

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

FEB 13 2013
COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

DONALD R. ALTMAN,

APPELLANT

Appellate Case No. 2011-196626

RECORD ON APPEAL

DAYNE C. PHILLIPS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

Attorneys for Respondent

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1 this morning.

2 (WHEREUPON: OFFICER DANIEL
3 POPOV, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
4 FOLLOWS:)

5 THE WITNESS: Yes ma'am.

6 MADAME CLERK: You may have a seat.

7 MADAME COURT REPORTER: EB, I'm getting feed back.

8 It's your mic. Adjust your volume on your box.

9 Officer, speak up into that mic and speak loud enough
10 for that last juror in that jury box to hear you.

11 THE WITNESS: Yes, ma'am.

12 MADAME COURT REPORTER: Yes, sir.

13 DIRECT EXAMINATION.

14 OFFICER DANIEL POPOV BY MR. SPRINGS:

15 Q. Officer, tell us all your name, sir.

16 A. Daniel Popov.

17 Q. Did you work last night?

18 A. Yes, sir.

19 Q. Are you tired?

20 A. A little bit.

21 Q. How long have you been a police officer?

22 A. Almost nine years now with the Rock Hill P.D..

23 Q. Were you on duty around 4:15 on the afternoon of May
24 the 10th of last year?

25 A. Yes, sir.

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Q. And were you out in a patrol car?

A. Yes, sir. I ride patrol, I'm on the Foxtrot Team for the Patrol Division.

Q. And about 4:15, did a shoplifting call go out?

A. Yes, sir.

Q. Was a suspect description and a vehicle description given out over the police radio?

A. Yes, sir. We were called to [REDACTED] the Family Dollar. And dispatch gave us a description of a white Ford Taurus with a white male wearing a beige baseball cap.

Q. All right. Did you have a tag number?

A. We did receive a tag number at the time from our dispatch as well.

Q. All right. And did you start looking for such a car?

A. Yes, sir.

Q. Did you see, find such a car that matched the color, the make, and the tag number?

A. I did. At that time I was somewhere in the vicinity on [REDACTED] I knew I was traveling south on [REDACTED] to get to the Family Dollar where it's located at [REDACTED] on [REDACTED]. And when I passed between Charlotte Avenue and Oakland Avenue, I passed a white Ford Taurus with a white male driver with a baseball cap, matching the description that was given to us, in between College Ave extension and

1 Oakland. 4:15 in the afternoon's a busy time of day, sir,
2 so I had to wait to turn around on it and saw the vehicle
3 pull into the BP gas station at [REDACTED] and Charlotte.

4 Q And then what did you see happen at the white Ford
5 Taurus?

6 A. When I was able to turn around, and I had some cars in
7 front of me so I wasn't able to pull in right away, the
8 male driver of that vehicle was walking into the BP. He
9 had parked at the pumps closest to Charlotte Avenue on the
10 Charlotte Avenue side of the pump as well.

11 And he was walking in. I got in behind the car and
12 started walking in. As I was approaching in, he was
13 walking out the other side of the store going back outside
14 of the store.

15 Q. Okay. Did you ever see the man's face?

16 A. I never looked at him face to face, no. Just got a
17 passing glance as he's going by.

18 Q. Did you get enough of a look at him to identify him
19 later, that's what I want to know?

20 A. At the time, yes. I was able to pull up the tag of
21 the vehicle through DMV. And I have access to DMV and
22 pulled up the driver record showing his driver's license.
23 And to me it appeared to be -- The owner of the vehicle
24 appeared to be the subject that I saw driving the vehicle.

25 Q. Now, the man -- The man in the beige or tan hat. Did

1 you try to catch him?

2 A. I went through the store. And when I walked out to
3 the other side, there's a car wash, and it turns into the
4 Pub House going towards College Avenue extension. I don't
5 know which way he went at that point. When I got to the
6 other side I looked around the car wash area but I didn't
7 go running down College exit because I didn't know where he
8 went. I wanted to make sure he didn't double back and get
9 back in the vehicle. So I just went back to the vehicle,
10 sir.

11 Q. Could you tell whether he -- whether or not he knew a
12 police officer in a blue uniform was interested in him and
13 coming for him?

14 A. I can't say that for sure, sir.

15 Q. Now, so he got away?

16 A. Yes, sir.

17 Q. Did you go back to the car?

18 A. Yes, sir. I did.

19 Q. Was there anybody else in the car?

20 A. Yes, there was. There was a female -- a white female
21 in the back seat and her name was Brenda Sims. She was
22 laying down in the back.

23 Q. And what was she doing when you got back to the car?

24 A. She was pretty much asleep.

25 Q. Do you know where she'd been that day, of your own

1 knowledge?

2 A. She had been to Piedmont Medical - -

3 MR. DELANEY: Your Honor, I'm going to object at this
4 time as to hearsay.

5 THE COURT: Re-ask the question once again.

6 Q. Do you know where Brenda Simmons -- Sims had been that
7 day?

8 A. She had a bracelet on her arm from Piedmont Medical
9 Center and also some discharge papers from Piedmont showing
10 that she had been there sometime that day.

11 Q. Now was she able to talk? .

12 A. Yes, she was.

13 Q. When she talked to you was she bright and alert or
14 something less?

15 A. She was able to understand our questions and
16 communicate with us. She appeared to me to be in a drowsy
17 kind of a way, almost like when you just wake up, to where
18 she knew -- She spoke English well. She knew what we were
19 asking her. I'm not going to say -- It was 12 o'clock in
20 the afternoon for her, in her mind, she appeared to be
21 drowsy.

22 Q. All right. But when you got back to the Ford Taurus
23 was she asleep?

24 A. Yes, sir. From what I remember, yes, sir. She was
25 asleep in the backseat.

OFFICER DANIEL POPOV: DIRECT BY MR. SPRINGS
CROSS BY MR. DELANEY

1 Q. All right. And did Officer Ryan Thomas roll up a
2 little while later?

3 A. Yes, sir. Probably within five minutes or so, I would
4 -- I believe, after our initial contact Officer Thomas
5 responded to the BP as well.

6 Q. Officer Popov, answer any questions that the Defense
7 Attorney has for you, sir.

8 A. Yes, sir.

9 CROSS-EXAMINATION

10 OFFICER DANIEL POPOV BY MR. DELANEY:

11 Q. Officer, Ms. Brenda Sims, she was in the car with this
12 individual that was trying the car. Correct?

13 A. Yes, sir.

14 Q. She was in the back seat?

15 A. Yes, sir.

16 Q. And you stated that she was able to understand your
17 questions; is that right?

18 A. Yes, sir.

19 Q. And she knew what you were asking her. Correct?

20 A. Yes, sir.

21 Q. And Officer Popov, did you write any incident reports
22 in this case?

23 A. Sir, I don't believe I wrote the incident report. I'm
24 not one hundred percent if I did or Officer Thomas. I
25 would assume it was Officer Thomas. It was his zone of

1 responsibility that the call came out to.

2 Q. Okay.

3 A. And he answers usually when it's in his zone, he's a
4 good officer and takes care of his calls.

5 MR. DELANEY: Okay. May I approach, Your Honor?

6 THE COURT: Yes.

7 Q. Just to clarify for myself, it appears on the bottom,
8 that report has your name listed on it, and also Thomas'
9 name; is that correct?

10 A. Yes, sir.

11 Q. Okay. I know this was close to fifteen months ago
12 but, I guess, looking at that, who would you say wrote
13 that report?

14 A. In the way that I write the report, I would say it's
15 Thomas. If I write the report, there's two names on the
16 bottom. And we don't have a standard operating procedure
17 saying you will put this name first. But most of us put
18 the officer who wrote it as the top officer on that line.
19 In this case, Officer Thomas' name is first.

20 Q. Okay.

21 A. If that answers your question, sir?

22 Q. Thanks. It does.

23 Your -- I know you didn't write any reports in this
24 case, but you're trained as to write these reports.
25 Correct? If you have to. Right?

1 A. Yes, sir. We do receive training on report writing.

2 Q. And that training that you received, your trained to
3 be as accurate and detailed as possible when filling out
4 these reports. Right?

5 A. Yes and no at the same time, if I can explain that to
6 you.

7 Q. Uh-huh.

8 A. Usually when we have a General Sessions case which in
9 this case it is being the offense of a charge or a specific
10 charge, it's not held at magistrate level or city level
11 court, sometimes with the incident report itself, we will
12 put the basics in there, but leave the detailed, detail
13 stuff for our case summary which is what is read in General
14 Sessions Court, sir.

15 Q. Okay.

16 A. So yes we are trained to be detailed. But sometimes
17 the details for General Sessions case are saved for the
18 case summary.

19 Q. And is this the case summary that you're talking
20 about?

21 A. Yes, sir. This appears to be a copy of the case
22 summary, sir.

23 Q. And that case summary was not written by you; is that
24 right?

25 A. No, sir.

1 Q. That's by Officer Thomas?

2 A. Yes, sir.

3 Q. And in preparation of today, did you have a chance to
4 review that case summary?

5 A. Yes, sir.

6 Q. Okay. In your training as an officer, like you said,
7 you want to be as detailed as you can and, I guess, try to
8 be more specific in these case summaries. Right?

9 A. Yes, sir. We try to be.

10 Q. And in a sense, you want to put in these reports, in
11 these case summaries the important information. What's
12 important to your case. Correct?

13 A. Yes, sir.

14 Q. Okay. You testified earlier that you were passing
15 this car, or you had a visual of this car. And it was a
16 car matching the description that you received from
17 dispatch. Right?

18 A. Yes, sir.

19 Q. A white Taurus, had the license plate number. Right?

20 A. Yes, sir.

21 Q. And also had a description from dispatch about a white
22 male in a tan -- I think you described a beige baseball
23 cap. Correct?

24 A. Yes, sir.

25 Q. And this was a -- And you saw this car and this

1 individual driving, you thought this individual was driving
2 matched this description. Right?

3 A. Correct.

4 Q. And at that point, you saw the car and the car was
5 turning into the BiLo; is that right?

6 A. No. It was more then on [REDACTED] I was southbound on
7 [REDACTED] I was headed towards [REDACTED] He was headed
8 towards 77. And when I turned around, it pulled into the
9 BP gas station at [REDACTED] and Charlotte. Not immediately
10 when I turned around because when I passed I was in between
11 college, that extension, and Oakland. So when I turned
12 around, started heading north to go initiate a stop on this
13 vehicle he had turned into the BP gas station.

14 Q. Okay. And then you were trying to get in there at
15 some point as well. Right?

16 A. Yes, sr.

17 Q. And you said you had to wait for some traffic to clear
18 out then you were able to turn in. Right?

19 A. Yes, sir.

20 Q. In the meantime, you saw the individual exiting this
21 Taurus and walking into the BP. Right?

22 A. When I was able to get up to, yes, sir, the gentlemen
23 was walking inside the BP.

24 Q. Okay. And is your testimony here today, Officer --
25 Let me just make sure I get this right. Its your testimony

1 here today fourteen and a half months later, that you
2 checked a Department of Motor Vehicles picture, and that
3 picture appeared to match this individual; is that correct?

4 A. Yes, sir.

5 Q. Okay. Why is that not anywhere in the General
6 Sessions case file summary that you reviewed in preparation
7 today?

8 A. I don't know, sir.

9 Q. Don't you think that's something that's kind of
10 important to this case?

11 A. Maybe.

12 Q. Because the only thing that's in the reports in this
13 case is that you saw a white male with a tan cap. Correct?

14 A. Could you --

15 Q. Correct?

16 A. Could you ask that again, please? The only thing that
17 I saw was a white male in a tan cap?

18 Q. That's the only thing that's in any report in the
19 General Session case file summary that you reviewed in
20 preparation of this case. That's what's in that report.
21 Correct?

22 A. There's a little more in it than that, sir, but, I
23 mean, as far as what I saw, that's all I saw. It says --

24 Q. That's all you saw was a white male with a tan cap.
25 Correct?

1 A. That's what it says. Yes, sir.

2 Q. But now fourteen and a half months later, you're
3 coming into court saying that you believe it's my client.
4 Correct?

5 A. Sir, at the time, like I said, I checked through DMV
6 and it appeared to be the subject that was driving the car.
7 Yes, sir.

8 Q. No further questions. Thank you.

9 THE COURT: Redirect.

10 MR. SPRINGS: Nothing further. Could the officer be
11 excused?

12 THE COURT: You can step down and be excused. We
13 appreciate your time.

14 THE WITNESS: Thank you.

15 (WITNESS LEAVING WITNESS STAND.)

16 MR. SPRINGS: Judge Hayes, I hate to ask, but could we
17 take a brief --

18 THE COURT: Sure, we'll take a five minute recess.
19 Let's make it about a ten minute recess so everybody can
20 have an opportunity to refresh.

21 (JURY EXITS COURTROOM AT 11:00 AM.)

22 (COURT IN RECESS AT 11:00 AM.)

23 (COURT BACK IN SESSION AT 11:15 AM.)

24 (STATE'S EXHIBITS ONE THROUGH THIRTEEN PREMARKED FOR
25 IDENTIFICATION.)

1 THE BAILIFF: Order in the Court.

2 THE COURT: Thank you. Take your seats.

3 Bring in Mr. Altman.

4 (DEFENDANT ENTERING COURTROOM.)

5 THE COURT: All right, bring in the jury.

6 (JURY REENTERS COURTROOM AT 11:17 AM.)

7 THE COURT: All right, call your next witness.

8 MR. SPRINGS: Thank you, Judge Hayes.

9 We call Officer Ryan Thomas. Mr. Thomas, if you could
10 step over to the clerk and take the oath, please, sir.

11 (WHEREUPON: OFFICER RYAN
12 THOMAS, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
13 FOLLOWS:)

14 MADAME CLERK: You may have a seat.

15 MADAME COURT REPORTER: Officer, speak up loud enough
16 for that last juror to hear you.

17 THE WITNESS: Yes, ma'am.

18 MADAME COURT REPORTER: Yes, sir.

19 DIRECT EXAMINATION

20 OFFICER RYAN THOMAS BY MR. SPRINGS:

21 Q. Officer tell us your name, sir.

22 A. Ryan Thomas.

23 Q. What do you do for a living, sir?

24 A. I'm a police officer with the Rock Hill Police
25 Department.

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS

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1 Q. How long have you been a law enforcement officer in
2 Rock Hill or any other agency?

3 A. Four years.

4 Q. Officer, are you a patrol officer?

5 A. I -- I was until yesterday.

6 Q. What happened?

7 A. I moved to a different team.

8 Q. Okay. I want to talk to you about May 10th of last
9 year. Were you a patrol officer in unit in a marked police
10 car at about 4:15 in the afternoon?

11 A. I was.

12 Q. And did you receive a shoplifting call?

13 A. I did.

14 Q. And where was the call? What location was the
15 shoplifting supposed to be have happened?

16 A. [REDACTED] the Family Dollar.

17 Q. And is that Family Dollar store there at [REDACTED]
18 [REDACTED] located in the City of Rock Hill and inside York
19 County?

20 A. It is.

21 Q. And when you arrived, do you remember who you talked
22 to?

23 A. Michelle Williams, the manager.

24 Q. And at that point, did you believe in your own mind
25 there had been a shoplifter?

1 A. Yes, according to her account.

2 Q. And at that point you'd done a little bit of
3 investigation had you not? You talked to people, you
4 looked around, and so forth?

5 A. Yes.

6 Q. This is a copy of your report. I want you to hold it
7 in case you need it.

8 Now at that point in your investigation, did you think
9 any goods had been stolen and taken away, carried away, got
10 away from the Family Dollar store?

11 A. Yes, sir.

12 Q. Did you have a suspect description?

13 A. We did.

14 Q. Was it a man or a woman?

15 A. A male.

16 Q. And white man, black man, Hispanic?

17 A. White male.

18 Q. Any clothing features?

19 A. The tan hat was the specific item of interest there
20 that she saw.

21 Q. And did you have a getaway vehicle description?

22 A. We did. A white Ford Taurus.

23 Q. Did you have a license tag number?

24 A. She told us it was EXU585 on a South Carolina plate.

25 Q. All right. Now was a "Be on the lookout," a "BOLA"

1 put out on the police radio, "Be on the lookout for a white
2 Ford Taurus, license tag EXU585 with a white, male driver
3 wearing a tan hat"?

4 A. Dispatch gave that out before I arrived at Family
5 Dollar. And then I gave it back out once I was on scene
6 because she also said that the small, little window was
7 broken out, the side window, triangle-shaped one.

8 Q. Right. . . Okay. . . All right. Did some officer locate that
9 same white Ford Taurus?

10 A. Officer Popov contacted me on the radio and said he
11 was turned around on a white Ford Taurus at [REDACTED] and
12 Charlotte at the BP.

13 Q. Did you go over there yourself, in your car?

14 A. I did about five minutes later.

15 Q. And did you see the white Ford Taurus?

16 A. I did.

17 Q. And was the white male there at the white Ford Taurus
18 when you got there or was he gone?

19 A. He was not.

20 When I pulled up, Officer Popov told me he had -- he
21 thought -- he believed he walked straight through the BP.
22 He saw him walk into one side then couldn't locate him.

23 And I did a couple of quick laps around that block
24 just to see if he was walking in the area but I did not
25 locate him.

1 Q. Now was there anybody at the car? Any person in the
2 car or at the car when you got there?

3 A. When I came back from checking the area for Mr.
4 Altman, there was a white female. It was Brenda Sims in
5 the back seat.

6 Q. And when you got up close to the car was the tag
7 reading EXU585?

8 A. It was. Well, it appeared that way.

9 Q. So was there anything unusual about this license tag?

10 A. It had been altered with either some sort of paint or
11 marker of type.

12 Q. Let me ask you specifically. How had it been altered?
13 How about -- Let's start with the beginning letters. Had
14 any letter been altered?

15 A. The "E" which was the first letter given was by DMV
16 supposed to be an "F." So they added a bottom line to make
17 it an "E."

18 Q. Anything else changed? How about the numbers?

19 A. No. And then the "8," in the "585" the "8" was
20 originally a "3." And they just added a couple of extra
21 marks to make it an "8."

22 Q. All right. Let me show you what's been marked,
23 State's Exhibit One for identification. Peak in there, see
24 if you recognize it. And if you do, say so.

25 A. That's the tag.

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS

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1 Q. All right. And that's the one that was on the white
2 Ford Taurus when you got over to the BP station?

3 A. This is it.

4 MR. SPRINGS: Your Honor, we do offer State's Exhibit
5 One into evidence at this time.

6 MR. DELANEY: No objection, Your Honor.

7 THE COURT: Enter without objection.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER ONE, MARKED AND
9 IDENTIFIED, RECEIVED INTO EVIDENCE.)

10 Q. Let's go ahead and lay the mic down. Come over here
11 in front of the jury. Show us what letter had been
12 modified.

13 A. This is what looks like an "E". This bottom portion
14 here was added. It's supposed to be just the "F." This is
15 supposed to be a "3." Those two raises right there were
16 added to make it look like an "8." And the very top of
17 that sticker --

18 MADAME COURT REPORTER: I'm sorry, E.B. He's got his
19 back to me. Can he have the mic?

20 Hold the mic, Officer.

21 THE WITNESS: Do you want me to do that whole thing
22 again?

23 MADAME COURT REPORTER: Please.

24 Q. Tell us how the number was marked.

25 A. The "F" here had an extra portion here at the bottom

1 to make it look like an "E." And the "8" has two extra
2 little curve areas here that make the "3" look like an "8."
3 And then at the bottom here on the sticker that came with
4 the tag, that says, "FXU535."

5 Q. Go ahead and take your seat.

6 MR. SPRINGS: May we publish this to the jury, Your
7 Honor?

8 THE COURT: (INDICATED AFFIRMATIVE.)

9 MR. SPRINGS: Just have the jury pass it around so it
10 comes back to you.

11 Q. So who was the registered owner of the true tag
12 number, "FXU535"? Did you check that out?

13 A. The registered owner is Donald Ray Altman.

14 Q. I'm showing you what's been marked as State's Exhibit
15 Two for identification. What does that show?

16 A. This is a South Carolina DMV motor vehicle
17 registration for a 2004 Taurus registered to Donald Ray
18 Altman.

19 Q. And the tag number -- the actual, the legitimate tag
20 number, what goes with that registration?

21 A. FXU535.

22 Q. So is that a copy of the registration for the white
23 Ford Taurus you saw at the BP that day?

24 A. It is.

25 Q. All right.

1 MR. SPRINGS: Your Honor, we do offer State's Exhibit
2 Two into evidence.

3 MR. DELANEY: No objections, Judge.

4 THE COURT: In without objection.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER TWO, MARKED AND
6 IDENTIFIED, RECEIVED INTO EVIDENCE.)

7 Q. Now you said earlier that you were of the belief that
8 goods had been stolen from the Family Dollar store?

9 A. Yes.

10 Q. And that those goods had gotten away from the Family
11 Dollar store, it's your belief, in the white Ford Taurus?

12 A. In the white Ford Taurus.

13 Q. So did you believe there was probable cause to believe
14 there may be stolen goods in the white Ford Taurus?

15 A. Absolutely.

16 Q. Pursuant to that probable cause, did you search the
17 white Ford Taurus?

18 A. I did.

19 Q. Let's talk about what you may have found up in the
20 front seat area of the car. Did you look under the
21 driver's seat?

22 A. Yes, sir.

23 Q. What did you find?

24 A. A brown paper bag that had flashlights and pocket
25 knives in it?

1 Q. How many pocket knives, and how many flashlights?

2 A. We had 3 flashlights and 13 pocket knives.

3 Q. All right. Let's move on to the passenger side of the
4 front of the Ford Taurus. Did you find anything of
5 interest on the passenger side?

6 A. I did. I noticed there was a brown-colored --
7 light-brown-colored shirt that was obviously had been
8 placed on the top of something larger. We pulled that off
9 and found all of the other goods that I believe were also
10 stolen.

11 Q. Is this on the seat or the floorboard?

12 A. Floorboard. Front passenger floorboard.

13 Q. I'll show you what's been marked, State's Exhibit
14 Three. What's in that bag, sir?

15 A. This is the brown shirt that was laid over top of the
16 pile of goods.

17 Q. That look like it?

18 A. That's exactly it.

19 Q. The pile of goods, did you make a -- and the stuff in
20 the brown paper bag, did you make an inventory? Did you
21 make a listing of what you found there in the white Ford
22 Taurus on the floor, covered with the shirt, in the bag?

23 A. Everything. I listed, yeah.

24 Q. And do you have a copy of your list there with you?

25 A. I do.

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS

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1 Q. Does this look like your list?

2 A. That's it.

3 Q. What did you, at that point -- actually before you
4 found all this stuff -- what did you think had been stolen
5 from Family Dollar store?

6 A. I was informed that beef jerky was stolen.

7 Q. Did you find any beef jerky on the floor of the white
8 Ford Taurus?

9 A. I found six packs -- or packages.

10 Q. Who did you return Family Dollar store's beef jerky
11 to?

12 A. To Ms. Williams.

13 Q. Did you find anything else in all that stuff that
14 belonged to Family Dollar store?

15 A. There were, let's see, the 6-in-1 Duro-Test
16 screwdrivers, there were three of those.

17 Q. They belong to Family Dollar store?

18 A. They did.

19 Q. Same one where the beef jerky came from?

20 A. Same store.

21 Q. Did you give those back to Family Dollar store?

22 A. I did.

23 Q. Did you find anything else that belonged to that same
24 Family Dollar store?

25 A. The 8" Duro-Test pliers. There were five of those,

1 belonged to them.

2 Q. Did you give them back to the Family Dollar store?

3 A. I did.

4 Q. Anything else from the Family Dollar store, the same
5 store?

6 A. The 6-in-1 paint tools. There were two of those.

7 Q. Did you give those back to the Family Dollar store?

8 A. I did.

9 Q. Now anything else from Family Dollar store?

10 A. Yeah, the last thing is the safety paint-scraper
11 blades. There were two of those.

12 Q. Did you give those back to the Family Dollar store?

13 A. I did.

14 Q. The -- Did you suspect anything about this stuff?

15 Obviously, the Family Dollar store, you knew some things.
16 But this other stuff, did you have some suspicions at that
17 point?

18 A. I did. What first caught my eye were the sort of
19 Goody powder boxes that had -- still had the CVS anti-theft
20 little stickers on them.

21 Q. Right.

22 A. The identification stickers. And then I began to
23 notice that nearly all of these items had the store's
24 original stickers on them. They looked brand new and used,
25 unopened. And just the mass quantities they were in.

1 Based on my training and experience, it appeared to be
2 groups of stolen items. Things that could be easily
3 concealed in someone's purse during shoplifting.

4 Q. You suspected some of these things may be stolen?

5 A. They way they were all together, I suspected all them
6 were stolen.

7 Q. Did you ever find out -- Let's take it from the top.
8 Did you ever find out where the 13 pocket knives came from?

9 A. No. No, I checked with several stores, and they --
10 Those were some of the few items that did not have any bar
11 codes. So no one knew whose they were.

12 Q. All right. How about the three flashlights? Did you
13 have -- When you saw them there in the Ford Taurus, did you
14 see something on the three flashlights that gave you a clue
15 as to where they might have come from?

16 A. The flashlights had Big Lots' stickers and bar codes
17 on them.

18 Q. Did you go to the local -- the nearest Big Lots'
19 store?

20 A. The one on [REDACTED].

21 Q. Did you talk to store personnel there, management or
22 security?

23 A. There was a -- I believe a manager on scene.

24 Q. Did that store have a computerized inventory system?

25 A. Yes, sir.

1 Q. And did you and management check the shelf where the
2 flashlights were kept?

3 A. I stayed up at the register with my goods. And I
4 believe they went back to the shelf. I did not.

5 Q. As a result of your investigation, did you learn
6 whether or not the shelf was short flashlights?

7 A. The manager -- The inventory --

8 Q. Don't tell us what people said. Tell us what you
9 learned.

10 A. The inventory revealed that three flashlights were not
11 accounted for.

12 Q. Did you have -- Did you and management or security
13 actually scan on the computer thing, the bar code, on the
14 flashlights?

15 A. Correct. Yes, sir.

16 Q. That was Big Lots?

17 A. Big Lots.

18 Q. As we go through this, did you have a mystery here?
19 Do you have any question about who had been in the front of
20 that car next to this stuff?

21 A. No, well again, Officer Popov was the one that saw the
22 driver leaving the car. And Ms. Williams, the manager at
23 the Family Dollar saw him getting into it. So, I never saw
24 him in the driver seat. But based on those two
25 testimonies, that's what I believed to be true.

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS

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1 Q. All right. So did you need to call forensics. Did
2 you have any mystery you needed to clear up about who had
3 been in the car - - -

4 A. No, not at all.

5 Q. - - - with the stuff?

6 A. Right.

7 Q. All right, the three flashlights, did you give them
8 back to Big Lots?

9 A. I did.

10 Q. The 19 Goody's headache powder 6-dose boxes, that's a
11 lot of headaches. Where did that come from? Did you know?

12 A. Those 19 6-doses were from Walmart.

13 Q. Did you give them back to Walmart?

14 A. I did.

15 Q. How about the eight 24-dose boxes of Goody's? Where
16 did they come from?

17 A. Six of them came from CVS, the one at [REDACTED] and
18 Herlong. And two were from Walmart.

19 Q. Did you give the six back to CVS and the two back to
20 Walmart?

21 A. Yes.

22 Q. The Goody's 50-dose boxes. These are headache
23 powders; is that right?

24 A. Yes.

25 Q. Where did they come from?

1 A. Three came from the same CVS. And three came from the
2 same Walmart.

3 Q. And they had bar code stickers on them?

4 A. They did. All the CVS merchandise had the little
5 anti-theft sticker on it.

6 Q. And you said .47 at Walmart?

7 A. Say that again.

8 Q. You had three in the -- The six 50-dose boxes, how
9 many came from CVS?

10 A. Three.

11 Q. And about - -

12 A. Three from Walmart.

13 Q. How about the BC powder 50-dose boxes?

14 A. Four were from CVS, and one was from Walmart.

15 Q. Did you give these things back to the stores?

16 A. I did.

17 Q. How about the six Visine eye drop boxes?

18 A. All six were from Walmart.

19 Q. Did you give them back to Walmart?

20 A. I did.

21 Q. How about the two Bic lighters, the 6-packs. Is that
22 12 lighters?

23 A. Twelve lighters?

24 Q. Yeah.

25 A. Yes, two 6-packs. Both were from Walmart.

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS

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- 1 Q. Did you give them back to Walmart?
- 2 A. I did.
- 3 Q. How about the seven Stanley FatMax 10 snips?
- 4 A. All seven were from Walmart.
- 5 Q. How about the 12 crescent wrenches with red handles?
- 6 A. All 12 were from Walmart.
- 7 Q. Did you give them back to Walmart?
- 8 A. I did.
- 9 Q. How about the nine adjustable wrenches?
- 10 A. The nine adjustable wrenches are from Walmart.
- 11 Q. How about the one Stanley socket wrench, small-size?
- 12 A. I never could figure it out who the owner of that was.
- 13 Q. How about the five Stanley socket wrenches, large-
- 14 size?
- 15 A. Those were from Walmart.
- 16 Q. How about the two Knipex needle nose pliers, large-
- 17 size? Do you know where they came from?
- 18 A. Lowe's on [REDACTED].
- 19 Q. How about the two Knipex wire cutters, large-size?
- 20 A. Lowe's.
- 21 Q. And you're learning these things from the bar code and
- 22 taking them to the store and running them through the
- 23 system?
- 24 A. Yeah, just going up and asking the manager to come and
- 25 look and start running bar codes.

1 Q. Okay. How about the five Knipex wire cutters, medium-
2 size?

3 A. That would be Lowe's.

4 Q. How about the four Knipex wire cutters, small-size?

5 A. Also Lowe's.

6 Q. How about the one Knipex needle nose pliers, small-
7 size?

8 A. Lowe's.

9 Q. How about the four pairs of open-trail gloves? Those
10 are gloves you put on your hands?

11 A. Like garden gloves. They -- I could not find the
12 owner of those.

13 Q. How about the nine wooden-handle pocket knives?

14 A. I didn't find out who owned any of the pocket knives
15 there.

16 Q. Okay.

17 A. That's the --

18 Q. And the 4 medium, are those -- 9 and 4 is 13. Is that
19 actually the 13 that's up at top of the list?

20 A. I guess so. 13 --

21 Q. That's a duplicate?

22 A. Got a 9 and a 4. I've got them split up on my list.

23 Q. I got you, okay. Didn't find any?

24 A. No, sir.

25 Q. How about the Gillette Mach3 razor?

1 A. Those would be Walmart. That one, I should say.

2 Q. How about the one Fusion Power razor?

3 A. Walmart.

4 Q. How about the regular Fusion razor? The one?

5 A. That'd be Walmart.

6 Q. How about the Nokia car charger?

7 A. Unknown owner.

8 Q. And the Schick Hydro 3 razor?

9 A. That would be Walmart.

10 Q. And in your paperwork there, do you have copies of the

11 -- you said you ran -- When you went to the store, you ran

12 all these through the scanners?

13 A. Yes, sir.

14 Q. Did you have them scanned and get a printout showing

15 the prices?

16 A. They basically made a receipt for me of -- like as if

17 I was returning those goods to them, that they could print

18 out the whole list and pricing of everything.

19 Q. All right. How about if you would, take your papers -

20 - Take the staple out so that I can get those printouts,

21 the scan printouts from you.

22 (WITNESS COMPLIES.)

23 A. I don't have Lowe's.

24 Q. I'm showing what's been marked State's Exhibit Four,

25 Five, and Six. Do you recognize what those are?

1 A. There are the five receipts from the five stores.

2 Q. So you've got Lowe's, Big Lots, Walmart, and what was
3 the other one? CVS?

4 A. CVS and Family Dollar.

5 Q. And those printouts there were made when you took the
6 things from the Ford Taurus into the stores and had them
7 run it through the bar code scanners?

8 A. Yes, sir.

9 MR. SPRINGS: Your Honor, we do offer into evidence
10 State's Four, Five, and Six.

11 MR. DELANEY: No objection, Judge.

12 THE COURT: Okay.

13 (WHEREUPON: STATE'S EXHIBITS FOUR, FIVE AND SIX,
14 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 Q. Donald Ray Altman, Officer Thomas, do you see him in
16 this courtroom?

17 A. Yes, sir, he's seated right there.

18 Q. Point him out, please.

19 A. The white shirt and tie.

20 MR. SPRINGS: Let the record show, he's pointed to our
21 Defendant, Donald Ray Altman.

22 Q. The BP station is on [REDACTED]

23 A. Yes, sir. I believe it's [REDACTED], if I'm not mistaken.

24 Q. Is that BP station where the Taurus was with the stuff
25 in it, is it in Rock Hill in York County?

OFFICER RYAN THOMAS: DIRECT BY MR. SPRINGS
CROSS BY MR. DELANEY

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1 A. It is.

2 Q. Now all the stores we've been talking about, the CVS,
3 the Big Lots, the Walmart, and the - - -

4 A. Lowe's.

5 Q. - - - Lowe's, are they all in Rock Hill and York
6 County?

7 A. Yes, sir. Every one of them is.

8 Q. Thank you, sir. If you would answer any questions the
9 Defense Attorney has for you.

10 A. Yes, sir.

11 CROSS-EXAMINATION

12 OFFICER RYAN THOMAS BY MR. DELANEY:

13 Q. Officer Thomas, through your investigation and going
14 to the Family Dollar store, the description that you
15 learned of was a meeting, I guess, with a Michelle
16 Williams; is that right?

17 A. Yes, sir.

18 Q. Okay. And the description that you learned of through
19 your investigation was of a white male wearing a tan cap.
20 Right?

21 A. Yes, sir.

22 Q. No other description was gathered by you at that time;
23 is that right?

24 A. I believe she may have more specifically said an older
25 white male - - -

1 Q. Okay.

2 A. - - - with a tan hat.

3 Q. Now you were in here when Officer Popov was
4 testifying. Correct?

5 A. Yes, sir.

6 Q. And would you agree with Officer Popov as far as, I
7 guess -- Let me first ask you. You had training in writing
8 these reports. Correct?

9 A. Yes, sir.

10 Q. Okay. And you wrote some reports in this case; is
11 that right?

12 A. I wrote all of it.

13 Q. Okay. What you describe in every report that you
14 wrote in this case regarding this individual who took items
15 out of the Family Dollar was a white male with a tan hat.
16 Correct?

17 A. Yes, sir.

18 Q. No where in any report that you prepared in this case,
19 did you say anything about this individual being older.
20 Correct?

21 A. I did not include the word "older."

22 Q. Okay. And now, close to fifteen months later, you're
23 coming into court saying that you remember she may have
24 said it was an older male. Correct?

25 A. Yes, sir.

OFFICER RYAN THOMAS: CROSS BY MR. DELANEY

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1 Q. Okay. And you did not learn that she had ever seen
2 this individual before. Correct?

3 A. No, sir. She stated to me she was very familiar with
4 him, just minus his name.

5 Q. Say it again. You said, I asked you, you had never --
6 You didn't learn -- My question to you is, you didn't learn
7 in your investigation of this case that she had ever seen
8 -- I say "she" -- Ms. Williams had ever seen this
9 individual before?

10 A. No, no she had seen him before.

11 Q. She had seen him before?

12 A. According to her, multiple times.

13 Q. According to her, so the witness in this case,
14 according to your testimony right now is that she had seen
15 him multiple times?

16 A. Yes, sir.

17 Q. And again, Officer Thomas, that is no where in any
18 report that you prepared in this case. Correct?

19 A. No.

20 Q. Don't you think that's kind of an important piece of
21 information to leave out of a report?

22 A. That would be on her word that she had seen him
23 before. It's not part of the cause as to what we were
24 looking for.

25 Q. That's not part of the, I guess the -- And let me just

1 go back up. And she didn't give you any other type of
2 description of this individual as far as height. Right?

3 A. No, I can't recall that she gave me anything further
4 than that.

5 Q. Now, let me ask you this. If you didn't put any of
6 that -- It's nowhere in the report that you'd written.

7 Correct?

8 A. That I what?

9 Q. That's in -- That's nowhere in any report that you
10 wrote in this case. Correct? As far as --

11 A. You mean the further information?

12 Q. Yeah.

13 A. Right.

14 Q. Any further description. Right?

15 A. Correct.

16 Q. And that would be important information to put in a
17 report, a description of a suspect. Correct?

18 A. The description is important, yes.

19 Q. Okay. And would you not agree, it's also important
20 information if a witness is saying that they know somebody,
21 other than describing someone as a white male wearing a tan
22 cap, but they're saying they've seen that person before?
23 Would you not agree that is important information?

24 A. It makes their information more believable, but it
25 doesn't change anything in terms of what crime I'm

1 investigating for that day. I can't base anything off of
2 things that she said he's done before, times that she's
3 encountered him before.

4 Q. But it's your testimony here today, fifteen months
5 later, that that's what you remember. Correct?

6 A. Yes, sir.

7 Q. And that's with no -- using no reports to refresh your
8 memory. Correct?

9 A. Yes, sir.

10 Q. And you never showed -- Let me ask you this, in part
11 of your training are you familiar with the photo lineup?

12 A. I am.

13 Q. And you've been trained that a photo lineup can be
14 important to the process because it can cut down on what
15 they call "suggestibility." Is that correct?

16 A. To be honest, I've never had training on photo
17 lineups. But I would assume that from my experience, yes.

18 Q. Instead of just bringing the photo of one individual
19 to a person, or bringing someone to a person, you would
20 bring multiple photos or have multiple people that look
21 alike or look similar. Correct?

22 A. Correct.

23 Q. Okay. And that would cut down, potentially and the
24 hope is, from someone making a wrong identification.
25 Right?

1 A. That would be the point. Yes, sir.

2 Q. Okay. You never did any type of photo lineup with Ms.
3 Williams in this case. Correct?

4 A. No, sir. I had no training on it.

5 Q. Now there's plenty of officers in your department that
6 has training on that. Correct?

7 A. Our detectives do as far as I know. I'm not standard
8 patrol.

9 Q. And you're aware that the Family Dollar has
10 surveillance cameras. Correct?

11 A. Yes.

12 Q. They have multiple surveillance cameras. Correct?

13 A. They do.

14 Q. And you never viewed them. Did you?

15 A. Not that I recall.

16 Q. Didn't take them from the store, perhaps someone else
17 to view them later. Did you?

18 A. I definitely didn't take any from the store.

19 Q. And no surveillance cameras, videos of the
20 surveillance cameras were viewed from CVS. Right?

21 A. No, at the other stores I definitely didn't view any
22 because we didn't have the time frame as to when those
23 items were had possibly been taken from the store.

24 Q. And the a -- Are you familiar with the Forensic
25 Services Unit, the Crime Scene Unit that works out of Rock

1 Hill. Correct?

2 A. Yes, sir.

3 Q. And you know a little bit about forensic evidence?

4 A. Yes, sir.

5 Q. And is it your understanding of forensic evidence --

6 When I'm talking about forensic evidence, I'm talking about
7 fingerprints, DNA, those type of things. Right?

8 A. Okay.

9 Q. And forensic evidence can be important because it can
10 contradict or support, corroborate what someone is saying.

11 Correct?

12 A. It can.

13 Q. An example: This here. This Bible here. If I
14 maintain at some point that I didn't hold -- I didn't touch
15 this Bible, forensic evidence could be something that could
16 confirm that or contradict that. Right?

17 A. It could.

18 Q. And the Forensic Services Unit was not called out to
19 process the scene in this case. Correct?

20 A. It was not.

21 Q. That would be either the car or the items that were
22 found in the car. Correct?

23 A. Correct.

24 Q. And it was your testimony that Brenda Sims, located in
25 the back seat of this vehicle; is that right?

MICHELLE WILLIAMS: DIRECT BY MR. SPRINGS

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1 A. Yes, sir.

2 MR. DELANEY: No further questions, Judge.

3 Thank you Officer.

4 A. Thank you.

5 MR. SPRINGS: Nothing further.

6 THE COURT: You can step down and be excused. We
7 appreciate your time.

8 THE WITNESS: Thank you, Judge.

9 THE COURT: Would you like him to stay?

10 MR. SPRINGS: Yeah, he's the case agent. He's got to
11 stay.

12 THE COURT: Call your next witness.

13 MR. SPRINGS: We call Michelle Williams.

14 Come right up to the clerk. She'll swear you in.

15 MADAME CLERK: Please raise your right hand, place
16 your left on the Bible.

17 (WHEREUPON: MICHELLE WILLIAMS,
18 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

19 MADAME CLERK: Thank you. You may have a seat.

20 DIRECT EXAMINATION

21 MICHELLE WILLIAMS BY MR. SPRINGS:

22 Q. What is your name, ma'am?

23 A. My name is Michelle Williams.

24 Q. And where do you work?

25 A. I work at Family Dollar on [REDACTED]

1 Q. How long have you worked at that Family Dollar store?

2 A. I've been at that particular store two and a half
3 years. But I've been with Family Dollar a total of eight
4 years.

5 Q. Were you working at that Family Dollar store on [REDACTED]
6 [REDACTED] around 4:15 the afternoon of May 10th, 2010, last
7 year?

8 A. Yes, sir.

9 Q. At about 4:15 that afternoon, did something bad
10 happen?

11 A. Yes, sir.

12 Q. And what was the bad thing that you saw happen?

13 A. I seen someone conceal beef jerky in their pocket at
14 that time.

15 Q. Was it a man or a woman?

16 A. It was a male.

17 Q. And after you saw this man conceal beef jerky in his
18 pockets, where did you see him go?

19 A. He went out the door.

20 Q. Did he stop and did he pay for the beef jerky?

21 A. No, sir.

22 Q. And had you ever seen that man before that day May
23 10th when you saw him sticking beef jerky in his pockets
24 and hitting the road?

25 A. I had not seen him that day, but I had seen him in

1 prior days before that.

2 Q. So you recognized the man?

3 A. Yes, sir.

4 Q. And did you follow him outside or just watch from
5 inside the store?

6 A. I followed him outside, but I don't think he was aware
7 that I followed him outside. I did not approach him. And
8 I just got his tag number. And I was on the phone with
9 dispatch at that time while I was giving them the tag
10 number.

11 Q. I want to find out how close you were to him when you
12 were at the closest point from me to you, were you any
13 closer than this to him?

14 A. Yes, I was a lot closer. Yes, sir.

15 Q. All right. I'm going to start walking slowing towards
16 you. And when I get to the point where the distance apart,
17 you and me, that -- the closest point that you got to him
18 -- I want to find out how close you got to him that day.
19 Okay, does that make sense? You tell me to stop when I get
20 to that point.

21 (MR. SPRINGS APPROACHED WITNESS.)

22 A. Stop.

23 Q. That looks to me like about 12, 13 feet. Is that
24 about right?

25 A. Yes, sir.

MICHELLE WILLIAMS: DIRECT BY MR. SPRINGS

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1 Q. Okay. Was there anything about his clothing that
2 caught you and stuck in your mind?

3 A. The hat caught -- stuck in my mind because the way it
4 was shaped, it was -- it had a odd shape like a railroad
5 hat, maybe, kind of.

6 Q. Okay. And what color was the hat?

7 A. It was tan.

8 Q. All right. Did he get into the car?

9 A. He did.

10 Q. And did you get a good look at the car?

11 A. I did.

12 Q. And did you look at the tag?

13 A. I did.

14 Q. And did you give the 911 operator those descriptions?

15 A. I did.

16 Q. Did you tell them about the man, the car, and the tag?

17 A. I did.

18 Q. And did a police officer come out and talk to you?

19 A. Yes, sir.

20 Q. And later did the police come and return, not just
21 your beef jerky, but some other things to the store?

22 A. Yes, sir. They did.

23 Q. Ms. Williams, if you see the man that took the beef
24 jerky, put it in his pockets, and walked out of the Family
25 Dollar store without paying for it, stolen, point him out

MICHELLE WILLIAMS: DIRECT BY MR. SPRINGS
CROSS BY MR. DELANEY

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1 if you see him in this room.

2 A. It is the gentlemen in the white shirt.

3 MR. SPRINGS: Let the record show she's pointed to our
4 Defendant, Donald Ray Altman.

5 Thank you Ms. Williams. If you would, answer any
6 questions the defense attorney now has for you.

7 CROSS-EXAMINATION

8 MICHELLE WILLIAMS BY MR. DELANEY:

9 Q. Ms. Williams, you were subpoenaed to be here today.
10 Is that right?

11 A. That's correct.

12 Q. And that was by the State?

13 A. Yes, sir.

14 Q. Store manager at Family Dollar; is that right?

15 A. That's correct.

16 Q. And you're still employed at Family Dollar now?

17 A. Yes, that's correct.

18 Q. Okay. And this incident where you saw this man in the
19 store taking some beef jerky happened May the 10th, 2010.

20 Correct?

21 A. That's correct.

22 Q. And that's roughly fourteen and a half months ago.

23 Right?

24 A. Uh-huh.

25 Q. And Family Dollar on [REDACTED] is a business

MICHELLE WILLIAMS: CROSS BY MR. DELANEY

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1 store. Right?

2 A. That's correct.

3 Q. A lot of people, customers are coming in and out of
4 the store every day. Right?

5 A. Uh-huh.

6 Q. Every hour. Right?

7 A. Yes, sir.

8 MADAME COURT REPORTER: Erik, I need a "yes" or "no"
9 response. I'm sorry.

10 A. Sorry, yes.

11 MADAME COURT REPORTER: Okay, just yes or no. Thank
12 you.

13 A. I'm sorry.

14 Q. In fact, over the past fourteen and a half months,
15 you've had thousands of people come in and out of that
16 store. Right?

17 A. Yes.

18 Q. You told police over a year ago that a white male
19 wearing a tan hat had taken some beef jerky out of the
20 store. Right?

21 A. Yes.

22 Q. You gave the police no other description of this
23 individual other than white male in tan hat. Correct?

24 A. Correct.

25 Q. No description as to height. Right?

1 A. Correct.

2 Q. Weight?

3 A. Correct.

4 Q. Age?

5 A. I think I did tell him that he was a older gentlemen.

6 Q. You think? Or did you just hear what Officer Thomas
7 testified to?

8 A. I heard what Officer Thomas testified to.

9 Q. Right. Hair color?

10 A. I knew what he looked like, but I don't know that I
11 told him what he looked like, no.

12 Q. Ma'am, my question to you is did you Officer Thomas a
13 description as to hair color?

14 A. No.

15 Q. Eye color?

16 A. No.

17 Q. Facial hair?

18 A. No.

19 Q. Any scars?

20 A. I did make a statement that he had severe acne scars
21 on his face. I did do that.

22 Q. You made a statement that he had severe acne scars on
23 his face?

24 A. I did, uh-huh.

25 Q. Tattoos?

MICHELLE WILLIAMS: CROSS BY MR. DELANEY

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1 A. No.

2 Q. And the police never came to you, showed you any type
3 of a photo lineup in this case. Right?

4 A. No, they did. He actually brought a photo to me the
5 next morning.

6 Q. The police showed you a photo lineup the next morning?

7 A. A photo picture of him.

8 Q. Not a lineup?

9 A. No, not a lineup.

10 Q. They brought you a picture?

11 A. Yes.

12 Q. Just one picture?

13 A. One picture.

14 Q. No other individuals in this picture?

15 A. No.

16 Q. It's just the police brought you one picture of Mr.

17 Altman. Correct?

18 A. Yes, uh-huh.

19 Q. And showed you that picture. Correct?

20 A. Correct.

21 Q. And there was no other individuals that they showed
22 you pictures of?

23 A. No.

24 Q. What officer was that?

25 A. Thomas.

1 Q. Officer Thomas. And he, Officer Thomas told you that
2 was Donald Altman. Right?

3 A. No he didn't. He asked me was that the person. And I
4 told him yes.

5 Q. How many surveillance cameras do you have in the
6 store?

7 A. We have four.

8 Q. You have four different surveillance cameras in the
9 store?

10 A. Uh-huh.

11 Q. Different areas of the store. Correct?

12 A. Correct.

13 Q. You got a couple of front and a couple in the back;
14 is that right?

15 A. That's correct.

16 Q. The police at no time came to view video footage of
17 these surveillance cameras. Right?

18 A. No, they did not.

19 Q. I have no further questions.

20 MR. SPRINGS: Nothing further.

21 THE COURT: You may step down and be excused. We
22 appreciate your time.

23 (WITNESS LEAVING WITNESS STAND.)

24 MR. SPRINGS: Mary Ann Gomulinski.

25 Come on up and see the Bible right over there.

MARY ANN GOMULINSKI: DIRECT BY MR. SPRINGS

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1 MADAME CLERK: Please raise your right hand, place
2 your left on the Bible.

3 (WHEREUPON: MARY ANN GOMULINSKI,
4 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 THE DEFENDANT: Don't forget my twin brother comes in
6 there all the time.

7 MS. WILLIAMS: Are you threatening me?

8 THE DEFENDANT: You seen my twin brother - -

9 SECURITY BAILIFF: Sir, sir.

10 Set down.

11 MR. SPRINGS: Would you use that microphone, the
12 skinny one doesn't work very well. We want to make sure
13 everyone hears you.

14 DIRECT EXAMINATION

15 MARY ANN GOMULINSKI BY MR. SPRINGS:

16 Q. What is your name, ma'am?

17 A. Mary Ann Gomulinski.

18 Q. And where do you work?

19 A. CVS.

20 Q. And which location? Which CVS?

21 A. [REDACTED].

22 Q. Which store?

23 A. [REDACTED]

24 Q. You're a little nervous, aren't you? I'll be darned.

25 I want to ask you about the store's computerized

1 inventory system. Does the store have a computerized
2 inventory system?

3 A. Yes.

4 Q. Can you, as basically as possible just kind of tell
5 the jury how that works? How you stock a shelf, and then
6 the computer keeps track of people getting checked out.
7 Would you mind?

8 A. Our weekly truck automatically has the amount of new
9 inventory coming in; is added right into the computer
10 system so it knows, like if we get 30 of an item in the
11 store, it adds to what the current inventory is.

12 Q. Okay.

13 A. And then when someone brings it to the register and
14 buys it, it deducts that from the total so the count in the
15 system stays with what the count on the shelf is.

16 Q. I got you. Now when -- So when somebody picks up an
17 item, a headache powder box or whatever off a shelf and
18 goes to the checkout and pays like they're supposed to,
19 does the computer deduct that from the inventory - - -

20 A. Yes.

21 Q. - - - so that the shelf number still is accurate?

22 A. Yes.

23 Q. And if the shelf number is looked at, and it's lower
24 than what the computer says it should be there, what does
25 that tell the store manager?

MARY ANN GOMULINSKI: DIRECT BY MR. SPRINGS

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1 A. The items left without being paid for, that they were
2 stolen.

3 Q. All right. And was -- let me get my glasses.

4 (SOLICITOR RETRIEVED GLASSES FROM DESK.)

5 Q. I'm showing you what's been marked State's Exhibit
6 Five. Is this a CVS pharmacy printout?

7 A. Yes, it is.

8 Q. Okay. And is it your understanding that on May the
9 11th, 2010, the police scanned those items in?

10 A. They brought it in and I scanned them.

11 Q. And was the inventory checked -- Was there a
12 discrepancy in - -

13 A. There was a discrepancy and those items matched the
14 holes and brought the count to where it should have been.

15 Q. Which led you to believe that the things the police
16 brought in had been stolen?

17 A. Yes.

18 Q. All right. And did the police give your stuff back to
19 you?

20 A. Yes.

21 Q. Thank you, Ms. Gomulinski. Answer any questions the
22 defense attorney has.

23 MR. DELANEY: No questions for this witness.

24 THE COURT: You can step down and be excused. We
25 appreciate your time. Thank you.

JONATHAN GARRETT: DIRECT BY MR. SPRINGS

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1 (WITNESS LEAVING WITNESS STAND.)

2 THE COURT: Call your next witness.

3 MR. SPRINGS: We call Mr. Jonathan Garrett.

4 Mr. Garrett, come on up and take the oath please, sir.

5 There's the Bible right over there.

6 (WHEREUPON: JONATHAN GARRETT,

7 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 MR. SPRINGS: Keep your voice up nice and loud.

9 DIRECT EXAMINATION

10 JONATHAN GARRETT BY MR. SPRINGS:

11 Q. What is your name, sir?

12 A. My name is Jonathan Garrett.

13 Q. Where do you work?

14 A. I work for Lowe's Home Improvements in Rock Hill.

15 Q. And what street's it on?

16 A. [REDACTED]

17 Q. Does that Lowe's Home Improvement Center have a
18 computerized inventory system tied into the cash register?

19 A. Yes, sir, it does.

20 Q. And as people buy things off the shelves, and they go
21 to checkout to pay for their goods, does the inventory
22 computer automatically reduce the numbers that are
23 supposedly on the shelf?

24 A. Yes, sir, it does.

25 Q. So with that system, if you go look at the shelf and

JONATHAN GARRETT: DIRECT BY MR. SPRINGS

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1 the computer says there's supposed to be 20 of an item, and
2 there are only 15, what does that tell store management?
3 What does that indicate?

4 A. It indicates that five had been stolen or lost.

5 Q. I'm showing you what's -- Let me get my glasses again,
6 hold on. I'm gonna get a leash for these. I'm showing you
7 what's been marked State's Exhibit Four. Is that a Lowe's
8 Home Center's printout of merchandise?

9 A. Yes, sir, it is.

10 Q. And is it your understanding that this printout was
11 done on May the 11th of last year when the police brought
12 in certain items of merchandise?

13 A. Yes, sir, it does indicate that date.

14 Q. And is it your understanding that those items of
15 merchandise had been stolen?

16 A. Yes, sir. That is my understanding.

17 Q. Did you get your stuff back?

18 A. Yes, sir.

19 Q. Thank you. If you would, answer any questions of the
20 defense attorney.

21 A. Thank you.

22 (PAUSE.)

23 THE COURT: Do you have any questions?

24 MR. DELANEY: No, Judge, no questions.

25 THE COURT: You can step down. Thank you, sir. I

JANE ADAMS: DIRECT BY MR. SPRINGS

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1 appreciate your time.

2 (WITNESS LEAVING WITNESS STAND.)

3 MR. SPRINGS: We call Ms. Jane Adams.

4 MADAME CLERK: Please raise your right hand, place
5 your left on the Bible.

6 (WHEREUPON: JANE ADAMS, BEING
7 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 MADAME CLERK: Thank you. You may have a seat.

9 DIRECT EXAMINATION

10 JANE ADAMS BY MR. SPRINGS:

11 Q. What is your name, ma'am?

12 A. Jane Adams.

13 Q. Where do you work?

14 A. Big Lots, Rock Hill, [REDACTED]

15 Q. How long have you worked for Big Lots?

16 A. Two and a half years.

17 Q. Does the Big Lots there on [REDACTED] have a
18 computerized inventory system that ties into the cash
19 registers?

20 A. We do.

21 Q. And is it supposed to keep track of the number of
22 items on the shelves?

23 A. That's correct.

24 Q. When people go through the checkout -- And you use a
25 bar code system; is that right?

JANE ADAMS: DIRECT BY MR. SPRINGS

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1 A. That is correct.

2 Q. When people go through the checkout, and they take
3 something off the shelf, go through the checkout and it
4 gets scanned and they pay for it, does your computerized
5 inventory system reduce the amount that supposed to be on
6 the shelf to show that something got sold and went away?

7 A. Yes, sir.

8 Q. When the number on the shelf and the computer says
9 it's 20 and you go look at the shelf and it's only 15, what
10 does that tell you, store management, or security?

11 A. That five are -- have gone missing, stolen.

12 Q. All right. Showing you State's Exhibit Six, a Big
13 Lots printout. Does that indicate that you -- that on May
14 the 11th, last year -- Is it your understanding on May
15 11th, last year the police brought these flashlights in?

16 A. That is correct.

17 Q. And were they returned to your store?

18 A. They were.

19 Q. And they, the computerized system indicated they had
20 disappeared, for lack of a better term?

21 A. That is correct.

22 Q. Thank you very much. If you would, answer any
23 questions the defense attorney has.

24 MR. DELANEY: No questions for the witness.

25 THE COURT: You can step down. Thank you. Take your

AMY STEVENS: DIRECT BY MR. SPRINGS

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1 time.

2 THE WITNESS: Thank you.

3 (WITNESS LEAVING WITNESS STAND.)

4 MR. SPRINGS: Jennifer Hardin.

5 May we approach?

6 THE COURT: Yes, sir.

7 (BENCH CONFERENCE AT 12:13 PM OUT OF HEARING OF THE
8 JURY OFF THE RECORD.)

9 MR. SPRINGS: Amy Stevens.

10 (WHEREUPON: AMY STEVENS, BEING
11 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

12 MADAME CLERK: You may have a seat.

13 DIRECT EXAMINATION

14 AMY STEVENS BY MR. SPRINGS:

15 Q. Tell us your name, please.

16 A. Amy Stevens.

17 Q. Ms. Stevens, where do you work?

18 A. Walmart.

19 Q. Which one?

20 A. [REDACTED]

21 Q. And how long have you worked for Walmart?

22 A. Three and a half years.

23 Q. Does the Walmart there on [REDACTED] does it have a
24 computerized inventory system?

25 A. Yes, sir.

AMY STEVENS: DIRECT BY MR. SPRINGS

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1 Q. And does it keep track -- As people pick things up off
2 the shelves, go through the checkout through a bar code
3 system, does it keep track of that so that the inventory is
4 reduced every time something gets sold?

5 A. Yes, sir, uh-huh.

6 Q. With your system, if the computer says there's
7 supposed to be 20 of an item on the shelf, and you go
8 physically look at it, and there are only 15, what does
9 that indicate to you folks in management?

10 A. That five are gone.

11 Q. I'm showing you what's been marked State's Exhibit
12 Six. Is that a Walmart printout?

13 A. Yes, sir.

14 Q. And is it your understanding that on May the 11th, the
15 police brought these items in, and it was scanned in and
16 the inventory was checked?

17 A. Yes, sir.

18 Q. And what is your understanding as to whether the
19 inventory was accurate or it was short by these items?
20 Does that make sense?

21 A. Yeah, they checked it.

22 Q. And the -- Was the store inventory off such that these
23 had disappeared so to speak?

24 A. Yes, sir.

25 Q. Thank you. Answer any questions the defense attorney

1 has.

2 A. Yes, sir.

3 MR. DELANEY: Judge, we have no questions for this
4 witness.

5 THE COURT: You can step down.

6 MR. SPRINGS: Come on down.

7 (WITNESS LEAVING WITNESS STAND.)

8 MR. SPRINGS: We rest our case, Your Honor.

9 THE COURT: All right. Members of the jury panel, the
10 State is resting. That is, the State is telling us they
11 presented their evidence. We're going to break for lunch
12 at this time until 1:30. Remember don't discuss the case.
13 Don't let anyone discuss the case with you. Don't try to
14 make up your own mind. You're not at that point yet. So
15 have a pleasant lunch. If you'll go out this door, the
16 Bailiff will show you how to get in and out. You, of
17 course, will be utilizing that jury room that you went to
18 on the break. But the Bailiff will tell you how to get in
19 and out for lunch. Be back at 1:30.

20 (JURY EXITS COURTROOM AT 12:16 PM.)

21 MR. SPRINGS: Your Honor, while we were presenting our
22 case, there was an outburst from the Defendant. He yelled
23 back at the witnesses, "I have a twin brother." That was
24 totally inappropriate, Your Honor. And I would ask the
25 Court consider holding Mr. Altman in contempt for that.

1 THE COURT: Mr. Delaney.

2 MR. DELANEY: All I can say is I talked with Mr.
3 Altman about that and it's not going to happen again. And
4 he apologized to the Court.

5 THE COURT: Well let me -- I'll think about whether or
6 not to impose any sanctions for that conduct. Of course,
7 if it happens again there will be sanctions.

8 Anything else? Anything?

9 MR. DELANEY: Your Honor, at this point, we would make
10 our -- The State has rested and we would make our motion
11 for a directed verdict in this case. I would argue to Your
12 Honor the testimony that we've heard regarding the
13 identification of Mr. Altman, I would argue that, that
14 identifications came from Ms. Williams who takes the stand.
15 And I would argue to this court that the suggestiveness
16 that took part as far as her being showed a single
17 photograph of Mr. Altman a day after this alleged incident
18 it would be overly suggestive to obtain her identification
19 of Mr. Altman in this case. And without her testimony,
20 without that identification, the State doesn't have any
21 identification. And I would like to ask, Your Honor, to
22 direct a verdict in favor of the Defense in this case.

23 THE COURT: What do you have to say about that, Mr.
24 Springs?

25 MR. SPRINGS: Your Honor, Ms. Williams knew this

1 fellow before. She testified she'd seen him numerous times
2 before.

3 A single photo -- I didn't know about the single photo
4 showing. But a single photo is done all the time with
5 people that already knew the person to confirm that it's
6 the person that they already knew.

7 These people weren't strangers. Ms. Williams said
8 she'd seen him quite a few times in the store -- didn't
9 know his name, but surely knew him and that was what her
10 identification was based on, and not the single photo
11 lineup, which would not have been inappropriate with
12 somebody that already knew the person.

13 THE COURT: Well, I find that it could -- a single
14 photo is suggestive, but that would not affect the
15 reliability in this case because the witness had observed
16 the individual in the past. And therefore that even though
17 the showing of the one photograph as suggested on its face
18 that that does not affect in this case to reliability of
19 the identification of Mr. Altman as the individual who was
20 involved in the act. And I will certainly charge the jury
21 regarding eyewitness identification.

22 Anything else?

23 MR. DELANEY: That's all from the defense at this
24 time, Your Honor.

25 THE COURT: Did you make a motion for directed

1 verdict? Did I --

2 MR. DELANEY: Yeah, I just - -

3 THE COURT: Okay, all right. I'm going to find that
4 and I want to put on the record that I got side tracked on
5 the identification.

6 I find that there is sufficient direct and substantial
7 circumstantial evidence that the jury could conclude that
8 Mr. Altman did in fact commit these offense and therefore I
9 deny your motion for a directed verdict.

10 All right, we'll be at ease until 1:30.

11 (COURT IN LUNCH RECESS AT 12:20 PM.)

12 (COURT BACK IN SESSION AT 01:51 PM.)

13 THE BAILIFF: All rise. Please come to order.

14 THE COURT: Thank you. Take your seats.

15 Get Mr. Altman in.

16 (DEFENDANT ENTERING COURTROOM.)

17 THE COURT: Anything from the State before I talk to
18 Mr. Altman?

19 MR. SPRINGS: Nothing from the State.

20 MR. DELANEY: Judge, just briefly at this time, before
21 you talk to Mr. Altman about whether or not he wanted to
22 testify. I'd just like to put a couple of things on the
23 record, briefly.

24 We did not do -- I did not request to do a Biggers
25 hearing regarding identification before the trial. At that

1 point, the discovery that had been provided to me by the
2 State indicated that there was no identification made by
3 Ms. Williams in this case, either her being able to an out
4 of court identification or that she would use any type of
5 photographs in this case. Obviously we've heard some
6 testimony that would say she did view a photograph the
7 after the day of the incident.

8 And I would just renew, I guess, just renew my
9 objection to the admissibility of that testimony at this
10 time.

11 THE COURT: Anything you want to say about that?

12 MR. SPRINGS: I would just briefly, Your Honor, that
13 Ms. Williams did testify she had seen the teller quite a
14 few times prior to this. She was identifying as someone
15 who had seen him before. They were not strangers. And she
16 got quite close to him, I believe she agreed with me, he
17 was about 12 feet away from her when she saw him.

18 MR. DELANEY: Just to clarify, and it's my
19 understanding that the State did not have this photograph.
20 That's why it wasn't turned over. I still haven't seen a
21 photograph and I believe the State doesn't have that
22 photograph at this time.

23 MR. SPRINGS: That's correct.

24 THE COURT: And as I mentioned in chambers when we
25 were going over the charges, that caught my ear also, and

1 that's why after I heard arguments and having listened to
2 testimony, I did put on the record that I believe that the
3 showing of one photograph lineup, so to speak, is
4 suggestive on it's face. But I found that in spite of that
5 because the witness knew Mr. Altman from previous
6 encounters, that her testimony still feels liable and, of
7 course, that will be up to the jury to determine.

8 Mr. Altman, can you hear me?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: We've reached a point in the trial where
11 you have a right to present a defense. You do not have to
12 present a defense because you are presumed innocent of the
13 charge and need not prove that.

14 The State must however prove your guilt beyond a
15 reasonable doubt. You have a right to present witnesses if
16 you wish, but you don't have to. You have the right to
17 testify if you wish, but you don't have to. If you present
18 witnesses or testify, the State will have the right to make
19 the last argument. If you present no evidence, then the
20 State -- then your attorney would have the right to make
21 the final argument to the jury. If you testify, you would
22 be under oath. You would have to answer questions. And
23 the State could ask you the questions concerning the record
24 that was handed up to me and handed to your counsel
25 earlier. Those questions could be asked by the State

1 regarding your prior record solely for impeachment, what we
2 call impeachment purposes. That is, for the jury to
3 consider whether or not because you committed these
4 offenses, you'd be less likely to tell the truth. I will
5 tell the jury that they cannot consider any prior record as
6 evidence of your having committed these crimes, but rather
7 solely for the purpose of deciding whether to believe you
8 or not. If you exercise your right to remain silent, I'm
9 going to tell the jury that that is what you've done. I'll
10 tell them do not hold that against you, they cannot discuss
11 it in the jury room, they cannot factor it into their own
12 liberation. And again, I will remind them you are presumed
13 innocent, and State must you're guilty beyond a reasonable
14 doubt.

15 Do you understand all of that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you discussed that with Mr. Delaney?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any questions, Mr. Altman?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you intend to testify or exercise your
22 right to remain silent?

23 THE DEFENDANT: I'm going to testify.

24 THE COURT: Okay, that's fine. All right then, we'll
25 bring in the jury.

DONALD RAY ALTMAN: DIRECT BY MR. DELANEY

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1 (JURY REENTERS COURTROOM AT 01:55 PM.)

2 THE COURT: All right. Mr. Delaney.

3 MR. DELANEY: Thank you, Your Honor. If it please the
4 Court, at this time the Defense will call Donald Altman.

5 THE COURT: Please come up and be sworn.

6 MADAME CLERK: Raise your right hand.

7 (WHEREUPON: DONALD ALTMAN, BEING
8 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

9 MADAME CLERK: Thank you. Please have a seat.

10 DIRECT EXAMINATION

11 DONALD ALTMAN BY MR. DELANEY:

12 Q. Would you please state your name?

13 A. My name is Donald Ray Altman.

14 Q. Donald, how old are you?

15 A. I'm 48.

16 Q. Where are you from?

17 A. I'm from Lancaster, South Carolina.

18 Q. Do you have any children?

19 A. I have two.

20 Q. Donald, you have been in some trouble in the past.

21 A. Yes, sir. I've got a rap sheet from here to that door
22 back yonder.

23 Q. Say that again.

24 A. I said, I've got a rap sheet that goes from here to
25 that door back yonder. I've been in trouble a good bit in

1 my life.

2 Q. You have some larceny convictions on your record?

3 A. Yes, I do, sir. Receiving stolen goods. Common law
4 robbery. A few things.

5 Q. Now that being said, Donald, are you guilty of what
6 you're charged here with today?

7 A. No, sir, I'm not. They took my car off for smoking
8 crack. They --

9 Q. Let me -- Let's not get -- Let's just slow down a
10 little bit.

11 A. Okay.

12 Q. Let me ask you this. May the 10th, 2010, were you in
13 the Family Dollar store off of [REDACTED]

14 A. No, sir, I was not. It could have been my twin
15 brother, my other brother he's 40 years old and they both
16 look just like me. And they're all on crack down now.

17 Q. You heard testimony regarding the Ford Taurus; is that
18 right?

19 A. Yes, sir, I have.

20 Q. Were you driving that car that day?

21 A. No, sir. I was not.

22 Q. What happened? Who was driving your car? Why were
23 you not in possession of your car that day?

24 A. Sir, I had the car parked. I lost my license. They
25 took my license.

1 Q. You say someone -- Who took your license?

2 A. The Highway Department sent a letter for me to not --
3 they wanted my license back on account of financial
4 responsibilities where I had been in a wreck prior to that.
5 And I didn't have the \$5000 dollars to pay it so I parked
6 the car. And it was either my twin if you pull the
7 pictures up they both look just like me.

8 MR. SPRINGS: I'm sorry. I can't hear him. He's
9 mumbling.

10 A. I said, sir, they both look just like me. Both of my
11 brothers do. And they're all on crack real bad. And prior
12 to that, they had stole my aunt's car -- took her car.
13 Went off joyriding with Brenda, she's on crack too.

14 Q. And you said, Brenda, you --

15 A. Brenda Sims.

16 Q. You know a Brenda Sims?

17 A. Yes, sir. She walks the streets smoking crack.

18 Sir, I'm telling you, I'm not guilty here today. If
19 y'all take me away my mama will go down and I didn't do
20 this.

21 Q. Just a couple of more questions, Donald.

22 A. Yes, sir.

23 Q. On May the 11th, May the 10th, 2010, did you have any
24 type of interaction with the lady who testified from Family
25 Dollar, Michelle Williams?

DONALD RAY ALTMAN: DIRECT BY MR. DELANEY
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A. No, sir. She must have seen Ronnie. I've got a brother named Ronnie and I've got a brother named Scotty.

Q. And did you take any items from any of these stores that were mentioned in this case?

A. No, sir. I did not. Honest, I did not, lay my hand on the Bible, I did not. I swear to God, I have not.

Q. No further questions. Donald, just answer any questions Mr. Springs has.

CROSS-EXAMINATION

DONALD ALTMAN BY MR. SPRINGS:

Q. Mr. Altman, what kind of a car do you drive?

A. It's a 2004 Taurus. I own a truck too.

Q. A white Ford Taurus?

A. Yes, sir.

Q. I'm showing you what's been marked as State's Exhibit Two. That's the registration card for your Taurus isn't it?

A. Yes, sir. Yes, sir, it is.

Q. And State's Exhibit One. That's the tag for your Taurus, but it's been monkeyed with hasn't it?

A. Yes, the "E" has.

Q. Yeah.

A. The "8" has too.

Q. The "F" has been made into an "E."

A. Yes, sir.

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 Q. And the "3" has been made into an "8" hasn't it?

2 A. Yes, sir. And I'm going to be honest with you --

3 Q. Let -- Let me ask questions.

4 A. Okay.

5 Q. And then you get to explain all you want. Just a
6 minute. And that's the tag off your Ford Taurus?

7 A. Yes, sir, it is. Yeah, it is.

8 Q. That's the tag that was on it on March 10th? Was it
9 not?

10 A. That's my tag, sir, yes.

11 Q. And Brenda Sims, your girlfriend, was in the back of
12 your car. Was she not?

13 A. Well sir, I wouldn't call her my girlfriend, but I --

14 Q. Well how many years have you and Brenda been together?

15 A. I've known Brenda all my life, sir. We rode the
16 school bus together.

17 Q. A lot of years.

18 A. A lot of years. And I loved her.

19 Q. And Brenda was in the back of your car when the police
20 caught up with your car. Wasn't she?

21 A. Yes, sir. Brenda's got a lot of boyfriends, sir.

22 Q. I can't hear, you're mumbling. What?

23 A. I said, Brenda's got a lot of boyfriends.

24 Q. And how many of your brothers are also her boyfriend?

25 A. She went with Ronnie before she was going with me.

1 And then I knew she was going with Scotty while I was in
2 prison, so --

3 Q. So how many brothers have you got now?

4 A. I got two brothers, and I also got a cousin down there
5 and we all stay in the same area right there.

6 Q. Now are you -- Help me out here. Are you triplets?

7 A. No, sir. But my little brother looks more -- My
8 40-year-old brother looks more like me than my twin does,
9 sir.

10 Q. And you have a twin brother?

11 A. Yes, sir, I have a twin.

12 Q. Okay.

13 A. His name is Ronny and mine's Donny.

14 Q. I --

15 A. His name's Ronald and my name's Donald. He was born
16 in [REDACTED].

17 Q. Okay, looks just like you.

18 A. March. Yes, sir.

19 Q. He was with your girlfriend in your car?

20 A. He was either with her or Scotty was either with her.
21 But it wasn't me, sir.

22 Q. Well let's go back to the last time before May 10th
23 last year when you had your car -- when you had your car.

24 When was the last time before one of your brothers that are
25 identical to you went off with your girlfriend? When's the

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 last time you had the car before that day?

2 A. Sir, I parked the car about a week before.

3 Q. You parked it?

4 A. Yes, sir. I parked the car. I parked the car behind
5 my house, behind my mother's house.

6 Q. Was Brenda in the back seat when you parked it?

7 A. No, sir.

8 Q. When did Brenda get in the back seat?

9 A. I don't know.

10 Q. And after you parked the car, what did you do? Walk
11 off? Walk on?

12 A. I parked the car and put the keys in the ashtray, sir,
13 because I couldn't drive it because they sent me a letter.
14 They took my license and I didn't want to get another
15 driving under suspension. I just paid \$1700 dollars to get
16 my license back.

17 Q. All right.

18 A. Then they --

19 Q. Okay.

20 A. Then they sent me a paper from the highway department
21 told me they was going to take my license 'cause I needed
22 to pay \$5000 dollars restitution on a vehicle that he hit
23 me from behind on the paint because I was driving.

24 Q. Okay. So you parked the car and left the keys in the
25 ashtray?

1 A. Yes, sir.

2 Q. Well why did you leave them in the ashtray?

3 A. To keep from losing them, to keep them from getting
4 gone. I put them there in the ashtray because the motor
5 cost me, it only cost the motor something like \$1700
6 dollars on the car, and I was thinking about letting him
7 come on and get it, sir.

8 Q. And that was your mama's house where you parked it?

9 A. Yes, sir.

10 Q. Why didn't you give your mama the keys?

11 A. Well 'cause my mother and father, to be honest with
12 you, they can't remember where they put nothing. They
13 can't remember. My daddy, he can't remember -- If he lays
14 something down, he can never go back and pick it up. He
15 don't know where he laid it at. He's 70 something years
16 old, sir.

17 Q. You've been in their house before, though?

18 A. I lived there.

19 Q. And you could have put the keys somewhere in their
20 house, couldn't you?

21 A. I don't stay in their house. I stay in the camper
22 behind the house.

23 Q. But you could have put the keys somewhere yourself in
24 their house where you could later find them. Couldn't you?

25 A. Sir, I don't even use their bathroom. I respect my

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 mother. I don't even go in there and use her bathroom.

2 Q. I thought you lived there?

3 A. I live in the camper behind my mother's house. I
4 don't -- I won't use my mother's bathroom. I respect my
5 mother and father. He's my stepfather. And I respect them
6 that much. I won't even go in their guestroom and use
7 their bathroom. I'll eat there at their table. But, you
8 know, I don't curse in front of them. I -- They don't
9 allow no drinking in their yard. They don't allow no
10 smoking in their house. They go to church every Sunday
11 that they can get there.

12 Q. Actually, you were in your car on May 10th last year.
13 You picked Brenda up and got her at the hospital. Didn't
14 you?

15 A. No, sir. I did not pick Brenda up at the hospital.

16 Q. You didn't pick your girlfriend Brenda up at the
17 hospital?

18 A. No, sir. I did not.

19 Q. And she wasn't in the back of the car when you went in
20 the Family Dollar store and shoplifted the beef jerky's?

21 A. Sir, I never went in the Family Dollar store. I was
22 working.

23 Q. You were at work?

24 A. Sir, I was at Myrtle Beach, South Carolina when all of
25 this went down.

1 Q. How did you get there?

2 A. I got there, to be honest with you, by Robert
3 McIntyre. Robert McIntyre come back down here, signed my
4 bond, got me out, let me borrow the money to pay the
5 bondsman with.

6 Q. Now what did you do at Myrtle Beach?

7 A. Paint.

8 Q. How did you get back from Myrtle Beach?

9 A. I got back from Myrtle Beach with Robert McIntyre.

10 Q. All right. So Brenda, when she got out of the
11 hospital, one of your brothers that looks just like you,
12 picked her up?

13 A. I think so, sir.

14 Q. All right. And that day, you say you weren't in the
15 Family Dollar store?

16 A. No, sir. I was not.

17 Q. But you'd been in that Family Dollar store with Brenda
18 quite a few times prior to that. Had you not?

19 A. Sir, to be honest with you, I'd been in there with her
20 about a month before that, probably. I would say two,
21 three, four weeks before that. Yes, sir. I was. And they
22 was following her all over that store. And she was drunk.
23 Brenda stays drunk, sir. She's drunk from the time she
24 gets up until the time she goes to bed.

25 Q. But you'd been in that Family Dollar Store - -

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 A. All she wants to do is walk the streets and smoke
2 crack.

3 Q. Okay. Okay. But you've been in the Family Dollar
4 store - -

5 A. Yes, sir. I've been in that Family Dollar store. So
6 has my twin. And the whole family's been in that Family
7 Dollar store. We've seen the woman from Lancaster, she
8 used to work in Lancaster.

9 Q. You and Brenda have been in the Family Dollar store
10 before May 10th?

11 A. Yes, sir. I've been in that Family Dollar store with
12 Brenda. Yes, I have.

13 Q. You've gotten up there in your white Ford Taurus
14 before. Have you not?

15 A. Yes, sir.

16 Q. You've gone up there in the white Ford Taurus?

17 A. Yes, sir. I've been up there in the -- Yes, sir, I
18 ain't going to sit here and lie to you. Yes, sir. About
19 two or three, four weeks prior to that me and Brenda walked
20 in there. Like I said, they followed her all over that
21 dad-blamed store. And I told Brenda, I said, "Come on."

22 Q. Why do you reckon they were following her all over the
23 store.

24 A. 'Cause she was drunk. Most of the time -- I love
25 Brenda. I love her, sir. But a...

1 Q. But she goes off with all your brothers that look just
2 like you.

3 A. Yes, sir, she does.

4 Q. All right. Now - -

5 A. And I keep taking her back, sir.

6 Q. Bless your heart. Okay. All right, now --

7 A. But I'm a good man like that. I don't believe in
8 throwing her out. I want her to be -- I try to -- I don't
9 know, it's hard to understand.

10 Q. Let me know when I can ask the next question.

11 A. Well here. Yeah.

12 Q. I want to talk about this rap sheet of yours that goes
13 from here all the way to the back door.

14 A. Okay.

15 Q. Rattle off those crimes again that you've been
16 convicted of. The same the ones you told -----

17 A. Well if you let me hold the paper that you got there,
18 sir, I can tell you.

19 Q. No, you did it from memory before. You can do it
20 again.

21 A. I got felony larcenies on it.

22 Q. Yeah.

23 A. I got possession of an unlawful weapon on it.

24 Q. All right.

25 A. That's been 1980's, I think. I got common law robbery

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 on there.

2 Q. Uh-huh.

3 A. That was brought back in 1980 something?

4 Q. How about the 2004?

5 A. 2004? That's a -- What was that?

6 Q. Common law robbery.

7 A. Common law robbery?

8 Q. Yeah.

9 A. That was where I was in Charlotte.

10 Q. We're not going to talk about - - -

11 A. You don't want to talk about what happened?

12 Q. - - - how many you were convicted. We're going to
13 talk about what you're convicted of. Okay?

14 A. Yeah, what --

15 Q. So we've got the common law robbery?

16 A. Yes, sir.

17 Q. Keep going. You're doing fine on your list.

18 A. Well I see what you're trying to do. You're trying to
19 convict me on what I've done in my past, sir. I mean, that
20 -- God don't want people doing that. Maybe I could have
21 been reunited with - -

22 Q. Just a minute --

23 MR. SPRINGS: Your Honor, would you --

24 A. Maybe I could be a Christian man now.

25 THE COURT: You have to answer the questions.

1 THE WITNESS: I'll do it, sir. I'll do it.

2 BY MR. SPRINGS:

3 Q. Now, going back to your rap sheet that goes from there
4 to the back of the courtroom. We got to the common law
5 robbery. I just want -- I'm old, and I don't hear well. I
6 want to hear the list again that you gave your attorney.

7 A. Well sir, I can't sit here and do it out of my head.
8 Just like I can't tell you --

9 MR. DELANEY: Your Honor, this time Mr. Springs has
10 the -- we've discussed what --

11 THE COURT: Why don't you just ask him whether or not
12 he's been convicted of those rather than have him go over
13 this. I think that would be a better way to do it.

14 MR. SPRINGS: All right.

15 Q. So we're agreed. You've been convicted of common law
16 robbery in 2004?

17 A. Yes, sir. I have.

18 Q. And attempted felony larceny in North Carolina, 2006?

19 A. Yes, sir. I have.

20 Q. And misdemeanor larceny, 2010?

21 A. Yes, sir. I'm 48 years old. I've got a rap sheet.

22 Q. Felony larceny in 2011?

23 A. Yes, sir.

24 Q. Shoplifting in 2008?

25 A. Because I was on crack too, sir.

DONALD RAY ALTMAN: CROSS BY MR. SPRINGS

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1 Q. Just yes or no. Were you convicted?

2 A. Yes, sir, I'm being honest with you all.

3 Q. Receiving stolen goods in 2004?

4 A. I told you that, yes.

5 Q. And burglary?

6 A. Yes, sir. The burglary was back when I was 18 years
7 old. And I'm 48 years old now.

8 Q. And all your brothers look just like you?

9 A. My twin -- I've got a twin brother that looks like me.
10 And my 40-year-old younger brother looks more like me than
11 my twin does. Yes, sir. You can put my 40-year-old right
12 there, his name is Scotty Mullis, he's my stepbrother --
13 And you put me and him right beside each other and you
14 can't tell us apart hardly. Scotty's been locked up here
15 for driving them cars. He's in prison right now. Y'all
16 got him in prison right now for driving up here with no
17 license, no insurance, and doing a tag like that right
18 there. Scotty has gotten us all in more trouble than you
19 can shake a stick at, sir.

20 Q. He's got -- Scotty's gotten you in trouble?

21 A. He's gotten me in trouble sitting here right now, him
22 or Ronny one.

23 Q. Did he get you in trouble with the common law robbery,
24 the attempted felony larceny, the misdemeanor larceny, the
25 felony larceny, the shoplifting, the receiving stolen

1 goods, and burglary? Did your brother get you into those?

2 A. Yes, sir. He got me in both of them in Monroe. Yes,
3 he did. But I ain't going to sit here and criticize him
4 'cause I love them both. I love them both very, very much.
5 I'm just telling you, they've got problems with crack
6 cocaine, and we all have, sir. I have had problems with
7 it. I've overcome it.

8 Q. Can I ask a question now?

9 A. Yes, sir.

10 Q. All right. Now when your brothers were off with your
11 girlfriend on May 10th, how long would you figure it would
12 take to go into the CVS, and the Walmart, and the Lowe's,
13 and the Big Lots, and the Family Dollar store and steal all
14 this stuff? You think it could be done in a day?

15 A. I'd say so. If they didn't dig it out of trash cans.

16 Q. Thank you, Mr. Altman. That's all I have.

17 A. Thank you, sir.

18 MR. DELANEY: No follow-up questions, Judge.

19 THE COURT: You can step down and have a seat at
20 counsel's table.

21 Anything else, Mr. Delaney?

22 MR. DELANEY: Your Honor, at that time -- at this
23 time, the Defense would rest.

24 (DEFENSE RESTS AT 01:15 PM.)

25 THE COURT: Anything in reply?

MICHELLE WILLIAMS: REDIRECT BY MR. SPRINGS

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1 MR. SPRINGS: I'd like to recall Ms. Williams.

2 THE COURT: Please come back up.

3 You're still under oath.

4 (WHEREUPON: MICHELLE WILLIAMS,

5 BEING DULY SWORN, TESTIFIED AS FOLLOWS:)

6 REDIRECT EXAMINATION

7 MICHELLE WILLIAMS BY MR. SPRINGS:

8 Q. Ms. Williams, how many times prior to May 10th did you
9 see the Defendant, Donald Altman, in your store would you
10 say?

11 A. Over the past years I've seen him probably 20 times or
12 so.

13 Q. All right. And prior to the May 10th, prior to
14 watching him put the beef jerky's in his pockets and walk
15 out, do you remember about how long before that it was the
16 last time you saw him in the store?

17 A. The reason I remember him so well is on a particular
18 day a week or two before this incident, him and Brenda came
19 into the store. They normally come in separately. He'll
20 come in first, and she'll come in behind him.

21 And she asked to use the restroom. I gave her the key
22 to the restroom, which is in our stockroom. And our back
23 door is in our stockroom. It's got an alarm on that back
24 door. She went into the restroom, and she went out my back
25 door. When she went out my back door, it sounded the

MICHELLE WILLIAMS: REDIRECT BY MR. SPRINGS
RE-CROSS BY MR. DELANEY

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1 alarm. I went running back there because I got to protect
2 Family Dollar. And then too, my thought went to, they must
3 be setting me up to rob me, honestly, because nobody goes
4 out your back door to see -- I asked her, I said, "What are
5 you doing at my back door?" And she said, "Oh, I got
6 confused." So at that point on, I knew when they both came
7 into the store, I had to watch them 'cause nobody ever goes
8 out my back door and sounds the alarm. That's why I
9 distinctly remember who he is.

10 Q. And is there any doubt in your mind today, that's the
11 guy you saw --

12 A. There's no doubt. There's no doubt. 'Cause soon as
13 he come in the door, I knew I had to watch him simply
14 because I felt like they may have been -- I can't say that
15 probably. I don't know why she went out my back door to
16 set that alarm off. I don't know if they was --

17 Q. You didn't feel comfortable?

18 A. I did not, no.

19 Q. That's all I have. Thank you.

20 RE-CROSS-EXAMINATION

21 MICHELLE WILLIAMS BY MR. DELANEY:

22 Q. Ms. Williams, why didn't you testify to that a couple
23 of hours ago?

24 A. Because I was not asked that a couple of hours ago.

25 Q. Why didn't you tell the police this 15 months ago?

MICHELLE WILLIAMS: CROSS BY MR. DELANEY

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1 A. I may have told the police this.

2 Q. Now your testimony is, well you were asked, had -- You
3 were asked had you seen my client before. Correct?

4 A. Uh-huh.

5 Q. And now it's 20 times he's been in the store before?

6 A. Uh-huh. Yes.

7 Q. No further questions.

8 MR. SPRINGS: Thank you, Ms. Williams.

9 THE COURT: Step down. Have a seat.

10 (WITNESS LEAVING WITNESS STAND.)

11 THE COURT: Anything else?

12 MR. SPRINGS: That's all for the State.

13 THE COURT: Members of the jury panel, you've now
14 heard all the evidence and received the exhibits.

15 We have to take a break now because I have to take up
16 some matters of law. And when you come back, you'll hear
17 the attorneys make for you their closing statements or
18 arguments. I will charge you the law, and then we'll have
19 the case in your hands. This will be a very short break.

20 (JURY EXITS COURTROOM AT 02:19 PM.)

21 THE COURT: Anything from the State at this time?

22 MR. SPRINGS: No, sir.

23 THE COURT: Anything from the Defense?

24 MR. DELANEY: No, Your Honor.

25 THE COURT: State waive opening?

VERDICT

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1 Donald Ray Altman under Indictment 2011-GS-46-1977 for
2 possession of stolen goods, we the jury find the Defendant
3 guilty of possession of stolen goods.

4 The State of South Carolina versus Donald Ray Altman
5 for Indictment No. 2011-GS-46-1976, we find the Defendant
6 guilty of possession of stolen goods.

7 For Indictment 2011-GS-46-1975, we find the Defendant
8 guilty of possession of stolen goods.

9 For Indictment 2011-GS-46-1974, we find the Defendant
10 guilty of possession of stolen goods.

11 For Indictment 2011-GS-46-1973, we find the Defendant
12 guilty of altering or possessing an altered license plate.

13 For Indictment 2010-GS-46-2900, we find the Defendant
14 guilty of shoplifting.

15 All signed by the Foreperson this day.

16 THE COURT: If this be your verdict, so say you all by
17 raising your right hand. Let the record show, all 12
18 raised their hands in response to that question.

19 Mr. Anderson, I'm going to have to get you to sign
20 something before you leave but wait just one minute.

21 Anything from the State before the jury is dismissed?

22 MR. SPRINGS: No, sir.

23 THE COURT: Anything from the Defense before the jury
24 is dismissed?

25 MR. DELANEY: No, Your Honor.

1 THE COURT: I'm going to allow the jury to leave.
2 Please call back tonight after 7:00, and you'll receive
3 instructions about whether to be here tomorrow or when to
4 call back, and those sort of things.

5 Mr. Anderson, I'm going to ask you to step outside
6 with the clerk, and she'll get you to sign the original
7 indictments which -- has to have you -- The verdict has to
8 be on there. And what you'll do is just on each one is
9 write the word guilty and sign your name. She'll show you
10 where to do that. Thank you.

11 (JURY DISMISSED AT 05:42 PM.)

12 THE COURT: I'll be back to you as soon as we get this
13 taken care of.

14 MR. SPRINGS: Judge Hayes, I am short one sentence
15 sheet. Let me run to my office real quick and rectify that
16 situation please.

17 THE COURT: All right.

18 (SOLICITOR SPRINGS LEFT COURTROOM.)

19 THE COURT: Thank you, Mr. Anderson.

20 MR. FOREMAN: Yes, sir.

21 (JURY FOREMAN DISMISSED.)

22 (PAUSE.)

23 (SOLICITOR SPRINGS REENTER'S COURTROOM.)

24 MR. DELANEY: I guess, Judge, Mr. Springs is back in
25 the courtroom, at this time I would just renew objections I

1 made in the trial. Specifically an objection that dealt
2 with the photograph that was viewed by Michelle Williams,
3 and the procedure that was used there. And just renew my
4 motion for a directed verdict as well.

5 THE COURT: Motions are denied. And motion for the
6 directed verdict is denied. And when Mr. Altman signs
7 those we'll have him brought around.

8 MR. DELANEY: All right, Judge.

9 (ATTORNEYS AND DEFENDANT APPROACH BENCH)

10 THE COURT: Mr. Altman, I'll hear for you and your
11 attorney in just a moment. I want to hear from the
12 Solicitor first. I know some of your records, but let's go
13 and put it all on -- all of the record on the record.

14 MR. SPRINGS: Yes, sir. His record as I understand it
15 is common law robbery, in North Carolina in 2004; attempted
16 felony larceny in 2006 up in North Carolina; misdemeanor
17 larceny in 2010 in North Carolina; resisting arrest 2010,
18 in North Carolina; felony larceny in 2010, North Carolina.
19 He has pending charges in a variety of places. I'm not
20 going to go into those. He's convicted of shoplifting in
21 2008; burglary in -- convicted in 1999, got out of prison
22 on September the 6, 2001; trespassing 2004; public
23 disorderly conduct, 2004; receiving stolen goods; various
24 motor vehicle offenses; carrying a pistol unlawfully in
25 '87; shoplifting in '88; burglary in '85; assault and

SENTENCING

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1 battery in '83; criminal domestic violence in '94; assault
2 and battery in '93; giving false information to law
3 enforcement in '99. That would be his record as I
4 understand it.

5 THE COURT: Mr. Delaney, I will be glad to hear from
6 you today and then from Mr. Altman.

7 MR. DELANEY: Thank you, Judge.

8 There's something that I'm going to have to get
9 figured out, to just let the Court be aware of that I will
10 be asking obviously for credit for time served.

11 THE COURT: He's entitled to that.

12 MR. DELANEY: Anyway, he's been here at the Moss
13 Justice Center since June the 2nd. Now he's been
14 incarcerated since November the 10th of 2010. That was for
15 a sentence that he was serving, North Carolina Department
16 of Corrections. I don't know, I'm going to have to find
17 out when a hold was put on him in North Carolina to see if
18 that's something he could be eligible for as far as credit
19 there. So that's something I will be checking into from
20 Mr. Altman. He is also on three different probations in
21 North Carolina, currently did finish up the sentence there.

22 And I'm asking to have some mercy in this case. Not
23 that it excuses anything, but the majority of the items
24 were returned to the stores in this case, as far as making
25 the victims whole again, so to speak. So, we would ask the

1 Court to consider that. There was -- and this is something
2 that we never had the opportunity to accept. Mr. Altman
3 was incarcerated in North Carolina, but would Solicitor
4 Springs, or where another solicitor had made an offer in
5 this case; that if I was able to get that worked up in
6 time, I think that's something that we would have taken.
7 It was actually a 1-year offer. We're not asking for that
8 necessarily today, but we're asking for some mercy,
9 something under the maximum. We're asking for sentences to
10 run concurrent, Judge.

11 THE COURT: Anything you want to say, Mr. Altman?

12 MR. DELANEY: Mr. Altman, would like to address you
13 briefly.

14 MR. ALTMAN: Yes, sir. All I can say is I'm sorry,
15 and I done accepted your mercy, Your Honor. I just done a
16 year in North Carolina. I had a hold on me the whole time
17 I was up there for these charges, Your Honor. Because I've
18 got so many on my record is the reason it's trumped up on
19 me, Your Honor. Mr. Moody -- If I didn't have so much on
20 my record. That's the reason it happened. And I'd just
21 like to say I'm sorry, Your Honor. To be honest with you,
22 Your Honor, I would have took the year, if I could have
23 gotten down here to take it but I was incarcerated, Your
24 Honor, in North Carolina. And I didn't go through a jury
25 trial. I was wanting a plea, Your Honor, so I could go

SENTENCING

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1 ahead and plead out to you. But they come at me with a
2 jury trial, Your Honor, because before I knew it I was
3 standing here taking a jury trial. But I would have went
4 ahead and took that year plea, Your Honor.

5 THE COURT: Well, a wise man probably would have. But
6 I'm not sure you fall into that category - - -

7 MR. ALTMAN: I would have.

8 THE COURT: - - - based on your conduct over the
9 years.

10 THE WITNESS: I would have. I was in North Carolina,
11 Your Honor. Like I said, Your Honor, I had a hold on me
12 for the charges the whole time.

13 THE COURT: At some point it comes to enough is enough
14 and we've reached that point. Anything else?

15 MR. ALTMAN: No, sir.

16 MR. SPRINGS: Nothing from the State. You saw where
17 he has a bench warrant. He absconded bond on this.

18 MR. DELANEY: I would just say, he did -- He was
19 incarcerated on the bond.

20 MR. SPRINGS: He fled, and he went to North Carolina
21 And got rearrested up in North Carolina. He absconded the
22 State of South Carolina's bond and this bench warrant for
23 him.

24 THE COURT: Mr. Altman?

25 THE WITNESS: I was arrested for my probation

1 violation, Your Honor, while I was here.

2 THE COURT: It's hard to keep up when you've got so
3 much isn't it?

4 All right, sentence on indictments all these are 2010-
5 GS-46. On 46-2900, sentence is 10 years; on 1975, 10 years
6 concurrent; on 1976, 10 years concurrent; on 1977, 10 years
7 concurrent; on 1973 which is the license tag, 5 years
8 concurrent; and on 1974, 10 years consecutive to the 10
9 years on 2900. Thank you.

10 MR. SPRINGS: Thank you, Your Honor.

11 THE COURT: That will finish it up for the day. And
12 we'll have to start back in this courtroom. Thank you all.

13 (COURT RECESSED AT 06:00 PM.)

14 -- END OF TRANSCRIPT OF TRIAL--
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WITNESSES

RHPD / Thomas

adm

ARREST WARRANT NUMBER

26203FD

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

7/21/11

VERDICT

GUilty

Foreperson of Petit Jury

Date:

7/26/2011

DOCKET NO. 2011-GS-46- 01973

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2011

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

ALTERING OR POSSESSING AN ALTERED LICENSE PLATE

SC Code: 16-21-10

CDR Code: 535

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

WITNESSES

RHPD / Thomas

adm

ARREST WARRANT NUMBER

K-641399

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

GUILTY

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-46-01974

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2011

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

POSSESSION OF STOLEN GOODS

SC Code: 16-13-180

CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on July 21, 2011, the Grand Jurors of York County present upon their oath:

POSSESSION OF STOLEN GOODS

The Defendant, Donald Ray Altman, did in York County, South Carolina, on or about May 10, 2010, possess stolen goods valued at less than Two Thousand Dollars (\$2,000), those goods having been stolen from the CVS Pharmacy located at [REDACTED] in Rock Hill, South Carolina. And the said Defendant knew or had reason to believe such goods had been stolen. All in violation of Section 16-13-0180, Code of Laws of South Carolina, (1976, as amended), and the Defendant has two or more convictions already for offenses for which the term of imprisonment is contingent upon the value of the property involved.

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

EBSprague

ASSISTANT SOLICITOR

WITNESSES

RHPD / Thomas

adm

ARREST WARRANT NUMBER

K-641400

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

GUILT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-46-01975

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2011

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

POSSESSION OF STOLEN GOODS

SC Code: 16-13-180

CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on July 21, 2011, the Grand Jurors of York County present upon their oath:

POSSESSION OF STOLEN GOODS

The Defendant, Donald Ray Altman, did in York County, South Carolina, on or about May 10, 2010, possess stolen goods valued at less than Two Thousand Dollars (\$2,000), those goods having been stolen from the Big Lots store located at [REDACTED] in Rock Hill, South Carolina. And the said Defendant knew or had reason to believe such goods had been stolen. All in violation of Section 16-13-0180, Code of Laws of South Carolina, (1976, as amended), and the Defendant has already been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved.

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

E B Sprague

ASSISTANT SOLICITOR

WITNESSES

RHPD / Thomas

adm

ARREST WARRANT NUMBER

K-641401

ACTION OF GRAND JURY

TRUE BILL

George M. White
Foreperson of Grand Jury

Date: 7/21/11

VERDICT

GUILTY

Anthony Anderson
Foreperson of Petit Jury

Date: 7/26/2011

DOCKET NO. 2011-GS-46- 01976

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2011

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

POSSESSION OF STOLEN GOODS

SC Code: 16-13-180

CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on July 21, 2011, the Grand Jurors of York County present upon their oath:

POSSESSION OF STOLEN GOODS

The Defendant, Donald Ray Altman, did in York County, South Carolina, on or about May 10, 2010, possess stolen goods valued at less than Two Thousand Dollars (\$2,000), and the goods were stolen from Lowe's store located at [REDACTED] in Rock Hill, South Carolina. And the said Defendant knew or had reason to believe such goods had been stolen. All in violation of Section 16-13-0180, Code of Laws of South Carolina, (1976, as amended), and the Defendant has already been convicted two or more times for offenses for which the term of imprisonment is contingent upon the value of the property involved.

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

E B Sprungato

ASSISTANT SOLICITOR

99

WITNESSES

RHPD / Thomas

adm

ARREST WARRANT NUMBER

K-641402

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 7/21/11

VERDICT

GUILTY

Foreperson of Petit Jury

Date: 7/26/2011

DOCKET NO. 2011-GS-46-01977

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2011

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

POSSESSION OF STOLEN GOODS

SC Code: 16-13-180

CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on July 21, 2011, the Grand Jurors of York County present upon their oath:

POSSESSION OF STOLEN GOODS

The Defendant, Donald Ray Altman, did in York County, South Carolina, on or about May 10, 2010, possess stolen goods valued at less than Two Thousand Dollars (\$2,000), the goods having been stolen from the WalMart store located at [REDACTED] in Rock Hill, South Carolina. And the said Defendant knew or had reason to believe such goods had been stolen. All in violation of Section 16-13-0180, Code of Laws of South Carolina, (1976, as amended), and the Defendant has already been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved.

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

E B Spang

ASSISTANT SOLICITOR

101

WITNESSES

RHPD\Thomas

tr

ARREST WARRANT NUMBER

K-641398

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 8-19-10

VERDICT

GUILTY

[Signature]
Foreperson of Petit Jury
Date: 7/26/2011

DOCKET NO. 2010-GS-46-02900

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

August 19, Term 2010

THE STATE

vs.

DONALD RAY ALTMAN

Indictment for

SHOPLIFTING

SC Code: 16-13-110
SC Code: 16-1-57
CDR Code: 2877

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

COUNTY OF York
STATE VS.

Donald Ray Altman

INDICTMENT/CASE#: 2011GS4601974

A/W#: K641399

Date of Offense: 5/10/2010

Code § : 16-13-0180

CDR Code #: 2367

ORIGINAL

AKA:

Race: W Sex: M Age: 48

DOB: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: 008175320

SID#: NC1057699A

2011 AUG - 2 PM 2:41

SENTENCE SHEET

*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: POSSESSION STOLEN GOODS, VALUE LESS THAN \$2,000, 3RD OR MORE PROPEERTY OFFENSE

in violation of § 16-13-0180 of the S.C. Code of Laws, bearing CDR Code # 2367

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. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

B. S. [Signature] 13568 David Hamilton [Signature] 72530
Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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: To follow 2011-65-46-2900
 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 170

PTUP _____

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton

Court Reporter: Wanda Nelson

Presiding Judge [Signature]

Judge Code: 2049

Sentence Date: 7-26-11

F York VS.

Donald Ray Altman

INDICTMENT/CASE#: 2011GS4601975

A/W#: K641400

Date of Offense: 5/10/2010

16-13-0180

ORIGINAL #3

2011 AUG -2 PM 2:42

AKA: _____

Race: W Sex: M Age: 48

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: 008175320 SID#: NCI057699A

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

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

TO: POSSESSION OF STOLEN GOODS, VALUE LESS THAN \$2,000, 3RD OR MORE PROPERTY OFFENSE

DAVID HAMILTON CLERK OF COURT YORK COUNTY, SC

SENTENCE SHEET

CONVICTED OF or [] PLEADS

in violation of § 16-13-0180 of the S.C. Code of Laws, bearing CDR Code # 2367

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: [Signature] Springs, E.B. SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,

for a determinate term of 10 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: 7/26/11 § 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered

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

Payment Terms: _____

[] Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

PTUP _____

_____ days/hours Public Service Employment

Obtain GED []

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling []

Random Drug/Alcohol testing []

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

[] Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton

Court Reporter: Wanda Nelson

Presiding Judge

Judge Code: 2049

Sentence Date: 7-26-11

[Signature]

STATE York VS. Donald Ray Altman

INDICTMENT/CASE#: 2011GS4601976 A/W#: K641401 Date of Offense: 5/10/2010 S.C. Code §: 16-13-0180 CDR Code #: 2367

ORIGINAL

BB DB

Race: W Sex: M Age: 48 DOB: [redacted] SS#: [redacted] Address: [redacted] City, State, Zip: [redacted] DL#: 008175320 SID#: NC1057699

2011 AUG -2 PM 2:42

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No In disposition of the said indictment comes now the Defendant CONVICTED OF or PLEADS TO: POSSESSION OF STOLEN GOODS, VALUE LESS THAN \$2,000, 3RD OR MORE PROPERTY OFFENSE

in violation of § 16-13-0180 of the S.C. Code of Laws, bearing CDR Code # 2367 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.

ATTEST [Signature] 13568 [Signature] 72550 Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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 (Criminal 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: \$ Payment Terms: Set by SCDPPPS

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 47.9 (Public Def/Prob) \$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, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$170.

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton Court Reporter: Wanda Nelson

Presiding Judge [Signature] Judge Code: 2049 Sentence Date: 7-26-11

106

CAROLINA

IN THE COURT OF GENERAL SESSIONS

BS DB

York
 VS.
 Donald Ray Altman
 AKA:
 Race: W Sex: M Age: 48
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: 008175320 SID#:

INDICTMENT/CASE#: 2011GS4601977
 A/W#: K641402
 Date of Offense: 5/10/2010
 S.C. Code §: 16-13-0180(1)
 CDR Code #: 2367

ORIGINAL #5

2011 AUG -2 PM 2:42 DAVID HAMILTON CLERK OF COURT YORK COUNTY SC SENTENCE SHEET

*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: POSSESSION OF STOLEN GOODS, VALUE LESS THAN \$2,000, 3RD OR MORE PROPERTY OFFENSE

in violation of § 16-13-0180(1) of the S.C. Code of Laws, bearing CDR Code # 2367
 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 Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST: [Signature] 13568 [Signature] [Signature] 72530
 Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 10 days/months/years of 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 (Criminal 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: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____
 *Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: David Hamilton
 Court Reporter: Manda Nelson
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: J2049
 Sentence Date: 7-26-11

York
VS.
Donald Raay Altman

INDICTMENT/CASE#: 2010GS4602900 107

A/W#: K641398
Date of Offense: 5/10/2010
S.C. Code § : 16-13--110
CDR Code #: 2367

ORIGINAL

AKA: _____
Race: W Sex: M Age: 48
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#: 008175320 SID#: NC1057699A

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SENTENCE SHEET #1

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant, DAVID HAMILTON CONVICTED OF or PLEADS
TO: SHOPLIFTING, VALUE LESS THAN \$2,000, 3RD OR MORE PROPERTY OFFENSE

in violation of § 16-13-110 of the S.C. Code of Laws, bearing CDR Code # 2367
 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. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: ZB JAMES 13568 X David Hamilton David 72550
Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: _____ \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5
3% to County (if paid in installments)		\$	
TOTAL		\$	130

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Wanda Nelson
SCCA/217 (03/2011)

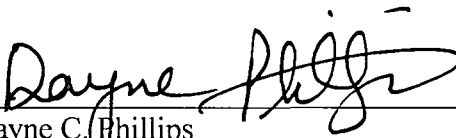
Presiding Judge Jahottay
Judge Code: 2049
Sentence Date: 7-26-11

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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 13th, 2013



Dayne C. Phillips
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT