

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ZACHARY BULLOCK,

APPELLANT

APPELLATE CASE NO. 2013-002229

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2012-GS-26-04334

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

October 7-8, 2013.

ZACHARY BRAXTON BULLOCK,)

Defendant.)

B E F O R E:

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

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OPENING BY MR. GROOMS

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1 we understand that. I know that you will give to the State
2 and to the Defense and to all evidence presented, your
3 complete attention because that's what we're gonna need
4 because you're gonna have to make your decision on what you
5 hear in the courtroom, the facts and evidence you hear in the
6 courtroom. So, with that, and knowing that you will abide by
7 your oath, I'm gonna turn it over to the lawyers for their
8 opening statements.

9 Solicitor?

10 MR. GROOMS: Thank you, Your Honor.

11 OPENING BY MR. GROOMS:

12 MR. GROOMS: Ladies and gentlemen, on January 12th, 2012,
13 this Defendant did break into the home of Mr. Joseph Skipper.
14 This isn't just any home; this is his neighbor's home. And he
15 didn't do this by himself, he had two people with him.

16 Normally, in a trial, you'll see actual items of
17 evidence. In this trial, it's kind of unique, you're gonna
18 actually hear testimony from the people who burglarized that
19 home. You're gonna hear testimony from the person who was
20 inside that home with the Defendant and you're gonna hear
21 testimony from the person who drove them there to that house
22 with the intent to burglarize it, with the intent to steal a
23 gun.

24 Now, in South Carolina when you break into a residence,
25 of course, that's a burglary. When you break into a home

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OPENING BY MR. GROOMS

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1 during the daytime, it's burglary second. Now, there's
2 aggravated factors involved which make this a burglary in the
3 first degree. One which of is if you break into a home in
4 South Carolina with a gun, meaning -- or any weapon, you are
5 armed -- or when you in that home you become armed. In this
6 case, the Defendant and his Codefendants broke into this home
7 looking for a gun, found that gun. When they take that gun
8 into their possession, they are therefore guilty of burglary
9 in the first degree.

10 I'm not gonna get very long-winded. It's my job with the
11 State to prove to what happened. It's pretty simple. I just
12 put up the witnesses. In this case, they'll tell you what
13 happened; they were there. You don't have to believe every
14 word that they say but I think you'll understand that they're
15 telling you the truth. They were arrested and when Detective
16 Bogart went and talked with them, they gave statements
17 immediately. They said exactly what happened. Here's what
18 happened; I was in the wrong; here's who I was with. Those
19 same statements, they're gonna repeat to you again today and
20 Detective Bogart is here and he's gonna tell you if there's
21 any difference in them.

22 So, hopefully, we won't keep you that long. I'm gonna
23 try to keep it short and to the point and let you get back to
24 your daily lives. Once again, I'm gonna prove this is
25 burglary in the first degree. This Defendant did plan, did

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OPENING BY MR. HILLIARD

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1 recruit people to help him with this burglary, he did execute
2 that plan and broke into his neighbor's home while he was away
3 at work. And when he did that, he did take a firearm and
4 therefore became armed.

5 Thank you.

6 THE COURT: All right. Mr. Hilliard?

7 MR. HILLIARD: Thank you, Your Honor.

8 OPENING BY MR. HILLIARD:

9 MR. HILLIARD: Well, so far, we have heard from the Judge
10 that nothing that the lawyers say to you is evidence and then
11 we have the Solicitor tell you a little bit about what he
12 thinks the evidence is gonna show. And he says to you that
13 the folks who -- that his evidence will show that the folks
14 who broke in the house had my client with them and that they
15 fessed up and now they're gonna come here and talk to you
16 about it and then the case is gonna be over. It's gonna be
17 short, sweet and simple.

18 One of the Judge -- one of the things that the Judge told
19 you was that part of your job and duty and responsibility as
20 you put all this together is to judge the credibility of the
21 witnesses. Now, the prosecutor also told you that you didn't
22 have to believe everything that his witnesses tell you. What
23 about that? What about a fellow who is gonna put up his
24 witnesses starting off by saying that you don't have to
25 believe everything they're gonna say? When the Judge says use

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OPENING BY MR. HILLIARD

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1 your good common sense when you're deciding how to judge the
2 credibility or believability -- credibility is just
3 believability. How do you do that? How do you bring your
4 commons sense to bear? When you do that, ladies and
5 gentlemen, the evidence will show in this case that the
6 witnesses that the prosecutor is gonna put up here to tell you
7 that my client is a thief, those witnesses are thieves. The
8 evidence will show that those witnesses are liars. The
9 evidence will show that those witnesses have a substantial, a
10 substantial reason to tell you what -- something other than
11 the truth. The thing he didn't tell you was what kind of deal
12 did they get? What kind of bargain did he make with them?
13 What kind of substantial benefit do they get out of telling
14 their story? What reason do they have to lie, to tell you
15 something other than the truth? When you're judging
16 credibility of the witnesses, what motive do they have not to
17 tell the truth? That's one of the ways to judge the
18 credibility of the witnesses.

19 And ladies and gentlemen, that's what this case is about.
20 There are not gonna be a lot of witnesses in this case but
21 when you're making a determination -- one of the things that
22 the law requires is that the prosecutor be fair. One of the
23 prosecutor's responsibilities is to -- he may strike harsh
24 blows but he may not strike unfair blows; he has to be fair.
25 I'll ask you as you go through this case and listening to this

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OPENING BY MR. HILLIARD

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1 testimony and make a determination about a proper and
2 appropriate verdict as the Judge told you, to think about
3 what's fair, to think about what's fair and reasonable. And
4 to think about what reason that these witnesses have to tell
5 you something other than the truth. There is no evidence in
6 this case other than a very small group of photographs and
7 perhaps a couple of other things. There's no gun. There's no
8 fingerprints. There's nothing other than a couple of people
9 who say, yeah, I did it and he did it with me but I want to
10 home and I want him to go to prison.

11 Thank you.

12 THE COURT: All right. Solicitor, your first witness,
13 please, sir.

14 MR. GROOMS: I'm sorry, Your Honor?

15 THE COURT: Your first witness, please.

16 MR. GROOMS: Thank you. Your Honor, the State calls
17 Officer Odom.

18 MR. HILLIARD: Who?

19 MR. GROOMS: Officer Odom.

20 MR. HILLIARD: Okay.

21 BLAKE ODOM, HAVING BEEN DULY SWORN,
22 TESTIFIES AS FOLLOWS:

23 CLERK: Please state your name and spell your last name
24 for the Court.

25 MR. ODOM: Blake Odom, O-D-O-M.

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BLAKE ODOM - DIRECT BY GROOMS

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1 DIRECT EXAMINATION OF BLAKE ODOM BY MR. GROOMS:

2 Q: Thank you, Officer Odom. Can you please tell the jury
3 where you're -- where you work?

4 A: I'm currently a police officer with Mt. Pleasant Police
5 Department in Mt. Pleasant, South Carolina.

6 Q: Thank you. Where did you work during January of 2012?

7 A: Horry County Police Department.

8 Q: All right. And what was your role as a Horry County
9 Police?

10 A: Patrol Officer.

11 Q: All right. And how long have you been in that position?

12 A: Three years.

13 Q: Three year? What were your general duties, as I guess --
14 you were patrol?

15 A: Yes.

16 Q: What were your general duties on patrol officer?

17 A: Respond to 911 calls, generally.

18 Q: Did you go through any particular training and education
19 at this position?

20 A: Yes, sir.

21 Q: Could you please tell the jury what that is?

22 A: South Carolina Criminal Justice Academy.

23 Q: All right. Were you working on January 12th, 2013?

24 A: Yes, sir.

25 Q: All right. And can you tell me if you received any calls

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BLAKE ODOM - DIRECT BY GROOMS

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1 in regards to why we're here today?

2 A: Yes, sir.

3 Q: All right. Please just tell the jury what the nature of
4 that call was.

5 A: We received a call that a house had been broken into, a
6 burglary call.

7 Q: All right. And what was the address?

8 A: I don't recall off the top of my head.

9 MR. GROOMS: Your Honor, can I give the witness a copy of
10 his report to refresh his memory?

11 THE COURT: Would that help you to refresh your memory,
12 sir?

13 A: Yes, sir.

14 THE COURT: All right. You may do so. You want to show
15 that to Mr. Hilliard, first, please.

16 BY MR. GROOMS:

17 Q: Thank you. Would you tell the jury what the address,
18 please, sir.

19 THE COURT: Excuse me. First, officer, you may use the
20 report to refresh your memory, you may read over it, you may
21 not testify from it.

22 A: Okay.

23 THE COURT: You can look it over and put it down and
24 answer the questions. Thank you.

25 BY MR. GROOMS:

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BLAKE ODOM - DIRECT BY GROOMS

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- 1 Q: All right. Did you respond to ---
2 THE COURT: I got it. I got it. That's good.
3 Q: Did you respond to burglary in the Hunter's Ridge section
4 of Horry County?
5 A: Yes, sir.
6 Q: Thank you. Where is Hunter's Ridge?
7 A: It is off the Forestbrook Road area.
8 Q: All right. And what county is that?
9 A: Horry County.
10 Q: Thank you, sir. What happened when you arrived?
11 A: I arrived on-scene and met with the victim and he pointed
12 out to the rear of his residence where the back sliding door
13 glass was shattered.
14 Q: Okay. And so you -- you testified it was a burglary
15 call.
16 A: Yes, sir.
17 Q: And you were able to determine what you thought was the
18 entry point?
19 A: Yes, sir.
20 MR. HILLIARD: I've reviewed the pictures already, Judge.
21 We have no objection.
22 THE COURT: All right, sir.
23 MR. GROOMS: Your Honor, I'd like to approach with the
24 pictures.
25 BY MR. GROOMS:

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BLAKE ODOM - DIRECT BY GROOMS

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1 Q: I'm going to show you a series of pictures. Can you tell
2 me if you recognize these?

3 A: Uh-huh (affirmative response). I do.

4 Q: You do?

5 A: I do.

6 Q: All right. And are those pictures that you took that
7 day?

8 A: Yes, sir.

9 Q: Would you say that's a fair and accurate representation
10 of the home when you responded?

11 A: Yes, sir.

12 MR. GROOMS: Your Honor, I'd like to move to have those
13 entered into the case in chief.

14 THE COURT: Any objection to that, Mr. Hilliard?

15 MR. HILLIARD: No, sir, Your Honor. No objection.

16 THE COURT: All right. Let's state in the record what
17 the exhibit numbers are.

18 MR. GROOMS: Your Honor, this is State's Exhibits One
19 through Five, being photographs.

20 THE COURT: All right. One through Five are in evidence
21 without objection.

22 STATE'S EXHIBIT NUMBERS ONE THROUGH FIVE

23 ADMITTED INTO EVIDENCE

24 THE COURT: You may proceed.

25 MR. GROOMS: Thank you, Your Honor.

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BLAKE ODOM - DIRECT BY GROOMS

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1 BY MR. GROOMS:

2 Q: Tell me what's been -- please tell the jury what's been
3 marked as State's Exhibit Number One.

4 A: Number One is the rear sliding glass door. As you can
5 tell a decorative brick at the bottom, that was used to
6 shatter it.

7 Q: Thank you. And obviously, this is a little closer up?

8 A: Closer up picture of the brick.

9 Q: Thank you. State's Exhibit Number Three.

10 A: And as I walked around the residence and checked on the
11 neighbor's residence, I found a -- as you can see an empty
12 spot where there's a similar brick in their yard.

13 Q: Thank you, sir. State's Exhibit Four and Five, please.

14 A: Number Four, what you see here is the dresser that was
15 located in the master bedroom, I believe where the handgun was
16 taken from. And Five is the dresser that is also located in
17 the master bedroom.

18 Q: Okay. Thank you very much.

19 MR. GROOMS: Your Honor, may I publish these to the jury?

20 THE COURT: You may do so.

21 MR. GROOMS: Thank you. Feel free to look at those and
22 pass them around.

23 THE COURT: Solicitor.

24 BY MR. GROOMS:

25 Q: Officer Odom, what was reported missing from the home?

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BLAKE ODOM - DIRECT BY GROOMS

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- 1 A: A Glock handgun, I believe an Apple iPod, computer,
2 Toshiba laptop and also a TV and a necklace.
- 3 Q: Thank you. What was your involvement as far as -- I
4 guess your investigation during this burglary?
- 5 A: I'm sorry. Can you repeat that?
- 6 Q: What did you do when you responded?
- 7 A: First of all, when I responded, I did a protective sweep
8 of the residence and then I lead into my investigation and
9 attempted to lift latent prints off the objects I believed he
10 touched.
- 11 Q: All right. How does that work?
- 12 A: Typically, we take, you know, the print kit that we're
13 given at the -- for the police department, from the police
14 department and you dust and you lay tape and try to lift
15 prints.
- 16 Q: Thank you. Detective, were you able to speak with any --
17 anyone about a possible lead in this case?
- 18 A: No, sir.
- 19 Q: Thank you. What did you do with the case other than what
20 you've testified to? What's the next step?
- 21 A: I notify my Sergeant and I believe he notifies the
22 detectives.
- 23 Q: What were the results of the fingerprints you took?
- 24 A: The results -- I had negative results.
- 25 Q: And negative meaning?

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BLAKE ODOM - CROSS BY HILLIARD

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1 A: I was unable to lift them due the general size of the
2 area and the -- I guess, texture.

3 Q: Unable to lift a usable print.

4 A: Print, yes.

5 Q: All right. And you -- so, you reported your
6 investigation and turned it over to your Sergeant; is that ---

7 A: Yeah, and I believe he further pushed it to the
8 investigators.

9 Q: Okay. Thank you. Is that the extent -- was that your
10 entire involvement in this case?

11 A: Yes, sir.

12 Q: Thank you, sir. Please answer any questions Mr. Hilliard
13 may have.

14 THE COURT: Cross examination.

15 MR. HILLIARD: Thank you, Your Honor.

16 CROSS EXAMINATION OF BLAKE ODOM BY MR. HILLIARD:

17 Q: How many TVs were stolen?

18 A: I believe one, as I recall.

19 Q: Could you take a look -- do you have your incident report
20 there?

21 A: I do.

22 Q: Take a look at Page 4.

23 A: Yes, I see a -- yeah, twenty-four-inch flat screen.

24 Q: Right. There at the very bottom where it says property
25 notes, do you see that?

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BLAKE ODOM - CROSS BY HILLIARD

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- 1 A: Yes.
- 2 Q: And what does that say?
- 3 A: Okay, it's three, three twenty-four inch unknown brands.
- 4 Q: Does that refresh your recollection that three twenty-
- 5 four-inch TVs were allegedly taken?
- 6 A: It does.
- 7 Q: And when it says you were unable to obtain latent prints,
- 8 you didn't actually try to take any fingerprints, did you?
- 9 A: Like I said, the general area that -- that he -- that
- 10 looked to be opened that he opened, and the decorative brick,
- 11 due to the structure of it, I was unable to, you know, get any
- 12 prints off of them.
- 13 Q: All right, sir. But ---
- 14 A: Yeah, I ---
- 15 Q: What that means is you didn't try to take any
- 16 fingerprints because you didn't think you'd be able to take
- 17 any?
- 18 A: No, I did not.
- 19 Q: That's true?
- 20 A: Yes, sir.
- 21 Q: And as to the determination at the time that you did the
- 22 incident report, this was indicated as a burglary second
- 23 degree; isn't that correct?
- 24 A: Yes.
- 25 Q: So, at the time, it was a burglary second degree?

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BLAKE ODOM - CROSS BY HILLIARD

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1 A: I'm aware, yes, sir.

2 Q: Did you make any investigation of the area there to
3 determine how the folks may have gotten -- how the folks who
4 broke into the house may have gotten to the backdoor?

5 A: There's a gate to the backyard area, yes, sir.

6 Q: All right, sir. Did you look to see if there were trails
7 or tracks or anything like that?

8 A: Huh-uh (negative response), no; there was grass, no.

9 Q: Excuse me just one second.

10 THE COURT: Yes, sir.

11 Q: Thank you, sir.

12 THE COURT: Any redirect?

13 MR. GROOMS: No, sir, Your Honor. We'd ask that this
14 witness be excused from his subpoena.

15 THE COURT: Any objection?

16 MR. HILLIARD: No objection.

17 THE COURT: All right, sir. You're released from your
18 subpoena and may go back to your regular duties. If you'd
19 just give the report back.

20 All right. Your next witness, please, sir.

21 MR. GROOMS: Thank you, Your Honor. The State would call
22 Joseph Skipper.

23 THE COURT: All right, sir. Please come around and meet
24 the Clerk right up here, please, sir.

25

JOSEPH SKIPPER, HAVING BEEN DULY

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JOSEPH SKIPPER - DIRECT BY GROOMS

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1 SWORN, TESTIFIES AS FOLLOWS:

2 CLERK: Please state your name for the Court.

3 MR. SKIPPER: Joseph Skipper.

4 THE COURT: All right, Solicitor.

5 MR. GROOMS: Thank you, Your Honor.

6 DIRECT EXAMINATION OF JOSEPH SKIPPER BY MR. GROOMS:

7 Q: Mr. Skipper, where are you from?

8 A: Horry County, Conway.

9 Q: Thank you. And how long have you lived here?

10 A: My whole life, thirty-two years.

11 Q: Thank you. Mr. Skipper, where did you live during
12 January of 2012?

13 A: [REDACTED]

14 Q: Thank you, sir. Let me show you a map, if you could, Mr.
15 -- Judge, I've already shown this to Mr. Hilliard. It's just
16 a map of the area.

17 THE COURT: All right, sir.

18 Q: Can I get you -- would you point out for the jury where
19 your residence is on that map?

20 THE COURT: Do you want to put it in?

21 MR. GROOMS: Yes, Your Honor. For ID purposes, Your
22 Honor, this will be State's Exhibit Number Seven.

23 THE COURT: All right, sir.

24 MR. GROOMS: Thank you.

25 MR. GROOMS: Can everybody see that? Mr. Hilliard?

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JOSEPH SKIPPER - DIRECT BY GROOMS

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1 MR. HILLIARD: Yes, sir.

2 BY MR. GROOMS:

3 Q: Okay. You pointed out this star. Can you tell me, who
4 is your neighbor?

5 A: Who was my neighbor?

6 Q: Who was your neighbor?

7 A: Zachary Bullock.

8 Q: Zachary Bullock, did he live by himself?

9 A: No, his parents, his mom and stepdad live next-door.

10 Q: Thank you. Who did you live with in that residence?

11 A: Me and my then girlfriend. Now, she's my wife.

12 Q: All right. Does she have any children?

13 A: Yes, a five-year-old and a two-year-old.

14 Q: Thank you. Is the picture I showed you a fair
15 representation of the neighborhood?

16 A: Absolutely.

17 MR. GROOMS: All right. I guess we need to get that
18 marked. I'm sorry, Your Honor.

19 THE COURT: All right, sir. This is just for
20 identification at this time?

21 MR. GROOMS: Yes, sir, Your Honor.

22 THE COURT: Very good.

23 STATE'S EXHIBIT NUMBER SEVEN

24 MARKED FOR IDENTIFICATION

25 BY MR. GROOMS:

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JOSEPH SKIPPER - DIRECT BY GROOMS

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- 1 Q: Have you ever met the Defendant before?
- 2 A: Yes, sir.
- 3 Q: Just seen him around the neighborhood?
- 4 A: Yes, sir
- 5 Q: How long did you live in this neighborhood?
- 6 A: About ten months.
- 7 Q: Ten months? Okay. Where do you work?
- 8 A: I work for Horry County School District.
- 9 Q: And what are your hours there?
- 10 A: At the time that this happened, it was 12 noon to 10:30
- 11 in the evening.
- 12 Q: That's 9 -- I'm sorry, not 9:00 to 5:00 -- that's Monday
- 13 through Friday?
- 14 A: Monday through Thursday, four ten-hour work days, off
- 15 Friday, Saturday, Sunday.
- 16 Q: Thank you. And what about your wife, does she work?
- 17 A: Yes, she teaches second grade. She works 7:30 to 3
- 18 o'clock Monday through Friday.
- 19 Q: All right. Would she have been working during January?
- 20 A: Yes, sir.
- 21 Q: Okay. Do you have an alarm on your house?
- 22 A: No.
- 23 Q: All right. Did you have any signs saying you had an
- 24 alarm?
- 25 A: No, sir.

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JOSEPH SKIPPER - DIRECT BY GROOMS

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1 Q: What were you doing on January 12th, 2012?

2 A: I left to go to work at 11:30 as always. And I went to
3 the shop and I got -- when I got a phone call, I was on top of
4 the roof of St. James Middle School, changing the air filters.

5 Q: And you got a phone call. Please tell the jury what you
6 mean by when you got a phone call?

7 A: Oh, I got a phone call from my soon-to-be sister-in-law
8 who lived across the street about the broken glass.

9 Q: What did your sister-in-law tell you?

10 A: She told me that -- we had a trampoline in the backyard
11 and she told me she had sent the kids over -- they wanted to
12 go jump and she sent them over. When they got back there,
13 they seen the glass was broken. They run back home, told her
14 and she called me and I told her to call 911.

15 Q: Okay. What did you do next?

16 A: I got off the roof and hurried home as fast as I could
17 get there.

18 Q: And when you got there, what did you find?

19 A: The brick was through the back glass and ---

20 Q: I'm gonna show you what's been marked as State's One
21 through Five.

22 A: Yeah. This was -- that's the back of the house, that's
23 the back patio. There's a -- I guess it's a six to eight-foot
24 white fence around the backyard. It has three gates.

25 Q: Which -- could you please tell the jury -- you may have

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1 to stand up if that's all right, Judge -- which side of the
2 house you're talking about?

3 A: The ---

4 THE COURT: All right. You're gonna have to be in front
5 of a microphone, so ---

6 Q: I'll ---

7 THE COURT: Move it and put it in front of a microphone.
8 That's fine.

9 A: Let's see -- if you're standing right here, this is the
10 front of the house. If you standing in the front of the
11 house, there's a gate on the left side and the right side and
12 in the very back. When I got there, I went in the gate on the
13 left and walked around the backyard and I seen it was broken
14 but I wasn't going in the house because I didn't know if
15 anybody was in the house, so I waited on the police to get
16 there. And he went in and when he come out and said we could
17 go in, we all went in and just kind of looked around to see
18 what was missing.

19 Q: Who is we all? Who ---

20 A: Just me. I ---

21 Q: You and officer?

22 A: Yeah, me and him. Actually, I didn't go in until he come
23 out.

24 Q: I got you. So you testified as to what State's Exhibit,
25 I believe, One was. Would you mind -- I'll try to make it a

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- 1 little easier -- do you recognize that?
- 2 A: Absolutely.
- 3 Q: And please tell the jury ---
- 4 A: This was the paver, through the backdoor -- this is
5 actually the spot it was in; it never actually got moved when
6 these pictures were taken.
- 7 Q: Thank you. And you can identify this?
- 8 A: Yes, this is the -- if you're standing in front of the
9 house, Zach Bullock's house is on the right-hand side. This
10 is the paver that's right beside -- that was right beside my
11 fence on the right-hand side.
- 12 Q: Thank you. And just two more. Hold on just a second.
13 Please describe for the jury the condition of the home.
- 14 A: Sorry. This is the, I guess you'd call it a hope chest.
15 I'm not sure what you call it but I kept my gun on the top
16 shelf because I had a five-year-old -- I got a five-year-old.
17 And it was in plain sight but it was out of reach but that's
18 all that was missing out of here, I think. It's been so long
19 I can't remember.
- 20 Q: What type of gun was this?
- 21 A: It was a Glock 36, 45 caliber, subcompact.
- 22 Q: Would you have kept this gun loaded?
- 23 A: Absolutely. It was my concealed carry gun but I work at
24 the School District and I couldn't carry it.
- 25 Q: Okay. What's the second picture there?

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1 A: This is just a picture of -- I guess, the dresser with
2 the drawers pulled out and gone through. I guess they were
3 looking for little stuff or -- I don't know what they were ---

4 Q: How would you describe your home that day?

5 A: The master bedroom was probably the dirtiest of the whole
6 house but, I mean, it was gone through bad. There was stuff
7 all over the floor. You know, it was -- it was a terrible
8 feeling.

9 Q: All right. Was there -- was there any way for someone
10 from the outside to have known that you had a gun?

11 MR. HILLIARD: Objection to the form of the question.

12 THE COURT: Rephrase the question.

13 BY MR. GROOMS:

14 Q: Did anyone know you had a gun?

15 MR. HILLIARD: Objection to the ---

16 THE COURT: I'm gonna allow that. Go ahead.

17 Q: Anyone know you had a gun from the outside of your
18 residence?

19 A: Absolute, yes.

20 Q: Please explain to the jury how that was.

21 A: Well, I have a 2010 four-door Z71. And on the front of
22 that truck, I had a Glock Perfection license tag which was the
23 same brand as the gun I had. I had purchased several shirts
24 also and I had it on the front of my truck.

25 MR. GROOMS: Your Honor, I'd like to approach with

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1 State's Exhibit Number Six.

2 THE COURT: All right, sir.

3 MR. GROOMS: Referenced in discovery.

4 BY MR. GROOMS:

5 Q: Can you identify what State's Exhibit Number Six is?

6 A: Yes. This is the tag that's was on the front of my
7 truck. That is the Glock symbol ---

8 Q: Just identify it. Is that the plate that was there in
9 January?

10 A: Oh, yeah, this is it.

11 MR. GROOMS: Your Honor, I'd like to have that moved into
12 discovery as well.

13 THE COURT: Have you shown it to ---

14 MR. HILLIARD: He has, Judge.

15 THE COURT: Any objection?

16 MR. HILLIARD: Yes, sir. We object to that as to
17 relevance.

18 THE COURT: I'm gonna allow it into evidence. What is it
19 marked as?

20 MR. GROOMS: State's Exhibit Number Six, Your Honor.

21 THE COURT: All right, sir. State's Six is in evidence
22 over the objection of Defense.

23 MR. GROOMS: Thank you.

24 STATE'S EXHIBIT NUMBER SIX

25 ADMITTED INTO EVIDENCE

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1 BY MR. GROOMS:

2 Q: As you were saying, that license plate was where?

3 A: It was on the front of my truck.

4 Q: And when you pull in your driveway, how do you park it?

5 A: It varies. Depends on if I have anything to do in the
6 morning because usually I'll so stuff before I go to work.
7 Sometimes, I back it in, sometimes I pull it in.

8 Q: Thank you. Were you able to recover any of the items,
9 excuse me, that were stolen from your home?

10 A: No, sir, not one thing.

11 Q: Where do you live today?

12 A: I live in Conway.

13 Q: How long did you live in this residence?

14 A: I lived here about ten months at High Brass Covey.

15 Q: Okay. And why did you move?

16 A: We actually ---

17 MR. HILLIARD: Relevance, objection.

18 THE COURT: I'm gonna allow it. Go ahead.

19 A: We actually -- the night, the day that it happened, we
20 actually went and stayed with some friends that night because
21 there was a big gaping hole in the back of the house and I --
22 we actually got a house in Conway the very next day and moved.
23 We didn't sleep another day in that house.

24 Q: Would it be safe to say that it's taken quite a toll on
25 your family?

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1 A: Absolutely.

2 Q: Thank you, Mr. Skipper. Please answer any questions Mr.
3 Hilliard may have.

4 THE COURT: Cross examination.

5 MR. HILLIARD: Thank you, Your Honor.

6 CROSS EXAMINATION OF JOSEPH SKIPPER BY MR. HILLIARD:

7 Q: When you're describing this house that we're talking
8 about, it didn't start out -- let me ask the question maybe a
9 better way -- Your girlfriend at the time lived in that house
10 before you did; is that correct?

11 A: Before I did?

12 Q: Right, before you came to that house, your girlfriend
13 lived there?

14 A: No, we lived there the whole time together.

15 Q: She was married at that point in time; is that correct?

16 A: No, she was divorced.

17 Q: She was divorced?

18 A: Yes, sir.

19 Q: The whole time that you and she lived there?

20 A: Oh, no, at first she wasn't but she did get divorced.

21 Q: And in fact, you didn't park your truck there all the
22 time; isn't that true?

23 A: Pretty much every day.

24 Q: But not all the time?

25 A: Yeah, for probably eight of the ten months, yeah.

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- 1 Q: All right, sir. So, some of the time, you didn't park
2 your truck there?
- 3 A: Maybe two out of the ten months.
- 4 Q: All right, sir. And when you say to the Solicitor the
5 fact that you had a license plate on your truck that said
6 Glock, does that mean you have a gun?
- 7 A: I don't know if it means you do but I did have a gun.
- 8 Q: You had a gun and you had a license plate, but the
9 Solicitor's question as I recall was, was there any indication
10 that you had a gun in your house. Do you remember him asking
11 you that question?
- 12 A: Was there indication that I had a gun in the house? I
13 mean, I didn't have a sign out in front of the house.
- 14 Q: Right. And the fact that you had a license plate on your
15 car doesn't really mean you have a gun?
- 16 A: Well, Zach Bullock knew I had a gun in the house.
- 17 Q: For example, I have a sticker here that says, I love my
18 Glock. That doesn't mean I have a gun, right?
- 19 A: True.
- 20 Q: And a picture of a Glock doesn't mean I have a Glock -- a
21 sticker -- right?
- 22 A: Right.
- 23 Q: And all the rest of these Glock stickers, they don't
24 really mean anything about whether I have a gun or not, right?
- 25 A: Uh-huh (affirmative response).

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1 THE COURT: Is that a yes or a no, sir?

2 A: Yeah, yeah, right.

3 Q: So, the fact that you had a license plate that says Glock
4 doesn't really mean anything at all, does it?

5 A: No, I don't guess it does; no, sir.

6 Q: Before this event occurred, you had already told your
7 landlord you were moving; isn't that true?

8 A: No, sir.

9 Q: That's not true?

10 A: No, sir, because we were under a lease.

11 Q: I'm sorry?

12 A: We were under a lease and this happened in January. We
13 were under a lease until April and he let us out because this
14 occurred.

15 Q: Your testimony here today is that this one event occurred
16 and your landlord let you out of the lease?

17 A: Sir?

18 Q: Your testimony before the jury today is, this one event
19 occurred and your landlord let you out of the lease?

20 A: Right. The lease was up in April.

21 Q: And you moved out the very next day?

22 A: Yes, sir.

23 MR. HILLIARD: May we approach the bench, Your Honor?

24 THE COURT: Yes, sir.

25 (REPORTER'S NOTE: A bench conference was held off the record

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1 in the presence of the jury but out of hearing of the jury.)

2 BY MR. HILLIARD:

3 Q: State's Exhibit Number Five, the dresser, that's not
4 where the gun was; is that right?

5 A: No, sir.

6 Q: That was ransacked while whoever broke in your house was
7 looking for stuff to steal?

8 A: Right.

9 Q: And State's Exhibit Number Four was -- would you call
10 that chifferobe -- what would you call it?

11 A: I'm not real sure. It's a shelf you can take the shelves
12 out and it's a dresser on the bottom. I don't know what it's
13 called, the technical term.

14 Q: Is that like for a TV or something maybe?

15 A: Yeah, you can take the shelves out and put the TV in it,
16 yes.

17 Q: All right. And the gun was in plain view on this?

18 A: That's correct. I believe it was in this space right
19 here.

20 Q: All right, sir. And there -- nobody would have to
21 ransack your house in order to get the gun, it was in plain
22 view?

23 A: Right.

24 Q: So, clearly the people who were in your house robbing you
25 were trying to steal whatever they could find of value?

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JOSEPH SKIPPER - CROSS BY HILLIARD

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- 1 A: Right. That's why the drawers from the dresser were
2 pulled out.
- 3 Q: All right, sir. And how many TVs were taken? Were there
4 three TVs taken?
- 5 A: I believe it was three.
- 6 Q: Three TVs?
- 7 A: Yes, sir.
- 8 Q: So, it's three TVs, a laptop computer, and iPad ---
- 9 A: iPad.
- 10 Q: And a .45 caliber ---
- 11 A: Handgun. I think -- it's been so long I can't remember
12 but I think it was two laptops.
- 13 Q: Two laptops.
- 14 A: I'm not a hundred percent.
- 15 Q: All right, sir. And the gun was in a holster, is that
16 ---
- 17 A: No, sir. No, it was laying up there with nothing.
- 18 Q: No bullets, no ---
- 19 A: Yes, sir. It was fully loaded, one in the chamber.
- 20 Q: But other than that, there were no bullets?
- 21 A: There were bullets in the house but it was not with the
22 gun, no. They did not get the bullets.
- 23 Q: So, whoever robbed your house, didn't steal any bullets?
- 24 A: Right. They were actually under the bed.
- 25 Q: And a Glock pistol, for the purpose of ---

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JOSEPH SKIPPER - CROSS BY HILLIARD

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1 A: Sir?

2 Q: I said a Glock pistol for the purpose of us who may not
3 know any better, if you just pick it up -- if that were a
4 Glock pistol sitting right there and I wanted to steal it and
5 I just picked it up and ran away with it, I wouldn't have any
6 way of knowing it was loaded or not, right?

7 A: You probably wouldn't, no, sir. But it weighs almost ten
8 ounces more loaded fully.

9 Q: Right, but if I'm stealing it ---

10 A: You probably are not paying attention.

11 Q: And was -- at one time, did you believe a diamond
12 necklace was stolen?

13 A: Yes.

14 Q: Did it turn out that that had not been stolen?

15 A: I don't know that it ever come back up. I mean, I don't
16 know where it's at. Also, my class ring is missing, too.
17 It's been missing but at the time we filed the report, that
18 was found later that we couldn't find it, later in the
19 evening.

20 Q: All right. Excuse me just one second.

21 THE COURT: Yes, sir.

22 BY MR. HILLIARD:

23 Q: Thank you very much, sir.

24 THE COURT: Redirect?

25 MR. GROOMS: Just briefly.

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JOSEPH SKIPPER - REDIRECT BY GROOMS

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1 REDIRECT EXAMINATION OF JOSEPH SKIPPER BY MR. GROOMS:

2 Q: Mr. Skipper, what was the value of the necklace Mr.
3 Hilliard was referring to?

4 A: The bad thing is it was my wife's and I didn't wear it.

5 Q: Just ballpark?

6 A: 800 to \$1,000, maybe.

7 Q: Okay. But we're not talking about ---

8 A: No, it wasn't a thousand-dollar piece or nothing.

9 Q: Thank you, sir. I appreciate your time.

10 THE COURT: Okay. You may step down, sir.

11 MR. HILLIARD: No objection to him being excused.

12 THE COURT: Go ahead and have a seat, sir.

13 All right. Who is your next witness, sir?

14 MR. GROOMS: Judge, the State would call De'Aisha Denton.

15 THE COURT: All right, ma'am, if you'd please come up and
16 meet the Clerk all the way up here, please. Come around.

17 DE'AISHA DENTON, HAVING BEEN DULY

18 SWORN, TESTIFIES AS FOLLOWS:

19 CLERK: Please state your name and spell your name for
20 the Court.

21 MS. DENTON: De'Aisha, D-E-A-I-S-H-A, Denton.

22 THE COURT: All right, ma'am. You're gonna need to speak
23 up and speak directly into the microphone. Get close to the
24 microphone and speak up.

25 DIRECT EXAMINATION OF DE'AISHA DENTON BY MR. GROOMS:

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 Q: Thank you, Ms. Denton. Please tell the jury where you're
2 from?
- 3 A: Originally, Woodbury, Connecticut.
- 4 THE COURT: You need to speak up, ma'am.
- 5 Q: You have to speak loud; it's a big room. What town or
6 city were you living in during January of 2012?
- 7 A: Surfside Beach.
- 8 Q: Okay. What high school did you go to?
- 9 A: Socastee.
- 10 Q: Do you know the Defendant?
- 11 A: Yes, sir,
- 12 Q: Can you tell me how you know the Defendant?
- 13 A: I met him through friends.
- 14 Q: When was that?
- 15 A: During the school year of January.
- 16 Q: So, when you were high school?
- 17 A: Yes.
- 18 Q: Not asking for a specific date.
- 19 A: Okay.
- 20 Q: Were you -- would did you hang out with Defendant?
- 21 A: Plantation Apartments in Socastee.
- 22 Q: No, I'm saying would you hang out with the Defendant?
23 Were you friends?
- 24 A: Oh, yeah.
- 25 Q: Were you hanging out with the Defendant during late 2011,

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 early 2012?
- 2 A: No, we just started hanging out.
- 3 Q: Just had started hanging out?
- 4 A: Yeah.
- 5 Q: Okay. When is the last time you talked with the
- 6 Defendant?
- 7 A: January 17th, I guess.
- 8 Q: Okay. Do you know Emmanuel Foriest?
- 9 A: Yes.
- 10 Q: What does he go by to you?
- 11 A: Manny.
- 12 Q: Okay. How do you know Manny?
- 13 A: I assume through school.
- 14 Q: Okay. He went to Socastee with you?
- 15 A: No, his sister did but, I mean, just friends that went to
- 16 Socastee, yeah.
- 17 Q: Okay. Gotcha. What was the relationship with Manny
- 18 during January of 2012?
- 19 A: He was my boyfriend at the time.
- 20 Q: Okay. What's your relationship with Manny today?
- 21 A: I don't have one.
- 22 Q: When is the last time you talked with Manny?
- 23 A: The last time in January.
- 24 Q: The last time in January?
- 25 A: Yeah.

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 Q: Have you talked to either the Defendant or Manny since
2 you were arrested?
- 3 A: No.
- 4 Q: Thank you. Were you contacted by the Defendant in
5 January 2012?
- 6 A: Yes.
- 7 Q: And please tell the jury what happened.
- 8 A: I was just contacted and I was just asked if I was
9 interested in making some money.
- 10 Q: Okay. Did you meet the Defendant?
- 11 A: Yeah, we met up.
- 12 Q: Who were you with when you met the Defendant?
- 13 A: Manny.
- 14 Q: Manny, Emmanuel Foriest?
- 15 A: Yeah.
- 16 Q: Thank you. Where did you meet him?
- 17 A: In Plantation, Socastee.
- 18 Q: Okay. And what did he ask you to do? Why did he want to
19 meet you?
- 20 A: Drive him to a house so they could burglarize it.
- 21 Q: And did you agree to this?
- 22 A: Yes, sir.
- 23 Q: Where was this house?
- 24 A: It was near Zach's house.
- 25 Q: All right. Was this a neighborhood you'd been in before?

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DE'AISHA DENTON - DIRECT BY GROOMS

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1 Q: Have you talked to either the Defendant or Manny since
2 you were arrested?

3 A: No.

4 Q: Thank you. Were you contacted by the Defendant in
5 January 2012?

6 A: Yes.

7 Q: And please tell the jury what happened.

8 A: I was just contacted and I was just asked if I was
9 interested in making some money.

10 Q: Okay. Did you meet the Defendant?

11 A: Yeah, we met up.

12 Q: Who were you with when you met the Defendant?

13 A: Manny.

14 Q: Manny, Emmanuel Foriest?

15 A: Yeah.

16 Q: Thank you. Where did you meet him?

17 A: In Plantation, Socastee.

18 Q: Okay. And what did he ask you to do? Why did he want to
19 meet you?

20 A: Drive him to a house so they could burglarize it.

21 Q: And did you agree to this?

22 A: Yes, sir.

23 Q: Where was this house?

24 A: It was near Zach's house.

25 Q: All right. Was this a neighborhood you'd been in

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DE'AISHA DENTON - DIRECT BY GROOMS

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1 before?

2 A: Since -- before the burglary, no, but ---

3 before? No.

4 Q: Okay. All right. So, you testified that yourself and
5 Manny and Zach went to a home near Zach's house. Why did you
6 go to this home?

7 A: They knew there was merchandise in there.

8 Q: All right. Let's just -- little more broad -- tell the
9 jury what happened the day of this burglary, January of 2012,
10 on the 12th.

11 A: Okay. I dropped them off and they went inside and I just
12 drove around, came back and picked them up and they had like a
13 TV, iPad, and a Glock .45.

14 Q: How did you know when to pick them up?

15 A: I received a phone call from one of them.

16 Q: Do you remember which one?

17 A: Manny, I believe.

18 Q: Okay. And was this burglary planned?

19 A: To my knowledge, yes.

20 Q: I mean, you were there, as to your knowledge, you took
21 them to this home -- that's I mean ---

22 A: Yeah.

23 Q: You knew what you were doing that day?

24 A: Yes.

25 Q: Okay. Who picked the house?

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 A: Zach.
- 2 Q: And did he say why?
- 3 A: Well, he knew there was a gun in there.
- 4 Q: Okay. Where -- okay, so, Manny and Zach got out of the
- 5 car and came back with items?
- 6 A: Yes.
- 7 Q: You weren't there when they went in the house?
- 8 A: No.
- 9 Q: Were they wearing gloves when they got out of your car?
- 10 A: I believe so.
- 11 Q: Okay. When they got back in the car, what happened?
- 12 A: When they got back in the car?
- 13 Q: Yes.
- 14 A: We drove off and sold the items.
- 15 Q: And who made the phone call to sell the items?
- 16 A: Zach.
- 17 Q: Who did you sell them to?
- 18 A: Some guy that he knew.
- 19 Q: And where was that?
- 20 A: It was in Socastee.
- 21 Q: Okay. What did you do with the money?
- 22 A: Used it.
- 23 Q: For what?
- 24 A: For like gas and stuff like that.
- 25 Q: I guess, did everybody get a piece of the money?

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 A: Yeah.
- 2 Q: Okay. What, if anything, were Zach and Manny talking
3 about when they got back in the car?
- 4 A: We had a lot of stuff but this is what we mainly came for
5 and Zach held up the gun. That's when I knew that there was a
6 gun.
- 7 Q: Said this is what we came for?
- 8 A: Yeah.
- 9 Q: And he held up the gun. Did you see the gun yourself?
- 10 A: Yeah.
- 11 Q: What kind of gun was it?
- 12 A: A Glock.
- 13 Q: Ms. Denton were you arrested and charged in this
14 burglary?
- 15 A: Yes, sir.
- 16 Q: And when you were arrested, who were the people that were
17 with you when you were arrested?
- 18 A: My brother, Zach and Manny.
- 19 Q: Your brother, Zach and Manny, being Emmanuel Foriest?
- 20 A: Yeah.
- 21 Q: Thank you. Were you arrested the day of the burglary?
- 22 A: No.
- 23 Q: Okay. Thank you. When you were arrested, did you tell
24 the police what happened?
- 25 A: Not the arresting officers, no.

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DE'AISHA DENTON - DIRECT BY GROOMS

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- 1 Q: Okay. Who did you talk to?
- 2 A: Detective Bogart and Smith.
- 3 Q: Okay. Thank you. Were you able to show the Detective
- 4 which house they broke into?
- 5 A: Yes.
- 6 Q: And when I say detective, you said two, was Detective
- 7 Bogart there?
- 8 A: Yes.
- 9 Q: When you confessed to the burglary, who did you implicate
- 10 in the burglary?
- 11 A: Zach and Manny.
- 12 Q: As well as yourself?
- 13 A: Yes.
- 14 Q: And is the story that you're telling the jury today the
- 15 same story that you told the police after being arrested?
- 16 A: Yes, sir.
- 17 Q: Were you incarcerated as a result of your arrest?
- 18 A: Yes, sir.
- 19 Q: And how long were you there?
- 20 A: Five months.
- 21 Q: Until you were able to make bond?
- 22 A: Yeah.
- 23 Q: Have you been promised anything to testify here today?
- 24 A: No, sir.
- 25 Q: Are you aware that there is an indictment listing you as

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DE'AISHA DENTON - CROSS BY HILLIARD

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1 a Defendant for burglary in the first degree?

2 A: Yes, sir.

3 Q: Are you aware that that indictment carries potentially
4 serious prison time?

5 A: Yes, sir.

6 Q: And is that the charge you're admitting to today under
7 oath?

8 A: Yes, sir.

9 Q: And are you hoping that your cooperation here today will
10 result in some consideration from the State?

11 A: Yes, sir.

12 Q: Have I promised you anything?

13 A: No, sir.

14 Q: Thank you, Ms. Denton. Please answer any questions Mr.
15 Hilliard might have for you.

16 THE COURT: Cross examination.

17 MR. HILLIARD: Thank you, Your Honor.

18 CROSS EXAMINATION OF DE'AISHA DENTON BY MR. HILLIARD:

19 Q: You have an attorney, right?

20 A: Yes, sir.

21 Q: And your attorney has told you that burglary in the first
22 degree carries a minimum sentence of fifteen years with no
23 parole.

24 A: Yes, sir.

25 Q: So, what you're telling the folks on the jury is that you

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1 know that you have just confessed in open court under oath to
2 a crime where the minimum sentence is fifteen years with no
3 parole?

4 A: Yes, sir.

5 Q: And the maximum sentence is life in prison without
6 parole, right?

7 A: Yes, sir.

8 Q: And you know that?

9 A: Yes, sir.

10 Q: Is your lawyer here with you today?

11 A: Yes, sir.

12 Q: So, your lawyer is here with you today, right?

13 A: Yes.

14 Q: You have talked this over with your lawyer?

15 A: Yes.

16 Q: And you don't have any guaranties at all that the
17 prosecutor is gonna give you anything less than the fifteen
18 years no parole that is the minimum?

19 A: No, sir.

20 Q: Would you be surprised if that were to happen?

21 A: No.

22 Q: You wouldn't?

23 A: No, I haven't been promised anything.

24 Q: Yes, ma'am. But would you be surprised if you got
25 fifteen years in prison for testifying here today?

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1 A: No.

2 Q: You would not be surprised?

3 A: No, sir.

4 Q: When you were in jail, do you recall how much your bond
5 was?

6 A: 60,000.

7 Q: Pardon?

8 A: 60,000.

9 Q: 60,000. And after you -- and also it required electronic
10 monitoring; isn't that true?

11 A: No.

12 Q: It did not?

13 A: No. When Magistrate Court set the bond as high as it
14 was, 60,000, then when I went to General Sessions, I guess
15 they just ran it concurrent or something but they left it at
16 60,000 and he did a motion for me to be on house arrest also.
17 So, no, I was not on home detention or anything.

18 Q: But at one time, your bond had included a requirement for
19 home detention?

20 A: From Magistrate Court, yeah.

21 Q: For Magistrate. So, in Magistrate's Court you had
22 \$60,000 bond and home detention, right?

23 A: Uh-huh (affirmative response).

24 Q: And you came ---

25 THE COURT: You need to answer yes or no, please, ma'am.

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- 1 A: Okay.
- 2 Q: Right?
- 3 A: Yes.
- 4 Q: And you came to the Circuit Court and had your bond
5 modified?
- 6 A: Yes, sir.
- 7 Q: After you agreed to testify, right?
- 8 A: I believe so.
- 9 Q: So, after you agreed to testify, they modified your bond
10 and let you out of jail, right?
- 11 A: My bond was set two months later I received a PR bond.
- 12 Q: Pardon?
- 13 A: I said my bond was set then and then two months later I
14 received a PR bond.
- 15 Q: So, after you agreed to testify they took away your
16 electronic monitoring and gave you a personal recognizance
17 bond, right?
- 18 A: Yes, sir.
- 19 Q: And a personal recognizance bond means you sign your name
20 and you get out of jail, right?
- 21 A: Yes.
- 22 Q: So, you agree to testify to something that you believe
23 could put in prison for fifteen years and the next thing that
24 happens is you get out of jail, right?
- 25 A: Yes, sir.

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1 Q: But you're telling the folks on the jury that you would
2 not be surprised ---

3 MR. GROOMS: Objection, Your Honor. This is asked and
4 answered three times and she's talking about ---

5 THE COURT: I'm gonna allow it one more time, Mr.
6 Hilliard.

7 MR. HILLIARD: Thank you, Your Honor.

8 BY MR. HILLIARD:

9 Q: So, having been let out of jail after agreeing to
10 testify, you're telling the folks on the jury that you would
11 not be surprised if you ended up in prison for fifteen years?

12 A: No, sir.

13 Q: Very good. And then the next thing, sometime down the
14 road, you're riding down the road, the blue light comes on,
15 you're pulled over to the side and you are found to be in
16 possession of a weight of drugs which causes you to be charged
17 with what?

18 A: / Possession.

19 Q: Possession with intent to distribute?

20 A: I believe that's the charge.

21 Q: Pardon?

22 A: I believe that was the charge, yes.

23 Q: And what else? Do you remember?

24 A: No, sir.

25 Q: Simple possession of another drug perhaps?

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1 A: Yes, sir.

2 Q: All right. The car that you're driving at the time that
3 you get rearrested for possession with intent to distribute
4 narcotics, that car that you're driving is the same car that
5 you were driving when this burglary occurred, isn't that true?

6 A: Yes, sir.

7 Q: So, you're in jail, you still have agreed to come here
8 today and testify, right?

9 A: Yes, sir.

10 Q: And you get let out of jail again? Right?

11 A: Yes, sir.

12 Q: You were home last night?

13 A: Yes.

14 Q: All based on the fact that you're coming here today and
15 testifying, right?

16 A: Yes.

17 Q: All right. And your -- can you tell us when was the last
18 time that you smoked marijuana?

19 MR. GROOMS: Objection, Your Honor. Relevance?

20 THE COURT: Y'all come over here and talk to me.

21 MR. HILLIARD: Thank you.

22 (REPORTER'S NOTE: A bench conference was held off the record
23 in the presence of the jury but out of hearing of the jury.)

24 THE COURT: Ladies and gentlemen, y'all go to the jury
25 room, please. Thank you very much.

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1 (REPORTER'S NOTE: The jury exits courtroom. 4:27 P.M. The
2 following takes place outside the presence of the jury.)

3 THE COURT: All right. Mr. Hilliard, you can ask your
4 last question again.

5 MR. HILLIARD: Thank you, Your Honor.

6 BY MR. HILLIARD:

7 Q: When was the last time that you smoked marijuana?

8 A: In January of 2012.

9 THE COURT: January -- I'm sorry, I didn't hear the rest
10 of the answer. January when?

11 A: Of 2012.

12 MR. GROOMS: Your Honor, I would object to him showing
13 the pictures. I don't believe any foundation has been laid
14 whatsoever.

15 THE COURT: All right. The jury is not here and I'm
16 gonna allow him to ask the questions. That's the purpose of
17 the jury being out.

18 MR. HILLIARD: Thank you, Your Honor.

19 THE COURT: Go ahead.

20 MR. HILLIARD: Thank you.

21 DEFENDANT'S EXHIBIT NUMBER ONE

22 MARKED FOR IDENTIFICATION

23 BY MR. HILLIARD:

24 Q: Defendant's Exhibit Number One for identification, can
25 you -- let me ask you this question before I do this. Can you

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- 1 tell me what Hunnicutt is?
- 2 A: It's a female artist's name.
- 3 Q: Pardon?
- 4 A: It's a female artist's name.
- 5 Q: A female artist's name?
- 6 A: Yeah, that's where I got it from.
- 7 Q: Okay. Is it also known a type of marijuana?
- 8 A: No, sir, not that I'm aware of.
- 9 Q: Very good. Let me show you Defendant's Exhibit Number
- 10 One and ask if you can identify that?
- 11 A: Yes, that's myself.
- 12 Q: That's you?
- 13 A: Yeah.
- 14 Q: And what are you pointing at?
- 15 A: A marijuana stick but that doesn't mean I was smoking it?
- 16 Q: All right. So, that is a marijuana stick?
- 17 A: Yeah.
- 18 Q: And that's you holding it?
- 19 A: Yes, sir.
- 20 Q: And you're pointing at it?
- 21 A: Yeah.
- 22 Q: And you're smiling?
- 23 A: It was more like a can-you-believe-this kinda manner, but
- 24 not like a happy-go-lucky.
- 25 Q: Not a happy-go-lucky smile?

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1 A: No, it was more like unbelievable, like wow, this is
2 unbelievable.

3 Q: Okay. And do you recall when this was on your Instagram?

4 A: The exact date, no.

5 Q: But it was after January of -- after the last time you
6 smoked marijuana?

7 A: Okay, yeah.

8 THE COURT: I'm sorry. I didn't hear the answer, ma'am.

9 A: Yes.

10 Q: Would you pass a drug test right now?

11 A: I mean, I am pregnant, so ---

12 THE COURT: Again, I didn't hear your answer, ma'am.

13 A: I am pregnant, so I mean, yes, I could.

14 Q: And while we're back on Defendant's Number One for
15 identification, all the photographs that would be on
16 Hunnicutt05 would be on your Instagram; is that true?

17 A: Yes, sir.

18 THE COURT: All right. Before we continue, Mr. Hilliard,
19 Solicitor, y'all come up here and talk to me.

20 (REPORTER'S NOTE: A bench conference was held off the record
21 and outside the presence of the jury.)

22 THE COURT: Go ahead, Mr. Hilliard.

23 MR. HILLIARD: Thank you, Your Honor.

24 DEFENDANT'S EXHIBIT NUMBER TWO THROUGH TWENTY-ONE

25 MARKED FOR IDENTIFICATION

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1 BY MR. HILLIARD:

2 Q: This is Defendant's Number Two for identification,
3 Hunnicutt05, can you identify that for us, please?

4 A: That's marijuana.

5 THE COURT: I'm sorry, ma'am. I'm having a hard time
6 hearing you. You've got to ---

7 A: It's marijuana.

8 Q: Marijuana on the top and the bottom?

9 A: It's the same, just a different kind.

10 Q: Two different kinds of marijuana and that's all here on
11 your account?

12 A: Yes, sir.

13 Q: And then Number Ten off of your account, can you identify
14 that?

15 A: That's marijuana.

16 Q: Marijuana and a fifty-dollar-bill?

17 A: Yes, sir.

18 Q: And Number Eleven, can you identify that?

19 A: A soda and cigars.

20 Q: And when you say a soda and cigars, those are -- those
21 cigars are commonly called blunts, is that true?

22 A: Just cigars.

23 Q: Those are not the kind of cigars that people ---

24 A: They can.

25 Q: Is that your experience with these cigars?

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- 1 A: Yes, sir.
- 2 Q: And how about the Orange Crush soda. Is there a
3 particular specific thing related to the fact that that's an
4 Orange Crush?
- 5 A: No, sir.
- 6 Q: Number Twelve for identification; what is that?
- 7 A: Marijuana.
- 8 Q: And that's with one of those blunt cigars?
- 9 A: A cigar, yeah.
- 10 Q: Pardon?
- 11 A: And a cigar, yes.
- 12 Q: And that's on your -- Number Eight for identification,
13 are those marijuana cigarettes?
- 14 A: No, it's a cigarette, a blunt and a Black & Mild.
- 15 Q: A cigarette, a blunt and a Black & Mild. The blunt being
16 marijuana?
- 17 A: Yes.
- 18 Q: And is that the ashtray in your car?
- 19 A: It was, yes.
- 20 Q: It was the ashtray in your car?
- 21 A: Yes, sir. I don't have a car anymore.
- 22 Q: And then Number Nine, is that your fingernails?
- 23 A: Yes, sir.
- 24 Q: And is that holding a ---
- 25 A: From the previous picture that you first showed, it's a

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- 1 piece of what was off of that branch.
- 2 Q: The branch of marijuana?
- 3 A: Yeah.
- 4 Q: And then Number Six is what?
- 5 A: The same picture as that.
- 6 Q: Pardon?
- 7 A: It's the same picture as that, it's just Photoshopped.
- 8 Q: Number Six and Number Two are the same picture.
- 9 A: Yeah, just with the top part cropped.
- 10 Q: Okay. And on the bottom where that says Hunnicutt05, is
- 11 that you? Did you write that?
- 12 A: No.
- 13 Q: But that is your ---
- 14 A: Yeah, it is my name but I didn't write it.
- 15 Q: Do you know who wrote on your ---
- 16 A: One of my friends did when they posted it because that's
- 17 who took the picture.
- 18 Q: So, one on of your friends took the picture and posted
- 19 it?
- 20 A: Yes, sir.
- 21 Q: And what it says at the top is what you -- which is this
- 22 up here and the bottom is what lame people smoke.
- 23 A: Yeah, I guess.
- 24 Q: I'm paraphrasing to ---
- 25 A: Well, yeah, I mean it just sounds like nothing I would

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- 1 say so it's -- I'm like, wow, yeah.
- 2 Q: But it's on your ---
- 3 A: Yes, sir.
- 4 Q: All right. And then Number Seven is the same marijuana;
- 5 is that right?
- 6 A: Yeah.
- 7 Q: And then Number Three, what is that?
- 8 A: Same thing.
- 9 Q: But that's a different marijuana, isn't it?
- 10 A: No, those -- the picture is Photoshopped.
- 11 Q: Pardon?
- 12 A: The picture is photoshopped.
- 13 Q: What does that mean?
- 14 A: As in there's filter to it, the color change.
- 15 Q: Say that again, I'm sorry.
- 16 A: I mean, like when you're on Instagram, like, you can
- 17 change, like, you can edit your pictures, change the colors,
- 18 yes.
- 19 Q: So you edited this picture?
- 20 A: Yes.
- 21 Q: And did you write, this is my Christmas tree under it?
- 22 A: Well, yes.
- 23 Q: So, on this picture, you Photoshopped the photograph and
- 24 wrote this is my picture -- this is my Christmas tree under a
- 25 photograph of a marijuana plant?

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- 1 A: Yes, sir.
- 2 Q: Number Four, what is that? Is that a bunch of roaches in
3 ashtray?
- 4 A: Seeds.
- 5 Q: Seeds in an ashtray?
- 6 A: No, that was on the side of a door.
- 7 Q: Inside the door?
- 8 A: It was on the side of a door.
- 9 Q: And Number Five, the same thing?
- 10 A: Yeah.
- 11 Q: How old are you, please, ma'am?
- 12 A: Nineteen.
- 13 Q: Nineteen. And then this is a bottle of Absolut on your
14 Instagram?
- 15 A: Uh-huh (affirmative response); yes, sir.
- 16 Q: Do you drink?
- 17 A: No, sir. My mother is an alcoholic and I don't drink.
- 18 Q: Your mother is an alcoholic and you don't drink?
- 19 A: Yeah.
- 20 Q: And that's a bottle of Absolut Grey on your Instagram; is
21 that right?
- 22 A: Yes, sir.
- 23 Q: And then here's Hennesey and Iroc, mixed drink?
- 24 A: It's Ciroc, and yes, sir.
- 25 Q: I'm sorry Ciroc. IROC, I guess, would be a car.

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- 1 A: I don't know.
- 2 Q: So, that's Number Fifteen. Number Sixteen on your
3 Instagram, that's another bottle of Hennesey.
- 4 A: Yes, sir.
- 5 Q: And Number Seventeen is another bottle of Ciroc with a
6 bag of marijuana?
- 7 A: Yes, sir.
- 8 Q: And Number Eighteen is a number of mixed drinks.
- 9 A: Yes, sir.
- 10 Q: Number Nineteen is two grades of Hennesey, Grey Goose?
- 11 A: Yes, sir.
- 12 Q: Number Twenty is a handgun, right?
- 13 A: Yes, sir.
- 14 Q: Is that your handgun?
- 15 A: No, sir.
- 16 Q: Number Twenty-one is a red handgun and a regular handgun,
17 right?
- 18 A: Yes, sir.
- 19 Q: And Number Thirteen is a marijuana cigarette?
- 20 A: Yes, sir.
- 21 Q: And these all came off of your Instagram after the last
22 time you smoked marriage?
- 23 A: Yes, sir, but some of those pictures were taken before
24 the incident and were put on my Instagram afterwards when I
25 had the proper phone to do it. My pictures were transferred

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1 from my phone to an Android phone, a smart phone, so when my
2 pictures could upload a lot easier so, therefore, I was able
3 to edit the ones that wanted up there and a lot of old
4 pictures. So, the time that those were taken were before the
5 incident, some of those.

6 Q: You were smoking marijuana when this incident occurred,
7 were you not?

8 A: Yes, sir.

9 Q: You were smoking marijuana when this happened?

10 A: When the arrest took place, no.

11 Q: No, when the burglary took place?

12 A: No, sir.

13 Q: Well, when I said you were smoking marijuana when this
14 incident occurred ---

15 A: When you clarified, I meant like the exact burglary, so
16 ---

17 Q: When you said yes, when were you smoking marijuana?

18 A: Well, at that point in time, just the time period.

19 Q: Right.

20 A: Yeah, but not at the incident of the crime, no.

21 MR. HILLIARD: Excuse me just second.

22 THE COURT: Yes, sir.

23 BY MR. HILLIARD:

24 Q: At the point in time that this burglary occurred, could
25 you have passed a drug test at that point in time?

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1 A: No, sir.

2 Q: You could not?

3 A: No.

4 Q: Is it fair to say that you were under the influence of
5 marijuana at that point in time?

6 A: No, sir.

7 THE COURT: All right. Mr. Hilliard, I assume you want
8 to ask these same questions in front of the jury?

9 MR. HILLIARD: Yes, sir.

10 THE COURT: Tell me the relevance.

11 MR. HILLIARD: Judge, she has said at the -- not to go
12 into it further, we have -- perhaps that would be thing to do
13 at this point if I could ask a few more questions regarding the
14 relevance.

15 THE COURT: All right.

16 MR. HILLIARD: As a threshold position, I would say that
17 she has indicated under oath that she has not smoked marijuana
18 since back in January and yet she has published an
19 extraordinary group of marijuana related photographs on her
20 Instagram account which clearly indicates that she is
21 certainly involved in the marijuana culture and would call
22 into question her veracity regarding whether or not she was
23 smoking marijuana since January of this year. So, we would

24 ---

25 THE COURT: Assume that to be the case, how is that

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1 relevant at all to her testimony here about what happened on
2 January 12th, 2012?

3 MR. HILLIARD: It has to do with her credibility as a
4 witness. She has said something that clearly is ---

5 THE COURT: I don't see how it's inconsistent. You're
6 trying to say there's something on the issue of credibility,
7 how is it inconsistent?

8 MR. HILLIARD: Well, she said she didn't smoke marijuana
9 since January and yet here's a substantial amount of evidence
10 that she is certainly involved in the marijuana subculture
11 since January. So, she has said that she doesn't smoke it.
12 Clearly, this is an indication that would cause people using
13 their common sense to believe that in fact she does smoke
14 marijuana and ---

15 THE COURT: Again, what relevance does it have to the
16 crime at hand?

17 MR. HILLIARD: She's testified under oath to something
18 that's not true. Whether it's directly related to the case or
19 not, she's -- I asked her the question ---

20 THE COURT: She hasn't testified to anything under oath
21 in front of the jury.

22 MR. HILLIARD: No, sir, not yet. But I asked her the
23 question and she answered it and we went forward from there.
24 But let me go further ---

25 THE COURT: The only reason it would be relevant is if

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1 she was under the influence at this time and there's no
2 indication of that. Continue on.

3 MR. HILLIARD: Thank you, Your Honor.

4 BY MR. HILLIARD:

5 Q: When you were giving a statement to the police officers
6 in this case, this is on July the 2nd of 2013 -- here let me
7 -- this is at Page 17 ---

8 THE COURT: Why don't you ask her a question? She may or
9 not need to refresh her memory.

10 MR. HILLIARD: Thank you, Your Honor.

11 BY MR. HILLIARD:

12 Q: Do you recall the police officers asking you whether or
13 not there was any drug use going on during the point in time
14 that these burglaries were occurring?

15 A: I'm sorry. Can you ask me that again?

16 Q: Yes, ma'am. I'm sorry. Do you recall the police officer
17 who was doing your interrogation asking you whether or not
18 there was any drug use going on when these burglaries were
19 occurring?

20 A: No, sir.

21 Q: You don't?

22 A: No.

23 Q: All right. On Page 17, this is where it says
24 Investigator Townsend, that's who was doing your
25 interrogation.

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1 A: Okay.

2 THE COURT: What's your answer, ma'am?

3 A: Okay. Yes.

4 Q: And it says, Okay, any drug use going on or involved?
5 Right?

6 A: Yes, sir. Yes, sir.

7 Q: And then you say, No, sir. And then you say, I mean,
8 they would smoke but I wouldn't smoke.

9 A: Yes, sir.

10 Q: And then it said, Investigator Townsend says, Smoke? And
11 you say, Weed.

12 A: Yes, sir.

13 Q: And then you say, Yeah. And he said, And were they
14 smoking weed at this time? And you said, No, it would be like
15 -- it would always be after cause they would need money or
16 whatever so it would always be after. They weren't under the
17 influence of anything.

18 A: Yes, sir.

19 Q: So, at the point in time that you were going through this
20 process, what you were telling the investigator is that they
21 were smoking marijuana, buying and smoking marijuana during
22 this period of time and that you were not?

23 A: Yes, sir.

24 MR. HILLIARD: And what she said today, Judge, was that
25 in fact she was smoking marijuana during that period.

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1 THE COURT: I don't recall that at all.

2 MR. HILLIARD: She said that she could not have passed a
3 drug test very specifically.

4 THE COURT: Okay. Not passing a drug test does not mean
5 she was smoking marijuana. Okay? She could not pass a drug
6 test for any number of reasons.

7 MR. HILLIARD: Let me ask her that question.

8 BY MR. HILLIARD:

9 Q: When you said you -- when I was asking you if you were
10 smoking marijuana and you said you had not smoked at the time
11 of the burglary and I asked you if you could pass a drug test
12 and you said no. Did you mean at that point in time that you
13 could not pass a drug test from marijuana because you were
14 smoking marijuana during that time?

15 A: Yes, sir.

16 MR. HILLIARD: That's what she meant, Judge.

17 THE COURT: All right. Very good. During that time, you
18 asked her was she smoking marijuana at the time of the
19 incident. No. That's what she told the investigators, no,
20 not at the time of the incident. They would do the robberies
21 to get money for drugs.

22 MR. HILLIARD: Yes, sir.

23 THE COURT: Now, if you want to ask her in front of the
24 jury what was the purpose of all these burglaries to get money
25 for drugs, I'll be glad for you to ask that. Of course, that

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BY THE COURT

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1 implicates your client too but you can go ahead and ask that
2 question. But other than that, there is no relevance here.
3 There's no relevance to the matter at hand. I'm not gonna
4 allow you to ask these questions in front of the jury or show
5 those Instagram accounts. I do not see any relevance to the
6 particular matter as to the matters she has testified to.
7 Anything else?

8 MR. HILLIARD: Excuse me just a second, Judge.

9 And these will be part of the record, Judge.

10 THE COURT: That's why I let you do it, to develop the
11 record, Mr. Hilliard.

12 MR. HILLIARD: Thank you, Your Honor.

13 THE COURT: Are you ready for the jury to come back in?

14 MR. HILLIARD: If you'll give me just a second, Judge,
15 I'm sorta focused on that and I got to do something different.

16 THE COURT: All right, sir. Can you give me some idea
17 how long you think the cross examination might extend,
18 ballpark?

19 MR. HILLIARD: Depending on what you do, more than an
20 hour.

21 THE COURT: We're gonna stop.

22 Ask the jury to come back in.

23 (REPORTER'S NOTE: The jury enters courtroom. 4:56 P.M.)

24 BY THE COURT:

25 THE COURT: All right. Ladies and gentlemen, when you

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BY THE COURT

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1 came here this morning, you obviously did not know whether or
2 not you were gonna be on a jury and it appears we'll be here
3 for some extended period of time with this witness. And since
4 y'all were not prepared regarding that, I'm gonna send you
5 home for the evening because to do otherwise I think would put
6 you under undue burden and I do not intend to do that.
7 Because otherwise you might be here for a long period of time,
8 depending upon how things go. So, I'm gonna send you home.

9 Now, please remember what I told you. You're not
10 investigators, you're not researchers. Do you not look up
11 anything. You must decide the case solely and completely on
12 the facts and evidence presented in the courtroom and from no
13 other source. I'd ask collectively y'all not to talk about
14 this case until I give it to you at the very end. That
15 extends when you leave the courthouse. You cannot communicate
16 with anyone about this case. You can't tell your husband,
17 boyfriend, person down the street, your best friend, whomever.
18 You may not talk about this case. Now, once it's all over
19 with, you can tell them all you want to, as little or as much
20 as you want to. But until the case is over with, you will not
21 communicate with anyone about this case. I would like for
22 y'all to be back -- I've got other hearings, so I'm gonna have
23 y'all be back tomorrow morning at 9:20. Y'all be in the jury
24 assembly room tomorrow morning at 9:20. The Clerk of Court
25 will have something for you in the jury room. They'll bring

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1 you up and we'll get started shortly thereafter. But y'all be
2 in the jury assembly room by 9:20, please.

3 Now, while we're here, Madame Forelady -- and I probably
4 should've dealt with this earlier, but you were taking some
5 notes. Were you taking some notes during the course of the
6 trial? Okay. Normally, court procedure is we do not allow
7 the taking of notes unless the opportunity is given to all.
8 We did not start to do that and we also find it's a common
9 practice of people taking notes to pay attention to what
10 they're doing and maybe not pay attention to the next question
11 and the answer which are the -- maybe the most important. So,
12 when you go back to the jury room, I'm gonna ask you to give
13 those to the Bailiff so they can be destroyed.

14 All right. With that, I'll see y'all back tomorrow
15 morning. Thank you very much.

16 (REPORTER'S NOTE: The jury exits courtroom. 4:59 P.M.)

17 THE COURT: All right. We've got a couple of --
18 hopefully, they will not be lengthy hearings if they -- I'll
19 talk to the attorneys in the morning on these criminal matters
20 and if any of them expect them to be of any length, I'll
21 postpone them to a different time. So, I would like y'all to
22 be back at least by 9:20, please, in the morning.

23 MR. HILLIARD: Thank you, Your Honor.

24 THE COURT: Anything further from the State at this point
25 in time?

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1 MR. GROOMS: No, sir, Your Honor.

2 THE COURT: From the Defense?

3 MR. HILLIARD: No, sir, Your Honor.

4 THE COURT: Now, Ms. Denton ---

5 MS. DENTON: Yes, sir.

6 THE COURT: You're under subpoena, you need to be back
7 here by 9:20 in the morning. You may not talk to anyone about
8 this case in the meantime until tomorrow morning. You may not
9 talk to the Solicitor's office, you may not talk to the
10 Defense, you may not talk to anyone about your testimony
11 regarding this matter until you get back here tomorrow
12 morning. Are we clear about that?

13 MS. DENTON: Yes, sir.

14 THE COURT: Thank you very much.

15 MR. HILLIARD: Thank you, Your Honor.

16 THE COURT: We'll be at ease until then. Thank you.

17 MR. GROOMS: Thank you.

18 (RECESS - 5:01 P.M.)

19 *****OFF THE RECORD*****

20 October 8, 2013

21 (On the Record - 9:33 A.M.)

22 THE COURT: Mr. Hilliard, the issue of bond, your client
23 is currently out on bond?

24 MR. HILLIARD: Yes, sir, Your Honor.

25 THE COURT: Have you communicated with the bonding

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1 company to have them state to you that they will stay on the
2 bond during the pendency of the trial?

3 MR. HILLIARD: I have not communicated with them, Judge.

4 THE COURT: All right. Why don't you have your staff do
5 that. If they will not do that then, at lunch, Mr. Bullock
6 will be remanded to the custody of the Sheriff's Department.

7 MR. HILLIARD: Yes, sir, Judge, we'll do that while we're
8 here.

9 THE COURT: Thank you. Ask the jury to come in, please.

10 (REPORTER'S NOTE: The jury enters courtroom. 9:37 A.M.)

11 THE COURT: Good morning, ladies and gentlemen.

12 All right. Ms. Denton, you remain under oath and Mr.
13 Hilliard, you may resume.

14 MR. HILLIARD: Thank you, Your Honor.

15 CONTINUATION OF CROSS EXAMINATION OF DE'AISHA DENTON:

16 Q: Good morning.

17 A: Good morning.

18 Q: Do you recall back on July the 2nd of 2013 when you were
19 giving a statement to Investigator Townsend?

20 A: Yes, sir.

21 Q: And when you were giving a statement to Investigator
22 Townsend it was being audio recorded; is that correct?

23 A: Yes, sir.

24 Q: And you knew it was being audio recorded at the time?

25 A: Yes.

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- 1 Q: And Investigator Townsend was asking you about Zachary,
2 the Defendant Zachary Bullock; is that right?
- 3 A: I don't remember that.
- 4 Q: You don't remember him asking you about Zachary?
- 5 A: No, sir.
- 6 Q: Do you remember him asking you about Manny?
- 7 A: No, sir.
- 8 Q: And who is Manny? Who is Manny?
- 9 A: Emmanuel Foriest.
- 10 Q: Emmanuel Foriest?
- 11 A: Yes, sir.
- 12 Q: And you don't recall him asking you whether or not Manny
13 was your boyfriend?
- 14 A: Oh, yes, sir.
- 15 Q: You do remember that?
- 16 A: Yes, sir.
- 17 Q: And he said, is Manny your boyfriend? Right?
- 18 A: He's not any more. At that point in time he was.
- 19 Q: But what you told Investigator Townsend at that time was
20 that we were talking but really weren't really dating, we were
21 just talking?
- 22 A: Yeah.
- 23 Q: So, at the time that you were making the statement to
24 Investigator Townsend, you were telling him that Manny was not
25 your boyfriend?

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- 1 A: Well, it was just a easier label to give him than to say
2 all that.
- 3 Q: I'm sorry. I don't understand.
- 4 A: To say he was my boyfriend was just easier way of just
5 saying, yeah, we were talking, we had relations.
- 6 Q: So, it says -- is it fair to say that what you said was
7 we were talking but really, weren't really dating, we were
8 just talking?
- 9 A: Yes, sir.
- 10 Q: But that wasn't true, was it?
- 11 A: Yes, sir, it was.
- 12 Q: In fact, you and Manny had a substantial relationship?
- 13 A: No, sir.
- 14 Q: You wouldn't say that you were in love with him?
- 15 A: No, sir.
- 16 Q: You wouldn't say that he was in love with you?
- 17 A: I would say that, yeah.
- 18 Q: But you weren't in love with him?
- 19 A: No, sir.
- 20 Q: Would you be trying to trick Manny for any particular
21 reason?
- 22 A: No, sir.
- 23 Q: Do you remember writing Manny a letter while y'all were
24 in jail?
- 25 A: Yes, sir.

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1 Q: Let me show you something.

2 MR. GROOMS: Your Honor, could I see if I've seen this
3 before?

4 MR. HILLIARD: Sure.

5 THE COURT: Yes, sir.

6 MR. HILLIARD: Can you mark this for identification.

7 BY MR. HILLIARD:

8 Q: Now, as I understood what you said, what you said was
9 that you were not in love with Manny; is that right?

10 A: Yes, sir.

11 Q: But Manny was in love with you?

12 A: Yes, sir.

13 Q: Let me show you Defendant's Exhibit Number Twenty-two for
14 identification and ask if this is a letter that you wrote to
15 Manny?

16 A: Yes, sir.

17 Q: This is a letter that you wrote to Manny?

18 A: Uh-huh (affirmative response).

19 Q: And the very first line of that letter is what, please?

20 A: It says I love you.

21 Q: So, when you wrote Manny a letter that said I love you,
22 you weren't being truthful with Manny?

23 A: It's not in love.

24 Q: So, being in love and saying I love you are two different
25 things?

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- 1 A: Having love for someone and being in love is two
2 different things.
- 3 Q: Well, let me ask you to take a look at this letter and
4 read it and see. Are the things that you wrote in this letter
5 true at the time?
- 6 A: Most of it. I mean, I just had a lot of emotions going
7 on at the time. I mean, I was seventeen. You had a lot of
8 emotions going on at the time?
- 9 A: Yes, sir.
- 10 Q: And most of it is true?
- 11 A: I would say I felt that way at that point in time with
12 how overwhelmed I was, yes, but not -- I mean, I can still
13 honestly say that, no, I was not in love with him.
- 14 Q: At the point in time that you wrote that letter, you were
15 trying to get out of trouble; is that correct?
- 16 A: No, sir.
- 17 Q: And you were trying to help Manny get out of trouble?
- 18 A: No, sir.
- 19 Q: Did you want Manny to get out of jail at the same time
20 that you did?
- 21 A: It would've been nice to see that happen, yeah.
- 22 Q: And you would help him if you could?
- 23 A: If I could, I guess.
- 24 Q: In fact, the story that you tell helps him, right?
- 25 A: I don't see how.

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1 MR. HILLIARD: Your Honor, we'd offer the letter into
2 evidence.

3 THE COURT: Objection?

4 MR. GROOMS: No objection, Your Honor.

5 THE COURT: All right. Very good. It's in evidence
6 without objection.

7 DEFENDANT'S EXHIBIT NUMBER TWENTY-TWO

8 ADMITTED INTO EVIDENCE

9 THE COURT: What number is it, please?

10 MR. HILLIARD: Twenty-two, Your Honor.

11 THE COURT: Defendant's Twenty-two?

12 MR. HILLIARD: Yes, sir.

13 THE COURT: All right. Defendant's Twenty-two is in
14 evidence without objection.

15 MR. HILLIARD: And in that regard, Judge, we have
16 transcribed it. We'd offer -- we have transcribed it and we'd
17 offer the transcription into evidence.

18 THE COURT: No, sir. The original documentation is
19 what's proper.

20 MR. HILLIARD: Thank you, Your Honor. I'd like to
21 publish it, Your Honor.

22 THE COURT: You can have the witness publish it.

23 MR. HILLIARD: Thank you.

24 THE COURT: Have the witness publish it. Have her read
25 her letter.

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1 MR. HILLIARD: Thank you, Your Honor.

2 BY MR. HILLIARD:

3 Q: Please read your letter. I guess I have to give it back
4 to you. Would you read this letter to the jury, please?

5 A: The whole thing?

6 Q: Yes, ma'am.

7 A: Wow. It says, I love you. Just thought you should know,
8 I saw you cry for the first time in my life today. That has
9 brought us closer than ever. I know you're scared. I am too.
10 I'm being charged as an accessory. I ---

11 Q: Let me interrupt you at that point. So, at that point,
12 you're saying, I'm being charged as an accessory; is that
13 right?

14 A: Yes, sir.

15 Q: Not burglary in the first degree but as an accessory?

16 A: Yes.

17 Q: Thank you. Go ahead.

18 A: I know you're scared; I am too. Oh, I already read that.
19 When I asked about you, they told me to find a new man. I'm
20 not giving up on us. If I'm out before you, I will ---

21 Q: Wait, you left a part there, didn't you?

22 A: I'm not giving up on us, Baby.

23 Q: Okay.

24 A: If I'm out before you, I will write you every day and
25 visit every visitation day. I can't live or function right

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1 now without my better half. You make me fall out of the bed,
2 sing like bird, dizzy in my head. Just the thought of you can
3 drive me wild. You make me smile. Baby, to be honest I don't
4 know if I'm going to survive before I see daylight. They keep
5 denying me medical attention. I haven't eaten or drincken
6 anything since I've been here and I don't see that changing.
7 Like sorry, it's hard to read, it's hard to write when you're
8 crying and have a four-inch pencil to write with. I feel like
9 I'm going insane especially when you're so close but so far at
10 the same time. My cell mate that I've been with since we got
11 in here bonded out while we were at court so I'm alone. I'm
12 trying to be strong but I can't. Knowing that you're hurting
13 and that you could be in here anywhere between one year to
14 life.

15 Am I allowed to curse?

16 Q: Yes, ma'am.

17 A: Okay. That shit fucks me up so bad inside. I love you
18 with all my heart. You should know that but you know I love
19 to show you how much I love you rather than tell you.

20 Oh, my goodness.

21 Your lips felt so good ---

22 Q: Let me interrupt you at that spot. When you say your
23 lips felt so good, when was it that you had kissed him?

24 A: We had kissed before like jail or anything.

25 Q: At the jail?

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- 1 A: No. I don't believe so.
- 2 Q: Well, think about that for a second.
- 3 A: I think he had tried to but when we were like walking
4 back from court or something, it was kind of like silly.
- 5 Q: You kissed him -- you gave him a kiss while you were
6 walking back to the jail?
- 7 A: No, he had kissed ---
- 8 Q: He kissed you?
- 9 A: Yeah.
- 10 Q: Okay. Very good.
- 11 A: Okay.
- 12 Q: Keep on.
- 13 A: All of the two milliseconds that I got to enjoy it. My
14 heart hurts without you. I'm lost mentally without you. I
15 need you.
- 16 Q: And that's underlined and all capitals, right?
- 17 A: Yeah.
- 18 Q: Okay. Please continue.
- 19 A: They said I can't write you while I'm in here so I'm
20 saving this until I'm out and hopefully you're out too. This
21 is my first charge but I know it's not yours. I don't know
22 what's gonna happen to us, Babe. I'm not scared that I'm in
23 here, I'm scared because I don't know when we're getting out.
24 I love you so much, Babe, I can't take not being in your arms.
25 I dream about us every night and I don't see that changing. I

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1 dream about our past, present and future. Present, like now,
2 doesn't seem as bad as it is because I know what we're going
3 through now isn't gonna be for forever. I want to be able to
4 walk out of here with you by my side but when I ask about you,
5 they say, it doesn't look good. They won't tell me everything
6 but enough to kill me inside. I love you so much and I can't
7 handle the thought of you not walking out of here. If you
8 don't get out with me, would you want me to bring Peyton here?
9 I doubt you would but I know you want to see your baby. Babe,
10 I don't know, my mind is scrambled, I can't focus, can't think
11 straight. I bet this letter is hard to follow because I'm all
12 over the place but I don't -- but I can't -- can't organize my
13 thoughts, everything is going all at once. I need you, I love
14 you.

15 Do I have to read all this stuff, too?

16 Q: Please.

17 A: Okay. Babe, this shit is fucking crazy.

18 Q: Well, you left out the part that says ---

19 A: Oh, your gold is waiting for you, Baby. I love you so
20 much more.

21 Q: Thank you.

22 A: Okay. I'm about to kill myself. I feel love because I
23 know I can write you a book but I can't even manage to fill up
24 these lines. It's taken me like three hours to get this much
25 down. I talked to my grandpa a little while ago. They got my

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1 car out and I get to keep it. Thank God. Which means, if
2 you're still in here and I'm not on house arrest, then I'll be
3 able to see you. I don't want to fill these lines up with a
4 whole bunch of I love you's but that's all I want to do is
5 tell you how much I fucking love you. And I don't know for
6 some reason I feel like we're all in here because, because of
7 me. I had a dream about us again last night. We were married
8 and on the run, still in our modern day Bonnie and Clyde
9 bullshit. LOL. I miss you so much, love being able to see
10 you when we're at court. All I do is look at you the whole
11 time and think about us. Still have eaten. I def losing
12 weight, trying not to lose my -- trying not to lose my ass and
13 tits for you, LOL, but I know you'll love me the same. Every
14 bone that pokes out when I lay down fucking hurts. I'm in
15 this pink ass fucking, cold ass fucking, small ass room. You
16 can only imagine how my day -- I think my days have been
17 going. And then that's it.

18 Q: Thank you, ma'am. And in that letter, you compared
19 yourself and Manny to Bonnie and Clyde; is that correct?

20 A: Well, yeah, because he had said it before. Most of that
21 stuff is just sentimental stuff that he had said to me.

22 Q: So, Manny had said to you that he felt like you and he
23 were Bonnie and Clyde?

24 A: Yeah, just as a joke because we just -- I don't know, we
25 just felt bad ass, I guess, I don't know. It was lame.

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- 1 Q: Pardon?
- 2 A: I said, I don't know, I guess we just felt bad ass.
- 3 Q: You and Manny felt bad ass; is that -- is that what you
- 4 said?
- 5 A: Well, I guess that's how he felt about it, yeah. I mean,
- 6 I just thought it was cute. It was funny to me.
- 7 Q: And it's clear that you wanted to do what you could do to
- 8 help yourself to get out of jail, right?
- 9 A: How do you -- I don't understand.
- 10 Q: Well, it's clear from your letter that being in jail was
- 11 a very unpleasant experience for you?
- 12 A: Yes, sir.
- 13 Q: And at the point in time that you agreed to testify, then
- 14 the Solicitor's office agreed for you to have a personal
- 15 recognizance bond?
- 16 A: No, sir. Not at that point, I didn't receive a personal
- 17 recognizance bond until five months later. I didn't get out
- 18 until like May and I got a bond set in April.
- 19 Q: And then when you were rearrested after that, they didn't
- 20 try to keep you in jail?
- 21 A: No, I was out another bond.
- 22 Q: You got another bond?
- 23 A: Yes, sir.
- 24 Q: In your letter, when you say that you were being charged
- 25 as an accessory, that was true -- that's true, right?

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- 1 A: Yes, sir.
- 2 Q: So, you were charged with accessory to the crime?
- 3 A: Yes, sir.
- 4 Q: So, at this point, you're not facing that fifteen years
5 that we talked about?
- 6 A: No, sir.
- 7 Q: Going back to -- well, and let me -- it's clear from the
8 letter and you would agree with me that you're at least at
9 that point in time fond of Manny; is that correct?
- 10 A: Yes, sir.
- 11 Q: You wanted to help him if you could.
- 12 A: If I could.
- 13 Q: And give him the opportunity to help himself?
- 14 A: What do you mean?
- 15 Q: I'll ask another question. Let's go back to the day of
16 this event that you've talked about and you were driving a
17 car; is that right?
- 18 A: Yes, sir.
- 19 Q: And you drove the car and let out the people who did the
20 burglary. Where did you let them out?
- 21 A: On the side of the house, like on the -- in the street.
- 22 Q: This is State's Exhibit Number Seven. Can you identify
23 this at all?
- 24 A: Some of the names ---
- 25 THE COURT: You need to ---

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1 A: Some of the names look familiar but, no, I mean, I'm not
2 very good with maps, so ---

3 Q: Okay. So, State's Exhibit Number Seven, you can't really
4 identify as being connected to this case at all?

5 A: Oh, no, I can -- I mean, like I said, the names look
6 familiar. I mean, if there's a better picture or something of
7 if I was there, I'd be able to tell, like landmarks and such.

8 DEFENDANT'S EXHIBIT NUMBER TWENTY-THREE

9 MARKED FOR IDENTIFICATION

10 Q: Okay. This is Defendant's Number Twenty-three for
11 identification. Is this a better picture, ma'am?

12 A: It's a little better, yeah.

13 Q: Can you identify this as being connected to the house?

14 A: Yes, sir.

15 Q: And where is the house that was the burglary?

16 A: I'm assuming the one that's marked.

17 Q: Okay. When you say you're assuming the one that's marked
18 then other than the fact that it's marked, would you know
19 which one it was.

20 A: Not unless if I was there, no. But seeing off of this,
21 no, I would have to be physically driving in order to tell. I
22 was new to the area at the time, so I didn't go by street
23 names or anything. I just took left and rights.

24 Q: Okay. And can you tell from this picture where you let
25 the folks out?

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- 1 A: I mean, I want to say -- I mean, that is ---
- 2 Q: You want to step down? Would that help at all or no, get
3 it closer to you?
- 4 A: Okay. Can I hold it up?
- 5 Q: Yeah, sure.
- 6 A: Okay. I mean, if this is the fence or something, I just
7 feel as though there was like a side road that we came off of.
- 8 Q: Do you see this -- do you see a side road?
- 9 A: Yeah, but it's like -- it just seems super far compared
10 to where the house is and it just doesn't seem like that what
11 I remember.
- 12 Q: So, this doesn't look like what you remember?
- 13 A: Like I said, I would have to physically be there. This
14 map is just -- the scale is off or something because if this
15 is the fence this like border-looking stuff, then it would've
16 been right here. And then I would've drove ---
- 17 Q: Okay, so, again, I'll ask you the question. You -- from
18 looking at this map, you see where it says Google Earth?
- 19 A: Yes, sir.
- 20 Q: So, from looking at this map, you can't really identify
21 the place that the burglary took place; is that right?
- 22 A: No, sir.
- 23 Q: And you don't know where you let the people off?
- 24 A: Well, I mean, like I said, if this is a fence and stuff,
25 I was on the side road but it just seems like it would be too

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1 much space to run through and there's another house to get
2 through and that doesn't seem right. It seems like the house
3 was much closer unless if I'm just remembering a different
4 time or something. But I mean, that looks like it would be
5 Zach's house right there and that was the house that they went
6 into.

7 Q: Where would you have been? Where would you have let them
8 out?

9 A: I guess up here.

10 Q: Up here?

11 A: On the side.

12 Q: Okay. And where would you have picked them up?

13 A: Relatively the same spot, maybe I came down a little
14 closer.

15 Q: Could you point to it, please?

16 A: I mean, we came down a little closer.

17 Q: And when the people who went into the house and
18 burglarized it came away from there, what did they have?

19 A: TV, iPad, merchandise like, I believe, jewelry, and the
20 Glock .45.

21 Q: How many TVs did they have?

22 A: Just one.

23 Q: There was only one TV?

24 A: That I recall, yeah.

25 Q: Does this now more -- does this now represent the place

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1 that was burglarized?

2 A: Yes, sir.

3 MR. HILLIARD: We'd offer Defendant's Number Twenty-three
4 into evidence, Your Honor.

5 MR. GROOMS: I have an objection, Your Honor.

6 THE COURT: You need to question her more fully about
7 that -- her testimony was very confusing as to whether or it
8 looks like it or not.

9 MR. HILLIARD: Yes, sir.

10 THE COURT: Because all her earlier testimony was she
11 doesn't recognize it at all.

12 MR. HILLIARD: Yes, sir.

13 THE COURT: You need to question her further.

14 MR. HILLIARD: Thank you, Your Honor.

15 BY MR. HILLIARD:

16 Q: So, your earlier testimony was that you didn't recognize
17 it at all; is that correct?

18 A: Yes, sir, on the first map.

19 Q: Yes, sir.

20 A: Yes, on the first map.

21 Q: When you say the first map but then when I was asking you
22 about Defendant's Exhibit Number Twenty-three for
23 identification, your testimony was you didn't recognize it
24 all, originally?

25 A: I said it looked familiar but I just -- the way it's set

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1 up just doesn't look right.

2 Q: So, the way that it's set up does not look right?

3 A: As how I remember it, no, sir.

4 Q: As how you remember it. (To the Court) We'll withdraw
5 it, Judge.

6 THE COURT: All right.

7 BY MR. HILLIARD:

8 Q: Your recollection is that there was one TV that was
9 stolen?

10 A: Yes, sir...

11 Q: When you were talking to Investigator Townsend, do you
12 recall indicating to Investigator Townsend that you were
13 uncertain whether the gun had come from Zach's neighbor's
14 house or not?

15 A: No, sir.

16 Q: Do you remember Investigator Townsend saying, okay, where
17 was that taken? And you saying that to be honest, I don't
18 know?

19 A: No, sir.

20 Q: Let me show you where this is Page 7 of that when
21 Investigator Townsend says, okay, where was that taken? Do
22 you see that?

23 A: Yeah, as in where was it taken from or where was it taken
24 to?

25 Q: This was your interview, right?

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- 1 A: Uh-huh (affirmative response).
- 2 Q: All right. Speak up.
- 3 A: Yes, sir.
- 4 Q: And were you -- and then you say, To be honest, I don't
- 5 know. Right?
- 6 A: Yes, sir.
- 7 Q: When you agreed to testify on behalf of the government,
- 8 the police officers drove you to the house where the burglary
- 9 is alleged to have taken place, right?
- 10 A: Yes, sir.
- 11 Q: And when they drove you to the house where the alleged
- 12 burglary was to have taken place, you saw in the driveway of a
- 13 house near there, a car that you recognized as having been
- 14 driving by Zack in the past?
- 15 A: Yes, sir.
- 16 Q: So, at that point, you knew that it was near Zach's
- 17 house?
- 18 A: Yes, sir.
- 19 Q: And when I say Zach, we're talking about Zach Bullock,
- 20 the Defendant in this case, right?
- 21 A: Yes, sir.
- 22 Q: So, you recognized his car when the police took you to
- 23 where the burglary was allegedly taking place?
- 24 A: Yes, sir.
- 25 Q: And then yesterday when you told folks on the jury that

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DE'AISHA DENTON - CROSS BY HILLIARD

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1 you were facing fifteen years no parole, that's not really
2 accurate, is it?

3 A: If the accessory doesn't carry the same amount of years,
4 then I guess no, it wouldn't be.

5 Q: Your lawyer hasn't talked to you about that?

6 A: Well, the last time we talked, it still is a possibility.

7 MR. GROOMS: I'm not sure she understands the question.
8 If she could talk to Mr. Stampfle, I think it would be very
9 helpful to the jury.

10 THE COURT: Well, I appreciate it but she has answered
11 the question and we'll move along.

12 MR. HILLIARD: Thank you, Your Honor.

13 BY MR. HILLIARD:

14 Q: So, what you're telling the folks on the jury is you
15 don't have any idea how much time you could get in jail?

16 A: Right.

17 Q: And your lawyer never told you?

18 A: (No audible response.)

19 MR. HILLIARD: Excuse me just one second, Judge. I'm
20 almost finished.

21 THE COURT: All right.

22 BY MR. HILLIARD:

23 Q: I almost forgot. So, when the items from the burglary
24 were sold, you were present; is that correct?

25 A: Yes, sir.

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DE'AISHA DENTON - CROSS BY HILLIARD

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- 1 Q: How much cash money was there got for those items?
- 2 A: In total, I want to say maybe like 200 to 400, something
3 around there. It was an even number, I mean, we were able to
4 split it.
- 5 Q: Pardon?
- 6 A: It was an even number because we were able to split it.
- 7 Q: It was an even number, it was either 2 or \$400 as best
8 you ---
- 9 A: It was around there, yeah. I just know at least a couple
10 of hundred.
- 11 Q: It was at least a couple of hundred?
- 12 A: Yes.
- 13 Q: And is it fair to say it was not more than 400?
- 14 A: I would say so, yeah.
- 15 Q: And what was sold was a pistol, right?
- 16 A: Yes, sir.
- 17 Q: And one TV?
- 18 A: Yes, sir.
- 19 Q: Not three TVs?
- 20 A: Three TVs could've been sold but from the one burglary
21 that you were talking about, only one TV was taken from that
22 house.
- 23 Q: So, there was only one TV that was stolen?
- 24 A: Yes, sir.
- 25 Q: Okay. So, between 2 and \$400 was received and how much

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DE'AISHA DENTON - REDIRECT BY GROOMS

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1 did you get?

2 A: Like 150, 180, something like that.

3 Q: 150 or 180?

4 A: Yes, sir.

5 Q: Out of the 2 or \$400?

6 A: Yes, sir.

7 Q: And there is no question but what this burglary happened,
8 excuse me, this burglary happened in the daytime?

9 A: Yes, sir.

10 Q: And there was no gun carried into the house?

11 A: No, sir.

12 Q: And there was no gun used in the burglary?

13 A: No, sir.

14 Q: And you told police that you were uncertain as to where
15 the gun came from?

16 A: Yes, sir.

17 MR. HILLIARD: That's all I have.

18 MR. GROOMS: Your Honor?

19 THE COURT: Yes, sir. Redirect?

20 MR. GROOMS: Thank you.

21 REDIRECT EXAMINATION OF DE'AISHA DENTON BY MR. GROOMS:

22 Q: Ms. Denton, how old are you?

23 A: Nineteen.

24 Q: How old were you at the time?

25 A: Seventeen.

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DE'AISHA DENTON - REDIRECT BY GROOMS

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1 Q: Was it tough -- was it fair to say that you were having a
2 tough time in jail?

3 A: Yes, sir.

4 MR. HILLIARD: Object.

5 THE COURT: I believe it's proper redirect. You may
6 continue, Solicitor.

7 MR. HILLIARD: Leading, Judge.

8 BY MR. GROOMS:

9 Q: Was it an emotional ---

10 THE COURT: I am going to allow it based upon the cross
11 examination questions. You may continue.

12 MR. HILLIARD: Thank you, Your Honor.

13 A: Yes, sir.

14 BY MR. GROOMS:

15 Q: Thank you. Do you still have the letter, State's Exhibit
16 -- I'm sorry, Defendant's Exhibit Number Twenty-two? Can you
17 review that letter briefly and tell me if anywhere in that
18 letter doesn't mention the burglary?

19 A: It doesn't.

20 Q: Is there any mention of a plan to frame Zachary Bullock?

21 A: No, sir.

22 Q: Is there any mention of your cooperation with the police?

23 A: No, sir.

24 Q: Is there any mention of what Manny should say to the
25 police?

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DE'AISHA DENTON - REDIRECT BY GROOMS

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1 A: No, sir.

2 Q: Did that letter even mention Zachary Bullock at all?

3 A: No, sir.

4 Q: Would you tell me -- please tell the Court what the date
5 is on that letter?

6 A: 1/20/12.

7 Q: And isn't it true that you'd already given your statement
8 to the police before that?

9 A: Yes.

10 MR. HILLIARD: Objection.

11 A: Sir?

12 MR. HILLIARD: Objection.

13 THE COURT: Y'all come over here and talk to me.

14 MR. HILLIARD: Thank you.

15 (REPORTER'S NOTE: A bench conference was held off the record
16 in the presence of the jury but out of hearing of the jury.)

17 MR. HILLIARD: Thank you, Your Honor.

18 THE COURT: Sustain the objection. Continue.

19 BY MR. GROOMS:

20 Q: Ms.. Denton, what day were you arrested?

21 A: January 17th, 2012.

22 Q: Okay. Thank you. And what day did you talk to the
23 police?

24 A: I believe it was the same day or the next day.

25 Q: And what day was the letter?

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DE'AISHA DENTON - REDIRECT BY GROOMS

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1 A: January 20th, 2012.

2 Q: Thank you. So, it's safe to say you had already talked
3 to the police before the letter?

4 A: Yes, sir.

5 MR. HILLIARD: Objection.

6 THE COURT: I'm gonna allow that.

7 MR. GROOMS: Thank you.

8 BY MR. GROOMS:

9 Q: Ms. Denton, in the letter you mentioned seeing him at
10 court, meaning Manny; is that correct?

11 A: No. When I talked about seeing him at court, I was
12 talking about Manny.

13 Q: If you'll look at the second page towards the bottom.
14 Last line.

15 A: I'm not seeing it. Is it on like the back of this page?

16 Q: Under what's dated 1/22 at the bottom of the page.

17 A: Okay. I'm still not seeing the line.

18 Q: Okay. I'll ask you in a different way. Was there ever a
19 time when you saw Manny at court?

20 A: Yes, sir.

21 Q: And were you able to talk with Manny?

22 A: No, sir.

23 Q: Okay. Thank you. When you were in jail, did they keep
24 the females and the males separate?

25 A: Yes, sir.

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DE'AISHA DENTON - REDIRECT BY GROOMS

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1 Q: Were you able to call Manny?

2 A: No, sir.

3 Q: Were you able to make a phone call?

4 A: Uh-huh (affirmative response). I was able to make a
5 phone call but not to him.

6 Q: Thank you. Ms. Denton, did you go into the home?

7 A: No, sir.

8 Q: Your testimony was that you dropped them off?

9 A: Yes, sir.

10 Q: Ms. Denton, who planned this burglary?

11 A: Zach.

12 Q: Who picked the home?

13 A: Zach.

14 Q: Why did he pick that home?

15 A: He knew what was in there.

16 MR. HILLIARD: Objection to the form of the question.

17 THE COURT: I will allow the -- answer the question if
18 she knows.

19 MR. HILLIARD: Thank you.

20 BY MR. GROOMS:

21 Q: Do you know why Zachary picked that home?

22 A: Because he knew there was a gun in there.

23 Q: When you picked him up that day, what did they have with
24 them?

25 A: TV, iPad and the gun and other accessories.

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DE'AISHA DENTON - REDIRECT BY GROOMS

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- 1 Q: Okay. And what type of gun was it, again?
- 2 A: A Glock.
- 3 Q: And what did Zach say about the gun?
- 4 A: This is what he mainly came for.
- 5 Q: Thank you. Ms. Denton, you addressed this yesterday in
- 6 direct but are you aware that you've been indictment for
- 7 burglary in the first degree?
- 8 A: Yes, sir. I went over my papers yesterday that I
- 9 received from lawyer.
- 10 Q: And when you testified yesterday, you testified that you
- 11 were aware and that you -- that you were pleading guilty or
- 12 not pleading guilty, I'm sorry, that you were admitting to
- 13 that charge?
- 14 A: Yes, sir.
- 15 Q: And are you aware that it carried fifteen years to life
- 16 in prison?
- 17 A: Yes, sir.
- 18 Q: Were you aware that this indictment came as a result of
- 19 your charged accessory?
- 20 A: Yes, sir.
- 21 Q: Thank you, Ms. Denton; that's all I have.
- 22 THE COURT: Anything on the questions just asked by the
- 23 State?
- 24 MR. HILLIARD: Yes, sir, Judge, thank you.
- 25 THE COURT: All right.

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DE'AISHA DENTON - RECROSS BY HILLIARD

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1 RECROSS EXAMINATION OF DE'AISHA DENTON BY MR. HILLIARD:

2 Q: What was the date that you were arrested, again, please?

3 A: January 17th, 2012.

4 Q: And what was the date of the letter?

5 A: January 20th, 2012.

6 Q: And you indicated to the Solicitor that you made your
7 statement before you wrote the letter?

8 A: Yes, sir.

9 Q: This is a transcript of the statement that you made to
10 the Solicitor's officer; is that correct?

11 A: Yes, sir.

12 Q: And the date of this statement to the Solicitor's office
13 is what?

14 A: November 15th, 2012.

15 Q: And you would agree with me that November is after
16 January?

17 A: Yes, sir.

18 Q: Do you know what a proffer interview is?

19 A: A proffer?

20 Q: Proffer interview.

21 A: No, sir.

22 Q: That's all I have. Thank you.

23 MR. GROOMS: Very briefly, Judge.

24 BY MR. GROOMS:

25 Q: Who was your original statement to?

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DE'AISHA DENTON - RECROSS BY HILLIARD

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1 A: The investigators, Scott Bogart and Detective Smith.
2 Q: Thank you. And what day was that original statement?
3 A: Like I said, it was either the day of the arrest or the
4 day after on the 18th.
5 Q: Was your statement that day the same as your testimony
6 that you've given this Court?
7 A: Yes, sir.
8 Q: And I'm sorry if I talked over you. What day was that
9 statement given?
10 A: January 18th.
11 Q: Thank you, ma'am. That's all I have.
12 A: Yes, sir.
13 THE COURT: All right. We've gone over this enough. You
14 may step down, ma'am.
15 Do you wish the witness to be excused?
16 MR. GROOMS: Yes, sir, Your Honor.
17 THE COURT: Any objection?
18 MR. HILLIARD: No object, Your Honor.
19 THE COURT: All right. Ma'am, you are released from your
20 subpoena and may go back to your regular activities.
21 All right. Next witness, Solicitor.
22 MR. GROOMS: Your Honor, the State would call Emmanuel
23 Foriest.
24 THE COURT: All right.
25 EMMANUEL LADON FORIEST, HAVING

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EMMANUEL FORIEST - DIRECT BY GROOMS

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1 BEEN DULY SWORN, TESTIFIES AS FOLLOWS:

2 CLERK: State your full name and spell you last name.

3 MR. FORIEST: Emmanuel Ladon Foriest, F-O-R-I-E-S-T.

4 DIRECT EXAMINATION OF EMMANUEL LADON FORIEST BY MR. GROOMS:

5 Q: Mr. Foriest, where are you from?

6 A: I'm from Detroit, South -- I mean, Detroit, Michigan but
7 live in Socastee.

8 Q: How long have you lived in Socastee?

9 A: About twelve years now.

10 Q: How old are you?

11 A: Twenty-one.

12 Q: Twenty-one. So, what school did you attend? What high
13 school?

14 A: Socastee High.

15 Q: And where were you living during January of 2012?

16 A: Plantation Apartments on Rittenhouse Road.

17 Q: Is that in Socastee?

18 A: Uh-huh (affirmative response).

19 THE COURT: You need to answer yes or no.

20 A: Yes, yes.

21 Q: Do you know the Defendant?

22 A: Yes.

23 Q: And where did you meet the Defendant? I don't really
24 need exact date or anything, just ---

25 A: Previously, I've known him since like fourth grade, but I

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EMMANUEL FORIEST - DIRECT BY GROOMS

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- 1 mean, so -- met him at Plantation around -- picked him up at
2 Plantation, so ---
- 3 Q: Okay. Let's just back up. I'm not asking about the day.
4 A: Okay.
- 5 Q: So, you met him first time in middle -- or elementary
6 school.
- 7 A: Elementary, yes, yes.
- 8 Q: How would you classify your relationship before all this
9 happened?
- 10 A: Oh, we was -- we were best friends, very close.
- 11 Q: How would you classify it today?
- 12 A: I mean, I have no grudge against him, nothing of that.
- 13 Q: Thank you. When is the last time you talked to Zachary
14 Bullock?
- 15 A: Before he bonded out in last year of -- I think it was
16 June.
- 17 Q: Okay. Do you know Mr. De'Aisha Denton?
- 18 A: Yes.
- 19 Q: And where did you meet Ms. Denton?
- 20 A: At Plantation Apartments when she first came out there
21 like three or four years ago.
- 22 Q: So, three or four years ago, did she go to school with
23 you?
- 24 A: Uh-huh (affirmative response); yes, sir.
- 25 Q: Okay. So, she went to school with you. How long have

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EMMANUEL FORIEST - DIRECT BY GROOMS

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- 1 you known her? I think you just answered that.
- 2 A: A good three, four, five years now.
- 3 Q: Three or four --
- 4 A: Yes.
- 5 Q: How would you classify your relationship with Ms. Denton
- 6 ---
- 7 A: Well, we were -- previously we were dating when I was
- 8 down the street from ---
- 9 Q: All right. Let me finish the question and I'll be glad
- 10 to give you time to answer. How would you classify your
- 11 relationship during January of 2012?
- 12 A: We was -- we was seeing each other.
- 13 Q: Okay. Is -- we were talking, would that be a term that
- 14 you would use for your relationship?
- 15 A: Yes, yes.
- 16 Q: Okay. How would you classify your relationship with Ms.
- 17 Denton today?
- 18 A: I wouldn't -- we're not together, so.
- 19 Q: When was the last time you've spoken to Ms. Denton?
- 20 A: At a bond hearing when we was in jail together, last
- 21 year.
- 22 Q: What did you talk about at the bond hearing?
- 23 A: Just when she would probably get out and, you know, stuff
- 24 like that.
- 25 Q: What was the setting of this conversation? Were you in

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EMMANUEL FORIEST - DIRECT BY GROOMS

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1 court?

2 A: Yeah.

3 Q: Were you contacted by the Defendant on or around January?

4 MR. HILLIARD: Objection.

5 Q: Were you hanging out with the Defendant in January?

6 MR. GROOMS: Withdrawn, I'm sorry. Withdrawn

7 BY MR. GROOMS:

8 Q: Were you hanging out with the Defendant prior to your
9 arrest?

10 A: Yes.

11 Q: Were you hanging out with the Defendant prior to this
12 burglary?

13 A: Yes.

14 Q: I'm just gonna let you talk. How did this burglary come
15 about?

16 A: Well, I was hanging out with De'Aisha Denton and she got
17 a call from Zach telling her how we could get some money and
18 whatnot. And we got together and -- to find out that he knew
19 the house where we was at because he said he used live around
20 there. So, we went in the house and, you know ---

21 Q: Was this a neighborhood you were familiar with?

22 A: No, I never been there before.

23 Q: If I were to show you map, would you be able to identify

24 ---

25 A: No.

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1 Q: Okay. Was this -- was the home that you're talking
2 about, was this a home in Zach's neighborhood?

3 A: Yes.

4 Q: What was the location of the home to his house?

5 A: Cross the street, I think it was.

6 Q: Okay. All right. I'll let you continue. What was --
7 was there a plan for this burglary?

8 A: Not really. We just -- he said he would go to be back,
9 back of the yard and get in the house.

10 Q: Why did he pick this home?

11 A: Because his ---

12 MR. HILLIARD: Objection to the form of the question.

13 THE COURT: Rephrase your question.

14 BY MR. GROOMS:

15 Q: What if anything made you chose those home amongst
16 others?

17 A: In the beginning he told us that there was a gun involved
18 and he wanted to get it.

19 Q: What kind of gun?

20 A: .45 -- Glock .45.

21 Q: All right. What happened the day of the burglary?

22 A: What you mean?

23 Q: Just tell the jury what happened the day of the burglary,
24 just your story.

25 A: Okay. Well, we went to the back of the yard and I picked

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- 1 up a rock on the back off the ground and threw it against the
2 window and went in. He went one way and I went the other way.
3 I met him in the master bedroom. He called my name and I
4 looked back and had the Glock .45.
5 Q: Where did you get this rock?
6 A: On the ground of the, I guess, what you call the
7 backyard.
8 Q: Okay. I'll show you what's been marked as State's
9 Exhibit Number Two. Can you identify this for the jury?
10 A: Yes, that's it.
11 Q: That's the rock you used?
12 A: Yes.
13 Q: And can you identify this?
14 A: Yeah, that's the back of the house.
15 Q: Who threw this brick through the window?
16 A: I did.
17 Q: Can you identify this?
18 A: I can't see it. I'm sorry. Yeah, that's the -- where
19 the rock was at, I picked it up from.
20 Q: Okay. So, you picked the rock up and you threw it
21 through the window?
22 A: Yes.
23 Q: Is that what you told police?
24 A: Yes.
25 Q: You testified that Zach -- that you originally went in

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- 1 this home because there was mention of a gun.
- 2 A: Yes, sir.
- 3 Q: How did you know that?
- 4 A: I didn't. Zach said cause the man at the house was -- he
- 5 had a license plate with a Glock .45 and he knew the neighbor.
- 6 Q: Who drove you to the burglary?
- 7 A: De'Aisha Denton.
- 8 Q: Who picked you up from the burglary?
- 9 A: De'Aisha Denton.
- 10 Q: How did she know when to pick you up?
- 11 A: Phone, we all had cell phones.
- 12 Q: Who called her?
- 13 A: I'm pretty sure I did. I texted her.
- 14 Q: And sounds like a little bit of a plan.
- 15 MR. HILLIARD: I object.
- 16 MR. GROOMS: Withdrawn.
- 17 BY MR. GROOMS:
- 18 Q: Where did you meet that morning?
- 19 A: We -- the neighborhood that we picked him up from, I
- 20 don't know where was it, we just picked him up. I was with
- 21 her the following night. So, we just met up.
- 22 Q: Were you wearing gloves during this burglary?
- 23 A: Yes.
- 24 Q: Was Zach wearing gloves?
- 25 A: Yes.

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EMMANUEL FORIEST - DIRECT BY GROOMS

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1 Q: Were there any cars in the driveway?

2 A: No.

3 Q: Back to inside the home, please tell the jury what
4 happened once you went inside the home?

5 A: I went ---

6 MR. HILLIARD: Objection. Asked and answered.

7 THE COURT: I'm gonna allow it. You may continue.

8 BY MR. GROOMS:

9 Q: When we got inside the house, I went one way, like I said
10 and when I -- and I met him the master bedroom. I was getting
11 TVs and whatnot and he told me, he said my name. I turned
12 around and he had in his hand the Glock .45. He showed me and
13 I just got the TVs together and iPad and we left.

14 Q: What did you he do with the gun?

15 A: He kept it in his belt, you know.

16 Q: Waistband?

17 A: Yeah, waistband.

18 Q: I'm going to show you what's been marked as State's
19 Exhibit Four and Five, if you can ---

20 A: Yeah, that's in the master bedroom.

21 Q: Okay. And Exhibit Number Five?

22 A: Same place.

23 Q: Where did the gun come from?

24 A: I do not know. When I got there, he already had it.

25 Q: Okay. Where were you when he showed you the gun?

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- 1 A: In the master bedroom.
- 2 Q: And what items were taken?
- 3 A: TVs, iPad.
- 4 Q: Was there more than one TV?
- 5 A: Yes.
- 6 Q: Was the gun taken from this home?
- 7 A: Yes.
- 8 Q: Were you able to see this gun?
- 9 A: Yes.
- 10 Q: And what type of gun was it?
- 11 A: Glock .45.
- 12 Q: All right. So, how long did this take?
- 13 A: No more than five minutes in and out.
- 14 Q: What happened when you get back to the car?
- 15 A: We got back to the car and she drove off a good bit and
- 16 we parked and we see what we got. He took out the gun and he
- 17 showed it to us and we drove off.
- 18 Q: What if anything did he say about the gun?
- 19 A: Nothing, just that he was selling it to somebody and that
- 20 was it.
- 21 Q: So, what did you do with all the items?
- 22 A: Sold it to the same person.
- 23 Q: Which person?
- 24 A: I don't know his name but the person he sold the gun to.
- 25 Q: Who got in contact with him?

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EMMANUEL FORIEST - DIRECT BY GROOMS

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- 1 A: Zach.
- 2 Q: Were you with him when he sold it?
- 3 A: Yes.
- 4 Q: And how much money did he get?
- 5 A: I'm not exactly sure. He did business with -- I think it
- 6 was like \$600.
- 7 Q: Okay. But you're not sure. What did you do with the
- 8 money?
- 9 A: We split it.
- 10 Q: Were you arrested and charged in this burglary?
- 11 A: Yes.
- 12 Q: When you were arrested, who was with you?
- 13 A: Me, De'Aisha Denton, Zachary and Ben Denton.
- 14 Q: Thank you. Were you charged with burglary in the first
- 15 degree?
- 16 A: Yes.
- 17 Q: When you were arrested, were you taken to jail?
- 18 A: Yes.
- 19 Q: Were you contacted by law enforcement?
- 20 A: Yes.
- 21 Q: Please tell the jury the nature of that conversation.
- 22 A: It was a couple of days after I got arrested. I think J.
- 23 Reuben, the investigators came and talked to me and they just
- 24 asked me questions about the gun and all the -- where I been
- 25 in the house and all that.

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- 1 Q: Who was the State investigator? Who was the officer?
- 2 A: I think his name was Bogart, something like that.
- 3 Q: Okay. Were you promised anything by the detective?
- 4 A: No.
- 5 Q: Had you spoken to anyone about what you were gonna say?
- 6 A: No.
- 7 Q: Who did you implicate the burglary?
- 8 A: What you mean?
- 9 Q: You talked to police?
- 10 A: Uh-huh (affirmative response).
- 11 Q: Who did you say committed this burglary?
- 12 A: Oh, it was me and Zachary. De'Aisha just drove.
- 13 Q: And you told police De'Aisha drove?
- 14 A: Uh-huh (affirmative response).
- 15 Q: When the two of you committed burglary?
- 16 A: Yes.
- 17 Q: Did you tell -- did you tell the police who drove you
- 18 away from the scene?
- 19 A: Yes.
- 20 Q: Is your testimony today the same that you told the
- 21 detective?
- 22 A: Yes.
- 23 Q: Were you concerned at all about what would happen to
- 24 De'Aisha?
- 25 A: Yes.

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1 Q: I know it's a loaded question but why did you tell the
2 truth?

3 A: Cause I did this.

4 MR. HILLIARD: Objection to the form of the question.

5 Q: Why did you tell the truth?

6 THE COURT: I'm gonna allow that. Well, no, you need to
7 rephrase your question.

8 MR. GROOMS: Yes, sir, Your Honor.

9 THE COURT: I'm sorry.

10 BY MR. GROOMS:

11 Q: Why did you cooperate with the police?

12 A: Because they caught us. I did it.

13 Q: Have you been promised anything to testify here today?

14 A: No.

15 Q: Did you enter into a proffer agreement with the State?

16 A: No.

17 Q: Mr. Foriest ---

18 MR. HILLIARD: He said, no, Judge.

19 THE COURT: I appreciate that. I'm gonna allow the State
20 to continue.

21 BY MR. GROOMS:

22 Q: Was there a time when you met with the Solicitor's office
23 with your attorney?

24 A: Oh, yes.

25 Q: And what was the point of that meeting?

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- 1 A: To talk about the case.
- 2 Q: And did you sign anything that day?
- 3 A: I didn't, no.
- 4 Q: Was there ever a day that you signed anything?
- 5 A: Yes.
- 6 Q: Okay.
- 7 MR. GROOMS: Your Honor, can we approach briefly?
- 8 THE COURT: Certainly.
- 9 MR. GROOMS: Thank you.
- 10 (REPORTER'S NOTE: A bench conference was held off the record
- 11 in the presence of the jury but out of hearing of the jury.)
- 12 BY MR. GROOMS:
- 13 Q: Mr. Foriest, do you know what the word proffer means?
- 14 A: Who?
- 15 Q: Do you know the word proffer means?
- 16 A: Pardon?
- 17 Q: Proffer.
- 18 A: Are you saying proper?
- 19 Q: Proffer.
- 20 THE COURT: Why don't you spell it?
- 21 Q: P-r-o-f-f-e-r, proffer.
- 22 A: No.
- 23 Q: Okay. Was there an agreement between you and the State
- 24 to testify here today?
- 25 A: Oh, yes.

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- 1 Q: And what was the condition of that agreement?
- 2 A: I would get second degree burglary and zero to ten.
- 3 Q: What did the State require you to do?
- 4 A: Oh, to testify.
- 5 Q: And what were you to testify to?
- 6 A: The burglary of me and Zachary to the first degree.
- 7 Q: Were you indicted in this case to burglary first degree?
- 8 A: Yes.
- 9 Q: And now you just said -- is it true that you pled guilty
- 10 to the lessor included of burglary second?
- 11 A: Yes.
- 12 Q: Have you been sentenced in this case?
- 13 A: No.
- 14 Q: What was the condition that you entered into a proffer
- 15 agreement?
- 16 A: What you mean?
- 17 Q: Were you gonna tell the truth?
- 18 A: Yes.
- 19 Q: Thank you. When you were arrested, when you were
- 20 contacted by law enforcement, did you cooperate?
- 21 A: Yes.
- 22 Q: Is your testimony today the same as it was the day you
- 23 talked to the detective?
- 24 A: Yes.
- 25 Q: And are you facing up to ten years in jail, prison?

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1 A: Yes.

2 Q: Thank you, sir. That's all I have.

3 THE COURT: Cross examination.

4 MR. HILLIARD: Thank you, Your Honor.

5 CROSS EXAMINATION OF EMMANUEL LADON FORIEST BY MR. HILLIARD:

6 Q: I think what you said earlier was that Zach had told you
7 there was a license plate on a vehicle that said Glock .45?

8 A: No, it had pictures of a Glock .45 on it.

9 Q: It had pictures of a Glock .45?

10 A: Yes.

11 Q: Not a license plate?

12 A: I mean, the back of the license plate, you know how it
13 has the back of it has like pictures of Glock .45s on it.

14 Q: Was it on the front of the vehicle or the back of the
15 vehicle?

16 A: I didn't see the vehicle.

17 Q: Well, when he was saying that, did he say that it said
18 Glock .45?

19 A: No, he said a picture of a Glock .45.

20 Q: Picture of a Glock .45?

21 A: Yeah.

22 Q: State's Exhibit Number Six, you would agree with me that
23 that's not a picture of anything?

24 A: No, it's not.

25 Q: And the testimony before the jury was that he felt like

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EMMANUEL FORIEST - CROSS BY HILLIARD

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- 1 it was \$600 that you got; is that right?
- 2 A: Yes.
- 3 Q: When you were talking -- let me ask you this question.
- 4 You made a deal with the Solicitor's office to testify; is
- 5 that right?
- 6 A: Yes.
- 7 Q: And part of your deal was that you had to testify
- 8 consistently with the statement that you made on June the 28th
- 9 of -- or June the 26th of 2013, right?
- 10 A: Right.
- 11 Q: So, you had to say -- here today, you have to say the
- 12 same thing you said on the 26th of the deal is no good?
- 13 A: Right.
- 14 Q: And that's the reason you haven't been sentenced.
- 15 A: Yes.
- 16 Q: They want to be sure what you're gonna say, right?
- 17 A: Right.
- 18 Q: So, when you walked into the deal, you were facing a
- 19 minimum of fifteen years no parole up to life without parole,
- 20 right?
- 21 A: Yes.
- 22 Q: And when you walked out of the deal, you were facing zero
- 23 to ten with parole eligibility, right?
- 24 A: Right.
- 25 Q: Are you hoping to go home this afternoon?

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- 1 A: I don't know what's gonna happen. Of course, I want to
2 go home.
- 3 Q: Right. And you might go home tomorrow; that's a
4 possibility?
- 5 A: Yes.
- 6 Q: You've already pled guilty?
- 7 A: Yes.
- 8 Q: Just waiting on a sentence?
- 9 A: Yes.
- 10 Q: Depending on what you say here today, right?
- 11 A: Correct.
- 12 Q: All right, sir. You were the one who called Ms. Denton
13 to come and pick you guys up; is that right?
- 14 A: Correct.
- 15 Q: And when you were talking to the Solicitor's office about
16 your testimony, you indicated that y'all had got about \$900.
17 Do you remember telling them that, about \$900?
- 18 A: I do not but I probably did.
- 19 Q: You probably did tell them 900?
- 20 A: Yes.
- 21 Q: Could've been 900, might've been 600?
- 22 A: Yes.
- 23 Q: But you don't remember how it got split up?
- 24 A: No, it was four years ago or something.
- 25 Q: And you don't remember exactly how many TVs got taken?

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- 1 A: It was two or three.
- 2 Q: Two or three TVs?
- 3 A: Yes, sir.
- 4 Q: All right, sir. And do you remember indicating that
- 5 De'Aisha drove to the back area of the house?
- 6 A: Yes.
- 7 Q: And that you and Zack jumped over the fence?
- 8 A: Yes.
- 9 Q: All right, sir. So, you jumped over the fence to get
- 10 into the backyard; is that right?
- 11 A: Yes.
- 12 Q: You want De'Aisha to get the least amount that she can
- 13 possibly get out of this, right?
- 14 A: Yes.
- 15 Q: And she was your sincere girlfriend at the time that this
- 16 all happened?
- 17 A: Yes.
- 18 Q: Do you remember telling her that you felt like you and
- 19 she were Bonnie and Clyde?
- 20 A: No, she told me that.
- 21 Q: That was her ---
- 22 A: Yes.
- 23 MR. HILLIARD: Excuse me just one second.
- 24 BY MR. HILLIARD:
- 25 Q: You're saying Glock .45. You would agree with me that a

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EMMANUEL FORIEST - CROSS BY HILLIARD

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1 Glock .45 looks identical to a Glock .40 just to look at it?

2 A: I have no idea about guns at all.

3 Q: Sir?

4 A: I have no idea -- I have no idea about guns. I don't
5 carry one, don't know nothing about them. He just told me it
6 was a Glock .45?

7 Q: You don't know anything about guns?

8 A: No.

9 Q: So, whether that was a Glock .45 or not, you don't really
10 know?

11 A: No, and just going on what he said.

12 Q: Could've been anything?

13 A: Yeah.

14 Q: And your recollection is that that Zach's house is across
15 the street from the burglary; is that correct?

16 A: Yes.

17 MR. HILLIARD: May we approach the bench, Your Honor?

18 THE COURT: Yes, sir.

19 (REPORTER'S NOTE: A bench conference was held off the record
20 in the presence of the jury but out of hearing of the jury.)

21 MR. HILLIARD: We'd just mark this for identification.

22 THE COURT: Yes, sir.

23 DEFENDANT'S EXHIBIT NUMBER TWENTY-FOUR

24 MARKED FOR IDENTIFICATION

25 THE COURT: What number was that, please?

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EMMANUEL FORIEST - CROSS BY HILLIARD

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1 COURT REPORTER: Twenty-four.
2 BY MR. HILLIARD:
3 Q: Do you remember telling the Solicitor's office that Zach
4 has said there was a sticker in the back window that showed
5 Glock .45; is that what you told them?
6 A: In what window?
7 Q: There was a truck in the driveway with a sticker in the
8 back window that said Glock .45?
9 A: I don't recall that.
10 Q: You do recall saying that you and Zach just jumped the
11 fence in the backyard?
12 A: Yes.
13 Q: And the backyard had a fence?
14 A: Yes.
15 Q: It was about six-feet tall?
16 A: It was pretty tall.
17 Q: And where was De'Aisha parked when y'all came out?
18 A: On the road on the back of the house.
19 Q: On the road on the back of the house?
20 A: Yes.
21 Q: Let me show you Defendant's Exhibit Number Twenty-three
22 for identification and ask if you can identify this.
23 A: Yeah.
24 Q: Do you see where the burglary took place?
25 A: Yes.

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EMMANUEL FORIEST - CROSS BY HILLIARD

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1 Q: Where is that?

2 A: Right there (indicating).

3 MR. HILLIARD: Judge he can't reach because of the ---

4 THE COURT: Can you get it closer to him and let him hold
5 it if he can.

6 A: One of these ---

7 THE COURT: You need to speak up, please, sir, nobody can
8 hear you.

9 A: One of these two houses, don't know which one it was but
10 that's the -- right there.

11 Q: You don't know which one of the two houses it was?

12 A: No, because the fence is about the same height.

13 Q: Right. And road is where?

14 A: Right there.

15 Q: So, your testimony is that you and Zach -- De'Aisha was
16 on this road up here?

17 A: Yes.

18 Q: And you and Zach ran through the neighborhood with TVs
19 and ---

20 A: No, in the back right there, where the trees is at, where
21 this is ---

22 Q: Out this way?

23 A: Yes.

24 Q: Up this road?

25 A: Yes.

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EMMANUEL FORIEST - REDIRECT BY GROOMS

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1 Q: All right, sir. But you don't know which of these two
2 houses it was?

3 A: No, because that one -- the second one ---

4 Q: All right, sir. Did you indicate earlier in your
5 testimony that De'Aisha had called you setting up this
6 burglary?

7 A: No, I was with her at the time.

8 Q: Thank you, sir. That's all I have.

9 THE COURT: Any redirect?

10 MR. GROOMS: Just briefly, Your Honor.

11 REDIRECT EXAMINATION OF EMMANUEL LADON FORIEST BY MR. GROOMS:

12 Q: You were with De'Aisha when what happened?

13 A: Oh, when she was on the phone with Zachary and he was
14 talking about if you want to make some money.

15 Q: Okay. And you testified that the fences were six-feet
16 tall?

17 A: Yes.

18 Q: How tall are you?

19 A: Like five-ten.

20 Q: Were there any gates on these fences?

21 A: Yes.

22 Q: Is it possible you could've walked through the gate?

23 A: No, because it was -- there was something in the way of
24 like the fence. So, we went over and I threw him the TVs and
25 he came on over by me.

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BY THE COURT

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1 Q: Did you ever see that license plate?

2 A: No, I never saw it.

3 Q: And what were you going off of?

4 A: Zach -- Zach's word.

5 Q: Okay. Thank you, sir. That's all I have for you.

6 THE COURT: Anything on those questions, Mr. Hilliard?

7 MR. HILLIARD: I don't have any other questions, Judge.

8 THE COURT: Very good. All right. You may step down,
9 sir.

10 MR. GROOMS: Your Honor, could we have just ---

11 THE COURT: Just -- y'all sit down and I'll take care of
12 it.

13 MR. GROOMS: Sorry, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, we're gonna
15 take a short break at this point in time for about ten
16 minutes. Go back to your jury room and remember don't talk
17 about the case. All right? Thank you very much.

18 Everyone else remain seated.

19 (REPORTER'S NOTE: The jury exits courtroom. 10:57 A.M.)

20 THE COURT: All right. Mr. Hilliard, you had marked as
21 Defendant's Twenty-four for identification a Facebook page.
22 Apparently, you indicated it was a Facebook page of the
23 witness. I mean, he never identified it as such but I did
24 tell you that I didn't think it was relevant, it was from
25 October of 2011.

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BY THE COURT

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1 MR. HILLIARD: Yes, sir.

2 THE COURT: Which obviously predates the incident of
3 January 12th, 2012, didn't contain any information about this
4 particular matter. So, I did not find it to be relevant.

5 MR. HILLIARD: Thank you, Your Honor.

6 THE COURT: All right. Thank you very much.

7 MR. GROOMS: Your Honor, before you go, we'd ask that Mr.
8 Foriest be excused from his subpoena ---

9 THE COURT: Well, he's not excused from his subpoena, I
10 mean, he's in jail. So, they can take him back to jail and he
11 can be recalled at any point in time. It's not like a regular
12 subpoena. He's at the J. Reuben Long Detention Center. If
13 y'all needed him, they just need to call him back. So, I
14 mean, for the purposes, y'all can take him back the J. Reuben
15 Long Detention Center but he remains until the case is
16 concluded and his matter is concluded about sentencing, he
17 remains at the call of the Court. He's not excused from
18 coming back.

19 MR. GROOMS: Yes, sir.

20 MR. HILLIARD: Thank you, Your Honor.

21 (RECESS - 10:59 A.M.)

22 *****OFF THE RECORD*****

23 (On the Record. - 11:12 A.M.)

24 (REPORTER'S NOTE: The following takes place outside the
25 presence of the jury.)

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BY THE COURT

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1 THE COURT: All right. Is the State ready for the jury
2 to come back in?

3 MR. GROOMS: Yes, sir, Your
4 Honor.

5 THE COURT: Defense?

6 MR. HILLIARD: If we could, and this is prior to the jury
7 coming, as I was reviewing my notes and going through the
8 information, it's clear to me that I neglected to ask Mr.
9 Foriest the extent of the benefit that he got from the proffer
10 and I would ask that we be allowed to recall him for the
11 purpose of asking him about the extent of the benefit he gets
12 from the proffer.

13 MR. GROOMS: Your Honor -- I'm sorry, Judge.

14 THE COURT: It's okay.

15 MR. GROOMS: I believe that he did ask him if he was
16 facing zero to ten years and he could go home tomorrow was his
17 exact questioning. Is it true you could go home today? I
18 hope so. You could go home tomorrow? Yes, sir, possibly. I
19 think that's a pretty good benefit of plea bargain possibility
20 that that jury's already heard.

21 THE COURT: Did you not ask Mr. Foriest about that, about
22 -- you went over that he could get what sentence he could get
23 and as the Solicitor indicated, you made the point of you can
24 go home -- you might possibly go home tomorrow. I mean, isn't
25 that covering the benefit of the bargain?

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BY THE COURT

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1 A: But the thing that I did not cover, Judge, that I
2 intended to cover and neglected to do was the fact that he has
3 a burglary first degree, a burglary second degree, burglary
4 second degree, four housebreakings and other burglaries and
5 possession of burglary tools all of which are being dismissed.
6 So, I neglected to cover those things. We had talked about it
7 in the very beginning of the case and the Solicitor had asked
8 Your Honor to exclude me from mentioning those things and I
9 was allowed to ask the Defendant that question and ---

10 THE COURT: Well, I'll allow you in your case to recall
11 him and ask him if -- the problem we've got is talking about
12 the particular crimes since he's indicated a connection with
13 your client in his testimony that if you asked him the
14 particular crimes, the four counts and the other counts that
15 could prejudice your client in that matter. Now, it might
16 very well be less depending on how they're classified as
17 felonies or misdemeanors that the State is also dismissing,
18 you know, four other felonies and, you know, if there are any
19 misdemeanors that he is facing. But I am concerned about if
20 you start talking about those particulars, you're hurting your
21 client. Now, if you're not concerned about that ---

22 MR. HILLIARD: The only thing that I would ask him is,
23 Isn't it true that the prosecution is dismissing as part of
24 your plea negotiation four housebreakings, two burglaries and
25 and a possess of burglary tools. And that's a yes or no

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BY THE COURT

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1 question.

2 MR. GROOMS: Your Honor, the State's position would be
3 that he's already had the opportunity. He didn't ask Ms.
4 Denton and he didn't ask Mr. Foriest. We took a break and
5 seems to have changed his trial strategy. He's already had
6 that opportunity and did not do so.

7 THE COURT: I appreciate it. I'm going to allow him to
8 recall the -- Mr. Foriest and ask him and find out -- you need
9 to find out if all those are classified as felonies or
10 misdemeanors. Again, I believe there is -- there could be
11 undue prejudice to the Defendant by talking about the
12 particular crimes, but I will allow you to ask him about
13 felonies and/or misdemeanors depending on how they're
14 classified.

15 MR. HILLIARD: It's my understanding if those were all
16 felonies ---

17 THE COURT: Both y'all need to look them up. I'm just
18 saying, look them and see, make sure and then if they're all
19 felonies, then, you know, however many there are, that's what
20 they would dismiss. And I appreciate that, Solicitor, I will
21 be glad to find the case ---

22 MR. GROOMS: Your Honor.

23 THE COURT: I will be glad to find the case that allows
24 the Court in its discretion to reopen a civil criminal case
25 even when the jury is deliberating.

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BY THE COURT

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1 MR. GROOMS: I understand your ruling, Your Honor, I was
2 gonna ask if I would be permitted to ask him when these
3 alleged events occurred?

4 THE COURT: No, sir. No, sir. I'm not gonna do that.
5 I'm not gonna do that. It's gonna be a simple question. As
6 part of your agreement with the State, is the State dismissing
7 however many felonies and/or misdemeanors and that's gonna be
8 the question and it's gonna be a yes or a no answer. All
9 right?

10 MR. HILLIARD: Thank you, Your Honor.

11 THE COURT: All right. So, when we get to your case,
12 Mr. Hilliard, you need to make sure you alert the jail so that
13 he is transported back. All right?

14 MR. HILLIARD: Okay. We've done that, Judge.

15 THE COURT: All right. Very good.

16 All right. Ask the jury to come back in, please.

17 Who is your next witness, please?

18 MR. GROOMS: Your Honor, it would be Detective Bogart.

19 THE COURT: All right. So, we can expect to be here
20 until about 1:30 then with Detective Bogart?

21 MR. GROOMS: Your Honor, direct certainly won't take more
22 than ---

23 THE COURT: How long is the cross examination gonna take,
24 Mr. Hilliard?

25 MR. HILLIARD: I hesitate to say this but I'm not sure

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SCOTT BOGART - DIRECT BY GROOMS

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1 what Detective Bogart is gonna say that could be -- that would
2 be admissible at this point but I guess I'll find out.

3 THE COURT: All right. Very good.

4 MR. HILLIARD: I guess I'd point out, while the jury is
5 out, we would object to the bolstering of testimony ---

6 THE COURT: Well, I don't know what the questions are
7 going to be, so I'll just hear you whenever it's asked.

8 MR. HILLIARD: Thank you.

9 (REPORTER'S NOTE: The jury enters courtroom. 11:20 A.M.)

10 THE COURT: All right. Solicitor, your next witness,
11 please

12 MR. GROOMS: Thank you, Your Honor. The State would call
13 Detective Scot Bogart to the stand.

14 THE COURT: All right. Please come around and be sworn.

15 SCOTT BOGART, HAVING BEEN DULY SWORN,

16 TESTIFIES AS FOLLOWS:

17 CLERK: State your full name and spell your last name.

18 MR. BOGART: My full name is Scott Bogart, B-O-G-A-R-T.

19 THE COURT: Go ahead, Solicitor.

20 DIRECT EXAMINATION OF SCOTT BOGARD BY MR. GROOMS:

21 Q: Thank you, Mr. Bogart. What's your title now?

22 A: I'm a Senior Detective with the Horry County Police
23 Department.

24 Q: Thank you, sir. How long have you been there?

25 A: This will be my fourteenth year.

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SCOTT BOGART - DIRECT BY GROOMS

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1 Q: Fourteenth year. How long have you been a detective?

2 A: Since 2004.

3 Q: What types of role in law enforcement have you had?

4 A: Well, this is my twenty-first year in police work. I
5 policed up in Ohio for seven and half years before I came
6 here. I was a patrol officer most of that time. I was a
7 training officer. I trained rookie police officers and
8 evaluated whether or not they were able to do the job, capable
9 of doing the job. I also did bicycle police work for several
10 years during the summertime up in Ohio. I then came down here
11 to Horry County. I spent two years as a patrol officer and
12 then I was promoted to Corporal where again, I assumed the
13 role of field training officer, responsible for evaluating and
14 training new hires. From there I was promoted to detective
15 and went directly from the road to Violent Crimes Division. I
16 spent four years in Violent Crimes from '04 to '08 and that
17 included investigation of multiple homicides and other violent
18 crimes.

19 Q: Would you speak with potential suspects or defendants in
20 those cases?

21 A: Yes, all the time,

22 Q: How many would you say you have spoken to?

23 A: Hundreds.

24 Q: Were you assigned burglary case in January of 2012?

25 A: Yes, I was.

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SCOTT BOGART - DIRECT BY GROOMS

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1 Q: And do you remember what the address was at that
2 residence?

3 A: [REDACTED]

4 Q: And where is that residence located?

5 A: In Horry County.

6 Q: Thank you, sir. What type burglary was this, please?

7 A: It was a daytime burglary and due to what was taken in
8 the burglary, it was classified as a burglary first degree.

9 Q: And would you please explain that to the jury?

10 A: Yes. A burglary of a residence is normally a ---

11 MR. HILLIARD: Objection.

12 THE COURT: Y'all come talk to me.

13 (REPORTER'S NOTE: A bench conference was held off the record
14 in the presence of the jury but out of hearing of the jury.)

15 BY MR. GROOMS:

16 Q: Detective Bogart, what was taken in this burglary?

17 A: There was a Glock .45, model 36 pistol, multiple
18 televisions, flat screen televisions, smaller televisions;
19 some miscellaneous jewelry, an iPad and two laptop computers.

20 Q: Was the gun the reason for the charge of burglary first?

21 A: Yes.

22 Q: Thank you. Were you able to return any of these items to
23 the victim?

24 A: No, sir.

25 Q: And what type of gun was this?

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1 A: It was a Glock semiautomatic .45, model 36.

2 Q: Were any suspects arrested related to this case?

3 A: Yes.

4 Q: And who were those suspects?

5 A: The Defendant Zachary Bullock and the two Codefendants

6 who testified earlier, Emmanuel Foriest and De'Aisha Denton.

7 Q: Thank you. Were you able to talk with any -- I'm sorry,

8 were you able to talk with De'Aisha Denton?

9 A: Yes.

10 Q: And what did De'Aisha Denton tell you?

11 MR. HILLIARD: Objection.

12 THE COURT: Ladies and gentlemen, go to your jury room,

13 please. Thank you.

14 (REPORTER'S NOTE: The jury exits courtroom. 11:26 A.M. The

15 following takes place outside the presence of the jury.)

16 THE COURT: All right. Your objection, Mr. Hilliard is

17 ---

18 MR. HILLIARD: That he is attempting to bolster the

19 testimony of a witness who has testified by eliciting hearsay

20 from an additional witness that her story is consistent today

21 with the story that she's told in the past.

22 THE COURT: And your reply to that, Solicitor?

23 MR. GROOMS: Yes, sir, Your Honor. I don't believe this

24 is bolstering. This is the lead detective. No arrests were

25 made until after he talked with these Defendants if he didn't

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1 believe their statement to be credible, no one would have ever
2 been arrested in the first place. This is how the case
3 developed. The Defendant can testify Ms. Denton took him to
4 this residence. Mr. Hilliard challenged that on the record
5 that she didn't even know which neighborhood she was in. He's
6 gonna testify to his investigation and how his arrests were
7 made as a result of his testimony. He also goes -- testify to
8 the fact that a gun was taken and the type of gun that was
9 taken. I guess we've already gotten into that but, Your
10 Honor, without this testimony, being able to talk to the
11 Defendants, we've got a big gap in this case.

12 THE COURT: All right. You can't frame your questions
13 such that this witness believes their statements to be true,
14 that in any way he's vouching for their truthfulness or their
15 believability or credibility. So, his answers cannot vouch
16 for the truthfulness or credibility or believability of the
17 witnesses. You can ask him what he did, you know, what
18 information he received, how he acted on that information and
19 what he found but you cannot ask him any questions that would
20 indicate his belief of the truthfulness of those two prior
21 witnesses. That is Denton or Foriest.

22 MR. GROOMS: Yes, sir, Your Honor. Would it be proper
23 for him to testify that the statements that they gave were the
24 same statements that they told him? The testimony that
25 they've given today would be the same statements that he was

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1 given? I mean, there's a roundabout way without him saying
2 that but that's I think certainly appropriate.

3 THE COURT: I'm not gonna allow you to ask that
4 particular question. I am gonna allow you to ask, you know,
5 what he did, what information he received, whom he received
6 the information, what he did what that information, but I'm
7 not gonna allow you to indicate to the jury that this witness
8 believes the truthfulness of them.

9 MR. GROOMS: Thank you, Your Honor. Just ---

10 THE COURT: Now, obviously, if he's asked such a
11 question, Mr. Hilliard, on cross examination or would call
12 upon him in any way to indicate his belief, he's free to do
13 that but not on direct.

14 MR. HILLIARD: Thank you, Your Honor.

15 MR. GROOMS: Your Honor, I believe this detective has an
16 opinion as to whether or not Zachary Bullock is guilty and I
17 think he is allowed to testify to that.

18 THE COURT: You can ask him as a result of all the
19 information that he collected and gone through everything that
20 he did, did he then go to a magistrate and get, you know, get
21 a warrant and go arrest that Defendant for the crime. But you
22 can't ask him, do you think that defendant is guilty of this
23 crime. I mean, that's the job of the jury. You can't ask him
24 that question.

25 MR. GROOMS: Yes, sir, Your Honor.

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1 THE COURT: But you can get to that, quite certainly.

2 All right. Ask the jury to come back in, please.

3 (REPORTER'S NOTE: The jury exits courtroom. 11:32 A.M.)

4 THE COURT: All right, Solicitor, you may continue.

5 MR. GROOMS: Thank you, Your Honor.

6 BY MR. GROOMS:

7 Q: Detective Bogart, I believe we left off with you were
8 assigned this case and you were able to talk to Ms. Denton.
9 Could you please tell the Court what steps were taken in your
10 investigation and how we arrived here today?

11 A: Yes, sir. Prior to going out to speak with Ms. Denton,
12 the 18th of January, I had already received information from
13 patrol officers that she was willing to cooperate with me.
14 So, I went out to the jail with another detective, excuse me,
15 detective and met with Ms. Denton. I read her the Miranda
16 Warning, she indicated that she understood her rights and that
17 she did not want an attorney present and that she was willing
18 to cooperate with us because she didn't want to be in any more
19 trouble than she had to be. It was her first offense and she
20 was willing to help us out. So, I asked her if she was
21 willing to drive us to the location of the burglary. That was
22 the first step is to show credibility, her statement was to
23 have her show us where the burglary took place.

24 MR. HILLIARD: Objection.

25 THE COURT: Grounds?

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1 MR. HILLIARD: He just said that he would -- that was the
2 first step to show her credibility as to ---

3 THE COURT: All right. I'm going to strike that and the
4 witness is cautioned again not to indicate believability or
5 credibility, that's the job of the jury.

6 Continue on, sir.

7 MR. HILLIARD: Thank you, Your Honor.

8 BY MR. GROOMS:

9 Q: Please pick up where you left off. How did you arrive at
10 the residence?

11 A: We asked Ms. Denton to drive us or actually we drove and
12 we asked her to direct us to the residence. And she was able
13 to do that without any assistance from us. We drove right to
14 the scene of the crime which was 4194 High Brass Covey. And
15 if I could just digress just for a moment, we did interview
16 her before we left, head out to the residence or the crime
17 scene and we were able to verify the facts in the case that
18 they had -- the burglary had been set up by Mr. Bullock and
19 they had gone there with the specific intention, the crux of
20 the burglary was namely the gun and we verified the property
21 that was stolen and how it was accomplished.

22 Q: Thank you, Detective Bogart. Who did Ms. Denton
23 implicate in her statement?

24 MR. HILLIARD: Again, Judge, that's my objection as to
25 ---

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1 THE COURT: I'm gonna allow the Detective to state what
2 Ms. Denton told him, again, without any additional comments.

3 MR. HILLIARD: Thank you, Your Honor.

4 BY MR. GROOMS:

5 Q: Who did Ms. Denton implicate in this burglary?

6 A: She implicated herself, Emmanuel Foriest, and the
7 Defendant Zachary Bullock.

8 Q: Thank you. Were you able to talk to Mr. Foriest in this
9 case?

10 A: Yes.

11 Q: And when was that?

12 A: I believe that was on January 23rd we spoke with him.

13 Q: Was Manny also charged in the case?

14 A: Yes.

15 Q: And what was he charged with?

16 A: I believe I also charged him with burglary first degree.

17 MR. GROOMS: Court's indulgence just a second, Your
18 Honor.

19 THE COURT: All right.

20 BY MR. GROOMS:

21 Q: When you first talked to Foriest, was he able to give you
22 a statement?

23 A: Yes.

24 Q: Detective Bogart, would it be possible then that he was
25 -- you talked to him before the 23rd?

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1 A: No. That would be -- it could've been somewhere around
2 the 19th or the 23rd, I'm not exactly sure, but I think it was
3 the 23rd that I spoke with him.

4 Q: Okay. When did you talk to him? Was there any -- was
5 there anything that you talked to him about or that would've
6 helped you remember the date? Would you have been the one who
7 served the warrant on the Defendant?

8 A: That would be correct. I believe some of the warrants
9 were served on the 19th, some were served on the 23rd. So, if
10 -- I believe there may be a couple of warrants that were
11 served on the 19th, if that's the case, then that would've
12 been the date that we first talked to him.

13 MR. GROOMS: Judge, would it be possible to approach the
14 witness with a copy of the warrant?

15 THE COURT: Show it to Mr. Hilliard first.

16 Y'all come up and talk to me just one second.

17 (REPORTER'S NOTE: A bench conference was held off the record
18 in the presence of the jury but out of hearing of the jury.)

19 MR. GROOMS: Might I approach the witness, Your Honor?

20 THE COURT: Yes, sir, you may.

21 BY MR. GROOMS:

22 Q: Just to refresh your memory.

23 A: Yes, sir.

24 Q: What is -- what is the date on that warrant?

25 A: January 19th, 2012.

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1 Q: So, would that be the day he talked to Mr. Foriest?

2 A: Yes.

3 Q: And as a result -- was this a part of your investigation?

4 A: Yes, it was.

5 Q: What were you -- what did you determine from talking to
6 Mr. Foriest as far as to the case itself about the credibility
7 of Mr. Foriest?

8 A: Mr. ---

9 MR. HILLIARD: Objection to the form of the question.

10 THE COURT: Rephrase your question, Solicitor.

11 MR. GROOMS: Thank you, Judge.

12 BY MR. GROOMS:

13 Q: Were you able to talk to Mr. Foriest on the 19th?

14 A: Yes.

15 Q: Was he forthcoming involving this case?

16 A: Yes, he was.

17 Q: And who did he implicate?

18 A: He implicated himself, he also implicated De'Aisha Denton
19 and the Defendant Zachary Bullock.

20 Q: What did he tell you about a gun?

21 A: He told me that the whole purpose of the burglary was to
22 go and break into Mr. Skipper's residence 48184 High Brass
23 Covey, with the main intention he had of being the pistol. He
24 told me that he ---

25 MR. HILLIARD: We'd just renew our objection to this line

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1 of ---

2 THE COURT: All right, sir. I'm gonna allow him to
3 testify as to what the witness or what Mr. Foriest told him
4 but not any other comments. Go ahead.

5 MR. HILLIARD: Thank you, Your Honor.

6 A: Mr. Foriest told me that De'Aisha Denton drove the
7 vehicle and that he and Mr. Bullock were dropped off down the
8 street and they then went, disappeared from her observation --
9 I'm sorry, he told me that they went and actually committed
10 the burglary which I've already indicated what was taken.
11 Upon, after finishing the burglary, they called her or he
12 called her and they met back up with her on the street and got
13 in the car and drove away.

14 BY MR. GROOMS:

15 Q: Thank you. As a result of this information -- actually,
16 I'm gonna withdraw the question.

17 Was this the first time you talked to Emmanuel Foriest?

18 A: Yes.

19 Q: And the statement was given that day?

20 A: Yes.

21 Q: Thank you, sir. Nothing further.

22 THE COURT: Cross examination.

23 MR. HILLIARD: Thank you, Your Honor.

24 CROSS EXAMINATION OF SCOTT BOGART BY MR. HILLIARD:

25 Q: When you were speaking with Ms. Denton, her words to you

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1 were -- part of her words to you were that she wanted to be in
2 no more trouble than she had to be.

3 A: Words to that effect, yes.

4 Q: And what she was trying to do was insolate and isolate
5 herself from as much of this criminal responsibility as
6 possible? Right? I'll ask another question. The --
7 essentially what she was telling you was she was just the
8 driver.

9 THE COURT: Sir?

10 A: No, I believe that's incorrect. She didn't confess to
11 her role in its entirety but she did make it clear that she
12 wanted to cooperate with the hopes that the Court would show
13 some leniency.

14 Q: Did she tell you that she did more than just drive?

15 A: No.

16 Q: The information that you've provided to the folks on the
17 jury about the specific make, model, caliber and -- of this
18 weapon is a hundred percent hearsay; is that correct?

19 A: I suppose it would be a legal question. I'm not quite
20 sure ---

21 Q: You never saw this gun?

22 A: No.

23 Q: You didn't saw it before it got stolen, right?

24 A: No.

25 Q: You didn't saw it after it got stolen? Right?

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- 1 A: No.
- 2 Q: You don't have it for us today? Right?
- 3 A: Correct.
- 4 Q: Then you don't know anything about it other than what
- 5 somebody told you?
- 6 A: That's correct.
- 7 Q: All right. Very good. And in fact, Mr. Foriest was
- 8 charged with -- initially, this was a burglary in the second
- 9 degree; isn't that true?
- 10 A: That's incorrect.
- 11 Q: Initially, the incident report had it listed as burglary
- 12 in the second degree?
- 13 A: Correct. But that was incorrect labeling of the report.
- 14 Q: All right. And Mr. Foriest was charged with burglary in
- 15 the first degree, burglary in the second degree, another
- 16 burglary in the second degree, four housebreakings, a burglary
- 17 in the second degree nonviolent and possession of burglary
- 18 tools. Isn't that correct?
- 19 A: I believe that sounds correct.
- 20 Q: And that's Mr. Foriest?
- 21 A: Yes.
- 22 Q: And are you familiar with his plea negotiation?
- 23 A: No.
- 24 Q: All right, sir. And Mr. Foriest, that's the person that
- 25 we've been calling Manny; is that correct?

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SCOTT BOGART - REDIRECT BY GROOMS

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1 A: Yes, sir.

2 Q: How much money was got for the sale of the stolen items?

3 A: I can only answer by what I heard from the Defendants,
4 which was somewhere between 400 and 900, whatever was told the
5 jury. I don't have any direct knowledge of that.

6 Q: In fact, you don't have any direct knowledge of anything
7 you've said so far, right?

8 A: I don't ---

9 Q: Sir? Right?

10 A: That's -- I believe that'd be correct.

11 Q: Thank you, sir. That's all I have.

12 THE COURT: Any redirect?

13 MR. GROOMS: Your Honor, I hate to belabor it further,
14 but may we approach very briefly?

15 THE COURT: Certainly.

16 (REPORTER'S NOTE: A bench conference was held off the record
17 in the presence of the jury but out of hearing of the jury.)

18 MR. HILLIARD: Thank you, Your Honor.

19 THE COURT: Any redirect?

20 MR. GROOMS: Just briefly, Your Honor.

21 REDIRECT EXAMINATION OF SCOTT BOGART BY MR. GROOMS:

22 Q: Did Ms. Denton tell you that she received, that she also
23 shared in the proceeds of the burglary?

24 A: Yes.

25 Q: Okay. Thank you, sir. That's all I have.

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GINGER POP - DIRECT BY GROOMS

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1 THE COURT: Anything on that question?

2 MR. HILLIARD: No, sir, Judge. Nothing further.

3 THE COURT: You may step down, sir.

4 All right. Solicitor, your next witness, please?

5 MR. GROOMS: Your Honor, the State would call

6 Investigator Ginger Pop.

7 THE COURT: All right, sir.

8 Please come around and meet the clerk right here, please,
9 ma'am.

10 GINGER POP, HAVING BEEN DULY

11 SWORN, TESTIFIES AS FOLLOWS:

12 CLERK: Please state your full name and spell your last
13 name.

14 MS. POP: Ginger Pop, P-O-P.

15 DIRECT EXAMINATION OF GINGER POP BY MR. GROOMS:

16 Q: Thank you, Ms. Pop. Can you please tell the jury what
17 your --, who you are employed with?

18 A: I work for the Fifteenth Judicial Circuit as an
19 investigator.

20 Q: And what is your role as an investigator?

21 A: We investigate cases further on than maybe the initial
22 investigating agency did.

23 Q: Thank you. And you said ---

24 THE COURT: Could you move a little closer to the
25 microphone, please, ma'am.

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GINGER POP - DIRECT BY GROOMS

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1 A: Sorry.

2 Q: Were you asked to perform an interview in State v
3 Bullock?

4 A: I was.

5 Q: And who was that interview with?

6 A: Foriest is the name that I -- I don't remember his full
7 name. If I could have my notes.

8 Q: Emmanuel Ladon Foriest?

9 A: Yes.

10 Q: Thank you. And where did -- where did this interview
11 take place?

12 A: It took place at J. Reuben Long Detention Center.

13 Q: And was the -- was Mr. Foriest told what to say?

14 A: No, sir.

15 Q: Was it implied in any way that had to testify a certain
16 way?

17 A: No, sir.

18 MR. HILLIARD: Excuse me must one second. We'll have our
19 same objection as to this testimony as to the previous
20 testimony.

21 THE COURT: As to the questions that have just been
22 asked, I don't -- I'll overrule any objection to that.

23 MR. HILLIARD: Yes, sir.

24 THE COURT: If you have further objections, just bring
25 them to my attention.

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GINGER POP - CROSS BY HILLIARD

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1 MR. HILLIARD: Thank you, Your Honor.

2 BY MR. GROOMS:

3 Q: Was Mr. Foriest told to tell the truth?

4 A: He was.

5 Q: Thank you. That's all I have for you.

6 THE COURT: Cross examination?

7 CROSS EXAMINATION OF GINGER POP BY MR. HILLIARD:

8 Q: That was June 26th of this year that the interview was
9 done?

10 A: I believe so if I could have a copy just to refresh my
11 memory that would assist me if you don't mind.

12 Q: Sure.

13 A: Yes, it was. Thank you.

14 MR. HILLIARD: Excuse me just one second.

15 THE COURT: Yes, sir.

16 BY MR. HILLIARD:

17 Q: This is a copy of your report; is that right?

18 A: Yes, sir.

19 Q: And Mr. Foriest indicated that the gun had a holster.

20 A: Do you mind if I look ---

21 THE COURT: All right, ma'am. You can read your report,
22 refresh your memory and then answer the question.

23 Q: He indicated that gun had a holster?

24 A: Correct.

25 Q: And he indicated that the items were sold for

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BY THE COURT

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1 approximately \$900?

2 A: Correct.

3 Q: That's all I have. Thank you, ma'am.

4 THE COURT: Any redirect?

5 MR. GROOMS: No, sir, Your Honor.

6 THE COURT: You may step down.

7 THE COURT: Do you wish the witness to be excused?

8 MR. GROOMS: Please, Your Honor.

9 MR. HILLIARD: No objection, Judge.

10 THE COURT: You are released from your subpoena, ma'am,
11 to go back to your regular duties.

12 Further witnesses for the State?

13 MR. GROOMS: No, sir, Your Honor. That would conclude
14 the State's case.

15 THE COURT: All right. The State rests at this time?

16 MR. GROOMS: Yes, sir, Your Honor.

17 THE COURT: All right. Mr. Hilliard do you have matters
18 of law at this point in time?

19 MR. HILLIARD: I do, Your Honor.

20 THE COURT: All right. Very good.

21 BY THE COURT:

22 All right, ladies and gentlemen. The State has concluded
23 its portion of the case in this matter. There are matters of
24 law that I have to take up with the lawyers at this point in
25 time and they will take some period of time. There's no sense

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1 since we're close to 12 o'clock for you to sit in the jury
2 room waiting for that to be done and then for me just to send
3 you to lunch after that. So, I'm gonna give you an extended
4 break. If y'all would come back at 1:30 please. Be back --
5 when do you want them to be back in the jury room by 1:30.
6 When do you want them downstairs?

7 BAILIFF: Quarter after 1:00, 1:15.

8 THE COURT: All right. Be back in the jury assembly room
9 by 1:15. Thank you very much.

10 (REPORTER'S NOTE: The jury exits courtroom. 11:53 A.M.)

11 THE COURT: All right. Mr. Hilliard, be glad to hear
12 from you, sir.

13 MOTIONS:

14 MR. HILLIARD: Thank you, Your Honor. At this time, Your
15 Honor, we'd respectfully request the Court to direct a verdict
16 of not guilty as to the only count in the indictment, that
17 being burglary in the first degree based on an insufficiency
18 of the evidence and its contradictory nature as to the -- the
19 only evidence before the Court, there's no physical evidence,
20 the only evidence before the Court is the contradictory
21 testimony of corroborating codefendants. I recognize that
22 they both say that Zach was there and they both say that Zach
23 was involved with -- there's a lot contradiction in their
24 testimony. So, we would ask you to direct a verdict of not
25 guilty as to the sole count in the indictment.

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1 THE COURT: All right. Very good. Regarding a directed
2 verdict, the Defendant is entitled to a directed verdict if
3 the State fails to produce evidence of the offense charged.
4 As the Trial Judge, I'm concerned with the existence of
5 evidence. It's not for the Court to judge its weight, its
6 credibility or believability. If there's any direct evidence
7 of substantial circumstantial evidence which usually tends to
8 prove the guilt of the accused and is properly submitted to
9 the jury. Only when a jury would be merely speculating as to
10 the guilt would be proper for a directed verdict. In this
11 particular case, I do find that there is more than sufficient
12 evidence if that evidence is so believed by the jury -- again,
13 that's their job, judging credibility and believability -- to
14 convict the Defendant of the crime charged. All of the
15 elements have been testified to by the Codefendants in this
16 particular case implicating the Defendant in the planning,
17 executing, purpose of the crime, the taking away of a pistol,
18 the incidental sale of it, the receipt of money for those
19 items; there is more than sufficient evidence regarding all
20 the elements of burglary first even though the crime was
21 committed in the daytime. All the elements are there. Again,
22 credibility and believability is for the jury but the evidence
23 exists. Motion is denied.

24 MR. HILLIARD: Thank you, Your Honor. Judge, as to the
25 -- as to the gun aspect of this case and the part of it which

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1 makes it burglary first instead of burglary second, the
2 indictment as I recollect contains two of the three parts of
3 the statute being that they are armed while going to the
4 residence or armed while in the residence. And again, and
5 subject to correction, I don't remember there being a part in
6 there about armed while leaving the residence.

7 THE COURT: Well, let me read it as -- I've got the
8 original indictment here that was true-billed by the Grand
9 Jury on October 25th, 2012. Let me just read what the
10 indictment says. It says, of course, Court of General
11 Sessions, October 25, 2012, the Grand Jury of Horry County
12 present upon their oath, burglary first degree and it has the
13 CDR Code, the statutory code section thereafter that says that
14 Zachary Braxton Bullock, who is the Defendant in this case,
15 did in Horry County on or about January 12th, 2012 enter the
16 dwelling of Joseph Skipper without consent and with the intent
17 to commit a crime therein and when, in effecting entry or
18 while in the dwelling or in immediate flight, he or another
19 participant in a crime was armed with a deadly weapon in
20 violation and again, it talks about the Code Section 1976, as
21 amended, against the peace and duty of the State and contrary
22 to the statute of such a case made and provided.

23 MR. HILLIARD: I stand corrected, Your Honor. Thank you.

24 THE COURT: All right. Very good.

25 MR. HILLIARD: Judge, also just for the purpose of

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1 information at this point, I'm gonna ask the Court at the
2 conclusion of the case, for a charge on burglary in the second
3 degree.

4 THE COURT: Well, and I appreciate that and indicate to
5 you that I anticipated that you might ask that. If the Court
6 considers that then we need to consider just labeling it, if
7 I'm gonna do it, as burglary second degree. Does it need to
8 be labeled burglary second degree violent, burglary second
9 degree non-violent. Those are issues because obviously it
10 affects the effect, does that need to be labeled on the
11 burglary, just a question to consider. Not saying I'm going
12 to include it yet, but it is a question to consider.

13 MR. HILLIARD: Of course, our position would be that it
14 would be a burglary -- the basis in theory behind the request
15 would be if they fail to prove the element of the gun then
16 that would be burglary second degree non-violent. So, any
17 burglary second degree found by the jury would be non-violent.

18 THE COURT: All right, sir

19 MR. HILLIARD: And again, part of the theory behind that
20 is State v. McCaskill.

21 THE COURT: I appreciate it. I don't know that we need
22 to argue about it right now. You indicated you're gonna have
23 witnesses testify for the Defense, correct?

24 MR. HILLIARD: The only witness I intend to call is the
25 one from the jail.

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ZACHARY BRAXTON BULLOCK - BY THE COURT

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1 THE COURT: I'm sorry. Mr. Foriest?

2 MR. HILLIARD: Yes, sir.

3 THE COURT: Okay. All right. Let's get through this
4 then.

5 Any further motions at this point in time?

6 MR. HILLIARD: No, sir, Judge.

7 THE COURT: Is your client prepared at this point in time
8 for me to question him regarding his right to testify in this
9 case?

10 MR. HILLIARD: He is, Your Honor. Yes, sir.

11 THE COURT: All right. Very good.

12 BY THE COURT:

13 Q: All right. Mr. Bullock, could you stand up, please.

14 And Madame Clerk, would you place him under oath.

15 ZACHARY BRAXTON BULLOCK, HAVING
16 BEEN DULY SWORN, TESTIFIES AS FOLLOWS:

17 THE COURT: All right. Now, Mr. Bullock, at this point
18 in time, I'm going to explain to you certain of your
19 constitutional rights. If at any point in time, you don't
20 understand what we're talking about, you don't understand me,
21 you've got a question, something that needs to be explained to
22 you, that's confusing in any way, you need to bring that to my
23 attention. You can raise your hand, you can say, I have a
24 question, you can tell your attorney but you've got to
25 affirmatively in some way indicate to me that you've got a

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ZACHARY BRAXTON BULLOCK - BY THE COURT

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1 question or are confused or something that needs to be
2 discussed.

3 MR. BULLOCK: Yes, sir.

4 THE COURT: All right. So, we're in agreement then?

5 MR. BULLOCK: Yes, sir.

6 THE COURT: All right. Very good. Now, we've reached
7 the stage of the trial where you can present your defense.
8 You have the right to claim the protection given to you by the
9 Fifth Amendment to the Constitution of the United States of
10 America. Now, that states in part that no person shall be
11 compelled in any criminal case to be a witness against
12 themselves. That means nobody can make you testify. Nobody
13 can force you to testify in this case. You can testify if you
14 want to but it's your choice. Nobody can make you do so. Do
15 you understand that?

16 MR. BULLOCK: Yes, sir.

17 THE COURT: All right. If you decide to testify, you
18 would be subject to the same rules that govern all the other
19 witnesses that have testified in this case. You'd be asked
20 questions by your attorney. I would allow the State to cross
21 examine or ask you questions on any matters, any facts the
22 Court would deem relevant to this case. Do you understand
23 that?

24 MR. BULLOCK: Yes, sir.

25 THE COURT: Is there a prior record?

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ZACHARY BRAXTON BULLOCK - BY THE COURT

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1 MR. GROOMS: No, sir, Your Honor.

2 THE COURT: All right. So, there's no prior record, so
3 we don't have that have that particular issue.

4 Your decision to testify has to be your decision. It has
5 to be freely made, voluntarily made, with knowledge of these
6 protections. Now you can ask your attorney questions or if
7 there was a family member you wanted to ask a question of
8 before you make your decision, I'll allow you to do that but
9 you understand, it's your decision.

10 MR. BULLOCK: Yes, sir.

11 THE COURT: All right. Now, before I ask you whether or
12 not you want to testify, do you understand what we've talked
13 about?

14 MR. BULLOCK: Yes, sir.

15 THE COURT: Do you have any questions that you want to
16 ask your attorney or a family member at this point in time?

17 MR. BULLOCK: No, sir.

18 THE COURT: All right, sir. Do you wish to testify in
19 this case?

20 MR. BULLOCK: Very good, sir. Thank you very much. You
21 may have a seat.

22 All right. What we'll do then is, Madame Deputy, if we
23 could make sure that Mr. Foriest is here at 1:30, please,
24 ma'am, so that he can be recalled for the purpose of that
25 question by Mr. Hilliard.

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ZACHARY BRAXTON BULLOCK - BY THE COURT

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1 Now, Mr. Hilliard, is now in evidence based upon the
2 Solicitor's questions and the answers within your cross
3 examination of the detective what he was charged with. So,
4 you're gonna be able to ask because it's already in evidence.

5 MR. HILLIARD: Yes, sir, Your Honor.

6 THE COURT: The, you know, as far, you know, X, Y, Z
7 crimes get ---

8 MR. HILLIARD: Dismissed.

9 THE COURT: --- dismissed. All right, sir. So, there's
10 -- just make sure we were clear on any confusion about that,
11 you can ask those questions.

12 MR. HILLIARD: Thank you.

13 THE COURT: All right. So, anything else from the State
14 at this point in time?

15 MR. GROOMS: No, sir, Your Honor.

16 THE COURT: Anything else from the Defense?

17 MR. HILLIARD: Judge, I would only say that the Court has
18 directed in regarding to the bonding situation and ---

19 THE COURT: Yes, sir.

20 MR. HILLIARD: And it's my understanding that the bonding
21 company has indicated a willingness to stay on the bond.

22 THE COURT: All right. If the bonding company has
23 indicated its willingness to stay on the bond, then I'm gonna
24 allow Mr. Bullock to remain out on bond.

25 Stand up for just one second, Mr. Bullock. You

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BY THE COURT

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1 understand that while I'm allowing you to stay out on the
2 bond, this case is gonna go forward with or without your
3 presence. If you would not come back after lunch we're gonna
4 continue on with this case to its conclusion; you understand
5 that?

6 MR. BULLOCK: Yes, sir.

7 THE COURT: And obviously, what would happen is a bench
8 warrant will be issued for your arrest. If the jury had
9 already returned a verdict, that verdict would be announced to
10 you at the time that you are arrested and brought back before
11 the Court.

12 Now, I will also tell you -- I'm directing you to be back
13 in the courtroom by at the latest 1:30 P.M. this afternoon.
14 If you are not back in the courtroom, you will have violated a
15 direct order of this Court; you understand that?

16 MR. BULLOCK: Yes, sir.

17 THE COURT: And that could subject you to contempt of
18 court proceedings and a sentence no matter what the jury might
19 decide in this particular case. You understand that?

20 MR. BULLOCK: Yes, sir.

21 THE COURT: All right. Very good. Based on that, he can
22 remain out on bond during -- until the jury returns a verdict
23 in this particular matter.

24 BY THE COURT:

25 All right. I'm not making a decision whether I'm going

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BY THE COURT

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1 to include burglary second degree but if you want to tell me
2 very briefly, Mr. Hilliard why you think burglary second is
3 proper?

4 MR. HILLIARD: The cases that I've read and the -- which
5 talk about the burglary statute and how having a gun can make
6 it burglary in the first degree and upholding that have been
7 directed verdict appeals. And so the directed verdict aspect
8 of this, Your Honor has ruled on and is consistent with what
9 the appellate courts have said in regard to that. I've not
10 seen any other cases regarding the prospect of the burglary in
11 the second degree being a lesser included offense. And as the
12 gun aspect of the case is subject to -- it is a specifically
13 independent element of the offense. And if the jury were to
14 believe some of the witness and not all of the witness and
15 they were to find beyond a reasonable -- they were not to find
16 beyond a reasonable doubt that the gun was involved, then it
17 would be possible for them to find the Defendant guilty of
18 burglary in the second degree and that they could find that he
19 went to the house in the daytime with the intent to commit a
20 crime without permission to enter and went it, committed the
21 crime and left and that they were inconclusive or found -- or
22 did not find beyond a reasonable doubt that they was a gun,
23 that he became armed and therefore that that element of the
24 crime was not met and as a consequence they could find him
25 guilty of burglary in the second degree making it appropriate

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BY THE COURT

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1 under the circumstances, Judge, to charge burglary in the
2 second degree.

3 THE COURT: All right. What do you say that, Solicitor?

4 MR. GROOMS: Your Honor, I think there's been
5 overwhelming testimony in concluding that this gun was in fact
6 taken. Mr. Hilliard went into talking about the bullets and
7 whether or not the gun was loaded with the victim. I guess I
8 could see how the jury could discredit the other four
9 witnesses as well that no gun was taken but I believe that's
10 at issue -- a question for the jury if they don't believe the
11 gun was taken and he's not guilty.

12 THE COURT: All right. Well, I appreciate that. The
13 problem I've got is and the reason I'm considering it is on
14 cross examination of Ms. Denton, there was a line of
15 questioning by Mr. Hilliard where he asked Ms. Denton did she
16 agree the burglary happened in the daytime. No gun was
17 brought in or used in the robbery and then based upon a
18 question Mr. Hilliard asked, she said he was uncertain where
19 the gun came from. State didn't follow up to clarify that.
20 It could very well be that she was uncertain as to the
21 location of where the gun came from in the house but that's
22 not what she said. Her answer was I'm uncertain where the gun
23 came from. That's her answer.

24 MR. GROOMS: Yes, sir, Your Honor, she ---

25 THE COURT: If the jury -- if the jury believes that

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BY THE COURT

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1 portion of her testimony, that she's uncertain where the gun
2 came from, then they could reasonably conclude the gun didn't
3 come from the house. I know that it seems like the
4 overwhelming weight of the evidence is to the contrary but she
5 did testify to that. And it contradicts other statements she
6 made on direct questioning by the State. But I can't make
7 decisions, as I've indicated already, about credibility and
8 believability. The testimony exists. So, if they believe
9 that, then why couldn't they conclude burglary second rather
10 than burglary first?

11 MR. GROOMS: I understand where you're going, Your Honor.
12 The one thing that she was very clear about was that she had
13 the gun as they left. That it is immediate flight.

14 THE COURT: I appreciate that. But you couple that with
15 I'm uncertain where the gun comes from. Unreasonable as it
16 seems, since she wasn't there and saw the Defendant pick up
17 the gun -- I understand Mr. Foriest says otherwise but then
18 you've got people that are -- have got different stories, you
19 know, it wasn't clear. It's unclear what she meant. So, I
20 don't see I have any choice but to send burglary second to the
21 jury. Y'all think about it.

22 All right. We'll be at ease until 1:30.

23 MR. HILLIARD: Thank you, Your Honor.

24 (RECESS - 12:11 P.M.)

25

*****OFF THE RECORD*****

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EMMANUEL FORIEST - DIRECT BY MR. HILLIARD

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1 (On the Record - 1:32 P.M.)

2 THE COURT: All right. Solicitor, is the State ready for
3 the jury?

4 MR. GROOMS: Yes, sir, Your Honor.

5 THE COURT: And Defense?

6 MR. HILLIARD: Yes, sir, Your Honor.

7 THE COURT: Very good. Ask the jury to come in, please.

8 (REPORTER'S NOTE: The jury enters courtroom. 1:36 P.M.)

9 THE COURT: All right, Mr. Hilliard.

10 MR. HILLIARD: Thank you, Your Honor.

11 We'd call Emmanuel Foriest.

12 THE COURT: Please come around.

13 State your name again, please.

14 MR. FORIEST: Emmanuel Ladon Foriest.

15 THE COURT: All right, Mr. Foriest, just remember you
16 remain under oath. All right?

17 MR. FORIEST: Yes, sir.

18 THE COURT: Go ahead, Mr. Hilliard.

19 MR. HILLIARD: Thank you, Your Honor.

20 DIRECT EXAMINATION OF EMMANUEL LADON FORIEST BY MR. HILLIARD:

21 Q: Mr. Foriest, you indicated earlier that your first degree
22 burglary charge connected to this incident has been reduced to
23 burglary in the second degree and you have pled guilty to
24 that; is that correct?

25 A: Yes, sir.

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EMMANUEL FORIEST - CROSS BY GROOMS

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1 Q: And you're facing a sentence of zero to ten years on
2 that?

3 A: Yes, sir.

4 Q: And also as part of your agreement with the prosecutor's
5 office to be here today and to testify they have also agreed
6 to dismiss an additional burglary in the second degree,
7 burglary in the second degree, three-four housebreakings,
8 another burglary in the second degree and possession of
9 burglary tools; is that correct?

10 A: Yes, sir.

11 Q: All those cases have been dismissed?

12 A: Yes, sir.

13 Q: In return for your testimony here today?

14 A: Yes, sir.

15 Q: That's all I have. Thank you, sir.

16 THE COURT: All right. Any cross examination by the
17 State?

18 MR. GROOMS: Just briefly, Your Honor.

19 CROSS EXAMINATION OF EMMANUEL LADON FORIEST BY MR. GROOMS:

20 Q: Mr. Foriest, are you aware that those charges have not
21 actually been dismissed?

22 A: Yes, sir.

23 Q: Okay. Thank you, sir.

24 THE COURT: Anything else, Mr. Hilliard?

25 MR. HILLIARD: No, sir, Your Honor.

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BY THE COURT

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1 THE COURT: All right, sir. You may step down. Thank
2 you very much.

3 Further witnesses by the Defense?

4 MR. HILLIARD: The Defense rests, Your Honor.

5 THE COURT: All right. Very good. Any reply testimony
6 from the State?

7 MR. GROOMS: No, sir, Your Honor.

8 THE COURT: All right. Very good.

9 MR. HILLIARD: And we would renew our motions, Your
10 Honor.

11 BY THE COURT:

12 THE COURT: All right. Just one second, please.

13 All right, ladies and gentlemen, that concludes the
14 evidentiary portion of the trial. What remains, I'll first
15 have to hear some matters of law outside your presence and
16 then we will come back in and you will hear the closing
17 arguments of the attorneys, then I will give you the charge on
18 the law, the law that you will apply to facts and evidence you
19 find to be true. And then I will submit the case to you for
20 your deliberations and your unanimous decision in this
21 particular matter. So, Madame Forelady, if you will take the
22 jury back to the jury room for a few minutes and then we'll
23 come back in and conclude the case.

24 (REPORTER'S NOTE: The jury exits courtroom. 1:40 P.M. The
25 following takes place outside the presence of the jury.)

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MOTIONS

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1 THE COURT: All right. Mr. Hilliard?

2 MOTIONS:

3 MR. HILLIARD: Thank you, Your Honor. Judge once, again,
4 we'd renew our motions for a directed verdict and also for a
5 directed verdict as to the charge regarding the gun. And we
6 wish to again renew our motions to allow us to get into Ms.
7 De'Aisha's Instagram records and ask that Your Honor at this
8 point direct a verdict of not guilty.

9 THE COURT: All right. Very good. Regarding your
10 directed verdict motions, the Court reiterates the arguments
11 and the statements the Court made previously, just before
12 lunch regarding your directed verdict motion at the end of the
13 State. I'm not gonna reiterate the standard of law that I
14 set forth previously but suffice it to say I do believe there
15 is more than sufficient evidence that is properly before this
16 jury. It is for their consideration regarding credibility and
17 believability of the witnesses and with that I would
18 respectfully decline to grant your motions for a directed
19 verdict in this matter.

20 MR. HILLIARD: Thank you, Your Honor.

21 THE COURT: All right. Very good.

22 All right. Any further motions that you have?

23 MR. HILLIARD: Are you gonna speak with us about the
24 charge, Judge?

25 THE COURT: I am.

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BY THE COURT

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1 MR. HILLIARD: Thank you.

2 THE COURT: Just a minute. I just want to make sure
3 there weren't any other motions?

4 MR. HILLIARD: Nothing else, Judge.

5 BY THE COURT:

6 THE COURT: All right. Very good.

7 All right. As to the charge and I'm assuming that the
8 Defense at this point and you brought that to my attention
9 previously but at this point in time you are requesting of the
10 Court to charge burglary second degree and to submit that
11 verdict form to the jury; is that correct, Mr. Hilliard?

12 MR. HILLIARD: That's correct, Your Honor.

13 THE COURT: All right. Solicitor, do you want to argue
14 that?

15 MR. GROOMS: Yes, sir. It's the State's position that
16 regardless of whether or not the gun was taken off the shelf
17 or outside the house, whatever it may be, the testimony was
18 clear by Ms. Denton that when he got into that vehicle and
19 they were then fleeing the burglary he had that gun. So, I
20 think where the gun came from is actually irrelevant as far as
21 her testimony goes.

22 THE COURT: And I thought about that and you may be
23 correct about that. Mr. Hilliard made the point and I believe
24 it's a proper point as I said several times now, it's the
25 jury's job to judge credibility and believability. There has

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BY THE COURT

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1 been introduced evidence in this case that the two
2 Codefendants were in a relationship. It is clear that the
3 Defendant Foriest, as he stated on cross examination, would at
4 least a reasonable interpretation of what he said would be he
5 would do what he could to try and help Ms. Denton and I
6 believe her testimony can be fairly argued for the same point.
7 There has been also introduced into evidence the benefit that
8 they are getting from their testimony here today. And it is a
9 reasonable conclusion by the jury judging credibility and
10 believability that they have tailored their testimony to place
11 the most damaging evidence upon the Defendant Bullock and away
12 from themselves either in an effort to help the other or self-
13 preservation. Now, whether or not the jury believes that,
14 again, that's their job. The jury, as I will explain it to
15 them, as we've all heard, you can believe a portion of what a
16 witness says, you can disregard a portion of it. You can
17 believe one witness against several, several against one. If
18 you have a good sound reason for doing so, you can disregard
19 in its entirety the testimony of a particular witness. And
20 the jury made you -- based upon the evidence presented and
21 this is based on the attack on their credibility and
22 believability that the weapon was not in the possession of Mr.
23 Bullock or they just choose not to believe that portion of the
24 testimony. I understand that, you know, part of the elements
25 are that you can become armed with a deadly weapon in the

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BY THE COURT

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1 immediate flight and that could be considered part of the
2 crime in burglary first and part of that aggravated
3 circumstance but to not allow burglary second as a lesser
4 included I believe would have the Court imposing its beliefs
5 as to the credibility and the believability of the witnesses
6 and not leaving it to the jury for their determination. And
7 therefore, I'm going to include it.

8 MR. GROOMS: Thank you, Your Honor. While we're
9 discussing jury charges, we would be asking for hand of one,
10 hand of all to be included in your jury charge.

11 THE COURT: Any objection to that, Mr. Hilliard?

12 MR. HILLIARD: None that I think I can legitimately ---

13 THE COURT: I mean, it is part of, you know, burglary
14 first, and not only the indictment but proof that you or
15 another participant of the crime became, you know, armed with
16 a deadly weapon while, you know, either carrying it out or
17 while leaving flight.

18 MR. HILLIARD: Yes, sir.

19 THE COURT: It's clear it existed, it seems to me but
20 that ---

21 MR. HILLIARD: I agree, Judge. I'd rather not have it
22 but I can't ---

23 THE COURT: Very good. Well, I'm going to do that.
24 Obviously, included in the hand of one, the hand of all is the
25 mere presence explanation, so that would certainly be part of

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1 the hand of one, hand of all charge. And also greater or
2 lesser offense charge will be in that also. So, not in hand
3 of one, hand of all but that will be separate charge, so I'll
4 include that also. Usual things we talk about, again,
5 credibility and believability, direct and circumstantial
6 evidence, reasonable doubt, kind of doubt that would cause an
7 ordinary reasonable person to hesitate to act. Obviously, the
8 charge on the fact that the Defendant did not testify is not a
9 factor and can't be considered by them in their deliberations,
10 it's not part of their deliberations. An explanation of that,
11 obviously, the presumption of -- presumption of innocence and
12 then charge of burglary first and burglary second. Anything
13 else you can think of Mr. Hilliard?

14 MR. HILLIARD: No, sir.

15 THE COURT: Any you can think of, Mr. Hilliard?

16 MR. HILLIARD: No, sir.

17 THE COURT: Solicitor?

18 MR. GROOMS: No, sir, Your Honor.

19 THE COURT: All right. Y'all want a few minutes to
20 organize your thoughts?

21 MR. HILLIARD: I'd like a couple of minutes, Judge.

22 THE COURT: All right. We'll take a short break so y'all
23 can organize your thoughts and then we'll call them back in
24 and get started on the closing arguments. Obviously, during
25 the State's case, you had already introduced some evidence,

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BY THE COURT

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1 so, Mr. Hilliard, obviously, you'll go first and the State ---

2 MR. HILLIARD: Thank you, Your Honor.

3 THE COURT: All right. Thank you.

4 All right. We'll be at ease for a few minutes.

5 (RECESS - 1:50 P.M.)

6 *****OFF THE RECORD*****

7 (On the Record - 2:00 P.M.)

8 THE COURT: All right. State ready for the jury to come
9 in?

10 MR. GROOMS: Yes, Your Honor.

11 THE COURT: Defense?

12 MR. HILLIARD: Defense is ready, Your Honor.

13 THE COURT: Very good. Ask the jury to come in, please.

14 (REPORTER'S NOTE: The jury enters courtroom. 2:02 P.M.)

15 THE COURT: All right. Ladies and gentlemen as I
16 indicated, we have concluded the evidentiary portion of the
17 trial. What remains are the closing arguments and the charge
18 on the law. I will remind you what I told you about opening
19 statements and closing arguments. They are not evidence.
20 They are not to be considered by you as evidence in the case.
21 You have heard all the evidence to be presented in this
22 particular matter. But the closing arguments are important.
23 They are each side's summation to you of what they believe the
24 evidence has shown to you during the course of the trial.
25 Remembering of course, that you are the judges of the facts of

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CLOSING BY MR. HILLIARD

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1 this case. And when they are done with the closing arguments
2 then I will give you the law that you will apply to the facts
3 and evidence you find to be true in this case.

4 Mr. Hilliard?

5 MR. HILLIARD: Thank you, Your Honor.

6 CLOSING BY MR. HILLIARD:

7 MR. HILLIARD: Ladies and gentlemen, before 5 o'clock
8 this afternoon, Zachary Bullock could be going to prison for
9 the rest of his natural life. That's the decision, the import
10 of the decision that you're gonna be making today, the
11 mandatory minimum sentence as you've heard of fifteen years
12 with no parole.

13 What is it that the State offers you to attempt to cause
14 you to make that happen? What are they bringing to you? Not
15 a single piece of physical evidence, nothing; a license plate,
16 a few photographs, a Google map. Fifteen to life; license
17 plate, photographs, Google map. Not a fingerprint, not a
18 fiber, not a hair, not a witness without a big, fat reward at
19 the end of this case.

20 Now, the homeowner says that his gun was stolen. Perhaps
21 it was. Is there any proof to you that there was a gun? Do
22 you have a sales receipt, photograph, anything? Which is not
23 to say that he didn't have a gun but what proof do you have?
24 What was the testimony about that?

25 One of the things to think about as you go through this

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1 process, as you go through and determine what your verdict is
2 gonna be is to think about the evidence. In fact, that's all
3 that you have to make your decision on, the evidence or the
4 lack of evidence. And as you think about the evidence and the
5 believability of the evidence, one of the ways that you
6 determine believability, I submit to you -- and what the Judge
7 said in the beginning, good common sense. How do common sense
8 folks determine what's true and what's not true? Would it be
9 consistency? Certainly that would be one thing consistency.
10 Back with the gun, we have one person, the homeowner, saying
11 the gun was there fully loaded but nothing else. And we have
12 the person Emmanuel Foriest who says the gun was there in a
13 holster. Both of those things cannot be true. Now, does that
14 matter? It doesn't matter in the crime but does it matter in
15 making a determination about the truth and whether Mr. Foriest
16 really knows what's going on in this case or does not or is he
17 just trying to get himself out of trouble.

18 When you're thinking about this case, one of the filters
19 or lenses to use to look at the evidence is the lens or filter
20 of personal interest and personal bias that a person might
21 have. That is what's their motive to tell something other
22 than the truth. Well, Mr. Foriest's motive -- and remember in
23 the beginning of this, the police officers had a version of
24 what happened at the scene. And that they can certainly say
25 that if we didn't say to the suspects what was -- happened at

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CLOSING BY MR. HILLIARD

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1 the scene but there are ways to get around that. So, Mr.
2 Foriest as he gleaned perhaps the story and he's thinking
3 what's in his best interest, how strongly motivated is he to
4 tell what's necessary in order to get his deal. What is the
5 strength of his motivation to say whatever it takes? Remember
6 he started out with burglary in the first degree. Now, he's
7 facing zero to ten years on a burglary in the second degree
8 based on the fact that he testified. That was his deal.

9 Now, what did he say the rest of his deal is? What he
10 said was they are going to dismiss another burglary second,
11 another burglary second, three housebreakings, another
12 housebreaking, another burglary second and a possession of
13 burglary tools. We called him back to let you hear that. You
14 heard him say that from the witness stand just a few moments
15 ago that that was his understanding of the plea offer in
16 return for his testimony. Now, the Solicitor says, well, that
17 hadn't happened yet. All right? Why hadn't that happened yet
18 because they want to be sure he says what the heck he's
19 supposed to say before they do what they're gonna do for him.
20 What did he tell you? He hopes he goes home today based on
21 his testimony. He hopes he goes home today -- life without
22 parole; is that fair? Is that fair?

23 When you're thinking about the accuracy of these people's
24 recollection, when you're thinking about whether they would
25 tell something other than the truth in order to get what they

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CLOSING BY MR. HILLIARD

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1 need to get to serve their best interest; when you think about
2 those things, you're gonna have to Defendant's Exhibit Number
3 Twenty-two, which is the letter. It's a letter Ms. Denton
4 wrote when she was in jail to Foriest. Now, when she was
5 testifying in the beginning if you will recall before she knew
6 that we had this letter, she said that they were sort of
7 dating, that they were talking to each other which is some new
8 nomenclature apparently for people who are dating, but when
9 you look at the contents of this letter, I would submit to you
10 that is extraordinarily stronger than that. I ask her if she
11 loved him, she said, well, he loved me, maybe I loved him.
12 The first three words on this letter, I love you. And as you
13 go through it and it's somewhat difficult to make out but you
14 can read it and you'll have it with you and you can read the
15 whole thing in the back. As you go through it you will find
16 that there is a reference in there to the two state's
17 witnesses being Bonnie and Clyde. Now, Ms. Denton says that
18 it was Mr. Foriest who suggested that they were Bonnie and
19 Clyde and Mr. Foriest says that it's Ms. Denton who suggested
20 that they were Bonnie and Clyde but it's clear that one or the
21 other of them and perhaps both thought that they were Bonnie
22 and Clyde. Now, Bonnie and Clyde were the bosses of that
23 operation. They were the ones that were running that show.
24 Read this letter and see what this letter says to you about
25 the State's witnesses and about their believability, about

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1 their relative responsibility in this case. Now, the
2 Solicitor indicates when he's talking to Ms. Denton that she
3 is indicted by the Horry County Grand Jury for burglary in the
4 first degree but at the time that she started this out, she
5 indicates in her letter that she is charged with -- she is
6 charged as an accessory to this crime. Now, what's the point
7 of indicting somebody for burglary in the first degree,
8 fifteen to life, if you're gonna give them a deal. What's the
9 point of that? Why would you do that? Well, maybe you do
10 that so it doesn't look like they're getting such a great
11 deal. What do we know about the benefits that she's already
12 gotten? She was in jail. She was charged in this crime, her
13 bond was beyond that which she could make. It was a
14 requirement that she have an ankle bracelet on her leg. But
15 she started in a position of where she was gonna testify, she
16 no longer had to have an ankle bracelet and she no longer had
17 to put up anything to get out of jail. She got out of jail.
18 She drove away in the same car. And the government likes her
19 so much and they are so anxious for her to come in here and
20 talk to you about this case, that when she is arrested, she
21 got on bond, she has a responsibility not to engage in illegal
22 activity. When she is arrested for possession of drugs with
23 intent to distribute driving that same car, they let her get
24 back out on bond again. They let her get back on bond again.
25 And what does she tell you, she has no idea what's gonna

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CLOSING BY MR. HILLIARD

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1 happen. She doesn't -- now she says she's got a lawyer and
2 that her lawyer was here in court and she has no idea what's
3 gonna happen in her case. She doesn't know? Now, come with
4 your common sense on that one. What about that? Does that
5 make any sense to you at all that someone -- that a person
6 with a lawyer sitting in the courtroom would get up there and
7 confess to a potential life with no parole sentence and not
8 have any idea what's gonna happen. Is that sensible,
9 reasonable? Is that?

10 When you're trying to determine what's the truth and
11 what's not the truth and you're looking at the consistency and
12 remember this is a burglary case. This is a case where these
13 folks including Mr. Bullock were supposed to have gone to the
14 house -- where is the house? Well, it's on this Google map
15 and Mr. Bullock's house is either across the street or the
16 side neighbor or somewhere. There's no agreement as to that.
17 And they steal some things. The one thing that's certain is
18 what got stolen matches his license plate, although there's no
19 picture on it and there's no .45 on it and the fellow who kept
20 saying Glock .45 doesn't know anything about guns. But in any
21 event, was it one TV, two TVs, three TVs? Who knows how many
22 TVs got taken? And then they all went and sold the items.
23 And how much money was it? Was it 900, 600, 400, 200? Nobody
24 can agree even on their own statements about how much money
25 was got for these things.

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1 When I was talking to De'Aisha about the gun -- and let
2 me take this opportunity to say if I say something to you that
3 is inconsistent with what you recollect as the testimony,
4 please recognize it as an honest error on my part. There's
5 twelve of you; there's one of me. I'm trying to go through
6 what I recollect the testimony to be. If I make a mistake,
7 it's a mistake. I'm not trying to mislead you in any form or
8 fashion. And as the prosecutor stands up here to talk to you
9 about the facts and circumstances of the case, same thing. If
10 you remember them, as the twelve of you, differently that what
11 he says, you go with what the twelve of you remember because
12 you will remember that the Judge said in the beginning, the
13 stuff we say is not evidence. We're only up here talking to
14 you about -- pointing out some of the points of the evidence.

15 But when I asked her about her statement to the police
16 officer and pointed it out to her, they were talking about the
17 gun and De'Aisha Denton says but it wasn't used. And
18 Investigator Townsend says, okay, where was that taken? And
19 De'Aisha Denton says, to be honest, I don't know. Where was
20 that taken? To be honest, I don't know. What about that?
21 What about that?

22 You know, the easy thing to do in this case is to just
23 say, what the heck, that's some dumb lawyer standing up there
24 trying to confuse us with a bunch of fuzzy details. Clearly,
25 the homeowner said his gun is gone. The two witnesses said,

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1 yeah, it was him who did it. What the heck else would we
2 need? You can say that. You can say that there is nothing to
3 this case other than those details. But have you done your
4 job if you do that? Have you really tried to figure out what
5 the evidence shows? Because it's not just a situation where
6 we're all here for you to come up with the answer in a
7 whodunit. This is not a whodunit. This is a criminal trial
8 in Horry County, in South Carolina, in the United States of
9 America and it has rules. And your duties and
10 responsibilities are based on those rules. Those rules and
11 responsibilities were outlined by the Judge in the very
12 beginning of this case. What's that about? That is the
13 presumption of innocence. That's not just some fancy language
14 that's thrown around in every trial. That is a fundamental
15 liberty concept in South Carolina and in America. And just
16 like the Judge said in the very beginning of the case, Zach
17 didn't have to come to his trial. He has absolutely nothing
18 to prove. He does not have to testify. He didn't testify.
19 The Judge will tell you that you may not consider the fact
20 that he didn't testify. You may not talk about the fact that
21 he didn't testify and that is not to enter into your thinking
22 process or deliberations at all because he is presumed to be
23 innocent. This is not a whodunit where you try to figure out
24 the answer. This is a criminal trial where you apply what
25 you've heard to a framework as given to you by the judge to

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1 fulfill your civic responsibility. The presumption of
2 innocence is with Zach. The burden of proof is with the
3 State. It's not your job to try to figure out what happened;
4 it's your job to determine whether or not the State has shown
5 you evidence, all twelve of you, to satisfy all twelve of you
6 that Zach Bullock is guilty beyond a reasonable doubt, beyond
7 a reasonable doubt. So, as you review this evidence, it's
8 your determination to decide whether you are satisfied with
9 the level of evidence in this case.

10 Now, they may jump up here and say, we showed you
11 everything we had. Well, you know, maybe they did and maybe
12 they didn't but whether they did or not, that's not the
13 benchmark for beyond a reasonable doubt. We showed you
14 everything we've got is not a benchmark. We couldn't get any
15 fingerprints is not the answer. Nothing. Nothing. Two
16 witnesses who have everything in the world to gain by telling
17 you what the State wants you to hear. When the Judge charges
18 you on the law in this case he will give you three options as
19 you come to your service and you make a determination of your
20 verdict in this case. The first option and the option that I
21 suggest to you and this will come as no surprise that I
22 suggest this option to you but your first option is that you
23 say the State of South Carolina has failed to prove to my
24 satisfaction beyond a reasonable doubt that Zack Bullock was
25 guilty and therefore, we as a jury find him not guilty. We

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1 find him not guilty. As an alternative to that, you can say
2 in your deliberations and as you go through this process
3 together, you can say, well, we are sufficiently satisfied
4 beyond a reasonable doubt that he was involved in this but
5 we're not certain or we're not persuaded beyond a reasonable
6 doubt what his involvement is and therefore we find him guilty
7 of burglary in the second degree. Burglary in the second
8 degree, the thing that the Codefendant pled to. You should
9 say that you find him guilty of that as an alternative to
10 burglary in the first degree. Or if the testimony of these
11 individuals has satisfied you beyond a reasonable doubt that
12 in fact that he was armed with a deadly weapon going into the
13 house, at the house or in direct flight from the house, you
14 could just find him guilty of burglary in the first degree. I
15 submit to you that that would be an unfair result. That that
16 would be unfair based on these facts and circumstances.

17 When I sit down -- can you imagine, can you imagine the
18 responsibility that's on a lawyer standing in front of twelve
19 folks who are gonna go and make a decision about the rest of a
20 client's life? It's a tremendous responsibility. When I sit
21 down, I will have done everything that I can think of to do on
22 behalf of Zach. There is nothing else I can think of. And
23 I'm not gonna have the opportunity to stand back up and say
24 anything at all to you. The prosecutor will have the -- I'll
25 call it the lucky benefit, whatever you want to call it.

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1 He'll have the opportunity to stand up here and say
2 essentially whatever he wants within the bounds of the record
3 and answer whatever it is that I've said and to respond to
4 everything that I have thought of. I will ask you on behalf
5 of Zach to think critically of my remarks, think critically of
6 what I've said and also to think critically of what the
7 prosecutor said. To think of what I would have said to his
8 remarks because I won't have the opportunity to do that.

9 On behalf of Zach and his family, I'll ask you to be
10 fair, be fair, be considerate, spend some time thinking about
11 whether this evidence is the kind of evidence that allows you
12 to make this kind of decision. Whether these witnesses who
13 have been put before you are the kind of witnesses -- they're
14 all they got, I get that, but still, is this it? Is this it?

15 Thank you.

16 THE COURT: All right, Solicitor.

17 MR. GROOMS: Thank you, Your Honor. May it please the
18 Court?

19 THE COURT: Yes, sir.

20 CLOSING BY MR. GROOMS:

21 MR. GROOMS: Ladies and gentlemen, the biggest problem
22 with Mr. Hilliard's whole story is that this is not some
23 conspiracy to convict his client. Ms. Denton gave her
24 statement the day after she was arrested. The day after she
25 was arrested, she said me, Zachary and Manny, Manny being her

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1 boyfriend at the time, you can argue that she wanted to
2 protect him -- me, Zach, Manny -- and Manny burglarized this
3 home. Here's how we did it. Zach called me and said we could
4 make some money. He's got a house stacked out, there is a gun
5 in it. He wants the gun to get money. Her role was to be the
6 driver. They met up. They -- she drove Manny and Zachary to
7 the house, she let them out, they go in. This is not what she
8 -- I'm sorry. She doesn't go in the home, clearly, you know
9 that. They call her, she comes back and picks them up and
10 they're in possession of this gun. Zach has the gun amongst
11 other things and says, this is what we came for. This is her
12 statement the day after she's arrested.

13 If she's gonna make something up, would she implicate
14 herself? Would she say that we met up and planned it or did
15 she say that after we got the gun, that we went and sold the
16 gun and that we split the money? Or would she say, I picked
17 him up that day. I didn't know what they doing. It may've
18 been a little fishy but I didn't know what they were doing.
19 She didn't. She's told you exactly what happened. And when
20 she did that, she put herself -- that statement against her
21 appeal interest, which means that statement is incriminating
22 against her. The same with with Mr. Foriest. Detective
23 Bogart goes through with Mr. Foriest, talks with Mr. Foriest.
24 Mr. Foriest says, yep, you got us, we're busted, I did it.
25 Not only did I do it, Zachary did it -- his friend since the

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1 fourth grade, is what he called his best friend. Me, Zachary
2 and my girl -- well, he didn't say girlfriend but what we
3 found out, De'Aisha was his girlfriend. Now, you saw the
4 letter that was written between the two of them. I've never
5 seen that letter before court but I would suggest that you go
6 back and read that letter and it's clear that there is a
7 relationship there, those two cared about each other deeply.
8 Now, Ms. Denton says she wasn't in love. I don't know what
9 they call it but it certainly seemed like she loved the guy.
10 If De'Aisha and Emmanuel had this grand scheme when they got
11 busted that they were gonna frame Zachary, one, they wouldn't
12 have said they did it. They would've minimized their
13 involvement. Two, they wouldn't have said the other person
14 did it. They would've tried to protect each other. And
15 three, that story was -- that letter was written on the 27th,
16 you can look at the date on it. And it's after she gave her
17 statement, after he gave this statement and nowhere in that
18 letter does it reference, hey, here's what I told police, make
19 sure we're on the same page for -- I cooperated, you should've
20 too. Let's frame Zach. That's not in there because that's
21 not what she's thinking. She's in jail, I think she said she
22 was seventeen years old at the time, she's emotional. I think
23 her letter was a little over the top of the language that was
24 used but not once in that entire, I think two-page letter,
25 you'll see it, does it mention anything about, hey, let's turn

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1 this around on Zach. Instead, what happened was, the day she
2 was arrested, she said, okay, here's what happened. Did she
3 expect his cooperation, of course, she did. Everybody has
4 seen TV, seen a movie, they arrest people. The Codefendant
5 says, all right, you got me, here's what happened. If you can
6 help me, please help me.

7 Emmanuel did the same thing. They cooperated fully.
8 When Emmanuel -- Manny, whatever you want to call him, entered
9 into a proffer agreement, the one condition is he tell the
10 truth. The other warrants have not been dismissed because he
11 may be called as a witness in those cases. Those cases are
12 not for us to worry about today.

13 Before I get to the notes I've actually written let me go
14 through some of Mr. Hilliard's statements. The fact that
15 De'Aisha's statement and Manny's statements are so close,
16 they're almost identical. Now, I give you they didn't
17 remember how much money they got exactly but they knew that
18 they got money and that they split it.

19 Emmanuel said the gun was in a holster. The victim said
20 he didn't think the gun was in a holster; he don't remember it
21 being in a holster. That is not an issue in this case. I
22 will give you that over a year's time, minor details, they've
23 been a little off on. But at the crux of their testimony,
24 it's solid. Here's what happened, here's what I told police
25 the day of. Now, remember when they go to jail, Manny is on

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1 the guys' side, De'Aisha is on the girls' side. There is no
2 contact between inmates, just keep that in mind.

3 Now, Mr. Hilliard has done everything but implicate
4 myself in this case. He said that -- he's questioned my
5 integrity, he's questioned the State's integrity. He's
6 questioned the police officer's integrity, he's questioned the
7 victim's integrity. He spent, I don't know how long asking
8 the victim about his marital status at the time. Whether or
9 not he broke his lease after a burglary. This is just one
10 example of Defense saying look over here, look over here,
11 forget the fact that the two people who were there with this
12 Defendant told you exactly what happened. It's true we don't
13 have any physical evidence. We don't have -- it wasn't video-
14 taped. There is no eye witnesses. That would be great if
15 there were. But the reason I think there were no eye
16 witnesses, and this is left up to you, the Defendant had lived
17 next-door to the victim. You heard testimony that he knew he
18 had a Glock license plate on his truck. Now, that doesn't
19 mean he has a gun. He also wore Glock t-shirts. I would
20 submit to you that it would be kind of odd for somebody to
21 ride around with at Glock license plate, wearing Glock t-
22 shirts and not have a Glock. But regardless, this guy lived
23 next-door. He waited until his victim was gone. I would
24 submit to you that this victim had a constant work schedule, I
25 believe he said it was 12:00 to 5:30 or 12:00 to 7:30

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1 something of that nature. I think he sat there, he planned
2 this burglary, he recruited his help, he waited on him to
3 leave. He busted in and he got his gun.

4 Now, I'm going to the actual burglary itself. You heard
5 Emmanuel testify and you Emmanuel testified that this is the
6 brick he used, this is the door he busted out. This is where
7 it was taken from. You heard testimony from the victim that
8 this fence line is where the brick was taken. This brick was
9 taken on the Defendant's property.

10 Ladies and gentlemen, you heard from the victim in this
11 case, Mr. Skipper, that on the day that he left to go to work,
12 he was working at the school district and got a phone call
13 from his sister-in-law. His sister-in-law had said that his
14 kid, their kid, meaning the sister-in-law's kids, had gone
15 over to jump on the trampoline. Now, can you imagine these
16 kids going over to jump on the trampoline and seeing a brick
17 busted through a back window. Thankfully, they didn't
18 interrupt the burglary. They go over and tell their mom who
19 calls Mr. Skipper. Mr. Skipper calls the police. Mr. Skipper
20 rushes home as any parent/homeowner/victim, what have you,
21 would do. When he goes home, he starts looking around. He's
22 got to be sick to his stomach. He sees items missing.
23 There's where my TV was, there's where my laptop was, wife's
24 iPad is gone, my gun's gone. How do I know my gun's gone; I
25 put it in the same place every day. I've got two little small

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1 kids, I put it up high. He reports this to the police. I
2 think it's pretty clear that a gun was taken. I don't believe
3 that's an issue in this case. When the gun is taken in a
4 burglary, whoever takes that gun has become armed. That's how
5 the legislature wrote it out. Either you're armed on the way
6 in, you become armed or you're armed in immediate flight. And
7 the Judge will instruct you on that elements of burglary
8 first. When they arrested him, get a statement from De'Aisha,
9 I've just went over this. She implicates herself, implicates
10 Zach, implicates her boyfriend, tells them exactly what
11 happened. Does she tell the truth? Yep. Why? Because she
12 wanted some help. I think that's pretty clear. Is she a good
13 person? I don't really think she's a good person but I think
14 she told the truth. I think if she hadn't told the truth, she
15 wouldn't have told you how much she was involved. I don't
16 think she would've told you how much the man that she loved
17 was involved. Same thing goes for Mr. Foriest. Whenever he
18 testified, whenever he talked to police, he told you the exact
19 same story, I was involved, Zach was involved, my buddy since
20 middle school, and my girlfriend was involved, who I love very
21 much. He didn't testify to that, that's in the letter.

22 One other thing Mr. Hilliard talked about, he talked
23 about them testifying today because the State promised him
24 something. The State doesn't become involved in a case until
25 sometime down the road. When they're arrested for burglary,

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1 the officer goes to them and talks to them and gets his
2 statement. I don't get involved until as much as a month
3 later. I don't even know what's going on. I didn't promise
4 anybody anything. I never told De'Aisha's attorney if she
5 testified that she gets a PR bond. I'll tell you exactly what
6 happened. Detective Bogart came to me and said, hey, this
7 witness has been very helpful ---

8 MR. HILLIARD: Your Honor, I ---

9 THE COURT: Sustained.

10 MR. HILLIARD: Thank you.

11 MR. GROOMS: Ladies and gentlemen, on January the 12th,
12 Zachary Bullock had already chosen a home. He'd already
13 chosen a home because he was familiar with it, because it was
14 the home of his next-door neighbor. He waited until his next-
15 door neighbor was out and he had his chance. He wanted a gun.
16 He knew this guy probably had a gun. He waited until he had
17 gone to work. He already had his best friend and his best
18 friend's girlfriend involved in on it too. One was gonna be
19 the driver. And they drop them off, Zachary and Emmanuel
20 broke into the house. Emmanuel told you he's the one who
21 broke the window. Would he have said that if he wasn't giving
22 a full confession? Would he have said Zachary broke the
23 window? They broke into the home, steal TVs, steal iPads,
24 steal computers, steal the gun. When they did that, they
25 became armed. In South Carolina, whether it's Zachary that

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1 picks up that gun or Emmanuel or De'Aisha, they're all guilty
2 of burglary in the first degree. Burglary in the first degree
3 is a serious offense, as the Defense attorney has told you.
4 It does carry fifteen years to life. This is very important
5 to -- this is one that I expect you to put a lot of thought
6 into but I want you think about the testimony that you heard
7 and I want you to think about what's believable, what's
8 consistent, and when you go over the case -- I would agree
9 with Mr. Hilliard -- do what's fair. What's fair is that
10 these two people took responsibility, the owned up to it.

11 They told you what they did. They also ---

12 MR. HILLIARD: Objection. I think ---

13 MR. GROOMS: And they implicated ---

14 THE COURT: Just second. Stop, Solicitor.

15 Y'all come up and talk to me.

16 MR. HILLIARD: Thank you, sir.

17 (REPORTER'S NOTE: A bench conference was held off the record
18 in the presence of the jury but out of hearing of the jury.)

19 MR. HILLIARD: Thank you, Your Honor.

20 MR. GROOMS: Ladies and gentlemen, I want exactly what
21 Mr. Hilliard asked for, that you be fair. Listen to the
22 statements of the Codefendants. You determine what's
23 believable in this case and that you hold the Defendant
24 responsible and that you apply the facts to the elements in
25 this case and that you come back with a verdict of guilty,

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1 burglary first degree. I do appreciate your time. You've
2 been very attentive. I know this is not easy. And thank you
3 so much for being here.

4 THE COURT: Solicitor, if you don't mind, could you take
5 the -- that's all right.

6 CHARGE TO JURY:

7 THE COURT: All right. Ladies and gentlemen, it's my
8 duty and responsibility now to give you the law that you will
9 apply to the facts and evidence you find to be true in this
10 case. I told you at the very beginning I would not indicate
11 to you in any way what I believe the facts of this case are
12 because that's your job, your responsibility. Without saying,
13 if you came into the courtroom with any preconceived ideas on
14 what the law is, what it ought to be, what it should be, what
15 you hoped it would be, you'll disregard that. You will take
16 the law as I now give it to you and apply it to the facts and
17 evidence you find to be true in this case. I told you at the
18 very beginning one of your jobs as the judges of the facts in
19 this case would be to judge the credibility and the
20 believability of the witnesses that have appeared before you
21 under oath in this case. Regarding that, and the testimony of
22 the witnesses that have come before you, you can believe one
23 witness against several, several against one, you can believe
24 a portion of what a witness says and disregard the remaining
25 portion of it. If you've got a good sound reason for doing

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1 so, you can disregard it in its entirety the testimony of a
2 particular witness. You look at whether or not that witness
3 has exhibited to you any kind of interest, motive, bias,
4 prejudice, they might have in giving you the testimony they
5 gave from the witness stand and also the opportunity for
6 knowledge. How did they come about that information that they
7 gave you from the witness stand? You can even consider the
8 demeanor of the witness. How did they appear when they
9 testified before you? Your objective is to find the truth
10 from the facts and evidence that have been presented to you.
11 You don't have any friends to reward; you don't have any
12 enemies to punish. You've heard it can't be the result of any
13 kind of passion, prejudice or sympathy. It has to be an
14 examination of the facts and evidence finding that evidence
15 which convinces you is true.

16 There are two types of evidence presented in virtually
17 every single case that's tried, that's called direct and
18 circumstantial evidence. Direct evidence, that's the
19 testimony of a person who asserts or claims to have actual
20 knowledge of a fact. What they saw, what they heard, what
21 occurred in their presence. Circumstantial evidence, that's
22 proof of a chain of facts and circumstances indicating the
23 existence of a fact when the law doesn't make any distinction
24 between the weight or value to be assigned and a greater
25 degree of certainty is not required of one over the other.

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1 You look at all the evidence and find that evidence which
2 convinces you of its truth.

3 The prior record of a witness, according to our rules,
4 allow that a witness can be discredited or impeached by
5 showing the witness has been convicted of a crime for which
6 they could have been imprisoned for more than one year for a
7 crime that involves dishonesty. That's offered only on the
8 issue of credibility and believability. A person who has a
9 past criminal record can testify during a trial. Their past
10 record does not affect their ability to testify. It can be
11 considered by you only, if at all, in determining that
12 witness' believability. Remembering, of course, that you are
13 the sole judge of the credibility and believability of all the
14 witnesses that have testified in this case.

15 The Defendant in this case did not testify. That fact
16 cannot be considered by you in any way in arriving at your
17 decision. It is not part of this case. You cannot talk about
18 it in a jury room. You cannot use it mentally to arrive at a
19 decision in this case. This Defendant and every person
20 charged with a crime in the United States has the
21 constitutional right to remain silent. And the assertion of
22 that right cannot be used against them or held against them in
23 any way.

24 The burden of proof, as I told you in the very beginning
25 is on the State of South Carolina to prove the Defendant

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1 guilty beyond a reasonable doubt. The Defendant has nothing
2 to prove to you or show to you. The Defendant in this case
3 pled not guilty to the indictment, the charge against him.
4 And that put that burden of proof on the State of South
5 Carolina to prove the Defendant guilty of the crime or crimes
6 charged beyond a reasonable doubt. Every defendant charged
7 with a crime is presumed to be innocent of that crime unless
8 and until evidence has been presented to you that satisfies
9 the elements of the crime and satisfies you of the guilt of
10 the Defendant beyond a reasonable doubt. This presumption of
11 innocence didn't end at the beginning of the trial. It hasn't
12 ended now. It does not end unless and until you believe the
13 State has produced evidence which you find to be true which
14 convinces you of the guilt of the Defendant beyond a
15 reasonable doubt. This presumption of innocence is likened to
16 a robe of righteousness. It's placed on the shoulders of the
17 Defendant and it stays on the shoulders of the Defendant until
18 the State, if it can, rips that robe of righteousness from the
19 State -- from the Defendant by evidence which convinces you of
20 its truth and convinces you of the guilt of the Defendant
21 beyond a reasonable doubt.

22 So, what's reasonable doubt? The kind of doubt that
23 would cause an ordinary reasonable person to hesitate to act.
24 Proof beyond a reasonable doubt is proof that leaves you
25 firmly convinced of the Defendant's guilt. Now, there are

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1 very few things that we can know with absolute certainty and
2 the law doesn't require the State of South Carolina to give
3 you that kind of proof. But what is required is that based
4 upon your consideration of the evidence, the evidence you find
5 to be the truth, if you are firmly convinced that the
6 Defendant is guilty of the crime charged, you must find the
7 Defendant guilty. On the other hand, if you are not firmly
8 convinced that the Defendant is guilty of the crimes charged,
9 you must find the Defendant not guilty and give him the
10 benefit of the doubt.

11 If a crime is committed by two or more people who are
12 acting together in committing a crime, the act of one is the
13 act of all. A person who joins with another to commit an
14 unlawful act, is criminally responsible for everything done by
15 that other person which happens as a natural or probable
16 consequence of the acts done in carrying out a common plan or
17 scheme. The act of one is the hand -- is the act of all or is
18 sometimes known, the hand of one is the hand of all.

19 Prior knowledge that a crime is going to be committed,
20 without more, is not sufficient to make a person guilty of
21 that crime. Mere knowledge that another person is going to
22 commit a crime even if the Defendant is present is not
23 sufficient to prove and convict the Defendant as a principal.
24 Guilt as principal is shown by actual or constructive presence
25 at the scene with prior arrangement.

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1 The State has to prove to you beyond a reasonable doubt
2 this theory of the hand of one is the hand of all. The
3 principal in a crime is the one who either actually commits
4 the crime or who is one who is present, aiding, abetting,
5 assisting in the committing of the crime. When a person does
6 the act in the presence of another and with the assistance of
7 that other person, the act is done by both. It does not
8 matter who actually commits the crime. The hand of one is the
9 hand of all.

10 Now, present at the commission of a crime means to be
11 sufficiently near to aid, abet and assist in the commission of
12 the crime. But again, mere presence at the scene of a crime
13 is not sufficient to convict one on the theory of aiding and
14 abetting. There has to be some kind of overt act in assisting
15 or abetting. And this could be shown by the actions that are
16 shown to exist in the facts and can be shown by the acts and
17 conduct of the Defendant.

18 So, what's the crime charged, first degree burglary. The
19 State has to prove to you beyond a reasonable doubt that the
20 Defendant entered a dwelling without consent. A dwelling,
21 that's any building or portion of a building in which a person
22 ordinarily sleeps. A building is a dwelling even if the
23 residents are temporarily absent from the building. In order
24 to prove that the Defendant entered the dwelling, the State
25 does not have to show that the Defendant's entire body entered

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1 the dwelling. The smallest entry can be sufficient. It could
2 be a part of a body, like a hand or a foot. It could even be
3 an instrument, like a hook or some other kind of instrument.
4 And the State does not have to prove force was used to gain
5 the entry. The State must also prove to you beyond a
6 reasonable doubt that the Defendant intended to commit a
7 crime, either a felony or a misdemeanor at the time the
8 dwelling was empty. The mere entry into a dwelling without
9 consent is not burglary. If the intent to commit a crime is
10 formed after the person enters, it's not burglary. On the
11 other hand, if the Defendant intended to commit a crime at the
12 time of the entry and the attempt was abandoned, it's still
13 burglary. It does not matter that the intended crime was not
14 completed. Intent can be shown by the acts and conduct of the
15 Defendant and any other circumstances from which you can infer
16 intent.

17 And then the State has to prove to you beyond a
18 reasonable doubt aggravated circumstance and that is while
19 entering or while in the dwelling or when fleeing, the
20 Defendant or an accomplice was armed with a deadly weapon. A
21 deadly weapon is any kind of article, instrument or substance
22 which is likely to cause death or great bodily harm. Whether
23 an instrument can be used as a deadly weapon depends on the
24 facts and circumstances of each case.

25 If you find the State has failed to you to prove beyond a

State v. Bullock - 2012-GS-26-04334
CHARGE TO JURY

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1 reasonable doubt all of the elements of first degree burglary,
2 you may consider whether the State has proved to you beyond a
3 reasonable doubt that the Defendant committed the crime of
4 second degree burglary. Second degree burglary includes all
5 the elements of first degree burglary except the circumstance
6 of aggravation.

7 So, for second degree burglary, the State has to prove
8 the Defendant entered a dwelling without consent. Again, a
9 dwelling is any building or portion of a building in which a
10 person ordinarily sleeps and it can be a dwelling even if the
11 residents are temporarily absent. And the State doesn't have
12 to prove that the whole body of the Defendant entered the
13 dwelling, a small portion of the body or some kind of
14 instrument could be entry and they don't have to prove force.
15 The State has to prove that the Defendant intended to commit a
16 crime at the time the entry was attempted or made. If there
17 is no intention to commit a crime when you enter a place, it
18 is not a burglary. But if you abandon the intent to commit a
19 crime even after you have entered, it is still a burglary.

20 If you have a reasonable doubt as to whether or not the
21 Defendant committed a greater or a lesser offense, it is your
22 duty to resolve that doubt in favor of the Defendant and find
23 him guilty of the lesser offense if that is your view of the
24 evidence, the evidence you find to be true and the State has
25 proven that to you beyond a reasonable doubt.

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CHARGE TO JURY

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1 That, ladies and gentlemen, is the law that you're gonna
2 apply to the facts and evidence you find to be true in this
3 case. Now, I've had prepared for you a verdict form for this
4 particular case and it's pretty straightforward. It has the
5 caption of the case, State of South Carolina versus Zachary
6 Braxton Bullock. It has, one, burglary first degree. On the
7 charge of burglary first degree, we, the Jury, by unanimous
8 consent find the Defendant -- and there's two choices and I
9 put one before the other don't assign anything to that, you've
10 got to put one before the other -- not guilty or guilty. If
11 you find the Defendant guilty of burglary in the first degree,
12 that ends the matter. You knock on the door and let the
13 Bailiff know that you have arrived at a unanimous verdict. If
14 you find the Defendant not guilty of burglary in the first
15 degree, you can consider the lesser included offense of
16 burglary second degree. On the charge of burglary second
17 degree, we, the Jury, by unanimous consent find the Defendant
18 -- you have two choices -- not guilty or guilty.

19 Now, Madame Forelady, when your jury has well and truly
20 deliberated and reached a unanimous verdict, all of these
21 matters and on this matter, you check the appropriate block or
22 blocks, you sign your name, you put today's date and then you
23 notify the Bailiff that the Jury has reached a unanimous
24 verdict in this matter. And unanimous means exactly what you
25 think it means. It means everybody agrees. It does not mean

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BY THE COURT

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1 eleven to one, ten/two, any combination thereof. It means
2 twelve/zero. Everybody agrees.

3 So, Madame Forelady, you check these boxes, you sign your
4 name, you are telling the Court every single member of the
5 Jury agrees this is their verdict.

6 All right. What I'm gonna ask that you do, Madame
7 Forelady is take your jury to the jury room. I'll ask the two
8 alternates, y'all stay here with us in the courtroom. Madame
9 Forelady, take the remainder of the jury to the jury room. Do
10 not -- do not begin your deliberations until the Bailiff hands
11 to you the verdict form and the exhibits. When the Bailiff
12 does that, then you may begin deliberations.

13 Please retire.

14 (REPORTER'S NOTE: The jury exits courtroom. 3:05 P.M)

15 BY THE COURT:

16 THE COURT: All right. At this point in time, the Jury
17 having retired to deliberate, is there any reason the Court
18 could not excuse the alternates?

19 MR. HILLIARD: None of behalf of the Defense, Your Honor

20 THE COURT: On behalf of the State?

21 MR. GROOMS: No, sir, Your Honor.

22 THE COURT: All right. I want to appreciate your service
23 in this particular case. I can't let you go for the whole
24 week for jury service. We still have some other criminal
25 cases that need to be resolved. I will tell you that Judge

State v. Bullock - 2012-GS-26-04334
BY THE COURT

233

1 Cottingham picked a jury in a civil case and that one is gonna
2 take a couple of days and that's gonna be the only civil case.
3 So, there is a -- at least one, if not two, criminal cases
4 that remain. What I will ask that y'all do is to be back
5 tomorrow morning at 9:30 in the jury assembly room. We'll
6 pick the jury for another criminal case tomorrow morning that
7 I'm gonna start in the morning. So, I appreciate the service
8 that you have given us already. I need to impose on you some
9 more and I'll need to see y'all back tomorrow morning at 9:30.
10 Thank you very much. 9:30 downstairs. Thank you.

11 (REPORTER'S NOTE: Alternates released and exit courtroom.)

12 THE COURT: Exceptions, deletions, additions to the
13 charge from the State?

14 MR. GROOMS: No, sir, Your Honor.

15 THE COURT: From the Defense?

16 MR. HILLIARD: No, sir, Your Honor.

17 THE COURT: All right, gentlemen. Appreciate the way
18 that both of you tried the case. I would ask if you would
19 please get with the Court Reporter and review all the exhibits
20 and make sure we got all the right exhibits going to the Jury,
21 please.

22 MR. HILLIARD: Yes, sir, Your Honor.

23 THE COURT: Thank y'all.

24 All right. We'll be at ease until the jury needs us
25 then. Thank you very much.

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VERDICT OF THE JURY

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1 MR. HILLIARD: Thank you, Your Honor.

2 (REPORTER'S NOTE: Exhibits delivered to jury and
3 deliberations begin at 3:07 P.M.)

4 (RECESS - 3:07 P.M.)

5 *****OFF THE RECORD*****

6 (On the Record. 4:14 P.M.)

7 THE COURT: All right. The Jury has returned a verdict
8 in this matter. Is the State ready to receive it?

9 MR. GROOMS: Yes, sir, Your Honor.

10 THE COURT: Defense?

11 MR. HILLIARD: Yes, sir, Your Honor.

12 THE COURT: All right. Before we ask the Jury to come
13 in, I'll just make the comments I always make. I do not know
14 what the verdict is. We will all receive the verdict at the
15 same time. I -- and the attorneys know that we asked this
16 jury to do a difficult thing, that is reach a unanimous
17 conclusion in this matter. Whatever the verdict is that the
18 jury has rendered in this matter, it will be received with
19 respect and it will be received with silence as a directive of
20 the Court. If you violate that, obviously you will be
21 detained by the Horry County Sheriff's Office.

22 All right.

23 (REPORTER'S NOTE: The jury enters courtroom. 4:22 P.M.)

24 VERDICT OF THE JURY:

25 THE COURT: All right. Madame Forelady, has your jury

State v. Bullock - 2012-GS-26-04334
VERDICT OF THE JURY

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1 reached a verdict in this matter?

2 JUROR 348: Yes, Your Honor.

3 THE COURT: Very good. Could you hand the verdict forms
4 to the Clerk, please, ma'am.

5 All right. Madame Clerk you may publish the verdict.

6 CLERK: Indictment Number 2012-GS-26-4334, State of South
7 Carolina, County of Horry, versus Zachary Braxton Bullock on
8 the charge of burglary first degree, we, the Jury, by
9 unanimous consent find the Defendant guilty. Dated October
10 8th, 2013 signed by foreperson Rhonda Woodberry.

11 Ladies and gentlemen of the Jury, if is your verdict so
12 signify by raising your right hand.

13 (REPORTER'S NOTE: Jury complies.)

14 CLERK: Thank you.

15 THE COURT: All right. The Jury having affirmed their
16 verdict by the raising of the right hand, does the State wish
17 the Jury polled?

18 MR. GROOMS: No, sir, Your Honor.

19 THE COURT: Does the Defense wish the Jury polled?

20 MR. HILLIARD: Yes, sir, Your Honor.

21 THE COURT: Very good. Madame Clerk if you will poll the
22 Jury by juror number, please.

23 CLERK: When I call your juror number if you will please
24 stand.

25 Juror Number 280, is this your verdict?

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VERDICT OF THE JURY

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1 JUROR 280: Yes.
2 CLERK: Is this still your verdict?
3 JUROR 280: Yes.
4 THE COURT: Thank you.
5 125, is this your verdict?
6 JUROR 125: Yes.
7 CLERK: Is this still your verdict?
8 JUROR 125: Yes.
9 CLERK: Thank you.
10 57, is this your verdict?
11 JUROR 57: Yes.
12 CLERK: Is this still your verdict?
13 JUROR 57: Yes.
14 CLERK: Thank you.
15 268, is this your verdict?
16 JUROR 268: Yes.
17 CLERK: Is this still your verdict?
18 JUROR 268: Yes.
19 THE COURT: Thank you.
20 348, is this your verdict?
21 JUROR 348: Yes.
22 CLERK: Is this still your verdict?
23 JUROR 348: Yes.
24 CLERK: Thank you.
25 235, is this your verdict?

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VERDICT OF THE JURY

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1 JUROR 235: Yes.
2 CLERK: Is this still your verdict?
3 JUROR 235: Yes.
4 CLERK: Thank you.
5 37, is this your verdict?
6 JUROR 37: Yes.
7 CLERK: Is this till your verdict?
8 JUROR 37: Yes.
9 CLERK: Thank you.
10 246, is this your verdict?
11 JUROR 246: Yes.
12 CLERK: Is this still your verdict?
13 JUROR 246: Yes.
14 CLERK: Thank you.
15 197, is this your verdict?
16 JUROR 197: Yes.
17 CLERK: Is this still your verdict?
18 JUROR 197: Yes.
19 CLERK: Thank you.
20 11, is this your verdict?
21 JUROR 11: Yes.
22 CLERK: Is this still your verdict?
23 JUROR 11: Yes.
24 CLERK: Thank you.
25 159, is this your verdict?

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BY THE COURT

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1 JUROR 159: Yes.

2 CLERK: Is this still your verdict?

3 JUROR 159: Yes.

4 CLERK: Thank you.

5 334, is this your verdict?

6 JUROR 334: Yes.

7 CLERK: Is this still your verdict?

8 JUROR 334: Yes.

9 CLERK: Thank you.

10 THE COURT: All right. The Jury having been polled and
11 affirmed their verdict, is there anything further as to this
12 jury from the State?

13 MR. GROOMS: No, sir, Your Honor.

14 THE COURT: From the Defense?

15 MR. HILLIARD: No, sir, Your Honor.

16 BY THE COURT:

17 THE COURT: All right. Ladies and gentlemen, I want to
18 thank you for your service in this particular case. You did
19 exactly what the Court asked you to do and that is to well and
20 truly try this case, find the facts you find to be true and to
21 reach and render a unanimous verdict in this particular
22 matter.

23 There is one other case for trial. Civil Court is still
24 going on, there won't be any other Civil Court trials.

25 There's one more criminal case. I'm gonna pick that jury

State v. Bullock - 2012-GS-26-04334
BY THE COURT

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1 tomorrow morning because of Judge Kelly still has his trial
2 going on and Judge Cottingham still has his trial going on.
3 We need to have all of y'all downstairs so was can have
4 sufficient numbers to pick a jury tomorrow morning, but that
5 will be the last case. So, I appreciate your service. I have
6 to impose on you a little bit more. And I'll see you back
7 downstairs in the jury assembly room tomorrow morning at 9:30.
8 Thank you very much. 9:30 in the morning.

9 (REPORTER'S NOTE: Jury is excused and exits courtroom. 4:27
10 P.M.)

11 THE COURT: All right. Solicitor and Mr. Hilliard, the
12 -- apparently the pen that the foreperson had had given out
13 and she signed a verdict form in pencil. I didn't know what
14 the verdict was but she informed the Bailiff that she needed a
15 pen but she had signed the verdict form in pencil. So, what
16 we did was prepared another one and they signed the verdict
17 form in ink. It's the same verdict. We're gonna have both of
18 them in the record.

19 MR. HILLIARD: Yes, sir.

20 THE COURT: But I wanted to make sure that she signed it
21 in ink and as well as the one they did in pencil. Be glad for
22 you to look at them. They're right here.

23 MR. HILLIARD: Thank you, Judge.

24 THE COURT: But that's -- the top one is the one in ink
25 and then the second one is the one in pencil because

State v. Bullock - 2012-GS-26-04334
MOTIONS

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1 apparently when they had a pen, it ran out. So, they
2 apparently, she had a pencil and used it.

3 MR. HILLIARD: Yes, sir, Judge.

4 THE COURT: All right? Thank you.

5 MR. HILLIARD: Thank you, Judge.

6 THE COURT: All right. Motions by the Defense at this
7 point in time?

8 MOTIONS:

9 MR. HILLIARD: Thank you, Your Honor. Judge, at this
10 point, we would move for again a directed verdict of not
11 guilty. We recognize that the Jury has heard the information
12 presented to them and rendered a verdict of guilty and connect
13 it to the burglary in the first degree. However, we would to
14 submit to the Court there is not sufficient evidence in the
15 record for the Jury to have come to that verdict. We'd ask
16 Your Honor to set aside the verdict and enter a verdict of not
17 guilty as to burglary in the first degree. In the
18 alternative, we would ask Your Honor to reconsider the
19 decision made regarding the entry of evidence into the record
20 and to grant a new trial based on Your Honor's previous
21 decision not to allow the Instagram pictures into the record.

22 THE COURT: All right. Very good. Once the Trial Court
23 has decided a motion for a directed verdict, and I do not find
24 that that decision was in error, the Court cannot change that
25 decision and render a verdict of not guilty if I had found

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MOTIONS

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1 there was sufficient evidence for the Jury to consider a
2 particular crime. I did not find that was an error. I find
3 there as more than sufficient evidence if that evidence was so
4 believed by the Jury and they must so believe it to convict
5 the Defendant of the crime charged, that is burglary first
6 degree. I reaffirm that. Therefore, I would consider the
7 motion for a new trial.

8 Regarding the motion for a new trial, when there is
9 competent evidence to sustain the Jury's verdict, the Trial
10 Court may not substitute its judgment for that of the Jury.
11 Again, I reaffirm and reiterate, I find there is more than
12 sufficient evidence in the record. Looking at that evidence,
13 the Jury found based on that evidence and its credibility and
14 believability that the State proved its case beyond a
15 reasonable doubt. There being more than sufficient evidence
16 in the record to convict the Defendant of the crime of
17 burglary in the first degree. I respectfully decline to grant
18 your motion for a new trial.

19 MR. HILLIARD: Thank you, Your Honor.

20 THE COURT: All right. Is the State ready to proceed
21 with sentencing?

22 MR. GROOMS: Yes, sir, Your Honor.

23 THE COURT: Defense?

24 MR. HILLIARD: Defendant?

25 THE COURT: Yes, sir.

State v. Bullock - 2012-GS-26-04334
SENTENCE OF THE COURT

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1 MR. HILLIARD: Yes, sir.

2 SENTENCE OF THE COURT:

3 THE COURT: All right. Solicitor?

4 MR. GROOMS: Yes, sir, Your Honor. Your Honor, the
5 Defendant does have no record according to his NCIC, however,
6 this is not an isolated incident. He does have numerous
7 charges which all came about due to the testimony or due to
8 the statements of De'Aisha Denton. Your Honor, I'll just give
9 you the warrants that he currently has pending. The first of
10 which is M971 ---

11 MR. HILLIARD: We'd object to ---

12 THE COURT: I appreciate that, Solicitor, and I mean
13 obviously there's indications in the record and from the
14 motions I heard that the Defendant has other charges, and
15 doing pretrials, I understand that the Defendant has other
16 charges but those have not been brought forward by the State.
17 He has not been tried on those. He has not been convicted of
18 those and therefore, I will not take them into consideration
19 in imposing a sentence in this case.

20 MR. GROOMS: Yes, sir, Your Honor. Your Honor, the
21 State's position is that we do not believe this is an isolated
22 incident and fifteen years to life, I think is deserved. I'm
23 certainly comfortable with that and I'll leave it within your
24 discretion, Your Honor.

25 THE COURT: All right. Thank you very much.

State v. Bullock - 2012-GS-26-04334
SENTENCE OF THE COURT

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1 All right. Mr. Hilliard, be glad to hear from you, sir.

2 MR. HILLIARD: Thank you, Judge. Of course, you've heard
3 the evidence and testimony in regards to the situation that we
4 had here. Relative culpability is certainly one thing that I
5 would submit to the Court could be considered in connection
6 with this case. Zach is young man who has no criminal history
7 whatsoever. He has appeared in court and on each occasion as
8 he is been required to do so. He comes from a good family.
9 He has a job. His mom is here. I don't know if she wants to
10 address the Court or not. Obviously, they are upset now as
11 you can imagine.

12 Had we -- and I don't know whether you would consider
13 this or not but in any event, had we had the opportunity to
14 plead to something less than where we were, we would've
15 exercised that opportunity but that's a different question I
16 guess for a different set of circumstances.

17 But in any event, I believe under the law that there is
18 no sentence under and I would hope that I would be wrong but I
19 don't believe there is any sentence under fifteen years, no
20 parole, which would be available as an option to the Court.
21 If there were, I would submit to the Court that that sentence
22 would be absolutely appropriate in this case. However, there
23 are not being anything under that that's available to the
24 Court as I understand the law, I would submit to the Court
25 that certainly fifteen years no parole is more than sufficient

State v. Bullock - 2012-GS-26-04334
SENTENCE OF THE COURT

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1 for a first offender with no criminal history in this
2 situation.

3 THE COURT: Thank you very much.

4 Do you have the sentencing sheets, Solicitor?

5 MR. GROOMS: Yes, sir, Your Honor.

6 THE COURT: 2012-GS-26-4334, State of South Carolina,
7 County of Horry versus Zachary Braxton Bullock regarding
8 burglary in the first degree, the potential sentence in this
9 matter goes from a minimum of fifteen years up to life in
10 prison. That is the only sentence range that is available to
11 the Court regarding this particular crime. The Court so finds
12 that the Defendant is committed to the State Department of
13 Corrections for a determinate term of fifteen years. The
14 Defendant is given credit for time he has already served.
15 Thank you very much.

16 MR. HILLIARD: Thank you, Your Honor.

17 THE COURT: All right. Gentlemen, I want to reiterate
18 what I told you at the end of the trial for State and the
19 Defense. I appreciate the way that both of you tried the
20 case. Y'all did a good job presenting the respective issues
21 and to the Court and I appreciate it very much. Thank you
22 very much.

23 MR. HILLIARD: Thank you for your time.

24 MR. GROOMS: Thank you, Your Honor.

25 (ADJOURNED - 4:36 P.M.)

State v. Bullock - 2012-GS-26-04334
CERTIFICATE OF COURT REPORTER

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina versus Zachary Braxton Bullock, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on October 7-8, 2013.

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



Kay H. Richardson

Official Court Reporter

December 31, 2013.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Horry

VS.

Zachary Braxton Bullock

AKA:

Race:

20

SS#:

Address:

City, State, Zip: Myrtle Beach, SC 29588-8408

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311

of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The 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:

Grooms, J. Stephen

SCB79104

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 15 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

Recipient:

*Fine:	\$
§ 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	\$133.40

IN THE COURT OF GENERAL SESSION 207

INDICTMENT/CASE#: 2012GS2604334

A/W#: M971252

Date of Offense: 1/12/2012

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

_____ 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 \$ 25.00 beginning 10/08/12

\$ _____ 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: Melanie Higgins Ward
Court Reporter: Kay Richardson
SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date: 10/8/13

WITNESSES

B Odom Horry County Police Department

DOCKET NO. 2012-GS-26- 04334

The State of South Carolina
County of Horry

J Stephen Grooms

12H00347

COURT OF GENERAL SESSIONS

OCTOBER, 2012 TERM

ARREST WARRANT NUMBER

M971252

CDR: 0079 16-11-0311

DOA: 1/19/2012

THE STATE

VS.

Zachary Braxton Bullock W/M

Myrtle Beach, SC 29588-8408

ATTORNEY: Hilliard, III, John M.

ACTION OF GRAND JURY

VERDICT

Indictment for

BURGLARY, FIRST DEGREE

J. Gregory Hembree, Solicitor

Foreperson of Grand Jury
Date: OCT 25 2012

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF HORRY)

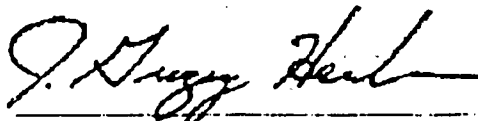
At a Court of General Sessions, convened on OCTOBER 25, 2012, the Grand Jurors of Horry County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That Zachary Braxton Bullock did in Horry County, on or about January 12, 2012 enter the dwelling of Joseph Skipper without consent and with the intent to commit a crime therein and when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, in violation of Section 16-11-0311(A), S. C. Code of Laws, 1976, as amended.

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

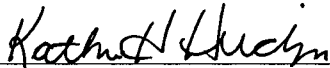


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 21st, 2014



Kathrine H. Hudgins
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

RECEIVED

NOV 21 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Horry County

Steven H. John, Circuit Court Judge

RECEIVED

NOV 21 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

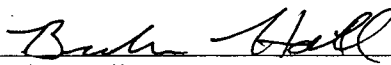
ZACHARY BULLOCK,

APPELLANT

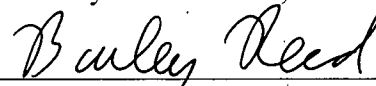
APPELLATE CASE NO. 2013-002229

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 21st day of November, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 21st day of November, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021.