

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID EUGENE ROSIER JR.,

APPELLANT

APPELLATE CASE NO. 2013-002259

SUPPLEMENTAL RECORD ON APPEAL

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INDEX

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TRIAL TRANSCRIPT (dated October 7, 8, 9 and 10, 2013)..... 1

JUDGE’S COMMENTS ON PRIOR CONVICTIONS2

CERTIFICATE OF COUNSEL.....3

1 STATE OF SOUTH CAROLINA
2 COUNTY OF AIKEN

CIRCUIT COURT
2013-GS-02-00766 & 00767

3 STATE OF SOUTH CAROLINA,

4 -vs-

TRANSCRIPT OF RECORD

5 DAVID EUGENE ROSIER, JR.,
6 Defendant.

7
8 HEARD ON MONDAY, OCTOBER 7, TUESDAY, OCTOBER 8,
9 WEDNESDAY, OCTOBER 9 & THURSDAY, OCTOBER 10, 2013
10

11
12 BEFORE:

13 THE HONORABLE DOYET A. EARLY, III
14 AND A JURY

15 APPEARANCES:

16
17 Counsel on behalf of the State:
18 Kevin Molony, Esq.
David W. Miller, Esq.

19 Counsel on behalf of the Defendant:
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C. David Hayes, Esq. (100913 & 101013)
21
22

23 Cheri L. Young, RPR
24 Official Court Reporter
P O Box 5232
25 Aiken, SC 29804-5232

1 And the fact is that the trial court should consider
2 or list it as one, the impeachment value of the prior
3 crime, the point in time of the conviction, and the
4 witnesses' subsequent history, the similarity between the
5 past crime and the charged crime, and the importance of
6 the Defendant's testimony and centrality of the
7 credibility issue.

8 Well, obviously, in this case it's an undisputed fact
9 that the young man unfortunately died as a result of a
10 gunshot wound to the head (verbatim).

11 Credibility is not only the central issue but the,
12 basically the sole issue in this case. Who do you
13 believe. Which side of the story do you believe.

14 And I assume if your client takes the witness stand,
15 he -- and I'm not sure what he's going to say but I,
16 obviously his credibility will be, along with the
17 credibility of Josh and the credibility of CJ, I think
18 that's his name, that's the heart and soul of the case.
19 It's a credibility case.

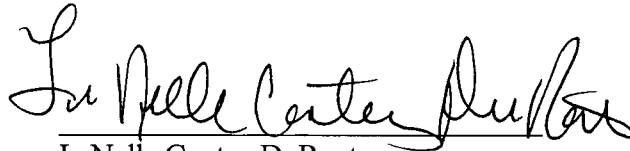
20 And I think the jury should have at their disposal all
21 the factors that the law allows in making a determination
22 as to credibility.

23 And one of those pieces of the puzzle they can use is
24 that if a defendant has a prior conviction as allowed
25 under Rule 609, which this strong arm robbery is, that

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 Supplemental Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

October 1st, 2014



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