they're trained to track that
12 last scent from the skin cells from a person.

13 Q Okay. And are they able to distinguish between two
14 different people, or how are they able to do that?

15 A Yes, they can. And we train them on that as far
16 as -- I think the way I usually explain it when we do
17 demos is everybody has a unique -- this may sound weird,
18 but everybody has a unique scent to them, whether it be
19 the type of deodorant you use, the soap, shampoo,
20 lotions, different things. And also what your body is
21 secreting if you're under stress, maybe adrenaline, sweat
22 glands that are coming off of your body.

23 Q And so each person has a different scent these dogs
24 can detect?

25 A Yes.

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 197

1 Q And where does the sheriff's office get the dogs
2 they use, and how are they trained?

3 A We do our own breeding at the sheriff's office and
4 we also train them ourselves. They typically start -- we
5 start training them about eight weeks old.

6 Q Can you explain that training process of what y'all
7 do to train them to track?

8 A Yes. About eight weeks old, we start training them
9 and it starts off as -- it's kind of a game of -- I guess
10 what you consider cat and mouse. You're just basically
11 running around, making a lot of noise, getting their
12 attention because they're puppies, and they're just
13 following you. But you're also giving them a command of
14 skit, s-k-i-t, and that's the only command we teach them,
15 and that's the only one they associate with tracking.
16 And then, like I said, then it progresses to where, say,
17 if I'm the suspect of the day and I run maybe
18 approximately 50 to 100 yards and the handlers are
19 holding them, giving them the command of "skit" and they
20 run towards me.

21 And like I said, it progresses to where I may run
22 off and hide, and then they see me hide, but they don't
23 know where I went, and then they actually have to start
24 using the nose. Because we can't teach them to use their
25 nose. That's something they're born with. So once they

1 start using their nose, it progresses into distance. And
2 also as far as the age of a trail, typically goes from
3 about a mile to two miles is the typical training. And
4 we let them track for about an hour to two hours.

5 Q So progressively, the degree of difficulty for these
6 trails gets harder and that's how y'all are able to train
7 them?

8 A Yes.

9 Q How long does it take to typically train a dog?

10 A Really, that depends on the dog. But typically, it
11 usually takes about a year to train the dogs. We have
12 had some exceptions where the dog was ready to go at six
13 months.

14 Q And what happens once a dog completes that training
15 and y'all are satisfied that he's able to successfully
16 track?

17 A We give him -- he earns his collar and he becomes a
18 member of the tracking team.

19 Q What are these dogs trained to do once they find
20 their target?

21 A We train them -- once they find their target is love
22 and affection. When they find us, we, you know, like I
23 said act like a bunch of kids and make a lot of noise and
24 give them a lot of love and affection, you know, pet
25 them, roll around in the dirt with them. That's their

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 199

1 reward. We don't give them toys or treats or anything
2 like that. They work for that praise and affection.

3 Q So they're not attacking the suspect once they're
4 located?

5 A No, ma'am.

6 Q What's the purpose of training them to love on the
7 person when they find them?

8 A The reason we train them to be -- I guess not
9 aggressive is because we do have to track other -- people
10 other than, I guess, criminals. We have to actually
11 track missing persons, whether it be an elderly person or
12 a missing child.

13 Q Do all of the dogs that y'all breed within the
14 sheriff's office make it through this training process?

15 A Not all of them. I wish they did, but not all of
16 them.

17 Q All right. Let's go to -- specifically the
18 tracking. Once the bloodhound-tracking team gets a call,
19 if you would walk us through what you're looking for and
20 how you actually get a dog started on the trail.

21 A All right. Once we get the initial call and we
22 arrive on the scene, we get a briefing from the -- either
23 the deputy on the scene or the supervisor usually who is
24 on scene and kind of tells us, gives us a physical
25 description of the person we're tracking, or that we have

1 to track. And whether it be the clothing description,
2 race, height, and weight if they got it, and the last
3 known direction they were headed, and also what we're
4 actually tracking for, whether it's a crime or a missing
5 person. They usually give us that briefing. Then we
6 have to find a starting point, and we also ask questions
7 as far as if anyone else has been in the area since this
8 has taken place, because they are last-scent tracking
9 dogs.

10 So once we determine all that and we know nothing is
11 contaminated, we kind of look for signs as far as
12 footwear impressions, toe digs, anything like that,
13 anything we suspect of what happened on that trail, and
14 he picks up on whatever last scent is in that area. And
15 once we're comfortable, we know this is the spot we need
16 to be in, we strike the dog and they start tracking.

17 Q And what is your responsibility while the dog is
18 tracking?

19 A My responsibility is to keep up with the dog, one.
20 It's my primary, but it's also to look for any other
21 signs as far as shoe impressions, toe digs or broken
22 branches, vegetation that's crushed, or anything like
23 that. But I'm also watching the bloodhound and watching
24 his demeanor, how he's working the area, kind of watching
25 out for him also.

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 201

1 Q So you're obviously looking for signs that the dog
2 is on the right trail?

3 A Correct.

4 Q You can visibly see other signs that someone has
5 gone through this area?

6 A Yes.

7 Q Okay. And how many dogs do you normally take out on
8 a typical call?

9 A Typical call, we normally take two dogs every time.

10 Q What is that purpose?

11 A The purpose of that is to -- I mean, depends on what
12 environment you're in. Basically we take two dogs
13 because if you have a long track and the dog gets tired
14 or exhausted, you don't want to run them to where they
15 pretty much collapse.

16 I mean, that's dangerous to a dog to get overheated,
17 so if we -- if we start seeing signs like that, we -- and
18 if it's -- depends on the temperature, too. We'll stop,
19 let that dog go -- get him some, you know, some water in
20 a cool environment and then we use the other dog to
21 continue tracking if we need to.

22 Q And were you part of the bloodhound tracking team
23 that was called out on June 9th, 2016?

24 A Yes.

25 Q Do you know about what time you were called out?

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 202

1 A I think it was about 3:55 or 4:00, somewhere around
2 there, I believe, in the evening.

3 Q And where did you respond initially?

4 A We responded to -- oh, goodness. I think it was the
5 corner of State Park and -- is it okay if I look at the
6 report just to see?

7 Q Absolutely.

8 A I think it was State Park and Oak Ridge Club Road in
9 Windsor.

10 Q I'm showing you what has previously been marked for
11 identification purposes as State's 44. Do you recognize
12 this scene?

13 A Yes.

14 Q Is that the scene you responded to?

15 A Yes.

16 Q On June 9th?

17 A Uh-huh.

18 MS. HALL: Your Honor, at this time, the state moves
19 to enter State's Exhibit 44 into evidence.

20 MR. CHESSER: No objection.

21 THE COURT: Mark it into evidence, please.

22 (Whereupon, State's Exhibit 44 was entered into
23 evidence.)

24 Q And on June 9th, 2016, which dogs did you have with
25 you?

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 203

1 A We had bloodhound Chase and also bloodhound Dooley.

2 Q And do both of those dogs have the training you
3 described earlier?

4 A Yes, 'ma'am.

5 Q Do you know about any calls each of those dogs have
6 been on?

7 A Chase -- I can't really give you a specific number.
8 Definitely say probably close to the hundreds. I mean --
9 and Dooley was around I think maybe two and a half at the
10 time, so he hadn't been on as many calls, but he was one
11 of the few exceptions where he was -- he got his collar
12 at six months old. So I can't really give you an exact
13 number of how many calls he's been on.

14 Q But plenty ---

15 A Yes. He's been on ---

16 Q --- prior to this?

17 A --- plenty.

18 Q Okay. What did you do once you arrived to this
19 wreck scene?

20 A I arrived on scene and got an initial briefing from
21 the road patrol supervisor and also from the deputy who
22 was involved, and basically asked where all he had been
23 and anyone else in the area as far as where he had chased
24 him.

25 Q What is the purpose of that?

1 A That is to basically rule out any contaminated areas
2 where I can actually strike the dog past where any police
3 have been or any other persons other than the specific
4 people we were supposed to be tracking.

5 Q Okay. And were you able to determine a spot where
6 you could put the dog out?

7 A Yes, ma'am.

8 Q And how would you do that? How did you make that
9 determination?

10 A Well, talking with the deputy and I went -- actually
11 from the -- the vehicle that was -- the subject vehicle
12 and I observed several toe digs leaving that area. I
13 think we went on the right side of a trailer and a couple
14 small paths, and I think there was a log there, if I'm
15 not mistaken, that the deputy told me that he had tripped
16 over.

17 And once I followed those toe digs, I pushed him a
18 little further past that because he was not really sure
19 how far he actually ran, so I went a little bit further
20 past where he said he fell. And I was able to pick up
21 the -- I think three tracks on a little cut-through dirt
22 road leading into a field.

23 Q Three separate footwear impressions?

24 A Yes.

25 Q And once you did that, is that the point where you

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 205

1 struck the dog?

2 A Yes. Once I -- I found those three and no other
3 tracks around that area other than those three, that's
4 where I made a determination to strike the bloodhound
5 Chase.

6 Q Okay. Deputy Craig, I'm going to show you what's
7 previously been marked as State's Exhibit 41. Do you
8 recognize this map?

9 A Yes.

10 Q Is that the coverage area of where y'all tracked the
11 suspects that night, including the wreck scene?

12 A Yes.

13 MS. HALL: Your Honor, at this time, the state moves
14 to enter State's 41 into evidence.

15 MR. CHESSER: May I see it?

16 MS. HALL: (Complied.)

17 MR. CHESSER: No objection.

18 THE COURT: Mark it into evidence, please.

19 (Whereupon, State's Exhibit 41 was entered into
20 evidence.)

21 MS. HALL: Permission to publish, Your Honor, onto
22 the big screen?

23 THE COURT: Yes, ma'am.

24 Q Deputy Craig, if you could step down so we could
25 walk through this map for the jury. While this finishes

1 pulling up, you mentioned that there are three different
2 impressions, footwear impressions or feet impressions
3 where you struck the dog. Do you remember what those
4 looked like?

5 A Yes. I believe one was a Nike Air Force One. It
6 had a circle pattern at the toe, and also a circle
7 pattern towards the rear, and I think an actual square
8 pattern around the perimeter of the shoe. And there was
9 another one that had a -- I believe had an unusual oval
10 pattern with almost like a tear drop in the -- I think in
11 the heel. And one was barefoot, a barefoot impression.

12 Q And if you could start us off and point out the
13 initial wreck scene where you responded.

14 A I'm assuming that is -- yeah. Can't really read the
15 road, okay.

16 Q Here's Oak Ridge Road.

17 A Okay. this is about -- right here ---

18 THE COURT: He's blocking the jury. I think you're
19 between the jury and the screen. Am I wrong? If you
20 . . .

21 A There was a little red -- a red building or
22 something. I think it was right about here is where the
23 initial wreck scene was. I don't know if I can touch
24 that or not.

25 Q That's fine.

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 207

1 A I think it was right around in here is where the
2 initial start point where they -- where the vehicle was,
3 where I found the toe digs.

4 Q Where did y'all go from there?

5 A We basically followed the toe digs up around about
6 here to this path, and then we worked past the
7 contaminated area and was able to find the toe digs and
8 also the Nike Air Force One and also the oval pattern and
9 the barefoot on this little -- I can't read the name of
10 the road, but it's a little dirt road right here crossing
11 into this area here.

12 Q I'll ask you to step back just a little bit further,
13 please.

14 A All right.

15 Q The jury is in the corner. Thank you. All right.
16 And where did y'all go from there?

17 A We tracked -- we struck the dog right here and the
18 bloodhound Chase started tracking through this little
19 kind of scrub open field. And we came out here and the
20 dog tracked down the perimeter of this little fence line.
21 I think there was some type of house or something right
22 there.

23 But he tracked down a chain link fence line, and
24 this is where -- there's another, can't see the name of
25 it, but there's another little dirt road right here.

1 That's where we found a partial of the Nike Air Force One
2 crossing this little dirt road into this little section
3 right here.

4 Q So Chase is leading you and then you're seeing these
5 footwear prints?

6 A Correct, yes.

7 Q Okay. Continue.

8 A All right. Bloodhound Chase pretty much tracked
9 through this -- this wooded area, and it was a little
10 hard for us to hear each other and also the dog -- the
11 bell that the dog wears, because of the -- I think the
12 helicopter had arrived at that point. And we tracked
13 through these woods, and we came out -- not sure what the
14 name of this road right here is.

15 But we came out around these trailers, around here,
16 and he was starting to work that way is when they got a
17 spotting of two subjects crossing the road. I believe it
18 was Cedar Road.

19 Q Other law enforcement spotted ---

20 A Right. There was a perimeter unit spotted --
21 spotted them across the road. And at that point ---

22 Q Spotted how many suspects?

23 A I think they said two.

24 Q Two? Okay.

25 A Crossing the road. So at this point, we were picked

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 209

1 up to kind of leapfrog to the sighting to kind of make
2 that route.

3 Q You and the dogs got ---

4 A Right. We hopped in the back of the truck, and came
5 to this point. I believe it was this little access road,
6 little kind of just dirt path, pretty much. But when we
7 got right here, this was the last spotting. I think a
8 deputy held that spot until we got there where he saw him
9 cross the road, because there was perimeter units on that
10 Cedar Road.

11 And we was able to put a fresher dog on the ground.
12 That's when we struck bloodhound Dooley in this area, and
13 tracked through these woods where we found -- I think we
14 found a gun in this wooded area around here. And as we
15 were tracking, we pushed two of the subjects out to
16 perimeter units that were in this field right here, and
17 they were taken into custody at that point.

18 Q Two, but not the defendant at this point?

19 A Right. Correct. That's correct.

20 Q Okay. And after those two suspects were
21 apprehended, what did y'all do?

22 A We actually relocated -- I'm sorry if I stepped in
23 the way. But I believe Kent Street -- I believe right
24 here is a little dirt road. We relocated at this point
25 because there was a spotting there before they had these

1 two guys cross. But there was an alleged spotting right
2 around here.

3 So we relocated to this area to try to find
4 anything. And we was not able to strike a dog in this
5 area because of the contamination with different police
6 that had already responded to that area and were looking.
7 But we was not able to find -- as far as a definite track
8 to put a dog on because I think one of the bloodhound
9 members said he possibly had a toe dig in the area, but
10 with all the police foot traffic and I think the
11 homeowner had actually come out and -- when he saw them.
12 We was not able to strike a dog at this point.

13 Q So at this point, y'all are hand tracking and
14 looking for any evidence of suspects in the area?

15 A I think at that point, SLED -- SLED's bloodhound
16 team linked up with us, and they had one of their
17 bloodhounds -- was not able to use him. We knew that we
18 had -- had it going in this direction, so we kind of
19 divided this area, separated it off, and there was a fire
20 break here. And we basically as a team went up this fire
21 break, and we walked up right here is where we actually
22 split in this area, and most of the team went to the
23 right.

24 And me and I believe it was Lieutenant Keith with
25 SLED actually started walking back towards Cedar Road on

DIRECT EXAMINATION BY MS. HALL - FELTON CRAIG 211

1 this fire break and see if there was any footwear
2 impressions crossing this dirt fire break. Because like
3 I said, it's almost like a perfect box. And as we're
4 walking and checking this area is when two subjects
5 basically ran straight to us from that little wooded area
6 right there.

7 Q Just happened to run into y'all?

8 A Right. Just ran right towards -- to us. And we
9 challenged them and they was able to take them into
10 custody.

11 Q Were you able to observe physical appearance of both
12 of those suspects?

13 A Yes. One appeared to have a huge gash above his eye
14 on his head somewhere. I noticed he was -- he was opened
15 up pretty good and bleeding. And once they were -- take
16 him into custody, I called for EMS to have him checked
17 out, because I had noticed the severity of his injuries.
18 I just wanted to have him checked out.

19 Q And were you able to determine the identity of that
20 suspect?

21 A Yes. After we -- after we got him with EMS and I
22 think the other perimeter units ---

23 Q Okay.

24 A --- got there?

25 Q And that individual is Willie Chandler?

1 A Yes.

2 Q Showing you State's Exhibit 43. Let me know if you
3 recognize that.

4 A Yes.

5 Q Is that the individual you apprehended that you were
6 just referencing with the gash on his head?

7 A Yes, it is.

8 MS. HALL: Your Honor, at this time, state moves to
9 enter State's 43 into evidence.

10 MR. CHESSER: No objection, Your Honor.

11 THE COURT: Mark that in evidence, please, ma'am.

12 (Whereupon, State's Exhibit 43 was entered into
13 evidence.)

14 MS. HALL: And I'll just publish this by showing it
15 to the jury, as opposed to switching it up on the big
16 screen.

17 Q All right. You can have a seat. Thank you.

18 (Whereupon, the witness entered the witness stand.)

19 Q You mentioned that four suspects were taken into
20 custody and located -- where those suspects were taken
21 into custody. What did y'all do after those four?

22 A After the four was taken into custody and turned
23 over to perimeter units, we were advised there was a
24 fifth suspect in the area possibly, so we continued to
25 basically search the area for any other signs of that

CROSS-EXAMINATION BY MR. CHESSER - FELTON CRAIG 213

1 subject. So we continued to search the area.

2 Q And were you able to locate him in the area?

3 A No, ma'am.

4 Q Of the four suspect that you were able to locate,
5 were all of those -- all four of those wearing shoes?

6 A I'm not 100 percent sure.

7 Q Did you have any further involvement in this case
8 after apprehending those four suspects and looking for
9 the fifth?

10 A No, ma'am.

11 Q I have no further questions. Please answer any that
12 Mr. Chesser may have.

13 A Okay.

14 THE COURT: Cross?

15 CROSS-EXAMINATION

16 BY MR. CHESSER:

17 Q Deputy Craig, I understood your testimony was that
18 you used the dogs and your dog tracking and your hand
19 tracking skills to locate the first few suspects,
20 correct?

21 A That is correct.

22 Q Okay. And then, at a certain point, you had no more
23 hand tracking or no more fresh scent to go by, correct?

24 A At that point, we did not.

25 Q Okay. So just going by your testimony, your

DIRECT EXAMINATION BY MR. WEEKS - JOHN HARVEY 214

1 testimony is that you eventually ran into Chandler and
2 another individual without the help of your dogs?

3 A Correct.

4 Q Okay. You ran into them on that fire break?

5 A That's correct.

6 Q That's all the questions I have.

7 THE COURT: Redirect?

8 MS. HALL: None from the state, Your Honor.

9 THE COURT: You may step down.

10 (Whereupon, the witness exited the witness stand.)

11 THE COURT: Call your next witness, please.

12 MR. WEEKS: The state would call Investigator John
13 Harvey.

14 JOHN HARVEY, having been first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WEEKS:

18 Q John, what do you do for a living?

19 A I'm a narcotics investigator with Aiken County
20 Sheriff's Office.

21 Q And how long have you worked for the sheriff's
22 office?

23 A Thirteen years.

24 Q And how long have you been assigned to narcotics?

25 A Three years.

DIRECT EXAMINATION BY MR. WEEKS - JOHN HARVEY 215

1 Q Back on June the 9th of 2016, were you working for
2 the sheriff's department?

3 A Yes, sir.

4 Q And did y'all receive a call or as a result of a
5 call from dispatch, did you go to the Windsor area?

6 A Yes, sir.

7 Q Okay. And what was your purpose in going to the
8 Windsor area?

9 A Perimeter unit.

10 Q Explain what a perimeter unit is.

11 A We set up a big perimeter, try to encompass an area
12 so the bloodhounds work and push the individuals towards
13 the perimeter.

14 Q And does the helicopter have any significance in
15 that too?

16 A Yes, sir. They're the eyes in the sky, so to speak.

17 Q Okay. And the purpose of being on a perimeter is to
18 seek people?

19 A Keep someone from getting through the perimeter.

20 Q Kind of like a net?

21 A Keep them detained. Correct.

22 Q All right. In that regard, were you stationary on
23 perimeter at some point in time on June the 9th?

24 A Yes, sir.

25 Q And did you observe anything? Did you observe a

1 firearm?

2 A Yes, sir. I was called to take pictures of a
3 firearm near the location where two people were
4 apprehended.

5 Q Okay. And I'm going to hand you what's marked
6 State's 45 and 46 and ask you if those pictures were
7 taken by you?

8 A Yes, sir, they were.

9 Q And there's some feet in those pictures. Whose feet
10 are those?

11 A Those belong to Investigator Gary Benfield.

12 Q Is he -- he also works with you?

13 A Yes, sir.

14 Q Are these photographs true and accurate copies of
15 what they purport to show?

16 A Yes, sir.

17 Q What were they photographs of, John?

18 A A pistol that was found laying in the woods.

19 Q Okay. And did you collect the pistol?

20 A I did not.

21 Q You or Officer Benfield, one?

22 A Yes, sir.

23 Q Okay. And then you turned it over to someone else
24 with the sheriff's department?

25 A Forensics Investigator O'Grady.

DIRECT EXAMINATION BY MR. WEEKS - JOHN HARVEY 217

1 Q John, I'm handing you what's marked State's 41.

2 Could you put a circle approximately with this ink pen,
3 blue ink pen approximately where you were initially?

4 A I was right in this area right here.

5 Q Make that a little bigger. I'm getting blind in my
6 old age.

7 A (Complied.)

8 Q And where did you deploy to, to collect that gun
9 picture?

10 A It was right in the area of this little point right
11 here.

12 Q What -- what is that area there where y'all were
13 located at that point?

14 A That's known as the Carolina Star Shooting range.

15 Q Carolina Star Shooting -- okay. And did you see
16 yourself the two individuals that were apprehended?

17 A I saw them while they were being apprehended, but I
18 was all the way across the field, so I can't identify who
19 it was.

20 Q Okay. But they apprehended them ---

21 A Yes, sir.

22 Q --- a short ways from where you ---

23 A Right at that field right there.

24 Q Okay.

25 MR. WEEKS: I'm not sure I said it, but I move

1 State's 45 and 46 into evidence.

2 THE COURT: Any objection?

3 MR. CHESSER: No objection.

4 THE COURT: 45 and 46 are into evidence.

5 (Whereupon, State's Exhibits 45 and 46 were entered
6 into evidence.)

7 MR. WEEKS: Nothing further from this witness, Your
8 Honor.

9 THE COURT: Mr. Chesser, you got any cross?

10 MR. CHESSER: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. CHESSER:

13 Q Your last name, sir?

14 A Harvey, H-a-r-v-e-y.

15 Q Mr. Weeks' last question, I was unclear. You
16 mentioned two suspects. Do you know what individuals he
17 was talking about?

18 A No, sir. I don't know their identity.

19 Q Okay. And I was unable to see this blue mark.

20 A Yes, sir.

21 Q I want the jury to see it, but can you show me that
22 blue mark where you found a gun?

23 A This is where I was stationed during the
24 apprehension, and the gun was located right inside the
25 wooded area right here.

DIRECT EXAMINATION BY MR. WEEKS - MIKE POWELL 219

1 Q I see. All right. Okay. Thank you very much.

2 MR. CHESSER: That's all the questions I have.

3 THE COURT: Any redirect?

4 MR. WEEKS: None, Your Honor.

5 THE COURT: Thank you, sir. You may step down.

6 (Whereupon, the witness exited the witness stand.)

7 MR. WEEKS: State would call Captain Mike Powell.

8 (Whereupon, the witness came forward.)

9 MIKE POWELL, having been first duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. WEEKS:

13 Q Mr. Powell, where are you employed?

14 A Aiken County Sheriff's Office.

15 Q And what do you do there?

16 A I'm the captain over narcotics, adult
17 investigations, juvenile investigations, and forensics.

18 Q And how long have you been employed in law
19 enforcement?

20 A Approximately 23 years.

21 Q Most of that in the sheriff's department?

22 A Yes, sir.

23 Q Back in June -- well, specifically on June 9th of
24 2016, were you employed with the sheriff's department in
25 the same capacity you are now?

1 A Yes, sir.

2 Q And as a result of radio calls and that sort of
3 stuff, did you deploy to the Windsor area?

4 A Yes, sir.

5 Q And what was your purpose in deploying there?

6 A By the time I was getting near the area, they had
7 asked me to go to a residence, which ended up being a
8 mobile home at the end of a dirt drive, to stand by there
9 and make sure nobody came back to that residence due
10 to -- we were advised that was one of the subjects'
11 mother's house.

12 Q As a result of communication with the on-scene
13 investigators, did you have an address?

14 A Yes, I did.

15 Q Is that where you actually deployed to?

16 A Yes, sir.

17 Q And who was with you at that address?

18 A Investigator Havasy, Stephen Havasy.

19 Q How long did you standby at that address?

20 A We were there for hours, seemed like.

21 Q Okay. And while you were there, did anything
22 special happen? Did anybody come busting in or anything
23 like that?

24 A No, sir.

25 Q All right. At some point in time, did you determine

DIRECT EXAMINATION BY MR. WEEKS - MIKE POWELL 221

1 it might be necessary to conduct a search of the
2 residence?

3 A Yes, sir. We received a call from the investigator
4 on the scene of the actual vehicle, and they were asking
5 us to see if the mother of one of the subjects that lived
6 there would give consent to look in a dresser for a
7 pistol.

8 Q Did you find the pistol?

9 A No, sir.

10 Q Did you obtain consent from the mother?

11 A Investigator Havasy did, yes, sir.

12 Q Okay. And you were right there with Investigator
13 Havasy?

14 A I was.

15 Q Did y'all obtain a written consent?

16 A Yes, sir.

17 Q Is it hiding from me? Captain Powell, I'm going to
18 hand you what's been marked State's Exhibit 83 ---

19 A Yes, sir.

20 Q --- and ask if you can identify what that piece of
21 paper is?

22 A Yes, sir. That's the consent that was given that
23 day.

24 Q Is that a fair and accurate copy of what it purports
25 to show?

1 A Yes, sir.

2 Q And that consent was given by the owner of the house
3 or the possessor of the house?

4 A Possessor of the house, yes, sir.

5 Q And as a result of the consent, did you find
6 anything in the house of significance in this case?

7 A Yes, sir.

8 MR. WEEKS: Your Honor, I'm going to move to
9 introduce State's Exhibit 83.

10 MR. CHESSER: No objection, Your Honor.

11 THE COURT: Mark it into evidence, please.

12 (Whereupon, State's Exhibit 83 was entered into
13 evidence.)

14 Q Mike, what did you find of import to us in the
15 house ---

16 A I'm sorry. We were directed -- there was some
17 information gathered on the scene and they relayed to
18 us ---

19 Q Don't tell me what they told you; just tell me what
20 you found in the house.

21 A Gloves, some blue rubber gloves.

22 Q Blue rubber gloves?

23 A Yes, sir.

24 Q And where were they in the house?

25 A Dresser in one of the first bedrooms.

DIRECT EXAMINATION BY MR. WEEKS - MIKE POWELL 223

1 Q One of the people y'all had arrested's bedrooms ---

2 A That's what I'm ---

3 Q Ultimately arrested?

4 A Yes, sir.

5 Q Mike, I'm going to hand you what's been marked
6 State's Exhibit 47 and ask if you can identify what's
7 contained in that bag.

8 A Yes, sir. This is the bag that we -- Investigator
9 Havasy and I recovered that day.

10 Q And these are the gloves that y'all recovered?

11 A Yes, sir.

12 Q Mike, was that address that y'all recovered these

13 [REDACTED] ?

14 A I have to look through my notes real quick. [REDACTED]

15 [REDACTED], yes, sir.

16 Q Okay. And that was the address you had been given
17 as a result of conversations with the on-scene person to
18 deploy to?

19 A Yes, sir.

20 MR. WEEKS: Your Honor, we move State's Exhibit 47
21 into evidence.

22 MR. CHESSER: Your Honor, I would object to this
23 evidence. I don't see what relevance it has to this
24 case.

25 MR. WEEKS: Might be a little premature. We'll tie

1 it up.

2 THE COURT: Sustained at this point. It's marked
3 for ID as ---

4 MR. WEEKS: --- 47.

5 THE COURT: --- 47?

6 Q Mike, were you there when a person was discovered
7 hiding in the residence?

8 A We pulled up as they were being detained. Yes, sir.

9 Q Okay. Was that person barefoot?

10 A I believe so, Your Honor -- sir.

11 Q Thank you. I don't have any further questions.

12 THE COURT: Cross?

13 MR. CHESSER: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. CHESSER:

16 Q Mr. Powell?

17 A Yes, sir.

18 Q Whose house was this?

19 A If I can look at my notes.

20 Q You can refresh your memory.

21 A Heather Collins.

22 Q And that's who you got this consent from ---

23 A Yes, sir.

24 Q --- to search?

25 You indicated that you were there for several hours?

CROSS-EXAMINATION BY MR. CHESSER - MIKE POWELL 225

1 A Outside the residence, yes, sir.

2 Q Okay. And then at some point, you approached the
3 residence to ask for this consent?

4 A Uh-huh.

5 Q Okay. Do you recall what time that was? I guess it
6 might be on this form.

7 A It would be. The time of the consent would be 1939
8 hours.

9 Q And that's 7:39?

10 A 7:39-ish.

11 Q In the evening?

12 A Uh-huh. Yes, sir.

13 Q As far as somebody in there being barefoot, you
14 don't actually have a memory of that, do you?

15 A I don't.

16 Q That's all the questions I have. Thank you.

17 A Yes, sir.

18 THE COURT: Redirect?

19 MR. WEEKS: No, Your Honor.

20 THE COURT: Thank you, sir. You may step down.

21 (Whereupon, the witness exited the witness stand.)

22 THE COURT: All right, ladies and gentlemen of the
23 jury, we'll take a ten-minute break. Don't discuss the
24 case. Follow the bailiff, please.

25 (Whereupon, the jury exited the courtroom at 2:51

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 226

1 p.m.)

2 THE COURT: Court's in recess for ten minutes.

3 (Off the record from 2:51 p.m. to 3:05 p.m.)

4 THE COURT: Bring the jury.

5 (Whereupon, the jury entered the courtroom at 3:06

6 p.m.)

7 THE COURT: Call your next witness.

8 MS. HALL: Thank you, Your Honor. The state calls

9 Investigator Mary O'Grady Francis.

10 (Whereupon, the witness came forward.)

11 MARY FRANCIS O'GRADY, having been first duly

12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HALL:

15 Q Investigator O'Grady, where are you employed?

16 A Aiken County Sheriff's Office.

17 Q How long have you worked for the Aiken County

18 Sheriff's Office?

19 A Thirteen years.

20 Q What position do you currently hold?

21 A Forensic investigator.

22 Q And briefly, just explain kind of what you do.

23 A The idea of being part of the crime scene unit is to

24 document, preserve, and collect evidence in cases like

25 this where you will go trial, say two or three years down

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 227

1 the road. So being detailed and having a knowledge of a
2 lot of different areas helps.

3 Q Were you working as a forensic investigator on
4 June 9th, 2016?

5 A Yes.

6 Q And how did you become involved in this case?

7 A I was sent out to the scene.

8 Q Okay. To which scene? The wreck scene?

9 A The wreck scene.

10 Q Okay. On State Park Road and Oak Ridge Club Road?

11 A Correct.

12 Q And when you got there, what did the scene look
13 like?

14 A There was debris on the roadway. There was the
15 vehicle off of the road, and that's pretty much all you
16 have at this point.

17 MR. CHESSER: Your Honor ---

18 THE COURT: Could you do me a favor and move that
19 microphone so you're facing that way? It's hard for me
20 to pick up.

21 MR. WEEKS: Actually, if you move the chair a little
22 closer to the microphone, it should pick it up.

23 THE WITNESS: (Complied.)

24 THE COURT: Thank you.

25 Q What is the first thing you did once you arrived on

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 228

1 the scene?

2 A You walk around and you look to see what you've been
3 given as far as is evidence is concerned, what the scene
4 details, what condition everything is in, what's in play,
5 what is not in play.

6 Q Did you get information from officers who had
7 already been on scene as to what happened?

8 A Well, the first responder was actually still there,
9 so I had access to him.

10 Q Okay. And you talked with him?

11 A Yes.

12 Q Surveyed the scene? Then what did you start doing?

13 A Well, once Investigator Graybeal arrived, we had to
14 make a determination as to what we're going to do. So
15 the bottom line was that we were going to document the
16 scene, except I was not going to go into the vehicle.

17 That was going to be ---

18 Q By "document," you mean ---

19 A Photographs ---

20 Q --- photographs?

21 A --- take chains of custody for explicit explanation
22 as to what you've collected, put markers down,
23 everything.

24 Q What's the purpose of photographing the scene prior
25 to collecting evidence?

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 229

1 A To show the scene as you got there, how everything
2 is in correlation to one another. So when we come to
3 this part, other people are allowed to see what I saw
4 that day.

5 Q Okay. Investigator O'Grady, I'm showing you what's
6 been previously marked for identification purposes as
7 State's 48 through 58 and what's already been entered
8 into evidence as State 37. If you could look at those
9 photos for me and tell me if you recognize those.

10 A These are photographs of the vehicle I took that
11 day.

12 Q And those accurately reflect the scene as it
13 appeared when you arrived and the contents of the car?

14 A Correct.

15 MS. HALL: Your Honor, at this time, state moves to
16 enter 48 through 58 into evidence.

17 MR. CHESSER: No objection, Your Honor.

18 THE COURT: Mark 48 through 58 into evidence,
19 please.

20 MS. HALL: Permission to publish, Your Honor?

21 THE COURT: Yes. Yes, ma'am.

22 (Whereupon, State's Exhibits 48 through 58 were
23 entered into evidence.)

24 Q Investigator O'Grady, if you could step down.

25 (Whereupon, the witness exited the witness stand.)

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 230

1 Q What is this a picture of, State's 48?

2 A This is the vehicle that I responded to. This is
3 how it was when we got there.

4 Q State's 49?

5 A This is inside the vehicle. I had access to it, but
6 this depicts how everything was at the time that I got
7 there.

8 Q And what name is on that piece of mail?

9 A Ms. Faith W. Chandler, [REDACTED], Wagener, South
10 Carolina, 29164.

11 Q State's 50?

12 A This is the rear of the vehicle and some of the
13 evidentiary items that were found on -- off of the
14 roadway behind it.

15 Q And these items were on the ground just as you see
16 in the picture once you arrived?

17 A Correct.

18 Q State's 51?

19 A This is the roadway leading from where the car came
20 from, and it's just the same thing. You'll see different
21 items and we would mark each one as -- for collection.

22 Q What are these yellow markers that we see?

23 A We number each one as we go along if it's going to
24 be pertinent to what we're going to collect. Sometimes
25 things are there, but they're not in play. So it's more

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 231

1 of a significance to this particular item that we place a
2 marker with it.

3 Q And what is at Item Marker 1?

4 A This is a pistol.

5 Q Okay. State's 52? What is depicted in that
6 photograph?

7 A We take three sets of photograph -- two sets of
8 photographs, one with and one without scale. This is the
9 precursor to before we actually put the marker down.
10 You're showing a correlation as to where this particular
11 item is, say, to the roadway or something relevant in
12 that area.

13 Q State's 53?

14 A It's a closer up of the gun itself.

15 Q What kind of gun is that?

16 A This -- should be a Taurus PT-112.

17 THE COURT: You need to speak up.

18 THE WITNESS: It's a Taurus semiautomatic.

19 THE COURT: You said a number. I couldn't hear you
20 because of ---

21 THE WITNESS: It's a PT-112, I want to say, or 113.

22 THE COURT: Thank you.

23 Q State's 54?

24 A That's a driver's license, and this is one shoe.

25 Q And those items were in the roadway when you arrived

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 232

1 on the scene?

2 A Correct.

3 Q State's 55?

4 A This is a driver's license belonging to Jacob Eugene
5 Johnson at [REDACTED], Windsor, South
6 Carolina, 29856.

7 Q That is the same driver's license depicted in the
8 previous picture in the middle of the roadway?

9 A Correct.

10 Q State's 56?

11 A This is the front passenger area of the vehicle?

12 Q With the keys still in the ignition?

13 A With the keys still in the ignition.

14 Q State's 57?

15 A This is the rear passenger portion of the vehicle.

16 Q What is this item back here?

17 A That's a television.

18 Q State's 58? Is that another ---

19 A It's another picture of the television.

20 Q Different angle? And State's 37?

21 A That's is the rear compartment of the vehicle
22 where -- you could just see a portion of the TV that's
23 now in the back.

24 Q This is a different TV in the trunk?

25 A Right. What would be the trunk area.

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 233

1 Q Thank you. You can have a seat.

2 (Whereupon, the witness entered the witness stand.)

3 Q Pictured in one of those photographs was the
4 9-millimeter Taurus pistol that was in the roadway. Did
5 you actually collect that and place it into evidence?

6 A I did.

7 Q Okay. And what is the process of collecting
8 something from the roadway and placing it into evidence?

9 A It's a matter of -- you're going to put gloves on.
10 You're going to take it, get the proper packaging -- in
11 this case it would be a gun box. Label all your
12 pertinent information on the gun box. Unload the
13 magazine. Put the rounds in another packaging. Take the
14 serial number, model number, etc., etc., where you got
15 it, the date, the time, and your initials and put
16 everything on it for everything you collect.

17 Q So that each item has documented where it was
18 collected from and who collected it?

19 A Correct.

20 Q And those items are placed into evidence?

21 A Yes.

22 Q And is that a secured facility?

23 A It is.

24 Q Can you go get anything out of evidence when you
25 want to without ---

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 234

1 A I am. I also have access to the evidence room.

2 Q Can I go get something out of evidence if I want to?

3 A Not unless you sign for it and it belongs to you.

4 Q Showing you what's previously been marked as State's
5 Exhibit 78 and 87. What is State's 78?

6 A This is the gun that was in the picture on the video
7 screen?

8 MS. HALL: Your Honor, for the record, this weapon
9 has been secured and has a locking mechanism.

10 THE COURT: Ladies and gentlemen of the jury, I'm
11 supposed to give the jury an instruction in every case in
12 which a firearm is present. I have to do it in every
13 single case; it's not unique to this one.

14 The firearms in the courtroom are to be handled in a
15 particular way. They're to be secured. They're to be
16 maintained so that they cannot be fired. They're not to
17 be pointed at anyone, anyone's direction.

18 If there's ammunition that's introduced into the
19 case, the firearm and ammunition have to be kept
20 separately. If they enter a gun and they enter
21 ammunition, I'll have to instruct you that you can only
22 have one or the other in the jury room at the time.
23 That's in every case involving a firearm.

24 All right. You may continue.

25 Q And on the packaging of this handgun, do you

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 235

1 recognize your handwriting?

2 A Yes.

3 Q And that's the gun that you collected out of the
4 roadway?

5 A Correct.

6 MS. HALL: Your Honor, at this time, the state moves
7 to enter State's 78 into evidence.

8 THE COURT: Any objection?

9 MR. CHESSER: No objection.

10 THE COURT: Mark that into evidence, please.

11 (Whereupon, State's Exhibit 78 was entered into
12 evidence.)

13 Q And if you would take a look at State's 87 for me?

14 A It's the rounds that came out of this gun.

15 Q How many rounds are in that bag?

16 A There are four.

17 Q 9-millimeter rounds?

18 A Four Blazer 9-millimeter Luger unfired rounds. One
19 from the chamber of the 9-millimeter Taurus.

20 Q And that also has your handwriting on it, and those
21 are the rounds that you collected from State's 78?

22 A Yes.

23 MS. HALL: Your Honor, at this time, state moves to
24 enter State's 87 into evidence.

25 THE COURT: Any objection?

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 236

1 MR. CHESSER: No objection.

2 THE COURT: Mark the ammunition into evidence,
3 please.

4 (Whereupon, State's Exhibit 87 was entered into
5 evidence.)

6 Q While on the wreck scene, did you collect any other
7 weapon?

8 A I did.

9 Q Okay. And what weapon was that?

10 A It was the other semiautomatic that was brought to
11 me when they were out looking for the other suspects.

12 Q Was that given to you by Investigator Benfield?

13 A Yes.

14 Q Showing you what has been previously marked State's
15 Exhibit 85, if you could look at that for me?

16 A Yes.

17 MS. HALL: Your Honor, for the record, this weapon
18 has also been secured with a locking mechanism.

19 THE COURT: Thank you.

20 Q Is the handgun you recovered from Investigator
21 Benfield?

22 A It is.

23 Q And that is documented on the box that it was
24 contained in?

25 A This -- it doesn't have any documentation on it, but

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 237

1 it's taken from the box.

2 Q Okay. And that is the sheriff's office serial
3 number on the side of the box there?

4 A Yes. That's our bar code.

5 Q And that's how you're able to keep track of that
6 weapon when it's in evidence?

7 A We keep track of everything by bar code.

8 Q State's 88?

9 A These are the rounds that were taken out of the .380
10 semiautomatic pistol. There's two PMC .380 rounds,
11 unfired, and four CBC brand .380 rounds fired.

12 Q And you collected those rounds from State's 85?

13 A Yes.

14 Q Prior to putting them in evidence?

15 A Yes.

16 MS. HALL: Your Honor, at this time, state moves to
17 enter State's 88 into evidence.

18 THE COURT: Any objection?

19 MR. CHESSER: No objection.

20 THE COURT: Mark that in evidence, please.

21 (Whereupon, State's Exhibit 88 was entered into
22 evidence.)

23 Q Once you were done processing the car, taking
24 pictures, collecting evidence, collecting these guns from
25 the roadway, what actually happened with the wrecked car?

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 238

1 A We actually will tow it back to headquarters. We'll
2 follow it back to our office. We have a garage in the
3 back of the lot. We'll secure it in this garage for
4 processing later on.

5 Q This is essentially an evidence garage?

6 A It is, because that vehicle is the -- best pieces of
7 evidence we have here.

8 Q And that is a secured garage where that car was
9 towed to?

10 A Yes.

11 (Whereupon, Mr. Weeks and Ms. Hall conferred.) Q

12 Investigator O'Grady, I'm going to show you two
13 additional photographs of the scene, what's been marked
14 as State's 90 and 91. Do you recognize these?

15 A They coincide together. They're both -- one is a
16 picture of the actual roadway facing back towards where
17 the pistol was found, and then it's the same view except
18 to the left, to the back of the actual vehicle, the rest
19 of the items that were on the ground.

20 Q And in these photographs -- first, do these photos
21 accurately reflect the scene as it appears when you
22 arrived?

23 A Yes.

24 MS. HALL: Your Honor, at this time, state moves to
25 enter State's 90 and 91 into evidence.

DIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 239

1 THE COURT: Any objection?

2 MR. CHESSER: No objection.

3 THE COURT: Mark those in evidence, please.

4 (Whereupon, State's Exhibits 90 and 91 were entered
5 into evidence.)

6 Q Depicted in these photographs are two black tennis
7 shoes. Are these two separate tennis shoes or the same
8 tennis shoes?

9 A No, they're two separate.

10 Q Two separate tennis shoes?

11 A They're both collected.

12 Q 90 and 91, two separate tennis shoes?

13 A Correct.

14 Q Both at the wreck scene?

15 A Yes.

16 Q Once this wrecked vehicle was towed back to the
17 sheriff's office evidence garage, did you have any
18 further involvement in this case?

19 A Just drawing up the paperwork for what I was
20 responsible for at the scene, but after that, no.

21 Q I have no further questions for you. Please answer
22 any that Mr. Chesser may have.

23 THE COURT: Cross-examination?

24 MR. CHESSER: Yes, Your Honor.

25

CROSS-EXAMINATION BY MR. CHESSER - MARY FRANCIS O'GRADY 240

1

CROSS-EXAMINATION

2

BY MR. CHESSER:

3

Q Ms. O'Grady?

4

A Yes.

5

Q Good afternoon.

6

A Good afternoon.

7

Q I'm a little unclear on these -- on this gun, this

8

second gun in particular. There's 78. Which one is

9

this?

10

A This is the one from the actual wreck location.

11

Q Okay. That was in the road. This second one --

12

I'll get this out of your way.

13

A And this one was brought to me.

14

Q Okay. That was brought to you?

15

A Yes.

16

Q All right. So this is -- this Exhibit 85 is the

17

blue or purple pistol that was provided to you?

18

A Correct.

19

Q Okay. Your job -- part of your job is to document

20

the crime scene, right?

21

A Yes.

22

Q It's your preference, I would imagine, to locate

23

items of evidence yourself and photograph them?

24

A It would be nice, yes.

25

Q Okay. That's all I have. Thank you.

REDIRECT EXAMINATION BY MS. HALL - MARY FRANCIS O'GRADY 241

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MS. HALL:

4 Q Investigator O'Grady, as part of your job in
5 collecting and maintaining this evidence, did you keep
6 records of the evidence that was stored at the Aiken
7 County Sheriff's Office?

8 A Yes.

9 Q And were any of those items released to the victims
10 in the case?

11 A They were.

12 Q Okay. And which items were released and to who,
13 particularly to Mr. Boyce?

14 A I want to say electronics, personal electronics,
15 televisions, a PS3. There's a pair of boots that were in
16 there.

17 Q What color?

18 A Black.

19 Q Black boots, a television, and a PlayStation?

20 A Yes.

21 Q Okay. So those items originally went into evidence
22 and then were released to the victim in the case,
23 Mr. Boyce?

24 A Right. Once they're identified and said these are
25 mine, they sign the chain, they give us a copy of their

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 242

1 identification, we make a copy of it, and they're taking
2 the things home.

3 MS. HALL: No further questions.

4 THE COURT: Recross?

5 MR. CHESSER: Nothing further.

6 THE COURT: Thank you, ma'am. You may step down.

7 (Whereupon, the witness exited the witness stand.)

8 THE COURT: Call your next witness, please.

9 MS. HALL: State calls Investigator Christopher
10 Johnson.

11 (Whereupon, the witness came forward.)

12 THE COURT: Turn around, please, sir, to the clerk.

13 THE WITNESS: (Complied.)

14 CHRISTOPHER JOHNSON, having been first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HALL:

18 Q Investigator Johnson, where are you employed?

19 A I'm employed with the Aiken County Sheriff's Office
20 in the forensic crime scene section.

21 Q What do your job duties entail?

22 A Much along the lines of Investigator O'Grady, I
23 respond to crime scenes, document the crime scenes as I
24 find them -- and by document, I mean photographic
25 documentation of the crime scene. Collect any of the

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 243

1 physical evidence that we find and then pack the evidence
2 and put it into -- put it into the evidence room, our
3 storage facility, for processing. If the investigator
4 who is lead on the case wants items processed, he submits
5 a form and we process the items and go from there.

6 Q How long have you held that position?

7 A I've been forensic investigator here with the
8 sheriff's office in Aiken county since June 16th, 2006.

9 Q And prior to that, were you employed by the Aiken
10 County Sheriff's Office in another capacity?

11 A Yes. I was a road deputy. I started with the
12 sheriff's office in -- on December 19th, 2003. Prior law
13 enforcement before that was Greenville County Sheriff's
14 Office where I started my career in 1998. Worked the
15 road for two years in Greenville and then was promoted to
16 the Department of Public Safety in Greenville, which was
17 the forensics, records, EMS, and did forensics in
18 Greenville prior to coming to the sheriff's office.

19 Q Were you working as a forensic's investigator on
20 June 9th, 2016 with the Aiken County Sheriff's Office?

21 A June 9th, yes, ma'am.

22 Q And how did you become involved in this case?

23 A June 9th, I did not respond to the scene on
24 June 9th. My involvement actually started on
25 June 13th when I was given the search warrant for the

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 244

1 vehicle that was being stored in the forensic building.

2 Q Okay. And that facility where the car was being
3 held, is that a secured facility?

4 A Yes. The forensics building is actually on the back
5 part of the sheriff's office's property. The sheriff's
6 office has got -- not sure how tall fences, but it's
7 fenced all the way around. And the building itself is
8 under lock and key.

9 Q And so you received a search warrant which gave you
10 the authorization to then process this vehicle?

11 A Yes.

12 Q And you did that on June 13th of 2016?

13 A Yes. Yes, I did.

14 Q Okay. If you could explain that process and what
15 you did?

16 A Typically, when I get a search warrant, I look at
17 the search warrant to see what type of evidence that they
18 are wanting to find in the vehicle. Then I document the
19 vehicle as I find it, take photographs all the way around
20 the vehicle from each side of the vehicle, try and take
21 photographs of the VIN number of the vehicle, the tag of
22 the vehicle, any damage that's on the vehicle.

23 And then I go inside the vehicle and I document
24 from, you know, opening the doors and documents what's
25 inside the vehicle, what's in the trunk. And then after

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 245

1 that, we move on to -- say if they want DNA or
2 fingerprints, we'll swab for DNA. Then we'll, you know,
3 collect fingerprints, process for fingerprints.

4 It all depends. Each case is unique to itself. If
5 they're looking for evidence and not for fingerprints, of
6 course, we won't fingerprint it. We'll just collect the
7 evidence that they're looking for in the vehicle.

8 Q And by "collect evidence," what do you mean by that,
9 and what's the process of doing that?

10 A The process of collecting evidence is number one,
11 locating it. We search the vehicle inside and out,
12 whether it's firearms, shell casings, stolen goods,
13 projectiles that have been shot into the vehicle. We
14 search for it. Once we locate it, it's photographed.

15 Once it's photographed, it's then bagged, put in a
16 paper bag, and I write the information of the bag of
17 where it was located, and the date and time. And then
18 after that, it is put on an evidence chain -- not the
19 evidence itself, but it's listed on an evidence receipt
20 and then it's put into the evidence room for safekeeping.

21 Q Investigator Johnson, I'm showing you what's been
22 previously entered into evidence as State's 39. Do you
23 recognize this vehicle?

24 A Yes, ma'am, I do.

25 Q Is that the vehicle that you processed and conducted

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 246

1 a search of on June 13th of 2016?

2 A Yes, it is.

3 Q Now showing you State's 59 through 74. Are these
4 photographs that you took during the process of
5 processing that vehicle?

6 A Yes. Yes, ma'am.

7 MS. HALL: Your Honor, at this time, state moves to
8 enter State's 59 through 74 into evidence.

9 THE COURT: Any objection to these?

10 MR. CHESSER: No, Your Honor.

11 THE COURT: Mark those as exhibits, please.

12 (Whereupon, State's Exhibits 59 through 74 were
13 entered into evidence.)

14 Q Investigator Johnson, I'm now showing you State's
15 34, 35, 36 and 38. Do you recognize these pictures as
16 photographs you took also while processing that vehicle?

17 A Yes, ma'am.

18 MS. HALL: Your Honor, permission to publish these
19 exhibits?

20 THE COURT: These are in evidence?

21 MS. HALL: Yes, Your Honor. The last four are
22 previously entered into evidence.

23 THE COURT: Yes, ma'am, you may publish.

24 Q Investigator Johnson, if you could step down.

25 A Yes, ma'am.

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1 (Whereupon, the witness exited the witness stand.)

2 Q All right. We're looking at State's 39. Is this
3 the vehicle that you processed?

4 A Yes, it is.

5 Q State's 59? What is this a picture of?

6 A This is a photograph of a certificate of title or a
7 vehicle title that was inside the vehicle.

8 Q State's 60? What is this a photograph of?

9 A This is a close up of the owner of the vehicle, the
10 name of Faith Willieeisha Chandler.

11 Q And this was located in the vehicle?

12 A Yes, ma'am.

13 Q And is for the vehicle that you searched?

14 A Yes. Yes, it is.

15 Q State's 61? What is this item right here?

16 A This is a TV. This is the bottom of the TV. This
17 is the stand that it was set on, and of course you can
18 see the TV on the outside of it. That's the bottom of
19 the TV.

20 Q What is this white item right here?

21 A This is a glove, like a fabric glove, is what it
22 looks like.

23 Q State's 62, is that the same TV and white glove?

24 A Yes, it is.

25 Q State's 63? What is this white item right here? Is

DIRECT EXAMINATION BY MS. HALL - CHRISTOPHER JOHNSON 248

1 that a different glove than on State's 62?

2 A I'm not exactly -- it looks like the fabric is
3 turned inside out. Could be a glove.

4 Q And then, this box right here?

5 A This is the box of ammunition, Remington ammunition.

6 Q Do you know what type of ammunition that is?

7 A Without looking at the evidence sheet, I wouldn't

8 ---

9 Q If I was able to provide you with a copy of that,
10 would that refresh your memory?

11 A Yes, it would. Yes, that's the Remington, and
12 that's going to be the .38.

13 Q .38-caliber Remington?

14 A (No audible response.)

15 Q All right. State's 64? What is all of this down
16 here in the floorboard in the edge of the car?

17 A Okay. This is on the rear passenger side of the
18 vehicle. This is a bunch of change. We see change all
19 on the floor. There's a little bit here in the door
20 pocket and in the seat.

21 Q What is this item right here on the seat, the
22 picture -- it's not really clear on the picture.

23 A Looks like some sort of key and a key tag.

24 Q State's 65? What is this item?

25 A This is a soft case for a Ruger pistol.

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1 Q State's 66? What is this item, this blue item down
2 here at the bottom?

3 A This is part of a -- I want to say a latex glove or
4 a rubber glove or nitrile glove, just like a torn piece
5 of the finger maybe.

6 Q State's 67?

7 A This is between one of the floorboards. I believe
8 it's a 9-millimeter live round.

9 Q Unfired round?

10 A Yes, ma'am.

11 Q State's 68? This is on top of the blue bag. What
12 are we looking at?

13 A Okay. This is going to be I think in the rear cargo
14 area of the vehicle, the trunk ---

15 Q The trunk ---

16 A --- it's a fired cartridge or shell casing sitting
17 on top of the blue tote.

18 Q State's 69?

19 A This is a close-up photograph, the blue tote and the
20 fired shell casing is pretty much the only thing in the
21 photograph.

22 Q State's 70?

23 A This one is a close up of a Charter Arms gun box, a
24 box a gun would be stored in.

25 Q What type of gun is that for? You can tell on this

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1 tag?

2 A .38 special revolver. The lavender lady is what
3 they call it.

4 Q State's 71? What is this box right here?

5 A This is an ammunition box, and it's located near the
6 blue tote.

7 Q In the trunk?

8 A In the rear trunk area, yes. And it is the PMC and
9 I believe the caliber on that is .380, automatic.

10 Q State's 72? What is this blue item in the console?

11 A This is the center console that floats up between
12 the seats and this is latex, rubber, nitrile, I'm not
13 sure, but they're gloves.

14 Q State's 73? The blue item at the bottom of the
15 screen which is pictured there?

16 A Yes, this is going to be another portion of a glove,
17 torn portion, finger, not exactly sure what area, but
18 it's part of those gloves.

19 Q State's 74, the blue item again?

20 A It's another glove. Once again if it's latex,
21 nitrile, rubber, I'm not sure. But it's one of those
22 gloves.

23 Q State's 34?

24 A This is a TV, the TV that was coming out of the
25 passenger side of the bottom. Not the bottom, but you

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1 can see it on the side. There's the base and the TV
2 portion coming out of the vehicle.

3 Q State's 35? Is that the same TV?

4 A Yes, this is the same TV, just showing the back up
5 where the serial number sticker on the back is outside of
6 the vehicle sitting up.

7 Q State's 36? What is this big, black object?

8 A This is another TV kind of leaned up in the back. I
9 believe one of the other pictures ---

10 Q Is it a different TV?

11 A Different TV than what you just saw, yes.

12 Q State's 38?

13 A This is a PlayStation3. It was in the front
14 passenger side floorboard, further this way and
15 photographed. It's sitting in the front passenger seat
16 right now.

17 Q You can have a seat.

18 (Whereupon, the witness entered the witness stand.)

19 Q Investigator Johnson, you mentioned that you
20 photographed and then collected various items of evidence
21 from this vehicle, correct?

22 A Yes, ma'am.

23 Q Going to show you a few of those items, if you could
24 take a look at these. State's 75, tell me if you
25 recognize that.

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1 A The packaging has my handwriting on it. It also has
2 item number CJ9 and the case number on it, and inside
3 packing is a 9-millimeter live or unfired 9-millimeter
4 round.

5 Q And that's the 9-millimeter round that was pictured
6 in the previous exhibits?

7 A Yes.

8 Q Okay. And where was that located?

9 A It says from the front passenger floorboard. I
10 could show you where on the photographs. But it was on
11 the front passenger floorboard between where the seat was
12 and the PlayStation3 was located.

13 MS. HALL: Your Honor, at this time state moves to
14 enter State's 75 into evidence.

15 MR. CHESSER: No objection.

16 THE COURT: Mark these as evidence, please.

17 (Whereupon, State's Exhibit 75 was entered into
18 evidence.)

19 Q Showing you State's 76. If you could tell me what
20 that is.

21 A Okay. These are white cloth gloves. Do I need to
22 pull them out or ---

23 Q Just tell me how many gloves are in there.

24 A There's two.

25 Q Two gloves?

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1 A (No audible response.)

2 Q Okay. Those were also collected from inside the
3 vehicle?

4 A Yes.

5 Q Okay.

6 MS. HALL: Your Honor, at this time, state moves to
7 enter State's 76 into evidence.

8 MR. CHESSER: No -- no objection.

9 THE COURT: Mark 76 into evidence, please.

10 (Whereupon, State's Exhibit 76 was entered into
11 evidence.)

12 Q Showing you State's 77.

13 A These are blue latex gloves. Not sure how many
14 there are.

15 Q Multiple gloves?

16 A Yeah, there's more than one. Looks like some of
17 them are torn.

18 Q Okay. And those were collected from inside the
19 Dodge Magnum?

20 A Yes, ma'am, they were.

21 MS. HALL: Your Honor, at this time, state moves to
22 enter State's 77 into evidence.

23 THE COURT: Any objection?

24 MR. CHESSER: No objection.

25 THE COURT: Mark 77 into evidence, please.

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1 (Whereupon, State's Exhibit 77 was entered into
2 evidence.)

3 Q Now showing you State's 86. If you could tell me
4 what that is.

5 A From the packaging marking and the packaging, it's
6 my handwriting, CJ35, with the case number on there and
7 the description of it is one spent .38 special cartridge,
8 head stamp RP .38 special.

9 Q And that was the .38 -- I'm sorry.

10 A You want me to go into it and pull it out?

11 Q You can leave it packaged. And -- but this is the
12 .38 shell casing that was located in the trunk area that
13 was photographed earlier?

14 A Yes, ma'am.

15 MS. HALL: Your Honor, at this time, state moves to
16 enter State's 86 into evidence.

17 THE COURT: Any objection to this?

18 MR. CHESSER: No objection.

19 THE COURT: Mark it into evidence, please.

20 (Whereupon, State's Exhibit 86 was entered into
21 evidence.)

22 Q State's 89, if you could tell me what is contained
23 within that?

24 A Once again, that's my handwriting on the package.
25 It's CJ18 with the case number. It's a pair of white

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1 gloves and -- looks like a pair of white fabric gloves.

2 Q Another set of white gloves?

3 A Yes, ma'am.

4 MS. HALL: Your Honor, at this time, state moves to
5 enter State's 89 into evidence.

6 THE COURT: Any objection to these?

7 MR. CHESSER: No objection.

8 THE COURT: Mark 89 into evidence, please.

9 (Whereupon State's Exhibit 89 was entered into
10 evidence.)

11 MS. HALL: Your Honor, at this time, state also
12 moves to enter State's 47 into evidence. These are the
13 blue latex gloves collected from [REDACTED].

14 THE COURT: Do you have an objection at this point?

15 MR. CHESSER: I would object, Your Honor, on the
16 same grounds; that is, I don't understand the relevance
17 to this case, Your Honor.

18 THE COURT: What's the state's position?

19 MS. HALL: Your Honor, these are -- the gloves
20 collected in State's 47 are of the same type, color of
21 blue latex gloves as the gloves collected from the
22 wrecked vehicle. State's 47 was collected from one of
23 the suspect's homes. The gloves just entered into
24 evidence were collected from the wrecked vehicle
25 containing all of the stolen items.

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1 THE COURT: Bear with me a moment. This is from the
2 home of Heather Collins?

3 MS. HALL: Yes, sir, Your Honor. State's 47.

4 THE COURT: All right. What is there in evidence
5 that links anybody with anything to do with Heather
6 Collins to Mr. Chandler?

7 MS. HALL: Your Honor, one of the suspects lived at
8 that residence that was apprehended. Your Honor, also
9 the ID, the driver's license that was found in the
10 roadway was of Jacob Johnson, that driver's license had
11 the address of Heather Collins on it. That was the same
12 residence.

13 THE COURT: [REDACTED] ?

14 MS. HALL: Yes, Your Honor.

15 THE COURT: I've got that Captain Powell testified
16 that he was deployed to the address at one of the
17 suspect's mother's house. You're telling me that the
18 document links the driver's license that was found at the
19 wreck scene to that house?

20 MS. HALL: Yes, Your Honor. That's the same address
21 on the ID as the house where they found the gloves.

22 THE COURT: You need to put anything else on the
23 record?

24 MR. CHESSER: No, Your Honor.

25 THE COURT: Your objection is overruled. Mark 47

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1 into evidence, please.

2 MS. HALL: I apologize, Your Honor?

3 THE COURT: I said your objection is overruled.

4 Mark 47 into evidence.

5 MS. HALL: Thank you, Your Honor.

6 (Whereupon, State's Exhibit 47 was entered into
7 evidence.)

8 Q Investigator Johnson, after conducting the search of
9 this vehicle, did you have any further involvement in the
10 case?

11 A No, ma'am.

12 Q I have no further questions for you. Please answer
13 any that Mr. Chesser may have.

14 A Yes, ma'am.

15 THE COURT: Cross?

16 MR. CHESSER: May I approach the witness, Your
17 Honor?

18 THE COURT: Sure.

19 CROSS-EXAMINATION

20 BY MR. CHESSER:

21 Q Investigator Johnson, I want to show you what I
22 believe is State's 75. Can you tell me again what that
23 is?

24 A The packaging says Item No. CJ9, case number, my
25 handwriting, my name. Live 9-millimeter round, head

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1 stamped Speer 9-millimeter Luger, and packaging on the
2 inside also says the case number -- my item number and
3 live 9-millimeter round.

4 Q So this was the live round that you found inside the
5 vehicle?

6 A Yes, sir.

7 Q Okay. And you stated I believe that you found it in
8 the right front floor?

9 A Yes, sir.

10 Q Okay. And then in addition, you found a spent shell
11 casing in the vehicle, correct?

12 A Yes, sir.

13 Q And that spent shell casing, which I believe is
14 State's 86, do you recall where you found that?

15 A That would have been in the rear cargo area sitting
16 on top of a blue -- like a fabric tote.

17 Q In addition, there was a picture of a box of
18 Remington shells; is that right?

19 A Yes, sir.

20 Q And were those what are referred to as live rounds
21 or unspent rounds?

22 A I -- the box -- I'm not sure how many were in it. I
23 collected the box as one item, but yes, they would be
24 unfired. Or there could be empty shell casings in the
25 boxes.

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1 Q Okay. So you're not sure?

2 A No, sir.

3 Q You just know what the box said?

4 A Yes, sir.

5 Q So as far as you know, you found this live round in
6 the front floorboard of the shell casing in the --

7 A Yes, sir.

8 Q My question to you would be how do you know how long
9 a shell -- let's say this live shell, had been in the
10 vehicle?

11 A I don't know that.

12 Q And the same would be true with the shell casing,
13 that is the spent shell, correct?

14 A Yes, sir.

15 Q And then finally, Investigator Johnson, you know
16 that the vehicle flipped over at some point, correct?

17 A Yes, sir.

18 Q That being the case, doesn't that tend to reduce the
19 significance or evidentiary value of where you find a
20 given shell or shell casing?

21 A Besides it being found in the vehicle?

22 Q In other words, if a vehicle flips over, you know, a
23 shell could be in the back and end up in the front,
24 right?

25 A Yes, sir. But it would still be in the vehicle if I

CROSS-EXAMINATION BY MR. CHESSER - CHRISTOPHER JOHNSON 260

1 found it in the vehicle, it was in the vehicle. But it
2 could have been from the front to the back or the right
3 to the left. Yes, sir.

4 Q Yeah, I'm not suggesting it might have come from
5 outside the vehicle. But thank you.

6 A You're welcome.

7 THE COURT: Redirect?

8 MS. HALL: None, Your Honor.

9 THE COURT: Thank you, sir. You may step down.

10 (Whereupon, the witness exited the witness stand.)

11 THE COURT: Ladies and gentlemen of the jury, we'll
12 take another ten-minute break. Don't discuss the case.
13 Follow the bailiff, please.

14 (Whereupon, the jury exited the courtroom at 3:54
15 p.m.)

16 THE COURT: Court's in recess for ten minutes.

17 (Off the record from 3:54 p.m. to 4:26 p.m.)

18 THE COURT: I'm sorry. I understand we have one
19 more witness today.

20 MR. WEEKS: Yes, sir.

21 THE COURT: All right. Bring the jury, please.

22 (Whereupon, the jury entered the courtroom at 4:27
23 p.m.)

24 THE COURT: Members of the jury, I apologize for the
25 length of that break. We have one more witness for the

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1 day, and then we have our longer witnesses scheduled
2 tomorrow.

3 So we're going to take this one witness -- will be
4 relatively short -- and then you'll go home for the day
5 or wherever you want to go. And we'll plan to have you
6 back tomorrow at two. I told you we've got a scheduling
7 conflict in the morning, so I'm going to come and work on
8 the other matters that don't have anything to do with
9 this case, and we'll have you folks back at 2:00 tomorrow
10 afternoon.

11 I don't know if you'll get the case tomorrow
12 afternoon or if it will go into Thursday. You may get it
13 tomorrow afternoon. We'll just see how it goes.

14 All right. Call your next witness.

15 MR. WEEKS: Thank you, Your Honor. State would call
16 agent Tracy Thrower.

17 (Whereupon, the witness came forward.)

18 TRACY THROWER, having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WEEKS:

22 Q Agent Thrower, where are you employed?

23 A I'm employed by the South Carolina Law Enforcement
24 Division, also known as SLED, in the forensic services
25 building in the firearm and toolmark department.

1 Q And how long have you been employed at SLED?

2 A Approximately 19 years.

3 Q 'Okay. And while you've been at SLED, have you
4 solely and exclusively worked in the firearms department?

5 A Yes, sir, all 19 years have been in the firearms
6 department.

7 Q Agent Thrower, please give me a little resume on
8 your background, where you would go to school, how you
9 would become involved in SLED, that type thing.

10 A I attended Winthrop University. Got a bachelor of
11 science degree in biology. Was then searching trying to
12 figure out what I wanted to do. I heard about the
13 internship program in forensics at SLED. I became an
14 intern for a year and a half, at which time I got hired.
15 I've been there for 19 years ever since.

16 I went through the South Carolina Criminal Justice
17 Academy, completed that. I started the firearm and
18 toolmark course of instruction, have become a firearm
19 examiner. That took about 3 1/2 years. This was a
20 mentorship-style program taught by court-qualified
21 firearm and toolmark examiners.

22 During that program, I was required to perform
23 extensive reading and studying. I was given practical
24 problems, oral examinations, written examinations. I had
25 to assist examiners in preparing of their cases. I was

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1 sent to various schools, seminars, and conferences in
2 firearms, firearm identification, and the field of
3 identification in general.

4 Completing this, I took my final examination and
5 competency test. After passing, I was allowed to work
6 cases on my own.

7 Since then, I've been to numerous armor schools
8 where the manufacturer of a gun will teach you how to
9 disassemble their guns, reassemble their guns, how to
10 troubleshoot and problem solve, identify what's wrong
11 with their guns and how to repair it. I've been through
12 the course on scientifically defensible criteria for the
13 identification of toolmarks, which is taught by Bruce
14 Murdoch and Paul Moran.

15 I've been through the serial number restoration
16 course taught by the Bureau of Alcohol, Tobacco, and
17 Firearms. I've completed the specialized techniques of
18 firearm identification taught by the Federal Bureau of
19 Investigations, along with numerous other courses.

20 Q Tracy, during the time you've been employed and
21 still employed at SLED, have you analyzed submissions
22 from various law enforcement agencies?

23 A Yes, sir, I have.

24 Q Do you have any idea how many?

25 A Tens of thousands.

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1 Q And doing those analyses, do you use tools provided
2 to you at SLED?

3 A Yes, sir, I do.

4 Q Have you come to court and testified before?

5 A Yes, sir, I have.

6 Q Have you been qualified as an expert in firearm
7 identification and toolmark identification?

8 A Yes, sir, I have.

9 Q How many times, approximately?

10 A I believe 59.

11 Q And have you testified in the circuit courts of this
12 state regarding your findings in regard to firearm
13 identification?

14 A Yes, sir, I have.

15 MR. WEEKS: Your Honor, we'd move at this time to
16 have Agent Thrower identified as an expert in firearm
17 identification, toolmark identification.

18 THE COURT: Voir dire?

19 MR. CHESSER: No, Your Honor.

20 THE COURT: Any objection?

21 MR. CHESSER: I have no objection.

22 THE COURT: He is so recognized. You may continue.

23 Q Agent Thrower, you submitted some items from Aiken
24 County Sheriff's Department for purposes of analysis in
25 this case?

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1 A Yes, sir.

2 Q I hand you what's marked state's exhibit 79. Can
3 you identify that item?

4 A State's Exhibit 79 is also SLED Item No. 3. It is a
5 fired 9-millimeter Luger caliber cartridge case. It
6 bears my case number, item number, initials where I
7 scribed on the item with an electric pencil, and it also
8 has my date -- seal, date, and initials on the package.

9 Q Hand you what's marked State's Exhibit 78 that was
10 in evidence and ask if you can identify that item.

11 A First of all, ladies and gentlemen of the jury, as
12 you noticed, I just verified both by sight and feel that
13 this firearm is unloaded. It also has a safety device so
14 it is safe for me to handle. Okay. State's Exhibit 78
15 is SLED Item No. 2. It is a Taurus model PT 11
16 Millennium semiautomatic pistol. 9-millimeter Luger
17 caliber. Serial number TVK-95153. It also bears my case
18 number, item number, initials where I scribed on it also.

19 Q Agent Thrower, what were you asked to do with that
20 gun in reference to State's Exhibit 79?

21 A I was asked to compare, test specimen -- I was asked
22 to test fire the firearm and microscopically compare my
23 test specimens to the fired cartridge case that was
24 submitted.

25 Q And were you able to reach an opinion after testing

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1 it as to whether or not the fired cartridge casing had
2 any relationship to that gun?

3 MR. CHESSER: Your Honor, I would object to -- at
4 this point the Item 79, which I believe is a fired
5 cartridge casing, I don't believe is in evidence. And I
6 would submit that this testimony is -- it can only come
7 in conditionally; that is, I don't have an objection but
8 on the basis of it, I think it's not relevant at this
9 point because the underlying material is not in evidence.

10 MR. WEEKS: 79 is not in evidence. It will be
11 tomorrow. We're calling this witness out of order. So
12 subject to tying up, we discussed this at the bench. I
13 don't want to recall this witness because he's from
14 Columbia.

15 THE COURT: So you're not offering 79 into evidence
16 now. You're going to offer it in evidence when you call
17 your witness tomorrow?

18 MR. WEEKS: Correct, Your Honor.

19 THE COURT: And you're objecting that it's not
20 relevant now because there's no foundation?

21 MR. CHESSER: That's correct.

22 THE COURT: But you both agreed to call this witness
23 out of order for convenience of the witness?

24 MR. WEEKS: That's what we're doing, and I thought
25 they agreed to that.

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1 MR. CHESSER: I just want it on the record that this
2 is conditionally admitted provided if they link it up
3 tomorrow with this evidence.

4 THE COURT: If they don't link it tomorrow, let me
5 know and I'll instruct the jury they have to disregard
6 and I'll consider any other motions you have at that
7 time.

8 MR. CHESSER: Thank you, Your Honor.

9 THE COURT: All right. Go ahead.

10 Q Tracy, were you asked to compare what's been
11 identified as State's Exhibit 79 to the firearm, the
12 9-millimeter to make any -- to render any opinions about
13 it? Were you asked to do that?

14 A Yes, sir, I was.

15 Q Were you able to do that based upon your analysis of
16 those items?

17 A Yes, sir, I was.

18 Q And what were the opinion you were able to render
19 with regard to those two items?

20 A When I microscopically compared the test specimens
21 from the Item 78 Taurus pistol to the Item 79 cartridge
22 case, the amount of agreement that I saw between the two
23 was so significant that I rendered an identification.
24 The likelihood that another firearm could have produced
25 that much agreement would be considered negligible.

1 Q Explain to the jury what you mean by "agreement."

2 A When I'm looking at these microscopic scratches,
3 also known as striations or impressions depending on how
4 the markings are made. Essentially, what I wind up doing
5 is comparison microscope -- a comparison microscope is
6 really two microscopes that sit side by side, and they're
7 connected optically into one set of eye pieces. So that
8 when I'm looking through the microscope, I can put item
9 one right next to item two, place them side by side, and
10 I can see lines -- individual lines up to see if they
11 match or not, to see if they appear to have a common
12 origin, per se.

13 It's kind of like looking at a topography map. If
14 you look at a topography map, you can look at all the
15 ridges and the hills and the valleys and compare that to
16 another one just like it.

17 I look at -- for each individual scratch or
18 striations, I look at how tall it is. I look at how wide
19 it is. I look at how it goes from the high to the low or
20 the valley in between and then back up to the next
21 striations, and I look at how all this goes together as a
22 series to form a pattern.

23 Once I understand what the pattern is on the left
24 side of the microscope, I look for that same pattern on
25 the right side of the microscope so I'm comparing this

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1 topographical type map to see -- to look for consistency
2 between the two.

3 Q Tracy, I probably should have asked you to do this
4 earlier, but you're going to have to give us a little
5 firearms primer here ---

6 A Okay.

7 Q --- about the difference between, for example, a
8 semiautomatic weapon and a revolver or a rifle and a
9 shotgun. Tell -- we'll focus on handguns now, and the
10 different marks that they may make or the different
11 characteristics they may exhibit that are you are an
12 expert in identifying.

13 A Okay. Let's start with the semiautomatic pistol
14 since we have one and it's easy to show you. The rear
15 portion of the barrel -- this being the barrel, which is
16 what the bullet travels down towards the target. The
17 very first portion of this barrel, which is right here,
18 has what is called a chamber. The chamber is that
19 portion of the firearm that holds the unfired cartridge
20 in position, ready to be fired.

21 So when the cartridge is in the chamber, you pull
22 the trigger, releases the hammer of the firing pin, which
23 comes -- the firing pin comes forward and strikes the
24 primer or the ignition component of a cartridge. When it
25 strikes and crushes that primer, making a firing pin

1 impression in it, it forms a small explosion in the
2 primer.

3 That small explosion then travels into the powder,
4 the gun powder in the cartridge, igniting the gun powder.
5 The gun powder forms hot gas, which then expand. As they
6 expand, they start pushing the bullet down the barrel and
7 towards the target, okay?

8 Simple physics. For every action, there is an equal
9 but opposite reaction. So all that pressure pushing the
10 bullet down the barrel also pushes the cartridge case
11 backwards against this metal surface right here called
12 the breech face. In the middle of that breech face is a
13 small hole called the firing pinhole or firing pin
14 aperture. This is where the firing pin comes through to
15 strike that primer.

16 So when the firing pin comes through, you can --
17 once again, you get a firing pin impression on that
18 primer or the ignition component of the cartridge case.
19 Also, all that gas pushing the bullet down the barrel is
20 shoving that cartridge case with just as much pressure
21 back against this breech face, which has scratches on it.
22 Those scratches then get impressed into that primer.

23 Also, this gun has what they call a dropping barrel.
24 The barrel is on a cam or a pivot point, so when the
25 slide -- this portion first starts to go to the rear,

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1 they're traveling together in line. After just a little
2 bit of movement, the cam on the barrel catches and causes
3 the back of the barrel to drop down.

4 The barrel then separates from the slide, which is
5 why you can see the barrel up here and the slide back
6 here, okay? Pressure in this gun is still high at this
7 point, so the cartridge case is still trying to push
8 against this breech face while it is now trying to slide
9 down at the same time, which can cause scratches down the
10 primer or breech face area on the cartridge case, which
11 are some more markings that I look at. Primarily, what I
12 looked at in here was the firing pin impression and those
13 breech face markings on the head of the cartridge case.

14 Now, this is a semiautomatic pistol, which means for
15 each time I pull the trigger, it requires a separate pull
16 of the trigger for each shot fired. So I pull the
17 trigger one time and it fires. Bullet travels down the
18 barrel, all that gas pressure pushes back on the slide,
19 which there is a spring that tries to keep this slide
20 going forward called a recoil spring. As the slide goes
21 back due to all that gas pressure, the barrel unlocks,
22 drops down, the slide goes to the rear.

23 There's a little hook right here that grips the back
24 of the cartridge case. And as it goes -- the slide comes
25 back, it pulls the cartridge case out of the chamber of

1 the barrel. When it's pulled back far enough and the
2 cartridge case is now out of the barrel, there's a small
3 post on the other side called the ejector.

4 So you're pulling back on one side and pushing
5 forward on the cartridge case on the other, which is what
6 causes it to flip and jump out of the gun. If you've
7 ever seen guns on TV and you see cartridge cases flying
8 out of the gun, those are the mechanisms that cause them
9 to go out of the gun.

10 The power of the spring -- the recoil spring then
11 stops the rearward motion of the slide. The magazine,
12 which has ammunition stacked in it, will have one pushed
13 up against these feed ramps, pushes up into this opening,
14 which is now available. The recoil spring starts pushing
15 this slide back forward. The back of this breech face
16 area grabs the top of this cartridge case, slides it up
17 the feed ramp into the barrel, and the slide closes.

18 All at the same time, the firing pin or the hammer
19 is reset, the sear is reset, and the disconnecter is
20 reset. So the gun is now ready the fire again. But
21 because the disconnecter has also been reset, simply
22 holding the trigger to the back, it won't fire. You must
23 release the trigger and pull it a second time to cause it
24 to fire a second time.

25 This whole process continues over and over every

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1 time you pull the trigger and release it until the
2 magazine is out of ammunition. That's how a
3 semiautomatic pistol works.

4 A revolver, on the other hand, the barrel is
5 separate from the chamber. You will have -- right behind
6 the barrel, you will have a cylinder which will have
7 multiple chambers in it, in a circle. So every time the
8 hammer is cocked, you will see the cylinder turn. It
9 places a new cartridge in line with the barrel.

10 Once -- once it is in line with the barrel or in
11 battery, further pulling of the trigger will cause the
12 hammer to release, strike the cartridge, igniting the
13 primer, causing the bullet to go down the barrel, and
14 that's the end of that firing cycle. To fire it again,
15 you either have to cock the hammer or pull the trigger to
16 cause the next cartridge or the cylinder to rotate, put a
17 fresh cartridge in, and then continue pulling to cause it
18 to fire. Happens over and over. Separate pulls of the
19 trigger for each shot fired.

20 Q The empty cartridge cases in a revolver aren't
21 expelled from the weapon after each shot?

22 A No, sir. They remain in the various chambers within
23 that cylinder until someone manually removes them.

24 Q And the markings that you look for on the primer and
25 the breech face, are they similar in revolvers as they

1 are in semiautomatics?

2 A Yes, sir. They're -- typically the ones we look
3 primarily for will be breech face markings and firing pin
4 markings. Those are attributed to firing and not just
5 loading in and removing ammunition.

6 Q And when the firing pin strikes the primer, the
7 little round circle in the middle of the bullet, it
8 leaves an impression?

9 A Correct, yes, sir.

10 Q Primer doesn't blow up and nothing left there?

11 A No, sir. It remains --

12 Q There's a metal piece right there?

13 A Yes, sir. It remains with the cartridge case.

14 Q Okay. And the rim around the edge, what would you
15 call that?

16 A The head stamp area of the cartridge case.

17 Q Head stamp area of the cartridge, that is the part
18 that you say is being damaged, for lack of a better word,
19 by the firing mechanism and leaving marks that you can
20 interpret?

21 A Well, the outside -- with -- if you have the primer,
22 which is the cup, the firing pin strikes the center of
23 it. The surrounding area outside that firing impression
24 of that primer is still taking those breech face marks or
25 the markings from this area.

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1 Now, you go outside of that to the head stamped area
2 of the cartridge case where it says 9-millimeter, Luger,
3 Speer, the brand, that can also get breech face markings.
4 But I don't trust those as much because if you have a
5 reloaded piece of ammunition, those markings could be
6 from a prior firing. That's why I primarily look at what
7 is on the primer for breech face markings and firing pin
8 impressions because that's a new component for that
9 particular time it was fired.

10 Q And just to be clear, is there a difference between
11 a .38 caliber bullet or .38 caliber projectile, a .380
12 caliber projectile, and a 9-millimeter caliber
13 projectile?

14 A Yes, sir. They're three different projectiles based
15 on many times construction, but also weight.

16 Q And this is something unusual. That 9-millimeter
17 cannot fire one of those others?

18 A If you're speaking of a complete, unfired cartridge,
19 no. The .38 special is very long. It would not fit into
20 the chamber of this gun. A .380 auto -- all three
21 calibers have the same diameter bullet, roughly 355 --
22 .355, or .357 inches in diameter. So they're the same
23 big around.

24 It's how long they are and the shape of the
25 cartridge case. So the container, the cartridge is the

1 Container that holds the primer or the ignition
2 component. It holds all the gun powder and it holds the
3 bullet or projectile.

4 A .380 auto is short. Its cartridge case is roughly
5 17-millimeters long and it's fairly cylindrical. A
6 9-millimeter Luger cartridge is 19-millimeters long and
7 it's slightly cone-shaped. It's larger at the base than
8 it is at the mouth where the bullet seats.

9 A .38 special caliber cartridge case is even longer
10 and it's cylindrical, has a rim, a big, heavy rim around
11 the base. The .38 special will not even fit in this gun.
12 .380 auto may, but because it's a cylindrical shape
13 instead of a cone, it -- you may not be able to be fired
14 in the gun. In order to fire it, the extractor or the
15 hook would actually have to hold it and support it
16 against the breech face sturdy enough to allow it to fire
17 while otherwise it's flopping around in the chamber.

18 Q So it's your expert opinion that the exhibit marked
19 79 was fired from that weapon?

20 A Yes, sir. That's my opinion.

21 Q Okay. Now, just a little bit more of a primer.
22 Different companies -- do different companies make the
23 same caliber ammunition?

24 A Absolutely.

25 Q Do they make different types of ammunition?

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1 A Absolutely.

2 Q Same company may make .38s, may make 9-millimeters,
3 may make .380s?

4 A Many companies, especially all your popular ones,
5 will offer a variety of ammunition in all the popular
6 calibers. Caliber I'm thinking of the size of the
7 ammunition and then within a specific caliber, like
8 9-millimeter Luger specifically, they'll offer a variety
9 of different types of ammunition. Something that is --
10 got a round nose, full metal jacket for target practice,
11 a cheaper piece of ammunition.

12 They'll have different styles of hollow points,
13 which means there's a cavity in the nose so that when you
14 shoot a target, it's designed to open up or expand like a
15 mushroom so all the energy of that projectile, the -- the
16 projectile stops within the target and gives all of its
17 energy to the target. So there will be -- could be
18 numerous within a specific brands and there's many brands
19 of ammunition out there.

20 Q Even though it's only fired one time, those markings
21 that you're able to analyze allow you to make an opinion
22 based on your years of expertise that that Exhibit 79 was
23 fired from that weapon?

24 A Yes, sir.

25 Q Like I said, subject to tying it up later.

1 THE COURT: Cross?

2 CROSS-EXAMINATION

3 BY MR. CHESSER:

4 Q Good afternoon, Agent Thrower.

5 A Sir.

6 Q Just to understand what you did, this Item Number 79

7 or SLED No. 3 you examined, that's a Luger cartridge;

8 that is, to say that fired that cartridge.

9 A It is a fired cartridge case, which is the
10 component -- it's sort of like the container that holds
11 the projectile, the gun powder, and the primer, which is
12 the ignition component. It was a 9-millimeter Luger
13 caliber. Yes, sir.

14 Q Okay. Let me just understand that. A 9-millimeter,
15 that's a caliber itself, right? What's it mean to say
16 9-millimeter Luger caliber?

17 A The Luger portion was -- simply -- it's a -- it's
18 the name of the original guy who came up with it. Georg
19 Luger. So it was -- he named the cartridge after him.
20 And the 9-millimeter simply is a designation of the
21 approximate diameter of the bullet, 9-millimeter being
22 the metric version of about .355 in inches.

23 Q Okay. Well, my question would just be what's the
24 difference between a 9-millimeter and a 9-millimeter
25 Luger bullet?

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 279

1 A Well, you can have a generic 9-millimeter -- well,
2 9-millimeter bullet. Technically speaking, a .380 auto
3 bullet is the same diameter as a 9-millimeter Luger
4 bullet, the main difference being in how much the bullet
5 weighs. A 9-millimeter Luger bullet weighs more
6 typically than a .380 auto bullet.

7 Q Okay. Well, I'm not going to dwell on this too
8 much, but I mean, is Luger, is it just a brand name or
9 because the bullet weighs more?

10 A The Luger is simply a designation of caliber.
11 Within that caliber, that's one of the names that goes
12 by. It goes by a 9-millimeter Parabellum, 9-millimeter
13 by nine. There's a number of names that all mean the
14 same caliber cartridge.

15 Q All right. And again, the point of your examination
16 or your conclusion is that this cartridge, SLED No. 3,
17 was fired from this gun, which is this Taurus PT-111,
18 Evidence No. 78, correct?

19 A Yes, sir.

20 Q All right. Now, when you're examining -- making an
21 examination like this, you talked about you can have
22 scratches on striations or imperfections in the case?

23 A In the cartridge case? Yes.

24 Q Yes, sir. And in the bridge base in particular?

25 A Breech face. Yes, sir.

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 280

1 Q Okay. Now, in this case, you compared this SLED No.
2 3, Evidence No. 79, to a casing that you fired for this
3 weapon, correct?

4 A That is correct. Yes, sir.

5 Q Okay. What kind of bullet did you fire for this
6 weapon?

7 A I believe it was also the same brand, Speer,
8 9-millimeter Luger caliber, full metal jacket, round
9 nose.

10 Q You believe it was or you know it was?

11 A It was.

12 Q Okay. So what are the -- what are the imperfections
13 that made you conclude these had to be from the same
14 weapon?

15 A The imperfections that were on the breech face area
16 of the firearm and also the imperfections that were on
17 the tip of the firing pin, which is what strikes the
18 primer or the ignition component.

19 Q I guess my point is this: What you actually
20 compared are the markings on the shell casing, correct?

21 A On my test fired cartridge case that I fired out of
22 this gun.

23 Q Right?

24 A Versus the markings on the cartridge case that was
25 submitted to me, which is State's Exhibit 79.

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 281

1 Q Right. So you compared these casings. And what --
2 again, my question, then, is what markings on these
3 casings that led you to conclude that they were similar
4 or identical?

5 A The breech face markings. The impressions left by
6 the cartridge case being pushed against the breech face
7 of the gun on the primer and also the impressions that
8 were on -- from the -- the markings on the tip of the
9 firing pin striking the primer to cause the cartridge to
10 fire. Breech face markings ---

11 Q I'm not ---

12 A Firing pin impressions.

13 Q I'm not making myself clear. I understand what
14 you're saying the cause of these markings. I'm asking
15 you what are the actual markings that you conclude are
16 similar between your test casing and this actual casing?

17 A I think I understand what you're asking now. During
18 the manufacture of the firearm, there's various processes
19 that can go on that take this slide from being a block of
20 steel and machining this ejection porthole, machining the
21 breech face, drilling out the air -- the barrel is going
22 to stick out the end of it, taking all the markings -- or
23 rails and everything else.

24 All these are cutting surfaces that are removing
25 metal, okay. When you have a harder object like the

1 cutting blade on one of these tools scratching a softer
2 surface, which is the metal of this slide, it can leave
3 scratches or imperfections on these various surfaces.
4 These are the markings that become -- that we wind up
5 using for identification.

6 So these markings are placed there by the blade that
7 shaves metal away from the breech face area. There can
8 be trash deposits. As this blade is cutting, you can
9 have material from the slide building up on the face of
10 this, which is causing further scratches or striations.

11 You can have imperfections in the metal that's being
12 cut away so you can have like a hard spot, a trash piece
13 of metal. So that as that blade catches it, instead of
14 just shaving it off clean, it rips it out of place and
15 forms a pocket or a void, a microscopic recess or pit on
16 the -- on that breech face.

17 These are some examples of markings that are made
18 during manufacture that the manufacturer cannot control
19 of these individual identifying markings. Further, as
20 the gun is used, okay, the more it is used, these
21 markings will change because you have cartridge cases
22 constantly rubbing or being pressed into this breech
23 face, which is flattening out some of these markings.
24 The cartridge case being shoved down against it, if there
25 any dirt or debris on the breech face when it's doing

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 283

1 this, it can be pulling dirt, like sand paper across the
2 breech face.

3 Depending on how the gun was cared for, is it
4 properly oiled and maintained, or is it starting to get
5 rusty and get microscopic pitting from rust or oxidation.
6 All these things cause the firearm to change
7 microscopically over time through use, abuse, rust,
8 corrosion, even the possibility in some cases where
9 somebody may try to damage the firearm to make it
10 non-identifiable. These are the markings I'm using for
11 my identification.

12 Q How many examinations, comparisons, did you say that
13 you testified in your careers?

14 A Over the past 19 years, easily tens of thousands.

15 Q In fact, you don't remember what the imperfections
16 are in this case that led you to conclude they were fired
17 from the same weapon, do you?

18 A No, sir, I don't.

19 Q Okay. This microscope, this comparison microscope
20 that has -- it's got like two -- I'll call them eye
21 pieces?

22 A Yes, sir.

23 Q So you're actually looking at two bullets, one with
24 each eye; is that correct?

25 A I was looking -- in this case, I was looking at two

1 cartridge cases.

2 Q Right. Wouldn't it be possible to take a picture of
3 what you're looking at?

4 A Yes, sir. And I did.

5 Q You don't have it here?

6 A Yes, sir, I do.

7 Q Can we see it? Can I look at these?

8 A Sure. Also, it should be noted that every
9 examination that we perform for every conclusion
10 rendered, a second qualified examiner must come behind
11 me ---

12 MR. CHESSER: I'd object to that. I haven't asked a
13 question, Your Honor.

14 THE COURT: Sustained.

15 Q Can you tell me what these those four photos are in
16 general?

17 A It's a picture of the firing-pin impression.

18 Q What's the -- let me just ask you -- without showing
19 them to the jury until I move them into evidence.

20 A Okay. This picture is a side-by-side comparison of
21 my test fired -- firing pin on my test specimen versus
22 firing pin impression of my evidence specimen. And these
23 three photographs are pictures of the test specimen of
24 the breech face markings versus the evidence specimen
25 breech face markings.

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 285

1 MR. CHESSER: I'd like to offer these into evidence.

2 MR. WEEKS: No objection.

3 MR. CHESSER: Defendant's 1 through 4.

4 THE COURT: Mark them into evidence, please.

5 (Whereupon, Defendant's Exhibits 1 through 4 were
6 marked and entered into evidence.)

7 MR. CHESSER: Your Honor, I'd ask that the agent be
8 allowed to step down.

9 THE COURT: Sure. Keep your voice up.

10 (Whereupon, the witness exited the witness stand.)

11 Q Agent Thrower, I'm going to show you what's been
12 marked Defendant's No. 1. Can you explain what that is,
13 and you can show it to the jury?

14 A All right. This is a picture of firing-pin
15 impressions of my test specimen versus the evidence
16 specimen. Unfortunately, this shows up much better on
17 the computer screen where you can blow it up and it's not
18 good for printing because you can't see the dark.

19 But if you look right there, here's the dividing
20 line between the two. You can see a tiny little
21 imperfection there. Same imperfection is right there
22 next to it.

23 If you move down, there's another one. Move down
24 there's another one. As we get down here, you can start
25 seeing the lines coming across. That is some of the

1 details that I'm looking at.

2 Once again, so y'all can see it, here's my dividing
3 line. Test specimen here, evidence specimen here. It's
4 light-dependent. Right here and here you can see a
5 little bit of a light ray. That is that tiny little
6 microscopic imperfection.

7 Just below it, you can see it again. As we start
8 coming down here, you'll start seeing some tiny little
9 microscopic marks coming from left to right on either
10 side of the dividing line.

11 Q I'm going to hand you Defendant's No. 2.

12 A Similar. Test cartridge case here, dividing line,
13 evidence cartridge case here. You see these scratches
14 that go across from one side to the other. You can see
15 how down here, they line up. That is what I'm looking
16 at, primarily in this picture in this area right here.

17 You can see how the lines come across it. Once
18 again, test specimen, dividing line, evidence specimen.
19 So what I'm looking at is primarily this area right here.
20 You can see this little defect on either side, then you
21 start seeing how the lines carry it across the dividing
22 line, matching between the specimen and the evidence
23 specimen.

24 Q Defendant's No. 3?

25 A Once again, test specimen, dividing line, evidence

CROSS-EXAMINATION BY MR. CHESSER - TRACY THROWER 287

1 specimen. Up here, it's a little out of focus because
2 you have to put things on an angle to be able to chase
3 these microscopic shadows. You can see the lines are
4 coming across right there. As we start coming across up
5 in here, you can see them on either side of the dividing
6 line.

7 Again, test specimen, evidence specimen, dividing
8 line. You can see the line coming across here, slightly
9 out of focus, because once again, this is a very shallow
10 depth of field, and it's on an angle. You see the lines
11 match as they come across.

12 What I'm also looking for -- besides just looking at
13 the lines coming across, more importantly than just
14 seeing the lines that match, any time that I can find a
15 nick or a break in that line, it makes that particular
16 nick or break is even more significant than the line
17 itself. Because something happened during formation of
18 that breech face in the gun that a scratch is being made
19 on it, and for some reason that scratch stopped. That
20 stop is what is truly important in identification.

21 Q Defendant's No. 4?

22 A Here's an example of what I'm talking about with the
23 stop. Once again, test specimen, dividing line, evidence
24 specimen. You see this line right here? It comes here
25 and then it stops.

REDIRECT EXAMINATION BY MR. WEEKS - TRACY THROWER 288

1 Here's the dividing line, you see this line coming
2 through and then you see it stop. That is very
3 important. That is how we know that is truly an
4 individual mark is when you can see nicks, breaks, stops.

5 And then, of course, as we travel down, you start
6 seeing individual lines, once again starting to line up,
7 match up. Test specimen, dividing line, evidence
8 specimen. Here's the defect I'm looking at. You see
9 this line? It comes here, here, here and stops.

10 Right across my dividing line, you can see that same
11 line comes to a point and it stops. And of course, as we
12 go down you start seeing other lines starting to line up,
13 to match up.

14 Q Thank you. No more questions.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. WEEKS:

18 Q Tracy, I believe when you were testifying on direct,
19 you said that you used a comparison microscope?

20 A Yes, sir.

21 Q Just in my -- back in my high school science class,
22 a microscope blows everything up way more than the zoom
23 on your camera. Would that be a correct statement?

24 A Yes, sir.

25 Q Thousands or -- I don't even know. Millions? How

REDIRECT EXAMINATION BY MR. WEEKS - TRACY THROWER 289

1 much?

2 A For our microscope, my microscope goes between a
3 power of 6 magnification up to about 102. So 102 times
4 its normal size.

5 Q And these pictures aren't 102 times the normal size,
6 are they?

7 A No, sir.

8 Q What's the purpose of taking these photographs?

9 A They are simply a note to remind me of something
10 that I saw during my examination. Those pictures are not
11 a picture of the identification. That is simply a moment
12 in time to remind me of something that I saw that
13 intrigued me.

14 My identification is based on the totality of the
15 entire examination of looking at all the marks, left to
16 right, top to bottom, down inside the firing pin using
17 different lighting angles. It's the entire comparison
18 together and not simply a moment in time, which is what
19 those pictures were.

20 Q Another expert coming in and looking at these
21 pictures ---

22 MR. CHESSER: Objection.

23 THE COURT: Yes, sir. What's your objection?

24 MR. CHESSER: It seems to me he's referencing some
25 hearsay, Your Honor. Something else that happened

1 outside of court.

2 THE COURT: You wish to be heard?

3 MR. WEEKS: I wish to withdraw the question.

4 THE COURT: All right.

5 Q You've done 10,000 of these examinations?

6 A Easily, yes, sir.

7 Q And Mr. Chesser has done one?

8 A I have no idea.

9 Q Okay. Now, you've been submitted thousands and
10 thousands of bullets, cartridges ---

11 A Yes, sir.

12 Q Firearms?

13 A Yes, sir.

14 Q Have you ever been not able to identify?

15 A Yes, sir.

16 Q Or compare them together?

17 A Yes, sir.

18 Q So you made negative findings through the years too,
19 haven't you?

20 A I have made many negative findings where the wrong
21 firearm was submitted. I've also had many inconclusives,
22 which means I can't tell. The markings simply did not
23 replicate or the marking -- or the bullet when it went
24 through an object was so damaged that the markings on
25 either were just gone.

REDIRECT EXAMINATION BY MR. WEEKS - TRACY THROWER 291

1 Q And your 19 years of experience and seeing things
2 through your microscope lead you to make opinions; is
3 that correct?

4 A Yes, sir, that is.

5 Q Thank you.

6 THE COURT: Recross?

7 MR. CHESSER: Nothing further, Your Honor.

8 THE COURT: Thank you, sir. You may step down.

9 (Whereupon, the witness exited the witness stand.)

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, I need you back here tomorrow at two. If you have
12 some true emergency that prevents you from being here,
13 please let us know. Thank you. Don't discuss the case.

14 (Whereupon, the jury exited the courtroom at 5:16

15 p.m.)

16 THE COURT: Ladies and gentlemen, when you leave today,
17 please be careful that you don't have any contact with a
18 juror. Don't have any conversations related to anyone in
19 the case or about the case that might be overheard by a
20 juror. Be careful as you leave.

21 Court is in recess until 10:00 a.m. tomorrow.

22 2:00 p.m. on this case.

23 (Whereupon, the proceedings were adjourned at 5:16 p.m.)
24
25

1 TRIAL DAY 3 - 02/28/18

2 (Whereupon, the proceedings were resumed at 2:07 p.m.)

3 (Whereupon, State's Exhibits 92 and 93 were
4 premarked for identification.)

5 THE COURT: All right. Is the state ready for the
6 jury?

7 MR. WEEKS: The state's ready, Your Honor.

8 THE COURT: Defense?

9 MR. CHESSER: Your Honor, I only have one matter. I
10 understand that Investigator Graybeal is expected to
11 testify at this point. And the prosecution on some
12 occasions has a history of going through the history of
13 it. What I don't -- what I ask not be admitted or not be
14 asked would be the fact that he's interviewed the other
15 codefendants in this case. I don't know that they intend
16 to ask that.

17 But I would -- the idea is that that would somehow
18 -- the jury could infer from that that they told a story
19 consistent with law enforcement's theory of the case.
20 And therefore, I would -- would ask that that not come
21 in.

22 MR. WEEKS: Your Honor, it's not our intention to go
23 down that road.

24 THE COURT: All right.

25 Bring the jury, please.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 293

1 (Off the record briefly.)

2 (Whereupon, the jury entered the courtroom at 2:08
3 p.m.)

4 THE COURT: All right. Ladies and gentlemen, we'll
5 continue with the state's call.

6 Call your next witness, please.

7 MR. WEEKS: Thank you, Your Honor. The state would
8 call Investigator Stuart Graybeal.

9 THE COURT: Come around, please.

10 (Whereupon, the witness came forward.)

11 STUART GRAYBEAL, having been first duly sworn,
12 testified as follows:

13 THE WITNESS: I'm Investigator Stuart Graybeal.
14 Last name is spelled G-r-a-y-b-e-a-l.

15 DIRECT EXAMINATION

16 BY MR. WEEKS:

17 Q Stuart, where you employed?

18 A The Aiken County Sheriff's Office.

19 Q And in what capacity?

20 A I'm a criminal investigator in the adult CID
21 division.

22 Q All right. Adult criminal investigation ---

23 A Criminal, yes.

24 Q --- division?

25 How long you been doing that?

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 294

1 A Investigations, approximately 16 years.

2 Q Prior to that, were you on the road?

3 A Yes, sir.

4 Q How long you been in law enforcement?

5 A A little over 24 years with approximately a year
6 prior to that as a reserve officer.

7 Q All right. Now, I'm going to call your attention
8 back to June the 9th of 2016. Were you employed in the
9 same capacity on that day as you are now?

10 A Yes, sir.

11 Q And as a result of that employment and in that
12 capacity, did you receive a call about a case at the
13 corner of Oak Ridge Hunt Club Road and State Park Road?

14 A Yes, sir.

15 Q Where were you then?

16 A When I was first notified, I was in the general area
17 of Montmorenci, just above Windsor.

18 Q And where did you go after you were notified of the
19 scene at that location?

20 A I proceeded to State Park Road at Oak Ridge Club.

21 Q All right. And what'd you do when you got there,
22 Stuart?

23 A I was, if not the first -- I -- I was one of the
24 first law enforcement officers to get there after Deputy
25 Smith. So my first obligation was to make sure the

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 295

1 deputy was all right. The persons in the station wagon
2 were already gone. So at that point I secured the scene
3 until other officers arrived.

4 Q Okay. And what do you mean by securing the scene?

5 A When I arrived, obviously, there was the wrecked
6 car. There was debris, contents from the vehicle
7 scattered over a fairly good -- good-size area of the
8 roadway. There was an unsecured weapon.

9 There's a danger to passing cars. So essentially,
10 cordoned off that area so no one unauthorized can come
11 in, remove anything, disturb anything. And that also
12 included blocking off the roadway.

13 Q Okay. Did you stay there for any particular length
14 of time?

15 A I would estimate maybe 15/20 minutes until we had
16 enough manpower on the scene so I could leave.

17 Q All right. And did you do so?

18 A Yes, I did.

19 Q Where did you go?

20 A I proceeded to a residence located on [REDACTED]
21 [REDACTED] outside of Wagener. And I -- I believe it
22 was No. [REDACTED] that -- which is the Busbee residence.

23 Q All right. And when you got to the Busbee
24 residence, who did you talk to?

25 A I first met with Deputy Lively of the patrol

1 division. He had already arrived.

2 Q All right. And after interacting with Deputy
3 Lively, who did you talk to?

4 A I spoke to Brielle Busbee.

5 Q Okay. And as a result of speaking to her, did you
6 do anything at that location?

7 A Yes, sir. After she had recounted her observations
8 and experiences, my job essentially is to follow up on
9 the initial report, to collect statements, to process for
10 evidence, to expose photographs, a little bit more than
11 what the initial officer would be able to do.

12 Q Did you take a number of photographs at that
13 residence?

14 A Yes, sir. Our normal procedure, before manipulating
15 anything in the crime scene or removing anything,
16 probably procedure is to document it as it exists when I
17 get there, document what I see before anything is -- is
18 moved, which is what I did. I exposed a -- a number of
19 digital photographs, interior and exterior.

20 Q Okay. I'm going to hand you what's been marked and
21 is in evidence. Appears to be State's Exhibits 1 through
22 22 and ask you: Did you take those photographs?

23 A Yes, sir, I did.

24 Q And what does -- essentially, the content of that
25 series of photographs, what does it depict? What ---

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 297

1 A That depict ---

2 Q --- do they depict?

3 A Overall, it depicts the exterior of the Busbees'
4 residence, to include the -- the structure itself, the
5 surrounding yard, a rear door. It's distinguished by a
6 wooden handicapped-type ramp. It depicts some damage
7 that I observed around the door. And it also depicts
8 limited -- limited views of the interior of the
9 residence, primarily the area surrounding that rear door.

10 Q Okay. And I believe you attempted some forensics
11 that's known as a "gel lift"; is that right?

12 A That's correct.

13 Q Were you able to get anything off of that gel lift
14 that you were able to use?

15 A Usable, no, sir. It was very poor-quality lift.

16 Q And what is a gel lift, just for the purposes of the
17 jury?

18 A A gel lift is a -- a -- a tool, a -- a forensic tool
19 for collecting -- primarily, footwear impressions is what
20 I use them for. It's a square, rectangular sheet of --
21 of rubber. One side has a -- a mildly adhesive surface
22 to it, about what you'd find on the back of a -- a yellow
23 sticky pad.

24 For example, if I see a -- where someone has kicked
25 a door, there's an impression, usually in dust or fine

1 particles, left by that contact. What I would use a gel
2 lift for is to try and recover that impression or that
3 image with that adhesive sheet. Within -- I have a
4 number of things we can sometimes do forensically with
5 that.

6 Q And you tried that, but didn't get anything from it?

7 A Very faint impression, nothing usable.

8 Q And is that the impression that you were trying,
9 where somebody appeared to have kicked the door?

10 A Yes, sir.

11 Q Okay. Stuart, did you find anything else on the
12 scene at the Busbees' house that you collected?

13 A Yes, sir. After processing and photographing the
14 residence itself, the structure, based on the information
15 I have been given, I expanded my search, for lack of a
16 better term, to the yard around the driveway where the
17 individuals had been seen and where the car had been
18 seen.

19 During that search of the area, I -- I recovered a
20 number of coins, U.S. currency, and I also recovered a
21 spent brass cartridge case.

22 Q Okay. I'm going to hand you what's been marked for
23 identification as State's No. 79 and ask you if you can
24 identify that item.

25 A Yes, sir. This is the cartridge case I recovered

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 299

1 from the yard of the Busbees' residence. It's a brass 9-
2 millimeter, the Spearhead stamp, and it also includes the
3 paper envelope that I originally collected it in.

4 Q And after you collected that, what did you do with
5 it?

6 A It was subsequently turned in as evidence at the
7 Aiken County Sheriff's Office.

8 Q And was it ultimately sent to a SLED laboratory?

9 A Yes, sir, it was.

10 Q Okay. Did you take any photographs of that
11 particular item?

12 A Yes, sir. I photographed the general area it was
13 found in. Then I photographed the specific item before I
14 collected it.

15 Q And I'm going to hand you what's been marked State's
16 No. 92 and 93 for just identification. Can you identify
17 what's depicted in those photographs?

18 A Yes, sir.

19 Q Yes ---

20 A State ---

21 Q Yes ---

22 A State ---

23 Q --- or no?

24 A Yes, sir.

25 Q And do they appear to be a true and accurate

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 300

1 reflection of what's contained in them?

2 A Yes, sir.

3 (Whereupon, Mr. Weeks and Mr. Chesser conferred.)

4 Q Generally, what is contained in 93 -- I'm sorry; I
5 can't see -- 92?

6 MR. WEEKS: Your Honor, we'd move to introduce these
7 into evidence because there's no objection to them.

8 MR. CHESSER: No -- no objection.

9 THE COURT: Mark those two into evidence, please.

10 (Whereupon, State's Exhibits 92 and 93 were entered
11 into evidence.)

12 A State's 92 is a photograph I exposed standing from
13 the yard of the Busbees' residence. Facing the residence
14 itself between me and the residence and the foreground of
15 the picture is the general area where I recovered the
16 cartridge case.

17 Q Okay. And State's 93, what does it depict?

18 A State's 93 is a closer photograph of the cartridge
19 case in question before I -- before I collected it.

20 Q And you've been in court. Is that the cartridge
21 case that was referred to by SLED Agent ---

22 A I've ---

23 Q --- Thrower? You've been in court. Is this same
24 cartridge case that was referred to by Agent Thrower from
25 SLED yesterday?

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 301

1 A Yes, sir. Yes, sir.

2 Q Okay. Did you damage or alter it or change it in
3 any way?

4 A No, sir.

5 MR. WEEKS: Your Honor, the state would move to
6 introduce State's 79.

7 THE COURT: Subject to previous objection?

8 MR. CHESSER: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 (Whereupon, Mr. Weeks and Mr. Chesser conferred.)

11 MR. CHESSER: We would withdraw the previous
12 objection, Your Honor.

13 THE COURT: Thank you.

14 Mark it into evidence, please.

15 (Whereupon, State's Exhibit 79 was entered into
16 evidence.)

17 Q Now, Stuart, after you did your thing there at the
18 Busbee household, where did you go there ---

19 A I ---

20 Q --- go then?

21 A I proceeded to another residence located in the 500
22 block of Holiness Church Road. It's the residence of the
23 Boyce family. We had received a -- a second burglary
24 complaint there.

25 Q Okay. And so you went right from the Busbees' to

1 the Boyces'?

2 A Yes, sir.

3 Q And as a result of deploying to the Boyces', what
4 did you do there?

5 A Essentially, the same protocol. Immediately after I
6 arrived, I met with the patrol deputy who was on the
7 scene. I was briefed by him. I performed a cursory
8 inspection of the scene itself.

9 After that, I photographed the interior and exterior
10 areas of the house, the surrounding yard; proceeded
11 inside to areas of -- of interest; appeared to have been
12 disturbed. After I photographed the scene, of course, I
13 processed for fingerprint impressions on that -- at that
14 scene as well. I believe I collected one lift from the
15 interior. And, of course, I also documented the items
16 that were missing from the house.

17 Q Now, Stuart, I know you take a lot more pictures,
18 generally, than those I'm handing you. I'm handing you
19 what's marked State's 23 through State's ---

20 A --- 33.

21 Q --- 33 and ask if you're familiar with the scene
22 depicted in those photographs, which are in evidence.

23 A Yes, sir, I am.

24 Q Okay. Are these pictures that you took at the
25 Boyces' ---

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 303

1 A Yes, sir.

2 Q --- residence on the outside and inside?

3 A Yes, sir.

4 Q It shows the entry by way of concrete block?

5 A Yes, sir. At the rear door.

6 Q Through the rear door?

7 A (No audible response.)

8 Q By the time you were done with this, were you aware
9 of the car chase by Deputy Smith and the wreck scene,
10 obviously? You had ---

11 A Yeah.

12 Q --- gone to it to start with.

13 A Yes, sir.

14 Q Were you aware that there were a number of items of
15 property in the vehicle?

16 A Yes, sir, I was.

17 Q Okay. Including gloves?

18 A Yes, sir.

19 Q Now, what would be the purpose of a defendant
20 wearing gloves during a break-in?

21 A Overall, to prevent law enforcement from identifying
22 him, either through fingerprints, DNA. Essentially, to
23 -- this type of glove is worn to -- to avoid leaving
24 behind any forensic evidence.

25 Q Okay. And ultimately, you were in charge of taking

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 304

1 out the warrants and arresting people in this -- for
2 these two burglaries, weren't you?

3 A Making the charges.

4 Q Making the charges?

5 A Not physically taking them in custody, but correct.

6 Q Okay. And -- and were you kind of as the case agent
7 or wherever the evidence that was collected, both at the
8 scene of the wreck and in the woods?

9 A Yes, sir.

10 Q Specifically, the handgun, the Ruger handgun that
11 was collected?

12 A Yes, sir.

13 Q And you've seen that Ruger handgun?

14 A Yes, sir.

15 Q And that was collected and given to you or given to
16 the sheriff's department to hold?

17 A Well, it was turned in to evidence. I ---

18 Q Turned ---

19 A --- was made ---

20 Q --- into evidence.

21 A --- aware of it ---

22 Q Okay.

23 A --- and -- and viewed it. Yes, sir.

24 Q Stuart, at some point after June the 9th, did you
25 have any occasion to come in contact with William

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 305

1 Chandler, the defendant?

2 A Yes, sir.

3 Q And what was the circumstances of coming into
4 contact with him?

5 A Several days after the incident, I met with him at
6 the Aiken County Detention Center, which is a facility on
7 Wire Road in Aiken County, where he was being housed.
8 Once there, I had the opportunity to meet with him in
9 person and to interview him.

10 Q All right. Did you audiotape that interview?

11 A Yes, sir, I did.

12 Q And prior to beginning any questioning of him on
13 that audiotape, did you do anything particular with him?

14 A Yes, sir. Of course, I introduced myself; informed
15 him the purpose of my being there, that I wanted to
16 question him about the incident; asked if he was willing
17 to speak with me about it. And once I received an
18 affirmative answer, I explained that I needed to inform
19 him of his rights, what we normally refer to as *Miranda*
20 rights, before I could ask him any questions.

21 Q And did you do that with him?

22 A Yes, sir, I did.

23 Q Do you use any particular form when you're doing
24 that?

25 A Yes, sir. There's a sheriff's office approved form

1 that we use.

2 Q Stuart, I'm going to ask you -- hand you what's
3 marked State's Exhibit No. 82 and ask you if you can
4 identify that, yes or no.

5 A Yes, sir.

6 Q And does it appear to be a true and accurate copy of
7 what it purports to show?

8 A Yes, sir.

9 (Whereupon, Mr. Weeks and Mr. Chesser conferred.)

10 Q Stuart, did you fill out this form?

11 A Yes, sir.

12 Q By signing your name. Who filled out the blanks on
13 the form?

14 A The defendant.

15 Q And the waivers on the form?

16 A That was the defendant as well.

17 MR. WEEKS: Your Honor, the state moves to introduce
18 State's No. 82 into evidence.

19 MR. CHESSER: No objection.

20 THE COURT: Mark it into evidence, please.

21 (Whereupon, State's Exhibit 82 was entered into
22 evidence.)

23 Q Stuart, not to be redundant, but does the review --
24 or the rights-waiver form there, the *Miranda* rights, do
25 you go through that with him on the audiotape that was

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 307

1 saved ---

2 A Yes.

3 Q --- from that ---

4 A Yes.

5 Q --- involved?

6 A Yes, sir.

7 Q Okay. And have you reviewed that audiotape?

8 A Yes, sir, I have.

9 Q Is it a true and correct copy of what it purports to
10 show on the tape or ---

11 A Yes. Yes, sir.

12 Q --- what you can hear on the tape?

13 A Yes, sir.

14 Q Okay. And have you listened to it?

15 A Yes, sir.

16 Q And those your initials on it ---

17 A Yes, sir.

18 Q --- indicating you listened to it?

19 MR. WEEKS: Your Honor, the state would move to
20 introduce State's No. 80.

21 THE COURT: Any objection to this?

22 MR. CHESSER: This would be subject to the objection
23 that we previously made, which was ruled out by the Court
24 in an advisory manner previously. But we would renew
25 that objection on the same grounds.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 308

1 THE COURT: All right. I'm not sure I remember all
2 the grounds.

3 Would y'all step in the jury room just a little
4 while. I'll get right back to you. Don't discuss the
5 case.

6 (Whereupon, the jury exited the courtroom at 2:29
7 p.m.)

8 THE COURT: All right. So your objections are what?

9 MR. CHESSER: Your Honor, we had -- I would make
10 reference to the -- what I believe was admitted as a
11 Court exhibit, No. 1, I believe. But basically, it was
12 an objection to the terminology, the use of the term
13 mission. And this -- this term occurred throughout about
14 three pages of -- of what we have as the transcript.

15 And the transcript was also admitted as a -- as a
16 Court's exhibit. It's -- here, it's -- the motion is
17 Court's Exhibit No. 3. And the transcript appears to be
18 a part of that.

19 But in that -- the motion that I am making at this
20 time, renewing and making, is the reference to a mission,
21 which is found on page, line 38, and continues through
22 page 10, line 15. And the basis of this is that this
23 reflects on the defendant's character; that it should be
24 -- it -- it's a -- should not be admitted under 404(b).

25 And then, in addition, it is far more prejudicial

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 309

1 than probative under Rule 403. And we would ask that the
2 -- that that portion of the transcript be suppressed or
3 redacted and not admitted. That is a portion of the
4 video.

5 THE COURT: All right. Motion -- that's overruled.
6 There's no objection to the foundation at this point?

7 MR. CHESSER: No, sir.

8 THE COURT: Okay. All right. Y'all ready for the
9 jury?

10 MR. WEEKS: Yes, sir.

11 THE COURT: If they're ready, bring them back in.

12 (Whereupon, the jury entered the courtroom at 2:32
13 p.m.)

14 THE COURT: All right. The objection is overruled.
15 Mark into evidence.

16 (Whereupon, State's Exhibit 80 was entered into
17 evidence.)

18 Q Stuart, have you also reviewed a transcript that was
19 made of that audiotape?

20 A I have.

21 Q Is it a true and accurate transit -- translation of
22 the audiotape or ---

23 A Yeah. Yes, sir.

24 Q --- transcription of it, rather?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 310

1 MR. WEEKS: Your Honor, the state would move to
2 introduce State's 81.

3 THE COURT: Any objection to this?

4 MR. CHESSER: Your Honor, I would object to it.
5 It's -- it constitutes -- well, it would give undue
6 weight to admit this as a -- as a state's exhibit, which
7 would go back to the jury room. We would have to
8 objection that it would be admitting it as a -- as a
9 document simply as an aid to the jury at this time to
10 listen and understand the tape. But we don't believe it
11 should come in as evidence.

12 THE COURT: Solicitor?

13 MR. WEEKS: Your Honor, we believe that it will
14 enhance the jury's ability to understand the audiotape
15 between the investigator and the defendant. It is also
16 -- we are also prepared to offer 12 copies for the jury
17 to follow long as they're listening to the audiotape.

18 THE COURT: The objection is sustained. You can get
19 the tape -- yeah. The tape is in. You -- you can't give
20 them a transcript.

21 MR. WEEKS: Thank you, Your Honor.

22 Q Stuart, as part of the interview with the defendant
23 on that day, did y'all discuss the weapons that were used
24 by the defendant or ---

25 A Yes, sir.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 311

1 Q And the people he was with?

2 A Yes, sir.

3 Q And was State's Number -- do you recognize State's
4 No. 78? I might not have this in here. Yeah, it's in

5 ---

6 A Yes. Yes, sir.

7 Q Was that one of the items that was recovered?

8 A Yes, sir, it was.

9 Q Where was that one recovered?

10 A This is the weapon that was recovered from State
11 Park Road in the roadway at the scene of the wreck.

12 Q Okay. Was another weapon recovered?

13 A Yes, sir.

14 Q I hand you what's marked State's No. 85 for
15 identification; ask you if you can identify that item.

16 A Yes, sir.

17 Q And what is that?

18 A This is the Ruger pistol that was recovered from the
19 wooded area.

20 Q Did the defendant discuss this pistol with you or a
21 pistol of that color?

22 A There was reference made. Yes, sir.

23 Q Okay. And that is during the audiotaped interview
24 with him?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 312

1 MR. WEEKS: The state would move to introduce No.
2 85, Your Honor.

3 THE COURT: Any objection?

4 MR. CHESSER: No, Your Honor.

5 THE COURT: Mark it in evidence, please.

6 (Whereupon, State's Exhibit 85 was entered into
7 evidence.)

8 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

9 MR. WEEKS: Your Honor, may we approach ---

10 THE COURT: Yes, sir.

11 MR. WEEKS: --- briefly.

12 (Whereupon, a bench conference was held off the
13 record in the presence of the jury, but out of the
14 hearing of the jury.)

15 MR. WEEKS: Your Honor, the state would ask the
16 Court to allow us to publish State's No. 80.

17 THE COURT: All right.

18 (Whereupon, an audiotape was published in open
19 court.)

20 Q Investigator Graybeal, I -- if I heard that correct,
21 this interview was on the 14th, some five days after he
22 was arrested?

23 A Yes, sir.

24 Q And just to be clear: Y'all are talking about a
25 mission.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 313

1 A Yes, sir.

2 Q What was the mission as -- how he explained it to
3 you?

4 A As I understood him explaining it, the mission was
5 to kick in door of people's ---

6 MR. CHESSER: Your Honor ---

7 A --- houses ---

8 MR. CHESSER: --- I object to this as being
9 cumulative.

10 THE COURT: That the objection is cumulative? It's
11 overruled.

12 Q The ---

13 THE COURT: You can -- had you finished your answer?

14 A A mission would be to kick in doors and -- and
15 burglarize houses.

16 Q All right. The two guns that have been introduced
17 were the two guns that were found, right?

18 A Correct.

19 Q But he talked about other guns.

20 A Yes, sir.

21 Q And they weren't found?

22 A That is correct.

23 Q They weren't found in the woods? They weren't found
24 near the car?

25 A That's correct.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 314

1 Q All right. Were there more cases in the car for
2 guns than these two?

3 A Cartridge cases. Yes, sir.

4 Q And were there more bullets, different caliber
5 bullets?

6 MR. CHESSER: Object to the leading, Your Honor.

7 THE COURT: Don't lead.

8 Q What, if any, bullets were found in the car,
9 Investigator Graybeal?

10 A We found a box of, I believe, Remington .38-caliber
11 -- .38-special-caliber handgun cartridges. We did not
12 recover a gun chambered for -- for that cartridge. We
13 also found different manufactured -- handgun cartridges
14 by different manufacturers than what was loaded in the
15 weapon.

16 Q Okay. Do you know what the pit stop was that he was
17 referring to?

18 A Not entirely certain on that.

19 Q Was the pit stop that he discussed was going to his
20 mom's house?

21 A That was what I gathered.

22 Q All right. Did he live there?

23 A More or less. Yes, sir.

24 Q Okay. And he made -- there was a comment on there
25 about some old woman at the house.

DIRECT EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 315

1 A At the Busbees' residence?

2 Q Right.

3 A (No audible response.)

4 Q Did he tell you he saw Brielle when he was
5 describing her as old ---

6 MR. CHESSER: Your Honor ---

7 Q --- woman? What'd he tell you?

8 THE COURT: Yes.

9 MR. CHESSER: --- I'll object to this. I mean, the
10 transcript has been played. And it seems that the
11 prosecution is just asking Investigator Graybeal to
12 interpret this transcript. And I would submit that the
13 jury is -- their job is to interpret this transcript.
14 And I would object to this opinion or -- or this
15 cumulative testimony.

16 THE COURT: Solicitor, you want to be heard?

17 MR. WEEKS: No, Your Honor.

18 Q Stuart, do you know who the -- the Dodge car was
19 that was at the house that he described going to?

20 A The dark colored one?

21 Q Yes.

22 A No, sir.

23 Q Okay. Was it a full-size car?

24 A A Dodge Avenger, I believe, is -- would be
25 considered mid -- midsize -- large or midsize.

CROSS-EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 316

1 Q Okay. And he said three people came up in it?

2 A My understanding. Yes, sir.

3 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

4 Q And it's your understanding, from what he told you,
5 that he shot the 9-millimeter one time at the Busbees'?

6 A Yes, sir.

7 Q And you found a 9-millimeter cartridge at the
8 Busbees'?

9 A Yes, sir, I did.

10 Q This one that's depicted in Defense 1 through 4?

11 A Yes, sir.

12 Q Answer any questions that Mr. Chesser has, please.

13 THE COURT: Cross?

14 CROSS-EXAMINATION

15 BY MR. CHESSER:

16 Q Investigator Graybeal, that Remington ammunition you
17 referred to, you don't know how long it had been in the
18 vehicle, do you?

19 A I do not. No, sir.

20 Q The vehicle -- I know some evidence has been
21 introduced; you're familiar with it. Do you know whose
22 name it was titled in?

23 A Which vehicle?

24 Q The white ---

25 A The -- the station wagon?

CROSS-EXAMINATION BY MR. WEEKS - STUART GRAYBEAL 317

1 Q Yes.

2 A Yes, sir.

3 Q Okay. And whose name was that?

4 A That would be Faith Chandler.

5 Q Right. And you were told in this interview with Mr.
6 Chandler that Faith Chandler had a weapon that she had
7 purchased, correct?

8 A Yes, sir.

9 Q Okay. And so presumably, it would be reasonable
10 that some -- a weapon or some of the ammunition could be
11 Faith Chandler's, right?

12 A I would agree. Yes, sir.

13 Q That's all I have. Thank you.

14 THE COURT: Redirect?

15 MR. WEEKS: Nothing, Your Honor.

16 THE COURT: Thank you, sir. You may step down.

17 (Whereupon, the witness exited the witness stand.)

18 THE COURT: Any other evidence from the state?

19 MR. WEEKS: The state rests, Your Honor.

20 THE COURT: Okay.

21 All right. Ladies and gentlemen, I told you at the
22 outset of the trial that when we got to the point where
23 the state rested, that I had to send you out of the
24 courtroom and discuss some legal issues with the
25 attorneys. This typically takes about 20 minutes.

1 The instructions that we operate under, as far as
2 when to send cases to the jury, is what times of the day.
3 It -- it's getting doubtful to me that I'm going to be
4 able to get this case to you today. It's probably going
5 to be in the morning.

6 But if you'll step back in the jury room, I'll tend
7 to this. And then I'll bring you back out and tell you
8 where we go from here. Don't discuss the case yet,
9 please.

10 (Whereupon, the jury exited the courtroom at 3:16
11 p.m.)

12 (Off the record briefly.)

13 THE COURT: Are there motions?

14 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

15 MR. CHESSER: Your Honor, we move -- with respect to
16 the -- there's two burglary-first charges and two
17 possession of a weapon in the commission of violent crime
18 charges and a failure to stop for a blue light charge.
19 In connection with the -- without regard to the blue-
20 light charge, with the burglary-first charges and the
21 possession-of-weapon charges, we would submit there is no
22 evidence that the defendant possessed a weapon. There's
23 no evidence that he aided or assessed or -- assisted or
24 abetted other individuals to possess the weapon or to
25 enter a house without consent with the intent to commit a

1 crime. And on the burglary-first charges and the
2 possession of weapon in the commission of violent crime
3 charges, we would move for a directed verdict.

4 THE COURT: There -- there appear to be sufficient
5 issues for the jury to decide. The motion is
6 respectfully denied.

7 Any other motions?

8 MR. CHESSER: We would have a motion, also with
9 respect to the failure to stop for blue light, that
10 there's no evidence there either to support the charge of
11 failure to stop for a blue light. We would ask for a
12 directed verdict of not guilty on that charge as well,
13 Your Honor.

14 THE COURT: There's evidence sufficient to go to the
15 jury on that case as well.

16 Anything else?

17 MR. CHESSER: No further motions, Your Honor.

18 THE COURT: All right. The motions are denied.

19 Mr. Chandler, I have to go over some things with you
20 now. And I need your responses under oath. You've --
21 you -- I've placed you under oath previously. You're
22 still under oath. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: We've reached the stage of the trial
25 where the state has rested. The state has put up its

1 case-in-chief. And the next thing that happens is that
2 your side is given the opportunity to present evidence
3 for the jury to consider. Do you understand where we are
4 in the case?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: In that regard if you want to testify,
7 you may testify. But if you choose not to testify, no
8 one can make you testify and you have the absolute right
9 not to testify. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If you choose not to testify, I will
12 tell the jury that they cannot hold your silence against
13 you in any way at all. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, the decision about whether you
16 testify or not, it's your decision, to make and yours
17 alone. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I expect that you might confer with your
20 attorney, with family members, with anyone whose opinion
21 you value on important decisions. But ultimately, it's
22 your decision to make as to whether you testify or not.
23 Do you understand?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, I know you've been in jail. But

1 have you had any kind of medication or anything that
2 would adversely affect your thinking?

3 THE DEFENDANT: No, sir.

4 THE COURT: You're clearheaded and know what you're
5 doing?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Does he have any prior criminal record
8 that you would intend to use for impeachment purposes?

9 MR. WEEKS: No, Your Honor.

10 THE COURT: Okay.

11 All right. So whatever decision you make about
12 testifying, Mr. Chandler, or not testifying, it'll be
13 your decision and yours alone?

14 THE DEFENDANT: You -- can -- can you repeat that
15 again, sir?

16 THE COURT: Whatever decision you make about whether
17 you testify or do not testify, it'll be your decision and
18 your alone.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I'm going to make a finding
21 at this point that you understand you have a right to
22 testify, you have a right not to testify.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You understand, if you choose not to
25 testify, I'm going to tell the jury they cannot hold your

1 silence against you in any way at all. You understand
2 that the decision about whether you testify or not is
3 your decision to make and yours alone; and that you've
4 made the decision, whatever it is or whatever it may be,
5 it's your decision made of your own free will, not made
6 as a result of any compulsion, duress, fear, or -- or
7 anything like that.

8 They've offered evidence in the form of an exhibit
9 -- that *Beaty* case came down and kind of confused me.
10 But I'm assuming that since there is evidence in from the
11 defense that what'll happen is the state will open in
12 full; the defense will go; and then the state can reply.

13 MR. WEEKS: That's based on the ghost *Beaty* ruling,
14 Your Honor?

15 THE COURT: No. That's based on the way we've
16 always done it.

17 MR. WEEKS: When they've offered ---

18 THE COURT: They offered an exhibit.

19 MR. WEEKS: When he offered evidence -- okay.
20 You're -- you're saying the same thing I'm thinking. But
21 I'm not ---

22 THE COURT: Well, if -- if y'all got something
23 different, listen, that -- that -- that case confused me.
24 I -- I don't know as -- have -- have they finalized it
25 yet or not? But anyway, if y'all got some different

1 position, you can tell me. But I'm assuming that the
2 state goes first -- that old stuff about opening on the
3 law, I always thought there wasn't any support for that,
4 other than tradition. So I always require the state to
5 open in full, the defense to go present its only closing,
6 and then the state could come back and respond to
7 whatever the defense brought out, like you do in civil
8 court.

9 MR. WEEKS: The -- just to be clear, your
10 interpretation sounds like *Beaty* to me in this case.
11 Because my interpretation was always state could waive
12 opening on the law and argue in full at the conclusion if
13 somebody puts in evidence on behalf of the defendant.
14 But I ---

15 THE COURT: You're right. You're -- you're right in
16 your interpretation.

17 MR. WEEKS: Okay.

18 THE COURT: I want you to open in full.

19 All right. Do y'all need some time to talk about
20 whether he's going to testify or not?

21 MR. CHESSER: (No audible response.)

22 THE COURT: Well, let's take -- it's -- we've been
23 out here a while. Let's take a ten-minute break. All
24 right.

25 (Off the record from 3:24 p.m. until 3:47 p.m.)

1 THE COURT: All right, Mr. Chesser. Do you have
2 evidence to offer?

3 MR. CHESSER: Yes, Your Honor.

4 THE COURT: And is the defendant going to testify?

5 MR. CHESSER: Yes, sir.

6 THE COURT: Mr. Chandler, you wish to testify?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay.

9 All right. Bring the jury in.

10 (Off the record briefly.)

11 (Whereupon, the jury entered the courtroom at 3:47
12 p.m.)

13 THE COURT: All right. Ladies and gentlemen, as I
14 mentioned to you, the state has rested. And the next
15 step in the trial is that the defense is given the
16 opportunity to present evidence for you to consider.

17 Mr. Chesser, call your witness.

18 MR. CHESSER: Please the Court, the state. Defense
19 calls William Chandler.

20 THE COURT: Come up to the clerk, please, Mr.
21 Chandler.

22 (Whereupon, the defendant came forward.)

23 WILLIAM CHANDLER, having been first duly sworn,
24 testified as follows:

25 THE DEFENDANT: My name is William Tiay Chandler.

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DIRECT EXAMINATION

1
2 BY MR. CHESSER:

3 Q William, how old are you now?

4 A I am 19 of age, sir.

5 Q How old were on June the 9th of 2016?

6 A I was 17.

7 Q Okay. Where'd you go to school?

8 A Wagener-Salley High.

9 Q What grade did you complete?

10 A The -- the ninth, but going into the tenth.

11 Q Did you play at sports at Wagener-Salley?

12 A Football, sir.

13 Q What position?

14 A I played offense and defense. On offense I was
15 offensive lineman. In defense I played three positions:
16 defensive end; I played nose guard; and I played
17 linebacker.

18 Q What kind of work have you done, William?

19 A I work at -- I worked at my auntie's restaurant,
20 Huffman's Fish and Chic. But I really haven't worked,
21 you know, at any other, you know, place.

22 Q Where is your auntie's restaurant?

23 A In North, South Carolina.

24 Q And North is a little town up there up ---

25 A Like, by Orangeburg or St. Matthews.

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1 Q Okay. Do you belong to a church?

2 A Friendship Baptist.

3 Q Let's talk about June the 9th, 2016.

4 A Yes, sir.

5 Q Tell the jury what you were doing on that day.

6 A Ladies and gentlemen of the jury, on June the 9th, I
7 was at my uncle's house. And I was chilling with my
8 cousins. And I was supposed to get picked up recently
9 before that day, but I didn't. So that date, when it
10 came around abouts, I got picked up from my sister, whose
11 name is Faith Chandler.

12 And from -- on from there, from my understanding, I
13 was supposed to go home. That's where I wanted to.
14 That's where I wanted to go home anyway -- I wanted to go
15 home from the day before. But instead, took a detour --
16 well, she took a detour to her boyfriend's house, which
17 is one of my codefendants.

18 Q Excuse me just a second, William. I think the jury
19 can understand you, but I can't. Because I don't have
20 real good hearing. Is there some ---

21 THE COURT: Yeah.

22 Q --- you can get ---

23 THE COURT: Yes.

24 Q --- a little closer to that microphone?

25 A Yes, sir.

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1 CLERK OF COURT: Move your chair forward.

2 THE DEFENDANT: Yes.

3 Q And if you would, speak a little slower ---

4 A Yes, sir.

5 Q --- for me.

6 All right. You were talking about you were supposed
7 to go over to your uncle's or something like that?

8 A Yeah. I was at my uncle's house.

9 Q All right.

10 A And from there, I was supposed to go home. But
11 instead, we didn't go home. We went to her boyfriend's
12 house. And from there, we pulled up and was nobody there
13 at first. And I sat in the car, and I was chilling.

14 And then a Dodge -- moments later, a Dodge Avenger
15 came -- arrives. And then, it held three people. And
16 then, three of the people I knew, but I didn't know that
17 -- know that well before. I had just introduced to those
18 people. So ---

19 Q Okay. Well, let's talk about that. You say you
20 just introduced to those people. Who were those people
21 you're talking about?

22 A Adarius [sic] Glover, Joseph Glover, Jacob Johnson,
23 and David Capell.

24 Q Okay. The two Glovers, they're brothers?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. CHESSER - WILLIAM CHANDLER 328

1 Q Okay. And then, Jacob Johnson, is he related to any
2 of the others?

3 A He's their brother. But I believe that he has a
4 different father.

5 Q Okay. So he is related to the Glover brothers?

6 A Yes, sir. They have a -- all -- they all have the
7 same mother.

8 Q Okay. Just -- and then, Jacob, how old is he?

9 A At the -- at that time he was the age of 16. Now he
10 would be 18.

11 Q Okay. And how old were the Glover brothers?

12 A At that time one of them was 23 and the other was
13 21.

14 Q And then, the other person was David Capell?

15 A Yes, sir.

16 Q And how old is he?

17 A At that time he was 24.

18 Q Okay. And you said that one or more of these fellas
19 you had just met recently. Will you tell the jury about
20 that?

21 A Sir? If you mind repeating that again?

22 Q How you knew these people?

23 A Oh. I knew them through my sister, like, probably
24 two weeks, three weeks at the most before that time.

25 They came to our house, and they was with her. And she

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1 had told me that that was -- one of them was her
2 boyfriend. And that's how I really got introduced to
3 those men. But ---

4 Q Well, let me just ask you that living situation.
5 You -- now, who did you live with?

6 A I lived with my mother and my father.

7 Q Okay. And where is that residence?

8 A [REDACTED], New Holland, South Carolina.

9 Q What's the name of that town?

10 A New Holland.

11 Q New Holland?

12 A Yes, sir.

13 Q And where -- your sister is Faith?

14 A Faith.

15 Q And where does she live?

16 A The same residence.

17 Q All right. I thought you said you went to your
18 sister's house.

19 A I mean, not my sister. I mean, her house, because
20 she got a house out there too. I live -- I live with my
21 mother and my father. But she got a sister out -- out --
22 she had a house out there. But she don't live in it.
23 Like, it don't have, you know, power.

24 Q I see. She's got a separate building on the same
25 land in general?

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1 A Yes, sir.

2 Q And so you went and visited your sister?

3 A Yes, sir.

4 Q Okay.

5 A She -- she sometimes -- she sometimes go just to sit
6 in the house, just -- I don't know.

7 Q And how old is Faith?

8 A Faith is currently 26. At the time she was, I
9 believe, 24.

10 Q Okay. So I interrupted you. But were you saying
11 you were at your sister's ---

12 A Yeah.

13 Q --- house?

14 A Yeah. At -- at that time, when I first met them, we
15 was at my sister's house. And when -- that's when I
16 first met them.

17 Q Okay. And you said she had a relationship with one
18 of either the Glover brothers or ---

19 A Yeah. One ---

20 Q --- Jacob Johnson?

21 A The Glover -- yeah. Jacob Johnson.

22 Q She had a relationship with Jacob?

23 A Yes, sir.

24 Q Okay. So you were -- what you were saying was you
25 had met these fellows at Faith's house, right?

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1 A Yes, sir.

2 Q Okay. And go from there.

3 A Well, from there, I -- like I said, I really didn't
4 know them, because I met them that day. And ever since
5 then, I had probably seen them two to three times. And
6 from there, from day on forward to June the 9th, like I
7 say, we done left my uncle's and supposed to go home.
8 But instead, we went to their house. Like I said, that's
9 -- but that was her boyfriend.

10 My intentions was to go home. I -- my intentions
11 was to go home. And -- but instead, we went to their
12 house. So we -- I sat in the car. And ---

13 Q Okay. I'm -- I'm not -- I'm not following. You
14 went to their house. Who is them? Whose house did you
15 go to?

16 A The Glovers.

17 Q Okay. So you went to the Glovers' house?

18 A Yes, sir.

19 Q Okay. And how did you get there?

20 A I got there by my sister ---

21 Q Okay.

22 A --- Faith.

23 Q You said by your sister. You mean in her car?

24 A In her car, yeah. In her car. I was with her. She
25 was the driver; I was the passenger.

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1 Q Okay. So your sister took you to the Glovers'
2 house?

3 A Yes, sir.

4 Q All right. And what kind of car does she have?

5 A A white Dodge Magnum.

6 Q Okay. And is she the owner of that white Dodge
7 Magnum?

8 A She is.

9 Q Okay. So about what time did she take you over to
10 the Glovers' house on June the 9th?

11 A I'll -- I would say around about 8:30 to 9.

12 Q And that's in the morning?

13 A That's in the morning.

14 Q All right. And what happened then?

15 A What happened then was she got out the car, because
16 I -- at first, when we did pull up, I did ask her, you
17 know, wasn't nobody here. When -- I -- because I been to
18 the house before too. That's part of one of the times
19 how I seen them. We came to -- what I want to say?
20 Like, we came -- one of my -- that was one of my times of
21 just seeing them. And, you know -- and all the time I
22 came there, they -- it was a car in the driveway. And
23 when I came up there this time, wasn't no car in the
24 yard. And I was, like, ain't nobody home.

25 So her reason for getting out of the car was to go

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1 see if anybody was home. I stayed in the car. And
2 moments later, a -- a -- a Dodge Avenger gray-tone pulls
3 up and whole -- three other -- it held three of the
4 Glover brothers, also the -- their friend, Capell.

5 Q Okay. So you're at the Glovers' house, and Faith
6 gets out to see if somebody's home. But at that point
7 the Glovers actually ---

8 A Yeah.

9 Q --- drive up?

10 A She was at the porch. She was on the porch and they
11 pulled -- that's when they pulled up.

12 Q Okay. And then what happened?

13 A And then they got out the car, and I got out the
14 car. And I dapped them up, and then we went into the --
15 well, "dap" as in terminology is handshake. So I give
16 them a handshake.

17 And then we came into the house, and we sat down on
18 the couch. And then from that point, Jacob asked me do I
19 want to play this game called Call of Duty. This game,
20 Call of Duty, it has three types of settings.

21 Q Okay. Three types of what?

22 A Settings.

23 Q Settings?

24 A Yes, sir.

25 Q Okay. Three types of settings of difficulty? Is

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1 that what you're talking about?

2 A If you will, yes.

3 Q And the game is called Call of Duty?

4 A Call of Duty.

5 Q Okay. And this -- how is -- how do you play this
6 game?

7 A This game is a action game. It's a shooting game, a
8 war game. And it has three settings: campaign,
9 multiplayer, and zombies. And the objective of campaign
10 is -- well, call -- the game -- the game of Call of Duty,
11 it branches out bases on real life, things that happen in
12 the military, things that happen with the government.
13 And it has all type of difficulties.

14 In multiplayer you can just -- it's -- you -- three
15 -- it's up to two to four players. And you can --
16 whoever in your household, you can play that game with
17 them or you can -- on multiplayer you can also play
18 online with others. And with that game you can create --
19 create your own gun, create your -- your own tactics,
20 whatever you want.

21 In zombies it's basically the same. But you killing
22 zombies. It's a three -- it's a three-setting game.

23 Q So you played this Call of Duty at the Glovers'
24 house?

25 A Yes, sir.

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1 Q And who did you play with?

2 A I played with Jacob Johnson.

3 Q How long did y'all play this Call of Duty?

4 A We played that game for at least 30 minutes, at the
5 least.

6 Q Okay. Y'all were playing each other?

7 A We played -- yeah, we played each other.

8 Q Does that game use terminology about a mission?

9 A Yes, sir.

10 Q Can you explain that to the jury?

11 A Well, all three settings holds a mission, a wayward
12 campaign. When I said it contains what happens with the
13 military and what happens with the government, it's
14 missions that go to that game and as well as with
15 multiplayer, as well as with zombies. It's all missions.

16 And you can go on -- you can go on missions on all
17 three settings. At that point you -- with the missions,
18 either, you know, fail or pass.

19 Q So what happened after you and -- after you finished
20 playing this game?

21 A After we finished playing this game, Joseph went in
22 the back and, I guess, for whatever reason -- I guess he
23 talked to my sister -- I don't know -- for whatever
24 reason. I don't know why. And he came back. And he
25 was, like, "Well, you have a mission?"

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1 I was, like, "Yeah."

2 And he was, like -- well, after I said yeah, Jacob
3 -- Jacob, Joseph, and Adarius, they was, like, "Oh, you
4 got a mission." And they was, like, "I want to come -- I
5 want to come along."

6 And in my mind, I'm, like, Well, we finished. And
7 when we finished, I -- we didn't really finish. I
8 finished. But I still, you know -- still was exerted.
9 And I was just about to get back on the sticks, which is
10 get back on the controllers of the game.

11 Q Well, I'm -- I'm not following you. Can you repeat
12 that, please?

13 A We -- at that point before, if I have spoken too
14 fast, my mind is going too fast. But before Joseph even
15 asked me did I have a mission, okay, I was getting off
16 the sticks. But I was about to -- I was exerted. And
17 Jacob was about to get off the sticks. But in my mind, I
18 was still about to get back on. Because I'm about to go
19 play another mission -- another campaign.

20 My -- my -- my error -- in campaign this is only a
21 one-player mode. That is the only setting that you only
22 -- it's only one player. And that's what my intentions
23 were. That was the reason -- the only reason why I was
24 done. Because I wanted to play a campaign.

25 So after -- so when he came back -- when Joseph had

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1 came back from the back, he asked me -- he was, like, "Do
2 you have a mission?"

3 And I was, like, "Yeah." But in my mind, I was
4 speaking of Call of Duty.

5 But when they -- and I guess in they mind, you know,
6 I guess they been doing this for a minute -- I don't
7 know. Again, I don't know these guys like that. At the
8 most I seen four or five times.

9 So I guess when he said that, in they mind they all
10 thought a mission, breaking in doors, and that's what --
11 that was -- that was what was mentioned. And once they
12 made mention of that, I was, like, you know, I wanted to
13 be cool. I -- I -- I -- I just wanted to be cool. And
14 they all seemed at the -- at that time, they all seemed
15 cool, like, you know.

16 Snap -- nowadays they have Snapchat, Facebook. It's
17 -- they -- it's like they popular on that. And I guess I
18 wanted to fit in. And I'm not that really type of person
19 that be around a lot of people. And I like to be around
20 older people.

21 So at that time, you know, I thought it was just my
22 chance to be cool. And I was, like, "Yeah. I got a
23 mission." I just went along with it, not even realizing
24 what was really taking in place.

25 And once that happened, you know, it just went from

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1 there -- it basically went from there. And they -- we
2 started talked -- they started talking about kicking
3 doors and I -- and me -- me just being me, just trying to
4 be popular, just trying to -- that was all my -- always
5 my purpose in life. I always trying to be popular,
6 trying to -- you know, caring about what the next person
7 think and, you know, just having too much pride. And
8 that's the way I always felt in life.

9 But me trying to impress them, yes. I had went
10 along with it. But not -- not -- not to say that I
11 willing -- willingly, you know was saying yes, let's go
12 kick a door or go break in doors or force a entry. I was
13 just going along with the term of mission. Because I was
14 going to play the game of Call of Duty campaign.

15 So I went along with it. And they started talking
16 about, you know, kicking in doors. And I was, like ---

17 Q So ---

18 A --- just ----

19 Q --- what happened after that?

20 A What happened after that, I had advised them, when
21 they started talking about kicking -- kicking doors in,
22 advised them that I was still -- I -- I told them that I
23 couldn't do it because I was on probation.

24 Q Okay. What happened after that?

25 A What happened after that was that -- that was, like

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1 -- well, you know, you can do -- I mean, you ain't got to
2 do it; you could just be the -- you could just be the
3 driver. And I was -- I -- after I start thinking about
4 it, I was, like, well, me -- at -- at -- at that time I
5 was 17. I didn't know nothing about the law. I didn't
6 know -- they didn't know the -- the severeness of this
7 charge.

8 So I was, like, being the driver, I mean, I'm not
9 doing nothing. I'm not, you know, harming nobody. But
10 at the same time, I don't want to do this -- you feel me?
11 -- because I'm taking somebody to go force entry -- you
12 feel me? I'm -- I'm -- somebody's life can be in danger.

13 So at that time I said no at -- I said no, which I
14 should've followed my first gut. I said no. And then
15 they was, like, "Nah. Come on. Come on," you know,
16 basically applying -- applying pressure -- you know what
17 I'm saying? -- we'll kick -- kicking -- kicking door.

18 And I was, like, "Nah, I -- I really can't."

19 And they was, like, "Bruh, we -- we just did one a
20 day before."

21 All of this I didn't mention -- all this I didn't
22 mention inside my statement to the -- to the investigator
23 because me -- I was just trying to -- at that time --
24 when that time came about, I was just trying to be
25 honest, because I realized that I had done wrong. I

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1 realized that I -- I realized that I made the wrong
2 decision and that I just wanted everybody to come out
3 okay because had I, you know -- had I would've just kept
4 with that no and not been the driver, you know, they --
5 they -- they probably went -- went on one they own,
6 because they -- we having -- they're speaking about how
7 they -- he had did one yesterday and that everything was
8 all right; they got a substantial amount of money; and
9 that, you know, they had got this, that -- got this,
10 that, and third and making me to believe that it was all
11 right.

12 So me -- and I ain't going say that -- I ain't going
13 say that they manipulated me. I mean, you can say that.
14 You can say that. They did. But I -- I just said yes,
15 agreed to be just then a driver.

16 And then, it just went from there. Just everything
17 really just got out of control.

18 Q Do you recall the Busbees' residence?

19 A Yes, sir.

20 Q All right. A large house out in Wagener?

21 A Yes, sir.

22 Q Okay. How did you arrive -- well, let me ask you
23 this: Did y'all arrive in this large, white vehicle?

24 A Yes, sir.

25 Q That was Faith's car, right?

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1 A Yes, sir.

2 Q And you rode -- you ride there, and who was driving?

3 A I was driving.

4 Q Okay. And what happened then?

5 A Well, I pulled in. And then Joseph had got out the
6 car. And when Joseph had got out the car, he went to
7 approach the house.

8 Q He -- I -- I'm sorry. He went to what?

9 A He went to approach the house.

10 Q To approach it? Okay.

11 A Yes, sir.

12 And then, when he went to approach the house, a
13 couple of dogs -- I seen a couple dogs come around the
14 house. And they started barking, started attacking me --
15 well, they were acting like they were going to attack
16 him. They didn't attack him. They didn't -- they didn't
17 bite him. But they were snapping at him.

18 And me -- by me just -- you know, I'm petrified of
19 dogs. I do not like dogs. I been petrified of dogs my
20 whole life.

21 Me just being me, I -- it was -- oh. I had -- I
22 know they fired a gun in the car. And it wasn't my gun.
23 You know, it's not my gun.

24 And that me being -- just being afraid, I had acted
25 as any afraid man would do, is to prevent anybody from

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1 getting bit or anybody from getting hurt. And I had
2 grabbed a gun and I discharged the gun into the ground.
3 Once he had the dogs in fear, we -- you know, retreated,
4 he came back to the car.

5 And then I put the gun back in between the seats of
6 the car, in between the seats where I had got it from.
7 It was in between the driver's seat and the middle
8 console. And from there he -- he had notified that
9 everything is over -- everything is all right, you know.
10 He -- I guess he knocked on the door. And he said
11 everything was all right.

12 And they got out the car and approach the house. Me
13 just being the driver, I just sat there. And me -- I --
14 then I had a weird feeling about the whole thing, period.
15 Because, like, just me being the driver, I was, like,
16 just me watching, not know -- I know everything is -- is
17 bad. So me -- me just being a good person, I -- I wanted
18 to leave. But I -- I couldn't.

19 I -- after -- after all this had occurred, I knew
20 that it was bad from the beginning. And moments later,
21 they come back, running around the house -- run from
22 around the house. And then they jumped in the car and
23 they said go.

24 And I was, like, "What happened?"

25 They was, like, "Go, go, go, go, go."

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1 And so I crunk up the car. And then I left. And
2 when I was leaving down the road, they was, like, "It was
3 a old lady in the house."

4 And I was, like, "It's a old lady in the house?" I
5 was, like, "Man" -- at that point I was through with it.
6 I was, like, "This -- this ain't all right." I mean, my
7 mind -- y'all tricked me to believe that this was -- this
8 was okay. Y'all trick me to believe that, you know, that
9 it -- it was fun. And me -- by me just being prideful
10 and trying to be cool, trying to fit in, you know, it
11 just -- just wasn't the right choice that I made as -- as
12 a man, as a young man, at that point.

13 So when they wanted to continue, I was, like, "Nah.
14 I'm just take y'all home."

15 And when they heard that, they was, like, "Nah.
16 Just -- let's just do one more. I'm just one more."

17 And I -- I was like -- at first, I wanted to say no.
18 But I -- I just don't -- I don't know why I did it. I
19 didn't know why I did it.

20 Instead, just me trying to be a proud -- a crowd
21 pleaser -- pleaser and by me just, you know, want to seem
22 cool, I had -- I parked the car. And I told them, "I
23 mean, if y'all going do it, y'all just get out and y'all
24 do it." In my mind, I thought of it as, Well, if I park
25 this car and they get out and do it, that's them; they on

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1 their own. Because I have took no part of being in --
2 breaking into these house. I mean, me, now that I've
3 been incarcerated for two years, I have belief that only
4 way somebody can be charged with burglary is if he or she
5 force entry into a dwelling or -- or, you know, broke
6 into a house, basically what they was doing.

7 And as I think about it, I mean, I really didn't
8 take no part in that. But I took a part as being a
9 accessory or accessorer [sic] to being a driver. And
10 that -- I'm not saying, ladies and gentlemen of the jury
11 -- I'm not saying that I'm innocent. No. I'm not saying
12 that I'm innocent.

13 But what I'm saying is I'm not guilty of being a
14 burglar. I'm not guilty. And that's really -- that's
15 really my whole point. I could've -- I could've, you
16 know, pled guilty and said, you know what, I'm -- I'm
17 guilty; I'm guilty of breaking in this woman house.

18 And I'm -- I'm a honest man is what my father had
19 raised me. And being that, my two-years stay there
20 within the county, I done drew closer to God. And -- and
21 if I was guilty, I would've pled guilty. But not guilty,
22 ladies and gentlemen of the jury, for I took no part of
23 breaking in no house. I was just a accessory, a driver.

24 But these people, they make me -- they make me out
25 to be this -- this maniac, this guy that just goes around

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1 breaking in houses, this guy that just -- you know,
2 relentless. I would have no prior record. This is my
3 first time being in trouble. And had I not been prideful
4 and had I just followed my gut and just said no, I would
5 not be in here right now.

6 Q What happened at this -- you said after the Busbees,
7 you went to this other house and they got out. And what
8 happened then?

9 A They have proceeded on foot. And they had -- they
10 had proceeded on foot. And they had went to the house

11 I stayed there for -- I stayed in that spot for
12 about five minutes. And then I backed up, and then I
13 went down the road, think that, you know, if I go down
14 the road and then come back up, they will be -- should be
15 coming out of the house. If not, then I was going to
16 leave.

17 So I went down the road and then turned around and
18 went back towards the house. And then I slowed down
19 towards the driveway, and I didn't see nobody at first.
20 So then I went down and turned back around.

21 And when I turned back around, I slowed down again
22 to make sure. And at that time they was coming out of
23 the house -- out the side of the house. So I pulled in.
24 And I pulled in and I picked -- and when I pulled in and
25 my codefendant Jacob had a smart TV about this wide. And

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1 Jojo -- well, that's what we call him, Jojo -- but
2 Joseph, he came out the house with a big-screen TV. And
3 a -- Bat -- not Batman didn't come out with nothing,
4 which is Adarius Glover. And Capell, he had a
5 PlayStation. He had a pair of boots. And that's all
6 that I can really recall, to my memory.

7 Then he got in the car. And then we drove off from
8 there. And ---

9 Q Do you recall a moment when the police got behind
10 you?

11 A Yes, sir, I do.

12 Q What happened then?

13 A Well, then I -- we driving down the road. And then
14 while we driving, I see a cop. And he already had his
15 light -- he already have his lights on.

16 And right then, I remember the feeling. My -- my
17 heart just dropped. And I, like -- because -- I guess --
18 was the guy -- was the -- was a while ago that was
19 telling me, you know, just -- it's -- this is about to
20 happen. I don't know what it was, but I just knew that
21 that cop -- no siren was on. But his lights is on.

22 I was -- I just -- my heart just dropped. And then
23 I just -- I just kept the -- I -- I maintained the speed
24 that I was going. And then I began to slow down.

25 And then I look in the mirror that's on -- that's

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1 attached to the outside of the door of the car. And then
2 I see him stopping. And then I see him turning around.

3 And once I see him turn around, the other guys --
4 the rest of the guys in the car, they look back through
5 the rearview or the hatchback of the car. And then they
6 see him turning around. They see the officer turn
7 around.

8 And then they was, like, "Go, go, go."

9 And then I was slowing down. I didn't -- I didn't
10 press the gas. I was thinking, you know, like, I can't
11 remember -- even remember the thoughts that was going
12 through my head. But I was thinking. And I didn't hit
13 the gas just as they wanted me -- as fast as they wanted
14 me to.

15 And then Adarius Glover, who was sitting right
16 behind me, he put his gun to the back of my head. And he
17 was, like, "Drive, drive."

18 And then at that moment, I was, like -- I just
19 sucked -- I just sucked everything in. And I just drove,
20 did as I was instructed to.

21 And I only drove for -- as of in fear Bat -- most --
22 most part -- you know, I just -- I'm -- my head wasn't --
23 my head wasn't clear. I wasn't thinking. And then I was
24 put under pressure of a gun. And then I drove on a high-
25 speed chase.

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1 Moments later, the car had flipped. And then by me
2 being scared, I jumped out of the car and I ran, as well
3 -- as well did the other guys.

4 Q That's all the questions I have.

5 THE COURT: Cross?

6 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

7 CROSS-EXAMINATION

8 BY MR. WEEKS:

9 Q Mr. Chandler, you grow up in Wagener?

10 A Yes, sir.

11 Q So you know the Busbees, then, don't you?

12 A I grew up in Wagener, but I had never came in
13 contact with them, like, never -- I never seen them.

14 Q You never knew where the Busbees' businesses were,
15 the law office and the truck-salvage yard?

16 A Nah. No, sir.

17 Q Busbee's Hardware?

18 A (No audible response.)

19 Q Now, Faith Chandler is your sister, correct?

20 A Yes, sir.

21 Q And there's no question that the car that was
22 involved in of this was your sister's car?

23 A Yes, sir.

24 Q And it's, like, a station wagon?

25 A Yes, sir.

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1 Q Got a hatchback?

2 A Yes, sir.

3 Q The Dodge Avenger you mentioned earlier, whose car
4 was that?

5 A I believe Adarius Glover.

6 Q One of the Glover brothers?

7 A Yes, sir.

8 Q And it's a full-size car too, isn't it?

9 A Four-door.

10 Q Four-door, it doesn't have a hatchback where you can
11 put stuff. But it's a four-door car?

12 A Yes, sir.

13 Q And how many of them drove up in that car, three or
14 four?

15 A The brothers, which are three, and David Capell ---

16 Q So four ---

17 A --- what makes four.

18 Q --- came up in that car?

19 A Yes, sir.

20 Q Okay. So I'm assuming that car worked?

21 A That car worked.

22 Q Okay. Now, I'm trying to do this a little bit in
23 reverse order. You got caught after how many hours
24 running on foot?

25 A I don't know, sir. I didn't have a watch.

1 Q Was it daylight or dark?

2 A It was in the afternoon, daylight.

3 Q Daylight?

4 A (No audible response.)

5 Q Was it daylight?

6 A Yes, sir.

7 Q Okay. And you had shoes on, didn't you?

8 A No, sir. My ---

9 Q You were barefoot?

10 A Yes, sir.

11 Q Okay. What happened to your shoes?

12 A My shoes had come off due to the wreck.

13 Q Okay. So you've seen the pictures. Were those your
14 shoes in the middle of the road?

15 A Yes, sir.

16 Q Okay. That was your pistol in the middle of the
17 road, too, or the pistol you shot earlier that day?

18 A That wasn't my pistol, sir. But that was the pistol
19 to use to scare away a -- a -- dogs -- vicious dogs.

20 Q Okay. But you admit that you shot that pistol?

21 A I admit to it.

22 Q And you also told Investigator Graybeal, if I read
23 right or heard right, that you watched the casing flip
24 out over the hood of the car, the cartridge?

25 A Yes, sir. It had come out and hit the top of the

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1 roof of the car.

2 Q So the cartridge that Investigator Graybeal finds,
3 pretty good chance that was going to be your cartridge,
4 wasn't it?

5 A Could've been. Yes, sir.

6 Q Okay. Now, when y'all were discussing a mission,
7 you're saying the mission in your mind was to play
8 another game on Call of Duty?

9 A The mission on my mind was to play a game of Call of
10 Duty.

11 Q All right. Well, at some point you realized that
12 wasn't a mission you were going to go do, wasn't it?

13 A Yes, sir.

14 Q And so the business about the mission on Call of
15 Duty didn't have anything to do with your getting Faith's
16 car and driving these men to Wagener, did it?

17 A Yes, sir.

18 Q You knew y'all were going on a real mission, didn't
19 you?

20 A At the point where they said they were -- they
21 wanted to hit a -- a mission, they -- I -- I knew that
22 they wanted to. But my mind was still in state that I --
23 I still wanted to stay at the house.

24 Q All right. But you didn't?

25 A No, sir.

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1 Q In fact, if they had wanted to go on a mission, they
2 could've got in the car they came up in and went on all
3 the missions they wanted to, couldn't they?

4 A Not really.

5 Q Why is that?

6 A Because I think back then stated -- well, he uses --
7 Adarius Glover stated that he really didn't have that
8 much gas in his car. His was -- like, I think they was
9 waiting on their mother to get back to receive gas money.

10 Q I thought they had gotten a bunch of money from
11 robbing somewhere the day before?

12 A Exactly. But I -- that's what -- that's what I came
13 to realize during my stay at Aiken County. I really
14 didn't think things through and really didn't, you know,
15 point out the fact that all of it was just a game.

16 Q And you knew, though, the day that you decided to go
17 on the mission that they had told you they had hit a
18 place before and gotten a bunch of money?

19 A Yeah. They stated that had got -- hit a place and
20 got a bunch of money.

21 Q All right. So at least that Dodge Avenger was
22 running when they pulled up in the driveway?

23 A Yeah. It -- it was running.

24 Q All right. Now, you would agree that the Dodge --
25 if you were going to steal something, the Dodge Avenger

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1 wouldn't have a whole lot of room in it if five people
2 were crammed in it, would you?

3 A I don't understand your question.

4 Q Where would you put the stuff that you stole?

5 A I mean, if it's moneywise, money is like paper. But
6 far as what they was talking about, I really didn't know
7 until that day because I never -- I never done nothing
8 like this before until that day. So ---

9 Q But you ---

10 A --- I wouldn't know.

11 Q --- had talked about it the week earlier with
12 Joseph?

13 A Yeah. Now, in that I was just bluffing with him,
14 just trying to act real.

15 Q But that didn't have nothing to do with the game.
16 You were talking about breaking in doors?

17 A Yeah. As ---

18 Q Was ---

19 A --- he had spoke before too.

20 Q Okay. So at -- what time in the afternoon did y'all
21 leave after you discussed all of this on June the 9th?

22 A Well, when we left, it was still morning. Because I
23 -- I had left my uncle's house around about 9:30 or 10 --
24 9:30/10 o'clock. And I just -- we pulled up to they
25 house. And soon as we walked in the house, we played a

1 game for about 30 to -- 30 minutes.

2 And then, I was going to play one myself. So I
3 guess we left the house around about 10:50 to 11 -- 11.
4 But we left the house at 11, at the least.

5 Q So you left your house at 11. You went to your
6 mother's for a pit stop?

7 A Yes, sir.

8 Q What was the pit stop?

9 A I -- see, I -- I wasn't there -- I -- I don't know
10 what really made me go to my mother's house. I just went
11 there. I went there to my mother house -- I really -- I
12 really can't really recall why did I go home. I can't
13 really recall. I guess -- I could've been too fighting
14 -- too -- could -- too fighting, but for the most part,
15 that could be the only reason why I went to my mother
16 house.

17 Q Well, when you went to your mother's house, it'd
18 been real easy for you to say, "You know, guys, it's been
19 nice, but I'm not doing this no more. I'm at my house."
20 You didn't do that, did you?

21 A It could be easy. But I don't want to leave my
22 hands -- I don't want to leave my sister car in the hands
23 of nobody because I had got the keys from her.

24 Q Uh-huh.

25 A And I wanted to be -- I'm -- when I get the keys

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1 from her, I'm responsible for her car.

2 Q Well, your mother was there. Your dad was there.

3 A Yes, sir.

4 Q Anybody else there?

5 A My mother, my father, my younger nieces and nephews
6 and, I want to say, two of my sisters -- three of my
7 sisters.

8 Q Neighbors?

9 A Don't have neighbors.

10 Q Okay. But you made the decision, after your pit
11 stop at your house, that you were going to go off with
12 these men again?

13 A Had no choice to. I mean, they was in the car. But.

14 ---

15 Q I hadn't ---

16 A --- I ---

17 Q Excuse me.

18 A Sir?

19 Q Go ahead.

20 A Oh. Go ahead?

21 Q Yeah. Go ahead and ---

22 A Yeah. I ---

23 Q --- answer.

24 A --- really -- I really didn't have no choice.

25 Because as I said before, I took the keys from my sister

1 and I was responsible for her car, even though that had
2 family members there, they would -- they -- they -- I
3 brought them in the car with me. And, you know, I really
4 didn't -- really didn't want them at the house. I didn't
5 know them that -- what was -- they -- what -- what --
6 they had in their mind what their intentions was. I
7 didn't want to leave them at my house. Because we have -
8 --

9 Q These were some bad guys, huh?

10 A I -- yes, sir.

11 Q You knew that then?

12 A I knew it after, when they started talking about it.
13 But at first, when I first met them -- when I first met
14 them, they seemed all right. They seemed straight.

15 Q Kind of excited you, they were talking about kicking
16 in doors and robbing places.

17 A Nah. At first, like I told you, I wasn't with it.
18 As you heard me state before, I wasn't with it. But at
19 the time I was trying to be a crowd -- crowd impressing.
20 And, you know, I was just trying to prove myself cool.

21 Q What were you on probation for?

22 A I was on probation for ---

23 MR. CHESSER: Objection.

24 A --- the office ---

25 THE COURT: Hold on just a minute. Ladies and

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1 gentlemen, step in the jury room. Don't discuss your --
2 this case.

3 (Whereupon, the jury exited the courtroom at 4:25
4 p.m.)

5 THE COURT: Answer his question, please.

6 A I was on probation for unlawful carrying of a
7 weapon.

8 Q And ---

9 THE COURT: What's your objection?

10 MR. CHESSER: I would object under Rule 404(b),
11 character evidence, Your Honor.

12 THE COURT: Well, the problem I got is he's the one
13 that brought it up.

14 MR. WEEKS: Your Honor, that's why I didn't ask for
15 a sidebar. He opened the door, clearly.

16 THE COURT: He told the jury he was on probation.
17 He told the jury that he had no prior record and this was
18 his first time ever being in any trouble.

19 MR. WEEKS: He did.

20 THE DEFENDANT: If I may say something?

21 THE COURT: You can say whatever you like.

22 THE DEFENDANT: Yeah. I mean, I may have opened up
23 the door for that. But this is my adult charges. I
24 mean, I really haven't been in trouble. That's -- I -- I
25 got arrested that time. But that was really, you know --

1 wasn't really that much trouble. It's with unlawful
2 carrying of a weapon. And that was -- that gun was in
3 the name of my sister. So that why I feel like -- I
4 mean, I never really been in any trouble. This right
5 here is trouble, because I'm facing my life.

6 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

7 MR. WEEKS: Your Honor, just for argument's sake,
8 while the jury's out, I believe him saying that he was on
9 probation gives him a little motive for -- or gets him a
10 little education on the criminal justice system and
11 trouble he knew he was getting into by going off with
12 these men.

13 THE DEFENDANT: Your Honor, I didn't say that. I
14 said that ---

15 THE COURT: You don't get to participate in the ---

16 THE DEFENDANT: Oh.

17 THE COURT: I let you go further than I should have
18 already.

19 All right. Mr. Chesser, you need to put anything on
20 the record?

21 MR. CHESSER: On this issue of -- no, sir. I don't
22 have anything further.

23 THE COURT: He was convicted of unlawfully carrying
24 a pistol.

25 MR. WEEKS: That's what he said, Judge. Juvenile

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1 record -- I don't have my hands on it right now.

2 THE COURT: Under Rule 609 of the South Carolina
3 Rules of Evidence, evidence that an accused has been
4 convicted of a crime is subject to being admitted if it
5 was punishable by imprisonment in excess of a year.

6 I'm assuming, if it was unlawful possession of a
7 pistol, it's a year, but not in excess of a year. And it
8 -- where it's an accused, the Court has to make a finding
9 that the probative value of admitting the evidences
10 outweighs its prejudicial effect.

11 Rule 609 Subsection (d), where we've basically
12 adopted the Federal Rules of Evidence, we had to make
13 exceptions for differences between the federal law and
14 state law. And Subsection (d) is one of those where it
15 states that evidence of a juvenile adjudication is
16 admissible under this rule if conviction of the crime
17 would be admissible to attack the credibility of an
18 adult. So the fact that it's a juvenile record does not
19 seem to matter much. However, the fact that it doesn't
20 carry more than a year would. That's one issue, which
21 really isn't the central issue.

22 The central issue is that he got on the stand and
23 said -- he brought up the probation and he said that he
24 had no prior record and this was his first time with
25 being in trouble. So that goes more in line with a

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1 general ability to attack his credibility for saying
2 something that was arguably untrue.

3 Anything that's relevant, the Court still has to
4 review under Rule 403. So even if evidence is relevant,
5 which it would be as to credibility, it could be excluded
6 if the probative value is substantially outweighed by the
7 danger of unfair prejudice, confusion of the issues,
8 misleading the jury, or by considerations of undue delay,
9 waste of time, or needless presentation of cumulative
10 evidence.

11 You need anything else on a proffer on this?

12 MR. WEEKS: No. Not on a proffer, per se. No.

13 We'd like to be heard on ---

14 THE COURT: Go ahead.

15 MR. WEEKS: Your Honor, if I don't ask him anything
16 and he stood on that stand under oath and said he has no
17 prior record, it's like letting him get away with a lie
18 in front of this Court.

19 THE COURT: I -- I understand.

20 MR. WEEKS: I know that's what your ---

21 THE COURT: And -- and had he -- you know, I -- I
22 appreciate the fact you said you didn't intend to ask him
23 anything about his prior criminal record. Had he had a
24 prior criminal record, I would -- I typically would've
25 covered this: that if he opens the door in some sort of

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1 way -- now, I don't know if that would've stopped him
2 from opening the door anyway because I -- I don't know
3 what -- whether he would've gone ahead and said it. But
4 that -- that's something we'll never know.

5 MR. WEEKS: They made ---

6 THE COURT: But ---

7 MR. WEEKS: --- the motion in limine in this; asked
8 us not to bring up the probation; we agreed.

9 THE COURT: Yes, sir.

10 MR. WEEKS: And took it out of the tape.

11 THE COURT: Mr. Chesser, you need to put anything
12 else on the record?

13 MR. CHESSER: I would just -- as the Court
14 indicated, it seems like 403 is -- is a grounds apart
15 from 404(b), and so we would move to exclude it on 403 as
16 well.

17 THE COURT: All right. And I haven't mentioned Rule
18 404. But it's been mentioned, I think, in the argument.

19 Well, I -- I just got to make a call. And I don't
20 know I can just let it lie there. The objection is
21 overruled. I think I'll ---

22 MR. CHESSER: (Gestured.)

23 THE COURT: Yes, sir.

24 MR. CHESSER: I would ask for a limiting
25 instruction.

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1 THE COURT: I'm going to have to give a limiting
2 instruction.

3 MR. CHESSER: Thank you.

4 (Off the record briefly.)

5 THE COURT: Bring the jury in, please.

6 (Whereupon, the jury entered the courtroom at 4:36
7 p.m.)

8 THE COURT: The objection is overruled. Ask your
9 question again, please.

10 CROSS-EXAMINATION BY MR. WEEKS - CONTINUED

11 Q What were you on probation for?

12 A Unlawful carrying of a weapon.

13 THE COURT: All right. Hold on just a minute.

14 Ladies and gentlemen of the jury, please give me
15 your attention. There's been admitted into the trial of
16 this case evidence related an alleged prior criminal
17 conviction of this defendant.

18 At this point I'm going to give you what's known as
19 a limiting instruction, which means that the evidence was
20 admitted for a limited purpose and for no other. If you
21 use this evidence of a prior conviction for any purpose,
22 you can only consider it within the limited purpose for
23 which it was admitted.

24 I charge you, ladies and gentlemen, that evidence of
25 other crimes, wrongs, or acts is not admitted to prove

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1 the character of an accused in order to show action in
2 conformity with that character. In other words, the fact
3 that someone may have been involved in a prior bad act
4 cannot be used to prove that he had the character to
5 commit another bad act.

6 This evidence was admitted for a limited purpose.
7 And if you conclude it to be true, you can only use it
8 for the limited purpose of assessing the credibility, or
9 the believability, of Mr. Chandler's testimony and for no
10 other purpose. Sometimes evidence can be admitted for
11 one purpose but not for another. In this instance, the
12 evidence about a prior conviction, if you conclude it
13 true, can only be used to assess the credibility, or
14 believability, of this defendant's testimony.

15 All right. You may continue.

16 MR. WEEKS: Thank you, Your Honor.

17 Q So, Mr. Chandler, when you said you had no prior
18 record, you would agree that's not true, wouldn't you?

19 A Yes, sir. I did say that I have no prior record.

20 Q Okay. Now, you watched the video in this case that
21 was made of your running from the police, didn't you?

22 A Yes, sir.

23 Q And how fast do you estimate you were going?

24 A My estimate, at least 115.

25 Q Okay. And you saw the blue lights and sirens behind

1 you -- or heard them?

2 A Yes, sir.

3 Q And how long would you estimate the chase lasted
4 till you wrecked?

5 A I'd say five minutes, eight minutes.

6 Q Miles?

7 A Miles ----

8 Q About 30 miles?

9 A --- I -- I -- I wouldn't -- I wouldn't know.

10 Q Okay. And when the video shows you flipping over
11 and rolling to a slow stop over there, you bailed out of
12 the driver's door, didn't you?

13 A Yes, sir.

14 Q And if this bench right here was the car, you got
15 out at the upper-left-hand corner?

16 A Yes, sir.

17 Q And ran down Aiken State Park Road ----

18 A Yes, sir.

19 Q --- toward Windsor, didn't you?

20 A Yes, sir.

21 Q And the other guys, they bailed out and went right.
22 But at some point these guys that are threatening you and
23 yourself all end up in the same general area. You were
24 not scared to go back with these guys that had been
25 threatening you?

CROSS-EXAMINATION BY MR. WEEKS - WILLIAM CHANDLER 365

1 A Actually, sir, when I ran down the road, then I had
2 turned into some trees. Once I turned to the trees, I
3 was running. And it'd been an open field. And then when
4 that -- with it being an open field, I looked back and
5 they was right behind me. So I guess me running down the
6 road then me turning right into the woods, I guess in
7 line with me with they route that -- the way that they
8 was going.

9 Q Well, and you stayed in that way for hours, didn't
10 you?

11 A Actually, you know, we had -- we had hit a field but
12 then that stopped. Then at some point I had been up
13 where by myself and then David Capell -- because I got
14 caught with -- or I got arrested with David Capell. And
15 when I try to bail by myself, he had followed behind me.

16 Q Well, that was -- at some point during the -- try to
17 run from the police, all five of you were together,
18 weren't you?

19 A No.

20 Q Four?

21 A No.

22 Q Three?

23 A No.

24 Q Just you and David Capell?

25 A Just me and David Capell.

1 Q And y'all ran separate the whole time?

2 A I mean, I -- when we ran -- like I say, I had to my
3 -- after we had all together and when we started back
4 proceeding running, I had bailed off into my own way.
5 And David Capell was right behind me. I didn't tell him
6 nor acknowledge until I had stopped, until we was in some
7 more trees.

8 From that point on, the others, whenever they got
9 caught -- when they got caught, they got caught. But
10 when we got caught -- until we got caught, David Capell
11 just stayed with me.

12 Q Well, I know you remember talking to Investigator
13 Graybeal.

14 A Yes, sir.

15 Q And we listened to the audiotape where you talked to
16 Investigator Graybeal.

17 A Yes, sir.

18 Q And you had this story about Bat taking the clip out
19 of his gun and throwing it off when y'all are sitting
20 under a tree.

21 A Yes, sir. That was when we was together. When I
22 first came back together, we had sat down under a tree
23 and he threw his clip out of the gun and threw his gun.
24 And then when we started back and proceeded running, then
25 I branched off and made my own way.

CROSS-EXAMINATION BY MR. WEEKS - WILLIAM CHANDLER 367

1 Q So -- and this is the same person that had held a
2 gun to your head and threatened to shoot you if you
3 didn't stop -- or ---

4 A Yes, sir.

5 Q --- if you didn't speed up?

6 A Yes, sir.

7 Q All right. Now, you knew, when y'all left that day
8 and the mission y'all were going to attempt to
9 accomplish, that you were going to try to get some money,
10 didn't you?

11 A Nah. I wasn't in it for the money. As I previously
12 stated, that I was just trying to be cool, trying to fit
13 in. Because these guys was popular. I wasn't in it for
14 the money.

15 Q And when they offered to give you money, you just
16 thought that was amusing?

17 A No. I said yeah due to the fact that I had a child
18 on the way.

19 Q Okay. But you would've took it because of the fact
20 that you had a child on the way?

21 A Yes, sir.

22 Q Okay. And I didn't notice that you talked about --
23 with agent -- Investigator Graybeal any masks. Y'all
24 weren't wearing masks, were you?

25 A I would have no reason to wear a mask. But no, sir.

1 They -- that -- well, they -- they had a mask, but I
2 didn't -- I didn't see them put it on.

3 Q They had one mask. It's kind of hard to fit four
4 people on one mask, isn't it?

5 A Adarius had a mask. And at -- at -- Adarius had a
6 mask, for sure. And that's about the only mask that I
7 did see, besides -- yeah. That's about the only mask
8 that I did see.

9 Q They weren't wearing them, though, were they?

10 A Not that I see.

11 Q It was broad daylight, kicking in doors, getting in
12 and out of your car, and they didn't have masks?

13 A Yeah. If it was getting -- that was in broad
14 daylight, running into houses, and getting out of my
15 sister car. And -- but I didn't see them put on no
16 masks.

17 Q But they had gloves on?

18 A Yes, sir.

19 Q Latex gloves and white-cloth gloves?

20 A Yes, sir.

21 Q Did you have gloves on?

22 A No, sir. I have no reason to wear gloves.

23 Q You were the driver?

24 A I was just the driver.

25 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

CROSS-EXAMINATION BY MR. WEEKS - WILLIAM CHANDLER 369

1 Q Holiness Church Road -- so you go down Holiness
2 Church Road, past the Busbees', past the Boyces'; you
3 come to a right turn?

4 A Yes, sir.

5 Q And you take that -- you took that right turn and
6 went back -- you were going in the back way to Windsor?

7 A Yes, sir.

8 Q Okay. So you knew that direction. You'd been on
9 that road a hundred times probably, haven't you?

10 A Yes, sir.

11 Q And the total of times y'all were at the Busbees',
12 do you have any estimate of that?

13 A I don't understand your question.

14 Q The total time y'all were at the Busbees'?

15 A Do I -- do I know the time -- the total time we was
16 there?

17 Q (Nodded head up and down.)

18 A I really can't give the direct time. But a
19 estimate, I would say no more than six minutes --
20 six/seven minutes, not -- probably not even that long.

21 Q And the total time at the Boyces'?

22 A I don't -- I don't know how long they was in the
23 house. But I know that I waited in the car for about a
24 good five minutes. Then I went down the road; then I
25 came back upwards. And then I came back and they was

1 coming out.

2 Q You went down the road toward ---

3 A Towards ---

4 Q --- Tabernacle?

5 A Oh. I don't know the name of the road. But I just
6 know that I was -- I went down the road; then I -- I went
7 down the road; then I came back up. Then ---

8 Q Came back up to the Boyces' house?

9 A I came back past the Boyce -- the Boyces' house.
10 And then I ---

11 Q You were back toward the Busbees'?

12 A Then I turned around.

13 Q You turn around.

14 A Yes, sir.

15 Q And come back and pick them up and they load all
16 this stuff in the back of the car?

17 A Yes, sir.

18 Q And when you went the first time and left them, you
19 could've kept going to Windsor and been done with this?

20 A Yes, sir.

21 Q And when you came back, they didn't force you to
22 stop and turn around again, did they?

23 A When I came back, they was coming out of the house
24 and they said stop.

25 Q When you came back the second time ---

CROSS-EXAMINATION BY MR. WEEKS - WILLIAM CHANDLER 371

1 A Yes, sir.

2 Q --- or went you went by the house? I didn't ---

3 A Yeah.

4 Q --- think ---

5 A When I ---

6 Q --- they were ---

7 A --- when I went ---

8 Q --- coming out.

9 A --- when I ran down the road, then I came back up, I
10 start to slow down and I check the house, wasn't nobody
11 coming out. So came -- I stopped and turned back around.
12 When I was coming back -- come back down, they was coming
13 out the house and they said stop.

14 Q So they was coming out of the house, but you
15 could've still kept going?

16 A Yes, sir.

17 Q Ain't no way they could've stopped you from leaving
18 them, is there?

19 A No, sir.

20 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

21 MR. WEEKS: No further questions at this time, Your
22 Honor.

23 THE COURT: Redirect?

24 MR. CHESSER: No questions, Your Honor.

25 THE COURT: Thank you, sir. You may step down.

CROSS-EXAMINATION BY MR. WEEKS - WILLIAM CHANDLER 372

1 THE DEFENDANT: Yes, sir.

2 (Whereupon, the defendant exited the witness stand.)

3 THE COURT: Any other evidence from the defense?

4 MR. CHESSER: No, Your Honor. The defense rests.

5 THE COURT: Thank you.

6 Is there any reply testimony from the state?

7 MR. WEEKS: No, Your Honor.

8 THE COURT: Thank you.

9 All right. Ladies and gentlemen, you now have all
10 the evidence you're going to have to decide these cases.
11 There are two stages that remain in the trial: the
12 closing arguments and the charge.

13 I mentioned to you a time after which we're not
14 supposed to go into these last two stages. That was four
15 o'clock. So we're well past that now. So I'll need to
16 bring you back tomorrow.

17 What'll happen is I have to stay here and talk to
18 the lawyers about some legal issues again, like I did
19 before. This -- this break usually takes longer, as far
20 as how long the jury is out. So we'll stay here and
21 attend to that. And hopefully, at ten o'clock in the
22 morning, we'll be ready to let you hear the closing
23 arguments and then I'll tell you the law.

24 So remember all those admonitions, please. And I
25 need you here at 10 a.m. You'll get the case tomorrow

1 morning. Thank you.

2 (Whereupon, the jury exited the courtroom at 4:48
3 p.m.)

4 THE COURT: Are there any motions?

5 MR. CHESSER: Your Honor, I made at the close of the
6 state case a motion for directed verdict on all the
7 charges. And I would renew those motions on all those
8 charges on the same grounds for a directed verdict of not
9 guilty.

10 THE COURT: All right. Having reconsidered the
11 matter, the Court finds that there are sufficient issues
12 -- sufficient evidentiary matters to go to the jury and
13 the motion is respectfully denied.

14 I've got a draft of the charge. Mr. Chandler has
15 mentioned several times, both with the jury present and
16 without the jury present, about he believes he's guilty
17 of being accessory before the fact. But I don't see any
18 basis to charge accessory before the fact to this case.
19 It's -- there's no issue about whether he was present.

20 MR. WEEKS: Your Honor, I -- the state's not
21 requesting accessory before or accessory after, based on
22 his own statement ---

23 THE COURT: Well, I mean ---

24 MR. WEEKS: --- being the driver.

25 THE COURT: --- clearly, accessory after the fact

1 could not in any way, shape, or form be a lesser-included
2 offense. I -- I never recall charging accessory before
3 the fact as a lesser-included offense.

4 But the elements of accessory before the fact deal
5 with those situations where he is not present. He
6 admitted he was present. I don't see any basis in this
7 case to charge accessory before the fact to give that
8 option to the jury.

9 MR. CHESSER: Your Honor, I will just say that. I
10 mean, in all honestly, it doesn't occur to me to request
11 that. I've had a good bit of discussions. And my
12 research, when I look at it, which I believe it's 16-1-
13 140 -- we've been looking at it for a while -- it says
14 accessory before is punished the same way as a principal.
15 You don't even have to reindict it.

16 So I -- I'm not -- I just -- I'm not asking for
17 this. I mean, my position would be that if he made some
18 legal pronouncements, I would argue to the jury that's --
19 he doesn't know anything about the law. I mean, I
20 wouldn't -- I -- I just don't think -- well, I will say
21 that I'm not asking for this. I don't -- I would -- in
22 fact, I would object to it.

23 THE COURT: Well, I -- I understand. And that --
24 that -- that makes sense to me. But I just wanted him to
25 know I'm considering it. I -- I -- there's just no basis

1 for it. As I've tried to explain to him when he was
2 wanting to represent himself, the fact that he -- he's
3 done this limited reading and he believes he understands
4 that he's only guilty of one thing and not something
5 else, I -- I understand why he feels that way.

6 But accomplice liability is going to be charged to
7 the jury. Now, whether they find him guilty or not, I
8 don't know. That's not my job.

9 But he's -- he's admitted to being present. He's
10 admitted it in some ways to aiding, abetting, and
11 assisting. He has raised a coercion or duress defense, I
12 assume, with regard to the failure to stop. I don't know
13 if the state knew about that before today or not. But

14 ---

15 MR. WEEKS: Well, his statement is in the record as
16 to what he was alleged. That's why I was cross-examining
17 him, but I -- his accompanying them on the -- the escape
18 route.

19 THE COURT: Well -- well, I -- I understand. But I
20 think the only thing he raised, as far as duress, that
21 would let -- rise to a level of a possibly being duress
22 would be that he said that they held a gun to his head
23 and told him not to stop for the law officer who was
24 pursuing them. I don't know -- I mean, I can hear from
25 y'all about that. But ---

1 MR. CHESSER: Your Honor, again, it's my
2 understanding, both from the interview and from the
3 testimony here, that the issue of duress or coercion came
4 up during this -- at such time as the officer turned
5 around and put on his blue lights. In other words ---

6 THE COURT: Right.

7 MR. CHESSER: --- I don't intend to ask -- I don't
8 see an issue of duress with respect to anything prior to
9 that.

10 THE COURT: Right. I mean, he just made bad
11 choices. There's nothing I can do to help him. I -- it
12 -- and -- as far as the prior things, like the
13 burglaries, he -- he said in his statement and he said to
14 the jury he was just trying to be cool; he was just
15 trying to puff himself; he was just trying to do all
16 those things. Well, I understand why a young man might
17 do that. But the fact that he did it doesn't -- doesn't
18 allow me to tell the jury some other version of the law
19 that doesn't exist.

20 MR. CHESSER: Your Honor, what we are going to ask
21 for, what we do ask for, is a mere-presence charge.

22 THE COURT: Right. Well, that, I think, is in here.
23 Let me look.

24 (Off the record briefly.)

25 THE COURT: It's -- it's -- it's included within the

1 accomplice liability, "hand of one/hand of all" charge:
2 that mere presence at the scene of a crime is not
3 sufficient to establish guilt as an accomplice. So a
4 defendant's mere presence where a crime is being
5 committed or mere association with person who commits a
6 crime does not make a defendant an accomplice or an aider
7 or an abettor.

8 I also got a section on criminal intent that the
9 state's got to prove that he acted knowingly; that is, he
10 acted intentionally, purposefully, things of that nature.
11 Intentionally is -- I -- the semantics of intent in this
12 state, if you start reading it -- the treatises on that,
13 it'll drive you nuts. But I think he had to act
14 knowingly.

15 Yes, sir.

16 MR. WEEKS: I assume that's included in the "hand of
17 one/hand of all" charge?

18 THE COURT: The -- the ---

19 MR. WEEKS: As part ---

20 THE COURT: --- criminal intent ---

21 MR. WEEKS: --- of your ---

22 THE COURT: --- is in a different section.

23 MR. WEEKS: So ---

24 THE COURT: But it's -- it's close -- close by.

25 MR. WEEKS: Okay.

1 THE COURT: I'm going to e-mail this to y'all. I
2 mean, I can print it out. But I was going to e-mail it
3 to you. You can look at it overnight.

4 I can meet y'all, like, at 9:45 so we can talk about
5 the law, if there's any issues about the law. And then
6 hopefully, the jury will be here at -- at ten o'clock and
7 we can get started. Does that suit y'all?

8 MR. CHESSER: Yes, sir.

9 MR. WEEKS: Fine with the state, Your Honor. Thank
10 you.

11 THE COURT: You want me to e-mail it to both of you?
12 Ms. Hall, you want it or you -- just Mr. Weeks?

13 MS. HALL: Mr. Weeks is fine.

14 THE COURT: Okay. All right.

15 MR. WEEKS: And be back -- okay -- early?

16 MR. CHESSER: Yes.

17 MR. WEEKS: All right.

18 THE COURT: Court's in recess till 9:45. Thank you.

19 (Whereupon, the proceedings were adjourned at 12:26 p.m.)
20
21
22
23
24
25

1 TRIAL DAY 4 - 03/01/18

2 (Whereupon, the proceedings were resumed at 10:08 a.m.)

3 THE COURT: State ready for the jury?

4 MR. WEEKS: State's ready, Your Honor.

5 THE COURT: Defense?

6 MR. CHESSER: We're ready, Your Honor.

7 THE COURT: Thank you. Bring the jury in, please.

8 THE BAILIFF: Bring them in.

9 (Whereupon, the jury entered the courtroom at 10:08
10 a.m.)

11 THE COURT: Madam foreman, members of the jury, as I
12 told you yesterday, you now have all the evidence you're
13 going to have to decide the cases. What remains are the
14 closing arguments and the charge.

15 What's going to happen is that the state will
16 present its closing argument, then the defense. And
17 then, since the state has the burden of proof, generally
18 the state gets to go last and gets to come back and give
19 the reply argument.

20 Once that's done, we will take a break. I'll bring
21 you back out here shortly after that and I'll tell you
22 the law. And it's something we call the charge.

23 I invite your close attention. Mr. Weeks?

24 MR. WEEKS: Please the Court, Judge.

25 THE COURT: Yes, sir.

1 CLOSING ARGUMENT BY MR. WEEKS

2 MR. WEEKS: Good morning.

3 JURORS: Good morning.

4 MR. WEEKS: Ladies and gentlemen, I know y'all can
5 empathize with the old saying that sometimes justice is
6 slow. This week would be a prime example of that. It's
7 probably kind of drug by for y'all. And I thank you in
8 advance for that.9 You know, today is Mr. William Chandler's day in
10 court. It's his week in court. It's William Chandler's
11 week in court. It's not Joseph Glover. It's not Jacob.
12 It's not Bat. It's not the other people that were
13 involved in these burglaries.14 It's William Chandler's day in court. The rights
15 that our constitution and in our state law gives to
16 William Chandler, he is exercising today and he has been
17 exercising this week. The rights that it gives the
18 codefendants is for their day in court. So please don't
19 understand this to be a trial of the codefendants in this
20 case or the crimes for which Mr. Chandler is charged.21 I know it can confusing sometimes. I understand
22 that. But we're not trying to convict them today.23 The state is alleging that Mr. Chandler is guilty of
24 burglary in the first degree for the home of Doug and
25 Jackie Busbee. We are alleging that Brielle Busbee had

1 the right to be there and was in possession of that home.
2 We are alleging that Mr. Chandler, along with his
3 accomplices, along with the people that he was with that
4 day, burglarized the home of Mr. Arthur Boyce and his
5 wife and two children.

6 Now, I would suggest to you that because of that,
7 because it's Mr. Chandler's day in court, this ain't the
8 Jerry Springer show. We can't have them all in here, you
9 know, scrapping and arguing with one another about who
10 did what, who grabbed the TV and who grabbed the
11 PlayStation and who grabbed the jar of coins and who
12 grabbed the boots, for God's sake. That's not what this
13 is about. This is about Mr. Chandler's participation in
14 these burglaries.

15 And I suggest to you, the unique thing about this is
16 Mr. Chandler confessed yesterday to all of these crimes.
17 He confessed on June the 14th of 2016 to all of these
18 crimes. He's just begging for forgiveness for committing
19 these offenses against these two families by begging
20 y'all. Not them; begging y'all.

21 And I will suggest to you that both of them, both
22 confessions, were part of his plan. His planning began
23 the week before June the 9th of 2016, by his own
24 admission, to go on a mission. It didn't have anything
25 to do with some stupid game that they -- that he's had a

1 year and a half/two years to amend his June 14th
2 confession about. Doesn't have anything to do with that.
3 It had to do with greed and laziness and complete
4 disregard to the laws of our state, complete -- you know,
5 just complete disregard by planning this mission.

6 Well, because he doesn't have the guts to go about
7 with himself or go about it with just one other guy.
8 He's got to get four other troopers to go in here for
9 this mission. It shouldn't be something that we give him
10 any credit for at all.

11 June the 9th rolls around. He gets picked up by his
12 sister, goes to the residence where one of the
13 codefendants is ultimately arrested after this, where
14 gloves link -- same-type gloves in the car, same-type
15 gloves he says on the stand were used -- were found in
16 that same residence. He goes to that residence, and he
17 commences to plan a mission.

18 We didn't define for him. Stuart Graybeal didn't
19 put words in this man's mouth.. He defines it. It's
20 breaking in doors, kicking in doors, burglarizing
21 people's property, people's houses. That's what they
22 planned.

23 The state has to rely on the credibility of its
24 officers, of its participants, of its victims. And
25 nothing in this case cries out that the state's witnesses

1 were not credible.

2 You got to laugh. I mean, we spent all this time
3 talking with the SLED -- the SLED expert of 19 years,
4 tens of thousands of bullet analyses, gun analyses,
5 asking, "You got a picture of that?"

6 "Well, yeah. Actually, I do. I got four of them.
7 Here you go. Here they are."

8 Showed it to him. Do they show everything? No.
9 No. That's not a picture of the microscopic examination
10 that I did. But the thing that makes you laugh is the
11 first thing the guy does when he gets up here on the
12 stand is admits that he shot a 9-millimeter weapon that,
13 oh, matches the 9-millimeter cartridge found in the yard;
14 oh, that he admits to see fly over or onto the hood of
15 his car; but yet we want to make Agent Thrower look like
16 a liar because of that.

17 You know, that's just not right. That's just not
18 right. And that's not a fair description of Agent
19 Thrower's position.

20 He told y'all the truth: that he finds, thousands
21 of times probably, that things don't match. But this
22 matched. And the defendant knows it matched. He's known
23 since June the 9th of 2016 that it would match.

24 He talks about shell casings in his statement. You
25 know, this ain't no dumb kid, ladies and gentlemen. This

1 is not a dumb kid. This is not somebody that's being led
2 by these boys that two or three older -- two or three
3 years older than him. This was his plan, by his own
4 words, by his own words.

5 The state has -- you know, and then, he has the
6 audacity to come in here, after he's had a year and a
7 half/two years to think about it and plan it, and lie to
8 you. I wasn't beating him up on the stand. I didn't
9 think I was.

10 I was asking him some question. But, you know, "I'm
11 on probation," you know. Well, later on, in his own
12 testimony, not my cross-examination, "I ain't never been
13 in criminal trouble before. I don't have a prior
14 record."

15 Duh. That's just a lie. It's just a lie. He
16 wanted to lie to y'all.

17 Do we think that he's told the truth about what
18 happened that day? Come on. This was five days after he
19 was arrested in the woods, running from the car with the
20 people he said were threatening him. And he wanted to
21 lie about that.

22 Then I asked him, Well, you know, your statement
23 said you were sitting up under a tree with all of them
24 and one of them threw a gun away. Well, what part of "I
25 separated from those guys" was the truth about that?

1 None of it.

2 You'll see him in the video, getting out of the
3 driver's door and running down State Park Road. And then
4 he runs back and he goes with his buddies again. That's
5 -- him telling on his buddies and making them at fault in
6 this is classic minimizing of his involvement. And it's
7 just like a -- just like one of your children, you know,
8 just like one of your children.

9 But it's much, much, much more serious. We have to
10 show you and prove to you beyond a reasonable doubt --
11 the judge is going to charge you the law for 30 minutes,
12 instantly make y'all judges of the law, judges of the
13 facts as they apply together, and allows you to make a
14 decision.

15 But ladies and gentlemen, you go through life making
16 decisions every day about people's credibility, about
17 people's guilt, whether you realize it or not. Whether
18 it's watching a play on -- my wife says I scream at the
19 television on the basketball -- at the basketball
20 officials. She's, like, "Bill, they can't hear you."

21 I said, "I know. But it just makes me feel better
22 to scream at them." Because when I screamed at them when
23 I was playing basketball, they teed me up and coach made
24 me run more and everything else.

25 But it's just like that. You do that every day in

1 life. We all make decisions. We see something; we make
2 decisions. We hear something; we make decision.

3 You know, I -- I try to anticipate, as part of my
4 job, what they are going to say, what they're going to
5 argue, whatever. And one of the things that you're going
6 to hear a pretty lengthy charge by the judge on is what I
7 discussed with you in opening statements. It's the hand
8 of one is the hand of all.

9 This is a case where the hand one/hand of all,
10 accomplice liability, is readily apparent. But it's not
11 complicated. In this case it's not a question of me
12 standing next to somebody in Wal-Mart that shoplifts a
13 record -- cassette disc and puts it in the pocket and we
14 go out to the car and I say, "I didn't know he was going
15 to steal that cassette disc."

16 Well, it's not like me going into a grocery store
17 and I'm in the back getting Cheerios and the guy I went
18 in with goes up there and robs the cash register. That
19 ain't what this is. That ain't what comes into play in
20 this case.

21 What comes into play in this case is that he
22 admitted and proved participation of this defendant with
23 these four other men in burglarizing and robbing these
24 two people's homes. By his own admission, they planned
25 it. They planned it at [REDACTED].

1 You know, he wants to come in here and whine and
2 argue that he just felt like he had to do it. He didn't
3 want to do, but he felt like he had to do it because he
4 wanted to be cool.

5 Well, I tell you this: I think a lot of burglars, I
6 think a lot of criminals, want to be cool. They want to
7 be cool and don't care if they're dangerous. They don't
8 care if they're ruining people's lives. They don't care
9 what they do. And wanting to be cool ain't an excuse.
10 It's not a defense.

11 And they planned it. It wasn't that he just
12 happened to be driving Faith Chandler's station wagon
13 with plenty of room in the back for the loot that they
14 were going to get from their mission, kicking in doors,
15 taking TVs, taking PlayStations. That wasn't it.

16 They planned it. He's not just merely present.
17 "Oh, I happened to be in the car. I woke up and they
18 were robbing a store or they were burglarizing a house."
19 No. He can't even come up here and say that.

20 Tried to. Merely present. He's driving the
21 automobile that's apparently got plenty of gas in it.

22 He's knowing that they're all armed, or got at least
23 three guns that we know of. I suggest to you that every
24 one of them was armed. But all those guns weren't
25 recovered. You think they're going to leave all their

1 guns in the car? No.

2 He tells you that he's driving. He tells you that
3 they're armed and he knows it. He tells you that they're
4 going to do a mission, going to kick in doors.

5 We show you that they did a mission and kicked in
6 doors. We show you that they threw a cinder block
7 through a door. We fortunately -- and you got to
8 sometimes just be thankful for the luck that's involved
9 in getting into this courtroom today. Got to be thankful
10 for the luck that Brielle Busbee had.

11 If -- if you believe his story, as he's driving up
12 and these people are bailing out to go knock on the door
13 to what they think is an abandoned house or what he
14 thinks is an abandoned house, if you think part of that
15 is true, his firing of the gun was what made Brielle
16 Busbee very lucky. If not, she's sitting there. Her
17 dogs probably bark at every squirrel in the yard and
18 everything else that flows by if they're like my dog.

19 She don't know there's a station wagon full of armed
20 criminals coming in her house. So they're going to kick
21 in that door and bust right in on her and her little
22 living area.

23 MR. CHESSER: Your Honor, I object to this -- or
24 this argument.

25 THE COURT: Yes, sir.

1 MR. CHESSER: May I argue this outside the presence
2 of the jury?

3 THE COURT: Yes. Ladies and gentlemen, step in the
4 jury room. Don't discuss the case.

5 (Whereupon, the jury exited the courtroom at 10:25
6 a.m.)

7 THE COURT: Yes, sir. Hold on a second.

8 MR. CHESSER: Your Honor, it -- it seems that the
9 argument should be directed to the extent to which they
10 have proven the elements of these charges. And what Mr.
11 Weeks is arguing right now is he's saying that if -- and
12 what he's actually saying is if this gun had not been
13 fired, that they would've broken in on Bria Busbee and
14 then who knows what had happened. That has absolutely
15 nothing to do with arguing the elements of this case.

16 What it does have to do is inflame the passions of
17 the jury and put the jury in the situation of some
18 hypothetical, which did not occur. It has nothing to do
19 with proving their case or arguing the proof of their
20 case. It is just an attempt to inflame the passions of
21 the jury.

22 THE COURT: You wish to be heard?

23 MR. WEEKS: I think it's a proper commentation -- a
24 proper -- proper argument on the facts that's been
25 presented in this trial, Judge. It goes to the planning

1 of the defendants. It goes to the actions that, if you
2 believe the defendant, they took. I'm suggesting that
3 the defendant's actions were not exactly credible and
4 were not exactly true, as he told it and that but for, I
5 believe, is proper argument.

6 THE COURT: Anything else?

7 MR. CHESSER: No, Your Honor.

8 THE COURT: Objection is overruled.

9 Bring the jury back in.

10 (Off the record briefly.)

11 (Whereupon, the jury entered the courtroom at 10:27
12 a.m.)

13 THE COURT: Objection is overruled. You may
14 continue, Mr. Weeks.

15 MR. WEEKS: Thank you. I don't think we got them
16 all here, if I'm counting right.

17 THE COURT: I'm sorry. You may continue, Mr. Weeks.
18 The objection is overruled.

19 MR. WEEKS: Thank you, Your Honor.

20 CLOSING ARGUMENT BY MR. WEEKS - CONTINUED

21 MR. WEEKS: Brielle is sitting there. You know,
22 there are a couple heroes in this case. And I don't know
23 their names, those dogs outside. You know, they -- they
24 barked. They alert; they are so alarming that by the
25 defendant's own admission, he shot at them.

1 This would be a crime in and of itself if the other
2 crimes weren't so serious. He shot at Brielle's dogs to
3 shut them up.

4 If they'd kicked in that door and Brielle's sitting
5 there and screams, I suggest to you that his statement,
6 his participation, his planning of this event by being
7 armed with a 9 -- 9-millimeter handgun shows you the
8 criminal intent that this man had, that all of these men
9 had, and that what would have happened. It is a clear
10 indication of the dangerousness of their mission that
11 they decided to pull.

12 Now, going back to the planning, little things, you
13 know, sometimes can show you that a defendant's lying
14 about his role in it. He's pulling out. He tells Stuart
15 five days later about the old woman in the house.

16 Well, you know, Brielle's not old. None of them are
17 old. Tells me -- suggests to me that they didn't think
18 this house was abandoned; they thought it was -- nobody
19 was home. Because they had cased this house between that
20 week of planning.

21 They're old woman they're referring to -- and I've
22 been teasing her about it -- was the mama, the mama.
23 That's who he thinks is home when they go busting in.
24 Because they've looked at this house before.

25 They know who lives here. They know where the

1 Busbees work. I suggest to you that the planning
2 involved included that.

3 And what is another reason I think that's perfectly
4 suggested by the evidence? These guys didn't wear masks.
5 They weren't concerned about somebody identifying this
6 herd of burglars. They were concerned about leaving DNA.
7 They were concerned about leaving fingerprints, so they
8 wore gloves.

9 But masks wasn't part of their protocol. Because
10 they didn't know they were going to be running up on
11 Brielle Busbee. And they knew they weren't going to be
12 running up on Arthur Boyce and his wife and two kids
13 because this house that's a mile down the road, a couple
14 minutes down the road, they knew in an instant was empty.

15 They had just burglarized a home, just disturbed
16 somebody. They got to figure that they're going to call
17 the police. And they do. And just as things happen,
18 Deputy Lively, who's stationed in Wagener, heads that
19 way. Doug Busbee, who is at his business in downtown
20 Wagener, heads that way.

21 They go the other way toward Windsor, toward the
22 other house that they have targeted. And even though
23 they just got busted by somebody in the house that they
24 first targeted, they're planning this to go in this next
25 house.

1 So that's exactly what they do. They pull in there.
2 They throw a cinder block through the window. They go in
3 there and snatch TVs off the wall. You can tell it's a
4 hurried robbery. It's a hurried burglary.

5 Do you think he took the time to ride down the road
6 and have a conscience fit and come back and drive past
7 them again and turn around in the same direction that the
8 police are going to be answering the Busbees' call on
9 Holiness Church Road? No. I suggest to you, that's not
10 true.

11 But if it is true, it's still an admission of his
12 participation. It's still an admission of his guilt. I
13 suggest to you, he went in the house, just like all the
14 rest of them. The timing and the loot they hauled out
15 and where they put it in the back of their car.

16 Now, we don't have to prove that his confession is
17 completely the truth. I mean, he's already admitted to
18 lying on the stand. But we do have to show his
19 participation in these burglaries. And I think it's
20 clear.

21 I suggest to you that the evidence points out that
22 it is clear that it was planned; he drove; he
23 participated. They even went to the point of having
24 extra ammunition in the car: a box of .380-caliber
25 bullets, a box of .38 bullets. A spent .38-caliber shell

1 -- well, the revolver that that gun was shot out of
2 would've had to been reloaded for that shell to come out
3 or that shell would've had to been pulled out.

4 You know, he -- when somebody gets to minimizing
5 their involvement, it's easier to blame it on everybody
6 in the world. Well, I guess he's blaming it on his
7 sister's having all this ammunition and all these guns as
8 being the person that's responsible for him being here.

9 Well, she's not. She wasn't in the car that day.
10 There were at least two other boxes of ammunition of
11 different calibers, which means there was at least three
12 different guns that were involved, maybe multiple guns of
13 the same caliber.

14 The timing of this, as I was discussing, is truly
15 amazing. That thing don't like me. I'm just going to
16 point that out. It makes noises when it's not supposed
17 to.

18 The timing of this is truly amazing. Because Doug
19 and Lively come in from this direction. Well, they come
20 in from this direction. If I'm the house, they come in
21 from this direction.

22 Bad guys bail out this direction. Go down the road
23 just a short piece, dump out -- if you believe him -- and
24 he rides down the road, comes back this direction, and
25 then turns around and goes back and they're done with

1 their robbery.

2 Well, the timing of all of this is -- is by the time
3 the homeowners come home, Doug is -- Doug and Brielle and
4 probably Jackie and Lively have been, you know, gridding
5 off, looking for evidence, recover the 9-millimeter
6 cartridge. And about that time, Mrs. Boyce comes home
7 with the two children and finds their home has been
8 trashed.

9 Well, they're literally listening to the chase on
10 the radio. And it's just amazing, when -- when -- you
11 probably didn't notice it. But when Deputy Lively put
12 out the broadcast that it was a white Dodge Magnum, it
13 wasn't -- I mean, it was just seconds later, there's a
14 purple car passes Deputy Smith. And he cuts his sirens
15 and lights on, because he figures he might be getting
16 close to perpetrators or close to the area and doesn't
17 want to scare them off. And, I mean, just right then,
18 Dodge Magnum comes by him. The rest is captured on
19 videotape.

20 Talk about dangerous. Going through Aiken State
21 Park at 115 miles an hour is dangerous. It's dangerous
22 for the trooper or the officer. It's dangerous for the
23 defendant, the carload of people. It's dangerous for
24 anybody who happens to be on the road in the cars that
25 they're passing at 115 miles an hour.

1 Clearly, guilty of failure to stop for a blue light.
2 But his five days of thinking about that and his two
3 years of thinking about it, he's going to blame that on
4 somebody else too. And he's going to say, "Oh, Batman or
5 Bat put a pistol to my head," put a pistol to the head of
6 somebody that already has a pistol.

7 Because he's trying to -- trying to minimize or
8 trying to get out of it, in his mind. They forced him to
9 drive 115 miles an hour and flip it. Oh, and then run,
10 hide in the woods with them.

11 And he gets found. They are just so lucky that all
12 of them weren't smashed to bits on that highway. But
13 it's not a defense to being stupid, ladies -- ladies and
14 gentlemen. It's just not.

15 The defendant's confession on June the 14th of 2016,
16 five days after this, in his confession on that witness
17 stand yesterday minus the little lies he was trying to
18 tell y'all, is good evidence that he's guilty of
19 everything that he is charged with.

20 Now, the judge is the judge of the law, and he gives
21 you the -- the law. And if I misstated it, please take
22 his version of the law. But there is no question in this
23 case that there were burglary in the first degrees
24 committed. That can't even be argued. They meet all of
25 the elements of burglary in the first degree. The

1 dwelling house, it's in -- our state makes that a very
2 serious crime because it is a very serious crime.

3 As I said, criminals don't care whether they change
4 innocent people's lives. They don't care about the
5 Brielle Busbees or the Arthur Boyces or his children.
6 They don't care when they go in and smash in a window and
7 take a PlayStation.

8 They don't care, when they're riding down the road
9 and decide, "Hmm, how are we going to split this up? I'm
10 going to cut you some good money on this. I'm going to
11 get \$500."

12 I mean, that, you know, is just pure greed. Pure
13 greed and laziness and dangerousness is what this case is
14 about.

15 The state suggests that we have proven way beyond
16 any reasonable doubt that Mr. Chandler is guilty of what
17 he's charged with. We ask you to go back there and
18 render a just verdict. Thank you.

19 THE COURT: Thank you, Mr. Weeks.

20 Mr. Chesser, you're recognized for your closing
21 argument.

22 MR. CHESSER: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 MR. CHESSER: Good morning.

25 JURORS: Good morning.

1 CLOSING ARGUMENT BY MR. CHESSER

2 MR. CHESSER: William Chandler, on June 9th, 2016,
3 17 years old, he's a kid with a ninth-grade education.
4 And he's playing this video game he told you at length
5 about with all these different ways to play it. And it
6 has these -- the terminology that they use.

7 To a certain extent in evaluating this case, you
8 have to try to imagine and try to think about what his
9 mind is like. Because the judge is going to charge you
10 that mere presence, even with knowledge that a crime is
11 going to be committed, is not sufficient to find someone
12 guilty of the charge. The state has to prove beyond a
13 reasonable doubt that they intentionally and knowingly
14 aided in the commission of the crime as a joint actor.

15 In this case, what William Chandler has been
16 consistent is that he did not agree to participate in a
17 burglary; that he did not play any part -- the one thing
18 that the state wants to point to is outside the Busbees,
19 when this dog came out, he testified that he's scared of
20 dogs; he's scared of dogs from anybody; and he fired a
21 shot, not at the dog, as is -- was argued by the state,
22 but he simply fired a shot in the ground to scare this
23 dog away, as he would in any situation at any time.

24 But he did not actively participate in this. He did
25 not join in this with these other people to rob. And the

1 state has to prove that.

2 And so when the judge charges you that mere presence
3 and knowledge is not sufficient to convict, that is --
4 you must consider that and you must ask if the state has
5 proved beyond a reasonable doubt this active
6 participation beyond that. And I submit to you, they
7 have not. There's no evidence that he went in. There's
8 no evidence that he actively aided in any sense.

9 It is hard to -- to imagine somebody else's mental
10 state. But that's what, in effect, you're being asked to
11 do. Did he actively -- was his mind -- was he actively
12 aiding and participating? The only evidence you have,
13 really, as to his mental state is his testimony. And it
14 is credible, despite what -- what the state says, because
15 we are talking about a 17-year-old with a ninth-grade
16 education who, for whatever reason, is just exposed to
17 this environment of -- of video games.

18 He talked about his family, where there's about
19 eight or nine people that live in this house. He has an
20 upbringing that you may not be familiar with. And when
21 you're asked to say, Did he actively participate in this,
22 in a way you're being asked to say, I have to imagine
23 this person with this ninth-grade education, 17 years
24 old, with a mentality very different from yours.

25 But I submit to you that the state has not proven

1 his active participation in these crimes and that there
2 certainly exists a reasonable doubt and that you should
3 find William Chandler not guilty. I ask you to consider
4 this evidence in the light of the presumption of
5 innocence and in accordance with the instructions that
6 the judge is going to give you. And again, I submit to
7 you, there exists more than a reasonable doubt. And I
8 ask you to find William Chandler not guilty.

9 THE COURT: Thank you, Mr. Chesser.

10 Do you have any response, Mr. Weeks?

11 MR. WEEKS: No response, Your Honor.

12 THE COURT: Thank you.

13 All right. Ladies and gentlemen, as I told you, I
14 need to send you out of the courtroom for a little while.
15 It won't be very long. I just have to get some things
16 set up out here, and then I'll bring you back and give
17 you the law. Don't discuss the case.

18 (Whereupon, the jury exited the courtroom at 10:43
19 a.m.)

20 (Off the record briefly.)

21 THE COURT: We're at ease.

22 (Off the record from 10:44 a.m. until 10:47 a.m.)

23 THE COURT: I need to print out the proposed verdict
24 forms. It will be a copy. Y'all look at it and make
25 sure it's okay. Soon as that's done, we'll get started

1 with the charge. We're at ease.

2 (Off the record from 10:47 a.m. until 11:18 a.m.)

3 THE COURT: Mr. Boyce's residence is [REDACTED]

4 [REDACTED]?

5 MR. WEEKS: Correct.

6 MS. HALL: Correct.

7 THE COURT: And the other is [REDACTED]?

8 MR. WEEKS: Yes, sir.

9 THE COURT: Okay.

10 MR. WEEKS: Judge, they appear right to me.

11 THE COURT: Okay. I had an extra page in there.

12 And I don't know what I did. I think I had a correct
13 form in there, but somewhere it got lost.

14 All right. Ladies and gentlemen, during the charge,
15 please stay still and stay quiet. Don't do anything to
16 distract the jury. Don't be moving about. Absent an
17 emergency, please stay where you are and be quiet.

18 Bring the jury, please.

19 (Off the record briefly.)

20 (Whereupon, the jury entered the courtroom at 11:20
21 a.m.)

22 THE COURT: Members of the jury, all the evidence
23 has been presented. You've heard the arguments of
24 counsel. It's now time for me to instruct you on the law
25 -- law that applies to the cases. Please continue to pay

1 close attention during this next stage.

2 CHARGE OF THE COURT

3 THE COURT: Now, first, you need to understand some
4 basic ground rules. You, the jury members, are the sole
5 judges of the facts. You decide all the issues of fact.
6 You alone determine the truth of the evidence, its
7 effect, its value, and its weight.

8 You alone judge the credibility of the witnesses; in
9 other words, whether or not a witness's testimony is
10 believable. In evaluating the testimony of the
11 witnesses, you may believe all that a witness said or
12 none of it. You may believe part of what a witness said
13 and not believe the balance. You may believe one witness
14 against many or many against one.

15 You may consider any interest, bias, or prejudice
16 that you feel that a witness has in the case. You may
17 consider the demeanor and the appearance of the witness
18 and the opportunity for knowledge that the witness had.

19 You may consider a lack of evidence presented by the
20 state. But you're not to exercise these considerations
21 arbitrarily. What I want you to do is to use your common
22 sense, use your sense of logic and reason and your good
23 judgment.

24 The rules of evidence allow for a witness to give
25 opinion testimony under certain circumstances. One area

1 where that's allowed is where someone, by virtue of
2 education, training, or experience, is permitted to
3 testify as an expert witness. The mere fact that an
4 expert witness is permitted to give opinion testimony
5 under our rules does not require you to accept the
6 opinions given if you choose not to do so. You may
7 accept or reject the opinions of an expert witness, just
8 as you may with any other witness, in whole or in part.

9 It is not proper for me to give you a charge on the
10 facts of the case. I cannot discuss the facts with you
11 or even convey to you an impression as to what personal
12 opinions, if any, I might develop about the facts of this
13 case. If, during any stage of this trial, you develop an
14 impression that I have a personal opinion about the
15 facts, you are to remove that belief totally from your
16 mind. You're the sole judges of the facts.

17 I am the judge of the law that applies in the case.
18 And under your oath, you're bound to -- you're bound to
19 accept and apply the law as I give it to you. You have
20 to abandon any conflicting ideas you might have as to
21 what the law is or what it should be. I give you the
22 law; you apply it to the facts as you determine them to
23 be. And then in that way, you reach your verdicts.

24 If -- if I -- it's also my job to decide what
25 evidence is admissible. If I have ruled something

1 inadmissible or instructed you to disregard something,
2 you're not to consider those things in arriving at a
3 verdict. You're to consider the competent evidence
4 before you, the testimony from the witnesses, any
5 exhibits admitted, and you must follow the limiting
6 instruction that I gave you yesterday.

7 I need to explain to you that there are two types of
8 evidence generally presented during a trial: direct
9 evidence and circumstantial evidence.

10 Direct evidence directly proves the existence of a
11 fact and does not require deduction. Circumstantial
12 evidence is proof of a chain of facts and circumstances
13 indicating the existence of a fact. Crimes may be proven
14 by circumstantial evidence.

15 The law makes no distinction between the weight or
16 value to be given to either direct or circumstantial
17 evidence. However, to the extent that the state relies
18 on circumstantial evidence, all of the circumstances must
19 be consistent with each other. And when taken together,
20 they must point conclusively to the guilt of the accused
21 beyond a reasonable doubt. If the circumstances merely
22 portray the defendant's behavior as suspicious, the proof
23 has failed.

24 The state has the burden of proving the defendant
25 guilty beyond a reasonable doubt. The burden rests with

1 the state regardless of whether the state is relying on
2 direct evidence or circumstantial evidence or some
3 combination of the two.

4 The defendant in this case, Mr. Chandler, is
5 presumed to be innocent. This is no mere legal theory.
6 It is a fundamental and substantial right to which
7 everyone is entitled.

8 It's been described as being like a robe of
9 righteousness that's placed around an accused. And it
10 remains with him through every stage of the trial. It
11 continues after you retire to your jury room so that he
12 is cloaked in innocence. And that presumption of
13 innocence continues to exist so that he is presumed to be
14 innocent unless and until you, the jury, determine that
15 the state has proved the guilt of the defendant beyond a
16 reasonable doubt.

17 A defendant is not required to prove his innocence.
18 Generally, he is not required to prove anything at all.
19 The burden is upon the state to prove the guilt of a
20 defendant beyond a reasonable doubt. And it's required
21 that every essential element of the offense that's
22 charged be proved by the state beyond a reasonable doubt.

23 The state's not required to prove the guilt of the
24 defendant beyond all doubt or beyond every doubt,
25 however. The appropriate standard is proof beyond a

1 reasonable doubt.

2 Now, some of you may have served as jurors in civil
3 court. And if you have, you know that the burden of
4 proof in civil court requires establishing that something
5 is more likely than not. We call that the greater
6 weight, or preponderance of the evidence.

7 But with regard to the state's burden in this case,
8 the standard is much higher. And the proof must be much
9 stronger than what is required in civil court. The
10 burden of proof in a civil (verbatim) case such as this
11 is proof beyond a reasonable doubt.

12 So what do I mean by that term? Proof beyond a
13 reasonable doubt is proof that leaves you firmly
14 convinced of the defendant's guilt. There are few things
15 in the world that we know with absolute certainty. And
16 in criminal cases, the law does not require proof that
17 overcomes every possible doubt.

18 If, based on your consideration of the evidence, you
19 are firmly convinced that the defendant is guilty of a
20 crime charged, then you must find him guilty of that
21 crime. If, on the other hand, you think there is a real
22 possibility that he is not guilty, you must give him the
23 benefit of the doubt and find him not guilty on there --
24 that charge.

25 There's no obligation on the defendant to raise any

1 doubt or any other possibility. He's presumed to be
2 innocent. The state has the burden of proof and has to
3 prove that defendant is guilty to the exclusion of any
4 other real possibility.

5 Now, ladies and gentlemen, testimony has been given
6 in this case about statements allegedly made by this
7 defendant to law enforcement officials. In evaluating
8 these alleged statements, you first need to determine if
9 the state has proven that the defendant, in fact, made
10 the statement in question. If not, then you cannot
11 consider that alleged statement in any way against the
12 defendant.

13 Now, if you find that the defendant did make the
14 statement, the next thing you're going to have to
15 determine is whether the defendant was in police custody;
16 and if he was, whether the statement was given in
17 response to police questioning. So in order to for you
18 to know what the law requires concerning statements, I
19 need to explain a few things to you.

20 You've probably heard about *Miranda* warnings. The
21 *Miranda* warnings are that you have the right to remain
22 silent; that any statement made can and will be used
23 against you in court; that you have the right to have an
24 attorney; and if you do not have the resources to hire a
25 lawyer, the Court will appoint one at no expense; that

1 you have the right to consult a lawyer before answering
2 any questions or making any statement; that you have the
3 right to have a lawyer present at all times during all
4 interviews and all interrogations; and that you may stop
5 answering questions at any time.

6 Now, while these exact words do not have to be used,
7 the substantial equivalent has to be communicated to the
8 person giving the statement in order to constitute
9 *Miranda* warnings.

10 The term "in custody" refers to situations where the
11 person is under arrest, is held in police custody, or has
12 his freedom of movement prohibited by the police in a
13 significant way. If someone is in custody, the state has
14 to prove to you that the person was properly warned of
15 his constitutional rights, the *Miranda* warnings, prior to
16 the questioning and giving of the statement.

17 If the state proves that it gave *Miranda* warnings
18 prior to interrogating the person while in custody, the
19 state must then prove that the person knowingly and
20 intelligently waived his constitutional rights and made
21 the statement to police.

22 The final requirement is that the statement in
23 question must have been given voluntarily. The state has
24 to prove to you that the statement was the expression of
25 the person's own free will and was not improperly induced

1 by compulsion, duress, force, or fear, or by the promise
2 of some reward or hope of reward. Unless the statement
3 was given freely and voluntarily, you may not consider it
4 against the defendant.

5 If a statement was made while in custody to a law
6 enforcement officer in response to the officer's
7 questions, I instruct you that you cannot use that
8 statement against the defendant unless you are satisfied
9 that the state has proven beyond a reasonable doubt every
10 requirement that I have just instructed you: that the
11 statement was made by the defendant after *Miranda*
12 warnings were give; that there was a knowing and
13 intelligent -- intelligent waiver of rights; and that the
14 statement in question was made freely and voluntarily.

15 Okay. Now, let's turn to the specific charges that
16 are alleged in this trial. As you know, there are five
17 indictments, each of which has to be evaluated separately
18 on its own merit or lack of merit. I read the
19 indictments to you at the beginning of the trial. All
20 the indictments allege that the incident in question
21 occurred in Aiken County on or about June 9, 2016.

22 One indictment alleged that William Tiay Chandler
23 committed burglary in the first degree regarding the
24 Boyce home. It is alleged that the defendant willfully
25 and unlawfully entered the dwelling of Arthur Boyce,

1 located at [REDACTED], Aiken County, South
2 Carolina, without consent and with the intent to commit a
3 crime therein; and that the defendant or another
4 participant was armed with a handgun.

5 Another indictment alleges that Mr. Chandler
6 committed burglary in the first degree regarding the
7 Busbee home. That indictment alleges that William Tiay
8 Chandler willfully and unlawfully entered the dwelling of
9 Doug Busbee, located at [REDACTED], Aiken
10 County, South Carolina, without consent and with the
11 intent to commit a crime therein; and that the defendant
12 or another person, another participant in the crime, was
13 armed with a handgun.

14 Now, there are also two indictments that charge the
15 defendant with possession of a firearm during the
16 commission of a crime -- excuse me -- a crime of
17 violence, a violent crime, one indictment corresponding
18 with each burglary. Each indictment for possession of a
19 firearm during the commission of a violent crime alleges
20 that the defendant did in Aiken County, on the date,
21 time, and place alleged in the indictment, possess a
22 firearm during the commission of a burglary in the first
23 degree. One indictment relates to the alleged burglary
24 of the Boyce residence, and the other relates to the
25 alleged burglary of the Busbee residence.

1 Now, finally, there is an indictment for failure to
2 stop for a pursuing law enforcement vehicle. Sometimes
3 that's called a blue-light charge. That indictment
4 alleges that the defendant did in Aiken County, South
5 Carolina, in the absence of mitigating circumstances, on
6 June 9, 2016, unlawfully fail to stop a vehicle that he
7 was driving on a road, street, or highway of this state
8 when signaled to stop by means of a flashing light or
9 siren.

10 I caution you once again, ladies and gentlemen, that
11 indictments have no evidentiary value. They're not
12 evidence. An indictment is nothing more than the
13 charging paper, the formal means by which someone is
14 charged and brought to trial. You may not accord any
15 indictment any evidentiary value.

16 Now, all the indictments allege that the respective
17 offense occurred in Aiken County, South Carolina. And
18 the state has to prove to you that the crime in question
19 occurred in this county in order for you to convict the
20 defendant of any crime.

21 To prove the defendant guilty of a crime, the state
22 has to prove beyond a reasonable doubt that the defendant
23 acted with criminal intent. The criminal intent required
24 in these cases is that the defendant must have acted
25 knowingly to commit these crimes. To act knowingly means

1 to act with knowledge; to act consciously; not something
2 that occurs by accident. It is an intentional act, a
3 willful act.

4 Criminal intent is a mental state. It may be shown
5 by acts. And it may be shown by conduct of the defendant
6 and other circumstances from which you may naturally and
7 reasonably infer intent. But the state has to establish
8 the necessary criminal intent beyond a reasonable doubt
9 in order for the defendant to be convicted of a crime.

10 Now, I need to explain to you a concept which is
11 often referred to as "the hand of one is the hand of
12 all." It's actually called accomplice liability. And so
13 I need to explain to you that a person can be guilty of a
14 crime, either by directly perpetrating it himself or by
15 being present at the scene of the crime, and aiding,
16 abetting, and assisting in the commission of that crime.

17 This is known as accomplice liability, sometimes
18 referred to as "the hand of one is the hand of all." A
19 person who is present at the scene of a crime and
20 intentionally or through a common plan aided, abetted, or
21 assisted in the commission of that crime through some
22 overt act is guilty as an accomplice. To be liable as an
23 accomplice, the defendant must have knowledge of the
24 other persons' illegal conduct and aid, abet, or assist
25 in its commission.

1 Mere presence at the scene of a crime and prior
2 knowledge that a crime is going to be committed are not
3 sufficient to establish guilt as an accomplice. So a
4 defendant's mere presence where a crime is being
5 committed or mere association with a person who commits a
6 crime does not make a defendant an accomplice or an aider
7 or abettor.

8 To be proven to be an accomplice, the state has to
9 prove to you that the defendant engaged in a willful,
10 intentional, and knowing act of aiding, abetting, and
11 assisting in the crime with the defendant being present.
12 It is not necessary for the state to prove that the
13 accomplice knew the exact means or the full extent of
14 what was transpiring. It is not necessary that there be
15 any kind of formal agreement.

16 But it must be proven that the accomplice knew that
17 a specific crime alleged was being committed; that he
18 knew that all the essential elements of the offense were
19 occurring; and that he intentionally and knowingly aided
20 in the commission of the crime through a joint effort.

21 Intentionally means to act willfully, intending the
22 result that actually occurs, not something that occurs by
23 accident or something done involuntarily. To aid means
24 to help; to promote the course or accomplishment of; to
25 give support to or to give assistance to. To abet means

1 to encourage or support. Assist is a term you should
2 give its plain and ordinary meaning.

3 Now, when I use the term accomplice throughout this
4 charge, you should apply all those requirements of
5 meeting the definition of an accomplice that I just
6 discussed with you.

7 Now, burglary in the first degree is willfully and
8 unlawfully entering a residence without consent and with
9 the intent to commit a crime therein if the defendant or
10 some other participant in the crime had in his possession
11 a deadly weapon. So to prove a defendant guilty of
12 burglary in the first degree, the state has to prove to
13 you that the defendant, either himself or being present
14 and aiding, abetting, or assisting someone else did the
15 following things: first, enter the dwelling without
16 consent. To enter a dwelling without consent means to
17 enter without the consent of the person in lawful
18 possession of the dwelling. A dwelling is any building
19 in which a person ordinarily sleeps.

20 Next, the state has to prove to you that the entry
21 was done with the intent to commit a crime once inside
22 the dwelling. The mere entry into a dwelling without
23 consent is not a burglary. The entry has to be made with
24 the intent to commit a crime once inside the dwelling.

25 If the intent to commit a crime is formed after the

1 entry, it's not burglary. On the other hand, if the
2 defendant intended to commit a crime at the time of the
3 entry, it is a burglary, even if the intent was abandoned
4 after the entry. It does not matter whether the intended
5 crime was actually completed. Intent may be shown by
6 acts and conduct of the defendant and other circumstances
7 from which you may naturally and reasonably infer intent.

8 And finally, with regard to the charges of burglary
9 in the first degree, the state has to prove to you beyond
10 a reasonable doubt that when entering, while in the
11 dwelling, or when fleeing, the defendant, either himself
12 or some other participant in the crime, was armed with a
13 deadly weapon; or, when entering, while in the dwelling,
14 or when fleeing, the defendant or an accomplice displayed
15 what was or appeared to be a firearm. A deadly weapon is
16 any article, instrument, or substance that is likely to
17 cause death or great bodily harm.

18 Now, it's a separate criminal offense to possess a
19 firearm during the commission of a violent crime. As you
20 know, there are two separate indictments alleging that
21 the defendant is guilty of possessing a firearm during
22 the commission of a violent crime.

23 To prove the defendant guilty of these charges, the
24 state has to prove to you beyond a reasonable doubt that
25 on the date and at the time and place alleged in the

1 respective indictment, the defendant, either him or as an
2 accomplice aiding, abetting, and assisting in the
3 commission of a violent crime, possessed a firearm during
4 the commission of that violent crime. Burglary in the
5 first degree is classified as a violent crime under South
6 Carolina law.

7 And the last indictment charges the defendant with
8 failure to stop for pursuing law enforcement vehicle. In
9 order to prove this crime, the state has to prove to you
10 beyond a reasonable doubt that the defendant was driving
11 a motor vehicle on a road, street, or highway of this
12 state; that the defendant was signaled to stop by a law
13 enforcement vehicle by means of a siren or flashing
14 light; and that the defendant did not stop.

15 In determining whether or not there are mitigating
16 circumstances that would justify the defendant's failure
17 to stop for the blue light, you may consider such things
18 as the actual road conditions; roadside conditions, other
19 conditions, such as lighting and weather; officer,
20 driver, and/or passenger safety; and any other
21 circumstances you believe to reasonably mitigate the
22 alleged violation. An official signal requiring a
23 motorist to stop may be accomplished by a siren or
24 flashing lights. Both are not required.

25 Now, ladies and gentlemen, I told you throughout

1 this charge that the state has the entire burden of
2 proof. The state has to prove beyond a reasonable doubt
3 that the defendant is guilty of each offense charged.
4 The state has to prove every essential element of each
5 offense charged beyond a reasonable doubt. And that's
6 true.

7 The defendant has raised a defense with regard to
8 the blue-light charge, the failure-to-stop charge. And
9 that defense is known as coercion or duress. Duress
10 occurs when another person makes a defendant commit a
11 crime by the threat of immediate physical violence. If a
12 defendant was acting under coercion or duress, he is not
13 guilty of any crime he is being compelled to do.

14 The coercion or duress must be present, imminent,
15 and of the type to create a well-grounded fear of death
16 or serious bodily harm if the act is not done. The fear
17 of injury must be reasonable. Coercion or duress is not
18 a defense if there is any reasonable way, other than
19 committing the crime, for the defendant to escape the
20 threat or -- of harm.

21 Now, under our law, ladies and gentlemen, in South
22 Carolina duress is known as an affirmative defense. And
23 that means that the defendant assumes a lesser burden of
24 proof as to it. It's called the preponderance of the
25 evidence. It's like that civil standard I talked to you

1 earlier. The preponderance of evidence -- of evidence is
2 a lesser standard than the proof beyond a reasonable
3 doubt.

4 So to establish coercion, the defendant would have
5 to prove to you that it is more likely than not that he
6 was coerced into failing to stop for a pursuing law
7 enforcement officer; that it is probable that he was
8 coerced into failing to stop for a blue light. If you
9 find that the defendant was coerced into committing what
10 otherwise would be a crime, you are to find him not
11 guilty of that crime.

12 The final thing I need to tell you on the law is
13 that the defendant is entitled to every reasonable doubt
14 that arises in the entire case. If, upon any issue of
15 fact essential to a conviction, you have a reasonable
16 doubt as to how that issue should be resolved, you must
17 resolve that doubt in the defendant's favor. If, upon
18 reviewing the entire case, you have a reasonable doubt as
19 to whether the defendant has been proven guilty of a
20 particular crime charged, he is entitled to that
21 reasonable doubt and a verdict of not guilty as to that
22 charge.

23 On the other hand, if, upon reviewing the entire
24 case, you find that the state has proven every essential
25 element of an offense charged against this defendant

1 beyond a reasonable doubt, it is equally your duty to
2 find him guilty of that charge. That's the law.

3 Now, ladies and gentlemen, when you go back to the
4 jury room, you're going to have with you all the exhibits
5 that have been admitted in the trial. And you're going
6 to have these verdict forms.

7 There are five separate verdict forms. One
8 corresponds to each indictment. And I'm going to read
9 them to you in the order that they were numbered, just
10 when it -- when they were assigned numbers.

11 So this one reads: "As to the charge of burglary in
12 the first degree alleged, regarding the residence of
13 Arthur Boyce" -- I -- I put the respective residences on
14 here so you know what number corresponds with what
15 residence. You have two possible forms of verdict. It
16 reads: "We, the jury, unanimously find the defendant" --
17 you may find him not guilty or you may find him guilty of
18 burglary in the first degree.

19 The next numbered indictment is as to the charge of
20 possession of a firearm during the commission of a
21 violent crime regarding the alleged burglary of the
22 residence of Arthur Boyce. Again, you have two options.
23 It reads: "We, the jury, unanimously find the defendant"
24 -- first option is to find him not guilty; the other
25 option is to find him guilty -- of possession of a

1 firearm during the commission of a violent crime.

2 The next numbered indictment reads: "As to the
3 charge of burglary alleged, regarding the residence of
4 Doug Busbee" -- again, you have two options. It reads:
5 "We, the jury, unanimously find the defendant" -- not
6 guilty is the first option; the second option listed is
7 guilty of burglary in the first degree.

8 The next numbered indictment deals with the charge
9 of possession of a firearm during the commission of a
10 violent crime, regarding the alleged burglary of the
11 residence of Doug Busbee. And it reads: "We, the jury,
12 unanimously find the defendant" -- you have two options.
13 You may find him not guilty or guilty of possession of a
14 firearm during the commission of a violent crime.

15 And the last numbered indictment is as to the charge
16 of failure to stop when signaled by a law enforcement
17 officer. Again, you have two possible verdict forms.
18 One is to find him not guilty; the other is to find him
19 guilty of failure to stop when signaled by a law
20 enforcement officer.

21 I'm supposed to tell you, ladies and gentlemen, that
22 the order in which I state those means nothing. I have
23 to list one thing first and one thing second. The truth
24 is I did most of these forms in a computer school I
25 attended back in the 1990s, and now I just change names

1 and case numbers.

2 But in any event, Madam Foreman, part of your job is
3 to record the verdicts for me. I think you'll find these
4 self-explanatory. Just check the option that's chosen by
5 the jury and sign your -- your name on the signature
6 lines, please.

7 Ladies and gentlemen, how you go about your
8 deliberations, how you go about taking your votes, that's
9 all in your discretion, subject to this requirement: A
10 verdict has to be unanimous. All twelve of you must
11 agree in order for something to constitute a verdict.

12 When you have reached your verdict -- do y'all still
13 use that light system? Do y'all have a light system?
14 Just knock ---

15 THE BAILIFF: Yes, sir.

16 THE COURT: You still use it?

17 THE BAILIFF: Yes, sir.

18 THE COURT: Okay. I think everywhere else, you
19 knock on the door. But maybe you could knock on the door
20 and turn the light on.

21 But they've got a light system they'll explain to
22 you. When you've reached your verdicts, knock on the
23 door, turn on that light. The bailiffs will respond to
24 your knock.

25 Over the course of the last several days, I've told

1 you probably a dozen times not to discuss the case till I
2 tell you to. Well, it's not time yet.

3 The law says that I have to go over with the
4 attorneys what I just told you. And that's just common
5 sense. We don't want you back there decided the cases
6 using the wrong law.

7 Now, the truth is that I actually gave this to them
8 yesterday, e-mailed it to them, so they could review it
9 overnight. We met earlier. They pointed out a couple
10 things to me. I made a few changes.

11 So I don't think this will take long. But I never
12 read these things verbatim. And sometimes I say things I
13 don't even realize I said. So they have to be given a
14 chance to point out to me whatever I may have said that
15 was wrong.

16 Here's the signal you need to be looking for. If
17 I'm satisfied with what I've told you, I will send the
18 verdict forms and the exhibits into the jury room. When
19 the bailiff has left those things in there and it's just
20 the twelve of you in there, you don't have to wait one
21 more second. You can start talking about the case. But
22 don't talk about it until then.

23 Now, if there's an electronic medium in evidence,
24 they have to provide you with some sort of way to play
25 that back. And so hopefully, they've made arrangements

1 for that. If not, we'll -- we'll make arrangements to
2 get you some computer or something and send in there so
3 you can play anything that needs to be played.

4 Thank you very much for your attention. If you've
5 -- I don't know what time they told the food to be here.
6 But if the food gets here, certainly, y'all go ahead and
7 eat. But if you would, please, follow the bailiff and
8 retire to your jury room.

9 (Whereupon, the jury exited the courtroom at 11:49
10 a.m.)

11 THE COURT: Please state for the record exceptions,
12 additions, objections to the charge. From the state?

13 MR. WEEKS: Your Honor, I will say I think you
14 probably covered it later. But I noticed on each one of
15 the indictments that you read out, the state indicts him
16 intentionally for doing an act along with others. And
17 you left that part out on each one of the indictments.
18 And I don't know if that was intentional or -- or just to
19 be merged in with the accomplice liability later on.

20 But I don't -- I really don't know a way -- any --
21 any way -- I can't suggest a way to redo it. You do not
22 send the indictments in, I'm pretty sure. So ---

23 THE COURT: I -- I don't send the indictments in.
24 And I -- I would've read the indictments at the beginning
25 of the case. But I -- I thought I told them. Wait a

1 second.

2 MR. WEEKS: And I'm sorry. I didn't catch it last
3 night or this morning when I read it. I just noticed it
4 when ---

5 THE COURT: I -- I ---

6 MR. WEEKS: --- you read it.

7 THE COURT: I understand. But I don't -- I don't
8 think that's confusing to the jury in -- in -- in
9 totality of the charge. It's -- it may have been more
10 precise just to state it like you said it. But I'm -- I
11 don't feel any need to change that.

12 Do you have any exceptions, addition, objections to
13 the charge?

14 MR. CHESSER: None from the defense.

15 THE COURT: All right. Well, I -- that -- I rarely
16 remember any affirmative defense in any criminal case. I
17 -- I -- I don't -- that's a poor choice of words. I
18 don't ever remember, off the top of my head, giving a
19 charge on affirmative defense. I -- I tried to read what
20 we had about the coercion and duress.

21 If -- if -- if I were on the Supreme Court, I think
22 I probably would rule differently. But I'm not.

23 So I charged it as I understand the law to be. And
24 that is there's a burden of proof. It's -- we've got
25 some materials that cite the U.S. Supreme Court.

1 There's no objection to it. But just for the
2 record, I -- I understand that could be problematic and
3 down the road it may get changed.

4 The last case I saw indicated that it's not an
5 element of the offense, so it's possible for it to be an
6 affirmative defense. Seems to me that the argument that
7 it goes to the intent requirement is -- is compelling.
8 But other -- some states have adopted that; some states
9 have not.

10 Check the verdict forms. Check the exhibits. When
11 you're satisfied, give those to the bailiff.

12 Do they have a means to play that video?

13 MR. WEEKS: We'll send on in, Judge. Got a laptop.

14 THE COURT: Okay. Good. Very good.

15 (Off the record briefly.)

16 THE COURT: All right. Now, you've got to send -- I
17 guess this needs to be on the record. I'm sorry.

18 THE COURT REPORTER: Okay.

19 THE COURT: You can't send the ammo and the guns
20 back. You can send one or the other. So is it okay if I
21 just -- I've already told that to them. Is it okay if I
22 just tell the bailiff to tell them they can only have
23 guns or ammo; if they want the other, we'll send the
24 other in and take the one out that's in there?

25 MR. WEEKS: Yes, sir. It's okay with the state if

1 you do it that way.

2 THE COURT: That okay, Mr. Chesser?

3 MR. CHESSER: Yes, Your Honor. Uh-huh.

4 THE COURT: Mr. Whittle, you -- you got me? You
5 understand?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Okay.

8 MR. WEEKS: Your Honor, for the record, we have
9 State's 87 and 88 that we're holding out. They contain
10 ammo. And there is a -- State's 75 that we're holding
11 out contains a live bullet. I do not believe there are
12 any other live cartridges in evidence besides those
13 three.

14 THE COURT: Okay. Thank you.

15 (Off the record from 11:54 a.m. until 12:01 p.m.)

16 THE COURT: All right. There's an issue related to
17 the fact that the -- the -- the video that was shown
18 originally to the jury had no sound. It was redacted
19 because it -- of the length. It was the in-car video
20 that was -- shows the chase. But then, it's -- it runs
21 on afterwards, after the wreck, and it's just a long
22 period of time, apparently, when nothing is happening.

23 So what happened was the jury was shown the video
24 that was the original one that was -- from which a copy
25 was made. It had the audio on it. And then, this -- the

1 state just stopped it at the same point that the copy
2 would've stopped.

3 Mr. Chesser, has an issue with sending that to the
4 jury. And I agree with him, because I don't know what is
5 contained after that point. My suggestion is -- my
6 question is: Can we just send back the one that you had
7 initially and tell -- have the bailiff -- or I can bring
8 them out and tell them myself that this is the one that
9 has no audio; if they want one with audio, we'll have to
10 bring them out to play it.

11 MR. WEEKS: I think we still have that. And I don't
12 have any objection to that.

13 THE COURT: Now, what y'all are going to need to do
14 is mark the other one as a Court's exhibit so if this
15 issue ever comes up on appeal, there -- there will be
16 both copies in -- in -- for review.

17 MR. CHESSER: Your Honor, if, whatever reason that
18 first copy that was introduced into evidence, is, you
19 know -- is not accessible at this moment, it seems to me
20 that we could just tell the jury that if, you know, they
21 want to hear that, they can come out and we'll play it
22 for them on this -- this equipment out here.

23 THE COURT: So your suggestion is not send any --
24 any of the video back from the case?

25 MR. CHESSER: I don't -- I have no objection to

1 sending it back. But if there's any problem finding it,
2 I would -- I would, as an alternative, just say, Well, we
3 can tell the jury that, you know -- I don't -- I do not
4 object to sending back the silent copy.

5 THE COURT: All right.

6 (Off the record briefly.)

7 MR. WEEKS: I think the difficulty we're having,
8 Judge, is finding the one that we originally put in.
9 Because I switched out the sleeves. And we can make
10 another one downstairs. It's just going to take a few
11 minutes.

12 THE COURT: Well, that was my question, if you could
13 burn one with the -- but I didn't know how long that
14 would take.

15 MR. WEEKS: It's a realtime-type thing. It'll take
16 about 15 minutes. I don't -- yeah. It'll take 15
17 minutes.

18 THE COURT: All right. Let's be at ease while y'all
19 figure this out.

20 (Off the record from 12:31 p.m. until 12:35 p.m.)

21 THE COURT: Did you reach an agreement about what's
22 going back to the jury?

23 MR. WEEKS: I think we have, Your Honor. State's
24 Exhibit No. 40 has been redone and shorted sufficiently
25 to comply with the first agreement.

1 THE COURT: Mr. Chesser?

2 MR. CHESSER: Yes, sir. It -- it -- it actually
3 represents what was introduced into evidence. And
4 therefore, we have no objection to the substitution.

5 We've checked on the exhibits to the best of our
6 ability, and all of them are ready to go back in.

7 THE COURT: All right. Thank you.

8 All right. Mr. Whittle, remember to tell them about
9 the guns and the ammunition.

10 MR. WEEKS: Judge, I don't mind him telling them
11 that when they're done playing the laptop, we'll supply
12 -- they probably know more about it than I do. But ---

13 THE COURT: Go ahead and send a laptop back there
14 with them.

15 MR. WEEKS: Yes, sir.

16 (Off the record briefly.)

17 THE COURT: We're at ease pending a verdict.

18 (Off the record at 12:33 p.m.)

19 (Whereupon, the jury began deliberating at 12:33
20 p.m.)

21 (Off the record from 12:33 p.m. until 1:51 p.m.)

22 (Whereupon, Court's Exhibits 4 and 5 were marked
23 while off the record.)

24 THE COURT: All right. I've been informed the jury
25 has reached a verdict.

1 first degree. Signed, Katedra Adams, foreperson.

2 "2016-GS-02-02055, as to the charge of possession of
3 a firearm during the commission of a violent crime,
4 regarding the alleged burglary of the residence of Arthur
5 Boyce, we, the jury, unanimously find the defendant
6 guilty of possession of a firearm during the commission
7 of a violent crime. Signed, Katedra Adams, foreperson.

8 "2016-GS-02-02056, as to the charge of burglary in
9 the first degree alleged, regarding the residence of Doug
10 Busbee, we, the jury, unanimously find the defendant
11 guilty of burglary in the first degree. Signed, Katedra
12 Adams, foreperson.

13 "2016-GS-02-02057, as to the charge of possession of
14 a firearm during the commission of a violent crime,
15 regarding the alleged burglary of the residence of Doug
16 Busbee, we, the jury, unanimously find the defendant
17 guilty of possession of a firearm during the commission
18 of a violent crime. Signed, Katena -- Katedra Adams,
19 foreperson.

20 "2018-GS-02-00508, as to the charge of failure to
21 stop for -- when signaled by a law enforcement officer,
22 we, the jury, unanimously find the defendant not guilty.
23 Signed, Katedra Adams, foreperson."

24 Madam Forelady and ladies and gentlemen of the jury,
25 if this your verdict as to each indictment, please raise

1 your right hand.

2 (Whereupon, each juror raised his/her right hand.)

3 CLERK OF COURT: Your Honor, all right hands are
4 raised.

5 THE COURT: Thank you.

6 Are there any matter to take up prior to the jury
7 being discharged? From the state?

8 MR. WEEKS: No, Your Honor.

9 THE COURT: From the defense?

10 MR. CHESSER: No, Your Honor.

11 THE COURT: Thank you very much.

12 Ladies and gentlemen, that's going to conclude your
13 jury service. You're through with the jury duty now.

14 You don't have to call in; you don't have to come back.

15 You have an exemption for 2018, 2019, 2020 at the
16 state court -- this level of court. So you don't have to
17 serve on a jury in state court through -- until 2021 at
18 the earliest. You have a disqualification for one year,
19 since you actually sat on a trial jury.

20 If you need some sort of statement to certify the
21 days you were up here to give to your employer ---

22 (Off the record briefly.)

23 THE COURT: --- if you'll just wait in the jury room
24 back there, some -- the clerk will come back and give you
25 what you need. Your little checks will be mailed to you.

1 It won't be much.

2 Thank you so much. You're free to go.

3 (Whereupon, the jury exited the courtroom at 1:56
4 p.m.)

5 (Off the record briefly.)

6 THE COURT: Are there any motions?

7 MR. WEEKS: Not from the state, Your Honor.

8 MR. CHESSER: No, Your Honor.

9 THE COURT: All right. So you -- I want to make
10 sure on the record that your client understands.

11 Mr. Chandler, your lawyer has indicated he does not
12 wish to make any motions at this time. Y'all probably
13 need to talk about that, because that can affect your
14 right to appeal. You understand me?

15 THE DEFENDANT: Can you go into further detail?
16 Like, what does that mean?

17 THE COURT: Typically, at the end of a trial,
18 there's a motion for a new trial, based on certain
19 grounds. The court of -- appellate courts may consider
20 that some of our positions would be abandoned about
21 appealing anything if you don't request a new trial.

22 MR. CHESSER: Your Honor, I'm sure he wants me to
23 make that motion. So I'll make a motion for a new trial,
24 based on the objections we made during the trial and the
25 grounds for directed verdict that were overruled by the

1 Court.

2 THE COURT: All right. Based on what's been
3 presented, the Court finds that there's no indication
4 that the jury's verdict was the result of any type of
5 passion, prejudice, caprice, or any improper motive or
6 influence. It appears to be a -- a verdict that was
7 rendered by the jury after deliberations without any type
8 of impropriety.

9 With regard to the matters previously raised, the
10 Court renews the findings that were made during the
11 trial. Therefore, the motion for a new trial is denied.

12 All right. What does the state have on sentencing?
13 Do y'all have the sentence sheets?

14 MR. WEEKS: In about two seconds, Your Honor, we'll
15 have the completed here.

16 (Off the record briefly.)

17 THE COURT: Does the state have anything on
18 sentencing?

19 MR. WEEKS: Your Honor, it's our understanding, in
20 spite of the testimony during trial, that Mr. Chandler
21 had some juvenile adjudications different than what he
22 testified he had. Just for purposes of the record and
23 making sure it's straight, he had a shoplifting in 2012;
24 threatening the life other than a person or family of
25 public official, teacher, or principal in 2015; and

1 possession of a pistol unlawfully -- a stolen pistol in
2 2015 also. Those were all juvenile adjudications, Your
3 Honor.

4 THE COURT: All right. I'm not going to consider
5 those.

6 MR. WEEKS: Your Honor ---

7 THE COURT: What else ---

8 MR. WEEKS: --- we have ---

9 THE COURT: --- do you have?

10 MR. WEEKS: Okay.

11 THE COURT: I -- I said I'm not going to consider
12 those. What -- what else do you have?

13 MR. WEEKS: We have victims that ---

14 THE COURT: Be happy to hear from them.

15 MR. WEEKS: Okay.

16 (Whereupon, the victim came forward.)

17 THE COURT: State your name, please.

18 MS. BUSBEE: My name is Elizabeth Brielle Busbee.

19 THE COURT: Yes, ma'am.

20 MS. BUSBEE: On June 9th, 2016, that will be a day
21 that I never forget. Prior to that day, I thought our
22 house would never be broken into. But I was wrong.

23 After the event that occurred on June 9th, I have
24 many sleepless -- sleepless nights, nights where I would
25 jump out -- out of bed, grab my gun, and check to see if

1 anybody was out there. There were nights I would relive
2 the incident or something worse would occur.

3 For about a year after June 9th, I could not enter
4 my dining room without checking the window first to see
5 if the vehicle was still out there, sitting in the front
6 yard. And still to this day, if I'm home alone, my
7 family knows to make it clear to me that it's just them
8 or they will be greeted by a firearm.

9 Not a day goes by that I do not think about this
10 day. But it's only by God's grace that I'm still here.
11 As crazy as this -- as crazy as it seems, I want to thank
12 Mr. Chandler for shooting that first shot. Because I
13 don't know if I would've been here if he -- he would not
14 have.

15 And it's only by God's grace that I do not live in
16 complete fear anymore. God was with me that day so I
17 could see my mama and daddy again. And God was with Mr.
18 Chandler that day too so he could see his mama and daddy
19 again.

20 Mr. Chandler, I want you to know that I forgive you
21 and that I pray for you daily. I pray that you will come
22 to know Jesus. And I want you to know you're a child of
23 God. Not only do you have a mama and daddy that loves
24 you, but a God that loves you too.

25 I pray that you will learn from your mistakes. I

1 pray that -- pray that you will rise up and be the godly
2 man that God wants you to be. I pray that this mess that
3 you're going through will become your message. Mr.
4 Chandler, I pray for you.

5 Sir, I do not want him to have life in prison. But
6 I do want him to learn his lesson.

7 And I want to leave you with something. 1
8 Corinthians 15:33 says: "Do not be deceived. Bad
9 company corrupts good morals." Thank you.

10 THE COURT: Thank you, ma'am.

11 Anyone else?

12 MR. WEEKS: Doug Busbee, Your Honor.

13 (Whereupon, the victim came forward.)

14 THE COURT: Yes, sir.

15 MR. BUSBEE: Yes. Yes. Your Honor, I've known the
16 Chandler family a -- family a long time. Willie's daddy
17 and I went to school together. And he's an honorable
18 man.

19 And I thank God every day. God intervened, not only
20 in my family, but also in the Chandler family and the
21 Boyce family. If I had made it there 30 seconds earlier,
22 they'd have had to kill me or I'd have killed them, one
23 or the other.

24 And Mr. Boyce's -- I'm thankful Mr. Boyce's children
25 weren't home. And they normally would've been home. And

1 they could've broke in on his children as well.

2 But they also intervned in the Chandler family.
3 And not to echo, I hope you use this oppportunity to
4 learn. And I don't think you deserve life in prison,
5 because we've all made mistakes. But we need to learn
6 from them and go on.

7 But I hope, too, that you become a better person
8 because of it. But it's changed our lives. It's -- it's
9 -- it's changed the way we deal with things. It's
10 changed my -- my home. It's changed the fact that
11 everywhere I go, I watch -- you know, it's changed our
12 lives.

13 I appreciate this Court. I'm thankful for everybody
14 that attended. And we -- we just appreciate the justice
15 that we've -- we've gotten and the -- and the public
16 service too. Thank you.

17 THE COURT: Thank you, sir.

18 MR. BUSBEE: Yes, sir.

19 THE COURT: Anyone else?

20 MR. WEEKS: That's all, Your Honor.

21 THE COURT: All right. And what does the defense
22 have regarding sentencing?

23 MR. CHESSER: Your Honor, his mother ---

24 THE COURT: Is she ---

25 MR. CHESSER: --- is ---

1 THE COURT: --- outside?

2 (Off the record briefly.)

3 MR. CHESSER: This is his father. And he may be
4 able to -- to speak for the family.

5 (Off the record briefly.)

6 MR. CHESSER: Let me ask him to address the Court at
7 this time.

8 Would you like to address the Court on behalf of
9 your son?

10 MR. CHANDLER: Yes.

11 THE COURT: Come over here, please, sir.

12 (Whereupon, Mr. Chandler came forward.)

13 THE COURT: What's your name, sir?

14 MR. CHANDLER: My name is Willie Lee Chandler, Jr.

15 THE COURT: Did you say Willie Lee?

16 MR. CHANDLER: Yes, sir.

17 THE COURT: What would you like to say, Mr.
18 Chandler?

19 MR. CHANDLER: As a -- on behalf of my -- my family
20 and my -- and my son, I can say that for him, as talking
21 to him over the -- on the phone and conversing with him
22 over and over again, he has conveyed to me in the past
23 about his remorse about he know his wrong involvement.
24 And he gave -- he's given his life looking more to God as
25 some -- and -- and how thinking better -- better way of

1 thinking.

2 That day and reflecting back on that day was a day
3 of bad choices. We can't take that back. We got to go
4 forward. And I just pray for him and everybody's it
5 involve.

6 We -- his -- me and his mama is in the home. We try
7 to provide a good place. I know Mr. Doug and -- I know
8 the Busbee very well.

9 THE COURT: And he spoke ---

10 MR. CHANDLER: Me ---

11 THE COURT: --- very highly of you.

12 MR. CHANDLER: Me and Mr. Doug, we went to school
13 together. He came out like a year before me. And he was
14 -- he helped me a lot when I was deployed. I'm -- I'm a
15 retired military as well.

16 And so I know him very well. And this thing touched
17 me deeper than any most people would think or imagine.
18 And I'm just thank God nobody wasn't hurt.

19 MR. BUSBEE: Amen.

20 MR. CHANDLER: But at the same time, you know, I ask
21 God to do his will. And I ask that you have mercy. And
22 I, you know, pleading mercy for him as well.

23 He's a young man -- very young man. And I just hope
24 that we -- that he learn from his mistake. Because I
25 can't -- if I could take his place, I would. Right now I

1 would, so he can have a -- and make better choice with
2 his life so I feel like he learn better.

3 And I never heard him talk so much on God and --
4 since -- in the last eight months or so and been reading
5 scripture to me and wasn't -- and quoting. Even when my
6 faith got weak, he -- he encouraged me and so -- well as
7 the pastor.

8 And I just -- all these things would -- I -- I just
9 hope everything be taken in consideration on his behalf.
10 And like I say, he -- he -- he -- he's not that type of
11 young man. He made some bad choices, but he's a good
12 guy. He's a good guy. He just made some bad choices.

13 And he had -- as we looked at, he had -- I looked at
14 it he -- after I told him, I -- it's -- it's always --
15 always a way out. It's always have been a way out. You
16 don't have to do certain things. But yet we're here
17 today.

18 And so -- and I just -- I just want to let y'all
19 know -- let you know is that how much emphasis that --
20 that anything that I think he have learned now is that it
21 drew him closer to God. And that's -- and that's from
22 the bottom of my heart.

23 It's not on my doing or his mother's doing. That's
24 something he's done on his own. And he's -- he's really
25 -- every time we talk and he always talked about -- he

1 always talk about God. He always talk about the Lord and
2 reading scripture, quoting scripture to me.

3 And through all of this, the last two years, he
4 hasn't been home. And -- and like I say, this is what he
5 have been telling me. So even when my faith had gotten
6 weak, he is encouraging me. And I just want to let you
7 know that.

8 THE COURT: Thank you, sir.

9 All right, Mr. Chesser.

10 MR. CHESSER: May I approach with Mr. Chandler?

11 THE COURT: Sure.

12 (Whereupon, Mr. Chesser and the defendant came
13 forward.)

14 MR. CHESSER: Your Honor, my take is a little
15 different. It's difficult to hear the people involved
16 who will testify to this. I'm not going to talk to you
17 about bad choices or religion, which I know you believe.
18 I'm not going to talk about remorse.

19 You know, Willie went to trial. And I don't think
20 those things really resound. What I do think is
21 significant is his age: when this happened, 17; his
22 ninth-grade education.

23 I think that despite a loving father, I don't think
24 he really had the upbringing that -- that someone would
25 want. I -- I suspect it was far from it. I think they

1 had very strained economic circumstances.

2 And I think his mental maturity at the time that he
3 -- that this happened when he was 17 -- I think his
4 mental maturity now is just not what -- what we would
5 want. So when I ask you for a sentence that -- a lesser
6 sentence, I guess I would call it, I would -- I would
7 base it on his age, his lack of mental maturity, and the
8 fact that, in any event, this sentence is going to be
9 very significant. As, of course, the Court knows, it's
10 -- 15 is the minimum at 85 percent.

11 The -- there were some codefendants, three that pled
12 on this. One got 20; two got 18. That's in the context
13 of a plea. But I would point out that they had
14 significant prior records.

15 So the question becomes: What would be a sentence
16 that would reflect the seriousness of the offense; that
17 would promote respect for the law, for the system; that
18 would be a just punishment; and that would also reflect
19 mercy?

20 I would submit that a sentence in that 18-to-20 year
21 range at 85 percent would be enough to accomplish those
22 purposes. The -- of course, again, he has to do
23 substantially all of the time that you give him.

24 Other than that, Your Honor, Your Honor heard a
25 little about him when he testified. And you heard about

1 him in the various colloquies that he had and your
2 exchanges with him. I'll repeat myself and just say I
3 think his mind is that of a person younger than he is.

4 I don't offer any excuses for what he was convicted
5 of. I don't -- and honestly, I don't think that he does.
6 But I would ask you to consider a sentence in that range
7 of what those codefendants got. I hope you'll consider
8 that.

9 THE COURT: Thank you.

10 Did you want to say anything, Mr. Chandler?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right.

13 THE DEFENDANT: I would just like to say God great.
14 The God that I serve is great. I have prayed before I
15 came here that Ms. Brielle Busbee and the Busbee family
16 will forgive me for my role of being in this situation.

17 I know -- I know that it's hard on them, being that
18 after that I day, I know it's countless sleepless night
19 and that I'm -- I'm sorry that the role -- the role that
20 I played in it. Because by -- have I -- have it not --
21 have I -- had I never done that, then things could've
22 been different.

23 But just my time to stay, I realized that I would
24 just God bring me closer to him. Because when I was --
25 when I was home, we are -- we are a churchgoing -- we are

1 a churchgoing family. But I never really believe. And I
2 -- I never really tried to explore out to God. But being
3 the fact that that day had occurred and bad decisions was
4 made, God had allowed me to do that to myself to sit down
5 and have a time for him.

6 And now -- I've been told through my whole life I
7 can be a motivational speaker. And I know that all of
8 our purpose here of being on this earth is that I do --
9 is to do God's will. And God's will is to draw up closer
10 to him -- draw many -- draw as many as closer to him.
11 And I realize that my job is to be a teacher. That's all
12 our job.

13 And I just found God. I mean, I just pray that
14 you'll have mercy on the time. But I just feel that 1
15 Corinthians 10: Our Heavenly Father, his word is that he
16 will always provide a way out.

17 And I -- I wish thing could've been different. But,
18 I mean, now it's time for me to be a man. I'm -- it's
19 just time for me to be a man.

20 I'm sorry for Ms. Brielle Busbee and the family.
21 And they like a -- a very perfect family and what
22 happened -- what happened for that day for me, then this
23 wouldn't had to been right now. But when I say, I feel
24 like it's all for -- I feel like God is enriched, because
25 our God is great. And I will serve Him from this point

1 on, no matter the time.

2 But I have learned my lesson. And I'm closer to
3 God, no matter what. God has answered my prayer. She
4 said that she forgive me. Her father said he forgive me.
5 And that's what I really wanted.

6 THE COURT: Thank you. These codefendants, he said
7 they had a more significant record. Do you know what it
8 was?

9 MR. WEEKS: I don't, right off the top of my head.
10 But Cassie might have a little better idea.

11 MS. HALL: Your Honor, I believe each of the other
12 three were on some sort of probation at the time that
13 they pled. They did not have significant records. They
14 were all young themselves. Two of them did have juvenile
15 records. But they didn't have significant adult records.

16 MR. WEEKS: And there's one left that has indicated
17 it's a plea, but we haven't got that accomplished yet.

18 THE COURT: You talk to the victims about
19 restitution?

20 (Off the record briefly.)

21 MR. WEEKS: I think that's previously been discussed
22 with them, Judge. But we're not seeking restitution.

23 (Whereupon, Mr. Weeks and Ms. Hall conferred.)

24 MR. WEEKS: Ms. Hall advised me that the -- Jarius
25 Glover, the one that received a 20-year sentence on the

1 guilty plea, had a grand larceny and giving false
2 information.

3 THE COURT: All right. Mr. Chandler, do you
4 understand that if you want to appeal anything from this
5 proceeding, you have -- you have to file a written notice
6 of appeal; you need to tell your lawyer to file the
7 notice of appeal, because there's a short time frame to
8 do that? You understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: If -- if you don't file the notice in a
11 timely fashion, that's going to bar you from being able
12 to pursue your appeal. You understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, if you file the notice of appeal
15 and you decide to withdraw it, you can do that. But you
16 can't do the opposite. So if you got any question about
17 your desire to appeal the case, you need to file the
18 notice of appeal. You understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: I've taken into consideration the
21 defendant's age, his mental maturity, as Mr. Chesser
22 referred to it. I don't disagree with Mr. Chesser that
23 he seems to be more naive or more immature than what we
24 -- we may think.

25 There's no magic number to all this. I have a

1 number in my head that I thought my be an appropriate
2 sentence. And I'm basically going to stick close to
3 that.

4 I -- I notice that there were -- as when one -- one
5 would understand, there's more directed toward the Busbee
6 situation because of the fact that it was a home-invasion
7 type of burglary where somebody was present in the home.
8 But there were two burglaries. There were two different
9 sets of victims, plus all the other people that are being
10 affected by this. I've considered all of that.

11 SENTENCE OF THE COURT

12 THE COURT: The sentence of the Court on the -- on
13 the two burglary charges is that you be committed to the
14 South Carolina Department of Corrections for 21 years,
15 plus costs and assessments.

16 The sentence on the possession of a weapon, each of
17 those is 5 years, plus costs and assessments.

18 The sentences run concurrently. You're given credit
19 for jail time under Section 21 -- I'm sorry -- 24-13-40,
20 to be calculated and applied by the Department of
21 Corrections. Restitution is deferred on the two
22 burglaries. Pay your court costs within nine months of
23 being released from prison.

24 You'll automatically come out on a period of
25 community supervision. Because this is a no-parole

1 offense, you have to serve at least 85 percent of the
2 time day for day. You may have to serve the whole 21.

3 But you come out on community supervision. You need
4 to pay these -- pay these court costs. You need to do
5 what you said you're going to do.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Good luck to you, sir.

8 THE DEFENDANT: Thank you, sir.

9 THE COURT: We're at ease.

10 (Whereupon, the proceedings were concluded at 2:27 p.m.)

11 --- END OF TRANSCRIPT OF RECORD ---

12

13

14

CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Aiken County, South Carolina, on the 26th, 27th, and 28th days of February, and 1st day of March, 2018.

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



Maryann S. Nevers, CVR-M-CM
Official Court Reporter

Columbia, South Carolina
September 4, 2018

WITNESSES

Aiken County Sheriff

Inv. Stuart Graybeal

Law Enforcement Case #: 16-032802

CWH

ARREST WARRANT NUMBER

2016A0210200904

Sept. 29 116
Fodend
[Signature]

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: September 29, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS0202056

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

**THE STATE
vs.**

WILLIAM TIAY CHANDLER

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)


INDICTMENT FOR
 BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **WILLIAM TIAY CHANDLER** did, along with others, in Aiken County on or about June 9, 2016, wilfully and unlawfully enter the dwelling of Doug Busbee located at [REDACTED] Aiken County, South Carolina, without consent and with the intent to commit a crime therein and the defendant and/or other participants were armed with a handgun, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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


 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Inv. Stuart Graybeal

Law Enforcement Case #: 16-032823

CWH

ARREST WARRANT NUMBER

2016A0210200901

FILED *Sept. 29 116*
L. Hodend
CLERK
Stuart Graybeal SS

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: September 29, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS0202054

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE
vs.

WILLIAM TIAY CHANDLER

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§16-11-0311

J. STROM THURMOND, SOLICITOR

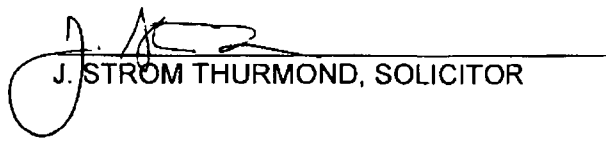
STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE
§ 16-11-0311

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **WILLIAM TIAY CHANDLER** did, along with others, in Aiken County on or about June 9, 2016, wilfully and unlawfully enter the dwelling of Arthur Boyce located at [REDACTED], Aiken County, South Carolina, without consent and with the intent to commit a crime therein and the defendant and/or other participants were armed with a handgun, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Inv. Stuart Graybeal

Law Enforcement Case #: 16-032802

CWH

ARREST WARRANT NUMBER

2016A0210200905

FILED

Sept. 29 116
W. Hodson
Clk.
W. Hodson

ACTION OF GRAND JURY

True Bill

Stuart Graybeal
Foreperson of Grand Jury
Date: September 29, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS0202057

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE
vs.

WILLIAM TIAY CHANDLER

CDR #: 0549

Indictment for

POSSESSION OF FIREARM OR KNIFE
DURING COMMISSION OF OR
ATTEMPT TO COMMIT A VIOLENT
CRIME

§16-23-0490

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)	INDICTMENT FOR
)	POSSESSION OF FIREARM OR KNIFE
COUNTY OF AIKEN)	DURING COMMISSION OF OR ATTEMPT TO
)	COMMIT A VIOLENT
		CRIME

§ 16-23-0490

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **WILLIAM TIAY CHANDLER** did, along with others, in Aiken County on or about June 9, 2016, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Burglary in the First Degree of a dwelling located at [REDACTED] Wagener, SC. All in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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


 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Inv. Stuart Graybeal

Law Enforcement Case #: 16-032823

CWH

ARREST WARRANT NUMBER

2016A0210200903

FILED *Sept. 29 2016*
Jim Hodard
Clerk
Sharon Hodard

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: September 29, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS0202055

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE
vs.

WILLIAM TIAY CHANDLER

CDR #: 0549

Indictment for

POSSESSION OF FIREARM OR KNIFE
DURING COMMISSION OF OR
ATTEMPT TO COMMIT A VIOLENT
CRIME

§16-23-0490

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)	INDICTMENT FOR
)	POSSESSION OF FIREARM OR KNIFE
COUNTY OF AIKEN)	DURING COMMISSION OF OR ATTEMPT TO
)	COMMIT A VIOLENT
		CRIME

§ 16-23-0490

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **WILLIAM TIAY CHANDLER** did, along with others, in Aiken County on or about June 9, 2016, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Burglary in the First Degree of a dwelling located at [REDACTED], Wagener, SC. All in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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



 J. STROM THURMOND, SOLICITOR

COUNTY OF Aiken VS. STATE

William Tiay Chandler.

AKA:

Race: Black Sex: M Age: 19

DOB: SS#: DL#: SID#:

Address:

City, State, Zip: Wagener, SC 29164-9407

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - First degree

INDICTMENT/CASE#: 2016GS0202056

A/W#: 2016A0210200904

Date of Offense: 6/9/2016

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

15 yrs to []

[X] CONVICTED OF or [] PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

[] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [] As Indicted. [] Lesser Included Offense. [] Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: [Signature] 5989 Defendant [Signature] Attorney for Defendant [Signature] 1212 SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center, for a determinate term of 21 days/months/years or [] under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: [X] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

[X] RESTITUTION: [X] Deferred [] Def. Waives Hearing [] Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED [] Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling [] Random Drug/Alcohol testing []

Recipient: Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund

*Fine: § 14-1-206 (Assessments 107.5 %) \$ § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$ § 56-1-286 (DUI Breath Test) \$25 \$ Proviso 61.6 (Public Def/Probation) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$25.00 § 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$3.75

Other: Pay court costs w/in 9 months DE RELEASE FROM PRISON

[] Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature] Court Reporter: Maryann Nevers

Presiding Judge [Signature] Judge Code: 2050 Sentence Date: MARCH 1, 2018

STATE OF SOUTH CAROLINA

460
COUNTY OF Aiken
STATE VS.
William Tiay Chandler
AKA:
Race: Black Sex: M Age: 19
DOB: [redacted] SS#: [redacted]
Address: [redacted]
City, State, Zip: Wagener, SC 29164-9407
DL#: [redacted] SID#: [redacted]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS0202054
A/W#: 2016A0210200901
Date of Offense: 6/9/2016
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

15 yrs to LJ

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEY: John W. Weeks 5989 Defendant [Signature] 1212 Attorney for Defendant
Weeks, John W. "Bill" SC Bar# [redacted] [Signature] SC Bar# [redacted]

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 21 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

~~months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.~~

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____
 Set by SCDPPPS _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: _____
May serve W/E beginning _____

*Fine: _____ \$
§ 14-1-206 (Assessments 107.5 %) _____ \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$ 3.75

Other: PAY COURT COSTS w/ 9 MONTHS
OF RELEASE FROM PRISON

TOTAL \$ 128.75

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Robert J. Harts
Court Reporter: Maryloue Messers
SCCA/217 (07/2016)

Presiding Judge William P. Hendry
Judge Code: 205D
Sentence Date: MARCH 1, 2018

COUNTY OF Aiken
STATE VS.
William Tiay Chandler
AKA:
Race: Black Sex: M Age: 19
DOB: SS#:
Address:
City, State, Zip: Wagener, SC 29164-9407
DL#: SID#:

INDICTMENT/CASE#: 2016GS0202057
A/W#: 2016A0210200905
Date of Offense: 6/9/2016
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

5 yrs

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted. Lesser Included Offense. Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.

ATTORNEYS: Weeks, John W. "Bill" SC Bar# 5989 Defendant
Attorney for Defendant SC Bar# 1212

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment
of \$ plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund

Other: PAY COURT COSTS WITHIN 9 MONTHS
OF REVERSE FROM PRISON

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Sherry Langley
Court Reporter: MaryAnn News
SCCA/217 (07/2016)

Presiding Judge William P. ...
Judge Code: 2050
Sentence Date: MARCH 1, 2018

STATE OF SOUTH CAROLINA)

462
COUNTY OF Aiken)
STATE VS.)
William Tiay Chandler)

AKA:)
Race: Black Sex: M Age: 19)
DOB: [REDACTED] SS#: [REDACTED])
Address: [REDACTED])
City, State, Zip: Wagener, SC 29164-9407)
DL#: [REDACTED] SID#: [REDACTED])

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted. Lesser Included Offense. Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEY
John W. Weeks 5989 Defendant
[Signature] 1212 Attorney for Defendant
Weeks, John W. "Bill" SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund
Other: PAY COURT COSTS WITHIN 9 MONTHS OF RELEASE FROM PRISON

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk *[Signature]*
Court Reporter: Maryann Nevers
SCCA/217 (07/2016)

Presiding Judge William P. Blodgett
Judge Code: 2050
Sentence Date: MARCH 1, 2018

SENTENCE SHEET 5 yrs

COUNTY OF AIKEN

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

The State of South Carolina,

vs.

William Chandler,

Defendant

**MOTION IN LIMINE
TO REDACT VIDEO**

Warrants:

2016A0210200901

Burglary 1st

2016A0210200903

Poss Weapon

2016A0210200904

Burglary 1st

2016A0210200905

Poss Weapon

Chandler moves to redact the interrogation video as follows (reference is made to a Transcript):

1. References to probation (Rules 404(b) and 403)

p. 7, line 42 *AGREED*p. 9, line 15-25 *AGREED*p. 10, line 12 *AGREED*

2. References to other burglaries for which the defendant is not being tried (Rules 404(b) and 403)

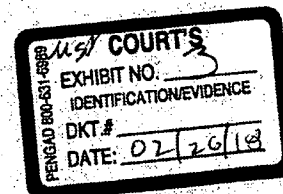
Pages 1-13 of the Transcript could be classified as an introduction of sorts. The description of the actual burglaries begins on p. 14.

Beginning on line 8 of p. 14, Chandler begins talking about a burglary in Pelion, for which the defendant is not being tried. The description of the burglaries for which the defendant is being tried begin on p. 22, In 10. Chandler objects to that portion of the Interview set forth in the Transcript, from p. 14, line 8, to p. 22, line 10.

3. References to "mission" (Rules 404(b) and 403)

Discussion of a "mission" begins on p. 7, In 38 and continues through p. 10, In 15. This language will prejudice the jury and cause the jury

1



to be unable to fairly consider the evidence and the defendant's individual guilt or innocence. Chandler moves that this portion of the Interview be suppressed and redacted.

State v. King, 416 S.C. 92, 784 S.E. 2d 252 (SC App. 2016) (Defendant's "admissions" subject to Rules 404(b) and 403)

Respectfully submitted,

January 29, 2018
Aiken, South Carolina

/s Michael Chesser
Attorney for Defendant
PO Box 1018
Aiken, South Carolina 29802-1018
chesserlaw@gmail.com
(803) 646-1166

uay

1 Inv. Graybeal Today is Tuesday, June the 14th, 2016. The time is
2 approximately 1113 hours. I'm Investigator Stuart
3 Graybeal of the Aiken County Sheriff's Office. This
4 interview is taking place pursuant to the investigation of
5 case number 16-032802 and 16-032823. The interview is
6 occurring at the Aiken County Detention Center, 435
7 Wire Road, Aiken, South Carolina, in the County of
8 Aiken. Subject of the interview is William Chandler, who
9 is currently incarcerated in the Detention Center. Mr.
10 Chandler are you aware this interview is being recorded,
11 sir?
12

13 W. Chandler Yes, sir.

14

15 Inv. Graybeal Can I get you to attach this microphone to the front of
16 your shirt please, sir?
17

18 W. Chandler Yes, sir.

19

20 Inv. Graybeal All right, Mr. Chandler how far did you go in school, sir?
21

22 W. Chandler I went all the way to the ninth grade.
23

24 Inv. Graybeal All right, how are you able to read and write or not?
25

26 W. Chandler Yes, sir, I'm able to read and write.
27

28 Inv. Graybeal Okay, what I'm going to do before we ask any questions
29 I'm going to read you your Miranda rights. Can you see
30 this form pretty clearly?
31

32 W. Chandler Yes, sir.
33

34 Inv. Graybeal All right, can you see it clearly enough to follow along
35 when I read it?
36

37 W. Chandler Yes, sir.
38

39 Inv. Graybeal All right. If you have any questions or there's something
40 you don't understand ask me and I'll stop and I'll be glad
41 to explain it further, okay?
42

43 W. Chandler Yes, sir.
44

45 Inv. Graybeal Before we ask you any questions you must understand
46 your rights. You have the right to remain silent. Anything

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W. Chandler

Inv. Graybeal

W. Chandler

Inv. Graybeal

W. Chandler

Inv. Graybeal

W. Chandler

Inv. Graybeal

W. Chandler

you say can and will be used against you in a court of law. You have the right to talk to an attorney for advice before we ask you any questions and have him present during questioning. If you can't afford an attorney the Court will appoint one to represent you without cost if you wish. If you decide to answer questions now without an attorney present you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to an attorney. Do you understand what these rights mean?

Yes, sir.

Okay, in your own words, in a sentence or two, tell me what these rights mean to you?

These rights mean to me that I'm not able to -- I'm sorry.

In summary you don't have to talk to me at all if you don't want to. You don't have to say a word. If you admit to something criminal I can use that admission against you when we go to court. Um, you also have the right to have an attorney to talk to and get advice from. If you can't afford one, and you qualify, the Court will appoint one free of charge, you don't have to pay for it. If you decide to talk with me now, um, without an attorney and halfway through you change your mind and you want to stop, you want to talk to an attorney, even though we've already talked about it you can stop at any time and ask for an attorney.

Yes, sir.

Do you understand what all that means?

Yes, sir.

Okay, if you understand that what I need you to do is put your initials all the way down in these blocks and sign here. Excuse me. Initial here too. It says you've read the statement and you understand it. All right, where it says waiver of rights can you read that out loud to me?

I am willing to make a statement and answer questions. I do not want an attorney at this time. I understand and I

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2
3
4 Inv. Graybeal know what I am doing. No promises or threats have been
made to me and no pressure or co---
5
6 W. Chandler Coercion.
7
8 Inv. Graybeal Coercion of any kind has been used against me.
9
10 W. Chandler Now tell me what that means.
11
12 It means that I basically want to talk to you and that I
13 don't want my attorney or I don't need my attorney
14 Inv. Graybeal around.
15
16 That means I haven't promised you anything what we
17 were talking about earlier. I haven't told you if you do
18 W. Chandler this I'll do that.
19
20 Inv. Graybeal No, sir.
21
22 If you give this to me I'll give that to you. If you initial
23 and sign that means you're willing to talk about these
24 W. Chandler cases without an attorney and you're doing so ---
25
26 Like I say at one point though I might want my attorney
27 Inv. Graybeal to be here.
28
29 Then you can stop at any time if that's what you want to
30 W. Chandler do.
31
32 Inv. Graybeal Okay. My initials?
33
34 Yes, sir, and then sign here. All right. Mr. Chandler what
35 W. Chandler is your full name, sir?
36
37 Inv. Graybeal William Tiay Chandler.
38
39 All right, where do you normally stay? Where do you
40 W. Chandler live?
41
42 Inv. Graybeal I live at 303 J.B. Swartz Road in Wagener.
43
44 W. Chandler And who else lives there?
45
My mother, my father, my sister Faith, my sister Miriah
(sp), my sister Jenisha (sp), my sister Erin, my sister

1
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4 Inv. Graybeal
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6 W. Chandler
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8 Inv. Graybeal
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12 W. Chandler
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14 Inv. Graybeal
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16 W. Chandler
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19 Inv. Graybeal
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21 W. Chandler
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23 Inv. Graybeal
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25 W. Chandler
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27 Inv. Graybeal
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29 W. Chandler
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31 Inv. Graybeal
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33 W. Chandler
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35 Inv. Graybeal
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37 W. Chandler
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Hannah, my sister kids, both of my sister kids Miriah and Faith, and my brother Willie.

You got mostly girls in your family.

Yes, sir.

All right. Let's go back to last Thursday, which was the 9th of June. How did you and these other gentlemen wind up together?

My sister she ---

When you say sister you mean Faith?

Yeah, Faith, the night before the day before the 9th I spent the night at my uncle house and ---

Which is where?

Which is 169 Hitchcock Road, in Montmorenci.

Okay.

She was supposed to pick me up that night.

Who is your uncle?

Valey Staley. He's the correction ---

Valey used to work for Wagener?

Yes, sir.

Okay.

Um, she was supposed to pick me up that night. I was texting her and calling her and she didn't answer. She came and picked me up the next morning. I asked her like what was the deal? She told me that my big brother Willie had the phone and that I already know how that goes, but he didn't relay the message to her until after hours. So after she came and picked me up we stopped by the Junction. I got me a soda. I got me three pies and I got her two pies and we was headed home or at least that's where I thought we was headed home. We passed the turn

1 off for me to go home so I was like well, I already knew
2 where we was going, which is her friend Miss Heather
3 house. Now before I keep going those guys all of them
4 David, Bat, Jake, and uh, and Joe I really don't know
5 them guys like that to be honest.
6
7 Inv. Graybeal When you say the names David is David Cappell?
8
9 W. Chandler Yes, sir.
10
11 Inv. Graybeal All right. Who do you know as Bat? Is that Jairus?
12
13 W. Chandler Really, like I say, I really that's how I know them normal
14 because I don't know their real names like that. Do you
15 have a picture?
16
17 Inv. Graybeal Yeah, I got most of them. I say I do. That's Joseph, Joe.
18
19 W. Chandler Yeah, that's Joe.
20
21 Inv. Graybeal That's the one you call Bat?
22
23 W. Chandler No, that's not that's the one that we call Joe.
24
25 Inv. Graybeal Okay Joe Joe?
26
27 W. Chandler His name is Joe.
28
29 Inv. Graybeal Okay, and who is Bat?
30
31 W. Chandler Like I say I seen his picture over there one of them that
32 you were ---that's David Cappell.
33
34 Inv. Graybeal Yeah, that's not Bat.
35
36 W. Chandler Yeah, and um where was the other picture?
37
38 Inv. Graybeal Jairus Glover?
39
40 W. Chandler Yes, I would like to say him right there. That's who we
41 call Bat. That's the one they call Bat.
42
43 Inv. Graybeal Jairus Glover is Bat. So walk me through again y'all went
44 to Montmorenci Junction, you and Faith.
45

1 W. Chandler We drove to Montmorenci Junction and we had I had got
2 me a soda.
3
4 Inv. Graybeal And you left there.
5
6 W. Chandler We left there.
7
8 Inv. Graybeal Where did y'all -- you said you went to Heather's house.
9
10 W. Chandler Yeah, we went to Heather's. That's their mother how I
11 know Miss Heather ---
12
13 Inv. Graybeal Whose mother?
14
15 W. Chandler That's uh what I'm thinking that's Joe, Bat, and Jake
16 [inaudible] I think that's all three of their mothers.
17
18 Inv. Graybeal Okay, where is her house?
19
20 W. Chandler It's in I want to say it's Windsor. It's in Windsor, but I
21 don't know the exact location, but like I wasn't paying
22 attention to the house number or the road that they live
23 on. I just know it's in Windsor.
24
25 Inv. Graybeal Okay, and Heather is Joe, Bat, and Jacob's mama as far
26 as you know?
27
28 W. Chandler Yes, sir.
29
30 Inv. Graybeal What did y'all do when you got there?
31
32 W. Chandler When we got there first I thought there was nobody there
33 because there was no car outside and when he pulled up
34 nobody didn't come out of the door so my sister got out
35 of the car and my sister had got out of the car. As soon as
36 she got out of the car a dark gray Dodge Avenger pulls up
37 and in the front in the driver's seat, in the front driver's
38 seat that was Bat. In the passenger seat it was David and
39 then the back seat it was Jacob, Jake.
40
41 Inv. Graybeal Do you know whose car that was?
42
43 W. Chandler No, sir.
44
45 Inv. Graybeal Okay.
46

1 W. Chandler

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3 Inv. Graybeal

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5 W. Chandler

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21 Inv. Graybeal

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35 Inv. Graybeal

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38 W. Chandler

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44 Inv. Graybeal

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I was thinking it was his because ---

So they got there about the same time y'all did?

Yes, sir. They pulled up a few minutes after us. I comes in I come in the house. Jacob asked me, well, first of all I'm going too fast. Jacob had give me a handshake and Bat gave me a handshake and we walked in the house. Jacob asked me do I wanted to play Call of Duty Zombies. It's a game. I was like sure why not. When he popped the game in he getting the game set up David sat down. Bat went in the back room and Joe come out of the back room so I was guessing Joe was already home. My sister I heard her laugh and she was in the next room over so when Jacob was getting the game ready. They all had went back there in the back room while me and Jacob was still out there so at that time we in the game, we're playing the game, and then I'm about to pause that really fast pause that so you can get a whole picture.

Okay.

About to pause that. A week before that, like I say, I don't I really didn't know these guys like that. I knew them of my sister.

When you come back to that -- I'm trying to keep up with you so walk me through what happened playing video game and how did y'all get in the car?

Yeah, I was about to say I was about to get to that because like it might it wasn't gonna follow the play like ---

Just tell me what happened in order so I can understand it and we'll go back and let you explain and fill in.

Okay. Okay, well Joe had came back and Joe was like well, what's up with the mission? I was like at first I didn't even think that he would remember about the mission and I could I really didn't want to do it because I was on probation and had told him that. I was like ---

Now tell me what the mission is.

1 W. Chandler
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4 Inv. Graybeal
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8 W. Chandler
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11 Inv. Graybeal
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13 W. Chandler
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17 Inv. Graybeal
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19 W. Chandler
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25 Inv. Graybeal
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27 W. Chandler
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29 Inv. Graybeal
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31 W. Chandler
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38
39
40 Inv. Graybeal
41
42
43 W. Chandler
44
45 Inv. Graybeal
46

A mission is, uh, like breaking in doors like yeah breaking in doors.

And did y'all talk about it earlier? Did he talk about it earlier? How did he come up with the term "the mission?"

That's what I was about to, uh, that's what I was going to tell you.

Now you can tell me.

Well, a week before that maybe a week-and-a-half before that day my sister had brought him down to the house and whatever they was going to do ---

Brought Joe down or brought everybody?

She brought Joe down. She had brought Joe to the house and me and everybody who knows me, I mean, I like being around older people, I mean, that's just me and I thought Joe was cool. I thought Joe was cool so I was you know what I'm saying just you know what I'm saying ---

So she brought him to the house a week ago?

A week before the 9th.

Yeah, and tell me what happened then.

And we was just chilling outside. My sister she was going to get her some food and I came outside and I was like what's up Joe? And that was like my fourth time seeing him. I was like I was like hey, I got a mission and he was oh you got a mission. I was like yeah and he was like well when you trying to do it? And I was like I don't know. I don't know. I kept trying to throw it off because like I ---

Did he ask you to break into houses? Is that how you came up with the term "mission?"

Yes, well, yes, sir.

What exactly did he ask you to do?

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Are you talking about that day? The week before the 9th or the 9th?

The week before what did he tell you? What were his words?

Well, his words were after I told him that I had a mission he was like well, what are you trying to do? Are you trying to break in houses? I was like well, like I said, I was bluffing him basically. I was bluffing him. I didn't really have a mission. He was like well, let's go break into houses now. Let's go do it now. Let's go do it now and I was like well, just me and you? He was like, yeah, let's go do it now. Let's just me and you go do it now and then threw him off all like naw I'm on probation. I get off of probation on the 17th though. I can do it let me do it after I get off probation. He didn't know though on the 17th I was going back to my uncle house so I could just throw him off so after that you know what I'm saying after that we take it back to the 9th. They had say what's up with the mission and I was like well, I tried to play it off again. I was like I don't really want to do it right now because I'm on probation, I told you. I get off of probation on the 17th and then everybody was like what? You got a mission. You got a mission. You got a mission. I was like yeah, I got a mission, but like I said even my sister my sister I mean I got witnesses are always, I don't know why, but I've always been like that. I just, you know, I just like to bluff with people to make me seem cool.

So to go back to the 9th and he asked you what was his exact words?

Yes. That was his exact words exact words that came out of his mouth. He came out of that back room and he was like oh, what's up with the mission and everybody was like where you got a mission. I want to come on. I want to come. Let's go on a mission.

Okay, at that point it was you, Bat, Joe, Cappell, Jacob.

And Jacob. We were all sitting in the den.

Where was Faith then? Was she with y'all or she was ---

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She was in the back room.

Okay, what did y'all decide to do?

What did we decide to do?

Yeah, you decided there to go find a house?

Well, I told them then I told them I was like man, and I'm pretty sure I mean if my sister were here she could be my backup because I said it loud enough. I said man, I get off probation on the 17th, but if y'all want to go hit a mission I can just drive y'all. I told him I can just drive because I was like really though I don't really don't feel like doing it today anyway.

So did you tell Faith what y'all were fixing to do?

I didn't. I just told her that we was going to Wagener and I told her that I had to go to a pit stop.

And she gave you the keys?

Yes, sir, cause she know like she like I'm going to be honest about it like she know I don't have a license but she also know that I know how to drive. Like that wasn't going to be her first time giving me the keys to the car.

I'm not worried about license. What about the guns?

The guns, uh ---

Did you have a gun when y'all left the house?

No, sir, well, I didn't even know that I didn't even know that the Taurus was in the Taurus gun was in the car until I got in the car and we got down the road.

Okay. What about the other ones. Who all had guns? The Taurus was already in the car?

Yes, sir.

That's the black and silver Taurus?

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Yeah, that's the one that she was supposed to give that ---
Where was it in the car?
It was like in between the seat the driver's seat and the I forgot what you call it the part in between.
The console?
Yeah, it was it wasn't in there, but it was in between the seat all the way down.
And that belongs to Jar?
Yeah, that belongs to my big brother friend Jar.
Okay, and Jar has the Ruger.
Yeah, he has ---
They got the guns mixed up.
Yeah, they got the guns mixed up and she was supposed to the next day she was supposed to, you know what I'm saying, return it.
Go from there who had the 380?
Jacob. Jake.
How did he get the 380?
He had took it and I seen him take it.
From?
My sister. She has a Ruger case she like when she bought the gun they gave her a Ruger case and you know what I'm saying all the stuff that comes with a gun. I seen him take it out of the case.
That was in the house?
No, that was in the car too.

1 Inv. Graybeal Okay.
2
3 W. Chandler That was in the car.
4
5 Inv. Graybeal And who else had guns?
6
7 W. Chandler And Bat he had his 380.
8
9 Inv. Graybeal And that was it or did y'all have one more?
10
11 W. Chandler That was it. That's all that I recall. I didn't see nobody
12 else with a gun.
13
14 Inv. Graybeal And what did Bat's 380 look like?
15
16 W. Chandler It was black at the top [inaudible] 380, but the bottom
17 they had two different colors. Like I say his it can go for
18 a violet a light violet color.
19
20 Inv. Graybeal Okay, and your sister's was a little darker?
21
22 W. Chandler Yeah, my sister's was a dark purple.
23
24 Inv. Graybeal Okay, um, so y'all left the house. You were driving.
25
26 W. Chandler Yes, sir.
27
28 Inv. Graybeal Who was up front with you?
29
30 W. Chandler David Cappell was in the passenger seat. Bat was sitting
31 behind me and Joe was in the middle and Jake was sitting
32 right behind David.
33
34 Inv. Graybeal Okay, so Jake was behind David. Who was behind you?
35
36 W. Chandler Bat. I don't know his real name.
37
38 Inv. Graybeal And who was in the middle?
39
40 W. Chandler Joe.
41
42 Inv. Graybeal And who picked what houses to go to?
43
44 W. Chandler Jake.
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1 Inv. Graybeal How did y'all get to Wagener from Windsor? Just said go
2 and I'll show you or you just riding around or what?
3
4 W. Chandler That's what I say cause at first I was making a pit stop.
5 I'm sorry, I get emotional about this cause ever since I
6 been in here I've been thinking about that moment. I wish
7 I could go back. I wouldn't have made a pit stop.
8
9 Inv. Graybeal Where'd you stop?
10
11 W. Chandler No, I stopped at my mama and them house.
12
13 Inv. Graybeal On J. B. Swartz?
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15 W. Chandler On J.B. Swartz. I parked in front of the garage. I parked
16 in front of the garage and got out of the car. Jake got out
17 of the car and he asked he was like do I have something
18 to drink. I was like I don't have nothing to drink, but my
19 sister probably do. We went in the house asked my sister
20 can Jake get something to drink? She like all I have is a
21 soda and some KoolAid and she was like but I'm trying
22 to [inaudible] you know what I'm saying all that, but she
23 eventually told him yes. I went in the kitchen I went in
24 the kitchen ---
25
26 Inv. Graybeal Take a deep breath. Take your time.
27
28 W. Chandler I went in the kitchen. I had went in the kitchen and I
29 don't know how my mother knew. I guess it was the
30 sound of my voice what brought her out, but my mama
31 had came out of the room and me and my mama we
32 started joking. We started joking and playing around and
33 I asked her for a cup. Asked her for a cup and she was
34 like well, [inaudible] where did we park. I told her I
35 parked in front of we call that the building at our house
36 we parked at the building. She was like go check the
37 building. You and your brother always leaving cups out
38 there. I was like no, mama, that wasn't that ain't me.
39 That's your oldest that's your oldest son. She was like
40 what you gonna do check in their room for a cup. In their
41 room they got a refrigerator like one of the refrigerators
42 that you see in a hotel or something one of those small
43 ones. She was like go check on --- I checked in there and
44 there wasn't no cup. Checked in the garage and on that
45 dresser was a getaway bottle. I got the getaway bottle.
46 My Pop was sitting on the bed and I asked him I said how

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you doing Pop? Pop said I'm doing good and then we left. I had you know what I'm saying I done rinsed out his bottle, put the Kool-Aid inside his bottle and then we left and from there we left from the house and I was like we already like seven minutes because we live like seven minutes from Wagener so I was like it just closer to go to Wagener. We went to Wagener. I drove we drove around. We drove around and then I was like, but I'm going to be totally honest. The like two weeks two weeks maybe, even a week going on two weeks before the 9th my sister we went to Pelion. My brother he stays out there and I seen the house so I mean when ---

You saw the house in Wagener?

No, we saw that house over there like going to Lexington.

Pelion.

Yeah, you go that house right there.

Was that the first one y'all stopped at?

That was the first that was the first one, I mean, I told him I was like, like I didn't tell him but I told him at the same time like it is a house. It is a house. So we went to Pelion. We were going through Pelion and I [inaudible] that's that house right there, but I wasn't I like I wanted to hit the house, but I knew that I wasn't because I was ---

What made that house stand out?

It was just that it was a big brick house and I like big brick houses.

And y'all pulled into there or what happened?

I pulled up.

Who went to the did somebody go to the front door?

Joe. Joe he had went to the front door cause he had asked he had asked David before he left he was like how do you want me to do this. He was like just go just like go to the door and knock on the door and ask for a female name. He was like, okay. He left and then about five or ten

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minutes he came back. He was like she said that she had a house full of boys over there, he said something like that. I was like well ---

Where did the rest of y'all go while he was doing that? Just roaming around?

We was, no, we was just sitting in the car.

Stayed in the car?

Yes, sir, and when he said that when he had said that came back and said that I really I felt relief because you know what I'm saying I really didn't want to. I was trying to go back, but, I mean, I didn't think that ---

So you all left there and did you go back to Wagener?

Uh, we no like when after he told them that the people was there I really hoping that it was a relief that we could go home, but I didn't know they was brave enough to go up there while people was still in there, but they did.

But y'all left then, correct?

We had left after that. We had like ---

After he came back and said there was people in the house.

No, they had went back up there. They went up there and I stayed in the car and the whole time panicking because like there's people ---

What did they do when they went back?

When they went back I couldn't tell you cause I didn't like I didn't go with them. I was in the car, but they came back. They came back in like 30 or 35 minutes later and they didn't have nothing. They was just like go, go. We had got there and left. I was like well, y'all didn't get nothing? He was like no, she was calling the police when I looked through the window. I was like man, I know I had a bad feeling about this. I was like well, I'm just about to take y'all home and I'm about to go pick up my sister cause a matter of fact I left that out too. Before my

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sister -- before we had left my sister told me like that's the thing about it that's the thing about it she was telling me she was like she wanted to go home. She wanted to go home. Actually, she stopped me cause she told me she was like you know the speed limit. I know you know how to drive, but I got to tell you this every time. You go the speed limit. Please don't wreck my car and please don't get caught driving my car.

That was Faith and you left her at the house.

I left her I left her at ---

At Heather's house.

Yeah, at Heather house.

Okay. So when y'all left the house in Pelion did y'all come back to Wagener then?

We had then came back to Wagener.

And where did y'all go?

This place that they -- because a matter of fact on the way back coming to Wagener when I told them I was like I'm about to take y'all back home and I'm about to go pick my sister up, man. Me and my sister about to go back home. They had told me -- Jake had [inaudible]. Jake and Joe they both said well, let's just do one more house, one or two more houses and we just gonna pick random houses that we did last week. Now I don't know what they did the week before the 9th. I don't know what they did, but they was like we're just gonna pick one of them houses. Then I was like kinda like iffy about that, but I was like you know what I'm just gonna let y'all do what you got to do, but please don't get caught.

Okay, so where did y'all go from there?

We had the place that they had got the cake and stuff from we went there.

Did you pull up to the house or did you park some place in town?

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We had pulled up to the house.

Did you ever park in town down by the Chinese restaurant or one of the tire places?

No, sir.

Okay.

Then ---

Never parked in the middle of town?

No, sir.

Okay. So you went straight to the house with the cake?

Yes, sir.

Tell me what happened when you got there?

When they had got there now at that time I had got out of the car and I walked over to the step and I was like y'all hurry up because they had got they had went in the house and I had ---

How did they get in?

They had kicked the I seen them kick the door.

Who actually kicked the door?

David. David he had kicked this door. I seen him kick the door and then I had walked over to had got as a matter of fact yeah had walked over there, but I seen him kick the door and I was about to walk back over there to the car but then I stood right there and I was like y'all hurry up, y'all hurry up, y'all hurry up. I stood right there and I stood right there waiting for them to come on.

Who went in the house? Everybody else?

Everybody else had went in the house, but Bat went in the house last. I was just standing right there. Basically, I was being a lookout, but I wasn't trying to be a lookout I was just trying to get them ---

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I understand. After they came out of the house what did you see?

What I see? I seen Jake with I seen Jake with a cake and I seen what's his name with a beer. No, he ain't got no beer that was the other house.

Was he carrying a jug of tea?

Yeah, a jug of yeah, that's what it is a jug of tea. I think he had ---

Who was carrying that?

David had the no, David or Joe. Who had the jug of tea? I want to as a matter of fact I want to say Jake had the cake. Matter of fact I want to say Joe had the tea because as a matter of fact when we was driving Joe had passed the tea up to David.

Okay, and Jacob had the cake?

Yeah, that's what ---

Were those the only two things they took out of that house that you know of?

That's all that I know of was the cake and the tea.

Okay, where did y'all go next?

From there we left out and we made a right turn we made a left turn and at the stop sign we made another left turn went to another house. Then Jake, I mean, not Jake, Joe excuse me, Jake went to go knock on the door.

Okay.

Did I just say Jake?

Yeah, who had knocked on the door?

I was about to say Joe. He knocked on all the doors. He had knocked on all the doors. I didn't see Jake, but Joe he went to go knock on the door. As soon as Joe knocked on the door nobody answered. Nobody answered. He came

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back around. That's when David had asked me he was like just pull around pull right behind the house. I was like okay. I pulled right behind the house and then he had went in and it took them about 15 minutes. I want to say 15, if not 15 minutes 10 minutes, to get in and get out. When they came back they had they had left ---

Did you go in that one or you stayed in the car?

I stayed in the car on that one.

All right. What did you see them bring out of that house?

When I seen them come out of that house they had laptops.

How many?

I want to say two, two laptops. They had like they had an empty case for a tablet, and a tablet, and they had change, and they had jewelry.

What was the change and the jewelry in?

Jake, they call him Tint, but Jake he had change in like a little cylinder like a little ---

In a jar?

Like a little mini jar. Like a little mini jar.

Okay. Did they have a Kindle with them?

A Kindle Fire? I think that's what one of the tablets was like I think that was the tablet.

What was the jewelry in?

The jewelry I think Joe cause Joe he had all the jewelry. He just had it all in his hands when I seen it. It could have been something else, I'm not sure, but ---

But you saw Joe with it?

Yeah, I saw Joe with the jewelry.

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Did you ever see him put any of it in his pockets?

Uh, yes, as a matter of fact yes, sir.

Okay, and that was still at the house when you saw that?

Yes, sir. That's when I saw all that I seen all that when I was at first getting ready to leave getting ready to put it in drive and leave out.

Okay, um, did you see him take anything else?

Uh ---

From that house?

No, sir.

Did any of them say anything or did you see them come out with an urn or a box or anything? Tell me about it.

Now you just brought that to my attention. Jake he had a bag yes, he had a bag, and then he said oh, he was like these are ashes and he threw it out the window.

Of the car?

Yeah, he threw it out the window of the car and everybody started laughing and I was like man, you sick. I said it just like that like you sick.

Did it break open or not?

I don't think it broke open.

Where did he throw it out the window? In the yard or in the road?

I'm about to say in the yard. At this time we was driving out. I put it in drive and we driving out and he threw it out the window. We still in the yard though.

This is the front passenger window?

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No, this was the Jake he was sitting right behind the passenger. He was sitting right behind David. He throw it out that window.

Okay, um, did you see any paper money?

Yeah, oh, and he had some uh...you keep bringing it to my mind. He had some type of because I don't know like he said that he can go somewhere and see if he can get it changed for some other money, but it looked like I think he said it was Jamaican money or some type of money.

Okay. Did you see like a strong box?

No, sir. I didn't see no strong box.

Did you see any keys?

Yeah, he did say cause as a matter of fact when we got by the school he did say that he had it was keys in there and I was like what type of keys. He was like he don't know like it was keys with addresses on them or names on them something like that. At this time I was driving.

So you don't know what he did with the paper money after that?

No, sir. I don't know what he did with any of those. The only thing I seen I thought, if anything, I thought he had all of that stuff on him or all that should have been in the car because the only thing I seen him throw away was the urn with some ashes.

Um, was there an Apple TV that you remember?

No, sir. I don't remember an Apple TV. I remember them saying they had an Apple laptop.

Okay. What about wrist watch?

That probably could have been with one of the jewelry Joe had. I don't know.

But you don't remember anything specific with the wrist watch?

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No, sir.

Never seen one?

No, sir.

Did y'all make any stops when you left there or did you go to the next house?

We went to the next house, which is the house with the dogs.

Okay, how did y'all pick that?

Well, we was just driving. We was just driving and I was getting ready to take them back. I was about to take the back way to Windsor and then as soon as I passed by that house Bat he was like stop, stop, stop and I had hit on the brakes and I was like what? And he was like go back to that house. I backed up and I was like that look like an abandoned house. He was like just pull in and I pulled in and this is how you know, I mean, I thought it was an abandoned house cause I pulled right in front of like the house like it wasn't like right in front of the house, but like right in front of the house.

In the driveway by the front porch?

Yeah. Yes, sir, and Joe he went to go knock on the door. When he went to go knock on the door and all the dogs came around barking and that's when I didn't even have the Taurus on me like when I got in the car before we left to go to Wagener I seen it down there. I seen it down there, but I didn't pick it up. I didn't pick it up because I knew who's it was and I didn't even know if it had [inaudible] on it, but after he knocked on the door and I seen the dogs come around getting ready to bite him, or I thought they was about to bite him, I reached down there and picked it up and I had put one in the chamber and I leaned my hand out the window. I made sure that I was pointing down at the ground and when I shot I know I hit I shot at the ground cause the dust flew up in the air and the shell had flew on top of the car and fell down. So when it did that I knew I was going to scare away the dogs and Joe came running back to the car and he was

1
2
3
4 Inv. Graybeal like you saved me, you saved me, you saved me. I
5 thought I was about to get bit by them dogs.
6
7 W. Chandler Where did the rest of the guys go? Were they still in the
8 car then or did they ---
9
10 Yeah, we was all still in the car when Joe after all that
11 happened and then Joe was like y'all trying to go in
12 there? He was like you trying to come in this time? I was
13 like naw I sit down. Right when everybody got in the car
14 I'm just sitting down biting my nails sitting down biting
15 my nails they had I wouldn't I wouldn't even say ten
16 seconds after they passed after they turned the corner like
17 probably ten seconds after they turned the corner they
18 come running back. They come running back and they
19 hopped in the car and was like go, go, go, go. So I turned
20 on the car and I got out of there. I got out of the driveway
21 and I went back like I'm going back the back way going
22 towards Windsor.
23
24 Inv. Graybeal Did you shoot at the dogs a second time then or just the
25 one time?
26
27 W. Chandler No, I shot at the dogs just the one time. That's the God's
28 honest truth. That's on my dead nephew.
29
30 Inv. Graybeal Did any of them shoot a round off as y'all were leaving?
31
32 W. Chandler I was about to say if anything it could have been Bat
33 because Bat yeah he was letting off rounds out the
34 window.
35
36 Inv. Graybeal That's what I'm asking at that house he was shooting
37 rounds out the window?
38
39 W. Chandler He let two rounds off that time. He let two rounds off. I
40 don't know if y'all got the shell casings but he ---
41
42 Inv. Graybeal What was he doing that for? Just to do it?
43
44 W. Chandler I guess so. I guess because because they told me because
45 they told me when we got down the road a little bit he
46 was like it was a woman in the house. So if anything if he
shot two rounds out he probably was just trying to scare
the old woman.

1 Inv. Graybeal Okay, um, I'm going to back up a little bit. Did anybody
2 wear gloves on the first house that you saw? The cake?
3
4 W. Chandler Oh, you talking about to the cake?
5
6 Inv. Graybeal Yeah.
7
8 W. Chandler Oh, I think all of them had gloves on.
9
10 Inv. Graybeal How about the second house?
11
12 W. Chandler They had gloves on through all the houses. I mean, I'm
13 not really that ---
14
15 Inv. Graybeal The one y'all just left were they wearing gloves too?
16
17 W. Chandler Yes, sir.
18
19 Inv. Graybeal Okay, and where did y'all go after that house?
20
21 W. Chandler After we left that house they was kinda shaken up, but
22 they was like they was shaken up they was probably they
23 seemed kinda happy because they was laughing about it
24 and then once we had passed the other house, the last
25 house Bat told me to stop again and I had stopped. I said
26 bro, what? I'm like I'm about to take y'all back to the
27 crib. I'm about to go pick up my sister. I was like and
28 then we had pulled in at the church because I had pulled
29 in. He was like just go back, just go back. So I pulled in
30 at the little thing that it's not a church, but it's dealing
31 with the church. I pulled in right there.
32
33 Inv. Graybeal Is that like a metal building there on your left?
34
35 W. Chandler Uh-huh, and I pulled in right there and I stopped and I
36 thought about it. I was like man you know what I'm
37 going to [inaudible] get caught. They be too greedy and I
38 was like bad enough I ain't got nothing to do with this. I
39 ain't got nothing to do with this. I told I said that like four
40 or five times over and over that I ain't got nothing to do
41 with this. I ain't got nothing to do with that. I told them if
42 y'all want to go hit that house y'all can get out of the car
43 and they was like well, this is what we're going to do.
44 We're going to get out and once we go hit the house you
45 can just pull up and come get us and I thought about it
46 before they got out of the car. I thought about it. I was

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44 W. Chandler
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like okay. I just said okay. So they got out of the car. I backed out and I went down the road and I came back up. Once I came back up I didn't see nobody come out, so I was like well, I'm about to leave these guys. I'm about to leave them and then after I noticed I turned around I turned around and came back. Once I came back they was running out like they was running out of the house so I pulled in I pulled in and I had they had got in the car. They put everything in the back trunk and they got in the car.

Okay, what did they get out of that house?

I seen Jacob, Jacob had a small flat screen. Jacob had a small flat screen and Joe he had a big flat screen. He had a big one and David he had got in the front seat with a game and I don't think Bat had got anything out of the house.

Did they have any more change from that house that you saw?

More change?

Yeah. Coins?

I don't think so.

Um...

They probably could. They probably could have had them in their pockets over there.

But you didn't see a container or anything?

No, sir. I didn't see a container.

Um, did you see them with anything else?

Anything else?

Yeah.

Um, no, sir.

1 Inv. Graybeal Did you see nobody was carrying a jar or a jug or
2 anything and if you don't remember that's fine.
3
4 W. Chandler I was about to say it's not coming back to me.
5
6 Inv. Graybeal Okay, where'd y'all go from there?
7
8 W. Chandler After we go from there I went back well, made a left
9 again. Went back to the back road to go to Windsor and
10 they was telling me how well, even though you ain't
11 doing nothing you ain't doing nothing I'm still gonna
12 break you off a little bit cause you know they knew that,
13 because I don't know how they know. I guess my sister
14 told him, but now now my girlfriend could be nine to ten
15 weeks, but she tell you she's pregnant and they was
16 looking out I guess they was told told me they was
17 looking out for me. So with that being said, you know
18 what I'm saying, they was talking you know talk. We get
19 down the road ---
20
21 Inv. Graybeal What do they give you or tell you they were going to give
22 you?
23
24 W. Chandler Joe say once he sell the TV for \$500.00 he was going to
25 break me off \$250.00. David said once he sell the game
26 he gonna try to sell the game for \$150.00 and he was
27 going to give me about \$75.00 and Bat he ain't said he
28 was going to give me nothing and Jake they didn't say
29 they were gonna give me nothing and I was like even
30 though I didn't do nothing y'all like thank you, thank you
31 and they was like yeah, they was like they was like
32 what's his name told me, who they said. I want to say
33 Faith. That's why I say I don't know who told them that
34 my girlfriend's pregnant. I want to say Faith, but I don't
35 think they said it was Faith.
36
37 Inv. Graybeal From there what happened?
38
39 W. Chandler What happened well, we're driving and Jake he had he
40 lays out the window with my sister gun and he shot and
41 me and David we was like bro, what is you doing? Why
42 would you do something so stupid like that and he got in
43 his face he caught an attitude and I see him and David
44 going back and forth. I didn't say nothing. I was just like
45 in ---
46

1 Inv. Graybeal Shot up in the air?
2
3 W. Chandler Yeah, he just shot up in the air and then after that we're
4 driving and we see a cop and we see a cop and his lights
5 was already on. Right then I say oh 'ish. I say s-h-i-t.
6 I'm like I don't know how I knew, but I just knew. I just
7 knew and everybody's like oh. We pass him. I began to
8 slow down. I began to slow down. Right when I slowed
9 down I look in the mirror on the side of the car the little
10 mirror right there and while I'm looking in that mirror
11 they're turning around. They looking out the back. We
12 see him we see the cop slowing down getting ready to
13 turn around and he turned around and Joe's like go, go,
14 go. At the time I didn't go. I didn't. I was still like doing
15 50, 55, 60. I was still doing I was still holding that speed
16 and I was like I can't believe this is happening to me like
17 I didn't do nothing. That's when Bat had put his gun to
18 the back of my head. He was like if you don't drive I'm
19 going to shoot you. So right then I just had to hit the gas.
20 I hit the gas and the rest from there we had a crash and
21 then as a matter of fact [inaudible] after he put a gun to
22 my head and I'm driving David tells him David tells him
23 he was like you don't even have to do that. He said I
24 don't care. Just like like you asked me is like are you
25 familiar with the hands of one hands of all. I said well,
26 yeah, he told me that. He told me like he didn't care if we
27 go down he going down with us because he the driver and
28 that's when I started cussing. I started flipping out on
29 him. Then that, you know, we had wrecked and then we
30 had to continue on foot. That's how everything turned out
31 with like I understand like I just want to tell the judge I
32 just want to tell somebody or somebody who can help
33 me. I know me driving them me driving that's bad on my
34 part, but I did not I did not kick them doors. I did not take
35 nothing from nobody and I honestly didn't shoot at no
36 dogs I didn't do none of that.
37
38 Inv. Graybeal Um, I know it's kind of hard for you. The last question I
39 want to ask, um, we got the Taurus out of the roadway,
40 the black and silver Taurus and we got the 380.
41
42 W. Chandler Yes, sir.
43
44 Inv. Graybeal Where would the other 380 be that you were telling me
45 about? You know after y'all wrecked the car and went in
46 the woods tell me what happened.

1
2 W. Chandler All right, after we wrecked the car we ran. We ran back
3 behind the house and we shot right past I guess roosters
4 and chickens. We kept straight through there running
5 through bushes and we seen this open field like there was
6 still trees out there, but it was mostly open field. We cut
7 up that field. Now by then we had stopped and we was
8 resting. That's when they had caught up with us and they
9 had rested and we continued to jog a little bit across the
10 field. Once we had got like in the middle of the field
11 where it was I guess it's a ranch a ranch with a fence and
12 with horses and all we had got right there and it was a
13 tree. I remember like it ain't nothing. I remember like it's
14 nothing. There was a tree. It was like a tree right there on
15 our side. We sitting down. I look over at Bat and I see Bat
16 take his clip out of his gun and he throw it and now you
17 can this how you know I ain't lying. You going to look it
18 up and see if he if he you know what I'm saying he got a
19 gun cause I know what my sister told me way before that
20 day she had told me she was like guess what Bat done
21 did? Bat done got him a 380 just like mine. He went and
22 bought him a 380 just like mine because I don't want to
23 date him.
24
25 Inv. Graybeal Okay, and do you think you could show us where that
26 gun is out in the woods? Do you think you could find it
27 again?
28
29 W. Chandler Yes, sir, I could pretty much find it again, sir.
30
31 Inv. Graybeal Okay, um, is there anything else you want to add to the
32 statement right now the recorded statement we haven't
33 already addressed?
34
35 W. Chandler Um, not really.
36
37 Inv. Graybeal Okay, is everything you've told me true and accurate to
38 the best of your knowledge?
39
40 W. Chandler Yes, sir, a hundred percent accurate.
41
42 Inv. Graybeal Okay, this interview concludes at 1158 hours. We are
43 back on tape at two minutes passed twelve noon on June
44 the 16th, or excuse me, June the 14th, 2016. Continuing
45 the interview of William Chandler. Mr. Chandler, um,
46 just hold the mike will be fine. You were telling me

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W. Chandler

something that happened in the station wagon right before you wrecked. Will you put that on tape for me?

Yes, sir. Before we had wrecked the car and the cop was gaining on us we had seen the cop was gaining on us and Bat had leaned out the window and he had asked us he said do y'all want me to shoot at the cop? I immediately yelled out and screaming no, no, don't you shoot at him and David started yelling at him like you are stupid. Why are you trying to shoot at the cop and Bat said I'm not going to shoot at him. I'm shooting at the tire so he can slow down or get off of us. So that's what happened, but he did want to shoot at the officer. He did want to shoot at the officer.

Inv. Graybeal

Okay, but he didn't as far as you know?

W. Chandler

No, he didn't.

Inv. Graybeal

All right. Was there anything else you wanted to add?

W. Chandler

No, sir.

Inv. Graybeal

All right. This interview concludes at 12:03 P.M.

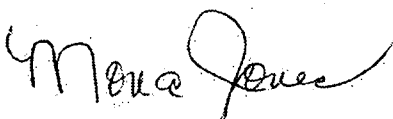
[END OF AUDIO]

TRANSCRIBER'S CERTIFICATE

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I, Mona Jones, hereby certify that the foregoing pages are a true, accurate, and complete transcript of the interview provided by William Chandler, transcribed by me from a copy of the electronic audio recording to the best of my knowledge and ability.

Date: January 25, 2018



Mona Jones, Transcriber
at North Augusta, South Carolina

0212918 81 MS

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W. Chandler

Inv. Graybeal

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W. Chandler

Inv. Graybeal

Today is Tuesday, June the 14th, 2016. The time is approximately 1113 hours. I'm Investigator Stuart Graybeal of the Aiken County Sheriff's Office. This interview is taking place pursuant to the investigation of case number 16-032802 and 16-032823. The interview is occurring at the Aiken County Detention Center, 435 Wire Road, Aiken, South Carolina, in the County of Aiken. Subject of the interview is William Chandler, who is currently incarcerated in the Detention Center. Mr. Chandler are you aware this interview is being recorded, sir?

Yes, sir.

Can I get you to attach this microphone to the front of your shirt please, sir?

Yes, sir.

All right, Mr. Chandler how far did you go in school, sir?

I went all the way to the ninth grade.

All right, how are you able to read and write or not?

Yes, sir, I'm able to read and write.

Okay, what I'm going to do before we ask any questions I'm going to read you your Miranda rights. Can you see this form pretty clearly?

Yes, sir.

All right, can you see it clearly enough to follow along when I read it?

Yes, sir.

All right. If you have any questions or there's something you don't understand ask me and I'll stop and I'll be glad to explain it further, okay?

Yes, sir.

Before we ask you any questions you must understand your rights. You have the right to remain silent. Anything

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you say can and will be used against you in a court of law. You have the right to talk to an attorney for advice before we ask you any questions and have him present during questioning. If you can't afford an attorney the Court will appoint one to represent you without cost if you wish. If you decide to answer questions now without an attorney present you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to an attorney. Do you understand what these rights mean?

W. Chandler
Inv. Graybeal

Yes, sir.

Okay, in your own words, in a sentence or two, tell me what these rights mean to you?

W. Chandler
Inv. Graybeal

These rights mean to me that I'm not able to -- I'm sorry.

In summary you don't have to talk to me at all if you don't want to. You don't have to say a word. If you admit to something criminal I can use that admission against you when we go to court. Um, you also have the right to have an attorney to talk to and get advice from. If you can't afford one, and you qualify, the Court will appoint one free of charge, you don't have to pay for it. If you decide to talk with me now, um, without an attorney and halfway through you change your mind and you want to stop, you want to talk to an attorney, even though we've already talked about it you can stop at any time and ask for an attorney.

W. Chandler
Inv. Graybeal

Yes, sir.

Do you understand what all that means?

W. Chandler
Inv. Graybeal

Yes, sir.

Okay, if you understand that what I need you to do is put your initials all the way down in these blocks and sign here. Excuse me. Initial here too. It says you've read the statement and you understand it. All right, where it says waiver of rights can you read that out loud to me?

W. Chandler

I am willing to make a statement and answer questions. I do not want an attorney at this time. I understand and I

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3
4 Inv. Graybeal know what I am doing. No promises or threats have been
5 made to me and no pressure or co---
6 W. Chandler Coercion.
7 Coercion of any kind has been used against me.
8 Inv. Graybeal Now tell me what that means.
9
10 W. Chandler It means that I basically want to talk to you and that I
11 don't want my attorney or I don't need my attorney
12 around.
13
14 Inv. Graybeal That means I haven't promised you anything what we
15 were talking about earlier. I haven't told you if you do
16 this I'll do that.
17
18 W. Chandler No, sir.
19
20 Inv. Graybeal If you give this to me I'll give that to you. If you initial
21 and sign that means you're willing to talk about these
22 cases without an attorney and you're doing so ---
23
24 W. Chandler Like I say at one point though I might want my attorney
25 to be here.
26
27 Inv. Graybeal Then you can stop at any time if that's what you want to
28 do.
29
30 W. Chandler Okay. My initials?
31
32 Inv. Graybeal Yes, sir, and then sign here. All right. Mr. Chandler what
33 is your full name, sir?
34
35 W. Chandler William Tiay Chandler.
36
37 Inv. Graybeal All right, where do you normally stay? Where do you
38 live?
39
40 W. Chandler I live at 303 J.B. Swartz Road in Wagener.
41
42 Inv. Graybeal And who else lives there?
43
44 W. Chandler My mother, my father, my sister Faith, my sister Miriah
45 (sp), my sister Jenisha (sp), my sister Erin, my sister

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35 Inv. Graybeal
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37 W. Chandler
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Hannah, my sister kids, both of my sister kids Miriah and Faith, and my brother Willie.

You got mostly girls in your family.

Yes, sir.

All right. Let's go back to last Thursday, which was the 9th of June. How did you and these other gentlemen wind up together?

My sister she ---

When you say sister you mean Faith?

Yeah, Faith, the night before the day before the 9th I spent the night at my uncle house and ---

Which is where?

Which is 169 Hitchcock Road, in Montmorenci.

Okay.

She was supposed to pick me up that night.

Who is your uncle?

Valey Staley. He's the correction ---

Valey used to work for Wagener?

Yes, sir.

Okay.

Um, she was supposed to pick me up that night. I was texting her and calling her and she didn't answer. She came and picked me up the next morning. I asked her like what was the deal? She told me that my big brother Willie had the phone and that I already know how that goes, but he didn't relay the message to her until after hours. So after she came and picked me up we stopped by the Junction. I got me a soda. I got me three pies and I got her two pies and we was headed home or at least that's where I thought we was headed home. We passed the turn

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off for me to go home so I was like well, I already knew where we was going, which is her friend Miss Heather house. Now before I keep going those guys all of them David, Bat, Jake, and uh, and Joe I really don't know them guys like that to be honest.

When you say the names David is David Cappell?

Yes, sir.

All right. Who do you know as Bat? Is that Jairus?

Really, like I say, I really that's how I know them normal because I don't know their real names like that. Do you have a picture?

Yeah, I got most of them. I say I do. That's Joseph, Joe.

Yeah, that's Joe.

That's the one you call Bat?

No, that's not that's the one that we call Joe.

Okay Joe Joe?

His name is Joe.

Okay, and who is Bat?

Like I say I seen his picture over there one of them that you were ---that's David Cappell.

Yeah, that's not Bat.

Yeah, and um where was the other picture?

Jairus Glover?

Yes, I would like to say him right there. That's who we call Bat. That's the one they call Bat.

Jairus Glover is Bat. So walk me through again y'all went to Montmorenci Junction, you and Faith.

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We drove to Montmorenci Junction and we had I had got me a soda.

And you left there.

We left there.

Where did y'all -- you said you went to Heather's house.

Yeah, we went to Heather's. That's their mother how I know Miss Heather ---

Whose mother?

That's uh what I'm thinking that's Joe, Bat, and Jake [inaudible] I think that's all three of their mothers.

Okay, where is her house?

It's in I want to say it's Windsor. It's in Windsor, but I don't know the exact location, but like I wasn't paying attention to the house number or the road that they live on. I just know it's in Windsor.

Okay, and Heather is Joe, Bat, and Jacob's mama as far as you know?

Yes, sir.

What did y'all do when you got there?

When we got there first I thought there was nobody there because there was no car outside and when he pulled up nobody didn't come out of the door so my sister got out of the car and my sister had got out of the car. As soon as she got out of the car a dark gray Dodge Avenger pulls up and in the front in the driver's seat, in the front driver's seat that was Bat. In the passenger seat it was David and then the back seat it was Jacob, Jake.

Do you know whose car that was?

No, sir.

Okay.